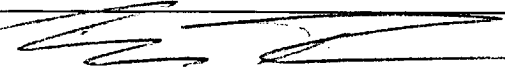


UNITED STATES BANKRUPTCY COURT <u>Northern</u> DISTRICT OF <u>Illinois</u>		PROOF OF CLAIM
Name of Debtor <b>KMART CORPORATION, ET AL.</b>		Case Number <b># 02 B 02474</b>
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" 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): <b>Anthony Pero (minor) and Margaret Pero, individually</b>		<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. <input checked="" type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> 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: <b>Robert J. Reger, Esq. Parkview Tower, Suite 250 1150 First Avenue King of Prussia, PA 19406 Telephone number: (610) 878-9901</b>		THIS SPACE IS FOR COURT USE ONLY
Account or other number by which creditor identifies debtor: <b>KMART CUSTOMER INCIDENT CENTER FILE No: 20010537173</b>		Check here if this claim <input type="checkbox"/> replaces <u>N/A</u> a previously filed claim, dated: _____ <input type="checkbox"/> amends
<b>1. Basis for Claim</b> <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input checked="" type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other _____		<input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries, and compensation (fill out below) Your SS #: _____ Unpaid compensation for services performed from _____ (date) to _____ (date)
2. Date debt was incurred: <u>May 17, 2001</u>		3. If court judgment, date obtained: <u>N/A</u>
<b>4. Total Amount of Claim at Time Case Filed:</b> If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below. <input type="checkbox"/> 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.		\$ <u>UNLIQUIDATED - PERSONAL INJURY ACTION</u>
<b>5. Secured Claim.</b> <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____  Value of Collateral: \$ _____  Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ _____		<b>6. Unsecured Priority Claim.</b> <input type="checkbox"/> Check this box if you have an unsecured priority claim Amount entitled to priority \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$4,650),* 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). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Up to \$2,100* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____). <small>*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.</small>
<b>7. Credits:</b> The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. <b>8. Supporting Documents:</b> 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. <b>9. Date-Stamped Copy:</b> To receive an acknowledgment 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  RECEIVED TRUMBULL SERVICES COMPANY <u>3-8-02</u> 2002 MAR - 8 AM 9:45  BANKRUPTCY 420 Sm
Date <u>3/5/02</u>	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): 	
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.		

Court of Common Pleas of Philadelphia County  
 Trial Division  
**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

PLAINTIFF'S NAME Anthony Pero, by and through his parent and natural guardian: Margaret Pero		DEFENDANT'S NAME <b>FEBRUARY 2002</b> K-Mart <b>003703</b>	
PLAINTIFF'S ADDRESS 454 Fairhill Drive Churchville, PA 18966		DEFENDANT'S ADDRESS c/o CT Corporation, 1515 Market Street, Suite 1210 Philadelphia, PA 19102	
PLAINTIFF'S NAME Margaret Pero, individually		DEFENDANT'S NAME Vendomatic, Inc.	
PLAINTIFF'S ADDRESS 454 Fairhill Drive Churchville, PA 18966		DEFENDANT'S ADDRESS 14650 Rothgeb Drive, Unit S Rockville, MD 20850	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 2	TOTAL NO. OF DEFENDANTS 2	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other: _____		
CASE TYPE AND CODE (SEE INSTRUCTIONS) 2P - Negligence - Product Liability			
STATUTORY BASIS FOR CAUSE OF ACTION (SEE INSTRUCTIONS)			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER) N/A			IS CASE SUBJECT TO COORDINATION ORDER? Yes    No <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY Robert J. Reger, Esquire		ADDRESS (SEE INSTRUCTIONS) Parkview Tower, 1150 First Avenue, Suite 250 King of Prussia, PA 19406	
PHONE NUMBER (610) 878-9901	FAX NUMBER (610) 878-9902		
SUPREME COURT IDENTIFICATION NO. 55 821		E-MAIL ADDRESS rregger@regrizlaw.com	
SIGNATURE 		DATE 2/19/02	

01-613  
Robert J. Reger, Esquire  
REGER & RIZZO, LLP  
Parkview Tower  
Suite 250  
1150 First Avenue  
King of Prussia, PA 19406  
(610) 878-9901

**ATTEST**  
**FEB 22 2002**  
**D. SAVAGE**

Attorney for Plaintiffs, Anthony Pero,  
A minor, by and through his parent and  
natural guardian, Margaret Pero, and  
Margaret Pero, Individually

Attorney I.D. # 55821

ANTHONY PERO, a minor, by and through his :  
parent and natural guardian, Margaret Pero :  
454 Fairhill Drive :  
Churchville, Pennsylvania 18966 :  
and :  
MARGARET PERO, individually :  
454 Fairhill Drive :  
Churchville, Pennsylvania 18966 :

**Plaintiffs**

vs.

