



00624224

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:) Chapter 11
AMERISERVE FOOD DISTRIBUTION,) Case No. 00-0358 (PJW)
INC., et al.,¹)
(Jointly Administered)
Debtors.)

F-078 4507-0

**NOTICE OF CHANGED PRE-TRIAL/STATUS
CONFERENCE DATE IN CERTAIN ADVERSARY PROCEEDINGS**

TO:

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Counsel for parties to adversary proceedings for which the pre-trial/status conference date set by summons or order for November 26, 2001, at 9:00 a.m.; and all parties requesting notice pursuant to Bankruptcy Rule 2002.

PLEASE TAKE NOTICE that the pre-trial/status conference date set by summons and/or order of the Court in all of the various adversary proceedings in the above-captioned case

¹ The Debtors are the following entities: AmeriServe Food Distribution, Inc., NEBCO EVANS Holding Company, Holberg Warehouse Properties, Inc., AmeriServe Transportation, Inc., PSD Transportation Services, Inc., Chicago Consolidated Corporation, ASNSC, Inc., Delta Transportation, Ltd., PSC Services of Florida, Inc., Northland Transportation Services, Inc., ProSource Mexico Holdings, Inc., NAVC Corp., North American Vantix Corp., and Vantix Logistics Ltd.
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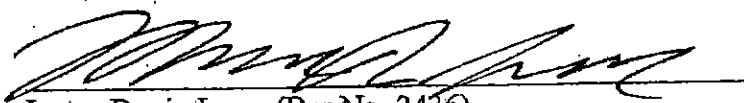
has been continued at the request of the Court. All pre-trial/status conferences in adversary proceedings previously scheduled for November 26, 2001, at 9:00 a.m. have been continued to November 27, 2001, at 2:00 p.m., before the Honorable Judith K. Fitzgerald at the United States Bankruptcy Court for the District of Delaware, 824 Market Street, 6th Floor, Wilmington, Delaware.

Dated: November 16, 2001

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Co-Counsel for the Debtors

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re	)	Case No. 00-358 (PJW)
	)	
AMERISERVE FOOD DISTRIBUTION,	)	Chapter 11
INC., <u>et al.</u> , ¹	)	
	)	Jointly Administered
Debtors.	)	
AFD FUND, on behalf of the substantively	)	
consolidated post-confirmation estate of	)	
Debtors AMERISERVE FOOD	)	
DISTRIBUTION, INC., <u>et al.</u> ,	)	
	)	Adv. No. Various (JKF)
Plaintiff,	)	
v.	)	
VARIOUS DEFENDANTS,	)	
	)	
Defendant.	)	

**STATUS REPORT WITH RESPECT TO CERTAIN ADVERSARY PROCEEDINGS
SCHEDULED FOR STATUS CONFERENCE ON NOVEMBER 27, 2001, AT 2:00 P.M.**

In accordance with this Court's November 8, 2001, Administrative Order Governing the Adversary Proceedings Assigned to Judge Judith K. Fitzgerald (the "Administrative Order"), Plaintiff AFD Fund, on behalf of the substantively consolidated post-confirmation estate of Debtors AmeriServe Food Distribution, Inc., et al., hereby submits this Status Report with respect to the adversary proceedings (the "Adversary Proceedings") assigned to Judge Judith K.

¹ The Debtors are the following entities: AmeriServe Food Distribution, Inc., NEBCO EVANS Holding Company, Holberg Warehouse Properties, Inc., AmeriServe Transportation, Inc., PSD Transportation Services, Inc., Chicago Consolidated Corporation, ASNSC, Inc., Delta Transportation, Ltd., PSC Services of Florida, Inc., Northland Transportation Services, Inc., ProSource Mexico Holdings, Inc., NAVC Corp., North American Vantix Corp., and Vantix Logistics Ltd.

Fitzgerald. The Adversary Proceedings are presently scheduled for status conference before this Court on November 27, 2001, at 2:00 p.m.

General Status

1. The Adversary Proceedings fall into three general categories: (1) the complaints for avoidance and recovery of preferential transfers under 11 U.S.C. §§ 547 and 550 (the "Preference Actions"); (2) the complaints for breach of contract related to non-payment of certain accounts receivable (the "AR Actions"); and (3) certain other complaints, which do not fit in the foregoing categories (the "Other Actions").

2. The Plaintiff has circulated the proposed scheduling order (the "Scheduling Order") attached hereto as Exhibit A to each of the defendants and/or to the defendant's counsel, if known. The Plaintiff proposes that the Scheduling Order be entered with respect to principally all the Preference Actions and the AR Actions. With respect to the Other Actions, as more fully detailed below, the Plaintiff seeks entry of that order with respect to only one of those defendants. The caption of the Scheduling Order will be modified prior to the November 27, 2001, hearing to incorporate the names of all the defendants to which the Scheduling Order is proposed to apply along with the related adversary proceeding number; the same order is proposed to be entered in each of those cases.

3. The salient terms of the Scheduling Order are as following: (1) initial disclosures shall be made within 10 days of the date the Scheduling Order is entered; (2) motions to join other parties or to amend or supplement the pleadings shall be made within 60 days of the date the Scheduling Order is entered; (3) all discovery shall be initiated so as to be completed within 90 days of the date the Scheduling Order is entered; (4) all case-dispositive motions shall be filed within 120 days of the date the Scheduling Order is entered; and (5) to the extent the parties need

to alter or vary these dates with respect to individual actions, they may seek a future status conference or modification of the Scheduling Order on a case-by-case basis. Pursuant to the Administrative Order, discovery was authorized to commence as of November 8, 2001.

The Preference Actions

4. The Preference Actions are listed on Exhibit B, attached hereto. With respect to each of the Preference Actions, Exhibit B lists the defendant, in alphabetical order, the adversary proceeding number, the current response date (which incorporates any extension stipulated to pending settlement discussions), the date a response was received (if any) as of the filing of this Status Report, and status with respect to that matter. With respect to the vast majority of the Preference Actions, settlement discussions are underway; no contested issues are expected to be presented at this time. Many of the Preference Actions have already been settled and, as indicated in the comment column, will be dismissed shortly. Generally, where no comment appears in the status column, the parties are engaged in settlement discussions. Where a comment appears in the status column, it is either because (i) the matter has been settled and dismissal is pending, (ii) the defendant is in default and the Plaintiff expects to file, or has already filed, a motion for default judgment, (iii) service appears to have been ineffective and the Plaintiff is expecting to reserve; or (iv) a motion (or motions) is presently pending which may require the Court's attention.

The AR Actions

5. The AR Actions are listed on Exhibit C, attached hereto. With respect to each of the AR Actions, Exhibit C lists the defendant, in alphabetical order, the adversary proceeding number, the current response date (which incorporates any extension stipulated to pending settlement discussions), the date a response was received (if any) as of the filing of this Status

Report, and status with respect to that matter. With respect to the vast majority of the AR Actions, settlement discussions are underway; no contested issues are expected to be presented at this time. Some of the AR Actions have already been settled and, as indicated in the comment column, will be dismissed shortly or are awaiting finalization of settlement in order for the dismissal to be filed. Generally, where no comment appears in the status column, the parties are engaged in settlement discussions. Where a comment appears in the status column, it is either because (i) the matter has been settled and dismissal is pending, (ii) the defendant is in default and the Plaintiff expects to file, or has already filed, a motion for default judgment, (iii) service appears to have been ineffective and the Plaintiff is expecting to reserve; or (iv) a motion (or motions) is presently pending which may require the Court's attention.

The Other Actions

6. The Other Actions are listed on Exhibit D, attached hereto. With respect to each of the Other Actions, Exhibit D lists the parties to the action, the adversary proceeding number, the current response date if applicable (which incorporates any extension stipulated to pending settlement discussions), the date a response was received (if any and if applicable), and status with respect to that matter. Given the posture of these matters, the status column provides greater detail with respect to the Other Actions, which do not fit neatly into the categories applied to the Preference Actions or the AR Actions.

