

GREAT ATLANTIC & PACIFIC TEA CO INC  
Form 8-K  
May 10, 2011

**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION**

Washington D.C. 20549

**FORM 8-K**

**CURRENT REPORT  
Pursuant to Section 13 or 15(d) of the  
Securities Exchange Act of 1934**

Date of Report (date of earliest event reported):      , 2011

**THE GREAT ATLANTIC & PACIFIC TEA COMPANY, INC.**

(Exact name of registrant as specified in its charter)

**Maryland**  
(State or other jurisdiction of  
incorporation or organization)

**1-4141**  
(Commission File Number)

**13-1890974**  
(IRS Employer  
Identification No.)

**Two Paragon Drive  
Montvale, New Jersey**  
(Address of principal executive offices)

**07645**  
(Zip Code)

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Registrant's telephone number, including area code: **(201) 573-9700**

**Not Applicable**

(Former name or former address, if changed since last report)

## Edgar Filing: GREAT ATLANTIC & PACIFIC TEA CO INC - Form 8-K

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
  
  - Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
  
  - Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
  
  - Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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**Item 8.01. Other Events.**

The Great Atlantic & Pacific Tea Company, Inc. (the Company ) is filing this Current Report on Form 8-K (the Current Report ) solely for the purpose of re-filing the attached exhibits previously filed with the Securities and Exchange Commission (the SEC ) on December 15, 2010 to comply with SEC filing requirements for material agreements. The exhibits as originally filed omitted certain schedules, annexes and/or exhibits to the filed agreements. The exhibits to this Current Report are re-filed in their entirety with all schedules, annexes and/or exhibits to such agreements.

**Item 9.01. Financial Statements and Exhibits.**

(d) Exhibits

| Exhibit No. | Description  |
|-------------|--|
| 10.1        | Superpriority Debtor-In-Possession Credit Agreement dated as of December 14, 2010, by and among the Company, the Company's certain subsidiaries party thereto, JPMorgan Chase Bank, N.A., as administrative agent and as collateral agent, the lenders party thereto and the other financial institutions party thereto. |

**SIGNATURE**

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

THE GREAT ATLANTIC & PACIFIC TEA COMPANY, INC.

Date: May 10, 2011

|        |   |
|--------|---|
| By:    | /s/ Christopher W. McGarry                |
| Name:  | Christopher W. McGarry                    |
| Title: | Senior Vice President and General Counsel |

**INDEX TO EXHIBITS**

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