

EXHIBIT A

Exhibit A Page 2 of 19

* * * COMMUNICATION RESULT REPORT (MAR. 1. 2010 4:21PM) * * *

FAX HEADER 1: BARRACK FERRAZZANO
FAX HEADER 2: 28S FAXTRANSMITTED/STORED : MAR. 1. 2010 4:18PM
FILE MODE OPTION

ADDRESS

RESULT

PAGE

2163 MEMORY TX

OFFICE OF THE US TRU

OK

17/17

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWERE-2) BUSY
E-4) NO FACSIMILE CONNECTION

BARRACK FERRAZZANO KIRSCHBAUM & NAGELBERG LLP

200 WEST MADISON STREET, SUITE 3900
CHICAGO, ILLINOIS 60606
TELEPHONE: (312) 984-3100
FAX: (312) 984-3150

FACSIMILE COVER SHEET

TO: Kathryn Gleason FAX NO. 312-886-5794
Office of the U.S. Trustee

FROM: William J. Barrett

CLIENT CODE: KMRT-0000

DATE: March 1, 2010

TIME:

THIS TELECOPY CONSISTS OF THIS COVER SHEET AND 16 PAGE(S).

☐ CONFIRM (Confirmation Upon Request Only): Phone #:☐ RETURN IMMEDIATELY CONFIRMED ☐

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA UNITED STATES POSTAL SERVICE. THANK YOU.

If you experience any problems with this transmission, please call (312) 984-3173.

MESSAGE: IN RE KMART CORPORATION

Kmart Corporation's Supplement to Motion for Entry
of a Final Decree Closing Case

FAXED

☐ Original will not follow
 ☐ Original will follow via:
 ☐ 1st Class Mail
 ☐ Overnight Courier
 ☐ Messenger

BARACK FERRAZZANO KIRSCHBAUM & NAGELBERG LLP

200 WEST MADISON STREET, SUITE 3900
CHICAGO, ILLINOIS 60606
TELEPHONE: (312) 984-3100
FAX: (312) 984-3150

FACSIMILE COVER SHEET

TO: Kathryn Gleason **FAX NO.** 312-886-5794
Office of the U.S. Trustee

FROM: William J. Barrett

CLIENT CODE: KMRT-0000

DATE: March 1, 2010

TIME:

THIS TELECOPY CONSISTS OF THIS COVER SHEET AND 16 PAGE(S).

☐ **CONFIRM** (*Confirmation Upon Request Only*): Phone #:

☐ **RETURN IMMEDIATELY** **CONFIRMED** ☐

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA UNITED STATES POSTAL SERVICE. THANK YOU.

If you experience any problems with this transmission, please call (312) 984-3173.

MESSAGE: **IN RE KMART CORPORATION**

**Kmart Corporation's Supplement to Motion for Entry
of a Final Decree Closing Case**

☐ Original **will not** follow ☐ Original will follow via: ☐ 1st Class Mail ☐ Overnight Courier ☐ Messenger

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re

KMART CORPORATION,

Debtor.

Chapter 11

Case No. 02 B 02474

Hon. Susan Pierson Sonderby

Hearing Date: March 3, 2010

Hearing Time: 11:00 a.m.

**KMART CORPORATION'S SUPPLEMENT TO MOTION FOR ENTRY OF A FINAL
DECREE CLOSING CASE**

Kmart Corporation ("Kmart") has filed a motion for entry of a final decree closing this bankruptcy case. Since filing the motion, Kmart has received comments from several parties, including the United States Trustee, regarding the motion and the relief sought therein. Kmart addresses those comments in this pleading.

1. Personal Injury Claims. Kmart proposes in its motion that the Final Decree include a provision terminating the Plan and discharge provisions as to unresolved personal injury claims. The United States Trustee has questioned whether the language Kmart sought was a modification to the confirmed Plan of Reorganization, and thus subject to 11 U.S.C. §1127.

Kmart does not wish to modify the Plan, but simply to provide for a mechanism where those personal injury claimants that filed timely claims and have exhausted the resolution procedures may proceed to liquidate their claims in state court. This provision is consistent with the jurisdictional limits of the court regarding personal injury claims. It is also consistent with the Plan, which in Section 9.6(c) provides that any claim may be "determined and liquidated in accordance with the ADR Procedures." ADR Procedures is defined in Section 1.4 of the Plan to include the procedures established by several Orders for the resolution of personal injury claims.

Those procedures, set forth in orders entered on July 17, 2002 and January 28, 2003, provided that personal injury claimants may liquidate their claims in state court upon exhausting the procedures.

Thus, allowing personal injury claimants to do what the Plan provides, even though it requires relief from the discharge injunction of the Plan, is not a modification of the Plan. In fact, since the effective date of the Plan hundreds of orders have been entered, without objection, allowing personal injury claimants to liquidate their claims in state court. The Court's statutory authority to enter such order arises under 11 U.S.C. §1142(b), which allows orders "necessary for the confirmation of the plan."

