

UNITED STATE DISTRICT COURT  
DISTRICT OF MINNESOTA

MELVIN WALLACE, SHIRLEY HARDT,  
LEWIS SIMPSON, WILLIAM COBB,  
ERICA DAVIS-HOLDER, ROTEM  
COHEN, JULIAN WAGNER, ROSE  
WAGNER, ERIN STILWELL, MARIA  
EUGENIA SAENZ VALIENTE and  
ADAM BURNHAM individually and on  
behalf of all others similarly situated,

Plaintiffs,

vs.

CONAGRA FOODS, INC d/b/a Hebrew  
National, a Delaware corporation.

Defendant.

Case No. 12-cv-01354-DWF-TNL

(Jury Trial Demanded)

**AFFIDAVIT OF MOSHE B. GIT**

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Affiant, Moshe B. Git, having been duly sworn, states and attests as follows:

1. I am over the age of eighteen years old and competent to make this affidavit. I have personal knowledge of the facts set forth herein.
2. I was born in Tel Aviv in 1943, and consider myself an Orthodox Jew.
3. My parents were Orthodox Jews and I observed the kosher laws and practices and I was educated in Orthodox schools.
4. I moved to the United States in 1970 and became a U.S. citizen in or around 1982.
5. I was employed by AER Services, Inc. ("AER") from approximately 2000 until 2010.
6. AER is a company that provides kosher meat processing services.
7. While employed by AER, I primarily worked out of a meat processing facility called Dakota Premium Foods Plant in South St. Paul, Minnesota.
8. From working for so many years at AER, it is my understanding that AER is the sole provider of all "kosher" meat used in Hebrew National products.
9. It was my understanding that AER did not own the Dakota Premium Processing Food Plant, but rather had an agreement with the plant's owner whereby AER would conduct "kosher" slaughtering and "kosher" meat processing. Infrequently, Muslims would also use the facility to produce Islamic halal meat.
10. At all times I was employed in the position of Mashgiach. A Mashgiach is responsible for the supervision and observation of the meat packing and shipping process to ensure compliance with Jewish dietary laws and the overall kosher process.

11. While working for AER, I noticed systemic conduct from AER employees that would render the meat processed in the South St. Paul plant un-kosher according to Jewish laws. I also noticed egregious incidents wherein AER employees knowingly processed meat in un-kosher ways or knowingly mislabeled non-kosher meat as kosher.

12. I reported this unacceptable conduct to both my supervisors within AER as well as Rabbi Aryeh Ralbag who was the Head Kashruth Coordinator of the Triangle K kosher supervision and certification organization named, "Triangle K." My employer made it known to me that Rabbi Ralbag and his Triangle K organization were responsible for the overall supervision of the kosher processing activities at the Dakota Premium Foods plant.

13. Although I made several complaints to my employer, AER, as well as Rabbi Ralbag that meat was routinely not being processed in accordance with kosher law, both entities did little or nothing to correct the behavior.

14. Specifically, I witnessed the following un-kosher practices while employed at AER:

a. In accordance with kosher law, kosher meat must be washed at least once every three days before the final salting process to remain kosher. Salting was not done at the AER South St. Paul plant. At the South St. Paul plant, there was a sprinkler system set up that the meat passed through as it was leaving the cooler area and entering the "boning area." Frequently, I observed that the sprinkler system's water pressure was set at too low of a level to adequately wash the cow's carcass. On many days, the water pressure was set so low that it barely reached the carcasses at all. Additionally, the water spray nozzles were only set to direct water towards one side of the meat and AER did not support my request made to the plant's owner that would have allowed me to install additional sprays that would be directed at both

sides of the meat and which would wash the meat thoroughly. Thus, the meat was not appropriately washed during this stage of the processing. At times, the meat would sit in the loading area for too long and would take more than three days since its initial slaughter to reach its Green Bay destination. Thus, the three day kosher washing window of time would expire.

b. Once the meat was de-boned it would be placed in 2,000 pound cartons referred to as "combos." There would be 2,000 pounds worth of meat identified as "kosher" loaded into each combo. For over a year it was the practice of AER to "wash" this "kosher" meat with less than 2 liters of water which would be sprayed on top of the 2,000 pound combos before the combos were loaded onto the trucks for shipment to Green Bay, Wisconsin. AER considered this an adequate amount of water to keep each 2,000 pound combo of meat "washed" within the three day kosher washing window even though most of the meat was never touched by this water.

