

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO  
OFFICE OF THE CLERK

In re

FURR'S SUPERMARKETS, INC.

FILED  
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Case No. 07-01-10779 SA

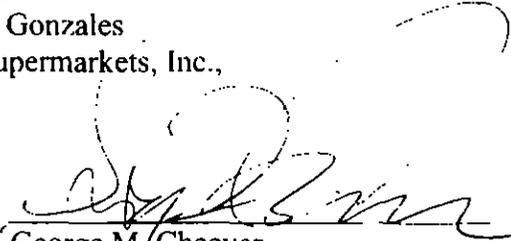
DESIGNATION OF ITEMS TO BE INCLUDED IN RECORD ON APPEAL

I have placed an "X" beside entries on the attached docket sheet copy to represent those items I designate to be included in the record on appeal. Please note that, because of the length of the docket in this case, I am enclosing copies of only the first page and pages 228 through 234 of the docket. All docket items that I am designating for inclusion in the record on appeal are listed on these pages.

Please also note that (i) the transcript of the hearing held on February 13, 2002 on the Trustee's Motion to Extend Time within which the Debtor May Assume or Reject the El Paso Warehouse Lease through June 30, 2002, and (ii) all six of the exhibits listed on the Exhibit List from that hearing (Docket No. 1562) should also be included in the record on appeal.

I certify that on March 6, 2002, I served a copy of this designation on the other party to this appeal, listed below, by United States mail, first-class postage prepaid:

David T. Thuma  
Jacobvitz, Thuma & Walker  
500 Marquette NW, Suite 650  
Albuquerque, NM 87102  
(505) 766-9272  
Attorneys for Yvette J. Gonzales  
Chapter 7 Trustee for Furr's Supermarkets, Inc.,  
Appellee

  
George M. Cheever  
Henry W. Oliver Building  
535 Smithfield Street  
Pittsburgh, PA 15222  
(412) 355-6544  
Attorneys for Janus Financial  
Corporation and El Paso Properties  
Corp., Appellants

1599  
March 6, 2002

U.S. Bankruptcy Court  
DISTRICT OF NEW MEXICO (Albuquerque)

Bankruptcy Petition #: 01-10779

Date filed: 2/8/01

Assigned to: James S. Starzynski  
Chapter 7 voluntary

no asset

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\* Attorneys \*

FURR'S SUPERMARKETS, INC., a  
Delaware Corporation  
c/o Chief Financial Officer  
4411 The 25 Way NE, Suite 100  
Albuquerque, NM 87109  
SSN: 75-2364418  
Tax ID: 02-159595-0

\* Debtor \*

Furr's Supermarkets, Inc.  
PRO SE

HELLER FINANCIAL, INC.  
c/o Atty David Heller  
Sears Tower, Suite 5800  
Chicago, IL 60606

\* Creditor \*

Paul M. Fish  
P. O. Box 2168  
Albuquerque, NM 87103  
505-848-1871

David Heller  
Josef S. Athanas  
233 South Wacker Drive  
Suite 5800  
Chicago, IL 60606  
312-876-7670

METROPOLITAN LIFE INSURANCE  
COMPANY  
c/o Atty Ronald Silverman  
399 Park Avenue  
New York, NY 10022

\* Creditor \*

Jennie D. Behles  
PO Box 849  
Albuquerque, NM 87103  
505-243-9756  
FTS 243-7262

Paul M. Fish  
(See above)

Ronald Silverman  
Stephen P. Savoia  
Michael P. Cooley  
399 Park Avenue  
New York, NY 10022  
212-318-7700

Michael J. Reilly  
Ronald J. Silverman  
One State Street  
Hartford, CT 06103  
860-240-2700

Proceedings include events between 1/1/31 and 2/26/02.

01-10779 In re: Furr's Supermarkets, Inc.

