

**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 JUNE 16, 2009**

Set forth below is a proposed agenda for the Omnibus Hearing scheduled for June 16, 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. Claim Matters
- II. Adversary Proceeding Status Hearings and Motions

**I. Claim Matters**

1. 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 for Eighth Omnibus Objections to Claims (Docket No. 13137)

- Notice of Status Hearing on Claim No. 43433 of Danny Ogletree and Pamela Ogletree (Docket No. 31980)

*Filings: Ogletree's Response to Eighth Omnibus Objection (Claim No. 43433) (Docket No. 14806)*

*Status: This matter will be going forward. Counsel for the claimants, Randall Constantine, will be appearing telephonically.*

- Status hearing for Tenth Omnibus Objections to Claims (Docket No. 13073)

- Notice of Status Hearing on Claim No. 23840 of MECO Corporation (Docket No. 31979)

*Status: This matter will be going forward.*

- 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)

- Notice of Status Hearing on Claim No. 46499 of Anibal Ortiz d/b/a A.I.R. Enterprises (Docket No. 31978)

*Status: This matter will be going forward.*

- Status hearing for Twentieth Omnibus Objection to Claims (Docket No. 20651)

- Status hearing on Claim No. 41980 of Suplee Envelope Company, Inc.

*Filings: Claimant Suplee Envelope Company, Inc.'s (#41980) Objection to Kmart's Twenty-First Omnibus Objection to Claims (Docket No. 21504)*

Status: *This matter will be continued to August 5, 2009.*

- Status hearing for Twenty-First Omnibus Objection to Claims (Docket No. 20652)

- Notice of Status Hearing on Claim No. 42220 of Borough of Landsdowne, Pennsylvania (Docket No. 31982)

*Filings: Claimant Bourough of Landsdowne (#42220) Objection to Kmart's Twenty-First Omnibus Objection to Claims (Docket No. 21502)*

Status: *This matter will be continued to August 5, 2009.*

- Notice of Status Hearing on Claim No. 42222 of Bonnie's Wondergardens (Docket No. 31981)

*Filings: Claimant Bonnie's Wondergarden (#42222) Objection to Kmart's Twenty-First Omnibus Objection to Claims (Docket No. 21503)*

Status: *This matter will be continued to August 5, 2009.*

- 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 August 5, 2009 at 11:00 a.m. unless otherwise stated above. **CONTINUANCES WILL BE ALLOWED AND MATTERS NEED NOT BE CALLED.***

2. Kmart Corporation's Motion for Order Applying in Bankruptcy Rules 7008 and 7012 to Contested Matter on Claim of Beulah Johnson (Docket No. 31958)

Status: *Kmart will be proceeding with the motion. Beulah Johnson will be appearing telephonically.*

3. Ilease Bartlette, Claim No. 45327

Filings: *Letter regarding claim filed by Ilease Bartlette (Docket No. 31891); Notice and Certificate of Status Hearing on Letter Regarding Claim Filed by Ilease Bartlette (Docket No. 31894); Documents in Support of Claim (RE: 31891 Letter) (Docket No. 31952); Motion Claim for Employment Discrimination (Docket No. 31950); Letter: Employment Discrimination (Docket No. 31951); Letter: List of Debtors and Claim Identified (Docket No. 31961); Letter: Minute Order on Next Schedule Appointment on 6/16/2009 (Docket No. 31962); Introduction (Docket No. 31963); Notice of Motion to hear and determine motions for the assumption or rejection or the assumption and assignment of executory contract or unexpired leases (Docket No. 31964); Motion to accept my former 104 paged motion (Docket No. 31965); to accept and consider Advocacy offered through the courts (Docket No. 31966); Motion to update the record (Docket No. 31967); of Motion (Docket No. 31968); Motion to accept (Docket No. 31969); Letter: Classification of Claims and Interest (Docket No. 31970); Return Receipts (Docket No. 31971); Delivery Confirmation (Docket No. 31972); Letter: Administrative Expenses, Priority Tax Claims and*

