
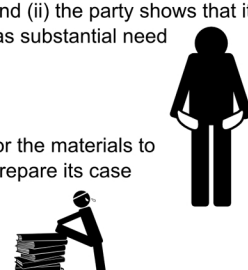
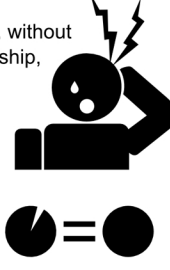
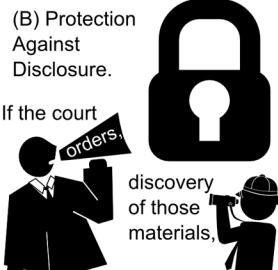
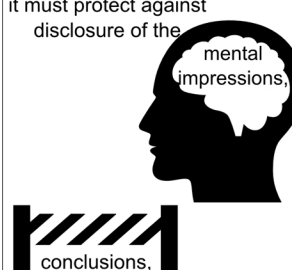
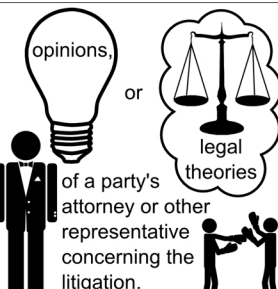
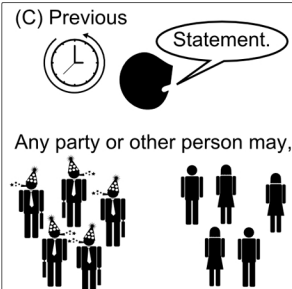

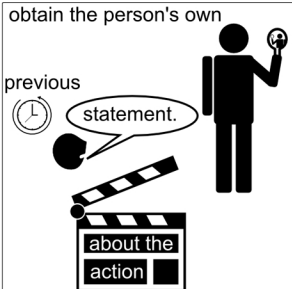

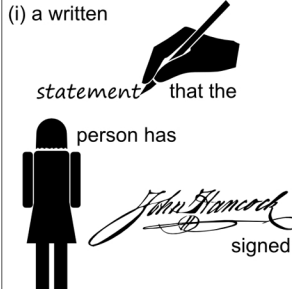
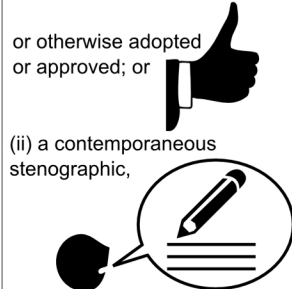
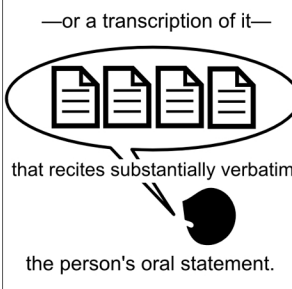
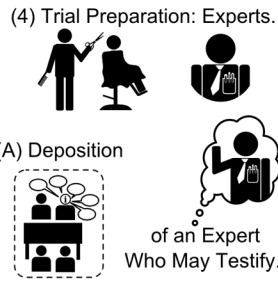


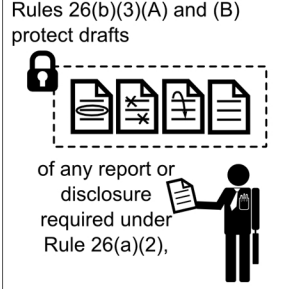


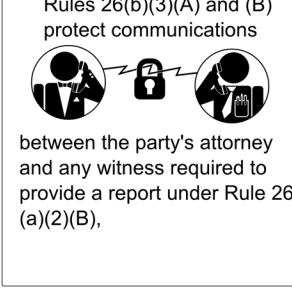
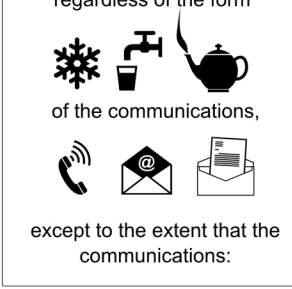

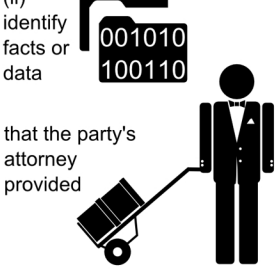
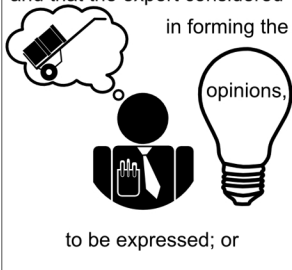
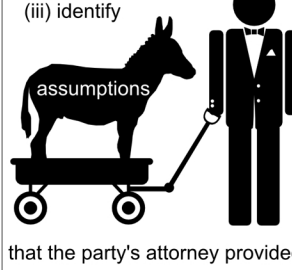