APPEAL

- 1/28/02 1534 Notice of Entry of Appearance And Request For Notice By James T. Reist for Creditor Arthur Andersen, L.L.P.. (loui) [EOD 01/29/02] [Edit date 01/30/02] [01-10779]
- 1/29/02 -- First Meeting of Creditors Scheduled For 9:00 1/28/02 At ABQ: 421 Gold Ave SW, Rm 103 (loui) [EOD 01/29/02] [01-10779]
- 1/29/02 1526 Order Granting [1145-1] Application For Payment of Fees and Expenses in the amount of \$28,977.26 for reimbursable costs for expenses and \$300,000.00 for fees by Unsecured Creditors Committee . It is Ordered that the sum of \$323,977.26 is allowed as compensation. (loui) [EOD 01/29/02] [01-10779]
- 1/29/02 1530 Notice of Entry of Appearance And Request For Notice By Karen Elizabeth Nethersole for Creditor General Electric Capital Corporation. (loui) [EOD 01/30/02] [01-10779]
- 1/29/02 1531 Exhibit list by United States Trustee for Final Hearing on Fee Application of Pepper Hamilton, LLP (loui) [EOD 01/30/02] [01-10779]
- 1/29/02 1527 Minutes of Hearing Held On 1/29/02 Re: [508-1] Motion To Employ Arthur Andersen LLP as Accountants and Tax Advisors for the Debtor by Furr's Supermarkets, Inc. scheduled For 1:30 2/13/02 at Bankruptcy Courtroom 2nd Floor . (jack) [EOD 01/30/02] [01-10779]
- 1/29/02 1528 Minutes of Hearing Held On 1/29/02 Re: [1042-1] Application For Compensation ( Fees: \$ 1,233,971.75, ); if this application is approved the amount requested would be offset by a credit of \$42,885.69 as required by the retention order by Kurt Ramlo, Richard Levin, Jay Goffman, Peter W. Clapp, Jamie L. Edmonson, Stephen J. Lubben, Alan J. Carr, Amy S. Park, [1295-1] Application For Compensation ( Fees: \$ 1,384,139.75, Expenses: \$ 138,788.84) by Richard Levin, Jay Goffman, Peter W. Clapp, Jamie L. Edmonson, Stephen J. Lubben, Alan J. Carr, Amy S. Park, Laura M. Franze, Kurt Ramlo, [1303-1] Application For Compensation ( Fees: \$ 1,990,433.66, Expenses: \$ 104,980.70) by Peter J. Solomon Company . (jack) [EOD 01/30/02] [01-10779]
- 1/29/02 1529 Minutes of Hearing Held On 1/29/02 Re: [1307-1] Application For Compensation ( Fees: \$ 108,007.96, ) of this amount the applicant seeks \$6164.92 that remains unpaid by Laura M. Franze . (jack) [EOD 01/30/02] [01-10779]
- 1/29/02 1535 X Motion By Trustee Yvette Gonzales To extend Time within which the debtor may assume or reject the El Paso Warehouse lease through 6/30/02 . (jack) [EOD 01/30/02] [01-10779]

Proceedings include events between 1/1/31 and 2/26/02.

01-10779 In re: Furr's Supermarkets, Inc.

