FORM B10 (Official Form 10) (4/98)

USBC, Illinois Northern (4/1/98)

*FILE ORIGINAL FOR CHAPTERS 7 and 11, IN DUPLICATE FOR CHAPTER 13, FOR DATE-STAMPED COPY, SEE #9 BELOW

United States Bankruptcy Court
Northern District of Illinois, Eastern Division

__ CH 7 __ CH 13 X CH 11
PLEASE CHECK CHAPTER

Name of Debtor: Kmart Corporation

Case Number: 02 B02474

PROOF OF CLAIM

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

File Claim Form With:
United States Bankruptcy Court
P. O. Box A3613
Chicago, Illinois 60690-3612

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

☐ 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 box if you have never received any notices from the bankruptcy court in this case.

☐ Check box if the address differs from the address on the envelope sent to you by the court.

Name and Address Where Notices Should be Sent
Diane M. Russell, Esq.
1022 King Street
Christiansted, St. Croix
USVI 00820

Telephone No. (340) 719-5376

Creditor # _____

THIS SPACE IS FOR COURT USE ONLY

Account or other number by which creditor identifies debtor:
Civil No. 2001/2 District Court of the V.I.

Check here if this claim
☐ amends ☐ replaces a previously filed claim dated: _____

1. BASIS FOR CLAIM

☐ Goods sold
☐ Money loaned
☐ Taxes
☐ Retiree benefits as defined in 11 U.S. C. § 1114 (a)
☐ Services performed
☒ Personal injury/wrongful death
☐ Other _____
☐ Wages, salaries, and compensation (Fill out below)
Your social security number _____
Unpaid compensation for services performed
from _____ (date) to _____ (date)

2. DATE DEBT WAS INCURRED: 17 Dec 2000

3. IF COURT JUDGMENT, DATE OBTAINED:

4. Total Amount of Claim at Time Case Filed: $ 55,000.00
If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.
☐ 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 additional charges.

5. Secured claim

☐ Check this box if your claim is secured by collateral (including a right of setoff).

Brief Description of Collateral:

☐ Real Estate
☐ Motor Vehicle
☐ Other _____

Value of collateral: $_____

Amount of arrearage and other charges at time case filed included in secured claim above, if any: $ _____

6. Unsecured Priority Claim

☐ Check this box if you have an unsecured priority claim
Amount entitled to priority $ _____
Specify the priority of the claim:

☐ Wages, salaries, or commissions (up to $4,300), *earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier-11 U.S.C. § 507(a)(3)
☐ Contributions to an employee benefit plan-11 U.S.C. § 507(a)(4)
☐ Up to $1,950* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6)
☐ Alimony, maintenance, or support owed to a spouse, former spouse, or child -11 U.S.C. § 507(a)(7)
☐ Taxes or penalties owed to governmental units11 U.S.C. § 507(a)(8)
☐ Other—Specify applicable paragraph of 11 U.S.C. § 507(a)_____

Amounts are subject to adjustment on 4/1/98 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

7. CREDITS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

8. SUPPORTING DOCUMENTS: *Attach copies of supporting documents*, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary. ANY ATTACHMENT MUST BE 8-1/2" BY 11"

9. DATE-STAMPED COPY: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and an additional copy of this proof of claim.

THIS SPACE IS FOR COURT USE ONLY
RECEIVED TRUMBULL SERVICES BANKRUPTCY
2002 FEB 26 PM 2:06
2/28/02
287
$0

Date: 21 Feb 2002

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any)
Diane M. Russell, Esq.

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 and3571.

DIVISION OF ST. CROIX

INOCENCIA MESSER, Plaintiff, v. KMART CORPORATION Defendant.	CIVIL NO. 2001/0002-F ACTION FOR DAMAGES JURY TRIAL DEMANDED

NOTICE OF SERVICE OF OFFER OF JUDGMENT

PLEASE TAKE NOTICE that Defendant, Kmart Corporation, by and through undersigned counsel, has served upon plaintiff's counsel an **Offer of Judgment** relating to the above-captioned matter.

