

ATTENTION: FORMER A&P, WALDBAUM, PATHMARK, AND FOOD EMPORIUM EMPLOYEES WHO WORKED AFTER THE A&P BANKRUPTCY FILING IN 2015

A&P filed a Motion with the Bankruptcy Court on March 19, 2021 (docket entry 4726¹) which was mailed out around March 24. This Motion seeks permission to finalize its bankruptcy cases and pay certain claims, including certain employee-related claims that may apply to you. A&P's bankruptcy is a tragedy for all concerned -- including you as a former employee, and for your Union. In many bankruptcies, as here, there are extremely limited funds available to pay a very small percentage of relevant remaining claims. Unfortunately, even if you have a valid recognized claim under the Motion, you will only receive a partial payment.

Questions and Answers about the A&P Bankruptcy Motion:

Q: Which claims will be paid in a small percentage if the Motion is approved?

A: Three types of employee-related claims would receive a partial payment:

1. ***Unused*** paid time off ("PTO") *only if earned during the short period while A&P was operating after July 19, 2015, the date the Bankruptcy cases were filed ("administrative claims")*;
2. Lump sum retirement supplements for certain Local 342 members; and
3. Some administrative grievances covering certain members of Local 342 and other Locals.

Q: When will the Motion be heard by the U.S. Bankruptcy Court?

A: The Motion will be heard on May 11, 2021, at 10:00 a.m.

Q: How much will be paid out on these outstanding administrative claims? Will I receive the full amount listed on the form I received from A&P? When will I be paid?

A: Only approximately **20% of administrative** claims (claims earned after July 19, 2015, employee-related or not) will be paid, leading to many employee payouts of less than \$50. The Company estimates that payment will be made later this summer (possibly later if you have an unresolved dispute). ***There will be no payments on claims earned before the bankruptcy.***

Q: Why did some former employees receive a notice recognizing an administrative PTO claim and others did not?

A: Based on the Company's records, many employees used all or most of their PTO during the few months the company was operating after filing for bankruptcy (and, therefore, were paid 100% of that administrative PTO). Others did not. Employees only will be paid approximately 20% of any ***unused*** administrative PTO.

¹ The Motion is available free at <https://cases.primeclerk.com/aptea/Home-DocketInfo>, docket 4726 (download the Motion or email it to yourself) or call Prime Clerk at 844-239-9273.

Q: Why are we not receiving the full amount of our claims?

A: The Company does not have enough money to pay all administrative claims in full, or even most of those claims. And, many of the funds that A&P does have are subject to liens (like a mortgage) of its secured creditors, which under bankruptcy laws are paid first. This limited money for partial payment of administrative claims is only available because the Unions fought for a settlement several years ago with A&P and other parties.

Q. Employees only received 54% of their severance during the bankruptcy. Why am I not receiving the rest of my severance?

A: Since other administrative claims, including pension and benefit fund claims, are receiving approximately a 20% recovery, which is not anywhere close to a 54% recovery, there are insufficient funds to provide for further distributions on severance claims.

Q: What if I don't dispute the claim payment amount that the Company says I am owed (i.e., the amount which is shown on the form I received)?

A: *YOU DON'T HAVE TO DO ANYTHING ELSE.*

Q: Can I dispute the payment amount that the Company says I am owed (i.e., the amount which is shown on the form I received)?

A: As the Notice you received from the Company states, if you believe there was a mistake, you must email a dispute form to the Company at claimsadmin@apteastate.com and to the law firm representing the UFCW at Claims@cwsny.com by **no later than May 6, 2021, at 5 p.m.** The Company and Unions will work with you to see if the dispute can be resolved without your arguing your position to the bankruptcy court. *These email addresses can also be used for questions.*

It will not be enough to simply state that you must be owed more or think you're owed more. You will need to state the amount you assert you are owed and the reasons you assert that the amount listed was wrong, along with any supporting documents.

And remember, claims are only being paid out at approximately 20%, so you would receive only about 20% of any extra amount that you prove you are owed.

Q. How can I check on the status of my worker's compensation claim?

A: Email your question to claimsadmin@apteastate.com.

Q: I didn't get a mailing from the company, what should I do?

A: As noted above, the mailings did not go out until around March 25. If you worked after the 2015 bankruptcy filing and you don't receive anything after a reasonable time has gone by, email the Company at claimsadmin@apteastate.com providing your full name, old address, new address and number of your Local Union.