UNITED STATES BANKRUPTCY COURT
Northern District of Illinois

PROOF OF CLAIM

In re

Wickes Inc

Case Number

04-B-02221-BWB

YOUR CLAIM IS SCHEDULED AS

UNKNOWN UNSECURED 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

☐ 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 this address differs from the address on the envelope sent to you by the court

The amounts reflected above constitute your claim as scheduled by the Debtor If you agree with the amounts set forth herein and have no other claim against the Debtor you do not need to file this proof of claim EXCEPT as stated below

If the amounts shown above are listed as Contingent Unliquidated or Disputed a proof of claim must be filed
If you have already filed a proof of claim with the Bankruptcy Court or BMC you do not need to file again

Name of Creditor and Address

05707908062996
MALESKY, RICHARD
C/O GOLDBERG PERSKY JENNINGS & WHITE, PC
4800 FASHION SQUARE BLVD
SAGINAW, MI 48604-2612

Creditor Telephone Number ( ) 989 799 4848

CREDITOR TAX I D #

ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR 50359 23 NRF

☐ Check here if this claim ☐ replaces or ☐ amends a previously filed claim dated _____

1 BASIS FOR CLAIM

☐ Goods sold ☐ Personal injury/wrongful death ☐ Retiree benefits as defined in 11 U S C § 1114(a)
☐ Services performed ☐ Taxes ☐ Wages salaries and compensation (Fill out below)
☐ Money loaned ☐ Other (describe briefly)

Your social security number 374 12 8355
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 AS OF PETITION DATE

$ 25,000 (unsecured) $ _____ (secured) $ _____ (unsecured priority)

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 above if any $ _____

6 UNSECURED PRIORITY CLAIM

FILED
MAY 27 2004
BMC

☐ Check this box if you have an unsecured priority claim

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) _____

Amounts are subject to adjustment on 4/1/01 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment

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 your claim, please enclose a self addressed stamped envelope and an additional copy of this proof of claim

The original of this completed proof of claim form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is received on or before the Deadline to File a Proof of Claim as set forth in the NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 11 OF THE BANKRUPTCY CODE MEETING OF CREDITORS FIXING OF CERTAIN DATES AND SETTING OF CERTAIN CASE MANAGEMENT AND ADMINISTRATIVE PROCEDURES

BY MAIL TO
Wickes Inc c/o Bankruptcy Management Corporation
P O BOX 1016
El Segundo CA 90245 1016

BY HAND OR OVERNIGHT DELIVERY TO
Wickes Inc c/o Bankruptcy Management Corporation
1330 East Franklin Avenue
El Segundo CA 90245

THIS SPACE FOR COURT USE ONLY

FILED
Wickes Inc
04386
BMC

DATE SIGNED
5-14-04

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)

Lane A. Clack
Atty. for Cred

Penalty for presenting fraudulent claim is a fine of up to $500 000 or imprisonment for up to 5 years or both 18 U S C §§ 152 AND 3571

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1858

ASBESTOS DOCKET

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW

Richard C Malesky and Kathleen Malesky, his wife

Plaintiffs,

35923

Case No _____-NP

Leopold P. Borrello (P11523)

vs

ABEX CORPORATION, a Delaware corporation
ACME INSULATIONS, INCORPORATED, a Michigan corporation,
AKEBONO BRAKE INDUSTRY CO , LTD, a Michigan corporation,
ALLIED SIGNAL INCORPORATED, a Delaware corporation, f/k/a ALLIED CORPORATOIN, in its own right and as successor to BENDIX CORPORATION,
AMCHEM PRODUCTS, INC , a Delaware corporation,
AMERICAN STANDARD, INC , a Delaware corporation, in its own right and as parent corporation to AMERICAN BLOWER DIVISION,
A P GREEN REFRACTORIES CO , a Delaware corporation,
ARMSTRONG WORLD INDUSTRIES, INC , f/k/a ARMSTRONG CORK COMPANY, a Pennsylvania corporation,
ASBESTOS CLAIMS MANAGEMENT CORPORATION f/k/a NATIONAL GYPSUM COMPANY, a Delaware corporation,
ASBESTOS CORPORATION, LTD , a Canadian corporation,
BAY CITY HARDWARE COMPANY, a Michigan corporation,
THE B F GOODRICH COMPANY, a New York corporation,
BORG-WARNER CORPORATION, a Delaware corporation,
BW/IP INTERNATIONAL INC , a Delaware corporation, in its own right and as parent corporation to BYRON JACKSON PUMP DIVISION,
CHICAGO FIREBRICK CO , a Delaware corporation,
CROWN CORK & SEAL COMPANY, a New York corporation,
DETREX CORPORATION, a Michigan corporation d/b/a THE PACIFIC INDUSTRIAL FURNACE COMPANY, an assumed name,
DRESSER INDUSTRIES, a Delaware corporation, in its own right and as Parent Corporation to the Harbison Walker Refractories Division, Pump Division and Manufacturing Division, Hancock Valve Division and as successor to Worthington Pump Corporation,
DURAMETALLIC CORPORATION, a Michigan corporation,
F B WRIGHT CO , a Michigan corporation,
FIBREBOARD CORPORATION, a Delaware corporation, in its own right and as successor to the PARAFFINE COMPANIES, INC ,
FLEXITALLIC GASKET COMPANY, INC , a Connecticut corporation
THE FLINTKOTE COMPANY, a Delaware corporation,
FOSTER WHEELER CORPORATION, a New York corporation,
GAF CORPORATION, a Delaware corporation in its own right and as successor to THE RUBEROID COMPANY,
GAGE COMPANY, a Pennsylvania corporation,
GARLOCK INC , an Ohio corporation,
GENERAL ELECTRIC COMPANY, a New York corporation,

