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7 Attorneys for Plaintiff Randolph Evans

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,	) <b>STIPULATION AND</b>
	) <b>ORDER REGARDING TESTIMONY</b>
13	) <b>OF MALLORY BURNS</b>
14 v.	)
	)
15 SEARS LOGISTICS SERVICES, INC.;	)
16 SEARS, ROEBUCK & CO.; SEARS	)
HOLDINGS CORP.	)
	)
17 Defendants.	)
	)

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19 Now come the parties, by and through their counsel, and hereby stipulate as follows:

20 WHEREAS the plaintiff has requested to take the testimony of Mallory Burns, an  
21 attorney; and

22 WHEREAS the defendants have indicated that Ms. Burn's role in this matter was solely  
23 as an attorney and therefore any and all questions asked of Ms. Burns about this matter will be  
24 responded to with an instruction by counsel for defendant that the witness is not to answer the  
25 question, and by the witness not answering the question.

26 THEREFORE, it is hereby stipulated that this stipulation shall stand in the stead of a  
27 deposition of Ms Burns.

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LeWitter**

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1 DATED: November 15, 2010

SIEGEL & LEWITTER

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By: /s/ Jody I. LeWitter  
Jody I. LeWitter  
Benjamin J. Siegel

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Attorneys for Plaintiff Randolph Evans

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7 DATED: November 15, 2010

LITTLER MENDELSON,  
A Professional Corporation

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By: /s/ Nathalie A. Le Ngoc  
Dennis M. Brown  
Erica H. Kelley  
Nathalie A. Le Ngoc

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Attorneys For Defendants Sears Logistics  
Services, Inc., Sears Roebuck & Co., and  
Sears Holdings Corporation

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**ORDER**

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Pursuant to stipulation,

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IT IS SO ORDERED.

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Dated: November 19, 2010

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE

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*Siegel &  
LeWitter*

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