

United States Bankruptcy Court Northern District of Illinois, Eastern Division		<input type="checkbox"/> CH 7 <input type="checkbox"/> CH 13 <input checked="" type="checkbox"/> CH 11 PLEASE CHECK CHAPTER
Name of Debtor <b>KMART CORPORATION</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		<b>PROOF OF CLAIM</b>  File Claim Form With:  United States Bankruptcy Court P. O. Box A3613 Chicago, Illinois 60690-3612  Creditor # _____  <b>THIS SPACE IS FOR COURT USE ONLY</b>
Name of Creditor (The person or other entity to whom the debtor owes money or property) <b>Agnes Connelly</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.	
Name and Address Where Notices Should be Sent <b>See Attached Service List</b>	<input 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.	
Telephone No.		
Account or other number by which creditor identifies debtor:		Check here if this claim <input type="checkbox"/> amends <input type="checkbox"/> replaces   a previously filed claim dated: _____
<b>1. BASIS FOR CLAIM</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Goods sold  <input type="checkbox"/> Money loaned  <input type="checkbox"/> Taxes  <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114 (a)         </div> <div style="width: 45%;"> <input type="checkbox"/> Services performed  <input checked="" type="checkbox"/> Personal injury/wrongful death  <input type="checkbox"/> Other _____         </div> <div style="width: 45%;"> <input type="checkbox"/> Wages, salaries, and compensation (Fill out below)          Your social security number _____          Unpaid compensation for services performed from _____ (date) to _____ (date)         </div> </div>		
<b>2. DATE DEBT WAS INCURRED:</b> <u>October 11, 2000</u>		<b>3. IF COURT JUDGMENT, DATE OBTAINED:</b>
<b>4. Total Amount of Claim at Time Case Filed:</b> <u>\$ Amount in Excess of \$30,000.00</u> 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.		
<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 <u>at time case filed</u> included in secured claim above, 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 \$4,300), *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) <input type="checkbox"/> Contributions to an employee benefit plan-11 U.S.C. § 507(a)(4) <input type="checkbox"/> 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) <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 4/1/98 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> <u>Attach copies of supporting documents</u> , 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" <b>9. DATE-STAMPED COPY:</b> 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.		<b>THIS SPACE IS FOR RECEIVED ONLY</b> UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS  <b>MAR 13 2002</b>  <b>KENNETH S. GARDNER, CLERK</b> <b>PUBLIC SERVICE COUNTER</b>  <i>LP 676</i>
Date: <b>3/11/02</b>	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): <b>Thomas A. Kantas</b> <i>[Signature]</i>	
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.		

3/18/02

## **SERVICE LIST**

1. **Kmart Corp.**  
**c/o Trumbull Services**  
**P.O. Box 426**  
**Windsor, Connecticut 06095**
2. **The Debtors at Kmart Corporation**  
**Kmart Resource Center**  
**3100 West Big Beaver Road**  
**Troy, Michigan 48084-3163**  
**Attention: Janet Kelley**
3. **Counsel to the Debtors**  
**Skadden, Arps, Slate, Meagher & Flom**  
**333 Wacker Drive, Suite 2100**  
**Chicago, Illinois 60606**  
**Attention: John W. Butler, Jr.**
4. **The Office of the United States Trustee**  
**227 West Monroe Street, Suite 3350**  
**Chicago, Illinois 60606**  
**Attention: Kathryn Gleason**
5. **Debtors Postpetition Lenders**  
**Morgan Lewis & Bockins**  
**101 Park Avenue**  
**New York, New York 10178**  
**Attention: Robert H. Scheibe**
6. **Debtors' Prepetition Lenders**  
**Simpson, Thatcher & Bartlett**  
**425 Lexington Avenue**  
**New York, New York 10017**  
**Attention: Peter V. Pantaleo**
7. **Deborah E. Bjers, Esq.**  
**O'Hagan Smith & Amundsen, LLC.**  
**150 North Michigan Avenue**  
**Suite 3300**  
**Chicago, Illinois 60601**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

RECEIVED  
UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
MAR 13 2002  
KENNETH S. GARDNER, CLERK  
PUBLIC SERVICE COUNTER

IN RE:

K-MART CORPORATION

AGNES CONNELLY,

Petitioner,

vs.

