USCA Case #17-7035

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1001 Pennsylvania Avenue, N.W., Washington, DC 20004-2595 = p202 624-2500 = f202 628-5116



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January 30, 2018

Mark Langer, Clerk United States Court of Appeals for the District of Columbia Circuit 333 Constitution Ave., N.W. Washington, D.C. 20001

Re: Notice of Unavailability of Counsel American Society for Testing and Materials et al. v. Public.Resource.Org. Inc., Case No. 17-7035 and American Educational Research Association et al. v. Public.Resource.Org., Inc., No. 17-7039

Dear Mr. Langer:

I am counsel of record and will be arguing counsel for Appellees American Educational Research Association, Inc., American Psychological Association, Inc., and National Council on Measurement in Education, Inc. in the above-captioned case. I write to inform the Court that I will be unavailable for oral argument March 19-30, 2018.

Respectfully submitted,

<u>/s/ Clifton S. Elgarten</u> Clifton S. Elgarten

cc: All Counsel via CM/ECF