

3. The parties will make all disclosures required by Federal Rule of Civil Procedure 26(a)(2)(B), as modified or limited by this Stipulation, on the schedule set forth in the Second Stipulated Pre-Trial Schedule. In addition, the parties will supplement such disclosures, to the extent necessary, no later than ten (10) business days before an expert's deposition.

4. The following categories of data, information, or documents need not be disclosed by any party, and are outside the scope of permissible discovery:

a. any notes or other writings taken or prepared by or for an expert witness in connection with his or her Expert Testimony in this matter including any notes of conversations in connection with this matter with any of the following: his or her assistants and/or clerical or support staff; attorneys for the party offering the expert witness in this matter and such attorneys' assistants and/or clerical support staff; or other expert witnesses or non-testifying expert consultants; provided, however, that nothing in this paragraph shall prevent discovery into factual information known or communicated to the expert;

b. draft reports, draft studies, or draft workpapers prepared in connection with this matter; preliminary calculations or computations prepared in connection with the expert's Expert Testimony in this matter; or other preliminary or draft materials prepared by, for, or at the direction of an expert witness in connection with the expert's Expert Testimony in this matter;

c. any oral or written communication made in connection with the expert's Expert Testimony in this matter between an expert witness and any of the following: the expert's assistants and/or clerical staff; attorneys for the party offering the

testimony of the expert witness in this matter or such attorneys' assistants and/or clerical support staff, and/or other expert witnesses or non-testifying expert consultants; provided, however, that nothing in this paragraph shall prevent discovery into factual information known or communicated to the expert.

Respectfully submitted,

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September 2, 2004

SO ORDERED.

Hon. Emmet G. Sullivan
United States District Judge