APPEAL

- 1/29/02 1537 X Notice of Preliminary Hearing Re: [1535-1] Motion To extend Time within which the debtor may assume or reject the El Paso Warehouse lease through 6/30/02 by Yvette Gonzales ; Preliminary Hearing Set For 11:00 2/11/02 at Judge Starzynski's Hrg Rm #208 (jack) [EOD 01/31/02] [01-10779]
- 1/29/02 1544 Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors and Deadlines set for Monday, January 28, 2002 at 9:00 a.m. at Albuquerque Convention Center, 401 Second Street NW, Ballroom A, West Complex; served 1/4/02 on all creditors. (jack) [EOD 02/06/02] [01-10779]
- 1/30/02 1536 Stipulated Order By and Between Debtor Furr's Supermarkets, Inc., U. S. Trustee United States Trustee, Other Professional Pricewaterhouse Coopers, LLP Granting [1352-1] Application For Compensation ( Fees: \$393,409.44 ) by Pricewaterhouse Coopers, LLP . (jack) [EOD 01/31/02] [01-10779]
- 1/30/02 1538 First amended Motion By Creditor Frederick M. Mossman, Creditor Edward Gladden To Enforce the Court's order resulting from debtor's notice of proposed cure amounts . (jack) [EOD 01/31/02] [01-10779]
- 1/30/02 1539 Response By Consultant Deloitte & Touche LLP, Consultant Deloitte Consulting LP To [1404-1] Objection [1334-1] Final Application For Compensation ( Fees: \$ 1,096,641.92, ) for period of 9/1/01 through 10/31/01 and 2/21/01 through 10/31/01 by Deloitte Consulting LP, Deloitte & Touche LLP by United States Trustee, [1392-1] Objection [1334-1] Final Application For Compensation ( Fees: \$ 1,096,641.92, ) for period of 9/1/01 through 10/31/01 and 2/21/01 through 10/31/01 by Deloitte Consulting LP, Deloitte & Touche LLP by Furr's Supermarkets, Inc., [1349-1] Objection [1159-1] Application For Compensation ( Fees: \$ 1,065,205.97, ) as consultants and financial advisors to the Unsecured Creditors Committee for the period 2/21/01 thru 8/31/01 by Deloitte & Touche LLP, Deloitte Consulting LP by Metropolitan Life Insurance Company . (jack) [EOD 01/31/02] [01-10779]
- 1/30/02 1540 Mandate Dated 1/30/02, Dismissed [1407-1] Notice of Appeal by United Food & Comm. Wk Union, Local 540, United Food & Comm Wk Union, Local 1564 . (BAP No. NM-01-096) (isab) [EOD 02/01/02] [01-10779]
- 2/4/02 1543 Comment by the United States Trustee regarding trustee's motion to retain certain professionals retained or sought to be retained by the debtor in possession . (jack)

[EOD 02/05/02] [01-10779]

Proceedings include events between 1/1/31 and 2/26/02.

01-10779 In re: Furr's Supermarkets, Inc.

APPEAL

- 2/5/02 1541 Order Granting [1494-1] Motion To Withdraw As Attorney of Record by Richard Levin . Involvement of attorney Richard Levin for Furr's Supermarkets, Inc., attorney Jay Goffman for Furr's Supermarkets, Inc., attorney Peter W. Clapp for Furr's Supermarkets, Inc., attorney Jamie L. Edmonson for Furr's Supermarkets, Inc., attorney Stephen J. Lubben for Furr's Supermarkets, Inc., attorney Alan J. Carr for Furr's Supermarkets, Inc., attorney Amy S. Park for Furr's Supermarkets, Inc., attorney Kurt Ramlo for Furr's Supermarkets, Inc. Terminated . (jack) [EOD 02/05/02] [01-10779]
- 2/5/02 1542 Order To Show Cause why attorney for Charlene Green should not be sanctioned for failure to attend a hearing ; Show Cause Hearing Set For 9:00 2/19/02 AT Judge Starzynski's Hrg Rm #208 (jack) [EOD 02/05/02] [01-10779]
- 2/5/02 -- Added Special Counsel Laura Franze (jack) [EOD 02/05/02] [01-10779]
- 2/5/02 -- Terminated attorney Laura M. Franze for Furr's Supermarkets, Inc. (jack) [EOD 02/05/02] [01-10779]
- 2/6/02 -- File audited through pleading # 1544. Re-Audit Date 8/5/02 Waiting for: trustee's asset/no asset determination. (jack) [EOD 02/06/02] [01-10779]
- 2/7/02 1547 Motion by Trustee Yvette Gonzales For Approval of agreement regarding sale of liquor licenses, and establishing procedures for the sale of liquor licenses free and clear of liens and payment of liquor wholesalers and certain taxes . (jack) [EOD 02/11/02] [01-10779]
- 2/7/02 1548 Motion By Trustee Yvette Gonzales To shorten Time To file objections to trustee's motion to approve agreement regarding sale of liquor licenses and establishing procedures for the sale of liquor licenses free and clear of liens and payment of liquor wholesalers and certain taxes to 8 days plus 3 days for mailing . (jack) [EOD 02/11/02] [01-10779]
- 2/8/02 1545 Order Granting [1548-1] Motion To shorten Time To file objections to trustee's motion to approve agreement regarding sale of liquor licenses and establishing procedures for the sale of liquor licenses free and clear of liens and payment of liquor wholesalers and certain taxes to 8 days plus 3 days for mailing by Yvette Gonzales . (jack) [EOD 02/11/02] [01-10779]
- 2/8/02 1546 Order Granting [1186-1] Motion To Employ Towers Perrin as pension plan consultants for the debtor by Furr's Supermarkets, Inc. . (jack) [EOD 02/11/02] [01-10779]

Proceedings include events between 1/1/31 and 2/26/02.

