

VERMONT SUPERIOR COURT
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CIVIL DIVISION
Case No. 23-CV-02848

John Durkee, Executor of the Estate of H. Blaisdell, Jr. v. Trini Brassard, et al

DECISION ON MOTION
(Confidentiality Order)

After consideration of the arguments presented by the parties as to the production of certain requested documents, the Court hereby ORDERS as follows:

1. This Order (hereinafter, "Order") shall govern the production of financial documents to include, without limitation, certain documents consisting of the Defendants' personal financial records and information ("Confidential Information") sought in discovery by the Plaintiff and relevant to Plaintiff's claims as defined by V.R.C.P. 26(b).
2. The party from whom the Confidential Information is sought (the "Producing Party"), shall, within thirty (30) days of receipt by counsel of a copy of this Order, provide copies of the requested Confidential Information to the party that has made the discovery request, whether formal or informal (the "Requesting Party"). Each page of the documents provided shall be marked with a letter sequence unique to the Producing Party, identifying the Producing Party and a number sequence uniquely identifying each page produced ("Bates-number"), and bearing the following legend: **"Confidential Information—Produced Subject to Confidentiality Order in Case No. 23-CV-02848."**
3. If a Requesting Party objects to the classification of a document as Confidential Information, it shall notify the Producing party of the objection, and the parties shall consult to resolve the objection. If the objection is not resolved by good faith consultation, then the Requesting Party may make a motion for the Court to determine if they are properly classified as Confidential Information. Such a motion, if made, shall consolidate all of the Requesting Party's objections concerning classification into a single motion.

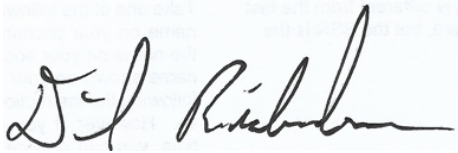
4. To the extent any Party has already produced Confidential Information, this Order will apply to such Confidential Information already produced and documentation to be produced.
5. Confidential Information shall be used by the Parties solely for purposes of preparing for and conducting the litigation and/or settlement of this matter, Docket No. 23-CV-2848, (including any related appellate proceedings). Such use is limited and defined by the provisions of this Order. Confidential Information may not be used for any other purpose or disseminated to any individual or entity that is not identified below.
6. Discoverable Confidential Information shall be disclosed or made available by the Requesting Party and/or their counsel only to “Qualified Persons” who shall consist solely of:
 - a. The Court, court personnel, and court reporters;
 - b. Deposition witnesses, only by agreement of the Party who produced the Discoverable Confidential Information (or, absent agreement, by order of the Court) and only after review of and agreement by each witness to be bound by the terms of this Order, evidenced by signing a copy of this Order;
 - c. Any person engaged by counsel to the parties in this matter or by the Parties to assist in litigation, including experts, consultants or others who are assisting a Party’s counsel in this matter, only by agreement of the Party who produced the Discoverable Confidential Information (or, absent agreement, by order of the Court) and only after review of and agreement by each such person to be bound by the terms of this Order; and
 - d. Mediator(s) retained jointly by the parties, only by agreement of the Party who produced the Discoverable Confidential Information (or, absent agreement, by order of the Court) and only after review of and agreement by each such mediator(s) to be bound by the terms of this Order.
7. Other than as set forth above, Confidential Information may not be disclosed to any other person absent a further Court Order authorizing such disclosure(s).
8. All parties and counsel as well as all Qualified Persons, as defined above, shall hold any and all Confidential Information in absolute confidence, and may only use and disclose such information as authorized by this Order.

9. To the extent any Party wishes to use any Confidential Information in connection with any pleading, motion, or other submission to the Court, all such submissions must be filed with the Court under seal.
10. The Parties may disclose Confidential Information as needed during the course of any hearing, trial, or other proceeding in open Court (including in connection with obtaining testimony from any witness, making offers of proof, etc.), provided that the Requesting Party seeking to disclose the Confidential Information shall give the Producing Party advance notice, and either Requesting or Producing Party may at his or her option ask the Court at the time to hold such Confidential Information in a sealed file.
11. Nothing herein shall be construed to impact in any way the admissibility of any document, testimony, or other evidence at trial in this matter. Nothing herein shall require the disclosure of material which counsel for any Party contends is protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable privilege, nor shall anything herein constitute a waiver of any claim of privilege or other protection from discovery. Nothing herein shall be deemed as a modification or expansion of the scope of the rules of civil procedure and evidence with respect to the discoverability and/or admissibility of any document or other information or materials produced during the course of this matter. Nothing in this Order shall be deemed to preclude a Party from seeking and obtaining, on an appropriate showing, additional protection with respect to the confidentiality of documents, testimony, court papers, or other matters.
12. Nothing herein shall be construed to limit in any way either Party's individual or personal use of Confidential Information related specifically to that Party's Confidential Information.
13. If Confidential Information is disclosed to any person other than in the manner authorized by his Order, the Requesting Party responsible for the disclosure shall, upon learning of the disclosure, inform counsel for the Producing Party and shall make every reasonable effort to retrieve the materials and prevent disclosure by the unauthorized person who received such information. The Producing Party affected by such a disclosure may seek sanctions, attorney's fees, or any other relief afforded by law.
14. The termination of this matter shall not relieve any Requesting Party to whom Confidential Information has been disclosed from the obligations of this Order. Every Qualified Person holding Confidential Information shall certify to counsel that they have returned all copies of the

Confidential Information and/or have destroyed such copies in their possession. Counsel shall share all such certifications with opposing counsel. Counsel for each Party may retain one copy of the Confidential Information contained in his/her files provided that the confidentiality provisions are continued and preserved. Any such copies shall not be considered part of the client and file and need not be returned to the client as part of any return of client files but may be retained and destroyed as part of Counsel's record-keeping policies and practices. All duplicate copies shall be destroyed or returned to the Producing Party within 30 days.

So Ordered.

Electronically signed on 4/28/2025 2:14 PM pursuant to V.R.E.F. 9(d)

A handwritten signature in black ink, appearing to read "D. Richardson", is written over a light blue rectangular background. To the right of the signature is a horizontal line.

Daniel Richardson
Superior Court Judge