

# **EXHIBIT 1**

**Blythe, Michele**

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**From:** Blythe, Michele  
**Sent:** Wednesday, April 24, 2019 2:23 PM  
**To:** 'James J. Ormiston'; Tom Foley  
**Cc:** Mark Weisbart; Jim Brouner; Kevin Gamarnik; Aaron Arndt; Jordan Liebman; Chantel Walker; Morfey, Michael; Russell, Robin; Rovira, Joseph; Elder, Charles; Jason S. Brookner; Lydia Webb  
**Subject:** RE: Rockies Region --Deposition Scheduling

Tom,

Thank you for your email. On behalf of PDC, this email will respond to the items in your email and other outstanding issues from the April 18, 2019 meet and confer.

1. PDC agrees with the scope of the depositions as set forth in your email. The written discovery that has been propounded by the parties is limited to that same scope.
  
2. PDC agrees with the Debtors' position set forth in Jim's email below. The documents produced by PDC prior to the mediation [PDCRR6RR700000001 to PDCRR6RR700000409] will not be reproduced in response to the requests for production from the Plaintiffs. Those documents can be used by the parties in accordance with the agreed to Protective Order that will be entered by the Court.
  
3. You previously indicated that Mr. Moritz was available to be deposed in Denver any day the week of May 13 - 17, 2019. PDC proposed that Mr. Moritz be deposed on May 16, 2019, in Denver. Please confirm his deposition is scheduled for that date.
  
4. It is our understanding that Plaintiffs (or Movants) indicated that they will not be testifying at the Hearing on not only the Motion, but also the Application (as defined in your email). Please confirm that is correct.
  
5. Our understanding with respect to you is the same as Item #4 above. Please confirm.
  
6. Mr. Stump is available for Plaintiffs to take his deposition in Denver on May 15, 2019, in his individual capacity and as the 30(b)(6) corporate representative for PDC. Your email misconstrues the statements on the call with respect to PDC's production of documents in response to Plaintiffs' requests for production. First, PDC already produced to Plaintiffs responsive documents over 2 months ago [see Item #2 above]. Second, as ordered by the Court (and agreed to by the parties), PDC is required to "produce documents responsive to . . . written document requests in accordance with the applicable Federal Rules of Civil Procedure." Dkt. #135 at 2. PDC will serve its written response to Plaintiffs' requests as required by Rule 34(b)(2) - on May 3, 2019 - and will produce any additional responsive, non-privileged documents in accordance with that Rule on May 3 or "another reasonable time specified in the response." There is no requirement under the rules or the Agreed Scheduling Order that PDC complete its production of documents by any date certain or in advance of depositions.

8. As discussed during the meet and confer, Plaintiffs should circulate a proposed stipulation that identifies or attaches the Ryder Scott Reserve Reports in question. PDC will consider whether to stipulate that those Reports are business records of Ryder Scott; however, PDC reserves its right to object to the admissibility of the reports on other grounds at the Hearing.

9. As stated during the meet and confer, Mr. Stump will be the corporate representative for PDC to testify pursuant to the 30(b)(6) notices served by Plaintiffs [see Item #6 above]. PDC objects to Plaintiffs' continued use of "Persons Most Knowledgeable" as it attempts to change what is required of PDC under Rule 30. PDC further objects to Plaintiffs attempt to identify for PDC Mr. Lauck or any other individual to serve as PDC's 30(b)(6) witness. To the extent Plaintiffs believe that additional testimony relevant to the Hearing is necessary following Mr. Stump's deposition, Plaintiff can raise that issue then with PDC. PDC reserves its right to object to the 30(b)(6) notices in accordance with the rules.

10. As discussed during the meet and confer, Plaintiffs should circulate a proposed stipulation that identifies or attaches the documents from Clearinghouse in question. PDC will consider whether to stipulate that those documents are business records of Clearinghouse; however, PDC reserves its right to object to the admissibility of the documents on other grounds at the Hearing.

