

**EXHIBIT E**

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1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF NEW JERSEY

3 \_\_\_\_\_  
4 JARED WORKMAN, ET AL,

5 PLAINTIFFS,

CIVIL ACTION NUMBER:

6 -VS-

07-1338

7 MENU FOODS,

8 DEFENDANT.

9 \_\_\_\_\_  
10 MITCHELL H. COHEN UNITED STATES COURTHOUSE  
ONE JOHN F. GERRY PLAZA  
CAMDEN, NEW JERSEY 08101  
MAY 23, 2007

11 B E F O R E: THE HONORABLE NOEL L. HILLMAN  
12 UNITED STATES DISTRICT JUDGE

13 A P P E A R A N C E S:

14 TRUJILLO RODRIGUEZ & RICHARDS, LLC  
BY: LISA J. RODRIGUEZ, ESQUIRE

15 BERGER & MONTAGUE  
BY: RULLELL D. PAUL, ESQUIRE

16 WEXLER TORISEVA WALLACE  
17 BY: KENNETH A. WEXLER, ESQUIRE

18 THE FERRARA LAW FIRM  
BY: MICHAEL A. FERRARA, JR., ESQUIRE

19 KAMBER & ASSOCIATES, LLC  
20 BY: SCOTT A. KAMBER, ESQUIRE.  
ATTORNEYS FOR THE PLAINTIFFS

21 HILL WALLACH  
22 BY: GERALD H. HANSON, ESQUIRE

23 PRETZEL & STOUFFER  
BY: EDWARD B. RUFF, ESQUIRE  
24 ATTORNEYS FOR THE DEFENDANT

LISA MARCUS, CSR,

CRR

24 MR. RUFF: CAN I RESPOND?  
03:36PM 25 THE COURT: PLEASE.

UNITED STATES DISTRICT COURT  
CAMDEN, NEW JERSEY

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19

1 MR. RUFF: NONE OF THESE THAT WERE JUST READ  
WERE  
2 AFTER THAT, EXCEPT THE JANKE AND I THINK MS. SEXTON.  
SO THE  
3 FIRST FOUR YOU READ APPEAR TO HAVE OCCURRED BEFORE  
THEN.  
4 THE COURT: WELL, HERE'S MY PROBLEM WITH  
THAT. WHEN  
03:37PM 5 YOU -- TO YOUR CREDIT, DISCLOSED TO ME THAT THE  
LETTER HAD  
6 GONE OUT AND THE PHONE CALLS WERE STARTING. BUT IT'S  
ALSO  
7 FAIR TO SAY -- YOU KNOW, I WENT BACK AND I READ THE  
AFFIDAVIT  
8 FROM THE HARNETT, IS IT, PERHAPS FROM THE COMPANY,  
YOUR  
9 OPPOSITION PAPERS WERE CLEAR THAT YOU HAD NOT  
SOLICITED  
03:37PM 10 ANYBODY, YOU WERE NOT CONTACTING THEM PROACTIVELY.  
IT'S CLEAR  
11 TO ME AT THE TIME THAT AFFIDAVIT WAS PREPARED AND  
SUBMITTED TO  
12 THIS COURT, THAT MENU FOODS WAS CALCULATING AN  
AGGRESSIVE

ME AND THE  
GOING TO  
03:38PM  
AND THEY  
WIT  
THAT  
NOW, YOU  
GIVE PEOPLE  
03:38PM  
AFFIDAVITS AND  
REPRESENTED  
WHATEVER  
IMPACT  
03:38PM  
THOSE

