FORM B10 (Official Form 10) 4008 14

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

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)

OLIVERO DEBBIE 11 2970812
C/O MICHAEL F PERROTTA
MICHAEL F PERROTTA
775 PARK AVENUE
HUNTINGTON, NY 11743

☐ 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 DEBORAH OLIVERO
Telephone # (631) 424-2727
Address
City/St/Zip

10100137

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 D/A- 1/18/99
☐ 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: $ _____
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
9109 SM

Date 4/15/02

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)

MICHAEL F PERROTTA
ATTORNEY AT LAW
775 Park Avenue
Suite 205
Huntington, NY 11743

4/19/02

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

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

----------X

DEBORAH OLIVERO and ANTHONY OLIVERO,

SUMMONS

Plaintiff(s),

Index No. 99-14054

-against -

KMART CORPORATION,

Date Filed: 6/24/99

Defendant(s).

----------X

TO THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorney within ***20*** days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in the event of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Plaintiff designates Suffolk County as the place of trial.

The basis of venue is plaintiffs residence.

Plaintiffs reside at 11 Wave Crest Drive ,Mastic Beach, NY 11951-
County of Suffolk

Dated this 30th day of April, 1999

MICHAEL F. PERROTTA, ESQ.
Attorney for Plaintiff(s)
775 Park Ave., Suite 205
Huntington, NY 11743
(516) 424-2727

Defendant(s) address: 11 North Ocean Avenue
Farmingville, NY 11738

PLEASE FORWARD A COPY OF THIS SUMMONS & COMPLAINT
TO YOUR INSURANCE CARRIER IMMEDIATELY.

Michael F. Perrotta
Attorney at Law
775 Park Avenue
Huntington, N Y 11743

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

----------X

DEBORAH OLIVERO and ANTHONY OLIVERO,

Plaintiff(s)

-against-

VERIFIED COMPLAINT

KMART CORPORATION,

Defendant(s).

----------X

Plaintiff(s), by their attorney, MICHAEL F. PERROTTA, ESQ., complaining of the defendant(s) herein, respectfully allege(s), upon information and belief, as follows:

AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF OF PLAINTIFF, DEBORAH OLIVERO

1. At all times mentioned herein, plaintiff(s) were and still are residents of the County of Suffolk and State of New York.

2. At all times mentioned herein, defendant, KMART CORPORATION, was a foreign corporation duly authorized to do business in the State of New York, with offices located at 11 North Ocean Avenue, Farmingville, NY.

3. At all times mentioned herein, defendant(s), KMART CORPORATION, owned the premises located at 11 North Ocean Avenue, Farmingville, NY 11738.

4. At all times mentioned herein, defendant(s), KMART CORPORATION, its agents, servants, and/or employees, maintained the premises located at 11 North Ocean Avenue, Farmingville, NY 11738.

Michael F. Perrotta
Attorney at Law
775 Park Avenue
Huntington, N Y. 11743

5. At all times mentioned herein, defendant(s), KMART CORPORATION, its agents, servants, and/or employees, operated the premises located at 11 North Ocean Avenue. Farmingville, NY 11738.

6. At all times mentioned herein, defendant(s), KMART CORPORATION, its agents, servants, and/or employees, managed the premises located at 11 North Ocean Avenue, Farmingville, NY 11738.

7. At all times mentioned herein, defendant(s), KMART CORPORATION, its agents, servants, and/or employees, controlled the premises located at 11 North Ocean Avenue, Farmingville, NY 11738.

8. At all times mentioned herein, defendant(s), KMART CORPORATION, operated a retail store at the premises located at 11 North Ocean Avenue, Farmingville, NY 11738

9. At all times mentioned herein, defendant(s), its agents, servants, and/or employees had a duty to use reasonable care to keep and maintain the subject premises in a reasonably safe condition for the protection of all persons lawfully thereat.

10. On or about 1/18/99, this plaintiff was lawfully and properly upon the aforesaid premises, and was caused to slip and fall and sustain serious personal injuries as a result of the negligent and careless ownership, management, operation, maintenance and control of the subject premises by the defendant(s), its agents, servants, and/or employees.

