

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE	PROOF OF CLAIM
In re	Case Number



Bar Date Ref #

NOTE This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor and Address

Red Eye Brand
700 S Bryan *Street*
Bryan TX 77803 3969

0354653000000

☐ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

☐ 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.

If you have already filed a proof of claim with the Bankruptcy Court or BMC, you do not need to file again.

Creditor Telephone Number ()

CREDITOR TAX ID #

74-2561584

ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR

157963

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)

(date)

2 DATE DEBT WAS INCURRED 9-5-02 + 2-21-03**3 IF COURT JUDGMENT, DATE OBTAINED****4 TOTAL AMOUNT OF CLAIM**

AS OF PETITION DATE

\$ 166,366

(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. Attach itemized statement of all interest or additional charges.

5 SECURED CLAIM

☐ 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

☐ 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 4/1/01 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

DATE SIGNED

8-27-03

SIGN and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any).

Robert [Signature] CEO

THIS SPACE FOR COURT USE ONLY

FILED

SEP 08 2003

BMC
Fleming Companies Claim

08547

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

MONA BENOIT

From "Bob Stevens" <bsteven@email.fleming.com>
 To <mbenoit@redeyeband.com>
 Sent Wednesday, August 20, 2003 10:52 AM
 Subject Re: Vendor # 157963 RedEye Brand, Inc

It was, however, the check was voided due to the bankruptcy filing

>>> "MONA BENOIT" <mbenoit@redeyeband.com> 08/20/03 10:50AM >>>
 Bob,

Is this a valid check number for this amount to us?

As I stated before I am reading someone else's notes on this matter. I just need confirmation that this check was to be issued to us

Your assistance is most appreciated

Thanks
 Mona Benoit
 RedEye Brand, Inc
 Sales & Marketing Assistant
 mbenoit@redeyeband.com
 Ph 214-979-2370
 Fax 214-979-2372

----- Original Message -----

From "Bob Stevens" <bsteven@email.fleming.com>
 To <mbenoit@redeyeband.com>
 Sent Wednesday, August 20, 2003 8:59 AM
 Subject Re: Vendor # 157963 RedEye Brand, Inc

As Fleming filed for Chapter 11 Restructuring on April 1st, I believe that any check that was not deposited before then would be considered void. Check 23570463 would be an example of this. At this point, these would have to be pre-petitioned with the bankruptcy court. The Bankruptcy Management Corporation has established a call center at 888-909-0100 for more information.

Concerning deduction CSCG1020-0050, the Category Director in Lewisville would be able to get that information to you. As I am unsure who that is, please contact Lewisville's main number at 972-906-8000.

Thank you,

Bob Stevens
 CTP Researcher

>>> "MONA BENOIT" <mbenoit@redeyeband.com> 08/19/03 03:33PM >>>

8/20/03

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Thank you,

Bob Stevens
CTP Researcher

>>> "MONA BENOIT" <mbenoit@redeyeband.com> 08/19/03 03:33PM >>>

Hi Bob,

I got your name from my administrator. You probably got an error when you tried to e-mail me as mbenwa@redeyeband.com.

I hope you can assist me. We show 2 deductions that should have been paid back long time ago.

The first one I show has a ck# 23570463 for \$91.36. We were told it would be paid back on 3-24-03. I am reading someone else's notes. I am assuming that this is the ck number they are showing was one that was supposed to be mailed to us. We have never received this check. This was for deductions taken from the LaCrosse Division on ck#25714439 dated 9-05-02. The deduction references were LCR080399 for \$60.52 and LCR050455 for \$30.84. These were deductions for damages and we give a 1% allowance to cover damages.

Also there was a deduction taken on ck#25788714 dated 02-21-03 for \$75.00 which I do not have a copy of. It is CSCG1020-0050 from Corporate Category Marketing.

I know this is a small amount of money compared to the other vendors you are dealing with. Any assistance you can give would be most appreciated.

Thanks
Mona Benoit
RedEye Brand, Inc
Sales & Marketing Assistant
mbenoit@redeyeband.com
Ph 214-979-2370
Fax 214-979-2372

8/20/03

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Thanks

Mona Benoit

RedEye Brand, Inc

Sales & Marketing Assistant

mbenoit@redeyebrand.com

Ph 214-979-2370

Fax 214-979-2372

26/03 WED 11 52 FAX 979 775 1917

RED EYE BRAND

001

THE PART OF THIS DOCUMENT IS PRINTED IN BLUE AND RED INK

FlemingBANK OF AMERICA
WALNUT CREEK, CA

No

25788714

90-1182/ 1211

HI

Box 2854 / Oklahoma City OK 73126

Date

Amount

02/21/03

S*****3,181 52

Pay

THREE THOUSAND ONE HUNDRED EIGHTY ONE DOLLARS AND 52/100

Pay
To
The
Order
OfRED EYE BRAND
P.O. BOX 565
BRYAN, TX 77806

Unique Character Facsimile Signature

⑈25788714⑈⑈121141822⑈73139⑈0122⑈

Fleming

157963

0083

When corresponding refer to = = > 25788714

Division	Invoice Date	Receipt Date	Inv No./Credit Request	Amount	Discount
GMD - LACROSSE	01/14/03	00/00/00	LAG00000059436P	-359 04	0 00
CORPORATE CATEGORY MARKETING	12/20/02	12/23/02	CSCG1020 - 0050	-75 00	0 00
GMD - LACROSSE	01/14/03	01/20/03	59436	3 652 08	-36 52
DATE OF CHECK 02/21/03		AMOUNT OF CHECK		\$3 181 52	

