## AFFIDAVIT OF JULIE T. BACKE

STATE OF IDAHO	)	
	)	SS
COUNTY OF ADA	)	

BEFORE ME, this date, personally appeared Julie T. Backe who, after being duly sworn, deposes and says:

My name is Julie T. Backe and I am Assistant Corporate Secretary of New Albertson's, Inc., a Delaware corporation. The following facts are within my personal knowledge, are facts of which I have been informed, or are facts that are disclosed by the books and records of New Albertson's, Inc.

- 1. New Albertson's, Inc. was incorporated in Delaware on December 20, 2005, as New Aloha Corporation and changed its name to New Albertson's, Inc. on April 10, 2006. Its principal place of business is in Idaho.
- 2. New Albertson's, Inc. qualified to do business in the State of Florida on May 23, 2006. However, other than designating a registered agent and filing a statutorily required yearly Uniform Business Report with the Florida Department of State, New Albertson's, Inc. has no contacts with Florida.
- 3. New Albertsons, Inc. only operates or manages Albertson's stores in Southern California, Idaho, Montana, Nevada, North Dakota, Oregon, Utah, Washington, and Wyoming.
- 4. New Albertson's, Inc. does not, and has not conducted any retail business operations in Florida since its inception.
- 5. New Albertson's, Inc. does not operate, conduct, engage in, or carry on a business or business venture in the State of Florida. For example, New Albertsons does not maintain an office, have employees, or have a bank account in Florida.

FURTHER AFFIANT SAYETH NAUGHT.

Julie Backe, being duly sworn, deposes and says that the foregoing is true and correct to the best of her knowledge, information, and belief.

DATED this 12th of September, 2007.

SWORN TO AND SUBSCRIBED before me this 12<sup>th</sup> day of September, 2007.

NOTARY PUBLIC

My commission expires: 9/26/07