

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.

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**DECLARATION OF KRISTEN E. CAVERLY IN SUPPORT OF  
NATURA PET PRODUCTS, INC.'S OPPOSITION TO CLASS CERTIFICATION**

1. I, Kristen E. Caverly, 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 this action.

2. On June 30, 2008, Ms. Davis served her Responses to Mars, Inc.'s First Set of Interrogatories, a true and correct copy of excerpts of that document are attached as Exhibit A.

3. On July 21, 2008, the defendants in this action filed a motion to compel the depositions of plaintiffs. The plaintiffs stipulated to produce the plaintiffs for deposition the day before Magistrate Brown had scheduled a hearing on the motion.

4. Despite stipulating to produce the plaintiffs at certain times and predetermined locations, plaintiffs failed to produce all of the plaintiffs according to the stipulated schedule.

5. Patricia Davis' deposition, which originally was scheduled to be held in Miami on August 26, 2008, was cancelled less than a week before it was set to occur on

the grounds that she had no claims to assert against Natura and would be dismissing her action.

6. On August 22, 2008, consistent with verified discovery responses, counsel stated to the Court in a filing motion that Ms. Davis had no claims to assert against Natura.

7. On September 8, 2008, Ms. Davis repudiated her counsel's various filings that asserted she had never used Natura products and, instead, explained that she used free samples of Natura products.

8. On September 23, 2008, Ms. Davis served her Amended Responses to Mars, Inc.'s First Set of Interrogatories, a true and correct copy of excerpts of that document are attached as Exhibit B.

9. On September 24, 2008, I took the rescheduled deposition of Plaintiff Patricia Davis in Washington, DC, where Ms. Davis disclosed that her September 23, 2008, Amended Responses to Mars, Inc.'s First Set of Interrogatories were not accurate. True and correct copies of the following excerpts of the deposition of Ms. Davis are attached hereto as Exhibit C: 23:9-18; 34:23-35:1; 35:6-36:12; 47:18-48:25; 50:21-53:24; 57:17-21; 60:22-61:9; 62:18-64:1; 93:1-14; 211:3-14.

10. On October 15, 2008, Ms. Davis served her Second Amended Responses to Mars, Inc.'s First Set of Interrogatories, a true and correct copy of excerpts of that document are attached as Exhibit D.

11. On, November 12, 2008, I took the deposition of Arna Cortazzo in Orlando, Florida. True and correct copies of the following excerpts of the deposition of Ms. Cortazzo are attached hereto as Exhibit E: 11:9-14:2; 14:9-11; 14:20-18:10; 19:16-19; 21:2-22:5; 28:16-32:15; 62:6-65:7; 66:4-21; 67:9-17; 96:14-15; 98:20-99:1; 105:9-18.

12. Plaintiffs cancelled the deposition of Yvonne Thomas scheduled for September 2, 2008 in Miami, Florida. Plaintiffs then cancelled Ms. Thomas' deposition scheduled for October 22, 2008 Washington, D.C.

13. Ms. Thomas then agreed to be deposed in Syracuse, New York in November 2008. On November 17, 2008, I flew from San Diego to Syracuse to depose Ms. Thomas only to have Ms. Thomas fail to appear at the deposition due to the weather. Thomas' counsel then agreed to dismiss Ms. Thomas' claims with prejudice in exchange for a waiver of fees and costs, but still has failed to file that dismissal.

14. On November 24, 2008, plaintiff Davis executed her Plaintiff Patricia Davis' Amended Responses to Defendant Natura Pet Product's First Request for Production of Documents, a true and correct copy of which is attached as Exhibit F.

15. In August 2008, I met with Jeffrey Maltzman, Jason Baker and Jeffrey Foreman at my offices in San Diego, California to discuss potential resolution of this case. It was at that settlement meeting that I discussed with opposing counsel Natura's sales revenue and sales territory. These discussions were settlement negotiations, not free discovery.

The foregoing is stated under penalty of perjury under the laws of the United States of America. Executed in Rancho Santa Fe, California on December 23, 2008.

  
Kristen E. Caverly

EXHIBIT A

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.

