	S BANKRUPTCY COURT TRICT OF DELAWARE	PR	OOF OF CLAIN	V   - 1 189 181 18 18 18 18 18 18 18 18 18 18 18 18
In re		Case	Number	s130219 Scheduled Claim Ref # 2-F7-12822
Fleming Companies, Inc		03-	10945	YOUR CLAIM IS SCHEDULED AS
	,		14040	UNKNOWN UNSECURED
NOTE This form should not t	be used to make a claim for an admi	nestrative		DISPUTED, UNLIQUIDATED
expense arising after the comm	mencement of the case. A "request	" for payment	A MARIE & LANCE SALABOTATION OF LINES	
an administrative expense may be filed pursuant to 11 USC §:  Name of Creditor and Address:		<del>~</del>	filed a proof of claim relating to your claim. Attach copy of	<b>6</b>
Marile Of Citality and A		429434931	statement giving particulars.	
TAM WILLIAM		~	Check box if you have never received any nobces	The amounts reflected above constitute your claim as scheduled by the Debtor I if you agree with the amount
34239 MIMOSA TERR FREMONT CA 94555			from the bankruptcy court in	set forth herein and have no other claim against the Debtor you do not need to file this proof of claim
INCHORT CA SAUL	,5		<u>                                       </u>	EXCEPT as stated below  If the amounts shown above are listed as Contings
			Check box if this address differs from the address on the	
Creditor Telephone Number (	1		sovelope 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 age:
REDITOR TAXID #:	ACCOUNT OR OTHER NUM		H Check here   ret	places
562-67-2656	CRED'TOR IDENTIFIES DE	DIOK.	Marie alama	or a previously filed claim dated
BASIS FOR CLAIM				
Goods sold Services performed	Personal injury/wrongful death	_	ree benefits as defined in 11 se salanes and compensa	
•	V Other (describe briefly) *	[ TAME	Your social security number	· ·
	les (see attache	. # <b>1</b>	Unpaid compensation for se	
				(date) (date)
DATE DEBT WAS INCURRED			URT JUDGMENT, DATE O	
TOTAL AMOUNT OF CLAIM	<b>\$</b> 850.000 00 <b>\$</b>		5	\$ 850,000,00*:
	*		runed) /une	ecound association (Intell)
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# **ATTACHMENT TO PROOF OF CLAIM (WILLIAM TAM)**

(Chapter 11 Bankruptcy of Fleming Companies, Inc , Case No . 03-10945)

This proof of claim is submitted by William Tam ("claimant") with respect to his injuries, medical expenses, lost wages, pain and suffering, and related damages arising from an accident at approximately 5 30 P M on August 4, 2002, while claimant was a customer at debtor's commercial establishment, a retail food outlet commonly known as "Food 4 Less," located at 39966 Cedar Boulevard, Newark, California

Claimant's injuries occurred as a result of falling after slipping on produce which had accumulated on the floor of debtor's establishment. Claimant alleges that the accident and his damages and injuries were the result of negligence, unsafe conditions, and the maintenance of unsafe premises by the debtor, its servants and employees. Claimant further alleges that this accident was due to debtor's failure to monitor and maintain its public premises for the safety of its customers and invitees, such as claimant.

Claimant further alleges that the debtor knew, or should have known, of the dangerous and unsafe conditions in the specific vicinity of the facility where claimant was injured, but failed to undertake actions which would have prevented claimant's injuries Claimant further alleges that the negligence and failures of the debtor to undertake appropriate actions resulted in a dangerous condition for which it had, or should have had, knowledge

Claimant suffered extensive and serious injuries as a result of this accident, including an injured ankle (including infections), as well as injuries to his back and other

**ATTACHMENT TO PROOF OF CLAIM (WILLIAM TAM)** 

(Chapter 11 Bankruptcy of Fleming Companies, Inc , Case No 03-10945)

Page 1 of 2

# ATTACHMENT TO PROOF OF CLAIM (WILLIAM TAM)

(Chapter 11 Bankruptcy of Fleming Companies, Inc., Case No 03-10945)

parts of his body. As a result of the accident, claimant also experienced, and continues to experience, pain, mental suffering, loss of sleep, and other physical and psychological injuries or damages with respect to his general health and sense of well being, the extent of which is not yet fully known

Claimant is not presently aware of all of the specifics with respect to the medical treatment he has received, thus far, nor that which will be required in the future, as a result of this accident. Likewise, he is not fully aware of the medical bills he has incurred, thus far, nor those which may yet be incurred.

Claimant, at present, alleges damages of \$850,000 based on his estimate of past and future medical expenses, lost wages, diminution of earning capacity, pain and suffering, and related damages. However, the exact amount of such damages is, at present, unknown, and is based, in substantial part, on good faith estimates, and the amount of these damages will be amended and, perhaps, increased, when future information and knowledge are acquired with respect to claimant's wage losses, medical expenses, pain and suffering, diminution of earning capacity, and related damages

[C \A1\Tam\Attch2ClaimBkyMgmt(090503) wpd] [September 2, 2003]

# ATTACHMENT TO PROOF OF CLAIM (WILLIAM TAM)

(Chapter 11 Bankruptcy of Fleming Companies, Inc., Case No 03-10945) 1 2

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#### **PROOF OF SERVICE BY MAIL**

I, DARREL C HORSTED, do hereby declare

I am over the age of 18 and not a party to this cause I am a resident of or employed in the county where the mailing occurred My business address is 1701 Franklin Street, 500, San Francisco, CA 94109-3526

I served the foregoing "*Proof of Claim*" on each person named below by enclosing a copy in an envelope addressed as shown below and placing the envelope for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business' practice for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid

William Tam 34239 Mimosa Terrace Fremont, CA 94555-1808

Pachulski, et al 919 N Market Street 16<sup>th</sup> Floor Wilmington, Delaware 19801

Bankruptcy Management Corporation P O Box 900 El Segundo, CA 90245 Illullumldhlddlud

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

I declare under penalty of perjury under the laws of the State of California that the above is true and correct Executed on September 5, 2003, at San Francisco, California

DARREL & HORSTED

[C \A1\Tam\POSProofofAmendClaim(Fleming) wpd]
[Date Mailed September 5 2003]



# Barrel Cameron Horsted, Inc. A Professional Late Corporation



IN REPLY REFER TO FILE NUMBER TAM553-03Y

September 2, 2003

Bankruptcy Management Corporation 1330 East Franklin Avenue El Segundo, CA 90245-0900

> Re Chapter 11 Bankruptcy of Fleming Companies, Inc, Case No · 03-10945

Dear Sır/Madam

Enclosed please find an original and copy(ies) of the following document(s) "Proof of Claim (with attachment)"

Please perform the following actions or services with respect to the above document(s)

- X File the original(s),
- X Retain extra copy/copies, as required,
- X Return <u>only one</u> conformed/file stamped copy or a duplicate copy of the face sheet (only) in the enclosed envelope, and
- \_\_\_\_ Discard or throw away extra copies not required by the court

Thank you for your courtesies, cooperation, and attention in this matter. If you have any questions regarding the above, please feel free to contact this office

Very truly yours

DARREL C. HORSTÆÐ

DCH ms

cc Mr William Tam

Enclosures

[C \A1\CLERK\BKOther\TamFoodforLess\BkyMgmt090503Delvry(ProofClaim) wpd] [September 5 2003]