

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

United States Bankruptcy Court Northern District of Illinois, Eastern Division	<input type="checkbox"/> CH 7 <input type="checkbox"/> CH 13 <input checked="" type="checkbox"/> CH 11 PLEASE CHECK CHAPTER
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Name of Debtor K-MART CORPORATION	Case Number 02-02474	PROOF OF CLAIM
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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) ANITA LOPEZ	<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.	File Claim Form With: United States Bankruptcy Court P. O. Box A3613 Chicago, Illinois 60690-3612 Creditor # _____ THIS SPACE IS FOR COURT USE ONLY
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Account or other number by which creditor identifies debtor: 1006	Check here if this claim <input type="checkbox"/> amends <input type="checkbox"/> replaces a previously filed claim dated: _____
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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 _____ to _____ (date) (date)

2. DATE DEBT WAS INCURRED:	3. IF COURT JUDGMENT, DATE OBTAINED:
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4. Total Amount of Claim at Time Case Filed: \$ 200,000.00

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.

<p>5. Secured claim</p> <p><input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff).</p> <p>Brief Description of Collateral:</p> <p><input type="checkbox"/> Real Estate</p> <p><input type="checkbox"/> Motor Vehicle</p> <p><input type="checkbox"/> Other _____</p> <p>Value of collateral: \$ _____</p> <p>Amount of arrearage and other charges at time case filed included in secured claim above, if any: \$ _____</p>	<p>6. Unsecured Priority Claim</p> <p><input type="checkbox"/> Check this box if you have an unsecured priority claim</p> <p>Amount entitled to priority \$ _____</p> <p>Specify the priority of the claim:</p> <p><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)</p> <p><input type="checkbox"/> Contributions to an employee benefit plan-11 U.S.C. § 507(a)(4)</p> <p><input 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)</p> <p><input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child -11 U.S.C. § 507(a)(7)</p> <p><input type="checkbox"/> Taxes or penalties owed to governmental units 11 U.S.C. § 507(a)(8)</p> <p><input type="checkbox"/> Other—Specify applicable paragraph of 11 U.S.C. § 507(a) _____</p> <p><small>*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.</small></p>
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<p>7. CREDITS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.</p> <p>8. SUPPORTING DOCUMENTS: <i>Attach copies of supporting documents</i>, 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"</p> <p>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.</p>	<p>THIS SPACE IS FOR COURT USE ONLY</p> <p style="font-size: 2em; font-weight: bold;">FILED</p> <p>UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS</p> <p>MAR 25 2002 3 125102</p> <p>KENNETH S. GARDNER, CLERK MAILROOM - LL</p>	
Date: 3/21/02	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) Suzanne C. Skolnick, 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.

NOTICE

The following documentation is backup to the Proof of Claim.

Suzanne McClid
Trumbull Services, LLC

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address)
 SUZANNE C. SKOLNICK (SBN 211076)
 LAW OFFICE OF TIMOTHY C. KUZELKA, APC
 43525 Ridge Park Drive
 Suite 100
 Temecula, CA 92590
 TELEPHONE NO 909-694-8889 FAX NO (Optional) 909-693-1073
 E-MAIL ADDRESS (Optional) tckuzelka@aol.com
 ATTORNEY FOR (Name) PLAINTIFF

FOR COURT USE ONLY

FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF RIVERSIDE

NOV 27 2001



NAME OF COURT RIVERSIDE SUPERIOR COURT
 STREET ADDRESS 4050 Main Street
 MAILING ADDRESS
 CITY AND ZIP CODE Riverside, CA 92501-3703
 BRANCH NAME MAIN BRANCH

PLAINTIFF: ANITA LOPEZ

DEFENDANT: KMART CORPORATION; and

DOES 1 TO 25

COMPLAINT — Personal Injury, Property Damage, Wrongful Death
 AMENDED (Number):
 Type (check all that apply):
 MOTOR VEHICLE OTHER (specify): PREMISES LIABILITY
 Property Damage Wrongful Death
 Personal Injury Other Damages (specify):

	Date	Time	Division
STATUS	21	8:00	CRK
	105	8:30	CR

Jurisdiction (check all that apply):
 ACTION IS A LIMITED CIVIL CASE
 Amount demanded does not exceed \$10,000
 exceeds \$10,000, but does not exceed \$25,000
 ACTION IS AN UNLIMITED CIVIL CASE
 ACTION IS RECLASSIFIED by this amended complaint
 from limited to unlimited
 from unlimited to limited

