

Amendment to Modulo LLC Terms of Use Applicable to Other Government Entities in the U.S.

LAST UPDATED: APRIL 6TH, 2014

This Amendment applies if you are a government, an agency or other unit of government located in the United States, or a federally recognized Indian tribe (a “Government Entity”) and applies to any Governmental Entity users and accountholders who use or access the Services. This Amendment amends Modulo LLC’s general Terms of Use available at <https://www.modulodesignstudio.com/legal> (the “TOU”) as it pertains to the Government Entity’s use of the Services. This Amendment does not apply to you if the “Amendment to Modulo LLC Terms of Use Applicable to U.S. Government Users and Subscribers” at <https://www.modulodesignstudio.com/legal> applies to you. Capitalized terms that are not expressly defined in this Amendment have the meanings given to them in the TOU.

The Terms (as defined in the TOU) are amended as follows:

1. Indemnities.

Any provision in the Terms under which the Government Entity indemnifies Modulo LLC are waived. The liability of the Government Entity for any breach of the Terms or any claim arising from the Terms shall be determined under the relevant State Tort Claims Act, or other state governing authority. The liability of Modulo LLC for any breach of the Terms, or any claim arising from the Terms, shall be determined by applicable state law.

2. Governing Law.

If the law establishing or otherwise governing the Government Entity expressly requires the Government Entity to enter into contracts under a particular law and/or prohibits any choice of law provision imposing any law other than the law under which the Government Entity is authorized to act, then all “Governing Law” and “Jurisdiction” clauses in the TOU, and all other provisions related to dispute resolution are deleted. In lieu thereof, the Terms shall be governed, interpreted and enforced in accordance with the applicable laws of the Government Entity’s state and jurisdiction shall reside in the courts of such state. For the avoidance of doubt, in the absence of applicable law (and unless prohibited by law), the laws of the State of California will apply. The Government Entity and Modulo LLC may, by mutual consent, elect to use alternative dispute resolution methods.

Revisions:

April 6, 2014 updates to June 25, 2013 version:

- Added federally recognized Indian tribes to definition of Government Entity.