

United States Bankruptcy Court Northern District of Illinois		PROOF OF CLAIM
In re (Name of Debtor) Kmart Corporation		Case Number 02-02474
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.		
Name of Creditor (The person or other entity to whom the debtor owes money or property) William C. Perkins II	<input type="checkbox"/> 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.	
Name and Address Where Notices Should be Sent Denise R. Ketchmark (P-42291) Attorney at Law 611 W. Court St., Ste 203 Flint, MI 48503	<input checked="" type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case.	
Telephone No. (810) 232-6096	<input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.	

FILED
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
FEB 26 2002
KENNETH S. GARDNER, CLERK
MAILROOM - KC
THIS SPACE IS FOR COURT USE ONLY

ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR:
Oakland County Circuit Court Case #96-535313-CL MI Court of Appeals Case # 225496

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

1. BASIS FOR CLAIM

- ☐ Goods sold
☐ Services performed
☐ Money loaned
☐ Personal injury/wrongful death
☐ Taxes

- ☐ Retiree benefits as defined in 11 U.S.C. § 1114(a)
☐ Wages, salaries, and compensation (Fill out below)
Your social security number _____
Unpaid compensation for services performed from _____ to _____ (date)

☒ Other (Describe briefly) Employment Discrimination Law Suit Pending in Michigan Court of Appeals

2. DATE DEBT WAS INCURRED
1995

3. IF COURT JUDGMENT, DATE OBTAINED:

No- Summary Disposition issue pending before Michigan Court of Appeals

4. CLASSIFICATION OF CLAIM. Under the Bankruptcy Code all claims are classified as one or more of the following: (1) Unsecured nonpriority, (2) Unsecured Priority, (3) Secured. It is possible for part of a claim to be in one category and part in another. CHECK THE APPROPRIATE BOX OR BOXES that best describe your claim and STATE THE AMOUNT OF THE CLAIM AT TIME CASE FILED.

- ☐ **SECURED CLAIM \$** _____
Attach evidence of perfection of security interest
Brief Description of Collateral:
☐ Real Estate ☐ Motor Vehicle ☐ Other (Describe briefly)
Amount of arrearage and other charges at time case filed included in secured claim above, if any \$ _____
☒ **UNSECURED NONPRIORITY CLAIM \$ 250,000.00**
A claim is unsecured if there is no collateral or lien on property of the debtor securing the claim or to the extent that the value of such property is less than the amount of the claim.
☐ **UNSECURED PRIORITY CLAIM \$** _____
Specify the priority of the claim.

- ☐ Wages, salaries, or commissions (up to \$4000),* earned not more than 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 \$1,800* 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 of governmental units—11 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.

5. TOTAL AMOUNT OF estimated CLAIM AT THE TIME \$250,000.00 (last offer to settle) \$ _____ (Priority)
CASE FILED: (Unsecured) (Secured)
☐ Check this box if claim includes charges in addition to the principal amount of the claim. Attach itemized statement of all additional charges.

\$250,000.00
(Total)

- 6. CREDITS AND SETOFFS:** The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. In filing this claim, claimant has deducted all amounts that claimant owes to debtor.
- 7. SUPPORTING DOCUMENTS:** Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, or evidence of security interests. If the documents are not available, explain. If the documents are voluminous, attach a summary.
- 8. TIME-STAMPED COPY:** To receive an acknowledgement of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

THIS SPACE IS FOR COURT USE ONLY

Date 2-20-02
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)
Denise R. Ketchmark, Attorney at Law

2/20/02 ML 364

STATE OF MICHIGAN
IN THE COURT OF APPEALS

WILLIAM C. PERKINS, II,

Plaintiff/Appellant,

vs.

KMART CORPORATION,
A Michigan Corporation,

Defendant/Appellee.

