FORM B10 (Official Form 10) (4/98)

UNITED STATES BANKRUPTCY COURT District of Delaware

PROOF OF CLAIM

Name of Debtor
Fleming Companies, Inc

Case Number
03-10945

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 (The person or other entity to whom the debtor owes money or property)
Gary Olson

Name and address where notices should be sent
Mr Gary Olson
c/o Robert N Campbell, Esq #95679
CAMPBELL & CLARK
1648 Riverside Drive
Redding, CA 96001

Telephone number **(530) 244-6286**

☐ 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 the address differs from the address on the envelope sent to you by the court

THIS SPACE IS FORCOURT USE ONLY

Account or other number by which creditor identifies debtor
Tehama Co Case 51881

Check here if this claim ☐ replaces ☐ amends a previously filed claim dated _____

1 Basis for Claim

☐ Goods sold
☐ Services performed
☐ Money loaned
☑ Personal injury/wrongful death
☐ Taxes
☐ Other _____

☐ Retiree benefits as defined in 11 U S C § 1114(a)
☐ Wages, Salaries and compensations (Fill out below)
Your SS # ____ ____ ____
Unpaid compensation for services performed
from _____ (date) to _____ (date)

2 Date debt was incurred
07/30/2002

3 If court judgment, date obtained

4 Total Amount of Claim at Time Case Filed $ 50 000 00

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 to setoff)

Brief Description of Collateral

☐ Real Estate ☐ Motor Vehicle
☐ Other _____

Value of Collateral $ 0.00

Amount of arrearage and other charges at time case filed included in secured claim if any $ 0 00

6 Unsecured Priority Claim

☐ Check this box if you have an unsecured priority claim
Amount entitled to priority $ 0 00
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 $ 100* f deposits toward purchase lease or rental of property or services for p or a family or hou hold 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 of 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 1/04 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 the filing of your claim enclose a stamped, self-addressed envelope and copy of this proof of claim

THIS SPACE IS FORCOURT USE ONLY

FILED
SEP 11 2003
BMC

Fleming Companies Claim
10101

Date
09/08/2003

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 N Campbell
ROBERT N CAMPBELL, Attorney for Creditor

Penalty for presenting fraudulent claim Fine of up to $500 000 or imprisonment for up to 5 years or both 18 U S C §§ 152 and 3571

ROBERT N CAMPBELL, ESQ STATE BAR NO 95679
CAMPBELL & CLARK
1648 Riverside Drive
Redding, CA 96001
(530) 244-6286 Phone
(530) 244-3672 Facsimile

Attorneys for Gary Olson

ENDORSED
FILED
SUPERIOR COURT OF CALIFORNIA
TRACY C ROBINSON

SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF TEHAMA

GARY OLSON, Plaintiff, vs RUSSELL ENTERPRISES, FLEMING COMPANIES, INC , doing business as FOOD 4 LESS, and DOES 1 through 10, Inclusive Defendants	Case No **51881** **COMPLAINT FOR PERSONAL INJURY**

Plaintiff, for Cause of Action alleges as follows

1 Defendant Russell Enterprises, and Does 1 through 3, were, plaintiff is informed and believes, at the time of the accident alleged herein, floor maintenance contractors, who had contracted with Fleming Companies, Inc , doing business as Food 4 Less, to maintain the floors in the Food 4 Less grocery store located in Red Bluff, California, in the County of Tehama The business structure and complete or accurate name of the floor contractor are not currently known by Plaintiff, although Plaintiff is informed and believes that the floor contractor may be under the name "Russell" or "Russell Enterprises" Similarly, whether the entity is a corporation, limited liability company, partnership or sole proprietorship is unknown to Plaintiff at this point

2 Defendant Fleming Companies, Inc , does business as Food 4 Less, and maintains a retail grocery store in the County of Tehama, open to the public for grocery shopping

3 The identify of the defendants named herein as Does 1 through 10 are unknown to plaintiff at this time, who therefore sues under the above fictitious names The true names of the Does will be added when their identities are obtained, through discovery or otherwise

4 Plaintiff is informed and believes, and thereon alleges that each defendant was the agent and employee of the remaining defendants, and in doing the things herein alleged, was acting within the course and scope of such agency and employment

5 On or about July 30, 2002, Plaintiff Gary Olson had been shopping at the Red Bluff Food 4 Less store, and was in the process of going through check-out At the same point in time, the floor maintenance contractor, which Plaintiff is informed and believes is named "Russell" or "Russell Enterprises" or Does 1-3, had an employee or employees cleaning, mopping, or otherwise maintaining the floors, without properly marking off the wet area When Plaintiff approached the cashier, she sent him to another check stand Plaintiff, unaware that there was wet, but unmarked, floor in the area he had to cross to get to the other check stand, walked through a slick, wet, but unmarked area, and fell, sustaining personal injury After the fall, Plaintiff was told by store employees that leaving wet areas unmarked was a problem with this particular flooring contractor, and that another person had fallen in the unmarked area that night, prior to Plaintiff's fall

6 At the aforementioned time and place, defendants, and each of them, negligently maintained, managed, controlled and operated the grocery store and/or floor maintenance, in that mopping areas of the floor without taping them off or otherwise marking them or warning patrons to avoid the area, which constituted an unreasonable risk to store patrons and an unnecessary danger, of

which Plaintiff was unaware

7 As a proximate result of the negligence of defendants, and each of them, plaintiff suffered personal injury, particularly, but not limited to a wrist injury, which injuries have caused, and continue to cause, great physical pain and suffering Plaintiff is informed and believes that the injuries will cause some permanent disability to him As a result, Plaintiff has suffered general damages in an amount according to proof

8 As a further, proximate result of the negligence of defendants, and each of them, plaintiff has incurred, and will continue to incur, medical and related expenses in an amount to be shown according to proof

9 As a further, proximate result of the negligence of defendants, and each of them, plaintiff has been disabled from work, suffering lost earnings through the date of this complaint, and he will continue to suffer lost earnings, as well as impairment of his earnings capacity, due to the injuries incurred

WHEREFORE, Plaintiff prays

1 For general damages according to proof,

2 For medical and related expenses, past and reasonably probable in the future, according to proof,

3 For loss of earnings past and reasonably probable in the future, and loss of earning capacity,

4 For costs of suit, and for such other and further relief as the Court deems just and proper

Dated March 11, 2003

CAMPBELL & CLARK

By:

ROBERT N. CAMPBELL, Attorney for Plaintiff Gary Olson

CAMPBELL & CLARK
Attorneys at Law
1648 Riverside Drive
Redding, CA 96001
(530) 244-6286 Phone • Facsimile (530) 244-3672

ROBERT N CAMPBELL
SANDRA J CLARK

TRANSMITTAL LETTER

DATE September 8, 2003

TO Bankruptcy Management Corporation
P O Box 900
El Segundo, CA 90245-0900

RE: **Fleming Companies, Inc.,**
Bankruptcy Case No 03-19045

For the purpose(s) designated below, I have enclosed the following document(s)

Proof of Claim, filed on behalf of Creditor Gary Olson

__ **For** your information and records

__ For your review and signature

XX For filing Please file original and return conformed copy(s) to the undersigned in the envelope provided

__ Other

__ Additional Comments

CAMPBELL & CLARK
A Professional Law Corporation

By Lyn J Richard
LYN J RICHARD
Secretary to Robert N Campbell

LJR/hrs
Enclosure(s)