

FORM B10 (Official Form 10)

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

PROOF OF CLAIM  
Chapter 11

In Re: Kmart Corporation, et al. Case Number: 02-B02474 through 02-B02498

Your claim is scheduled as follows

Name of Debtor: (see attached for complete list of debtors)  
K-MART CORPORATION

Case Number:  
02-B02474 (SPS)

Class

Name of Creditor (The person or other entity to whom the debtor owes money or property):

- 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.
- 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.

Amount

JANNAN LEE NIKORA-BICK  
33830 HARPER  
CLINTON TWP., MI 48035

If address differs from above, please complete the following:  
Creditor Name: JANNAN LEE NIKORA-BICK  
Address: 19147 ELKHART  
City/St/Zip: HARPER WOODS, MI 48225

Telephone # (313) 372-5939

This Space is for Court Use Only

Account or other number by which creditor identifies debtor

Check here if  replaces  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 compensation (fill out below)  
Your SS # \_\_\_\_\_  
Unpaid compensation for services performed from \_\_\_\_\_ to \_\_\_\_\_ (date) (date)

2. Date debt was incurred: 3/12/1999

3. If court judgment, date obtained:

4. Total Amount of Claim at Time Case Filed: \$ Contingent Tort Claim

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 \$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).
- Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4)
- 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)
- Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7)
- Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8)
- Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(\_\_\_\_\_).

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 Copy of Complaint

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

Date: 3/20/02  
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):  
GEORGE J. PARISH, Attorney for Creditor (586) 415-1234

This Space is for Court Use Only

KP 869  
RECEIVED  
TRUMBULL SERVICES  
COMPANY  
3/28/02  
MAR 28 PH 1:07  
BANKRUPTCY

Original - Court  
1st copy - Defendant  
2nd copy - Plaintiff  
3rd copy - Return

Approved, SCAO

<b>STATE OF MICHIGAN</b> <b>JUDICIAL DISTRICT</b> 16th <b>JUDICIAL CIRCUIT</b>	<b>SUMMONS AND COMPLAINT</b>	<b>CASE NO.</b> 12- 772 NO
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Court address 40 N. Main, Mt. Clemens, MI 48043

Court telephone no.

Plaintiff name(s), address(es), and telephone no(s) JANNAN LEE NIKOPA-BICK 19147 Elkhart Harper Woods, MI 48225
Plaintiff attorney, bar no., address, and telephone no. GEORGE J. PARISH (218653) 33833 Harper Avenue Clinton Twp., MI 48035 (586) 415-1234

Defendant name(s), address(es), and telephone no(s) K-MART - Trustee in bankruptcy
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v

**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued 2-15-02	This summons expires 5-17-02	Court clerk <i>Annella Subaugh</i>
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\*This summons is invalid unless served on or before its expiration date

- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in \_\_\_\_\_ . The docket number and assigned judge are:

Docket no	Judge	Bar no
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The action  remains  is no longer pending.

VENUE	
Plaintiff(s) residence (include city, township, or village) Harper Woods, MI - Wayne County, MI	Defendant(s) residence (include city, township, or village) Bingham Farms, MI - Oakland County, MI
Place where action arose or business conducted St. Clair Shores, MI - Macomb County, MI	

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

Date \_\_\_\_\_ Signature of attorney/plaintiff *George J. Parish* GEORGE J. PARISH

**COMPLAINT IS STATED ON ATTACHED PAGES. EXHIBITS ARE ATTACHED IF REQUIRED BY COURT RULE.**

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

JANNAN LEE NIKORA-BICK,

Plaintiff,

vs.

Case No: 02- 772 -NO

HON:

K-MART, a Foreign Corporation,

Defendant.

GEORGE J. PARISH & ASSOCIATES, P.C.

BY: GEORGE J. PARISH (P18633)

Attorney for Plaintiff

33830 Harper Avenue

Clinton Township, MI 48035

(586) 415-1234

**D. SERVITTO**  
**P-34427 RECEIVED**  
FEB 15 2002  
CARMELLA SABAUGH  
MACOMB COUNTY CLERK

THERE IS NO OTHER CIVIL ACTION BETWEEN THESE PARTIES ARISING OUT OF THE SAME TRANSACTION OR OCCURRENCE AS ALLEGED IN THIS COMPLAINT PENDING IN THIS COURT NOR HAS ANY SUCH ACTION BEEN PREVIOUSLY FILED AND DISMISSED OR TRANSFERRED AFTER HAVING BEEN ASSIGNED TO A JUDGE, NOR DO I KNOW OF ANY OTHER CIVIL ACTION, NOT BETWEEN THESE PARTIES, ARISING OUT OF THE SAME TRANSACTION OR OCCURRENCE AS ALLEGED IN THIS COMPLAINT THAT IS EITHER PENDING OR WAS PREVIOUSLY FILED AND DISMISSED, TRANSFERRED, OR OTHERWISE DISPOSED OF AFTER HAVING BEEN ASSIGNED TO A JUDGE IN THIS COURT

GEORGE J. PARISH (P18633)

COMPLAINT

NOW COMES Plaintiff, JANNAN LEE NIKORA-BICK, by and through her attorney, GEORGE J. PARISH & ASSOCIATES, P.C., by GEORGE J. PARISH, and for her Complaint against Defendant, says as follows:

1. That the Plaintiff, JANNAN LEE NIKORA-BICK, is a resident of the City of Detroit, County of Wayne, State of Michigan.
2. That at all times herein, the Defendant, K-MART, a foreign corporation, which

was duly authorized to conduct business in the State of Michigan and more specifically, in the County of Macomb, same being known as K-MART, store number 4177, located at Nine Mile and Harper in the City of St. Clair Shores, County of Macomb, State of Michigan, with the Corporation Co. being the resident agent located in Bingham Farms, Michigan.