01-10779 In re: Furr's Supermarkets, Inc.

APPEAL

- 2/8/02 1549 Motion by Trustee Yvette Gonzales For Approval of independent contractor agreement with Cathy Davis . (jack) [EOD 02/11/02] [01-10779]
- 2/8/02 1550 X Response By Creditor El Paso Properties, Inc. in opposition To [1368-1] Motion To extend Time To assume or reject the El Paso Distribution Center Lease through 2/28/02 by Furr's Supermarkets, Inc. . (jack) [EOD 02/11/02] [01-10779]
- 2/8/02 1553 Motion by Trustee Yvette Gonzales For Approval of settlement agreement between the Chapter 7 trustee and the secured lenders Heller Financial, Inc., Metropolitan Life Insurance Company . (jack) [EOD 02/12/02] [01-10779]
- 2/11/02 1551 X Minutes of Hearing Held On 2/11/02 Re: [1535-1] Motion To extend Time within which the debtor may assume or reject the El Paso Warehouse lease through 6/30/02 by Yvette Gonzales scheduled For 9:00 2/13/02 at Bankruptcy Courtroom 2nd Floor . (jack) [EOD 02/12/02] [01-10779]
- 2/11/02 1552 Minutes of Hearing Held On 2/11/02 Re: calling William Davis as a witness on Fee Applications to be held 2/21/02. (jack) [EOD 02/12/02] [01-10779]
- 2/11/02 1554 Motion By George M. Cheever for Creditor El Paso Properties, Inc. To Appear Pro Hac Vice . (jack) [EOD 02/12/02] [01-10779]
- 2/11/02 1555 Certificate Of Service of subpoena: served 2/8/02 on William F. Davis . (jack) [EOD 02/12/02] [01-10779]
- 2/11/02 1556 Certificate Of Service: [1555-1] of Subpoena and Certificate of Service (subpoena) served 2/11/02 on listed parties. (jack) [EOD 02/12/02] [01-10779]
- 2/11/02 1557 Notice of Deadline to File Objections RE: [1553-1] Motion For Approval of settlement agreement between the Chapter 7 trustee and the secured lenders Heller Financial, Inc., Metropolitan Life Insurance Company by Yvette Gonzales . Notice Served on 2/11/02 ; Objections to Motion Due: 3/6/02 ; Number of days in Objection Period: 20 Notice given to: listed parties (jack) [EOD 02/13/02] [01-10779]
- 2/11/02 1558 Notice of Preliminary Hearing Re: [1553-1] Motion For Approval of settlement agreement between the Chapter 7 trustee and the secured lenders Heller Financial, Inc., Metropolitan Life Insurance Company by Yvette Gonzales ; Preliminary Hearing Set For 9:00 3/7/02 at Judge Starzynski's Hrg Rm #208. For image see document #1557. (jack) [EOD 02/13/02] [01-10779]
- 2/12/02 1559 Response By Creditor Charlene W. Green To [1542-1] Order to Show Cause why attorney should not be sanctioned for failure to attend hearing . (jack) [EOD 02/13/02]

Proceedings include events between 1/1/31 and 2/26/02.  
01-10779 In re: Furr's Supermarkets, Inc.

