FORM B10 (Official Form 10) 4009181

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)
Kmart Corporation

Case Number:
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 11 U.S.C. § 503.

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

PIANE, ANGELA
C/O TIGANI & HOOD LLP 11 3314021
MICHAEL J HOOD
1801 MELLON BANK CENTER
919 MARKET STREET
WILMINGTON, DE 19899

☐ 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

If address differs from above, please complete the following:
Creditor Name Piane, Angela and Robert
Telephone # (302) 777-1000
Address
City/St/Zip.

Account or other number by which creditor identifies debtor.

Check here if this claim ☐ replaces ☐ amends a previously filed claim, dated _____

Your claim is scheduled as follows
Class
UNSECURED NON PRIORITY
Amount
CONTINGENT, DISPUTED, UNLIQUIDATED

10100294--

This Space is for Court Use Only

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 _____ (date) to _____ (date)

2. Date debt was incurred:
November 21, 2001

3. If court judgment, date obtained:

4. Total Amount of Claim at Time Case Filed: $ _____
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

RECEIVED
TRUMBULL SERVICES
BANKRUPTCY
2002 APR 17 PM 2:41

This Space is for Court Use Only

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)

X Angela F Piane ANGELA F PIANE AB 4-17-02 6322

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

X Robert Piane Sr.
ROBERT A. PIANE SR.

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

TIME STAMP AND RETURN

ANGELA PIANE and ROBERT PIANE, SR., Plaintiffs, v. K MART CORPORATION, a State of Michigan Corporation, Defendant.	)))))))))))	C.A. No. 01C-07-094 SCD JURY TRIAL DEMANDED ARBITRATION ACTION

FILED PROTHONOTARY 2001 NOV 27 PM 12: 35

ARBITRATOR'S ORDER

A hearing in the above action was held on November 21, 2001. After consideration of the evidence, I find for plaintiffs, Angela Piane and Robert Piane, Sr. and against defendant, K Mart Corporation, in the amount of $45,000.00, together with costs assessed against the defendant and interest. The Arbitrator's fee is not included as costs in this action.

I hereby certify that I have not examined and am not familiar with the amount of insurance coverage with respect to any claim. I further certify that I have mailed a copy of this Order to all parties and/or counsel in this action.

IT IS SO ORDERED.

ROEBERG, MOORE & ASSOCIATES, P.A.

WILLIAM X. MOORE, JR.
I.D. No. 2463
910 Gilpin Avenue
Wilmington, Delaware 19806
(302) 658-8700
ARBITRATOR

(X) All parties appeared at the hearing

cc: Roger D. Landon, Esquire
Michael J. Hood, Esquire

DATED: 11/26/01

Kmart Customer Incident Center
Sedgwick Claims Management Services, Inc.
P.O. Box 5058
Troy, MI 48007-5058
Phone:248-463-7577 Fax: 248-463-6637

Fax

To: TARA
Fax: 302-777-1098
From: Armando
Date: 1-7-02
Re: Angela Piane
Pages: 2
CC:

- [x] Urgent
- [x] For Review
- [ ] Please Comment
- [ ] Please Reply

Please complete the W-9 and return to my attention so the settlement check can be issued. Thank you

Form **W-9**
(Rev. November 1999)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give form to the requester. Do NOT send to the IRS.

Please print or type

Name (If a joint account or you changed your name, see Specific Instructions on page 2.)
Michael J. Hood, Esquire

Business name, if different from above. (See Specific Instructions on page 2.)
Tigani & Hood LLP

Check appropriate box: ☐ Individual/Sole proprietor ☐ Corporation ☐ Partnership ☒ Other ▶ Limited Liability Partnersh

Address (number, street, and apt. or suite no.)
1801 Mellon Bank Center 919 Market St. P.O. Box 1471

Requester's name and address (optional)

City, state, and ZIP code
Wilmington, DE 19899

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. For individuals, this is your social security number (SSN). However, if you are a resident alien OR a sole proprietor, see the instructions on page 2. For other entities, it is your employer identification number (EIN). If you do not have a number, see **How to get a TIN** on page 2.

Note: *If the account is in more than one name, see the chart on page 2 for guidelines on whose number to enter.*

Social security number
| | | | | | | | | |

OR

Employer identification number
5 1 0 3 9 5 1 6 4

Part II For Payees Exempt From Backup Withholding (See the instructions on page 2.)

▶

Part III Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 2.)

Sign Here Signature ▶ X MJH Date ▶ X 1/7/2002

Purpose of form. A person who is required to file an information return with the IRS must get your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9, if you are a U.S. person (including a resident alien), to give your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are an exempt payee.

If you are a foreign person, IRS **prefers** you use a Form W-8 (certificate of foreign status). After December 31, 2000, foreign persons **must** use an appropriate Form W-8.