13 MARKETING CAMPAIGN AND CERTAINLY LED THIS COURT AND  
14 PLAINTIFFS INTO BELIEVING ON THE 18TH THAT THEY WERE  
15 AWAIT THAT MOTION, THE RESOLUTION OF THAT MOTION.  
16 FILED AN AFFIDAVIT IN THIS COURT THAT MENTIONED NOT A  
17 ABOUT WHAT THEY PLANNING TO DO AND VEHEMENTLY DENYING  
18 THEY HAD DONE IT. SO WHY AM I NOT MISLED BY THAT?  
19 TOLD ME AT THAT HEARING, AND I'M ONE WHO LIKES TO  
20 THE BENEFIT OF THE DOUBT, BUT IN LIGHT OF THESE  
21 THE HARASSING NATURE OF THESE PHONE CALLS TO  
22 PERSONS, IT SEEMS TO ME THAT MENU FOOD IS OUT TO DO  
23 MENU FOODS WANTS TO DO IN A WAY THAT COULD ADVERSELY  
24 THE RIGHTS OF THESE PUTATIVE CLASS MEMBERS.  
25 SO WHAT I WANT TO KNOW IS WHAT THE CONTENT OF

UNITED STATES DISTRICT COURT  
CAMDEN, NEW JERSEY

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1 TELEPHONE CALLS IS, WHY IS THERE NO MECHANISM TO STOP  
THE

WANT TO  
LAWYERS  
THOSE  
03:39PM  
PUT IN  
COUNSEL ARE  
ME?

2 CALLS WHEN PEOPLE SAY I DON'T WANT TO BE SPOKEN TO, I  
3 KNOW WHAT PROCEDURE IS IN PLACE TO DETERMINE -- WHAT  
4 ARE INVOLVED IN THIS ADVISING THEM AS TO THIS, WHERE  
5 LAWYERS ARE ADMITTED, AND WHAT PROCEDURES HAVE BEEN  
6 PLACE TO ENSURE THAT PEOPLE WHO ARE REPRESENTED BY  
7 NOT CONTACTED. SO WHAT OF THOSE THINGS CAN YOU TELL

BEGINNING, SIR?

8 MR. RUFF: CAN I START BACK AT THE

9 THE COURT: SURE.

03:39PM  
QUESTIONS SO  
QUESTIONS.

10 MR. RUFF: BECAUSE YOU ASKED ME A LOT OF  
11 I WAS JUST TRYING TO ADDRESS ALL OF YOUR HONOR'S

NAMED  
THE  
THAT WOULD

12 NONE OF THE PEOPLE THAT WERE CONTACTED ARE  
13 PLAINTIFFS IN ANY PARTICULAR CASE, AND I WILL TAKE  
14 AFFIDAVITS ON FACE VALUE. BUT NONE OF THE PEOPLE

03:40PM  
AN  
FROM THESE  
EXPLAINED ON

15 HAVE BEEN CONTACTED WOULD HAVE BEEN CONTACTED UNLESS  
16 INITIAL CONTACT WAS MADE, THE WAY I UNDERSTAND IT,  
17 INDIVIDUALS MAKING A CALL TO MENU FOODS AND, AS I

CRAWFORD. SO  
CALLS WERE

18 FRIDAY, THOSE CALLS WOULD BE THEN TURNED OVER TO  
19 THAT'S HOW I UNDERSTAND THE PROCESS WAS, THAT THOSE

03:40PM  
20 PLACED --

21 THE COURT: GO AHEAD.

22 MR. RUFF: THOSE INITIAL CALLS WERE PLACED  
BY THESE  
23 INDIVIDUALS, THEN THE RETURN --  
24 THE COURT: I DIDN'T SAY A WORD. KEEP  
TALKING. YOU  
03:40PM 25 KNOW WHAT THE RULES -- YOU KNOW WHAT THE ETHICAL RULE  
SAYS.

UNITED STATES DISTRICT COURT  
CAMDEN, NEW JERSEY

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21

1 MR. RUFF: THE RETURN CALL WAS MADE.  
2 THE COURT: THE RULE SAYS IT DOESN'T MATTER  
WHO  
3 INITIATES THE CALL.  
4 MR. RUFF: I DON'T KNOW ABOUT THESE -- WHEN  
I SEE  
03:40PM 5 THESE AFFIDAVITS, THAT'S THE FIRST TIME I'M AWARE  
THAT  
6 SOMEBODY --  
7 THE COURT: WHAT YOU KNOW AND WHAT I KNOW IS  
THAT AS  
8 EARLY AS MAY 7TH, THE PEOPLE SITTING AT THE TABLE TO  
YOUR LEFT  
9 FILED A MOTION AND VERY CLEARLY SAID WE BELIEVE THAT  
PEOPLE  
03:41PM 10 WHO ARE REPRESENTED BY COUNSEL ARE BEING CONTACTED.  
SO YOUR  
11 CLIENT KNEW AS OF MAY 7TH THIS IS A PROBLEM. AND  
IT'S A

