

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
(MIAMI DIVISION)

CASE NO.: 07-21221-CIV-ALTONAGA/TURNOFF

RENEE BLASZKOWSKI, *et al.*,

Plaintiffs,

v.

MARS, INC., *et al.*,

Defendants.

**DEFENDANT NESTLE USA, INC.'S CONSENT MOTION FOR
ENLARGEMENT OF TIME TO RESPOND TO COMPLAINT**

Defendant Nestle USA, Inc., pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and with the consent of Plaintiffs, moves for an enlargement of time to respond to the complaint in this action, and states:

1. Plaintiffs attempted service on Nestle USA, Inc. on May 22, 2007, which, if proper, would have made Nestle USA, Inc.'s response to the complaint in this action due to be served on or about June 11, 2007.¹
2. An executed summons for Nestle USA, Inc. was issued on June 4, 2007, and Nestle USA, Inc. expects to be served with a copy of that summons and complaint at any time.
3. Out of an abundance of caution with respect to its response obligations and with the expectation that Nestle USA, Inc. will promptly be served with the executed summons, Nestle USA, Inc. is filing its motion for an extension of time to respond to the complaint today.

¹ As Plaintiffs have acknowledged, the summons Plaintiffs attempted to serve on Nestle USA, Inc. was not executed by the Clerk of the Court.

4. The complaint is a fifty-eight page, ten count complaint. The response to the complaint will take more time than ordinarily permitted under the Federal Rules of Civil Procedure.

5. Accordingly, Nestle USA, Inc. hereby requests an enlargement of time to respond to the complaint so that its response will be due on or before July 5, 2007.

6. This Court has already granted similar requests by Defendants Petco Animal Supplies, Inc., Pet Supermarket, Inc., Publix Supermarkets, Inc., Petsmart Inc., Wal-Mart Stores, Inc., Nutro Products, Inc., Del Monte Foods Co. and Mars, Inc. to extend the time to respond to the complaint until July 5, 2007.

7. This motion is made in good faith and not for any purpose of undue delay.

8. Pursuant to Local Rule 7.1(A)(3), counsel for Nestle USA, Inc. has conferred with counsel for Plaintiffs, and Plaintiffs' counsel has agreed to an extension of time, up to and including July 5, 2007.

9. Nestle USA, Inc. further states that it is making a special appearance for the sole purpose of moving for an extension of time to file its response to the complaint, and that it hereby reserves its rights to assert all available defenses in the future, including, among other things, defects in service.

WHEREFORE, Nestle USA, Inc. requests an enlargement of time so that its response to the complaint in this action is due to be served on or before July 5, 2007.

Dated: June 8, 2007

Respectfully submitted,

By: /s/ Carol A. Licko

Carol A. Licko, Esquire

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Nestle USA, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2007, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system and served on all counsel of record identified on the attached Service List either via transmission of Notices of Electronic Filing generated by CM-ECF and/or by some other authorized manner for those counsel or parties who are not authorized to receive electronic notices.

Respectfully submitted,

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CERTIFICATE OF SERVICE

RENEE BLASZKOWSKI, ET AL., VS. MARS, INC., ET AL.
Case No. 07-21221-CIV-ALTONAGA/TURNOFF

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