GENERAL REFRACTORIES, COMPANY, a foreign corporation,
THE GOODYEAR TIRE & RUBBER COMPANY, an Ohio corporation,
GOULDS PUMPS, INCORPORATED, a Delaware corporation,
GREENE TWEED & CO , a Pennsylvania corporation,
HOLLINGER & CO , a Michigan corporation,
IMO INDUSTRIES, INC , f/k/a DELAVAL TURBINE, INC , a Delaware corporation,
INGERSOLL-RAND COMPANY, a New Jersey Corporation,
JENNISON HARDWARE COMPANY, a Michigan corporation,
KAISER ALUMINUM AND CHEMICAL CORPORATION, in its own right and as successor to KAISER REFRACTORIES a Division of KAISER ALUMINUM a Delaware corporation,
KELSEY HAYES COMPANY, a Delaware corporation
MAREMONT CORPORATION, a Delaware corporation
MIDLAND ROSS CORPORATION, an Ohio corporation,
MOOG AUTOMOTIVE, INC , in its own right and as successor by merger with WAGNER ELECTRIC CORPORATION, a Delaware corporation,
MOTION CONTROL INDUSTRIES, INC , a Delaware corporation, in its own right and as successor in interest to MOLDED MATERIALS DIVISION, a division of CARLISLE CORPORATION,
NORTH AMERICAN REFRACTORIES COMPANY, an Ohio corporation,
NORTHERN BOILER AND MECHANICAL CONTRACTORS, INC , a Michigan corporation,
OWENS-ILLINOIS, INC , an Ohio corporation,
PARKER-HANNIFIN CORP , an Ohio corporation, as parent corporation of Parker Packing Division,
PLIBRICO COMPANY, a Delaware corporation,
PNEUMO ABEX CORPORATION, a Delaware corporation, f/k/a ABEX CORPORATION, in its own right and as successor in interest to AMERICAN BRAKE SHOE COMPANY and ANMERICAN BRAKE BLOCK COMPANY,
QUIGLEY COMPANY, INC , a New York corporation,
RAPID-AMERICAN CORPORATION, a Delaware corp , in its own right and as successor to PHILIP CAREY MANUFACTURING COMPANY and PANACON CORPORATION and PHILIP CAREY CORPORATION,
RIC-WIL, INC , an Ohio corporation,
ROBERTSON-CECO CORPORATION, a Delaware corporation, f/k/a CECO CORPORATION and as H H ROBERTSON COMPANY,
SCHAD BOILER SETTING COMPANY, d/b/a SCHAD REFRACTORY CONSTRUCTION COMPANY, a Michigan corporation,
SEALITE, INC , a California corporation
SURE SEAL PRODUCTS COMPANY, , an Illinois corporation,
THERMOPROCESS SYSTEMS, INC , in its own right and as successor to HOLCROFT/LOFTUS & HOLCROFT, a Delaware corporation,
TURNER & NEWALL, PLC, a British corporation, in its own right and as successor to KEASBEY AND MATTISON COMPANY,
UNITED STATES GYPSUM COMPANY, a Delaware corporation, in its own right and as successor in interest to U S GYPSUM COMPANY, an Illinois corporation,
WICKES LUMBER COMPANY, a Delaware corporation,
WITCO CORPORATION, a Delaware corporation in its own right and as successor in interest to THE RICHARDSON COMPANY, HERCULES PRODUCTS DIVISION OF CHEMPRENE and HERCULES PACKING CORPORATION,
Jointly and severally

Defendants

_____/

GOLDBERG PERSKY,
JENNINGS & WHITE, P C
Attorneys for Plaintiffs
By Joel Persky (P41160)
Lane A Clack (P38835)

_____/

PLAINTIFFS' COMPLAINT AND DEMAND FOR JURY TRIAL

There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in the complaint

NOW COME Plaintiffs by and through their respective counsel state for their Complaint as follows

GENERAL ALLEGATIONS

1 That all or part of this cause of action arose in the County of Saginaw, State of Michigan

2 That the Plaintiff, Richard C Malesky, during the times herein mentioned and complained of, to-wit from 1962 to 1992 was a resident of the State of Michigan, presently residing at 313 Bush St, Saginaw, MI, 48604 and that the significant injurious exposures to asbestos took place at job sites located within Saginaw County, within the State of Michigan

3 That Plaintiff has contracted Asbestosis and/or other asbestos related diseases as a result of exposure to asbestos

4 That Plaintiff says that during the years 1962 to 1992 Plaintiff was employed as a Delphi/Steering Gear Worker, and that in the course of his duties in such capacities, he was required to handle and otherwise be exposed to and come into contact with large quantities of asbestos dust and fibers mined, produced, installed, prescribed, engineered, specified, licensed, sold and/or distributed by the above named defendants, installed and/or being installed and/or used in his work environs That in addition to the fact that Plaintiff, Richard C Malesky actually removed, applied, and otherwise used some of the products mined, produced, specified manufactured prescribed, engineered, distributed installed, licensed and/or sold by the above named defendants, and specifically many and various construction products containing asbestos Plaintiff says that on many jobs, while Plaintiff did not use the specific products mined, produced, manufactured prescribed engineered distributed, specified installed licensed and/or sold by Defendants,