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IN THE UNITED STATES DISTRICT COURT CIRCUIT

FOR THE DISTRICT OF HAWAII

Valerie Sylvester, David Pang, Andrew Garcia, Ruth Camargo, Chris Hubbard, Stacey Collins, Randall Bandmann, Kelly Engle, Pam Gould and Erik Coral-Sands Civil No. CV07-00409HGKSC (Non-Vehicle Tort)

Case lain iffy 00409-ACK-KSC

DECICAMANTION OF HIME NO 8/26/2007 GARDNER

v.

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

Defendants.

DECLARATION OF EMILY A. GARDNER

I, Emily A. Gardner do hereby declare:

- 1. I am an attorney licensed to practice law in all courts in the State of Hawaii, am the attorney of record for all named Plaintiffs in the above-noted case and make the following statements based on my personal knowledge and am competent to testify thereto.
- 2. Attached hereto as Exhibit "1" are true and correct copies of Declarations of Service filed for all three named defendants in the instant action.

- 3. Attached hereto as Exhibit "2" is a true and correct copy of Menu Foods, Inc. and Menu Foods Holdings, Inc.'s Notice of Filing Notice of Removal, filed in the First Circuit Court of the State of Hawaii on July 31, 2007.
- I, Emily Gardner, declare under the penalty of perjury that the foregoing is true and Case 1:07-cv-00409-ACK-KSC Document 17-3 Filed 08/26/2007 Page 2 of correct.

DATED: HONOLULU, HAWAII, AUGUST 26, 2007.

/s/ Emily A. Gardner
EMILY A. GARDNER