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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

SEP 10 2007
at 3 o'clock and 15 min. P.M. by
SUE BEITIA, CLERK

LODGED

SEP 04 2007
3:10 pm by
CLERK, U.S. DISTRICT COURT
DISTRICT OF HAWAII

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)
PANG; ANDREW GARCIA;)
RUTH CAMARGO; CHRIS)
HUBBARD; STACEY COLLINS;)
RANDALL BANDMANN; KELLY)
ENGLE; PAM GOULD; and)
ERIK CORAL-SANDS,)

Plaintiffs,)

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.)

CIVIL NO. CV 07-00409 ACK-KSC
(Non-Vehicle Tort)

STIPULATION RE: (1) SERVICE OF
FIRST AMENDED COMPLAINT ON
MENU FOODS INCOME FUND; (2)
NAMING OF MENU FOOD
INCOME FUND AS A DEFENDANT
AND (3) DEADLINE FOR ALL
DEFENDANTS TO ANSWER OR
OTHERWISE RESPOND TO THE
FIRST AMENDED COMPLAINT,
FILED 06/22/07 AND ORDER

STIPULATION RE (1) SERVICE OF FIRST AMENDED COMPLAINT ON MENU FOODS INCOME FUND, (2) NAMING OF MENU FOOD INCOME FUND AS A DEFENDANT AND (3) DEADLINE FOR ALL DEFENDANTS TO ANSWER OR OTHERWISE RESPOND TO THE FIRST AMENDED COMPLAINT, FILED 06/22/07 AND ORDER

IT IS HEREBY STIPULATED, by and between Plaintiffs and Defendants Menu Foods, Inc., Menu Foods Holdings, Inc. and Menu Foods Income Fund (hereinafter collectively referred to as "Defendants") as follows:

(1) The July 13, 2007, service of the First Amended Complaint on Defendant Menu Food Income Fund is effective as of the date the Court approves and files this Stipulation;

(2) Defendants will waive defects with regard to the naming of Menu Foods Income Fund, an unincorporated trust, as a party to this action instead of a trustee or other proper trust representative;

(3) Defendant Menu Foods Income Fund will withdraw its "Motion to Quash or, Alternatively, to Dismiss", filed on August 3, 2007. Plaintiffs will withdraw their request for sanctions raised in their Memorandum in Opposition to this Motion filed on August 22, 2007, and each party shall bear their own attorneys' fees and costs related to this Motion.

(4) The answer (or responsive pleading) for Defendants Menu Foods Inc., Menu Foods Holdings, Inc., and Menu Foods Income Fund is hereby extended or continued until and up to the following dates:

- (a) In the event that the Court grants the “Motion to Remand”, 30 days after the Court files its written order granting said “Motion to Remand”; or
- (b) In the event that the Court denies the “Motion to Remand”, 30 days after the Court files its written order denying said “Motion to Remand”, but only if the Court has filed a written order denying the “Motion to Stay”; or
- (c) In the event that the Court denies the “Motion to Remand” and grants the “Motion to Stay”, the answer (or other response) shall be due in accordance with the terms and conditions of the Court’s order or as otherwise agree to by the parties hereto; or
- (d) In the event that the Court denies the “Motion to Remand” but has not filed a written order on the “Motion to Stay”, the answer (or other response) shall be due after the Court files its written order on the “Motion to Stay” in accordance with the due date set forth in subparagraphs (c) or (e) herein, as applicable; or
- (e) In the event that the Court denies the “Motion to Stay”, 30 days after the Court files its written order denying said “Motion to Stay”, but only if the Court has filed a written order denying the “Motion to Remand”; or

(f) In the event that the Court denies the “Motion to Stay” but has not filed a written order on the “Motion to Remand”, the answer (or other response) shall be due after the Court files its written order on the “Motion to Remand” in accordance with the due date set forth in subparagraphs (a), (b) or (c) herein, as applicable.

DATED: Honolulu, Hawaii,

Aug. 31, 2007



EMILY A. GARDNER
Attorneys for Plaintiff



CHAD P. LOVE
BARBARA J. KIRSCHENBAUM
Attorneys for Defendants Menu Foods, Inc., Menu
Foods Holdings, Inc., and Menu Foods Income Fund

APPROVED AND SO ORDERED:



JUDGE OF THE ABOVE-ENTITLED COURT

VALERIE SYLVESTER, ET AL., v. MENU FOODS, INC., ET AL., CIVIL NO. CV07-00409 ACK-KSC; Stipulation Re (1) Service of First Amended Complaint on Menu Foods Income Fund, (2) Naming of Menu Food Income Fund as a Defendant and (3) Deadline For All Defendants To Answer Or Otherwise Respond to the First Amended Complaint, Filed 06/22/07 And Order