

1 Jody I. LeWitter, Bar No. 124794
2 Heather C. Conger Bar No. 244958
3 Benjamin J. Siegel, Bar No. 56260
4 SIEGEL & LEWITTER
5 1939 Harrison Street, Suite 307
6 Oakland, California 94612
7 (510) 452-5000
8 (510) 452-5004 (fax)
9 jlewitter@sl-employmentlaw.com
10 hconger@sl-employmentlaw.com
11 bsiegel@sl-employmentlaw.com

7 | Attorneys for Plaintiff Randolph Evans

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

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11 RANDOLPH EVANS,) Case No. 1:09-CV-2055-OWW-SMS
12 Plaintiff,)
13) **ORDER REGARDING FINANCIAL
14) CONDITION DOCUMENTS AND
15) WITNESSES**
16)
17 v.)
18)
19)
20)
21 SEARS LOGISTICS SERVICES, INC.;)
22 SEARS, ROEBUCK & CO.; SEARS)
23 HOLDINGS CORP.)
24)
25)
26)
27 Defendants.)
28)

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

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

11 /s/ Oliver W. Wanger
12 UNITED STATES DISTRICT JUDGE

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*Siegel &
LeWitter*

1939 Harrison Street
Suite 307
Oakland, CA 94612
510-452-5000
510-452-5004 (fax)