

**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 NOVEMBER 3, 2009**

Set forth below is a proposed agenda for the Omnibus Hearing scheduled for November 3, 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. Kmart/Global Property Services, Inc. Matters

**I. Claim Matters**

1. Claim Objection Matters Set for Status:

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

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

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

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

2. Claim No. 46097 of Beulah Johnson

Filings: *Response of Beulah Johnson to Order Granting Kmart Corporation's Motion for Order Applying Bankruptcy Rules 7008 and 7012 to Contest Matter on Claim of Beulah D. Johnson be Denied (Docket No. 32096); Kmart Corporation's Objection and Answer to Statement of Claim of Beulah Johnson (Docket No. 32117); Notice of Filing (Docket No. 32118)*

Status: *This matter is set for status. Kmart will address the timing of a motion for dispositive relief.*

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: *A draft adjournment order will be submitted continuing this matter to December 15, 2009 at 11:00 a.m. **CONTINUANCE WILL BE ALLOWED AND MATTER NEED NOT BE CALLED.***

4. 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 December 15, 2009 at 11:00 a.m. **CONTINUANCE WILL BE ALLOWED AND MATTER NEED NOT BE CALLED.***

5. 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. 32122); Notice of Filing (Docket No. 32123)*

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

## **II. Kmart/Global Property Services, Inc. Matters**

6. Kmart's Motion for Protective Order (re: Global Property Services, Inc.) (Docket No. 31165)

Filings: *Response to Motion for Protective Order (Docket No. 31237); Reply in Support of Motion for Protective Order (Docket No. 31292); Surreply of Global Property Services, Inc. (Docket No. 31313)*

Status: *This matter is set for status.*

7. Creditor Global Property Services, Inc.'s Motion for Sanctions for Spoliation and Violation of the Court's July 11, 2005, Order and Motion to Compel Discovery (Docket No. 29619)

Filings: *Kmart's Response to Creditor Global Property Services, Inc.'s Motion for Sanctions for Spoliation and Violation of the Court's July 11, 2005, Order and Motion to Compel Discovery (Docket No. 29659); Reply in Support of Motion for Protective Order (Docket No. 31292); Surreply of Global Property Services, Inc. (Docket No. 31313)*

Status: *This matter is set for status.*

8. Motion and Memorandum of Kmart Corporation to Shift Electronic Discovery Costs (Docket No. 31921);

*Filings:* Response in Opposition to Kmart's Motion to Shift Electronic Discovery Costs (Docket No. 31945); Reply in Support of Motion of Kmart Corporation to Shift Electronic Discovery Costs (Docket No. 31953); Order Granting in Part, Continuing in Part (Docket No. 32048); Notice of Filing of Declaration of Thomas W. Avery (Docket No. 32089)

*Status:* This matter is set for status.

Dated: Chicago, Illinois  
October 30, 2009

Respectfully submitted,  
KMART CORPORATION,

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

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