

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION		PROOF OF CLAIM Chapter 11
<b>In Re Kmart Corporation, et al.</b>		Your claim is scheduled as follows:
Case Numbers <b>02-02462 through 02-02499</b>		Class <b>UNSECURED NON PRIORITY</b>
Name of Debtor (see attached for complete list of debtors)		Amount <b>CONTINGENT, DISPUTED, UNLIQUIDATED</b>
<p><b>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.</b></p>		
Name of Creditor (The person or other entity to whom the debtor owes money or property)  JORDAN, JANELLA C.O RICHARD CERRATO, ESQ RICHARD CERRATO, ESQUIRE 3180 MAIN STREET BRIDGEPORT, CT 06606	11 4313622	<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
If address differs from above, please complete the following: Creditor Name _____ Telephone # <b>203-374-4600</b> Address _____ City/State/Zip _____		10099405  This Space is for Court Use Only
Account or other number by which creditor identifies debtor	<input type="checkbox"/> Check here if this claim <input type="checkbox"/> replaces <input type="checkbox"/> amends a previously filed claim, dated _____	
<b>1. Basis for Claim</b> <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)
<b>2. Date debt was incurred:</b> <b>4/2/00</b>		<b>3. If court judgment, date obtained:</b>
<b>4. Total Amount of Claim at Time Case Filed:</b> <b>\$ 15,000.00 +</b> 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.		
<b>5. Secured Claim.</b> <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 \$ _____		<b>6. Unsecured Priority Claim.</b> <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 checked="" 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 type="checkbox"/> Other Specify applicable paragraph of 11 U.S.C. § 507(a)( )
<b>7. Credits:</b> 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
<b>8. Supporting Documents:</b> 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.		
<b>9. Date-Stamped Copy:</b> To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.		WAS Folder # 9494 4/19/02
Date <b>7/9/02</b>	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) Janelle Jordan <i>Janelle L Jordan</i>	
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		

**SUMMONS - CIVIL**  
(Except Family Actions)

JD-CV-1 Rev 8-98  
C G S § 51-346, 51-347, 51-349, 51-350, 52-45a,  
52-48 52-259, P B Secs 3-1 thru 3-21, 8-1

STATE OF CONNECTICUT  
**SUPERIOR COURT**

INSTRUCTIONS

- Type or print legibly sign original summons and conform all copies of the summons
- Prepare or photocopy conformed summons for each defendant
- Attach the original summons to the original complaint, and attach a copy of the summons to each copy of the complaint Also, if there are more than 2 plaintiffs or 4 defendants prepare form JD-CV-2 and attach it to the original and all copies of the complaint
- After service has been made by a proper officer, file original papers and officer's return with the clerk of court
- The party recognized to pay costs must appear personally before the authority taking the recognizance
- Do not use this form for actions in which an attachment, garnishment or replevy is being sought See Practice Book Section 8-1 for other exceptions

TO Any proper officer, BY AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby commanded to make due and legal service of this Summons and attached Complaint

"X" ONE OF THE FOLLOWING Amount, legal interest or property in demand, exclusive of interest and costs is:

- less than \$2,500
- \$2,500 through \$14,999.99
- \$15,000 or more

("X" if applicable)  
 Claiming other relief in addition to or in lieu of money or damages.

RETURN DATE (Mo., day, yr) (Must be a Tuesday) **DECEMBER 19, 2000**

CASE TYPE (See back)  
Major T Minor 03

JUDICIAL DISTRICT **FAIRFIELD** AT (Town in which writ is returnable) (C G S 51-346, 51-349)  
 HOUSING SESSION  GA NO **BRIDGEPORT**  
ADDRESS OF COURT CLERK WHERE WRIT AND OTHER PAPERS SHALL BE FILED (No., street, town and zip code) (C G S 51-346, 51-350)  
**1061 MAIN STREET, BRIDGEPORT, CT 06604**

