UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE PET FOODS PRODUCTS LIABILITY LITIGATION	MDL DOCKET NO. 1850 Case No. 07-2867 (NLH) Judge Joel L. Hillman DECLARATION OF KAREN M. FIRSTENBERG IN SUPPORT OF CHEMNUTRA'S MOTION TO DESTROY ITS REMAINING RECALLED WHEAT GLUTEN

STATE OF CALIFORNIA)
) SS:
COUNTY OF LOS ANGELES)

DECLARATION OF KAREN M. FIRSTENBERG

1. I am an attorney at Morris Polich & Purdy LLP, counsel of record for ChemNutra Inc. in this litigation. The following facts are within my personal knowledge and if called upon to do so I could and would competently testify thereto.

2. On or about May 27, 2008, I submitted to the Food and Drug Administration's Office of Management Programs Department of Freedom of Information, a request for access to and copies of all tests, reports, results or other

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documents with related to or reflected to any analysis or testing of raw wheat gluten obtained from ChemNutra, Inc. in 2007. Attached hereto as Exhibit A is a true and correct copy of the May 27, 2008 Freedom of Information Act ("FOIA") request that I sent.

3. Attached hereto as Exhibit B is a true and correct copy of the response that I received from the Department of Health and Human Services, Food and Drug Administration's Kansas City District's office to my May 27, 2009 FOIA request. Exhibit B contains 134 pages of documents that reflect the methodology, sampling plan and the results of the FDA testing of the XuZhou Anying Wheat Gluten stored by ChemNutra at the Mokahn Container Service, Inc. warehouse located in Kansas City, Missouri. Specifically, these records document, in detail, the sampling performed by the FDA, including the following data: (a) the date of collection; (b) product code; (c) FIS sample number; (d) hours spent related to each sampling; (e) country of origin for each sampling; (f) a product description; (g) batch identification; (h) reason for sampling; (i) lot size; (j) description of sample; (k) method of collection; (l) preparation procedures for sampling; (m) remarks; and (n) lab conclusion. These documents are available to the public pursuant to the Freedom of Information Act.

4. As this Court will see from the review of the FDA documentation, the FDA's methodology and plan for sampling and testing was thorough and consistent with the plans proposed and previously approved by this Court in connection with its Orders pertaining to retained inventory of finished products.

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

Karen M. Firstenberg