

"Kmart" 02-02474

IN the United States Bankruptcy Court **FILED**
 For the Northern District of Illinois
 Eastern Division

UNITED STATES BANKRUPTCY COURT
 EASTERN DISTRICT OF ILLINOIS

MAY 2008

KENNETH S. GARDNER, CLERK
 TEAM - B

May 14, 2001 I was terminated from Kmart store #3829. My then attorney filed a claim on my behalf against Kmart with the District Court St. Thomas May 28, 2002.

Kmart filed for Bankruptcy called a stay to my claims and requested that proof of claim be filed. My attorney filed charges with the Bankruptcy Court for Front pay and Back and left the several charges against Kmart at the District Court stating when the stay gets lifted we will proceed against Kmart with the Discrimination Claims.

The Dept. of Labor VI called my discharged a wrongful discharged and filed on my behalf with EEOC.

To my knowledge there was no objection to make a response. The time given to Kmart to act wether in setoff or settlement Kmart did neither of the two.

And when Kmart came its Motion to dismiss Bartlett's claims were denied its time to have acted had long since passed.

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Here is The Chief Judge's Order by
Gómez J.

Before the Court is Defendant Kmart Corporation ("Kmart"); Motion to Dismiss for failure to state a claim upon which relief can be granted. Kmart filed its Motion on April 25, 2006 without including any opposition or a letter to certify a lack of opposition as required by LCRÉ 12.1

Accordingly, it is hereby ordered that
The Kmart's Motion to dismiss is denied.
Entered this 6th day of October, 2006
Sign Curtis V Gómez
Chief Judge

The fault appears to be Kmart's
It did not include any opposition
neither had a letter to certify the
lack thereof. It even failed for it
had nothing to say it stated a claim
for it to have received relief

All along it appeared Kmart was
running away through its petition
filed and again is seeking relief
but from what
Could it be Bartlett or the law it
had offended.

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When the stay got lifted not while it "Stayed" so I see no violation if I respected the Order. and in the process of time after it lifted, I went to find out what is going on with my claims.

I would not call that a violation but a right given to me by and through ~~the~~ Right to sue letter from EEOC.

The motion to dismiss is another topic that it was granted to Kmart is another thing. The motion denied at first was allowed to reenter the court and carried the same name Kmart motion to dismiss (Bartlett's claims) this time became granted or in favor of Kmart its motion baffled the court, and it needed a way out of a situation. Kmart plays games even with and through the court. It appeared Kmart wanted to hide but nothing was left right about now. It was about to be exposed for I was never given this claim number that dismissed my claims The number used had already been deleted.

How could the same District Court come-up against me with a claim number that is not my own-

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that Claim # was the original number
My Number had always been 02-02474.
The number used to dismiss my claims
was a counterfeit or fraud Kmart
was willing to use against me even
a disabled person.

The 3rd circuit gave me an option
"If I disagreed with its opinion not the
Opinion I can seek a review and
that's what I did. I rested with these
two words dismissed and denied.

The Supreme Court denied me the
right to have it judged Kmart. I
must therefore find my way to the
Bankruptcy Court. That is the decision
to denied the rehearing. Kmart had
already signed the waiver. and Dismissed
means I can go no further even in the District
Court. Knowing my rights I made my appeal
a level higher. Kmart disallowed my
claims and every Chapter 11 Cases Claims against
the will of the Bankruptcy Court.

It was Bartlette who reopened the
claim being closed by my then Attorney
and Kmart, I will not agree to the
amount filed \$45,000 this time all
Chapter 11 Cases Claims are doubled and
and .09% added to our several Claims.

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~~and~~ the check was not sent to Ms. Bartlette which was \$45,000, I can see Atty. Barrett has brought Atty. Archie Jennings in the picture for \$45,000. ~~and~~ the check was sent out to Ms. Bartlette and the Counsel who had filed the claim sometime in 2007. That is indeed News that Atty. Jennings had filed even without my knowledge and no longer his client and not informing me at that time or any other time of his intent. But then again the check must be produced before the Court. And why 2007 and not 2002 the time Kmart should have paid me.

Furthermore, I filed a claim on July 18, 2002 The Bar Date was July 31, 2002, for \$45,000.00.

Kmart has never to my knowledge paid to me any portion of it. (to me). The Third Circuit in its review attested I had not received relief.

