FORM B10 (Official Form 10) 4007007

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.

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

WASHINGTON, MARY
C/O JAMES HILLER
JAMES A. HILLER
5325 WEST BURLEIGH STREET
2ND FLOOR
MILWAUKEE, WI 53210

11 2430439

☐ 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:
Address:
City/St/Zip:
Telephone: # 414-447-6460

10101222

This Space is for Court Use Only

Account or other number by which creditor identifies debtor:

Check here if this claim ☐ replaces ☐ 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 _____ (date) to _____ (date)

2. Date debt was incurred: October 4, 1998

3. If court judgment, date obtained: NOT applicable

4. Total Amount of Claim at Time Case Filed: $ unknown at present-demand in excess of $7,500
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. SEE ENCLOSED Personal Injury Complaint

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

FILED
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
APR 12 2002
KENNETH S. GARDNER
MAILROOM - MM

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):
ATTORNEY OF RECORD FOR CLAIMANT

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.

A.B. 4-12-02 6561

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In particular types of cases or circumstances, such as bankruptcy cases that are not filed voluntarily by a debtor, there may be exceptions to these general rules.

DEFINITIONS

Debtor

The person, corporation, or other entity that has filed a bankruptcy case is called the debtor.

Creditor

A creditor is any person, corporation, or other entity to whom the debtor owed a debt on the date that the bankruptcy case was filed.

Proof of Claim

A form telling the bankruptcy court how much the debtor owed a creditor at the time the bankruptcy case was filed (the amount of the creditor's claim). Claims are to be mailed to Kmart Corporation, et. al. c/o Trumbull Services Company, LLC, P.O. Box 426, Windsor, CT 06095

Secured Claim

A claim is a secured claim to the extent that the creditor has a lien on property of the debtor (collateral) that gives the creditor the right to be paid from that property before creditors who do not have liens on the property.

Examples of liens are a mortgage on real estate and a security interest in a car, truck, boat, television set, or other item of property. A lien may have been obtained through a court proceeding before the bankruptcy case began; in some states a court judgment is a lien. In addition, to the extent a creditor also owes money to the debtor (has a right of setoff), the creditor's claim may be a secured claim. (See also Unsecured Claim)

Unsecured Claim

If a claim is not a secured claim it is an unsecured claim. A claim may be partly secured and partly unsecured if the property on which a creditor has a lien is not worth enough to pay the creditor in full.

Unsecured Priority Claim

Certain types of unsecured claims are given priority, so they are to be paid in bankruptcy cases before most other unsecured claims (if there is sufficient money or property available to pay these claims). The most common types of priority claims are listed on the proof of claim form. Unsecured claims that are not specifically given priority status by the bankruptcy laws are classified as Unsecured Nonpriority Claims.

Items to be completed in Proof of Claim form (if not already filled in)

Court, Name of Debtor, and Case Number:
Fill in the name of the federal judicial district where the bankruptcy case was filed (for example, Northern District of Illinois), the name of the debtor in the bankruptcy case, and the bankruptcy case number.

Information about Creditor:
Complete the section giving the name, address, and telephone number of the creditor to whom the debtor owes money or property, and the debtor's account number, if any. If anyone else has already filed a proof of claim relating to this debt, if you never received notices from the bankruptcy court about this case, if your address differs from that to which the court sent notice, or if this proof of claim replaces or changes a proof of claim that was already filed, check the appropriate box on the form.

1. **Basis for Claim:**
Check the type of debt for which the proof of claim is being filed. If the type of debt is not listed, check "Other" and briefly describe the type of debt. If you were an employee of the debtor, fill in your social security number and the dates of work for which you were not paid.

2. **Date Debt Incurred:**
Fill in the date when the debt first was owed by the debtor.

3. **Court Judgments:**
If you have a court judgment for this debt, state the date the court entered the judgment.

4. **Total Amount of Claim at Time Case Filed:**
Fill in the total amount of the entire claim. If interest or other charges in addition to the principal amount of the claim are included, check the appropriate place on the form and attach an itemization of the interest and charges.

5. **Secured Claim:**
Check the appropriate place if the claim is a secured claim. You must state the type and value of property that is collateral for the claim, attach copies of the documentation of your lien, and state the amount past due on the claim as of the date the bankruptcy case was filed. A claim may be partly secured and partly unsecured. (See DEFINITIONS, above).

6. **Unsecured Priority Claim:**
Check the appropriate place if you have an unsecured priority claim, and state the amount entitled to priority. (See DEFINITIONS, above). A claim may be partly priority and partly nonpriority if, for example, the claim is for more than the amount given priority by the law. Check the appropriate place to specify the type of priority claim.

7. **Credits:**
By signing this proof of claim, you are stating under oath that in calculating the amount of your claim you have given the debtor credit for all payments received from the debtor.

8. **Supporting Documents:**
You must attach to this proof of claim form copies of documents that show the debtor owes the debt claimed or, if the documents are too lengthy, a summary of those documents. If documents are not available, you must attach an explanation of why they are not available.

STATE OF WISCONSIN ***CIRCUIT COURT*** ***MILWAUKEE COUNTY***

Mary Washington
7101 West Appleton Avenue, #2
Milwaukee, WI 53216

01CV008844

Plaintiff,

v.