2. CIT Motion. In the motion for a final decree, Kmart set forth a proposal for resolving the pending Motion of The CIT Group/Commercial Services, Inc. ("CIT"), which seeks in effect an accounting of certain shares distributed in claims held by CIT. Kmart's proposal allowed that, should a dispute arise between Kmart and CIT subsequent to entry of the Final Decree, either party could file an adversary proceeding to resolve the dispute. Kmart is now advised that it may not be possible to file an adversary proceeding once the case is closed without reopening the case. Accordingly, Kmart moves that the present motion of CIT be converted to an adversary proceeding captioned "The CIT Group/Commercial Services, Inc. v. Kmart Corporation" (the "CIT Case") and that the Clerk's Office be directed to populate the adversary proceeding with the pleadings listed on Exhibit A hereto.

In its original motion for a Final Decree, Kmart requested that a time limit be set for CIT to identify additional shares that it claims. Upon discussion with CIT, Kmart has agreed to modify the relief sought as follows: (i) CIT will be allowed 120 days from entry of the Final Decree to identify which of the unclaimed shares held at Computershare it claims; (ii) CIT can

seek in the CIT Case, by amendment or otherwise (including, but not limited to, the seeking of relief against a third party), any relief available to it in this bankruptcy case as of the entry of the Final Decree (subject to any defenses Kmart might have to any relief sought); and (iii) to the extent CIT is entitled to receive additional shares of Sears Holdings Corporation, Kmart shall be responsible for causing such distribution. To accommodate these modifications, the proposed Final Decree will also be modified to provide that any shares that revert to Kmart will be held at Computershare for 120 days from entry of the final decree. In the event, after such 120 days, CIT claims shares that Kmart disputes or has otherwise not yet caused to be distributed to CIT, Kmart shall retain at Computershare such number of shares.

3. David Kersh Matters. In conjunction with its motion for a final decree, Kmart moved that the Court abstain from hearing the David Kersh matters. Mr. Kersh has advised Kmart that for health reasons he will not be able to participate in the March 3 hearing. Kersh is willing to continue the hearing, but all David Kersh matters should be moved to an adversary proceeding captioned David Kersh v. Kmart Corporation. Attached hereto as Exhibit B is a list of pleadings that should be included in the adversary proceeding.

Dated: March 1, 2010

KMART CORPORATION

/s/ William J. Barrett
William J. Barrett (ARDC No. 6206424)
BARACK FERRAZZANO KIRSCHBAUM &
NAGELBERG LLP
200 West Madison St., Suite 3900
Chicago, IL 60606
(312) 629-5170 (Telephone)
(312) 984-3150 (Facsimile)
William.barrett@bfkn.com

Counsel for Kmart Corporation

EXHIBIT A

CIT GROUP/COMMERICAL SERVICES DOCKET ENTRIES

11/01/2005 29242 Notice of Motion and Motion to Allow Claim(s) # Filed by Allen J Guon on behalf of The CIT Group/Commercial Services, Inc.. Hearing scheduled for 11/15/2005 at 10:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F# 7 Proposed Order) (Guon, Allen) (Entered: 11/01/2005)

04/11/2006 29758 Order Scheduling RE: 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]. Hearing scheduled for 7/11/2006 at 10:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 4/11/2006 (Marola, Rosalie) (Entered: 04/13/2006)

07/11/2006 30032 Order Scheduling Re: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) . Hearing scheduled for 10/17/2006 at 10:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 7/11/2006 (Marola, Rosalie) (Entered: 07/14/2006)

10/17/2006 30316 Order Scheduling RE: Motion of the CIT Group/Commercial Services Inc for Recognition of Interest of CIT in Claims and Approving for Payment of Claims. Hearing continued on 1/17/2007 at 10:00AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. [Re:Docket No 29242] Signed on 10/17/2006 (Marola, Rosalie) (Entered: 10/18/2006)

05/01/2007 30847 Order Scheduling RE:Motion of the CIT Group/Commercial Services Inc for recognition of inerest of CIT in claims and providing for payment of claims docket no 29242 . Hearing continued on 6/20/2007 at 11:00AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 5/1/2007 (Marola, Rosalie) (Entered: 05/03/2007)

05/03/2007 30872 Order Scheduling RE:Motion of the CIT Group/Commercial Services Inc for recognition of interest of CIT in claims and providing payment of claims docket no 29242 . Hearing continued on 8/14/2007 at 10:00AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 5/3/2007 (Marola, Rosalie) (Entered: 05/04/2007)

08/14/2007 31113 Order Scheduling Re:Motion of the CIT Group/Commercial Services Inc for Recognition of Interest of CIT in Claims & Providing for Payment of Claims Docket No 29242 . Hearing continued on 10/3/2007 at 11:00AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 8/14/2007 (Marola, Rosalie) (Entered: 08/15/2007)

