

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

In re:

FURR'S SUPERMARKETS, INC.,  
a Delaware corporation,

Case No. 01-11-~~10079~~<sup>10779</sup>  
Chapter 11

Debtor.

**ORDER EXTENDING BAR DATE FOR ADMINISTRATIVE CLAIMS  
FOR CURRENT AND FORMER EMPLOYEES**

This matter came before the Court upon the stipulation of the parties approving this order. The Debtor in Possession having represented that a substantial portion of its current and former employees were not on the mailing list used to send notice of the November 23, 2001 administrative claims bar date previously fixed by the Court, and the Court having determined that the relief granted by this order is appropriate, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. The administrative claims bar date of November 23, 2001 previously fixed by the Court is hereby extended to and including January 20, 2002 (the "Employee Administrative Claims Bar Date") only for the following claims: (i) claims of current and former employees of the Debtor, and (ii) claims (if any) by United Food and Commercial Workers Union, Locals 540 and Local 1564 (the "Union") for unpaid medical bills of current and former Union members and their families under Furr's self-insured medical plan that are timely filed by such employees in accordance with the terms of this order. The Court is not determining, and has not determined, whether the Union has standing to assert claims for unpaid medical bills of current and former Union members and their families.

2. No former employee of Furr's need file an administrative claim by the Employee Administrative Claims Bar Date for severance benefits, vacation pay, or wages if (a) the former employee was represented by the Union, and (b) the former employee agrees to be bound by the outcome of any litigation or settlement by the Union with respect to such claim. This provision does not apply to claims for medical expenses. Former Union employees have the right to file their own claims and retain their own counsel.

3. No bar date fixed by the Court to date applies to workers' compensation claims of current or former Furr's employees who worked in New Mexico when the claim arose.

4. All administrative claims of current or former employees of the Debtor, required to be filed by the Employee Administrative Claims Bar Date, must be actually received by the Clerk of this Court for filing on or before that date.

5. Any creditor that is required to, but that does not, file a motion or other request for allowance of administrative claim by the Employee Administrative Claims Bar Date shall be forever barred from receiving any distribution from the Debtor's bankruptcy estate on account of such claims, whether in chapter 11 or chapter 7, or under any plan confirmed in the case.

6. An administrative claim bar date notice ("Bar Date Notice"), substantially in ~~the form attached hereto as Exhibit A, is hereby approved. Claims timely filed setting forth~~  
the information to be provided pursuant to the Bar Date Notice shall be sufficient to comply with the requirement that a motion or other request for allowance of administrative claim be filed.

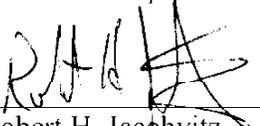
7. The Debtor is hereby directed to arrange for the mailing of the Bar Date Notice at the expense of the estate to its current and former employees who provided

service to the estate on or after February 8, 2001, using a mailing list compiled for distribution of W-2s.

  
THE HONORABLE JAMES S. STARZYNSKI  
UNITED STATES BANKRUPTCY JUDGE

Submitted and approved 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:

DEC 04 2001

Jill Peterson

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

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

Case No.11-01-10779  
Chapter 11

**NOTICE OF NEW EXTENDED DEADLINE FOR CURRENT AND FORMER  
EMPLOYEES OF DEBTOR TO FILE ADMINISTRATIVE CLAIMS**

1. **Administrative Claims Must be Filed by January 20, 2002.** The United States Bankruptcy Court in this chapter 11 case has entered an order requiring that, except as set forth below, all administrative claims of current and former employees of Furr's Supermarkets, Inc. ("Furr's") must be filed by January 20, 2002 (the "Admin. Claim Filing Deadline"), or the claims will be disallowed and barred. Any claim arising on or after February 8, 2001, may be an administrative claim. Examples of administrative claims include claims for severance benefits, vacation pay, wages, medical expenses, personal injury, and other torts. Such claims may or may not be entitled to an administrative priority. **IF YOU ALREADY FILED AN ADMINISTRATIVE CLAIM, DO NOT FILE THE SAME CLAIM AGAIN.**

