

Faune Gates  
464 Piezzi Lane  
Santa Rosa, CA. 95401  
(707)528-3532  
email cfgates@comcast.net

November 30, 2009

Re: Case # 09-12099 (MFW); Claim #s: 1180 & 1188

FILED  
2009 DEC -7 AM 11:20

To:

Honorable Mary F. Walrath  
United States Bankruptcy Judge  
United States Bankruptcy Court for the District of Delaware  
824 North Market Street, 5<sup>th</sup> Floor, Courtroom No.4  
Wilmington, Delaware 19801

Office of the Clerk  
United States Bankruptcy Court  
District of Delaware  
824 North Market Street  
Wilmington, Delaware 19801

Young, Conway, Straight & Taylor, LLP.  
Attn. Kara Hammond Coyle, Esq.  
The Brandywine Building  
1000 West Street, 17<sup>th</sup> Floor  
P.O.Box 391  
Wilmington, Delaware 19899

To All Parties Concerned:

I am a claimant in the Bankruptcy Case No. 09-12099 (MFW). As instructed, I filled out my Proof of Claim forms and mailed them to the Administrating firm of Kurtzman Carson Consultants in El Segundo, California. My claims were sent in one envelope and mailed from Santa Rosa, California on September 11<sup>th</sup>, 2009. For some unknown reason, the letter was not officially received until September 23<sup>rd</sup>, 2009. I was assured by the Post Office that the certified letter would be delivered in no more then two or three days. I can only assume that the mail was intentionally not signed-for and received by the Kurtzman Carson Consultants until after the deadline of September 21<sup>st</sup>, 2009, or possibly that my claim forms were mysteriously and temporarily lost in the mail system.

I am enclosing a copy of my certified mail receipt, the mail tracking information, as well as copies of my two Proof of Claim forms.

I acted in good faith and expected that the mail service as well as the administrating firm of Kurtzman Carson Consultants, would also act in good faith in the delivery and receipt of the claims in a timely manner. I am, therefore, appealing the denial of my two claims (1180 and 1188), and hope that this demonstrates the very reasonable attempt to have the Proof of Claim forms delivered well before the Bar Deadline of September 21<sup>st</sup>, 2009.

-continued-



-page two-

Please advise me of your decision in this appeal.

I can be contacted at: Faune Gates  
464 Piezzi Lane  
Santa Rosa, CA 95401

or: Phone/Fax: (707) 528-3532

or email at: [cfgates@comcast.net](mailto:cfgates@comcast.net)

Sincerely,



Faune Gates

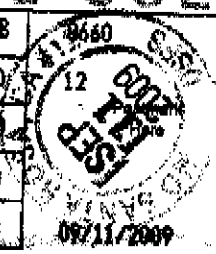
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Subject : U.S. Postal Service Track & Confirm email Restoration - 7009 1410  
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To : cfgates@comcast.net

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Faune Gates has requested that you receive this restoration inform. for Track & Confirm as listed below.

Current Track & Confirm e-mail information provided by the U.S. Po: Service.

Label Number: 7009 1410 0001 2032 7964

Service Type: Certified Mail(TM)

Shipment Activity	Location	Date
Delivered 09/23/09 7:02am	EL SEGUNDO CA 90245	
Arrival at Unit 09/22/09 10:17am	EL SEGUNDO CA 90245	
Acceptance 09/11/09 4:36pm	SANTA ROSA CA 95402	

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF DELAWARE

Indicate Debtor against which you assert a claim by checking the appropriate box below.  
(Check only one Debtor per proof of claim form)

PROOF OF CLAIM

THIS SPACE IS FOR COURT USE ONLY

- Eddie Bauer Holdings, Inc. (Case no. 09-12099)
- Eddie Bauer, Inc. (Case no. 09-12100)
- Eddie Bauer Fulfillment Services, Inc. (Case no. 09-12101)
- Eddie Bauer Diversified Sales, LLC (Case no. 09-12103)
- Eddie Bauer Services, LLC (Case no. 09-12104)

- Eddie Bauer International Development, LLC (Case no. 09-12105)
- Eddie Bauer Information Technology, LLC (Case no. 09-12106)
- Financial Services Acceptance Corporation (Case no. 09-12107)
- Spiegel Acceptance Corporation (Case no. 09-12108)

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor (the person or other entity to whom the debtor owes money or property):

Gates, Faune

Name and address where notices should be sent: NameID: 8053827 Pack No. 3366

GATES, FAUNE  
464 PIEZZI LN  
SANTA ROSA, CA 95401  
USA

Telephone No. 707 528-3532

Check this box to indicate that this claim amends a previously filed claim

Court Claim Number:

(if known)

Filed on:

Name and address where payment should be sent (if different from above):

SAME AS ABOVE

Telephone No.

Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

Check this box if you are the debtor or trustee in this case.

1. Amount of Claim as of Date Case Filed: \$1,601.37 + \$1,050.00 Eddie Bauer Gift Card

If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.

If all or part of your claim is entitled to priority, complete item 5.

Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or charges

2. Basis for Claim: Class Action Suit (Case 09-12099) Hill vs Eddie Bauer Holdings, Inc. (See instruction #3a on reverse side.) U.S. District Court Case # CV06-5224 GW

3. Last four digits of any number by which creditor identifies debtor: 9737 (Emp. I.D. #)

3a. Debtor may have scheduled account as: Case # 09-12099 &/or Case # 09-12100 (See instruction #3a on reverse side.)

4. Secured Claim (See instruction #4 on reverse side.)

Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.

Nature of property or right of setoff:  Real Estate  Motor Vehicle  Other Describe:

Value of Property: \$ Annual Interest Rate: %

Amount of arrearage and other charges as of time case filed included in secured claim,

If any: \$ Basis for Perfection:

Amount of Secured Claim: \$ Amount Unsecured: \$

6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.

7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENT MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

Date: 9-11-09

Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.

Faune Gates - Faune Gates sales associate

5. Amount of claim Entitled to Priority and 11 U.S.C. § 507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.

- Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).
- Wages, salaries, or commission (up to \$10,950\*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, which ever is earlier -- 11 U.S.C. § 507(a)(4).
- Contributions to an employee benefit plan -- 11 U.S.C. § 507(a)(5).
- Up to \$2,425\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use -- 11 U.S.C. § 507(a)(6).
- Taxes or penalties owed to governmental unit -- 11 U.S.C. § 507(a)(8).
- Other -- Specify applicable paragraph of 11 U.S.C. § 507(a)( ).

Amount entitled to priority: \$  
\* Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with response to cases commenced on or after the date of adjustment.

FOR COURT USE ONLY

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

THE DEBTOR HAS LISTED YOUR CLAIM AS A CONTINGENT PRIORITY CLAIM ON SCHEDULE E.



0982100090728213328002766

UNITED STATES BANKRUPTCY COURT DISTRICT OF DELAWARE

PROOF OF CLAIM THIS SPACE IS FOR COURT USE ONLY

Indicate Debtor against which you assert a claim by checking the appropriate box below. (Check only one Debtor per proof of claim form)

- Eddie Bauer Holdings, Inc. (Case no. 09-12099) [checked]
Eddie Bauer, Inc. (Case no. 09-12100)
Eddie Bauer Fulfillment Services, Inc. (Case no. 09-12101)
Eddie Bauer Diversified Sales, LLC (Case no. 09-12103)
Eddie Bauer Services, LLC (Case no. 09-12104)
Eddie Bauer International Development, LLC (Case no. 09-12105)
Eddie Bauer Information Technology, LLC (Case no. 09-12106)
Financial Services Acceptance Corporation (Case no. 09-12107)
Spiegel Acceptance Corporation (Case no. 09-12108)

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor (the person or other entity to whom the debtor owes money or property):

FAUNE GATES

Name and address where notices should be sent: NameID: 8069840 Pack No. 26806

FAUNE GATES
464 PIEZZI LN
SANTA ROSA, CA 95401
USA

Telephone No. 707 528-3532

Check this box to indicate that this claim amends a previously filed claim.

Court Claims Number: (if known)

Filed on:

Name and address where payment should be sent (if different from above):

SAME AS ABOVE

Telephone No.

Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

Check this box if you are the debtor or trustee in this case.

1. Amount of Claim as of Date Case Filed: \$ 1,001.37 + \$1,050 Eddie Bauer GIA Card.
If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.

If all or part of your claim is entitled to priority, complete item 5.

Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or charges

5. Amount of claim Entitled to Priority and 11 U.S.C. § 507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.

Specify the priority of the claim.

2. Basis for Claim: Class Action Suit (Case 09-12099) Hill vs Eddie Bauer Holdings, Inc. U.S. District Court Case# CV06-5224GW

3. Last four digits of any number by which creditor identifies debtor: 9737 (Empl. ID#)

3a. Debtor may have scheduled account as: Case # 09-12099 1/2x case# 09-12100

4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.

Nature of property or right of setoff: Real Estate Motor Vehicle Other

Value of Property: \$ Annual Interest Rate: %

Amount of arrearage and other charges as of time case filed included in secured claim,

If any: \$ Basis for Perfection:

Amount of Secured Claim: \$ Amount Unsecured: \$

Domestic support obligations under 11 U.S. § 507(a)(1)(A) or (a)(1)(B).

Wages, salaries, or commission (up to \$10,950\*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, which ever is earlier -- 11 U.S.C. § 507(a)(4).

Contributions to an employee benefit plan -- 11 U.S.C. § 507(a)(5).

Up to \$2,425\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use -- 11 U.S.C. § 507(a)(7).

Taxes or penalties owed to governmental unit -- 11 U.S.C. § 507(a)(8).

Other -- Specify applicable paragraph of 11 U.S.C. § 507(a)( ).

Amount entitled to priority:

\$

\* Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with response to cases commenced on or after the date of adjustment.

6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.

7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENT MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

Date: 9-11-09

Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.

Faune Gates sales associate

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