

EXHIBIT 5

MASTER FILE NO. 2021-15294

IN RE: JANUARY 24TH § IN THE DISTRICT COURT OF
EXPLOSION LITIGATION § HARRIS COUNTY TEXAS
This Document Relates to All Cases § 11th JUDICIAL DISTRICT

AGREED PROTECTIVE ORDER REGARDING EXPERT DISCOVERY

In order to facilitate the efficient development of expert opinions and the discovery into and regarding testifying expert witnesses in the January 24th Explosion Litigation,¹ the Court hereby enters this Agreed Protective Order Regarding Expert Testimony as follows:

1. **Expert Communications Protected:** Communications between a party's attorney and any testifying expert witness in the Transferred Cases are protected from discovery, regardless of the form of the communications, except to the extent that the communications:

- a. relate to compensation for the expert's study or testimony;
- b. identify facts or data that the party's attorney provided and that the expert considered in forming the opinions to be expressed; or
- c. identify assumptions that the party's attorney provided and that the expert relied on in forming the opinions to be expressed.

2. **Draft Expert Reports and Disclosures Protected:** A draft expert report or draft expert disclosure required under the Texas Rules of Civil Procedure is protected from discovery, regardless of the form in which the draft is recorded.

IT IS SO ORDERED.

Signed on this 24th day of May, 2021. 1



Hon. Judge Mark Davidson

¹ Capitalized terms used but not defined herein shall have the meaning(s) ascribed thereto in Case Management Order No. 1 ("CMO #1").