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November 9, 2012

Mr. Randall Smith
Randall Smith Law Office
Lakes & Plains Building, Suite 200
842 Raymond Avenue
St. Paul, MN 55114

rec'd 11/15/12
PS

RE: Preservation of Evidence

Dear Mr. Randall:

As you are aware, our firm represents AER Services, Inc. ("AER"). I am writing to you as counsel for the American Jewish World. Please be advised that AER hereby requests that your client, the American Jewish World, undertake action identified in this correspondence to preserve evidence. Specifically, we and our client believe that electronically stored information will become relevant in connection with claims my client intends to pursue against certain individuals. The subject matter of the litigation we intend to pursue involves allegations that were made against my client in connection with *Wallace et. al. v. ConAgra* litigation as well as the allegations involving AER, Shlomo Ben-David and Moshe Fyzakov made in a complaint filed with the Beit Din Tzedek of Bnei Brak ("Beit Din Complaint"). The discovery in this matter will likely seek information from your client's computer systems.

Please advise your client to immediately take all steps necessary to prevent the destruction, loss or any alteration of any electronically stored information. Please also instruct your client to retain copies of any documents or other forms of written or printed information that are not contained in an electronic format. If information exists in both electronic and paper form, your client must preserve them both.

We are requesting this information in connection with potential litigation and your client is thereby directed that it must, in good faith, secure all information relating to any one of the herein identified individuals.

It is our understanding that you do not represent any individual(s) in the Wallace litigation or identified in the complaint filed with the Beit Din Tzedek of Bnei Brak. Therefore, so as not to interfere with the *Wallace* litigation, our investigation into this matter, we request that neither you nor your client advise anybody that we have made this request.

Based on your client's publications we understand that your client has read and/or received information relating to the Affidavit of Moshe Git that was filed in connection with the *Wallace, et al. v. ConAgra* matter and the Beit Din Complaint. Given your client's coverage of this matter, I understand that it may have some concerns about our request. I can assure you that my client is very serious and, as you can see from just a limited sampling of the contradictory "public" information outlined below, AER's concerns are legitimate.

In the Affidavit signed by Mr. Git, in the *Wallace* matter, Git states that he noticed, "systematic conduct from AER employees that would render meat non-kosher." This statement is clearly contradicted by Mr. Git's prior testimony under oath, in *Moshe B. Git vs. AER Services, Inc.*, Case No. 19HA-CV-11-401, in which he specifically disclaimed basic knowledge of Kosher law/authority:

- Mr. Moshe Git ("Git") testified at trial that he did not know "the religious rules good enough" to know whether meat could be kosher if a Muslim slaughtered the cow. (Trial Trans., p. 109). Git could not answer whether the kosher process was part of the Jewish religion, or from the Bible stating: "*you're getting questions that I'm—I'm not qualified to answer.*" (Trial Trans., p. 110).
- Git also testified that he was not sure whether a Muslim slaughtered cow would be unkosher because "*I couldn't make the determination because Muslims also slaughter cows similar way to the Jews; and also the Muslims believe in one God, and one single God the Muslim believes; like Christianity believes in Trinity, Muslims believe the same as Judaism and one God; and I didn't—I mean, I could figure that this could be kosher, but I wasn't—I'm not that divest in Jewish law to say that Muslim slaughtering is under all circumstances not kosher.*" (Trial Trans., pp. 188-189).
- Git testified in response to the question: "the reason for your employment with AER was to ensure that kosher laws were followed, correct?" A "It's—I need to know—I need to know kosher laws, who determines the kosher laws?" Q "Well, it's determined by the Torah and G-d ultimately, correct?" A "*Well, it's—can you account for the fact that some Jews use other laws? I mean, not all of them use the same laws.*" (Trial Trans., PP. 112-113).

In the *Wallace* litigation, Mr. Git further alleges that he reported unacceptable conduct to AER's supervisors as well as Rabbi Ralbag. The unacceptable conduct Mr. Git alleges includes the potential mixing of the kosher and the halal slaughter. These allegations are contradicted by prior testimony.

