

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	:	Chapter 11
	:	
Fleming Companies, Inc., <i>et al.</i> ,	:	Case No. 03-10945 (MFW)
	:	(Jointly Administered)
Debtors.	:	

**CAITO FOOD SERVICES, INC.’S OBJECTIONS TO DEBTORS SUPPLEMENTAL
REPORTS OF CLAIMS UNDER THE PERISHABLE AGRICULTURAL
COMMODITIES ACT (D.I. 3695)**

Caito Food Services, Inc., (hereinafter “Caito”), pursuant to this Court’s May 6, 2003 Order (“PACA Order”) (D.I. 725) responds and objects to the Debtors’ Third Supplemental Report of Claims Under the Perishable Agricultural Commodities Act (“Third Supplemental Report”) as follows.

Jurisdiction and Procedural History

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding within 28 U.S.C. § 157(b)(2)(N).

Factual Background

2. Caito filed objections to the original Report of Claims and the First and Second Supplemental Reports. See D.I. Nos. 1629, 2151 and 3422.

3. September 16, 2003 Debtor filed its Third Supplemental Report of Claims. (D.I. 3695).

4. In the Third Supplemental Report, with regard to Caito Foods, there was not change or additional material from the Third Supplemental Report.

5. Therefore, Caito incorporates by reference all of its previous objections and assertions earlier made.

WHEREFORE, Caito files this response and objection to the Third Supplemental Report reserving all of its rights under the May 6, 2003 PACA Order in the Perishable Agricultural Commodities Act, 7 U.S.C. § 499(a) *et seq.*

Dated: September 26, 2003

WILLIAM W. ERHART, P.A.

/s/

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CERTIFICATE OF SERVICE

I, William W. Erhart, Esquire, hereby certify that on April 4, 2003, I served one copy of the foregoing **CAITO FOOD SERVICES, INC.'S OBJECTIONS TO DEBTORS THIRD SUPPLEMENTAL REPORTS OF CLAIMS UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT (D.I. 3210)** to the following individuals, in the manner indicated:

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