

**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 SEPTEMBER 22, 2009**

Set forth below is a proposed agenda for the Omnibus Hearing scheduled for September 22, 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 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 has been settled. A stipulation will be presented.

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

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

- 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); Kmart Corporation's Motion for Order Setting Trial Date on Pennsylvania Flood Claims (Docket No. 32084)

Status: This matter has been settled. A stipulation will be presented.

- 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); Kmart Corporation's Motion for Order Setting Trial Date on

Pennsylvania Flood Claims (Docket No. 32084)

Status: *This matter has been settled. A stipulation will be presented.*

- 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); Kmart Corporation's Motion for Order Setting Trial Date on Pennsylvania Flood Claims (Docket No. 32084)

Status: *This matter has been settled. A stipulation will be presented.*

2. Claim No. 46097 of Beulah Johnson

Status: *This matter is set for status. Pursuant to Order entered at the June 16, 2009 omnibus hearing (Docket No. 32037), Beulah Johnson was to file a Statement of Claims in the form satisfying Rule 8 of the Federal Rules of Civil Procedure by September 15, 2009.*

3. Kmart's objection to Claim No. 52092 of Learning Horizons Division of Mark Plus Inc.

Filings: Kmart's Eighteenth Omnibus Objection to Claims (Docket No. 19680); Response of Plus Mark, Inc. and Learning Horizons to Kmart's Eighteenth Omnibus Objection to Claims Under 11 U.S.C. §§ 102, 105, and 502 and Fed.R.Bankr.P. 3007 (Docket No. 20082)

Status: *This matter is set for status.*

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

Filings: Kmart Corporation's Supplement to Motion for Order Directing Release of Remaining Funds Held for Deferred Compensation Plans (Docket No. 32085); Certificate of Service (Docket No. 32086)

Status: Kmart will be proceeding with the motion.

5. 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 November 3, 2009 at 11:00 a.m. **CONTINUANCE WILL BE ALLOWED AND MATTER NEED NOT BE CALLED.**

6. 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)

- David Kersh's Motion for Summary Judgment (Docket No. 32087); Brief in Support of Motion for Summary Judgment (Docket No. 32088)

Filings: *Kmart Corporation's Reply to Motion for Summary Judgment (Docket No. 32091); Notice of Filing (Docket No. 32092)*

Status: *Set for status. Kmart suggests that a date be set for Mr. Kersh to file a reply brief and that the matter thereafter be taken under advisement.*

7. 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. 32093); Notice of Filing (Docket No. 32094)*

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

III. Adversary Proceeding Status Hearings and Motions

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

Status: *A dismissal order will be presented.*

9. 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 November 3, 2009 at 11:00 a.m. **CONTINUANCE WILL BE ALLOWED AND MATTER NEED NOT BE CALLED.***

10. 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); Continental Insurance Company's Motion for Leave to Cite Additional Authority in Support of Motion for Summary Judgment (Docket No. 35)

Status: *Set for status to report on mediation. Further, Kmart will consent to Continental's motion to cite additional authority but requests 21 days to file a responsive pleading.*

Dated: Chicago, Illinois
September 18, 2009

Respectfully submitted,
KMART CORPORATION,

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

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