APPEAL

[01-10779]

- 2/12/02 1565 Prehearing Brief By Creditor El Paso Properties, Inc. regarding the trustee's obligations under 11 USC section 365(d)(3). (jack) [EOD 02/14/02] [01-10779]
- 2/13/02 1560 Scheduling Order on final Hearing Re: [1463-1] Application For Compensation ( Fees: \$ 48,495,50, Expenses: \$ 4425.17) by Stuart E. Hertzberg, I. William Cohen, P. Casey Coston, [1334-1] Application For Compensation ( Fees: \$ 1,096,641.92, ) for period of 9/1/01 through 10/31/01 and 2/21/01 through 10/31/01 by Deloitte & Touche LLP, Deloitte Consulting LP ; Hearing Contd Until 9:00 2/21/02 at Bankruptcy Courtroom 2nd Floor . (jack) [EOD 02/14/02] [01-10779]
- 2/13/02 1561 X Minutes of Hearing Held On 2/13/02 Re: [1535-1] Motion To extend Time within which the debtor may assume or reject the El Paso Warehouse lease through 6/30/02 by Yvette Gonzales . (jack) [EOD 02/14/02] [01-10779]
- 2/13/02 1562 X Exhibit List From Hearing Held On 2/13/02 on motion to extend time to assume or reject El Paso Warehouse Lease. (jack) [EOD 02/14/02] [01-10779]
- 2/13/02 1566 X AMENDED PREHEARING Brief By Creditor El Paso Properties, Inc. regarding the trustee's obligations under 11 USC section 365(d)(3). (jack) [EOD 02/14/02] [01-10779]
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- 2/14/02 -- Disposition of Adversary (01-1035) Dismissing [1-1]
- 
- Complaint NOS 434 Injunctive Relief (To Enjoin Violation of New Mexico Trade Secrets Act, For Injunctive Relief, Replevin And Damages) (jack) [EOD 02/14/02] [01-1035]
- 2/14/02 -- Adversary Case (01-1035) Closed. (jack) [EOD 02/14/02] [01-1035]
- 2/14/02 1563 Order authorizing and directing immediate transfer of funds in the Furr's Supermarkets, Inc. "Dominion Account" to the Jacobvitz, Thuma & Walker P.C. Trust Account . (jack) [EOD 02/14/02] [01-10779]
- 2/14/02 1564 Order granting replacement lien on El Paso Warehouse lease for advances used to pay lease expenses . (jack) [EOD 02/14/02] [01-10779]
- 2/15/02 -- Disposition of Adversary (01-1050) Dismissing [1-1] Complaint NOS 454 Recover Money/Property (jack) [EOD 02/15/02] [01-1050]
- 2/15/02 -- Adversary Case (01-1050) Closed. (jack) [EOD 02/15/02] [01-1050]

Proceedings include events between 1/1/31 and 2/26/02.

01-10779 In re: Furr's Supermarkets, Inc.

APPEAL

- 2/15/02 1567 X Order Granting [1535-1] Trustee Yvette Gonzales' Motion To extend Time within which the debtor may assume or reject the El Paso Warehouse lease through 6/30/02 . (jack) [EOD 02/15/02] [Edit date 02/25/02] [01-10779]
- 2/15/02 1568 No pleading is associated with this document number. (isab) [EOD 02/20/02] [01-10779]
- 2/19/02 1569 Stipulated Order By and Between Creditor Arthur Andersen, L.L.P., Debtor Furr's Supermarkets, Inc., U. S. Trustee United States Trustee, To Reschedule Hearing RE: [508-1] Motion To Employ Arthur Andersen LLP as Accountants and Tax Advisors for the Debtor by Furr's Supermarkets, Inc. Hearing reset to 9:00 3/13/02 at Bankruptcy Courtroom 2nd Floor, [1398-1] Stipulation Order by Furr's Supermarkets, Inc., NM Taxation and Revenue Department Hearing reset to 9:00 3/13/02 at Bankruptcy Courtroom 2nd Floor . (jack) [EOD 02/20/02] [01-10779]
- 2/19/02 1570 Order Granting [1446-1] Motion For Order an Approval of a stipulation rejecting the lease between the debtor and General Electric Capital relief from the automatic stay by General Electric Capital Corporation . (jack) [EOD 02/20/02] [01-10779]
- 2/19/02 1571 Motion By Creditor Wilger Enterprises, Inc. . For Relief From Stay As To Civil Action in Second Judicial District Court (Wilger Enterprises v. Broadway Vista Partners, CV-2001-03366) Filing Fee \$ 75.00 Receipt # 1867. (jack) [EOD 02/20/02] [01-10779]
- 2/19/02 1572 Notice of Deadline to File Objections RE: [1571-1] Motion For Relief From Stay As To Civil Action in Second Judicial District Court (Wilger Enterprises v. Broadway Vista Partners, CV-2001-03366) by Wilger Enterprises, Inc. . Notice Served on 2/20/02 ; Objections to Motion Due: 3/15/02 ; Number of days in Objection Period: 20 Notice given to: listed parties (jack) [EOD 02/20/02] [01-10779]
- 2/20/02 1573 Minutes of Hearing Held On 2/19/02 Re: [923-1] Brief/Memorandum in support of request for attorney fees by Charlene W. Green, [1542-1] Order to Show Cause for failure by C. Miranda to appear . (jack) [EOD 02/21/02] [01-10779]
- 2/20/02 1574 Minutes of Hearing Held On 2/20/02 Re: [1268-1] Motion To Sell personal property Free and Clear of Liens and interests and for order granting the debtor access to certain former stores by Furr's Supermarkets, Inc. . (jack) [EOD 02/21/02] [01-10779]

