

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

PROOF OF CLAIM



19735...

Bar Date Ref # 2-N 104

In re Fleming Companies, Inc

Case Number 03-10945

FILED SEP 05 2003 BMC

NOTE This form should not be used to make a claim for an administrative expense arising after the commencement of the case...

- Check box if you are aware that anyone else has filed a proof of claim relating to your claim... Check box if you have never received any notices from the bankruptcy court in this case... Check box if this address differs from the address on the envelope sent to you by the court.

Name of Creditor and Address Erik R Petersen 108 N School Rd PO Box 1468 Ukiah, CA 95482 707 462 5860 Attorney for Creditor Stephanie Logan 129 Mill Creek Drive Millits, CA 95490 707 459 2832

CREDITOR TAX ID # X 561-11-7395

ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR. SCUKCVPO 0288205

Check here if this claim replaces or amends a previously filed claim dated

1 BASIS FOR CLAIM: Goods sold, Personal injury/wrongful death, Retiree benefits as defined in 11 U.S.C. § 1114(a), Services performed, Taxes, Wages salaries and compensation (Fill out below), Money loaned, Other (describe briefly). Your social security number, Unpaid compensation for services performed from (date) to (date)

2 DATE DEBT WAS INCURRED X 9-16-2001 3 IF COURT JUDGMENT, DATE OBTAINED N/A

4 TOTAL AMOUNT OF CLAIM AS OF PETITION DATE \$ X 100,000.00 (unsecured) \$ (secured) \$ (unsecured priority) \$ (total)

If all or part of your claim is secured or entitled to priority, also complete item 5 or 6 below. Check this box if claim includes interest or other charges in addition to the principal amount of the claim.

5 SECURED CLAIM N/A: Check this box if your claim is secured by collateral (including a right of setoff). Brief description of collateral: Real Estate, Motor Vehicle, Other. Value of collateral \$, Amount of arrearage and other charges at time case filed included in secured claim above, if any \$.

6 UNSECURED PRIORITY CLAIM N/A: Check this box if you have an unsecured priority claim. Specify the priority of the claim: Wages, salaries, or commissions (up to \$4,650\*) earned within 90 days before filing of the bankruptcy petition or cessation of the Debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3); Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4); Up to \$2,100\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6); Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7); Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8); Other Specify applicable paragraph of 11 U.S.C. § 507(a). Amounts are subject to adjustment on 4/10\* and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

7 CREDITS The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

8 SUPPORTING DOCUMENTS: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS if the documents are not available explain. If the documents are voluminous, attach a summary.

9 DATE-STAMPED COPY To receive an acknowledgment of your claim, please enclose a self-addressed stamped envelope and an additional copy of this proof of claim.

The original of this completed proof of claim form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is received on or before 4:00 p.m., September 15, 2003 Pacific Daylight Time. BY MAIL TO: Bankruptcy Management Corporation, P.O. Box 900, El Segundo, CA 90245-0900. BY HAND OR OVERNIGHT DELIVERY TO: Bankruptcy Management Corporation, 1330 East Franklin Avenue, El Segundo, CA 90245.

THIS SPACE FOR COURT USE ONLY. SER 04 2003 BMC

DATE SIGNED X 9-3-2003

SIGN and print the name and title of any of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any). Stephanie Logan, Creditor. By: Erik R. Petersen, Attorney for Creditor.

Penalty for presenting fraudulent claim is a fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 AND 3571. See Other Side For Instructions.

Fleming Companies Claim



08364

ATTACHMENT TO PROOF OF CLAIM

IN RE FLEMING COMPANIES, INC

Case Number 03-10945

Creditor  
Stephanie Logan  
129 Mill Creek Drive  
Willits, CA 95490  
707/459-2832

Attorney for Creditor  
Erik R Petersen  
Petersen Law Offices  
P O Box 1468  
Ukiah, CA 95482  
707/462-5860

Summons and Complaint in Mendocino County Superior Court  
Number SCUK CVPO 02-88205 attached

**SUMMONS  
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT (Aviso a Acusado)**

RICHMAR FOODS, a subsidiary of  
FLEMING COMPANIES, INC, dba FOOD  
4 LESS, and DOES 1 TO 10, Inclusive,

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**YOU ARE BEING SUED BY PLAINTIFF  
(A Ud le esta demandando)**

STEPHANIE LOGAN

CASE MANAGEMENT STMT DUE 10/15/02

You have 30 CALENDAR DAYS after this summons is served on you to file a typewritten response at this court

A letter or phone call will not protect you, your typewritten response must be in proper legal form if you want the court to hear your case

