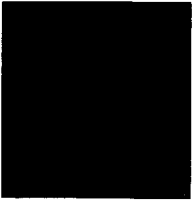


7/1/02 4/4/02 808
FORM B10 (Official Form 10)

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
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.		10098641 This Space is for Court Use Only
Name of Creditor (The person or other entity to whom the debtor owes money or property): <div style="border: 1px solid black; border-radius: 50%; padding: 10px; display: inline-block;"> DUDA, VALERIE C/O JON CHARLES DUPEE ESQ 30 MATHEWS STREET P.O. BOX # 470 GOSHEN, NY 10924 </div>	<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 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.	
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 <input type="checkbox"/> replaces this claim <input type="checkbox"/> amends a previously filed claim, dated _____	
1. Basis for Claim <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input checked="" type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other	<input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries, and compensation (fill out below) Your SS #: _____ Unpaid compensation for services performed from _____ to _____ (date) (date)	APR - 4 2002
2. Date debt was incurred: 5/13/99	3. If court judgment, date obtained: Not Applicable	
4. Total Amount of Claim at Time Case Filed: \$ 5,200,000.00 If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below. <input type="checkbox"/> 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 <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ Value of Collateral: \$ _____ Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ _____	6. Unsecured Priority Claim <input type="checkbox"/> Check this box if you have an unsecured priority claim. Amount entitled to priority \$ _____ Specify the priority of the claim: <input type="checkbox"/> 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). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> 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). <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> 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.	This Space is for Court Use Only 2651 4-902
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.		
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): <i>Jon C. Dupée Jr.</i> attorney for Valerie Duda	

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.



DUPÉE, DUPÉE & MONROE, P.C.

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Please reply to:
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New Jersey

JON CHARLES DUPÉE (1939-2001)

JON C. DUPÉE, JR.♦

JAMES E. MONROE♦♦

EMILY E. MAUTE

EDWARD C. BRUNO♦♦♦

♦ ADMITTED TO PRACTICE IN NY, NJ & PA

♦♦ ADMITTED TO PRACTICE IN NY & NJ

♦♦♦ ADMITTED TO PRACTICE IN NY & CT

April 5, 2002

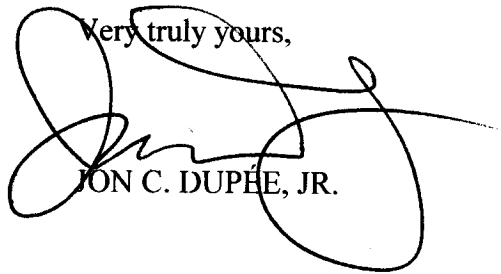
K-Mart Corporation, et, al.
C/O Trumbull Services, LLC.
P.O. Box 426
Windsor, Connecticut 06095

RE: OUR FILE #99165P
DUDA v. K-MART
CASE #02-02462 through 02-02-499

Gentlemen:

Enclosed herewith please find Proof of Claim.

Very truly yours,



JON C. DUPÉE, JR.

JCD/hw
Enc.

COPY

United States District Court

SOUTHERN DISTRICT OF NEW YORK

SUMMONS IN A CIVIL ACTION

VALERIE DUDA and PETER DUDA,
v.

00002481
CASE NUMBER:

K-MART CORPORATION,

TO: (Name and Address of Defendant)

K-MART CORPORATION
310 West Big Beaver Road
Troy, Michigan 48084

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

DUPEE & DUPEE, P.C.
30 Matthews Street, Box 470
Goshen, New York 10924

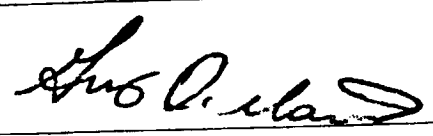
an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

JAMES M. PARKISON

APR 24 2000

CLERK

DATE



BY DEPUTY CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
VALERIE DUDA and PETER DUDA,

Plaintiffs,

-against-

COMPLAINT

K-MART CORPORATION,

Defendant.
-----X

The plaintiffs, VALERIE DUDA and PETER DUDA, by their attorneys, DUPÉE & DUPÉE, P.C., as and for their complaint, upon information and belief, states as follows:

JURY DEMAND

FIRST: The plaintiffs demand a trial by jury of all issues.

PARTIES

SECOND: That at all times hereinafter mentioned, the plaintiffs, VALERIE DUDA and PETER DUDA were and are residents of the County of Orange, State of New York.

THIRD: That at all times hereinafter mentioned the defendant, K-MART CORPORATION (hereinafter referred to as "K-MART"), was and is a Michigan Corporation, duly organized and existing, licensed to transact business in the State of New York, with an office for the transaction of business in Middletown, New York.

JURISDICTION

FOURTH: Jurisdiction of this Court is evoked pursuant to Title 28, U.S.C. Section 1332(a). Venue lies in the Southern District of New York pursuant to Title 28, U.S.C. Section 1391(a).

FIFTH: That complete and total diversity exists between plaintiffs and defendant.

SIXTH: That the amount in controversy in this matter exceeds the sum of SEVENTY FIVE THOUSAND (\$75,000.00) DOLLARS.

**AS AND FOR A FIRST CAUSE OF ACTION ON
BEHALF OF THE PLAINTIFF, VALERIE DUDA**

SEVENTH: Upon information and belief, "K-MART" was the owner of certain premises located at 444 Route 211 East, Middletown, County of Orange, State of New York.

EIGHTH: Upon information and belief, "K-MART" operated the premises located at 444 Route 211 East, Middletown, County of Orange, State of New York.

NINTH: Upon information and belief, "K-MART" controlled the premises located at 444 Route 211 East, Middletown, County of Orange, State of New York.

TENTH: Upon information and belief, "K-MART" maintained the premises located at 444 Route 211 East in Middletown, County of Orange, State of New York.

ELEVENTH: Upon information and belief, "K-MART" managed the premises located at 444 Route 211 East, Middletown, County of Orange, State of New York.

TWELFTH: Upon information and belief, "K-MART" leased the premises on 444 Route 211 East, Middletown, County of Orange, State of New York.

THIRTEENTH: That on May 13, 1999, the plaintiff, VALERIE DUDA while on the premises of "K-MART" located at 444 Route 211 East, Middletown, County of Orange, State of New York, was injured when a stack of plastic bins fell off an elevated shelf and hit her in the head.

FOURTEENTH: That the aforementioned premises were owned, operated, maintained and controlled in such a careless, reckless, improper and negligent manner, that said premises were not safe and proper for use by patrons of the store, including, the plaintiff, VALERIE DUDA

FIFTEENTH: That the defendant, its agents, servants and/or employees were negligent, reckless and careless in among other things, allowing, causing and/or permitting dangerous, hazardous and unsafe conditions to exist on said premises; in allowing a dangerous condition to exist in that merchandise, including a heavy stack of plastic bins, were carelessly and negligently stacked on top

of an elevated shelf; in that the plastic bins, a product for sale, were so carelessly and negligently placed upon the elevated shelf that the plastic bins were thereby allowed and permitted to fall from the elevated shelf onto the plaintiff, VALERIE DUDA, a patron in the vicinity of the plastic bins; in that the defendant carelessly and negligently stocked its store with plastic bin products, placing same in an elevated location where they would be likely to fall upon the plaintiff, VALERIE DUDA; in that the defendant allowed and permitted the plastic bins to remain dangerously situated on an elevated shelf, in such a precarious position and condition that same would fall therefrom onto patron's of the store, including the plaintiff, VALERIE DUDA; in that it invited the plaintiff, along with its other patrons, to enter upon its mercantile premises to purchase goods, and failed to provide the plaintiff with a safe environment to do so, having carelessly and negligently placed a stack of plastic bins on an elevated shelf in a precarious condition where the vibrations caused by pedestrian traffic would so disturb the plastic bins as to cause or contribute to their fall onto the plaintiff, VALERIE DUDA; in failing to warn the store patrons, including the plaintiff, of the dangers and hazards of falling merchandise; in failing to look, look carefully, and see what reasonably there to be seen, and they were otherwise negligent in the premises.

