

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

MARK MONSOUR, SHEILA MONSOUR and)	
MONSOUR’S, INC.,)	
)	
Plaintiffs,)	
)	
vs.)	No. 05-1204-MLB
)	
MENU MAKER FOODS, INC.,)	
)	
Defendant.)	
_____)	

DEFENDANT'S SUPPLEMENTAL MOTION FOR CONTINUANCE OF TRIAL

COMES NOW the defendant, by and through its counsel of record, and hereby files this supplemental motion asking for a continuance of the trial date. In support of the supplemental motion the defendant states:

1. The Court has set this matter for jury trial on April 17, 2007.
2. The defendant has filed a motion for reconsideration or for an order granting a continuance and reopening discovery. (See Doc. 109.)
3. Mr. Wachtel, co-counsel for the defendant has a conflict with the trial date in that he represents the defendant in United States v. Derek Hubbard, United States District Court for the District of Kansas, Case No. 06-10235-01-WEB.
4. The trial of that case has been continued one time in order that the defendant might retain a DNA expert to examine the scientific evidence produced by the government, perhaps test the DNA collected by the government, offer an expert opinion and testify at trial.
5. That case is presently set for jury trial to commence on April 17, 2007, before The Hon. Wesley Brown.

6. Mr. Hubbard is incarcerated pending the trial, and counsel has every reason to believe that Mr. Hubbard's case will go to trial on that date.

7. No continuances of this matter have been granted.

WHEREFORE, the defendant respectfully requests that the trial in this case be continued. By filing this supplemental motion for continuance the defendant does not withdraw its pending motion for reconsideration or for an order granting a continuance and reopening discovery. No memorandum is submitted with this supplemental motion.

Respectfully Submitted,

s/ John Val Wachtel
John Val Wachtel, S. Ct. #08310
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CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2007, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to Dustin L. DeVaughn and Richard W. James, attorneys for plaintiff.

s/ John Val Wachtel