

IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

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IN RE: §
§
FURR'S SUPERMARKETS, INC., §
a Delaware Corporation, §
§
Debtor. §

U.S. BANKRUPTCY COURT
ALBUQUERQUE, N.M.
Case No. 11-01-10779-SA

**CHARLENE GREEN'S RESPONSE TO ORDER TO SHOW CAUSE WHY
ATTORNEY SHOULD NOT BE SANCTIONED
FOR FAILURE TO ATTEND HEARING**

TO THE HONORABLE JAMES S. STARZINSKY, UNITED STATES BANKRUPTCY JUDGE:

Charlene Green ("Green"), a former Lessor, Creditor and Party-in-Interest in the above Chapter 11 case, files her *Response to Order to Show Cause Why Attorney Should Not be Sanctioned for Failure to Attend Hearing (the "Objection")*, and in support thereof, would respectfully show the Court as follows:

1. Counsel would show that he was ready and waiting for the telephonic *Preliminary Hearing* scheduled for February 4, 2002 beginning at 9:00 a.m. since 8:30 a.m. on that morning. Counsel provided the Court his direct-dial line at (915) 545-0886 to ensure that he was quickly available upon the Court's call.
2. Counsel for Charlene Green also had his client available for the hearing.
3. Between 8.30 a.m. and 10:00 a.m., Counsel sat at his desk, by his phone, awaiting the commencement of the telephonic hearing. Moreover, Counsel attempted to remain off the phone so as not to miss the Court's call.
4. Apparently, there must have been some problem in connecting because even though he was by his phone for an hour and a half, it never rang. Instead, Counsel kept receiving the

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Court's voicemails between 9 and 10, even though he was sitting six inches from the phone.

5. Counsel apologizes for the inconvenience to the Court but would show that there was no intention to skip the hearing. Counsel was aware of the hearing, and specifically requested that he be able to attend telephonically.

WHEREFORE, PREMISES CONSIDERED, *Counsel* for Charlene Green respectfully prays that the Court find that no cause exists to sanction counsel

Respectfully submitted,

KRAFSUR GORDON MOTT P.C.

Attorneys for *Charlene Green*

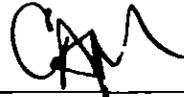
P.O. Box 1322

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(915) 545-1133

(915) 545-4433 (fax)

By:



CARLOS A. MIRANDA

Texas State Bar No. 14199582

CERTIFICATE OF SERVICE

This is to certify that on the 8th day of February 2002, a true and correct copy of the foregoing *Objection* was mailed via regular U.S. Mail and facsimile, to the parties listed below.



CARLOS A. MIRANDA

United States Trustee:

Office of the U.S. Trustee

P.O. Box 608

Albuquerque, NM 87103

Debtor:

Robert H. Jacobvitz, Esq.

David Thuma, Esq.

Jacobitz, Thuma & Walker, P.C.

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