SIXTEENTH: That the defendant had actual and/or constructive notice of the dangerous and defective condition in that it was within the view of the defendant's personnel; in that the condition existed for a sufficient length of time prior to the happening of the within accident whereby in the exercise of reasonable care, the defendant could have and should have had knowledge and notice thereof and, further, the defendant acting through its agents, servants and employees upon information and belief, created said condition.

SEVENTEENTH: That by reason of the foregoing, the said VALERIE DUDA, was caused to sustain severe and painful injuries to her mind and body, and to the extent that she was rendered sick, sore, lame and disabled, suffered and continues to suffer pain and discomfort therefrom, and, upon information and belief, will continue to suffer great bodily pain and mental anguish on into the

future.

EIGHTEENTH: That by reason of the foregoing, the plaintiff, VALERIE DUDA, has become obligated for diverse sums of money for her medical care in an effort to cure and alleviate her pain, suffering and disability, and, upon information and belief, will continue to incur said expenses on into the future.

NINETEENTH: That by reason of the foregoing, the plaintiff, VALERIE DUDA, has sustained disability, limitation of her activities, depression and loss in the quality of her life, and that she will continue to sustain and suffer said losses and damages on into the future.

TWENTIETH: That this action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules of the State of New York.

TWENTY-FIRST: That by reason of the foregoing, the plaintiff, VALERIE DUDA has been damaged in the sum of TWO MILLION (\$2,000,000.00) DOLLARS.

AS AND FOR A SECOND CAUSE OF ACTION ON
BEHALF OF THE PLAINTIFF, PETER DUDA:

TWENTY-SECOND: This plaintiff repeats, reiterates and reallege with the same force and effect as if here more fully set forth at length, each and every allegation contained in paragraphs numbered "FIRST" through "TWENTIETH".

TWENTY-THIRD: That the plaintiff, PETER DUDA was the husband and spouse of the plaintiff, VALERIE DUDA and resided with her at the time of the events complained of.

TWENTY-FOURTH: That as a direct and proximate result of the foregoing, the plaintiff, PETER DUDA has become obligated to nurse and care for his wife, and for the expenses attendant to the medical care and treatment required by his wife, VALERIE DUDA in order to treat and cure her injuries and damages.

TWENTY-FIFTH: That the plaintiff, PETER DUDA has been deprived of the society,

companionship, services and consortium with his wife, VALERIE DUDA and will continue to be so deprived on into the future.

TWENTY-SIXTH: That by reason of the foregoing, the plaintiff, PETER DUDA has been damaged in the sum of FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS.

WHEREFORE, the plaintiffs demand judgment as follows:

(A). On the First Cause of Action in favor of the plaintiff, VALERIE DUDA in the sum of FIVE MILLION (\$5,000,000.00) DOLLARS; and

(B). On the Second Cause of Action in favor of the plaintiff PETER DUDA in the sum of TWO HUNDRED THOUSAND (\$200,000.00) DOLLARS;

(C). all of the foregoing with such interest, costs and disbursements as are appropriate to the action.

Dated: Goshen, New York
April 12, 2000

Yours, etc.,

DUPÉE & DUPÉE, P.C.
Attorneys for Plaintiffs

BY:


JON CHARLES DUPEE, ESQ.(1544)

Office & P.O. Address
30 Matthews Street, Box 470
Goshen, New York 10924
(914) 294-5105

TO: K-MART CORPORATION
C/O CT CORPORATION SYSTEMS
Registered Agent
1633 Broadway
New York, New York 10019

VALERIA DUDA and PETER DUDA,

Plaintiffs,

-against-

K-MART CORPORATION,

Defendant.

SUMMONS AND COMPLAINT

DUPÉE & DUPÉE P.C.

Attorneys for

PLAINTIFFS

30 MATTHEWS STREET
P.O. BOX 470
GOSHEN, NEW YORK 10924
(914) 294-8900

To:

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated:

.....

Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

NOTICE OF ENTRY

that the within is a (certified) true copy of a entered in the office of the clerk of the within named Court on

NOTICE OF SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the Hon. one of the judges of the within named Court, at M.

Dated:

DUPÉE & DUPÉE P.C.

Attorneys for

30 MATTHEWS STREET
P.O. BOX 470
GOSHEN, NEW YORK 10924

To:

Attorney(s) for