

KLEND A, MITCHELL, AUSTERMAN & ZUERCHER, L.L.C.
301 N. Main, Suite 1600
Wichita, KS 67202-4888
(316) 267-0331

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MONSOUR’S, INC.,)	
<i>Plaintiffs,</i>)	
)	
vs.)	No. 05-1204-MLB
)	
MENU MAKER FOODS, INC.,)	
<i>Defendant.</i>)	
_____)	

MOTION IN LIMINE

Defendant files this motion to exclude the testimony of Marshal Hull, an expert witness retained by plaintiff. Defendant would show the Court that Mr. Hull's estimate of loss of cash flow is not the proper measure of plaintiff's damages. In support hereof, defendant refers the Court to its argument in the brief in support of the summary judgment motion.

s/ Alexander B. Mitchell, II
Bar Number 8204
Attorney for
Klenda, Mitchell, Austerman & Zuercher, L.L.C.
301 N. Main, Suite 1600
Wichita, KS 67202-4888
Telephone: (316) 267-0331
Fax: (316) 267-0333
E-mail: amitchell@kmazlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2007, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which should send a notice of electronic filing to Dustin L. DeVaughn, Richard W. James and Jeffrey S. Eastman, attorneys for plaintiff.

s/ Alexander B. Mitchell, II