

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

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.

CERTIFICATE OF SERVICE

I, William J. Barrett, an attorney, hereby certify that on the 10th day of March, 2009, I caused to be served a copy of the **Proposed Agenda for Omnibus Hearing Scheduled for March 17, 2009** attached hereto via first class United States Postal Service Express Mail, postage prepaid, to the address below:

Edward Toy
P.O. Box 1274
Garden, CA 90249

Dated: March 13, 2009

KMART CORPORATION

By: /s/ William J. Barrett
One of its Attorneys

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

In re:) Case No. 02-02474
)
KMART CORPORATION,) Chapter 11
)
Debtor.) Honorable Susan Pierson Sonderby

**PROPOSED AGENDA FOR
OMNIBUS HEARING SCHEDULED FOR MARCH 17, 2009**

Set forth below is a proposed agenda for the Omnibus Hearing scheduled for March 17, 2009 beginning at 11:00 a.m. (this "Proposed Agenda").

The information contained in this Proposed Agenda reflects documents received in our offices as of the date hereof. Counsel for Kmart Corporation ("Kmart") has served a copy of this Proposed Agenda on the 2002 Service List.

Please note that this Proposed Agenda refers to certain pleadings docketed under the former PACER numbering system, up through Docket No. 13016. All pleadings at Docket No. 13063 or higher have been docketed under the new ECF numbering system.

The Court has ordered that the Omnibus Hearing shall be held in **Courtroom 642**.

The matters set for hearing are divided into the following categories for the purposes of this Proposed Agenda:

- I. Motions to be Withdrawn
- II. Claim Matters
- III. Adversary Proceeding Status Hearings and Motions

I. Motions to be Withdrawn

1. The following motions have been heard at previous omnibus hearings at which time it was represented to the Court that the movant would be filing a withdrawal of the motion. To date, the following motions have not been withdrawn. Accordingly, Kmart intends to present minute orders withdrawing the following motions:
 - Motion for Leave of Court to File Late Claim of Claimant Mary Ward (Docket No. 17908) and Motion for Leave of Court to File Claim Out of Time (Docket No. 18582)

- Kmart Corporation's Notice of Intent to Present Minute Order Withdrawing Motion (Docket No. 31866)
- Motion of Patricia and Joseph Calmon to Lift Stay Only as to Available Liability Insurance (Docket No. 18151)
 - Kmart Corporation's Notice of Intent to Present Minute Order Withdrawing Motion (Docket No. 31867)
- Routine Motion to File Out of Time Administrative Claim for Post-Petition Personal Injuries (Docket No. 18261)
 - Kmart Corporation's Notice of Intent to Present Minute Order Withdrawing Motion (Docket No. 31868)
- Annandale Associates Ltd.'s Motion to Consider Late-Filed Cure Claim Pursuant to Fed.R. Bankr.P. Rule 9006(b)(1) (Docket No. 19795)
 - Kmart Corporation's Notice of Intent to Present Minute Order Withdrawing Motion (Docket No. 31869)
- Motion of Cherie Taylor Leroy for Relief From Order and for Determination as to her Compliance With Claims Resolution (Docket No. 19928)
 - Kmart Corporation's Notice of Intent to Present Minute Order Withdrawing Motion (Docket No. 31870)
- Motion to Vacate Order Disallowing Claim of Dana Daniel (Docket No. 19959)
 - Kmart Corporation's Notice of Intent to Present Minute Order Withdrawing Motion (Docket No. 31871)
- Motion on Behalf of Alicia Gibson, Claim No. 15657, to be Granted permission to File Late Questionnaire for Personal Injury Claim (Docket No. 22998); Affidavit of Attorney Daniel Chavez (Docket No. 22999)
 - Kmart Corporation's Notice of Intent to Present Minute Order Withdrawing Motion (Docket No. 31872)
- 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. 19959)
 - Kmart Corporation's Notice of Intent to Present Minute Order Withdrawing Motion (Docket No. 31873)

