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10 IN THE SUPREME COURT OF THE UNITED STATES
11 BEFORE THE OFFICE OF THE SPECIAL MASTER
HON. MICHAEL J. MELLOY
12

13 STATE OF TEXAS

14 Plaintiff,

15 vs.

16 STATE OF NEW MEXICO; and STATE OF
COLORADO,
17

18 Defendants.

Original Action Case No. 220141
(Original 141)

INTERIM STIPULATION REGARDING
PROCEDURE FOR USE OF CENTRAL
REPOSITORY FOR DISTRIBUTION AND
SERVICE OF DISCOVERY,
PRODUCTIONS OF DOCUMENTS AND
DATA RESPONSIVE TO DISCOVERY

19 This Stipulation is entered into by the State of Texas (Texas), the United States of
20 America (United States), the State of New Mexico (New Mexico), and the State of Colorado
21 (Colorado) (individually a "Party" and collectively, "the Parties"):

22 WHEREAS, the Special Master, Honorable Judge Michael J. Melloy (Special Master) has
23 requested that the Parties meet and confer to formalize a procedure for productions of documents
24 and other discoverable information served and responded to in this matter, related to all stages of
25 discovery, including expert disclosures, reports, and rebuttals thereto, as well as data and
26 electronically stored information ("ESI", as defined in item d below) exchanged among the
27 Parties in support;

28 ///

1 to the TXNM VeritextVault Manager, who will upload said material to the VeritextVault. The
2 Accessing Entities, by selecting this option under the account settings for the VeritextVault, will
3 request that the VeritextVault transmit an automated message to notify all Accessing Parties that
4 new discovery requests, responses, or responsive Documents are available for download. The
5 TXNM VeritextVault Manager can assist Accessing Entities with this setting to ensure proper
6 notifications are provided.

7 4. All Parties will be responsible for transmitting their responsive Documents to the
8 TXNM VeritextVault Manager.

9 5. Given certain restrictions, the United States will not upload directly to the
10 VeritextVault and, alternatively, will provide a link to all Accessing Entities to directly download
11 responsive Documents from the United States' authorized file transfer protocol (FTP) repository,
12 Box.com, including the TXNM VeritextVault Manager, who will then download the United
13 States' Documents and upload them to the appropriate folder within the VeritextVault. All
14 Accessing Entities have been provided account access to Box.com by the United States' counsel
15 for direct download access. The TXNM VeritextVault Manager has agreed to download the
16 United States' discovery requests, responses, and Document productions from Box.com and
17 upload to the appropriate folder. Additionally, pending resolution of the cost allocation issue
18 addressed below at paragraph 9, Colorado will utilize the Box.com service provided by the
19 United States on an interim basis. Upon the Special Master's approval of a revised stipulation to
20 include a cost sharing allocation as contemplated in paragraph 9 below, Colorado will utilize the
21 VeritextVault as set forth herein.

22 6. The VeritextVault will contain specific folders where documents will be
23 maintained and stored in folders named according to the Producing Parties/Document
24 Custodian(s) which will be labeled in such a way to designate the date of production and the form
25 or type of discovery request to which the Document production is responsive. New folders will
26 be added by the TXNM VeritextVault Manager based upon instructions provided by counsel for
27 the Parties, as needed.

28 7. All Accessing Entities are bound by the privilege and confidentiality provisions set

1 forth in Sections 7.2.3 and 11 of the CMP, including any and all amendments, modifications
2 and/or supplements thereto, by and between the parties and/or as otherwise ordered by the Special
3 Master.

4 8. Any Document, when determined to be privileged, shall be removed from the
5 VeritextVault by the TXNM VeritextVault Manager.

6 9. The Parties are currently meeting and conferring regarding a reasonable allocation
7 of the costs of operating and maintaining the VeritextVault and will attempt to reach an
8 agreement on a cost allocation to present to the Special Master for approval. To that end, the
9 Parties intend to submit a revised stipulation to the Special Master that, once approved, will
10 supersede the terms of this interim stipulation.

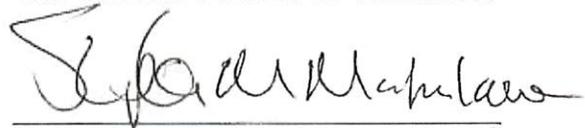
11 10. When the Parties inform the TXNM VeritextVault Manager that the case is
12 concluded, or as otherwise instructed by the Parties, the TXNM Veritext Vault Manager shall
13 permanently remove Documents from the VeritextVault.

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

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Dated: 9/28/2018

THE UNITED STATES OF AMERICA



James J. DuBois
Stephen Macfarlane
U.S. Department of Justice
Attorneys for the United States of America

Dated: 9/28/18

STATE OF TEXAS

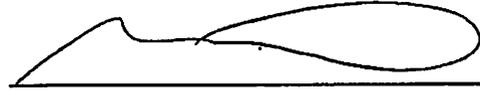


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STATE OF NEW MEXICO

Dated: 09/28/2018



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Dated: _____

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(Service via E-Mail and U.S. Mail)

Honorable Michael J. Melloy

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