

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA, *et al.*,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 1:20-cv-03010-APM

HON. AMIT P. MEHTA

STATE OF COLORADO, *et al.*,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 1:20-cv-03715-APM

HON. AMIT P. MEHTA

SUPPLEMENTAL ORDER ON POSTING OF TRIAL MATERIALS

As a supplement to the Orders at ECF Nos. 640, 647, and 725, related to the processes and procedures for the review of confidential materials and the process to post or otherwise disseminate admitted exhibits used with a witness at trial to the public, and having considered the positions of the parties and Intervenor New York Times, ECF No. 744, the court hereby orders the following additional process for specific trial exhibits requested by various press outlets:

1. Interested press outlets shall collectively designate a single press representative (“Designated Press Representative”), who is authorized to request specifically identified admitted trial exhibits used during any public trial session on behalf of all press outlets.
2. The Designated Press Representative shall submit a written request to the Parties at ATR.USvGoogle-Press-Requests@usdoj.gov, ColoradoetalvGoogle-PressRequests-

AGO@nebraska.gov, and USvGoogle-Press-Inquiries-External@google.com. Requests from the Designated Press Representative must be submitted by or before 7:00 p.m. ET.

Requests received after 7:00 p.m. ET will be deemed received the following day.

3. Requests for UPX exhibits shall be primarily handled by the Department of Justice. Requests for PSX exhibits shall be primarily handled by the State Plaintiffs. Requests for DX exhibits shall be primarily handled by Defendant Google.

Future Requests


4. For any requested exhibit that does not contain any party or third-party confidential information in the portion used during trial, the Parties shall act in good faith to provide the requested portions cleared for public use during trial pursuant to the Parties' separate confidentiality review process (a "Cleared Exhibit") within **two** business days.
5. For any requested exhibit that contains Google's confidential information, the Parties shall act in good faith to provide the requested Cleared Exhibit within **three** business days.
6. For any requested exhibit that contains any third party's confidential information, the Parties and the third party shall act in good faith to provide the requested Cleared Exhibit within **four** business days.
7. If the Designated Press Representative requests a Cleared Exhibit that was produced by a third party or otherwise contains third-party confidential information, the Parties shall notify the applicable third party that the request has been made pursuant to this Order. The third party must respond to that request within **two** business days. If the third party does not respond or otherwise fails to comply with a request, the Parties shall release the Cleared Exhibit.

Past Requests

8. After this order is entered, the Designated Press Representative shall promptly provide the Parties with a list of the requests for exhibits that have already been made by press outlets and are still pending.
 - a. Plaintiffs shall, within **two weeks** and on a rolling basis, provide to the Designated Press Representative the previously requested Cleared UPX and PSX Exhibits.
 - b. Defendant shall, by **October 30, 2023**, provide to the Designated Press Representative the two previously requested Cleared DX Exhibits containing Google confidential information. With respect to the approximately 44 previously requested Cleared DX Exhibits that contain the confidential information of third parties, Defendant shall notify the third parties of the pending request within 48 hours and shall produce the Cleared DX Exhibits to the Designated Press Representative on a rolling basis by **November 1, 2023**.
9. If the Parties are unable to provide the requested Cleared Exhibits within the time frames identified above, or if the Designated Press Representative requests more than ten exhibits in any single day, the Parties shall advise the court of an estimated date of delivery.
10. The Parties will indicate the date the Cleared Exhibit was created when it is posted or otherwise disseminated, unless this information cannot reasonably be determined by the Parties. The Parties need not separately indicate the relevant date if it is evident from the face of the Cleared Exhibit.
11. The Department of Justice shall share a copy of this order, once entered, with all third parties whose confidential information is contained in a Cleared Exhibit that is requested by the Designated Press Representative.

12. For the avoidance of doubt, this Order supplements, and does not replace, the confidentiality review processes detailed in the Orders at ECF Nos. 640 and 647, as well as the public posting process identified in ECF No. 725, which permits the Parties to post or otherwise publicly disseminate admitted trial exhibits on the same day an exhibit is admitted and used in public session.

Dated: October 25, 2023



Amit P. Mehta
United States District Court Judge