

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:

FLEMING COMPANIES, INC., et al.,  
  
Debtors

Chapter 11

Case No: 03-10945(MFW)  
Jointly Administered

**OBJECTION OF SPARBOE SUMMIT FARMS TO  
DEBTORS' FIRST SUPPLEMENTAL REPORT OF CLAIMS  
UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT**

Sparboe Summit Farms, Inc. a/k/a Sparboe Agricultural Corporation (“Sparboe”) hereby objects to the Debtors’ First Supplemental Report of Claims under the Perishable Agricultural Commodities Act, 7 U.S.C. §499a, the Packers and Stockyards Act, 7 U.S.C. § 181 et seq., and Similar Statutes (“First Supplemental PACA Report”). In the First Supplemental PACA Report, Debtors list the claim of Sparboe as follows:

Claimant	Assertion	PACA Eligible	PACA Ineligible	Unreconciled
Sparboe Agricultural Corp	\$348,805.10	\$0.00	\$293,858.05	\$54,947.05

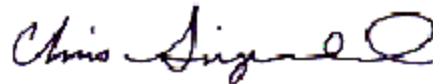
Sparboe is a supplier of fresh eggs to Debtors. It has asserted a claim under the Minnesota Wholesale Produce Dealers Act in the amount of \$243,991.30, not \$348,805.10 as listed. Moreover, due to an internal error, Sparboe was unable to provide the Debtors, through Alix Partners, the documentation necessary to reconcile the claim until Friday, July 11. As of July 15, 2003 Alix Partners confirmed to Sparboe that Alix Partners had just begun the reconciliation process. Given this timeframe, and given that Alix Partners has not contacted Sparboe to request further documentation,<sup>1</sup> it seems unlikely that the reconciliation listed by the Debtors has actually occurred.

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<sup>1</sup> Given that the documentation provided by Sparboe supports a claim of approximately \$100,000 less than the claim listed by Debtors, it seems likely that Alix Partners would have contacted Sparboe for further documentation or an explanation of the difference.

Moreover, if a partial reconciliation as described by Debtors has indeed occurred, Sparboe has received no explanation for the rejection of the majority of the claim as described in the First Supplemental PACA Report. Therefore, Sparboe files this objection to preserve its right to object to such explanation.

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