IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

FILED
2003 SEP 29 PM 3:57
U.S. BANKRUPTCY COURT
DISTRICT OF DELAWARE

In Re:

Fleming Companies, Inc., a/k/a
Big W Florida, Inc., a/k/a Heartland
Supermarkets, Inc.

Chapter 11

Case No. 03-10945

Motion No. _____

Objections due by: October 10, 2003
Hearing Date: October 20, 2003

NOTICE OF MOTION OF WILBUR J. ROCK FOR RELIEF FROM STAY UNDER SECTION 362 OF THE BANKRUPTCY CODE

TO: Debtor and its attorney:

Laura Davis Jones
Pachulski Stang Ziehl Young & Jones
919 North Market Street
16th Floor
Wilmington, DE 19899-8705

Committee Counsel:

Pepper Hamilton, LLP
1201 Market Street
Suite 1600
P. O. Box 1709
Wilmington, DE 18988-1709

Movant, Wilbur J. Rock, has filed a Motion for Relief from Stay, which seeks the following relief:

Wilbur J. Rock moves for relief from the automatic stay imposed by 11 U.S.C. 362(a) so as to permit him to join Fleming Companies, Inc. as a defendant in his pending personal injury action in Minnesota.

THE HEARING ON THE MOTION WILL BE HELD ON OCTOBER 20, 2003 AT 2:00 P.M.

You are required to file a response (and the supporting documentation required by Local Rule 4001-1(d)) to the attached motion at least five business days before the above hearing date.

At the same time, you must also serve a copy of the response upon movant's attorney:

Richard P. Mahoney
Mahoney, Dougherty and Mahoney, P.A.
801 Park Avenue
Minneapolis, MN 55404
(612) 339-5863

The hearing date specified above may be a preliminary hearing or may be consolidated with the final hearing, as determined by the Court.

The attorneys for the parties shall confer with respect to the issues raised by the motion in advance for the purpose of determining whether a consent judgment may be entered and/or for the purpose of stipulating to relevant facts such as value of the property, and the extent and validity of any security instrument.

Dated: September 22, 2003.

MAHONEY, DOUGHERTY AND MAHONEY
Professional Association

Richard P. Mahoney (#6662X)
Attorneys for Wilbur J. Rock
801 Park Avenue
Minneapolis, MN 55404
Telephone: (612) 339-5863

STATE OF MINNESOTA)
) SS.
COUNTY OF HENNEPIN)

AFFIDAVIT OF SERVICE BY MAIL

Francie Berg, of the City of Minneapolis, County of Hennepin, State of Minnesota, being duly sworn on oath, deposes and says on September 22, 2003, she served the annexed

NOTICE OF MOTION FOR RELIEF FROM STAY
MOTION REQUESTING RELIEF FROM AUTOMATIC STAY

on the following party(ies) in this action, by mailing a copy thereof, enclosed in an envelope, postage prepaid, and by depositing the same in the post office at Minneapolis, Minnesota, directed to said party(ies) at the following address(es):

Laura Davis Jones
Pachulski Stang Ziehl Young & Jones
919 North Market Street
16th Floor
Wilmington, DE 19899-8705
Counsel for Debtor

Pepper Hamilton, LLP
1201 Market Street
Suite 1600
P. O. Box 1709
Wilmington, DE 18988-1709
Committee Counsel

Francie Berg
Francie Berg

Subscribed and sworn to before me on September 22, 2003.

Sharon Freitag
Notary Public

SHARRON R. FREITAG
NOTARY PUBLIC-MINNESOTA
MY COMMISSION EXPIRES 1-31-2005