IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

IN RE:	§	Case No. 03-10945MFW-11
	§	
FLEMING COMPANIES, INC.,	§	
	§	Chapter 11
	§	
DEBTOR	§	

NOTICE OF SPECIAL APPEARANCE AND REQUEST
FOR SERVICE OF NOTICE AND PLEADINGS

The Texas Comptroller of Public Accounts ("Comptroller"), hereby gives notice of its special appearance in the case by and through the undersigned counsel:

Mark Browning
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This special appearance is filed for a limited purpose. Pursuant to Bankruptcy Rule 9010, the Comptroller respectfully requests through its counsel that it be served with copies of all notices issued by the clerk of the court and all other pleadings and notices to parties in interest filed by Debtor, Trustee, or any other interested parties in this case, including disclosure statements and/or schedules, in accordance with Bankruptcy Rules 2002, 3017, and 9013 and any other Bankruptcy Rules or local rules governing notice.

The Comptroller has not yet determined whether it will file a proof of claim in this case. This notice is not an informal proof of claim; rather, it is a special appearance for the limited purpose of obtaining notice of pleadings in this case. The Comptroller hereby reserves and does not waive its sovereign immunity and its rights under the Eleventh Amendment to the United States Constitution.

ORIGINAL

Respectfully submitted,

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ATTORNEYS FOR THE TEXAS
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was sent first class mail, postage prepaid to the following parties on this 9th day of April, 2003:

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