

**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 REPLY 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. Since the recall of ChemNutra’s Wheat Gluten (over 1 ½ years) no effort or request by plaintiffs or any other party has been made to sample or test ChemNutra’s Wheat Gluten.

3. Attached hereto as Exhibit "A" is a true and correct copy of a correspondence from the FDA confirming the FDA's support of its initial request of June 29, 2007 to destroy ChemNutra's Wheat Gluten and confirming that the FDA will make available its agents to assist in the destruction of ChemNutra's Wheat Gluten, upon an entry of an Order by this Court.

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

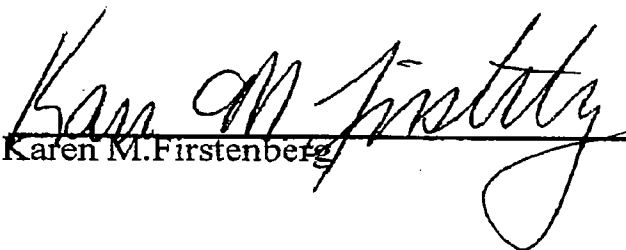

Karen M. Firstenberg

EXHIBIT A

Karen M. Firstenberg - ChemNutra

From: "Elder, David K." <david.elder@fda.hhs.gov>
To: <kfirstenberg@mpplaw.com>
Date: 9/26/2008 4:10 AM
Subject: ChemNutra
CC: "Zeller, Jessica" <Jessica.Zeller@fda.hhs.gov>

Good Morning.

Per your request, I confirm that the position represented by FDA in our letter dated June 29, 2007, to Marc Ullman regarding the contaminated wheat gluten continues to be the position of the Agency. FDA employees from our field office will be available to supervise your client's destruction of the contaminated wheat gluten as soon as practicable after destruction has been authorized.

Sincerely,

David Elder
Dir., Office of Enforcement