

ORAL ARGUMENT NOT YET SCHEDULED

No. 22-7063

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

AMERICAN SOCIETY FOR TESTING AND MATERIALS, et al.,
Appellants

v.

PUBLIC.RESOURCE.ORG, INC.,
Appellee

Appeal from the United States District Court
for the District of Columbia
Hon. Tanya S. Chutkan, No. 1:13-cv-1215-TSC

PUBLIC APPENDIX
VOLUME 10 (JA7676-JA8154)
MATERIAL UNDER SEAL IN SEPARATE SUPPLEMENT

Andrew P. Bridges
abridges@fenwick.com
Matthew B. Becker
mbecker@fenwick.com
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Tel: (415) 875-2300

David Halperin
davidhalperindc@gmail.com
1805 9th Street NW
Washington, DC 20005
Tel: (202) 905-3434

Counsel for Public.Resource.Org, Inc.

Donald B. Verrilli, Jr.
Rachel G. Miller-Ziegler
MUNGER, TOLLES & OLSON LLP
601 Massachusetts Avenue NW
Suite 500E
Washington, DC 20001
Tel: (202) 220-1100
donald.verrilli@mto.com

Kelly M. Klaus
MUNGER, TOLLES & OLSON LLP
560 Mission Street, 27th Floor
San Francisco, CA 94105
Tel: (415) 512-4000
kelly.klaus@mto.com

*Counsel for National Fire Protection
Association, Inc.*

January 20, 2023
(additional counsel on inside cover)

Corynne McSherry
corynne@eff.org
Mitchell L. Stoltz
mitch@eff.org
ELECTRONIC FRONTIER FOUNDATION
815 Eddy Street
San Francisco, CA 94109
Tel: (415) 436-9333

Counsel for Public.Resource.Org, Inc.

Jeffrey S. Bucholtz
David P. Mattern
KING & SPALDING LLP
1700 Pennsylvania Avenue NW
Washington, DC 20006
Tel: (202) 737-0500
jbucholtz@kslaw.com

Kenneth L. Steinthal
KING & SPALDING LLP
101 Second Street, Suite 2300
San Francisco, CA 94105
Tel: (415) 318-1200
ksteinthal@kslaw.com

*Counsel for American Society of Heating,
Refrigerating, and Air Conditioning
Engineers, Inc.*

Rose Leda Ehler
MUNGER, TOLLES & OLSON LLP
350 S. Grand Avenue, 50th Floor
Los Angeles, CA 90071
Tel: (213) 683-9100
rose.ehler@mto.com

*Additional Counsel for National Fire
Protection Association, Inc.*

J. Kevin Fee
Jane W. Wise
DLA PIPER LLP (US)
500 8th Street NW
Washington, DC 20004
Tel: (202) 799-4000
kevin.fee@us.dlapiper.com

Stanley J. Panikowski
DLA PIPER LLP (US)
401 B Street, Suite 1700
San Diego, CA 92101
Tel: (619) 699-2700
stanley.panikowski@us.dlapiper.com

*Counsel for American Society for
Testing and Materials d/b/a/ ASTM
International*

TABLE OF CONTENTS**VOLUME 1 (JA1-JA493)**

Docket Sheet, American Society for Testing and Materials, et al v. Public.Resource.Org, Inc., No. 13-cv-1215	JA1
Exhibit A to Complaint, DKT. 1-1	JA35
Transcript of 11/04/15 Status Hearing before Judge Tanya S. Chutkan, DKT. 116.....	JA45
Proposed Order Granting Plaintiffs’ Motion for Leave to File Under Seal, DKT. 117-1	JA66
Exhibit 1 to Declaration of Jordana S. Rubel in Support of Plaintiffs’ Motion for Summary Judgment, DKT. 117-2 (Material Under Seal).....	JA68
Plaintiffs’ Memorandum of Law in Support of Motion for Summary Judgment and Permanent Injunction, DKT. 118-1	JA182
Plaintiffs’ Statement of Material Facts in Support of Motion for Summary Judgment, DKT. 118-2.....	JA256
Declaration of Dennis J. Berry and Exhibits in Support of Plaintiffs’ Motion for Summary Judgment, DKT. 118-3	JA306
Declaration of Steven Cramer and Exhibits in Support of Plaintiffs’ Motion for Summary Judgment, DKT. 118-4	JA336
Declaration of James Golinveaux in Support of Plaintiffs’ Motion for Summary Judgment, DKT. 118-5	JA348
Declaration of Randy Jennings and Exhibit in Support of Plaintiffs’ Motion for Summary Judgment, DKT. 118-6	JA352
Declaration of Thomas B. O’Brien, Jr. and Exhibits in Support of Plaintiffs’ Motion for Summary Judgment, DKT. 118-7	JA362

VOLUME 2 (JA494-JA1297)

Declaration of Thomas B. O'Brien, Jr. and Exhibits in Support of Plaintiffs' Motion for Summary Judgment, DKT. 118-7 (continued).....	JA494
Declaration of James T. Pauley and Exhibits in Support of Plaintiffs' Motion for Summary Judgment, DKT. 118-8	JA629
Declaration of Kevin Reinertson in Support of Plaintiffs' Motion for Summary Judgment, DKT. 118-9	JA663
Declaration of Stephanie Reiniche and Exhibits in Support of Plaintiffs' Motion for Summary Judgment, DKT. 118-10	JA668
Declaration of James Thomas in Support of Plaintiffs' Motion for Summary Judgment, DKT. 118-11	JA697
Exhibit 1 to Declaration of Jordana S. Rubel in Support of Plaintiffs' Motion for Summary Judgment, DKT. 118-12 (Jarosz Report) (Material Under Seal).....	JA704
Exhibit 2 to Declaration of Jordana S. Rubel in Support of Plaintiffs' Motion for Summary Judgment, DKT. 118-12	JA818
Exhibit 3 to Declaration of Jordana S. Rubel in Support of Plaintiffs' Motion for Summary Judgment, DKT. 118-12 (Material Under Seal).....	JA896
Exhibit 8 to Declaration of Jordana S. Rubel in Support of Plaintiffs' Motion for Summary Judgment, DKT. 118-12	JA999
Exhibit 10 to Declaration of Jordana S. Rubel in Support of Plaintiffs' Motion for Summary Judgment, DKT. 118-12	JA1005
Defendant Public.Resource.Org's Statement of Material Facts in Support of Motion for Summary Judgment, DKT. 120-3 (Material Under Seal) (Public Version at DKT. 121-2)	JA1014
Declaration of Matthew Becker in Support of Public.Resource.Org's Motion for Summary Judgment, DKT. 120-4 (Material Under Seal).....	JA1050

Exhibit 4 to Declaration of Matthew Becker in Support of Public.Resource.Org’s Motion for Summary Judgment, DKT. 120-6 (Material Under Seal).....	JA1072
Exhibit 22 to Declaration of Matthew Becker in Support of Public.Resource.Org’s Motion for Summary Judgment, DKT. 120-9 (Material Under Seal).....	JA1092
Exhibit 53 to Declaration of Matthew Becker in Support of Public.Resource.Org’s Motion for Summary Judgment, DKT. 120-10 (Material Under Seal).....	JA1100
Exhibit 74 to Declaration of Matthew Becker in Support of Public.Resource.Org’s Motion for Summary Judgment, DKT. 120-11 (Material Under Seal).....	JA1119
Exhibit 80 to Declaration of Matthew Becker in Support of Public.Resource.Org’s Motion for Summary Judgment, DKT. 120-14 (Material Under Seal).....	JA1122
Exhibit 87 to Declaration of Matthew Becker in Support of Public.Resource.Org’s Motion for Summary Judgment, DKT. 120-20 (Material Under Seal).....	JA1125
Exhibit 88 to Declaration of Matthew Becker in Support of Public.Resource.Org’s Motion for Summary Judgment, DKT. 120-21 (Material Under Seal).....	JA1136
Exhibit 89 to Declaration of Matthew Becker in Support of Public.Resource.Org’s Motion for Summary Judgment, DKT. 120-22 (Material Under Seal).....	JA1149
Exhibit 90 to Declaration of Matthew Becker in Support of Public.Resource.Org’s Motion for Summary Judgment, DKT. 120-23 (Material Under Seal).....	JA1204
Exhibit 91 to Declaration of Matthew Becker in Support of Public.Resource.Org’s Motion for Summary Judgment, DKT. 120-24 (Material Under Seal).....	JA1206

Exhibit 92 to Declaration of Matthew Becker in Support of
Public.Resource.Org's Motion for Summary Judgment,
DKT. 120-25 (Material Under Seal)..... JA1208

Exhibit 93 to Declaration of Matthew Becker in Support of
Public.Resource.Org's Motion for Summary Judgment,
DKT. 120-26 (Material Under Seal)..... JA1231

Exhibit 94 to Declaration of Matthew Becker in Support of
Public.Resource.Org's Motion for Summary Judgment,
DKT. 120-27 (Material Under Seal)..... JA1238

Exhibit 129 to Declaration of Matthew Becker in Support of
Public.Resource.Org's Motion for Summary Judgment,
DKT. 120-29 (Material Under Seal)..... JA1245

Exhibit 146 to Declaration of Matthew Becker in Support of
Public.Resource.Org's Motion for Summary Judgment,
DKT. 120-33 (Material Under Seal)..... JA1254

Exhibit 150 to Declaration of Matthew Becker in Support of
Public.Resource.Org's Motion for Summary Judgment,
DKT. 120-34 (Material Under Seal)..... JA1257

Declaration of Carl Malamud in Support of Public.Resource.Org's
Motion for Summary Judgment, DKT. 121-5 JA1260

Exhibits 1-10 to Public.Resource.Org's Motion for Summary
Judgment, DKT. 122-1..... JA1271

VOLUME 3 (JA1298-JA1677)

Exhibits 1-10 to Public.Resource.Org's Motion for Summary
Judgment, DKT. 122-1 (continued)..... JA1298

Exhibits 11-20 to Public.Resource.Org's Motion for Summary
Judgment, DKT. 122-2..... JA1569

VOLUME 4 (JA1678-JA2057)

Exhibits 11-20 to Public.Resource.Org's Motion for Summary
Judgment, DKT. 122-2 (continued)..... JA1678

Exhibits 21-40 to Public.Resource.Org's Motion for Summary
Judgment, DKT. 122-3..... JA1938

VOLUME 5 (JA2058-JA2437)

Exhibits 21-40 to Public.Resource.Org's Motion for Summary
Judgment, DKT. 122-3 (continued)..... JA2058

Exhibits 41-60 to Public.Resource.Org's Motion for Summary
Judgment, DKT. 122-4..... JA2107

Exhibits 61-80 to Public.Resource.Org's Motion for Summary
Judgment, DKT. 122-5..... JA2204

Exhibits 61-80 to Public.Resource.Org's Motion for Summary
Judgment, DKT. 122-5..... JA2258

Exhibits 81-100 to Public.Resource.Org's Motion for Summary
Judgment, DKT. 122-6..... JA2296

VOLUME 6 (JA2438-JA2817)

Exhibits 81-100 to Public.Resource.Org's Motion for Summary
Judgment, DKT. 122-6 (continued)..... JA2438

Exhibits 101-120 to Public.Resource.Org's Motion for Summary
Judgment, DKT. 122-7..... JA2527

Exhibits 121-140 to Public.Resource.Org's Motion for Summary
Judgment, DKT. 122-8..... JA2644

VOLUME 7 (JA2818-JA4847)

Exhibits 141-157 to Public.Resource.Org's Motion for Summary
Judgment, DKT. 122-9..... JA2818

Exhibit 3 to Declaration of Kathleen Lu in Support of Public.Resource.Org’s Motion to Strike, DKT. 124-5	JA2952
Declaration of Steve Comstock in Support of Plaintiffs’ Reply to Opposition to Motion for Summary Judgment, DKT. 155-5	JA2955
Declaration of Christian Dubay in Support of Plaintiffs’ Reply to Opposition to Motion for Summary Judgment, DKT. 155-6	JA2960
Exhibit A to Declaration of Christian Dubay in Support of Plaintiffs’ Reply to Opposition to Motion for Summary Judgment, DKT. 155-6, exhibit A (Material Under Seal)	JA2965
Supplemental Declaration of Thomas B. O’Brien, Jr. in Support of Plaintiffs’ Reply to Opposition to Motion for Summary Judgment, DKT. 155-7	JA3849
Exhibit 10 to Declaration of Matthew Becker in Support of Public.Resource.Org’s Motion for Summary Judgment, DKT. 163-6 (Material Under Seal).....	JA3925
Exhibit 11 to Declaration of Matthew Becker in Support of Public.Resource.Org’s Motion for Summary Judgment, DKT. 163-7 (Material Under Seal).....	JA3928
Declaration of Matthew Becker in Support of Public.Resource.Org’s Motion for Summary Judgment, DKT. 164-1	JA3930
Public.Resource.Org’s Supplemental Statement of Undisputed Material Facts in Support of Public.Resource.Org’s Motion for Summary Judgment, DKT. 164-3	JA3934
Supplemental Declaration of Carl Malamud in Support of Public.Resource.Org’s Motion for Summary Judgment, DKT. 164-8	JA3941
Exhibit 5 to Supplemental Declaration of Carl Malamud in Support of Public.Resource.Org’s Motion for Summary Judgment, DKT. 164-13	JA3943

Exhibit 6 to Supplemental Declaration of Carl Malamud in Support
of Public.Resource.Org’s Motion for Summary Judgment,
DKT. 164-14 JA3988

Memorandum Opinion, DKT. 175..... JA4003

Exhibit 156 to Declaration of Jane W. Wise in Support of Plaintiffs’
Second Motion for Summary Judgment, DKT. 198-40 JA4822

VOLUME 8 (JA4848-JA7295)

Exhibit 156 to Declaration of Jane W. Wise in Support of Plaintiffs’
Second Motion for Summary Judgment, DKT. 198-40 (continued)..... JA4848

Exhibit 167 to Declaration of Jane W. Wise in Support of Plaintiffs’
Second Motion for Summary Judgment, DKT. 198-48 JA4927

Exhibit 173 to Declaration of Jane W. Wise in Support of Plaintiffs’
Second Motion for Summary Judgment, DKT. 198-48 JA4934

Declaration of James S. Thomas and Exhibits in Support of Plaintiffs’
Second Motion for Summary Judgment, DKT. 198-49 JA4940

Supplemental Declaration of James T. Pauley in Support of Plaintiffs’
Second Motion for Summary Judgment, DKT. 198-50 JA4985

Plaintiffs’ Memorandum in Support of Second Motion for Summary
Judgment and for Permanent Injunction, DKT. 199-1
(Material Under Seal) (Public Version at DKT. 200)..... JA5001

Plaintiffs’ Second Supplemental Statement of Material Facts in
Support of Second Motion for Summary Judgment, DKT. 199-2
(Material Under Seal) (Public Version at DKT. 201)..... JA5059

Exhibit D to the Supplemental Declaration of James T. Pauley
in Support of Second Motion for Summary Judgment,
DKT. 199-15 (Material Under Seal) JA5121

Exhibit F to the Supplemental Declaration of James T, Pauley in Support of Second Motion for Summary Judgment, DKT. 199-17 (Material Under Seal)	JA5223
Exhibit P to the Supplemental Declaration of James T. Pauley in Support of Second Motion for Summary Judgment, DKT. 199-27 (Material Under Seal)	JA5571
Exhibit T to the Supplemental Declaration of James T. Pauley in Support of Second Motion for Summary Judgment, DKT. 199-31 (Material Under Seal)	JA6501
Exhibit V to the Supplemental Declaration of James T. Pauley in Support of Second Motion for Summary Judgment, DKT. 199-33 (Material Under Seal)	JA6916
Supplemental Declaration of Stephanie Reiniche in Support of Second Motion for Summary Judgment, DKT. 198-53	JA6944
Exhibit 1 to Supplemental Declaration of Stephanie Reiniche in Support of Second Motion for Summary Judgment, DKT. 199-34, exhibit 1 (Material Under Seal)	JA6948
Public Resource’s Second Motion for Summary Judgment, DKT. 202.....	JA7139
Public Resource’s Second Supplemental Statement of Material Facts in Opposition To Plaintiffs’ Motion for Summary Judgment and Permanent Injunction, and in Support of Public Resource’s Second Motion for Summary Judgment, DKT. 203-2 (Material Under Seal)	JA7142
Exhibit 77 to Public Resource’s Second Motion for Summary Judgment, DKT. 203-27 (Material Under Seal)	JA7197
Declaration of Carl Malamud in Support of Public Resource’s Second Motion for Summary Judgment, DKT. 204-4	JA7199
Declaration of Matthew Becker in Support of Public Resource’s Second Motion for Summary Judgment, DKT. 204-5	JA7216

Exhibit 34 to Public Resource’s Second Motion for Summary
Judgment, DKT. 204-40 JA7226

Exhibit 36 to Public Resource’s Second Motion for Summary
Judgment, DKT. 204-42 JA7228

VOLUME 9 (JA7296-JA7675)

Exhibit 36 to Public Resource’s Second Motion for Summary
Judgment, DKT. 204-42 (continued)..... JA7296

Exhibit 37 to Public Resource’s Second Motion for Summary
Judgment, DKT. 204-43 JA7317

Exhibit 38 to Public Resource’s Second Motion for Summary
Judgment, DKT. 204-44 JA7439

Exhibit 40 to Public Resource’s Second Motion for Summary
Judgment, DKT. 204-46 JA7541

Exhibit 41 to Public Resource’s Second Motion for Summary
Judgment, DKT. 204-47 JA7655

VOLUME 10 (JA7676-JA8154)

Exhibit 41 to Public Resource’s Second Motion for Summary
Judgment, DKT. 204-47 (continued)..... JA7676

Exhibit 42 to Public Resource’s Second Motion for Summary
Judgment, DKT. 204-48 (Material Under Seal) JA7761

Exhibit 43 to Public Resource’s Second Motion for Summary
Judgment, DKT. 204-49 JA7861

Exhibit 44 to Public Resource’s Second Motion for Summary
Judgment, DKT. 204-50 JA7959

Exhibit 45 to Public Resource’s Second Motion for Summary
Judgment, DKT. 204-51 JA8045

VOLUME 11 (JA8155-JA8817)

Exhibit 45 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-51 (continued)	JA8155
Exhibit 46 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-52 (Material Under Seal)	JA8165
Exhibit 55 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-61 (Material Under Seal)	JA8269
Exhibit 56 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-62 (Material Under Seal)	JA8297
Exhibit 60 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-66	JA8324
Exhibit 72 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-78 (Material Under Seal)	JA8327
Exhibit 73 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-79 (Material Under Seal)	JA8352
Exhibit 74 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-80 (Material Under Seal)	JA8378
Exhibit 75 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-81 (Material Under Seal)	JA8405
Exhibit 76 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-82 (Material Under Seal)	JA8435
Exhibit 77 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-83 (Material Under Seal)	JA8438
Exhibit 78 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-84 (Material Under Seal)	JA8440
Exhibit 79 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-85 (Material Under Seal)	JA8446

Exhibit 80 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-86 (Material Under Seal)	JA8448
Exhibit 84 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-90	JA8450
Exhibit 85 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-91	JA8456
Exhibit 86 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-92	JA8471
Exhibit 87 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-93	JA8489
Exhibit 88 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-94	JA8491
Exhibit 89 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-95	JA8534
Exhibit 90 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-96	JA8538
Exhibit 91 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-97	JA8654
Exhibit 96 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-102	JA8667
Exhibit 97 to Public Resource’s Second Motion for Summary Judgment, DKT. 204-103 (Material Under Seal)	JA8729
Plaintiffs’ Statement of Disputed Facts and Objections in Opposition to Public Resource’s Second Supplemental Statement of Material Facts, DKT. 212-1 (Material Under Seal) (Public Version at DKT. 213-20).....	JA8733

VOLUME 12 (JA8818-JA9197)

Plaintiffs' Statement of Disputed Facts and Objections in Opposition to Public Resource's Second Supplemental Statement of Material Facts, DKT. 212-1 (Material Under Seal) (Public Version at DKT. 213-20) (continued).....	JA8818
Plaintiffs' Third Supplemental Statement of Material Facts in Support of Second Motion for Summary Judgment, DKT. 213-1	JA8858
Exhibit 176 to Declaration of Jane W. Wise in Support of Second Motion for Summary Judgment, DKT. 213-6	JA8864
Supplemental Reply Declaration of Matthew Becker in Support of Public Resource's Second Motion for Summary Judgment, DKT. 215-3.....	JA9005
Exhibit 98 to Supplemental Reply Declaration of Matthew Becker in Support of Public Resource's Second Motion for Summary Judgment, DKT. 215-4	JA9010

VOLUME 13 (JA9198-JA9505)

Exhibit 98 to Supplemental Reply Declaration of Matthew Becker in Support of Public Resource's Second Motion for Summary Judgment, DKT. 215-4 (continued).....	JA9198
Exhibit 99 to Supplemental Reply Declaration of Matthew Becker in Support of Public Resource's Second Motion for Summary Judgment, DKT. 215-5	JA9249
Memorandum and Opinion re Plaintiffs' Motion for Summary Judgment and Permanent Injunction, and Defendant's Cross-Motion for Summary Judgment, DKT. 239.....	JA9265
Appendix to Memorandum and Opinion re Plaintiffs' Motion for Summary Judgment and Permanent Injunction, and Defendant's Cross-Motion for Summary Judgment, DKT. 239-1	JA9312
Order granting in part and denying in part Plaintiffs' Motion for Summary Judgment; granting in part and denying in part Plaintiffs'	

Motion for Permanent Injunction; granting in part and denying in part Defendant’s Cross-Motion for Summary Judgment, DKT. 240 JA9499

Notice of Appeal JA9502

<p>1 standards, while, at the same time, balancing 11:56:53 2 our need to protect our intellectual 11:56:55 3 property, revenue and ultimately, the 11:56:58 4 advancement of our mission. 11:57:00 5 Q. Have you talked to anybody about Mr. Mullen's 11:57:04 6 deposition yesterday? 11:57:09 7 A. Just briefly to say, how did it go and that 11:57:13 8 was it. 11:57:17 9 Q. What did you hear about it? 11:57:18 10 A. That it went fine, it went late. That's all 11:57:20 11 I know. 11:57:23 12 Q. Did you discuss any of the topics of the 11:57:23 13 deposition? 11:57:25 14 A. No. 11:57:27 15 Q. Was there any discussion about any of the 11:57:27 16 questions at that deposition? 11:57:31 17 A. No. 11:57:33 18 Q. With whom did you discuss Mr. Mullen's 11:57:33 19 deposition? 11:58:04 20 A. With counsel. 11:58:06 21 Q. Anybody else? 11:58:11 22 A. No. 11:58:14 23 Q. Let me ask you to look at Exhibit 1223. 11:58:14 24 A. (Witness examines document) 11:58:45 25 Q. Do you recognize Exhibit 1223? 11:59:00</p> <p style="text-align: right;">Page 78</p>	<p>1 A. NFPA 70 is our National Electrical Code. 12:00:42 2 Q. That's the largest code that NFPA publishes, 12:00:45 3 correct? 12:00:51 4 MR. REHN: Objection as to form. 12:00:51 5 Ambiguous. 12:00:54 6 A. I believe it is the largest page count 12:00:55 7 document, yeah. 12:01:04 8 Q. You have been designated by NFPA as its 12:01:04 9 corporate representative on the topic of the 12:01:18 10 terms, including, but not limited to 12:01:21 11 financial terms, other requirements, 12:01:25 12 conditions, restrictions, limitations, 12:01:27 13 exclusions and exceptions of access to the 12:01:29 14 standards that NFPA claims to own for 12:01:34 15 reading, study, research, commentary, 12:01:41 16 evaluation, criticism, bookmarking, other 12:01:43 17 annotation, reproduction, personal use, place 12:01:48 18 shifting, space shifting, data mining and 12:01:52 19 comparison to other versions, standards and 12:01:55 20 documents by the public. Are you aware of 12:01:58 21 that? 12:02:03 22 A. Yes. 12:02:03 23 Q. And in that role, are you aware that these 12:02:06 24 are terms that the public must accept in 12:02:12 25 order to have free read-only online access 12:02:15</p> <p style="text-align: right;">Page 80</p>
<p>1 A. The only thing I recognize is it's from our 11:59:02 2 website. 11:59:08 3 Q. Have you seen this language before that's in 11:59:11 4 the smaller window in the middle of both 11:59:17 5 pages of Exhibit 1223? 11:59:23 6 A. I can't say specifically. It looks like 11:59:31 7 something associated with our publications, 11:59:33 8 but I can't specifically say I've seen this 11:59:36 9 actual wording. 11:59:38 10 Q. Do you recognize that these are terms that 11:59:40 11 the public must accept in order to gain the 11:59:46 12 read-only access for free to NFPA's codes and 11:59:58 13 standards? 12:00:02 14 MR. REHN: Object to form. 12:00:03 15 A. I can see their terms. I'm not sure what 12:00:06 16 they're terms for. But I can see "accept 12:00:10 17 terms" is the first statement on the top of 12:00:13 18 the first page and second page. 12:00:15 19 Q. I think the language there says, "accept 12:00:18 20 terms for: 2014 edition of NFPA 70." Can 12:00:21 21 you make that out? 12:00:30 22 A. Yeah, accept terms for 2014 edition. I can't 12:00:31 23 tell if it's NFPA 70 or 79. Unfortunately, 12:00:35 24 they're both standards. 12:00:38 25 Q. What is an NFPA 70? 12:00:39</p> <p style="text-align: right;">Page 79</p>	<p>1 to NFPA 70? 12:02:20 2 A. It's my understanding and my knowledge that 12:02:24 3 you access our standards in various formats, 12:02:28 4 whether it's our codes online or free access, 12:02:30 5 and that the user must agree to some terms 12:02:33 6 and conditions. 12:02:36 7 Q. Are you referring to terms and conditions of 12:02:37 8 the website? 12:02:38 9 A. From my perspective, there are terms and 12:02:41 10 conditions for a lot of our platforms and 12:02:47 11 different things. And it's my understanding 12:02:49 12 that with free access, with codes online, 12:02:51 13 that the user must agree to terms and 12:02:55 14 conditions. 12:02:57 15 Q. I'm representing that these are terms and 12:02:59 16 conditions that appeared very recently with 12:03:03 17 respect to the public read-only access of the 12:03:10 18 2014 edition of NFPA 70. 12:03:13 19 Do the terms and conditions that you 12:03:17 20 see on both pages of 1223 accord with your 12:03:18 21 understanding of what the terms and 12:03:21 22 conditions are for the public free read-only 12:03:23 23 access to NFPA 70? 12:03:29 24 A. I can't speak to the specific terms 12:03:36 25 themselves, the words within the terms. It 12:03:39</p> <p style="text-align: right;">Page 81</p>

1 is -- in my area of expertise, I understand 12:03:42
 2 that users must agree to a set of terms and 12:03:44
 3 conditions. 12:03:46
 4 Q. What are the terms and conditions that users 12:03:46
 5 must agree to? 12:03:49
 6 MR. REHN: Objection as to form. 12:03:51
 7 and we did produce the terms and conditions. 12:03:53
 8 It's not clear when this document was 12:03:56
 9 produced, but the witness may answer. 12:03:57
 10 A. I'm not sure what those specific terms are. 12:04:02
 11 MR. REHN: The terms speak for 12:04:05
 12 themselves. 12:04:06
 13 Q. Tell me all the terms and conditions that you 12:04:06
 14 are aware of that the public must accept in 12:04:11
 15 order to have the free access to read-only 12:04:15
 16 codes and standards of NFPA on NFPA's 12:04:20
 17 website. 12:04:26
 18 MR. REHN: Objection to form. We 12:04:26
 19 produced the terms and conditions. 12:04:27
 20 MR. BRIDGES: He's the 30(b)(6) 12:04:30
 21 witness on this very topic, and I'm entitled 12:04:31
 22 to get his testimony and to get him to 12:04:33
 23 authenticate a document from NFPA's website. 12:04:36
 24 I'm absolutely entitled to that. 12:04:39
 25 MR. REHN: The objection stands. 12:04:41
 Page 82

1 The witness may answer. 12:04:42
 2 A. Specifically, what I understand and my 12:04:44
 3 knowledge of the terms and conditions is that 12:04:46
 4 users are required to agree to a set of terms 12:04:48
 5 and conditions as shown on our website when 12:04:52
 6 they register to view the free codes. 12:04:55
 7 The extent to which -- the terms and 12:04:58
 8 words, I have no specific knowledge or 12:05:01
 9 experience in the actual terms. 12:05:05
 10 Q. Are you aware that in order to get free 12:05:09
 11 access to the read-only codes and standards 12:05:14
 12 on NFPA's website, that a user must enter 12:05:17
 13 into a contract, a binding contract with 12:05:25
 14 NFPA? 12:05:29
 15 MR. REHN: Objection as to form. 12:05:30
 16 Calls for a legal opinion, and the terms 12:05:31
 17 speak for themselves. 12:05:34
 18 A. To restate, what I am aware of is that users 12:05:37
 19 must agree to a set of terms and conditions. 12:05:41
 20 That is the extent of my knowledge. 12:05:45
 21 Q. Do you understand whether -- do you have any 12:05:47
 22 understanding one way or the other as to 12:05:50
 23 whether users must enter into a binding 12:05:53
 24 contract in accepting those terms and 12:05:58
 25 conditions? 12:06:01
 Page 83

1 MR. REHN: Same objection. 12:06:01
 2 MR. BRIDGES: I'll withdraw the 12:06:02
 3 question. It was badly formed. 12:06:03
 4 Q. Do you have an understanding as to whether, 12:06:04
 5 by accepting those terms and conditions, 12:06:06
 6 users enter into a binding contract with 12:06:09
 7 NFPA? 12:06:12
 8 MR. REHN: Same objection. Calls 12:06:13
 9 for a legal opinion. Terms speak for 12:06:14
 10 themselves. 12:06:16
 11 A. I have no knowledge of that, on how to 12:06:19
 12 interpret that. 12:06:22
 13 Q. Do you know that in order to gain access for 12:06:23
 14 free to the read-only codes and standards on 12:06:32
 15 NFPA's website, a member of the public must 12:06:35
 16 agree to waive objection to venue in a court 12:06:44
 17 of competent jurisdiction in the State of 12:06:58
 18 Massachusetts for disputes arising out of the 12:07:02
 19 terms and conditions? 12:07:06
 20 MR. REHN: Objection as to form. 12:07:08
 21 The terms speak for themselves. If you want 12:07:10
 22 to direct him to language in the terms, and 12:07:12
 23 ask if he's aware of that language. 12:07:14
 24 Q. Sure. Let me ask you to look at the last two 12:07:16
 25 paragraphs on the second page of 12:07:18
 Page 84

1 Exhibit 1223. 12:07:21
 2 A. I'm there. 12:07:26
 3 Q. Have you read those two paragraphs? 12:07:28
 4 MR. REHN: Take your time and go 12:07:30
 5 ahead and read them. 12:07:32
 6 A. (Witness examines document) 12:07:32
 7 VIDEOGRAPHER: There are five 12:07:38
 8 minutes remaining on the videotape. 12:07:39
 9 A. I've read them. 12:08:05
 10 Q. Before today, were you aware that those were 12:08:06
 11 terms and conditions that a consumer or -- 12:08:10
 12 strike that. 12:08:12
 13 Before today, were you aware that 12:08:14
 14 those two paragraphs are among the terms and 12:08:16
 15 conditions that a member of the public must 12:08:19
 16 agree to in order to have free access to 12:08:22
 17 read-only versions of NFPA's codes and 12:08:25
 18 standards? 12:08:27
 19 MR. REHN: Object to the form. 12:08:28
 20 Lacks foundation. 12:08:30
 21 A. Before today, I had not read these. 12:08:32
 22 Q. Before today, had you known that these were 12:08:34
 23 among the terms and conditions that the 12:08:37
 24 public must accept in order to have free 12:08:39
 25 access to the read-only versions of NFPA's 12:08:42
 Page 85

1 codes and standards? 12:08:45
 2 MR. REHN: Object to the form. 12:08:46
 3 A. Before today, as previously stated, my 12:08:47
 4 understanding wholly was that a user had to 12:08:50
 5 agree to some terms and conditions in order 12:08:54
 6 to gain free read-only access to our codes 12:08:56
 7 and standards. 12:08:59
 8 Q. You're not answering my question. It's a yes 12:08:59
 9 or no question. Before today, were you aware 12:09:01
 10 that the last two paragraphs that you've just 12:09:05
 11 read were among those terms and conditions? 12:09:07
 12 MR. REHN: Object to the form. And 12:09:10
 13 the witness doesn't have to answer the way 12:09:10
 14 that you want him to answer. This question 12:09:12
 15 has been asked and answered. 12:09:14
 16 Q. It's a yes or no. 12:09:16
 17 MR. REHN: Again, the witness can 12:09:17
 18 answer the question in the most accurate way 12:09:18
 19 they can. 12:09:22
 20 MR. BRIDGES: Don't coach the 12:09:22
 21 witness. That's, believe me, coaching. 12:09:23
 22 Q. Yes or no. Did you know these two paragraphs 12:09:25
 23 were among the terms and conditions that the 12:09:27
 24 public had to accept in order to have free 12:09:28
 25 access to the read-only versions of NFPA's 12:09:30
 Page 86

1 codes and standards? 12:09:34
 2 MR. REHN: Same objection as to 12:09:34
 3 form. And you may answer the question in the 12:09:36
 4 most accurate way that you can. 12:09:39
 5 MR. BRIDGES: The most accurate way 12:09:41
 6 is yes or no. 12:09:42
 7 MR. REHN: Objection and move to 12:09:43
 8 strike that. Same objection as before. 12:09:45
 9 Q. Please proceed. 12:09:48
 10 A. As I previously stated, the first time I read 12:09:49
 11 those words, those last two paragraphs was 12:09:52
 12 just now. 12:09:54
 13 Q. Were you aware of the terms in the last two 12:09:55
 14 paragraphs of the text on Exhibit 1223 before 12:10:01
 15 you read them? 12:10:12
 16 MR. REHN: Object as to form. 12:10:14
 17 A. No, I was only aware of terms and conditions. 12:10:18
 18 Q. Of the existence of terms and conditions? 12:10:21
 19 A. Yes. 12:10:23
 20 Q. You were not aware of these two paragraphs as 12:10:24
 21 part of those terms and conditions? 12:10:26
 22 MR. REHN: Object as to form. 12:10:28
 23 A. Again, assuming that these are accurate from 12:10:30
 24 our website, I have not read these paragraphs 12:10:35
 25 until just now when you asked me to. 12:10:38
 Page 87

1 Q. Have you known that the substance of these 12:10:40
 2 two paragraphs were among the terms and 12:10:42
 3 conditions before today? 12:10:44
 4 MR. REHN: Objection as to form. 12:10:46
 5 A. As I previously stated and I stand by my 12:10:47
 6 testimony that I was not aware of any of the 12:10:52
 7 terms and conditions, only that a user had to 12:10:54
 8 agree to terms and conditions in order to 12:10:57
 9 gain free access to our codes and standards. 12:10:59
 10 MR. BRIDGES: I think it's time for 12:11:03
 11 a break. 12:11:04
 12 VIDEOGRAPHER: The time is 12:11. 12:11:04
 13 This is the end of Tape No. 1, and we are now 12:11:07
 14 off the record. 12:11:09
 15 (Break taken) 12:11:12
 16 VIDEOGRAPHER: The time is 12:20. 12:21:00
 17 This is the beginning of Tape No. 2, and we 12:21:05
 18 are now back on the record. 12:21:07
 19 MR. BRIDGES: 12:21:08
 20 Q. Mr. Dubay, in order to prepare for today's 12:21:09
 21 deposition, what did you do to become 12:21:16
 22 familiar with the terms and conditions for 12:21:18
 23 public access to the read-only versions of 12:21:24
 24 NFPA's codes and standards? 12:21:29
 25 MR. REHN: I instruct the witness to 12:21:32
 Page 88

1 exclude from his answer anything that would 12:21:33
 2 reveal the substance of communications with 12:21:35
 3 legal counsel. 12:21:37
 4 A. I didn't do anything to prepare. 12:21:40
 5 Q. What documents did you review in connection 12:21:44
 6 with preparing to testify at today's 12:21:46
 7 deposition? 12:21:49
 8 MR. REHN: If you remember any 12:21:53
 9 specific documents, you may answer. 12:21:54
 10 MR. BRIDGES: That's coaching, that 12:21:56
 11 statement, if ever I've heard one. 12:21:58
 12 A. None. 12:22:01
 13 Q. Is it true that before the public can access 12:22:02
 14 NFPA's codes and standards in their read-only 12:22:19
 15 versions for free on NFPA's website, a member 12:22:24
 16 of the public must register and provide 12:22:27
 17 information and an e-mail address to NFPA? 12:22:34
 18 A. It's my understanding that in order to gain 12:22:42
 19 read-only access, that you do need to 12:22:45
 20 register and agree to terms and conditions. 12:22:48
 21 Q. And registering includes providing an e-mail 12:22:50
 22 address? 12:22:53
 23 A. I believe that's the case. I'm sure it has 12:22:55
 24 to be e-mail. 12:22:59
 25 Q. And one must register before one can even 12:23:00
 Page 89

1 review the terms and conditions in order to 12:23:02
 2 decide whether to accept or to decline the 12:23:04
 3 terms and conditions? Are you aware of that? 12:23:07
 4 A. No, I'm not. 12:23:11
 5 Q. Are you aware that if someone declines the 12:23:12
 6 terms and conditions, one is unable to gain 12:23:18
 7 free access to the read-only versions of 12:23:23
 8 NFPA's codes and standards? 12:23:25
 9 A. My understanding is that you have to agree to 12:23:30
 10 the terms and conditions before you're 12:23:32
 11 granted free read-only access. 12:23:34
 12 Q. Do you understand that NFPA adds the e-mail 12:23:39
 13 addresses that people furnish in the 12:23:46
 14 registration process to e-mail lists that it 12:23:48
 15 uses for marketing purposes? 12:23:55
 16 MR. REHN: Object as to form. 12:23:56
 17 Outside the scope. 12:23:58
 18 A. I don't have first-hand knowledge of what 12:24:01
 19 happens with the registrants to our free 12:24:04
 20 access. 12:24:06
 21 Q. What information does NFPA collect about 12:24:08
 22 persons who visit NFPA's website to gain free 12:24:12
 23 access to the read-only versions of NFPA's 12:24:17
 24 codes and standards? 12:24:20
 25 MR. REHN: Same objections as to 12:24:22
 Page 90

1 form and to the scope of the designated 12:24:23
 2 topics. 12:24:25
 3 A. Can you restate the question. I'm sorry. 12:24:29
 4 MR. BRIDGES: I'll ask the court 12:24:35
 5 reporter to re-read it. 12:24:36
 6 (Question read) 12:24:37
 7 MR. REHN: And the same objection as 12:24:55
 8 to form and the scope of the designated 12:24:56
 9 topics. But if the witness has personal 12:24:58
 10 knowledge of this question, he may answer. 12:25:02
 11 A. I don't have personal knowledge of what we 12:25:04
 12 request, and it resides outside of my area. 12:25:06
 13 Q. You're unfamiliar with what other 12:25:10
 14 requirements apply to the public in order for 12:25:22
 15 the public to gain free access to the 12:25:29
 16 read-only versions of NFPA's codes and 12:25:32
 17 standards other than the fact that they must 12:25:34
 18 agree to some terms and conditions; is that 12:25:43
 19 correct? 12:25:48
 20 MR. REHN: Was that -- was that the 12:25:48
 21 prior question? Is that the same question? 12:25:49
 22 Q. You may answer. 12:25:58
 23 MR. REHN: Hold on one second. 12:26:00
 24 MR. BRIDGES: If you want to object, 12:26:03
 25 then object. 12:26:05
 Page 91

1 MR. REHN: I'll object as to the 12:26:08
 2 form of this question. 12:26:10
 3 Q. You may answer. 12:26:13
 4 A. My understanding is that you must register 12:26:17
 5 and agree to some terms and conditions to 12:26:21
 6 gain access to the free read-only of all of 12:26:23
 7 our codes and standards. 12:26:27
 8 Q. And that's all you know about it? 12:26:28
 9 A. That's the extent of my knowledge of what's 12:26:30
 10 involved in the process, yes. 12:26:32
 11 Q. Are you familiar with the fact that in order 12:26:33
 12 to gain free access to the read-only versions 12:26:51
 13 of NFPA's codes and standards, a member of 12:26:58
 14 the public must enter into an acknowledgment 12:27:02
 15 that NFPA owns copyright on all the codes and 12:27:08
 16 standards? 12:27:13
 17 MR. REHN: Object to the form. 12:27:14
 18 Lacks foundation. To the extent this is a 12:27:15
 19 question about the terms of access, the terms 12:27:18
 20 speak for themselves, and this may call for a 12:27:20
 21 legal opinion. 12:27:20
 22 A. My understanding of the process is that you 12:27:26
 23 register and agree to terms and conditions. 12:27:30
 24 That is the extent of my knowledge. 12:27:32
 25 Q. And you're unable to say whether the terms 12:27:38
 Page 92

1 and conditions on Exhibit 1223 are the terms 12:27:41
 2 and conditions that a user has to agree to in 12:27:45
 3 order to have free access to the read-only 12:27:49
 4 versions of NFPA's codes and standards? 12:27:51
 5 MR. REHN: Object to the form. 12:27:54
 6 Q. Is that correct? 12:27:56
 7 A. What I can say is this document that you've 12:27:57
 8 handed me appears to be from our website and 12:28:01
 9 it appears to be terms and conditions. I 12:28:03
 10 can't comment whether these are the actual 12:28:06
 11 current terms and conditions or whether they 12:28:08
 12 were previous terms and conditions because as 12:28:10
 13 I previously stated, I just read the last two 12:28:12
 14 paragraphs just now or just a few moments 12:28:15
 15 ago. 12:28:18
 16 (Exhibit 1228 marked for 12:28:45
 17 identification.) 12:28:57
 18 Q. I hand you Exhibit 1228. Please tell me if 12:28:57
 19 you recognize this document and if so, tell 12:29:04
 20 me what it is. 12:29:07
 21 A. It looks like a page from our website and the 12:29:10
 22 title of it is "Terms of Use." 12:29:20
 23 Q. Are these, in fact, the terms of use of 12:29:23
 24 NFPA's website? 12:29:26
 25 A. Again, I can't comment on whether these are 12:29:36
 Page 93

<p>1 the actual terms of use on our website as I 12:29:38 2 don't have any involvement in determining 12:29:42 3 these or viewing them or establishing the 12:29:44 4 content of them. 12:29:46 5 (Exhibit 1229 marked for 12:30:04 6 identification.) 12:30:04 7 Q. I hand you Exhibit 1229. Please tell me if 12:30:07 8 you recognize it, and if so, tell me what it 12:30:13 9 is. 12:30:15 10 A. Again, it appears to be a page from our 12:30:19 11 website around our disclaimers, and I 12:30:23 12 recognize some of these statements around 12:30:26 13 our standards process. 12:30:29 14 Without getting into is it 12:30:33 15 accurately worded throughout, they look like 12:30:34 16 some of our standard statements that we use 12:30:37 17 within our standards process. 12:30:41 18 Q. Are you in a position to say whether the 12:30:47 19 terms of use in Exhibit 1228 and the 12:30:49 20 disclaimers in Exhibit 1229 apply to the 12:30:52 21 public's access to the read-only versions 12:31:03 22 of NFPA's codes and standards? 12:31:07 23 MR. REHN: Object to the form. 12:31:10 24 Calls for a legal opinion. 12:31:12 25 A. I don't believe I'm in the position to do 12:31:14 Page 94</p>	<p>1 if so, identify it. 12:34:17 2 A. Just give me one moment here. 12:34:19 3 MR. REHN: Take your time. Make 12:34:25 4 sure you review the document in its entirety. 12:34:28 5 A. (Witness examines document) Exhibit 1230 12:34:32 6 appears to be a view, screen captured from 12:34:43 7 our standards development site relating to 12:34:47 8 the public comment stage associated with NFPA 12:34:50 9 70E. 12:34:54 10 Q. Did you participate in the design of these 12:35:02 11 pages? 12:35:06 12 MR. REHN: There is some handwritten 12:35:07 13 annotation on one page. It appears to be 12:35:09 14 part of the copy. 12:35:14 15 MR. BRIDGES: I'm sorry. There is 12:35:17 16 that handwritten -- right. 12:35:21 17 Q. Please disregard the handwriting on -- 12:35:29 18 MR. REHN: It's your understanding 12:35:34 19 that handwritten annotation does not appear 12:35:36 20 on the NFPA's website? 12:35:38 21 A. No, the handwritten annotations can't appear 12:35:40 22 on our website. So I would assume -- my 12:35:43 23 assumption is that that was someone's notes 12:35:46 24 before photocopy. 12:35:48 25 Q. That's right. I apologize for that, but 12:35:49 Page 96</p>
<p>1 that. In my normal course of work, I would 12:31:16 2 rely on our general counsel to provide 12:31:19 3 guidance on how these apply. 12:31:22 4 Q. Do you have any reason to believe that 12:31:27 5 Exhibits 1223, 1228 and 1229 do not 12:31:34 6 accurately depict terms of use and 12:31:43 7 disclaimers on NFPA's website? 12:31:52 8 A. With the assumption that you have accurately 12:32:04 9 replicated them from our website, they appear 12:32:09 10 to be from our website. They appear to be, 12:32:11 11 based upon logo, formatting and such, appear 12:32:13 12 to be part of our content. 12:32:16 13 Q. So does that mean you don't have any reason 12:32:18 14 to believe that they do not accurately depict 12:32:22 15 the terms of use and disclaimers on NFPA's 12:32:25 16 website? 12:32:29 17 A. Personally, I don't, but I would rely on 12:32:31 18 legal counsel to confirm those things 12:32:34 19 because, again, I don't have first-hand 12:32:38 20 knowledge of these. These are not within my 12:32:41 21 area of responsibility. 12:32:43 22 (Exhibit 1230 marked for 12:33:42 23 identification.) 12:33:54 24 Q. Mr. Dubay, I've handed you Exhibit 1230. Can 12:34:07 25 you please tell me whether you recognize and 12:34:13 Page 95</p>	<p>1 apart from that handwriting, you understand 12:35:52 2 this to be a form that's used for public 12:35:54 3 comment? 12:35:59 4 A. Yes, in part it's the view of the website 12:35:59 5 and then it looks like it's the steps through 12:36:07 6 submitting a public comment, so yes. 12:36:07 7 Q. Let me ask you to turn to the page that has a 12:36:07 8 stamping at the bottom that ends with 38502. 12:36:12 9 A. I'm there. 12:36:22 10 Q. It says in the middle, "Note, due to 12:36:29 11 copyright considerations, NFPA is unable to 12:36:32 12 accept these submissions electronically at 12:36:35 13 this time." What does that mean? 12:36:38 14 A. At this point in the process you are stating 12:36:45 15 what the reason is for your public comment, 12:36:52 16 why you're submitting it, and at times 12:36:55 17 submitters desire to attach reports, 12:36:57 18 publications and such. 12:37:01 19 And we have a very strict policy on 12:37:04 20 copyright and protection of intellectual 12:37:07 21 property, not only of ours, but of others and 12:37:09 22 at times, submitters from the public will 12:37:12 23 want to submit a document as supporting, we 12:37:14 24 call it supporting material, and we require 12:37:18 25 them to send us a hard copy so that we can -- 12:37:21 Page 97</p>

<p>1 via mail so that we can verify that they 12:37:24 2 truly retain the copyright and can give us 12:37:27 3 permission to post that or that we can reach 12:37:29 4 out specifically to the owner of said 12:37:31 5 copyright to determine whether a copyright 12:37:34 6 would be -- a reproduction, posting, 12:37:37 7 et cetera, would be allowed, permitted by 12:37:39 8 them. 12:37:41 9 Q. Does NFPA have a policy regarding fair use in 12:37:42 10 copyright? 12:37:46 11 MR. REHN: Object to the form to 12:37:47 12 the extent it calls for a legal opinion. 12:37:48 13 A. It's my general understanding in dealing with 12:37:52 14 legal counsel, yes, we do. 12:37:54 15 Q. What is NFPA's fair use policy? 12:37:57 16 MR. REHN: Again, I'll object to 12:38:00 17 the extent it calls for legal opinion or it 12:38:02 18 calls for the substance of any privileged 12:38:04 19 communications. But you can answer to the 12:38:05 20 extent you know. 12:38:07 21 A. I don't know the specifics of it. I just 12:38:08 22 know that when we request to utilize our 12:38:11 23 intellectual property, that legal counsel 12:38:13 24 discusses the term "fair use" with me and 12:38:17 25 discusses it in their decisionmaking. I'm 12:38:20</p> <p style="text-align: right;">Page 98</p>	<p>1 that just for convenience in making screen 12:39:56 2 prints of these documents for purposes of 12:40:01 3 production in litigation, or does she 12:40:05 4 actually make submissions and execute these 12:40:08 5 forms? 12:40:14 6 MR. REHN: Object to the form. It 12:40:14 7 may call for attorney-client privilege. It 12:40:18 8 may call for speculation. 12:40:22 9 MR. BRIDGES: You may want to 12:40:23 10 stipulate that this was just done as a mockup 12:40:24 11 for purposes of production which I suspect is 12:40:28 12 the case. 12:40:30 13 MR. REHN: We can stipulate to that. 12:40:31 14 This was a way to make sure we got all the 12:40:34 15 screen shots. 12:40:35 16 Q. So this, to your understanding, Mr. Dubay, 12:40:36 17 this document contains the fields and 12:40:40 18 headings and text that the public normally 12:40:49 19 encounters when the public submits comments 12:40:53 20 in the course of NFPA's standards 12:40:58 21 development; is that correct? 12:41:00 22 A. Correct. To the best of my knowledge, it 12:41:02 23 appears that it's captured all of the various 12:41:05 24 steps of submitting a comment from the 12:41:08 25 origination of selecting the text through the 12:41:11</p> <p style="text-align: right;">Page 100</p>
<p>1 not aware of a specific policy, per se, but 12:38:22 2 it's often brought up. 12:38:26 3 Q. Do you have any understanding about the 12:38:28 4 concept of fair use and copyright law? 12:38:34 5 MR. REHN: Objection. Calls for 12:38:36 6 legal opinion. 12:38:38 7 A. My only understanding of that is that from a 12:38:41 8 general concept of that small uses of our 12:38:46 9 intellectual property in certain ways are 12:38:52 10 permitted through the term called "fair use." 12:38:53 11 My professional background, I don't have the 12:38:56 12 specifics of that. That's my understanding. 12:38:58 13 Q. So looking at Exhibit 1230 again, this 12:39:02 14 appears to be a page directed at somebody by 12:39:06 15 the name of Debra Baio, is that correct? 12:39:14 16 MR. FEE: Which page? 12:39:21 17 Q. The first page, I believe it's B A I O, but 12:39:22 18 maybe it's B A I O I. Is that a name you 12:39:30 19 recognize? 12:39:34 20 A. Yes, she works in our codes and standards 12:39:35 21 division responsible for our system, and she 12:39:37 22 develops training content and such around our 12:39:41 23 platform. 12:39:43 24 Q. So this document has her name in several 12:39:45 25 places as though she's the submitter. Is 12:39:51</p> <p style="text-align: right;">Page 99</p>	<p>1 copyright assignment at the end, yes, it 12:41:14 2 appears that way. 12:41:17 3 Q. This mockup appears to be specific to one 12:41:18 4 standard and one section of a standard, 12:41:25 5 namely NFPA 70E and informative NXX; is that 12:41:27 6 correct? 12:41:42 7 A. What it contains is the public comment view 12:41:43 8 of NFPA 70 and then -- 70E, excuse me, and 12:41:45 9 the selection process through that. 12:41:48 10 Q. The selection process through that, meaning 12:41:51 11 what a public commenter would follow to reach 12:41:54 12 a certain point to comment on a certain 12:41:58 13 aspect of the standard; is that correct? 12:42:00 14 A. This is an example of a public, proposed 12:42:12 15 public comment or training material around 12:42:16 16 NFPA 70 on the second draft of, excuse me, on 12:42:20 17 the first draft of NFPA 70. 12:42:24 18 Q. And it's specifically focusing in on one part 12:42:27 19 of that draft, namely informative NXX, 12:42:29 20 general categories of electrical hazards; is 12:42:33 21 that correct? 12:42:39 22 A. It appears that the person Debbie, or whoever 12:42:39 23 put this together, did select NXX. It's just 12:42:43 24 kind of blurry, but I believe it looks like 12:42:47 25 she selected NXX as the example. 12:42:50</p> <p style="text-align: right;">Page 101</p>

1 Q. And there is on the third page of the 12:42:55
 2 exhibit, which ends in No. 38500, near the 12:42:58
 3 top of the field inside the browser window, 12:43:07
 4 it says Public Comment No. 15-SF, looks like 12:43:10
 5 DEM, D E M,-PC-2015; is that correct? 12:43:17
 6 A. I believe it says 15-5F, I think, DEM PC 215 12:43:25
 7 or SF. 12:43:32
 8 Q. How are those numbers assigned? 12:43:34
 9 A. Those numbers are assigned based upon when 12:43:40
 10 you submit a comment on the document. I 12:43:42
 11 believe this is a demonstration file, so 12:43:47
 12 you're seeing the DEM in there versus 15-70E 12:43:49
 13 or 15 dash the document. They're all related 12:43:56
 14 in order, numerical order based upon the 12:43:59
 15 document. 12:44:04
 16 Q. And then on pages that end in 38506 and 12:44:05
 17 38507, there are headings for copyright 12:44:24
 18 assignment and signature (required) and then 12:44:32
 19 alternative copyright assignment and 12:44:38
 20 signature (required). Do you see those? 12:44:41
 21 A. Yes, I see them. 12:44:48
 22 Q. It appears that the alternative copyright 12:44:49
 23 assignment signature shown on the second of 12:44:56
 24 those pages is what one reaches by clicking, 12:44:58
 25 when you "click here" line on the first of 12:45:03
 Page 102

1 those two pages in the middle of the field, 12:45:04
 2 is that correct? 12:45:07
 3 A. The alternate copyright statement comes up 12:45:13
 4 when you -- if you are not the author of all 12:45:17
 5 of the content that you're submitting and 12:45:22
 6 then we ask you to click here, and I'm pretty 12:45:24
 7 sure that the next page is the alternate. It 12:45:28
 8 replaces the current copyright with the 12:45:31
 9 alternate copyright statement. 12:45:35
 10 Q. So it's your understanding that the "click 12:45:35
 11 here" link on the page ending 38506 takes 12:45:35
 12 somebody to the page 38507 in order to 12:45:39
 13 execute a different form of -- or to execute 12:45:42
 14 what's referred to as an alternative 12:45:47
 15 copyright assignment and signature; is that 12:45:50
 16 correct? 12:45:52
 17 A. That is my understanding. 12:45:52
 18 (Exhibit 1231 marked for 12:46:22
 19 identification.) 12:46:23
 20 Q. Mr. Dubay, can you please identify 12:46:24
 21 Exhibit 1231. 12:46:26
 22 A. This appears to be our online committee 12:46:37
 23 member application process, first part of the 12:46:43
 24 form that you would fill out to apply for 12:46:47
 25 technical committee membership. 12:46:49
 Page 103

1 Q. And this is a form that's got some 12:46:51
 2 information that's put in here I assume for 12:46:54
 3 dummy purposes under applicant's personal 12:46:56
 4 info, correct? 12:47:00
 5 A. It appears that way, that it's just sample 12:47:07
 6 information again. 12:47:10
 7 MR. REHN: I can stipulate to that. 12:47:11
 8 This is to enable us to produce this 12:47:15
 9 document. 12:47:17
 10 Q. Okay. And there's a, what appears to be a 12:47:18
 11 pull-down menu for principal member category. 12:47:26
 12 Do you see that? 12:47:32
 13 A. Yes, I see the pull-down menu. 12:47:35
 14 Q. Do those member categories correspond to 12:47:37
 15 the -- I forgot what you referred to them, 12:47:42
 16 interest groups or interest -- to the 12:47:44
 17 interest groups you referred to earlier? 12:47:48
 18 A. That relates to are you applying as a 12:47:51
 19 principal member or an alternate member. 12:47:53
 20 Q. Okay. That referred to membership on the 12:47:56
 21 committee, not the type of member of NFPA? 12:48:00
 22 A. Not the interest category. 12:48:04
 23 Q. Is there any place on here for somebody to 12:48:18
 24 indicate what interest category they fall 12:48:21
 25 into? 12:48:27
 Page 104

1 A. No. There's no place on our form to indicate 12:48:27
 2 what category you are applying to. That's 12:48:46
 3 ultimately the decision of our standards 12:48:50
 4 council. 12:48:52
 5 Q. Do you see on the third page of Exhibit 1231, 12:48:52
 6 the page ending 38520, there's no assigned -- 12:48:59
 7 copyright assignment language on this, 12:49:10
 8 correct? 12:49:14
 9 MR. REHN: Object to the form. 12:49:15
 10 Mischaracterizes the document. Calls for a 12:49:17
 11 legal opinion. 12:49:19
 12 A. Each and every committee member participates 12:49:23
 13 in the NFPA process with the full 12:49:26
 14 understanding that the material that they're 12:49:28
 15 developing is the intellectual property of 12:49:30
 16 NFPA. And that has been that way for as long 12:49:33
 17 as I've been involved in NFPA and as part of 12:49:36
 18 the application process as well as we have a 12:49:38
 19 policy that we verify each and every public 12:49:42
 20 input public comment proposal that comes in 12:49:44
 21 that that has happened. 12:49:47
 22 Q. Do you understand what a work-made-for-hire 12:49:51
 23 is? 12:49:55
 24 MR. REHN: Object to the form. 12:49:55
 25 Calls for a legal opinion. 12:49:56
 Page 105

1 A. Not specifically. 12:49:58
 2 Q. Do you have any general understanding of what 12:50:05
 3 a work-made-for-hire is? 12:50:08
 4 MR. REHN: Same objection. Calls 12:50:10
 5 for a legal opinion. 12:50:11
 6 A. My understanding of this agreement as well as 12:50:12
 7 the wording that we utilize on our public 12:50:16
 8 input and public comments is that we do this 12:50:19
 9 to establish our intellectual property at the 12:50:22
 10 same time we utilize our general counsel and 12:50:24
 11 legal review and they establish how to 12:50:26
 12 properly word these. I don't have any 12:50:28
 13 specific general knowledge. 12:50:30
 14 Q. I understand what the purpose may be for the 12:50:32
 15 language. I'm just asking if whether you, 12:50:35
 16 sitting here today, understand what a 12:50:37
 17 work-made-for-hire is? 12:50:38
 18 MR. REHN: Same objection. Calls 12:50:40
 19 for legal opinion. 12:50:41
 20 A. My response is based upon I don't necessarily 12:50:43
 21 understand what a work-made-for-hire is. 12:50:47
 22 Q. Do you know when language relating to 12:50:49
 23 works-made-for-hire first came into the forms 12:50:57
 24 that NFPA required of those participating in 12:51:01
 25 the NFPA standards development process? 12:51:04
 Page 106

1 MR. REHN: Object to the form. 12:51:06
 2 A. No. 12:51:10
 3 Q. Do you know whether work-made-for-hire 12:51:13
 4 language was in NFPA documents before 2012? 12:51:16
 5 MR. REHN: Object to the form. If 12:51:26
 6 you have documents to show the witness, you 12:51:27
 7 can show them to him. 12:51:29
 8 A. In my opinion, in my tenure at NFPA in the 12:51:32
 9 20 years, my knowledge is that there's always 12:51:36
 10 been a release and sign-off associated with 12:51:38
 11 the committee application as well as 12:51:41
 12 submission of proposal and comments. When 12:51:43
 13 those modifications came into place, I don't 12:51:45
 14 know. 12:51:47
 15 Q. Do you know what modifications there have 12:51:47
 16 been to the intellectual property language in 12:51:50
 17 the various documents that participants in 12:51:54
 18 the standards development processes must 12:51:58
 19 execute? 12:52:00
 20 MR. REHN: Object to the form. The 12:52:00
 21 documents speak for themselves. 12:52:02
 22 A. Not specifically. 12:52:06
 23 Q. Generally, what do you understand to have 12:52:08
 24 been modifications in the intellectual 12:52:10
 25 property language in those documents? 12:52:13
 Page 107

1 MR. REHN: Same objection. The 12:52:14
 2 documents speak for themselves. 12:52:16
 3 A. My understanding is based upon our process, 12:52:17
 4 where, over the years, when there's a need to 12:52:22
 5 update those forms, that is done at the 12:52:25
 6 request of legal and my team's responsibility 12:52:27
 7 is to ensure that those are signed off and 12:52:31
 8 the forms are updated as appropriate. 12:52:34
 9 And the process in my team remains 12:52:37
 10 the same. We don't get into the wording. We 12:52:39
 11 verify that it's been acknowledged. 12:52:41
 12 Q. What different formulations of the 12:52:43
 13 intellectual property language have there 12:52:47
 14 been in the NFPA standards development 12:52:56
 15 documents that participants are required to 12:52:59
 16 sign? 12:53:01
 17 MR. REHN: Same objection. Lacks 12:53:01
 18 foundation. The documents speak for 12:53:03
 19 themselves. 12:53:05
 20 A. At this point I can't diagram each one. I'd 12:53:07
 21 have to review each edition of those 12:53:16
 22 documents over the course of time. 12:53:18
 23 Q. Have you reviewed the different types of 12:53:20
 24 documents to prepare for today's deposition? 12:53:23
 25 A. No. 12:53:26
 Page 108

1 Q. What different formulations of the 12:53:26
 2 intellectual property language do you recall? 12:53:30
 3 MR. REHN: Object to the form. The 12:53:34
 4 documents speak for themselves. 12:53:37
 5 A. From my position, the way I recall it is that 12:53:40
 6 we enforce the current version of the text, 12:53:43
 7 which has been provided to us, on each and 12:53:46
 8 every proposal, comment, public input 12:53:48
 9 committee application. 12:53:51
 10 Q. What different formulations of the 12:53:56
 11 intellectual property language do you recall? 12:53:58
 12 MR. REHN: Same objection. The 12:54:00
 13 documents speak for themselves. We produced 12:54:02
 14 forms in connection with every standard at 12:54:05
 15 issue in this case. If you want to show him 12:54:07
 16 those forms, you can, but the documents speak 12:54:09
 17 for themselves. 12:54:12
 18 MR. BRIDGES: Will you stipulate 12:54:12
 19 that I can get through every form that I 12:54:13
 20 would like for him to authenticate? 12:54:16
 21 MR. REHN: You can start showing him 12:54:18
 22 some forms. 12:54:19
 23 MR. BRIDGES: Will you stipulate 12:54:20
 24 that you'll allow him to testify about every 12:54:21
 25 single form I want him to authenticate? 12:54:23
 Page 109

<p>1 MR. REHN: I'll stipulate that you 12:54:25 2 can fill your seven hours however you choose. 12:54:27 3 Q. The question remains what different 12:54:31 4 formulations of the intellectual property 12:54:37 5 language do you recall as you sit here today? 12:54:39 6 MR. REHN: I'll object. At this 12:54:41 7 point this question has been asked and 12:54:42 8 answered multiple times. Same objection as 12:54:43 9 to the documents speaking for themselves. 12:54:46 10 MR. BRIDGES: It's not been 12:54:49 11 answered. 12:54:50 12 Q. You may proceed. 12:54:51 13 A. I don't specifically recall individual 12:54:51 14 versions of the document. 12:54:53 15 Q. You don't recall any form of the intellectual 12:54:55 16 property language that participants must sign 12:54:57 17 in order to participate in the NFPA standards 12:55:01 18 development process? 12:55:04 19 MR. REHN: Object to the form. 12:55:04 20 Mischaracterizes the testimony. 12:55:06 21 Argumentative. 12:55:08 22 A. No, I do not. I rely on our policy and our 12:55:09 23 team meeting with legal counsel and 12:55:12 24 establishing that wording in accordance with 12:55:14 25 their directions. 12:55:16 Page 110</p>	<p>1 the 30(b)(6) notice? 12:57:20 2 MR. REHN: Our representation -- 12:57:22 3 those Bates numbers represent assignment 12:57:26 4 forms that we produced in this litigation and 12:57:29 5 including assignment forms pertaining to each 12:57:32 6 of the standards at issue. 12:57:34 7 MR. BRIDGES: That's a different 12:57:38 8 thing. 12:57:39 9 Q. Mr. Dubay, are you able to identify by Bates 12:57:39 10 number, which is a term lawyers use for 12:57:45 11 document production number, one instance of 12:57:48 12 each of the different forms of assignment by 12:57:51 13 which NFPA claims that it received 12:57:57 14 assignments of copyrights in this action? 12:57:59 15 MR. REHN: Same objection as to 12:58:02 16 form. It's an improper question. The 12:58:03 17 witness can answer if he knows. 12:58:06 18 A. What I can tell you, I'm not sure if it 12:58:08 19 answers your question, my team reviews tens 12:58:11 20 of thousands of forms a year to verify 12:58:13 21 copyright signing, checking the box, signing 12:58:16 22 the forms and submitting them. 12:58:20 23 Q. How many different versions of the blank 12:58:22 24 forms has NFPA created? 12:58:25 25 A. I don't recall how many versions, but we do 12:58:28 Page 112</p>
<p>1 Q. Do you have the document production numbers, 12:55:33 2 which we call Bates numbers, of at least one 12:55:44 3 instance of every form of assignment that -- 12:55:48 4 with which NFPA claims that a person 12:55:52 5 participating in the NFPA standards 12:55:57 6 development process has signed? 12:55:59 7 MR. REHN: Object to the form. It's 12:56:04 8 an improper question for a deposition, and 12:56:07 9 I'll represent for the record that I provided 12:56:10 10 Bates numbers for the assignment forms to 12:56:13 11 opposing counsel on the telephone on Friday. 12:56:15 12 MR. BRIDGES: One Bates number for 12:56:23 13 each of the different forms? 12:56:24 14 MR. REHN: We provided the Bates 12:56:25 15 numbers that represent the assignment forms 12:56:27 16 that we have produced. 12:56:29 17 MR. BRIDGES: And that was how 12:56:30 18 many -- how many documents were in the range 12:56:33 19 that you indicated? 12:56:34 20 MR. REHN: I don't remember the 12:56:35 21 number. 12:56:36 22 Q. You gave numbers 38,556 to 97,870. Is it 12:56:53 23 your representation that there were over 12:57:05 24 50,000 different instances of every form of 12:57:08 25 assignment in compliance with Topic No. 35 of 12:57:13 Page 111</p>	<p>1 have one single version now that we use on 12:58:34 2 our online system that verifies that each and 12:58:37 3 every submission has the same appropriate 12:58:39 4 material in it. 12:58:44 5 Q. And have you seen that form today? 12:58:53 6 MR. REHN: Objection as to form. 12:58:58 7 It's vague and ambiguous. 12:59:00 8 A. I believe I've seen the screen shot of our 12:59:04 9 comment view from NFPA 70E sample document, 12:59:09 10 Exhibit 1230. 12:59:15 11 Q. Does that have the form of assignment 12:59:18 12 language that is required universally by NFPA 12:59:20 13 at this point? 12:59:25 14 MR. REHN: Objection as to form. 12:59:31 15 It's ambiguous. 12:59:33 16 A. It appears that you've -- if the copy and the 12:59:39 17 screen shots are correct, you've copied one 12:59:44 18 version of our copyright assignment 12:59:46 19 associated with our comment system. 12:59:50 20 Q. How do other forms of copyright assignment 12:59:54 21 differ from that -- strike that. 01:00:04 22 How do the other forms of copyright 01:00:08 23 assignment that NFPA requires differ from the 01:00:10 24 one in that -- the ones in that exhibit? 01:00:14 25 MR. REHN: Objection as to form. 01:00:18 Page 113</p>

1 Assumes facts. 01:00:19
 2 A. We have primarily three areas. One is our 01:00:22
 3 public input. For each and every public 01:00:27
 4 input, I'm not positive if the wording is the 01:00:30
 5 same or not, public comment. And the next 01:00:33
 6 area is each and every committee member, 01:00:36
 7 through our application process, has an 01:00:39
 8 appropriate assignment form. 01:00:42
 9 Q. And was that the assignment form you just 01:00:45
 10 referred to the same form that is shown in 01:00:49
 11 Exhibit 1231? 01:00:55
 12 A. With the same caveat that assuming that the 01:01:09
 13 form has been properly duplicated from the 01:01:11
 14 website, it appears so, with the knowledge 01:01:15
 15 that we had a paper system prior to this for 01:01:16
 16 both of these systems. 01:01:18
 17 Q. I'll represent that we didn't get this from 01:01:19
 18 your website. I'll represent that NFPA's 01:01:22
 19 counsel produced this in document production 01:01:24
 20 in this case. 01:01:26
 21 MR. REHN: That's correct. 01:01:27
 22 Q. So you said there were three different forms 01:01:52
 23 of assignment, did you say one was for public 01:01:54
 24 input, one was for committee members? What 01:01:56
 25 was the third? 01:02:00
 Page 114

1 A. There are three primary versions of 01:02:01
 2 assignment that I can think of right now and 01:02:04
 3 one is public input, any and all public 01:02:08
 4 inputs; one is public comment; and one is 01:02:11
 5 committee membership. 01:02:14
 6 Q. So committee membership I think you said was 01:02:21
 7 Exhibit 1231. That's the form for that, 01:02:26
 8 correct? 01:02:28
 9 A. Exhibit 1231 does appear to be our online 01:02:33
 10 committee application tool. 01:02:35
 11 Q. With the agreement and certification 01:02:36
 12 regarding copyright at the end, correct? 01:02:44
 13 MR. REHN: Objection as to form. 01:02:47
 14 The document speaks for itself. 01:02:48
 15 A. It appears that the agreement certification 01:02:51
 16 is on page ending in 520. 01:02:55
 17 Q. And then Exhibit 1230 is the form for public 01:03:00
 18 comment that includes near the end either a 01:03:03
 19 copyright assignment and signature or an 01:03:06
 20 alternative copyright assignment -- 01:03:08
 21 (Interruption) 01:03:18
 22 MR. REHN: Can we strike the 01:03:35
 23 question that was interrupted by that 01:03:38
 24 interruption. 01:03:39
 25 Q. Exhibit 1230 -- just to be clear, 01:03:41
 Page 115

1 Exhibit 1230 has at the end a copyright 01:03:43
 2 assignment and signature, and it has an 01:03:52
 3 alternative copyright assignment and 01:03:56
 4 signature. 01:03:59
 5 Are those the forms you're referring 01:04:00
 6 to that NFPA requires with respect to 01:04:02
 7 copyright for public comments? 01:04:04
 8 A. NFPA has a policy to require copyright 01:04:10
 9 sign-off for all public comments, and 01:04:13
 10 Exhibit 1230 appears to have both the primary 01:04:16
 11 copyright assignment as well as the 01:04:20
 12 alternative copyright statement on 506 and 01:04:23
 13 507 of that exhibit. 01:04:29
 14 Q. What other form does the public have for what 01:04:30
 15 you call public input as opposed to public 01:04:33
 16 comment? 01:04:37
 17 A. To clarify, did you say forum or form? 01:04:39
 18 Q. Form, F O R M. 01:04:46
 19 A. The public input form looks very similar to 01:04:49
 20 the public comment form. The document is 01:04:53
 21 based upon the current edition of the 01:04:57
 22 standard, so very similar process. 01:04:59
 23 Q. Does it have the same or very similar 01:05:02
 24 copyright assignment language as 01:05:05
 25 Exhibit 1230? 01:05:07
 Page 116

1 A. My understanding is it's very similar. 01:05:14
 2 However, with public inputs, where we use the 01:05:19
 3 term "public comment" within the exhibit 01:05:21
 4 you've given me, that would be shifted to 01:05:23
 5 "public input." 01:05:26
 6 Q. Otherwise, they'd be the same? 01:05:27
 7 A. Otherwise, it is my opinion that they would 01:05:29
 8 be the same. 01:05:31
 9 (Exhibit 1232 marked for 01:05:53
 10 identification.) 01:05:57
 11 Q. I hand you an exhibit marked 1232. I'll 01:06:01
 12 represent it's been produced to us by NFPA's 01:06:04
 13 counsel. I just want to confirm that this is 01:06:08
 14 an organization chart of NFPA's management 01:06:25
 15 and staff as of October 2014; is that 01:06:32
 16 correct? 01:06:43
 17 A. To the best of my knowledge it appears 01:06:45
 18 accurate with one exception. James Pauley on 01:06:47
 19 Page 1 is president of NFPA and my direct 01:06:51
 20 supervisor. 01:06:55
 21 Q. I guess it's indicated that way on the later 01:07:00
 22 papers of the exhibit, just not on the first 01:07:06
 23 page; is that correct? 01:07:08
 24 A. It appears so, yes. 01:07:15
 25 Q. Are you the number two ranking member of the 01:07:19
 Page 117

<p>1 NFPA staff? 01:07:25 2 A. I'm one of several vice presidents. 01:07:30 3 Q. Are you familiar with litigation that NFPA 01:08:06 4 was in against International Code Council? 01:08:17 5 MR. REHN: Object to the question 01:08:30 6 insofar as it's outside the scope of any 01:08:30 7 topics, I believe any notice topics, period, 01:08:30 8 but certainly topics for which this witness 01:08:31 9 was designated. But the witness may answer 01:08:34 10 it in his personal knowledge. 01:08:36 11 A. I was aware of it, but no specific knowledge 01:08:38 12 at all. 01:08:46 13 Q. Did you ever review any of the documents or 01:08:46 14 pleadings in that case? 01:08:49 15 MR. REHN: Same objection as to 01:08:52 16 scope. 01:08:53 17 A. No. 01:08:55 18 Q. Were you aware of any of the arguments that 01:08:56 19 NFPA made in defense of copyright claims by 01:08:59 20 ICC? 01:09:03 21 A. No. 01:09:07 22 MR. REHN: Same objection as to 01:09:07 23 scope. 01:09:08 24 Q. What protocols and procedures does NFPA have 01:09:41 25 regarding granting licenses or permissions 01:09:45</p> <p style="text-align: right;">Page 118</p>	<p>1 access that allows anyone to read and 01:11:14 2 understands the requirements while at the 01:11:15 3 same time balancing our need to protect our 01:11:17 4 intellectual property, our revenue and 01:11:19 5 ultimately the advancement of our safety 01:11:21 6 mission. 01:11:23 7 Q. How does read-only access allow NFPA to 01:11:26 8 protect its revenue and to protect the 01:11:33 9 advancement of its safety mission? 01:11:36 10 A. NFPA relies on the sale of our intellectual 01:11:43 11 property to fund our mission, to move forward 01:11:47 12 on our mission while at the same time 01:11:50 13 balancing that against providing free 01:11:53 14 read-only access to all of our documents so 01:11:54 15 that anyone who's potentially impacted by 01:11:57 16 them has the ability to read and understands 01:11:59 17 those requirements. 01:12:01 18 Q. What do you mean by NFPA's intellectual 01:12:02 19 property in that answer? 01:12:05 20 MR. REHN: Object to form. May call 01:12:06 21 for a legal opinion. 01:12:08 22 MR. BRIDGES: I'm asking what he 01:12:10 23 meant by it. 01:12:11 24 A. What I meant by our intellectual property is 01:12:15 25 our codes and standards that are developed 01:12:18</p> <p style="text-align: right;">Page 120</p>
<p>1 for any third party to use NFPA's codes and 01:09:49 2 standards? 01:09:51 3 MR. REHN: Objection as to scope. 01:09:53 4 This witness was not designated on that 01:09:55 5 topic, but the witness may answer to the 01:09:57 6 extent he has personal knowledge. 01:09:59 7 A. I have very little personal knowledge of how 01:10:03 8 the licensing agreements work other than it 01:10:07 9 involves our product and marketing team as 01:10:10 10 well as our legal team. 01:10:14 11 Q. Do you know why NFPA decided to provide free 01:10:15 12 access to read-only versions of NFPA's codes 01:10:23 13 and standards? 01:10:26 14 A. To the best of my knowledge, we believe that 01:10:30 15 by providing free access, read-only access to 01:10:32 16 all of our codes and standards that we can 01:10:36 17 ensure that anyone, including the public, is 01:10:38 18 able to read and understand the requirements 01:10:41 19 of all of our standards at any time. 01:10:43 20 Q. And is it your -- strike that. 01:10:50 21 Is it NFPA's belief that read-only 01:10:55 22 access facilitates understanding of the 01:11:05 23 standards? 01:11:06 24 MR. REHN: Object as to form. 01:11:08 25 A. We believe that by providing free read-only 01:11:10</p> <p style="text-align: right;">Page 119</p>	<p>1 through the NFPA standards development 01:12:19 2 process and our other publications. 01:12:21 3 Q. How easy is it for somebody to read and 01:12:35 4 understand the National Electrical Code 01:12:59 5 through read-only access on NFPA's website? 01:13:03 6 MR. REHN: Objection to form. Vague 01:13:08 7 and ambiguous. 01:13:10 8 A. Based on my personal experience, I've never 01:13:13 9 had any complaints about it and, in fact, 01:13:16 10 I've had several requests from states and 01:13:19 11 other jurisdictions to provide access to 01:13:21 12 their jurisdictions through widgets and on 01:13:23 13 the web links to give their constituents free 01:13:27 14 read-only access to it. 01:13:36 15 Q. So my question is, how easy is it for 01:13:38 16 somebody to read and understand the National 01:13:41 17 Electrical Code through read-only access on 01:13:43 18 NFPA's website? 01:13:45 19 MR. REHN: Same objections. Asked 01:13:47 20 and answered. 01:13:49 21 A. My response remains the same. I've had no 01:13:54 22 complaints about any difficulty at all. I 01:13:56 23 would assume, in my personal opinion, that 01:14:00 24 it's very easy. 01:14:01 25 Q. You just assume it's easy? 01:14:03</p> <p style="text-align: right;">Page 121</p>

1 MR. REHN: Objection. 01:14:04
 2 Argumentative. 01:14:05
 3 A. My previous answer stands. 01:14:08
 4 Q. You assume that it's easy? 01:14:09
 5 MR. REHN: Same objection. 01:14:11
 6 A. Yes. 01:14:12
 7 MR. REHN: Asked and answered. 01:14:13
 8 Q. You may answer. 01:14:14
 9 A. My previous answer stands. 01:14:16
 10 Q. You have nothing more to add to your answer, 01:14:19
 11 I gather, in response to my question? 01:14:22
 12 MR. REHN: Objection to form. 01:14:25
 13 Q. That's your complete answer, that's fine. 01:14:26
 14 A. No. 01:14:28
 15 Q. No, that is your complete answer or no, that 01:14:29
 16 is not your complete answer? 01:14:38
 17 A. I have nothing further to add. 01:14:39
 18 Q. How much text can somebody read without 01:14:43
 19 scrolling in NFPA's read-only access on its 01:14:55
 20 website? 01:15:03
 21 MR. REHN: Objection to form. 01:15:06
 22 Assumes facts. 01:15:08
 23 A. If I recall correctly, the last time I was on 01:15:10
 24 the site, it was one page. 01:15:13
 25 Q. It was one full page of the code? 01:15:19
 Page 122

1 A. I believe so. 01:15:24
 2 Q. And NFPA designs the website to preclude 01:15:24
 3 anybody from being able to cut and paste text 01:15:27
 4 from the read-only access, correct? 01:15:33
 5 MR. REHN: Objection as to form. 01:15:39
 6 Assumes facts. 01:15:40
 7 A. NFPA's policy is to provide free read-only 01:15:43
 8 access to all of our codes and standards. 01:15:47
 9 Q. Its policy is not to facilitate cutting and 01:15:50
 10 pasting of the text from the read-only access 01:15:53
 11 versions of the codes and standards, correct? 01:15:56
 12 A. Our policy is to provide read-only. 01:15:59
 13 Q. And nothing more? 01:16:03
 14 MR. REHN: Objection as to form. 01:16:05
 15 A. NFPA provides access to our codes and 01:16:07
 16 standards in a multitude of ways and multiple 01:16:11
 17 platforms and various aspects. One way is 01:16:13
 18 through free read-only access to all of our 01:16:16
 19 codes and standards. 01:16:18
 20 Q. Does NFPA provide those who access the 01:16:19
 21 read-only standard the ability to cut and 01:16:22
 22 paste text from those standards, yes or no? 01:16:24
 23 MR. REHN: Objection as to form. 01:16:29
 24 The witness may answer it, but he's not 01:16:32
 25 limited in his answer. 01:16:34
 Page 123

1 A. We provide read-only access, and that's 01:16:36
 2 the limit of the term of free read-only. 01:16:39
 3 There are not other features to that 01:16:41
 4 platform. 01:16:43
 5 MR. BRIDGES: If it's all right, 01:17:10
 6 why don't we go ahead and take our lunch 01:17:12
 7 break now. If we can convene in one hour, 01:17:14
 8 I'd appreciate it. 01:17:17
 9 VIDEOGRAPHER: The time is 1:17. 01:17:17
 10 We are now off the record. 01:17:19
 11 (Lunch break) 01:17:47
 12 01:17:47
 13 01:17:47
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 Page 124

1 AFTERNOON SESSION 01:17:51
 2 VIDEOGRAPHER: The time is 2:22. 02:21:25
 3 We are now back on the record. 02:22:33
 4 BY MR. BRIDGES: 02:22:35
 5 Q. Mr. Dubay, your counsel furnished to us 02:22:44
 6 tens of thousands of pages of documents that 02:22:50
 7 purport to claim, purport to be assignments 02:22:57
 8 of rights to NFPA as part of the standards 02:23:02
 9 development process. I'm going to show you 02:23:06
 10 a number of these documents. 02:23:08
 11 I basically need from you a yes or 02:23:09
 12 no from you for each one as to whether, based 02:23:12
 13 on this representation, based on the document 02:23:14
 14 as you see it, you believe that they are 02:23:18
 15 indeed documents that NFPA possesses as part 02:23:22
 16 of that process. The first one is 02:23:27
 17 Exhibit 1233. 02:23:30
 18 (Exhibit 1233 marked for 02:23:36
 19 identification.) 02:23:53
 20 Q. Does this appear to you to be a record that 02:23:53
 21 NFPA maintains in the ordinary course of its 02:23:57
 22 business as preserving the documentation 02:24:00
 23 for participants for participation in the 02:24:06
 24 standards development process? 02:24:11
 25 A. In this case, the best of my knowledge, it 02:24:12
 Page 125

1 does. However, I should note that I didn't 02:24:16
 2 start at NFPA till 1995, so I wouldn't have 02:24:19
 3 had knowledge of the specific forms, but it 02:24:23
 4 looks like a typical NFPA historical form. 02:24:25
 5 Q. Does the language at the bottom of that page 02:24:26
 6 resemble language that you recall in NFPA 02:24:30
 7 forms? 02:24:32
 8 A. Yes, it looks familiar to me. 02:24:45
 9 (Exhibit 1234 marked for 02:25:15
 10 identification.) 02:25:19
 11 Q. Same question with respect to Exhibit 1234. 02:25:19
 12 Does this appear to be a document from NFPA's 02:25:33
 13 records of the standards development process 02:25:35
 14 that it keeps in its ordinary course of 02:25:38
 15 business? 02:25:40
 16 A. Yes, it looks like the right format, however, 02:25:58
 17 with the caveat that "I hereby grant NAPA" 02:26:01
 18 at the bottom. It's not NFPA. I'm not sure 02:26:05
 19 where that typo came from. 02:26:09
 20 Q. The second acronym in that paragraph is NFPA, 02:26:11
 21 correct? 02:26:16
 22 A. That is correct. 02:26:16
 23 Q. To the best of your knowledge, is this a 02:26:17
 24 document from NFPA's records? I'll represent 02:26:20
 25 it was produced by NFPA. 02:26:24
 Page 126

1 A. To the best of my knowledge -- excuse me. To 02:26:26
 2 the best of my knowledge, it does look 02:26:29
 3 typical for them. 02:26:30
 4 (Exhibit 1235 marked for 02:26:51
 5 identification.) 02:27:02
 6 Q. Same questions with respect to Exhibit 1235. 02:27:02
 7 A. (Witness examines document) Yes, it appears 02:27:23
 8 to be typical of what I would expect. 02:27:26
 9 (Exhibit 1236 marked for 02:28:06
 10 identification.) 02:28:08
 11 Q. Same questions with respect to 1236. You 02:28:08
 12 believe these to be -- do you believe this to 02:28:13
 13 be a copy of a document that NFPA has 02:28:17
 14 maintained in the ordinary course of business 02:28:21
 15 in its standards development process? 02:28:25
 16 A. (Witness examines document) Yes, this as 02:28:29
 17 well, Exhibit 1236 does also look typical. 02:28:39
 18 Q. Has the same language at the bottom of the 02:28:44
 19 page as at least some of the earlier 02:28:47
 20 exhibits? 02:28:51
 21 MR. REHN: Object to the form of 02:28:59
 22 the question. It's vague. 02:29:01
 23 A. It does look similar to some of the other 02:29:10
 24 forms. 02:29:15
 25 02:29:15
 Page 127

1 (Exhibit 1237 marked for 02:29:25
 2 identification.) 02:29:25
 3 Q. Same questions with respect to Exhibit 1237. 02:29:25
 4 Do you believe that this is a document that 02:29:28
 5 NFPA maintains in the ordinary course of its 02:29:31
 6 business that it received as part of the 02:29:34
 7 standards development process? 02:29:37
 8 A. (Witness examines document) Yes, this would 02:29:39
 9 also seem typical. 02:29:53
 10 (Exhibit 1238 marked for 02:29:55
 11 identification.) 02:30:19
 12 Q. Same questions with respect to Exhibit 1238. 02:30:19
 13 A. (Witness examines document) Yes, this also 02:30:38
 14 seems typical. 02:30:44
 15 (Exhibit 1239 marked for 02:30:52
 16 identification.) 02:31:11
 17 Q. Do you believe Exhibit 1239 is a document 02:31:11
 18 that NFPA has maintained in its records in 02:31:23
 19 the ordinary course of business as part of 02:31:26
 20 the standards development process and is a 02:31:30
 21 document that it requires of participants in 02:31:34
 22 that process? 02:31:36
 23 MR. REHN: Object to the form of the 02:31:39
 24 that question. Compound. 02:31:40
 25 A. My answer would be with respect to this form, 02:31:45
 Page 128

1 it looks like a typical proposal form versus 02:31:47
 2 something a participant in the process would 02:31:50
 3 fill out. But as a public proposal form, it 02:31:53
 4 looks typical. 02:31:56
 5 Q. As a public proposal form, what do you mean 02:31:59
 6 distinguishing that from somebody who's a 02:32:03
 7 participant in the process? 02:32:05
 8 A. I understand participants to be committee 02:32:07
 9 members as well as public submitters, so I 02:32:12
 10 just -- our committee members have different 02:32:16
 11 forms to utilize, so I just want to clarify 02:32:18
 12 that point. 02:32:22
 13 Q. What forms do the committee members provide? 02:32:32
 14 A. They have a committee member application 02:32:37
 15 form, so you -- that we covered earlier, they 02:32:40
 16 fill out a committee member application. 02:32:46
 17 This is a form on a public proposal or 02:32:46
 18 public comment which is the public open, 02:32:47
 19 public process. 02:32:52
 20 Q. So do the committee members use any forms 02:32:53
 21 for suggesting language changes for the code 02:32:55
 22 or standards? 02:33:01
 23 MR. REHN: Object to the form. 02:33:04
 24 Foundation. 02:33:04
 25 A. No. If they wanted to submit them as a 02:33:07
 Page 129

1 member of the public, they can do that 02:33:08
 2 through utilizing these forms or they can 02:33:09
 3 just do it verbally or through working 02:33:11
 4 documents at the committee meeting. 02:33:13
 5 (Exhibit 1240 marked for 02:34:24
 6 identification.) 02:34:33
 7 Q. Handing you Exhibit 1240. Do you believe 02:34:33
 8 this to be a copy of a document that NFPA has 02:34:41
 9 maintained in the ordinary course of business 02:34:45
 10 reflecting a proposal received regarding the 02:34:49
 11 1999 National Electrical Code? 02:34:52
 12 A. It does appear to be a proposal form, and it 02:35:02
 13 does look -- the edition is cut off, but I 02:35:05
 14 believe it does look like the 1999 National 02:35:09
 15 Electrical Code. The top half of that is cut 02:35:13
 16 off. 02:35:15
 17 (Exhibit 1241 marked for 02:36:03
 18 identification.) 02:36:10
 19 Q. I've handed you Exhibit 1241. Does this 02:36:10
 20 also appear to be a document that NFPA has 02:36:24
 21 maintained in the ordinary course of business 02:36:27
 22 consisting of a record from its standards 02:36:31
 23 development process? 02:36:34
 24 A. (Witness examines document) Yes, it appears 02:36:38
 25 to be consistent. 02:36:42
 Page 130

1 (Exhibit 1242 marked for 02:36:46
 2 identification.) 02:39:02
 3 Q. I just handed you, I think that's 02:39:02
 4 Exhibit 1242. Do you recognize this as a 02:39:19
 5 document that NFPA maintains in its records 02:39:27
 6 in the ordinary course of business as part 02:39:30
 7 of the standards development process 02:39:33
 8 recordkeeping? 02:39:36
 9 A. (Witness examines document) Yes, I recognize 02:39:38
 10 this. 02:39:43
 11 Q. Do you know who Richard Owen is? 02:39:46
 12 A. Yes. 02:39:49
 13 Q. Who is Richard Owen? 02:39:50
 14 A. He is a retired electrical inspector who 02:39:52
 15 served on our technical committee panels for 02:39:58
 16 the National Electrical Code. 02:40:01
 17 Q. Does this document reflect a proposal by 02:40:03
 18 participants in the standards development 02:40:17
 19 process? 02:40:19
 20 MR. REHN: Object to the form. 02:40:22
 21 A. No. It appears to be a comment, not a 02:40:26
 22 proposal. 02:40:29
 23 Q. And so this -- this -- that's right. This is 02:40:33
 24 a form for comments, not a form for 02:40:37
 25 proposals. Sorry. And who authored this 02:40:39
 Page 131

1 comment? 02:40:41
 2 MR. REHN: Object to the form. May 02:40:43
 3 call for speculation. 02:40:46
 4 A. Based upon the form, I would speculate that 02:40:47
 5 Richard Owen... 02:41:03
 6 Q. He was employed at the time by the City of 02:41:07
 7 St. Paul, based upon this document, it 02:41:21
 8 appears; is that correct? 02:41:22
 9 MR. REHN: Object to the form. 02:41:26
 10 A. Based upon reviewing the form, it does appear 02:41:31
 11 that he was still employed by the City of 02:41:34
 12 St. Paul. 02:41:37
 13 Q. Does this comment reflect the comment that 02:41:38
 14 Mr. Owen has relayed from the 02:41:45
 15 Panel 3/Panel 16 Task Group? 02:41:49
 16 MR. REHN: Object to the form. 02:41:57
 17 (Pause) 02:41:57
 18 MR. REHN: I think there's a 02:42:24
 19 question pending. 02:42:24
 20 A. Is there -- I apologize. Is there a 02:42:26
 21 question? I heard you make a statement. 02:42:27
 22 Q. Does this comment reflect -- strike that. 02:42:30
 23 Does this form -- strike that. 02:42:33
 24 Does Exhibit 1242 reflect a comment 02:42:36
 25 that Mr. Owen relayed from the 02:42:38
 Page 132

1 Panel 3/Panel 16 Task Group referred to in 02:42:41
 2 the document which has reference also to 02:42:46
 3 members of those panels at the bottom of the 02:42:51
 4 first page and top of the second page of the 02:42:56
 5 exhibit? 02:42:58
 6 MR. REHN: And I'll object to the 02:43:00
 7 form. 02:43:01
 8 A. Based upon my review of this specific form 02:43:04
 9 here, it appears that Mr. Owen who, as I 02:43:07
 10 stated, was a longstanding committee member, 02:43:11
 11 did submit something on behalf of a task 02:43:15
 12 group, and that's based upon that first line. 02:43:17
 13 Q. Are those groups also committee members? Are 02:43:20
 14 group members committee members? 02:43:25
 15 MR. REHN: Objection. 02:43:27
 16 Q. Strike that. 02:43:27
 17 Are the group members in those task 02:43:28
 18 groups also technical committee members -- 02:43:29
 19 MR. REHN: Objection as to form. 02:43:32
 20 Q. -- or were they at the time? 02:43:33
 21 MR. REHN: Compound. 02:43:35
 22 A. Without seeing this specific committee list, 02:43:37
 23 I couldn't tell you. I see from the wording 02:43:45
 24 he references from panel such and such for 02:43:48
 25 some of them, but without reviewing the 02:43:51
 Page 133

1 committee list at the time, I can't tell you 02:43:55
2 for certain. 02:43:56
3 Q. Based upon the -- do you have any reason to 02:43:57
4 disbelieve any of the statements he made in 02:44:05
5 that document? 02:44:07
6 A. With respect to the names that he identifies 02:44:18
7 as panel members or himself as a panel chair, 02:44:22
8 I have no reason to specifically agree or 02:44:28
9 disagree with that because I don't have the 02:44:31
10 full record in front of me. 02:44:32
11 (Exhibit 1243 marked for 02:44:44
12 identification.) 02:44:52
13 Q. I handed you Exhibit 1243. This looks 02:44:52
14 freshly typed in some respect, but does this 02:45:00
15 appear to be substantially the correct form 02:45:06
16 for a form for proposals in 1995, to your 02:45:15
17 knowledge? 02:45:21
18 MR. REHN: Object to the form. 02:45:21
19 A. To the best of my knowledge, it looks like as 02:45:27
20 the wording from a typical proposal form. 02:45:32
21 However, in past history over the years, as 02:45:36
22 you've noted from the record, there's many 02:45:38
23 different versions of our forms and ways of 02:45:40
24 submission. So it looks like it's freshly 02:45:42
25 typed, as you said. 02:45:47
Page 134

1 Q. So how many different versions of the forms 02:45:47
2 have there been? 02:45:50
3 A. I can't -- I would be speculating. I'm not 02:45:51
4 quite sure how many over the years. 02:45:55
5 Q. What is your best estimate? 02:45:58
6 A. The reason I'm thinking about this is going 02:46:02
7 back to 1896, I would imagine there was on 02:46:13
8 the order of a large magnitude of different 02:46:16
9 forms. I'm just not quite sure how to 02:46:20
10 capture that many years of history. 02:46:26
11 Q. So during your -- let me ask you, since 1995, 02:46:30
12 how many different forms are you aware of 02:46:32
13 that NFPA has had, how many different 02:46:35
14 versions of forms for proposals has NFPA had 02:46:42
15 since 1995? 02:46:46
16 A. We've probably had different -- we have two 02:46:50
17 aspects. One is ways of submissions and 02:46:57
18 forms. Historically there was paper and 02:47:00
19 online electronic via PDFs and now it's all 02:47:02
20 online. So those on the order of five to 02:47:07
21 ten, depending on the project. 02:47:10
22 For example, the National Electrical 02:47:13
23 Code had its own unique title on their forms, 02:47:14
24 so it was known that it went to the National 02:47:17
25 Electrical Code. 02:47:25
Page 135

1 Q. How did the five to ten different forms vary 02:47:25
2 from each other? 02:47:32
3 A. Most often, based upon my recollection of my 02:47:38
4 20 years, the forms most often differed based 02:47:42
5 upon the submission method. We get tens of 02:47:45
6 thousands of these forms every year or we 02:47:50
7 used to, now they're all electronic. And 02:47:53
8 when we got those, people would submit those 02:47:55
9 via PDF as attachments, consolidated word 02:47:57
10 documents as well as paper faxes, FedEx. And 02:48:01
11 so, depending how they were submitted and 02:48:06
12 received, they might have a slightly 02:48:07
13 different look to them. 02:48:09
14 Q. You mentioned slightly different look. How 02:48:10
15 many different forms have there been during 02:48:12
16 this period since 1995 in the sense that they 02:48:13
17 have had different wording? 02:48:19
18 MR. REHN: Object to the form. 02:48:22
19 A. I would say, based upon my experience since 02:48:33
20 1995, I would -- overall wording changes, I 02:48:36
21 would have to estimate five or six, at most. 02:48:41
22 Q. What have some of those wording changes been? 02:48:45
23 MR. REHN: Object to the form. The 02:48:51
24 documents speaks for themselves. 02:48:53
25 A. The wording forms are changed -- our forms 02:49:00
Page 136

1 change to reflect terminology within our 02:49:03
2 standards development system as our 02:49:05
3 regulations changed, section versus article, 02:49:07
4 annex versus appendix and such, as well as 02:49:10
5 any updates to any legal disclaimers or 02:49:13
6 copyright releases during our normal update 02:49:17
7 process. So those are some of the ways I can 02:49:21
8 think they might have changed. 02:49:25
9 Q. I think you identified three different 02:49:32
10 changes in the answer just now, one change 02:49:37
11 relating to the words, section and article; 02:49:43
12 is that correct? 02:49:49
13 A. That is correct, section versus article. 02:49:51
14 Q. Which word replaced the other? 02:49:53
15 A. They coexist, actually, section and article 02:49:56
16 coexist. Our standards, exclusive of our 02:50:00
17 electrical suite of standards, rely on the 02:50:02
18 term "section" while as the National 02:50:05
19 Electrical Code and a few other of our 02:50:07
20 electrical standards rely on the term 02:50:10
21 "article." 02:50:11
22 Q. What's the reason for that distinction? 02:50:11
23 A. We have two style manuals, NFPA style manual, 02:50:16
24 which applies to the broad library of our 02:50:20
25 codes and standards; and our national or 02:50:23
Page 137

1 electrical style manual, which applies to our 02:50:24
2 electrical documents. 02:50:27
3 Q. Do the terms "annex" and "appendix" coexist 02:50:37
4 in NFPA's forms today? 02:50:45
5 MR. REHN: Object to the form. 02:50:48
6 Lacks foundation. 02:50:54
7 A. We updated our manual style in, I believe it 02:50:56
8 was year 2000, and we changed the term 02:51:02
9 "appendix" to "annex" at that time to be 02:51:05
10 consistent with other standards developers 02:51:09
11 terminology. 02:51:12
12 And so it's my opinion that most, if 02:51:14
13 not all, of our documents, many of our 02:51:17
14 documents have gone through the process of a 02:51:21
15 full revision where that is changed from 02:51:23
16 appendix to annex. 02:51:26
17 Q. You said NFPA made the change to be 02:51:29
18 consistent with other standards development 02:51:33
19 organizations' terminology; is that correct? 02:51:35
20 A. That's correct. 02:51:39
21 Q. Is there a general style manual for standards 02:51:41
22 developers terminology? 02:51:46
23 A. Not that I'm aware of. 02:51:53
24 Q. Do the different standards developers tend to 02:51:55
25 converge around using words in similar 02:51:58
Page 138

1 fashion? 02:52:01
2 MR. REHN: Object to the form. 02:52:03
3 A. In my opinion I would say standard developers 02:52:08
4 converge around terminology and format that 02:52:13
5 works for their constituents that utilize 02:52:15
6 their standards. 02:52:18
7 Q. Does that lead to some convergence among the 02:52:20
8 practices of various standards development 02:52:23
9 organizations? 02:52:26
10 MR. REHN: Object to the form. May 02:52:33
11 call for speculation. 02:52:34
12 A. I would -- from my personal opinion, I view 02:52:37
13 it as a usability and we want to make it as 02:52:41
14 easy and as possible for users to understand 02:52:45
15 the structure of the standard and the 02:52:49
16 requirements and the layout of the documents, 02:52:51
17 so often those changes may end up in a common 02:52:53
18 format to make it easier to understand. 02:52:57
19 Q. A common format with some other standards 02:52:59
20 developers organizations? 02:53:01
21 MR. REHN: Object to the form. 02:53:05
22 Vague. 02:53:06
23 A. In my view, yes. For example, a given set 02:53:06
24 chapter where all the definitions are 02:53:13
25 contained is a good example. 02:53:14
Page 139

1 Q. Another example is changing the word appendix 02:53:17
2 to annex, correct? 02:53:20
3 A. To the best of my recollection, that's an 02:53:22
4 example that I could think of why we shifted 02:53:25
5 there, but the best example I can give you is 02:53:28
6 a single chapter where all the definitions 02:53:30
7 are included. 02:53:33
8 Q. Then you mentioned that there were updates to 02:53:36
9 disclaimers and copyright releases; is that 02:53:40
10 correct? 02:53:47
11 A. That is correct. Over my 20 years, I'm aware 02:53:48
12 that updates were added to the forms or just 02:53:51
13 to the forms on a -- not on a specific basis, 02:53:57
14 but as needed. 02:54:00
15 Q. What updates were needed to the disclaimers 02:54:02
16 and copyright releases? 02:54:06
17 MR. REHN: Object to the form. May 02:54:08
18 call for a legal opinion. Ambiguous with 02:54:10
19 respect to the terms used in the question. 02:54:14
20 A. From my perspective, my team's perspective, 02:54:17
21 we never got into the details of those. It 02:54:22
22 was often our legal team would ask us to 02:54:24
23 update our forms, and we would accomplish 02:54:27
24 that through our process. 02:54:29
25 Q. What were some of the changes to the forms 02:54:31
Page 140

1 that you recall as part of those updates? 02:54:35
2 MR. REHN: Objection. Documents 02:54:38
3 speak for themselves. 02:54:40
4 A. I think some of the major changes are 02:54:43
5 consistent format. If you notice 02:54:46
6 historically, there was lots of different 02:54:49
7 formattings and layouts. Having consistent 02:54:49
8 format, consistent titles, consistent look 02:54:51
9 and feel is probably the biggest ones that I 02:54:55
10 was -- that I'm aware of and was involved in. 02:54:59
11 Q. My question was specifically to the updates 02:55:02
12 of disclaimers and copyright releases. What 02:55:05
13 updates do you recall to the text of the 02:55:09
14 disclaimers and copyright releases? 02:55:12
15 MR. REHN: Object to the form. 02:55:15
16 A. That was not, again, not part of my 02:55:18
17 responsibility. Oftentimes we were given a 02:55:21
18 set of text to insert as that part of the 02:55:23
19 form and we didn't do a line by line 02:55:26
20 comparison. That was -- our job was to 02:55:29
21 implement the appropriate disclaimers, which 02:55:31
22 was legal's responsibility to provide to us 02:55:33
23 and ensure that it got in there. 02:55:35
24 Q. What are some of the changes that you recall? 02:55:37
25 MR. REHN: Objection. Asked and 02:55:40
Page 141

<p>1 answered. 02:55:41 2 A. I don't recall specific wording changes. 02:55:43 3 Q. Do you recall generally any wording changes? 02:55:45 4 MR. REHN: Same objection. 02:55:50 5 A. I only recall changes to the general form and 02:55:51 6 I understand you're asking about the 02:55:54 7 disclaimer. I don't recall any specific ones 02:55:55 8 or copyright release or disclaimers or 02:55:57 9 transfers. 02:55:59 10 Q. You don't recall anything about changes in 02:56:01 11 text of disclaimers or copyright language? 02:56:04 12 MR. REHN: Object to the form. The 02:56:09 13 documents speak for themselves. The question 02:56:10 14 has been answered. 02:56:14 15 A. No, I do not. 02:56:16 16 (Exhibit 1244 marked for 02:56:52 17 identification.) 02:57:05 18 Q. Mr. Dubay, do you recognize Exhibit 1244 as 02:57:05 19 another document from -- that NFPA maintains 02:57:14 20 in the ordinary course of business as part of 02:57:18 21 the standards development process? 02:57:23 22 A. Yes. Again, this seems like another 02:57:26 23 typical -- Exhibit 1244 seems like another 02:57:29 24 typical form. 02:57:32 25 Q. Is this typical for content of types of 02:57:33</p> <p style="text-align: right;">Page 142</p>	<p>1 Q. That's a yes, then? 03:00:28 2 A. Yes, it does look typical. 03:00:29 3 Q. It appears that this document lacks a 03:00:39 4 signature. I gather that NFPA would accept 03:00:42 5 proposals like this that lacked signatures; 03:00:46 6 is that correct? 03:00:50 7 MR. REHN: Object to the form. 03:00:50 8 A. We have a policy in place to not accept any 03:00:52 9 proposals, comments, public inputs or public 03:00:54 10 comments in our new process without the 03:00:57 11 appropriate copyright transfer. In my 03:00:59 12 personal opinion, I note that it's an -- it 03:01:02 13 appears to be a Word file and many times we 03:01:04 14 would get individuals would submit large 03:01:07 15 numbers of proposals and comments with a 03:01:10 16 cover sheet having a signature applying to 03:01:13 17 all of them. 03:01:15 18 And this may be that case, but I'm 03:01:18 19 speculating on that point. But we have a 03:01:20 20 strict policy in place to review each policy 03:01:22 21 for signature. 03:01:26 22 Q. Because it's important to NFPA to get a 03:01:26 23 signature to Point 5 on this document; is 03:01:29 24 that correct? 03:01:34 25 MR. REHN: Object to the form. 03:01:34</p> <p style="text-align: right;">Page 144</p>
<p>1 proposals that NFPA receives? 02:57:41 2 A. In general I think it's one example. We 02:57:49 3 receive many different types and formats. 02:57:52 4 Q. I understand that. 02:57:55 5 (Exhibit 1245 marked for 02:57:58 6 identification.) 02:58:19 7 Q. Same question with respect to Exhibit 1245. 02:58:19 8 Do you recognize this as a document that NFPA 02:58:33 9 maintains in the ordinary course of business 02:58:37 10 as part of its standards development process? 02:58:39 11 A. Yes, it also -- Exhibit 1245 also looks 02:58:46 12 typical. 02:58:49 13 Q. By the way, do you know who Stan Kaufman is? 02:58:52 14 A. I don't know Stan personally, but I know his 02:58:58 15 name. I know of him, I should say. 02:59:01 16 Q. Is he a member of any technical committee, or 02:59:16 17 has he ever been? 02:59:20 18 A. Off the top of my head, I don't recall. 02:59:25 19 (Exhibit 1246 marked for 02:59:30 20 identification.) 03:00:03 21 Q. I've handed you Exhibit 1246. Do you 03:00:03 22 recognize this as a document that NFPA has 03:00:08 23 maintained in the ordinary course of business 03:00:11 24 as part of the standards development process? 03:00:14 25 A. Exhibit 1246 does look typical. 03:00:22</p> <p style="text-align: right;">Page 143</p>	<p>1 A. We have a policy in place, and the importance 03:01:39 2 of that policy is to verify each and every 03:01:42 3 public input, public comment and under the 03:01:45 4 old system, proposal that a signature was 03:01:48 5 provided on any and all submissions. 03:01:51 6 Q. My question was whether it was important to 03:01:54 7 get that for Paragraph 5? 03:01:56 8 MR. REHN: Object to the form. 03:02:00 9 Asked and answered. 03:02:03 10 A. Historically, for my team, it was important 03:02:05 11 because we had a policy in place to the point 03:02:11 12 that we had full-time staff assigned to that 03:02:13 13 one task. And during times of heavy volumes, 03:02:15 14 we would assign multiple staff to that 03:02:18 15 specific task. 03:02:21 16 (Exhibit 1247 marked for 03:03:06 17 identification.) 03:03:41 18 Q. I've handed you Exhibit 1247. Do you 03:03:41 19 recognize this as a document that NFPA 03:03:53 20 maintains in the ordinary course of business 03:03:55 21 as part of the standard development process? 03:04:00 22 A. Yes, this form does look typical, 03:04:08 23 Exhibit 1247. 03:04:11 24 Q. This was a non-electrical form, but the 03:04:11 25 sender indicated it was for the National 03:04:14</p> <p style="text-align: right;">Page 145</p>

<p>1 Electrical Code; is that correct? 03:04:18 2 MR. REHN: Objection as to form. 03:04:21 3 A. It appears based on Line Item 1A that the 03:04:26 4 document the person was submitting it on was 03:04:29 5 to the National Electrical Code. 03:04:32 6 Q. There was normally -- didn't you say there 03:04:34 7 was normally a different type of form for 03:04:36 8 submissions for the National Electrical Code? 03:04:39 9 A. If we look at some of the forms you've 03:04:45 10 submitted to me, some of them had the title. 03:04:47 11 The title was different, said form for the X 03:04:49 12 edition of the National Electrical Code, and 03:04:51 13 so we didn't prohibit you from using any 03:04:53 14 standard form. 03:04:57 15 (Exhibit 1248 marked for 03:05:30 16 identification.) 03:06:03 17 (Pause) 03:06:05 18 Q. Do you recognize Exhibit 1248 as a form for 03:06:05 19 proposal that NFPA has maintained in the 03:06:44 20 ordinary course of business as part of its 03:06:47 21 standards development process? 03:06:50 22 A. Yes, Exhibit 1248 does look typical. 03:06:53 23 (Exhibit 1249 marked for 03:07:33 24 identification.) 03:07:41 25 Q. Do you recognize Exhibit 1249 as a form for 03:07:41 Page 146</p>	<p>1 Exhibit 1250. 03:10:40 2 Q. Do you know Mr. Belke, James C. Belke? 03:10:41 3 A. No, sir. 03:10:46 4 Q. Do you know whether he's a member of any 03:10:46 5 technical committee? 03:10:50 6 A. Not off the top of my head. 03:10:55 7 Q. Do you know what the annotations in 03:10:56 8 handwriting various places in the form 03:11:05 9 indicate? There's a checkmark in several 03:11:14 10 different places. There's some asterisks, 03:11:21 11 there's a pound sign A, pound sign B, pound 03:11:32 12 sign C. 03:11:36 13 MR. REHN: Is that the question? 03:11:46 14 MR. BRIDGES: Yes. 03:11:48 15 MR. REHN: Objection that it's 03:11:49 16 compound. 03:11:50 17 A. So let me first answer the first part and we 03:11:57 18 can follow up if we need to. Each change 03:12:00 19 that came in was processed, again, by 03:12:03 20 full-time staff to verify signatures and 03:12:06 21 copyright concerns. And if you notice on 03:12:09 22 the first page under Proposals, not original 03:12:11 23 material, there's supporting material which 03:12:15 24 has an attached CSB report. 03:12:16 25 And it appears that someone wrote 03:12:26 Page 148</p>
<p>1 proposal that NFPA has maintained in the 03:07:53 2 ordinary course of business in its standards 03:07:58 3 development process? 03:08:04 4 A. Yes, Exhibit 1249 does look typical. 03:08:13 5 Q. And some persons might suggest proposals with 03:08:21 6 attachments where they can't fit the text of 03:08:27 7 the proposal in the lines on the form. And 03:08:33 8 this exhibit reflects an attachment on the 03:08:36 9 reverse page of Exhibit 1249; is that 03:08:42 10 correct? 03:08:45 11 A. Based upon my review of the statement of 03:08:47 12 Item 4 and the proposed text on the back, it 03:09:02 13 appears to be consistent that the two pages 03:09:06 14 were copied correctly. 03:09:08 15 (Exhibit 1250 marked for 03:09:26 16 identification.) 03:09:41 17 Q. I've handed you Exhibit 1250. Do you 03:09:46 18 recognize this as a form for proposals that 03:10:01 19 NFPA has maintained in the ordinary course of 03:10:09 20 business in its standards development 03:10:13 21 process? 03:10:17 22 A. (Witness examines document) Based upon my 03:10:18 23 review, it appears that this is typical. 03:10:33 24 Q. So that's a yes? 03:10:36 25 A. That's a yes. It appears to be typical, 03:10:37 Page 147</p>	<p>1 down that it was not being submitted as 03:12:29 2 change but as supporting material to support 03:12:31 3 a change. 03:12:35 4 Q. Go ahead. 03:12:41 5 A. The checkmarks, each of these changes had to 03:12:42 6 be keyed manually by the staff who verified 03:12:45 7 all the text, editorial and production staff, 03:12:47 8 and oftentimes they would check the forms as 03:12:51 9 they worked through them to ensure they had 03:12:53 10 captured everything. That -- in this case it 03:12:55 11 would be speculation on my part that that's 03:12:57 12 what those checkmarks are there for. 03:12:59 13 (Exhibit 1251 marked for 03:13:22 14 identification.) 03:13:30 15 Q. Does Exhibit -- strike that. 03:13:30 16 Do you recognize 1251 as a document 03:13:46 17 that NFPA maintains in the ordinary course of 03:13:49 18 business in the standards development 03:13:52 19 process? 03:13:53 20 A. Exhibit 1251 does look typical for a proposal 03:13:54 21 form. 03:13:58 22 Q. So the answer is yes? 03:13:59 23 MR. REHN: Object to the form. 03:14:01 24 A. Yes, Exhibit 1251 does look typical. 03:14:05 25 03:14:30 Page 149</p>

<p>1 (Exhibit 1252 marked for 03:14:30 2 identification.) 03:14:44 3 Q. Do you recognize Exhibit 1252 as a document 03:14:44 4 that NFPA has maintained in the ordinary 03:15:00 5 course of business in its standards 03:15:02 6 development process? 03:15:05 7 A. Exhibit 1252 does look typical for a proposal 03:15:10 8 form. 03:15:14 9 VIDEOGRAPHER: There are ten minutes 03:15:44 10 remaining on the videotape. 03:15:45 11 Q. So I guess if I asked if you recognized 1252 03:15:58 12 as a document NFPA had maintained in 03:15:58 13 the ordinary course of business in its 03:15:58 14 standards development process, your answer 03:16:06 15 was Exhibit 1252 does look typical for a 03:16:06 16 proposal form. So is the answer yes? 03:16:09 17 MR. REHN: Object to the form. 03:16:13 18 A. Yes, 1252 does look typical. 03:16:17 19 (Exhibit 1253 marked for 03:17:10 20 identification.) 03:17:25 21 Q. Do you recognize Exhibit 1253 as a form for 03:17:25 22 proposals that NFPA has maintained in the 03:17:39 23 ordinary course of business in its standards 03:17:43 24 development process? 03:17:46 25 MR. REHN: Objection. Seems to 03:17:55 Page 150</p>	<p>1 the ordinary course of business? 03:20:46 2 A. This appears to be a typical record. 03:20:48 3 (Exhibit 1255 marked for 03:21:44 4 identification.) 03:22:10 5 Q. Do you recognize Exhibit 1255 as a form that 03:22:10 6 NFPA has maintained in its records in the 03:22:30 7 ordinary course of business? 03:22:34 8 A. This appears to be a partial electronic 03:22:42 9 comment form, so Exhibit 1255 seems to be a 03:22:46 10 portion of a record. 03:22:50 11 Q. Do you recognize the name Jim Pauley? 03:22:55 12 A. Jim Pauley is the president and CEO of NFPA. 03:23:02 13 Q. At the time of this document, September 15, 03:23:07 14 1997, he was not president of NFPA, correct? 03:23:11 15 A. That is correct. Jim Pauley was not 03:23:17 16 president at that time. 03:23:20 17 Q. He was employed by Square D Company? 03:23:22 18 A. Based upon this comment form, it appears so. 03:23:30 19 Q. And his comments related to some proposal 03:23:34 20 involving deleted text based on Items 1 and 03:23:49 21 2; is that correct? 03:23:55 22 A. Based upon my reading of Statement No. 4, it 03:24:04 23 does appear that Mr. Pauley states the 03:24:17 24 deletion of this text will clear up much of 03:24:19 25 this confusion and make it clear as to what 03:24:22 Page 152</p>
<p>1 misstate the document. 03:17:56 2 A. (Witness examines document) I recognize this 03:18:00 3 as an electronic submission of numerous -- 03:18:06 4 excuse me, I recognize Exhibit 1253 as an 03:18:09 5 electronic submission of numerous proposed 03:18:12 6 changes by one submitter. 03:18:16 7 Q. Okay. And NFPA maintains these in the 03:18:19 8 ordinary course of business in its standards 03:18:24 9 development process, correct? 03:18:26 10 A. We maintain all submissions, whether they're 03:18:30 11 submitted electronically, paper, via fax or 03:18:32 12 in any other means to keep the record 03:18:35 13 together. 03:18:36 14 (Exhibit 1254 marked for 03:19:36 15 identification.) 03:19:45 16 Q. Do you recognize Exhibit 1254 as a copy of a 03:19:45 17 form for proposals and a transmittal form 03:20:07 18 that NFPA has maintained in the ordinary 03:20:13 19 course of business in connection with the 03:20:17 20 standards development process of the National 03:20:21 21 Electrical Code? 03:20:29 22 A. Based upon my review, it appears that 03:20:29 23 Exhibit 1254 is an electronic submission of a 03:20:37 24 typical form for proposals. 03:20:39 25 Q. NFPA has maintained it in its records during 03:20:39 Page 151</p>	<p>1 rules apply. So it does appear he's 03:24:24 2 commenting on a proposal with deleted text. 03:24:26 3 VIDEOGRAPHER: Mr. Bridges, there's 03:25:25 4 less than one minute remaining. 03:25:27 5 MR. BRIDGES: Why don't we go off 03:25:30 6 the record, then. 03:25:32 7 VIDEOGRAPHER: The time is 3:25. 03:25:33 8 This is the end of Tape No. 2, and we are now 03:25:35 9 off the record. 03:25:37 10 (Break taken) 03:25:41 11 VIDEOGRAPHER: The time is 3:36. 03:36:05 12 This is the beginning of Tape No. 3. We are 03:36:16 13 now back on the record. 03:36:19 14 (Exhibit 1256 marked for 03:36:35 15 identification.) 03:36:47 16 BY MR. BRIDGES: 03:36:47 17 Q. Mr. Dubay, do you recognize Exhibit 1256 03:36:47 18 as a group of forms for comments with a 03:37:02 19 transmittal page attached that NFPA has 03:37:08 20 maintained in the ordinary course of business 03:37:12 21 in the course of its standards development 03:37:15 22 process? 03:37:17 23 A. (Witness examines document) Exhibit 1256 03:37:23 24 does appear to be a form of an electronic 03:37:34 25 submission process with numerous comments on 03:37:38 Page 153</p>

1 the National Electrical Code. 03:37:42
 2 Q. Do you recognize this as a document that 03:37:43
 3 NFPA has maintained, given the language at 03:37:48
 4 the bottom that says "comments for submittal 03:37:54
 5 to NFPA as of 12/23/97" (sic) and with date 03:37:56
 6 stamps and numbers written on them? 03:38:02
 7 MR. REHN: I think it says "comments 03:38:12
 8 for submittal to NFPA as of 10/23/97." 03:38:14
 9 MR. BRIDGES: What did I say? 03:38:17
 10 MR. REHN: I think you said 12. 03:38:18
 11 MR. BRIDGES: Sorry. Correct that. 03:38:22
 12 10/23/97. 03:38:36
 13 A. So just to be clear, is the question is this 03:38:36
 14 a typical submission? 03:38:39
 15 Q. No. The question is, do you recognize this 03:38:40
 16 as a document that NFPA has maintained as 03:38:42
 17 part of its standards development process? 03:38:46
 18 A. Yes. It appears to be a typical document 03:38:50
 19 from our archives. 03:38:52
 20 Q. Do you know who Roger Witt is? 03:38:53
 21 A. No, I do not. 03:38:57
 22 Q. How did the uses differ between -- as between 03:38:58
 23 forms for proposals and forms for comments? 03:39:14
 24 You may have touched on it earlier, but I 03:39:16
 25 didn't quite understand it. 03:39:19
 Page 154

1 MR. REHN: Object to the form of the 03:39:21
 2 question as vague. 03:39:23
 3 A. If you could help me clarify, please, do you 03:39:27
 4 mean the use of the proposal form and the 03:39:30
 5 comment form or how it plays out in our 03:39:31
 6 process? 03:39:35
 7 Q. Both. 03:39:35
 8 MR. REHN: I'll object to the 03:39:37
 9 question as being compound. 03:39:39
 10 A. At a high level, proposals in our old system, 03:39:41
 11 public inputs in our new systems are 03:39:56
 12 recommended changes to the existing edition 03:39:58
 13 of a standard. Comments in both the old and 03:40:01
 14 the new system are public comments on the 03:40:05
 15 actions that the committee has taken to 03:40:09
 16 modify that standard. 03:40:11
 17 Q. So all comments would follow some kind of 03:40:16
 18 technical committee action on that standard; 03:40:25
 19 is that correct? 03:40:28
 20 A. All comments would be related to something 03:40:31
 21 that committee has done. It could be 03:40:34
 22 specific to the change or it could be saying 03:40:38
 23 you did this here, you should also do it over 03:40:39
 24 here. 03:40:43
 25 Q. Thank you. 03:40:43
 Page 155

1 (Exhibit 1257 marked for 03:40:43
 2 identification.) 03:43:31
 3 Q. Mr. Dubay, do you recognize Exhibit 1257 as 03:43:31
 4 a comment that NFPA has maintained in the 03:43:54
 5 ordinary course of its standards development 03:43:58
 6 process? I'll note that it's a two-sided 03:44:00
 7 document. 03:44:07
 8 A. Exhibit 1257 does look typical for comments 03:44:08
 9 we've received. 03:44:14
 10 Q. And do you recognize this as a document from 03:44:15
 11 NFPA's archives? 03:44:17
 12 A. Yes, it does look familiar, not specifically, 03:44:19
 13 but in general form. 03:44:22
 14 (Exhibit 1258 marked for 03:45:00
 15 identification.) 03:45:08
 16 Q. Do you recognize Exhibit 1258 as a comment 03:45:08
 17 from the NFPA archives that it maintains in 03:45:19
 18 the ordinary course of business in connection 03:45:28
 19 with its standards development process? 03:45:28
 20 A. Yes, this document, Exhibit 1258, looks 03:45:33
 21 typical and is consistent with the forms. 03:45:35
 22 Q. You understand it to be from NFPA archives? 03:45:40
 23 A. Yes, it seems consistent. 03:45:44
 24 Q. Are you familiar with Marcelo Hirschler? 03:45:59
 25 A. Yes. 03:46:32
 Page 156

1 Q. Who is he? 03:46:32
 2 A. He's a -- both a technical committee member 03:46:34
 3 on several of our standards as well as an 03:46:40
 4 active participant in the NFPA standards 03:46:43
 5 development process. 03:46:46
 6 (Exhibit 1259 marked for 03:47:15
 7 identification.) 03:47:26
 8 Q. Do you recognize Exhibit 1259 as a collection 03:47:26
 9 of proposals from NFPA's archives from 03:47:44
 10 Mr. Hirschler with respect to the National 03:47:53
 11 Electrical Code? 03:48:15
 12 A. (Witness examines document) 03:48:15
 13 MR. REHN: Object to the question. 03:48:22
 14 It clearly misrepresents the document. 03:48:24
 15 A. Based upon my review just now, it appears to 03:48:50
 16 be a mix of proposals and comments, generally 03:48:53
 17 all of which have been submitted 03:48:58
 18 electronically. And based upon a few 03:48:59
 19 minutes' review here, it does appear that 03:49:03
 20 they're all from Mr. Hirschler. It's a mix 03:49:05
 21 of materials. 03:49:10
 22 Q. Is it your understanding that these -- that 03:49:12
 23 NFPA maintains these documents in its 03:49:16
 24 archives of the standards development 03:49:19
 25 process? 03:49:21
 Page 157

1 A. Yes, these all appear to be typical from -- 03:49:23
 2 from the archives. 03:49:26
 3 (Exhibit 1260 marked for 03:50:32
 4 identification.) 03:50:46
 5 Q. Do you recognize Exhibit 1260 as a collection 03:50:46
 6 of comments from Jim Pauley that NFPA has 03:51:05
 7 maintained in its archives relating to the 03:51:10
 8 standards development process? 03:51:13
 9 A. Exhibit 1260 appears to be a collection of 03:51:21
 10 electronically submitted comments from 03:51:27
 11 Jim Pauley, based upon the forms. 03:51:30
 12 Q. Do you know whether he submitted these 03:51:33
 13 comments as a member of a technical 03:51:35
 14 committee? 03:51:38
 15 A. He -- what I can say is that he was an active 03:51:42
 16 member of the code-making panels which is -- 03:51:57
 17 or member of the code-making panels of the 03:52:06
 18 National Electric Code as a committee member, 03:52:08
 19 but I can't speculate what he submitted it 03:52:11
 20 for or what intention he had. 03:52:14
 21 Q. I ask you to turn your attention to the page 03:52:32
 22 that ends with the numbers 110 and 111 at 03:53:03
 23 the bottom, those two pages. 03:53:10
 24 A. 110? 03:53:12
 25 Q. Right. You'll note at the bottom there's a 03:53:13
 Page 158

1 statement of problem and substantiation for 03:53:26
 2 comment. This appears to address compliance 03:53:30
 3 with the style manual, it says; is that 03:53:41
 4 correct? 03:53:53
 5 A. He does note in his statement that the 03:53:53
 6 exceptions, I'm assuming the exceptions in 03:53:55
 7 the proposal, do not comply with the style 03:53:58
 8 manual, yes. 03:54:01
 9 Q. So a number of participants and technical 03:54:02
 10 committees and code-making panels and even 03:54:10
 11 some public commenters may make proposals 03:54:15
 12 that relate to the conformance of text to 03:54:23
 13 the NFPA's style manual, correct? 03:54:32
 14 MR. REHN: Object to the form. 03:54:35
 15 Lacks foundation. 03:54:36
 16 A. NFPA publishes and makes publicly available 03:54:40
 17 both our NFPA style manual and our NEC style 03:54:43
 18 manual. So in some cases, submissions will 03:54:47
 19 come in to address any discrepancies between 03:54:50
 20 the style manual and the published document. 03:54:53
 21 Q. And those submissions may come in from 03:55:04
 22 technical committee members or code-making 03:55:08
 23 panel members or the public, correct? 03:55:11
 24 MR. REHN: Object to the form. 03:55:17
 25 A. NFPA accepts public proposals, public input, 03:55:19
 Page 159

1 comments from anyone. 03:55:30
 2 Q. Including proposals and comments relating 03:55:30
 3 to style, correct? 03:55:32
 4 A. We accept proposals and comments and public 03:55:37
 5 inputs relating to any aspect of the 03:55:41
 6 document. 03:55:43
 7 Q. And any aspects, as you've just answered, 03:55:44
 8 includes style, correct? 03:55:46
 9 MR. REHN: Objection. Asked and 03:55:48
 10 answered. 03:55:50
 11 A. We do accept proposals and comments relating 03:55:51
 12 to style manual issues. 03:55:54
 13 Q. Mr. Dubay, the most recent version of the 03:55:55
 14 National Electrical Code is the 2014 version; 03:58:12
 15 is that correct? 03:58:16
 16 MR. REHN: Object to the form. 03:58:19
 17 A. Yes, the current version of the National 03:58:22
 18 Electrical Code is the 2014 edition. 03:58:25
 19 Q. Do you know when the first time was that any 03:58:26
 20 of the language in that code appeared in any 03:58:32
 21 of the earlier versions of the code? 03:58:37
 22 MR. REHN: Object to the form. 03:58:40
 23 Extremely compound. 03:58:45
 24 A. I would say that our handling of the National 03:58:55
 25 Electrical Code goes back to, I believe, 1896 03:59:03
 Page 160

1 or 1898. Without doing analysis, I couldn't 03:59:06
 2 tell you what words have remained for the 03:59:11
 3 last hundred-plus years, but NFPA's published 03:59:14
 4 the National Electrical Code for that period 03:59:17
 5 of time. 03:59:20
 6 Q. Has there been any point where the National 03:59:20
 7 Electrical Code was so completely overhauled 03:59:32
 8 that NFPA started a new version or a new 03:59:35
 9 edition of the code from scratch? 03:59:39
 10 MR. REHN: Object to the form. It's 03:59:42
 11 ambiguous. 03:59:46
 12 A. Not to my knowledge. 03:59:55
 13 Q. Does NFPA have any way of determining when 04:00:00
 14 any particular wording in the code, in the 04:00:18
 15 current edition of the code, first appeared 04:00:24
 16 in any edition of the code? 04:00:26
 17 MR. REHN: Object to the form. 04:00:30
 18 Q. I'm referring to the NEC. 04:00:34
 19 MR. REHN: It's the same objection. 04:00:38
 20 A. We maintain archives by edition of each 04:00:40
 21 document, and our records go back to the 04:00:45
 22 original document. Historically, over time 04:00:47
 23 the records become better and better, but we 04:00:52
 24 have archives all the way back. 04:00:55
 25 Q. Does NEC -- strike that. 04:01:01
 Page 161

<p>1 Does NFPA at any point index the 04:01:06 2 original source of any of the changes that 04:01:14 3 have become incorporated into the code over 04:01:25 4 the course of multiple editions? 04:01:30 5 MR. REHN: Object to the form. 04:01:35 6 Vague and ambiguous. 04:01:37 7 A. Clarifying question from my perspective, what 04:01:39 8 do you mean by index? 04:01:42 9 Q. Keep track of the -- to be able to identify 04:01:44 10 for any particular language, without looking 04:01:52 11 through every code, when that language first 04:01:56 12 came into some edition of the code. 04:02:00 13 MR. REHN: Same objections. 04:02:05 14 A. In general, no. At a high level, we keep 04:02:07 15 track of major technical changes from edition 04:02:11 16 to edition to support our regional field 04:02:14 17 team. 04:02:18 18 Q. What do you mean by major technical changes? 04:02:20 19 A. For example, when arc fault circuit 04:02:28 20 interruption technology was introduced into 04:02:31 21 the NEC, we put together, changed documents 04:02:34 22 and technical information to support our 04:02:38 23 regional staff around the country. 04:02:40 24 Q. Is that because they needed to know that 04:02:48 25 there was a new technical aspect to the code 04:02:50</p> <p style="text-align: right;">Page 162</p>	<p>1 the Code should contain a particular 04:05:51 2 requirement relating to the installation of 04:05:54 3 arc fault circuit interrupters? Is that your 04:05:57 4 interpretation of this? 04:06:00 5 A. Based upon the form, it is a comment directly 04:06:05 6 related to Proposal 2-105 and whatever that 04:06:08 7 was trying to accomplish, remove, add. I 04:06:13 8 don't have that part of the record in front 04:06:17 9 of me. 04:06:18 10 (Exhibit 1262 marked for 04:07:25 11 identification.) 04:07:42 12 Q. Mr. Dubay, do you recognize Exhibit 1262 as 04:07:42 13 a comment that NFPA has maintained in its 04:08:09 14 archives as part of its standards development 04:08:19 15 process? 04:08:22 16 A. Yes, Exhibit 1262 appears to be typical and 04:08:28 17 something from our archives. 04:08:39 18 Q. I have a question. What confidential 04:08:40 19 information is in this document? 04:08:44 20 MR. REHN: I'll object to the extent 04:09:05 21 it calls for a legal opinion. The witness 04:09:07 22 can answer, based on his knowledge. 04:09:14 23 A. Based upon my knowledge, all of our proposals 04:09:19 24 and comments are publicly available when 04:09:21 25 submitted. So I'm not sure relating to -- 04:09:25</p> <p style="text-align: right;">Page 164</p>
<p>1 that had not been there before? 04:02:57 2 MR. REHN: Object to the form. 04:03:03 3 A. The primary reason that we keep track of 04:03:06 4 major technical changes is to develop 04:03:09 5 training and education materials so that 04:03:11 6 users can understand those requirements. 04:03:14 7 (Exhibit 1261 marked for 04:04:16 8 identification.) 04:04:22 9 Q. Mr. Dubay, I've handed you Exhibit 1261. Do 04:04:22 10 you recognize this as a comment that NFPA has 04:04:39 11 maintained in its archives in connection with 04:04:45 12 the standards development process? 04:04:47 13 A. (Witness examines document) Yes, it appears 04:04:51 14 that Exhibit 1261 is a typical archived, 04:04:56 15 looks like a comment on the 2008 NEC. 04:04:58 16 Q. This comment related to some requirement 04:05:04 17 pertaining to arc fault circuit interrupters 04:05:15 18 in the National Electrical Code, correct? 04:05:22 19 MR. REHN: Object to the form. 04:05:29 20 Lacks foundation. Assumes facts. 04:05:30 21 A. My answer is based upon Item 4 where the 04:05:35 22 submitter, Mr. Walls, says that -- discusses 04:05:38 23 the installation of arc fault circuit 04:05:41 24 interrupters. 04:05:44 25 Q. This is a comment about the -- about whether 04:05:45</p> <p style="text-align: right;">Page 163</p>	<p>1 I'm assuming you're referring to the footer. 04:09:29 2 Q. Yes. 04:09:31 3 A. I have no knowledge of that. 04:09:31 4 Q. Right. Do you see where this submitter 04:09:32 5 checked Box B under copyright assignment? 04:09:54 6 A. Yes, in Item 6 I see they selected Item B. 04:10:04 7 Q. Does NFPA reject comments and proposals that 04:10:08 8 derive from non-original -- strike that. 04:10:14 9 Does NFPA reject comments and 04:10:20 10 proposals from persons who indicate that they 04:10:23 11 did not author the text or other materials in 04:10:26 12 the comments? 04:10:33 13 A. No. We have a strict policy of reviewing 04:10:35 14 each and every submission. And in this case, 04:10:38 15 the example you've provided me, Exhibit 1262, 04:10:41 16 Mr. Hammer does not actually provide any 04:10:44 17 proposed changes or text to the document. 04:10:46 18 Q. Why do you believe there's a reference to 04:10:52 19 American Petroleum Institute in this 04:10:59 20 document? 04:11:04 21 MR. REHN: Object to the form. It 04:11:07 22 may call for speculation. 04:11:09 23 A. In my personal opinion, he indicates right 04:11:10 24 above Line No. 1 that he represents the 04:11:14 25 American Petroleum Institute. Therefore, it 04:11:16</p> <p style="text-align: right;">Page 165</p>

<p>1 is my assumption that he submitted this on 04:11:20 2 behalf of the American Petroleum Institute. 04:11:22 3 Q. Does NFPA ask for permission from the 04:11:30 4 American Petroleum Institute to copy and 04:11:37 5 circulate comments submitted on its behalf? 04:11:40 6 A. We have a policy of reviewing each and every 04:11:53 7 one of these when they're submitted. And in 04:11:56 8 the event there was copyrighted material 04:11:59 9 being distributed, we would, as general 04:12:01 10 practice in our policies, contact to seek 04:12:04 11 permission before distributing that. 04:12:05 12 And, again, to support my past 04:12:08 13 statement, there doesn't appear to be any 04:12:11 14 proposed text. 04:12:13 15 Q. Well, what -- there's a reference here, isn't 04:12:15 16 there, to copyright in this comment? 04:12:21 17 MR. REHN: Object to the question, 04:12:29 18 to the form of the question. 04:12:33 19 Mischaracterizes the document. 04:12:34 20 Q. It says, "I hereby grant and assign to the 04:12:36 21 NFPA all and full rights and copyright in 04:12:39 22 this comment." Isn't that what it says? 04:12:41 23 A. Similar to our proposal forms and our comment 04:12:58 24 forms, when someone submits specific text 04:13:02 25 changes, we require the signature. 04:13:05</p> <p style="text-align: right;">Page 166</p>	<p>1 grant and assign to the NFPA all and full 04:14:22 2 rights and copyright in the comment, and NFPA 04:14:24 3 makes the comments publicly available, I 04:14:29 4 think you said, correct? 04:14:33 5 MR. REHN: Object to the form. 04:14:34 6 A. NFPA, in the old process, makes all of the 04:14:40 7 proposals and comments publicly available via 04:14:44 8 the publication of a report on proposals and 04:14:47 9 report on comments. 04:14:50 10 Q. And this -- you don't understand this 04:15:14 11 language at the bottom to be a grant and 04:15:22 12 assignment of copyrights in the comment 04:15:25 13 itself? 04:15:28 14 MR. REHN: Object to the form. The 04:15:29 15 language speaks for itself. 04:15:31 16 Q. I'm just asking what you understand as the 04:15:33 17 person in charge of the standards development 04:15:35 18 process at NFPA. 04:15:37 19 A. My understanding -- 04:15:39 20 MR. REHN: Object to the form of 04:15:40 21 that question as well. 04:15:41 22 A. My understanding is that the forms require a 04:15:42 23 signature, one, for archives and; two, to 04:15:45 24 address the intellectual property rights 04:15:48 25 associated with changes in the text within 04:15:50</p> <p style="text-align: right;">Page 168</p>
<p>1 In this case it appears the 04:13:09 2 Exhibit 1262 that you've chosen, Mr. Hammer 04:13:12 3 has just recommended that a proposal from the 04:13:20 4 ROP portion of our cycle be accepted with no 04:13:20 5 proposed text. 04:13:21 6 Q. It doesn't say, "I grant and assign to the 04:13:24 7 NFPA all and full rights and copyright to 04:13:29 8 proposed text changes," it says, "I hereby 04:13:30 9 grant and assign to the NFPA all and full 04:13:33 10 rights and copyright in this comment." 04:13:36 11 Does it say anything in there about 04:13:42 12 copyright and proposed changes? 04:13:44 13 MR. REHN: Object to the form and 04:13:47 14 object on the basis that it calls for a legal 04:13:50 15 opinion. 04:13:52 16 Q. I'm just asking for your understanding. 04:13:54 17 A. My understanding is they are completely 04:13:56 18 disconnected. A proposal that recommends 04:13:57 19 text and a comment that recommends action on 04:14:01 20 a proposal is the choice of the submitter to 04:14:04 21 either recommend text or not. 04:14:07 22 But in either case our policy is 04:14:09 23 that any public comments in any public 04:14:11 24 proposals require a signature. 04:14:14 25 Q. And it requires a signature saying that you 04:14:20</p> <p style="text-align: right;">Page 167</p>	<p>1 our document. 04:15:52 2 Q. That's your interpretation of the italicized 04:15:54 3 language above the signature on this page? 04:15:58 4 MR. REHN: Object to the form. 04:16:00 5 Mischaracterizes the testimony. Calls for 04:16:01 6 legal opinion. Document speaks for itself. 04:16:04 7 A. I can't specifically comment on each 04:16:11 8 individual word and how it relates, but my 04:16:13 9 policy is enforcing that each and every one 04:16:17 10 of these submissions requires the sign-off by 04:16:21 11 the submitter to ensure that it is 04:16:23 12 appropriate for us to move forward with the 04:16:25 13 use of that material. 04:16:28 14 Q. And you have no other interpretation of the 04:16:32 15 italicized language above the signature on 04:16:35 16 Exhibit 1262? 04:16:38 17 MR. REHN: Same objection. 04:16:39 18 Q. Is that your testimony? 04:16:40 19 MR. REHN: Same objections, and 04:16:41 20 asked and answered at this point as well. 04:16:44 21 A. I have no other interpretation. 04:16:47 22 (Exhibit 1263 marked for 04:17:46 23 identification.) 04:18:15 24 Q. Mr. Dubay, what is Exhibit 1263? 04:18:15 25 A. Exhibit 1263 appears to be a comment from 04:18:33</p> <p style="text-align: right;">Page 169</p>

1 Mr. Skweres on the 2014 National Electrical 04:18:38
 2 Code. 04:18:53
 3 Q. Is it your understanding that the material 04:18:53
 4 inside the box under Item 4 is proposed new 04:19:10
 5 wording? 04:19:16
 6 A. Based upon my review, it's difficult to tell 04:19:30
 7 without seeing the proposal of record being 04:19:33
 8 2-132, because the submitter did not use 04:19:36
 9 legislative text. So a portion of that may 04:19:40
 10 or may not have been included already in 04:19:43
 11 Proposal 2-132. 04:19:45
 12 Q. Legislative text in that context means a 04:19:48
 13 format for determining what has been added or 04:19:51
 14 deleted; is that correct? 04:19:54
 15 A. Yes, in general, strike through where you're 04:19:58
 16 deleting text and underline where you're 04:20:01
 17 adding text. 04:20:03
 18 Q. But it's not legislative text that one might 04:20:03
 19 see from a legislature that says things like 04:20:06
 20 "be it resolved" or fancy language of the 04:20:08
 21 legislature? That's not what legislative 04:20:14
 22 language means in this text, correct? 04:20:16
 23 MR. REHN: Object to form. 04:20:17
 24 A. It's legislative format as we give an example 04:20:19
 25 under Item 4. 04:20:20
 Page 170

1 Q. There's a box that says "new text" that's 04:20:23
 2 been checked on this, correct? 04:20:31
 3 A. Based upon my review Line Item 3, yes, the 04:20:36
 4 box for new text has been checked. 04:20:39
 5 Q. Does the text in the box under Item 4, 04:20:41
 6 conform to NFPA's manual of style? 04:20:45
 7 A. I can say in general it appears that it does. 04:21:01
 8 However, I would rely, because it's a 04:21:04
 9 National Electrical Code, on our editorial 04:21:05
 10 team and our actual NEC manual style to see 04:21:09
 11 if it's completely compliant. 04:21:12
 12 (Exhibit 1264 marked for 04:22:02
 13 identification.) 04:22:27
 14 Q. Can you please identify Exhibit 1264. 04:22:27
 15 A. Exhibit 1264 appears to be an archival of a 04:22:47
 16 comment on the 2014 National Electrical Code. 04:22:56
 17 Q. Do you see on Page 2 of the exhibit Option B 04:23:03
 18 has been checked under Copyright Assignment? 04:23:21
 19 A. I do see Item 6, Copyright Assignment B has 04:23:32
 20 been checked. 04:23:35
 21 Q. There's a reference to UL white book and UL 04:23:36
 22 guide information? 04:23:39
 23 A. That appears to be the statement. 04:23:45
 24 Q. And so that appears to be the source of some 04:23:46
 25 of the material that Ms. Dwyer has provided 04:23:50
 Page 171

1 in her comment. Is that your interpretation 04:23:56
 2 of it? 04:23:59
 3 MR. REHN: Object to the form. 04:24:02
 4 A. My interpretation when I read Item 5 is I see 04:24:03
 5 direct references to the UL guidebook and 04:24:07
 6 it's subsequent to the UL guide information. 04:24:11
 7 Q. She provided those references as 04:24:16
 8 substantiation for the comment that she makes 04:24:22
 9 above in Section 4, correct? 04:24:26
 10 A. Based upon her submission, it does appear 04:24:34
 11 that the UL materials, only indicated in her 04:24:36
 12 statement of the problem, were 04:24:39
 13 substantiation. 04:24:40
 14 Q. Do you know whether anyone at NFPA has 04:24:51
 15 checked the references to the UL white book 04:24:54
 16 and UL guide information to determine whether 04:24:57
 17 any of the language in the comment has come 04:25:00
 18 from one of those sources? 04:25:02
 19 A. I can't speak specifically to this one 04:25:13
 20 comment, but our policy is that, in this case 04:25:15
 21 where Item B has been selected, our staff 04:25:18
 22 would have contacted the submitter to get a 04:25:21
 23 clear picture of what the intent was and what 04:25:24
 24 they were submitting to be considered in 04:25:27
 25 front of the committee, especially since it 04:25:31
 Page 172

1 appears that Ms. Dwyer or Mr. Dryer works for 04:25:33
 2 Wells Fargo and not UL. 04:25:38
 3 Q. Does NFPA frequently get copyright permission 04:25:44
 4 from other organizations for the text that it 04:25:48
 5 incorporates in the National Electrical Code? 04:25:51
 6 MR. REHN: Object to the form and to 04:25:55
 7 the extent the question calls for legal 04:25:56
 8 opinion. 04:25:58
 9 Q. Actually, I will withdraw the question. 04:25:58
 10 Does NFPA ever get copyright 04:26:00
 11 permission from other organizations for the 04:26:02
 12 text that it incorporates in the National 04:26:05
 13 Electrical Code? 04:26:08
 14 MR. REHN: Again, I'll object to 04:26:08
 15 the form of the question and also object to 04:26:09
 16 the extent it calls for legal opinion. 04:26:11
 17 A. I just need a clarification, please. Are you 04:26:14
 18 asking me do we get requests from other 04:26:17
 19 organizations to use the contents from the 04:26:19
 20 National Electrical Code, or are you asking 04:26:21
 21 do we seek permission to use their contents 04:26:23
 22 in the National Electrical Code? 04:26:26
 23 Q. The second. 04:26:27
 24 A. I'm not aware of ever having a request to 04:26:35
 25 include another organization's language 04:26:37
 Page 173

1 within the NEC. Specifically, across all of 04:26:42
 2 our standards, we either, as a general common 04:26:44
 3 understanding that and accepted across our 04:26:47
 4 committees and submitters, that when they 04:26:51
 5 propose new text within our process, that it 04:26:53
 6 becomes part of NFPA's intellectual property, 04:26:55
 7 it becomes part of our published standards 04:26:59
 8 and I don't believe I've had that request. 04:27:01
 9 Q. So even if the language originated with 04:27:05
 10 another organization, it's your statement 04:27:09
 11 that it becomes part of the NFPA's 04:27:12
 12 intellectual property by being submitted into 04:27:14
 13 the standards development process? 04:27:18
 14 MR. REHN: Object to the form. 04:27:20
 15 Mischaracterizes the testimony. May call for 04:27:22
 16 a legal opinion. May call for speculation. 04:27:25
 17 A. In my personal opinion, I would say no. We 04:27:31
 18 would contact an organization as soon as we 04:27:34
 19 identified any potential copyright text being 04:27:37
 20 submitted as well as the submitter, knowing 04:27:40
 21 that they didn't have the authority to 04:27:42
 22 release copyright of said material. 04:27:45
 23 Q. How often in your tenure at NFPA has NFPA 04:27:48
 24 contacted any other organizations regarding 04:27:56
 25 potential copyright text that has come into 04:28:04
 Page 174

1 the process of developing a particular 04:28:06
 2 standard? 04:28:19
 3 MR. REHN: Object to the form. 04:28:26
 4 A. I can't speak to a specific number, but given 04:28:33
 5 that we get tens of thousands of proposed 04:28:35
 6 changes every year and any time there's 04:28:38
 7 attached supporting material or there's 04:28:41
 8 references to copyright material or there are 04:28:44
 9 references to selecting the alternative 04:28:46
 10 copyright statement, it is our policy that 04:28:50
 11 each and every one of those submitters be 04:28:52
 12 contacted to determine whether NFPA has the 04:28:54
 13 authority or not to utilize that material, 04:28:58
 14 even in the distribution of our technical 04:29:01
 15 committees. 04:29:03
 16 Q. How many times in your tenure at NFPA has 04:29:03
 17 NFPA contacted the sources of that material 04:29:07
 18 for permission to include any of that 04:29:16
 19 material in NFPA's codes and standards? 04:29:18
 20 MR. REHN: Object to the form. 04:29:26
 21 A. Again, a number is very difficult. To the 04:29:28
 22 best of my knowledge, it's our policy that 04:29:33
 23 each and every time we contact that source, 04:29:35
 24 especially where it's clearly identifiable 04:29:38
 25 via copyright statements or statements within 04:29:41
 Page 175

1 those public records. 04:29:43
 2 Q. So how many times is your best estimate that 04:29:46
 3 NFPA has contacted the owners of copyrighted 04:29:48
 4 material that the people have contributed to 04:29:53
 5 the NFPA standards development process? 04:29:58
 6 MR. REHN: Same objection. Asked 04:30:00
 7 and answered as well. 04:30:02
 8 A. I would -- speculation on my part in my 04:30:07
 9 tenure, I would say nothing shy of tens of 04:30:11
 10 thousands of times. 04:30:14
 11 Q. What records does NFPA have of its contacts 04:30:16
 12 to owners of copyrighted material that 04:30:22
 13 persons have proposed for incorporation in 04:30:27
 14 NFPA's codes and standards? 04:30:32
 15 MR. REHN: Object to the form. 04:30:36
 16 There's some embedded legal conclusions in 04:30:38
 17 these questions. The witness can answer to 04:30:40
 18 the extent he understands. 04:30:43
 19 A. The best way I can answer that question is 04:30:49
 20 that currently and in recent history, as we 04:30:52
 21 identify those documents, we attach a chain 04:30:55
 22 of information. It could be an e-mail, a 04:31:01
 23 letter correspondence with the originator to 04:31:03
 24 say what we can and can't do with that 04:31:06
 25 material. Historically, I cannot speak to 04:31:07
 Page 176

1 going back. 04:31:11
 2 Q. Where does NFPA maintain that chain of events 04:31:16
 3 in its records? 04:31:23
 4 A. We maintain that chain of information, to the 04:31:26
 5 best of my knowledge, in our original 04:31:32
 6 documentation that's behind each cycle, so 04:31:34
 7 our archive information. So, for example, a 04:31:38
 8 public input that had a reference to a 04:31:44
 9 copyrighted report, that report will be part 04:31:47
 10 of the record for that individual proposed 04:31:48
 11 change. 04:31:52
 12 Q. When you say "that report," you mean that 04:31:55
 13 copyrighted report would be part of the 04:31:56
 14 record? 04:31:58
 15 A. Any material that required permission before 04:32:01
 16 we either posted it to our website, 04:32:03
 17 distributed to our committee or made it 04:32:06
 18 publicly available. 04:32:09
 19 Q. Where does NFPA maintain the documents 04:32:09
 20 relating to the permissions it has received 04:32:13
 21 in that process? 04:32:19
 22 A. Within our revision archive for each edition 04:32:24
 23 of the document. 04:32:28
 24 Q. And who maintains the revision archives? 04:32:31
 25 A. Our codes and standards administration 04:32:40
 Page 177