Invalid 8/18/03

Fleming

Box 26647 Oklahoma City OK 73128

BANK OF AMERICA
WALNUT CREEK, CA

No **25714439** 90-4182/ 1211
HI

Date Amount
09/05/02 \$*****3,094.51*

Pay
THREE THOUSAND NINETY FOUR DOLLARS AND 51/100

Pay
To
The
Order
Of

RED EYE BRAND
P.O. BOX 565
BRYAN, TX 77806



Unique Character Facsimile Signature

⑈25714439⑈ ⑆121141822⑆73139⑈01222⑈

Fleming

157963

0074

When corresponding refer to ==> **25714439**

Division	Invoice Date	Receipt Date	Inv No /Credit Request	Amount	Discount
GMD - LACROSSE	08/07/02	08/08/02	LAG033341BB	-200 00	0 00
LACROSSE	08/16/02	09/03/02	LCR080399	-60 52	0 00
LACROSSE	05/24/02	06/11/02	LCR050455	-30 84	0 00
GMD - LACROSSE	07/18/02	08/02/02	58944	3 423 82	-37 95

DATE OF CHECK 09/05/02

AMOUNT OF CHECK \$3 094 51

CC: Rhonda
+ Judy

not
Valid
8-18-03

10/10/02
To be paid by
9/17 - Judy fax
Bill Byer -
Spoils
Judy will call
for a copy of
this CB

10/31 - Judy
will get paid
back - & get
copy of CB

11/4 Sent e-mail to Alice
1/20 Recd fax from Grace showing
deductions were for spoils -
Called to let her know -
Invalid - sd she would
make sure they are repaid

3/5

VENDOR INVOICE
BILLABLE ONLY

Fleming LaCrosse
1637 St James Street
PO Box 1957
LaCrosse WI 54602-1957

RED EYE BRANDS
RITT BEYER AND WEIER
9900 SO FRANKLIN RD
ATT ORDER DEPT

FRANKLIN WI 53132

Fleming LaCrosse
1637 St James Street
PO Box 1957
LaCrosse WI 54602-1957

Invoice #	Invoice Date	Vendor #	Due Date	AP / AR #	Terms
080399	08/16/2002	00001335	09/16/2002	0157963	JIR

UPC	SKU/ ITEM #	DESCRIPTION	QTY	COST	DPC	EXTENDED COST
08451987003	7405060	RED EYE BLOODY MARY 33 8OZ	20	2 58	0 1548	54 70

TOTAL QUANTITY	20					
TOTAL COST		51 60				
TOTAL EXTENDED COST						54 70
POST DAMAGE HANDLING					0 129	2 58
RECLAMATION CENTER						
OPERATIONS THRU SCAN					0 127	
CHUTE FEE					0 035	
TOTAL RECLAMATION CENTER COST						3 24
TOTAL AMOUNT DUE						60 52

9/5/02
of
Dick ✓

RECEIVED

09/28/2002

RITT BEYER
& WEIR INC

9/17-see attached-invalid-payback

THIS IS A LISTING OF ITEMS THAT WERE PROCESSED DURING 07/14/2002 - 08/09/2002 IF YOU HAVE BEEN REVIEWING YOUR PRODUCTS EVERY FOUR WEEKS, THE PRODUCT WILL BE HELD UNTIL 09/07/02, OTHERWISE, THE PRODUCT WILL BE DISPOSED OF IMMEDIATELY IF YOU WISH TO REVIEW YOUR PRODUCT IN THE FUTURE, PLEASE CONTACT DATA SERVICES COORDINATOR AT 100 Lake Street West Wayzata, MN 55391, 952-225-4700 IF PAYMENT IS NOT RECEIVED BY 09/16/02 DEDUCTION FROM INVOICE WILL BE MADE DIRECT ANY QUESTIONS TO DICK LUIK



COPY

January 10 2000

TO All Our Valued Distributor Customers

FROM Robert Phillips

RE NEW TERMS / SPOILS ALLOWANCE

Effective with orders of *April 1, 2000* Brazos Country Foods will be changing their terms to **1% 10, Net 30 Days**. This will allow Brazos to start giving *1% off-invoice* for a **spoils allowance**. After April 1st Brazos will no longer accept any spoils/damage deductions or billings.

Please make the necessary changes in your files to accommodate this new policy. I appreciate your immediate attention and understanding in this matter.

Should you have any questions, please feel free to contact me at 214-979-2370.

