

**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 MARCH 3, 2010**

Set forth below is a proposed agenda for the Omnibus Hearing scheduled for March 3, 2010 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.

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. Motion for Final Decree.**

1. Kmart Corporation's Motion for Entry of a Final Decree Closing Case and for Relief from Local Bankruptcy Rule 3022-1 (Docket No. 32165); Certificate of Service (Docket No. 32169); Supplemental Certificate of Service (Docket No. 32171); Notice of Filing Proposed Form of Final Decree (Docket No. 32178); Kmart Corporation's Supplement to Motion for Entry of a Final Decree Closing Case (Docket No. 32179); Notice of Filing of Revised Proposed Form of Final Decree (Docket No. 32180)

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

**II. Claim Matters**

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); 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); Beulah Johnson's Response to Kmart's Motion to Allow in Part and Disallow in Part Claim of Beulah Johnson (Not Docketed); Kmart's Reply to Beulah Johnson's Response to Kmart's Motion to Allow in Part and Disallow in Part Claim of Beulah Johnson (Docket No. 32176)*

Status: *Kmart will proceed with its Motion to Allow in Part and Disallow in Part Claim of Beulah Johnson.*

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: *This motion is to be resolved as part of the Final Decree.*

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)*

Status: *Kmart proposes, in its Motion for a Final Decree, that an adversary proceeding be opened for the matter and that this motion be continued as part of the adversary proceeding.*

- 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: *Kmart proposes, in its Motion for a Final Decree, that an adversary proceeding be opened for the matter and that this motion be continued as part of the adversary proceeding.*

- 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: *Kmart proposes, in its Motion for a Final Decree, that an adversary proceeding be opened for the matter and that this motion be continued as part of the adversary proceeding.*

- Kmart's Motion for Order of Abstention and Lifting Plan Injunction re Claims of David Kersh (Docket No. 32170)

Status: *Kmart proposes, in its Motion for a Final Decree, that an adversary proceeding be opened for the matter and that this motion be continued as part of the adversary proceeding.*

5. Kmart/Global Property Services, Inc. Matters

- 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: *Kmart proposes, in its Motion for a Final Decree, that an adversary proceeding be opened for the matter and that this motion be continued as part of the adversary proceeding.*

- 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: *Kmart proposes, in its Motion for a Final Decree, that an adversary proceeding be opened for the matter and that this motion be continued as part of the adversary proceeding.*

- 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); Kmart Corporation's Interim Report Concerning the Sampling of Electronic Documents (Docket No. 32158); Kmart Corporation's Second Interim Report Concerning the Sampling of Electronic Documents (Docket No. 32158)*

Status: *Kmart proposes, in its Motion for a Final Decree, that an adversary proceeding be opened for the matter and that this motion be continued as part of the adversary proceeding.*

Dated: Chicago, Illinois  
March 2, 2010

Respectfully submitted,  
KMART CORPORATION,

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

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