

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

In re:	)	Case No. 02-02474
	)	
KMART CORPORATION,	)	Chapter 11
	)	
Debtor.	)	Honorable Susan Pierson Sonderby

**PROPOSED AGENDA FOR  
OMNIBUS HEARING SCHEDULED FOR OCTOBER 28, 2008**

Set forth below is a proposed agenda for the Omnibus Hearing scheduled for October 28, 2008 beginning at 11:00 a.m. (this "Proposed Agenda").

The information contained in this Proposed Agenda reflects documents received in our offices as of the date hereof. Counsel for Kmart Corporation ("Kmart") has served a copy of this Proposed Agenda on the 2002 Service List.

Please note that this Proposed Agenda refers to certain pleadings docketed under the former PACER numbering system, up through Docket No. 13016. All pleadings at Docket No. 13063 or higher have been docketed under the new ECF numbering system.

The Court has ordered that the Omnibus Hearing shall be held in **Courtroom 742**.

The matters set for hearing are divided into the following categories for the purposes of this Proposed Agenda:

- I. Miscellaneous Matters
- II. Claim Matters
- III. Adversary Proceeding Status Hearings and Motions

**I. Miscellaneous Matters**

- 1. Kmart's Motion for Order Authorizing Return of Restricted Documents Filed in Contested Matters Concerning FLOORgraphics, Inc.(Docket No. 31756)

Status: *Kmart will be proceeding with its motion.*

2. Kmart's Motion for Order Authorizing Retention of New Claims Agent, Discharge of Existing Claims Agent, Amendment of Case Management Order, and Destruction of Certain Documents (Docket No. 31749)

Status: *Kmart will be proceeding with its motion.*

## **II. Claim Matters**

3. Claim Objection Matters Set for Status:
  - Status hearing for Third Omnibus Objections to Claims (Docket No. 8886)
  - Status hearing for Seventh Omnibus Objections to Claims (Docket No. 13071)
  - Status hearing for Eighth Omnibus Objections to Claims (Docket No. 13137)
  - Status hearing for Tenth Omnibus Objections to Claims (Docket No. 13073)
  - Status hearing for Eleventh Omnibus Objections to Claims (Docket No. 13928)
  - Status hearing for Twelfth Omnibus Objections to Claims (Docket No. 17013)
  - Status hearing for Fourteenth Omnibus Objections to Claims (Docket No. 18473)
  - Status hearing for Eighteenth Omnibus Objections to Claims (Docket No. 19680)
  - Status Hearing for Nineteenth Omnibus Objection to Claims (Docket No. 20650)
  - Status Hearing for Twentieth Omnibus Objection to Claims (Docket No. 20651)
  - Status Hearing for Twenty-First Omnibus Objection to Claims (Docket No. 20652)

- Status Hearing for Twenty-Second Omnibus Objection to Claims (Docket No. 24531)
- Status Hearing on Twenty-Third Omnibus Objection to Claims (Docket No. 25213)
- Status Hearing on Twenty-Fourth Omnibus Objection to Claims (Docket No. 27210)
- Status Hearing on Twenty-Fifth Omnibus Objection to Claims (Docket No. 27233)
- Status Hearing on Twenty-Sixth Omnibus Objections to Claims (Docket No. 28781)

Status: *The above Omnibus Objections to Claims are set for status. Draft adjournment orders will be submitted continuing these omnibus claim objections for status to December 17, 2008 at 11:00 a.m.*

4. Notice of Transferred Claim No. 26578 (Docket No. 29439); Objection of Private Manufacturing, Inc. to Notice of Transferred Claim No. 26578 (Docket No. 29547)

Status: *This matter is set for status.*

5. Kmart's Motion for Order in Aid of Confirmation of Plan of Reorganization and Authorizing Amendment to Schedules (Docket No. 31653)

Filings: *Kmart's Motion for Order Resetting Hearing on Kmart's Motion for Order in Aid of Confirmation of Plan of Reorganization and Authorizing Amendment to Schedules (Docket No. 31757)*

Status: *Kmart has filed the above motion seeking to reset this Motion for a hearing in December, 2008 and will be proceeding with its motion.*

6. Kmart's Motion to Determine Amount and Priority of the Claim of New York Workers' Compensation Board (Docket No. 31424)

Status: *A draft adjournment order will be submitted continuing this matter to December 17, 2008 at 11:00 a.m.*

7. Kmart's Second Motion to Disallow Claims Where Claimant has not Complied With Personal Injury Settlement Procedures (Docket No. 31576)

*Filings:* Certificate of Service of June 24, 2008 Order, Notice and Questionnaire (Docket No. 31651); Letter of completion and submission of Questionnaire filed by Tomica Cooper (Docket No. 31648)

*Status:* This motion was originally heard by the Court on June 24, 2008 and an order was entered on August 20, 2008 as to all claimants who had not submitted questionnaires. The motion was continued as to Tomica Cooper only. Kmart will withdraw the motion as to Tomica Cooper.

