

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION**

**RICHARD SCOTT and BARBARA  
WIDEN, Individually and All other Persons  
Similarly Situated,**

**PLAINTIFFS**

**vs.**

**NO. CV 2007-5055**

**MENU FOODS; MENU FOODS INCOME  
FUND; MENU FOODS GEN PAR  
LIMITED; MENU FOODS LIMITED  
PARTNERSHIP; MENU FOODS  
OPERATING PARTNERSHIP; MENU  
FOODS MIDWEST CORP.; MENU  
FOODS SOUTH DAKOTA; MENU  
FOODS, INC.; MENU FOODS  
HOLDINGS, INC.; and WAL-MART  
STORES, INC**

**DEFENDANTS**

**MOTION FOR CLERK'S EXTENSION**

Separate Defendant, Wal-Mart Stores, Inc. ("Wal-Mart"), by its attorneys Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C., for its Motion for Clerk's Extension, states:

1. Wal-Mart received Plaintiffs' Summons and Complaint by Certified Mail addressed to "Wal-Mart Stores, Inc." on April 10, 2007.
2. In the event service of the Summons and Complaint is considered effective, which Wal-Mart does not concede, Wal-Mart's first responsive pleading is due to be filed on April 30, 2007.
3. Pursuant to Local Rule 6.2, Wal-Mart requests an additional 15 days to file its first responsive pleading.
4. Counsel for Plaintiffs has consented to the extension.

WHEREFORE, Separate Defendant Wal-Mart Stores, Inc. prays that the deadline for its first responsive pleading be extended until May 15, 2007, and for all other just and proper relief to which it may be entitled.

Respectfully submitted,

/s/ Marshall S. Ney

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Attorney for Separate Defendant  
Wal-Mart Stores, Inc.

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 25, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System which will send notification of such filing to the following:

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