

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

FILED  
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01 MAY 15 PM 2:57  
U.S. BANKRUPTCY COURT  
ALBUQUERQUE, N.M.

In re:

FURRS SUPERMARKETS, INC.,

Debtor.

§  
§  
§  
§  
§  
§

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

**SUPPLEMENTAL ATTORNEY DISCLOSURE  
OF AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.  
PURSUANT TO BANKRUPTCY RULES 2014 AND 2016**

Akin, Gump, Strauss, Hauer & Feld, L.L.P. ("Akin Gump"), hereby states, in connection with the motion of the Debtor and Debtor in Possession, Furrs Supermarket's, Inc. ("Furrs"), to employ Akin Gump as its special counsel for labor and employment matters in connection this bankruptcy case:

1. The undersigned is a partner in Akin Gump, and is employed by Akin Gump as an attorney. The undersigned is admitted to the bar in the State of Texas and to practice before this Court.

2. On or about April 9, 2001, the Office of the United States Trustee filed an objection to Akin Gump's employment. This supplemental disclosure is filed to clarify the issues raised by the U.S. Trustee's objection.

3. Within 90 days prior to the Petition Date, Akin Gump received two payments from Furrs. On November 17, 2000, Akin Gump received a payment of \$64,568.32 which was applied to an invoice dated August 24, 2000. On November 10, 2000, Akin Gump received a payment of \$47,596.50 which was applied to an invoice dated July 20, 2000. After these payments and before the Petition Date, Akin Gump billed Furrs for an additional \$381,183.65 in fees and expenses which remains unpaid.

4. Notwithstanding any provision of the engagement letter or the Employment Application to the contrary, Akin Gump's employment by Furrs shall be limited to labor and employment related matters.

5. Akin Gump has incurred significant pre-petition out-of-pocket expenses that remain unpaid. Akin Gump does not seek payment of those pre-petition expenses in this application. However, Akin Gump requests that in lieu of the provisions of the engagement letter providing for security deposits on an "as requested" basis that the Court authorize a one-time \$10,000 security deposit solely to secure out of pocket expenses such as travel and deposition expenses. Akin Gump would be paid subject to the provisions of the order regarding Furrs' other professionals which authorizes monthly payment within ten days of receipt of the monthly statement of 75% of fees and 100% of expenses with the payments subject to the Court's review pursuant to §§ 330 and 331 of the Bankruptcy Code. Any accrual of interest shall occur only after Court approval of the fees. Any periodic rate increase shall be subject to notice and approval by the Court.

6. Akin Gump has not sought authorization to represent interests adverse to Furrs in this case. Akin Gump has disclosed that it represents creditors of Furrs in matters unrelated to this case. Akin Gump has not sought preferential treatment of its prepetition claim.

7. Akin Gump agrees that Furrs does not waive its right to object to Akin Gump's fees. Further, bankruptcy law shall apply to any dispute and arbitration shall not be required.

AKIN, GUMP, STRAUSS, HAUER &  
FELD, L.L.P.

By: \_\_\_\_\_

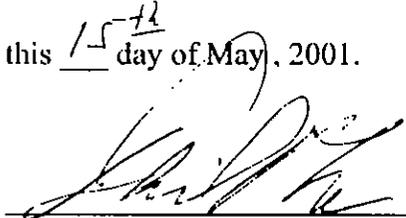
Laura M. Franze  
TX State Bar No. 07389600  
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ATTORNEYS FOR THE DEBTOR

This certifies that a copy  
of the foregoing document  
was served by mail on:

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

this 15<sup>th</sup> day of May, 2001.



05/08/01 TUE 15:19 FAX 2149694248

LAURA FRANZE-AKIN, GUMP

004

05-08-2001 04:11PM FROM L. FRANZE

TO

2149694248 P.01

**AKIN, GUMP, STRAUSS, HAUER &  
FELD, L.L.P.**

By:



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