

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

In re: : Chapter 11  
Fleming companies, Inc., et al. : Case # 03-10945 MFW  
Debtors :  
( Jointly administered) :

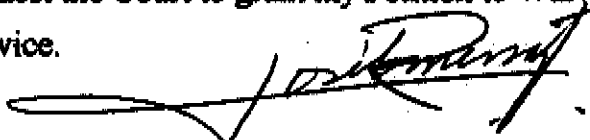
**PETITION OF RUSBEIRO MESSA PRO SE TO WAIVE SERVICE  
OF MOTIONS ON THE FULL LIST OF PERSONS OR ENTITIES**

I, Movant Rusbeiro Messa pro se, respectfully requests the Court to grant this petition to waive service of motions on the complete list of service as required by the Federal Rules of Bankruptcy Procedures on the following grounds:

1. I am filing a Motion requesting relief from the Automatic Stay in order to continue with action commenced in the United States District Court for the Southern District of Florida, which was dismissed after Debtor Fleming Companies Inc. filed for bankruptcy here in the Court.
2. I have sent service of motions to the entities and persons listed in my Affidavit of Service here attached. I will provide service to others as the Court considers appropriate.
3. Since I filed Application to Proceed in Forma Pauperis, I can not afford the cost of Service of motions or pleadings on more than one thousand persons and entities. It not only will be very stressful for me, a disable person, also will be an economic burden.
4. I have consulted about twenty attorneys in Delaware and here in Florida, but not been able to find representation when they alleged conflict of interest or after they have demanded too much attorney's fees. which I do not have,

**WHEREFORE**, I respectfully request the Court to grant my Petition to Waive Service of Motions on the Full List of Service.

Respectfully Submitted,



Rusbeiro Messa  
0121 NE 10 terrace  
Pompano Beach, FL 33064  
954-783 4385

DATED January 6, 2004

**AFFIDAVIT OF RUSBEIRO MESSA IN SUPPORT OF MOTIONS**

I, Rusbeiro Messa, duly sworn, certifies that the statements and facts in support of these Motions are true to the best of my knowledge and belief.

I can not afford to pay for court's costs in these proceedings. My only income is my disability benefits from which I am also paying psychiatric and other medical treatment and Medicare.

I was declined legal representation by about a dozen of attorneys in Delaware and here in Florida, some alleging conflict of interest with other creditors, other demanded high retaining fees, which I do not have.

During more than five months I have tried to file these motions with the help from a friend, but antidepressants and pain medications takes my energy away and impedes concentration, obligating me to sleep most of time and been secluded.

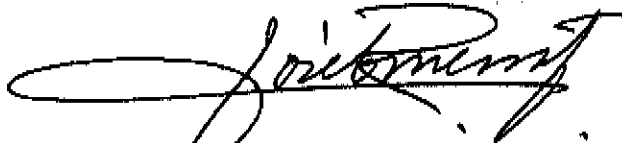
I need payment for medical treatment of groin and back injuries which has not been treated since 1988. Presently I feel pain also on my knee replacement. I feel very ill and in need of treatment also from a urologist, neurologist, orthopedic and family doctor. Physicians have declined medical treatment after Fleming and its carrier denied payment. I am also very concerned about future knee replacement and psychiatric treatment, which has been denied by Medicare because it is related to work injuries covered by private insurer.

I had to file this Proof of Claim pro se as a last resource to claim my right of compensation against my employer. Since 1987, all doctors have issued opinions that I am suffering from severe depression, panic and anxiety due to litigation of work injuries.

I have suffered a lot of damages during these 17 years I am sure if my employer were not using malice, hate, harassment and fraudulent tactics and had provided medical treatment, I were not disable and I were working. I feel my employer has ruined my life and my two children's.

I believe that the acceptance of this Proof of Claim and urgent relief by this Court, I will be compensated and will try to obtain a normal life.

1-6-2004  
Kathy Keller  
Notary as to signature  
of Rusbeiro Messa  
Florida Driver License as F.O.

  
Rusbeiro Messa  
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