

No. 141, Original

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**In the  
SUPREME COURT OF THE UNITED STATES**

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STATE OF TEXAS,

Plaintiff,

v.

STATE OF NEW MEXICO and

STATE OF COLORADO,

Defendants,

UNITED STATES OF AMERICA,

Intervenor.

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**AMENDMENT TO NOVEMBER 14, 2018 STIPULATION REGARDING  
PROCEDURE FOR PRODUCTION OF DOCUMENTS AND  
ELECTRONICALLY STORED INFORMATION**

This amendment to the Stipulation Regarding Procedure for Production of Documents and Electronically Stored Information (ESI), filed by the States of Colorado, New Mexico, Texas, and the United States of America (collectively, “the

Parties”) on November 14, 2018 (Doc. No.<sup>1</sup> 142, “Stipulation,” attached as Exhibit A), is entered into by the Parties.

The Stipulation was approved by the Special Master in its Amendment to Case Management Plan on November 21, 2018. Doc. No. 145, at ¶ 2. The Stipulation and its appendices are intended to remain the same with one exception: the amendment substitutes the use of the Veritext Vault<sup>2</sup> as a document exchange repository with Box.com.

Box.com is the currently authorized file transfer protocol repository for use by the United States of America (“U.S.”). Doc. No. 128, at ¶ 5. To date, the process has been for the U.S. to upload its productions to Box.com, then those productions were downloaded into the Veritext Vault for access by all other Parties and Amici. Id.; see Stipulation at 16:3-7, ¶ 18(c).

The Parties agree that efforts and costs will be decreased if there is only one document repository, accessible to all Parties and to the Amici. Further, unlike the Veritext Vault, the United States is authorized to upload documents to Box.com and has determined that (a) all Parties and Amici may be granted access to Box.com, and (b) there will be no costs to the Parties or Amici for the use of Box.com. The Parties

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<sup>1</sup> All docket numbers referenced hereto are to the official court Docket of Special Master Michael J. Melloy of the U.S. Court of Appeals for the Eighth Circuit.

have therefore agreed to discontinue the use of the Veritext Vault and exchange documents solely through Box.com.

Accordingly, the Stipulation is amended as follows at 16:3-7, ¶ 18(c):

Service of ESI Productions. Unless otherwise agreed by the Parties, the Images must be produced and served via upload to Box.com, and must be followed by a Notice of Production, served upon all Parties in accordance with the CMP. Uploads to Box.com are deleted from Box.com after 365 days. The Parties shall be separately responsible for downloading the Images prior to their deletion from Box.com.

In addition, the following language referencing the Veritext Vault is stricken from the Stipulation:

- the final Whereas recital at 4:17 (the language stating: “and uploaded to the VeritextVault (as defined in paragraph (1)(a) herein”);
- 4:27-28; ¶1.a) (the entirety of this paragraph);
- 5:4-5, ¶ 1.c) (the language stating, “and designated to have access to the VeritextVault pursuant to section 7.2.1.1 of the CMP:”);
- 5:19-24, ¶ 1.f) (the entirety of this paragraph); and
- 17:16, ¶ 18.f)2) (the language stating “to the VeritextVault or other FTP”).

In all other respects the Stipulation and its appendices remain the same.

This amendment may be signed in counterparts and is fully executed on the date of the last signature. The below signatories affirm that they have the right to bind their respective Parties to this amendment.

By order dated this 16th day of April, 2025:

s/D. Brooks Smith  
Honorable D. Brooks Smith

Special Master  
United States Circuit Judge  
1798 Plank Road, Suite 203  
Duncansville, PA 16635  
Tel: 814-693-0570  
[chambers\\_of\\_judge\\_d\\_brooks\\_smith@ca3.uscourts.gov](mailto:chambers_of_judge_d_brooks_smith@ca3.uscourts.gov)

SUBMITTED AND APPROVED:

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