

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

In Re:	:	
	:	Chapter 11
FLEMING COMPANIES, INC., et al.,	:	
	:	Case No. 03-10945 (MFW)
	:	
Debtors.	:	Jointly Administered

**MOTION FOR EXTENSION OF TIME FOR FILING
ADMINISTRATIVE EXPENSE CLAIMS BY THE UNITED STATES**

Pursuant to Bankruptcy Rule 9006(b)(1), the United States moves the Court for an extension to February 27, 2004, to file administrative expense claims in these proceedings, and states that there is cause for this extension as follows:

1. On April 1, 2003, Fleming Companies, Inc., and its related debtors (collectively, 'debtors'), filed voluntary petitions under Chapter 11 of the United States Bankruptcy Code.

2. The Internal Revenue Service and the Defense Commissary Agency are creditors and parties in interest in this matter.

3. On or about December 4, 2003, the Court entered an order setting a January 15, 2004, deadline for creditors to file administrative proofs of claim ("administrative bar date").

4. Upon information and belief, the United States Attorney for the District of Delaware was not served with notice of the administrative bar date.

5. The United States requests a brief extension of the administrative bar date to ensure that the United States is afforded an adequate opportunity to prepare and file any administrative proofs of claim that it may have against the debtors. Certain federal agencies are either still canvassing potential sources of claims or are in the process of trying to prepare an administrative claim.

6. The IRS objects to the imposition of the January 15, 2004, bar date because the debtors have not filed numerous tax returns for post-petition tax periods. Information extracted from such tax returns is vital to the preparation of an accurate administrative expense claim.

7. The undersigned counsel has attempted to contact Debtors' counsel but has been unable to ascertain the debtors' position with respect to this Motion.

WHEREFORE, for cause shown, the United States respectfully requests that the administrative bar date for the United States to file administrative expense claims against the debtors be extended to February 27, 2004, or for such other period of time as the Court deems adequate and just.

Respectfully submitted,

RICHARD G. ANDREWS
Acting United States Attorney

By: /s/ Ellen W. Slights
Assistant United States Attorney
Delaware State Bar No. 2782
1007 Orange Street, Suite 700
P.O. Box 2046
Wilmington, DE 19899-2046
(302) 573-6277

Dated: January 14, 2003

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

In Re:	:	Chapter 11
	:	
FLEMING COMPANIES, INC., et al.,	:	Case No. 03-10945 (MFW)
	:	
Debtors.	:	Jointly Administered

ORDER

AND NOW, this ____ day of _____, 2004, upon consideration of the Motion for Extension of Time for Filing Administrative Expense Claims by the United States, and cause having been shown therefore, it is

ORDERED, that the United States' motion is granted and the United States, shall file its administrative expense claims on or before the 27th day of February, 2004.

Honorable Mary F. Walrath
United States Bankruptcy Judge