

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2007 JUL 31 PM 3: 58

N. ANAYA

CLERK

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Attorney for Plaintiffs

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

Valerie Sylvester, David Pang, Andrew Garcia,
Ruth Camargo, Chris Hubbard, Stacey Collins,
Randall Bandmann, Kelly Engle, Pam Gould and
Erik Coral-Sands

Plaintiffs,

v.

MENU FOODS, INC., a New Jersey Corporation;
MENU FOODS HOLDINGS, INC., a Delaware
Corporation, MENU FOODS INCOME FUND, an
unincorporated Canadian business; Doe Entities
and Individuals 1- 100,

Defendants.

Civil No. 07-1-0848-05 SSM
(Non-Vehicle Tort)

SUPPLEMENT TO DECLARATION
OF SERVICE, filed July 25, 2007;
EXHIBIT "3"

(Menu Foods Income Fund)

SUPPLEMENT TO DECLARATION OF SERVICE

1. I, Emily A. Gardner, am the attorney for the Plaintiffs in the above-captioned matter.

2. I am an attorney licensed to practice law in all Courts of the State of Hawaii. I make this Declaration based upon my own personal knowledge of the matters set forth herein and am competent to testify thereto.

EXHIBIT A

3. Attached hereto as Exhibit "3" is the original return of service affirming that the First Amended Summons to Answer the Civil Complaint and First Amended Complaint was served upon Defendant Menu Foods Income Fund, at 8 Falconer Drive, Streetsville, Ontario, Canada on July 13, 2007.

4. In the Declaration of Service filed with the court on July 25, 2007, Exhibit "1" was incorrectly noticed as the original return of service affirming that the First Amended Summons to Answer the Civil Complaint and First Amended Complaint was served upon Defendants Menu Foods, Inc., a New Jersey Corporation. It was actually a faxed copy of the return of service affirming service upon Defendant Menu Foods Income Fund, at 8 Falconer Drive, Streetsville, Ontario, Canada.

5. Nationwide Legal Support, Inc., the company handling the service of the three (3) defendants in the matter had told me verbally that all three defendants had been served, and that it was, Menu Foods, Inc., the New Jersey Defendant who had been served on July 13, 2007. This miscommunication contributed to the error in the Declaration of Service that was filed on July 25, 2007.

6. As of the date of this filing, Defendant Menu Foods Income Fund in Streetsville, Ontario, Canada was served on July 13, 2007, and Defendant Menu Foods Holdings, Inc., a Delaware Corporation, was served on July 9, 2007, as provided in Exhibit "2" to the Declaration of Service filed on July 25, 2007.

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

DATED: HONOLULU, HAWAII, July 31, 2007


EMILY A. GARDNER

RETURN OF SERVICE

State of Hawaii

County of Honolulu

First Circuit Court

Case Number: 07-1-0848-05 SSM

Plaintiff:

Valerie Sylvester, et al.

vs.

Defendant:

Menue Foods, Inc., a New Jersey Corporation, et al.

For:

Emily A. Gardner Attorney at Law, LLLC

Received by Nationwide Legal Support, Inc. to be served on Menu Foods Income Fund, 8 Falconer Drive, Streetsville, Ontario, CN L5N 1. Peter Hunt do hereby affirm that on the 13th day of July, 2007 at 3:30 p.m., executed service by delivering a true copy of the First Amended Summons to Answer Civil Complaint; First Amended Complaint; Exhibit 1 to 3; First Amended Demand for Jury Trial; First Amended Summons to Answer Civil Complaint; in accordance with state statutes in the manner marked below.

() INDIVIDUAL SERVICE: Served the within-named person.

SUBSTITUTE SERVICE: By serving MARK WIENS as CHIEF FINANCIAL OFFICER OF MENU FOODS INCOME FUND.

() POSTED SERVICE: After attempting service on / / at and on / / at to a conspicuous place on the property described herein.

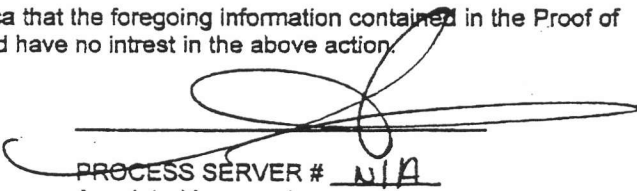
() Custodian of Records: By serving _____ as _____

() NON SERVICE: For the reason detailed in the Comments below.

COMMENTS:

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

I declare under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct. I am over the age of 18 and have no interest in the above action.



PROCESS SERVER # N/A
Appointed in accordance
with State Statutes

Nationwide Legal Support, Inc.
Dba Eleanor's Nationwide Legal Support
18226 Ventura Blvd., Suite 208
Tarzana, CA 91356
(818) 774-9757
Our Job Serial Number: 2007001151

EXHIBIT A