11. As stated during the meet and confer, PDC objects to Mr. Weisbart providing testimony at the Hearing. To the extent Mr. Weisbart will be purporting to provide expert testimony, Plaintiffs failed to serve an expert report on April 22, 2019, as required under the Agreed Scheduling Order. Therefore, Mr. Weisbart is prohibited from testifying as an expert at the Hearing. Further, any testimony Mr. Weisbart purports to provide is inadmissible legal opinion and not relevant to the issues for the Hearing. PDC reserves its right to object to Mr. Weisbart testifying on any issues at the Hearing. To the extent that Plaintiffs will not withdraw his name from their Witness List, please provide dates when he is available for PDC to take his deposition.

12. Is Mr. Scheig available to be deposed in Dallas on May 8, 2019? The parties will already be in Dallas for Ms. Nicolaou's deposition on May 7.

Thanks,  
Michele

**Michele R. Blythe**  
Counsel

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**From:** James J. Ormiston [<mailto:jormiston@grayreed.com>]

**Sent:** Wednesday, April 24, 2019 11:38 AM

**To:** Tom Foley

**Cc:** Mark Weisbart; Jim Brouner; Kevin Gamarnik; Aaron Arndt; Jordan Liebman; Chantel Walker; Morfey, Michael;

Russell, Robin; Blythe, Michele; Rovira, Joseph; Elder, Charles; Jason S. Brookner; Lydia Webb

**Subject:** RE: Rockies Region --Deposition Scheduling

Tom,

Please accept this response on behalf of the Debtors to your April 23 email below. It is my understanding PDC's counsel will respond separately.

Subject to PDC's input, the Debtors do not take issue with items 1, 4, and 5.

Regarding item 2 (documents produced by PDC in connection with the mediation), the Debtors would like to clarify that documents created solely for purposes of mediation will not be used in connection with the Motion and Application – *i.e.*, presentation slides, etc. In other words, item 2 is limited to pre-existing PDC documents that have been produced with bates number labels.

With respect to item 3 (the deposition of Ed Moritz), you previously stated that Mr. Moritz was available to be deposed in Denver any day during the week of May 13. Thereafter, the parties identified May 16 as the preferred date of Mr. Moritz's deposition, not May 17. Please confirm that Mr. Moritz is available May 16, as the Debtors' preference is to conduct the depositions of Mr. Stump and Mr. Moritz back to back.

With respect to items 6 and 9 (the deposition of Darwin Stump), my understanding is that Mr. Stump will be designated as PDC's 30(b)(6) representative for all the categories identified in your deposition notice. As a result, the Debtors propose that Mr. Stump be deposed, in both his individual capacity and as corporate representative, on May 15, rather than on May 13 and May 15 as you propose.

With respect to item 7 (Graves & Co.), while the Debtors have not designated one or more representatives of Graves & Co. (John Graves, Allen Barron, etc.) as experts with respect to the Motion, Debtors expressly reserve the right to designate one or more rebuttal experts once we complete our review of Mr. Moritz's new report and the recently provided expert report from Greg Scheig. The Debtors also disagree with your characterization of Karen Nicolaou's testimony at the 341 meeting, and the purported impact of any such testimony on the document subpoena served on Graves & Co. The Debtors and/or Graves & Co. reserve the right to object to the document subpoena and/or seek to quash same. That said, all relevant, non-privileged documents relating to Graves & Co.'s initial report, which was one of the items Ms. Nicolaou considered in making her determination to file bankruptcy for the partnerships, have already been produced.

With respect to items 8 and 10 (alleged business records of Ryder Scott and Clearinghouse), the Debtors will stipulate that (i) the Ryder Scott Reserve Reports are business records of Ryder Scott and (ii) documents prepared by Clearinghouse and produced by the Debtors are business records of Clearinghouse. However, the Debtors will not stipulate to the admissibility of either category of documents at this time and reserve all rights to object to their admission on relevance grounds or otherwise.

With respect to item 11 (Weisbart as a rebuttal witness), we fail to see what factual testimony Mr. Weisbart could provide to rebut either the testimony of Mr. Brookner (if compelled) or Ms. Nicolaou. To the extent that Mr. Weisbart intends to provide legal opinions, it is the Debtors' position that such purported expert testimony would be inappropriate and inadmissible. In any event, if Movants intend to call Mr. Weisbart at the hearing, please provide dates he is available for deposition, and if he will be offered as an expert, please provide a report of his purported expert opinions. The Debtors also reserve the right to seek to exclude Mr. Weisbart's testimony and/or object to his testimony should he called as a witness at the hearing on the Motion.

