EXHIBIT 7
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.
Plaintiffs, ) 1:14-cv-00857-TSC-DAR
v. )
PUBLIC.RESOURCE.ORG, )
Defendant. )

_________________________________

VIDEOTAPED DEPOSITION OF CARL MALAMUD

DATE:               May 12, 2015
TIME:               9:33 a.m.
LOCATION:           Fenwick & West
                   555 California Street
                   12th Floor
                   San Francisco, California 94104
REPORTED BY:     Diane S. Martin, CSR 6464, CCRR
expertise or conclusion.

BY MR. HUDIS:

Q. Should I repeat the question, Mr. Malamud?
A. Yeah.

Q. Does Exhibit 18 indicate to you that Public.Resource attained its nonprofit status in September of 2007?

MR. BRIDGES: Same objections.

THE WITNESS: The date of the letter is September 25th. That's not the date of the nonprofit status.

BY MR. HUDIS:

Q. What is the date of the nonprofit status?
A. April 13th, 2007.

Q. Fair enough. And I see that date.
A. Yeah.

Q. Thank you very much.

(PLAINTIFFS' EXHIBITS 19-20 WERE MARKED.)

BY MR. HUDIS:

Q. Mr. Malamud, please take a moment to look at Exhibits 19 and 20.
A. Okay.

Q. Have you looked at the exhibits?
A. Yes, I have.

Q. Could you tell me what Exhibit 19 is?
A. It looks like an out of date copy of the Public.Resource.Org home page.

Q. So since the time that my office printed this web page of Exhibit 19, you have updated the content since then?

MR. BRIDGES: Objection. Misstates testimony; vague and ambiguous.

THE WITNESS: When did you print this?

BY MR. HUDIS:

Q. Our best recollection is January of 2015.
A. I don't know. I would have to double-check.

Q. I amend that because Exhibit 20 was also printed on the same date. So we probably printed it in March of 2014.
A. Yeah. That makes sense.

Q. So this -- so Exhibit 19 and 20 appears to you to be the content of the home page and the about page of the Public.Resource.Org website in or about March of 2014?

MR. BRIDGES: Objection. May call for speculation if he doesn't have definite memory; vague and ambiguous; compound; lacks foundation.

THE WITNESS: I'd have to speculate. It has the look and feel of what those pages typically look like, but I don't know at specific points in time.

BY MR. HUDIS:

Q. Now, Exhibit 19, in the center are these some of the websites that Public.Resource provides to the public?

A. Yes. And there's one more website that I forgot to tell you about on there.

Q. Which one?
A. Bulk --

MR. BRIDGES: I'm sorry.

THE WITNESS: Pardon me.

MR. BRIDGES: I object on the grounds it lacks foundation; very confusing to me.

What are you directing his attention to in this exhibit?

MR. HUDIS: Sure. Counsel, do you see where it says "Watch FedFlix" in the center of the page on Exhibit 19?

MR. BRIDGES: Right.

MR. HUDIS: And there are a number of websites listed below that?

MR. BRIDGES: Okay. I just wanted to be clear.

MR. HUDIS: Yes.

MR. BRIDGES: If that's what you're referring to, fine.

MR. HUDIS: Yes.

BY MR. HUDIS:

Q. So continue, Mr. Malamud.
A. Bulk.resource.org is the website that I forgot to tell you about.

Q. So what kind of information is provided on the Bulk.resource.org website?
A. Its primary function is the home for approximately 8 million IRS-exempt organization filings.

Q. And when you say "exempt," do you mean tax exempt?
A. Exempt organizations is a category that the IRS has assigned. Many of them are tax exempt, but it also includes political organizations.

Q. So if I remember my Internal Revenue Code, those are 501(c)(3) and 501(c)(4) organizations?

MR. BRIDGES: Objection. May call for legal expertise or conclusion.

THE WITNESS: Also section 527 organizations.

BY MR. HUDIS:

Q. So all three?
Q. In what way would data files be considered content for the Internet?
A. So content in my mind, and again, this is a broad, philosophical topic, implies something that a human being can look at and take some meaning from.

Q. Which brings me to my next question.
A. There are others, and I do not know what that you can think of as we sit here now?

Q. Could you tell us what an HTTP question is, they are right now.
A. Okay. Let me preface this by saying I would want to review the HTTP protocol specification, but there are several, I can say that for a fact.

Q. All right. So if you could name me a few of the ones that you recall at this time.
A. One of the more common requests is the get request, g-e-t. And that request is how a client asks for a particular URL from a server.

Q. All right. What's another type of HTTP request?
A. The post request is used to add data to, for example, a web form on the server.

Q. Can you tell us another type of HTTP request?
A. The head request asks for the metadata associated with the document, such as the last modified time or the number of bytes.

Q. Can you name another type of HTTP request?
A. There is a put request, and I would have to consult for the precise definition of that one.

Q. What generally does a put request do?
A. The put request is used to add data to the data file.

Q. All right. What's another type of HTTP request?
A. The post request is used to add data to, for example, a web form on the server.

Q. Can you tell us another type of HTTP request?
A. The head request asks for the metadata associated with the document, such as the last modified time or the number of bytes.

Q. Can you name another type of HTTP request?
A. There is a put request, and I would have to consult for the precise definition of that one.

Q. What generally does a put request do?
A. The put request is used to add data to the data file.

Q. All right. What's another type of HTTP request?
A. The post request is used to add data to, for example, a web form on the server.