I would say though that Kmart through my then Attorney Archie Jennings, attempted sending to me a check in the amount of \$4,960.35 that I refused to accept for I was already pursuing Kmart in the court. That amount was returned to Atty. Jennings,

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who sent it to me via the Disability Rights Center VE. The Contents was returned to the Disability Rights Center VI and it again returned to me, who ordered it back to its owner Kmart Management its owner and not to Attorney Barrett that sent it to Attorney Jennings and not to me. The check was unused.

I was already in court as a Chapter 11 case seeking the \$45,000 and not the amount sent I seeked not settlement I wanted to know what had happened to the \$45,000 dollars. In my search I found a document called Litigation Claims to be disallowed Exhibit E. My name is featured among 9 others. The Action ~~done~~ is a reality. We are all Chapter 11 cases no longer an idea but in reality we were all disallowed even though in case #02-02474 secured Administrative Claims against "Kmart" and Mr. Barrett, knows not to have even sent any form of check to Atty. Jennings for he was not any longer my attorney working on my behalf. At the time I was Pro se in court.

Mr. Barrett failed to show I was taken out of my rightful place #02-02474 and placed in case nos. 02-02462 through 02-02499

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an act that would cause drastically a decrease to the Chapter 11 claims, Our claim number 02-02474 is not featured the though (means throw for thrown) defeats claim #, or case # 02-02474 causing a .10 or 10¢ on the dollar payment says Mr. Barrett, and this is a serious matter it also have caused an open defiance not only, against the Chapter 11 cases but to the Order of the Court as priority claimholders, and where the Reason for disallowance is seen no merit and other reasons ~~stays~~. The third Circuit found Merit in my or the Chapter 11 cases.

Kmart through its atty. Barratt has taken advantage of us and the situation.

He made up a story that filtered out to other Attorneys of Kmart Atty Michael L. Morgan in her red covered and white books her testimony to the 3rd Circuit Court is "There are no other related cases or proceedings, other than the proceeding in bankruptcy, docketed in the United States Bankruptcy Court for the Northern District of Illinois as Case No 02-802474". (My my)

My Case # "Kmart's" 02-02474 is it not?

Atty. Morgan also stated that the Check spoken of and shows in the white covered Book the picture of the check

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was already been accepted by me and viewed as void all over it. At the time of her testimony it had not even reached to me but it was already seen and documented to lie its way through the courts.

Then talk about the large cost of dealing with things like this that makes their way to the Supreme Court.

Kmart's willingness to go back after its violation in fact several would it not been easier to have respected the court's order and allow to find merit as the 3rd circuit had done.

My submission to the court forms my motion and should be treated as such. I got no relief from Kmart no entitlement given to my claim filed.

The check went back 2007. I did not asked for settlement. I asked for information about the check and attorney Jennings so I would have the facts and at the time the facts were that Kmart disallowed the claim and feared at that point I saw liability.

Atty. Barrett used atty Jennings, and atty. Jennings allowed atty Barrett to use him to get to me that too smells stink!

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Atty. Barrett knew for I informed him that any mail should come directly to me not to Atty. Jennings I am Prose.

The bottom line is I would not have accepted any payment while I was in the court. Kmart's time ^{of grace} had passed so I moved on to the court to get my \$45,000 that has now doubled and .09% Interest added to it for the value of Back pay and Front pay.

If the master mind of Kmart caused claim number 45327 to deactivate produced case numbers ^{also} that will not work showed another number never seen, in court March 17, 2009 the action against Kmart is that the Chapter 11 cases are protesting is fraud in it highest magnitude on Kmart's part. And when numbers are tried there are no standard pages containing all my search. There is evidence in the file sent.

The only compliance was to this number 02-02474 that activated a search, seeing my name, address, amount claimed at the time and other pertinent information.

The only number known to me is 02-02474 the classified ^{# 02-02474} had changed to become reclassified.

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Everyone was to get (that is) the Chapter 11 cases the full Face Amount. My claim at the district court are allowed and since they are now been transferred. As per the claim form's^{notice} the Commencement is after therefore my "request" for payment of an administrative expense may be filed pursuant to 11 USC § 503. Again I see nor understand to be ^{no} violation of the rules.