*other Unclassified Claims (Docket No. 31973); Letter: Re: Rules of Interpretation; Computation of Time; Reference to Monetary Figures and Exhibits (Docket No. 31974); Notice of Lodging and Settlement Agreement (Docket No. 31975); Kmart Corporation's Response to Motions of Ilease Bartlette (Docket No. 31976); Notice of Filing (Docket No. 31977)*

Status: *This matter was set for status at the last omnibus hearing for Kmart to report of the status of the original check issued to Ilease Bartlette. Ilease Bartlette will be appearing telephonically.*

4. *Kmart's Eleventh Motion to Lift Plan Injunction for Unresolved Personal Injury Claims (Docket No. 31959 )*

Status: *Kmart will be proceeding with the motion. Gregory Schwartz, counsel for claimant Dylan Perodin, will be appearing telephonically. Kmart will withdraw this motion as it relates to Ave Maria Ladson (William Ladson, a Minor), Claim No. 56221, as this claim was previously disallowed by Order at Docket No. 31747.*

5. *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); Kmart's Motion for Order Setting Amount of Claims of Puerto Rico Treasury Department (Docket No. 31986); Verified Statement of Material Facts re Kmart's Motion for Order Setting Amount of Claims of Puerto Rico Treasury Department(Docket No. 31987); Supplemental Certificate of Service (Docket No. 31991)*

Status: *The parties will request a briefing schedule on Kmart's motion to set amount of claims.*

6. 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: *This matter will be going forward.*

7. 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 August 5, 2009 at 11:00 a.m. **CONTINUANCE WILL BE ALLOWED AND MATTER NEED NOT BE CALLED.***

8. 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. 31984); Notice of Filing (Docket No. 31985)*

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

### III. Adversary Proceeding Status Hearings and Motions

9. 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.

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

*Status:* A draft adjournment order will be submitted continuing this matter to August 5, 2009 at 11:00 a.m. **CONTINUANCE WILL BE ALLOWED AND MATTER NEED NOT BE CALLED.**

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

*Status:* A draft adjournment order will be submitted continuing this matter to August 5, 2009 at 11:00 a.m. **CONTINUANCE WILL BE ALLOWED AND MATTER NEED NOT BE CALLED.**

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

*Status:* A draft adjournment order will be submitted continuing this matter to August 5, 2009 at 11:00 a.m. **CONTINUANCE WILL BE ALLOWED AND MATTER NEED NOT BE CALLED.**

13. Continental Insurance Company v. Kmart, Adv. No. 08-00493

*Filings:* Motion of Continental Insurance Company for Summary Judgment (Docket Nos. 13 and 17); Memorandum in Support of Motion of Continental Insurance Company for Summary Judgment (Docket No. 14); Statement of Undisputed Facts in Support of Motion of Continental Insurance Company for Summary Judgment (Docket No. 15); Amended Notice of Motion (Docket No. 21); Proposed Order Attachment (Docket No. 22); Kmart Corporation's Response in Opposition to Motion for Summary Judgment (Docket No. 23); Kmart Corporation's Statement of Additional Material Facts (Docket No. 24); Kmart Corporation's Response to Statement of Material Facts (Docket No. 25); Notice of Filing (Docket No. 26); Supporting Memorandum Reply of Continental Insurance Company (Docket No. 27); Notice of Filing (Docket No. 28)

Status: Matter is set for status.

Dated: Chicago, Illinois  
June 12, 2009

Respectfully submitted,  
KMART CORPORATION,

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

William J. Barrett (6206424)  
Barack Ferrazzano Kirschbaum & Nagelberg LLP  
200 West Madison Street, Suite 3900  
Chicago, IL 60606  
Phone: (312) 984-3100  
Facsimile: (312) 984-3150  
[william.barrett@bfkn.com](mailto:william.barrett@bfkn.com)

Andrew N. Goldman  
Wilmer Cutler Pickering Hale and Dorr LLP  
399 Park Avenue  
New York, NY 10022  
Phone: (212) 230-8000  
Facsimile: (212) 230-8888