8. Kmart's Third Motion to Disallow Claims Where Claimant has not Complied With Personal Injury Settlement Procedures (Docket No. 31635)

*Filings:* Objection of Lourdes Riera to Disallow Claim (Docket No. 31650); Response of Ronald Pendleton (Docket No. 31659); Certificate of Service of Notice, Order and Questionnaire (Docket No. 31698)

*Status:* This matter was originally heard on August 20, 2008. Kmart will be proceeding with its motion as to every claimant who has not submitted a questionnaire. The motion was continued as it pertains to Dorothy M. Gaines only. Kmart will proceed with the motion as to Dorothy M. Gaines.

9. Motion of the CIT Group/Commercial Services, Inc. for Recognition of Interest of CIT in Claims and Providing for Payment of Claims (Docket No. 29242)

*Status:* A draft adjournment order will be submitted continuing this matter to December 17, 2008 at 11:00 a.m.

10. David Kersh Matters:

- Motion to Compel Kmart for Answers to Interrogatories, Notice of Motion and Motion For Sanctions against Kmart Corporation (Docket No. 29881)

*Filings: Kmart Corporation's Response to Motion to Compel Answers to Interrogatories and for Imposition of Sanctions (Docket No. 29947); Notice of Filing (Docket No. 29948)*

- Motion to Quash Kmart's Motion For [i] Order Granting Partial Summary Judgment on Claim of David Kersh, Claim No 48076 and [ii] Order Partially Allowing Claim of David Kersh as a Class 7 Claim (Docket No. 29882); Memorandum in Support of Motion to Quash (Docket No. 29883); Exhibits (Docket No. 29884)

*Filings: Kmart Corporation's Response to Motion to Quash Kmart's Motion For [i] Order Granting Partial Summary Judgment on Claim of David Kersh, Claim No 48076 and [ii] Order Partially Allowing Claim of David Kersh as a Class 7 Claim (Docket No. 29949); Notice of Filing (Docket No. 29950)*

Status: *A draft adjournment order will be submitted continuing these matters for status to December 17, 2008 at 11:00 a.m.*

11. Kmart's Report on Notice Procedure re Settled Claims (per Motion re Procedure to Handle Open Claims That Have Been Settled or Provided for Under the Plan at Docket No. 30781, previously heard on April 4, 2007)

*Filings: Kmart Corporation's Report of Responses to Notices of Settled Claims (Docket No. 31758); Notice of Filing (Docket No. 31759)*

Status: *Kmart will address any questions of the Court.*

12. Kmart's Motion for Protective Order (re: Global Property Services, Inc.) (Docket No. 31165)

*Filings: Response to Motion for Protective Order (Docket No. 31237); Reply in Support of Motion for Protective Order (Docket No. 31292); Surreply of Global Property Services, Inc. (Docket No. 31313)*

Status: *This matter is set for status.*

13. Creditor Global Property Services, Inc.'s Motion for Sanctions for Spoliation and Violation of the Court's July 11, 2005, Order and Motion to Compel Discovery (Docket No. 29619)

*Filings:* *Kmart's Response to Creditor Global Property Services, Inc.'s Motion for Sanctions for Spoliation and Violation of the Court's July 11, 2005, Order and Motion to Compel Discovery (Docket No. 29659); Reply in Support of Motion for Protective Order (Docket No. 31292); Surreply of Global Property Services, Inc. (Docket No. 31313)*

*Status: This matter is set for status.*

### **III. Adversary Proceeding Status Hearings and Motions**

14. CAPCO 1998-D7 Pipestone, LLC v. Milton Ventures, LLP, et al., Adv. No. 06-00866

*Filings:* *Defendants' Motion for Summary Judgment as to Count VI of Amended Complaint (Docket No. 16); Defendants' Statement of Undisputed Material Facts in Support of Motion for Summary Judgment as to Count VI (Docket No. 17); Defendants' Memorandum in Support of Motion for Summary Judgment as to Count VI (Docket No. 18) Defendant, Richard Kushnir's Motion for Summary Judgment as to Count VI of the Amended Complaint (Docket No. 31)*

*Status: These matters are set for status.*

15. Conner Children's Trust #2 v. Kmart Corporation, Adv. No. 03-1411

*Status: This case has been settled and the Seventh Circuit appeal has been dismissed. Kmart submits that the case should be closed and not appear on future agendas.*

16. Kmart v. Woodmont Real Estate, Adv. No. 03-01213

*Status: A draft adjournment order will be submitted continuing this matter to December 17, 2008 at 11:00 a.m.*

17. Kmart v. Simone Saragosi, and Milton Ventures, LLP, Adv. No. 05-01294

*Status: A draft adjournment order will be submitted continuing this matter to December 17, 2008 at 11:00 a.m.*

18. Kmart v. Gator Daytona Partners, Ltd. and Gator Fairhaven Partners, Ltd.,  
Adv. No. 04-3129

Status: *A draft adjournment order will be submitted continuing this matter to December 17, 2008 at 11:00 a.m.*

19. Continental Insurance Company v. Kmart Corporation, Adv. No. 08-00493

Filings: *Kmart's Answer to Complaint (Docket No. 4); Notice of Filing (Docket No. 5)*

Status: *This matter is set for status.*

Dated: Chicago, Illinois  
October 24, 2008

Respectfully submitted,  
KMART CORPORATION,

By: /s/ William J. Barrett  
One of its Attorneys

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