Dpc. 225

Speedtrack, Ind. v. Wal-Mart.Com USA, LLC, et al.

HENNIGAN, BENNETT & DORMAN LLP
LAWYERS
LOS ANGELES, CALIFORNIA

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## **STIPULATION**

The undersigned parties stipulate as follows:

- 1. The following expert materials shall not be discoverable in this litigation:
  - Oral or written communications between an expert witness and attorneys for a. the party or parties who retained the expert;
  - b. Drafts of expert reports or declarations; and
  - Notes, memoranda, and other writings of an expert witness prepared in c. connection with the expert's engagement.
- 2. This stipulation does not preclude any party from questioning an expert witness about the circumstances surrounding the drafting of any expert report or declaration, including without limitation how much time the expert spent drafting the report or declaration, whether particular language was suggested by others, and so forth.

## IT IS SO STIPULATED.

DATED: November 17, 2008 HENNIGAN BENNETT & DORMAN LLP

> By \_\_\_\_\_/s/Alan P. Block Alan P. Block

Attorneys for Plaintiff, SPEEDTRACK, INC.

DATED: November 17, 2008 PROSKAUER ROSE LLP

> By <u>/s/ Steven M. Bauer</u> Steven M. Bauer

Attorneys for Intervenor, ENDECA TECHNOLOGIES, INC.

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DATED: November 17, 2008 FARELLA BRAUN & MARTEL, LLP By \_\_\_\_\_/s/Andrew Leibnitz Andrew Leibnitz Attorneys for Defendant, WAL-MART.COM USA, LLC **ORDER** PURSUANT TO STIPULATION, IT IS SO ORDERED. Dated: United States District Judge AS PARTIES AGREE, NO ORDER IS NECESSARY AND THE COURT DECLINES TO SIGN ORDER. PJH 

Case No. 06-CV-07336-PJH

STIPULATION AND [PROPOSED] ORDER RE EXPERT DISCOVERY

## Hennigan, Bennett & Dorman Llp Lawyers Los angeles, california

## PROOF OF SERVICE

I, Carol Yuson, declare as follows:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 865 South Figueroa Street, Suite 2900, Los Angeles, California 90017. On November 17, 2008, I served the foregoing document described as **STIPULATION AND [PROPOSED] ORDER RE EXPERT DISCOVERY** on the interested parties in this action by transmitting via United States District Court for the Northern District of California Electronic Case Filing Program the document(s) listed above by uploading the electronic files for each of the above-listed documents on this date.

Executed on November 17, 2008 at Los Angeles, California.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

/S/ Carol Yuson Carol Yuson