

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

2020 SEP 29 PM 1:15

IN RE: )  
 )  
Fleming Companies, Inc., et al., ) CHAPTER 11 - CASE NO. 03-10945 (MFW)  
 ) (Jointly Administered)  
Debtors. )

NOTICE OF SPECIAL APPEARANCE AND REQUEST FOR  
SERVICE OF NOTICE AND PLEADINGS

The Office of State Tax Commissioner ("Tax Commissioner") hereby gives notice of special appearance in the case by and through the undersigned counsel:

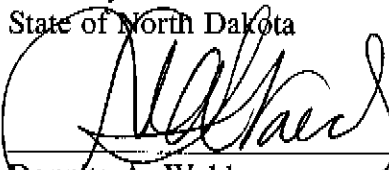
Donnita A. Wald  
Special Assistant Attorney General  
Office of State Tax Commissioner  
State Capitol-Eighth Floor  
600 East Boulevard Avenue  
Bismarck, North Dakota 58505-0599

This special appearance is filed for a limited purpose. Pursuant to Bankruptcy Rules 9010, the Tax Commissioner respectfully requests through its counsel that it be served with copies of all notices and other documents issued by the Clerk of Court and all other reports, pleadings and notices filed by the Trustee or any other Bankruptcy Rules or local rules governing notice.

The Tax Commissioner has not yet determined whether it will file a proof of claim in this case. This notice is not an informal proof of claim. The Tax Commissioner hereby reserves and does not waive sovereign immunity and its rights under the Eleventh Amendment to the United States Constitution.

Respectfully submitted this 24<sup>th</sup> day of September, 2003.

Wayne Stenehjem  
Attorney General  
State of North Dakota



Donnita A. Wald  
Special Assistant Attorney General  
Office of State Tax Commissioner  
State Capitol-Eighth Floor  
600 East Boulevard Avenue  
Bismarck, North Dakota 58505-0599

ATTORNEY FOR THE OFFICE OF STATE  
TAX COMMISSIONER

CERTIFICATE OF SERVICE

I do hereby certify that on this 24<sup>th</sup> day of September, 2003, a true copy of the foregoing pleading was mailed first-class, postage prepaid to the following and the attached service list:

United States Bankruptcy Court  
824 Market Street, 5<sup>th</sup> Floor  
Wilmington, Delaware 19801

Pachulski, Stang, Ziehl, Young Jones & Weintraub P.C.  
919 North Market Street, 16<sup>th</sup> Floor  
P.O.Box 8705  
Wilmington, Delaware 19899-8705

Kirkland & Ellis  
777 South Figueroa Street  
Los Angeles, California 90017



Donnita A. Wald