With respect to item 12 (deposition of Greg Scheig), the Debtors would prefer his deposition be scheduled for May 8 since the parties will be in Dallas for Ms. Nicolaou's deposition on May 7. It is my understanding May 8 will work for PDC as well, but I will let its counsel chime in. Please let us know if Mr. Scheig is available on May 8.

Regarding item 13 (deposition of Karen Nicolaou), the Debtors will present Ms. Nicolaou for deposition at 9 am on May 7 at the Dallas office of Gray Reed & McGraw.

Please contact me with any questions or if you wish to discuss any of these matters further. Thanks.

Jim

James J. Ormiston  
Partner

**Gray Reed & McGraw**

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**From:** Tom Foley <[tfoley@foleybezek.com](mailto:tfoley@foleybezek.com)>  
**Sent:** Tuesday, April 23, 2019 11:42 AM  
**To:** [RRussell@andrewskurth.com](mailto:RRussell@andrewskurth.com); [MicheleBlythe@andrewskurth.com](mailto:MicheleBlythe@andrewskurth.com); [MichaelMorfey@andrewskurth.com](mailto:MichaelMorfey@andrewskurth.com); [JosephRovira@andrewskurth.com](mailto:JosephRovira@andrewskurth.com); [CElder@irell.com](mailto:CElder@irell.com); James J. Ormiston <[jormiston@grayreed.com](mailto:jormiston@grayreed.com)>; [brookner@grayreed.com](mailto:brookner@grayreed.com); Lydia Webb <[lwebb@grayreed.com](mailto:lwebb@grayreed.com)>  
**Cc:** Mark Weisbart <[Mark@weisbartlaw.net](mailto:Mark@weisbartlaw.net)>; Jim Brouner <[JBrouner@weisbartlaw.net](mailto:JBrouner@weisbartlaw.net)>; Kevin Gamarnik <[kgamarnik@foleybezek.com](mailto:kgamarnik@foleybezek.com)>; Aaron Arndt <[aarndt@foleybezek.com](mailto:aarndt@foleybezek.com)>; Jordan Liebman <[liebman@foleybezek.com](mailto:liebman@foleybezek.com)>; Chantel Walker <[cwalker@foleybezek.com](mailto:cwalker@foleybezek.com)>  
**Subject:** FW: Rockies Region --Deposition Scheduling

Group:

Following up to our meet and confer conference call on Thursday, April 18, 2019, I am writing to confirm certain issues that were agreed upon. I am not attempting in this email to identify issues on which the participants in the meet and confer call did not reach agreement. Please respond if either PDC or Ms. Nicolaou disagree with, or want to clarify, any of the following statements. It would be a good idea to prepare a joint statement on what the parties have agreed to so that there is no miscommunication. There are unresolved issues following the meet and confer conference including the length of Ms. Nicolaou's deposition and whether a representative from Grey Reed will be deposed.

1. The scope of the depositions being noticed and scheduled related to the hearing scheduled for June 20-21, 2019 ("Hearing") on Movants' Motion to Dismiss the bankruptcy petitions ( hereinafter "Motion") and the Application to employ Ms. Nicolaou as Responsible Party for the Partnerships ("Application") will be limited to issues related to the Motion and Application.
2. The documents produced by PDC in connection with the unsuccessful mediation may be used in connection with the Motion and Application, without violating the mediation privilege, and will not be produced a second time by PDC.

