

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: Chui Mui and Wai Mui  
c/o Eugene C. Gaerig  
100 North Main Building, Suite 3118  
Memphis, TN 38103

**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 by Chui Mui and Wai Mui to be Allowed to Amend Their Ad Damnum, to Continue the Setting of May 18, 2004, and to be Allowed to Take a Telephone Deposition of Julie Ulbrich (Docket No. 24410) (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.

Chui Mui and Wai Mui  
c/o Eugene C. Gaerig  
100 North Main Building, Suite 3118  
Memphis, TN 38103

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 by Chui Mui and Wai Mui to be Allowed to Amend Their Ad Damnum, to Continue the Setting of May 18, 2004, and to be Allowed to Take a Telephone Deposition of Julie Ulbrich (Docket No. 24410)

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**Names and Addresses of moving counsel** William J. Barrett, Esq. Eugene C. Gaerig  
Barack Ferrazzano, et al. 100 North Main Building, Suite 3118  
200 W. Madison St. Ste 3900 Memphis, TN 38103  
Chicago, Illinois 60606

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**Representing** Kmart Corporation Chui Mui and Mai Wui

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**ORDER**

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Upon consideration of the Motion by Chui Mui and Wai Mui to be Allowed to Amend Their Ad Damnum, to No. Continue the Setting of May 18, 2004, and to be Allowed to Take a Telephone Deposition of Julie Ulbrich (Docket 24410) (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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