

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,

vs.

MARS, INCORPORATED, *et al.*,
Defendants.

**DECLARATION OF KRISTEN E. CAVERLY IN SUPPORT OF
NATURA PET PRODUCTS, INC.'S OBJECTION TO, OR IN THE ALTERNATIVE,
MOTION TO STRIKE PLAINTIFFS' AGREED MOTION TO FILE FINANCIAL
AFFIDAVITS AND SUPPORTING DOCUMENTS OF RENEE BLASZKOWSKI AND
JENNIFER DAMRON**

1. I am over the age of 18 and have personal knowledge of the facts set forth herein or know of such facts from my review of the case files for this action, which are maintained by my office in the normal course of business. I am lead counsel for defendant Natura Pet Products, Inc. and admitted *pro hac vice* in the action.

2. On or around October 30, 2008, plaintiffs' attorney Jonathan C. Schwartz of Maltzman Foreman PA contacted Natura to request a stipulation allowing plaintiffs Blaszkowski and Damron to file financial documents under seal in support of their upcoming reply brief for the Motion For Voluntary Dismissal With Prejudice Without An Award Of Costs And Fees ("Motion for Dismissal") [D.E. 518].

3. I informed plaintiffs' counsel that the submission of evidence with a reply brief is inappropriate and Natura objects.

4. I informed plaintiffs' counsel that Natura would not stipulate to the filing of any motion and documents under seal unless Natura first had a prior opportunity to review and consent to the proposed motion and documents.

5. Plaintiffs' counsel subsequently represented that Natura would be provided with a copy of the motion to file documents under seal and all documents that plaintiffs' sought to submit under seal prior to their filing.

6. Plaintiffs' counsel followed-up our telephone conversation with an email to my office regarding this aforementioned representation. Although the email was addressed to me on October 30, 2008, the email address to which it was sent was incorrect. However, my associate, Robert C. Mardian III, was copied on the email and did receive the email. The promised documents, however, were never provided.

7. Despite plaintiffs representations to the contrary, they never provided Natura with a copy of the matters plaintiffs propose to file under seal.

8. To date, Natura has not seen the contents of anything contained in Docket Entry 539.

The foregoing is stated under penalty of perjury under the laws of the United States of America. Executed in Rancho Santa Fe, California on November 14, 2008.


Kristen E. Caverly