11. The aforesaid occurrence and the injuries sustained by the plaintiff were caused solely and wholly by the negligence of the defendant(s), its agents, servants and/or employees, without any negligence on the part of the plaintiff in any way contributing thereto.

Michael F Perrotta
Attorney at Law
775 Park Avenue
Huntington, N Y 11743

12. The defendant(s), its agents, servants, and/or employees were careless, reckless, and negligent in the ownership, management, operation, maintenance and control of the subject premises; in failing to provide the plaintiff and others with a safe means of egress and ingress; in failing to provide the plaintiff and others with a safe floor surface on the premises, including the lobby; in failing to take reasonable precautions to protect those persons lawfully upon said premises from the known dangers then and there existing; in failing to take any precautions so as to avoid the happening of this accident; in failing to exercise reasonable care to prevent injury to the plaintiff; in failing to provide plaintiff with a safe floor surface on which to enter and exit the subject premises; in causing and permitting the floor surface on said premises, including the lobby, to become and remain in an unsafe and dangerous condition; in failing to keep the floor surface of said premises, including the lobby, in a reasonably safe condition; in failing to erect a barricade around the dangerous condition in order to protect the plaintiff and others lawfully upon the premises; in creating and maintaining a dangerous and hazardous trap-like condition; in creating and maintaining a dangerous nuisance and condition upon the premises; in failing to warn the plaintiff and others lawfully upon the premises of the dangers then and there existing; in failing to keep and maintain its premises in a safe and suitable condition for the passage of the plaintiff and others; in failing to properly train, instruct, and supervise its agents, servants, and/or employees with respect to the safe maintenance of said premises; in hiring persons unskilled in the proper maintenance of said premises; in causing and permitting water to collect and remain on the surface of the lobby floor at said premises; in failing to mop and dry the surface of the lobby floor on said premises, in failing to remedy a dangerous, slippery, and hazardous condition on said premises; in maintaining the surface of the lobby floor in a dangerous and

Michael F. Perrotta
Attorney at Law
775 Park Avenue
Huntington, N Y. 11743

unsafe condition; in permitting water to accummulate and cause puddles on the surface of the lobby floor, thereby causing a slip-hazard on the subject premises; in failing to make proper and timely inspections of the lobby floor on the aforesaid premises; in failing to remedy the dangerous and hazardous condition; and in otherwise being negligent in the premises.

13 The defendant(s), its agents, servants, and/or employees, knew or should have known of the dangerous condition existing at said premises, as said defendant(s) created and/or maintained said condition, and said condition existed for a long and unreasonable period of time.

14. The plaintiff's complaint, causes of action, and all claims arising therefrom, are not subject to the limitations on liability set forth in Article 16 of the CPLR.

15. As a result of the aforesaid accident, the plaintiff was caused to sustain serious personal injuries to and about her body and to her nerves and nervous system, causing her great pain and discomfort and incapacitating her from attending to her normal employment and usual activities and duties, with consequential loss of income, and necessitating that she seek and obtain medical care and treatment, with consequential medical expenses, and some of the injuries so sustained will be of a long lasting and permanent nature, with resulting loss of enjoyment of life, all to her damage in the sum of ONE MILLION ($1,000,000.00) DOLLARS.

AS AND FOR A SECOND CAUSE OF ACTION
ON BEHALF OF PLAINTIFF ANTHONY OLIVERO

16 This plaintiff repeats and reiterates each and every allegation as contained in paragraphs enumerated "1" through "15" of the First Cause of Action with the same force and effect as if more fully set forth herein at length.

Michael F. Perrotta
Attorney at Law
775 Park Avenue
Huntington, N Y. 11743

17. At all times mentioned herein, this plaintiff was the lawful husband of plaintiff, DEBORAH OLIVERO, and is entitled to her services, society, consortium, care and comfort.

