

Fountain County Circuit Court

State of Indiana

SS:

County of Fountain

Cause No. 23C01-2505-CE-000223

**Keystone Cooperative, Inc.,**

*Plaintiff,*

v.

**Brock Frasch, and EVOLVE AG LLC,**

*Defendants.*

Hunter J. Reece, Special Judge

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**Public Notice of Hearing**

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Notice is hereby given that a Motion has been filed to seal the proceedings and to prohibit public access to Exhibits 2, 5, 22-27, and 29-40 ("Confidential Exhibits"), which were admitted by this Court and entered into evidence at the December 10, 2025 preliminary injunction hearing.

On December 30, 2025 at 9:00 AM, in the Warren Circuit Court a hearing will be held to determine whether the Motion to Seal should be granted. If the Motion to Seal is granted, public access to said information will be prohibited.

Date: 12/15/2025

  
Special Judge, Fountain Circuit Court

Distribution: All Counsel of Record Via the Electronic Filing System

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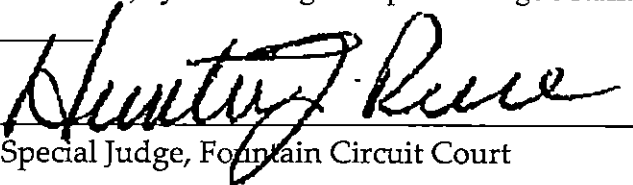
**Order Setting Hearing on Motion to Seal**

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The parties, by counsel, have requested leave to file Exhibits 2, 5, 22-27, and 29-40("Confidential Exhibits"), which were admitted by this Court and entered into evidence at the December 10, 2025 preliminary injunction hearing, under seal. Indiana Access Rule 6(C)(2) requires this Court to post notice regarding this request, and Rule 6(C)(3) requires a hearing on the same.

In accordance with those Rules, the Court ORDERS that this matter be set for hearing on December 30, 2025 at 9:00 A.M., in the Warren Circuit Courtroom.

Attorneys for the Parties may appear via Zoom, by contacting the Special Judge's staff.  
SO ORDERED on 12/15/2025

  
Special Judge, Fountain Circuit Court

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**Fountain County Circuit Court**

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**Parties' Joint Motion to Seal Materials**

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Plaintiff Keystone Cooperative, Inc. ("Plaintiff") and Defendants Brock Frasch and Evolve Ag LLC ("Defendants"), by counsel, respectfully request the Court seal Exhibits 2, 5, 22-27, and 29-40 ("Confidential Exhibits"), which were admitted by this Court and entered into evidence at the December 10, 2025 preliminary injunction hearing, pursuant to Indiana Trial Rule 5(G) and the Indiana Rules on Access to Court Records. In support, the Defendants state:

1. The Confidential Exhibits contain confidential business information of the Plaintiff and Defendants, including confidential customer information, confidential sales information, confidential pricing information, confidential vendor and supplier information, revenues, growth expectations, and other sensitive financial information that would assist the parties' competitors if publicly known.
2. The parties take active steps to keep this information confidential to protect such information from disclosure to the public, including the parties' competitors.

3. Indiana Access Rule 5(B)(2) says case records shall be excluded if they are confidential under an Indiana statute or other court rule.

4. The detailed sensitive financial and other business information contained in the Confidential Exhibits qualify as confidential business information, protectable under Indiana's Trade Secrets statutes. See Ind. Code §§ 24-2-3 *et seq.*

5. For the same reasons, the Confidential Exhibits should be kept under seal pursuant to Access Rule 6—dissemination of this confidential business information creates a significant risk of substantial harm to the parties for the same reasons described above. Competitors could use this information to see the parties' resource allocation, areas of growth, confidential financial information, and strategic deployment of resources, which competitors could use to unfairly compete against the parties.

6. In addition, Defendants' retention of some of the Confidential Exhibits forms the very basis of some of Plaintiff's claims in this action—if the Confidential Exhibits are not maintained under seal, it could irretrievably harm Plaintiff's ability to prove its claims.