10/03/2007 31196 Order Scheduling RE:Motion of the CIT Group/Commercial Services Inc for Recognition of CIT in Claims and providing for payment of claims Docket No 29242 . Hearing continued on 11/6/2007 at 10:00AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 10/3/2007 (Marola, Rosalie) (Entered: 10/04/2007)

11/06/2007 31283 Order Scheduling RE: 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 . Hearing continued on 1/9/2008 at 11:00AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 11/6/2007 (Marola, Rosalie) (Entered: 11/07/2007)

01/09/2008 31361 Order Scheduling RE: 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 hearing to be held on 3/11/2008 at 11:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 1/9/2008 (Marola, Rosalie) (Entered: 01/11/2008)

03/11/2008 31459 Order Scheduling RE: Motion of the CIT Group/Commercial Services Inc for Recognition of Interest of CIT in Claims & Providing for Payment of Claims Docket# 29242 . Continued Status hearing to be held on 5/14/2008 at 11:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 3/11/2008 (Marola, Rosalie) (Entered: 03/14/2008)

05/14/2008 31559 Order Scheduling RE: 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 . Hearing continued on 6/24/2008 at 11:00AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 5/14/2008 (Marola, Rosalie) (Entered: 05/16/2008)

06/24/2008 31626 Order Scheduling RE: Motion of the CIT Group/Commercial Svc Inc for Recognition of Interest of CIT in claims and providing for payment of claims Docket NO 29242 . Hearing continued on 8/20/2008 at 11:00AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 6/24/2008 (Marola, Rosalie) (Entered: 06/26/2008)

08/20/2008 31692 Order Scheduling RE: 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 . Hearing continued on 9/24/2008 at 11:00AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 8/20/2008 (Marola, Rosalie) (Entered: 08/22/2008)

09/24/2008 31738 Order Scheduling RE: 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 . Hearing continued on 10/28/2008 at 11:00AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 9/24/2008 (Marola, Rosalie) (Entered: 09/25/2008)

10/28/2008 31791 Order Scheduling RE: Motion of the CIT Group/Commercial Svcs Inc for Recognition of Interest of CIT in claims and providing for payments of claims Docket NO 29242 . Hearing continued on 12/17/2008 at 11:00AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 10/28/2008 (Marola, Rosalie) (Entered: 10/29/2008)

03/18/2009 31918 Order Scheduling RE: Motion of the CIT Group/Commercial Svcs Inc for Recognition of Interest of CIT in Claims and Providing for Payment of Claims Docket NO 29242 . Hearing continued on 6/16/2009 at 11:00AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 3/18/2009 (Marola, Rosalie) (Entered: 03/19/2009)

08/05/2009 32062 Order Scheduling RE: 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 . Hearing continued on 9/22/2009 at 11:00AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 8/5/2009 (Marola, Rosalie) (Entered: 08/06/2009)

11/03/2009 32134 Order Scheduling Ordered Re: 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 . Hearing continued on 12/15/2009 at 11:00AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 11/3/2009 (Marola, Rosalie) (Entered: 11/04/2009)

12/15/2009 32151 Hearing Continued (RE: 29242 Allow Claims). hearing scheduled for 03/03/2010 at 11:00 AM at Courtroom 642 219 South Dearborn, Chicago, IL, 60604.. Signed on 12/15/2009. (Jacobs, Karen) (Entered: 12/15/2009)

EXHIBIT B

DAVID KERSH DOCKET ENTRIES

06/09/2003 12863 OBJECTION to Debtors fifth omnibus objection to claims and claimants request to remove this case from the Bankruptcy Court arising from the fraud committed by Kmart by Kersh [DR] Original NIBS Entry Number: 12817 (Entered: 06/10/2003)

05/05/2006 29865 Notice of Motion and Motion For Summary Judgment in favor of Kmart Corporation and against David Kersh Filed by William J. Barrett on behalf of Kmart Corporation. Hearing scheduled for 5/24/2006 at 11:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. (Barrett, William) (Entered: 05/05/2006)

05/05/2006 29866 Statement of Material Facts in Support of Motion for Summary Judgment (Claim of David Kersh) Filed by William J. Barrett on behalf of Kmart Corporation (RE: 29865 Motion for Summary Judgment,). (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F# 7 Exhibit G# 8 Exhibit H# 9 Exhibit I# 10 Exhibit J) (Barrett, William) (Entered: 05/05/2006)

05/16/2006 29881 Notice of Motion and Motion to Compel KMart for Answers to Interrogatories, Notice of Motion and Motion For Sanctions against KMart Corporation Filed by David Kersh . Hearing scheduled for 5/17/2006 at 10:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. (Marola, Rosalie) (Entered: 05/16/2006)

05/16/2006 29882 Notice of Motion and 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. Filed by David Kersh . Hearing scheduled for 5/17/2006 at 10:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. (Marola, Rosalie) (Entered: 05/16/2006)

