

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.

**MOTION FOR LEAVE TO FILE CONSOLIDATED RESPONSE
AND MOTION FOR ENLARGEMENT OF TIME TO FILE RESPONSE**

The Plaintiffs, Cindy Tregoe, Jo-Ann Murphy, and Susan Peters (the “Plaintiffs”), pursuant to Rule 7.1 of the Local Rules for the United States District Court for the Southern District of Florida, hereby respectfully request this Court to grant the Plaintiffs leave to file one consolidated Response to Natura Pet Products, Inc.’s (“Natura”) two Motions to Dismiss and for an extension of time to file this Response, and in support thereof, state as follows:

1. On January 23, 2009, Natura filed a Motion to Dismiss Plaintiffs Cindy Tregoe and Jo-Ann Murphy. [DE 600]. On January 29, 2009, Natura filed a nearly identical motion as to Susan Peters. [DE 612]. The Responses to these two Motions are due on February 9 and February 16, respectively.

2. The undersigned has contacted counsel for Natura, Kristen Caverly, who has agreed to the Plaintiffs filing one consolidated Response to both of these Motions by February 16.

3. However, between today's date and February 16, Catherine J. MacIvor, who is principally responsible for the Response, will be out of the office a significant amount of time due to preparing for and attending five depositions for the case *Avolonte Ltd. v. Colonial Yacht Sales, Inc., et al.*, CASE NO. 03-22138 (09), currently pending in the Circuit Court for Broward County and set for trial in early April.

4. In addition, between February 16 and March 3, Ms. MacIvor will be preparing for and attending seven more depositions in the same aforementioned case. It is also possible that two additional depositions will be conducted during this period, most likely on Saturdays.

5. None of these depositions are being conducted in Miami, and some may require overnight travel.

6. In addition to these twelve (possibly fourteen) depositions being taken in the next approximately three weeks, Ms. MacIvor will also be attending mediation in the case presently at bar on February 24, 2009. [DE 623].

7. Moreover, Ms. MacIvor will be attending mediation on February 12, 2009 in *Shaw v. Carnival Corporation, et al.*, CASE NO. 08-22453-CIV ALTONAGA/Brown.

8. As a result of these scheduling conflicts, which will cause Ms. MacIvor to be out of the office for an extended period of time, the undersigned requests an extension of time until and including March 3, 2009 to file one consolidated Response to Natura's Motions to Dismiss.

9. Since the parties stipulated to conduct mediation on February 24, 2009, [DE 621], and this Honorable Court granted the parties leave to do so, [DE 623], there will be no harm or prejudice to Natura if this Honorable Court grants the relief requested herein as the Responses will be filed within one week from the mediation date *if* mediation does not resolve all claims at that time.

10. Hence, the Plaintiffs believe that an extension of time until and including March 3, 2009 to file one consolidated Response to both of Natura's Motions to Dismiss and pending the results of mediation will result in less work for all parties involved, especially this Honorable Court, will accommodate Ms. MacIvor's pre-trial schedule, and will not harm or prejudice Natura in any way.

WHEREFORE, the Plaintiffs request leave to file one consolidated Response to Natura's two Motions to Dismiss, for an extension of time until and including March 3, 2009 to submit this Response, and for all other relief this Court deems just and proper.

RULE 7.1 CERTIFICATE

The undersigned has conferred with Counsel for Natura, Kristen Caverly, who agrees to the Plaintiffs filing one consolidated Response on February 16, 2009, but does not agree to extend the Response deadline beyond that date.

Dated: February 5, 2009
Miami, FL

Respectfully submitted,

/s Jonathan C. Schwartz

CATHERINE J. MACIVOR (FBN 932711)

cmacivor@mlegal.com

JONATHAN C. SCHWARTZ (FBN 051540)

jschwartz@mlegal.com

MALTZMAN FOREMAN, PA

One Biscayne Tower

2 South Biscayne Boulevard -Suite 2300

Miami, Florida 33131

Tel: 305-358-6555 / Fax: 305-374-9077

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that the foregoing was electronically filed with the Clerk of the Court via CM/ECF on this 5th day of February, 2009. We also certify that the foregoing was served on all counsel or parties of record on the attached Service List either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronic Notices of Filing.