CASE NUMBER:
367531

- 1 PLAINTIFF (name): ANITA LOPEZ alleges causes of action against DEFENDANT (name) KMART CORPORATION; and DOES 1 TO 25
 - 2 This pleading, including attachments and exhibits, consists of the following number of pages FIVE
 - 3 Each plaintiff named above is a competent adult
 - a except plaintiff (name):
 - (1) a corporation qualified to do business in California
 - (2) an unincorporated entity (describe)
 - (3) a public entity (describe):
 - (4) a minor an adult
 - (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) other (specify):
 - (5) other (specify)
 - b except plaintiff (name)
 - (1) a corporation qualified to do business in California
 - (2) an unincorporated entity (describe)
 - (3) a public entity (describe)
 - (4) a minor an adult
 - (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) other (specify):
 - (5) other (specify)
- Information about additional plaintiffs who are not competent adults is shown in Complaint — Attachment 3

4. Plaintiff (name)

is doing business under the fictitious name of (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. except defendant (name): KMART
CORPORATION(1) a business organization, form unknown(2) a corporation(3) an unincorporated entity (describe):(4) a public entity (describe):(5) other (specify):c. except defendant (name):(1) a business organization, form unknown(2) a corporation(3) an unincorporated entity (describe):(4) a public entity (describe):(5) other (specify):b. except defendant (name).(1) a business organization, form unknown(2) a corporation(3) an unincorporated entity (describe)(4) a public entity (describe):(5) other (specify):d. except defendant (name).(1) a business organization, form unknown(2) a corporation(3) an unincorporated entity (describe):(4) a public entity (describe):(5) other (specify): Information about additional defendants who are not natural persons is contained in Complaint — Attachment 5.

6 The true names and capacities of defendants sued as Does are unknown to plaintiff

7. Defendants who are joined pursuant to Code of Civil Procedure section 382 are (names).

8 This court is the proper court because

a at least one defendant now resides in its jurisdictional area.b the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional areac injury to person or damage to personal property occurred in its jurisdictional area.d other (specify):9 Plaintiff is required to comply with a claims statute, anda plaintiff has complied with applicable claims statutes, orb plaintiff is excused from complying because (specify):

SHORT TITLE LOPEZ v. KMART, et al.

CASE NUMBER

10 The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*)

- a. Motor Vehicle
- b. General Negligence
- c. Intentional Tort
- d. Products Liability
- e. Premises Liability
- f. Other (*specify*):

11 Plaintiff has suffered

- a. wage loss
- b. loss of use of property
- c. hospital and medical expenses
- d. general damage
- e. property damage
- f. loss of earning capacity
- g. other damage (*specify*) For such other and further relief as the Court deems just and proper.

12 The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. listed in Complaint — Attachment 12
- b. as follows

13 The relief sought in this complaint is within the jurisdiction of this court

14 **PLAINTIFF PRAYS** for judgment for costs of suit, for such relief as is fair, just, and equitable, and for

- a. compensatory damages
 - (1) (unlimited civil cases) according to proof
 - (2) (limited civil cases) in the amount of \$
- b. other (*specify*) For such other and further relief as the Court deems just and proper.

15 The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date November 26, 2001

SUZANNE C. SKOLNICK (SBN 211076)
(TYPE OR PRINT NAME)


(SIGNATURE OF PLAINTIFF OR ATTORNEY)

FIRST _____ CAUSE OF ACTION - Premises Liability Page FOUR
(number)

ATTACHMENT TO Complaint Cross-Complaint

(Use a separate cause of action form for each cause of action.)

Prem L-1. Plaintiff *(name)*. ANITA LOPEZ
 alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff
 On *(date)*. 12/24/00 plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):
 Defendants own and operate KMART store #3828 located at 26471 Ynez Road, in the City of Temecula, County of Riverside, California. Defendants invited the general public, including plaintiff, to enter the premises to purchase goods. On December 24, 2000, plaintiff was lawfully on the premises. While shopping, suddenly and without warning, a coffee maker that was carelessly placed on a high shelf fell on Plaintiff's head, causing serious injuries. Defendants, as owners and operators of the store negligently failed to shelve the coffee maker in a reasonably safe condition; allowed the coffee maker to be stored in a dangerous manner, when defendants knew or in the exercise of reasonable care should have known, that the coffee maker boxes created an unreasonable risk of harm to customers. As a direct and proximate result of the negligence of defendants, plaintiff sustained serious injuries and damages, including, medical expenses, lost wages, pain and suffering.