05/16/2006 29883 Memorandum In Support of Claimants 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. Filed by David Kersh (RE: 29882 Motion to Quash,). (Marola, Rosalie) (Entered: 05/16/2006)

05/16/2006 29884 Exhibit(s) Filed by David Kersh (RE: 29881 Motion to Compel, Motion for Sanctions, ,, 29882 Motion to Quash,). (Attachments: # 1 Exhibit) (Marola, Rosalie) (Entered: 05/16/2006)

06/13/2006 29947 Response to (related document(s): 29881 Motion to Compel,, Motion for Sanctions,) Filed by William J. Barrett on behalf of Kmart Corporation (Barrett, William) (Entered: 06/13/2006)

06/13/2006 29948 Notice of Filing Filed by William J. Barrett on behalf of Kmart Corporation (RE: 29947 Response). (Barrett, William) (Entered: 06/13/2006)

06/13/2006 29949 Response to (related document(s): 29882 Motion to Quash,) Filed by William

J. Barrett on behalf of Kmart Corporation (Attachments: # 1 Exhibit A) (Barrett, William) (Entered: 06/13/2006)

06/13/2006 29950 Notice of Filing Filed by William J. Barrett on behalf of Kmart Corporation (RE: 29949 Response). (Barrett, William) (Entered: 06/13/2006)

03/15/2007 30768 Order Scheduling RE:KMart/David Kersh Matters. Status hearing to be held on 5/1/2007 at 10:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 3/15/2007 (Marola, Rosalie) (Entered: 03/15/2007)

05/01/2007 30825 Hearing Continued (RE: Kmart/David Kersh matters 29865 Motion for Summary Judgment,, 29881 Motion to Compel, , Motion for Sanctions,, 29882 Motion to Quash,). Hearing scheduled for 6/20/2007 at 11:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. (Beckerman, Steve) (Entered: 05/01/2007)

05/02/2007 30828 Notice of Motion and Motion to Approve Order to Confirm Classification of Claims of David Kersh as Class 6 and Class 11 Claims Filed by William J. Barrett on behalf of Kmart Corporation. Hearing scheduled for 6/20/2007 at 11:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. (Barrett, William) (Entered: 05/02/2007)

06/20/2007 30961 Order Scheduling KMart/David Kersh Matters docket entries [29881 29882 29866 & 30828]. Status hearing to be held on 8/14/2007 at 10:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 6/20/2007 (Marola, Rosalie) (Entered: 06/21/2007)

08/15/2007 31135 Order Scheduling RE:KMart/David Kersh Matters Docket Nos [29881 & 29882]. Status hearing to be held on 10/3/2007 at 11:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 8/15/2007 (Marola, Rosalie) (Entered: 08/16/2007)

10/03/2007 31197 Order Scheduling RE:KMart/David Kersh Matters. Re: Docket Nos [29881, 29882, 29883 & 29884]. Hearing continued on 11/6/2007 at 10:00AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 10/3/2007 (Marola, Rosalie) (Entered: 10/04/2007)

11/06/2007 31284 Order Scheduling RE:KMart/David Kersh Matters. Status hearing to be held on 1/9/2008 at 11:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 11/6/2007 (Marola, Rosalie) Modified on 11/8/2007 to create related document # 29881 & 29882 (Walker, Valerie). (Entered: 11/07/2007)

01/09/2008 31362 Order Scheduling RE:KMart/David Kersh Matters. Docket Nos [29881 & 29882] Claim No 48076. Status hearing to be held on 3/11/2008 at 11:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 1/9/2008 (Marola, Rosalie) (Entered: 01/11/2008)

03/11/2008 31460 Order Scheduling RE:Kmart/David Kersh Matters Docket#[29881 & 29882]. Status hearing to be held on 5/14/2008 at 11:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 3/11/2008 (Marola, Rosalie) (Entered: 03/14/2008)

05/14/2008 31560 Order Scheduling RE:KMart/David Kersh Matters Docket Nos [29881 & 29882]. Status hearing to be held on 6/24/2008 at 11:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 5/14/2008 (Marola, Rosalie) (Entered: 05/16/2008)

06/24/2008 31630 Order Scheduling RE:KMart/David Kersh Matters.(Docket NOs)[29881,29882,29883 & 29884] Status hearing to be held on 8/20/2008 at 11:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 6/24/2008 (Marola, Rosalie) (Entered: 06/26/2008)

08/20/2008 31691 Order Scheduling RE:KMart/David Kersh Matters (Docket No[29881&29882] Status hearing to be held on 9/24/2008 at 11:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 8/20/2008 (Marola, Rosalie) (Entered: 08/22/2008)

09/24/2008 31741 Order Scheduling RE:KMart/David Kersh Matters. Status hearing to be held on 10/28/2008 at 11:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 9/24/2008 (Marola, Rosalie) Modified on 9/25/2008 to relate to document 29881 (Seamann, Pamela). (Entered: 09/25/2008)