Q. Can you tell us another type of HTTP request?
<table>
<thead>
<tr>
<th>Page 158</th>
<th>Page 160</th>
</tr>
</thead>
</table>
| 1 Q. Could we turn to the next page. Page 3225 of Exhibit 22. It says two-thirds of the way down the page, "I gave a little speech about the morals necessity of disseminating standards."
| 2 A. This was a --
| 3 MR. BECKER: Objection. Vague.
| 4 THE WITNESS: This was in the context of a visit to the International Organization For Standards or organization, known as -- International Organization For Standardization, known as ISO. The acronym is different than the name, which says something about them.
| 5 And this was the organization that was attempting to have the whole Internet run on the open systems interconnection protocol suite, and my little speech to the gentlemen that I visited was that if they wanted their protocol suite to be ubiquitous, to be globally adopted, that would only work if those standards were readily available for people to read.
| 6 BY MR. HUDIS:
| 7 Q. What is an ITU specification?
| 8 A. How a modem works, for example.
| 9 Q. And please define ISO.
| 10 A. ISO is the International Organization for Standardization.
| 11 Q. And the next sentence begins with Eicher.
| 12 Who is Eicher?
| 13 A. Eicher was the secretary general of the International Organization for Standardization.
| 14 Q. Now, the rest of this paragraph reads, "Eicher was quite frank. 25 percent of ISO revenues came from the sale of standards documents. How did I propose to replace that revenue? Even more importantly, ISO was controlled by its member organizations, which also made much money from standards sales. How did I propose to convince groups like ANSI that posting standards for free would help them?"
| 15 Do you see that?
| 16 A. Yes, I do.
| 18 BY MR. HUDIS:
| 19 Q. In this context -- sorry. I'm sorry if I spoke over you.
| 20 |

<table>
<thead>
<tr>
<th>Page 159</th>
</tr>
</thead>
</table>
| 1 Q. When you say "readily available," do you mean -- did you mean readily available for free?
| 3 THE WITNESS: The IETF made its protocol specifications available for me. And my little moral lecture to the International Organization For Standardization was that if they wished to win this race to become the basis for the modern Internet, that would only happen if their standards were, in fact, available for free, so anybody could read them.
| 4 BY MR. HUDIS:
| 5 Q. The next paragraph says, "We then started talking about applying Bruno to the ISO world."
| 6 First of all, what is Bruno?
| 7 A. Bruno was a project that I undertook with the blessings of the secretary general of the International Telecommunication Union to convert and post the ITU specifications to the Internet so anybody could read them for free.
| 8 Q. So it was basically wide dissemination of documents on the Internet?
| 9 A. Of ITU specifications. And the ITU is specifications for the telephone network. |

<table>
<thead>
<tr>
<th>Page 161</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 In this context, what is ANSI?</td>
</tr>
<tr>
<td>2 A. ANSI is the American National Standards Institute.</td>
</tr>
</tbody>
</table>
| 3 Q. So you pose a series of questions here on page 32225, and then on the next page you say, and this is on page 32226 of Exhibit 22, "I proposed my high resolution/low resolution compromise. The plan would post low resolution versions of documents for free on the network and allow ISO and ANSI to continue to sell high resolution versions either on paper or electronically."
| 4 So was that your answer to the question that you posed on the prior page, 32225? |
| 5 MR. BECKER: Objection. The document speaks for itself. |
| 6 THE WITNESS: It was one of my thoughts in 1991 as to a way that ISO could function in a modern world. |
| 7 BY MR. HUDIS:
| 8 Q. Then in two paragraphs later, you say, "The crucial assumption was that people with the free version would then pay for documents." And at the end of that paragraph it says, "Giving away standards would lead to increased revenues." |
| 9 So here is my question about that crucial |

41 (Pages 158 to 161)
Carl Malamud May 12, 2015

Page 170

1 acknowledge that the issue of copyright and
2 standards, after they've been incorporated into
3 law, is unsettled and that ACUS is not taking a
4 position on this subject? What did you mean?
5 MR. BECKER: Objection. The document
7
8 THE WITNESS: I felt it inappropriate for
9 ACUS to be taking a strong position on what the
10 copyright status was of documents incorporated into
11 law.
12 BY MR. HUDIS:
13 Q. Why?
14 A. Frankly, there was a young staff member who
15 was doing the research for this recommendation who
16 felt very strongly that standards incorporated by
17 reference into law maintained their copyright, even
18 as a part of the Code of Federal Regulations. And
19 as I said in this paragraph here, I think it would
20 be fair to say this is above our pay grade. I felt
21 that the young staffer was -- was stretching.
22 Q. So that brings me to my next question.
23 The next sentence says, "There is obviously
24 a strong bias towards protecting and honoring
25 copyright on the one hand, but we also have the
Page 171

1 the law. I think it would be fair to say this is,
2 quote, "above our pay grade," period, unquote.
3 A couple of questions on that passage.
4 What did you mean in the third sentence by
5 "some ambiguity in the law"?
6 MR. BECKER: Again, same objections. The
7 document speaks for itself. It's beyond the scope
8 of the 30(b)(6) designation. And the objection on
9 relevance grounds. Again, objection that this may
10 call for a legal conclusion.
11 THE WITNESS: So I'm not a lawyer, but I
12 read the Veeck decision, and it seemed to me that
13 the researcher at ACUS was drawing conclusions from
14 the Veeck decision that while perhaps appropriate
15 for a federal judge to be making, were
16 inappropriate to be laying them down as categorical
17 statements. I felt she was reading into the Veeck
18 decision in ways that were perhaps not supported by
19 the language. And again, I'm not a lawyer.
20 BY MR. HUDIS:
21 Q. I understand.
22 What conclusions was the researcher drawing
23 from Veeck that concerned you?
24 MR. BECKER: Objection. Relevance.
Page 172

1 THE WITNESS: So it's pronounced Veeck, by
2 the way. It's a Dutch name. P. Veeck. It -- the
3 preamble was taking at the time a strong position
4 that standards incorporated into reference by law
5 had copyright and that the law could have
6 copyright.
7 And again, I felt that this young staffer
8 was simply moving beyond what a body such as the
9 Administrative Conference of the United States
10 could say is the established truth. I felt she was
11 speculating, to use the language we use in
12 depositions.
13 BY MR. HUDIS:
14 Q. And what did you mean by "I think it would
15 be fair to say this is above our pay grade"?
16 MR. BECKER: Objection again. The document
18 THE WITNESS: So I'm not a lawyer, but I
19 have looked at a number of documents that indicate
20 that in the United States the law has no copyright.
21 And that includes, in many formulations, materials
22 incorporated by reference into the law. Mr. Bhatia
23 from ANSI, for example, B-h-a-t-i-a, has stated
24 many times that standards incorporated by reference
25 are the law, and it seemed to me that that was a
Page 173

