

**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**

Your claim is scheduled as follows:

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

Case Number:

Class

Kmart Corporation

02-02474

UNSECURED NON PRIORITY

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.

Amount

Name of Creditor (The person or other entity to whom the debtor owes money or property):

- 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.

CONTINGENT, DISPUTED,
UNLIQUIDATED

COGNATA, MELISSA
C/O DAVID D. BRILLER CO
RAE E GRIFFIN
7379 PEARL RD. STE 4
MIDDLEBURG HTS, OH 444130

11 2430959

10098374

This Space is for Court Use
Only

If address differs from above, please complete the following:

Creditor Name:

Telephone: # 440-243-5010

Address:

City/ST/Zip:

Account or other number by which creditor identifies debtor:
see attached

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:

12/16/99

3. If court judgment, date obtained:

4. Total Amount of Claim at Time Case Filed:

\$ 15,000.00

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.

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

2381 4-9-02

Date

04-05-02

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):

Rae E. Griffin, Attorney at Law (OH. #0015262)

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.

BEREA MUNICIPAL COURT
FILED

2001 NOV 30 A 11:44

RAYMOND J. WOHLE
CLERK OF COURT

IN THE BEREA MUNICIPAL COURT
CUYAHOGA COUNTY, OHIO

MELISSA L. COGNATA
6040 Mercer Drive
Brook Park, Ohio 44142

CASE NO. 01CVF03432

Plaintiff

v.

JUDGE COMSTOCK

KMART CORPORATION
3100 West Big Beaver
Troy, Michigan 48084

and

AMENDED COMPLAINT

JOHN DOE #1, an unknown
Kmart store manager, Store #4257

(Jury Demand Endorsed
Hereon)

and

JOHN DOE #2, an unknown
Kmart assistant store manager,
Store #4257

and

JOHN DOE #3, an unknown
Kmart store employee, Store #4257

and

JOHN DOE #4, an unknown
independent contractor of
Kmart Corporation, Store #4257

and

KMART STORE #4257
17840 Bagley Road
Middleburg Heights, Ohio 44130

Defendants

1. At all times pertinent hereto, Plaintiff was a resident of the State of Ohio and County of Cuyahoga.
2. At all times pertinent hereto, Defendant Kmart Corporation (hereinafter Kmart) was a business entity doing business as Kmart store #4257 in Middleburg Heights, Ohio, which openly invited the public to enter and represented that this was a safe place for persons such as Plaintiff to shop.
3. At all times pertinent hereto, Defendant John Doe #1, was a store manager at the Kmart store #4257 in Middleburg Heights, Ohio, and was acting within the course and scope of his/her employment,.
4. At all times pertinent hereto, Defendant John Doe #2 was an assistant store manager at the Kmart store #4257 in Middleburg Heights, Ohio, and was acting within the course and scope of his/her employment,.
5. At all times pertinent hereto, Defendant John Doe #3 was an employee at the Kmart store #4257 in Middleburg Heights, Ohio, and was acting within the course and scope of his/her employment,.

6. At all times pertinent hereto, Defendant John Doe #4 was a person or entity responsible for placement and/or maintenance of Defendant Kmart's fire extinguishers on Defendant Kmart's store #4257 premises in Middleburg Heights, Ohio.

7. At all times pertinent hereto, Defendant Kmart store #4257 was a business entity in Middleburg Heights, Ohio which openly invited the public to enter, and which represented that this was a safe place for persons such as Plaintiff to shop.

8. On December 16, 1999, Plaintiff was a business invitee on the premises of Defendant Kmart and Defendant Kmart Store #4257 in Middleburg Heights, Ohio.

9. On December 16, 1999, Defendant Kmart, by and through one or more of its aforementioned employees and/or independent contractors acting with explicit or apparent authority, negligently maintained its premises and failed to provide a safe place to shop, by inadequately affixing a fire extinguisher in its business and/or by failing to inspect and maintain such fire extinguisher in its premises known as Kmart store #4257 in Middleburg Heights, Ohio; and knew or should have known of such condition.

10. On or about December 16, 1999, Defendant John Doe #1, while in the course and scope of his employment, knew or should have known of the condition of the fire extinguisher, and failed to properly come to the assistance of Plaintiff.

11. On or about December 16, 1999, Defendant John Doe #2, while in the course and scope of his employment, knew or should have known of the condition of the fire extinguisher, and failed to properly come to the assistance of Plaintiff.

12. On or about December 16, 1999, Defendant John Doe #3, while in the course and scope of his employment, knew or should have known of the condition of the fire extinguisher, and failed to properly come to the assistance of Plaintiff.

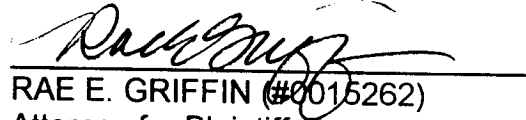
13. On or about December 16, 1999, Defendant John Doe #4 negligently placed, maintained and/or affixed a certain fire extinguisher in Defendant Kmart's business premises at Kmart store #4257 in Middleburg Heights, Ohio.

14. As a direct and proximate result of Defendants' negligence, Plaintiff was injured when the said fire extinguisher fell on her foot.

15. As a direct and proximate result of Defendants' negligence, Plaintiff incurred medical expense, loss of wages, pain and suffering, and other damages.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in the amount of \$15,000.00, her costs in this matter, and such other and further relief as may be just and proper.

Respectfully submitted,



RAE E. GRIFFIN (#0015262)
Attorney for Plaintiff
David D. Briller Co., L.P.A.
7379 Pearl Road
Middleburg Heights, Ohio 44130
440-243-5010
440-243-0105 (FAX)

JURY DEMAND

Plaintiff demands a trial by jury of all issues triable to a jury in this matter by law.

DAVID D. BRILLER CO., L.P.A.
Attorneys and Counsellors at Law
7379 Pearl Road • Suite 4 • Middleburg Heights, Ohio 44130

David D. Briller
Rae E. Griffin
Carol Dillon Horvath

(440) 243-5010
Fax: (440) 243-0105

April 5, 2002

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

RE: *IN RE: KMART CORPORATION, et al.*
United States Bankruptcy Court
Northern District of Illinois
Case No. 02-02474

Dear Sir or Madam:

Enclosed is an original and one copy of the Proof of Claim for my client, Melissa Cognata. Would you please process this, and return the time-stamped copy to me in the enclosed envelope. Thank you.

Sincerely,



Rae E. Griffin
Attorney at Law

REG/jg

cc:file
encl