10/28/2008 31793 Order Scheduling RE:KMart/David Kersh Matters. Status hearing to be held on 12/17/2008 at 11:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 10/28/2008 (Marola, Rosalie) (Entered: 10/29/2008)

03/18/2009 31919 Order Scheduling RE:KMart/David Kersh Matters. Status hearing to be held on 6/16/2009 at 11:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 3/18/2009 (Marola, Rosalie) (Entered: 03/19/2009)

08/05/2009 32063 Order Scheduling RE:Kmart/David Kersh Matters. (Docket No [29881 & 29882] Status hearing to be held on 9/22/2009 at 11:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 8/5/2009 (Marola, Rosalie) (Entered: 08/06/2009)

09/03/2009 32087 Motion For Summary Judgment in favor of David Kersh and against Kmart for \$96119.00 Filed by David Kersh . (Marola, Rosalie) (Entered: 09/04/2009)

09/03/2009 32088 Brief In Support of Motion for Summary Judgement. RE: Docket Entry # 32087 Filed by David Kersh . (Marola, Rosalie) (Entered: 09/04/2009)

09/08/2009 32091 Reply to (related document(s): 32087 Motion for Summary Judgment) Filed by William J. Barrett on behalf of Kmart Corporation (Attachments: # 1 Exhibit A) (Barrett, William) (Entered: 09/08/2009)

09/08/2009 32092 Notice of Filing Filed by William J. Barrett on behalf of Kmart Corporation (RE: 32091 Reply). (Barrett, William) (Entered: 09/08/2009)

09/25/2009 32112 Order Scheduling RE: David Kersh Matters (Docket NOs 29881, 29882 and 29883). Status hearing to be held on 12/15/2009 at 11:00 AM at 219 South Dearborn, Courtroom

642, Chicago, Illinois 60604. Signed on 9/25/2009 (Marola, Rosalie) (Entered: 09/28/2009)

09/25/2009 32113 Order Scheduling David Kersh's Motion for Summary Judgement (Docket No 32087 . Reply due by: 11/23/2009 Status hearing to be held on 12/15/2009 at 11:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. Signed on 9/25/2009 (Marola, Rosalie) (Entered: 09/28/2009)

12/15/2009 32149 Hearing Continued (RE: 29881 Compel). hearing scheduled for 03/03/2010 at 11:00 AM at Courtroom 642 219 South Dearborn, Chicago, IL, 60604.. Signed on 12/15/2009. (Jacobs, Karen) (Entered: 12/15/2009)

12/15/2009 32150 Hearing Continued (RE: 29882 Quash). hearing scheduled for 03/03/2010 at 11:00 AM at Courtroom 642 219 South Dearborn, Chicago, IL, 60604.. Signed on 12/15/2009. (Jacobs, Karen) (Entered: 12/15/2009)

12/15/2009 32151 Hearing Continued (RE: 29242 Allow Claims). hearing scheduled for 03/03/2010 at 11:00 AM at Courtroom 642 219 South Dearborn, Chicago, IL, 60604.. Signed on 12/15/2009. (Jacobs, Karen) (Entered: 12/15/2009)

12/15/2009 32152 Hearing Continued (RE: 32087 Motion for Summary Judgment). Hearing scheduled for 3/3/2010 at 11:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. (Jacobs, Karen) (Entered: 12/15/2009)

02/03/2010 32170 Notice of Motion and Motion to Abstention, Notice of Motion and Motion to Approve Order Lifting Plan Injunction re: Claims of David Kersh Filed by William J. Barrett on behalf of Kmart Corporation. Hearing scheduled for 3/3/2010 at 11:00 AM at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Proposed Order) (Barrett, William) (Entered: 02/03/2010)

CERTIFICATE OF SERVICE

I, William J. Barrett, an attorney, hereby certify that the foregoing **Kmart Corporation's Supplement to Motion for Entry of a Final Decree Closing Case**, was served on March 1, 2010 (i) via facsimile or Email transmission as indicated below; and (ii) via notification of the e-filing to all parties on the attached CM/ECF Electronic Mail Notice List for this case.

Kathryn Gleason
Office of the U. S. Trustee
219 S. Dearborn St., Room 873
Chicago, IL 60604
Facsimile: (312) 886-5794
(served via facsimile)

David Kersh
PO Box 75166
Honolulu, HI 96836
Email: coupon2002@aol.com
(served via Email)

Rosanne Thomas Matzat
Hahn & Hessen LLP
488 Madison Avenue
New York, NY 10022
Email: rmatzat@hahnhausen.com
(served via Email)

Dated: March 1, 2010
Chicago, Illinois.

