

1/18/13, CC

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE VELVET UNDERGROUND, a  
Partnership, by its General Partners, John Cale  
and Lou Reed,

Plaintiff,

-against-

THE ANDY WARHOL FOUNDATION FOR  
THE VISUAL ARTS, INC.,

Defendant.

Civil Action No.  
12 Civ. 00201 (AJN)

ECF Case

**USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: JAN 18 2013**

**STIPULATION AND <sup>AJN</sup> Proposed ORDER RELATING TO EXPERT DISCLOSURES**

WHEREAS, pursuant to the court's endorsed Order filed November 19, 2012 (D.E. 37),  
all expert discovery must be concluded by March 22, 2013;

WHEREAS, pursuant to ¶ 3 of the Scheduling Order filed March 27, 2012 (D.E. 20), the  
parties have met and conferred to establish a schedule for expert disclosures;

NOW, THEREFORE, it is hereby STIPULATED, AGREED AND ORDERED, as  
follows:

1. Definitions. For purposes of this Stipulation and Order, the following terms have  
the following meanings:

(a) "Expert Witness" means any person who is subject to the expert disclosure  
requirements of Fed. R. Civ. P. 26(a)(2)(A).

(b) "Category 1 Expert Witness" means any Expert Witness whose written  
report must comply with the requirements of Fed. R. Civ. P. 26(a)(2)(B).

(c) "Category 2 Expert Witness" means any Expert Witness other than a Category 1 Expert Witness.

2. Expert testimony relating to a party's case-in-chief. The following disclosure schedule applies to any Expert Witness on whose testimony a party intends rely on any issue for which that party bears the burden of proof on liability or damages.

(a) Written report(s) of all Category 1 Expert Witnesses must be exchanged by January 18, 2013. The content of any such report(s) shall comply with the requirements of Fed. R. Civ. P. 26(a)(2)(B).

(b) Written report(s) of all Category 2 Expert Witnesses must be exchanged by March 1, 2013. The content of any such report(s) shall comply with the requirements of Fed. R. Civ. P. 26(a)(2)(C).


3. Other expert testimony. The following disclosure schedule applies to any Expert Witness on whose testimony a party intends to rely to rebut or counter proposed expert testimony described in any written report served under ¶ 2 above.

(a) Written reports of all Category 1 Expert Witnesses must be exchanged by February 14, 2013. The content of any such report(s) shall comply with the requirements of Fed. R. Civ. P. 26(a)(2)(B).

(b) Written reports of all Category 2 Expert Witnesses must be exchanged by Mach 22, 2013. The content of any such report(s) shall comply with the requirements of Fed. R. Civ. P. 26(a)(2)(C).

4. Deposition of experts. The parties may depose each other's Category 1 Expert Witnesses. Depositions of Category 1 Expert Witnesses whose disclosures are governed by ¶ 2 above shall take place before the depositions of Category 1 Expert Witnesses whose disclosures are governed by ¶ 3 above. Category 2 Expert Witnesses will not be deposed.

Dated: New York, New York  
January 15, 2013

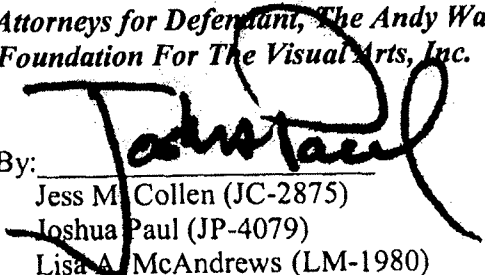
  
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Dated: Ossining, New York  
January 15, 2013

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SO ORDERED IN NEW YORK, NEW YORK ON JAN 18, 2013

  
U.S.D.J.

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