

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

PROOF OF CLAIM  
Chapter 11

In Re: **Kmart Corporation, et al.**

Case Numbers **02-02462 through 02-02499**

Name of Debtor: (see attached for complete list of debtors)

Case Number:

Your claim is scheduled as follows:

Class  
UNSECURED NON PRIORITY

Amount

CONTINGENT, DISPUTED,  
UNLIQUIDATED

10097942

This Space is for Court Use  
Only

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):

BANDAK, SAMIRA  
C/O LAURIE, MALONEY & WHEATLEY 11 2430285  
NELSON K. BROOKS  
3420 COACH LANE  
SUITE 15  
CAMERON PARK, CA 95682

- 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.

If address differs from above, please complete the following:

Creditor Name:

Telephone: #

Address:

City/St/Zip:

Account or other number by which creditor identifies debtor:

Check here if  replaces this claim  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: **8/16/00**

3. If court judgment, date obtained: **N/A**

4. Total Amount of Claim at Time Case Filed: **\$ ACCORDING TO PROOF**

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.

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.

This Space is for Court Use Only  
**RECEIVED  
TRUMBULL SERVICES  
COMPANY**

**APR 09 2002**

**BANKRUPTCY**

Date  
**4/5/02**

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):

*[Signature]* **ATTORNEY FOR SAMIRA BANDAK**

**#2380 4-9-02**

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):  
 Nelson K. Brooks, Esquire (106880)  
 Laurie, Maloney & Wheatley  
 3420 Coach Lane, Suite 15  
 Cameron Park, California 95682  
 TELEPHONE NO: 530-677-0245 FAX NO. (Optional):  
 E-MAIL ADDRESS (Optional):  
 ATTORNEY FOR (Name): Plaintiff

NAME OF COURT: El Dorado County Superior Court  
 STREET ADDRESS: 495 Main Street  
 MAILING ADDRESS:  
 CITY AND ZIP CODE: Placerville 95667  
 BRANCH NAME:

PLAINTIFF: Samira Bandak  
 DEFENDANT: K-Mart Corporation  
 DOES 1 TO 10, inclusive

**COMPLAINT — Personal Injury, Property Damage, Wrongful Death**  
 AMENDED (Number):  
 Type (check all that apply):  
 MOTOR VEHICLE  OTHER (specify): Premises Liability;  
 Property Damage  Wrongful Death Products Liability  
 Personal Injury  Other Damages (specify):

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

EL DORADO CO. SUPERIOR CT  
 FILED AUG 08 2001  
 BY P19  
 Deputy

CASE NUMBER: PC20010427

1. PLAINTIFF (name): Samira Bandak  
 alleges causes of action against DEFENDANT (name): K-Mart Corporation
2. This pleading, including attachments and exhibits, consists of the following number of pages: 5
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): K-Mart 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 area.
- c.  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, and

- a.  plaintiff has complied with applicable claims statutes, or
- b.  plaintiff is excused from complying because (specify):

SHORT TITLE: <u>Bandak v. K-Mart, et al.</u>	CASE NUMBER:
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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): Product liability.

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):

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):

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

Date: August 1, 2001

Nelson K. Brooks  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF PLAINTIFF OR ATTORNEY)

ATTACHMENT TO  Complaint  Cross-Complaint

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

Prem.L-1. Plaintiff *(name)*: Samira Bandak  
 alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.  
 On *(date)*: August 16, 2000 plaintiff was injured on the following premises in the following

*fashion (description of premises and circumstances of injury):*  
 At Defendant's facility, Store #7471 located in Placerville, California, as Plaintiff was walking through the front automatic entrance door of that facility, said door closed prematurely, trapping her left leg and ankle, and causing her to fall, injuring other parts of her body.

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

Does 1 to 10

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)*: K-Mart

Does 1 to 10

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 1 to 10

- 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)*: Defendants presently unknown and named as Does would include any manufacturer, installer or entity charged with maintenance of the malfunctioning door.

SECOND CAUSE OF ACTION - Products Liability

ATTACHMENT TO [X] Complaint [ ] Cross-Complaint

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

Plaintiff (name): Samira Bandak

Prod.L-1. On or about (date): August 16, 2000 plaintiff was injured by the following product: An automatic entrance door located at K-Mart Store #7471 in Placerville, California.

Prod.L-2. Each of the defendants knew the product would be purchased and used without inspection for defects. The product was defective when it left the control of each defendant. The product at the time of injury was being [X] used in the manner intended by the defendants. [ ] used in a manner that was reasonably foreseeable by defendants as involving a substantial danger not readily apparent. Adequate warnings of the danger were not given.

Prod.L-3. Plaintiff was a [ ] purchaser of the product. [ ] bystander to the use of the product. [X] user of the product. [ ] other (specify):

PLAINTIFF'S INJURY WAS THE LEGAL (PROXIMATE) RESULT OF THE FOLLOWING:

Prod.L-4. [X] Count One-Strict liability of the following defendants who a. [X] manufactured or assembled the product (names):

[X] Does 1 to 10 b. [X] designed and manufactured component parts supplied to the manufacturer (names):

[X] Does 1 to 10 c. [X] sold the product to the public (names):

Prod.L-5. [X] Count Two-Negligence of the following defendants who owed a duty to plaintiff (names):

Prod.L-6. [X] Count Three-Breach of warranty by the following defendants (names):

[X] Does 1 to 10 a. [X] who breached an implied warranty b. [ ] who breached an express warranty which was [ ] written [ ] oral

Prod.L-7. [ ] The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are [ ] listed in Attachment-Prod.L-7 [X] as follows: K-Mart for premises liability