2. **Claims for Medical Expenses Must Be Filed.** Claims of current and former Furr's Local 540 employees and nonunion employees for unpaid medical bills under Furr's self-insured medical plan may be administrative claims. All current and former employees of Furr's must file a claim by January 20, 2002, if they have unpaid medical bills under Furr's self-insured medical plan, or the claims will be disallowed and barred. If you have such a claim, complete items 1, 2, 3 and 7 of the form below. You need not attach copies of bills you have.

3. **Exception For Union Employee severance, vacation, and wage claims.** United Food and Commercial Workers Union, Locals 540 and Local 1564 (the "Union") already has filed administrative claims for its members for severance benefits, vacation pay, and wages. No former employee of Furr's need file an administrative claim by the Admin. Claim Filing Deadline for severance benefits, vacation pay, or wages if (a) the former employee was represented by the Union, and (b) the former employee agrees to be bound by the outcome of any litigation or settlement by the Union with respect to such claim. This exception does not apply to claims for medical expenses. *Former Union employees have the right to file their own claims and retain their own counsel.*

4. **Exception for New Mexico Workers' Compensation Claims.** The Admin. Claim Filing Deadline does not apply to workers' compensation claims of current or former Furr's employees who worked in New Mexico when the claim arose.

5. **Claims Must Be Received by the Bar Date.** All administrative claims required to be filed by the Admin. Claim Filing Deadline must be actually received by the Clerk of this Court on or before that date. The address for filing is:

United States Bankruptcy Court Clerk  
421 Gold Avenue SW, Third Floor  
PO Box 546  
Albuquerque, NM 87103-0546

You should use the claim form attached below. You may submit this entire page when you file your claim.

6. **Inquiries About This Notice.** Former Union employees who have questions about this notice may call Greg Frazier (Local 1564) 505-262-1986 or Felipe Mendez (Local 540) 214-328-3515.

JACOBVITZ, THUMA & WALKER P.C.  
Attorneys for the Debtor in Possession

**APPLICATION FOR ALLOWANCE OF ADMINISTRATIVE CLAIM**

I am a current or former employee of Furr's and claim that Furr's owes me for labor I provided to Furr's on or after February 8, 2001, or assert another post-petition claim for which I request an administrative priority as follows (please print or type; attach supporting documents if the claim is other than for severance pay, vacation pay, wages, or medical expenses; and attach additional sheets if necessary):

1. Legal Name of Claimant (PRINT) \_\_\_\_\_
2. Address (street, city, state, zip) \_\_\_\_\_
3. Telephone number: \_\_\_\_\_
4. Describe the claim: \_\_\_\_\_  
\_\_\_\_\_
5. Date(s) claim arose: \_\_\_\_\_
6. Total amount claimed: \$ \_\_\_\_\_
7.  Check here, if you make a claim for payment of medical expenses covered under Furr's self-insured medical plan, and list the members of your family who have unpaid medical bills under such plan \_\_\_\_\_

**EXHIBIT**

A

\_\_\_\_\_  
Signature  
(See Instructions on Other Side of Page)

## Instructions to complete the Administrative Claims Form

THE JANUARY 20, 2002 ADMINISTRATIVE CLAIM DEADLINE APPLIES ONLY TO CURRENT AND FORMER FURR'S EMPLOYEES. Any claim against Furr's arising on or after February 8, 2001 may be an administrative claim.

**1. The New Administrative Claims Bar Date for Employees.** The Court previously fixed November 23, 2001 as the deadline for filing administrative claims (with limited exceptions). The Court has extended this deadline for current and former

claim. Examples of administrative claims include claims for severance benefits, vacation pay, wages, personal injury, and other torts. Such claims may or may not be entitled to an administrative priority.

