

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re

KMART CORPORATION

Debtor.

Case No. 02 B 02474

Chapter 11

Honorable Susan Pierson Sonderby

**KMART CORPORATION'S AMENDMENT TO SCHEDULE B(21)**

Kmart Corporation, pursuant to Federal Rule of Bankruptcy Procedure 1009, hereby amends its *Schedule B(21) – Other Contingent and Unliquidated Claims of Every Nature, Including Tax Refunds, Counterclaims of the Debtor, and Rights to Setoff Claims*, to include the following listing:

<b>Type of Property</b>	<b>Description and Location of Property</b>	<b>Current Value of Debtor's Interest in Property, Without Deducting Any Secured Claim or Exemption</b>
Malpractice action against law firm of Lewis Brisbois Bisgaard & Smith LLP	Lawsuit filed in Superior Court of California, County of Los Angeles Case No. BC383720	Approx. \$13 million plus punitive damages
Tax refund	Due from the Illinois Department of Treasury for the overpayment of corporate income taxes	Approx. \$4.5 million
Customs refund	Due from the United States Custom Service	\$500,000

A person who knowingly and fraudulently conceals property belonging to the estate of the debtor, makes a false oath or account in or in relation to a case under title 11, or makes a false statement in or relative to a case under title 11 may be fined up to \$500,000, imprisoned up to 5 years, or both. 18 U.S.C. ss 152, 153 and 3571

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DECLARATION

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I, William K. Phelan the Senior Vice President and Controller of the Debtor in this case, declare under penalty of perjury that I have read the foregoing Amendment to Schedule B, consisting of 1 sheet and that it is true and correct to the best of my information and belief.

Signature: Will K. Phelan

Date: December 10, 2008

Print Name: William K. Phelan