

FILED

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION

2018 NOV 13 PM 4:35

SHONK LAND COMPANY LLC,

CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

Plaintiff,

v.

Civil Action No. 18-C-193
Judge Christopher Wilkes

CABOT OIL & GAS CORPORATION and
CARBON WEST VIRGINIA COMPANY LLC,

Defendants.

AGREED PROTECTIVE ORDER

By signing this Protective Order, the parties have agreed to be bound by its terms and to request its entry by the presiding judge. It is hereby **ORDERED** as follows:

I. DISCOVERY PHASE

- A. If a party or an attorney for a party has a good faith belief that certain documents or other materials (including digital information) subject to disclosure pursuant to a discovery or other request, are confidential and should not be disclosed other than in connection with this action and pursuant to this Protective Order, the party or attorney shall mark each such document or other material as **"CONFIDENTIAL."**
- B. If a party or an attorney for a party disputes whether a document or other material should be marked **"CONFIDENTIAL,"** the parties and/or attorneys shall attempt to resolve the dispute between themselves. If they are unsuccessful, the party or attorney challenging the **"CONFIDENTIAL"** designation shall do so by filing an appropriate motion.

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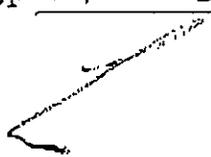
- C. No party or attorney or other person subject to this Protective Order shall distribute, transmit, or otherwise divulge any document or other material which is marked "CONFIDENTIAL," or the contents thereof, except in accordance with this Protective Order. Court personnel are not subject to this Protective Order while engaged in the performance of their official duties.
- D. Any document or other material which is marked "CONFIDENTIAL," or the contents thereof, may be used by a party, or a party's attorney, expert witness, consultant, or other person to whom disclosure is made, only for the purpose of this action. Nothing contained in this Protective Order shall prevent the use of any document or other material which is marked "CONFIDENTIAL," or the contents thereof, at any discovery deposition taken in this action.
- E. If a party or attorney wishes to disclose any document or other material which is marked "CONFIDENTIAL," or the contents thereof, to any person actively engaged in working on this action (e.g., expert witness, paralegal, associate, consultant), the person making the disclosure shall do the following:
1. Provide a copy of this Protective Order to the person to whom disclosure is made;
 2. Inform the person to whom disclosure is made that s/he is bound by this Protective Order;
 3. Require the person to whom disclosure is made to sign an acknowledgment and receipt of this Protective Order;
 4. Instruct the person to whom disclosure is made to return any document or other material which is marked "CONFIDENTIAL," at the conclusion of the case, including notes or memoranda made from "CONFIDENTIAL" material;
 5. Maintain a list of persons to whom disclosure was made and the "CONFIDENTIAL" materials which were disclosed to that person; and

- 6. At the conclusion of the action, gather the "CONFIDENTIAL" materials, copies thereof, and related notes and memoranda, and return them to the party or attorney who originally disclosed them, with a certificate of compliance with the terms of this Protective Order.

II. POST-DISCOVERY PHASE

If any party or attorney wishes to file, or use as an exhibit or as evidence at a hearing or trial, any "CONFIDENTIAL" document or material, s/he must provide reasonable notice to the party that produced the document or material. The parties and/or attorneys shall then attempt to resolve the matter of continued confidentiality by either (a) removing the "CONFIDENTIAL" marking, or (b) creating a mutually acceptable redacted version that suffices for purposes of the case. If an amicable resolution proves unsuccessful, the parties and/or attorneys may present the issue to the court for resolution. The proponent of continued confidentiality will have the burden of persuasion that the document or material should be withheld from the public record.

ENTERED THIS 13 OF November, 2018.



JUDGE CHRISTOPHER WILKES

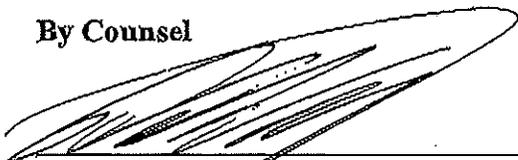
Parties and Counsel:

CABOT OIL & GAS CORPORATION

SHONK LAND COMPANY, LLC

By Counsel

By Counsel



Nicholas S. Johnson / A.M.S. of Admission

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STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY G. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 14
DAY OF Nov 2018
Cathy G. Gatson CLERK
COUNTY OF KANAWHA, WEST VIRGINIA

CARBON WEST VIRGINIA COMPANY LLC

By Counsel

Owen Reynolds / AMS w/permission

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Date: 11/14/18
Certified copies sent to:
 counsel of record
 parties
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Office of records accomplished:
[Signature]
Deputy Circuit Clerk

Bus Ce
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