

ORIGINAL

Jeffrey R. Fine
State Bar No. 07008410
Strasburger & Price, L.L.P.
901 Main Street, Suite 4300
Dallas, Texas 75202
(214) 651-4583
(214) 659-4074 - Direct Fax
jeff.fine@strasburger.com
www.strasburger.com

FILED
DEPT. OF PUBLIC SAFETY
01 AUG 13 PM 3:47
CLERK OF DISTRICT COURT
SAN ANTONIO, TEXAS

**ATTORNEYS FOR MDFC EQUIPMENT LEASING CORPORATION,
A SUBSIDIARY OF BOEING CAPITAL CORPORATION**

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

IN RE: §
§ **Chapter 11**
FURR'S SUPERMARKETS, INC., § **CASE NO. 01-10779-JSS**
A Delaware Corporation §
§
Debtor. §

**RESPONSE OF MDFC EQUIPMENT LEASING CORPORATION
REGARDING DEBTOR'S PROPOSED STORE-BY-STORE
TREATMENT OF CERTAIN EQUIPMENT LEASES**

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

MDFC Equipment Leasing Corporation, a subsidiary of Boeing Capital Corporation ("Boeing"), a creditor and interested party in this case, hereby files its "Response of MDFC Equipment Leasing Corporation Regarding Debtor's Proposed Store-By-Store Treatment of Certain Equipment Leases," and would respectfully show unto the Court as follows:

1. In the "Notice of Briefing Schedule and Objection Deadlines Regarding Debtor's Store-By-Store Treatment of Certain Equipment Leases" served by the Debtor on or about August 6, 2001, Debtor required any equipment lessor who objects to the Debtor's proposed separate assumption and assignment (or rejection) of any of their equipment leases to transmit an objection to Debtor's counsel within seven (7) days after receipt of said Notice.

2. Boeing has reviewed the authorities provided by Debtor in its "Memorandum of Law in Support of Debtor's Treatment of Certain Equipment Leases." Upon such review, Boeing agrees

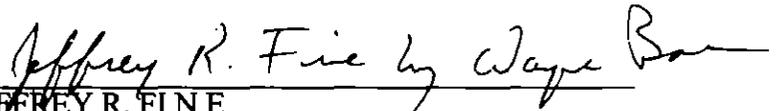
674

with Debtor's position that Boeing's lease schedules with Debtor are assumable or rejectable on a store-by-store basis.

WHEREFORE, PREMISES CONSIDERED, Boeing respectfully requests that relief be fashioned to address the concerns of Boeing raised herein, and for all other relief to which Boeing may be justly entitled under law or equity.

Dated this 10th day of August, 2001.

Respectfully submitted,



JEFFREY R. FINE
Texas State Bar No. 07008410

STRASBURGER & PRICE, L.L.P.
901 Main Street, Suite 4300
Dallas, TX 75202
(214) 651-4583
(214) 659-4074 (DIRECT FAX)

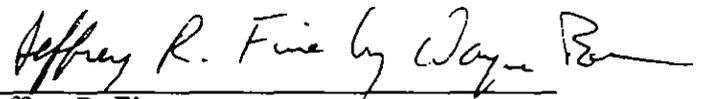
ATTORNEYS FOR MDFC EQUIPMENT LEASING
CORPORATION, A SUBSIDIARY OF BOEING
CAPITAL CORPORATION

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing pleading has been served by e-mail, facsimile, and first class mail on the 10th day of August, 2001, upon Debtor's counsel addressed as follows:

Robert H. Jacobvitz
Jacobvitz, Thuma & Walker, P.C.
500 Marquette, NW, Suite 650
Albuquerque, NM 87102
fax: (505) 766-9287
e-mail: rjacobvitz@jtwlawfirm.com

Stephen J. Lubben
Skadden, Arps, Slate, Meagher & Flom, L.L.P.
300 South Grand Avenue, Suite 3400
Los Angeles, CA 90071-3144
fax: (213) 687-5600
e-mail: slubben@skadden.com



Jeffrey R. Fine