1 department. 04:32:42
 2 Q. Who, within the codes and standards 04:32:42
 3 administration department, is in charge of 04:32:46
 4 maintaining those records? 04:32:47
 5 A. There's actually a team of people called our 04:32:49
 6 project administrators. 04:32:54
 7 Q. Who's in charge of the project 04:32:58
 8 administrators? 04:33:01
 9 A. The manager of that group is Patrick Foley. 04:33:02
 10 Q. Approximately how many permissions from other 04:33:06
 11 copyright holders did NFPA obtain for 04:33:09
 12 material contained in the current edition of 04:33:13
 13 NFPA's National Electrical Code? 04:33:16
 14 MR. REHN: I'll object to the form 04:33:23
 15 again here and some of the embedded legal 04:33:24
 16 conclusions. But, again, the witness may 04:33:26
 17 answer the question. 04:33:29
 18 A. To the best of my knowledge, I'm not aware of 04:33:30
 19 any permissions that were required for the 04:33:32
 20 text within the National Electrical Code 04:33:35
 21 other than those normal releases on our 04:33:38
 22 proposals and comment forms. 04:33:41
 23 Q. So it's your testimony that within the entire 04:33:42
 24 National Electrical Code, no text had as its 04:33:46
 25 source some copyright owner other than 04:33:54
 Page 178

1 persons who participated in the standards 04:34:04
 2 development process or made proposals or 04:34:09
 3 comments and signed the copyright language 04:34:14
 4 that NFPA furnishes them. Is that your 04:34:18
 5 testimony? 04:34:21
 6 MR. REHN: Object to the form. 04:34:21
 7 Mischaracterizes the testimony. 04:34:24
 8 A. To the best of my knowledge, I'm not aware of 04:34:28
 9 any text within the current edition of the 04:34:30
 10 National Electrical Code that is -- has its 04:34:33
 11 copyright held by another organization. 04:34:36
 12 Q. I'm not asking about copyright held by other 04:34:38
 13 organizations, just text that comes from 04:34:42
 14 another copyright owner. 04:34:44
 15 MR. REHN: Again, object to the 04:34:46
 16 form. It's vague. 04:34:48
 17 A. I'm not aware of any text in the current 04:34:55
 18 edition of the National Electrical Code where 04:34:57
 19 the copyright is held by anyone but the 04:35:00
 20 National Fire Protection Association. 04:35:06
 21 Q. Are you aware of any text in the National 04:35:07
 22 Electrical Code that has come from any 04:35:10
 23 ultimate source other than someone who has 04:35:17
 24 signed the copyright documentation that NFPA 04:35:25
 25 requires of the technical committee members 04:35:30
 Page 179

1 and of persons submitting proposals and 04:35:34
 2 comments? 04:35:37
 3 MR. REHN: Object to the form. 04:35:38
 4 Ambiguous. 04:35:39
 5 A. Given our policy of reviewing each and every, 04:35:44
 6 speaking of the National Electrical Code, 04:35:48
 7 5 to 7,000 proposals and comments each cycle 04:35:50
 8 and verifying the copyright requirements 04:35:53
 9 within those proposals and comments, I'm not 04:35:56
 10 aware of any. 04:35:58
 11 Q. By the way, have you ever been made aware of 04:36:15
 12 any typographical errors in 04:37:19
 13 published comments -- strike that. 04:37:20
 14 Have you ever been made aware of any 04:37:24
 15 typographical errors in published editions of 04:37:26
 16 the National Electrical Code? 04:37:30
 17 MR. REHN: I believe this is outside 04:37:37
 18 the scope of the notice topics, but the 04:37:39
 19 witness can answer if he knows as an 04:37:41
 20 individual. 04:37:43
 21 A. I'm aware at times when we publish documents, 04:37:46
 22 we do make publication errors and we, in 04:37:49
 23 those cases, publish erratas. 04:37:51
 24 Q. Where does the NFPA publish the errata? 04:37:54
 25 MR. REHN: Same objection as to the 04:37:59
 Page 180

1 scope of the topics, but you can answer if 04:38:00
 2 you have an understanding. 04:38:04
 3 A. We post those on our doc info pages as well 04:38:05
 4 as integrate those erratas into the next 04:38:09
 5 production run of the National Electrical 04:38:12
 6 Code. 04:38:16
 7 Q. What, if anything, does NFPA do to notify 04:38:16
 8 earlier purchasers of its codes and standards 04:38:22
 9 about the existence of the errata? 04:38:27
 10 MR. REHN: Same objection as to 04:38:33
 11 scope. 04:38:34
 12 A. We have two mechanisms of notifying. Number 04:38:39
 13 one is through our website where we post 04:38:42
 14 information on our doc info pages and every 04:38:45
 15 user has the ability to sign up for an "alert 04:38:49
 16 me" which gives them an automatic notice of 04:38:52
 17 changes relating to whatever document they've 04:38:54
 18 signed up on. 04:38:56
 19 And each and every purchase of a 04:38:57
 20 document, part of the invoice includes 04:39:00
 21 notices of where to do that, to sign up for 04:39:02
 22 those alerts as well as other information on 04:39:05
 23 those documents, where to obtain that 04:39:09
 24 material. 04:39:12
 25 Q. Why do you notify people of the errata? 04:39:14
 Page 181

<p>1 MR. REHN: Object to the form of the 04:39:18 2 question. 04:39:20 3 Q. Strike that. 04:39:20 4 Why does NFPA notify persons about 04:39:21 5 the errata in its codes and standards? 04:39:24 6 MR. REHN: I'll object to the form 04:39:27 7 of the question and again, I'll object as to 04:39:28 8 the scope is outside the scope of the notice 04:39:32 9 topics. The witness can answer if he knows. 04:39:34 10 A. I believe it relates to our same decision 04:39:36 11 around providing free access to all of our 04:39:43 12 codes and standard. 04:39:45 13 We want anyone who's impacted by our 04:39:46 14 codes and standards to be aware of the 04:39:48 15 requirements and be able to understand them. 04:39:51 16 And in the event of an errata, we want to 04:39:55 17 make sure they are aware of that as well. 04:39:58 18 Q. Do you know how many errata there have been 04:39:58 19 in the National Electrical Code? 04:40:01 20 MR. REHN: Same objection as to 04:40:04 21 scope. 04:40:05 22 A. No. 04:40:07 23 Q. Do you have an estimate? 04:40:07 24 MR. REHN: Same objection. 04:40:10 25 A. No. 04:40:11</p> <p style="text-align: right;">Page 182</p>	<p>1 there are typographical errors which we do 04:41:53 2 issue erratas to correct them as soon as 04:41:56 3 we're aware of them. 04:41:59 4 Q. Have you become aware of any errata in the 04:42:00 5 postings of NFPA's standards that have been 04:42:04 6 incorporated into law by the defendant in 04:42:09 7 this case? 04:42:13 8 MR. REHN: Objection as to the 04:42:14 9 questioning outside the scope of any topics 04:42:17 10 for which this witness was referred, for 04:42:19 11 which this witness was designated. But the 04:42:22 12 witness may answer if he knows the answer. 04:42:24 13 A. No, not specifically. 04:42:27 14 Q. I think I misspoke, so I'm going to re-ask 04:42:33 15 the question a little differently. 04:42:35 16 Have you become aware of any errors 04:42:37 17 in the postings of NFPA's standards that have 04:42:39 18 been incorporated into law by the defendant 04:42:43 19 in this case? 04:42:45 20 MR. REHN: Same objection as to the 04:42:46 21 scope of this topic. There's also some 04:42:47 22 embedded legal conclusions in this 04:42:50 23 connection. The witness may answer if he 04:42:52 24 knows. 04:42:54 25 A. To the best of my knowledge, I believe we did 04:42:54</p> <p style="text-align: right;">Page 184</p>
<p>1 Q. Is it a number that is important to you? 04:40:12 2 MR. REHN: Same objection as to 04:40:19 3 scope. Argumentative. Vague. 04:40:20 4 A. No, the number is not important. 04:40:32 5 Q. Have there been errors in NFPA's -- strike 04:40:34 6 that. 04:40:43 7 Have there been typographical errors 04:40:44 8 in NFPA's other codes and standards, apart 04:40:47 9 from the National Electrical Code? 04:40:55 10 MR. REHN: Same objection as to the 04:40:57 11 scope of the topics. Witness can answer. 04:41:00 12 A. The same answer applies. 04:41:04 13 Q. As to my earlier questions about the National 04:41:11 14 Electrical Code? 04:41:16 15 MR. REHN: Objection as to form. 04:41:16 16 It's ambiguous. 04:41:19 17 A. Yes, the errata process applies to all of our 04:41:21 18 standards. 04:41:25 19 Q. And there have been errata in other standards 04:41:31 20 of -- strike that. 04:41:35 21 And there have been typographical 04:41:37 22 errors in NFPA's other codes and standards? 04:41:38 23 MR. REHN: Objection as to form. 04:41:41 24 Compound. 04:41:43 25 A. Through our publication process, at times 04:41:50</p> <p style="text-align: right;">Page 183</p>	<p>1 issue an errata relating to the 2014 edition 04:42:56 2 of the NEC. 04:43:00 3 Q. Actually, I'm asking a different question and 04:43:04 4 that is, focusing on the defendant's postings 04:43:10 5 in this case, are you aware of any errors in 04:43:14 6 the documents -- strike that. I'll withdraw 04:43:23 7 the question. 04:43:35 8 (Exhibit 1265 marked for 04:43:35 9 identification.) 04:44:05 10 Q. Mr. Dubay, can you please identify 04:44:05 11 Exhibit 1265. 04:44:17 12 A. Exhibit 1265 appears to be a public comment 04:44:19 13 on the 2014 National Electrical Code. 04:44:29 14 Q. This comment included some proposed new text; 04:44:32 15 is that correct? 04:44:38 16 A. Based upon Mr. Baclawski's comments and his 04:44:41 17 indication of the new text check box on 04:44:51 18 No. 3, it appears that he's applying some new 04:44:53 19 text to his recommendation. 04:44:56 20 (Exhibit 1266 marked for 04:47:03 21 identification.) 04:47:14 22 Q. Mr. Dubay, I ask you to look at Exhibit 1266. 04:47:14 23 Can you please identify it. 04:47:34 24 A. Exhibit 1266 appears to be a public comment 04:47:39 25 from our archives. 04:47:44</p> <p style="text-align: right;">Page 185</p>

<p>1 Q. Do you see the proposed new text in the 04:47:49 2 comment in Box 4? 04:48:18 3 A. Assuming the underlying text is new text, 04:48:23 4 then yes. 04:48:31 5 Q. Do you know what the IEC of Greater 04:48:32 6 Cincinnati is? 04:48:40 7 A. I'm assuming that it's the Independent 04:48:45 8 Electrical Contractors Association. 04:48:48 9 Q. Do you see where it says, "Please indicate 04:48:59 10 organization represented, if any," it says 04:49:03 11 "IEC"? 04:49:05 12 A. Yes. 04:49:08 13 Q. What information does NFPA have about 04:49:08 14 Mr. Hittinger's role in IEC? 04:49:13 15 MR. REHN: Object to the form. May 04:49:17 16 call for speculation. 04:49:21 17 A. To my knowledge, I don't have specific 04:49:23 18 knowledge personally, but I believe he's also 04:49:27 19 a panel member, committee member of the 04:49:29 20 National Electrical Code. So we would have 04:49:32 21 an application on file if that is the case, 04:49:35 22 if I remember correctly. 04:49:37 23 Q. Is he a member or is the Independent 04:49:40 24 Electrical Contractors a member of NFPA? 04:49:43 25 A. We do not have organizational members of our 04:49:51 Page 186</p>	<p>1 note that it appears this fax was only two 04:54:29 2 pages. On the second page, the page appears 04:54:37 3 to be 2 of 2, so I'm not sure what -- if 04:54:37 4 that was an actual additional attachment or 04:54:43 5 the item was just to communicate this one 04:54:46 6 attachment. That's to the best of my 04:54:49 7 knowledge from looking at this exhibit you've 04:54:51 8 handed me. 04:54:56 9 Q. Well, do you consider the reverse of 04:54:57 10 Exhibit 1267 to be a comment? 04:55:03 11 A. In my opinion, I don't view this as a 04:55:16 12 comment. My opinion is that it was to 04:55:22 13 communicate this agreement. Again, that is 04:55:25 14 my opinion, based upon the records I have 04:55:28 15 before me. 04:55:30 16 Q. Do you know whether the Life Safety Code 04:55:31 17 incorporates any text that the American 04:55:37 18 Forest & Paper Association proposed? 04:55:44 19 A. Based upon my first-hand knowledge, I can't 04:55:53 20 answer that. 04:55:57 21 Q. How would one determine that fact? 04:55:58 22 A. You would have to review the record, 04:56:07 23 determine what was submitted by the American 04:56:10 24 Forest & Paper Association, what material was 04:56:13 25 copyrighted by them and then ultimately 04:56:18 Page 188</p>
<p>1 technical committees. They may represent an 04:49:53 2 organization, but the individual itself holds 04:49:55 3 the seat. 04:49:57 4 (Exhibit 1267 marked for 04:52:35 5 identification.) 04:52:36 6 Q. Can you please identify Exhibit 1267. 04:52:50 7 A. (Witness examines document) You want me to 04:53:06 8 identify both sides? 04:53:14 9 Q. Yes, please. 04:53:16 10 A. Side 1, I guess it's Log No. 607, it appears 04:53:17 11 to be a form for comments on NFPA's report on 04:53:24 12 proposals with a signature and some notes on 04:53:29 13 seeing attached agreement. On Side 2, being 04:53:32 14 Page 608, appears to be a substitute 04:53:35 15 agreement on copyright language material 04:53:41 16 between the American Forest & Paper 04:53:45 17 Association and our associate general 04:53:49 18 counsel, Dennis Berry. 04:53:51 19 Q. Unfortunately, I don't think we received in 04:53:56 20 the document production the attachments to 04:53:58 21 this that are referred to in Items 4 and 5 04:54:01 22 on the front page, but it does indicate in 04:54:04 23 Item 3 that there was a recommendation of 04:54:07 24 new text. Do you see that? 04:54:08 25 A. I do see what you're referring to, but I also 04:54:19 Page 187</p>	<p>1 accept it and integrate into the standard 04:56:21 2 throughout our entire standards process. 04:56:24 3 Q. If someone asked you to determine that, how 04:56:26 4 would you determine it? 04:56:30 5 A. We would review the concern on the text of 04:56:31 6 the standard, and we'd go back through our 04:56:43 7 archives and produce a history of that 04:56:45 8 specific portion of the document. 04:56:47 9 Q. Has NFPA ever produced such a history during 04:56:51 10 your tenure regarding any person or entity's 04:56:57 11 proposals or comments? 04:57:03 12 MR. REHN: Object to the form. 04:57:05 13 Vague. 04:57:06 14 A. No. I want to make sure I answer completely 04:57:08 15 accurate on that. I was assuming that you 04:57:33 16 were referring -- with reference to 04:57:36 17 copyrighted material, therefore, my answer 04:57:37 18 was no. 04:57:41 19 Q. Even regarding any text other than what 04:57:46 20 you're referring to as copyrighted material, 04:57:52 21 has NFPA ever produced such a history during 04:57:55 22 your tenure regarding proposals or comments 04:57:58 23 from any person or entity? 04:58:00 24 MR. REHN: Same objection. 04:58:02 25 A. Sometimes NFPA gets requests to produce a 04:58:04 Page 189</p>

1 history of a section so that the user, 04:58:06
 2 whoever is requesting that, can understand 04:58:09
 3 why technical changes were made to the 04:58:11
 4 document and the reasoning or substantiation 04:58:13
 5 behind them. Often our library produces that 04:58:16
 6 function for us. 04:58:20
 7 Q. From whom do those types of requests come? 04:58:21
 8 MR. REHN: I think we've now, we've 04:58:27
 9 moved outside of the scope of the notice 04:58:29
 10 topics, but if the witness knows the answer, 04:58:32
 11 he can answer. 04:58:34
 12 A. I've personally received requests from 04:58:35
 13 users of our standards, authorities having 04:58:38
 14 jurisdiction as well as media and consumers. 04:58:41
 15 Q. Approximately how many times has NFPA 04:58:45
 16 provided persons with those types of 04:58:48
 17 histories during your tenure? 04:58:52
 18 MR. REHN: The transcript says as 04:58:57
 19 well as -- did you say as media and 04:58:59
 20 consumers? 04:58:59
 21 THE WITNESS: Media requests and 04:59:01
 22 consumer requests. 04:59:03
 23 MR. REHN: I just wanted to clarify 04:59:05
 24 that. 04:59:06
 25 A. Again, I couldn't speculate on a number 04:59:11
 Page 190

1 because of the breadth of our standards and 04:59:13
 2 the length of time. 04:59:15
 3 Q. What's your best estimate? 04:59:17
 4 A. I'd say again, completely speculating, 04:59:28
 5 thinking across our library in my tenure at 04:59:30
 6 NFPA, on the order of hundreds. 04:59:34
 7 MR. REHN: I'll note again, this 04:59:37
 8 line of questioning is beyond the scope of 04:59:38
 9 the notice topics. 04:59:41
 10 (Exhibit 1268 marked for 05:00:46
 11 identification.) 05:01:01
 12 Q. Mr. Dubay, can you please identify 05:01:01
 13 Exhibit 1268. 05:01:17
 14 A. (Witness examines document) Exhibit 1268 05:01:19
 15 appears to be a public comment from our 05:01:28
 16 archives in the National Electrical Code. 05:01:31
 17 Q. And this comment proposes the -- apparently 05:01:39
 18 proposes the addition of one word, the word 05:01:44
 19 "separate;" is that correct? 05:01:51
 20 A. Based upon my review of Mr. Williams' 05:01:58
 21 comments, it appears that he wants to make a 05:02:10
 22 proposal or a proposed change to the NEC and 05:02:14
 23 add the word "separate" to some -- in some 05:02:17
 24 portion of that text. 05:02:20
 25 Q. Is it your understanding that until 05:02:23
 Page 191

1 Mr. Williams signed the copyright assignment 05:02:26
 2 at the bottom, he owned the copyright in the 05:02:30
 3 word "separate"? 05:02:36
 4 MR. REHN: Object to the form of the 05:02:39
 5 question. It may call for speculation. 05:02:41
 6 Appears to call for a legal opinion. 05:02:43
 7 A. There's many possibilities here. "Separate" 05:02:49
 8 could have appeared in the current edition 05:02:55
 9 and have been deleted by the proposal. He 05:02:57
 10 could be proposing to put it back in as one 05:03:00
 11 example. 05:03:03
 12 (Exhibit 1269 marked for 05:03:48
 13 identification.) 05:04:19
 14 Q. Mr. Dubay, can you please identify 05:04:19
 15 Exhibit 1269. 05:04:21
 16 A. (Witness examines document) Exhibit 1269 05:04:23
 17 appears to be a comment on a report on 05:04:28
 18 proposals from the National Electrical Code 05:04:38
 19 from our archives. 05:04:41
 20 Q. Do you understand this comment to be 05:04:43
 21 proposing revision of text to add the word 05:04:45
 22 "copper" and the words "not smaller than 12," 05:04:52
 23 I think that's "AGW;" is that correct? 05:04:58
 24 A. To your latter point, AGW would be consistent 05:05:05
 25 with the National Electrical Code. 05:05:08
 Page 192

1 Q. Is it your understanding that this comment 05:05:10
 2 was suggesting the revision of text by adding 05:05:13
 3 "copper" and then the other phrase? 05:05:18
 4 A. Assuming that he copied the remaining text 05:05:24
 5 correctly, then yes, it appears that he's 05:05:28
 6 adding those words. 05:05:34
 7 Q. Do you know who crafted the language in the 05:05:34
 8 form under Point 5, "statement of problem" 05:05:51
 9 and "substantiation for comment" with 05:05:54
 10 language in the parentheses after that? 05:05:58
 11 A. No, I do not. 05:06:05
 12 Q. Was that language in the forms for comments 05:06:06
 13 and forms for proposals of NFPA when you 05:06:10
 14 arrived? 05:06:15
 15 MR. REHN: Object to the form. The 05:06:16
 16 documents speak for themselves. 05:06:18
 17 A. Without researching all the way back to 1995, 05:06:22
 18 to the best of my knowledge, it seems 05:06:26
 19 similar. 05:06:27
 20 Q. So this or something similar to this was in 05:06:29
 21 it when you arrived at NFPA? 05:06:31
 22 A. NFPA has always, as far as I can recall, 05:06:33
 23 required a statement of problem or 05:06:37
 24 substantiation for any of the proposals or 05:06:39
 25 comments. 05:06:42
 Page 193

1 Q. What is meant on this form by "statement of 05:06:43
2 problem"? 05:06:47
3 MR. REHN: Object to the form. 05:06:51
4 A. In my opinion, it's what is the submitter 05:06:55
5 hoping to solve. 05:06:58
6 Q. Why is that a requirement on forms for 05:07:03
7 comments and forms for proposals? 05:07:07
8 A. NFPA's regulations governing committee 05:07:09
9 projects require that each and every proposal 05:07:18
10 and comment or public input into the system 05:07:20
11 be responded to in technical aspects. 05:07:23
12 And so this is important for the 05:07:27
13 committee to understand what the person was 05:07:29
14 intending and why so they can provide a 05:07:30
15 proper response to that public comment or 05:07:33
16 public input. 05:07:35
17 Q. And what substantiation does NFPA require for 05:07:41
18 comments or proposals? 05:07:46
19 A. NFPA does not require a specific set of 05:07:52
20 requirements for substantiation or problem. 05:07:58
21 It is up to the submitter to determine what 05:08:01
22 is warranted for their recommendation or 05:08:03
23 their proposed change. 05:08:05
24 Q. NFPA suggests three possible bases for 05:08:10
25 substantiation for comment on this form, 05:08:23
Page 194

1 namely, copies of tests, research papers and 05:08:27
2 fire experience, correct? 05:08:31
3 MR. REHN: Object to the form. 05:08:35
4 A. NFPA provides a few examples there, but in my 05:08:38
5 experience, the list is endless of what an 05:08:43
6 individual will utilize to substantiate their 05:08:47
7 proposed changes. 05:08:50
8 Q. What are some other common sources of 05:08:51
9 substantiation for proposed changes? 05:08:54
10 A. One example you mentioned, the style manual. 05:09:00
11 Another example could be a specific incident 05:09:04
12 that occurred in a jurisdiction or somewhere. 05:09:09
13 Q. What others come to mind? 05:09:13
14 A. Improvements in overall safety as well as 05:09:19
15 economic savings. 05:09:27
16 Q. Anything else? 05:09:32
17 A. I think the last one I can think of off the 05:09:40
18 top of my head is consistency across the 05:09:46
19 document. The standard may have made a 05:09:48
20 change in one cycle in one area, and they're 05:09:50
21 realizing that they need to make a 05:09:52
22 substantive initial change to be consistent 05:09:54
23 across the requirements. 05:09:55
24 (Exhibit 1270 marked for 05:10:28
25 identification.) 05:10:44
Page 195

1 Q. Can you please identify Exhibit 1270. 05:10:44
2 A. (Witness examines document) Exhibit 1270 05:10:58
3 appears to be an archival copy of a comment 05:11:07
4 on the report on proposals. 05:11:09
5 Q. And the comment was from an employee of the 05:11:11
6 U.S. Consumer Product Safety Commission; is 05:11:14
7 that correct? 05:11:21
8 A. Based upon what he's indicated here, I would 05:11:21
9 agree with that. 05:11:25
10 Q. Do you know who Doug Lee is? 05:11:25
11 A. I do recognize his name, but I'm not certain 05:11:34
12 if it's tied to the Consumer Product Safety 05:11:36
13 Commission. 05:11:39
14 Q. Have you ever in your recollection -- strike 05:11:42
15 that. 05:12:08
16 Do you recall ever seeing a form 05:12:09
17 like this for where the submitter has struck 05:12:10
18 the copyright assignment language? 05:12:18
19 A. The only time I recall was a previous exhibit 05:12:30
20 you showed me from the American Forest 05:12:35
21 Products Association. 05:12:36
22 Q. Do you recall ever seeing this form before? 05:12:39
23 A. No, I do not. 05:12:43
24 Q. Do you recall ever seeing a statement by a 05:12:48
25 federal employee like the one at the top of 05:12:54
Page 196

1 the second page of Exhibit 1270? 05:12:59
2 A. No, I do not. This is the first time I've 05:13:05
3 seen this. 05:13:07
4 Q. Have you ever been aware that works created 05:13:08
5 by U.S. government employees in the course of 05:13:25
6 their employment are not subject to 05:13:27
7 copyright? 05:13:29
8 MR. REHN: Object to the form. 05:13:30
9 Calls for a legal opinion. 05:13:31
10 A. Based upon my experience, I guess I would say 05:13:36
11 anecdotal knowledge around copyright of 05:13:40
12 federally produced materials and things like 05:13:43
13 that. 05:13:47
14 Q. What is that anecdotal knowledge? 05:13:47
15 MR. REHN: Same objection. Calls 05:13:50
16 for a legal opinion. 05:13:53
17 A. My knowledge is that it may or may not be 05:13:54
18 available and there are policies that, even 05:13:58
19 with general knowledge that I have, that my 05:14:02
20 team is required to verify copyright and 05:14:05
21 copyright permissions associated with any 05:14:08
22 material from the federal government or 05:14:11
23 employees of the federal government just like 05:14:14
24 we would do with any other material. 05:14:16
25 Q. Is it your understanding that NFPA asserts 05:14:17
Page 197

1 copyright over contributions to its codes and 05:14:22
 2 standards that federal government employees 05:14:29
 3 have made? 05:14:34
 4 MR. REHN: Object to the form. 05:14:35
 5 Calls for a legal opinion. 05:14:37
 6 A. It's my position that the NFPA asserts 05:14:43
 7 copyright over the final text of our codes 05:14:45
 8 and standards so that text that ends up in 05:14:48
 9 the documents is where our copyright remains. 05:14:51
 10 Q. In its entirety? 05:14:55
 11 MR. REHN: Object to the form. 05:14:59
 12 Calls for legal opinion. 05:15:00
 13 A. I'm not sure how to answer that question, so 05:15:03
 14 I will say in the standards themselves, what 05:15:05
 15 we publish is what we copyright. 05:15:08
 16 Q. How does NFPA copyright its standards? 05:15:16
 17 MR. REHN: Object to the form. 05:15:21
 18 Vague and ambiguous. Calls for a legal 05:15:23
 19 conclusion. 05:15:27
 20 A. I have no specific knowledge of how that 05:15:27
 21 process happens other than my team ensures 05:15:29
 22 that the appropriate statements and such are 05:15:32
 23 in the material in the front matter of each 05:15:34
 24 and every standard we publish. 05:15:37
 25 Q. What statements are you referring to in 05:15:46
 Page 198

1 that answer? 05:15:48
 2 MR. REHN: Same objection to the 05:15:50
 3 extent this calls for legal opinion. 05:15:51
 4 A. For example, copyright National Fire 05:15:54
 5 Protection Association, 2012. 05:15:57
 6 Q. In other words, a copyright notice in the 05:16:02
 7 publication itself? 05:16:05
 8 MR. REHN: Same objection. Calls 05:16:06
 9 for a legal opinion. 05:16:09
 10 A. If that's the case, but I'm referring to the 05:16:09
 11 statement that we put in the front of the 05:16:12
 12 documents. 05:16:14
 13 Q. How else do you understand the NFPA obtains 05:16:14
 14 copyright rights in its codes and standards? 05:16:18
 15 MR. REHN: Object to the form. It's 05:16:21
 16 compound. Calls for a legal opinion. 05:16:23
 17 A. We have a policy for each and every 05:16:26
 18 submission into our standards development 05:16:29
 19 process as well as through our committee 05:16:31
 20 member applications and appointment process 05:16:33
 21 to verify that those signatures and those 05:16:36
 22 rights have been obtained through that 05:16:38
 23 process. 05:16:40
 24 Q. And that includes rights to the material in 05:16:42
 25 Exhibit 1270; is that correct? 05:16:49
 Page 199

1 MR. REHN: Object to the form. 05:16:51
 2 Calls for a legal opinion. Assumes facts. 05:16:52
 3 A. In my 20 years of experience in working 05:17:00
 4 through our committee as a liaison and now 05:17:03
 5 as vice president, I've never had a question 05:17:12
 6 or a challenge around the copyright from our 05:17:14
 7 participants or from those who submit public 05:17:17
 8 input, public comment proposals. 05:17:20
 9 Q. In your 20 years of experience at NFPA, has 05:17:24
 10 NFPA ever sued anybody for copyright 05:17:29
 11 infringement before? 05:17:32
 12 MR. REHN: Object to the form. I 05:17:33
 13 think this is outside the scope of any of 05:17:35
 14 the notice topics. It also may call for 05:17:37
 15 interpretation of legal documents and 05:17:40
 16 pleadings. The witness may answer to the 05:17:42
 17 extent he has knowledge of that question. 05:17:46
 18 A. The question I have is potential discussions 05:17:49
 19 with counsel. Should we spend a minute 05:17:52
 20 discussing it or? 05:17:55
 21 Q. No. I'm asking you what knowledge you have 05:17:56
 22 as to whether -- I'm asking you whether, to 05:18:00
 23 your knowledge, NFPA has ever sued anybody 05:18:03
 24 for copyright infringement before? 05:18:05
 25 MR. REHN: If you can answer that 05:18:07
 Page 200

1 question without revealing the substance of 05:18:08
 2 advice you received from legal counsel, you 05:18:12
 3 may do so. Again, I'll assert the objections 05:18:14
 4 I've already asserted to the question as 05:18:18
 5 well. 05:18:20
 6 A. To the best of my knowledge, yes. 05:18:22
 7 Q. NFPA has sued others for copyright 05:18:26
 8 infringement? 05:18:29
 9 MR. REHN: Same objections. And you 05:18:30
 10 may answer it to the extent you can answer 05:18:32
 11 without disclosing the substance of advice 05:18:34
 12 you received from legal counsel. 05:18:37
 13 A. To the best of my knowledge, relating to the 05:18:38
 14 ICC lawsuit that you mentioned, but I have no 05:18:40
 15 specific knowledge. 05:18:44
 16 Q. Do you know whether NFPA sued ICC for 05:18:46
 17 copyright infringement or for trademark 05:18:52
 18 infringement? 05:18:54
 19 MR. REHN: Same objections, and 05:18:55
 20 exactly the same objections as before. 05:18:59
 21 A. I have no first-hand knowledge of any of the 05:19:01
 22 details of that. 05:19:04
 23 Q. Apart from that, are you aware of any 05:19:05
 24 copyright lawsuit that NFPA has brought 05:19:07
 25 against anyone before this case? 05:19:09
 Page 201

<p>1 MR. REHN: Same objections. 05:19:12 2 Question straightforwardly asks for 05:19:14 3 interpretation of legal documents and 05:19:15 4 pleadings. It's outside the scope of the 05:19:17 5 notice topics. And to the extent the witness 05:19:21 6 has knowledge that would not reveal the 05:19:23 7 substance of communications with legal 05:19:26 8 counsel, you may answer. 05:19:28 9 A. I have no knowledge. 05:19:29 10 Q. What, if anything, did staff members of NFPA 05:19:39 11 do to verify whether Doug Lee had authority 05:19:55 12 to propose text that would go into NFPA's 05:20:02 13 copyrighted code? 05:20:11 14 MR. REHN: Object to the form. 05:20:13 15 Mischaracterizes the document. Assumes there 05:20:15 16 are legal conclusions embedded in the 05:20:18 17 question. It assumes facts not in evidence. 05:20:21 18 A. Based upon our policy of verifying each and 05:20:29 19 every -- and reviewing each and every 05:20:33 20 submission, it is my assumption that they 05:20:35 21 would have contacted Mr. Lee to determine 05:20:37 22 what authority he has or what was 05:20:41 23 appropriate. But that's based upon our 05:20:42 24 policy of reviewing each and every one that's 05:20:45 25 submitted. 05:20:48</p> <p style="text-align: right;">Page 202</p>	<p>1 Q. These would be for proposals that various 05:25:12 2 persons might identify as proposals that they 05:25:16 3 want to make to the text of the codes or 05:25:20 4 standards? 05:25:28 5 MR. REHN: Object to the form. 05:25:31 6 Calls for speculation. 05:25:33 7 A. I would say the most common reason people 05:25:35 8 use the proposal forms is to propose new 05:25:38 9 changes to documents. Sometimes it's to 05:25:40 10 propose major changes, minor changes, but to 05:25:42 11 propose changes to our standards. 05:25:45 12 Q. In those contexts, whose idea is it usually 05:25:50 13 for the individuals to make the proposals? 05:25:54 14 MR. REHN: Object to the form. It's 05:26:00 15 ambiguous. Calls for speculation. 05:26:04 16 Q. Much of the time does the individual say, 05:26:08 17 I've got an idea, I want to submit that for 05:26:10 18 consideration? Is that how the process 05:26:13 19 works, at least in part? 05:26:15 20 MR. REHN: Same objections. 05:26:17 21 A. I would say in the vast majority of cases, 05:26:21 22 individuals submit changes to our process and 05:26:26 23 they realize they're using the document and 05:26:30 24 they have an idea that they would like to 05:26:36 25 submit and they can submit it through a 05:26:38</p> <p style="text-align: right;">Page 204</p>
<p>1 (Exhibit 1271 marked for 05:23:18 2 identification.) 05:23:21 3 Q. Can you please identify Exhibit 1271. 05:23:21 4 A. (Witness examines document) Exhibit 1271 05:23:39 5 appears to be three public proposals on the 05:23:55 6 2011 National Electrical Code from the same 05:23:58 7 individual. 05:24:02 8 Q. Do you know how people use these forms for 05:24:07 9 proposal in connection with the standards 05:24:15 10 development process? 05:24:23 11 MR. REHN: Object to form. Question 05:24:24 12 is ambiguous. May call for speculation. 05:24:25 13 A. I would ask that you clarify "how," please. 05:24:32 14 Q. What's the process that NFPA envisions when 05:24:35 15 people use these forms for proposals? 05:24:39 16 MR. REHN: Object to the form. 05:24:44 17 Question is ambiguous. Compound. 05:24:48 18 A. That would be an easy mechanism for the 05:24:51 19 members of the public or whoever wishes to 05:24:55 20 submit proposed changes could document 05:24:56 21 recommended changes to the documents, the 05:25:00 22 reasons for them and ensure that we have a 05:25:02 23 copy on record for ANSI process or ANSI 05:25:05 24 accreditation and to submit to the technical 05:25:08 25 committee for review. 05:25:10</p> <p style="text-align: right;">Page 203</p>	<p>1 submission of a form or our new online system 05:26:40 2 now. 05:26:42 3 Q. To what extent does NFPA commission members 05:26:46 4 of the general public to draft proposals for 05:26:51 5 its codes and standards? 05:26:58 6 MR. REHN: Object to the form. 05:27:01 7 Calls for a legal opinion. 05:27:02 8 A. One of the primary roles of NFPA staff is to 05:27:07 9 act as facilitators for the process. And 05:27:13 10 when we do receive questions on the standards 05:27:15 11 or people call us and have difficulties with 05:27:17 12 the standard, we advice them that they can 05:27:20 13 also participate in the open process and we 05:27:22 14 are there to guide them and help them to 05:27:25 15 ensure that their voices are heard. 05:27:27 16 Q. If they wish to participate, they can do so 05:27:29 17 by submitting a proposal or a comment. Is 05:27:31 18 that the process? 05:27:35 19 A. To participate, you can submit proposals, 05:27:36 20 comments. You can apply to be on the 05:27:39 21 committee meeting. You can attend the 05:27:41 22 committee meetings themselves as a member 05:27:43 23 of the committee or as a member of the 05:27:45 24 public. 05:27:47 25 VIDEOGRAPHER: There are ten minutes 05:27:54</p> <p style="text-align: right;">Page 205</p>

<p>1 remaining on the video. 05:27:54 2 Q. Do you see the language in italics on the 05:27:57 3 bottom of the first page of Exhibit 1271? 05:27:59 4 A. Yes, I see the italics at the bottom of the 05:28:04 5 page. 05:28:15 6 Q. What do you understand that sentence to mean? 05:28:15 7 MR. REHN: Object to the form. 05:28:21 8 Which sentence are you referring to? 05:28:23 9 Q. The first sentence in the italics at the 05:28:26 10 bottom of the page. 05:28:29 11 MR. REHN: Object to the form. 05:28:30 12 Calls for a legal opinion. Document speaks 05:28:32 13 for itself. 05:28:35 14 A. It appears to be part of the -- a form of our 05:28:38 15 sign-off text provided by legal. 05:28:49 16 Q. Do you have any understanding as to what the 05:28:51 17 first sentence of that italicized portion 05:28:57 18 means? 05:29:01 19 MR. REHN: Object to the form. 05:29:01 20 Calls for a legal opinion. Document speaks 05:29:02 21 for itself. 05:29:04 22 A. No, I do not. 05:29:07 23 Q. This is the form that was used for proposals 05:29:08 24 for the 2011 National Electrical Code; is 05:29:31 25 that correct? 05:29:40</p> <p style="text-align: right;">Page 206</p>	<p>1 to my earlier representation about that 05:31:06 2 process. 05:31:08 3 MR. BRIDGES: I think there's been 05:31:09 4 no protective order on this issue. 05:31:10 5 A. I guess my response is it's my understanding 05:31:22 6 that we have provided, for example, 2011 05:31:26 7 National Electrical Code copies of all the 05:31:31 8 forms. 05:31:33 9 Q. How many different versions of the forms are 05:31:38 10 there? 05:31:43 11 MR. REHN: Object to the form. 05:31:45 12 Document speaks for itself. 05:31:46 13 A. My previous answer stands. 05:31:50 14 Q. And can you identify -- have you seen today 05:31:53 15 all of the different text variations that 05:31:58 16 NFPA has had in its assignment, in its 05:32:04 17 copyright forms? 05:32:12 18 MR. REHN: Object to the form. 05:32:14 19 Documents speak for themselves. 05:32:15 20 A. Given the magnitude of the number of forms 05:32:18 21 that we get on the order of tens of thousands 05:32:20 22 per year, I'm unable at this time to comment 05:32:23 23 on that. 05:32:27 24 (Exhibit 1272 marked for 05:33:04 25 identification.) 05:33:07</p> <p style="text-align: right;">Page 208</p>
<p>1 MR. REHN: Object to the form. 05:29:40 2 A. What I can say is this is the statement that 05:29:43 3 was on this particular version of the form. 05:29:45 4 That's the best I can tell you, given that 05:29:48 5 this is what I have in front of me. 05:29:50 6 Q. How many versions were there of forms for 05:29:51 7 proposals for the 2011 National Electrical 05:29:53 8 Code? 05:29:57 9 MR. REHN: Object to the form. 05:29:57 10 Assumes facts. 05:29:59 11 A. As previously discussed, it's difficult to 05:30:06 12 say because we accept them in multiple ways 05:30:10 13 and through multiple platforms. So as we 05:30:12 14 look through the record, the only way to 05:30:16 15 determine that would be to look at each 05:30:21 16 individual proposal. 05:30:25 17 Q. You're not prepared here today on behalf of 05:30:27 18 NFPA to furnish document numbers of at least 05:30:31 19 one instance of each of the different forms 05:30:36 20 that NFPA claims the benefit of as having 05:30:43 21 received assignments from participants in the 05:30:51 22 standards and development process, correct? 05:30:54 23 MR. REHN: Object to the form. It's 05:30:57 24 an improper question. We've met and 05:30:59 25 conferred about these questions, and I refer 05:31:03</p> <p style="text-align: right;">Page 207</p>	<p>1 Q. Mr. Dubay, please identify Exhibit 1272. 05:33:07 2 A. (Witness examines document) This appears to 05:33:32 3 be a proposal form from our archives relating 05:33:41 4 to the 2014 National Electrical Code. 05:33:44 5 Q. This is a proposal that NFPA has maintained 05:33:46 6 in its archives in the ordinary course of 05:33:52 7 business? 05:33:55 8 A. It appears so. 05:33:56 9 Q. What is the reference to ISA in the box 05:33:57 10 under Heading No. 4? 05:34:15 11 A. ISA, it's my understanding ISA is a standards 05:34:21 12 organization, and he's referencing a newer 05:34:35 13 edition of that standard. I don't know the 05:34:37 14 specific acronym of ISA, what it stands for, 05:34:39 15 however. 05:34:46 16 Q. Do you recognize any differences between 05:34:55 17 the italicized language at the bottom of 05:34:57 18 Exhibit 1272 and the italicized language at 05:35:01 19 the bottom of Exhibit 1271? 05:35:05 20 A. Yes. 05:35:12 21 Q. What is the difference? 05:35:19 22 MR. REHN: Object to the form. The 05:35:22 23 documents speak for themselves. 05:35:24 24 A. Without doing a word-by-word comparison, it 05:35:28 25 just appears that there's difference in 05:35:35</p> <p style="text-align: right;">Page 209</p>

<p>1 length and some initial discussions around 05:35:37 2 the term "technical committee." 05:35:40 3 Q. Is that all? 05:35:43 4 MR. REHN: Object to the form. The 05:35:45 5 documents speak for themselves. 05:35:46 6 A. No. 05:35:48 7 Q. What else? 05:35:48 8 MR. REHN: Same objections. 05:35:54 9 A. Again, for example, the term starts out "I 05:36:00 10 agree" versus "I hereby." 05:36:05 11 Q. Do you see any reference to the phrase, 05:36:08 12 "works-made-for-hire" in Exhibit 1272? 05:36:17 13 MR. REHN: Object to the form. 05:36:22 14 Document speaks for itself. 05:36:24 15 A. If you're referring to the italicized text, 05:36:26 16 I don't see the term "works-for-hire" at the 05:36:33 17 bottom of Exhibit 1272. 05:36:35 18 Q. Were you aware of the change in the 05:36:37 19 italicized text in the forms for proposal 05:36:42 20 between the 2011 National Electrical Code and 05:36:46 21 the 2014 National Electrical Code? 05:36:49 22 MR. REHN: Object to the form. 05:36:52 23 Assumes facts. 05:36:54 24 A. As I previously stated, there were changes 05:36:57 25 made throughout my tenure at NFPA, and I'm 05:37:05 Page 210</p>	<p>1 off the record. 05:38:17 2 VIDEOGRAPHER: The time is 5:38. 05:38:17 3 This is the end of Tape No. 3, and we are now 05:38:19 4 off the record. 05:38:22 5 (Break taken) 05:38:25 6 VIDEOGRAPHER: The time is 5:53. 05:53:03 7 This is the beginning of Tape No. 4, and we 05:53:15 8 are now back on the record. 05:53:17 9 BY MR. BRIDGES: 05:53:20 10 Q. Mr. Dubay, you mentioned earlier that NFPA's 05:53:20 11 staff check each of these proposal and 05:53:26 12 comment forms when they are submitted to look 05:53:34 13 for signatures on the copyright language and 05:53:42 14 indications as to whether the material is 05:53:46 15 original or comes from another source; is 05:53:48 16 that correct? 05:53:52 17 A. We have a policy that each and every 05:53:53 18 proposal, public input or comment is reviewed 05:53:57 19 for completeness being signature, copyright 05:53:59 20 release as well as any attached materials for 05:54:03 21 potential copyright with those as well. 05:54:08 22 Q. How many proposals, communications with 05:54:11 23 public input or comments, falling in the 05:54:20 24 categories you just mentioned, does NFPA 05:54:26 25 receive each year? 05:54:29 Page 212</p>
<p>1 not aware of specific changes, how they were 05:37:08 2 made, but the record before me shows two 05:37:11 3 versions. 05:37:14 4 Q. Were you aware of these changes before 05:37:15 5 today? 05:37:23 6 A. I was aware before today that we had 05:37:23 7 different versions. I was not aware of 05:37:32 8 specific versions related to specific time 05:37:35 9 frames as shown here. 05:37:37 10 Q. Do you have any understanding as to the 05:37:40 11 reason for the change in the italicized 05:37:42 12 language at the bottom of Exhibits 1271 and 05:37:47 13 1272? 05:37:51 14 MR. REHN: Object to the form. 05:37:51 15 The question appears to call for a legal 05:37:53 16 opinion. As a precautionary measure, I'll 05:37:57 17 instruct the witness to exclude from his 05:37:57 18 answer anything that was revealed in 05:37:57 19 substance through communications with legal 05:38:00 20 counsel. 05:38:01 21 A. Can you read back the question, please? 05:38:08 22 Q. I'll restate it. 05:38:10 23 VIDEOGRAPHER: Could we change the 05:38:14 24 tape? 05:38:15 25 MR. BRIDGES: We'll go off, we'll go 05:38:15 Page 211</p>	<p>1 A. I would approximate if you combine all of our 05:54:36 2 documents in a given year on the magnitude of 05:54:40 3 public input or comments because that's all 05:54:43 4 we accept now, is on the order of 05:54:47 5 approximately 10,000, on average. 05:54:49 6 Q. So has that average been consistent over the 05:54:54 7 course of your tenure at NFPA? 05:55:01 8 A. The average depends. For example, on one 05:55:07 9 year on one document, we got 15,000 public 05:55:11 10 comments. 05:55:14 11 Q. What document and year was that? 05:55:17 12 A. I'm not sure of the year. It was NFPA 1,500. 05:55:19 13 Q. What is that document? 05:55:23 14 A. I believe the title is Occupation Safety and 05:55:25 15 Health For Firefighters. But the best of my 05:55:32 16 recollection, I don't think that's the exact 05:55:36 17 title. 05:55:37 18 Q. So over the course of your tenure at NFPA, 05:55:38 19 what do you believe the average number of 05:55:46 20 comments and proposals to have been in one 05:55:49 21 year? 05:55:57 22 A. I would speculate that over the course of 05:55:57 23 the time, it's in the 10s, 10,000-ish per 05:55:59 24 year depending on what documents are in 05:56:04 25 cycle. 05:56:09 Page 213</p>

<p>1 Q. How many persons check those proposals and 05:56:09 2 submissions for signatures and for the 05:56:15 3 copyright language? 05:56:17 4 MR. REHN: Objection as to form. 05:56:19 5 It's vague as to time. 05:56:21 6 A. Currently our process is that it happens 05:56:25 7 at least in two ways. It's automatic with 05:56:30 8 our online submission system that you have 05:56:33 9 to check the appropriate releases and provide 05:56:35 10 an electronic signature before you submit. 05:56:38 11 And then secondly, where there's attached 05:56:42 12 materials or the alternative copyright, then 05:56:45 13 there's a human intervention. 05:56:48 14 Q. How many people perform that task in any 05:56:51 15 given year? 05:56:54 16 MR. REHN: Same objection. 05:56:57 17 Ambiguous as to time. 05:56:58 18 A. Currently we have a department of eight 05:57:00 19 full-time project administrators and one 05:57:05 20 additional manager. And in times of high 05:57:09 21 volume, we may bring in additional staff 05:57:12 22 resources to assist with that process. 05:57:15 23 Q. What's the largest number of persons you've 05:57:20 24 had engaged in that process at any one time? 05:57:22 25 A. I don't have direct first-hand knowledge of 05:57:27</p> <p style="text-align: right;">Page 214</p>	<p>1 gave me now, you had another 10 to 13, so 05:59:06 2 you're looking at somewhere between 18 and 23 05:59:09 3 persons checking signatures and copyright 05:59:14 4 language before the automated submission 05:59:17 5 process went into effect? 05:59:21 6 A. With our old system, our paper system, those 05:59:25 7 18 to 20 people did the same jobs that our 05:59:29 8 project administrators do, which includes 05:59:32 9 reviewing for copyright but also preparing 05:59:35 10 ballots, mailings to committees, committee 05:59:37 11 notices and such. So those assignments, with 05:59:40 12 the old process, were much more manually 05:59:43 13 intensive. 05:59:45 14 Q. But you had how many persons doing the review 05:59:46 15 during the manual process in total? 05:59:51 16 MR. REHN: Objection. Asked and 05:59:55 17 answered. 05:59:56 18 A. So to ensure that it's a clear answer, they 05:59:57 19 were not solely doing review. It's 06:00:01 20 supporting the committee process. We had an 06:00:03 21 approximately, I would say, 15 to 20 06:00:05 22 administrative staff in that process. 06:00:08 23 Q. And on average before the new automated 06:00:12 24 online submission system, what percentage of 06:00:18 25 their time did the 15 to 20 administrative 06:00:21</p> <p style="text-align: right;">Page 216</p>
<p>1 that because the team scales up as they need 05:57:35 2 to and utilize staff from other portions of 05:57:41 3 my department to get the job done. 05:57:41 4 Q. What's your understanding as to the largest 05:57:46 5 number of persons participating in that 05:57:46 6 process at any one time? 05:57:49 7 A. Again, I would say -- I would have to go with 05:57:50 8 an average and on average, it's that eight to 05:57:58 9 ten, the nine, the eight full-time project 05:58:01 10 administrators, the manager and an additional 05:58:03 11 administrative assistant as needed. 05:58:06 12 Q. Was the number larger when there was no 05:58:09 13 automatic online submission form? 05:58:15 14 A. Yes. 05:58:21 15 Q. How many persons in a given year before the 05:58:21 16 automatic online submission form that 05:58:29 17 reviewed these submissions for signatures and 05:58:33 18 copyright language? 05:58:35 19 A. Historically we've used, utilized a different 05:58:39 20 staffing model where we had more individual 05:58:42 21 one-on-one review of each paper submission. 05:58:45 22 And in that case, there was approximately, 05:58:48 23 date depended, approximately an additional 10 05:58:52 24 to 13 additional individuals. 05:58:54 25 Q. So in addition to the eight to ten number you 05:59:02</p> <p style="text-align: right;">Page 215</p>	<p>1 staff spend checking for signatures and 06:00:24 2 copyright information on the submissions? 06:00:33 3 A. I can't speculate on what percentage of the 06:00:45 4 time, but what I can say is the vast majority 06:00:47 5 of their time was spent preparing the 06:00:50 6 material for the committee process, which 06:00:52 7 included keying those changes, verifying 06:00:54 8 copyright, making sure the agendas were 06:00:57 9 ready, supporting the standard system. 06:01:00 10 Q. So I'm asking your best estimate as to what 06:01:02 11 percentage of the time they spent checking 06:01:05 12 for signatures, verifying the copyright 06:01:07 13 information. 06:01:10 14 A. If I was to speculate, I would say at least 06:01:16 15 50 percent of their time was related to the 06:01:20 16 establishment of the agendas for the 06:01:25 17 committee meetings, which included the 06:01:28 18 proposals, comments, verifying materials, all 06:01:30 19 complete, consolidating all that data and 06:01:32 20 information for preparation for the committee 06:01:36 21 meeting. 06:01:38 22 Q. But that wasn't answering my question. My 06:01:38 23 question was about the percentage of time 06:01:40 24 spent checking for signatures and copyright 06:01:42 25 information. Please answer that question. 06:01:44</p> <p style="text-align: right;">Page 217</p>

1 MR. REHN: Object to the form. 06:01:45
 2 Argumentative. Question has been asked and 06:01:46
 3 answered. 06:01:49
 4 A. And my response remains the same that I can't 06:01:50
 5 speculate specifically to that level of 06:01:52
 6 detail of their day-to-day tasks. 06:01:54
 7 Q. You can speculate as to specific detail about 06:01:57
 8 other tasks, but not about these tasks? 06:02:00
 9 MR. REHN: Objection. 06:02:02
 10 Argumentative. Mischaracterizes the 06:02:03
 11 testimony. 06:02:05
 12 Q. Why are you not answering the question I've 06:02:05
 13 asked, which is, what's your best estimate of 06:02:07
 14 the time, of the percentage of time those 06:02:10
 15 persons spent on checking for signatures and 06:02:12
 16 copyright information in the submissions? 06:02:17
 17 MR. REHN: Objection. 06:02:20
 18 Argumentative. Asked and answered. 06:02:21
 19 A. I can speculate on their total workload, 06:02:24
 20 their tasks they took -- 06:02:27
 21 Q. That wasn't my question. My question is, 06:02:29
 22 what percentage applied to checking for 06:02:30
 23 signatures and copyright information? That's 06:02:33
 24 my question. Is it clear? 06:02:37
 25 MR. REHN: Objection. 06:02:39
 Page 218

1 Argumentative. 06:02:39
 2 Q. Is the question clear? 06:02:41
 3 A. No. 06:02:43
 4 Q. What's unclear about it? Do you understand 06:02:44
 5 what checking for signatures means in looking 06:02:47
 6 at the assignment for copyright forms? Do 06:02:51
 7 you understand? 06:02:58
 8 MR. REHN: Objection. 06:02:58
 9 Argumentative. 06:02:59
 10 A. I understand that we have a policy that each 06:03:00
 11 and every proposal and comment is checked for 06:03:02
 12 copyright and any associated submitted 06:03:04
 13 material is also checked. I have a team, a 06:03:07
 14 full-time staff that that is one of their 06:03:09
 15 primary tasks to do each and every day. 06:03:11
 16 Q. Great. I'm glad to know about the policy. 06:03:14
 17 Now my question is, what percentage of their 06:03:18
 18 time do you estimate, your best estimate, 06:03:23
 19 that they spend carrying out that policy? 06:03:27
 20 MR. REHN: Objection. Asked and 06:03:30
 21 answered. 06:03:31
 22 A. I would restate that, due to all the 06:03:34
 23 variables and the amount of variations that 06:03:37
 24 happen each year, I cannot speculate on that 06:03:39
 25 specific singular task. 06:03:42
 Page 219

1 Q. You can't give any estimate at all? 06:03:44
 2 A. No. 06:03:46
 3 Q. Were you ever aware of how much time they 06:03:46
 4 spent on the task? 06:03:54
 5 A. I'm aware of the full-time resources that it 06:03:57
 6 takes to accomplish our process of supporting 06:04:00
 7 our technical committees. 06:04:03
 8 Q. But you're unaware of how much time they 06:04:08
 9 spend carrying out the policy that you 06:04:10
 10 described? 06:04:14
 11 MR. REHN: Objection. 06:04:14
 12 Argumentative. 06:04:14
 13 A. I believe I've answered your question. 06:04:17
 14 Q. What verification -- strike that. 06:04:19
 15 What efforts did NFPA make to obtain 06:04:34
 16 assignments from the companies that employed 06:04:38
 17 individuals who submitted proposals or 06:04:48
 18 comments for NFPA's codes and standards? 06:04:53
 19 MR. REHN: Object to the form. It's 06:04:58
 20 ambiguous. It assumes facts. There's some 06:05:00
 21 embedded legal conclusions. 06:05:04
 22 A. NFPA verifies through our policy the 06:05:07
 23 submission from the individual. We do not go 06:05:11
 24 to their companies to verify authority of 06:05:16
 25 their signature. 06:05:18
 Page 220

1 Q. And how does NFPA verify submissions from the 06:05:20
 2 individuals? 06:05:30
 3 MR. REHN: Objection. I think this 06:05:36
 4 topic has been extensively asked and answered 06:05:38
 5 at this point. 06:05:40
 6 A. Several ways, one of which includes verifying 06:05:43
 7 that the submitter has signed the release 06:05:46
 8 form indicating it is their right or their 06:05:48
 9 authority to release it. 06:05:53
 10 Q. What else does NFPA do to verify the 06:05:54
 11 submission from the individual? 06:06:06
 12 MR. REHN: Same objection. 06:06:08
 13 A. Another example is if we review the material 06:06:10
 14 and there's an obvious copyright statement 06:06:14
 15 that is not of that individual who submitted 06:06:18
 16 it, we then contact them and if possible, we 06:06:21
 17 contact the owner of the copyright of the 06:06:24
 18 statement that's within that attached 06:06:27
 19 material. 06:06:28
 20 Q. What else does NFPA do to verify the 06:06:31
 21 submission from the individual? 06:06:35
 22 MR. REHN: Same objection. 06:06:37
 23 A. That's -- to the best of my recollection, 06:06:44
 24 that's the direct way we do it to the person 06:06:48
 25 who submitted it. 06:06:50
 Page 221

<p>1 Q. Do you recall anything else that NFPA does to 06:06:51 2 verify the submission from the individual? 06:06:54 3 MR. REHN: Same objection. Asked 06:06:57 4 and answered. 06:06:58 5 A. No. 06:06:59 6 Q. Does NFPA have any documents setting out the 06:07:00 7 verification process that you've described? 06:07:31 8 A. I believe that our codes and standards 06:07:41 9 department has a best practices document on 06:07:47 10 how to process each review. 06:07:51 11 Q. Who wrote that best practices document? 06:07:52 12 A. I don't know. 06:07:56 13 Q. Do you know whether the best practices 06:07:58 14 document says anything about getting 06:08:04 15 assignments or copyright releases from 06:08:05 16 employers of individuals who have submitted 06:08:09 17 proposals or comments? 06:08:13 18 A. Without reviewing that document in 06:08:15 19 specificity, I can't comment to that. 06:08:18 20 Q. Do you know whether that document was 06:08:21 21 produced in this litigation? 06:08:27 22 A. I do not know. 06:08:31 23 (Exhibit 1273 marked for 06:08:34 24 identification.) 06:08:43 25 Q. Can you please identify Exhibit 1273. 06:08:43 Page 222</p>	<p>1 A. Language within parentheses, what I see is 06:10:53 2 the note original material. Is that what 06:11:01 3 you're referring to? 06:11:04 4 Q. Right. 06:11:05 5 A. Okay. 06:11:05 6 Q. Was that language -- that language was in a 06:11:06 7 number of NFPA's forms, correct? 06:11:11 8 MR. REHN: Objection. The documents 06:11:16 9 speak for themselves. 06:11:17 10 A. Based upon my knowledge and review today, it 06:11:23 11 appears similar to other statements I've 06:11:30 12 seen. 06:11:32 13 Q. In other forms provided by NFPA for comments 06:11:32 14 or proposals, correct? 06:11:36 15 A. It appears consistent to the proposal form. 06:11:39 16 (Exhibit 1275 marked for 06:12:08 17 identification.) 06:12:27 18 Q. Please identify Exhibit 1275. 06:12:27 19 A. (Witness examines document) Exhibit 1275 06:12:34 20 appears to be a proposal form on NFPA 101 06:12:39 21 from our archives. 06:12:44 22 Q. And this appears to be a proposal from a 06:12:47 23 Robert DiAngelo of the U.S. Army Corps of 06:12:53 24 Engineers; is that right? 06:12:56 25 A. Based upon the form, yes, it appears to be 06:13:00 Page 224</p>
<p>1 A. (Witness examines document) Looks like an 06:08:47 2 archival version of a form proposals on one 06:09:04 3 of our documents, looks like the National 06:09:07 4 Electrical Code. 06:09:10 5 Q. This is from -- NFPA maintained this like the 06:09:10 6 other documents in the ordinary course of 06:09:15 7 business as part of the standards development 06:09:17 8 process? 06:09:19 9 A. Yes. This document appears to be one from 06:09:19 10 our standards archive. 06:09:21 11 (Exhibit 1274 marked for 06:09:38 12 identification.) 06:09:50 13 Q. Can you please identify Exhibit 1274. 06:09:50 14 A. (Witness examines document) This appears to 06:10:06 15 be an archival from our archives of the 2008 06:10:14 16 National Electrical Code proposal. 06:10:21 17 Q. Proposal from Doug Lee of the Consumer 06:10:24 18 Products Safety Commission? 06:10:28 19 A. Yes. 06:10:28 20 Q. Down below you see Item 5 has been marked 06:10:28 21 with an X? 06:10:37 22 A. Yup. 06:10:38 23 Q. It says, "This proposal is original material" 06:10:40 24 and then there's language after that, "NA" 06:10:42 25 within parentheses. Do you see that? 06:10:50 Page 223</p>	<p>1 correct from Mr. DiAngelo. 06:13:03 2 Q. Based on your position at NFPA, what 06:13:04 3 verification would you expect the project 06:13:09 4 administrators to conduct with respect to 06:13:12 5 this proposal? 06:13:18 6 A. I would anticipate that they would review the 06:13:28 7 form and ensure that it's been completed, 06:13:31 8 it's appropriate on the edition of the 06:13:35 9 document, that the appropriate checks box has 06:13:37 10 been selected and that it is signed by the 06:13:40 11 submitter. 06:13:43 12 Q. And what makes it -- how does one determine 06:13:43 13 the appropriate check box? 06:13:47 14 A. There's a box checked in this case, the 06:13:49 15 original material is checked, so there's a 06:13:52 16 selection and there's a signature. 06:13:55 17 Q. Has it been the practice of anyone at NFPA to 06:13:58 18 contact the company listed on these forms, 06:14:03 19 here, the U.S. Army Corps of Engineers, to 06:14:07 20 confirm the authority of the submitter to 06:14:11 21 submit a proposal like this? 06:14:16 22 MR. REHN: Object to the form. 06:14:17 23 A. Again, based upon my 20 years of experience, 06:14:21 24 this type of form, this type of signature and 06:14:26 25 original material signature has never been 06:14:28 Page 225</p>

1 questioned, challenged or brought into 06:14:30
 2 consideration on the authority aspect. It's 06:14:35
 3 the understanding that the person's 06:14:36
 4 submitting it to the NFPA codes and standards 06:14:38
 5 process. 06:14:41
 6 Q. It's the understanding that the person 06:14:42
 7 submitting to the NFPA code and standards 06:14:49
 8 process does what? 06:14:52
 9 MR. REHN: I believe what he said 06:14:54
 10 was the person is submitting it to the NFPA 06:14:55
 11 code and standard. Is that what you said? 06:14:58
 12 THE WITNESS: Yes. 06:15:02
 13 MR. REHN: I think the transcript 06:15:04
 14 didn't catch the "is." 06:15:05
 15 Q. Mr. DiAngelo gives a company and a business 06:15:08
 16 address on this form, does he not? 06:15:15
 17 A. Yes, it appears so. 06:15:23
 18 (Exhibit 1276 marked for 06:15:46
 19 identification.) 06:15:57
 20 Q. Can you please identify Exhibit 1276. 06:15:57
 21 A. (Witness examines document) This appears to 06:16:00
 22 be an -- Exhibit 1276 appears to be a 06:16:18
 23 proposal NFPA 13 from our archives. 06:16:22
 24 Q. And the submitter indicates his company and 06:16:42
 25 his apparent business address; is that 06:16:54
 Page 226

1 correct? 06:17:02
 2 MR. REHN: Object to the form. 06:17:02
 3 A. Based upon my review of Exhibit 1276, it does 06:17:04
 4 appear that he states a company and street 06:17:08
 5 address. 06:17:10
 6 Q. The company -- you understand that to be the 06:17:19
 7 company's street address? 06:17:20
 8 MR. REHN: Object to the form. 06:17:22
 9 Calls for speculation. 06:17:23
 10 A. I have no way to confirm that at this time. 06:17:27
 11 (Exhibit 1277 marked for 06:17:45
 12 identification.) 06:18:22
 13 Q. Please identify Exhibit 1277. 06:18:22
 14 A. (Witness examines document) Exhibit 1277 06:18:27
 15 appears to be a proposal on NFPA 10 from our 06:18:39
 16 archive. 06:18:43
 17 Q. Do you recall -- strike that. 06:18:47
 18 What verification of this submission 06:19:02
 19 would you expect project administrators to 06:19:05
 20 have performed on this document? 06:19:09
 21 A. Based upon my review, there's two things that 06:19:21
 22 stands out to me. One is Mr. Burns has not 06:19:26
 23 indicated how he wants us to communicate with 06:19:29
 24 him because we ensure that we respond to each 06:19:31
 25 and every proposal. So there's an indication 06:19:34
 Page 227

1 at the top he's not completed. 06:19:36
 2 And secondly, Item 5 he said this is 06:19:38
 3 not his original material, so I wouldn't 06:19:40
 4 assume that, based upon our policy, this 06:19:43
 5 would not have been project administrators at 06:19:46
 6 this time, it would have been the admin staff 06:19:48
 7 back in 2000 would have contacted Mr. Burns 06:19:49
 8 to find out the relationship to Mr. Houston 06:19:53
 9 and act accordingly, based upon what they 06:19:56
 10 found out. 06:19:59
 11 Q. So in your view, it's possible that this 06:20:02
 12 proposal might have been rejected on 06:20:03
 13 formality grounds? 06:20:06
 14 MR. REHN: Object to the form. 06:20:08
 15 A. I have no knowledge of what the final result 06:20:10
 16 was on this proposal. 06:20:15
 17 Q. Is that a possibility? 06:20:16
 18 MR. REHN: Same objection. 06:20:17
 19 A. That is a possibility. It's also a 06:20:21
 20 possibility that Mr. Burns, or Mr. Houston 06:20:23
 21 could have submitted it on his own and 06:20:25
 22 provided a statement to supplement the 06:20:27
 23 record. 06:20:52
 24 (Exhibit 1278 marked for 06:20:52
 25 identification.) 06:20:59
 Page 228

1 Q. Please identify Exhibit 1278. 06:20:59
 2 A. (Witness examines document) Exhibit 1278 06:21:02
 3 appears to be a proposal form on NFPA 10 from 06:21:18
 4 our archives. 06:21:22
 5 (Exhibit 1279 marked for 06:21:39
 6 identification.) 06:21:50
 7 Q. Please identify Exhibit 1279. 06:21:50
 8 A. (Witness examines document) Exhibit 1279 06:21:57
 9 appears to be a proposal on NFPA 12 from our 06:22:13
 10 archives. 06:22:18
 11 Q. It's also indicated that the proposal is not 06:22:21
 12 original material, correct? 06:22:29
 13 A. Based upon my review, it appears that the 06:22:35
 14 submitter, Mr. Kennedy, is looking to update 06:22:38
 15 a reference to a document not published by 06:22:40
 16 NFPA. 06:22:43
 17 Q. Was he looking to update a reference or to 06:22:44
 18 correct an error? 06:22:48
 19 MR. REHN: Object to the form. 06:22:49
 20 Q. Do you see where he says the ASME code 06:22:55
 21 is referenced incorrectly? 06:22:58
 22 A. Based upon my experience in NFPA standards 06:23:14
 23 development process, our documents could also 06:23:22
 24 be referred to as ANSI, NFPA. Those are 06:23:25
 25 ANSI-accredited standards. In this case it 06:23:31
 Page 229

1 appears that this gentleman is looking to 06:23:31
 2 delete the ANSI term in front of ASME. But 06:23:33
 3 based upon my experience, ASME 31.1 is an 06:23:37
 4 ANSI-accredited standard. 06:23:42
 5 Q. ANSI-accredited? 06:23:45
 6 A. Yes, sir. 06:23:47
 7 Q. Does that mean issued by ANSI? 06:23:47
 8 MR. REHN: Object to the form. May 06:23:51
 9 call for speculation. Outside the scope. 06:23:52
 10 A. No. 06:23:54
 11 Q. Does that mean that -- so is it permissible 06:23:55
 12 for persons to refer to NFPA codes that are 06:24:04
 13 ANSI-accredited as ANSI codes? 06:24:08
 14 MR. REHN: Object to the form. 06:24:13
 15 Ambiguous. Confusing. Outside the scope. 06:24:15
 16 A. It would be appropriate to refer to NFPA 06:24:21
 17 standards as ANSI-accredited standards. 06:24:24
 18 Q. Is it appropriate to refer to them as -- is 06:24:27
 19 it appropriate to refer -- strike that. 06:24:30
 20 Is it NFPA 70 ANSI-accredited? 06:24:33
 21 MR. REHN: Outside the scope. The 06:24:37
 22 witness may answer if he knows. 06:24:39
 23 A. Yes. It's processed through our 06:24:41
 24 ANSI-accredited standards development system. 06:24:48
 25 Q. And is it appropriate to refer to it as 06:24:50
 Page 230

1 ANSI 70? 06:24:57
 2 MR. REHN: Objection as to form. 06:24:57
 3 Vague. 06:25:00
 4 A. No. 06:25:03
 5 Q. Why not? 06:25:03
 6 A. Because it's NFPA 70. 06:25:04
 7 Q. To your knowledge, is ASME B31.1 also known 06:25:16
 8 as ANSI ASME B31.1? 06:25:44
 9 A. Historically, yes. 06:25:55
 10 Q. Is it also known as ANSI B31.1? 06:25:57
 11 A. Not to my knowledge. 06:26:04
 12 Q. Historically has NFPA 70 ever been referred 06:26:05
 13 to ANSI NFPA 70? 06:26:10
 14 MR. REHN: I'll object to this 06:26:16
 15 question as to being outside the scope. The 06:26:19
 16 witness can answer if he knows. 06:26:21
 17 A. Not to my knowledge. 06:26:22
 18 Q. Would it ever be appropriate to refer to 06:26:24
 19 NFPA 70 as ANSI 70? 06:26:27
 20 MR. REHN: Same objection to scope 06:26:31
 21 and objection to the form of the question. 06:26:33
 22 A. No. 06:26:35
 23 (Exhibit 1280 marked for 06:26:38
 24 identification.) 06:26:47
 25 Q. Please identify Exhibit 1280. 06:26:47
 Page 231

1 A. (Witness examines document) This appears to 06:26:49
 2 be a proposal form with its attached 06:27:00
 3 documents to NFPA 101 from our archives. 06:27:03
 4 (Exhibit 1281 marked for 06:27:35
 5 identification.) 06:27:44
 6 Q. Please identify Exhibit 1281. 06:27:44
 7 A. (Witness examines document) It appears to 06:27:48
 8 be a proposal from our archives relating to 06:28:18
 9 NFPA 70. 06:28:22
 10 (Exhibit 1282 marked for 06:28:31
 11 identification.) 06:28:53
 12 Q. Please identify Exhibit 1282. 06:28:53
 13 A. (Witness examines document) Exhibit 1282 06:29:05
 14 appears to be a proposal from our archives 06:29:16
 15 on NFPA 70. 06:29:20
 16 (Exhibit 1283 marked for 06:29:49
 17 identification.) 06:29:59
 18 Q. Please identify Exhibit 1283. 06:29:59
 19 A. (Witness examines document) It appears to 06:30:05
 20 be a recommendation from the Department of 06:30:44
 21 the Army for a change to our Life Safety 06:30:46
 22 Code. 06:30:53
 23 Q. Would it have been a policy of NFPA's to 06:30:53
 24 reject this recommendation for failure to 06:30:57
 25 include copyright language? 06:31:02
 Page 232

1 A. Our policy is not to reject a submission on 06:31:05
 2 the basis of it just initially lacking the 06:31:09
 3 form. Our policy would be to follow up as 06:31:11
 4 requested by a Lieutenant Colonel 06:31:14
 5 Everett Horne with Mr. Prediger to determine 06:31:18
 6 if they wished to submit a formal 06:31:25
 7 recommendation through the process and to 06:31:27
 8 help them through that process. 06:31:29
 9 Q. Would NFPA require a signature on a copyright 06:31:31
 10 form in order to consider recommendation for 06:31:36
 11 a change by the Department of the Army? 06:31:39
 12 A. Our policy would say that if they're 06:31:45
 13 submitting a formal recommendation through 06:31:48
 14 our public process, yes. However, if they 06:31:50
 15 wish to attend the committee meeting to 06:31:53
 16 discuss a change with the committee or 06:31:55
 17 present material to the committee, we have 06:31:58
 18 open meetings and we would allow that. 06:32:00
 19 Q. There are persons permitted to attend 06:32:03
 20 committee meetings and to make suggestions at 06:32:07
 21 committee meetings without signing documents 06:32:10
 22 that yield all copyright rights and their 06:32:14
 23 contributions to NFPA? 06:32:19
 24 MR. REHN: Objection to form. Calls 06:32:21
 25 for a legal opinion. 06:32:22
 Page 233

<p>1 A. Members of the public or whoever, I guess 06:32:25 2 private sector or public sector, are 06:32:28 3 permitted to attend our committee meetings 06:32:31 4 and discuss issues with our technical 06:32:32 5 committee. 06:32:34 6 Ultimately in the committee meeting, 06:32:34 7 our technical committee members are 06:32:36 8 responsible for developing any text or 06:32:39 9 changes to the document in coordination with 06:32:41 10 staff. 06:32:43 11 Q. Are members of the public who attend the open 06:32:44 12 technical committee meetings permitted to 06:32:46 13 suggest textural revisions or additions? 06:32:50 14 MR. REHN: Objection to form. 06:32:57 15 A. We do not limit the statements on the public. 06:32:58 16 MR. BRIDGES: Let's go off the 06:33:04 17 record, if we may, briefly. What I'm going 06:33:06 18 to ask him to do when we come back is to 06:33:09 19 authenticate a bunch of the codes. 06:33:11 20 VIDEOGRAPHER: The time is 6:33. We 06:33:14 21 are now off the record. 06:33:17 22 (Break taken) 06:33:20 23 VIDEOGRAPHER: The time is 6:47, and 06:47:26 24 we are now back on the record. 06:47:32 25 MR. BRIDGES: Thank you. As we went 06:47:33 Page 234</p>	<p>1 we'll stipulate to true and correct copies of 06:48:53 2 the standards at issue in this case. 06:48:55 3 MR. BRIDGES: You'll stipulate to 06:48:57 4 the fact that they are true and correct 06:48:58 5 copies if they were produced? 06:48:59 6 MR. REHN: Sure. 06:49:00 7 MR. BRIDGES: Okay. Thanks. 06:49:01 8 BY MR. BRIDGES: 06:49:01 9 Q. I'm not marking this as an exhibit, but I'm 06:49:04 10 referring to it by the numbers stamped at 06:49:06 11 the bottom. Can you please identify the 06:49:11 12 document that starts at 17535, ends at 18417. 06:49:17 13 I'm not asking you to look through 06:49:28 14 every page, but I assume that this is a copy 06:49:30 15 of the 2011 edition of the National 06:49:33 16 Electrical Code. Does that seem correct to 06:49:38 17 you? 06:49:41 18 A. Based upon what I have in front of me, it 06:49:42 19 appears to be a copy of the 2011 National 06:49:44 20 Electrical Code. 06:49:49 21 Q. There are some items within this document 06:49:49 22 that have some shading. I don't know if 06:49:53 23 they're in color on other instances of it, 06:49:56 24 but let me ask you to refer to the page with 06:50:00 25 Bates No. 17729, for example. 06:50:03 Page 236</p>
<p>1 off the record, I was discussing a desire to 06:47:37 2 authenticate a number of the NFPA codes and 06:47:40 3 standards at issue in the case. 06:47:43 4 I think we have an agreement; I'd 06:47:45 5 just like to get a stipulation on the record 06:47:46 6 that rather than authenticating a bunch of 06:47:48 7 big documents, counsel will agree that NFPA 06:47:53 8 counsel will furnish us Bates ranges of the 06:47:58 9 standards at issue in the lawsuit and that we 06:48:06 10 can rely upon copies of those documents with 06:48:09 11 those Bates numbers as produced as authentic 06:48:12 12 copies of the relevant codes and standards. 06:48:15 13 Is that agreeable? 06:48:17 14 MR. REHN: We will -- yeah, we'll 06:48:18 15 stipulate that we will agree to a method of 06:48:22 16 identifying the standards at issue in the 06:48:26 17 case. We're amenable to Bates numbers, but 06:48:28 18 we'll take it under advisement as to the most 06:48:34 19 efficient way to do that. 06:48:36 20 MR. BRIDGES: Can we get that 06:48:37 21 information within 15 days? 06:48:38 22 MR. REHN: Sure, and we'll be happy 06:48:40 23 to meet further to hammer out the details. 06:48:41 24 But with respect to the standards at issue in 06:48:44 25 this case, we are going to be objecting -- 06:48:46 Page 235</p>	<p>1 A. 17729? 06:50:07 2 Q. Right. Do you see shading at several points 06:50:17 3 on that page? 06:50:20 4 A. Yes, I do see shading. 06:50:23 5 Q. I'm not referring to the shading around the 06:50:25 6 article titles. What does the other shading 06:50:28 7 on the page indicate? 06:50:31 8 A. Shading within the NEC indicates locations 06:50:35 9 where changes have occurred between editions. 06:50:39 10 Q. How many times -- through how many editions 06:50:42 11 was this a means of indicating changes from 06:50:47 12 earlier editions? 06:50:49 13 A. To the best of my knowledge, with respect to 06:50:53 14 the NEC, which is one of the few documents we 06:50:58 15 use shading, it was for the 2011 and 2014. I 06:51:01 16 do not recall if it was prior to that. 06:51:06 17 Q. So in the 2014, if there's shading, it means 06:51:08 18 something changed there compared to the 2011 06:51:12 19 edition, correct? 06:51:14 20 A. Correct. 06:51:15 21 Q. And the 2011 edition, if there's shading, 06:51:16 22 that indicates that there's something changed 06:51:19 23 there from the 2008 edition. Is that a fair 06:51:21 24 inference? 06:51:27 25 A. If you refer to Page 17559 -- 06:51:36 Page 237</p>

<p>1 Q. Yes. 06:51:42 2 A. Top left-hand paragraph below the bold 06:51:52 3 discusses what we used to indicate changes 06:51:57 4 including shaded or bulleting, like a dot. 06:51:59 5 Q. It says, "Changes other than editorial are 06:52:07 6 highlighted with gray shading." Do you see 06:52:13 7 that? 06:52:15 8 A. Yes. 06:52:15 9 Q. What's an example of some editorial changes 06:52:16 10 that would have occurred between editions of 06:52:19 11 the NEC? 06:52:22 12 A. Sample could be a spelling error. 06:52:23 13 Q. Anything else? 06:52:34 14 A. The only thing I can think of is occasionally 06:52:36 15 documents, paragraphs roll into each other, 06:52:46 16 so spacing, things like that. 06:52:50 17 Q. The document contains lists of persons 06:52:52 18 starting at Page 17547 up through Page 17558, 06:53:07 19 correct? 06:53:18 20 MR. FEE: Could you repeat that. 06:53:25 21 What was the question? 06:53:30 22 Q. The document contains lists of persons 06:53:31 23 starting at Page 17547 up through Page 17558, 06:53:34 24 correct? 06:53:39 25 A. Just to make sure I understand your question, 06:53:41 Page 238</p>	<p>1 correlation across the entire standard 06:54:56 2 itself. 06:54:59 3 Q. And these pages identify various code-making 06:55:05 4 panels and then they indicate which portions 06:55:12 5 of the National Electrical Code they were 06:55:16 6 responsible for; is that correct? 06:55:18 7 MR. REHN: Object to the form of the 06:55:25 8 question. 06:55:26 9 A. That is my understanding. 06:55:27 10 Q. And it indicates the -- and this list 06:55:29 11 indicates both the names and the affiliations 06:55:34 12 of those persons who participated in the work 06:55:41 13 that's reflected in this edition; is that 06:55:45 14 correct? 06:55:50 15 MR. REHN: Object to the form. 06:55:50 16 A. Our committee lists indicate the name of the 06:55:51 17 individual who holds the seat, whether 06:55:56 18 they're a principal or alternate, what 06:55:59 19 company they work for and, if any, 06:56:01 20 representation if they do have a 06:56:03 21 representation. 06:56:05 22 Q. So let's say in the case of Page 17551 -- 06:56:08 23 A. 551. 06:56:20 24 Q. There's a reference to John Ray of Duke 06:56:22 25 Energy Corporation and it says, "Rep, 06:56:28 Page 240</p>
<p>1 you just indicated there is a list of 06:53:49 2 persons? 06:53:50 3 Q. Right. 06:53:51 4 A. Those pages appear to contain lists of 06:53:54 5 technical committee members as well as NFPA 06:53:57 6 staff, where appropriate. 06:54:00 7 Q. And I think you testified earlier but just 06:54:02 8 for the sake of clarification, committees 06:54:04 9 that are called technical committees for 06:54:09 10 other codes and standards are called 06:54:11 11 code-making panels when it comes to the 06:54:13 12 National Electrical Code; is that correct? 06:54:15 13 A. That is partially correct. There are two 06:54:18 14 ways we address the National Electrical Code. 06:54:21 15 There are code-making panels and their work 06:54:24 16 is overseen by a technical correlating 06:54:26 17 committee. 06:54:30 18 Q. What is the work of the technical correlating 06:54:31 19 committee? 06:54:35 20 A. The technical correlating committee is 06:54:37 21 responsible for correlation across the entire 06:54:42 22 document to ensure that the code-making 06:54:45 23 panels are aware of potential conflicting 06:54:49 24 requirements between their portions of the 06:54:52 25 document and also consistency. It's 06:54:53 Page 239</p>	<p>1 Electric Light and Power Group." What does 06:56:29 2 that mean? 06:56:33 3 A. Before I answer the question, I'm just having 06:56:38 4 trouble finding John's name. Is he on the 06:56:41 5 one on Code-Making Panel 7? 06:56:43 6 Q. Panel 7, left column, four from the bottom. 06:56:46 7 A. So in that case it appears Mr. Ray, the 06:56:55 8 company he works for is Duke Engineering 06:57:00 9 Corporation. He represents a utility, and 06:57:02 10 his representation of the committee is 06:57:04 11 Electrical Light and Power Group, EEI. 06:57:06 12 Q. And the letters in brackets after the names, 06:57:13 13 employers and states indicate the -- what do 06:57:23 14 you call it? Not the interest group. The 06:57:29 15 interest section? 06:57:32 16 A. It's the interest category. 06:57:34 17 Q. The interest category. So the letters within 06:57:37 18 brackets at the end of the line on which the 06:57:39 19 names of the individuals are found is a code 06:57:43 20 for the interest category; is that correct? 06:57:45 21 A. That is correct. 06:57:47 22 Q. M is manufacturer; is that right? M stands 06:57:48 23 for manufacturer? 06:58:00 24 A. Yes, M is for manufacturer. 06:58:00 25 Q. E stands for enforcer; is that correct? 06:58:02 Page 241</p>

<p>1 A. Correct. The Es could represent federal 06:58:05 2 government, state and local government as 06:58:14 3 well as state fire officials, local fire 06:58:17 4 officials. 06:58:20 5 Q. I notice on the front page of this there's a 06:58:21 6 section near the bottom right of the page 06:58:42 7 that says "Order redline PDF." Do you see 06:58:45 8 that? 06:58:48 9 A. Yes. 06:58:48 10 Q. That redline PDF is a different document. 06:58:49 11 This is not the redline, correct? 06:58:52 12 A. Based upon my review here, it appears to be 06:58:57 13 the, quote, unquote, normal version with the 06:59:01 14 shading to track changes and not a full track 06:59:04 15 changes redline version. 06:59:07 16 Q. And if one orders the redline PDF, does that 06:59:08 17 show the text that was deleted which might 06:59:11 18 not appear in this version? 06:59:14 19 A. That is my understanding, but I have not seen 06:59:17 20 the redline version of this document. 06:59:21 21 Q. Let me ask you to turn to Page 17538. 06:59:23 22 A. 17538. 06:59:53 23 Q. Does the language on that page appear 06:59:57 24 correct, to your knowledge? 07:00:02 25 MR. REHN: You're referring to the 07:00:11 Page 242</p>	<p>1 Vague and ambiguous. 07:01:33 2 A. Yes. We had a major rewrite of our 07:01:36 3 regulations in approximately 2007, 2008 time 07:01:40 4 frame we started that process. 07:01:48 5 Q. Has there been any significant change 07:01:50 6 since -- strike that. 07:01:53 7 You said that's when the process 07:01:54 8 started. When did that process end? 07:01:56 9 A. The rewrite to our regulations ended, to the 07:01:57 10 best of my knowledge, in approximately 2009, 07:02:06 11 2010. 07:02:09 12 Q. Have there been any other, in your mind, 07:02:13 13 significant changes to the standards 07:02:16 14 development process since 2010? 07:02:18 15 A. No. 07:02:22 16 Q. Do you, in preparing and overseeing the 07:02:22 17 development of codes and standards, strive to 07:02:48 18 make them suitable for governments to adopt 07:02:53 19 for purposes of enforcement? 07:02:59 20 MR. REHN: Object to the form. It's 07:03:05 21 vague. May call for a legal opinion. 07:03:07 22 A. Part of our committee officers guide is a 07:03:15 23 guidance document that is to address 07:03:19 24 usability, adoptability and enforceability. 07:03:22 25 It's guidance to our committees to 07:03:27 Page 244</p>
<p>1 whole language on the page? 07:00:13 2 MR. BRIDGES: Right. 07:00:15 3 MR. REHN: Objection as to form. 07:00:15 4 A. To the best of my knowledge, it appears like 07:00:21 5 our opening issuing statement, our history 07:00:23 6 and development of the National Electrical 07:00:27 7 Code as well as our copyright statements, to 07:00:29 8 the best of my knowledge. 07:00:34 9 Q. So it's correct, to the best of your 07:00:34 10 knowledge? 07:00:37 11 A. It appears correct. 07:00:37 12 Q. What about the language on Page 17536? 07:00:40 13 A. 536. 07:00:45 14 MR. REHN: Object to the form and 07:00:52 15 to the extent the question calls for the 07:00:53 16 witness to render a legal opinion. 07:00:55 17 MR. BRIDGES: I'm just asking if 07:01:01 18 it's correct to the best of his knowledge. 07:01:03 19 A. To the best of my knowledge, this appears 07:01:08 20 correct and typical of our front matter 07:01:11 21 within our standards. 07:01:14 22 Q. A couple broad questions: Has the standards 07:01:20 23 development process changed in any material 07:01:23 24 way since you arrived at NFPA? 07:01:25 25 MR. REHN: Object to the form. 07:01:33 Page 243</p>	<p>1 ensure that they write clear and not vague 07:03:29 2 requirements that are understandable and 07:03:31 3 concise. 07:03:33 4 Q. You said usability, adoptability and 07:03:34 5 enforceability; is that right? 07:03:38 6 A. Yes. 07:03:40 7 Q. Does adoptability include within that concept 07:03:41 8 the ease of adoption by governments of codes 07:03:50 9 as enforceable law? 07:04:01 10 MR. REHN: Object to the form. May 07:04:03 11 call for a legal opinion. 07:04:07 12 A. I can't comment on the ease of the adoption. 07:04:11 13 What I can comment on is my view of that is 07:04:15 14 that our standards need to contain, for 07:04:19 15 example, mandatory language if they're going 07:04:22 16 to be a standard and enforceable and, I would 07:04:26 17 assume, adoptable. 07:04:29 18 Q. That makes -- the mandatory language makes 07:04:31 19 them suitable for a government to adopt the 07:04:34 20 codes and standards as law? 07:04:35 21 MR. REHN: Object to the form. 07:04:37 22 Assumes facts. May call for a legal opinion. 07:04:40 23 A. That's partly my understanding but also the 07:04:45 24 mandatory language ensures that private 07:04:50 25 entities, private organizations can also 07:04:52 Page 245</p>

<p>1 utilize them in their facilities and 07:04:54 2 applications. 07:04:57 3 VIDEOGRAPHER: We've reached the 07:04:59 4 seven hours. 07:05:01 5 MR. BRIDGES: Thank you very much. 07:05:01 6 CROSS EXAMINATION 07:05:01 7 BY MR. REHN: 07:05:01 8 Q. Mr. Dubay, I have a couple of questions for 07:05:05 9 you just to clear up some issues that arose 07:05:07 10 earlier I think in response to my own perhaps 07:05:10 11 confusing instruction. 07:05:14 12 Do you recall being asked whether 07:05:17 13 you reviewed any documents in preparation for 07:05:18 14 this deposition? 07:05:20 15 A. Yes. 07:05:21 16 Q. Do you recall that before you answered 07:05:21 17 that question, I instructed you to answer to 07:05:24 18 the extent you remembered any specific 07:05:26 19 documents? 07:05:27 20 A. Yes. 07:05:29 21 Q. And do you recall that your answer to that 07:05:29 22 question was "no" after I've given you that 07:05:31 23 instruction? 07:05:35 24 A. Yes. 07:05:35 25 Q. So I'd like to just ask that question again. 07:05:35</p> <p style="text-align: right;">Page 246</p>	<p>1 This is the end of Tape No. 4 as well as 07:06:35 2 the deposition, and we are now off the 07:06:37 3 record. 07:06:39 4 (Whereupon the deposition was 07:06:39 5 concluded at 7:06 p m.) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 248</p>
<p>1 In preparation for this deposition, did 07:05:38 2 you review any documents, excluding 07:05:40 3 identifying any specific documents, but 07:05:43 4 did you review any documents in preparation 07:05:45 5 for today? 07:05:45 6 A. The only documents I reviewed were the 07:05:47 7 several that I reviewed with counsel. 07:05:49 8 Q. Thank you. 07:05:53 9 MR. REHN: No further questions. 07:05:53 10 MR. BRIDGES: I have a follow-up. 07:05:55 11 What were the documents -- 07:05:55 12 MR. FEE: Hold on. I have no 07:05:55 13 questions. 07:05:59 14 REDIRECT EXAMINATION 07:05:59 15 BY MR. BRIDGES: 07:05:59 16 Q. What were the documents that you reviewed 07:05:59 17 with counsel? 07:06:00 18 MR. REHN: I will instruct the 07:06:01 19 witness not to answer that question on the 07:06:02 20 ground of attorney-client privilege. 07:06:04 21 Q. And do you intend to follow your counsel's 07:06:17 22 instruction? 07:06:24 23 A. Yes. 07:06:27 24 Q. Okay. 07:06:29 25 VIDEOGRAPHER: The time is 7:06. 07:06:31</p> <p style="text-align: right;">Page 247</p>	<p>1 I declare under penalty of perjury 2 under the laws that the foregoing is 3 true and correct. 4 5 Executed on _____, 20____, 6 at _____, _____. 7 8 9 10 11 _____ 12 Christian Dubay 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 249</p>

1 COMMONWEALTH OF MASSACHUSETTS)
2 SUFFOLK, SS)
3
4

5 I, Jeanette Maracas, Registered
6 Professional Reporter and Notary Public in
7 and for the Commonwealth of Massachusetts, do
8 hereby certify that there came before me on
9 the 1st day of April, 2015, at 10:00 a m ,
10 the person hereinbefore named, who was by me
11 duly sworn to testify to the truth and
12 nothing but the truth of his knowledge
13 touching and concerning the matters in
14 controversy in this cause; that he was
15 thereupon examined upon his oath, and his
16 examination reduced to typewriting under my
17 direction; and that the deposition is a true
18 record of the testimony given by the witness

19 I further certify that I am neither
20 attorney or counsel for, nor related to or
21 employed by, any attorney or counsel employed
22 by the parties hereto or financially
23 interested in the action

24 In witness whereof, I have hereunto
25 set my hand this 8th day of April, 2015

Notary Public
My commission expires 8/14/20

[& - 166]

&	1229 3:13 94:5,7,20 95:5	1254 4:12,22 151:14 151:16,23	1276 6:12 226:18,20 226:22 227:3
& 2:3,7,11 8:11,21 187:16 188:18,24	1230 3:14 95:22,24 96:5 99:13 113:10 115:17,25 116:1,10 116:25	1255 4:23 152:3,5,9 1256 5:5 153:14,17 153:23	1277 6:13 227:11,13 227:14 1278 6:14 228:24 229:1,2
0	1231 3:16 103:18,21 105:5 114:11 115:7 115:9	1257 5:6 156:1,3,8 1258 5:8 156:14,16 156:20	1279 6:15 229:5,7,8 128 3:23,24 4:4
0052 6:12 01215 1:6 0174 5:11 0200 5:5 0402 3:18 0627 6:19 0868 5:8	1232 3:17 117:9,11 1233 3:19 125:17,18 1234 3:20 126:9,11 1235 3:21 127:4,6	1259 5:9 157:6,8 126 3:20 1260 5:11 158:3,5,9 1261 5:12 163:7,9 163:14	1280 6:17 231:23,25 1281 6:18 232:4,6 1282 6:20 232:10,12 232:13 1283 6:21 232:16,18
1	1236 3:22 127:9,11 127:17 1237 3:23 128:1,3 1238 3:24 128:10,12 1239 4:4 128:15,17 1240 4:5 130:5,7 1241 4:6 130:17,19 1242 4:7 131:1,4 132:24	1262 5:13 164:10,12 164:16 165:15 167:2 169:16 1263 5:14 169:22,24 169:25 1264 5:15 171:12,14 171:15 1265 5:17 185:8,11 185:12 1266 5:18 185:20,22 185:24 1267 5:19 187:4,6 188:10 1268 5:20 191:10,13 191:14 1269 5:21 192:12,15 192:16 127 3:21,22 1270 5:23 195:24 196:1,2 197:1 199:25	1284 6:17 231:23,25 1281 6:18 232:4,6 1282 6:20 232:10,12 232:13 1283 6:21 232:16,18 12:11 88:12 12:20 88:16 13 13:2 215:24 216:1 226:23 130 4:5,6 131 4:8 134 4:9 13e 13:2 13r 13:2 142 4:10 143 4:11,12 145 4:13 146 4:14,16 147 4:17 149 4:18 15 77:16,18 102:4 102:13 152:13 216:21,25 235:21 15,000 213:9 15-5f 102:6 15-70e 102:12 150 4:19,21 151 4:22 152 4:23 153 5:5 156 5:7,8 157 5:10 158 5:11 16 132:15 133:1 163 5:12 166 5:13
1 1:22,25 88:13 117:19 152:20 165:24 187:10 1,500 213:12 10 12:11,14 215:23 216:1 227:15 229:3 10,000 213:5,23 10/23/97 154:8,12 101 224:20 232:3 103 3:16 10:00 1:23 7:3 250:6 10s 213:23 110 158:22,24 111 158:22 1111 2:4 1130 3:19 117 3:18 11:04 48:8 11:14 48:11 11:55 77:13 12 12:11,14 69:5 154:10 192:22 229:9 12/23/97 154:5 1223 78:23,25 79:5 81:20 85:1 87:14 93:1 95:5 1227 3:9 48:13,16 1228 3:11 93:16,18 94:19 95:5	1243 4:9 134:11,13 1244 4:10 142:16,18 142:23 1245 4:11 143:5,7 143:11 1246 4:12 143:19,21 143:25 1247 4:13 145:16,18 145:23 1248 4:14 146:15,18 146:22 1249 4:15 146:23,25 147:4,9 125 3:19 1250 4:17 147:15,17 148:1 1251 4:18 149:13,16 149:20,24 1252 4:19 150:1,3,7 150:11,15,18 1253 4:20 150:19,21 151:4	1271 6:5 203:1,3,4 206:3 209:19 211:12 1272 6:6 208:24 209:1,18 210:12,17 211:13 1273 6:8 222:23,25 1274 6:9 223:11,13 1275 6:11 224:16,18 224:19	

[169 - 9522]

169 5:14	2008 58:22,24 62:2	212:3	6
171 5:16	62:9 163:15 223:15	30 1:16 82:20 112:1	6 1:16 82:20 112:1
17535 236:12	237:23 244:3	300 14:24	165:6 171:19
17536 243:12	2009 244:10	31.1 230:3	607 187:10
17538 242:21,22	2010 244:11,14	32 10:16	608 187:14
17547 238:18,23	2011 62:10 203:6	3244 4:8	6608 5:19
17551 240:22	206:24 207:7 208:6	35 111:25	6822 5:22
17558 238:18,23	210:20 236:15,19	38,556 111:22	6843 5:23
17559 237:25	237:15,18,21	38500 102:2	6:33 234:20
17729 236:25 237:1	2012 107:4 199:5	38502 97:8	6:47 234:23
18 216:2,7	2014 62:10 79:20,22	38506 102:16	
18417 236:12	81:18 117:15	103:11	7
185 5:17,18	160:14,18 170:1	38507 102:17	7 241:5,6
187 5:19	171:16 185:1,13	103:12	7,000 180:7
1896 135:7 160:25	209:4 210:21	38520 105:6	70 79:20,23,25 80:1
1898 161:1	237:15,17	3:25 153:7	81:1,18,23 101:8,16
191 5:20	2015 1:22 7:4 102:5	3:36 153:11	101:17 230:20
192 5:22	250:6,16		231:1,6,12,13,19,19
195 5:23	203 6:5	4	232:9,15
1995 10:22 11:11,23	208 6:7	4 147:12 152:22	70e 96:9 101:5,8
126:2 134:16	215 102:6	163:21 170:4,25	113:9
135:11,15 136:16	2202 6:7	171:5 172:9 186:2	7560 4:21
136:20 193:17	2208 6:5	187:21 209:10	79 79:23
1997 152:14	222 6:8	212:7 248:1	7:06 247:25 248:5
1999 130:11,14	223 6:10	42 1:21	
1:13 1:6	224 6:11	48 3:10	8
1:17 124:9	226 6:12		8/14/20 250:21
1a 146:3	227 6:13	5	80 76:9
1st 7:4 250:6	228 6:14	5 144:23 145:7	8262 6:10
	229 6:16	172:4 180:7 187:21	8507 3:15
2	23 216:2	193:8 223:20 228:2	8520 3:16
2 88:17 152:21	231 6:17	50 70:4 217:15	8698 5:16
153:8 171:17	232 6:19,20,21	50,000 111:24	8th 250:16
187:13 188:3,3	2335 4:22	506 116:12	
2-105 164:6	246 3:5	507 116:13	9
2-132 170:8,11	250 1:25	5100 5:10	9,247 3:4
20 107:9 136:4	2766 6:21	520 115:16	9167 4:16
140:11 200:3,9	2775 6:17	536 243:13	9173 5:7
216:7,21,25 225:23	27th 2:8	551 240:23	9259 4:17
249:5	2:22 125:2	555 2:12	93 3:12
2000 138:8 228:7		560 2:8	94 3:13
20004 2:4	3	5815 6:8	94104 2:13
2005 62:9	3 132:15 133:1	5:38 212:2	94105 2:9
2007 13:11,16 244:3	153:12 171:3	5:53 212:6	95 3:15
	185:18 187:23		9522 6:16

[97,870 - agree]

97,870 111:22	accomplishes 72:2	added 60:3 62:19	ads007008 3:20
a	accomplishing	140:12 170:13	ads007361 4:5
a.m. 1:23 7:3 250:6	74:20	adding 170:17 193:2	ads007551 4:20
ability 51:19 77:24	accomplishment	193:6	ads008689 4:6
120:16 123:21	74:11	addition 43:1 45:14	ads011112 3:22
181:15	accord 81:20	191:18 215:25	ads011118 4:9
able 112:9 119:18	account 15:6	additional 61:19	ads011129 3:19
123:3 162:9 182:15	accreditation	188:4 214:20,21	ads011147 3:23
abridges 2:14	203:24	215:10,23,24	ads011153 4:10
absolutely 58:20	accredited 50:3	additions 234:13	ads011232 4:11
82:24	229:25 230:4,5,13	address 10:15,17	ads011250 4:12
academic 11:17	230:17,20,24	36:13 75:4 89:17,22	ads011264 3:24
accept 39:6 79:11,16	accurate 31:3 37:17	159:2,19 168:24	ads011265 4:13
79:19,22 80:24	86:18 87:4,5,23	226:16,25 227:5,7	ads011280 4:4
82:14 85:24 86:24	117:18 189:15	239:14 244:23	ads019166 4:15
90:2 97:12 144:4,8	accurately 10:9 31:4	addressed 72:16	ads019171 4:14
160:4,11 189:1	31:10 94:15 95:6,8	addresses 90:13	ads019172 5:6
207:12 213:4	95:14	adds 90:12	ads019249 4:17
accepted 167:4	acknowledged	adjust 29:8	ads019270 4:18
174:3	108:11	adjusted 60:7	ads020865 4:19
accepting 83:24	acknowledgment	admin 228:6	ads020867 5:8
84:5	77:8 92:14	administer 7:20	ads023243 4:7
accepts 159:25	acronym 126:20	administration	ads024931 5:9
access 35:20,23	209:14	40:20,25 41:9	advance 26:7
77:19,21 79:12	act 63:19 205:9	177:25 178:3	advancement 78:4
80:13,25 81:3,4,12	228:9	administrative	120:5,9
81:17,23 82:15	acting 22:6 65:18	215:11 216:22,25	advice 201:2,11
83:11 84:13 85:16	74:5	administrators	205:12
85:25 86:6,25 88:9	action 1:5 7:22	33:10,17 37:22	advisement 235:18
88:23 89:13,19 90:7	39:19 59:9 112:14	178:6,8 214:19	advising 52:23
90:11,20,23 91:15	155:18 167:19	215:10 216:8 225:4	affairs 23:19
92:6,12,19 93:3	250:14	227:19 228:5	affiliations 240:11
94:21 119:12,15,15	actions 31:10 59:10	admission 51:8	afternoon 125:1
119:22 120:1,7,14	155:15	adopt 244:18 245:19	agenda 44:15
121:5,11,14,17	active 157:4 158:15	adoptability 244:24	agendas 217:8,16
122:19 123:4,8,10	activities 20:13,15	245:4,7	ago 12:16 93:15
123:15,18,20 124:1	20:20 21:2,9,10	adoptable 245:17	agree 7:17 69:12
182:11	52:24 54:18	adoption 17:25 18:2	71:11 81:5,13 82:2
accomplish 31:1	activity 21:11 31:19	245:8,12	82:5 83:4,19 84:16
65:21 66:23,24	actual 27:14 29:10	ads000089 5:11	85:16 86:5 88:8
67:10 72:1 75:1	33:21,23,23 48:20	ads000090 4:23	89:20 90:9 91:18
140:23 164:7 220:6	79:9 83:9 93:10	ads000175 5:5	92:5,23 93:2 134:8
accomplished 56:2	94:1 171:10 188:4	ads001673 3:21	196:9 210:10 235:7
	add 122:10,17 164:7	ads002334 4:22	235:15
	191:23 192:21		

[agreeable - applies]

<p>agreeable 235:13 agreement 7:24 106:6 115:11,15 187:13,15 188:13 235:4 agreements 119:8 agw 192:23,24 ahead 85:5 124:6 149:4 air 1:9 airfare 76:11 alert 181:15 alerts 181:22 align 32:14 alignment 75:11 allow 109:24 120:7 233:18 allowed 98:7 allows 30:11 120:1 alternate 103:3,7,9 104:19 240:18 alternative 102:19 102:22 103:14 115:20 116:3,12 175:9 214:12 alvin 10:16 ambiguous 19:15 29:15 56:1 61:1 62:14 63:14 65:3,9 67:16 68:4 80:5 113:7,15 121:7 140:18 161:11 162:6 180:4 183:16 198:18 203:12,17 204:15 214:17 220:20 230:15 244:1 amenable 235:17 amendments 49:24 american 1:3,7 7:12 18:23 165:19,25 166:2,4 187:16 188:17,23 196:20 amount 31:24 33:4 60:14 219:23</p>	<p>analysis 161:1 andrew 2:12 8:10 47:17 anecdotal 197:11,14 annex 137:4 138:3,9 138:16 140:2 annotation 80:17 96:13,19 annotations 96:21 148:7 announcements 26:9 annual 25:4 ansi 18:23 19:3,5,9 19:11,13,21 20:13 20:15,20,25 21:9,13 21:18 203:23,23 229:24,25 230:2,4,5 230:7,13,13,17,20 230:24 231:1,8,10 231:13,19 answer 15:13,24 41:12,14 42:6,8,12 42:23 43:3,6,7,14 43:19,21 44:7,17,24 45:10,18,21 46:4,5 46:13,21 47:14 61:12 70:8 71:5 73:5 82:9 83:1 86:13,14,18 87:3 89:1,9 91:10,22 92:3 98:19 112:17 118:9 119:5 120:19 122:3,8,9,10,13,15 122:16 123:24,25 128:25 137:10 148:17 149:22 150:14,16 163:21 164:22 176:17,19 178:17 180:19 181:1 182:9 183:11 183:12 184:12,12 184:23 188:20 189:14,17 190:10 190:11 198:13</p>	<p>199:1 200:16,25 201:10,10 202:8 208:13 211:18 216:18 217:25 230:22 231:16 241:3 246:17,21 247:19 answered 21:24 41:15 70:17 86:15 110:8,11 121:20 122:7 142:1,14 145:9 160:7,10 169:20 176:7 216:17 218:3,18 219:21 220:13 221:4 222:4 246:16 answering 11:25 42:14 44:25 48:1 86:8 217:22 218:12 answers 47:21 72:19 75:19 112:19 anthony 2:15 7:6 anticipate 225:6 anybody 78:5,21 123:3 200:10,23 apart 21:21 65:6 97:1 183:8 201:23 apologize 20:4 96:25 132:20 apostrophe 38:12 apparent 226:25 apparently 191:17 appeal 43:16 44:13 appear 95:9,10,11 96:19,21 115:9 125:20 126:12 130:12,20 132:10 134:15 152:23 153:1,24 157:19 158:1 166:13 172:10 227:4 239:4 242:18,23 appearances 2:1 appeared 81:16 160:20 161:15</p>	<p>192:8 appears 48:18,24 93:8,9 94:10 96:6 96:13 99:14 100:23 101:2,3,22 102:22 103:22 104:5,10 113:16 114:14 115:15 116:10 117:17,24 127:7 130:24 131:21 132:8 133:9 144:3 144:13 146:3 147:13,23,25 148:25 151:22 152:2,8,18 154:18 157:15 158:9 159:2 163:13 164:16 167:1 169:25 171:7 171:15,23,24 173:1 185:12,18,24 187:10,14 188:1,2 191:15,21 192:6,17 193:5 196:3 203:5 206:14 209:2,8,25 211:15 223:9,14 224:11,15,20,22,25 226:17,21,22 227:15 229:3,9,13 230:1 232:1,7,14,19 236:19 241:7 242:12 243:4,11,19 appendix 137:4 138:3,9,16 140:1 applicant's 104:3 application 17:24 18:1 103:23 105:18 107:11 109:9 114:7 115:10 129:14,16 186:21 applications 199:20 246:2 applied 218:22 applies 137:24 138:1 183:12,17</p>
--	---	--	---

[apply - attorney]

<p>apply 50:24 51:12 53:23 71:18 72:20 72:24 91:14 94:20 95:3 103:24 153:1 205:20 applying 104:18 105:2 144:16 185:18 appointed 53:16 54:6,10 appointing 51:3,4 appointment 199:20 appointments 53:24 appreciate 124:8 approach 27:7 approaches 73:25 appropriate 29:13 37:1 51:18 108:8 113:3 114:8 141:21 144:11 169:12 198:22 202:23 214:9 225:8,9,13 230:16,18,19,25 231:18 239:6 approval 68:22 approved 33:15 66:10 70:5 approves 66:14 67:20 approximate 213:1 approximately 9:23 12:10 14:24 20:18 21:4 24:9 35:19 178:10 190:15 213:5 215:22,23 216:21 244:3,10 april 1:22 7:4 250:6 250:16 arc 162:19 163:17 163:23 164:3 archival 171:15 196:3 223:2,15 archive 177:7,22 223:10 227:16</p>	<p>archived 163:14 archives 154:19 156:11,17,22 157:9 157:24 158:2,7 161:20,24 163:11 164:14,17 168:23 177:24 185:25 189:7 191:16 192:19 209:3,6 223:15 224:21 226:23 229:4,10 232:3,8,14 area 18:1 73:7 82:1 91:12 95:21 114:6 195:20 areas 11:22 114:2 argue 15:15 argumentative 43:10,23 46:7 110:21 122:2 183:3 218:2,10,18 219:1,9 220:12 arguments 118:18 arising 84:18 army 224:23 225:19 232:21 233:11 arose 246:9 arrange 26:17 arrived 193:14,21 243:24 article 137:3,11,13 137:15,21 237:6 ascertain 59:20,25 asked 21:17,23 31:14 41:3 42:12 45:23,23 86:15 87:25 110:7 121:19 122:7 141:25 145:9 150:11 160:9 169:20 176:6 189:3 216:16 218:2,13,18 219:20 221:4 222:3 246:12 asking 42:15 43:4,7 45:25 46:12,23,25</p>	<p>47:20 62:6,10 70:9 106:15 120:22 142:6 167:16 168:16 173:18,20 179:12 185:3 200:21,22 217:10 236:13 243:17 asks 202:2 asme 229:20 230:2,3 231:7,8 aspect 23:17 24:4 101:13 160:5 162:25 226:2 aspects 22:1 123:17 135:17 160:7 194:11 assert 201:3 asserted 201:4 asserts 197:25 198:6 assign 145:14 166:20 167:6,9 168:1 assigned 27:25 54:16 102:8,9 105:6 145:12 assignment 101:1 102:18,19,23 103:15 105:7 111:3 111:10,15,25 112:3 112:5,12 113:11,18 113:20,23 114:8,9 114:23 115:2,19,20 116:2,3,11,24 165:5 168:12 171:18,19 192:1 196:18 208:16 219:6 assignments 112:14 125:7 207:21 216:11 220:16 222:15 assist 214:22 assistance 22:14 assistant 215:11 associate 11:12 187:17</p>	<p>associated 71:23 76:9 79:7 96:8 107:10 113:19 168:25 197:21 219:12 association 1:7,17 8:22 9:1 13:25 14:15,16 17:6 179:20 186:8 187:17 188:18,24 196:21 199:5 assume 96:22 104:2 121:23,25 122:4 228:4 236:14 245:17 assumes 56:19 114:1 122:22 123:6 163:20 200:2 202:15,17 207:10 210:23 220:20 245:22 assuming 87:23 114:12 159:6 165:1 186:3,7 189:15 193:4 assumption 95:8 96:23 166:1 202:20 asterisks 148:10 astm 1:5 2:5 9:3 attach 97:17 176:21 attached 148:24 153:19 175:7 187:13 212:20 214:11 221:18 232:2 attachment 147:8 188:4,6 attachments 136:9 147:6 187:20 attend 26:2 28:1,4 76:1 205:21 233:15 233:19 234:3,11 attention 158:21 attorney 100:7 247:20 250:13,13</p>
---	--	--	--

[attractive - body]

<p>attractive 76:20 audio 7:15 authentic 235:11 authenticate 82:23 109:20,25 234:19 235:2 authenticating 235:6 author 103:4 165:11 authored 131:25 authorities 190:13 authority 174:21 175:13 202:11,22 220:24 221:9 225:20 226:2 authorized 7:20 automated 216:4,23 automatic 12:24 13:6 181:16 214:7 215:13,16 available 40:2 58:6 58:9,20,22 159:16 164:24 168:3,7 177:18 197:18 avenue 2:4 average 213:5,6,8 213:19 215:8,8 216:23 aware 26:11 45:6 73:13 77:1,5 80:20 80:23 82:14 83:10 83:18 84:23 85:10 85:13 86:9 87:13,17 87:20 88:6 90:3,5 99:1 118:11,18 135:12 138:23 140:11 141:10 173:24 178:18 179:8,17,21 180:10 180:11,14,21 182:14,17 184:3,4 184:16 185:5 197:4 201:23 210:18 211:1,4,6,7 220:3,5 239:23</p>	<p>awareness 16:20,20 b b 1:5,16 3:6 82:20 99:17,18 112:1 148:11 165:5,6 171:17,19 172:21 b31.1 231:7,8,10 bachelor's 11:4,18 back 16:11 32:23 33:4 39:18 48:3,12 54:19 67:6 88:18 125:3 135:7 147:12 153:13 160:25 161:21,24 177:1 189:6 192:10 193:17 211:21 212:8 228:7 234:18 234:24 background 51:1 74:4 99:11 baclawski's 185:16 badly 84:3 baio 99:15 balance 51:17,18,20 51:22 balanced 16:9 69:24 71:10 73:6 balancing 78:1 120:3,13 ballot 31:2 33:11,15 33:17,20,21,23,23 34:1,8,11,24 35:7 35:13 37:23,24 38:4 38:5,7 56:3 60:13 67:22 69:14,15,17 69:21 70:6,6,11 71:2,7,20 72:6,25 74:8,16 75:6 ballot's 67:19 balloted 34:18 56:9 56:13,22 59:15 60:17 61:4,7,8 63:5 63:23 68:2,20</p>	<p>balloting 33:7 57:11 61:18 ballots 67:19 216:10 bar 70:15 based 14:22 30:2 50:25 53:16,16 64:14 73:13 95:11 102:9,14 106:20 108:3 116:21 121:8 125:12,13 132:4,7 132:10 133:8,12 134:3 136:3,4,19 146:3 147:11,22 151:22 152:18,20 152:22 157:15,18 158:11 163:21 164:5,22,23 170:6 171:3 172:10 185:16 188:14,19 191:20 196:8 197:10 202:18,23 224:10,25 225:2,23 227:3,21 228:4,9 229:13,22 230:3 236:18 242:12 bases 194:24 basically 125:11 basis 42:9 45:14 140:13 167:14 233:2 bates 111:2,10,12,14 112:3,9 235:8,11,17 236:25 batterymarch 10:18 beginning 88:17 153:12 212:7 behalf 9:3 133:11 166:2,5 207:17 belief 119:21 believe 8:15 20:5 48:17,22 52:1 69:25 70:16 80:6 86:21 89:23 94:25 95:4,14 99:17 101:24 102:6 102:11 113:8 118:7</p>	<p>119:14,25 123:1 125:14 127:12,12 128:4,17 130:7,14 138:7 160:25 165:18 174:8 180:17 182:10 184:25 186:18 213:14,19 220:13 222:8 226:9 belke 148:2,2 belong 19:9 benefit 207:20 berry 187:18 best 12:16,20 15:19 15:21 16:3 19:1 20:10,12 21:5 24:16 27:7 39:25 48:25 49:4 75:2 100:22 117:17 119:14 125:25 126:23 127:1,2 134:19 135:5 140:3,5 175:22 176:2,19 177:5 178:18 179:8 184:25 188:6 191:3 193:18 201:6,13 207:4 213:15 217:10 218:13 219:18 221:23 222:9,11,13 237:13 243:4,8,9,18,19 244:10 better 74:23,24,24 74:25 161:23,23 beyond 191:8 big 235:7 biggest 74:10 141:9 binding 83:13,23 84:6 blank 112:23 blurry 101:24 board 54:9,10 bockius 2:3 body 54:5 56:12 60:10</p>
---	---	--	--

[bold - change]

<p>bold 238:2 book 25:18 26:13,15 171:21 172:15 bookmarking 80:16 boston 1:21 7:11 bottom 97:8 126:5 126:18 127:18 133:3 154:4 158:23 158:25 168:11 192:2 206:3,4,10 209:17,19 210:17 211:12 236:11 241:6 242:6 box 112:21 165:5 170:4 171:1,4,5 185:17 186:2 209:9 225:9,13,14 brackets 241:12,18 breadth 16:25 191:1 break 48:3,10 49:8 77:11 88:11,15 124:7,11 153:10 212:5 234:22 bridges 2:12 3:4 8:1 8:10,10 9:10 15:14 42:10 44:20 45:1,5 46:11,17,20,24 47:5 47:9,24 48:15 64:5 64:23 77:10,14,17 82:20 84:2 86:20 87:5 88:10,19 89:10 91:4,24 96:15 100:9 109:18,23 110:10 111:12,17 112:7 120:22 124:5 125:4 148:14 153:3,5,16 154:9,11 208:3 211:25 212:9 234:16,25 235:20 236:3,7,8 243:2,17 246:5 247:10,15 briefly 78:7 234:17 bring 24:24 25:3,13 73:7 214:21</p>	<p>bringing 55:11 brings 15:17 18:24 24:14,20 broad 14:20,21 44:23 137:24 243:22 brought 99:2 201:24 226:1 browser 102:3 bulleting 238:4 bunch 234:19 235:6 burns 227:22 228:7 228:20 business 125:22 126:15 127:14 128:6,19 130:9,21 131:6 142:20 143:9 143:23 145:20 146:20 147:2,20 149:18 150:5,13,23 151:8,19 152:1,7 153:20 156:18 209:7 223:7 226:15 226:25</p>	<p>calling 27:9,9 44:23 calls 17:13 22:25 23:5 26:6 41:16 42:7 43:10,11 83:16 84:8 94:24 98:12,17 98:18 99:5 105:10 105:25 106:4,18 164:21 167:14 169:5 173:7,16 197:9,15 198:5,12 198:18 199:3,8,16 200:2 204:6,15 205:7 206:12,20 227:9 233:24 243:15 caption 7:12 capture 28:6,16 30:6,9,18,20 32:6 36:22 54:24 55:4,8 56:6 135:10 captured 37:5,11 40:19 96:6 100:23 149:10 captures 30:13,19 capturing 65:20 care 26:23 career 11:9 carl 2:20 8:17 carries 70:3 carry 53:3 carrying 219:19 220:9 case 7:12 39:1,22 62:21 63:2 64:13 75:20 89:23 100:12 109:15 114:20 118:14 125:25 144:18 149:10 165:14 167:1,22 172:20 184:7,19 185:5 186:21 199:10 201:25 215:22 225:14 229:25 235:3,17,25 236:2 240:22 241:7</p>	<p>cases 39:11 59:11,13 66:20,23 75:22 159:18 180:23 204:21 catch 226:14 categories 24:22 50:19,19 51:23,25 52:2 53:20,23 101:20 104:14 212:24 category 50:15 51:24 53:5,7,17,18 104:11,22,24 105:2 241:16,17,20 cause 250:9 caueat 114:12 126:17 cellular 7:19 ceo 152:12 certain 16:14 35:3 74:8,16 75:5 99:9 101:12,12 134:2 196:11 certainly 118:8 certification 115:11 115:15 certify 250:6,12 cetera 26:12 75:16 76:11 98:7 chain 176:21 177:2 177:4 chair 20:3,3 27:15 134:7 chairs 27:20 50:7 challenge 43:17 200:6 challenged 226:1 chance 9:17 31:13 change 13:13 29:3,5 29:5 34:14 35:4 36:22 38:25 57:3,16 60:11 61:10,23 62:1 70:5 71:11 75:6 137:1,10 138:17 148:18 149:2,3</p>
	c		
	<p>c 7:1 148:2,12 california 2:9,12,13 call 20:22 23:4,19 23:24 25:17 26:5,7 58:3 65:9 76:1 92:20 97:24 100:7,8 111:2 116:15 120:20 132:3 139:11 140:18 165:22 174:15,16 186:16 192:5,6 200:14 203:12 205:11 211:15 230:9 241:14 244:21 245:11,22 called 9:5 25:6 59:12 99:10 178:5 239:9,10</p>		

[change - combination]

<p>155:22 177:11 191:22 194:23 195:20,22 210:18 211:11,23 232:21 233:11,16 244:5 changed 136:25 137:3,8 138:8,15 162:21 237:18,22 243:23 changes 28:7,10,13 28:16,17,18,19,20 28:23,23 29:12 30:7 30:13,15,19,24 31:2 32:7 33:1,18 35:24 36:12,15,25 37:4,10 37:16 54:21,24 55:8 55:23 56:21 57:7,10 57:20 58:5,8 59:5,8 60:4,19 61:3 63:7,8 65:5,6 129:21 136:20,22 137:10 139:17 140:25 141:4,24 142:2,3,5 142:10 149:5 151:6 155:12 162:2,15,18 163:4 165:17 166:25 167:8,12 168:25 175:6 181:17 190:3 195:7 195:9 203:20,21 204:9,10,10,11,22 210:24 211:1,4 217:7 234:9 237:9 237:11 238:3,5,9 242:14,15 244:13 changing 29:4 140:1 chapter 69:8 139:24 140:6 charge 70:21,23 168:17 178:3,7 chart 117:14 chat 19:2 chauncy 1:21 cheaper 72:1</p>	<p>check 149:8 185:17 212:11 214:1,9 225:13 checked 165:5 171:2 171:4,18,20 172:15 219:11,13 225:14 225:15 checking 112:21 216:3 217:1,11,24 218:15,22 219:5 checkmark 148:9 checkmarks 149:5 149:12 checks 225:9 chemical 72:11 chief 10:20 11:15 13:15,19,23 21:20 21:25 22:2,14,21 23:6 chimneys 12:18 choice 167:20 choose 110:2 choosing 29:23 chosen 54:1 167:2 christian 1:18 3:3 7:5 9:4 10:14 249:12 cincinnati 186:6 circle 10:16 circuit 162:19 163:17,23 164:3 circulate 33:20 166:5 circulated 33:12 circulates 33:17 citizen 77:23 city 132:6,11 civil 1:5 claim 125:7 claims 80:14 111:4 112:13 118:19 207:20 clarification 44:10 45:11,17 50:17 173:17 239:8</p>	<p>clarified 60:12 clarify 22:17 25:22 27:16,21 53:13 62:15 116:17 129:11 155:3 190:23 203:13 clarifying 162:7 classify 76:7 cleaned 61:17 clear 20:24 29:7 61:21 82:8 115:25 152:24,25 154:13 172:23 216:18 218:24 219:2 245:1 246:9 clearly 45:13 61:25 157:14 175:24 click 102:25 103:6 103:10 clicking 102:24 client 100:7 247:20 coach 86:20 coaching 86:21 89:10 code 29:24 55:24 58:11 59:20 60:24 62:12 80:1,2 118:4 121:4,17 122:25 129:21 130:11,15 131:16 135:23,25 137:19 146:1,5,8,12 151:21 154:1 157:11 158:16,17 158:18 159:10,22 160:14,18,20,21,25 161:4,7,9,14,15,16 162:3,11,12,25 163:18 164:1 170:2 171:9,16 173:5,13 173:20,22 178:13 178:20,24 179:10 179:18,22 180:6,16 181:6 182:19 183:9 183:14 185:13 186:20 188:16</p>	<p>191:16 192:18,25 202:13 203:6 206:24 207:8 208:7 209:4 210:20,21 223:4,16 226:7,11 229:20 232:22 236:16,20 239:11 239:12,14,15,22 240:3,5 241:5,19 243:7 codes 12:1 13:22 14:24 15:1,3,8,16 16:22 23:9 24:23 28:13,20 36:1 65:25 66:4 77:20,22 79:12 81:4,12 82:16 83:6 83:11 84:14 85:17 86:1,6 87:1 88:9,24 89:14 90:8,24 91:16 92:7,13,15 93:4 94:22 99:20 119:1 119:12,16 120:25 123:8,11,15,19 137:25 175:19 176:14 177:25 178:2 181:8 182:5 182:12,14 183:8,22 198:1,7 199:14 204:3 205:5 220:18 222:8 226:4 230:12 230:13 234:19 235:2,12 239:10 244:17 245:8,20 coexist 137:15,16 138:3 collect 90:21 collection 157:8 158:5,9 college 10:25 11:2 colonel 233:4 color 236:23 columbia 1:2 column 241:6 combination 16:6 29:16 55:16 56:4</p>
--	--	--	---

[combine - completely]

<p>combine 213:1 combined 73:17 come 16:11 32:23 43:2 62:8,24 65:6 68:12,12,15 159:19 159:21 172:17 174:25 179:22 190:7 195:13 234:18 comes 103:3 105:20 179:13 212:15 239:11 commencing 1:23 comment 16:10 29:17 35:14,16,21 36:3,5 38:6 39:6,8 53:12 59:10 63:16 68:11 93:10,25 96:8 97:3,6,15 100:24 101:7,12,15 102:4 102:10 105:20 109:8 113:9,19 114:5 115:4,18 116:16,20 117:3 129:18 131:21 132:1,13,13,22,24 145:3 152:9,18 155:5 156:4,16 159:2 163:10,15,16 163:25 164:5,13 166:16,22,23 167:10,19 168:2,12 169:7,25 171:16 172:1,8,17,20 178:22 185:12,14 185:24 186:2 188:10,12 191:15 191:17 192:17,20 193:1,9 194:10,15 194:25 196:3,5 200:8 205:17 208:22 212:12,18 219:11 222:19 245:12,13</p>	<p>commentary 80:15 commenter 101:11 commenters 159:11 commenting 153:2 comments 36:9,13 55:17 59:3,11,17 60:17 63:3,4 64:9 64:12,17,20 65:11 65:12 100:19 106:8 107:12 116:7,9 131:24 144:9,10,15 152:19 153:18,25 154:4,7,23 155:13 155:14,17,20 156:8 157:16 158:6,10,13 160:1,2,4,11 164:24 165:7,9,12 166:5 167:23 168:3,7,9 179:3 180:2,7,9,13 185:16 187:11 189:11,22 191:21 193:12,25 194:7,18 205:20 212:23 213:3,10,20 217:18 220:18 222:17 224:13 commercial 12:17 commission 196:6 196:13 205:3 223:18 250:21 committed 39:24 committee 12:6 16:1 16:2,7 20:1 25:1,16 25:17,22 26:9,10 27:10,15,20,22 28:2 28:8 29:5,21,23 30:3,7,22 31:1,5,11 33:11,13,19,22,24 34:3,6,12,20,24 35:1,2 36:4,7,8,11 36:15 37:19,23 38:25 39:14,19 41:10,22 42:19,20 42:22 43:15,17 44:14,16 48:19 50:5</p>	<p>50:6,20,25 51:17 52:23 53:1,2,15,21 54:20,25 55:4,10,15 55:15 56:3,5,10,14 56:17,22 57:2,5,7 57:15 59:6,18 60:13 60:18,23 61:4,8,21 62:11 63:1,6,9,11 63:22 64:22 65:7,20 65:22 66:9,13,16,24 67:1,9,18,20,22,24 68:1,13,14,16,19,21 68:22 69:1,2,11,12 69:17 70:9,15 71:8 71:11 72:5,14,23 73:6,14,20,22 74:7 76:2,5,10 77:4,9 103:22,25 104:21 105:12 107:11 109:9 114:6,24 115:5,6,10 129:8,10 129:13,14,16,20 130:4 131:15 133:10,13,14,18,22 134:1 143:16 148:5 155:15,18,21 157:2 158:14,18 159:22 172:25 177:17 179:25 186:19 194:8,13 199:19 200:4 203:25 205:21,22,23 210:2 216:10,20 217:6,17 217:20 233:15,16 233:17,20,21 234:3 234:5,6,7,12 239:5 239:17,19,20 240:16 241:10 244:22 committee's 29:17 55:23 committees 12:7 19:20 28:12 29:13 30:11 31:3,20 49:17 49:22 50:16,22 51:6</p>	<p>51:9,13,21 52:17,20 53:4 54:16 57:11 59:15 63:19 69:19 71:1 75:4,18 76:14 159:10 174:4 175:15 187:1 216:10 220:7 239:8 239:9 244:25 common 12:15 13:4 18:22 139:17,19 174:2 195:8 204:7 commonwealth 1:20 250:1,5 communicate 188:5 188:13 227:23 communications 24:3 89:2 98:19 202:7 211:19 212:22 companies 75:21 220:16,24 company 152:17 225:18 226:15,24 227:4,6 240:19 241:8 company's 227:7 compare 63:23 compared 237:18 comparison 80:19 141:20 209:24 competence 64:6 competent 84:17 complaints 121:9,22 complete 34:1,11 41:12 42:1,3,16 43:3,4,7,19,21 44:7 44:17 45:10,19,22 45:25 46:13 49:2,5 49:11 55:16 122:13 122:15,16 217:19 completed 33:15 225:7 228:1 completely 58:7 161:7 167:17 171:11 189:14</p>
--	---	---	--

[completely - copyright]

191:4 completeness 212:19 compliance 32:2,11 37:5 111:25 159:2 compliant 171:11 comply 56:24 159:7 compound 40:13 41:7,19 42:8 43:10 43:11,23 44:9,24 45:13 46:19 47:22 59:24 61:1 62:14 63:14 66:7 68:4 128:24 133:21 148:16 155:9 160:23 183:24 199:16 203:17 concept 99:4,8 245:7 concern 17:5 189:5 concerning 250:8 concerns 148:21 concise 245:3 concluded 248:5 conclusion 198:19 conclusions 64:7 176:16 178:16 184:22 202:16 220:21 conditioning 1:9 conditions 80:12 81:6,7,10,14,16,19 81:22 82:3,4,7,13 82:19 83:3,5,19,25 84:5,19 85:11,15,23 86:5,11,23 87:17,18 87:21 88:3,7,8,22 89:20 90:1,3,6,10 91:18 92:5,23 93:1 93:2,9,11,12 conduct 225:4 conferences 14:8,10 14:19 16:15 26:18 conferred 207:25	confidential 164:18 confirm 95:18 117:13 225:20 227:10 conflicting 32:19 239:23 conform 171:6 conformance 159:12 confusing 29:7 230:15 246:11 confusion 152:25 connected 57:1 connecting 22:18 connection 89:5 109:14 151:19 156:18 163:11 184:23 203:9 consensus 15:19 24:16,19 71:6,9 consequence 56:16 consider 69:11 188:9 233:10 consideration 204:18 226:2 considerations 97:11 considered 172:24 consistency 195:18 239:25 consistent 130:25 138:10,18 141:5,7,8 141:8 147:13 156:21,23 192:24 195:22 213:6 224:15 consistently 60:9 consisting 130:22 consolidate 57:24 consolidated 136:9 consolidating 217:19 constituents 14:16 121:13 139:5	constitutes 16:3 53:5,8 consultants 52:7 consumer 52:12 77:24 85:11 190:22 196:6,12 223:17 consumers 52:10 190:14,20 contact 166:10 174:18 175:23 221:16,17 225:18 contacted 172:22 174:24 175:12,17 176:3 202:21 228:7 contacts 176:11 contain 49:11 164:1 239:4 245:14 contained 59:9 61:6 139:25 178:12 contains 100:17 101:7 238:17,22 content 66:13,16 94:4 95:12 99:22 103:5 142:25 contents 173:19,21 context 28:11 30:18 30:25 31:23 56:7,10 60:21 69:6 170:12 contexts 204:12 continue 38:18 39:3 41:4,4,14 continued 4:1 5:1 6:1 continues 38:16 continuing 11:19 contract 83:13,13 83:24 84:6 contractors 186:8 186:24 contributed 57:8 59:5,21 60:23 62:11 65:24 66:3 176:4 contributions 198:1 233:23	controversy 250:9 convene 124:7 convenience 100:1 converge 138:25 139:4 convergence 139:7 conversations 7:19 9:21 cooking 12:18 coordinating 52:23 coordination 234:9 copied 113:17 147:14 193:4 copies 195:1 208:7 235:10,12 236:1,5 copper 192:22 193:3 copy 35:6 96:14 97:25 113:16 127:13 130:8 151:16 166:4 196:3 203:23 236:14,19 copyright 63:18 64:21 92:15 97:11 97:20 98:2,5,5,10 99:4 101:1 102:17 102:19,22 103:3,8,9 103:15 105:7 112:21 113:18,20 113:22 115:12,19 115:20 116:1,3,7,8 116:11,12,24 118:19 137:6 140:9 140:16 141:12,14 142:8,11 144:11 148:21 165:5 166:16,21 167:7,10 167:12 168:2 171:18,19 173:3,10 174:19,22,25 175:8 175:10,25 178:11 178:25 179:3,11,12 179:14,19,24 180:8 187:15 192:1,2 196:18 197:7,11,20 197:21 198:1,7,9,15
---	--	---	---

[copyright - defendant's]

198:16 199:4,6,14 200:6,10,24 201:7 201:17,24 208:17 212:13,19,21 214:3 214:12 215:18 216:3,9 217:2,8,12 217:24 218:16,23 219:6,12 221:14,17 222:15 232:25 233:9,22 243:7 copyrighted 166:8 176:3,12 177:9,13 188:25 189:17,20 202:13 copyrights 112:14 168:12 corporate 80:9 corporation 240:25 241:9 corps 224:23 225:19 correct 31:20 34:14 48:22 49:3,8,18 51:10 53:21 54:25 64:10 65:1 66:17 80:3 91:19 93:6 99:15 100:21,22 101:6,13,21 102:5 103:2,16 104:4 105:8 113:17 114:21 115:8,12 117:16,23 123:4,11 126:21,22 132:8 134:15 137:12,13 138:19,20 140:2,10 140:11 144:6,24 146:1 147:10 151:9 152:14,15,21 154:11 155:19 159:4,13,23 160:3,8 160:15 163:18 168:4 170:14,22 171:2 172:9 184:2 185:15 191:19 192:23 195:2 196:7 199:25 206:25	207:22 212:16 224:7,14 225:1 227:1 229:12,18 236:1,4,16 237:19 237:20 238:19,24 239:12,13 240:6,14 241:20,21,25 242:1 242:11,24 243:9,11 243:18,20 249:3 correctly 60:16 122:23 147:14 186:22 193:5 correlating 239:16 239:18,20 correlation 239:21 240:1 correspond 104:14 correspondence 176:23 council 19:18 41:11 41:21 49:21 51:3,7 51:11 53:9,14,25 54:2,4,10,13,17 67:21 105:4 118:4 councils 49:17 counsel 8:6,25 9:6 9:17,21,22 10:6 78:20 89:3 95:2,18 98:14,23 106:10 110:23 111:11 114:19 117:13 125:5 187:18 200:19 201:2,12 202:8 211:20 235:7 235:8 247:7,17 250:13,13 counsel's 247:21 count 80:6 counter 1:10,14 9:7 country 162:23 couple 21:9 243:22 246:8 course 95:1 100:20 108:22 125:21 126:14 127:14	128:5,19 130:9,21 131:6 142:20 143:9 143:23 145:20 146:20 147:2,19 149:17 150:5,13,23 151:8,19 152:1,7 153:20,21 156:5,18 162:4 197:5 209:6 213:7,18,22 223:6 court 1:1 7:7,11 8:7 31:14 84:16 91:4 cover 49:20 50:2,3 144:16 covered 129:15 covers 14:24 26:4 crafted 193:7 created 68:6 112:24 197:4 credentials 51:5 criteria 29:22 51:11 51:15 69:19 70:9,13 70:20,25 71:18,22 72:4,20,23 73:4,8 73:12,20 74:3 criticism 80:16 cross 3:2 246:6 crossed 70:16 csb 72:13 148:24 current 14:12 49:1,2 93:11 103:8 109:6 116:21 160:17 161:15 178:12 179:9,17 192:8 currently 176:20 214:6,18 cut 123:3,21 130:13 130:15 cutting 123:9 cv 1:6 cycle 58:18 167:4 177:6 180:7 195:20 213:25	<p style="text-align: center;">d</p> d 1:5 3:1 7:1 102:5 152:17 dash 102:13 data 71:23,24 72:9 73:17,19 80:18 217:19 date 13:10 26:11 154:5 215:23 day 20:23 21:10,18 22:8,8 66:9 67:21 218:6,6 219:15 250:6,16 days 20:18,19,19,22 20:23,25 21:1,3,6,7 21:18 235:21 dc 2:4 dealing 98:13 deaths 71:24 debate 38:19 39:4 debbie 101:22 debra 99:15 decide 35:3 57:16 70:10 73:9 90:2 decided 29:20 40:5 54:21 119:11 deciding 72:6,24 74:7 75:5 decision 30:22 56:2 56:11 67:13,17,18 70:18 75:10 105:3 182:10 decisionmaking 73:9 98:25 decisions 17:18,21 30:2 53:3 54:18 74:15 declare 249:1 decline 90:2 declines 90:5 defendant 1:13 8:12 9:6 184:6,18 defendant's 185:4
---	--	--	--

[defendants - discussing]

<p>defendants 1:10 defense 118:19 define 49:14 defines 49:16 definitions 139:24 140:6 degree 11:4,7,18,19 delete 230:2 deleted 62:19 152:20 153:2 170:14 192:9 242:17 deleting 170:16 deletion 152:24 dem 102:5,6,12 demonstration 102:11 dennis 187:18 department 26:14 26:20,22 178:1,3 214:18 215:3 222:9 232:20 233:11 depend 17:14 70:13 depended 215:23 depending 51:4 57:23 135:21 136:11 213:24 depends 16:25 18:21 20:22 38:21 75:19 213:8 depict 95:6,14 deponent 2:9 deposed 9:13 deposition 1:16 7:5 7:8,10 9:18 10:3 49:8 78:6,13,16,19 88:21 89:7 108:24 111:8 246:14 247:1 248:2,4 250:10 depositions 9:22 derive 165:8 describe 20:10 21:4 42:3 43:8 described 37:25 220:10 222:7</p>	<p>describing 45:22 description 3:8 4:3 5:3 6:3 46:1 descriptions 35:10 design 96:10 designated 15:12 80:8 91:1,8 118:9 119:4 184:11 designed 15:3 designs 123:2 desire 97:17 235:1 detail 218:6,7 details 140:21 201:22 235:23 detect 60:19 determine 15:18 16:3,7 24:16 42:20 63:15 66:5,8 69:20 71:1 98:5 172:16 175:12 188:21,23 189:3,4 194:21 202:21 207:15 225:12 233:5 determined 29:6 determines 15:21 29:12 36:7,11,15 41:23 51:7 55:22 determining 51:12 71:19 72:20 94:2 161:13 170:13 develop 24:23 33:2 33:11 36:17 37:22 163:4 developed 63:4,22 120:25 developers 18:15,17 18:25 19:6 138:10 138:22,24 139:3,20 developing 28:13 64:3 67:10 105:15 175:1 234:8 development 11:20 18:18 24:20 30:10 32:1 49:12,22 50:1 50:10 54:6 57:18</p>	<p>58:25 64:18 70:21 70:24 96:7 100:21 106:25 107:18 108:14 110:18 111:6 121:1 125:9 125:24 126:13 127:15 128:7,20 130:23 131:7,18 137:2 138:18 139:8 142:21 143:10,24 145:21 146:21 147:3,20 149:18 150:6,14,24 151:9 151:20 153:21 154:17 156:5,19 157:5,24 158:8 163:12 164:14 168:17 174:13 176:5 179:2 199:18 203:10 207:22 223:7 229:23 230:24 243:6,23 244:14,17 develops 36:8 99:22 devoted 20:20 diagram 108:20 diangelo 224:23 225:1 226:15 differ 113:21,23 154:22 differed 136:4 difference 209:21 209:25 differences 209:16 different 12:11,14 20:8 38:23 61:24 71:14 72:23 73:6,8 73:24 74:3,5 81:11 103:13 108:12,23 109:1,10 110:3 111:13,24 112:7,12 112:23 114:22 129:10 134:23 135:1,8,12,13,16 136:1,13,14,15,17</p>	<p>137:9 138:24 141:6 143:3 146:7,11 148:10 185:3 207:19 208:9,15 211:7 215:19 242:10 differently 74:1 184:15 differing 24:21 difficult 66:11 73:2 170:6 175:21 207:11 difficulties 205:11 difficulty 121:22 direct 3:2 9:9 84:22 117:19 172:5 214:25 221:24 directed 99:14 direction 68:19,21 68:25 250:10 directions 110:25 directly 57:1 61:22 164:5 directors 54:9,11 directory 48:20,23 disagree 15:14 134:9 disbelieve 134:4 disclaimer 142:7 disclaimers 3:13 94:11,20 95:7,15 137:5 140:9,15 141:12,14,21 142:8 142:11 disclosing 201:11 disconnected 167:18 discrepancies 159:19 discuss 9:18 78:12 78:18 233:16 234:4 discussed 207:11 discusses 98:24,25 163:22 238:3 discussing 49:7 200:20 235:1</p>
---	--	---	--

[discussion - education]

<p>discussion 78:15 discussions 200:18 210:1 disputes 84:18 disregard 96:17 distinction 11:5 137:22 distinguish 28:22 distinguishing 129:6 distributed 166:9 177:17 distributing 166:11 distribution 175:14 district 1:1,2 divide 21:2 division 99:21 doc 58:4 181:3,14 document 3:10,12 3:13 20:5 28:8 30:8 30:12 32:15,21 35:17 37:1,12 39:12 39:13,17 48:17 56:8 58:3,6,18 60:6 61:10 62:1,17 64:4 67:22 69:7 78:24 80:7 82:8,23 85:6 93:7,19 96:4,5 97:23 99:24 100:17 102:10,13,15 104:9 105:10 110:14 111:1 112:11 113:9 114:19 115:14 116:20 125:13 126:12,24 127:7,13 127:16 128:4,8,13 128:17,21 130:8,20 130:24 131:5,9,17 132:7 133:2 134:5 142:19 143:8,22 144:3,23 145:19 146:4 147:22 149:16 150:3,12 151:1,2 152:13 153:23 154:2,16,18</p>	<p>156:7,10,20 157:12 157:14 159:20 160:6 161:21,22 163:13 164:19 165:17,20 166:19 169:1,6 177:23 181:17,20 187:7,20 189:8 190:4 191:14 192:16 195:19 196:2 202:15 203:4 203:20 204:23 206:12,20 207:18 208:12 209:2 210:14 213:9,11,13 222:9,11,14,18,20 223:1,9,14 224:19 225:9 226:21 227:14,20 229:2,8 229:15 232:1,7,13 232:19 234:9 236:12,21 238:17 238:22 239:22,25 242:10,20 244:23 documentation 125:22 177:6 179:24 documents 12:5,9 12:13,21,24 13:1 28:21,24 50:9 58:8 58:16 69:10 80:20 89:5,9 100:2 107:4 107:6,17,21,25 108:2,15,18,22,24 109:4,13,16 110:9 111:18 118:13 120:14 125:6,10,15 130:4 136:10,24 138:2,13,14 139:16 141:2 142:13 157:23 162:21 176:21 177:19 180:21 181:23 185:6 193:16 198:9 199:12 200:15 202:3 203:21 204:9</p>	<p>208:19 209:23 210:5 213:2,24 222:6 223:3,6 224:8 229:23 232:3 233:21 235:7,10 237:14 238:15 246:13,19 247:2,3,4 247:6,11,16 doing 65:14 161:1 209:24 216:14,19 dominate 51:24 dot 238:4 doug 196:10 202:11 223:17 draft 35:14 37:1,12 38:3,7,8,9,11 39:1 39:10,21 57:22,23 58:1,2,10,11,16,21 59:2 66:17 69:8 101:16,17,19 205:4 drafting 66:21 69:10 draws 64:6 dryer 173:1 dubay 1:18 3:3 7:5 9:4,11 10:14 48:16 88:20 95:24 100:16 103:20 112:9 125:5 142:18 153:17 156:3 160:13 163:9 164:12 169:24 185:10,22 191:12 192:14 209:1 212:10 246:8 249:12 due 11:5 74:13 97:10 219:22 duke 240:24 241:8 duly 9:7 250:7 dummy 104:3 duplicated 114:13 duties 21:20 dwyer 171:25 173:1</p>	<p style="text-align: center;">e</p> <p>e 2:5,10,14 3:1,6 7:1 7:1 21:12,16 89:17 89:21,24 90:12,14 102:5 176:22 241:25 earlier 38:1 104:17 127:19 129:15 154:24 160:21 181:8 183:13 208:1 212:10 237:12 239:7 246:10 ease 245:8,12 easier 29:9 72:1 139:18 easy 121:3,15,24,25 122:4 139:14 203:18 economic 71:25 74:13 195:15 edited 56:24 edition 33:2 62:16 79:20,22 81:18 108:21 116:21 130:13 146:12 155:12 160:18 161:9,15,16,20 162:12,15,16 177:22 178:12 179:9,18 185:1 192:8 209:13 225:8 236:15 237:19,21 237:23 240:13 editions 162:4 180:15 237:9,10,12 238:10 editorial 30:15 31:18,22 32:25 33:5 37:9,14 57:3,12,14 61:20 62:3 149:7 171:9 238:5,9 education 11:3,17 11:20 163:5</p>
--	--	---	--

[eei - example]

<p>eei 241:11 effect 216:5 efficient 235:19 efforts 220:15 eight 214:18 215:8,9 215:25 either 9:20 35:4 57:4 59:4 115:18 167:21,22 174:2 177:16 election 53:24 electric 158:18 241:1 electrical 74:24 75:25 80:1 101:20 121:4,17 130:11,15 131:14,16 135:22 135:25 137:17,19 137:20 138:1,2 145:24 146:1,5,8,12 151:21 154:1 157:11 160:14,18 160:25 161:4,7 163:18 170:1 171:9 171:16 173:5,13,20 173:22 178:13,20 178:24 179:10,18 179:22 180:6,16 181:5 182:19 183:9 183:14 185:13 186:8,20,24 191:16 192:18,25 203:6 206:24 207:7 208:7 209:4 210:20,21 223:4,16 236:16,20 239:12,14 240:5 241:11 243:6 electronic 2:19 8:13 135:19 136:7 151:3 151:5,23 152:8 153:24 214:10 electronically 97:12 151:11 157:18 158:10</p>	<p>embedded 176:16 178:15 184:22 202:16 220:21 emerging 17:4 employed 132:6,11 152:17 220:16 250:13,13 employee 20:14 196:5,25 employees 52:16,19 54:12 66:3 197:5,23 198:2 employers 222:16 241:13 employment 53:5,7 53:16 197:6 enable 104:8 encounters 100:19 ended 244:9 endless 195:5 ends 97:8 102:2 158:22 198:8 236:12 energy 240:25 enforce 109:6 enforceability 244:24 245:5 enforceable 245:9 245:16 enforcement 244:19 enforcer 52:4 75:23 76:8 241:25 enforcers 76:1,8 enforcing 169:9 engaged 20:15 214:24 engineer 10:20,25 11:12,16 12:5 13:15 13:19,23 21:21,25 22:2,15,22 23:7 engineering 11:5,14 23:1 241:8 engineers 1:9 224:24 225:19</p>	<p>ensure 15:5 31:1,9 32:10,13,24 34:3 37:4,9,17 51:23 65:18 77:22 108:7 119:17 141:23 149:9 169:11 203:22 205:15 216:18 225:7 227:24 239:22 245:1 ensures 198:21 245:24 enter 83:12,23 84:6 92:14 entire 39:12,13 43:8 54:5 178:23 189:2 239:21 240:1 entirety 39:19 96:4 198:10 entities 49:16 245:25 entitled 50:21 82:21 82:24 entity 189:23 entity's 189:10 enumerate 71:17 envisions 203:14 equivalent 19:16 errata 180:24 181:9 181:25 182:5,16,18 183:17,19 184:4 185:1 erratas 180:23 181:4 184:2 error 229:18 238:12 errors 180:12,15,22 183:5,7,22 184:1,16 185:5 es 242:1 especially 52:25 172:25 175:24 esq 2:3,7,12,18,19 establish 32:19 67:2 69:2 106:9,11</p>	<p>established 37:19 establishes 67:23 establishing 94:3 110:24 establishment 217:16 estimate 135:5 136:21 176:2 182:23 191:3 217:10 218:13 219:18,18 220:1 estimating 21:17 et 26:12 75:16 76:11 98:7 evaluated 51:2 evaluation 80:16 event 14:15 166:8 182:16 events 177:2 everett 2:18 8:24,24 everette 233:5 evidence 56:20 202:17 evolution 68:17 evolve 67:25 68:5,5 exact 20:4 213:16 exactly 201:20 examination 9:5,9 246:6 247:14 250:10 examined 9:8 250:9 examines 78:24 85:6 96:5 127:7,16 128:8 128:13 130:24 131:9 147:22 151:2 153:23 157:12 163:13 187:7 191:14 192:16 196:2 203:4 209:2 223:1,14 224:19 226:21 227:14 229:2,8 232:1,7,13 232:19 example 14:3,5,8 17:4,23 18:4,13,15</p>
--	--	---	--

[example - feel]

<p>18:22 19:1,19 23:4 27:11 32:2 38:24,24 52:2,3,4,8 60:15,20 62:2 72:9,10 101:14 101:25 135:22 139:23,25 140:1,4,5 143:2 162:19 165:15 170:24 177:7 192:11 195:10,11 199:4 208:6 210:9 213:8 221:13 236:25 238:9 245:15 examples 17:2 72:3 72:4,8 195:4 excellent 60:15 exception 117:18 exceptions 80:13 159:6,6 exclude 89:1 211:17 excluding 247:2 exclusions 80:13 exclusive 137:16 excuse 36:8 58:25 70:6 101:8,16 127:1 151:4 execute 100:4 103:13,13 107:19 executed 249:5 executive 19:18 exhibit 3:9,11,13,14 3:16,17,19,20,21,22 3:23,24 4:4,5,6,7,9 4:10,11,12,13,14,15 4:17,18,19,20,22,23 5:5,6,8,9,11,12,13 5:14,15,17,18,19,20 5:21,23 6:5,6,8,9,11 6:12,13,14,15,17,18 6:20,21 48:13,16 78:23,25 79:5 85:1 87:14 93:1,16,18 94:5,7,19,20 95:22 95:24 96:5 99:13 102:2 103:18,21</p>	<p>105:5 113:10,24 114:11 115:7,9,17 115:25 116:1,10,13 116:25 117:3,9,11 117:22 125:17,18 126:9,11 127:4,6,9 127:17 128:1,3,10 128:12,15,17 130:5 130:7,17,19 131:1,4 132:24 133:5 134:11,13 142:16 142:18,23 143:5,7 143:11,19,21,25 145:16,18,23 146:15,18,22,23,25 147:4,8,9,15,17 148:1 149:13,15,20 149:24 150:1,3,7,15 150:19,21 151:4,14 151:16,23 152:3,5,9 153:14,17,23 156:1 156:3,8,14,16,20 157:6,8 158:3,5,9 163:7,9,14 164:10 164:12,16 165:15 167:2 169:16,22,24 169:25 171:12,14 171:15,17 185:8,11 185:12,20,22,24 187:4,6 188:7,10 191:10,13,14 192:12,15,16 195:24 196:1,2,19 197:1 199:25 203:1 203:3,4 206:3 208:24 209:1,18,19 210:12,17 222:23 222:25 223:11,13 224:16,18,19 226:18,20,22 227:3 227:11,13,14 228:24 229:1,2,5,7 229:8 231:23,25 232:4,6,10,12,13,16 232:18 236:9</p>	<p>exhibits 4:1 5:1 6:1 95:5 127:20 211:12 existence 87:18 181:9 existing 74:22 155:12 expect 127:8 225:3 227:19 experience 55:10 73:23 83:9 121:8 136:19 195:2,5 197:10 200:3,9 225:23 229:22 230:3 expert 52:7 expertise 14:6 23:1 23:6,20,25 29:18 30:3 51:1,16 52:25 55:9,15 62:4 65:21 68:13 69:23 70:15 82:1 experts 55:7 66:25 73:6,7 77:6 expires 250:21 explain 10:3 18:10 61:2 explaining 18:9 extensive 16:9 29:16 31:24 33:4 60:14 73:23 extensively 221:4 extent 64:6 83:7,20 92:9,18,24 98:12,17 98:20 119:6 164:20 173:7,16 176:18 199:3 200:17 201:10 202:5 205:3 243:15 246:18 extremely 44:22 160:23</p>	<p>facilitates 119:22 facilitating 27:13 facilitators 65:19 205:9 facilities 246:1 facility 25:18 facing 17:20 20:8 71:24 fact 91:17 92:11 93:23 121:9 188:21 236:4 facts 56:19 73:19 114:1 122:22 123:6 163:20 200:2 202:17 207:10 210:23 220:20 245:22 failure 232:24 fair 46:3 98:9,15,24 99:4,10 237:23 fall 104:24 falling 212:23 familiar 88:22 92:11 118:3 126:8 156:12 156:24 fancy 170:20 far 193:22 fargo 173:2 fashion 47:12 139:1 fault 162:19 163:17 163:23 164:3 fax 151:11 188:1 faxes 136:10 features 124:3 federal 52:5 196:25 197:22,23 198:2 242:1 federally 197:12 federation 19:5 fedex 136:10 fee 2:3 8:4 9:2,2 41:16 46:22 99:16 238:20 247:12 feel 141:9</p>
		f	
		<p>f 116:18 facilitate 27:18 123:9</p>	

