

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW MEXICO

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U.S. BANKRUPTCY COURT  
ALBUQUERQUE, N.M.

In re Case No. 11-01-10779-SA  
FURR'S SUPERMARKETS, INC., Chapter 11  
Debtor.

**MOTION OF UNITED FOOD AND COMMERCIAL WORKERS UNION  
LOCAL 540 FOR ORDER ALLOWING AND REQUIRING IMMEDIATE  
PAYMENT OF ADMINISTRATIVE EXPENSES**

TO: ALL PARTIES IN INTEREST AND THEIR COUNSEL.

United Food and Commercial Workers Union Local 540 ("Local 540") hereby moves for an Order (1) allowing administrative expenses pursuant to 11 U.S.C. § 503(b), and (2) requiring their immediate payment. These administrative expenses are unpaid claims for medical benefits under Furr's Supermarkets, Inc. Group Health Plan ("Group Health Plan") covering, among others, members of Local 540, for the period after February 8, 2001.

Immediate payment of these claims is required for the following reasons:

1. The "Group Health Plan" provided medical insurance to members of Local 540 for all of their medical expenses.
2. The health benefits provided under the Group Health Plan were payable pursuant to provisions of a Collective Bargaining Agreement between Local 540 and the Debtor which was never rejected by the Debtor under the procedure set forth in 29 U.S.C. § 1113.
3. These administrative claims are for claims for medical expenses incurred from after February 8, 2001, through August 31, 2001.
4. If these claims are not paid, the medical providers who provided the



services will seek payment directly from Local 540 members, who might be held liable for such payments.

5. These benefits are an important element of the compensation package for Local 540 members, accounting for a significant percentage of the employees' total compensation.

6. The benefits are payable for work performed in preservation and disposition of the assets of the Debtor's estate for the benefit of the Secured Creditors, within the meaning of 11 U.S.C. § 506(c), and should therefore be paid out of cash collateral.

This Motion is based on this Motion, the Notice of Deadline To Object To Motion filed and served herewith, the Memorandum of Points and Authorities, and Declarations to be filed in support of this Motion, the pleadings and documents on file in this matter, and such further pleadings and documents as Local 540 may file, together with such argument and evidence as may be heard at the time of hearing on this Motion.

DATED: October 23, 2001

SCHWARTZ, STEINSAPIR, DOHRMANN  
& SOMMERS  
MICHAEL D. FOUR

LAW OFFICES OF K. LEE PEIFER  
K. LEE PEIFER

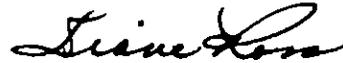
By 

MICHAEL D. FOUR  
Attorneys for United Food and Commercial  
Workers Union Local 540

**CERTIFICATE OF SERVICE**

I hereby certify that on October 24, 2001, a true and correct copy of  
MOTION OF UNITED FOOD AND COMMERCIAL WORKERS UNION LOCAL 540 FOR ORDER  
ALLOWING AND REQUIRING IMMEDIATE PAYMENT OF ADMINISTRATIVE EXPENSES was  
sent via facsimile to:

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