UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

In Re:	)	In Proceedings Under Chapter 11
	)	
FARMLAND INDUSTRIES, INC., et al.,	)	Case No. 02-50557-JWV
	)	Joint Administration
Debtors.	)	

RESPONSE TO DEBTORS' THIRD OMNIBUS OBJECTION TO LATE-FILED UNSCHEDULED CLAIMS

Kenneth and LuAnn Sperl, Claimants, by and through their attorney, and for their Response to Debtors' Third Omnibus Objection to Late-Filed Unscheduled Claims, respectfully state as follows:

1. On May 16, 2002, Debtor Farmland Foods, Inc., a Kansas corporation, was duly served with a Summons and Complaint and Request for Admissions in an action brought in the Washington County District Court, Tenth Judicial District, State of Minnesota. Service of process was accomplished by substitute service upon CT Corporation, the Debtor's duly authorized agent for service of process within the State of Minnesota.

2. On August 22, 2001, Claimant Kenneth Sperl suffered personal injuries when he bit into a piece of bacon manufactured by Debtor Farmland Foods, Inc. and broke three teeth on two metal objects which were not visible but were contained inside the bacon. The Claimants' state court action alleges negligent manufacture and strict liability on the basis of a manufacturing defect. Claimant Kenneth Sperl seeks damages

for pain, physical injury, medical and dental expenses, and lost wages. Claimant LuAnn Sperl seeks loss of consortium damages.

3. Debtors Farmland Industries, Inc., et al. filed for bankruptcy protection under Chapter 11 on May 31, 2002, two weeks after the above-named Claimants had served notice of their state court action upon Debtor Farmland Foods, Inc.

4. Debtor Farmland Foods, Inc. served its Answer to the state court action upon Claimants on June 5, 2002. No mention was made of bankruptcy proceedings at that time.

5. In a letter dated June 18, 2002, counsel for Farmland Foods, Inc. notified Claimants that Farmland Foods had filed for bankruptcy protection and that all legal proceedings would undoubtedly be stayed.

6. Since Claimants had placed Debtor Farmland Foods, Inc. on notice of their claim prior to the initiation of bankruptcy proceedings, Claimants believed they would receive notice from the Bankruptcy Court indicating how they should proceed to file a claim. However, Claimants never received any written notice from the Bankruptcy Court, as is required under Chapter 11 of the Bankruptcy Code.

7. By mid-January, 2003, Claimants still had not received any notice from the Bankruptcy Court. After further investigation, Claimants' counsel was able to locate the Farmland bankruptcy documents on the web site of Bankruptcy Management Corporation, only to learn that the bar date to file a proof of claim form (January 10, 2003) had already passed. Claimants' counsel telephoned the law office of Bryan Cave LLP, identified as attorneys for the Debtors, to inquire why Claimants had not received

proper notice under Chapter 11. The Debtors' attorney was also surprised that Claimants had not been notified.

8. Claimants immediately proceeded to file a Proof of Claim form on January 21, 2003.

9. Claimants' request for damages in excess of Fifty Thousand Dollars ($50,000) in their state court action was done in conformity with the general rules of pleading set forth in the Minnesota Rules of Civil Procedure. Claimants are willing to negotiate a settlement in this matter well below that figure.

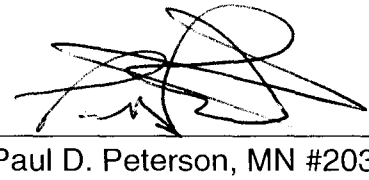
10. To the best of Claimants' information and belief, Debtor Farmland Foods, Inc. was insured for this incident, but it was represented to us that there was a large self-insured retention that would have first priority to pay a claim in the range of recovery sought by the Claimants herein.

WHEREFORE, Claimants request that the automatic stay be lifted with respect to their claim and that they be allowed to proceed with the state court action or, in the alternative, that Claimants' claim be allowed that they may participate in any distributions made under the Debtors' First Amended Joint Plan of Reorganization.

Respectfully submitted,

HARPER & PETERSON, P.L.L.C.

DATED: 10-15-03

By: 

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 15, 2003, a copy of the foregoing Response to Debtors' Third Omnibus Objection to Late-Filed Unscheduled Claims was served by United States mail, first-class, postage prepaid, on:

Laurence M. Frazen
Cynthia Dillard Parres
Tammee E. McVey
BRYAN CAVE LLP
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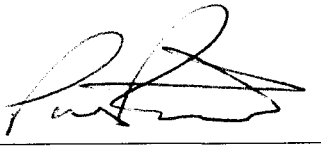
Attorneys for Debtors and Debtors in Possession



Paul D. Peterson