[fenwick - forms]

<p>fenwick 2:11 8:11 fenwick.com 2:14 field 30:4 55:7,10 67:1 73:24 102:3 103:1 162:16 fields 77:7 100:17 file 38:18 102:11 144:13 186:21 fill 40:16 103:24 110:2 129:3,16 final 16:7 29:19 34:13,18 35:13 55:18 56:2,9 61:3 63:23 67:11,17,19 68:20 69:18 198:7 228:15 finalize 33:6 34:3,20 34:23 finalized 33:9 37:15 financial 77:2 80:11 financially 7:22 250:14 find 57:19 58:1,10 228:8 finding 26:23 241:4 fine 46:4 48:5 78:10 122:13 fire 1:6,17 8:22,25 11:4 12:24 13:6 14:17 17:6,15 71:24 72:11,13 74:13,24 75:24 179:20 195:2 199:4 242:3,3 firefighters 213:15 first 9:7 10:21 13:21 32:5 35:13 40:14 51:15 56:23 57:22 58:1,10,15,19,21 59:1 75:1 79:17,18 87:10 90:18 95:19 99:17 101:17 102:25 103:23 106:23 117:22 125:16 133:4,12 148:17,17,22</p>	<p>160:19 161:15 162:11 188:19 197:2 201:21 206:3 206:9,17 214:25 fit 60:8 147:6 fits 69:16 five 85:7 135:20 136:1,21 flipping 49:4 floor 2:8 focused 70:8 73:5 focusing 27:21 65:19 72:19 101:18 185:4 foley 178:9 follow 37:25 70:2 101:11 148:18 155:17 233:3 247:10,21 follows 9:8 footer 165:1 foregoing 249:2 foremost 13:21 32:5 forest 187:16 188:18 188:24 196:20 forget 13:9 forgot 104:15 form 15:23 16:5 17:12 19:4,10,14 20:16,21 21:14,23 22:10 23:2 24:18,25 25:14 26:21 27:4 28:5,25 29:14,25 30:21 31:7,21 32:3 32:4 34:9,15 35:22 35:25 36:20 38:2 39:5,16 40:6,12,16 40:24 41:6 43:9,22 44:18 45:12,14 49:10,19 50:23 51:14 52:18 53:10 54:3,14 55:1,25 56:18 57:9,21 58:13 58:23 59:23 60:8,25 62:13 63:14 64:11</p>	<p>65:2,8,15 66:6,18 67:15 68:3,10,10,11 68:23 69:22 70:12 71:3 73:15 74:9,18 75:8 76:15 79:14 80:4 82:6,18 83:15 84:20 85:19 86:2,12 87:3,16,22 88:4 90:16 91:1,8 92:2 92:17 93:5 94:23 97:2 98:11 100:6 103:13,24 104:1 105:1,9,24 107:1,5 107:20 109:3,19,25 110:15,19 111:3,7 111:24 112:16 113:5,6,11,14,25 114:8,9,10,13 115:7 115:13,17 116:14 116:17,18,19,20 119:24 120:20 121:6 122:12,21 123:5,14,23 126:4 127:21 128:23,25 129:1,3,5,15,17,23 130:12 131:20,24 131:24 132:2,4,9,10 132:16,23 133:7,8 133:19 134:15,16 134:18,20 136:18 136:23 138:5 139:2 139:10,21 140:17 141:15,19 142:5,12 142:24 144:7,25 145:8,22,24 146:2,7 146:11,14,18,25 147:7,18 148:8 149:21,23 150:8,16 150:17,21 151:17 151:17,24 152:5,9 152:18 153:24 155:1,4,5 156:13 159:14,24 160:16 160:22 161:10,17 162:5 163:2,19</p>	<p>164:5 165:21 166:18 167:13 168:5,14,20 169:4 170:23 172:3 173:6 173:15 174:14 175:3,20 176:15 178:14 179:6,16 180:3 182:1,6 183:15,23 186:15 187:11 189:12 192:4 193:8,15 194:1,3,25 195:3 196:16,22 197:8 198:4,11,17 199:15 200:1,12 202:14 203:11,16 204:5,14 205:1,6 206:7,11,14 206:19,23 207:1,3,9 207:23 208:11,18 209:3,22 210:4,13 210:22 211:14 214:4 215:13,16 218:1 220:19 221:8 223:2 224:15,20,25 225:7,22,24 226:16 227:2,8 228:14 229:3,19 230:8,14 231:2,21 232:2 233:3,10,24 234:14 240:7,15 243:3,14 243:25 244:20 245:10,21 formal 11:19 21:19 33:24 49:24 233:6 233:13 formality 228:13 format 60:16 126:16 139:4,18,19 141:5,8 170:13,24 formats 81:3 143:3 formatting 95:11 formattings 141:7 formed 84:3 forms 32:5 63:17 65:5,11 100:5</p>
---	---	--	--

[forms - guess]

106:23 108:5,8 109:14,16,22 111:10,13,15 112:4 112:5,12,20,22,24 113:20,22 114:22 116:5 126:3,7 127:24 129:11,13 129:20 130:2 134:23 135:1,9,12 135:14,18,23 136:1 136:4,6,15,25,25 138:4 140:12,13,23 140:25 146:9 149:8 153:18 154:23,23 156:21 158:11 166:23,24 168:22 178:22 193:12,13 194:6,7 203:8,15 204:8 207:6,19 208:8,9,17,20 210:19 212:12 219:6 224:7,13 225:18 formulations 108:12 109:1,10 110:4 forth 33:4 49:6 forum 19:23 116:17 forums 14:1,5,7 16:12,15 22:5 25:9 forward 57:17 62:17 69:14,20 70:1 70:6,11 71:2,8,12 71:15,19 72:6,21,25 73:10 120:11 169:12 found 228:10 241:19 foundation 2:19 8:14 20:17 29:1 30:1 56:19 85:20 92:18 108:18 129:24 138:6 159:15 163:20 four 9:23 241:6	frame 244:4 frames 211:9 francisco 2:9,13 free 77:21 79:12 80:25 81:4,12,22 82:15 83:6,10 84:14 85:16,24 86:6,24 88:9 89:15 90:7,11 90:19,22 91:15 92:6 92:12 93:3 119:11 119:15,25 120:13 121:13 123:7,18 124:2 182:11 frequently 173:3 freshly 134:14,24 friday 111:11 front 134:10 164:8 172:25 187:22 198:23 199:11 207:5 230:2 236:18 242:5 243:20 frontier 2:19 8:13 full 10:12 20:23 21:1,7,10 32:25 33:18,21 105:13 122:25 134:10 138:15 145:12 148:20 166:21 167:7,9 168:1 214:19 215:9 219:14 220:5 242:14 function 190:6 functions 13:18 fund 75:24 76:8 120:11 fundamentally 74:19 furnish 90:13 207:18 235:8 furnished 125:5 furnishes 179:4 further 36:12,15 39:19 42:23 62:15 122:17 235:23	247:9 250:12 g g 7:1 g&m 7:11 gain 51:12 71:25 77:19 79:11 84:13 86:6 88:9 89:18 90:6,22 91:15 92:6 92:12 gains 51:7 gather 122:11 144:4 general 8:25 46:11 47:22 75:3 95:2 98:13 99:8 101:20 106:2,10,13 138:21 142:5 143:2 156:13 162:14 166:9 170:15 171:7 174:2 187:17 197:19 205:4 generally 50:14 107:23 142:3 157:16 gentleman 230:1 getting 94:14 222:14 give 16:19 19:1 31:13 45:25 46:13 72:4 96:2 98:2 121:13 140:5 170:24 220:1 given 12:4,10 17:7 24:7 42:14 117:4 139:23 141:17 154:3 175:4 180:5 207:4 208:20 213:2 214:15 215:15 246:22 250:11 gives 181:16 226:15 giving 22:3 43:6 glad 219:16 go 7:17 31:2 47:9,15 48:5,6 54:19 58:10 66:1 71:15 78:7 85:4 124:6 149:4	153:5 161:21 189:6 202:12 211:25,25 215:7 220:23 234:16 goal 74:10 goals 65:21 74:6 goes 64:1 160:25 going 21:19 40:18 46:14 47:17 69:13 71:13 73:10 77:11 77:14,17 125:9 135:6 177:1 184:14 234:17 235:25 245:15 good 7:2 9:11,12 139:25 govern 50:9 governing 48:19 194:8 government 14:17 39:24 52:5 197:5,22 197:23 198:2 242:2 242:2 245:19 governments 244:18 245:8 grant 126:17 166:20 167:6,9 168:1,11 granted 90:11 granting 118:25 gray 238:6 great 219:16 greater 186:5 ground 247:20 grounds 228:13 group 13:4 17:14 20:7 132:15 133:1 133:12,14,17 153:18 178:9 241:1 241:11,14 groups 17:2 18:13 104:16,17 133:13 133:18 guess 14:12 117:21 150:11 187:10 197:10 208:5 234:1
---	--	---	--

[guidance - include]

<p>guidance 50:6 75:11 95:3 244:23,25 guide 50:5 171:22 172:6,16 205:14 244:22 guidebook 172:5 guiding 52:23</p>	<p>hdsec 20:5 head 24:13 25:12 50:11 143:18 148:6 195:18 heading 209:10 headings 100:18 102:17 health 213:15 hear 78:9 heard 89:11 132:21 205:15 heating 1:8 heavy 145:13 held 7:10 179:11,12 179:19 help 29:18 53:13 155:3 205:14 233:8 helping 67:9 helps 31:14 hereinbefore 250:7 hereto 250:14 hereunto 250:16 high 155:10 162:14 214:20 higher 72:2 highlighted 63:8 238:6 hire 105:22 106:3,17 106:21,23 107:3 210:12,16 hirschler 156:24 157:10,20 historical 126:4 historically 135:18 141:6 145:10 161:22 176:25 215:19 231:9,12 histories 190:17 history 134:21 135:10 176:20 189:7,9,21 190:1 243:5 hittinger's 186:14 hmm 34:22</p>	<p>hold 91:23 247:12 holders 178:11 holds 187:2 240:17 home 10:15 homeland 20:7,9,9 honestly 21:15 hoping 194:5 horne 233:5 host 25:19 27:3,5 hosting 27:17 hotel 26:23 76:10 hotels 26:18 27:2 hour 20:22 124:7 hours 9:23 110:2 246:4 houston 228:8,20 human 214:13 hundred 161:3 hundreds 191:6</p>	<p>228:25 229:6 231:24 232:5,11,17 identified 57:5,14 58:5 137:9 174:19 identifies 134:6 identify 8:6 60:22 62:10 65:23 66:2 96:1 103:20 112:9 162:9 171:14 176:21 185:10,23 187:6,8 191:12 192:14 196:1 203:3 204:2 208:14 209:1 222:25 223:13 224:18 226:20 227:13 229:1,7 231:25 232:6,12,18 236:11 240:3 identifying 235:16 247:3 iec 186:5,11,14 imagine 135:7 impacted 19:7 120:15 182:13 implement 141:21 implying 27:16 importance 145:1 important 52:21,22 73:20,22 144:22 145:6,10 183:1,4 194:12 impossible 66:11 improper 47:19,22 111:8 112:16 207:24 improve 15:1,8 75:7 improvements 195:14 improving 14:23 75:11,13 incident 195:11 incidents 15:5 75:14 include 21:11 71:22 71:25 72:8 173:25 175:18 232:25</p>
h	h	i	
<p>h 3:6 half 130:15 hammer 165:16 167:2 235:23 hand 14:14 90:18 93:18 94:7 95:19 117:11 188:19 201:21 214:25 238:2 250:16 handed 48:16 93:8 95:24 130:19 131:3 134:13 143:21 145:18 147:17 163:9 188:8 handing 130:7 handle 12:6 27:1 handling 12:23 160:24 handwriting 96:17 97:1 148:8 handwritten 96:12 96:16,19,21 happen 36:18,18,23 219:24 happened 105:21 happening 75:14 happens 35:12,15 36:3,6,10,14 37:2,7 37:13,20 38:9 61:14 90:19 198:21 214:6 happy 38:16 45:20 235:22 hard 42:13 97:25 hazard 72:11 hazards 74:14 101:20</p>	<p>icc 118:20 201:14,16 idea 204:12,17,24 identifiable 175:24 identification 48:14 93:17 94:6 95:23 103:19 117:10 125:19 126:10 127:5,10 128:2,11 128:16 130:6,18 131:2 134:12 142:17 143:6,20 145:17 146:16,24 147:16 149:14 150:2,20 151:15 152:4 153:15 156:2 156:15 157:7 158:4 163:8 164:11 169:23 171:13 185:9,21 187:5 191:11 192:13 195:25 203:2 208:25 222:24 223:12 224:17 226:19 227:12</p>	<p>iee 186:5,11,14 imagine 135:7 impacted 19:7 120:15 182:13 implement 141:21 implying 27:16 importance 145:1 important 52:21,22 73:20,22 144:22 145:6,10 183:1,4 194:12 impossible 66:11 improper 47:19,22 111:8 112:16 207:24 improve 15:1,8 75:7 improvements 195:14 improving 14:23 75:11,13 incident 195:11 incidents 15:5 75:14 include 21:11 71:22 71:25 72:8 173:25 175:18 232:25</p>	

[include - issue]

245:7 included 68:6 140:7 170:10 185:14 217:7,17 includes 48:24 52:4 89:21 115:18 160:8 181:20 199:24 216:8 221:6 including 26:8 52:2 76:10 80:10 112:5 119:17 160:2 238:4 incorporate 18:5 incorporated 7:14 162:3 184:6,18 incorporates 173:5 173:12 188:17 incorporation 176:13 incorrect 34:17 incorrectly 229:21 independent 186:7 186:23 index 162:1,8 indicate 104:24 105:1 148:9 165:10 186:9 187:22 237:7 238:3 240:4,16 241:13 indicated 57:10,13 111:19 117:21 145:25 172:11 196:8 227:23 229:11 239:1 indicates 165:23 226:24 237:8,22 240:10,11 indicating 221:8 237:11 indication 56:14 62:18,20 76:24 185:17 227:25 indications 57:19 212:14 individual 66:10 70:14 77:5 110:13	169:8 177:10 180:20 187:2 195:6 203:7 204:16 207:16 215:20 220:23 221:11,15 221:21 222:2 240:17 individuals 144:14 204:13,22 215:24 220:17 221:2 222:16 241:19 industry 18:13 inference 237:24 info 58:4 104:4 181:3,14 information 17:11 17:17,18 22:13,19 22:20 35:6 55:11 58:3 67:6 72:17 73:17,18 74:4 89:17 90:21 104:2,6 162:22 164:19 171:22 172:6,16 176:22 177:4,7 181:14,22 186:13 217:2,13,20,25 218:16,23 235:21 informative 101:5 101:19 infringement 200:11,24 201:8,17 201:18 initial 34:1,11,24 41:1 195:22 210:1 initially 233:2 injuries 71:24 75:15 injury 74:12 input 22:9 55:17 56:16 57:6 63:3 65:12 68:10 105:20 106:8 109:8 114:3,4 114:24 115:3 116:15,19 117:5 145:3 159:25 177:8 194:10,16 200:8	212:18,23 213:3 inputs 115:4 117:2 144:9 155:11 160:5 inquiries 24:5 insert 141:18 inside 102:3 170:4 insofar 118:6 inspector 131:14 inspectors 75:25 install 52:10 installation 18:7 163:23 164:2 installer 52:9 instance 111:3 112:11 207:19 instances 111:24 236:23 institute 18:24 165:19,25 166:2,4 institution 74:21 instruct 88:25 211:17 247:18 instructed 46:21 246:17 instruction 42:11 246:11,23 247:22 instructions 10:6 integrate 36:25 181:4 189:1 intellectual 64:2 78:2 97:20 98:23 99:9 105:15 106:9 107:16,24 108:13 109:2,11 110:4,15 120:4,10,18,24 168:24 174:6,12 intend 247:21 intended 31:5 intending 194:14 intensive 216:13 intent 31:10 37:18 38:14 40:9 67:5 172:23 intention 158:20	interactions 73:13 interest 24:21,22 50:19 51:22,24,25 52:1 53:17,18,20,23 104:16,16,17,22,24 241:14,15,16,17,20 interested 7:22 15:18 24:15 250:14 interference 7:19 interim 49:24 internally 22:3,19 22:21 international 1:5 9:3 118:4 interpret 29:9 84:12 interpretation 164:4 169:2,14,21 172:1,4 200:15 202:3 interpretations 49:25 interrupted 115:23 interrupters 163:17 163:24 164:3 interruption 115:21 115:24 162:20 intervention 214:13 interviews 14:3 16:14 22:4 24:1,5,7 introduced 162:20 investigative 72:12 invoice 181:20 invoke 47:21 involve 14:14 involved 16:21 21:9 61:12,16 63:1 92:10 105:17 141:10 involvement 94:2 involves 51:3 54:7 119:9 involving 152:20 isa 209:9,11,11,14 ish 213:23 issue 71:23 72:15 109:15 112:6 184:2 185:1 208:4 235:3,9
--	---	---	--

[issue - legal]

235:16,24 236:2 issued 230:7 issues 20:8 67:21 160:12 234:4 246:9 issuing 243:5 italicized 169:2,15 206:17 209:17,18 210:15,19 211:11 italics 206:2,4,9 item 146:3 147:12 163:21 165:6,6 170:4,25 171:3,5,19 172:4,21 187:23 188:5 223:20 228:2 items 152:20 187:21 236:21	kennedy 229:14 kevin 2:3 9:2 keyed 149:6 keying 217:7 kind 17:21 39:7 101:24 155:17 know 17:8 21:16 24:9 60:22 61:11 63:8 78:11 84:13 86:22 92:8 98:20,21 98:22 106:22 107:3 107:14,15 119:11 131:11 143:13,14 143:14,15 148:2,4,7 154:20 158:12 160:19 162:24 172:14 182:18 186:5 188:16 193:7 196:10 201:16 203:8 209:13 219:16 222:12,13 222:20,22 236:22 knowing 174:20 knowledge 17:10 30:4 32:25 72:24 74:6 81:2 83:3,8,20 84:11 90:18 91:10 91:11 92:9,24 95:20 100:22 106:13 107:9 114:14 117:17 118:10,11 119:6,7,14 125:25 126:3,23 127:1,2 134:17,19 161:12 164:22,23 165:3 175:22 177:5 178:18 179:8 184:25 186:17,18 188:7,19 193:18 197:11,14,17,19 198:20 200:17,21 200:23 201:6,13,15 201:21 202:6,9 214:25 224:10 228:15 231:7,11,17	237:13 242:24 243:4,8,10,18,19 244:10 250:8 known 85:22 88:1 135:24 231:7,10 knows 112:17 180:19 182:9 184:12,24 190:10 230:22 231:16	243:1,12 245:15,18 245:24 large 26:23 72:11,11 135:8 144:14 larger 12:22,24 215:12 largest 80:2,6 214:23 215:4 late 78:10 law 99:4 184:6,18 245:9,20 laws 249:2 lawsuit 201:14,24 235:9 lawyers 112:10 lay 42:15 layout 139:16 layouts 141:7 lead 74:23 139:7 learn 15:4,4 lee 196:10 202:11,21 223:17 left 44:12 238:2 241:6 legal 64:6,24 83:16 84:9 89:3 92:21 94:24 95:18 98:12 98:14,17,23 99:6 105:11,25 106:5,11 106:19 108:6 110:23 119:10 120:21 137:5 140:18,22 164:21 167:14 169:6 173:7 173:16 174:16 176:16 178:15 184:22 192:6 197:9 197:16 198:5,12,18 199:3,9,16 200:2,15 201:2,12 202:3,7,16 205:7 206:12,15,20 211:15,19 220:21 233:25 243:16 244:21 245:11,22
j		l	
j 2:3 james 117:18 148:2 jeanette 1:18 7:7 250:4 jim 152:11,12,15 158:6,11 jkfee 2:5 job 10:19 28:1 31:6 31:8 62:5 69:15 141:20 215:3 jobs 216:7 john 240:24 john's 241:4 joined 10:23 jurisdiction 17:8 18:4,6 84:17 190:14 195:12 jurisdictions 17:19 52:6 121:11,12		labor 52:15 lacked 144:5 lacking 233:2 lacks 20:17 29:1 30:1 56:19 64:6 85:20 92:18 108:17 138:6 144:3 159:15 163:20 laid 38:6 land 29:19 55:17 68:19 language 33:7,9 34:13 38:6 55:18,22 62:8 64:10,18 65:23 66:3,5,8 68:11,20 69:18 79:3,19 84:22 84:23 105:7 106:15 106:22 107:4,16,25 108:13 109:2,11 110:5,16 113:12 116:24 126:5,6 127:18 129:21 142:11 154:3 160:20 162:10,11 168:11,15 169:3,15 170:20,22 172:17 173:25 174:9 179:3 187:15 193:7,10,12 196:18 206:2 209:17,18 211:12 212:13 214:3 215:18 216:4 223:24 224:1,6,6 232:25 242:23	
k			
kaufman 143:13 keep 21:15 35:4 40:18 46:14 77:14 77:17 151:12 162:9 162:14 163:3 keeps 126:14			

[legal's - marked]

<p>legal's 141:22 legislative 170:9,12 170:18,21,24 legislature 170:19 170:21 length 191:2 210:1 letter 70:6 176:23 letters 241:12,17 level 15:20,21 16:4 24:16 61:19 65:17 72:2 155:10 162:14 218:5 levels 11:13 lewis 2:3 9:3 liaison 12:10 27:24 28:16 30:6 31:9 36:21 37:16,21 52:25 55:3 60:24 62:12 63:10 68:18 69:5 200:4 liaisons 28:3 59:7 62:4 library 12:4,8 137:24 190:5 191:5 licenses 118:25 licensing 119:8 lieutenant 233:4 life 74:12,23 75:15 188:16 232:21 light 241:1,11 limit 124:2 234:15 limitations 80:12 limited 80:10 123:25 line 102:25 133:12 141:19,19 146:3 165:24 171:3 191:8 241:18 lines 147:7 link 103:11 links 121:13 list 133:22 134:1 195:5 239:1 240:10 listed 225:18</p>	<p>listening 8:16 lists 90:14 238:17,22 239:4 240:16 litigation 7:9 100:3 112:4 118:3 222:21 little 60:21 119:7 184:15 llp 2:3,7,11 local 17:7 52:6 72:13 242:2,3 location 26:11 locations 237:8 log 187:10 logistics 26:17,25 27:1 logo 95:11 long 9:20 12:16,19 35:18,19 43:25 44:23 47:11 105:16 longstanding 133:10 look 48:3 60:2 72:14 78:23 84:24 94:15 127:2,17,23 130:13 130:14 136:13,14 141:8 143:25 144:2 145:22 146:9,22 147:4 149:20,24 150:7,15,18 156:8 156:12 185:22 207:14,15 212:12 236:13 looking 18:4 99:13 162:10 188:7 216:2 219:5 229:14,17 230:1 looks 49:5 79:6 93:21 97:5 101:24 102:4 116:19 126:4 126:8,16 129:1,4 134:13,19,24 143:11 156:20 163:15 223:1,3 loss 14:23 15:2 71:22,24 72:10</p>	<p>74:12,13,13 75:13 75:15,15 losses 15:4,9 lot 18:21,25 75:19 81:10 lots 62:24 76:16 141:6 lunch 124:6,11</p> <hr/> <p style="text-align: center;">m</p> <hr/> <p>m 38:12,12 102:5 116:18 241:22,22 241:24 magnitude 135:8 208:20 213:2 mail 2:5,10,14 21:16 89:17,21,24 90:12 90:14 98:1 176:22 mailings 216:10 mails 21:12 main 40:3 73:18,19 maintain 151:10 161:20 177:2,4,19 maintained 127:14 128:18 130:9,21 143:23 146:19 147:1,19 150:4,12 150:22 151:18,25 152:6 153:20 154:3 154:16 156:4 158:7 163:11 164:13 209:5 223:5 maintainers 52:9 maintaining 178:4 maintains 125:21 128:5 131:5 142:19 143:9 145:20 149:17 151:7 156:17 157:23 177:24 major 141:4 162:15 162:18 163:4 204:10 244:2 majority 204:21 217:4</p>	<p>making 28:8 30:8 38:22 54:8 100:1 158:16,17 159:10 159:22 217:8 239:11,15,22 240:3 241:5 malamud 2:20 8:17 8:18 management 11:20 12:7 22:7 23:3,21 117:14 manager 178:9 214:20 215:10 mandatory 245:15 245:18,24 manual 32:2,11 37:6 50:7 56:25 60:8 69:16 137:23 138:1 138:7,21 159:3,8,13 159:17,18,20 160:12 171:6,10 195:10 216:15 manually 149:6 216:12 manuals 137:23 manufacturer 241:22,23,24 manufacturers 14:16 maracas 1:18 7:7 250:4 marcelo 156:24 margin 62:21 marked 48:13 93:16 94:5 95:22 103:18 117:9,11 125:18 126:9 127:4,9 128:1 128:10,15 130:5,17 131:1 134:11 142:16 143:5,19 145:16 146:15,23 147:15 149:13 150:1,19 151:14 152:3 153:14 156:1 156:14 157:6 158:3</p>
--	---	---	---

[marked - morning]

163:7 164:10 169:22 171:12 185:8,20 187:4 191:10 192:12 195:24 203:1 208:24 222:23 223:11,20 224:16 226:18 227:11 228:24 229:5 231:23 232:4,10,16 marketing 23:13 90:15 119:9 marking 236:9 marshal 72:13 marshals 14:17 17:6 17:15 75:25 maryland 11:8 massachusetts 1:21 1:22 7:11 10:16,18 84:18 250:1,5 material 63:17 97:24 101:15 105:14 113:4 148:23,23 149:2 166:8 169:13 170:3 171:25 174:22 175:7,8,13,17,19 176:4,12,25 177:15 178:12 181:24 187:15 188:24 189:17,20 197:22 197:24 198:23 199:24 212:14 217:6 219:13 221:13,19 223:23 224:2 225:15,25 228:3 229:12 233:17 243:23 materials 1:4 7:13 157:21 163:5 165:11 172:11 197:12 212:20 214:12 217:18 matter 51:17 198:23 243:20	matters 250:8 mean 12:8 14:7 18:3 21:3 26:5,17 28:10 30:8,17,20 34:6,23 38:13,15 39:13 51:20 68:5,25 95:13 97:13 120:18 129:5 155:4 162:8,18 177:12 206:6 230:7 230:11 241:2 meaning 68:21 101:10 means 151:12 170:12,22 206:18 219:5 237:11,17 meant 120:23,24 194:1 measure 211:16 mechanism 203:18 mechanisms 181:12 media 14:3 16:14 24:1,4,5,5,7 26:9 190:14,19,21 meet 9:17 17:6 67:4 235:23 meeting 9:20 10:1 20:23 25:4,18,18,19 26:5,6,8,11,13,24 27:1,3,8,10,10,14 32:8 38:7 63:1 67:7 69:13,25 70:3 76:10 110:23 130:4 205:21 217:21 233:15 234:6 meetings 25:2,7,17 25:23 26:1,14,16,20 26:22 27:5,19,22 28:2,3 76:2 205:22 217:17 233:18,20 233:21 234:3,12 meets 36:4 member 19:11,16 19:17,22,23,25 50:24 70:14 84:15 85:15 89:15 92:13	103:23 104:11,14 104:19,19,21 105:12 114:6 117:25 129:14,16 130:1 133:10 143:16 148:4 157:2 158:13,16,17,18 186:19,19,23,24 199:20 205:22,23 members 16:7 26:9 29:22 30:3 34:25 35:1 50:7,14,18,20 50:22 52:16,19 53:2 53:8,15,15 54:10,12 56:14 57:5 63:11 65:1,4,24 68:13,22 70:10 72:5,24 73:14 73:20,22 74:7 75:17 114:24 129:9,10,13 129:20 133:3,13,14 133:14,17,18 134:7 159:22,23 179:25 186:25 202:10 203:19 205:3 234:1 234:7,11 239:5 membership 19:5 51:8,13 53:21 103:25 104:20 115:5,6 memberships 19:20 mental 10:8 mentioned 16:14,15 31:18 53:20 64:8,12 72:17 136:14 140:8 195:10 201:14 212:10,24 menu 104:11,13 met 207:24 method 64:14 136:5 235:15 microphones 7:17 middle 79:4 97:10 103:1 mind 18:19 195:13 244:12	minimum 15:19,21 16:4 24:17 mining 80:18 minor 204:10 minute 16:11 153:4 200:19 minutes 77:16,18 85:8 150:9 157:19 205:25 mischaracterizes 29:1 46:7 65:3 66:19 68:24 105:10 110:20 166:19 169:5 174:15 179:7 202:15 218:10 misrepresents 157:14 mission 2:8 14:22 67:10 74:11,17,20 75:2 76:19,19 78:4 120:6,9,11,12 misspoke 184:14 misstate 151:1 mitch 2:19 8:13 mix 157:16,20 mm 34:22 mockup 100:10 101:3 model 215:20 modifications 107:13,15,24 modified 32:14 60:5 60:7 61:17 62:18,20 62:22 modify 33:1 70:18 155:16 modifying 74:22 moment 54:19 96:2 moments 93:14 monday 9:25 morgan 2:3 9:2 morganlewis.com 2:5 morning 7:2 9:11,12
---	--	---	---

[motion - nfpa]

<p>motion 38:14,18,20 38:21 39:2,6,7,11 39:20 40:9,17,19 41:2 70:3 motions 38:23 39:3 39:9,22,25 40:1,3,4 40:5 41:10,22,22 42:19,20,21,22 43:15,17 44:14 70:1 motivate 72:18 motivation 71:14 76:12,17,25 77:2 motivations 76:16 move 64:5,23 69:14 70:1,5,10 71:2,8,12 71:19 72:6,21,25 73:10 87:7 120:11 169:12 moved 62:17 190:9 moves 57:16 69:20 mto.com 2:10 mullen's 78:5,18 multipart 51:15 multiple 44:2,6 45:9 45:24 110:8 123:16 145:14 162:4 207:12,13 multistep 40:7 multitude 14:25 15:17 24:14 123:16 munger 2:7 8:21</p>	<p>nation 20:8 nation's 74:25 national 1:6,16 7:8 8:22,25 18:23 19:25 80:1 121:4,16 130:11,14 131:16 135:22,24 137:18 137:25 145:25 146:5,8,12 151:20 154:1 157:10 158:18 160:14,17 160:24 161:4,6 163:18 170:1 171:9 171:16 173:5,12,20 173:22 178:13,20 178:24 179:10,18 179:20,21 180:6,16 181:5 182:19 183:9 183:13 185:13 186:20 191:16 192:18,25 199:4 203:6 206:24 207:7 208:7 209:4 210:20 210:21 223:3,16 236:15,19 239:12 239:14 240:5 243:6 nature 59:24 navy 11:1,6 near 102:2 115:18 242:6 nec 58:22,24 60:14 62:2,9,12,21 159:17 161:18,25 162:21 163:15 171:10 174:1 185:2 191:22 237:8,14 238:11 necessarily 106:20 need 15:15 65:23 70:17 71:10 78:2 89:19 108:4 120:3 125:11 148:18 173:17 195:21 215:1 245:14 needed 66:2 140:14 140:15 162:24</p>	<p>215:11 needs 15:6 70:16 72:16 neither 250:12 neutral 65:19 never 121:8 140:21 200:5 225:25 new 12:5 17:24,24 17:25,25 18:1,2 32:14 39:17 61:14 61:20 62:19 65:13 66:22 74:21,21 144:10 155:11,14 161:8,8 162:25 170:4 171:1,4 174:5 185:14,17,18 186:1 186:3 187:24 204:8 205:1 216:23 newer 209:12 nfpa 2:9,18 3:9,11 3:13,14,16,17 5:12 5:13,14,15,17,18,19 5:20,21,23 6:5,6,8,9 6:11,12,13,14,15,17 6:18,20,21 10:19,21 10:24 11:9,24 13:2 13:2,12 14:11,20 15:16,25 16:13,18 18:7 19:9 20:14 21:20 22:3,9,14,21 22:22 24:14,19,24 25:3,13 26:5,13 27:3,5,8,12,18 30:10 31:25 32:21 32:24 37:3 49:12 50:10,18,24 51:21 52:16,19,22 54:7,8 54:12,23 55:2 59:21 60:15,24 63:10,18 64:4 65:1,4,10,16 65:23,25 66:3,4,25 70:21,24 73:14 74:11 75:22 76:3,6 76:19,22 77:9,21 79:20,23,25 80:1,2</p>	<p>80:8,14 81:1,18,23 82:16 83:14 84:7 89:17 90:12,21 92:15 96:8 97:11 98:9 101:5,8,16,17 104:21 105:13,16 105:17 106:24,25 107:4,8 108:14 110:17 111:4,5 112:13,24 113:9,12 113:23 116:6,8 117:19 118:1,3,19 118:24 119:11 120:7,10 121:1 123:2,15,20 125:8 125:15,21 126:2,4,6 126:18,20,25 127:13 128:5,18 130:8,20 131:5 135:13,14 137:23 138:17 142:19 143:1,8,22 144:4,22 145:19 146:19 147:1,19 149:17 150:4,12,22 151:7 151:18,25 152:6,12 152:14 153:19 154:3,5,8,16 156:4 156:17,22 157:4,23 158:6 159:16,17,25 161:8,13 162:1 163:10 164:13 165:7,9 166:3,21 167:7,9 168:1,2,6 168:18 172:14 173:3,10 174:23,23 175:12,16,17 176:3 176:5,11 177:2,19 178:11 179:4,24 180:24 181:7 182:4 186:13,24 189:9,21 189:25 190:15 191:6 193:13,21,22 194:17,19,24 195:4 197:25 198:6,16</p>
<p>n</p>			
<p>n 1:18 3:1 7:1 38:12 name 7:6 10:12,14 99:15,18,24 143:15 152:11 196:11 240:16 241:4 named 13:14 250:7 names 134:6 240:11 241:12,19 napa 126:17 narrative 41:17 42:7 43:11 44:23</p>			

[nfpa - objection]

199:13 200:9,10,23 201:7,16,24 202:10 203:14 205:3,8 207:18,20 208:16 209:5 210:25 212:24 213:7,12,18 220:15,22 221:1,10 221:20 222:1,6 223:5 224:13,20 225:2,17 226:4,7,10 226:23 227:15 229:3,9,16,22,24 230:12,16,20 231:6 231:12,13,19 232:3 232:9,15 233:9,23 235:2,7 239:5 243:24 nfpa's 14:1 18:12 50:15,22 58:12 64:2 77:20 79:12 82:16 82:23 83:12 84:15 85:17,25 86:25 88:24 89:14,15 90:8 90:22,23 91:16 92:13 93:4,24 94:22 95:7,15 96:20 98:15 100:20 114:18 117:12,14 119:1,12 119:21 120:18 121:5,18 122:19 123:7 126:12,24 138:4 156:11 157:9 159:13 161:3 171:6 174:6,11 175:19 176:14 178:13 183:5,8,22 184:5,17 187:11 194:8 202:12 212:10 220:18 224:7 232:23 nine 52:1 215:9 nitmam 40:8,15 nitmam's 38:12 non 65:1 145:24 165:8	normal 95:1 137:6 178:21 242:13 normally 100:18 146:6,7 notary 1:19 250:5 250:21 note 7:15 97:10 126:1 144:12 156:6 158:25 159:5 188:1 191:7 224:2 noted 45:2,16 134:22 notes 96:23 187:12 notice 26:7 38:14 40:8 112:1 118:7 141:5 148:21 180:18 181:16 182:8 190:9 191:9 199:6 200:14 202:5 242:5 notices 181:21 216:11 notify 181:7,25 182:4 notifying 181:12 npc 20:1 ntsb 72:13 number 76:17 111:12,21 112:10 112:11 117:25 125:10 159:9 175:4 175:21 181:12 183:1,4 190:25 208:20 213:19 214:23 215:5,12,25 224:7 235:2 numbers 102:8,9 111:1,2,10,15,22 112:3 144:15 154:6 158:22 207:18 235:11,17 236:10 numerical 102:14 numerous 151:3,5 153:25	nw 2:4 nxk 101:5,19,23,25 o o 7:1 99:17,18 116:18 oath 7:21 9:15 250:9 object 15:10 23:2 24:18 25:14 27:4 28:5,25 29:14,25 30:21 31:7,13,21 32:4 34:9,15 45:14 54:3 55:1 58:13 75:8 76:15 79:14 85:19 86:2,12 87:16 87:22 90:16 91:24 91:25 92:1,17 93:5 94:23 98:11,16 100:6 105:9,24 107:1,5,20 109:3 110:6,19 111:7 118:5 119:24 120:20 127:21 128:23 129:23 131:20 132:2,9,16 133:6 134:18 136:18,23 138:5 139:2,10,21 140:17 141:15 142:12 144:7,25 145:8 149:23 150:17 155:1,8 157:13 159:14,24 160:16 160:22 161:10,17 162:5 163:2,19 164:20 165:21 166:17 167:13,14 168:5,14,20 169:4 170:23 172:3 173:6 173:14,15 174:14 175:3,20 176:15 178:14 179:6,15 180:3 182:1,6,7 186:15 189:12 192:4 193:15 194:3	195:3 197:8 198:4 198:11,17 199:15 200:1,12 202:14 203:11,16 204:5,14 205:6 206:7,11,19 207:1,9,23 208:11 208:18 209:22 210:4,13,22 211:14 218:1 220:19 225:22 227:2,8 228:14 229:19 230:8,14 231:14 240:7,15 243:14,25 244:20 245:10,21 objecting 42:9 235:25 objection 15:23 16:5 17:12,16 19:4,10,14 20:16,21 21:14,23 22:10,16,23 23:8,12 23:16,23 24:25 25:21 26:21 27:6 35:22,25 36:20 38:2 39:5,16 40:6,12,24 41:6,16,18 42:5,11 42:25 43:9,22 44:18 45:12 46:2,6 49:10 49:19 50:23 51:14 52:18 53:10 54:14 55:25 56:18 57:9,21 58:23 59:23 60:1,25 62:13 64:11 65:2,8 65:15 66:6,18 67:15 68:3,23 69:22 70:12 71:3,21 72:7 73:1 73:15 74:9,18 80:4 82:6,18,25 83:15 84:1,8,16,20 87:2,7 87:8 88:4 91:7 99:5 106:4,18 108:1,17 109:12 110:8 112:15 113:6,14,25 115:13 118:15,22 119:3 121:6 122:1,5 122:12,21 123:5,14
--	--	---	---

[objection - page]

<p>123:23 133:15,19 141:2,25 142:4 146:2 148:15 150:25 160:9 161:19 169:17 176:6 180:25 181:10 182:20,24 183:2,10,15,23 184:8,20 189:24 197:15 199:2,8 214:4,16 216:16 218:9,17,25 219:8 219:20 220:11 221:3,12,22 222:3 224:8 228:18 231:2 231:20,21 233:24 234:14 243:3 objectionable 47:25 objections 10:4 42:17 44:4,8 45:1 45:15 46:16 47:13 47:25 63:13 90:25 121:19 162:13 169:19 201:3,9,19 201:20 202:1 204:20 210:8 obtain 178:11 181:23 220:15 obtained 199:22 obtains 199:13 obvious 46:22 221:14 occasionally 238:14 occasions 21:10 occupation 213:14 occur 39:9,20 occurred 32:7 56:15 195:12 237:9 238:10 october 117:15 officers 50:5 244:22 offices 32:24 officials 17:7 52:5 75:24 76:7 242:3,4</p>	<p>oftentimes 53:14 61:5 141:17 149:8 oh 52:14 okay 27:24 48:6 104:10,20 151:7 224:5 236:7 247:24 old 58:24,25 59:8 61:9 64:13 65:11 145:4 155:10,13 168:6 216:6,12 olson 2:7 8:21 omf 19:23 once 33:9,15 34:1 35:13 37:14 43:15 ones 18:19 113:24 141:9 142:7 online 36:1 40:16 80:25 81:4,12 103:22 113:2 115:9 135:19,20 205:1 214:8 215:13,16 216:24 op 10:25 11:5 open 24:19 26:1 35:16 38:6,11 58:7 71:9 129:18 205:13 233:18 234:11 opening 243:5 operation 23:10 operations 13:22 19:2 22:8 49:20 opinion 69:24 76:18 83:16 84:9 92:21 94:24 98:12,17 99:6 105:11,25 106:5,19 107:8 117:7 120:21 121:23 138:12 139:3,12 140:18 144:12 164:21 165:23 167:15 169:6 173:8,16 174:16,17 188:11 188:12,14 192:6 194:4 197:9,16 198:5,12 199:3,9,16</p>	<p>200:2 205:7 206:12 206:20 211:16 233:25 243:16 244:21 245:11,22 opportunity 35:1 43:16 opposed 63:10 116:15 opposing 111:11 option 171:17 order 12:11 24:23 41:2,23,24 42:21,21 56:8 70:2 79:11 80:25 82:15 83:10 84:13 85:16,24 86:5 86:24 88:8,20 89:18 90:1 91:14 92:11 93:3 102:14,14 103:12 110:17 135:8,20 191:6 208:4,21 213:4 233:10 242:7 orders 242:16 ordinary 125:21 126:14 127:14 128:5,19 130:9,21 131:6 142:20 143:9 143:23 145:20 146:20 147:2,19 149:17 150:4,13,23 151:8,18 152:1,7 153:20 156:5,18 209:6 223:6 organization 19:3,6 22:25 23:5 117:14 174:10,18 179:11 186:10 187:2 209:12 organization's 173:25 organizational 19:22 186:25 organizations 18:18 19:7 64:20 138:19 139:9,20 173:4,11</p>	<p>173:19 174:24 179:13 245:25 original 148:22 161:22 162:2 165:8 177:5 212:15 223:23 224:2 225:15,25 228:3 229:12 originated 174:9 origination 100:25 originator 176:23 outcome 7:23 outcomes 75:7,12 outreach 23:19 24:4 outside 15:11 90:17 91:12 118:6 180:17 182:8 184:9 190:9 200:13 202:4 230:9 230:15,21 231:15 overall 136:20 195:14 overarching 54:5 74:10 76:19 overhauled 161:7 overseeing 13:21 244:16 overseen 239:16 overturn 38:24 overwhelmingly 76:17 owen 131:11,13 132:5,14,25 133:9 owned 192:2 owner 98:4 178:25 179:14 221:17 owners 176:3,12 owns 92:15</p>
p			
<p>p 2:12,18 7:1 p.m. 248:5 page 3:8 4:3 5:3 6:3 79:18,18 80:6 84:25 93:21 94:10 96:13 97:7 99:14,16,17</p>			

[page - pick]

<p>102:1 103:7,11,12 105:5,6 115:16 117:19,23 122:24 122:25 126:5 127:19 133:4,4 147:9 148:22 153:19 158:21 169:3 171:17 187:14,22 188:2,2 197:1 206:3,5,10 236:14,24 237:3,7 237:25 238:18,18 238:23,23 240:22 242:5,6,21,23 243:1 243:12 pages 1:25 58:3,4 79:5 81:20 96:11 102:16,24 103:1 125:6 147:13 158:23 181:3,14 188:2 239:4 240:3 panel 132:15,15 133:1,1,24 134:7,7 159:23 186:19 241:5,6 panels 131:15 133:3 158:16,17 159:10 239:11,15,23 240:4 paper 114:15 135:18 136:10 151:11 187:16 188:18,24 215:21 216:6 papers 117:22 195:1 paragraph 126:20 145:7 238:2 paragraphs 84:25 85:3,14 86:10,22 87:11,14,20,24 88:2 93:14 238:15 parentheses 193:10 223:25 224:1 park 10:18 part 15:3 16:21 18:8 22:7 23:21 40:14</p>	<p>57:22 64:21 67:18 71:9 87:21 95:12 96:14 97:4 101:18 103:23 105:17 125:8,15 128:6,19 131:6 141:1,16,18 142:20 143:10,24 145:21 146:20 148:17 149:11 154:17 164:8,14 174:6,7,11 176:8 177:9,13 181:20 204:19 206:14 223:7 244:22 partial 152:8 partially 239:13 participant 129:2,7 157:4 participants 107:17 108:15 110:16 125:23 128:21 129:8 131:18 159:9 200:7 207:21 participate 24:15 49:17 51:19 75:18 76:13,22 96:10 110:17 205:13,16 205:19 participated 179:1 240:12 participates 50:13 105:12 participating 106:24 111:5 215:5 participation 65:17 75:23 76:4 77:3 125:23 particular 161:14 162:10 164:1 175:1 207:3 parties 7:16,24 15:18 16:24 24:15 250:14 partly 245:23</p>	<p>party 7:21 51:23 71:13 119:1 paste 123:3,22 pasting 123:10 patrick 178:9 paul 132:7,12 pauley 117:18 152:11,12,15,23 158:6,11 pause 132:17 146:17 pay 76:3,6,9 payment 77:20 pays 75:17 pc 102:5,6 pdf 136:9 242:7,10 242:16 pdfs 135:19 peer 18:15,17 19:3 penalty 249:1 pending 44:19,21 45:4 47:3,6 132:19 pennsylvania 2:4 people 21:12 75:21 76:20 77:6 90:13 136:8 176:4 178:5 181:25 203:8,15 204:7 205:11 214:14 216:7 people's 75:21 percent 70:4 76:9 217:15 percentage 216:24 217:3,11,23 218:14 218:22 219:17 perform 214:14 performed 227:20 period 35:16 36:3 118:7 136:16 161:4 perjury 249:1 permissible 230:11 permission 98:3 166:3,11 173:3,11 173:21 175:18 177:15</p>	<p>permissions 118:25 177:20 178:10,19 197:21 permitted 98:7 99:10 233:19 234:3 234:12 person 40:15 64:19 70:20,23 73:3 77:1 101:22 111:4 146:4 168:17 189:10,23 194:13 221:24 226:6,10 250:7 person's 226:3 personal 73:8,9,12 80:17 91:9,11 104:3 118:10 119:6,7 121:8,23 139:12 144:12 165:23 174:17 personally 95:17 143:14 186:18 190:12 personnel 23:19 persons 50:21 54:1 64:19 76:3,12 90:22 147:5 165:10 176:13 179:1 180:1 182:4 190:16 204:2 214:1,23 215:5,15 216:3,14 218:15 230:12 233:19 238:17,22 239:2 240:12 perspective 81:9 140:20,20 162:7 pertaining 112:5 163:17 petroleum 165:19 165:25 166:2,4 photocopy 96:24 phrase 193:3 210:11 physical 10:8 piccirilli 2:15 7:6 pick 7:18</p>
--	---	---	--

[picked - privilege]

<p>picked 45:17 picture 172:23 piece 32:1 place 7:16 15:6 19:1 80:17 104:23 105:1 107:13 144:8,20 145:1,11 places 62:25 99:25 148:8,10 plain 56:23 plaintiff 1:14 9:7 plaintiffs 1:9 platform 30:11 99:23 124:4 platforms 81:10 123:17 207:13 plays 52:22 155:5 pleadings 118:14 200:16 202:4 please 7:15,23 10:12 11:2,9,22 40:11,23 41:4,14 42:3,6 43:21 44:3,5 45:7,8 46:9,14 47:1,2,3 59:25 72:4 87:9 93:18 94:7 95:25 96:17 103:20 155:3 171:14 173:17 185:10,23 186:9 187:6,9 191:12 192:14 196:1 203:3 203:13 209:1 211:21 217:25 222:25 223:13 224:18 226:20 227:13 229:1,7 231:25 232:6,12,18 236:11 plus 70:4 161:3 point 13:12,14 37:25 38:17 43:2 45:18 67:25 97:14 101:12 108:20 110:7 113:13 129:12 144:19,23</p>	<p>145:11 161:6 162:1 169:20 192:24 193:8 221:5 points 24:21 44:2,6 45:9,25 47:18 237:2 policies 166:10 197:18 policy 19:25 97:19 98:9,15 99:1 105:19 110:22 116:8 123:7 123:9,12 144:8,20 144:20 145:1,2,11 165:13 166:6 167:22 169:9 172:20 175:10,22 180:5 199:17 202:18,24 212:17 219:10,16,19 220:9 220:22 228:4 232:23 233:1,3,12 poorly 47:19 portion 28:1 48:18 48:21,23 152:10 167:4 170:9 189:8 191:24 206:17 portions 32:20 215:2 239:24 240:4 position 19:13 67:23 94:18,25 109:5 198:6 225:2 positions 11:10 positive 114:4 possesses 125:15 possibilities 192:7 possibility 228:17 228:19,20 possible 139:14 194:24 221:16 228:11 post 98:3 181:3,13 posted 177:16 posting 98:6 postings 184:5,17 185:4</p>	<p>potential 57:14 174:19,25 200:18 212:21 239:23 potentially 120:15 pound 148:11,11,11 power 241:1,11 pr0020393 3:17 pr0038497 3:14 pr0038518 3:16 pr0038683 5:18 pr0038686 5:14 pr0038697 5:15 pr0039043 5:17 pr0040625 6:18 pr0042201 6:6 pr0042205 6:5 pr0044700 6:20 pr0048987 5:12 pr0048992 5:20 pr0049128 5:13 pr0049260 6:13 pr0049264 6:14 pr0049521 6:15 pr0050050 6:12 pr0055814 6:8 pr0066821 5:21 pr0066842 5:23 pr0068261 6:9 pr0092763 6:21 pr0092773 6:17 pr0092785 6:11 pr0096607 5:19 practice 166:10 225:17 practices 139:8 222:9,11,13 precautionary 211:16 preclude 123:2 prediger 233:5 preparation 217:20 246:13 247:1,4 prepare 88:20 89:4 108:24</p>	<p>prepared 207:17 preparing 89:6 216:9 217:5 244:16 present 2:17 8:6 10:1 17:8,11 69:10 233:17 presentations 16:19 16:23 17:3 18:11 preserving 125:22 president 10:20 11:15 13:14,19 54:8 117:19 152:12,14 152:16 200:5 presidents 118:2 presumptive 34:13 pretty 43:12 103:6 preventing 75:13 previous 61:12 62:16 64:14 93:12 122:3,9 196:19 208:13 previously 52:21 73:5 86:3 87:10 88:5 93:13 207:11 210:24 primarily 13:20 14:12 24:1 114:2 primary 11:25 13:24 14:1 16:13,17 18:12 21:21,25 24:3 28:6,14 31:6,8 76:25 77:1 115:1 116:10 163:3 205:8 219:15 principal 11:14 104:11,19 240:18 prints 100:2 prior 33:7 91:21 114:15 237:16 private 7:18 20:3 77:23 234:2 245:24 245:25 privilege 100:7 247:20</p>
--	---	--	---

[privileged - protect]

<p>privileged 98:18 probably 21:8 135:16 141:9 problem 159:1 172:12 193:8,23 194:2,20 procedures 3:10 49:12 118:24 proceed 7:25 8:9 47:1,2 87:9 110:12 proceeds 9:18 10:4 process 12:6,13 15:17,19,22,25 16:20,22 24:16,20 32:1 37:24,25 38:4 38:5,17 40:7,10,14 40:23 41:4,5,8,20 42:1,4,16,18 43:3,5 43:8,25,25 44:6,13 45:9,18,20,22,24 46:9,12 47:15 49:7 49:15,18 51:2,24 53:1 54:6,7,20 58:7 59:18 61:13,14,20 64:1 65:7,18 70:8 71:9 73:23 76:22 77:4 90:14 92:10,22 94:13,17 97:14 101:9,10 103:23 105:13,18 106:25 108:3,9 110:18 111:6 114:7 116:22 121:2 125:9,16,24 126:13 127:15 128:7,20,22 129:2,7 129:19 130:23 131:7,19 137:7 138:14 140:24 142:21 143:10,24 144:10 145:21 146:21 147:3,21 149:19 150:6,14,24 151:9,20 153:22,25 154:17 155:6 156:6 156:19 157:5,25</p>	<p>158:8 163:12 164:15 168:6,18 174:5,13 175:1 176:5 177:21 179:2 183:17,25 189:2 198:21 199:19,20 199:23 203:10,14 203:23 204:18,22 205:9,13,18 207:22 208:2 214:6,22,24 215:6 216:5,12,15 216:20,22 217:6 220:6 222:7,10 223:8 226:5,8 229:23 233:7,8,14 243:23 244:4,7,8,14 processed 148:19 230:23 processes 107:18 produce 31:5 38:8 82:7 104:8 189:7,25 produced 82:9,19 109:13 111:16 112:4 114:19 117:12 126:25 189:9,21 197:12 222:21 235:11 236:5 produces 190:5 product 119:9 196:6 196:12 production 32:25 33:5 37:9,14 62:3 100:3,11 111:1 112:11 114:19 149:7 181:5 187:20 products 196:21 223:18 professional 1:19 69:24 77:7 99:11 250:5 professionally 70:18 programs 11:19 progress 74:8,19 75:5</p>	<p>progresses 68:16 progressing 74:15 prohibit 146:13 prohibited 65:10,14 65:16 project 33:10,16 37:22 62:5 135:21 178:6,7 214:19 215:9 216:8 225:3 227:19 228:5 projects 39:24 48:19 194:9 promote 25:25 proper 26:23 60:16 194:15 properly 37:5,11 56:7 106:12 114:13 property 64:2 74:13 75:15 78:3 97:21 98:23 99:9 105:15 106:9 107:16,25 108:13 109:2,11 110:4,16 120:4,11 120:19,24 168:24 174:6,12 proposal 63:16 64:16 68:10 105:20 107:12 109:8 129:1 129:3,5,17 130:10 130:12 131:17,22 134:20 145:4 146:19 147:1,7 149:20 150:7,16 152:19 153:2 155:4 159:7 164:6 166:23 167:3,18,20 170:7 170:11 191:22 192:9 194:9 203:9 204:8 205:17 207:16 209:3,5 210:19 212:11,18 219:11 223:16,17 223:23 224:15,20 224:22 225:5,21 226:23 227:15,25</p>	<p>228:12,16 229:3,9 229:11 232:2,8,14 proposals 59:3,9,10 59:16 63:3 64:9,12 64:21 65:11 131:25 134:16 135:14 143:1 144:5,9,15 147:5,18 148:22 150:22 151:17,24 154:23 155:10 157:9,16 159:11,25 160:2,4,11 164:23 165:7,10 167:24 168:7,8 178:22 179:2 180:1,7,9 187:12 189:11,22 192:18 193:13,24 194:7,18 196:4 200:8 203:5,15 204:1,2,13 205:4,19 206:23 207:7 212:22 213:20 214:1 217:18 220:17 222:17 223:2 224:14 propose 174:5 202:12 204:8,10,11 proposed 33:18,20 35:24 37:10 38:25 55:18,23 64:9 65:5 65:6 70:5 75:6 101:14 147:12 151:5 165:17 166:14 167:5,8,12 170:4 175:5 176:13 177:10 185:14 186:1 188:18 191:22 194:23 195:7,9 203:20 proposes 191:17,18 proposing 56:17 66:22 192:10,21 protect 78:2 120:3,8 120:8</p>
---	--	---	---

[protection - read]

<p>protection 1:6,17 8:22,25 11:4 15:5 74:24,25 97:20 179:20 199:5 protective 208:4 protocols 118:24 provide 22:9,13 26:7 34:25 41:9 53:12 55:9,14 89:16 95:2 119:11 121:11 123:7,12,20 124:1 129:13 141:22 165:16 194:14 214:9 provided 58:15 109:7 111:9,14 145:5 165:15 171:25 172:7 190:16 206:15 208:6 224:13 228:22 provides 31:25 41:1 50:6 66:13,15 67:8 77:21 123:15 195:4 providing 22:18 52:24 68:15 89:21 119:15,25 120:13 182:11 public 1:20 14:5,7 16:9,14,22 22:4 23:19 24:3,22 26:7 26:10 29:16 35:14 35:16,20,23 36:3,5 36:9,13 38:6 39:6,8 55:17 58:7 63:2,3,4 63:12 64:20 65:11 65:12,12 68:10,11 75:24 76:7 77:19,23 79:11 80:20,24 81:17,22 82:14 84:15 85:15,24 86:24 88:23 89:13 89:16 91:14,15 92:14 96:8 97:2,6 97:15,22 100:18,19</p>	<p>101:7,11,14,15 102:4 105:19,20 106:7,8 109:8 114:3 114:3,5,23 115:3,3 115:4,17 116:7,9,14 116:15,15,19,20 117:2,3,5 119:17 129:3,5,9,17,18,18 129:19 130:1 144:9 144:9 145:3,3 155:11,14 159:11 159:23,25,25 160:4 167:23,23 176:1 177:8 185:12,24 191:15 194:10,15 194:16 200:7,8 203:5,19 205:4,24 212:18,23 213:3,9 233:14 234:1,2,11 234:15 250:5,21 public's 94:21 public.resource.org 1:12 2:13,20 7:14 public.resource.org. 8:12,15,17 publication 30:16 168:8 180:22 183:25 199:7 publications 79:7 97:18 121:2 publicly 25:25 58:6 58:9,22 159:16 164:24 168:3,7 177:18 publish 180:21,23 180:24 198:15,24 published 35:14 42:22 43:16 58:24 159:20 161:3 174:7 180:13,15 229:15 publishes 80:2 159:16 pull 69:9 104:11,13 purchase 181:19</p>	<p>purchasers 181:8 pure 57:3 purport 125:7,7 purpose 106:14 purposes 90:15 100:2,11 104:3 244:19 put 69:5 101:23 104:2 162:21 192:10 199:11</p> <p style="text-align: center;">q</p> <p>question 21:17 22:12,17 31:14 41:12,15,19 42:3,8 42:12,14,24 43:6,11 43:23,24 44:9,19,21 44:22,25 45:3,7,13 45:15,19 46:3,5,9 46:10,12,16 47:3,4 47:5,8,19 48:4 53:13 59:24 63:7 64:8,14 74:2 75:4,9 84:3 86:8,9,14,18 87:3 91:3,6,10,21 91:21 92:2,19 110:3 110:7 111:8 112:16 112:19 115:23 118:5 121:15 122:11 126:11 127:22 128:24 132:19,21 140:19 141:11 142:13 143:7 145:6 148:13 154:13,15 155:2,9 157:13 162:7 164:18 166:17,18 168:21 173:7,9,15 176:19 178:17 182:2,7 184:15 185:3,7 192:5 198:13 200:5,17,18 201:1,4 202:2,17 203:11,17 207:24 211:15,21 217:22</p>	<p>217:23,25 218:2,12 218:21,21,24 219:2 219:17 220:13 231:15,21 238:21 238:25 240:8 241:3 243:15 246:17,22 246:25 247:19 questioned 226:1 questioning 184:9 191:8 questions 12:1 15:11 42:6 47:21,23 55:12 78:16 127:6 127:11 128:3,12 176:17 183:13 205:10 207:25 243:22 246:8 247:9 247:13 quick 48:25 53:12 quincy 10:18 quite 31:23 47:18 135:4,9 154:25 quote 242:13</p> <p style="text-align: center;">r</p> <p>r 7:1 116:18 range 111:18 ranges 235:8 ranking 117:25 ray 240:24 241:7 raynham 10:16 reach 98:3 101:11 reached 246:3 reaches 102:24 read 69:4,6 77:21,24 79:12 80:25 81:17 81:22 82:15 83:11 84:14 85:3,5,9,17 85:21,25 86:6,11,25 87:10,15,24 88:23 89:14,19 90:7,11,23 91:5,6,16 92:6,12 93:3,13 94:21 119:12,15,18,21,25 120:1,7,14,16 121:3</p>
---	---	--	--

[read - rehn]

121:5,14,16,17 122:18,19 123:4,7 123:10,12,18,21 124:1,2 172:4 211:21 reading 80:15 152:22 ready 60:13 61:17 217:9 realize 204:23 realizing 195:21 really 16:24 17:14 23:17 55:20 56:21 reason 10:8 43:5 65:16 95:4,13 97:15 134:3,8 135:6 137:22 163:3 204:7 211:11 reasoning 190:4 reasons 35:2 73:18 74:4 203:22 recall 12:17 20:4 24:11,12 109:2,5,11 110:5,13,15 112:25 122:23 126:6 141:1 141:13,24 142:2,3,5 142:7,10 143:18 193:22 196:16,19 196:22,24 222:1 227:17 237:16 246:12,16,21 receive 10:5 11:17 77:2 143:3 205:10 212:25 received 112:13 128:6 130:10 136:12 156:9 177:20 187:19 190:12 201:2,12 207:21 receives 34:12 143:1 recirculated 34:2,5 34:19 recognition 77:8	recognize 78:25 79:1,10 93:19 94:8 94:12 95:25 99:19 131:4,9 142:18 143:8,22 145:19 146:18,25 147:18 149:16 150:3,21 151:2,4,16 152:5,11 153:17 154:2,15 156:3,10,16 157:8 158:5 163:10 164:12 196:11 209:16 recognized 150:11 recollection 12:20 20:12 21:5 40:1 136:3 140:3 196:14 213:16 221:23 recommend 167:21 recommendation 185:19 187:23 194:22 232:20,24 233:7,10,13 recommendations 54:8 recommended 155:12 167:3 203:21 recommends 167:18 167:19 record 7:3,17 8:7 10:13 30:24 32:6 36:22 47:10,15,18 48:2,5,7,9,12 55:8 57:25 88:14,18 111:9 124:10 125:3 125:20 130:22 134:10,22 151:12 152:2,10 153:6,9,13 164:8 170:7 177:10 177:14 188:22 203:23 207:14 211:2 212:1,4,8 228:23 234:17,21 234:24 235:1,5	248:3 250:11 recorded 7:4 31:9 37:11 recording 7:16 55:19,20 recordkeeping 131:8 records 57:18 126:13,24 128:18 131:5 151:25 152:6 161:21,23 176:1,11 177:3 178:4 188:14 redirect 247:14 redline 242:7,10,11 242:15,16,20 reduce 15:2,9 74:12 reduced 250:10 reducing 14:23 75:13 refer 18:17 207:25 230:12,16,18,19,25 231:18 236:24 237:25 reference 133:2 165:18 166:15 171:21 177:8 189:16 209:9 210:11 229:15,17 240:24 referenced 229:21 references 133:24 172:5,7,15 175:8,9 referencing 209:12 referred 40:5 103:14 104:15,17 104:20 114:10 133:1 184:10 187:21 229:24 231:12 referring 17:22 81:7 116:5 161:18 165:1 187:25 189:16,20 198:25 199:10 206:8 210:15 224:3 236:10 237:5	242:25 reflect 31:10 131:17 132:13,22,24 137:1 reflected 240:13 reflecting 130:10 reflection 37:18 reflects 31:4 147:8 refrigeration 1:8 refusing 46:3,5 regarding 74:15 98:9 115:12 118:25 130:10 174:24 189:10,19,22 regional 162:16,23 register 83:6 89:16 89:20,25 92:4,23 registered 1:19 46:15 250:4 registering 89:21 registrants 90:19 registration 90:14 regulate 50:9 regulation 18:8 regulations 3:9 39:23 48:19,21,24 49:1,3,6,14,20 50:2 50:3,4 51:21 137:3 194:8 244:3,9 rehn 2:7 3:5 8:3,20 8:20 15:10,23 16:5 17:12,16 19:4,10,14 20:16,21 21:14,23 22:10,16,23 23:2,8 23:12,16,23 24:18 24:25 25:14,21 26:21 27:4,6 28:5 28:25 29:14,25 30:21 31:7,12,21 32:4 34:9,15 35:22 35:25 36:20 38:2 39:5,16 40:6,12,24 41:6,18 42:5,7,17 42:25 43:9,22 44:4 44:8,18,22 45:3,6 45:12 46:2,6,15,18
---	--	--	--

[rehn - request]

47:2,7,17 48:6 49:10,19 50:23 51:14 52:18 53:10 54:3,14 55:1,25 56:18 57:9,21 58:13 58:23 59:23 60:1,25 62:13 63:13 64:11 65:2,8,15 66:6,18 67:15 68:3,23 69:22 70:12 71:3,21 72:7 73:1,15 74:9,18 75:8 76:15 79:14 80:4 82:6,11,18,25 83:15 84:1,8,20 85:4,19 86:2,12,17 87:2,7,16,22 88:4 88:25 89:8 90:16,25 91:7,20,23 92:1,17 93:5 94:23 96:3,12 96:18 98:11,16 99:5 100:6,13 104:7 105:9,24 106:4,18 107:1,5,20 108:1,17 109:3,12,21 110:1,6 110:19 111:7,14,20 112:2,15 113:6,14 113:25 114:21 115:13,22 118:5,15 118:22 119:3,24 120:20 121:6,19 122:1,5,7,12,21 123:5,14,23 127:21 128:23 129:23 131:20 132:2,9,16 132:18 133:6,15,19 133:21 134:18 136:18,23 138:5 139:2,10,21 140:17 141:2,15,25 142:4 142:12 144:7,25 145:8 146:2 148:13 148:15 149:23 150:17,25 154:7,10 155:1,8 157:13 159:14,24 160:9,16	160:22 161:10,17 161:19 162:5,13 163:2,19 164:20 165:21 166:17 167:13 168:5,14,20 169:4,17,19 170:23 172:3 173:6,14 174:14 175:3,20 176:6,15 178:14 179:6,15 180:3,17 180:25 181:10 182:1,6,20,24 183:2 183:10,15,23 184:8 184:20 186:15 189:12,24 190:8,18 190:23 191:7 192:4 193:15 194:3 195:3 197:8,15 198:4,11 198:17 199:2,8,15 200:1,12,25 201:9 201:19 202:1,14 203:11,16 204:5,14 204:20 205:6 206:7 206:11,19 207:1,9 207:23 208:11,18 209:22 210:4,8,13 210:22 211:14 214:4,16 216:16 218:1,9,17,25 219:8 219:20 220:11,19 221:3,12,22 222:3 224:8 225:22 226:9 226:13 227:2,8 228:14,18 229:19 230:8,14,21 231:2 231:14,20 233:24 234:14 235:14,22 236:6 240:7,15 242:25 243:3,14,25 244:20 245:10,21 246:7 247:9,18 reimburses 75:23 reject 165:7,9 232:24 233:1	rejected 228:12 relate 159:12 related 7:21 13:6 20:15,20,25 45:20 74:14 102:13 152:19 155:20 163:16 164:6 211:8 217:15 250:13 relates 104:18 169:8 182:10 relating 12:1 16:19 96:7 106:22 137:11 158:7 160:2,5,11 164:2,25 177:20 181:17 185:1 201:13 209:3 232:8 relationship 228:8 relayed 132:14,25 release 107:10 142:8 174:22 212:20 221:7,9 releases 137:6 140:9 140:16 141:12,14 178:21 214:9 222:15 relevant 235:12 relies 15:25 120:10 rely 39:23 71:6 95:2 95:17 110:22 137:17,20 171:8 235:10 remain 37:17 remainder 32:15 remained 161:2 remaining 85:8 150:10 153:4 193:4 206:1 remains 108:9 110:3 121:21 198:9 218:4 remember 89:8 111:20 186:22 remembered 246:18 remind 31:12 remove 164:7	render 243:16 rep 240:25 repeat 38:3 47:7,10 238:20 rephrase 74:1 replaced 137:14 replaces 103:8 replicated 95:9 report 34:12 35:14 38:8,10,11 39:10,21 41:10 42:22 43:15 43:18 44:15 57:22 57:23 58:1,2,10,16 58:19 59:2,2,3,12 59:16 72:13 148:24 168:8,9 177:9,9,12 177:13 187:11 192:17 196:4 reporter 1:19 7:7 8:8 31:15 91:5 250:5 reporters 7:11 reports 57:24 58:8 58:21 59:4 72:10 73:17 97:17 represent 52:13 53:17 111:9,15 112:3 114:17,18 117:12 126:24 187:1 242:1 representation 50:17 111:23 112:2 125:13 208:1 240:20,21 241:10 representative 54:23,23 80:9 represented 186:10 representing 8:11 8:14,21 81:15 represents 165:24 241:9 reproduction 80:17 98:6 request 91:12 98:22 108:6 173:24 174:8
---	--	---	--

[requested - savings]

<p>requested 24:6 233:4 requesting 190:2 requests 121:10 173:18 189:25 190:7,12,21,22 require 97:24 116:8 166:25 167:24 168:22 194:9,17,19 233:9 required 27:2 36:12 36:16 51:22 83:4 102:18,20 106:24 108:15 113:12 177:15 178:19 193:23 197:20 requirement 29:4,6 29:8,11 56:6 67:2 69:3,4 74:22,23 163:16 164:2 194:6 requirements 16:8 18:10 32:14,18,20 77:25 80:11 91:14 119:18 120:2,17 139:16 163:6 180:8 182:15 194:20 195:23 239:24 245:2 requires 71:7 113:23 116:6 128:21 167:25 169:10 179:25 research 52:3 67:6 69:9 72:8 73:17 80:15 195:1 researching 193:17 resemble 126:6 residential 18:5 resides 91:12 resisting 43:5 resolved 170:20 resource 22:20,24 24:4 resources 214:22 220:5</p>	<p>respect 23:24 25:16 25:22 28:17 81:17 116:6 126:11 127:6 127:11 128:3,12,25 134:6,14 140:19 143:7 157:10 225:4 235:24 237:13 respond 227:24 responded 194:11 responders 75:1 responding 74:2 response 106:20 121:21 122:11 194:15 208:5 218:4 246:10 responses 24:6 36:9 responsibilities 13:20 28:15 responsibility 11:23 12:4 26:15 28:6 30:6,23 32:23 95:21 108:6 141:17,22 responsible 12:12 12:15 23:10 26:20 26:22 28:12 99:21 234:8 239:21 240:6 rest 40:10 42:15 restate 43:24 45:7 83:18 91:3 211:22 219:22 restrictions 80:12 result 228:15 resulted 75:14 results 34:2,4,5,13 34:19,20,23 35:9,13 38:17 73:24 retain 98:2 retired 131:14 return 37:3 39:11 39:13,18 returning 39:17 reveal 89:2 202:6 revealed 211:18 revealing 201:1</p>	<p>revenue 78:3 120:4 120:8 reverse 147:9 188:9 review 16:9 29:16 29:17 41:1,9 48:25 63:15,20 64:16 89:5 90:1 96:4 106:11 108:21 118:13 133:8 144:20 147:11,23 151:22 157:15,19 170:6 171:3 188:22 189:5 191:20 203:25 215:21 216:14,19 221:13 222:10 224:10 225:6 227:3 227:21 229:13 242:12 247:2,4 reviewed 108:23 212:18 215:17 246:13 247:6,7,16 reviewing 32:17 132:10 133:25 165:13 166:6 180:5 202:19,24 216:9 222:18 reviews 36:4 37:16 41:22 42:19 112:19 revised 38:5 revision 36:17,19 56:23,23 57:2,13,15 58:18 61:15,15 62:1 138:15 177:22,24 192:21 193:2 revisions 36:12 57:4 61:20 234:13 reward 77:3 rewrite 244:2,9 richard 131:11,13 132:5 right 24:17 56:7,7 56:25 96:16,25 115:2 124:5 126:16 131:23 158:25 165:4,23 221:8</p>	<p>224:4,24 237:2 239:3 241:22 242:6 243:2 245:5 rights 125:8 166:21 167:7,10 168:2,24 199:14,22,24 233:22 robert 224:23 robert's 70:2 robust 30:10 roger 154:20 role 11:25 12:19,22 13:8,9,10,12,23 14:12,13 22:2,21 52:22 67:9 70:20,23 80:23 186:14 roles 205:8 roll 238:15 room 66:20 rooms 26:18,24 rop 63:2 167:4 rules 50:4 70:2 153:1 run 27:18 181:5 running 27:13</p>
s			
<p>s 3:6 7:1 38:12 safety 14:22,23 15:1 15:9,20,22 16:4 17:5,7,18,21,25,25 24:17 72:2,15 74:23 74:25 75:12,13,24 76:20 120:5,9 188:16 195:14 196:6,12 213:14 223:18 232:21 sake 239:8 sale 120:10 sally 2:18 8:24 sample 104:5 113:9 238:12 san 2:9,13 savings 195:15</p>			

[saying - small]

<p>saying 46:4 67:3 68:7 155:22 167:25 says 79:19 97:10 102:4,6 154:4,7 159:3 163:22 166:20,22 167:8 170:19 171:1 186:9 186:10 190:18 222:14 223:23 229:20 238:5 240:25 242:7 scales 215:1 scientific 28:20,22 scope 14:20,21 15:11 90:17 91:1,8 118:6,16,23 119:3 180:18 181:1,11 182:8,8,21 183:3,11 184:9,21 190:9 191:8 200:13 202:4 230:9,15,21 231:15 231:20 scratch 161:9 screen 96:6 100:1,15 113:8,17 scrolling 122:19 sdos 18:18 se 55:21 77:5 99:1 seat 187:3 240:17 second 13:22 32:10 36:17,19 38:3,7,8,9 38:11 39:1,10,21 51:17 56:23 57:2,23 58:2,11,16,19,21 59:2 79:18 84:25 91:23 101:16 102:23 126:20 133:4 173:23 188:2 197:1 secondly 214:11 228:2 secretaries 55:20 section 19:17 101:4 137:3,11,13,15,18 172:9 190:1 241:15</p>	<p>242:6 sector 20:3 76:7 77:23 234:2,2 security 20:7,9,10 see 35:1 59:16 61:10 61:25 63:21 64:18 79:15,16 81:20 102:20,21 104:12 104:13 105:5 125:14 133:23 165:4,6 170:19 171:10,17,19 172:4 186:1,9 187:24,25 206:2,4 210:11,16 223:20,25 224:1 229:20 237:2,4 238:6 242:7 seeing 56:12 73:24 102:12 133:22 170:7 187:13 196:16,22,24 seek 166:10 173:21 seen 79:3,8 113:5,8 197:3 208:14 224:12 242:19 select 101:23 selected 101:25 165:6 172:21 225:10 selecting 100:25 175:9 selection 101:9,10 225:16 self 64:24 seminars 14:9 16:16 send 97:25 sender 145:25 sending 21:12 senior 22:7 23:3,21 sense 57:12 136:16 sensitive 7:18 sentence 206:6,8,9 206:17 separate 191:19,23 192:3,7</p>	<p>september 152:13 serve 16:17 54:1 served 131:15 serves 55:2 service 76:18 services 7:9 servicing 13:23 64:24 session 44:16 125:1 set 12:21,23 48:25 49:2,6,11 55:18 73:8 82:2 83:4,19 139:23 141:18 194:19 250:16 sets 57:4 setting 222:6 seven 110:2 246:4 sf 102:4,7 shaded 238:4 shading 62:21 236:22 237:2,4,5,6 237:8,15,17,21 238:6 242:14 sheet 144:16 shifted 117:4 140:4 shifting 80:18,18 shot 113:8 shots 100:15 113:17 show 48:2 59:4 62:18 64:9 107:6,7 109:15 125:9 242:17 showed 196:20 showing 109:21 shown 83:5 102:23 114:10 211:9 shows 62:22 211:2 shy 176:9 sic 154:5 side 187:10,13 sided 156:6 sides 187:8 sign 107:10 108:16 110:16 116:9 148:11,11,12 169:10 181:15,21</p>	<p>206:15 signature 102:18,20 102:23 103:15 115:19 116:2,4 144:4,16,21,23 145:4 166:25 167:24,25 168:23 169:3,15 187:12 212:19 214:10 220:25 225:16,24 225:25 233:9 signatures 144:5 148:20 199:21 212:13 214:2 215:17 216:3 217:1 217:12,24 218:15 218:23 219:5 signed 63:18 108:7 111:6 179:3,24 181:18 192:1 221:7 225:10 significant 244:5,13 signing 112:21,21 233:21 similar 54:15 116:19,22,23 117:1 127:23 138:25 166:23 193:19,20 224:11 single 71:5 109:25 113:1 140:6 singular 219:25 sir 148:3 230:6 sit 110:5 site 96:7 122:24 sitting 68:14 106:16 situations 17:20 six 136:21 size 26:25 skweres 170:1 slightly 48:22 61:24 136:12,14 slot 52:14,14,15 small 99:8</p>
---	--	---	--

[smaller - standards]

<p>smaller 12:5,8,21,23 79:4 192:22</p> <p>soak 47:11</p> <p>social 26:8</p> <p>society 1:3,7 7:12</p> <p>solely 216:19</p> <p>solve 194:5</p> <p>somebody 99:14 103:12 104:23 121:3,16 122:18 129:6</p> <p>someone's 96:23</p> <p>soon 174:18 184:2</p> <p>sorry 18:16 31:17 52:14 91:3 96:15 131:25 154:11</p> <p>sort 31:18</p> <p>source 162:2 171:24 175:23 178:25 179:23 212:15</p> <p>sources 172:18 175:17 195:8</p> <p>space 27:2 80:18</p> <p>spacing 238:16</p> <p>speak 14:1,10,18 16:12 81:24 82:11 83:17 84:9,21 92:20 107:21 108:2,18 109:4,13,16 141:3 142:13 172:19 175:4 176:25 193:16 208:19 209:23 210:5 224:9</p> <p>speaking 14:8 22:4 50:15 110:9 180:6</p> <p>speaks 115:14 136:24 168:15 169:6 206:12,20 208:12 210:14</p> <p>special 25:6 52:7,13</p> <p>specially 25:6</p> <p>specific 13:10 20:13 28:19 29:4,7 32:6,7 44:19,20 45:19 46:8 47:21,21 50:3 52:14</p>	<p>55:5 56:9 81:24 82:10 83:8 89:9 99:1 101:3 106:13 118:11 126:3 133:8 133:22 140:13 142:2,7 145:15 155:22 166:24 175:4 186:17 189:8 194:19 195:11 198:20 201:15 209:14 211:1,8,8 218:7 219:25 246:18 247:3</p> <p>specifically 13:2 54:15 79:6,8 83:2 98:4 101:18 106:1 107:22 110:13 134:8 141:11 156:12 169:7 172:19 174:1 184:13 218:5</p> <p>specificity 222:19</p> <p>specifics 98:21 99:12</p> <p>speculate 75:10 77:6 132:4 158:19 190:25 213:22 217:3,14 218:5,7,19 219:24</p> <p>speculating 73:3 135:3 144:19 191:4</p> <p>speculation 17:13 65:9 100:8 132:3 139:11 149:11 165:22 174:16 176:8 186:16 192:5 203:12 204:6,15 227:9 230:9</p> <p>spelling 238:12</p> <p>spend 9:20 18:8 32:17 200:19 217:1 219:19 220:9</p> <p>spent 20:15 217:5 217:11,24 218:15 220:4</p>	<p>spokesman 13:24 14:2 16:13,18 18:12 21:22</p> <p>sprinkler 12:25 13:4 13:6</p> <p>sprinklers 18:5</p> <p>square 152:17</p> <p>ss 250:2</p> <p>st 132:7,12</p> <p>staff 12:10 27:12,13 27:18,24 28:15 29:19 30:5,13,14,19 30:23 31:8,25 32:13 32:18 33:5,6,10,16 36:21,24 37:3,8,15 37:21 40:20 41:1 52:22,25 54:16,22 54:23 55:2,3 56:5 56:16 57:8,14 59:6 59:22 60:4,7,12,15 60:23 61:12,15 62:4 62:7,12,25 63:9,10 65:1,4,10,16,24 66:12,15,17,20,25 67:3,8 68:15,18 69:5,9 117:15 118:1 145:12,14 148:20 149:6,7 162:23 172:21 202:10 205:8 212:11 214:21 215:2 216:22 217:1 219:14 228:6 234:10 239:6</p> <p>staff's 61:5 69:15</p> <p>staffing 215:20</p> <p>stage 39:1 58:17 96:8</p> <p>stamped 236:10</p> <p>stamping 97:8</p> <p>stamps 154:6</p> <p>stan 143:13,14</p> <p>stand 20:6 88:5</p> <p>standard 17:25 18:7 18:7,9 28:9 29:24</p>	<p>33:2 40:25 54:21 55:24 56:12 57:19 58:11 59:21 60:3,10 60:24 62:12 64:3,17 67:12,14 70:19 94:16 101:4,4,13 109:14 116:22 123:21 139:3,15 145:21 146:14 155:13,16,18 175:2 182:12 189:1,6 195:19 198:24 205:12 209:13 217:9 226:11 230:4 240:1 245:16</p> <p>standards 12:2,12 12:13,14,23 13:22 14:6,13,24 15:1,3,8 15:16 16:22 18:15 18:17,18,24,25 19:2 19:6,8,18 23:9,9 24:19,23 27:25 28:14,21 30:10 31:25 32:21 36:1 39:17 40:20 41:8,11 41:21 48:20 49:13 49:15,21,23 50:2,10 51:3,7,11 53:8,25 54:2,4,5,9,13,17 55:12 56:11 58:25 65:25 66:4,17 67:21 70:21,24 77:20,22 78:1 79:13,24 80:14 80:19 81:3 82:16 83:11 84:14 85:18 86:1,7 87:1 88:9,24 89:14 90:8,24 91:17 92:7,13,16 93:4 94:13,17,22 96:7 99:20 100:20 105:3 106:25 107:18 108:14 110:17 111:5 112:6 119:2 119:13,16,19,23 120:25 121:1 123:8</p>
--	---	---	--

[standards - substance]

123:11,16,19,22 125:8,24 126:13 127:15 128:7,20 129:22 130:22 131:7,18 137:2,16 137:17,20,25 138:10,18,21,24 139:6,8,19 142:21 143:10,24 146:21 147:2,20 149:18 150:5,14,23 151:8 151:20 153:21 154:17 156:5,19 157:3,4,24 158:8 163:12 164:14 168:17 174:2,7,13 175:19 176:5,14 177:25 178:2 179:1 181:8 182:5,14 183:8,18,19,22 184:5,17 189:2 190:13 191:1 198:2 198:8,14,16 199:14 199:18 203:9 204:4 204:11 205:5,10 207:22 209:11 220:18 222:8 223:7 223:10 226:4,7 229:22,25 230:17 230:17,24 235:3,9 235:12,16,24 236:2 239:10 243:21,22 244:13,17 245:14 245:20 stands 82:25 122:3 122:9 208:13 209:14 227:22 241:22,25 start 13:10 39:14 44:11 109:21 126:2 started 11:12,25 161:8 244:4,8 starting 11:23 238:18,23	starts 40:7 210:9 236:12 state 10:12 17:8 44:10 52:6 84:17 242:2,3 stated 52:21 73:16 86:3 87:10 88:5 93:13 133:10 210:24 statement 64:24 79:17 89:11 103:3,9 116:12 132:21 147:11 152:22 159:1,5 166:13 171:23 172:12 174:10 175:10 193:8,23 194:1 196:24 199:11 207:2 221:14,18 228:22 243:5 statements 94:12,16 134:4 175:25,25 198:22,25 224:11 234:15 243:7 states 1:1 121:10 152:23 227:4 241:13 stating 97:14 step 40:19,25 41:8 41:20 42:18 steps 44:1,5 45:8 97:5 100:24 stipulate 100:10,13 104:7 109:18,23 110:1 235:15 236:1 236:3 stipulation 235:5 stoltz 8:13 stolz 2:19 straightforward 47:14 straightforwardly 202:2 street 1:21 2:8,12 227:4,7	strict 97:19 144:20 165:13 strike 50:13 53:6,19 53:24,25 64:5,23 66:1 70:22 85:12 87:8 113:21 115:22 119:20 132:22,23 133:16 149:15 161:25 165:8 170:15 180:13 182:3 183:5,20 185:6 196:14 220:14 227:17 230:19 244:6 strive 244:17 strong 76:24 struck 196:17 structure 139:15 student 10:25 study 80:15 style 32:2,11 37:6 50:8 56:25 60:8,17 69:16 137:23,23 138:1,7,21 159:3,7 159:13,17,17,20 160:3,8,12 171:6,10 195:10 subcommittee 41:21 subject 34:7 35:7 51:16 197:6 subjects 24:10,12 submission 107:12 113:3 134:24 136:5 151:3,5,23 153:25 154:14 165:14 172:10 199:18 202:20 205:1 214:8 215:13,16,21 216:4 216:24 220:23 221:11,21 222:2 227:18 233:1 submissions 97:12 100:4 135:17 145:5 146:8 151:10 159:18,21 169:10	214:2 215:17 217:2 218:16 221:1 submit 40:15 65:5 97:23 102:10 129:25 133:11 136:8 144:14 200:7 203:20,24 204:17 204:22,25,25 205:19 214:10 225:21 233:6 submits 100:19 166:24 submittal 154:4,8 submitted 33:24 63:17,21 64:17,19 68:9 136:11 146:10 149:1 151:11 157:17 158:10,12 158:19 164:25 166:1,5,7 174:12,20 188:23 202:25 212:12 219:12 220:17 221:15,25 222:16 228:21 submitter 39:8 99:25 151:6 163:22 165:4 167:20 169:11 170:8 172:22 174:20 194:4,21 196:17 221:7 225:11,20 226:24 229:14 submitters 97:17,22 129:9 174:4 175:11 submitting 40:8 64:20 65:10 97:6,16 100:24 103:5 112:22 146:4 172:24 180:1 205:17 226:4,7,10 233:13 subsequent 172:6 substance 88:1 89:2 98:18 201:1,11 202:7 211:19
--	--	---	---

[substantially - term]

<p>substantially 134:15 substantiate 195:6 substantiation 159:1 172:8,13 190:4 193:9,24 194:17,20,25 195:9 substantive 195:22 substitute 187:14 sued 200:10,23 201:7,16 suffolk 250:2 suggest 147:5 234:13 suggesting 129:21 193:2 suggestions 64:25 233:20 suggests 194:24 suitable 244:18 245:19 suite 137:17 summarize 67:17 summary 55:19 summits 25:9 supervisor 117:20 supplement 228:22 support 30:14 31:19 31:24 32:3 54:17 149:2 162:16,22 166:12 supporting 97:23,24 148:23 149:2 175:7 216:20 217:9 220:6 sure 10:14 22:12 32:19 41:1 42:13 52:11 69:16 73:3 74:2 79:15 82:10 84:24 89:23 96:4 100:14 103:7 112:18 126:18 135:4,9 164:25 182:17 188:3 189:14 198:13 213:12 217:8 235:22 236:6</p>	<p>238:25 survived 62:9 suspect 100:11 swear 8:8 sworn 9:8 250:7 synthesizes 68:18 system 30:14 36:2 40:16 59:1,8 61:9 64:13,18 65:12,13 99:21 113:2,19 114:15 137:2 145:4 155:10,14 194:10 205:1 214:8 216:6,6 216:24 217:9 230:24 systems 12:25 13:5 13:7 52:10 114:16 155:11</p>	<p>tasks 218:6,8,8,20 219:15 team 22:7 23:3,10 23:22 32:25 37:9,14 108:9 110:23 112:19 119:9,10 140:22 145:10 162:17 171:10 178:5 197:20 198:21 215:1 219:13 team's 108:6 140:20 technical 12:1,7 13:24 14:2,6 15:25 16:2,6,8,13,17 17:4 18:12 21:22 22:1,9 22:13,14,18,20 23:6 23:20,25 25:1,9,16 27:12,15,19,22,24 28:2,7,10,12,15,17 28:19,21,23 29:3,10 29:13,19,20,22 30:3 30:5,7,13,19,23,25 31:3,5,8,11,19 32:7 32:13,18 33:6,9,11 33:12,16,18,21 34:12 36:4,7,8,11 36:14,21,24 37:3,4 37:8,10,15,19,21,23 39:14,18 44:16 50:6 50:15,22,25 51:5,8 51:13,16,21 52:17 52:20,24,25 53:21 54:16,20,24 55:2,3 55:7,14,23 56:3,5 57:5,7,11 59:6,6,15 59:22 60:4,6,9,12 60:17,18,23 61:4,23 62:3,6,11,25 63:5,9 63:11 65:7,22 66:9 66:12,15,16,20,25 67:3,8,9 68:1,13,15 68:20 69:8,17,19 70:9,14 71:1,8,11 72:5,23 73:14 74:6</p>	<p>75:4,17 76:4,13 77:3,9 103:25 131:15 133:18 143:16 148:5 155:18 157:2 158:13 159:9,22 162:15,18,22,25 163:4 175:14 179:25 187:1 190:3 194:11 203:24 210:2 220:7 234:4,7 234:12 239:5,9,16 239:18,20 technically 14:13 technology 17:24 74:21 162:20 telephone 2:20 8:16 111:11 tell 11:10 43:4,21 44:5,6,17 45:8,10 49:4 59:25 71:17 72:22 73:11 79:23 82:13 93:18,19 94:7 94:8 95:25 112:18 133:23 134:1 161:2 170:6 207:4 tells 64:25 ten 20:18,19,25 21:1 21:3,6,7,8 24:9 35:19 135:21 136:1 150:9 205:25 215:9 215:25 tend 138:24 tens 112:19 125:6 136:5 175:5 176:9 208:21 tentative 49:24 tenure 107:8 174:23 175:16 176:9 189:10,22 190:17 191:5 210:25 213:7 213:18 term 38:12 55:3 98:24 99:10 112:10 117:3 124:2 137:18</p>
	<p>t</p>		
	<p>t 3:6 38:12 table 39:25 take 7:16 11:2,9,22 32:3 40:10,23 41:3 44:3 45:23 48:2 77:10 85:4 96:3 124:6 235:18 taken 47:19 48:10 88:15 153:10 155:15 212:5 234:22 takes 32:5 103:11 220:6 talked 78:5 talking 9:22 31:15 43:13 tally 34:7 tape 77:16 88:13,17 153:8,12 211:24 212:3,7 248:1 task 132:15 133:1 133:11,17 145:13 145:15 214:14 219:25 220:4</p>		

[term - topics]

137:20 138:8 210:2 210:9,16 230:2 terminology 137:1 138:11,19,22 139:4 terms 3:11 79:10,15 79:16,17,20,22 80:10,11,24 81:5,7 81:9,13,15,19,21,24 81:25 82:2,4,7,10 82:11,13,19 83:3,4 83:7,9,16,19,24 84:5,9,19,21,22 85:11,14,23 86:5,11 86:23 87:13,17,18 87:21 88:2,7,8,22 89:20 90:1,3,6,10 91:18 92:5,19,19,23 92:25 93:1,9,11,12 93:22,23 94:1,19 95:6,15 138:3 140:19 testified 9:8,15 239:7 testify 10:9 89:6 109:24 250:7 testimony 3:2 29:2 41:25 68:24 82:22 88:6 110:20 169:5 169:18 174:15 178:23 179:5,7 218:11 250:11 testing 1:4 7:13 52:3 tests 195:1 text 30:12 32:6 34:7 34:18 35:7 56:13,16 59:5,20 60:5,22 61:3,5 62:2,11,16 62:19,22 63:24 64:15,25 66:21,22 67:25 68:1,5 69:6 69:13,20 70:10 71:2 71:19 72:6,20,25 74:8,16 75:5 87:14 100:18,25 109:6 122:18 123:3,10,22	141:13,18 142:11 147:6,12 149:7 152:20,24 153:2 159:12 165:11,17 166:14,24 167:5,8 167:19,21 168:25 170:9,12,16,17,18 170:22 171:1,4,5 173:4,12 174:5,19 174:25 178:20,24 179:9,13,17,21 185:14,17,19 186:1 186:3,3 187:24 188:17 189:5,19 191:24 192:21 193:2,4 198:7,8 202:12 204:3 206:15 208:15 210:15,19 234:8 242:17 textural 234:13 thane 2:7 8:20 thane.rehn 2:10 thank 8:18 52:16 53:18 155:25 234:25 246:5 247:8 thanks 236:7 theme 12:15 13:4 thing 22:6 73:21 79:1 112:8 238:14 things 11:20 12:18 23:13 26:18,24 49:23 70:17 71:15 72:1,9 73:16,19 81:11 95:18 170:19 197:12 227:21 238:16 think 22:6 23:17 25:11 26:4 27:7,15 50:11 52:11 68:8 70:13 71:5 72:18 73:2,16,21 74:10 76:16,16 79:19 88:10 102:6 115:2,6 131:3 132:18 137:8	137:9 140:4 141:4 143:2 154:7,10 168:4 184:14 187:19 190:8 192:23 195:17,17 200:13 208:3 213:16 221:3 226:13 235:4 238:14 239:7 246:10 thinking 21:6 135:6 191:5 third 51:18 102:1 105:5 114:25 119:1 thirds 71:7,10 thousands 112:20 125:6 136:6 175:5 176:10 208:21 three 12:22 114:2,22 115:1 137:9 194:24 203:5 tied 57:3 61:22 196:12 till 11:23 13:16 41:14 126:2 time 8:5 12:16 17:9 18:9 20:14 32:17 35:21,24 42:13 47:12,13,20 48:8,11 58:14 60:14 67:24 75:21,22 76:4,6,23 77:12 78:1 85:4 87:10 88:10,12,16 96:3 97:13 106:10 108:22 119:19 120:3,12 122:23 124:9 125:2 132:6 133:20 134:1 138:9 145:12 148:20 152:13,16 153:7,11 160:19 161:5,22 175:6,23 191:2 196:19 197:2 204:16 208:22 211:8 212:2,6	213:23 214:5,17,19 214:24 215:6,9 216:25 217:4,5,11 217:15,23 218:14 218:14 219:14,18 220:3,5,8 227:10 228:6 234:20,23 244:3 247:25 times 10:5 21:8 23:13 46:17 97:16 97:22 110:8 144:13 145:13 175:16 176:2,10 180:21 183:25 190:15 214:20 237:10 title 13:16 93:22 135:23 146:10,11 213:14,17 titles 141:8 237:6 today 10:10 85:10 85:13,21,22 86:3,9 88:3 106:16 110:5 113:5 138:4 207:17 208:14 211:5,6 224:10 247:5 today's 88:20 89:6 108:24 tolles 2:7 8:21 tool 115:10 top 24:13 25:11 50:11 79:17 102:3 130:15 133:4 143:18 148:6 195:18 196:25 228:1 238:2 topic 14:14 17:5 80:9 82:21 111:25 119:5 184:21 221:4 topical 25:6 73:7 topics 14:6,18,25 15:12 16:25 78:12 91:2,9 118:7,7,8 180:18 181:1 182:9 183:11 184:9 190:10 191:9
---	---	--	---

[topics - utilize]

200:14 202:5 total 216:15 218:19 touch 74:16 touched 61:17 154:24 touching 250:8 track 21:15 162:9 162:15 163:3 242:14,14 trade 14:15 trademark 201:17 training 14:9 16:16 99:22 101:15 163:5 transcript 48:4 190:18 226:13 transfer 64:22 144:11 transfers 142:9 transmittal 151:17 153:19 travel 76:9 trouble 241:4 true 89:13 236:1,4 249:3 250:10 truly 98:2 truth 250:7,8 truthfully 10:10 try 62:15 trying 20:24 31:1 47:14 59:19 66:24 164:7 tsc 1:6 turn 69:15 97:7 158:21 242:21 two 12:21 13:20 56:21 67:18 71:7,10 84:24 85:3,14 86:10 86:22 87:11,13,20 88:2 93:13 103:1 117:25 135:16 137:23 147:13 156:6 158:23 168:23 181:12 188:1 211:2 214:7 227:21 239:13	type 14:7 21:11 38:21 67:23 104:21 146:7 225:24,24 typed 134:14,25 types 14:10 38:23 39:3,9,20 56:21 108:23 142:25 143:3 190:7,16 typewriting 250:10 typical 70:25 126:4 127:3,8,17 128:9,14 129:1,4 134:20 142:23,24,25 143:12,25 144:2 145:22 146:22 147:4,23,25 149:20 149:24 150:7,15,18 151:24 152:2 154:14,18 156:8,21 158:1 163:14 164:16 243:20 typically 14:18 typo 126:19 typographical 180:12,15 183:7,21 184:1	unable 90:6 92:25 97:11 208:22 unaware 220:8 unclear 219:4 underline 170:16 underlying 186:3 understand 17:23 22:12 29:10 30:17 30:25 31:23 46:23 48:4 57:6 59:19 64:15 70:25 71:18 76:13 77:25 82:1 83:2,21 90:12 97:1 105:22 106:14,16 106:21 107:23 119:18 121:4,16 129:8 139:14,18 142:6 143:4 154:25 156:22 163:6 168:10,16 182:15 190:2 192:20 194:13 199:13 206:6 219:4,7,10 227:6 238:25 understandable 245:2 understanding 53:14 64:1 81:2,11 81:21 83:22 84:4 86:4 89:18 90:9 92:4,22 96:18 98:13 99:3,7,12 100:16 103:10,17 105:14 106:2,6 108:3 117:1 119:22 157:22 167:16,17 168:19 168:22 170:3 174:3 181:2 191:25 193:1 197:25 206:16 208:5 209:11 211:10 215:4 226:3 226:6 240:9 242:19 245:23 understands 46:24 120:2,16 176:18	unfamiliar 91:13 unfortunately 79:23 187:19 unique 135:23 united 1:1 units 19:20 universally 113:12 university 11:7,8 unquote 242:13 update 108:5 137:6 140:23 229:14,17 updated 108:8 138:7 updates 137:5 140:8 140:12,15 141:1,11 141:13 usability 139:13 244:24 245:4 use 3:11 17:10 29:23 55:3 69:19 70:10 72:5 73:4 80:17 93:22,23 94:1,16,19 95:6,15 98:9,15,24 99:4,10 112:10 113:1 117:2 119:1 129:20 155:4 169:13 170:8 173:19,21 203:8,15 204:8 237:15 user 81:5,13 83:12 86:4 88:7 93:2 181:15 190:1 users 52:9 82:2,4 83:4,18,23 84:6 139:14 163:6 190:13 uses 90:15 99:8 154:22 usually 204:12 utility 241:9 utilize 17:17 18:6 55:16 98:22 106:7 106:10 129:11 139:5 175:13 195:6 215:2 246:1
	u		
	u.s. 11:1,6 196:6 197:5 224:23 225:19 ul 171:21,21 172:5,6 172:11,15,16 173:2 ultimate 61:7 179:23 ultimately 11:15 29:20 30:2 51:2 54:9 55:22 59:14 61:3 63:5,23,25 64:3 66:12 67:11 68:17 74:12 78:3 105:3 120:5 188:25 234:6 umbrella 19:3		

[utilized - withdraw]

<p>utilized 215:19 utilizing 130:2</p> <p style="text-align: center;">v</p> <p>vacation 75:22 vague 19:15 22:11 25:15 40:13 43:1,12 44:24 46:18 47:23 53:11 56:19 58:14 60:21 66:7 71:4 113:7 121:6 127:22 139:22 155:2 162:6 179:16 183:3 189:13 198:18 214:5 231:3 244:1 244:21 245:1 variables 219:23 variations 40:2 56:15 208:15 219:23 varies 17:1 35:19 various 11:13 16:24 17:19 40:4 49:16 51:5 81:3 100:23 107:17 123:17 139:8 148:8 204:1 240:3 vary 136:1 vast 204:21 217:4 venue 84:16 verbally 130:3 verification 220:14 222:7 225:3 227:18 verified 149:6 verifies 113:2 220:22 verify 98:1 105:19 108:11 112:20 145:2 148:20 197:20 199:21 202:11 220:24 221:1,10,20 222:2 verifying 180:8 202:18 217:7,12,18 221:6</p>	<p>veritext 7:8 version 109:6 113:1 113:18 160:13,14 160:17 161:8 207:3 223:2 242:13,15,18 242:20 versions 80:19 85:17,25 86:25 88:23 89:15 90:7,23 91:16 92:12 93:4 94:21 110:14 112:23,25 115:1 119:12 123:11 134:23 135:1,14 160:21 207:6 208:9 211:3,7,8 versus 7:13 102:12 129:1 137:3,4,13 210:10 vice 10:20 11:15 13:14,18 118:2 200:5 video 7:4,15 206:1 videographer 2:15 7:2 8:5 48:8,11 77:13,15 85:7 88:12 88:16 124:9 125:2 150:9 153:3,7,11 205:25 211:23 212:2,6 234:20,23 246:3 247:25 videotape 85:8 150:10 videotaped 1:16 view 21:7 22:24 23:3 29:3 83:6 96:6 97:4 101:7 113:9 139:12,23 188:11 228:11 245:13 viewing 24:21 94:3 visit 90:22 vital 67:8 voices 205:15 volume 214:21</p>	<p>volumes 145:13 volunteer 27:14 76:22,23 volunteers 16:1,2 76:21 vote 34:6,8,25 35:4 35:4 42:19 53:3 69:13,25 70:4 71:15 voted 35:3 votes 35:2,10 voting 33:24 57:16 vs 1:11</p> <p style="text-align: center;">w</p> <p>waive 84:16 walls 163:22 want 18:6 35:3 45:22 48:1 67:1 69:2,4,7 71:14,15 74:12 84:21 86:14 91:24 97:23 100:9 109:15,25 117:13 129:11 139:13 182:13,16 187:7 189:14 204:3,17 wanted 129:25 190:23 wants 47:11 48:3 191:21 227:23 warranted 194:22 washington 2:4 wasted 47:12,13 wasting 47:20 way 7:23 11:14 20:10 21:4 25:1 35:3 63:15 67:4,4 69:24 75:2 83:22 86:13,18 87:4,5 100:14 101:2 104:5 105:16 109:5 117:21 123:17 143:13 161:13,24 176:19 180:11 193:17 207:14 221:24 227:10</p>	<p>235:19 243:24 ways 15:7 16:16 24:2 68:9 99:9 123:16 134:23 135:17 137:7 207:12 214:7 221:6 239:14 we've 45:16 77:11 135:16 156:9 190:8 190:8 207:24 215:19 246:3 web 121:13 website 26:8 58:4,9 58:12 79:2 81:8 82:17,23 83:5,12 84:15 87:24 89:15 90:22 93:8,21,24 94:1,11 95:7,9,10 95:16 96:20,22 97:4 114:14,18 121:5,18 122:20 123:2 177:16 181:13 wednesday 1:22 weeks 35:19 wells 173:2 went 78:10,10 135:24 216:5 234:25 west 2:11 8:11 whereof 250:16 whispers 7:18 white 171:21 172:15 wholly 86:4 widgets 121:12 williams 191:20 192:1 window 79:4 102:3 wish 40:17 205:16 233:15 wished 233:6 wishes 26:1 40:15 203:19 withdraw 84:2 173:9 185:6</p>
--	--	--	--

[witness - yup]

<p>witness 8:2,8,23 9:5 15:12 31:13 46:8,22 78:24 82:9,21 83:1 85:6 86:13,17,21 88:25 91:9 96:5 107:6 112:17 118:8 118:9 119:4,5 123:24 127:7,16 128:8,13 130:24 131:9 147:22 151:2 153:23 157:12 163:13 164:21 176:17 178:16 180:19 182:9 183:11 184:10,11 184:12,23 187:7 190:10,21 191:14 192:16 196:2 200:16 202:5 203:4 209:2 211:17 223:1 223:14 224:19 226:12,21 227:14 229:2,8 230:22 231:16 232:1,7,13 232:19 243:16 247:19 250:11,16 witt 154:20 word 31:22 60:20 66:10 67:4,20 106:12 136:9 137:14 140:1 144:13 169:8 191:18,18,23 192:3 192:21 209:24,24 worded 56:6 60:9 60:16 94:15 wording 28:20,23 29:4,9,12,19,23 32:10 37:18 56:4,25 60:3 61:6,7 79:9 106:7 108:10 110:24 114:4 133:23 134:20 136:17,20,22,25 142:2,3 161:14</p>	<p>170:5 wordings 55:5 words 56:9 62:24 63:21,22 66:14 67:11,11,13 81:25 83:8 87:11 137:11 138:25 161:2 192:22 193:6 199:6 work 10:17,23 11:6 11:24 20:25 30:11 37:8,15 57:1 61:5 68:16 75:18 76:5 95:1 105:22 106:3 106:17,21 107:3 119:8 239:15,18 240:12,19 worked 11:13 60:4 60:6,12,20 61:16 62:3,7,8,22 149:9 working 10:21 18:23 20:7 28:9,9 33:16 56:5 64:2 65:20 130:3 200:3 workload 218:19 works 33:10 37:21 49:15 99:20 106:23 139:5 173:1 197:4 204:19 210:12,16 241:8 write 245:1 written 154:6 wrote 148:25 222:11</p>	<p>219:24 years 12:22 76:18 107:9 108:4 134:21 135:4,10 136:4 140:11 161:3 200:3 200:9 225:23 yesterday 78:6 yield 233:22 yup 223:22</p>
	x	
	x 3:1,6 67:2 69:3 146:11 223:21	
	y	
	yeah 79:22 80:7 235:14 year 20:18,19 21:1,1 21:6,8 24:8 112:20 136:6 138:8 175:6 208:22 212:25 213:2,9,11,12,21,24 214:15 215:15	

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and
(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2014. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

MATERIAL UNDER SEAL DELETED

JA07761-JA07860

Case 1:13-cv-01215-TSC Document 204-49 Filed 11/13/19 Page 1 of 98

EXHIBIT 43

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR TESTING AND) Case No.
MATERIALS d/b/a ASTM INTERNATIONAL;) 1:13-cv-01215-EGS
NATIONAL FIRE PROTECTION)
ASSOCIATION, INC.; and)
AMERICAN SOCIETY OF HEATING,)
REFRIGERATING, AND)
AIR-CONDITIONING ENGINEERS, INC.,)
Plaintiffs,)
vs.)
PUBLIC.RESOURCE.ORG, INC.,)
Defendant.)

AND RELATED COUNTERCLAIMS.)

RULE 30(B)(6) VIDEOTAPED DEPOSITION OF AMERICAN
SOCIETY OF HEATING, REFRIGERATING, AND AIR-CONDITIONING
ENGINEERS, INC.

BY AND THROUGH ITS DESIGNEE,

STEPHANIE REINICHE

MONDAY, MARCH 30, 2015
9:10 a.m.

VERITEXT LEGAL SOLUTIONS
1075 PEACHTREE STREET
SUITE 3625
ATLANTA, GEORGIA

Reported By:
SHARON A. GABRIELLI, CCR B-2002
Job No. 2035289

1
 2 APPEARANCES OF COUNSEL:
 3
 4
 5 FOR THE PLAINTIFF ASTM:
 6 MORGAN LEWIS & BOCKIUS LLP
 7 BY: J. KEVIN FEE, ESQ.
 8 1111 Pennsylvania Avenue NW
 9 Washington, D.C. 20004
 10 (202) 739-5353
 11 JKFEE@MORGANLEWIS.COM
 12
 13
 14 FOR THE PLAINTIFF ASHRAE:
 15
 16 KING & SPALDING
 17 BY: J. BLAKE CUNNINGHAM, ESQ.
 18 101 Second Street
 19 Suite 2300
 20 San Francisco, California 94105
 21 (415) 318-1218
 22 bcunningham@kslaw.com
 23
 24
 25

Page 2

1 INDEX
 2
 3 EXAMINATION
 4
 5 Witness Name Page
 6 STEPHANIE REINICHE
 7 By Mr. Becker 10
 8 By Mr. Cunningham 223
 9
 10 EXHIBIT
 11
 12 Exhibit Description Page
 13 Exhibit 1119 Status Report and Proposed Order 55
 14 on Outstanding Discovery Requests
 15 Exhibit 1120 ASHRAE0002835-02841 55
 16 Exhibit 1121 ASHRAE0002553-2560 55
 17 Exhibit 1122 ASHRAE0002561-2568 62
 18 Exhibit 1123 ASHRAE0002610-2617 62
 19 Exhibit 1124 ASHRAE0002578-2585 62
 20 Exhibit 1125 ASHRAE0002847-2854 62
 21 Exhibit 1126 ASHRAE0002872-2879 63
 22 Exhibit 1127 ASHRAE0002895-2901 63
 23 Exhibit 1128 ASHRAE0013632-13639 63
 24 Exhibit 1129 ASHRAE0002902-2909 63
 25 Exhibit 1130 ASHRAE0016583-16591 64
 Exhibit 1131 ASHRAE0005359-5367 64
 Exhibit 1132 ASHRAE0002467-2468 65
 Exhibit 1133 ASHRAE0002469-2470 68

Page 4

1
 2
 3 APPEARANCES OF COUNSEL (CONTINUING):
 4
 5
 6 FOR THE DEFENDANT:
 7
 8 FENWICK & WEST LLP
 9 BY: MATTHEW BECKER, ESQ.
 10 555 California Street
 11 12th Floor
 12 San Francisco, California 94104
 13 (415) 875-2389
 14 mbecker@fenwick.com
 15
 16
 17 ALSO PRESENT:
 18 Carl Malamud, Public.Resource.Org (via telecon)
 19 Corynne McSherry, Electronic Frontier Foundation
 20
 21 --oOo--
 22
 23
 24
 25

Page 3

1 EXHIBITS (CONTINUED)
 2 Exhibit Description Page
 3 Exhibit 1134 ASHRAE0022821-22822 69
 4 Exhibit 1135 ASHRAE0022819 71
 5 Exhibit 1136 ASHRAE0022823-22824 74
 6 Exhibit 1137 ASHRAE0022825-22826 75
 7 Exhibit 1138 ASHRAE0022820 76
 8 Exhibit 1139 ASHRAE0022814-22816 76
 9 Exhibit 1140 ASHRAE0022817-22818 78
 10 Exhibit 1141 ASHRAE0022813 79
 11 Exhibit 1142 ASHRAE0001618 80
 12 Exhibit 1143 ASHRAE0001601 80
 13 Exhibit 1144 ASHRAE0001602-1603 81
 14 Exhibit 1145 ASHRAE0001606 81
 15 Exhibit 1146 ASHRAE0001600 82
 16 Exhibit 1147 ASHRAE0001604 83
 17 Exhibit 1148 ASHRAE0001608-1609 83
 18 Exhibit 1149 ASHRAE0001610-1611 84
 19 Exhibit 1150 ASHRAE0001605 85
 20 Exhibit 1151 ASHRAE001613-1615 85
 21 Exhibit 1152 ASHRAE0001616-1617 86
 22 Exhibit 1153 ASHRAE0001612 87
 23 Exhibit 1154 ASHRAE0022827 90
 24 Exhibit 1155 ASHRAE0001598-1599 93
 25 Exhibit 1156 ASHRAE0026227-26228 107

Page 5

1			
2	EXHIBITS (CONTINUED)		
3	Exhibit	Description	Page
4	Exhibit 1157	ASHRAE0026229-26231	107
5	Exhibit 1158	ASHRAE0005856-5867	117
6	Exhibit 1159	ASHRAE0003496-3510	122
7	Exhibit 1160	ASHRAE0025561-25562	127
8	Exhibit 1161	ASHRAE0005677-5705	131
9	Exhibit 1162	ASHRAE0026233-26234	134
10	Exhibit 1163	ASHRAE0024558-24589	136
11	Exhibit 1164	ASHRAE0024245-24257	148
12	Exhibit 1165	ASHRAE0024235-24242	148
13	Exhibit 1166	ASHRAE Standards Errata	153
14	Exhibit 1167	Errata Sheet for Reprint GG 8/96 and Earlier Copies of ANSI/ASHRAE Standard 41.3-1989	154
15			
16	Exhibit 1168	ASHRAE0029501-29502	155
17	Exhibit 1169	ASHRAE0029503-29504	155
18	Exhibit 1170	ASHRAE0029496-29497	155
19	Exhibit 1171	ASHRAE0029498-29500	156
20	Exhibit 1172	ASHRAE0029505-29507	157
21	Exhibit 1173	ASHRAE0029508-29511	157
22	Exhibit 1174	ASHRAE0029512-29513	157
23	Exhibit 1175	ASHRAE0001590-1591	158
24	Exhibit 1176	ASHRAE0001592-1597	159
25	Exhibit 1177	ASHRAE0013961-13985	159
			Page 6

1	EXHIBITS (CONTINUED)		
2	Exhibit	Description	Page
3	Exhibit 1178	ASHRAE0011934-11966	162
4	Exhibit 1179	ASHRAE0016488	163
5	Exhibit 1180	ASHRAE0002471-2474	164
6	Exhibit 1181	ASHRAE0012324-12327	165
7	Exhibit 1182	ASHRAE0020220-20227	167
8	Exhibit 1183	ASHRAE0012340-12344	167
9	Exhibit 1184	ASHRAE0012247-12253	169
10	Exhibit 1185	ASHRAE0018975-18980	171
11	Exhibit 1186	ASHRAE0027814-27815	173
12	Exhibit 1187	ASHRAE0024373	174
13	Exhibit 1188	ASHRAE0024374-24378	174
14	Exhibit 1189	ASHRAE0027781-27783	177
15	Exhibit 1190	ASHRAE0029704	180
16	Exhibit 1191	ASHRAE0029659-29661	184
17	Exhibit 1192	ASHRAE0029734-29735	188
18	Exhibit 1193	ASHRAE0001628-1673	195
19	Exhibit 1194	ASHRAE006892-6899	196
20	Exhibit 1195	ASHRAE0024267-024268	197
21	Exhibit 1196	ASHRAE0024287	197
22	Exhibit 1197	ASHRAE0024388	198
23	Exhibit 1198	ASHRAE0024393	199
24	Exhibit 1199	ASHRAE0024624-24638	199
25	Exhibit 1200	ASHRAE0026916	201
			Page 7

1	EXHIBITS (CONTINUED)		
2	Exhibit	Description	Page
3	Exhibit 1201	ASHRAE0029650-29651	202
4	Exhibit 1203	ASHRAE0024592-24597	206
5	Exhibit 1202	ASHRAE000024591	206
6	Exhibit 1204	Email chain - top email from Steven Emmerich to Andrew Persily dated April 29, 2014	206
7			
8	Exhibit 1205	Email chain - top email from Steve Ferguson to Steve Ferguson, et al., dated April 28, 2008	207
9			
10	Exhibit 1206	Email chain - top email from Mark Weber to APersily, et al., dated June 4, 2008	209
11			
12	Exhibit 1207	Email chain - top email from Mark Weber to Rhonda Dickerson dated March 13, 2009	211
13			
14	Exhibit 1208	ASHRAE0024209-24216	213
15			
16	Exhibit 1209	ASHRAE0027383-27384	219
17			
18	Exhibit 1210	ASHRAE0027817-27818	221
19			
20		--oOo--	
21			
22			
23			
24			
25			
			Page 8

1	THE VIDEOGRAPHER: We are now on the record. 09:09		
2	Please note that the microphones are sensitive and may pick up whispering and private conversations.	09:09	09:09
3			
4	Please turn off all cell phones or place them away from the microphones, as they can interfere with the deposition audio.	09:09	09:10
5			
6	Recording will continue until all parties agree to go off the record.	09:10	09:10
7			
8	My name is Isaac Horner, representing Veritext Legal Solutions. Today's date is March 30th, 2015, and the time is approximately 9:10.	09:10	09:10
9			
10	This deposition is being held at Veritext Legal Solutions, located at 1075 Peachtree Street, Northeast, Atlanta, Georgia, and is being taken by counsel for the defendants.	09:10	09:10
11			
12	The caption of this case is American Society for Testing and Materials, et al., v. Public.Resource.Org, Incorporated.	09:10	09:10
13			
14	This case is being held in the United States District Court for the District of Columbia, Case Number 1:13-CV-01215-EGS.	09:10	09:10
15			
16	The name of the witness is Stephanie	09:10	09:10
17			
18			
19			
20			
21			
22			
23			
24			
25			
			Page 9

1 Reiniche. 09:11
 2 At this time, the attorneys present in 09:12
 3 the room and everyone attending remotely will 09:13
 4 identify themselves and the parties they 09:16
 5 represent, after which our court reporter, 09:19
 6 Sharon Gabrielli, representing Veritext Legal 09:11
 7 Solutions, will swear in the witness and we 09:13
 8 can proceed. 09:13
 9 MR. BECKER: This is Matthew Becker of 09:16
 10 Fenwick & West. And with me is Corynne 09:19
 11 McSherry from Electronic Frontier Foundation, 09:11
 12 and we're representing the defendant, 09:14
 13 Public.Resource.Org. And also listening by 09:16
 14 telephone is Carl Malamud. 09:18
 15 MR. CUNNINGHAM: This is Blake 09:12
 16 Cunningham of King & Spalding, representing 09:13
 17 the American Society of Heating, 09:16
 18 Refrigerating, and Air-Conditioning 09:19
 19 Engineers. 09:19
 20 MR. FEE: Kevin Fee on behalf of ASTM 09:10
 21 International. 09:14
 22 STEPHANIE REINICHE, 09:16
 23 having been first duly sworn, was deposed and testified 09:16
 24 as follows: 09:16
 25 EXAMINATION 09:16

1 Q And who was the party that was opposing 09:12
 2 ASHRAE in that case? 09:16
 3 A Thermal Design. 09:17
 4 Q Thermal Design. 09:18
 5 And was ASHRAE the plaintiff or the defendant 09:18
 6 in that case? 09:18
 7 A Defendant in that case. 09:11
 8 Q And what was the -- what was the nature of 09:10
 9 the restraint of trade claim against ASHRAE in that 09:14
 10 case? 09:17
 11 A It had to do with our Standard 90.1 and 09:17
 12 whether or not the -- the information in a table 09:14
 13 prevented Thermal Design from being able to conduct 09:10
 14 business. That's the short story. 09:12
 15 Q Why did they think that the information in a 09:14
 16 table would prevent them from being able to conduct 09:17
 17 business? 09:19
 18 A They -- they were saying that -- it 09:13
 19 basically -- their product was being excluded from the 09:18
 20 marketplace, and so they were losing, they claimed, 09:13
 21 millions of dollars in revenue because of what -- of 09:16
 22 the numbers that were in the table. 09:19
 23 Q And how was it exactly that the numbers in 09:11
 24 the table that they claimed excluded them from the 09:17
 25 marketplace? 09:10

1 BY MR. BECKER: 09:19
 2 Q Hi, Ms. Reiniche. My name is Matthew Becker 09:12
 3 of Fenwick & West, and I'm representing the defendant 09:11
 4 Public.Resource.Org. Have you ever taken -- have you 09:16
 5 ever been deposed before? 09:10
 6 A Yes. 09:11
 7 Q Okay. And when was that? 09:11
 8 A There's been two times. One was over ten 09:12
 9 years ago, and the other one was, I think it's been 09:11
 10 about two years now. 09:16
 11 Q And what were those -- were you deposed in 09:12
 12 your personal capacity? 09:15
 13 A Yes. 09:16
 14 Q Okay. And what kind of matters were those 09:17
 15 that you were deposed in? 09:10
 16 A The first one was a wills and trust issue. 09:11
 17 And the second one was a lawsuit that ASHRAE was 09:17
 18 involved in, so it was my capacity of my job at ASHRAE. 09:13
 19 Q And that was the lawsuit that was two years 09:18
 20 ago? 09:10
 21 A Yes. 09:11
 22 Q Okay. And what was the -- what was that 09:12
 23 ASHRAE lawsuit about? 09:16
 24 A It was restraint of trade. It was against -- 09:17
 25 it involved Thermal Design. 09:13

1 A Since it's technical, I can only kind of give 09:12
 2 you a summary of it, since I'm not technical in nature. 09:15
 3 It had to do with U factors and R factors, and their -- 09:18
 4 they were claiming that it gave an unfair advantage to 09:14
 5 other competitors in the marketplace, because they 09:16
 6 could say theirs met the U factors and R factors in 09:10
 7 that table, and they claimed those -- those numbers 09:16
 8 were erroneous. 09:18
 9 Q And what was the reason that they had you 09:13
 10 appear for a deposition in that case? 09:16
 11 MR. CUNNINGHAM: Object to form. 09:18
 12 THE WITNESS: I was testifying -- gosh, 09:11
 13 it's been so long. I can't remember what I 09:13
 14 testified about. It was a limited capacity 09:15
 15 as to some process questions. 09:19
 16 Q (BY MR. BECKER) Okay. Thank you. 09:10
 17 So you -- it sounds like you have previous 09:11
 18 experience being deposed. We'll review the rules 09:14
 19 anyway just so that you're aware of them. 09:18
 20 So as you know, in a deposition, I'll be the 09:11
 21 one who will be asking questions, and you'll be 09:14
 22 providing answers on the record. And those answers -- 09:17
 23 do you understand that the answers that you are giving 09:19
 24 are being provided under oath, like in a court of law? 09:12
 25 A Yes. 09:16

1 Q Okay. And you understand that the court 09:18
 2 reporter is taking down everything that you say? 09:10
 3 A Yes. 09:12
 4 Q And for that reason, we need audible 09:13
 5 responses, which means no nods or gestures? 09:16
 6 A Yes. 09:13
 7 Q Thank you. 09:13
 8 So if at any point you don't understand a 09:14
 9 question, will you please let me know, and then I can 09:15
 10 try to rephrase the question? 09:18
 11 A Yes. 09:10
 12 Q Thank you. 09:11
 13 And if you come to realize that one of your 09:14
 14 answers isn't completely correct or if you have 09:18
 15 information to add to it, will you please tell me that 09:11
 16 and tell me what information you have to add or 09:13
 17 correct? 09:16
 18 A Yes. 09:17
 19 Q And that can come after breaks and so forth. 09:18
 20 So if you go on a break and you recall that there was 09:10
 21 something else you wanted to add, you can please let me 09:13
 22 know. 09:15
 23 A Yes. 09:18
 24 Q And you understand that after the transcript 09:10
 25 of the deposition is prepared, that you'll have a 09:12
 Page 14

1 chance to review it and make changes to it, right? 09:16
 2 A Yes. 09:10
 3 Q And that if you make any changes, I'll be 09:11
 4 able to comment on those changes? 09:13
 5 A Yes. 09:15
 6 Q Thank you. 09:15
 7 Ms. Reiniche, is there anything that would be 09:16
 8 preventing you from giving your best testimony today, 09:19
 9 such as illness or medication? 09:12
 10 A No. 09:14
 11 Q Ms. Reiniche, could you please state your 09:19
 12 full name for the record? 09:12
 13 A Stephanie Church Reiniche. 09:15
 14 Q And have you gone by any previous names? 09:17
 15 A My maiden name was Jenkins. 09:10
 16 Q Was that Stephanie Church Jenkins? 09:13
 17 A Yes. 09:16
 18 Q And when did you change your name? 09:16
 19 A I got married in June of 1994. 09:18
 20 Q Okay. Thank you. 09:10
 21 And could you please state your business 09:14
 22 address? 09:16
 23 A 1791 Tullie Circle, Northeast, Atlanta, 09:17
 24 Georgia, 30329. 09:11
 25 Q And do you have any other business addresses? 09:14
 Page 15

1 A No. 09:18
 2 Q Thank you. 09:18
 3 Ms. Reiniche, could you tell me about your 09:18
 4 educational background? 09:18
 5 A I have a bachelor's degree from Eastern 09:18
 6 Michigan University, and a juris doctor degree from 09:18
 7 DePaul University College of Law. 09:18
 8 Q And what was the bachelor's in? 09:18
 9 A Political science. 09:18
 10 Q Okay. And what year was that? 09:18
 11 A '94. 09:18
 12 Q And when did you graduate with a JD? 09:18
 13 A 1998. 09:19
 14 Q And do you have any experience with legal 09:19
 15 practice? 09:19
 16 A I did wills and trusts and family law and 09:19
 17 bankruptcy. 09:19
 18 Q And how long was that for? 09:19
 19 A Four years. 09:19
 20 Q Four years. 09:19
 21 And did you practice with a firm? 09:19
 22 A Yeah, two -- it was one-person firm, me and 09:19
 23 one other person. 09:19
 24 Q Okay. And what was the name of that law 09:19
 25 firm? 09:19
 Page 16

1 A Kathleen Krumm & Associates. 09:19
 2 Q And was Kathleen -- I'm sorry, is that 09:19
 3 Kathleen Krumm? 09:19
 4 A Yes. 09:19
 5 Q And Kathleen Krumm, was she the -- the other 09:19
 6 person you worked with? 09:19
 7 A Yes, she owned -- she owned the firm. 09:19
 8 Q And do you have any other graduate or 09:19
 9 technical degrees? 09:19
 10 A No. 09:19
 11 Q And let's see, so you said you -- from -- it 09:19
 12 was four years that you were working at that firm? 09:20
 13 A Yes. I didn't start there until 1999, I 09:20
 14 think -- or 19 -- sorry -- '89. Right? No, '90 -- 09:20
 15 '99, sorry. A year after I graduated law school. 09:20
 16 Q Okay. And did you do anything between the 09:20
 17 year that you graduated from law school and when you 09:20
 18 started at the firm? 09:20
 19 A No. 09:20
 20 Q And you said you were at the firm for four 09:20
 21 years; is that correct? 09:20
 22 A Yes. 09:20
 23 Q Okay. So that was until 2003, was that? 09:20
 24 A Correct. 09:20
 25 Q And what did you do in 2003? 09:20
 Page 17

1 A I moved from Michigan to Georgia. 09:21
 2 Q And what was your first job that you took 09:29
 3 once you moved to Georgia? 09:23
 4 A ASHRAE. 09:25
 5 Q Okay. Did you move to Georgia to work at 09:26
 6 ASHRAE? 09:28
 7 A No. 09:29
 8 Q Okay. And when was it that you started 09:29
 9 working at ASHRAE? 09:21
 10 A November 2003. 09:23
 11 Q Okay. How was it that you came to start 09:23
 12 working at ASHRAE? 09:24
 13 A I applied online. I -- I saw a job posting, 09:27
 14 at that time it was for a procedures administrator, and 09:21
 15 I submitted a résumé. 09:23
 16 Q Had you ever heard of ASHRAE before that 09:21
 17 point? 09:23
 18 A No. 09:23
 19 Q Were you familiar with the air-conditioning, 09:24
 20 heating and cooling industry prior to that point? 09:26
 21 A No. 09:21
 22 Q What was it that made you qualified for the 09:22
 23 job at ASHRAE? 09:26
 24 A I suppose because it was -- at that time, it 09:20
 25 was about procedures and process, and so just legal 09:23
 Page 18

1 background and ability to -- to write and things like 09:27
 2 that. 09:29
 3 Q And what -- how long were you a procedures 09:24
 4 administrator at ASHRAE for? 09:20
 5 A I want to say until December 2004. 09:27
 6 Q And were you promoted at that time? 09:24
 7 A Yes. 09:25
 8 Q And what was -- what position were you 09:26
 9 promoted to? 09:29
 10 A Standards administrator. 09:20
 11 Q And how long did you hold the title of 09:26
 12 standards administrator for? 09:22
 13 A I think it was about three years. 09:24
 14 Q And were you promoted after three years? 09:21
 15 A Yes. 09:23
 16 Q And what title were you promoted to? 09:24
 17 A Assistant manager of standards 09:27
 18 administration. 09:28
 19 Q And how long did you hold that position for? 09:27
 20 A A year or two. 09:20
 21 Q And were you promoted again after that point? 09:26
 22 A Yes. 09:29
 23 Q And what title were you promoted to? 09:20
 24 A Manager of standards. 09:22
 25 Q And how long did you hold that position for? 09:29
 Page 19

1 A That title, till 2014. 09:21
 2 Q And so were you promoted once again in 2014? 09:27
 3 A Yes. 09:20
 4 Q And what is the title that you were promoted 09:21
 5 to? 09:23
 6 A Senior manager of standards. 09:24
 7 Q And is that the title that you hold today? 09:21
 8 A Yes. 09:24
 9 Q Okay. And do you have any other roles at 09:24
 10 ASHRAE, other than senior manager of standards? 09:24
 11 A No. 09:29
 12 Q Have you served on any of the committees in 09:29
 13 ASHRAE? 09:21
 14 A No. 09:23
 15 Q Have you -- what involvement in the design of 09:24
 16 standards have you played? 09:21
 17 A I oversee the development of all the 09:23
 18 standards at ASHRAE. 09:26
 19 Q And what does that involve? 09:26
 20 A It involves a lot of things. It involves 09:27
 21 reviewing all the documentation for membership, 09:22
 22 overseeing the documentation for public reviews, could 09:27
 23 be change proposals, could be minutes, the publication 09:24
 24 drafts, editing and reviewing those, working with the 09:20
 25 appeals. 09:27
 Page 20

1 Q And when you say you oversee the 09:25
 2 documentation for membership and for public reviews and 09:29
 3 change proposals and publication drafts, what does that 09:23
 4 entail? 09:26
 5 A It can entail -- well, making sure that the 09:28
 6 document for membership, that the documentation is all 09:22
 7 complete, meaning every -- all the, you know, parts are 09:25
 8 filled out, everything is properly signed. And it 09:29
 9 could involve talking with the chairs of project 09:23
 10 committees to help them make sure their committee is 09:29
 11 balanced. 09:24
 12 Q What do you mean by making sure the project 09:27
 13 committees are balanced? 09:20
 14 A Under our ANSI rules, our committees have to 09:22
 15 be balanced, meaning for nonsafety standards, no more 09:25
 16 than 50 percent of the people can be in any one 09:29
 17 interest category; and for safety standards, no more 09:23
 18 than one-third in each interest category. 09:26
 19 Q And what is an interest category? 09:22
 20 A It's -- it describes the -- the role a person 09:25
 21 plays typically in their job or their duties that 09:22
 22 they're doing, and that shows their bias for that 09:25
 23 particular standard that's being developed. 09:20
 24 Q Could you list for me the interest 09:27
 25 categories? 09:29
 Page 21

1 A For which standard? 09:21
 2 Q So the interest categories are different for 09:23
 3 particular standards? 09:25
 4 A They can be, yes. 09:26
 5 Q Okay. Do you know the -- off the top of your 09:27
 6 head the interest categories for the 90.1 standards? 09:20
 7 A I can list some of them, but I would have to 09:26
 8 look at a roster to verify they're all correct. 09:28
 9 Q Okay. 09:22
 10 A There's compliance, industry, utility, 09:22
 11 general, and I think user. 09:21
 12 Q And what does -- what are the -- those 09:27
 13 categories? Excuse me, let me rephrase. 09:25
 14 What -- what kind of a person would a -- 09:29
 15 would fall into the compliance category? 09:22
 16 A I would need to look at the application that 09:26
 17 shows the definition to give you an exact person, the 09:28
 18 exact definition; but for example, somebody that's 09:22
 19 involved in codes would be a compliance person. 09:26
 20 Q When you say someone who's involved in codes, 09:20
 21 like what -- what kind of role do you mean by that? 09:24
 22 A A code official. 09:27
 23 Q A code -- 09:29
 24 A A building code person; that type of person. 09:20
 25 Q Would that be something like a regulator? 09:23
 Page 22

1 A Could be. 09:26
 2 Q Okay. So that would -- that would encompass 09:27
 3 somebody in a government position, then, would be under 09:21
 4 compliance? 09:27
 5 MR. CUNNINGHAM: Object to form. 09:28
 6 THE WITNESS: I would have to look at 09:29
 7 the roster to see how a government employee 09:20
 8 would be listed. It depends on where they 09:22
 9 work, what they do. Without looking at an 09:26
 10 individual, I can't tell you for sure that 09:20
 11 they would go under compliance. 09:21
 12 Q (BY MR. BECKER) Okay. What other categories 09:24
 13 could a government official go under, other than 09:25
 14 compliance? 09:28
 15 A Depending on the -- it depends on what the 09:29
 16 definition is. I really probably should look at the 09:21
 17 definitions to tell you for sure. 09:24
 18 Q And where would the definitions be found? 09:25
 19 A The definitions would be as part of the 09:28
 20 application. 09:20
 21 Q The membership application? 09:21
 22 A Yes, sir. 09:22
 23 Q You also said that one of your jobs is to 09:21
 24 make sure that documentation is complete. What does 09:24
 25 that involve? 09:27
 Page 23

1 A For which part of the process? After 09:29
 2 membership? 09:22
 3 Q Let's talk about membership applications. 09:23
 4 A So for membership applications, there is an 09:27
 5 application form that would list the -- you know, what 09:20
 6 project committee they're applying for, their name, 09:24
 7 what interest category they believe they should be 09:27
 8 categorized. And then they would have -- then there is 09:33
 9 a signature at the bottom and their voting status, what 09:35
 10 they would like to be on that committee. 09:39
 11 There's a bias/conflict of interest form, 09:32
 12 which gives background on where they've worked for the 09:36
 13 last five years, other organizations that they've been 09:30
 14 involved with, who pays their way to participate, and 09:34
 15 any public statements they would have made in regards 09:38
 16 to the particular standard they're applying for, and 09:31
 17 that, too, is signed. 09:34
 18 And then there's a biographical record that 09:36
 19 is done through the ASHRAE website which gives their 09:38
 20 background, like where they -- you know, their degrees 09:33
 21 and things like that, whether -- other committees 09:38
 22 they've been involved in within ASHRAE, awards; things 09:31
 23 like that. 09:36
 24 Q Are you the person who makes sure that all of 09:36
 25 these fields are filled out? 09:39
 Page 24

1 A I have a staff person that does that, but 09:31
 2 then they are reviewed by another committee. And when 09:32
 3 there's a question, then I'm the one that helps work 09:35
 4 with that. 09:39
 5 Q And what is the name of the staff person who 09:30
 6 checks these forms? 09:32
 7 A It's varied over the years. 09:35
 8 Q What is the name of the person today? 09:37
 9 A Katrina Shingles. 09:30
 10 Q And is there -- does Katrina Shingles have a 09:36
 11 specific position? 09:31
 12 A She's a secretary. 09:32
 13 Q Is there a specific position for the person 09:38
 14 who has always checked the -- the forms? 09:32
 15 A It's been a secretary or an administrative 09:37
 16 assistant. 09:30
 17 Q And you said there's also a committee that 09:37
 18 looks over that? 09:39
 19 A Yes. There's a staff liaison, and then there 09:30
 20 is -- in addition to that, and then there is -- 09:34
 21 depending -- the process has changed slightly. There 09:37
 22 could be up to two oversight committees. 09:30
 23 Q And you said that the process has changed. 09:33
 24 When did the process change? 09:37
 25 A This year. 09:30
 Page 25

1 Q And how did it change? 09:39
2 A There is -- the only extra -- there's only 09:31
3 oversight for the chair of a policy-level committee at 09:35
4 a higher body. So there's only two approving -- 09:30
5 there's two approving bodies for a chair instead of all 09:34
6 the membership. 09:37
7 Q So it used to be that all the membership 09:38
8 would have -- would approve these forms and now -- I'm 09:30
9 sorry, I think I'm confused. Could you please 09:36
10 explain -- 09:38
11 A Sure. 09:38
12 Q -- how that -- how that works? 09:39
13 A There's two types of committees: Policy 09:30
14 level and nonpolicy level. For nonpolicy level, 09:33
15 originally it was the standards project liaison 09:38
16 subcommittee, or SPLS, and standards committee would 09:32
17 approve the chair and only SPLS would approve the 09:37
18 membership. 09:33
19 And then for policy-level committees, both 09:34
20 SPLS and standards committee would approve membership 09:31
21 and the chair, but now SPLS approves the members and 09:36
22 standards -- SPLS and the standards committee approves 09:33
23 the chair. 09:34
24 Q What's the difference between nonpolicy-level 09:33
25 committees and policy-level committees? 09:38

Page 26

1 A So the easiest way to describe it is policy 09:30
2 level requires more oversight. Typically, it's 09:33
3 something that may be more controversial topics or 09:36
4 somebody has, you know, said this is going to receive 09:34
5 thousands of comments when it goes out for public 09:38
6 review. So there is higher oversight in approving 09:30
7 documents when it comes from a policy, where nonpolicy 09:34
8 wouldn't be that way. 09:37
9 Q How is it that ASHRAE predicts that -- that 09:34
10 the topic is going to be controversial, and therefore 09:33
11 should go under the policy, as opposed to nonpolicy? 09:37
12 A Sometimes it's just a feeling. It's -- 09:30
13 there's a form when someone proposes a new project, 09:34
14 either a person or a technical committee, and that's 09:30
15 one of the questions that's on the form that, you know, 09:32
16 how controversial is this topic, and that type of 09:35
17 thing. 09:38
18 Q Could you give me a couple examples of what 09:30
19 would go to the policy committee? 09:34
20 A Sure. Sure. For example, 90.1 is a 09:37
21 policy-level standard. 189.1, which is our green 09:31
22 building version of 90.1, is a policy level. Nonpolicy 09:37
23 level are typically things like a method of test 09:32
24 standard. Most people don't comment. It's not a big 09:35
25 controversy with method of test. 09:31

Page 27

1 Q When reviewing the membership applications, 09:38
2 has -- has anyone ever been rejected by ASHRAE for 09:31
3 membership? 09:38
4 A Do you mean by me or do you mean by the chair 09:38
5 of the project committee -- the chair of the project 09:32
6 committee or the approving bodies? 09:34
7 Q By any of them? 09:36
8 A I don't reject anyone. I send it back if 09:39
9 it's incomplete and make it -- make them finish 09:33
10 completing it. If they don't, it just sits there in 09:39
11 limbo. 09:32
12 Q And when you say you send it back, are you 09:31
13 sending it back to the person who had submitted the 09:34
14 application? 09:36
15 A Yes. 09:37
16 Q And does anyone else who reviews membership 09:32
17 applications act in any manner that's different than 09:34
18 what you described your behavior was as to incomplete 09:38
19 applications? 09:32
20 MR. CUNNINGHAM: Object to form. 09:33
21 THE WITNESS: Do you mean do they reject 09:35
22 them because the forms aren't complete? 09:37
23 Q (BY MR. BECKER) Yes. 09:30
24 A If the forms are not complete, then yes. 09:31
25 Q So -- so who is it who would reject them if 09:35

Page 28

1 the forms were not complete? 09:37
2 A Myself, another staff person that's reviewing 09:30
3 it, the project committee chair, the members of SPLS 09:33
4 when we're reviewing the membership. It usually 09:30
5 doesn't get past them, but if it did, then standards 09:33
6 would send it back. 09:36
7 Q When you say "standards would send it back," 09:34
8 are you referring to standards as a department within 09:35
9 ASHRAE? 09:38
10 A Sorry, standards committee. 09:39
11 Q Are you aware of any incomplete membership 09:32
12 applications ever making it through the process and 09:34
13 being approved? 09:36
14 A No. 09:37
15 Q When you described Standard 90.1 as being 09:34
16 policy level and -- and also describing policy level as 09:30
17 requiring more oversight because it's controversial, 09:37
18 what is it that makes Standard 90.1 controversial? 09:39
19 A I don't know that -- that's just one reason 09:33
20 it might be a policy level. I don't know that 90.1 is 09:35
21 necessarily controversial. It's, in part, because it's 09:30
22 referenced in federal law. And usually as we're trying 09:34
23 to make it more energy efficient, there are some areas 09:40
24 that it covers that generate a lot of comments, because 09:45
25 it might be an area not covered in the standard before. 09:49

Page 29

1 Q And what's special about it being referenced 09:43
 2 in federal law? 09:47
 3 A It is -- let's see if I get this right -- 09:48
 4 it's referenced in the EAct, so it's the minimum 09:40
 5 energy code for commercial buildings. 09:45
 6 Q I'm sorry, could you spell that, EAct? 09:48
 7 A E-P-A-C-T. It's the Energy Policy Act. 09:43
 8 Q And what does the Energy Policy Act do? 09:47
 9 A That's the federal law for -- it's the 09:41
 10 minimum efficiency for commercial codes as it relates 09:46
 11 to 90.1. So 90.1 is the minimum. That's the code in 09:40
 12 EAct. 09:47
 13 Q The -- I'm sorry, the minimum for what? 09:48
 14 A Commercial buildings. 09:40
 15 Q Is that the minimum level of energy 09:42
 16 efficiency? 09:44
 17 A Yes. 09:45
 18 Q So if I understand you correctly, ASHRAE 09:40
 19 Standard 90.1 is referenced in the EAct as the minimum 09:44
 20 standard for energy efficiency for commercial 09:44
 21 buildings? 09:47
 22 A Correct. 09:48
 23 Q So who is it who has to follow the EAct? 09:44
 24 MR. CUNNINGHAM: Object to form. 09:40
 25 THE WITNESS: To the best of my 09:44
 Page 30

1 knowledge, it's the -- the requirement is all 09:45
 2 states are supposed to become compliant with 09:48
 3 it or deem to comply by another method every 09:43
 4 so many years to the latest version of 09:49
 5 90.1. 09:41
 6 Q (BY MR. BECKER) When you say that all states 09:45
 7 must become compliant, does that mean that the states 09:47
 8 have to adopt this into their regulations or does it 09:40
 9 mean that these states have to build their buildings to 09:45
 10 comply with the EAct? 09:49
 11 MR. CUNNINGHAM: Object to form. 09:41
 12 THE WITNESS: It means they're supposed 09:43
 13 to adopt a code that is equivalent to the 09:45
 14 current version of 90.1 within two -- I 09:48
 15 believe it's within two years of each year, 09:41
 16 or there is some other rules that they have 09:45
 17 to follow if they don't deem to comply. 09:48
 18 It does not have to be 90.1. It could 09:42
 19 be another version of a different code. 09:44
 20 So... 09:47
 21 Q (BY MR. BECKER) What other codes would -- 09:45
 22 would suffice to -- to satisfy the EAct? 09:40
 23 MR. CUNNINGHAM: Object to form. 09:44
 24 THE WITNESS: The IECC. 09:47
 25 Q (BY MR. BECKER) What is the IECC? 09:40
 Page 31

1 A International Energy -- I'm not positive. I 09:44
 2 just speak in acronyms, so I can't remember. I have to 09:49
 3 look it up, to be honest. But it's through 09:42
 4 International Code Council. It's their energy 09:47
 5 efficiency code. 09:42
 6 Q The International Code Council, are they 09:46
 7 known as ICC? 09:48
 8 A Yes. 09:40
 9 Q What's the -- is there any relationship of 09:44
 10 the IECC to ASHRAE's Standard 90.1? 09:47
 11 A 90.1 is a compliance option to the IECC. 09:43
 12 Q What does that mean? 09:42
 13 A It means you can choose -- if you adopt that 09:44
 14 as your code and you adopt it in its entirety and 09:49
 15 then -- and 90.1 is a reference as a compliance option 09:43
 16 at the -- whatever level you're -- design your code -- 09:49
 17 wherever that code is adopted, if they -- if the 09:43
 18 builder wants to build according to what's in 90.1, 09:46
 19 they have that option or they can build according to 09:49
 20 the IECC, and then that's their choice. 09:42
 21 Q Does the IECC say within it that someone can 09:41
 22 comply with ASHRAE Standard 90.1 and that would be 09:47
 23 sufficient? 09:40
 24 MR. CUNNINGHAM: Object to form. 09:41
 25 THE WITNESS: It -- there is a reference 09:43
 Page 32

1 as -- yeah, as a compliance option to the 09:44
 2 IECC, yes. 09:49
 3 Q (BY MR. BECKER) So compliance option, then, 09:40
 4 means an alternative? 09:42
 5 A Correct. 09:44
 6 Q And is -- does that mean that ASHRAE's 09:45
 7 Standard 90.1 is more rigorous than the IECC? 09:40
 8 MR. CUNNINGHAM: Object to form. 09:41
 9 THE WITNESS: I would have to review. 09:41
 10 It depends on what version. Off the top of 09:42
 11 my head, I -- I don't know. 09:44
 12 Q (BY MR. BECKER) Taking a step back, 09:40
 13 Ms. Reiniche, who do you report to at ASHRAE? 09:41
 14 A Claire Ramspeck. 09:44
 15 Q And what is Ms. Ramspeck's position? 09:48
 16 A Director of technology. 09:43
 17 Q And do you report to anybody else? 09:48
 18 A I suppose you could say Jeff Littleton. 09:44
 19 Q And what is Mr. Littleton's position? 09:47
 20 A Executive vice president. 09:40
 21 Q And is there anybody else that you report to? 09:40
 22 A No. 09:42
 23 Q And is there anyone who reports to you? 09:43
 24 A Yes. 09:46
 25 Q And who are those people? 09:47
 Page 33

1 A Mark -- Mark Weber, Carmen Manning, Nicole 09:41
2 Jones, Angela McFarlin, Katrina Shingles, Steve 09:40
3 Ferguson, Beverly Fulks, Tanishe Meyers-Lisle, Susan 09:43
4 LeBlanc, and Bert Etheridge. 09:41
5 Q And what is Mr. Weber's position? 09:42
6 A He is the manager of standards American. 09:46
7 Q Does that mean he's in charge of the American 09:41
8 ASHRAE standards? 09:44
9 A Yes, but there's some that are assigned to 09:46
10 other people; but the majority of them, yes. 09:48
11 Q And why would some of them be assigned to 09:41
12 other people? 09:43
13 A We provide staff support for some of the 09:44
14 standards, and we divide them up because of the 09:47
15 schedule that one person can provide higher levels of 09:40
16 support. 09:44
17 Q So does Mark Weber provide staff support to 09:45
18 range of standards, with the exception of some other 09:43
19 group of standards? 09:46
20 A He does -- he's the main point of contact for 09:47
21 the majority of the standards. There's some that he is 09:42
22 specifically the staff liaison to, and then there's 09:47
23 several others that are assigned to other managers in 09:40
24 the department. 09:43
25 Q Okay. And why is it that there are others 09:44
Page 34

1 that are assigned to other managers in the department? 09:47
2 A We just -- we just split them up because 09:41
3 of staff loads. One person can't support them based on 09:44
4 their meeting schedules; one person can't do all of 09:40
5 them. Some of them, it's based on their prior 09:43
6 expertise. 09:47
7 Q And do you know what standards they are that 09:49
8 are not assigned to Mark Weber that are American 09:41
9 standards? 09:45
10 A Yes. 09:45
11 Q And which standards are those? 09:46
12 A 90.1, 90.2, 90.4, 189.1, 15, 34. 09:49
13 Q And who is Standard 90.1 assigned to? 09:53
14 A Steve Ferguson. 09:59
15 Q And you say that Steve Ferguson reports to 09:50
16 you as well? 09:53
17 A Yes. 09:54
18 Q And what is Steve Ferguson's position? 09:55
19 A Manager of standards for codes. 09:58
20 Q And he's also the staff liaison for 90.1, you 09:56
21 were saying? 09:51
22 A Yes. 09:51
23 Q Okay. What does Mr. Ferguson do as staff 09:54
24 liaison for 90.1? 09:57
25 A A lot of things. He'll -- he does -- he'll 09:59
Page 35

1 do a double review of the membership items reviewed by 09:53
2 Katrina, works with the project committee chair to help 09:58
3 come up with a balance committee, looking at terms, you 09:54
4 know, helping making sure they, you know, get -- rotate 09:59
5 people in and out per our rules. He attends all the 09:52
6 full project committee meetings, some of the 09:59
7 subcommittee meetings. 09:52
8 He processes the letter ballots for approval 09:55
9 of all drafts. He reviews the drafts to make sure 09:57
10 they're written consistently. He points out conflicts 09:52
11 when they make one change to a section and then they 09:56
12 haven't made a similar change to another section so 09:58
13 there's not conflicts. 09:53
14 He reviews all of the public -- final 09:55
15 publication drafts in the final roll-ups of the 90.1 09:58
16 for each new version every three years. He does the 09:53
17 minutes. 09:57
18 Q Are you aware of any other work that 09:53
19 Mr. Ferguson does as the staff liaison for 90.1? 09:55
20 A That's -- that's pretty much the general 09:51
21 stuff that I can think of. He has other duties besides 09:54
22 90.1. 09:57
23 Q Does Mr. Ferguson draft any of the text for 09:58
24 90.1? 09:53
25 A He reviews the drafts and points out 09:54
Page 36

1 conflicts. 09:57
2 Q But he doesn't contribute text directly to 09:57
3 90.1? 09:51
4 A No. He may comment when they're discussing 09:52
5 proposed text changes to make them aware of something, 09:56
6 but he does not necessarily, unless they wrote 09:50
7 something in the incorrect format. 09:53
8 Q And what would he do if they had written 09:56
9 something in an incorrect format? 09:58
10 A He would edit it, send it back. If it's a 09:50
11 substantive change to fix it, then it would have to go 09:53
12 back to the committee for a new vote. If it's 09:56
13 editorial, then the chair or a subcommittee -- or in 09:59
14 consultation with a subcommittee chair can say that's 09:54
15 correct and -- and then move it forward in whatever 09:58
16 step in the process it's in. 09:50
17 Q When you say he edits it and sends it back, 09:51
18 does that mean that he actually changes the text, or 09:54
19 does this mean that he sends a comment that there is a 09:56
20 conflict or something like that and leaves it to the 09:50
21 committee to make the change? 09:52
22 A If it's -- it depends. If it's a conflict 09:54
23 and he understands -- he has an engineering degree, so 09:57
24 if he understands how to change it, he can propose a -- 09:51
25 he may propose the wording change. If it's not 09:55
Page 37