c. From the day I began working at AER, it was made known to me that a quota of 70% of all cows coming into the plant should be determined as kosher and thus able to produce kosher meat. According to kosher law, each cow must be individually inspected to determine if it is kosher, and thus, it would be arbitrary to set such a quota per percentage of cows. I was told by many AER employees involved in the kosher checking process that cows that were not qualified to be kosher or checked properly to ensure that they were kosher were nonetheless frequently identified as kosher in order to meet AER's 70% quota. Many of my co-workers would tell me that if an individual "Checker" was not meeting AER's 70% quota, that that employee would be reprimanded and pressured by AER to conform to the quota. If the "Checker" continued to not meet the quota of labeling at least 70% of the cows as kosher, they would be transferred to another position within the same plant, AER location, or terminated.





d. In accordance with kosher law, meat must not be consumed unless it has been salted, which is the final step in the kosher processing of meat. If the meat is cooked in any manner (except over flame) before the salting process occurs, it renders the meat un-kosher. While employed at the AER plant, before the meat was placed in the cooler, it would be washed with hot water when it was moving between the checking area and cooler area. Many hanging tender portions of the meat that went through this washing process would turn gray in color, indicating that the meat had been cooked. The foreman of the plant also told me that the coloring of the meat meant that it had been cooked as well. I contacted Rabbi Ralbag on the telephone on a Wednesday and told him that this was routinely occurring and he was very concerned. In fact, the Rabbi told me not to label any hanging tender portion of the meat as kosher and that he would be flying in from New York on Monday to inspect the hot water process. I told the AER Product Manager that Rabbi Ralbag instructed me that all meat going through this process was not to be identified as kosher until the Rabbi, himself, visited the plant and gave further instructions. The Plant Supervisor told me that he "didn't care what the Rabbi said because he got his instructions from his AER superior." Two hours later, Rabbi Fyzakov, the vice president of operations for all of AER, called me and told me that Rabbi Ralbag had "changed his mind and ruled that all of the hanging tender was kosher." When I heard this, I was in disbelief, so Rabbi Fyzakov put Rabbi Ralbag on the call. Rabbi Ralbag said that the meat was "kosher" and should be shipped out, but that he or his son would come to the plant on Monday to inspect the hot water washing process. I conducted a conference telephone call with himself, me, and Rabbi Ralbag. Neither Rabbi Ralbag nor his son ever came to the plant to inspect the hot water process and this process continued until my last day of employment at the plant.



e. When Rabbi Ralbag first took his position as the certifier of AER's "kosher" process he used to visit the plant approximately twice a month. Later, he began to send his son to the plant who would only infrequently visit the plant.

f. In order to conduct kosher slaughtering and meat checking, kosher slaughterers must receive a certification from a Rabbi stating that the individual is sufficiently trained and proficient in kosher slaughtering or checking processes. On approximately three to four separate occasions, I observed an AER manager forging these certificates. Specifically, these he was placing new names of employees on old certificates that had previously been issued to other slaughterers.

g. It is my understanding that in order to be considered kosher, any cow producing kosher meat must first be slaughtered by a Jew. In approximately May of 2010, I was informed by an AER employee after work that approximately 20 cows had been slaughtered by Muslim slaughterers and not Jewish slaughterers. Further these non-kosher cows had already been placed in the plant's cooler and intermixed with the hundreds of other "kosher" cows that had previously been slaughtered. I informed Rabbi Ralbag of this fact. At first, Rabbi Ralbag told me that all of this meat was unquestionably non-kosher. A few hours later, I was told by Rabbi Ralbag and my Team Head that all of the meat that was marked as kosher on that day would be treated as kosher regardless of the fact that halal meat had been intermixed with the "kosher" meat.

15. It is my understanding that AER produces the "kosher" meat that is used in Hebrew National hot dogs. As I became more aware of the routine violations of kosher law that occurred within my plant, I stopped eating Hebrew National hot dogs in 2007 because it is not kosher and cannot be considered kosher.

16. Because both myself and other AER employees who were observant of kosher practices did not consider any of the meat that was processed by AER as kosher, we would frequently have specific cows slaughtered just for our families' personal consumption. The Dakota Premium Foods Plant offered us the opportunity to purchase this meat specifically from the plant. These specifically selected cows would be appropriately slaughtered and checked in accordance with all kosher laws, unlike the cows that were routinely slaughtered for consumer "kosher" consumption. After these cows were checked, we would specially mark them and place them in the cooler so that AER's Observant employees would know that this was actually kosher meat. This overall practice of selecting special cows to ensure that they were truly kosher was regularly occurring when I started working at AER and occurred up until my last day of employment there.

Dated: \_\_\_\_\_

12.8.2011

  
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 Moshe B. Git

State of Minnesota     )  
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 County of Hennepin    )

Subscribed and sworn to  
 Before me this 8<sup>th</sup> day  
 of December, 2011.

  
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 Notary Public