3. The representative of Gustavson who will testify at the Hearing on the Motion will be Edwin Moritz. Mr. Moritz is available to be deposed in Denver on Friday, May 17, 2019. PDC and Ms. Nicolaou have not yet agreed to that date for Mr. Moritz's deposition.
4. Movants Robert Dufresne, William McDonald, Mike Gaffey, Ronald Glickman and Jeff Schulein (collectively "Movants") are withdrawing from their witness list all Movants and will not be calling any of the Movants as witnesses at the Hearing on the Motion. Mr. Morfey on behalf of PDC agreed that PDC would not depose Movants at this time related to the Motion, but reserved the right to do so in the future. Mr. Brookner agreed that Ms. Nicolaou would not be deposing Movants at this time related to the Motion, but reserves the right to depose Movants in the future.
5. Movants will not be calling Thomas Foley as a witness at the hearing on the Motion, and are withdrawing Mr. Foley from Movants' witness list for the Hearing.
6. During the conference call the participants met and conferred regarding the scheduling of the deposition of Darwin Stump, who is listed as a witness on PDC's witness list. Movants agreed to depose Mr. Stump in Denver during the week of May 13-17, 2019. Ms. Russell subsequently sent the below email suggesting May 15, 2019 in Denver for Mr. Stump's deposition. As Movants' counsel stated during the 04/18/2019 conference call, it is important that Plaintiffs, Movants on the Motion to Dismiss, receive the documents requested to be produced by PDC sufficiently prior to Mr. Stump's deposition to give Movants a reasonable opportunity to review the documents. The date for PDC to produce the documents in response to Movants Request for Production of Documents pursuant to the FRCP is Friday, May 3<sup>rd</sup>. If PDC produces documents on May 3<sup>rd</sup> that will provide a reasonable time for Movants' counsel to review the documents prior to Mr. Stump's deposition on May 15, 2019. I recall that one of PDC's attorneys mentioned during the conference call that PDC would produce the documents on a "rolling basis". That would be fine, provided all the documents are produced on or before May 3, 2019.
7. Jason Brookner informed all counsel at the meet and confer conference call that Ms. Nicolaou will not be calling John Graves as a witness, or as a rebuttal witness, at the Hearing on the Motion. Based on Mr. Brookner's representation Movants will remove Mr. Graves from Movants' witness list. Ms. Nicolaou testified at the First Meeting of Creditors that she relied upon her consultation with John Graves in valuing the Partnerships assets. For that reason, we will require the documents requested from Graves & Company in Movants' deposition notice to be produced.
8. Movants' counsel informed counsel for Ms. Nicolaou and PDC that provided PDC and Ms. Nicolaou stipulate that the Ryder Scott Reserve Reports for both RR 2006 and RR 2007 Partnerships which were included in the 10Ks filed by PDC for the Partnerships are business records of Ryder Scott, and as such, may be admitted into evidence by stipulation at the Hearing, Movants will withdraw from Movant's witness list a Representative of Ryder Scott. Please confirm PDC's and Ms. Nicolaou's position on this issue.
9. Movants served a number of deposition notices ("Notices") on PDC for the deposition Persons Most Knowledgeable ("PMK") on May 13, 2018 in Denver pursuant to FRCP 30(b)(6). Movants' counsel request PDC timely identify which, if any, of the PMK categories identified by Movants in the Rule 30(b)(6) deposition notices for which Mr. Stump will be designated by PDC as the PMK for the company. To the extent that Mr. Stump testifies that he does not have knowledge of technical issues, or he cannot testify as PDC's PMK on issues identified by Movants in their FRCP 30(b)(6) Notices, Movants anticipate noticing the deposition of Lance Lauck for testimony related to the Hearing on the Motion. Movants have scheduled the deposition of PDC's PMK in Denver on Monday, May 13, 2019. To the extent PDC intends to identify another witness or witnesses for one or more of the categories in Movants' PMK deposition Notices, that individual or individuals will be deposed on May 13, 2018 in Denver. To the extent that PDC identifies more than one witness in response to Movants' PMK Notice, Movants propose conducting the additional witness or

witnesses on Tuesday, May 14, 2019 in Denver. If that date is not workable for PDC's counsel, please identify alternative dates for the additional PMK depositions.

10. Movants agreed to withdraw a representative of Clearing House from their witness list provided that counsel for PDC and Ms. Nicolaou stipulate that the documents prepared by representatives of Clearing House produced by Ms. Nicolaou are business records of Clearing House and may be admitted into evidence at the Hearing by stipulation.
11. Movants will maintain Mr. Weisbart on their witness list as a rebuttal witness. In the event that Mr. Brookner is compelled by the bankruptcy court to testify, Mr. Weisbart may be called to rebut Mr. Brookner's testimony. If the bankruptcy court does not compel Mr. Brookner to testify, Movants may call Mr. Weisbart as a rebuttal witness to Ms. Nicolaou.
12. Movants' expert witness Greg Scheig is available to be deposed in Dallas on Friday, May 10, 2019. Counsel for PDC and Ms. Nicolaou have not yet responded to this proposed date.
13. Ms. Nicolaou's deposition will commence on May 7, 2019 in Dallas.

