



**5. Brief description of claim (attach any additional information):**

Type(s) of goods received by debtor within twenty (20) days before October 30th, 2015 petition date:  
 Shipment date of goods: \_\_\_\_\_  
 Place of delivery of goods: \_\_\_\_\_  
 Method of delivery of goods: \_\_\_\_\_  
 Name of carrier of goods: \_\_\_\_\_  
 Value of goods: \_\_\_\_\_  
 Whether the value of goods listed in this claim relates to services and goods: \_\_\_\_\_  
 The percentage of value related to services and the percentage of value related to goods: \_\_\_\_\_  
 Whether claimant has filed any other claim against debtor relating to goods underlying this claim: \_\_\_\_\_  
 Attach supporting materials required by field 8 and instructions below.

<p><b>6. Credits, setoffs, and counterclaims:</b>          All payments made on this claim by the debtor have been credited and deducted from the amount claimed hereon.  <input type="checkbox"/> This claim is subject to setoff or counterclaim as follows:</p>	<p><b>7. Assignment:</b>  <input type="checkbox"/> Check this box if claimant has obtained this claim by assignment and attached a copy of assignment.</p>
--	--

**8. Supporting documents:** Attach redacted copies of supporting documents, such as promissory notes, purchaser orders, invoices, itemized statements of running accounts, or contracts.

All proofs of claim for 503(b)(9) claims must be accompanied by copies of: (i) the particular invoices, receipts, bills of lading, and similar materials identifying the goods underlying the claim; (ii) any demand to reclaim the goods under 11 U.S.C. § 546(c); and (iii) documents demonstrating the date the goods were actually received by the debtor.

Any claimant asserting a 503(b)(9) claim must certify that the goods were sold in the ordinary course of the debtor's business.

Do not send original documents. Attached documents may be destroyed after scanning. If the documents are not available, explain. If the documents are voluminous, attach a summary.

**9. Date-stamped copy:** To receive an acknowledgement of the filing of your claim, submit a copy of your proof of claim in a self-addressed, stamped return envelope along with your original claim.

**10. Signature:**  
 Check the appropriate box.

I am the creditor.  
 I am the creditor's authorized agent.  
 I am the trustee, or the debtor, or their authorized agent (see Bankruptcy Rule 3004).  
 I am a guarantor, surety, indorser, or other codebtor (see Bankruptcy Rule 3005).

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Company: \_\_\_\_\_

Address and telephone number (if different from notice address above): \_\_\_\_\_ (Signature) \_\_\_\_\_ (Date)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Telephone number: \_\_\_\_\_ Email: \_\_\_\_\_

*Penalty for presenting a fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.*

## INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

### Definitions.

#### 503(b)(9) Claim.

A 503(b)(9) claim is a claim entitled to treatment in accordance with 11 U.S.C. § 503(b)(9). Specifically, 503(b)(9) claims are those claims for the “value of any goods received by the debtor, within 20 days before the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor’s business.”

#### Administrative Bar Date.

By order of the United States Bankruptcy Court for the District of Delaware, all claimants asserting administrative expense claims asserting priority pursuant to 11 U.S.C. §§ 503(b)(1) through (8) and 507(a)(2) must be **RECEIVED** by the claims and noticing agent retained in this case at the address set forth below by February 19, 2016 at 5:00 p.m. (Pacific Time).

#### Administrative Expense Claim.

An administrative expense claim is any claim asserting priority pursuant to 11 U.S.C. §§ 503 and 507(a)(2), including but not limited to (i) claims for goods and services provided to the debtors on or after the October 30<sup>th</sup>, 2015 petition date otherwise unpaid and (ii) claims for the value of goods received by the debtors within 20 days before the petition date and meeting the other requirements of 11 U.S.C. § 503(b)(9) and which claim is otherwise unpaid. **This form should be used only by claimants asserting a 503(b)(9) Claim. This form should not be used by claimants asserting an administrative expense claim pursuant to 11 U.S.C. §§ 503(b)(1) through (8) or and 507(a)(2), which must be asserted on a separate form.**

#### Claim.

A claim is the creditor’s right to receive payment for a debt owed by the debtor as defined in 11 U.S.C. § 101(5).

#### Creditor.

A creditor is a person, corporation, or other entity to whom the debtor owes a debt.

#### Debtor.

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

#### Proof of Claim.

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor. The creditor must file the form with the claims agent retained in this case as provided below.

#### Redacted.

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted certain information. A creditor must show only the last four digits of any social-security, individual’s tax-identification, or financial-account number, only the initials of a minor’s name, and only the year of any person’s date of birth. If the claim is based on the delivery of healthcare goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential healthcare information.