Oakland County Circuit Case No:
96-535313-CL

Court of Appeals Case No:

RECEIVED
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CLERK OF COURT
COURT OF APPEALS
JAN 28 2000
CLERK OF COURT

DENISE R. KETCHMARK (P-42291)

Attorney for Plaintiff/Appellant
611 W. Court Street, Suite 203
Flint, MI 48503
810-232-6096

APPELLANT'S CLAIM OF APPEAL AS OF RIGHT
PURSUANT TO M.C.R. 7.200 et al

NOW COMES the Plaintiff/Appellant, William C. Perkins, II, by and through his attorney, Denise R. Ketchmark, and pursuant to M.C.R. 7.200 et al, claims an appeal as of right from Judge Andrews' Opinion and Order from a hearing on Defendant/Appellee's Second Motion for Summary Disposition, held on December 8, 1999, Defendant/Appellee's Motion to File Reply Brief in Response to Plaintiff's Motion for Reconsideration dated January 14, 2000 with hearing date of January 12, 2000, and Opinion and Order dated February 16, 2000, wherein no hearing was held.

A transcript has been ordered of the proceedings from December 8, 1999 and January 12, 2000, in the above entitled case, and payment for these transcripts have been made or secured to Marguerite Anderson, and she will produce said transcripts as soon as possible.

This case involves an employment situation, Count I Age Discrimination, was dismissed by Judge Andrews without a trial on the day before trial. Thus, no bond is required due to the fact that no money judgment was ordered and/or entered, and this is not a frivolous cause of action.

Dated: February 25, 2000


DENISE R. KETCHMARK,
Attorney for Plaintiff/Appellant
611 W. Court Street, Suite 203
Flint, MI 48503
810-232-6096

a:ckcivil2/perkins4.app

Prepared By:
DENISE R. KETCHMARK (P-42291)
Attorney at Law
611 W. Court Street, Suite 203
Flint, MI 48503
810-232-6096



JUDGE STEVEN N. ANDREWS
COUNTY PERKINS WILL VS KMART CORP

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

WILLIAM C. PERKINS, II

CASE NO. 96-

-CL

Plaintiff,

VS.

JUDGE:

K-MART CORPORATION,
A MICHIGAN CORPORATION,
BY ITS REGISTERED AGENT:
ANTHONY N. PALIZZI

Defendants.

DENISE R. KETCHMARK (P-42291)
Attorney for Plaintiff
611 W. Court Street
Suite 203
Flint, MI 48503
(313) 232-6096

BY
DEPUTY COUNTY CLERK

96 DEC 12 PM 2:43

RECEIVED FOR FILING
OAKLAND COUNTY CLERK

COMPLAINT AND JURY DEMAND

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in the complaint nor has any other civil action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this Complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this court.

Dated: 12-16-96

Denise R. Ketchmark
DENISE R. KETCHMARK

PARTIES AND JURISDICTION

NOW COMES the Plaintiff, William C. Perkins, II, by and through his attorney, Denise R. Ketchmark, and sets forth for his Complaint as follows:

1. The Plaintiff William C. Perkins, II (hereinafter referred to as "Perkins") is a resident of the County of Oakland, and State of Michigan and has been for 180 days prior to filing this complaint.

2. Defendant K-Mart Corporation (hereinafter referred to as "K-mart") is a corporation which transacts business in the County of Oakland, State of Michigan.

3. The claims which Plaintiff asserts in this case include:
- A. Age discrimination in violation of the Michigan Elliott-Larsen Civil Rights Act;
 - B. Elliott-Larsen Section 7 Retaliation claim;
 - C. Self-defamation claim against Defendant.

4. The claims in this case exceed Ten Thousand Dollars (\$10,000).

5. This court has subject matter jurisdiction over this case based on the courts general subject matter jurisdiction MCLA 600.605.

6. This court is a court of proper venue for this action under MCLA 600.1621 in that it is the court for the county in which Defendant corporation transacts business.

7. This court is a court of proper venue for this action in that it is the court for the county in which the facts supporting this cause of action arose.

GENERAL ALLEGATIONS

8. Plaintiff incorporates herein by reference paragraphs one thru seven above.

9. Plaintiff was born August 15, 1931.

10. Plaintiff, William C. Perkins, II, was employed by Defendant K-Mart Corporation as a Pharmacist. He began his employment with Defendant K-mart on October 5, 1978.

11. On March 9, 1995, Plaintiff Perkins was terminated from Defendant K-mart. He was 63 years old and had worked for K-Mart for over 17 years.