Tom Foley

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**From:** Russell, Robin <[RRussell@andrewskurth.com](mailto:RRussell@andrewskurth.com)>

**Sent:** Friday, April 19, 2019 10:37 AM

**To:** Tom Foley <[tfoley@foleybezek.com](mailto:tfoley@foleybezek.com)>

**Cc:** Blythe, Michele <[MicheleBlythe@andrewskurth.com](mailto:MicheleBlythe@andrewskurth.com)>; Aaron Arndt <[aarndt@foleybezek.com](mailto:aarndt@foleybezek.com)>; [mark@weisbartlaw.net](mailto:mark@weisbartlaw.net); [jbrouner@weisbartlaw.net](mailto:jbrouner@weisbartlaw.net); Lydia Webb <[lwebb@grayreed.com](mailto:lwebb@grayreed.com)>; Jason S. Brookner <[jbrookner@grayreed.com](mailto:jbrookner@grayreed.com)>; Elder, Charles <[CElder@irell.com](mailto:CElder@irell.com)>; James J. Ormiston <[jormiston@grayreed.com](mailto:jormiston@grayreed.com)>; Rovira, Joseph <[JosephRovira@andrewskurth.com](mailto:JosephRovira@andrewskurth.com)>; Morfey, Michael <[MichaelMorfey@andrewskurth.com](mailto:MichaelMorfey@andrewskurth.com)>; Chantel Walker <[cwalker@foleybezek.com](mailto:cwalker@foleybezek.com)>

**Subject:** Re: Rockies Region --Deposition Scheduling

Tom,

The 9th is a Thursday. Is he available then or only on Friday the 10th? I think Ms. Nicolaou's Depot is Tuesday the 7th so we were trying to do Scheig on the same trip to Dallas.

Robin

On Apr 19, 2019, at 12:10 PM, Tom Foley <[tfoley@foleybezek.com](mailto:tfoley@foleybezek.com)> wrote:

Group:

Greg Scheig is available to be deposed in Dallas on Friday, May 9, 2019.

Tom Foley

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**From:** Russell, Robin <[RRussell@andrewskurth.com](mailto:RRussell@andrewskurth.com)>

**Sent:** Friday, April 19, 2019 7:20 AM

**To:** Tom Foley <[tfoley@foleybezek.com](mailto:tfoley@foleybezek.com)>; Blythe, Michele <[MicheleBlythe@andrewskurth.com](mailto:MicheleBlythe@andrewskurth.com)>; Aaron Arndt <[aarndt@foleybezek.com](mailto:aarndt@foleybezek.com)>; [mark@weisbartlaw.net](mailto:mark@weisbartlaw.net); [jbrouner@weisbartlaw.net](mailto:jbrouner@weisbartlaw.net)

**Cc:** Lydia Webb <[lwebb@grayreed.com](mailto:lwebb@grayreed.com)>; Jason S. Brookner <[jbrookner@grayreed.com](mailto:jbrookner@grayreed.com)>; Elder, Charles <[CElder@irell.com](mailto:CElder@irell.com)>; James J. Ormiston <[jormiston@grayreed.com](mailto:jormiston@grayreed.com)>; Rovira, Joseph <[JosephRovira@andrewskurth.com](mailto:JosephRovira@andrewskurth.com)>; Morfey, Michael <[MichaelMorfey@andrewskurth.com](mailto:MichaelMorfey@andrewskurth.com)>; Chantel

Walker <[cwalker@foleybezek.com](mailto:cwalker@foleybezek.com)>

**Subject:** RE: Rockies Region --Deposition Scheduling

Tom and Mark,

PDC proposes we do Stump on Wednesday, May 15 and Moritz on Thursday, May 16 in Denver. Please advise if Thursday, May 9 or Monday, May 13 in Dallas is an option for Scheig.

Thank you,

Robin

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**From:** Tom Foley [[tfoley@foleybezek.com](mailto:tfoley@foleybezek.com)]

**Sent:** Thursday, April 18, 2019 8:36 PM

**To:** Blythe, Michele; Aaron Arndt; [mark@weisbartlaw.net](mailto:mark@weisbartlaw.net); [jbrouner@weisbartlaw.net](mailto:jbrouner@weisbartlaw.net)

**Cc:** Lydia Webb; Jason S. Brookner; Russell, Robin; Elder, Charles; James J. Ormiston; Rovira, Joseph; Morfey, Michael; Chantel Walker

**Subject:** RE: Rockies Region -- Protective Order

Group:

Ed Moritz is available to be deposed in Denver any day during the week of May 13-17, 2019. I am checking with Greg Scheig as to his availability to be deposed in Dallas. I should have that information by tomorrow.