K-MART :  
c/o CT Corporation :  
1515 Market Street, Suite 1210 :  
Philadelphia, PA 19102 :  
and :  
VENDOMATIC, INC. :  
14650 Rothgeb Drive, Unit S :  
Rockville, MD 20850 :

**Defendants**

IN THE COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY,  
PENNSYLVANIA

FEBRUARY TERM, 2002

NO.

**003703**

**JURY TRIAL DEMANDED**

JURY FEE PAID

**NOTICE TO DEFEND**

**NOTICE**

**AVISO**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other sum or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION  
LAW REFERRAL AND INFORMATION SERVICE  
One Reading Center  
Philadelphia, PA 19107  
(215) 238-1701

Len han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tien veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia and escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas la corte puede decidir a favor del demandante y requiere que usted cumple con todas las provisiones de esta demanda. Usted puede perder dinero a sus propiedades u otros derechos importantes pura usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE LICENCIADOS DE FILADELFIA  
SERVICIO DE REFERENCIA E INFORMATION LEGAL  
One Reading Center  
Filadelfia, PA 19107

01-613

Robert J. Regeer, Esquire  
REGER & RIZZO, LLP  
Parkview Tower  
Suite 250  
1150 First Avenue  
King of Prussia, PA 19406  
(610) 878-9901

Attorney for Plaintiffs, Anthony Pero,  
a minor, by and through his parent and  
natural guardian, Margaret Pero, and  
Margaret Pero, Individually

Attorney I.D. # 55821

ANTHONY PERO, a minor, by and through his  
parent and natural guardian, Margaret Pero  
454 Fairhill Drive  
Churchville, Pennsylvania 18966  
and  
MARGARET PERO, individually  
454 Fairhill Drive  
Churchville, Pennsylvania 18966  
**Plaintiffs**

vs.

K-MART  
c/o CT Corporation  
1515 Market Street, Suite 1210  
Philadelphia, PA 19102  
and  
VENDOMATIC, INC.  
14650 Rothgeb Drive, Unit S  
Rockville, MD 20850  
**Defendants**

IN THE COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY,  
PENNSYLVANIA

FEBRUARY TERM, 2002

NO.

**JURY TRIAL DEMANDED**

**COMPLAINT - CIVIL ACTION**

1. Plaintiff, Anthony Pero, is a minor, citizen and resident of the Commonwealth of Pennsylvania, residing therein at 454 Fairhill Drive, Churchville, Pennsylvania, 18966.

2. Plaintiff, Margaret Pero, is the mother and natural guardian of Anthony Pero. Margaret Pero is a citizen of the Commonwealth of Pennsylvania, residing therein at 454 Fairhill Drive, Churchville, Pennsylvania, 18966.

3. Defendant, Vendomatic Inc., is, upon information and belief, a corporation organized and existing under the laws of the State of Maryland, with its principal place of business at 14650 Rothgeb Drive, Unit S, Rockville, Maryland, 20850. Vendomatic maintains a distribution center in Pennsylvania and is authorized to and is conducting business in Pennsylvania.

4. Defendant, K-Mart, is, upon information and belief, a corporation authorized to and conducting business in the Commonwealth of Pennsylvania with an agent authorized to receive process on its behalf located at CT Corporation, 1515 Market Street, Suite 1210, Philadelphia, Pennsylvania, 19102.

5. At all times relevant and material hereto, Defendant, K-Mart, did operate, possess, control and maintain two separate coin operated amusement rides on its premises, one being a red bus, and the other being a mechanical horse (or, together, referred to as the "amusement rides").

6. At all times relevant and material hereto, Defendant, Vendomatic, Inc., did manufacture, install, and maintain the aforementioned amusement rides at the K-Mart located at Bustleton Avenue, Philadelphia, Pennsylvania, 19136.