Conclusion

7. The Plaintiff expects to dismiss the matters shown on the Exhibits as scheduled for dismissal prior to the November 27, 2001, hearing; in addition, other matters may be settled and dismissed prior to the hearing. Such matters, if dismissed, will not be listed on the Notice of Agenda for that hearing.

8. The Plaintiff further expects that counsel for some defendants may wish to appear telephonically; the Plaintiff will make arrangements for those parties to join a conference call in order to be connected to the Court, and the Plaintiff will advise the Court promptly of the parties who will so be in attendance.

Dated: November 16, 2001

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EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re	)	Case No. 00-358 (PJW)
	)	
AMERISERVE FOOD DISTRIBUTION, INC., <u>et al.</u> ¹	)	Chapter 11
	)	
Debtors.	)	Jointly Administered
	)	
AFD FUND, on behalf of the substantively consolidated post-confirmation estate of Debtors AMERISERVE FOOD DISTRIBUTION, INC., <u>et al.</u>	)	Adv. No. A-____ (JKF)
	)	Adv. No. A-____ (JKF)
	)	Adv. No. A-____ (JKF)
	)	Adv. No. A-____ (JKF)
v.	)	Adv. No. A-____ (JKF)
	)	Adv. No. A-____ (JKF)
[DEFENDANT],	)	Adv. No. A-____ (JKF)
[DEFENDANT],	)	Adv. No. A-____ (JKF)
	)	
Defendant.	)	

SCHEDULING ORDER

The Court, having held a pre-trial scheduling conference in the above-captioned adversary actions (the "Adversary Actions") on November 27, 2001; and the Court having considered the suggestions of counsel for the Plaintiff and counsel, if any appearing, for the defendants in the Adversary Actions; and good cause appearing therefor,

IT IS ORDERED that:

1. Initial Disclosures. Initial disclosures required by Rule 7026(a)(1) of the Federal Rules of Bankruptcy Procedure shall be made within ten days of the date of this Order

¹ The Debtors are the following entities: AmeriServe Food Distribution, Inc., NEBCO EVANS Holding Company, Holberg Warehouse Properties, Inc., AmeriServe Transportation, Inc., PSD Transportation Services, Inc., Chicago Consolidated Corporation, ASNSC, Inc., Delta Transportation, Ltd., PSC Services of Florida, Inc., Northland Transportation Services, Inc., ProSource Mexico Holdings, Inc., NAVC Corp., North American Vantix Corp., and Vantix Logistics Ltd.

2. Joinder of other Parties and Amendment of Pleadings. All motions to join other parties and to amend or supplement the pleadings shall be filed on or before sixty days of the date of this Order.

3. Discovery Cut Off. All discovery in these cases, including percipient and expert witness discovery, shall be initiated so that it will be completed on or before 90 days from the date of this Order.

4. Status Conference. In the absence of settlement, dismissal, or the entry of judgment, a further status conference to address issues, deadlines and trial dates concerning a particular Adversary Action will be held, if necessary, on a date to be determined.

5. Case Dispositive Motions. All case dispositive motions and an opening brief and affidavits, if any, in support of the motion shall be served and filed on or before the date 120 days from the date of this Order.

6. This Order. Counsel for the Plaintiff shall cause a copy of this Order to be filed in each of the Adversary Actions.

Honorable Judith Fitzgerald
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT B

Adv. No.	Defendant	Response Date	Answer Filed	Comments
A-01-04633	A&N Transportation, Inc.	07/20/01		Moved for default 8/30; certificate of no objection with respect to motion for default filed 10/31.
A-01-07511	A. Zerega's Sons, Inc.	11/16/01		Settled; to be dismissed.
A-01-06876	A.J. Antunes & Co.	11/08/01		Defendant in default; motion for default to be filed.
A-01-07459	Able Network	11/16/01	11/16/01	
A-01-07631	Accu Personnel Inc.	11/19/01		
A-01-08881	Accurate Delivery Systems, Inc.	11/19/01		
A-01-06894	Accuserve Equipment & Supply Co.	11/20/01		
A-01-07728	Ace World Wide Holdings, Inc.	11/19/01	10/31/01	
A-01-07504	Act 1 Temporaries	12/14/01		
A-01-07727	Addeco Employment Services	12/19/01		
A-01-06882	ADEA Group, Inc.	11/08/01	11/08/01	
A-01-07534	Adroit	11/19/01		
A-01-08879	ADS Acquisitions, Inc.	11/08/01		Defendant in default; motion for default to be filed
A-01-07614	ADT Security	11/30/01		
A-01-07491	Advance Processing Systems, Inc.	11/16/01	11/16/01	
A-01-07773	Advocate Consulting LLC	11/26/01		
A-01-07626	Aero Manufacturing Co Inc.	11/19/01		
A-01-07405	Air Systems, Inc.	11/16/01		Settled; to be dismissed
A-01-03876	Airgas Dry Ice	08/31/01	10/19/01	
A-01-07763	Alcan, Inc.	12/05/01		
A-01-04632	Alliant Foodservices, Inc.	12/10/01		
A-01-03878	American Candy Co	06/29/01	08/27/01	
	American FoodService Corporation aka Texas American FoodService Inc.			Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-8313	American Freightways, Inc.	11/15/01	11/13/01	
A-01-07423	American Sign Company, The, d/b/a American Sign and Marketing Services, Inc.	11/09/01		Defendant in default; motion for default judgment to be filed
A-01-06883	American Tissue Corp.	06/01/01	07/20/01	
A-01-03879	Americlean Systems	07/13/01	07/30/01	
A-01-03880	Ameritran International Logistics, Inc.	11/16/01		
A-01-07403	AM-PRO, Inc.	11/16/01		
A-01-07076	Arle Box and Paper Company of Indiana, Inc., the	11/19/01		
A-01-07697	API Enterprises, Inc.	11/19/01		
A-01-07696	Arbon Equipment Corporation	11/19/01		
A-01-07695	Archer-Daniels-Midland Company	11/16/01		
A-01-07523	ARCO Construction Company, Inc.	11/28/01		

Adv. No.	Defendant	Response Date	Answer Filed	Comments
A-01-07694	Arden International Kilchens, Inc.	11/19/01		
A-01-07749	Area Temps	11/19/01		
A-01-06093	Arthur Schuman, Inc.	11/06/01		Settled; settlement being documented.
A-01-07458	Asbury Travel Co	11/16/01	11/14/01	
A-01-07866	Associated American Industries, Inc. d/b/a American Wyatt Foodservice			Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-07418	Associated Milk Producers Inc.	11/15/01		Settled; to be dismissed
A-01-07748	Associated Staffing Inc.	11/19/01		To be dismissed and refiled against Associated Temporary Staffing
A-01-07670	Atlanta Corporation	11/19/01		
A-01-07704	Atlantic Seasoning, Inc.	11/30/01		
A-01-07416	Authentic Specialty Foods	12/12/01		
A-01-01217	Bacon Co. Liquidation	06/15/01		Motion for default filed 8/31; certificate of no objection with respect to motion for default filed 10/31
A-01-07417	Badger Boiled Ham Co Inc.	11/27/01		
A-01-06877	Baker & Baker Inc.	11/19/01	11/14/01	
A-01-07521	Bama Frozen Dough, LLC	11/16/01	11/16/01	
A-01-07455	Barkley House, Inc.	12/12/01		
A-01-07703	Bascom Corporation Meadowlands Division	11/19/01		
A-01-07500	Benco Foods Inc.	11/16/01		To be dismissed and refiled against Benco Supply
A-01-07077	Benigene Corporation	12/07/01		
A-01-06886	Bevies Company, Incorporated	11/20/01		
A-01-06883	Birchwood Foods	11/06/01		
A-01-07078	Blodgett Oven Co., Inc.	11/15/01	11/12/01	
A-01-07669	Bloomfield Industries	11/19/01		
A-01-07384	Blue Ocean Import, Inc.	11/15/01		Settled; to be dismissed
A-01-07668	Bober Packaging Supplies	11/19/01		
A-01-07363	Border Foods, Inc.	11/19/01		
A-01-07747	Border Foods, Inc.	11/19/01	11/15/01	
A-01-03882	Bottini Fuel	06/29/01	06/29/01	
			07/19/01 - amand. Ans. Filed 8/7	
A-01-04627	Brach's Confections	07/20/01		
A-01-07824	Browning-Ferris Industries of Arizona, Inc.	11/19/01		
A-01-06884	Bruce Foods Corporation	12/06/01		
A-01-04637	BSA Advertising	08/31/01	09/19/01	

