

# EXHIBIT O

Case No. 1:14-cv-00857-TSC -DAR



November 25, 2014

**Via E-Mail**

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Re: *American Education Research Association, Inc. et al. v. Public.Resource.Org, Inc.*  
Civil Action No.: 1:14-cv-00857-TSC  
Our Ref: 431384US-332060-332060-69-L DMS

Dear Andrew:

We respond to your letter of November 24, 2014.

**1. Definitions for “accessed,” “viewed,” and “downloaded”**

For purposes of Public Resource providing supplementary responses to Plaintiffs’ outstanding written discovery, we agree with Public Resource’s proposed definitions of “accessed,” “viewed,” and “downloaded” – as noted in your November 24<sup>th</sup> letter.

**2. Definition for “publication”**

Based on the parties’ exchanges of correspondence and telephone discussions, we continue to disagree on the definition for “publication” as used in Plaintiffs’ written discovery served to date.

**3. Supplemental Discovery Responses and Documents**

The parties have come to agreement on the definitions of most disputed terms used in Plaintiffs’ discovery requests. The parties also have come to an understanding regarding the parameters of a log of withheld materials. On the other hand, we raised numerous discovery issues in our correspondence of November 10, 14, 18 and 21, 2014, and in our telephone discussion had with you on November 20, 2014. Many of these disputed discovery issues remain unresolved.

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We therefore look forward to Public Resource providing its supplemental discovery responses, document production, and a privilege log by **December 8, 2014**.

Very truly yours,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.



Jonathan Hudis



Kathleen Cooney-Porter

JH/jh {11299299\_1.DOCX }

cc: American Educational Research Association, Inc.  
American Psychological Association, Inc.  
National Council on Measurement in Education, Inc.  
Katherine D. Cappaert, Esq.  
Counsel of Record