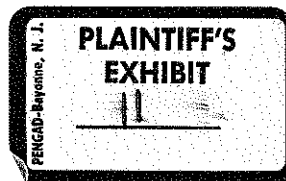


STATE OF KANSAS            )  
  ) SS  
COUNTY OF SEDGWICK )


### AFFIDAVIT OF DUSTIN L. DeVAUGHN

I, Dustin L. DeVaughn, am of lawful age and sound mind and testify under oath as follows:

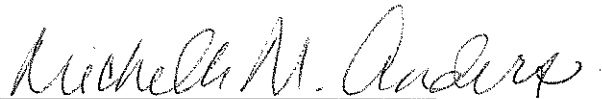
1. I am counsel of record for plaintiff Monsours, Inc.
2. Plaintiff's Exhibit 1, 2 and 4 through 10 are true and accurate copies of e-mails between myself and defendant Menu Maker Foods, Inc.'s counsel of record regarding the settlement of this case. These e-mails have been printed from my firm's server and cut and pasted so that they appear in chronological order and without duplication.
3. Plaintiff's Exhibit 3 is a true and correct copy of the contemporaneous phone record between myself and defendant Menu Maker Foods, Inc.'s counsel of record following our early morning March 26, 2007 telephone conversation.
4. Following defendant Menu Maker Foods, Inc.'s counsel's first notice of a potential problem with the settlement of this case, I have stayed in daily telephone communication with defense counsel in an attempt to determine whether an actual controversy exists. As of the time of the filing of this motion, defendant Menu Maker Foods, Inc. has not communicated its position as to whether it is formally contesting the settlement agreement.



FURTHER AFFIANT SAYETH NAUGHT.

  
Dustin L. DeVaughn

Subscribed and sworn to before me, a Notary Public for the aforementioned state and county, this 3rd day of April 2007.

  
Notary Public

My appointment expires:

