

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:

K-Mart Corporation

02-02474

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 U.S.C. § 503.

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

WATSON, DEBORAH
C/O HERLAND & ROTHENBERG
HOWARD ROTHENBERG
240 PENN AVE
PO BOX 269 3RD FLOOR
SCRANTON, PA 18501

11 2430596

- 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.

Your claim is scheduled as follows:

Class
UNSECURED NON PRIORITY

Amount

CONTINGENT, DISPUTED,
UNLIQUIDATED

10101235

This Space is for Court Use
Only

If address differs from above, please complete the following:

Creditor Name: Deborah Watson
Address: c/o Howard Rothenberg
345 Wyoming Ave
City/St/Zip: Scranton PA 18503

Telephone: # 570-9641850

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:

June 4, 1997

3. If court judgment, date obtained:

4. Total Amount of Claim at Time Case Filed:

\$ In excess of \$30,000

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

4-902 2650

Date
4-3-02
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):
A. [Signature]

HERLANDS, ROTHENBERG & LEVINE

ATTORNEYS-AT-LAW
345 WYOMING AVENUE, SUITE 210
POST OFFICE BOX 269
SCRANTON, PENNSYLVANIA 18503

SCOTT A. HERLANDS
HOWARD A. ROTHENBERG
JEFFREY A. LEVINE*

*Also member of New Jersey Bar

570-961-1850
FAX 570-961-5109

April 5, 2002

CARBONDALE OFFICE
8TH AVENUE & CHURCH STREET
POST OFFICE BOX 108
CARBONDALE, PA 18407
570-282-7999
FAX 570-282-7155

K-Mart Corp., et al
c/o Trumbull Services, LLC
Post Office Box 426
Windsor, CT 06095

Re: Watson v. K-Mart Corp.
K-Mart Bankruptcy Case No.: 02-02474
Our File No.: HR-2728
Docket No.: 3800-CV-2000

Dear Sir/Madam:

I am enclosing at this time the original and one (1) copy of Proof of Claim form being filed on behalf of Deborah Watson, my client. Kindly docket the original of record, time-stamp the copy and forward same back to me in the self-addressed stamped envelope being provided for your convenience.

Should you have any questions or concerns, please do not hesitate to contact me. Thank you.

Very truly yours,


Howard A. Rothenberg, Esq.

HAR/ab:SASE
Enclosure
cc: Deborah Watson (w/enc.)

DEBORAH A. (SHANNON) WATSON,	:	IN THE COURT OF COMMON PLEAS
	:	
PLAINTIFF	:	OF LACKAWANNA COUNTY
	:	
VS.	:	CIVIL ACTION – LAW
	:	
K-MART CORPORATION,	:	JURY TRIAL DEMANDED
	:	
DEFENDANT	:	NO. 99- CV - 1926

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Additional Defendant Complaint and Notice are served by entering a written appearance personally or by an attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the Court may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Additional Defendant Complaint or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Northern Pennsylvania Legal Services, Inc.
 200 Scranton Electric Bldg.
 507 Linden St.
 Scranton, PA 18503 TELEPHONE 570-342-0184

-OR-

PA. LAWYER REFERRAL SERVICE
 P.O. Box 1086
 100 South Street
 Harrisburg, PA 17108 TELEPHONE: 1-800-692-7375

WILLIAM P. RINALDI
 LACKAWANNA COUNTY
 1999 SEP - 2 P 3: 02
 CLERK OF JUDICIAL
 RECORDS

DEBORAH A. (SHANNON) WATSON,
PLAINTIFF

VS.

K-MART CORPORATION,
DEFENDANT

: IN THE COURT OF COMMON PLEAS
:
: OF LACKAWANNA COUNTY
:
:
: CIVIL ACTION - LAW
:
: JURY TRIAL DEMANDED
:
: NO. 99- CV - 1926

COMPLAINT

1999 SEP - 2 5 3: 02
CLERK OF JUDICIAL
RECORDS
WILLIAM P. RINALDI
LACKAWANNA COUNTY

1. Plaintiff, Deborah A. (Shannon) Watson, hereinafter referred to as Deborah A. Watson, is an adult and competent individual residing at R R 1, Box 63-5, Thompson Susquehanna County, Pennsylvania 18465.

2. Defendant, K-Mart Corporation, is believed to be a foreign corporation, authorized to do business in the Commonwealth of Pennsylvania, with a principal place of business located on Route 6, Dickson City, Lackawanna County, Pennsylvania.