Tom Foley

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**From:** Blythe, Michele <[MicheleBlythe@andrewskurth.com](mailto:MicheleBlythe@andrewskurth.com)>

**Sent:** Thursday, April 18, 2019 2:18 PM

**To:** Aaron Arndt <[aarndt@foleybezek.com](mailto:aarndt@foleybezek.com)>; Tom Foley <[tfoley@foleybezek.com](mailto:tfoley@foleybezek.com)>; [mark@weisbartlaw.net](mailto:mark@weisbartlaw.net); [jbrouner@weisbartlaw.net](mailto:jbrouner@weisbartlaw.net)

**Cc:** Lydia Webb <[lwebb@grayreed.com](mailto:lwebb@grayreed.com)>; Jason S. Brookner <[jbrookner@grayreed.com](mailto:jbrookner@grayreed.com)>; Russell, Robin <[RRussell@andrewskurth.com](mailto:RRussell@andrewskurth.com)>; Elder, Charles <[CElder@irell.com](mailto:CElder@irell.com)>; James J. Ormiston <[jormiston@grayreed.com](mailto:jormiston@grayreed.com)>; Rovira, Joseph <[JosephRovira@andrewskurth.com](mailto:JosephRovira@andrewskurth.com)>; Morfey, Michael <[MichaelMorfey@andrewskurth.com](mailto:MichaelMorfey@andrewskurth.com)>

**Subject:** RE: Rockies Region -- Protective Order

Counsel,

Thank you for taking the time to talk earlier today. Attached is the Protective Order that I believe all parties previously agreed to. Please confirm and we will file this for entry by the Court.

Thanks,  
Michele

**Michele R. Blythe**  
Counsel

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---

**From:** Aaron Lee Arndt [<mailto:aarndt@foleybezek.com>]  
**Sent:** Tuesday, February 19, 2019 12:59 PM  
**To:** Rovira, Joseph  
**Cc:** Lydia Webb; Jason S. Brookner; Russell, Robin; Thomas G. Foley Jr.; Chantel Walker; Elder, Charles; Blythe, Michele; James J. Ormiston  
**Subject:** Re: Rockies Region -- Protective Order

Joseph: The revised version circulated by Lydia is fine with us.

On 15 Feb 2019, at 8:48, Rovira, Joseph wrote:

Lydia,

Thank you, those comments are fine.

Aaron, any comments to the draft protective order? Thank you.

**Joseph Rovira**  
Associate

**HUNTON ANDREWS KURTH LLP**  
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**From:** Lydia Webb [<mailto:lwebb@grayreed.com>]  
**Sent:** Wednesday, February 13, 2019 11:18 AM  
**To:** Rovira, Joseph; 'Aaron Lee Arndt'  
**Cc:** Jason S. Brookner; Russell, Robin; Thomas G. Foley Jr.; Chantel Walker; Elder, Charles; Blythe, Michele; James J. Ormiston  
**Subject:** RE: Rockies Region -- Protective Order

Other than fixing the few nits reflected on the attached, the Debtors are fine with this.

Lydia Webb  
Associate

**Gray Reed & McGraw**

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**From:** Rovira, Joseph <[JosephRovira@andrewskurth.com](mailto:JosephRovira@andrewskurth.com)>  
**Sent:** Tuesday, February 12, 2019 5:13 PM  
**To:** 'Aaron Lee Arndt' <[aarndt@foleybezek.com](mailto:aarndt@foleybezek.com)>  
**Cc:** Jason S. Brookner <[jbrookner@grayreed.com](mailto:jbrookner@grayreed.com)>; Russell, Robin <[RRussell@andrewskurth.com](mailto:RRussell@andrewskurth.com)>; Lydia Webb <[lwebb@grayreed.com](mailto:lwebb@grayreed.com)>; Thomas G. Foley Jr. <[tfoley@foleybezek.com](mailto:tfoley@foleybezek.com)>; Chantel Walker <[cwalker@foleybezek.com](mailto:cwalker@foleybezek.com)>; Elder, Charles <[CElder@irell.com](mailto:CElder@irell.com)>; Blythe, Michele <[MicheleBlythe@andrewskurth.com](mailto:MicheleBlythe@andrewskurth.com)>  
**Subject:** RE: Rockies Region -- Protective Order

Aaron,

Following up on the below, attached please find a draft protective order. This tracks the form of order we used in the prior bankruptcy cases for other partnerships. I believe it covers the same concepts as the protective order used in the *Rodenfels* matter.