TELEPHONE NUMBER  
**579-6527**

PARTIES	NAME AND ADDRESS OF EACH PARTY (No., street, town and zip code)	NOTE Individuals' Names Last, First, Middle Initial	<input type="checkbox"/> Form JD-CV-2 attached	PTY NO
FIRST NAMED PLAINTIFF	<b>JORDAN, JANELLA, 681 MADISON AVENUE, BRIDGEPORT, CT 06606</b>			01
Additional Plaintiff				02
FIRST NAMED DEFENDANT	<b>K Mart Corporation, 589 Bridgeport Avenue, Milford, Connecticut 06460 c/o Agent for Service of Process CT Corporation System, One Commercial Plaza, Hartford, Connecticut 06103</b>			50
Additional Defendant	<b>Casey Associates Limited Partnership c/o Agent for Service of Process Carol C. Stack, 76 Shelter Cove Road, Milford, CT 06460</b>			51
Additional Defendant				52
Additional Defendant				53

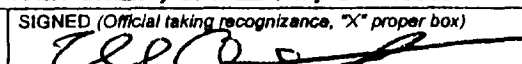
**NOTICE TO EACH DEFENDANT**


- YOU ARE BEING SUED.
- This paper is a Summons in a lawsuit.
- The Complaint attached to these papers states the claims that each Plaintiff is making against you in this lawsuit.
- To respond to this Summons, or to be informed of further proceedings, you or your attorney must file a form called an "Appearance" with the Clerk of the above-named Court at the above Court address on or before the second day after the above Return Date.
- If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default
- The "Appearance" form may be obtained at the above Court address.
- If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately take the Summons and Complaint to your insurance representative.
- If you have questions about the Summons and Complaint, you should consult an attorney promptly. The Clerk of Court is not permitted to give advice on legal questions.

DATE **November 21, 2000** SIGNED (Sign and "X" proper box)   Comm of Superior Court  Assistant Clerk TYPE IN NAME OF PERSON SIGNING AT LEFT **RICHARD A. CERRATO**

FOR THE PLAINTIFF(S) PLEASE ENTER THE APPEARANCE OF:

NAME AND ADDRESS OF ATTORNEY, LAW FIRM OR PLAINTIFF IF PRO SE (No., street, town and zip code) **RICHARD A. CERRATO, 3180 MAIN STREET, BRIDGEPORT, CONNECTICUT 06606** TELEPHONE NUMBER **(203) 374-4600** JURIS NO (If atty or law firm) **102260**

NAME AND ADDRESS OF PERSON RECOGNIZED TO PROSECUTE IN THE AMOUNT OF \$250 (No., street, town and zip code) **RICHARD BEPKO, 3334 MAIN STREET, BRIDGEPORT, CT 06606** SIGNATURE OF PLAINTIFF IF PRO SE: 

# PLFS **1** # DEFS **2** # CNTS **2** SIGNED (Official taking recognizance, "X" proper box)   Comm of Superior Court  Assistant Clerk For Court Use Only

FILE DATE

IF THIS SUMMONS IS SIGNED BY A CLERK

- The signing has been done so that the Plaintiff(s) will not be denied access to the courts
- It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law
- The Clerk is not permitted to give any legal advice in connection with any lawsuit
- The Clerk signing this Summons at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in the Summons, any allegations contained in the Complaint, or the service thereof

I hereby certify I have read and understand the above: SIGNED (Pro Se Plaintiff) DATE SIGNED DOCKET NO

RETURN DATE: DECEMBER 19, 2000

DOCKET NO.:	:	SUPERIOR COURT
JORDAN, JANELLA	:	J. D. OF FAIRFIELD
VS.	:	AT BRIDGEPORT
K MART CORPORATION	:	NOVEMBER 21, 2000

**COMPLAINT**

FIRST COUNT:

1. At all times hereinafter mentioned, the Defendant, K Mart Corporation, a Michigan Corporation whose address is 3100 W. Big Beaver, Troy, Michigan 48084 is duly authorized to do business in the State of Connecticut with a place of business located at 589 Bridgeport Avenue, Milford, Connecticut 06460.

