FORM B10 (Official Form 10) (4/01)

UNITED STATES BANKRUPTCY COURT _____ DISTRICT OF Delaware _____

# PROOF OF CLAIM

Name of Debtor Fleming Companies, Inc d/b/a Rainbow Foods

Case Number

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) Brown & Carlson, P A

☐ 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

Name and address where notices should be sent
5411 Circle Down Avenue, #100
Minneapolis, MN 55416

Telephone number 763-591-9950

THIS SPACE IS FOR COURT USE ONLY

Account or other number by which creditor identifies debtor
260-8470
Fracis Comer v /Fleming Companies, Inc

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 compensation (fill out below)
Your SS # _____ _____ _____
Unpaid compensation for services performed
from 3/6/03 (date) to 3/31/03 (date)

**2 Date debt was incurred** 3/31/03

**3 If court judgment, date obtained**

**4 Total Amount of Claim at Time Case Filed** $ 2,485 70

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, if any $_____

**6 Unsecured Priority Claim**

☐ Check this box if you have an unsecured priority claim

Amount entitled to priority $_____

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 4/1/04 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 FOR COURT USE ONLY

FILED
OCT 06 2003
BMC

Fleming Companies Claim
14494

Date 9/24/03

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)
Douglas J Brown, President

*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

# Brown & Carlson, P A.

**5411 Circle Down Avenue**
**Suite 100**
**Minneapolis, MN 55416**
**(763) 591-9950**
**41-1712681**


ESIS - Fleming Companies Dedicated Claims
Jackie Watford
P O Box 152035
Irving, Texas 75015-2035

**STATEMENT**

Statement Date May 14, 2003
Statement No 42798

Period Ending April 30, 2003

Claim Number 3931 781 976265
Social Security Number - -
Loss Date 9/27/2000

260 08470 Corner, Frances v Fleming/Rainbow

**Expenses**

| | Units | Price | Amount |
|---|---|---|---|
| Photocopies | 8 00 | 0 20 | 1 60 |
| Postage | 2 00 | 0 49 | 0 97 |
| Sub-total Expenses | | | 2 57 |

**Payments**

| | | | |
|---|---|---|---|
| 4/14/2003 | Payment | | 4,920 30 |
| | | Sub-total Payments | 4,920 30 |

| | |
|---|---|
| **Total Current Billing** | 2 57 |
| **Previous Balance Due** | 2,485 70 |
| **Total Now Due** | **2,488 27** |

# Brown & Carlson, P. A.

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**(763) 591-9950**
**41-1712681**


ESIS - Fleming Companies Dedicated Claims
Jackie Watford
P O Box 152035
Irving, Texas 75015-2035

**STATEMENT**

Statement Date June 16, 2003
Statement No 43113

Period Ending May 31, 2003

Claim Number 3931 781 976265
Social Security Number - -
Loss Date 9/27/2000

260 08470 Comer, Frances v Fleming/Rainbow

**Expenses**

| | Units | Price | Amount |
|---|---|---|---|
| Postage | 1 00 | 1 06 | 1 06 |
| | Sub-total Expenses | | 1 06 |

| | |
|---|---|
| **Total Current Billing** | 1 06 |
| **Previous Balance Due** | 2,488 27 |
| **Total Now Due** | **2,489 33** |

**Brown & Carlson, P A.**
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**Minneapolis, MN 55416**
**(763) 591-9950**
**41-1712681**

ESIS - Fleming Companies Dedicated Claims
Jackie Watford
P O Box 152035
Irving, Texas 75015-2035