1 something he understands and it's a conflict, then 09:50
 2 he'll comment and ask the committee for direction. 09:53
 3 Q And is there any record of the wording 09:53
 4 changes that Mr. Ferguson has proposed? 09:56
 5 A There's probably -- if he sent something 09:52
 6 back, it -- to the committee, it would have been sent 09:54
 7 via email. 09:58
 8 Q If you wanted to go back and find any 09:51
 9 proposed changes that Mr. Ferguson had made, how would 09:57
 10 you go about doing that? 09:51
 11 A I'd have to look in his email. He wouldn't 09:52
 12 have proposed them in the minutes. That's not 09:55
 13 something recorded in the minutes, so he would have 09:57
 14 sent it via email. 09:59
 15 Q And how would that -- would that change be 09:52
 16 reflected in the minutes in -- in any way? 09:54
 17 A Not -- not unless it was -- if he sent a 09:58
 18 change back, this assumes that the committee has 09:54
 19 already approved the proposed change. And if there was 09:57
 20 an issue and he sent it back, then if -- if a change 09:59
 21 had to be made that was substantive, there would be 09:54
 22 another -- there would be a letter ballot. So then it 09:57
 23 would be reflected in a letter ballot. If it's 09:51
 24 editorial, the chair would accept it. 09:54
 25 Q Who makes the determination for a substantive 09:59
 Page 38

1 change versus an editorial change? 09:53
 2 A If staff -- the difference between a 09:57
 3 substantive and an editorial change is a substantive 09:50
 4 change changes the requirements of the standard. So 09:53
 5 changing a "should" to a "shall" would be a substantive 09:58
 6 change. 09:51
 7 If it's editorial, like, you know, changing 09:52
 8 an "a" to a "the" or something like that, it's clear 09:54
 9 that's an editorial. 09:59
 10 If staff questions acceptance of a change as 09:51
 11 substantive and the committee does not want to send a 09:54
 12 new letter ballot out, when it goes to the next body, 09:57
 13 we make the next body aware for approval, which would 09:50
 14 be SPLS for public reviews or standards for publication 09:54
 15 approval. We make them aware of it -- that concern, 09:50
 16 and then SPLS looks at it and makes a determination of 09:53
 17 whether or not it's substantive or editorial. And then 09:50
 18 if it's substantive and they didn't vote it out, it 09:52
 19 goes back to the project committee. 09:54
 20 Q Could you tell me again what the acronym SPLS 09:55
 21 stands for? 09:59
 22 A Standards Project Liaison Subcommittee. 09:50
 23 Q And is there a separate SPLS for each 09:54
 24 standard? 09:59
 25 A No. 09:59
 Page 39

1 Q There's -- is there a single SPLS for ASHRAE? 09:50
 2 A There is a single SPLS for ASHRAE. They 09:53
 3 review all the standards. 09:58
 4 Q And who is -- who composes SPLS? 09:50
 5 A That is a subcommittee of standards committee 09:54
 6 of approximately -- I think it's 15 members. 09:58
 7 Q And are they elected or are they appointed? 09:55
 8 A The standards committee members are elected 09:50
 9 by the board of directors, and then the subcommittee 09:55
 10 assignments are done by the incoming chair and vice 09:50
 11 chair, along with myself every year. So it just 09:53
 12 depends. It's a rotating four-year term. 09:50
 13 Q So when you say that the assignments are done 09:51
 14 by the incoming chair and a vice chair along with 09:56
 15 yourself every year and that it's a rotating four-year 09:51
 16 term, the -- are you saying that these appointments are 09:53
 17 made for a subset of the 15 people every -- every year? 09:50
 18 A No. It's -- standards committee has 26 09:54
 19 members, and then there's multiple subcommittees. 09:57
 20 Standards committee, about one-third rolls off every 09:51
 21 four years. So we don't have a new standards committee 09:53
 22 every four years. So there's some consistency. So 09:57
 23 there might be just a couple people that were on SPLS 09:50
 24 one year that will roll off, and so we're adding some 09:55
 25 new or moving some others into SPLS. 09:59
 Page 40

1 Q What are some of the other subcommittees for 09:55
 2 a standards -- standards committee? 09:51
 3 A Then there's the standards reaffirmation 09:53
 4 subcommittee. There's the code interaction 09:51
 5 subcommittee. There's the policy, procedures, and 09:53
 6 interpretation subcommittee -- I'm doing acronyms in my 09:58
 7 head -- and an international liaison subcommittee 10:07
 8 and -- /intersociety association subcommittee. And 10:03
 9 then there's a -- there's an ExCom. 10:09
 10 Q I'm sorry, there's -- 10:04
 11 A ExCom. 10:06
 12 Q What is ExCom? 10:08
 13 A Executive committee. 10:00
 14 Q Returning to SPLS, what is their role? 10:00
 15 A SPLS is the oversight committee. They're the 10:06
 16 first level to go to -- they have -- they're assigned 10:00
 17 to -- liaisons are assigned to multiple project 10:04
 18 committees to help in addition to staff provide 10:09
 19 guidance, and they're the -- the person that moves 10:01
 20 forward any of the issues from those project 10:05
 21 committees. 10:07
 22 They review title, purpose and scope changes, 10:09
 23 membership, public review drafts, work plans, and deal 10:04
 24 with issues common to project committees that get 10:09
 25 brought before them. 10:03
 Page 41

1 Q And so you said that SPLS was first. Is that 10:08
2 in terms of -- in terms of what are you referring to? 10:03
3 A It depends on the stage in the process. 10:08
4 They're the ones that first approve membership, and 10:02
5 then if required, then it goes to standards committee. 10:05
6 They -- there's a process for approving public review 10:09
7 drafts. Again, depends on if it's policy level or 10:02
8 nonpolicy level. There's a process for approving 10:05
9 title, purpose and scope changes, and a process for 10:00
10 work plan changes or work plans. 10:02
11 Q And do these processes go through different 10:02
12 subcommittees depending on the particular process in 10:00
13 question? 10:02
14 A Yes, but all the processes I mentioned go 10:05
15 through -- start -- go through SPLS in some form. 10:07
16 Q What does the standards reaffirmation 10:01
17 committee do? 10:05
18 A The standards reaffirmation subcommittee is a 10:07
19 balance committee. They deal with reaffirming ASHRAE 10:00
20 standards that are -- do not require any substantive 10:05
21 changes. And so what that means is, for example, the 10:07
22 re -- the reference standards are themselves 10:03
23 reaffirmations; there's no changes or there's been no 10:07
24 changes in the standard, and there's no -- been no 10:02
25 change in the industry, so we can do what's called the 10:04
Page 42

1 reaffirmation and just get issued, you know, as a new 10:07
2 standard again, as required by ANSI. 10:01
3 And then they also act as a revision project 10:04
4 committee in a limited sense. When the technical 10:07
5 committee that does the initial review of the drafts 10:03
6 says that updating to those references that it may have 10:06
7 changed does not cause a substantive change to the 10:09
8 standard, then SRS in that limited instance can act as 10:02
9 the revision project committee for that. In any event, 10:07
10 if comments are submitted, then a -- a project 10:01
11 committee -- a separate project committee has to be 10:05
12 formed. 10:07
13 Q With regards to reaffirmations, you say that 10:04
14 there may be no changes that are made to the standard, 10:06
15 but they are -- they are reaffirmed. Why is that done? 10:08
16 A It's typically done because there hasn't been 10:03
17 any change in the industry on that particular topic. 10:06
18 It's more done on method of test standards, where there 10:09
19 might not be a change in -- in what you need to do to 10:03
20 test a particular product or process that you're 10:06
21 working on. 10:00
22 So there's a technical committee with 10:01
23 expertise in that area that would review it after -- a 10:04
24 staff review is done first to know if there's any 10:00
25 reference updates, to put that technical committee on 10:02
Page 43

1 notice if there's references that need to be updated. 10:05
2 They may see some editorial changes, the "a" 10:09
3 to the "the" type of thing that needs to be fixed 10:03
4 that -- or there was an errata issue for that same 10:08
5 reason, so it needs to be incorporated. That wouldn't 10:09
6 be considered a substantive change; it's editorial. 10:02
7 So the technical committee makes a 10:04
8 recommendation, then SRS, the standards reaffirmation 10:06
9 subcommittee, reviews that and then puts it out for 10:01
10 public review. 10:04
11 Q Why reaffirm a standard? Why not just leave 10:04
12 it as it is? 10:06
13 A We can't under the ANSI process. ANSI has a 10:08
14 process that we follow that requires -- something has 10:02
15 to be done at the five-year mark of the -- five years 10:05
16 since it had last published. So we do the reviews at 10:00
17 three years, so we have to submit paperwork telling 10:03
18 ANSI what we want to do. 10:06
19 We would -- either are going to file project 10:09
20 initiation notification system that says we are 10:01
21 revising it or we're going to let them know we are 10:01
22 reaffirming it. We have until the ten years since it's 10:05
23 published to do something and republish; otherwise, it 10:09
24 loses its ANSI status. 10:02
25 Q And for the record, what does ANSI stand for? 10:05
Page 44

1 A American National Standards Institute. 10:07
2 Q Thank you. 10:07
3 And what does the code interaction 10:02
4 subcommittee do? 10:05
5 A The code interaction subcommittee is the 10:07
6 group that oversees the process for code change 10:00
7 proposals to the model code bodies. 10:04
8 Q Could you elaborate on that a little bit? 10:04
9 A The model code bodies would be ICC, NFPA, and 10:06
10 IAPMO. 10:03
11 Q Okay. And who makes the code change 10:09
12 proposals to these model code bodies? 10:06
13 A They can come from the -- typically, it comes 10:09
14 from the project committee members. It can be anybody. 10:01
15 You could propose a change. If it's coming from one of 10:04
16 our project committees, the rule is it has to -- 10:00
17 whatever proposal, it has to be technically equivalent 10:04
18 to whatever standard they're wishing to make the 10:09
19 reference to. 10:03
20 But typically, we -- we try to ask for -- 10:03
21 that the standard be referenced in its entirety with no 10:08
22 changes, but there are times when they'll pull portions 10:02
23 and submit that instead. 10:06
24 Q Is there a difference between a standard and 10:01
25 a code? 10:04
Page 45

<p>1 A Not exactly. A -- a standard could become a 10:03 2 code, because 90.1 is a standard and it could be the 10:05 3 code. It depends on whoever is wanting to make the 10:08 4 code -- or make the rule. 10:01 5 Q And what does the policy, procedures and 10:04 6 interpretation subcommittee do? 10:08 7 A They review proposals for new projects, new 10:09 8 standards or guideline projects to be developed by 10:04 9 ASHRAE. They are the body that reviews any proposed 10:07 10 changes to any of the procedures related to standards 10:01 11 and interprets the -- any of our rules. 10:05 12 And then the other thing is they form 10:01 13 interpretation sub -- interpretation committees when an 10:04 14 interpretation request is submitted on a standard that 10:07 15 we don't have a standing standard project committee 10:09 16 for. 10:02 17 Q I'm sorry, just to back up a moment. Do you 10:09 18 know how it is that standards become codes? 10:03 19 MR. CUNNINGHAM: Object to form. 10:00 20 THE WITNESS: It -- either they're 10:02 21 proposed into a code and the code accepts 10:05 22 them, or a local jurisdiction decides to use 10:07 23 a standard and that's -- and use that as 10:02 24 their code. 10:04 25 Q (BY MR. BECKER) And when you say "they're 10:08 Page 46</p>	<p>1 subcommittees, the chair and the vice chair standards 10:18 2 committee and the board -- the board ExO to standards. 10:12 3 And then I'm the staff liaison for that group, other 10:18 4 staff attend, but they -- they just talk about the 10:12 5 issues about the subcommittees and then, you know, 10:15 6 strategic planning; that type of thing. 10:18 7 Q So the committee members that are part of the 10:14 8 standards committee, are these all ASHRAE employees? 10:18 9 A No. 10:11 10 Q Are any of them ASHRAE employees? 10:13 11 A No, just me as a staff liaison, and then 10:15 12 another staff person that does the minutes. 10:18 13 Q So these are -- are these members of 10:11 14 industry? 10:16 15 A They're -- they're balanced as well. The 10:19 16 board has slightly different interest categories that 10:12 17 they use. There are -- they're members -- they're -- 10:15 18 they are members of ASHRAE, but they're from all over. 10:19 19 MR. CUNNINGHAM: Could I just ask, are 10:13 20 we talking about the project committee here? 10:14 21 Are we talking about the executive committee? 10:16 22 Are we talking about the previous questions? 10:18 23 MR. BECKER: The standards committee as 10:19 24 a whole. 10:10 25 MR. CUNNINGHAM: The standards 10:11 Page 48</p>
<p>1 proposed into a code and the code accepts them," do you 10:00 2 mean that a -- that something like NFPA might make a 10:02 3 code, and they're proposed into that code that NFPA has 10:08 4 made? 10:02 5 A So NFPA references 90.1, and that becomes 10:03 6 part of whatever -- I can't remember the number of the 10:06 7 NFPA code that references 90.1, but that becomes part 10:09 8 of that code. If they -- through their process, it 10:02 9 gets accepted. 10:08 10 Q And what does the international liaison or 10:04 11 intersociety subcommittee do? 10:08 12 A They're dealing with relationships between us 10:00 13 and sometimes other standards developers, but the 10:02 14 majority of their work is in the -- is in the oversight 10:06 15 of the development of international standards. 10:10 16 Q What involvement does ASHRAE have in the 10:15 17 development of international standards? 10:17 18 A We are the secretariat for several of the 10:19 19 international standards organization technical 10:15 20 committees. We are also the secretariat for the U.S. 10:18 21 TAG, which is the technical advisory groups within the 10:11 22 U.S. 10:16 23 Q And, finally, you mentioned the executive 10:11 24 committee. What does the executive committee do? 10:13 25 A That is the -- the chairs of each of the 10:15 Page 47</p>	<p>1 committee 10:12 2 MR BECKER: Yeah 10:13 3 MR CUNNINGHAM: For a specific 10:13 4 standard? I just wanted to make sure we're 10:14 5 clear here 10:15 6 Q (BY MR BECKER) How many standards 10:11 7 committees are there? 10:12 8 A There's project committees, and those overdo 10:13 9 the standards, but the standards committee is one 10:17 10 Q There's just one standards committee? 10:19 11 A With the -- right, with the subcommittees 10:11 12 Q And what's the difference between the 10:17 13 projects committees and the standards committees? 10:19 14 A A project committee is the one that is -- is 10:11 15 the group that's responsible for writing the standard 10:13 16 Standards committee is an over -- oversight committee 10:18 17 THE COURT REPORTER: "Is an oversight"? 10:15 18 THE WITNESS: Yes 10:19 19 Q (BY MR BECKER) And are any ASHRAE employees 10:13 20 members of the project committees? 10:16 21 A No 10:18 22 Q Are the members of the project committees 10:13 23 people from various interest categories -- 10:19 24 A Yes 10:13 25 Q -- as you had defined previously? 10:13 Page 49</p>

<p>1 A Yes. 10:16 2 Q And are the project committee membership -- 10:16 3 memberships balanced based off of those interest 10:11 4 categories? 10:14 5 A Yes. Whatever interest categories the 10:16 6 project committee has, then they're balanced based on 10:18 7 the number of project committees. That doesn't mean, 10:12 8 you know, if there's 30 people and you have five 10:14 9 interest categories, there's six in each. It means no 10:17 10 more than 50 percent in one interest -- interest 10:14 11 category. 10:17 12 Q So why is it that these people who are not 10:13 13 ASHRAE employees participate in the project committees? 10:10 14 MR. CUNNINGHAM: Object to form. 10:16 15 THE WITNESS: I would say because either 10:18 16 they really like that topic, it may affect -- 10:10 17 you know, it may be because it affects 10:14 18 something that they do in their business. 10:16 19 They may be in the -- in the code arena and 10:18 20 they want to make sure it's written so that 10:13 21 you can adopt it in code. It could be a 10:16 22 number of reasons why they choose to 10:18 23 participate. 10:10 24 Q (BY MR. BECKER) And why is it that they'd 10:16 25 want to participate for a standard that would be 10:18</p> <p style="text-align: right;">Page 50</p>	<p>1 this when we first tried to -- started trying 10:15 2 to schedule my deposition. I'm guessing 10:19 3 February. 10:11 4 Q (BY MR. BECKER) And have you reviewed the 10:14 5 topics of examination that's starting on page 4? 10:16 6 A Yes. 10:13 7 Q And you're aware that you are here as a 10:17 8 30(b)(6) designee for ASHRAE with regards to particular 10:19 9 topics of examination? 10:16 10 A Yes. 10:17 11 Q And that means that -- that you are expected 10:17 12 to prepare and be knowledgeable as to those particular 10:10 13 topics, correct? 10:13 14 A Yes. 10:14 15 Q And those topics are, topic number 1, "The 10:16 16 process and activities of developing the works at 10:11 17 issue, including participation of government and 10:14 18 private sector personnel in standards development." 10:17 19 A Yes. 10:10 20 Q And did you prepare for that topic? 10:11 21 A Yes. 10:13 22 Q And have you been using your knowledge of 10:17 23 that topic in the answers that you had given me earlier 10:19 24 today concerning the standards committee and project 10:13 25 committee? 10:18</p> <p style="text-align: right;">Page 52</p>
<p>1 adopted into code? 10:12 2 MR. CUNNINGHAM: Object to form. 10:14 3 THE WITNESS: My -- my guess would be 10:17 4 that, you know, it's going to affect their -- 10:18 5 their business somehow or the -- you know, or 10:12 6 the jurisdiction in which they work. 10:16 7 Q (BY MR. BECKER) Ms. Reiniche, I'm handing 10:12 8 you what's been previously marked as Exhibit 1076. 10:13 9 This is Defendant Public.Resource.Org's Amended Notice 10:19 10 of Rule 30(b)(6) Deposition of American Society of 10:13 11 Heating, Refrigeration, and Air-Conditioning Engineers, 10:18 12 Inc. And this document had been previously introduced 10:18 13 in Mr. Comstock's deposition. 10:13 14 A Okay. 10:16 15 Q Have you seen this document before, 10:17 16 Ms. Reiniche -- excuse me, Ms. Reiniche? 10:19 17 A Yes. 10:18 18 Q And when did you first see this document 10:16 19 before, to your recollection? 10:10 20 MR. CUNNINGHAM: So I'm -- Matt, this 10:11 21 question is obviously fine, but I just want 10:13 22 to caution the witness to not go into the 10:15 23 substance of any communications that may have 10:18 24 occurred between you and counsel. 10:13 25 THE WITNESS: I probably would have seen 10:15</p> <p style="text-align: right;">Page 51</p>	<p>1 A Yes. 10:19 2 Q And have you been using your knowledge with 10:11 3 regards to that topic as it applies to the other 10:13 4 answers that you've provided me about the ASHRAE's 10:16 5 operations? 10:19 6 A Yes. 10:10 7 Q And the other topics that you have prepared 10:10 8 for today include topic number 2, correct? 10:12 9 A For the copyright? 10:11 10 Q For topic number 2, "All elements of the 10:12 11 chain of title of copyright ownership, including 10:15 12 copyright authorship and ownership of component parts 10:19 13 of the works at issue in this case"? 10:13 14 A Yes. 10:14 15 Q And you've also prepared for topic number 3, 10:17 16 "The authority of persons executing copyright 10:10 17 assignment forms in favor of you to convey the 10:13 18 copyright rights in their works or expression, 10:17 19 including but not limited to evidence of authority of 10:19 20 employees to assign copyrights they do not own 10:12 21 individually"? 10:15 22 A Yes. 10:16 23 Q On to page 5. You've also prepared for topic 10:13 24 number 6; is that correct? 10:17 25 A Yes. 10:11</p> <p style="text-align: right;">Page 53</p>

<p>1 Q And you have also prepared for topic 10:15 2 number 11; is that correct? 10:18 3 A Yes. 10:20 4 Q And on to page 6, you have also prepared for 10:27 5 topic number 15; is that correct? 10:23 6 A Yes. 10:27 7 Q And you've also prepared for topic number 16; 10:29 8 is that correct? 10:23 9 A Yes. 10:23 10 Q And you've also prepared for topic number 17; 10:24 11 is that correct? 10:27 12 A Yes. 10:28 13 Q And you've also prepared for topic number 19; 10:29 14 is that correct? 10:23 15 A Yes. 10:23 16 Q And you've also prepared for topics 20, 21, 10:25 17 and 22; is that correct? 10:29 18 A Yes. 10:23 19 Q And you've also prepared for topic 25; is 10:28 20 that correct? 10:25 21 A Yes. 10:26 22 Q You've also prepared for topic number 26; is 10:27 23 that correct? 10:20 24 A Yes. 10:23 25 Q And have you also prepared for topic 10:25 Page 54</p>	<p>1 excuse me. 10:41 2 Ms. Reiniche, do you see that this is a 10:49 3 status report that has been filed in the -- this case? 10:41 4 A Yes. 10:46 5 Q And if you turn to page 3, do you see that it 10:40 6 says that it was submitted by Thane Rehn, counsel for 10:45 7 NFPA, with permission from counsel for ASTM, ASHRAE, 10:41 8 and Public Resource? 10:48 9 A Yes. 10:41 10 Q And turning to page 2, do you see under the 10:41 11 heading "Discovery Issues Pending from December 1 10:49 12 Hearing, ASHRAE," where it then says that "At the last 10:41 13 hearing, the Court ordered ASHRAE to produce assignment 10:48 14 forms and lists of persons who signed those forms. For 10:42 15 pre-2010 forms, ASHRAE was ordered to produce lists of 10:45 16 project committee members because ASHRAE did not have 10:49 17 other lists of signees readily available. ASHRAE 10:41 18 represents it has completed its production of all lists 10:46 19 of all persons who signed forms for its 2010 version of 10:48 20 Standard 90.1, lists of project committee members for 10:44 21 pre-2010 versions of Standard 90.1 and ASHRAE's 10:47 22 assignment forms. With that representation, Public 10:42 23 Resource agrees the motion is now moot as to ASHRAE." 10:45 24 Do you see that? 10:48 25 A Yes. 10:49 Page 56</p>
<p>1 number 27; is that correct? 10:21 2 A Yes. 10:21 3 Q And have you also prepared for topics 28 and 10:21 4 29? 10:21 5 A Yes. 10:21 6 Q Thank you. 10:21 7 MR. CUNNINGHAM: Matt, we've been going 10:21 8 for about an hour and 20 minutes. If you're 10:21 9 about to -- 10:21 10 MR. BECKER: Yeah. 10:21 11 MR. CUNNINGHAM: -- switch topics, do 10:21 12 you want to take a break? 10:21 13 MR. BECKER: Let's take a break right 10:21 14 now. 10:21 15 MR. CUNNINGHAM: That's fine. 10:21 16 MR. BECKER: Yeah. 10:21 17 THE VIDEOGRAPHER: Going off the record 10:21 18 at 10:21. 10:21 19 (Recess taken.) 10:39 20 (Exhibit 1119, Exhibit 1120, and Exhibit 1121 10:39 21 marked for identification.) 10:39 22 THE VIDEOGRAPHER: Going on the record 10:39 23 at 10:44. 10:44 24 Q (BY MR. BECKER) Ms. Reiniche, I'm handing 10:44 25 you what has been marked as Exhibit 119 -- or 1119, 10:44 Page 55</p>	<p>1 Q Ms. Reiniche, I'm handing you the exhibit 10:47 2 marked 1120. Could you tell me what this document is? 10:40 3 A This is a roster for Standard 90.1 project 10:45 4 committee. 10:41 5 MR. BECKER: And just for the record, 10:47 6 I'll note that this is the document that 10:40 7 starts at Bates number ASHRAE0002835. 10:42 8 Q (BY MR. BECKER) Ms. Reiniche, could you tell 10:49 9 me what the dates in the top left corner of this 10:40 10 document signify? 10:46 11 A That means it -- this says revised 9/7/2001. 10:47 12 That would mean that there was -- either something had 10:42 13 been approved or a correction made to the roster that 10:46 14 date and then printed 9/10/01, was when we ran the 10:41 15 report to print the roster. 10:45 16 Q Thank you. And what -- what does this roster 10:47 17 tell you? 10:43 18 A This roster tells me who the voting members 10:48 19 were, along with their interest categories, and who the 10:40 20 SPLS liaison was at the time, who the consultants were, 10:42 21 who the staff liaisons were, and who the technical 10:46 22 committee liaisons were on the roster. 10:41 23 Q And for the project committee, that would be 10:48 24 the people who were contributing text to the Standard 10:42 25 90.1 at that time; is that correct? 10:49 Page 57</p>

<p>1 A Do you mean everyone on the roster, or do you 10:42 2 mean just project committee? 10:45 3 Q For everyone on the roster. 10:40 4 A For -- yes, for everyone on the roster. 10:44 5 Q And so are there people outside of the 10:40 6 project committee that would be contributing text to 10:43 7 Standard 90.1 at that time? 10:46 8 A Yes. 10:48 9 Q And would all of the people who were 10:40 10 contributing text to Standard 90.1 at that time be 10:43 11 listed on these pages of the roster? 10:46 12 A No. 10:48 13 Q So what other people would have been 10:49 14 contributing text to Standard 90.1 at that time? 10:42 15 A Commenters on -- draft goes out for comment 10:46 16 and those who submitted a continuous maintenance change 10:40 17 proposal. 10:43 18 Q And where does -- excuse me. 10:44 19 Does ASHRAE keep lists of commenters? 10:53 20 A We have lists of commenters. For this year, 10:58 21 I don't know, because our record retention policy 10:54 22 wouldn't require us to keep records this far back. 10:56 23 Q What was the ASHRAE's record retention 10:59 24 policy? 10:52 25 A We follow the ANSI policy of keeping records 10:53 Page 58</p>	<p>1 Q And would that have meant that the -- the 10:58 2 records for the 2007 edition of 90.1 would have been 10:52 3 destroyed at the time of the 2010 publishing? 10:59 4 A If they were destroyed, then yes. 10:52 5 Q You had mentioned before the term "continuous 10:59 6 maintenance change." What does that mean? 10:53 7 A Standard 90.1 is on continuous maintenance, 10:56 8 so anyone at any time can propose a change to the 10:59 9 standard. It could be a project committee member or 10:53 10 the public. If it's the public, then there's a 10:56 11 continuous maintenance change proposal form that gets 10:51 12 submitted. 10:54 13 Q And similarly, for the continuous maintenance 10:56 14 change proposal forms, would those also have been 10:51 15 destroyed? 10:54 16 A They could have been destroyed. 10:56 17 Q Who would know whether or not these documents 10:52 18 for the 2010 prior editions of ASHRAE Standard 90.1 10:55 19 were or were not destroyed? 10:50 20 MR. CUNNINGHAM: I'm going to object 10:54 21 that the line of questioning about document 10:56 22 retention policy is outside the scope of the 10:58 23 30(b)(6) topics. 10:52 24 You can answer. 10:54 25 THE WITNESS: Okay. I would -- I -- 10:57 Page 60</p>
<p>1 back to the last prior revisions. 10:50 2 Q And what is the last prior revision for 10:50 3 Standard 90.1? 10:50 4 A 2013. 10:50 5 Q So does that mean that ASHRAE would not have 10:51 6 records for the 2010 addition of 90.1? 10:51 7 A Not necessarily. We -- if they're 10:51 8 electronic, we probably still have them. There may be 10:51 9 some in paper format that are in Iron Mountain. I 10:51 10 can't guarantee that all the prior stuff is still 10:51 11 there, especially if it's not in electronic format. 10:51 12 Q And what is Iron Mountain? 10:51 13 A It's an off-site storage facility. 10:51 14 Q And does the -- your same answer that you 10:51 15 don't necessarily have records as to the 2007 and 2004 10:51 16 edition of Standard 90.1 also apply? 10:51 17 A That would be correct. Some -- if it's 10:51 18 electronic, then we probably still have it. But if 10:51 19 it's paper, it may or may not still be at Iron 10:51 20 Mountain. 10:51 21 Q At what point would ASHRAE have destroyed 10:52 22 these documents for Standard 20 -- 90.1 2010 edition, 10:52 23 if it had done so? 10:52 24 A If we destroyed it, we could have destroyed 10:52 25 it at the time of 2013 publishing. 10:52 Page 59</p>	<p>1 there is a log of files that we keep that are 10:53 2 at Iron Mountain. I have access to those 10:54 3 logs, can find out what's there. I would not 10:54 4 know what was or was not destroyed unless I 10:54 5 brought every single box back from Iron 10:54 6 Mountain, assuming they are all labeled 10:54 7 correctly. 10:54 8 Q (BY MR. BECKER) Ms. Reiniche, looking at 10:54 9 Exhibit 1119 on page 2, where it says that ASHRAE was 10:55 10 ordered to produce lists of project committee members, 10:55 11 does Exhibit 1120 provide that list of project 10:55 12 committee members for Standard 90.1? 10:55 13 MR. CUNNINGHAM: Objection to form. 10:55 14 THE WITNESS: This is only at one point 10:55 15 in time, so this isn't every single one. 10:55 16 This is at one point. 10:55 17 Q (BY MR. BECKER) But would it provide that 10:55 18 for that one point in time? 10:55 19 A Yes. 10:55 20 Q Ms. Reiniche, I'm handing you what has been 10:56 21 marked as Exhibit 1121 -- 10:56 22 A Okay. 10:56 23 Q -- which reads "ASHRAE Roster." Could you 10:56 24 tell me what this is? 10:56 25 A This is the roster that would have been -- 10:56 Page 61</p>

<p>1 for 90.1 that would have been published on 8/7 of '02. 10:56 2 (Exhibit 1122 marked for identification.) 10:56 3 Q (BY MR. BECKER) Thank you. 10:56 4 And I'm handing you what has been marked as 10:50 5 Exhibit 1122. Could you tell me what this document is? 10:53 6 A This is the roster for 90.1 that was printed 10:57 7 on September 19th, 2002. 10:50 8 (Exhibit 1123 marked for identification.) 10:51 9 Q (BY MR. BECKER) I'm handing you what's been 10:54 10 marked as Exhibit 1123, Bates number ASHRAE0002610. 10:56 11 Could you tell me what this document is? 10:54 12 A This is the roster for 90.1 that was printed 10:56 13 March 23rd, 2003. 10:59 14 (Exhibit 1124 marked for identification.) 10:55 15 Q (BY MR. BECKER) I'm handing you what's been 10:53 16 marked as Exhibit 1124, Bates number ASHRAE0002578. 10:55 17 Could you tell me what this document is? 10:52 18 A This is the roster for 90.1 as of 10:54 19 August 27th, 2004. 10:58 20 (Exhibit 1125 marked for identification.) 10:53 21 Q (BY MR. BECKER) I'm handing you what's been 10:57 22 marked as Exhibit 1125, ASHRAE Bates number 0002847. 10:58 23 Could you tell me what this document is? 10:55 24 A This is the roster for 90.1 as of December 6, 10:57 25 2005. 10:51</p> <p style="text-align: right;">Page 62</p>	<p>1 December 17th, 2008. 11:00 2 (Exhibit 1130 marked for identification.) 11:02 3 Q (BY MR. BECKER) I'm handing you what's been 11:01 4 marked as Exhibit 1130, Bates number ASHRAE0016583. 11:02 5 Could you tell me what this document is? 11:00 6 A This is the roster for 90.1 as of July 21st, 11:02 7 2009. 11:07 8 (Exhibit 1131 marked for identification.) 11:09 9 Q (BY MR. BECKER) I'm handing you what has 11:01 10 been marked as Exhibit 1131, Bates number 11:02 11 ASHRAE0005359. Could you tell me what this document 11:06 12 is, please? 11:00 13 A This is the roster for 90.1 as of 11:01 14 February 19th, 2010. 11:04 15 Q Looking over the ASHRAE rosters that I've 11:00 16 just provided you as these exhibits, is there any 11:02 17 reason why you would think that these are not authentic 11:06 18 documents that have been provided by ASHRAE? 11:00 19 A No. 11:03 20 Q And in your role at ASHRAE, are you familiar 11:00 21 with these rosters? 11:03 22 A Yes. 11:05 23 Q And have you used these rosters in your daily 11:06 24 line of work? 11:02 25 A Yes. 11:02</p> <p style="text-align: right;">Page 64</p>
<p>1 (Exhibit 1126 marked for identification.) 10:58 2 Q (BY MR. BECKER) I'm handing you what's been 10:58 3 marked as Exhibit 1126, ASHRAE0002872. Could you tell 10:58 4 me what this document is? 10:59 5 A This is the roster for 90.1 as of April 4th, 10:59 6 2006. 10:59 7 (Exhibit 1127 marked for identification.) 10:59 8 Q (BY MR. BECKER) I'm handing you what's been 10:59 9 marked as Exhibit 1127, Bates number ASHRAE0002895. 10:59 10 Could you tell me what this document is? 10:59 11 A This is the roster for 90.1 as of May 5th -- 10:59 12 I mean, May 3rd, 2007. 10:59 13 (Exhibit 1128 marked for identification.) 10:59 14 Q (BY MR. BECKER) I'm handing you what has 10:59 15 been marked as Exhibit 1128, Bates number 10:59 16 ASHRAE0013632. Could you tell me what this document 10:59 17 is? 11:00 18 A This is the roster for 90.1 as of June 16th, 11:00 19 2008. 11:00 20 (Exhibit 1129 marked for identification.) 11:00 21 Q (BY MR. BECKER) I'm handing you what's been 11:00 22 marked as Exhibit 1129 of -- Bates number 11:00 23 ASHRAE0002902. Could you tell me what this document 11:00 24 is? 11:00 25 A This is the roster for 90.1 as of 11:00</p> <p style="text-align: right;">Page 63</p>	<p>1 (Exhibit 1132 marked for identification.) 11:07 2 Q (BY MR. BECKER) I'm handing you what's been 11:05 3 marked as Exhibit 1132, Bates number ASHRAE0002467. 11:06 4 Could you tell me what this document is, please? 11:03 5 A This is the report for proposals received 11:05 6 under continuous maintenance for 90.1. It would have 11:09 7 been to the 90.1 2001 version printed January 5th, 11:03 8 2004. 11:00 9 Q And what does this document tell us? 11:01 10 A This document tells me who submitted change 11:02 11 proposals. It gives their proposer number, what 11:06 12 proposal number it is, when it was received and how it 11:00 13 came in. 11:03 14 Q And does the proposer number correlate to 11:00 15 something else? 11:02 16 A The proposal -- that's just how the committee 11:02 17 tracks it so they know which proposal they're doing. 11:04 18 It gets marked on their form. 11:06 19 Q Can multiple people be affiliated with a 11:00 20 single proposal? 11:09 21 A They could. 11:03 22 Q Is this a document that ASHRAE would 11:01 23 ordinarily retain, rather than destroying with its 11:05 24 document destruction policy, to your knowledge? 11:08 25 MR. CUNNINGHAM: Object to form. 11:00</p> <p style="text-align: right;">Page 65</p>

1 THE WITNESS: To my knowledge, it is 11:01
 2 probably something we keep it's a -- if it 11:04
 3 was entered in the database. At the time, we 11:06
 4 had the database that tracks them. And 11:09
 5 provided there's not an issue with the 11:01
 6 database, then it would be kept. 11:04
 7 Q (BY MR. BECKER) And what database are you 11:05
 8 referring to? 11:06
 9 A We have a continuous maintenance change 11:07
 10 proposal access database. 11:09
 11 Q And do you know when ASHRAE first started 11:02
 12 using that database? 11:05
 13 A Around 2003. 11:08
 14 Q What kind of information does that database 11:04
 15 contain? 11:07
 16 A What you see in this report, which is the 11:07
 17 proposer, the number, proposal date, when it was 11:00
 18 received. And then there -- there will be a date that 11:03
 19 isn't shown on here that tells when the committee would 11:07
 20 have responded so that we can close out the proposal. 11:01
 21 Q And does the database also contain the 11:06
 22 content of the proposal itself? 11:00
 23 A No. 11:02
 24 Q Where would someone find the content of the 11:04
 25 proposal itself? 11:07
 Page 66

1 A If it was -- when we were saving 11:09
 2 electronically, then there will be a -- what we call a 11:03
 3 task sheet that we save on our network drive where 11:06
 4 they're saved. And then if not, it's in paper. It 11:09
 5 would have been sent to Iron Mountain. 11:03
 6 Q And what would be the title of the document 11:06
 7 that would have this -- one of these proposals in it? 11:09
 8 A On the network drive? 11:05
 9 Q Yeah. 11:06
 10 MR. CUNNINGHAM: Object to form. 11:09
 11 THE WITNESS: It's probably Task Sheet 6 11:01
 12 would be the title. 11:05
 13 Q (BY MR. BECKER) And what does -- are there 11:06
 14 other task sheets? 11:03
 15 A Yes. 11:04
 16 Q And what are the other task sheets? 11:05
 17 A There's a Task Sheet 1 for new projects; Task 11:08
 18 Sheet 2 that was membership; Task Sheet 3 is title, 11:02
 19 purpose and scope change. I don't believe we have a 4; 11:07
 20 a Task Sheet 5, which is public review; Task Sheet 7, 11:02
 21 which is publication; and Task Sheet 8, which is 11:07
 22 appeals. And Task Sheet 10 might -- there might be a 11:03
 23 Task Sheet 10 now. We might have switched the 11:07
 24 continuous maintenance to that. 11:01
 25 Q Is there a Task Sheet 9? 11:03
 Page 67

1 A No. 11:07
 2 Q Why is that? 11:07
 3 A They just aren't using it -- there may have 11:07
 4 been one way back when they did everything in paper, 11:07
 5 but we don't use a Task Sheet 9 now. 11:07
 6 (Exhibit 1133 marked for identification.) 11:08
 7 Q (BY MR. BECKER) I'm handing you what's been 11:08
 8 marked as Exhibit number 1133. This is Bates number 11:08
 9 ASHRAE0002469. Could you tell me what this document 11:08
 10 is? 11:08
 11 A These are proposals received for continuous 11:08
 12 maintenance of ASHRAE Standard 90.1 2004 dated as of 11:08
 13 January 4th, 2005. 11:08
 14 Q For both Exhibit 1132 and 1133, it appears 11:08
 15 that the dates that the proposals were received -- 11:08
 16 excuse me, let me say that again. 11:08
 17 For Exhibits 1132 and 1133, it appears that 11:08
 18 the date of the document in the top right corner is 11:08
 19 subsequent to the year of the standard itself; is that 11:09
 20 correct? 11:09
 21 A You mean -- 11:09
 22 Q Let me clarify. For -- for Exhibit 1132, 11:09
 23 that exhibit pertains to Standard 90.1 2001, but the 11:09
 24 document itself is from January 5th, 2004; is that 11:09
 25 correct? 11:09
 Page 68

1 A That's correct. 11:05
 2 Q And why is that? 11:05
 3 A That would have been at the one-year mark -- 11:07
 4 well, they have 13 months to -- to respond to 11:02
 5 continuous maintenance change proposals within a year, 11:05
 6 so this would have been printed prior to their January 11:07
 7 2004 meeting, because we would want to know what the 11:01
 8 status of the continuous maintenance change proposals 11:05
 9 were at that time. 11:10
 10 Q The proposals that were reflected here, would 11:11
 11 those be -- if made effective, would those be made 11:16
 12 effective in Standard 90.1 2001 or in a later version? 11:15
 13 A A later version. 11:10
 14 Q So the proposals reflected in Exhibit 1132, 11:19
 15 would those, if they had been enacted, be enacted into 11:13
 16 Standard 90.1 2004? 11:18
 17 A Yes. 11:10
 18 (Exhibit 1134 marked for identification.) 11:12
 19 Q (BY MR. BECKER) I'm handing you what's been 11:10
 20 marked as Exhibit 1134, Bates number ASHRAE0022821. 11:11
 21 Could you tell me what this document is, please? 11:19
 22 A This is the form to comment on a public 11:12
 23 review draft for an addendum to 90.1 2004. 11:17
 24 Q And do you see where it says "Number 2, 11:17
 25 copyright release"? 11:10
 Page 69

<p>1 A Yes. 11:12 2 Q What is the significance of the copyright 11:12 3 release? 11:12 4 MR. CUNNINGHAM: Object to form. 11:12 5 THE WITNESS: It -- the significance of 11:12 6 it is when the commenter submits their 11:12 7 comments, they are giving ASHRAE the 11:12 8 nonexclusive rights to use whatever material 11:12 9 they submit in their comments to change or 11:12 10 modify the standard and then ASHRAE owns the 11:12 11 copyright, and they don't. 11:12 12 MR. BECKER: I'm sorry, Counsel, will 11:12 13 you mind elaborating on the reason for your 11:12 14 objection? 11:12 15 MR. CUNNINGHAM: It calls for a legal 11:12 16 conclusion. 11:12 17 Q (BY MR. BECKER) Why does ASHRAE include the 11:12 18 copyright release in this document? 11:12 19 MR. CUNNINGHAM: Object to form. 11:12 20 THE WITNESS: We include it so that we 11:12 21 can include the material in -- in the 11:12 22 document that they're commenting on without 11:12 23 having to get copyright permission; because 11:13 24 they're giving it, we don't have to go back. 11:13 25 They're giving it when they sign it. 11:13</p> <p style="text-align: right;">Page 70</p>	<p>1 A This is a document to submit a continuous 11:11 2 maintenance change proposal. 11:16 3 Q Does this document contain a copyright 11:10 4 release as well? 11:14 5 A Yes. 11:15 6 Q Could you please mark on the page where the 11:12 7 copyright release is? 11:16 8 (Witness complied with the request of counsel.) 11:13 9 A There's two spots. 11:13 10 MR. CUNNINGHAM: I'm going to go ahead 11:15 11 and object again to form here, Matt. 11:19 12 Q (BY MR. BECKER) And those two spots you've 11:18 13 marked with a number 1 and number 2; is that correct? 11:19 14 A That's correct. 11:12 15 Q Why does ASHRAE use two copyright releases on 11:12 16 this form? 11:19 17 MR. CUNNINGHAM: Object to form. 11:10 18 THE WITNESS: Actually, I think we 11:11 19 allowed it so they could either sign it and 11:11 20 send it in or they could put an electronic 11:14 21 signature in. I just think there's a 11:17 22 signature line that we missed when we made 11:18 23 the form. 11:10 24 Q (BY MR. BECKER) So this form should have 11:13 25 a -- a signature line below the first copyright 11:14</p> <p style="text-align: right;">Page 72</p>
<p>1 Q (BY MR. BECKER) Does ASHRAE believe that it 11:10 2 owns the copyright if somebody signs this form? 11:11 3 A Yes. 11:16 4 Q Would ASHRAE accept a form like this if it 11:12 5 had not been signed and dated? 11:16 6 A No. 11:18 7 Q Do you know of any instance in which ASHRAE 11:11 8 has accepted a form like this if it has not been signed 11:14 9 and dated? 11:17 10 A No. 11:18 11 Q Do you have any reason to believe that this 11:11 12 document produced by ASHRAE is not an authentic 11:13 13 document? 11:16 14 A No. 11:16 15 Q And are you familiar with this document 11:11 16 through your work at ASHRAE? 11:13 17 A Yes. 11:16 18 Q Is this one of the documents that you review? 11:19 19 A Yes. 11:13 20 (Exhibit 1135 marked for identification.) 11:16 21 Q (BY MR. BECKER) I'm handing you what has 11:19 22 been marked as Exhibit 1135, Bates number 11:12 23 ASHRAE0022819. Do you recognize this document? 11:15 24 A Yes. 11:19 25 Q And what is this document? 11:19</p> <p style="text-align: right;">Page 71</p>	<p>1 release, but it does not? 11:10 2 A Correct. 11:11 3 Q And if this form were printed out and sent to 11:13 4 ASHRAE, would ASHRAE reject it if someone had not 11:19 5 signed below the first copyright release? 11:13 6 A On this one, we would have allowed either the 11:17 7 electronic signature if they printed it with the 11:10 8 electronic or if they had signed it, because the 11:11 9 language was the same. 11:14 10 Q Would ASHRAE accept this document if someone 11:19 11 had not typed in their name where it says "I, insert 11:14 12 name"? 11:10 13 A If -- if they did not sign it and did not 11:10 14 insert their name, we would not accept it. 11:13 15 Q Comparing documents Exhibits 1134 and 1135, 11:17 16 is the copyright release in 1134 the same as the 11:12 17 copyright release -- the first copyright release in 11:10 18 1135? 11:13 19 A There is missing -- oh, no, I just can't read 11:10 20 right. No, they're the same. 11:17 21 Q And comparing the first and second copyright 11:12 22 release in 1135, can you say what the differences 11:16 23 between those two are? 11:10 24 MR. CUNNINGHAM: I'm just going to 11:11 25 object. Matt, I think the document speaks 11:12</p> <p style="text-align: right;">Page 73</p>

<p>1 for itself here 11:14 2 THE WITNESS: The -- the only difference 11:11 3 is one we allow electronic signature, and the 11:12 4 other is just a hand -- is a handwritten 11:15 5 signature 11:10 6 Q (BY MR. BECKER) Thank you 11:11 7 (Exhibit 1136 marked for identification) 11:14 8 Q (BY MR. BECKER) I'm handing you what's been 11:12 9 marked as Exhibit 1136, Bates number ASHRAE0022823 Do 11:14 10 you recognize this document? 11:10 11 A Yes 11:12 12 Q And what is this document? 11:13 13 A This is the -- the form to comment on a 11:14 14 public review draft standard guideline or addendum 11:17 15 THE COURT REPORTER: Can we go off the 11:10 16 record a second? 11:14 17 THE VIDEOGRAPHER: Going off the record 11:17 18 at 11:19 11:18 19 (Recess taken) 11:27 20 THE VIDEOGRAPHER: Going on the record 11:28 21 at 11:22 11:28 22 Q (BY MR. BECKER) Ms Reiniche, looking again 11:26 23 on -- at Exhibit 1136, if you look at the second page 11:26 24 of the exhibit, could you tell me what the significance 11:22 25 of the date on the second page is? 11:27</p> <p style="text-align: right;">Page 74</p>	<p>1 Q 1136. 11:22 2 A Yes. 11:25 3 Q And which is the same as the copyright 11:26 4 releases on Exhibit 1135; is that correct? 11:20 5 A That's correct. 11:25 6 Q And Exhibit 1137 says that it was revised on 11:21 7 January 30th, 2006 on the back of the document; is that 11:26 8 correct? 11:20 9 A That's correct. 11:21 10 (Exhibit 1138 marked for identification.) 11:28 11 Q (BY MR. BECKER) Ms. Reiniche, I'm handing 11:27 12 you what's been marked as Exhibit 1138, Bates number 11:27 13 ASHRAE0022820. Do you recognize this document? 11:21 14 A Yes. 11:26 15 Q And what is this document? 11:27 16 A This is the form to submit a proposed change 11:28 17 to an ASHRAE standard under continuous maintenance. 11:21 18 Q And does this document contain the same two 11:27 19 copyright releases that were featured in the previous 11:20 20 exhibit, 1137? 11:24 21 A Yes. 11:29 22 Q And at the bottom of the page, does this 11:22 23 document show that it was revised on March 9th, 2007? 11:24 24 A Yes. 11:25 25 (Exhibit 1139 marked for identification.) 11:21</p> <p style="text-align: right;">Page 76</p>
<p>1 A That was when we were -- we must have made a 11:23 2 revision. So if we changed anything, even if it's one 11:23 3 word, we put a new revision date on a form. 11:23 4 Q And returning to Exhibit 1135, is that also 11:23 5 what "revised 1/30/2006" means at the bottom of that 11:23 6 document? 11:23 7 A Yes. 11:23 8 Q And returning to Exhibit 1134 at the back of 11:23 9 that document where it says "REV 03-01-2004," is that 11:23 10 also what that date means? 11:23 11 A Yes. 11:24 12 Q Thank you. 11:24 13 (Exhibit 1137 marked for identification.) 11:24 14 Q (BY MR. BECKER) Handing you what's been 11:24 15 marked as Exhibit 1137. This is ASHRAE Bates number 11:24 16 0022825. Do you recognize this document? 11:24 17 A Yes. 11:24 18 Q And what is this document? 11:24 19 A This is a form for commenting on a public 11:24 20 review draft to an ASHRAE standard, guideline or 11:24 21 addendum. 11:24 22 Q And does this document also contain the same 11:24 23 copyright release -- excuse me, the same two copyright 11:24 24 releases that had appeared on the previous exhibit? 11:24 25 A Which one? 11:25</p> <p style="text-align: right;">Page 75</p>	<p>1 Q (BY MR. BECKER) I'm handing you what's been 11:26 2 marked as Exhibit 1139. This is Bates number 11:26 3 ASHRAE0022814. Do you recognize this document? 11:20 4 A Yes. 11:24 5 Q Could you tell me what this document is? 11:24 6 A This is an Application for Project Committee 11:26 7 Organizational Representative Membership form. 11:27 8 Q Does this document include a copyright 11:27 9 release under section 6? 11:20 10 A Yes. 11:22 11 Q Apart from referring to ASHRAE standard or 11:24 12 guideline project committee, does this copyright 11:20 13 release under section 6 of Exhibit 1139 appear the same 11:24 14 as the copyright -- the first copyright release in 11:22 15 Exhibit 1138? 11:23 16 MR. CUNNINGHAM: Object to form. 11:26 17 THE WITNESS: Actually, it differs. 11:20 18 Q (BY MR. BECKER) How does it differ? 11:22 19 A There's additional language included in 11:24 20 Exhibit 1139. 11:29 21 Q And could you tell me what that -- excuse me, 11:21 22 could you tell me what that additional language is? 11:24 23 A In the third sentence down, it adds, "to any 11:29 24 contributions I make to documents prepared by or for 11:24 25 such committee for ASHRAE publication." And -- and 11:28</p> <p style="text-align: right;">Page 77</p>

1 then the rest is all the same. 11:22
 2 Q Could you tell me on what date Exhibit 1139 11:21
 3 was revised? 11:21
 4 A October 2009. 11:23
 5 (Exhibit 1140 marked for identification.) 11:31
 6 Q (BY MR. BECKER) Handing you what's been 11:35
 7 marked as Exhibit 1140. Do you recognize this 11:35
 8 document? 11:32
 9 A Yes. 11:32
 10 Q Could you tell me what this document is? 11:32
 11 A This is the ASHRAE Standard Guideline Project 11:34
 12 Committee Application for Individual Membership. 11:38
 13 Q And does this Exhibit 1140 include a 11:31
 14 copyright release under section 5? 11:34
 15 A Yes. 11:36
 16 Q Could you tell me if this copyright release 11:30
 17 differs in any way from the copyright release on 11:35
 18 Exhibit 1139? 11:30
 19 MR. CUNNINGHAM: Object to form. 11:33
 20 THE WITNESS: The only difference is 11:31
 21 that on form 1139, it says "elected as an 11:34
 22 organizational member" versus 1140, which is 11:30
 23 "as a member." 11:33
 24 Q (BY MR. BECKER) Are Exhibits 1139 and 11:32
 25 Exhibits 1140 documents that individuals are required 11:35
 Page 78

1 to fill out in order to obtain membership with ASHRAE? 11:30
 2 A For project committees, yes. 11:37
 3 (Exhibit 1141 marked for identification.) 11:30
 4 Q (BY MR. BECKER) I'm handing you what's been 11:30
 5 marked as Exhibit 1141. Do you recognize this 11:31
 6 document? 11:36
 7 A Yes. 11:39
 8 Q Could you tell me what this document is? 11:30
 9 A This document is -- language includes our 11:33
 10 copyright information for electronic or -- or the 11:37
 11 signing. 11:31
 12 Q Does this document, Exhibit 1141, include the 11:36
 13 same two copyright releases that were seen in Exhibit 11:33
 14 1135? 11:39
 15 MR. CUNNINGHAM: Object to form. 11:38
 16 THE WITNESS: There's a few "and"s 11:36
 17 missing in the -- in -- in 1141 that are in 11:38
 18 1135. And in 1141, the signature line is 11:30
 19 included, which is not in 1135. But other 11:35
 20 than that, they're the same. 11:38
 21 Q (BY MR. BECKER) Thank you. 11:32
 22 Does this document appear to be redacted to 11:35
 23 you? 11:38
 24 A Yes. 11:38
 25 Q Do you know why this document is redacted? 11:39
 Page 79

1 A No. 11:32
 2 Q Does ASHRAE ordinarily keep a document that 11:38
 3 would look like this in its redacted form? 11:36
 4 A Actually, I -- I would -- correct. If it was 11:30
 5 redacted, it was probably because it had contact -- or 11:32
 6 contact information of the individual on here, and that 11:36
 7 would have been why it would have been redacted. 11:38
 8 (Exhibit 1142 marked for identification.) 11:35
 9 Q (BY MR. BECKER) I'm handing you what's been 11:34
 10 marked as Exhibit 1142. This is ASHRAE Bates number 11:35
 11 0001618. With the exception of the different Bates 11:39
 12 numbers, does this document appear to you to be 11:33
 13 identical to the previous exhibit, Exhibit 1141? 11:36
 14 A Yes. 11:32
 15 (Exhibit 1143 marked for identification.) 11:32
 16 Q (BY MR. BECKER) I'm handing you what's been 11:38
 17 marked as Exhibit 1143. Could you tell me what this 11:30
 18 document is? 11:35
 19 A This is the Form for Continuous Maintenance 11:36
 20 Change Proposal. 11:39
 21 Q And do you recognize this document? 11:30
 22 A Yes. 11:32
 23 Q And could you tell me when this document was 11:37
 24 last revised? 11:30
 25 A January 30th, 2006. 11:31
 Page 80

1 Q And does this document have the same two 11:37
 2 copyright releases as in Exhibit 1135? 11:37
 3 A Yes. 11:37
 4 (Exhibit 1144 marked for identification.) 11:37
 5 Q (BY MR. BECKER) I'm handing you what's been 11:38
 6 marked as Exhibit 1144. Do you recognize this 11:38
 7 document? 11:38
 8 A Yes. 11:38
 9 Q Could you tell me what it is? 11:38
 10 A This is the Form for Commenting in a Public 11:38
 11 Review Draft ASHRAE Standard, Guideline or Addendum. 11:38
 12 Q And looking at the second page of this 11:38
 13 document, could you tell me the date on which it was 11:38
 14 revised? 11:38
 15 A March 1st, 2004. 11:38
 16 Q And does this document have the same 11:38
 17 copyright release as Exhibit 1134? 11:38
 18 A Yes. 11:39
 19 (Exhibit 1145 marked for identification.) 11:39
 20 Q (BY MR. BECKER) Handing you what's been 11:39
 21 marked as Exhibit 1145. This is Bates number 11:39
 22 ASHRAE0001606. Could you -- do you recognize this 11:39
 23 document? 11:39
 24 A Yes. 11:39
 25 Q Could you tell me what this document is? 11:39
 Page 81

1 A This is the Form for Commenting on a Public 11:39
 2 Review Draft ASHRAE Standard, Guideline or Addendum 11:32
 3 Q And could you tell me the date on which this 11:37
 4 was revised? 11:39
 5 A March 1st, 2004 11:33
 6 Q And does this include the same copyright 11:34
 7 release that was in the previous exhibit, 1144? 11:36
 8 A Yes 11:46
 9 (Exhibit 1146 marked for identification) 11:41
 10 Q (BY MR. BECKER) I'm handing you what's been 11:49
 11 marked as Exhibit 1146 Do you recognize this 11:40
 12 document? 11:44
 13 A Yes 11:44
 14 MR. BECKER: And this -- just for the 11:47
 15 record, this document is Bates number 11:49
 16 ASHRAE0001600 11:41
 17 Q (BY MR. BECKER) Could you tell me what this 11:45
 18 document is? 11:47
 19 A This is the Form for Submittal of a Proposed 11:48
 20 Change to ASHRAE Standard Under Continuous Maintenance 11:41
 21 Q Could you -- could you tell me the 11:47
 22 significance of the date in the bottom left-hand 11:49
 23 corner? 11:43
 24 A That would have been the date it was revised 11:43
 25 Q Does this document include the same copyright 11:43
 Page 82

1 release under section 1 as was in Exhibit 1134? 11:41
 2 A With the exception of splitting up a 11:41
 3 sentence, it's exactly the same. There's an "and" in 11:41
 4 1134 between "proposals" and "I understand" -- and "I 11:41
 5 understand" that is not in 1146. 11:42
 6 (Exhibit 1147 marked for identification.) 11:42
 7 Q (BY MR. BECKER) I'm handing you what's been 11:42
 8 marked as Exhibit 1147. This is Bates number 11:42
 9 ASHRAE0001604. Do you recognize this document? 11:42
 10 A Yes. 11:42
 11 Q Could you tell me what this document is? 11:42
 12 A This is a Continuous Maintenance Submittal 11:42
 13 form. 11:42
 14 Q And could you tell me when this document was 11:42
 15 revised? 11:42
 16 A January 30th, 2006. 11:42
 17 Q Does this document include the same two 11:42
 18 copyright -- copyright releases as in Exhibit 1135? 11:42
 19 A Yes. 11:43
 20 (Exhibit 1148 marked for identification.) 11:43
 21 Q (BY MR. BECKER) I'm handing you what's been 11:43
 22 marked as Exhibit 1148. Do you recognize this 11:43
 23 document? 11:43
 24 A Yes. 11:43
 25 Q Could you tell me what this document is? 11:43
 Page 83

1 A This is the Form for Commenting on a Public 11:43
 2 Review Draft ASHRAE Standard, Guideline or Addendum. 11:43
 3 Q Looking at the second page of this document, 11:43
 4 could you tell me when this document was revised? 11:43
 5 A January 30th, 2006. 11:43
 6 Q Does this document under section 2, 11:43
 7 "Copyright Release," have the same two copyright 11:43
 8 releases that were in Exhibit 1135? 11:43
 9 A In the first paragraph, in -- in the third 11:44
 10 line down, instead of saying "the standard," like we 11:44
 11 see in Exhibit 1135, in Exhibit 1148, it says "this 11:44
 12 standard." 11:44
 13 (Exhibit 1149 marked for identification.) 11:44
 14 Q (BY MR. BECKER) I'm handing you what's been 11:44
 15 marked as Exhibit 1149. Do you recognize this 11:44
 16 document? 11:44
 17 A Yes. 11:44
 18 Q Could you tell me what this document is? 11:44
 19 A This is the Form for Commenting on a Public 11:45
 20 Review Draft, ASHRAE Standard, Guideline or Addendum. 11:45
 21 MR. BECKER: For the record, I'll just 11:45
 22 state that this is Bates number 11:45
 23 ASHRAE0001610. 11:45
 24 Q (BY MR. BECKER) Looking at the back of the 11:45
 25 document, could you tell me the date on which this was 11:45
 Page 84

1 revised? 11:45
 2 A January 30th, 2006. 11:45
 3 Q Does this document, Exhibit 1149, have the 11:45
 4 same copyright releases as in the previous exhibit, 11:45
 5 1148? 11:45
 6 A Yes. 11:45
 7 (Exhibit 1150 marked for identification.) 11:45
 8 Q (BY MR. BECKER) I'm handing you what's been 11:46
 9 marked as Exhibit 1150. This is Bates number 11:46
 10 ASHRAE0001605. Do you recognize this document? 11:46
 11 A Yes. 11:46
 12 Q And could you tell me what this document is? 11:46
 13 A This is the Form for Submittal of a Proposed 11:46
 14 Change to an ASHRAE Standard Under Continuous 11:46
 15 Maintenance. 11:46
 16 Q And could you tell me, looking at the bottom 11:46
 17 right-hand corner, the date on which this was revised? 11:46
 18 A March 9th, 2007. 11:46
 19 Q And does Exhibit 1150 have the same two 11:46
 20 copyright releases as Exhibit 1135? 11:46
 21 A With the exception of an "and" that's in 11:47
 22 paragraph -- in the second paragraph of 1135, where 11:47
 23 it's between "proposals" and "I understand," it's the 11:47
 24 same. 11:47
 25 (Exhibit 1151 marked for identification.) 11:47
 Page 85

1 Q (BY MR. BECKER) I'm handing you what has 11:48
 2 been marked as Exhibit 1151. Do you recognize this 11:40
 3 document? 11:42
 4 A Yes. 11:42
 5 Q Could you tell me what this document is? 11:43
 6 A This is an Application for Project Committee 11:45
 7 Organizational Representative Membership. 11:47
 8 Q And looking at the bottom left-hand corner, 11:41
 9 could you tell me the date on which this was revised? 11:45
 10 A October 2009. 11:48
 11 Q Comparing the copyright release -- excuse me. 11:40
 12 Is there a copyright release under Exhibit -- 11:45
 13 excuse me, section 6 of Exhibit 1151? 11:47
 14 A Yes. 11:41
 15 Q And comparing that copyright release on 11:43
 16 Exhibit 1151 with the copyright release on 11:47
 17 Exhibit 1139, can you tell me if they are identical? 11:42
 18 A They are identical. 11:41
 19 Q Thank you. 11:46
 20 (Exhibit 1152 marked for identification.) 11:48
 21 Q (BY MR. BECKER) Handing you Exhibit 1152, 11:41
 22 Bates number ASHRAE0001616. Do you recognize this 11:43
 23 document? 11:49
 24 A Yes. 11:49
 25 Q Could you tell me what this document is? 11:43
 Page 86

1 A This is the ASHRAE Standard Guideline Project 11:44
 2 Committee Application for Individual Membership. 11:47
 3 Q And could you tell me the date on which this 11:56
 4 was revised? 11:57
 5 A October 2009. 11:58
 6 Q Comparing the -- excuse me. 11:52
 7 Is there a copyright release at section 5 of 11:59
 8 Exhibit 1152? 11:52
 9 A Yes. 11:54
 10 Q Comparing the copyright release on section 5 11:56
 11 of Exhibit 1152 with the copyright release from 11:58
 12 Exhibit 1151, could you tell me if there are any 11:52
 13 differences between the two? 11:56
 14 A The difference is on 1151, it's for an 11:55
 15 organizational member; and 1152, it's a member. 11:59
 16 Q Thank you. 11:56
 17 (Exhibit 1153 marked for identification.) 11:56
 18 Q (BY MR. BECKER) I'm handing you what's been 11:58
 19 marked as Exhibit 1153. Do you recognize this 11:54
 20 document? 11:50
 21 A Yes. 11:51
 22 Q Could you tell me what this document is? 11:54
 23 A This is how you would enter a comment on the 11:55
 24 online comment database with entering the -- your name 11:58
 25 into that field and "I agree" in order to go forward. 11:52
 Page 87

1 MR. BECKER: For the record, I'll note 11:57
 2 that this is Bates number ASHRAE0001612. 11:58
 3 Q (BY MR. BECKER) Are users of the ASHRAE 11:56
 4 website required to fill in their name into the box 11:58
 5 that says "Name of whoever is logged in to comment 11:54
 6 would be entered here"? 11:57
 7 MR. CUNNINGHAM: Objection to form. 11:59
 8 THE WITNESS: In order to comment, any 11:52
 9 member of the public would have to enter 11:55
 10 their name as it would appear above that line 11:58
 11 and hit "I agree" in order to comment in the 11:50
 12 online comment database. 11:54
 13 Q (BY MR. BECKER) Could you tell me who checks 11:55
 14 that box for names? 11:58
 15 A You can't go forward. If you click "I do not 11:51
 16 agree," you cannot submit a comment. 11:53
 17 Q If -- does somebody check whatever names are 11:56
 18 put in there to make sure that they match with the 11:50
 19 person who's submitting the comments? 11:53
 20 A Do you mean can I physically tell if you were 11:58
 21 signed in as somebody else and put their name in there? 11:52
 22 Q Yes. 11:56
 23 A I cannot physically tell that. 11:58
 24 Q And if -- if I went on to the ASHRAE website 11:51
 25 and I put in my name as just the letter Z and clicked 11:56
 Page 88

1 "I agree," would it allow me to proceed? 11:53
 2 A No. 11:56
 3 Q And how does it stop me from proceeding? 11:57
 4 A There is a name -- where you see "Name of 11:50
 5 whoever is logged in to comment would be entered here," 11:53
 6 the system generates the letters -- for example, for 11:56
 7 mine, it would say Mrs. Stephanie R-E-I-N, is where it 11:51
 8 ends up stop -- it goes to a certain amount of 11:55
 9 characters. That's what I enter there and hit "I 11:58
 10 agree." 11:51
 11 Q So it might not allow you to enter your full 11:53
 12 name? 11:56
 13 A Correct. You have to enter whatever it shows 11:56
 14 above there, because it's -- you know, it's got so 11:58
 15 many -- the coding is such to so many characters. 11:52
 16 Q And where would it show the person's name? 11:57
 17 A Where you see "Name of whoever is logged in 11:59
 18 to comment would be entered here," their name would 11:52
 19 appear there. 11:56
 20 Q Okay. Does this Exhibit 1153 include a 11:56
 21 copyright release? 11:56
 22 A Yes. 11:57
 23 Q And is that the second paragraph on 11:51
 24 Exhibit 1153? 11:54
 25 A Yes. 11:56
 Page 89

<p>1 Q And does this copyright release on 11:52 2 Exhibit 1153 appear identical to the second copyright 11:55 3 release on Exhibit 1135? 11:50 4 A Other than the fact you can't do the "I, 11:53 5 insert name," it starts with "I, hereby," it's the 11:56 6 same. 11:50 7 (Exhibit 1154 marked for identification.) 11:53 8 Q (BY MR. BECKER) I'm handing you what's been 11:50 9 marked as Exhibit 1154. Do you recognize this 11:50 10 document? 11:54 11 A Yes. 11:56 12 MR. BECKER: For the record, this is 11:58 13 Bates number ASHRAE0022827. 11:59 14 Q (BY MR. BECKER) Could you tell me what this 11:53 15 document is? 11:54 16 A This is the -- where you would go to log in 11:54 17 at the online comment database, and it shows me as 11:50 18 being logged in, because my name appears, 11:53 19 Mrs. Stephanie C. R-E-I-N. 11:57 20 Q And does this document, Exhibit 1154, include 11:59 21 a copyright release? 11:54 22 A Yes. 11:55 23 Q And is this copyright release identical to 11:56 24 the copyright release in Exhibit 1153? 11:58 25 A Yes. 11:59</p> <p style="text-align: right;">Page 90</p>	<p>1 A No. 11:53 2 MR. CUNNINGHAM: Object to the form on 11:55 3 that. 11:56 4 Q (BY MR. BECKER) Does ASHRAE see a difference 11:51 5 between copyright releases and copyright assignments? 11:54 6 MR. CUNNINGHAM: Object to the form. 11:57 7 THE WITNESS: No. 11:58 8 Q (BY MR. BECKER) Do you see a difference 11:51 9 between copyright releases and copyright assignments? 11:52 10 MR. CUNNINGHAM: Object insofar as it's 11:56 11 outside the scope. 11:59 12 THE WITNESS: No. 11:51 13 Q (BY MR. BECKER) Is there any way in which 11:56 14 someone who contributed text to Standards 90.1 or to 11:58 15 the 1993 ASHRAE handbook would have given copyright 12:05 16 rights to ASHRAE, other than through the copyright 12:04 17 releases that we have discussed today? 12:09 18 MR. CUNNINGHAM: Object to form. 12:03 19 THE WITNESS: Do you mean because their 12:08 20 company submitted -- they took language from 12:01 21 a different document and put it in there? 12:03 22 Q (BY MR. BECKER) I mean, does ASHRAE believe 12:06 23 that it owns the copyright in contributions to 12:08 24 Standard 90.1 or to the 1993 ASHRAE handbook by virtue 12:05 25 of any copyright assignments or releases, other than 12:00</p> <p style="text-align: right;">Page 92</p>
<p>1 Q Ms. Reiniche, do you know when this copyright 11:50 2 release was first added to the ASHRAE website? 11:57 3 A It would have been when we started the online 11:54 4 comment database, which was around 2005 -- no, I'm 11:56 5 sorry, around 2008. 11:57 6 Q And for the online comment database, has it 11:54 7 always required individuals to enter their name and 11:58 8 click "I agree" -- 11:53 9 A Yes. 11:54 10 Q -- in order to gain access? 11:55 11 Ms. Reiniche, I will represent to you that we 11:59 12 have now produced before you as exhibits all of the 11:51 13 blank copyright releases that ASHRAE has produced to 11:55 14 Public Resource through discovery. 11:50 15 Are you aware of any other copyright releases 11:53 16 that ASHRAE uses in order to get copyright for 11:57 17 Standards 90.1 or for the 1993 ASHRAE handbook that 11:53 18 have not been produced to Public Resource? 11:50 19 A I'm not aware of anything that has not been 11:53 20 produced. 11:55 21 Q Is ASHRAE aware of any copyright releases 11:57 22 that have not been produced to Public Resource? 11:50 23 A No. 11:54 24 Q Is ASHRAE aware of any copyright assignments 11:57 25 that have not been produced to Public Resource? 11:51</p> <p style="text-align: right;">Page 91</p>	<p>1 those that we have discussed today? 12:04 2 A No. 12:08 3 Q And does ASHRAE believe that it owns 12:09 4 copyright in contributions to Standards 90.1 or to the 12:02 5 1993 handbook by virtue of any other means, other than 12:06 6 those copyright releases that we have discussed today? 12:01 7 A No. 12:05 8 MR. CUNNINGHAM: I'm going to object 12:08 9 insofar as the last few questions called for 12:09 10 legal conclusions. 12:01 11 MR. BECKER: I think that we can stop 12:01 12 for lunch here, if that works for the rest of 12:03 13 you. 12:05 14 THE VIDEOGRAPHER: Going off the record 12:06 15 at 12:01. 12:07 16 (Lunch recess.) 13:04 17 (Exhibit 1155 marked for identification.) 13:05 18 THE VIDEOGRAPHER: Going on the record 13:02 19 at 13:03. 13:03 20 Q (BY MR. BECKER) Ms. Reiniche, we're back on 13:03 21 the record now. 13:05 22 Did you have anything that you had remembered 13:06 23 or wanted to add to prior testimony today? 13:09 24 A No. 13:03 25 Q Thank you. 13:04</p> <p style="text-align: right;">Page 93</p>

<p>1 Now, Ms. Reiniche, I'm handing you what's 13:05 2 been marked as Exhibit 1155. It's Bates number 13:09 3 ASHRAE0001598. So, Ms. Reiniche, my sincere apologies. 13:07 4 I had missed this one last document that pertains to 13:04 5 the subject that we were discussing prior to lunch. 13:08 6 Can you tell me if you recognize this 13:02 7 document? 13:04 8 A Yes. 13:04 9 Q And can you tell me what this document is? 13:05 10 A This is an Application for Membership on 13:09 11 ASHRAE Standard or Guideline Project Committee. 13:01 12 Q And can you tell me if this document contains 13:03 13 a copyright assignment? 13:06 14 A Yes, under number 7. 13:08 15 Q Okay. And could you tell me if after seeing 13:09 16 this document if that changes any of your answers 13:01 17 earlier today? 13:05 18 A No, it does not. 13:05 19 Q Thank you. 13:07 20 Ms. Reiniche, could you walk me through at a 13:07 21 high level how ASHRAE standard -- standards are 13:00 22 created? 13:03 23 A Sure. So it starts with a title, purpose and 13:03 24 scope being submitted for consideration to be approved. 13:08 25 That would have been approved by the procedures, policy 13:03 Page 94</p>	<p>1 publication. If they need to make more changes, it 13:06 2 will go back to the public review process. 13:08 3 Q So in this process that you were describing, 13:01 4 it's the standards committee that would begin drafting 13:05 5 the document; is that correct? 13:08 6 A No. It's the project committee that drafts 13:09 7 the document. 13:01 8 Q And the process that you just described, is 13:01 9 that the process that's used for ASHRAE Standard 90.1? 13:06 10 A It would have when it was started. The 13:02 11 difference -- there's a little difference now because 13:04 12 it's on continuous maintenance. 13:06 13 Q And what -- what does that difference mean? 13:08 14 A The difference is the membership is on a 13:00 15 four-year rotating cycle, so one -- basically, roughly 13:04 16 one-third of the committee would roll off every four 13:08 17 years, so they're not -- everyone is not coming off at 13:01 18 the same time. And new members will be added, so 13:04 19 they're added continuously, typically once a year. 13:07 20 Then instead of the full draft going out, 13:02 21 their addenda are issued to go out for public review 13:07 22 and comment. They'd either come from stuff that has 13:00 23 been generated by the committee or through a continuous 13:03 24 maintenance change proposal. And then the rest of the 13:05 25 process would follow the same way. 13:07 Page 96</p>
<p>1 interpretation subcommittee, then forwarded to the 13:07 2 standards committee for approval. Depending on what 13:02 3 year, it would have had to go to tech council, but 13:06 4 always ends up at our board of directors to approve the 13:00 5 title, purpose and scope for a new standard project 13:03 6 committee or guideline. 13:07 7 Then after that, you would do a call for 13:09 8 members, people would submit the membership 13:02 9 applications, and then the committee chair would 13:05 10 recommend to the standards project liaison subcommittee 13:08 11 and standards committee their membership. 13:01 12 And then the committee would -- would begin 13:06 13 working on drafting the document. Then they would 13:00 14 approve it for public review. And then depending on 13:04 15 what type of committee, would dictate how much more 13:08 16 oversight. So standards project liaison subcommittee 13:03 17 or the SPLS liaison would -- would say it's okay to go 13:06 18 out for public review. It goes out for comment. 13:01 19 The committee reviews all the comments, 13:05 20 responds to all the commenters. And then the 13:07 21 commenters have to indicate their resolution status. 13:00 22 And then the committee needs to decide whether or not 13:03 23 changes need to be made to the standard -- to the 13:06 24 document based on the comments received, or if not -- 13:09 25 if not, it goes for -- they'll approve it for 13:02 Page 95</p>	<p>1 Q And the -- who drafts the title, purpose and 13:03 2 scope? 13:07 3 A The title, purpose and scope can be -- a new 13:02 4 one can be submitted by anyone. I could submit one; 13:05 5 you could submit one. The technical committee within 13:07 6 ASHRAE is usually how it's submitted. 13:01 7 Q And is the technical committee, are they 13:02 8 volunteers or are they employees of ASHRAE? 13:07 9 A Volunteers. 13:00 10 Q And the project committee as well is 13:01 11 volunteers, correct? 13:03 12 A That's correct. 13:04 13 Q How are ASHRAE employees involved in the 13:01 14 creation and maintenance of ASHRAE Standard 90.1? 13:05 15 A In the -- are you talking from now or are you 13:01 16 talking about when it was first started? 13:04 17 Q Let's -- let's go from when it first started 13:07 18 until now. 13:09 19 A So when the title, purpose and scope would 13:01 20 have been proposed, a staff member would -- would 13:03 21 review that to make sure it's in the correct format 13:05 22 and, if there is some questions, would actually send it 13:09 23 back to whoever had proposed it to make -- to correct 13:01 24 it or say if they're okay, if we met their intent, and 13:05 25 then send it forward to -- it probably when -- 19 -- 13:09 Page 97</p>

1 90.1 was developed in, I think, 1975. They probably 13:05
 2 didn't have all the subcommittees that we have now, but 13:01
 3 would have went through the approving bodies up through 13:04
 4 the board that way. 13:07
 5 Q And would there have been a project committee 13:07
 6 as well for -- for the original 90.1? 13:09
 7 A Yes. 13:01
 8 Q And during that process, did staff members 13:09
 9 draft any of the text for 90.1? 13:15
 10 A From the beginning? 13:10
 11 Q Yeah. 13:12
 12 A Not unless they were making the edits to -- 13:13
 13 because of conformity and -- or conflicts or things 13:16
 14 like that. 13:19
 15 Q And would staff members have contributed any 13:12
 16 text to subsequent versions of 90.1? 13:18
 17 A In the same way, either in the discussions, 13:10
 18 if there's a conflict or stuff doesn't -- or through 13:13
 19 the editing and review of the material. 13:17
 20 Q And does ASHRAE have any record of that? 13:12
 21 A If it was done -- it would have been done via 13:17
 22 email, at the time email started. 90.1 started before 13:10
 23 the Internet, so if the -- if -- if the records still 13:15
 24 existed, it would have been in paper format. 13:10
 25 Q What is ASHRAE's purpose in creating these 13:11
 Page 98

1 standards? 13:14
 2 A It's to -- the purpose is to advance the 13:16
 3 building sciences. We have a long mission statement, 13:12
 4 but that's essentially what it is. 13:16
 5 Q Does ASHRAE's mission statement reflect its 13:15
 6 purposes in -- in developing these standards? 13:18
 7 A I would say yes. 13:13
 8 Q And how does ASHRAE advance the building 13:16
 9 sciences? 13:19
 10 A I would -- well, I would say through the 13:12
 11 development of the -- the standards that affect, you 13:15
 12 know, the energy efficiency of buildings, indoor air 13:18
 13 quality, indoor environmental quality. I'm sure 13:12
 14 there's other things that we create, courses and books 13:15
 15 that are outside the standards development process that 13:18
 16 we do as well. 13:11
 17 Q And why is it that individuals who are not 13:10
 18 employees of ASHRAE participate in the standard design 13:16
 19 process? 13:19
 20 MR. CUNNINGHAM: Object to form. 13:13
 21 THE WITNESS: I would say because for 13:14
 22 various reasons it could affect their 13:18
 23 company. Maybe they want to make the world a 13:10
 24 better place, maybe it affects the codes. It 13:13
 25 varies. It depends on the individuals. 13:16
 Page 99

1 Q (BY MR. BECKER) And by "the codes," are you 13:18
 2 referring to the standards that have been enacted into 13:19
 3 regulation? 13:14
 4 A That and -- and the international codes, the 13:14
 5 codes spelled by NFPA, IAPMO. 13:19
 6 Q Are there any other reasons why -- why 13:13
 7 individuals who are not employees of ASHRAE participate 13:16
 8 in the ASHRAE development -- standard development 13:19
 9 process? 13:13
 10 MR. CUNNINGHAM: Object to form. 13:14
 11 THE WITNESS: I'm sure there are. I 13:15
 12 just -- that's not a question I ask when 13:16
 13 people apply for membership. 13:19
 14 Q (BY MR. BECKER) Does ASHRAE draw -- draft 13:11
 15 model laws or ordinances? 13:14
 16 A Where we would start with the drafting for 13:16
 17 the law, is that what you mean? 13:11
 18 Q Does ASHRAE oversee the drafting of model 13:12
 19 laws and ordinances? 13:16
 20 A We submit comments on things that are coming 13:18
 21 out through -- through -- through the -- through 13:10
 22 Congress or that have been posted in the Federal 13:12
 23 Register; things like that. 13:15
 24 Q And what's the purpose of submitting comments 13:16
 25 in -- for things that are coming out in legislation and 13:19
 Page 100

1 regulation as you're describing? 13:11
 2 A The purpose is to -- to -- typically, you 13:14
 3 want stuff that's been done through consensus process 13:19
 4 and has the expertise, so that may be a reason. 13:13
 5 Another reason may be to make it consistent language 13:17
 6 with what's already out there in our standards or 13:10
 7 others; that type of thing. 13:14
 8 Q When you say "you want stuff that's been done 13:15
 9 through the consensus process," who is "you" in that 13:10
 10 sentence? 13:14
 11 A ASHRAE. 13:15
 12 Q ASHRAE. Okay. 13:15
 13 And why is it that ASHRAE wants things that 13:18
 14 have been done through the consensus process? 13:11
 15 A Because the -- the proper experts are 13:14
 16 participating in the development of those documents, 13:17
 17 it's -- it's been vetted in the industry, people have 13:10
 18 had a chance to comment. We've tried to reach 13:13
 19 resolution so, you know, an equal amount of people are 13:17
 20 unhappy. 13:10
 21 Q And you referred to an interest in expertise 13:14
 22 in the process of drafting legislation and regulation. 13:18
 23 Does that also reflect ASHRAE's interest in -- in 13:13
 24 having expertise reflected in that process? 13:17
 25 MR. CUNNINGHAM: Object to the form. 13:19
 Page 101

<p>1 THE WITNESS: I'm not sure what you 13:11 2 mean. 13:12 3 Q (BY MR. BECKER) Okay. Just a moment ago, 13:13 4 you said the purpose is to -- "typically, you want 13:16 5 stuff that's been done through consensus process and 13:10 6 has the expertise, so that may be a reason." So what 13:13 7 did you mean by "has expertise" there? 13:18 8 A So if you're writing, for example, something 13:12 9 on how to create a widget, you want the people that 13:14 10 know how to create a widget, the information coming 13:18 11 from that versus someone who has -- in legislation may 13:11 12 have a marketing degree that doesn't understand how to 13:16 13 create that widget. 13:18 14 Q And so for air-conditioning or heating, you 13:19 15 would want somebody who has expertise in that area, 13:13 16 rather than necessarily a legislator or a regulator who 13:17 17 doesn't have expertise in that area; is that correct? 13:11 18 A We would want the information to come through 13:15 19 stuff that had been done by the expert to be reflected, 13:17 20 that would be correct. 13:11 21 Q And why is that important to have it come 13:12 22 from an expert? 13:14 23 A Because they're the ones that understand how 13:15 24 to make that product or how to construct that building 13:17 25 or how to make something more energy efficient; that 13:10 Page 102</p>	<p>1 the next number for a standard. There are a couple 13:19 2 when they're tied together; for example, 90.1 has a 13:19 3 90.2 and a 90.4, because they cover -- it's energy 13:19 4 efficiency, but they cover a certain building type. 13:19 5 Q And when referring to these standards, if 13:19 6 they were referred to in, say, regulation, would it 13:19 7 need to say ASHRAE 90.1 or could the regulation simply 13:19 8 say 90.1 and would people know what that was referring 13:19 9 to? 13:19 10 MR. CUNNINGHAM: Object to the form. 13:19 11 MR. FEE: Same objection. 13:19 12 THE WITNESS: If you're within ASHRAE, 13:19 13 you will know ASHRAE 90.1. If you just said 13:19 14 90.1, I would probably want you to say 13:19 15 ANSI/ASHRAE Standard 90.1 and the year, so 13:19 16 you know which document they're talking 13:19 17 about. 13:19 18 Q (BY MR. BECKER) Would that be the correct 13:19 19 way to cite the ASHRAE 90.1 standard? 13:19 20 MR. FEE: Objection, form. 13:20 21 THE WITNESS: I would include the title. 13:20 22 The first reference you make as well still 13:20 23 makes it clear. 13:20 24 Q (BY MR. BECKER) Yeah. So people should say 13:20 25 ANSI/ASHRAE Standard 90.1? 13:20 Page 104</p>
<p>1 type of thing. 13:13 2 Q Is there technical expertise that's necessary 13:14 3 in order to understand that subject? 13:17 4 MR. CUNNINGHAM: Object to the form. 13:19 5 THE WITNESS: It depends on what you're 13:15 6 writing. But I don't think you can do it 13:16 7 just with -- just looking at something. You 13:19 8 have to have some knowledge. 13:12 9 Q (BY MR. BECKER) So for -- to make it 13:13 10 concrete for Standard 90.1, is that a standard that 13:15 11 would require technical expertise in order to know what 13:19 12 its contents were and what should be enacted into law? 13:16 13 MR. CUNNINGHAM: Object to the form. 13:19 14 THE WITNESS: You need to understand 13:12 15 how -- all of 90.1. It does help to have 13:15 16 technical expertise in engineering. Whether 13:18 17 or not something needs -- the technical 13:11 18 expertise is needed to go into the law, I 13:13 19 would still venture on the side of yes. 13:17 20 Q (BY MR. BECKER) How does one identify a 13:10 21 particular ASHRAE standard? Is there -- is there a 13:14 22 particular naming convention that ASHRAE uses for its 13:19 23 standards? 13:11 24 A Each has a number, and so it's just 13:13 25 sequential in number; whatever number we are last at is 13:16 Page 103</p>	<p>1 MR. FEE: Same objection. 13:20 2 THE WITNESS: They should say 13:20 3 ANSI/ASHRAE Standard 90.1, energy efficiency 13:20 4 for -- oh, I just lost the blank -- my -- for 13:20 5 buildings -- not -- except for residential 13:20 6 buildings or something. 13:20 7 Q (BY MR. BECKER) Thank you. 13:20 8 Referring back to Exhibit 1155, on the back 13:21 9 of that exhibit, Bates number ASHRAE0001599, it refers 13:21 10 to interest categories; is that correct? 13:21 11 A That's correct. 13:21 12 Q And it has a -- an interest category that 13:22 13 includes user; is that correct? 13:22 14 A That's correct. 13:22 15 Q And within the user interest category is a 13:22 16 subcategory for a user government; is that correct? 13:22 17 A That's correct. 13:22 18 Q And that's for a representative of a 13:22 19 government agency; is that correct? 13:22 20 A That would be correct. 13:22 21 Q And this document by the -- the date on the 13:22 22 bottom left-hand corner, does that mean that this 13:22 23 document was last revised on March 5th, 2001? 13:22 24 A Yes. 13:22 25 Q Thank you. 13:22 Page 105</p>

1 And if you refer to Exhibit 1151, please. 13:22
 2 A Okay. 13:23
 3 Q This also has, under section 5, a listing of 13:23
 4 check boxes for interest categories; is that correct? 13:23
 5 A That's correct. 13:23
 6 Q And for SSPC 90.1, those categories include 13:23
 7 compliance, designer, general interest, industry, user 13:23
 8 and utility; is that correct? 13:23
 9 A That's correct. 13:23
 10 Q And if you turn to the next page, Bates 13:23
 11 number ASHRAE0001614, that includes a -- the 13:23
 12 definitions of these interest categories; is that 13:23
 13 correct? 13:23
 14 A That's correct. 13:23
 15 Q And for compliance, would that category 13:23
 16 include regulators? 13:23
 17 A If you -- if you include them as federal 13:24
 18 officials, then yes. 13:24
 19 Q And who makes the determination for these 13:24
 20 particular interest categories? 13:24
 21 A Do you mean who decides which interest 13:24
 22 category a person belongs in? 13:24
 23 Q Yes. 13:24
 24 A The applicant suggests which interest 13:24
 25 category they belong in, then the chair of the -- of 13:24
 Page 106

1 the project committee will review that information, 13:23
 2 look at all their applicable paperwork, and then decide 13:26
 3 if that's correct. 13:29
 4 They may say no and put them in a different 13:21
 5 interest category. And then SPLS will look at that 13:24
 6 recommendation, and they could look at the same 13:20
 7 paperwork and determine that they're still not in the 13:22
 8 correct interest category and move them into a 13:26
 9 different one. 13:28
 10 Q And so has it happened that people have been 13:28
 11 moved from one interest category to a different one? 13:20
 12 A Yes. 13:27
 13 (Exhibit 1156 and Exhibit 1157 marked for 13:28
 14 identification.) 13:21
 15 Q (BY MR. BECKER) I'd like to hand you what's 13:21
 16 been marked as 1 -- Exhibits 1156 and Exhibits 1157. 13:23
 17 Exhibit 1156 is Bates number ASHRAE0026227. And then 13:27
 18 Exhibit 1157 is Bates number ASHRAE0026229. 13:23
 19 Do you recognize these documents, 13:24
 20 Ms. Reiniche? 13:26
 21 A Yes. 13:27
 22 Q And could you tell me what these documents 13:21
 23 are? 13:23
 24 A Document 1156 is an email conversation 13:26
 25 regarding a meeting that's -- that was going to occur 13:21
 Page 107

1 with the Department of Energy with senior leadership 13:24
 2 within ASHRAE. 13:29
 3 And document 1157 appears to be a draft, 13:22
 4 because -- since it's not signed, I can't say it's the 13:21
 5 official one, but a Draft Memorandum of Understanding 13:24
 6 Between the Department of Energy and ASHRAE. 13:27
 7 Q And does it appear to you that this draft, 13:22
 8 the Exhibit 1157, was the attachment to Exhibit 1156? 13:20
 9 A Well, I would say it probably is the exhibit, 13:20
 10 but since the document doesn't have a -- a thing that 13:24
 11 says DOEMOU.doc on it, I would have to assume that it 13:29
 12 is the same one. 13:25
 13 Q I'll -- I'll represent that -- that it is 13:25
 14 the -- the attachment. 13:27
 15 Could you tell me what -- what is the purpose 13:22
 16 of the Department of Energy Memorandum of Understanding 13:24
 17 with ASHRAE? 13:20
 18 A Its -- its basic purpose is to talk about 13:21
 19 ways that we're going to work together or towards 13:24
 20 goals. 13:28
 21 Q And does ASHRAE have a history of working 13:25
 22 together with the Department of Energy? 13:27
 23 A Yes. 13:21
 24 Q How long has ASHRAE been working with the 13:21
 25 Department of Energy? 13:27
 Page 108

1 MR. CUNNINGHAM: Object to the form. 13:22
 2 THE WITNESS: I would probably say since 13:22
 3 at least 90.1 has been as part of -- adopted 13:24
 4 into EPAct as the minimum energy efficiency 13:26
 5 for commercial buildings. 13:21
 6 Q (BY MR. BECKER) Do you have any idea when -- 13:23
 7 approximately when that would have been? 13:24
 8 A I would -- I want to say '99, but I'm -- I 13:32
 9 need to check. 13:36
 10 Q What's the -- the -- what -- what is the 13:38
 11 purpose of ASHRAE's work with the Department of Energy? 13:33
 12 MR. CUNNINGHAM: Object to the form. 13:32
 13 THE WITNESS: To -- to advance the 13:38
 14 mission of ASHRAE, which is, you know, 13:30
 15 advance the art of building sciences. 13:32
 16 Q (BY MR. BECKER) And for -- for Exhibit 13:37
 17 ASHRAE -- excuse me, Exhibit 1156, you're listed among 13:39
 18 the recipients for this email; is that correct? 13:34
 19 A That's correct. 13:38
 20 Q And you're listed among the recipients for 13:39
 21 the -- the email that's further down in the chain in -- 13:32
 22 on that exhibit; is that correct? 13:38
 23 A That's correct. 13:39
 24 Q On Exhibit 1157, section 2, it refers to 13:38
 25 promoting and supporting implementation of ASHRAE 13:34
 Page 109

<p>1 standards through training programs, including 13:37 2 self-directed learning, building code interaction and 13:30 3 ASHRAE chapter oriented training. 13:33 4 What is the Department of Energy's role in 13:36 5 that? 13:38 6 A They -- Department of Energy provides 13:39 7 training not only ASHRAE, but other code bodies' codes, 13:33 8 so it would be supported through software development, 13:30 9 maybe at the DOE level, they give trainings on what's 13:35 10 in 90.1; things like that. 13:30 11 Q Does the Department of Energy provide funding 13:33 12 to ASHRAE? 13:37 13 A No. 13:37 14 Q Does the Department of Energy provide any 13:30 15 funds to ASHRAE? 13:34 16 A I suppose if someone is a -- a member and the 13:38 17 Department of Energy pays their membership fees to 13:32 18 ASHRAE to be a member of ASHRAE, then yes, but it goes 13:34 19 to membership. 13:37 20 Q On the second page of Exhibit 1157, 13:36 21 subsection 5 says, "Cooperating in promoting of 13:32 22 ANSI/ASHRAE standards adoption in the International 13:36 23 Standards Organization (ISO) standards." 13:39 24 What is that referring to? 13:32 25 A That must have been -- that would have been a 13:35 Page 110</p>	<p>1 the Department of Energy? 13:31 2 A No. 13:32 3 Q And section 10 refers to "Advancing and 13:34 4 supporting the professional development of DOE 13:36 5 personnel by facilitating membership, attendance, and 13:39 6 active participation at the local and society levels of 13:33 7 ASHRAE, especially as a member of technical committees 13:37 8 and standard project committees, and by providing a 13:30 9 venue for publication of research and practice." 13:33 10 What kind of publication is this referring 13:36 11 to? 13:37 12 A They're talking about research publication. 13:31 13 If the DOE does research, they're publishing it 13:34 14 somewhere. It's not referring to standards. 13:37 15 Q Does ASHRAE publish DOE research? 13:30 16 A Not that I'm aware of. 13:36 17 Q With regards to section 13, do you know what 13:32 18 they are referring to with regards to counter-terrorism 13:38 19 design features? 13:35 20 A No. 13:30 21 Q Do you know what -- under -- under section 13:34 22 14, the DOE Energy Efficient Building Systems Regional 13:38 23 Innovation Cluster Initiative is? 13:35 24 A I don't think that exists anymore, but 13:30 25 there's been a collaborative where they've worked 13:32 Page 112</p>
<p>1 new thing added. The Department of Energy hasn't done 13:37 2 anything that I'm aware of to promote the adoption of 13:30 3 ASHRAE -- ANSI/ASHRAE standards in ISO. 13:32 4 Q And for section 8, where it refers to 13:38 5 "Cooperating and promotion of ANSI/ASHRAE standards 13:30 6 adoption in building codes," what does that refer to? 13:36 7 A That could be supporting proposals that would 13:33 8 have been submitted to adopt 90.1 in -- in the 13:39 9 international code, because that's the federal minimum, 13:33 10 and they would have provided supporting testimony, 13:37 11 probably. 13:30 12 Q When you say "they would have provided 13:31 13 supporting testimony, probably," is that the Department 13:33 14 of Energy that would provide that? 13:36 15 A A -- a staff member from the Department of 13:37 16 Energy. 13:30 17 Q Okay. Are there any other ways that ASHRAE, 13:31 18 ANSI and the Department of Energy have cooperated in 13:39 19 promoting these standards adoption in building codes? 13:33 20 A I'm not aware of ANSI promoting standards 13:30 21 adoption in building codes, other than -- it's an 13:34 22 ANSI/ASHRAE standard going through their process. They 13:39 23 don't go to building codes. I can't think of anything 13:31 24 else with the Department of Energy. 13:36 25 Q Anything else with regards to just ASHRAE and 13:38 Page 111</p>	<p>1 together, and they just -- they talk about research and 13:34 2 things like that. 13:37 3 Q Was the Memorandum of Understanding Between 13:31 4 the DOE and ASHRAE, Exhibit 1157, eventually signed by 13:34 5 both ASHRAE and the Department of Energy? 13:34 6 A I need to go back and check to see if it was 13:37 7 signed. 13:30 8 Q How would you characterize the relationship 13:32 9 between the Department of Energy and ASHRAE? 13:34 10 A I mean, they work -- we work together. 13:32 11 That's probably on -- not all -- not all of these 13:35 12 projects, but I mean some things. 13:30 13 Q You mentioned that someone from the 13:30 14 Department of Energy would testify on behalf of ASHRAE 13:33 15 in terms of getting the Standard 90.1 adopted as a 13:38 16 building code. How does ASHRAE benefit from having 13:38 17 90.1 endorsed by the DOE? 13:32 18 MR. CUNNINGHAM: Object to the 13:35 19 characterization of prior testimony. 13:36 20 THE WITNESS: They don't testify on 13:30 21 behalf of ASHRAE. They testify on behalf of 13:31 22 the Department of Energy. 13:34 23 Q (BY MR. BECKER) Excuse me. 13:35 24 A So the benefit is then the IECC and 90.1 can 13:36 25 be the same. So it's a -- it's the benefit to having 13:35 Page 113</p>

<p>1 a -- one code. 13:39 2 Q And are the IECC and Standard 90.1 the same? 13:32 3 A They are not exactly the same. 13:36 4 Q And how do they differ? 13:39 5 A I would have to look at the versions and the 13:32 6 comparisons. In some instances, 90.1 would be more 13:35 7 stringent; in other, IECC. 13:30 8 Q On balance, would you characterize the IECC 13:30 9 as being more stringent than ASHRAE 90.1 or vice versa? 13:34 10 A They have a different process. The IECC, 13:41 11 while it's a consensus process, is not an ANSI 13:45 12 consensus process, so it's comparing apples to oranges. 13:49 13 Q What does ASHRAE do to educate governments 13:46 14 and government officials about its work? 13:49 15 A It has a staff person and/or leadership talk 13:42 16 to the staff on the hill about what our process is, 13:49 17 what standards we have, certification programs, classes 13:44 18 and things like that. 13:44 19 Q And are there particular staff people who 13:45 20 talk to staff members on the hill? 13:47 21 A Yes. 13:40 22 Q And what individuals are these? 13:41 23 A Mark Ames and Doug Read. And Jeff Littleton 13:45 24 might talk to some, too. 13:49 25 Q And you say ASHRAE has leadership that talks 13:49 Page 114</p>	<p>1 within ASHRAE? 13:43 2 A Yes. 13:43 3 Q And is that located in Washington, D.C.? 13:43 4 A Yes. 13:43 5 Q And what is -- why is it that ASHRAE has a 13:43 6 separate department for government affairs that's 13:44 7 located in Washington, D.C.? 13:44 8 A So they can -- it's easier to talk to people 13:44 9 on the hill. It's been there as long as I've been 13:44 10 there. 13:44 11 MR. BECKER: All right. Let's take a 13:44 12 break. 13:44 13 THE VIDEOGRAPHER: Going off the record 13:44 14 at 13:44. 13:44 15 (Recess taken.) 13:53 16 THE VIDEOGRAPHER: Going on the record 13:56 17 at 13:56. 13:56 18 Q (BY MR. BECKER) Ms. Reiniche, are you aware 13:56 19 if DOE employees are on the 90.1 policy committee? 13:56 20 A 90.1 policy committee? You mean on the 13:56 21 project committee? 13:56 22 Q Project committee, excuse me. 13:56 23 A Yes. 13:56 24 Q They are? 13:56 25 A There is a staff person on there, yes. 13:56 Page 116</p>
<p>1 to staff on the hill. Is that Jeff Littleton? 13:42 2 A The -- it -- it could be Jeff, it could be 13:45 3 whoever is the president for that given -- given 13:40 4 society year or vice president that society year. It 13:43 5 depends on the year, it depends on who they're talking 13:47 6 to. 13:42 7 Q And what are Mr. Ames' and Mr. Read's 13:42 8 positions at ASHRAE? 13:47 9 A Well, Mr. -- Mark's title is senior manager 13:49 10 of government affairs. Doug's title was director. He 13:46 11 has retired. 13:43 12 Q And was -- was Doug's -- Doug Read's title 13:46 13 just director or director of government affairs? 13:49 14 A Director of government affairs. 13:42 15 Q Are there other employees of ASHRAE who work 13:48 16 with -- or who did work with Mr. Ames and Mr. Read on 13:43 17 government affairs? 13:48 18 A They have a secretary -- or an administrative 13:41 19 assistant that works there. She doesn't talk to people 13:46 20 on the hill. And they have a new person there, Jim 13:48 21 Scarborough. He deals with local. 13:42 22 Q Is that a local government that he works -- 13:40 23 deals with? 13:43 24 A Yeah, the grassroots chapters within ASHRAE. 13:44 25 Q So is government affairs its own department 13:49 Page 115</p>	<p>1 Q And have DOE employees been on the 90.1 13:53 2 project committee -- committee in the past? 13:57 3 A Yes. 13:59 4 Q Okay. And so DOE employees provide -- they 13:50 5 contribute to the development of 90.1; is that correct? 13:50 6 MR. FEE: Objection to form. 13:54 7 THE WITNESS: They participate in the 13:55 8 process. I'm not aware of any draft 13:57 9 language. 13:50 10 (Exhibit 1158 marked for identification.) 13:51 11 Q (BY MR. BECKER) Ms. Reiniche, I'm handing 13:52 12 you what's been marked as Exhibit 1158. This is a 13:53 13 document with Bates number ASHRAE0005856. It's labeled 13:50 14 "Marketing Task Force Report." 13:58 15 A Okay. 13:50 16 Q Are you familiar with this document, 13:53 17 Ms. Reiniche? 13:55 18 A Yes. 13:59 19 Q Could you tell me what this document is? 13:50 20 A This is a document that would have been 13:53 21 presented to the project committee on priorities -- on 13:54 22 trying to get things out in the marketplace. 13:56 23 Q And could you tell me what -- do you know 13:53 24 what Chris Mathis's position is at ASHRAE? 13:56 25 A He is not a staff member at ASHRAE. 13:50 Page 117</p>

<p>1 Q Oh, really. Who is Chris Mathis? 13:52 2 A He's an ASHRAE member. 13:55 3 Q Okay. And is -- what was the purpose of 13:56 4 creating this document? 13:59 5 MR. CUNNINGHAM: Object to form. 13:52 6 THE WITNESS: Just to tell -- inform 13:58 7 people of where they were on these priorities 13:51 8 for marketing. 13:55 9 Q (BY MR. BECKER) Is there some kind of a 13:59 10 marketing committee that he was part of? 13:51 11 A There must have been a marketing committee, 13:57 12 because there was a marketing task force, but it 13:58 13 wouldn't been -- wouldn't have been a -- a committee 13:51 14 within 90.1. 13:53 15 Q This would have been a -- a separate ASHRAE 13:58 16 committee? 13:52 17 A An ad hoc or something like that. 13:53 18 Q And is it typical to have individuals who are 13:56 19 not employees of ASHRAE who are on marketing committees 13:59 20 for ASHRAE? 13:54 21 A In any ad hoc committee, we have members 13:58 22 on -- on those committees. It's not typically just 14:01 23 ASHRAE staff. 14:05 24 Q With regards to the fifth page of Bates 14:01 25 number ASHRAE0005859, it says, "Actions on each 14:01 Page 118</p>	<p>1 et cetera, that was considered an obstacle? 14:06 2 MR. CUNNINGHAM: Object, insofar as this 14:02 3 leaves the scope of the topics this witness 14:03 4 was designated for. 14:07 5 THE WITNESS: Well, it would have been 14:09 6 after this that we -- just the readability, 14:00 7 the formatting, we just changed -- went from 14:04 8 one column to two columns. We would have 14:07 9 changed the chapter organization just to make 14:00 10 it flow better and easier for the reader to 14:03 11 understand. 14:06 12 Q (BY MR. BECKER) And is that something that 14:07 13 you know from your work at ASHRAE? 14:07 14 A Yes, we have since -- since this, and we have 14:00 15 done one complete overhaul in the formatting. 14:04 16 Q And what are they referring to by 14:00 17 "enforcement of EAct" there? 14:04 18 A They're probably talking about the fact that 14:00 19 not all states abide by it. They don't -- there's a 14:02 20 lot of states that are on older versions of the code 14:07 21 when they're supposed -- when, according to EAct, 14:00 22 they're supposed to be adopting the latest version 14:04 23 within two years of the determination that the newest 14:08 24 version of 90.1 is more energy efficient than the last. 14:02 25 Q Just to clarify, when you say "older versions 14:08 Page 120</p>
<p>1 Priority (#2). Increase the use of the standard by 14:00 2 architects, engineers and building officials." 14:00 3 Then as a -- subpoints under that, it says, 14:00 4 "Underway! ASHRAE and DOE partnership to bring 14:00 5 train-the-trainer sessions to the Chapters!" 14:00 6 Do you know what these train-the-trainer 14:00 7 sessions are? 14:01 8 A It's to train people to teach others about 14:01 9 90.1. 14:01 10 Q And do you know how ASHRAE and DOE were 14:01 11 partnering to provide these training sessions? 14:01 12 A I would have to check, because this would 14:01 13 have been when it was started. 14:01 14 Q On the next page it says, "Expand the reach 14:01 15 of the standard," and then a subpoint, it says, "DOE 14:01 16 partnership activities underway (training)." 14:01 17 Is that referring to the train-the-trainer 14:01 18 sessions or is that referring to something else? 14:01 19 A No, the train-the-trainer sessions. 14:01 20 Q On the third-to-last page, marked Bates 14:02 21 number ASHRAE0005865, it says "Obstacles Recognized." 14:02 22 Do you see that? 14:02 23 A Yes. 14:02 24 Q What is it about the format, printing, 14:02 25 beauty, readability, editing, style, images, voice, 14:02 Page 119</p>	<p>1 of the code," you mean older versions of ASHRAE 90.1? 14:00 2 A ASHRAE 90.1 or something that's deemed to 14:02 3 comply, like the IECC, an older version of the IECC. 14:04 4 Q And it says, "ASHRAE's history of marketing 14:02 5 successes." 14:05 6 Below that, "Good news! ASHRAE has approved 14:07 7 funding to establish a marketing department!!!" 14:03 8 Does ASHRAE now have a marketing department? 14:08 9 A We had a marketing department, then they 14:00 10 dissolved it and moved them under, and now they're 14:03 11 starting back up a marketing section. 14:06 12 Q And what is the -- the purpose of ASHRAE's 14:08 13 marketing department? 14:06 14 A To market the ASHRAE products and classes and 14:06 15 things like that. 14:00 16 Q Does that include marketing the standards 14:02 17 themselves? 14:04 18 A Yes. 14:06 19 Q And why was it that the marketing department 14:09 20 had been dissolved? 14:00 21 A I don't know. That's a -- was a decision 14:04 22 made by -- it would have been Jeff Littleton and 14:06 23 probably the board ExCom. 14:09 24 Q And do you know why it was brought back? 14:02 25 A That was another decision that was made by 14:06 Page 121</p>

<p>1 Jeff and the board ExCom. 14:05 2 (Exhibit 1159 marked for identification.) 14:06 3 Q (BY MR. BECKER) I'm handing you what's been 14:06 4 marked as Exhibit 1159. Do you recognize this 14:06 5 document? 14:06 6 A I've not seen it labeled like this, but I've 14:06 7 seen the material that's in here. 14:06 8 MR. CUNNINGHAM: Matt, just what is it 14:06 9 about marketing that you think falls within 14:06 10 the scope of the topics that Ms. Reiniche was 14:06 11 designated for? 14:06 12 MR. BECKER: Well, the content of these 14:06 13 reports has to do with the subjects that 14:06 14 she's been designated for. 14:06 15 MR. CUNNINGHAM: Which subjects 14:06 16 specifically are you referring to? 14:07 17 MR. BECKER: So as to the -- the 14:07 18 adoption and use of the code 90.1. 14:07 19 MR. CUNNINGHAM: Okay. Let's try to 14:07 20 keep the questioning focused on that, then. 14:07 21 Q (BY MR. BECKER) Ms. Reiniche, do you have 14:07 22 any reason to doubt that this document produced by 14:07 23 ASHRAE as Bates number ASHRAE0003496 is not an 14:07 24 authentic document? 14:07 25 A No. 14:07</p> <p style="text-align: right;">Page 122</p>	<p>1 A No. 14:00 2 Q What -- what does it mean, then? 14:01 3 A It means -- because the IECC uses 90.1 as 14:03 4 a -- as a compliance option, if the state or 14:06 5 jurisdiction adopted it and left that requirement in 14:01 6 and did not change it, then that -- that particular 14:04 7 state or jurisdiction could use 90.1. 14:09 8 Q And on page 6, what's marked ASHRAE0003500 14:13 9 titled "Challenges to Adoption," it says, "Cost of the 14:13 10 standard," then subpoint, "Revenue objectives are 14:17 11 antithetical to widespread adoption." 14:11 12 Do you know what that statement was in 14:14 13 reference to? 14:15 14 A That people don't want to have to pay for the 14:18 15 standard, is my guess, or they think the cost of the 14:12 16 standard is too high. 14:14 17 Q Has ASHRAE received comments or complaints 14:17 18 that the cost of the -- the Standard 90.1 is too high? 14:10 19 MR. CUNNINGHAM: I'm going to object to 14:14 20 the scope. 14:16 21 THE WITNESS: That would have been 14:17 22 something that Steve Comstock would have 14:18 23 known. He's the one that deals with the 14:10 24 standards and the cost. 14:14 25 Q (BY MR. BECKER) Are you personally aware of 14:15</p> <p style="text-align: right;">Page 124</p>
<p>1 Q And could you describe what this document is? 14:00 2 A It appears to be a presentation on the 14:02 3 marketing task group's meeting report from June 26, 14:06 4 2004. 14:00 5 Q On the second page of this document, it 14:08 6 refers to "increased number of states using or" 14:00 7 referring -- "referencing 90.1." And that's under 14:05 8 "Good News." Why would that be good news? 14:08 9 MR. CUNNINGHAM: Object to the 14:01 10 characterization of the document. 14:02 11 THE WITNESS: It would be good news 14:06 12 because people are using our product, and 14:07 13 that's part of the EPAct. 14:00 14 Q (BY MR. BECKER) And then it says, "However, 14:03 15 these, 'adoptions' and references are almost all due to 14:04 16 adoption of the I-codes, not the direct adoption of 14:00 17 90.1." 14:05 18 Do you know what they're referring to by 14:01 19 I-codes? 14:02 20 A Yes. 14:03 21 Q And what is that? 14:04 22 A That would be the IECC. 14:05 23 Q And so does that mean that when the IECC is 14:03 24 adopted, 90 -- ASHRAE Standard 90.1 is adopted as well 14:07 25 because it's an equivalent? 14:07</p> <p style="text-align: right;">Page 123</p>	<p>1 any instances where individuals have complained about 14:17 2 the cost of -- of the -- the 90.1 standard being too 14:11 3 high? 14:16 4 MR. CUNNINGHAM: Object to the scope 14:16 5 again. Ms. Reiniche is not being deposed in 14:17 6 her personal capacity. 14:10 7 THE WITNESS: No, I'm not. 14:13 8 Q (BY MR. BECKER) Two pages after that, on 14:13 9 ASHRAE0003502, it says, "Some recognized risks." And 14:16 10 then in the middle of that page, it says, "Code 14:11 11 proposals that are more stringent than 90.1 viewed as a 14:13 12 significant risk to our standing in the marketplace. 14:19 13 Others are not passive." 14:12 14 Do you know what that refers to? 14:14 15 A That means that there's been code proposals 14:10 16 submitted to -- to the IECC that are more stringent 14:13 17 than 90.1. 14:18 18 Q Do you know how ASHRAE responded to this 14:17 19 perceived risk that there were code proposals submitted 14:12 20 that were more stringent than 90.1? 14:15 21 A If a code proposal that was submitted was 14:10 22 more stringent than 90.1, then ASHRAE would have spoke 14:13 23 most likely against that proposal, depending on -- 14:18 24 there's a lot of factors that that would have been 14:14 25 dependent on. It would have depended on what part, 14:17</p> <p style="text-align: right;">Page 125</p>

1 what portion of 90.1 it was commented on or, you know, 14:11
 2 how it was developed, that type of thing. 14:16
 3 Q And then two pages later on ASHRAE0003506, it 14:14
 4 then has "Recommendations," and then parentheses 14:10
 5 "repeated." And the first three recommendations are 14:14
 6 "Make it free, make it beautiful, and make it 14:17
 7 electronic." 14:10
 8 Do you understand this as referring to ASHRAE 14:15
 9 90.1? 14:17
 10 A Yes. 14:17
 11 Q Three pages later on ASHRAE0003509, it says, 14:17
 12 "Paradigm Shift Issues." And then it says, "Decide if 14:15
 13 we want to continue to live in this code minimum 14:19
 14 world." And "code minimum" is underlined. 14:12
 15 Do you know what this is referring to with 14:16
 16 the term "code minimum world"? 14:18
 17 A That means, you know, a minimum level for 14:15
 18 your -- the development of -- in 90.1, energy 14:17
 19 efficiency, or do you want to go beyond the code. 14:12
 20 Q I'm sorry, what do you mean by "go beyond the 14:14
 21 code"? 14:17
 22 A Maybe towards the -- towards the development 14:18
 23 of green standards or green codes. 14:10
 24 Q And how do green standards and green codes 14:14
 25 differ from Standard 90.1? 14:16
 Page 126

1 A Green codes and green standards typically are 14:14
 2 not cost -- cost -- cost justified, where you can 14:16
 3 propose doing some technology -- technological thing 14:12
 4 that's expensive that, you know, a normal building 14:16
 5 person wouldn't want to put -- you know, building owner 14:11
 6 wouldn't want to put in their building versus a 14:14
 7 minimum, which is not only is it energy efficient, but 14:18
 8 it's cost -- cost effective. 14:11
 9 THE COURT REPORTER: A building owner 14:12
 10 would want to put in their building? 14:13
 11 THE WITNESS: Would not want to put in 14:17
 12 their building. 14:17
 13 Q (BY MR. BECKER) At the bottom of that page, 14:17
 14 it says, "How long will we have our EPAAct advantage?" 14:18
 15 What is ASHRAE's EPAAct advantage? 14:12
 16 A That were referenced in the EPAAct over 14:17
 17 another minimum energy efficient commercial building 14:12
 18 code. 14:15
 19 (Exhibit 1160 marked for identification.) 14:13
 20 Q (BY MR. BECKER) I'm handing you what's been 14:13
 21 marked as Exhibit 1160. This is Bates number 14:14
 22 ASHRAE0025561. 14:10
 23 A Okay. 14:15
 24 Q Do you recognize this document, Ms. Reiniche? 14:10
 25 A Yes. 14:16
 Page 127

1 Q And is that -- are you one of the recipients 14:12
 2 of this email? 14:17
 3 A Yes. 14:19
 4 Q And what is this email? 14:14
 5 A This is an email on having a discussion about 14:16
 6 DOE comparing the IECC and 90.1 as equivalent. 14:14
 7 Q At the bottom of -- near the bottom of the 14:18
 8 page, Ryan Colker writes, "Folks, we are seeing some 14:13
 9 indications from DOE that they are beginning to see the 14:18
 10 IECC and 90.1 as equivalent (i.e., states can be in 14:11
 11 compliance if they adopt the IECC without the reference 14:11
 12 to 90.1.) As you can guess, this could have 14:14
 13 significant impact on the future of 90.1." 14:10
 14 What did Mr. Colker mean by that? 14:17
 15 MR. CUNNINGHAM: Object to form. 14:10
 16 THE WITNESS: That he's concerned that 14:13
 17 if it's found to be equivalent, that it could 14:17
 18 mean that the IECC would be referenced in 14:19
 19 EPAAct instead of 90.1. 14:13
 20 Q (BY MR. BECKER) And who is Ryan Colker? 14:17
 21 A Well, at that time, he was the manager of 14:16
 22 government affairs for ASHRAE. 14:18
 23 Q Do you know if Mr. Colker is still at ASHRAE? 14:17
 24 A He is not. 14:20
 25 Q Do you know when he left ASHRAE? 14:20
 Page 128

1 A I want to say sometime in 2010. 14:25
 2 Q And Doug Read responded to Ryan Colker by 14:25
 3 saying, "I echo Ryan's concern. I suggest we take a 14:21
 4 stance and clearly delineate the differences and 14:25
 5 differentiate ourselves from the ICEC. Doug." 14:28
 6 Did -- do you think that Mr. Read meant the 14:25
 7 IECC? 14:28
 8 A Yes. 14:20
 9 Q And has ASHRAE taken a stance and clearly 14:22
 10 delineated the differences between ASHRAE Standard 90.1 14:28
 11 and the IECC? 14:24
 12 A We have not done a comparison between the two 14:27
 13 line for line, no. 14:23
 14 Q Was that what ASHRAE was considering doing, 14:26
 15 was doing a line-for-line comparison between the IECC 14:29
 16 and ASHRAE Standard 90.1? 14:25
 17 A They discussed it. 14:27
 18 Q Has ASHRAE done anything else to 14:20
 19 differentiate Standard 90.1 from the IECC in the minds 14:25
 20 of the public? 14:22
 21 MR. CUNNINGHAM: Object to the form. 14:24
 22 THE WITNESS: I am not aware we've done 14:28
 23 anything in the eyes of the public. We've 14:21
 24 probably had discussions where we pointed out 14:23
 25 the difference between the processes that are 14:27
 Page 129

1 used to develop the two documents, but it's 14:29
 2 not been, like, you know, a press release or 14:21
 3 something like that. 14:25
 4 Q (BY MR. BECKER) Was ASHRAE concerned that if 14:28
 5 the IECC and ASHRAE's Standard 90.1 were seen as 14:20
 6 equivalent, it would mean that there would be less 14:25
 7 incorporation of standard -- ASHRAE Standard 90.1 into 14:20
 8 laws and regulations throughout the United States? 14:26
 9 A It would depend on if the EPAAct changed. 14:23
 10 If -- if the reference changed. That's possible. 14:26
 11 Q Would that mean that if -- if the EPAAct 14:20
 12 changed -- 14:23
 13 A If the reference in the EPAAct was changed 14:23
 14 from 90.1 to the IECC. 14:26
 15 Q Then that would mean there would be less 14:22
 16 adoption of Standard 90.1 into the laws and regulations 14:25
 17 of jurisdictions in the United States? 14:20
 18 A It's possible, yes. 14:24
 19 Q And was ASHRAE concerned about that? 14:26
 20 A If -- if that changed, they were. They were 14:23
 21 concerned if it changed, yes. 14:29
 22 Q Did it change? 14:21
 23 A No. 14:23
 24 Q Did the DOE ever publicly weigh the option of 14:22
 25 changing the EPAAct to IECC instead of ASHRAE 90.1? 14:22
 Page 130

1 A Not that I'm aware of, there hasn't been 14:22
 2 anything published where they were going to do that 14:25
 3 (Exhibit 1161 marked for identification) 14:21
 4 Q (BY MR BECKER) Ms Reiniche, I'm handing 14:29
 5 you what's been marked as Exhibit 1161 This is Bates 14:20
 6 number ASHRAE0005677 Do you recognize this document? 14:25
 7 A Yes 14:29
 8 Q Could you tell me what this document is? 14:24
 9 A This is a presentation given by Stephen 14:27
 10 Skalko, who is the chair of 90 1, at a conference on 14:21
 11 energy codes 2010 14:27
 12 THE COURT REPORTER: Say that again 14:27
 13 "Who is the chair of 90 1," and -- 14:27
 14 THE WITNESS: It's at -- given at an 14:27
 15 energy codes conference in 2010 at -- in 14:24
 16 Charlotte, North Carolina 14:28
 17 Q (BY MR BECKER) On page 3 of this document, 14:23
 18 Bates number ASHRAE0005679, it says at the top, 14:29
 19 "Standard 90 1 Timeline," and it delineates between the 14:25
 20 growing period from 1970 to 1999, and then the maturity 14:22
 21 period from 1999 to 2010 What does that mean? 14:20
 22 MR CUNNINGHAM: Object to the form 14:22
 23 Matt, do we know if the Steven person, do we 14:23
 24 know if he's an ASHRAE staff member? Do 14:28
 25 we -- was that asked at any point? 14:21
 Page 131

1 MR. BECKER: It has not been asked. 14:27
 2 MR. CUNNINGHAM: Okay. I -- are you -- 14:27
 3 is your position here that someone who, by 14:27
 4 virtue of being on one of the committees, 14:27
 5 essentially speaks for ASHRAE, such that you 14:27
 6 can ask Ms. Reiniche to interpret their -- 14:27
 7 their documents? 14:27
 8 MR. BECKER: Well, if Ms. Reiniche has 14:27
 9 an understanding of what this might mean, 14:27
 10 particularly because of her senior role with 14:27
 11 regards to the development of these standards 14:27
 12 and so forth, then I would hope that 14:28
 13 Ms. Reiniche can provide that information. 14:28
 14 I think that a document such as this 14:28
 15 discussing ASHRAE 90.1 2010 falls well within 14:28
 16 topic number 1 that she's been designated on. 14:28
 17 Q (BY MR. BECKER) I'm sorry, Ms. Reiniche. 14:28
 18 Let's see. I asked why do you think there was a 14:28
 19 distinction between this growing period and mature -- 14:28
 20 maturity period for Standard 90.1? 14:28
 21 MR. CUNNINGHAM: Same objection. 14:28
 22 THE WITNESS: I think because the 14:29
 23 growing period, there's one time frame where 14:29
 24 I think they pulled residential out. I think 14:29
 25 at one time it included residential. It does 14:29
 Page 132

1 not include low-rise residential. 1999 would 14:23
 2 have been when we started continuous 14:28
 3 maintenance. 14:21
 4 Without seeing Mr. Skalko's notes on 14:23
 5 this, but based on my knowledge, I think that 14:26
 6 these periods are times that -- in the 14:29
 7 maturity period shows greater energy savings, 14:23
 8 and that's what he's trying to demonstrate in 14:27
 9 that timeline. 14:20
 10 Q (BY MR. BECKER) Do you know who Mr. Steven 14:21
 11 V. Skalko is? 14:23
 12 A Yes. 14:25
 13 Q And who is he? 14:25
 14 A He is the past chair of 90.1. I think he 14:26
 15 started after the 2010 version published. 14:23
 16 Q And do you have any idea how long Mr. Skalko 14:32
 17 has been a member of ASHRAE? 14:30
 18 A I would have to look in the ASHRAE records, 14:32
 19 but he's been a member longer than I've been there, so 14:35
 20 over 11 years. 14:38
 21 Q And for as long as you know, has Mr. Skalko 14:32
 22 worked on ASHRAE 90.1? 14:36
 23 A Yes. 14:32
 24 Q And would you say that Mr. Skalko is -- is -- 14:32
 25 would you say that Mr. Skalko knows a good deal about 14:39
 Page 133

1 ASHRAE Standard 90.1? 14:36
 2 A Yes. 14:38
 3 MR. FEE: Objection to form. 14:38
 4 (Exhibit 1162 marked for identification.) 14:34
 5 Q (BY MR. BECKER) I'm handing you what's been 14:34
 6 marked as Exhibit 1162. This is Bates number 14:35
 7 ASHRAE0026233. Do you recognize this document? 14:34
 8 A Yes. 14:38
 9 Q And could you tell me what this document is? 14:39
 10 A This is a Memorandum of Understanding between 14:31
 11 the Department of Energy and ASHRAE. It's not dated, 14:34
 12 but I would guess it's sometime in 2007 time frame, 14:35
 13 because that's when Terry Townsend was president of 14:39
 14 ASHRAE. 14:34
 15 Q And is this a signed copy of the Memorandum 14:35
 16 of Understanding between the DOE and ASHRAE? 14:39
 17 A Yes. 14:34
 18 Q Has ASHRAE had multiple Memorandums of 14:35
 19 Understanding with the Department of Energy? 14:30
 20 A Yes. 14:32
 21 Q When did ASHRAE first start having 14:34
 22 Memorandums of Understanding with the Department of 14:39
 23 Energy? 14:32
 24 A After EPAAct was -- when 90.1 was made a 14:34
 25 reference in EPAAct. 14:38
 Page 134

1 Q Could you remind me of when that was? 14:30
 2 A I think it was '99 14:32
 3 Q Okay 14:34
 4 A Around that time frame 14:34
 5 Q Was that soon after EPAAct? 14:35
 6 A I would have to look 14:31
 7 Q Has ASHRAE -- ASHRAE and the DOE continued to 14:36
 8 enter into memorandums of understanding to the present 14:33
 9 day? 14:36
 10 A Yes 14:37
 11 Q How regularly do they do so? 14:37
 12 A It -- it varies It depended -- it depends 14:32
 13 on who's at -- who's in charge at the Department of 14:35
 14 Energy We were just working on a new one I'm not 14:38
 15 positive if it's signed yet 14:33
 16 Q Is this typically an annual event? 14:37
 17 A Not always annual Sometimes it's every 14:34
 18 couple of years 14:36
 19 Q And is it sometimes an annual event, though? 14:37
 20 A Sometimes 14:39
 21 Q And why would the -- why would the leadership 14:32
 22 of the Department of Energy reflect or change whether 14:33
 23 ASHRAE would enter into a memorandum -- memorandum of 14:38
 24 understanding with the Department of Energy? 14:30
 25 A I can't speak for the Department of Energy 14:36
 Page 135

1 I don't know why they would choose to do that. I mean, 14:38
 2 my -- my guess is their goals are the same as ours, 14:31
 3 energy efficient buildings in the United States. So I 14:36
 4 would assume they would enter MOUs with whatever 14:38
 5 organizations would help them reach that goal. 14:32
 6 Q How is it that ASHRAE 90.1 came to be 14:35
 7 incorporated into EPAAct? 14:30
 8 MR. CUNNINGHAM: Object to form. 14:36
 9 THE WITNESS: I am not positive on how 14:37
 10 that came about. I would have to check. 14:39
 11 Q (BY MR. BECKER) Did ASHRAE staff meet with 14:39
 12 the Department of Energy to help facilitate the 14:36
 13 incorporation of ASHRAE Standard 90.1 into EPAAct? 14:31
 14 A I have -- I'll have to go back and double 14:36
 15 check in my records to see. 14:39
 16 Q Would it be customary for ASHRAE staff to 14:30
 17 meet with members of the Department of Energy prior to 14:37
 18 the incorporation of ASHRAE Standard 90.1 into EPAAct? 14:32
 19 A It would be customary for ASHRAE staff with 14:38
 20 ASHRAE volunteer leadership to go to -- when they were 14:32
 21 requesting that type of thing. 14:36
 22 (Exhibit 1163 marked for identification.) 14:39
 23 Q (BY MR. BECKER) I'm handing you what's been 14:32
 24 marked as Exhibit 1163. This is Bates number 14:33
 25 ASHRAE0024558. Do you recognize this document? 14:38
 Page 136

1 A Yes. 14:36
 2 Q And what is this document? 14:39
 3 A This is a presentation that would have been 14:30
 4 made by the D.C. office to tech council and the chapter 14:32
 5 technology and transfer committee. I think that's what 14:33
 6 CTTC stands for. And it would have been made in -- at 14:36
 7 the ASHRAE meeting in Albuquerque, New Mexico, on 14:41
 8 June 26, 2010. 14:47
 9 Q And what is the purpose of this document, to 14:42
 10 your understanding? 14:44
 11 A The purpose of this document is for the D.C. 14:45
 12 office just to let the CTCC [sic] and tech council know 14:49
 13 what they've been doing in D.C. 14:44
 14 Q On the third page of Bates number 14:45
 15 ASHRAE0024560 titled "Participation Coalitions," it 14:48
 16 says, "High-Performance Building Congressional Caucus 14:45
 17 Coalition," in parentheses, "ask your representative to 14:49
 18 join." 14:43
 19 What is that referring to? 14:44
 20 A There is a high-performance building caucus 14:45
 21 coalition that meets in D.C. It deals with high 14:40
 22 performance buildings. Beyond -- that would be beyond 14:44
 23 the minimum code. 14:47
 24 Q Are these -- and who composes this coalition? 14:40
 25 A Oh, there's a lot of different standards 14:48
 Page 137

1 developers that are in part of it. It might even be in 14:41
 2 here, it tells you. There's a -- there's a long list. 14:46
 3 I don't have that memorized. I don't know if it -- oh, 14:41
 4 if you turn to page -- that says ASHRAE0024575, that 14:47
 5 shows you who's on the high -- what groups are involved 14:45
 6 in the high-performance building congressional caucus 14:40
 7 at that time. It includes the representatives and then 14:45
 8 the different standards developers that are involved. 14:47
 9 Q The code chairs and members that are listed 14:44
 10 on that page you just referenced, are these all members 14:46
 11 of Congress? 14:49
 12 A Yes. 14:40
 13 Q What's the purpose of participation in the 14:47
 14 high-performance building congressional caucus? 14:40
 15 A It's really pro -- promoting doing things for 14:43
 16 high-performance buildings, so stretch codes, green 14:47
 17 standards, pushing the envelope to make things even 14:41
 18 more energy efficient than the minimum code. 14:49
 19 Q And is this for the purpose of influencing 14:42
 20 these members of Congress so as to have them 14:46
 21 incorporate these standards into the law? 14:41
 22 MR. CUNNINGHAM: Object to the form. 14:47
 23 THE WITNESS: Not that I'm aware of. 14:48
 24 Q (BY MR. BECKER) What's the purpose of having 14:40
 25 the members of Congress involved? 14:41
 Page 138

1 A Education. 14:44
 2 Q And what is the benefit of educating the 14:45
 3 members of Congress? 14:48
 4 A So they understand things when things do come 14:49
 5 before them when they're making a decision of what to 14:42
 6 incorporate into law. 14:44
 7 Q So it's to help them with their decisions 14:46
 8 to -- as to what to incorporate into reference into the 14:49
 9 law? 14:42
 10 A Correct. 14:43
 11 Q And how does the high-performance building 14:49
 12 congressional caucus and the supporting coalition 14:44
 13 educate these members of Congress on issues related to 14:40
 14 incorporating these -- excuse me, incorporating 14:46
 15 standards into the law? 14:40
 16 MR. CUNNINGHAM: Object to the 14:43
 17 characterization of the prior testimony. 14:45
 18 THE WITNESS: They -- my recollection 14:47
 19 from the presentations made by the D.C. 14:49
 20 office was that they -- they have a lunch, 14:42
 21 they sit there and they talk, sometimes they 14:45
 22 have an educational session; things like 14:47
 23 that. 14:40
 24 Q (BY MR. BECKER) So they meet with the 14:44
 25 members of Congress? 14:46
 Page 139

1 A Yeah, about -- I'm not sure they still meet 14:47
 2 or how often they still meet. I think it was about 14:40
 3 once a month. 14:42
 4 Q Do they meet individually with the members of 14:49
 5 Congress or as a larger group? 14:41
 6 A If they're doing it as the high-performance 14:45
 7 building congressional caucus, they're meeting as a 14:48
 8 group. If they're advancing something within their 14:41
 9 organization, then the supporting coalition would 14:44
 10 probably be meeting individual with representatives. 14:47
 11 Q On page ASHRAE0024568, it says, 14:45
 12 "Legislation," with an image of the capitol building, 14:43
 13 and then it says, "ASHRAE Washington, D.C." 14:48
 14 A Um-hmm. 14:43
 15 Q Then on the following page it says, "American 14:43
 16 Clean Energy and Security Act, HR 2454 a/k/a 14:46
 17 Waxman-Markey, sets national building code energy 14:42
 18 efficiency targets." 14:49
 19 Then two bullet points down it says, "Uses 14:42
 20 ASHRAE 90.1-2004 and" E -- "IECC 2006 as baselines." 14:45
 21 Does ASHRAE advocate for the use of earlier 14:48
 22 versions of 90.1 in Standard -- excuse me, in -- in 14:45
 23 laws or regulations? 14:44
 24 A That's not what this refers to. 14:44
 25 Q What does that refer to? 14:46
 Page 140

1 A This refers to as part of EPAAct the 14:48
 2 Department of Energy is required to determine how much 14:41
 3 more energy efficient 90.1 -- and when they're talking 14:45
 4 about the IECC 2006, they're talking about the 14:49
 5 residential code. That's where that falls in there. 14:44
 6 And they want to do it -- set it at a 14:48
 7 baseline, so each consecutive every three years. So 14:41
 8 for example, 90.1-2007 has to be more energy efficient 14:44
 9 than -- so much more energy efficient than 90.1-2004 14:49
 10 They measure that. If it's not more energy efficient, 14:44
 11 then they wouldn't adopt that. And then for 90.1-2010. 14:49
 12 They are just taking a baseline target to measure the 14:40
 13 amount of energy efficiency so that it's not in flux 14:43
 14 and cause market confusion. 14:48
 15 And the same with the IECC. That's -- but 14:40
 16 the IECC refers only to the residential, not to 14:42
 17 commercial in this instance. 14:46
 18 Q Does ASHRAE 90.1-2004 refer only to 14:44
 19 residential and not commercial in this instance? 14:49
 20 A No, 90.1-2004 is commercial. There's two 14:41
 21 codes in that reference, two different codes. 14:44
 22 Q So in this instance, if you had a -- a 14:47
 23 commercial building, then ASHRAE 90.1-2004 would be the 14:41
 24 baseline standard and not be IECC 2006? 14:48
 25 A No. 14:43
 Page 141

<p>1 Q How am I mistaken? 14:45 2 A What this proposed legislation was, was to 14:48 3 set the baseline for which the DOE uses to make the 14:43 4 determination on whether or not the next version of 14:47 5 90.1 is more energy efficient. So this was proposing 14:40 6 to use 90.1-2004 as the benchmark for each subsequent 14:44 7 version of 90.1. 14:48 8 And then -- and that's only commercial. And 14:40 9 then the IECC is for residential. They're referenced 14:43 10 as the residential. What's being advocated here is 14:48 11 that you use the IECC 2006 as the baseline for each 14:41 12 subsequent version of the IECC for residential moving 14:46 13 forward as for energy efficiency. 14:49 14 Q Okay. Does the IECC itself refer to 14:42 15 commercial buildings or is it only for residential 14:49 16 buildings? 14:42 17 A There -- there's different I-codes within the 14:46 18 IECC. So there's the IRC, which is residential, but 14:40 19 it's part of the whole body of codes. So the IECC for 14:43 20 residential is just the energy efficiency stuff for 14:40 21 residential home -- residential stuff. 14:44 22 Q On the following page, it says, "American 14:55 23 Clean Energy Leadership Act, S.1462." It says, 14:58 24 "Introduced by Senator Jeff Bingaman, D-NM. Updates 14:51 25 national building energy codes and standards at least 14:58 Page 142</p>	<p>1 the -- but we explained that once you -- as you get 14:50 2 above -- when you're going between the 30 and the 50 14:53 3 percent, it gets more and more difficult to have 14:55 4 cost-effective equipment and things like that and -- in 14:58 5 there. So it -- it wasn't put in the law. 14:52 6 Q On page ASHRAE0024581, it says, "Additional 14:58 7 Washington office activities." And it says for the 14:56 8 third major bullet point, "Building code adoptions," 14:56 9 and then under that, "Standard 90.1 and Standard 14:50 10 189.1/IGCC promotion." 14:54 11 Does this mean that the Washington office was 14:50 12 engaged in promoting the adoption of Standard 90.1 into 14:54 13 building codes? 14:50 14 A I don't remember. And without seeing it, if 14:55 15 he -- he didn't have notes with it, so I don't think it 14:59 16 was at a building code level. I think that's something 14:52 17 they were talking about expanding in the grassroots. 14:57 18 That was not done at that time. 14:52 19 Q So that's something -- is that something 14:53 20 that's done in -- at this time? 14:55 21 A We have started a grassroots program to reach 14:51 22 out when we are made aware of references to -- to 14:53 23 different standards. And we could ask volunteers in 14:58 24 those jurisdictions to go. 14:52 25 Q And when you say "a grassroots program," who 14:53 Page 144</p>
<p>1 every three years to achieve target energy savings of," 14:51 2 and then it -- four bullet points down from that, it 14:55 3 says, "If DOE determines ASHRAE's future revised model 14:50 4 codes will not meet targets, DOE will propose or 14:55 5 establish a modified code or standard that meets the 14:58 6 above targets. Uses 90.1-2004 as baseline for 14:50 7 commercial buildings IECC 2006 for residential." 14:56 8 When it references "Uses 90.1-2004 as 14:59 9 baseline for commercial buildings," is that in the same 14:53 10 capacity as the reference on the prior page that you 14:56 11 were just referring to? 14:59 12 A Yes. One is a bill proposed in the House; 14:51 13 one is a bill proposed in the Senate. 14:54 14 Q Did the Department of Energy propose or 14:53 15 establish a modified code or a standard that met the 14:56 16 above targets on page ASHRAE0024570? 14:50 17 A This is -- this proposed language is not 14:58 18 in -- in law at this particular time. This was -- this 14:51 19 was talking about what was being proposed at this point 14:55 20 in time in 2010. 14:50 21 Q What was the outcome? 14:53 22 A I don't -- I don't think they set -- I don't 14:56 23 believe that they set targets, because it's -- as part 14:59 24 of the -- these codes, it has to be cost effective. 14:56 25 And as ASHRAE explained -- and I'm not sure if it's 14:51 Page 143</p>	<p>1 is involved in the grassroots program? 14:57 2 A It's -- it's the individual ASHRAE chapters 14:50 3 within each state, and then each -- you know, there's 14:52 4 multiple chapters within a state. So whoever is 14:55 5 closest to wherever the decision is being made. 14:58 6 Q And so this is -- the grassroots program 14:52 7 works to advocate for building code adoptions -- 14:59 8 adoptions of Standard 90.1 into building codes -- 14:54 9 MR. CUNNINGHAM: Objection. 14:58 10 Q (BY MR. BECKER) -- in states and local 14:59 11 governments? 14:51 12 MR. CUNNINGHAM: Objection, 14:52 13 mischaracterization of prior testimony. 14:53 14 THE WITNESS: It could include Standard 14:54 15 90.1. It could include any other -- our 14:56 16 other standards as well. 14:59 17 Q (BY MR. BECKER) And at the bottom of this 14:54 18 page, it says, "Empowering chapters to engage state and 14:56 19 local policy-makers." Do you know what that 14:59 20 references? 14:52 21 A That's referencing what I was talking about, 14:53 22 the grassroots, and encouraging local chapters to talk 14:55 23 to their state and local policy makers. 14:51 24 Q And on the next page, it says, "Opportunities 14:55 25 for individual member participation. Contact state and 14:59 Page 145</p>

1 local policy-makers on important issues " 14:53
 2 And the first bullet point there is "Building 14:56
 3 energy codes " Is this also referring to the same 14:58
 4 activities? 14:52
 5 A Actually, I think on this slide they were 14:55
 6 telling the members of tech council and CTTC what they 14:57
 7 could do at their state and local I don't think this 14:51
 8 related to the grassroots 14:52
 9 Q And on the next page, it has -- it says, 14:55
 10 "ASHRAE/DOE Fellowship " What is the ASHRAE/DOE 14:56
 11 Fellowship? 14:52
 12 A I know what it is, but I'm not sure how to 14:53
 13 articulate what it is It's usually someone that works 14:55
 14 with the DC office and -- and then may assist the 14:52
 15 DC staff with educating members of Congress Beyond 14:50
 16 that, I -- I need to look it up 14:56
 17 Q So would this be a member of ASHRAE or a 14:59
 18 member -- or an employee of -- would this be an 14:53
 19 employee of ASHRAE or an employee of DOE who would 14:56
 20 have -- have the ASHRAE/DOE fellowship? 14:51
 21 A It -- 14:57
 22 MR. CUNNINGHAM: Are we talking about 14:51
 23 the ASHRAE/DOE fellowship on 583 or the 14:52
 24 internship on 584? 14:58
 25 MR. BECKER: On 583 14:50
 Page 146

1 MR. CUNNINGHAM: 583, okay. 14:51
 2 THE WITNESS: I would have to see -- I 14:57
 3 would have to see the contract they would 14:59
 4 have signed for the funding to answer that 14:50
 5 question, since the funding is provided by 14:52
 6 DOE. 14:58
 7 MR. BECKER: Counsel, do you have any 14:56
 8 idea if the contract concerning the 14:57
 9 ASHRAE/DOE fellowship has been produced in 14:50
 10 discovery? 14:54
 11 MR. CUNNINGHAM: I don't know the -- one 14:55
 12 way or the other. 14:56
 13 MR. BECKER: We -- we may follow up with 14:50
 14 a request for that if it's under the -- the 14:52
 15 requests. 14:56
 16 Q (BY MR. BECKER) Then on ASHRAE 0024586, it 14:57
 17 says, "Government Relations Activities." Do you see 14:52
 18 that? 14:58
 19 A Yes. 14:59
 20 Q It says, "Build relationships with government 14:59
 21 officials interested in the built environment. 14:52
 22 Establish ASHRAE as a source for unbiased technical 14:55
 23 expertise." And then it lists six government offices 14:58
 24 and agencies; is that correct? 15:06
 25 A That's correct. 15:08
 Page 147

1 Q And are these six government offices and 15:00
 2 agencies those that the ASHRAE government affairs 15:00
 3 interfaces with? 15:00
 4 A Yes. 15:00
 5 (Exhibit 1164 marked for identification.) 15:01
 6 Q (BY MR. BECKER) I'm handing you what's been 15:02
 7 marked as Exhibit 1164. Do you recognize this 15:02
 8 document? 15:02
 9 A This is a followup to testimony of Kent 15:02
 10 Peterson to the U.S. House of Representatives on 15:02
 11 "Building Green, Saving Green." 15:02
 12 Q On the fourth page, ASHRAE0024238, the first 15:02
 13 full paragraph, it says, "In addition to the need for 15:03
 14 having up-to-date building codes on the books, 15:03
 15 jurisdictions must have the necessary enforcement 15:03
 16 mechanisms and training to ensure its compliance." 15:03
 17 A Where are you, because I'm -- 15:03
 18 MR. CUNNINGHAM: Where are you seeing 15:03
 19 that? 15:03
 20 THE WITNESS: I'm not seeing that. 15:03
 21 MR. BECKER: Excuse me. I think I 15:03
 22 handed you the wrong document. 15:03
 23 (Exhibit 1165 marked for identification.) 15:04
 24 Q (BY MR. BECKER) I'm handing you what's been 15:04
 25 marked as Exhibit 1165. Do you recognize this 15:04
 Page 148

1 document? 15:05
 2 A Yes, this is the -- the testimony of Kent 15:06
 3 Peterson. 15:09
 4 Q And so the document I provided you as Exhibit 15:02
 5 1164 was the followup testimony of Kent Peterson; is 15:04
 6 that correct? 15:01
 7 A Correct. 15:01
 8 Q So on Exhibit 1165, on the fourth page, the 15:03
 9 first full paragraph, it says, "In addition to the need 15:00
 10 for having up-to-date building codes on the books, 15:03
 11 jurisdictions must have the necessary enforcement 15:06
 12 mechanisms and training to assure its compliance." 15:08
 13 Why is compliance important for ASHRAE? 15:04
 14 A It doesn't -- you're -- you're not having 15:02
 15 energy efficient buildings if people aren't complying 15:05
 16 with it. You can't prove compliance, you can't prove 15:08
 17 it's being done and that they're seeing a savings if 15:01
 18 you're not assuring that people are complying with the 15:04
 19 codes that are on the books. 15:07
 20 Q And how does ASHRAE work to -- excuse me, 15:00
 21 does ASHRAE work to encourage compliance? 15:05
 22 A ASHRAE provides training for code officials 15:09
 23 and consulting -- anyone that wants the training to 15:04
 24 help understand what's in 90.1. 15:08
 25 Q Does ASHRAE do anything else to encourage 15:02
 Page 149

<p>1 compliance? 15:07 2 A Not that I'm aware of. 15:02 3 Q Was there a specific reason why ASHRAE was 15:09 4 concerned that jurisdictions might not have the 15:01 5 necessary enforcement mechanisms and training to assure 15:07 6 compliance? 15:02 7 A Well, this was at a time when the economy was 15:02 8 not doing so good, so places were cutting back, and 15:04 9 that included the local building departments. So these 15:07 10 building code officials aren't able to do as much, 15:02 11 they're not able to check as much. The codes have 15:05 12 gotten more complex, so it's harder for them to enforce 15:08 13 compliance. 15:02 14 Q If you turn to Exhibit 1164, the followup 15:01 15 testimony of Kent W. Peterson. And if you please turn 15:07 16 to the sixth page, ASHRAE0024250. It says, 15:06 17 "Theoretically" -- excuse me, on -- on the fourth 15:07 18 paragraph down, essentially the middle of the page, it 15:08 19 says, "Theoretically, there exists a national baseline 15:00 20 for building energy codes (ASHRAE Standard 90.1-2004 15:02 21 for commercial buildings and the International Energy 15:06 22 Conservation Code for residential buildings)." 15:00 23 "EPAAct 2005 requires states to adopt a 15:07 24 building energy code that is at least as stringent as 15:08 25 90.1-2004 and the IECC. However, there are no 15:02 Page 150</p>	<p>1 A Yes. 15:09 2 MR. BECKER: Could we take a quick 15:18 3 break? 15:19 4 THE VIDEOGRAPHER: Going off the record 15:10 5 at 15:10. 15:11 6 (Recess taken.) 15:26 7 THE VIDEOGRAPHER: Going on the record 15:20 8 at 15:26. 15:22 9 Q (BY MR. BECKER) Ms. Reiniche, as part of the 15:21 10 process for developing the works at issue and updating 15:22 11 them, does ASHRAE have a process for correcting any 15:28 12 errors that might have occurred in previous versions of 15:23 13 Standard 90.1? 15:28 14 A Yes. 15:20 15 Q And what is that process called? 15:20 16 A We issue an erratum. 15:22 17 Q Okay. And how does that work? 15:25 18 A Some -- somebody finds an issue where 15:27 19 there -- there's something wrong and believes that it 15:23 20 was changed such and such a way in a -- a previous 15:25 21 propose -- previous change that had been approved, it 15:21 22 gets sent into staff. We consult with the chair of the 15:23 23 committee and/or the subcommittee, depending on where 15:26 24 it is, to make sure that that's correct. If it's 15:20 25 correct, then we issue an erratum. 15:22 Page 152</p>
<p>1 enforcement mechanisms against the states that do not 15:05 2 adopt codes that meet these requirements. This is 15:08 3 largely due to the fact that building codes generally 15:03 4 are considered a state and local government issue." 15:05 5 Does this relate to ASHRAE's concern 15:04 6 regarding enforcement mechanisms concerning 15:06 7 Standard 90.1? 15:02 8 A Say that one more time. 15:06 9 Q Does this relate to ASHRAE's concern 15:08 10 regarding enforcement mechanisms concerning 15:00 11 Standard 90.1? 15:05 12 A Yes. 15:06 13 Q Concerns such as reflected in Exhibit 1165 15:00 14 that we were just discussing? 15:03 15 A Yes, and it appears to be a little bit more 15:06 16 than that. 15:09 17 Q I'm sorry, what do you mean by "it appears to 15:07 18 be a little bit more than that"? 15:09 19 A This also relates to the fact that while the 15:00 20 federal government under EPAAct requires the states to 15:03 21 do this, there's no penalty if they don't. So that's 15:07 22 an enforcement mechanism as well, so where's -- where's 15:00 23 the need for the states to adopt that if there's no way 15:05 24 to enforce it at a national level? 15:08 25 Q Is that still the case? 15:07 Page 151</p>	<p>1 Q Okay. 15:25 2 (Exhibit 1166 marked for identification.) 15:23 3 Q (BY MR. BECKER) I'm handing you what's been 15:25 4 marked as Exhibit 1166. It's a printout from the 15:27 5 ASHRAE website. Do you recognize this document? 15:23 6 A Yes. 15:27 7 Q And what is this document? 15:29 8 A This is a page -- a printout of the page on 15:20 9 the website that lists all the erratum and for what 15:24 10 they apply for. 15:20 11 Q And starting on the third page of this 15:23 12 document, are these the errata for standard ASHRAE 15:29 13 90.1? 15:27 14 A If you -- well, the third major header starts 15:34 15 for the errata for 90.1-1989, and then the next one 15:37 16 down is the 19. -- 90.1-1999 I-P edition, and then the 15:33 17 next one is the SI edition. 15:30 18 Q And these documents appear to have dates on 15:35 19 the -- the end of them. So for instance, under -- on 15:36 20 the third page under Standard 90.1-1989 errata, various 15:33 21 dates for the -- the second bullet point, it says, 15:38 22 "Errata sheet for fourth printing GG 3/94 and all 15:30 23 earlier editions September 16th, 1994." 15:36 24 What does the date September 16th, 1994 there 15:30 25 signify? 15:36 Page 153</p>