1 long-standing policy of the United States.
2 And again, this was something that if one
3 were to draw a different conclusion that a portion
4 of the law in fact, did maintain copyright and one
5 needed a license to access and use that material,
6 that was certainly not a statement that the
7 organization such as the Administrative Conference
8 of the United States should be making.
9 (PLAINTIFFS' EXHIBIT 24 WAS MARKED.)
10 BY MR. HUDIS:
11 Q. Mr. Malamud, I'll now show you what's been
12 marked as Exhibit 24. Before I ask you questions
13 about the document, what is On The Media?
14 A. Oh, that's a National Public Radio program.
15 Q. Who is Bob Garfield?
16 A. I assume he's a host or reporter.
17 Q. Do you recognize Exhibit 24?
18 A. No, I do not. I remember doing an
19 interview with On The Media, however.
20 Q. Did you do this interview with On The Media
21 on or about April 13, 2012?
22 A. That sounds about right.
23 Q. What was the purpose of the interview?
24 A. I think you'd have to ask On The Media.
25 Q. What was your purpose for giving the
Carl Malamud

San Francisco, CA

May 12, 2015

<table>
<thead>
<tr>
<th>Page 174</th>
<th>Page 175</th>
<th>Page 176</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 interview?</td>
<td>1 they need to adjust their business model,</td>
<td>1 Counsel. I just mind the ones that would try to</td>
</tr>
<tr>
<td>2 MR. BECKER: Objection for relevance.</td>
<td>particularly given the fact that they are a</td>
<td>indicate the -- to the witness how he should answer</td>
</tr>
<tr>
<td>3 THE WITNESS: If a well-respected program</td>
<td>nonprofit public charity.&quot;</td>
<td>his questions.</td>
</tr>
<tr>
<td>4 such as On The Media by National Public Radio wants</td>
<td>You continue. &quot;Answer number two is that</td>
<td>4 BY MR. HUDIS:</td>
</tr>
<tr>
<td>5 me to talk to them, I will generally make myself</td>
<td>government has shirked its responsibilities. It</td>
<td>Q. So my question about this document, do you</td>
</tr>
<tr>
<td>6 available.</td>
<td>said 'Gee, we can just incorporate these privately</td>
<td>recall this interview?</td>
</tr>
<tr>
<td>7 BY MR. HUDIS:</td>
<td>developed standards in the law and we won't have to</td>
<td>7 A. Yes, I do.</td>
</tr>
<tr>
<td>8 Q. Exhibit 24 appears to be an interview that</td>
<td>pay anything.' And the only people that get</td>
<td>8 Q. All right. Do you recall giving this</td>
</tr>
<tr>
<td>9 you gave in April of 2012 to Mr. Garfield. I'd</td>
<td>screwed up by this are the citizens that need to</td>
<td>answer that I just read into the record?</td>
</tr>
<tr>
<td>10 like to ask you a couple of questions.</td>
<td>read the law.&quot;</td>
<td>10 A. No, I don't, but I'd be happy to discuss</td>
</tr>
<tr>
<td>11 If you would turn in Exhibit 24 to</td>
<td>Do you recall giving those answers to</td>
<td>the general topics that are addressed there.</td>
</tr>
<tr>
<td>12 production page AERA_APA_NCME 32076.</td>
<td>Mr. Garfield at the interview of April 2012?</td>
<td>12 Q. Sure.</td>
</tr>
<tr>
<td>13 A. Okay. Yes.</td>
<td>Mr. Garfield in the middle of the page</td>
<td>13 So if standards development organizations</td>
</tr>
<tr>
<td>14 Q. Mr. Garfield in the middle of the page</td>
<td>asks, &quot;There is an expense attached to developing</td>
<td>lose their copyright by incorporation by reference,</td>
</tr>
<tr>
<td>15 asks, &quot;There is an expense attached to developing</td>
<td>and codifying these standards. If we take the</td>
<td>is it your theory that the standards</td>
</tr>
<tr>
<td>16 and codifying these standards. If we take the</td>
<td>revenue away from those who do this work, then what</td>
<td>organization -- development organization should</td>
</tr>
<tr>
<td>17 revenue away from those who do this work, then what</td>
<td>happens?&quot; And you provide two answers. I'll read</td>
<td>make their money some other way?</td>
</tr>
<tr>
<td>18 happens?&quot; And you provide two answers. I'll read</td>
<td>them.</td>
<td>18 Mr. BECKER: Objection. Vague. Objection.</td>
</tr>
<tr>
<td>19 them.</td>
<td>&quot;Well, there's two answers to that. One is</td>
<td>May call for a legal conclusion. Objection.</td>
</tr>
<tr>
<td>20 &quot;Well, there's two answers to that. One is</td>
<td>that the nonprofits that develop these standards</td>
<td>Hypothetical. Objection. May mischaracterize the</td>
</tr>
<tr>
<td>21 that the nonprofits that develop these standards</td>
<td>have a lot of different revenue streams. They do</td>
<td>witness.</td>
</tr>
<tr>
<td>22 have a lot of different revenue streams. They do</td>
<td>conferences. They do certification. They develop</td>
<td>20 BY MR. HUDIS:</td>
</tr>
<tr>
<td>23 conferences. They do certification. They develop</td>
<td>standards that aren't law. In fact, the vast</td>
<td>21 Q. You may answer.</td>
</tr>
<tr>
<td>24 standards that aren't law. In fact, the vast</td>
<td>majority of their standards are not. And so maybe</td>
<td>22 A. I have testified on this subject before</td>
</tr>
<tr>
<td>25 majority of their standards are not. And so maybe</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>23 they need to adjust their business model,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>particularly given the fact that they are a</td>
</tr>
<tr>
<td></td>
<td></td>
<td>nonprofit public charity.&quot;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>You continue. &quot;Answer number two is that</td>
</tr>
<tr>
<td></td>
<td></td>
<td>government has shirked its responsibilities. It</td>
</tr>
<tr>
<td></td>
<td></td>
<td>said 'Gee, we can just incorporate these privately</td>
</tr>
<tr>
<td></td>
<td></td>
<td>developed standards in the law and we won't have to</td>
</tr>
<tr>
<td></td>
<td></td>
<td>pay anything.' And the only people that get</td>
</tr>
<tr>
<td></td>
<td></td>
<td>screwed up by this are the citizens that need to</td>
</tr>
<tr>
<td></td>
<td></td>
<td>read the law.&quot;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Do you recall giving those answers to</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mr. Garfield at the interview of April 2012?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>MR. BECKER: Objection. Mr. Malamud has</td>
</tr>
<tr>
<td></td>
<td></td>
<td>said that he does not recognize this document.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Objection to the extent that it's not clear how</td>
</tr>
<tr>
<td></td>
<td></td>
<td>this document was transcribed or its authenticity.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Objection with regards to relevance, particularly</td>
</tr>
<tr>
<td></td>
<td></td>
<td>on the grounds that the plaintiffs have said that</td>
</tr>
<tr>
<td></td>
<td></td>
<td>the finances and revenue of the plaintiffs, other</td>
</tr>
<tr>
<td></td>
<td></td>
<td>than directly related to the sale of the 1999</td>
</tr>
<tr>
<td></td>
<td></td>
<td>standards, is not at issue in this case as they so</td>
</tr>
<tr>
<td></td>
<td></td>
<td>claim.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Objection on the grounds that the question</td>
</tr>
<tr>
<td></td>
<td></td>
<td>assumes facts not in evidence.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>MR. HUDIS: I don't mind the objections,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>is incorporated by reference, usually with the</td>
</tr>
<tr>
<td></td>
<td></td>
<td>active ascents of -- of the SDO, that organization</td>
</tr>
<tr>
<td></td>
<td></td>
<td>is given a gold seal of approval, right. They are</td>
</tr>
<tr>
<td></td>
<td></td>
<td>the original creator of what has become a portion</td>
</tr>
<tr>
<td></td>
<td></td>
<td>of American law, and that that is a unique</td>
</tr>
<tr>
<td></td>
<td></td>
<td>marketing opportunity.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>That opportunity can be used to -- to sell</td>
</tr>
<tr>
<td></td>
<td></td>
<td>authenticated versions of the standard. To sell</td>
</tr>
<tr>
<td></td>
<td></td>
<td>auxiliary products. That there are a number, in</td>
</tr>
<tr>
<td></td>
<td></td>
<td>general, of business models that can emerge out of</td>
</tr>
<tr>
<td></td>
<td></td>
<td>this favored position.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>As to how that specifically applies to a</td>
</tr>
<tr>
<td></td>
<td></td>
<td>specific SDO, again, we would want to look at -- I</td>
</tr>
<tr>
<td></td>
<td></td>
<td>would want to look at the very specific nature of</td>
</tr>
<tr>
<td></td>
<td></td>
<td>that organization. But I still talk in general</td>
</tr>
<tr>
<td></td>
<td></td>
<td>about the unique position of having a standard</td>
</tr>
<tr>
<td></td>
<td></td>
<td>incorporated by reference into federal law and how</td>
</tr>
<tr>
<td></td>
<td></td>
<td>favorable that is.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>BY MR. HUDIS:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Q. And is it your view that once incorporated</td>
</tr>
<tr>
<td></td>
<td></td>
<td>by reference, the standard loses its copyright</td>
</tr>
<tr>
<td></td>
<td></td>
<td>enforcement ability and the standards development</td>
</tr>
<tr>
<td></td>
<td></td>
<td>organization that wrote that standard,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>&quot;incorporated by reference,&quot; would have to obtain</td>
</tr>
<tr>
<td></td>
<td></td>
<td>its income some other way than selling the</td>
</tr>
</tbody>
</table>