/s/ William J. Barrett
William J. Barrett (6206424)
Barack Ferrazzano Kirschbaum
& Nagelberg LLP
200 West Madison Street, Suite 3900
Chicago, IL 60606
Telephone: 312-984-3100
Facsimile: 312-984-3150
William.Barrett@bfkn.com

Attorney for Kmart Corporation

Mailing Information for Case 02-02474

Electronic Mail Notice List

The following is the list of **parties** who are currently on the list to receive e-mail notices for this case.

- Mark E. Abraham mabraham@gouldratner.com, mhuerta@gouldratner.com
- Andrew J Abrams aabrams@sff-law.com, khewitt@sff-law.com;ccoleman@sff-law.com
- David S Adduce dadduce@komdr.com
- Howard L. Adelman hla@ag-ltd.com
- Beth A. Alcantar beth@jnlegal.net
- Janice A Alwin janice.alwin@bfkn.com
- Thomas V Askounis taskounis@askounisdarcy.com, jburt@askounisdarcy.com
- Jonathan A. Backman jbackman@backlawoffice.com, ebackman@backlawoffice.com
- David W Baddley baddleyd@gtlaw.com, powelly@gtlaw.com
- Ronald Barliant ronald.barliant@goldbergkohn.com
- William J. Barrett william.barrett@bfkn.com
- Leslie Allen Bayles lbayles@vedderprice.com
- David E Beker dbeker@schwartzcooper.com, rbendix@schwartzcooper.com;msmith@schwartzcooper.com;rnachman@schwartzcooper.com
- Joseph P. Berglund berglundniew@aol.com
- Brad Berish bberish@ag-ltd.com
- Mark A Berkoff mberkoff@ngelaw.com, cdennis@ngelaw.com
- Stephen T. Bobo sbobo@reedsmith.com
- Abraham Brustein abrustein@dimonteandlizak.com
- Christopher M Cahill ccahill@scgk.com
- Kurt M Carlson kcarlson@muchshelist.com, dmyer@muchshelist.com
- Timothy R Casey timothy.casey@dbr.com
- Jamie S. Cassel jsc@renozahm.com
- Alvin L Catella catella1@sbcglobal.net
- Steven B Chaiken schaiken@ag-ltd.com
- Rosanne Ciambrone rciambrone@duanemorris.com
- Patrick A Clisham patrickclisham@hotmail.com
- Mindy D Cohn mcohn@kayescholer.com, pstepan@winston.com;ECF_BANK@winston.com
- Michael R Collins michael.collins@collinsandcollins.com
- Christopher Combest ccombest@quarles.com, Faye.Feinstein@quarles.com
- Randall A Constantine rconstantine@mcbenefitslaw.com
- Sara E. Cook scook@mckenna-law.com, bankruptcy@mckenna-law.com;lpalma@mckenna-law.com

- Joseph R Curcio info@curcio-law.com, kmillan@curcio-law.com
- Jeffrey C Dan jdan@craneheyman.com,
slydon@craneheyman.com;dwelch@craneheyman.com
- Michael K Desmond mdesmond@fslegal.com
- John P Devona JPDevona@yahoo.com
- Joseph B DiRago jdirago@freebornpeters.com
- Dennis A Dressler ddressler@dresslerpeters.com
- Thomas W Drexler drexler321@aol.com, chicagolawyers@aol.com
- Janice L. Duban janice.duban@dlapiper.com
- Deborah K Ebner dkebner@deborahEbnerlaw.com,
sbutz@deborahEbnerlaw.com;webmaster@debnertrustee.com;lizd@deborahEbnerlaw.co
m
- Michael M. Eidelman meidelman@vedderprice.com, ecf-docket@vedderprice.com
- Earle I Erman , deisenberg@ermanteicher.com
- William J Factor wfactor@seyfarth.com
- Alan S Farnell alan@farnelllaw.com
- Adam S. Fayne fayne@wildmanharrold.com
- Cynthia G. Feeley feeleypc@aol.com
- David D Ferguson dferguson@polsinelli.com,
tbackus@polsinelli.com;kvervoort@polsinelli.com;docket@polsinelli.com;docketing@p
olsinelli.com;smagdziak@polsinelli.com
- Richard H Fimoff rfimoff@rsplaw.com, labrams@rsplaw.com
- J Mark Fisher mfisher@schiffhardin.com,
edocket@schiffhardin.com;srizziardi@schiffhardin.com
- Patricia J Fokuo pfokuo@schiffhardin.com, edocket@schiffhardin.com
- Joseph D Frank jfrank@fgllp.com,
ccarpenter@fgllp.com;knewman@menterlaw.com;jkleinman@fgllp.com
- David J Frankel dfrankel@sormanfrankel.com, bbehanna@sormanfrankel.com
- Wilson P. Funkhouser wfunkhouser@fvldlaw.com
- Christian J. Gabroy christian@gabroy.com
- Jeffrey L. Gansberg gansberg@live.com
- Eugene J Geekie egeekie@schiffhardin.com
- Arlene N Gelman agelman@vedderprice.com
- Mary Anne Gerstner gerstlaw2@sbcglobal.net
- Wendy J Gibson wgibson@bakerlaw.com
- Douglas C. Giese dcgiese@defrees.com
- Ilana N Glazier iglazier@jonesday.com
- Thomas W. Goedert tgoedert@nealandleroy.com
- Ronald E Gold rgold@fbtlaw.com, ahammerle@fbtlaw.com
- Richard N Golding rgolding@goldinglaw.net
- David E. Gordon dgordon@GordonLegalServices.com, dgordon@whyreds.com
- Stephen A Gorman sagorman@myintellispace.com
- James B Gottlieb jgottlieb@chuhak.com
- John T. Gregg john.gregg@btlaw.com
- Allen J Guon aguon@shawgussis.com
- Deborah M Gutfeld dgutfeld@ngelaw.com

