

FILED

IN THE UNITED STATES BANKRUPTCY COURT  
2003 SEP 9 PM 1:03

FOR THE DISTRICT OF DELAWARE

U.S. BANKRUPTCY COURT  
DISTRICT OF DELAWARE

---

In re

Chapter 11

**FLEMING COMPANIES, INC., et al,**

Case No. 03-10945 (MFW)

Debtors and Debtors-in-Possession.

(Jointly Administered)

TIN #48-0222760

---

**NOTICE OF APPEARANCE AND REQUEST FOR SERVICE OF PAPERS**

PLEASE TAKE NOTICE that Ball Janik LLP hereby appears as counsel for Trammell Crow Company, lesser, creditor and party in interest under Section 1109(b) of the United States Bankruptcy Code. Pursuant to Federal Rules of Bankruptcy Procedure 2002 and 9010, the undersigned requests that an entry be made on the Clerk's Matrix in this case, and that all notices given or required to be given and all papers served or required to be served in this case be given to and served on:

Ball Janik LLP  
c/o Jeffrey C. Gardner, Esq.  
101 SW Main Street, Suite 1100  
Portland, Oregon 97204-3219  
Telephone: (503) 228-2525  
Facsimile: (503) 226-3910  
[jgardner@balljanik.com](mailto:jgardner@balljanik.com)

**and also upon**

Ms. Kristi Carver  
Trammell Crow Company  
8625 SW Cascade Avenue, Suite 500  
Beaverton, Oregon 97008-7156  
Telephone: (503) 520-4584  
Facsimile: (503) 520-9400  
[kcarver@trammellcrow.com](mailto:kcarver@trammellcrow.com)

::ODMA\PCDOCS\PORTLAND\423968\1 - Notice of Appearance

BALL JANIK LLP  
One Main Place  
101 Southwest Main Street, Suite 1100  
Portland, Oregon 97204-3219  
Telephone 503-228-2525

PLEASE TAKE FURTHER NOTICE that this request includes not only the notices and papers referred to in the Federal Rules of Bankruptcy Procedure specified above, but also includes, without limitation, all orders and notices of any application, motion, petition, pleading, request, complaint, or demand, statements of affairs, operating reports, schedules of assets and liabilities, whether formal or informal, whether written or oral, and whether transmitted or conveyed by mail, courier service, hand delivery, telephone, facsimile transmission, telegraph, telex, or otherwise that (1) affects or seeks to affect in any way any rights or interest of any creditor or party in interest in these cases, with respect to (a) the debtor, (b) property of the debtor's estate, or proceeds thereof, in which the debtor may claim an interest, or (c) property or proceeds thereof in the possession, custody, or control of otherwise that the debtor may seek to use; or (2) requires or seeks to require any act, delivery of any property, payment or other conduct by Trammell Crow Company.

PLEASE TAKE FURTHER NOTICE that Trammell Crow Company intends that neither this Notice of Appearance nor any later appearance, pleading, claim or suit shall waive their individual or collective rights to (1) have final orders in non-core matters entered only after *de novo* review by a United States District Court judge; (2) trial by jury in any proceedings so friable in this case or any case, controversy or proceeding related to this case; (3) have the United States District Court withdraw the reference in any matter subject to mandatory or discretionary withdrawal; or (4) any other rights, claims actions, defenses, setoffs, or recipients to which Trammell Crow Company has or may be entitled to under agreements, in law, in equity, or otherwise, all of which rights, claims, actions, defenses, setoffs, and recipients it expressly reserves.

August 29, 2003

BALL JANIK LLP

By: 

Jeffrey C. Gardner, OSB #98054  
Attorneys for Trammell Crow Company

::ODMA\PCDOCS\PORTLAND\423968\1 - Notice of Appearance

BALL JANIK LLP  
One Main Place  
101 Southwest Main Street, Suite 1100  
Portland, Oregon 97204-3219  
Telephone 503-228-2323

FILED

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

2003 AUG 29 PM 1:02  
U.S. BANKRUPTCY COURT  
DISTRICT OF DELAWARE

In re

Chapter 11

**FLEMING COMPANIES, INC., et al.,**

Case No. 01-2412 (MFW)

Debtors and Debtors-in-Possession.

(Jointly Administered)

TIN #48-0222760

**STATEMENT CONCERNING ELECTRONIC FILING**

Pursuant to the preference of the United States Bankruptcy Court for the District of Delaware that submissions be made by means of electronic filing, this statement is made to notify the Court that this firm currently is not equipped to do electronic filing.

August 29, 2003

**BALL JANIK LLP**

By: 

Jeffrey C. Gardner, (OSB No. 98054)

[jgardner@bjllp.com](mailto:jgardner@bjllp.com)

101 SW Main Street, Suite 1100

Portland, Oregon 97204-3219

Telephone: (503) 228-2525

Telecopier: (503) 226-3910

Attorneys for Trammell Crow Company

::ODMA\PCDOCS\PORTLAND\423949\1 - Statement Concerning Electronic Filing

**BALL JANIK LLP**  
One Main Place  
101 Southwest Main Street, Suite 1100  
Portland, Oregon 97204-3219  
Telephone 503-228-2525

FILED

IN THE UNITED STATES BANKRUPTCY COURT 3 PM 1:04

FOR THE DISTRICT OF DELAWARE

U.S. BANKRUPTCY COURT  
DISTRICT OF DELAWARE

In re

Chapter 11

**FLEMING COMPANIES, INC., et al.,**

Case No. 03-10945 (MFW)

Debtors and Debtors-in-Possession.

(Jointly Administered)

TIN #48-0222760

**AFFIDAVIT OF SERVICE**

Margaret B. Lawrence, being duly sworn according to law, deposes and says that she is employed by the law firm of Ball Janik LLP, and that on the 29<sup>th</sup> day of August, 2003, she caused a copy of the following document to be served upon the attached service list in the manner indicated:

**NOTICE OF APPEARANCE FOR REQUEST FOR SERVICE OF PAPERS**

DATED this 29<sup>th</sup> day of August, 2003.

*Margaret B. Lawrence*

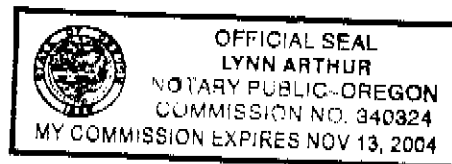
Margaret B. Lawrence

Sworn to and subscribed before  
me this 29<sup>th</sup> day of August, 2003

*Lynn Arthur*

Notary Public

My Commission Expires: 11.13.04



::ODMA\PCDOCS\PORTLAND\423975\1 - Affidavit of Service

**BALL JANIK LLP**  
One Main Place  
101 Southwest Main Street, Suite 1100  
Portland, Oregon 97204-3219  
Telephone 503-228-2525

Fleming Companies, Inc., et al.  
c/o Christopher James Holier, Esq.  
Pawhuska Sting Diehl Young & Jones PC  
919 N. Market Street, 16<sup>th</sup> Floor  
Wilmington, DE 19899

U.S. Trustee's Office  
844 King Street, Suite 2313  
Wilmington, DE 19801

Trammell Crow Company  
8625 SW Cascade Ave., Suite 500  
Beaverton, OR 97008

\\ODMA\PCDOCS\PORTLAND\423975\1 - Affidavit of Service

**BALL JANIK LLP**  
One Main Place  
101 Southwest Main Street, Suite 1100  
Portland, Oregon 97204-3219  
Telephone 503-228-2525