

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

Chapter 11

FLEMING COMPANIES, INC. et al.

Case No. 03-10945 (MFW)
(Jointly Administered)

Debtors.

MOTION TO SHORTEN NOTICE PERIOD WITH RESPECT TO MOTION OF BROADWAY CROSSINGS II, LLC FOR AN ORDER DIRECTING IMMEDIATE PERFORMANCE BY DEBTORS OF ALL OBLIGATIONS UNDER THE LEASE PURSUANT TO 11 U.S.C. §365(d)(3).

Broadway Crossings II, LLC, Lessor with respect to a certain shopping center leased by Fleming Companies, Inc., hereby moves the Court pursuant to Del. Bankr. LR9006-1(e) and 11 U.S.C. §105 for an Order shortening the notice period under Del. Bankr. LR 9006-1 with respect to Broadway Crossings II, LLC's motion for an order directing immediate performance by Debtors of all obligations under the Lease pursuant to 11 U.S.C. §365(d)(3) (the "§365(d)(3) timely performance motion").

1. An omnibus hearing date is scheduled for May 19, 2003. On the agenda will be matters relating to the rejection of leases.
2. Under Del. Bankr. LR 9006-1(e) all motion papers are to be served in accordance with Local Rule 2002-1(b) at least fifteen(15) days (eighteen (18) days if service is by mail) prior to the hearing date. Less notice is permitted by Order of the Court upon written motion setting forth the exigencies justifying shortened notice. Del. Bankr. LR 9006-1(e).

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3. Broadway Crossings II, LLC seeks to have its motion heard on the 19th instead of a later date for the following reasons: (1) financial considerations and obligations on the part of the Lessor; (2) the property is depreciating in value with each day Debtor-Lessee fails to perform its maintenance and repair obligations; (3) related matters concerning leases will also be heard on that date; and (4) shortened notice will not otherwise prejudice interested parties.

4. Accordingly, Broadway Crossings II, LLC respectfully requests that it be allowed to file and serve the attached motion on shortened notice so that it may be heard on May 19, 2003 @12:30p.m. The motion provides that objections may be made orally at the hearing on May 19, 2003 @ 12:30p.m. or in writing and if in writing, filed and served so as to be received by the undersigned counsel by no later than May 19, 2003 @ 12:30p.m.


5. Given the nature of Broadway Crossings II, LLC's "365(d)(3) timely performance motion," Broadway Crossings submits that the notice period described herein is sufficient to provide interested parties an opportunity to review and, if necessary, respond to the Motion.

6. This motion is being served upon the 2002 service list.

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WHEREFORE, Broadway Crossings II, LLC, respectfully request the entry of an Order shortening time within which to file and serve its "365(d)(3) timely performance motion."


LAW OFFICE OF RICHARD H. CROSS, JR. LLC



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Dated: May 9, 2003

SO ORDERED this 13th day of May, 2003



The Honorable Mary F. Walrath