

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 JEFFREY B. MALTZMAN

I, Jeffrey B. Maltzman, declare and state the following is true and correct under penalty of perjury:

1. My name is Jeffrey B. Maltzman. I am over the age of eighteen and I have personal knowledge of all of the facts contained herein.

2. I am a partner at the law firm of Maltzman Foreman, P.A. and have been licensed to practice in Florida for approximately 22 years. I am a member in good standing of the Florida Bar as well as the United States Supreme Court, the Ninth and Eleventh Circuit Courts of Appeal and the Southern District of Florida.

3. In Natura's opposition to class certification they contend that Maltzman Foreman is inadequate counsel by "relating privileged settlement discussions with Natura's counsel." There is no record citation in Natura's opposition regarding this claimed fact, but in Ms. Caverly's affidavit (DE 579-2) she states "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."

4. I was personally present at the August 2008 meeting referenced by Ms. Caverly. Mr. Foreman and I were in San Diego for a strategy meeting with our co-defense counsel Keegan & Baker, and I suggested that as long as we were in San Diego it might be worthwhile to visit Ms. Caverly (whose office is also in San Diego) to introduce ourselves and to explore whether an early resolution of the case might be possible. The subject discussions between counsel regarding possible resolution of the case have never been disclosed by Plaintiffs and were not disclosed anywhere in our Motion for Class Certification.

5. After our meeting with Ms. Caverly ended, we were standing outside her building saying goodbye. I asked Ms. Caverly if she would be willing to share with me one basic fact which would clearly be discoverable in litigation but which might help us in future talks if we both knew the fact up front. She asked what I wanted to know. I asked if she was willing to voluntarily disclose the fact of what were the total annual sales of Natura's pet food products in the U.S. Ms. Caverly responded they were \$100 million per year. I did not view this as a "confidential settlement discussion" in any way, shape or form, but rather was simply a voluntary factual disclosure by Ms. Caverly of something that obviously Plaintiffs would be entitled to learn through discovery when the case progressed.

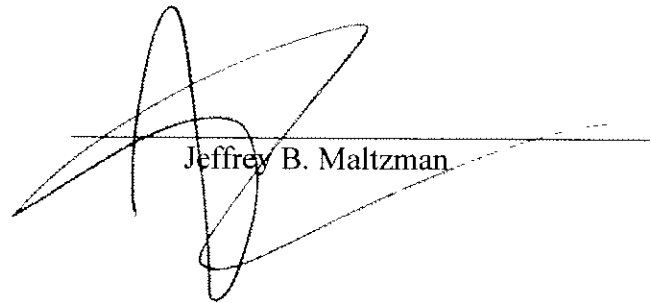
6. The Maltzman Foreman firm consists of 21 attorneys (not including several part time of counsel attorneys) plus 8 paralegals and law clerks. Our firm has dedicated substantial resources to the prosecution of this case and to date has expended 7,015.4 hours of attorney and paralegal time to this case. At least nine of our attorneys have dedicated time to working on this case. In

additional to attorney Cathy MacIvor, many of our firm's attorneys have handled previous class actions, including the undersigned counsel serving as lead defense counsel in two class actions with allegations of hundred plus million dollar exposure before this honorable court (*Gall v Princess Cruises* and *Pinto v Princess Cruises*). Both Pinto and Gall resulted in class certification being granted and settlements achieved that expeditiously resolved the claims of the class members and all parties.

7. Attorneys in the Maltzman Foreman firm have worked on many significant class action cases pending in South Florida. A number of these are identified with specificity in the Declaration of Catherine MacIvor previously filed with the Motion for Class Certification.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 16, 2007.


Jeffrey B. Maltzman