3. On or about June 4, 1997, the plaintiff, Deborah A. Watson, was a business invitee on the premises of defendant, K-Mart Corporation in their store located at Pittston Plaza, Pittston, Luzerne County, Pennsylvania, for the purpose of shopping at the said business location.

4. On the aforesaid date, plaintiff was looking through pictures which were on a shelf when, suddenly and without warning, the pictures fell on top of her pushing her to the ground, and causing her to sustain serious personal injuries.

5. The aforesaid accident was caused by the carelessness and negligence of K-Mart Corporation, by and through its agents, servants, workmen and employees in that:

- (a) they overstocked the shelf with pictures;
- (b) they failed to warn the plaintiff, and others, of a dangerous situation, when they knew, or should have known, of the existence of said dangerous situation;
- (c) they failed to warn the plaintiff, and others, that articles on the shelving could fall on top of them;
- (d) they failed to take the necessary steps to insure the safety of the plaintiff, and others,lawfully on their premises;
- (e) they failed to maintain the shelf containing the pictures and the pictures in an appropriate manner so as to not constitute a dangerous and/or defective condition;
- (f) they failed to timely and/or adequately inspect and/or monitor their premises, including the shelf containing the pictures, in an appropriate manner;
- (g) they permitted the shelf to exist and to remain in a dangerous condition;
- (h) they failed to correct a dangerous and hazardous condition of which defendant was aware or should have been aware; and
- (i) otherwise failing to provide a safe place for business invitees, such as plaintiff, to conduct their business with defendant, its agents, servants, workmen and/or employees.

6. As a result of the aforesaid accident, which was caused by the carelessness and negligence of the defendant, K-Mart Corporation, by and through its agents, servants, workmen and employees, the plaintiff, Deborah A. Watson, sustained the following injuries, including but not limited to: cervical injuries with herniation-extrusion at C5-6, severe headaches,

bruises, contusions and other injuries in and about her head, limbs and body and severe shock to her nervous system, all of which have caused her great pain and suffering and have prevented her from attending to her usual duties, avocations and everyday enjoyment of life, all of which may be permanent in nature.

7. As a further result of the aforesaid accident, the plaintiff, Deborah A. Watson, has incurred various and diverse expenses for medical care and treatment which may be permanent in nature.


8. As a further result of the aforesaid accident, plaintiff's future earning capacity may be effected, which may be permanent in nature.

9. Further, by reason of the aforesaid occurrence, plaintiff had and/or may hereinafter incur other financial expenses all in an effort to treat and cure herself of the injuries sustained in the aforesaid accident.

10. As a further result of the aforesaid accident, plaintiff has suffered great physical pain, suffering and mental anguish, all of which may continue into the future.

WHEREFORE, Plaintiff, Deborah A. Watson, demands judgment against the defendant, K-Mart Corporation in an amount in excess of Thirty-thousand (\$30,000.00) Dollars.

FINE, WYATT & CAREY, P.C.

By: 
RICHARD G. FINE, ESQUIRE



DOMINICK J. GEORGETTI, ESQUIRE

ATTORNEYS FOR PLAINTIFF
P. O. Box 246
Honesdale, Pa. 18431
(570) 253-1120

VERIFICATION

I, Dominick J. Georgetti, Esq. of FINE, WYATT & CAREY, P. C., as counsel for plaintiff, do hereby verify that the facts set forth in the foregoing Complaint are true and correct based upon information supplied to me. I do hereby make this verification in place of the plaintiff, whose signature cannot be secured within the time necessary for filing this document. An appropriate verification executed by the plaintiff will be submitted herewith and filed with the Court. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

FINE, WYATT & CAREY, P.C.

BY: 
ATTORNEYS FOR PLAINTIFF
P. O. Box 246
Honesdale, Pa. 18431
(717) 253-1120

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing COMPLAINT by mailing same via first class U. S. Mail, postage prepaid at Scranton, Pennsylvania, to Defendant's counsel on the 2nd day of September, 1999 as follows:

Lauren E. Dobrowalski, Esquire
Cardoni & Associates
340 Market Street
Kingston, PA 18704

FINE, WYATT & CAREY, PC

BY 

DOMINICK J. GEORGETTI, ESQUIRE
425 Spruce Street
Scranton, PA 18503