- 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)
 - Kmart Corporation's Notice of Intent to Present Minute Order Withdrawing Motion (Docket No. 31874)
- Motion of Delores Jones to Lift Automatic Stay (Docket No. 24775)
 - Kmart Corporation's Notice of Intent to Present Minute Order Withdrawing Motion (Docket No. 31875)
- Motion For Payment of Post-Petition, Pre-Rejection Real Estate Taxes and Other Administrative Claims (Docket No. 25204); Motion For Reimbursement for Payment of Real Estate Taxes (Docket No. 25205); Motion For Leave to Amend Proof of Claim [Claim No. 48307] (Docket No. 25206); and Motion For Leave to Amend Administrative Claim [Claim No. 51487] (Docket No. 25207)
 - Kmart Corporation's Notice of Intent to Present Minute Order Withdrawing Motion (Docket No. 31876)
- Walpath Centers Partnership's Motion to Compel Compliance With the First Amended Joint Plan of Reorganization (Docket No. 25309)
 - Kmart Corporation's Notice of Intent to Present Minute Order Withdrawing Motion (Docket No. 31877)
- Motion of Carmen Arroyo Rivera Requesting an Extension of Time to Answer Debtors Twenty-Third Omnibus Objection with Respect to the "Noncompliant Claims" Identified on Exhibit "F" Thereto (Docket No. 25758)
 - Kmart Corporation's Notice of Intent to Present Minute Order Withdrawing Motion (Docket No. 31878)
- Motion of Herbert Junge for Leave to Allow Creditor's Personal Injury Lawsuit to Continue (Docket No. 25785)
 - Kmart Corporation's Notice of Intent to Present Minute Order Withdrawing Motion (Docket No. 31879)
- Motion of Retonia Moreland to Reinstate Plaintiff's Claim (Docket No. 26001)
 - Kmart Corporation's Notice of Intent to Present Minute Order Withdrawing Motion (Docket No. 31880)
- Motion of Claimant Hattie Thomas to Reconsider Dismissal of Claim (Docket No. 26411)
 - Kmart Corporation's Notice of Intent to Present Minute Order Withdrawing Motion (Docket No. 31881)

- Motion of Charles C. Conaway to Overrule Objection and for Allowance of Claim (Docket No. 29668)
 - Kmart Corporation's Notice of Intent to Present Minute Order Withdrawing Motion (Docket No. 31882)
- Motion of John T. McDonald, Jr. to Overrule Objection and Allow Claim (Docket No. 29984)
 - Kmart Corporation's Notice of Intent to Present Minute Order Withdrawing Motion (Docket No. 31883)

II. Claim Matters

2. Claim Objection Matters Set for Status:

- Status hearing for Third Omnibus Objections to Claims (Docket No. 8886)
- Status hearing for Seventh Omnibus Objections to Claims (Docket No. 13071)
 - Status hearing on Claim No. 46097 of Beulah Johnson.
- Status hearing for Eighth Omnibus Objections to Claims (Docket No. 13137)
- Status hearing for Tenth Omnibus Objections to Claims (Docket No. 13073)
- Status hearing for Eleventh Omnibus Objections to Claims (Docket No. 13928)
- Status hearing for Twelfth Omnibus Objections to Claims (Docket No. 17013)
- Status hearing for Fourteenth Omnibus Objections to Claims (Docket No. 18473)
- Status hearing for Eighteenth Omnibus Objections to Claims (Docket No. 19680)
- Status hearing for Nineteenth Omnibus Objection to Claims (Docket No. 20650)
- Status hearing for Twentieth Omnibus Objection to Claims (Docket No. 20651)

- Status hearing for Twenty-First Omnibus Objection to Claims (Docket No. 20652)
- Status hearing for Twenty-Second Omnibus Objection to Claims (Docket No. 24531)
- Status hearing on Twenty-Third Omnibus Objection to Claims (Docket No. 25213)
- Status hearing on Twenty-Fourth Omnibus Objection to Claims (Docket No. 27210)
- Status hearing on Twenty-Fifth Omnibus Objection to Claims (Docket No. 27233)
- Status hearing on Twenty-Sixth Omnibus Objections to Claims (Docket No. 28781)

Status: *The above Omnibus Objections to Claims are set for status. Draft adjournment orders will be submitted continuing these omnibus claim objections for status to June 16, 2009 at 11:00 a.m. **CONTINUANCES WILL BE ALLOWED AND MATTERS NEED NOT BE CALLED.***

3. Kmart's Ninth Motion to Lift Plan Injunction for Unresolved Personal Injury Claims (Docket No. 31845)

Status: *Kmart will be proceeding with the motion.*

4. Kmart's Tenth Motion to Lift Plan Injunction for Unresolved Personal Injury Claims (Docket No. 31864)

Status: *Kmart will be proceeding with the motion. Counsel for Helen Rossett will be appearing telephonically.*

5. Notice of Hearing re Motion of Edward Toy to Vacate Disallowing of Claims of Certain Personal Injury (Docket No. 31850); Notice of Rescheduled Hearing (Docket No. 31853)

Filings: *Kmart's Motion for Order Authorizing Distribution on Claim of Edward Toy as Filed, and Response of Kmart to Edward Toy's Motion to Vacate Disallowing of Claims of Certain Personal Injury (Docket No. 31865)*