### General instructions and filing instructions.

1. Please read this proof of claim form carefully and fill it in completely and accurately.
2. Print legibly. Your claim may be disallowed if it cannot be read or understood.
3. The proof of claim form must be completed in English. The amount of the claim must be denominated in United States currency.
4. Attach additional pages if more space is required to complete the proof of claim.
5. This form should only be used by claimants asserting administrative expense claims arising under 11 U.S.C. § 503(b)(9). All other administrative expense claims must be asserted on a separate form.
6. All proofs of claim for 503(b)(9) claims must set forth with specificity: (i) the amount of the claim; (ii) the type(s) of goods claimant asserts were received by the debtor within twenty (20) days before the petition date (October 10, 2015 – October 29, 2015); (iii) the shipment date of the goods; (iv) the date on which the claimant asserts the debtor received the goods; (v) the place of delivery of the goods; (vi) the method of delivery of the goods; (vii) the name of the carrier of the goods; (viii) the alleged value of the goods; (ix) whether the value of the goods listed in the proof of claim represents a combination of services and goods; (x) the percentage of value related to services and the percentage of value related to goods; and (xi) whether the claimant has filed any other claim against the debtor regard the goods underlying this claim.

In addition, all proofs of claim for 503(b)(9) claims must be accompanied by copies of (x) the particular invoices, receipts, bills of lading, and similar materials identifying the goods underlying the claim; (y) any demand to reclaim the goods under 11 U.S.C. § 546(c); and (z) documents demonstrating the date the goods were actually received by the debtor.

Any claimant asserting a 503(b)(9) claim must certify that the goods were sold in the ordinary course of the debtor’s business.

7. To be deemed properly filed, this proof of claim must contain an original signature and must be filed so as to be **ACTUALLY RECEIVED** on or before the **FEBRUARY 26, 2016 AT 5:00 P.M. (PACIFIC TIME)** administrative bar date via First Class mail, overnight courier service, or hand delivery at the following address:

#### If by First-Class Mail:

Fresh & Easy, LLC Claims Processing Center  
c/o Epiq Bankruptcy Solutions, LLC  
P.O. Box 4421  
Beaverton, OR 97076-4421

#### If by Hand Delivery or Overnight Mail:

Fresh & Easy, LLC Claims Processing Center  
c/o Epiq Bankruptcy Solutions, LLC  
10300 SW Allen Blvd  
Beaverton, OR 97005

**Items to be completed in proof of claim form.**

**Creditor's name and address:**

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

**Debtor's name:**

Check the box next to the debtor from whom the debt is owed. If debts are owed by both debtors, submit a separate proof of claim for each debtor.

**Account or other number by which creditor identifies debtor:**

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

**1. Basis for claim:**

State the type of debt or how it was incurred. Examples include goods sold and services performed. If the claim is based on delivering healthcare goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential healthcare information. You may be required to provide additional disclosure if an interested party objects to the claim.

**2. Date debt was incurred:**

State the date or dates on which the debt was incurred.

**3. Date goods received by debtor:**

State the date or dates on which the goods underlying the claim were received by the debtor.

**4. Total amount of claim as of the date the debt was incurred:**

State the total amount owed to the creditor on the date or dates on which the debt was incurred. Check the box if interest or other charges are included in the claim.

**5. Brief description of claim (attach any additional information):**

Briefly describe the nature of the claim and attach any additional relevant information. Claimants must provide all requested information, including (i) the amount of the claim; (ii) the type(s) of goods claimant asserts were received by the debtor within twenty (20) days before the October 30th, 2015 petition date; (iii) the shipment date of the goods; (iv) the date on which the claimant asserts the debtor received the goods; (v) the place of delivery of the goods; (vi) the method of delivery of the goods; (vii) the name of the carrier of the goods; (viii) the alleged value of the goods; (ix) whether the value of the goods listed in the proof of claim represents a combination of services and goods; (x) the percentage of value related to services and the percentage of value related to goods; and (xi) whether the claimant has filed any other claim against the debtor regard the goods underlying this claim.

**6. Credits, setoffs, and counterclaims:**

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt. If claim is subject to setoff or counterclaim, check box and provide an explanation.

**7. Assignment:**

Check box and include copy of assignment if claimant obtained claim by way of assignment.

**8. Supporting documents:**

Attach redacted copies of any documents that show the debt exists. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If claim is based on delivering healthcare goods or services, limit disclosing confidential healthcare information. Do not send original documents, as attachments may be destroyed after scanning. If the documents are not available, provide explanation. If the documents are voluminous, attach a summary. Claimants must provide all requested supporting documentation, including: copies of (x) the particular invoices, receipts, bills of lading, and similar materials identifying the goods underlying the claim; (y) any demand to reclaim the goods under 11 U.S.C. § 546(c); and (z) documents demonstrating the date the goods were actually received by the debtor.

Claimants must certify that the goods were sold in the ordinary course of the debtor's business.

**9. Date-stamped copy:**

If the claimant wishes to receive an acknowledgement of the filing of the claim, submit a copy of the proof of claim in a self-addressed, stamped return envelope along with the original claim

**10. Date and signature:**

The individual completing this proof of claim must sign and date it. FRBP 9011. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). If your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for the purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.