Respectfully submitted,

ANDREW C. SIMPSON, P.C.
Attorneys for Kmart Corporation

DATED: January 7, 2002.

Nathaniel Bates Jr.

ANDREW C. SIMPSON
5025 Anchor Way, Suite 1 Gallows Bay
Christiansted, St. Croix, VI 00820-4671
(340) 719-3900
(3400 719-3903 telefax

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing Notice of Offer of Judgment and Offer of Judgment were served by hand delivery upon: Diane M. Russell, 1022 King Street, Christiansted, St. Croix, VI 00820 on January 7, 2002.

Lisa Antal

Lisa Antal, Legal Assistant

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

INOCENCIA MESSER, Plaintiff, v. KMART CORPORATION Defendant.	CIVIL NO. 2001/0002-F ACTION FOR DAMAGES JURY TRIAL DEMANDED

OFFER OF JUDGMENT

COMES NOW the Defendant Kmart Corporation, by and through undersigned counsel, and pursuant to Rule 68 of the Federal Rules of Civil Procedure, offers to allow Plaintiff to have judgment against it in the gross total sum of **FIFTY FIVE THOUSAND AND NO/100 ($55,000.00) DOLLARS**, inclusive of accrued costs, attorney's fees, and pre-judgment interest, if applicable, to date of acceptance or ten (10) days from the date of this offer, whichever is sooner.

This offer will expire within ten (10) days, as provided under Fed. R. Civ. P. 68.

Respectfully submitted,

ANDREW C. SIMPSON, P.C.
Attorneys for Kmart Corporation

DATED: January 7, 2002

Nathaniel Bates Jr

ANDREW C. SIMPSON
5025 Anchor Way, Suite 1 Gallows Bay
Christiansted, VI 00820-4671
(340) 719-3900
(340) 719-3903 (telefax)

Diane M. Russell, PC
Attorney at Law

Sunday Market Square
22-A King Street, Suite 2
Christiansted, St. Croix
U.S. Virgin Islands 00820

Tel.: (340) 719-5376
Fax: (340) 719-5378
E-Mail: drussell@viaccess.net

January 17, 2002

Andrew C. Simpson, Esq.
Law Offices
5025 Anchor Way, Suite 1
Gallowsbay, St. Croix 00824

VIA FAX TRANSMITTAL: 719-3903

Re: Inocencia Messer v. Kmart Corporation

Dear Andy:

Mrs. Messer has authorized me to accept the offer of judgment in the above matter. This will confirm that we have settled the above matter for $55,000.00. It was a pleasure working with you in resolving this matter amicably without incurring the costs associated with protracted litigation. Please forward the General Release and Stipulation for Dismissal for signature and order the check. My EIN# is 660-588235. Thank you.

Cordially,

Diane M. Russell

DMR/ej

Diane M. Russell, PC
Attorney at Law

Sunday Market Square
22-A King Street, Suite 2
Christiansted, St. Croix
U.S. Virgin Islands 00820

Tel.: (340) 719-5376
Fax: (340) 719-5378
E-Mail: drussell@viaccess.net

February 22, 2002

VIA CERTIFIED MAIL

United States Bankruptcy Court
P.O. Box A3613
Chicago, IL 60690-3612

Kmart Corporation
c/o Trumball Services
P.O. Box 426
Windsor, CT 06095

John Butler
Skadden Arps Slate Meagher & Flom
333 West Wacker Drive, Suite 2100
Chicago, IL 60606

Re: Inocencia Messer v. Kmart Corporation
Civil No. 2001/002, District Court of the Virgin Islands

To Whom It May Concern:

The parties, Inocencia Messer and Kmart Corporation, through counsel reached a compromise in the District Court of the Virgin Islands, Division of St. Croix, on January 17, 2002. In this regard, Mrs. Messer accepted Kmart's $55,000.00 Offer of Judgment. Enclosed please find the Proof of Claim. Please let me know if you need further information. Thank you.

Cordially,

Diane M. Russell

DMR/ej
Enclosure