K-MART CORPORATION,

Respondent.

Docket No. 02 B 02474

**NOTICE OF MOTION**

TO: See Attached Service List

On March 20, 2002, at 11:00 a.m. or as soon thereafter as counsel may be heard, I shall appear before the *Honorable Chief Judge Susan Pierson Sonderby* or any judge sitting in her stead, *Courtroom 1725, at 219 South Dearborn Street, Chicago, Illinois* shall then and there present the attached **MOTION FOR RELIEF FROM AUTOMATIC STAY AND FOR ABSTENTION.**

Name: Faklis & Tallis  
Address: 221 North LaSalle Street - Suite 2800  
Telephone: (312) 368-0550

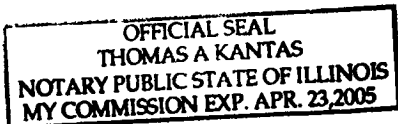
Attorney for: Agnes Connelly  
City: Chicago, Illinois 60601  
Firm Number: 27641

**PROOF OF SERVICE BY MAIL**

I, the undersigned, a non-attorney, on oath state I served this notice by mailing a copy to the above-mentioned at their respective addresses and depositing the same in the U.S. Mail at 221 North LaSalle Street, Chicago, Illinois 60603 at 5:00 p.m. on March 13, 2002, with proper postage prepaid.

Subscribed and Sworn to before me  
this 13 day of March, 2002.

NOTARY PUBLIC



Firm Number: 27641

TAK/nb

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

00-634  
**RECEIVED**  
UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
MAR 13 2002  
KENNETH S. GARDNER, CLERK  
PUBLIC SERVICE COUNTER

IN RE:

K-MART CORPORATION

AGNES CONNELLY,

Petitioner,

vs.

K-MART CORPORATION

Respondent.

Docket No. 02 B 02474

MOTION FOR RELIEF FROM AUTOMATIC STAY AND FOR ABSTENTION

Now comes the Petitioner, AGNES CONNELLY, by and through her attorneys, FAKLIS & TALLIS, and moves this Court to modify the bankruptcy stay regarding her claim and enter an Order abstaining from hearing the personal injury action of Agnes Connelly to allow the Petitioner to litigate to final judgment her personal injury claim in the Circuit Court of Cook County and to liquidate her claim against the Debtor. In support of her motion, Petitioner states as follows:

1. This motion is brought pursuant to 28 U.S.C. §157 (b)(5), 28 U.S.C. §1334 (c)(2) and 11 U.S.C. §362(d).
2. On January 22, 2002, K-MART CORPORATION, the above named debtor, filed a voluntary petition under Chapter 11 of the Bankruptcy code. See Exhibit A Attached.
3. That on March 30, 2001, Agnes Connelly filed a lawsuit against Debtor K-MART

CORPORATION, in the Circuit Court of Cook County, Illinois, (00 M4 390) to recover damages for injuries allegedly sustained by Agnes Connelly on or about October 11, 2000 on the premises of the Debtor, K-MART CORPORATION. See Exhibit B Attached.

4. In Case No. 00 M4 390, discovery has been substantially completed, with the deposition of one employee of the Debtor and the deposition of the Petitioner's treating physician remaining. This case has also been arbitrated with the Debtor rejecting the award of \$25,000.00 made by the arbitration panel. See Exhibit C Attached. The litigation was scheduled for the court to set a trial date on February 28, 2002.

5. That the Debtor, in Answers to Interrogatories in the Cook County matter (Case No. 00 M4 390) has indicated that it is self-insured. See Exhibit D Attached.

6. Pursuant to 28 U.S.C. § 157 (b)(5) the reference to this court does not include liquidation of the personal injury claim of the Petitioner, and therefore this court does not have jurisdiction to liquidate the personal injury claim of the Petitioner. In addition, the proper forum to litigate this claim is in the state court where the action is presently pending. Pursuant to 28 U.S.C. §1334, this Court should abstain from hearing this proceeding.

