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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

In re:	§	
	§	**Case No. 08-45664 (DML)**
Pilgrim's Pride Corporation, *et al.*	§	
	§	**Chapter 11**
Debtors.	§	
	§	**Jointly Administered**

STIPULATION TO MODIFY THE DISCHARGE INJUNCTION TO PERMIT CONTINUANCE OF *MINTZ* LITIGATION
[Relates to Docket Nos. 5452, 5624, 6014]

Pilgrim's Pride Corporation ("PPC") and its affiliated reorganized debtors in the above-referenced chapter 11 cases (collectively, as reorganized, the "Debtors")[1] by and through their undersigned counsels, and James Mintz ("Mintz"), *pro se*, hereby enter into this stipulation to modify the discharge injunction (this "Stipulation") and stipulate as follows:

WHEREAS, on December 1, 2008 (the "Commencement Date"), the Debtors each commenced with this Court a voluntary case under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code");

WHEREAS, the Debtors' chapter 11 cases have been consolidated for procedural purposes

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1 The Reorganized Debtors in these cases are PPC; PFS Distribution Company; PPC Transportation Company; To-Ricos, Ltd.; To-Ricos Distribution, Ltd.; Pilgrim's Pride Corporation of West Virginia, Inc.; and PPC Marketing, Ltd.

only and are being jointly administered pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Case");

WHEREAS, PPC is involved in litigation with Mintz in case number1:08-CV-1430-GET (the "Georgia Litigation") in the United States District Court for the Northern District of Georgia (the "Georgia Court");

WHEREAS, on May 26, 2009, Mintz filed Proof of Claim Number 3828 ("Mintz's Claim") in the Bankruptcy Case;

WHEREAS, on December 10, 2009, pursuant to section 1129 of the Bankruptcy Code, the Bankruptcy Court entered an order (the "Confirmation Order") confirming Debtors' Amended Joint Plan of Reorganization under Chapter 11 of the Bankruptcy Code (as Modified) (the "Plan");[2]

WHEREAS, the Plan became effective on December 28, 2009;

WHEREAS, on June 28, 2010 the Debtors filed their Debtors' Objection to Claim Number 3828 Filed by James Mintz [Docket No. 5452] (the "Objection") on the basis that Mintz's Claim was unenforceable against the Debtors for the reasons asserted in the answer filed by the Debtors in the Georgia Court;

WHEREAS, on July 27, 2010 Mintz filed the Creditor's Response to Debtors' Objection to Claim Number 3828 filed by James Mintz [Docket No. 5624];

WHEREAS, since the Commencement Date, the Georgia Litigation has been subject to the automatic stay pursuant to section 362 of the Bankruptcy Code;

WHEREAS, Paragraph 38 of the Confirmation Order, entitled "Terms of Injunctions or Stays", provides that pursuant to section 524 of the Bankruptcy Code, the automatic stay was

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[2] Capitalized terms not expressly defined herein have the meaning ascribed to them in the Plan.

replaced by an injunction (the "Discharge Injunction") against the commencement or continuation of actions against the Debtors;

WHEREAS, on November 12, 2010, Mintz filed the Motion for Relief from Automatic Stay [Docket No. 6014], seeking to lift the automatic stay and authorize Mintz to continue the Georgia Litigation;

WHEREAS, the Discharge Injunction currently prevents Mintz from enforcing and pursuing rights and remedies against PPC including continuance of the Georgia Litigation, and the liquidation of the amount of Mintz's Claim;

WHEREAS, cause therefore exists to modify the Discharge Injunction;

WHEREAS, there will be no harm to the estate or its creditors, nor any unfair disruption to the affairs of the Debtors by the relief sought;

WHEREAS, PPC and Mintz agree that Mintz should be entitled to seek relief from the provisions of the Discharge Injunction ordered by virtue of or in connection with the confirmation of the Plan; it is therefore

STIPULATED, AND AGREED THAT:

1. All of the foregoing "whereas clauses" are specifically incorporated into this Stipulation and made a part hereof.

2. The Discharge Injunction will be modified in order to allow the Georgia Litigation to proceed to resolution in the Georgia Court.

3. The Georgia Litigation will serve to liquidate Mintz's Claim against the Debtors in the Bankruptcy Case.

4. To the extent any judgment is rendered in Mintz's favor, or the Debtors and Mintz resolve the Georgia Litigation, Mintz's Claim, and the Objection by settlement or other means, such shall be satisfied pursuant to the terms of the Plan.

5. Proof of any such judgment rendered in Mintz's favor, or resolution of the Georgia Litigation, Mintz's Claim, and the Objection, by settlement or other means, must be filed with this Court within 30 days of such resolution.

6. Nothing contained herein shall modify and rights, remedies or defenses that PPC and Mintz may have regarding the Georgia Litigation, Mintz's Claim or the Objection, or that are otherwise afforded under applicable law.

7. This Court retains jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation and/or enforcement of any order approving this Stipulation.

[signature page follows]

By: /s/ David W. Parham
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Dated: December 15, 2010

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