s/ Jonathan C. Schwartz
Jonathan C. Schwartz

SERVICE LIST

CASE NO. 07-21221 ALTONAGA/Brown

CATHERINE J. MACIVOR

cmacivor@mflegal.com

JEFFREY B. MALTZMAN

jmaltzman@mflegal.com

JEFFREY E. FOREMAN

jforeman@mflegal.com

DARREN W. FRIEDMAN

dfriedman@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

EDGAR R. NIELD

enield@nieldlaw.com

4370 La Jolla Village Drive

Suite 640

San Diego, CA 92122

Telephone: 858-552-6745

Facsimile: 858-552-6749

Attorney for Plaintiffs

LONNIE L. SIMPSON

E-Mail: Lonnie.Simpson@dlapiper.com

S. DOUGLAS KNOX

E-Mail: Douglas.knox@dlapiper.com

DLA PIPER US LLP

100 N. Tampa Street, Suite 2200

Tampa, Florida 33602-5809

Telephone: (813) 229-2111

Facsimile: (813) 229-1447

*Attorneys for Defendants Menu Foods, Inc.
and Menu Foods Income Fund*

PATRICK N. KEEGAN

pkeegan@keeganbaker.com

JASON E BAKER

jbaker@keeganbaker.com

KEEGAN & BAKER, LLP

4370 La Jolla Village Drive

Suite 640

San Diego, CA 92122

Telephone: 858-552-6750

Facsimile: 858-552-6749

Attorneys for Plaintiffs

ALEXANDER SHAKNES

E-Mail: Alex.Shaknes@dlapiper.com

AMY W. SCHULMAN

E-Mail: Amy.schulman@dlapiper.com

DLA PIPER US LLP

1251 Avenue of the Americas

New York, New York 10020

Telephone: (212) 335-4829

*Attorneys for Defendants Menu Foods, Inc.
and Menu Foods Income Fund*

WILLIAM C. MARTIN

E-Mail: william.martin@dlapiper.com

**DLA PIPER RUDNICK GRAY CARY US
LLP**

203 North LaSalle Street

Suite 1900

Chicago, Illinois 60601-1293

*Attorneys for Defendants Menu Foods, Inc.
and Menu Foods Income Fund*

MARK C. GOODMAN
mgoodman@ssd.com
SQUIRE, SANDERS & DEMPSEY LLP
One Maritime Plaza
Suite 300
San Francisco, CA 94111-3492
Telephone: (415) 954-0200
Facsimile: (415) 393-9887

Attorneys for Defendants PETCO Animal Supplies Stores Inc., PetSmart, Inc., Wal-Mart Stores, Inc. and Target Corporation

JEFFREY S. YORK
E-Mail: jjork@mcguirewoods.com
MICHAEL GIEL
E-Mail: mgiel@mcguirewoods.com
McGUIRE WOODS LLP
50 N. Laura Street, Suite 3300
Jacksonville, FL 32202
Telephone: (904) 798-2680
Facsimile: (904) 360-6330

Attorneys for Defendant Natura Pet Products, Inc.

OMAR ORTEGA
Email: ortegalaw@bellsouth.net
DORTA & ORTEGA, P.A.
Douglas Entrance
800 S. Douglas Road, Suite 149
Coral Gables, Florida 33134
Telephone: (305) 461-5454
Facsimile: (305) 461-5226

Attorneys for Defendant Mars, Inc. and Mars Petcare U.S. and Nutro Products, Inc.

BARBARA BOLTON LITTEN
blitten@ssd.com
SQUIRE, SANDERS & DEMPSEY LLP
1900 Phillips Point West
777 South Flagler Drive
West Palm Beach, Florida 33401-6198
Telephone: (561) 650-7200
Facsimile: (561) 655-1509

Attorneys for Defendants PETCO Animal Supplies Stores Inc., PetSmart, Inc., Wal-Mart Stores, Inc. and Target Corporation

KRISTEN E. CAVERLY
E-Mail: kcaverly@hcesq.com
ROBERT C. MARDIAN III
rmardian@hcesq.com
HENDERSON CAVERLY PUM & CHARNEY LLP
16236 San Dieguito Road, Suite 4-13
P.O. Box 9144 (all US Mail)
Rancho Santa Fe, CA 92067-9144
Telephone: 858-756-6342 x)101
Facsimile: 858-756-4732

Attorneys for Natura Pet Products, Inc.

ALAN G. GREER
agreer@richmangreer.com
RICHMAN GREER WEIL BRUMBAUGH MIRABITO & CHRISTENSEN
201 South Biscayne Boulevard
Suite 1000
Miami, Florida 33131
Telephone: (305) 373-4000
Facsimile: (305) 373-4099

Attorneys for Defendants The Iams Co.

BENJAMIN REID

E-Mail: bried@carltonfields.com

ANA CRAIG

E-Mail: acraig@carltonfields.com

CARLTON FIELDS, P.A.

100 S.E. Second Street, Suite 4000

Miami, Florida 33131-0050

Telephone: (305)530-0050

Facsimile: (305) 530-0050

*Attorneys for Defendants Hill's Pet Nutrition,
Inc.*

KARA L. McCALL

E-Mail: kmccall@sidley.com

SIDLEY AUSTIN LLP

One S. Dearborn Street

Chicago, ILL 60633

Telephone: (312) 853-2666

*Attorneys for Defendants Hill's Pet Nutrition,
Inc.*

SHERRIL M. COLOMBO

E-Mail: scolombo@cozen.com

COZEN O'CONNOR

200 South Biscayne Boulevard

Suite 4410

Miami, Florida 33131

Telephone: (305) 704-5945

Facsimile: (305) 704-5955

Attorneys for Defendant Del Monte Foods Co.

