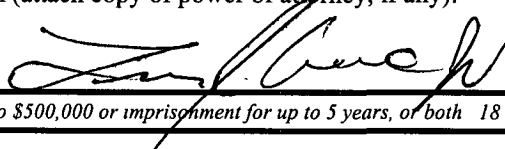


UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS		PROOF OF CLAIM
Name of Debtor K MART CORPORATION, ET AL	Case Number 02-B02474	Judge's Initials: SPS
<small>NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" of payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.</small>		Chapter: 11
Name of Creditor (The person or other entity to whom the debtor owes money or property): KATHERINE A. GAETA AND RALPH GAETA	<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 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.	Please include an original and 2 copies if you would like an acknowledgment of the filing of your claim. <small>THIS SPACE IS FOR COURT USE ONLY</small>
Name and address where notices should be sent: Cole, Schotz, Meisel, Forman & Leonard, P.A. P.O. Box 800 Hackensack, NJ 07602-0800 Attn: Luis Amaro, Esq., Esq. Telephone No.: (201) 489-3000		
Account or other number by which creditor identifies debtor: 39243-0001	Check here if this claim <input type="checkbox"/> replaces a previously filed claim, dated: <input type="checkbox"/> amends	
1. Basis for Claim <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input checked="" type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other _____ <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries and compensation (fill out below) Your SS #: _____ Unpaid compensations for services performed from _____ (date) to _____ (date)		
2. Date debt was incurred:	3. If court judgment, date obtained:	
4. Total Amount of Claim at Time Case Filed: \$Unknown. Claim is not for liquidated damages, but for pain and suffering. If all of 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.		
5. Secured Claim. <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right to 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 at time case filed 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 \$4,650)* 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) <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4) <input type="checkbox"/> 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) <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 of 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 4/1/04 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: 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.		<small>THIS SPACE IS FOR COURT USE ONLY</small> KP 905 RECEIVED TRUSTEES SERVICES COURT 3/29/02 2002 MAR 29 PM 2:07 BANKRUPTCY
Date March 26, 2002	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): Luis Amaro, Esq. 	
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		

**COLE, SCHOTZ, MEISEL,
FORMAN & LEONARD**

A PROFESSIONAL CORPORATION

25 MAIN STREET

HACKENSACK, NEW JERSEY 07602-0800

(201) 489-3000

(201) 489-1536 Telecopier

ATTORNEYS FOR Plaintiffs, Katherine Ann Gaeta and Ralph Gaeta, her husband

KATHERINE ANN GAETA and RALPH
GAETA, her husband,

Plaintiffs,

v.

K. MART CORPORATION a/k/a K
MART ENTERPRISES OF NEW
JERSEY and/or K-MART APPAREL
OF NEW JERSEY, JOHN DOES 1-10
(said names designating
fictitious parties) and JOHN
DOE CORPORATIONS 1-10 (said
names being fictitious),

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO.

BNL 8475.01
Civil Action

COMPLAINT AND JURY DEMAND

Plaintiffs, KATHERINE ANN GAETA and RALPH GAETA, her husband, by way of Complaint against the above-named defendants, allege and say:

FIRST COUNT

1. At all times hereafter mentioned, plaintiffs, KATHERINE ANN GAETA and RALPH GAETA, her husband, reside at 5 Ayre Place, in the Borough of Rutherford, Bergen County, New Jersey 07070.

2. At all times hereafter mentioned, defendant, K. MART CORPORATION a/k/a K MART ENTERPRISES OF NEW JERSEY and/or K-MART APPAREL OF NEW JERSEY, (hereinafter collectively as "K-MART") owned, operated and maintained a business located at 200 Passaic Avenue, in the town of Kearny, Hudson County, New Jersey (the "Premises").

3. At all times hereinafter mentioned, JOHN DOES 1-10, said names being fictitious, are individuals who are responsible for the supervision, maintenance, clean-up and repair of the aforesaid premises.

4. At all times hereinafter mentioned defendants JOHN DOE CORPORATIONS 1-10, said names being fictitious, are corporations which own, lease, maintain, and are responsible for clean-up and/or repair of the aforesaid premises.

5. On or about December 30, 1999, KATHERINE ANN GAETA was a business invitee of defendant K-MART and, therefore, was lawfully on the aforesaid premises.

