

**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.,)	
)	
Plaintiffs/Counterclaim Defendants,)	Civil Action No. 1:14-cv-00857-TSC
)	
v.)	DECLARATION OF JONATHAN HUDIS IN SUPPORT OF PLAINTIFFS’ MOTION TO COMPEL DISCOVERY, PRIVILEGE LOG, AND FOR FURTHER INITIAL DISCLOSURES
)	
PUBLIC.RESOURCE.ORG, INC.,)	
)	
Defendant/Counterclaimant.)	
)	

I, JONATHAN HUDIS, declare:

1. I am a partner with Oblon, Spivak, McClelland, Maier & Neustadt, LLP, counsel to Plaintiffs, AMERICAN EDUCATIONAL RESEARCH ASSOCIATION, INC. (“AERA”), AMERICAN PSYCHOLOGICAL ASSOCIATION, INC. (“APA”) and NATIONAL COUNCIL ON MEASUREMENT IN EDUCATION, INC. (“NCME”) (collectively, “Plaintiffs”) in the captioned action. I submit this Declaration in support of Plaintiffs’ motion to compel discovery, privilege log, and for further initial disclosures from Defendant.

2. The parties’ counsel had their meet-and-confer telephone conference pursuant to Fed. R. Civ. P. 26(f) on September 25, 2014.

3. The Court’s Scheduling Order [Dkt. No. 22] has set the close of fact discovery for March 16, 2015.

4. Accompanying this Declaration as Exhibit A is a true copy of Plaintiffs’ First Set of Interrogatories served by e-mail on Defendant’s counsel on October 1, 2014.

5. Accompanying this Declaration as Exhibit B is a true copy of Plaintiffs' First Production Requests served by e-mail on Defendant's counsel on October 1, 2014.

6. Accompanying this Declaration as Exhibit C is a true copy of Plaintiffs' First Admissions Requests served by e-mail on Defendant's counsel on October 1, 2014.

7. Accompanying this Declaration as Exhibit D is a true copy of Defendant's Objections and Responses to Plaintiffs' First Set of Interrogatories, served on November 3, 2014.

8. Accompanying this Declaration as Exhibit E is a true copy of Defendant's Objections and Responses to Plaintiffs' First Production Requests, served on November 3, 2014.

9. Accompanying this Declaration as Exhibit F is a true copy of Defendant's Objections and Responses to Plaintiffs' First Admissions Requests, served on November 3, 2014.

10. Accompanying this Declaration as Exhibit G is a true copy of Defendant's Initial Disclosures, served on November 14, 2014.

11. Accompanying this Declaration as Exhibit H is a true copy of a letter dated November 10, 2014 from me and my partner, Kathleen Cooney-Porter, to Defendant's counsel.

12. Accompanying this Declaration as Exhibit I is a true copy of a letter dated November 13, 2014 from Andrew Bridges, Defendant's counsel.

13. Accompanying this Declaration as Exhibit J is a true copy of a letter dated November 14, 2014 from me and my partner, Kathleen Cooney-Porter, to Defendant's counsel.

14. Accompanying this Declaration as Exhibit K is a true copy of a letter dated November 18, 2014 from me and my partner, Kathleen Cooney-Porter, to Defendant's counsel.

15. Accompanying this Declaration as Exhibit L is a true copy of a letter dated November 19, 2014 from Andrew Bridges, Defendant's counsel.

16. The parties' counsel, on November 20, 2014, participated in a telephone conference to discuss outstanding discovery issues.

17. Accompanying this Declaration as Exhibit M is a true copy of a letter dated November 21, 2014 from me and my partner, Kathleen Cooney-Porter, to Andrew Bridges, Defendant's counsel.

18. Accompanying this Declaration as Exhibit N is a true copy of a letter dated November 24, 2014 from Andrew Bridges, Defendant's counsel.

19. Accompanying this Declaration as Exhibit O is a true copy of a letter dated November 25, 2014 from me and my partner, Kathleen Cooney-Porter, to Defendant's counsel.

20. Accompanying this Declaration as Exhibit P is a true copy of a letter dated December 19, 2013 from Defendant's President and Founder, Carl Malamud, to John Neikirk, Director of Publications, AERA.

21. Accompanying this Declaration as Exhibit Q is a true copy of the Merriam-Webster Dictionary's definition of the term "publish" available at www.merriam-webster.com/dictionary/publish (last visited on December 11, 2014).

22. Accompanying this Declaration as Exhibit R is a true copy of the Merriam-Webster Dictionary's definition of the term "post" available at www.merriam-webster.com/dictionary/post (last visited on December 11, 2014).

I DECLARE, under the penalty of perjury, that the foregoing is true and correct.

/s/ Jonathan Hudis

Jonathan Hudis