- In his deposition, in response to the question “how many times did you meet Rabbi Ralbag, the father?” Git testified “I met him at the first stage when I came on board in a restaurant in St. Louis Park. And later on I think I met with him—maybe it was twice, or something like that, he came to check on the plant. But most of the time he didn’t talk to me or it was some conversation on a minor issue.” Question: Prior to June 1, 2010 did you have other conversations with Rabbi Ralbag other than the interactions that you had with him in the period you just described? Answer: I had some interaction regarding the first case that we had. (By way of reference, the “first case” refers to a whistleblower claim, concerning smoking cigarettes at the plant, Git brought against AER in 2007). Question: Okay? Answer: That’s it. Question: Is that it? Answer: Well it depends on your question. Question: Is that the extent of the discussions that you had with Rabbi Ralbag, the father? Answer: Is what? Question: Is that the extent? Answer: Yes. (Depo. Trans., pp. 135-136).
- In the deposition Git was asked do you recall a situation in which there was a disagreement between two individuals as to whether or not the meat was kosher? and he answered: “It wasn’t the issue then was whether the meat was—there was a mix up with the Muslim slaughtered cow or not. It was not—so a similar to that, I don’t think I recount. He was then questioned: Okay. But I want my question to be broader, though. Are you aware of there ever being a disagreement between two individuals as to whether or not? He then answered: The question is who are the individuals and what are the disagreement. There might be something very minor, I don’t—I cannot think of a specific. Question: Within the kosher process, I mean, everything is important. If one thing is missing, it could render the whole process—or the meat non-kosher? Answer: It could potentially but not every disagreement could render the meat unkosher. There could be some types of something unethical. But if you follow one opinion, the meat would be unkosher, but not everything. So it’s kind of very fuzzy question. And I don’t recall specifically—now I cannot recall any specific matters that would be similar to the disagreement that was in the case of the Muslim slaughtered cows between two other individuals that don’t involve me. (Depo. Trans., pp. 101-102).

During the course of the *Git v. AER* trial—a trial in which Mr. Git obviously testified—the Court found Mr. Git knew about the potential kosher/halal mixing yet did nothing about it. The trial Court found Mr. Git to be grossly negligent. Mr. Git explained his inaction as follows in his deposition:

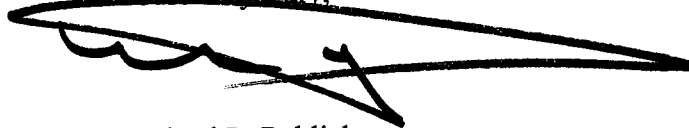
- In response to the question: Was it a problem—if there would have been a mixing of the Halal slaughter with the kosher slaughter, would that be an issue? Answer: It’s an issue but in doing my work as a Mashgiach, I usually encounter many issues. I won’t call them problems, I usually take care of them and resolve those issues. So

that was an issue (the potential designation of halal slaughtered meat as kosher) that seems to me to be resolvable and I wouldn't—it didn't seem a big deal to me at the time. (Depo. Trans., pp. 31-32).

* Attached are the trial transcript and deposition pages cited herein.

I want to be very clear regarding our intention, we do intend to bring an action on behalf of AER against all individuals who have defamed AER and/or attempted to interfere with its current business relationships. We do not intend to bring such litigation—or contact the herein identified individuals—until the Wallace, et al. v. ConAgra litigation is finalized or we are forced to bring the action to comply with applicable statute of limitations. **Your client may not publish this letter, a summary or any of its contents. We are advising you and your client not to contact any of the individuals identified in this letter or publish this information as we do not want you interfering in our investigation nor do we want to interfere in the Wallace, et al. v. ConAgra litigation.**

Yours very truly,

A handwritten signature in black ink, appearing to read "Michael L. Puklich". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Michael L. Puklich

MLP:ean
Enclosure

cc: AER Services, Inc.