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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

IN RE TRANSPACIFIC PASSENGER AIR)
 TRANSPORTATION ANTITRUST) 1:07-CV-5634-CRB
 LITIGATION)

This Document Relates To:)
) MDL 1913
) **EXPERT STIPULATION AND**
 All Actions) ~~PROPOSED~~ ORDER

The Plaintiffs and Defendants agree as follows regarding the scope of any expert discovery in this case, relating to both class certification and the merits, and hereby agree and submit this stipulation and proposed order:

1 1. Within three business days of any party serving any expert reports and/or expert
2 declarations in this litigation pursuant to Fed. R. Civ. P. 26(a)(2)(B), the party or parties
3 proffering the expert witness shall produce: the data or other information relied upon by the
4 expert witness in forming the expert witness's opinions; any exhibits that summarize or support
5 the expert witness's opinions; the expert witness's qualifications, including a list of all
6 publications authored in the previous 10 years; a list of all other cases in which, during the
7 previous four years, the expert witness has testified as an expert at trial or by deposition; a
8 statement of the compensation to be paid for the expert witness's study and testimony in the
9 case. "Data or other information relied upon" shall be deemed to include, but will not be limited
10 to, underlying data, spreadsheets, computerized regression analysis and/or other underlying
11 reports and schedules sufficient to reconstruct the expert witness's work, calculations, and/or
12 analyses. Information should be produced electronically (via email or disc) where appropriate.
13 Where documents have previously been produced as part of the discovery, identification by
14 Bates number is sufficient. As to other documents relied upon by the expert, documents that are
15 publicly available need not be produced absent specific request.

16 2. Notwithstanding the foregoing and the Federal Rules of Civil Procedure, the
17 following types of information shall *not* be the subject of discovery:

18 (a) the content of communications among and between: (i) counsel and the expert
19 and/or the expert's staff and/or supporting firms; (ii) counsel and any non-testifying expert
20 consultant and/or the consultant's staff; (iii) the expert and other experts and/or other non-
21 testifying expert consultants; (iv) experts and their staff and/or supporting firms; (v) non-
22 testifying expert consultants and their staffs; (vi) the respective staffs and/or supporting firms of
23 experts or non-testifying expert consultants and the staffs and/or supporting firms of other
24 experts or non-testifying expert consultants.

25 (b) notes, drafts, written communications or other records of preliminary work
26 created by, or for, experts or non-testifying expert consultants.

27 The foregoing exclusions from discovery will not apply to any information,
28 communications or documents upon which the expert relies as a basis for his or her opinion.

1 DATED: July 16, 2010

CONDON & FORSYTH LLP

2 Michael J. Holland
3 Scott Cunningham
4 Roderick Margo

5 By: /s/ Michael J. Holland
6 Michael J. Holland
7 *Counsel for Defendant Air New Zealand*

8 DATED: July 16, 2010

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12 James R. Warnot, Jr.
13 *Counsel for Defendant Société Air France*

14 DATED: July 16, 2010

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20 DATED: July 16, 2010

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27 DATED: July 16, 2010

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DATED: July 16, 2010

HOGAN LOVELLS

Robert Hawk
Megan Dixon

By: _____ /s/ Robert Hawk
Robert Hawk
Counsel for Defendant Vietnam Airlines

DATED: July 16, 2010

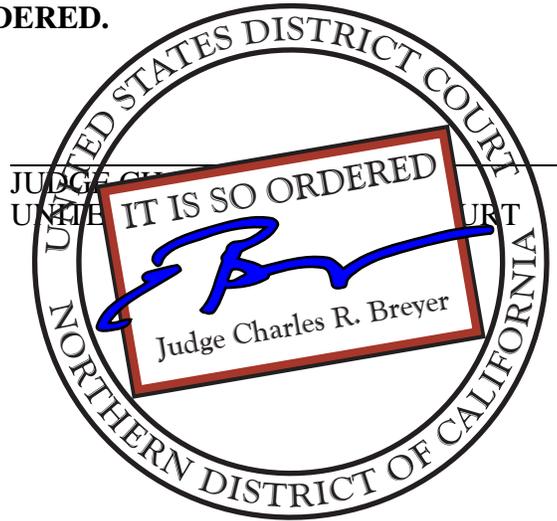
STEPTOE & JOHNSON LLP

William Karas
Kenneth P. Ewing

By: _____ William Karas
*Counsel for Defendant Japan Airlines
International*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: July 20, 2010



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