7. On May 17, 2001, Plaintiff, Anthony Pero, was riding the red bus amusement ride outside of K-Mart, which was operating adjacent to the mechanical horse amusement ride that his sister was contemporaneously using.

8. Plaintiff suffered injuries when he placed his hand in the mechanical horse's mouth while riding the red bus, which resulted in serious and/or permanent personal injuries.

**COUNT I**

**NEGLIGENCE**

**PLAINTIFFS, ANTHONY PERO, A MINOR BY AND THROUGH HIS PARENT AND  
NATURAL GUARDIAN MARGARET PERO V. DEFENDANT, VENDOMATIC, INC.**

9. Plaintiff herein incorporates by reference paragraphs 1 through 8 above as though the same were more fully set forth at length herein.

10. At the aforesaid time and place, Defendant K-Mart was controlling both the red bus amusement ride and the mechanical horse amusement ride negligently and carelessly by placing the amusement rides close to one another so as to facilitate the satisfaction of the young Plaintiff's innate desire to place his hand in the mechanical horse's mouth while riding the red bus, which resulted in serious and/or permanent personal injuries to Plaintiff.

11. At the time and place aforesaid, the carelessness, and negligence of the Vendomatic, Inc. consisted of the following:

(a) Negligently failing to inform and warn patrons of the potential hazards of having the amusement rides so close;

(b) Failing to keep a reasonable lookout for employees who may have moved the machines perilously close together;

(c) Failing to recognize that a safe distance between the two amusement rides had not been achieved, and permitting paying customers to continue to operate the machines nonetheless.

(d) Negligently placing the amusement rides in such a position as to create a hazard to children such as Plaintiff.

12. As a result of the aforesaid accident, caused by the careless, and negligent conduct of the Defendant, K-Mart, Plaintiff, Anthony Pero, was caused to suffer severe, serious and permanent injuries in and about the body, said injuries being caused by the aforesaid negligence of the Defendant, K-Mart. Anthony Pero did in particular, but without limitation, suffer injuries to his right wrist (specifically, fractures of the distal portions of the radial and ulnar shafts of the right arm) and a severe shock to his nerves and nervous system, all of which are or may be serious and permanent.

13. As a result of the negligence as hereinbefore set forth, Plaintiff, Anthony Pero, has suffered ills and injuries as aforesaid, that have or may have disabled and prevented him from attending to his usual activities, and have in the past and may in the future impair his earning capacity and/or earning power, and have necessitated the incurring of expenses in and about endeavoring to treat and/or cure himself of the said injuries, any or all of which may continue, for which sums Plaintiff hereby makes claim.

**WHEREFORE**, Plaintiff, Anthony Pero, a minor, by and through his parent and natural guardian, Margaret Pero, demands judgment against the Defendant, K-Mart, in an amount in excess of Fifty Thousand Dollars (\$50,000.00).

## **COUNT II**

### **NEGLIGENCE**

#### **PLAINTIFF, ANTHONY PERO, A MINOR BY AND THROUGH HIS PARENT AND NATURAL GUARDIAN, MARGARET PERO V. DEFENDANT, VENDOMATIC, INC.**

14. Plaintiff herein incorporates by reference paragraphs 1 through 8 above as though the same were more fully set forth at length herein.

15. At the aforesaid time and place, Defendant Vendomatic, Inc., installed, maintained and serviced both the red bus amusement ride and the mechanical amusement ride at the particular K-Mart store involved in the instant action located at Bustleton Avenue in Philadelphia, Pennsylvania.

16. Defendant Vendomatic, Inc. installed, maintained and serviced the amusement rides in such a negligent and careless manner by failing to place the amusement rides in a hazard free manner, and failing to notify K-Mart of the same during any of Vendomatic, Inc.'s various service calls to K-Mart.

17. The aforesaid accident resulted solely from the negligence and carelessness of the Defendant Vendomatic, Inc. and was due in no manner whatsoever to any act or failure to act of the part of the Plaintiff.