45 (Pages 174 to 177)

Alderson Reporting Company
1-800-FOR-DEPO
standards. They pay for access. They help fund paying in many different revenue streams for

THE WITNESS: So the government is already

And argumentative.

Lacks foundation and assumes facts not in evidence.


19

Q. Do you have any views, whether they're

BY MR. HUDIS:

14

Okay. Could you restate the question?

A. Because it was talking about an obscure

characterization. I -- I believe that even if the

law is available to citizens, that does not

preclude a standards development organization

continuing to sell that document. Particularly

selling an authenticated version, a redlined

version, a version with commentary. I believe

there are a number of ways one can continue to make

that -- that document available for sale.

BY MR. HUDIS:

Q. Is one of your alternative theories that

once a standard is incorporated by reference, that

the government should pay for it?

MR. BECKER: Objection. May call for a

legal conclusion. Objection. Lacks foundation.

Assumes facts not in evidence. Objection.

Argumentative.

THE WITNESS: So there are some things I

know and some things I can speculate on.

The thing that I know is that the law in

the United States has no copyright, and one is free

to read and speak the law. Without needing a

license, without needing permission.

What I can speculate on is different ways

that one might go about handling issues such as

revenue and whether the government should be paying

or not, and I frankly don't have strong views as to

whether or not the -- this scenario that I posited

here is the right solution.

MR. BECKER: I would advise the witness not
to speculate and only to give those answers that

the witness knows.

THE WITNESS: Okay.

BY MR. HUDIS:

Q. Do you have any views, whether they're

strong or not, whether once a standard is

incorporated by reference into a government

regulation, the government should pay for that?

MR. BECKER: Objection. May call for a


Lacks foundation and assumes facts not in evidence.

And argumentative.

THE WITNESS: So the government is already

paying in many different revenue streams for

standards. They pay for access. They help fund

development. And in many cases standards are

created, and there are other revenue streams that
go to the organization, such as the funding of

basic research.

So I don't think it's an either/or

proposition. I think there's already a lot of

money flowing.

BY MR. HUDIS:

Q. I don't believe your last answer,

Mr. Malamud, answered my question.

A. Okay. Could you restate the question?

Q. Sure. Do you have any views, whether they

are strong or not, whether once a standard is

incorporated by reference into a government

regulation, the government should pay for that?

MR. BECKER: All the same objections and

also asked and answered.

THE WITNESS: I believe I did answer your

question in the sense of the government is already

paying.

Now, my view is it proper for government

money to go to an SDO? In theory, yes.

MR. HUDIS: Just for the record Exhibit 24

bears production numbers AERA_APA_NCME 32075

through 32078.

Q. I don't believe your last answer,

PLAINTIFFS' EXHIBIT 25 WAS MARKED.)

BY MR. HUDIS:

Q. Mr. Malamud, I've placed in front of you a

document that's been marked as Exhibit 25, bearing

production numbers AERA_APA_NCME 31764 through

31768.

Do you recognize this document?

A. It appears to be an essay that I wrote for

boingboing. This appears to be a printout of that.

Q. Do you have any reason to doubt the

authenticity of this document, Exhibit 25?

