

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

*In re* : Chapter 11  
:   
FLEMING COMPANIES, INC., *et al.*, :   
:   
Debtors. : Case Number 03-10945 (MFW)   
: Jointly Administered

**OBJECTION OF THE ACTING UNITED STATES TRUSTEE TO THE DEBTORS’  
MOTION FOR ENTRY OF AN ORDER AUTHORIZING AND APPROVING AN  
OMNIBUS PROCEDURE FOR SETTLING CERTAIN CUSTOMER CLAIMS  
RELATING TO ACCOUNTS RECEIVABLE AND OTHER RECEIVABLES  
(RELATED TO DOCKET ENTRY # 1407)**

In support of her objection to the motion for entry of an order authorizing and approving an omnibus procedure for settling certain customer claims relating to accounts receivable and other receivables, Roberta A. DeAngelis, Acting United States Trustee for Region 3 (“UST”), by and through her counsel, avers:

**INTRODUCTION**

1. Under 28 U.S.C. § 157(b)(2)(A) and applicable orders of the United States District Court for the District of Delaware, this Court has jurisdiction to hear and determine this objection.
2. Under 28 U.S.C. § 586, the UST has an overarching responsibility to enforce the laws as written by Congress and interpreted by the courts. *See United States Trustee v. Columbia Gas Sys., Inc. (In re Columbia Gas Sys., Inc.)*, 33 F.3d 294, 295-96 (3d Cir. 1994) (noting that UST has “public interest standing” under 11 U.S.C. § 307 which goes beyond mere pecuniary interest); *Morgenstern v. Revco D.S., Inc. (In re Revco D.S., Inc.)*, 898 F.2d 498, 500 (6<sup>th</sup> Cir. 1990) (describing the UST as a “watchdog”).
3. Under 11 U.S.C. § 307, the UST has standing to prosecute this objection.

**GROUNDNS FOR RELIEF**

4. The UST objects to the motion on the following ground: The UST has not been served with a copy of the Recovery Schedule. Accordingly, the UST is not able to evaluate whether the relief requested is reasonable. Further, the UST questions whether this Court can enter an order where the parameters of the relief granted by said order are determined by a document that does not appear of public record. The UST suggests that the Debtors move to file the document under seal, with the rights of all parties (including the UST) to be heard on the sealing of the Recovery Schedule being reserved.

**CONCLUSION**

WHEREFORE the UST requests that this Court deny the motion and/or grant other relief consistent with this objection.

Respectfully submitted,

**ROBERTA A. DeANGELIS  
ACTING UNITED STATES TRUSTEE**

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