

UNITED STATES BANKRUPTCY COURT NORTHERN District of ILLINOIS **PROOF OF CLAIM**

Name of Debtor
Kmart Corporation

Case Number
02B02474

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):
Ruben Lopez

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:
**Ruben Lopez
c/o Segal, Cohen & Landis
315 S. Beverly Drive, Ste.307
Beverly Hills, CA 90212**

Telephone number: **310-553-4191**

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.

This Space is for Court Use Only

Account or other number by which creditor identifies debtor:
Los Angeles Superior Court Case No. TC014742

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

- 1. BASIS FOR CLAIM**
- Goods sold
 - Services performed
 - Money loaned
 - Personal injury/wrongful death
 - Taxes
 - Other _____

Retiree benefits as defined in 11 U.S.C. § 1114 (a)

Wages, salaries, and compensations (fill out below)

Your SS #: _____

Unpaid compensation for services performed from _____ to _____ (date) (date)

2. Date debt was incurred:
July 17, 2001

3. If court judgment, date obtained:

4. Total Amount of Claim at Time Case Filed: **\$ 1,800,000.00 (estimated)**

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

Check this box if your claim is secured by collateral (including a right of setoff). _____

Brief Description of Collateral:

Real Estate Motor Vehicle

Other _____

Value of Collateral: \$ _____

Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ _____

6. Unsecured Priority Claim.

Check this box if you have an unsecured priority claim

Amount entitled to priority \$ _____

Specify the priority of the claim.

Wages, salaries, or commissions (up to \$4300)* 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)

Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4)

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).

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.

7. CREDITS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

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.

9. 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.

This Space is for Court Use Only

KP 683

3/18/02

Date
3-8-02

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):
Gregory P. Segal, counsel to creditor

EXHIBIT 1

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state number, and address):
 GREGORY P. SEGAL, ESQ. SBN 160949
 SEGAL, COHEN & LANDIS
 315 South Beverly Drive, Ste. 307
 Beverly Hills, CA 90212
 TELEPHONE NO.: 310-553-4191 FAX NO. (Optional): 310-553-4197
 E-MAIL ADDRESS (Optional):
 ATTORNEY FOR (Name): Plaintiff Ruben Lopez

NAME OF COURT: Los Angeles Superior Court
 STREET ADDRESS: 200 West Compton Blvd.
 MAILING ADDRESS:
 CITY AND ZIP CODE: Compton, CA 90220
 BRANCH NAME: South Central

PLAINTIFF: Ruben Lopez
 DEFENDANT: K Mart Super Center


DOES 1 TO 50

COMPLAINT-Personal Injury, Property Damage, Wrongful Death
 AMENDED (Number):
 Type (check all that apply):
 MOTOR VEHICLE OTHER (specify): Premises Liability
 Property Damage Wrongful Death
 Personal Injury Other Damages (specify):

Jurisdiction (check all that apply):
 ACTION IS A LIMITED CIVIL CASE
 Amount demanded does not exceed \$10,000
 exceeds \$10,000, but does not exceed \$25,000
 ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)
 ACTION IS RECLASSIFIED by this amended complaint
 from limited to unlimited
 from unlimited to limited

FOR COURT USE ONLY

ORIGINAL FILED
 NOV 21 2001
 LOS ANGELES SUPERIOR COURT

CASE NUMBER:

 TC 014742

1. PLAINTIFF (name): Ruben Lopez

alleges causes of action against DEFENDANT (name): K Mart Super Center

2. This pleading, including attachments and exhibits, consists of the following number of pages: 3

3. Each plaintiff named above is a competent adult

- a. except plaintiff (name):
- (1) a corporation qualified to do business in California
 - (2) an unincorporated entity (describe):
 - (3) a public entity (describe):
 - (4) a minor an adult
 - (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) other (specify):
 - (5) other (specify):
- b. except plaintiff (name):
- (1) a corporation qualified to do business in California
 - (2) an unincorporated entity (describe):
 - (3) a public entity (describe):
 - (4) a minor an adult
 - (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) other (specify):
 - (5) other (specify):

Information about additional plaintiffs who are not competent adults is shown in Complaint-Attachment 3.

