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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

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11 RANDOLPH EVANS, ) Case No. 1:09-CV-2055-OWW-SMS  
12 )  
Plaintiff, ) **ORDER REGARDING FINANCIAL**  
13 ) **CONDITION DOCUMENTS AND**  
v. ) **WITNESSES**  
14 )  
15 SEARS LOGISTICS SERVICES, INC.; )  
SEARS, ROEBUCK & CO.; SEARS )  
16 HOLDINGS CORP. )  
17 Defendants. )

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19 This matter having come before the Court upon the stipulation of the parties,  
20 IT IS HEREBY ORDERED that

21 1. Defendants Sears Logistics Services, Inc., Sears, Roebuck & Co., and Sears  
22 Holdings Corp. shall not be required, through discovery or otherwise, to produce any documents  
23 or information about their financial condition unless and until there has been a finding by the fact  
24 finder in this case of malice, oppression or fraud in the first phase of trial sufficient to support a  
25 claim for punitive damages;

26 2. Upon a finding by the trier of fact of fraud, malice or oppression sufficient to  
27 support a claim for punitive damages against any defendant, the defendant against whom such a  
28 finding is made will make available to plaintiff, within the time frame and to the extent ordered by

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1 the Court, the documents and witnesses necessary to establish defendant's net worth and/or  
2 financial condition so that such may be presented during the punitive damages phase of the trial.  
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9 IT IS SO ORDERED.

10 Dated: September 13, 2010

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE

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