18. As a result of the aforesaid accident, plaintiff lost the services, society, consortium, care and comfort of his said wife, all to his damage in the sum of ONE HUNDRED THOUSAND ($100,000.00) DOLLARS.

WHEREFORE, plaintiffs demand judgment against the defendant(s) on the First Cause of Action in the sum of ONE MILLION ($1,000,000.00) DOLLARS, plus interest and punitive damages, and on the Second Cause of Action in the sum of ONE HUNDRED THOUSAND ($100,000.00) DOLLARS, plus interest and punitive damages, together with the costs and disbursements of this action.

Dated: Huntington, New York
April 30, 1999

Yours etc.,

MICHAEL F. PERROTTA, ESQ
Atty. For Plaintiff(s)
775 Park Ave., Suite 205
Huntington, NY 11743
(516) 424-2727

Michael F. Perrotta
Attorney at Law
775 Park Avenue
Huntington, N.Y. 11743

VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF SUFFOLK)

DEBORAH OLIVERO, being duly sworn, deposes and says:

That deponent is the plaintiff in the within action.

That deponent has read the foregoing **VERIFIED COMPLAINT** and knows the contents thereof.

That the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief and as to those matters deponent believes them to be true.

X Deborah Olivero
DEBORAH OLIVERO

Sworn to and subscribed
before me this 17th day
of June, 1999

CAROLYN ANZALONE
Notary Public, State of New York
No. 01AN4854359
Qualified in Suffolk County
Commission Expires March 10, 2000

Carolyn Anzalone
NOTARY PUBLIC

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

----------X

DEBORAH OLIVERO and ANTHONY OLIVERO,

Plaintiff(s),

-against-

K MART CORPORATION,

Defendant(s)

----------X

VERIFIED BILL
OF PARTICULARS

INDEX NO. 99/025416

Plaintiff(s), by their attorney, MICHAEL F. PERROTTA, ESQ, as and for their verified bill of particulars, respectfully allege(s), upon information and belief, as follows:

1. Plaintiff, DEBORAH OLIVERO, was born on 2/4/63.

2. Plaintiffs reside at 11 Wave Crest Drive, Mastic Beach, NY 11951.

3. The subject accident occurred on January 18, 1999 at approximately 3:30 p.m.

4. & 5. Plaintiff, DEBORAH OLIVERO, slipped and fell due to an accumulation of water on the floor in the lobby of the K Mart store, located at 11 North Ocean Avenue, Farmingville, NY.

6. The accumulation of water on the floor of the lobby of defendant's premises constituted an unreasonably dangerous condition and nuisance, which caused plaintiff to slip and fall and suffer serious personal injuries.

7. The defendant(s), its agents, servants, and/or employees were careless, reckless, and negligent in the ownership, management, operation, maintenance and control of the subject premises; in failing to provide the plaintiff and others with a safe means of egress and ingress; in failing to provide the plaintiff and others with a safe floor surface on the

Michael F Perrotta
Attorney at Law
775 Park Avenue
Huntington, N Y. 11743

premises, including the lobby; in failing to take reasonable precautions to protect those persons lawfully upon said premises from the known dangers then and there existing; in failing to take any precautions so as to avoid the happening of this accident; in failing to exercise reasonable care to prevent injury to the plaintiff; in failing to provide plaintiff with a safe floor surface on which to enter and exit the subject premises; in causing and permitting the floor surface on said premises, including the lobby, to become and remain in an unsafe and dangerous condition; in failing to keep the floor surface of said premises, including the lobby, in a reasonably safe condition; in failing to erect a barricade around the dangerous condition in order to protect the plaintiff and others lawfully upon the premises; in creating and maintaining a dangerous and hazardous trap-like condition; in creating and maintaining a dangerous nuisance and condition upon the premises; in failing to warn the plaintiff and others lawfully upon the premises of the dangers then and there existing; in failing to keep and maintain its premises in a safe and suitable condition for the passage of the plaintiff and others; in failing to properly train, instruct, and supervise its agents, servants, and/or employees with respect to the safe maintenance of said premises; in hiring persons unskilled in the proper maintenance of said premises; in causing and permitting water to collect and remain on the surface of the lobby floor at said premises, in failing to mop and dry the surface of the lobby floor on said premises, in failing to remedy a dangerous, slippery, and hazardous condition on said premises; in maintaining the surface of the lobby floor in a dangerous and unsafe condition; in permitting water to accumulate and cause puddles on the surface of the lobby floor, thereby causing a slip-hazard on the subject premises; in failing to make proper and timely inspections of the lobby floor on the aforesaid premises; in failing to remedy the