(Continued on reverse)

Lopez v. K Mart Super Center

4. Plaintiff (name) :
is doing business under the fictitious name (specify) :

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

- a. **except defendant (name) :**
K Mart Super Center
- (1) a business organization, form unknown
 - (2) a corporation
 - (3) an unincorporated entity (describe) :
 - (4) a public entity (describe) :
 - (5) other (specify) :

- c. **except defendant (name) :**
- (1) a business organization, form unknown
 - (2) a corporation
 - (3) an unincorporated entity (describe) :
 - (4) a public entity (describe) :
 - (5) other (specify) :

- b. **except defendant (name) :**
- (1) a business organization, form unknown
 - (2) a corporation
 - (3) an unincorporated entity (describe) :
 - (4) a public entity (describe) :
 - (5) other (specify) :

- d. **except defendant (name) :**
- (1) a business organization, form unknown
 - (2) a corporation
 - (3) an unincorporated entity (describe) :
 - (4) a public entity (describe) :
 - (5) other (specify) :

Information about additional defendants who are not natural persons is contained in Complaint-Attachment 5.

6. The true names and capacities of defendants sued as Does are unknown to plaintiff.

7. Defendants who are joined pursuant to Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

- a. at least one defendant now resides in its jurisdictional area.
- b. the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c. injury to person or damage to personal property occurred in its jurisdictional area.
- d. other (specify):

9. Plaintiff is required to comply with a claims statute, and

- a. plaintiff has complied with applicable claims statutes, or
- b. plaintiff is excused from complying because (specify):

(Continued on page three)

SHORT TITLE:

Lopez v. K Mart Super Center

ASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached) :

- a. Motor Vehicle
- b. General Negligence
- c. Intentional Tort
- d. Products Liability
- e. Premises Liability
- f. Other (specify) :

11. Plaintiff has suffered

- a. wage loss
- b. loss of use of property
- c. hospital and medical expenses
- d. general damage
- e. property damage
- f. loss of earning capacity
- g. other damage (specify) :
pain and suffering; emotional distress

12. The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. listed in Complaint-Attachment 12.
- b. as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. PLAINTIFF PRAYS for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

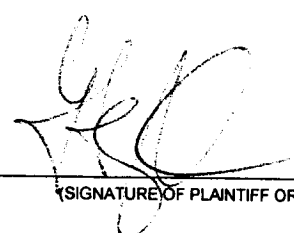
- a. compensatory damages
 - (1) (unlimited civil cases) according to proof.
 - (2) (limited civil cases) in the amount of: \$
- b. other (specify) :
pain and suffering; emotional distress

15. The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers) :

Date: 11-20-01

Gregory P. Segal

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE:

Lopez v. K Mart Super Center

CASE NUMBER:

1
(number)

CAUSE OF ACTION- Premises Liability

Page 4

ATTACHMENT TO Complaint Cross-Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): Ruben Lopez

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): July 17, 2001

plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

Plaintiff was walking normally and without distraction through an aisle toward the front of Defendants' store located at, 500 Carson Town Center, Carson, California 90745 wherein Defendants failed to maintain the floor in a safe condition. Unbeknownst to Plaintiff clear liquid soap was on the floor causing Plaintiff to slip and fall. The defect resulted in injuries to Plaintiff which defect on the premises Defendants had knowledge and notice.

Prem.L-2. **Count One-Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):
K Mart Super Center

Does 1 to 50

Prem.L-3. **Count Two-Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names): K Mart Super Center

Does 1 to 50
Plaintiff, a recreational user, was an invited guest a paying guest.

Prem.L-4. **Count Three-Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names):

Does _____ to _____

- a. The defendant public entity had actual constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.
- b. The condition was created by employees of the defendant public entity.

Prem.L-5. a. **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

Does 1 to 50

- b. The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are described in attachment Prem.L-5.b as follows (names):