



**7. DOCUMENTS:** *Attached are redacted copies of documents that support the claim,* such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #7, and definition of "redacted").  
**DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.**  
 If the documents are not available, please explain:

**DATE-STAMPED COPY** To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.  
**The original of this completed proof of claim form must be sent by mail or hand delivered (FAXES NOT ACCEPTED).**

**BY MAIL TO:**  
 BMC Group, Inc.  
 Attn: ALC Holdings, LLC Claims Processing  
 PO Box 3020  
 Chanhassen, MN 55317-3020

**BY MESSENGER OR OVERNIGHT DELIVERY TO:**  
 BMC Group, Inc.  
 Attn: ALC Holdings, LLC Claims Processing  
 18675 Lake Drive East  
 Chanhassen, MN 55317

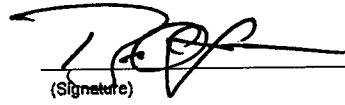
**8. SIGNATURE:** (See instruction #8)

Check the appropriate box.

- I am the creditor.      I am the creditor's authorized agent. (Attach copy of power of attorney, if any.)      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: Brian A. Sullivan  
 Title: Attorney  
 Company: Werb & Sullivan

     5/13/12  
 (Signature)     (Date)

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

Telephone number: \_\_\_\_\_ email: \_\_\_\_\_

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.

**LIST OF DEBTORS:**

Debtor Name	Case Number	Debtor Name	Case Number	Debtor Name	Case Number
ALC Holdings, LLC	11-13853	ALC of Iowa LLC	11-13864	ALC of Pennsylvania LLC	11-13875
American Laser Centers LLC	11-13854	ALC of Kansas LLC	11-13865	ALC of Tennessee LLC	11-13876
ALC HC, Inc.	11-13855	ALC of Louisiana LLC	11-13866	ALC of Texas LLC	11-13877
ALC of Alabama LLC	11-13856	ALC of Massachusetts LLC	11-13867	ALC of Utah LLC	11-13878
ALC of Arizona LLC	11-13857	ALC of Michigan LLC	11-13868	ALC of Virginia LLC	11-13879
ALC of Colorado LLC	11-13858	ALC of Minnesota LLC	11-13869	ALC of Washington LLC	11-13880
ALC of Connecticut LLC	11-13859	ALC of Missouri LLC	11-13870	ALC of Wisconsin LLC	11-13881
ALC of Georgia LLC	11-13860	ALC of Nevada LLC	11-13871	ALC Products, LLC	11-13882
ALC of Florida	11-13861	ALC of New York LLC	11-13872	American Laser Centers of California LLC	11-13883
ALC of Indiana LLC	11-13862	ALC of North Carolina LLC	11-13873	American Laser Centers of Puerto Rico LLC	11-13884
ALC of Illinois LLC	11-13863	ALC of South Carolina LLC	11-13874	ALC Licensor, LLC	11-13885

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

MARNA JEAN MILLER, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 AMERICAN LASER CENTERS OF )  
 IOWA LLC a/k/a ALC OF IOWA LLC and )  
 a/k/a AMERICAN LASER CENTERS, )  
 )  
 Defendants. )

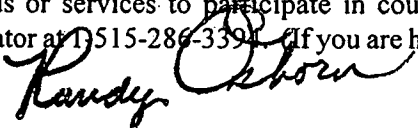
LAW NO. CL120009  
  
ORIGINAL NOTICE

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY NOTIFIED that a Petition has been filed in the office of the Clerk of this Court naming you as a defendant in this action. A copy of the Petition is attached to this notice. The attorneys for the plaintiffs are Mark S. Pennington, Kutmus & Pennington, P.C., 604 Locust, Suite 618, Des Moines, Iowa 50309; (515) 288-3339; fax number (515) 288-8629; and e-mail [mark@kutmusandpennington.com](mailto:mark@kutmusandpennington.com); and Larry D. Krpan, 2700 Westown Pkwy, Ste. 300, West Des Moines, Iowa 50266; (515) 274-1321; fax number (515) 274-6617; and e-mail [krpanlaw@aol.com](mailto:krpanlaw@aol.com).