7. Accordingly, the parties respectfully request that the Court hold the sealed filing of the Confidential Exhibits.

WHEREFORE, the parties tender this Motion to Seal and respectfully request the Court enter an order sealing Exhibits 2, 5, 22-27, and 29-40, which were admitted by this Court and entered into evidence at the December 10, 2025 preliminary injunction hearing, from public access and for all other just and proper relief.

Respectfully submitted,

/s/ Tracy N. Betz

Tracy N. Betz (#24800-53)

Jeffrey W. Parker (#35742-49)

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*Attorneys for Defendants  
Brock Frasch, and Evolve AG LLC*

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies on the 11th day of December, 2025, the foregoing document has been served upon all counsel of record via the Indiana E-Filing System.

A copy of this filing was also emailed to [court@warrencounty.in.gov](mailto:court@warrencounty.in.gov), on the same date.

/s/Tracy N. Betz  
Tracy N. Betz

**Fountain County Circuit Court**

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**Court Records Rule 6 Notice of Exclusion of  
Confidential Information from Public Access**

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The parties, by counsel, have submitted confidential information in accordance with Court Records Rule 6(A). Pursuant to that rule, the parties provide this notice that the confidential information contained is to remain excluded from public access in accordance with the authority listed below:

<u>Name or description of document filed Not for Public Access</u>	<u>Court Records Rule 6 grounds upon which exclusion is authorized.</u>
"Keystone Employee Handbook" (identified as Exhibit 2)	Court Records Rules 5, 6 – Document contains confidential information
"Evolve AG LLC Sales by Customer Summary" (identified as Exhibits 5 and 36)	Court Records Rules 5, 6 – Document contains confidential information

"Evolve Ag Business Plan" (identified as 22)	Court Records Rules 5, 6 – Document contains confidential information
"Combined – Evolve Product Needs 2025" (identified as Exhibit 23)	Court Records Rules 5, 6 – Document contains confidential information
"Evolve CP Planner – Wright" (identified as Exhibit 24)	Court Records Rules 5, 6 – Document contains confidential information
"Evolve CP Planner" (identified as Exhibits 25)	Court Records Rules 5, 6 – Document contains confidential information
"Evolve Franchise Earning Comparison" (identified as Exhibit 26)	Court Records Rules 5, 6 – Document contains confidential information
"Evolve Prospect List" (identified as Exhibit 27)	Court Records Rules 5, 6 – Document contains confidential information
"Keystone 2024 CPP Price List-Director Version 1 10 24" (identified as Exhibit 29)	Court Records Rules 5, 6 – Document contains confidential information
"Keystone Customer Analysis- all sales" (identified as Exhibit 30)	Court Records Rules 5, 6 – Document contains confidential information
"Keystone Customer Analysis- CP Micro PGR" (identified as Exhibit 31)	Court Records Rules 5, 6 – Document contains confidential information
"Keystone GROWMARK CP PRICE PAGES 11-26-2024" (identified as Exhibit 32)	Court Records Rules 5, 6 – Document contains confidential information
"Keystone GROWMARK CP PRICE PAGES 11-26-2024" (identified as Exhibit 33)	Court Records Rules 5, 6 – Document contains confidential information
"Keystone KS CP Price List" (identified as Exhibit 34)	Court Records Rules 5, 6 – Document contains confidential information
"Keystone-Ceres '22 Chemistry Planner Clem" (identified as Exhibit 35)	Court Records Rules 5, 6 – Document contains confidential information
"Updated Evolve AG LLC Sales by Customer Summary" (identified as Exhibit 36)	Court Records Rules 5, 6 – Document contains confidential information

Keystone 2024 Soybean CROP PLAN Estimated (identified as Exhibit 37)	Court Records Rules 5, 6 – Document contains confidential information
Evolve Crop Planner-Blank (identified as Exhibit 38, 39, and 40)	Court Records Rules 5, 6 – Document contains confidential information

Respectfully submitted,

/s/ Tracy N. Betz

Tracy N. Betz (#24800-53)

Jeffrey W. Parker (#35742-49)

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*Attorneys for Defendants  
Brock Frasch, and Evolve AG LLC*



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/s/Tracy N. Betz

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