18. At the time and place aforesaid, the carelessness and negligence of the Vendomatic, Inc. consisted of the following:

(a) Negligently installing the amusement rides in such a position as to create a hazard to children such as Plaintiff;

(b) Negligently maintaining and servicing the amusement rides in such a negligent and careless manner by failing to place the machines in a hazard free manner;

(c) Negligently placing in the stream of commerce a defective mechanical horse, intended to be used and enjoyed by very small children, such horse having a crafted mouth which is wide open, and inviting, to users of the horse or on-lookers to easily place objects, including a small child's hand, therein;



(d) Failing to keep a reasonable lookout for employees who may have moved the machines perilously close together; and

(e) Failing to recognize that a safe distance between the two amusement rides had not been achieved, and permitting paying customers to continue to operate the machines nonetheless.

19. As a result of the aforesaid accident, caused by the careless and negligent conduct of the Defendant, Vendomatic, Inc., Plaintiff, Anthony Pero, was caused to suffer severe, serious and permanent injuries in and about the body, the said injuries being caused, precipitated and/or aggravated by the aforesaid negligence of the Defendant, Vendomatic, Inc., and he did in particular, but without limitation, suffer injuries to his right wrist (specifically, fractures of the distal portions of the radial and ulnar shafts of the right arm) and a severe shock to his nerves and nervous system, all of which are or may be serious and permanent.

20. As a result of the negligence as hereinbefore set forth, Plaintiff, Anthony Pero, has suffered ills and injuries as aforesaid, that have or may have disabled and prevented him from attending to his usual activities, and have in the past and may in the future impair his earning capacity and/or earning power, and have necessitated the incurring of medical expenses in and about endeavoring to treat and/or cure himself of the said injuries, any or all of which may continue, for which sums Plaintiff hereby makes claim.

**WHEREFORE**, Plaintiff, Anthony Pero, a minor, by and through his parent and natural guardian, Margaret Pero, demands judgment against the Defendant, Vendomatic, Inc, in an amount in excess of Fifty Thousand Dollars (\$50,000.00).

**COUNT III**

**STRICT LIABILITY UNDER 402A**

**PLAINTIFF, ANTHONY PERO, A MINOR BY AND THROUGH HIS PARENT AND  
NATURAL GUARDIAN, MARGARET PERO V. DEFENDANT, VENDOMATIC, INC.**

21. Plaintiff herein incorporates by reference paragraphs 1 through 20 above as though the same were more fully set forth at length herein.

22. Defendants Vendomatic, Inc. and K-Mart are suppliers of amusement rides which, in the regular course of its business, placed a defective and unsafe mechanical horse into the stream of commerce. Specifically, the horse's mouth was crafted in such a way so as to permit small children, such as Anthony Pero, to easily place their small, fragile hands inside the horse's mouth while the machine was in operation, causing serious and/or permanent personal injuries.

23. Defendants failed to warn customers of the dangerous condition of the mechanical horse and further failed to warn of the dangerous proximity of the two amusement rides.

24. As a result of the defective mechanical horse manufactured and distributed by Defendant, Vendomatic, Inc. and K-Mart, Plaintiff, Anthony Pero, was caused to suffer severe, serious and permanent injuries in and about the body, the said injuries being caused, precipitated and/or aggravated by the aforesaid defective product of the Defendant, Vendomatic, Inc. He did in particular, but without limitation, suffer injuries to his right wrist, (specifically, fractures of the distal portions of the radial and ulnar shafts of the right arm) and a severe shock to his nerves and nervous system, all of which are or may be serious and permanent.

25. As a result of the defective and unsafe mechanical horse manufactured and distributed by Defendants, Vendomatic, Inc., and K-Mart, Plaintiff, Anthony Pero, has suffered ills and injuries as aforesaid, that have or may have disabled and prevented him from attending to his usual activities, and have in the past and may in the future impair his earning capacity and/or earning power, and have necessitated the incurring of expenses in and about endeavoring to treat and/or cure himself of the said injuries, any or all of which may continue, for which sums Plaintiff hereby makes claim.

**WHEREFORE**, Plaintiff, Anthony Pero, a Minor by and through his parent and natural guardian, Margaret Pero demands judgment against the Defendants, K-Mart and Vendomatic, Inc, in an amount in excess of Fifty Thousand Dollars (\$50,000.00).

**COUNT IV**

**MARGARET PERO, INDIVIDUALLY V. DEFENDANTS,  
VENDOMATIC, INC. AND K-MART**

26. Plaintiff herein incorporates by reference paragraphs 1 through 25 above as though the same were more fully set forth at length herein.