JOHN J. KUSTER

E-Mail: jkuster@sidley.com

JAMES D. ARDEN

E-Mail: jarden@sidley.com

SIDLEY AUSTIN LLP

787 Seventh Avenue

New York, New York 10019-6018

Telephone: (212) 839-5300

*Attorneys for Defendants Hill's Pet Nutrition,
Inc.*

RICHARD FAMA

E-Mail: rfama@cozen.com

JOHN J. McDONOUGH

E-Mail: jmcdonough@cozen.com

COZEN O'CONNOR

45 Broadway

New York, New York 10006

Telephone: (212) 509-9400

Facsimile: (212) 509-9492

Attorneys for Defendant Del Monte Foods

JOHN F. MULLEN

E-Mail: jmullen@cozen.com

COZEN O'CONNOR

1900 Market Street

Philadelphia, PA 19103

Telephone: (215) 665-2179

Facsimile: (215) 665-2013

Attorneys for Defendant Del Monte Foods, Co.

CAROL A. LICKO

E-Mail: calicko@hhlaw.com

HOGAN & HARTSON

Mellon Financial Center

1111 Brickell Avenue, Suite 1900

Miami, Florida 33131

Telephone (305) 459-6500

Facsimile (305) 459-6550

*Attorneys for Defendants Nestle Purina
Petcare Co.*

ROBERT C. TROYER

E-Mail: rtroyer@hhlaw.com

HOGAN & HARTSON

1200 17th Street

One Tabor Center, Suite 1500

Denver, Colorado 80202

Telephone: (303) 899-7300

Facsimile: (303) 899-7333

*Attorneys for Defendants Nestle Purina
Petcare Co.*

CRAIG A. HOOVER

E-Mail: cahoover@hhlaw.com

MIRANDA L. BERGE

E-Mail: mlberge@hhlaw.com

HOGAN & HARTSON L.L.P.

555 13th Street, N.W.

Washington, D.C. 20004

Telephone: (202) 637-5600

Facsimile: (202) 637-5910

*Attorneys for Defendants Nestle Purina
Petcare Co.*

JAMES K. REUSS

E-Mail: jreuss@lanealton.com

LANE ALTON & HORST

Two Miranova Place

Suite 500

Columbus, Ohio 43215

Telephone: (614) 233-4719

*Attorneys for Defendant The Kroger Co. of
Ohio*

D. JEFFREY IRELAND

E-Mail: djireland@ficlaw.com

BRIAN D. WRIGHT

E-Mail: bwright@ficlaw.com

LAURA A. SANOM

E-Mail: lsanom@ficlaw.com

FARUKI IRELAND & COX

500 Courthouse Plaza, S.W.

10 North Ludlow Street

Dayton, Ohio 45402

Attorneys for Defendant The Iams Co.

W. RANDOLPH TESLIK

E-Mail: rteslik@akingump.com

ANDREW J. DOBER

E-Mail: adober@akingump.com

**AKIN GUMP STRAUSS HAUER & FELD
LLP**

1333 New Hampshire Avenue, NW
Washington, D.C. 20036
Telephone: (202) 887-4000
Facsimile: (202) 887-4288

*Attorneys for Defendants New Albertson's Inc.
and Albertson's LLC*

RALPH G. PATINO

E-Mail: rpato@patinolaw.com

DOMINICK V. TAMARAZZO

E-Mail: dtamarazzo@patinolaw.com

CARLOS B. SALUP

E-Mail: csalup@patinolaw.com

PATINO & ASSOCIATES, P.A.

225 Alcazar Avenue
Coral Gables, Florida 33134
Telephone: (305) 443-6163
Facsimile: (305) 443-5635

*Attorneys for Defendants Pet Supplies "Plus"
and Pet Supplies Plus/USA, Inc.*

HUGH J. TURNER, JR.

E-Mail: hugh.turner@akerman.com

AKERMAN SENTERFITT & EDISON

350 E. Las Olas Boulevard
Suite 1600
Fort Lauderdale, Florida 33301-2229
Telephone: (954)463-2700
Facsimile: (954)463-2224

*Attorneys for Defendant Publix Super Markets,
Inc.*

CRAIG P. KALIL

E-Mail: ckalil@aballi.com

JOSHUA D. POYER

E-Mail: jpoyer@abaili.com

ABALLI MILNE KALIL & ESCAGEDO

2250 Sun Trust International Center
One S.E. Third Avenue
Miami, Florida 33131
Telephone: (303) 373-6600
Facsimile: (305) 373-7929

*Attorneys for New Albertson's Inc. and
Albertson's LLC*

ROLANDO ANDRES DIAZ

E-Mail: rd@kubickdraper.com

PETER S. BAUMBERGER

E-Mail: psb@kubickdraper.com

KUBICKI DRAPER

25 W. Flagler Street, Penthouse
Miami, Florida 33130-1712
Telephone: (305) 982-6708
Facsimile: (305) 374-7846

Attorneys for Defendant Pet Supermarket, Inc.

C. RICHARD FULMER, JR.

E-Mail: rfulmer@Fulmer.LeRoy.com

**FULMER, LEROY, ALBEE, BAUMANN,
&
GLASS**

2866 East Oakland Park Boulevard
Fort Lauderdale, Florida 33306
Telephone: (954) 707-4430
Facsimile: (954) 707-4431

*Attorneys for Defendant The Kroger Co. of
Ohio*