

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: March 17, 2009
) Hearing Time: 11:00 a.m.

NOTICE OF MOTION

PLEASE TAKE NOTICE that on **Tuesday, March 17, 2009, 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 Ninth Motion to Lift Plan Injunction for Unresolved Personal Injury Claims**, 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: December 23, 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 **Kmart's Ninth Motion to Lift Plan Injunction for Unresolved Personal Injury Claims**, was served via first class U.S. Mail, postage prepaid, to the parties listed on the attached Mailing Service List, on the 23rd day of December, 2008.

/s/ William J. Barrett _____

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NORTHERN DISTRICT OF ILLINOIS
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In re:

KMART CORPORATION,

Debtor.

Case No. 02 B 02474
Honorable Susan Pierson Sonderby

Hearing Date: March 17, 2009
Hearing Time: 11:00 a.m.

**KMART'S NINTH MOTION TO LIFT PLAN INJUNCTION
FOR UNRESOLVED PERSONAL INJURY CLAIMS**

Kmart Corporation ("Kmart") moves for entry of an order lifting the plan injunction as to certain personal injury claims. 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 its Joint Plan of Reorganization (the "Plan"), which became effective on May 6, 2003.

2. Under the Plan, Kmart is the party 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. Approximately 58,000 proofs of claims were filed in this case. As of December 24, 2008, less than 300 proofs of claims for claims of all classes remain "open." Kmart recognizes a claim as "open" if (i) there has been no order entered disallowing or allowing the claim or (ii) Kmart does not have a written acknowledgment from the claimant that the claim has been resolved.

4. Most of the Open Claims are personal injury claims for which the claimant has not sought relief from the permanent injunction in Section 12.11 of the Plan, Section 12 of the April 23, 2003 Order confirming the Plan, and Sections 541 and 1141 of the Bankruptcy Code (the