27. On May 17, 2001, Margaret Pero, parent and natural guardian of Anthony Pero, was, at all times, in the company of her son on the day in question at the K-Mart located at Bustleton Avenue, Philadelphia, Pennsylvania, including all periods of time when Anthony Pero was riding the amusement rides in question.

28. Margaret Pero witnessed, first-hand, all the horrible, painful and shocking injuries suffered by her child as a result of the defective amusement rides, including all trauma associated thereafter.

29. Margaret Pero sustained injuries resulting from the distress of personally witnessing her son's injuries during the incident on the amusement rides at K-Mart, which were injuries to his right wrist (specifically, fractures of the distal portions of the radial and ulnar shafts of the right arm) and a severe shock to his nerves and nervous system, all of which are or may be serious and permanent.

30. Plaintiff, Margaret Pero suffered severe emotional shock when she experienced the sensory and contemporaneous observance of her son's aforementioned injuries.

31. Plaintiff, Margaret Pero incurred expenses necessary for the treatment and care of her son's injury.

**WHEREFORE**, Plaintiff, Margaret Pero, Individually demands judgment against the Defendants, K-Mart and Vendomatic, Inc, in an amount in excess of Fifty Thousand Dollars (\$50,000.00).

Respectfully submitted,

REGER & RIZZO, LLP

By: 

Robert J. Reger, Esquire  
Attorney for Plaintiffs,  
Anthony Pero, a minor by and  
through his parent and natural  
guardian, Margaret Pero and  
Margaret Pero, individually

VERIFICATION

I, MARGARET PERO, individually and as parent and natural guardian of ANTHONY PERO, make this Verification and state that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief.

The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

Date:

2/19/02

Margaret Pero 2/19/02  
Margaret Pero, individually and as parent  
and natural guardian of Anthony Pero

<b>CASH RECEIPT</b>		<b>OFFICE OF THE SHERIFF</b>		BOOK	
<b>APPEARANCE DOCKET</b>		CITY AND COUNTY OF PHILADELPHIA		SERIAL NO.	
<b>No. F 21216</b>	COURT	TERM		PROTH. NO.	
CANTONVILLE		VS. J. J. J.			
IN PAYMENT OF THE FOLLOWING ITEMS					
FEE	CODE	AMOUNT	DEPOSITS AND COSTS	CODE	AMOUNT
Sheriff's Fee	311	100	Advertising	331	
Registered Mail	311		Deputized Service	332	
			State Fee	335	
Mileage	312	11	Affidavit	339	
			Other Costs	340	
<b>TOTAL</b>				<b>301</b>	
ATTORNEY		APPEARANCE CLERK			

12-77 (Rev. 1/74)

RECEIPT NOT VALID UNLESS MACHINE IMPRINTED

**REGER & RIZZO, LLP**

ATTORNEYS AT LAW

PARKVIEW TOWER • SUITE 250 • 1150 FIRST AVENUE • KING OF PRUSSIA • PENNSYLVANIA • 19406  
610.878.9901  
FAX 610.878.9902

1225 N. King Street  
Legal Arts Building, Ste. 900  
Wilmington, DE 19801  
302.652.3611  
FAX 302.652.3620

Suite 1925  
2 Penn Center Plaza  
Philadelphia, PA 19102  
215.563.7760  
FAX 215.563.7470

Suite 203  
800 Kings Highway North  
Cherry Hill, NJ 08034  
856.779.2799  
FAX 856.779.2997

March 6, 2002

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

**RE: My Client: Anthony Pero, a minor by and through his parent and natural guardian, Marge Pero**  
**Date of Accident: May 17, 2001**  
**K-Mart Store No.: 9393, Philadelphia, PA**  
**Our File No.: 01-613**

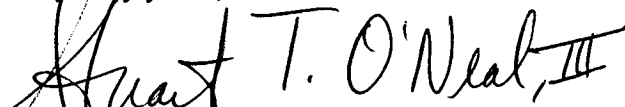
Dear Sir/Madam:

We have already filed our proof of claim with this office. However, I am sending this additional copy to you for the purposes of verifying, via certified mail, that you have received same.

I will be following up with your office in due time to make sure the original, which was previously sent, was filed. In the meantime, please keep this additional copy of our proof of claim with our original filing, sent via regular mail on March 5, 2002.

Thank you for your help.

Very truly yours,



Stuart T. O'Neal, III

**FOR: REGER & RIZZO, LLP**