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A LIMITED LIABILITY LAW COMPANY

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Holdings, Inc. Menu Foods Menu Foods, Inc.,
and Menu Foods Income Fund

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

YVONNE ORTIZ, Individually and)	CIVIL NO. CV07-00323(DAE/LEK)
on behalf of all other similarly)	(Class Action)
situated persons,)	
)	DEFENDANT MENU FOODS
Plaintiff,)	HOLDINGS, INC.'S EX PARTE
)	APPLICATION FOR A HEARING
vs.)	RE DEFENDANT MENU FOODS
)	HOLDINGS, INC.'S OBJECTIONS
MENU FOODS, INC., a New Jersey)	TO THE FINDINGS AND
corporation; MENU FOODS)	RECOMMENDATION TO GRANT
HOLDINGS, INC., a Delaware)	IN PART AND DENY IN PART
corporation; MENU FOODS)	PLAINTIFFS' MOTION FOR
INCOME FUND, an unincorporated)	REMAND AND ORDER DENYING
Canadian business; DOE ENTITIES)	DEFENDANTS' MOTION TO
and INDIVIDUALS 1-100,)	STAY AS MOOT, FILED 8/21/07,
)	FILED 9/04/07; MEMORANDUM IN
Defendants.)	SUPPORT OF APPLICATION;
)	CERTIFICATE OF SERVICE
)	
)	

**DEFENDANT MENU FOODS HOLDINGS, INC.'S EX PARTE
APPLICATION FOR A HEARING RE DEFENDANT MENU
FOODS HOLDINGS, INC.'S OBJECTIONS TO THE
FINDINGS AND RECOMMENDATION TO GRANT
IN PART AND DENY IN PART PLAINTIFFS'
MOTION FOR REMAND AND ORDER
DENYING DEFENDANTS' MOTION TO
STAY AS MOOT, FILED 8/21/07, FILED ON 9/04/07**

Defendant Menu Foods Holdings, Inc. (“Menu Foods”) hereby applies, ex parte, for a hearing on its “Objections to the Findings and Recommendation to Grant in Part and Deny in Part Plaintiffs’ Motion for Remand and Order Denying Defendants’ Motion to Stay as Moot, filed 8/21/07”, which was filed herein on September 4, 2007 (“Objections”).

Because of the nationwide importance of this matter and because the parties have not had an opportunity to present oral arguments on the Motion for Remand and the Motion to Stay, said motions having been decided on the briefs, Menu Foods requests:

- (1) That this matter be set for hearing and the parties be allowed to present oral arguments; and
- (2) That, for the reasons set forth in its Memorandum in Support, the hearing be set for any time on October 2, 2007, or, alternatively, for October 1, 2007, after 1:00 p.m., or, if neither of these dates are acceptable, to some other date agreeable to the Court.

This Application is based on Local Rules 7.1, and 7.2(e) of the Rules of the United States District Court for the District of Hawaii, Rule 7 of the Federal Rules of Civil Procedure, the Memorandum attached hereto, and the records and files herein.

DATED: Honolulu, Hawaii, September 12, 2007.

/s/ Chad P. Love
CHAD P. LOVE
BARBARA J. KIRSCHENBAUM

Attorneys for Defendants Menu Foods
Holdings, Inc., Menu Foods, Inc., and
Menu Foods Income Fund