

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re: ) Chapter 11  
)  
Fleming Companies, Inc., et al.,<sup>1</sup> ) Case No. 03-10945 (MFW)  
) (Jointly Administered)  
Debtors. ) **[Related Docket No. 15]**

**ORDER AUTHORIZING:  
RELIEF TO FLEMING COMPANIES, INC. FROM THE AUTOMATIC STAY OF  
SECTION 362 OF THE BANKRUPTCY CODE TO SEEK CLARIFICATION OF THE  
TIMING OF, OR RECONSIDERATION OF, OR APPEAL, OR SEEK A WRIT OF  
MANDAMUS REGARDING, THE DISTRICT COURT'S PRELIMINARY  
INJUNCTION OPINION AND ORDER.**

Upon the motion of the debtor Fleming Companies, Inc. in the above-captioned chapter 11 cases seeking entry of an Order authorizing relief from the automatic stay provisions of section 362 of the Bankruptcy Code to seek clarification of the timing of, or reconsideration of, or appeal, or seek a writ of mandamus regarding, the preliminary injunction issued against debtor Fleming Companies, Inc. by Judge Cavanaugh of the United States District Court for the District of New Jersey in Di Giorgio Corp. v. Fleming Companies, Inc., (Civ. Act. No. 02-2887); and adequate notice of the Motion having been given; and it appearing that no other notice of the

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<sup>1</sup> The Debtors are the following entities: Core-Mark International, Inc.; Fleming Companies, Inc.; ABCO Food Group, Inc.; ABCO Markets, Inc.; ABCO Realty Corp.; ASI Office Automation, Inc.; C/M Products, Inc.; Core-Mark Interrelated Companies, Inc.; Core-Mark Mid-Continent, Inc.; Dunigan Fuels, Inc.; Favar Concepts, Ltd.; Fleming Foods Management Co., L.L.C.; Fleming Foods of Texas, L.P.; Fleming International, Ltd.; Fleming Supermarkets of Florida, Inc.; Fleming Transportation Service, Inc.; Food 4 Less Beverage Company, Inc.; Fuelserv, Inc.; General Acceptance Corporation; Head Distributing Company; Marquise Ventures Company, Inc.; Minter-Weisman Co.; Piggly Wiggly Company; Progressive Realty, Inc.; Rainbow Food Group, Inc.; Retail Investments, Inc.; Retail Supermarkets, Inc.; RFS Marketing Services, Inc.; and Richmar Foods, Inc.

motion need be given; and that due deliberation and sufficient cause appearing therefor, it is hereby ORDERED THAT:

1. The motion is granted.

2. Pursuant to section 362(d) of the Bankruptcy Code, Fleming Companies, Inc. is hereby granted relief from the automatic stay so that Fleming may seek clarification as to the time at which District Court Judge Cavanaugh gave the directive to the Clerk of the Court to enter the Order (granting Di Giorgio's motion for a preliminary injunction). If upon such clarification it appears that Judge Cavanaugh gave the directive to enter the Order prior to 9:35 a.m. EST on April 1, 2003, Fleming is given further leave to seek reconsideration of the Order from the District Court, or to appeal to, or seek a writ of mandamus from, the Third Circuit Court of Appeals regarding the Order. If upon such clarification it appears that Judge Cavanaugh gave the directive to enter the Order subsequent to 9:35 a.m. EST on April 1, 2003, no further relief is necessary as such order is void as having been entered in violation of the automatic stay.

3. This order is to take effect immediately and is not stayed under Bankruptcy Rule 4001(a)(3).

Dated: \_\_\_\_\_, 2003

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United States Bankruptcy Judge