

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re:

KMART CORPORATION,

Reorganized Debtor,

**FILED**

NOV - 5) 2009

**SUSAN PIERSON SONDERBY  
BANKRUPTCY JUDGE**

Case No. 02 B 02474

Honorable Susan Pierson Sonderby

Hearing Date: November 3, 2009

Hearing Time: 11:00am (CDT)

STATEMENT OF CLAIMS OF BEULAH D. JOHNSON

Claimant Beulah D. Johnson ("Johnson") asserts the following claims against Kmart Corporation ("Debtor"):

1. Johnson is a citizen and resident of North Carolina.
2. Debtor is a corporation organized and existing under the laws of Michigan which does business in North Carolina.

CLAIM I: JUDGMENT DEBT

3. Johnson restates and incorporates by reference the statements contained in other paragraphs of this Statement of Claims.
4. Johnson obtained a Judgment against Debtor on June 11, 1998 in the United States District Court, Eastern District of North Carolina in "the amount of \$23,140 in back pay, \$7,500 in attorney's fees, plus accrued interest and to provide the training denied Plaintiff when she was not promoted to Assistant Manager Trainee and Assistant Manager." A true copy of this Judgment is attached.
5. A true copy of the Court's June 10, 1998 Order detailing how the Judgment amount was calculated and is attached.
6. Debtor has not paid Johnson any of the money called for in the Judgment.
7. Debtor did not provide Johnson with the training called for in the Judgment.

8. Johnson respectfully request that the court award her the \$30, 640 with corrected interest and principle dated from June 11, 1998 until June 11, 2002 (stated in claim II). The monetary value of the Judgment plus the fair market value of the training and that the Court order accrued and principle interest from June 11, 1998 until payment.

9. Johnson restates and incorporates by reference the statements contained in other paragraph of this Statement of Claim according to Attorney Phillip Barton.

THEREFORE, Claimant Johnson respectfully requests that the Court award her:

1. The \$30,640 monetary value of the Judgment plus the fair market value of the training and that the Court adds to this award interest from June 11, 1998 until payment. (Copy attach of Attorney Phillip Barton's figures).
2. Compensation for the emotional distress she has suffered;
3. The costs of this action including her reasonable attorney fees;
4. Such other and further relief as the Court deems just and proper.

#### CLAIM II: PRE-PETITION JUDGMENT

1. Johnson respectfully request to correct the amount on claim form by correcting the interest and principal owed on claim form from June 11, 1998 to June 11, 2002 plus interest on claim until paid.

2. Johnson filed claim number 46097 (copies attached includes a letter to Honorable Judge Sonderby dated November 2, 2002; a correct copy of claim with corrected interest submitted by Attorney Phillip Barton). This interest started from the date of Judgment plus wages loss by the increase hourly wage from June 11, 1998 to June 11, 2002. However, the case is pending in bankruptcy court.

THEREFORE, Claimant Johnson is respectfully requests that the Court award her:

1. The amount owed on a pre-petition judgment of \$75,866. This amount included principal wages from June 11, 1998 to June 11, 2002, of \$68,386 plus attorney's fees of \$7,500. This amount should include accrued interest from June 11, 1998 to June 11, 2002 of \$21,516. The total corrected amount of \$97,402 for principal plus accrued interest plus attorney's fees and until paid.
2. Such other and further relief as court deems just and proper.

#### CLAIM III: PETITION FOR COMPENSATION

1. Johnson respectfully requests for compensation for losses in earning that would have resulted in higher contribution to my 401K and retirement benefits.

2. Johnson's weekly payroll deductions were 8% of gross wages per week.

3. Johnson requests in a lump sum payment for her 100% retirement (Eligibility for 100%) without penalty.

THEREFORE, Claimant Johnson respectfully requests that the Court award her:

1. The monetary value of the losses in earnings that the Court deems just and proper.

#### CLAIM IV: PRE-PETITION JUDGMENT

1. Johnson respectfully requests that the Court to award \$15,000,000 for thirty laborious years of duress, stress, and extreme mental anguish.

2. Johnson was forced to work duties well beyond job responsibilities.

3. Johnson was given excessive amount of job duties to be completed in a day.

4. Johnson feels that Kmart was trying to force her to quit and fail because of the excessive workload.

5. Johnson was only allowed to work on her own job responsibilities when time to leave for the day. Therefore, this meant that Johnson would have to use her own time to complete her work without pay.

6. Johnson suffered from depression, memory loss, and sustained other medical illnesses as a result of excessive stress and workload. Enclosed will be a copy of medical problems and medications.

7. Johnson has experienced numerous discriminatory acts and suffered employer's retaliation.

8. Johnson has been employed with Kmart on or about September 14, 1972, and experienced the first act of discrimination when was up for promotion as a checkout supervisor in January 1975. (Copy of letter attached, claim filed at EEOC).

9. Johnson now has thirty-seven years with the Kmart Corporation. She did not received training and/or promotion as an assistant manager or manager. She is now presently unable to work and is eligible for 100% retirement.

THEREFORE, Claimant Johnson respectfully requests that the Court award her:

1. The monetary amount of \$15,000,000 for hardship, laborious years, extreme mental anguish, lengthy settlement and the high stress that subjected me to numerous medical problems.

2. Such other and further relief as the Court deems just and proper.

CLAIM V: PRE-PETITION JUDGMENT FOR PUNITIVE DAMAGES

1. Johnson respectfully requests that the Court to award \$25,000,000 in punitive damages for Kmart Corporation's deliberate, willful, flagrant disregard for the law by their blatant, undue, lengthy lapse in complying with the court order.
2. Johnson claims Kmart just refused to pay judgment. Johnson has enclosed articles showing that Kmart was aware of Court order given in another case ("Marshal seize Kmart store tills", court order given when bond not paid, company outraged and "FBI probes Kmart papers").
3. Johnson wants the court to make sure all funds granted are paid through the Court. Her request is also making sure no other release is necessary, except the one pertaining to this case. This is to ensure that money will be dispersed properly and timely.

THEREFORE, Claimant Johnson respectfully requests that the Court award her:

1. The monetary amount of \$25,000,000 for the punitive damages in Kmart's lengthy lapse in failing to comply with the Court order Judgment for compensation.
2. Such other and further relief as the Court deems just and proper.

This is the 2<sup>nd</sup> day of November, 2009

Beulah D. Johnson  
Beulah D. Johnson

CERTIFICATE OF SERVICE

Beulah D. Johnson, the claimant, certifies that she served her Statement of Claims by depositing the same in first-class, postage prepaid U.S. mail addressed to:

Attorney William J. Barrett  
200 West Madison Street, Suite 3900  
Chicago, IL 60606

Kathryn Gleason, Esq.  
United States Trustee  
219 S. Dearborn Street, Room 873  
Chicago, IL 60604

This is the 2<sup>nd</sup> day of November, 2009

*Beulah D. Johnson*  
Beulah D. Johnson