Adv. No.	Defendant	Response Date	Answer Filed	Comments
A-01-08880	Bunge Foods Corporation	11/08/01	11/09/01	
A-01-07731	Butler Manufacturing Company-Vistawall Div.	11/19/01		Settled; to be dismissed
A-01-07017	C & C Express	11/16/01	11/16/01	
A-01-00391	C&T Refinery, LLC	04/16/01	04/16/01	
A-01-07525	Cajun Chef Products, Inc.	11/16/01	11/15/01	
A-01-07627	Cal Baker's Minuteman Press	11/19/01		
A-01-07404	Callaway Murphy Produce Co., Ltd.	11/16/01		To be dismissed and refiled against Callaway Produce
A-01-07020	Cambro Manufacturing Company	11/28/01		
A-01-00390	Campbell Soup Company	04/16/01	04/12/01	Settled; settlement being documented.
A-01-00828	Cargill, Inc.	05/11/01	05/10/01	
A-01-07518	Carlisle Foodservice Products, Incorporated	11/26/01		
A-01-07374	Carlson Products, Inc.	12/12/01		
A-01-07771	Carlson Strategic Staffing, Inc.	11/19/01		Settled; to be dismissed
A-01-07667	Cascades Dominion Inc.	11/19/01		
A-01-07772	Case Farms Inc.	11/19/01		
A-01-06037	Castleberry's Foods Company	09/14/01	09/12/01	
A-01-01192	Cavendish Farms	06/15/01	06/14/01	Consented to stay pending resolution of PACA action
A-01-07389	CF Consolidated Freightways	11/16/01	11/16/01	
A-01-07454	CF Motorfreight	11/16/01		
A-01-07623	Chagrin Safety Supply, Inc.	11/19/01		Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-07867	Chef John Folse & Co., Inc.			
A-01-07722	China Mist Tea Company	11/18/01		Discussions with counsel ongoing re: proper identity of defendant
A-01-04652	Cintas Corporation	08/31/01		
A-01-07364	Cleveland Range, Inc.	11/16/01		
A-01-07497	Clipper Corporation	11/16/01		
A-01-07509	Colliers International Property Consultants Inc.	11/16/01		
A-01-07710	Color Group Incorporated	11/19/01		
A-01-07371	Columbia Business Systems, Inc.	11/15/01		
A-01-07726	Computata Products, Inc.	12/19/01		
A-01-07517	Con-Way Transportation Services	12/14/01		
A-01-07535	Corestaff Services, Inc.	11/19/01	11/07/01	
A-01-07388	Cornstone Oakbrook LLC	11/16/01		
A-01-06079	Corporate Staffing Resources LLC	09/28/01	09/21/01	Company filed for bankruptcy, 01-35328 ND Ind.
A-01-01228	CR England & Sons	08/15/01	08/15/01	

Adv. No.	Defendant	Response Date	Answer Filed	Comments
A-01-07397	Creative Corporate Staffing	11/18/01		
A-01-07840	Creative Sign Company	11/19/01		
A-01-07539	Crown Equipment Corporation	11/19/01		
A-01-07693	CSL Research Consultants, Inc.	11/19/01		Motion for change of venue filed; response due to that motion continued indefinitely by agreement of the parties.
A-01-01093	CSSI The Support Group	06/12/01	06/12/01	
A-01-04634	Curtice-Burns Express, Inc.	08/31/01	08/17/01	
A-01-01197	Custom Packaging Co.	08/20/01	07/20/01	
A-01-07385	Custom Seating Incorporated	11/15/01		Settled; to be dismissed
A-01-07718	D. Watkins & Co., Inc.	11/19/01		
A-01-07781	D.R. McClain & Son.	11/20/01		
A-01-07526	Daily Foods, Inc.	11/18/01		
A-01-07716	Dakota King, Inc.	11/19/01		
A-01-08888	Dallas Group of America, Inc.	11/06/01	11/06/01	
A-01-07370	Darigold, Inc.	11/15/01	11/16/01	
A-01-07396	Daymark Foods, Inc.	11/18/01		
A-01-07714	De La Rue Cash Systems, Inc.	12/05/01		Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-07868	Del Monte Foods			
A-01-07421	Delco Tableware Int'l	11/15/01		
A-01-07528	Dobbs Services, Inc.	11/16/01		
A-01-07709	Donato Marangl, Inc.	11/19/01		
A-01-06094	Dot Foods, Inc.	09/28/01	09/28/01	
A-01-07382	Douwe Egberts Coffee Services, Inc.	11/15/01	11/02/01	
A-01-07537	DPP	11/19/01		
A-01-07702	Dry Ice Corp.	11/19/01		
A-01-07198	Dutch Quality	06/15/01		Moved for default 8/31; order signed 11/7
A-01-03883	Edlund Company	06/29/01	06/22/01	
A-01-07708	Edwards Consulting Services, Inc.	11/19/01		
A-01-07873	Electric Computer Services, Inc.			Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-07743	Ell's Cheesecake Company, The	11/19/01		
A-01-07387	EMJAC Industries, Inc.	11/15/01	11/15/01	
A-01-07780	En Pointe Technologies	11/20/01		
A-01-07388	Envelope Manufacturers, L.L.C.	11/15/01		
A-01-03884	EPI Marketing & Prom. Specialist	06/29/01		Initial services all returned; Plaintiff is seeking to effectuate service.

Adv. No.	Defendant	Response Date	Answer Filed	Comments
A-01-07531	ETI, Inc. /I/a Exceptional Temporaries, Inc.	11/19/01		
A-01-00392	Excel Corporation	04/18/01	04/18/01	
A-01-01199	Express Services	07/15/01	09/21/01	Settled; to be dismissed
A-01-07389	Falcon Products, Inc.	12/05/01		
A-01-07388	FGC Commercial	11/15/01		Settled; to be dismissed
A-01-07402	FDS Express, Inc.	11/19/01		
A-01-07870	Federal Express Corporation			Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-07662	Federal Sign Division	11/19/01		
A-01-07874	Fedex Ground Package System, Inc. d/b/a			Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-01200	FPS, a Caliber System Company	07/15/01	07/16/01	
A-01-07768	Flavorite Laboratories	12/17/01		
A-01-06075	Florida Crystal Corporate Center, Inc.	09/14/01	09/12/01	
A-01-07390	Fonitha Foods, Inc.	11/15/01		Settled; to be dismissed
A-01-07794	Food Service Supplies, Inc.			Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-07385	Fort James Operating Company	11/15/01	11/15/01	
A-01-03885	Frito-Lay, Inc.	06/29/01	07/24/01	
A-01-07706	Frymaster Corp.	11/19/01		
A-01-07750	Gallien Seafoods, Inc.	12/15/01		
A-01-07751	Garden Fresh Foods, Inc.	11/19/01		
A-01-01201	Gateway Freight, Inc.	07/15/01		
A-01-04844	Getli Guernsey Farms	08/31/01	08/22/01	
A-01-07753	General Office Products	11/19/01		
A-01-07395	General Personnel Consultants of Tampa, Inc.	11/18/01		Settled; to be dismissed
A-01-03886	General Products, Inc.	06/29/01	06/22/01	Settled; to be dismissed
A-01-07754	Genpak Corp.	11/19/01		
A-01-07685	Geosuccess, Inc.	12/18/01		
A-01-01094	GGG Foods Inc.	07/30/01	07/31/01	
A-01-06973	Goglanian Bakeries, Inc.	11/08/01		Defendant in default; motion for default judgment to be filed
A-01-00774	Gojo Industries, Inc.	11/08/01		Defendant in default; motion for default judgment to be filed
A-01-07774	Gold Signature Foods, LLC	11/18/01		
A-01-05033	Golden Corp./I/a Bagcraft Corporation of America	09/14/01		Filed motion for default 11/7; response due 11/20

