

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE NEW YORK AND
PRESBYTERIAN HOSPITAL,

Defendant.

Case No. 26-cv-02480-PAE-OTW

District Judge Paul A. Engelmayer

Magistrate Judge Ona T. Wang

STIPULATION AND ORDER REGARDING EXPERT DISCLOSURES

In this action, expert disclosures, including each Party's expert reports, will be conducted in accordance with Federal Rule of Civil Procedure 26(a)(2) and 26(b)(4), except as modified below:

1. Neither Party must preserve or disclose, including in expert deposition testimony, the following documents or information:
 - a. any form of oral or written communications, correspondence, or work product not relied upon by the expert in forming any opinions in his or her final report shared: (a) between Plaintiff or Defendant's counsel and the Plaintiff's or the Defendant's own testifying or non-testifying expert(s); (b) between any agent or employee of the United States and the United States's own testifying or non-testifying expert(s); (c) between any agent or employee of Defendant retained by or through counsel in connection with this matter and Defendant's own testifying or

non-testifying expert(s); (d) between testifying and non-testifying experts; (e) between non-testifying experts; or (f) between testifying experts.

- b. any form of oral or written communications, correspondence, or work product not relied upon by the expert in forming any opinions in his or her final report shared between experts and any persons assisting the expert;
- c. the expert's notes, except for notes of interviews participated in or conducted by the expert, if the expert relied upon such notes in forming any opinions in his or her final report;
- d. drafts of expert reports, affidavits, or declarations; and
- e. data formulations, data runs, data analyses, or any database-related operations not relied upon by the expert in forming any opinions in his or her final report.

2. The Parties agree that the following materials will be disclosed:

- a. all final reports;
- b. a list by Bates number of all documents relied upon by the testifying expert(s) in forming any opinions in his or her final reports;
- c. a list of all publications authored by the expert in the previous ten (10) years and copies of all publications authored by the expert in the previous ten (10) years that are not available for free without a login on the World Wide Web, and a working hyperlink for all publications

authored by the expert in the previous ten (10) years that are available for free without a login on the World Wide Web; and

- d. a list of all other cases in which, during the previous four (4) years, the expert testified at trial or by deposition, including tribunal and case number.

3. Within two (2) business days of production of each expert report:

- a. copies of any materials relied upon by the expert not previously produced that are not available for free without a login on the World Wide Web, and a working hyperlink for materials relied upon by the expert that are available for free without a login on the World Wide Web unless a hyperlink was already provided in the report;
- b. for all calculations appearing in the final reports, all data and programs underlying the calculations (including all programs and codes necessary to replicate the calculations from the initial (“raw”) data files and the intermediate working-data files that are generated from the raw data files and used in performing the calculations appearing in the final report) and a written explanation of why any observations in the raw data were either excluded from the calculations or modified when used in the calculations.

SO STIPULATED.

September 28, 2026

/s/ Paul Torzilli

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** Admitted Pro Hac Vice*

SO ORDERED.

PAUL A. ENGELMAYER
United States District Judge

Dated: September ____, 2026
New York, New York