

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

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| In re: |) | Chapter 11 |
| |) | |
| FLEMING COMPANIES, INC., <u>et al.</u> , |) | Case No. 03-10945 (MFW) |
| |) | |
| Debtors. |) | (Jointly Administered) |

**ORDER APPROVING EMERGENCY MOTION BY DIGIORGIO FOR
EXPEDITED TELEPHONIC HEARING TO SET SCOPE OF HEARING
ON OBJECTION OF BLAIR ROAD REALTY CO. TO DEBTORS' MOTION FOR
AN ORDER PURSUANT TO SECTION 365 OF THE BANKRUPTCY CODE
AUTHORIZING DEBTORS TO ASSUME AND ASSIGN THAT CERTAIN
UNEXPIRED REAL PROPERTY LEASE WITH BLAIR ROAD REALTY CORP.**

Upon the Emergency Motion by the DiGiorgio Corp. for Expedited Telephonic Hearing to Set Scope of Hearing on Objection of Blair Road Realty Co. to Debtors' Motion for an Order Pursuant to Section 365 of the Bankruptcy Code Authorizing Debtors to Assume and Assign that Certain Unexpired Real Property Lease with Blair Road Realty Corp. (the "Motion"); and it appearing that due and sufficient notice of the Emergency Motion, under the circumstances, has been given to: (i) counsel to Blair Road Realty Co., (ii) counsel to the Debtors, (iii) the Office of the United States Trustee for the District of Delaware, and (iv) counsel to the Official Committee of Unsecured Creditors (collectively, (i) – (iv) referred to as the "Notice Parties"); and it appearing that no other or further notice need be given; and sufficient cause appearing therefor; it is hereby

ORDERED, that a telephonic hearing on the Motion will be held on January ____, 2004 at __: __.m. (the "Hearing Date"); and it is further

ORDERED, that objections, if any, to the Motion shall be presented at or prior to the Hearing Date; and it is further

ORDERED, that the counsel to DiGiorgio will serve a copy of this Order upon the Notice Parties by hand delivery, facsimile or overnight courier next morning delivery on or before January ___, 2004.

Dated: January ___, 2004

United States Bankruptcy Judge