Monsour et al v. Menu Maker Foods Inc

Case 6:05-cv-01204-JTM

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Exhibit T

Menu Maker Produce Purchases From 2/12/2002 To 3/25/2002

All estimated purchases from Menu Maker were based on order amounts given to Dennis Hughes/Pete Monsour via fax on 2/20/2002. Before this time all estimates were verbal between Ron Orr (MM Produce Buyer) and Pete Monsour, Mark Monsour, or Dennis Hughes. Monsour's figured weekly usage vs. actual purchases from Menu Maker from 2/12/2002 to 3/25/2002 (A five week scale).

Monsour's will list many examples showing how much estimated purchase numbers from Menu Maker were not even close to what they actually purchased from Monsour's Inc.

Examples (see estimated sheet for page reference)

- 1. Page 1: Lettuce, Calif Iceburg, Menu Maker Usage 120 cases a week. Actual Purchase from Monsour's 24 a week. If Monsour's would have bought off of usage 120 per week multiplied by 5 weeks would equal 600 cases of Lettuce. After the third week filling Menu Maker's produce orders we realized the usage was not correct, but we still had to throw away 100 cases of Lettuce @ \$33.00 avg. cost per case. Which totals \$3,300.00 loss to Monsour's Inc.
- 2. Page 3: Onions, Jumbo Yellow, Menu Maker usage 40 per week. They actually bought zero. Monsour's did have an excess of onions, but we ran them out at a deviated price to our retail stores, so we would not have to throw the product away. This effected our bottom line/Gross profit on our sales.
- 3. Page 4: Mushrooms, Medium, Menu Maker usage 90 per week. They actually bought 29 per week. Monsour's did order by MM usage per week. Since this is a foodservice item we could not sell this to our retail accounts. We threw

- 4. Page 6: Petite Bananas 150ct, Menu Maker usage 20 per week. Actually bought 5 per week. Monsour's caught this usage falicy and only lost 10 cases total for the 5 week period. The total loss incurred was 12.00 multiplied by 10 equals \$120.00.
- 5. Page 6: Grapes, Lunch Bunch, MM usage 20 per week. Actually bought zero. Monsour's did not order off usage which would have been 100 cases in the 5 week period. Monsour's did order 10 cases and threw away all of them @ \$10.00 cost which comes to \$100.00 loss. Monsour's did not re-order this product.
- 6. Page 6: Avacadoes 48ct, MM usage 35 per week. Actually bought 19 per week. Monsour's did order by usage on this item. Monsour's had to throw away 8 cases per week multipled by 5 weeks equals 40 cases @ avg. cost of \$32.00 which equals \$1,280.00 loss.

- 7. Page 7: Lemons, Calif. Choice, MM usage 50 per week. They actually bought 26 per week. Monsour's did not order by total MM usage on this item. Monsour's ordered on a 35 case per week usage. Monsour's still had to throw away 9 cases per week multiplied by 5 weeks equals 45 cases @ an avg. cost of \$19.50 which equals \$877.50 loss.
- 8. Page 11: Carrots, Fresh Whole Baby, MM usage 30 per week. Actually bought 17 cases per week. Monsour's ordered by usage. Monsour's threw away 10 cases per week multiplied by 5 weeks equals 50 cases @ an avg. cost of \$14.95 which equals \$747.50 loss.
- 9. Page 1: Broccoli, California, MM usage 25 per week. Actually bought 8 cases per week. Monsour's ordered by usage. Monsour's threw away 15 cases per week multiplied by 5 weeks equals 75 cases @ an avg. cost of \$13.00 which equals 1,012.50 loss.
- Page 1: Cauliflower, 12 ct, MM usage 15 per week. 10. Actually bought 5 per week. Monsour's ordered by usage.

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- 11 Page 1: Onions, Green, MM usage 25 per week. Actually bought 6 per week. Monsour's ordered by usage. Monsour's threw away 13 cases per week multiplied by 5 weeks equals 65 cases @ and avg. cost of \$14.85 which equals \$965.25 loss.
- 12. Page 1: Lettuce, Green Leaf, MM usage 25 per week. Actually bought 8 per week. Monsour's ordered by usage. Monsour's threw away 12 cases per week multiplied by 5 weeks equals 60 cases @ an avg. cost of \$32.50 which equals \$1,950.00 loss.
- 13. Page 1: Lettuce, Romaine, MM usage 20 per week. Actually bought 8 per week. Monsour's ordered by usage. Monsour's threw away 8 cases per week multiplied by 5 weeks equals 40 @ an avg. cost of \$32.50 which equals \$1,300.00 loss.

- 14. Page 3: Onions, Super Collosal, MM usage 15 per week. Actually bought 2 per week. Monsour's ordered by usage. Monsour's threw away 10 cases per week multiplied by 5 weeks equals 50 @ an avg. cost of \$10.50 which equals \$525.00 loss.
- 15. Page 3: Onions, Colosal Yellow, MM usage 15 per week. Actually bought 4 a week. Monsour's ordered by usage. Monsour's threw away 7 cases per week multiplied by 5 weeks equals 35 @ an avg. cost of \$9.00 which equals \$315.00 loss.
- 16. Page 4: Mushrooms, Foodservice, MM usage 10 per week. Actually bought 4 per week. Monsour's ordered by usage. Monsour's threw away 6 cases per week multiplied by 5 weeks equals 30 @ an avg. cost of \$10.50 which equals \$315.00 loss.
- 17. Page 9: Carrots, Jumbo, MM usage 25 per week.

 Actually bought 16 per week. Monsour's ordered by usage.

 Monsour's threw away 9 Cases per week multiplied by 5

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weeks equals 45 (a) an avg. cost of \$8.95 which equals \$402.75 loss.

Total estimated losses on thrown away product for 5 week period 2/12/2002 to 3/25/2002 equals \$15,520.50.

Total Credits to Menu Maker for product (THEY SAY) unusable for 5 week period 2/12/2002 to 3/25/2002 equals **<u>\$14.120.83.</u>** (Credits run 18% of total sales).

Total Purchases from Menu Maker for produce from Monsour's for 5 week period 2/12/2002 to 3/25/2002 equals <u>\$78,971.10.</u> Less <u>\$14.120.83</u> for total credits equals <u>\$64.850.27</u> @ 10% gross profit Monsour's made <u>\$6,485.03</u>.

GRUST Total profit <u>\$6,485.03</u> Less product Monsour's threw away $\underline{\$15.520.50}$ leaves Monsour's with a loss of (\$9.035.47).

This figure does not include any operating expenses at all, so the loss is substantially more.

SIDE NOTE: Menu Maker was suppose to purchase pre-cut produce from Vaughn Foods located in Moore, OK. They have not done this yet. On 3/10/2002 Monsour's sold Menu Maker 100 cases of pre-cut product @ \$18.95 per case. This saved Menu Maker \$3.00 a case (\$300.00) from their primary vendor (Redi-Cut Kansas City). The reason why I brought this to attention is that we have made every effort to provide price, quality, service to Menu Maker and all we have received is a loss to our bottom line.

Pete L. Monsour III