

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

MARK MONSOUR, SHEILA MONSOUR,)
and MONSOUR’S INC.,)
)
Plaintiffs,)
)
vs.)
)
MENU MAKER FOODS, INC.,)
)
Defendants.)
_____)

Case No. 05-1204-MLB

NOTICE OF DOCUMENT SUBPOENA PURSUANT RULE 45(b)(1)

COMES NOW the Defendant, and, pursuant to F.R.Civ.P. 45(b)(1) hereby provides prior notice to the Plaintiffs of its intent to issue a subpoena to Bank of America, NA for the production of records regarding Mark Monsour. A copy of the subpoena which the Defendant will issue is attached hereto.

Respectfully submitted,

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

s/John Val Wachtel
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 6th 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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