

EIGHTH JUDICIAL DISTRICT
COUNTY OF COLFAX
STATE OF NEW MEXICO

FILED
8TH JUDICIAL DISTRICT COURT
COLFAX COUNTY NM
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6/9/2021 4:37 PM
LAUREN M. FELTS-SALAZAR
DISTRICT COURT CLERK
Evanna Maldonado

Cause No. D-809-CV-2020-00183

BOARD OF DIRECTORS OF
ASSOCIATION OF ANGEL FIRE
PROPERTY OWNERS, INC., a
New Mexico non-profit corporation,

Plaintiff.

v.

ANGEL FIRE RESORT OPERATIONS, LLC,
a New Mexico limited liability company.

Defendant.

STIPULATED CONFIDENTIALITY AND PROTECTIVE ORDER

Plaintiff has served Defendant Angel Fire Resort Operations, LLC (“the Resort”) with discovery requests for certain documents (“documents”) (including but not necessarily limited to the 95% reports and segregated bank account statements) that the Resort considers proprietary, sensitive, and confidential. The parties, in order to expedite the exchange of discovery, agree that these documents will be treated as confidential and subject to the terms of this order.

The parties agree that:

1. The Resort will stamp the word “CONFIDENTIAL” either on each page of all such documents or on the box or folder or other physical medium in which they are produced.
2. The documents shall be shown only to the attorneys, the parties, parties’ experts, actual or proposed witnesses, and other persons whom the attorneys deem necessary to review the documents for the prosecution or defense of this lawsuit. Each person who is permitted to see the documents, shall first be shown a copy of this order and shall further be advised of his or

her obligation to honor the confidentiality designation.

3. All persons subject to this order expressly agree to maintain the confidentiality associated with the documents.

4. The parties agree that the documents may be used only in this litigation, and not for any business, commercial, or other purpose.

5. Any portion of a deposition that involves testimony about the documents will be designated as confidential. No portion of a deposition transcript in which the documents are discussed may be disclosed to any individual other than the individuals described in Paragraph 2 above and the deponent. All parties shall take reasonable steps to ensure that the confidential portions of the transcript are not disclosed except to those designated in Paragraph 2 above.

6. If counsel wish to use the documents or confidential transcript portions in pretrial motions, counsel shall file the documents and confidential transcript portions under seal, with an appropriate accompanying motion and proposed order. Specific portions of motions, briefs, or other court filings that quote or otherwise set forth the substance of the documents or the confidential transcript portions shall also be filed under seal. Upon such a filing, the Clerk of the Court shall maintain the confidentiality of the documents by restricting access to counsel of record, unless otherwise ordered by the Court after the parties are given advance notice and an opportunity to be heard before the designated confidential information is unsealed.

7. Nothing in this protective order shall preclude any disclosure required by law or other court order; provided, however, that any party receiving an order or other request for disclosure shall promptly provide such order or request to the Resort to permit the Resort to attempt to preserve its rights prior to disclosure, if practicable.

8. This order shall survive the termination of this action and shall remain in full

force and effect unless modified by an order of this Court or by the written stipulation of the parties filed with the Court.

9. At the conclusion of the litigation, Plaintiff agrees to return or provide proof of destruction of the documents and all confidential transcript portions or court filings quoting or discussing them. Plaintiff further agrees to certify to the Resort in writing that Plaintiff's expert witnesses and other persons to whom Plaintiff has provided the documents and other confidential materials based on the documents have returned, deleted, or destroyed the confidential material. Plaintiff also agrees to certify that the above-described materials will not be either regenerated or retrieved after they have been deleted or destroyed.

10. Consistently with the Order Regarding Motion to Compel, Plaintiff may challenge the confidentiality designation of any documents by motion to the Court for in camera inspection of the challenged documents. The motion, any response, and any reply shall be designated as confidential, and confidentiality of the subject matter will be preserved in any hearing on the motion. Unless and until there is an order from the Court upholding a challenge to the confidentiality designation of any documents, those documents will be governed by and subject to this protective order.

IT IS SO STIPULATED BY THE PARTIES, AND SO ORDERED BY THE COURT.


HON. EMILIO J. CHAVEZ
DISTRICT COURT JUDGE

Submitted by:

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By: /s/ Charles K. Purcell _____

Charles K. Purcell

Attorneys for Defendant Angel Fire Resort Operations, LLC

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Approved as to form by:

WALCOTT, HENRY & WINSTON, P.C.

By: _____

Donald A. Walcott

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