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10 Attorneys for Defendant
INTUIT INC.

11 [Additional Parties and Counsel Listed on Signature Page.]
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13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16
17 **IN RE: HIGH-TECH EMPLOYEE
18 ANTITRUST LITIGATION**

Master Docket No. 11-CV-2509-LHK

19 **THIS DOCUMENT RELATES TO:**
20 **ALL ACTIONS**

**STIPULATION AND [PROPOSED]
ORDER CONCERNING TESTIFYING
EXPERT DISCOVERY**

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1 **STIPULATION CONCERNING TESTIFYING EXPERT DISCOVERY**

2 The parties stipulate to the following regarding the scope of testifying expert discovery in
3 the above-captioned matter:

4 1. This Stipulation And Order Concerning Testifying Expert Discovery
5 (“Stipulation”) will govern discovery from testifying experts in the above-captioned matter.
6 Subject to the limitations herein, the parties shall comply with Rule 26(a) of the Federal Rules of
7 Civil Procedure. To the extent that this Stipulation imposes limitations on discovery which
8 otherwise would be available under the Federal Rules of Civil Procedure, the parties have agreed
9 to any such limitations. Neither the terms of the Stipulation nor the parties’ agreement to them
10 shall be considered an admission by any person that any of the information restricted from
11 discovery by this Stipulation would otherwise be discoverable or admissible.

12 2. The following types of information shall not be the subject of discovery by
13 subpoena, deposition or otherwise:

- 14 a. the content of communications among and between:
- 15 i. counsel and testifying expert witnesses;
 - 16 ii. testifying expert witnesses and their respective staffs;
 - 17 iii. testifying expert witnesses and consultants;
 - 18 iv. communications among or between testifying expert witnesses; and
- 19 b. notes, drafts, written communications, preliminary or intermediate
20 calculations, computations or other data runs, or other types of preliminary
21 work created by, for, or at the direction of testifying expert witnesses.

22 3. The protections against discovery contained in the preceding paragraph shall not
23 apply to any communications or documents upon which a testifying expert relies as a basis for
24 any of his or her opinions or reports.

25 Consented and agreed to by the following parties:

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1 Dated: December 5, 2011 LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

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By: /s/ Joseph R. Saveri

JOSEPH R. SAVERI

Interim Lead Counsel for Plaintiffs and the Proposed Class

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6 Dated: December 5, 2011 O'MELVENY & MYERS LLP

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By: /s/ Michael F. Tubach

MICHAEL F. TUBACH

Attorneys for Defendant

APPLE INC.

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10 Dated: December 5, 2011 KEKER & VAN NEST LLP

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By: /s/ Daniel Purcell

DANIEL PURCELL

Attorneys for Defendant

LUCASFILM LTD.

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14 Dated: December 5, 2011 JONES DAY

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By: /s/ David C. Kiernan

DAVID C. KIERNAN

Attorneys for Defendant

ADOBE SYSTEMS INC.

17

18 Dated: December 5, 2011 MAYER BROWN LLP

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By: /s/ Lee H. Rubin

LEE H. RUBIN

Attorneys for Defendant

GOOGLE INC.

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22 Dated: December 5, 2011 BINGHAM McCUTCHEN LLP

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By: /s/ Zachery J. Alinder

ZACHERY J. ALINDER Attorneys for Defendant

INTEL CORPORATION

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1 Dated: December 5, 2011 JONES DAY

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By: /s/ Robert A. Mittelstaedt
ROBERT A. MITTELSTAEDT
Attorneys for Defendant
INTUIT INC.

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Dated: December 5, 2011 COVINGTON & BURLING LLP

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By: /s/ Emily Johson Henn
EMILY JOHNSON HENN
Attorneys for Defendant
PIXAR

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FILER'S ATTESTATION

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Pursuant to General Order No. 45, § X(B), I attest under penalty of perjury that concurrence in the filing of the document has been obtained from all the signatories.

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Dated: December 5, 2011 By: /s/ Catherine T. Broderick
CATHERINE T. BRODERICK

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

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Dated: January 23, 2012


Honorable Lucy H. Koh
United States District Judge

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