

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

In re:)	Case No. 02-B02474
)	
KMART CORPORATION, et al.,)	(Jointly Administered)
)	Chapter 11
)	
Debtors.)	Hon. Susan Pierson Sonderby
)	Hearing Date: September 24, 2008
)	Hearing Time: 11:00 a.m.

**AGREED ORDER BETWEEN KMART AND
LUCIANO VIERA ARZOLA TO MODIFY
AUTOMATIC STAY AND PLAN INJUNCTION**

This Agreed Order is entered into and submitted to the Court in accordance with the agreement of Kmart Corporation and certain of its subsidiaries, former debtors and debtors-in-possession in the above-captioned cases (collectively, "Kmart") and Luciano Viera Arzola, and on behalf of his minor child Giovanni Vierra Inirzarry; Luciano Viera Maldonado, Sorgalim Viera Maldonado on behalf of its minor child Eillim Rodriguez Viera and Ana I. Rosado Arriga on behalf of her minor child Victor Andres Rosado (collectively "Arzola") in resolution of the Arzola's Motion for Relief from the Automatic Stay and for Relief from Article 12.11 of the Kmart's First Amended Joint Plan of Reorganization (the "Motion"), to a modification of the automatic stay and the plan injunction which became effective as of May 6, 2003, the effective date of the Kmart's First Amended Joint Plan of Reorganization, pursuant to Article 12.11 thereof and 11 U.S.C. §§ 524 and 1141 (the "Plan Injunction") as set forth herein; it appearing to the Court that the relief should be granted,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. Arzola has exhausted that certain personal injury settlement procedure approved by this Court on September 8, 2003 (Docket No. 17525).

2. The automatic stay provision of 11 U.S.C. § 362(a) (the "Automatic Stay") and the Plan Injunction, with respect to certain personal injury litigation filed at Tribunal de Primera Instancia de Puerto Rico, Sala Superior de Caguas', Case No. EDP-2003-0248 (612) (the "Litigation"), are hereby modified in accordance with the terms set forth in this Agreed Order.


3. The Automatic Stay and the Plan Injunction are partially lifted to permit the Litigation to proceed and continue to a final judgment or settlement.

4. Notwithstanding anything in this Agreed Order to the contrary, the Automatic Stay and the Plan Injunction shall remain in effect with respect to any and all actions by Arzola to execute on any final judgment or settlement against Kmart, the Kmart's estates, the reorganized debtors, or any of their property.

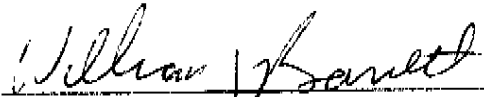
5. Nothing in this Agreed Order shall be deemed an admission of fact on the part of Kmart with respect to the Claim or any facts alleged in the Motion or in the Litigation.

6. This Court shall retain jurisdiction to hear any matters or disputes arising from or relating to this Agreed Order.

ENTER this 23 day of December, 2008.


Honorable Susan Pierson Sonderby
United States Bankruptcy Judge

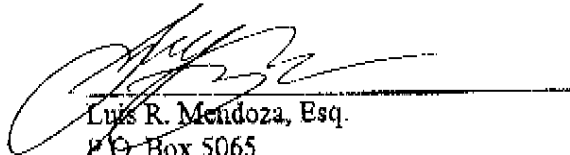
AGREED TO AND
APPROVED FOR ENTRY:



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