

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

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

**PROPOSED AGENDA FOR
OMNIBUS HEARING SCHEDULED FOR AUGUST 5, 2009**

Set forth below is a proposed agenda for the Omnibus Hearing scheduled for August 5, 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. Miscellaneous Matters
- II. Claim Matters
- III. Adversary Proceeding Status Hearings and Motions

I. Miscellaneous Matters

- 1. Motion of David A. Newby and Johnson & Newby, LLC for Leave to Withdraw as Counsel to Global Property Services, Inc. (Docket No. 32049)

Status: *Kmart does not object to entry of the withdrawal order.*

II. Claim Matters

2. Claim Objection Matters Set for Status:

- Third Omnibus Objections to Claims (Docket No. 8886)

Status: *Kmart will present a final order closing out the Third Omnibus Objection without prejudice to any claimant whose claim was not resolved under the Objection.*

- Seventh Omnibus Objections to Claims (Docket No. 13071)

Status: *Kmart will present a final order closing out the Seventh Omnibus Objection without prejudice to any claimant whose claim was not resolved under the Objection.*

- Status hearing for Eighth Omnibus Objections to Claims (Docket No. 13137)

Status: *Kmart will present a final order closing out the Eighth Omnibus Objection without prejudice to any claimant whose claim was not resolved under the Objection.*

- 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 has been settled and Kmart will present an agreed order resolving claim.*

- 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)

Filings: Response by Meco Corporation to Debtors' Tenth Omnibus Objection to Claims Under 11 U.S.C. §§ 102(1), 105(A), and Fed. R. Bankr. P. 3007 (Docket No. 14246); Notice of Filing (Docket No. 14245)

Status: *This matter will be continued for status to September 22, 2009.*

- Status hearing for Eleventh Omnibus Objections to Claims (Docket No. 13928)

Status: *Kmart will present a final order closing out the Eleventh Omnibus Objection without prejudice to any claimant whose claim was not resolved under the Objection.*

- Status hearing for Twelfth Omnibus Objections to Claims (Docket No. 17013)

Status: *Kmart will present a final order closing out the Twelfth Omnibus Objection without prejudice to any claimant whose claim was not resolved under the Objection.*

- Status hearing for Fourteenth Omnibus Objections to Claims (Docket No. 18473)

Status: *Kmart will present a final order closing out the Fourteenth Omnibus Objection without prejudice to any claimant whose claim was not resolved under the Objection.*

- Status hearing for Eighteenth Omnibus Objections to Claims (Docket No. 19680)

Status: *Kmart will present a final order closing out the Eighteenth Omnibus Objection without prejudice to any claimant whose claim was not resolved under the Objection.*

- Status hearing for Nineteenth Omnibus Objection to Claims (Docket No. 20650)

- Kmart's Motion for Order Disallowing Claim of Anibal Ortiz dba A.I.R. Enterprises (Docket No. 32041)

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

- 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: *Set for status.*

- 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: *Set for status.*

- 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: *Set for status.*

- Status hearing for Twenty-Second Omnibus Objection to Claims (Docket No. 24531)

Status: *Kmart will present a final order closing out the Twenty-Second Omnibus Objection without prejudice to any claimant whose claim was not resolved under the Objection.*

- Status hearing on Twenty-Third Omnibus Objection to Claims (Docket No. 25213)

Status: *Kmart will present a final order closing out the Twenty-Third Omnibus Objection without prejudice to any claimant whose claim was not resolved under the Objection.*

- Status hearing on Twenty-Fourth Omnibus Objection to Claims (Docket No. 27210)

Status: *Kmart will present a final order closing out the Twenty-Fourth Omnibus Objection without prejudice to any claimant whose claim was not resolved under the Objection.*

- Status hearing on Twenty-Fifth Omnibus Objection to Claims (Docket No. 27233)

Status: *Kmart will present a final order closing out the Twenty-Fifth Omnibus Objection without prejudice to any claimant whose claim was not resolved under the Objection.*

- Status hearing on Twenty-Sixth Omnibus Objections to Claims (Docket No. 28781)

Status: *Kmart will present a final order closing out the Twenty-Sixth Omnibus Objection without prejudice to any claimant whose claim was not resolved under the Objection.*

3. Kmart's Twelfth Motion to Lift Plan Injunction for Unresolved Personal Injury Claims (Docket No. 32046)

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

4. Kmart's Motion to Approve Order Directing Release of Remaining Funds Held for Deferred Compensation Plans (Docket No. 31983)

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

5. Kmart's Objection to 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: *Set for status.*

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: *Set for status.*

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 September 22, 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. 32050); Notice of Filing (Docket No. 32051)

Status: Kmart will address any questions of the Court.

III. Adversary Proceeding Status Hearings and Motions

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

Status: A draft adjournment order will be submitted continuing this matter to September 22, 2009 at 11:00 a.m. ***CONTINUANCE WILL BE ALLOWED AND MATTER NEED NOT BE CALLED.***

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

Filings: Kmart's Motion to Dismiss (Docket No. 51)

Status: Kmart will proceed to dismiss this adversary.

11. 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 September 22, 2009 at 11:00 a.m. ***CONTINUANCE WILL BE ALLOWED AND MATTER NEED NOT BE CALLED.***

12. 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); Uncontested Motion for Leave to Amend Prayer for Relief on its Face to Include Demand for Interest (Docket No. 30)

Status: *Set for status to report on mediation and for Plaintiff to present motion to amend complaint.*

Dated: Chicago, Illinois
August 3, 2009

Respectfully submitted,
KMART CORPORATION,

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

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