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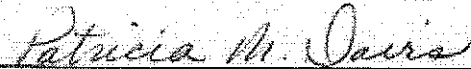
**NOTICE OF SERVING PLAINTIFF PATRICIA DAVIS'  
RESPONSES TO MARS INCORPORATED'S  
FIRST SET OF INTERROGATORIES**

Dated: June 30, 2008  
Miami, FL

/s Catherine J. MacIvor  
CATHERINE J. MACIVOR (FBN 932711)  
[cmacivor@mflegal.com](mailto:cmacivor@mflegal.com)  
MALTZMAN FOREMAN, PA  
One Biscayne Tower  
2 South Biscayne Boulevard -Suite 2300  
Miami, Florida 33131  
Tel: 305-358-6555 / Fax: 305-374-9077  
*Attorneys for Plaintiffs*

I, Pat Davis, declare and state the foregoing responses to interrogatories are true and correct under penalty of perjury.

Executed on June 21, 2008.



Pat Davis

**EXHIBIT B**

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.

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**NOTICE OF SERVING PLAINTIFF PATRICIA DAVIS'  
AMENDED AND SUPPLEMENTAL RESPONSES TO  
MARS INCORPORATED'S FIRST SET OF INTERROGATORIES**

Dated: September 23, 2008  
Miami, FL

/s Catherine J. MacIvor  
CATHERINE J. MACIVOR (FBN 932711)  
[cmacivor@mfllegal.com](mailto:cmacivor@mfllegal.com)  
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*Attorneys for Plaintiffs*



EXHIBIT C

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

RENEE BLASZKOWSKI, et al., Plaintiffs,  vs.  MARS, INCORPORATED, et al., Defendants.	Case No. 07-21221-CIV ALTONAGA/BROWN
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Videotaped Deposition of PATRICIA DAVIS

Washington, D.C.

September 24, 2008

9:00 a.m.

Reported by: Michele E. Eddy

1                   Videotaped Deposition of  
2                   PATRICIA DAVIS

3

4       Held at the offices of:

5                   WILLIAMS & CONNOLLY  
6                   725 Twelfth Street, Northwest  
7                   Washington, D.C. 20005

8                   (202) 434-5000

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17                   Pursuant to Notice, before Michele E. Eddy,  
18       Registered Professional Reporter, Certified Realtime  
19       Reporter, and Notary public in and for the District of  
20       Columbia.

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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFFS:

EDGAR R. NIELD, ESQUIRE  
LAW OFFICES OF EDGAR R. NIELD  
4370 La Jolla Village Drive, Suite 640  
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ON BEHALF OF THE DEFENDANT NATURA PET PRODUCTS, INC:

KRISTEN E. CAVERLY, ESQUIRE  
HENDERSON & CAVERLY, LLP  
16236 San Dieguito Road, Suite 4-13  
Rancho Santa Fe, California 92067  
Telephone: (858) 756-6342

ALSO PRESENT:

Terry Michael King, Videographer

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EXAMINATION INDEX

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E X H I B I T S

(Attached to the Transcript)

DEPOSITION EXHIBIT

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09:14:29 1 THE VIDEOGRAPHER: Here begins videotape  
09:14:30 2 number 1 in the deposition of Patricia Davis in the  
09:14:33 3 matter of Renee Blaszkowski, et al. versus Mars,  
09:14:37 4 Incorporated, et al., in the U.S. District Court,  
09:14:42 5 Southern District of Florida, Miami Division, Case  
09:14:46 6 Number 07-21221-CIV.

09:14:53 7 Today's date is September 24th, 2008. The  
09:14:57 8 time on the video monitor is 9:15 a.m. The video  
09:15:03 9 operator today is Terry Michael King on behalf of  
09:15:04 10 Kramm & Associates.

09:15:07 11 This video deposition is taking place at  
09:15:10 12 Williams & Connolly, 7125 12th Street, Northwest,  
09:15:15 13 Washington D.C. Counsel please voice identify  
09:15:21 14 yourselves and state whom you represent.

09:15:22 15 MS. CAVERLY: Kristen Caverly, Natura Pet  
09:15:25 16 Products, Inc.

09:15:26 17 MR. NIELD: Ed Nield. I represent the  
09:15:28 18 plaintiffs and Miss Davis here today.

09:15:31 19 THE VIDEOGRAPHER: The court reporter today  
09:15:32 20 is Michele Eddy on behalf of Kramm & Associates.

09:15:36 21 Will the reporter please swear in the  
09:15:38 22 witness.

09:15:46 23 P R O C E E D I N G S

09:15:46 24 PATRICIA DAVIS,

09:15:46 25 having been duly sworn, testified as follows:

09:36:58 1 A Not off the top of my head.

09:37:03 2 Q And other than the hot dogs and cottage  
09:37:06 3 cheese or cheese, can you recall any other kinds of  
09:37:08 4 table scraps that Arnold got in the year before he  
09:37:14 5 died?