6. On the aforesaid date, the premises, known as K-MART, was maintained in an unsafe, defective and hazardous condition creating a reasonably foreseeable risk of injury to business invitees, particularly, plaintiff, KATHERINE ANN GAETA.

7. On said date, plaintiff, KATHERINE ANN GAETA was caused to slip and fall to floor and sustain injuries as a result of a defective and hazardous condition existing thereon, to wit: an area of the floor covered with spilled liquid laundry detergent.

8. As a direct and proximate result of the defendants' negligence, plaintiff sustained serious personal injuries both temporary and permanent in nature; suffered and will suffer in the future, pain, suffering, mental distress and has expended and will continue to expend considerable sums of money for medical and hospital care and treatment for her injuries and was and will be unable to attend to her usual affairs.

WHEREFORE, plaintiff, KATHERINE ANN GAETA, demands judgment against defendants, K. MART CORPORATION a/k/a K MART ENTERPRISES OF NEW JERSEY and/or K-MART APPAREL OF NEW JERSEY, JOHN DOES 1-10, said names being fictitious, and JOHN DOE CORPORATIONS 1-10, said names being fictitious, for damages, together with interest, costs of suit, reasonable attorneys fees and such other and further relief as this Court deems just and proper.

SECOND COUNT

1. Plaintiffs repeat and reassert each and every allegation set forth in the First Count of this Complaint as if set forth at length herein.

2. Plaintiff, **RALPH GAETA**, was and is at all times referred to herein the lawful husband of plaintiff **KATHERINE ANN GAETA**.

3. As a direct and proximate result of the negligence of the defendants aforesaid, plaintiff **RALPH GAETA** was deprived of the usual consortium and services of his wife, **KATHERINE ANN GAETA**. In addition, he was caused to incur and will in the future continue to incur medical bill and expenses in an effort to affect a cure and remedy for his wife's condition.

WHEREFORE, plaintiff, **KATHERINE ANN GAETA**, demands judgment against defendants, **K. MART CORPORATION a/k/a K MART ENTERPRISES OF NEW JERSEY and/or K-MART APPAREL OF NEW JERSEY, JOHN DOES 1-10**, said names being fictitious, and **JOHN DOE CORPORATIONS 1-10**, said names being fictitious, for damages, together with interest, costs of suit, reasonable attorneys fees and such other and further relief as this Court deems just and proper.

JURY DEMAND

Plaintiffs hereby demand a trial by jury of six on all issues so triable.

DESIGNATION OF TRIAL COUNSEL

Pursuant to New Jersey Court Rule 4:25-4, the Court is hereby advised that Donald A. Ottaunick, Esq., is designated as Trial Counsel in behalf of plaintiffs.

COLE, SCHOTZ, MEISEL,
FORMAN & LEONARD, P.A.
Attorneys for Plaintiffs,
Katherine Ann Gaeta and
Ralph Gaeta, her husband

By: 

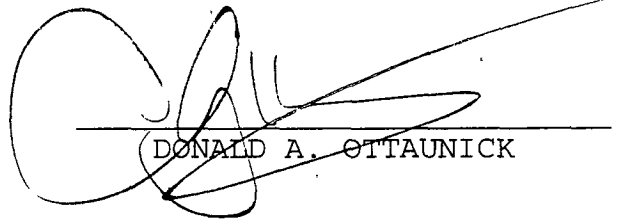
Donald A. Ottaunick

DATED: October 9, 2001

COLE, SCHOTZ, MEISEL,
FORMAN & LEONARD, P.A.
COUNSELORS AT LAW
25 MAIN STREET
HACKENSACK, N.J. 07601

RULE 4:5-1 CERTIFICATION

I hereby certify that to the best of my knowledge,
information and belief, no other action or arbitration
proceeding involving the subject matter in controversy herein,
is pending or contemplated by plaintiffs and, that no other
parties need be joined in this action at this time.



DONALD A. OTTAUNICK

DATED: October 9, 2001
2102237.1

CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial Law Division - Civil Part pleadings (not motions) under Rule 4:5-1
Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or if attorney's signature is not affixed.