**2. What is An Administrative Priority?** An administrative claim approved by the Court is entitled to an administrative priority. This does not assure the claim will be paid, but gives it a higher priority for payment. A claim with an administrative priority generally is paid before payment is made on a claim arising before the bankruptcy case was filed for which there is no collateral.

**3. What if You Already Filed an Administrative Claim?** If you already filed an administrative claim, do not file the same claim again.

**4. What if You Were a Member of United Food and Commercial Workers Union, Locals 540 or Local 1564 (the "Union")?** The Union already has filed administrative claims for its members for severance benefits, vacation pay, and wages. If you are a former employee of Furr's and were a member of the Union while you worked for Furr's, you do not need to file an administrative claim for severance benefits, vacation pay, or wages if you agree to be bound by the outcome of any litigation or settlement by the Union with respect to such claims. *Former Union employees have the right to file their own claims and retain their own counsel.* This exception to the filing requirement for Union members applies only to claims for severance benefits, vacation pay, and wages, and does not apply to claims for medical expenses or any other claims.

**5. Claims for Medical Expenses by Nonunion Employees and Members of Local 540 Must Be Filed by 1-20-02.** All current and former nonunion employees and Local 540 Union employees of Furr's must file a claim by January 20, 2002 if they have unpaid medical bills under Furr's self-insured medical plan, or the claims will be disallowed and barred. **The Union will not file claims for you for unpaid medical bills under the self-insured medical plan.** The Union does not have access to the information it would need to file such claims. To make a claim for unpaid medical expenses, complete only items 1, 2, 3 and 7 of the claim form (you need not complete items 4, 5 or 6 of the form). DO NOT attach copies of your medical bills. Members of the Union Local 1564 need not file claims for unpaid medical bills because they did not participate in Furr's self-insured medical plan.

**6. New Mexico Workers Compensation Claims.** You do not need to file a claim for workers compensation claims if your claim arose while you worked for Furr's in New Mexico.

**7. What Documents Do You Need to Attach to the Form?** If your claim is for something other than severance pay, vacation pay, wages, and medical expenses, attach whatever documents you have to support your claim (such as invoices or contracts).

**8. Inquiries About The Notice.** Former Union employees who have questions about this notice may call Greg Frazier (Local 1564) 505-262-1986 or Felipe Mendez (Local 540) 214-328-3515.

**9. How to Fill Out the Form**

**Item 1.** PRINT your full name.

**Item 2.** Enter your current address.

**Item 3.** Enter the telephone number where you can be reached.

**Item 4.** Except for medical expense claims, describe your claim(s). For example, "claim for severance pay," or "claim for vacation pay."

**Item 5.** Except for medical expense claims, state the date your claim arose. For example, if your claim is based on an injury, state the date of the injury. If your claim is for severance pay, state the beginning and ending dates of your employment by Furr's.

**Item 6.** State the dollar amounts of each of your claims (except you need not include medical expense claims in the total).

**Item 7.** If you make a claim for payment of medical expenses covered under Furr's self-insured medical plan, check the box in item 7 of the claim form, and list all members of your family who have unpaid medical bills under the plan. Your medical expense claims and those of your family members will be disallowed unless you file the form by January 20, 2002, with the box in item 7 checked, and the family members listed who have unpaid medical bills under Furr's self-insured medical plan.

**Sign the form.** The form must be signed to be invalid.

**10. Examples of How to Fill Out the Form.** Examples of the completed form are available on the internet site maintained by the Clerk's office at [www.nmcourt.fed.us](http://www.nmcourt.fed.us).

**11. How to File the Form.** You may mail the form to the clerk's office at Clerk of the Court, PO Box 546, Albuquerque, NM 87103-0546. You may file the form in person at the Office of the Clerk of the Court, United States Bankruptcy Court Clerk's office, Third Floor, 421 Gold Ave. S.W., Albuquerque, N.M. 87102. **The form must be actually received by the Clerk's office by January 20, 2002, so it is filed by that date.**