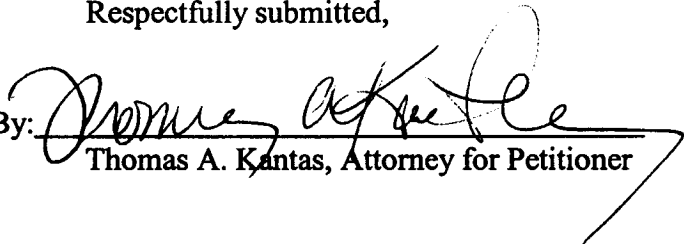
7. The Petitioner also seeks relief from the automatic stay pursuant to 11 U.S.C. § 362(d), only to allow her to liquidate her personal injury claim against Debtor in the state court action by pursuing her claim to judgment. The Petitioner does not seek to execute against Debtor or its assets until further order of Court.

8. In light of the limitations on this court's jurisdiction and reference, the likelihood of speedy resolution in the state court, and the lack of bankruptcy issues involved in this case, efficiency, economy, and respect for state law all indicate that the proper forum to litigate these related claims is in state court where the action is presently pending.

WHEREFORE, the Petitioner, Agnes Connelly requests that this Honorable court:

- (1) Modify the bankruptcy stay regarding her claim and enter an Order abstaining from hearing the personal injury action of Agnes Connelly;
- (2) Order the litigation in the Circuit Court of Cook County to proceed;
- (3) That to the extent applicable, this court modify the automatic stay so as to permit the Petitioner to litigate to final judgment her personal injury claim in the Circuit Court of Cook County and to liquidate her claim against the Debtor.
- (4) That this court grant such other and further relief as may be just and proper.

Respectfully submitted,

By:   
Thomas A. Kantas, Attorney for Petitioner

FAKLIS & TALLIS  
221 North LaSalle Street  
28<sup>th</sup> Floor  
Chicago, Illinois 60601  
(312) 368-0550  
Firm I.D. Number: 27641

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
MUNICIPAL DEPARTMENT, FOURTH DISTRICT

AGNES CONNELLY,

Plaintiff,

vs.

K-MART CORPORATION, a corporation,

Defendant.

No. 01 M4 390

TO: FAKLIS & TALLIS  
221 N. LaSalle Street  
28<sup>th</sup> Floor  
Chicago, IL 60603

**NOTICE OF BANKRUPTCY FILING AND AUTOMATIC STAY**

Please take notice that Tuesday, January 22, 2002, Defendant Kmart Corporation filed for bankruptcy protection in the United States Bankruptcy Court for the Northern District of Illinois, the Honorable Susan Pierson Sonderby presiding. The matter was assigned Case No. 02-02474.

Respectfully Submitted,  
O'Hagan, Smith & Amundsen, L.L.C.

By:

Deborah E. Bjers  
Attorney for Kmart Corporation

O'Hagan, Smith & Amundsen, L.L.C.  
150 North Michigan Avenue, Suite 3300  
Chicago, IL 60601  
(312) 894-3200  
Fax: (312) 894-3210  
Firm No. 35445

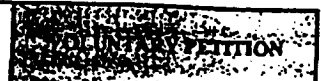
02 B 02474 ✓



# VOLUNTARY PETITION

United States Bankruptcy Court

Northern District of Illinois



Name of Debtor (if individual, enter Last, First, Middle): <b>KMART CORPORATION</b>	Name of Joint Debtor (Spouse) (Last, First, Middle): 
All Other Names used by Debtor in the last 6 years (include married, maiden, and trade names):	All Other Names used by Joint Debtor in the last 6 years (include married, maiden, and trade names):
Soc. Sec./Tax I.D. No. (if more than one, state all): <b>38-0729500</b>	Soc. Sec./Tax I.D. No. (if more than one, state all):
Street Address of Debtor (No. & Street, City, State & Zip Code): <b>3100 West Big Beaver Road Troy, MI 48064</b>	Street Address of Debtor (No. & Street, City, State & Zip Code):
County of Residence or of the Principal Place of Business: <b>Oakland</b>	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):
Location of Principal Assets of Business Debtor (if different from addresses listed above):	

## INFORMATION REGARDING DEBTOR (Check the Applicable Boxes)

Venue (Check any applicable box)

☐ Debtor has been domiciled or has had a residence, principal place of business or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.