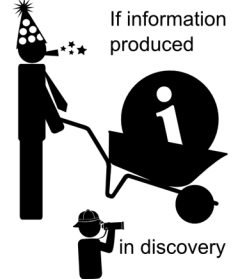








<p>But, subject to Rule 26(b)(4), those materials may be discovered if:</p> <p>(i) they are otherwise discoverable under Rule 26(b)(1);</p> 	<p>and (ii) the party shows that it has substantial need</p> <p>for the materials to prepare its case</p> 	<p>and cannot, without undue hardship,</p> <p>obtain their substantial equivalent by other means.</p> 	<p>(B) Protection Against Disclosure.</p> <p>If the court orders,</p> <p>discovery of those materials,</p> 	<p>it must protect against disclosure of the mental impressions,</p> <p>conclusions,</p> 
<p>opinions, or legal theories</p> <p>of a party's attorney or other representative concerning the litigation.</p> 	<p>(C) Previous Statement.</p> <p>Any party or other person may,</p> 	<p>on request</p> <p>and without the required</p> <p>showing,</p> 	<p>obtain the person's own previous statement.</p> <p>about the action</p> 	<p>If the request is refused,</p> <p>the person may move for a court order.</p> 
<p>and Rule 37(a)(5) applies to the award of expenses</p> <p>A previous statement is either:</p> 	<p>(i) a written statement that the person has signed</p> 	<p>or otherwise adopted or approved; or</p> <p>(ii) a contemporaneous stenographic,</p> 	<p>mechanical, electrical, or other recording</p> 	<p>—or a transcription of it—</p> <p>that recites substantially verbatim the person's oral statement.</p> 
<p>(4) Trial Preparation: Experts.</p> <p>(A) Deposition of an Expert Who May Testify.</p> 	<p>A party may depose any person who has been identified as an expert whose opinions may be presented at trial.</p> 	<p>If Rule 26(a)(2)(B) requires a report from the expert,</p> <p>the deposition may be conducted only after the report is provided.</p> 	<p>(B) Trial-Preparation Protection for Draft Reports or Disclosures.</p> 	<p>Rules 26(b)(3)(A) and (B) protect drafts</p> <p>of any report or disclosure required under Rule 26(a)(2),</p> 
<p>regardless of the form in which the draft is recorded.</p> 	<p>(C) Trial-Preparation Protection for Communications Between a Party's Attorney and Expert Witnesses.</p> 	<p>Rules 26(b)(3)(A) and (B) protect communications between the party's attorney and any witness required to provide a report under Rule 26(a)(2)(B),</p> 	<p>regardless of the form of the communications, except to the extent that the communications:</p> 	<p>(i) relate to compensation for the expert's study or testimony;</p> 
<p>(ii) identify facts or data that the party's attorney provided</p> 	<p>and that the expert considered in forming the opinions, to be expressed; or</p> 	<p>(iii) identify assumptions that the party's attorney provided</p> 	<p>and that the expert relied on in forming the opinions to be expressed.</p> 	<p>(D) Expert Employed Only for Trial Preparation.</p> <p>Ordinarily, a party may not, by interrogatories or deposition,</p> 

<p>discover facts known or opinions held</p>  <p>by an expert</p>	<p>who has been retained or specially employed</p> 	<p>by another party in anticipation of litigation or to prepare for trial</p> 	<p>(i) as provided in Rule 35(b); or</p>  <p>(ii) on showing exceptional circumstances</p> 	<p>under which it is impracticable for the party to obtain facts or opinions on the same subject by other means.</p> 
<p>(E) Payment.</p> <p>Unless manifest injustice would result,</p> 	<p>the court must require that</p>  <p>the party seeking discovery:</p> 	<p>(i) pay the expert a reasonable fee for time spent in responding to discovery under Rule 26 (b)(4)(A)</p> 	<p>or (D);</p>  <p>and (ii) for discovery under (D), also pay the other party a fair portion of the fees and expenses it reasonably incurred in obtaining the expert's facts and opinions.</p> 	<p>(5) Claiming Privilege or Protecting Trial-Preparation Materials.</p> 
<p>(A) Information Withheld.</p> <p>When a party withholds information otherwise discoverable by claiming that the information is privileged</p> 	<p>or subject to protection as trial-preparation material,</p>  <p>the party must:</p> <p>(i) expressly</p>  <p>make the claim;</p>	<p>(ii) describe the nature of the</p>  <p>documents,</p>  <p>communications,</p>	<p>or tangible things</p>  <p>not produced or disclosed—</p> 	<p>and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.</p> 
<p>(B) Information Produced.</p> 	<p>If information produced</p>  <p>in discovery</p>	<p>is subject to a claim of privilege or of protection as trial-preparation material,</p> 	<p>the party making the claim may notify any party that received the information of the claim and the basis for it.</p> 	<p>After being notified,</p>  <p>a party must promptly</p>  <p>return,</p>
 <p>sequester,</p>  <p>or destroy</p>	<p>the specified information</p>  <p>and any</p>  <p>copies it has;</p>	<p>must not use</p>  <p>or disclose</p>  <p>the information</p>	<p>until the claim is resolved;</p> 	<p>must take reasonable steps to retrieve the information</p>  <p>if the party disclosed it before being notified;</p>
<p>and may promptly present the information</p>  <p>to the court under seal for a determination of the claim.</p>	<p>The producing party must preserve the information</p>  <p>until the claim is resolved.</p>			