<p>1 A That's when -- that's when we published it on 15:36 2 the web -- or when we discovered there was an error, 15:39 3 and that's the date that we put it out. 15:31 4 Q So September 16th is when the -- the errata 15:35 5 was released -- 15:30 6 A Right. 15:32 7 Q -- by ASHRAE? 15:33 8 A Right. 15:33 9 Q And is that -- is that the -- true for the 15:32 10 other dates that are listed in -- similarly, say, under 15:35 11 the Standard 90.1-1999 errata? 15:32 12 A Yes. 15:36 13 (Exhibit 1167 marked for identification.) 15:32 14 Q (BY MR. BECKER) I'm handing you what's been 15:30 15 marked Exhibit 1167. Do you recognize this document? 15:32 16 A This is an Errata Sheet for ANSI/ASHRAE 15:31 17 Standard 40.1.3[sic]-1989. 15:37 18 Q And this errata was released on January 5th, 15:35 19 1998; is that correct? 15:38 20 A That's correct. 15:39 21 Q And what is the purpose of -- of releasing an 15:39 22 errata almost ten years after the date of the standard 15:35 23 itself? 15:31 24 A Someone didn't find it until ten years later. 15:32 25 And if that standard is still being used, when we 15:35</p> <p style="text-align: right;">Page 154</p>	<p>1 Q (BY MR. BECKER) I'm handing you what's been 15:30 2 marked as Exhibit 1170. This is Bates numbered 15:31 3 ASHRAE0029496. Can you tell me what this document is? 15:36 4 A It's an email conversation regarding an 15:34 5 unpublished errata sheet that we wanted the -- would 15:37 6 have been the chair at the time, Jerry White, to look 15:34 7 at so that when special pubs did the reprint of 15:37 8 90.1-2001, the I-P edition, it could include the errata 15:32 9 in that list. 15:30 10 And then there's a discussion -- there was a 15:32 11 question and -- of Martha VanGeem about whether one of 15:35 12 that was -- one of the things was correct. 15:39 13 Q Is this email characteristic of how the 15:33 14 errata would be treated prior to publication? 15:30 15 A Normally, there's probably not a long list of 15:34 16 unpublished errata, but this would be for a reprint, so 15:34 17 they were -- they -- with errata, they correct it in 15:38 18 the reprint version, the error, so that it's correct in 15:30 19 the next version. Even in -- so this would be normal. 15:34 20 (Exhibit 1171 marked for identification.) 15:30 21 Q (BY MR. BECKER) I'm handing you what's been 15:31 22 marked as Exhibit 1171. Could you please tell me what 15:33 23 this document is? 15:37 24 A So this is a continuation of the email 15:35 25 conversation in Exhibit 1170. Further discussions on 15:38</p> <p style="text-align: right;">Page 156</p>
<p>1 reprint the standard, we include it with the next 15:30 2 edition so people know the correct information So 15:34 3 clearly the equation was wrong, and I'm guessing that's 15:37 4 important 15:30 5 (Exhibit 1168 marked for identification) 15:33 6 Q (BY MR. BECKER) Handing you what's been 15:30 7 marked as Exhibit 1168 Do you recognize this 15:31 8 document? 15:39 9 A Yes 15:39 10 Q And can you tell me what this document is? 15:39 11 A This is an Errata Sheet for ANSI/ASHRAE/IESNA 15:31 12 Standard 90 1-2001 I-P edition, dated November 7th, 15:37 13 2003 15:30 14 Q Thank you 15:30 15 (Exhibit 1169 marked for identification) 15:36 16 Q (BY MR. BECKER) I'm handing you what's been 15:31 17 marked as Exhibit 1169 This is Bates numbered 15:32 18 ASHRAE0029503 Could you tell me what this document 15:30 19 is? 15:33 20 A Yes This is the Errata Sheet for 15:34 21 ANSI/ASHRAE/IESNA Standard 90 1-2001 SI Edition, dated 15:39 22 November 7th, 2003 15:38 23 Q And do you recognize this document? 15:39 24 A Yes 15:31 25 (Exhibit 1170 marked for identification) 15:32</p> <p style="text-align: right;">Page 155</p>	<p>1 whether or not it should be degrees F and degrees C 15:37 2 instead of degrees R and degrees K. 15:31 3 (Exhibit 1172 marked for identification.) 15:36 4 Q (BY MR. BECKER) I'm handing you what's been 15:35 5 marked as Exhibit 1172. Could you please tell me what 15:36 6 this document is? 15:32 7 A This is a further email exchange as -- which 15:48 8 would have been part of Exhibit 1170 and 1171, 15:42 9 continued the discussion on whether the erratum were -- 15:49 10 were editorial or substantive. It talks about motions 15:42 11 made by the committee and that the committee determined 15:48 12 that those changes were editorial. And that Eric, who 15:41 13 would have been the chair of the lighting subcommittee 15:44 14 agrees that this is editorial. 15:48 15 (Exhibit 1173 marked for identification.) 15:42 16 Q (BY MR. BECKER) And I'm handing you Exhibit 15:45 17 marked 1173. Could you tell me what this document is? 15:48 18 A This is a document that's an email exchange 15:44 19 that's in continuation of Exhibits 1170, 1171, 1172 15:48 20 where Mr. Spielvogel disagrees with what Mark Weber has 15:46 21 said is a substantive change and says it's interpreting 15:43 22 what he believes to be ANSI's rule on substantive 15:40 23 changes. 15:44 24 (Exhibit 1174 marked for identification.) 15:44 25 Q (BY MR. BECKER) I'm handing you what's been 15:41</p> <p style="text-align: right;">Page 157</p>

<p>1 marked as Exhibit 1174. Could you please tell me what 15:42 2 this document is? 15:42 3 A This is a subset, I think, of another email 15:42 4 exchange related to Exhibit 1170 where Mark indicates 15:43 5 that this correction was made by Jim Calm. 15:43 6 (Exhibit 1175 marked for identification.) 15:44 7 Q (BY MR. BECKER) I'm handing you what's been 15:44 8 marked as Exhibit 1175. Do you recognize this 15:44 9 document? 15:45 10 A Yes. 15:45 11 Q And could you tell me what this document is? 15:45 12 A This is a Certificate of Registration with 15:45 13 the United States Copyright Office for the 1993 ASHRAE 15:45 14 Handbook: Fundamentals Inch-Pound Edition. 15:45 15 Q What is the 1999 ASHRAE Handbook: 15:45 16 Fundamentals? 15:45 17 A It covers a variety of topics. I would have 15:45 18 to look at the inside cover to tell you every topic 15:45 19 that it covers. 15:45 20 Q What's the purpose of the 1993 ASHRAE 15:45 21 Handbook: Fundamentals? 15:45 22 A It's a -- it's a tool for engineers to use 15:45 23 when they're working with the topics covered in that 15:45 24 book. 15:45 25 Q Is the 1993 ASHRAE Handbook: Fundamentals 15:45 Page 158</p>	<p>1 A Yes 15:44 2 Q Can you tell me what this document is? 15:44 3 A This document is the letter that gets sent to 15:46 4 the project committee that shows the public review 15:49 5 comments for BSR/ASHRAE/IESNA Addenda S, T, and X to 15:43 6 ANSI/ASHRAE/IESNA Standard 90 1-2007 15:45 7 Q And if you look at the sixth, seventh, 15:40 8 eighth, ninth, and I believe tenth page of this 15:47 9 document, are those copyright releases on all of those 15:51 10 pages I mentioned? 15:59 11 A Yes 15:57 12 Q And who are those copyright releases from? 15:57 13 A Larry Spielvogel 15:50 14 Q Do you know who Larry Spielvogel is? 15:54 15 A Yes 15:58 16 Q Who is Mr Spielvogel? 15:58 17 A He is an ASHRAE member 15:50 18 Q Has Mr Spielvogel ever been an employee of 15:52 19 ASHRAE? 15:57 20 A No 15:57 21 Q Do Mr Spielvogel's proposed contributions 15:50 22 appear in this document? 15:54 23 A Actually, yes 15:56 24 Q And where is that? 15:59 25 A Under -- on the page labeled ASHRAE0013966, 15:51 Page 160</p>
<p>1 referenced in ASHRAE Standard 90.1? 15:46 2 A I would have to look. 15:46 3 (Exhibit 1176 marked for identification.) 15:46 4 Q (BY MR. BECKER) I'm handing you what's been 15:46 5 marked as Exhibit 1176. This is Bates number 15:46 6 ASHRAE0001592. Could you -- do you recognize this 15:46 7 document? 15:46 8 A Yes. 15:46 9 Q And could you please tell me what it is? 15:46 10 A Well, the first page labeled ASHRAE001592 is 15:47 11 the certification -- Certificate of Registration with 15:47 12 the United States Copyright Office for ANSI/ASHRAE/IES 15:47 13 Standard 90.1-2010 IP Edition. 15:47 14 For the page labeled ASHRAE0001594, that is 15:47 15 the Certificate of Registration with the United States 15:47 16 Copyright Office for ANSI/ASHRAE/IESNA 15:47 17 Standard 90.1-2007 IP Edition. 15:47 18 For the page labeled ASHRAE001596, this is 15:47 19 the Certificate of Registration with the United States 15:47 20 Copyright Office for ANSI/ASHRAE/IESNA 15:48 21 Standard 90.1-2004 IP -- IP Edition. 15:48 22 (Exhibit 1177 marked for identification.) 15:48 23 Q (BY MR. BECKER) I'm handing you what's been 15:48 24 marked as Exhibit 1177. It's the document beginning 15:48 25 with ASHRAE0013961. Do you recognize this document? 15:48 Page 159</p>	<p>1 under 4 "Comment (Proposed Text)," it says, "Do not 15:52 2 approve and do not publish this addendum." 15:52 3 Q So these are his contributions, then, as to 15:52 4 say "Do not approve and do not publish this addendum" 15:52 5 that he's referring to? 15:52 6 A That is correct. 15:52 7 Q If you turn to the page ASHRAE0013973, is 15:52 8 that another signed copyright release on that page? 15:53 9 A Yes. 15:53 10 Q And in that instance, has it been signed and 15:53 11 also had the -- the name of the individual inserted? 15:53 12 A Yes. 15:53 13 Q And who is that individual? 15:53 14 A James Calm. 15:53 15 Q And what is Mr. Calm's relationship to 15:53 16 ASHRAE, if any? 15:53 17 A He's a member of ASHRAE. 15:53 18 Q And has Mr. Calm ever been an employee of 15:53 19 ASHRAE? 15:53 20 A No. 15:53 21 Q And Mr. Calm's contribution on the following 15:53 22 page, is that "Disapprove proposed revisions in 15:53 23 Addendum S"?" 15:54 24 A That would be his comment, yes. 15:54 25 Q And then if you turn to ASHRAE0013982, is 15:54 Page 161</p>

<p>1 that a copyright release from Pekka Hakkar -- 15:59 2 A Hakkarainen. 15:56 3 Q -- Hakkarainen? 15:57 4 A Yes. 15:58 5 Q Is that Mr. or Ms. Pekka? 15:59 6 A Mister. 15:52 7 Q And Mr. Hakkarainen, how is he affiliated 15:53 8 with ASHRAE, if at all? 15:50 9 A He's a member of ASHRAE. 15:51 10 Q And has Mr. Hakkarainen ever been an employee 15:52 11 of ASHRAE? 15:55 12 A No. 15:55 13 Q And following section 4 on this page, 15:59 14 continuing on to the next page, is this 15:55 15 Mr. Hakkarainen's proposed contribution to the ASHRAE 15:58 16 standard? 15:54 17 A Yes. 15:55 18 Q 90.1? 15:55 19 A Yes. 15:57 20 (Exhibit 1178 marked for identification.) 15:59 21 Q (BY MR. BECKER) I'm handing you what's been 15:50 22 marked as Exhibit 1178. This is the document that 15:51 23 starts at ASHRAE0011934. Could you tell me what this 15:55 24 document is? 15:50 25 A This is the packet that was sent to the 15:51</p> <p style="text-align: right;">Page 162</p>	<p>1 (Exhibit 1180 marked for identification.) 15:57 2 Q (BY MR. BECKER) I'm handing you what's been 15:51 3 marked as Exhibit 1180. Do you recognize this 15:52 4 document? 15:56 5 A Yes. 15:57 6 Q And what is this document? 15:50 7 A This is the Form for Submittal of Proposed 15:52 8 Change to ASHRAE Standards and Guidelines Under 15:55 9 Continuous Maintenance. 15:59 10 Q And does this document include a copyright 15:50 11 release? 15:55 12 A It includes it. 15:56 13 Q Has the copyright release been signed? 15:58 14 A Not on this particular copy. 15:51 15 Q And what is Mr. Barnes's affiliation? 15:55 16 A He would be an ASHRAE member or could be 15:52 17 someone that works just at the lab. I don't recognize 15:50 18 his name. 15:53 19 Q And Mr. Barnes's proposed change, is that 16:09 20 under section 5? 16:02 21 A It's in part under -- he references the 16:09 22 document that's on page -- it says page 2 in the 16:03 23 right-hand corner. That's his proposed change. 16:08 24 Q Do you know if ASHRAE has a copyright release 16:00 25 on file for Mr. Barnes? 16:04</p> <p style="text-align: right;">Page 164</p>
<p>1 project committee members of 90.1, November 14th, 2006, 15:53 2 that has the first public review comments for 15:50 3 BSR/ASHRAE/IESNA Addenda AN, AT, and AV to 15:53 4 ANSI/ASHRAE/IESNA Standard 90.1-2004. 15:54 5 Q And does this document also contain copyright 15:51 6 releases from individuals that have been signed? 15:55 7 A Yes. 15:54 8 (Exhibit 1179 marked for identification.) 15:52 9 Q (BY MR. BECKER) I'm handing you what's been 15:59 10 marked as Exhibit 1179. Do you recognize this 15:50 11 document? 15:55 12 A Yes. 15:56 13 Q And what is this document? 15:57 14 A This is the Form for Submittal of a Proposed 15:59 15 Change to an ASHRAE Standard Under Continuous 15:53 16 Maintenance submitted by Jonathan McHugh. 15:57 17 Q And does this document include a copyright 15:50 18 release? 15:52 19 A Yes. 15:52 20 Q And under section 5, "Proposed Change," where 15:57 21 it says, "Revised section 5.1 as follows," do you 15:53 22 understand this to mean that the revision that's been 15:59 23 proposed by Mr. McHugh is that final line that starts 15:52 24 with 5.1.2.2, which is underlined? 15:57 25 A Yes. 15:52</p> <p style="text-align: right;">Page 163</p>	<p>1 A I would have to look through the records 16:07 2 This appears to be from February of 2000, so very 16:09 3 likely this is in the paper copies of our documents 16:06 4 that would be at Iron Mountain 16:09 5 (Exhibit 1181 marked for identification) 16:08 6 Q (BY MR BECKER) I'm handing you what's been 16:02 7 marked as Exhibit 1181 Could you tell me what this 16:03 8 document is? 16:00 9 A This is a Form for Submittal of Proposed 16:01 10 Change to ASHRAE Standard Under Continuous Maintenance 16:04 11 submitted by Steve Rose-- Steven Rosenstock on 16:07 12 April 9th, 2007 16:01 13 Q And does this form include a copyright 16:03 14 release? 16:09 15 A It does 16:00 16 Q And has the copyright release been signed? 16:00 17 A No, but Mr Rosenstock was a member of the 16:02 18 project committee, and so he wouldn't have had to 16:05 19 submit this as a formal proposal 16:08 20 Q And has Mr Rosenstock ever been an employee 16:01 21 of ASHRAE? 16:06 22 A No 16:06 23 Q And when you say that he wouldn't have had to 16:03 24 submit this as a formal proposal, what -- why do you 16:06 25 say that? 16:01</p> <p style="text-align: right;">Page 165</p>

1 A I -- and I think Mr. Barnes might have been 16:02
 2 on the project committee, too. As I'm recollecting the 16:04
 3 roster you shown -- had shown me previously, I believe 16:00
 4 his name was on there. And for -- for a project 16:02
 5 committee member to propose a change, they don't have 16:07
 6 to file a continuous maintenance change proposal. They 16:09
 7 can just submit it as a motion to change it, either at 16:02
 8 the subcommittee level or at the full committee level. 16:07
 9 They would never have to do it through the formal. 16:09
 10 They can choose to, but they have also already signed 16:02
 11 the copyright release form as part of their membership 16:05
 12 on the project committee. 16:08
 13 Q So it's not necessary for them to fill out 16:09
 14 one of these forms? 16:02
 15 A Correct. 16:03
 16 Q And why would they fill out one of these 16:03
 17 forms? 16:05
 18 A It may be just -- just because they want to, 16:07
 19 to -- you know, put a -- maybe they're asking to do 16:02
 20 that so we put it on a timeline. When it comes on a 16:04
 21 form, there's a timeline that applies, a 13-month 16:08
 22 window. Where if you submit it in the committee, there 16:03
 23 isn't a timeline. 16:06
 24 So this is just maybe for his -- the reason 16:00
 25 Mr. Rosenstock did this was so that it would be handled 16:03
 Page 166

1 within 13 months 16:00
 2 (Exhibit 1182 marked for identification) 16:04
 3 Q (BY MR BECKER) I'm handing you what's been 16:05
 4 marked as Exhibit 1182 Do you recognize this 16:06
 5 document? 16:00
 6 A Yes This is a Form for Submittal of 16:01
 7 Proposed Change to an ASHRAE Standard Under Continuous 16:04
 8 Maintenance, submitted by Shlomo Rosenfeld in -- 16:09
 9 June 11th, 2009 16:05
 10 Q And does this document include 16:03
 11 Mr Rosenfeld's proposed change under section 5? 16:07
 12 A Yes, it does 16 02
 13 Q Is the copyright release for the project 16:01
 14 committee the same as the copyright releases for 16:04
 15 memberships that -- that we had discussed earlier 16:02
 16 today? 16 04
 17 A The -- on the application form, the copyright 16:05
 18 language is the same as on our continuous maintenance 16:08
 19 proposal forms and on our -- the comment forms, yes 16:03
 20 Q Thank you 16:08
 21 (Exhibit 1183 marked for identification) 16:00
 22 Q (BY MR BECKER) I'm handing you what's been 16:00
 23 marked as Exhibit 1183 This is a document Bates 16:01
 24 number ASHRAE0012340 Do you recognize this document? 16:07
 25 A Yes This is a Public Code Change Proposal 16:03
 Page 167

1 Form For Public Proposals in the International Codes. 16:06
 2 This would have been for the 2007/2008 code development 16:01
 3 cycle. 16:05
 4 Q Is that for the code development of the ICC? 16:06
 5 A Yes. 16:01
 6 Q Would that be for the IECC or for something 16:02
 7 else? 16:09
 8 A I need to look at the proposal. This would 16:00
 9 have been for the IECC. 16:07
 10 Q And the company that's listed on the front of 16:08
 11 this document under section 1, "Jurisdiction/Company" 16:00
 12 is ASHRAE; is that correct? 16:05
 13 A That's correct. 16:06
 14 Q Does ASHRAE submit material to be included in 16:00
 15 the IECC? 16:06
 16 A Yes. 16:08
 17 Q Why is it that ASHRAE submits material to be 16:09
 18 included in the IECC? 16:03
 19 A To make the IECC consistent with the current 16:04
 20 version of 90.1. 16:09
 21 Q And if you turn to the final page of this 16:07
 22 document, ASHRAE0012344, could you tell me what that 16:09
 23 is? 16:08
 24 A This is a Copy Release for 2007/2008 16:08
 25 Proposals, Modifications and Public Comments Submitted 16:04
 Page 168

1 on ICC Codes from -- that's produced and published by 16:07
 2 the International Code Council. 16:01
 3 Q And so this is a copyright release to the 16:08
 4 ICC; is that correct? 16:00
 5 A That's correct. 16:01
 6 Q And has ASHRAE entered into a copyright 16:04
 7 release to the ICC for the -- its contributions to the 16:07
 8 IECC? 16:04
 9 A Steve Comstock would have signed a copyright 16:08
 10 release. 16:01
 11 (Exhibit 1184 marked for identification.) 16:00
 12 Q (BY MR. BECKER) I'm handing you what's been 16:16
 13 marked as Exhibit 1184. Do you recognize this 16:17
 14 document? 16:11
 15 A Yes. This is a Public Code Change Proposal 16:13
 16 Form for Public Proposals in the International Codes 16:15
 17 for the 2007/2008 Code Development Cycle. 16:19
 18 Q For the ICC; is that correct? 16:16
 19 A That is correct. 16:17
 20 Q And on the first page of this document, 16:10
 21 where -- under section 2, "Copyright Release," there is 16:13
 22 an "X" next to where it says "2007/2008 Cycle Copyright 16:18
 23 Release on File." Is that correct? 16:13
 24 A That's correct. 16:15
 25 Q Does that mean that ASHRAE had submitted a 16:15
 Page 169

1 copyright release to the ICC for its contributions to 16:10
2 the IECC in 2007? 16:15
3 A That's correct, Steve Comstock would have 16:19
4 issued a copyright release. 16:13
5 Q Typically, would it be ASHRAE employees that 16:14
6 would submit content to the ICC for incorporation into 16:16
7 the IECC or would it be volunteers? 16:10
8 MR. CUNNINGHAM: Objection to form. 16:16
9 THE WITNESS: There is a process for 16:12
10 which code change proposals are approved 16:13
11 through ASHRAE. Steve Ferguson, as the 16:15
12 ASHRAE staff representative at the code 16:18
13 hearings, would be the one that would submit 16:10
14 the code change proposals after they've gone 16:12
15 through the process. 16:15
16 Q (BY MR. BECKER) Who drafts the code change 16:19
17 proposals? 16:12
18 A It is -- Steve would put them in the form, 16:17
19 Ferguson, but they would be -- they would come from the 16:11
20 existing text of the standard that we're referencing. 16:14
21 Q Would they be exact quotes of the text that 16:11
22 was referenced? 16:15
23 A The rule in ASHRAE is code -- typically, it's 16:17
24 the exact text, but the rule in ASHRAE is for code 16:10
25 change proposals that are being submitted that submit 16:12
Page 170

1 proposed text from ASHRAE standards, they have to be 16:18
2 technically equivalent if they are not verbatim. 16:11
3 Q And who determines that the text is 16:18
4 technically equivalent? 16:14
5 A It first goes back to the project committee 16:15
6 responsible for the particular standard being proposed 16:18
7 into code. After they have approved it as technically 16:11
8 equivalent or just approved its submittal, then it goes 16:17
9 to the code interaction subcommittee and they -- they 16:10
10 approve submitting it. They're reviewing the process 16:15
11 and making sure the process was followed. 16:18
12 Q Who drafts the content if it is technically 16:11
13 equivalent and not identical to the content from the 16:17
14 ASHRAE Standard 90.1? 16:11
15 A Members of the project committee. 16:13
16 (Exhibit 1185 marked for identification.) 16:10
17 Q (BY MR. BECKER) I'm handing you what's been 16:19
18 marked as Exhibit 1185. Could you tell me what this 16:11
19 document is? 16:14
20 A Yes, this is the Public Code Change Proposal 16:15
21 Form for Public Proposals in the International Codes 16:17
22 for the 2009/2010 Code Development Cycle for the ICC. 16:10
23 Q And who is this proposal on behalf of? 16:16
24 A The Department of Energy. 16:19
25 Q And do you know why the -- why ASHRAE has 16:16
Page 171

1 this copy of the Department of Energy's proposal to the 16:19
2 ICC? 16:15
3 MR. CUNNINGHAM: Object to scope. 16:19
4 THE WITNESS: Because the Department of 16:10
5 Energy would have gotten the -- we would have 16:13
6 given them the copyright release to submit 16:15
7 the code change proposal for language that 16:17
8 was pulled directly from 90.1. 16:13
9 Q (BY MR. BECKER) Does that mean that the 16:12
10 Department of Energy will take language from 90.1 and 16:15
11 submit it to the ICC for inclusion in the IECC? 16:11
12 MR. CUNNINGHAM: Objection to form. 16:12
13 THE WITNESS: During this time frame 16:13
14 in -- they have not done it to my knowledge 16:15
15 since this time frame; but yes, they did 16:19
16 submit it. 16:13
17 Q (BY MR. BECKER) And they -- the Department 16:10
18 of Energy would do this in cooperation with ASHRAE? 16:13
19 A Yes, if it was language pulled -- they would 16:17
20 get permission if it was language pulled verbatim from 16:10
21 90.1. I don't know if this is verbatim from 90.1. 16:14
22 Q Does ASHRAE believe that the Department of 16:18
23 Energy needs permission in order to take a quote from 16:11
24 ASHRAE Standard 90.1 and submit it as a proposal to the 16:18
25 IECC? 16:12
Page 172

1 MR. CUNNINGHAM: Objection, calls for a 16:15
2 legal conclusion. 16:19
3 THE WITNESS: Yes. 16:10
4 Q (BY MR. BECKER) What is ASHRAE's 16:15
5 relationship to the ICC? 16:16
6 A We have multiple relationships with the ICC. 16:12
7 Q Could you please explain? 16:19
8 A So I would say in terms of the IECC, ASHRAE 16:10
9 90.1 would be in competition with that particular 16:17
10 document. And -- and then there's other things where 16:19
11 we work together on. 16:15
12 Q What kind of things does ASHRAE and the ICC 16:13
13 work together on? 16:10
14 A We have had ASHRAE members on the code 16:10
15 council. We've had I -- ICC members participate in the 16:13
16 development of ASHRAE standards. 16:18
17 (Exhibit 1186 marked for identification.) 16:19
18 Q (BY MR. BECKER) I'm handing you what's been 16:16
19 marked as Exhibit 1186. Do you recognize this 16:17
20 document? 16:16
21 A Yes. 16:17
22 Q And what is this document? 16:19
23 A This is an email exchange with Dave Conover 16:13
24 and Doug Read about a comparison document for 90.1 and 16:17
25 the IECC. 16:12
Page 173

1 Q And on the first page, Mr. Comstock says at 16:13
 2 the second email in the chain, the bottom of the second 16:14
 3 email, he says, "Please advise. With all the ICC 16:17
 4 controversy, we are being cautious." 16:11
 5 Do you know what Mr. Comstock was referring 16:14
 6 to there? 16:16
 7 A About the potential for the IECC becoming 16:21
 8 referenced in EPAAct instead of 90.1. 16:25
 9 Q And Mr. Comstock says two paragraphs above 16:20
 10 that, "Isn't our position that our standard is better 16:26
 11 than the IECC?" 16:29
 12 Is Mr. Comstock referring to the -- to ASHRAE 16:24
 13 Standard 90.1? 16:29
 14 A Yes. 16:21
 15 Q And is ASHRAE's position that ASHRAE 90.1 is 16:21
 16 better than the IECC? 16:26
 17 A Yes. 16:29
 18 (Exhibit 1187 and Exhibit 1188 marked for 16:21
 19 identification.) 16:29
 20 Q (BY MR. BECKER) Ms. Reiniche, I'm handing 16:29
 21 you what's been marked as Exhibits 1187 and 1188. Do 16:21
 22 you recognize these documents? 16:29
 23 A Yes. 16:20
 24 Q And the email 1187, which you are a recipient 16:27
 25 of, included the document 1188 as an attachment; is that 16:22
 Page 174

1 correct? 16:28
 2 A That appears to be what the attachment 16:23
 3 describes this as, yes. 16:25
 4 Q And could you tell me what these documents 16:27
 5 are? 16:29
 6 A Exhibit 1187 is an email from Mark Ames that 16:20
 7 provides the recipients of the email the comments that 16:27
 8 were submitted on standards incorporated by reference 16:21
 9 into the Code of Federal Regulations. 16:25
 10 And then a copy -- and it looks like there 16:21
 11 was also a copy of the request for comments and 16:23
 12 extension of the comment period. 16:28
 13 Q And looking at Exhibit 1188, on the first 16:21
 14 page, if you look at the third paragraph down, it 16:28
 15 starts off by saying, "ASHRAE standards are currently 16:24
 16 referenced 130 times in the Code of Federal 16:27
 17 Regulations." Is that correct? 16:20
 18 A That's correct. 16:23
 19 Q And then if you turn to the next page, on the 16:26
 20 last paragraph, the second-to-last sentence in the last 16:21
 21 paragraph says, "The CFR incorporates by reference 30 16:27
 22 of ASHRAE's standards and related materials." Is that 16:22
 23 correct? 16:28
 24 A Yes. 16:29
 25 Q And then on the next page, it says, "The five 16:20
 Page 175

1 standards that ASHRAE provides free public online 16:25
 2 access to are incorporated by reference into the CFR 16:28
 3 and otherwise used by federal agencies in programs 16:22
 4 either in their current or prior editions." Is that 16:25
 5 correct? 16:22
 6 A That's correct. 16:22
 7 Q Why is it that on the previous page, it says 16:24
 8 that "The CFR incorporates by reference 30 of ASHRAE's 16:27
 9 standards and related materials," but on the next page, 16:21
 10 it says that only five standards that are referenced in 16:26
 11 the CFR are provided for free public online access? 16:21
 12 MR. CUNNINGHAM: Objection to the 16:29
 13 scope. 16:20
 14 THE WITNESS: Without seeing the list of 16:25
 15 the 30 references to know what they are, it's 16:26
 16 hard for me to comment on that from the CFR 16:28
 17 database. And -- and so without knowing how 16:27
 18 they're referenced or what they're 16:23
 19 referenced, and I don't know why -- what 16:25
 20 versions are on there, I believe more 16:20
 21 versions of standards are now on our website. 16:22
 22 Q (BY MR. BECKER) And again, on that second 16:20
 23 page, when it says "The CFR incorporates by reference 16:21
 24 30 of ASHRAE's standards and related materials," what 16:24
 25 does it mean by "related materials"? 16:27
 Page 176

1 A Without seeing that list, I would have to say 16:24
 2 could be user's manuals It could be other 16:29
 3 publications within ASHRAE It could be a referenced 16:23
 4 article I don't know without seeing the list 16:27
 5 Q Might that include the 1993 ASHRAE handbook? 16:29
 6 A That may include the 1993 ASHRAE handbook, 16:22
 7 yes 16:26
 8 Q Do you know if the 1993 ASHRAE handbook has 16:26
 9 been incorporated by reference into any law or 16:21
 10 regulation? 16:23
 11 A I don't know 16:24
 12 (Exhibit 1189 marked for identification) 16:24
 13 Q (BY MR BECKER) Ms Reiniche, I'm handing 16:28
 14 you what's been marked as Exhibit 1189 This is 16:29
 15 document Bates number ASHRAE0027781 Do you recognize 16:32
 16 this document? 16:37
 17 A Yes 16:37
 18 Q And could you tell me what this document is? 16:39
 19 MR CUNNINGHAM: I'm going to object to 16:33
 20 the scope here This appears to be something 16:34
 21 that would have been covered with 16:35
 22 Mr Comstock as part of his topics 16:37
 23 MR BECKER: Ms Reiniche is copied on 16:31
 24 this email 16:34
 25 MR CUNNINGHAM: And you guys purposely 16:35
 Page 177

<p>1 chose to not depose her in her personal 16:30 2 capacity as part of your effort to extend 16:30 3 your number of depositions that you guys were 16:30 4 doing a few months back. 16:30 5 MR. BECKER: This is part of the 16:30 6 authentication process. 16:30 7 MR. CUNNINGHAM: It's outside the scope 16:30 8 of the 30(b)(6) deposition. 16:31 9 MR. BECKER: I'm having -- I'm having 16:31 10 her authenticate the document. 16:31 11 MR. CUNNINGHAM: Do you plan to do 16:31 12 anything else with it? 16:31 13 MR. BECKER: No. 16:31 14 MR. CUNNINGHAM: Why was it not 16:31 15 authenticated with Mr. Comstock? 16:31 16 MR. BECKER: I'm actually not entirely 16:31 17 certain if it was. 16:31 18 THE COURT REPORTER: Entirely certain of 16:31 19 what? 16:31 20 MR. BECKER: If it was. 16:31 21 THE WITNESS: This is -- this is an 16:31 22 email I received -- would have received from 16:31 23 Mick Schwedler asking for what type of 16:31 24 copyright permission would be needed to show 16:31 25 excerpts of some of the items in 90.1. 16:31</p> <p style="text-align: right;">Page 178</p>	<p>1 Q And how did ASHRAE first become aware of 16:35 2 Public Resource? 16:39 3 A I believe it was related to information about 16:32 4 a court case with SMACNA. 16:32 5 Q And what was the -- the context of that 16:36 6 litigation? 16:38 7 A My recollection is that there was an 16:30 8 organization that worked for SMACNA to look for 16:34 9 copyrighted material. They found copyrighted material 16:38 10 on Public.Resource.Org. They sent a letter saying take 16:31 11 the stuff down, and then a lawsuit was filed by Public 16:37 12 Resource against SMACNA. 16:32 13 Q And so as a designee for ASHRAE, are you 16:37 14 saying that the first that ASHRAE was aware of Public 16:33 15 Resource was with the initiation of the SMACNA lawsuit? 16:36 16 A That was -- the email conversations were 16:32 17 started with the SMACNA lawsuit. 16:36 18 (Exhibit 1190 marked for identification.) 16:38 19 Q (BY MR. BECKER) I'm handing you what's been 16:32 20 marked as Exhibit 1190. Do you recognize this 16:33 21 document? 16:38 22 A Yes. 16:34 23 Q This document is an -- excuse me. Can you 16:39 24 tell me what this document is? 16:34 25 A This is an email from Jodi Scott to Jeff 16:35</p> <p style="text-align: right;">Page 180</p>
<p>1 What appears to be missing is the email 16:33 2 I would have forwarded to Steve Comstock 16:35 3 since it was published, and I don't have 16:38 4 authority to grant copyright permission when 16:30 5 it's a published document. 16:33 6 And then is Steve Comstock providing the 16:38 7 stipulations for the copyright for which Mick 16:34 8 could show -- 16:30 9 THE COURT REPORTER: For which what? 16:30 10 THE WITNESS: -- Mick could show 16:30 11 portion -- or screenshots of 90.1. 16:32 12 Q (BY MR. BECKER) Is that Mick Schwedler? 16:37 13 A Yes. 16:30 14 Q Do you know Mr. Schwedler? 16:39 15 A Yes. 16:30 16 Q And who is Mr. Schwedler employed by? 16:37 17 MR. CUNNINGHAM: Same objection. This 16:30 18 is still clearly outside the scope. 16:32 19 THE WITNESS: Mick is employed by 16:36 20 Trane. 16:37 21 Q (BY MR. BECKER) And what is Trane? 16:37 22 A Trane is a engineering company, manufacturer. 16:38 23 Q Ms. Reiniche, when did ASHRAE first become 16:36 24 aware of Public Resource? 16:30 25 A I think it was around -- I want to say 2012. 16:35</p> <p style="text-align: right;">Page 179</p>	<p>1 Littleton about the legal actions and if -- what or if 16:39 2 we need to conduct a PR campaign in conjunction with 16:38 3 the lawsuit. 16:34 4 Q Has ASHRAE conducted a -- I'm sorry, what 16:33 5 does PR campaign stand for? 16:35 6 A Public -- like a press release-type campaign. 16:38 7 Q Does that mean public relations? 16:34 8 A Yes, thank you. 16:37 9 Q And has ASHRAE engaged in a public relations 16:39 10 campaign in conjunction with the lawsuit against 16:34 11 Public.Resource.Org? 16:38 12 A No. 16:39 13 Q Are you sure of that? 16:35 14 A I'm pretty sure. I haven't seen anything 16:38 15 come out. 16:30 16 Q And this email says that the other 16:34 17 organizational participants in the lawsuit are ASTM UL 16:38 18 and NFPA. Who is UL? 16:32 19 A The L stands for laboratories. I think it's 16:30 20 United Laboratories. 16:33 21 Q Could it be Underwriters Laboratory? 16:36 22 A Underwriters. Thank you. That's right. 16:30 23 Q Separate from any information that you may 16:30 24 have been given by counsel, so no information that 16:32 25 you've been given by counsel, do you know why it is 16:36</p> <p style="text-align: right;">Page 181</p>

1 that Underwriters Laboratory is not a part of this 16:38
 2 litigation? 16:32
 3 A No, I do not. 16:33
 4 Q Can you venture a guess as to why they're not 16:38
 5 part of this litigation? 16:31
 6 MR. CUNNINGHAM: Object to the form. 16:33
 7 MR. FEE: Same objection. 16:34
 8 THE WITNESS: My guess would be they -- 16:36
 9 it's cost prohibitive for them to be part of 16:41
 10 the lawsuit. That would be my guess. 16:44
 11 Q (BY MR. BECKER) And is it not cost 16:49
 12 prohibitive for ASHRAE to be part of the lawsuit? 16:41
 13 A I suppose it could be cost prohibitive. 16:48
 14 That's a decision made by our board of directors. 16:40
 15 Q When did ASHRAE first consider filing a 16:49
 16 lawsuit against Public.Resource.Org? 16:43
 17 A It was probably if -- my understanding, it 16:48
 18 was after conversations that Jeff Littleton would have 16:45
 19 had with his counterparts at ASTM and NFPA. 16:47
 20 Q And by that, do you mean the leadership of 16:48
 21 ASTM and NFPA? 16:41
 22 A I mean those with a similar title, not -- 16:43
 23 they're -- whatever they're -- they don't -- their head 16:45
 24 staff person may be named C -- CEO or CFO instead of 16:47
 25 executive VP. I can't remember what the titles of 16:43
 Page 182

1 their head person are. 16:41
 2 Q And do you know when that conversation took 16:41
 3 place? 16:41
 4 A Sometime after the -- the SMACNA thing in 16:41
 5 2012, so my guess is late 2012. 16:41
 6 Q Why is it that ASHRAE was considering a PR 16:42
 7 campaign in conjunction with the lawsuit? 16:42
 8 MR. FEE: Objection. 16:42
 9 To the extent that that calls for 16:42
 10 disclosure of any common interest privilege 16:42
 11 communications, I would instruct you not to 16:42
 12 disclose those and ask that your lawyer 16:42
 13 instruct you not to disclose those as well. 16:42
 14 MR. CUNNINGHAM: Same objection, and 16:42
 15 I'll instruct you not to -- not to disclose 16:42
 16 anything that would involve communications 16:42
 17 with counsel for ASHRAE or counsel for the 16:42
 18 other SDOs who would have been involved in 16:42
 19 those conversations. 16:42
 20 THE WITNESS: Can you repeat the 16:42
 21 question? 16:42
 22 Q (BY MR. BECKER) Why is it that ASHRAE was 16:42
 23 considering a PR campaign in conjunction with the 16:42
 24 lawsuit? 16:42
 25 MR. FEE: Same objections. 16:42
 Page 183

1 MR. CUNNINGHAM: Same objection. 16:47
 2 THE WITNESS: I believe all of the 16:42
 3 conversations about the -- what -- whether or 16:43
 4 not to do a PR campaign was held in 16:45
 5 conjunction with -- with legal counsel. So I 16:48
 6 don't believe I can answer that. 16:41
 7 Q (BY MR. BECKER) The document says, "An 16:42
 8 initial meeting of PR folks is being organized." Did 16:43
 9 that meeting take place? 16:46
 10 A Yes, but I believe legal counsel was involved 16:41
 11 in that meeting. 16:45
 12 Q When did the meeting take place? 16:46
 13 A Sometime probably shortly after this date. 16:42
 14 Q Do you know who was in attendance at that 16:48
 15 meeting? 16:41
 16 A I don't know everyone that was in attendance 16:43
 17 at that meeting. 16:47
 18 Q Do you know which PR folks as is referenced 16:48
 19 in the document were at that meeting? 16:41
 20 A I would only know the ASHRAE person, which 16:43
 21 would have been Jodi Scott and Aman -- and Amanda Dean. 16:45
 22 Q So you don't know the names of any PR firms 16:41
 23 that attended that meeting? 16:44
 24 A No, I do not. 16:46
 25 (Exhibit 1191 marked for identification.) 16:41
 Page 184

1 Q (BY MR. BECKER) Ms. Reiniche, I'm handing 16:45
 2 you what's been marked as Exhibit 1191. 16:45
 3 MR. FEE: Matt, if these relate to 16:45
 4 public relations, the firms or anything 16:45
 5 that's involving ASTM, I would like to have a 16:45
 6 chance to review the documents before you 16:45
 7 have any questions on them. You haven't 16:45
 8 provided me with any copies throughout the -- 16:45
 9 the course of the day. 16:45
 10 MR. BECKER: My apologies. Because you 16:45
 11 and your co-counsel had not been in 16:45
 12 attendance at the previous ASHRAE deposition, 16:45
 13 I did not expect that you are going to be in 16:45
 14 attendance at this particular deposition. I 16:45
 15 do not have additional copies to provide 16:45
 16 you. 16:45
 17 MR. FEE: That's fine. You're just 16:45
 18 going to have to wait until I read it; that's 16:45
 19 all. 16:45
 20 MR. BECKER: You can read over his 16:45
 21 shoulder. 16:46
 22 Q (BY MR. BECKER) Do you recognize this 16:46
 23 document? 16:46
 24 MR. FEE: Hold on. Let me read the 16:46
 25 document before you ask any questions about 16:46
 Page 185

1 it. Whenever you're done. 16:46
 2 (Discussion off written record.) 16:46
 3 MR. FEE: Okay. Go ahead. 16:47
 4 Q (BY MR. BECKER) Ms. Reiniche, do you 16:47
 5 recognize that document? 16:47
 6 A Yes, I do. 16:47
 7 Q And what is that document? 16:47
 8 A This is an email that came for -- came from 16:47
 9 ANSI. The -- I'm never going to remember what this 16:47
 10 acronym stands for, but it's from the IPRPC or sent to 16:47
 11 the IPRPC from Patricia Griffin, who's the counsel for 16:47
 12 ANSI. And this is about her testimony before the 16:47
 13 committee on the judiciary subcommittee on courts, IP 16:47
 14 and Internet. 16:47
 15 And then she provided a link to the live 16:47
 16 stream and links to Mr. Malamud's published written 16:48
 17 testimony where it's posted online in an article 16:48
 18 online. And then there are some responses from 16:48
 19 different members about the testimony. And then I 16:48
 20 forwarded this on to Jeff Littleton's and Claire's 16:48
 21 attention. 16:48
 22 Q What is the IPRPC? 16:48
 23 A It's a -- I always have to look up this 16:49
 24 acronym. It's like a policy committee, like it's -- I 16:49
 25 can never remember what the acronym stands for without 16:49
 Page 186

1 looking. It's Intellectual Property Rights; something 16:48
 2 along that line. 16:47
 3 Q And who is a member of the IPRPC? 16:41
 4 A There's lots of people that are members. I'm 16:44
 5 just an observing member; I am not a voting member. 16:47
 6 You can ask to be put on the Listserv and be provided 16:49
 7 information. 16:44
 8 Q Can anyone ask to be put on the Listserv and 16:45
 9 be provided information? 16:49
 10 A As far as I know, anyone can send a note into 16:52
 11 ANSI and ask to participate. 16:54
 12 Q Could you name other members of the IPRPC? 16:53
 13 A Not off the top of my head, because they 16:58
 14 aren't people that I normally work with everyday so -- 16:51
 15 but -- 16:56
 16 Q Is Patricia Griffin a member of the IPRPC? 16:57
 17 A She is the staff liaison. 16:52
 18 Q What does that mean, staff liaison? 16:59
 19 A That means she's the person that -- there 16:52
 20 might be one other person there that works with her, 16:57
 21 Elizabeth Neiman, but usually they're the ones that 16:54
 22 provide the agendas, help get the materials around, 16:59
 23 provide -- draft things to send to the committee. I 16:54
 24 don't have a description for all the duties of the 16:52
 25 staff liaisons at ANSI. 16:54
 Page 187

1 (Exhibit 1192 marked for identification.) 16:50
 2 Q (By MR. BECKER) I'm handing you what's been 16:57
 3 marked as Exhibit 1192. Do you recognize this 16:59
 4 document? 16:52
 5 A Yes. 16:53
 6 Q Okay. And what is this document? 16:55
 7 A This is an email exchange between Claire 16:58
 8 Ramspeck and I about seeing if I can become a member of 16:52
 9 IPRPC. At that time, it was past the time where they 16:59
 10 approved the membership, and I indicated that I was on 16:53
 11 the -- on the Listserv already. And then there's a 16:56
 12 thing at the top about -- an update from IPRPC. 16:51
 13 Q In the earliest email on that chain on 16:58
 14 Exhibit 1192, Ms. Ramspeck writes to you, "Please look 16:51
 15 into getting involved with this ASAP," and that refers 16:56
 16 to the subject line "IPRPC"; is that correct? 16:59
 17 A That's correct. 16:51
 18 Q And then she says, "I think there are issues 16:52
 19 that we need to be tracking, and it will let you use 16:54
 20 your legal mind as well. Again, we can discuss more on 16:58
 21 Monday." 16:51
 22 What was Ms. Ramspeck referring to when she 16:58
 23 says "there are issues that we need to be tracking"? 16:51
 24 MR. CUNNINGHAM: Objection to form. 16:57
 25 THE WITNESS: Things like just copyright 16:59
 Page 188

1 issues, legal issues, some of that stuff is 16:53
 2 included in the IPRPC that would be of 16:53
 3 interest to ASHRAE that we track. 16:53
 4 Q (BY MR. BECKER) And did you have a meeting 16:53
 5 with Ms. Ramspeck that following Monday? 16:53
 6 A I don't remember. I'd have to look at my 16:53
 7 calendar. 16:53
 8 Q For the second email from the top in that 16:53
 9 chain, Ms. Ramspeck writes to you and says, "Did you 16:53
 10 know that there has been a big increase in the number 16:53
 11 of copyrighted docs, including ASHRAE standards 16:54
 12 beginning in January? I'm not sure if IPRPC has had 16:54
 13 any updates on that yet." 16:54
 14 Was Ms. Ramspeck referring to 16:54
 15 Public.Resource.Org in that statement? 16:54
 16 MR. CUNNINGHAM: Objection to form. 16:54
 17 THE WITNESS: Yes. 16:54
 18 Q (BY MR. BECKER) Was Ms. Ramspeck's purpose 16:54
 19 in asking you to join the IPRPC to follow the actions 16:54
 20 of Public.Resource.Org? 16:54
 21 MR. CUNNINGHAM: Objection to form, 16:54
 22 calls for speculation. 16:54
 23 THE WITNESS: No. I had actually been 16:54
 24 asked to join it a while back, just that my 16:54
 25 schedule and my responsibilities didn't allow 16:54
 Page 189

<p>1 for time at the time. 16:58 2 Q (BY MR. BECKER) How did you know that she 16:50 3 was -- that Ms. Ramspeck was referring to 16:52 4 Public.Resource.Org when she said "Did you know that 16:56 5 there has been a big increase in the number of 16:59 6 copyrighted docs beginning in January"? 16:51 7 A Because I knew about the SMACNA things, and 16:57 8 so staff was watching to see what copyrighted documents 16:52 9 were out there, if they belonged to ASHRAE. 16:56 10 Q And so there was sufficient discussion of 16:56 11 Public.Resource.Org in February of 2013 that without 16:59 12 even referencing Public.Resource.Org, you knew that 16:54 13 Ms. Ramspeck was referring to Public.Resource.Org? 16:58 14 MR. CUNNINGHAM: Objection to the form. 16:51 15 THE WITNESS: At that time, we would 16:55 16 have discussed Public.Resource.Org, and I 16:56 17 would have known that's what she was 16:59 18 referring to. 16:51 19 Q (BY MR. BECKER) What is the purpose of the 16:59 20 IPRPC? 16:52 21 MR. FEE: Objection, lack of 16:54 22 foundation. 16:55 23 MR. CUNNINGHAM: Objection. 16:56 24 THE WITNESS: It's -- it's dealing with 16:59 25 intellectual property mostly, things -- or 16:52</p> <p style="text-align: right;">Page 190</p>	<p>1 our Standard 188 posted on company websites 16:57 2 without seeking permission from me first to 16:51 3 post it after the public review period has 16:53 4 ended. And I've sent letters to ask them to 16:56 5 remove it, and they are removed. 16:58 6 Q (BY MR. BECKER) Is ASHRAE aware of 16:56 7 infringement or potential infringement on file-sharing 16:59 8 websites of ASHRAE standards? 16:53 9 MR. CUNNINGHAM: Same objection. 16:55 10 THE WITNESS: I'm not aware of those. 16:57 11 MR. BECKER: We can take a break here. 16:57 12 THE VIDEOGRAPHER: Going off the record 16:50 13 at 16:58. 16:52 14 (Recess taken.) 17:19 15 THE VIDEOGRAPHER: Going on the record 17:24 16 at 17:24. 17:26 17 Q (BY MR. BECKER) Ms. Reiniche, could you 17:25 18 please refer again to Exhibits 1175 and 1176. Those 17:26 19 are the certificates of registration from the copyright 17:22 20 office. 17:27 21 A Okay. 17:28 22 Q Ms. Reiniche, does ASHRAE claim to be the 17:20 23 author of standard -- of the editions of Standard 90.1 17:24 24 that are listed in Exhibit 1176? 17:20 25 MR. CUNNINGHAM: Objection to the 17:27</p> <p style="text-align: right;">Page 192</p>
<p>1 things like patents and some, I guess, quasi 16:56 2 legal things. 16:56 3 Q (BY MR. BECKER) How much of the discussion 16:56 4 in IPRPC relates to Public.Resource.Org? 16:56 5 MR. FEE: Objection to form. 16:56 6 THE WITNESS: On the items I have either 16:56 7 seen in email or when I've been able to 16:56 8 participate remotely on their calls, minimal. 16:56 9 Q (BY MR. BECKER) Is ASHRAE concerned about 16:57 10 alleged copyright infringement by other entities other 16:57 11 than Public.Resource.Org? 16:57 12 MR. CUNNINGHAM: Objection to scope and 16:57 13 to the form. 16:57 14 THE WITNESS: Of course. We don't -- we 16:57 15 don't allow other people to post copyrighted 16:57 16 material or anywhere else. If -- when we're 16:57 17 made aware of it, we ask for it to be 16:57 18 removed. 16:57 19 Q (BY MR. BECKER) Where has ASHRAE seen 16:57 20 infringement of its standards? 16:57 21 MR. CUNNINGHAM: Same objection. 16:57 22 THE WITNESS: I'm -- I'm not privy to 16:57 23 every single time. I don't -- it's not 16:57 24 related to 90.1, but I know that there have 16:57 25 been public review drafts of, for example, 16:57</p> <p style="text-align: right;">Page 191</p>	<p>1 form. 17:27 2 THE WITNESS: Yes. 17:28 3 Q (BY MR. BECKER) And does ASHRAE claim to be 17:20 4 the author of the 1993 ASHRAE Handbook: Fundamentals as 17:22 5 listed in Exhibit 1175? 17:28 6 MR. CUNNINGHAM: Same objection. 17:21 7 THE WITNESS: Yes. 17:27 8 Q (BY MR. BECKER) Is ASHRAE the sole author of 17:28 9 these works? 17:20 10 MR. CUNNINGHAM: Same objection. 17:20 11 THE WITNESS: It's the members of the 17:27 12 project committee as -- as part of their 17:29 13 membership that agreed to write the document 17:23 14 and -- and have it attributed to ASHRAE. 17:25 15 Q (BY MR. BECKER) And the members of the 17:29 16 project committee are not employees of ASHRAE, correct? 17:20 17 A That's correct. 17:23 18 Q And so what is the basis for ASHRAE's claim 17:28 19 that it's the author of these works? 17:21 20 MR. CUNNINGHAM: Objection to the form, 17:25 21 calls for a legal conclusion. 17:26 22 THE WITNESS: As a basis of the signed 17:20 23 copyright assignments that all the members 17:22 24 sign when they apply for membership, that the 17:25 25 commenters sign when they submit a comment 17:29</p> <p style="text-align: right;">Page 193</p>

<p>1 and that the members that submit change -- or 17:21 2 the public that submits change proposals sign 17:26 3 when they submit a change proposal 17:29 4 Q (BY MR. BECKER) Has ASHRAE ever compensated 17:24 5 any of the members of the project committee for the 17:26 6 sale of any of the works at issue? 17:23 7 A No 17:26 8 Q Ms. Reiniche, is the project committee for 17:27 9 Standard 90.1 in charge of the selection and 17:23 10 arrangement of the content of Standard 90.1? 17:28 11 A Yes 17:28 12 Q Is anybody else responsible for the selection 17:23 13 and arrangement of standard -- of the content of 17:27 14 Standard 90.1? 17:23 15 A The selection of the content, no The 17:24 16 arrangement, they're not going to change the order, but 17:20 17 the formatting in terms of, you know, the two-column 17:22 18 format, it could switch from one to two column after 17:26 19 public review is done by public -- our publications 17:20 20 department 17:23 21 Q And who made the decision to switch it from 17:24 22 one column to two column? 17:28 23 A That would have been Steve Comstock would 17:21 24 have decided to -- I believe the standard was 17:24 25 originally one column. When they go out for public 17:27</p>	<p>1 A These are the minutes from the 90.1 meeting 17:38 2 for sure from Saturday, January 24th, 2004. Then 17:34 3 from -- and it also includes the minutes from the 17:31 4 meeting on Sunday, January -- January 25th, 2004. Hang 17:35 5 on. They usually have more than -- another meeting. 17:35 6 And from Monday, January 26, 2004. 17:30 7 Q And could you please turn to page 8? 17:33 8 A 8? 17:39 9 Q Yes. Section 10 on page 8 includes the 17:39 10 marketing task force ad hoc subcommittee update. And 17:30 11 it says in the second and third sentence, it says, "The 17:39 12 discussion included the question of who is the customer 17:33 13 for Standard 90.1. Chris stated that the subcommittee 17:37 14 has one customer that it has failed to fulfill the 17:32 15 needs of, and that is the Department of Energy, DOE." 17:37 16 Does ASHRAE consider the Department of Energy 17:33 17 to be a customer? 17:35 18 A It would be one customer. 17:38 19 (Exhibit 1194 marked for identification.) 17:31 20 Q (BY MR. BECKER) Ms. Reiniche, I'm handing 17:38 21 you a document that has been marked as Exhibit 1194. 17:30 22 This is Bates number ASHRAE0006892. Can you tell me 17:34 23 what this document is? 17:33 24 A This document is an ASHRAE 90.1 questionnaire 17:34 25 summary combined -- compiled by Valerie Block, the 17:38</p>
Page 194	Page 196
<p>1 review, we put it in one column, because it's easier 17:20 2 for people to read one column, you know, and we don't 17:22 3 have to mess with the formatting 17:25 4 Then because of the length, I believe they 17:29 5 switched to a two-column format for publication 17:21 6 And -- and that's -- that's why they did it, so the -- 17:24 7 your printed copy isn't, you know, 3 inches thick 17:29 8 versus an inch and a half thick 17:24 9 Q So when you say two-column format, you mean 17:27 10 the text appears in two columns on the page, as opposed 17:28 11 to just being a single column on the page? 17:23 12 A That's correct 17:25 13 Q And is that the only change in arrangement 17:23 14 that's performed by ASHRAE staff? 17:27 15 A By publications, they might correct the 17:20 16 numbering of a section if the committee changed 17:23 17 something and the numbering was off, but it's just to 17:25 18 make it format correctly for -- on the publication 17:28 19 side 17:23 20 (Exhibit 1193 marked for identification) 17:24 21 Q (BY MR. BECKER) Ms. Reiniche, I'm handing 17:30 22 you what's been marked as Exhibit 1193. This is Bates 17:31 23 number ASHRAE0001628. Do you recognize this document? 17:37 24 A Yes 17:33 25 Q Can you tell me what this document is? 17:35</p>	<p>1 chair of the 90.1 marketing committee. 17:33 2 Q And can you tell me what the purpose of this 17:32 3 questionnaire summary was? 17:35 4 A The purpose of -- of the questionnaire or the 17:36 5 summary -- summary? 17:39 6 Q Of the summary itself. 17:31 7 A It was to give information to the committee 17:32 8 on what -- the opinions of the users of the standard 17:37 9 were. 17:31 10 Q And which committee was that? 17:32 11 A 90.1. 17:33 12 (Exhibit 1195 marked for identification.) 17:38 13 Q (BY MR. BECKER) Ms. Reiniche, I'm handing 17:38 14 you what's been marked as Exhibit 1195. Bates labeled 17:30 15 ASHRAE0024267. Do you recognize this document? 17:35 16 A This is -- yes. 17:30 17 Q And can you tell me what this document is? 17:32 18 A This is a document where the president of 17:39 19 ASHRAE was asking for the committee on utilities and 17:38 20 energy to consider a building energy labeling program 17:33 21 that was being developed by ASHRAE. This is the 17:38 22 building energy quotient, but it's not -- it's not a 17:36 23 90.1 tool. 17:31 24 (Exhibit 1196 marked for identification.) 17:34 25 Q (BY MR. BECKER) Ms. Reiniche, I'm handing 17:34</p>
Page 195	Page 197

1 you what's been marked as Exhibit 1196, ASHRAE Bates 17:35
2 number 0024287. Do you recognize this document? 17:39
3 A Yes. 17:30
4 Q And could you tell me what this document is? 17:32
5 A This is a letter from -- who would have been 17:34
6 the president of ASHRAE at the time in 2009, Gordon 17:38
7 Holness, to President Obama talking about as we're 17:33
8 working towards energy efficiency, where we have agreed 17:31
9 to try to -- the project committee to be 30 percent 17:35
10 more energy efficient from 2004, version of 17:31
11 Standard 90.1 to the 2010 version. 17:34
12 And it also mentions our Building Energy 17:39
13 Quotient BEQ program that provides people with energy 17:32
14 use of buildings and to ask that the -- while they're 17:36
15 implementing the executive order, that they look at 17:35
16 considering using the building EQ program. 17:38
17 (Exhibit 1197 marked for identification.) 17:39
18 Q (BY MR. BECKER) Ms. Reiniche, I'm handing 17:33
19 you what's been marked as Exhibit 1197. Do you 17:34
20 recognize this document? 17:37
21 A Yes. 17:30
22 Q And can you tell me what this document is? 17:31
23 A This is an ASHRAE Facts and Stats document 17:35
24 that D.C. folks would leave with congressional staff 17:39
25 members. 17:37

Page 198

1 Q And what was the purpose of leaving this with 17:37
2 congressional staff members? 17:30
3 A Just to give you a -- give them information 17:31
4 about what ASHRAE is, what our expertise is in, and 17:33
5 about our standards, our research program, 17:30
6 publications, continuing education; just ASHRAE as a 17:33
7 whole 17:37
8 (Exhibit 1198 marked for identification) 17:39
9 Q (BY MR BECKER) Ms Reiniche, I'm handing 17:34
10 you what's -- what's been marked as Exhibit 1198, Bates 17:35
11 number ASHRAE0024393 Do you recognize this document? 17:30
12 A Yes 17:37
13 Q And what is this document? 17:37
14 A This is another sort of fact sheet type thing 17:39
15 that ASHRAE does to educate the staff members of the 17:32
16 legislature about ASHRAE's role in energy efficiency 17:36
17 and our views on how to get there 17:31
18 (Exhibit 1199 marked for identification) 17:33
19 Q (BY MR BECKER) Ms Reiniche, I'm handing 17:42
20 you what's been marked as Exhibit 1199 This is Bates 17:45
21 labeled ASHRAE0024624 Do you recognize this document? 17:40
22 A Yes 17:40
23 Q And what is this document? 17:41
24 A These are -- this is an email that shows the 17:42
25 notes from what would have been an ASHRAE leadership 17:45

Page 199

1 meeting with different organizations in Washington, 17:41
2 D.C. 17:41
3 Q And when you say what would have been an 17:41
4 ASHRAE leadership meeting with different organizations 17:41
5 in Washington, D.C., do you mean it was a meeting that 17:41
6 did occur? 17:41
7 A Yes. 17:41
8 Q Is it clear to you who the participants of 17:42
9 this meeting would have been? 17:42
10 MR. FEE: Can I see this document before 17:42
11 you get into this any further? 17:42
12 Okay. 17:42
13 THE WITNESS: Well, I can tell from the 17:42
14 ASHRAE side, based on this email, that Lynn 17:42
15 Bellenger, Ron Jarnigan, Tom Watson, Jeff 17:43
16 Littleton, Doug Read, and Mark Ames would 17:43
17 have been at these meetings. Some of them I 17:43
18 can -- it appears from this that OSTP had 17:43
19 Kevin Hurst there. 17:43
20 Q (BY MR. BECKER) That's fine if you -- 17:43
21 A I mean, I would have to -- I mean, some of 17:43
22 them I can tell that -- you know, who was there, I can 17:43
23 tell which organizations were there, but some I can 17:43
24 tell by the way the notes were written who was there, 17:43
25 and some I cannot. I can -- if it would be easier, I 17:44

Page 200

1 can tell you what organizations appears. 17:44
2 Q Yes, if you could say which organizations. 17:46
3 A So -- and this -- my recollection of the 17:40
4 leadership meetings, typically it's more -- more than 17:46
5 one meeting, so they weren't all in one meeting 17:48
6 together, so these would have been notes from all of 17:40
7 their meetings. 17:42
8 So they would have talked with the EPA, 17:45
9 DOE -- sorry, the page is sticking -- FEMP, NEMA, ASE, 17:48
10 AHRI, NASEO, N-A-S-E-O, and that looks to be it. 17:42
11 Q Okay. So it's all of the organizations that 17:48
12 are -- that are listed as individual acronyms at the 17:40
13 top of each paragraph section? 17:40
14 A Right. 17:41
15 Q And would those have been separate meetings 17:44
16 with each individually? 17:46
17 A Some of them could have been clumped 17:47
18 together, some of them could have been separate. It's 17:41
19 hard to tell from this email string how those occurred. 17:43
20 But sometimes they have it where they're going to meet 17:49
21 with these three organizations and then these three 17:42
22 organizations; something like that. 17:44
23 (Exhibit 1200 marked for identification.) 17:49
24 Q (BY MR. BECKER) I'm handing you what's been 17:45
25 marked as Exhibit 1200. This is Bates labeled 17:46

Page 201

<p>1 ASHRAE0026916. Do you recognize this document? 17:42 2 A Yes, this looks -- yes. 17:40 3 Q And could you tell me what this document is? 17:43 4 A This -- this appears to look like a proposal 17:46 5 to -- to get some funding -- it's not clear from him -- 17:49 6 for the development of a new course for code officials 17:47 7 that specifically gives them information that's useful 17:43 8 to them when they need to verify compliance with the 17:47 9 standard for the purposes of receiving federal funding. 17:41 10 (Exhibit 1201 marked for identification.) 17:40 11 Q (BY MR. BECKER) I'm handing you what's been 17:44 12 marked as Exhibit 1201. It's Bates labeled 17:45 13 ASHRAE0029650. Could you tell me what this document 17:49 14 is? 17:47 15 MR. CUNNINGHAM: We'd like a minute to 17:46 16 review this one, Matt. 17:47 17 Go ahead. 17:40 18 Q (BY MR. BECKER) Have you reviewed it? 17:40 19 MR. CUNNINGHAM: We have, correct. Yes. 17:41 20 THE WITNESS: Okay. This is a -- an 17:45 21 email that Jeff Littleton sent to the ASHRAE 17:46 22 board of directors letting them know about 17:49 23 a -- about Public Resource shipping 25 copies 17:42 24 of 73 different standards made by 10 or so 17:48 25 different organizations. This did not 17:42</p> <p style="text-align: right;">Page 202</p>	<p>1 A For 90.1, I would say it's another full-time 17:56 2 job for the volunteers that work on that, with the 17:59 3 amount of hours they spend on subcommittee calls where 17:51 4 they're drafting the -- where smaller groups are 17:55 5 drafting it based on the expertise of the different 17:58 6 chapters within 90.1, in addition to meeting four times 17:50 7 a -- four times a year face-to-face, full subcommittee, 17:55 8 full project committee members -- meetings for four 17:59 9 days straight from 8 in the morning until 10 at night. 17:52 10 It's a huge time commitment for those volunteers. 17:55 11 Q And he says, "particularly those that are 17:53 12 adopted into law." Why is it particularly those that 17:57 13 are adopted into law that take time and resources? 17:52 14 A Because usually when it's something that's 17:57 15 going to be adopted into law and it's going to be a 17:59 16 major change, it -- it generates a lot of comments, not 17:52 17 just one or two, talking 50 to a hundred lengthy 17:56 18 comments, because people in -- in the industry have 17:52 19 different opinions and the committee has to listen to 17:55 20 those, look at the -- whatever technical justification 17:58 21 they submit, determine if -- if what they're submitting 17:51 22 is cost justified, looking at, you know, what the 17:56 23 change would do, and if that's truly what's being done 17:50 24 in the industry. 17:53 25 So what -- the more significant the change, 17:54</p> <p style="text-align: right;">Page 204</p>
<p>1 include ASHRAE. 17:44 2 And sent it to -- purportedly sent it to 17:46 3 media, Congress, Federal Trade Commission, 17:41 4 including salaries of the CSOs of those 17:44 5 organizations, and then indicating that 17:48 6 they're going to post those online on 17:40 7 May 1st. 17:44 8 Appears a member of the board responded 17:46 9 back to Jeff asking why ASHRAE standards 17:40 10 aren't included, and Jeff reported back that 17:43 11 he -- he doesn't know, but right now they're 17:46 12 happy to let someone else fight the battle 17:49 13 since we're not included. 17:42 14 Q (BY MR. BECKER) And this is in March 2012, 17:50 15 correct? 17:54 16 A Correct. 17:55 17 Q So ASHRAE was at the very least aware of 17:56 18 Public Resource in March of 2012, correct? 17:52 19 A Correct. 17:56 20 Q And Mr. Littleton says at the top of the page 17:52 21 in the middle of the paragraph, "Developing standards, 17:56 22 particularly those that are adopted into law, takes 17:59 23 time and resources that someone must underwrite." 17:52 24 Can you tell me about the time and resources 17:58 25 that are required to develop standards? 17:52</p> <p style="text-align: right;">Page 203</p>	<p>1 the longer it takes to get something through the 17:56 2 standards development process. 17:58 3 Q And are there other reasons why the standards 17:52 4 that are adopted into law would take greater time and 17:55 5 resources? 17:53 6 A I suppose that when you're -- if you define 17:57 7 laws including the codes, then there's the time it 17:50 8 takes to present those changes to the code, to the 17:54 9 testimony. Again, that's almost another full-time job, 17:57 10 the amount of time people spend at those code hearings, 17:51 11 talking about the issues. 17:55 12 Q And are those code hearings before 17:50 13 governmental bodies? 17:52 14 A They're by code bodies. 17:53 15 Q Code bodies. And what do you mean by "code 17:54 16 bodies"? 17:56 17 A International Code Council, NFPA, IATMO. 17:57 18 Q Does that also include time and resources 17:52 19 spent working with government officials? 17:58 20 A It could, if it's going into federal 17:52 21 regulations or federal law. 17:54 22 Q Would it also include time and resources when 17:58 23 it's going into state regulations or state law? 17:51 24 A Yes, if -- if people are aware it's -- it's 17:55 25 happening. 17:58</p> <p style="text-align: right;">Page 205</p>

1 (Exhibit 1202 and Exhibit 1203 marked for 17:53
 2 identification) 17:59
 3 Q (BY MR. BECKER) I'm handing you what's been 17:59
 4 marked as Exhibits 1202 and 1203 1202 is Bates number 17:50
 5 ASHRAE0024591 And 1203 is Bates number ASHRAE0024592 17:52
 6 Ms Reiniche, could you tell me what these 17:53
 7 documents are? 17:56
 8 A Number 1202 is an email that came from 17:58
 9 Senator Portman's staff to Mark Ames and other 17:56
 10 organizations, like UTC, AHRI, NEMA, Snyder Electric, 17:51
 11 JCI, IA -- IALD, ANSI, DWGP, ASE, and NAIOP 17:53
 12 And it references the document that's labeled 17:58
 13 Exhibit 1203, which is a proposed revision to the 17:53
 14 Energy Savings and Industrial Competitiveness Act of 17:50
 15 2011 17:55
 16 (Exhibit 1204 marked for identification) 17:59
 17 Q (BY MR. BECKER) Ms Reiniche, I'm handing 17:50
 18 you what's been marked as Exhibit 1204 Could you 17:51
 19 please tell me what this document is? 17:58
 20 A I need a second to read it 17:58
 21 Q Take your time 17:51
 22 A So this is an email from Jodi -- well, 17:59
 23 it's -- was Jodi Dunlap at the time, it's now Jodi 17:54
 24 Scott -- to Steve Emmerich, Max Sherman and Steve 17:58
 25 Ferguson about Standard 62.2 and its adoption And 17:55

Page 206

1 that it was about to be adopted in California and 17:56
 2 New York. And Steve Emmerich asked if anyone knew if 17:53
 3 someone, meaning a member, might be close to the 17:53
 4 happenings in New York. 17:56
 5 And Steve Ferguson replied that he knew a 17:50
 6 member that was in New York that was helpful in getting 17:53
 7 the 62.1 ventilation tables into the IMC and the New 17:56
 8 York State billing code, so he may know something. 17:51
 9 And I'm not sure -- oh, and then it appears 17:57
 10 that Steve Emmerich sent that email chain to Andrew 17:53
 11 personally, which is his boss at NIST. 17:58
 12 THE COURT REPORTER: "His boss at" what? 17:59
 13 THE WITNESS: "His boss at NIST." 17:59
 14 THE COURT REPORTER: NIST? 18:08
 15 THE WITNESS: N-I-S-T. 18:08
 16 MR. CUNNINGHAM: I'll go ahead and lodge 18:08
 17 a relevance objection to this document, like 18:09
 18 several others we've seen today, does not 18:02
 19 relate to any of the standards at issue here. 18:05
 20 Q (BY MR. BECKER) Ms. Reiniche, do you know 18:01
 21 who Michael Burnetter is that's referred to in this 18:01
 22 email? 18:06
 23 A I don't. 18:07
 24 (Exhibit 1205 marked for identification.) 18:03
 25 Q (BY MR. BECKER) Ms. Reiniche, I'm handing 18:08

Page 207

1 you what's been marked as Exhibit 1205. Could you tell 18:00
 2 me what this document is? 18:07
 3 MR. CUNNINGHAM: Same objection as the 18:00
 4 last document. 18:01
 5 THE WITNESS: It appears to be an email 18:01
 6 from -- it starts with -- from Bruce Wilcox 18:04
 7 talking about the -- what was adopted in 18:00
 8 California in regards to Standard 62.2 and 18:02
 9 asking for permission to maybe get use of the 18:07
 10 material in the user's manual or for 18:01
 11 training, and then Jodi replying that it's 18:04
 12 officially adopted, and meaning that Standard 18:02
 13 62.2 is now mandatory in California. 18:07
 14 And then there is an email from Steve 18:01
 15 Ferguson to a committee -- this committee no 18:05
 16 longer exists within ASHRAE -- when it's -- 18:08
 17 he says to members of SAC, that's the 18:00
 18 standards advisory committee, and there was 18:03
 19 something that he says, "Please see below." 18:07
 20 Q (BY MR. BECKER) What was the standards 18:01
 21 advisory committee? 18:02
 22 A There was a time when they had -- when ASHRAE 18:04
 23 had the standards advisory committee to just talk about 18:06
 24 high-level issues related to standards. It could have 18:00
 25 been adoption, it could have been membership issues. 18:05

Page 208

1 It -- it was more like a policy-looking committee that 18:09
 2 reported to the ASHRAE board of directors. 18:05
 3 Q And when you say "adoption," do you mean 18:07
 4 adoption by reference into codes legislation and 18:09
 5 regulation? 18:05
 6 A They -- their topics were any policy-related 18:06
 7 things, so it could be any type of adoption. They 18:00
 8 didn't approve it; they -- they just talked about 18:02
 9 policies on how -- and that kind of things. 18:05
 10 Q Simply for a clear record, the answer to my 18:08
 11 question, was that a yes or a no? I'll repeat my 18:01
 12 question. 18:03
 13 The question was, when you say "adoption," do 18:04
 14 you mean adoption by reference into codes, legislation 18:06
 15 and regulation? 18:09
 16 MR. FEE: Objection to form. 18:01
 17 THE WITNESS: Yes. 18:03
 18 Q (BY MR. BECKER) Thank you. 18:04
 19 (Exhibit 1206 marked for identification.) 18:05
 20 Q (BY MR. BECKER) I'm handing you what's been 18:08
 21 marked as Exhibit 1206. Could you please take a moment 18:09
 22 to read this document and tell me what it is? 18:04
 23 MR. CUNNINGHAM: Object to the scope and 18:06
 24 relevance, seeing as how this again does not 18:09
 25 relate to Standard 90.1 or any of the 18:01

Page 209

<p>1 standards at issue here. 18:03 2 THE WITNESS: This email relates to 18:06 3 Standard 161-2007. That's indoor air quality 18:08 4 for commercial aircrafts. And it's about a 18:04 5 congressional committee considering an FAA 18:09 6 reauthorization bill and wants to know if -- 18:01 7 if the members of 161 are supportive of this 18:06 8 bill. 18:01 9 Q (BY MR. BECKER) And in the top email, 18:05 10 Mr. Weber's communication, he says, "Ladies and 18:01 11 Gentlemen, below is an email from Ryan Colker, manager 18:06 12 of government affairs in the ASHRAE Washington office. 18:09 13 ASHRAE is encouraging legislators to adopt ASHRAE 18:03 14 Standard 161-2007 and intends on sending the attached 18:07 15 letter early next week. Ryan would like to make the 18:03 16 SSPC aware of the intentions and would like to know if 18:07 17 their organizations are willing to support the 18:01 18 adoption." 18:04 19 Is one of the roles of government -- ASHRAE's 18:09 20 government affairs office in Washington, D.C., to 18:02 21 encourage legislators to adopt ASHRAE standards? 18:06 22 A If it's relevant to a bill that the 18:01 23 legislature is -- is drafting. 18:08 24 Q Does that include encouraging legislators to 18:01 25 adopt ASHRAE Standard 90.1? 18:04</p> <p style="text-align: right;">Page 210</p>	<p>1 if we could get comp copies to send to HUD to 18:01 2 consider it, and Mark indicated that's 18:04 3 probably very likely 18:07 4 And then they ask for the -- where to 18:00 5 send it, to Rhonda from -- Rhonda Dickerson, 18:03 6 who I'm assuming is from HUD And instead of 18:08 7 using the paper comment -- paper format, they 18:02 8 sent a PDF copy that -- indicating it wasn't 18:08 9 to be distributed outside of the HUD 18:12 10 manufacturing housing consensus committee and 18:15 11 not to reprint without ASHRAE permission 18:18 12 Q (BY MR. BECKER) You are a recipient of this 18:13 13 email; is that correct? 18:15 14 A Yes 18:17 15 Q What does HUD stand for? 18:10 16 A Housing Urban Development 18:14 17 Q And is that a federal agency? 18:17 18 A Yes 18:11 19 Q Is it common for ASHRAE to provide copies of 18:10 20 ASHRAE standards to members of government when they are 18:16 21 considering incorporating that standard into 18:10 22 legislation or regulation? 18:14 23 A If it's been requested, we typically will 18:17 24 provide a copy for them to review, yes 18:10 25 Q And that would be a complimentary copy, 18:13</p> <p style="text-align: right;">Page 212</p>
<p>1 A If it's related to a legislation that they're 18:07 2 creating. 18:00 3 Q So if -- for clarity, if the -- if standard 18:01 4 ASHRAE 90.1 is related to the legislation that's being 18:09 5 created, then the Washington office of ASHRAE might 18:03 6 encourage the adoption of Standard 90.1 into that 18:08 7 legislation? 18:03 8 A Yes, in consultation with ASHRAE leadership 18:05 9 and those with relevant technical expertise. 18:09 10 (Exhibit 1207 marked for identification.) 18:09 11 Q (BY MR. BECKER) I'm handing you what's been 18:07 12 marked as Exhibit 1207. Could you please take a moment 18:08 13 to read this document and tell me what it is? 18:02 14 MR. CUNNINGHAM: Same objection as the 18:02 15 last document. This is outside the scope and 18:03 16 irrelevant, as it doesn't relate to the 18:06 17 standards at issue. 18:08 18 THE WITNESS: So this is an email where 18:05 19 Mike Lubliner, who was involved in 62.2, said 18:09 20 he was talking with HUD and about having them 18:05 21 adopt 62.2 and asked -- and discussing with 18:00 22 Steve Emmerich, who I believe was the chair 18:06 23 at that time, about who could speak on that. 18:08 24 And then they asked Mark Weber if we 18:03 25 could -- who is the staff liaison for 62.2, 18:07</p> <p style="text-align: right;">Page 211</p>	<p>1 correct? 18:11 2 A That is correct. 18:11 3 (Exhibit 1208 marked for identification.) 18:11 4 Q (BY MR. BECKER) Ms. Reiniche, I'm handing 18:11 5 you what's been marked as Exhibit 1208. This has been 18:11 6 produced as ASHRAE0024209. Do you recognize this 18:12 7 document? 18:12 8 MR. CUNNINGHAM: Object to this document 18:12 9 as it also appears to relate to standards 18:12 10 other than those that are at issue in this 18:12 11 case. 18:12 12 THE WITNESS: Yes, I recognize the 18:12 13 document. 18:12 14 Q (BY MR. BECKER) And what is this document? 18:12 15 A This is a document from Terry Townsend, who 18:12 16 would have been the president of ASHRAE in 2007, to 18:13 17 Andrew Fanara from EPA Energy Star Program. And it's 18:13 18 about a draft report to Congress on server and 18:13 19 datacenter energy efficiency. 18:13 20 And he's talking about the -- how ASHRAE is 18:13 21 involved in that and the majority of this deals with 18:13 22 our technical committee 9.9, which is missing critical 18:13 23 facilities and the work they've done in the different 18:13 24 publications they have, thermal guidelines for data 18:13 25 processing equipment. And -- and then they had 18:13</p> <p style="text-align: right;">Page 213</p>

1 indicated that 90.1 was not relevant for cooling in 18:15
 2 datacenters. 18:11
 3 And this was in 2000 -- 90.1-2004. So 90.1 18:12
 4 was going to evaluate whether datacenters could be 18:19
 5 included, and then talking about the metrics for 18:13
 6 datacenter energy efficiency, they -- we had 18:17
 7 recommended the use of datacenter efficiency, rather 18:12
 8 than power usage effectiveness. 18:17
 9 And then there's a list of different research 18:12
 10 projects that were attached, along with the list of the 18:16
 11 members of the technical committee 9.9. 18:10
 12 Q Thank you. 18:16
 13 Ms. Reiniche, could you please tell me what 18:11
 14 you did in preparation for this deposition today? 18:13
 15 MR. CUNNINGHAM: I'll go ahead and 18:10
 16 counsel you not to -- you -- you can 18:11
 17 obviously answer the question in terms of 18:13
 18 when we met, how many times, how long, but 18:15
 19 don't reveal any of the actual content of any 18:17
 20 communications that you had with any 18:11
 21 attorneys. 18:13
 22 THE WITNESS: I met on approximately 18:14
 23 three separate occasions with legal counsel 18:18
 24 to review potential questions that may be 18:11
 25 asked. 18:16
 Page 214

1 Q (BY MR. BECKER) And did you communicate with 18:18
 2 anyone other than legal counsel in preparation for this 18:11
 3 deposition? 18:14
 4 A I -- I spoke with Mark Ames at our D.C. 18:17
 5 office to make sure I understood the process for how we 18:12
 6 worked with the federal government and state and local 18:17
 7 officials. I spoke with Claire Ramspeck about some of 18:11
 8 the questions that would have related to leadership 18:15
 9 meetings and Steve Ferguson to make sure I did not 18:11
 10 misrepresent the code process. 18:17
 11 Q Were there any other topics of discussion in 18:13
 12 those meetings, other than the meetings with your 18:15
 13 counsel? 18:19
 14 MR. CUNNINGHAM: I'm going to again 18:12
 15 counsel that if you were seeking advice on a 18:13
 16 topic that came out of a discussion with 18:18
 17 counsel, then that would be covered under the 18:10
 18 privilege. So don't reveal the substance of 18:12
 19 any communications that occurred between you 18:15
 20 and legal counsel. 18:17
 21 THE WITNESS: There wasn't any other 18:19
 22 additional conversations. 18:11
 23 Q (BY MR. BECKER) And you've reviewed the 18:19
 24 topics in the 30(b)(6) notice, correct? 18:12
 25 A Correct. 18:16
 Page 215

1 Q Did you discuss the topics in the 30(b)(6) 18:10
 2 notice with anyone other than counsel or Mark Ames or 18:13
 3 Claire Ramspeck or Steve Ferguson? 18:17
 4 A No. 18:10
 5 Q Did you create any notes or other documents 18:11
 6 or outlines in preparation for this deposition today? 18:14
 7 A No. 18:18
 8 Q What research did you do to prepare yourself 18:11
 9 to answer questions on the topics in the notice? 18:14
 10 A Well, since I helped -- I didn't have to do a 18:12
 11 ton of research, because I helped find a lot of 18:15
 12 material that we submitted as part of the discovery, so 18:18
 13 most of that stuff I knew. 18:11
 14 Q Did you review any documents to prepare for 18:12
 15 deposition today? 18:16
 16 A Only with legal counsel. 18:17
 17 Q Did any documents that you reviewed refresh 18:15
 18 your memory as to any matter involved in the deposition 18:18
 19 today? 18:12
 20 A With -- that I reviewed with legal counsel or 18:14
 21 that we -- 18:17
 22 Q That -- that you reviewed with legal counsel. 18:18
 23 A Yes. 18:11
 24 Q Could you identify which documents those 18:12
 25 were? 18:14
 Page 216

1 A Of this stack? Out of the stack you have 18:16
 2 here? 18:10
 3 MR. CUNNINGHAM: Matt, what exactly are 18:10
 4 you trying to get at here? What's -- what's 18:11
 5 the purpose of this line of questioning? 18:13
 6 MR. BECKER: So the question as to if a 18:15
 7 document has refreshed her recollection, then 18:19
 8 that's a document that we're entitled to know 18:12
 9 about. 18:15
 10 MR. CUNNINGHAM: You're saying you don't 18:19
 11 know about the documents you showed her 18:11
 12 today? What's the -- 18:13
 13 Q (BY MR. BECKER) Were there documents other 18:14
 14 than those that you've been shown today that refreshed 18:16
 15 your recollection? 18:18
 16 A Not that I recall. I'm pretty sure 18:18
 17 everything we talked about is in these documents. 18:13
 18 Q Can you identify particular documents within 18:17
 19 that stack that refreshed your recollection? 18:10
 20 MR. CUNNINGHAM: Refreshed her 18:24
 21 recollection as to what, Matt? 18:24
 22 MR. BECKER: As to topics discussed in 18:26
 23 the deposition today. 18:27
 24 THE WITNESS: Exhibit 1201. 18:29
 25 Q (BY MR. BECKER) And that was a document that 18:25
 Page 217

<p>1 you had reviewed prior to today? 18:26 2 A Yes. 18:29 3 Exhibit 1191. That's it. 18:22 4 Q Thank you, Ms. Reiniche. 18:26 5 Could you tell me, are you familiar with a 18:27 6 group called the Corner Bakery Group? 18:21 7 A Yes. 18:24 8 Q And what is the Corner Bakery Group? 18:24 9 A It's a group of standards developers that 18:27 10 meet in D.C. at the Corner Bakery, down the street from 18:29 11 ASHRAE, once a month to talk about issues of top -- you 18:24 12 know, that relate to standards development 18:28 13 organizations and have lunch. 18:22 14 Q And does that tend to be the D.C. offices of 18:23 15 the -- these standards development organizations? 18:29 16 A Yes. 18:23 17 Q Okay. And do they ever discuss Public 18:23 18 Resource? 18:29 19 A They have discussed it. 18:29 20 Q And do they ever discuss this litigation? 18:21 21 A Not this litigation in particular, no. 18:24 22 Q And how is it that you're familiar with the 18:21 23 Corner Bakery Group? 18:24 24 A That was part of my discussions with Mark 18:25 25 Ames. 18:28</p> <p style="text-align: right;">Page 218</p>	<p>1 green schools, specifically referencing ASHRAE Standard 18:25 2 189.1 and the IGCC. And they were going to consider 18:29 3 our edits, so he was asking for comments. 18:26 4 THE COURT REPORTER: They weren't or 18:21 5 they were -- 18:22 6 THE WITNESS: They were -- they were 18:24 7 asking for comments, so Jeff responded with a 18:24 8 comment basic -- and then pulling myself and 18:28 9 Claire Ramspeck and Steve Ferguson into the 18:21 10 conversation, suggesting that they also 18:24 11 encourage states to update their code minimum 18:29 12 to be compliant with the version of 90.1 18:22 13 recognized by DOE, which is EPAct. 18:25 14 And they were considering a reference to 18:22 15 our 30 percent advance energy design guide 18:23 16 for K through 12 schools as a guidance 18:27 17 document. And then it looks like Mark sent 18:22 18 out all the comments in one document at the 18:26 19 very last email. 18:27 20 THE COURT REPORTER: "And they were 18:25 21 going to consider our edits"? 18:26 22 THE WITNESS: Comments. 18:26 23 THE COURT REPORTER: "They were," is 18:26 24 what I'm -- 18:26 25 THE WITNESS: Yes. 18:26</p> <p style="text-align: right;">Page 220</p>
<p>1 Q Does Mark Ames participate in the Corner 18:23 2 Bakery Group? 18:23 3 A Yes. 18:23 4 Q Does anybody else from ASHRAE participate in 18:23 5 the Corner Bakery Group? 18:23 6 A Doug Read probably did when he was still 18:23 7 there. 18:23 8 Q And are you familiar with an entity known as 18:23 9 the Coalition for SDO Awareness? 18:23 10 A No. 18:24 11 Q Are you familiar with an entity known as 18:24 12 FleishmanHillard? 18:24 13 A No. 18:24 14 Q Are you familiar with APCO Worldwide? 18:24 15 A No. 18:24 16 (Exhibit 1209 marked for identification.) 18:25 17 Q (BY MR. BECKER) Ms. Reiniche, I'm handing 18:25 18 you what's been marked as Exhibit 1209. Do you 18:25 19 recognize this document? 18:25 20 A This is an email from Mark Ames to what 18:26 21 appears to be our -- our advocacy group at that time. 18:26 22 And about a -- there was a national -- the national 18:26 23 conference of state legislature has two -- had two 18:26 24 policies that were of interest to ASHRAE relating to 18:26 25 greening the built environment and healthy efficient 18:27</p> <p style="text-align: right;">Page 219</p>	<p>1 THE COURT REPORTER: Okay. 18:26 2 Q (BY MR. BECKER) And you are a recipient of 18:26 3 this email, correct? 18:28 4 A Correct. 18:29 5 (Exhibit 1210 marked for identification.) 18:24 6 Q (BY MR. BECKER) Ms. Reiniche, I'm handing 18:22 7 you what's been marked as Exhibit 1210. Do you 18:23 8 recognize this document? 18:26 9 A Yes. 18:26 10 Q And what is this document? 18:27 11 A This is an email that started from Tim Manz, 18:28 12 who is -- was the Minnesota chapter president for 18:34 13 ASHRAE, that -- indicating that the Minnesota 18:37 14 chapter -- or he was representing the Minnesota chapter 18:32 15 of ASHRAE at the State of Minnesota Mechanical Code 18:36 16 Advisory Committee, and he wanted to use several 18:30 17 sections from 90.1-2010 in the Minnesota Mechanical 18:36 18 Code and/or Minnesota Commercial Energy Code. 18:31 19 They were adopting the 2012 International 18:37 20 Mechanical Code and the 2012 International Energy 18:32 21 Conservation Code by reference with amendments, so my 18:35 22 assumption is he's asking to add these as the minutes 18:39 23 to that code. 18:32 24 And he sent that to -- well, to Publication 18:34 25 Permissions, which is a general email inbox, and Mark 18:39</p> <p style="text-align: right;">Page 221</p>

1 Wills, who worked in the D.C. office at that time. And 18:33
 2 then -- then Mark Wills sent that on to Steve Ferguson 18:37
 3 and myself and copied Claire and Doug Read. 18:33
 4 And then Steve Ferguson sent it on to Steve 18:39
 5 Comstock to get permission to provide him, and then it 18:32
 6 would have been up to Steve Comstock -- there's 18:37
 7 obviously something missing from this email. 18:31
 8 Q By which you mean the -- the next email after 18:35
 9 this? 18:37
 10 A Right. Right. So either Steve Comstock 18:37
 11 responded back with language to provide to Mr. Manz or 18:33
 12 he responded directly to Mr. Manz. 18:36
 13 Q Does ASHRAE require that states or other 18:38
 14 governmental bodies ask permission before reprinting 18:36
 15 part of Standard 90.1 in their codes or regulations? 18:30
 16 A If they're requesting portions of 90.1, yes. 18:37
 17 Q Does ASHRAE consider it to be copyright 18:30
 18 infringement if a state were to publish part of 18:34
 19 Standard 90.1 in their codes or regulations without 18:37
 20 getting permission from ASHRAE? 18:30
 21 MR. CUNNINGHAM: Objection to the 18:33
 22 form. 18:33
 23 THE WITNESS: It depends on how it's 18:34
 24 done. If it's part of a reference from the 18:36
 25 IECC, we've already given permission through 18:30
 Page 222

1 the IE -- ICC process. 18:35
 2 Q (BY MR. BECKER) But if it's not part of a 18:39
 3 portion from the IECC, does that mean that ASHRAE would 18:32
 4 consider it to be copyright infringement? 18:36
 5 MR. CUNNINGHAM: Same objection. 18:30
 6 THE WITNESS: Yes, if we know about it. 18:31
 7 MR. CUNNINGHAM: Madam Reporter, may I 18:36
 8 inquire where we are, as far as time on the 18:39
 9 record goes? 18:31
 10 MR. FEE: We should have one minute 18:33
 11 left. 18:35
 12 THE VIDEOGRAPHER: Yeah, seven hours. 18:36
 13 MR. BECKER: All right. Thank you very 18:38
 14 much. 18:30
 15 MR. CUNNINGHAM: You can finish this 18:30
 16 document if you had more on this document. 18:31
 17 MR. BECKER: Oh, no, that's -- that's 18:34
 18 fine. 18:35
 19 MR. CUNNINGHAM: I have just a few 18:36
 20 questions, Ms. Reiniche, quickly. 18:37
 21 EXAMINATION 18:36
 22 BY MR. CUNNINGHAM: 18:36
 23 Q First, I would like to ask you to look at 18:36
 24 Exhibit 1159, which you were shown earlier today. 18:39
 25 A Okay. 18:33
 Page 223

1 Q Do you know who would have drafted this 18:33
 2 document? 18:38
 3 A This would have been drafted by Chris Mathis. 18:39
 4 Q Is Chris Mathis an ASHRAE employee? 18:33
 5 A No. 18:37
 6 Q Right before lunch, you were asked the 18:32
 7 following question: Does ASHRAE believe that it -- 18:36
 8 that it owns copyright and contributions to Standards 18:38
 9 90.1 or to the 1993 handbook by virtue of any other 18:31
 10 means, other than the copyright releases that we 18:36
 11 discussed today. Do you recall being asked that 18:38
 12 question? 18:30
 13 A Yes. 18:30
 14 Q And when you answered that question, were you 18:31
 15 answering with regard to ASHRAE's belief that it owns 18:34
 16 copyrights generated by ASHRAE employees or by 18:30
 17 third-parties? 18:34
 18 A By third-parties. 18:34
 19 Q Today we've seen a number of documents that 18:36
 20 addressed -- or where you mentioned green building 18:39
 21 standards or green building codes. When you were 18:32
 22 talking about green building standards, was that a 18:35
 23 reference generally to Standard 90.1 or to some other 18:38
 24 ASHRAE standard? 18:33
 25 A To another ASHRAE standard. 18:34
 Page 224

1 Q What standard would that have been? 18:34
 2 A 189.1. 18:34
 3 MR. CUNNINGHAM: Thank you. That's all 18:34
 4 I have. 18:34
 5 MR. FEE: I don't have any questions. 18:34
 6 MR. BECKER: I'd like to -- that's fine. 18:35
 7 THE VIDEOGRAPHER: Going off the record 18:35
 8 at 18:35. 18:35
 9 (Deposition concluded at 6:35 p.m.) 18:35
 10 --oOo-- 18:35
 11 18:35
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 Page 225

1 CERTIFICATE
2 STATE OF GEORGIA:
3 COUNTY OF FULTON:
4 I, SHARON A. GABRIELLI, HEREBY CERTIFY that
5 the foregoing deposition was taken down by me in
6 stenotype, and the questions and answers thereto were
7 transcribed by means of computer-aided transcription,
8 and that the foregoing represents a true and correct
9 transcript of the testimony given by said witness.
10 I FURTHER CERTIFY that I am not kin or
11 counsel to the parties in the case; am not in the
12 regular employ of counsel for any of said parties; nor
13 am I in any way financially interested in the result of
14 said case.
15 IN WITNESS WHEREOF, I have hereunto set my
16 hand this 10th day of April, 2015
17
18
19
20
21
22
23
24
25

SHARON A. GABRIELLI, RPR
CCR-B-2002

--oOo--

Page 226

[& - 122]

&	1131 4:23 64:8,10	1153 5:22 87:17,19	1179 7:4 163:8,10
& 2:6,15 3:7 10:10 10:16 11:3 17:1	1132 4:24 65:1,3 68:14,17,22 69:14	89:20,24 90:2,24	1180 7:5 164:1,3
0	1133 4:25 68:6,8,14 68:17	1154 5:23 90:7,9,20	1181 7:6 165:5,7
0001618 80:11	1134 5:3 69:18,20	1155 5:24 93:17 94:2 105:8	1182 7:7 167:2,4
0002847 62:22	73:15,16 75:8 81:17	1156 5:25 107:13,16	1183 7:8 167:21,23
0022825 75:16	83:1,4	107:17,24 108:8	1184 7:9 169:11,13
0024287 198:2	1135 5:4 71:20,22	109:17	1185 7:10 171:16,18
0024586 147:16	73:15,18,22 75:4	1157 6:4 107:13,16	1186 7:11 173:17,19
01215 1:3 9:24	76:4 79:14,18,19	107:18 108:3,8	1187 7:12 174:18,21 174:24 175:6
02 62:1	81:2 83:18 84:8,11	109:24 110:20	1188 7:13 174:18,21 174:25 175:13
03-01-2004 75:9	85:20,22 90:3	113:4	1189 7:14 177:12,14
1	1136 5:5 74:7,9,23 76:1	1158 6:5 117:10,12	119 55:25
1 52:15 56:11 67:17 72:13 83:1 107:16 132:16 168:11	1137 5:6 75:13,15 76:6,20	1159 6:6 122:2,4 223:24	1190 7:15 180:18,20
1/30/2006 75:5	1138 5:7 76:10,12 77:15	1160 6:7 127:19,21	1191 7:16 184:25 185:2 218:3
10 4:6 67:22,23 112:3 196:9 202:24 204:9	1139 5:8 76:25 77:2 77:13,20 78:2,18,21 78:24 86:17	1161 6:8 131:3,5	1192 7:17 188:1,3 188:14
101 2:17	1140 5:9 78:5,7,13 78:22,25	1162 6:9 134:4,6	1193 7:18 195:20,22
107 5:25 6:4	1141 5:10 79:3,5,12 79:17,18 80:13	1163 6:10 136:22,24	1194 7:19 196:19,21
1075 1:20 9:15	1142 5:11 80:8,10	1164 6:11 148:5,7 149:5 150:14	1195 7:20 197:12,14
1076 51:8	1143 5:12 80:15,17	1165 6:12 148:23,25 149:8 151:13	1196 7:21 197:24 198:1
10th 226:9	1144 5:13 81:4,6 82:7	1166 6:13 153:2,4	1197 7:22 198:17,19
11 54:2 133:20	1145 5:14 81:19,21	1167 6:14 154:13,15	1198 7:23 199:8,10
1111 2:8	1146 5:15 82:9,11 83:5	1168 6:16 155:5,7	1199 7:24 199:18,20
1119 4:10 55:20,25 61:9	1147 5:16 83:6,8	1169 6:17 155:15,17	11th 167:9
1120 4:12 55:20 57:2 61:11	1148 5:17 83:20,22 84:11 85:5	117 6:5	12 220:16
1121 4:13 55:20 61:21	1149 5:18 84:13,15 85:3	1170 6:18 155:25 156:2,25 157:8,19 158:4	1200 7:25 201:23,25
1122 4:14 62:2,5	1150 5:19 85:7,9,19	1171 6:19 156:20,22 157:8,19	1201 8:3 202:10,12 217:24
1123 4:15 62:8,10	1151 5:20 85:25 86:2,13,16 87:12,14 106:1	1172 6:20 157:3,5 157:19	1202 8:5 206:1,4,4,8
1124 4:16 62:14,16	1152 5:21 86:20,21 87:8,11,15	1173 6:21 157:15,17	1203 8:4 206:1,4,5 206:13
1125 4:17 62:20,22		1174 6:22 157:24 158:1	1204 8:6 206:16,18
1126 4:18 63:1,3		1175 6:23 158:6,8 192:18 193:5	1205 8:8 207:24 208:1
1127 4:19 63:7,9		1176 6:24 159:3,5 192:18,24	1206 8:10 209:19,21
1128 4:20 63:13,15		1177 6:25 159:22,24	1207 8:12 211:10,12
1129 4:21 63:20,22		1178 7:3 162:20,22	1208 8:14 213:3,5
1130 4:22 64:2,4			1209 8:15 219:16,18
			1210 8:16 221:5,7
			122 6:6

[127 - 5]

<p>127 6:7 12th 3:10 13 8:13 69:4 112:17 166:21 167:1 130 175:16 131 6:8 134 6:9 136 6:10 14 112:22 148 6:11,12 14th 163:1 15 35:12 40:6,17 54:5 153 6:13 154 6:14 155 6:16,17,18 156 6:19 157 6:20,21,22 158 6:23 159 6:24,25 16 54:7 161 210:7 161-2007 210:3,14 162 7:3 163 7:4 164 7:5 165 7:6 167 7:7,8 169 7:9 16th 63:18 153:23 153:24 154:4 17 54:10 171 7:10 173 7:11 174 7:12,13 177 7:14 1791 15:23 17th 64:1 180 7:15 184 7:16 188 7:17 192:1 189.1 27:21 35:12 144:10 220:2 189.1. 225:2</p>	<p>19 17:14 54:13 97:25 153:16 195 7:18 196 7:19 197 7:20,21 1970 131:20 1975 98:1 198 7:22 1989 154:17 199 7:23,24 1993 91:17 92:15,24 93:5 158:13,20,25 177:5,6,8 193:4 224:9 1994 15:19 153:23 153:24 1998 16:13 154:19 1999 17:13 131:20 131:21 133:1 158:15 19th 62:7 64:14 1:13 1:3 9:24 1st 81:15 82:5 203:7</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 53:8,10 56:10 61:9 67:18 69:24 72:13 84:6 109:24 119:1 164:22 169:21 20 54:16 55:8 59:22 2000 165:2 214:3 20004 2:9 2001 65:7 68:23 69:12 105:23 2002 1:24 62:7 226:12 2003 17:23,25 18:10 62:13 66:13 155:13 155:22 2004 19:5 59:15 62:19 65:8 68:12,24 69:7,16,23 81:15 82:5 123:4 196:2,4 196:6 198:10</p>	<p>2005 62:25 68:13 91:4 150:23 2006 63:6 76:7 80:25 83:16 84:5 85:2 140:20 141:4 141:24 142:11 143:7 163:1 2007 59:15 60:2 63:12 76:23 85:18 134:12 165:12 170:2 213:16 2007/2008 168:2,24 169:17,22 2008 8:9,11 63:19 64:1 91:5 2009 8:13 64:7 78:4 86:10 87:5 167:9 198:6 2009/2010 171:22 201 7:25 2010 56:15,19,21 59:6,22 60:3,18 64:14 129:1 131:11 131:15,21 132:15 133:15 137:8 143:20 198:11 2011 206:15 2012 179:25 183:5,5 203:14,18 221:19 221:20 2013 59:4,25 190:11 2014 8:7 20:1,2 2015 1:18 9:12 226:9 202 2:10 8:3 2035289 1:25 206 8:4,5,6 207 8:8 209 8:10 21 54:16 211 8:12 213 8:14 219 8:15 21st 64:6</p>	<p>22 54:17 221 8:16 223 4:7 2300 2:18 23rd 62:13 2454 140:16 24th 196:2 25 54:19 202:23 25th 196:4 26 40:18 54:22 123:3 137:8 196:6 27 55:1 27th 62:19 28 8:9 55:3 29 8:7 55:4</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 53:15 56:5 67:18 131:17 195:7 3/94 153:22 30 1:13,18 50:8 51:10 52:8 60:23 144:2 175:21 176:8 176:15,24 178:8 198:9 215:24 216:1 220:15 30329 15:24 30th 9:12 76:7 80:25 83:16 84:5 85:2 318-1218 2:20 34 35:12 3625 1:21 3rd 63:12</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 8:11 52:5 67:19 161:1 162:13 40.1.3 154:17 41.3-1989 6:15 415 2:20 3:12 4th 63:5 68:13</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 53:23 67:20 78:14 87:7,10 106:3 110:21 163:20</p>
--	--	---	--

[5 - active]

164:20 167:11 5.1 163:21 5.1.2.2 163:24 50 21:16 50:10 144:2 204:17 55 4:10,12,13 555 3:9 583 146:23,25 147:1 584 146:24 5th 63:11 65:7 68:24 105:23 154:18	8/7 62:1 8/96 6:14 80 5:11,12 81 5:13,14 82 5:15 83 5:16,17 84 5:18 85 5:19,20 86 5:21 87 5:22 875-2389 3:12 89 17:14	121:1,2 123:24 124:3,18 125:2,11 125:20,22 126:1,9 126:18,25 128:6,10 129:10,16,19 130:5 130:7,14,16,25 131:10,13,19 132:15,20 133:22 134:1,24 136:6,13 136:18 140:22 141:3 142:5 144:9 144:12 145:8 151:7 151:11 152:13 153:13 159:1 162:18 163:1 171:14 172:10,24 173:9,24 174:13,15 191:24 192:23 194:9,10,14 196:1 196:24 197:1,23 198:11 204:1,6 209:25 210:25 211:4,6 214:1,3 220:12 222:15,16 222:19 224:9,23 90.1-1989 153:15,20 90.1-1999 153:16 154:11 90.1-2001 155:12,21 156:8 90.1-2004 140:20 141:9,18,20,23 142:6 143:6,8 150:20,25 159:21 90.1-2004. 163:4 214:3 90.1-2007 141:8 159:17 90.1-2007. 160:6 90.1-2010 159:13 221:17 90.1-2010. 141:11 90.1. 30:11 31:5,18 36:22 65:6 103:15 104:13 118:14	119:9 122:18 123:7 123:17 124:7 125:17 128:12,13 128:19 133:14 142:7 145:15 149:24 168:20 172:8,21,21 174:8 178:25 179:11 196:13 197:11 90.2 35:12 104:3 90.4 35:12 104:3 93 5:24 94 16:11 94104 3:11 94105 2:19 99 17:15 109:8 135:2 9th 76:23 85:18 165:12
6	9		a
6 1:13 51:10 52:8 53:24 54:4 60:23 62:24 67:11 77:9,13 86:13 124:8 178:8 215:24 216:1 62 4:14,15,16,17 62.1 207:7 62.2 206:25 208:8 208:13 211:19,21 211:25 63 4:18,19,20,21 64 4:22,23 65 4:24 68 4:25 69 5:3 6:35 225:9	9.1 12:11 22:6 27:20,22 29:15,18 29:20 30:11,19 31:14 32:10,11,15 32:18,22 33:7 35:12 35:13,20,24 36:15 36:19,24 37:3 46:2 47:5,7 56:20,21 57:3,25 58:7,10,14 59:3,6,16,22 60:2,7 60:18 61:12 62:1,6 62:12,18,24 63:5,11 63:18,25 64:6,13 65:7 68:12,23 69:12 69:16,23 91:17 92:14,24 93:4 96:9 97:14 98:1,6,9,16 98:22 103:10 104:2 104:7,8,14,15,19,25 105:3 106:6 109:3 110:10 111:8 113:15,17,24 114:2 114:6,9 116:19,20 117:1,5 120:24	121:1,2 123:24 124:3,18 125:2,11 125:20,22 126:1,9 126:18,25 128:6,10 129:10,16,19 130:5 130:7,14,16,25 131:10,13,19 132:15,20 133:22 134:1,24 136:6,13 136:18 140:22 141:3 142:5 144:9 144:12 145:8 151:7 151:11 152:13 153:13 159:1 162:18 163:1 171:14 172:10,24 173:9,24 174:13,15 191:24 192:23 194:9,10,14 196:1 196:24 197:1,23 198:11 204:1,6 209:25 210:25 211:4,6 214:1,3 220:12 222:15,16 222:19 224:9,23 90.1-1989 153:15,20 90.1-1999 153:16 154:11 90.1-2001 155:12,21 156:8 90.1-2004 140:20 141:9,18,20,23 142:6 143:6,8 150:20,25 159:21 90.1-2004. 163:4 214:3 90.1-2007 141:8 159:17 90.1-2007. 160:6 90.1-2010 159:13 221:17 90.1-2010. 141:11 90.1. 30:11 31:5,18 36:22 65:6 103:15 104:13 118:14	a.m. 1:18 abide 120:19 ability 19:1 able 12:13,16 15:4 150:10,11 191:7 accept 38:24 71:4 73:10,14 acceptance 39:10 accepted 47:9 71:8 accepts 46:21 47:1 access 61:2 66:10 91:10 176:2,11 achieve 143:1 acronym 39:20 186:10,24,25 acronyms 32:2 41:6 201:12 act 28:17 30:7,8 43:3,8 140:16 142:23 206:14 actions 118:25 181:1 189:19 active 112:6
7			
7 67:20 94:14 71 5:4 73 202:24 739-5353 2:10 74 5:5 75 5:6 76 5:7,8 78 5:9 79 5:10 7th 155:12,22			
8			
8 67:21 111:4 196:7 196:8,9 204:9			

[activities - application]

<p>activities 52:16 119:16 144:7 146:4 147:17 actual 214:19 ad 118:17,21 196:10 add 14:15,16,21 93:23 221:22 added 91:2 96:18,19 111:1 addenda 96:21 160:5 163:3 addendum 69:23 74:14 75:21 81:11 82:2 84:2,20 161:2 161:4,23 adding 40:24 addition 25:20 41:18 59:6 148:13 149:9 204:6 additional 77:19,22 144:6 185:15 215:22 address 15:22 addressed 224:20 addresses 15:25 adds 77:23 administration 19:18 administrative 25:15 115:18 administrator 18:14 19:4,10,12 adopt 31:8,13 32:13 32:14 50:21 111:8 128:11 141:11 150:23 151:2,23 210:13,21,25 211:21 adopted 32:17 51:1 109:3 113:15 123:24,24 124:5 203:22 204:12,13 204:15 205:4 207:1 208:7,12</p>	<p>adopting 120:22 221:19 adoption 110:22 111:2,6,19,21 122:18 123:16,16 124:9,11 130:16 144:12 206:25 208:25 209:3,4,7,13 209:14 210:18 211:6 adoptions 123:15 144:8 145:7,8 advance 99:2,8 109:13,15 220:15 advancing 112:3 140:8 advantage 13:4 127:14,15 advice 215:15 advise 174:3 advisory 47:21 208:18,21,23 221:16 advocacy 219:21 advocate 140:21 145:7 advocated 142:10 affairs 115:10,13,14 115:17,25 116:6 128:22 148:2 210:12,20 affect 50:16 51:4 99:11,22 affiliated 65:19 162:7 affiliation 164:15 agencies 147:24 148:2 176:3 agency 105:19 212:17 agendas 187:22 ago 11:9,20 102:3 agree 9:9 87:25 88:11,16 89:1,10 91:8</p>	<p>agreed 193:13 198:8 agrees 56:23 157:14 ahead 72:10 186:3 202:17 207:16 214:15 ahri 201:10 206:10 aided 226:5 air 1:6,14 10:18 18:19 51:11 99:12 102:14 210:3 aircrafts 210:4 al 8:9,10 9:20 albuquerque 137:7 alleged 191:10 allow 74:3 89:1,11 189:25 191:15 allowed 72:19 73:6 alternative 33:4 aman 184:21 amanda 184:21 amended 51:9 amendments 221:21 american 1:3,5,13 9:19 10:17 34:6,7 35:8 45:1 51:10 140:15 142:22 ames 114:23 115:7 115:16 175:6 200:16 206:9 215:4 216:2 218:25 219:1 219:20 amount 89:8 101:19 141:13 204:3 205:10 andrew 8:6 207:10 213:17 angela 34:2 annual 135:16,17,19 ansi 6:14 21:14 43:2 44:13,13,18,24,25 58:25 104:15,25 105:3 110:22 111:3 111:5,18,20,22 114:11 154:16 155:11,21 159:12</p>	<p>159:16,20 160:6 163:4 186:9,12 187:11,25 206:11 ansi's 157:22 answer 59:14 60:24 147:4 184:6 209:10 214:17 216:9 answered 224:14 answering 224:15 answers 13:22,22,23 14:14 52:23 53:4 94:16 226:4 antithetical 124:11 anybody 33:17,21 45:14 194:12 219:4 anymore 112:24 anyway 13:19 apart 77:11 apco 219:14 apersily 8:10 apologies 94:3 185:10 appeals 20:25 67:22 appear 13:10 77:13 79:22 80:12 88:10 89:19 90:2 108:7 153:18 160:22 appearances 2:2 3:3 appeared 75:24 appears 68:14,17 90:18 108:3 123:2 151:15,17 165:2 175:2 177:20 179:1 195:10 200:18 201:1 202:4 203:8 207:9 208:5 213:9 219:21 apples 114:12 applicable 107:2 applicant 106:24 application 22:16 23:20,21 24:5 28:14 77:6 78:12 86:6 87:2 94:10 167:17</p>
---	---	--	---

[applications - ashrae0001610]

<p>applications 24:3,4 28:1,17,19 29:12 95:9</p> <p>applied 18:13</p> <p>applies 53:3 166:21</p> <p>apply 59:16 100:13 153:10 193:24</p> <p>applying 24:6,16</p> <p>appointed 40:7</p> <p>appointments 40:16</p> <p>approval 36:8 39:13 39:15 95:2</p> <p>approve 26:8,17,17 26:20 42:4 95:4,14 95:25 161:2,4 171:10 209:8</p> <p>approved 29:13 38:19 57:13 94:24 94:25 121:6 152:21 170:10 171:7,8 188:10</p> <p>approves 26:21,22</p> <p>approving 26:4,5 27:6 28:6 42:6,8 98:3</p> <p>approximately 9:13 40:6 109:7 214:22</p> <p>april 8:7,9 63:5 165:12 226:9</p> <p>architects 119:2</p> <p>area 29:25 43:23 102:15,17</p> <p>areas 29:23</p> <p>arena 50:19</p> <p>arrangement 194:10,13,16 195:13</p> <p>art 109:15</p> <p>article 177:4 186:17</p> <p>articulate 146:13</p> <p>asap 188:15</p> <p>ase 201:9 206:11</p> <p>ashrae 2:14 6:13,14 11:17,18,23 12:2,5 12:9 18:4,6,9,12,16</p>	<p>18:23 19:4 20:10,13 20:18 24:19,22 27:9 28:2 29:9 30:18 32:22 33:13 34:8 40:1,2 42:19 46:9 47:16 48:8,10,18 49:19 50:13 52:8 56:7,12,13,15,16,17 56:23 58:19 59:5,21 60:18 61:9,23 62:22 64:15,18,20 65:22 66:11 68:12 70:7,10 70:17 71:1,4,7,12 71:16 72:15 73:4,4 73:10 75:15,20 76:17 77:11,25 78:11 79:1 80:2,10 81:11 82:2,20 84:2 84:20 85:14 87:1 88:3,24 91:2,13,16 91:17,21,24 92:4,15 92:16,22,24 93:3 94:11,21 96:9 97:6 97:8,13,14 98:20 99:8,18 100:7,8,14 100:18 101:11,12 101:13 103:21,22 104:7,12,13,15,19 104:25 105:3 108:2 108:6,17,21,24 109:14,17,25 110:3 110:7,12,15,18,18 110:22 111:3,3,5,17 111:22,25 112:7,15 113:4,5,9,14,16,21 114:9,13,25 115:8 115:15,24 116:1,5 117:24,25 118:2,15 118:19,20,23 119:4 119:10 120:13 121:1,2,6,8,14 122:23 123:24 124:17 125:18,22 126:8 128:22,23,25 129:9,10,14,16,18</p>	<p>130:4,7,19,25 131:24 132:5,15 133:17,18,22 134:1 134:11,14,16,18,21 135:7,7,23 136:6,11 136:13,16,18,19,20 137:7 140:13,20,21 141:18,23 143:25 145:2 146:10,10,17 146:19,20,23 147:9 147:16,22 148:2 149:13,20,21,22,25 150:3,20 152:11 153:5,12 154:7,16 155:11,21 158:13 158:15,20,25 159:1 159:12,16,20 160:5 160:6,17,19 161:16 161:17,19 162:8,9 162:11,15 163:3,4 163:15 164:8,16,24 165:10,21 167:7 168:12,14,17 169:6 169:25 170:5,11,12 170:23,24 171:1,14 171:25 172:18,22 172:24 173:8,12,14 173:16 174:12,15 175:15 176:1 177:3 177:5,6,8 179:23 180:1,13,14 181:4,9 182:12,15 183:6,17 183:22 184:20 185:12 189:3,11 190:9 191:9,19 192:6,8,22 193:3,4 193:8,14,16 194:4 195:14 196:16,24 197:19,21 198:1,6 198:23 199:4,6,15 199:25 200:4,14 202:21 203:1,9,17 208:16,22 209:2 210:12,13,13,21,25 211:4,5,8 212:11,19</p>	<p>212:20 213:16,20 218:11 219:4,24 220:1 221:13,15 222:13,17,20 223:3 224:4,7,16,24,25</p> <p>ashrae's 32:10 33:6 53:4 56:21 58:23 98:25 99:5 101:23 109:11 121:4,12 127:15 130:5 143:3 151:5,9 173:4 174:15 175:22 176:8,24 193:18 199:16 210:19 224:15</p> <p>ashrae000024591 8:5</p> <p>ashrae0001590-15... 6:23</p> <p>ashrae0001592 159:6</p> <p>ashrae0001592-15... 6:24</p> <p>ashrae0001594 159:14</p> <p>ashrae0001598 94:3</p> <p>ashrae0001598-15... 5:24</p> <p>ashrae0001599 105:9</p> <p>ashrae0001600 5:15 82:16</p> <p>ashrae0001601 5:12</p> <p>ashrae0001602-16... 5:13</p> <p>ashrae0001604 5:16 83:9</p> <p>ashrae0001605 5:19 85:10</p> <p>ashrae0001606 5:14 81:22</p> <p>ashrae0001608-16... 5:17</p> <p>ashrae0001610 84:23</p>
---	--	--	---

[ashrae0001610-1611 - ashrae0024575]

ashrae0001610-16... 5:18	ashrae0002895-29... 4:19	ashrae0012340-12... 7:8	ashrae0022821-22... 5:3
ashrae0001612 5:22 88:2	ashrae0002902 63:23	ashrae0012344 168:22	ashrae0022823 74:9 ashrae0022823-22... 5:5
ashrae0001614 106:11	ashrae0002902-29... 4:21	ashrae0013632 63:16	ashrae0022825-22... 5:6
ashrae0001616 86:22	ashrae0003496 122:23	ashrae0013632-13... 4:20	ashrae0022827 5:23 90:13
ashrae0001616-16... 5:21	ashrae0003496-35... 6:6	ashrae0013961 159:25	ashrae0024209 213:6
ashrae0001618 5:11 ashrae0001628 195:23	ashrae0003500 124:8	ashrae0013961-13... 6:25	ashrae0024209-24... 8:14
ashrae0001628-16... 7:18	ashrae0003506 126:3	ashrae0013966 160:25	ashrae0024235-24... 6:12
ashrae0002467 65:3 ashrae0002467-24... 4:24	ashrae0003509 126:11	ashrae0013973 161:7	ashrae0024238 148:12
ashrae0002469 68:9 ashrae0002469-24... 4:25	ashrae0005359 64:11	ashrae0013982 161:25	ashrae0024245-24... 6:11
ashrae0002471-24... 7:5	ashrae0005359-53... 4:23	ashrae001592 159:10	ashrae0024250 150:16
ashrae0002553-25... 4:13	ashrae0005677 131:6	ashrae001596 159:18	ashrae0024267 197:15
ashrae0002561-25... 4:14	ashrae0005677-57... 6:8	ashrae001613-1615 5:20	ashrae0024267-02... 7:20
ashrae0002578 62:16	ashrae0005679 131:18	ashrae0016488 7:4 ashrae0016583 64:4	ashrae0024287 7:21 ashrae0024373 7:12
ashrae0002578-25... 4:16	ashrae0005856 117:13	ashrae0016583-16... 4:22	ashrae0024374-24... 7:13
ashrae0002610 62:10	ashrae0005856-58... 6:5	ashrae0018975-18... 7:10	ashrae0024388 7:22 ashrae0024393 7:23
ashrae0002610-26... 4:15	ashrae0005859 118:25	ashrae0020220-20... 7:7	ashrae0024558 136:25
ashrae0002835 57:7 ashrae0002835-02... 4:12	ashrae0006892 196:22	ashrae0022813 5:10 ashrae0022814 77:3	ashrae0024558-24... 6:10
ashrae0002847-28... 4:17	ashrae0011934 162:23	ashrae0022814-22... 5:8	ashrae0024560 137:15
ashrae0002872 63:3 ashrae0002872-28... 4:18	ashrae0011934-11... 7:3	ashrae0022817-22... 5:9	ashrae0024568 140:11
ashrae0002895 63:9	ashrae0012247-12... 7:9	ashrae0022819 5:4 71:23	ashrae0024570 143:16
	ashrae0012324-12... 7:6	ashrae0022820 5:7 76:13	ashrae0024575 138:4
	ashrae0012340 167:24	ashrae0022821 69:20	

[ashrae0024581 - bakery]

ashrae0024581 144:6	ashrae0029498-29... 6:19	assist 146:14	author 192:23 193:4 193:8,19
ashrae0024591 206:5	ashrae0029501-29... 6:16	assistant 19:17 25:16 115:19	authority 53:16,19 179:4
ashrae0024592 206:5	ashrae0029503 155:18	associates 17:1	authorship 53:12
ashrae0024592-24... 8:4	ashrae0029503-29... 6:17	association 1:4 41:8	av 163:3
ashrae0024624 199:21	ashrae0029505-29... 6:20	assume 108:11 136:4	available 56:17
ashrae0024624-24... 7:24	ashrae0029508-29... 6:21	assumes 38:18	avenue 2:8
ashrae0025561 127:22	ashrae0029512-29... 6:22	assuming 61:6 212:6	awards 24:22
ashrae0025561-25... 6:7	ashrae0029650 202:13	assumption 221:22	aware 13:19 29:11 36:18 37:5 39:13,15 52:7 91:15,19,21,24 111:2,20 112:16 116:18 117:8 124:25 129:22 131:1 138:23 144:22 150:2 179:24 180:1,14 191:17 192:6,10 203:17 205:24 210:16
ashrae0026227 107:17	ashrae0029650-29... 8:3	astm 1:3 2:4 10:20 56:7 181:17 182:19 182:21 185:5	awareness 219:9
ashrae0026227-26... 5:25	ashrae0029659-29... 7:16	atlanta 1:21 9:16 15:23	b
ashrae0026229 107:18	ashrae0029704 7:15	attached 210:14 214:10	b 1:3,13,24 51:10 52:8 60:23 178:8 215:24 216:1 226:12
ashrae0026229-26... 6:4	ashrae0029734-29... 7:17	attachment 108:8 108:14 174:25 175:2	bachelor's 16:5,8
ashrae0026233 134:7	ashrae003502 125:9	attend 48:4	back 28:8,12,13 29:6,7 33:12 37:10 37:12,17 38:6,8,18 38:20 39:19 46:17 58:22 59:1 61:5 68:4 70:24 75:8 76:7 84:24 93:20 96:2 97:23 105:8,8 113:6 121:11,24 136:14 150:8 171:5 178:4 189:24 203:9 203:10 222:11
ashrae0026233-26... 6:9	ashrae005865 119:21	attendance 112:5 184:14,16 185:12 185:14	background 16:4 19:1 24:12,20
ashrae0026916 7:25	ashrae006892-6899 7:19	attended 184:23	bakery 218:6,8,10 218:23 219:2,5
ashrae0027383-27... 8:15	asked 131:25 132:1 132:18 189:24	attending 10:3	
ashrae0027781 177:15	207:2 211:21,24 214:25 224:6,11	attends 36:5	
ashrae0027781-27... 7:14	asking 13:21 166:19 178:23 189:19	attention 186:21	
ashrae0027814-27... 7:11	197:19 203:9 208:9 220:3,7 221:22	attorneys 10:2 214:21	
ashrae0027817-27... 8:16	assign 53:20	attributed 193:14	
ashrae0029496 156:3	assigned 34:9,11,23 35:1,8,13 41:16,17	audible 14:4	
ashrae0029496-29... 6:18	assignment 53:17 56:13,22 94:13	audio 9:7	
	assignments 40:10 40:13 91:24 92:5,9 92:25 193:23	august 62:19	
		authentic 64:17 71:12 122:24	
		authenticate 178:10	
		authenticated 178:15	
		authentication 178:6	

[balance - bottom]

<p>balance 36:3 42:19 114:8 balanced 21:11,13 21:15 48:15 50:3,6 ballot 38:22,23 39:12 ballots 36:8 bankruptcy 16:17 barnes 164:25 166:1 barnes's 164:15,19 based 35:3,5 50:3,6 95:24 133:5 200:14 204:5 baseline 141:7,12,24 142:3,11 143:6,9 150:19 baselines 140:20 basic 108:18 220:8 basically 12:19 96:15 basis 193:18,22 bates 57:7 62:10,16 62:22 63:9,15,22 64:4,10 65:3 68:8 69:20 71:22 74:9 75:15 76:12 77:2 80:10,11 81:21 82:15 83:8 84:22 85:9 86:22 88:2 90:13 94:2 105:9 106:10 107:17,18 117:13 118:24 119:20 122:23 127:21 131:5,18 134:6 136:24 137:14 155:17 156:2 159:5 167:23 177:15 195:22 196:22 197:14 198:1 199:10,20 201:25 202:12 206:4,5 battle 203:12 bcunningham 2:21</p>	<p>beautiful 126:6 beauty 119:25 becker 3:8 4:6 10:9 10:9 11:1,2 13:16 23:12 28:23 31:6,21 31:25 33:3,12 46:25 48:23 49:2,6,19 50:24 51:7 52:4 55:10,13,16,24 57:5 57:8 61:8,17 62:3,9 62:15,21 63:2,8,14 63:21 64:3,9 65:2 66:7 67:13 68:7 69:19 70:12,17 71:1 71:21 72:12,24 74:6 74:8,22 75:14 76:11 77:1,18 78:6,24 79:4,21 80:9,16 81:5,20 82:10,14,17 83:7,21 84:14,21,24 85:8 86:1,21 87:18 88:1,3,13 90:8,12 90:14 92:4,8,13,22 93:11,20 100:1,14 102:3 103:9,20 104:18,24 105:7 107:15 109:6,16 113:23 116:11,18 117:11 118:9 120:12 122:3,12,17 122:21 123:14 124:25 125:8 127:13,20 128:20 130:4 131:4,17 132:1,8,17 133:10 134:5 136:11,23 138:24 139:24 145:10,17 146:25 147:7,13,16 148:6 148:21,24 152:2,9 153:3 154:14 155:6 155:16 156:1,21 157:4,16,25 158:7 159:4,23 162:21 163:9 164:2 165:6</p>	<p>167:3,22 169:12 170:16 171:17 172:9,17 173:4,18 174:20 176:22 177:13,23 178:5,9 178:13,16,20 179:12,21 180:19 182:11 183:22 184:7 185:1,10,20 185:22 186:4 188:2 189:4,18 190:2,19 191:3,9,19 192:6,11 192:17 193:3,8,15 194:4 195:21 196:20 197:13,25 198:18 199:9,19 200:20 201:24 202:11,18 203:14 206:3,17 207:20,25 208:20 209:18,20 210:9 211:11 212:12 213:4,14 215:1,23 217:6,13 217:22,25 219:17 221:2,6 223:2,13,17 225:6 becoming 174:7 beginning 98:10 128:9 159:24 189:12 190:6 behalf 10:20 113:14 113:21,21 171:23 behavior 28:18 belief 224:15 believe 24:7 31:15 67:19 71:1,11 92:22 93:3 143:23 160:8 166:3 172:22 176:20 180:3 184:2 184:6,10 194:24 195:4 211:22 224:7 believes 152:19 157:22 bellenger 200:15</p>	<p>belong 106:25 belonged 190:9 belongs 106:22 benchmark 142:6 benefit 113:16,24,25 139:2 beq 198:13 bert 34:4 best 15:8 30:25 better 99:24 120:10 174:10,16 beverly 34:3 beyond 126:19,20 137:22,22 146:15 bias 21:22 24:11 big 27:24 189:10 190:5 bill 143:12,13 210:6 210:8,22 billing 207:8 bingaman 142:24 biographical 24:18 bit 45:8 151:15,18 blake 2:16 10:15 blank 91:13 105:4 block 196:25 board 40:9 48:2,2 48:16 95:4 98:4 121:23 122:1 182:14 202:22 203:8 209:2 bockius 2:6 bodies 26:5 28:6 45:7,9,12 98:3 110:7 205:13,14,15 205:16 222:14 body 26:4 39:12,13 46:9 142:19 book 158:24 books 99:14 148:14 149:10,19 boss 207:11,12,13 bottom 24:9 75:5 76:22 82:22 85:16 86:8 105:22 127:13</p>
---	---	---	--

[bottom - charlotte]

128:7,7 145:17 174:2 box 61:5 88:4,14 boxes 106:4 break 14:20 55:12 55:13 116:12 152:3 192:11 breaks 14:19 bring 119:4 brought 41:25 61:5 121:24 bruce 208:6 bsr 160:5 163:3 build 31:9 32:18,19 147:20 builder 32:18 building 22:24 27:22 99:3,8 102:24 104:4 109:15 110:2 111:6,19,21,23 112:22 113:16 119:2 127:4,5,6,9 127:10,12,17 137:16,20 138:6,14 139:11 140:7,12,17 141:23 142:25 144:8,13,16 145:7,8 146:2 148:11,14 149:10 150:9,10,20 150:24 151:3 197:20,22 198:12 198:16 224:20,21 224:22 buildings 30:5,14,21 31:9 99:12 105:5,6 109:5 136:3 137:22 138:16 142:15,16 143:7,9 149:15 150:21,22 198:14 built 147:21 219:25 bullet 140:19 143:2 144:8 146:2 153:21 burnetter 207:21 business 12:14,17 15:21,25 50:18 51:5	c	140:7 cause 43:7 141:14 caution 51:22 cautious 174:4 ccr 1:24 226:12 cell 9:5 ceo 182:24 certain 89:8 104:4 178:17,18 certificate 158:12 159:11,15,19 certificates 192:19 certification 114:17 159:11 certify 226:3,6 cetera 120:1 cfo 182:24 cfr 175:21 176:2,8 176:11,16,23 chain 8:6,8,10,12 53:11 109:21 174:2 188:13 189:9 207:10 chair 26:3,5,17,21 26:23 28:4,5 29:3 36:2 37:13,14 38:24 40:10,11,14,14 48:1 48:1 95:9 106:25 131:10,13 133:14 152:22 156:6 157:13 197:1 211:22 chairs 21:9 47:25 138:9 challenges 124:9 chance 15:1 101:18 185:6 change 15:18 20:23 21:3 25:24 26:1 36:11,12 37:11,21 37:24,25 38:15,18 38:19,20 39:1,1,3,4 39:6,10 42:25 43:7 43:17,19 44:6 45:6 45:11,15 58:16 60:6	60:8,11,14 65:10 66:9 67:19 69:5,8 70:9 72:2 76:16 80:20 82:20 85:14 96:24 124:6 130:22 135:22 152:21 157:21 163:15,20 164:8,19,23 165:10 166:5,6,7 167:7,11 167:25 169:15 170:10,14,16,25 171:20 172:7 194:1 194:2,3,16 195:13 204:16,23,25 changed 25:21,23 43:7 75:2 120:7,9 130:9,10,12,13,20 130:21 152:20 195:16 changes 15:1,3,4 37:5,18 38:4,9 39:4 41:22 42:9,10,21,23 42:24 43:14 44:2 45:22 46:10 94:16 95:23 96:1 157:12 157:23 205:8 changing 39:5,7 130:25 chapter 110:3 120:9 137:4 221:12,14,14 chapters 115:24 119:5 145:2,4,18,22 204:6 characteristic 156:13 characterization 113:19 123:10 139:17 characterize 113:8 114:8 characters 89:9,15 charge 34:7 135:13 194:9 charlotte 131:16
--	----------	---	---

[check - committee]

<p>check 88:17 106:4 109:9 113:6 119:12 136:10,15 150:11 checked 25:14 checks 25:6 88:13 choice 32:20 choose 32:13 50:22 136:1 166:10 chose 178:1 chris 117:24 118:1 196:13 224:3,4 church 15:13,16 circle 15:23 cite 104:19 claim 12:9 192:22 193:3,18 claimed 12:20,24 13:7 claiming 13:4 claire 33:14 188:7 215:7 216:3 220:9 222:3 claire's 186:20 clarify 68:22 120:25 clarity 211:3 classes 114:17 121:14 clean 140:16 142:23 clear 39:8 49:5 104:23 200:8 202:5 209:10 clearly 129:4,9 155:3 179:18 click 88:15 91:8 clicked 88:25 close 66:20 207:3 closest 145:5 clumped 201:17 cluster 112:23 coalition 137:17,21 137:24 139:12 140:9 219:9 coalitions 137:15 code 22:22,23,24 30:5,11 31:13,19</p>	<p>32:4,5,6,14,16,17 41:4 45:3,5,6,7,9,11 45:12,25 46:2,3,4 46:21,21,24 47:1,1 47:3,3,7,8 50:19,21 51:1 110:2,7 111:9 113:16 114:1 120:20 121:1 122:18 125:10,15 125:19,21 126:13 126:14,16,19,21 127:18 137:23 138:9,18 140:17 141:5 143:5,15 144:8,16 145:7 149:22 150:10,22 150:24 167:25 168:2,4 169:2,15,17 170:10,12,14,16,23 170:24 171:7,9,20 171:22 172:7 173:14 175:9,16 202:6 205:8,10,12 205:14,15,15,17 207:8 215:10 220:11 221:15,18 221:18,20,21,23 codes 22:19,20 30:10 31:21 35:19 46:18 99:24 100:1,4 100:5 110:7 111:6 111:19,21,23 123:16,19 126:23 126:24 127:1 131:11,15 138:16 141:21,21 142:17 142:19,25 143:4,24 144:13 145:8 146:3 148:14 149:10,19 150:11,20 151:2,3 168:1 169:1,16 171:21 205:7 209:4 209:14 222:15,19 224:21</p>	<p>coding 89:15 colker 128:8,14,20 128:23 129:2 210:11 collaborative 112:25 college 16:7 columbia 1:1 9:24 column 120:8 194:17,18,22,22,25 195:1,2,5,9,11 columns 120:8 195:10 combined 196:25 come 14:13,19 36:3 45:13 96:22 102:18 102:21 139:4 170:19 181:15 comes 27:7 45:13 166:20 coming 45:15 96:17 100:20,25 102:10 comment 15:4 27:24 37:4,19 38:2 58:15 69:22 74:13 87:23 87:24 88:5,8,11,12 88:16 89:5,18 90:17 91:4,6 95:18 96:22 101:18 161:1,24 167:19 175:12 176:16 193:25 212:7 220:8 commented 126:1 commenter 70:6 commenters 58:15 58:19,20 95:20,21 193:25 commenting 70:22 75:19 81:10 82:1 84:1,19 comments 27:5 29:24 43:10 70:7,9 88:19 95:19,24 100:20,24 124:17 160:5 163:2 168:25</p>	<p>175:7,11 204:16,18 220:3,7,18,22 commercial 30:5,10 30:14,20 109:5 127:17 141:17,19 141:20,23 142:8,15 143:7,9 150:21 210:4 221:18 commission 203:3 commitment 204:10 committee 21:10 24:6,10 25:2,17 26:3,16,20,22 27:14 27:19 28:5,6 29:3 29:10 36:2,3,6 37:12,21 38:2,6,18 39:11,19 40:5,8,18 40:20,21 41:2,13,15 42:5,17,19 43:4,5,9 43:11,11,22,25 44:7 45:14 46:15 47:24 47:24 48:2,7,8,20 48:21,23 49:1,9,10 49:14,16,16 50:2,6 52:24,25 56:16,20 57:4,22,23 58:2,6 60:9 61:10,12 65:16 66:19 77:6,12,25 78:12 86:6 87:2 94:11 95:2,6,9,11 95:12,15,19,22 96:4 96:6,16,23 97:5,7 97:10 98:5 107:1 116:19,20,21,22 117:2,2,21 118:10 118:11,13,16,21 137:5 152:23 157:11,11 160:4 163:1 165:18 166:2 166:5,8,12,22 167:14 171:5,15 186:13,24 187:23 193:12,16 194:5,8 195:16 197:1,7,10 197:19 198:9 204:8</p>
---	---	---	---

[committee - contribution]

204:19 208:15,15 208:18,21,23 209:1 210:5 212:10 213:22 214:11 221:16 committees 20:12 21:10,13,14 24:21 25:22 26:13,19,25 26:25 41:18,21,24 45:16 46:13 47:20 49:7,8,13,13,20,22 50:7,13 79:2 112:7 112:8 118:19,22 132:4 common 41:24 183:10 212:19 communicate 215:1 communication 210:10 communications 51:23 183:11,16 214:20 215:19 comp 212:1 company 92:20 99:23 168:10,11 179:22 192:1 comparing 73:15,21 86:11,15 87:6,10 114:12 128:6 comparison 129:12 129:15 173:24 comparisons 114:6 compensated 194:4 competition 173:9 competitiveness 206:14 competitors 13:5 compiled 196:25 complained 125:1 complaints 124:17 complete 21:7 23:24 28:22,24 29:1 120:15 completed 56:18	completely 14:14 completing 28:10 complex 150:12 compliance 22:10 22:15,19 23:4,11,14 32:11,15 33:1,3 106:7,15 124:4 128:11 148:16 149:12,13,16,21 150:1,6,13 202:8 compliant 31:2,7 220:12 complied 72:8 complimentary 212:25 comply 31:3,10,17 32:22 121:3 complying 149:15 149:18 component 53:12 composes 40:4 137:24 computer 226:5 comstock 124:22 169:9 170:3 174:1,5 174:9,12 177:22 178:15 179:2,6 194:23 222:5,6,10 comstock's 51:13 concern 39:15 129:3 151:5,9 concerned 128:16 130:4,19,21 150:4 191:9 concerning 52:24 147:8 151:6,10 concerns 151:13 concluded 225:9 conclusion 70:16 173:2 193:21 conclusions 93:10 concrete 103:10 conditioning 1:6,14 10:18 18:19 51:11 102:14	conduct 12:13,16 181:2 conducted 181:4 conference 131:10 131:15 219:23 conflict 24:11 37:20 37:22 38:1 98:18 conflicts 36:10,13 37:1 98:13 conformity 98:13 confused 26:9 confusion 141:14 congress 100:22 138:11,20,25 139:3 139:13,25 140:5 146:15 203:3 213:18 congressional 137:16 138:6,14 139:12 140:7 198:24 199:2 210:5 conjunction 181:2 181:10 183:7,23 184:5 conover 173:23 consecutive 141:7 consensus 101:3,9 101:14 102:5 114:11,12 212:10 conservation 150:22 221:21 consider 182:15 196:16 197:20 212:2 220:2,21 222:17 223:4 consideration 94:24 considered 44:6 120:1 151:4 considering 129:14 183:6,23 198:16 210:5 212:21 220:14 consistency 40:22 consistent 101:5 168:19	consistently 36:10 construct 102:24 consult 152:22 consultants 57:20 consultation 37:14 211:8 consulting 149:23 contact 34:20 80:5,6 145:25 contain 66:15,21 72:3 75:22 76:18 163:5 contains 94:12 content 66:22,24 122:12 170:6 171:12,13 194:10 194:13,15 214:19 contents 103:12 context 180:5 continuation 156:24 157:19 continue 9:8 126:13 continued 5:1 6:2 7:1 8:1 135:7 157:9 continuing 3:3 162:14 199:6 continuous 58:16 60:5,7,11,13 65:6 66:9 67:24 68:11 69:5,8 72:1 76:17 80:19 82:20 83:12 85:14 96:12,23 133:2 163:15 164:9 165:10 166:6 167:7 167:18 continuously 96:19 contract 147:3,8 contribute 37:2 117:5 contributed 92:14 98:15 contributing 57:24 58:6,10,14 contribution 161:21 162:15
--	---	---	---

[contributions - cunningham]

<p>contributions 77:24 92:23 93:4 160:21 161:3 169:7 170:1 224:8 controversial 27:3 27:10,16 29:17,18 29:21 controversy 27:25 174:4 convention 103:22 conversation 107:24 156:4,25 183:2 220:10 conversations 9:4 180:16 182:18 183:19 184:3 215:22 convey 53:17 cooling 18:20 214:1 cooperated 111:18 cooperating 110:21 111:5 cooperation 172:18 copied 177:23 222:3 copies 6:14 165:3 185:8,15 202:23 212:1,19 copy 134:15 164:14 168:24 172:1 175:10,11 195:7 212:8,24,25 copyright 53:9,11 53:12,16,18 69:25 70:2,11,18,23 71:2 72:3,7,15,25 73:5 73:16,17,17,21 75:23,23 76:3,19 77:8,12,14,14 78:14 78:16,17 79:10,13 81:2,17 82:6,25 83:18,18 84:7,7 85:4,20 86:11,12,15 86:16 87:7,10,11 89:21 90:1,2,21,23 90:24 91:1,13,15,16</p>	<p>91:21,24 92:5,5,9,9 92:15,16,23,25 93:4 93:6 94:13 158:13 159:12,16,20 160:9 160:12 161:8 162:1 163:5,17 164:10,13 164:24 165:13,16 166:11 167:13,14 167:17 169:3,6,9,21 169:22 170:1,4 172:6 178:24 179:4 179:7 188:25 191:10 192:19 193:23 222:17 223:4 224:8,10 copyrighted 180:9,9 189:11 190:6,8 191:15 copyrights 53:20 224:16 corner 57:9 68:18 82:23 85:17 86:8 105:22 164:23 218:6,8,10,23 219:1 219:5 correct 14:14,17 17:21,24 22:8 30:22 33:5 37:15 52:13 53:8,24 54:2,5,8,11 54:14,17,20,23 55:1 57:25 59:17 68:20 68:25 69:1 72:13,14 73:2 76:4,5,8,9 80:4 89:13 96:5 97:11,12 97:21,23 102:17,20 104:18 105:10,11 105:13,14,16,17,19 105:20 106:4,5,8,9 106:13,14 107:3,8 109:18,19,22,23 117:5 139:10 147:24,25 149:6,7 152:24,25 154:19 154:20 155:2 156:12,17,18 161:6</p>	<p>166:15 168:12,13 169:4,5,18,19,23,24 170:3 175:1,17,18 175:23 176:5,6 188:16,17 193:16 193:17 195:12,15 202:19 203:15,16 203:18,19 212:13 213:1,2 215:24,25 221:3,4 226:5 correcting 152:11 correction 57:13 158:5 correctly 30:18 61:7 195:18 correlate 65:14 corynne 3:19 10:10 cost 124:9,15,18,24 125:2 127:2,2,2,8,8 143:24 144:4 182:9 182:11,13 204:22 council 32:4,6 95:3 137:4,12 146:6 169:2 173:15 205:17 counsel 2:2 3:3 9:17 51:24 56:6,7 70:12 72:8 147:7 181:24 181:25 183:17,17 184:5,10 185:11 186:11 214:16,23 215:2,13,15,17,20 216:2,16,20,22 226:7,7 counter 112:18 counterclaims 1:12 counterparts 182:19 county 226:2 couple 27:18 40:23 104:1 135:18 course 185:9 191:14 202:6 courses 99:14 court 1:1 9:23 10:5 13:24 14:1 49:17</p>	<p>56:13 74:15 127:9 131:12 178:18 179:9 180:4 207:12 207:14 220:4,20,23 221:1 courts 186:13 cover 104:3,4 158:18 covered 29:25 158:23 177:21 215:17 covers 29:24 158:17 158:19 create 99:14 102:9 102:10,13 216:5 created 94:22 211:5 creating 98:25 118:4 211:2 creation 97:14 critical 213:22 csos 203:4 ctcc 137:12 cttc 137:6 146:6 cunningham 2:16 4:7 10:15,16 13:11 23:5 28:20 30:24 31:11,23 32:24 33:8 46:19 48:19,25 49:3 50:14 51:2,20 55:7 55:11,15 60:20 61:13 65:25 67:10 70:4,15,19 72:10,17 73:24 77:16 78:19 79:15 88:7 92:2,6 92:10,18 93:8 99:20 100:10 101:25 103:4,13 104:10 109:1,12 113:18 118:5 120:2 122:8 122:15,19 123:9 124:19 125:4 128:15 129:21 131:22 132:2,21 136:8 138:22 139:16 145:9,12</p>
---	---	--	---

[cunningham - develop]

146:22 147:1,11 148:18 170:8 172:3 172:12 173:1 176:12 177:19,25 178:7,11,14 179:17 182:6 183:14 184:1 188:24 189:16,21 190:14,23 191:12 191:21 192:9,25 193:6,10,20 202:15 202:19 207:16 208:3 209:23 211:14 213:8 214:15 215:14 217:3,10,20 222:21 223:5,7,15,19,22 225:3 current 31:14 168:19 176:4 currently 175:15 customary 136:16 136:19 customer 196:12,14 196:17,18 cutting 150:8 cv 1:3 9:24 cycle 96:15 168:3 169:17,22 171:22	datacenter 213:19 214:6,7 datacenters 214:2,4 date 9:11 57:14 66:17,18 68:18 74:25 75:3,10 78:2 81:13 82:3,22,24 84:25 85:17 86:9 87:3 105:21 148:14 149:10 153:24 154:3,22 184:13 dated 8:7,9,10,12 68:12 71:5,9 134:11 155:12,21 dates 57:9 68:15 153:18,21 154:10 dave 173:23 day 135:9 185:9 226:9 days 204:9 deal 41:23 42:19 133:25 dealing 47:12 190:24 deals 115:21,23 124:23 137:21 213:21 dean 184:21 december 19:5 56:11 62:24 64:1 decide 95:22 107:2 126:12 decided 194:24 decides 46:22 106:21 decision 121:21,25 139:5 145:5 182:14 194:21 decisions 139:7 deem 31:3,17 deemed 121:2 defendant 1:10 3:6 10:12 11:3 12:5,7 51:9	defendants 9:18 define 205:6 defined 49:25 definition 22:17,18 23:16 definitions 23:17,18 23:19 106:12 degree 16:5,6 37:23 102:12 degrees 17:9 24:20 157:1,1,2,2 delineate 129:4 delineated 129:10 delineates 131:19 demonstrate 133:8 department 29:8 34:24 35:1 108:1,6 108:16,22,25 109:11 110:4,6,11 110:14,17 111:1,13 111:15,18,24 112:1 113:5,9,14,22 115:25 116:6 121:7 121:8,9,13,19 134:11,19,22 135:13,22,24,25 136:12,17 141:2 143:14 171:24 172:1,4,10,17,22 194:20 196:15,16 departments 150:9 depaul 16:7 depend 130:9 depended 125:25 135:12 dependent 125:25 depending 23:15 25:21 42:12 95:2,14 125:23 152:23 depends 23:8,15 33:10 37:22 40:12 42:3,7 46:3 99:25 103:5 115:5,5 135:12 222:23	depose 178:1 deposed 10:23 11:5 11:11,15 13:18 125:5 deposition 1:13 9:7 9:14 13:10,20 14:25 51:10,13 52:2 178:8 185:12,14 214:14 215:3 216:6,15,18 217:23 225:9 226:4 depositions 178:3 describe 27:1 123:1 described 28:18 29:15 96:8 describes 21:20 175:3 describing 29:16 96:3 101:1 description 4:9 5:2 6:3 7:2 8:2 187:24 design 11:25 12:3,4 12:13 20:15 32:16 99:18 112:19 220:15 designated 120:4 122:11,14 132:16 designee 1:15 52:8 180:13 designer 106:7 destroyed 59:21,24 59:24 60:3,4,15,16 60:19 61:4 destroying 65:23 destruction 65:24 determination 38:25 39:16 106:19 120:23 142:4 determine 107:7 141:2 204:21 determined 157:11 determines 143:3 171:3 develop 130:1 203:25
d			
d 1:3 142:24 d.c. 2:9 116:3,7 137:4,11,13,21 139:19 140:13 146:14,15 198:24 200:2,5 210:20 215:4 218:10,14 222:1 daily 64:23 data 213:24 database 66:3,4,6,7 66:10,12,14,21 87:24 88:12 90:17 91:4,6 176:17			

[developed - doing]

<p>developed 21:23 46:8 98:1 126:2 197:21</p> <p>developers 47:13 138:1,8 218:9</p> <p>developing 52:16 99:6 152:10 203:21</p> <p>development 20:17 47:15,17 52:18 99:11,15 100:8,8 101:16 110:8 112:4 117:5 126:18,22 132:11 168:2,4 169:17 171:22 173:16 202:6 205:2 212:16 218:12,15</p> <p>dickerson 8:12 212:5</p> <p>dictate 95:15</p> <p>differ 77:18 114:4 126:25</p> <p>difference 26:24 39:2 45:24 49:12 74:2 78:20 87:14 92:4,8 96:11,11,13 96:14 129:25</p> <p>differences 73:22 87:13 129:4,10</p> <p>different 22:2 28:17 31:19 42:11 48:16 80:11 92:21 107:4,9 107:11 114:10 137:25 138:8 141:21 142:17 144:23 186:19 200:1,4 202:24,25 204:5,19 213:23 214:9</p> <p>differentiate 129:5 129:19</p> <p>differs 77:17 78:17</p> <p>difficult 144:3</p> <p>direct 123:16</p> <p>directed 110:2</p>	<p>direction 38:2</p> <p>directly 37:2 172:8 222:12</p> <p>director 33:16 115:10,13,13,14</p> <p>directors 40:9 95:4 182:14 202:22 209:2</p> <p>disagrees 157:20</p> <p>disapprove 161:22</p> <p>disclose 183:12,13 183:15</p> <p>disclosure 183:10</p> <p>discovered 154:2</p> <p>discovery 4:11 56:11 91:14 147:10 216:12</p> <p>discuss 188:20 216:1 218:17,20</p> <p>discussed 92:17 93:1,6 129:17 167:15 190:16 217:22 218:19 224:11</p> <p>discussing 37:4 94:5 132:15 151:14 211:21</p> <p>discussion 128:5 156:10 157:9 186:2 190:10 191:3 196:12 215:11,16</p> <p>discussions 98:17 129:24 156:25 218:24</p> <p>dissolved 121:10,20</p> <p>distinction 132:19</p> <p>distributed 212:9</p> <p>district 1:1,1 9:23 9:23</p> <p>divide 34:14</p> <p>docs 189:11 190:6</p> <p>doctor 16:6</p> <p>document 21:6 51:12,15,18 57:2,6 57:10 60:21 62:5,11</p>	<p>62:17,23 63:4,10,16 63:23 64:5,11 65:4 65:9,10,22,24 67:6 68:9,18,24 69:21 70:18,22 71:12,13 71:15,23,25 72:1,3 73:10,25 74:10,12 75:6,9,16,18,22 76:7,13,15,18,23 77:3,5,8 78:8,10 79:6,8,9,12,22,25 80:2,12,18,21,23 81:1,7,13,16,23,25 82:12,15,18,25 83:9 83:11,14,17,23,25 84:3,4,6,16,18,25 85:3,10,12 86:3,5 86:23,25 87:20,22 90:10,15,20 92:21 94:4,7,9,12,16 95:13,24 96:5,7 104:16 105:21,23 107:24 108:3,10 117:13,16,19,20 118:4 122:5,22,24 123:1,5,10 127:24 131:6,8,17 132:14 134:7,9 136:25 137:2,9,11 148:8,22 149:1,4 153:5,7,12 154:15 155:8,10,18 155:23 156:3,23 157:6,17,18 158:2,9 158:11 159:7,24,25 160:2,3,9,22 162:22 162:24 163:5,11,13 163:17 164:4,6,10 164:22 165:8 167:5 167:10,23,24 168:11,22 169:14 169:20 171:19 173:10,20,22,24 174:25 177:15,16 177:18 178:10 179:5 180:21,23,24</p>	<p>184:7,19 185:23,25 186:5,7 188:4,6 193:13 195:23,25 196:21,23,24 197:15,17,18 198:2 198:4,20,22,23 199:11,13,21,23 200:10 202:1,3,13 206:12,19 207:17 208:2,4 209:22 211:13,15 213:7,8 213:13,14,15 217:7 217:8,25 219:19 220:17,18 221:8,10 223:16,16 224:2</p> <p>documentation 20:21,22 21:2,6 23:24</p> <p>documents 27:7 59:22 60:17 64:18 71:18 73:15 77:24 78:25 101:16 107:19,22 130:1 132:7 153:18 165:3 174:22 175:4 185:6 190:8 206:7 216:5 216:14,17,24 217:11,13,17,18 224:19</p> <p>doe 110:9 112:4,13 112:15,22 113:4,17 116:19 117:1,4 119:4,10,15 128:6,9 130:24 134:16 135:7 142:3 143:3,4 146:10,10,19,20,23 147:6,9 196:15 201:9 220:13</p> <p>doemou.doc 108:11</p> <p>doing 21:22 38:10 41:6 65:17 127:3 129:14,15 137:13 138:15 140:6 150:8 178:4</p>
--	--	--	--

[dollars - energy]