09:37:17 6 A I'm sure there's lots, but if I would have a  
09:37:21 7 piece of a taco, he might eat part of the veggie taco  
09:37:26 8 I was eating, but I doubt it. I don't know.

09:37:30 9 Q How long have you been a vegetarian?

09:37:37 10 A I figure about 25, 28 years.

09:37:39 11 Q If you could describe to me, are you a  
09:37:41 12 strict vegetarian, are you a vegan, do you eat any  
09:37:45 13 meat, seafood? What are your diet --

09:37:49 14 A I don't eat anything that had to die to feed  
09:37:53 15 me. So I eat eggs and cheese and milk.

09:38:00 16 Q You don't eat any seafood products either,  
09:38:03 17 correct?

09:38:03 18 A No.

09:38:15 19 Q I'm guessing from your answers so far that  
09:38:17 20 your husband is not a vegetarian, correct?

09:38:20 21 A He's getting there. We're working on that.  
09:38:22 22 Might take another 25, but we're working on that.

09:38:27 23 Q Is your son a vegetarian?

09:38:28 24 A No, not at all.

09:38:33 25 Q You mentioned at the beginning of your

09:52:09 1 Q And is that the same for Lilly?

09:52:11 2 A That's his sister, yes.

09:52:17 3 Q When did you get Bobo and Lilly?

09:52:21 4 A August of '07 we found them.

09:52:31 5 Q To your knowledge, have either Bobo or Lilly

09:52:35 6 ever been fed products manufactured or distributed by

09:52:39 7 Natura Pet Products?

09:52:39 8 A No, they haven't.

09:52:43 9 Q You mentioned a new pet, Oreo?

09:52:46 10 A Oreo.

09:52:47 11 Q What kind of animal is that?

09:52:48 12 A It's a black and white short-haired cat.

09:52:53 13 Q When did you get Oreo?

09:52:55 14 A April '08.

09:52:58 15 Q As far as you know, Oreo has never been fed

09:53:01 16 a product manufactured or distributed by Natura,

09:53:09 17 correct?

09:53:10 18 A Correct.

09:53:18 19 Q Going back to Arnold, has Arnold ever been

09:53:26 20 fed a product manufactured or distributed by Natura

09:53:29 21 Pet Products?

09:53:31 22 A Yes.

09:53:32 23 Q What products manufactured or distributed by

09:53:36 24 Natura Pet Products has Arnold been fed?

09:53:40 25 A To the best of my memory, it was Innova



09:53:43 1 Senior.

09:53:53 2 Q How many occasions did you feed Arnold

09:53:57 3 Innova Senior?

09:53:58 4 A How many occasions. I couldn't tell you how

09:54:08 5 many times I fed him.

09:54:09 6 Q You got free samples, correct?

09:54:11 7 A Yes.

09:54:11 8 Q You have never purchased a product

09:54:14 9 manufactured or distributed by Natura Pet Products,

09:54:15 10 correct?

09:54:16 11 A No. Never bought them. Is that what you

09:54:19 12 asked me? I'm sorry.

09:54:20 13 Q Yes. Let me ask again so we make sure we

09:54:22 14 don't have double negatives.

09:54:24 15 Is it correct that you have never purchased

09:54:26 16 a product manufactured or distributed by Natura Pet

09:54:28 17 Products?

09:54:30 18 A Not that I can recall.

09:54:32 19 Q And is it correct that to your knowledge no

09:54:34 20 one in your family has ever purchased a product

09:54:37 21 manufactured or distributed by Natura Pet Products?

09:54:41 22 A In my family that I'm living with?

09:54:43 23 Q Yes.

09:54:44 24 A Not that I can recall.

09:54:47 25 Q The Innova Senior that you fed Arnold were

09:54:51 1 free samples, correct?

09:54:53 2 A Correct.

09:54:53 3 Q How many free samples did you receive of  
09:54:57 4 Innova Senior?

09:54:58 5 A I think it was on two occasions, I went into  
09:55:01 6 the feed store, and I believe on two occasions I  
09:55:05 7 picked up two packages. So it would be four packages,  
09:55:11 8 as best I can remember. It might have been three  
09:55:13 9 occasions. I don't think I ever got more than two  
09:55:16 10 packages because I didn't want to be greedy. The lady  
09:55:20 11 was saying, oh, take as many as you want, but, you  
09:55:22 12 know, I didn't want to be greedy about it.

