

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

GROVER, REBECCA
C/O LAMKIN, VAN EMAN, TRIMBLE BEA ET AL 11 3314256
DAVID BEALS
500 S. FRONT STREET
SUITE 200
COLUMBUS, OH 43215

10099025

If address differs from above, please complete the following:

Creditor Name:

Telephone: # 614-224-8187

This Space is for Court Use
Only

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:

10/23/99

3. If court judgment, date obtained:

N/A

4. Total Amount of Claim at Time Case Filed:

\$ 150,000.00, as per Plaintiff's Prayer.

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

2632
4-9-02

Date

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)

04/04/02

Rebecca Grover by David A. Beals, her 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 COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO

REBECCA J. GROVER
427 Watersway Lane
Columbus, Ohio 43213,

Plaintiff,

vs.

K MART CORPORATION
c/o C.T. Corporation System,
Statutory Agent
1300 E. Ninth Street, Suite 1010
Cleveland, Ohio 44114,

and

HAMILTON FIXTURE COMPANY
c/o John Schlegel, Statutory Agent
3620 Symmes Road
Hamilton, Ohio 45011,

Defendants.

Case No.: 01CVC07 06834

Category "C"

Judge:

FILED COURT
COMMON PLEAS CO. OHIO
FRANKLIN CO.
01 JUL 16 PM 4:41
CLERK OF COURTS

COMPLAINT

1. Defendant K Mart Corporation (hereinafter "K Mart") is a Michigan corporation organized, existing and in good standing in the State of Ohio. At the time of the incident hereinafter described, Defendant K Mart was doing business in the State of Ohio.

2. Defendant Hamilton Fixture Company (hereinafter "Hamilton Fixture") is a corporation organized, existing and in good standing in the State of Ohio. At the time of the incident hereinafter described, Defendant Hamilton Fixture was doing business in the State of Ohio.

3. On October 23, 1999, Plaintiff Rebecca J. Grover was a customer and business invitee of the establishment known as K Mart, located at 3463 S. High Street, Columbus, Franklin County, Ohio.

4. At said time and place, Plaintiff Rebecca J. Grover was walking down an aisle of the premises next to the Martha Stewart display when she stepped on a clear plastic light fixture cover which had fallen to the floor from a fluorescent fixture in the Martha Stewart display. Plaintiff Rebecca J. Grover then slid on the plastic light fixture cover and fell heavily to the floor, sustaining the injuries and damages hereinafter described.

5. At all times relevant herein, Defendant K Mart acted through agents and employees who were within the course and scope of their employment and authority.

6. At said time and place, Defendant K Mart, acting at all times through its agents and employees, negligently failed to control maintenance of its walkways, aisles and premises; negligently failed to keep its premises in a reasonably safe condition; negligently failed to warn Plaintiff and its other business invitees of the hazardous condition of fallen light cover fixtures upon its premises; negligently failed to make reasonable inspection of its premises to discovery potentially dangerous conditions thereon and thereafter make them safe; and was negligent in other respects.

7. At all times relevant herein, Defendant Hamilton Fixture acted through agents and employees who were within the course and scope of their employment and authority.

8. Defendant Hamilton Fixture is engaged in the business of manufacturing, selling and placing into the stream of commerce lighting fixtures, including the particular lighting fixture cover which fell from the Martha Stewart display at K Mart as referenced above. Said Defendant, by virtue of the manufacturing of the aforesaid lighting fixture cover for wide distribution to citizens and businesses of Ohio and other states, could have reasonably expected persons such as the Plaintiff to be affected by the aforesaid faulty lighting fixture cover. Moreover, by virtue of the above, Defendant regularly solicits business, engages in other persistent courses of conduct and derives substantial revenue from goods used or consumed in the State of Ohio.

9. At all times relevant herein, the lighting fixture cover installed in the Martha Stewart display at K Mart was manufactured, sold and placed into the stream of commerce by Defendant Hamilton Fixture.

10. As a direct and proximate result of the aforesaid negligence of Defendants K Mart and Hamilton Fixture, jointly and severally, Plaintiff Rebecca Grover sustained the injuries and damages hereinafter described.

FIRST CLAIM FOR RELIEF

11. Plaintiff Rebecca Grover incorporates by reference all the allegations made in Paragraphs one (1) through ten (10) of this Complaint as if fully rewritten herein.

12. As a direct and proximate result of the negligence of Defendants K Mart and Hamilton Fixture, jointly and severally, Plaintiff Rebecca Grover sustained injuries to her left knee, left wrist, legs, neck, shoulders, head and back, among other injuries, all of which caused her to endure substantial pain, suffering, disability and loss of enjoyment of life.

