

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

FURR'S SUPERMARKETS, INC.,

Case No. 7-01-10779-SA
Chapter 7

Debtor.

**ORDER APPROVING EMPLOYMENT OF WALTER R. DOYLE AS EXPERT
WITNESS IN AVOIDANCE ACTIONS AND OTHER COLLECTION ACTIONS**

This matter came before the Court upon the Chapter 7 Trustee's (the "Trustee's") Motion to Employ Walter R. Doyle as Expert Witness in Avoidance Actions and Other Collection Actions, filed September 11, 2002 and docketed as #1838 (the "Motion").

The Court FINDS:

- A. On September 11, 2002 Doyle filed his disclosure pursuant to Bankruptcy Rules 2014 and 2016 (the "Disclosure");
- B. On September 11, 2001, the Trustee gave notice of the Motion to all persons on the limited mailing matrix in this Chapter 7 case (the "Notice");
- C. The Notice was sufficient and appropriate in the particular circumstances;
- D. The deadline to object to the Motion expired on October 4, 2002. Objections were filed by Sara Lee Bakery Group, Inc., Hormel Foods Corporation, and Food Marketing Group (the "Objecting Parties");
- E. Doyle satisfies the requirements set forth in Section 327(a) of the Bankruptcy Code for the Chapter 7 Trustee's retention of Doyle;
- F. No further notice of the Motion or of this order is necessary in the particular circumstances, prior to entry of this order;

G. Doyle's employment as an expert witness for the Trustee, as set forth below, should be approved; and

H. Entry of this order is appropriate.

IT IS, THEREFORE, ORDERED:

1. The Trustee's employment of Doyle, pursuant to Bankruptcy Code §327(a), to work for the Trustee as a potential expert witness in connection with (i) the Trustee's pending and future adversary proceedings to recover preferential transfers and (ii) if needed, the Trustee's pending and future adversary proceedings to recover accounts receivable, is hereby approved, effective as of September 11, 2002.

2. The terms of Doyle's employment are that the estate will pay Doyle \$175 per hour, plus gross receipts tax, plus out-of-pocket costs, with a one day minimum unless the work can be performed at his normal place of consulting services.

3. The Trustee is authorized to pay Doyle, upon receipt of Doyle's billing statements and prior to the Court's determination of the allowability of Doyle's compensation, up to and including 75% of fees, and up and including 100% of reimbursable costs and applicable gross receipts tax on fees and costs that are paid. All fees, costs, and gross receipts tax paid shall be subject to ultimate approval of the Bankruptcy Court under Bankruptcy Code §§328, 330 and 331.

4. Doyle's fees, expenses, and gross receipts tax shall be paid in accordance with the Stipulation and Consent Order (I) Approving Compromise and Settlement Between the Trustee on Behalf of the Estate, Heller Financial, Inc., Bank of America, N.A., Fleet Capital Corporation and Metropolitan Life Insurance Company and

(II) Resolving all Objections Thereto, entered by the Court on or about July 25, 2002 as docket #1766.

5. This order is limited to authorizing the Trustee to employ Doyle as provided herein and nothing in this Order or the Court's ruling granting the Trustee's Motion in any way binds, or limits the rights of, any party in any adversary proceeding with respect to any evidentiary, discovery, or procedural matter in that adversary proceeding.

6. Doyle should file fee applications approximately every 180 days.

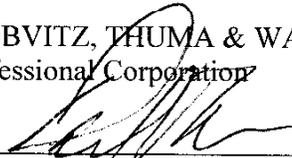


THE HONORABLE JAMES S. STARZYNSKI
UNITED STATES BANKRUPTCY JUDGE

Submitted by:

JACOBVITZ, THUMA & WALKER,
a Professional Corporation

By: _____


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I hereby certify that a true and correct copy
of the foregoing was either electronically
transmitted, faxed, delivered or mailed to
the listed counsel and parties on:

JAN 29 2003

Mary B. Anderson