Michael F Perrotta
Attorney at Law
775 Park Avenue
Huntington, N Y 11743

dangerous and hazardous condition; and in otherwise being negligent in the premises.

8 All issues of law are respectfully referred to the trial court.

9. Plaintiff claims both actual and constructive notice. The defendant, its agents, servants, and/or employees knew or should have known of the dangerous and defective condition that existed at said premises, as said premises was owned, operated, maintained and controlled by the defendant, its agents, servants and/or employees, and said defective and dangerous condition existed for a long and unreasonable period of time prior to the happening of the accident. Plaintiffs do not now know the exact period of time that this condition existed prior to the happening of the subject accident, except that said condition existed for at least several hours on the day of the accident, before the accident involving the plaintiff. Plaintiff does not now know the identity of the defendant's employees who had actual knowledge of the condition, but plaintiffs will supplement this response following the completion of all discovery including examinations before trial of all parties if further information then becomes known to the plaintiffs.

10. & 11. As now known, plaintiff, DEBORAH OLIVERO, sustained serious personal injuries caused, initiated, precipitated and/or aggravated by the negligence of the defendant, its agents, servants, and/or employees, consisting primarily of. Severe trauma to the right knee, with a sprain and joint effusion, with severe pain and swelling, with tearing, trauma, and injury to the surrounding muscles, tendons, ligaments, nerve, nerve tissues, and blood vessels, with admission to Stony Brook University Hospital E.R. on 1/18/99, with suprapatellar fullness, with the need for crutches, a knee immobilizer, and pain medication upon discharge from the hospital, with diagnosis of anterior cruciate ligament, medial meniscal, and medial collateral ligament tears, with MRI of the right knee on 2/17/99

Michael F Perrotta
Attorney at Law
775 Park Avenue
Huntington, N Y 11743

confirming complete tear of the anterior cruciate ligament (ACL), medial collateral ligament tear (MCL), meniscal degeneration along the posterior horns of both the medial and lateral menisci, bone contusion of the lateral tibial plateau, and moderate joint effusion, with severe pain and swelling, with loss of use and function of the right knee and right lower extremity, with loss of range of motion of the right knee and right lower extremity, with incapacitation and disability from substantially all of the plaintiff's pre-accident activities, with the likely development of post-traumatic arthritis, with the need for continued medical care and treatment including painful physical therapy and a Townsend brace, with continued pain and discomfort, with continued swelling and tenderness, with buckling of the right knee, with pain of the right knee cap, with weakness of the right knee and right lower extremity, with the need for ACL reconstruction surgery, meniscal repair and partial menisectomy, with the need for range of motion, conditioning and rehab exercises, with loss of enjoyment of life, with a permanent disability, with a guarded prognosis. Copies of the medical reports of Dr. Michael J. Fracchia dated 1/21/99, Dr. Andrew P. Robinson dated 2/11/99, 3/4/99, 3/22/99, and 5/3/99, and Dr. Carolyn Z. Ajemian (MRI) dated 2/17/99, are annexed hereto and made part hereof.

The foregoing injuries involved trauma and injury of the surrounding muscles, ligaments, tendons, blood vessels, nerve, nerve tissues, and soft tissues. Upon information and belief the injuries so sustained have weakened those parts of the body and have rendered them ore susceptible to future trauma. Upon information and belief, all of the foregoing injuries, and the sequelae thereof, except those of a superficial nature, are permanent. Plaintiff will set forth the sequelae, continued effects, and results of said injuries, and the treatment thereof, and any other further injuries as they become known to the plaintiff.