13. Plaintiff Rebecca Grover has incurred medical expenses for treatment of her injuries.

14. Since Plaintiff Rebecca Grover's injuries are permanent, her medical expenses, pain, suffering, disability and loss of enjoyment of life will continue in the future.

SECOND CLAIM FOR RELIEF

15. Plaintiff Rebecca Grover incorporates by reference all the allegations made in Paragraphs One (1) through Fourteen (14) of this Complaint as if fully rewritten herein.

16. At all times relevant herein, Defendant Hamilton Fixture was engaged in the business of designing, manufacturing, testing, marketing, selling and placing into the stream of commerce numerous types of lighting fixtures and lighting fixture covers, including the particular lighting fixture cover described herein.

17. Defendant Hamilton Fixture, by virtue of manufacturing the aforesaid lighting fixture cover for wide distribution to citizens of Ohio and other states, could reasonably have expected persons such as Plaintiff to be affected by the aforesaid lighting

fixture cover. Moreover, by virtue of the above, Defendant Hamilton Fixture regularly solicited business, engaged in other persistent courses of conduct and derived substantial revenue from goods used or consumed in the State of Ohio.

18. Defendant Hamilton Fixture, by and through its agents and/or employees, was negligent in the following respects:

A. In failing properly to design, manufacture, test and inspect the subject lighting fixture and its component parts;

B. In failing to warn users and maintainers of the subject lighting fixture of its design and operational defects;

C. In failing to warn users and maintainers of the subject lighting fixture of proper inspection and maintenance procedures;

D. In failing to design the subject door in a manner which would prevent and avoid the substantial hazard of injury;

E. In failing to provide adequate instructions or warnings to users and maintainers of the hazards posed by the subject lighting fixture;

F. In creating a nuisance and hazard to business invitees and the general public.

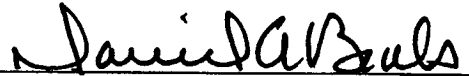
Defendant Hamilton Fixture was negligent in other respects.

19. Defendant Hamilton Fixture owed Plaintiff and others a duty to protect them from the aforesaid hazard by either eliminating the hazard or by warning persons of the hazard.

20. As a direct and proximate result of the aforesaid negligence of Defendant Hamilton Fixture and its creation and manufacture of a nuisance and hazard, the aforesaid lighting fixture cover fell to the floor where Plaintiff unknowingly stepped on it, causing her to slip and fall, as hereinbefore described.

WHEREFORE, Plaintiff Rebecca J. Grover demands judgment against Defendants K Mart Corporation and Hamilton Fixture Company, jointly and severally, in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), plus interest, pre-judgment interest as provided by law, attorneys' fees and her costs herein expended.

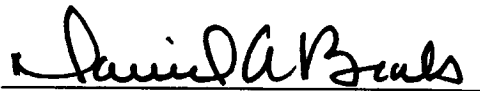
Respectfully submitted,



David A. Beals
Ohio Supreme Court No. 0038495
LAMKIN, VAN EMAN, TRIMBLE,
BEALS & ROURKE
500 S. Front Street, Suite 200
Columbus, Ohio 43215
(614) 224-8187
Attorney for Plaintiff

JURY DEMAND

Now comes the Plaintiff and demands a trial by a jury of eight (8) on all issues of the within cause.



David A. Beals
Attorney for Plaintiff

Print Key Output

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Display Device : WE
User : TEW

Personal Property

Tax Year: 2001 Ticket Number: 0000310026

District: 09

Name: KMART CORPORATION #3880

Account Number: 01872495

C/O BURR WOLFE LP

Taxpayer I.D.:

Address: PO BOX 560907

City: DALLAS

State: TX Zip Code: 75356

In Care of:

Business Code:

Property: 00 INV

582609 00 OTHRPP 563209

ASSESSMENT	-Gross	-Net	Tax (1/2 year)	Back Tax: N (Y/N)
Class 1	0	0	.00	Exemption: N (Y/N)
2	0	0	.00	Homestead Exemption: (E/)
(3/4): 4	2145818	2145818	32766.64	Special Disposition:
TOTAL	2145818	2145818	32766.64	Fees Due: .00
PAYMENT	-First Half	-Second Half	YEAR	Back Tax-Int Assessment
Net	32766.64		.00	0
Discount	819.17		.00	
Interest	.00		.00	
GROSS	31947.47		.00	
Fees	.00	Check No: 64175		

BASE AMOUNT ⁰⁰ 1/2 year.
INT. 245.75 thru 4-31-02.

Total Due.

COLL. 31947.47, DATE 09012001, TDUE 33012.39
Cmd-1/2 Prev/Next Cmd-3 More Info Cmd-4 Show Delinquents Cmd-7 END