12. Defendant K-mart treated Plaintiff Perkins more harshly than it did its younger employees.

13. Defendants discharged Plaintiff Perkins, in substantial part, because of Plaintiff's age.

14. Beginning in the late 1980's, Defendant K-Mart Corporation initiated what it referred to as a renewal program for its retail stores.

15. This renewal program contains strategies that K-Mart management perceived to be the marketing and merchandising needs for the 1990's.

16. Part of Defendant K-Mart's renewal program was to develop a younger management team to fill the positions as pharmacist, store managers, and other positions for K-Mart's various retail stores.

17. At some time after this renewal program was conceived, Defendant K-Mart began a program to eliminate its older, more senior Pharmacists, as well as other managers.

18. These categories of employees were first discredited by unfounded and unfavorable performance ratings. Once discredited, these Pharmacists were terminated from their position.

19. This renewal program of Defendant K-Mart accomplished two (2) things. First it allowed K-Mart to allow its perceived image through the installation of younger employees. Second, it permitted K-Mart to enjoy substantial savings through reduced compensation for employees, a long term savings through reduce obligations for retirement benefits.

20. The unfavorable rating assigned to Plaintiff was pre-planned, and was the product of the intentional policy and plan of age discrimination by K-Mart to rid itself of older, long term employees, namely Plaintiff.

21. As a result of his termination from his position with Defendant, Plaintiff experienced a reduction in his annual salary, and he lost, and will continue to lose, other compensation in the form of bonuses or incentive compensation, retirement and other fringe benefits that he would have been entitled to receive in his respective position as a pharmacist with Defendant K-Mart Corporation.

22. Plaintiff's termination from Defendant K-Mart was motivated by K-Mart's policy of willful age discrimination as outlined in this complaint. Plaintiff was replaced by a significantly younger, and less experienced employee.

23. Up until the time that K-Mart began its procedural policy of discrediting long term elderly employees in order to build a record to adversely effect his employment, Plaintiff had been evaluated as diligent and above satisfactory employee.

24. Plaintiff Perkins was terminated on account of his age, and in violation of MCLA Section 37.2201 et seq Age Discrimination Claim against Defendant K-Mart. The effect of Defendant K-Mart's discriminatory practices had been to deprive Plaintiff of Equal Employment Opportunities, wages, retirement and other benefits and equal treatment in the terms and conditions of his employment, this damaging Plaintiff.

25. From the beginning of Plaintiff's employment with Defendant and throughout Plaintiff's employment, Plaintiff performed his job well.

26. Plaintiff was a loyal and diligent employee of Defendant K-Mart.

27. Plaintiff was discharged without good cause.

28. Based upon Defendants' wrongful discharge, Plaintiff has suffered humiliation of being discharged, economic damages, as

well as emotional distress damages and mental anguish. Plaintiff also seeks a reasonable attorney fee award.

COUNT I - AGE DISCRIMINATION CLAIM AGAINST DEFENDANT

29. Plaintiff incorporates herein by reference paragraphs one through twenty-eight.

30. Defendant discharged Plaintiff, Perkins, in substantial part, because of Plaintiff's age.

31. Subsequent to Plaintiff's discharge, Plaintiff's job duties were taken over by a younger employee.

32. Accordingly, Plaintiff, Perkins asserts an MCLA Section 37.2201 et seq Age Discrimination Claim Against Defendant.

COUNT II - ELLIOTT-LARSEN SECTION 7 RETALIATION CLAIM

33. Plaintiff incorporates herein by reference paragraphs one through thirty-two.

34. Plaintiff complained that he was a victim of age discrimination.

35. Defendants' retaliated against Plaintiff Perkins because of his complaints by discharging Plaintiff.

36. Accordingly, Defendants have violated the Michigan Elliot-Larsen Civil Rights Act MCLA Section 37.2701 et. seq.

COUNT III - SELF-DEFAMATION CLAIM AGAINST ALL DEFENDANTS

37. Plaintiff incorporates herein by reference paragraphs one through thirty-six.

38. Defendants terminated Plaintiff ostensibly because Plaintiff Perkins engaged in an act of insubordination by violating corporate policy, and that four prior corrective interviews had been conducted with Plaintiff Perkins.

