

*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 ___ CH13 <input checked="" type="checkbox"/> CH11 PLEASE CHECK CHAPTER
Northern District of Illinois, <u>Eastern</u> Division		PROOF OF CLAIM
Name of Debtor K Mart Corporation		Case Number 0202474
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
Name of Creditor (The person or other entity to whom the debtor owes money or property) Mary Dunlap	<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	Creditor # _____ THIS SPACE IS FOR COURT USE ONLY
Name and Address Where Notices Should be Sent Mary Dunlap 4025 North Pulaski Chicago, Illinois 60614 Telephone No 773.267.1104	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: <u>April 8, 2000</u>		3. IF COURT JUDGMENT, DATE OBTAINED: _____
4. Total Amount of Claim at Time Case Filed: \$ <u>1,000,000</u> If all or 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 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 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 \$4,300), *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) _____ *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: <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" 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.		THIS SPACE IS FOR COURT USE ONLY FILED UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS MAR 26 2002 KP 915 KENNETH S. GARDNER, CLERK MAILROOM - KC 3124102
Date: <u>MARCH 22, 2002</u>	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) <u>Mary Dunlap</u> Mary Dunlap	
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.		

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

MARY DUNLAP,)
)
Plaintiff,)
)
vs.)
)
K MART CORPORATION, a Michigan)
corporation,)
)
Defendant.)

No.

JURY DEMANDED

FILED-3
2002 MAR 22 AM 11:45
CIRCUIT COURT OF COOK
COUNTY, ILLINOIS
LAW DIVISION
PROPERTY TOWN
CLERK

02L 003538
CALENDAR C
PREMISES LIABILITY

COMPLAINT AT LAW

NOW COMES the Plaintiff, **MARY DUNLAP**, by and through her Attorneys, **CARL J. FRANK** and **EDWARD W. PIROK**, and complaining of the Defendant, **K MART CORPORATION**, a Michigan corporation, alleges as follows:

1. The Plaintiff is now and was at all times herein mentioned, a resident of the City of Chicago, County of Cook, State of Illinois.
2. The Defendant, **K MART CORPORATION**, is now and was at all times herein mentioned a Michigan corporation, authorized and licensed to do business in the State of Illinois.
3. On or about April 8, 2000, and for some time prior and subsequent thereto, the Defendant, **K MART CORPORATION**, owned, possessed, operated, managed, controlled and maintained, or had the duty to operate, manage, control and maintain, its business premises located at Cicero Avenue and Elston Avenue, including a parking area for the use of its customers at that location, in the City of Chicago, County of Cook, State of Illinois.
4. On or about April 8, 2000, the Plaintiff was a business invitee using the facilities of the parking area at the Defendant's invitation.
5. At such time and place, while in the parking area, the Plaintiff was caused to trip

and fall due to a dangerous condition then and there existing in the parking area.

6. On or about April 8, 2000, and prior and subsequent thereto, the Defendant had a duty to exercise ordinary care in maintaining the parking area so as not to negligently cause injury to business invitees using the facilities of the parking area at the Defendant's invitation, and the Defendant was under a duty to keep and maintain this parking area in a reasonably safe condition for the safety of its users and business invitees, in particular, the Plaintiff, but failed to do so.

7. The Defendant breached its duty by the following acts and omissions:

(a) The Defendant carelessly, negligently, and improperly operated, controlled, managed, and/or maintained the parking area so that as a direct and proximate result thereof, the Plaintiff was injured;

(b) The Defendant carelessly, negligently, and improperly operated, controlled, managed, and/or maintained the parking area in a dangerous condition, to wit: allowed the parking area to have an unnatural accumulation of snow and ice, although it knew; or in the exercise of ordinary care should have known, of such condition;

(c) The Defendant carelessly, negligently, and improperly failed to inspect the parking area;

(d) The Defendant carelessly, negligently, and improperly failed to require certain repairs to be made to the parking area, when the Defendant knew, or in the exercise of ordinary care should have known, that such repairs were reasonably necessary to prevent injury to the Plaintiff and other persons lawfully thereon;

(e) The Defendant carelessly, negligently, and improperly failed to warn the Plaintiff of the dangerous conditions, to wit: allowed the parking area to exist

with an unnatural accumulation of snow and ice then and there existing in the parking area at such time.

- (f) The Defendant carelessly, negligently, and improperly failed to remove unnatural accumulations of snow and ice on the surface of the parking area within a reasonable time after its formation;
- (g) The Defendant carelessly, negligently, and improperly failed to remove the unnatural accumulation of snow and ice with a knowledge of its dangerous condition;
- (h) The Defendant carelessly, negligently, and improperly failed to warn business invitees of the dangerous unnatural accumulation of snow and ice after being informed of such condition;
- (i) The Defendant carelessly, negligently, and improperly failed to salt the parking area;
- (j) The Defendant carelessly, negligently, and improperly operated and maintained the parking area;
- (k) The Defendant carelessly, negligently, and improperly plowed or caused to be plowed the parking area so as to form an unnatural accumulation of snow and ice in an area that the Defendant knew, or by the exercise of reasonable care should have known, would be used by business invitees to gain access to the Defendant's store;
- (l) The Defendant carelessly, negligently, and improperly invited and permitted the public, including the Plaintiff, to use the parking area when the Defendant knew, or in the exercise of ordinary care should have known, of its dangerous, icy condition.

8. The aforesaid conditions were known, or in the exercise of ordinary care should

have been known, by the Defendant, and an effort should have been made to repair and rectify such conditions.

9. As a direct and proximate result of one or more of the aforesaid careless, negligent, and improper acts and/or omissions of the Defendant, the Plaintiff, while in the parking area as a business invitee of the Defendant, slipped and fell on the unnatural accumulation of snow and ice in the parking area, and as a direct and proximate result thereof, the Plaintiff, **MARY DUNLAP**, then and there sustained permanent injuries, both externally and internally, and was and will be hindered and prevented from attending to her usual duties and affairs, and has lost and will in the future lose the value of that time as aforementioned. The Plaintiff further also sustained great pain and anguish, both in body and mind, and will in the future continue to suffer. The Plaintiff further expended and became liable for, and will expend and become liable for, large sums of money for medical care and services endeavoring to become healed and cured of such injuries. Moreover, the Plaintiff has lost wages from her employment; the Plaintiff's earning capacity has been reduced; and the Plaintiff has suffered a permanent impairment of earning capacity. The Plaintiff's sustained physical injuries include, but are not limited to, a fracture of her left wrist, requiring the insertion of four metal pins, bone grafting, and surgeries on April 9, 2000, and May 23, 2000, and the Plaintiff's aforementioned injuries and losses are to her damage an amount in excess of Thirty Thousand and NO/100 Dollars (\$30,000.00).

WHEREFORE, the Plaintiff, **MARY DUNLAP**, prays for judgment in her favor and against the Defendant, **K MART CORPORATION**, in a sum in excess of **Thirty Thousand Dollars and NO/100 (\$30,000.00)**, costs of suit, and such other and further relief as the Court may deem just and proper.

PLAINTIFF DEMANDS TRIAL BY JURY.

**MARY DUNLAP,
Plaintiff**

By: 

EDWARD W. PIROK
One of her Attorneys

**CARL J. FRANK, ESQ.
EDWARD W. PIROK, ESQ.
FRANK & ASSOCIATES, LTD.**
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