

United States Bankruptcy Court

For the Northern District of Illinois

In re

K-mart Corporation
Debtor* taxed 38-0729500

Case No. 02B02474
Chapter 11 Rec # 324660
Judge Susan Pearson Sonderby

PROOF OF CLAIM

- [If claimant is an individual claiming for himself] The undersigned, who is the claimant herein, resides at** 1721 45th Street, Pennsauken, New Jersey 08110
[If claimant is a partnership claiming through a member] The undersigned, who resides at**

is a member of
composed of the undersigned and
of**
doing business at**

, a partnership,

and is authorized to make this proof of claim on behalf of the partnership.

[If claimant is a corporation claiming through an authorized officer] The undersigned, who resides at**

is the
a corporation organized under the laws of
and doing business at**

of

and is authorized to make this proof of claim on behalf of the corporation.

[If claim is made by agent] The undersigned, who resides at**

of**
authorized to make this proof of claim on behalf of the claimant.

, is the agent of

RECEIVED
TRUMBULL SERVICES
COMPANY
2002 MAR 27 PM 3:20
BANKRUPTCY
3-27-02
864 SM, and is

- The debtor was, at the time of the filing of the petition initiating this case, and still is indebted [or liable] to this claimant, in the sum of \$
- The consideration for this debt [or ground of liability] is as follows:

[If filed in a chapter 7 or 13 case] This claim consists of \$ 309,344.00 in principal amount and \$ 33% of principal in addition charges [or no additional charges]. [Itemize all charges in addition to principal amount of debt, state basis for inclusion and computation, and set forth any other consideration relevant to the legality of the charge.]

as attorney's fees plus costs and expenses of proceedings

- [If the claim is founded on a writing] The writing on which this claim is founded (or a duplicate thereof) is attached hereto [or cannot be attached for the reason set forth in the statement attached hereto].
- [If appropriate] This claim is founded on an open account, which became [or will become] due on

, as shown by the itemized statement attached hereto.

Unless it is attached hereto or its absence is explained in an attached statement, no note or other negotiable instrument has been received for the account or any part of it.

- No judgment has been rendered on the claim except
- The amount of all payments of this claim has been credited and deducted for the purpose of making this proof of claim.
- This claim is not subject to any setoff or counter-claim except
- No security interest is held for this claim except

[If security interest in the property of the debtor is claimed] The undersigned claims the security interest under the writing referred to in paragraph 4 hereof [or under a separate writing (or a duplicate of which) is attached hereto, or under a separate writing which cannot be attached hereto for the reason set forth in the statement attached hereto]. Evidence of perfection of such security interest is also attached hereto.

10. This claim is a general unsecured claim, except to the extent that the security interest, if any, described in paragraph 9 is sufficient to satisfy the claim. [If priority is claimed, state the amount and basis thereof.]

Claim No. (office use only)	<input type="text"/>	Total Amount Claimed	<input type="text"/>
		\$	<input type="text"/>

Full Name of Creditor: Teresa Vale
Signature Teresa Vale
Date February, 2002

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

TERESA VALE

CIVIL ACTION NO.: 00-2180(JAG)

Plaintiff

DAMAGES

v.

**KMART CORPORATION; KMART
STORE #4732; IHDS TALLAHASSEE**

DEMAND FOR JURY TRIAL

Defendants

MOTION NOTIFYING AUTOMATIC STAY OF PROCEEDINGS

TO THE HONORABLE COURT:

COMES NOW, KMART CORPORATION, through its undersigned attorneys and very respectfully states and prays as follows:

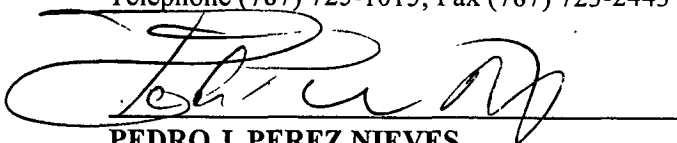
Defendant informs that having filed for bankruptcy in the U.S Bankruptcy Court for the Northern District of Illinois, Case No. 02-02474, all judicial proceedings are automatically stayed in accordance with 11 USC § 362.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY: that a true and exact copy of this document has been sent to **Olga M. Shepard, Esq.**, Carlota Matienso St. #504, San Juan, P.R. 00918-3229.

