

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re: : Chapter 11
Flcming Companies, Inc., et al., : Case No. 03-10945 (MFW)
Debtors. : (Jointly Administered)

**OBJECTION OF BOB EVANS FARMS TO DEBTORS'
PROPOSED TREATMENT OF RECLAMATION CLAIM**

NOW COMES, Bob Evans Farms ("Evans"), and in response to Debtors' Motion for Entry of an Order With Respect to the Reclamation Claims Filed in the Debtors' Cases ("Motion"), hereby objects to the proposed treatment of Evans' reclamation claim. In support of this objection, Evans states as follows:

1. On April 3, 2003, Evans timely asserted its reclamation claim against Debtor in the amount of \$38,676.69.

2. Debtor has objected to Evans' claim in part, asserting that Evans has not provided purchase orders for any of the product included in its reclamation claim. Thus, the Motion asserts that the maximum amount of Evans' reclamation claim is \$0.

3. Evans objects to Debtor's reduction of its claim based upon the alleged failure to provide purchase orders.

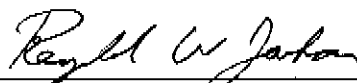
4. With respect to the product sales that Debtor claims Evnas did not provide purchase orders, Owens submits that with respect to product having a value of \$21,534.01, no purchase orders were submitted by Debtor or Debtor's stores since such sales were made by direct store delivery. In such cases, no purchase order is required. Further, with respect to

product having a value of \$17,142.68, Evans served in conjunction with its reclamation demand copies of two warehouse invoices that identified the Fleming purchase order numbers.

5. Copies of the invoices reflecting the direct store deliveries and the warehouse invoices containing Debtor's purchase order numbers are not attached hereto because copies of same were provided to Debtor on August 6, 2003. A copy of the correspondence forwarded by Evans in conjunction with such proof, is attached hereto as Exhibit A.

For the foregoing reasons, Evans respectfully requests that Debtor's Motion be denied as to the relief sought with respect to Evans.

Respectfully submitted,


Reginald W. Jackson (0022885)
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Attorneys for Bob Evans Farms

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of the foregoing pleading was served this 11th day of August, 2003 upon the following counsel by ordinary U.S. Mail, postage prepaid.

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Reginald W. Jackson

BOB EVANS FARMS

DATE: 8/6/2003
TO: FLEMING INC.
FROM: RONDA TAYLOR
RE: BOB EVANS FARMS VALID RECLAMATION CLAIM

Attached please find detailed information for our reclamation claim (reference 66). Fleming has reduced our reclamation file to zero. According to the Fleming documents the calculations were based on: "No Purchase Order Provided". There are no purchase orders required for Direct Store Deliveries. Our direct store deliveries filed on our reclamation total: \$21,534.01. In addition, two warehouse invoices were filed with the reclamation. These invoices clearly reference the Fleming Purchase Order. These two invoices total: \$17,142.68

Therefore, it is imperative that you review the reclamation reduction. Please contact us immediately with any questions or concerns in regard to the initial claim.

Sincerely,

Ronda Taylor, Acct Administrator

614 497 4789

ATTACHMENTS

8/6/2003