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9 Attorneys for Plaintiffs

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11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

14	GEOFFREY PECOVER and JEFFREY)	No. 08-cv-02820 VRW
15	LAWRENCE, on behalf of themselves and a)	
16	class of persons similarly situated,)	STIPULATION AND PROPOSED
)	PROTECTIVE ORDER REGARDING
	Plaintiffs,)	EXPERT DISCOVERY
17)	
	v.)	
18)	
	ELECTRONIC ARTS, INC., a Delaware)	
19	Corporation,)	ACTION FILED: June 5, 2008
)	
20	Defendant.)	
)	

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1 COUNSEL FOR THE PARTIES HEREBY STIPULATE AS FOLLOWS:

2 1. In order to avoid consuming the parties' and the Court's time and resources on
3 potential discovery issues relating to experts, the parties have agreed to certain limitations on the
4 scope of expert-related discovery and testimony in this matter. Neither the terms of this Stipulation
5 nor the parties' agreement to them implies that any of the information restricted from discovery in
6 this Stipulation would otherwise be discoverable.

7 2. The following categories of data, information, or documents need not be disclosed
8 by any party, and are outside the scope of permissible discovery (including deposition questions):

9 a. Any notes or other writings taken or prepared by or for an expert witness in
10 connection with this matter including, but not limited to, correspondence or memos to or from, and
11 notes of conversations with, the expert's assistants and/or clerical or support staff, other expert
12 witnesses or non-testifying expert consultants, or attorneys for the party offering the testimony of
13 such expert witness, unless the expert witness is relying upon those notes or other writings in
14 connection with the expert witness' opinions in this matter;

15 b. Draft reports, draft studies, or draft work papers; preliminary or intermediate
16 calculations, computations, or data runs; or other preliminary, intermediate or draft materials
17 prepared by, for or at the direction of an expert witness, but any documents, data or computer
18 programs, relied on or used to generate final results relied on by the expert shall be subject to
19 discovery and shall be produced; and

20 c. Any oral or written communication between an expert witness and the
21 expert's assistants and/or clerical or support staff, other expert witnesses or non-testifying expert
22 consultants, or attorneys for the party offering the testimony of such expert witness, unless the
23 expert witness is relying upon the communication in connection with the expert witness' opinions
24 in this matter.

25 d. In addition to the limitations on discovery set forth in paragraph 2 above, the
26 parties agree that other data or information that may have been considered by an expert but was not
27 relied on by the expert in forming her or his opinions need not be disclosed or produced. Nothing
28 in paragraphs 2 or 3 however, shall be construed to prevent substantive deposition questions with

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Attorneys for Defendant

I, Shana E. Scarlett, am the ECF User whose ID and password are being used to file this STIPULATION AND ~~PROPOSED~~ PROTECTIVE ORDER REGARDING EXPERT DISCOVERY. In compliance with General Order 45, X.B., I hereby attest that Timothy L. O'Mara has concurred in this filing.

* * *

IT IS SO ORDERED.

DATED: 12/12/2008

HONORABLE _____ JUDGE
UNITED STATES DISTRICT COURT



CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses registered, as denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

/s/ Shana E. Scarlett
SHANA E. SCARLETT

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Mailing Information for a Case 3:08-cv-02820-VRW

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)