

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

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.

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

11 2374095

JOHNSTON, LORNA  
327 WILDWOOD DR.  
DULUTH, MN 55812

- 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.

Amount

CONTINGENT, DISPUTED,  
UNLIQUIDATED

10081524

This Space is for Court Use  
Only

If address differs from above, please complete the following:

Creditor Name: Lorna Johnston

Telephone: # (715) 394-6624

Address: c/o Boad S. Swanson  
1214 Belknap Street

City/St/Zip: Superior, WI 54880

Account or other number by which creditor identifies debtor:

N/A

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 (See attached)
- 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:

7/3/01

3. If court judgment, date obtained:

N/A

4. Total Amount of Claim at Time Case Filed:

\$ 25,000.00 +

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

SM # 5006  
RECEIVED  
TRUMBULL SERVICES  
2002 APR 12 PM 12:58  
4-12-02  
BANKRUPTCY

Date  
4/8/02

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):  
Boad S. Swanson  
Attorney for Lorna Johnston

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.

STATE OF MINNESOTA

DISTRICT COURT

COUNT OF ST. LOUIS

SIXTH JUDICIAL DISTRICT

Case Type: Personal Injury 7

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**LORNA M. JOHNSTON**

327 Wildwood Drive

Duluth, MN 55811,

Plaintiff,

v.

Court File No.: \_\_\_\_\_

**K-MART CORPORATION**

c/o CT Corporation Systems, Inc.

405 Second Avenue South

Minneapolis, MN 55401,

and

**ST. GERMAIN'S GLASS, INC.**

2300 2<sup>nd</sup> Street North

Minneapolis, MN 55411,

Defendants.

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**SUMMONS**

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THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to serve upon the Plaintiff's attorney an Answer to the Complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

Dated this 24<sup>th</sup> day of January, 2002.

MARCOVICH, COCHRANE, MILLIKEN & SWANSON  
Attorneys for the Plaintiff



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BOAD S. SWANSON #196034  
1214 Belknap Street  
Superior, Wisconsin 54880  
(715)394-6624

STATE OF MINNESOTA

DISTRICT COURT

COUNT OF ST. LOUIS

SIXTH JUDICIAL DISTRICT  
Case Type: Personal Injury 7

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**LORNA M. JOHNSTON**  
327 Wildwood Drive  
Duluth, MN 55811,

Plaintiff,

Court File No.: \_\_\_\_\_

v.

**K-MART CORPORATION**  
c/o CT Corporation Systems, Inc.  
405 Second Avenue South  
Minneapolis, MN 55401,

and

**ST. GERMAIN'S GLASS, INC.**  
2300 2<sup>nd</sup> Street North  
Minneapolis, MN 55411,

Defendants.

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**COMPLAINT**

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NOW COMES the above named Plaintiff, Lorna M. Johnston, by her attorneys, Marcovich, Cochrane, Milliken & Swanson, by Boad S. Swanson, and for her causes of action against the above-named Defendants alleges and shows the Court as follows:

1. Plaintiff Lorna M. Johnston ("Plaintiff") is an adult citizen of the State of Minnesota who resides at 327 Wildwood Drive, Duluth, Minnesota 55811.
2. Defendant K-Mart Corporation is a foreign corporation which operates a discount retail store located at 1734 Mall Drive, Duluth, Minnesota 55811, and has a registered agent, CT Corporation Systems, Inc., located at 405 Second Avenue South, Minneapolis, Minnesota 55401.
3. Defendant St. Germain's Glass, Inc. is a domestic corporation with its principal place of business located at 2300 2<sup>nd</sup> Street North, Minneapolis, Minnesota 55411.

4. On or about July 3, 2001, at the K-Mart Store located 1734 Mall Drive, Duluth, Minnesota 55811, Plaintiff was injured when the automatic front door improperly closed on the Plaintiff.

5. The accident was proximately caused by the negligence of the Defendants, their agents, servants or employees.

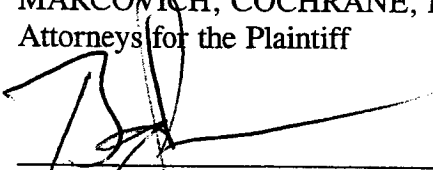
6. The accident and injuries were not the result of any negligent conduct attributable to the Plaintiff.