Proceedings include events between 1/1/31 and 2/26/02.

01-10779 In re: Furr's Supermarkets, Inc.

APPEAL

- 2/20/02 1575 Motion by Creditor NM Taxation and Revenue Department To Modify [241-1] The Final Financing Order entered 3/14/01 to provide that the Chapter 7 trustee may surcharge pursuant to section 506(c), the secured creditors with respect to costs or expense incurred during the Chapter 11 case (jack) [EOD 02/21/02] [01-10779]
- 2/22/02 1576 Minutes of Hearing Held On 2/22/02 Re: [897-1] Application For Compensation ( Fees: \$ 630,278.26, Expenses: \$ 46,475.51) The debtor has paid applicant's invoices for services rendered in February and March 2001 in the total amount of \$154,845.29 by Stuart E. Hertzberg, I. William Cohen, [912-1] Application For Order Approving Reimbursement of Expenses of the members of the Unsecured Creditors' Committee of Furr's Supermarkets, Inc. submitted through 6/30/01. by Unsecured Creditors Committee, [1148-1] Application For Compensation ( Fees: \$ 98,506.00, Expenses: \$ 11,778.77) for services rendered for the period July 1, 2001 through September 26, 2001 by Stuart E. Hertzberg, I. William Cohen, [1159-1] Application For Compensation ( Fees: \$ 1,065,205.97, ) as consultants and financial advisors to the Unsecured Creditors Committee for the period 2/21/01 thru 8/31/01 by Deloitte & Touche LLP, Deloitte Consulting LP, [1334-1] Application For Compensation ( Fees: \$ 1,096,641.92, ) for period of 9/1/01 through 10/31/01 and 2/21/01 through 10/31/01 by Deloitte & Touche LLP, Deloitte Consulting LP . (jack) [EOD 02/25/02] [01-10779]
- 2/22/02 1577 Withdrawal By Creditor Tgaar Properties, Inc. Creditor Tgaar Properties, Inc. of its administrative proof of claim filed on 11/21/01. (jack) [EOD 02/25/02] [01-10779]
- 2/25/02 1578 X Notice of Appeal to Bankruptcy Appellate Panel by El Paso Properties Corp., and Janus Financial Corporation [1567-1] Order extending time within which Trustee may assume or reject unexpired lease of El Paso Distribution Center; Statement of Issues Due: 3/7/02 ; Designation of Items Due: 3/7/02 ; Transcript Order Form Due: 3/7/02 (isab) [EOD 02/25/02] [01-10779]
- 2/25/02 1579 Appeal Filing Fee Paid in Full RE: [1578-1] Notice of Appeal by Janus Financial Corporation, El Paso Properties Corp. ( Appeal Fee \$ 105.00 Receipt # 2079) (isab)

[EOD 02/25/02] [01-10779]