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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 RANDOLPH EVANS,) Case No. 1:09-CV-2055-OWW-SMS
12 Plaintiff,) **ORDER REGARDING FINANCIAL**
13) **CONDITION DOCUMENTS AND**
14 v.) **WITNESSES**
15 SEARS LOGISTICS SERVICES, INC.;)
16 SEARS, ROEBUCK & CO.; SEARS)
HOLDINGS CORP.)
17 Defendants.)
18

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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