

*FILE ORIGINAL FOR CHAPTERS 7 and 11, IN DUPLICATE FOR CHAPTER 13, FOR DATE-STAMPED COPY, SEE #9 BELOW

United States Bankruptcy Court		CH 7 CH 13 X CH 11 PLEASE CHECK CHAPTER
Northern District of Illinois, Eastern Division		PROOF OF CLAIM
Name of Debtor <div style="text-align: center;">K MART CORPORATION</div>		Case Number <div style="text-align: center;">02-B-02474</div>
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		File Claim Form With: United States Bankruptcy Court P.O. Box A3613 Chicago, Illinois 60690-3612 Creditor # _____ THIS SPACE IS FOR COURT USE ONLY
Name of Creditor (The person or other entity to whom the debtor owes money or property) <div style="text-align: center;">Roberta Richard</div>	<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 Mary Anne Gerstner Aub A. Ward 53 W. Jackson Blvd. 8034 Jefferson Highway #1538 Baton Rouge, LA 70809 Chicago, IL 60604 Telephone No. 312/435-0040 225/927-1907		
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: _____
1. BASIS FOR CLAIM <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Wages, salaries, and compensation (Fill out below) <input type="checkbox"/> Money loaned <input checked="" type="checkbox"/> Personal injury/wrongful death Your social security number _____ <input type="checkbox"/> Taxes <input type="checkbox"/> Other _____ Unpaid compensation for services performed <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) from _____ (date) to _____ (date)		
2. DATE DEBT WAS INCURRED:		3. IF COURT JUDGMENT, DATE OBTAINED:
4. Total Amount of Claim at Time Case Filed: <u>\$ 1,000,000-\$1,500,000 plus interest and court costs.</u> If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below. <input checked="" 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>Richard claims interest and court costs.</u>		
5. Secured claim <input type="checkbox"/> Check this box if 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: \$ _____		6. Unsecured Priority Claim <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 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 purchases, 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>
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: <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" See attached documents.		
9. DATE-STAMPED COPY: To receive an acknowledgement of the filing of your claim, enclose a stamped, self-addressed envelope and an additional copy of this proof of claim.		
Date: <div style="text-align: center;">3/4/02</div>	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) <div style="text-align: center;"> <u>Aub A. Ward</u> <u>Aub A. Ward</u> <u>Roberta Richard</u> <i>attorney for</i> </div>	
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.		THIS SPACE IS FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold;">FILED</div> UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS <div style="font-size: 1.2em; font-weight: bold;">MAR 11 2002</div>

ROBERTA P. RICHARD

VERSUS

K-MART CORPORATION

* 16TH JUDICIAL DISTRICT COURT
*
* DOCKET NO. _____
*
* IBERIA PARISH, LOUISIANA
*

PETITION FOR DAMAGES

COMES NOW, Roberta P. Richard, a person of the full age of majority, a resident domiciliary of Iberia Parish, Louisiana, who respectfully represents:

1.

Made Defendants herein are:

- A. K-Mart Corporation, a foreign corporation authorized to do and doing business in the State of Louisiana; and
- B. Joyce Hill, a person of the full age of majority, a resident domiciliary of the Parish of Iberia, Louisiana, an employee and the store manager of K-Mart Corporation's store located at 900 East Admiral Doyle Drive, New Iberia, Louisiana.

2.

Defendants are liable in damages unto plaintiff for the following reasons:

3.

On or about December 30, 1999, Petitioner, Roberta P. Richard, and her daughter, Angel Melancon, were customers of K-Mart Corporation, at the K-Mart store located at 900 East Admiral Doyle Drive, New Iberia, Louisiana. to shop for various items.

4.

Upon entering the K-Mart store, Ms. Richard and her daughter walked to the aisle of the store where the roller blades were displayed. The roller blades were displayed on shelves on one side of the aisle and a three- tier bicycle rack with the bicycles positioned on and/or attached by a bracket on the other side of the same aisle.

5.

As Roberta P. Richard was standing facing the shelves, displaying the roller blades and with her back to the three-tier bicycle rack, without any warning and/or notice, one of the bicycles located on the second tier of the three-tier rack suddenly fell onto Ms. Richard, striking her in the head, neck and shoulders.

6.

The fall of the bicycle and impact on Ms. Richard was so great and of such sufficient force to knock Ms. Richard to the floor of the store and caused her to lose consciousness.

