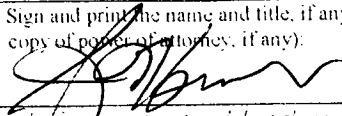


UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION		PROOF OF CLAIM Chapter 11
In Re Kmart Corporation, et al.	Case Numbers 02-02462 through 02-02499	Your claim is scheduled as follows:
Name of Debtor: (see attached for complete list of debtors)	Case Number:	Class UNSECURED 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.		Amount
Name of Creditor (The person or other entity to whom the debtor owes money or property): James T. Alley C.O LAW OFFICES OF JOSEPH HAMILTON JOSEPH A. HAMILTON 216 NORTH HIGHWAY 7 P.O. BOX 215 PLEASANT HILL, MO 64080	<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.	CONTINGENT, DISPUTED, UNLIQUIDATED
If address differs from above, please complete the following: Creditor Name: Telephone: # Address: City/St/Zip:		10097836 This Space is for Court Use Only
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)	
2. Date debt was incurred: 01/16/99	3. If court judgment, date obtained: None	
4. Total Amount of Claim at Time Case Filed: \$150,000.00 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 checked="" type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____). See copy of Petition for Damages which is attached.	
7. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.	This Space is for Court Use Only	
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. 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.	FILED UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS APR 16 2002 KENNETH S. GARDNER, CLERK MAILROOM - LL A.B. 4 16-02	
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):  Joseph Hamilton	
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 CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE

MARIE T. ALLEY
660 N. Spring, Apt. 718
Independence, MO 64050,

Plaintiff,

and

JAMES C. ALLEY
660 N. Spring, Apt. 718
Independence, MO 64050,

Plaintiff,

-vs-

K MART CORPORATION,
a Michigan Corporation,

(Serve: Registered Agent: CT Systems,
906 Olive, St. Louis, MO 63101),

Defendant.

00CV212871

Case No.

DIVISION
02

06 MAY 24 PM 1:03

The nature of this suit stated pursuant to Local Rule 3.2, Section 1, is a suit for damage for personal injury.

PETITION FOR DAMAGES

COMES NOW plaintiff Marie T. Alley and for her cause of action against defendant K Mart Corporation, alleges and states as follows:

1. Plaintiffs are individuals residing in Independence, Jackson County, Missouri; defendant K Mart Corporation, is a Michigan corporation in good standing in Missouri and operating a business in Missouri, including Jackson County, Missouri; defendant can be served per its Registered Agent, CT Systems, 906 Olive, St. Louis,

Missouri, 63101; all of the acts complained of herein occurred in Independence, Jackson County, Missouri.

2. That on or about January 16, 1999, plaintiff Marie T. Alley was a patron and business invitee of defendant K Mart Corporation, at its store located in Independence, Missouri, at the intersection of Noland Road and I-70, Jackson County, Missouri.

3. That plaintiff was a customer of K Mart Corporation and present on its premises at the specific invitation, request, and instance of defendant K Mart Corporation.

4. That defendant K Mart Corporation ran a general merchandising store at the above named location and did so on January 16, 1999, in which the public at large and specifically Marie T. Alley were invited on its premises in order to sell to the public and Marie T. Alley various wares and merchandise.

5. That defendant was charged with keeping the condition of the premises of its store and surrounding parking areas in good and safe condition. That on or about January 16, 1999, defendant's premises, and specifically its aisles and walking areas were not in a reasonably safe condition for the use of its guests and invitees and particularly plaintiff in that defendant had allowed a fluid to accumulate on the floor and remain on the floor without adequate lighting and without cleaning up said fluid or removing said fluid, or warning of the presence of said fluid.

6. Defendant, through its agents, servants and employees knew or by using ordinary care could have known of the conditions and acts set forth in the preceding paragraphs of this Petition.

7. That defendant through its agents, servants and employees failed to use ordinary care to alter, warn, or clean the conditions set forth in the preceding paragraphs

of this Petition and as a direct and proximate result of such failure plaintiff was injured.

8. That plaintiff stepped on the fluid in the aisle of K Mart Corporation which cause her to slip and fall to the ground and walkway - aisle and she received severe and grievous injury as a direct and proximate cause of defendant's negligence.

9. Plaintiff was injured and damaged in the following respects: Plaintiff received severe, permanent and progressive injury to her head, face and body thereby resulting in permanent and progressive injury. Plaintiff has incurred large expenses for hospitalization, doctors, therapy, medicine, nursing care, nursing home and medical appliances, and plaintiff will in the future during her lifetime require further such treatment for her condition. Plaintiff has received permanent injuries thereby causing her to have all of those normal complaints and problems associated with such a severe injury, including pain, discomfort, insomnia, mental anguish, loss of sleep, and her disabilities and above complaints are permanent and progressive and will continue to occur and be present in the future. Plaintiff has lost time and wages from her employment and will lose further time and wages in the future. All of the above is to her damage in the past, present, and in the future, said amount to be determined by judge and jury.

10. That if in the event plaintiff demands settlement on behalf of K Mart Corporation pursuant to RSMo. 408.040, which is rejected and kept open for 60 days pursuant to said statute, then plaintiff will request prejudgment interest.

WHEREFORE, plaintiff Marie T. Alley prays for judgment in her favor in a reasonable amount as determined by the judge and jury and that the Court award plaintiff prejudgment interest at the rate of nine percent (9%) per annum as authorized by RSMo. 408.040, and for her costs herein incurred.

COUNT II

COMES NOW James C. Alley and for his cause of action alleges and states as follows:

1. Plaintiff James C. Alley is a resident of Independence, Jackson County, Missouri; defendant K Mart Corporation, is a Michigan corporation in good standing in Missouri and operating a business in Missouri, including Jackson County, Missouri; defendant can be served per its Registered Agent, CT Systems, 906 Olive, St. Louis, Missouri, 63101; all of the acts complained of herein occurred in Independence, Jackson County, Missouri.

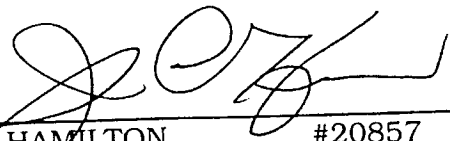
2. Plaintiff James C. Alley incorporates by reference each and every statement, allegation, and averment contained in Count I of this Petition as though fully set forth herein.

3. That on or about January 16, 1999, and at all time herein after mentioned, plaintiff James C. Alley was the lawful husband and spouse of plaintiff Marie T. Alley.

4. That because of the injuries and physical elements suffered by Marie T. Alley as heretofore set forth, plaintiff James C. Alley has lost the care, comfort and consortium of his wife, Marie T. Alley.

5. That if in the event plaintiff demands settlement on behalf of K Mart Corporation pursuant to RSMo. 408.040, which is rejected and kept open for 60 days pursuant to said statute, then plaintiff will request prejudgment interest.

WHEREFORE, plaintiff James C. Alley prays for judgment in his favor in a reasonable amount as determined by the judge and jury and that the Court award plaintiff prejudgment interest at the rate of nine percent (9%) per annum as authorized by RSMo. 408.040, and for his costs herein incurred.



JOSEPH A. HAMILTON #20857
216 North Highway 7, P.O. Box 215
Pleasant Hill, MO 64080
(816) 540-4040 Fax: 540-3147
ATTORNEY FOR PLAINTIFFS.

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