

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

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**In re:**

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

**Chapter 11  
Case No. 03-10945 MFW  
(Jointly Administered)**

**Responses Due By: December 29, 2003 at 4:00 p.m. EST**

**Hearing Date: January 5, 2004 at 2:00 p.m. EST**

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**RESPONSE OF INTERNATIONAL BROTHERHOOD AND BRIAN TANG  
TO DEBTORS' FIRST OMNIBUS OBJECTION TO CLAIMS (Docket No. 4790)**

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The International Brotherhood of Teamsters, and Brian Tang, through their attorneys-in-fact, Previant, Goldberg, Uelmen, Gratz, Miller & Brueggeman, S.C., by Frederick Perillo and Andrea F. Hoeschen hereby respond to the Debtors' Objection To Proof Of Claim No. 5984 ("Debtors' Objection") as follows:

1. Brian Tang filed a proper proof of claim for \$3,804.92 for unpaid sick days and holidays on August 21, 2003. Under § 507(a)(3)(A) of the bankruptcy code, the entire \$3,804.92 is a priority claim. Tang's claim was assigned claim No. 5984. The Debtor has categorized this claim as the "Amended Claim Amount" in Exhibit B to its First Omnibus Objection to Claims.

2. Brian Tang later filed a claim for \$10,786.75, none of which is categorized as a priority claim. The Debtor has categorized this claim as the "Remaining Claim Amount" in Exhibit B to its First Omnibus Objection to Claims.

3. The Debtors' First Omnibus Objection to Claims seeks to have Tang's priority claim for \$3,804.92 disallowed and replaced by his \$10,786.75 claim, of which none is classified as priority.

4. The Debtors' First Omnibus Objection to Claims offers no basis for eliminating Tang's \$3,804.02 priority claim.

WHEREFORE, the Brotherhood respectfully requests that the Debtors' Objection be denied and that \$3,804.92 of Brian Tang's remaining claim be classified as priority.

Dated this 29<sup>th</sup> day of December, 2003.

The International Brotherhood of Teamsters, and Brian Tang

By their counsel

/s/ Andrea F. Hoeschen

Frederick Perillo

Andrea F. Hoeschen

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