2. At all times hereinafter mentioned, Defendant Casey Associates Limited Partnership, is a Connecticut Limited Partnership, which is the owner of the premises located at 589 Bridgeport Avenue, Milford, Connecticut and whose Agent for Service of Process is Carol C. Stack, whose address is 76 Shelter Cove Road, Milford, Connecticut 06460.

3. Defendant K Mart Corporation hereinafter referred to as Defendant K Mart as tenant, and Defendant Casey Associates Limited Partnership, hereinafter referred to as Defendant Casey Associates, as

landlord, entered into a lease agreement for the premises located at 589 Bridgeport Avenue, Milford, Connecticut, and said lease was in effect at all relevant times hereinafter mentioned.

4. On April 2, 2000 at approximately 6:10 p.m., the Plaintiff was a customer and invitee at the premises operated by Defendant K Mart located at 589 Bridgeport Avenue, Milford, Connecticut and owned by Defendant Casey Associates, and had so entered onto the premises to transact business.

5. On April 2, 2000, Defendant K Mart had a duty to the Plaintiff to exercise reasonable care to keep said premises in a safe condition.

6. At that time and place, Plaintiff had walked to the aisle containing window blinds, removed one box labeled "Home Essential Blind 2 in. pvc" and turned to place the box in her cart when other boxes remaining on the shelf were caused to fall by a defective condition and to come crashing down on Plaintiff's head, neck and back causing her to sustain and suffer the personal injuries and losses hereinafter set forth.

7. At that time and place, the Plaintiff was in the exercise of due care.

8. The Defendant K Mart breached its duty to exercise reasonable care to keep said premises in a safe condition in one or more of the following ways:

a. In that Defendant K Mart failed to stack the boxes of blinds in a reasonably safe fashion so removal of one such box would not cause others to fall, thereby causing a dangerous, unsafe and defective condition that rendered the premises hazardous;

b. In that said hazardous, dangerous, unsafe and defective condition had existed for an unreasonable period of time, yet no measures had been taken to remedy and correct same;

c. In that the said aisle of the store next to the blinds on the premises was not reasonably safe for the uses and purposes intended;

d. In that Defendant K Mart, in the exercise of reasonable care and inspection, should have known of these conditions and should have remedied the same, yet the Defendant K Mart carelessly and negligently failed to do so.

9. As a result of the fall and the carelessness and negligence of the Defendant K Mart, the Plaintiff sustained personal injuries including the following:

- a. Hyperextension injury to the cervical spine;
- b. Cerebral concussion;
- c. Dizziness;
- d. Blurry vision;
- e. Shoulder and neck pain;

10. As a further result of the fall and the carelessness and negligence of the Defendant K Mart, the Plaintiff was forced to expend money for emergency hospital care, x-rays, medical care, medicines and physical therapy, and Plaintiff will be forced to expend further sums for same in the future.

11. As a further result of the defective condition caused by the carelessness and negligence of the Defendant K Mart, the Plaintiff was incapacitated from pursuing her usual activities and will be further incapacitated from pursuing said activities in the future.

SECOND COUNT:

1-4 The Plaintiff hereby realleges the allegations contained in Paragraphs 1-4 inclusive of the First Count and incorporates same by reference as the allegations of Paragraphs 1-4 inclusive of this the Second Count.

5. On April 2, 2000, Defendant Casey Associates had a duty to the Plaintiff to exercise reasonable care to keep said premises in a safe condition.

6. At that time and place, Plaintiff had walked to the aisle containing window blinds, removed one box labeled "Home Essential Blind 2 in. pvc" and turned to place the box in her cart when other boxes remaining on the shelf were caused to fall by a defective condition and to come crashing down on Plaintiff's head, neck and back causing her to sustain and suffer the personal injuries and losses hereinafter set forth.

