

LOVE & KIRSCHENBAUM
A LIMITED LIABILITY LAW COMPANY

CHAD P. LOVE 1617-0
BARBARA J. KIRSCHENBAUM 5825-0
1164 Bishop Street, Ste. 1105
Honolulu, Hawaii 96813
Tel. No. 546-7575
Fax. No. 546-7070
Email address: clove@lkhawaii.com

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

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

VALERIE SYLVESTER; DAVID)	CIVIL NO. CV 07-00409 ACK-KSC
PANG; ANDREW GARCIA;)	(Non-Vehicle Tort)
RUTH CAMARGO; CHRIS)	
HUBBARD; STACEY COLLINS;)	DEFENDANTS MENU FOODS, INC.
RANDALL BANDMANN; KELLY)	AND MENU FOODS HOLDINGS,
ENGLE; PAM GOULD; and)	INC.'S EX PARTE APPLICATION FOR
ERIK CORAL-SANDS,)	SECOND EXTENSION OF TIME TO
)	ANSWER OR OTHERWISE RESPOND
Plaintiffs,)	TO PLAINTIFFS' FIRST AMENDED
)	COMPLAINT, FILED 06/22/07;
vs.)	EXHIBITS A THRU C;
)	DECLARATION OF CHAD P.
MENU FOODS, INC., a New Jersey)	LOVE; CERTIFICATE OF SERVICE
corporation; MENU FOODS)	
HOLDINGS, INC., a Delaware)	
corporation; MENU FOODS)	
INCOME FUND, an unincorporated)	
Canadian business; DOE ENTITIES)	
and INDIVIDUALS 1-100,)	
)	
Defendants.)	
_____)	

DEFENDANTS MENU FOODS, INC. AND MENU FOODS HOLDINGS, INC.'S EX PARTE APPLICATION FOR SECOND EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFFS' FIRST AMENDED COMPLAINT, FILED 06/22/07

Defendants Menu Foods, Inc., and Menu Foods Holdings, Inc., (hereinafter jointly referred to as "Defendants") hereby apply, ex parte, for a second extension of time to answer or otherwise respond to Plaintiffs' First Amended Complaint, filed on June 22, 2007.

The grounds for this second application for extension of time are:

(1) On August 20, 2007, the United Judicial Panel on Multidistrict Litigation ("JPML") issued a "Conditional Transfer Order" ("CTO") conditionally transferring the above-entitled action (together with another case from a different district), to the United States District Court for the District of New Jersey. Plaintiffs have until September 4, 2007, in which to object to the CTO or the case will be transferred to the MDL. Should Plaintiffs file an objection to the CTO, they must file a motion to vacate the CTO within 15 days of the filing of their objection -- making the deadline to file such a motion September 19, 2007. A true and accurate copy of the August 20, 2007, CTO is attached hereto as [Exhibit A](#). As noted in the

CTO, this case appears to involve questions of fact that are common to 77 other cases that have also been transferred to New Jersey.

(2) On August 2, 2007, Defendants filed a “Motion to Stay All Proceedings” (“Motion to Stay”), which is set for hearing on September 10, 2007, after the present September 4, 2007, deadline to answer the First Amended Complaint.

The requested extension will promote judicial economy by avoiding the filing and serving of pleadings while the JPML and MDL proceed; in the alternative, the requested extension will allow Menu Foods, Inc., and Menu Foods Holdings, Inc., time to apply for a further extension or enlargement by stipulation or duly noticed motion, if one should be necessary.

Defendants request that the time to respond to the First Amended Complaint be extended for 60 days (from September 4, 2007, to November 3, 2007).

This Application is based on Local Rules 6.2, 7.1, and 7.2 of the Rules of the United States District Court for the District of Hawaii, Rules 6