☒ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

<b>Type of Debtor (Check all boxes that apply)</b> <input type="checkbox"/> Individual <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other	<b>Chapter or Section of Bankruptcy Code Under Which the Petition Is Filed (Check one box)</b> <input type="checkbox"/> Chapter 7 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Sec. 304-Case ancillary to foreign proceeding
<b>Nature of Debts (Check one box)</b> <input type="checkbox"/> Consumer/Non-Business <input checked="" type="checkbox"/> Business	<b>Filing Fee (Check one box)</b> <input checked="" type="checkbox"/> Full Filing Fee attached. <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.
<b>Chapter 11 Small Business (Check all boxes that apply)</b> <input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101. <input type="checkbox"/> Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e). (optional)	

### Statistical/Administrative Information (Estimates only)

- ☒ Debtor estimates that funds will be available for distribution to unsecured creditors.
- ☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

Estimated Number of Creditors						
1-15	16-49	50-99	100-199	200-999	1,000-over	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Estimated Assets						
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Estimated Debts						
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



THIS SPACE IS FOR COURT USE ONLY

U.S. Bankruptcy Court  
Northern District of Illinois  
RECEIVED: 01/22/02  
Time: 8:02 a.m.  
Debtor: KMART CORPORATION  
Case #: 02-82474  
Chapter 11 ReCh 324688  
Judge Susan Pierson Sonderby



1:02BK02474-BK001



<b>VOLUNTARY PETITION</b> <small>(This page must be completed and filed in every case)</small>		Name of Debtor(s): <b>KMART CORPORATION</b>		<small>Form B1, Page 2</small>
<b>Pending Bankruptcy Case Filed by Any Spouse, Partner, or Affiliate of this Debtor (if more than one, attach additional sheet.)</b>				
Name of Debtor: <b>See Annex A</b>		Case Number:		Date Filed:
District:		Relationship:		Judge:
<b>SIGNATURES OF DEBTOR(S)</b>				
<b>Signature(s) of Debtor(s) (Individual/Joint)</b>  I declare under penalty of perjury that the information provided in this petition is true and correct. (If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7) I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.		<b>Signature of Debtor (Corporation/Partnership)</b>  I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.  The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.   Signature of Authorized Individual <u>Charles C. Conway</u> Name of Authorized Individual <u>Chief Executive Officer</u> Title of Authorized Individual <u>January 22, 2002</u> Date		
Signature of Debtor  X Signature of Joint Debtor		<b>Signature of Non-Attorney Petition Preparer</b>  I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.		
Telephone Number (if not represented by attorney)		Printed Name of Bankruptcy Petition Preparer		
Date		Social Security Number		
<b>Signature of Attorney</b>  Signature of Attorney for Debtor(s) <u>John Wm. Butler, Jr.</u> Printed Name of Attorney for Debtor(s) <u>Skadden, Arps, Slate, Meagher &amp; Flom (Illinois)</u> Firm Name <u>333 W. Wacker Drive, Chicago, IL 60606</u> Address <u>(312) 407-0700</u> Telephone Number <u>January 22, 2002</u> Date		Address		
<b>EXHIBIT A</b> (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11) ■ Exhibit A is attached and made a part of this petition.		Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:		
<b>EXHIBIT B</b> (To be completed if debtor is an individual whose debts are primarily consumer debts) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that (he or she) may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.		If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.		
X Signature of Attorney for Debtor(s)		Signature of Bankruptcy Petition Preparer		
Date		Date		
A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. § 110; 18 U.S.C. § 156.				

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
MUNICIPAL DEPARTMENT, FOURTH DISTRICT**AGNES CONNELLY,**

Plaintiff,

vs.

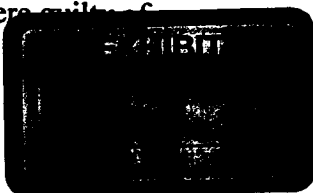
**K-MART CORPORATION, a corporation,**

Defendant.