- William S Hackney whackney@salawus.com, jadams@salawus.com
- James H Hall james.h.hall.jr@gmail.com,
garyfoley@hotmail.com;clr713prep@yahoo.com
- Steven M Hartmann shartmann@freebornpeters.com,
bkdocketing@freebornpeters.com;awiley@freebornpeters.com
- Ronald E Harvey brioneslaw@sbcglobal.net
- Mark F Hebbeln mhebbeln@foley.com
- Harold B. Hilborn hhilborn@vblhc.com
- Peter H Honigmann foleyhonigmann@sbcglobal.net
- Thaddeus J Hunt huntlaw@innoport.com
- Paula K. Jacobi pjacobi@btlaw.com, jsantana@btlaw.com;smichaels@btlaw.com
- Cindy M. Johnson cjohnson@jnlegal.net, dnewby@jnlegal.net
- Ronald W. Kalish rkalish@sgklawyers.com, lfilippini@sgklawyers.com
- David L Kane dkane@mpslaw.com
- Harold L. Kaplan hkaplan@gcd.com
- Dimitri G. Karcazes dimitri.karcazes@goldbergkohn.com
- Robert B Katz rkatz@epitrustee.com
- Synde B. Keywell synde.keywell@bryancave.com, karen.dalsanto@bryancave.com
- Thomas G. King tking@KreisEnderle.com,
dholmngren@KreisEnderle.com;sfazio@KreisEnderle.com
- Scott B. Kitei skitei@sidley.com
- Jeremy C Kleinman jkleinman@fgllp.com
- Peter P Knight peter.knight@lw.com, chefiling@lw.com
- Micah R Krohn mkrohn@fgllp.com, ccarpenter@fgllp.com;rheilgman@fgllp.com
- Robert J. Labate robert.labate@hklaw.com
- Robert W Lannan lannanr@gtlaw.com
- Caren A Lederer calederer@golanchristie.com
- Michael D. Lee mlee@srcattorneys.com
- Mark E Leipold mleipold@gouldratner.com,
stamssot@gouldratner.com;hmartinez@gouldratner.com
- Thomas S. Leo sleo@leoweber.com, mwargo@leoweber.com
- Neal H Levin nhlevin@freebornpeters.com, bkdocketing@freebornpeters.com
- Douglas J. Lipke dlipke@vedderprice.com, ecfdoctet@vedderprice.com
- Bruce E. Lithgow blithgow@bellboyd.com
- Angelo J Loumbas ajloumbas@aol.com, rpke@eckhart.com;slb@eckhart.com
- David M Madden dmadden@momlaw.com
- Howard Marks hmarks@bnf-law.com
- Richard J Mason rmason@mcguirewoods.com,
docket@mcguirewoods.com;cgunderson@mcguirewoods.com;jbrehm@mcguirewoods.c
om
- Patrick C. Maxcy pmaxcy@sonnenschein.com
- Gregory A. McCormick mccormick@garfield-merel.com
- Andrew P. R. McDermott lyndale5@yahoo.com
- Andrew P. R. McDermott amcdermott@kirkland.com
- Michael J McKitrick mmckitrick@dmfirm.com
- Melissa G. Melsher mgmelsher@uhlraw.com

