

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

VALERIE SYLVESTER, DAVID)	CIVIL NO. CV07-00409 ACKKSC
PANG, ANDREW GARCIA, RUTH)	(Non-Vehicle Tort)
CAMARGO, CHRIS HUBBARD,)	
STACEY COLLINS, RANDALL)	DECLARATION OF CHAD P. LOVE
BANDMANN, KELLY ENGLE)	
PAM GOULD and ERIK CORAL-)	
SANDS)	
)	
Plaintiff,)	
)	
vs.)	
)	
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.)	
)	
)	

DECLARATION OF CHAD P. LOVE

The undersigned hereby declares that:

1. I am an attorney licensed to practice law before all the Courts in the State of Hawaii and the United States District Court, District of Hawaii; I am one

of the attorneys representing Defendant MENU FOODS INCOME FUND (the “Income Fund”) in the above-captioned proceeding and am competent to testify as to the matters stated herein and make this declaration upon personal knowledge except and unless stated to be upon information and belief.

2. Re attempts to obtain an extension:

(a) On July 30, 2007, I telephoned Plaintiffs’ counsel inquiring as to whether Plaintiffs would agree to give the Income Fund an extension on responding to the First Amended Complaint/Summons in exchange for my office accepting service of the First Amended Complaint/Summons on behalf of the Income Fund. Plaintiffs’ counsel responded that she thought that the Income Fund had been served but would check and get back to me.

(b) On the morning of July 31, 2007, I sent an email to Plaintiffs’ counsel making the same request for an extension.

(c) On July 31, 2007, I received a fax from Plaintiffs’ counsel saying that service was soon to be accomplished on the last of the three Defendants and that my offer was declined.

(d) On August 3, 2007, I telephoned Plaintiffs’ counsel’s office and left a voice mail again asking for an extension.

3. Re attempts to ascertain when the Income Fund was allegedly served:

(a) In the early morning of Tuesday, July 31, 2007, one of my firm's staff members went to Circuit Court to attempt to locate the "Return of Service" for the Income Fund. The court clerk said that the document was not available.

(b) At approximately 11:15 a.m. on July 31, 2007, I sent an email to Plaintiffs' counsel asking for a copy of the "Return of Service".

(c) In the afternoon of July 31, 2007, I received a letter from Plaintiffs' counsel stating, *inter alia*: "The process server is already in possession of the documents and has assured me as of this morning that service will be completed tomorrow." I understood this to mean that the Income Fund would be served on August 1, 2007.

(d) On August 1, 2007, I sent a letter to Plaintiffs' counsel (via email and fax) asking for copies of the "Return of Service" showing that the Income Fund had been allegedly served.

(e) On August 2, 2007, I received a letter from Plaintiffs' counsel which enclosed the "Declaration of Service" and "Return of Service" for all three Defendants.

DATED: Honolulu, Hawaii, August 3, 2007.

/s/ Chad P. Love
CHAD P. LOVE