

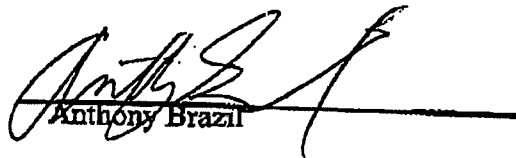
hereto as Exhibit "A" and "B" are the previously filed Motions, referenced on the Court Docket Numbers 87 and 103.

4. In accordance with the orders issued by this Court in connection with those motions, representative samples of the alleged contaminated pet foods to which pets were exposed are already being retained. It is the contents of those finished products that will determine whether or not a specific pet consumed contaminated food.

5. I have been working with the FDA's Office of Chief Counsel in trying to comply with the FDA request to ChemNutra to destroy the XuZhou Anying wheat gluten. Attached hereto as Exhibit "C" is a true and correct copy of the FDA letter requesting that ChemNutra destroy its recalled wheat gluten from XuZhou Anying. Prior to the filing of this Motion, I spoke to the FDA's Office of Chief Counsel on several occasions regarding the scope and content of this Motion. The FDA is agreeable to ChemNutra's request to destroy its recalled wheat gluten and is in agreement to conduct this destruction in accordance with and under the supervision of the FDA.

6. In addition, the US Attorney who has been investigating this incident has approved of this request. If this Court grants the requested relief, ChemNutra will implement the destruction in accordance with and under the supervision of the FDA. Attached hereto as Exhibit "D" is a true and correct copy of correspondences from the U.S. Attorney's office confirming their approval of ChemNutra's request.

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


Anthony Brazil