

BEFORE THE IDAHO OIL AND GAS CONSERVATION COMMISSION

2018 JUL 23 AM 8:00
BOISE, IDAHO
DEPT. OF LANDS

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| Randy and Thana Kauffman, <i>Complainants</i> , |) | Docket No. CC-2017-OGR-01-002 |
| |) | |
| v. |) | PROTECTIVE ORDER |
| |) | |
| AM Idaho, LLC and Alta Mesa Services, LP, |) | |
| <i>Respondents</i> . |) | |
| _____ |) | |

Complainants having requested certain confidential, trade secret and proprietary records of *Respondents* regarding gross production, disposition and market value of production from wells in which *Complainants* hold a royalty interest (“the Information”). Certain of the documents included in the Information as maintained by *Respondents* containing similar confidential, trade secret and proprietary information regarding wells in which *Complainants* do not own a royalty interest. The *Respondents* therefore having moved and requested this Hearing Officer for a Protective Order, the Hearing Officer, for the reasons set forth in the *Order Regarding Discovery* entered contemporaneously herewith, hereby grants said Motion and orders the production of the information under the following protective parameters:

1. “Information” as that term is used herein includes any information, in any format, treated by *Respondents* as, or considered by *Respondents* to be, confidential, secret, or proprietary, whether or not protected by copyright, patent, trademark, or similar protection and which *Respondents* reasonably designated as confidential to *Complainants*.
2. *Complainants* shall:
 - a. (1) Not disclose to any other person the Information, except as set forth herein; and (2) use at least the same degree of care to maintain the Information secret as

the *Complainants* use in maintaining their own secret information, but always at least a reasonable degree of care;

- b. Use the Information only for the purpose of verifying the gross production, distribution and market value of the oil and gas produced at the wells commonly known as Kauffman # 1-9 and Kauffman # 1-34, or to otherwise prove their allegations in this matter. *Complainants* shall not use the Information for any other purpose, including but not limited to competing directly or indirectly with *Respondents* in any manner or assisting any other person or entity in such competition;
- c. Restrict disclosure of the Information solely to those employees, advisors, accountants, attorneys, experts, or other contractors of *Complainants* having a need to know such Information in order to accomplish the purpose stated above;
- d. Advise each such person, before he or she receives access to the Information, of the obligations of *Complainants* under this Order, and require each such person to maintain those obligations, including but not limited to in the event of the person's departure from the *Complainants'* employment or service; and
- e. Within ten (10) days following final completion of this matter, return to *Respondents* all documentation, copies, notes, diagrams, computer media and other materials containing or reflecting any portion of the Information, or confirm to *Respondents*, in writing, the destruction of such materials.

3. *Respondents* shall make known to *Complainants* all communication of information from *Respondents* to *Complainants* which shall be considered Information subject to this Order.

4. This Order imposes no obligation on *Complainants* with respect to any portion of the Information received from *Respondents* which:
 - a. (1) was known to the *Complainants* prior to disclosure by *Respondents* and (2) as to which the *Complainants* have no obligation not to disclose or use it;
 - b. Is lawfully obtained by the *Complainants* from a third party under no obligation of confidentiality;
 - c. Is or becomes generally known or available other than by unauthorized disclosure;
 - d. Is independently developed by the *Complainants*; or
 - e. Is generally disclosed by *Respondents* to third parties without any obligation on the third parties.
5. *Complainants* are free to request from the Hearing Officer relief from this protective order if *Complainants* believe certain information, or parts thereof, are unnecessarily designated as confidential and/or should not be subject to protection under this Order.
6. The Information, and any alterations or improvements made to the Information while such Information is in *Complainants*' possession, shall remain the sole property of *Respondents*. No license is granted to *Complainants* for the use of the Information other than for the specific purposes set forth in this Order. No license is granted to *Complainants* in any of *Respondents* intellectual property.
7. In the event of a breach or threatened breach or intended breach of this Order by *Complainants*, *Respondents*, in addition to any other rights and remedies available to it at law or in equity, shall be entitled to preliminary and final injunctions, enjoining and restraining such breach or threatened breach or intended breach.

8. The rights and obligations of *Complainants* under this Order are not transferable.

DATED this 20th day of July, 2018.

By: 
JASON S. RISCH, Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of July, 2018, I caused to be served a true and correct copy of the following items in the Docket No: CC-2017-OGR-01-002: *Protective Order* by the method indicated below and addressed to the following:

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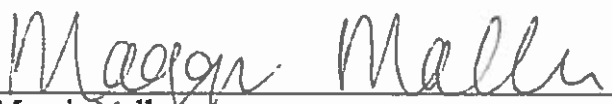
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