<p>dollars 12:21 double 36:1 136:14 doubt 122:22 doug 114:23 115:12 129:2,5 173:24 200:16 219:6 222:3 doug's 115:10,12 draft 36:23 58:15 69:23 74:14 75:20 81:11 82:2 84:2,20 96:20 98:9 100:14 108:3,5,7 117:8 187:23 213:18 drafted 224:1,3 drafting 95:13 96:4 100:16,18 101:22 204:4,5 210:23 drafts 20:24 21:3 36:9,9,15,25 41:23 42:7 43:5 96:6 97:1 170:16 171:12 191:25 draw 100:14 drive 67:3,8 due 123:15 151:3 duly 10:23 dunlap 206:23 duties 21:21 36:21 187:24 dwgp 206:11</p>	<p>eastern 16:5 echo 129:3 economy 150:7 edit 37:10 editing 20:24 98:19 119:25 edition 59:16,22 60:2 153:16,17 155:2,12,21 156:8 158:14 159:13,17 159:21 editions 60:18 153:23 176:4 192:23 editorial 37:13 38:24 39:1,3,7,9,17 44:2,6 157:10,12,14 edits 37:17 98:12 220:3,21 educate 114:13 139:13 199:15 educating 139:2 146:15 education 139:1 199:6 educational 16:4 139:22 effective 69:11,12 127:8 143:24 144:4 effectiveness 214:8 efficiency 30:10,16 30:20 32:5 99:12 104:4 105:3 109:4 126:19 140:18 141:13 142:13,20 198:8 199:16 213:19 214:6,7 efficient 29:23 102:25 112:22 120:24 127:7,17 136:3 138:18 141:3 141:8,9,10 142:5 149:15 198:10 219:25</p>	<p>effort 178:2 egs 1:3 9:24 eighth 160:8 either 27:14 44:19 46:20 50:15 57:12 72:19 73:6 96:22 98:17 166:7 176:4 191:6 222:10 elaborate 45:8 elaborating 70:13 elected 40:7,8 78:21 electric 206:10 electronic 3:19 10:11 59:8,11,18 72:20 73:7,8 74:3 79:10 126:7 electronically 67:2 elements 53:10 elizabeth 187:21 email 8:6,6,8,8,10 8:10,12,12 38:7,11 38:14 98:22,22 107:24 109:18,21 128:2,4,5 156:4,13 156:24 157:7,18 158:3 173:23 174:2 174:3,24 175:6,7 177:24 178:22 179:1 180:16,25 181:16 186:8 188:7 188:13 189:8 191:7 199:24 200:14 201:19 202:21 206:8,22 207:10,22 208:5,14 210:2,9,11 211:18 212:13 219:20 220:19 221:3,11,25 222:7,8 emmerich 8:6 206:24 207:2,10 211:22 employ 226:7 employed 179:16,19 employee 23:7 146:18,19,19</p>	<p>160:18 161:18 162:10 165:20 224:4 employees 48:8,10 49:19 50:13 53:20 97:8,13 99:18 100:7 115:15 116:19 117:1,4 118:19 170:5 193:16 224:16 empowering 145:18 enacted 69:15,15 100:2 103:12 encompass 23:2 encourage 149:21 149:25 210:21 211:6 220:11 encouraging 145:22 210:13,24 ended 192:4 endorsed 113:17 ends 89:8 95:4 energy 29:23 30:5,7 30:8,15,20 32:1,4 99:12 102:25 104:3 105:3 108:1,6,16,22 108:25 109:4,11 110:6,11,14,17 111:1,14,16,18,24 112:1,22 113:5,9,14 113:22 120:24 126:18 127:7,17 131:11,15 133:7 134:11,19,23 135:14,22,24,25 136:3,12,17 138:18 140:16,17 141:2,3,8 141:9,10,13 142:5 142:13,20,23,25 143:1,14 146:3 149:15 150:20,21 150:24 171:24 172:5,10,18,23 196:15,16 197:20 197:20,22 198:8,10</p>
<p>e</p>			
<p>e 30:7 89:7 90:19 140:20 201:10 226:1,1 earlier 6:14 52:23 94:17 140:21 153:23 167:15 223:24 earliest 188:13 early 210:15 easier 116:8 120:10 195:1 200:25 easiest 27:1</p>			

[energy - exhibit]

<p>198:12,13 199:16 206:14 213:17,19 214:6 220:15 221:18,20 energy's 110:4 172:1 enforce 150:12 151:24 enforcement 120:17 148:15 149:11 150:5 151:1,6,10,22 engage 145:18 engaged 144:12 181:9 engineering 37:23 103:16 179:22 engineers 1:6,14 10:19 51:11 119:2 158:22 ensure 148:16 entail 21:4,5 enter 87:23 88:9 89:9,11,13 91:7 135:8,23 136:4 entered 66:3 88:6 89:5,18 169:6 entering 87:24 entirely 178:16,18 entirety 32:14 45:21 entities 191:10 entitled 217:8 entity 219:8,11 envelope 138:17 environment 147:21 219:25 environmental 99:13 epa 201:8 213:17 epact 30:4,6,12,19 30:23 31:10,22 109:4 120:17,21 123:13 127:14,15 127:16 128:19 130:9,11,13,25 134:24,25 135:5</p>	<p>136:7,13,18 141:1 150:23 151:20 174:8 220:13 eq 198:16 equal 101:19 equation 155:3 equipment 144:4 213:25 equivalent 31:13 45:17 123:25 128:6 128:10,17 130:6 171:2,4,8,13 eric 157:12 errata 6:13,14 44:4 153:12,15,20,22 154:4,11,16,18,22 155:11,20 156:5,8 156:14,16,17 erratum 152:16,25 153:9 157:9 erroneous 13:8 error 154:2 156:18 errors 152:12 especially 59:11 112:7 esq 2:7,16 3:8 essentially 99:4 132:5 150:18 establish 121:7 143:5,15 147:22 et 8:9,10 9:20 120:1 etheridge 34:4 evaluate 214:4 event 43:9 135:16 135:19 eventually 113:4 everyday 187:14 evidence 53:19 exact 22:17,18 170:21,24 exactly 12:23 46:1 83:3 114:3 217:3 examination 4:2 10:25 52:5,9 223:21</p>	<p>example 22:18 27:20 42:21 89:6 102:8 104:2 141:8 191:25 examples 27:18 exception 34:18 80:11 83:2 85:21 excerpts 178:25 exchange 157:7,18 158:4 173:23 188:7 excluded 12:19,24 excom 41:9,11,12 121:23 122:1 excuse 22:13 51:16 56:1 58:18 68:16 75:23 77:21 86:11 86:13 87:6 109:17 113:23 116:22 139:14 140:22 148:21 149:20 150:17 180:23 executing 53:16 executive 33:20 41:13 47:23,24 48:21 182:25 198:15 exhibit 4:8,9,10,12 4:13,14,15,16,17,18 4:19,20,21,22,23,24 4:25 5:2,3,4,5,6,7,8 5:9,10,11,12,13,14 5:15,16,17,18,19,20 5:21,22,23,24,25 6:3,4,5,6,7,8,9,10,11 6:12,13,14,16,17,18 6:19,20,21,22,23,24 6:25 7:2,3,4,5,6,7,8 7:9,10,11,12,13,14 7:15,16,17,18,19,20 7:21,22,23,24,25 8:2,3,4,5,6,8,10,12 8:14,15,16 51:8 55:20,20,20,25 57:1 61:9,11,21 62:2,5,8 62:10,14,16,20,22</p>	<p>63:1,3,7,9,13,15,20 63:22 64:2,4,8,10 65:1,3 68:6,8,14,22 68:23 69:14,18,20 71:20,22 74:7,9,23 74:24 75:4,8,13,15 75:24 76:4,6,10,12 76:20,25 77:2,13,15 77:20 78:2,5,7,13 78:18 79:3,5,12,13 80:8,10,13,13,15,17 81:2,4,6,17,19,21 82:7,9,11 83:1,6,8 83:18,20,22 84:8,11 84:11,13,15 85:3,4 85:7,9,19,20,25 86:2,12,13,16,17,20 86:21 87:8,11,12,17 87:19 89:20,24 90:2 90:3,7,9,20,24 93:17 94:2 105:8,9 106:1 107:13,13,17 107:18 108:8,8,9 109:16,17,22,24 110:20 113:4 117:10,12 122:2,4 127:19,21 131:3,5 134:4,6 136:22,24 148:5,7,23,25 149:4 149:8 150:14 151:13 153:2,4 154:13,15 155:5,7 155:15,17,25 156:2 156:20,22,25 157:3 157:5,8,15,16,24 158:1,4,6,8 159:3,5 159:22,24 162:20 162:22 163:8,10 164:1,3 165:5,7 167:2,4,21,23 169:11,13 171:16 171:18 173:17,19 174:18,18 175:6,13 177:12,14 180:18 180:20 184:25</p>
---	---	---	---

[exhibit - form]

185:2 188:1,3,14 192:24 193:5 195:20,22 196:19 196:21 197:12,14 197:24 198:1,17,19 199:8,10,18,20 201:23,25 202:10 202:12 206:1,1,13 206:16,18 207:24 208:1 209:19,21 211:10,12 213:3,5 217:24 218:3 219:16,18 221:5,7 223:24 exhibits 5:1 6:2 7:1 8:1 64:16 68:17 73:15 78:24,25 91:12 107:16,16 157:19 174:21 192:18 206:4 existed 98:24 existing 170:20 exists 112:24 150:19 208:16 exo 48:2 expand 119:14 expanding 144:17 expect 185:13 expected 52:11 expensive 127:4 experience 13:18 16:14 expert 102:19,22 expertise 35:6 43:23 101:4,21,24 102:6,7 102:15,17 103:2,11 103:16,18 147:23 199:4 204:5 211:9 experts 101:15 explain 26:10 173:7 explained 143:25 144:1 expression 53:18 extend 178:2	extension 175:12 extent 183:9 extra 26:2 eyes 129:23 <hr/> f <hr/> f 157:1 226:1 faa 210:5 face 204:7,7 facilitate 136:12 facilitating 112:5 facilities 213:23 facility 59:13 fact 90:4 120:18 151:3,19 199:14 factors 13:3,3,6,6 125:24 facts 198:23 failed 196:14 fall 22:15 falls 122:9 132:15 141:5 familiar 18:19 64:20 71:15 117:16 218:5 218:22 219:8,11,14 family 16:16 fanara 213:17 far 58:22 187:10 223:8 favor 53:17 featured 76:19 features 112:19 february 52:3 64:14 165:2 190:11 federal 29:22 30:2,9 100:22 106:17 111:9 151:20 175:9 175:16 176:3 202:9 203:3 205:20,21 212:17 215:6 fee 2:7 10:20,20 104:11,20 105:1 117:6 134:3 182:7 183:8,25 185:3,17 185:24 186:3	190:21 191:5 200:10 209:16 223:10 225:5 feeling 27:12 fees 110:17 fellowship 146:10 146:11,20,23 147:9 femp 201:9 fenwick 3:7 10:10 11:3 fenwick.com 3:13 ferguson 8:8,8 34:3 35:14,15,23 36:19 36:23 38:4,9 170:11 170:19 206:25 207:5 208:15 215:9 216:3 220:9 222:2,4 ferguson's 35:18 field 87:25 fields 24:25 fifth 118:24 fight 203:12 file 44:19 164:25 166:6 169:23 192:7 filed 56:3 180:11 files 61:1 filing 182:15 fill 79:1 88:4 166:13 166:16 filled 21:8 24:25 final 36:14,15 163:23 168:21 finally 47:23 financially 226:8 find 38:8 61:3 66:24 154:24 216:11 finds 152:18 fine 51:21 55:15 185:17 200:20 223:18 225:6 finish 28:9 223:15 fire 1:4 firm 16:21,22,25 17:7,12,18,20	firms 184:22 185:4 first 10:23 11:16 18:2 41:16 42:1,4 43:24 51:18 52:1 66:11 72:25 73:5,17 73:21 77:14 84:9 91:2 97:16,17 104:22 126:5 134:21 146:2 148:12 149:9 159:10 163:2 169:20 171:5 174:1 175:13 179:23 180:1,14 182:15 192:2 223:23 five 24:13 44:15,15 50:8 175:25 176:10 fix 37:11 fixed 44:3 fleishmanhillard 219:12 floor 3:10 flow 120:10 flux 141:13 focused 122:20 folks 128:8 184:8,18 198:24 follow 30:23 31:17 44:14 58:25 96:25 147:13 189:19 followed 171:11 following 140:15 142:22 161:21 162:13 189:5 224:7 follows 10:24 163:21 followup 148:9 149:5 150:14 force 117:14 118:12 196:10 foregoing 226:4,5 form 13:11 23:5 24:5,11 27:13,15 28:20 30:24 31:11 31:23 32:24 33:8
---	---	---	--

[form - grassroots]

42:15 46:12,19 50:14 51:2 60:11 61:13 65:18,25 67:10 69:22 70:4,19 71:2,4,8 72:11,16 72:17,23,24 73:3 74:13 75:3,19 76:16 77:7,16 78:19,21 79:15 80:3,19 81:10 82:1,19 83:13 84:1 84:19 85:13 88:7 92:2,6,18 99:20 100:10 101:25 103:4,13 104:10,20 109:1,12 117:6 118:5 128:15 129:21 131:22 134:3 136:8 138:22 163:14 164:7 165:9 165:13 166:11,21 167:6,17 168:1 169:16 170:8,18 171:21 172:12 182:6 188:24 189:16,21 190:14 191:5,13 193:1,20 209:16 222:22 formal 165:19,24 166:9 format 37:7,9 59:9 59:11 97:21 98:24 119:24 194:18 195:5,9,18 212:7 formatting 120:7,15 194:17 195:3 formed 43:12 forms 25:6,14 26:8 28:22,24 29:1 53:17 56:14,14,15,19,22 60:14 166:14,17 167:19,19 forth 14:19 132:12 forward 37:15 41:20 87:25 88:15 97:25 142:13	forwarded 95:1 179:2 186:20 found 23:18 128:17 180:9 foundation 3:19 10:11 190:22 four 16:19,20 17:12 17:20 40:12,15,21 40:22 96:15,16 143:2 204:6,7,8 fourth 148:12 149:8 150:17 153:22 frame 132:23 134:12 135:4 172:13,15 francisco 2:19 3:11 free 126:6 176:1,11 front 168:10 frontier 3:19 10:11 fulfill 196:14 fulks 34:3 full 15:12 36:6 89:11 96:20 148:13 149:9 166:8 204:1,7 204:8 205:9 fulton 226:2 fundamentals 158:14,16,21,25 193:4 funding 110:11 121:7 147:4,5 202:5 202:9 funds 110:15 further 109:21 156:25 157:7 200:11 226:6 future 128:13 143:3	generally 151:3 224:23 generate 29:24 generated 96:23 224:16 generates 89:6 204:16 gentlemen 210:11 georgia 1:21 9:17 15:24 18:1,3,5 226:2 gestures 14:5 getting 113:15 188:15 207:6 222:20 gg 6:14 153:22 give 13:1 22:17 27:18 110:9 197:7 199:3,3 given 52:23 92:15 115:3,3 131:9,14 172:6 181:24,25 222:25 226:6 gives 24:12,19 65:11 202:7 giving 13:23 15:8 70:7,24,25 go 9:9 14:20 23:11 23:13 27:11,19 37:11 38:8,10 41:16 42:11,14,15 51:22 70:24 72:10 74:15 87:25 88:15 90:16 95:3,17 96:2,21 97:17 103:18 111:23 113:6 126:19,20 136:14 136:20 144:24 186:3 194:25 202:17 207:16 214:15 goal 136:5 goals 108:20 136:2 goes 27:5 39:12,19 42:5 58:15 89:8	95:18,25 110:18 171:5,8 223:9 going 27:4,10 44:19 44:21 51:4 55:7,17 55:22 60:20 72:10 73:24 74:17,20 93:8 93:14,18 96:20 107:25 108:19 111:22 116:13,16 124:19 131:2 144:2 152:4,7 177:19 185:13,18 186:9 192:12,15 194:16 201:20 203:6 204:15,15 205:20 205:23 214:4 215:14 220:2,21 225:7 good 121:6 123:8,8 123:11 133:25 150:8 gordon 198:6 gosh 13:12 gotten 150:12 172:5 government 23:3,7 23:13 52:17 105:16 105:19 114:14 115:10,13,14,17,22 115:25 116:6 128:22 147:17,20 147:23 148:1,2 151:4,20 205:19 210:12,19,20 212:20 215:6 governmental 205:13 222:14 governments 114:13 145:11 graduate 16:12 17:8 graduated 17:15,17 grant 179:4 grassroots 115:24 144:17,21,25 145:1 145:6,22 146:8
	g		
	gabrielli 1:24 10:6 226:3,11 gain 91:10 general 22:11 36:20 106:7 221:25		

[greater - identification]

<p>greater 133:7 205:4 green 27:21 126:23 126:23,24,24 127:1 127:1 138:16 148:11,11 220:1 224:20,21,22 greening 219:25 griffin 186:11 187:16 group 34:19 45:6 48:3 49:15 140:5,8 218:6,6,8,9,23 219:2,5,21 group's 123:3 groups 47:21 138:5 204:4 growing 131:20 132:19,23 guarantee 59:10 guess 51:3 124:15 128:12 134:12 136:2 182:4,8,10 183:5 191:1 guessing 52:2 155:3 guidance 41:19 220:16 guide 220:15 guideline 46:8 74:14 75:20 77:12 78:11 81:11 82:2 84:2,20 87:1 94:11 95:6 guidelines 164:8 213:24 guys 177:25 178:3</p>	<p>226:9 handbook 91:17 92:15,24 93:5 158:14,15,21,25 177:5,6,8 193:4 224:9 handed 148:22 handing 51:7 55:24 57:1 61:20 62:4,9 62:15,21 63:2,8,14 63:21 64:3,9 65:2 68:7 69:19 71:21 74:8 75:14 76:11 77:1 78:6 79:4 80:9 80:16 81:5,20 82:10 83:7,21 84:14 85:8 86:1,21 87:18 90:8 94:1 117:11 122:3 127:20 131:4 134:5 136:23 148:6,24 153:3 154:14 155:6 155:16 156:1,21 157:4,16,25 158:7 159:4,23 162:21 163:9 164:2 165:6 167:3,22 169:12 171:17 173:18 174:20 177:13 180:19 185:1 188:2 195:21 196:20 197:13,25 198:18 199:9,19 201:24 202:11 206:3,17 207:25 209:20 211:11 213:4 219:17 221:6 handled 166:25 handwritten 74:4 hang 196:4 happened 107:10 happening 205:25 happenings 207:4 happy 203:12 hard 176:16 201:19</p>	<p>harder 150:12 he'll 35:25,25 38:2 head 22:6 33:11 41:7 182:23 183:1 187:13 header 153:14 heading 56:11 healthy 219:25 heard 18:16 hearing 56:12,13 hearings 170:13 205:10,12 heating 1:5,14 10:17 18:20 51:11 102:14 held 9:14,22 184:4 help 21:10 36:2 41:18 103:15 136:5 136:12 139:7 149:24 187:22 helped 216:10,11 helpful 207:6 helping 36:4 helps 25:3 hereunto 226:9 hi 11:2 high 94:21 124:16 124:18 125:3 137:16,20,21 138:5 138:6,14,16 139:11 140:6 208:24 higher 26:4 27:6 34:15 hill 114:16,20 115:1 115:20 116:9 history 108:21 121:4 hit 88:11 89:9 hmm 140:14 hoc 118:17,21 196:10 hold 19:11,19,25 20:7 185:24 holness 198:7 home 142:21</p>	<p>honest 32:3 hope 132:12 horner 9:10 hour 55:8 hours 204:3 223:12 house 143:12 148:10 housing 212:10,16 hr 140:16 hud 211:20 212:1,6 212:9,15 huge 204:10 hundred 204:17 hurst 200:19</p>
i			
<p>i.e. 128:10 ia 206:11 iald 206:11 iapmo 45:10 100:5 iatmo 205:17 icc 32:7 45:9 168:4 169:1,4,7,18 170:1 170:6 171:22 172:2 172:11 173:5,6,12 173:15 174:3 223:1 icec 129:5 idea 109:6 133:16 147:8 identical 80:13 86:17,18 90:2,23 171:13 identification 55:21 62:2,8,14,20 63:1,7 63:13,20 64:2,8 65:1 68:6 69:18 71:20 74:7 75:13 76:10,25 78:5 79:3 80:8,15 81:4,19 82:9 83:6,20 84:13 85:7,25 86:20 87:17 90:7 93:17 107:14 117:10 122:2 127:19 131:3 134:4 136:22 148:5,23 153:2 154:13 155:5</p>			

[identification - international]

155:15,25 156:20 157:3,15,24 158:6 159:3,22 162:20 163:8 164:1 165:5 167:2,21 169:11 171:16 173:17 174:19 177:12 180:18 184:25 188:1 195:20 196:19 197:12,24 198:17 199:8,18 201:23 202:10 206:2,16 207:24 209:19 211:10 213:3 219:16 221:5 identify 10:4 103:20 216:24 217:18 iecc 31:24,25 32:10 32:11,20,21 33:2,7 113:24 114:2,7,8,10 121:3,3 123:22,23 124:3 125:16 128:6 128:10,11,18 129:7 129:11,15,19 130:5 130:14,25 140:20 141:4,15,16,24 142:9,11,12,14,18 142:19 143:7 150:25 168:6,9,15 168:18,19 169:8 170:2,7 172:11,25 173:8,25 174:7,11 174:16 222:25 223:3 ies 159:12 iesna 155:11,21 159:16,20 160:5,6 163:3,4 igcc 144:10 220:2 illness 15:9 image 140:12 images 119:25 imc 207:7 impact 128:13	implementation 109:25 implementing 198:15 important 102:21 146:1 149:13 155:4 inbox 221:25 inch 158:14 195:8 inches 195:7 include 53:8 70:17 70:20,21 77:8 78:13 79:12 82:6,25 83:17 89:20 90:20 104:21 106:6,16,17 121:16 133:1 145:14,15 155:1 156:8 163:17 164:10 165:13 167:10 177:5,6 203:1 205:18,22 210:24 included 77:19 79:19 132:25 150:9 168:14,18 174:25 189:2 196:12 203:10,13 214:5 includes 79:9 105:13 106:11 138:7 164:12 196:3 196:9 including 52:17 53:11,19 110:1 189:11 203:4 205:7 inclusion 172:11 incoming 40:10,14 incomplete 28:9,18 29:11 incorporate 138:21 139:6,8 incorporated 9:21 44:5 136:7 175:8 176:2 177:9 incorporates 175:21 176:8,23 incorporating 139:14,14 212:21	incorporation 130:7 136:13,18 170:6 incorrect 37:7,9 increase 119:1 189:10 190:5 increased 123:6 index 4:1 indicate 95:21 indicated 188:10 212:2 214:1 indicates 158:4 indicating 203:5 212:8 221:13 indications 128:9 individual 23:10 78:12 80:6 87:2 140:10 145:2,25 161:11,13 201:12 individually 53:21 140:4 201:16 individuals 78:25 91:7 99:17,25 100:7 114:22 118:18 125:1 163:6 indoor 99:12,13 210:3 industrial 206:14 industry 18:20 22:10 42:25 43:17 48:14 101:17 106:7 204:18,24 influencing 138:19 inform 118:6 information 12:12 12:15 14:15,16 66:14 79:10 80:6 102:10,18 107:1 132:13 155:2 180:3 181:23,24 187:7,9 197:7 199:3 202:7 infringement 191:10,20 192:7,7 222:18 223:4 initial 43:5 184:8	initiation 44:20 180:15 initiative 112:23 innovation 112:23 inquire 223:8 insert 73:11,14 90:5 inserted 161:11 inside 158:18 insofar 92:10 93:9 120:2 instance 43:8 71:7 141:17,19,22 153:19 161:10 instances 114:6 125:1 institute 45:1 instruct 183:11,13 183:15 intellectual 187:1 190:25 intends 210:14 intent 97:24 intentions 210:16 interaction 41:4 45:3,5 110:2 171:9 interest 21:17,18,19 21:24 22:2,6 24:7 24:11 48:16 49:23 50:3,5,9,10,10 57:19 101:21,23 105:10,12,15 106:4 106:7,12,20,21,24 107:5,8,11 183:10 189:3 219:24 interested 147:21 226:8 interfaces 148:3 interfere 9:7 international 1:3 10:21 32:1,4,6 41:7 47:10,15,17,19 100:4 110:22 111:9 150:21 168:1 169:2 169:16 171:21 205:17 221:19,20
---	---	--	---

[internet - kslaw.com]

<p>internet 98:23 186:14 internship 146:24 interpret 132:6 interpretation 41:6 46:6,13,13,14 95:1 interpreting 157:21 interprets 46:11 intersociety 41:8 47:11 introduced 51:12 142:24 involve 20:19 21:9 23:25 183:16 involved 11:18,25 22:19,20 24:14,22 97:13 138:5,8,25 145:1 183:18 184:10 188:15 211:19 213:21 216:18 involvement 20:15 47:16 involves 20:20,20 involving 185:5 ip 159:13,17,21,21 186:13 iprpc 186:10,11,22 187:3,12,16 188:9 188:12,16 189:2,12 189:19 190:20 191:4 irc 142:18 iron 59:9,12,19 61:2 61:5 67:5 165:4 irrelevant 211:16 isaac 9:10 iso 110:23 111:3 issue 11:16 38:20 44:4 52:17 53:13 66:5 151:4 152:10 152:16,18,25 194:6 207:19 210:1 211:17 213:10</p>	<p>issued 43:1 96:21 170:4 issues 41:20,24 48:5 56:11 126:12 139:13 146:1 188:18,23 189:1,1 205:11 208:24,25 218:11 items 36:1 178:25 191:6</p> <p style="text-align: center;">j</p> <p>j 2:7,16 james 161:14 january 65:7 68:13 68:24 69:6 76:7 80:25 83:16 84:5 85:2 154:18 189:12 190:6 196:2,4,4,6 jarnigan 200:15 jci 206:11 jd 16:12 jeff 33:18 114:23 115:1,2 121:22 122:1 142:24 180:25 182:18 186:20 200:15 202:21 203:9,10 220:7 jenkins 15:15,16 jerry 156:6 jim 115:20 158:5 jkfee 2:11 job 1:25 11:18 18:2 18:13,23 21:21 204:2 205:9 jobs 23:23 jodi 180:25 184:21 206:22,23,23 208:11 join 137:18 189:19 189:24 jonathan 163:16 jones 34:2</p>	<p>judiciary 186:13 july 64:6 june 8:11 15:19 63:18 123:3 137:8 167:9 juris 16:6 jurisdiction 46:22 51:6 124:5,7 168:11 jurisdictions 130:17 144:24 148:15 149:11 150:4 justification 204:20 justified 127:2 204:22</p> <p style="text-align: center;">k</p> <p>k 140:16 157:2 220:16 kathleen 17:1,2,3,5 katrina 25:9,10 34:2 36:2 keep 58:19,22 61:1 66:2 80:2 122:20 keeping 58:25 kent 148:9 149:2,5 150:15 kept 66:6 kevin 2:7 10:20 200:19 kin 226:6 kind 11:14 13:1 22:14,21 66:14 112:10 118:9 173:12 209:9 king 2:15 10:16 knew 190:7,12 207:2,5 216:13 know 13:20 14:9,22 21:7 22:5 24:5,20 27:4,15 29:19,20 33:11 35:7 36:4,4 39:7 43:1,24 44:21 46:18 48:5 50:8,17 51:4,5 58:21 60:17 61:4 65:17 66:11</p>	<p>69:7 71:7 79:25 89:14 91:1 99:12 101:19 102:10 103:11 104:8,13,16 109:14 112:17,21 117:23 119:6,10 120:13 121:21,24 123:18 124:12 125:14,18 126:1,15 126:17 127:4,5 128:23,25 130:2 131:23,24 133:10 133:21 136:1 137:12 138:3 145:3 145:19 146:12 147:11 155:2 160:14 164:24 166:19 171:25 172:21 174:5 176:15,19 177:4,8 177:11 179:14 181:25 183:2 184:14,16,18,20,22 187:10 189:10 190:2,4 191:24 194:17 195:2,7 200:22 202:22 203:11 204:22 207:8,20 210:6,16 217:8,11 218:12 223:6 224:1 knowing 176:17 knowledge 31:1 52:22 53:2 65:24 66:1 103:8 133:5 172:14 knowledgeable 52:12 known 32:7 124:23 190:17 219:8,11 knows 133:25 krumm 17:1,3,5 kslaw.com 2:21</p>
---	--	--	--

[l - looking]

l	182:20 199:25 200:4 201:4 211:8 215:8	levels 34:15 112:6 lewis 2:6 liaison 25:19 26:15 34:22 35:20,24 36:19 39:22 41:7 47:10 48:3,11 57:20 95:10,16,17 187:17 187:18 211:25 liaisons 41:17 57:21 57:22 187:25 lighting 157:13 limbo 28:11 limited 13:14 43:4,8 53:19 line 60:21 64:24 72:22,25 79:18 84:10 88:10 129:13 129:13,15,15 163:23 187:2 188:16 217:5 link 186:15 links 186:16 lisle 34:3 list 21:24 22:7 24:5 61:11 138:2 156:9 156:15 176:14 177:1,4 214:9,10 listed 23:8 58:11 109:17,20 138:9 154:10 168:10 192:24 193:5 201:12 listen 204:19 listening 10:13 listing 106:3 lists 56:14,15,17,18 56:20 58:19,20 61:10 147:23 153:9 listserv 187:6,8 188:11 litigation 180:6 182:2,5 218:20,21 little 45:8 96:11 151:15,18	littleton 33:18 114:23 115:1 121:22 181:1 182:18 200:16 202:21 203:20 littleton's 33:19 186:20 live 126:13 186:15 llp 2:6 3:7 loads 35:3 local 46:22 112:6 115:21,22 145:10 145:19,22,23 146:1 146:7 150:9 151:4 215:6 located 9:15 116:3,7 lodge 207:16 log 61:1 90:16 logged 88:5 89:5,17 90:18 logs 61:3 long 13:13 16:18 19:3,11,19,25 99:3 108:24 116:9 127:14 133:16,21 138:2 156:15 214:18 longer 133:19 205:1 208:16 look 22:8,16 23:6,16 32:3 38:11 74:23 80:3 107:2,5,6 114:5 133:18 135:6 146:16 156:6 158:18 159:2 160:7 165:1 168:8 175:14 180:8 186:23 188:14 189:6 198:15 202:4 204:20 223:23 looking 23:9 36:3 61:8 64:15 74:22 81:12 84:3,24 85:16 86:8 103:7 175:13 187:1 204:22 209:1
l 181:19 lab 164:17 labeled 61:6 117:13 122:6 159:10,14,18 160:25 197:14 199:21 201:25 202:12 206:12 labeling 197:20 laboratories 181:19 181:20 laboratory 181:21 182:1 lack 190:21 ladies 210:10 language 73:9 77:19 77:22 79:9 92:20 101:5 117:9 143:17 167:18 172:7,10,19 172:20 222:11 largely 151:3 larger 140:5 larry 160:13,14 late 183:5 latest 31:4 120:22 law 13:24 16:7,16 16:24 17:15,17 29:22 30:2,9 100:17 103:12,18 138:21 139:6,9,15 143:18 144:5 177:9 203:22 204:12,13,15 205:4 205:21,23 laws 100:15,19 130:8,16 140:23 205:7 lawsuit 11:17,19,23 180:11,15,17 181:3 181:10,17 182:10 182:12,16 183:7,24 lawyer 183:12 leadership 108:1 114:15,25 135:21 136:20 142:23	learning 110:2 leave 44:11 198:24 leaves 37:20 120:3 leaving 199:1 leblanc 34:4 left 57:9 82:22 86:8 105:22 124:5 128:25 223:11 legal 1:20 9:11,15 10:6 16:14 18:25 70:15 93:10 173:2 181:1 184:5,10 188:20 189:1 191:2 193:21 214:23 215:2,20 216:16,20 216:22 legislation 100:25 101:22 102:11 140:12 142:2 209:4 209:14 211:1,4,7 212:22 legislator 102:16 legislators 210:13 210:21,24 legislature 199:16 210:23 219:23 length 195:4 lengthy 204:17 letter 36:8 38:22,23 39:12 88:25 160:3 180:10 198:5 210:15 letters 89:6 192:4 letting 202:22 level 26:3,14,14,14 26:19,24,25 27:2,21 27:22,23 29:16,16 29:20 30:15 32:16 41:16 42:7,8 94:21 110:9 126:17 144:16 151:24 166:8,8 208:24		

[looks - mean]

<p>looks 25:18 39:16 175:10 201:10 202:2 220:17 loses 44:24 losing 12:20 lost 105:4 lot 20:20 29:24 35:25 120:20 125:24 137:25 204:16 216:11 lots 187:4 low 133:1 lubliner 211:19 lunch 93:12,16 94:5 139:20 218:13 224:6 lynn 200:14</p>	<p>115:9 128:21 210:11 managers 34:23 35:1 mandatory 208:13 manner 28:17 manning 34:1 manual 208:10 manuals 177:2 manufacturer 179:22 manufacturing 212:10 manz 221:11 222:11 222:12 march 1:18 8:13 9:12 62:13 76:23 81:15 82:5 85:18 105:23 203:14,18 mark 8:10,12 34:1,1 34:17 35:8 44:15 69:3 72:6 114:23 157:20 158:4 175:6 200:16 206:9 211:24 212:2 215:4 216:2 218:24 219:1 219:20 220:17 221:25 222:2 mark's 115:9 marked 51:8 55:21 55:25 57:2 61:21 62:2,4,8,10,14,16,20 62:22 63:1,3,7,9,13 63:15,20,22 64:2,4 64:8,10 65:1,3,18 68:6,8 69:18,20 71:20,22 72:13 74:7 74:9 75:13,15 76:10 76:12,25 77:2 78:5 78:7 79:3,5 80:8,10 80:15,17 81:4,6,19 81:21 82:9,11 83:6 83:8,20,22 84:13,15 85:7,9,25 86:2,20 87:17,19 90:7,9</p>	<p>93:17 94:2 107:13 107:16 117:10,12 119:20 122:2,4 124:8 127:19,21 131:3,5 134:4,6 136:22,24 148:5,7 148:23,25 153:2,4 154:13,15 155:5,7 155:15,17,25 156:2 156:20,22 157:3,5 157:15,17,24 158:1 158:6,8 159:3,5,22 159:24 162:20,22 163:8,10 164:1,3 165:5,7 167:2,4,21 167:23 169:11,13 171:16,18 173:17 173:19 174:18,21 177:12,14 180:18 180:20 184:25 185:2 188:1,3 195:20,22 196:19 196:21 197:12,14 197:24 198:1,17,19 199:8,10,18,20 201:23,25 202:10 202:12 206:1,4,16 206:18 207:24 208:1 209:19,21 211:10,12 213:3,5 219:16,18 221:5,7 market 121:14 141:14 marketing 102:12 117:14 118:8,10,11 118:12,19 121:4,7,8 121:9,11,13,16,19 122:9 123:3 196:10 197:1 marketplace 12:20 12:25 13:5 117:22 125:12 markey 140:17 married 15:19</p>	<p>martha 156:11 match 88:18 material 70:8,21 98:19 122:7 168:14 168:17 180:9,9 191:16 208:10 216:12 materials 1:3 9:20 175:22 176:9,24,25 187:22 mathis 118:1 224:3 224:4 mathis's 117:24 matt 51:20 55:7 72:11 73:25 122:8 131:23 185:3 202:16 217:3,21 matter 216:18 matters 11:14 matthew 3:8 10:9 11:2 mature 132:19 maturity 131:20 132:20 133:7 max 206:24 mbecker 3:13 mcfarlin 34:2 mchugh 163:16,23 mcherry 3:19 10:11 mean 21:12 22:21 28:4,4,21 31:7,9 32:12 33:6 34:7 37:18,19 47:2 50:7 57:12 58:1,2 59:5 60:6 63:12 68:21 88:20 92:19,22 96:13 100:17 102:2 102:7 105:22 106:21 113:10,12 116:20 121:1 123:23 124:2 126:20 128:14,18 130:6,11,15 131:21 132:9 136:1 144:11</p>
<p>m</p>			
<p>madam 223:7 maiden 15:15 main 34:20 maintenance 58:16 60:6,7,11,13 65:6 66:9 67:24 68:12 69:5,8 72:2 76:17 80:19 82:20 83:12 85:15 96:12,24 97:14 133:3 163:16 164:9 165:10 166:6 167:8,18 major 144:8 153:14 204:16 majority 34:10,21 47:14 213:21 makers 145:19,23 146:1 making 21:5,12 29:12 36:4 98:12 139:5 171:11 malamud 3:18 10:14 malamud's 186:16 manager 19:17,24 20:6,10 34:6 35:19</p>			

[mean - multiple]

<p>151:17 163:22 169:25 172:9 176:25 181:7 182:20,22 187:18 195:9 200:5,21,21 205:15 209:3,14 222:8 223:3 meaning 21:7,15 207:3 208:12 means 14:5 31:12 32:13 33:4 42:21 50:9 52:11 57:11 75:5,10 93:5 124:3 125:15 126:17 187:19 224:10 226:5 meant 60:1 129:6 measure 141:10,12 mechanical 221:15 221:17,20 mechanism 151:22 mechanisms 148:16 149:12 150:5 151:1 151:6,10 media 203:3 medication 15:9 meet 136:11,17 139:24 140:1,2,4 143:4 151:2 201:20 218:10 meeting 35:4 69:7 107:25 123:3 137:7 140:7,10 184:8,9,11 184:12,15,17,19,23 189:4 196:1,4,5 200:1,4,5,9 201:5,5 204:6 meetings 36:6,7 200:17 201:4,7,15 204:8 215:9,12,12 meets 137:21 143:5 member 60:9 78:22 78:23 87:15,15 88:9 97:20 110:16,18 111:15 112:7</p>	<p>117:25 118:2 131:24 133:17,19 145:25 146:17,18 160:17 161:17 162:9 164:16 165:17 166:5 187:3 187:5,5,16 188:8 203:8 207:3,6 members 26:21 29:3 40:6,8,19 45:14 48:7,13,17,18 49:20 49:22 56:16,20 57:18 61:10,12 95:8 96:18 98:8,15 114:20 118:21 136:17 138:9,10,20 138:25 139:3,13,25 140:4 146:6,15 163:1 171:15 173:14,15 186:19 187:4,12 193:11,15 193:23 194:1,5 198:25 199:2,15 204:8 208:17 210:7 212:20 214:11 membership 20:21 21:2,6 23:21 24:2,3 24:4 26:6,7,18,20 28:1,3,16 29:4,11 36:1 41:23 42:4 50:2 67:18 77:7 78:12 79:1 86:7 87:2 94:10 95:8,11 96:14 100:13 110:17,19 112:5 166:11 188:10 193:13,24 208:25 memberships 50:3 167:15 memorandum 108:5,16 113:3 134:10,15 135:23 135:23 memorandums 134:18,22 135:8</p>	<p>memorized 138:3 memory 216:18 mentioned 42:14 47:23 60:5 113:13 160:10 224:20 mentions 198:12 mess 195:3 met 13:6 97:24 143:15 214:18,22 method 27:23,25 31:3 43:18 metrics 214:5 mexico 137:7 meyers 34:3 michael 207:21 michigan 16:6 18:1 mick 178:23 179:7 179:10,12,19 microphones 9:2,6 middle 125:10 150:18 203:21 mike 211:19 millions 12:21 mind 70:13 188:20 minds 129:19 mine 89:7 minimal 191:8 minimum 30:4,10 30:11,13,15,19 109:4 111:9 126:13 126:14,16,17 127:7 127:17 137:23 138:18 220:11 minnesota 221:12 221:13,14,15,17,18 minute 202:15 223:10 minutes 20:23 36:17 38:12,13,16 48:12 55:8 196:1,3 221:22 mischaracterization 145:13 misrepresent 215:10</p>	<p>missed 72:22 94:4 missing 73:19 79:17 179:1 213:22 222:7 mission 99:3,5 109:14 mistaken 142:1 mister 162:6 model 45:7,9,12 100:15,18 143:3 modifications 168:25 modified 143:5,15 modify 70:10 moment 46:17 102:3 209:21 211:12 monday 1:18 188:21 189:5 196:6 month 140:3 166:21 218:11 months 69:4 167:1 178:4 moot 56:23 morgan 2:6 morganlewis.com 2:11 morning 204:9 motion 56:23 166:7 motions 157:10 mountain 59:9,12 59:20 61:2,6 67:5 165:4 mous 136:4 move 18:5 37:15 107:8 moved 18:1,3 107:11 121:10 moves 41:19 moving 40:25 142:12 multiple 40:19 41:17 65:19 134:18 145:4 173:6</p>
--	---	---	--

[n - october]

<p>n</p> <p>n 89:7 90:19 201:10 207:15</p> <p>naiop 206:11</p> <p>name 4:3 9:10,25 11:2 15:12,15,18 16:24 24:6 25:5,8 73:11,12,14 87:24 88:4,5,10,21,25 89:4,4,12,16,17,18 90:5,18 91:7 161:11 164:18 166:4 187:12</p> <p>named 182:24</p> <p>names 15:14 88:14 88:17 184:22</p> <p>naming 103:22</p> <p>naseo 201:10</p> <p>national 1:4 45:1 140:17 142:25 150:19 151:24 219:22,22</p> <p>nature 12:8 13:2</p> <p>near 128:7</p> <p>necessarily 29:21 37:6 59:7,15 102:16</p> <p>necessary 103:2 148:15 149:11 150:5 166:13</p> <p>need 14:4 22:16 43:19 44:1 95:23 96:1 103:14 104:7 109:9 113:6 146:16 148:13 149:9 151:23 168:8 181:2 188:19,23 202:8 206:20</p> <p>needed 103:18 178:24</p> <p>needs 44:3,5 95:22 103:17 172:23 196:15</p> <p>neiman 187:21</p>	<p>nema 201:9 206:10</p> <p>network 67:3,8</p> <p>never 166:9 186:9 186:25</p> <p>new 27:13 36:16 37:12 39:12 40:21 40:25 43:1 46:7,7 67:17 75:3 95:5 96:18 97:3 111:1 115:20 135:14 137:7 202:6 207:2,4 207:6,7</p> <p>newest 120:23</p> <p>news 121:6 123:8,8 123:11</p> <p>nfpa 45:9 47:2,3,5,7 56:7 100:5 181:18 182:19,21 205:17</p> <p>nicole 34:1</p> <p>night 204:9</p> <p>ninth 160:8</p> <p>nist 207:11,13,14</p> <p>nm 142:24</p> <p>nods 14:5</p> <p>nonexclusive 70:8</p> <p>nonpolicy 26:14,14 26:24 27:7,11,22 42:8</p> <p>nonsafety 21:15</p> <p>normal 127:4 156:19</p> <p>normally 156:15 187:14</p> <p>north 131:16</p> <p>northeast 9:16 15:23</p> <p>note 9:2 57:6 88:1 187:10</p> <p>notes 133:4 144:15 199:25 200:24 201:6 216:5</p> <p>notice 44:1 51:9 215:24 216:2,9</p> <p>notification 44:20</p>	<p>november 18:10 155:12,22 163:1</p> <p>number 9:24 47:6 50:7,22 52:15 53:8 53:10,15,24 54:2,5 54:7,10,13,22 55:1 57:7 62:10,16,22 63:9,15,22 64:4,10 65:3,11,12,14 66:17 68:8,8 69:20,24 71:22 72:13,13 74:9 75:15 76:12 77:2 80:10 81:21 82:15 83:8 84:22 85:9 86:22 88:2 90:13 94:2,14 103:24,25 103:25 104:1 105:9 106:11 107:17,18 117:13 118:25 119:21 122:23 123:6 127:21 131:6 131:18 132:16 134:6 136:24 137:14 159:5 167:24 177:15 178:3 189:10 190:5 195:23 196:22 198:2 199:11 206:4 206:5,8 224:19</p> <p>numbered 155:17 156:2</p> <p>numbering 195:16 195:17</p> <p>numbers 12:22,23 13:7 80:12</p> <p>nw 2:8</p> <hr/> <p style="text-align: center;">o</p> <hr/> <p>o 201:10</p> <p>oath 13:24</p> <p>obama 198:7</p> <p>object 13:11 23:5 28:20 30:24 31:11 31:23 32:24 33:8 46:19 50:14 51:2</p>	<p>60:20 65:25 67:10 70:4,19 72:11,17 73:25 77:16 78:19 79:15 92:2,6,10,18 93:8 99:20 100:10 101:25 103:4,13 104:10 109:1,12 113:18 118:5 120:2 123:9 124:19 125:4 128:15 129:21 131:22 136:8 138:22 139:16 172:3 177:19 182:6 209:23 213:8</p> <p>objection 61:13 70:14 88:7 104:11 104:20 105:1 117:6 132:21 134:3 145:9 145:12 170:8 172:12 173:1 176:12 179:17 182:7 183:8,14 184:1 188:24 189:16,21 190:14 190:21,23 191:5,12 191:21 192:9,25 193:6,10,20 207:17 208:3 209:16 211:14 222:21 223:5</p> <p>objections 183:25</p> <p>objectives 124:10</p> <p>observing 187:5</p> <p>obstacle 120:1</p> <p>obstacles 119:21</p> <p>obtain 79:1</p> <p>obviously 51:21 214:17 222:7</p> <p>occasions 214:23</p> <p>occur 107:25 200:6</p> <p>occurred 51:24 152:12 201:19 215:19</p> <p>october 78:4 86:10 87:5</p>
--	--	---	--

[office - participating]

<p>office 137:4,12 139:20 144:7,11 146:14 158:13 159:12,16,20 192:20 210:12,20 211:5 215:5 222:1 offices 147:23 148:1 218:14 official 22:22 23:13 108:5 officially 208:12 officials 106:18 114:14 119:2 147:21 149:22 150:10 202:6 205:19 215:7 oh 73:19 105:4 118:1 137:25 138:3 207:9 223:17 okay 11:7,14,22 13:16 14:1 15:20 16:10,24 17:16,23 18:5,8,11 20:9 22:5 22:9 23:2,12 34:25 35:23 45:11 51:14 60:25 61:22 89:20 94:15 95:17 97:24 101:12 102:3 106:2 111:17 117:4,15 118:3 122:19 127:23 132:2 135:3 142:14 147:1 152:17 153:1 186:3 188:6 192:21 200:12 201:11 202:20 218:17 221:1 223:25 older 120:20,25 121:1,3 once 18:3 20:2 96:19 140:3 144:1 218:11 ones 42:4 102:23 187:21 online 18:13 87:24 88:12 90:17 91:3,6</p>	<p>176:1,11 186:17,18 203:6 ooo 3:21 8:18 225:10 226:20 operations 53:5 opinions 197:8 204:19 opportunities 145:24 opposed 27:11 195:10 opposing 12:1 option 32:11,15,19 33:1,3 124:4 130:24 oranges 114:12 order 4:10 79:1 87:25 88:8,11 91:10 91:16 103:3,11 172:23 194:16 198:15 ordered 56:13,15 61:10 ordinances 100:15 100:19 ordinarily 65:23 80:2 organization 47:19 110:23 120:9 140:9 180:8 organizational 77:7 78:22 86:7 87:15 181:17 organizations 24:13 136:5 200:1,4,23 201:1,2,11,21,22 202:25 203:5 206:10 210:17 218:13,15 organized 184:8 oriented 110:3 original 98:6 originally 26:15 194:25 ostp 200:18</p>	<p>outcome 143:21 outlines 216:6 outside 58:5 60:22 92:11 99:15 178:7 179:18 211:15 212:9 outstanding 4:11 overdo 49:8 overhaul 120:15 oversee 20:17 21:1 100:18 overseeing 20:22 oversees 45:6 oversight 25:22 26:3 27:2,6 29:17 41:15 47:14 49:16,17 95:16 owned 17:7,7 owner 127:5,9 ownership 53:11,12 owns 70:10 71:2 92:23 93:3 224:8,15</p>	<p>161:7,8,22 162:13 162:14 164:22,22 168:21 169:20 174:1 175:14,19,25 176:7,9,23 195:10 195:11 196:7,9 201:9 203:20 pages 58:11 125:8 126:3,11 160:10 paper 59:9,19 67:4 68:4 98:24 165:3 212:7,7 paperwork 44:17 107:2,7 paradigm 126:12 paragraph 84:9 85:22,22 89:23 148:13 149:9 150:18 175:14,20 175:21 201:13 203:21 paragraphs 174:9 parentheses 126:4 137:17 part 23:19 24:1 29:21 47:6,7 48:7 109:3 118:10 123:13 125:25 138:1 141:1 142:19 143:23 152:9 157:8 164:21 166:11 177:22 178:2,5 182:1,5,9,12 193:12 216:12 218:24 222:15,18,24 223:2 participants 181:17 200:8 participate 24:14 50:13,23,25 99:18 100:7 117:7 173:15 187:11 191:8 219:1 219:4 participating 101:16</p>
		p	
		<p>p 30:7 153:16 155:12 156:8 p.m. 225:9 packet 162:25 page 4:3,9 5:2 6:3 7:2 8:2 52:5 53:23 54:4 56:5,10 61:9 72:6 74:23,25 76:22 81:12 84:3 106:10 110:20 118:24 119:14,20 123:5 124:8 125:10 127:13 128:8 131:17 137:14 138:4,10 140:11,15 142:22 143:10,16 144:6 145:18,24 146:9 148:12 149:8 150:16,18 153:8,8 153:11,20 159:10 159:14,18 160:8,25</p>	

[participation - president]

<p>participation 52:17 112:6 137:15 138:13 145:25 particular 21:23 22:3 24:16 42:12 43:17,20 52:8,12 103:21,22 106:20 114:19 124:6 143:18 164:14 171:6 173:9 185:14 217:18 218:21 particularly 132:10 203:22 204:11,12 parties 9:8 10:4 224:17,18 226:7,7 partnering 119:11 partnership 119:4 119:16 parts 21:7 53:12 party 12:1 passive 125:13 patents 191:1 patricia 186:11 187:16 pay 124:14 pays 24:14 110:17 pdf 212:8 peachtree 1:20 9:16 pekka 162:1,5 penalty 151:21 pending 56:11 pennsylvania 2:8 people 21:16 27:24 33:25 34:10,12 36:5 40:17,23 49:23 50:8 50:12 57:24 58:5,9 58:13 65:19 95:8 100:13 101:17,19 102:9 104:8,24 107:10 114:19 115:19 116:8 118:7 119:8 123:12 124:14 149:15,18 155:2 187:4,14 191:15 195:2</p>	<p>198:13 204:18 205:10,24 perceived 125:19 percent 21:16 50:10 144:3 198:9 220:15 performance 137:16 137:20,22 138:6,14 138:16 139:11 140:6 performed 195:14 period 131:20,21 132:19,20,23 133:7 175:12 192:3 periods 133:6 permission 56:7 70:23 172:20,23 178:24 179:4 192:2 208:9 212:11 222:5 222:14,20,25 permissions 221:25 persily 8:6 person 16:22,23 17:6 21:20 22:14,17 22:19,24,24 24:24 25:1,5,8,13 27:14 28:13 29:2 34:15 35:3,4 41:19 48:12 88:19 106:22 114:15 115:20 116:25 127:5 131:23 182:24 183:1 184:20 187:19,20 person's 89:16 personal 11:12 125:6 178:1 personally 124:25 207:11 personnel 52:18 112:5 persons 53:16 56:14 56:19 pertains 68:23 94:4 peterson 148:10 149:3,5 150:15</p>	<p>phones 9:5 physically 88:20,23 pick 9:3 place 9:5 99:24 183:3 184:9,12 places 150:8 plaintiff 2:4,14 12:5 plaintiffs 1:7 plan 42:10 178:11 planning 48:6 plans 41:23 42:10 played 20:16 plays 21:21 please 9:2,5 14:9,15 14:21 15:11,21 26:9 64:12 65:4 69:21 72:6 106:1 150:15 156:22 157:5 158:1 159:9 173:7 174:3 188:14 192:18 196:7 206:19 208:19 209:21 211:12 214:13 point 14:8 18:17,20 19:21 34:20 59:21 61:14,16,18 131:25 143:19 144:8 146:2 153:21 pointed 129:24 points 36:10,25 140:19 143:2 policies 209:9 219:24 policy 26:3,13,19,25 27:1,7,11,19,21,22 29:16,16,20 30:7,8 41:5 42:7 46:5 58:21,24,25 60:22 65:24 94:25 116:19 116:20 145:19,23 146:1 186:24 209:1 209:6 political 16:9 portion 126:1 179:11 223:3</p>	<p>portions 45:22 222:16 portman's 206:9 position 19:8,19,25 23:3 25:11,13 33:15 33:19 34:5 35:18 117:24 132:3 174:10,15 positions 115:8 positive 32:1 135:15 136:9 possible 130:10,18 post 191:15 192:3 203:6 posted 100:22 186:17 192:1 posting 18:13 potential 174:7 192:7 214:24 pound 158:14 power 214:8 pr 181:2,5 183:6,23 184:4,8,18,22 practice 16:15,21 112:9 pre 56:15,21 predicts 27:9 preparation 214:14 215:2 216:6 prepare 52:12,20 216:8,14 prepared 14:25 53:7 53:15,23 54:1,4,7 54:10,13,16,19,22 54:25 55:3 77:24 present 3:17 10:2 135:8 205:8 presentation 123:2 131:9 137:3 presentations 139:19 presented 117:21 president 33:20 115:3,4 134:13 197:18 198:6,7</p>
---	--	--	---

[president - providing]

213:16 221:12 press 130:2 181:6 pretty 36:20 181:14 217:16 prevent 12:16 prevented 12:13 preventing 15:8 previous 13:17 15:14 48:22 75:24 76:19 80:13 82:7 85:4 152:12,20,21 176:7 185:12 previously 49:25 51:8,12 166:3 print 57:15 printed 57:14 62:6 62:12 65:7 69:6 73:3,7 195:7 printing 119:24 153:22 printout 153:4,8 prior 18:20 35:5 59:1,2,10 60:18 69:6 93:23 94:5 113:19 136:17 139:17 143:10 145:13 156:14 176:4 218:1 priorities 117:21 118:7 priority 119:1 private 9:4 52:18 privilege 183:10 215:18 privy 191:22 pro 138:15 probably 23:16 38:5 51:25 59:8,18 66:2 67:11 80:5 97:25 98:1 104:14 108:9 109:2 111:11,13 113:11 120:18 121:23 129:24 140:10 156:15 182:17 184:13	212:3 219:6 procedures 18:14 18:25 19:3 41:5 46:5,10 94:25 proceed 10:8 89:1 proceeding 89:3 process 13:15 18:25 24:1 25:21,23,24 29:12 37:16 42:3,6 42:8,9,12 43:20 44:13,14 45:6 47:8 52:16 96:2,3,8,9,25 98:8 99:15,19 100:9 101:3,9,14,22,24 102:5 111:22 114:10,11,12,16 117:8 152:10,11,15 170:9,15 171:10,11 178:6 205:2 215:5 215:10 223:1 processes 36:8 42:11,14 129:25 processing 213:25 produce 56:13,15 61:10 produced 71:12 91:12,13,18,20,22 91:25 122:22 147:9 169:1 213:6 product 12:19 43:20 102:24 123:12 production 56:18 products 121:14 professional 112:4 program 144:21,25 145:1,6 197:20 198:13,16 199:5 213:17 programs 110:1 114:17 176:3 prohibitive 182:9,12 182:13 project 21:9,12 24:6 26:15 27:13 28:5,5 29:3 36:2,6 39:19	39:22 41:17,20,24 43:3,9,10,11 44:19 45:14,16 46:15 48:20 49:8,14,20,22 50:2,6,7,13 52:24 56:16,20 57:3,23 58:2,6 60:9 61:10 61:11 77:6,12 78:11 79:2 86:6 87:1 94:11 95:5,10,16 96:6 97:10 98:5 107:1 112:8 116:21 116:22 117:2,21 160:4 163:1 165:18 166:2,4,12 167:13 171:5,15 193:12,16 194:5,8 198:9 204:8 projects 46:7,8 49:13 67:17 113:12 214:10 promote 111:2 promoted 19:6,9,14 19:16,21,23 20:2,4 promoting 109:25 110:21 111:19,20 138:15 144:12 promotion 111:5 144:10 proper 101:15 properly 21:8 property 187:1 190:25 proposal 45:17 58:17 60:11,14 65:12,16,17,20 66:10,17,20,22,25 72:2 80:20 96:24 125:21,23 165:19 165:24 166:6 167:19,25 168:8 169:15 171:20,23 172:1,7,24 194:3 202:4 proposals 20:23 21:3 45:7,12 46:7	65:5,11 67:7 68:11 68:15 69:5,8,10,14 83:4 85:23 111:7 125:11,15,19 168:1 168:25 169:16 170:10,14,17,25 171:21 194:2 propose 37:24,25 45:15 60:8 127:3 143:4,14 152:21 166:5 proposed 4:10 37:5 38:4,9,12,19 46:9 46:21 47:1,3 76:16 82:19 85:13 97:20 97:23 142:2 143:12 143:13,17,19 160:21 161:1,22 162:15 163:14,20 163:23 164:7,19,23 165:9 167:7,11 171:1,6 206:13 proposer 65:11,14 66:17 proposes 27:13 proposing 142:5 protection 1:4 prove 149:16,16 provide 34:13,15,17 41:18 61:11,17 110:11,14 111:14 117:4 119:11 132:13 185:15 187:22,23 212:19 212:24 222:5,11 provided 13:24 53:4 64:16,18 66:5 111:10,12 147:5 149:4 176:11 185:8 186:15 187:6,9 provides 110:6 149:22 175:7 176:1 198:13 providing 13:22 112:8 179:6
---	--	--	--

[public - recognize]

<p>public 20:22 21:2 24:15 27:5 36:14 39:14 41:23 42:6 44:10 56:8,22 60:10 60:10 67:20 69:22 74:14 75:19 81:10 82:1 84:1,19 88:9 91:14,18,22,25 95:14,18 96:2,21 129:20,23 160:4 163:2 167:25 168:1 168:25 169:15,16 171:20,21 176:1,11 179:24 180:2,11,14 181:6,7,9 185:4 191:25 192:3 194:2 194:19,19,25 202:23 203:18 218:17</p> <p>public.resource.org 1:9 3:18 9:21 181:11 182:16 189:15,20 190:4,11 190:12,13,16 191:4 191:11</p> <p>public.resource.or... 51:9</p> <p>public.resource.org. 10:13 11:4 180:10</p> <p>publication 20:23 21:3 36:15 39:14 67:21 77:25 96:1 112:9,10,12 156:14 195:5,18 221:24</p> <p>publications 177:3 194:19 195:15 199:6 213:24</p> <p>publicly 130:24</p> <p>publish 112:15 161:2,4 222:18</p> <p>published 44:16,23 62:1 131:2 133:15 154:1 169:1 179:3,5 186:16</p>	<p>publishing 59:25 60:3 112:13</p> <p>pubs 156:7</p> <p>pull 45:22</p> <p>pulled 132:24 172:8 172:19,20</p> <p>pulling 220:8</p> <p>purportedly 203:2</p> <p>purpose 41:22 42:9 67:19 94:23 95:5 97:1,3,19 98:25 99:2 100:24 101:2 102:4 108:15,18 109:11 118:3 121:12 137:9,11 138:13,19,24 154:21 158:20 189:18 190:19 197:2,4 199:1 217:5</p> <p>purposely 177:25</p> <p>purposes 99:6 202:9</p> <p>pushing 138:17</p> <p>put 43:25 72:20 75:3 88:18,21,25 92:21 107:4 127:5,6 127:10,11 144:5 154:3 166:19,20 170:18 187:6,8 195:1</p> <p>puts 44:9</p> <hr/> <p style="text-align: center;">q</p> <p>qualified 18:22</p> <p>quality 99:13,13 210:3</p> <p>quasi 191:1</p> <p>question 14:9,10 25:3 42:13 51:21 100:12 147:5 156:11 183:21 196:12 209:11,12 209:13 214:17 217:6 224:7,12,14</p> <p>questioning 60:21 122:20 217:5</p>	<p>questionnaire 196:24 197:3,4</p> <p>questions 13:15,21 27:15 39:10 48:22 93:9 97:22 185:7,25 214:24 215:8 216:9 223:20 225:5 226:4</p> <p>quick 152:2</p> <p>quickly 223:20</p> <p>quote 172:23</p> <p>quotes 170:21</p> <p>quotient 197:22 198:13</p> <hr/> <p style="text-align: center;">r</p> <p>r 13:3,6 89:7 90:19 157:2 226:1</p> <p>ramspeck 33:14 188:8,14,22 189:5,9 189:14 190:3,13 215:7 216:3 220:9</p> <p>ramspeck's 33:15 189:18</p> <p>ran 57:14</p> <p>range 34:18</p> <p>reach 101:18 119:14 136:5 144:21</p> <p>read 73:19 114:23 115:16 129:2,6 173:24 185:18,20 185:24 195:2 200:16 206:20 209:22 211:13 219:6 222:3</p> <p>read's 115:7,12</p> <p>readability 119:25 120:6</p> <p>reader 120:10</p> <p>readily 56:17</p> <p>reads 61:23</p> <p>reaffirm 44:11</p> <p>reaffirmation 41:3 42:16,18 43:1 44:8</p> <p>reaffirmations 42:23 43:13</p>	<p>reaffirmed 43:15</p> <p>reaffirming 42:19 44:22</p> <p>realize 14:13</p> <p>really 23:16 50:16 118:1 138:15</p> <p>reason 13:9 14:4 29:19 44:5 64:17 70:13 71:11 101:4,5 102:6 122:22 150:3 166:24</p> <p>reasons 50:22 99:22 100:6 205:3</p> <p>reauthorization 210:6</p> <p>recall 14:20 217:16 224:11</p> <p>receive 27:4</p> <p>received 65:5,12 66:18 68:11,15 95:24 124:17 178:22,22</p> <p>receiving 202:9</p> <p>recess 55:19 74:19 93:16 116:15 152:6 192:14</p> <p>recipient 174:24 212:12 221:2</p> <p>recipients 109:18,20 128:1 175:7</p> <p>recognize 71:23 74:10 75:16 76:13 77:3 78:7 79:5 80:21 81:6,22 82:11 83:9,22 84:15 85:10 86:2,22 87:19 90:9 94:6 107:19 122:4 127:24 131:6 134:7 136:25 148:7,25 153:5 154:15 155:7 155:23 158:8 159:6 159:25 163:10 164:3,17 167:4,24 169:13 173:19 174:22 177:15</p>
---	--	---	--

[recognize - release]

180:20 185:22 186:5 188:3 195:23 197:15 198:2,20 199:11,21 202:1 213:6,12 219:19 221:8 recognized 119:21 125:9 220:13 recollecting 166:2 recollection 51:19 139:18 180:7 201:3 217:7,15,19,21 recommend 95:10 recommendation 44:8 107:6 recommendations 126:4,5 recommended 214:7 record 9:1,9 13:22 15:12 24:18 38:3 44:25 55:17,22 57:5 58:21,23 74:16,17 74:20 82:15 84:21 88:1 90:12 93:14,18 93:21 98:20 116:13 116:16 152:4,7 186:2 192:12,15 209:10 223:9 225:7 recorded 38:13 recording 9:8 records 58:22,25 59:6,15 60:2 98:23 133:18 136:15 165:1 redacted 79:22,25 80:3,5,7 refer 106:1 111:6 140:25 141:18 142:14 192:18 reference 32:15,25 42:22 43:25 45:19 104:22 124:13 128:11 130:10,13 134:25 139:8	141:21 143:10 175:8,21 176:2,8,23 177:9 209:4,14 220:14 221:21 222:24 224:23 referenced 29:22 30:1,4,19 45:21 127:16 128:18 138:10 142:9 159:1 170:22 174:8 175:16 176:10,18 176:19 177:3 184:18 references 43:6 44:1 47:5,7 123:15 143:8 144:22 145:20 164:21 176:15 206:12 referencing 123:7 145:21 170:20 190:12 220:1 referred 101:21 104:6 207:21 referring 29:8 42:2 66:8 77:11 100:2 104:5,8 105:8 110:24 112:10,14 112:18 119:17,18 120:16 122:16 123:7,18 126:8,15 137:19 143:11 146:3 161:5 174:5 174:12 188:22 189:14 190:3,13,18 refers 105:9 109:24 111:4 112:3 123:6 125:14 140:24 141:1,16 188:15 reflect 99:5 101:23 135:22 reflected 38:16,23 69:10,14 101:24 102:19 151:13 refresh 216:17	refreshed 217:7,14 217:19,20 refrigerating 1:5,14 10:18 refrigeration 51:11 regard 224:15 regarding 107:25 151:6,10 156:4 regards 24:15 43:13 52:8 53:3 111:25 112:17,18 118:24 132:11 208:8 regional 112:22 register 100:23 registration 158:12 159:11,15,19 192:19 regular 226:7 regularly 135:11 regulation 100:3 101:1,22 104:6,7 177:10 209:5,15 212:22 regulations 31:8 130:8,16 140:23 175:9,17 205:21,23 222:15,19 regulator 22:25 102:16 regulators 106:16 rehn 56:6 reiniche 1:16 4:5 10:1,22 11:2 15:7 15:11,13 16:3 33:13 51:7,16,16 55:24 56:2 57:1,8 61:8,20 74:22 76:11 91:1,11 93:20 94:1,3,20 107:20 116:18 117:11,17 122:10 122:21 125:5 127:24 131:4 132:6 132:8,13,17 152:9 174:20 177:13,23 179:23 185:1 186:4	192:17,22 194:8 195:21 196:20 197:13,25 198:18 199:9,19 206:6,17 207:20,25 213:4 214:13 218:4 219:17 221:6 223:20 reject 28:8,21,25 73:4 rejected 28:2 relate 151:5,9 185:3 207:19 209:25 211:16 213:9 218:12 related 1:12 46:10 139:13 146:8 158:4 175:22 176:9,24,25 180:3 191:24 208:24 209:6 211:1 211:4 215:8 relates 30:10 151:19 191:4 210:2 relating 219:24 relations 147:17 181:7,9 185:4 relationship 32:9 113:8 161:15 173:5 relationships 47:12 147:20 173:6 release 69:25 70:3 70:18 72:4,7 73:1,5 73:16,17,17,22 75:23 77:9,13,14 78:14,16,17 81:17 82:7 83:1 84:7 86:11,12,15,16 87:7 87:10,11 89:21 90:1 90:3,21,23,24 91:2 130:2 161:8 162:1 163:18 164:11,13 164:24 165:14,16 166:11 167:13 168:24 169:3,7,10 169:21,23 170:1,4
---	---	--	---

[release - role]

172:6 181:6 released 154:5,18 releases 72:15 75:24 76:4,19 79:13 81:2 83:18 84:8 85:4,20 91:13,15,21 92:5,9 92:17,25 93:6 160:9 160:12 163:6 167:14 224:10 releasing 154:21 relevance 207:17 209:24 relevant 210:22 211:9 214:1 remember 13:13 32:2 47:6 144:14 182:25 186:9,25 189:6 remembered 93:22 remind 135:1 remotely 10:3 191:8 remove 192:5 removed 191:18 192:5 repeat 183:20 209:11 repeated 126:5 rephrase 14:10 22:13 replied 207:5 replying 208:11 report 4:10 33:13,17 33:21 56:3 57:15 65:5 66:16 117:14 123:3 213:18 reported 1:23 203:10 209:2 reporter 10:5 14:2 49:17 74:15 127:9 131:12 178:18 179:9 207:12,14 220:4,20,23 221:1 223:7 reports 33:23 35:15 122:13	represent 10:5 91:11 108:13 representation 56:22 representative 77:7 86:7 105:18 137:17 170:12 representatives 138:7 140:10 148:10 representing 9:10 10:6,12,16 11:3 221:14 represents 56:18 226:5 reprint 6:14 155:1 156:7,16,18 212:11 reprinting 222:14 republish 44:23 request 46:14 72:8 147:14 175:11 requested 212:23 requesting 136:21 222:16 requests 4:11 147:15 require 42:20 58:22 103:11 222:13 required 42:5 43:2 78:25 88:4 91:7 141:2 203:25 requirement 31:1 124:5 requirements 39:4 151:2 requires 27:2 44:14 150:23 151:20 requiring 29:17 research 112:9,12 112:13,15 113:1 199:5 214:9 216:8 216:11 residential 105:5 132:24,25 133:1 141:5,16,19 142:9	142:10,12,15,18,20 142:21,21 143:7 150:22 resolution 95:21 101:19 resource 56:8,23 91:14,18,22,25 179:24 180:2,12,15 202:23 203:18 218:18 resources 203:23,24 204:13 205:5,18,22 respond 69:4 responded 66:20 125:18 129:2 203:8 220:7 222:11,12 responds 95:20 responses 14:5 186:18 responsibilities 189:25 responsible 49:15 171:6 194:12 rest 78:1 93:12 96:24 restraint 11:24 12:9 result 226:8 retain 65:23 retention 58:21,23 60:22 retired 115:11 returning 41:14 75:4,8 rev 75:9 reveal 214:19 215:18 revenue 12:21 124:10 review 13:18 15:1 27:6 33:9 36:1 40:3 41:22,23 42:6 43:5 43:23,24 44:10 46:7 67:20 69:23 71:18 74:14 75:20 81:11 82:2 84:2,20 95:14	95:18 96:2,21 97:21 98:19 107:1 160:4 163:2 185:6 191:25 192:3 194:19 195:1 202:16 212:24 214:24 216:14 reviewed 25:2 36:1 52:4 202:18 215:23 216:17,20,22 218:1 reviewing 20:21,24 28:1 29:2,4 171:10 reviews 20:22 21:2 28:16 36:9,14,25 39:14 44:9,16 46:9 95:19 revised 57:11 75:5 76:6,23 78:3 80:24 81:14 82:4,24 83:15 84:4 85:1,17 86:9 87:4 105:23 143:3 163:21 revising 44:21 revision 43:3,9 59:2 75:2,3 163:22 206:13 revisions 59:1 161:22 rhonda 8:12 212:5,5 right 15:1 17:14 30:3 49:11 55:13 68:18 73:20 85:17 116:11 154:6,8 164:23 181:22 201:14 203:11 222:10,10 223:13 224:6 rights 53:18 70:8 92:16 187:1 rigorous 33:7 rise 133:1 risk 125:12,19 risks 125:9 role 21:20 22:21 41:14 64:20 110:4 132:10 199:16
--	---	---	---

[roles - sentence]

<p>roles 20:9 210:19 roll 36:15 40:24 96:16 rolls 40:20 ron 200:15 room 10:3 rose 165:11 rosenfeld 167:8 rosenfeld's 167:11 rosenstock 165:11 165:17,20 166:25 roster 22:8 23:7 57:3,13,15,16,18,22 58:1,3,4,11 61:23 61:25 62:6,12,18,24 63:5,11,18,25 64:6 64:13 166:3 rosters 64:15,21,23 rotate 36:4 rotating 40:12,15 96:15 roughly 96:15 rpr 226:11 rule 1:13 45:16 46:4 51:10 157:22 170:23,24 rules 13:18 21:14 31:16 36:5 46:11 ryan 128:8,20 129:2 210:11,15 ryan's 129:3 résumé 18:15</p>	<p>save 67:3 saved 67:4 saving 67:1 148:11 savings 133:7 143:1 149:17 206:14 saw 18:13 saying 12:18 35:21 40:16 84:10 129:3 175:15 180:10,14 217:10 says 43:6 44:20 56:6 56:12 57:11 61:9 69:24 73:11 75:9 76:6 78:21 84:11 88:5 108:11 110:21 118:25 119:3,14,15 119:21 121:4 123:14 124:9 125:9 125:10 126:11,12 127:14 131:18 137:16 138:4 140:11,13,15,19 142:22,23 143:3 144:6,7 145:18,24 146:9 147:17,20 148:13 149:9 150:16,19 153:21 157:21 161:1 163:21 164:22 169:22 174:1,3,9 175:21,25 176:7,10 176:23 181:16 184:7 188:18,23 189:9 196:11,11 203:20 204:11 208:17,19 210:10 scarborough 115:21 schedule 34:15 52:2 189:25 salaries 35:4 schedules 35:4 school 17:15,17 schools 220:1,16 schwedler 178:23 179:12,14,16</p>	<p>science 16:9 sciences 99:3,9 109:15 scope 41:22 42:9 60:22 67:19 92:11 94:24 95:5 97:2,3 97:19 120:3 122:10 124:20 125:4 172:3 176:13 177:20 178:7 179:18 191:12 209:23 211:15 scott 180:25 184:21 206:24 screenshots 179:11 sdo 219:9 sdos 183:18 second 2:17 11:17 73:21 74:16,23,25 81:12 84:3 85:22 89:23 90:2 110:20 123:5 153:21 174:2 174:2 175:20 176:22 189:8 196:11 206:20 secretariat 47:18,20 secretary 25:12,15 115:18 section 36:11,12 77:9,13 78:14 83:1 84:6 86:13 87:7,10 106:3 109:24 111:4 112:3,17,21 121:11 162:13 163:20,21 164:20 167:11 168:11 169:21 195:16 196:9 201:13 sections 221:17 sector 52:18 security 140:16 see 17:11 23:7 30:3 44:2 51:18 56:2,5 56:10,24 66:16 69:24 84:11 89:4,17</p>	<p>92:4,8 113:6 119:22 128:9 132:18 136:15 147:2,3,17 190:8 200:10 208:19 seeing 94:15 128:8 133:4 144:14 148:18,20 149:17 176:14 177:1,4 188:8 209:24 seeking 192:2 215:15 seen 51:15,25 79:13 122:6,7 130:5 181:14 191:7,19 207:18 224:19 selection 194:9,12 194:15 self 110:2 senate 143:13 senator 142:24 206:9 send 28:8,12 29:6,7 37:10 39:11 72:20 97:22,25 187:10,23 212:1,5 sending 28:13 210:14 sends 37:17,19 senior 20:6,10 108:1 115:9 132:10 sense 43:4 sensitive 9:3 sent 38:5,6,14,17,20 67:5 73:3 152:22 160:3 162:25 180:10 186:10 192:4 202:21 203:2 203:2 207:10 212:8 220:17 221:24 222:2,4 sentence 77:23 83:3 101:10 175:20 196:11</p>
<p>s</p>			
<p>s 79:16 160:5 161:23 201:10 207:15 s.1462. 142:23 sac 208:17 safety 21:17 salaries 203:4 sale 194:6 san 2:19 3:11 satisfy 31:22 saturday 196:2</p>			

[separate - standard]

<p>separate 39:23 43:11 116:6 118:15 181:23 201:15,18 214:23</p> <p>september 62:7 153:23,24 154:4</p> <p>sequential 103:25</p> <p>served 20:12</p> <p>server 213:18</p> <p>session 139:22</p> <p>sessions 119:5,7,11 119:18,19</p> <p>set 141:6 142:3 143:22,23 226:9</p> <p>sets 140:17</p> <p>seven 223:12</p> <p>seventh 160:7</p> <p>sharing 192:7</p> <p>sharon 1:24 10:6 226:3,11</p> <p>sheet 6:14 67:3,11 67:17,18,18,20,20 67:21,22,23,25 68:5 153:22 154:16 155:11,20 156:5 199:14</p> <p>sheets 67:14,16</p> <p>sherman 206:24</p> <p>shift 126:12</p> <p>shingles 25:9,10 34:2</p> <p>shipping 202:23</p> <p>shlomo 167:8</p> <p>short 12:14</p> <p>shortly 184:13</p> <p>shoulder 185:21</p> <p>show 76:23 89:16 178:24 179:8,10</p> <p>showed 217:11</p> <p>shown 66:19 166:3 166:3 217:14 223:24</p> <p>shows 21:22 22:17 89:13 90:17 133:7 138:5 160:4 199:24</p>	<p>si 153:17 155:21</p> <p>sic 137:12 154:17</p> <p>side 103:19 195:19 200:14</p> <p>sign 70:25 72:19 73:13 193:24,25 194:2</p> <p>signature 24:9 72:21,22,25 73:7 74:3,5 79:18</p> <p>signed 21:8 24:17 56:14,19 71:5,8 73:5,8 88:21 108:4 113:4,7 134:15 135:15 147:4 161:8 161:10 163:6 164:13 165:16 166:10 169:9 193:22</p> <p>signees 56:17</p> <p>significance 70:2,5 74:24 82:22</p> <p>significant 125:12 128:13 204:25</p> <p>signify 57:10 153:25</p> <p>signing 79:11</p> <p>signs 71:2</p> <p>similar 36:12 182:22</p> <p>similarly 60:13 154:10</p> <p>simply 104:7 209:10</p> <p>sincere 94:3</p> <p>single 40:1,2 61:5,15 65:20 191:23 195:11</p> <p>sir 23:22</p> <p>sit 139:21</p> <p>site 59:13</p> <p>sits 28:10</p> <p>six 50:9 147:23 148:1</p> <p>sixth 150:16 160:7</p> <p>skalko 131:10 133:11,16,21,24,25</p>	<p>skalko's 133:4</p> <p>slide 146:5</p> <p>slightly 25:21 48:16</p> <p>smacna 180:4,8,12 180:15,17 183:4 190:7</p> <p>smaller 204:4</p> <p>snyder 206:10</p> <p>society 1:3,5,14 9:20 10:17 51:10 112:6 115:4,4</p> <p>software 110:8</p> <p>sole 193:8</p> <p>solutions 1:20 9:11 9:15 10:7</p> <p>somebody 22:18 23:3 27:4 71:2 88:17,21 102:15 152:18</p> <p>soon 135:5</p> <p>sorry 17:2,14,15 26:9 29:10 30:6,13 41:10 46:17 70:12 91:5 126:20 132:17 151:17 181:4 201:9</p> <p>sort 199:14</p> <p>sounds 13:17</p> <p>source 147:22</p> <p>spalding 2:15 10:16</p> <p>speak 32:2 135:25 211:23</p> <p>speaks 73:25 132:5</p> <p>special 30:1 156:7</p> <p>specific 25:11,13 49:3 150:3</p> <p>specifically 34:22 122:16 202:7 220:1</p> <p>speculation 189:22</p> <p>spell 30:6</p> <p>spelled 100:5</p> <p>spend 204:3 205:10</p> <p>spent 205:19</p> <p>spielvogel 157:20 160:13,14,16,18</p>	<p>spielvogel's 160:21</p> <p>split 35:2</p> <p>splitting 83:2</p> <p>spls 26:16,17,20,21 26:22 29:3 39:14,16 39:20,23 40:1,2,4 40:23,25 41:14,15 42:1,15 57:20 95:17 107:5</p> <p>spoke 125:22 215:4 215:7</p> <p>spots 72:9,12</p> <p>srs 43:8 44:8</p> <p>sspc 106:6 210:16</p> <p>stack 217:1,1,19</p> <p>staff 25:1,5,19 29:2 34:13,17,22 35:3,20 35:23 36:19 39:2,10 41:18 43:24 48:3,4 48:11,12 57:21 97:20 98:8,15 111:15 114:15,16 114:19,20 115:1 116:25 117:25 118:23 131:24 136:11,16,19 146:15 152:22 170:12 182:24 187:17,18,25 190:8 195:14 198:24 199:2,15 206:9 211:25</p> <p>stage 42:3</p> <p>stance 129:4,9</p> <p>stand 44:25 181:5 212:15</p> <p>standard 6:15 12:11 21:23 22:1 24:16 27:21,24 29:15,18 29:25 30:19,20 32:10,22 33:7 35:13 39:4,24 42:24 43:2 43:8,14 44:11 45:18 45:21,24 46:1,2,14 46:15,23 49:4,15</p>
---	---	--	---

[standard - subject]

50:25 56:20,21 57:3 57:24 58:7,10,14 59:3,16,22 60:7,9 60:18 61:12 68:12 68:19,23 69:12,16 70:10 74:14 75:20 76:17 77:11 78:11 81:11 82:2,20 84:2 84:10,12,20 85:14 87:1 92:24 94:11,21 95:5,23 96:9 97:14 99:18 100:8 103:10 103:10,21 104:1,15 104:19,25 105:3 111:22 112:8 113:15 114:2 119:1 119:15 123:24 124:10,15,16,18 125:2 126:25 129:10,16,19 130:5 130:7,7,16 131:19 132:20 134:1 136:13,18 140:22 141:24 143:5,15 144:9,9,12 145:8,14 150:20 151:7,11 152:13 153:12,20 154:11,17,22,25 155:1,12,21 159:1 159:13,17,21 160:6 162:16 163:4,15 165:10 167:7 170:20 171:6,14 172:24 174:10,13 192:1,23,23 194:9 194:10,13,14,24 196:13 197:8 198:11 202:9 206:25 208:8,12 209:25 210:3,14,25 211:3,6 212:21 220:1 222:15,19 224:23,24,25 225:1 standards 6:13 19:10,12,17,24 20:6	20:10,16,18 21:15 21:17 22:3,6 26:15 26:16,20,22,22 29:5 29:7,8,10 34:6,8,14 34:18,19,21 35:7,9 35:11,19 39:14,22 40:3,5,8,18,20,21 41:2,2,3 42:5,16,18 42:20,22 43:18 44:8 45:1 46:8,10,18 47:13,15,17,19 48:1 48:2,8,23,25 49:6,9 49:9,10,13,16 52:18 52:24 91:17 92:14 93:4 94:21 95:2,10 95:11,16 96:4 99:1 99:6,11,15 100:2 101:6 103:23 104:5 110:1,22,23,23 111:3,5,19,20 112:14 114:17 121:16 124:24 126:23,24 127:1 132:11 137:25 138:8,17,21 139:15 142:25 144:23 145:16 164:8 171:1 173:16 175:8,15,22 176:1,9,10,21,24 189:11 191:20 192:8 199:5 202:24 203:9,21,25 205:2,3 207:19 208:18,20 208:23,24 210:1,21 211:17 212:20 213:9 218:9,12,15 224:8,21,22 standing 46:15 125:12 stands 39:21 137:6 181:19 186:10,25 star 213:17 start 17:13 18:11 42:15 100:16 134:21	started 17:18 18:8 52:1 66:11 91:3 96:10 97:16,17 98:22,22 119:13 133:2,15 144:21 180:17 221:11 starting 52:5 121:11 153:11 starts 57:7 90:5 94:23 153:14 162:23 163:23 175:15 208:6 state 15:11,21 84:22 124:4,7 145:3,4,18 145:23,25 146:7 151:4 205:23,23 207:8 215:6 219:23 221:15 222:18 226:2 stated 196:13 statement 99:3,5 124:12 189:15 statements 24:15 states 1:1 9:23 31:2 31:6,7,9 120:19,20 123:6 128:10 130:8 130:17 136:3 145:10 150:23 151:1,20,23 158:13 159:12,15,19 220:11 222:13 stats 198:23 status 4:10 24:9 44:24 56:3 69:8 95:21 stenotype 226:4 step 33:12 37:16 stephanie 1:16 4:5 9:25 10:22 15:13,16 89:7 90:19 stephen 131:9 steve 8:8,8 34:2 35:14,15,18 124:22 165:11 169:9 170:3 170:11,18 179:2,6	194:23 206:24,24 207:2,5,10 208:14 211:22 215:9 216:3 220:9 222:2,4,4,6 222:10 steven 8:6 131:23 133:10 165:11 sticking 201:9 stipulations 179:7 stop 89:3,8 93:11 storage 59:13 story 12:14 straight 204:9 strategic 48:6 stream 186:16 street 1:20 2:17 3:9 9:16 218:10 stretch 138:16 string 201:19 stringent 114:7,9 125:11,16,20,22 150:24 stuff 36:21 59:10 96:22 98:18 101:3,8 102:5,19 142:20,21 180:11 189:1 216:13 style 119:25 sub 46:13 subcategory 105:16 subcommittee 26:16 36:7 37:13,14 39:22 40:5,9 41:4,5,6,7,8 42:18 44:9 45:4,5 46:6 47:11 95:1,10 95:16 152:23 157:13 166:8 171:9 186:13 196:10,13 204:3,7 subcommittees 40:19 41:1 42:12 48:1,5 49:11 98:2 subject 94:5 103:3 188:16
---	---	--	---

[subjects - tell]

<p>subjects 122:13,15 submit 44:17 45:23 70:9 72:1 76:16 88:16 95:8 97:4,5 100:20 165:19,24 166:7,22 168:14 170:6,13,25 172:6 172:11,16,24 193:25 194:1,3 204:21 submits 70:6 168:17 194:2 submittal 82:19 83:12 85:13 163:14 164:7 165:9 167:6 171:8 submitted 18:15 28:13 43:10 46:14 56:6 58:16 60:12 65:10 92:20 94:24 97:4,6 111:8 125:16 125:19,21 163:16 165:11 167:8 168:25 169:25 170:25 175:8 216:12 submitting 88:19 100:24 171:10 204:21 subpoint 119:15 124:10 subpoints 119:3 subsection 110:21 subsequent 68:19 98:16 142:6,12 subset 40:17 158:3 substance 51:23 215:18 substantive 37:11 38:21,25 39:3,3,5 39:11,17,18 42:20 43:7 44:6 157:10,21 157:22 successes 121:5</p>	<p>suffice 31:22 sufficient 32:23 190:10 suggest 129:3 suggesting 220:10 suggests 106:24 suite 1:21 2:18 summary 13:2 196:25 197:3,5,5,6 sunday 196:4 support 34:13,16,17 35:3 210:17 supported 110:8 supporting 109:25 111:7,10,13 112:4 139:12 140:9 supportive 210:7 suppose 18:24 33:18 110:16 182:13 205:6 supposed 31:2,12 120:21,22 sure 21:5,10,12 23:10,17,24 24:24 26:11 27:20,20 36:4 36:9 49:4 50:20 88:18 94:23 97:21 99:13 100:11 102:1 140:1 143:25 146:12 152:24 171:11 181:13,14 189:12 196:2 207:9 215:5,9 217:16 susan 34:3 swear 10:7 switch 55:11 194:18 194:21 switched 67:23 195:5 sworn 10:23 system 44:20 89:6 systems 112:22</p>	<p>t t 30:7 160:5 207:15 226:1,1 table 12:12,16,22,24 13:7 tables 207:7 tag 47:21 take 55:12,13 116:11 129:3 152:2 172:10,23 180:10 184:9,12 192:11 204:13 205:4 206:21 209:21 211:12 taken 9:17 11:4 55:19 74:19 116:15 129:9 152:6 192:14 226:4 takes 203:22 205:1,8 talk 24:3 48:4 108:18 113:1 114:15,20,24 115:19 116:8 139:21 145:22 208:23 218:11 talked 201:8 209:8 217:17 talking 21:9 48:20 48:21,22 97:15,16 104:16 112:12 115:5 120:18 141:3 141:4 143:19 144:17 145:21 146:22 198:7 204:17 205:11 208:7 211:20 213:20 214:5 224:22 talks 114:25 157:10 tanishe 34:3 target 141:12 143:1 targets 140:18 143:4 143:6,16,23</p>	<p>task 67:3,11,14,16 67:17,17,18,20,20 67:21,22,23,25 68:5 117:14 118:12 123:3 196:10 teach 119:8 tech 95:3 137:4,12 146:6 technical 13:1,2 17:9 27:14 43:4,22 43:25 44:7 47:19,21 57:21 97:5,7 103:2 103:11,16,17 112:7 147:22 204:20 211:9 213:22 214:11 technically 45:17 171:2,4,7,12 technological 127:3 technology 33:16 127:3 137:5 telecon 3:18 telephone 10:14 tell 14:15,16 16:3 23:10,17 39:20 57:2 57:8,17 61:24 62:5 62:11,17,23 63:3,10 63:16,23 64:5,11 65:4,9 68:9 69:21 74:24 77:5,21,22 78:2,10,16 79:8 80:17,23 81:9,13,25 82:3,17,21 83:11,14 83:25 84:4,18,25 85:12,16 86:5,9,17 86:25 87:3,12,22 88:13,20,23 90:14 94:6,9,12,15 107:22 108:15 117:19,23 118:6 131:8 134:9 155:10,18 156:3,22 157:5,17 158:1,11 158:18 159:9 160:2 162:23 165:7 168:22 171:18</p>
---	---	--	---

[tell - trainer]

<p>175:4 177:18 180:24 195:25 196:22 197:2,17 198:4,22 200:13,22 200:23,24 201:1,19 202:3,13 203:24 206:6,19 208:1 209:22 211:13 214:13 218:5 telling 44:17 146:6 tells 57:18 65:10 66:19 138:2 ten 11:8 44:22 154:22,24 tend 218:14 tenth 160:8 term 40:12,16 60:5 126:16 terms 36:3 42:2,2 113:15 173:8 194:17 214:17 terrorism 112:18 terry 134:13 213:15 test 27:23,25 43:18 43:20 testified 10:23 13:14 testify 113:14,20,21 testifying 13:12 testimony 15:8 93:23 111:10,13 113:19 139:17 145:13 148:9 149:2 149:5 150:15 186:12,17,19 205:9 226:6 testing 1:3 9:20 text 36:23 37:2,5,18 57:24 58:6,10,14 92:14 98:9,16 161:1 170:20,21,24 171:1 171:3 195:10 thane 56:6 thank 13:16 14:7,12 15:6,20 16:2 45:2 55:6 57:16 62:3</p>	<p>74:6 75:12 79:21 86:19 87:16 93:25 94:19 105:7,25 155:14 167:20 181:8,22 209:18 214:12 218:4 223:13 225:3 theirs 13:6 theoretically 150:17 150:19 thereto 226:4 thermal 11:25 12:3 12:4,13 213:24 thick 195:7,8 thing 27:17 44:3 46:12 48:6 101:7 103:1 108:10 111:1 126:2 127:3 136:21 183:4 188:12 199:14 things 19:1 20:20 24:21,22 27:23 35:25 98:13 99:14 100:20,23,25 101:13 110:10 113:2,12 114:18 117:22 121:15 138:15,17 139:4,4 139:22 144:4 156:12 173:10,12 187:23 188:25 190:7,25 191:1,2 209:7,9 think 11:9 12:15 17:14 19:13 22:11 26:9 36:21 40:6 64:17 72:18,21 73:25 93:11 98:1 103:6 111:23 112:24 122:9 124:15 129:6 132:14,18,22,24,24 133:5,14 135:2 137:5 140:2 143:22 144:15,16 146:5,7</p>	<p>148:21 158:3 166:1 179:25 181:19 188:18 third 21:18 40:20 77:23 84:9 96:16 119:20 137:14 144:8 153:11,14,20 175:14 196:11 224:17,18 thousands 27:5 three 19:13,14 36:16 44:17 126:5,11 141:7 143:1 201:21 201:21 214:23 tied 104:2 till 20:1 tim 221:11 time 9:12 10:2 18:14 18:24 19:6 57:20,25 58:7,10,14 59:25 60:3,8 61:15,18 66:3 69:9 96:18 98:22 128:21 132:23,25 134:12 135:4 138:7 143:18 143:20 144:18,20 150:7 151:8 156:6 172:13,15 188:9,9 190:1,1,15 191:23 198:6 203:23,24 204:1,10,13 205:4,7 205:9,10,18,22 206:21,23 208:22 211:23 219:21 222:1 223:8 timeline 131:19 133:9 166:20,21,23 times 11:8 45:22 133:6 175:16 204:6 204:7 214:18 title 19:11,16,23 20:1,4,7 41:22 42:9 53:11 67:6,12,18 94:23 95:5 97:1,3 97:19 104:21 115:9</p>	<p>115:10,12 182:22 titled 124:9 137:15 titles 182:25 today 15:8 20:7 25:8 52:24 53:8 92:17 93:1,6,23 94:17 167:16 207:18 214:14 216:6,15,19 217:12,14,23 218:1 223:24 224:11,19 today's 9:11 tom 200:15 ton 216:11 tool 158:22 197:23 top 8:6,8,10,12 22:5 33:10 57:9 68:18 131:18 187:13 188:12 189:8 201:13 203:20 210:9 218:11 topic 27:10,16 43:17 50:16 52:15,20,23 53:3,8,10,15,23 54:1,5,7,10,13,19,22 54:25 132:16 158:18 215:16 topics 27:3 52:5,9 52:13,15 53:7 54:16 55:3,11 60:23 120:3 122:10 158:17,23 177:22 209:6 215:11,24 216:1,9 217:22 townsend 134:13 213:15 track 189:3 tracking 188:19,23 tracks 65:17 66:4 trade 11:24 12:9 203:3 train 119:5,6,8,17 119:19 trainer 119:5,6,17 119:19</p>
--	--	--	--

[training - voting]

<p>training 110:1,3,7 119:11,16 148:16 149:12,22,23 150:5 208:11 trainings 110:9 trane 179:20,21,22 transcribed 226:5 transcript 14:24 226:6 transcription 226:5 transfer 137:5 treated 156:14 tried 52:1 101:18 true 154:9 226:5 truly 204:23 trust 11:16 trusts 16:16 try 14:10 45:20 122:19 198:9 trying 29:22 52:1 117:22 133:8 217:4 tullie 15:23 turn 9:5 56:5 106:10 138:4 150:14,15 161:7,25 168:21 175:19 196:7 turning 56:10 two 11:8,10,19 16:22 19:20 25:22 26:4,5,13 31:14,15 72:9,12,15 73:23 75:23 76:18 79:13 81:1 83:17 84:7 85:19 87:13 120:8 120:23 125:8 126:3 129:12 130:1 140:19 141:20,21 174:9 194:17,18,22 195:5,9,10 204:17 219:23,23 type 22:24 27:16 44:3 48:6 95:15 101:7 103:1 104:4 126:2 136:21 178:23 181:6</p>	<p>199:14 209:7 typed 73:11 types 26:13 typical 118:18 typically 21:21 27:2 27:23 43:16 45:13 45:20 96:19 101:2 102:4 118:22 127:1 135:16 170:5,23 201:4 212:23</p> <p style="text-align:center">u</p> <p>u 13:3,6 u.s. 47:20,22 148:10 ul 181:17,18 um 140:14 unbiased 147:22 underlined 126:14 163:24 understand 13:23 14:1,8,24 30:18 83:4,5 85:23 102:12 102:23 103:3,14 120:11 126:8 139:4 149:24 163:22 understanding 108:5,16 113:3 132:9 134:10,16,19 134:22 135:8,24 137:10 182:17 understands 37:23 37:24 38:1 understood 215:5 underway 119:4,16 underwrite 203:23 underwriters 181:21,22 182:1 unfair 13:4 unhappy 101:20 united 1:1 9:22 130:8,17 136:3 158:13 159:12,15 159:19 181:20 university 16:6,7</p>	<p>unpublished 156:5 156:16 update 188:12 196:10 220:11 updated 44:1 updates 43:25 142:24 189:13 updating 43:6 152:10 ups 36:15 urban 212:16 usage 214:8 use 46:22,23 48:17 68:5 70:8 72:15 119:1 122:18 124:7 140:21 142:6,11 158:22 188:19 198:14 208:9 214:7 221:16 useful 202:7 user 22:11 105:13 105:15,16 106:7 user's 177:2 208:10 users 88:3 197:8 uses 91:16 103:22 124:3 140:19 142:3 143:6,8 usually 29:4,22 97:6 146:13 187:21 196:5 204:14 utc 206:10 utilities 197:19 utility 22:10 106:8</p> <p style="text-align:center">v</p> <p>v 9:20 133:11 valerie 196:25 vangeem 156:11 varied 25:7 varies 99:25 135:12 variety 158:17 various 49:23 99:22 153:20 ventilation 207:7</p>	<p>venture 103:19 182:4 venue 112:9 verbatim 171:2 172:20,21 verify 22:8 202:8 veritext 1:20 9:11 9:15 10:6 versa 114:9 version 27:22 31:4 31:14,19 33:10 36:16 56:19 65:7 69:12,13 120:22,24 121:3 133:15 142:4 142:7,12 156:18,19 168:20 198:10,11 220:12 versions 56:21 98:16 114:5 120:20 120:25 121:1 140:22 152:12 176:20,21 versus 39:1 78:22 102:11 127:6 195:8 vetted 101:17 vice 33:20 40:10,14 48:1 114:9 115:4 videographer 9:1 55:17,22 74:17,20 93:14,18 116:13,16 152:4,7 192:12,15 223:12 225:7 videotaped 1:13 viewed 125:11 views 199:17 virtue 92:24 93:5 132:4 224:9 voice 119:25 volunteer 136:20 volunteers 97:8,9,11 144:23 170:7 204:2 204:10 vote 37:12 39:18 voting 24:9 57:18 187:5</p>
--	---	--	---

[vp - z]

vp 182:25	weber's 34:5 210:10	179:10,19 182:8	write 19:1 193:13
vs 1:8	website 24:19 88:4	183:20 184:2	writes 128:8 188:14
w	88:24 91:2 153:5,9	188:25 189:17,23	189:9
w 150:15	176:21	190:15,24 191:6,14	writing 49:15 102:8
wait 185:18	websites 192:1,8	191:22 192:10	103:6
walk 94:20	week 210:15	193:2,7,11,22	written 36:10 37:8
want 19:5 39:11	weigh 130:24	200:13 202:20	50:20 186:2,16
44:18 50:20,25	went 88:24 98:3	207:13,15 208:5	200:24
51:21 55:12 69:7	120:7	209:17 210:2	wrong 148:22
99:23 101:3,8 102:4	west 3:7 10:10 11:3	211:18 213:12	152:19 155:3
102:9,15,18 104:14	whereof 226:9	214:22 215:21	wrote 37:6
109:8 124:14	whispering 9:3	217:24 220:6,22,25	x
126:13,19 127:5,6	white 156:6	222:23 223:6 226:6	x 160:5 169:22
127:10,11 129:1	widespread 124:11	226:9	y
141:6 166:18	widget 102:9,10,13	word 75:3	yeah 16:22 33:1
179:25	wilcox 208:6	wording 37:25 38:3	49:2 55:10,16 67:9
wanted 14:21 38:8	willing 210:17	work 18:5 23:9 25:3	98:11 104:24
49:4 93:23 156:5	wills 11:16 16:16	36:18 41:23 42:10	115:24 140:1
221:16	222:1,2	42:10 47:14 51:6	223:12
wanting 46:3	window 166:22	64:24 71:16 108:19	year 16:10 17:15,17
wants 32:18 101:13	wishing 45:18	109:11 113:10,10	19:20 25:25 31:15
149:23 210:6	witness 4:3 9:25	114:14 115:15,16	40:11,12,15,15,17
washington 2:9	10:7 13:12 23:6	120:13 149:20,21	40:24 44:15 58:20
116:3,7 140:13	28:21 30:25 31:12	152:17 173:11,13	68:19 69:3,5 95:3
144:7,11 200:1,5	31:24 32:25 33:9	187:14 204:2	96:15,19 104:15
210:12,20 211:5	46:20 49:18 50:15	213:23	115:4,4,5 204:7
watching 190:8	51:3,22,25 60:25	worked 17:6 24:12	years 11:9,10,19
watson 200:15	61:14 66:1 67:11	112:25 133:22	16:19,20 17:12,21
waxman 140:17	70:5,20 72:8,18	180:8 215:6 222:1	19:13,14 24:13 25:7
way 24:14 27:1,8	74:2 77:17 78:20	working 17:12 18:9	31:4,15 36:16 40:21
38:16 68:4 78:17	79:16 88:8 92:7,12	18:12 20:24 43:21	40:22 44:15,17,22
92:13 96:25 98:4,17	92:19 99:21 100:11	95:13 108:21,24	96:17 120:23
104:19 147:12	102:1 103:5,14	135:14 158:23	133:20 135:18
151:23 152:20	104:12,21 105:2	198:8 205:19	141:7 143:1 154:22
200:24 226:8	109:2,13 113:20	works 26:12 36:2	154:24
ways 108:19 111:17	117:7 118:6 120:3,5	52:16 53:13,18	york 207:2,4,6,8
we've 55:7 101:18	123:11 124:21	93:12 115:19,22	z
129:22,23 173:15	125:7 127:11	145:7 146:13	z 88:25
207:18 222:25	128:16 129:22	152:10 164:17	
224:19	131:14 132:22	187:20 193:9,19	
web 154:2	136:9 138:23	194:6	
weber 8:10,12 34:1	139:18 145:14	world 99:23 126:14	
34:17 35:8 157:20	147:2 148:20 170:9	126:16	
211:24	172:4,13 173:3	worldwide 219:14	
	176:14 178:21		

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and
(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2014. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

Case 1:13-cv-01215-TSC Document 204-50 Filed 11/13/19 Page 1 of 86

EXHIBIT 44

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR TESTING
AND MATERIALS d/b/a ASTM
INTERNATIONAL; NATIONAL FIRE
PROTECTION ASSOCIATION, INC., ;
and AMERICAN SOCIETY OF HEATING,
REFRIGERATING, AND AIR-CONDITIONING
ENGINEERS, INC.

Plaintiffs, CIVIL ACTION FILE

vs. NO. 1:13-CV-01215-EGS

PUBLIC.RESOURCE.ORG, INC.,
Defendant.

30 (b) (6) VIDEOTAPED DEPOSITION OF
STEVEN COMSTOCK

March 5, 2015

10:20 a.m.

1075 Peachtree Street

Suite 3625

Atlanta, Georgia 30309

Lee Ann Barnes, CCR-1852, RPR, CRR

PAGES 1 - 199

1 APPEARANCES OF COUNSEL
 2
 3 On behalf of the Plaintiff American Society of
 Heating, Refrigerating, and Air-Conditioning
 4 Engineers, Inc :
 KING & SPALDING LLP
 5 ANTONIO E LEWIS, ESQ
 100 N Tryon Street
 6 Suite 3900
 Charlotte, North Carolina 28202
 7 704 503 2583
 704 503 2622 (facsimile)
 8 alewis@kslaw.com
 9
 On behalf of the Plaintiff National Fire Protection
 10 Association, Inc :
 11 MUNGER TOLLES & OLSON LLP
 THANE REHN, ESQ (via telephone)
 12 560 Mission Street
 27th Floor
 13 San Francisco, California 94105
 415 512 4000
 14 thane.rehn@mto.com
 15
 On behalf of the Plaintiff American Society for
 16 Testing and Materials d/b/a ASTM International:
 17 MORGAN LEWIS & BOCKIUS
 JORDANA S RUBEL, ESQ (via telephone)
 18 J KEVIN FEE, ESQ (via telephone)
 1111 Pennsylvania Ave , NW
 19 Washington, D C 20004-2541
 202 739 5118
 20 202 739 3001 (facsimile)
 jrubel@morganlewis.com
 21 jkfee@morganlewis.com
 22
 23
 24
 25

Page 2

1 INDEX OF EXAMINATION
 2 WITNESS: STEVEN COMSTOCK
 3 EXAMINATION PAGE
 By Mr. Bridges 8
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 4

1 APPEARANCES OF COUNSEL (Continued)
 2
 On behalf of the Defendant Public.Resource.Org:
 3 FENWICK & WEST LLP
 ANDREW P. BRIDGES, ESQ.
 4 MATTHEW B. BECKER, ESQ.
 555 California Street
 5 San Francisco, CA 94104
 415.875.2300
 6 415.281.1350 (facsimile)
 abridges@fenwick.com
 7 mbecker@fenwick.com
 8
 9
 10 Also Present:
 Carl Malamud (via telephone)
 11 Spencer Bush, Videographer
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 3

1 INDEX TO EXHIBITS
 2 Defendant's

Exhibit	Description	Page
3	Exhibit 1076 Defendant's Amended Notice of 30(b)(6) Deposition of ASHRAE	9
5	Exhibit 1077 Technical Proposal	52
6	Exhibit 1078 E-mail Chain	67
7	Exhibit 1079 Terms of Use for ASHRAE org Website	101
8	Exhibit 1080 E-mail Chain	111
9	Exhibit 1081 Multiple User License	112
10	Exhibit 1082 Copyright License and Distribution Agreement	118
11	Exhibit 1083 E-mail Chain	122
12	Exhibit 1084 E-mail Chain	123
13	Exhibit 1085 E-mail Chain	124
14	Exhibit 1086 E-mail Chain	125
15	Exhibit 1087 E-mail Chain	127
16	Exhibit 1088 Multiple User License	129
17	Exhibit 1089 E-mail Chain	131
18	Exhibit 1090 License and Distribution Agreement	132
19	Exhibit 1091 E-mail Chain	132
20	Exhibit 1092 E-mail Chain	133
21	Exhibit 1093 E-mail Chain	136
22	Exhibit 1094 E-mail Chain	145
23	Exhibit 1095 E-mail Chain	149

 24
 25

Page 5

1	INDEX TO EXHIBITS		
2	Defendant's		
	Exhibit	Description	Page
3	Exhibit 1096	E-mail Chain	150
4	Exhibit 1097	Copyright Permission Request	151
5	Exhibit 1098	E-mail Chain	151
6	Exhibit 1099	E-mail Chain	152
7	Exhibit 1100	E-mail Chain	157
8	Exhibit 1101	E-mail Chain	158
9	Exhibit 1102	E-mail Chain	161
10	Exhibit 1103	E-mail Chain	163
11	Exhibit 1104	E-mail Chain	167
12	Exhibit 1105	Membership Dues Revenue	171
13	Exhibit 1106	Life-To-Date Sales for 90	171
14	Exhibit 1107	Projected Revenue	174
15	Exhibit 1108	Sales by Customer Type L	178
16	Exhibit 1109	Sales by Customer Type Report	179
17			
18	Exhibit 1110	E-mail Chain	180
19	Exhibit 1111	E-mail Chain	183
20	Exhibit 1112	E-mail Chain	184
21	Exhibit 1113	Letter dated 4/19/10	186
22	Exhibit 1114	E-mail Chain	188
23	Exhibit 1115	Various Reprint Requests	189
24	Exhibit 1116	E-mail Chain	190
25			

Page 6

1	INDEX TO EXHIBITS		
2	Defendant's		
	Exhibit	Description	Page
3	Exhibit 1117	E-mail Chain	191
4	Exhibit 1118	E-mail Chain	192
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

Page 7

1 Deposition of STEVEN COMSTOCK
 2 March 5, 2015
 3
 4 (Reporter disclosure made pursuant to
 5 Article 8.B of the Rules and Regulations of the
 6 Board of Court Reporting of the Judicial Council
 7 of Georgia.)
 8 VIDEOGRAPHER: This is the beginning of the
 9 videotaped -- the 30(b)(6) videotaped deposition
 10 of Steven Comstock. Today's date is March 5,
 11 2015, and the time on the video record is
 12 10:20 a m.
 13 Would counsel please introduce themselves
 14 for the record.
 15 MR. BRIDGES: This is Andrew Bridges and
 16 with me is Matthew Becker of Fenwick & West of
 17 San Francisco, representing the defendant
 18 Public.Resource.Org. And also participating or
 19 listening in by telephone is Carl Malamud.
 20 MR. LEWIS: Antonio Lewis, King & Spalding,
 21 on behalf of plaintiff American Soci- -- Society
 22 of Heating, Refrigerating -- Refrigeration, and
 23 Air-Conditioning Engineers, Incorporated.
 24 VIDEOGRAPHER: And counsel on the phone?
 25 MS. RUBEL: Jordana Rubel, Morgan -- from

Page 8

1 Morgan, Lewis & Bockius, here representing
 2 American Society for Testing and Materials.
 3 MR. REHN: And Thane Rehn from the Munger
 4 Tolles & Olson law firm, representing the
 5 National Fire Protection Association.
 6 MR. BRIDGES: I think that's everybody.
 7 VIDEOGRAPHER: Will the court reporter
 8 please swear in the witness.
 9 STEVEN COMSTOCK, having been first duly sworn,
 10 was examined and testified as follows:
 11 EXAMINATION
 12 BY-MR. BRIDGES:
 13 Q. Good morning, Mr. Comstock.
 14 A. Good morning.
 15 Q. How long have you worked for ASHRAE?
 16 A. A little bit over 40 years.
 17 Q. What's your current title?
 18 A. Director of publications and education.
 19 Q. How long have you had that title?
 20 A. The -- I was director of publications and
 21 communications in 1985, and then the education
 22 component was added -- I'm going to guess now -- that
 23 was probably about 2000.
 24 Q. Have you ever had your deposition taken
 25 before?

Page 9

<p>1 A. Yeah, about 12 years ago I had one taken. 2 Q. Is that the only deposition? 3 A. That's the only one. 4 Q. What kind of case did that involve? 5 A. That was a personnel matter for our 6 organization. 7 Q. Did you testify at trial? 8 A. No, I did not. 9 Q. Did you have a chance to meet with 10 Mr. Lewis or other counsel before this deposition to 11 prepare for the deposition? 12 A. Yes, I did. 13 Q. I'll ask you to look at Exhibit 1076 -- 14 (Defendant's Exhibit 1076 was marked for 15 identification.) 16 Q. (By Mr. Bridges) -- which is Defendant's 17 Notice of 30(b)(6) deposition of ASHRAE. Please take 18 a look at it, Mr. Comstock. 19 Do you understand that you are here today 20 testifying as a representative of ASHRAE on Topics 4, 21 5, 7, 8, 9, 10, 12, 13, 14, 18, 23, 24, 30, and 31? 22 A. Yes, that's my understanding. 23 Q. When did ASHRAE start providing a reading 24 room for public access to ASHRAE's standards? 25 A. We made selected standards available for</p> <p style="text-align: right;">Page 10</p>	<p>1 public access to some of its standards? 2 A. We were actually hoping to increase our 3 sales of those standards. It would be to the -- to 4 allow somebody to view those standards, but not be 5 able to download those standards or print those 6 standards. So that would drive demand for those -- 7 for those standards. 8 Q. What was ASHRAE's experience in that 9 regard? 10 A. It was -- our experience was that it was 11 relatively flat. It didn't have -- seem to have much 12 of a positive impact, nor in -- in that case did it 13 seem to have a negative impact. 14 Q. Does ASHRAE have information about how many 15 persons have accessed the standards in its reading 16 room? 17 A. We did. We changed the -- the -- the 18 software platform from which they were made available 19 for viewing. We originally used -- we originally 20 used a RealRead vendor-supplied system and then we 21 went -- they went out of business, I believe, and 22 then we switched to iWrapper. 23 But I -- I know for certain when we were 24 with RealRead, we would track the views. There was 25 no registration so we wouldn't know who those people</p> <p style="text-align: right;">Page 12</p>
<p>1 read-only access, and I believe that was about 15 2 years ago. I don't have the exact date. It was in 3 that -- that range of time. 4 Q. How did ASHRAE select what standards to 5 make available? 6 A. These are our -- our most popular 7 standards, the ones for which there was the greatest 8 demand. 9 Q. How many standards -- strike that. 10 How many current standards does ASHRAE 11 publish? 12 A. I don't have the exact number. My 13 recollection would be in the neighborhood of -- of 14 75. 15 Q. How many of those standards are on ASHRAE's 16 reading room available to the public now? 17 A. At the current time, I believe there are 10 18 of those standards available. 19 Q. Does ASHRAE also make available through its 20 reading room earlier versions of those 10 standards? 21 A. We provide -- we provide the current 22 versions of those standards. 23 Q. But not the earlier versions? 24 A. I believe that's the case. 25 Q. Do you know why ASHRAE began providing</p> <p style="text-align: right;">Page 11</p>	<p>1 were, but we did track views. 2 I think we do so with iWrapper, as well, 3 now, but I know for certain it was done with 4 RealRead. 5 Q. Do you recall any statistics regarding the 6 number of accesses of various standards? 7 A. I -- the -- the -- the most prominent of 8 those standards was 90.1, and I think if my 9 recollection is correct, I believe maybe 40-, 45,000 10 views of the 2010 version of that -- that -- that 11 standard over the course of the time it was made 12 available. 13 Q. And was it ASHRAE's experience that the 14 effect of the public access to the 90.1 standard was 15 somewhere between nothing and minimal? 16 A. That's -- 17 MR. LEWIS: Object to the form. 18 Q. (By Mr. Bridges) You can answer. 19 A. I didn't see much of an impact one way or 20 the other. 21 Q. Does ASHRAE still sell earlier versions of 22 its current standards? 23 A. Yes. 24 Q. How much -- strike that. 25 Roughly how much revenue per year does</p> <p style="text-align: right;">Page 13</p>

<p>1 ASHRAE gain from either sale or licensing of its 2 standards for persons to either own or have access 3 to? 4 A. It will vary a little depending upon where 5 documents are in -- in their various revision cycles. 6 Looking at a little more granular -- 7 granular level to build that, it would be 300- to 8 \$500,000 in print sales, another 300- to 400,000 in 9 PDF sales, and then it -- it may be as much as -- 10 from standards component, maybe \$800,000 in -- in -- 11 in -- in royalties network-type sales and another 12 20,000 in CD sales. 13 So if you add those up, that would be about 14 the -- the total, with some variation depending upon 15 the -- the year -- where we are in the revision 16 cycle. 17 Q. That sounds to me like somewhere between 18 1.5 and \$1.7 million in your total? 19 A. That sounds -- that sounds accurate. 20 Q. You said it depends on where ASHRAE is in 21 the revision cycle. 22 By that, you're referring to the fact that 23 ASHRAE, like other standards development 24 organizations, updates standards every few years; is 25 that correct?</p> <p style="text-align: right;">Page 14</p>	<p>1 say, are in the 1.5 to \$1.7 million range. 2 What amount of that or what percentage of 3 that would be older versions? 4 MR. LEWIS: You have to let him finish the 5 question. Object to form. 6 THE WITNESS: Then -- then that would be -- 7 if I had to make a guess, it would be somewhere 8 between 5, 8 percent. 9 Q. (By Mr. Bridges) And what do you base that 10 estimate on? 11 A. I would base that on my having to make a -- 12 approve print runs. Typically, what happens is when 13 we run out of inventory and we have to replace, 14 replenish our inventory, those requests go through my 15 office. So that's -- that's something I would 16 routinely see. 17 Q. How does ASHRAE decide -- strike that. 18 Are you familiar with the concept of either 19 adoption or incorporation of standards into law or 20 regulation? 21 A. I'm not -- I'm not extremely knowledgeable 22 about that. I have a passing understanding of that 23 that I would have in my role as the publications 24 director, but that is a process I don't personally 25 engage in for ASHRAE.</p> <p style="text-align: right;">Page 16</p>
<p>1 A. That's correct. 2 Q. How does the revision cycle affect ASHRAE's 3 sales? 4 A. There is an increase within the -- the 5 first year of a revision cycle and then there'll be 6 a -- a -- a -- a dropoff. However, there still 7 continues to be demand for the -- for the -- the -- 8 the previous editions, which is why we sell them. 9 So I don't know the exact nature of that, 10 but there does -- there is a -- a jump that we would 11 see in -- in those revision cycles after a new 12 standard is released. 13 Q. Do you have an estimate as to what 14 percentage of ASHRAE's revenues from publications 15 relates to older versions of current standards? 16 A. I really do not know. I know they're a 17 component of that. Breaking that -- the older 18 versions down, I'm not -- I'm not sure what that -- 19 that percentage would be. 20 Q. If you had to make an estimate, what would 21 your estimate be? 22 A. Older versions -- and this is -- could -- 23 could you repeat -- in terms of the total sales of 24 standards? 25 Q. Right. The total sales of standards, let's</p> <p style="text-align: right;">Page 15</p>	<p>1 Q. But you understand that some standards of 2 standards development organizations get adopted or 3 incorporated into law and others do not get adopted 4 or incorporated -- 5 A. I do. 6 Q. -- into law; right? 7 Are you familiar with which ASHRAE 8 standards are incorporated into law? 9 A. I am not. I know some are. 10 Q. Do you know roughly what percentage of 11 ASHRAE's standards are incorporated or adopted into 12 law or regulation? 13 MR. LEWIS: Objection. 14 THE WITNESS: That's -- that -- I do not, 15 and that's an area that's outside of -- of what 16 I do. 17 I look at the -- the demand for the -- for 18 the standards and the -- the inventory and the 19 print runs and make sure that we have adequate 20 inventory to deliver our demand, but I do not 21 track what states or how many states or 22 municipalities may -- may -- may adopt or 23 include the standard. 24 Q. (By Mr. Bridges) Are you aware of any 25 facts that would allow you to determine whether</p> <p style="text-align: right;">Page 17</p>

<p>1 there's a relationship between sales or licenses of a 2 standard and incorporation of that standard into 3 law -- 4 MR. LEWIS: Objection. 5 Q. (By Mr. Bridges) -- or regulation? 6 A. No. We don't -- that's -- that's not a 7 metric that we use at all. I mean, I imagine, you 8 know, perhaps you -- you look at where sales are 9 from, but we don't do that. That's not part of our 10 business. 11 And I would think that the -- there's 12 people who do work in our industry do work across 13 states, across municipalities, but that's not a 14 metric that we -- we keep as part of our business 15 operation. 16 Q. Apart from keeping a metric, do you have 17 any, let's say, anecdotal experience observing that 18 incorporation of a particular ASHRAE standard leads 19 to a jump in sales of that standard? 20 MR. LEWIS: Objection. 21 THE WITNESS: Really, no. I have -- I 22 mean, there'll be times when somebody will say 23 to me, "Steve, how do I find an older version of 24 a standard in our bookstore," because we're -- 25 we -- we have to put on education, training</p> <p style="text-align: right;">Page 18</p>	<p>1 standard before the revision has been on the reading 2 room -- strike that. 3 Is "reading room" a term that you use at 4 ASHRAE? 5 A. We do not. 6 Q. What do you use -- what term do you use for 7 the facility by which the public can view ASHRAE 8 standards for free? 9 A. I believe we call it free viewing. 10 Q. Free viewing? 11 A. Free viewing. 12 Q. When ASHRAE revises a standard and the 13 standard before that revision has been available for 14 free viewing, does ASHRAE replace the older version 15 of the standard with the newer version of the 16 standard for free viewing as soon as ASHRAE issues 17 the standard? 18 A. Yes, we do. 19 Q. And does ASHRAE then take the older version 20 of the standard out of the free viewing facility when 21 that happens? 22 A. Yes, we do. 23 Q. Is there a reason why ASHRAE removes the 24 older standard from the free viewing? 25 A. That's been our process going back to when</p> <p style="text-align: right;">Page 20</p>
<p>1 related to that standard. 2 So I have anecdotal questions that are 3 asked or comments that are made to me along 4 those lines, but nothing that's -- that -- that 5 would, you know, trigger that back to specific 6 sales totals. 7 Q. (By Mr. Bridges) Is there anything that 8 can tie it to a general trend of sales, in your view? 9 MR. LEWIS: Objection. 10 THE WITNESS: I don't believe so. I mean, 11 I -- we sell -- when a new standard -- a -- a 12 new version of a standard is -- is published, 13 there's interest in the market to buy that 14 standard, and if stan- -- if older versions of 15 standards are still relevant, we sell those 16 standards and continue to sell those. 17 Q. (By Mr. Bridges) In what circumstances 18 would an older version of an ASHRAE standard be 19 relevant in the marketplace? 20 A. I assume that would be because it's -- it's 21 referenced in -- in legislation or regulation or -- 22 or codes. I think it would probably depend upon what 23 the owners of the -- the -- the -- the owner of a 24 building may have in their specifications. 25 Q. When ASHRAE revises a standard and the</p> <p style="text-align: right;">Page 19</p>	<p>1 we first started the free viewing, which is the -- 15 2 years ago or so. 3 And the -- the -- the reason for that is -- 4 is we always wish to have the most current 5 application of the technology used. So the -- the -- 6 the notion is that as a standard is revised, it's 7 a -- it's a better application of the technology 8 that's current at the time. 9 So we -- it -- it -- it's always been 10 our -- our preference to -- to have -- to -- to move 11 the market towards the more current version of the 12 standard because of the application of technology. 13 Q. Now, I think you mentioned a few minutes 14 ago -- and please correct me if I'm wrong because I 15 don't want to misquote you -- that there are some 16 times when people want older standards but they 17 aren't in stock and so there has to be a new print 18 order for those; is that correct? 19 MR. LEWIS: Objection. 20 THE WITNESS: Actually, our objective is to 21 never have them out of -- out of stock. It's -- 22 usually, I will be asked a question, "Steve, do 23 we have these in stock," and I will say, "Yes." 24 And we go through a process where we have 25 a -- a trigger -- this is what we do for all of</p> <p style="text-align: right;">Page 21</p>

1 our publications. There's a trigger point when
2 you get to a certain level of inventory, that's
3 when somebody in my group will say, "We're
4 running low. Do we wish to reprint this item?"
5 And then they usually will recommend a print run
6 and I approve that or -- or modify that.
7 Q. (By Mr. Bridges) Do you print the previous
8 versions of standards in smaller print runs than the
9 current versions of standards?
10 A. Most likely.
11 Q. How many do you generally print in a print
12 run, let's say, for a seven-year-old standard?
13 A. Well, it -- that would be somewhat
14 dependent upon the standard. If it's -- if it's
15 90.1, for example, we do anywhere from maybe 500 to
16 750 copies.
17 But -- and -- and part of the -- the
18 printing technology has changed where print --
19 smaller print runs are now more feasible with newer
20 publishing technology.
21 Plus when items are ordered for print from
22 our on-line bookstore, in fact, right now it's print
23 on demand. So in that case, there's always print
24 copies available because of the technology we employ.
25 This is more for inventory that we have for

Page 22

1 off-line orders, orders that come in outside of the
2 bookstore.
3 Q. You referred just now to print on demand.
4 What does that mean in this context?
5 A. It -- it means when an order comes in
6 through our on-line bookstore, that order then is
7 transmitted to a -- to a copier and that document is
8 reproduced on demand as that order comes in,
9 packaged, and put in the mail, entered into the mail
10 stream for delivery.
11 Q. Does ASHRAE do that printing?
12 A. No. We use a -- we use a vendor, a
13 supplier, for that.
14 Q. Does ASHRAE provide a different type of
15 print on demand option where the customer would be
16 able to print it himself or herself on his or her own
17 equipment on demand?
18 A. When a customer purchases a PDF copy from
19 us, the customer has the -- has the ability and
20 the -- the license to make -- to make a copy for
21 themselves.
22 Q. I believe you mentioned that there's no
23 registration requirement for the free viewing;
24 correct?
25 MR. LEWIS: Objection.

Page 23

1 THE WITNESS: That's -- to my
2 understanding, that's correct.
3 Q. (By Mr. Bridges) Are you familiar with the
4 analogous free viewing facilities of ASTM and NFPA?
5 A. I have never gone to their sites to
6 experience those, but I was aware they do offer free
7 viewing.
8 (Thereupon, there was an interruption in
9 the proceedings.)
10 Q. (By Mr. Bridges) Whom do you consider your
11 counterparts to be at ASTM and NFPA?
12 A. At -- at ASTM, I would consider my
13 counterpart John -- John Pace.
14 At NFPA, I am not sure who my counterpart
15 is.
16 Q. Are there persons at NFPA with whom you
17 discuss publication issues from time to time?
18 MR. LEWIS: Objection.
19 THE WITNESS: With -- with -- with NFP- --
20 yes, I -- I have discussed publication issues
21 with NFPA, I think most recently three, four
22 years ago.
23 Q. (By Mr. Bridges) Do you recall whom you
24 had those discussions with?
25 A. Well, there were two people. One I had a

Page 24

1 telephone conversation with and the other was a
2 e-mail exchange, one a lady. I think Michael was
3 maybe the fellow. I -- I don't recall. The woman
4 was maybe Julie. I'm stretching now, but...
5 Q. Do you recall ever learning that ASTM and
6 NFPA have registration requirements for their free
7 viewing facilities?
8 A. No, I think I have heard that over the --
9 over the years of my knowledge of what they've done.
10 I wouldn't -- and I'm -- I wouldn't swear to the fact
11 that they've -- that they would have those processes,
12 but I -- I think that John Pace had mentioned to me
13 once they do that.
14 Q. Have you ever discussed with them the
15 relative -- strike that.
16 Did you ever discuss with them any
17 considerations as to why an organization would or
18 would not impose a registration requirement?
19 A. No, I never have.
20 Q. Coming back to 90.1, is that the most
21 popular standard that ASHRAE provides?
22 A. Uh-huh (affirmative). It is.
23 Q. How would you briefly describe the scope
24 and purpose of 90.1?
25 A. 90.1 provides guidance for the design and

Page 25

<p>1 operation of buildings that are energy efficient. 2 Q. Is it true that some people credit 90.1 3 with significant energy savings at the national level 4 because of its implementation in building design and 5 operation? 6 MR. LEWIS: Objection. 7 THE WITNESS: What I hear mostly is -- what 8 I hear is it's -- there's a -- there's savings 9 that can be achieved over the previous editions 10 of the standard. 11 So when a new edition of that standard 12 comes out, it would be -- I -- I hear that it 13 will be a 15 percent energy savings over a 14 building constructed from the previous version 15 or 30 percent savings. 16 Q. (By Mr. Bridges) Do you know how many 17 copies of 90.1 ASHRAE has sold or distributed or 18 provided access to? And my question is specific to 19 the 2010 edition. 20 A. For ASHRAE providing access -- and this 21 would be, say -- you said 90.1 2010; is that right? 22 Q. Right. And actually, by this I don't mean 23 through the free facility, I mean -- 24 A. So -- 25 Q. -- on a paid or --</p> <p style="text-align: right;">Page 26</p>	<p>1 those sources. 2 Q. Do you have an estimate of something 3 analogous to a circulation figure for an -- sorry, 4 for ASHRAE 90.1? 5 MR. LEWIS: Object to form. 6 Q. (By Mr. Bridges) You understand what I 7 mean by "circulation figure" in this context? 8 A. I'll -- well, I'll answer by saying I'm 9 also the publisher of our magazines -- 10 Q. Right. 11 A. -- so each of our magazines has a 12 circulation statement, which -- which verifies how 13 many copies of the magazine are put into the mail -- 14 Q. Right. 15 A. -- and made available -- 16 Q. Right. 17 A. -- or accessed online. 18 There is nothing analogous to that sort of 19 statement for our public -- for our standards 20 actively. 21 Q. And I understand that there's -- there's 22 not an industry standard circulation number as there 23 is for magazines when we're talking about books, but 24 just trying to get a sense of the -- the number of 25 persons that ASHRAE believes have interacted with</p> <p style="text-align: right;">Page 28</p>
<p>1 A. Yeah. 2 Q. -- or -- 3 A. Yeah. 4 Q. -- on a pay basis. 5 A. Yeah. 90- -- my recollection is 90.1 2010 6 would be in the neighborhood of 7,000 to 9,000 copies 7 that -- that we would have provided access to. There 8 may be a few more -- a few other more outlying copies 9 that would be part of a CD collection that would 10 include -- that would have included 90.1, so maybe 11 that's another 500 or so. 12 Q. And did these numbers include numbers of 13 copies of 90.1 that distributors may have sold? 14 A. It -- it -- it would not include the -- 15 what we call the value-added distributors, the -- 16 which is -- reaches a big percentage of the market 17 for us. 18 Those would be the groups that would take 19 our standards and make them available to customers 20 along with the standards of other organizations, or 21 they could also sell -- just resell our standards. 22 And typically, those would be large percentage of 23 network licenses and so on. 24 So it does not -- to answer your question, 25 that number would not include sales from -- from</p> <p style="text-align: right;">Page 27</p>	<p>1 90.1 in the 2010 edition, whether that is by physical 2 copy sale, whether it's by bundled or value-added 3 sale, whether it's by license, whether it's by some 4 subscription or network license, but I'm omitting 5 from this question the free reading facility. 6 MR. LEWIS: Object to form. 7 THE WITNESS: That would be pure conje- -- 8 I -- I do not know. 9 Q. (By Mr. Bridges) What -- is there a 10 standard retail price for the current version of 11 ASHRAE 90.1? 12 A. Yes, there is. 13 Q. How much is that? 14 A. That's what I'm -- I believe the ASHRAE 15 member price for the current edition of standard 90.1 16 is \$99. I believe the list price is \$120. 17 Typically, our member discount is 15 percent. 18 Q. Does ASHRAE have a figure of -- strike 19 that. 20 Does ASHRAE have an understanding of the 21 approximate revenue that it has gained from the sale 22 or licensing, direct or indirect, of the ASHRAE 90.1 23 standard? 24 A. We would have the information that would 25 represent the revenue from the copies that we sell.</p> <p style="text-align: right;">Page 29</p>

1 When it comes to the revenue that is
2 derived from the -- these value-added resellers, we
3 wouldn't -- we do not have a specific breakdown of
4 what component of that total rev- -- revenue is
5 attributable to 90.1.
6 Q. And I understand there may be no specific
7 breakdown because when somebody's selling a
8 compendium they don't charge on every piece of it,
9 but do you have an estimate, based on the relative
10 importance of 90.1 in those compendia, of what the
11 revenue stream is to ASHRAE that the ASHRAE 90.1 2010
12 standard provides?
13 MR. LEWIS: Objection. Asked and answered.
14 THE WITNESS: It -- just -- just when --
15 when -- when you mention the indirect, would
16 that also include educational courses and other
17 activities that are based on the standard, as
18 well?
19 Q. (By Mr. Bridges) Good -- good question.
20 No.
21 A. Okay.
22 Q. What I meant by "indirect" here is that
23 either ASHRAE sells to a ultimate purchaser or it
24 sells to a book dealer or a bookstore or it sells to
25 ANSI and ANSI sells it where the ultimate purchaser

Page 30

1 is not interacting directly with ASHRAE. That's what
2 I mean.
3 A. So now that I have achieved that
4 clarification, could you repeat your original
5 question, please?
6 Q. Certainly, certainly.
7 Do you have an estimate of what the total
8 revenue stream is to ASHRAE that the ASHRAE 90.1 2010
9 standard provides, taking into account all of the
10 channels of distribution and licensing?
11 MR. LEWIS: Objection.
12 THE WITNESS: Yeah, I -- I really do not.
13 I mean, I -- I just know -- I -- I know the --
14 or could derive the -- the amount of income from
15 the sales that we are responsible for, where we
16 make the sale, and it's a substantial, you know,
17 proportion. It's our largest revenue generator
18 in -- in standards.
19 I would intuitively think that -- that it
20 would also be a substantial re- -- portion of
21 the revenue that comes from the resellers, but
22 we just do not receive the information in
23 that -- that manner.
24 We receive our royalty, a royalty check,
25 and there is -- we do not receive a breakdown

Page 31

1 of -- of -- of the components, especially from
2 the big resellers that we have. If it's a
3 reseller that just resells specific documents
4 then we may see that, but that's a very small
5 percentage of the whole.
6 Q. (By Mr. Bridges) Who are ASHRAE's big
7 resellers?
8 A. The -- the largest one would be Information
9 Handling Services. Second largest one would be
10 Techstreet. Third would most likely be ANSI.
11 Fourth, MADCAD. Those would be the top four.
12 Q. And if you had to estimate what proportion
13 of your reseller revenue comes from those four, what
14 would that estimate be?
15 A. From those four? Oh, gosh, that would be
16 85, 90 percent.
17 Q. What is ANSI's [sic] yearly
18 publication-based revenue from resellers?
19 MR. LEWIS: Objection.
20 THE WITNESS: I have no idea.
21 Q. (By Mr. Bridges) What royalties does ANSI
22 [sic] collect with respect to its standards?
23 MR. LEWIS: Objection.
24 Q. (By Mr. Bridges) Let me -- I'll clarify
25 the question.

Page 32

1 What types of royalties and for what types
2 of transactions does ASHRAE collect
3 publication-related royalties?
4 A. This is with -- just generally? Is that --
5 Q. Yes.
6 A. Yeah. For the most part, my understanding
7 is that the -- the resellers are selling network
8 licenses and broad-based access to our standards
9 within companies. They -- typically, they would
10 reach a little different market than we would,
11 whereas, you know, they're for the most part, my
12 understanding would be, reaching larger corporate
13 entities, institutional entities, whereas our
14 membership is -- is more -- it's an in- -- ASHRAE is
15 an individual member-based organization. So our
16 market is typically those individuals.
17 Q. Do you know roughly how much revenue ASHRAE
18 receives in royalties from network licenses?
19 A. I -- I know the amount of -- I can estimate
20 the -- the amount of revenue that we receive from our
21 value-added resellers. I'm -- again, I -- I know
22 that they also will sell one-off copies from their --
23 from -- that's one of their sales channels. However,
24 I do not believe that's a major component of their
25 sales.

Page 33

1 So I -- I would -- I would assume that
2 the -- the largest -- the most substantial revenue
3 stream that they provide to us in royalty comes from
4 network licenses.
5 Q. And how much would you estimate that to be
6 on an annual basis?
7 A. Do you mean the -- the -- the total revenue
8 or the part from -- or the part from network
9 licenses?
10 Q. Let's say the total revenue from
11 value-added resellers to begin with and then
12 understanding whether you can break out network --
13 A. Yeah.
14 Q. -- licenses.
15 A. Our -- our total royalty revenue would be
16 roughly 1.2 million to 1.4 million.
17 Q. And when you identify your total royalty
18 revenue, that revenue number is separate from the
19 revenue number you gave me earlier about publications
20 revenue; is that correct?
21 A. Yes, that's correct.
22 Q. So to understand the total -- I hate to use
23 the word, but monetization value of publications, one
24 would have to add in the publications revenue and the
25 royalty revenue; correct?

Page 34

1 A. That is correct.
2 Q. What other components would be missing if I
3 had just the publication revenue and the royalty
4 revenue?
5 A. Now, we are speaking just -- of just
6 publications?
7 Q. Right, and really specifically standards.
8 A. Standards. Just running through our
9 financial statements in my mind. That -- that's it.
10 Again, there's educational components that
11 we may use standards in which -- but there's no --
12 but sometimes like we include a standard in a
13 registration fee for a conference, so there's no
14 direct revenue from that standard.
15 But if you added together the royalty sales
16 and you added together our direct sales of
17 publications, that would represent our -- our total
18 publication revenue.
19 Q. Do you have an estimate as to what
20 percentage of that total revenue is attributable, in
21 your mind -- or in ASHRAE's mind, to all versions of
22 90.1?
23 MR. LEWIS: Objection.
24 THE WITNESS: So what percentage of our
25 total publications revenue, if that total

Page 35

1 revenue is both what we sell and the royalties,
2 what's the component of that that is
3 attributable to --
4 Q. (By Mr. Bridges) 90.1 --
5 A. -- 90.1?
6 Q. -- all versions.
7 A. Yeah. And let me just go through some math
8 as I'm -- as I'm speaking.
9 And this would not be any of the kind of
10 indirect educational or, you know, credibility and
11 other -- other ways that that may impact us.
12 Q. Right.
13 A. Yes, just give me -- okay. Now let me just
14 run through those numbers now.
15 Well, when it gets to the royal- -- the
16 problem is for the royalty part I'm really making
17 guesses, because it's -- because I don't have -- you
18 know, it -- it -- I -- I don't have those numbers,
19 you know, broken down as such.
20 Q. I'll just ask you for your best estimate.
21 A. Best estimate.
22 MR. LEWIS: Objection.
23 THE WITNESS: So the best estimate, if the
24 total was \$450,000 --
25 Q. (By Mr. Bridges) Out of the total.

Page 36

1 A. Out of the total as an estimate, just
2 conjecturing.
3 Q. Is -- excuse me, I may have -- I don't
4 think I asked the exact same question. I may have
5 asked a similar question earlier. Forgive me if I
6 repeat myself because I'm working on one hour of
7 sleep.
8 Is 90.1 ASHRAE's -- I think -- strike that.
9 I think you said it was ASHRAE's most
10 popular standard; is that correct?
11 A. (Witness nodded head affirmatively.)
12 MR. LEWIS: Objection.
13 Q. (By Mr. Bridges) What would you consider
14 the second most popular standard to be?
15 A. Second I would consider Standard 62.1,
16 which is ventilation requirements for buildings.
17 Q. What would round out the rest of the top
18 five, in your view?
19 A. Top five. Standard 55, which is a thermal
20 comfort standard; Standards 15 and 34, which relate
21 to refrigerant use and -- in air-conditioning and
22 refrigeration systems.
23 Q. I think, based on the number of years
24 you've been at ASHRAE, is it correct that you started
25 at ASHRAE before ASHRAE first published 90.1?

Page 37

1 A. My first job at ASHRAE was to edit the
2 proposed version of Standard 90.
3 Q. Of 90?
4 A. It was originally called Standard 90 when
5 it was first released in 1975. The .1 was added as a
6 variation at a later time.
7 Q. Did -- did ASHRAE take that work over from
8 some different predecessor?
9 MR. LEWIS: Objection. Vague.
10 THE WITNESS: To my knowledge, there was a
11 National Bureau of Standards. I've heard that
12 was -- that was -- that was underway.
13 Q. (By Mr. Bridges) And so had it published
14 an earlier standard that ASHRAE then updated and made
15 ASHRAE's own standard?
16 MR. LEWIS: Objection.
17 THE WITNESS: I don't believe so. I
18 don't -- I don't believe there was a previous
19 document in existence.
20 Q. (By Mr. Bridges) Is it your understanding
21 that there was a previous process in existence and
22 ASHRAE took that over?
23 MR. LEWIS: Objection.
24 Q. (By Mr. Bridges) I thought I read
25 someplace that -- that -- that ASHRAE developed it as

Page 38

1 some follow-on to something else, and I'm trying to
2 figure out what that is.
3 A. I think there was --
4 MR. LEWIS: Objection.
5 THE WITNESS: I think there was a desire.
6 There was a need that was voiced that ASHRAE
7 then fulfilled that need by developing
8 Standard 90.
9 Q. (By Mr. Bridges) Do you know who it was
10 who articulated that need?
11 A. With -- within ASH- -- within ASHRAE now?
12 Q. No, no, whoever it was that initiated the
13 statement saying there's a need for something like
14 this --
15 MR. LEWIS: Objection.
16 Q. (By Mr. Bridges) -- and then ASHRAE
17 fulfilled it.
18 A. I -- I -- I do not. I'm working from my
19 memory of presidential speeches of that -- of that
20 year, "presidential" meaning ASHRAE presidential --
21 Q. ASHRAE --
22 A. -- not President Nixon --
23 Q. Right.
24 A. -- whoever was in office at the time.
25 Q. Right.

Page 39

1 I want to come back to the reading room for
2 a second -- I'm sorry, the free reading facility. I
3 should use your terminology.
4 What functions can a viewer carry out at
5 the free reading facility?
6 A. When we used the RealRead platform, I know
7 it was -- it was just to view. So it was purely to
8 view, you did not download. And there was a -- at
9 some point in time, we added a "Buy Now" button, so
10 we put a "Buy Now" button there.
11 When we switched to iWrapper, my -- my
12 recollection is that that is pure viewing only and I
13 do not know if we've got a "Buy Now" button on --
14 with the iWrapper platform, but I'm quite sure we do.
15 I can't imagine why we wouldn't. That was -- we
16 switched platforms -- I think that was two years ago.
17 Q. How do you spell "iWrapper"? Is it capital
18 I-W-r-a-p-p-e-r?
19 A. I think it's small i, capital
20 W-R-A-P-P-E-R.
21 Q. Oh, okay.
22 A. And I think --
23 Q. Do you recall whether there's a text search
24 function that when somebody goes to the --
25 A. I do not recall.

Page 40

1 Q. Do you recall whether there's a possibility
2 of selecting text for pasting?
3 A. I do not -- I do not believe there is. I
4 believe it's -- it's viewing, but I -- I'm not sure.
5 Q. Who is in charge of the technical aspects
6 of the iWrapper implementation?
7 A. I approve it. We -- when RealRead -- when
8 I received the notice from RealRead going out of
9 business, I was responsible for shifting us over to
10 another platform.
11 And so we -- I talked -- we use various
12 suppliers and vendors, and so one vendor who we use
13 extensively for publications work, we asked him what
14 his solution would be and -- and he recommended
15 iWrapper, which is a commercially-available -- I'm
16 not sure if that's Adobe or that's -- I think it's
17 probably Adobe, but -- but that's commer- -- so he
18 recommended using that commercially-available
19 platform.
20 And -- and my intent would have been to
21 replicate what we had with the RealRead
22 functionality.
23 Q. Who's the vendor that ASHRAE uses?
24 A. For -- for -- for this project, we used --
25 used a firm iENGINEERING, which is outside of

Page 41

1 Washington.
2 Q. Who is ASHRAE's principal contact there?
3 A. Riaz Ahmed.
4 Q. R-I-A-Z A-H-M-E-D?
5 A. Yes. That's the first name and last name.
6 Q. Who at ASHRAE supervises the relationship
7 with iENGINEERING?
8 A. Well, at the -- approving the payment of
9 invoices and approving the initiation of work, it is
10 me, and -- and then there's a -- a gentleman in my
11 group who actually then works on a day-to-day basis
12 with vendor relationships. David Soltis is his name.
13 Q. How do you spell Soltis?
14 A. S-O-L-T-I-S.
15 Q. If a member of the public wanted to write
16 an article about the evolution of the 90.1 standard
17 over the last 20 years by showing a comparison
18 through, let's say, a redline, an electronic
19 comparison -- let me back up.
20 Do you understand what a redline is?
21 A. I do.
22 Q. If a member of the public wanted to write
23 an article about the evolution of the 90.1 standard
24 over the last 20 years by providing a redline of the
25 various changes from version to version, is there

Page 42

1 a -- what would the -- I'm going to start the
2 question again. Let me strike that.
3 If a member of the public wanted to write
4 an article about the evolution of the 90.1 standard
5 over the last 20 years by providing a redline of
6 various changes from version to version, what steps
7 would that person need to go through in order to
8 generate a comparison document?
9 MR. LEWIS: Objection.
10 THE WITNESS: We currently offer for the
11 current version of Standard 90.1 -- .1 a redline
12 version that's available for sale. That's
13 something we only initiated a year ago, year and
14 a half. So we would not be able to provide that
15 document, if that's a -- if that's -- if that's
16 the question.
17 If they wish to reuse our content, then we
18 have a process that we follow for reprint
19 permission or request for -- for -- for use.
20 Q. (By Mr. Bridges) Leaving aside the
21 permissions process, how, from a technical
22 standpoint, would one be able to generate that
23 redline? Would one have access to earlier versions
24 in an electronic format that would be suitable for
25 applying a comparison tool to?

Page 43

1 MR. LEWIS: Objection.
2 THE WITNESS: Yes.
3 Q. (By Mr. Bridges) And what would the
4 earlier versions be?
5 A. PDFs.
6 MR. LEWIS: Objection.
7 Q. (By Mr. Bridges) PDF.
8 And if one wanted to trace the evolution
9 across four versions to produce one document with
10 annotations showing, for example, when each provision
11 entered into the standard and when various provisions
12 disappeared from the standard, would the person need
13 to get permissions to reuse each of the four
14 versions, according to ASHRAE's practices?
15 A. If they were doing this for their personal
16 use, then no, because that would be allowed for in
17 their purchase of the standards.
18 The permission would require -- would be
19 required for the extent to which that person would
20 want to make information available more widely other
21 than for personal use, and then there would be
22 considerations that would be given for amount of
23 content, so on.
24 Q. Well, what -- what if somebody wanted to
25 write an article criticizing the evolution and saying

Page 44

1 that it had gotten off track and wanting to
2 illustrate the arguments by quoting substantial bits,
3 let's say two pages at a time for five different
4 instances.
5 According to ASHRAE's practices, what would
6 be required for the person -- for that person to be
7 able to do this?
8 MR. LEWIS: Objection.
9 THE WITNESS: Whether the article is
10 critical or not isn't part of our process of
11 granting permission for use of content.
12 Q. (By Mr. Bridges) Leaving that part aside,
13 then, what would the person need to do, according to
14 ASHRAE's practices, to get permission to provide,
15 let's say, four two-page excerpts showing the
16 changes?
17 MR. LEWIS: Objection.
18 THE WITNESS: They would need to specify
19 what content from the standard they wished to
20 use, what -- how much content, what type of
21 content, and what the use would be, say an
22 article.
23 We do not ask what that article is going to
24 say, nor do we review that article before it is
25 used. That's not part of our process.

Page 45

1 So they would have to specify the amount of
2 content that they wish to use, what content, and
3 how and what that use would be.
4 Q. (By Mr. Bridges) Would ASHRAE give that
5 permission without charge?
6 A. We always use a balance in -- in -- in how
7 we approach reprint requests.
8 If I do not feel there's going to be a
9 negative impact on the sales of -- of a standard,
10 typically I will grant reprint permission use,
11 because I think it also promotes awareness of a
12 standard.
13 I should say that we also have an on-line
14 system that we use, as well, RightsLink. You can go
15 to our website and you can see that. But that hasn't
16 worked very well. That was my attempt at trying to
17 remove a little bit of the care and hand- -- well,
18 the time that has to go in with processing requests.
19 In -- in that system, it was a cookie
20 cutter, a certain amount of money for a certain --
21 for a certain number of figures and so on. But
22 that's really not a very practical system and it's
23 just about -- we -- I think we still have the link
24 there, but it's really -- doesn't have very good
25 functionality.

Page 46

1 Q. And it sounds to me as though the reason
2 for that is that it wasn't flexible enough to
3 accommodate different use cases?
4 A. That -- that's correct. And -- and it's
5 hard to keep it up to date. We publish many
6 articles, we publish many standards, and so to try to
7 keep that database of permission -- so when somebody
8 goes in and they identify the -- the source of the
9 content, it was as much work for us to keep the
10 database up to date as it was to handle the
11 permissions personally.
12 Q. Do you have a dedicated permission staff?
13 A. My administrative assistant is the focal
14 point for permissions.
15 Q. What is your assistant's name?
16 A. Julie Harr, H-A-R-R.
17 MR. BRIDGES: If it's all right with you, I
18 ask that we take a break. We've gone just a
19 little bit over an hour. Normally I'd like to
20 go longer, but I'm working on sleep deprivation.
21 I'll try and keep the breaks short, but I may
22 need them every hour.
23 VIDEOGRAPHER: This is the end of Video 1.
24 We're going off the record at 11:26 a.m.
25 (Thereupon, there was an interruption in

Page 47

1 the proceedings.)
2 VIDEOGRAPHER: This is the beginning of
3 Video 2. We are going on the record at
4 11:46 a.m.
5 Q. (By Mr. Bridges) Do you know roughly what
6 percentage of publications income comes from
7 government sources for ASHRAE?
8 A. I do not.
9 Q. Do you know what government support ASHRAE
10 gets in the development or revision of standard --
11 standards?
12 A. I am not aware of any funding received by
13 ASHRAE for development or the revision of -- of
14 standards.
15 Q. You're aware that government employees
16 participate in the standard development process?
17 A. I do. And -- well, I -- what I am aware of
18 is that there -- there may be individuals with the
19 government who purchase copies of -- of standards.
20 I'm not exactly sure of their role on project
21 committees, but -- but they are -- would be included
22 in the -- the customer base for standards.
23 Q. And you're aware that -- does the U.S.
24 government enter into any contracts with ASHRAE for
25 the sale or availability of standards?

Page 48

1 A. We have had -- in -- in recent -- this is
2 in recent years, we've had three contracts I've been
3 engaged with related to the distribution of
4 standards, specifically 90.1.
5 Q. What were the contracts for?
6 A. Three -- first contract was for making
7 90.1 -- and I believe that was the 2010 version of
8 the standard -- available to ASHRAE members for --
9 well, I -- available from the ASHRAE website for free
10 download.
11 And then there were two subsequent
12 contracts that were done in conjunction with the
13 International Code Council where actually they did
14 the -- the distribution, but inclu- -- which -- which
15 the distribution included one of their documents,
16 the -- what is called the IECC, International Energy
17 Conservation Code.
18 So -- so that -- that document was
19 provided -- distributed by ICC and included in that
20 package ASHRAE Standard 90.1 2010.
21 And then the third contract added 90.1 2007
22 distribution, and that was to a distribution list
23 provided to ICC from, in this case, Pacific Northwest
24 Laboratories, which was a -- a laboratory under
25 contract at the Department of Energy.

Page 49

1 Q. I'd like to go back to the beginning of
2 your answer, because I -- I didn't quite understand
3 it.
4 The first contract was for making the 2010
5 version of the standard available in some fashion and
6 I think first you said available to ASHRAE members
7 and then I think you said available from the ASHRAE
8 website for free download.
9 Is -- did you mean available not
10 specifically to ASHRAE members, but available from
11 the ASHRAE website for download?
12 MR. LEWIS: Objection.
13 THE WITNESS: I meant to say was available
14 for free download from the ASHRAE website.
15 Q. (By Mr. Bridges) Who -- and under that
16 contract, who had access to the free downloads?
17 A. Anyone who logged into our website and
18 clicked on the option to complete that download.
19 Q. Oh, any person --
20 A. Anybody could --
21 Q. -- any person, country?
22 A. That's correct. Actually, in the world.
23 Q. In the world.
24 A. That's my -- as I say that, that's my
25 recollection, is it was not rest- -- I know it was

Page 50

1 not restricted to members -- I misspoke at first --
2 and I think it was open to -- to anyone.
3 Q. And that's what I was trying to figure out.
4 A. Yeah.
5 Q. Okay. So the first contract -- just to
6 summarize again, the first contract was for ASHRAE to
7 make 90.1 available for free to the public by
8 download; correct?
9 A. That is correct.
10 Q. Was that contract for a limited period of
11 time or was it for -- what were the terms of that
12 contract?
13 A. There was a contract that had a -- a dollar
14 amount associated with it, and so there was a fee
15 that every -- every time a download was made, a fee
16 for that unit was charged. So once that total
17 contract amount was met, then the downloads stopped.
18 Q. Do you recall what the per-download fee
19 was?
20 A. I believe it was \$15 a -- a document.
21 Q. Do you know how ASHRAE knew when a download
22 occurred?
23 A. Yes, because we had a -- a system that
24 would click -- keep track of the downloads.
25 Q. How --

Page 51

1 A. So that was how we did the -- knew when it
2 ended.
3 Q. How could you distinguish, let's say,
4 between a download and a simple view of the document
5 from ASHRAE's website?
6 A. There was no viewing associated with this
7 particular functionality. You just clicked on a box
8 that said "Download."
9 Q. Got it.
10 With what government agency was the
11 contract?
12 A. Our contract was with PNL, Pacific
13 Northwest Laboratory, which is a laboratory of the
14 U.S. Department of Energy.
15 Q. Did ASHRAE ever come to have an
16 understanding as to why Pacific Northwest Laboratory
17 wished to have that facility available?
18 A. This was part of the -- the time frame is
19 2011, and I believe this was part of the -- the
20 Recovery Acts, the National Recovery Acts that were
21 in place at that time.
22 And I was approached by somebody from PNL
23 as a -- to do that. I do not know what their --
24 their motivations were except to make the standard
25 available.

