

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

In re:	)	Chapter 11
	)	
FLEMING COMPANIES, INC., <u>et al.</u> ,	)	Case No. 03-10945 (MFW)
	)	
Debtors.	)	(Jointly Administered)
		<b>Related Docket No. 107</b>

**ORDER GRANTING RELIEF 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 upon reading and filing the written response of DiGiorgio Corporation dated April 9, 2003 by its attorneys, Finkel Goldstein Berzow Rosenbloom & Nash, LLP and Jaspán Schlesinger Hoffman LLP and said motion having come on to be heard before the undersigned Bankruptcy

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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.

Judge on April 10, 2003; and after hearing Kirkland & Ellis and Pachulski Stang Ziehl Young Jones and Weintraub P.C., by Richard L. Wynne, Esq., Of Counsel, in support of the motion; and after hearing Finkel Goldstein Berzow Rosenbloom & Nash, LLP and Jaspan Schlesinger Hoffman LLP, by Neal M. Rosenbloom, Esq., in opposition to the form of the proposed order granting relief to the Debtor; and upon the record compiled at the hearing; and after due deliberation, and adequate notice of the Motion having been given; and it appearing that no other notice of the motion need be given; and that due deliberation and sufficient cause appearing therefor, it is hereby ORDERED THAT:

1. The motion is granted so that Fleming may seek clarification of the timing of, or reconsideration of, (including, but not limited to the appropriateness and amount of any bonding requirement) or appeal, or to seek a writ of mandamus regarding the decision and order dated April 1, 2003 of the United States District Court for the District of New Jersey (J. Cavanaugh) granting DiGiorgio Corporation a preliminary injunction in an action entitled DiGiorgio Corporation v. Fleming Companies, Inc., et al., 02-Civ-2887.

2. This order is to take effect immediately and is not stayed under Bankruptcy Rule 400 1(a)(3).

Dated: April \_\_, 2003

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United States Bankruptcy Judge