FORM B10 (Official Form 10) 4008624

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)

MURPHY, ROBERT
C O PHILIP V MCCALISTER 11 3313522
PHILIP V MCCALISTER
LOWER BURRELL PROFESSIONAL PLA
3058 LEECHBURG ROAD
LOWER BURRELL, PA 15068

☐ 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 Murphy, Robert
c/o Philip V. McCalister
Address 2400 Leechburg Rd, Suite 202
City/St/Zip New Kensington, PA 15068

Telephone # 724-339-8318

10100033

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:

3. If court judgment, date obtained:

4. Total Amount of Claim at Time Case Filed: $ 10,000.00
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
4/19/02

Date 4-18-02

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)

7592

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

COPY

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA
CIVIL DIVISION

ROBERT E MURPHY,	)	
	)	
Plaintiff,	)	3002 of 2000
	)	
vs.	)	
	)	
K-MART CORPORATION,	)	
	)	
Defendant.	)	

TYPE OF PLEADING:

COMPLAINT

Filed on Behalf of:
Robert E Murphy, Plaintiff

Counsel of Record

Philip V McCalister
PA ID #59992
3058 Leechburg Road
Lower Burrell, PA 15068
(412) 339-8318

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA
CIVIL DIVISION

ROBERT E. MURPHY,	)
	)
Plaintiff,	)
	)
vs.	)
	)
K-MART CORPORATION,	)
	)
Defendant.	)

NOTICE TO DEFEND

You have been sued in court If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any claim or relief requested by the plaintiff You may lose money or property or other rights important to you

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE OR KNOW A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

WESTMORELAND BAR ASSOCIATION
129 North Pennsylvania Avenue
Greensburg, PA 15601
(412) 834-8490

IN IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA
CIVIL DIVISION

ROBERT E MURPHY,	)	
	)	
Plaintiff,	)	
	)	
vs	)	No 3 002 of 2000
	)	
K-MART CORPORATION,	)	
	)	
Defendant.	)	

COMPLAINT

NOW COMES Plaintiff, Robert E Murphy, by and through his attorney, Philip V McCalister, Esquire, and files the within Complaint setting forth as follows·

1 Plaintiff, Robert E. Murphy, (hereinafter, "Murphy"), is an adult individual who resides at 401 Oakwood Drive, New Kensington, Westmoreland County, Pennsylvania

2 Defendant, K-Mart Corporation (hereinafter, "K-Mart") is believed to be a Michigan corporation doing business at 100 Tarentum Bridge Road, New Kensington, Westmoreland County, Pennsylvania

3 During all times relevant hereto, K-Mart employed an unidentified individual to collect shopping carts from the K-Mart parking lot and returning them to a designated shopping cart storage area inside the K-Mart New Kensington building.

4 On June 29, 1998, Murphy was a business invitee patron of K-Mart on the premises to shop for home products

5 Murphy entered the K-Mart Store in New Kensington through the main entrance and, upon entry, turned to his left to walk to the shopping cart storage area to retrieve a shopping cart

6 During this same time, an unidentified K-Mart employee was retrieving shopping carts from the K-Mart parking lot to return to the shopping cart storage area

7 As Mr Murphy, facing the stored shopping carts, reached out to retrieve a shopping cart he was struck from the rear with such great force that he was pressed up, over and on to the cart he was seeking to retrieve and was pinned there from the rear

8 Immediately after being struck from behind, Mr. Murphy looked to discover that he had been struck by five (5) shopping carts joined together and pushed into him by an unidentified K-Mart employee without exercising reasonable care for Plaintiff's safety and the safety of others in general.

9 The K-Mart employee then pulled the shopping carts away freeing Mr Murphy from being pinned between the cart he was seeking to retrieve and the carts pushed by the employee

10 The K-Mart employee was acting within the course and scope of his employment duties and, at all times relevant herein, was under the direct supervision of supervisors and management personnel of K-Mart.

11 As a direct result of the acts of the unidentified K-Mart employee as described herein, Mr Murphy suffered permanent and disabling injuries as follows

a) A contusion to his lower spine,
b) Nerve damage,
c) Tingling, numbness, weakness and loss of use in both hands,
d) Tingling, numbness, weakness and loss of use in both legs and feet

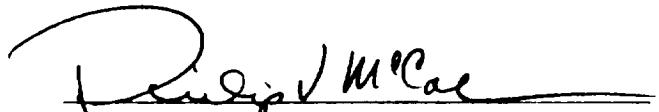
12 Since the acts alleged herein, Mr Murphy has been forced to rely on two canes for stability while walking.

13. Mr Murphy has been required to undergo ongoing medical treatment, diagnostic tests and physical therapy and has incurred personal expense for these medical treatments

14 Mr. Murphy shall incur in the future additional medical expenses for continued treatment of his disability caused by defendants as described herein.

15 Mr. Murphy has suffered pain and suffering and loss of enjoyment of life as a result of the acts of defendants described herein

WHEREFORE, Plaintiff, Robert E Murphy, respectfully requests that this Court enter judgment in his favor and against Defendant K-Mart Corporation in an amount to be proven at trial, plus costs of suit and any other relief which the Court deems appropriate in the premises



Philip V McCallister, Esquire
Attorney for Plaintiff
PA ID #59992
3058 Leechburg Road
Lower Burrell, PA 15068
(724) 339-8318

VERIFICATION

I, Robert E. Murphy, have read the forgoing Complaint The statements therein are correct to the best of my personal knowledge or information and belief. This statement and verification is made subject to the penalties of 18 Pa C S.A §4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Robert E. Murphy

5/12/00
Date