

**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 DECEMBER 15, 2009**

Set forth below is a proposed agenda for the Omnibus Hearing scheduled for December 15, 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

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1. 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); Statement of Claims of Beulah D. Johnson (Docket No. 32135); Notice of Beulah D. Johnson's Motion for a Reverse Decision for Order

Applying Bankruptcy Rules 7008 and 7012 to Contested Matter of Beulah D. Johnson v. Kmart Corporation (Docket No. 32136 ; Kmart Corporation's Motion to Allow in Part and Disallow in Part Claim of Beulah Johnson (Docket No. 32144); Amended Notice of Motion (Docket No. 32145)

Status: *Kmart will request a briefing schedule on its dispositive motion.*

2. 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 March 3, 2010 at 11:00 a.m. **CONTINUANCE WILL BE ALLOWED AND MATTER NEED NOT BE CALLED.***

3. 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 March 3, 2010 at 11:00 a.m. **CONTINUANCE WILL BE ALLOWED AND MATTER NEED NOT BE CALLED.***

4. 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: *A draft adjournment order will be submitted continuing these matters to March 3, 2010 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. 32142); Notice of Filing (Docket No. 32143)

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

Dated: Chicago, Illinois
December 11, 2009

Respectfully submitted,
KMART CORPORATION,

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

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