Michael F Perrotta
Attorney at Law
775 Park Avenue
Huntington, N Y 11743

12. As a result of the happening of the subject accident, plaintiff was totally incapacitated and disabled and confined to her bed and home for a period approximately 3 months immediately following the accident and intermittently thereafter to date.

13. Plaintiff was admitted to Stony Brook University Hospital E.R., Stony Brook, NY on 1/18/99.

14. Dr. Michael J Fracchia, 635 Belle Terre Road, Port Jefferson, NY 11777; Dr. Andrew P. Robinson, South Fork Orthopedics, 5 Union Ave., Center Moriches, NY 11934, Dr Carolyn Z Ajemian, Islandia MRI Associates, 200 Corporate Plaza, Suite A103,Express Drive South, Islandia, NY 11722; Pramod Bhanti, P.T., 5 Union Ave., Center Moriches, NY 11934.

15. – 17. Not applicable.

18. Hospital expenses – Approximately $310.00.

Physicians services and medical supplies – Approx. $2,639.00 and continuing.

Physical Therapy expenses – Approx. 1,155.00 and continuing.

19. Plaintiff, DEBORAH OLIVERO's Social Security Number is 088-56-0116

Dated: Huntington, New York
February 29, 2000

Yours etc.,

MICHAEL F. PERROTTA, ESQ.
Atty. for plaintiff(s)
775 Park Ave., Suite 205
Huntington, NY 11743
(516) 424-2727

Michael F Perrotta
Attorney at Law
775 Park Avenue
Huntington, N Y 11743

TO: SIMMONS, JANNACE & STAGG, L.L.P.
Atty. for Defs.
90 Merrick Avenue, Suite 102
East Meadow, NY 11554-
516-357-8100

Michael F. Perrotta
Attorney at Law
775 Park Avenue
Huntington, N.Y. 11743

VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF SUFFOLK)

DEBORAH OLIVERO, being duly sworn, deposes and says:

That deponent is the plaintiff in the within action.

That deponent has read the foregoing **VERIFIED BILL OF PARTICULARS** and knows the contents thereof.

That the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief and as to those matters deponent believes them to be true.

X _____
DEBORAH OLIVERO

Sworn to and subscribed
before me this 14th day
of April, 2000

_____
NOTARY PUBLIC

[illegible], State Of [illegible]
No. 01AN4854350
Qualified in Suffolk County
Commission Expires March 10, 2002

MICHAEL F. PERROTTA

ATTORNEY AT LAW

775 PARK AVENUE
SUITE 205
HUNTINGTON, NEW YORK 11743

(631) 424-2727
FAX (631) 385-7664

April 15, 2002

Kmart Corporation, et al
c/o Trumbull Services, LLC
P.O. Box 426
Windsor, CT 06095

Re: DEBORAH OLIVERO v. KMART CORPORATION
Case No.: 02-02474

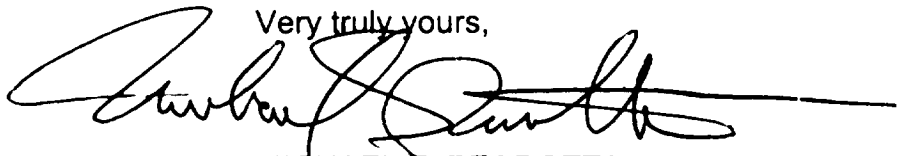
Dear Sir/Madam:

In accordance with the Order and directive of the United States Bankruptcy Court, I enclose for services original and copy of Proof of Claim in the above matter dated April 15, 2002. A copy of the Summons and Complaint and Verified Bill of Particulars setting forth the particulars of this claim are attached to the original Proof of Claim.

Please acknowledge the filing of this claim by "date stamping" the enclosed copy of the Proof of Claim and returning same to my office in the envelope provided.

If you have any questions or require any additional information, please do not hesitate to contact the undersigned.

Very truly yours,



MICHAEL F. PERROTTA

MFP:ca
Enc.