

**IN THE 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: September 22, 2009

Hearing Time: 11:00 a.m.

**ORDER GRANTING MOTION OF KMART
CORPORATION FOR ORDER DIRECTING RELEASE
OF REMAINING FUNDS FOR DEFERRED COMPENSATION PLANS**

Kmart Corporation ("Kmart") having filed its Motion for Order Directing Release of Remaining Funds Held for Deferred Compensation Plans and the Court having conducted a hearing on the motion,

IT IS HEREBY ORDERED that The Bank of New York Mellon ("BNY Mellon") is directed pay to Kmart all monies BNY Mellon is holding in any trust account in connection with either the Management Plan or the Directors' Plan (as defined in the Motion), including any money held under the Trust Agreements (as defined in the Motion).

IT IS FURTHER ORDERED that this Order is not a determination of the claims or rights any person has against Kmart. *and is without prejudice as to such rights.*

SEP 22 2009
Dated: August 2, 2009


United States Bankruptcy Judge