

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

FILED
OFFICE OF THE CLERK
01 MAY 23 PM 4:19
U.S. BANKRUPTCY COURT
ALBUQUERQUE, N.M.

In re:

FURR'S SUPERMARKETS, INC.,

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

Debtor.

**DEBTOR'S RESPONSE TO RAUL BURGOS'S MOTION FOR RELIEF FROM
STAY**

Furr's Supermarkets, Inc., debtor and debtor in possession ("Furr's"), submits this response to Raul Burgos's ("Movant's") Motion for Relief From Stay, filed May 4, 2001 (the "Motion").

1. Furr's admits the allegations in paragraph 1 of the Motion.
2. Furr's is without knowledge or information sufficient to admit or deny the allegations in paragraph 2 of the Motion, and therefore denies the allegations.
3. Furr's is without knowledge or information sufficient to admit or deny the allegations in paragraph 3 of the Motion, and therefore denies the allegations.
4. Furr's is without knowledge or information sufficient to admit or deny the allegations in paragraph 4 of the Motion, and therefore denies the allegations.
5. Furr's is without knowledge or information sufficient to admit or deny the allegations in paragraph 5 of the Motion, and therefore denies the allegations.
6. Furr's is without knowledge or information sufficient to admit or deny the allegations in paragraph 6 of the Motion, and therefore denies the allegations.
7. Furr's is without knowledge or information sufficient to admit or deny the

502

allegations in paragraph 7 of the Motion, and therefore denies the allegations.

8. Furr's is without knowledge or information sufficient to admit or deny the allegations in paragraph 8 of the Motion, and therefore denies the allegations.

9. Furr's is without knowledge or information sufficient to admit or deny the allegations in paragraph 9 of the Motion, and therefore denies the allegations.

10. Furr's denies the allegations in paragraph 10 of the Motion.

11. Furr's admits the allegations in paragraph 11 of the Motion.

12. Furr's denies the allegations in paragraph 12 of the Motion.

13. Furr's admits the allegations in paragraph 13 of the Motion.

14. Furr's denies the allegations in paragraph 14 of the Motion.

15. Furr's denies the allegations in paragraph 15 of the Motion.

16. Furr's admits the allegations in paragraph 16 of the Motion.

17. Furr's admits the allegations in paragraph 17 of the Motion.

18. Furr's admits the allegations in paragraph 18 of the Motion.

19. Furr's admits the allegations in paragraph 19 of the Motion.

20. Furr's denies the allegations in paragraph 20 of the Motion.

21. Furr's denies the allegations in paragraph 21 of the Motion.

22. Furr's admits the allegations in paragraph 22 of the Motion.

23. Furr's denies the allegations in paragraph 23 of the Motion.

24. Furr's denies the allegations in paragraph 24 of the Motion.

25. Furr's denies the allegations in paragraph 25 of the Motion.

26. Furr's denies the allegations in paragraph 26 of the Motion.

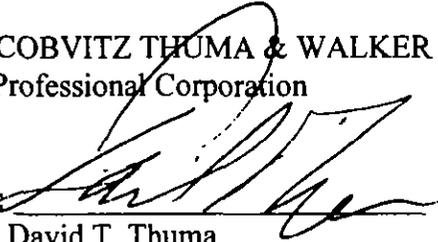
27. Furr's denies the allegations in paragraph 27 of the Motion.

28. In further answer, Furr's states (i) Movant repeatedly, knowingly, and intentionally violated the automatic stay in this matter, as admitted in the Motion, and should be sanctioned for such violations; (ii) on information and belief, the laptop computer in question is no longer needed, given the changes in Mr. Franks' deposition testimony, of which Movant is now well aware; (iii) the laptop computer is needed by Furr's, and it is not appropriate for the automatic stay to be modified to allow Movant to seize the computer, even temporarily, given the facts and circumstances of the case.

29. Movant has improperly combined a motion for relief from stay with a motion of a different kind, i.e., for a finding that any sanctions entered against Furr's in the pending Burgos state court litigation be an administrative expense. This combination is in violation of Local Rule 4000-1(a).

WHEREFORE, Furr's prays that the Motion be denied, asks for an award of sanctions for Movant's repeated and intentional violations of the automatic stay, and asks for all other just and proper relief.

JACOBVITZ THUMA & WALKER
A Professional Corporation

By: 

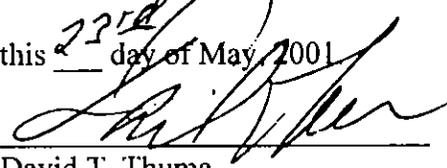
David T. Thuma
500 Marquette N.W., Suite 650
Albuquerque, New Mexico 87102
(505) 766-9272
(505) 766-9287 (fax)
Counsel for Furr's Supermarkets, Inc.

The undersigned hereby certifies that a copy of the foregoing was mailed to:

Roger Moore
P.O. Box 1441
Albuquerque, NM 87103-1441

United States Trustee
P.O. Box 608
Albuquerque, NM 87103

this 23rd day of May, 2001



David T. Thuma