

## **Exhibit H**



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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**MARK MONSOUR, SHEILA MONSOUR AND  
MONSOUR'S, INC.**

**vs.**

**MENU MAKER FOODS, INC.**

**Case No. 05-1204-MLB**

**DEPOSITION OF MARK MONSOUR  
March 14, 2006**

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**OFFICES MISSOURI ■ ILLINOIS ■ KANSAS**

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1 **Q But despite your personal practices,**  
2 **Monsour's tax returns were complete and accurate?**  
3 A You'd have to ask my accountants that,  
4 sir, because I didn't have anything -- because I  
5 would supply information.  
6 **Q You know that when you sign your tax**  
7 **returns, you are telling the government that they are**  
8 **true and accurate, don't you?**  
9 A That's correct.  
10 **Q Did you ask your accountant, "Hey, Mr.**  
11 **Accountant, are these tax returns true and**  
12 **accurate?"**  
13 A I think he asked me that question.  
14 **Q And your answer?**  
15 A And for the most part they were.  
16 **Q For the most part? Okay. Setting that**  
17 **all aside, I think I have -- I may have asked you**  
18 **this question, but forgive me, I will ask it one more**  
19 **time, and we'll be done. Who had -- what bank had**  
20 **the loan, what bank financed your purchase of the**  
21 **storage units?**  
22 A University National Bank.  
23 **Q And that was the only bank; right?**  
24 A Right.  
25 **Q That did that?**

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1 A And at some point I moved that loan -- I  
2 moved that loan from University National Bank to  
3 Community National Bank.  
4 **Q And that bank, Community National, is**  
5 **located in either Pittsburg or Frontenac?**  
6 A Pittsburg, Kansas.  
7 **Q As was University?**  
8 A Correct.  
9 MR. WACHTEL: Having so asked, I don't  
10 have any further questions.  
11 MR. DEVAUGHN: I do. I want to take a  
12 quick break.  
13 MR. WACHTEL: Sure.  
14 (WHEREIN, a recess was taken.)  
15 EXAMINATION  
16 BY MR. DEVAUGHN  
17 **Q Let's go back on the record. Mark, I want**  
18 **to clear up a couple things. The information that**  
19 **was supplied to Monsour's, Inc.'s accountants, was it**  
20 **true and accurate to the best of your knowledge?**  
21 A Yes.  
22 **Q The tax returns that were completed on**  
23 **behalf of Monsour's, Inc., were those true and**  
24 **accurate to the best of your knowledge?**  
25 A Yes.

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1 **Q Just so it's clear, was all of Monsour's,**  
2 **Inc.'s revenue reported on the tax returns?**  
3 A Outside of couple jobbers that I had that  
4 would buy oranges and grapefruit, and I would put  
5 that money in my pocket.  
6 **Q You are talking about Monsour's, Inc.'s**  
7 **revenue?**  
8 A Yes.  
9 **Q Not stuff that you got?**  
10 A Yes, Monsour's, Inc. revenue, absolutely.  
11 **Q Now the fireworks business, were you**  
12 **involved in the fireworks business before the asset**  
13 **purchase agreement?**  
14 A Yes.  
15 **Q The storage business, were you involved in**  
16 **that before the asset purchase agreement?**  
17 A Yes.  
18 MR. DEVAUGHN: Okay. I have no other  
19 questions.  
20 CONTINUED EXAMINATION  
21 BY MR. WACHTEL  
22 **Q You just testified that certain income**  
23 **from certain jobbers was not reported as income**  
24 **earned by Monsour's; what were the names of the**  
25 **jobbers, if you can recall?**

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1 A They are listed. They are listed. There  
2 was two of them. They are listed as the two jobbers,  
3 they are listed in the asset purchase agreement, or  
4 some addendum to that. There was two jobbers, two  
5 people.  
6 **Q And you do not now remember their names?**  
7 A Bobby, the last name eludes me. And the  
8 second guy was very infrequent. I can't remember his  
9 name.  
10 **Q Did these jobbers sell you anything other**  
11 **than oranges?**  
12 A They sold me nothing. I sold them  
13 grapefruit, oranges.  
14 **Q I'm sorry. I misunderstood you. I**  
15 **apologize. You do not recall the name of the second**  
16 **jobber?**  
17 A Bobby something, and I cannot recall.  
18 Second guy was insignificant for the most part; Bobby  
19 was regular.  
20 **Q How much money total -- I'm sorry. Let me**  
21 **rephrase that. What years are we talking about that**  
22 **you received cash from these or any other jobbers**  
23 **that you did not report?**  
24 A Any year that I was President of  
25 Monsour's.