

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

**PROOF OF CLAIM**



614771

Bar Date Ref # 2-NVM-80666

In re **RICHMAR FOODS, INC,**  
Case Number **03-10972 (MFW)**

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.

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.

**Name of Creditor and Address**  
Attn: Richard Brunette, Esq.  
0354653614771  
Sheppard Mullin Richter & Hampton LLP  
48th FL 333 S Hope St  
Los Angeles CA 90071

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 (213) 620-1780  
CREDITOR TAX ID # 95-1463164  
ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR  
Check here if this claim  replaces  or amends a previously filed claim dated \_\_\_\_\_

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

**2 DATE DEBT WAS INCURRED** 1/03 - 2/03 **3 IF COURT JUDGMENT DATE OBTAINED**

**4 TOTAL AMOUNT OF CLAIM AS OF PETITION DATE**  
 \$ 3,601.52 (unsecured) \$ (secured) \$ 3,601.52 (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.

THIS SPACE FOR COURT USE ONLY

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

**FILED**  
**SEP 11 2003**  
**BMC**  
 Filing Companies Claim

DATE SIGNED 9/5/03  
 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).  
 Linda D. Fox, Attorney

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

**ORIGINAL**

# SHEPPARD MULLIN

SHEPPARD MULLIN RICHTER & HAMPTON LLP

Forty-Eighth Floor • 333 South Hope Street • Los Angeles CA 90071 1448

(213) 620 1780 Telephone • (213) 620 1398 Facsimile • www.smrh.com

Charles A Mooney, Esquire  
Corporate Counsel  
Fleming Companies, Inc  
P O Box 299013  
1945 Lakepointe Drive  
Lewisville, TX 75029

SMRH Tax ID 95-1463164

February 11, 2003  
Statement 222086733

## STATEMENT SUMMARY

For Professional Services Through January 31, 2003

Our Matter # OHDY-101175-0770  
Richmar Foods adv Joe Ann Peters

Current Fees	3,391 50
Current Disbursements	29 89
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<u>Total Current Activity</u>	3,421 39

## Summary of Fees

Tkpr No		Hours	Average Rate/Hr	Dollars
0949	M H Sottosanti	11 90	285 00	3,391 50

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For Professional Services Through January 31, 2003

Matter # OHDY-101175-0770

Richmar Foods adv Joe Ann Peters

Atty

01/02/03	Telephone conference with Lynn Hubbard's office re settlement negotiations Telephone call to Charles Mooney re status Researched good faith settlement procedure in federal court	0949	1 70 hrs
01,03/03	Telephone conference with Scott Hubbard re settlement issues	0949	40 hrs
01/06/03	Analyzed strategy re depositions, conferred re status	0949	20 hrs
01/07/03	Corresponded with Jodie Massengil re status and deposition scheduling Researched effect of transfer of ownership on ADA claims	0949	1 20 hrs
01/08/03	Telephone conference with Charles Mooney re settlement strategy Telephone conference with Mike Thomas re landlord's settlement position Telephone conference with Lynn Hubbard's office re settlement negotiations	0949	1 10 hrs
01/09/03	Settlement negotiations with Lynn Hubbard Corresponded with Mike Thomas and Charles Mooney re same	0949	1 10 hrs
01/10/03	Corresponded with Mike Thomas re settlement issues and worked on settlement proposal to Lynn Hubbard re waiver of injunctive relief	0949	1 10 hrs
01/13/03	Drafted proposed Settlement Agreement and corresponded with Mike Thomas re same Telephone conference with Hubbard's office re settlement issues Corresponded with Charles Mooney re settlement	0949	2 50 hrs

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February 11, 2003  
Statement 222086733  
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01/14/03	Corresponded with Mike Thomas re draft Settlement Agreement Corresponded with Lynn Hubbard's office re same	0949	40 hrs
01/15/03	Telephone conference with Lynn Hubbard's office re Settlement Agreement and cancelation of deposition Corresponded with Mike Thomas and Charles Mooney re settlement issues	0949	50 hrs
01/16/03	Corresponded with Lynn Hubbard's office re changes to Settlement Agreement	0949	40 hrs
01/17/03	Telephone conference with Jamie at Lynn Hubbard's office re changes to settlement agreement Telephone call to Charles Mooney re settlement agreement Corresponded with Mike Thomas and Charles Mooney re settlement agreement	0949	90 hrs
01/23/03	Telephone conference with Lynn Hubbard's office and telephone call to Charles Mooney re same Reviewed order re dismissal of case	0949	10 hrs
01/24/03	Corresponded with Charles Mooney re settlement status Telephone conference with Jamie at Lynn Hubbard's office re settlement agreement	0949	20 hrs
01/28/03	Reviewed correspondence and signed settlement agreement received from plaintiff's counsel Telephone call to Charles Mooney re finalization of settlement	0949	10 hrs

Total Fees for Professional Services \$ 3,391 50

## Summary of Disbursements

Telephone/Fax	26 64
Duplication	3 25

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February 11, 2003  
Invoice 222086733  
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Total Disbursements

\$ 29 89

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SMRH Tax ID 95-1463164

March 12, 2003  
Statement 222091768

## STATEMENT SUMMARY

For Professional Services Through February 28, 2003

Our Matter # OHDY-101175-0770  
Richmar Foods adv Joe Ann Peters

Current Fees	149 00
Current Disbursements	31 13
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<u>Total Current Activity</u>	180 13

## Summary of Fees

Tkpr No		Hours	Average Rate/Hr	Dollars
0770	L D Fox	10	350 00	35 00
0949	M H Sottosanti	40	285 00	114 00

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March 12, 2003  
Statement 222091768  
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For Professional Services Through February 28, 2003

Matter # OHDY-101175-0770

Richmar Foods adv Joe Ann Peters

	Atty	
02/03/03 Corresponded with Charles Mooney re finalization of settlement	0949	10 hrs
02/03/03 Reviewed correspondence re settlement status	0770	10 hrs
02/04/03 Executed Settlement Agreement and forwarded fully-executed copy to all counsel with settlement payment	0949	20 hrs
02/06/03 Reviewed and executed request for dismissal with prejudice	0949	10 hrs

Total Fees for Professional Services \$ 149 00

## Summary of Disbursements

02/04/03 Federal Express on 02/04/03	\$	11 91
Telephone/Fax		22
Duplication		19 00
Total Disbursements	\$	31 13

PROOF OF SERVICE BY FEDERAL EXPRESS

I, the undersigned, declare that I am, and was at the time of service of the papers herein referred to, over the age of 18 years and not a party to the within action or proceeding. My business address is 333 South Hope Street, 48th Floor, Los Angeles, California 90071, which is located in the county in which the within-mentioned service was made. I am familiar with the practice at my place of business for collection and processing of correspondence for overnight delivery by Federal Express. Such correspondence will be delivered to an authorized courier or driver authorized by Federal Express to receive documents or deposited with a facility regularly maintained by Federal Express for receipt of documents on the same day in the ordinary course of business.

On 9/10/03, I served the following document(s)

PROOF OF CLAIM

by placing X a true copy \_\_\_ the original in a separate envelope or package designated by Federal Express for each addressee named below, with the name and address of the person served shown on the envelope as follows:

Bankruptcy Management Corporation  
1330 E Franklin Ave  
El Segundo, CA 90245

and by sealing the envelope and placing it for collection and delivery by Federal Express with delivery fees paid or provided for in accordance with ordinary business practices.

Executed on 9/10/03, at Los Angeles, California

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

  
\_\_\_\_\_  
GAIL REINIG