United States Bankruptcy Court NORTHERN	DISTRICT OF ILLINOIS	PROOF OF CLAIM	
Name of Debtor KMART CORPORATION	Case Number		
NOTE: This form should not be used to make a claim for an administrative	02-02474	UNITED NORT	
of the case. A "request" for payment of an administrative expense thay be filed pursuant to 11 U.S.C. § 563.		N RTH	
Name of Creditor (The person or other entity to whom the debtor owes money or property):	Check box if you are aware that anyone else has filed a proof of	NITED STATES NORTHERN D FEB KENNETH MAILR	
Katelyn A. Abbott	claim relating to your claim. Attach copy of statement giving particulars.	S BAI	
Name and address where notices should be sent: Nicholas H. Babanikas, Esquire Babanikas, Ziedman & King, P.C. 1247 Belmont Street Brockton, MA 02301 Telephone number: (508) 588-7000	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.	THERN DISTRICT OF ILLINOISE FEB 2 7 2002 NNETH S. GARDNERS IN MAILROOM - MM	
Account or other number by which creditor identifies debtor:	Check here replaces if this claim amends a previously	filed claim, dated:	
1. Basis for Claim	☐ Retiree benefits as defined in	n 11 ILS C. 8 1114(a)	
☐ Goods sold	☐ Wages, salaries, and compensation (fill out below)		
□ Services performed□ Money loaned	Your SS #:		
X Personal injury/wrongful death	Unpaid compensation for services performed		
☐ Taxes ☐ Other	from(date)	to	
	3. If court judgment, date obt	· <u>· · · · · · · · · · · · · · · · · · </u>	
2. Date debt was incurred: January 7, 1997	s 100,000.00		
4. Total Amount of Claim at Time Case Filed: \$\frac{100,000.00}{ 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.	6. Unsecured Priority Clain		
☐ Check this box if your claim is secured by collateral (including a	☐ Check this box if you have an unse Amount entitled to priority \$	• •	
right of setoff). Brief Description of Collateral:	Specify the priority of the claim:		
☐ Real Estate ☐ Motor Vehicle ☐ Other————	filing of the bankruptcy petition or co	to \$4,650),* earned within 90 days before essation of the debtor's business, whichever	
Value of Collateral: \$	is earlier - 11 U.S.C. § 507(a)(3). Contributions to an employee benefit	•	
value of Conactai.	Up to \$2,100* of deposits toward pur services for personal, family, or house	sehold use - 11 U.S.C. § 507(a)(6).	
	Alimony, maintenance, or support ov 11 U.S.C. § 507(a)(7).	wed to a spouse, former spouse, or child -	
Amount of arrearage and other charges at time case filed included in	☐ Taxes or penalties owed to governme ☐ Other - Specify applicable paragraph		
secured claim, if any: \$	*Amounts are subject to adjustment on 4/	*Amounts are subject to adjustment on 4/1/04 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 deducted for the purpose of making this proof of cla	has been credited and	THIS SPACE IS FOR COURT USE ONLY	
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.			
 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. 			
Date 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):			
Feb. 20, 2002 Nicholas H. Babanikas, Esq. 010 1100111 3019 Penulty 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.			

BABANIKAS, ZIEDMAN & KING, P.C.

ATTORNEYS AT LAW 1247 BELMONT STREET BROCKTON, MA 02301 (508) 588-7000 TELECOPIER (508) 559-2775

Nicholas H. Babanikas Stephen S. Ziedman John J. King Konstantinos J. Babanikas Thomas J. Dinopoulos* *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

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.

Heatler M. Barrows

SIGNATURE FILICICCHICA

BABANIKAS, ZIEDMAN & KING, P.C.

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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

Page Two

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

NOV 3 U 2001

BABANIKAS, ZIEDMAN & KING, P.C.

ATTORNEYS AT LAW
1247 BELMONT STREET
BROCKTON, MA 02301
(508) 588-7000
TELECOPIER (508) 556-2775

Nicholas H. Babanikas Stephen S. Ziedman John J. King Konstantinos J. Babanikas Thomas J. Dinopoulos* * also admitted to Phode Island and Florida RECT 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

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:

XJ1-239032

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 Page 2 Apríl 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.



Nicholas H. Babanikas, Esquire

NHB/tg