FOR USE BY CLERK'S OFFICE ONLY

PAYMENT TYPE	CK	CG	CA
CHG / CK NO			
AMOUNT			
OVERPAYMENT			
BATCH NUMBER			

ATTORNEY/PRO SE NAME
Donald A. Ottaunick

TELEPHONE NUMBER
(201) 489-3000

COUNTY OF VENUE
Bergen County

FIRM NAME (if applicable)
COLE, SCHOTZ, MEISEL, FORMAN & LEONARD P.A.

DOCKET NUMBER (When available)
BER-L-

OFFICE ADDRESS
**25 Main Street
Hackensack, NJ 07601**

DOCUMENT TYPE
Complaint

JURY DEMAND:
☒ YES ☐ NO

NAME OF PARTY (e.g., John Doe, Plaintiff)
**Katherine Gaeta and Ralph Gaeta,
her husband, Plaintiffs**

CAPTION
**Katherine Gaeta and Ralph Gaeta, her husband v. K. MART Corporation,
Inc., K Mart Enterprises of New Jersey and/or K-Mart Apparel of New
Jersey, et. als.**

CASE TYPE NUMBER
(See reverse side for listing)
605

NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN
☐ NONE ☒ UNKNOWN

RELATED CASES PENDING?
☐ YES ☒ NO

IF YES, LIST DOCKET NUMBERS

DO YOU ANTICIPATE ADDING ANY PARTIES
(ansing out of same transaction or occurrence)? ☒ YES ☐ NO There are 20 fictitious parties named

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

A DO PARTIES HAVE A CURRENT,
PAST OR RECURRENT
RELATIONSHIP?

☐ YES ☒ NO

IF YES, IS THAT RELATIONSHIP

☐ EMPLOYER-EMPLOYEE

☐ FRIEND/NEIGHBOR

☐ OTHER (explain) _____

☐ FAMILIAL

☐ BUSINESS

B DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☐ YES ☒ NO

USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS
THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION

This is a slip and fall case.

DO YOU OR YOUR CLIENT HAVE ANY NEEDS

UNDER THE AMERICANS WITH DISABILITIES ACT? ☐ YES ☒ NO

IF YES, PLEASE IDENTIFY

WILL AN INTERPRETER BE NEEDED?

☐ YES ☒ NO

IF YES, FOR WHAT LANGUAGE

ATTORNEY SIGNATURE

CIVIL CASE INFORMATION STATEMENT

(CIS)

Use for initial pleadings (not motions) under Rule 4 5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY
- 502 BOOK ACCOUNT
- 503 COMMERCIAL TRANSACTION
- 505 OTHER INSURANCE CLAIM (INCLUDING DECLARATORY JUDGMENT ACTIONS)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 599 CONTRACT
- 801 SUMMARY ACTION

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 602 ASSAULT AND BATTERY
- 603 AUTO NEGLIGENCE - PERSONAL INJURY
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER/CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL COVERAGE LITIGATION
- 234 FRT PLYWOOD LITIGATION
- 245 ACTIONS UNDER FEDERAL Y2K ACT
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 613 REPETITIVE STRESS SYNDROME
- 701 ACTIONS IN LIEU OF PREROGATIVE WRIT

Mass Tort (Track IV)

- 240 DIET DRUG
- 241 TOBACCO
- 243 LATEX
- 246 REZULIN
- 601 ASBESTOS
- 611 BREAST IMPLANT CASES
- 612 BLOOD-CLOTTING SERUM

999 OTHER (Briefly describe nature of action) _____

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

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ALLISON R. LANGE
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CHRISTOPHER RIZZO

* NJ & NY Bars
* NJ & PA Bars
* NJ & FL Bars

* Certified Civil Trial Attorney

March 27, 2002

Kmart Corporation
c/o Trumbull Services
P.O. Box 426
Windsor, CT 06095


Re: Kmart Corporation
Case N. 02-B02474 (SPS)

Dear Sir/Madam:

Enclosed please find an original and two (2) copies of a Proof of Claim for filing in the above-referenced matter on behalf of Katherine A. Gaeta and Ralph Gaeta. Kindly file the original, and return a copy stamped "filed" to the undersigned in the enclosed self-addressed stamped envelope.

Very truly yours,

COLE, SCHOTZ, MEISEL,
FORMAN & LEONARD, P.A.


Frances Pisano
Legal Assistant

/fp

cc: John Butler, Esq. (w/encl.)
Katherine A. Gaeta & Ralph Gaeta (w/encl.)
Luis J. Amaro, Esq.