

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 07-21221 CIV ALTONAGA/Brown

RENEE BLASZKOWSKI, *et al.*,
individually and on behalf of
others similarly situated,

Plaintiffs/Class Representatives,
vs.

MARS INC., *et al.*

Defendants.

DECLARATION OF PATRICK N. KEEGAN

I, Patrick N. Keegan, Esq., hereby declare as follows:

1. I am an attorney at law duly authorized to practice law in the State of California.

I am a member of the law firm of KEEGAN & BAKER, LLP, co-counsel with Catherine J. MacIvor of the law firm of MALTZMAN FOREMAN, PA, attorneys of record for Plaintiffs RENEE BLASZKOWSSI, et al. (“Plaintiffs”), on behalf of themselves and all others similarly situated. I have personal knowledge of the following facts and if called upon as a witness I could and would competently testify to the matters stated herein.

2. This declaration is made in support of Plaintiffs’ motion to certify Count III of the Fourth Amended Complaint Violation of the Florida Deceptive and Unfair Trade Practices Act (FDUTPA), Fla. Stat. § 501.201 against defendant Natura Pet Products, Inc. (“Natura”) on behalf of a class defined as,

All consumers and purchasers of any Natura pet food product in the state of Florida (the “Class”) since May 9, 2003 through November 14, 2008 (the “Class Period”). Excluded from the Class are Natura, its parents, subsidiaries and

affiliates, directors and officers, wholesalers, distributors, retailers, employees and agents. Also excluded from the Class are the Court, the Court's spouse, all persons within the third degree of relationship to the Court and its spouse, and the spouse of all such persons.

and (2) appointing plaintiff Patricia Davis as the representative of the Class and the law firms of MALTZMAN FOREMAN PA and KEEGAN & BAKER, LLP, in the persons of Catherine J. MacIvor, Esq. and Patrick N. Keegan, Esq., respectively, as Lead Counsel for the Class.

3. Specifically, this declaration is made in support of a finding that there would be adequate representation of the plaintiffs and putative class members and that the requirement that counsel be sufficiently qualified to act as class counsel is met.

4. I was admitted to the California Bar in 1993. I received my Bachelor of Arts degree in Political Science from California State University, Long Beach in 1989 and my Juris Doctor degree from California Western School of Law in 1993. From 1993 through 2002, I was an associate of Krause & Kalfayan, a firm specializing in antitrust, consumer, and securities fraud class action litigation. In 2003, I became a founding member of Keegan & Baker, LLP (formally Keegan, Macaluso & Baker, LLP) a San Diego-based law firm with a concentration in complex civil litigation in the areas of antitrust, consumer fraud, employment, corporate, partnership, real estate, and securities law.

5. Throughout my career, I have specialized in complex commercial and class action litigation. I have been involved in every stage of class action litigation. In connection with these prior class actions, I have conducted discovery, argued motions, drafted pleadings, drafted class notices, examined witnesses, represented class members at settlement conferences, deposed defendants and third party witnesses, defended class representative depositions and participated in final disposition hearings. I have also tried class action cases. In 2003, James P. Frantz, Esq.,

and I, acted as co-lead counsel and co-trial counsel, in an class action entitled *Jason A. Park v. Cytodyne Technologies, Inc.*, Case No. GIC 768364, [2003 WL 21283814], California Superior Court, San Diego County, (Judge Ronald L. Styn), asserting claims under the Unfair Competition Laws (Business and Professions Code §§ 17200 and 17500) in which a total judgment of \$18,080,742.14 in restitution, attorneys' fees and costs, and additional prohibitive injunctive relief on behalf of the certified class was obtained after a 7 week trial.

6. I have also acted as lead or co-lead counsel on behalf of a plaintiff class resulting in recoveries of over one million dollars, in the following cases:

(1) *Kritz, et al. v. Fluid Components, Inc., et al.*, Case No. GIN057142, San Diego Superior Court, North County Division, (Judge Robert P. Dahlquist) (represented employees of Fluid Components Inc. in an action asserting violations of California Labor Code and the Unfair Competition Laws (Section 17200 of the Business and Professions Code), and obtained a claims-made settlement of \$1.6 million for 156 class members in 2008).

(2) *Darren Pedersen v. Ford Motor Company*, Case No. GIC 821797, Superior Court for the State of California, San Diego County, (Judge Jeffrey B. Barton)(represented a class of persons who purchased or leased a new model year 2000 or 2001 Ford F-150 truck equipped with either the Class III Trailer Towing Group option or the Heavy-Duty Electrical/Cooling Group option and not equipped with the 7700 lbs Payload Group option from Ford Motor Company directly or through one of its authorized dealerships), and obtained a settlement of (1) a cash award of up to \$100 per Class Vehicle; or (2) reimbursement for prior out-of-pocket or notice period radiator replacements for nearly 100,000 class members in 2007).