A. No, but I'd want to double check. It

appears to be the essay that I wrote.

Q. And what is boingboing?

A. Boingboing is a blog.

Q. And do you recall posting this blog on

March 19th, 2012, to boingboing?

A. I'm not sure of the exact date, but I did,
in fact, author a boingboing official guest

memorandum of law.

Q. Why did you call it a memorandum of law?

A. Because it was talking about an obscure
topic in a publication that reaches a very general

audience.

Q. Under the first heading Roman numeral I,
MR. BECKER: Objection. Vague.

Objection. To the extent that any of this information has come from attorney-client communications, I will instruct the witness not to divulge any privileged information.

THE WITNESS: I'm aware that they are updated. I'm not terribly clear on the exact process that the organizations went through to do that.

BY MR. HUDIS:

Q. Do you know who uses the standards?

MR. BECKER: Objection. Vague. Again, to the extent that this answer requires the divulging of any attorney-client privileged communications, I'll instruct the witness not to divulge that information.

Competence. Lacks foundation.

THE WITNESS: So I know some of the people that use the standard. I know that the Department of Education has incorporated by reference into its regulations. So I am -- I know that the Department of Education has people that use it. I know a lot of state governments are putting together tests that conform to the standards.

I believe there are a number of other agencies, I believe Office of Personnel Management, I believe Department of Defense, a number of state organizations, are all users of the standard because they specify that it shall be used.

BY MR. HUDIS:

Q. Do you know who uses the standards?

MR. BECKER: Objection. Vague.

Again, to the extent that this answer requires the divulging of any attorney-client privileged communications, I'll instruct the witness not to divulge that information.

Competence. Lacks foundation.

THE WITNESS: So I know some of the people that use the standard. I know that the Department of Education has incorporated by reference into its regulations. So I am -- I know that the Department of Education has people that use it. I know a lot of state governments are putting together tests that conform to the standards.

Q. And what was your sister's doctoral course work?

A. On, I want to state this properly. I believe physical and rehabilitative therapy. A subset of psychology.

Q. How did the standards first come to your attention?


THE WITNESS: I was looking at the standards incorporated by reference under the Code of Federal Regulations, and the standards at issue were one of the ones that were specified.

BY MR. HUDIS:

Q. And what year was that?


Q. When did Public.Resource --

A. Might have been earlier. Might have been earlier. I'm not sure.

Q. Sometime in 20 -- in 2012?

A. Coming to my attention in the sense of remembering it now, yes.

Q. What, if anything, made you interested in acquiring the standards?

A. It was --

MR. BECKER: Objection. Vague.


BY MR. HUDIS:

Q. When did Public.Resource first make the decision to post the standards to one of its websites?


THE WITNESS: So it would have been sometime after obtaining a copy of the standard and examining it and satisfying myself that, in fact, it was the document that was incorporated by reference, and sometime between the procurement, which I believe was in May 2012, and the actual posting, which I believe was in July 2012.

BY MR. HUDIS:

Q. So how did Public.Resource come to the decision to post the standards on one of its websites?

A. Coming to my attention in the sense of remembering it now, yes.
BY MR. HUDIS:

Q. Mr. Malamud, I show you a document that has been marked as Exhibit 34, bearing production numbers AERA_APA_NCME 31528 through 31738. Do you recognize this document?

A. It appears to be a copy of the standards at issue with the certificate of incorporation on the top.

Q. All right. And is this the cover sheet that you appended on top of the 1999 standards posted on Public.Resource's website?

A. Yes, it appears to be.

Q. Who prepared this cover sheet?

A. I did.

Q. And who chose the language for the cover sheet?

A. I did.

Q. What was your intention, Mr. Malamud, for appending this cover sheet of Exhibit 34 on top of the 1999 standards posted on Public.Resource's website?

A. I wanted to be very clear that this was a posting of a standard incorporated by reference into the Code of Federal Regulations. I wanted to place this document in context.

Q. And what was your purpose on the cover sheet of using the medallion that had the word "Repeatedly Approved."

A. To signify that the executive director of the Office of the Federal Register had explicitly and deliberately approved this incorporation by reference.

Q. We just went through the process that you used. We asked you the question, did you digitize or convert to a digital format the 1999 standards, and we went through that process. My question is, who participated in the process of disassembling the paper version of the 1999 standards, scanning them and processing them, as you described here in interrogatory answer number 3 and posting them to the Internet?

MR. BECKER: Objection. Vague.

THE WITNESS: That was me.

BY MR. HUDIS:

Q. Did Point.B Studio participate in this process?

A. No.

Q. Did Rebecca Malamud participate in this process?

A. She did not.
THE WITNESS: No. And I never said that I

MR. BECKER: Objection. Form.

A. No.

Q. And your answer just now said, "assuming."

BY MR. HUDIS:

THE WITNESS: I don't think that would make any sense at all.

MR. BECKER: Same objection.

Q. So that brings me to my next question.

A. No. That wouldn't make any sense at all.

Q. And would you have any -- would you have

BY MR. HUDIS:

THE WITNESS: Hold on a second. I'd like
to double-check something.

MR. BECKER: Objection. Form.

OCR is inherently prone to certain errors.

THE WITNESS: Hold on a second. I'd like
to double-check something.

Q. Did you check the quality of the optical
character recognition process for accuracy for the
1999 standards?

MR. BECKER: Objection. Form.

THE WITNESS: Hold on a second. I'd like
to double-check something.

BY MR. HUDIS:

Q. So that brings me to my next question.

A. No. That wouldn't make any sense at all.

Q. And your answer just now said, "assuming."

BY MR. HUDIS:

THE WITNESS: Hold on a second. I'd like
to double-check something.

MR. BECKER: Objection. Form.

OCR is inherently prone to certain errors.

THE WITNESS: Hold on a second. I'd like
to double-check something.

Q. Did you check the quality of the optical
character recognition process for accuracy for the
1999 standards?

MR. BECKER: Objection. Form.

THE WITNESS: Hold on a second. I'd like
to double-check something.

BY MR. HUDIS:

Q. So that brings me to my next question.

A. No. That wouldn't make any sense at all.

Q. And your answer just now said, "assuming."

BY MR. HUDIS:

THE WITNESS: Hold on a second. I'd like
to double-check something.

MR. BECKER: Objection. Form.

