

STATE OF TEXAS §
 §
COUNTY OF RANDALL §

AFFIDAVIT OF DANNY PETERS

1. My name is Danny Peters. I am more than twenty-one (21) years of age, of sound mind, and am wholly competent to sign this Affidavit. I have personal knowledge of the facts stated in this Affidavit, and they are true and correct. I have never been convicted of a felony or a misdemeanor involving moral turpitude.

2. I am a buyer for Affiliated Foods, Inc. ("Affiliated Foods"). My office address is 1401 Farmers Avenue, Amarillo, Texas 79118.

3. Affiliated Foods is a grocery distributor. In 1996, in my capacity as a buyer for Affiliated Foods, I was responsible for buying item # 68466, a product known in the industry as a 4-pound white bag (a white 5" x 9 3/4" x 3" paper bag).

4. In 1996, Affiliated Foods distributed products to customers in New Mexico and west Texas. One of the products available for order by Affiliated Foods customers was item # 68466, the 4-pound white paper bag. Generally, Affiliated Foods distributed the 4-pound white bags to convenience stores, delis, bakeries, and other stores that had delis and bakeries.

5. In 1996, Affiliated Foods distributed the 4-pound white bags to Allsup's convenience stores, including Allsup's stores in Muleshoe, other parts of west Texas, and New Mexico.

6. Affiliated Foods continues to distribute the 4-pound white bag today. Presently, Affiliated Foods distributes approximately 350 to 400 bales of these bags each week. There are 500 bags in each bale.

FURTHER, Affiant sayeth not.

Danny Peters
DANNY PETERS

This instrument was acknowledged before me on this 14th day of May, 2002, by Danny Peters.

Rita E. Koontz
Notary Public in and for the State of Texas

(PERSONALIZED SEAL)