(3) *Wathik Sabri, et al. v. GMAC Mortgage Corporation*, Case No. 03CC00423, California Superior Court, Orange County, (Judge Richard L. Bauer) (represented employees of GMAC Mortgage (dba DiTech.com) in an action asserting violations of California Labor Code and the Unfair Competition Laws (Section 17200 of the Business and Professions Code), and obtained a claims-made settlement of \$5 million for class members in 2006).

(4) *Malek v. Blue Cross of California*, Case No. BC271992, California Superior Court, Los Angeles County, (Judge Anthony J. Mohr) (settlement of \$5 million on behalf of the class of insureds in California governmental health care plans and prohibitive injunctive relief in 2005).

- (5) *Jean Hargis v. Metabolife International, Inc.*, Case No. GIC797521, California Superior Court, San Diego County, (Judge John S. Meyer) (settlement of an uncapped monetary recovery on behalf of the class of every purchaser of Metabolife's ephedrine products over 4 year period and prohibitive injunctive relief in 2005).
- (6) *Gordon v. Reliant Energy Inc. et al.*, Case No. 00-CV-2525 BTM(RBB), U.S. District Court, Southern District of California, (Judge Barry Ted Moskowitz) antitrust case (settlement with one electricity market participant for \$150 million in cash consideration in 2002).
- (7) *National Metals, Inc. v. Sumitomo Corporation, et al.*, Case No. GIC734001, *Heliotrope General, Inc., et al. v. Sumitomo, et al.*, Case Nos. 701679 and 701680, California Superior Court, San Diego County, (Judge J. Michael Bollman) (\$15.75 million settlement in 2002).
- (8) *Jorge Reinoza v. Syntrax Innovations, Inc. et al.*, Case No. GIC757535, California Superior Court, San Diego County, (Judge Patricia Cowett) (case settled for settlement value of \$1.58 million in 2002).
- (9) *In re Alliance Equipment Leasing Securities Litigation*, Master File No. 98-CV-2150-J(CJA), United States District Court, Southern District of California (Judge Napoleon Jones) (\$2 million partial settlement in 2001).
- (10) *In re Alliance North American Government Income Trust Securities Litigation*, Master File No. 95-CV-0330 (LMM), United States District Court, Southern District of New York (case settled for settlement value of \$14 million in 2000).
- (11) *Miller, et al. v. NTN Communications, et al.*, Case No. 97-CV-1116 TW (JAH), United States District Court, Southern District of California (Judge Thomas Whelan) (case settled for \$3.25 million in 2000).
- (12) *Heliotrope General, Inc., et al. v. Sumitomo, et al.*, Case Nos. 701679 and 701680, California Superior Court, San Diego County (Judge J. Michael Bollman) (case settled for \$43.5 million in 1999).
- (13) *Schaefer v. Overland Express Variable Rate Fund*, Case No. 95-CV-0314-B (CM), United States District Court, Southern District of California (Judge Rudi Brewster) (case settled for \$7 million in 1997).
- (14) *Hahn v. Investors Trust*, Case No. 94-1455-B (POR), United States District Court, Southern District of California (Judge Rudi Brewster) (case settled for \$7.2 million in 1996).

(15) *Strang v. JHM Mortgage Sec. L.P.*, Case No. 94-20542 (JW), United States District Court, Eastern District of Virginia (case settled for \$1.15 million in 1995).

(16) *In re IDM Litigation*, Case Nos. 677095, 677097, BC 121902, BC 121903, 677093, 677096, California Superior Court, San Diego County (Judge Robert Baxley) (settlements of \$5.2 million on behalf of 1,300 investors in 1995).

(17) *In re Coin Cases*, Case Nos. BC 109176, BC 109250 BC 109409, BC 109612, BC 109269, California Superior Court, Los Angeles County (cases against Merrill Lynch settled for \$37 million in 1994).

7. In addition to my foregoing statements concerning my qualifications satisfying the requirement that counsel be sufficiently qualified to act as class counsel, attached hereto as Exhibit A is a true and correct copy of the current resume of the law firm of KEEGAN & BAKER, LLP.

8. Attached hereto are true and correct copies of the following documents:

Exhibit B: Excerpts and Exhibit 3 to the Deposition Transcript of Peter Atkins, taken on November 5, 2008; and

Exhibit C: Excerpts to the Deposition Transcript of Patricia Davis, taken on September 24, 2008.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct and this declaration is executed this 14th day of November, 2008, in San Diego, California.

s/ Patrick N. Keegan
Patrick N. Keegan, Esq.
pkeegan@keeganbaker.com
KEEGAN & BAKER, LLP
4370 La Jolla Village Drive, Suite 640
San Diego, CA 92122
Tel: 858-552-6750 / Fax 858-552-6749