Status: *Kmart will be proceeding with its motion in resolution of this matter.*

6. Status hearing on Claim Nos. 17280, 17281 and 17282 of the Puerto Rico Department of Treasury (Docket No. 31803)

Filings: *Kmart's Fourteenth Omnibus Objection to Claims (Docket No. 18473); Order on Fourteenth Omnibus Objection to Claims (Docket No. 20727); The Puerto Rico Treasury Department Motion Under Bankruptcy Rule 3008(e) to Reconsider Order Disallowing its Claims (Docket No. 23619); Stipulation and Agreed Order Regarding Claim Nos. 17280, 17281, and 17282(Docket No. 24194); Puerto Rico Treasury Department Response to Debtors Fourteenth Omnibus Objection (Docket No. 24906); Supplemental Certificate of Service (Docket No. 31812)*

Status: *Matter is set for status.*

7. Motion of the CIT Group/Commercial Services, Inc. for Recognition of Interest of CIT in Claims and Providing for Payment of Claims (Docket No. 29242)

Status: *A draft adjournment order will be submitted continuing this matter to June 16, 2009 at 11:00 a.m. **CONTINUANCE WILL BE ALLOWED AND MATTER NEED NOT BE CALLED.***

8. David Kersh Matters:

- Motion to Compel Kmart for Answers to Interrogatories, Notice of Motion and Motion For Sanctions against Kmart Corporation (Docket No. 29881)

Filings: *Kmart Corporation's Response to Motion to Compel Answers to Interrogatories and for Imposition of Sanctions (Docket No. 29947); Notice of Filing (Docket No. 29948)*

- Motion to Quash Kmart's Motion For [i] Order Granting Partial Summary Judgment on Claim of David Kersh, Claim No 48076 and [ii] Order Partially Allowing Claim of David Kersh as a Class 7 Claim (Docket No. 29882); Memorandum in Support of Motion to Quash (Docket No. 29883); Exhibits (Docket No. 29884)

Filings: *Kmart Corporation's Response to Motion to Quash Kmart's Motion For [i] Order Granting Partial Summary Judgment on Claim of David Kersh, Claim No 48076 and [ii] Order Partially Allowing Claim of David Kersh as a Class 7 Claim (Docket No. 29949); Notice of Filing (Docket No. 29950)*

Status: *A draft adjournment order will be submitted continuing these matters to June 16, 2009 at 11:00 a.m. **CONTINUANCE WILL BE ALLOWED AND MATTER NEED NOT BE CALLED.***

9. Kmart's Report on Notice Procedure re Settled Claims (per Motion re Procedure to Handle Open Claims That Have Been Settled or Provided for Under the Plan at Docket No. 30781, previously heard on April 4, 2007)

Filings: *Kmart Corporation's Report of Responses to Notices of Settled Claims (Docket No. 31888); Notice of Filing (Docket No. 31889)*

Status: *Kmart will address any questions of the Court.*

III. Adversary Proceeding Status Hearings and Motions

10. CAPCO 1998-D7 Pipestone, LLC v. Milton Ventures, LLP, et al., Adv. No. 06-00866

Filings: *Defendants' Motion for Summary Judgment as to Count VI of Amended Complaint (Docket No. 16); Defendants' Statement of Undisputed Material Facts in Support of Motion for Summary Judgment as to Count VI (Docket No. 17); Defendants' Memorandum in Support of Motion for Summary Judgment as to Count VI (Docket No. 18) Defendant, Richard Kushnir's Motion for Summary Judgment as to Count VI of the Amended Complaint (Docket No. 31)*

Status: *Matters set for status.*

11. Kmart v. Woodmont Real Estate, Adv. No. 03-01213

Status: *A draft adjournment order will be submitted continuing this matter to June 16, 2009 at 11:00 a.m. **CONTINUANCE WILL BE ALLOWED AND MATTER NEED NOT BE CALLED.***

12. Kmart v. Simone Saragosi, and Milton Ventures, LLP, Adv. No. 05-01294

Status: *A draft adjournment order will be submitted continuing this matter to June 16, 2009 at 11:00 a.m. **CONTINUANCE WILL BE ALLOWED AND MATTER NEED NOT BE CALLED.***

13. Kmart v. Gator Daytona Partners, Ltd. and Gator Fairhaven Partners, Ltd., Adv. No. 04-3129

Status: *Matter set for status.*

Dated: Chicago, Illinois
March 10, 2009

Respectfully submitted,
KMART CORPORATION,

By: /s/ William J. Barrett
One of its Attorneys

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