Case Number:
Code Number: 30107

K-Mart Corporation
c/o Registered Agent
C.T. Corporation Systems, Inc.
44 East Mifflin
Madison, WI 53703

and

ABC Insurance Company
(exact name presently unknown)

Defendant.

FILED AND AUTHENTICATED
SEP 26 2001
JOHN BARRETT
Clerk of Circuit Court

- COMPLAINT

NOW COMES the Plaintiff, Mary Washington, by her attorneys, the Law Offices of James A. Hiller, by James A. Hiller, and complains of the Defendant as follows:

1. Plaintiff, currently residents at 7101 West Appleton Avenue, #2, Milwaukee, WI 53216.

2. The Defendant K-Mart Corporation ("K-Mart") is, upon information and belief, a Michigan Corporation with its home office and principal place of business located at 3100 West Big Beaver Road, Troy, Michigan, and is engaged in retail business. The registered agent of K-Mart is C.T. Corporation Systems, Inc. located at 44 East Mifflin Street, Madison, Wisconsin. K-Mart does substantial business in Milwaukee County.

3. On information and belief, ABC Company did, at the time of the accident described herein, provide liability insurance covering the acts of the named Defendant for the damages and losses sustained by Plaintiff. Plaintiff is presently unaware of the correct name and address of said insurance company and will seek leave of the Court to amend this complaint when such facts become known to Plaintiff.

First Claim for Relief Against K-Mart
Common Law Negligence

4. That on October 4, 1998, Plaintiff Mary Washington was a patron at a store owned and operated by K-Mart located at 3201 Mayfair Road, Wauwatosa, WI 53222.

5. While shopping in said K-Mart store in an area intended for use by patrons, Plaintiff, Mary Washington, fell on some foreign substance on the floor in one of the aisles she was traversing, causing her to sustain serious personal injuries.

6. K-Mart was careless and negligent in the maintenance, operation, and control of said store, creating a danger for Ms. Washington, by, among other things allowing the foreign substance to remain in the aisle into the path of patrons without any warning sign in or around said substance on the floor and/or in not otherwise removing said substance from the floor allowing the Plaintiff to slip and fall on it.

7. K-Mart knew, or should have known, the existence of said danger and did not rectify it in a timely manner so as to avoid injury to said plaintiff. As a proximate cause of Defendant's negligence in not maintaining a safe place for Plaintiff Mary Washington, said Plaintiff sustained personal injury, emotional stress, wage loss, permanent physical, mental, and emotional damage, and other economic losses.

8. Each of the foregoing acts of carelessness and negligence of K-Mart proximately caused serious and permanent injuries to said Plaintiff, including injuries to her neck, back, and stomach, which injuries have caused her past and future pain and suffering, past and future medical care and expense, and limitations in the past and future of her ability to enjoy life and to enjoy and participate in her normal activities, hobbies, and pastimes.

Second Claim for Relief Against Defendant K-Mart
Violation of Wisconsin Safe Place Statute

9. All the foregoing allegations are incorporated herein by reference.

10. The K-Mart store is a "place of employment" and a "public building" as those terms are defined in sec. 101.01, Wis Stats.

11. The Plaintiff Mary Washington was a "frequenter," as that terms is defined in sec. 101.01, Wis. Stats., at the time of the subject incident at K-Mart.

12. The defendant K-Mart is an "owner" of a place of employment as that term is used in sec. 101.11, Wis. Stats.

13. The defendant K-Mart is an "employer" as that term is used in sec. 101.11, Wis. Stats.

14. The defendant K-Mart has a duty pursuant to sec. 101.11, Wis. Stats., to furnish a place of employment safe for employees and frequenters thereof, to furnish and use safety devices and safeguards, and to adopt and use methods and processes reasonably adequate to render such places of employment safe and to do everything reasonably necessary to protect the life, health, safety, and welfare of its employees and frequenters.

15. The defendant K-Mart has a duty pursuant to sec. 101.11, Wis. Stats., to construct, repair and maintain such place of employment or public building as to render the same as safe as their nature would reasonably permit.

16. The defendant K-Mart violated its duties under sec. 101.11, Wis. Stats., by failing to do what was reasonably necessary to protect patrons from the type of accident experienced by Ms. Washington. The foreign substance on the floor in the aisle represented a danger to store patrons and rendered the premises in a condition that was not as safe as its nature would reasonably permit.

17. The defendant K-Mart's violation of sec. 101.11, Wis. Stats., was a substantial factor in causing the Plaintiff, Mary Washington, to fall, and her consequent damages as alleged above.

18. As the owner of the store, K-Mart is liable to the Plaintiff for her damages due to its violation of the Wisconsin Safe Place Statute.

WHEREFORE, Plaintiff prays for Judgment as follows:

A. Against each defendant K-Mart for Plaintiff's compensatory damages;

B. For her costs, disbursements, and attorney fees as provided by law;

C. Such other and further relief as the court deems just and equitable.

Dated this 25th day of September, 2001.

LAW OFFICES OF JAMES A. HILLER
Attorneys for Plaintiff

By: _____
James A. Hiller
State Bar No. 1016709

PLAINTIFFS DEMAND A JURY TRIAL BEFORE A PANEL OF 12 JURORS.

P.O. ADDERSS:
5325 West Burleigh Street, 2nd Floor
Milwaukee, WI 53210
(414) 447-6460 (o)
(414) 447-6493 (f)