

EXHIBIT B

Exhibit B

FORM OF PROPOSED STIPULATION AND ORDER FOR THE PRODUCTION AND EXCHANGE OF CONFIDENTIAL INFORMATION

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK, COMMERCIAL PART 48

VENTANA EXPLORATION AND PRODUCTION LLC,

Plaintiff(s).

—against—

=

Defendant(s).

JACK RAWDON and DIANA RAWDON,

Defendants.

Index No.: _____
650019/2019

~~ORDER FOR THE PRODUCTION AND EXCHANGE OF CONFIDENTIAL INFORMATION~~

Assigned: Masley, J.

[PROPOSED] STIPULATION AND ORDER FOR THE PRODUCTION AND EXCHANGE OF CONFIDENTIAL INFORMATION

This matter having come before the Court by stipulation of plaintiff,

_____, Ventana Exploration and ~~defendant~~, _____, (individually ~~“Party”~~ Production LLC (“VEP”), and defendants Jack Rawdon and Diana Rawdon, (collectively “Party” or “Parties”) for the entry of a protective order pursuant to CPLR 3103(a), limiting the review, copying, dissemination and filing of confidential and/or proprietary documents and information to be produced by either pParty and their respective counsel or by any non-party in

the course of discovery in this matter to the extent set forth below; and the Parties, by, between and among their respective counsel, having stipulated and agreed to the terms set forth herein;

It is ORDERED that:

1. This Stipulation is being entered into to facilitate the production, exchange and discovery of documents and information that the Parties and, as appropriate, non-parties, agree merit confidential treatment (hereinafter the “Documents” or “Testimony”).

2. Any Party or, as appropriate, non-party, may designate Documents produced, or Testimony given, in connection with this action as “~~confidential,~~ Confidential” or “Attorneys’ Eyes Only” either by notation on each page of the Document so designated, statement on the record of the deposition, or written advice to the respective undersigned counsel for the Parties, or by other appropriate means.

3. Definition of terms used in this stipulation:

(a) “Attorneys’ Eyes Only Information” shall refer to all Documents and Testimony, and all information contained therein, and other information designated as “Attorneys’ Eyes Only,” if such Documents or Testimony contain highly sensitive personal or competitive information, the disclosure of which would, in the good faith judgment of the Party or, as appropriate, any non-party designating the material as “Attorneys’ Eyes Only,” be extremely detrimental to the conduct or performance of a Party, that Party’s or non-party’s business or the business of any of that Party’s or non-party’s customers or clients.

~~(a)~~(b) “Confidential Information” shall mean all Documents and Testimony, and all information contained therein, and other information designated as e~~“~~Confidential,” if such Documents or Testimony contain trade secrets, proprietary business information, competitively sensitive information or other information the disclosure of which would, in the good faith

judgment of the Party or, as appropriate, any non-party designating the material as ~~e~~“Confidential,” be detrimental to the conduct or performance of that Party’s or non-party’s business or the business of any of that Party’s or non-party’s customers or clients.

~~(b)~~(c) “Producing Party” shall mean the Parties to this action and any non-parties producing “Confidential Information” or Attorneys’ Eyes Only Information in connection with depositions, document production or otherwise, or the Party or non-party asserting the confidentiality privilege, as the case may be.

~~(e)~~(d) “Receiving Party” shall mean the Parties to this action and ~~or~~ any non-party ies receiving “Confidential Information” or Attorneys’ Eyes Only Information in connection with depositions, document production, subpoenas or otherwise.

4. The Receiving Party may, at any time, notify the Producing Party that the Receiving Party does not concur in the designation of a document or other material as Confidential ~~Information~~ or Attorneys’ Eyes Only. If the Producing Party does not agree to classify or declassify such document or material within seven (7) days of the written request, the Receiving Party may move before the Court for an order classifying or declassifying those documents or materials. If no such motion is filed, such documents or materials shall continue to be treated as Confidential ~~Information~~ or Attorneys’ Eyes Only. If such motion is filed, the documents or other materials shall be deemed Confidential ~~Information~~ or Attorneys’ Eyes Only as originally designated by the Producing Party, unless and until the Court rules otherwise. Notwithstanding anything herein to the contrary, the Producing Party bears the burden of establishing the propriety of its designation of documents or information as Confidential ~~Information~~ or Attorneys’ Eyes Only.

5. ~~Except with the prior written consent of the Producing Party or~~ Except by Order of the Court, Confidential Information shall not be furnished, shown or disclosed to any person or entity except to:

(a) personnel of the Parties actually engaged in assisting in the preparation of this action for trial or other proceeding herein and who have been advised of their obligations hereunder;

(b) counsel for the Parties to this action and their associated attorneys, paralegals and other professional and non-professional personnel (including support staff and outside copying services) who are directly assisting such counsel in the preparation of this action for trial or other proceeding herein, are under the supervision or control of such counsel, and who have been advised by such counsel of their obligations hereunder;

(c) expert witnesses or consultants retained by the Parties or their counsel to furnish technical or expert services in connection with this action or to give testimony with respect to the subject matter of this action at the trial of this action or other proceeding herein; provided, however, that such Confidential Information is furnished, shown or disclosed in accordance with paragraph ~~7~~9 below;

(d) the Court and court personnel;

(e) an officer before whom a deposition is taken, including stenographic reporters and any necessary secretarial, clerical or other personnel of such officer;

(f) trial and deposition witnesses, if furnished, shown or disclosed in accordance with paragraphs ~~7-9 and 10, respectively~~, below; and

~~(g) — any other person agreed to by who prepared, received, or reviewed the Producing Party.~~

~~6. — Confidential Information shall be utilized by the Receiving Party and prior to its counsel only for purposes of production in this litigation and for no other purposes.~~

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