09:55:28 13 Q When you say the lady said take as many as  
09:55:30 14 you want, do you know who that lady is?

09:55:33 15 A There's five or six that work in there and I  
09:55:35 16 was trying to remember the other night and I really  
09:55:38 17 couldn't tell you which one.

09:55:41 18 Q Can you describe to me any physical  
09:55:43 19 attributes that the woman has that you spoke to about  
09:55:46 20 the Natura products that you got as free samples?

09:55:51 21 A I just don't remember which one of them it  
09:55:53 22 was.

09:55:58 23 Q On neither of the two occasions where you  
09:56:00 24 took free samples can you remember anything about the  
09:56:05 25 woman who talked to you; is that correct?

10:08:01 1 Q Yes.

10:08:05 2 A I can't specifically recall whether we  
10:08:08 3 talked about it on the phone or by e-mail. Probably  
10:08:14 4 both.

10:08:15 5 Q Other than e-mail communications --

10:08:18 6 MS. CAVERLY: Incidentally, Counsel, if I  
10:08:22 7 inquire as to the content of any conversations between  
10:08:25 8 Miss Davis and her attorneys or staff in her offices,  
10:08:30 9 are you going to assert the attorney-client privilege?

10:08:36 10 MR. NIELD: Yes.

10:08:37 11 BY MS. CAVERLY:

10:08:38 12 Q And Miss Davis, if your attorney asserts the  
10:08:40 13 attorney-client privilege, are you going to refuse to  
10:08:43 14 answer my questions based on that privilege?

10:08:49 15 A I guess.

10:08:51 16 MR. NIELD: Don't guess.

10:08:52 17 A Yes, I will -- I will refuse, then.

10:08:56 18 Q Other than e-mail communications, have you  
10:08:59 19 ever provided your attorneys in writing anything that  
10:09:03 20 reflects your use of a product manufactured or  
10:09:07 21 distributed by Natura Pet Products?

10:09:11 22 MR. NIELD: You can answer that question.

10:09:12 23 A I think I had to sign that declaration and  
10:09:16 24 send it back by fax, so that's not e-mail. But other  
10:09:21 25 than e-mail and on the phone, I haven't talked to her

10:09:23 1 about that -- I mean, I haven't given her anything. I  
10:09:26 2 didn't have anything to give. I had no receipts  
10:09:27 3 because I didn't pay for it.

10:09:30 4 Q You don't have the packaging, correct?

10:09:32 5 A No.

10:09:36 6 Q I think you're saying you don't have the  
10:09:37 7 packaging, but I think we have a double negative, so  
10:09:41 8 let me make sure I have a clear record.

10:09:43 9 Do you have any of the packaging from the  
10:09:47 10 Natura Pet Products that you claim to have fed to your  
10:09:49 11 pet Arnold?

10:09:50 12 A No.

10:09:53 13 Q Is there anyone, to your knowledge, who can  
10:09:57 14 testify that you fed your dog Arnold products  
10:10:07 15 manufactured or distributed by Natura?

10:10:10 16 A My husband would be the only one. And  
10:10:12 17 whether or not he would remember something like that,  
10:10:14 18 I doubt it. I had them in a special place up on the  
10:10:19 19 kitchen counter right by the coffeepot, and I doubt if  
10:10:23 20 he remembers that. If he does remember they were  
10:10:25 21 there, he probably never looked at the package to see  
10:10:29 22 what brand it was or anything.

10:10:31 23 Q Have you and your husband William ever  
10:10:33 24 discussed Natura products?

10:10:35 25 A Not until just recently.

10:11:52 1 faster. The dog was probably going to die anyway, but  
10:11:57 2 it didn't help him any by feeding him those.

10:12:05 3 Q Any -- other than your husband, who you  
10:12:07 4 believe might be able to support your testimony that  
10:12:10 5 you fed a Natura product to one of your pets?

10:12:17 6 A Is there anyone else?

10:12:18 7 Q Yes.

10:12:22 8 A I'm sure the same people are working in that  
10:12:26 9 OBS, the feed store. So maybe they could recall. I  
10:12:31 10 doubt if they would recall exactly which customer they  
10:12:34 11 told to pick up the products, but ...

10:12:38 12 Q Have you ever discussed this case with  
10:12:40 13 anyone at the feed store that you're referring to?

10:12:43 14 A No.

10:12:44 15 Q When was the last time you were at the feed  
10:12:47 16 store?

10:12:49 17 A Last week.

10:12:50 18 Q What's the full name of the store?