Adv. No.	Defendant	Response Date	Answer Filed	Comments
A-01-07779	Golden County Foods, Inc.	11/20/01		
A-01-01095	Golden West Foods, Inc.	07/29/01	05/30/01	Settled; settlement being documented.
A-01-01207	Gruna Corp. dba Mission Foods	06/15/01	06/15/01	
A-01-07520	GSSB Liquidating, Inc.	11/18/01		
A-01-07461	H.C. Brill Company, Inc.	11/19/01		Settled; to be dismissed
A-01-07465	H.C. Brill Company, Inc.	11/18/01		Duplicate; to be dismissed
A-01-07755	H.I. Of JAX-1-285, Inc.	11/19/01		
A-01-07782	H.M. Electronics	11/20/01		
A-01-07386	Hanover Foods Corporation	11/15/01	11/15/01	
A-01-01204	Hatoo Corporation	08/15/01	06/11/01	Settled; to be dismissed
A-01-07630	Helkes Produce Company	11/19/01		
A-01-07792	Heinz USA, Porton Pac, Inc, and International Diverse Foods	11/21/01		
A-01-07424	Henry Penny Corp.	11/15/01	11/15/01	
A-01-06035	Hobart Corporation	08/14/01		Defendant in default; Plaintiff seeking to confirm service was effective.
A-01-07442	Hoshizaki America, Inc.	11/15/01	11/13/01	
A-01-07512	Howard Company Inc., the	11/16/01		
A-01-07729	Hub City Truck Lines	11/18/01		
A-01-07515	Huber Dekor, Inc.	11/18/01		Settled; to be dismissed
A-01-06084	Iceland Seafood Corporation	09/24/01	09/24/01	
A-01-07659	Imseel Special Delivery	11/19/01		
A-01-07007	Indiana Sugars, Inc.	11/15/01	11/09/01	
A-01-06034	Inland Transit Systems, Inc.	08/14/01	08/14/01	
A-01-07788	Integrated Packaging Corporation	11/20/01		
A-01-06081	Intercool, Inc.	09/21/01	09/24/01	
A-01-07366	International Cold Storage Company	11/15/01		
A-01-06042	International Converter, Inc.	09/14/01		Settled; settlement being documented.
A-01-07380	International Multifoods Corporation	11/15/01	11/15/01	
A-01-07871	International Storage Systems Corp.			Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-07872	ISI Commercial Refrigeration			Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-07707	J H Industries Inc. f/k/a Erbrich Products Co.	11/19/01		
A-01-07869	J.B. Hunt Logistics, Inc.			Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-07777	J.L. Degraffenreid & Sons, Inc.	11/20/01		

Adv. No.	Defendant	Response Date	Answer Filed	Comments
A-01-07719	Jazz City Trade Exchange, Inc.	11/19/01		To be dismissed and refilled against Jazz City Distributors
A-01-07538	Jea & Associates	11/19/01		
A-01-07420	John B. Sanfilippo & Sons	11/15/01		
A-01-07861	John Hogan Interests, Inc. d/b/a First Foods Co., Inc.			Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-07419	Johnsonville Foods Inc.	11/15/01	11/14/01	
A-01-07770	Kan Pak, LLC	11/19/01		
A-01-07376	Keebler Company	12/05/01		
A-01-07715	Kerner Kourier Service, Inc.	11/19/01		
A-01-00386	Keystone Foods LLC	05/25/01	11/08/01	
A-01-07389	Klement Sausage Co., Inc.	11/15/01		Settled; to be dismissed
A-01-07460	Kolpak	11/18/01	11/09/01	
A-01-07391	L&W Transportation, Inc.	11/15/01		
A-01-07756	La Romagnola, Inc.	11/19/01		
A-01-07628	Leading Edge, Inc.	11/19/01		
A-01-07540	Lee Distributing Services	11/19/01		
A-01-00830	Lobby Glass	05/11/01	05/09/01	Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-07858	Lightwave Systems Implementation, Inc.			
A-01-07625	Linco Casters	11/19/01		
A-01-07407	Lincoln Foodservice Products, Inc.	11/16/01		
A-01-07506	Lighthouse, Inc.	11/16/01	11/16/01	Counterclaim made; response due 12/6/01
A-01-07859	Louisville Tile Distributors, Inc.			Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-01208	Love & Quiches Limited	06/15/01	06/14/01	
A-01-07375	Magellan Software, Inc.	11/15/01		Settled; to be dismissed
A-01-07519	Marlanth Corporation	11/16/01		
A-01-07629	Marketing Displays, Inc.	11/19/01		
A-01-01210	Marlen Transport	06/15/01	06/15/01	
A-01-06686	Martin Gillet & Co., Inc.	11/06/01		Defendant in default; motion for default judgment to be filed
A-01-07507	Material Handling Exchange Inc.	11/16/01	11/16/01	
A-01-03888	Matson Navigation Co	06/29/01	06/25/01	Suggestion of bankruptcy filed 11/9
A-01-07514	Max Value, Inc.	11/19/01		Duplicate filing; to be dismissed
A-01-07643	Max Value, Inc.	11/19/01		
A-01-06689	McCall's/The Shannon Group	11/06/01	11/09/01	
A-01-07394	McClancy Seasoning Co.	12/14/01		
A-01-07721	McNaim Packaging, Inc.	11/19/01		

Adv. No.	Defendant	Response Date	Answer Filed	Comments
A-01-07559	MCSI, Inc.	11/18/01		
A-01-07788	Mello Smello	11/20/01		
A-01-07415	Mercury Delivery Service	11/15/01		
A-01-07372	Metal Masters Foodservices Inc.	11/15/01	11/15/01	
A-01-07533	Michigan Dessert Corporation	11/19/01		
A-01-07412	Midstate Mills, Inc.	12/14/01		
A-01-06885	Minnesota Mining and Manufacturing Company	11/09/01		Defendant in default; motion for default judgment to be filed
A-01-07438	Mitro Development Inc.	11/15/01		
A-01-03889	Miss King's Kitchen	06/29/01	06/28/01	
A-01-07857	MLG Commercial 2000, LLC			Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-07656	Moore Business Forms	11/19/01		
A-01-07392	Motts USA	11/15/01		
A-01-04641	Namkung Promotions, Inc.	08/31/01	08/30/01	
A-01-07430	Nanticoke Seafood Corporation	11/15/01	11/15/01	
A-01-07373	National Air Systems, Inc.	11/15/01		
A-01-07757	National Paper & Packaging Co.	11/19/01		
A-01-8780	National Steak Processors, Inc. d/b/a National Steak & Poultry	12/13/01		
A-01-07833	National Union/Algom Spec	11/19/01		
A-01-07494	Nemco, Inc.	11/27/01		
A-01-07764	Nestle USA, Inc.	11/19/01		
A-01-07508	Network Integration Services	11/16/01		
A-01-07546	New Age Industrial	11/19/01		
A-01-07758	New England Capital Corporation	11/19/01		
A-01-07632	NKL Safe	11/19/01		
A-01-07717	Norflex, Inc.	11/19/01		
A-01-01096	Norsian Network Svcs.	05/30/01	05/30/01	Settled; to be dismissed
A-01-07649	Northeast Great Dane	11/19/01		
A-01-07408	Odom's Tennessee Pride Sausage, Inc.	12/14/01		
A-01-07789	Officeteam	11/21/01		
A-01-00393	OK Foods, Inc.	04/16/01	04/16/01	
A-01-07558	O-K Paper Specialties	11/19/01		Settled; to be dismissed
A-01-01212	O'Leary Brothers Signs	07/23/01	07/23/01	
A-01-01213	Oltan Staffing Services	06/15/01		Motion for default judgment filed 8/31; Defendant responded by phone and requested copy of complaint; Plaintiff agreed not to default pending answer.
A-01-08029	Omega Plastics Corp. of KY	09/28/01	09/28/01	