In San Juan, Puerto Rico this 25 of January, 2002.

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PEDRO J. PEREZ NIEVES
USDC-PR-12830

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

TERESA VALE, Civil Case No. 00-2180 (JAG)
1721 45th Street
Pennsauken, New Jersey 08110

Plaintiff,

Damages

v.

Demand for Jury Trial

K-Mart Corporation
Monte Hiedra Town Center
San Juan, Puerto Rico 00926

K Mart Store #4732
Aguadilla Mall Road #2 Km. 126.5
Aguadilla, Puerto Rico 00605

IHDS Tallahassee
Integrated Health Care Delivery Services
P.O. Box 3697
Tallahassee, Florida 32315

Defendants,

COMPLAINT

BEFORE THE HONORABLE COURT:

Comes now plaintiff, **TERESA VALE**, through the undersigned counsel and respectfully states and prays:

1. This action is of a civil nature involving, exclusive of interest and cost, a sum in excess of \$75,000.00.
2. Every issue of law and fact herein is wholly between citizens of different states pursuant to **28 U.S.C. §1332**

3. This is a case where diversity of jurisdiction enables **Plaintiff, TERESA VALE** to file his complaint before the United States District Court; local laws apply, specifically as to negligence, cause and effect, and statute of limitations established in the **Civil Code of Puerto Rico, Articles 1802 and 1803, 31 L.P.R.A. §5141-5142 and Article 1868, 31 L.P.R.A. §5298.**
4. **Plaintiff, TERESA VALE**, demands a Jury Trial.
5. **Plaintiff, TERESA VALE**, is an individual who is and has been at all times hereafter mentioned, domiciled and citizen of the State of New Jersey at 1721 45th Street, Pennsauken, New Jersey 08110.
6. Defendant **K-Mart Corporation** , is a corporation duly organized and existing under the laws of the Commonwealth of Puerto Rico, having its Administrative Offices at Monte Hiedra Town Center, San Juan, Puerto Rico 00926.
7. At all times herein, co-defendant, **K-Mart Corporation** , owns, holds, possesses, administers, oversees, supervises, controls, manages, runs and/or operates a retail sales business within the jurisdiction of the Commonwealth of Puerto Rico.
8. Defendant, **K-Mart Corporation**, to the best of Plaintiff's knowledge and belief had in effect a valid insurance policy at the time of the events which covers the damages suffered by **Plaintiff, TERESA VALE**.
9. Defendant, **IHDS Tallahassee, Integrated Health Care Delivery Services**, located at Tallahassee, Florida, whose postal address is P.O. Box 3697, Tallahassee, Florida 32315 is the insurer and/or agent, and/or responsible entity for the economic damages claimed in this COMPLAINT and is jointly and

severally responsible with the other defendants to **Plaintiff, TERESA VALE**.

10. At all times material to the present cause of action, the **K-Mart Store #4732**, located at Aguadilla Mall, Road #2 Km. 126.5, herein referred to as the **STORE** belonged to, was rented, leased by, or was under the custody and control of defendant, **K-Mart Corporation**, being both defendants citizens of the Commonwealth of Puerto Rico.
11. At all times material to the present cause of action, defendant, **K-Mart Store #4732**, and was engaged in the accomplishment of retail sales business for the economic benefit of defendant, **K-Mart Corporation**.
12. On Tuesday, July 8th, 1997, while **Plaintiff, TERESA VALE** was in Puerto Rico on vacation, she went to **K-Mart Store #4732** at Aguadilla, Puerto Rico.
13. **Plaintiff, TERESA VALE** suffered an accident inside the **K-Mart Store #4732** when she was entering from the Aguadilla Mall towards the clothing department.
14. **Plaintiff, TERESA VALE** had intended to purchase a music tape and was headed towards the records department.
15. **Plaintiff, TERESA VALE** barely walked a short distance through the clothing department, perhaps 10 to 15 feet into the **K-Mart Store #4732**, and was headed towards the records department when she slipped on some liquid on the floor, which later she noticed was a soda
16. **Plaintiff, TERESA VALE**'s left knee hit the floor and she was injured.
17. **Plaintiff, TERESA VALE** reported the incident to store personnel, a cashier at a

register.