7. As a proximate result of the negligence and carelessness of the Defendants, Plaintiff suffered severe and permanent personal injuries to, but not necessarily limited to, her right first toe, right shoulder and forearm, some or all which injuries are permanent, and the exact nature of which Plaintiff is at this time unable to more definitely allege for which she required and received medical attention and hospital care. The injuries caused Plaintiff temporary and permanent pain, suffering and disability, medical and hospital expenses, and will in the future result in additional medical expenses, all to her damage. This case satisfies the tort threshold set forth in the Minnesota Statutes.

**WHEREFORE**, Plaintiff Lorna M. Johnston demands judgment against the Defendants K-Mart Corporation and St. Germain's Glass, Inc. in a sum to be determined by the evidence at trial, along with an award of attorneys fees and costs incurred in bringing this action, and for such other further relief as this Court deems just and equitable.

Dated this 27<sup>th</sup> day of Jan, 2002.

MARCOVICH, COCHRANE, MILLIKEN & SWANSON  
Attorneys for the Plaintiff

  
BOAD S. SWANSON #196034  
1214 Belknap Street  
Superior, Wisconsin 54880  
(715)394-6624

JURY DEMAND

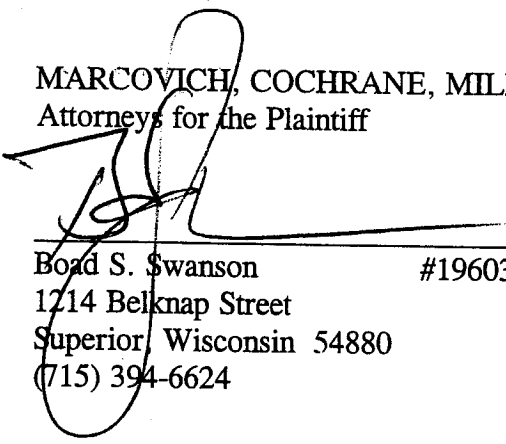
Plaintiff demands a trial by jury of six.

**ACKNOWLEDGMENT**

The undersigned hereby acknowledges that costs, disbursements and reasonable attorneys and witness fees may be awarded, pursuant to Minnesota Statute §549.21(2), to the party against whom the allegations in this pleading are asserted.

Dated this 24<sup>th</sup> day of Jan, 2002.

MARCOVICH, COCHRANE, MILLIKEN & SWANSON  
Attorneys for the Plaintiff

  
\_\_\_\_\_  
Brad S. Swanson #196034  
1214 Belknap Street  
Superior, Wisconsin 54880  
(715) 394-6624

**MARCOVICH, COCHRANE, MILLIKEN AND SWANSON, LLP**  
A REGISTERED LIMITED LIABILITY PARTNERSHIP OF SERVICE CORPORATIONS

TOBY E. MARCOVICH, S.C.  
DENNIS O. COCHRANE, S.C.  
MICHAEL J. MILLIKEN, S.C. \*  
BOAD S. SWANSON, S.C. \*  
DAVID A. KROPID \*  
\* ALSO LICENSED IN MINNESOTA

ATTORNEYS AT LAW  
1214 BELKNAP STREET  
SUPERIOR, WISCONSIN 54580

TELEPHONE 394-6624  
AREA CODE 715

April 8, 2002

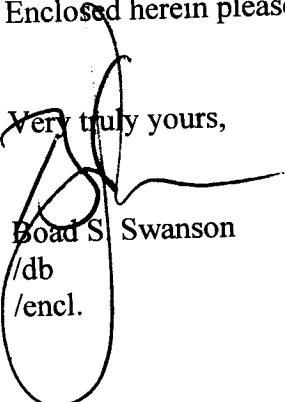
K-Mart Corporation, et al.  
C/O Trumbull Services, LLC  
P.O. Box 426  
Windsor, CT 06095

Re: Lorna Johnston  
327 Wildwood Drive  
Duluth, MN 55811

Dear Sir/Madam:

Enclosed herein please find the Creditor's Proof of Claim. Please file where appropriate.

Very truly yours,

  
Boad S. Swanson

/db  
/encl.