If you do not file your response on time, you may lose the case, and your wages, money and property may be taken without further warning from the court

There are other legal requirements You may want to call an attorney right away If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book)

Despues de que le entreguen esta citación judicial usted tiene un plazo de 30 DIAS CALENDARIOS para presentar una respuesta escrita a maquina en esta corte

Una carta o una llamada telefonica no le ofrecera proteccion, su respuesta escrita a maquina tiene que cumplir con las formalidades legales apropiadas si usted quiere que la corte escuche su caso

Si usted no presenta su respuesta a tiempo, puede perder el caso, y le pueden quitar su salario, su dinero y otras cosas de su propiedad sin aviso adicional por parte de la corte

Existen otros requisitos legales Puede que usted quiera llamar a un abogado inmediatamente Si no conoce a un abogado, puede llamar a un servicio de referencia de abogados o a una oficina de ayuda legal (vea al directorio telefonico)

CASE NUMBER (Numero del Caso)

SCURCIPS 0288205

The name and address of the court is (El nombre y direccion de la corte es)

MENDOCINO COUNTY SUPERIOR COURT  
POST OFFICE BOX 996  
STATE & PERKINS STREETS  
UKIAH, CA 95482

The name address and telephone number of plaintiff's attorney or plaintiff without an attorney, is

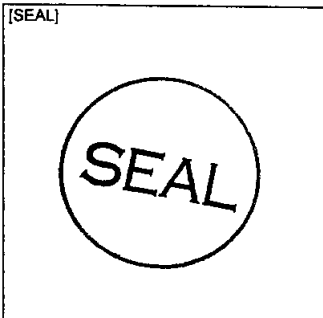
(El nombre, la direccion y el numero de telefono del abogado del demandante, o del demandante que no tiene abogado es)  
ERIK R PETERSEN SBN 151255 707-462-5860

PETERSEN LAW OFFICES  
POST OFFICE BOX 1468, 108 N SCHOOL ST  
UKIAH, CA 95482

**Tania G. Ugrim-Capobianco-Clerk**

DATE (Fecha) JUN 17 2002

Clerk, by SHEILA GRANT, Deputy (Actuano) (Delegado)



**NOTICE TO THE PERSON SERVED** You are served

- 1  as an individual defendant
- 2  as the person sued under the fictitious name of (specify)
- 3  on behalf of (specify)
  - under  CCP 416 10 (corporation)
  - CCP 416 20 (defunct corporation)
  - CCP 416 40 (association or partnership)
  - other
- 4  by personal delivery on (date)

Robert C Petersen F Gregory Petersen Thomas E Owen Erik R Petersen  
P O Box 1468 Ukiah, CA 95482 P O Box 1168 Fort Bragg, CA 95437  
(707) 462-5860 (707) 964-4044

1 ERIK R PETERSEN, SBN 151255  
2 PETERSEN LAW OFFICES  
3 Post Office Box 1468  
4 Ukiah, California 95482  
5 Telephone (707) 462-5860  
6 Facsimile (707) 462-3069

7 Attorney for Plaintiff

ENDORSEMENT FILED

JUN 17 2002

CLERK OF SUPERIOR COURT  
COUNTY OF CALIFORNIA

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF MENDOCINO

10 STEPHANIE LOGAN,  
11 Plaintiff,

UNLIMITED  
CASE NO SCUKCVPD '0288205

12 vs

13 RICHMAR FOODS, a subsidiary of  
14 FLEMING COMPANIES, INC , dba FOOD  
15 4 LESS, and DOES 1 through 10,  
16 Inclusive,

COMPLAINT FOR  
DAMAGES  
[NEGLIGENCE]

17 Defendants

18 PLAINTIFF ALLEGES

19 1 Plaintiff is, and at all times herein mentioned was, a  
20 resident of Willits, Mendocino County, California

21 2 Plaintiff is informed and believes and thereon alleges  
22 that defendant, RICHMAR FOODS, a subsidiary of FLEMING  
23 COMPANIES, INC , dba FOOD 4 LESS, is a corporation authorized to  
24 do business in Mendocino County, California Defendant owns and  
25 operates a FOOD 4 LESS located in Ukiah, Mendocino County,  
26 California

27 3 The personal injury to plaintiff, which forms the basis  
28 of this action, occurred in Ukiah, Mendocino County, California

