

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

Plaintiffs,

v.

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. CV07-00409ACKKSC
(Non-Vehicle Tort)

DECLARATION OF KELLY ENGLE

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I, KELLY ENGLE do hereby declare:

1. I am a resident of the State of Hawaii and one of the named Plaintiffs in the above-noted case. I make the following statements based on my personal knowledge and am competent to testify thereto.
2. I purchased Special Kitty Select Gourmet cat food in pouches from Walmart in Honolulu from November 2006 through February 2007 and fed it to my domestic short-haired cat named Bubbah, resulting in Bubbah becoming severely ill.
3. I brought my claim against the three Defendants in Hawaii state court, under Hawaii state laws. I am not seeking an amount in damages, including attorney's fees that is in excess of \$75,000.

4. It would be extremely inconvenient for me if the case I originally filed in Hawaii state court was moved to New Jersey. This seems very unfair to me and to be motivated more by Defendants' convenience, certainly not mine. It would also seem to be a strategy on the part of Defendants to get me to drop my case given the extreme inconvenience it will cause me.

5. I, KELLY ENGLE, declare under the penalty of perjury that the foregoing is true and correct.

DATED: HONOLULU, HAWAII, SEPTEMBER 19, 2007.


KELLY ENGLE