RETURN DATE: 3-30-01Case No. 01M4-390Amount Claimed: \$30,000.00COMPLAINT AT LAW

Now comes the Plaintiff, **AGNES CONNELLY**, by and through her attorneys, **FAKLIS & TALLIS**, and complaining of the Defendant, **K-MART CORPORATION**, a corporation, alleges as follows:

1. That on and prior to October 11, 2000, the Defendant, **K-MART CORPORATION**, a corporation, owned, operated, managed, maintained and controlled a store located at 4924 Super K Center, 800 Broadview Village Square, Broadview, County of Cook and State of Illinois.
2. That October 11, 2000, the Plaintiff, **AGNES CONNELLY**, was a business invitee on the premises of the Defendant, **K-MART CORPORATION**, a corporation, for the purpose of shopping.
3. That at October 11, 2001, the Plaintiff, **AGNES CONNELLY**, while shopping in the cosmetics aisle by the candy and flashlights display was struck by stock which had fell from the display.
4. That on October 11, 2001, the Defendant, **K-MART CORPORATION**, a corporation, was then and there guilty of the following careless and negligent acts or omissions:



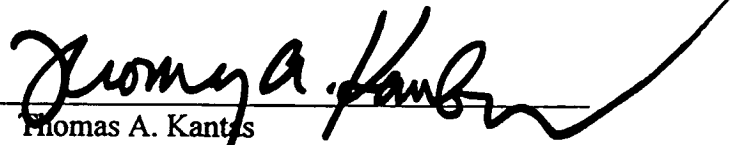
- (a) Improperly operated, managed, maintained and controlled the aforesaid premises, so that as a direct and proximate result thereof, the Plaintiff was injured.
- (b) Failed to make a reasonable inspection of the aforesaid premises and said display (stock), when the Defendant knew, or should have known, that said inspection was necessary to prevent injury to the Plaintiff.
- (c) Failed to warn the Plaintiff of the dangerous condition of said display (stock), when the Defendant knew, or in the exercise of ordinary care should have known, that said warning was necessary to prevent injury to the Plaintiff.
- (d) Failed to properly arrange and/or construct a display/stock in a manner which would prevent same from falling into the Plaintiff.

5. That as a direct and proximate result of one or more of the aforementioned negligent acts or omissions of the Defendant, **K-MART CORPORATION**, a corporation, the Plaintiff, **AGNES CONNELLY**, sustained injury, had been and will be kept from attending to her ordinary affairs and duties, has been caused pain and suffering and has become liable for monies for medical, hospital care and treatment.

**WHEREFORE**, Plaintiff, **AGNES CONNELLY**, prays for judgment against the Defendant, **K-MART CORPORATION**, in the amount of **THIRTY THOUSAND DOLLARS (\$30,000.00)**.

Respectfully submitted,

By:

  
Thomas A. Kantas  
Attorney for Plaintiff

Thomas A. Kantas  
FAKLIS & TALLIS  
221 North LaSalle Street  
28th Floor  
Chicago, Illinois 60601  
(312) 368-0550

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
MUNICIPAL DEPARTMENT, FOURTH DISTRICT

AGNES CONNELLY,

Plaintiff,

vs.

K-MART CORPORATION, a corporation,

Defendant.

No. 01 M4 390

FILED-12  
01 NOV 15 AM 10:58  
CLERK OF THE CIRCUIT COURT  
CIVIL DIVISION  
DOROTHY BROWN  
CLERK

NOTICE OF REJECTION OF AWARD

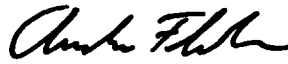
TO: Dorothy Brown, Clerk of the Circuit Court of Cook County  
Richard J. Daley Center, Room 601, Chicago, Illinois 60602

Faklis & Tallis, 221 North LaSalle Street, 28<sup>th</sup> Floor, Chicago, Illinois 60603

NOTICE is hereby given that Defendant, KMART CORPORATION, rejects the award of the arbitrators, entered in this cause on November 6, 2001, and hereby requests a trial of this action.

O'HAGAN, SMITH & AMUNDSEN, L.L.C.

