

**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-3010

HON AMIT P. MEHTA

STATE OF COLORADO, *et al.*,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 1:20-cv-3010

HON AMIT P. MEHTA

Order on Posting Trial Materials

A Party (the “Posting Party”) ~~may~~must post on the internet or otherwise disseminate to the public an admitted trial exhibit or demonstrative that ~~was~~it used in open court by using the following process:

1. The Posting Party shall include any redactions pursuant to the court-ordered confidentiality process, and shall also redact all “personal identifiers,” as defined in Local Rule 5.4(f), as well as other personal identifiable information including direct telephone numbers, personal addresses, and the beginning of email addresses (i.e., everything before the “at” (@) symbol but not including names and affiliations of senders and recipients and the domain portion of email addresses (e.g., @usdoj.gov)).

2. The Posting Party shall provide the proposed redacted public version of an admitted exhibit in the form that it will be posted or otherwise disseminated to the ~~producing other~~ party (the “Noticed Party”) and non-parties with a confidentiality interest in the exhibit or demonstrative by 6 pm ET on the day the exhibit was used.
3. Within the 3-hour notice period (e.g., 9 pm ET), the ~~producing Noticed p~~Party and any relevant non-parties may notify the Posting Party of objections to public posting of the redacted admitted exhibit. The ~~objecting party~~objector must specifically identify the source of the objection and the parties shall meet and confer promptly on any such objections. If the parties cannot reach resolution, the parties ~~should be prepared to~~must raise the dispute with the court on the immediate next trial day. If the ~~n~~Noticed ~~p~~Party or non-party fails to respond before the expiration of the 3-hour notice period, the Posting Party ~~may~~shall proceed with public posting.
4. To the extent the Posting Party determines that no part of an exhibit can be publicly released on confidentiality grounds, it must so notify the Noticed Party using the process outlined above.
5. To the extent the Posting Party determines that an exhibit cannot be publicly released in full or in part on confidentiality grounds, and the Noticed Party does not object to the proposed sealing, the Posting Party must notify the Court of that fact the following trial day and make a showing that the sealing is justified under the *Hubbard* factors.
6. The process outlined above applies to exhibits and demonstratives used during sessions of court that were closed but are later made public through the unsealing of transcripts. For these exhibits, the Posting Party shall provide its proposed redacted public version of the

exhibit or demonstratives to the Noticed Party and relevant non-parties by 6 pm ET on the day the transcript is unsealed.

7. The process outlined above applies to the exhibit as it is admitted into evidence. In other words, the Posting Party may not decline to provide public access to the full exhibit on the grounds that only a portion of the exhibit was shown to a witness or the exhibit contains irrelevant material.
8. To the extent the Posting Party makes exhibits publicly available in response to email requests rather than by posting them online, it shall endeavor to provide the releasable portion of an exhibit as soon as possible after requested, and in no case more than 24 hours after the request is made.
9. For avoidance of doubt, the parties may not redact portions of an exhibit that is otherwise confidential if any party or the Court has in open court quoted those portions of the exhibit or meaningfully discussed their substance.
10. The Posting Party may not post an objected-to admitted exhibit without seeking authorization from the Court. For avoidance of doubt, a Party may not post exhibits solely used in ~~the a~~ closed session that remains under seal or those “pushed” into evidence without being used in open court, without agreement or seeking prior authorization from the Court.
11. To the extent the parties have not followed the process outlined above for exhibits already used in court, they shall have one week from the date of this amended order to do so and post exhibits online or otherwise make them available.
- 4.12. Nothing in this Order prejudices the right of the public and press to later raise objections to the sealing of a given exhibit.

Dated: _____

Hon. Amit P. Mehta
United States District Judge