



limitations on the scope of expert-related discovery. Neither the terms of the stipulation nor the parties' agreement to them implies that any of the information restricted from discovery in this stipulation would otherwise be discoverable.

2. With respect to testifying-expert discovery, neither the expert witness nor the party retaining him or her need produce, or answer deposition questions or interrogatories about, the following:

(a) communications between the expert and counsel for the party retaining him or her (including notes and memoranda memorializing the same) unless the expert witness is relying upon those communications in connection with the expert witness' opinions in this matter.

(b) draft reports prepared by, for, or at the direction of an expert witness.

3. This Stipulation will not relieve a testifying expert witness, or the party retaining him or her, of the obligation to produce other documents required to be produced by Federal Rule of Civil Procedure 26(a)(2)(B), including communications (and notes and memoranda memorializing the same) between the expert and others who (1) worked for or consulted with the expert witness, (2) prepared materials that the expert witness considered, or (3) were interviewed and provided information to the expert witness that he or she considered in forming opinions in this matter.

4. Unless independently discoverable, a party or its agents need not produce documents prepared, collected or considered by a non-testifying expert or consultant (or permit testimony about them) that were not provided to and considered by an expert witness in forming opinions in this matter.

5. The parties agree to comply with this Stipulation and Protective Order pending the Court's approval and entry of this order.

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IT IS SO ORDERED THIS \_\_\_\_\_ day of April, 2006.

\_\_\_\_\_  
United States District Judge