

**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)

**DEFENDANT’S MOTION FOR SUMMARY JUDGMENT ON THE CLAIMS OF THE
PLAINTIFFS MARK MONSOUR AND SHEILA MONSOUR**

COMES NOW the Defendant, Menu Maker Foods, Inc., by and through its attorneys of record John Val Wachtel and Alexander B. Mitchell of Klenda, Mitchell, Austerman & Zuercher, L.L.C., and pursuant to Fed.R.Civ.P. 56, hereby moves for summary judgment dismissing the individual claims of the plaintiffs Mark Monsour and Sheila Monsour, on grounds that they are not proper plaintiff’s in this litigation and they lack standing to bring as individuals the claims made in the Complaint against the defendant. There are no disputed issues of material fact with respect to this issue, and the Defendant is entitled to judgment as a matter of law. In compliance with Rule 56 of the Federal Rules of Civil Procedure and D.Kan.Rule 7.1, the Defendant has submitted herewith a memorandum in support of this motion.

WHEREFORE, the defendant prays for an order of this court granting summary judgment and dismissing the claims made in the Complaint by the individual plaintiffs Mark Monsour and Sheila Monsour.

Respectfully submitted,

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

s/John Val Wachtel

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 23rd day of May, 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:

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