Adv. No.	Defendant	Response Date	Answer Filed	Comments
A-01-06601	Onelia Silvermilins	11/20/01		
A-01-07378	Onsite Commercial Staffing, Inc.	11/15/01	11/15/01	
A-01-01214	On-Time Deliveries	07/29/01		Do not move for default per AWC
A-01-03890	Onyx Petroleum	08/29/01	08/28/01	Settled; to be dismissed
A-01-07733	Orkin	11/19/01		
A-01-07732	Orth Products	11/19/01	11/14/01	
A-01-07439	OTR Express, Inc.	12/12/01		
A-01-07720	Overhill Farms, Inc.	11/19/01		
A-01-07778	Paper and Ribbon Supply Co., Inc.	11/20/01		
A-01-07410	Par Microsystems Domestic International Sales	11/16/01		
A-01-07824	Paradise Tomato Kitchens, Inc.	11/27/01		
A-01-07393	Parmalat Atlanta Dairies	11/15/01	11/15/01	
A-01-07490	Patrick Cudany Incorporated	12/14/01		
A-01-07860	PDJ, Inc. d/b/a La Francese Bakery			Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-07862	Pennobscot Frozen Foods, Inc.			Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-07734	Pfranccky Graphic Design	11/19/01		
A-01-07502	Phillips Paving Company, Inc.	11/16/01	11/13/01	11/1 letter to AFD offers \$5K in settlement
A-01-04828	Pilgrim's Pride Corp.	07/20/01	07/27/01	
A-01-06085	Pilot Air Freight Corp.	09/28/01	09/28/01	
A-01-07713	Pioneer Packaging, Inc.	11/19/01		
A-01-01215	Pitco Friolator, Inc.	07/16/01	07/16/01	
A-01-06090	Pizza Blends, Inc.	08/21/01	09/19/01	
A-01-07737	PMI Food Equipment Group	11/19/01		
A-01-07760	Polar Plastics (NC) Inc.	11/19/01		
A-01-07759	Posterfold Corporation	11/19/01		
A-01-07401	Premium Custom Packaging, Inc.	11/27/01		Settled; to be dismissed
A-01-07761	Presto Foods Products, Inc.	11/19/01		
A-01-07875	Pride Container Corporation			Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-07431	Quality Croutons, Inc.	11/21/01		
A-01-07762	Quality Distributing Company	11/19/01		
A-01-01198	Quest Consulting Services	08/15/01	05/29/01	
A-01-07518	Radio Transfer, Inc.	11/16/01		Settlement pending
A-01-01218	Randell Manufacturing	08/20/01	08/02/01	

Adv. No.	Defendant	Response Date	Answer Filed	Comments
A-01-07432	Rapid Delivery Service	11/20/01		
A-01-01219	Reckitt & Coleman	06/15/01	06/15/01	
A-01-01220	Red Chamber Co.	09/07/01	09/07/01	
A-01-07443	Reilly Dairy & Food Co.	12/05/01		
A-01-07730	RHI Management Resources	11/19/01		
A-01-07529	Rich Products Corporation	11/16/01		
A-01-07452	Rich-Seapak Corporation	11/16/01		
A-01-06089	Riviana Foods, Inc.	09/14/01	11/15/01	Settled; to be dismissed
A-01-06690	Robinson Pallet	11/08/01	08/14/01	
A-01-07433	Royal Paper Products	11/20/01	11/05/01	
A-01-07532	Rubbermaid Commercial Products Inc.	12/19/01		
A-01-01221	Rupar Food Services	08/15/01	08/12/01	
A-01-07411	Rush Transportation / Logistics Inc.	11/16/01	11/16/01	
A-01-07453	Ryder Truck Rental, Inc.	11/16/01		Settled; to be dismissed
A-01-07711	S&P Midwest Carriers, Inc.	11/19/01		
A-01-07752	Sabritas, S.A. de C.V.	04/30/01		Settled; settlement being documented.
A-01-00827	Salet's Inc.	05/11/01	05/07/01	
A-01-06077	Salmans & Associates, Inc.	09/14/01	09/13/01	Defendant in default; motion for default judgment to be filed
A-01-06675	Salva Incorporated	11/06/01		Settlement discussions underway
A-01-01226	Sauer Foods, Inc.	08/25/01		
A-01-07554	Sergio J. Saumell	11/19/01		
A-01-06032	SFI Anco Fine Cheese	09/14/01	09/13/01	
A-01-06076	Shawnee Milling Company	09/14/01	09/14/01	
A-01-07377	Shelby Williams Industries, Inc.	12/05/01		
A-01-07723	Showcase Corporation	11/19/01		
A-01-04640	Simeus Foods International, Inc.			Summons filed with Court not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-00394	Simmons Foods, Inc.	04/16/01	04/12/01	
A-01-06038	Simplex Time Recorder Co.	11/19/01		
A-01-01222	Skytel Communications, Inc.	09/14/01	09/14/01	
A-01-07744	Solo Cup Company	08/15/01	08/15/01	
A-01-07744	Source, Inc.	11/18/01		Settled; to be dismissed
A-01-07383	Southern Technologies, Inc.	11/15/01		
A-01-04629	Southwest Paper Company	07/20/01		Settlement discussions underway
A-01-07785	Springprint / Medallion	11/20/01		
A-01-0791	Staffing Solutions, Inc.	12/13/01		
A-01-07406	Staffmark, Inc.	12/17/01		
A-01-07434	Stanley Knight Corp.	11/15/01	11/13/01	
A-01-07510	Sterling Bank & Trust	11/16/01		
A-01-07435	Stewart Sutherland, Inc.	12/15/01		

Adv. No.	Defendant	Response Date	Answer Filed	Comments
A-01-07863	Suddath Transportation Services			Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-07740	Summit Industries, Inc.	11/19/01		
A-01-07555	Sun Orchard	11/19/01	11/19/01	
A-01-07684	Sunnyland Refining Co Inc.	11/19/01		
A-01-04838	Superior Asphalt, Inc.	08/31/01	09/07/01	
A-01-07865	Syscom, Inc.			Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-04830	T. Marzetti Company	07/20/01	07/23/01	
A-01-07638	T.A.C.I. Corp. Inc.	11/19/01		
A-01-07641	T.J. Blackburn Syrup Works, Inc.	11/19/01		
A-01-03891	Tandem Computers	06/28/01		All services ineffective; Plaintiff attempting to reserve. Motion for default filed 8/31; certificate of no objection with respect to motion filed 10/31
A-01-01224	Taste II Presents Inc	06/15/01		
A-01-07712	Taylor Made Express, Inc.	12/12/01		
A-01-07549	Team Air Express, Inc.	11/19/01		
A-01-07738	Teksystems Internet Business Services, LLC	11/19/01		
A-01-03892	Telpro, Inc.	08/29/01	08/13/01	
A-01-07791	Texaco/Taco Bell	11/21/01		
A-01-07639	Today's Staffing, Inc.	11/19/01		
A-01-07790	Tom Martin Construction Co	11/21/01		
A-01-07736	Total Handling Solutions	11/19/01		
A-01-06080	Toufayan Bakery of Florida, Inc.	08/14/01	09/14/01	
A-01-07701	Traex Corporation	11/19/01		Settled; to be dismissed
A-01-07381	Trans Ceramica LTD f/k/a Eurowest	11/29/01		
A-01-07551	Decorative Surfaces, Inc.	11/19/01		
A-01-07551	Transforos	11/19/01		
A-01-01225	Transmed Foods	07/20/01	08/06/01	
A-01-03893	Transport Logistics	06/29/01	08/10/01	
A-01-07556	Transport Specialists, Inc.	11/19/01		
A-01-07557	Traulsen & Co., Inc.	11/19/01		
A-01-07741	Tri County Air Conditioning & Refrigeration, Inc.	11/19/01		
A-01-07553	Trien & Associates, Inc.	11/19/01		
A-01-01230	Trinity Employment Service	12/10/01		
A-01-07457	Tropicana Products, Inc.	11/16/01	11/15/01	
A-01-07775	Trust Temporary Services Inc	11/20/01		