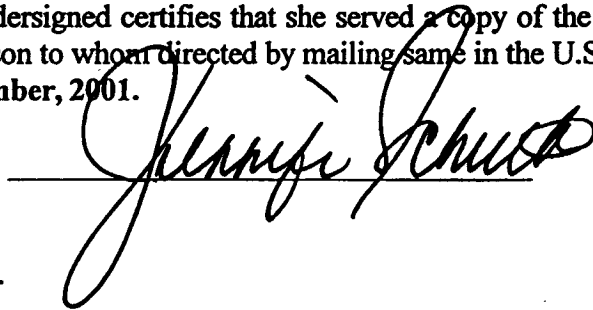
BY:



Andrew T. Fleishman, Attorney for Defendant

AFFIDAVIT OF SERVICE

Under penalties of perjury, as provided by law pursuant to Section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109), the undersigned certifies that she served a copy of the above Notice of Rejection of Award upon each person to whom directed by mailing same in the U.S. Mail at Chicago, Illinois, on the 15<sup>th</sup> day of November, 2001.



O'HAGAN, SMITH & AMUNDSEN, L.L.C.  
150 N. Michigan Avenue, Suite 3300  
Chicago, Illinois 60601  
(312) 894-3200



IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
FOURTH MUNICIPAL DISTRICT - MANDATORY ARBITRATION

CONNOLLY, AGNES

KMART CORPORATION

01 M4 0390

AWARD OF ARBITRATORS

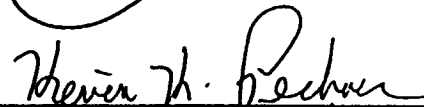
We the undersigned arbitrators, having been duly appointed and sworn (or affirmed), make the following award:


Award for Plaintiff, Agnes Connolly against  
Defendant Kmart Corporation for \$25,000.00


PLEASE LIST ALL PARTIES NOT  
PRESENT

\*\* If a party is represented by counsel,  
he/she is deemed present.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

  
Chairperson

  
Arbitrator

  
Arbitrator

This arbitration began at 1:30 PM  
and ended at 2:30 PM on  
TUESDAY, NOVEMBER 6, 2001

Dissent:

19245 PLACED ON "JUDGMENT ON AWARD" OR "ASSIGNMENT" CALL ON 12-18-01 AT 9:30 AM IN  
COURTROOM 112 OF THE MAYWOOD COURTHOUSE, 1500 MAYBROOK DRIVE, MAYWOOD, ILLINOIS.  
DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
MUNICIPAL DEPARTMENT, FOURTH DISTRICT**

AGNES CONNELLY,

Plaintiff,

vs.

K-MART CORPORATION, a corporation,

Defendant.

No. 01 M4 390

**ANSWERS TO INTERROGATORIES**

NOW comes the Defendant, KMART CORPORATION, by and through its attorneys, O'HAGAN, SMITH & AMUNDSEN, L.L.C., and for its Answers to the Interrogatories propounded by the Plaintiff, states as follows:

1. State the full name of the defendant answering, and if different, give the full name and full address of the individual signing these answers.

**ANSWER:** Brian Schular, Manager of the Broadview Kmart store.

2. State the full name and present or last known address of each person who witnessed or claims to have witnessed the occurrence alleged in the complaint at law.


**ANSWER:** Bernie Staggers, Kmart associate and former Associate, Michael McCarthy, last known address, 1833 Harlem Avenue, 2E, Berwyn, Illinois, 60402, DOB: 4/9/75.

3. State the full name and last known address of each person not named in #2 above who was present or claims to have been present at the scene immediately before, at the time of, or immediately after the occurrence.

**ANSWER:** Other than those individuals identified in Interrogatory no. 2, Jaime Fischer, former safety manager of the Broadview Kmart store.

4. Where you named or covered under any policy of liability insurance effect on the date of the occurrence and, if so, state the full name of each such company, the policy number, the effective period, and the maximum, liability limits for each person and for each occurrence.

**ANSWER:** Kmart was self-insured on the day of the occurrence.



5. Were you named or covered by any policy of liability insurance effective on the date of such occurrence in excess of the primary policy identified in #4 above, if so, state the full name of each such excess carrier, the policy number, the effective period and the maximum liability limits for each person and each occurrence.

