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 02-02474 through

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.

Your claim is scheduled as follows

Class

UNSECURED NON PRIORITY

Amount

CONTINGENT, DISPUTED, UNLIQUIDATED

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

10100294

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:
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

This Space is for Court Use Only
7798 SM

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 L Piane ANGELA F PIANE 11/16/02

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.
X 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,	)	C.A. No. 01C-07-094 SCD
v.	)	
K MART CORPORATION, a State of Michigan Corporation,	)	JURY TRIAL DEMANDED ARBITRATION ACTION
Defendant.	)	

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

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

Jan-08-02 01:38am From-

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

TIGANI & HOOD LLP

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919 MARKET STREET
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WILMINGTON, DELAWARE 19899

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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