Page 52

1 Q. Do you know how many downloads occurred
2 under that contract?
3 A. I do not, but if -- if it was the 15 per
4 download and the contract was \$322,000, it would be
5 that division.
6 (Defendant's Exhibit 1077 was marked for
7 identification.)
8 Q. (By Mr. Bridges) My brain is sitting next
9 to me and my brain hands me important things from
10 time to time.
11 Mr. Comstock, I ask you to look at
12 Exhibit 1077.
13 Could you identify it, please?
14 A. This appears to be the -- the proposal that
15 I just -- I just spoke of. I think I did say 2010.
16 This document says 2000 -- 2007 version of that --
17 oh, no, I'm sorry. Yeah, it says --
18 MR. LEWIS: I'll just note for the record
19 that the document is two sided.
20 Q. (By Mr. Bridges) Yes, always. I think all
21 of our documents will be.
22 A. So it's the 2007 version, yes.
23 Q. Okay. Was this free download facility
24 something that ASHRAE proposed?
25 A. No. The -- we -- we were approached by

Page 53

1 PNL, to my -- to my knowledge.
2 Q. The -- just the format, it's in response to
3 an RFP or request for proposals.
4 Do you know what the RFP No. 140008
5 specified?
6 A. I -- I do not.
7 Q. The proposal envisioned that ASHRAE would
8 promote the free download program through targeted
9 e-mails to members of ASHRAE; correct? I'm looking
10 rough- -- just above the midpoint in that exhibit.
11 A. Correct.
12 Q. Do you know to what extent ASHRAE promoted
13 the free download program to the broader public,
14 apart from members of ASHRAE?
15 A. I -- we put notices on our website to -- is
16 my recollection. I believe we did news releases, but
17 I am -- that's an assumption on my part.
18 Q. And then you said there were two other
19 contracts; is that correct?
20 A. That's correct. Both of those also
21 involved versions of Standard 90.1 and then also
22 included a document, the -- the IECC that I
23 referenced.
24 Q. Were they on roughly the same terms as the
25 terms in Exhibit 1077?

Page 54

1 A. No. That -- that was a -- a different
2 arrangement. For that process, the documents were
3 sent in hard copy form to recipients who were
4 provided to us from the -- from PNL. And the
5 distribution was made by ICC, which is the publisher
6 of the IECC. ICC is International Code Council.
7 Q. Were the second and third contracts
8 contracts between PNL and ICC?
9 A. No. I believe they were contracts between
10 PNL and ASHRAE and then ICC was engaged to fulfill
11 the agreement.
12 Q. Do you recall the expected audience,
13 recipients, of the hard-copy publications in the
14 second and third contracts?
15 A. I believe the targeted audience for that
16 was code officials at state and municipalities.
17 Q. Do you recall quantities and financial
18 terms for the second and third contracts?
19 A. The -- the -- the -- the purchase price for
20 the 90.1 inclusion was the same as this, \$15, if I
21 recall, and then there was a -- I believe ICC charge
22 for distribution of the IECC was also \$15 and then
23 there was a \$15 charge by ICC for printing, mailing,
24 inventory, distribution. So that was a total per
25 unit, that I recall, of \$45.

Page 55

1 Now, the first agreement I believe was
2 \$188,000, in that neighborhood. The second agreement
3 was \$230,000. The -- the -- but the second
4 agreement, I think -- so the first one, it would be
5 dividing the 45,000 into that -- \$45 into that total
6 amount. The second agreement actually included two
7 versions of 90.1, if I recall, and two different
8 versions of the IECC, so it could have been that cost
9 was \$90 total in- -- \$90 per unit into that \$230,000
10 number.
11 Q. And just to clarify one thing.
12 In the last couple of answers, you referred
13 to the first contract and the second contract. If we
14 put them in the context of the other contract, that
15 would make these the second and third contracts?
16 A. That's correct.
17 Q. Okay. In your answer just now, when you
18 were saying first and second, in the broader scope,
19 you were referring to the second and third contracts;
20 is that correct?
21 A. That is correct.
22 Q. As a result of these contracts, did ASHRAE
23 observe any effect on its other sales or licenses of
24 the 90.1 standard?
25 A. These -- these three contracts all involve

Page 56

1 distribution of not the current version of the ASHRAE
2 standard, but the previous version.
3 Did we see any noticeable change in the
4 distribution or the sales of the -- the current
5 version? Nothing seemed to jump out.
6 Q. Did ASHRAE observe any noticeable effect on
7 the distribution, even of the earlier versions, apart
8 from -- from these contracts?
9 A. Intuitively, I would think there would have
10 been some impact, but I can't say -- we didn't
11 monitor that, so I have no evidence one way or the
12 other.
13 Q. So you don't know one way or the other
14 whether these contracts cannibalized other types of
15 sales of the same versions?
16 A. Yeah, I have no -- no evidence one way or
17 the other.
18 Q. Has ASHRAE entered into any other
19 agreements for public access or distribu- -- public
20 access to or distribution of its -- strike that.
21 Has ASHRAE en- -- entered into any other
22 agreements for broad public access to or distribution
23 of its standards, either for free or for reduced
24 price?
25 MR. LEWIS: Objection.

Page 57

1 THE WITNESS: Was your question by --
2 repeat the question, please?
3 Q. (By Mr. Bridges) Sure.
4 Has ASHRAE entered into any other
5 agreements to provide broad public access to or
6 distribution of its standards either for free or for
7 a reduced price?
8 A. At -- at times over the past -- not for
9 90.1, but for some other standards, a company may pay
10 a license fee to make a standard available if it
11 relates specifically to their products. That would
12 be a license agreement.
13 And that's very rare. I mean, it's --
14 it's -- perhaps one standard every three to five
15 years would -- would be the case. But nothing with
16 government like was done here.
17 Q. Okay. What proportion of ASHRAE's yearly
18 revenues comes from the monetization of its
19 publications? Do you understand that term?
20 A. When you say "publications," do you include
21 periodicals?
22 Q. Good point, so I'm going to withdraw my
23 question.
24 But I just want to make sure -- I think you
25 understand my -- my word "monetization" in this

Page 58

1 context. You nodded, but the court reporter can't
2 take nods down.
3 Do you understand, broadly speaking,
4 monetization of publications through revenue sources
5 like purchasing and licensing and the like?
6 A. Yes.
7 Q. And royalties?
8 A. Yes.
9 Q. What proportion of ASHRAE's yearly revenues
10 comes from the monetization of its standards as
11 publications?
12 A. I'm making sure I'm doing the math right.
13 Q. That's fair. That's fair.
14 A. Let's see. It would be -- directly
15 attributable to standards would be approximately
16 10 percent.
17 Q. How else does ASHRAE earn revenue, other
18 than through the monetization of its standards?
19 A. Membership dues, conference registrations,
20 advertising, subscription sales, educational course
21 registrations, certification, exposition income.
22 And when you said "publications," if -- so
23 in addition to publications, we have books. So
24 books, if -- if -- if -- if that's -- if you
25 distinguish between standards in your questions, then

Page 59

1 there would be books. And I believe that -- that --
2 that covers it.
3 Q. Roughly what percentage of ASHRAE's
4 expenses pertain to the organization and supervision
5 of the standards development process and the costs of
6 publication and the costs of administering the
7 permissions and distributions and the like?
8 MR. LEWIS: Objection.
9 THE WITNESS: I can speak to the side of
10 that process that deals with the -- the -- the
11 publications part. I do not know what the --
12 the costs would be to support the development of
13 the product. My role begins when we push that
14 standard out to the -- to -- to the marketplace.
15 What would be -- I -- I'd probably say
16 there are staff salaries that would be
17 attributable to standards activities from the
18 publication side of things, production, so on.
19 If you add portions of people's time together,
20 we're probably speaking of four people from the
21 publications side.
22 And then the -- the cost of the
23 infrastructure for the book- -- for the
24 bookstore, the on-line process, and warehousing,
25 and finally the -- the -- the work that may be

Page 60

1 involved in -- in -- in managing that on-line
2 bookstore.
3 Q. (By Mr. Bridges) Are you able to estimate
4 a percentage of ASHRAE's expenses involved in what
5 you've just described?
6 A. Boy, and I -- and I -- I left -- the
7 easiest numbers, the printing costs, I just left out.
8 Q. Right.
9 A. The cost to print --
10 Q. Right.
11 A. -- a unit would be included.
12 You know, if -- if we have a hundred -- I'm
13 just guessing now. If you have a -- I said those --
14 those individuals, you know, we have a hundred
15 employees, so -- with various activities.
16 So I'd say 5 percent of labor and then you
17 figure the -- the cost of that infrastructure,
18 standards amounts to a large portion of it. And
19 permissions, a lot of that is attributed to
20 standards. That's maybe -- that part, \$200,000.
21 Q. 200,000 to the --
22 A. For the -- just the expenses of doing those
23 things. The bookstore, I mean, you know, processing
24 orders, apart from the -- the -- the labor.
25 Q. So you're saying 5 -- 5 percent of the

Page 61

1 staff count plus about 200,000 in expenses?
2 A. That's correct, for the portion of the
3 standards work that is involved in what we do, which
4 is the distribution of those to the -- to the
5 marketplace.
6 I -- probably in terms of context, our
7 bookstore is actually -- we do that in partnership
8 with an outside group, so that is a -- we pay fees
9 associated with -- any time orders are taken through
10 our bookstore. So there are -- are costs that we
11 have through the -- through the vendor for operation
12 of our bookstore.
13 Q. And just to be clear, I think you either
14 said this or started to say it. I think I didn't
15 hear it completely.
16 The expenses you just described were from
17 that point in the process where your part of the
18 organization takes over and pushes the standards out
19 to the public. These numbers did not include the
20 costs and expenses and staffing that ASHRAE invests
21 in the creation and revision of the standards
22 themselves; correct?
23 MR. LEWIS: Objection.
24 THE WITNESS: That is correct.
25 Q. (By Mr. Bridges) Has -- do you understand
Page 62

1 what a subvention is of a publication?
2 A. I do not.
3 Q. Has ASHRAE ever received any grants to
4 support the publication of any particular standards?
5 A. I have no knowledge of ASHRAE receiving
6 funds for that.
7 Q. Is ASHRAE aware of any monetary losses that
8 it has suffered as a consequence of the defendant's
9 conduct in this case?
10 A. I can't speak to any -- any tracking of --
11 of losses. And anecdotally, people say if -- they've
12 asked me if a standard is available on the Internet,
13 is that -- is that allowed, is that permissible, so
14 we -- in those cases, we will seek to remove them.
15 But we don't -- we -- I don't have any
16 record of tracking such loss of -- of revenue.
17 Q. Apart from tracking it, does ASHRAE have
18 any information regarding monetary losses it has
19 suffered as a consequence of defendant's conduct?
20 A. I -- I do recall there was one message we
21 got from somebody who refer- -- I think it was
22 somebody with Carrier Corporation, if I recall, who
23 referred to -- who referred to that. I don't know if
24 they had intended to purchase or not, but that was
25 one specific case I do recall.
Page 63

1 Q. Is that David Hollman?
2 A. It was somebody with Carrier, Carrier
3 Corporation.
4 Q. Carrier UTC?
5 A. Yes. Yeah, yeah.
6 Q. Does the name David Hollman ring a bell to
7 you?
8 A. I -- I think so.
9 Q. Do you know whether he's an ASHRAE member?
10 A. I do not know. Carrier's -- there are many
11 employees with -- with -- from -- of Carrier who are
12 members of ASHRAE.
13 Q. Do you recall any other information ASHRAE
14 has regarding any potential monetary loss as a
15 consequence of defendant's conduct?
16 A. I have no firsthand knowledge of -- of
17 that.
18 Q. Do you have any other information that you
19 might have acquired secondhand?
20 A. With regard to --
21 Q. Monetary losses.
22 A. -- this -- this -- in this case?
23 Q. Caused by defendants, yes.
24 A. No, I do not have any -- any other
25 knowledge of that.
Page 64

1 Q. Are you aware of any persons being misled
2 as to a relationship between the defendants and
3 ASHRAE?
4 A. I'm not aware of that.
5 Q. Are you aware of anybody being confused in
6 any way as a consequence -- strike that.
7 Are you aware of anyone being deceived in
8 any way by defendant?
9 A. I am not aware --
10 MR. LEWIS: Objection.
11 THE WITNESS: -- of that.
12 Q. (By Mr. Bridges) Are you aware of anyone
13 being confused in any way by any conduct of the
14 defendant?
15 MR. LEWIS: Objection.
16 THE WITNESS: If I recall, I think that
17 was -- the fellow from Carrier was asking me a
18 question of whether that was an authorized use,
19 perhaps. I can't remember the exact wording,
20 but there was a -- a question that I was asked
21 of that -- of that person.
22 Q. (By Mr. Bridges) Are you aware of any
23 other instances of anyone being confused in any way
24 by any conduct of the defendant?
25 MR. LEWIS: Objection.
Page 65

1 THE WITNESS: Not -- not specifically.
2 Q. (By Mr. Bridges) Do you know whether
3 ASHRAE is aware of anyone being confused in any way
4 by any conduct of the defendant?
5 MR. LEWIS: Objection.
6 THE WITNESS: I am -- that's -- if so,
7 that's not been passed on to me. I -- I'm not
8 aware of that.
9 Q. (By Mr. Bridges) Apart from Mr. Hollman
10 and the other -- strike that.
11 Apart from Mr. Hollman and other standards
12 development organizations, has anyone complained to
13 ASHRAE about the conduct of the defendant in this
14 case?
15 MR. LEWIS: Objection.
16 THE WITNESS: I do not know if anyone's
17 complained to ASHRAE. The only instance I'm
18 familiar is -- familiar with is that one.
19 Q. (By Mr. Bridges) Whom I think is
20 Mr. Hollman.
21 A. Mr. -- the fellow from Carrier.
22 Q. Right.
23 And just so you know, we're going to dig up
24 what we think is the relevant document. We just
25 don't have it. We'll probably have to print it out,

Page 66

1 but I'll ask you to look at it. I'm not holding that
2 back for some reason.
3 Is ASHRAE aware of any harms that it has
4 suffered in any way from the conduct of the defendant
5 in this case?
6 A. We always try to protect our copyright.
7 Whether I'm aware of any specific instances that have
8 been brought to my attention about the -- the conduct
9 in this case, I can't say I'm aware of that, but we
10 do have a process we follow where we protect our
11 copyright, which we do consistently.
12 Q. I understand that.
13 Has ASHRAE suffered any harm to its
14 reputation as a consequence of the defendant's
15 conduct in this case?
16 A. I can't say at this point that ASHRAE has.
17 Q. Has ASHRAE encountered any communication in
18 which a person informed or suggested to ASHRAE that
19 ASHRAE would lose a sale of a standard because of the
20 defendant's conduct in this action?
21 MR. LEWIS: Objection.
22 THE WITNESS: I can't recall receiving any
23 such messages or being engaged in such
24 conversations. It's intuitive that if our
25 documents are available, that there would be

Page 67

1 some ramification for us, but I can't point to a
2 specific claim that was made.
3 MR. BRIDGES: I think we've gone about an
4 hour. Why don't we take a lunch break now.
5 I'll just tell you that I don't anticipate using
6 the full seven hours in case you're worried
7 about timing.
8 MR. LEWIS: Okay.
9 VIDEOGRAPHER: We're going off the record
10 at 12:24 p m.
11 (Thereupon, there was an interruption in
12 the proceedings.)
13 VIDEOGRAPHER: We are back on the video
14 record at 1:43 p m.
15 Q. (By Mr. Bridges) Good afternoon.
16 A. Good afternoon.
17 (Defendant's Exhibit 1078 was marked for
18 identification.)
19 Q. (By Mr. Bridges) Mr. Comstock, during the
20 morning session, you had mentioned communication from
21 someone connected with Carrier; correct?
22 A. Correct.
23 Q. Please look at Exhibit 1078 and tell me
24 what that exhibit is.
25 A. This is an inquiry that we received from a

Page 68

1 person with a Carrier UTC e-mail address noting that
2 he found an ASHRAE document published at Resource.org
3 website.
4 Q. Was that the instance you were referring to
5 in your testimony this morning?
6 A. Yes, it was.
7 Q. Do you recall whether there was any other
8 communication with Mr. Hollman about this topic?
9 A. I do not recall any further exchange except
10 what's represented here.
11 Q. What is Carrier?
12 A. Carrier's probably -- well, one of the
13 largest air-conditioning equipment suppliers in the
14 world with a global -- global outreach, founded by
15 Willis Carrier, the so-called father of
16 air-conditioning, if you would.
17 Q. That actually reminds me of -- the
18 perspective you gave on that question reminds me,
19 what was your background before joining ASHRAE?
20 A. I worked for a newspaper after graduating
21 from -- from college. Graduated from a -- from a
22 school that had a very strong engineering program. I
23 chose not to go into engineering, went into -- worked
24 for a newspaper and then did that for a short amount
25 of time and then took an editorial position with

Page 69

1 ASHRAE.
2 Q. What newspaper were you working for?
3 A. Bergen News.
4 Q. Bergen County, New Jersey?
5 A. Bergen County, New Jersey, yes.
6 Q. And you mentioned you graduated from a
7 school that had a very strong engineering program.
8 Which one was that?
9 A. Lehigh University in Bethlehem,
10 Pennsylvania.
11 Q. So you had come to -- you came to ASHRAE
12 from a publishing and -- from a publishing background
13 with a technology slant in the publishing?
14 A. With a familiarity, to some degree, of
15 engineering, but it was mainly with an editorial
16 background.
17 Q. To what extent -- strike that.
18 Earlier today when we were talking about
19 revenues, I think you were distinguishing between
20 revenues that ASHRAE receives directly from the sale
21 or licensing of publications and other revenues that
22 may in some way involve the publications, such as
23 training programs where a copy of a standard would be
24 furnished.
25 Do you recall that?

Page 70

1 MR. LEWIS: Objection.
2 THE WITNESS: Yes, I do.
3 Q. (By Mr. Bridges) I'd like to explore for a
4 little bit what activities ASHRAE engages in that may
5 touch upon standards, apart from the sale or
6 licensing of standards.
7 So education is one; right?
8 A. Correct.
9 Q. What types of education offerings does
10 ASHRAE provide?
11 A. We -- we offer a -- a varied program. We
12 really take seriously trying to help with the
13 application of the standard, ensure the standards are
14 applied properly.
15 And so that consists of instructor-led
16 training that we will provide, either -- typically,
17 three-hour or six-hour courses for which there are
18 registration fees, and we also will have web-based
19 learning programs that are available, which would be
20 e-learning experiences that are available on demand.
21 And many of those courses deal with
22 applications of -- of standards, and specifically
23 there's -- there's quite a few courses that would
24 deal with topics related to 90.1.
25 And -- and we also offer a -- a -- a

Page 71

1 five -- a total of five days of training, which is
2 a -- an intensive HVAC design training program, and
3 much of that content deals with Standard 90.1
4 content, Standard 62.1 content.
5 Q. What other revenue-generating activities
6 does ASHRAE engage in, apart from the publication
7 sales and licensing and the education offerings you
8 just mentioned?
9 A. Do you mean with a direct or indirect tie
10 to standards, for example?
11 Q. Yes.
12 A. The -- the magazine will -- our -- our
13 principal magazine, which is a -- a trade
14 publication, B-to-B publication, ASHRAE journal
15 will -- will have -- will be quite often articles
16 about ASHRAE standards there.
17 So that -- that is always -- when we have
18 topics related to standards, those are often articles
19 that we will promote to our -- to our advertising
20 base.
21 Q. What other activities does -- strike that.
22 What other revenue-generating activities
23 does ASHRAE engage in relating to --
24 A. We have --
25 Q. -- standards?

Page 72

1 A. We have some electronic products, for
2 example, that are based on ASHRAE standards that --
3 that -- apps that are based on content and ASHRAE
4 standards specifically. So we offer those types of
5 products for sale.
6 Q. What are some of the apps?
7 A. For -- related to 62.1, there would be a --
8 a ventilation rate effectiveness app that we have
9 available, a duct-fitting app and a duct-fitting
10 database. However, that probably relates more to our
11 hand- -- that relates more to our handbook than to
12 standards.
13 Right now, we're developing an app for 90.1
14 compliance.
15 Q. Anything else in terms of standards
16 relating to revenue-generating activities?
17 A. Users manuals.
18 Q. How are they organized? In other words, is
19 there a user's manual for each standard?
20 A. Not for all the standards, but the more
21 popular standards, the more complex standards, we
22 have users manuals to assist with their appropriate
23 and proper application.
24 Q. I assume there's a user's manual for 90.1?
25 A. There is.

Page 73

1 Q. What other rev- -- revenue-generating
2 activities does ASHRAE engage in pertaining to
3 standards?
4 A. We've covered royalties. We've covered the
5 sales of the documents. We've covered the articles
6 that would impact the advertising, the courses, the
7 ancillary support documents.
8 I could imagine at one -- at -- some
9 extension of that could be either sessions that are
10 presented at our conferences that would deal with
11 90.1, for which -- for which there would be
12 attendance interests that would be generated for
13 that.
14 I believe that -- I believe that would
15 cover the -- the -- the potential for -- for revenue.
16 Q. Does the sale of -- strike that.
17 Does the sale and licensing of standards
18 subsidize other ASHRAE activities apart from
19 standards development --
20 MR. LEWIS: Objection.
21 Q. (By Mr. Bridges) -- and publication?
22 A. All of the revenue flows into a single --
23 single source. There's some standards that are --
24 are very low-selling standards, so there are -- so it
25 would be fair to say that some -- if a standard

Page 74

1 generates more revenue, that helps support those
2 activities that don't have revenue streams that would
3 cover them.
4 Q. There's no requirement that each activity
5 fully self-support itself?
6 MR. LEWIS: Objection.
7 THE WITNESS: Our -- our obligation's to
8 advance the technology. We -- we -- there are
9 some items that are needed, but they have a
10 difficult time finding the financial support to
11 carry them forward.
12 Q. (By Mr. Bridges) And in your last
13 statement, you said, "Our obligation is to advance
14 the technology."
15 Is that a summary or a reference to
16 ASHRAE's mission?
17 A. In our bylaws, ASHRAE's organized to
18 advance the arts and sciences of heating,
19 refrigeration, air-conditioning, ventilation, and
20 their allied arts and sciences.
21 Q. How does ASHRAE's development and
22 publication of its standards advance the technology?
23 A. Because it sets a -- a standard for
24 practice. It incorporates through user experiences
25 those solutions to technical applications that are --

Page 75

1 that are -- are -- are deemed by peers to have been
2 successful. They're developed by people who are
3 recognized by their peer -- peers as being
4 knowledgeable in their respective fields.
5 So it provides standards. And especially
6 the -- the ASHRAE handbook really provide -- they
7 provide solutions. They -- they -- they incorporate
8 new technology that's available in products and
9 equipment and assist designers as to what new design
10 options may be available because of new products in
11 the marketplace.
12 Q. You use terminology that I hear frequently.
13 I often push back at it a little bit wherever I hear
14 it, so don't take this personally.
15 But I've never quite understood what
16 "solutions" means, because it's often a very vague
17 term. Sometimes it's a liquid in a bottle; okay?
18 That's not what you meant here.
19 How else would you describe what you're
20 referring to as solutions here?
21 MR. LEWIS: Objection.
22 THE WITNESS: One of the things that I've
23 noticed in the industry as an editorial person
24 is that there's so many different technologies
25 that can be provided that are available to

Page 76

1 maintain air in a building, whether it be
2 conditioned air at a particular temperature or
3 air that's free of contaminants. There's many,
4 many different methods of applying technology,
5 different types of technology, to provide a --
6 an air-conditioning -- HVAC system in a building
7 or a refrigeration system.
8 And so designers have more choices
9 available to them than ever before, so part of
10 the role that ASHRAE provides in offering
11 solutions is to help guide those engineers to --
12 to provide the appropriate -- the -- the
13 appropriate application of technology which best
14 solves the design problem that they face.
15 Q. (By Mr. Bridges) Thank you for that
16 explanation.
17 I spoke with ASHRAE counsel during a break
18 about your testimony earlier today about the reading
19 room.
20 Did you have any clarifications that you
21 wanted to make about the functionality of the reading
22 room? I'm sorry, about the functionality of the free
23 viewing facility.
24 A. Yes. I -- in -- in -- in checking that
25 point, I understand now that there's search

Page 77

1 capability that you can apply in our free viewing
2 capability documents.
3 It's still my understanding that you cannot
4 cut and paste from those documents, but you are able
5 to search and view.
6 Q. Thank you.
7 For the free viewing facility, you
8 mentioned that one does not have to register; is that
9 correct?
10 A. That is my understanding.
11 Q. Does someone have to agree to terms of
12 service in order to engage in the free viewing?
13 A. I do not believe so.
14 Q. Moving away from free viewing now to sales
15 of physical documents, does ASHRAE impose any
16 obligations on the purchaser of standards in physical
17 form as a condition of that transaction?
18 A. If in paper form --
19 Q. Right.
20 A. -- no.
21 Q. What about the sale of electronic access to
22 standards? Does ASHRAE impose any obligations on the
23 purchaser of standards in that fashion as a condition
24 of that transaction?
25 A. In -- in a legal sense, "obligations" means

Page 78

1 that -- restrictions?
2 Q. Well, that's a good question. I'll get
3 there, because that's not exactly what I had in mind.
4 Does somebody have to promise to do
5 something or promise not to do something in order to
6 purchase electronic access to standards that ASHRAE
7 has published?
8 A. My recollection is that they would agree to
9 certain terms and conditions when making a purchase
10 of an electronic document.
11 Q. Do you recall what some of those terms and
12 conditions are?
13 A. I believe those terms and conditions would
14 be that the document is for personal use only, may
15 not be copied nor distributed to another party.
16 Q. Anything else?
17 A. Perhaps there is store -- you're not able
18 to store unless it's for your personal use. I can't
19 recall that exact wording, but the notion would be
20 that you're not able to put it into a cloud from
21 which other -- or a company network from which other
22 people would be able to gain access.
23 And I should say we're -- I'm not speaking
24 of network licenses now, I'm speaking of an
25 individual purchaser of a PDF document.

Page 79

1 Q. Thank you for clarifying that.
2 Again, regarding individual purchases of
3 PDFs, can you think of any other terms and conditions
4 for that type of sale?
5 A. I cannot.
6 Q. So we've just talked about terms and
7 conditions for personal access to electronic
8 documents.
9 What other types of transactions does
10 ASHRAE engage in with respect to electronic access to
11 AS- -- ASHRAE's standards?
12 MR. LEWIS: Objection.
13 THE WITNESS: We have CD products that
14 would include standards. There would be a
15 message that has an agreement that you would
16 have in accessing that CD, which would be
17 similar in -- in wording, that this is for
18 personal use only.
19 And then network licenses, although we do
20 not direct- -- we do not directly sell network
21 licenses ourselves, those are done by
22 third-party -- those value-added resellers that
23 I referenced before.
24 Q. (By Mr. Bridges) Apart from the ones you
25 just discussed, what other types of transactions does

Page 80

1 ASHRAE engage in with respect to electronic access to
2 ASHRAE's standards?
3 A. CDs, PDFs, network through our resellers.
4 I believe that's it, those -- those three areas.
5 Q. What -- strike that.
6 Do the terms and conditions associated with
7 the sale of CDs match i- -- identically the terms and
8 conditions associated with the sale of physical
9 documents?
10 MR. LEWIS: Objection.
11 THE WITNESS: The wording would not be
12 identical. The intent of what is conveying
13 the -- the notion and concept this is for
14 individual use would be consistent among the
15 terms and conditions.
16 Q. (By Mr. Bridges) Actually, I think I
17 misspoke. I may have given you a misleading
18 question, so your counsel was wise to object.
19 Because I think you said that there were no
20 terms and conditions associated with the sale of
21 physical documents; right? I think I should have
22 meant PDFs, so let me start all over again.
23 Am I correct --
24 A. Yeah, I think I -- I believe I said -- I
25 believe I said paper.

Page 81

1 Q. Oh, paper, but -- but did you mean PDF?
2 This is confusing enough. I'm just going
3 to --
4 MR. LEWIS: I'm just going to throw an
5 objection in there.
6 MR. BRIDGES: Yeah, put an objection in
7 there.
8 Q. (By Mr. Bridges) I'll -- I'll move on and
9 give you a better question.
10 A. Okay.
11 Q. I think you said there were no obligations,
12 terms and conditions, on the sale of paper documents.
13 A. I believe that's what I said and I believe
14 that was the case.
15 Q. So let me rephrase this question.
16 There are terms and conditions associated
17 with sales of electronic access to PDFs that users
18 can download; correct?
19 A. That is correct.
20 Q. There are terms and conditions associated
21 with the sale of standards in an electronic media,
22 such as CDs, where the media are physically delivered
23 to the customers; correct?
24 A. That is correct.
25 Q. How do the terms and conditions with

Page 82

1 respect to those two categories differ from each
2 other?
3 A. The intent is -- would be similar, in that
4 it's -- they are both meant for personal use.
5 There may be some nuances of the platform
6 that are involved with that delivery that may require
7 some differences in the specific wording.
8 Q. Then take me a step further.
9 How do the terms and conditions with
10 respect to network licenses differ from the terms and
11 conditions that apply to either PDF delivery or CD
12 delivery?
13 A. For network delivery, probably -- first of
14 all, ASHRAE doesn't deliver those products to -- for
15 network uses. Those are done through third parties,
16 and I am -- I'm sure there are variations among those
17 third-party resellers about those terms.
18 They may relate to the type of network
19 license that's purchased, for example, is it
20 simultaneous -- is the license based on simultaneous
21 users? Is the license based on sites? There could
22 be a wide spectrum of what the use is.
23 The intent of all those licenses, however,
24 is to restrict the access to the people -- number of
25 persons, number of stations, for which the -- the

Page 83

1 license has been purchased.
2 Q. When a third-party reseller delivers ASHRAE
3 products to customers for network uses, does a
4 reseller impose terms and conditions on the
5 purchasers?
6 A. Yes. Yes.
7 Q. And to the extent the reseller is reselling
8 matters that pertain to ASHRAE's standards, does
9 ASHRAE dictate the terms and conditions of the
10 customer's use of ASHRAE's standards?
11 A. Typically, we do not go into great detail
12 about the terms and conditions statement.
13 Often -- and we have maybe 10 such
14 agree- -- maybe five such agreements -- the -- the
15 language may actually be part of the agreement, part
16 of the contract with the reseller.
17 In other cases, it may be something
18 generic, such as the -- the reseller will provide
19 digital rights management, controls over the
20 distribution.
21 But I would dare say for all the
22 agreements, there's a -- there's some language that
23 says the -- the -- the -- the reseller is going to
24 apply prudent and appropriate levels to ensure
25 protection of the documents.

Page 84

1 Q. Does ASHRAE approve or review terms and
2 conditions that the reseller imposes on its customer
3 when its customer purchases electronic access to an
4 ASHRAE standard?
5 MR. LEWIS: Objection.
6 THE WITNESS: Typically, we do not.
7 However, sometimes those terms are in the -- are
8 in the agreement that we have with a reseller.
9 In terms of -- of our bookstore, which
10 is -- which is -- is managed by a third party,
11 which is Techstreet, for that bookstore, we
12 would review what those terms and conditions
13 are, since that bookstore is on our site.
14 Q. (By Mr. Bridges) When ASHRAE sells CDs of
15 its standards, does that sale come with a license to
16 the purchaser?
17 A. It has an agr- -- a user agreement. I
18 guess that would be called a license.
19 Q. Does ASHRAE sell CDs for multiple user use?
20 A. At the current time, I do not believe
21 our -- we have one CD and I do not believe that one
22 CD is a network option. It is meant for personal
23 use.
24 Q. I know I touched on this earlier, but I
25 want to come back and ask the question in a way that

Page 85

1 ties very closely to the notice of deposition.
2 Is ASHRAE aware of any consumer confusion,
3 mistake, or deception caused by Public Resources'
4 posting of ASHRAE's standards, apart from whatever
5 you discussed this morning?
6 A. I have no knowledge other than what I
7 discussed this morning.
8 Q. A similar question, but phrased slightly
9 differently.
10 Does ASHRAE have any awareness of any
11 consumer confusion, mistake, or deception caused by
12 the appearance of ASHRAE's standards that Public
13 Resource has posted?
14 A. Except for what I stated this morning, I'm
15 not aware of any other.
16 Q. Does ASHRAE have any special licensing
17 terms with respect to its standards for particular
18 types of users?
19 MR. LEWIS: Objection.
20 Q. (By Mr. Bridges) By -- for example, does
21 it give different terms for the sale or license of
22 its standards to public libraries or to universities
23 or to professors?
24 A. Our licenses would be -- our licenses would
25 be handled by the resellers.

Page 86

1 When it comes to professors, there might be
2 some cases where we would allow some content to be
3 used in course packs, for example. I'm not sure if
4 that borders as much on reprint permission as it does
5 a -- as a network license, but certainly I do receive
6 requests from instructors to use content in their
7 classes.
8 If -- sometimes if it's explained to me
9 that the professor would put it on some sort of
10 internal network restricted solely to students who
11 are registered for that class -- and, typically,
12 these would be professors who are members of ASHRAE
13 and have -- I've interacted with over -- over the
14 years -- I would typically grant that. There may be
15 a fee that we would charge. Again, it would depend
16 upon was it an entire standard they were going to
17 use.
18 So I -- I think there's -- until you said
19 "professors," I think there are cases where we would
20 have some different terms for professors. But if a
21 university buys a product for a -- for a university
22 network, that would go through one of the resellers.
23 Q. Does ASHRAE have different terms and
24 conditions for licenses according to whether --
25 strike that.

Page 87

1 Does ASHRAE have different terms and
2 conditions for licenses of standards according to
3 whether the standards are incorporated into law or
4 regulation or not?
5 A. No, I cannot think of any -- any difference
6 for that.
7 I -- I did think of one other thing I
8 should say.
9 Q. Go ahead.
10 A. I -- for example, I can -- back to a case
11 like professors, which you mentioned, there may be a
12 case where some group is writing another standard and
13 that standards writing group will ask can they make a
14 standard of ours available for reference on that
15 association's website restricted to members of that
16 committee. There's cases where I would probably
17 grant that, as well.
18 Q. That would be something as to which you
19 would apply your discretion and custom tailor
20 something, rather than having a -- a set alternative
21 for that type of content?
22 A. Yes. Usually, that -- that would come in
23 through the channel of a reprint permission, may we
24 reprint that standard. And as corollary to that,
25 they say, "Well, instead of sending us paper copies,

Page 88

1 can we put it on a -- a restricted intranet available
2 only to the members of the committee writing the
3 standard so they have reference?"
4 So there are instances where we've -- we've
5 done that sort of activity, which I apply my judg- --
6 judgment for in granting.
7 Q. Does ASHRAE have different terms and
8 conditions for governmental agencies with respect to
9 the licensing of ASHRAE standards?
10 A. No. Again, that would be handled through
11 our -- through our resellers and they would apply
12 whatever their -- their sales principles are.
13 Q. Would that be true -- strike that.
14 But the resellers resell only networked
15 standards, right, network access licenses?
16 MR. LEWIS: Objection.
17 THE WITNESS: For the most -- they also
18 will -- will sell single copies of documents if
19 they have retail stores, if you would.
20 Q. (By Mr. Bridges) Okay. The resellers
21 don't sell CDs; correct?
22 A. That is correct.
23 Q. I guess my question -- I'll ask it another
24 way just to make sure I'm getting the point out.
25 Do governments get any different terms of

Page 89

<p>1 access to ASHRAE's standards from the terms available 2 to the general public? 3 A. No. However, we do have a -- a price -- if 4 somebody is a code official and writes to us making a 5 request for purchase as a code official on their 6 letterhead, there is a -- a discount category that's 7 available to them as a code -- as an individual code 8 official. 9 Q. What do you mean by a code official? 10 A. I've never explored it all that -- that 11 detail. 12 The -- it would be somebody who works for a 13 code enforcement body that would be part of a 14 governmental entity, most likely at a municipal, 15 perhaps state, level. 16 Q. When ASHRAE licenses its standards that are 17 on a CD to an individual for personal use, does that 18 license include the ability of the individual to make 19 and preserve altered versions of the standards; for 20 example, extracts for reference or terms juxtaposed 21 in a different way? 22 A. To the best of my knowledge, with our 23 current CD product, those standards are each 24 available on the CD. 25 And I should clarify. This -- we have one</p> <p style="text-align: right;">Page 90</p>	<p>1 standards is in PDF form. So whatever the 2 functionality associated with a PDF is, that is what 3 you would find on the CD. 4 That sounded to me like a technological 5 restriction embedded in the CD, on what people could 6 do with the CD; is that correct? 7 MR. LEWIS: Objection. 8 THE WITNESS: What I meant to say was that 9 we don't alter the PDF functionality; we just 10 take the PDF that we finish our editorial 11 process with, create a PDF, and that file gets 12 moved over and manufactured as part of the CD. 13 So we just use that -- that file format as 14 being an easily transportable file that the user 15 can -- can use the way you normally would a PDF. 16 Q. (By Mr. Bridges) So my question following 17 up on that is this: Is there anything in the license 18 grant that accompanies the CD when ASHRAE sells or 19 delivers the CD to a user that regulates the 20 different types of things that the user can do with 21 the CD with the -- with the documents on the CD? 22 For example, does, to ASHRAE's 23 understanding, the license prohibit a user from 24 making edits to the standard for one's own reference 25 and, therefore, changing the standard?</p> <p style="text-align: right;">Page 92</p>
<p>1 CD that has our complete set of standards -- 2 Q. Okay. 3 A. -- and on that one CD, each one of those 4 individual C- -- standards is in PDF form. 5 So whatever the functionality associated 6 with PDF is, that is what you would find on the CD. 7 Q. Does that mean that ASHRAE uses limitations 8 on the functionality of the CD as a way of limiting 9 the license that is available for use of the CD? 10 MR. BRIDGES: Objection. 11 THE WITNESS: We want the CD and its 12 content to be usable for the purchaser. We want 13 to make it a product that meets the users' 14 demand. 15 The restrictions that are there are meant 16 to convey that this is for that user. 17 Q. (By Mr. Bridges) Oh, you're not talking 18 about technical restrictions, then; you're talking 19 about license restrictions? 20 A. Well, I don't understand. 21 Q. I may have misunderstood your earlier 22 question. 23 You said that on the one CD that has a 24 complete set of standards, each one of those 25 standards is -- each one of those individual</p> <p style="text-align: right;">Page 91</p>	<p>1 MR. LEWIS: Objection. 2 THE WITNESS: There is nothing in the 3 license agreement that I can recall that would 4 prevent a user from doing that. 5 Q. (By Mr. Bridges) Is there anything in the 6 license agreement that authorizes a user to do that? 7 A. To the best of my recollection, the license 8 agreement would be silent on that issue. 9 Q. Is it ASHRAE's understanding that the scope 10 of permissions granted to the user in the license has 11 the same contours as the technological capability of 12 the PDF files in the CD -- 13 MR. LEWIS: Objection. 14 Q. (By Mr. Bridges) -- themselves? 15 MR. LEWIS: Objection. 16 THE WITNESS: That would be my 17 understanding, the contours between the content 18 on the CD and PDF technology would be the same. 19 Q. (By Mr. Bridges) This is another one of 20 these questions where I'm going back and tying it 21 more precisely to the list in the notice. 22 Has ASHRAE identified, apart from what 23 you've mentioned today, any harms, financially or 24 otherwise, to ASHRAE arising from any acts, 25 omissions, or operations of Public Resource?</p> <p style="text-align: right;">Page 93</p>

1 A. The -- the -- the concerns that -- that --
2 that ASHRAE has is to be able to maintain control
3 over its -- its document for how it's -- it's used
4 and distributed in the market in accordance with
5 its -- with its terms.
6 Whether there's a specific harm that's been
7 seen from PR -- from the case at hand, I can't speak
8 to that. But in -- in principle, the -- the
9 organization sees harm if -- if it -- if -- if its
10 documents are not able to be maintained.
11 Q. And apart from that, has ASHRAE detected
12 any harms, financially or otherwise, to itself
13 arising from any acts, omissions, or operations of
14 Public Resource?
15 A. I -- I've got no evidence. I have not seen
16 cases of that.
17 Q. Again, this overlaps a little bit with some
18 earlier questions.
19 What -- what are all the factors that you
20 understand ASHRAE considered in deciding to provide
21 free viewing to ASHRAE's standards?
22 A. I was the one who actually launched that
23 effort, and it was -- so much of what we do is a
24 balance between trying to assist our members, trying
25 to help provide a better explanation of the

Page 94

1 technology, and allowing our -- our business model
2 to -- to -- to be supported. So it was a combination
3 of those things.
4 Number one was to -- in -- in theory, when
5 we first decided to move in that direction, it was so
6 that our members could see a document and be able to
7 determine if they wished to buy it or not. So they
8 had some familiarity that, yes, this is a document
9 that would be worthwhile for us to have, and then --
10 then to be able to build into that that notion that
11 then it's going to lead to a sale.
12 And then there are -- our mission statement
13 means that we are to advance technology, so then the
14 third element would be to make it available to other
15 people who would have an interest in -- in looking at
16 the standard, but -- but would not be an engineer or
17 part of the engineering community, so wouldn't need
18 the technical depth of the -- the document as a
19 working tool.
20 So it's those three factors that went into
21 our decision to create the -- the free viewing,
22 which, again, I'm -- I can't recall the exact year,
23 but it's -- it's 15 years ago, maybe even a little
24 bit longer than that.
25 Q. How do the standards func- -- strike that.

Page 95

1 How do ASHRAE's standards function as
2 working tools for persons who are part of the
3 engineering community?
4 A. ASHRAE's stan- -- they -- they provide a --
5 well, many of the standards are method of test, so
6 they provide methods of testing equipment so that
7 equipment can be measured -- can be compared with
8 similar levels of performance.
9 Our -- some of the standards set
10 definitions of refrigerants and classify those
11 refrigerants in terms of their flammability, in terms
12 of their toxicity, different characteristics.
13 And then you have a third type of standard,
14 which is a design standard, which actually provides
15 guidance that says, "You shall have a -- your design
16 shall do this in these circumstances."
17 Q. And as you just mentioned, does that
18 guidance take the form of specific requirements that
19 are specified in the standard?
20 A. It says "shall."
21 Q. So that answer's yes?
22 A. Yes.
23 Q. Were there any other factors involved in
24 the decision to provide free viewing of ASHRAE's
25 standards?

Page 96

1 A. No. Those three factors were the -- that
2 was the -- the -- the thrust of our initiative.
3 Q. Are there any protocols or procedures at
4 ASHRAE governing the granting of licenses or
5 permission requests to anyone outside the
6 organization? And you can limit your answer to
7 standards.
8 A. Typically, the factors that would be
9 considered would be amount of content that's to be
10 used. Typically, we would want it to be less than
11 33 percent of a standard. That's not a hard and fast
12 rule, but that's a general guideline that my
13 assistant has.
14 We would look at what the use is. If it's
15 a classroom use, that's one thing; if it's posting it
16 on the Internet, that's another thing; if it's a
17 company brochure, that's another thing. So it's --
18 it's -- it's how the distribution will be done and --
19 and who is doing it, for example, a company, as
20 opposed to an educator.
21 Then there would also be the -- you know,
22 our expectation that the -- the -- the -- that there
23 be a citation so that the doc- -- the document is
24 sourced. And in that particular case, it would be
25 reprinted as it is unless it's specified that it

Page 97

<p>1 is -- that there's commentary about it -- it -- it 2 being modified in some way. 3 Q. Do you know whether some jurisdictions 4 incorporate ASHRAE standards into their laws or 5 regulations by quoting the standards, literally, in 6 the laws and regulations? 7 MR. LEWIS: Objection. 8 THE WITNESS: I think there must be some 9 cases like that. Offhand, I can't recall any 10 specific instances. It seems logical that there 11 would be such a reference. 12 I'm not -- I don't get involved 13 specifically with code adoption. The request to 14 use our content would come to me; I just look at 15 it in terms of a -- a reprint request. It seems 16 that -- logical there would have been some cases 17 to that nature. I don't think it's an abundance 18 of such cases. 19 Q. (By Mr. Bridges) And then another way in 20 which standards get incorporated or adopted into law 21 or regulation is by reference; correct? 22 MR. LEWIS: Let me just stop for just a 23 second and point out that this witness is not 24 addressing incorporation or adoption. 25 MR. BRIDGES: I understand. This is</p> <p style="text-align: right;">Page 98</p>	<p>1 publishes the altered version that suits it. 2 Are you aware of that type of scenario? 3 A. I am not. I'm not saying it may not 4 happen, but there's no -- I have no -- no knowledge 5 of that passing through -- through my office -- or I 6 have no knowledge of it happening at all. 7 Q. Does ASHRAE require any royalties from any 8 jurisdictions that adopt or incorporate ASHRAE's 9 standards into law or regulation? 10 A. By ref- -- by reference? 11 Q. Whether it's incorporation or adoption, 12 either explicitly or by reference. 13 A. From -- from my perspective, I would look 14 at reprint permission. I'm not aware of any 15 reprinting of our standards with modifications by 16 government officials, so there would be -- I'm not 17 aware of any royalties from that. 18 If a standard was adopted exactly as we 19 have published it and is distributed by that 20 governmental entity, that would be a reprint 21 permission and we would charge a royalty fee that 22 would be associated with that, because that would be 23 a distribution of our standard. 24 Q. So ASHRAE would charge the jurisdiction 25 that reprint fee?</p> <p style="text-align: right;">Page 100</p>
<p>1 foundational to get to -- 2 MR. LEWIS: Sure, sure. I just wanted to 3 make sure you were aware of that. 4 Q. (By Mr. Bridges) So I'll repeat my last 5 question. 6 Another way in which standards get 7 incorporated or adopted into law or regulation is by 8 reference; correct? 9 A. My understanding is that happens. 10 Q. Do you know whether some jurisdictions, 11 when they adopt an ASHRAE standard into law or 12 regulation, adopt the standard with some 13 modifications that that jurisdiction itself wanted? 14 MR. LEWIS: Objection. 15 THE WITNESS: I do not know. I would -- I 16 receive reprint requests. If they modify a 17 standard, that probably would not -- that 18 process would not come to -- to my attention. 19 Q. Whose attention would that come to? 20 A. My guess is that's to our standards staff. 21 Q. And the reason I'm asking you these 22 questions is: Are you aware of any publications by 23 anyone other than ASHRAE of modified versions of 24 ASHRAE's standards? If, for example, a state adopts 25 your standards, but with changes, perhaps the state</p> <p style="text-align: right;">Page 99</p>	<p>1 A. That -- that is correct. 2 Q. If a state adopted an ASHRAE standard 3 exactly into its law and then wished to make that 4 standard, now law, available for free and 5 unrestricted public access on the Web, would ASHRAE 6 charge that state a fee for posting the standard on 7 the Web? 8 MR. LEWIS: Objection. 9 THE WITNESS: If that happened, that would 10 seem to fit our business model that we would -- 11 there would be a fee involved because our -- 12 because of our standard being copyrighted. 13 Q. (By Mr. Bridges) Are there -- strike that. 14 How would ASHRAE determine the appropriate 15 price for such an action by the state? 16 MR. LEWIS: Objection. 17 THE WITNESS: When I charge royalty fees or 18 set royalty fees, I start with the price of the 19 standard. 20 I then take into account the distribution, 21 the number of copies that are expected to be 22 distributed, and I would take into account how 23 that might impact our sales. 24 Principally, though, I would look at the 25 number of copies distributed and the price.</p> <p style="text-align: right;">Page 101</p>

1 MR. BRIDGES: By the way, it's a little
2 unfair. I'm drinking coffee after coffee. If
3 you need a coffee or you need a break or if you
4 do, we can -- we can take breaks.
5 MR. LEWIS: How long have we been back on
6 the record?
7 VIDEOGRAPHER: An hour and three minutes.
8 MR. BRIDGES: Oh, maybe we should just take
9 a break then.
10 THE WITNESS: Sure.
11 VIDEOGRAPHER: This is the end of Video 2.
12 We're going off the record at 2:46 p.m.
13 (Thereupon, there was an interruption in
14 the proceedings.)
15 VIDEOGRAPHER: This is the beginning of
16 Video 3. We are on the record at 3:07 p.m.
17 Q. (By Mr. Bridges) Mr. Comstock, I'm handing
18 you Exhibit 1079.
19 (Defendant's Exhibit 1079 was marked for
20 identification.)
21 Q. (By Mr. Bridges) Can you please tell me
22 what it is?
23 A. This appears to be the terms of use for the
24 ASHRAE.org website.
25 Q. How did these terms of use differ, to your

Page 102

1 knowledge, from the terms of use that apply, for
2 example, to CD products that ASHRAE delivers?
3 A. The intent of this was for access to the
4 website, so it was developed specifically for the
5 website, the other -- the terms of use for the CD for
6 that product.
7 Q. Is it your understanding that Exhibit 1079
8 applies to persons who use the free viewing facility
9 of the ASHRAE website?
10 A. I'm not sure of that. This appears to deal
11 with the website and its content, so if the free
12 viewing is part of that, then my assumption is that
13 would apply.
14 Q. Do these terms in Exhibit 1079 apply
15 equally to ASHRAE members and to non-members?
16 A. I'm not aware of any separate agreement
17 for -- for members.
18 Q. So to the best of your information, it
19 would apply to both members and non-members?
20 A. I would think that's correct.
21 Q. You've touched on this a little bit, but
22 what are the different ways persons can approach
23 ASHRAE in order to gain permission to use information
24 from an ASHRAE standard?
25 A. One, it is from a permissions link on the

Page 103

1 ASHRAE home page.
2 Secondly would be if they con- -- if they
3 just contact ASHRAE in -- in general.
4 Q. And if -- are there any other ways that
5 you're aware of?
6 A. No, just those two.
7 Q. If someone contacts ASHRAE in general, is
8 it my understanding, based on your testimony earlier,
9 that the person contacting ASHRAE is likely to be
10 directed to your assistant?
11 A. That is correct.
12 Q. And your assistant would typically act as
13 some kind of interface between ASHRAE and whoever's
14 seeking the permission?
15 A. That is correct.
16 Q. Who besides yourself would direct your
17 assistant in connection with the assistant's handling
18 the requests for permission?
19 A. I would be the only person who would be
20 giving her that direction.
21 Q. I also want to review systematically some
22 of the information that I've heard today about
23 sources other than ASHRAE for ASHRAE standards.
24 So to begin with, ASHRAE makes its
25 standards available through the Web to persons who

Page 104

1 want to view or acquire the standards through the Web
2 interface, whether by using the free viewing facility
3 or by ordering a PDF or ordering a CD; is that
4 correct?
5 A. That is correct, or a book.
6 Q. If somebody wants networked access to
7 ASHRAE's standards, that person normally goes through
8 a reseller; is that correct?
9 A. That is correct.
10 Q. And you identified several resellers
11 earlier today; correct?
12 A. That is correct.
13 Q. Are there any other significant resellers
14 apart from the four you mentioned who resell ASHRAE's
15 standards?
16 A. I don't -- significant sellers, the only
17 other ones that come to mind, SAI Global -- I don't
18 believe I referenced them, and Barber Index would
19 be -- would be -- I think that may be six then.
20 Those are the principal resellers.
21 Q. And then apart from them, there may be book
22 retailers?
23 A. (Witness nodded head affirmatively.)
24 MR. LEWIS: You have to --
25 THE WITNESS: Yes.

Page 105

1 Q. (By Mr. Bridges) What other major sources
2 of AST- -- sorry, of ASHRAE standards other than
3 ASHRAE have I missed?
4 A. When you say "sources," sources that make
5 our documents available in the marketplace?
6 Q. Right, right. What I would consider to be
7 a source to which a member of the public would go in
8 order to obtain ASHRAE standards.
9 A. I know we have publications in Amazon, for
10 example. I don't know if -- offhand, I can't recall
11 if among the titles they offer are standards, but I
12 would think it's likely that they would be.
13 Q. Any others that we haven't reviewed?
14 A. There's an assortment of small book
15 redistributors, Engineer's Bookstore over at Georgia
16 Tech, for example, Barnes & Noble, which does college
17 bookstores. They may maintain inventory of ASHRAE
18 standards for resale.
19 Q. Do college students get a discount on the
20 price of AS- -- of ASHRAE standards?
21 A. We have a student member price that is
22 available to student members of ASHRAE.
23 Q. And do members have to purchase standards
24 through ASHRAE's website in order to take advantage
25 of member discount?

Page 106

1 A. Yes, yes, through the website or by calling
2 our customer service department.
3 Q. And did you say earlier that ASHRAE
4 authorizes some entities to include ASHRAE standards
5 in some other publications that include a broad
6 collection of standards?
7 MR. LEWIS: Objection.
8 Q. (By Mr. Bridges) I may have misheard you
9 or misunderstood. I thought I heard something to
10 that effect.
11 A. I don't believe I said that.
12 Q. So if -- if -- so any authorized
13 distribution of ASHRAE standards would be only
14 individually or grouped with other ASHRAE standards
15 or other ASHRAE publications; correct?
16 MR. LEWIS: Objection.
17 THE WITNESS: We have resellers who will
18 sell ASHRAE standards with other collections.
19 Q. (By Mr. Bridges) Would that be bundling
20 separate products together the way Amazon might
21 suggest, that if you like book A you might want book
22 B and it tries to sell you both?
23 A. I am not sure how they may package
24 standards. I was referring to electronic access that
25 would be available from resellers where they would

Page 107

1 include in the package that's purchased documents
2 from ASHRAE, as well as other organizations.
3 Q. Okay. So that might be a -- would that be
4 for on-line access?
5 A. My understanding is that, yes, that would
6 be for on-line access.
7 Q. So that would be a form of multi-title
8 on-line access where the different titles might come
9 from different organizations?
10 A. That is correct.
11 Q. Does ASHRAE authorize anyone to disseminate
12 to the public any ASHRAE standards together with
13 someone else's annotations or commentary?
14 MR. LEWIS: Objection.
15 THE WITNESS: I do not recall any such
16 license.
17 Q. (By Mr. Bridges) If someone wishes to
18 publish a book advising the public how to make the
19 most effective use of ASHRAE standards, does ASHRAE
20 take the position that the author or publisher of
21 such a book would need a grant of permission or a
22 license from ASHRAE?
23 A. ASHRAE's position would be if there's
24 content from the standard that is used as it's
25 expressed in the ASHRAE standard, then permission

Page 108

1 would be required.
2 Q. Does ASHRAE know whether, apart from the
3 defendant in this -- this case, there is any other
4 source apart from ASHRAE's website for free viewing
5 of ASHRAE's standards?
6 A. There have been occasions where posting of
7 ASHRAE standards have been brought to our attention.
8 Q. Were these postings without ASHRAE --
9 without ASHRAE's permission?
10 A. That's the first thing we do, is check and
11 see if there is an authorization that's been granted.
12 And as part of that process, then we would ask if the
13 person posting has authorization.
14 Q. Does ASHRAE regularly demand that persons
15 making those postings stop the postings?
16 A. Yes, that is a process that we follow.
17 Typically, what we see most often are file-sharing
18 sites.
19 Q. Does ASHRAE have any information suggesting
20 that the presence of its standards on file-sharing
21 sites has caused it to lose money?
22 A. All we have are complaints from somebody
23 who perhaps has bought a standard and says, "Now I
24 see this is available here, what gives."
25 Q. Has ASHRAE succeeded in eliminating the

Page 109

1 unauthorized postings of its standards apart from the
2 posting by defendant in this case?
3 A. We typically have success removing postings
4 as they come up, but it's a continuing problem.
5 Q. Does ASHRAE have any information suggesting
6 that Public Resource has posted ASHRAE standards or
7 any standards to the Internet for purposes other than
8 a public benefit?
9 MR. LEWIS: Objection.
10 THE WITNESS: I have no knowledge of the
11 motivations.
12 Q. (By Mr. Bridges) Apart from the formal
13 committee process leading to standards development,
14 are you aware of any of the plaintiffs providing a
15 public facility for the posting of discussions or
16 comments by the public about the standards of the
17 plaintiffs?
18 MR. LEWIS: Objection.
19 THE WITNESS: I have no knowledge of any
20 other organizations --
21 Q. (By Mr. Bridges) What about --
22 A. -- what they do.
23 Q. -- ASHRAE? How does that apply to ASHRAE?
24 A. Could you ask the ques- -- question again,
25 please?

Page 110

1 Q. Sure.
2 Apart from the formal committee process
3 that's part of standards development, are you aware
4 of ASHRAE's providing a public facility for the
5 posting of discussions or comments about ASHRAE's
6 standards?
7 MR. LEWIS: I'll just insert an objection
8 here that this is outside the scope of the
9 topics for this witness.
10 MR. BRIDGES: We can debate it, but you're
11 not instructing him anyway, so...
12 THE WITNESS: There's interpretations of
13 standards that are -- that are -- that are made.
14 I'm not aware of a place on our website where we
15 allow posting of comments about any of -- about
16 our standards or other publications.
17 Q. (By Mr. Bridges) Does ASHRAE maintain any
18 public forum where the interested public can make
19 comments and where commenters can, for example,
20 respond to each other?
21 MR. LEWIS: Same objection.
22 THE WITNESS: The -- ASHRAE offers a
23 platform called ASHRAEExCHANGE at which if you
24 register, you may post comments.
25 Q. (By Mr. Bridges) What must one do to

Page 111

1 qualify to register to make comments on that
2 ExCHANGE?
3 A. My --
4 MR. LEWIS: Same objection.
5 THE WITNESS: My recollection is that you
6 provide your name, e-mail address, and verify
7 you're over a certain age to allow you to post.
8 Q. (By Mr. Bridges) And does one have to
9 agree to terms of service?
10 A. I imagine there -- there is a -- yes, there
11 is a terms of service that you would agree to.
12 Q. Does ASHRAE make public its standards for
13 free viewing through a facility other than the free
14 viewing facility we've discussed when standards are
15 under consideration for incorporation by a
16 government?
17 A. I am not aware of that.
18 (Plaintiffs' Exhibit 1080 was marked for
19 identification.)
20 Q. (By Mr. Bridges) Mr. Comstock, I hand you
21 Exhibit 1080. This is an exchange of e-mails between
22 you and someone who's contacted ASHRAE regarding
23 extracting some information for another code and
24 guideline; is that correct?
25 A. This appears to be a request for use of

Page 112

1 content for 90.1.
2 Q. And I'm not trying to force you into a --
3 any unfair characteriz- -- characterization, so feel
4 free to push back.
5 Is this within a typical range of the types
6 of communications that ASHRAE receives for
7 permissions?
8 A. It's not unique. I'm not sure it could be
9 characterized as being typical, but it's certainly a
10 type of request that we receive.
11 (Plaintiffs' Exhibit 1081 was marked for
12 identification.)
13 Q. (By Mr. Bridges) Can you please identify
14 Exhibit 1081?
15 A. Okay. This is a multiuser license for use
16 of 90.1, 2007.
17 Q. Help me understand one thing.
18 This is a license for use of a PDF file by
19 multiple persons; is that correct?
20 A. I believe that's correct.
21 Q. What I don't understand is it says the
22 purchase of the PDF file is not included in the
23 license fee.
24 Do you see that in the first full paragraph
25 in the body of it?

Page 113

1 A. (Witness nodded head affirmatively.)
2 Q. So this means that -- is this correct that
3 this means that somebody has to pay this license fee
4 and then separately has to purchase a PDF file?
5 A. That is correct.
6 Q. This license fee, this agreement, cost
7 \$1,000; correct?
8 A. As I -- as I see stated here, yes.
9 Q. How much more does somebody have to pay to
10 purchase the PDF file?
11 A. This would have been a -- somewhere
12 between -- well, what's the date of this? 2009.
13 My assumption is that there's previous
14 reference to these being ASHRAE members, so most
15 likely they paid a fee of something about \$99, which
16 would have been the member price.
17 Q. And it goes on to say, "Networking of
18 updated standards would require a new licensing
19 agreement. This standard is on continuous
20 maintenance."
21 What does that last sentence mean?
22 A. Continuous maintenance is the process that
23 ASHRAE followed so that every three years there's a
24 revision of that standard released.
25 Q. Now, in the sentence before that, I think

Page 114

1 which I also earlier read, it said, "Networking of
2 updated standards would require a new licensing
3 agreement."
4 Then it goes on to say, "This standard is
5 on 'continuous maintenance'" and then it says, "Any
6 approved addenda posted on the ASHRAE website may
7 also be included with the document on the network at
8 no additional fee."
9 So there's a license to a standard, but it
10 doesn't cover updated standards; correct?
11 A. It does not include revisions -- different
12 versions of that standard. This license is for 90.1
13 2007.
14 Q. But it looks to me as though it does --
15 that the license does extend to any approved addenda
16 posted on the ASHRAE website.
17 A. That is correct, because those addenda are
18 freely available as individual units.
19 Q. Okay. So there's a -- there's a standard
20 and then the standard may have some addenda over
21 time; is that correct?
22 A. That is correct.
23 Q. But then after a certain point in time, the
24 standard is updated and that becomes a new version of
25 the standard, typically given a new date?

Page 115

1 A. Year designation.
2 Q. Year designation.
3 And that would -- a new year designation
4 means that, within the meaning of this document, it's
5 an updated standard?
6 A. That is correct.
7 Q. Okay. What do the addenda typically
8 include?
9 A. Typically, an addenda -- or I guess I
10 should -- a singular addendum would be a section of
11 the standard that has been revised, so the committee
12 has agreed to revise this section of the standard.
13 That then becomes an addendum.
14 Q. Do the addenda contain corrections to
15 errors that may have appeared in a published version
16 of a standard in the nature of an errata?
17 MR. LEWIS: Objection.
18 THE WITNESS: I -- I believe the errata is
19 a sep- -- that's a separate issue. The addenda
20 would be a change to the standard.
21 Q. (By Mr. Bridges) Okay. Thank you.
22 Would the errata be furnished -- would the
23 errata to a particular version be included within the
24 license for that version?
25 A. Yes, and that was our attempt to say that,

Page 116

1 "Here is you -- you have access -- just as anyone has
2 access to the addenda, you do, as well."
3 Q. So this says that the license does not
4 expire, correct, in the second sentence of the first
5 full paragraph?
6 A. Second sentence. I see the sen- -- that's
7 correct, it does say that.
8 Q. So help me understand this.
9 This is ASHRAE Standard 90.1 2007?
10 A. Yes.
11 Q. So this means that the holder of this
12 license can have multiple -- it can have multiple
13 user access to 90.1 2007, to the addenda to 90.1
14 2007, not explicitly, but presumably also to any
15 errata that pertain to 90.1 2007; correct?
16 A. That is correct.
17 Q. And that this license would enable somebody
18 to have access to that version of that standard
19 indefinitely?
20 A. That is correct.
21 Q. Even after a new revision has come out?
22 A. That is correct.
23 Q. How many addenda does ASHRAE typically
24 publish for any standard during a -- one revision
25 cycle?

Page 117

1 A. I do not know and -- and I think it would
2 vary quite a bit, depending upon the standard.
3 Q. How many errata does ASHRAE publish for any
4 standard during one revision cycle?
5 A. I do not know.
6 Q. Do you know the range?
7 A. I do not.
8 Q. Do you know the type of errors that are
9 included among the errata?
10 MR. LEWIS: I'm going to insert my
11 objection again about being outside the scope
12 and topics, but...
13 MR. BRIDGES: It's generally within -- I
14 mean, he's basically in charge of publication.
15 The errata is part of the publication process.
16 That's why I'm asking him. I'm not asking you
17 to agree with me; I'm just trying to explain.
18 MR. LEWIS: I understand.
19 THE WITNESS: The -- the errata are posted
20 on the ASHRAE website in the standards section
21 of the website, which is different from -- from
22 the section of the website where we sell the
23 standard.
24 So they're published in that -- they're
25 posted on the website and I'm not engaged in

Page 118

1 that process.
2 Q. (By Mr. Bridges) Who -- who is engaged in
3 that process?
4 A. That's our standards staff that does that.
5 Q. Do you -- do you know -- sorry.
6 Do you have any knowledge of the types of
7 corrections that the errata include?
8 A. I -- I really do not. I've -- I've not
9 looked at them.
10 (Plaintiffs' Exhibit 1082 was marked for
11 identification.)
12 Q. (By Mr. Bridges) I think I gave you two
13 copies.
14 A. I have two, yes.
15 Q. Please give one to your counsel.
16 MR. LEWIS: Thank you.
17 Q. (By Mr. Bridges) Actually, I'm going to
18 start doing that on a regular basis --
19 A. Okay. I'll be prepared.
20 Q. -- since you're closer to him. So it
21 wasn't my mistake after all, it was just a brilliant
22 plan.
23 Do you recognize Exhibit 1082?
24 A. I do.
25 Q. What is it?

Page 119

1 A. This is for packaging 90.1 with the IECC,
2 which is published by the International Code Council.
3 Q. And this is an agreement between ASHRAE and
4 the International Code Council; is that correct?
5 A. That is correct.
6 Q. Do you know by what method ICC reproduced
7 ASHRAE's Standard 90.1 2007 in its publication?
8 A. I know they did a book.
9 Q. Do you know how the book was typeset, for
10 example?
11 A. I -- what we did was provide them with a
12 PDF from which they -- they manufactured the book.
13 Q. Do you know whether they simply reproduced
14 the PDF?
15 A. My assumption is they -- they -- my
16 understanding and assumption is that they reproduced
17 the PDF as we provided it to them, and I think it may
18 even say in here that they're required to do so.
19 Q. I didn't see that. What I saw was
20 paragraphs 4 and 5.
21 A. It's certainly my understanding that the
22 document was reprinted as ASHRAE distributes it.
23 I -- which, I believe, is covered in Section 4.
24 Q. I guess in Section 4(a), I -- I'm not sure
25 what I -- what the phrase "in other formats" means.

Page 120

1 A. I'm not sure exactly what that means
2 either.
3 Q. In paragraph -- or in Section 5, paragraph
4 (b), what did ASHRAE mean by "stringent quality
5 control procedures"?
6 MR. LEWIS: Objection.
7 THE WITNESS: I'm sorry. That was in
8 Section 5(b)?
9 Q. (By Mr. Bridges) 5(b), I'm sorry, on
10 page 3 of 6.
11 A. My reading this agreement would mean that
12 it was -- that the document was up to -- is
13 comparable to the standards by which our products are
14 distributed to the public, made available for sale.
15 Q. Are you familiar with the term "double
16 keying"?
17 A. Yes.
18 Q. To what does that term apply?
19 A. I -- my understanding of double keying
20 would mean there would be a document that would be
21 keyboarded twice to ensure accuracy to the
22 document -- of what's been typed in.
23 Q. Do you have a view as to whether that is a
24 standard for entry of text into a -- into a
25 publication in the publishing industry?

Page 121

1 MR. LEWIS: Objection.
2 THE WITNESS: I've not come across that
3 being done for many, many years, because now so
4 much of the reproduction is PDF.
5 Q. (By Mr. Bridges) What about fresh entry of
6 text? Are you familiar with double keying as a
7 standard in the industry for fresh entry of text?
8 MR. LEWIS: Objection.
9 THE WITNESS: I'm not aware of that now as
10 a standard.
11 Q. (By Mr. Bridges) Were you aware of it as a
12 standard at any time in the past?
13 MR. LEWIS: Same objection.
14 THE WITNESS: I'm aware of it being done.
15 I'm not aware that it was a standard.
16 Q. (By Mr. Bridges) Whom were you aware of
17 doing it?
18 A. In the mid-1970s, we did a directory and
19 there was a firm that we used in Pennsylvania for
20 this directory. So it was very straightforward
21 keying, and they employed double -- double keying.
22 Q. Do you recall ever asking a vendor to
23 provide triple keying of fresh text entry?
24 MR. LEWIS: Objection.
25 THE WITNESS: I am not.

Page 122

1 (Plaintiffs' Exhibit 1083 was marked for
2 identification.)
3 Q. (By Mr. Bridges) Mr. Comstock, I've handed
4 you Exhibit 1083. Could you please identify it?
5 A. This is an e-mail exchange between myself
6 and Jeff Littleton.
7 Q. Who is Mr. Littleton?
8 A. He is our executive vice president and
9 person to whom I report.
10 Q. Does this e-mail exchange pertain to the
11 agreement we've just discussed as Exhibit 1082?
12 A. Yes, it does.
13 Q. By the way, have you -- strike that.
14 Has ASHRAE studied the reproductions of
15 ASHRAE's standards on the defendant's website?
16 A. I have not.
17 Q. Do you know whether anyone at ASHRAE has?
18 A. I am unaware.
19 Q. Do you know whether ASHRAE is aware of any
20 errors in the standards -- in the ASHRAE standards
21 posted by defendant?
22 A. I am not aware of any errors.
23 MR. BRIDGES: I would just like to say
24 for -- for the record, regardless of what
25 positions the parties take as they combat this

Page 123

1 case, if ASHRAE is ever aware of any error in
2 the defendant's posting, please do let us know
3 immediately.
4 You can reserve whatever rights you want to
5 it, but we think it would be better for us to
6 know sooner, rather than later, not as a matter
7 of discovery, but as a matter of public
8 interest.
9 I raise that because this has come up in a
10 different context with others where it appears
11 that they are collecting instances of errors,
12 but not telling Public Resource.
13 MR. FEE: I'd like to note for the record
14 that we object to that and move to strike it.
15 This is Kevin Fee on behalf of ASTM.
16 MR. REHN: NFPA will join that.
17 MR. BRIDGES: Well, for the record, I made
18 the same offer to both -- and request to both
19 NFPA and ASTM.
20 (Defendant's Exhibit 1084 was marked for
21 identification.)
22 Q. (By Mr. Bridges) Mr. Comstock, I don't
23 believe I see -- you are copied on this document.
24 Do you recognize this document?
25 A. I don't recall it, but I see that I'm --

Page 124

1 I'm copied on this exchange and was involved in it.
2 Q. And this is an exchange of e-mails in part
3 to you, but between someone named Mike Moore at
4 Newport Ventures, Inc. and ASHRAE regarding a request
5 for permission to reprint ASHRAE 90.1; is that
6 correct?
7 A. That is correct.
8 Q. Who is Julie Harr?
9 A. Julie Harr is my assistant.
10 Q. And she's the one we discussed earlier as
11 having responsibility for acting as a point person or
12 interface with ASHRAE with respect to requests for
13 permission; is that correct?
14 A. That is correct.
15 (Defendant's Exhibit 1085 was marked for
16 identification.)
17 MR. LEWIS: Thank you, sir.
18 Q. (By Mr. Bridges) Mr. Comstock, this is
19 a -- at the top, an e-mail from Steve Ferguson to you
20 regarding a request to reprint tables from ASHRAE
21 90.1 2010 and one or more codes in Minnesota; is that
22 correct?
23 A. That's what this pertains to, yes.
24 Q. Do you recall the outcome of this request?
25 A. I do not recall.

Page 125

1 Q. Based on the information in this e-mail,
2 would you have an expectation as to what the likely
3 outcome of this request was?
4 MR. LEWIS: Objection.
5 THE WITNESS: We try to work with -- this
6 is from the Minnesota -- State of Minnesota
7 Energy Mechanical Codes. We like to cooperate
8 with them.
9 It looks like there's a couple of tables.
10 My guess is we would probably grant that
11 permission.
12 (Defendant's Exhibit 1086 was marked for
13 identification.)
14 Q. (By Mr. Bridges) Mr. Comstock, I've handed
15 you Exhibit 1086.
16 Is this an e-mail from you, with other
17 e-mails earlier in the thread, to your assistant
18 regarding permission ASHRAE granted in response to a
19 request from Minnesota?
20 A. I'm sorry. What's --
21 Q. I'm sorry. Is this an e-mail from you --
22 A. Oh.
23 Q. -- with other e-mails earlier in the thread
24 to your assistant regarding permission ASHRAE granted
25 in response to a request from Minnesota?

Page 126

1 A. Yes, this appears to be the same thread.
2 Q. The beginning of the thread on the second
3 page of the exhibit says, "The State of Minnesota
4 intends to adopt the 2012 International Mechanical
5 Code and the 2012 International Energy Conservation
6 Code by reference with amendments."
7 You see that?
8 A. Was that the previous document?
9 Q. No. That's on page 2 of -- of
10 Exhibit 1086.
11 A. Page 2. Yes, I see that.
12 Q. Are the International Mechanical Code and
13 International Energy Conservation Code both ASHRAE
14 codes?
15 A. No, they are not.
16 Q. Is either of them?
17 A. No, neither of them is an ASHRAE document.
18 Q. So he was just giving that to you by --
19 for -- for informational purposes or what? Do you --
20 did you have an understanding as to what the
21 relevance of that was?
22 MR. LEWIS: Objection.
23 THE WITNESS: I'm -- I -- I think he's -- I
24 think it's just providing additional
25 information.

Page 127

1 Q. (By Mr. Bridges) Was the import of this
2 that Minnesota was adopting these two other codes and
3 not ASHRAE codes, but wanted certain sections from an
4 ASHRAE code to graft into those Minnesota codes?
5 MR. LEWIS: Objection.
6 THE WITNESS: My concern here was the use
7 of -- the request to use content from Standard
8 90.1. So I focused my attention on -- on that
9 use.
10 Q. (By Mr. Bridges) But the permission you
11 granted was to use material from 90.1 in a state code
12 that was incorporating provisions from other codes
13 through other sources; correct?
14 A. I think our intent was to allow reprinting
15 of the sections that were specified in the message.
16 Q. Well, the context was that that reprinting
17 would be in a state code that also incorporated
18 material from two other codes from another source;
19 correct?
20 A. That's -- that -- as I read it here, that's
21 what that seems to say.
22 (Defendant's Exhibit 1087 was marked for
23 identification.)
24 Q. (By Mr. Bridges) Mr. Comstock, this is an
25 e-mail that you received from your colleague,

Page 128

1 Michshell Phillips, regarding a request for a copy of
2 a standard --
3 A. Yes.
4 Q. -- from -- and -- sorry, it's from someone
5 in Israel; is that right?
6 A. Israeli standards organization, I believe.
7 Q. Who is Michshell Phillips?
8 A. She is an editorial coordinator in our --
9 in our special publications group.
10 Q. It appears that -- in this e-mail that
11 ASHRAE generated an invoice for one-time license fees
12 for the use of ASHRAE Standard 62.1 and Standard 90.1
13 to be included in Israeli standards; correct?
14 A. That is what this indicates, yes.
15 Q. How much would -- would -- strike that.
16 Would ASHRAE consider that revenue to be
17 royalty revenue or sale of publication revenue or
18 something else?
19 A. We would account for that as a royalty.
20 Q. Do you know how much ASHRAE earns in
21 royalties in a particular year paid to it by other
22 entities that are responsible for developing
23 standards or codes?
24 A. So the question is to restrict it to
25 entities that are going to use content from us in a

Page 129

1 code --
2 Q. Right --
3 A. -- not just --
4 Q. -- but in a code, I -- I mean in a -- not
5 in a legal code, but in a -- in some other standard
6 or code produced by some other standards organization
7 or standards authority.
8 MR. LEWIS: Objection.
9 THE WITNESS: On an average basis, my guess
10 would be \$10,000.
11 Q. (By Mr. Bridges) Per year?
12 A. Per year, yeah.
13 Q. Does ASHRAE pay other standards
14 organizations for the privilege of using material
15 from their codes or standards in ASHRAE's codes or
16 standards?
17 A. To my knowledge, we do not.
18 (Defendant's Exhibit 1088 was marked for
19 identification.)
20 Q. (By Mr. Bridges) Mr. Comstock, what is
21 Exhibit 1088?
22 A. A multiuser license for 90.1 2010 and 189.1
23 2009.
24 Q. So this is a -- sort of a bundled license
25 for two different standards?

Page 130

1 A. It looks -- it appears to be that way, yep.
2 Q. In the first sentence in the main part of
3 the text, in the smaller print, it says, "In
4 purchasing a Multiple User License from ASHRAE for a
5 Standard, the purchaser recognizes that the title,
6 ownership rights and intellectual property rights in
7 the data shall remain in ASHRAE and/or its supplier."
8 Do you see that?
9 A. Yes, I do.
10 Q. For what ASHRAE standards do title
11 ownership rights and intellectual property rights in
12 the data remain with a supplier of ASHRAE, as opposed
13 to ASHRAE itself?
14 A. I can't answer that -- answer that.
15 That -- that may be referring to a distribution
16 process that's applied.
17 Q. Well, then that would normally be ASHRAE
18 and/or its distributor, I would assume.
19 A. I -- I would think so. Offhand, I can't --
20 I -- I -- I'm not aware of -- of content being
21 provided by a supplier, if the content's an ASHRAE
22 standard.
23 Q. Farther along in the second line, after
24 "and/or its supplier," it says "This license gives no
25 rights to content."

Page 131

1 Doesn't a license give rights to use the
2 content?
3 A. It -- it may be a bad choice of words in
4 this case.
5 Q. Okay. What -- what do you think this
6 means?
7 A. That ASHRAE retains ownership over the
8 content. That's how I would read that.
9 Q. By the way, I see references to IP and SI
10 versions from time to time.
11 Does "IP" stand for inches and pounds and
12 "SI" for system international?
13 A. Correct.
14 Q. And a more ordinary word for "SI" would be
15 metric?
16 A. A more ordinary word, but perhaps not as
17 precise.
18 Q. Thank you.
19 (Defendant's Exhibit 1089 was marked for
20 identification.)
21 Q. (By Mr. Bridges) Mr. Comstock, I've handed
22 you Exhibit 1089. It is an exchange of
23 correspondence between ASHRAE and someone in Slovenia
24 regarding Standard 90.1 2013; is that correct?
25 A. That is correct.

Page 132

1 Q. Do you understand that this refers to a
2 Slovenian translation?
3 A. Yes, I do.
4 Q. Did you have an understanding as to who was
5 going to conduct the translation or prepare the
6 translation?
7 A. My understanding was that it would be
8 prepared by the Slovenian Society of Mechanical
9 Engineers, was their name.
10 (Defendant's Exhibit 1090 was marked for
11 identification.)
12 Q. (By Mr. Bridges) Mr. Comstock, I've handed
13 you Exhibit 1090.
14 Could you identify it, please?
15 A. This is a license and distribution
16 agreement with -- between ASHRAE and ICC.
17 Q. Is this for a -- is this an update of a
18 previous agreement?
19 A. It -- it -- it is. This is the replacement
20 for an earlier agreement we had for an earlier
21 version of -- of our standard and their code.
22 (Defendant's Exhibit 1091 was marked for
23 identification.)
24 Q. (By Mr. Bridges) Is Exhibit 1091 e-mail
25 correspondence between yourself and Mark Johnson of

Page 133

<p>1 the International Code Council regarding the document 2 you just identified as Exhibit 1090? 3 A. Yes. 4 Q. And a draft of 1090 is an attachment to 5 this e-mail in 1091; correct? 6 A. Correct. 7 MR. LEWIS: Objection. 8 (Defendant's Exhibit 1092 was marked for 9 identification.) 10 Q. (By Mr. Bridges) Please identify 11 Exhibit 1092. 12 A. This is an e-mail exchange between myself 13 and Jodi Scott in our office. 14 Q. The e-mail identifies Jodi Scott as 15 communications manager; is that correct? 16 A. That's correct. 17 Q. What does that role entail? 18 A. She was the -- our public relations and she 19 would monitor Internet postings related to ASHRAE. 20 Q. You said to her -- strike that. 21 The underlying e-mail is from you to your 22 assistant, Julie Harr; correct? 23 A. That's correct. 24 Q. And that e-mail says, "If you ever receive 25 a copyright infringement notice/message involving</p> <p style="text-align: right;">Page 134</p>	<p>1 various trade publications. 2 Q. Did you become aware of it from other 3 persons in the industry through conversations or 4 e-mail messages? 5 A. Not from -- from e-mail messages, I don't 6 believe. There were discussions that -- that I heard 7 about free access to documents on the Internet. 8 Q. What -- what discussions do you recall? 9 A. If I would go to conferences at which 10 publishing matters were discussed, whether it be 11 academic journals, books, standards. 12 Q. Who -- who would speak at those conferences 13 about these issues? 14 A. There would be -- typically, they would be 15 peer-to-peer groups that would -- so people in my 16 roles who would -- who would discuss perhaps people 17 from commercial publishers. 18 Q. To your knowledge, did ASHRAE ever 19 communicate to Mr. Malamud before this lawsuit that 20 it wanted Mr. Malamud to remove ASHRAE standards from 21 his website? 22 A. I have no knowledge of that. 23 Q. Do you know who would? 24 A. I -- I don't know. 25 Q. Did you ever become aware of Underwriters</p> <p style="text-align: right;">Page 136</p>
<p>1 Karl Malamud (sp?) bring to my attention." 2 What type of copyright infringement notice 3 or message were you anticipating in that statement? 4 A. That someone would bring to our attention 5 that there was a -- a violation of our copyright. 6 Q. Would that be something along the lines of 7 the communication from Dave Hollman of Carrier that 8 we reviewed earlier today? 9 A. Something along those lines, that's 10 correct. 11 Q. Do you recall receiving any other written 12 communications or notices of a similar sort that fall 13 within the description of what you are looking out 14 for in Exhibit 1092? 15 A. Yeah, I do not recall that. 16 Q. Did you read the article that Jodi Scott 17 brought to your attention? 18 A. I -- I believe I did. 19 Q. Did you have a -- an impression about 20 Mr. Malamud before you ran that article? 21 A. I was aware that -- that he held a position 22 where copyrighted documents could be -- be made 23 available on the Internet. 24 Q. How did you become aware of that? 25 A. I think from articles such as this one from</p> <p style="text-align: right;">Page 135</p>	<p>1 Laboratories having discussions with anyone at ASHRAE 2 about Mr. Malamud? 3 A. No. 4 Q. Did you ever become aware of anyone at ASME 5 having discussions with anyone at ASHRAE regarding 6 Mr. Malamud? 7 A. No, I have no knowledge of such 8 discussions. 9 Q. Were you -- sorry. 10 Was ASHRAE aware of a lawsuit that Public 11 Resource brought against SMACNA, or the Sheet Metal 12 and Air Conditioning Contractors' National 13 Association? 14 A. Yes, I was aware of that. 15 (Defendant's Exhibit 1093 was marked for 16 identification.) 17 Q. (By Mr. Bridges) Can you please identify 18 Exhibit 1093? 19 A. This is an e-mail exchange that involves 20 Claire Ramspeck and me. 21 Q. Claire Ramspeck is director of technology 22 at ASHRAE, or at least was at the time of this 23 e-mail; correct? 24 A. That is correct. 25 Q. What were her functions as director of</p> <p style="text-align: right;">Page 137</p>

1 technology?
2 A. She's administrator of our standards
3 activity, or they fall within her area.
4 Q. Please turn to the earliest e-mail in the
5 thread on the reverse side of the page.
6 Are you familiar with something called the
7 IPRPC?
8 A. I am not.
9 Q. At the bottom of the front page of
10 Exhibit 1093, Ms. Ramspeck -- that's a -- that's an
11 e-mail from Ms. Ramspeck to you; correct?
12 A. That's correct.
13 Q. And she said, "I thought you'd want to know
14 about the latest development in the Carl
15 Malamud/Incorporation by Reference issue."
16 Do you see that?
17 A. Yes, I do.
18 Q. What earlier developments was ASHRAE aware
19 of with respect to the Carl Malamud incorporation by
20 reference issue?
21 MR. LEWIS: Objection.
22 THE WITNESS: What I'm aware of is the --
23 is the position of Mr. Malamud that -- that
24 documents -- that copyrighted documents could be
25 made freely available, from articles such as had

Page 138

1 been sent to me from -- from Jodi. So I was
2 aware of this being an issue.
3 Q. (By Mr. Bridges) I'm trying to focus on
4 her choice of the words "the latest development," and
5 I was wondering what earlier developments either you
6 or ASHRAE was aware of that made this the latest
7 development.
8 A. I'm not aware of earlier developments
9 except that the -- the position of -- about posting
10 copyrighted documents is one that all publishers
11 follow -- were following that issue.
12 Q. Following Ms. Ramspeck's e-mail to you, you
13 sent an e-mail back to her on February 26, 2013;
14 correct?
15 A. That's correct.
16 Q. You're referring in that e-mail to the IHS
17 meeting.
18 What was that?
19 A. I was at a conference of Information
20 Handling Services.
21 Q. Information Handling?
22 A. Yes, uh-huh (affirmative).
23 Q. What does Information Handling Services
24 mean?
25 A. They're -- they're a distributor of -- of

Page 139

1 standards and other information.
2 Q. That's a business name?
3 A. That's correct.
4 Q. That's not an industry category?
5 A. No. That's a company name.
6 Q. When you said "he," referring to Tom
7 Soles -- strike that.
8 In the second sentence of that paragraph,
9 the "he" at the beginning of the sentence refers to
10 Tom Soles of SMACNA; correct?
11 MR. LEWIS: Objection.
12 THE WITNESS: Uh-huh (affirmative).
13 Q. (By Mr. Bridges) You said, "He had his
14 hand slapped by Tom Pace (ASTM), ANSI and had a call
15 from NFPA when I was actually with him."
16 Do you see that?
17 A. Yes, I do.
18 Q. What did you mean by the phrase, "He had
19 his hand slapped by Tom Pace (ASTM)..."?
20 A. That's what Tom Soles told me.
21 Q. What -- what details did he furnish to you?
22 A. Just that there was a lot of concern
23 from -- among the -- the -- the standards developers
24 about the -- the violation of the copyright postings
25 on the Internet.

Page 140

1 Q. Does that explain why Mr. Soles would say
2 he had his hand slapped by Tom Pace, ASTM, and ANSI?
3 A. I wasn't involved in -- in their
4 discussions. That's just what Tom -- what Tom Soles
5 relayed to me.
6 Q. So I'm trying to understand the context of
7 his explaining that.
8 It -- it suggests that he was reprimanded
9 by ASTM and ANSI.
10 MR. LEWIS: Objection.
11 Q. (By Mr. Bridges) Was that your
12 understanding of it?
13 MR. LEWIS: Objection.
14 THE WITNESS: Those were the words he used
15 with me.
16 Q. (By Mr. Bridges) Was it your understanding
17 when he used those words that it was some kind of a
18 reprimand that he was referring to?
19 MR. LEWIS: Objection.
20 THE WITNESS: I can't say. That was --
21 that -- those were the words he -- he relayed to
22 me.
23 Q. (By Mr. Bridges) And then you relayed to
24 Ms. Ramspeck that Mr. Soles had a call from NFPA when
25 you were with him; correct?

Page 141

1 A. That's correct.
2 Q. What did you observe with respect to him
3 during that call that came in from NFPA?
4 MR. LEWIS: Objection.
5 THE WITNESS: I'm -- that's what Tom Soles
6 told me, that he had a phone call.
7 Q. (By Mr. Bridges) Well, I thought you were
8 telling Ms. Ramspeck that Tom Soles had a phone call
9 from NFPA when you were with Tom Soles.
10 A. Well, I -- I wasn't part of that
11 conversation.
12 Q. But were you --
13 A. I --
14 Q. Were you with him as he engaged in that
15 conversation on the telephone?
16 A. Not -- not that I recall.
17 Q. By the way, the reference to Tom Pace,
18 could that have been John Pace, the director of
19 publications at ASTM?
20 A. Yeah, that's John Pace.
21 MR. FEE: Objection. Calls for
22 speculation.
23 COURT REPORTER: Who was that, please?
24 MR. FEE: That was Kevin Fee from ASTM.
25 COURT REPORTER: Thank you.

Page 142

1 Q. (By Mr. Bridges) As you sit here, you say
2 you -- you now know that that was John Pace?
3 A. My recollection.
4 MR. FEE: Same objection.
5 Q. (By Mr. Bridges) Then you said to
6 Ms. Ramspeck, "Not a good excuse but he had no idea
7 of what he was getting into."
8 Could you please explain the -- your
9 statement that he had no idea of what he was getting
10 into?
11 A. That was from articles such as the -- the
12 previous one, where we saw where this -- where there
13 was a lot of concern about the high-profile nature
14 of -- of the -- of the postings.
15 Q. What was it that he was getting into?
16 A. A case of high visibility.
17 Q. Anything else?
18 A. No, not that I'm aware of.
19 Q. And Ms. Ramspeck responded to you by
20 saying, "It is unfortunate."
21 What did you understand from that to have
22 been unfortunate?
23 A. That there would be a lot of -- a lot of --
24 be a high-profile case, high-profile awareness.
25 Q. And what -- what makes that unfortunate?

Page 143

1 A. Well, that he'd be at the center of that.
2 Q. Why would it be unfortunate that he would
3 be at the center of that?
4 A. Because it would be a -- it would be a -- a
5 significant effort to try to resolve the copyright
6 issue.
7 Q. Was there -- was there concern that it was
8 unfortunate because he was the -- was not -- or
9 because SMACNA was not the most strategically
10 advantageous party to litigate the issue?
11 MR. LEWIS: Objection.
12 MR. FEE: Objection. Calls for
13 speculation. Vague. Calls for legal
14 conclusion. Kevin Fee again.
15 THE WITNESS: I -- I can't speak to what --
16 what the motivations were.
17 Q. (By Mr. Bridges) I'm not asking for
18 speculation about motivations; I'm trying to explore
19 why the fact that SMACNA would have a high-profile
20 case as to which there would be a great deal of
21 awareness would be unfortunate.
22 MR. FEE: Same objection.
23 THE WITNESS: I just think anyone who was
24 gonna be involved in this would really need to
25 be aware of what all the issues were.

Page 144

1 Q. (By Mr. Bridges) What are all the issues
2 that one needs to be aware of?
3 A. I would say that would --
4 MR. FEE: Same objections.
5 THE WITNESS: The -- the high-profile
6 nature of the -- of -- of the case.
7 Q. (By Mr. Bridges) What else?
8 A. I'm not aware of any- -- anything else.
9 Q. Ms. Ramspeck went on to say, "SMACNA should
10 have been more plugged in on this issue...."
11 What did you understand that to mean?
12 A. From the high-profile nature of the --
13 of -- of -- of the -- the -- the postings, that this
14 was meant to be a real test case of copyright on the
15 Internet.
16 Q. But what did "more plugged in" mean? Did
17 that mean in greater conversation with others?
18 A. I can't speak --
19 MR. FEE: Objection to form.
20 THE WITNESS: I -- I don't know which --
21 I -- I would interpret that as being awareness,
22 but I can't speak to anything more than that.
23 Q. (By Mr. Bridges) Why is it unfortunate for
24 SMACNA to have had litigation with Public Resource,
25 as opposed to ASHRAE, ASTM, and NFPA to be in

Page 145

1 litigation with Public Resource?
2 MR. FEE: Objection to form.
3 MR. LEWIS: Objection.
4 MR. FEE: Lack of foundation.
5 THE WITNESS: I'm not aware of what those
6 issues might be.
7 (Defendant's Exhibit 1094 was marked for
8 identification.)
9 Q. (By Mr. Bridges) Mr. Comstock,
10 Exhibit 1094 is an e-mail from you to your assistant,
11 Julie Harr; correct?
12 A. That's correct.
13 Q. Do you understand -- strike that.
14 What did you mean when you wrote to Julie
15 Harr, "Be glad not me and you"?
16 A. I believe this would be a high-profile case
17 that would take a considerable amount of time to
18 resolve.
19 Q. But ASH- -- ASHRAE brought a lawsuit
20 against Public Resource; correct?
21 A. That -- I'm not sure when that -- when that
22 action initiated, but that was not something I was --
23 that I was involved in.
24 Q. Bringing the lawsuit was not something you
25 were involved in?

Page 146

1 A. That's correct.
2 Q. Were you aware of ASHRAE's plans to file
3 this lawsuit before ASHRAE filed it?
4 MR. LEWIS: I'll insert my objection that
5 this is outside the scope of this witness'
6 topics.
7 Q. (By Mr. Bridges) You may answer.
8 A. I -- I remember -- there were discussions
9 that were -- that were held that I was aware of, but
10 I was not privy to those.
11 Q. Did you offer any opinion internally at
12 ASHRAE about the wisdom or propriety of ASHRAE
13 bringing a lawsuit against Public Resource?
14 MR. LEWIS: Objection.
15 THE WITNESS: I did think it was important
16 for ASHRAE to protect its copyright.
17 Q. (By Mr. Bridges) Did you offer an opinion
18 internally at ASHRAE about the wisdom or propriety --
19 MR. LEWIS: Objection.
20 Q. (By Mr. Bridges) -- of -- of ASHRAE
21 bringing a lawsuit against Public Resource?
22 MR. LEWIS: Objection.
23 THE WITNESS: I thought it was prudent for
24 ASHRAE to -- to protect its copyright, and if
25 that meant engaging in a lawsuit, then I would

Page 147

1 support that.
2 Q. (By Mr. Bridges) Do you know who at ASHRAE
3 decided that ASHRAE would be one of the plaintiffs in
4 this lawsuit?
5 MR. LEWIS: Same objection.
6 THE WITNESS: I do not know.
7 Q. (By Mr. Bridges) In your response to
8 Ms. Harr at the top of the page on Exhibit 1094, you
9 mentioned you "...played golf with the SMACNA guy who
10 did this back in February when he told me I said
11 watch out."
12 So -- so what was the name of the SMACNA
13 guy you were referring to there?
14 A. Tom Soles.
15 Q. Tom Soles.
16 The same one you saw at the ISH meeting?
17 A. That's correct.
18 Q. What caused you to tell him, "Watch out"?
19 A. Because from all I had read in the trade
20 press and so on, it was going to be a high-profile
21 case.
22 Q. Did you tell him to watch out because it
23 would be a risky case to SMACNA?
24 MR. LEWIS: Objection.
25 THE WITNESS: I told him it was going to --

Page 148

1 it -- my intention was that it was going to be a
2 high-profile case, it was going to require much,
3 much detail and attention.
4 Q. (By Mr. Bridges) Did you tell him that the
5 case might have bad consequences for the standards
6 development industry?
7 A. I did not.
8 Q. Did you have any other explanation to him
9 of why he should watch out?
10 A. No.
11 Q. Did Jeff Littleton decide to bring the case
12 on behalf of ASHRAE?
13 MR. LEWIS: Objection.
14 THE WITNESS: I do not know if -- I do not
15 know if it was Jeff. Such decision -- decisions
16 are usually made by our executive committee.
17 Q. (By Mr. Bridges) Who chairs the executive
18 committee?
19 A. The president of the association.
20 Q. The president of the executive -- sorry.
21 The president of the association is a
22 volunteer; is that correct?
23 A. That is correct.
24 Q. Who's the senior-most employee of the
25 association?

Page 149

<p>1 A. Jeff Littleton. 2 MR. LEWIS: We've been going for about an 3 hour and a half now, but I didn't want to stop 4 you if you guys were getting close to -- 5 MR. BRIDGES: Let me just do one or two 6 more. It's not some great crescendo or 7 anything. I'm just -- let me get through one or 8 two. 9 I'll stop in an instant if you need to stop 10 right now. 11 THE WITNESS: I'm okay. 12 MR. BRIDGES: We'll go a couple of minutes. 13 All that coffee's finally having its effect on 14 me. 15 (Defendant's Exhibit 1095 was marked for 16 identification.) 17 Q. (By Mr. Bridges) Mr. Comstock, do you 18 recognize Exhibit 1095 as an ASHMAE -- as an e-mail 19 that you received from Jodi Scott, ASHRAE's 20 communications manager? 21 A. Yes, I do. 22 Q. This appears to forward a Google News Alert 23 on Carl Malamud. 24 Do you see that down below? 25 A. Yes, I do.</p> <p style="text-align: right;">Page 150</p>	<p>1 A. Yes, it is. 2 Q. -- and it's in response to a request from 3 someone in Vermont for use of material from an ASHRAE 4 standard; is that right? 5 A. Yes, that is correct. 6 (Defendant's Exhibit 1097 was marked for 7 identification.) 8 Q. (By Mr. Bridges) Please identify 9 Exhibit 1097. 10 A. This is a copyright permission request. 11 This looks like a -- a blank form, a model. 12 Q. Is this a model that ASHRAE furnished to 13 persons seeking permission to reprint material from 14 ASHRAE standards? 15 A. This was not specific to standards; this 16 would have been used for general publications 17 content. 18 Q. That would include standards, as well? 19 A. That's -- that is correct. 20 (Defendant's Exhibit 1098 was marked for 21 identification.) 22 Q. (By Mr. Bridges) Mr. Comstock, 23 Exhibit 1098 is an e-mail exchange between you and an 24 employee of the City of Houston regarding Houston's 25 adoption of an ASHRAE standard, at least portions of</p> <p style="text-align: right;">Page 152</p>
<p>1 Q. Were you aware of ASHRAE having a Google 2 News Alert subscription for -- for references to Carl 3 Malamud? 4 A. I would get items from Jodi Scott from 5 Google Alerts. 6 Q. Do you know how many Google Alerts 7 regarding Carl Malamud you saw? 8 A. I do not recall. I don't -- just a couple, 9 I think, but I'm not aware of anything more. 10 Q. Do you know when ASHRAE first started a 11 Google News Alert on Carl Malamud? 12 A. I do not know. 13 MR. BRIDGES: This is a good time to break. 14 VIDEOGRAPHER: This is the end of Video 3 15 We're going off the record at 4:45 p m. 16 (Thereupon, there was an interruption in 17 the proceedings.) 18 VIDEOGRAPHER: This is the beginning of 19 Video 4. We're on the record at 4:58 p.m. 20 (Defendant's Exhibit 1096 was marked for 21 identification.) 22 Q. (By Mr. Bridges) Mr. Comstock, I've just 23 handed you Exhibit 1096. 24 Can you confirm for me, please, that this 25 is an e-mail from your assistant, Julie Harr --</p> <p style="text-align: right;">Page 151</p>	<p>1 an ASHRAE standard; is that correct? 2 A. That is correct. 3 (Defendant's Exhibit 1099 was marked for 4 identification.) 5 Q. (By Mr. Bridges) Mr. Comstock, can you 6 please identify Exhibit 1099? 7 A. This pertains to an article that was -- was 8 published with ASHRAE -- I assume with ASHRAE content 9 from 90.1. 10 MR. BRIDGES: With counsel's permission, I 11 would like to add the following as a second part 12 to this exhibit. They're sequential Bates 13 numbers and I believe that this is probably 14 identified as an attachment in the e-mail cover 15 page of 1099. 16 MR. LEWIS: I'm happy for you to ask the 17 witness if that's his recollection. 18 MR. BRIDGES: Sure. Just for the 19 formality, I'd like to go ahead and say that the 20 exhibit now constitutes Bates Nos. ASHRAE0027658 21 through -665. 22 MR. LEWIS: That's fine. I do want the 23 record to reflect that -- 24 MR. BRIDGES: I'll ask him. 25 Q. (By Mr. Bridges) Mr. Comstock, do you</p> <p style="text-align: right;">Page 153</p>

<p>1 recognize the second portion of Exhibit 1099 as the 2 article to which the e-mail refers as the first part 3 of Exhibit 1099? 4 And I draw your attention, as well, not 5 only to the Bates numbers as given them by ASHRAE in 6 producing documents, but also to the attachment file 7 name as shown on the front page of the exhibit. 8 A. So this article is what is referred to in 9 the e-mail. 10 Q. And the article being the second part of 11 Exhibit 1099? 12 A. That's correct. 13 Q. Exhibit 1099 is an e-mail ostensibly from 14 Julie Harr to herself several times. 15 Do you know if you received a copy of this 16 as a bcc recipient? 17 A. I don't recall that I -- I don't recall 18 receiving copies as bcc. 19 Q. Do you understand what the reference is at 20 the top of Exhibit 1099, "Call Julie at NIA..."? 21 A. I do not. 22 Q. Is "NIA" an acronym you're familiar with, 23 referring to the National Insulation Association? 24 MR. LEWIS: Objection. 25 THE WITNESS: I'm -- I'm not aware of a --</p> <p style="text-align: right;">Page 154</p>	<p>1 there was concern that content was used without 2 permission. 3 Q. (By Mr. Bridges) Is it ASHRAE's belief 4 that for that reason, the use of the content was 5 illegal? 6 MR. LEWIS: Objection. 7 THE WITNESS: My understanding of a 8 copyright violation is that would be unlawful. 9 Q. (By Mr. Bridges) Is it ASHRAE's view that 10 this article violated ASHRAE's copyright? 11 MR. LEWIS: Objection. Asked and answered. 12 THE WITNESS: I need to look at the 13 standard to confirm that. 14 Q. (By Mr. Bridges) Without -- this is a 15 standard that you have been in charge of publishing 16 for at least 20 years; correct? 17 A. That's correct. 18 Q. And how many pages is the standard, in its 19 standard typesetting as a PDF? 20 A. Off the top of my head, 140 pages. 21 Q. How long is this article? 22 A. Four pages. 23 Q. How much of this article -- strike that. 24 What do you think the highest possible 25 percentage is the material in this article</p> <p style="text-align: right;">Page 156</p>
<p>1 of that -- I'm not aware. Don't know. 2 Q. (By Mr. Bridges) Do you know whether the 3 National Insulation Association is responsible for 4 the publication of Insulation Outlook and 5 InsulationOutlook.com, which is the subject of this 6 message? 7 A. That seems logical. Offhand, I don't -- 8 I -- I don't know if there is a National Insulation 9 Association. 10 Q. Well, for the record, I looked up the phone 11 number and that's what came back. 12 A. It is? Then -- 13 MR. LEWIS: Objection. 14 Q. (By Mr. Bridges) Is it ASHRAE's position 15 that the references to Standard 90.1 in this article 16 are illegal? 17 MR. LEWIS: Objection. 18 THE WITNESS: I think the concern was 19 whether or not there was use of the cop- -- of 20 copyrighted content. 21 Q. (By Mr. Bridges) So my question is: Is it 22 ASHRAE's position that the use of ASHRAE's 23 copyrighted content in this article was illegal? 24 MR. LEWIS: Objection. 25 THE WITNESS: It appears from this exchange</p> <p style="text-align: right;">Page 155</p>	<p>1 constituted in ASHRAE's Standard 90.1? 2 MR. LEWIS: Objection. Vague. 3 THE WITNESS: A very small amount of 4 content. 5 Q. (By Mr. Bridges) Can you assign a 6 percentage to that, please? 7 MR. LEWIS: Objection. 8 THE WITNESS: I'd just be guessing for a 9 percentage. It's not much. 10 Q. (By Mr. Bridges) Under 5 percent? 11 MR. LEWIS: Objection. 12 THE WITNESS: I think that's an accurate 13 estimate. 14 Q. (By Mr. Bridges) Turning to the tables and 15 footnotes at the top of the second and third pages of 16 Exhibit -- sorry, of the article, Bates Nos. -027663 17 and -027664, it appears that those tables were taken 18 directly from ASHRAE's Standard 90.1, given the 19 references at the top of the pages; is that correct? 20 MR. LEWIS: Objection. 21 THE WITNESS: I'd -- I'd have to look at 22 the standard to tell if they were taken directly 23 or not. 24 Q. (By Mr. Bridges) Could you suggest other 25 ways by which a writer could express the ideas</p> <p style="text-align: right;">Page 157</p>

<p>1 contained in those two tables at the top of pages 2 -027663 and -027664? 3 MR. LEWIS: Objection. 4 THE WITNESS: They could likely reformat 5 tables. 6 Q. (By Mr. Bridges) What else? 7 MR. LEWIS: Objection. 8 THE WITNESS: I'm not sure. 9 (Defendant's Exhibit 1100 was marked for 10 identification.) 11 Q. (By Mr. Bridges) I'm showing you 12 Exhibit 1100. 13 Who is Doug Reed? 14 A. He was our director of government affairs 15 in Washington. 16 Q. During what period of time did he hold that 17 post? 18 A. I can tell you more accurately when he 19 ended, which was approximately -- he retired six 20 months or so ago. He was employed by ASHRAE for 21 probably five to seven years before that. 22 Q. Has someone succeeded him in that role? 23 A. Nobody. 24 Q. Has someone else taken over his job 25 functions?</p> <p style="text-align: right;">Page 158</p>	<p>1 identification.) 2 MR. LEWIS: Thank you. 3 Q. (By Mr. Bridges) I've handed you 4 Exhibit 1101. 5 Can you identify this, please? 6 A. Yes. This is an exchange between me and 7 someone from Vancouver -- City of Vancouver. 8 Q. That's Vancouver, Canada; correct? 9 A. That's correct. 10 Q. What are the ASHRAE 90.1 2007 compliance 11 PDFs? 12 A. Those were or are forms that are -- are 13 used where you would enter data to -- to achieve 14 compliance with the -- the standard. 15 Q. What creative expression is in those forms, 16 to the best of your knowledge? 17 MR. LEWIS: Objection. 18 THE WITNESS: Could you ask the question 19 again? I'm sorry. 20 Q. (By Mr. Bridges) What creative expression 21 is in those forms, to the best of your knowledge? 22 MR. LEWIS: Objection. 23 THE WITNESS: Yeah, I -- I do not know 24 the -- the technical application. 25 Q. (By Mr. Bridges) Please look at the page Page 160</p>
<p>1 A. We have several other people in our 2 Washington office and -- and among those people 3 there, they are conducting the affairs of our 4 Washington office. 5 Q. Who are those persons? 6 A. Jim Scarborough and Mark Ames. 7 Q. Are you familiar with this e-mail exchange 8 or with its topics? 9 A. I -- I do recall this now. 10 Q. Do you recall interest of the United States 11 State Department in extracting an appendix of 12 ASHRAE's 90.1 standard? 13 A. Only from -- from -- from what's in the 14 exchange, where I guess they asked to use Appendix B, 15 for which I provided that to them. 16 Q. And does this exhibit refresh your 17 recollection about that? 18 A. Yes -- 19 MR. LEWIS: Objection. 20 THE WITNESS: -- I think I did and required 21 it be -- be referenced from the standard. 22 Q. (By Mr. Bridges) What is Appendix B to 23 Standard 90.1? 24 A. I do not know. 25 (Defendant's Exhibit 1101 was marked for</p> <p style="text-align: right;">Page 159</p>	<p>1 stamped with the number at the bottom -0027650. 2 What was the rationale for the conditions 3 that ASHRAE imposed upon the City of Vancouver? 4 A. The -- the rationale would be that -- that 5 the -- this -- this standard was still required to 6 use the forms and that there would be recognition of 7 the ASHRAE ownership and its copyright for the forms. 8 Q. Does ASHRAE sell those forms? 9 A. They are part of the standard. 10 Q. Does it sell the forms independently of the 11 standard? 12 A. No, I don't believe we do. 13 Q. What harm would come to ASHRAE from the 14 unbridled distribution of those forms? 15 MR. LEWIS: Objection. 16 THE WITNESS: Our -- our procedures and 17 policy are to maintain the copyright and to 18 ensure that the -- or try our best to ensure 19 that the forms are -- are properly used and 20 associated with the Society and the standard in 21 the correct manner. 22 Q. (By Mr. Bridges) I -- I hear that as a 23 concern. I -- I guess I'm not sure I heard what 24 harms would flow to ASHRAE from the unbridled 25 distribution of those forms.</p> <p style="text-align: right;">Page 161</p>

<p>1 MR. LEWIS: Objection. 2 THE WITNESS: Our -- our process is to try 3 to protect our copyright whenever -- whenever we 4 can. 5 Q. (By Mr. Bridges) And the harm came -- 6 would come -- would be in what nature? 7 A. Harm would be if -- if -- if our -- if the 8 information was -- was made in a way that didn't 9 provide a -- a connection to ASHRAE as being a source 10 for additional information, explanation, further 11 background. 12 Q. Would it -- would ASHRAE suffer greater or 13 less harm if the forms were used without any 14 reference to ASHRAE whatsoever? 15 MR. LEWIS: Objection. 16 THE WITNESS: I'm not sure I can -- I -- I 17 can answer that. 18 Again, our process is to protect our -- our 19 copyright. I'm not in the position of -- of -- 20 of knowing what could be the consequences of not 21 using the forms properly or without reference to 22 ASHRAE. 23 (Defendant's Exhibit 1102 was marked for 24 identification.) 25 Q. (By Mr. Bridges) Exhibit 1102 consists of</p> <p style="text-align: right;">Page 162</p>	<p>1 intent of the files were kept intact. They -- 2 they couldn't be modified to the extent that 3 they were asking for information that weren't 4 part of the original files. 5 Q. (By Mr. Bridges) Is there a reason ASHRAE 6 had to prevent people from adapting the files to 7 their own particular specifications or desires? 8 A. I believe in this case, it was to 9 demonstrate compliance with the standard. 10 Q. Is there only one way to demonstrate 11 compliance with the standard? 12 A. I'm -- I am not aware of -- I -- I don't 13 have the knowledge of the technical application. 14 Q. Was the form necessary and -- was the form 15 uniquely necessary to demonstrate compliance? 16 MR. LEWIS: Objection. 17 THE WITNESS: I don't believe so. I think 18 it was a -- it was a -- a tool to assist, an 19 aid. 20 (Defendant's Exhibit 1103 was marked for 21 identification.) 22 Q. (By Mr. Bridges) Mr. Comstock, I've handed 23 you Exhibit 1103. I think we've seen another 24 exhibit -- and I'm sorry I don't have the number 25 right at hand -- with some of this e-mail thread in</p> <p style="text-align: right;">Page 164</p>
<p>1 other correspondence between you and Mr. McCall of 2 the City of Vancouver, Canada; is that correct? 3 A. That is correct. 4 Q. You mention that the files -- strike that. 5 You mention files on the front page of 6 Exhibit -- Exhibit 1102; is that correct? 7 A. That's correct. 8 Q. What files were you referring to? 9 A. These would be the files of the -- of -- of 10 the forms. 11 Q. PDF files of -- of the forms? 12 A. We may have converted them to Word. 13 Q. So whatever format they were, these were 14 electronic files containing files in a particular 15 format; is that correct? 16 A. Yeah, they were -- 17 MR. LEWIS: Objection. 18 THE WITNESS: -- they were files of -- 19 of -- of -- that were formatting files. 20 Q. (By Mr. Bridges) Was there rationale as to 21 why ASHRAE wanted to use tamperproof formatting or 22 tamperproof files for these forms? 23 MR. LEWIS: Objection. 24 THE WITNESS: Looking back on this, that 25 would be so that the -- the -- the nature and</p> <p style="text-align: right;">Page 163</p>	<p>1 it, but this is correspondence on which you were 2 copied between your assistant, Ms. Harr, and an 3 employee of the City of Minneapolis, I believe; is 4 that correct? 5 A. That's -- I believe that's correct. 6 Q. And this involves permission without a 7 royalty fee for use of one section and three tables 8 of an ASHRAE standard; correct? 9 A. That is correct. 10 Q. And looking at the context and the 11 discussions earlier, this is -- they grant under 12 conditions of a request to use these in one or two 13 Minnesota codes, namely the Minnesota Mechanical Code 14 and the Minnesota Commercial Energy Code; correct? 15 A. That is correct. 16 Q. At the end of Ms. Harr's e-mail to 17 Mr. Manz, M-A-N-Z, in this exhibit, she refers to a 18 required copyright notice -- to a copyright notice 19 that ASHRAE was going to require of the City of 20 Minneapolis; is that correct? 21 A. That is correct. 22 Q. And that notice would be required where 23 more than one element or more than a 50-word excerpt 24 from those portions of ASHRAE 90.1 2010 were going to 25 be used by the State of Minnesota; is that correct?</p> <p style="text-align: right;">Page 165</p>

1 A. That is correct.
2 Q. Did ASHRAE understand the final sentence of
3 that copyright notice to be a legal requirement? And
4 I quote, "This material may not be copied nor
5 distributed in either paper or digital form without
6 ASHRAE's permission?"
7 A. Yeah, I think that's just an expression of
8 our -- our wishing to maintain copyright.
9 Q. It's not, in your view, a statement of a
10 legal restriction?
11 MR. LEWIS: Objection.
12 THE WITNESS: I -- I can't speak to the --
13 to the legality of this. I -- this is our
14 standard statement we use that we wish to have
15 our copyright respected.
16 Q. (By Mr. Bridges) Where did ASHRAE expect
17 that copyright notice to appear in either of the
18 Minnesota codes that were the subject of this
19 correspondence?
20 A. That would be with the applicable sections
21 or tables, I imagine.
22 Q. Was it ASHRAE's view that the Minnesota
23 Mechanical Code and the Minnesota Commercial Energy
24 Code, to the extent they included more than one
25 element mentioned in this e-mail or more than a

Page 166

1 50-word excerpt, could not be copied or distributed
2 in either paper or digital form without ASHRAE's
3 permission?
4 MR. LEWIS: Objection.
5 THE WITNESS: The intent here would be to
6 restrict this to the use of the ASHRAE content
7 that's -- that's reprinted.
8 Q. (By Mr. Bridges) Where would that be
9 reprinted?
10 A. With -- with those pertinent sections.
11 Q. Right.
12 Was it ASHRAE's expectation that to --
13 let's assume that the section and all three tables
14 from ASHRAE's Standard 90.1 2010 appeared in the
15 Minnesota Mechanical Code. Let's assume one full
16 section, 6.4.4, and the three tables referred to all
17 appeared in the Minnesota Mechanical Code.
18 Was it ASHRAE's expectation that as a
19 consequence, the Minnesota Mechanical Code could not
20 be copied or distributed in either paper or digital
21 form without ASHRAE's permission?
22 A. That would not be my expectation. Those
23 elements separate from the -- those two codes is what
24 my expectation would be.
25 Q. Does anything in this correspondence,

Page 167

1 namely Exhibit 1103, indicate such a limitation or
2 narrowness of ASHRAE's expectation?
3 MR. LEWIS: Objection.
4 THE WITNESS: Not that I read here.
5 (Defendant's Exhibit 1104 was marked for
6 identification.)
7 Q. (By Mr. Bridges) Please identify
8 Exhibit 1104.
9 A. E-mail exchange between myself and David
10 Branson.
11 Q. Who is Mr. Branson?
12 A. He's a member of ASHRAE. He's active on
13 our committees.
14 Q. What was the subject of this
15 correspondence?
16 A. It looks like he wants to develop a
17 software product.
18 Q. Do you know whether he ended up developing
19 that software product?
20 A. I have -- I have no recollection of
21 anything further from -- from this message.
22 Q. Was it your expectation, in connection with
23 this correspondence, that ASHRAE would have to pay
24 Mr. Branson or any of his students for their efforts
25 on that software product?

Page 168

1 A. Could you repeat that, please?
2 Q. Sure.
3 Was it your expectation or ASHRAE's
4 expectation in connection with this correspondence in
5 Exhibit 1104 that ASHRAE would have to pay
6 Mr. Branson or any of his students for their efforts
7 on the software product?
8 A. If we developed a software product with
9 Mr. Branson, we'd have an agreement to do that and
10 the agreement would spell out those terms and perhaps
11 a distribu- -- perhaps a distribution agreement.
12 Q. Does anything in this exchange of
13 correspondence in 1104 indicate an expectation of
14 payment on Mr. Branson's part or on his students'
15 part?
16 A. Payment from ASHRAE to Mr. Branson?
17 Q. Or his students, correct.
18 A. I don't think so. I don't recall anything.
19 Q. ASHRAE, in fact, had an expectation that it
20 could use the apps that Mr. Branson and his students
21 developed in order to gain revenue for ASHRAE,
22 correct --
23 MR. LEWIS: Objection.
24 Q. (By Mr. Bridges) -- if you look at the
25 bottom of page 2 and the top of page 3 of the

Page 169

1 correspondence?
2 MR. LEWIS: Objection.
3 THE WITNESS: So what I was suggesting here
4 was, yes, the possibility that he would develop
5 an app for ASHRAE.
6 Q. (By Mr. Bridges) And there's also a
7 suggestion of the possibility that the app that he
8 would develop for ASHRAE would provide a modest
9 revenue stream, looking at the top of page 3 of the
10 exhibit; correct?
11 A. That is correct.
12 Q. And you see that Mr. Branson had -- strike
13 that.
14 Do you see that Mr. Branson expressed a
15 possible motivation for developing the app? At the
16 bottom of page 3, he said, "I was looking for
17 something to use in a coding exercise, and noted that
18 90.1 could possibly be a fit. I also determined that
19 this could be an easy way to get the Standard into
20 the hands of a huge number of Authorities Having
21 Jurisdiction (building inspectors, fire marshals,
22 etc.), engineers, and contractors."
23 Do you see that?
24 A. I -- I -- I see where he wrote that, yes.
25 Q. To this date, has ASHRAE developed an app
Page 170

1 of the sort Mr. Branson was suggesting?
2 A. We are develop- -- we're -- we're just
3 beginning development now of an app that would be
4 tied in with compliance for the standard. Let's see
5 what was he suggesting.
6 90.1 checklist. It -- it -- what we're
7 developing may be very similar to what he was
8 thinking of doing, as well. There's much interest
9 in -- in -- in publishing about making -- having
10 electronic tools that help make books and documents
11 easier to use in different formats.
12 Q. Of course, at the bottom of page 3, he
13 wasn't suggesting making the documents easy to use.
14 He said, "I also determined that this could be an
15 easy way to get the Standard into the hands of a huge
16 number of Authorities Having Jurisdiction (building
17 inspectors, fire marshals, etc.), engineers, and
18 contractors."
19 Do you see that?
20 MR. LEWIS: Objection.
21 THE WITNESS: Yes, I do.
22 Q. (By Mr. Bridges) Has ASHRAE on its own
23 taken any steps since this exchange of correspondence
24 in 2010 to get the standard into the hands of a huge
25 number of authorities having jurisdiction, such as
Page 171

1 building inspectors and fire marshals, as well as
2 engineers and contractors?
3 A. Nothing specific I'm aware of other than
4 the -- the agreements we had with ICC for
5 distribution of 90.1.
6 (Defendant's Exhibit 1105 was marked for
7 identification.)
8 Q. (By Mr. Bridges) Mr. Comstock, I'm going
9 to be handing you a series of documents in the nature
10 of financial discovery that we received from ASHRAE,
11 and I just want to get you to identify or
12 authenticate them, if you can. So there won't be a
13 lot of questions on these.
14 Do you understand this printout, which we
15 received from ASHRAE, to represent accurately the
16 dues -- membership dues revenues that ASHRAE has
17 received each year from 2002-3 to 2013-14?
18 A. Yes. And the question was?
19 Q. Do you understand this printout to
20 represent accurately the membership dues revenues for
21 each of the corresponding years?
22 A. They appear to be. I don't know the exact
23 numbers, but they appear to be relatively accurate.
24 (Defendant's Exhibit 1106 was marked for
25 identification.)
Page 172

1 Q. (By Mr. Bridges) I ask you to look at
2 Exhibit 1106, which again I'll represent to you is a
3 document that we received in discovery from ASHRAE.
4 Does this appear to you to be an acc- --
5 accurate representation of the sales of the ASHRAE
6 90.1 standards for three different versions of the IP
7 version, the inches pounds version?
8 A. Yes, it does.
9 Q. Did the member price and retail price of
10 those standards change over those three versions?
11 A. I do not believe so. I don't think between
12 2010 and '07. I can't recall if '04 had a different
13 price.
14 Q. Do you know -- I'm not sure that we have --
15 or maybe I don't have handy -- the corresponding
16 figures for the SA version.
17 There was an SA version at one point?
18 A. SI.
19 Q. SI?
20 A. Yeah.
21 Q. I'm sorry.
22 Do you recall roughly how they compared to
23 these numbers?
24 A. They'd be much smaller.
25 Q. Much smaller?
Page 173

<p>1 A. Yeah.</p> <p>2 Q. Would the -- would the pattern of growth</p> <p>3 and diminishment be equivalent, in your view?</p> <p>4 MR. LEWIS: Objection.</p> <p>5 Q. (By Mr. Bridges) Let me say this: Would</p> <p>6 the trends be equivalent to the trends evident in</p> <p>7 Exhibit 1106, in your view?</p> <p>8 A. I don't think you'd have as many sales of</p> <p>9 older versions.</p> <p>10 Q. Otherwise, would the trends be roughly</p> <p>11 equivalent?</p> <p>12 A. The market for the SI version is overseas,</p> <p>13 so much smaller numbers.</p> <p>14 And -- what do you mean by -- by -- what --</p> <p>15 by trends? What do you mean?</p> <p>16 Q. Well, for example, if you look in the</p> <p>17 middle, the 2007, the numbers grew substantially as a</p> <p>18 percentage of the previous year until they peaked,</p> <p>19 and then they went down a bit and then fell very</p> <p>20 substantially.</p> <p>21 A. When the standard is -- is newly released,</p> <p>22 the sales are higher.</p> <p>23 Q. Right.</p> <p>24 And my question just has to do with the --</p> <p>25 whether the graph that might describe the SI sales</p> <p style="text-align: right;">Page 174</p>	<p>1 various formats or from various channels, I guess is</p> <p>2 a better description.</p> <p>3 Q. Did you prepare this chart?</p> <p>4 A. Someone in my group did.</p> <p>5 Q. Is it -- is this -- does this reflect</p> <p>6 current projections?</p> <p>7 A. That's correct.</p> <p>8 Q. And does this show all of the methods and</p> <p>9 channels of monetization of the standards themselves,</p> <p>10 as opposed to other activities that may involve the</p> <p>11 standards?</p> <p>12 A. Those that are directly related to the</p> <p>13 standards, yes.</p> <p>14 Q. Okay. Is there a reason why ASHRAE</p> <p>15 projects lower -- a lower -- or a declining trend in</p> <p>16 projected revenue of PDF sales?</p> <p>17 A. That would be tied to the cycle of the</p> <p>18 standard.</p> <p>19 Q. Would that imply, then, that over these</p> <p>20 three years, the standards would be approaching end</p> <p>21 of their current life as a new version of the</p> <p>22 standard being prepared?</p> <p>23 A. That's right, that would -- yes, that's</p> <p>24 correct. That would occur in some place around</p> <p>25 '16 -- 2016-2017, which is probably why it goes back</p> <p style="text-align: right;">Page 176</p>
<p>1 would be roughly analogous to the graph describing</p> <p>2 the IP sales in terms of the slope and peak and the</p> <p>3 like.</p> <p>4 MR. LEWIS: Objection.</p> <p>5 THE WITNESS: I don't think you'd have as</p> <p>6 many years. The -- the sales would be focused</p> <p>7 on those years when the SI version was current.</p> <p>8 Q. (By Mr. Bridges) And when you say the SI</p> <p>9 sales are much smaller, what's your best estimate as</p> <p>10 a percentage of the IP sales?</p> <p>11 A. Let me look at -- for 2013, for example, if</p> <p>12 you ask me what the SI version of the 2010 would be,</p> <p>13 a hundred.</p> <p>14 Q. A hundred quantity?</p> <p>15 A. A hundred quantity, yeah. That may even be</p> <p>16 a little on the high side. That's -- I'm guessing at</p> <p>17 that now, but...</p> <p>18 Q. But that's an estimate?</p> <p>19 A. That's correct.</p> <p>20 (Defendant's Exhibit 1107 was marked for</p> <p>21 identification.)</p> <p>22 Q. (By Mr. Bridges) Exhibit 1107 is a</p> <p>23 document that ASHRAE produced to us in discovery.</p> <p>24 Can you identify it, please?</p> <p>25 A. These are sales of -- of -- of standards in</p> <p style="text-align: right;">Page 175</p>	<p>1 up a little bit.</p> <p>2 Q. All right. I'm sorry. I misread it.</p> <p>3 You're -- you're correct. So my description of the</p> <p>4 trend was inaccurate.</p> <p>5 Looking at the 2014-2015 projected revenue,</p> <p>6 how did those numbers compare with the projected</p> <p>7 revenue for 20- -- or, I'm sorry. Strike that.</p> <p>8 How did those numbers compare with the</p> <p>9 actual revenue for 2013 to 2014?</p> <p>10 A. My guess is this number's a little bit</p> <p>11 higher.</p> <p>12 Q. The number in the projections?</p> <p>13 A. That's -- the '14-'15 year is probably</p> <p>14 projected slightly higher than '13-'14.</p> <p>15 Q. Thank you.</p> <p>16 Please look back at Exhibit 1106. What's</p> <p>17 interesting to me is that the peak revenue for the</p> <p>18 different standards doesn't appear to be in the year</p> <p>19 of introduction of a new standard. So that's just a</p> <p>20 statement, but let me then ask you a question.</p> <p>21 If we look at the numbers for 90.1 2004,</p> <p>22 that standard was introduced in 2004; correct?</p> <p>23 A. That is correct.</p> <p>24 Q. Its peak sales were in 2007; correct?</p> <p>25 A. Correct.</p> <p style="text-align: right;">Page 177</p>

1 Q. And if we look at the 2007 version -- it
2 was introduced in 2007 -- its peak sales were in
3 2009; correct?
4 A. Correct.
5 Q. What, in your view, causes peak sales to
6 lag maybe two years or so, maybe two or three years,
7 behind the introduction of a new version?
8 A. Typically, our standards will come out late
9 in the year, so I'm assuming this is a calendar year,
10 how this was done. Yeah, I'm quite sure a calendar
11 year.
12 So it wouldn't come out early in that year,
13 it would come out somewhere around the midpoint of
14 the year, sometime later than June 1. So that would
15 certainly explain why you would have -- see the --
16 the sales then the next year.
17 Now, why it may lag two years behind, that
18 could be cases where there's more awareness of the
19 standard, there's more knowledge that there's a newer
20 version available and it may catch up in that manner.
21 But it doesn't surprise me it's one year
22 behind. Two years, it -- it may be that that -- that
23 that -- the big boost of sales is early in that --
24 that second year out and then it starts dipping down
25 again towards the latter half of the year.

Page 178

1 Q. But if we look at the peak year for 2004,
2 that came in 2007 after two full years.
3 A. Yeah, I --
4 Q. Could it have to do with that -- the fact
5 that awareness of these codes flowed in part from
6 their incorporation by governments into laws and
7 regulations requiring --
8 MR. LEWIS: Object.
9 Q. (By Mr. Bridges) -- more persons to
10 consult and apply the standards?
11 MR. LEWIS: Objection. Calls for
12 speculation.
13 THE WITNESS: I'm -- I'm not sure.
14 Q. (By Mr. Bridges) Is that an ex- -- a
15 possible explanation for it?
16 MR. LEWIS: Objection.
17 THE WITNESS: I would think that's a
18 possible explanation.
19 (Defendant's Exhibit 1108 was marked for
20 identification.)
21 MR. LEWIS: Thank you.
22 Q. (By Mr. Bridges) Mr. -- I'm sorry, I'm now
23 spacing. I've forgotten your name.
24 MR. BECKER: Comstock.
25 MR. BRIDGES: Comstock. I'm so sorry. I'm

Page 179

1 about to forget my own name.
2 THE WITNESS: I wasn't going to help.
3 Q. (By Mr. Bridges) Mr. Comstock, what is
4 Exhibit 1108?
5 A. This is a sales by customer type report.
6 Q. Could you please go through the various
7 columns and indicate what those headings mean?
8 A. Sure. So "Product Code" is the code for a
9 particular item, book, document that we sell.
10 "Non-Member" would be sales to someone
11 who's not a member of ASHRAE, both quantity and
12 dollars.
13 Sales to members at -- at member prices,
14 quantity and amount.
15 Book dealers would be those organizations
16 that buy products in bulk and resell.
17 Then same pattern for school libraries,
18 public libraries, subscription agencies, and
19 bookstores.
20 Q. Does this page refer to any sales of
21 standards?
22 A. This page does not.
23 (Defendant's Exhibit 1109 was marked for
24 identification.)
25 Q. (By Mr. Bridges) Same questions with

Page 180

1 respect to Exhibit 1109. I don't think we need to
2 repeat the columns, but the question is: Does this
3 exhibit reflect any sales of standards?
4 A. This page does not reflect sale of
5 standards.
6 Q. Is there a reference to "Out of Print"?
7 A. I see "Not Available."
8 Q. If we look about two-thirds of the way --
9 or I guess 60 percent of the way down --
10 A. "Out of Print," yes, I see that.
11 Q. It's "01" -- sorry, "081900 Out of Print.
12 Use 01940."
13 That's just referring to a work farther
14 down in the -- in the list there; correct?
15 A. I see the "Doubt of" -- the "Out of Print"
16 references now.
17 Q. Down below there are items that say "Not
18 available thru ASHRAE."
19 Do you know what that is?
20 A. I -- I do not know.
21 (Defendant's Exhibit 1110 was marked for
22 identification.)
23 Q. (By Mr. Bridges) Could you please identify
24 Exhibit 1110?
25 A. This is an e-mail exchange started by Jodi

Page 181

1 Scott.
2 Q. Are you familiar with the discussions that
3 are contained within this e-mail?
4 A. This -- only what I read here.
5 Q. At the end of Mr. Ames' e-mail at the top,
6 he said, "Standards community lobbyists are keeping a
7 close watch on this...."
8 Do you have any idea who the lobbyists for
9 ASHRAE are and have been?
10 MR. LEWIS: Objection.
11 THE WITNESS: I'm not -- I don't know what
12 he's referring to here.
13 Q. (By Mr. Bridges) Who is Michael Burgess,
14 do you know?
15 A. Is he on this?
16 Q. He's on a different --
17 A. Different.
18 There was a -- a member on our board,
19 Michael Burgess, from California. I'm not sure if
20 that's who's being referred to.
21 Q. Xpera Group?
22 MR. LEWIS: Objection. Vague.
23 Q. (By Mr. Bridges) That's I think --
24 MR. BRIDGES: You're right. It is vague.
25 Q. (By Mr. Bridges) Does that name ring a

Page 182

1 bell with you as being associated with Mr. Burgess?
2 A. Could you repeat the name of that?
3 Q. Xpera Group.
4 A. No, it does not.
5 Q. Do you receive copies of e-mails on a
6 distribution list from the ASHRAE board of directors?
7 A. Typically not.
8 Q. You're not part of ASHRAE-BOD?
9 A. I am not.
10 Q. Has ASHRAE published any information to its
11 members about this lawsuit?
12 A. I do not believe we have.
13 Q. When did -- strike that.
14 Has ASHRAE given per- -- permission to ANSI
15 to make ASHRAE standards available for free on-line?
16 A. I believe they have a reading room at which
17 we allowed for free viewing some years ago, I
18 believe.
19 Q. Do you know why ASHRAE makes its
20 standards -- strike that.
21 Do you know why ASHRAE allows ANSI to make
22 ASHRAE's standards available for free viewing?
23 A. My assumption would be that they would only
24 be the -- the ANSI-approved standards. So they're
25 ANSI -- ANSI standards, as well as ASHRAE standards

Page 183

1 that would -- that would be applicable.
2 Q. But do you know why ASHRAE allows ANSI to
3 make its standards available for free viewing?
4 A. I would say only because they're also ANSI
5 standards.
6 Q. Are all ASHRAE standards ANSI standards?
7 A. No. There are some that are not.
8 Q. Do you know whether ANSI makes available
9 for public viewing all of ASHRAE's ANSI standards?
10 A. I do not know.
11 (Defendant's Exhibit 1111 was marked for
12 identification.)
13 Q. (By Mr. Bridges) I've handed you
14 Exhibit 1111.
15 This is an exchange of e-mails among ANSI
16 employees and also ASHRAE employees; correct?
17 A. I'm not -- I do not know who all those
18 people are.
19 Q. Who is Cindy Simmons?
20 A. Cindy Simmons is our controller. I -- I do
21 recognize the names on the top message.
22 Q. Mr. Littleton is the executive director of
23 ASHRAE; correct?
24 A. That is correct.
25 Q. And he says to the others, "You will want

Page 184

1 to read the testimony referenced below. No e-mails,
2 please"; correct?
3 A. That's correct.
4 Q. What conversations occurred regarding the
5 testimony that this e-mail thread refers to?
6 A. Personally, I don't recall any
7 conversations about the -- about the -- the -- the
8 thread or the items in the thread.
9 Q. Do you recall any other non-written
10 communications?
11 A. No, no.
12 (Defendant's Exhibit 1112 was marked for
13 identification.)
14 Q. (By Mr. Bridges) Mr. Comstock,
15 Exhibit 1112 is a document that ASHRAE's furnished to
16 us in discovery.
17 Are you familiar with the -- with this
18 e-mail?
19 A. I -- yeah, I have a recollection of it now
20 that I see it.
21 Q. So it appears to be an exchange between
22 Kimberly Gates of ASHRAE and Thomas Long, a member of
23 ASHRAE and chair of the Chapter Education Committee;
24 is that --
25 A. That's correct, yes.

Page 185

1 Q. Is that what this e-mail correspondence is
2 about?
3 A. That is correct.
4 Q. Who is Kimberly Gates?
5 A. She manages our inventory. She works in my
6 group.
7 Q. Do you know anything about Thomas Long
8 beyond what's indicated in this e-mail?
9 A. No, I don't.
10 Q. Do you know anything about Larry Spiel- --
11 Spielvogel?
12 A. He's been a member of ASHRAE for the whole
13 time I've been an employee.
14 Q. Has he had any leadership roles?
15 A. He was on our board of directors at some
16 point. He -- he's been a -- certainly on many
17 committees.
18 Q. Who is Kristina Rayford?
19 A. She was an employee who reported to
20 Kimberly Gates.
21 Q. What did you understand about Mr. Long's
22 needs for print copies of the standard?
23 A. It appears as if he was organizing a
24 chapter seminar at which he wished to have copies of
25 the standard for the seminar.

Page 186

1 Q. And it appears that chapter -- chapters
2 wanting to use ASHRAE standards have to buy those
3 standards from the organization; is that correct?
4 A. Well, from a source. I mean, we --
5 certainly from us, but there's others, as well.
6 Q. But -- but a chapter doesn't get a special
7 dispensation to get free copies of standards for
8 chapter education?
9 A. No, that's correct.
10 (Defendant's Exhibit 1113 was marked for
11 identification.)
12 Q. (By Mr. Bridges) Exhibit 1113 is something
13 that ASHRAE produced to us in deposition -- sorry, in
14 discovery. That was correcting it. The record
15 should reflect that.
16 Do you recall this document?
17 A. Vaguely.
18 Q. Is this a request from a New York State
19 agency?
20 A. That is correct.
21 Q. What do you recall about the context of
22 this?
23 A. I believe it was to maintain copies in
24 libraries in New York State so they could be
25 referenced.

Page 187

1 Q. And is it ASHRAE's understanding that it
2 needed to give permission to New York State in order
3 for New York State to incorporate the materials by
4 reference?
5 A. I can't speak to that. My involvement was
6 their contacting us to ask if they could make copies
7 for their libraries, which I granted.
8 Q. Are ASHRAE's standards available in most
9 public libraries, to your knowledge?
10 A. I -- I do not know.
11 Q. If -- if someone living in New York City
12 and interested in some of the legal requirements that
13 pertains to ASHRAE standards wanted to review what
14 those legal requirements were, what would that
15 person's practical options be for reviewing the
16 standards?
17 MR. LEWIS: Objection.
18 THE WITNESS: I think in New York State,
19 they would go to one of those libraries.
20 Q. (By Mr. Bridges) What about someone in
21 Brunswick, Georgia?
22 MR. LEWIS: Objection.
23 THE WITNESS: I'm not aware what library
24 facilities may have our standards.
25 Q. (By Mr. Bridges) Do you know what

Page 188

1 libraries in Georgia have ASHRAE's standards, the
2 ones that have been incorporated --
3 A. I do not.
4 Q. -- into law?
5 A. I would just process requests like this.
6 (Defendant's Exhibit 1114 was marked for
7 identification.)
8 Q. (By Mr. Bridges) Mr. Comstock,
9 Exhibit 1114 is an exchange of correspondence between
10 you and a gentleman in Canada regarding creation of a
11 code and guideline; is that correct?
12 A. That appears to be the case.
13 Q. And in it you quoted a price of \$10 per
14 table with a minimum fee of \$25 for your
15 correspondent to extract tables or figures from the
16 standard; is that correct?
17 A. That's correct.
18 Q. All right. And, in fact, the person wanted
19 to take information from the tables and figures, as
20 opposed to the formatted tables and figures
21 themselves; is that correct?
22 MR. LEWIS: Objection.
23 Q. (By Mr. Bridges) At least that's evident
24 in his statement in the e-mail; correct?
25 MR. LEWIS: Objection. Vague.

Page 189

<p>1 THE WITNESS: I -- I think that was a 2 question I had, whether or not they would be 3 lifted exactly as they were. 4 Q. (By Mr. Bridges) I mean, I think he 5 answered no to that; correct? 6 MR. LEWIS: Objection. 7 THE WITNESS: I don't see my reply to that. 8 Q. (By Mr. Bridges) Yeah, I don't see your 9 reply, but this seems to be his reply to you. 10 "If you lifted tables or figures exactly as 11 they were," and you go on to say more, and he 12 responds by saying, "We will not be using tables and 13 figures exactly as they are in the standard; they 14 will instead be applied to the needs of this proj- -- 15 this project. Also, we will be using some text as it 16 appears in the standard but not taking exact pages of 17 text from it." 18 Does that suggest to you that he was 19 looking for the formatting and expression of the 20 standard or the information in the standard? 21 A. That would suggest to me it's the 22 information and I would not charge a fee. 23 (Defendant's Exhibit 1115 was marked for 24 identification.) 25 Q. (By Mr. Bridges) I'm handing you a -- an Page 190</p>	<p>1 which consists of an e-mail followed by several 2 pages. This is the way they were produced to us. I 3 think the several pages after the first two were in a 4 separate file associated with the e-mail on top, so I 5 suspect that after the second page of the exhibit, 6 we're looking at the attachment, "How to Use 7 RightsLink.doc." 8 Is that your understanding looking at the 9 document, as well? 10 A. Yes. 11 Q. And, again, this is an e-mail by your 12 assistant, Julie Harr, to someone outside of ASHRAE 13 apparently named Sam Hurt, who describes himself on 14 page 2; is that right? 15 A. Yes, that's correct. 16 Q. Do the pages in the apparent attachment 17 starting on the third page of the exhibit depict the 18 RightsLink process? 19 A. Yes, it does. 20 Q. And it depicts the RightsLink process as 21 ASHRAE offered it to persons wishing to seek 22 permission to use ASHRAE material; is that correct? 23 A. Yes, that's correct. 24 (Defendant's Exhibit 1117 was marked for 25 identification.) Page 192</p>
<p>1 Exhibit 1115. This is as we received, a group of 2 documents, it appears to us, from ASHRAE in 3 discovery. 4 And I was wondering if you had an 5 understanding as to what this group of documents is. 6 MR. LEWIS: There's quite a bit there, so 7 take your time. 8 THE WITNESS: These appear to be various 9 reprint requests that Julie Harr had processed 10 or involved with. 11 Q. (By Mr. Bridges) Is it your understanding 12 that she compiled and gathered these various 13 requests? 14 A. Yes, that's what I believe has happened. 15 Q. Did she compile it for purposes of 16 discovery in the case? 17 A. I -- I believe that's the case. I believe 18 she was asked for samples. 19 Q. So these are samples from the -- from 20 ASHRAE's records? 21 A. That's -- that's my understanding. 22 Q. Thank you. 23 (Defendant's Exhibit 1116 was marked for 24 identification.) 25 Q. (By Mr. Bridges) I hand you Exhibit 1116, Page 191</p>	<p>1 Q. (By Mr. Bridges) Mr. Comstock, 2 Exhibit 1117 is an exchange -- strike that. 3 Exhibit 1117 is a series of e-mails, one to 4 you from someone named Mike Moore and then another 5 from you forwarding it to your assistant; is that 6 correct? 7 A. That is correct. 8 Q. And in the top e-mail, this is your 9 communication to your assistant on how to respond to 10 the request in Mr. Moore's e-mail; is that correct? 11 A. That is correct. 12 (Defendant's Exhibit 1118 was marked for 13 identification.) 14 Q. (By Mr. Bridges) I hand you Exhibit 1118. 15 This is a series of e-mails between you and Mike 16 Moore, who we referred to in a previous exhibit, 17 followed by a response to you from Steve Comstock, 18 who you had copied on one of your e-mails to 19 Mr. Moore; is that correct? 20 MR. LEWIS: Objection. 21 THE WITNESS: Steve Ferguson. 22 Q. (By Mr. Bridges) Yes, I apologize. Let me 23 restate that. 24 This is a series of e-mails between you and 25 Mike Moore, whom we referred to in a previous Page 193</p>

1 exhibit, followed by a response to you from Steve
2 Ferguson, whom you had copied on one of your e-mails
3 to Mr. Moore; is that correct?
4 A. That is correct.
5 Q. What is Steve Ferguson's role?
6 A. He's -- he's in our standards group and he
7 works with code bodies.
8 Q. And what do you mean by "code bodies"?
9 A. Oh, I guess code-writing groups like -- so
10 he would go to code hearings, for example, for codes
11 that are considered for adoption.
12 Q. Is that codes within ASHRAE or outside
13 ASHRAE or both?
14 A. External to ASHRAE.
15 Q. External.
16 When you say "codes being considered for
17 adoption," do you mean codes being considered for
18 adoption into law or regulation?
19 A. I think it's building codes. Steve, he's
20 outside of my group so I'm not sure exact- -- exactly
21 what his responsibilities are, but they are in the
22 codes arena within our standards area.
23 Q. Can you explain the context of the e-mails
24 in Exhibit 1118, please?
25 A. So it looks like this fellow, Mike Moore,

Page 194

1 wanted to get permission from ASHRAE for use of
2 content.
3 And besides what I -- I really can't recall
4 any of the background for this besides what I can
5 read here.
6 Q. You refer to ICC policies as having been
7 made clear to us.
8 Do you recall what that means?
9 A. Yeah. Back in this era -- this is quite
10 some -- it was quite a few years ago -- when ASHRAE
11 content was submitted to the ICC at the time, ASHRAE
12 lost the copyright of the con- -- ownership of the
13 content.
14 Q. Do you know what specific documents you're
15 referring to?
16 A. I real- -- I think this was back --
17 probably IECC, the International Energy Conservation
18 Code, is probably the document that this was to be
19 include- -- yes, IECC.
20 Q. And does this reference mean that somehow
21 ASHRAE lost the copyright because of an ICC policy?
22 A. That's -- that was my understanding at the
23 time, that if -- if our content was submitted by
24 somebody to ICC, then we would lose the ownership of
25 that.

Page 195

1 If ASHRAE did it, then that was the -- the
2 standards people involved thought that was a -- that
3 it was a -- a good technical solution to submit our
4 content.
5 So -- but at that time, there was concerns
6 about whether somebody else -- somebody else using
7 our content and submitted it.
8 Q. Does ASHRAE 90.1 include any content from
9 other standards organizations?
10 A. I don't believe so.
11 MR. BRIDGES: Why don't we take a short
12 break and then I think I may have a few wrap-up
13 questions, but I think I'm through with the
14 documents. Oh, sorry, I may have one more.
15 Oh, yes, let me just do this. No.
16 So let's take a break, we'll do a short
17 regroup, and then we'll have just a final set of
18 questions.
19 MR. LEWIS: Okay.
20 VIDEOGRAPHER: This is the end of Video 4
21 We're off the record at 6:38 p.m.
22 (Thereupon, there was an interruption in
23 the proceedings.)
24 VIDEOGRAPHER: This is the beginning of
25 Video 5. We're on the record at 6:45 p.m.

