

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

In re

FURR'S SUPERMARKETS, INC.,

Case No. 11-01-10779-SA  
Chapter 11

Debtor.

**ORDER APPROVING SETTLEMENT OF UNITED FOOD AND COMMERCIAL  
WORKERS UNION LOCAL 1564'S MOTION FOR ORDER COMPELLING  
ARBITRATION UNDER COLLECTIVE BARGAINING AGREEMENT**

This matter came before the Court at a preliminary hearing on November 28, 2001 upon United Food and Commercial Workers Union Local No. 1564's ("UFCW Local 1564") petition and motion for order compelling arbitration under its collective bargaining agreement with the Debtor. The parties have settled the motion pursuant to the terms set forth in the Settlement Agreement attached hereto as Exhibit A. The settlement is a reasonable settlement of the dispute with minimal impact on the estate. Good cause appearing,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Settlement Agreement is approved by the Court and the parties may fulfill the obligations thereunder.

It is further Ordered that given the nature of the motion and settlement, notice to other parties is not required.

  
\_\_\_\_\_  
THE HONORABLE JAMES S. STARZYNSKI  
UNITED STATES BANKRUPTCY JUDGE

Submitted by:

Schwartz, Steinsapir, Dohrmann & Sommers LLP

By Approved  
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Approved by:

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By   
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FROM: 11/14/2001 11:26 5062661816

FAX NO. : PEIFER LAW OFFICE

Nov. 15 2001 11:25AM FZ

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November 8, 2001

**VIA FACSIMILE 949-675-0879 and U.S. MAIL**

Terrence Wallock  
General Counsel  
Furr's Supermarkets, Inc.  
Post Office Box 80390  
Albuquerque, NM 87198

*Re: Bari Jawczuk, Gr. No. 00-00382 (Furr's Store No. 899)  
John Paz, Gr. No. 00-00433 (Furr's Store No. 899)  
Leonard Lente, Gr. No. 01-00122 (Furr's Store No. 884)*

Dear Mr. Wallock:

I am writing to confirm that Furr's and UFCW Local 1564 have settled the above-referenced grievances. The terms of the settlement are as follows:

1. Furr's agrees to rescind the suspensions and terminations of Bari Jawczuk, August 11, 2000, John Paz, September 7, 2000 and Leonard Lente, April 23, 2001 and have their employment record reflect their good standing with the Company;
2. Furr's agrees that their record will reflect that they were laid off on August 30, 2001, making them eligible for severance pay under the CBA;
3. As consideration for the foregoing agreements on the part of Furr's, UFCW and the grievants agree to waive any and all claims for wages or benefits on their behalf and to withdraw the grievance, arbitration request and Motion to Compel Arbitration currently pending in U.S. Bankruptcy Court;
4. Furr's acknowledges the distress that grievants' termination after years of service may have caused, but it does not admit to any violation of the collective bargaining agreement, or any other wrongdoing;
5. The parties agree to file a Joint Stipulation to Withdraw the Union's Verified Petition For Order Compelling Arbitration Under Collective Bargaining Agreement or



**EXHIBIT A**

alternatively petition the Court for approval of this settlement if it becomes necessary.

Please have the appropriate Company representative execute this letter acknowledging the terms of the agreement and return it to us, keeping a copy for your own records.

Sincerely,

*Angela Cornell*  
Angela Cornell

Furr's Supermarkets, Inc. hereby accepts the foregoing terms of the settlement of Grievance Nos. 00-00382, 00-00433, and 01-00122.

By: *[Signature]*

Its: Gen Counsel

UPCW Local 1564 hereby accepts the foregoing terms of the settlement of Grievance Nos. 00-00382, 00-00433, and 01-00122.

By: *[Signature]*

Its: *[Signature]*