

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

MARK MONSOUR, SHEILA MONSOUR, )  
and MONSOUR'S INC. )

Plaintiffs, )

vs. )

Case No. 05-1204-MLB

MENU MAKER FOODS, INC. )

Defendants )

**RETURN ON SERVICE OF SUBPOENA**

COMES NOW the Defendant, Menu Maker Foods, Inc., by and through its attorney of record, John Val Wachtel of Klenda, Mitchell, Austerman & Zuercher, L.L.C., and hereby notifies the Court that on the 17<sup>th</sup> day of January, 2006, Defendant served, via the United States Postal Service, Certified Mail, Return Receipt Requested, a "Subpoena In A Civil Case" upon Bank of America, N.A., Attn: Records Custodian, 1425 NW 62<sup>nd</sup> St., Ft. Lauderdale, FL 33309. The Subpoena was delivered on January 23, 2006, as evidenced by the Return Receipt Card attached below. The Subpoena In A Civil Case is attached herewith as Exhibit 1.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <div style="border-bottom: 1px solid black; width: 150px; margin-top: 5px;"> </div> </p> <p style="text-align: right;"> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee                 </p> <p>B. Received by (Printed Name)  <div style="border-bottom: 1px solid black; width: 150px; margin-top: 5px;">                     DEK                 </div> </p> <p>C. Date of Delivery  <div style="border-bottom: 1px solid black; width: 150px; margin-top: 5px;">                     JAN 23 2006                 </div> </p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes                      If YES, enter delivery address below: <input type="checkbox"/> No                 </p>
<p>1. Article Addressed to:  <i>Bank of America, N.A.                      ATTN: Records Custodian                      1425 NW 62nd St.                      Ft. Lauderdale, FL 33309</i> </p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail    <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered    <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail    <input type="checkbox"/> C.O.D.                 </p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number                      (Transfer from service label)    <span style="border: 1px solid black; padding: 2px 20px;">7004 1350 0005 5916 5865</span> </p>	
<p>PS Form 3811, February 2004    Domestic Return Receipt    15180-00/    102595-02-M-1540</p> <p style="text-align: center; margin-top: 10px;"><i>subpoena</i></p>	

Respectfully submitted,

KLEND, MITCHELL, AUSTERMAN &  
ZUERCHER, L.L.C.

s/John Val Wachtel

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 1<sup>st</sup> day of February, 2006, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system which will send electronic notice of this filing to:

Dustin DeVaughn  
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s/John Val Wachtel  
John Val Wachtel