

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

AMERICAN EDUCATIONAL RESEARCH	)	
ASSOCIATION, INC., AMERICAN	)	
PSYCHOLOGICAL ASSOCIATION, INC.,	)	
and NATIONAL COUNCIL ON	)	
MEASUREMENT IN EDUCATION, INC.,	)	Civil Action No. 1:14-cv-00857-CRC
	)	
Plaintiffs,	)	<b>CONSENT MOTION FOR</b>
	)	<b>EXTENSION OF TIME FOR</b>
v.	)	<b>PLAINTIFFS TO RESPOND TO</b>
	)	<b>DEFENDANT’S COUNTERCLAIM</b>
PUBLIC.RESOURCE.ORG, INC.,	)	<b>FOR DECLARATORY RELIEF</b>
	)	
Defendant.	)	
	)	

Plaintiffs, American Educational Research Association, Inc. (“AERA”), American Psychological Association, Inc. (“APA”), and National Council on Education Measurement in Education, Inc. (“NCME”) (collectively, “Plaintiffs”), respectfully move this Court pursuant to Fed. R. Civ. P. 6(b) and LCvR 7 for an extension of time until August 25, 2014 to answer or otherwise respond to Defendant’s Counterclaim for Declaratory Relief.

Prior to the filing of this motion, pursuant to LCvR 7(m), on July 22, 2014, Plaintiffs’ undersigned counsel conferred with Defendant’s counsel, Mitch Stoltz, via telephone and e-mail in a good faith effort to determine whether there would be any opposition to the relief sought by Plaintiffs. Defendant consents to the relief requested herein.

**Statement of Points and Authorities**

Defendant electronically filed its counterclaim in this case on July 14, 2014. Counsel for all parties conferred via telephone on July 22, 2014, at which time undersigned counsel for Plaintiffs requested Defendant’s consent to a 21-day extension of time to answer or otherwise respond to the counterclaim, moving the response date to August 25, 2014. Mitch Stoltz,

counsel for Defendant, consented to this relief by e-mail later in the day on July 22, 2014.

Fed. R. Civ. P. 6(b)(1) provides that the court may extend a filing deadline for good cause. Good cause exists here because: (i) all parties consent to the requested extension, (ii) no party will be prejudiced by the requested extension, and (iii) no other deadlines have yet been set in this case that would be affected by the requested extension.

ACCORDINGLY, Plaintiffs respectfully request that the Court grant Plaintiffs an extension until August 25, 2014 to answer or otherwise respond to Defendant's counterclaim.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, LLP

Dated: July 23, 2014

By:

/s/ Jonathan Hudis

Jonathan Hudis (DC Bar # 418872)  
Kathleen Cooney-Porter (DC Bar # 434526)  
OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, LLP  
1940 Duke Street  
Alexandria, VA 22314  
Tel. (703) 413-3000  
Fax (703) 413-2220  
E-Mail [jhudis@oblon.com](mailto:jhudis@oblon.com)  
E-Mail [kcooney-porter@oblon.com](mailto:kcooney-porter@oblon.com)

Attorneys for Plaintiffs

AMERICAN EDUCATIONAL RESEARCH  
ASSOCIATION, INC.  
AMERICAN PSYCHOLOGICAL  
ASSOCIATION, INC.  
NATIONAL COUNCIL ON  
MEASUREMENT IN EDUCATION, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on July 23, 2014, the foregoing **CONSENT MOTION FOR EXTENSION OF TIME FOR PLAINTIFFS TO RESPOND TO DEFENDANT'S COUNTERCLAIM FOR DECLARATORY RELIEF and [PROPOSED] ORDER** were filed using the CM/ECF system that sent notice of the filing of these documents to all counsel of record, and was also served via e-mail to:

Andrew P. Bridges  
FENWICK & WEST LLP  
555 California Street, 112<sup>th</sup> Floor  
San Francisco, CA 94104  
abridges@fenwick.com

David Halperin  
1530 P Street NW  
Washington, DC 20005  
davidhalperindc@gmail.com

Mitchell L. Stoltz  
ELECTRONIC FRONTIER FOUNDATION  
815 Eddy Street  
San Francisco, CA 94109  
mitch@eff.org

Counsel for Defendant  
PUBLIC.RESOURCE.ORG, INC.,

*/s/ Jonathan Hudis*

\_\_\_\_\_  
Jonathan Hudis