

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:10-cv-01846-MSK-KMT

JEFFREY P. FEINMAN, Individually and on Behalf of All Others Similarly Situated,

Plaintiff,

v.

AMERICAN OIL & GAS, INC., a Nevada Corporation,  
PATRICK D. O'BRIEN,  
ANDREW P. CALERICH,  
JON R. WHITNEY,  
NICK DEMARE,  
C. SCOTT HOBBS,  
HESS CORPORATION, a Delaware Corporation, and  
HESS INVESTMENT CORP., a Nevada Corporation,

Defendants.

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**ORDER**

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This matter is before the court on Plaintiff's Motion for Expedited Discovery and Request for Expedited Ruling [Doc. No. 17, filed September 10, 2010]. Having engaged in negotiations between the parties and participated in two conferences with the court, the parties have agreed to a form of expedited discovery in this matter and have tendered a stipulation for consideration. See Doc. No. 23. Being fully advised, therefore, it is **ORDERED** that Plaintiff's Motion for Expedited Discovery [17] is GRANTED and the following shall become the Order of the court.

The Parties shall abide by the following schedule for fact discovery from both Defendants and Plaintiffs in the various actions,<sup>1</sup> and agree that all such discovery

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<sup>1</sup> In addition to the case herein, the parties have entered into identical stipulations concerning expedited discovery in the following cases: 10-cv-01808-CMA-MEH, *Morton Finkel, etc. v. American Oil & Gas, et al.*; 1:10-CV-01833-PAB-MEH, *Edgar Cobb, etc. v. American Oil & Gas, et al.*; and 10-CV-01852-MSK-MJW, *Jeffrey Veigel, etc. v. American Oil & Gas, et al.* This Order is applicable only to Case No. 10-cv-1846-MSK-KMT, *Jeffrey P. Feinman, etc. v. American Oil & Gas, et al.*

conducted pursuant to this Discovery Stipulation may be used in the various actions if, and to the extent, any such action proceeds.

2. Subject to the provisions of paragraph 3 below, the Parties agree that:

- (a) Defendants will produce documents responsive to the discovery order (as may be amended) in *Speight, Individually and on Behalf of All Others Similarly Situated v. American Oil & Gas, et al.*, Case No. 10 DC 003401B, "pending" in the First Judicial District Court of the State of Nevada in and for Carson City (the "Speight Action") and the Colorado federal plaintiffs' discovery requests, as set forth in Exhibit A, and Plaintiffs shall produce documents responsive to the requests set forth in Exhibit B hereto. The requests shall be construed to seek documents generated through July 27, 2010 and shall exclude privileged documents.
- (b) By September 15, 2010, or the date this stipulation is signed, Defendants shall substantially complete their production of documents.
- (c) By September 17, 2010, Plaintiffs shall substantially complete their production of documents.
- (d) By September 20, 2010, the Parties shall exchange privilege logs; if any;
- (e) Beginning September 20, 2010, and concluding no later than September 28, 2010, Defendants shall make the following witnesses available for deposition:
  - Patrick D. O'Brien;
  - Andrew P. Calerich;
  - Jon R. Whitney;
  - a person most knowledgeable at Tudor, Pickering, Holt & Co. concerning the Proposed Merger; and

- a person most knowledgeable at Hess concerning the Proposed Merger.

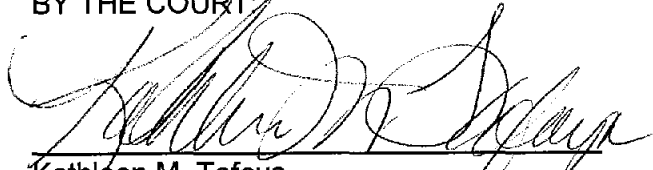
(f) Beginning September 20, 2010, and concluding no later than October 1, 2010, each Plaintiff, at Defendants' request, shall sit for deposition by Defendants.

3. The Parties agree that no discovery pursuant to this Discovery Stipulation, including, inter alia, document, deposition and other discovery, shall proceed with respect to a given action until the court has entered a Confidentiality Order.

**SO ORDERED.**

DATED this 16th day of September, 2010.

BY THE COURT:



Kathleen M. Tafoya  
United States Magistrate Judge