Adv. No.	Defendant	Response Date	Answer Filed	Comments
A-01-07440	Turn's Italian Foods	11/15/01	11/13/01	
A-01-07784	U.B. Klem Furniture Co., Inc.	11/20/01		
A-01-06885	U.S. Delivery, Inc.	11/06/01		Defendant in default; motion for default judgment to be filed
A-01-03894	U.S. Fleet Services	07/15/01		Settlement discussions underway
A-01-00754	United Food Group LLC d/ba Service Packing Company	05/31/01	07/19/01	Settled; to be dismissed
A-01-07724	United Packaging Supply, Inc.	11/19/01		
A-01-06082	Utility Trailer Sales Company	10/05/01	10/04/01	
A-01-07700	Valley Courier and Delivery Services, Inc.	12/19/01		
A-01-07742	Van De Venier Enterprises, Inc.	11/18/01		
A-01-07409	Varipak, Inc. d/ba Glenmark	11/27/01		
A-01-07527	Ventura Foods LLC	11/30/01		
A-01-07783	Victoria Packaging Corp.	11/20/01		
A-01-07400	Visual Edge, Inc.	11/18/01		
A-01-07765	Wampler Foods, Inc.	11/19/01		
A-01-01231	Wampler's Farm Sausage	06/15/01	07/18/01	
A-01-06078	Watts Brothers Frozen Foods, L.L.C.	09/14/01		Motion for default filed 11/7; response to motion for default due 11/20
A-01-07414	Wenco Inc.	12/17/01		
A-01-07699	Werner Enterprises, Inc.	11/19/01		Settled; to be dismissed
A-01-07379	Westamerica Graphics Corporation	11/15/01	11/12/01	
A-01-07705	Western Graphics	11/19/01		
A-01-06039	Whiteford Foods Venture, L.P.	09/28/01	09/27/01	
A-01-06092	Whitman-Hart, Ltd	09/14/01		Service appears to have been ineffective; Plaintiff seeking to reserve
A-01-07425	Wilkinson Manufacturing Co.	11/15/01		
A-01-07735	Williamette Industries, Inc.	11/19/01		
A-01-07505	Williams Scotsman, Inc.	11/16/01		Settled; to be dismissed
A-01-07522	Wincup Holdings, Inc.	11/16/01	11/15/01	
A-01-07884	Wiscomp Systems, Inc.			Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-07441	Wisconsin Cheese Group, Inc.	11/15/01		Settled; to be dismissed
A-01-07752	World Kitchen (GHC), Inc. f/k/a General Housewares	11/19/01		
A-01-07745	Worthington Foods, Inc.	12/05/01		
A-01-07427	Xtra Lease, Inc	12/14/01		
A-01-01233	Yellow Freight System	08/15/01	09/11/01	
A-01-07513	Yogurt Ventures U.S.A., Inc.	11/16/01		

EXHIBIT C

Adv. No.	Defendant	Response Date	Answer Filed	Comments
A-01-1107	637 DQ, Patricia Page, Owner	05/30/01		Letter filed 5/29 seeking extension of time to answer
A-01-8877	576 Dairy Queen (Brazier)	11/06/01		Defendant in default; motion for default judgment to be filed
A-01-8881	622 Dairy Queen	11/06/01		Settlement offer received
A-01-8879	640 Dairy Queen	11/06/01		Defendant in default; motion for default judgment to be filed
A-01-8131	Alternative Retail Concepts			No summons returned by Court; Plaintiff will seek new summons
A-01-0850	Anchor Ventures of Florida, Inc.	06/04/01		Moved for default 8/8; certificate of no objection with respect to motion filed 10/31
A-01-8120	Arby's Call	09/14/01		Moved for default 10/19; answer 11/8; certificate of no objection filed 11/16
A-01-8874	Arby's of Park City	11/06/01	11/06/01	
A-01-0842	AZARB, L.L.C.	07/24/01	07/24/01	
A-01-0836	B&B Consultants, Inc.	05/17/01	06/12/01	
A-01-8676	B&M, LLC d/b/a Dairy Queen	11/06/01		Defendant in default; motion for default to be filed
A-01-8121	B&R Associates, Inc.			Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-1100	BABS, Inc.	05/30/01		Letter response received 5/21/01
A-01-0840	Beatrice Pizza Co.	05/17/01		Moved for default 8/8; defendant filed request for 2 week extension to respond to motion for default; no response or answer filed. Renewed default motion 11/2; response due 11/20
A-01-0839	Bernie Dloguardi, dba DQMilan/Grants	05/17/01	05/16/01	
A-01-8673	Blimpies	11/06/01		Default being held pending determination of service on proper party
A-01-1118	BMPAT, Inc. 6252	05/30/01		Settled; dismissal held pending satisfaction of settlement terms
A-01-1117	Bradsher Enterprises	05/30/01	05/25/01	

Adv. No.	Defendant	Response Date	Answer Filed	Comments
A-01-0849	Brandywine Valley Yogurt, Inc	05/18/01	05/29/01	
A-01-0832	Cambridge Investments	05/17/01	05/17/01	
A-01-6112	Carn Yogurt, Inc.	09/14/01		All service returned; need to reserve
A-01-0843	Chapman Dairy Queens	05/17/01		Moved for default 8/8; certificate of no objection with respect to motion filed 10/31
A-01-0852	Consumer Services Corp. dba Dairy Queen	06/01/01	06/01/01	
A-01-7565	Countryside Travel, Inc.	12/14/01		
A-01-1109	CQL, Inc. dba Dairy Queen	05/30/01		Informal response received 5/30/01
A-01-6105	Dairy Queen #10	09/14/01		Moved for default 10/19; answer 11/8; certificate of no objection filed 11/16
A-01-1110	Dairy Queen Ft. Myers	05/30/01		Service failed; attempting to reserve
A-01-0855	Dairy Queen Santa Teresa	05/17/01		Settled; dismissal held pending satisfaction of settlement terms
A-01-6630	Dairy Queen Vail	11/06/01		Letter response received 11/6/01
A-01-6110	D.L.L. Inc.	09/14/01		Moved for default 10/19; answer 11/8; certificate of no objection filed 11/16
A-01-1097	DMGM Properties	05/30/01	10/03/01	
A-01-1185	DODDS CO, Inc. dba Arby's of Pangulitch	06/15/01		Settled; dismissal held pending satisfaction of settlement terms
A-01-6113	D.Q. Cool, Inc.	09/14/01		All services returned; need to reserve
A-01-1106	DQ Minneapolis 716	05/30/01	06/01/01	
A-01-1190	Ehrenberg Corp. dba Lincoln DQ	06/15/01		Moved for default 8/8; certificate of no objection with respect to motion filed 10/31
A-01-0845	Endter, Enterprises	05/17/01		Moved for default 10/19; answer 11/8; certificate of no objection filed 11/16
A-01-1189	Fry Four dba DQ Chaska #11831	06/15/01		Moved for default 8/8; certificate of no objection with respect to motion filed 10/31
A-01-7566	Godfather's Pizza of Hutchinson, Inc.	11/19/01		
A-01-7582	Goldcoast Beef, II, LLC	11/19/01		
A-01-0856	G.T.R. Rest Concepts dba Mrs. Winners	05/18/01		Defendant in default; motion for default judgment to be filed

