

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

UNITED STATES OF AMERICA,

Plaintiff,

Civil Action No.: 99-1180-JTM

v.

AMR CORPORATION,
AMERICAN AIRLINES, INC., and
AMR EAGLE HOLDING CORPORATION,

Defendants.

STIPULATION AND PROTECTIVE ORDER
REGARDING EXPERT DISCOVERY

The parties hereto, through their respective counsel of record, hereby stipulate to the following regarding the scope of expert discovery and testimony relating to experts in this matter:

1. In order to avoid consuming the parties' and the Court's time and resources on potential discovery issues relating to experts, the parties have agreed to certain limitations on the scope of expert-related discovery and testimony in this matter. Neither the terms of the stipulation nor the parties' agreement to them implies that any of the information restricted from discovery in this stipulation would otherwise be discoverable.

2. The parties will make all disclosures required by Rule 26(a)(2)(B), as modified or limited by this Stipulation, at the times provided by this Court for the service of written expert reports. The parties will supplement such disclosures at least three (3) business days before an expert's deposition. To the extent that the disclosures include exhibits, information or data processed or modeled by computer at the direction of a disclosed expert in the course of forming the expert's

opinions, machine readable copies of the data along with the appropriate computer programs and instructions shall be produced, provided that no party need produce computer programs that are commercially available and provided further that databases and computer programs that (i) are used in the ordinary course of a party's business and (ii) are not practicable to copy need not be produced so long as reasonable access is timely offered for purposes of replication and analysis of disclosed results.

3. The following categories of data, information, or documents need not be disclosed by any party, and are outside the scope of permissible discovery (including deposition questions):

(a) any notes or other writings taken or prepared by or for an expert witness in connection with this matter, including correspondence or memos to or from, and notes of conversations with, the expert's assistants and/or clerical or support staff, one or more other expert witnesses or non-testifying expert consultants, or one or more attorneys for the party offering the testimony of such expert witness, unless the expert witness is relying upon those notes or other writings in connection with the expert witness' opinions in this matter;

(b) draft reports, draft studies, or draft work papers; preliminary or intermediate calculations, computations, or data runs; or other preliminary, intermediate or draft materials prepared by, for or at the direction of an expert witness;

(c) any oral or written communication between an expert witness and the expert's assistants and/or clerical or support staff, one or more other expert witnesses or non-testifying expert consultants, or one or more attorneys for the party offering the testimony of such expert witness, unless the expert witness is relying upon the communication in connection with the expert witness' opinions in this matter.

4. In light of the "Expert Opinions" guidelines (§ 1 of the Pretrial guidelines) set forth in the Court's Guidelines For Parties And Counsel On Pretrial And Trial Matters, the parties further state that, to the extent that the specific stipulations agreed to herein waive disclosure requirements under Fed. R. Civ. P. 26(a)(2)(B) or (C), the parties agree to such waiver.

5. The parties agree to comply with this Stipulation and Protective Order pending the Court's approval and entry of this order.

Dated this ____ day of October, 1999.

/s/

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& Kitch, LLC
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On behalf of Defendants AMR Corp.,
American Airlines, Inc. and AMR
Eagle Holding Corp. and their counsel

/s/

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On behalf of Plaintiff
United States of America
and its counsel

SO ORDERED this ____ day of _____, 1999.

UNITED STATES DISTRICT JUDGE