10:12:56 19 A Ocala Breeders & Supply or something like  
10:12:57 20 that. So it would be -- Ocala Breeders Supply.

10:13:05 21 Q When did you first hear about any product  
10:13:09 22 manufactured or distributed by Natura Pet Products?

10:13:13 23 A First hear about it? I think the name was  
10:13:15 24 familiar to me, but the first time I really noticed  
10:13:18 25 that that was something I would want to buy was at

10:13:21 1 that store when I got the samples.

10:13:25 2 Q You never did buy it, though, correct?

10:13:27 3 A No.

10:13:30 4 Q Why didn't you ever buy a product

10:13:32 5 manufactured or distributed by Natura?

10:13:35 6 A I think that's the only, as far as I know,

10:13:38 7 that's the only store in Ocala that sells it, and I

10:13:42 8 just happened to walk down that aisle and saw one of

10:13:45 9 their signs advertising it and I believe, I can't

10:13:50 10 recall exactly, but I believe I looked at the price

10:13:53 11 and thought it was a little pricey and then I looked

10:13:56 12 down in the aisle. They had like a wicker laundry

10:13:59 13 basket on the floor. It was like an old apple basket

10:14:04 14 on the floor. It had a whole bunch of samples in it,

10:14:07 15 little bags.

10:14:13 16 Q Tell me everything that you can remember

10:14:15 17 about the sign that you saw advertising Natura

10:14:19 18 products.

10:14:25 19 A Something about there's nothing in here you

10:14:29 20 wouldn't want to eat yourself, it's like it's human

10:14:33 21 quality food, something to that effect. Because I

10:14:34 22 remember thinking if this is human food that's in this

10:14:36 23 product, that means that they are getting -- they're

10:14:38 24 coming through a supplier just like humans do and it's

10:14:42 25 being inspected by whoever inspects human food, like

10:14:47 1 USDA, whoever does that, and, therefore, it's got to  
10:14:49 2 be good stuff and no wonder it's so expensive.

10:14:56 3 Q What color was the sign?

10:14:57 4 A What color was the sign. I don't know.

10:15:02 5 Q How big was the sign?

10:15:04 6 A It was on the shelf.

10:15:08 7 Q Was it a pre-printed glossy type of  
10:15:11 8 manufacturing sign?

10:15:12 9 A Yes.

10:15:15 10 Q Tell me to the best you can remember  
10:15:18 11 everything about that sign.

10:15:24 12 A Just that it made me want to buy the food,  
10:15:26 13 but I didn't want to pay that much money for it.

10:15:30 14 Q Do you remember anything specifically that  
10:15:33 15 was written on the sign?

10:15:37 16 A Something to do with human food.

10:15:40 17 Q Do you remember whether the sign related to  
10:15:42 18 a particular brand of Natura's products?

10:15:46 19 A No.

10:15:50 20 Q And to the best of your memory, tell me what  
10:15:52 21 words from the sign you can recall.

10:16:01 22 A I believe the phrase was "We wouldn't  
10:16:05 23 want" -- let's see, I'm guessing.

10:16:07 24 MR. NIELD: Well, don't guess, but give your  
10:16:09 25 best recollection of what was on the sign.

10:16:11 1 THE WITNESS: Okay.

10:16:14 2 A We wouldn't want to sell any food that we  
10:16:17 3 wouldn't eat ourselves, or something about that. I  
10:16:20 4 thought, man, if they can eat it themselves, it's got  
10:16:23 5 to be good stuff.

10:16:24 6 Q You knew that you wouldn't eat the food --

10:16:27 7 A Right.

10:16:27 8 Q -- because you're a vegetarian, correct?

10:16:30 9 A Right.

10:16:30 10 Q But you took that to mean that people at  
10:16:31 11 Natura would be willing to eat the food.

10:16:34 12 A Right.

10:16:37 13 Q Anything else other than what you've told me  
10:16:39 14 that you can recall about the sign that you saw in  
10:16:42 15 Ocala Breeders on the first day that you took samples  
10:16:46 16 of Natura's products? You have to say yes or no.

10:16:51 17 A No. I'm sorry. I'm still thinking.

10:16:54 18 Q And I don't want to rush you, if you're  
10:16:56 19 still trying to recall, please, you know, take your  
10:16:59 20 time. It's very important to me what was on the sign.

10:17:04 21 A I thought it said it was preserved with  
10:17:08 22 vitamins, but I might have been mixing that one up  
10:17:12 23 with another brand, so I don't really want to state  
10:17:13 24 that as true.

