

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

In re)	
)	
FACTORY 2-U STORES, INC., a/k/a)	Chapter 7
FACTORY 2-U, f/a/k/a GENERAL)	
TEXTILES, INC., f/a/k/a GENERAL)	Case No. 04-10111 (PJW)
TEXTILES, f/a/k/a FAMILY BARGAIN)	
CORPORATION, f/a/k/a FAMILY)	
BARGAIN CENTER,)	
)	[Re Docket no. 3505]
Debtor.)	
_____)	

STATUS REPORT OF CHAPTER 7 TRUSTEE

1. On January 13, 2004, the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code.
2. This case converted to a case under Chapter 7 on January 27, 2005 (the “Conversion Date”). Jeffrey L. Burtch serves as the trustee (hereinafter the “Trustee”) for this case pursuant to 11 U.S.C. § 702(d).
3. As of June 16, 2008, the available cash balance in the Chapter 7 estate was approximately \$13,770,000.00.
4. Chapter 7 administrative expenses continue to accrue with respect to storage costs, professional fees, and other expenses of administration of the Chapter 7 estate and are unknown. The estate is not operating.
5. On September 17, 2007, the Trustee filed an action in the United States District Court for the District of Delaware entitled On September 17, 2007, the Trustee filed an action in the United States District Court for the District of Delaware entitled “Jeffrey L. Burtch v.

Milberg Factors, Inc. et al.” The underlying complaint names multiple commercial entities as defendants and asserts multiple causes of action, including but not limited to violations of the Sherman Act, 15 U.S.C. § 1, and violation of state law, and seeks, among other things, pecuniary relief, treble damages and attorneys fees. This civil action has been designated Action No. 1:07-CV-00556. The Defendants have filed motions to dismiss. The briefing on the motions to dismiss has been completed.

6. An administrative expense claim bar date of February 22, 2006 at 4:00 p.m. (the “Administrative Expense Claim Bar Date”) for filing a request for allowance of a claim for administrative expense that arose, accrued, or otherwise became due and payable on or after January 13, 2004 and Before December 1, 2005 was approved by this Court. Relatedly, Delaware Claims Agency was approved by the Court as claims agent in this Chapter 7 case. Any party in interest can review information about the claims filed in response to the notice of the Administrative Expense Claim Bar Date contained in an Administrative Claims Register available on the claims agent website located at <http://www.delawareclaimsagency.com/pdf/04-10111-claimsregister.pdf>.
7. The Bankruptcy Court also maintains a claims register on its website. That claims register can be reviewed by any party in interest as follows. From the home page (<http://www.deb.uscourts.gov/>) of the Court website, any party in interest choose the CM/ECF icon on the left side of the page. Then click on the “CM/ECF Live System” icon. Enter a Pacer login and password. Then click on “Reports” and “Claims Register.” Parties in interest can review the docket sheets, each filed pleading, and other information about this case (Case No. 04-10111 (PJW)) using the Court's website, and the Pacer system contained

on that website. No chapter 11 administrative expenses have been paid after the Conversion Date other than approved fees and expenses of Chapter 11 professionals from a designated pre-existing carveout fund that was completely expended for that purpose. Docket no. 1953.

8. This Court has entered an Order approving Chapter 11 Administrative Claims Procedures. Docket no. 3310. The Trustee has commenced analysis of the chapter 11 administrative claims and filed four omnibus objections with respect to requests for allowance of chapter 11 administrative expenses. The Trustee has filed Seven Omnibus Objection to Chapter 11 Administrative Claims.
9. Upon review of the Docket, Administrative Claims Register and the Claims Register, the Trustee has identified at this time approximately \$5,750,000.00 in filed claims that have not been disallowed, and that assert Chapter 11 administrative expense priority pursuant to pursuant to 11 U.S.C. § 507(a)(2).¹
10. After the conclusion of the Chapter 11 Administrative Claims Procedures, there will be allowed chapter 11 administrative expense claims. No distributions to chapter 11 administrative expense claims ultimately allowed or other allowed priority claims are contemplated until after the approval by the United States Trustee of a proposed distribution by the Trustee.

¹This number is exclusive of claims asserting priority pursuant to 11 U.S.C. § 507(a)(3) through 11 U.S.C. § 507(a)(9).

11. Pre-petition claims as filed with the Court exceed \$30,000,000.00. Analysis and administration with respect to pre-petition claims has not commenced, if ever. No distributions, if any, to pre-petition claims as ultimately allowed are contemplated until after the approval by the United States Trustee of a proposed distribution by the Trustee.

Respectfully submitted,

Dated: June 16, 2008
Wilmington, Delaware

COOCH AND TAYLOR

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Trustee

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CORPORATION, f/a/k/a FAMILY)
BARGAIN CENTER,)
)
Debtor.)
_____)

CERTIFICATE OF SERVICE

I, Adam Singer, certify that on June 16, 2008, I served the attached document upon the parties on the attached service list in the manner indicated.

Dated: June 16, 2008
Wilmington, Delaware

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Updated 6/16/08

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