You must serve a motion or answer within 20 days after service of this original notice upon you and within a reasonable time thereafter, file your motion or answer with the Clerk of Court for Polk County, at the county courthouse in Des Moines, Iowa. If you do not, judgment by default may be rendered against you for the relief demanded in the Petition.

If you require the assistance of auxiliary aids or services to participate in court, because of a disability, immediately call your district ADA coordinator at (515) 286-3392. If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).



CLERK OF COURT  
Polk County Courthouse  
500 Mulberry St.  
Des Moines, IA 50309

\*\*\*IMPORTANT\*\*\*

YOU ARE ADVISED TO SEEK LEGAL ADVICE AT ONCE TO PROTECT YOUR INTERESTS.

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

---

MARNA JEAN MILLER, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 AMERICAN LASER CENTERS OF )  
 IOWA LLC a/k/a ALC OF IOWA LLC and )  
 a/k/a AMERICAN LASER CENTERS, )  
 )  
 Defendants. )

LAW NO. CL120009

PETITION AT LAW

CLERK DISTRICT COURT  
JAN 15 2009 9:11 AM

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COMES NOW THE PLAINTIFF Marna Jean Miller, and in support of her Petition at Law, states to the Court as follows:

**DIVISION I - NEGLIGENCE**

1. At all times material hereto, Plaintiff Marna Jean Miller (hereinafter "Miller"), was a resident of Des Moines, Polk County, Iowa.
2. At all times material hereto, Defendant American Laser Centers of Iowa LLC (hereinafter "ALC"), was a foreign limited liability corporation doing business in the State of Iowa under the business entity name ALC of Iowa LLC and American Laser Centers.
3. At all times material hereto, ALC operated a retail laser establishment at 3701 Woodland Avenue in West Des Moines, Polk County, Iowa.
4. At all times material hereto, ALC held itself out to the public, including Miller, as having expertise in the area of laser treatment and specific expertise and hair removal through laser treatment.
5. On or about May 24, 2008, Miller entered into a contract for treatment for hair

removal on her legs for a package of six (6) treatments with a two (2) year guarantee.

6. On or about December 26, 2008, an ALC employee administered a laser treatment to Miller which resulted in burns and scarring on Miller's lower legs.
7. The administration of the laser procedure constituted negligence.
8. At all times material hereto, ALC employees were acting within the scope of their employment as agents or employees for ALC.
9. As a result of the negligence of ALC and its employees, Miller has sustained the following damages:
  - a. Permanent scarring;
  - b. Past and future mental anguish;
  - c. Past physical pain and suffering; and
  - d. Permanent injury.

#### **DIVISION II - RES IPSA LOQUITUR**

- 1 - 9. Plaintiff repeats and realleges paragraphs 1 through 9 of Division I as if set out in full herein.
10. The intended laser procedure for hair removal on Miller's legs should not cause burns nor scars.
11. The exclusive control and management of administration of the laser was in the hands of ALC and its employees. A burn injury sustained by Miller is the type of injury that within the regular course of treatment would not have occurred if reasonable and prudent care had been taken by ALC and its employees.
12. Miller intends to rely on the doctrine of res ipsa loquitur in this Division.

13. The negligence of ALC was the proximate cause of the burn injury to Miller as a result.
14. At all times material hereto, ALC employees were acting within the scope of their employment as agents or employees for ALC.

WHEREFORE, Plaintiff seeks just and reasonable compensation from the Defendants together with the cost of this action and interest at the maximum rate allowed by law.

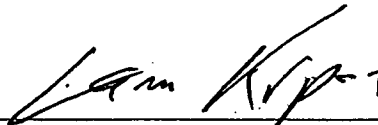
RESPECTFULLY SUBMITTED,



---

Mark S. Pennington AT0006144  
KUTMUS and PENNINGTON, P.C.  
604 Locust St., Suite 618  
Des Moines, Iowa 50309  
(515) 288-3339  
(515) 288-8629 fax  
[mark@kutmusandpennington.com](mailto:mark@kutmusandpennington.com)

- and -



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LARRY D. KRPAN AT 0004495  
2700 Westown Parkway, Suite 300  
West Des Moines, IA 50266  
Telephone: (515) 274-1321  
Fax: (515) 274-6617  
[krpanlaw@aol.com](mailto:krpanlaw@aol.com)  
ATTORNEYS FOR PLAINTIFF

Original Filed.