My claim has been filed in fact on Exhibit M a form prepared for such purpose. I since then recalled the form for correction. The form was not dated, claim number not shown, and even though the Face Amount doubled I forgot to apply a .09% and to also add to it the other amount for the Discrimination claim held at the time at the District Court. Through the Supreme Court ^{through its attorney Charles E. Engleman} Kmart signed the Waiver the Act confirms an allowance and not a Disallowance as stated by Atty Barrett.

Atty Barrett appears to have a conflict of interest issue or he is still telling lies. He told me he is Debtor, He is a Reorganized Debtor And an Attorney for Kmart in the Chapter 11 cases

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if his own interest is involved he should recused himself. He has been a negative influence all along since I met him via the phone through the referral of a ^{sent to me} farm ^I was introduced to ^{go to} him ^{by} outside of the Bankruptcy Court. I was ^{also} to fill another form after I had already done so. The Court accepted me as is, why and ^{was} Atty. Bennett Chan, Kmart's other attorney at the time sent me another, requested I fill it. In a personal letter not part of the Courts record then until I made it a part of its record. then Judge Burnard, offered ^{a form} also to me request that I fill it for he fears I may not get anything from the District Court, but I will from the Bankruptcy Court, and that Atty. Chan says that he has a friend in the Bankruptcy Court.

Then come Atty. Chan's letter affirming these thoughts put in action.

I responded to Atty. Chan and filed the letter with the District Court.

I won't let anyone lead me down a path of fraud. I call several times I even wrote ^{to the Bankruptcy Court} my name found but

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no claim number found, I was out of the system. Was I to have joined myself to what appears to be a mess over \$45,000.00. Whether Atty. Barrett likes it or not the issue is what has happened to the Chapter 11 cases.

Atty. Barrett also knows I did not write the law. If part of the development or all of its development of the laws were not his portion he had an opportunity to review the Laws pertaining^{ing} to the development^{of The Plan} as an attorney for Kmart. The Chapter 11 cases are ~~of~~ guaranteed offers full satisfaction. We the Chapter 11 cases ^{were Kmart's} employees honest at that, saved Kmart's money. I for once never stunk its money, time or merchandise. I was flexible, dependable and they applauded me for full satisfaction in my duties.

The bankruptcy court gave no final decree closing the Chapter 11 cases. Why would Kmart through Atty. Barrett would attempt all the avenues taken ^{to disallow or claims.} An attorney's law would not have left me out of \$45,000 a balance of \$4,960.35

Atty. Barrett, needs to start speaking the truth and what it appears to me is that he also discriminated against the Chapter 11 cases.

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I seek this Court ^{to} help atty. Barrett to understand when he reissues the check it will be a price that will be doubled and added to that a .09% on every dollar for what Kmart owes for ~~person injury claims I call~~ Back pay and Front pay. The willfulness of Kmart through its atty. Barrett actually makes me sick.

Kmart even after March 17, 2009 has made other attempts ^{sending the check} ~~the~~ ^{with} the mail one was returned. The other time I was very sick, and did ^{not} or could not go to collect it you will also find copies of the fact even told to me by his office for I tracked the zip code when I could.

The Courts lingering question on the Bartlett matter is the \$45,000 ^{it} was not for the Discrimination claims They are in a process of being addressed with the Claims Agent (Mr.) Trumbull Bankruptcy Service a copy of what I had done is enclosed. I am Seeking a Recall on Exhibit M Form and in the meanwhile sent a tentative copy offering something to work with until its return to the attention of Kmart Balloting Center P. O. Box 426 Windsor, Connecticut 06095. The \$45,000 is not part but for (personal injury) ~~Back pay and front pay as seen on the fiscal.~~

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Back pay and Front pay as seen on the Form. Discrimination is the No. 1 issue to my claims. I did not understand it to be called Personal Injury. So I related simple by saying Back pay Front pay Discrimination. Should I later on be misunderstood by documents ^{already} filed.

It is my hope that any lingering question is clarified.

I am waiting Exhibit M Administrative Claim Request Form

The Post Office reported that Kmart Ballotin, Center Claim Agent Trumbull Bankruptcy Service P.O. Box 426 Windsor, Connecticut had moved and left no forwarding address

I waited a few days for the letter that had a promise to be returned and did not get it. I called and was informed the mail was picked up. I wrote again and is making a Recall of the document before the Effective Date comes upon (us) The Chapter 11 Cases. If there is any help I could get from the Court or atty. Barrett Please mail through the Clerk of the Court a copy of the Form to me. Thanks! Express mail is the fastest.