

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

United States Bankruptcy Court		<input type="checkbox"/> CH 7 <input type="checkbox"/> CH 13 <input checked="" type="checkbox"/> CH 11 PLEASE CHECK CHAPTER
Northern District of Illinois, Eastern Division		
Name of Debtor Kmart Corporation		Case Number 02-02474
PROOF OF CLAIM 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		
Name of Creditor (The person or other entity to whom the debtor owes money or property) Glenda Baker		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 and Address Where Notices Should be Sent Glenda Baker c/o Noel H. Benedict, Attorney P.O. Box 1226, Lawrenceville GA 30046 Telephone No. 770-277-4944		
Account or other number by which creditor identifies debtor: _____		
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. <input type="checkbox"/>		
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: \$ 350,000.00 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 your 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 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 checked="" type="checkbox"/> Up to \$1,950* 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 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 acknowledgment 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 3/25/02 MAR 25 2002 KP 957 KENNETH S. GARDNER, CLERK MAILROOM - LL
Date: 3/18/02 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): Glenda Baker by Noel H. Benedict, Attorney		
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 STATE COURT OF COBB COUNTY
STATE OF GEORGIA

GLEND A BAKER,

vs.

Plaintiff,

KMART CORPORATION, and
JOHN DOE CORPORATION,

Defendant.

CIVIL ACTION

FILE NO. 2001A-7987-5

ANSWER OF DEFENDANT KMART CORPORATION

COMES NOW Kmart Corporation, named as a defendant in the above-styled civil action and responds to plaintiff's complaint, showing the court as follows:

FIRST DEFENSE

Plaintiff's complaint fails to state a claim or cause of action upon which relief can be granted against this defendant.

SECOND DEFENSE

Without waiving any of the above enumerated defenses, this defendant answers the numbered paragraphs of plaintiff's complaint as follows:

1.

This defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of plaintiff's complaint, and therefore this defendant can neither admit nor deny said allegations.

2.

This defendant admits the allegations contained in paragraph 2 of plaintiff's complaint.

3.

Paragraph 3 of plaintiff's complaint contains a statement not requiring a response of this defendant.

4.

This defendant denies the allegations contained in paragraph 4 of plaintiff's complaint.

5.

This defendant denies the allegations contained in paragraph 5 of plaintiff's complaint.

6.

Responding to that last unnumbered paragraph of plaintiff's complaint, and all subparagraphs therein, this defendant denies that plaintiff is entitled to a recovery against this defendant in any form, fashion or amount whatsoever.

7.

Any allegation of plaintiff's complaint not specifically responded to above, is hereby denied.

WHEREFORE, having fully responded to plaintiff's complaint, and having shown the court that plaintiff is not entitled to a recovery against this defendant in any form, fashion or amount whatsoever, this defendant respectfully prays this court for an order dismissing it without liability and casting all costs upon the plaintiff.

STRAWINSKI & GOLDBERG, L.L.P.

By: Nicole Wolfe Stout

JAMES S. STRAWINSKI

Georgia Bar No. 686962

NICOLE WOLFE STOUT

Georgia Bar No. 773370

Attorneys for Defendant

3423 Piedmont Road
Ivy Place - Suite 510
Atlanta, Georgia 30305
Phone: (404) 264-9955
Fax: (404) 264-1450

IN THE STATE COURT OF COBB COUNTY

STATE OF GEORGIA

GLEND A BAKER,

Plaintiff,

vs.

K MART CORPORATION and
JOHN DOE CORPORATION,

Defendants.

CIVIL ACTION

FILE NO.:

CLERK OF COURT
Please stamp this copy with
date original filed and
return copy to me in
envelope provided

COMPLAINT FOR BODILY INJURY

COMES NOW Plaintiff GLEND A BAKER and states her Complaint for Bodily Injury showing this honorable Court as follows:

1.

The Plaintiff fell in K Mart Store #3602 located at 2420 Wisteria Drive, Snellville, Georgia 30078 on December 26, 1999. As a result of that fall, the Plaintiff broke her left femur and sustained other injuries.

2.

Defendant K MART CORPORATION is a foreign corporation authorized to do business in the state of Georgia and may be served by service on its registered agent, Corporation Process Company, 180 Cherokee Street, NE, Marietta, Cobb County, Georgia 30060.

3.

Defendant JOHN DOE CORPORATION is named as a Defendant in the event that the K MART location above-described in paragraph No. 1 was owned or operated by a different entity on December 26, 1999.

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COBB COUNTY GA
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4.

Glenda Baker's fall at the K MART is due to the negligence and the maintenance and supervision of the K MART premises.

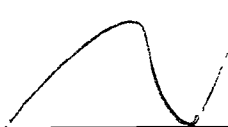
5.

Glenda Baker is entitled to recover from the Defendant for her medical expenses, loss of income, injury, disability, and pain and suffering.

WHEREFORE, the Plaintiff prays:

- a) that the Complaint be filed and that it be served upon the Defendant as provided by law;
- b) that if a trial be had, a trial be had by a jury of twelve;
- c) that a Judgment be rendered for the Plaintiff and against the Defendant in an amount the trier of fact should determine sufficient to compensate the Plaintiff for her medical expenses, loss of income, injury, disability and pain and suffering; and
- d) for such other and further relief as this Court deems just and proper.

Respectfully submitted, this the 12 day of Nov, 2001.



NOEL H. BENEDICT
Georgia Bar No. 049925
Attorney for Plaintiff Glenda Baker

NOEL H. BENEDICT & ASSOCIATES
P.O. Box 1226
Lawrenceville, Georgia 30046-1226
(770) 277-4944