10:17:18 25 Q And you don't recall anything about what



10:21:04 1 thought they were blue, maybe green. But I'm  
10:21:07 2 guessing.

10:21:10 3 Q Was there anything else about the packages  
10:21:12 4 that you can describe to me that the free samples of  
10:21:14 5 Natura products you took?

10:21:16 6 A They had a list of their ingredients on  
10:21:18 7 there and their analysis that I looked at.

10:21:21 8 Q Did you look at the list of ingredients on  
10:21:24 9 the free samples before you took them home?

10:21:26 10 A Oh, yeah.

10:21:30 11 Q Did you look at the guaranteed analysis that  
10:21:32 12 was listed on the packaging before you took it home?

10:21:35 13 A Yes.

10:21:41 14 Q Anything else about the sample packages that  
10:21:43 15 you can recall?

10:21:45 16 A No.

10:21:47 17 Q Did you talk to anybody at Ocala Breeders &  
10:21:49 18 Supply about Natura products before you took the free  
10:21:53 19 samples home?

10:21:57 20 A I must have because the one lady encouraged  
10:22:00 21 me to get them, but I don't remember the conversation.

10:22:04 22 Q Do you recall anything at all that she said  
10:22:06 23 about the free samples of Natura products other than  
10:22:09 24 that you could take them?

10:22:12 25 A No. I'm sorry.

10:24:50 1 that the, what's the name of that brand, for the --  
10:24:53 2 For The Pet Lover's Soul, what was the one, I just  
10:24:57 3 said it right a little bit ago.

10:24:59 4 Q Chicken Soup.

10:25:00 5 A Chicken Soup, yeah, I think one of theirs  
10:25:03 6 ended up on the recall list and I think I pointed that  
10:25:07 7 out to somebody, did they make sure that that wasn't  
10:25:10 8 one of them ones they had on their shelf, that they  
10:25:12 9 had gone through it, I think that's what they said.

10:25:14 10 Q At any time have you talked with someone at  
10:25:17 11 Ocala Breeders & Supply about dog food?

10:25:20 12 A About dog food. Not that I can specifically  
10:25:28 13 recall.

10:25:29 14 Q Do you have any kind of frequent buyer plan  
10:25:33 15 or rewards program with Ocala Breeders & Supply?

10:25:37 16 A Not a program. If you buy ten bags of horse  
10:25:41 17 feed, you get a little discount on it. That's the  
10:25:44 18 only thing I know of.

10:25:48 19 Q Do you know of any way in which you are  
10:25:49 20 registered as a customer of Ocala Breeders & Supply?

10:26:01 21 A No.

10:26:01 22 Q Do you have any -- let's go back. When was  
10:26:02 23 the first time you took free samples of Natura  
10:26:06 24 products?

10:26:07 25 A It was a couple of months before Arnold

10:26:09 1 died, so I'm thinking it was in the fall of '07.

10:26:13 2 Q In your interrogatory responses you say it's  
10:26:16 3 in September of '06, correct?

10:26:20 4 A '06. I'm sorry, it was '06 when he died.  
10:26:22 5 That's why I need this timeline here. Yes.

10:26:26 6 Q Do you know whether it was in fact in  
10:26:28 7 September of '06 that you first picked up samples of  
10:26:32 8 Natura's Innova Senior?

10:26:38 9 A September or October.

10:26:39 10 Q Other than Innova Senior, you've never fed  
10:26:42 11 any of your pets any product manufactured or  
10:26:46 12 distributed by Natura Pet Products, correct?

10:26:49 13 A Correct. Unless one of those samples was  
10:26:56 14 something besides Senior, I don't think it was, but  
10:26:59 15 unless that was, I've never actually purchased it.  
10:27:05 16 Sorry.

10:27:07 17 Q You know more about what you've done,  
10:27:09 18 obviously, than I do. So to the best that you know,  
10:27:13 19 have you ever fed any Natura distributed or  
10:27:18 20 manufactured product to any pet other than the Innova  
10:27:22 21 Senior?

10:27:29 22 A Unless one of those samples was another  
10:27:32 23 part -- another brand from your company, no, I  
10:27:36 24 haven't. I think they were all Senior, but I'm not a  
10:27:40 25 hundred percent sure.

10:27:41 1 Q And who other than you would know what  
10:27:43 2 samples that you fed to your dog?

10:27:45 3 A No one.

10:27:47 4 Q So are you willing to say today to me that  
10:27:50 5 other than Innova Senior, you have fed no other Natura  
10:27:55 6 product to any of your pets?