Please let us know if you have any questions or comments.

Jason and Lydia, please also advise if the Debtors have any comments.

Thank you.

**Joseph Rovira**

Associate

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---

**From:** Aaron Lee Arndt [<mailto:aarndt@foleybezek.com>]

**Sent:** Monday, February 04, 2019 4:20 PM

**To:** Rovira, Joseph

**Cc:** Jason S. Brookner; Russell, Robin; Lydia Webb; Thomas G. Foley Jr.; Chantel Walker; Elder, Charles

**Subject:** Re: Rockies Region -- Protective Order

Joseph,

Attached is a Word version of the most recent Confidentiality Agreement, which was signed in the *Rodenfels* action. Let me know if you have any questions.

--

Aaron Lee Arndt

**Foley Bezek Behle & Curtis, LLP**

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On 4 Feb 2019, at 10:23, Rovira, Joseph wrote:

All,

Please copy Chad Elder on emails regarding deposition scheduling for Mr. Moritz or Mr. Graves.

Also, Aaron, do you have a word version of the proposed protective order?

Thank you.

Joseph Rovira  
Associate

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-----Original Message-----

From: Jason S. Brookner [<mailto:jbrookner@grayreed.com>]  
Sent: Wednesday, January 30, 2019 7:45 PM  
To: Aaron Lee Arndt  
Cc: Russell, Robin; Rovira, Joseph; Lydia Webb; Thomas G. Foley Jr.; Chantel Walker  
Subject: Re: Rockies Region -- Protective Order

I already told Tom twice (today was the second time) that the Debtors will not be ready on 2-8 due to the slow flow of information (I am not casting aspersions — it just is).

We will get back to you with dates that might work after we talk to our expert and get a feel for his timing.

Sent from my iPhone

Jason S. Brookner  
Partner

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On Jan 30, 2019, at 6:54 PM, Aaron Lee Arndt  
<[aarndt@foleybezek.com](mailto:aarndt@foleybezek.com)<<mailto:aarndt@foleybezek.com>>> wrote:

All,

As you are aware, we have produced a large number of documents that support the valuation of the Partnerships' assets performed by our expert: Ed Moritz from Gustavson & Associates. And, it is likely that we will be producing additional documents between now and the mediation that are either responsive to the parties' further requests or that we feel are relevant to the mediation. All of these documents have been (and will be) uploaded to the ShareFile location that Lydia circulated earlier this month.

While all of these documents have been produced in furtherance of our upcoming mediation, and are therefore covered by the mediation privilege and confidentiality, our team thinks it's a good idea to enter into a confidentiality agreement that provides additional protections. Having spent a few years involved in litigation with PDC, we are aware that much of the information concerning the value of PDC's (and the Partnerships') assets is closely held and should not be disclosed to parties outside of the litigation. But, a confidentiality agreement will provide the necessary protection while encouraging the open exchange of information necessary for the mediation.

I am attaching to this email the prior confidentiality agreements that our firm entered into with PDC in the Schulein class action and the Rodenfels individual action from Colorado. These two agreements are substantially similar. If the group believes that these agreements are acceptable, then I can draft a version that can be filed in this case.

In addition, I want to reach out again about scheduling the deposition of Mr. Moritz. He is available on Friday, February 8 if that date works for the group. If not, please provide other potential dates for the deposition so we can plan accordingly.

--

Aaron Lee Arndt  
Foley Bezek Behle & Curtis, LLP  
15 West Carrillo Street, Santa Barbara CA 93101 tel (805) 962-9495 / fax (805) 962-0722

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<061.StipulatedConfidOrder.pdf>  
<ConfidentialityOrder Final.111417.pdf>

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