

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKAIN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITHTHAT IS STORED AT PREMISES
CONTROLLED BY VERCEL, INC.,

Defendant.

8:25-MJ-465**SEALED****STIPULATION OF DISMISSAL**

On November 3, 2025, the United States (“the Government”) filed a motion for the Court to issue an order directing Vercel, Inc. (“Vercel”) to show cause as to why Vercel should not be held in contempt for failing to comply with its obligation to disclose information pursuant to the Court’s Search Warrant, No. 25-mj-465 (the “Search Warrant”), in the above-captioned matter. *See* ECF No. 3. The Government and Vercel (collectively, the “Parties”) have since resolved all issues related to Vercel’s compliance with the Search Warrant. Accordingly, the Parties, by and through their undersigned counsel, hereby stipulate to the dismissal of this matter based on the following agreed facts:

1. On August 11, 2025, Magistrate Judge Ryan Carson granted the Government’s application and issued the search warrant, No. 8:25MJ465.
2. On August 13, 2025, the United States served the Search Warrant on Vercel. Attachment B to the Search Warrant ordered Vercel “to disclose the [specified] information [related to the Target Account] to the government within 14 days of service of this warrant.”

3. Three days after Vercel received the Search Warrant, the user of the Target Account¹ deleted the Target Account. In those three days, Vercel did not make any attempt to preserve the Target Account. When the user deleted the Target Account, the data associated with that account automatically moved to a “deletion queue” for 30 days, and so Vercel maintained possession, custody, and control of the deleted data.
4. On August 24, 2025, Vercel, through outside counsel, advised that Vercel conducted a reasonably diligent search using its standard legal process response tools and did not identify any responsive records associated with the identifier provided in the search warrant.
5. Subsequently, and at the request of the Government, Vercel conducted follow-up searches and identified some records associated with the Target Account that had not been deleted. On September 5, 2025, and September 11, 2025, Vercel produced these records to the Government.
6. On September 6, 2025, Vercel represented that it was unable to preserve and produce any additional responsive records from the Target Account.
7. At the time Vercel received the search Warrant, Vercel’s legal process response tools were inadequate in two ways. First, they were not designed in a way that permitted members of Vercel’s Trust and Safety team to locate, preserve, and produce certain content, such as underlying source code or build outputs compiled from source code. Second, they were not designed in a way that permitted members of Vercel’s Trust and

¹ Here, the Target Account refers to a user account at Vercel associated with a “deployment,” which is Vercel’s process of using source code provided by the user to build a live website that can be accessed with a Uniform Resource Locator (URL).

- Safety team to locate, preserve, and produce content that resided in a deletion queue for approximately 30 days, despite Vercel's access to and control of the deletion queue.
8. On October 17, 2025, Vercel indicated that the responsive data had been deleted from its systems.
 9. On November 3, 2025, the Government filed a motion for the Court to issue an order directing Vercel to show cause as to why Vercel should not be held in contempt for failing to comply with its obligation to disclose information pursuant to the Court's Search Warrant.
 10. On November 3, 2025, the Court granted the government's request and set a show cause hearing for December 15, 2025.
 11. At the hearing, a software engineer for Vercel testified, establishing, in part, the facts set forth above.
 12. On February 2, 2026, Magistrate Judge Carson issued an order finding that the Government had established a prima facie case of contempt, and certified the case to the District Court and set a hearing "at which time Vercel, Inc. shall appear and show cause as to why it should not be found in civil contempt by the district court based upon the certified facts set forth herein and to determine whether sanctions, if any, should be imposed." ECF No. 28.
 13. Although the deadline for Vercel to disclose the information specified by the Search Warrant had long passed, on February 5, 2026, Vercel produced to the Government lambda source code and associated files it previously believed it did not possess, and, in any event, previously could not locate.
 14. Vercel was able to locate the responsive information via a non-production system.

15. Vercel has since updated its legal process response tools and procedures to enable the preservation and production of certain content, such as build outputs related to customer deployments.

16. Vercel has agreed to pay the government's fees and costs for having to litigate this matter.

CONCLUSION

WHEREFORE, the Parties hereby stipulate and agree that Vercel has now complied with the Warrant and this matter should accordingly be dismissed, and respectfully request that the Court issue a separate order requiring Vercel to pay for the government's fees and costs for having to litigate this matter. For administrative purposes, the agreed upon amount will be provided to the Court under a separate joint motion.

Respectfully submitted this 5th day of June, 2026.

Respectfully submitted,

Attorneys for Respondent, Vercel, Inc.

s/ Katherine A McNamara
Katherine A McNamara, #25142
McGrath North Mullin & Kratz, PC LLO
1601 Dodge Street, Suite 3700
Omaha, NE 68102
(402) 633-1523
(402) 341-0216 (Fax)
kmcnamara@mcgrathnorth.com

and

Jacob Sommer (pro hac vice pending)
Daniel de Zayas (pro hac vice pending)
ZwillGen PLLC
1900 M Street NW, Suite 250
Washington, D.C. 20036
(202) 296-3585
Jake@zwillgen.com Daniel@zwillgen.com

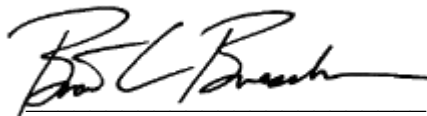
Attorneys for the United States

s/ Sean P. Lynch
Sean P. Lynch
SEAN P. LYNCH, #25275
Assistant U.S. Attorney
1620 Dodge Street, Ste. 1400
Omaha, Nebraska 68102
Tel: (402) 661-3700
Fax: (402) 661-3084
E-mail: sean.lynch@usdoj.gov

s/ Michael J. Christin
Michael J. Christin
Senior Counsel
District of Columbia No. 1003481
Computer Crime and Intellectual Property
Section
U.S. Department of Justice
1301 New York Ave. NW
Suite 600
Washington, D.C. 20530
Telephone: (202) 353-9480
Fax: (202) 514-6113
E-mail: michael.christin@usdoj.gov

Dated this 9th day of June, 2026.

IT IS ORDERED BY THE COURT:



Brian C. Buescher
United States District Judge