

UNITED STATES DISTRICT COURT

WESTERN District of ARKANSAS

FAYETTEVILLE DIVISION

CHARLES RAY SIMS and PAMELA SIMS, Individually and on behalf of all others similarly situated

SUMMONS IN A CIVIL ACTION

v.

MENU FOODS INCOME FUND, MENU FOODS MIDWEST CORPORATION, MENU FOODS SOUTH DAKOTA INC., MENU FOODS INC., and MENU FOODS HOLDINGS, INC.

CASE NUMBER: 07-5053

TO: (Name and address of Defendant) MENU FOODS MIDWEST CORPORATION c/o Registered Agent for Service The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, Delaware 19801

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Jason M. Hatfield Lundy & Davis, LLP 300 N. College Ave., Suite 309 Fayetteville, AR 72701 (479) 527-3921 (479) 587-9196 - fax jhatfield@lundydavis.com

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

CHRISTOPHER R. JOHNSON

CLERK [Signature]

DATE 3-21-07

COPY

RETURN OF SERVICE

Service of the Summons and Complaint was made by me¹

DATE
March 23, 2007 at 2:10 p.m.

NAME OF SERVER (PRINT)
Daniel Newcomb

TITLE
Process Server

Check one box below to indicate appropriate method of service

- Served personally upon the defendant. Place where served: _____
- Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- Returned unexecuted: _____
- Other (specify): Service on Menn Foods Midwest Corporation was effectuated by serving Scott LaScala, Managing Agent duly authorized to accept service. Service was made at The Corporation Trust Company, 1209 Orange St., Wilmington, DE 19801.

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
	\$60.00	\$60.00

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on March 26, 2007
Date


Signature of Server

2000 Pennsylvania Ave. #207, Wilmington, DE 19806
Address of Server

Also Served:
Notice of Availability of a United States Magistrate Judge to Exercise Jurisdiction

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.