

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

FILED
OFFICE OF THE CLERK
2011 NOV 15 PM 3:50

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

In re:)
)
FURR'S SUPERMARKETS, INC.,)
)
Debtor.)
)
)
)
)
)

Chapter 11
Case No. 11-01-10779 SA

**METROPOLITAN LIFE INSURANCE COMPANY'S
OBJECTION TO MOTION OF UNITED FOOD AND COMMERCIAL
WORKERS UNION LOCAL 540 FOR ORDER ALLOWING AND
REQUIRING IMMEDIATE PAYMENT OF ADMINISTRATIVE EXPENSES**

Metropolitan Life Insurance Company ("MetLife"), by and through its undersigned attorneys, Bingham Dana LLP and J.D. Behles & Associates, a Commercial Law Firm, P.C., hereby submits its objection to the motion (the "Motion") of United Food and Commercial Workers Union Local 540 for order allowing and requiring immediate payment of administrative expenses and states as follows

1. MetLife objects to the allowance and immediate payment of the alleged administrative expenses and unpaid claims requested in the Motion. The Motion is a page and a half long and is devoid of specificity. The Motion provides wholly insufficient information to evaluate these asserted claims, including what amounts are owed, an understandable presentation of their genesis and formation, and supporting documentation, much less whether they are entitled to an administrative priority. Further, the Motion indicates that a memorandum of points and authorities and declaration are "to be filed in support of this Motion," but MetLife has not been served with any such

1346
NY10CS:1024077.1

ORIGINAL

supporting documents nor does the Court's docket indicate that any have been filed. Absolutely no back-up documentation substantiating the claims sought to be given administrative priority treatment and immediate payment are provided. Thus, no allowance of the assorted administrative claims is justifiable based on the Motion.

2. MetLife objects to any payment of asserted administrative expenses from its cash collateral or from advances by MetLife. Such payments would violate previous orders of this Court.

3. MetLife reserves its right to submit additional memoranda, responses and evidence to address additional legal and factual issues associated with the Motion, including, without limitation, issues relating to adequate protection and the priority of any of these claims or expenses to the liens and security interests granted to MetLife in this Court's lending and financing orders.

CONCLUSION

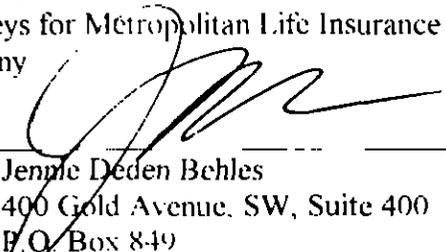
For all of the foregoing reasons, MetLife respectfully requests that this Court deny the Motion of United Food and Commercial Workers Union Local 540 for an order

allowing and requiring immediate payment of administrative expenses, and grant MetLife such other and further relief as the Court deems to be just and proper

Dated: November 15, 2001
Albuquerque, New Mexico

Respectfully submitted,

J.D. Behles & Associates,
a Commercial Law Firm, P C
Attorneys for Metropolitan Life Insurance
Company

By 
Jennie Deden Behles
400 Gold Avenue, SW, Suite 400
P.O. Box 849
Albuquerque, NM 87103-0849
Phone: (505) 243-9756
Fax: (505) 243-7262

and

Ronald J. Silverman
Steven R. Savoia
BINGHAM DANA LLP
399 Park Avenue
New York, NY 10022
Phone: (212) 318-7700
Fax: (212) 752-5378

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading was mailed to the following this 15th day of November, 2001

Michael D. Four, Esq.
SCHWARTZ, STEINSAPIR, DOHRMANN & SOMMERS LLP
6300 Wilshire Boulevard, Suite 2000
Los Angeles, CA 90048-5202

K. Lee Peifer, Esq.
LAW OFFICES OF K. LEE PEIFER
108 Wellesley S.E.
Albuquerque, NM 87110

Stuart E. Hertzberg, Esq.
I. William Cohen, Esq.
PEPPER HAMILTON LLP
100 Renaissance Center, Suite 3600
Detroit, MI 48243-1157

William F. Davis, Esq.
DAVIS & PIERCE, P.C.
P.O. Box 6
202 Broadway Boulevard SE
Albuquerque, NM 87103

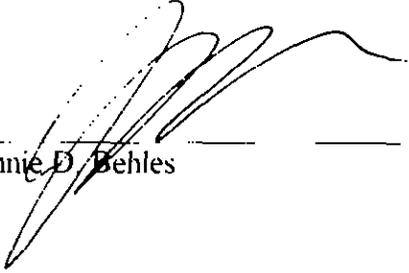
David S. Heller, Esq.
Josef S. Athanas, Esq.
LATHAM & WATKINS
Sears Tower, Suite 5800
233 South Wacker Drive, 58th Floor
Chicago, IL 60606

Paul M. Fish, Esq.
MODRALL, SPERLING, ROCHI., HARRIS & SISK, P.A.
P.O. Box 2168
500 4th Street NW
Albuquerque, NM 87103-2168

BRENDA MOODY WHINERY
UNITED STATES TRUSTEE
Attn: Ron Andazola, Esq.
P.O. Box 608
Albuquerque, NM 87103-0608

Robert H. Jacobvitz, Esq.
JACOBVITZ, THUMA & WALKER, P.C.
500 Marquette NW #650
Albuquerque, NM 87102

this 15th day of November, 2001.

By:  _____
Jennie D. Behles