

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 12-cv-00292-RM-KMT

In re MOLYCORP, INC. SECURITIES LITIGATION.

**STIPULATED ORDER UNDER
FEDERAL RULES OF EVIDENCE 502(D) AND (E)**

Upon consideration of the Joint Motion for Entry of a Stipulated Order Under Federal Rules of Evidence 502(d) and (e), it is hereby ORDERED:

1. Pursuant to Federal Rule of Evidence 502(d), the disclosure of a communication or information covered by the attorney-client privilege or work-product protection does not operate as a waiver of any such privilege or protection as to the disclosed communication or information, nor does it operate as a waiver with respect to disclosed or undisclosed communications or information concerning the same or similar subject matter.

2. The Parties agree to be governed by Federal Rule of Civil Procedure 26(b)(5)(B) with respect to claims of privilege and Federal Rule of Evidence 502(b) with respect to inadvertent production of privileged materials. The Parties will abide by the following procedure in connection with any inadvertent production of privileged materials:

(a) If a producing Party has a good faith belief that a privileged document has been inadvertently produced, it shall notify the receiving Party of the producing Party's claim of privilege within sixty (60) days after the producing Party actually discovers that such inadvertent production was made.

(b) Upon receipt of any notice claiming privilege with respect to a produced document, all other Parties (regardless of whether they agree with the producing Party's


claim of privilege) shall promptly:

- (i) Use reasonable efforts to destroy or sequester all copies of the inadvertently produced documents or material in such Parties' possession, custody, or control, and notify the disclosing Party that they have done so; and
- (ii) Notify the producing Party that they have taken reasonable steps to retrieve and destroy or sequester the inadvertently produced documents or material from other persons, if any, to whom such documents or material have been provided, consistent with Federal Rule of Civil Procedure 26(b)(5)(B).

3. To the extent a receiving Party disputes the producing Party's claim of privilege, the receiving Party shall notify the producing Party of its position within ten (10) business days of receiving the producing Party's notice (the "Dispute Notification"). Within ten (10) business days of receiving the Dispute Notification, the Parties shall meet and confer in an effort to resolve their disagreement. If the Parties are unable to resolve their disagreement, the parties may submit the issue to the Court for a determination, submitting any document(s) in dispute under seal in compliance with Federal Rule of Civil Procedure 26(b)(5)(B), and any relevant agreements or Court orders. *See* Fed. R. Evid. 502(d)-(e).

February 19, 2016

APPROVED BY THE COURT:



Kathleen M. Tafoya,
United States Magistrate Judge