39. The above statement is false.

40. Based on Defendants' false accusation, Plaintiff has been forced to recite the basis for his termination indicating that he was in fact terminated for violating corporate policy.

41. As a result of being forced to recite the versions Defendants have offered for Plaintiff's termination, the Plaintiff was forced to recite false statements of fact concerning himself which were directly caused by the actions of the Defendants.

42. It was reasonably foreseeable that Plaintiff would be forced to recite the versions given for his termination to others.

43. As a direct and proximate result of the actions of Defendants, Plaintiff has suffered past and future economic lost wages and benefits, and Plaintiff has also suffered past and future emotional injuries.

CONCLUSION

WHEREFORE, Plaintiff prays for judgment against Defendant in damages in such sum in excess of Ten Thousand and no/100 Dollars (\$10,000) as the jury deems just, together with costs, interest and attorney fees pursuant to statute.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial in the captioned case as guaranteed by M.C.R. 2.508(B).

I SWEAR THAT THE ABOVE STATEMENTS ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF

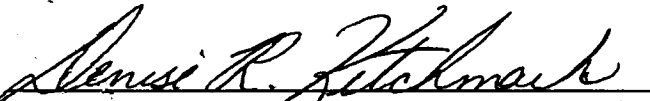
Dated: 12-6-96

William C Perkins II
WILLIAM C. PERKINS, II
Plaintiff

Dated: 12-6-96

Denise R. Ketchmark
DENISE R. KETCHMARK (P-42291)
Attorney for Plaintiff

On this 6th day of December, 1996, before me, a Notary Public in and for the said County, personally appeared the Plaintiff, William C. Perkins, II and made oath that he has read the foregoing Complaint of K-Mart Corporation, and knows the foregoing thereof, and that the same is true to his own knowledge and belief, except as to those matters which he states to be on information and belief, and, as to those matters, he believes it to be true, and further, there is no collusion, agreement, or understanding whatever between himself and the Defendant herein in relation to his Complaint.


DENISE R. KETCHMARK Notary Public
Genesee County, Michigan
My Commission Expires: 01/10/99

PREPARED BY:
DENISE R. KETCHMARK (P-42291)
Attorney at Law
611 W. Court Street, Suite 203
Flint, MI 48503
(810) 232-6096

STATE OF MICHIGAN

JUDICIAL DISTRICT
6TH JUDICIAL CIRCUIT

SUMMONS AND COMPLAINT

JUDGE STEVEN N. ANDREWS
PERKINS WILL VS KMART CORP

Court address 1200 N. TELEGRAPH ROAD, DEPT. 404, PONTIAC, MI 48341-0404

Court Telephone no. (810) 858-0582

Plaintiff name(s), address(es), and telephone no(s).

WILLIAM C. PERKINS, II
132 N. GENESEE
PONTIAC, MI 48341

Defendant name(s), address(es), and telephone no(s).

K-MART CORPORATION, A MICHIGAN CORPORATION
BY ITS REGISTERED AGENT, ANTHONY N. PALIZZI
3100 W. BIG BEAVER ROAD
TROY, MI 48064-3163

Plaintiff attorney, bar no., address, and telephone no.

DENISE R. KETCHMARK (P-42291)
ATTORNEY AT LAW
611 W. COURT STREET, SUITE 203
FLINT, MI 48503
(810) 232-6096

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued DEC 12 1996	This summons expires MAR 13 1997	Court clerk LYNN D. ALLEN
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*This summons is invalid unless served on or before its expiration date.

- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ . The docket number and assigned judge are:

Docket no.	Name of court	Judge	Bar no.

The action ☐ remains ☐ is no longer pending.

VENUE

Plaintiff(s) residence PONTIAC, MICHIGAN, OAKLAND COUNTY	Defendant(s) residence TROY, MICHIGAN, OAKLAND COUNTY
Place where action arose or business conducted TROY, MICHIGAN, OAKLAND COUNTY	

I declare that the complaint information above and attached is true to the best of my information, knowledge and belief

12-6-96
DateDenise R. Ketchmark
Signature of attorney/plaintiff

COMPLAINT IS STATED ON ATTACHED PAGES. EXHIBITS ARE ATTACHED IF REQUIRED BY COURT RULE.