

LOVE & KIRSCHENBAUM
A LIMITED LIABILITY LAW COMPANY

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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

LODGED

SEP 10 2007

at 3 o'clock and 15 min. P.M.
SUE BEITIA, CLERK

3:10pm AM

CLERK, U.S. DISTRICT COURT
DISTRICT OF HAWAII

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;)	STIPULATION RE: (1) SERVICE OF
RANDALL BANDMANN; KELLY)	FIRST AMENDED COMPLAINT ON
ENGLE; PAM GOULD; and)	MENU FOODS INCOME FUND; (2)
ERIK CORAL-SANDS,)	NAMING OF MENU FOOD
	INCOME FUND AS A DEFENDANT
Plaintiffs,)	AND (3) DEADLINE FOR ALL
	DEFENDANTS TO ANSWER OR
vs.)	OTHERWISE RESPOND TO THE
	FIRST AMENDED COMPLAINT,
MENU FOODS, INC., a New Jersey)	FILED 06/22/07 AND ORDER
corporation; MENU FOODS)	
HOLDINGS, INC., a Delaware)	
corporation; MENU FOODS)	
INCOME FUND, an unincorporated)	
Canadian business; DOE ENTITIES)	
and INDIVIDUALS 1-100,)	
Defendants.)	

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;

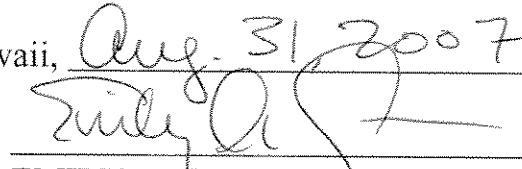
(3) Defendant Menu Foods Income Fund will withdraw its "Motion to
Quash or, Alternatively, to Dismiss", filed on August 3, 2007. Plaintiffs will
withdraw their request for sanctions raised in their Memorandum in Opposition to
this Motion filed on August 22, 2007, and each party shall bear their own
attorneys'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