OCR is inherently prone to certain errors.

THE WITNESS: Hold on a second. I'd like
to double-check something.

Q. Did you check the quality of the optical
character recognition process for accuracy for the
1999 standards?

MR. BECKER: Objection. Form.

THE WITNESS: Hold on a second. I'd like
to double-check something.

BY MR. HUDIS:

Q. So that brings me to my next question.

A. No. That wouldn't make any sense at all.

Q. And your answer just now said, "assuming."

BY MR. HUDIS:

THE WITNESS: Hold on a second. I'd like
to double-check something.

MR. BECKER: Objection. Form.

OCR is inherently prone to certain errors.

THE WITNESS: Hold on a second. I'd like
to double-check something.

Q. Did you check the quality of the optical
character recognition process for accuracy for the
1999 standards?

MR. BECKER: Objection. Form.

THE WITNESS: Hold on a second. I'd like
to double-check something.

BY MR. HUDIS:

Q. So that brings me to my next question.

A. No. That wouldn't make any sense at all.

Q. And your answer just now said, "assuming."

BY MR. HUDIS:

THE WITNESS: Hold on a second. I'd like
to double-check something.

MR. BECKER: Objection. Form.

OCR is inherently prone to certain errors.

THE WITNESS: Hold on a second. I'd like
to double-check something.

Q. Did you check the quality of the optical
character recognition process for accuracy for the
1999 standards?

MR. BECKER: Objection. Form.

THE WITNESS: Hold on a second. I'd like
to double-check something.

BY MR. HUDIS:

Q. So that brings me to my next question.

A. No. That wouldn't make any sense at all.
BY MR. HUDIS:

Q. In what way?
A. A screen reader is able to read the underlying text, granted with potential OCR errors, but the vast majority of the text is accessible to those that are visually impaired.

Q. Are you familiar with the format, refreshable Braille?
A. No, I'm not.

Q. Did you convert the PDF file of the 1999 standards that you made to refreshable Braille format?
A. We don't do that. We convert to HTML.

Q. Did -- and you didn't convert --
A. So no. No is the answer.

Q. All right. And you didn't convert the PDF file to HTML either?
A. This particular standard, no, we did not.

Q. Okay. And did you convert the PDF file that you created from the 1999 standards to large print?

MR. BECKER: Objection. Form.

THE WITNESS: It is an unencumbered PDF, and so a viewer can, in fact, magnify the text that is there.

So in that sense, large print, we did not retype the documents into a large print edition.

BY MR. HUDIS:

Q. Mr. Malamud, do you have any materials in your -- in Public.Resource's possession documenting the process you went through of disassembling the paper version of the 1999 standards, scanning them, processing them and posting them to the Internet?
MR. BECKER: Objection. Compound.

THE WITNESS: No, there's no intermediate process. That's a book and then it gets scanned.

THE REPORTER: Did you say "there's no intermediate product"?

THE WITNESS: Intermediate process.

BY MR. HUDIS:

Q. Mr. Malamud, once you converted the 1999 standards from paper to the PDF format, what did you do with the contents of the file?
A. I posted the file to Law.Resource.Org and to the Internet Archive.

Q. Mr. Malamud, could you please return your attention to Exhibit 29, interrogatory answer number 2.
A. Okay.

Q. Does interrogatory answer number 2 accurately state when and where you posted the 1999 standards to the Internet?
A. It does.

Q. And what was the date that you posted the standards to the Internet?

MR. BECKER: Objection. Form.

THE WITNESS: As our interrogatory says, July 11, 2012 on Law.Resource.Org and...

BY MR. HUDIS:

Q. All right. And --
A. Yeah.

Q. And as you said, you posted the standards to Law.Resource.Org, and you also posted the standards to the Internet Archive; correct?
A. That is correct.

Q. Mr. Malamud, what is the name of the Public.Resource web server to which you saved the file containing the contents of the 1999 standards?

Q. That's the name of the server?
A. Yes.

MR. BECKER: Please give me time to object.

BY MR. HUDIS:

Q. Is the file containing the 1999 standards still saved on that web server?

MR. BECKER: Objection. Vague and ambiguous; assumes facts not in evidence.

THE WITNESS: It is not in the document tree of the web server, no.

BY MR. HUDIS:

Q. Do you still have that file still saved somewhere within Public.Resource's computer systems?
A. Yes, I do.

Q. Where?
A. One copy on my desktop. One copy in the not published directory. I don't know what the exact name of it is. Someplace on our server, but it's a private area that's not accessible to -- to anybody but myself and our systems administrator.

Q. Mr. Malamud, does Public.Resource have any logs from its web servers documenting the date on which the 1999 standards were posted to Public.Resource's website?

MR. BECKER: Objection. Vague and ambiguous. Objection. Lacks foundation. And
assumes facts not in evidence.

THE WITNESS: There's no logs, but there was a file creation date on the file.

BY MR. HUDIS:

Q. Has any documentation noting the file creation date ever been produced to us?

A. I don't know.

MR. HUDIS: Counsel, if that document has not been provided to us, it should be provided to us now.

THE WITNESS: So the file creation date was the date that the standard was posted. And when at your request we removed that standard and replaced it with a stub, that's going to be the new creation date. So I don't believe there's going to be a record.

BY MR. HUDIS:

Q. What about the old creation date when the original standards file was -- was posted to your web server?

A. I moved it to a different area. I mean, you can make the request and we'll go look and see if that's there, but it's --

Q. Thank you, Mr. Malamud, I appreciate that.

Did you post the entirety of the 1999 standards to Public.Resource's website?

A. Yes.

Q. Mr. Malamud, as it pertains to the Internet Archive, what is a collection?

MR. BECKER: Objection. Asked and answered.

THE WITNESS: A collection is a set of items that often have a common theme.

BY MR. HUDIS:

Q. And you said you posted the 1999 standards to Internet Archive's website; correct?

A. That is correct.

Q. And did you post the entirety of the 1999 standards to Internet Archive's website?

A. I did.

Q. Under which collection at the Internet Archive did you post the 1999 standards?

MR. BECKER: Objection. Form.

THE WITNESS: The current name of that collection is Codes of the World.

BY MR. HUDIS:

Q. How did you choose this particular collection to which to post the 1999 standards?

A. It's the --

MR. BECKER: Objection. Assumes facts not in evidence.