Note: *If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.*

What is backup withholding? Persons making certain payments to you must withhold and pay to the IRS 31% of such payments under certain conditions. This is called "backup withholding." Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

If you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return, payments you receive will not be subject to backup withholding. Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester, or
2. You do not certify your TIN when required (see the Part III instructions on page 2 for details), or
3. The IRS tells the requester that you furnished an incorrect TIN, or
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 3 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the Part II instructions and the separate **Instructions for the Requester of Form W-9.**

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of $50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a $500 penalty.

Criminal penalty for falsifying information. Wilfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of Federal law, the requester may be subject to civil and criminal penalties.

TIGANI & HOOD LLP / GENERAL ACCOUNT 1963

Sheriff of New Castle County 7/12/2001
Client Advances/MJH 30.00

TIGANI & HOOD LLP Angela Piane 30.00

TIGANI & HOOD LLP / GENERAL ACCOUNT 1962

Prothonotary 7/12/2001
Client Advances/MJH 150.00

TIGANI & HOOD LLP Angela Piane 150.00

Murphy Spadaro & Landon

824 MARKET STREET
POST OFFICE BOX 8989
WILMINGTON, DELAWARE 19899

TELEPHONE 302.654.4600
TELECOPIER 302.654.4775

Roger D. Landon

December 17, 2001

Michael J. Hood, Esquire
Tigani & Hood
919 Market Street, #1801
P.O. Box 1471
Wilmington, DE 19899-1471

Re: ***Angela Piane & Robert Piane, Sr. v. Kmart Corporation***
Superior Court, New Castle County, C.A. No. 01C-07-094 SCD
MS&L File No. 01-0819

Dear Mike:

Kmart has determined not to appeal the Arbitrator's Order. You previously indicated that your clients are not appealing it. I need your tax identification number and the exact amount of your clients' costs so that I can order the check from Kmart. Please provide me with that information as soon as possible.

Very truly yours,

Roger D. Landon

RDL/dmw

00088720

TIGANI & HOOD LLP
ATTORNEYS AT LAW
1801 MELLON BANK CENTER
919 MARKET STREET
PO BOX 1471
WILMINGTON, DELAWARE 19899

TELEPHONE. (302) 777-1000
TELECOPIER: (302) 777-1098
WEBSITE. www TiganiHoodLaw com

BRUCE W TIGANI*
MICHAEL J HOOD*
JANICE R TIGANI*

*ALSO ADMITTED IN PENNSYLVANIA

COURIER DELIVERY:
919 MARKET STREET
SUITE 1801
WILMINGTON, DE 19801

April 11, 2002

VIA REGISTERED MAIL
RETURN RECEIPT REQUESTED
and FIRST CLASS MAIL
K-Mart/Trumbull Services, LLC
P.O. Box 426
Windsor, CT 06095

Re: Name of Debtor: Kmart Corporation
Case Number: 02-02474
Name of Creditor: Robert and Angela Piane

Dear Sir/Madam:

Enclosed please find a Proof of Claim that has been submitted on behalf of Robert and Angela Piane against the debtor Kmart Corporation.

Initially, the creditors are Angela and Robert Piane. This was a personal injury accident and the Complaint listed both Ms. Piane who was injured, and Mr. Piane for a loss of consortium. As you will see later in this letter, an award was entered for both against Kmart Corporation.

This is not a contingent, disputed, or unliquidated claim. On or about November 21, 2001 an Arbitration Award was entered against Kmart Corporation in favor of Angela and Robert Piane in the amount of $45,000.00. A copy of the Arbitration Order has been included. Under Delaware Law, if the Arbitration Order was not appealed within twenty (20) days, then the Order can not be appealed. It was agreed between the parties that Kmart would pay that amount plus costs. I have enclosed a copy of a December 17, 2001 letter from the attorney for Kmart acknowledging that the Arbitration award would be paid. Furthermore, I have enclosed a fax from Sedgewick Claims Management Service, Inc. dated January 7, 2002. The fax is self explanatory in that they were requesting the W-9 number. In fact, when the bankruptcy was filed, the check for the $45,000.00 and costs had already been ordered by Armando Wright of Sedgewick Claims from Kmart to satisfy the judgment. That can be verified through Mr. Wright at Sedgewick Claims.

I have enclosed check stubs that reflect the amount of costs involved which is in the amount of $180.00 to file this action in Superior Court in the State of Delaware in and for New Castle County. Furthermore, interest from December 15, 2001 until the date of filing of the bankruptcy of January 22, 2002 is in the amount of $296.51

I ask to be kept informed as to what is transpiring. I have also enclosed a self-enclosed stamped envelope with additional copies of the Proof of Claim to be sent back to me.

If you have any questions or problems, please let me know.

Very truly yours,

Michael J. Hood

MJH:tep
Enclosures
cc: Robert and Angela Piane