**ANSWER:** Kmart is self-insured.

6. Do you have any information:

- (a) That plaintiff was, within the five years immediately prior to the occurrence, confined in a hospital and/or clinic, treated by a physician and/or other health professional, or x-rayed for any reason other than personal injury? If so, state each plaintiff so involved, the name and address of each such hospital and/or clinic, physician, technician and/or other health care professional, the approximate date of such confinement or service and state the reason for such confinement or service;
- (b) That plaintiff has suffered any serious personal injury and/or illness prior to the date of the occurrence? If so, state the plaintiff so involved and state when, where and, in general, how he or she was injured and describe, in general, the injuries suffered.
- (c) That plaintiff has suffered any serious personal injury and/or illness since the date of the occurrence? If so, state the plaintiff so involved and state as to each when, where and in general, how he or she was injured and describe, in general, the injuries suffered; and state when he or she was ill and describe in general the illness.
- (d) That plaintiff has ever filed any other suit for his or her own personal injuries? If so, state each plaintiff involved and give the court in which filed, the year filed and the title and docket number of said cases.

**ANSWER:** No information other than what was previously produced by the Plaintiff or the Plaintiff's attorney.

7. Were any photographs, movies and/or videotapes taken of the scene of the occurrence or other physical objects or of the persons involved? If so, state the date or dates on which such photographs, slides or motion pictures were taken, the subjects thereof and who now has custody of them.

**ANSWER:** Please see attached photocopies of Polaroid photographs.

8. Were any plats, surveys or other measurements made of the scene of the occurrence or other physical objects related to the occurrence? If so, state the date or dates on which such plats, surveys or other measurements were made, the subject matter involved and who now has custody of them.

**ANSWER:** None.

9. Do you have statements from any witness other than yourself, or, if a corporation, of anyone other than an officer, director, managing agent or foreman? If so, give the name and address of each such witness, the date of said statement, and state whether such statement was written or oral.

**ANSWER:** Please see attached Kmart Customer Incident Information Sheet apparently completed and signed by Plaintiff, Agnes Connelly; the Kmart Customer Incident Investigation Report completed by Jaime Fischer; and a signed Statement of Witness of Bernie Staggers.

10. List the full names and address of all persons who have knowledge of the facts of said occurrence or of the injuries and damages following therefrom.

**ANSWER:** None other than those identified herein.

11. As a result of said occurrence, were you made a defendant in any criminal or administrative charge? If so, state the name of the court of agency, the case number, the charge or charges placed against you (or amended or reduced charge or charges placed against you) and your plea to the charges made.

**ANSWER:** No.



## **SERVICE LIST**

1. **Kmart Corp.  
c/o Trumbull Services  
P.O. Box 426  
Windsor, Connecticut 06095**
2. **The Debtors at Kmart Corporation  
Kmart Resource Center  
3100 West Big Beaver Road  
Troy, Michigan 48084-3163  
Attention: Janet Kelley**
3. **Counsel to the Debtors  
Skadden, Arps, Slate, Meagher & Flom  
333 Wacker Drive, Suite 2100  
Chicago, Illinois 60606  
Attention: John W. Butler, Jr.**
4. **The Office of the United States Trustee  
227 West Monroe Street, Suite 3350  
Chicago, Illinois 60606  
Attention: Kathryn Gleason**
5. **Debtors Postpetition Lenders  
Morgan Lewis & Bockins  
101 Park Avenue  
New York, New York 10178  
Attention: Robert H. Scheibe**
6. **Debtors' Prepetition Lenders  
Simpson, Thatcher & Bartlett  
425 Lexington Avenue  
New York, New York 10017  
Attention: Peter V. Pantaleo**
7. **Deborah E. Bjes, Esq.  
O'Hagan Smith & Amundsen, LLC.  
150 North Michigan Avenue  
Suite 3300  
Chicago, Illinois 60601**

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7. **Deborah E. Bjers, Esq.**  
**O'Hagan Smith & Amundsen, LLC.**  
**150 North Michigan Avenue**  
**Suite 3300**  
**Chicago, Illinois 60601**

**CERTIFICATION**

Under penalties of perjury, as provided by law pursuant to Section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109), the undersigned certifies that the statements set forth in the foregoing Answers to Interrogatories are true and correct, except as to matters therein stated to be on information and belief and, as to such matters, the undersigned certifies as aforesaid that he/she verily believes the same to be true.

Dated this 20 day of 11, 2001

  
Brian Schular for Kmart

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