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10 Attorneys for Defendant  
 INTUIT INC.

11 [Additional Parties and Counsel Listed on Signature Page.]

12  
 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  
2  
3 By: /s/ Joseph R. Saveri  
4 JOSEPH R. SAVERI  
Interim Lead Counsel for Plaintiffs and the Proposed Class

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

7 By: /s/ Michael F. Tubach  
8 MICHAEL F. TUBACH  
9 Attorneys for Defendant  
APPLE INC.

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

11  
12 By: /s/ Daniel Purcell  
13 DANIEL PURCELL  
14 Attorneys for Defendant  
LUCASFILM LTD.

15 Dated: December 5, 2011 JONES DAY

16 By: /s/ David C. Kiernan  
17 DAVID C. KIERNAN  
18 Attorneys for Defendant  
ADOBE SYSTEMS INC.

19 Dated: December 5, 2011 MAYER BROWN LLP

20  
21 By: /s/ Lee H. Rubin  
22 LEE H. RUBIN  
23 Attorneys for Defendant  
GOOGLE INC.

24 Dated: December 5, 2011 BINGHAM McCUTCHEN LLP

25  
26 By: /s/ Zachery J. Alinder  
27 ZACHERY J. ALINDER Attorneys for Defendant  
INTEL CORPORATION  
28

1 Dated: December 5, 2011 JONES DAY

2  
3 By: /s/ Robert A. Mittelstaedt  
4 ROBERT A. MITTELSTAEDT  
Attorneys for Defendant  
5 INTUIT INC.

6 Dated: December 5, 2011 COVINGTON & BURLING LLP

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

10 **FILER'S ATTESTATION**

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

13  
14 Dated: December 5, 2011 By: /s/ Catherine T. Broderick  
15 CATHERINE T. BRODERICK

16  
17  
18 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

19  
20 Dated: January 23, 2012

21   
22 Honorable Lucy H. Koh  
United States District Judge