18. **Plaintiff, TERESA VALE** was told there were no security employees available at the moment because they were having lunch.
19. **Plaintiff, TERESA VALE** exited the store, went home and later returned to the store, where in the company of Mr. Osvaldo Acevedo, security personnel was called to take care of her claim. She was authorized to visit the emergency room at Hospital San Carlos, P.O. Box 68, Moca, Puerto Rico, for first aid.
20. On the physical exam, it was noted that **Plaintiff, TERESA VALE** had suffered trauma to her left knee and that she was experiencing pain on palpation of the left knee, which had an edema.
21. Subsequently, **Plaintiff, TERESA VALE** returned home to work in New Jersey at Borden Company as an Assistant Supervisor.
22. **Plaintiff, TERESA VALE**'s work requires that she be standing most of the work day.
23. The accident where **Plaintiff, TERESA VALE** was injured occurred as a consequence of negligent operation and maintenance of **K-Mart Store #4732**, where defendants, jointly and severally negligently and carelessly maintained the premises, cleaned the floor and/or failed to act with due diligence, so that **Plaintiff TERESA VALE** was caused to slip and fall on a wet floor receiving physical and emotional injuries due to the fall.
24. As a direct result of the accident **Plaintiff, TERESA VALE** suffered severe and multiple injuries, some of which are permanent in nature, accompanied by

County, Docket Number L-0392-99 which was dismissed based on forum non
conviens by ORDER dated September 27th, 1999.

39. Subsequent to the judicial action, the statute of limitations which began running on October 1st 1999 was interrupted by extra judicial correspondence with defendants' representatives.
40. These facts, together with the fact that **Plaintiff, TERESA VALE's** right foot and ankle have suffered secondary injuries to the left knee injury have also been considered in the determination of this claim.
41. Defendant's negligent actions have caused **Plaintiff, TERESA VALE**, and will continue to cause her great hardship, pain and suffering.
42. The only way **Plaintiff, TERESA VALE**, can be compensated for the physical and emotional damages suffered by her is by monetary compensation considering all of the facts and circumstances of the case, as follows.
 - A. **Plaintiff, TERESA VALE** has had to receive approximately forty two (42) sessions of therapy, which in economic terms it is estimated as **FORTY TWO THOUSAND DOLLARS (\$42,000.00)**.
 - B. **Plaintiff, TERESA VALE** has had to undergo two surgical interventions with an estimated value each of **SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00)**, each, for a total of **ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00)**.
 - C. The mental anguish, physical suffering and pain, as well as the permanent physical damage suffered by **Plaintiff, TERESA VALE** is estimated in

ONE HUNDRED THOUSAND DOLLARS (\$100,000.00).

D. **Plaintiff, TERESA VALE** has suffered loss of income in the amount of

TWELVE THOUSAND THREE HUNDRED FORTY FOUR

DOLLARS (\$12,344.00).

E. The medical expenses incurred up to the date of filing of this COMPLAINT

have been estimated to the approximate amount of **FIVE THOUSAND**

DOLLARS (\$5,000.00).

43. The total amount claimed in this COMPLAINT is **THREE HUNDRED NINE THOUSAND THREE HUNDRED FORTY FOUR DOLLARS (\$309,344.00).**

Wherefore, **Plaintiff, TERESA VALE**, prays that this Court enter judgment in her favor and impose defendants severally and jointly compensation to Plaintiff in the amount of **THREE HUNDRED NINE THOUSAND THREE HUNDRED FORTY FOUR DOLLARS (\$309,344.00)**, plus costs and attorney's fees based on 33% of the total award granted to **Plaintiff, TERESA VALE**.

Respectfully submitted.

San Juan, Puerto Rico, on September 14, 2000.



Olga M. Shepard, USDCPR 128002
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San Juan, PR.00918-4424
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