3. That on or about March 12, 1999, at approximately 10:30 AM, Plaintiff was a business invitee of the Defendant, K-MART, for purpose of shopping for various displayed goods, one of which was for picture shopping.

4. That on the above date, while Plaintiff was on Defendant's premises, Plaintiff was walking near the picture section when she unexpectedly encountered a section of improperly stacked pictures which were displayed and which toppled upon Plaintiff's right wrist. That Defendant's employees were present in the area involved, and were employed at their duties and were in the area when the pictures toppled onto Plaintiff's wrist. That said shipment was a new shipment that had just been placed or stacked in the display area. Said stacking was done improperly and over-stacked which toppled on her wrist. That the improper stacking caused the pictures to fall upon Plaintiff causing injury thereto.

5. That at all times mentioned herein, the Defendant, owed a duty of care to Plaintiff to maintain safe premises for its patrons and invitees, but notwithstanding said duties, committed the following negligent acts and omissions:

- A. Negligently, carelessly and recklessly failing to properly remove the improperly stacked pictures from the display area in the isles and walkways on the premises and to notice the dangerous condition thereof;
- B. Negligently allowing the improperly stacked pictures to stand in the display areas thereby creating a hazard which was then and

there known to exist by Defendant having created same.

- C. Negligently failing to keep said display shelves in proper order thereby creating a dangerous condition which constituted negligence on the part of Defendant.
- D. Negligently failing to inspect said display shelves for proper stacking and discover the condition and to keep the shelves clear and free of over-stacked objects that would be a hazard by way of falling off or tipping over from the display areas onto customers in the aisleway.
- E. Negligently failing to give Plaintiff notice of the dangerous condition of the display shelves and to warn said Plaintiff especially when Defendant's employee was present in the area and having failed to properly position the pictures to avoid the collapse of the pictures against Plaintiff's body.
- F. Negligently allowing the pictures to remain on the shelves and improperly stacked, thereby creating a dangerous and unsafe condition and that Defendant knew or should have known of the unsafe condition, or in the alternative should have trained its employees to properly stack these special-type items that had a propensity for tipping over.
- G. Negligently placing over-stocked pictures in the shelves in the display area where customers were known to traverse and that special aspects of stacking made the condition unreasonably dangerous.

6. That as a direct and proximate result of the negligent acts and omissions of the Defendant, as well as their breach of their common law duty to maintain safe premises, the Plaintiff, JANNAN LEE NIKORA-BICK, did sustain a wrist injury by virtue of the collapse of the pictures off the shelving area caused by the Defendant's negligence, thereby sustaining severe and permanent personal injuries as a direct result of said incident. That said injuries include, but are not limited to: scaphoid bone injury, contusion to the radial nerve, contusion and neuropraxia

to the distal forearm with paresthesia over the dorsal radial aspect of the thumb and hands. That Plaintiff has incurred medical and other expenses, both past, present and in the future. That Plaintiff has developed arthritis in the wrist area as a result of the injury and may need future surgery. That the insult to the wrist area further aggravated pre-existing conditions.

7. Prior to said incident, Plaintiff was a reasonably strong and healthy person, and that presently she suffered, still suffers, and will continue to suffer pain, humiliation, mental anguish, embarrassment, and inconvenience because of the permanent nature of said serious injuries. That further, she will be unable to participate in the usual activities of life as indulged in prior to said incident and resultant injuries.

8. That the amount in controversy exceeds the amount of Twenty-Five Thousand Dollars (\$25,000.00), and therefore jurisdiction is appropriate in this venue.

**WHEREFORE**, Plaintiff, JANNAN LEE NIKORA-BICK, prays for a Judgment against Defendant, K-MART, for an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), including costs, interest and attorney fees so wrongfully sustained.

Respectfully submitted,

GEORGE J. PARISH & ASSOCIATES, P.C.

BY:           /5/          

GEORGE J. PARISH (P18633)  
Attorney for Plaintiff  
33830 Harper Avenue  
Clinton Township, MI 48035  
(586) 415-1234

Dated:           2-15-02

GEORGE J. PARISH & ASSOCIATES, P.C.

ATTORNEYS AND COUNSELORS  
33830 HARPER AVENUE  
CLINTON TOWNSHIP, MICHIGAN 48035-4234  
586 (810) 415-1234  
FAX (810) 415-1210

March 20, 2002

**VIA CERTIFIED MAIL**

Shannon Lyn Maloney  
Trumbull Services  
Griffin Center  
4 Griffin Road North  
Windsor, CT 06095

**Re: Jannan Lee Nikora-Bick vs. K-Mart  
Macomb County Case No: 02-772-NO**

Dear Ms. Maloney:

Enclosed please find a completed Proof of Claim form regarding the above-case. I have also enclosed a copy of the Complaint and a self-addressed, stamped envelope to receive an acknowledgement of filing for your convenience.

Thank you for your attention to this matter.

Very truly yours,



GEORGE J. PARISH

GJP/nac  
Enclosure

Called 3/26/02. No envelope enclosed.  
gjm