

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: Joseph P. Berglund  
Stanley E. Niew  
G. Ryan Liska  
Berglund & Niew, P.C.  
900 Jorie Boulevard, Suite 122  
Oak Brook, IL 60523-2229

**PLEASE TAKE NOTICE** that on March 17, 2009 at 11:00 a.m. (CT), Kmart Corporation will present minute orders withdrawing as moot the following Motions of Sycamore DeKalb Associates:

- For Payment of Post-Petition, Pre-Rejection Real Estate Taxes and Other Administrative Claims (Docket No. 25204);
- For Reimbursement for Payment of Real Estate Taxes (Docket No. 25205);
- For Leave to Amend Proof of Claim [Claim No. 48307] (Docket No. 25206); and
- For Leave to Amend Administrative Claim [Claim No. 51487] (Docket No. 25207),

(the "Withdrawal Orders"). Copies of the Withdrawal Orders are attached hereto.

If you have an objection to the entry of the Withdrawal Orders, 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 Orders 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  
Facsimile: (312) 984-3150  
[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.

Joseph P. Berglund  
Stanley E. Niew  
G. Ryan Liska  
Berglund & Niew, P.C.  
900 Jorie Boulevard, Suite 122  
Oak Brook, IL 60523-2229

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

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

Bankruptcy Case No. 02-02474 Adversary No.

Title of Case Kmart Corporation

Brief Statement of Motion Motion of DeKalb Sycamore Associates for Leave to Amend Proof of Claim (Docket No. 25206)

Names and Addresses of moving counsel  
William J. Barrett, Esq. Joseph P. Berglund, Esq.  
Stanley E. Niew, Esq. and G. Ryan Liska, Esq.  
Barack Ferrazzano, et al. Berglund & Niew, P.C.  
200 W. Madison St. Ste 3900 900 JorieBoulevard, Suite 122  
Chicago, Illinois 60606 Oak Brook, IL 60523-2229

Representing Kmart Corporation DeKalb Sycamore Associates

ORDER

Upon consideration of the Motion of DeKalb Sycamore Associates for Leave to Amend Proof of Claim (Docket No.

25206) (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.

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

Honorable Susan Pierson Sonderby

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

Bankruptcy Case No. 02-02474

Adversary No.

Title of Case Kmart Corporation

Brief  
Statement of  
Motion

Motion of DeKalb Sycamore Associates for Leave to Amend Administrative Claim (Docket No. 25207)

Names and  
Addresses of  
moving  
counsel

William J. Barrett, Esq.

Joseph P. Berglund, Esq.  
Stanley E. Niew, Esq. and G. Ryan Liska,  
Esq.

Barack Ferrazzano, et al.  
200 W. Madison St. Ste 3900  
Chicago, Illinois 60606

Berglund & Niew, P.C.  
900 Jorie Boulevard, Suite 122  
Oak Brook, IL 60523-2229

Representing

Kmart Corporation

DeKalb Sycamore Associates

ORDER

Upon consideration of the Motion of DeKalb Sycamore Associates for Leave to Amend Administrative Claim

(Docket No. 25206) (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.

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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

Bankruptcy Case No. 02-02474 Adversary No.

Title of Case Kmart Corporation

Brief Statement of Motion Motion of DeKalb Sycamore Associates for Payment of Post-Petition, Pre-Rejection Real Estate Taxes and Other Administrative Claims (Docket No. 25204)

Names and Addresses of moving counsel  
William J. Barrett, Esq. Joseph P. Berglund, Esq.  
Stanley E. Niew, Esq. and G. Ryan Liska, Esq.  
Barack Ferrazzano, et al. Berglund & Niew, P.C.  
200 W. Madison St. Ste 3900 900 JorieBoulevard, Suite 122  
Chicago, Illinois 60606 Oak Brook, IL 60523-2229

Representing Kmart Corporation DeKalb Sycamore Associates

ORDER

Upon consideration of the Motion of DeKalb Sycamore Associates for Payment of Post-Petition, Pre-Rejection Real Estate Taxes and Other Administrative Claims (Docket No. 25204) (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.

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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

Bankruptcy Case No. 02-02474 Adversary No. \_\_\_\_\_

Title of Case Kmart Corporation

Brief Statement of Motion Motion of DeKalb Sycamore Associates for Reimbursement for Payment of Real Estate Taxes (Docket No. 25205)

Names and Addresses of moving counsel

<u>William J. Barrett, Esq.</u>	<u>Joseph P. Berglund, Esq.</u>
	<u>Stanley E. Niew, Esq. and G. Ryan Liska,</u>
	<u>Esq.</u>
<u>Barack Ferrazzano, et al.</u>	<u>Berglund &amp; Niew, P.C.</u>
<u>200 W. Madison St. Ste 3900</u>	<u>900 JorieBoulevard, Suite 122</u>
<u>Chicago, Illinois 60606</u>	<u>Oak Brook, IL 60523-2229</u>

Representing Kmart Corporation DeKalb Sycamore Associates

ORDER

Upon consideration of the Motion of DeKalb Sycamore Associates Reimbursement for Payment of Real Estate

Taxes (Docket No. 25205) (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.