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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

TROUTMAN SANDERS LLP  
5 PARK PLAZA  
SUITE 1400  
IRVINE, CA 92614-2545

SOFPOOL LLC, a limited liability company,

Plaintiff,

v.

KMART CORPORATION, a Michigan Corporation, BIG LOTS, INC., an Ohio Corporation, and BIG LOTS STORES, INC., an Ohio Corporation,

Defendants.

Case No. CV 10-03333 LKK (JFM)

**JOINT STIPULATION TO MODIFY THE PROTECTIVE ORDER FOR INTEX RECREATION CORP.'S SUBPOENAED DOCUMENTS AND INFORMATION**

AND RELATED COUNTERCLAIMS.

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WHEREAS, on July 26, 2011, counsel for the defendants Kmart Corporation and Big Lots Stores, Inc. (collectively, “Defendants”) issued a subpoena to produce documents, information or objects in a Civil Action (“Subpoena”) to Intex Recreation Corp. (“Intex”);

WHEREAS, Intex has objected to the production of certain documents, information or objects, including on the grounds of confidentiality of certain responsive documents and information;

WHEREAS, the Defendants and Intex have met and conferred to resolve Intex’s concerns arising from the Subpoena;

WHEREAS, Section 10(a) of the Protective Order entered in this action [Dkt. No. 37] provides that the Court may grant additional protections for a Non-Party’s documents and information not afforded by the Protective Order;

WHEREAS, the plaintiff Sofpool LLC (“Sofpool”) assents to the relief set forth herein;

NOW, pursuant to Federal Rule of Civil Procedure 26(c), Local Rule 143, and the Protective Order, § 10(a), the parties hereby stipulate and agree as follows:

The provisions of the Protective Order, §§ 7.2(b), (f)(ii), and (g), and 7.3(b), (f)(ii), and (g) shall not apply to documents, information, or objects produced by Intex in response to the Subpoena or otherwise. Namely, documents that Intex designates as “Highly Confidential - Attorneys’ Eyes Only” shall not be disclosed to persons otherwise permitted access to such Protected Material under the foregoing identified provisions of the Protective Order.

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To lower Intex's burden in complying with the Subpoena, confidentiality designations can be made on a document by document basis, as opposed to a page or partial page basis.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: December 12, 2011

\_\_\_\_\_  
Jack Slobodin  
Attorney for Plaintiff

DATED: December 12, 2011

\_\_\_\_\_  
*/s/ Paul L. Gale*  
Paul L. Gale  
Attorney for Defendant

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: December 15, 2011.

  
\_\_\_\_\_  
JOHN F. MARSHALL  
UNITED STATES MAGISTRATE JUDGE

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