

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In Re:)	Chapter 11
)	
Fleming Companies, Inc., et al.,)	
)	Case No. 03-10945
)	
Debtors.)	
_____)	

**OBJECTION OF KALIL BOTTLING CO. TO
DEBTORS' MOTION FOR ENTRY OF ORDER WITH RESPECT TO
RECLAMATION CLAIMS FILED IN THE DEBTORS' CASES**

Reclamation claimant Kalil Bottling Co. ("Kalil") hereby objects to the proposed treatment of its claims identified in Exhibits "A" and "B" to the Debtors' Motion for Entry of Order with Respect to Reclamation Claims filed in the Debtors' cases (Docket Number 2050) (the "Motion"), filed July 21, 2003 in the above-captioned bankruptcy, and in support thereof, Kalil submits the following:

1. In the Motion, Debtors propose that Kalil's reclamation claims in the total amount of \$94,034.71 be expunged entirely. Pursuant to Exhibit "B" to the Motion, the reason for the reduction is "Electronic Data Not Provided".

2. Attached hereto as Exhibit "A" is the reclamation notice sent by Kalil to the Debtors on April 2, 2003, including documentation of the total value of Kalil's reclamation claim including a summary with account number, date of invoice, invoice number, and amount.

3. On or about July 2, 2003, the Debtors forwarded a request to Kalil for “additional information that is necessary to evaluate your Reclamation Claim.” A copy of the request is attached hereto as Exhibit “B”.

4. Attached hereto as Exhibit “C” is the Excel Spreadsheet emailed by Kalil to CMS@Fleming.com on July 9, 2003 at Debtors request identifying Purchase Order Number, Invoice Date, Invoice Number, and Invoice Amount relative to Kalil’s reclamation claim.

5. Kalil reserves the right to object to the expungement or reduction of and provide further information in support of its reclamation claim in response to any further allegations of deficiency by the Debtors

WHEREFORE, Kalil Bottling Co. hereby respectfully requests that: the Court deny the Debtors’ request to expunge the identified claim; the Court order that Kalil has an allowed reclamation claim in the amount of \$94,034.71; to the extent that additional information is required, this Court allow additional time for discovery and for the parties to develop the adequate information needed to determine the state of the reclamation claim in question; and the Court grant such other additional relief as it deems appropriate.

PHILLIPS, GOLDMAN & SPENCE, P.A.



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Dated:

- and -

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AFFIDAVIT OF SERVICE

STATE OF DELAWARE :
: SS.
NEW CASTLE COUNTY :

BE IT REMEMBERED that on July 30, 2003, CONNIE L. STELL, personally appeared before me the aforesaid, the deponent, who being by me duly sworn according to law, deposes and says that she is employed in the office of Phillips, Goldman & Spence, P.A., 1200 North Broom Street, Wilmington, Delaware, and on this date delivered by U.S. first class mail a copy of the attached papers to the persons at the addresses listed below:

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CONNIE L. STELL

Sworn to and subscribed before me this 30th day of July, 2003.



NOTARY PUBLIC

TANYA L. BIRDSELL
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires Jan. 10, 2008