

EXHIBIT MM

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



PUBLIC.RESOURCE.ORG ~ A Nonprofit Corporation

Public Works for a Better Government

Re: American Educational Research Association., Inc. et al v.
Public.Resource.Org, Inc., No. 1:14-cv-00857

This memorandum is in reference to the lawsuit named above, which concerns the document entitled "Standards for Educational and Psychological Testing" which was duly incorporated by the Office of the Federal Register into the Code of Federal Regulations and specifically in response to the stated intention to file a preliminary injunction motion.

Public.Resource.Org believes firmly that because the document in question has been explicitly incorporated into federal law, it has the right to post it on its website, and that it will prevail in this case. Public Resource also believes that this case deserves the court's fullest consideration, without a rush to reach an interim ruling in the absence of a full record.

In order to focus this case on developing an appropriate record for a decision on the merits, Public.Resource.Org has voluntarily removed the document in question from the websites under its control and has removed the document from all public access on the Internet Archive.

Until the conclusion of trial on the merits in this case, Public.Resource.Org will keep the document in question off of the websites under its control and will not disseminate the document, in whole or in part, including any revisions, and will maintain the status on the Internet Archive to prevent any public access to the document from the Archive's websites.

Public.Resource.Org believes that this action obviates any need for plaintiffs to rush the court to a judgment on a partial record of their own selection without a full opportunity for all parties to develop the facts and issues of the case for trial.

Carl Malamud, President and Founder

June 12, 2014
Date

