

BINGHAM MCCUTCHEN LLP

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

----- X  
BRASSICA PROTECTION PRODUCTS  
LLC., :

Plaintiff,

-against-

CAUDILL SEED & WAREHOUSE CO., INC. :  
d/b/a CAUDILL SEED CO., :

Defendant.

----- X

COMMONWEALTH OF KENTUCKY )  
) ss.  
COUNTY OF JEFFERSON )

602664/07

INDEX NO. 602662/07

AFFIDAVIT OF SERVICE

Adam Bibelhauser, being duly sworn, deposes and says that he is employed by the law firm of Stites & Harbison PLLC, over the age of 18 years, and not a party to this action.

On August 7, 2007, at approximately 4:22 p.m., deponent served the annexed Summons and Complaint upon CAUDILL SEED & WAREHOUSE CO., INC. d/b/a CAUDILL SEED CO. by personally delivering and leaving a copy of the documents with Iris Mudd, who identified herself as a manager and authorized to accept service.

Ms. Mudd is a white female, shoulder length graying red hair, approximately 65-70 years old, approximately 5'8" tall, 130-140 pounds, wears glasses, and no distinguishing facial marks.

Service was made at CAUDILL SEED & WAREHOUSE CO., INC. d/b/a CAUDILL SEED CO., 1402 West Main Street, Louisville, Kentucky 40203.

Sworn to before me this  
7th day of August, 2007

*Adam Bibelhauser*  
Adam Bibelhauser

**FILED**

AUG 13 2007

*Thomas P. Pincus*  
Commissioner of the Court of Claims  
300 500 8

COUNTY CLERK'S OFFICE  
NEW YORK