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8 *Attorneys for Plaintiff*
SOFPOOL LLC

10 UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF CALIFORNIA

13 SOFPOOL LLC, a California Limited Liability)
 Company,)
 14)
 Plaintiff,)
 15 vs.)
 16)
 KMART CORPORATION, a Michigan)
 Corporation, BIG LOTS, INC., an Ohio)
 Corporation and BIG LOTS STORES, INC., an)
 18 Ohio Corporation)
 19 Defendants.)

Case No. 2:10-CV-03333-LKK (JFM)

**STIPULATION TO WAIVE PERSONAL
 SERVICE OF FIRST AMENDED
 COMPLAINT ON BIG LOTS STORES,
 INC.; ORDER THEREON**

20)
 21 KMART CORPORATION, a Michigan)
 Corporation, and BIG LOTS, INC., an Ohio)
 Corporation,)
 22 Counterclaimants,)
 23)
 vs.)
 24)
 25 SOFPOOL LLC, a California Limited Liability)
 Company,)
 26 Counterdefendant.)
 27)

JURY TRIAL DEMANDED

Honorable Lawrence K. Karlton

1 Plaintiff Sofpool LLC, a California Limited Liability Company (“Plaintiff”) and Defendants
2 Kmart Corporation, a Michigan Corporation, Big Lots, Inc., an Ohio Corporation and Big Lots
3 Stores, Inc., an Ohio Corporation (“Defendants”) by and through their counsel, stipulate and agree as
4 follows:

5 1. Defendants have agreed to waive personal service on Big Lots Stores, Inc., of the
6 First Amended Complaint, filed and electronically served on counsel for all Defendants on March
7 31, 2011 (Document 24).

8 2. Defendants have until Monday, May 2, 2011 to answer the First Amended Complaint.

9 3. By entering into this stipulation, neither of the parties limits or waives in any way
10 their rights, claims or defenses, all of which are expressly reserved.

11 DATED: April 4, 2011

COSTELLO LAW CORPORATION

12 By: /s/John P. Costello
13 JOHN P. COSTELLO
14 Attorney for Plaintiff


15 DATED: April 4, 2011

TROUTMAN SANDERS LLP

16 By: /s/Paul L. Gale
17 PAUL L. GALE
18 Attorneys for Defendants

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20 **IT IS SO ORDERED**

21
22 DATED: April 6, 2011.

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24 
25 LAWRENCE K. KARLTON
26 SENIOR JUDGE
27 UNITED STATES DISTRICT COURT
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