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U.S. DISTRICT COURT

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U.S. MAGISTRATE

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

CALDERA, INC.

Plaintiff

vs.

MICROSOFT CORPORATION

Defendant.

**ORDER REGARDING DISCOVERY
FROM EXPERT WITNESSES**

Case No.: 2:96CV 0645B

Judge Dee V. Benson

345

Based upon the stipulation of the parties,

IT IS HEREBY ORDERED,

1. Discovery or questioning of expert witnesses shall not extend to the production of documents, oral examination, or any other form of inquiry concerning:

a. drafts of reports, notices of or for such draft reports, or other prior related work product prepared in this case preliminary to preparation of a final report, except to the extent that the expert is relying upon another expert's draft or notes that are not otherwise disclosed in such other expert's final report, or

b. communications to or from or in the presence of an attorney for the party expecting to call the person as an expert witness, unless the person is relying upon the communication as part of the basis for his or her expert testimony.

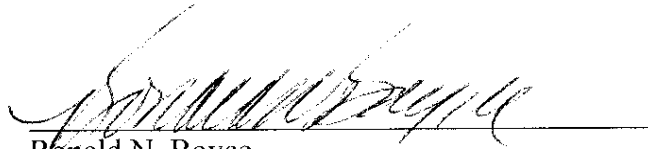
c. billings and billing records of the expert except that each expert and their support staff shall disclose their billing rates, the number of hours worked on the matter, and the total amount of billings.

2. Nothing in this Stipulation and order shall be construed to limit the discovery or examination of expert witnesses concerning the basis for an expert's final opinion or the documents (other than those excluded in paragraph 1) reviewed by an expert in the course of the expert's work on this case, including matters, facts and theories considered but rejected.

3. Until such time as this Stipulation and Order has been signed by the Court, the parties agree that upon execution by all parties, it will be treated as though it had been ordered by this Court.

DATED this 22^d day of December, 1998.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Ronald N. Boyce", written over a horizontal line.

Ronald N. Boyce
U.S. Magistrate Judge

440320

United States District Court
for the
District of Utah
December 23, 1998

* * MAILING CERTIFICATE OF CLERK * *

Re: 2:96-cv-00645

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