THE WITNESS: It's the collection I created to hold the standards incorporated by reference.

BY MR. HUDIS:

Q. All right. So you created the Codes of the World collection on Internet Archive's website?

A. I did.

Q. Mr. Malamud, I show you what was previously marked at Internet Archive's deposition in this case as Butler Exhibit 6.

Do you see that?

A. I do. Let me correct a misstatement. It wasn't called Codes of the World. It was called Global Public Safety Codes is the name of the collection.

Q. And what types of materials did you post to the Global Public Safety Codes collection on Internet Archive?

A. Standards incorporated by reference in the law.

Q. Do you recognize Butler Exhibit 6?

A. This is a document you created?

Q. It's a document we printed from the Internet Archive.

A. This appears to be a series of screen dumps from that item in which you are paging through the standards at issue, is what this appears to be.

Q. That's exactly correct. And you just saved me about five minutes of explanation.

A. Oh, sorry about that.

Q. That's fine. Thank you very much, Mr. Malamud.

What is the web tool, if you know, that creates the ability for a user to turn the pages of the 1999 standards like a book?

MR. BECKER: Objection. Vague and ambiguous; confusing.

THE WITNESS: I have heard it called book reader, but I don't know the details of what the code is or how it's embedded or anything of that sort.

BY MR. HUDIS:

Q. So you've heard it referred to as a book reader application?

A. Yes.

Q. All right. Have you ever heard of a DjVu Reader?

A. Yes, I have.

Q. And what -- what is its function, to the best of your knowledge?
Q. How would you make that determination?

MR. BRIDGES: Objection. May call for speculation; vague and ambiguous; argumentative.

THE WITNESS: I would want to look at the specific nature of the incorporation by reference. I would want to look at that specific standard, and I’d want to make a determination if that was an area that I wanted to continue to invest resources in. So I don’t know. It would depend on the specifics.

BY MR. HUDIS:

Q. If you looked at the 2014 standards and made a determination that it was an area in which you wanted to continue to invest resources, if Public.Resource is successful in this litigation and the 2014 standards are incorporated by reference by a state or federal agency, would you post the 2014 standards to the Internet?

MR. BRIDGES: Entirely hypothetical; lacks foundation; argumentative; vague and ambiguous.

THE WITNESS: So I really don’t know about the states.

If the federal government did a deliberate and explicit incorporation by reference in what I felt was a substantive rule, right, not an offhand thing, then I would certainly consider strongly posting that document.

BY MR. HUDIS:

Q. What is -- what distinction do you make between substantive and offhand?

A. I look for an explicit and deliberate incorporation by reference.

Q. If I asked you this before, Mr. Malamud, and certainly your counsel will tell me, I apologize.

Even though the 1999 standards have been removed from public view on Public.Resource's website, is the digital file containing the text of the 1999 standards still stored somewhere on Public.Resource's computer systems?

MR. BRIDGES: Objection. Vague and ambiguous.

THE WITNESS: Yes.

BY MR. HUDIS:

Q. Even though the 1999 standards were removed from public view on Internet Archive's website, to the best of your knowledge is the digital file containing the text of the 1999 standards still stored somewhere on Internet Archive's computer systems?
### Page 326

<table>
<thead>
<tr>
<th>Line</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>case deserves the Court's fullest attention without a rush to reach an interim ruling in the absence of a full record.&quot;</td>
</tr>
<tr>
<td>2</td>
<td>What did you mean by that?</td>
</tr>
<tr>
<td>3</td>
<td>MR. BRIDGES: Objection. Lacks foundation; vague and ambiguous.</td>
</tr>
<tr>
<td>4</td>
<td>THE WITNESS: As I state in the next paragraph, &quot;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 off of the websites under its control.&quot; And as you had stated in a previous sentence, this was so it was done without a rush to reach an interim ruling in the absence of a full record.</td>
</tr>
<tr>
<td>5</td>
<td>BY MR. HUDIS: Q. I'd like to now direct your attention, Mr. Malamud, to the fourth paragraph of Exhibit 43. And it says, &quot;Until the conclusion at 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.&quot; Do you see that?</td>
</tr>
<tr>
<td>6</td>
<td>MR. BRIDGES: Objection. The document speaks for itself.</td>
</tr>
<tr>
<td>7</td>
<td>THE WITNESS: I do.</td>
</tr>
<tr>
<td>8</td>
<td>Q. What did you mean by that sentence?</td>
</tr>
<tr>
<td>9</td>
<td>MR. BRIDGES: Objection. The document speaks for itself; lacks foundation; vague and ambiguous; argumentative.</td>
</tr>
<tr>
<td>10</td>
<td>THE WITNESS: I think the sentence is very clear; right?</td>
</tr>
<tr>
<td>11</td>
<td>BY MR. HUDIS: Q. What did you mean?</td>
</tr>
<tr>
<td>12</td>
<td>A. I meant &quot;Until the conclusion at trial on the merits of 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.&quot;</td>
</tr>
<tr>
<td>13</td>
<td>Q. And this memo was written by you on June 12th, 2014?</td>
</tr>
<tr>
<td>14</td>
<td>MR. BRIDGES: Objection. Lacks foundation; vague and ambiguous.</td>
</tr>
<tr>
<td>15</td>
<td>THE WITNESS: Yes.</td>
</tr>
<tr>
<td>16</td>
<td>BY MR. HUDIS: Q. Since the time of this memo of Exhibit 43, have the 1999 standards been reposted to a website under Public.Resource's control?</td>
</tr>
<tr>
<td>17</td>
<td>MR. BRIDGES: Objection. Vague and ambiguous; argumentative.</td>
</tr>
<tr>
<td>18</td>
<td>THE WITNESS: Yes.</td>
</tr>
<tr>
<td>19</td>
<td>BY MR. HUDIS: Q. Why?</td>
</tr>
<tr>
<td>20</td>
<td>A. There was a technical malfunction in one of our servers and by mistake a copy of the full standard was posted in place of the stub.</td>
</tr>
<tr>
<td>21</td>
<td>Q. And when was that?</td>
</tr>
<tr>
<td>22</td>
<td>A. That was in January 2015.</td>
</tr>
<tr>
<td>23</td>
<td>Q. Mr. Malamud, during the two-year period that the 1999 standards were posted to Public.Resource's website, was a record kept of how many Internet users viewed or accessed the standards from that website location?</td>
</tr>
<tr>
<td>24</td>
<td>MR. BRIDGES: Objection. Utterly lacks foundation; argumentative; vague and ambiguous, and -- yeah. And competence.</td>
</tr>
<tr>
<td>25</td>
<td>THE WITNESS: Our server log's document</td>
</tr>
</tbody>
</table>

