



IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

SNOW PHIPPS GROUP, LLC, and
DECOPAC HOLDINGS INC.,

Plaintiffs-Counterclaim Defendants,

v.

C.A. No. 2020-0282-KSJM

KCAKE ACQUISITION, INC.,
KOHLBERG INVESTORS VIII-B, L.P.,
KOHLBERG INVESTORS VIII-C, L.P.,
KOHLBERG TE INVESTORS VIII, L.P.,
KOHLBERG TE INVESTORS VIII-B, L.P.,
KOHLBERG INVESTORS VIII, L.P., and
KOHLBERG PARTNERS VIII, L.P.,

Defendants-Counterclaim Plaintiffs.

[PROPOSED] WITNESS PROTOCOL FOR REMOTE TRIAL

A. The Court's Remarks and Questions

After a witness is sworn in, the Court will make the following statements and ask the following questions on the record:

This trial is proceeding before me by remote means through use of the Zoom videoconferencing platform. Before testimony begins, I am going to review some preliminary questions and ask the witness to provide affirm agreement with the Witness Protocol.

1. [Ms./Mr. Witness] are you able to clearly hear me?
2. Are you able to clearly see me?
3. Will counsel for Plaintiffs who will be speaking today please identify themselves. [Counsel for Plaintiffs conducting the examination will speak their name and raise their hand].

4. Will counsel for Defendants who will be speaking today please identify themselves. [Counsel for Defendants conducting the examination will speak their name and raise their hand].
5. [Ms./Mr. Witness] are you able to clearly see and hear Plaintiffs' and Defendants' counsel?
6. If at any time you become unable to see or hear any other participant, I ask that you indicate that right away.
7. Do you understand that the oath you have sworn has the same effect as if you were in the courtroom in the Court of Chancery for the State of Delaware?
8. Where are you testifying from today (location, address)?
9. [Ms./Mr. Witness] You should have received a Witness Protocol from your counsel with the caption of this case and questions that I have asked you. Did you receive that from your counsel?
10. Have you read the "Witness Protocol" provided by your counsel?
11. Do you have any questions about the "Witness Protocol" provided by your counsel?
12. Can you comply with all aspects of the Witness Protocol for the duration of your testimony?

B. Witness Protocol

Each witness who affirms compliance with this Witness Protocol hereby affirms:

A. Location Affirmations

1. I am in a room with the door closed or in a separate and private area.
2. No one is in the room with me today.
3. I have no documents in front of me.
4. I do not have a phone with me or accessible to me.

5. Other than the device I am using to connect to this trial, I do not have any other computer, tablet or other device with me today.
6. I do not have any browser or window active on my computer other than this Zoom conference.
7. If I need to change or modify the camera or microphone on my computer to address any issues of hearing or seeing the trial participants, I will first inform the Court that I am doing so.

B. Testimony Affirmations

1. I will look directly at the camera unless directed to look at an exhibit or other document.
2. I will not communicate with counsel or anyone else while I am giving testimony, through verbal or non-verbal communications, text, chat or other means. I understand that if my counsel wants to raise an objection or other question during your testimony, counsel will first address the Court.
3. During breaks in testimony, I may communicate with my counsel, but will not discuss the substance or contents of my testimony. I understand that opposing counsel will be permitted to ask if I spoke with my counsel during breaks and if I discussed the substance or contents of my testimony.
4. I am not permitted to look on the web or access any information or documents while I am giving testimony or during breaks, unless instructed to do so by counsel or the Court. I understand that opposing counsel will be permitted to ask if looked at any documents or other information during breaks.
5. I will not look at exhibits unless directed to do so by counsel during questioning. I will not look at or review other exhibits or documents.
6. I will not alter or modify my image or video/audio feed of my testimony.
7. I will not record this trial or testimony.
8. I understand that the Court's instructions are an order of the Court that is legally binding on me.