# WERB & SULLIVAN

ATTORNEYS AT LAW  
A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

300 DELAWARE AVENUE  
P.O. BOX 25046  
WILMINGTON, DELAWARE 19899

TELEPHONE: (302) 652-1100  
TELECOPIER: (302) 652-1111  
E-Mail: [bsullivan@werbsullivan.com](mailto:bsullivan@werbsullivan.com)

COURIER DELIVERY:  
300 DELAWARE AVENUE  
THIRTEENTH FLOOR  
WILMINGTON, DELAWARE 19801

Brian A. Sullivan, P.A.

March 13, 2012

## VIA FEDERAL EXPRESS

BMC Group, Inc.  
Attn: ALC Holdings, LLC Claims Processing  
18675 Lake Drive East  
Chanhassen, MN 55317

**RE: Marna Jean Miller / American Laser Centers, LLC / ALC of Iowa, LLC/  
Proofs of Claims**


Dear Sir or Madam:

Attached please find the following 5 **Proofs of Claims** (one (1) original Proof of Claim and two (2) extra copies for each, to be clocked-in):

1. **American Laser Centers, LLC / Case No. 11-13854**
2. **American Laser Centers, LLC aka American Laser Centers / Case No. 11-13854**
3. **ALC of Iowa, LLC / Case No. 11-13864**
4. **ALC of Iowa, LLC aka American Laser Centers of Iowa, LLC / Case No. 11-13864**
5. **ALC of Iowa, LLC aka American Laser Centers / Case No. 11-13864**

Kindly return the two (2) extra copies for each Proof of Claim (10 copies total) to our office in the enclosed envelope after they have been clocked-in. If you have any questions or concerns in this regard, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours,



Brian A. Sullivan

Enclosures



**FedEx** NEW Package  
Express US Airbill

FedEx Tracking Number

8769 1990 2290

0200

Form 10 No.

FedEx Retrieval Copy

1 From 3/13/12 Sender's FedEx Account Number 233770922

Senders Name Brian A. Sullivan Phone 302 652-1100

Company Verb and Sullivan

Address 300 Delaware Ave Suite/1300

City Wilmington State DE zip 19801

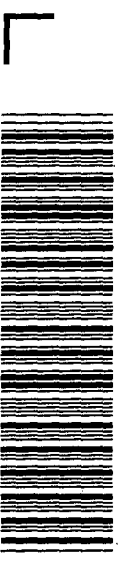
2 Your Internal Billing Reference

3 To Recipients Name ALC Holdings, Claims Addressing phone 302 652-1100

Company BMC Group, Inc

Address 18075 Lake Drive East

City Chamhassen State MN zip 55317



8769 1990 2290

BMC GROUP

RECEIVED  
MAR 14 2012

4 Express Package Service  
NOTE: Service order has changed. Please adjust accordingly.

2 or 3 Business Days  
Packages up to 150 lbs. For packages over 150 lbs. use the new FedEx Express Freight US Airbill.

Next Business Day

FedEx First Overnight  
FedEx First Overnight delivery to select locations. FedEx shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Priority Overnight  
Need business morning. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Standard Overnight  
Need business afternoon. Saturday Delivery NOT available.

Packaging  
Overhead value limit \$250.

FedEx Envelope\*  FedEx Pak\*  FedEx Box  FedEx Tube  Other

6 Special Handling and Delivery Signature Options

No Signature Required  
Packaging may be left without affixing a signature for delivery.

Direct Signature  
Someone at recipient's address (not sign) for delivery. See options.

Infrared Signature  
Infrared signature is available at recipient's address, someone at a neighboring address may sign for delivery. See options.

Does this shipment contain dangerous goods?  
Yes, one must be checked. Yes, in Declaration. No, 04. Shipper's Declaration. Dry Ice, 06. UN 1845. Cargo Aircraft Only.

7 Payment Bill to:  
Sender  Recipient  Third Party  Credit Card  Cash/Check

Total Packages Total Weight

Your label is valued at \$100 unless you declare a higher value. See the current FedEx Service Guide for details.

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