10:27:57 7 MR. NIELD: Well --

10:27:58 8 Q Or are you holding open the possibility that  
10:28:00 9 you might have fed something else?

10:28:03 10 MR. NIELD: It's argumentative. It's  
10:28:05 11 repetitive. It's been asked and answered a couple of  
10:28:09 12 times now. If you want to respond again, go ahead.

10:28:14 13 A Samples that I picked up, I'm pretty sure  
10:28:17 14 they were all for Senior. There might have been one  
10:28:20 15 in there that wasn't Senior. I don't think so. I'm  
10:28:22 16 trying to be truthful here. This was a long time ago.  
10:28:27 17 This was in '06.

10:28:31 18 Q Other than the sign that was on the shelving  
10:28:35 19 where you saw Natura products at Ocala Breeders &  
10:28:41 20 Supply and the packaging on the samples themselves  
10:28:45 21 that you took home with you, have you ever been told  
10:28:48 22 or read anything about Natura's Innova Senior product?

10:28:53 23 A Ever?

10:28:54 24 Q Yes.

10:28:54 25 A I went on their website last weekend to

10:28:57 1 look.

10:29:02 2 Q Other than the website last weekend and the  
10:29:07 3 sign that was on the shelving and the sample packages  
10:29:11 4 themselves, have you ever read or been told anything  
10:29:15 5 about Natura's products?

10:29:23 6 A I went out to explore to see what other  
10:29:27 7 people were saying about Natura, if it was a good  
10:29:30 8 product or not, and I got on some blogs. That has  
10:29:36 9 been just recently.

10:29:41 10 Q In 2006, is it fair to say that other than  
10:29:45 11 the sign that you saw on the shelving that you've  
10:29:49 12 tried to describe to us and the sample packages  
10:29:53 13 themselves, you had no other information about Natura  
10:29:58 14 products that you relied on to feed those products to  
10:30:03 15 your dog Arnold?

10:30:05 16 A The packaging on the other stuff on the  
10:30:07 17 shelf that was made by Natura, the list of  
10:30:13 18 ingredients, I'm like a compulsive label reader  
10:30:18 19 because I guess I'm a vegetarian.

10:30:26 20 Q So other than the sign at the store on the  
10:30:28 21 shelving that you've described, the packages of  
10:30:31 22 Natura's products that were displayed on the shelves,  
10:30:35 23 the sample packages that you took home with you, in  
10:30:41 24 2006 was there anything else that you knew of about  
10:30:45 25 Natura's products?

10:30:46 1

A No.

10:30:53 2

Q Do you contend as part of your lawsuit in

10:30:55 3

this case that there was an ingredient in the Innova

10:31:01 4

Senior samples that you fed to your dog that was not

10:31:05 5

on the ingredient list?

10:31:11 6

A Do I contend that? I'm thinking there's a

10:31:14 7

possibility there was.

10:31:17 8

Q Do you contend that there was or was not?

10:31:27 9

MR. NIELD: If you can recall. Lack of

10:31:29 10

foundation. Calls for speculation.

10:31:32 11

BY MS. CAVERLY:

10:31:32 12

Q I'm not asking for your recollections about

10:31:34 13

anything. I'm asking as you sit here today, do you

10:31:38 14

believe that there was an ingredient in the Innova

10:31:41 15

Senior samples that you fed your dog that was not

10:31:45 16

identified in the ingredient list?

10:31:47 17

A I believe yes.

10:31:49 18

Q What ingredient do you believe was in the

10:31:53 19

Innova Senior products that you fed your dog which is

10:31:56 20

not on the ingredient list on the packaging that the

10:32:01 21

food came in?

10:32:02 22

A Are you talking about toxins as an

10:32:04 23

ingredient?

10:32:09 24

MR. NIELD: You need to listen to the

10:32:10 25

question. Go ahead.

11:37:46 1 Q How many times can you tell me for sure  
11:37:49 2 under penalty of perjury that you took samples out of  
11:37:52 3 that basket and took them home?

11:37:54 4 MR. NIELD: It's been asked and answered  
11:37:55 5 several times now and it's argumentative. But if you  
11:37:58 6 can respond again, go ahead.

11:38:01 7 A Two times for sure, maybe three.

11:38:04 8 Q And what makes you think that maybe three?

11:38:07 9 A I'm trying to be truthful, and if I don't  
11:38:10 10 remember whether it was two or three, I'm telling you  
11:38:12 11 that I don't remember. It was two for sure, maybe  
11:38:16 12 three.

