

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

Master Docket No. 09-md-02063-JLK-KMT (MDL Docket No. 2063)

**IN RE: OPPENHEIMER ROCHESTER FUNDS GROUP SECURITIES  
LITIGATION**

This document relates to: *In re California Municipal Fund*  
09-cv-01484-JLK-KMT (Lowe)  
09-cv-01485-JLK-KMT (Rivera)  
09-cv-01486-JLK-KMT (Tackmann)  
09-cv-01487-JLK-KMT (Milhem)

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**STIPULATION AND**

**EXPERT DISCOVERY ORDER**

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The parties to the above-referenced action, through their respective counsel of record, hereby stipulate to the following regarding the scope of expert discovery relating to all testifying experts and non-testifying expert consultants in this matter.

1. Except as provided otherwise herein, expert discovery shall be governed by the Federal Rules of Civil Procedure and any other applicable rule.
2. No subpoenas (for depositions or documents) need be served on any testifying expert from whom a report is provided in this case. Instead, the party or parties retaining such expert will make him or her available for deposition, at a time mutually agreed to by the parties.
3. Within three business days of service of an expert report, the party submitting the report shall produce the items described in Federal Rule of Civil Procedure 26(a)(2)(B)(ii)-(vi).

4. Within three business days of service of an expert report, the party submitting the report shall also provide:

a. a list of all computer applications used by the expert for any numerical analysis in the report, and if the list includes any computer applications that are not commercially available, the parties agree to meet and confer in good faith regarding access to and use of the application(s) that are not commercially available;

b. native (e.g., Excel) versions of all exhibits to the report itself that are reasonably necessary to replicate the numerical analysis;

c. electronic versions of all analysis and data relied upon by the expert in preparing his or her report, sufficient to allow the replication of all numerical analysis contained in the report, where applicable; and

d. all documents and data that its testifying expert(s) relied upon in formulating the expert's opinion and were not already produced in the above captioned litigation, other than publicly available materials. In the case of documents and data already produced and publicly available material, the party submitting the report shall identify such material with particularity.

5. The categories of documents below are not discoverable, need not be disclosed by the party or parties submitting the expert report, and may not be the subject of examination at deposition, hearing or trial:

a. any notes or other writings taken or prepared by or for an expert witness in connection with this matter (aside from the final written expert report(s) and notes generated while testifying), including copies of documents bearing the notes, markings, or comments of the expert, the expert's staff, other expert witnesses or non-testifying expert consultants (including their staffs), or outside or in-house attorneys for the party or parties;

b. documents or information constituting or reflecting drafts of any report or disclosure required under this Stipulation and Order or Rule 26(a)(2), regardless of the form in which the draft is recorded; and

c. oral or written communications between and among an expert witness and the expert's respective staff, other expert witnesses or non-testifying expert consultants (including their staffs), or outside or in-house attorneys for the party or parties, regardless of the form of the communications, and documents or information constituting or reflecting the communications.

6. The exclusions set forth in Paragraph 5 herein do not apply to attorney-expert communications to the extent that they: (i) relate to compensation for the expert's study or testimony in this litigation; (ii) identify facts or data not already produced in this litigation that the party's attorney provided and that the expert considered in forming the opinions to be expressed; or (iii) identify assumptions not already disclosed that the

party's attorney provided and that the expert relied on in forming the opinions to be expressed.

7. No party may, by interrogatories or deposition, discover facts known or opinions held by an expert who has been retained or specially employed by another party in anticipation of litigation or to prepare for trial and who is not expected to be called as a witness at trial, without the express written consent and authorization of the party employing such expert.

8. Nothing in this Stipulation shall be construed to preclude or limit the discoverability of facts or data relied upon by an expert witness in preparing his or her report(s) or that is otherwise discoverable by order of the Court.

SO ORDERED.

Dated: January 15, 2015

John L. Kane  
The Honorable John L. Kane  
United States District Judge

Dated: January 14, 2015

Respectfully submitted,

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