

BABANIKAS, ZIEDMAN & KING, P.C.

ATTORNEYS AT LAW
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Nicholas H. Babanikas
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*also admitted to Rhode Island and Florida

DIRECT ALL CORRESPONDENCE TO
THE BROCKTON OFFICE
Boston Office
60 Temple Place
Suite 410
Boston, MA 02111
(617) 248-0448
New Bedford Office
355 Union Street
New Bedford, MA 02740
(508) 996-1116

POWER OF ATTORNEY

I, Dawn Filicicchia, parent and next friend of Katelyn A. Abbott, a minor, of Manchester, New Hampshire, do hereby irrevocably make, constitute and appoint BABANIKAS, ZIEDMAN & KING, P.C. my true and lawful attorneys in fact for me and in my name to handle, compromise, and adjust any claims which I may have against all parties in connection with the injuries sustained by me on January 7, 1997 and endorse my name to any drafts or checks issued in connection therewith.

Signed and sealed this 19th day of February, 2002.

Heather M. Barrows
WITNESS

Dawn Filicicchia
SIGNATURE

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February 12, 2002

Kmart Customer Incident Center
Sedgwick Claims Management Services, Inc.
P.O. Box 5058
Troy, MI 48007-5058

Attention: James B. Harris, Liability Claims Examiner

Re: My Client: Katelyn Abbott, minor
Date of Injury: 1/07/97
Loss Location: Kmart's store #7605, Boston, MA
Your File No.: 239032

Dear Mr. Harris:

Thank you for your correspondence of February 6, 2002. Per your request enclosed is the following information:

1. Client's complete name is Katelyn A. Abbott;
2. Address is 2 Pasture Drive, Franklin, NH 03235;
3. Telephone number is (603) 934-5864 [please contact me at our law office at (508) 588-7000 for any communications];
4. Date of birth is 7/01/94;
5. Social Security number is 017-78-6884.

By way of history, back on April 10, 2001 a demand was made in the amount of \$100,000.00 for Katelyn Abbott's (minor) injuries. On November 26, 2001 you sent a letter to me offering \$10,000.00 to resolve this claim.

In a follow up telephone conversation you had increased your offer to \$15,000.00 and then finally in our last conversation prior to the bankruptcy you had increased your offer to try and resolve this matter to \$20,000.00.

On January 21, 2002 when I contacted you again after having had an opportunity to speak with my client as to try and resolve this matter you informed me that Kmart had filed for Chapter 11 Bankruptcy and you had been precluded from negotiating or settling this claim at that time.

If in fact you have received authorization to discuss settlement of this matter from either Kmart and/or the Bankruptcy Court, kindly contact me at our Brockton office at (508) 588-7000.

Kmart Customer Incident Center
Attn: James B. Harris, Liability Claims Examiner
My Client: Katelyn Abbott, minor
Date of Injury: 1/07/97
Loss Location: Kmart's store #7605, Boston, MA
Your File No.: 239032

February 12, 2002
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Also, if in fact, you and/or the agents for Kmart have proof of claims, would you be kind enough to forward one to our Brockton office so that I in turn can fill same out and forward it to the Bankruptcy Court for filing.

Thank you for your courtesy and cooperation with respect to this matter.

Very truly yours,

BABANIKAS, ZIEDMAN & KING, P.C.

COPY

Nicholas H. Babanikas, Esquire

NHB/hmb

cc: Dawn Abbott
2 Pasture Drive
Franklin, NH 03235



Kmart Customer Incident Center
Sedgwick Claims Management Services, Inc.
P.O. Box 5058, Troy, MI 48007-5058
Phone: (248) 463-7577
Fax: (248) 463-6637

November 26, 2001

Nicholas H. Babanikas, Esq.
Babanikas, Ziedman & King
1247 Belmont Street
Brockton, MA 02301

Re: Claimant: Katelyn Abbott minor
Date of Loss: 1/7/97
Location: Kmart Store #7605, Boston, MA

Dear Mr. Babanikas:

As we discussed a few weeks back on the telephone, I have taken over the handling of the above referenced claim file.

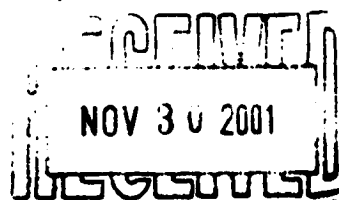
I reviewed the complete file today, including the incident report, hospital records, including references to Katelyn's prior history of seizures.

I do not have evidence of an outstanding lien on this matter. It appears at least early on, medical insurance of the mother was billed. Is there a lien? Taking into consideration what the insurance company probably actually paid out, and her prior condition, I would think this lien could be negotiated down quite a bit.

My offer to resolve this matter is \$10,000.

Sincerely,

James B. Harris
Liability Claims Examiner
248-463-7992



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April 10, 2001

*Kmart Customer Service Unit
Sedwick Claims Management Services, Inc.
P.O. Box 5058
Troy, MI 48007-5058*

ATTENTION: Walt Kocenda, Claims Examiner

*RE: My Client: Katelyn Abbott, minor
Date of Injury: 1/07/97
Loss Location: Kmart's store #7605, Boston, MA
Your File Number: KJ1-239032*

Dear Mr. Kocenda:

Thank you for your correspondence of March 13, 2001.

According to my records, to date my client sustained medical expenses in the amount of \$6464.52 as a result of this accident.

Presently Katelyn Abbott {minor} does not appear to have suffered any major seizures since the last correspondence to your office. This primarily is due to the medication that she is on. That is not to say she is not experiencing ongoing problems.

After speaking with Katelyn Abbott's mother I have been authorized to attempt to bring a resolution to this matter at this time.

Therefore I am hereby making a formal demand on behalf of my client Katelyn Abbott {minor} in the amount of \$100,000.00 in order to compensate her for her severe pain and suffering, discomfort, aggravation, emotional distress, loss of enjoyment of life, medical bills those residual which she has sustained as a result of this accident.

Walt Kocenda

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April 10, 2001

RE: *Katelyn Abbott*

Once you had the opportunity to review your file kindly contact me so that we may discuss hopeful settlement of this matter and there by avoid unnecessary litigation. Thank you.

Very truly yours,

BABANIKAS, ZIEDMAN & KING, P.C.

COPY

Nicholas H. Babanikas, Esquire

NHB/tg