Adv. No.	Defendant	Response Date	Answer Filed	Comments
A-01-7482	HMS B&L, Inc. d/b/a Host Marriott Services—Chills	12/14/01		
A-01-7575	HMS B&L, Inc. d/b/a Host Marriott Services—Burger King	12/14/01		
A-01-7576	HMS B&L, Inc. d/b/a Host Marriott Services—TCBY	12/14/01		
A-01-7571	Hofstead Enterprises, Inc.	11/19/01		
A-01-0844	Iceland Café	05/17/01		Moved for default 8/8; order signed 11/7
A-01-0848	Jam Yogurt, Ltd	06/04/01		Service failed; attempting to reserve
A-01-8872	JDB, Inc. of Easley	11/06/01	11/06/01	
A-01-3898	Jeff Broshot dba DQ(Mukwonago, WI)	06/29/01		Informal response received
A-01-0833	Jenny Craig, Inc.	06/07/01	06/07/01	
A-01-1101	Jerry O. Denson	05/30/01		Moved for default 8/8; however, all services of motion were returned. Plaintiff is seeking new service information
A-01-3900	Johnathan Basett dba DQ #150209	06/29/01		Moved for default 10/19; answer 11/8; certificate of no objection filed 11/16
A-01-7570	KAC Dairy Queen Brazier, Inc.	11/19/01		
A-01-8873	K&D of Golden, Inc.	11/06/01		Defendant in default; motion for default judgment to be filed
A-01-0847	Levinson Keystone, Inc.	05/17/01	07/11/01	
A-01-8216	Long John Silvers Coporation			Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-0831	Lunan Corporation	05/17/01	05/17/01	The parties have filed a joint motion for change of venue, as to which responses due 11/20. The parties will request the Court to rule upon the motion at the 11/27 hearing.
A-01-6111	Mark King Enterprises, Inc.	09/14/01		Moved for default 10/19; answer 11/8; certificate of no objection filed 11/16

Adv. No.	Defendant	Response Date	Answer Filed	Comments
A-01-6875	Marriott Distribution Services, Inc.	11/20/01	11/15/01	
A-01-7569	MBM Receivables Company	11/19/01		
A-01-8118	MDS Corporation	09/14/01		All services returned; need to reserve
A-01-0846	Meechan Enterprises	05/17/01		Moved for default 8/8; order signed 11/7
A-01-3901	Mehr & Sons Enterprises, Inc. d/b/a DQ Douglasville	08/13/01		Settled; dismissal held pending satisfaction of settlement terms
A-01-0834	Metz & Associates	05/31/01	05/29/01	Settled; to be dismissed
A-01-6672	MJ, Incorporated	11/06/01		Defendant has forwarded to Plaintiff a copy of a bankruptcy petition
A-01-3887	Monona Treats dba DQ Braziler	07/30/01		All services returned; need to reserve
A-01-1188	Nelson Companies dba DQ Baldwin	07/23/01		Service appears to have been ineffective; Plaintiff will seek new service information
A-01-8127	Nellis Management			Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-0841	Northeast Concepts	05/31/01	05/31/01	Settled; to be dismissed
A-01-1115	PA Pubs, Inc.	05/30/01	05/26/01	Moved for default 8/8; certificate of no objection with respect to motion filed 10/31
A-01-1104	Paul & Yolanda Monroe	05/30/01		
A-01-1105	Paul Davis	05/30/01	05/31/01	
A-01-1187	Phillips Financial Group dba Arby's #6650	06/15/01	06/18/01	
A-01-1108	Phoenix New Center dba A&W Rest.	05/30/01		All services returned; need to reserve
A-01-1099	PMA Food Services, Inc.	05/30/01		Informal response alleges wrong party
A-01-7567	Red Top, LLC	11/19/01		
A-01-6676	R.E. Doalts, Inc. d/b/a Arby's	11/20/01		
A-01-6104	Reinhart Foods	09/14/01		Never served; need to effectuate service
A-01-3889	Rick Caine dba Subway #10664	06/29/01		Moved for default 8/8; certificate of no objection with respect to motion filed 10/31

Adv. No.	Defendant	Response Date	Answer Filed	Comments
A-01-7583	Robard Enterprises, Inc.	11/19/01		
A-01-1191	Ron Hendrickson dba DQ	06/15/01		Letter response received 5/30/01
A-01-8833	Ropasho Enterprises	05/17/01		Defendant in default; motion for default judgment to be filed
A-01-8875	Salva Incorporated	11/06/01		Defendant in default; motion for default judgment to be filed
A-01-8871	Scoops Frozen Custard	11/06/01		Defendant in default; motion for default judgment to be filed
A-01-1098	Shaner Hotel Group	05/30/01	05/17/01	
A-01-1119	Sinne's Foods, dba Arby's of Ennis	05/30/01		Moved for default 8/8; informal objection thereto received
A-01-7574	Sodexo Services, Inc.	12/14/01		
A-01-7588	Sonic Corporation	11/27/01		
A-01-7573	Sonic Drive-In of Camelge, Oklahoma, Inc.	11/19/01		
A-01-8128	Southwest Seafood Shoppes, LLC			Summons filed with complaint not executed; summons using Court's new format to be issued and served with complaint in the immediate future.
A-01-8109	Specialty Food Systems, Incorporated	09/14/01	09/24/01	
A-01-853	Sripal Corp dba Casselberry Dairy Queen	05/17/01		Moved for default 8/8; certificate of no objection with respect to motion filed 10/31
A-01-8870	SRS Enterprises, LLC	11/06/01		Settlement discussions underway
A-01-854	Subway Mobridge, Inc	07/20/01		Moved for default 8/8; certificate of no objection with respect to motion filed 10/31
A-01-8887	TCBY	11/06/01		Defendant in default; motion for default judgment to be filed
A-01-8868	TCBY Yogurt	11/06/01		Defendant in default; motion for default judgment to be filed
A-01-1118	The Pantry, Inc.	05/30/01	05/30/01	
A-01-8107	The Sigma Network, Inc.	09/14/01	09/13/01	
A-01-8874	Tosa Theatre	11/06/01		Defendant in default; motion for default judgment to be filed

Adv. No.	Defendant	Response Date	Answer Filed	Comments
A-01-1112	Under Par, Ltd., dba DQ #29	05/30/01		Moved for default 8/8; certificate of no objection with respect to motion filed 10/31
A-01-7572	Wessel's, Inc. d/b/a Jordan Dairy Queen	11/28/01		
A-01-0857	Westco Restaurant Group Hawaii d/b/a TGIF Friday's Inc.	05/18/01		Settled; dismissal held pending satisfaction of settlement terms
A-01-0838	Will-Arne-High, Inc.	08/24/01	09/12/01	
A-01-1186	YAS Enterprises dba DQ #40403	06/15/01		Moved for default 8/8; certificate of no objection with respect to motion filed 10/31

EXHIBIT D

EXHIBIT D

<u>Action</u>	<u>Adv. No.</u>	<u>Answer Date</u>	<u>Answer Filed</u>	<u>Status</u>
Vicki L. Romano v. Nebco Evans	00-0385			This employment discrimination matter was transferred to the Bankruptcy Court on February 15, 2000. At the time it was transferred, it was ready to be tried. However, no action has been had on the matter since that time. On November 16, 2001, counsel for the Defendant contacted the Plaintiff's counsel to discuss the status of this matter. The parties have agreed to exchange documents in order to discuss the possibility of settlement. Given the posture of the matter, the parties do not seek entry of the Scheduling Order with respect to this matter.
J-M Farms, Inc., et al. v. AmeriServe Food Distribution, Inc., et al.	00-0417			This matter has been settled, and the parties expect to submit a stipulation of dismissal.
Jan-Co., Inc. et al. v. AmeriServe Food Distribution, Inc.	00-1730		01/04/01	Plaintiff has filed a motion for summary judgment, and a response thereto has been filed by Defendant and by Burger King Corporation. Plaintiff has requested that oral argument be set on the motion; Defendant is prepared to have the pleadings ruled upon without argument.
AmeriServe v. Lamb-Weston	01-0680			This matter has been settled and will be dismissed.