- George R Mesires grmesires@uhlaw.com
- Randall L. Mitchell rmitchell@adlmb.com
- Michael L Molinaro mmolinaro@loeb.com, chicdkt@loeb.com;mjawor@loeb.com
- Michael C. Moody mmooddy@orourkeandmoody.com,
firm@orourkeandmoody.com,morourke@orourkeandmoody.com
- Tyler A Moore tmoore@bslbv.com
- James E. Morgan james.morgan@klgates.com, teresa.gomez@klgates.com
- Harold L Moskowitz hlmatty@aol.com
- Gillian E Munitz gillian.munitz@bfkpn.com
- Joel R Nathan joel.nathan@usdoj.gov,
leslie.steffen@usdoj.gov,marina.ravelo@usdoj.gov,ecf1.ausa@usdoj.gov
- William T Neary USTPRegion11.ES.ECF@usdoj.gov
- Bradley P Nelson nelson@sw.com,
central@sw.com;callahan@sw.com;swcourts@yahoo.com
- Phillip W. Nelson pnelson@kirkland.com
- David A. Newby dnewby@jnlegal.net, cjohnson@jnlegal.net
- Lauren Newman lnewman@tcfhlaw.com,
lnewman@tcfhlaw.com;frichard@tcfhlaw.com
- Marie L Nienhuis mnienhuis@gklaw.com, pmitchell@bcblaw.net
- Kavita M Patel kpatel@schiffhardin.com
- Nancy A Petermann petermann@gtlaw.com,
carlsonk@gtlaw.com;greenbergc@gtlaw.com;ostrowe@gtlaw.com;lowena@gtlaw.com;b
loomw@gtlaw.com;heyens@gtlaw.com
- Ronald Peterson rpeterson@jenner.com, lraiford@jenner.com
- August A Pilati apilati@aapltldlaw.com,
pmitchell@aapltldlaw.com;kfedinets@aapltldlaw.com;steve_horvath@ilnb.uscourts.gov
- Alex Pirogovsky alex@pflaw1.com
- Karen J Porter kjplawnet@aol.com, kjplawnet@aol.com
- Steven S. Potts otispott@comcast.net
- Eric S. Prezant eric.prezant@bryancave.com
- Dennis E. Quaid dquaid@tcfhlaw.com
- Mark L Radtke mradtke@shawgussis.com, bharrington@shawgussis.com
- Gabriel Reilly-Bates greilly-bates@jenner.com, sfdocket@shesfksylaw.com
- Christopher L. Rexroat clrexroat@uhlaw.com
- Charles S Riecke criecke@seyfarth.com
- Peter J Roberts proberts@shawgussis.com
- Kimberly J Robinson kim.robinson@bfkn.com
- Allyson B Russo arusso@vedderprice.com
- Joseph G Ryan joeryan58@hotmail.com
- Joel A Schechter joelschechter@covad.net
- Paul H Scheuerlein , rosa@gaido-fintzen.com
- Michael M Schmahl mschmahl@mcguirewoods.com,
docket@mcguirewoods.com;cgunderson@mcguirewoods.com
- Mark A Schramm marsch500@gmail.com
- Charles P Schulman cschulman@sachnoff.com
- Brian L Shaw bshaw100@shawgussis.com, bharrington@shawgussis.com

- Michael L Sherman shermlaw1@aol.com
- Anne M Sherry asherry@jonesday.com
- Adam P. Silverman asilverman@ag-ltd.com
- Alan H Slodki alan007@ameritech.net
- Patricia K. Smoots psmoots@mcguirewoods.com
- Donald A. Snide dasnide@varnumlaw.com
- Brian G. Snyder lawyers@drewandsnyder.com
- Konstantine T. Sparagis gsparagi@yahoo.com,
mark@atbankruptcy.com;gus@atbankruptcy.com;tim@atbankruptcy.com;ameyers@atba
nkrruptcy.com;josietroester@msn.com;gus@bestclientinc.com
- James E Spiotto spiotto@chapman.com
- Mark J Stauber markjlaw@aol.com, stauberlaw@comcast.net
- Catherine L Steege csteege@jenner.com, docketing@jenner.com
- Jeffrey Strange jstrangelaw@aol.com
- Jerry L Switzer jswitzer@polsinelli.com
- Nancy A. Temple ntemple@kattentemplelaw.com
- Michael S Terrien mterrien@jenner.com
- Pia N Thompson pthompson@ksnlaw.com
- Deborah L. Thorne dthorne@btlaw.com, kbruhnke@btlaw.com
- L. Judson Todhunter JTodhunter@howardandhoward.com
- Steven B Towbin stowbin@shawgussis.com
- A Kelly Turner kturner@lordbissell.com
- David P. Vallas vallas@wildman.com, fleming@wildman.com;ecf-
filings@wildman.com
- Katherine D Vega kvega@ngelaw.com
- Jon C Vigano jvigano@schiffhardin.com,
edocket@schiffhardin.com;dgordon@schiffhardin.com
- George N. Vurdelja gvurdelja@harrisonheld.com, fbruder@harrisonheld.com
- Donna B Wallace dbwallace@ameritech.net
- Michael B Weininger mweininger@lw-llp.com, cpotter@lw-llp.com
- Kurt A. Winiecki kwiniecki@sachnoff.com
- Michael Yetnikoff myetnikoff@schiffhardin.com
- Barbara L Yong blyong@golanchristie.com
- Jonathan W. Young young@wildman.com, srodriguez@wildman.com;ecf-
filings@wildman.com
- Peter J Young pyoung@winston.com
- Richard G. Ziegler rziegler@mayerbrown.com