19 THE COURT: STOP THE EFFORT TO SETTLE THE  
CASES.  
04:03PM 20 MR. RUFF: STOP IT. IF I CAN SAY, WE STOP -  
- BECAUSE  
21 I'M JUST SEEING THIS MUSHROOM IN THE HEARING ON THE  
5TH INTO  
22 ATTORNEY/CLIENT ISSUES. IF I CAN SAY THERE WILL BE  
NO FURTHER  
23 COMMUNICATIONS, WHATEVER'S BEEN GLEANED WILL NOT BE  
USED FOR  
24 ANYTHING FURTHER.  
04:03PM 25 THE COURT: HOLD ON THERE BECAUSE --

UNITED STATES DISTRICT COURT  
CAMDEN, NEW JERSEY

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33

1 MR. RUFF: AND I CAN TELL YOU THAT WE ARE  
NOT GOING  
2 TO DO THIS AFTER TODAY, THAT CRAWFORD IS SHUT DOWN.  
FRANKLY,  
3 YOUR HONOR, I DON'T KNOW IF I'VE BEEN SOMEWHAT THE  
SACRIFICIAL  
4 LAMB SUCH THAT, YOU KNOW, THIS WAS WHERE THIS WAS  
LEADING OR  
04:03PM 5 WHATEVER, BUT ALL I'M SUGGESTING IS THAT IF THIS CAN  
BE -- IF  
6 WE CAN WALK OUT OF HERE TODAY AND I WILL TELL THE  
CLIENT THIS  
7 HAS TO BE DONE, IT'S MY STRONG RECOMMENDATION, AND I  
CAN

8 REPORT TO YOU AND ALL THE FINE PLAINTIFF'S COUNSELS  
HERE

9 TOMORROW THAT IT IS SHUT DOWN AND CRAWFORD IS NO  
LONGER

04:04PM 10 OPERATING AND WE OBLIATE ALL OF THIS DISCUSSION, AS I  
DISCUSSION, I 11 INDICATED BEFORE IS A FINE AND INTELLECTUAL  
12 WOULD BE PREPARED TO DO ALL OF THAT.

13 THE COURT: WELL, IT'S AN INSTRUCTIVE  
SUGGESTION. I

14 MADE IT CLEAR LAST TIME, AND I'LL MAKE IT CLEAR NOW,  
I WILL DO

04:04PM 15 NOTHING TO INTERFERE WITH YOUR CLIENT'S RIGHT TO  
SETTLE CASES.

16 THE CASE LAW IS ABSOLUTELY CLEAR, YOU HAVE A RIGHT TO  
17 COMMUNICATE WITH PEOPLE WHO ARE WILLING TO DO IT.  
BUT I HAVE

18 AN OBLIGATION TO PROTECT THE PUTATIVE CLASS AND TO  
PREVENT

19 ABUSIVE CONDUCT, AND I HAVE A RIGHT TO MANAGE AND  
POLICE THE

04:05PM 20 CONDUCT OF LAWYERS WHO APPEAR BEFORE ME. SO --  
21 MR. RUFF: I DON'T WANT TO --  
22 THE COURT: -- I NEED TO BALANCE THOSE TWO  
THINGS.

23 BUT I CAN TELL YOU I THINK IT WOULD BE A MUCH BETTER  
WORLD IF

24 WE ALL DID WHAT I THOUGHT WE WERE DOING WHEN I  
ENTERED THOSE

04:05PM 25 STAYS, WHICH WAS TO STAND DOWN.

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