### Page 327

<table>
<thead>
<tr>
<th>Line</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>prevent any public access to the document from the archive's websites.&quot; Do you see that?</td>
</tr>
<tr>
<td>2</td>
<td>MR. BRIDGES: Objection. The document speaks for itself.</td>
</tr>
<tr>
<td>3</td>
<td>THE WITNESS: I do.</td>
</tr>
<tr>
<td>4</td>
<td>Q. What did you mean by that sentence?</td>
</tr>
<tr>
<td>5</td>
<td>MR. BRIDGES: Objection. The document speaks for itself; lacks foundation; vague and ambiguous; argumentative.</td>
</tr>
<tr>
<td>6</td>
<td>THE WITNESS: I think the sentence is very clear; right?</td>
</tr>
<tr>
<td>7</td>
<td>BY MR. HUDIS: Q. What did you mean?</td>
</tr>
<tr>
<td>8</td>
<td>A. I meant &quot;Until the conclusion at trial on the merits of 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.&quot;</td>
</tr>
<tr>
<td>9</td>
<td>Q. And this memo was written by you on June 12th, 2014?</td>
</tr>
<tr>
<td>10</td>
<td>MR. BRIDGES: Objection. Lacks foundation;</td>
</tr>
</tbody>
</table>

### Page 328

<table>
<thead>
<tr>
<th>Line</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>vague and ambiguous.</td>
</tr>
<tr>
<td>2</td>
<td>THE WITNESS: Yes.</td>
</tr>
<tr>
<td>3</td>
<td>BY MR. HUDIS: Q. Since the time of this memo of Exhibit 43, have the 1999 standards been reposted to a website under Public.Resource's control?</td>
</tr>
<tr>
<td>4</td>
<td>MR. BRIDGES: Objection. Vague and ambiguous; argumentative.</td>
</tr>
<tr>
<td>5</td>
<td>THE WITNESS: Yes.</td>
</tr>
<tr>
<td>6</td>
<td>BY MR. HUDIS: Q. Why?</td>
</tr>
<tr>
<td>7</td>
<td>A. There was a technical malfunction in one of our servers and by mistake a copy of the full standard was posted in place of the stub.</td>
</tr>
<tr>
<td>8</td>
<td>Q. And when was that?</td>
</tr>
<tr>
<td>9</td>
<td>A. That was in January 2015.</td>
</tr>
<tr>
<td>10</td>
<td>Q. Mr. Malamud, during the two-year period that the 1999 standards were posted to Public.Resource's website, was a record kept of how many Internet users viewed or accessed the standards from that website location?</td>
</tr>
<tr>
<td>11</td>
<td>MR. BRIDGES: Objection. Utterly lacks foundation; argumentative; vague and ambiguous, and -- yeah. And competence.</td>
</tr>
<tr>
<td>12</td>
<td>THE WITNESS: Our server log's document</td>
</tr>
<tr>
<td>13</td>
<td>retention policy was a two-week window until litigation commenced in the ASTM case when we began keeping the logs permanently. And so we -- we did not keep a record prior to that.</td>
</tr>
<tr>
<td>14</td>
<td>BY MR. HUDIS: Q. Do you know the earliest date on which you kept such logs?</td>
</tr>
<tr>
<td>15</td>
<td>MR. BRIDGES: Objection. Again, lacks foundation; argumentative; vague and ambiguous and competence.</td>
</tr>
<tr>
<td>16</td>
<td>THE WITNESS: So again, the document retention policy was a two-week window on the logs, and in September -- August or September of 2013 we changed that policy because litigation had commenced. And so at that point we began keeping the logs permanently.</td>
</tr>
<tr>
<td>17</td>
<td>BY MR. HUDIS: Q. And do you still have those logs today?</td>
</tr>
<tr>
<td>18</td>
<td>MR. BRIDGES: Same objections. I think I missed a compound objection to the underlying question.</td>
</tr>
<tr>
<td>19</td>
<td>THE WITNESS: Yes.</td>
</tr>
<tr>
<td>20</td>
<td>BY MR. HUDIS: Q. In what form are the logs kept?</td>
</tr>
<tr>
<td>21</td>
<td>MR. BRIDGES: Same objections.</td>
</tr>
<tr>
<td>Page 374</td>
<td></td>
</tr>
<tr>
<td>----------</td>
<td></td>
</tr>
<tr>
<td>CERTIFICATE OF DEPONENT</td>
<td></td>
</tr>
<tr>
<td>I hereby certify that I have read and examined the foregoing transcript, and the same is a true and accurate record of the testimony given by me. Any additions or corrections that I feel are necessary, I will attach on a separate sheet of paper to the original transcript.</td>
<td></td>
</tr>
<tr>
<td>__________________________</td>
<td></td>
</tr>
<tr>
<td>Signature of Deponent</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Page 375</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORTER'S CERTIFICATE</td>
</tr>
<tr>
<td>The undersigned Certified Shorthand Reporter licensed in the State of California does hereby certify:</td>
</tr>
<tr>
<td>I am authorized to administer oaths or affirmations pursuant to Code of Civil Procedure, Section 2093(b), and prior to being examined, the witness was duly administered an oath by me.</td>
</tr>
<tr>
<td>I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in the outcome of this action.</td>
</tr>
<tr>
<td>I am the deposition officer who stenographically recorded the testimony in the foregoing deposition, and the foregoing transcript is a true record of the testimony given by the witness.</td>
</tr>
<tr>
<td>Before completion of the deposition, review of the transcript [X] was [ ] was not requested. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed are appended hereto.</td>
</tr>
<tr>
<td>In witness whereof, I have subscribed my name this ____ day of ________, 2015.</td>
</tr>
<tr>
<td>__________________________</td>
</tr>
<tr>
<td>DIANE S. MARTIN, CSR No. 6464</td>
</tr>
</tbody>
</table>