

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re: ) Chapter 11  
)  
) Case No. 02 B 02474  
KMART CORPORATION, )  
) Honorable Susan Pierson Sonderby  
Debtor. )  
)  
) Hearing Date: March 17, 2009  
) Hearing Time: 11:00 a.m. (CT)  
) Objection Deadline: March 10, 2009

**KMART CORPORATION'S NOTICE OF  
INTENT TO PRESENT MINUTE ORDER WITHDRAWING MOTION**

To: Simon Property Group, L.P. and its Related Entities  
c/o Kevin E. Posen  
Teller, Levit & Silvertrust, P.C.  
11 East Adams Street, Suite 800  
Chicago, IL 60603

**PLEASE TAKE NOTICE** that on March 17, 2009 at 11:00 a.m. (CT), Kmart Corporation will present a minute order withdrawing as moot the Motion for Payment of Cure Amount and Administrative Expenses Pursuant to Section 365(d)(3) and Section 503(b)(1)(A) (Docket No. 23574) (the "Withdrawal Order"). A copy of the Withdrawal Order is attached hereto.

If you have an objection to the entry of the Withdrawal Order, you must either contact William J. Barrett at 312-629-5170, or file a written objection with the Clerk of the Bankruptcy Court, on or before March 10, 2009. If no objection is raised, Kmart will present the Withdrawal Order for entry.

In the event that you do object, a hearing will take place before the Honorable Susan Pierson Sonderby, Courtroom 642, United States Courthouse, 219 S. Dearborn, Chicago, Illinois, 60604 on March 17, 2009 at 11:00 a.m. (CT) at which time and place you may appear.

If you would like to request to appear telephonically at the hearing, please contact Judge Sonderby's courtroom deputy at 312-435-5647 as well as Mark Mackowiak of the undersigned law firm at 312-629-5187.

By: /s/ William J. Barrett

William J. Barrett (ARDC No. 6206424)  
BARACK FERRAZZANO KIRSCHBAUM  
& NAGELBERG LLP  
200 West Madison Street, Suite 3900  
Chicago, IL 60606  
Phone: (312) 629-5170  
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[william.barrett@bfkn.com](mailto:william.barrett@bfkn.com)

Counsel for Kmart Corporation

**CERTIFICATE OF SERVICE**

I, William J. Barrett, an attorney, hereby certify that a true and correct copy of the foregoing **KMART CORPORATION'S NOTICE OF INTENT TO PRESENT MINUTE ORDER WITHDRAWING MOTION** was served via first class U.S. Mail, postage prepaid, to the parties listed below, on the 17<sup>th</sup> day of February, 2009.

Simon Property Group, L.P. and its Related Entities  
c/o Kevin E. Posen  
Teller, Levit & Silvertrust, P.C.  
11 East Adams Street, Suite 800  
Chicago, IL 60603

Kathryn Gleason, Esq.  
United States Trustee  
219 S. Dearborn St., Room 873  
Chicago, IL 60604

/s/ William J. Barrett  
William J. Barrett

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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Honorable Susan Pierson Sonderby Hearing Date March 17, 2009 at 11:00 a.m.

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Bankruptcy Case No. 02-02474 Adversary No.

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Title of Case Kmart Corporation

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**Brief Statement of Motion** Motion of Simon Property Group, L.P. and its Related Entities for Payment of Cure Amount and Administrative Expenses Pursuant to Section 365(d)(3) and Section 503(b)(1)(A) (Docket No. 23574)

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**Names and Addresses of moving counsel**

William J. Barrett, Esq.	Kevin E. Posen, Esq.
Barack Ferrazzano, et al.	Teller, Levit & Silvertrust, P.C.
200 W. Madison St. Ste 3900	11 East Adams Street, Suite 800
Chicago, Illinois 60606	Chicago, IL 60603

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**Representing** Kmart Corporation Simon Property Group, L.P. and its related entities

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**ORDER**

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Upon consideration of the Motion of Simon Property Group, L.P. and its Related Entities for Payment of Cure Amount and Administrative Expenses Pursuant to Section 365(d)(3) and Section 503(b)(1)(A) (Docket No. 23574) (the "Motion"), and it is represented that this matter has been resolved, it is hereby ORDERED that the Motion is withdrawn with prejudice as moot.

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