[continued on following page]

Tricon Global Restaurants, Inc. & AFD Fund v. Burger King Corporation	01-6150	11/13/01	11/13/01	On November 13, 2001, defendant Burger King Corporation ("Burger King") submitted its answer to the complaint and in that connection asserted three counterclaims against plaintiff AFD Fund. The answer to the counterclaims is currently due on Monday, December 3, 2001. While plaintiffs have not had a full opportunity to assess the counterclaims, it appears likely that fact discovery will take six months to complete with an additional month needed to complete expert discovery. Plaintiffs intend to consult with defendant Burger King over the next few days for the purpose of developing a joint proposed schedule. Plaintiffs will provide the Court with an update regarding those discussions prior to the November 27, 2001, status conference.
AFD Fund v. Dynamic Restaurant Operations of Florida, Inc. & Dynamic Enterprises, Inc.	01-8789	12/13/01		The answer in this matter is due December 13, 2001. With respect to this matter, the Plaintiffs will seek to have entered the Scheduling Order sought with respect to the Preference Actions and the AR Actions.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In Re:
AMERISERVE FOOD DISTRIBUTION,
INC., et al.,

Debtors.

Chapter 11

Case 00-00358-PJW
Jointly Administered

**ADMINISTRATIVE ORDER GOVERNING THE ADVERSARY PROCEEDINGS
ASSIGNED TO JUDGE JUDITH K. FITZGERALD**

AND NOW, to wit this, 8th, day of November, 2001, IT IS HEREBY ORDERED that all answers and responsive pleadings must be filed and served by the date indicated in the summons. Pleadings filed after the due date will not be considered by the court.

IT IS FURTHER ORDERED that not less than 10 days prior to each court date, Counsel for the Plaintiff shall file a status report stating the current status of each of the adversary proceedings. If the parties are in active settlement negotiations prior to the answer due date, they may stipulate to one extension of not more than 30 days to answer or otherwise respond to the complaint and continue the pretrial conference or status conference to the court date following the responsive pleading's extended due date without the need to file a motion or stipulation for an extension. In the event that such an extension has been agreed upon, the status report shall include such information. All pleadings, even those subject to an extension of time by agreement of counsel, must be filed and served not later than seven business days prior to the hearing.

IT IS FURTHER ORDERED that all counsel and parties shall provide a copy in .pdf format to the following email addresses, DE Pleadings_JKF@pawb.uscourts.gov & Rachel_Bello@deb.uscourts.gov, of the filed status report and each of the following pleadings AND NO OTHERS: complaint, counterclaim, cross claim, answer or responsive pleading; dispositive motions and all responses and replies thereto, and briefs in support; motions involving discovery disputes (with only the portion of the request for interrogatories or production of documents in dispute attached), responses, replies and briefs in support. (As a general rule, the court WILL NOT hold a hearing on discovery disputes and will rule from the papers.) All requests for relief shall have a proposed order attached. If any pleading or brief contains exhibits of more than 10 pages, counsel shall contact the courtroom deputy for special instructions prior to submitting the copies to the email addresses above listed.

IT IS FURTHER ORDERED that Plaintiff's counsel shall file a proposed order of default as to each and every defaulting party, at least 10 days prior to each court date set.

IT IS FURTHER ORDERED that Discovery may commence as of the date of this order.

IT IS FURTHER ORDERED that Plaintiff's counsel, in each Adversary shall serve a copy of this order together with the complaint and summons upon all parties in interest, including the U.S. Trustee and file a certificate of service with the Clerk of the U.S. Bankruptcy Court, District of Delaware.

Judith K. Fitzgerald

Judith K. Fitzgerald

United States Bankruptcy Judge

PACHULSKI
STANG
ZIEHL
& YOUNG
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MICHAEL R. SEIDL

November 16, 2001

MSEIDL@PSZYJ.COM

VIA U.S. MAIL

Re: **AFD Fund v. Various Defendants, Adversary
Proceedings Pending in United States
Bankruptcy Court for the District of Delaware**

Dear Counsel and/or Defendants:

As counsel for AFD Fund, I am writing to you because our records show that you are a defendant, counsel for a defendant, or otherwise have an interest in an adversary proceeding brought by AFD Fund or another party and presently pending before the United States Bankruptcy Court for the District of Delaware. If you are a defendant and have obtained counsel, please forward this correspondence to your counsel. This letter addresses several issues of importance to your case; please review it closely.

First, please be advised that, at the request of the Court, the status conference previously scheduled for November 26, 2001, at 9:00 a.m. **has been rescheduled** to November 27, 2001, at 2:00 p.m. The notice of that changed hearing date is enclosed herewith.

Second, the Court has entered the enclosed Administrative Order Governing the Adversary Proceedings Assigned to Judge Judith K. Fitzgerald (the "Administrative Order"). You should review the Administrative Order closely for its terms; however, in brief, (i) it allows the parties to consent to one thirty-day extension of time to answer, without filing such stipulation with the Court, provided that they are in settlement negotiations; (ii) it allows discovery to commence immediately; and (iii) it sets certain procedural requirements for the plaintiff and the defendants with respect to submissions to the Court.

In accordance with the Administrative Order, AFD Fund has prepared the enclosed Status Report and filed the same with the Court on the date hereof. The Status Report lists all of the adversary

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November 16, 2001

Page 2

proceedings as yet unresolved, the currently scheduled answer date, the date an answer was received (if any), and a brief comment with respect to status. Insofar as there are approximately 400 adversary proceedings presently pending, and status is changing on a daily basis, there may be some inaccuracies. Please advise me of any inaccuracies with respect to your case so that we can advise the Court of the corrections in the Notice of Agenda for the November 27, 2001, hearing, which—under local rules—must be filed 48 hours prior to the hearing.

In addition, this letter constitutes AFD Fund's effort to confer pursuant to Del.Bankr.LR 7016-1. At the November 27, 2001, hearing, the Court will hear a report on the status of the pending adversary proceedings and consider entry of the scheduling order attached as Exhibit A to the Status Report (the "Scheduling Order"). The Scheduling Order places all of the pending adversary proceedings (with a few exceptions noted on Exhibit D to the Status Report) on the same track, proposing, among other items, the deadlines for the close of discovery and for the filing of dispositive motions. The proposed order also leaves open the possibility of a future status hearing at which we could, with respect to individual defendants, amend or alter the Scheduling Order to place special cases on an individualized track. Given the number of adversary proceedings pending before the Court, we urge you to consent to the entry of the enclosed scheduling order at this time and retain unique issues for another day. Nevertheless, if you have specific issues or concerns with respect to the proposed order, please contact me as soon as possible so that we can address those issues and move ahead on a consensual basis at the hearing with respect to scheduling. Additionally, if you have filed a motion that you expect to be heard at the November 27 hearing, please contact me to discuss issues related thereto.

With respect to attendance at the status conference, the Court has advised us that it does not require that defendants or defendants' counsel be present (assuming, of course, that there are no contested issues that you wish to present). Counsel may appear telephonically, if they wish. Please contact me at the above e-mail address or at 302-652-4100 not later than 12:00 noon, prevailing

November 16, 2001
Page 3

eastern time on Monday, November 26, 2001, to advise me that you wish to be included in such a teleconference. I will so inform the Court, arrange a conference call, and forward you dial-in information.

Finally, some administrative issues. If you are or represent a defendant in a preference action, please address inquiries with respect to settlement to Adam Sanderson at 972-361-3522. If you are or represent a defendant in a breach of contract action, please address inquiries with respect to settlement to Jeffrey Nolan at 310-277-6910.

Very truly yours,



Michael R. Seidl

Enclosures

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