Thank you

Fleming LaCrosse

1637 St. James Street

PO Box 1957

LaCrosse WI 54602-1957

RED EYE BRANDS
RITT BEYER AND WEIER
9900 SO FRANKLIN RD
ATT ORDER DEPT

FRANKLIN, WI 53132

Fleming LaCrosse
1637 St James Street
PO Box 1957
LaCrosse WI 54602-1957

Invoice #	Invoice Date	Vendor #	Due Date	AP / AR #	Terms
050455	05/24/2002	00001335	06/24/2002	0157963	JIR

UPC	SKU/ITEM #	DESCRIPTION	QTY	COST	DPC	EXTENDED COST
08461987003	7241130	RED EYE CHILI-ON PK 33 8OZ	12	2 15	0 1290	27 35

TOTAL QUANTITY	12		
TOTAL COST	25 80		
TOTAL EXTENDED COST			27 05
POST DAMAGE HANDLING			0 129
RECLAMATION CENTER			
OPERATIONS THRU SCAN			0 127
CHUTE FEE			0 036
TOTAL RECLAMATION CENTER COST			1 94
TOTAL AMOUNT DUE			30 84

6/3/02
01
DICK S

THIS IS A LISTING OF ITEMS THAT WERE PROCESSED DURING 04/21/2002 - 05/18/2002. IF YOU HAVE BEEN REVIEWING YOUR PRODUCTS EVERY FOUR WEEKS, THE PRODUCT WILL BE HELD UNTIL 06/15/02. OTHERWISE, THE PRODUCT WILL BE DISPOSED OF IMMEDIATELY. IF YOU WISH TO REVIEW YOUR PRODUCT IN THE FUTURE, PLEASE CONTACT DATA SERVICES COORDINATOR AT 100 Lake Street West Wayzata, MN 55391 952-225-4700. IF PAYMENT IS NOT RECEIVED BY 06/24/02, DEDUCTION FROM INVOICE WILL BE MADE. DIRECT ANY QUESTIONS TO DICK LUICK.

VENDOR INVOICE
BILLABLE ONLY

Fleming LaCrosse
1637 St. James Street
PO Box 1957
LaCrosse WI 54602-1957

RED EYE BRANDS
RITT BEYER AND WEIER
8900 SO FRANKLIN RD
ATT ORDER DEPT

FRANKLIN, WI 53132

Fleming LaCrosse
1637 St James Street
PO Box 1957
LaCrosse WI 54602 1957

Invoice #	Invoice Date	Vendor #	Due Date	AP / AR #	Terms
080389	08/16/2002	00001335	09/18/2002	0157983	JIR

UPC	SKU / ITEM #	DESCRIPTION	QTY	COST	DPC	EXTENDED COST
08451987003	7405060	RED EYE BLOODY MARY 33 8OZ	20	2.58	0.1548	54.70

TOTAL QUANTITY	20					
TOTAL COST		5.80				
TOTAL EXTENDED COST						54.70
POST DAMAGE HANDLING					0.128	2.38
RECLAMATION CENTER						
OPERATIONS THRU SCAN					0.127	
CHUTE FEE					0.036	
TOTAL RECLAMATION CENTER COST						3.24
TOTAL AMOUNT DUE.						60.52

RECEIVED

15 2 8 2002

RITT BEYER
& WEIR INC

THIS IS A LISTING OF ITEMS THAT WERE PROCESSED DURING 07/14/2002 - 08/09/2002. IF YOU HAVE BEEN REVIEWING YOUR PRODUCTS EVERY FOUR WEEKS, THE PRODUCT WILL BE HELD UNTIL 09/07/02. OTHERWISE THE PRODUCT WILL BE DISPOSED OF IMMEDIATELY. IF YOU WISH TO REVIEW YOUR PRODUCT IN THE FUTURE, PLEASE CONTACT DATA SERVICES COORDINATOR AT 100 Lake Street West Wayzata, MN 55391 952-225-4700. IF PAYMENT IS NOT RECEIVED BY 09/18/02 DEDUCTION FROM INVOICE WILL BE MADE. DIRECT ANY QUESTIONS TO DICK LUICK.

Dick Starcevic

From Robb Banks [rbanks@radeybrand.com]
Sent Tuesday, January 14, 2003 2:34 PM
To Dick Starcevic
Subject Fleming-LaCrosse Chargeback

*Hi Dick,
Would you handle these
for me please
Robb Banks
Dick S*

Dick,

There are still a couple of chargebacks that are outstanding from 2002 that we are trying to get cleared up. The first invoice number is CR050455 in the amount of \$30.84 dated 5/24/02. The deduction was taken from check number 25714439 dated 9/1/02. When they sent this check, they did not include the back-up for this chargeback. If you can please get this for me, we will hopefully get it approved and off the books. The next invoice number is CR080399 in the amount of \$60.52 dated 8/16/02. This was deducted for spoils and is not approved. We faxed this information over to you in September but have still not been paid back. Any help that you can give on these 2 issues would be gratefully appreciated. I am new to this position and trying to get these old chargebacks cleared up.

Thank You,

Robb Banks
Accounting
(214)979-2070

1/14/2003