

EXHIBIT 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

RICKY B. PERRITT, Individually; §
THE CUPCAKERY, LLC, a Texas Limited §
Liability Company; BUSTER BAKING, §
LLC, a Texas Limited Liability Company; §
THE WOODLANDS BAKING, LLC, §
a Texas Limited Liability Company; §
CUSTOM VERSION CORPORATION, §
a Texas Corporation §

Plaintiffs, §

Civil Action No. 4:11-CV-23

v. §

PAMELA F. JENKINS, Individually; and §
THE CUPCAKERY LLC, a Nevada §
Limited Liability Company §

Defendants. §

**SUPPLEMENTAL CERTIFICATE OF CONFERENCE IN CONNECTION WITH
PLAINTIFFS’ MOTION FOR LEAVE TO FILE SUPPLEMENTAL SURREPLY BRIEF
IN OPPOSITION TO DEFENDANTS’ MOTION TO TRANSFER VENUE**

Counsel for Plaintiffs has complied with the meet and confer requirement in Local Rule CV-7(h). I certify that on July 7, 2011, counsel for Plaintiffs, Stephanie Barnes, attempted to meet and confer with counsel for Defendants, Jodie Slater, by telephone, on four different occasions calling and leaving voice messages on Ms. Slater’s office phone twice and on Ms. Slater’s cell phone twice. These voice messages described the relief sought. Ms. Slater did not return the phone calls. Considering that Defendants’ Motion to Transfer is pending and could be

decided by the Court at any time, Plaintiffs filed their Motion for Leave to File Plaintiffs' Supplemental Surreply Brief in Opposition to Defendants' Motion to Transfer Venue as an opposed motion on the evening of July 7, 2011. (Docket No. 90). The next morning Defendants filed a response brief in opposition to Plaintiffs' Motion for Leave arguing that Plaintiffs' counsel failed to satisfy the meet and confer requirements set forth in Local Rule CV-7(h) despite still not returning Plaintiffs' counsel's phone calls. (Docket No. 93). Additionally, in a further attempt to meet and confer, Plaintiffs' counsel called Defendants' counsel again on July 8, 2011 after Defendants filed their response brief and left another voice message. Defendants' counsel did not return this phone call. Thereafter, Plaintiffs filed their reply brief in support of their Motion for Leave. (Docket No. 95). Defendants' counsel finally called Plaintiffs' counsel on Monday July 11, 2011. I certify that on July 11, 2011, counsel for Plaintiffs, Stephanie Barnes, met and conferred with counsel for Defendants, Jodie Slater, by telephone, and the parties have concluded, in good faith, that they are at an impasse regarding Plaintiffs' Motion for Leave to File Plaintiffs' Supplemental Surreply Brief in Opposition to Defendants' Motion to Transfer Venue. (Docket No. 90). Counsel for Defendants has stated that Defendants are opposed to the relief requested therein. Discussions between the parties have conclusively ended in an impasse, thereby leaving the issue for the Court to resolve.

Respectfully submitted,

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