7. At that time and place, the Plaintiff was in the exercise of due care.

8. The Defendant Casey Associates breached its duty to exercise reasonable care to keep said premises in a safe condition in one or more of the following ways:

a. In that Defendant Casey Associates failed to stack the boxes of blinds in a reasonably safe fashion so removal of one such box would not cause others to fall, thereby causing a dangerous, unsafe and defective condition that rendered the premises hazardous;

b. In that said hazardous, dangerous, unsafe and defective condition had existed for an unreasonable period of time, yet no measures had been taken to remedy and correct same;

c. In that the said aisle of the store next to the blinds on the premises was not reasonably safe for the uses and purposes intended;

d. In that Defendant Casey Associates, in the exercise of reasonable care and inspection, should have known of these conditions and should have remedied the same, yet the Defendant Casey Associates carelessly and negligently failed to do so.

9. As a result of the fall and the carelessness and negligence of the Defendant Casey Associates, the Plaintiff sustained personal injuries including the following:

- a. Hyperextension injury to the cervical spine;
- b. Cerebral concussion;
- c. Dizziness;
- d. Blurry vision;
- e. Shoulder and neck pain;

10. As a further result of the fall and the carelessness and negligence of the Defendant Casey Associates, the Plaintiff was forced to expend money for emergency hospital care, x-rays, medical care, medicines and physical therapy, and Plaintiff will be forced to expend further sums for same in the future.


11. As a further result of the defective condition caused by the carelessness and negligence of the Defendant Casey Associates, the Plaintiff was incapacitated from pursuing her usual activities and will be further incapacitated from pursuing said activities in the future.

WHEREFORE, THE PLAINTIFF CLAIMS:

1. Monetary damages.

THE PLAINTIFF,

BY

  
RICHARD A. CERRATO  
3180 MAIN STREET  
BRIDGEPORT, CT 06606  
TEL. (203) 374-4600  
FAX. (203) 372-0824  
JURIS NO. 102260  
HER ATTORNEY



RICHARD A. CERRATO • ATTORNEY AT LAW  
SUITE 2A • 3180 MAIN STREET • BRIDGEPORT, CONNECTICUT 06606 • (203) 374-4600 • JURIS NO 102260

RETURN DATE: DECEMBER 19, 2000

DOCKET NO.:	:	SUPERIOR COURT
JORDAN, JANELLA	:	J. D. OF FAIRFIELD
VS.	:	AT BRIDGEPORT
K MART CORPORATION	:	NOVEMBER 21, 2000

**AMOUNT IN DEMAND**

The amount in demand, exclusive of interest and costs, is not less than \$15,000.00.

THE PLAINTIFF

BY



RICHARD A. CERRATO  
3180 MAIN STREET  
BRIDGEPORT, CT 06606  
TEL. (203) 374-4600  
FAX. (203) 372-0824  
JURIS NO. 102260  
HER ATTORNEY

**RICHARD A. CERRATO**  
ATTORNEY AT LAW  
SUITE 2A  
3180 MAIN STREET  
BRIDGEPORT, CONNECTICUT 06606-4237

(203) 374-4800  
FAX (203) 372-0824

April 12, 2002

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

**IN RE:            KMART CORPORATION, ET AL**  
**CHAPTER 11 BANKRUPTCY PETITION**  
**CASE NO.: 02-02474**  
**CREDITOR: JANELLA JORDAN**  
**SUPERIOR COURT DOCKET NO.: CV-00-0379198 S**  
**DATE OF LOSS:  APRIL 2, 2000**

Dear Sir or Madam:

Please find enclosed a Proof of Claim form in connection with the above-referenced matter. I have previously sent a Proof of Claim to the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division. However, I was instructed to send the Proof of Claim care of Trumbull Services, LLC. A copy of the lawsuit filed by Janella Jordan against Kmart Corporation in the Superior Court of the State of Connecticut for the Judicial District of Fairfield at Bridgeport is attached to the Proof of Claim. Please receipt the copy of the Proof of Claim and return to the undersigned in the envelope provided.

Should you have any questions or should anything else be needed, please do not hesitate to contact the undersigned. Thank you.

Very truly yours,



RICHARD A. CERRATO

RAC/gq  
Enclosures

cc:  John William Butler, Jr., Esq., Skadden, Arps, Slate, Meagher & Flom  
      Eric W. Todd, Esq., Trotta, Trotta & Trotta  
      Louis A. Anecchino, Esq., Law Offices of Robert M. Brennan