Prem.L-2. **Count One-Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were *(names)* KMART CORPORATION; and

Does 1 to 25

Prem L-3 **Count Two-Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were *(names)*:

Does _____ to _____
 Plaintiff, a recreational user, was an invited guest a paying guest.

Prem L-4 **Count Three-Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were *(names)*

Does _____ to _____
 a The defendant public entity had actual constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it
 b The condition was created by employees of the defendant public entity.

Prem L-5 a. **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were *(names)*

Does _____ to _____
 b The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are described in attachment Prem L-5 b as follows *(names)*

SHORT TITLE LOPEZ v. KMART, et al.	CASE NUMBER
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Second _____ CAUSE OF ACTION - General Negligence Page Five
(number)

ATTACHMENT TO Complaint Cross-Complaint

(Use a separate cause of action form for each cause of action)

GN-1. Plaintiff *(name)* ANITA LOPEZ

alleges that defendant *(name)* KMART CORPORATION; and

Does 1 to 25

was the legal (proximate) cause of damages to plaintiff By the following acts or omissions to act, defendant negligently caused the damage to plaintiff
 on *(date)* December 24, 2000
 at *(place)*. KMART STORE #3828, 26471 Ynez Road, Temecula, California

(description of reasons for liability)

Defendants own and operate KMART store #3828 located at 26471 Ynez Road, in the City of Temecula, County of Riverside, California. Defendants invited the general public, including plaintiff, to enter the premises to purchase goods. On December 24, 2000, plaintiff was lawfully on the premises shopping. While Plaintiff was shopping, unknown employees of Defendant KMART CORPORATION began moving around merchandise on the top shelf of the aisle parallel to where Plaintiff was walking. Defendants employees so carelessly and negligently moved the merchandise such that a coffee maker was pushed off the back of the shelf, landing on Plaintiff's head.

At all times mentioned, Defendants' employees were acting within the course and scope of their employment when they committed the injury alleged in this complaint.

As a direct and proximate result of the negligence of Defendants, plaintiff sustained serious injuries and damages, including, medical expenses, lost wages, pain and suffering.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address) SUZANNE C. SKOLNICK (SBN 211076) LAW OFFICE OF TIMOTHY C. KUZELKA, APC 43525 Ridge Park Drive Suite 100 Temecula, CA 92590 TELEPHONE NO 909-694-8889 FAX NO 909-693-1073 ATTORNEY FOR (Name) PLAINTIFF	FOR COURT USE ONLY
INSERT NAME OF COURT, JUDICIAL DISTRICT, AND BRANCH COURT, IF ANY RIVERSIDE SUPERIOR COURT MAIN BRANCH	
CASE NAME. LOPEZ v. KMART, et al.	
CIVIL CASE COVER SHEET <input type="checkbox"/> Limited <input checked="" type="checkbox"/> Unlimited	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 1811)
	CASE NUMBER ASSIGNED JUDGE

Please complete all five (5) items below.

1. Check one box below for the case type that best describes this case

Auto Tort <input type="checkbox"/> Auto (22) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input checked="" type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (e.g., discrimination, false arrest) (08) <input type="checkbox"/> Defamation (e.g., slander, libel) (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (e.g., legal malpractice) (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36)	<input type="checkbox"/> Other employment (15) Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (e.g., money owed, open book accounts) (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (e.g., quiet title) (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re. arbitration award (11)	<input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39) Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800 -1812) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Claims involving mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Toxic tort/Environmental (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (e.g., sister state, foreign, out-of-county abstracts) (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 1800 of the California Rules of Court. If case is complex, mark the factors requiring exceptional judicial management

a <input type="checkbox"/> Large number of separately represented parties b <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c <input type="checkbox"/> Substantial amount of documentary evidence	d <input type="checkbox"/> Large number of witnesses e <input type="checkbox"/> Coordination and related actions pending in one or more courts in other counties, states or countries, or in a federal court f <input type="checkbox"/> Substantial post-disposition judicial disposition
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3. Type of remedies sought (check all that apply):
 a. monetary b nonmonetary, declaratory or injunctive relief c. punitive

4. Number of causes of action (specify). TWO

5. This case is is not a class action suit

Date November 26, 2001
 SUZANNE C. SKOLNICK (SBN 211076) _____
(TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate, Family, or Welfare and Institutions Code) (Cal Rules of Court, rule 982 2)
- File this cover sheet in addition to any cover sheet required by local court rule
- If this case is complex under rule 1800 et seq of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding
- Unless this is a complex case, this cover sheet shall be used for statistical purposes only