

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re: ) Case No. 02-B02474  
)  
KMART CORPORATION, ) Chapter 11  
) Hon. Susan Pierson Sonderby  
Debtor. ) **Hearing Date: December 17, 2008**  
) **Hearing Time: 11:00 a.m.**  
) **Objection Deadline: December 10, 2008**

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that on **Wednesday, December 17, 2008, at the hour of 11:00 a.m.**, we shall appear before Judge Susan Pierson Sonderby, Courtroom 642, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois, or before any other judge who may be sitting in her place and stead, and shall present the **Kmart's Motion to Disallow Claim of El Puerto de Liverpool S.A. de C.V.**, a copy of which is attached hereto and herewith served upon you at which time and place you may appear if you so see fit.

Dated: October 6, 2008

Respectfully submitted,

/s/ William J. Barrett

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**CERTIFICATE OF SERVICE**

I, William J. Barrett, an attorney, hereby certify that a true and correct copy of the foregoing **Notice of Motion** and **Kmart's Motion to Disallow Claim of El Puerto de Liverpool S.A. de C.V** was served to the following parties via first class, postage prepaid, United States mail delivery on the 6<sup>th</sup> day of October, 2008:

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/s/ William J. Barrett  
\_\_\_\_\_

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# Mailing Information for Case 02-02474

## Electronic Mail Notice List

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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re:

KMART CORPORATION,

Debtor.

Case No. 02 B 02474

Honorable Susan Pierson Sonderby

Hearing Date: December 17, 2008

Hearing Time: 11:00 a.m.

**KMART'S MOTION TO DISALLOW CLAIM  
OF EL PUERTO DE LIVERPOOL S.A. DE C.V.**

Kmart Corporation ("Kmart") moves for entry of an order disallowing the claim of El Puerto de Liverpool S.A. de C.V., claim no. 40842. In support of this motion, Kmart states as follows:

1. Kmart filed its Chapter 11 petition on January 22, 2002. On April 22, 2003, Kmart confirmed the Plan, which became effective on May 6, 2003.

2. Under the Plan, Kmart is responsible for the resolution of all claims in this case and is the party responsible for disbursements to be made under the Plan. In those capacities, Kmart seeks the following relief. Kmart is working diligently to conclude the bankruptcy case, including the resolution of all claims.

3. El Puerto de Liverpool S.A. de C.V. ("El Puerto") filed a contingent claim, claim no. 40842, for contribution and indemnity in an unknown amount. Kmart understands that the claim relates to a joint venture with respect to certain retail operations in Mexico.

4. Under 11 U.S.C. §502(e), contingent claims for indemnity, contribution, or reimbursement are disallowed. El Puerto has not amended the claim to show that the claim has been liquidated in any amount. The claim accordingly should be disallowed.



WHEREFORE, Kmart moves that the Court enters an order disallowing the claim of El Puerto de Liverpool S.A. de C.V., claim no. 40842.

Dated: October 6, 2008

KMART CORPORATION

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