11:38:16 13 Q And you're sure it's not four, correct?

11:38:19 14 A Yes.

11:38:21 15 Q On these two or three occasions when you  
11:38:25 16 took free samples, you never took more than two bags,  
11:38:28 17 correct?

11:38:29 18 A Right.

11:38:30 19 Q And how long between the first, second and  
11:38:34 20 maybe third time that you took samples, how much time  
11:38:39 21 passed?

11:38:42 22 A A week, maybe two weeks.

11:38:48 23 Q Is it correct to say that from the first  
11:38:50 24 time that you took samples of Natura Innova Senior  
11:38:54 25 product home to the last time that you took samples of

03:16:15 1 enough, we could eat it ourselves or something like  
03:16:17 2 that, but it meant that people could eat it.

03:16:24 3 Q You don't recall as you sit here today  
03:16:25 4 whether the sign or any of the packaging on Natura's  
03:16:29 5 products that you saw in 2006 actually said the words  
03:16:32 6 human grade; is that correct?

03:16:35 7 A Packaging didn't have it. It was the sign  
03:16:37 8 that had it.

03:16:39 9 Q Do you actually recall as you sit here today  
03:16:41 10 that the sign that was advertising Natura Pet Products  
03:16:46 11 on the shelving at Ocala Breeders & Supply used the  
03:16:50 12 words human grade?

03:16:51 13 A Not exactly those words I couldn't swear to  
03:16:55 14 that.

03:17:01 15 Q You do recall that what was said on the sign  
03:17:03 16 was something that led you to conclude that people  
03:17:05 17 could eat the food, correct?

03:17:07 18 A Yes.

03:17:40 19 MS. CAVERLY: Can we go off the record for  
03:17:41 20 just a minute?

03:17:42 21 THE VIDEOGRAPHER: This marks the end of  
03:17:44 22 videotape number 3 in the deposition of Patricia  
03:17:46 23 Davis. Going off the record, and the time is now 3:17  
03:17:49 24 p.m.

03:17:50 25 (A brief recess was taken.)



CERTIFICATE OF SHORTHAND REPORTER

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I, Michele E. Eddy, Registered Professional Reporter and Certified Realtime Reporter, the court reporter before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my supervision; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 6th day of October, 2008.

My commission expires: June 14, 2012



MICHELE E. EDDY

NOTARY PUBLIC IN AND FOR  
THE DISTRICT OF COLUMBIA

**EXHIBIT D**

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.

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**NOTICE OF SERVING PLAINTIFF PATRICIA DAVIS'  
SECOND AMENDED AND SUPPLEMENTAL RESPONSES TO  
MARS INCORPORATED'S FIRST SET OF INTERROGATORIES**

Dated: October 15, 2008  
Miami, FL

/s Catherine J. MacIvor  
CATHERINE J. MACIVOR (FBN 932711)  
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Tel: 305-358-6555 / Fax: 305-374-9077  
*Attorneys for Plaintiffs*

I, Patricia Davis, declare and state the foregoing responses to interrogatories are true and correct under penalty of perjury.

Executed on 10/14, 2008.

  
\_\_\_\_\_  
Patricia Davis

EXHIBIT E

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF FLORIDA

3 MIAMI DIVISION

4 CASE NO. 07-21221 CIV ALTONAGA/BROWN

5  
6 RENEE BLASZKOWSKI, ET AL.,  
7 INDIVIDUALLY AND ON BEHALF OF  
8 OTHERS SIMILARLY SITUATED,  
9 PLAINTIFFS/CLASS REPRESENTATIVES,  
10 VS.  
11 MARS, INC., ET AL,  
12 DEFENDANTS.

13 \_\_\_\_\_/

14  
15  
16  
17  
18  
19 DEPOSITION OF:  
20 ARNA CORTAZZO,  
ON BEHALF OF DEFENDANT, NATURA PET PRODUCTS, INC.

21  
22 EXAMINATION OF A WITNESS BEGINNING AT 9:44 A.M. ON  
23 NOVEMBER 12, 2008, TAKEN AT THE OFFICES OF SUNSHINE STATE  
24 REPORTING, 301 EAST PINE STREET, SUITE 150, ORLANDO,  
25 FLORIDA, BEFORE H. WILLIAM JONES, REGISTERED PROFESSIONAL  
REPORTER, NOTARY PUBLIC, STATE OF FLORIDA AT LARGE.