7.

Upon regaining consciousness, Ms. Richard had immediate pain in her head and neck area, as well as the immediate onset of severe nausea.

8.

The incident was immediately reported to K-Mart store employees; however, no one employed by K-Mart Corporation called medical personnel to the scene or otherwise assisted Ms. Richard in any manner.

9.

The K-Mart store and the contents thereof included the bicycles, the three-tier bicycle rack were at all times relevant hereto owned, leased and/or operated by K-Mart Corporation and were under the care, custody and control of K-Mart Corporation.

10.

The aforementioned accident was caused by the fault and negligence of K-Mart Corporation and/or the fault or negligence of the store manager, Joyce Hill, and/or presently unidentified K-Mart Corporation's employees in the following non-exclusive particulars:

- A. In failing to properly and safely displaying store merchandise and particularly, the bicycle which fell on Ms. Richard
- B. In failing to properly and timely inspect and/or examine the bicycles and/or rack, as displayed;
- C. Displaying bicycles in such a manner which was unsafe for customers;
- D. Failing to properly secure the bicycle to the display rack;
- E. Failure to properly train its employees in the proper manner and procedure to display and secure bicycles to the display rack;
- F. In failing to warn customers, including Ms. Richard of the dangerous condition of the display rack;
- G. In failing to exercise reasonable and prudent care under the circumstances then existent;
- H. In failing to do what it should have done, to see what should have been seen and to have acted as a reasonable and prudent retailer/merchant.
- I. Other acts and/or omissions to be proven at the trial of this matter.

11.

Neither Roberta P. Richard nor anyone for whom Roberta P. Richard was responsible caused or contributed to the accident at issue.

12.

At all times pertinent to the date of the accident at issue, plaintiff was gainfully employed. As a direct result of said accident and particularly the pain experienced, plaintiff had to presently cease working and on information and belief, is temporarily, if not permanently, disabled from her employment.

13.

As a direct and proximate result of the above described accident, Petitioner, Roberta P. Richard, sustained damages itemized as:

- A. Loss of earnings;
- B. Past, present and future lost and/or diminished economic earning capacity;
- C. Past, present and future physical and mental pain and suffering;
- D. Lost and/or diminished enjoyment of life
- E. Past, present and future physical disability
- F. Further, plaintiff has been caused to seek medical care and treatment and incur medical expenses, past, present and future;

for which plaintiff is entitled as damages which may be reasonable in the premises.

14.

Plaintiff is entitled to and requests trial by jury.

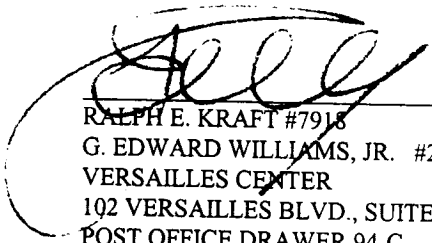
WHEREFORE, premises considered, Roberta P. Richard prays that K-Mart Corporation and Joyce Hill, be duly cited, served and ordered to appear and answer this Petition, and that after due proceedings had, there be judgment in favor of Petitioner, Roberta P. Richard, and against Defendants, K-Mart Corporation and Joyce Hill, in solido, and in an amount which may be reasonable in the premises as determined by the trier of fact, together with legal interest thereon from date of judicial demand until paid, and for all costs of these proceedings, and for all other full, general and equitable relief, which the justice of this cause may require and permit.

FURTHER, petitioner Roberta Richard prays for a trial by jury.

AND FOR ALL GENERAL AND EQUITABLE RELIEF, ETC.

Respectfully submitted:

PREIS, KRAFT & ROY



RALPH E. KRAFT #7918
G. EDWARD WILLIAMS, JR. #23975
VERSAILLES CENTER
102 VERSAILLES BLVD., SUITE 400
POST OFFICE DRAWER 94-C
LAFAYETTE, LOUISIANA 70509
(318) 237-6062
Attorneys for Roberta P. Richard

PLEASE SERVE:

K-MART CORPORATION
Through its Registered Agent for Service
CT Corporation System
8550 United Plaza Boulevard
Baton Rouge, Louisiana 70809

JOYCE HILL
K-Mart Store
900 East Admiral Doyle Drive
New Iberia, Louisiana 70560