**STATEMENT**
Statement Date April 7, 2003
Statement No 41987

Period Ending March 31, 2003

Claim Number 3931 781 976265
Social Security Number - -
Loss Date 9/27/2000

260 08470 Corner, Frances v Fleming/Rainbow

**Professional Fees**

| | | | Hours | Amount |
|---|---|---|---|---|
| 3/6/2003 | JKH | Review correspondence from plaintiff's attorney re then store manager Randy Drescher and review notice of taking deposition of same | 0 20 | 27 20 |
| 3/11/2003 | JKH | Telephone conference with Jackie Watford re status of mediation and possibility of continuing same | 0 10 | 13 60 |
| 3/11/2003 | JKH | Telephone conference with plaintiff's attorney re same | 0 10 | 13 60 |
| 3/11/2003 | JKH | Telephone conference with mediator Helen Preddy re advise mediator as to defendant's point of view | 0 30 | 40 80 |
| 3/11/2003 | JKH | Telephone conference with Jackie Watford re status of mediation, authority | 0 20 | 27 20 |
| 3/11/2003 | JKH | Cancel IME of plaintiff and notify attorney of same | 0 10 | 13 60 |
| 3/11/2003 | JKH | Telephone conference with Jackie Watford re specials | 0 10 | 13 60 |
| 3/11/2003 | JKH | Letter to attorney re same | 0 10 | 13 60 |
| 3/11/2003 | JKH | Telephone conference with Jackie Watford re specials, status of mediation, authority | 0 10 | 13 60 |
| 3/11/2003 | JKH | Telephone conference with plaintiff's attorney re vigorous and aggressive oral demand for medical specials and wage loss specials | 0 20 | 27 20 |
| 3/11/2003 | JKH | Telephone conference with Jackie Watford re same | 0 10 | 13 60 |
| 3/11/2003 | JKH | Letter to attorney re confirm plaintiff has little, if any, wage loss | 0 10 | 13 60 |
| 3/12/2003 | JKH | Telephone conference with Jackie Watford re strategy at mediation | 0 40 | 54 40 |
| 3/12/2003 | JKH | Draft and dictate confidential mediation form | 0 50 | 68 00 |
| 3/12/2003 | JKH | Review additional medical billings received from plaintiff | 0 10 | 13 60 |
| 3/12/2003 | JKH | Telephone conference with Jackie Watford re same, amount of medical specials | 0 30 | 40 80 |
| 3/12/2003 | JKH | Telephone conference with mediator Preddy re set up appointment to review videotape taken on day of accident | 0 10 | 13 60 |
| 3/14/2003 | JKH | Review records received from Hennepin County Medical Center | 1 00 | 136 00 |
| 3/14/2003 | JKH | Travel to and review store tape on day of accident with mediator Helen Preddy | 1 30 | 176 80 |
| 3/18/2003 | JKH | Prepare for mediation | 1 80 | 244 80 |

| | | | | |
|---|---|---|---|---|
| 3/18/2003 | JKH | Travel to and attend mediation | 6 50 | 884 00 |
| 3/25/2003 | JKH | Draft and dictate general release of all claims | 2 00 | 272 00 |
| 3/25/2003 | JKH | Draft and dictate stipulation for dismissal | 0 50 | 68 00 |
| 3/25/2003 | JKH | Letter to plaintiff's attorney re same and settlement check | 0 10 | 13 60 |
| | | | Sub-total Fees | 2,216 80 |

**Billing Summary**

| | | | |
|---|---|---|---|
| James K Helling | | 16 30 hours at $136 00/hr | 2,216 80 |
| | Total hours | 17 40 | |

## Expenses

| | | Units | Price | Amount |
|---|---|---|---|---|
| | Postage | 4 00 | 0 49 | 1 94 |
| 3/12/2003 | Medical Records - SimTek | 1 00 | 243 16 | 243 16 |
| 3/27/2003 | Mileage - 3/18 mediation | 1 00 | 23 80 | 23 80 |
| | | | Sub-total Expenses | 268 90 |

| | |
|---|---|
| **Total Current Billing** | 2,485 70 |
| **Previous Balance Due** | ~~4,920 30~~ |
| **Total Now Due** | ~~7,406 00~~ |

*Attorneys*
Douglas J Brown
Jeffrey G Carlson
Mark G Pryor
Gregory R Broos*

Penny F Helgren
Gina M Stanaway
Traci M Wischmeier
James K Helling
G John Veith
Timothy J Manahan*
J Kevin Kirchner
Carrie I Jacobson
Paula A Richard
Matthew H Jones

*Office Administrator*
Barbara J Romanko

*Paralegals*
Stephanie A Meierhofer
Lisa M Christensen
Darren D Dyer
LeAnn Hildebrandt

*Also admitted in Wisconsin

**BROWN & CARLSON, P.A.**
ATTORNEYS AT LAW

October 1, 2003

Bankruptcy Management Corp
PO Box 900
El Segundo, CA 90245-0900

Dear Sir/Madam

Enclosed herein for submission, please find Proof of Claim forms for creditor, Brown & Carlson, P A , seeking payment from debtor, Fleming Companies, Inc

If you have any questions or concerns, please feel free to contact me

Sincerely yours,

James K Helling
JKH/nek
Enclosures

*Writer's direct line 763-253-0127*
*e-mail jhelling@brownandcarlson.com*

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