1           4    Plaintiff is ignorant of the true names and capacities  
2 of defendants sued herein as DOES 1 through 10, Inclusive, and  
3 therefore sues these defendants by such fictitious names  
4 Plaintiff will amend this complaint to allege their true names  
5 and capacities when ascertained    Plaintiff is informed and  
6 believes and thereon alleges that each of the fictitiously named  
7 defendants is negligently responsible in some manner for the  
8 occurrences herein alleged and that plaintiff's damages as  
9 herein alleged were proximately caused by their conduct

10           5    Plaintiff is informed and believes and thereon alleges  
11 that at all times herein mentioned, each defendant, including  
12 those defendants named herein as DOES, was the agent and  
13 employee of each of the remaining defendants and in doing the  
14 things herein alleged did so within the scope and purpose of  
15 such agency and employment

16           6    At all times herein mentioned, defendants were in  
17 possession of, operated, maintained and controlled certain  
18 premises known as FOOD 4 LESS located at 1235 Airport Park  
19 Boulevard, Ukiah, Mendocino County, California

20           7    At all times herein mentioned, defendants carelessly  
21 and negligently owned, operated, maintained and controlled said  
22 premises in a dangerous, defective and unsafe condition At all  
23 times herein mentioned, defendants, carelessly and negligently  
24 caused the floor to be wet and slippery so that it was unsafe  
25 and dangerous to persons using it, such as and including  
26 plaintiff    Defendants failed to warn plaintiff of said  
27 dangerous, defective and unsafe condition, although they knew or  
28 in the exercise of ordinary care, should of known, of the

1 condition of said floor

2 8 On or about August 16, 2001, plaintiff was on said  
3 premises of defendants for the purposes of making a purchase at  
4 defendants store While walking on the floor of defendant's  
5 premises, plaintiff slipped and fell sustaining serious and  
6 severe injuries as hereinafter alleged

7 9 As a proximate result of the negligence of defendants,  
8 and each of them, plaintiff was hurt and injured in her health,  
9 strength and activities, sustaining injury to her body and shock  
10 and injury to her nervous system and person, all of which  
11 injuries have caused and continue to cause plaintiff great  
12 mental, physical and nervous pain and suffering Plaintiff is  
13 informed and believes and thereon alleges that said injuries  
14 will result in some permanent disability to plaintiff, all to  
15 her general damage in an amount according to proof

16 10 As a further proximate result of the negligence of  
17 defendants, and each of them, plaintiff was required to and did  
18 incur bills for medical services and other medically related  
19 expenses, all to her damage in an amount according to proof

20 11 As a further proximate result of the negligence of  
21 defendants, and each of them, plaintiff will be compelled to  
22 incur further and additional medical expenses in the future, in  
23 an amount according to proof

24 12 As a further proximate result of the negligence of  
25 defendants, and each of them, plaintiff incurred a loss of  
26 earnings in an amount according to proof

27 13 As a further proximate result of the negligence of  
28 defendants, and each of them, plaintiff incurred a loss of

1 present and future earning capacity in an amount according to  
2 proof

3 WHEREFORE, plaintiff prays for judgment against defendants,  
4 and each of them, as follows

5 1 For general damages in an amount according to proof

6 2 For medical and related expenses in an amount according  
7 to proof

8 3 For future medical expenses in an amount according to  
9 proof

10 4 For loss of earnings in an amount according to proof


11 5 For loss of present and future earning capacity in an  
12 amount according to proof

13 6 For costs of suit herein incurred

14 7 For such other and further relief as this court deems  
15 just and proper

16 Dated June 12, 2002

PETERSEN LAW OFFICES

17  
18 By   
19 ERIK R. PETERSEN  
Attorneys for Plaintiff  
20 STEPHANIE LOGAN  
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27  
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Robert C Petersen  
F Gregory Petersen  
Thomas E Owen  
Erik R Petersen

**PETERSEN LAW OFFICES**  
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108 N School Street  
Ukiah, CA 95482

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Fort Bragg, CA 95437  
707/964-4044  
707/964-1870- fax

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September 3, 2003

Bankruptcy Management Corporation  
1330 East Franklin Avenue  
El Segundo, CA 90245

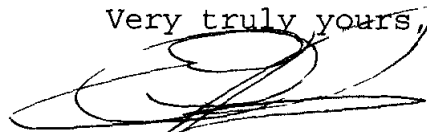
RE Fleming Companies Inc  
Case Number 03-10945

Proof of Claim for Creditor Stephanie Logan  
by Erik R Petersen, Attorney

Gentlemen

Enclosed please find original and one copy of the Proof of Claim  
in the above-referenced matter Please return our file-marked  
copy in the self-addressed envelope provided

Very truly yours,



ERIK R PETERSEN  
PETERSEN LAW OFFICES

ERP g  
Enclosure