

**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-TSC
Plaintiffs/Counterclaim Defendants,)	[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION TO COMPEL DISCOVERY, PRIVILEGE LOG, AND FURTHER INITIAL DISCLOSURES
v.)	
PUBLIC.RESOURCE.ORG, INC.,) Defendant/Counterclaimant.))	

THIS MATTER comes before the Court on Plaintiffs' Motion to Compel Discovery, Privilege Log, and Further Initial Disclosures.

This is an action by three non-profit organizations: the American Educational Research Association, Inc., the American Psychological Association, Inc., and the National Council on Measurement in Education, Inc. (collectively, "Plaintiffs"), creators of the work entitled "Standards for Educational and Psychological Testing" (1999 ed.) (the "Standards"). Pursuant to the Copyright Act, 17 U.S.C. §§ 101, *et seq.*, Plaintiffs seek injunctive relief against Public.Resource.Org, Inc. ("Defendant") for infringement and contributory infringement of Plaintiffs' copyright in the Standards. Defendant filed an answer and counterclaim asserting certain defenses and seeking declaratory relief.

Plaintiffs served their First Set of Interrogatories, First Production Requests, and First Admission Requests (collectively, "Discovery Requests") on Defendant on October 1, 2014. Defendant served its responses to the Discovery Requests on November 3, 2014.

Despite the passage of nearly two and half months and repeated follow-up efforts by Plaintiffs, Defendant has not produced any responsive, non-privileged materials, committed to a date by which any such materials will be produced, or supplemented its deficient responses to Plaintiffs' Discovery Requests. Defendant further has not provided a log sufficient to preserve its privilege objections. The Court additionally finds that the recitation of documents in Defendant's Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1)(A)(ii) is deficient.

Having fully considered the moving and opposition papers, and all other matters presented to the Court, it is hereby

ORDERED that Plaintiffs' Motion is **GRANTED**, and it is further

ORDERED that Defendant supplement its responses to Plaintiffs' Interrogatories Nos. 5–8; and it is further

ORDERED that Defendant produce materials it already has identified in responding to Plaintiffs' Interrogatories Nos. 1, 3, and 5–7; and it is further

ORDERED that Defendant supplement its responses to Plaintiffs' Production Requests Nos. 6–7, and 9; and it is further

ORDERED that Defendant Produce materials responsive to Plaintiffs' Production Requests Nos. 1–9; and it is further

ORDERED that Defendant produce a privilege log specifically identifying materials being withheld on privilege grounds, and the reasons therefor; and it is further

ORDERED that Defendant supplement its responses to Plaintiffs' Admission Requests Nos. 3, and 6–8; and it is further

ORDERED that Defendant supplement its Initial Disclosures required under Fed. R. Civ. P. 26(a)(1)(a)(ii); and it is further

ORDERED that Defendant shall serve the above-noted items, documents and supplementation on Plaintiffs' counsel no later than _____, 20__.

IT IS SO ORDERED:

Dated: _____, 20__

Hon. Tanya S. Chutkan
United States District Judge

{431384US, 11381476_1.DOCX}

Attorneys to be notified of the entry of this Order:

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