Page 196

1 MR. BRIDGES: Mr. Comstock, I have no
2 further questions. Thank you very much.
3 VIDEOGRAPHER: This concludes the
4 deposition. We're going off the record at
5 6:46 p.m.
6 (Whereupon, the deposition was concluded at
7 6:46 p.m.)
8 (Pursuant to Rule 30(e) of the Federal
9 Rules of Civil Procedure and/or O.C.G.A.
10 9-11-30(e), signature of the witness has been
11 reserved.)
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 197

1 CERTIFICATE
2
3
4 STATE OF GEORGIA:
5
6 COUNTY OF FULTON:
7
8 I hereby certify that the foregoing transcript was
9 taken down, as stated in the caption, and the
10 questions and answers thereto were reduced to
11 typewriting under my direction; that the foregoing
12 pages represent a true, complete, and correct
13 transcript of the evidence given upon said hearing,
14 and I further certify that I am not of kin or counsel
15 to the parties in the case; am not in the regular
16 employ of counsel for any of said parties; nor am I
17 in anywise interested in the result of said case.
18
19
20
21
22
23
24
25
Lee Ann Barnes
LEE ANN BARNES, CCR B-1852, RPR, CRR
Page 198

1 DEPOSITION ERRATA SHEET
2
3 Our Assignment No. 2023730
4 Case Caption: AMERICAN SOCIETY FOR TESTING
5 AND MATERIALS d/b/a ASTM INTERNATIONAL, et al. vs.
6 PUBLIC.RESOURCE.ORG, INC.
7
8 DECLARATION UNDER PENALTY OF PERJURY
9 I declare under penalty of perjury
10 that I have read the entire transcript of
11 my Deposition taken in the captioned matter
12 or the same has been read to me, and
13 the same is true and accurate, save and
14 except for changes and/or corrections, if
15 any, as indicated by me on the DEPOSITION
16 ERRATA SHEET hereof, with the understanding
17 that I offer these changes as if still under
18 oath.
19 Signed on the _____ day of
20 _____, 20__.
21
22 _____
23 STEVEN COMSTOCK
24
25
Page 199

[& - 2007]

&	1086 5:15 126:12,15 127:10	1113 6:21 187:10,12	167 6:12
& 2:4,11,17 3:3 8:16 8:20 9:1,4 106:16	1087 5:16 128:22	1114 6:22 189:6,9	171 6:13,14
0	1088 5:17 130:18,21	1115 6:23 190:23 191:1	174 6:15
0027650 161:1	1089 5:18 132:19,22	1116 6:24 191:23,25	178 6:16
01 181:11	1090 5:19 133:10,13 134:2,4	1117 7:3 192:24	179 6:17
01215 1:12	1091 5:21 133:22,24 134:5	1118 7:4 193:12,14 194:24	18 10:21
01940 181:12	1092 5:22 134:8,11 135:14	112 5:10	180 6:18
027663 157:16 158:2	1093 5:23 137:15,18 138:10	118 5:11	183 6:19
027664 157:17 158:2	1094 5:24 146:7,10 148:8	11:26 47:24	184 6:20
04 173:12	1095 5:25 150:15,18	11:46 48:4	1852 1:23 198:16
07 173:12	1096 6:3 151:20,23	12 10:1,21	186 6:21
081900 181:11	1097 6:4 152:6,9	120 29:16	188 6:22
1	1098 6:6 152:20,23	122 5:12	188,000 56:2
1 1:25 38:5 43:11 47:23 178:14	1099 6:7 153:3,6,15 154:1,3,11,13,20	123 5:13	189 6:23
1,000 114:7	10:20 1:19 8:12	124 5:14	189.1 130:22
1.2 34:16	1100 6:8 158:9,12	125 5:15	190 6:24
1.4 34:16	1101 6:9 159:25 160:4	127 5:16	191 7:3
1.5 14:18 16:1	1102 6:10 162:23,25 163:6	129 5:17	192 7:4
1.7 14:18 16:1	1103 6:11 164:20,23 168:1	12:24 68:10	1970s 122:18
10 10:21 11:17,20 59:16 84:13 189:13	1104 6:12 168:5,8 169:5,13	13 10:21 177:14	1975 38:5
10,000 130:10	1105 6:13 172:6	131 5:18	1985 9:21
100 2:5	1106 6:14 172:24 173:2 174:7 177:16	132 5:19,21	199 1:25
101 5:7	1107 6:15 175:20,22	133 5:22	1:13 1:12
1075 1:20	1108 6:16 179:19 180:4	136 5:23	1:43 68:14
1076 5:3 10:13,14	1109 6:17 180:23 181:1	14 10:21 177:13,14	2
1077 5:5 53:6,12 54:25	111 5:9	140 156:20	2 48:3 102:11 127:9 127:11 169:25 192:14
1078 5:6 68:17,23	1110 6:18 181:21,24	140008 54:4	20 42:17,24 43:5 156:16 177:7 199:11
1079 5:7 102:18,19 103:7,14	1111 2:18 6:19	145 5:24	20,000 14:12
1080 5:9 112:18,21	1112 6:20 185:12,15	149 5:25	200,000 61:20,21 62:1
1081 5:10 113:11,14		15 11:1 21:1 26:13 29:17 37:20 51:20 53:3 55:20,22,23 95:23 177:13	2000 9:23 53:16
1082 5:11 119:10,23 123:11		150 6:3	20004-2541 2:19
1083 5:12 123:1,4		151 6:4,6	2002-3 172:17
1084 5:13 124:20		152 6:7	2004 177:21,22 179:1
1085 5:14 125:15		157 6:8	2007 49:21 53:16,22 113:16 115:13 117:9,13,14,15 120:7 160:10 174:17 177:24

[2007 - acquire]

178:1,2 179:2 2009 114:12 130:23 178:3 2010 13:10 26:19,21 27:5 29:1 30:11 31:8 49:7,20 50:4 53:15 125:21 130:22 165:24 167:14 171:24 173:12 175:12 2011 52:19 2012 127:4,5 2013 132:24 139:13 175:11 177:9 2013-14 172:17 2014 177:9 2014-2015 177:5 2015 1:18 8:1,11 2016-2017 176:25 202.739.3001 2:20 202.739.5118 2:19 2023730 199:3 23 10:21 230,000 56:3,9 24 10:21 25 189:14 26 139:13 27th 2:12 28202 2:6 2:46 102:12	3625 1:21 3900 2:6 3:07 102:16 4 4 10:20 120:20,23 120:24 151:19 196:20 4/19/10 6:21 40 9:16 13:9 400,000 14:8 415.281.1350 3:6 415.512.4000 2:13 415.875.2300 3:5 45 55:25 56:5 45,000 13:9 56:5 450,000 36:24 4:45 151:15 4:58 151:19 5 5 1:18 8:1,10 10:21 16:8 61:16,25,25 120:20 121:3,8,9 157:10 196:25 50 165:23 167:1 500 22:15 27:11 500,000 14:8 52 5:5 55 37:19 555 3:4 560 2:12 6 6 1:16 5:4 8:9 10:17 121:10 6.4.4 167:16 60 181:9 62.1 37:15 72:4 73:7 129:12 665 153:21 67 5:6 6:38 196:21 6:45 196:25 6:46 197:5,7	7 7 10:21 7,000 27:6 704.503.2583 2:7 704.503.2622 2:7 75 11:14 750 22:16 8 8 4:3 10:21 16:8 8.b 8:4 800,000 14:10 85 32:16 9 9 5:3 10:21 9,000 27:6 9-11-30 197:10 90 27:5 32:16 38:2,3 38:4 39:8 56:9,9 90.1 6:14 13:8,14 22:15 25:20,24,25 26:2,17,21 27:5,10 27:13 28:4 29:1,11 29:15,22 30:10,11 31:8 35:22 36:4,5 37:8,25 42:16,23 43:4,11 49:7,20,21 51:7 54:21 55:20 56:7,24 58:9 72:3 73:13,24 74:11 113:16 115:12 117:9,13,13,15 120:1,7 125:5,21 128:11 129:12 130:22 132:24 155:15 157:1,18 159:12,23 160:10 165:24 167:14 170:18 171:6 173:6 177:21 196:8 90.1. 30:5 49:4 71:24 113:1 128:8 153:9 172:5	94104 3:5 94105 2:13 99 29:16 114:15 a a.m. 1:19 8:12 47:24 48:4 ability 23:19 90:18 able 12:5 23:16 43:14,22 45:7 61:3 78:4 79:17,20,22 94:2,10 95:6,10 abridges 3:6 abundance 98:17 academic 136:11 acc 173:4 access 10:24 11:1 12:1 13:14 14:2 26:18,20 27:7 33:8 43:23 50:16 57:19 57:20,22 58:5 78:21 79:6,22 80:7,10 81:1 82:17 83:24 85:3 89:15 90:1 101:5 103:3 105:6 107:24 108:4,6,8 117:1,2,13,18 136:7 accessed 12:15 28:17 accesses 13:6 accessing 80:16 accommodate 47:3 accompanies 92:18 account 31:9 101:20 101:22 129:19 accuracy 121:21 accurate 14:19 157:12 172:23 173:5 199:8 accurately 158:18 172:15,20 achieve 160:13 achieved 26:9 31:3 acquire 105:1
3 102:16 121:10 151:14 169:25 170:9,16 171:12 30 1:16 5:4 8:9 10:17,21 26:15 197:8 300 14:7,8 30309 1:22 31 10:21 322,000 53:4 33 97:11 34 37:20			

[acquired - appeared]

<p>acquired 64:19 acronym 154:22 act 104:12 acting 125:11 action 1:11 67:20 101:15 146:22 active 168:12 actively 28:20 activities 30:17 60:17 61:15 71:4 72:5,21,22 73:16 74:2,18 75:2 176:10 activity 75:4 89:5 138:3 acts 52:20,20 93:24 94:13 actual 177:9 adapting 164:6 add 14:13 34:24 60:19 153:11 added 9:22 27:15 29:2 30:2 33:21 34:11 35:15,16 38:5 40:9 49:21 80:22 addenda 115:6,15 115:17,20 116:7,9 116:14,19 117:2,13 117:23 addendum 116:10 116:13 addition 59:23 additional 115:8 127:24 162:10 address 69:1 112:6 addressing 98:24 adequate 17:19 administering 60:6 administrative 47:13 administrator 138:2 adobe 41:16,17 adopt 17:22 99:11 99:12 100:8 127:4 adopted 17:2,3,11 98:20 99:7 100:18</p>	<p>101:2 adopting 128:2 adoption 16:19 98:13,24 100:11 152:25 194:11,17 194:18 adopts 99:24 advance 75:8,13,18 75:22 95:13 advantage 106:24 advantageous 144:10 advertising 59:20 72:19 74:6 advising 108:18 affairs 158:14 159:3 affect 15:2 affirmative 25:22 139:22 140:12 affirmatively 37:11 105:23 114:1 afternoon 68:15,16 age 112:7 agencies 89:8 180:18 agency 52:10 187:19 ago 10:1 11:2 21:2 21:14 24:22 40:16 43:13 95:23 158:20 183:17 195:10 agr 85:17 agree 78:11 79:8 84:14 112:9,11 118:17 agreed 116:12 agreement 5:11,20 55:11 56:1,2,4,6 58:12 80:15 84:15 85:8,17 93:3,6,8 103:16 114:6,19 115:3 120:3 121:11 123:11 133:16,18 133:20 169:9,10,11 agreements 57:19 57:22 58:5 84:14,22</p>	<p>172:4 ahead 88:9 153:19 ahmed 42:3 aid 164:19 air 1:9 2:3 8:23 37:21 69:13,16 75:19 77:1,2,3,6 137:12 al 199:4 alert 150:22 151:2 151:11 alerts 151:5,6 alewis 2:8 allied 75:20 allow 12:4 17:25 87:2 111:15 112:7 128:14 allowed 44:16 63:13 183:17 allowing 95:1 allows 183:21 184:2 alter 92:9 altered 90:19 100:1 alternative 88:20 amazon 106:9 107:20 amended 5:3 amendments 127:6 american 1:4,8 2:3 2:15 8:21 9:2 199:3 ames 159:6 182:5 amount 16:2 31:14 33:19,20 44:22 46:1 46:20 51:14,17 56:6 69:24 97:9 146:17 157:3 180:14 amounts 61:18 analogous 24:4 28:3 28:18 175:1 ancillary 74:7 andrew 3:3 8:15 anecdotal 18:17 19:2 anecdotally 63:11</p>	<p>ann 1:23 198:16 annotations 44:10 108:13 annual 34:6 ansi 30:25,25 32:10 32:21 140:14 141:2 141:9 183:14,21,24 183:25,25 184:2,4,6 184:8,9,15 ansi's 32:17 answer 13:18 27:24 28:8 50:2 56:17 97:6 131:14,14 147:7 162:17 answer's 96:21 answered 30:13 156:11 190:5 answers 56:12 198:7 anticipate 68:5 anticipating 135:3 antonio 2:5 8:20 anybody 50:20 65:5 anyone's 66:16 anyway 111:11 anywise 198:11 apart 18:16 54:14 57:7 61:24 63:17 66:9,11 71:5 72:6 74:18 80:24 86:4 93:22 94:11 105:14 105:21 109:2,4 110:1,12 111:2 apologize 193:22 app 73:8,9,13 170:5 170:7,15,25 171:3 apparent 192:16 apparently 192:13 appear 166:17 172:22,23 173:4 177:18 191:8 appearance 86:12 appearances 2:1 3:1 appeared 116:15 167:14,17</p>
--	---	---	--

[appears - ashrae's]

<p>appears 53:14 102:23 103:10 112:25 124:10 127:1 129:10 131:1 150:22 155:25 157:17 185:21 186:23 187:1 189:12 190:16 191:2 appendix 159:11,14 159:22 applicable 166:20 184:1 application 21:5,7 21:12 71:13 73:23 77:13 160:24 164:13 applications 71:22 75:25 applied 71:14 131:16 190:14 applies 103:8 apply 78:1 83:11 84:24 88:19 89:5,11 103:1,13,14,19 110:23 121:18 179:10 applying 43:25 77:4 approach 46:7 103:22 approached 52:22 53:25 approaching 176:20 appropriate 73:22 77:12,13 84:24 101:14 approve 16:12 22:6 41:7 85:1 approved 115:6,15 183:24 approving 42:8,9 approximate 29:21 approximately 59:15 158:19</p>	<p>apps 73:3,6 169:20 area 17:15 138:3 194:22 areas 81:4 arena 194:22 arguments 45:2 arising 93:24 94:13 arrangement 55:2 article 8:4 42:16,23 43:4 44:25 45:9,22 45:23,24 135:16,20 153:7 154:2,8,10 155:15,23 156:10 156:21,23,25 157:16 articles 47:6 72:15 72:18 74:5 135:25 138:25 143:11 articulated 39:10 arts 75:18,20 ash 39:11 146:19 ashmae 150:18 ashrae 5:4 9:15 10:17,20,23 11:4,10 11:19,25 12:14 13:21 14:1,20,23 16:17,25 17:7 18:18 19:18,25 20:4,7,12 20:14,16,19,23 23:11,14 25:21 26:17,20 28:4,25 29:11,14,18,20,22 30:11,11,23 31:1,8 31:8 33:2,14,17 37:24,25,25 38:1,7 38:14,22,25 39:6,11 39:16,20,21 41:23 42:6 46:4 48:7,9,13 48:24 49:8,9,20 50:6,7,10,11,14 51:6,21 52:15 53:24 54:7,9,12,14 55:10 56:22 57:1,6,18,21 58:4 59:17 62:20 63:3,5,7,17 64:9,12</p>	<p>64:13 65:3 66:3,13 66:17 67:3,13,16,17 67:18,19 69:2,19 70:1,11,20 71:4,10 72:6,14,16,23 73:2 73:3 74:2,18 76:6 77:10,17 78:15,22 79:6 80:10 81:1 83:14 84:2,9 85:1,4 85:14,19 86:2,10,16 87:12,23 88:1 89:7 89:9 90:16 91:7 92:18 93:22,24 94:2 94:11,20 97:4 98:4 99:11,23 100:7,24 101:2,5,14 103:2,9 103:15,23,24 104:1 104:3,7,9,13,23,23 104:24 106:2,3,8,17 106:20,22 107:3,4 107:13,14,15,18 108:2,11,12,19,19 108:22,25 109:2,7,8 109:14,19,25 110:5 110:6,23,23 111:17 111:22 112:12,22 113:6 114:14,23 115:6,16 117:9,23 118:3,20 120:3,22 121:4 123:14,17,19 123:20 124:1 125:4 125:5,12,20 126:18 126:24 127:13,17 128:3,4 129:11,12 129:16,20 130:13 131:4,7,10,12,13,17 131:21 132:7,23 133:16 134:19 136:18,20 137:1,5 137:10,22 138:18 139:6 145:25 146:19 147:3,12,12 147:16,18,20,24 148:2,3 149:12 151:1,10 152:3,12</p>	<p>152:14,25 153:1,8,8 154:5 158:20 160:10 161:3,7,8,13 161:24 162:9,12,14 162:22 163:21 164:5 165:8,19,24 166:2,16 167:6 168:12,23 169:5,16 169:19,21 170:5,8 170:25 171:22 172:10,15,16 173:3 173:5 175:23 176:14 180:11 181:18 182:9 183:6 183:8,10,14,15,19 183:21,25 184:2,6 184:16,23 185:22 185:23 186:12 187:2,13 188:13 191:2 192:12,21,22 194:12,13,14 195:1 195:10,11,21 196:1 196:8 ashrae's 10:24 11:15 12:8 13:13 15:2,14 17:11 32:6 35:21 37:8,9 38:15 42:2 44:14 45:5,14 52:5 58:17 59:9 60:3 61:4 75:16,17 75:21 80:11 81:2 84:8,10 86:4,12 90:1 92:22 93:9 94:21 96:1,4,24 99:24 100:8 105:7 105:14 106:24 108:23 109:4,5,9 111:4,5 120:7 123:15 130:15 147:2 150:19 155:14,22,22 156:3 156:9,10 157:1,18 159:12 166:6,22 167:2,12,14,18,21 168:2 169:3 183:22</p>
---	--	---	---

[ashrae's - believe]

184:9 185:15 188:1 188:8 189:1 191:20 ashrae.org 5:7 102:24 ashrae0027658 153:20 ashraexchange 111:23 aside 43:20 45:12 asked 19:3 21:22 30:13 37:4,5 41:13 63:12 65:20 156:11 159:14 191:18 asking 65:17 99:21 118:16,16 122:22 144:17 164:3 asme 137:4 aspects 41:5 assign 157:5 assignment 199:3 assist 73:22 76:9 94:24 164:18 assistant 47:13 97:13 104:10,12,17 125:9 126:17,24 134:22 146:10 151:25 165:2 192:12 193:5,9 assistant's 47:15 104:17 associated 51:14 52:6 62:9 81:6,8,20 82:16,20 91:5 92:2 100:22 161:20 183:1 192:4 association 1:7 2:10 9:5 137:13 149:19 149:21,25 154:23 155:3,9 association's 88:15 assortment 106:14 assume 19:20 34:1 73:24 131:18 153:8 167:13,15	assuming 178:9 assumption 54:17 103:12 114:13 120:15,16 183:23 ast 106:2 astm 1:5 2:16 24:4 24:11,12 25:5 124:15,19 140:14 140:19 141:2,9 142:19,24 145:25 199:4 atlanta 1:22 attachment 134:4 153:14 154:6 192:6 192:16 attempt 46:16 116:25 attendance 74:12 attention 67:8 99:18 99:19 109:7 128:8 135:1,4,17 149:3 154:4 attributable 30:5 35:20 36:3 59:15 60:17 attributed 61:19 audience 55:12,15 authenticate 172:12 author 108:20 authorities 170:20 171:16,25 authority 130:7 authorization 109:11,13 authorize 108:11 authorized 65:18 107:12 authorizes 93:6 107:4 availability 48:25 available 10:25 11:5 11:16,18,19 12:18 13:12 20:13 22:24 27:19 28:15 41:15 41:18 43:12 44:20	49:8,9 50:5,6,7,9,10 50:13 51:7 52:17,25 58:10 63:12 67:25 71:19,20 73:9 76:8 76:10,25 77:9 88:14 89:1 90:1,7,24 91:9 95:14 101:4 104:25 106:5,22 107:25 109:24 115:18 121:14 135:23 138:25 178:20 181:7,18 183:15,22 184:3,8 188:8 ave 2:18 average 130:9 aware 17:24 24:6 48:12,15,17,23 63:7 65:1,4,5,7,9,12,22 66:3,8 67:3,7,9 86:2 86:15 99:3,22 100:2 100:14,17 103:16 104:5 110:14 111:3 111:14 112:17 122:9,11,14,15,16 123:19,22 124:1 131:20 135:21,24 136:2,25 137:4,10 137:14 138:18,22 139:2,6,8 143:18 144:25 145:2,8 146:5 147:2,9 151:1 151:9 154:25 155:1 164:12 172:3 188:23 awareness 46:11 86:10 143:24 144:21 145:21 178:18 179:5	back 19:5 20:25 25:20 40:1 42:19 50:1 67:2 68:13 76:13 85:25 88:10 93:20 102:5 113:4 139:13 148:10 155:11 163:24 176:25 177:16 195:9,16 background 69:19 70:12,16 162:11 195:4 bad 132:3 149:5 balance 46:6 94:24 barber 105:18 barnes 1:23 106:16 198:16 base 16:9,11 48:22 72:20 based 30:9,17 32:18 33:8,15 37:23 71:18 73:2,3 83:20,21 104:8 126:1 basically 118:14 basis 27:4 34:6 42:11 119:18 130:9 bates 153:12,20 154:5 157:16 bcc 154:16,18 becker 3:4 8:16 179:24 began 11:25 beginning 8:8 48:2 50:1 102:15 127:2 140:9 151:18 171:3 196:24 begins 60:13 behalf 2:3,9,15 3:2 8:21 124:15 149:12 belief 156:3 believe 11:1,17,24 12:21 13:9 19:10 20:9 23:22 29:14,16 33:24 38:17,18 41:3 41:4 49:7 51:20
--	--	---	---

[believe - buys]

52:19 54:16 55:9,15 55:21 56:1 60:1 74:14,14 78:13 79:13 81:4,24,25 82:13,13 85:20,21 105:18 107:11 113:20 116:18 120:23 124:23 129:6 135:18 136:6 146:16 153:13 161:12 164:8,17 165:3,5 173:11 183:12,16,18 187:23 191:14,17 191:17 196:10 believes 28:25 bell 64:6 183:1 benefit 110:8 bergen 70:3,4,5 best 36:20,21,23 77:13 90:22 93:7 103:18 160:16,21 161:18 175:9 bethlehem 70:9 better 21:7 82:9 94:25 124:5 176:2 beyond 186:8 big 27:16 32:2,6 178:23 bit 9:16 46:17 47:19 71:4 76:13 94:17 95:24 103:21 118:2 174:19 177:1,10 191:6 bits 45:2 blank 152:11 board 8:5 182:18 183:6 186:15 bockius 2:17 9:1 bod 183:8 bodies 194:7,8 body 90:13 113:25 book 30:24 60:23 105:5,21 106:14 107:21,21 108:18	108:21 120:8,9,12 180:9,15 books 28:23 59:23 59:24 60:1 136:11 171:10 bookstore 18:24 22:22 23:2,6 30:24 60:24 61:2,23 62:7 62:10,12 85:9,11,13 106:15 bookstores 106:17 180:19 boost 178:23 borders 87:4 bottle 76:17 bottom 138:9 161:1 169:25 170:16 171:12 bought 109:23 box 52:7 boy 61:6 brain 53:8,9 branson 168:10,11 168:24 169:6,9,16 169:20 170:12,14 171:1 branson's 169:14 break 34:12 47:18 68:4 77:17 102:3,9 151:13 196:12,16 breakdown 30:3,7 31:25 breaking 15:17 breaks 47:21 102:4 bridges 3:3 4:3 8:15 8:15 9:6,12 10:16 13:18 16:9 17:24 18:5 19:7,17 22:7 24:3,10,23 26:16 28:6 29:9 30:19 32:6,21,24 36:4,25 37:13 38:13,20,24 39:9,16 43:20 44:3 44:7 45:12 46:4 47:17 48:5 50:15	53:8,20 58:3 61:3 62:25 65:12,22 66:2 66:9,19 68:3,15,19 71:3 74:21 75:12 77:15 80:24 81:16 82:6,8 85:14 86:20 89:20 91:10,17 92:16 93:5,14,19 98:19,25 99:4 101:13 102:1,8,17 102:21 106:1 107:8 107:19 108:17 110:12,21 111:10 111:17,25 112:8,20 113:13 116:21 118:13 119:2,12,17 121:9 122:5,11,16 123:3,23 124:17,22 125:18 126:14 128:1,10,24 130:11 130:20 132:21 133:12,24 134:10 137:17 139:3 140:13 141:11,16 141:23 142:7 143:1 143:5 144:17 145:1 145:7,23 146:9 147:7,17,20 148:2,7 149:4,17 150:5,12 150:17 151:13,22 152:8,22 153:5,10 153:18,24,25 155:2 155:14,21 156:3,9 156:14 157:5,10,14 157:24 158:6,11 159:22 160:3,20,25 161:22 162:5,25 163:20 164:5,22 166:16 167:8 168:7 169:24 170:6 171:22 172:8 173:1 174:5 175:8,22 179:9,14,22,25 180:3,25 181:23 182:13,23,24,25	184:13 185:14 187:12 188:20,25 189:8,23 190:4,8,25 191:11,25 193:1,14 193:22 196:11 197:1 briefly 25:23 brilliant 119:21 bring 135:1,4 149:11 bringing 146:24 147:13,21 broad 33:8 57:22 58:5 107:5 broader 54:13 56:18 broadly 59:3 brochure 97:17 broken 36:19 brought 67:8 109:7 135:17 137:11 146:19 brunswick 188:21 build 14:7 95:10 building 19:24 26:4 26:14 77:1,6 170:21 171:16 172:1 194:19 buildings 26:1 37:16 bulk 180:16 bundled 29:2 130:24 bundling 107:19 bureau 38:11 burgess 182:13,19 183:1 bush 3:11 business 12:21 18:10,14 41:9 95:1 101:10 140:2 button 40:9,10,13 buy 19:13 40:9,10 40:13 95:7 180:16 187:2 buys 87:21
---	--	---	---

[bylaws - collecting]

bylaws 75:17	145:6,14 146:16	chance 10:9	civil 1:11 197:9
c	148:21,23 149:2,5	change 57:3 116:20	claim 68:2
c 91:4 198:1,1	149:11 164:8	173:10	claire 137:20,21
ca 3:5	189:12 191:16,17	changed 12:17	clarification 31:4
calendar 178:9,10	198:10,11 199:3	22:18	clarifications 77:20
california 2:13 3:4	cases 47:3 63:14	changes 42:25 43:6	clarify 32:24 56:11
182:19	84:17 87:2,19 88:16	45:16 99:25 199:8	90:25
call 20:9 27:15	94:16 98:9,16,18	199:10	clarifying 80:1
140:14 141:24	178:18	changing 92:25	class 87:11
142:3,6,8 154:20	catch 178:20	channel 88:23	classes 87:7
called 38:4 49:16	categories 83:1	channels 31:10	classify 96:10
69:15 85:18 111:23	category 90:6 140:4	33:23 176:1,9	classroom 97:15
138:6	caused 64:23 86:3	chapter 185:23	clear 62:13 195:7
calling 107:1	86:11 109:21	186:24 187:1,6,8	click 51:24
calls 142:21 144:12	148:18	chapters 187:1	clicked 50:18 52:7
144:13 179:11	causes 178:5	characteristics	close 150:4 182:7
canada 160:8 163:2	ccr 1:23 198:16	96:12	closely 86:1
189:10	cd 14:12 27:9 80:13	characteriz 113:3	closer 119:20
cannibalized 57:14	80:16 83:11 85:21	characterization	cloud 79:20
capability 78:1,2	85:22 90:17,23,24	113:3	code 49:13,17 55:6
93:11	91:1,3,6,8,9,11,23	characterized 113:9	55:16 90:4,5,7,7,9
capital 40:17,19	92:3,5,6,12,18,19,21	charge 30:8 41:5	90:13 98:13 112:23
caption 198:7 199:3	92:21 93:12,18	46:5 55:21,23 87:15	120:2,4 127:5,6,12
captioned 199:7	103:2,5 105:3	100:21,24 101:6,17	127:13 128:4,11,17
care 46:17	cds 81:3,7 82:22	118:14 156:15	130:1,4,5,6 133:21
carl 3:10 8:19	85:14,19 89:21	190:22	134:1 165:13,14
138:14,19 150:23	center 144:1,3	charged 51:16	166:23,24 167:15
151:2,7,11	certain 12:23 13:3	charlotte 2:6	167:17,19 180:8,8
carolina 2:6	22:2 46:20,20,21	chart 176:3	189:11 194:7,8,9,10
carrier 63:22 64:2,2	79:9 112:7 115:23	check 31:24 109:10	195:18
64:4,11 65:17 66:21	128:3	checking 77:24	codes 19:22 125:21
68:21 69:1,11,15	certainly 31:6,6	checklist 171:6	126:7 127:14 128:2
135:7	87:5 113:9 120:21	choice 132:3 139:4	128:3,4,12,18
carrier's 64:10	178:15 186:16	choices 77:8	129:23 130:15,15
69:12	187:5	chose 69:23	165:13 166:18
carry 40:4 75:11	certification 59:21	cindy 184:19,20	167:23 179:5
case 10:4 11:24	certify 198:6,9	circulation 28:3,7	194:10,12,16,17,19
12:12 22:23 49:23	chain 5:6,9,12,13,14	28:12,22	194:22
58:15 63:9,25 64:22	5:15,16,18,21,22,23	circumstances	coding 170:17
66:14 67:5,9,15	5:24,25 6:3,6,7,8,9	19:17 96:16	coffee 102:2,2,3
68:6 82:14 88:10,12	6:10,11,12,18,19,20	citation 97:23	coffee's 150:13
94:7 97:24 109:3	6:22,24 7:3,4	city 152:24 160:7	colleague 128:25
110:2 124:1 132:4	chair 185:23	161:3 163:2 165:3	collect 32:22 33:2
143:16,24 144:20	chairs 149:17	165:19 188:11	collecting 124:11

[collection - content]

<p>collection 27:9 107:6 collections 107:18 college 69:21 106:16 106:19 columbia 1:2 columns 180:7 181:2 combat 123:25 combination 95:2 come 23:1 40:1 52:15 70:11 85:15 85:25 88:22 98:14 99:18,19 105:17 108:8 110:4 117:21 122:2 124:9 161:13 162:6 178:8,12,13 comes 23:5,8 26:12 30:1 31:21 32:13 34:3 48:6 58:18 59:10 87:1 comfort 37:20 coming 25:20 commentary 98:1 108:13 commenters 111:19 comments 19:3 110:16 111:5,15,19 111:24 112:1 commer 41:17 commercial 136:17 165:14 166:23 commercially 41:15 41:18 committee 88:16 89:2 110:13 111:2 116:11 149:16,18 185:23 committees 48:21 168:13 186:17 communicate 136:19 communication 67:17 68:20 69:8 135:7 193:9</p>	<p>communications 9:21 113:6 134:15 135:12 150:20 185:10 community 95:17 96:3 182:6 companies 33:9 company 58:9 79:21 97:17,19 140:5 comparable 121:13 compare 177:6,8 compared 96:7 173:22 comparison 42:17 42:19 43:8,25 compendia 30:10 compendium 30:8 compile 191:15 compiled 191:12 complained 66:12 66:17 complaints 109:22 complete 50:18 91:1 91:24 198:8 completely 62:15 complex 73:21 compliance 73:14 160:10,14 164:9,11 164:15 171:4 component 9:22 14:10 15:17 30:4 33:24 36:2 components 32:1 35:2,10 comstock 1:17 4:2 8:1,10 9:9,13 10:18 53:11 68:19 102:17 112:20 123:3 124:22 125:18 126:14 128:24 130:20 132:21 133:12 146:9 150:17 151:22 152:22 153:5,25 164:22 172:8</p>	<p>179:24,25 180:3 185:14 189:8 193:1 193:17 197:1 199:13 con 104:2 195:12 concept 16:18 81:13 concern 128:6 140:22 143:13 144:7 155:18 156:1 161:23 concerns 94:1 196:5 concluded 197:6 concludes 197:3 conclusion 144:14 condition 78:17,23 conditioned 77:2 conditioning 1:9 2:3 8:23 37:21 69:13,16 75:19 77:6 137:12 conditions 79:9,12 79:13 80:3,7 81:6,8 81:15,20 82:12,16 82:20,25 83:9,11 84:4,9,12 85:2,12 87:24 88:2 89:8 161:2 165:12 conduct 63:9,19 64:15 65:13,24 66:4 66:13 67:4,8,15,20 133:5 conducting 159:3 conference 35:13 59:19 139:19 conferences 74:10 136:9,12 confirm 151:24 156:13 confused 65:5,13,23 66:3 confusing 82:2 confusion 86:2,11 conje 29:7 conjecturing 37:2 conjunction 49:12</p>	<p>connected 68:21 connection 104:17 162:9 168:22 169:4 consequence 63:8 63:19 64:15 65:6 67:14 167:19 consequences 149:5 162:20 conservation 49:17 127:5,13 195:17 consider 24:10,12 37:13,15 106:6 129:16 considerable 146:17 consideration 112:15 considerations 25:17 44:22 considered 94:20 97:9 194:11,16,17 consistent 81:14 consistently 67:11 consists 71:15 162:25 192:1 constituted 157:1 constitutes 153:20 constructed 26:14 consult 179:10 consumer 86:2,11 contact 42:2 104:3 contacted 112:22 contacting 104:9 188:6 contacts 104:7 contain 116:14 contained 158:1 182:3 containing 163:14 contaminants 77:3 content 43:17 44:23 45:11,19,20,21 46:2 46:2 47:9 72:3,4,4 73:3 87:2,6 88:21 91:12 93:17 97:9 98:14 103:11</p>
---	--	--	--

[content - crr]

<p>108:24 113:1 128:7 129:25 131:20,25 132:2,8 152:17 153:8 155:20,23 156:1,4 157:4 167:6 195:2,11,13,23 196:4,7,8 content's 131:21 context 23:4 28:7 56:14 59:1 62:6 124:10 128:16 141:6 165:10 187:21 194:23 continue 19:16 continued 3:1 continues 15:7 continuing 110:4 continuous 114:19 114:22 115:5 contours 93:11,17 contract 49:6,21,25 50:4,16 51:5,6,10 51:12,13,17 52:11 52:12 53:2,4 56:13 56:13,14 84:16 contractors 137:12 170:22 171:18 172:2 contracts 48:24 49:2 49:5,12 54:19 55:7 55:8,9,14,18 56:15 56:19,22,25 57:8,14 control 94:2 121:5 controller 184:20 controls 84:19 conversation 25:1 142:11,15 145:17 conversations 67:24 136:3 185:4,7 converted 163:12 convey 91:16 conveying 81:12 cookie 46:19 cooperate 126:7</p>	<p>coordinator 129:8 cop 155:19 copied 79:15 124:23 125:1 165:2 166:4 167:1,20 193:18 194:2 copier 23:7 copies 22:16,24 26:17 27:6,8,13 28:13 29:25 33:22 48:19 88:25 89:18 101:21,25 119:13 154:18 183:5 186:22,24 187:7,23 188:6 copy 23:18,20 29:2 55:3,13 70:23 129:1 154:15 copyright 5:11 6:4 67:6,11 134:25 135:2,5 140:24 144:5 145:14 147:16,24 152:10 156:8,10 161:7,17 162:3,19 165:18,18 166:3,8,15,17 195:12,21 copyrighted 101:12 135:22 138:24 139:10 155:20,23 corollary 88:24 corporate 33:12 corporation 63:22 64:3 correct 13:9 14:25 15:1 21:14,18 23:24 24:2 34:20,21,25 35:1 37:10,24 47:4 50:22 51:8,9 54:9 54:11,19,20 56:16 56:20,21 62:2,22,24 68:21,22 71:8 78:9 81:23 82:18,19,23 82:24 89:21,22 92:6 98:21 99:8 101:1</p>	<p>103:20 104:11,15 105:4,5,8,9,11,12 107:15 108:10 112:24 113:19,20 114:2,5,7 115:10,17 115:21,22 116:6 117:4,7,15,16,20,22 120:4,5 125:6,7,13 125:14,22 128:13 128:19 129:13 132:13,24,25 134:5 134:6,15,16,22,23 135:10 137:23,24 138:11,12 139:14 139:15 140:3,10 141:25 142:1 146:11,12,20 147:1 148:17 149:22,23 152:5,19 153:1,2 154:12 156:16,17 157:19 160:8,9 161:21 163:2,3,6,7 163:15 165:4,5,8,9 165:14,15,20,21,25 166:1 169:17,22 170:10,11 175:19 176:7,24 177:3,22 177:23,24,25 178:3 178:4 181:14 184:16,23,24 185:2 185:3,25 186:3 187:3,9,20 189:11 189:16,17,21,24 190:5 192:15,22,23 193:6,7,10,11,19 194:3,4 198:8 correcting 187:14 corrections 116:14 119:7 199:8 correspondence 132:23 133:25 163:1 165:1 166:19 167:25 168:15,23 169:4,13 170:1 171:23 186:1 189:9</p>	<p>correspondent 189:15 corresponding 172:21 173:15 cost 56:8 60:22 61:9 61:17 114:6 costs 60:5,6,12 61:7 62:10,20 council 8:5 49:13 55:6 120:2,4 134:1 counsel 2:1 3:1 8:13 8:24 10:10 77:17 81:18 119:15 198:9 198:10 counsel's 153:10 count 62:1 counterpart 24:13 24:14 counterparts 24:11 country 50:21 county 70:4,5 198:4 couple 56:12 126:9 150:12 151:8 course 13:11 59:20 87:3 171:12 courses 30:16 71:17 71:21,23 74:6 court 1:1 8:5 9:7 59:1 142:23,25 cover 74:15 75:3 115:10 153:14 covered 74:4,4,5 120:23 covers 60:2 create 92:11 95:21 creation 62:21 189:10 creative 160:15,20 credibility 36:10 credit 26:2 crescendo 150:6 critical 45:10 criticizing 44:25 crr 1:23 198:16</p>
--	--	--	---

[current - different]

<p>current 9:17 11:10 11:17,21 13:22 15:15 21:4,8,11 22:9 29:10,15 43:11 57:1,4 85:20 90:23 175:7 176:6,21 currently 43:10 custom 88:19 customer 6:16,17 23:15,18,19 48:22 85:2,3 107:2 180:5 customer's 84:10 customers 27:19 82:23 84:3 cut 78:4 cutter 46:20 cv 1:12 cycle 14:16,21 15:2 15:5 117:25 118:4 176:17 cycles 14:5 15:11</p>	<p>deals 60:10 72:3 debate 111:10 deceived 65:7 deception 86:3,11 decide 16:17 149:11 decided 95:5 148:3 deciding 94:20 decision 95:21 96:24 149:15 decisions 149:15 declaration 199:5 declare 199:6 declining 176:15 dedicated 47:12 deemed 76:1 defendant 1:14 3:2 8:17 65:8,14,24 66:4,13 67:4 109:3 110:2 123:21 defendant's 5:2,3 6:2 7:2 10:14,16 53:6 63:8,19 64:15 67:14,20 68:17 102:19 123:15 124:2,20 125:15 126:12 128:22 130:18 132:19 133:10,22 134:8 137:15 146:7 150:15 151:20 152:6,20 153:3 158:9 159:25 162:23 164:20 168:5 172:6,24 175:20 179:19 180:23 181:21 184:11 185:12 187:10 189:6 190:23 191:23 192:24 193:12 defendants 64:23 65:2 definitions 96:10 degree 70:14</p>	<p>deliver 17:20 83:14 delivered 82:22 delivers 84:2 92:19 103:2 delivery 23:10 83:6 83:11,12,13 demand 11:8 12:6 15:7 17:17,20 22:23 23:3,8,15,17 71:20 91:14 109:14 demonstrate 164:9 164:10,15 department 49:25 52:14 107:2 159:11 depend 19:22 87:15 dependent 22:14 depending 14:4,14 118:2 depends 14:20 depict 192:17 depicts 192:20 deposition 1:16 5:4 8:1,9 9:24 10:2,10 10:11,17 86:1 187:13 197:4,6 199:1,7,9 deprivation 47:20 depth 95:18 derive 31:14 derived 30:2 describe 25:23 76:19 174:25 described 61:5 62:16 describes 192:13 describing 175:1 description 5:2 6:2 7:2 135:13 176:2 177:3 design 25:25 26:4 72:2 76:9 77:14 96:14,15 designation 116:1,2 116:3</p>	<p>designers 76:9 77:8 desire 39:5 desires 164:7 detail 84:11 90:11 149:3 details 140:21 detected 94:11 determine 17:25 95:7 101:14 determined 170:18 171:14 develop 168:16 170:4,8 171:2 developed 38:25 76:2 103:4 169:8,21 170:25 developers 140:23 developing 39:7 73:13 129:22 168:18 170:15 171:7 development 14:23 17:2 48:10,13,16 60:5,12 66:12 74:19 75:21 110:13 111:3 138:14 139:4,7 149:6 171:3 developments 138:18 139:5,8 dictate 84:9 differ 83:1,10 102:25 difference 88:5 differences 83:7 different 23:14 33:10 38:8 45:3 47:3 55:1 56:7 76:24 77:4,5 86:21 87:20,23 88:1 89:7 89:25 90:21 92:20 96:12 103:22 108:8 108:9 115:11 118:21 124:10 130:25 171:11 173:6,12 177:18</p>
<p>d</p>			
<p>d 1:5 2:16 42:4 199:4 d.c. 2:19 dare 84:21 data 131:7,12 160:13 database 47:7,10 73:10 date 6:14 8:10 11:2 47:5,10 114:12 115:25 170:25 dated 6:21 dave 135:7 david 42:12 64:1,6 168:9 day 42:11,11 199:11 days 72:1 deal 71:21,24 74:10 103:10 144:20 dealer 30:24 dealers 180:15</p>			

[different - edition]

<p>182:16,17 differently 86:9 difficult 75:10 dig 66:23 digital 84:19 166:5 167:2,20 diminishment 174:3 dipping 178:24 direct 29:22 35:14 35:16 72:9 80:20 104:16 directed 104:10 direction 95:5 104:20 198:8 directly 31:1 59:14 70:20 80:20 157:18 157:22 176:12 director 9:18,20 16:24 137:21,25 142:18 158:14 184:22 directors 183:6 186:15 directory 122:18,20 disappeared 44:12 disclosure 8:3 discount 29:17 90:6 106:19,25 discovery 124:7 172:10 173:3 175:23 185:16 187:14 191:3,16 discretion 88:19 discuss 24:17 25:16 136:16 discussed 24:20 25:14 80:25 86:5,7 112:14 123:11 125:10 136:10 discussions 24:24 110:15 111:5 136:6 136:8 137:1,5,8 141:4 147:8 165:11 182:2</p>	<p>dispensation 187:7 disseminate 108:11 distinguish 52:3 59:25 distinguishing 70:19 distribu 57:19 169:11 distributed 26:17 49:19 79:15 94:4 100:19 101:22,25 121:14 166:5 167:1 167:20 distributes 120:22 distribution 5:11,19 31:10 49:3,14,15,22 49:22 55:5,22,24 57:1,4,7,20,22 58:6 62:4 84:20 97:18 100:23 101:20 107:13 131:15 133:15 161:14,25 169:11 172:5 183:6 distributions 60:7 distributor 131:18 139:25 distributors 27:13 27:15 district 1:1,2 dividing 56:5 division 53:5 doc 97:23 document 23:7 38:19 43:8,15 44:9 49:18 51:20 52:4 53:16,19 54:22 66:24 69:2 79:10,14 79:25 94:3 95:6,8 95:18 97:23 115:7 116:4 120:22 121:12,20,22 124:23,24 127:8,17 134:1 173:3 175:23 180:9 185:15 187:16 192:9</p>	<p>195:18 documents 14:5 32:3 49:15 53:21 55:2 67:25 74:5,7 78:2,4,15 80:8 81:9 81:21 82:12 84:25 89:18 92:21 94:10 106:5 108:1 135:22 136:7 138:24,24 139:10 154:6 171:10,13 172:9 191:2,5 195:14 196:14 doing 44:15 59:12 61:22 93:4 97:19 119:18 122:17 171:8 dollar 51:13 dollars 180:12 double 121:15,19 122:6,21,21 doubt 181:15 doug 158:13 download 12:5 40:8 49:10 50:8,11,14,18 51:8,15,18,21 52:4 52:8 53:4,23 54:8 54:13 82:18 downloads 50:16 51:17,24 53:1 draft 134:4 draw 154:4 drinking 102:2 drive 12:6 dropoff 15:6 duct 73:9,9 dues 6:13 59:19 172:16,16,20 duly 9:9</p>	<p>6:22,24 7:3,4 25:2 40:18,20 42:4 54:9 69:1 71:20 112:6,21 123:5,10 125:2,19 126:1,16,17,21,23 128:25 129:10 133:24 134:5,12,14 134:21,24 136:4,5 137:19,23 138:4,11 139:12,13,16 146:10 150:18 151:25 152:23 153:14 154:2,9,13 159:7 164:25 165:16 166:25 168:9 181:25 182:3 182:5 183:5 184:15 185:1,5,18 186:1,8 189:24 192:1,4,11 193:3,8,10,15,18,24 194:2,23 197:8,10 198:1,1 earlier 11:20,23 13:21 34:19 37:5 38:14 43:23 44:4 57:7 70:18 77:18 85:24 91:21 94:18 104:8 105:11 107:3 115:1 125:10 126:17,23 133:20 133:20 135:8 138:18 139:5,8 165:11 earliest 138:4 early 178:12,23 earn 59:17 earns 129:20 easier 171:11 easiest 61:7 easily 92:14 easy 170:19 171:13 171:15 edit 38:1 edition 26:11,19 29:1,15</p>
		<p>e</p>	
		<p>e 2:5 5:6,9,12,13,14 5:15,16,18,21,22,23 5:24,25 6:3,6,7,8,9 6:10,11,12,18,19,20</p>	

[editions - exhibit]

<p>editions 15:8 26:9 editorial 69:25 70:15 76:23 92:10 129:8 edits 92:24 education 9:18,21 18:25 71:7,9 72:7 185:23 187:8 educational 30:16 35:10 36:10 59:20 educator 97:20 effect 13:14 56:23 57:6 107:10 150:13 effective 108:19 effectiveness 73:8 efficient 26:1 effort 94:23 144:5 efforts 168:24 169:6 egs 1:12 either 14:1,2 16:18 30:23 57:23 58:6 62:13 71:16 74:9 83:11 100:12 121:2 127:16 139:5 166:5 166:17 167:2,20 electronic 42:18 43:24 73:1 78:21 79:6,10 80:7,10 81:1 82:17,21 85:3 107:24 163:14 171:10 element 95:14 165:23 166:25 elements 167:23 eliminating 109:25 else's 108:13 embedded 92:5 employ 22:24 198:10 employed 122:21 158:20 employee 149:24 152:24 165:3 186:13,19</p>	<p>employees 48:15 61:15 64:11 184:16 184:16 en 57:21 enable 117:17 encountered 67:17 ended 52:2 158:19 168:18 energy 26:1,3,13 49:16,25 52:14 126:7 127:5,13 165:14 166:23 195:17 enforcement 90:13 engage 16:25 72:6 72:23 74:2 78:12 80:10 81:1 engaged 49:3 55:10 67:23 118:25 119:2 142:14 engages 71:4 engaging 147:25 engineer 95:16 engineer's 106:15 engineering 69:22 69:23 70:7,15 95:17 96:3 engineers 1:10 2:4 8:23 77:11 133:9 170:22 171:17 172:2 ensure 71:13 84:24 121:21 161:18,18 entail 134:17 enter 48:24 160:13 entered 23:9 44:11 57:18,21 58:4 entire 87:16 199:6 entities 33:13,13 107:4 129:22,25 entity 90:14 100:20 entry 121:24 122:5 122:7,23 envisioned 54:7</p>	<p>equally 103:15 equipment 23:17 69:13 76:9 96:6,7 equivalent 174:3,6 174:11 era 195:9 errata 116:16,18,22 116:23 117:15 118:3,9,15,19 119:7 199:1,9 error 124:1 errors 116:15 118:8 123:20,22 124:11 especially 32:1 76:5 esq 2:5,11,17,18 3:3 3:4 estimate 15:13,20 15:21 16:10 28:2 30:9 31:7 32:12,14 33:19 34:5 35:19 36:20,21,23 37:1 61:3 157:13 175:9 175:18 et 199:4 everybody 9:6 evidence 57:11,16 94:15 198:9 evident 174:6 189:23 evolution 42:16,23 43:4 44:8,25 ex 179:14 exact 11:2,12 15:9 37:4 65:19 79:19 95:22 172:22 190:16 194:20 exactly 48:20 79:3 100:18 101:3 121:1 190:3,10,13 194:20 examination 4:1,3 9:11 examined 9:10 example 22:15 44:10 72:10 73:2 83:19 86:20 87:3</p>	<p>88:10 90:20 92:22 97:19 99:24 103:2 106:10,16 111:19 120:10 174:16 175:11 194:10 excerpt 165:23 167:1 excerpts 45:15 exchange 25:2 69:9 112:2,21 123:5,10 125:1,2 132:22 134:12 137:19 152:23 155:25 159:7,14 160:6 168:9 169:12 171:23 181:25 184:15 185:21 189:9 193:2 excuse 37:3 143:6 executive 123:8 149:16,17,20 184:22 exercise 170:17 exhibit 5:2,3,5,6,7,9 5:10,11,12,13,14,15 5:16,17,18,19,21,22 5:23,24,25 6:2,3,4,6 6:7,8,9,10,11,12,13 6:14,15,16,17,18,19 6:20,21,22,23,24 7:2,3,4 10:13,14 53:6,12 54:10,25 68:17,23,24 102:18 102:19 103:7,14 112:18,21 113:11 113:14 119:10,23 123:1,4,11 124:20 125:15 126:12,15 127:3,10 128:22 130:18,21 132:19 132:22 133:10,13 133:22,24 134:2,8 134:11 135:14 137:15,18 138:10 146:7,10 148:8</p>
--	--	---	--

[exhibit - flows]

150:15,18 151:20 151:23 152:6,9,20 152:23 153:3,6,12 153:20 154:1,3,7,11 154:13,20 157:16 158:9,12 159:16,25 160:4 162:23,25 163:6,6 164:20,23 164:24 165:17 168:1,5,8 169:5 170:10 172:6,24 173:2 174:7 175:20 175:22 177:16 179:19 180:4,23 181:1,3,21,24 184:11,14 185:12 185:15 187:10,12 189:6,9 190:23 191:1,23,25 192:5 192:17,24 193:2,3 193:12,14,16 194:1 194:24 exhibits 5:1 6:1 7:1 existence 38:19,21 expect 166:16 expectation 97:22 126:2 167:12,18,22 167:24 168:2,22 169:3,4,13,19 expected 55:12 101:21 expenses 60:4 61:4 61:22 62:1,16,20 experience 12:8,10 13:13 18:17 24:6 experiences 71:20 75:24 expire 117:4 explain 118:17 141:1 143:8 178:15 194:23 explained 87:8 explaining 141:7 explanation 77:16 94:25 149:8 162:10	179:15,18 explicitly 100:12 117:14 explore 71:3 144:18 explored 90:10 exposition 59:21 express 157:25 expressed 108:25 170:14 expression 160:15 160:20 166:7 190:19 extend 115:15 extension 74:9 extensively 41:13 extent 44:19 54:12 70:17 84:7 164:2 166:24 external 194:14,15 extract 189:15 extracting 112:23 159:11 extracts 90:20 extremely 16:21	fair 59:13,13 74:25 fall 135:12 138:3 familiar 16:18 17:7 24:3 66:18,18 121:15 122:6 138:6 154:22 159:7 182:2 185:17 familiarity 70:14 95:8 farther 131:23 181:13 fashion 50:5 78:23 fast 97:11 father 69:15 feasible 22:19 february 139:13 148:10 federal 197:8 fee 2:18 35:13 51:14 51:15,18 58:10 87:15 100:21,25 101:6,11 113:23 114:3,6,15 115:8 124:13,15 142:21 142:24,24 143:4 144:12,14,22 145:4 145:19 146:2,4 165:7 189:14 190:22 feel 46:8 113:3 fees 62:8 71:18 101:17,18 129:11 fell 174:19 fellow 25:3 65:17 66:21 194:25 fenwick 3:3 8:16 fenwick.com 3:6,7 ferguson 125:19 193:21 194:2 ferguson's 194:5 fields 76:4 figure 28:3,7 29:18 39:2 51:3 61:17 figures 46:21 173:16 189:15,19,20	190:10,13 file 1:11 92:11,13,14 109:17,20 113:18 113:22 114:4,10 147:2 154:6 192:4 filed 147:3 files 93:12 163:4,5,8 163:9,11,14,14,18 163:19,22 164:1,4,6 final 166:2 196:17 finally 60:25 150:13 financial 35:9 55:17 75:10 172:10 financially 93:23 94:12 find 18:23 91:6 92:3 finding 75:10 fine 153:22 finish 16:4 92:10 fire 1:6 2:9 9:5 170:21 171:17 172:1 firm 9:4 41:25 122:19 first 9:9 15:5 21:1 37:25 38:1,5 42:5 49:6 50:4,6 51:1,5,6 56:1,4,13,18 83:13 95:5 109:10 113:24 117:4 131:2 151:10 154:2 192:3 firsthand 64:16 fit 101:10 170:18 fitting 73:9,9 five 37:18,19 45:3 58:14 72:1,1 84:14 158:21 flammability 96:11 flat 12:11 flexible 47:2 floor 2:12 flow 161:24 flowed 179:5 flows 74:22
	f		
	f 198:1 face 77:14 facilities 24:4 25:7 188:24 facility 20:7,20 26:23 29:5 40:2,5 52:17 53:23 77:23 78:7 103:8 105:2 110:15 111:4 112:13,14 facsimile 2:7,20 3:6 fact 14:22 22:22 25:10 144:19 169:19 179:4 189:18 factors 94:19 95:20 96:23 97:1,8 facts 17:25		

[focal - governments]

<p>focal 47:13 focus 139:3 focused 128:8 175:6 follow 39:1 43:18 67:10 109:16 139:11 followed 114:23 192:1 193:17 194:1 following 92:16 139:11,12 153:11 follows 9:10 footnotes 157:15 force 113:2 foregoing 198:6,8 forget 180:1 forgive 37:5 forgotten 179:23 form 13:17 16:5 28:5 29:6 55:3 78:17,18 91:4 92:1 96:18 108:7 145:19 146:2 152:11 164:14,14 166:5 167:2,21 formal 110:12 111:2 formality 153:19 format 43:24 54:2 92:13 163:13,15 formats 120:25 171:11 176:1 formatted 189:20 formatting 163:19 163:21 190:19 forms 160:12,15,21 161:6,7,8,10,14,19 161:25 162:13,21 163:10,11,22 forum 111:18 forward 75:11 150:22 forwarding 193:5 found 69:2 foundation 146:4 foundational 99:1</p>	<p>founded 69:14 four 24:21 32:11,13 32:15 44:9,13 45:15 60:20 105:14 156:22 fourth 32:11 frame 52:18 francisco 2:13 3:5 8:17 free 20:8,9,10,11,14 20:16,20,24 21:1 23:23 24:4,6 25:6 26:23 29:5 40:2,5 49:9 50:8,14,16 51:7 53:23 54:8,13 57:23 58:6 77:3,22 78:1,7,12,14 94:21 95:21 96:24 101:4 103:8,11 105:2 109:4 112:13,13 113:4 136:7 183:15 183:17,22 184:3 187:7 freely 115:18 138:25 frequently 76:12 fresh 122:5,7,23 front 138:9 154:7 163:5 fulfill 55:10 fulfilled 39:7,17 full 68:6 113:24 117:5 167:15 179:2 fully 75:5 fulton 198:4 func 95:25 function 40:24 96:1 functionality 41:22 46:25 52:7 77:21,22 91:5,8 92:2,9 functions 40:4 137:25 158:25 funding 48:12 funds 63:6 furnish 140:21</p>	<p>furnished 70:24 116:22 152:12 185:15 further 69:9 83:8 162:10 168:21 197:2 198:9</p> <p style="text-align: center;">g</p> <p>gain 14:1 79:22 103:23 169:21 gained 29:21 gates 185:22 186:4 186:20 gathered 191:12 general 19:8 90:2 97:12 104:3,7 152:16 generally 22:11 33:4 118:13 generate 43:8,22 generated 74:12 129:11 generates 75:1 generating 72:5,22 73:16 74:1 generator 31:17 generic 84:18 gentleman 42:10 189:10 georgia 1:22 8:6 106:15 188:21 189:1 198:3 getting 89:24 143:7 143:9,15 150:4 give 36:13 46:4 82:9 86:21 119:15 132:1 188:2 given 44:22 81:17 115:25 154:5 157:18 183:14 198:9 gives 109:24 131:24 giving 104:20 127:18</p>	<p>glad 146:15 global 69:14,14 105:17 go 16:14 21:24 36:7 43:7 46:14,18 47:20 50:1 69:23 84:11 87:22 88:9 106:7 136:9 150:12 153:19 180:6 188:19 190:11 194:10 goes 40:24 47:8 105:7 114:17 115:4 176:25 going 9:22 20:25 41:8 43:1 45:23 46:8 47:24 48:3 58:22 66:23 68:9 82:2,4 84:23 87:16 93:20 95:11 102:12 118:10 119:17 129:25 133:5 148:20,25 149:1,2 150:2 151:15 165:19,24 172:8 180:2 197:4 golf 148:9 gonna 144:24 good 9:13,14 30:19 30:19 46:24 58:22 68:15,16 79:2 143:6 151:13 196:3 google 150:22 151:1 151:5,6,11 gosh 32:15 gotten 45:1 governing 97:4 government 48:7,9 48:15,19,24 52:10 58:16 100:16 112:16 158:14 governmental 89:8 90:14 100:20 governments 89:25 179:6</p>
---	--	---	--

[graduated - identified]

<p>graduated 69:21 70:6 graduating 69:20 graft 128:4 grant 46:10 87:14 88:17 92:18 108:21 126:10 165:11 granted 93:10 109:11 126:18,24 128:11 188:7 granting 45:11 89:6 97:4 grants 63:3 granul 14:6 granular 14:7 graph 174:25 175:1 great 84:11 144:20 150:6 greater 145:17 162:12 greatest 11:7 grew 174:17 group 22:3 42:11 62:8 88:12,13 129:9 176:4 182:21 183:3 186:6 191:1,5 194:6 194:20 grouped 107:14 groups 27:18 136:15 194:9 growth 174:2 guess 9:22 16:7 85:18 89:23 99:20 116:9 120:24 126:10 130:9 159:14 161:23 176:1 177:10 181:9 194:9 guesses 36:17 guessing 61:13 157:8 175:16 guidance 25:25 96:15,18 guide 77:11</p>	<p>guideline 97:12 112:24 189:11 guy 148:9,13 guys 150:4</p> <hr/> <p style="text-align: center;">h</p> <hr/> <p>h 42:4 47:16 half 43:14 150:3 178:25 hand 46:17 73:11 94:7 112:20 140:14 140:19 141:2 164:25 191:25 193:14 handbook 73:11 76:6 handed 123:3 126:14 132:21 133:12 151:23 160:3 164:22 184:13 handing 102:17 172:9 190:25 handle 47:10 handled 86:25 89:10 handling 32:9 104:17 139:20,21 139:23 hands 53:9 170:20 171:15,24 handy 173:15 happen 100:4 happened 101:9 191:14 happening 100:6 happens 16:12 20:21 99:9 happy 153:16 hard 47:5 55:3,13 97:11 harm 67:13 94:6,9 161:13 162:5,7,13 harms 67:3 93:23 94:12 161:24</p>	<p>harr 47:16 125:8,9 134:22 146:11,15 148:8 151:25 154:14 165:2 191:9 192:12 harr's 165:16 hate 34:22 head 37:11 105:23 114:1 156:20 headings 180:7 hear 26:7,8,12 62:15 76:12,13 161:22 heard 25:8 38:11 104:22 107:9 136:6 161:23 hearing 198:9 hearings 194:10 heating 1:8 2:3 8:22 75:18 held 135:21 147:9 help 71:12 77:11 94:25 113:17 117:8 171:10 180:2 helps 75:1 hereof 199:9 high 143:13,16,24 143:24 144:19 145:5,12 146:16 148:20 149:2 175:16 higher 174:22 177:11,14 highest 156:24 hold 158:16 holder 117:11 holding 67:1 hollman 64:1,6 66:9 66:11,20 69:8 135:7 home 104:1 hoping 12:2 hour 37:6 47:19,22 68:4 71:17,17 102:7 150:3 hours 68:6</p>	<p>houston 152:24 houston's 152:24 huge 170:20 171:15 171:24 huh 25:22 139:22 140:12 hundred 61:12,14 175:13,14,15 hurt 192:13 hvac 72:2 77:6</p> <hr/> <p style="text-align: center;">i</p> <hr/> <p>icc 49:19,23 55:5,6,8 55:10,21,23 120:6 133:16 172:4 195:6 195:11,21,24 idea 32:20 143:6,9 182:8 ideas 157:25 identical 81:12 identically 81:7 identification 10:15 53:7 68:18 102:20 112:19 113:12 119:11 123:2 124:21 125:16 126:13 128:23 130:19 132:20 133:11,23 134:9 137:16 146:8 150:16 151:21 152:7,21 153:4 158:10 160:1 162:24 164:21 168:6 172:7,25 175:21 179:20 180:24 181:22 184:12 185:13 187:11 189:7 190:24 191:24 192:25 193:13 identified 93:22 105:10 134:2 153:14</p>
---	--	--	---

[identifies - inventory]

<p>identifies 134:14 identify 34:17 47:8 53:13 113:13 123:4 133:14 134:10 137:17 152:8 153:6 160:5 168:7 172:11 175:24 181:23 iecc 49:16 54:22 55:6,22 56:8 120:1 195:17,19 iengineering 41:25 42:7 ihs 139:16 illegal 155:16,23 156:5 illustrate 45:2 imagine 18:7 40:15 74:8 112:10 166:21 immediately 124:3 impact 12:12,13 13:19 36:11 46:9 57:10 74:6 101:23 implementation 26:4 41:6 imply 176:19 import 128:1 importance 30:10 important 53:9 147:15 impose 25:18 78:15 78:22 84:4 imposed 161:3 imposes 85:2 impression 135:19 inaccurate 177:4 inches 132:11 173:7 inclu 49:14 include 17:23 27:10 27:12,14,25 30:16 35:12 58:20 62:19 80:14 90:18 107:4,5 108:1 115:11 116:8 119:7 152:18 195:19 196:8</p>	<p>included 27:10 48:21 49:15,19 54:22 56:6 61:11 113:22 115:7 116:23 118:9 129:13 166:24 inclusion 55:20 income 31:14 48:6 59:21 incorporate 76:7 98:4 100:8 188:3 incorporated 8:23 17:3,4,8,11 88:3 98:20 99:7 128:17 189:2 incorporates 75:24 incorporating 128:12 incorporation 16:19 18:2,18 98:24 100:11 112:15 138:15,19 179:6 increase 12:2 15:4 indefinitely 117:19 independently 161:10 index 4:1 5:1 6:1 7:1 105:18 indicate 168:1 169:13 180:7 indicated 186:8 199:9 indicates 129:14 indirect 29:22 30:15 30:22 36:10 72:9 individual 33:15 79:25 80:2 81:14 90:7,17,18 91:4,25 115:18 individually 107:14 individuals 33:16 48:18 61:14 industry 18:12 28:22 76:23 121:25 122:7 136:3 140:4</p>	<p>149:6 information 12:14 29:24 31:22 32:8 44:20 63:18 64:13 64:18 103:18,23 104:22 109:19 110:5 112:23 126:1 127:25 139:19,21 139:23 140:1 162:8 162:10 164:3 183:10 189:19 190:20,22 informational 127:19 informed 67:18 infrastructure 60:23 61:17 infringement 134:25 135:2 initiated 39:12 43:13 146:22 initiation 42:9 initiative 97:2 inquiry 68:25 insert 111:7 118:10 147:4 inspectors 170:21 171:17 172:1 instance 66:17 69:4 instances 45:4 65:23 67:7 89:4 98:10 124:11 instant 150:9 institutional 33:13 instructing 111:11 instructor 71:15 instructors 87:6 insulation 154:23 155:3,4,8 insulationoutlook.... 155:5 intact 164:1 intellectual 131:6,11 intended 63:24</p>	<p>intends 127:4 intensive 72:2 intent 41:20 81:12 83:3,23 103:3 128:14 164:1 167:5 intention 149:1 interacted 28:25 87:13 interacting 31:1 interest 19:13 95:15 124:8 159:10 171:8 interested 111:18 188:12 198:11 interesting 177:17 interests 74:12 interface 104:13 105:2 125:12 internal 87:10 internally 147:11,18 international 1:6 2:16 49:13,16 55:6 120:2,4 127:4,5,12 127:13 132:12 134:1 195:17 199:4 internet 63:12 97:16 110:7 134:19 135:23 136:7 140:25 145:15 interpret 145:21 interpretations 111:12 interruption 24:8 47:25 68:11 102:13 151:16 196:22 intranet 89:1 introduce 8:13 introduced 177:22 178:2 introduction 177:19 178:7 intuitive 67:24 intuitively 31:19 57:9 inventory 16:13,14 17:18,20 22:2,25</p>
--	--	---	--

[inventory - legal]

55:24 106:17 186:5 invests 62:20 invoice 129:11 invoices 42:9 involve 10:4 56:25 70:22 176:10 involved 54:21 61:1 61:4 62:3 83:6 96:23 98:12 101:11 125:1 141:3 144:24 146:23,25 191:10 196:2 involvement 188:5 involves 137:19 165:6 involving 134:25 ip 132:9,11 173:6 175:2,10 iprpc 138:7 ish 148:16 israel 129:5 israeli 129:6,13 issue 93:8 116:19 138:15,20 139:2,11 144:6,10 145:10 issues 20:16 24:17 24:20 136:13 144:25 145:1 146:6 item 22:4 180:9 items 22:21 75:9 151:4 181:17 185:8 iwrapper 12:22 13:2 40:11,14,17 41:6,15	181:25 john 24:13,13 25:12 142:18,20 143:2 johnson 133:25 join 124:16 joining 69:19 jordana 2:17 8:25 journal 72:14 journals 136:11 jrubel 2:20 judg 89:5 judgment 89:6 judicial 8:5 julie 25:4 47:16 125:8,9 134:22 146:11,14 151:25 154:14,20 191:9 192:12 jump 15:10 18:19 57:5 june 178:14 jurisdiction 99:13 100:24 170:21 171:16,25 jurisdictions 98:3 99:10 100:8 juxtaposed 90:20	king 2:4 8:20 knew 51:21 52:1 know 11:25 12:23 12:25 13:3 15:9,16 15:16 17:9,10 18:8 19:5 26:16 29:8 31:13,13,16 33:11 33:17,19,21 36:10 36:18,19 39:9 40:6 40:13 48:5,9 50:25 51:21 52:23 53:1 54:4,12 57:13 60:11 61:12,14,23 63:23 64:9,10 66:2,16,23 85:24 97:21 98:3 99:10,15 106:9,10 109:2 118:1,5,6,8 119:5 120:6,8,9,13 123:17,19 124:2,6 129:20 136:23,24 138:13 143:2 145:20 148:2,6 149:14,15 151:6,10 151:12 154:15 155:1,2,8 159:24 160:23 168:18 172:22 173:14 181:19,20 182:11 182:14 183:19,21 184:2,8,10,17 186:7 186:10 188:10,25 195:14 knowing 162:20 knowledge 25:9 38:10 54:1 63:5 64:16,25 86:6 90:22 100:4,6 103:1 110:10,19 119:6 130:17 136:18,22 137:7 160:16,21 164:13 178:19 188:9 knowledgeable 16:21 76:4	kristina 186:18 kslaw.com 2:8 <hr/> <p style="text-align: center;">I</p> <hr/> I 6:16 42:14 labor 61:16,24 laboratories 49:24 137:1 laboratory 49:24 52:13,13,16 lack 146:4 lady 25:2 lag 178:6,17 language 84:15,22 large 27:22 61:18 larger 33:12 largest 31:17 32:8,9 34:2 69:13 larry 186:10 late 178:8 latest 138:14 139:4 139:6 launched 94:22 law 9:4 16:19 17:3,6 17:8,12 18:3 88:3 98:20 99:7,11 100:9 101:3,4 189:4 194:18 laws 98:4,6 179:6 lawsuit 136:19 137:10 146:19,24 147:3,13,21,25 148:4 183:11 lead 95:11 leadership 186:14 leading 110:13 leads 18:18 learning 25:5 71:19 71:20 leaving 43:20 45:12 led 71:15 lee 1:23 198:16 left 61:6,7 legal 78:25 130:5 144:13 166:3,10
<hr/> <p style="text-align: center;">j</p> <hr/> j 2:18 jeff 123:6 149:11,15 150:1 jersey 70:4,5 jim 159:6 jkfee 2:21 job 38:1 158:24 jodi 134:13,14 135:16 139:1 150:19 151:4	<hr/> <p style="text-align: center;">k</p> <hr/> karl 135:1 keep 18:14 47:5,7,9 47:21 51:24 keeping 18:16 182:6 kept 164:1 kevin 2:18 124:15 142:24 144:14 keyboarded 121:21 keying 121:16,19 122:6,21,21,23 kimberly 185:22 186:4,20 kin 198:9 kind 10:4 36:9 104:13 141:17		

[legal - mail]

188:12,14 legality 166:13 legislation 19:21 lehigh 70:9 letter 6:21 letterhead 90:6 level 14:7 22:2 26:3 90:15 levels 84:24 96:8 lewis 2:5,17 8:20,20 9:1 10:10 13:17 16:4 17:13 18:4,20 19:9 21:19 23:25 24:18 26:6 28:5 29:6 30:13 31:11 32:19,23 35:23 36:22 37:12 38:9,16 38:23 39:4,15 43:9 44:1,6 45:8,17 50:12 53:18 57:25 60:8 62:23 65:10,15 65:25 66:5,15 67:21 68:8 71:1 74:20 75:6 76:21 80:12 81:10 82:4 85:5 86:19 89:16 92:7 93:1,13,15 98:7,22 99:2,14 101:8,16 102:5 105:24 107:7 107:16 108:14 110:9,18 111:7,21 112:4 116:17 118:10,18 119:16 121:6 122:1,8,13,24 125:17 126:4 127:22 128:5 130:8 134:7 138:21 140:11 141:10,13 141:19 142:4 144:11 146:3 147:4 147:14,19,22 148:5 148:24 149:13 150:2 153:16,22 154:24 155:13,17 155:24 156:6,11	157:2,7,11,20 158:3 158:7 159:19 160:2 160:17,22 161:15 162:1,15 163:17,23 164:16 166:11 167:4 168:3 169:23 170:2 171:20 174:4 175:4 179:8,11,16 179:21 182:10,22 188:17,22 189:22 189:25 190:6 191:6 193:20 196:19 libraries 86:22 180:17,18 187:24 188:7,9,19 189:1 library 188:23 license 5:10,11,17 5:19 23:20 29:3,4 58:10,12 83:19,20 83:21 84:1 85:15,18 86:21 87:5 90:18 91:9,19 92:17,23 93:3,6,7,10 108:16 108:22 113:15,18 113:23 114:3,6 115:9,12,15 116:24 117:3,12,17 129:11 130:22,24 131:4,24 132:1 133:15 licenses 18:1 27:23 33:8,18 34:4,9,14 56:23 79:24 80:19 80:21 83:10,23 86:24,24 87:24 88:2 89:15 90:16 97:4 licensing 14:1 29:22 31:10 59:5 70:21 71:6 72:7 74:17 86:16 89:9 114:18 115:2 life 6:14 176:21 lifted 190:3,10 limit 97:6 limitation 168:1	limitations 91:7 limited 51:10 limiting 91:8 line 22:22 23:1,6 46:13 60:24 61:1 108:4,6,8 131:23 183:15 lines 19:4 135:6,9 link 46:23 103:25 liquid 76:17 list 29:16 49:22 93:21 181:14 183:6 listening 8:19 literally 98:5 litigate 144:10 litigation 145:24 146:1 little 9:16 14:4,6 33:10 46:17 47:19 71:4 76:13 94:17 95:23 102:1 103:21 175:16 177:1,10 littleton 123:6,7 149:11 150:1 184:22 living 188:11 llp 2:4,11 3:3 lobbyists 182:6,8 logged 50:17 logical 98:10,16 155:7 long 9:15,19 102:5 156:21 185:22 186:7 long's 186:21 longer 47:20 95:24 look 10:13,18 17:17 18:8 53:11 67:1 68:23 97:14 98:14 100:13 101:24 156:12 157:21 160:25 169:24 173:1 174:16 175:11 177:16,21 178:1 179:1 181:8	looked 119:9 155:10 looking 14:6 54:9 95:15 135:13 163:24 165:10 170:9,16 177:5 190:19 192:6,8 looks 115:14 126:9 131:1 152:11 168:16 194:25 lose 67:19 109:21 195:24 loss 63:16 64:14 losses 63:7,11,18 64:21 lost 195:12,21 lot 61:19 140:22 143:13,23,23 172:13 low 22:4 74:24 lower 176:15,15 lunch 68:4
m			
m 42:4 165:17 madcad 32:11 magazine 28:13 72:12,13 magazines 28:9,11 28:23 mail 5:6,9,12,13,14 5:15,16,18,21,22,23 5:24,25 6:3,6,7,8,9 6:10,11,12,18,19,20 6:22,24 7:3,4 23:9,9 25:2 28:13 69:1 112:6 123:5,10 125:19 126:1,16,21 128:25 129:10 133:24 134:5,12,14 134:21,24 136:4,5 137:19,23 138:4,11 139:12,13,16 146:10 150:18 151:25 152:23 153:14 154:2,9,13			

[mail - minnesota]

159:7 164:25 165:16 166:25 168:9 181:25 182:3 182:5 185:5,18 186:1,8 189:24 192:1,4,11 193:8,10 mailing 55:23 mails 54:9 112:21 125:2 126:17,23 183:5 184:15 185:1 193:3,15,18,24 194:2,23 main 131:2 maintain 77:1 94:2 106:17 111:17 161:17 166:8 187:23 maintained 94:10 maintenance 114:20 114:22 115:5 major 33:24 106:1 making 36:16 49:6 50:4 59:12 79:9 90:4 92:24 109:15 171:9,13 malamud 3:10 8:19 135:1,20 136:19,20 137:2,6 138:15,19 138:23 150:23 151:3,7,11 managed 85:10 management 84:19 manager 134:15 150:20 manages 186:5 managing 61:1 manner 31:23 161:21 178:20 manual 73:19,24 manuals 73:17,22 manufactured 92:12 120:12 manz 165:17 march 1:18 8:1,10	mark 133:25 159:6 marked 10:14 53:6 68:17 102:19 112:18 113:11 119:10 123:1 124:20 125:15 126:12 128:22 130:18 132:19 133:10,22 134:8 137:15 146:7 150:15 151:20 152:6,20 153:3 158:9 159:25 162:23 164:20 168:5 172:6,24 175:20 179:19 180:23 181:21 184:11 185:12 187:10 189:6 190:23 191:23 192:24 193:12 market 19:13 21:11 27:16 33:10,16 94:4 174:12 marketplace 19:19 60:14 62:5 76:11 106:5 marshals 170:21 171:17 172:1 match 81:7 material 128:11,18 130:14 152:3,13 156:25 166:4 192:22 materials 1:5 2:16 9:2 188:3 199:4 math 36:7 59:12 matter 10:5 124:6,7 199:7 matters 84:8 136:10 matthew 3:4 8:16 mbecker 3:7 mccall 163:1 mean 18:7,22 19:10 23:4 26:22,23 28:7	31:2,13 34:7 50:9 58:13 61:23 72:9 82:1 90:9 91:7 114:21 118:14 121:4,11,20 130:4 139:24 140:18 145:11,16,17 146:14 174:14,15 180:7 187:4 190:4 194:8,17 195:20 meaning 39:20 116:4 means 23:5 76:16 78:25 95:13 114:2,3 116:4 117:11 120:25 121:1 132:6 195:8 meant 30:22 50:13 76:18 81:22 83:4 85:22 91:15 92:8 145:14 147:25 measured 96:7 mechanical 126:7 127:4,12 133:8 165:13 166:23 167:15,17,19 media 82:21,22 meet 10:9 meeting 139:17 148:16 meets 91:13 member 29:15,17 33:15 42:15,22 43:3 64:9 106:7,21,25 114:16 168:12 173:9 180:10,11,13 182:18 185:22 186:12 members 49:8 50:6 50:10 51:1 54:9,14 64:12 87:12 88:15 89:2 94:24 95:6 103:15,15,17,19,19 106:22,23 114:14 180:13 183:11	membership 6:13 33:14 59:19 172:16 172:20 memory 39:19 mention 30:15 163:4,5 mentioned 21:13 23:22 25:12 68:20 70:6 72:8 78:8 88:11 93:23 96:17 105:14 148:9 166:25 message 63:20 80:15 128:15 134:25 135:3 155:6 168:21 184:21 messages 67:23 136:4,5 met 51:17 metal 137:11 method 96:5 120:6 methods 77:4 96:6 176:8 metric 18:7,14,16 132:15 michael 25:2 182:13 182:19 michshell 129:1,7 mid 122:18 middle 174:17 midpoint 54:10 178:13 mike 125:3 193:4,15 193:25 194:25 million 14:18 16:1 34:16,16 mind 35:9,21,21 79:3 105:17 minimal 13:15 minimum 189:14 minneapolis 165:3 165:20 minnesota 125:21 126:6,6,19,25 127:3 128:2,4 165:13,13
--	--	---	--

[minnesota - numbers]

<p>165:14,25 166:18 166:22,23 167:15 167:17,19 minutes 21:13 102:7 150:12 misheard 107:8 misleading 81:17 misled 65:1 misquote 21:15 misread 177:2 missed 106:3 missing 35:2 mission 2:12 75:16 95:12 misspoke 51:1 81:17 mistake 86:3,11 119:21 misunderstood 91:21 107:9 model 95:1 101:10 152:11,12 modest 170:8 modifications 99:13 100:15 modified 98:2 99:23 164:2 modify 22:6 99:16 monetary 63:7,18 64:14,21 monetization 34:23 58:18,25 59:4,10,18 176:9 money 46:20 109:21 monitor 57:11 134:19 months 158:20 moore 125:3 193:4 193:16,19,25 194:3 194:25 moore's 193:10 morgan 2:17 8:25 9:1 morganlewis.com 2:20,21</p>	<p>morning 9:13,14 68:20 69:5 86:5,7 86:14 motivation 170:15 motivations 52:24 110:11 144:16,18 move 21:10 82:8 95:5 124:14 moved 92:12 moving 78:14 mto.com 2:14 multi 108:7 multiple 5:10,17 85:19 113:19 117:12,12 131:4 multiuser 113:15 130:22 munger 2:11 9:3 municipal 90:14 municipalities 17:22 18:13 55:16</p>	<p>47:22 95:17 102:3,3 108:21 144:24 150:9 156:12 181:1 needed 75:9 188:2 needs 145:2 186:22 190:14 negative 12:13 46:9 neighborhood 11:13 27:6 56:2 neither 127:17 network 14:11 27:23 29:4 33:7,18 34:4,8,12 79:21,24 80:19,20 81:3 83:10 83:13,15,18 84:3 85:22 87:5,10,22 89:15 115:7 networked 89:14 105:6 networking 114:17 115:1 never 21:21 24:5 25:19 76:15 90:10 new 15:11 19:11,12 21:17 26:11 70:4,5 76:8,9,10 114:18 115:2,24,25 116:3 117:21 176:21 177:19 178:7 187:18,24 188:2,3 188:11,18 newer 20:15 22:19 178:19 newly 174:21 newport 125:4 news 54:16 70:3 150:22 151:2,11 newspaper 69:20,24 70:2 nfp 24:19 nfpa 24:4,11,14,16 24:21 25:6 124:16 124:19 140:15 141:24 142:3,9 145:25</p>	<p>nia 154:20,22 nixon 39:22 noble 106:16 nodded 37:11 59:1 105:23 114:1 nods 59:2 non 103:15,19 180:10 185:9 normally 47:19 92:15 105:7 131:17 north 2:6 northwest 49:23 52:13,16 nos 153:20 157:16 note 53:18 124:13 noted 170:17 notice 5:3 10:17 41:8 86:1 93:21 134:25 135:2 165:18,18,22 166:3 166:17 noticeable 57:3,6 noticed 76:23 notices 54:15 135:12 noting 69:1 notion 21:6 79:19 81:13 95:10 nuances 83:5 number 11:12 13:6 27:25 28:22,24 34:18,19 37:23 46:21 56:10 83:24 83:25 95:4 101:21 101:25 155:11 161:1 164:24 170:20 171:16,25 177:12 number's 177:10 numbers 27:12,12 36:14,18 61:7 62:19 153:13 154:5 172:23 173:23 174:13,17 177:6,8 177:21</p>
	n		
	<p>n 2:5 165:17 name 42:5,5,12 47:15 64:6 112:6 133:9 140:2,5 148:12 154:7 179:23 180:1 182:25 183:2 named 125:3 192:13 193:4 names 184:21 narrowness 168:2 national 1:6 2:9 9:5 26:3 38:11 52:20 137:12 154:23 155:3,8 nature 15:9 98:17 116:16 143:13 145:6,12 162:6 163:25 172:9 necessary 164:14,15 need 39:6,7,10,13 43:7 44:12 45:13,18</p>		

[nw - packaging]

<p>nw 2:18</p> <p style="text-align: center;">o</p> <p>o 42:14 o.c.g.a. 197:9 oath 199:10 object 13:17 16:5 28:5 29:6 81:18 124:14 179:8 objection 17:13 18:4 18:20 19:9 21:19 23:25 24:18 26:6 30:13 31:11 32:19 32:23 35:23 36:22 37:12 38:9,16,23 39:4,15 43:9 44:1,6 45:8,17 50:12 57:25 60:8 62:23 65:10,15 65:25 66:5,15 67:21 71:1 74:20 75:6 76:21 80:12 81:10 82:5,6 85:5 86:19 89:16 91:10 92:7 93:1,13,15 98:7 99:14 101:8,16 107:7,16 108:14 110:9,18 111:7,21 112:4 116:17 118:11 121:6 122:1 122:8,13,24 126:4 127:22 128:5 130:8 134:7 138:21 140:11 141:10,13 141:19 142:4,21 143:4 144:11,12,22 145:19 146:2,3 147:4,14,19,22 148:5,24 149:13 154:24 155:13,17 155:24 156:6,11 157:2,7,11,20 158:3 158:7 159:19 160:17,22 161:15 162:1,15 163:17,23 164:16 166:11</p>	<p>167:4 168:3 169:23 170:2 171:20 174:4 175:4 179:11,16 182:10,22 188:17 188:22 189:22,25 190:6 193:20 objections 145:4 objective 21:20 obligation 75:13 obligation's 75:7 obligations 78:16,22 78:25 82:11 observe 56:23 57:6 142:2 observing 18:17 obtain 106:8 occasions 109:6 occur 176:24 occurred 51:22 53:1 185:4 offer 24:6 43:10 71:11,25 73:4 106:11 124:18 147:11,17 199:10 offered 192:21 offering 77:10 offerings 71:9 72:7 offers 111:22 offhand 98:9 106:10 131:19 155:7 office 16:15 39:24 100:5 134:13 159:2 159:4 official 90:4,5,8,9 officials 55:16 100:16 oh 32:15 40:21 50:19 53:17 82:1 91:17 102:8 126:22 194:9 196:14,15 okay 30:21 36:13 40:21 51:5 53:23 56:17 58:17 68:8 76:17 82:10 89:20 91:2 108:3 113:15</p>	<p>115:19 116:7,21 119:19 132:5 150:11 176:14 196:19 old 22:12 older 15:15,17,22 16:3 18:23 19:14,18 20:14,19,24 21:16 174:9 olson 2:11 9:4 omissions 93:25 94:13 omitting 29:4 once 25:13 51:16 one's 92:24 ones 11:7 80:24 105:17 189:2 online 28:17 open 51:2 operation 18:15 26:1,5 62:11 operations 93:25 94:13 opinion 147:11,17 opposed 97:20 131:12 145:25 176:10 189:20 option 23:15 50:18 85:22 options 76:10 188:15 order 21:18 23:5,6,8 43:7 78:12 79:5 103:23 106:8,24 169:21 188:2 ordered 22:21 ordering 105:3,3 orders 23:1,1 61:24 62:9 ordinary 132:14,16 organization 10:6 25:17 33:15 60:4 62:18 94:9 97:6 129:6 130:6 187:3</p>	<p>organizations 14:24 17:2 27:20 66:12 108:2,9 110:20 130:14 180:15 196:9 organized 73:18 75:17 organizing 186:23 original 31:4 164:4 originally 12:19,19 38:4 ostensibly 154:13 outcome 125:24 126:3 outlook 155:4 outlying 27:8 outreach 69:14 outside 17:15 23:1 41:25 62:8 97:5 111:8 118:11 147:5 192:12 194:12,20 overlaps 94:17 overseas 174:12 owner 19:23 owners 19:23 ownership 131:6,11 132:7 161:7 195:12 195:24</p> <p style="text-align: center;">p</p> <p>p 3:3 40:18,18,20,20 p.m. 68:10,14 102:12,16 151:15 151:19 196:21,25 197:5,7 pace 24:13 25:12 140:14,19 141:2 142:17,18,20 143:2 pacific 49:23 52:12 52:16 package 49:20 107:23 108:1 packaged 23:9 packaging 120:1</p>
--	---	---	---

[packs - please]

<p>packs 87:3 page 4:3 5:2 6:2 7:2 45:15 104:1 121:10 127:3,9,11 138:5,9 148:8 153:15 154:7 160:25 163:5 169:25,25 170:9,16 171:12 180:20,22 181:4 192:5,14,17 pages 1:25 45:3 156:18,20,22 157:15,19 158:1 190:16 192:2,3,16 198:8 paid 26:25 114:15 129:21 paper 78:18 81:25 82:1,12 88:25 166:5 167:2,20 paragraph 113:24 117:5 121:3,3 140:8 paragraphs 120:20 part 18:9,14 22:17 27:9 33:6,11 34:8,8 36:16 45:10,12,25 52:18,19 54:17 60:11 61:20 62:17 77:9 84:15,15 90:13 92:12 95:17 96:2 103:12 109:12 111:3 118:15 125:2 131:2 142:10 153:11 154:2,10 161:9 164:4 169:14 169:15 179:5 183:8 participate 48:16 participating 8:18 particular 18:18 52:7 63:4 77:2 86:17 97:24 116:23 129:21 163:14 164:7 180:9 parties 83:15 123:25 198:10,10</p>	<p>partnership 62:7 party 79:15 80:22 83:17 84:2 85:10 144:10 passed 66:7 passing 16:22 100:5 paste 78:4 pasting 41:2 pattern 174:2 180:17 pay 27:4 58:9 62:8 114:3,9 130:13 168:23 169:5 payment 42:8 169:14,16 pdf 14:9 23:18 44:7 79:25 82:1 83:11 91:4,6 92:1,2,9,10 92:11,15 93:12,18 105:3 113:18,22 114:4,10 120:12,14 120:17 122:4 156:19 163:11 176:16 pdfs 44:5 80:3 81:3 81:22 82:17 160:11 peachtree 1:20 peak 175:2 177:17 177:24 178:2,5 179:1 peaked 174:18 peer 76:3 136:15,15 peers 76:1,3 penalty 199:5,6 pennsylvania 2:18 70:10 122:19 people 12:25 18:12 21:16 24:25 26:2 60:20 63:11 76:2 79:22 83:24 92:5 95:15 136:15,16 159:1,2 164:6 184:18 196:2 people's 60:19</p>	<p>percent 16:8 26:13 26:15 29:17 32:16 59:16 61:16,25 97:11 157:10 181:9 percentage 15:14,19 16:2 17:10 27:16,22 32:5 35:20,24 48:6 60:3 61:4 156:25 157:6,9 174:18 175:10 performance 96:8 period 51:10 158:16 periodicals 58:21 perjury 199:5,6 permissible 63:13 permission 6:4 43:19 44:18 45:11 45:14 46:5,10 47:7 47:12 87:4 88:23 97:5 100:14,21 103:23 104:14,18 108:21,25 109:9 125:5,13 126:11,18 126:24 128:10 152:10,13 153:10 156:2 165:6 166:6 167:3,21 183:14 188:2 192:22 195:1 permissions 43:21 44:13 47:11,14 60:7 61:19 93:10 103:25 113:7 person 43:7 44:12 44:19 45:6,6,13 50:19,21 65:21 67:18 69:1 76:23 104:9,19 105:7 109:13 123:9 125:11 189:18 person's 188:15 personal 44:15,21 79:14,18 80:7,18 83:4 85:22 90:17 personally 16:24 47:11 76:14 185:6</p>	<p>personnel 10:5 persons 12:15 14:2 24:16 28:25 65:1 83:25 96:2 103:8,22 104:25 109:14 113:19 136:3 152:13 159:5 179:9 192:21 perspective 69:18 100:13 pertain 60:4 84:8 117:15 123:10 pertaining 74:2 pertains 125:23 153:7 188:13 pertinent 167:10 phillips 129:1,7 phone 8:24 142:6,8 155:10 phrase 120:25 140:18 phrased 86:8 physical 29:1 78:15 78:16 81:8,21 physically 82:22 piece 30:8 place 52:21 111:14 176:24 plaintiff 2:3,9,15 8:21 plaintiffs 1:11 110:14,17 112:18 113:11 119:10 123:1 148:3 plan 119:22 plans 147:2 platform 12:18 40:6 40:14 41:10,19 83:5 111:23 platforms 40:16 played 148:9 please 8:13 9:8 10:17 21:14 31:5 53:13 58:2 68:23 102:21 110:25</p>
---	---	---	--

[please - promote]

<p>113:13 119:15 123:4 124:2 133:14 134:10 137:17 138:4 142:23 143:8 151:24 152:8 153:6 157:6 160:5,25 168:7 169:1 175:24 177:16 180:6 181:23 185:2 194:24 plugged 145:10,16 plus 22:21 62:1 pnl 52:12,22 54:1 55:4,8,10 point 22:1 40:9 47:14 58:22 62:17 67:16 68:1 77:25 89:24 98:23 115:23 125:11 173:17 186:16 policies 195:6 policy 161:17 195:21 popular 11:6 25:21 37:10,14 73:21 portion 31:20 61:18 62:2 154:1 portions 60:19 152:25 165:24 position 69:25 108:20,23 135:21 138:23 139:9 155:14,22 162:19 positions 123:25 positive 12:12 possibility 41:1 170:4,7 possible 156:24 170:15 179:15,18 possibly 170:18 post 111:24 112:7 158:17 posted 86:13 110:6 115:6,16 118:19,25 123:21</p>	<p>posting 86:4 97:15 101:6 109:6,13 110:2,15 111:5,15 124:2 139:9 postings 109:8,15 109:15 110:1,3 134:19 140:24 143:14 145:13 potential 64:14 74:15 pounds 132:11 173:7 pr 94:7 practical 46:22 188:15 practice 75:24 practices 44:14 45:5 45:14 precise 132:17 precisely 93:21 predecessor 38:8 preference 21:10 prepare 10:11 133:5 176:3 prepared 119:19 133:8 176:22 presence 109:20 present 3:10 presented 74:10 preserve 90:19 president 39:22 123:8 149:19,20,21 presidential 39:19 39:20,20 press 148:20 presumably 117:14 prevent 93:4 164:6 previous 15:8 22:7 26:9,14 38:18,21 57:2 114:13 127:8 133:18 143:12 174:18 193:16,25 price 29:10,15,16 55:19 57:24 58:7 90:3 101:15,18,25</p>	<p>106:20,21 114:16 173:9,9,13 189:13 prices 180:13 principal 42:2 72:13 105:20 principally 101:24 principle 94:8 principles 89:12 print 12:5 14:8 16:12 17:19 21:17 22:5,7,8,11,11,18,19 22:21,22,23 23:3,15 23:16 61:9 66:25 131:3 181:6,10,11 181:15 186:22 printing 22:18 23:11 55:23 61:7 printout 172:14,19 privilege 130:14 privy 147:10 probably 9:23 19:22 41:17 60:15,20 62:6 66:25 69:12 73:10 83:13 88:16 99:17 126:10 153:13 158:21 176:25 177:13 195:17,18 problem 36:16 77:14 110:4 procedure 197:9 procedures 97:3 121:5 161:16 proceedings 24:9 48:1 68:12 102:14 151:17 196:23 process 16:24 20:25 21:24 38:21 43:18 43:21 45:10,25 48:16 55:2 60:5,10 60:24 62:17 67:10 92:11 99:18 109:12 109:16 110:13 111:2 114:22 118:15 119:1,3 131:16 162:2,18</p>	<p>189:5 192:18,20 processed 191:9 processes 25:11 processing 46:18 61:23 produce 44:9 produced 130:6 175:23 187:13 192:2 producing 154:6 product 60:13 87:21 90:23 91:13 103:6 168:17,19,25 169:7 169:8 180:8 production 60:18 products 58:11 73:1 73:5 76:8,10 80:13 83:14 84:3 103:2 107:20 121:13 180:16 professor 87:9 professors 86:23 87:1,12,19,20 88:11 profile 143:13,24,24 144:19 145:5,12 146:16 148:20 149:2 program 54:8,13 69:22 70:7 71:11 72:2 programs 70:23 71:19 prohibit 92:23 proj 190:14 project 41:24 48:20 190:15 projected 6:15 176:16 177:5,6,14 projections 176:6 177:12 projects 176:15 prominent 13:7 promise 79:4,5 promote 54:8 72:19</p>
--	--	---	---

[promoted - read]

<p>promoted 54:12 promotes 46:11 proper 73:23 properly 71:14 161:19 162:21 property 131:6,11 proportion 31:17 32:12 58:17 59:9 proposal 5:5 53:14 54:7 proposals 54:3 proposed 38:2 53:24 propriety 147:12,18 protect 67:6,10 147:16,24 162:3,18 protection 1:7 2:9 9:5 84:25 protocols 97:3 provide 11:21,21 23:14 34:3 43:14 45:14 58:5 71:10,16 76:6,7 77:5,12 84:18 94:20,25 96:4 96:6,24 112:6 120:11 122:23 162:9 170:8 provided 26:18 27:7 49:19,23 55:4 76:25 120:17 131:21 159:15 provides 25:21,25 30:12 31:9 76:5 77:10 96:14 providing 10:23 11:25 26:20 42:24 43:5 110:14 111:4 127:24 provision 44:10 provisions 44:11 128:12 prudent 84:24 147:23 public 10:24 11:16 12:1 13:14 20:7 28:19 42:15,22 43:3</p>	<p>51:7 54:13 57:19,19 57:22 58:5 62:19 86:3,12,22 90:2 93:25 94:14 101:5 106:7 108:12,18 110:6,8,15,16 111:4 111:18,18 112:12 121:14 124:7,12 134:18 137:10 145:24 146:1,20 147:13,21 180:18 184:9 188:9 public.resource.org 1:13 3:2 199:4 public.resource.org. 8:18 publication 24:17 24:20 32:18 33:3 35:3,18 60:6,18 63:1,4 72:6,14,14 74:21 75:22 118:14 118:15 120:7 121:25 129:17 155:4 publications 9:18,20 15:14 16:23 22:1 34:19,23,24 35:6,17 35:25 41:13 48:6 55:13 58:19,20 59:4 59:11,22,23 60:11 60:21 70:21,22 99:22 106:9 107:5 107:15 111:16 129:9 136:1 142:19 152:16 publish 11:11 47:5,6 108:18 117:24 118:3 published 19:12 37:25 38:13 69:2 79:7 100:19 116:15 118:24 120:2 153:8 183:10 publisher 28:9 55:5 108:20</p>	<p>publishers 136:17 139:10 publishes 100:1 publishing 22:20 70:12,12,13 121:25 136:10 156:15 171:9 purchase 44:17 48:19 55:19 63:24 79:6,9 90:5 106:23 113:22 114:4,10 purchased 83:19 84:1 108:1 purchaser 30:23,25 78:16,23 79:25 85:16 91:12 131:5 purchasers 84:5 purchases 23:18 80:2 85:3 purchasing 59:5 131:4 pure 29:7 40:12 purely 40:7 purpose 25:24 purposes 110:7 127:19 191:15 pursuant 8:3 197:8 push 60:13 76:13 113:4 pushes 62:18 put 18:25 23:9 28:13 40:10 54:15 56:14 79:20 82:6 87:9 89:1</p>	<p>37:4,5 43:2,16 58:1 58:2,23 65:18,20 69:18 79:2 81:18 82:9,15 85:25 86:8 89:23 91:22 92:16 99:5 110:24 129:24 155:21 160:18 172:18 174:24 177:20 181:2 190:2 questions 19:2 59:25 93:20 94:18 99:22 172:13 180:25 196:13,18 197:2 198:7 quite 40:14 50:2 71:23 72:15 76:15 118:2 178:10 191:6 195:9,10 quote 166:4 quoted 189:13 quoting 45:2 98:5</p>
r			
<p>r 40:18,18,20,20 42:4 47:16,16 198:1 raise 124:9 ramification 68:1 ramspeck 137:20,21 138:10,11 141:24 142:8 143:6,19 145:9 ramspeck's 139:12 ran 135:20 range 11:3 16:1 113:5 118:6 rare 58:13 rate 73:8 rationale 161:2,4 163:20 rayford 186:18 reach 33:10 reaches 27:16 reaching 33:12 read 11:1 38:24 115:1 128:20 132:8</p>			
q			
<p>qualify 112:1 quality 121:4 quantities 55:17 quantity 175:14,15 180:11,14 ques 110:24 question 16:5 21:22 26:18 27:24 29:5 30:19 31:5 32:25</p>			

[read - reminds]

<p>135:16 148:19 168:4 182:4 185:1 195:5 199:6,7 reading 10:23 11:16 11:20 12:15 20:1,3 29:5 40:1,2,5 77:18 77:21 121:11 183:16 real 145:14 195:16 really 15:16 18:21 31:12 35:7 36:16 46:22,24 71:12 76:6 119:8 144:24 195:3 realread 12:20,24 13:4 40:6 41:7,8,21 reason 20:23 21:3 47:1 67:2 99:21 156:4 164:5 176:14 recall 13:5 24:23 25:3,5 40:23,25 41:1 51:18 55:12,17 55:21,25 56:7 63:20 63:22,25 64:13 65:16 67:22 69:7,9 70:25 79:11,19 93:3 95:22 98:9 106:10 108:15 122:22 124:25 125:24,25 135:11,15 136:8 142:16 151:8 154:17,17 159:9,10 169:18 173:12,22 185:6,9 187:16,21 195:3,8 receive 31:22,24,25 33:20 87:5 99:16 113:10 134:24 183:5 received 41:8 48:12 63:3 68:25 128:25 150:19 154:15 172:10,15,17 173:3 191:1 receives 33:18 70:20 113:6</p>	<p>receiving 63:5 67:22 135:11 154:18 recipient 154:16 recipients 55:3,13 recognition 161:6 recognize 119:23 124:24 150:18 154:1 184:21 recognized 76:3 recognizes 131:5 recollection 11:13 13:9 27:5 40:12 50:25 54:16 79:8 93:7 112:5 143:3 153:17 159:17 168:20 185:19 recommend 22:5 recommended 41:14,18 record 8:11,14 47:24 48:3 53:18 63:16 68:9,14 102:6 102:12,16 123:24 124:13,17 151:15 151:19 153:23 155:10 187:14 196:21,25 197:4 records 191:20 recovery 52:20,20 redistributors 106:15 redline 42:18,20,24 43:5,11,23 reduced 57:23 58:7 198:7 reed 158:13 ref 100:10 refer 63:21 180:20 195:6 reference 75:15 88:14 89:3 90:20 92:24 98:11,21 99:8 100:10,12 114:14 127:6 138:15,20 142:17 154:19</p>	<p>162:14,21 181:6 188:4 195:20 referenced 19:21 54:23 80:23 105:18 159:21 185:1 187:25 references 132:9 151:2 155:15 157:19 181:16 referred 23:3 56:12 63:23,23 154:8 167:16 182:20 193:16,25 referring 14:22 56:19 69:4 76:20 107:24 131:15 139:16 140:6 141:18 148:13 154:23 163:8 181:13 182:12 195:15 refers 133:1 140:9 154:2 165:17 185:5 reflect 153:23 176:5 181:3,4 187:15 reformat 158:4 refresh 159:16 refrigerant 37:21 refrigerants 96:10 96:11 refrigerating 1:9 2:3 8:22 refrigeration 8:22 37:22 75:19 77:7 regard 12:9 64:20 regarding 13:5 63:18 64:14 80:2 112:22 125:4,20 126:18,24 129:1 132:24 134:1 137:5 151:7 152:24 185:4 189:10 regardless 123:24 register 78:8 111:24 112:1</p>	<p>registered 87:11 registration 12:25 23:23 25:6,18 35:13 71:18 registrations 59:19 59:21 regroup 196:17 regular 119:18 198:10 regularly 109:14 regulates 92:19 regulation 16:20 17:12 18:5 19:21 88:4 98:21 99:7,12 100:9 194:18 regulations 8:4 98:5 98:6 179:7 rehn 2:11 9:3,3 124:16 relate 37:20 83:18 related 19:1 33:3 49:3 71:24 72:18 73:7 134:19 176:12 relates 15:15 58:11 73:10,11 relating 72:23 73:16 relations 134:18 relationship 18:1 42:6 65:2 relationships 42:12 relative 25:15 30:9 relatively 12:11 172:23 relayed 141:5,21,23 released 15:12 38:5 114:24 174:21 releases 54:16 relevance 127:21 relevant 19:15,19 66:24 remain 131:7,12 remember 65:19 147:8 reminds 69:17,18</p>
--	--	--	---

[remove - right]

<p>remove 46:17 63:14 136:20 removes 20:23 removing 110:3 repea 15:23 repeat 31:4 37:6 58:2 99:4 169:1 181:2 183:2 rephrase 82:15 replace 16:13 20:14 replacement 133:19 replenish 16:14 replicate 41:21 reply 190:7,9,9 report 6:17 123:9 180:5 reported 186:19 reporter 8:3 9:7 59:1 142:23,25 reporting 8:5 represent 29:25 35:17 172:15,20 173:2 198:8 representation 173:5 representative 10:20 represented 69:10 representing 8:17 9:1,4 reprimand 141:18 reprimanded 141:8 reprint 6:23 22:4 43:18 46:7,10 87:4 88:23,24 98:15 99:16 100:14,20,25 125:5,20 152:13 191:9 reprinted 97:25 120:22 167:7,9 reprinting 100:15 128:14,16 reproduced 23:8 120:6,13,16</p>	<p>reproduction 122:4 reproductions 123:14 reputation 67:14 request 6:5 43:19 54:3 90:5 98:13,15 112:25 113:10 124:18 125:4,20,24 126:3,19,25 128:7 129:1 152:2,10 165:12 187:18 193:10 requests 6:23 16:14 46:7,18 87:6 97:5 99:16 104:18 125:12 189:5 191:9 191:13 require 44:18 83:6 100:7 114:18 115:2 149:2 165:19 required 44:19 45:6 109:1 120:18 159:20 161:5 165:18,22 requirement 23:23 25:18 75:4 166:3 requirements 25:6 37:16 96:18 188:12 188:14 requiring 179:7 resale 106:18 resell 27:21 89:14 105:14 180:16 reseller 32:3,13 84:2 84:4,7,16,18,23 85:2,8 105:8 resellers 30:2 31:21 32:2,7,18 33:7,21 34:11 80:22 81:3 83:17 86:25 87:22 89:11,14,20 105:10 105:13,20 107:17 107:25 reselling 84:7</p>	<p>resells 32:3 reserve 124:4 reserved 197:11 resolve 144:5 146:18 resource 86:13 93:25 94:14 110:6 124:12 137:11 145:24 146:1,20 147:13,21 resource.org 69:2 resources 86:3 respect 32:22 80:10 81:1 83:1,10 86:17 89:8 125:12 138:19 142:2 181:1 respected 166:15 respective 76:4 respond 111:20 193:9 responded 143:19 responds 190:12 response 54:2 126:18,25 148:7 152:2 193:17 194:1 responsibilities 194:21 responsibility 125:11 responsible 31:15 41:9 129:22 155:3 rest 37:17 50:25 restate 193:23 restrict 83:24 129:24 167:6 restricted 51:1 87:10 88:15 89:1 restriction 92:5 166:10 restrictions 79:1 91:15,18,19 result 56:22 198:11 retail 29:10 89:19 173:9</p>	<p>retailers 105:22 retains 132:7 retired 158:19 reuse 43:17 44:13 rev 30:4 74:1 revenue 6:13,15 13:25 29:21,25 30:1 30:4,11 31:8,17,21 32:13,18 33:17,20 34:2,7,10,15,18,18 34:19,20,24,25 35:3 35:4,14,18,20,25 36:1 59:4,17 63:16 72:5,22 73:16 74:1 74:15,22 75:1,2 129:16,17,17 169:21 170:9 176:16 177:5,7,9,17 revenues 15:14 58:18 59:9 70:19,20 70:21 172:16,20 reverse 138:5 review 45:24 85:1 85:12 104:21 188:13 reviewed 106:13 135:8 reviewing 188:15 revise 116:12 revised 21:6 116:11 revises 19:25 20:12 revision 14:5,15,21 15:2,5,11 20:1,13 48:10,13 62:21 114:24 117:21,24 118:4 revisions 115:11 rfp 54:3,4 riaz 42:3 right 15:25 17:6 22:22 26:21,22 28:10,14,16 35:7 36:12 39:23,25 47:17 59:12 61:8,10 66:22 71:7 73:13</p>
---	---	---	---

[right - service]

<p>78:19 81:21 89:15 106:6,6 129:5 130:2 150:10 152:4 164:25 167:11 174:23 176:23 177:2 182:24 189:18 192:14 rights 84:19 124:4 131:6,6,11,11,25 132:1 rightslink 46:14 192:18,20 rightslink.doc. 192:7 ring 64:6 182:25 risky 148:23 role 16:23 48:20 60:13 77:10 134:17 158:22 194:5 roles 136:16 186:14 room 10:24 11:16 11:20 12:16 20:2,3 40:1 77:19,22 183:16 rough 54:10 roughly 13:25 17:10 33:17 34:16 48:5 54:24 60:3 173:22 174:10 175:1 round 37:17 routinely 16:16 royal 36:15 royalties 14:11 32:21 33:1,3,18 36:1 59:7 74:4 100:7,17 129:21 royalty 31:24,24 34:3,15,17,25 35:3 35:15 36:16 100:21 101:17,18 129:17 129:19 165:7 rpr 1:23 198:16 rubel 2:17 8:25,25 rule 97:12 197:8</p>	<p>rules 8:4 197:9 run 16:13 22:5,12 36:14 running 22:4 35:8 runs 16:12 17:19 22:8,19</p> <p style="text-align: center;">s</p> <p>s 2:17 42:14,14 sa 173:16,17 sai 105:17 salaries 60:16 sale 14:1 29:2,3,21 31:16 43:12 48:25 67:19 70:20 71:5 73:5 74:16,17 78:21 80:4 81:7,8,20 82:12,21 85:15 86:21 95:11 121:14 129:17 181:4 sales 6:14,16,17 12:3 14:8,9,11,12 15:3,23,25 18:1,8 18:19 19:6,8 27:25 31:15 33:23,25 35:15,16 46:9 56:23 57:4,15 59:20 72:7 74:5 78:14 82:17 89:12 101:23 173:5 174:8,22,25 175:2,6 175:9,10,25 176:16 177:24 178:2,5,16 178:23 180:5,10,13 180:20 181:3 sam 192:13 samples 191:18,19 san 2:13 3:5 8:17 save 199:8 savings 26:3,8,13,15 saw 120:19 143:12 148:16 151:7 saying 28:8 39:13 44:25 56:18 61:25 100:3 143:20 190:12</p>	<p>says 53:16,17 84:23 96:15,20 109:23 113:21 115:5 117:3 127:3 131:3,24 134:24 184:25 scarborough 159:6 scenario 100:2 school 69:22 70:7 180:17 sciences 75:18,20 scope 25:23 56:18 93:9 111:8 118:11 147:5 scott 134:13,14 135:16 150:19 151:4 182:1 search 40:23 77:25 78:5 second 32:9 37:14 37:15 40:2 55:7,14 55:18 56:2,3,6,13 56:15,18,19 98:23 117:4,6 127:2 131:23 140:8 153:11 154:1,10 157:15 178:24 192:5 secondhand 64:19 secondly 104:2 section 116:10,12 118:20,22 120:23 120:24 121:3,8 165:7 167:13,16 sections 128:3,15 166:20 167:10 see 13:19 15:11 16:16 32:4 46:15 57:3 59:14 95:6 109:11,17,24 113:24 114:8 117:6 120:19 124:23,25 127:7,11 131:8 132:9 138:16 140:16 150:24 170:12,14,23,24</p>	<p>171:4,19 178:15 181:7,10,15 185:20 190:7,8 seek 63:14 192:21 seeking 104:14 152:13 seen 94:7,15 164:23 sees 94:9 select 11:4 selected 10:25 selecting 41:2 self 75:5 sell 13:21 15:8 19:11 19:15,16 27:21 29:25 33:22 36:1 80:20 85:19 89:18 89:21 107:18,22 118:22 161:8,10 180:9 sellers 105:16 selling 30:7 33:7 74:24 sells 30:23,24,24,25 85:14 92:18 seminar 186:24,25 sen 117:6 sending 88:25 senior 149:24 sense 28:24 78:25 sent 55:3 139:1,13 sentence 114:21,25 117:4,6 131:2 140:8 140:9 166:2 sep 116:19 separate 34:18 103:16 107:20 116:19 167:23 192:4 separately 114:4 sequential 153:12 series 172:9 193:3 193:15,24 seriously 71:12 service 78:12 107:2 112:9,11</p>
--	---	--	--

[services - standard]

<p>services 32:9 139:20 139:23 session 68:20 sessions 74:9 set 88:20 91:1,24 96:9 101:18 196:17 sets 75:23 seven 22:12 68:6 158:21 sharing 109:17,20 sheet 137:11 199:1,9 shifting 41:9 short 47:21 69:24 196:11,16 show 176:8 showing 42:17 44:10 45:15 158:11 shown 154:7 si 132:9,12,14 173:18,19 174:12 174:25 175:7,8,12 sic 32:17,22 side 60:9,18,21 138:5 175:16 sided 53:19 signature 197:10 198:15 signed 199:11 significant 26:3 105:13,16 144:5 silent 93:8 similar 37:5 80:17 83:3 86:8 96:8 135:12 171:7 simmons 184:19,20 simple 52:4 simply 120:13 simultaneous 83:20 83:20 single 74:22,23 89:18 singular 116:10 sir 125:17 sit 143:1</p>	<p>site 85:13 sites 24:5 83:21 109:18,21 sitting 53:8 six 71:17 105:19 158:19 slant 70:13 slapped 140:14,19 141:2 sleep 37:7 47:20 slightly 86:8 177:14 slope 175:2 slovenia 132:23 slovenian 133:2,8 smacna 137:11 140:10 144:9,19 145:9,24 148:9,12 148:23 small 32:4 40:19 106:14 157:3 smaller 22:8,19 131:3 173:24,25 174:13 175:9 soci 8:21 society 1:4,8 2:3,15 8:21 9:2 133:8 161:20 199:3 software 12:18 168:17,19,25 169:7 169:8 sold 26:17 27:13 solely 87:10 soles 140:7,10,20 141:1,4,24 142:5,8 142:9 148:14,15 soltis 42:12,13 solution 41:14 196:3 solutions 75:25 76:7 76:16,20 77:11 solves 77:14 somebody 12:4 18:22 22:3 40:24 44:24 47:7 52:22 63:21,22 64:2 79:4 90:4,12 105:6</p>	<p>109:22 114:3,9 117:17 195:24 196:6,6 somebody's 30:7 someplace 38:25 somewhat 22:13 soon 20:16 sooner 124:6 sorry 28:3 40:2 53:17 77:22 106:2 119:5 121:7,9 126:20,21 129:4 137:9 149:20 157:16 160:19 164:24 173:21 177:2,7 179:22,25 181:11 187:13 196:14 sort 28:18 87:9 89:5 130:24 135:12 171:1 soun 14:19 sounded 92:4 sounds 14:17,19 47:1 source 47:8 74:23 106:7 109:4 128:18 162:9 187:4 sourced 97:24 sources 28:1 48:7 59:4 104:23 106:1,4 106:4 128:13 sp 135:1 spacing 179:23 spalding 2:4 8:20 speak 60:9 63:10 94:7 136:12 144:15 145:18,22 166:12 188:5 speaking 35:5 36:8 59:3 60:20 79:23,24 special 86:16 129:9 187:6 specific 19:5 26:18 30:3,6 32:3 63:25</p>	<p>67:7 68:2 83:7 94:6 96:18 98:10 152:15 172:3 195:14 specifically 35:7 49:4 50:10 58:11 66:1 71:22 73:4 98:13 103:4 specifications 19:24 164:7 specified 54:5 96:19 97:25 128:15 specify 45:18 46:1 spectrum 83:22 speculation 142:22 144:13,18 179:12 speeches 39:19 spell 40:17 42:13 169:10 spencer 3:11 spiel 186:10 spielvogel 186:11 spoke 53:15 77:17 staff 47:12 60:16 62:1 99:20 119:4 staffing 62:20 stamped 161:1 stan 19:14 96:4 stand 132:11 standard 13:11,14 15:12 17:23 18:2,2 18:18,19,24 19:1,11 19:12,14,18,25 20:1 20:12,13,15,16,17 20:20,24 21:6,12 22:12,14 25:21 26:10,11 28:22 29:10,15,23 30:12 30:17 31:9 35:12,14 37:10,14,15,19,20 38:2,4,14,15 39:8 42:16,23 43:4,11 44:11,12 45:19 46:9 46:12 48:10,16 49:8 49:20 50:5 52:24 54:21 56:24 57:2</p>
---	---	--	--

[standard - success]

58:10,14 60:14 63:12 67:19 70:23 71:13 72:3,4 73:19 74:25 75:23 85:4 87:16 88:12,14,24 89:3 92:24,25 95:16 96:13,14,19 97:11 99:11,12,17 100:18 100:23 101:2,4,6,12 101:19 103:24 108:24,25 109:23 114:19,24 115:4,9 115:12,19,20,24,25 116:5,11,12,16,20 117:9,18,24 118:2,4 118:23 120:7 121:24 122:7,10,12 122:15 128:7 129:2 129:12,12 130:5 131:5,22 132:24 133:21 152:4,25 153:1 155:15 156:13,15,18,19 157:1,18,22 159:12 159:21,23 160:14 161:5,9,11,20 164:9 164:11 165:8 166:14 167:14 170:19 171:4,15,24 174:21 176:18,22 177:19,22 178:19 186:22,25 189:16 190:13,16,20,20 standards 10:24,25 11:4,7,9,10,15,18,20 11:22 12:1,3,4,5,6,7 12:15 13:6,8,22 14:2,10,23,24 15:15 15:24,25 16:19 17:1 17:2,8,11,18 19:15 19:16 20:8 21:16 22:8,9 27:19,20,21 28:19 31:18 32:22 33:8 35:7,8,11 37:20 38:11 44:17	47:6 48:11,14,19,22 48:25 49:4 57:23 58:6,9 59:10,15,18 59:25 60:5,17 61:18 61:20 62:3,18,21 63:4 66:11 71:5,6 71:13,22 72:10,16 72:18,25 73:2,4,12 73:15,20,21,21 74:3 74:17,19,23,24 75:22 76:5 78:16,22 78:23 79:6 80:11,14 81:2 82:21 84:8,10 85:15 86:4,12,17,22 88:2,3,13 89:9,15 90:1,16,19,23 91:1 91:4,24,25 92:1 94:21 95:25 96:1,5 96:9,25 97:7 98:4,5 98:20 99:6,20,24,25 100:9,15 104:23,25 105:1,7,15 106:2,8 106:11,18,20,23 107:4,6,13,14,18,24 108:12,19 109:5,7 109:20 110:1,6,7,13 110:16 111:3,6,13 111:16 112:12,14 114:18 115:2,10 118:20 119:4 121:13 123:15,20 123:20 129:6,13,23 130:6,7,13,15,16,25 131:10 136:11,20 138:2 140:1,23 149:5 152:14,15,18 173:6,10 175:25 176:9,11,13,20 177:18 178:8 179:10 180:21 181:3,5 182:6 183:15,20,22,24,25 183:25 184:3,5,6,6 184:9 187:2,3,7 188:8,13,16,24	189:1 194:6,22 196:2,9 standpoint 43:22 start 10:23 43:1 81:22 101:18 119:18 started 21:1 37:24 62:14 151:10 181:25 starting 192:17 starts 178:24 state 55:16 90:15 99:24,25 101:2,6,15 126:6 127:3 128:11 128:17 159:11 165:25 187:18,24 188:2,3,18 198:3 stated 86:14 114:8 198:7 statement 28:12,19 39:13 75:13 84:12 95:12 135:3 143:9 166:9,14 177:20 189:24 statements 35:9 states 1:1 17:21,21 18:13 159:10 stations 83:25 statistics 13:5 step 83:8 steps 43:6 171:23 steve 18:23 21:22 125:19 193:17,21 194:1,5,19 steven 1:17 4:2 8:1 8:10 9:9 199:13 stock 21:17,21,23 stop 98:22 109:15 150:3,9,9 stopped 51:17 store 79:17,18 stores 89:19 straightforward 122:20	strategically 144:9 stream 23:10 30:11 31:8 34:3 170:9 streams 75:2 street 1:20 2:5,12 3:4 stretching 25:4 strike 11:9 13:24 16:17 20:2 25:15 29:18 37:8 43:2 57:20 65:6 66:10 70:17 72:21 74:16 81:5 87:25 89:13 95:25 101:13 123:13 124:14 129:15 134:20 140:7 146:13 156:23 163:4 170:12 177:7 183:13,20 193:2 stringent 121:4 strong 69:22 70:7 student 106:21,22 students 87:10 106:19 168:24 169:6,14,17,20 studied 123:14 subject 155:5 166:18 168:14 submit 196:3 submitted 195:11 195:23 196:7 subscription 29:4 59:20 151:2 180:18 subsequent 49:11 subsidize 74:18 substantial 31:16,20 34:2 45:2 substantially 174:17 174:20 subvention 63:1 succeeded 109:25 158:22 success 110:3
--	---	---	---

[successful - think]

<p>successful 76:2 suffer 162:12 suffered 63:8,19 67:4,13 suggest 107:21 157:24 190:18,21 suggested 67:18 suggesting 109:19 110:5 170:3 171:1,5 171:13 suggestion 170:7 suggests 141:8 suitable 43:24 suite 1:21 2:6 suits 100:1 summarize 51:6 summary 75:15 supervises 42:6 supervision 60:4 supplied 12:20 supplier 23:13 131:7,12,21,24 suppliers 41:12 69:13 support 48:9 60:12 63:4 74:7 75:1,5,10 148:1 supported 95:2 sure 15:18 17:19 24:14 40:14 41:4,16 48:20 58:3,24 59:12 83:16 87:3 89:24 99:2,2,3 102:10 103:10 107:23 111:1 113:8 120:24 121:1 146:21 153:18 158:8 161:23 162:16 169:2 173:14 178:10 179:13 180:8 182:19 194:20 surprise 178:21 suspect 192:5</p>	<p>swear 9:8 25:10 switched 12:22 40:11,16 sworn 9:9 system 12:20 46:14 46:19,22 51:23 77:6 77:7 132:12 systematically 104:21 systems 37:22</p> <p style="text-align: center;">t</p> <p>t 42:14 198:1,1 table 189:14 tables 125:20 126:9 157:14,17 158:1,5 165:7 166:21 167:13,16 189:15 189:19,20 190:10 190:12 tailor 88:19 take 10:17 20:19 27:18 38:7 47:18 59:2 68:4 71:12 76:14 83:8 92:10 96:18 101:20,22 102:4,8 106:24 108:20 123:25 146:17 189:19 191:7 196:11,16 taken 9:24 10:1 62:9 157:17,22 158:24 171:23 198:7 199:7 takes 62:18 talked 41:11 80:6 talking 28:23 70:18 91:17,18 tamperproof 163:21 163:22 targeted 54:8 55:15 tech 106:16 technical 5:5 41:5 43:21 75:25 91:18 95:18 160:24 164:13 196:3</p>	<p>technological 92:4 93:11 technologies 76:24 technology 21:5,7 21:12 22:18,20,24 70:13 75:8,14,22 76:8 77:4,5,13 93:18 95:1,13 137:21 138:1 techstreet 32:10 85:11 telephone 2:11,17 2:18 3:10 8:19 25:1 142:15 tell 68:5,23 102:21 148:18,22 149:4 157:22 158:18 telling 124:12 142:8 temperature 77:2 term 20:3,6 58:19 76:17 121:15,18 terminology 40:3 76:12 terms 5:7 15:23 51:11 54:24,25 55:18 62:6 73:15 78:11 79:9,11,13 80:3,6 81:6,7,15,20 82:12,16,20,25 83:9 83:10,17 84:4,9,12 85:1,7,9,12 86:17 86:21 87:20,23 88:1 89:7,25 90:1,20 94:5 96:11,11 98:15 102:23,25 103:1,5 103:14 112:9,11 169:10 175:2 test 96:5 145:14 testified 9:10 testify 10:7 testifying 10:20 testimony 69:5 77:18 104:8 185:1,5 testing 1:4 2:16 9:2 96:6 199:3</p>	<p>text 40:23 41:2 121:24 122:6,7,23 131:3 190:15,17 thane 2:11 9:3 thane.rehn 2:14 thank 77:15 78:6 80:1 116:21 119:16 125:17 132:18 142:25 160:2 177:15 179:21 191:22 197:2 theory 95:4 thereto 198:7 thermal 37:19 thing 56:11 88:7 97:15,16,17 109:10 113:17 things 53:9 60:18 61:23 76:22 92:20 95:3 think 9:6 13:2,8 18:11 19:22 21:13 24:21 25:2,8,12 31:19 37:4,8,9,23 39:3,5 40:16,19,22 41:16 46:11,23 50:6 50:7 51:2 53:15,20 56:4 57:9 58:24 62:13,14 63:21 64:8 65:16 66:19,24 68:3 70:19 80:3 81:16,19 81:21,24 82:11 87:18,19 88:5,7 98:8,17 103:20 105:19 106:12 114:25 118:1 119:12 120:17 124:5 127:23,24 128:14 131:19 132:5 135:25 144:23 147:15 151:9 155:18 156:24 157:12 159:20 164:17,23 166:7 169:18</p>
---	---	---	---

[think - understand]

<p>173:11 174:8 175:5 179:17 181:1 182:23 188:18 190:1,4 192:3 194:19 195:16 196:12,13 thinking 171:8 third 32:10 49:21 55:7,14,18 56:15,19 80:22 83:15,17 84:2 85:10 95:14 96:13 157:15 192:17 thirds 181:8 thomas 185:22 186:7 thought 38:24 107:9 138:13 142:7 147:23 196:2 thread 126:17,23 127:1,2 138:5 164:25 185:5,8,8 three 24:21 49:2,6 56:25 58:14 71:17 81:4 95:20 97:1 102:7 114:23 165:7 167:13,16 173:6,10 176:20 178:6 throw 82:4 thrust 97:2 tie 19:8 72:9 tied 171:4 176:17 ties 86:1 time 8:11 11:3,17 13:11 21:8 24:17,17 38:6 39:24 40:9 45:3 46:18 51:11,15 52:18,21 53:10,10 60:19 62:9 69:25 75:10 85:20 115:21 115:23 122:12 129:11 132:10,10 137:22 146:17 151:13 158:16 186:13 191:7 195:11,23 196:5</p>	<p>times 18:22 21:16 58:8 154:14 timing 68:7 title 9:17,19 108:7 131:5,10 titles 106:11 108:8 today 10:19 70:18 77:18 93:23 104:22 105:11 135:8 today's 8:10 told 140:20 142:6 148:10,25 tolles 2:11 9:4 tom 140:6,10,14,19 140:20 141:2,4,4 142:5,8,9,17 148:14 148:15 tool 43:25 95:19 164:18 tools 96:2 171:10 top 32:11 37:17,19 125:19 148:8 154:20 156:20 157:15,19 158:1 169:25 170:9 182:5 184:21 192:4 193:8 topic 69:8 topics 10:20 71:24 72:18 111:9 118:12 147:6 159:8 total 14:14,18 15:23 15:25 30:4 31:7 34:7,10,15,17,22 35:17,20,25,25 36:24,25 37:1 51:16 55:24 56:5,9 72:1 totals 19:6 touch 71:5 touched 85:24 103:21 toxicity 96:12 trace 44:8 track 12:24 13:1 17:21 45:1 51:24</p>	<p>tracking 63:10,16 63:17 trade 72:13 136:1 148:19 training 18:25 70:23 71:16 72:1,2 transaction 78:17 78:24 transactions 33:2 80:9,25 transcript 198:6,9 199:6 translation 133:2,5 133:6 transmitted 23:7 transportable 92:14 trend 19:8 176:15 177:4 trends 174:6,6,10,15 trial 10:7 tries 107:22 trigger 19:5 21:25 22:1 triple 122:23 true 26:2 89:13 198:8 199:8 try 47:6,21 67:6 126:5 144:5 161:18 162:2 trying 28:24 39:1 46:16 51:3 71:12 94:24,24 113:2 118:17 139:3 141:6 144:18 tryon 2:5 turn 138:4 turning 157:14 twice 121:21 two 24:25 40:16 45:3,15 49:11 53:19 54:18 56:6,7 83:1 104:6 119:12,14 128:2,18 130:25 150:5,8 158:1 165:12 167:23</p>	<p>178:6,6,17,22 179:2 181:8 192:3 tying 93:20 type 6:16,17 14:11 23:14 45:20 80:4 83:18 88:21 96:13 100:2 113:10 118:8 135:2 180:5 typed 121:22 types 33:1,1 57:14 71:9 73:4 77:5 80:9 80:25 86:18 92:20 113:5 119:6 typeset 120:9 typesetting 156:19 typewriting 198:8 typical 113:5,9 typically 16:12 27:22 29:17 33:9,16 46:10 71:16 84:11 85:6 87:11,14 97:8 97:10 104:12 109:17 110:3 115:25 116:7,9 117:23 136:14 178:8 183:7</p>
u			
<p>u.s. 48:23 52:14 uh 25:22 139:22 140:12 ultimate 30:23,25 unauthorized 110:1 unaware 123:18 unbridled 161:14,24 underlying 134:21 understand 10:19 17:1 28:6,21 30:6 34:22 42:20 50:2 58:19,25 59:3 62:25 67:12 77:25 91:20 94:20 98:25 113:17 113:21 117:8 118:18 133:1 141:6 143:21 145:11</p>			

[understand - wanted]

146:13 154:19 166:2 172:14,19 186:21 understanding 10:22 16:22 24:2 29:20 33:6,12 34:12 38:20 52:16 78:3,10 92:23 93:9,17 99:9 103:7 104:8 108:5 120:16,21 121:19 127:20 133:4,7 141:12,16 156:7 188:1 191:5,11,21 192:8 195:22 199:9 understood 76:15 underway 38:12 underwriters 136:25 unfair 102:2 113:3 unfortunate 143:20 143:22,25 144:2,8 144:21 145:23 unique 113:8 uniquely 164:15 unit 51:16 55:25 56:9 61:11 united 1:1 159:10 units 115:18 universities 86:22 university 70:9 87:21,21 unlawful 156:8 unrestricted 101:5 update 133:17 updated 38:14 114:18 115:2,10,24 116:5 updates 14:24 usable 91:12 use 5:7 18:7 20:3,6,6 23:12,12 34:22 35:11 37:21 40:3 41:11,12 43:19 44:16,21 45:11,20 45:21 46:2,3,6,10	46:14 47:3 65:18 76:12 79:14,18 80:18 81:14 83:4,22 84:10 85:19,23 87:6 87:17 90:17 91:9 92:13,15 97:14,15 98:14 102:23,25 103:1,5,8,23 108:19 112:25 113:15,18 128:6,7,9,11 129:12 129:25 132:1 152:3 155:19,22 156:4 159:14 161:6 163:21 165:7,12 166:14 167:6 169:20 170:17 171:11,13 181:12 187:2 192:6,22 195:1 user 5:10,17 75:24 85:17,19 91:16 92:14,19,20,23 93:4 93:6,10 117:13 131:4 user's 73:19,24 users 73:17,22 82:17 83:21 86:18 91:13 uses 41:23 83:15 84:3 91:7 usually 21:22 22:5 88:22 149:16 utc 64:4 69:1	variations 83:16 varied 71:11 various 6:23 13:6 14:5 41:11 42:25 43:6 44:11 61:15 136:1 176:1,1 180:6 191:8,12 vary 14:4 118:2 vendor 12:20 23:12 41:12,23 42:12 62:11 122:22 vendors 41:12 ventilation 37:16 73:8 75:19 ventures 125:4 verifies 28:12 verify 112:6 vermont 152:3 version 13:10 18:23 19:12,18 20:14,15 20:19 21:11 26:14 29:10 38:2 42:25,25 43:6,6,11,12 49:7 50:5 53:16,22 57:1 57:2,5 100:1 115:24 116:15,23,24 117:18 133:21 173:7,7,16,17 174:12 175:7,12 176:21 178:1,7,20 versions 11:20,22,23 13:21 15:15,18,22 16:3 19:14 22:8,9 35:21 36:6 43:23 44:4,9,14 54:21 56:7,8 57:7,15 90:19 99:23 115:12 132:10 173:6,10 174:9 vice 123:8 video 8:11 47:23 48:3 68:13 102:11 102:16 151:14,19 196:20,25	videographer 3:11 8:8,24 9:7 47:23 48:2 68:9,13 102:7 102:11,15 151:14 151:18 196:20,24 197:3 videotaped 1:16 8:9 8:9 view 12:4 19:8 20:7 37:18 40:7,8 52:4 78:5 105:1 121:23 156:9 166:9,22 174:3,7 178:5 viewer 40:4 viewing 12:19 20:9 20:10,11,14,16,20 20:24 21:1 23:23 24:4,7 25:7 40:12 41:4 52:6 77:23 78:1,7,12,14 94:21 95:21 96:24 103:8 103:12 105:2 109:4 112:13,14 183:17 183:22 184:3,9 views 12:24 13:1,10 violated 156:10 violation 135:5 140:24 156:8 visibility 143:16 voiced 39:6 volunteer 149:22 vs 1:12 199:4
	v		w
	vague 38:9 76:16 144:13 157:2 182:22,24 189:25 vaguely 187:17 value 27:15 29:2 30:2 33:21 34:11,23 80:22 vancouver 160:7,7,8 161:3 163:2 variation 14:14 38:6		w 40:18,20 want 21:15,16 40:1 44:20 58:24 85:25 91:11,12 97:10 104:21 105:1 107:21 124:4 138:13 150:3 153:22 172:11 184:25 wanted 42:15,22 43:3 44:8,24 77:21

[wanted - z]

99:2,13 128:3 136:20 163:21 188:13 189:18 195:1 wanting 45:1 187:2 wants 105:6 168:16 warehousing 60:24 washington 2:19 42:1 158:15 159:2,4 watch 148:11,18,22 149:9 182:7 way 13:19 57:11,13 57:16 65:6,8,13,23 66:3 67:4 70:22 85:25 89:24 90:21 91:8 92:15 98:2,19 99:6 102:1 107:20 123:13 131:1 132:9 142:17 162:8 164:10 170:19 171:15 181:8,9 192:2 ways 36:11 103:22 104:4 157:25 we've 40:13 47:18 49:2 68:3 74:4,4,5 80:6 89:4,4 112:14 123:11 150:2 164:23 web 71:18 101:5,7 104:25 105:1 website 5:8 46:15 49:9 50:8,11,14,17 52:5 54:15 69:3 88:15 102:24 103:4 103:5,9,11 106:24 107:1 109:4 111:14 115:6,16 118:20,21 118:22,25 123:15 136:21 went 12:21,21 69:23 95:20 145:9 174:19 west 3:3 8:16 whatsoever 162:14	whoever's 104:13 wide 83:22 widely 44:20 willis 69:15 wisdom 147:12,18 wise 81:18 wish 21:4 22:4 43:17 46:2 166:14 wished 45:19 52:17 95:7 101:3 186:24 wishes 108:17 wishing 166:8 192:21 withdraw 58:22 witness 4:2 9:8 16:6 17:14 18:21 19:10 21:20 24:1,19 26:7 29:7 30:14 31:12 32:20 35:24 36:23 37:11 38:10,17 39:5 43:10 44:2 45:9,18 50:13 58:1 60:9 62:24 65:11,16 66:1 66:6,16 67:22 71:2 75:7 76:22 80:13 81:11 85:6 89:17 91:11 92:8 93:2,16 98:8,23 99:15 101:9 101:17 102:10 105:23,25 107:17 108:15 110:10,19 111:9,12,22 112:5 114:1 116:18 118:19 121:7 122:2 122:9,14,25 126:5 127:23 128:6 130:9 138:22 140:12 141:14,20 142:5 144:15,23 145:5,20 146:5 147:5,15,23 148:6,25 149:14 150:11 153:17 154:25 155:18,25 156:7,12 157:3,8,12 157:21 158:4,8	159:20 160:18,23 161:16 162:2,16 163:18,24 164:17 166:12 167:5 168:4 170:3 171:21 175:5 179:13,17 180:2 182:11 188:18,23 190:1,7 191:8 193:21 197:10 woman 25:3 wondering 139:5 191:4 word 34:23 58:25 132:14,16 163:12 165:23 167:1 wording 65:19 79:19 80:17 81:11 83:7 words 73:18 132:3 139:4 141:14,17,21 work 18:12,12 38:7 41:13 42:9 47:9 60:25 62:3 126:5 181:13 worked 9:15 46:16 69:20,23 working 37:6 39:18 47:20 70:2 95:19 96:2 works 42:11 90:12 186:5 194:7 world 50:22,23 69:14 worried 68:6 worthwhile 95:9 wrap 196:12 write 42:15,22 43:3 44:25 writer 157:25 writes 90:4 writing 88:12,13 89:2 194:9 written 135:11 185:9	wrong 21:14 wrote 146:14 170:24 x xpera 182:21 183:3 y yeah 10:1 27:1,3,5 31:12 33:6 34:13 36:7 51:4 53:17 57:16 64:5,5 81:24 82:6 130:12 135:15 142:20 160:23 163:16 166:7 173:20 174:1 175:15 178:10 179:3 185:19 190:8 195:9 year 13:25 14:15 15:5 22:12 39:20 43:13,13 95:22 116:1,2,3 129:21 130:11,12 172:17 174:18 177:13,18 178:9,9,11,12,14,16 178:21,24,25 179:1 yearly 32:17 58:17 59:9 years 9:16 10:1 11:2 14:24 21:2 24:22 25:9 37:23 40:16 42:17,24 43:5 49:2 58:15 87:14 95:23 114:23 122:3 156:16 158:21 172:21 175:6,7 176:20 178:6,6,17 178:22 179:2 183:17 195:10 yep 131:1 york 187:18,24 188:2,3,11,18 z z 42:4 165:17
---	---	---	--

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days

after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2014. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

Case 1:13-cv-01215-TSC Document 204-51 Filed 11/13/19 Page 1 of 120

EXHIBIT 45

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR TESTING AND) Case No.
MATERIALS d/b/a ASTM INTERNATIONAL;) 1:13-cv-01215-EGS
)
NATIONAL FIRE PROTECTION)
ASSOCIATION, INC.; and)
)
AMERICAN SOCIETY OF HEATING,)
REFRIGERATING, AND)
AIR-CONDITIONING ENGINEERS, INC.,)
)
Plaintiffs,)
vs.)
)
PUBLIC.RESOURCE.ORG, INC.,)
)
Defendant.)
-----)
AND RELATED COUNTERCLAIMS.)
-----)

RULE 30(B)(6) VIDEOTAPED DEPOSITION OF AMERICAN
STANDARDS SOCIETY FOR TESTING AND MATERIALS, BY AND
THROUGH ITS DESIGNEE,
JEFFREY GROVE
WASHINGTON, D.C.
WEDNESDAY, MARCH 4, 2015

Reported by:
NANCY J. MARTIN, CSR No. 9504, RMR
Job No. 2010158
PAGES 1 - 284

1 UNITED STATES DISTRICT COURT
 2 FOR THE DISTRICT OF COLUMBIA
 3 -----
 4 AMERICAN SOCIETY FOR TESTING AND) Case No
 5 MATERIALS d/b/a ASTM INTERNATIONAL;) 1:13-cv-01215-EGS
 6)
 7 NATIONAL FIRE PROTECTION)
 8 ASSOCIATION, INC ; and)
 9)
 10 AMERICAN SOCIETY OF HEATING,)
 11 REFRIGERATING, AND)
 12 AIR-CONDITIONING ENGINEERS, INC ,)
 13)
 14 Plaintiffs,)
 15 vs)
 16)
 17 PUBLIC RESOURCE ORG, INC ,)
 18)
 19 Defendant)
 20 -----)
 21 12 AND RELATED COUNTERCLAIMS)
 22 -----)
 23)
 24)
 25)

15 Rule 30(B)(6) videotaped deposition of American
 16 Standards Society for Testing and Materials, by and
 17 through its designee, JEFFREY GROVE taken at Veritext
 18 Legal Solutions, 1250 Eye Street NW, Suite 1201,
 19 Washington, D C commencing at 9:20 A M , Wednesday,
 20 March 4, 2015, before Nancy J Martin, CSR 9504
 21 RMR
 22
 23
 24
 25

Page 2

1 APPEARANCES OF COUNSEL:
 2
 3 FOR THE PLAINTIFFS:
 4 MORGAN LEWIS & BOCKIUS LLP
 5 BY: J. KEVIN FEE, ESQ.
 6 1111 Pennsylvania Avenue NW
 7 Washington, D.C. 20004
 8 (202) 739-5353
 9 JKFEE@MORGANLEWIS.COM
 10
 11 FOR THE DEFENDANT:
 12 FENWICK & WEST LLP
 13 BY: ANDREW P. BRIDGES, ESQ.
 14 MATTHEW BECKER, ESQ.
 15 555 California Street
 16 12th Floor
 17 San Francisco, California 94104
 18 (415) 875-2389
 19 abridges@fenwick.com
 20 mbecker@fenwick.com
 21
 22
 23
 24
 25

Page 3

1 APPEARANCES OF COUNSEL: (CONTINUED)
 2
 3 MUNGER, TOLLES & OLSON LLP (VIA TELECON)
 4 BY: THANE REHN, ESQ.
 5 560 Mission Street
 6 27th Floor
 7 San Francisco, California 94105
 8 (415) 512-4073
 9 thane.rehn@mto.com
 10
 11
 12 ALSO PRESENT:
 13 THOMAS B. O'BRIEN, JR., Vice President and
 14 General Counsel, ASTM International
 15
 16 CARL MALAMUD, PUBLIC.RESOURCE.ORG (via telecon)
 17
 18 CHRIS SOMO, Legal Videographer
 19
 20
 21
 22
 23
 24
 25

Page 4

1 I N D E X
 2 TESTIMONY OF: JEFFREY GROVE
 3 BY MR. BRIDGES.....14
 4
 5 - - -
 6 E X H I B I T S
 7 - - -
 8 NUMBER DESCRIPTION MARKED
 9 Exhibit 1022 Amended Notice of Deposition, 53
 10 8 pages
 11 Exhibit 1023 Return of Organization Exempt 56
 12 from Income Tax, 2012,
 13 43 pages
 14 Exhibit 1024 Email string, ASTM015659 - 57
 15 -15660, 2 pages
 16 Exhibit 1025 Comments of ASTM International, 57
 17 ASTM015661 - -15667, 7 pages
 18 Exhibit 1026 Email string, ASTM030644 - 58
 19 -30647, 4 pages
 20 Exhibit 1027 Email string, ASTM015779 - 61
 21 -15780, 2 pages
 22 Exhibit 1028 Email string, ASTM015828 - 63
 23 -15830, 3 pages
 24
 25

Page 5

1	---		
2	E X H I B I T S		
3	---		
4	NUMBER	DESCRIPTION	MARKED
5	Exhibit 1029	Email string, ASTM015912 -	64
6		-15913, 2 pages	
7	Exhibit 1030	Letter dated April 27,	65
8		2012, ASTM016538 - -16546,	
9		9 pages	
10	Exhibit 1031	Email string, ASTM024218 -	67
11		-024219, 2 pages	
12	Exhibit 1032	ASTM Standards Regulations	82
13		& Trade, Power Point,	
14		22 pages	
15	Exhibit 1033	Memo from Jeff to Jim,	83
16		2012 Accomplishments and	
17		2013 Objectives,	
18		ASTM019297 - -19299,	
19		3 pages	
20	Exhibit 1034	Email string, ASTM100366 -	84
21		-100368, 3 pages	
22	Exhibit 1035	Email string, ASTM101288 -	84
23		-101289, 2 pages	
24			
25			
			Page 6

1	---		
2	E X H I B I T S		
3	---		
4	NUMBER	DESCRIPTION	MARKED
5	Exhibit 1044	Email string, ASTM02893 -	134
6		-102897, 5 pages	
7	Exhibit 1045	Email string, ASTM022627,	137
8		1 page	
9	Exhibit 1046	Email string, ASTM022630 -	142
10		-022631, 2 pages	
11	Exhibit 1047	Email string, ATM030712,	193
12		1 page	
13	Exhibit 1048	Email dated February 7,	195
14		2013, ASTM023336, 1 page	
15	Exhibit 1049	Email string, ASTM0255574 -	199
16		-025575, 2 pages	
17	Exhibit 1050	Email dated May 13, 2013,	199
18		ASTM027093, 1 page	
19	Exhibit 1051	Email dated August 2, 2013,	203
20		ASTM029833 - -029834,	
21		2 pages	
22	Exhibit 1052	Email string, ASTM027187 -	203
23		-027188, 2 pages	
24			
25			
			Page 8

1	---		
2	E X H I B I T S		
3	---		
4	NUMBER	DESCRIPTION	MARKED
5	Exhibit 1036	Memo from Jeff to ASTM Senior	84
6		Staff, ASTM101778 - -101779,	
7		2 pages	
8	Exhibit 1037	Email string, ASTM101800,	86
9		1 page	
10	Exhibit 1038	ASTM Organizational Chart as	99
11		of July 1, 2014, ASTM003479 -	
12		-003489, 11 pages	
13	Exhibit 1039	Email string, ASTM102072 -	103
14		-102076, 5 pages	
15	Exhibit 1040	Email string, ASTM102089,	104
16		1 page	
17	Exhibit 1041	Email string, ASTM102094,	128
18		1 page	
19	Exhibit 1042	Email dated October 17, 2013,	128
20		ASTM102361, 1 page	
21	Exhibit 1043	Structural Forum, Building Codes	132
22		and the Public Domain,	
23		ASTM102388, 1 page	
24			
25			
			Page 7

1	---		
2	E X H I B I T S		
3	---		
4	NUMBER	DESCRIPTION	MARKED
5	Exhibit 1053	Email string, ASTM098310 -	205
6		-98311, 2 pages	
7	Exhibit 1054	Email dated April 24, 2014,	206
8		ASTM103024, 1 page	
9	Exhibit 1055	Email string, ASTM101183 -	208
10		-101186, 4 pages	
11	Exhibit 1056	Email string, ASTM102031 -	210
12		-102032, 2 pages	
13	Exhibit 1057	Email string, ASTM102042 -	220
14		-102044, 3 pages	
15	Exhibit 1058	Email string, ASTM102053 -	228
16		-102055, 3 pages	
17	Exhibit 1059	Email string, ASTM018709 -	229
18		-18710, 2 pages	
19	Exhibit 1060	ASTM License Agreement	229
20		(Reading Room), ASTM001814 -	
21		-001815, 2 pages	
22			
23			
24			
25			
			Page 9

<p>1 --- 2 EXHIBITS 3 --- 4 NUMBER DESCRIPTION MARKED 5 Exhibit 1061 ASTM License Agreement, 230 6 ASTM001788 - -001791, 7 2 pages 8 Exhibit 1062 Email string, ASTM097943 - 232 9 -097945, 3 pages 10 Exhibit 1063 Email string, ASTM097980, 233 11 1 page 12 Exhibit 1064 Email dated July 21, 2011, 238 13 ASTM099269, 1 page 14 Exhibit 1065 Email string, ASTM099366 - 240 15 -099370, 5 pages 16 Exhibit 1066 Email string, ASTM099834, 242 17 1 page 18 Exhibit 1067 Email string, ASTM015162, 243 19 1 page 20 Exhibit 1068 Email string, ASTM0095371 - 257 21 -95372, 2 pages 22 Exhibit 1069 Email string, ASTM092006 - 257 23 -092009, 4 pages 24 25</p> <p style="text-align: right;">Page 10</p>	<p>1 DEPOSITION SUPPORT INDEX 2 3 DIRECTION TO WITNESS NOT TO ANSWER: 4 Page Line 5 6 7 8 REQUEST FOR PRODUCTION OF DOCUMENTS: 9 Page Line 10 11 12 13 QUESTIONS MARKED: 14 Page Line 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 12</p>
<p>1 --- 2 EXHIBITS 3 --- 4 NUMBER DESCRIPTION MARKED 5 Exhibit 1070 Email string, ASTM095373 - 258 6 ASTM95376, 4 pages 7 Exhibit 1071 Email string, ASTM019650 - 258 8 -19653, 4 pages 9 Exhibit 1072 Form and Style for ASTM 268 10 Standards, January 2015, 11 80 pages 12 Exhibit 1073 Incorporation by Reference 269 13 Public Workshop, July 13, 14 2012, 15 pages 15 Exhibit 1074 Email string, ASTM005399 - 270 16 -5400, 2 pages 17 Exhibit 1075 Email dated August 20, 2014, 271 18 ASTM003314 - -003315, 19 2 pages 20 21 22 23 24 25</p> <p style="text-align: right;">Page 11</p>	<p>1 WASHINGTON, D C , WEDNESDAY, MARCH 4, 2015; 9:20 A M 09:11:47 2 -OoO- 09:11:47 3 THE VIDEOGRAPHER: Good morning My name is 09:20:59 4 Chris Somo from Veritext National Deposition Services 09:21:00 5 The date today is March 4, 2015, and the time on the 09:21:06 6 video monitor is 9:20 This deposition is being held 09:21:09 7 at Veritext, Washington, D C located at 09:21:15 8 1250 I Street, Northwest, Washington, D C The 09:21:18 9 caption of this case is American Society for Testing 09:21:21 10 and Materials, et al , v Public Resource O-r-z (sic), 09:21:24 11 Inc This case is filed in the United States District 09:21:30 12 Court for the District of Columbia, Case 09:21:33 13 No 1:13-CV-01215-EGS The name of the witness is 09:21:36 14 Jeffrey Grove 09:21:47 15 At this time the attorneys present in the 09:21:48 16 room and attending remotely, will you please identify 09:21:51 17 yourselves for the record 09:21:55 18 MR BRIDGES: This is Andrew Bridges and 09:21:58 19 Matthew Becker of Fenwick & West representing the 09:21:59 20 defendant, Public Resource Org, and listening in on 09:22:04 21 the telephone is Carl Malamud, M-a-l-a-m-u-d 09:22:08 22 MR FEE: Kevin Fee from Morgan Lewis on 09:22:10 23 behalf of ASTM, and I'm joined with -- by Tom O'Brien 09:22:17 24 from ASTM 09:22:20 25 THE VIDEOGRAPHER: Would the court reporter, 09:22:24</p> <p style="text-align: right;">Page 13</p>

1 Nancy Martin, please swear in the witness, and we can 09:22:25
 2 begin. 09:22:27
 3 JEFFREY GROVE, 09:22:36
 4 having been first duly sworn, 09:22:40
 5 and testified as follows: 09:22:40
 6 09:22:40
 7 EXAMINATION 09:22:40
 8 BY MR. BRIDGES: 09:22:40
 9 Q. Good morning, Mr. Grove. 09:22:40
 10 A. Good morning. 09:22:41
 11 Q. Have you ever been deposed before? 09:22:45
 12 A. I have not. 09:22:46
 13 Q. Have you had a chance to meet with ASTM 09:22:49
 14 attorneys to prepare you for this deposition? 09:22:51
 15 A. I did. 09:22:57
 16 Q. When did you meet with them? 09:22:57
 17 A. I met with our attorneys over a period of 09:22:58
 18 three days. The last two days, and once in December. 09:23:01
 19 A total of 15 hours. 09:23:06
 20 Q. With whom did you meet? 09:23:12
 21 A. I met with Kevin Fee and with Jordana Rubel, 09:23:13
 22 and with our corporate attorney, Tom O'Brien. 09:23:19
 23 Q. You understand that you are testifying today 09:23:32
 24 as a representative of ASTM? 09:23:34
 25 A. Yes. 09:23:38
 Page 14

1 Q. And you understand that you are testifying as 09:23:40
 2 a representative of ASTM with respect to certain 09:23:46
 3 subject matters? 09:23:48
 4 A. Yes. 09:23:49
 5 Q. What did you do to educate yourself about 09:23:49
 6 those subjects? 09:23:52
 7 A. In addition to the meetings, I reviewed a lot 09:23:53
 8 of documents. 09:23:56
 9 Q. And when did you review the documents? 09:24:01
 10 A. Over the last few days and in my own personal 09:24:03
 11 time before then. 09:24:07
 12 Q. How much time did you spend reviewing 09:24:11
 13 documents outside of meetings with attorneys? 09:24:13
 14 A. Probably 8 to 10 hours. 09:24:16
 15 Q. Did you select those documents, or did the 09:24:23
 16 lawyers select the documents? 09:24:25
 17 A. Personal knowledge, I selected them. 09:24:26
 18 Q. What determined which documents you selected 09:24:38
 19 to review? 09:24:41
 20 MR. FEE: Objection. To the extent that 09:24:42
 21 legal counsel or their guidance provided any basis for 09:24:43
 22 your determination, I'm going to instruct you not to 09:24:48
 23 disclose that. If you have some independent review 09:24:50
 24 criteria that you can share with the other side, 09:24:53
 25 that's fine. 09:24:55
 Page 15

1 THE WITNESS: I don't have any criteria. 09:24:56
 2 Just I thought it would be a good idea to review 09:24:58
 3 annual reports and that type of publicly available 09:25:02
 4 information about ASTM. 09:25:04
 5 BY MR. BRIDGES: 09:25:08
 6 Q. What else did you review among the documents? 09:25:08
 7 MR. FEE: Objection. Are you asking about 09:25:11
 8 the ones he selected on his own or the ones -- 09:25:12
 9 MR. BRIDGES: No -- 09:25:14
 10 MR. FEE: Well, I'm going to instruct you not 09:25:14
 11 to disclose the documents that you reviewed at the 09:25:16
 12 request or direction of counsel. You can disclose any 09:25:18
 13 other documents you reviewed. 09:25:21
 14 MR. BRIDGES: I think I'm entitled to know 09:25:22
 15 what documents he reviewed to prepare for the 09:25:23
 16 deposition. It might reveal attorney work product if 09:25:27
 17 he told us what documents were discussed with counsel, 09:25:31
 18 but I'm entitled to know which documents he reviewed 09:25:36
 19 in general. 09:25:39
 20 MR. FEE: I disagree. 09:25:41
 21 You should follow my instruction. 09:25:43
 22 THE WITNESS: I have no other documents that 09:25:44
 23 I can recall to disclose. 09:25:46
 24 BY MR. BRIDGES: 09:25:47
 25 Q. So you're saying that all the documents -- of 09:25:47
 Page 16

1 all the documents you reviewed, only annual reports 09:25:52
 2 are those that you thought to review on your own? 09:25:55
 3 A. Right. I think the exception to that would 09:25:56
 4 be standardization news. I contributed some articles 09:26:01
 5 that I thought I should refresh my memory with. 09:26:03
 6 Q. What did those articles concern? 09:26:08
 7 A. Discussed generally ASTM's mission and work 09:26:13
 8 we do to promote ASTM's mission and its important role 09:26:20
 9 in protecting everyday citizens due to the development 09:26:24
 10 of standards that protect the environment, health, and 09:26:26
 11 safety. 09:26:31
 12 MR. BRIDGES: One thing occurred to me. We 09:26:35
 13 may need a short break. I forgot, you know, I was 09:26:37
 14 supposed to have real time. Can we get real time? 09:26:39
 15 REPORTER MARTIN: Yes, sir. I'm working on 09:26:43
 16 it right now. 09:26:43
 17 MR. BRIDGES: Thanks. 09:26:43
 18 MR. BECKER: We also have an email from Thane 09:26:48
 19 stating he'd like to listen in. So perhaps we should 09:26:49
 20 take a break and set up real-time. 09:26:51
 21 MR. BRIDGES: I think we've got a separate 09:26:55
 22 bridge. I think Carl dialed in directly. So we're 09:26:57
 23 going to have to drop him and set up a bridge. 09:26:59
 24 Sorry about this, but let's go off the record 09:27:01
 25 for a few minutes. 09:27:03
 Page 17

<p>1 THE VIDEOGRAPHER: We're now going off the 09:27:05 2 record at 9:26 09:27:05 3 (A recess was taken from 9:26 a m 09:34:30 4 to 9:37 a m) 09:38:32 5 THE VIDEOGRAPHER: And we're back on the 09:38:33 6 record at 9:37 09:38:34 7 BY MR BRIDGES: 09:38:48 8 Q Do you recall any other documents that you 09:38:48 9 reviewed on your own initiative apart from annual 09:38:50 10 reports and standardization news? 09:38:53 11 A I do not 09:38:59 12 Q Apart from conversations specifically with 09:39:01 13 attorneys, did you discuss the topics of today's 09:39:06 14 conversation -- of today's deposition with anyone else 09:39:12 15 in preparation for your deposition today? 09:39:18 16 A I made a phone call to our vice president of 09:39:21 17 sales and publications 09:39:24 18 Q Who is that? 09:39:28 19 A John Pace 09:39:31 20 Q What did you discuss with him? 09:39:31 21 A Wanted to review ASTM's financials and 09:39:38 22 revenues so I was prepared 09:39:42 23 Q What did you learn from him? 09:39:46 24 A Not much To be honest, I think I have a 09:39:47 25 good understanding 09:39:52</p>	<p>1 Q. Did you attach any significance to that 09:41:21 2 figure? 09:41:23 3 MR. FEE: Objection. Vague. 09:41:25 4 THE WITNESS: No. 09:41:28 5 BY MR. BRIDGES: 09:41:30 6 Q. Did it strike you as unusual or unexpected in 09:41:30 7 any -- 09:41:33 8 MR. FEE: Objection. Vague and compound. 09:41:34 9 THE WITNESS: It did not. 09:41:40 10 BY MR. BRIDGES: 09:41:43 11 Q. Did those figures he gave you accord with 09:41:43 12 your expectations? 09:41:45 13 A. Generally, yes. 09:41:51 14 Q. Did that revenue trend -- strike that. 09:41:56 15 Was that revenue trend consistent with 09:42:03 16 revenue trends over previous years? 09:42:05 17 MR. FEE: Objection. Vague. 09:42:09 18 THE WITNESS: I don't know. 09:42:14 19 BY MR. BRIDGES: 09:42:15 20 Q. Do you know anything about revenue trends 09:42:15 21 before three years ago? 09:42:17 22 MR. FEE: Same objection. 09:42:19 23 THE WITNESS: Not that I can produce or 09:42:26 24 recall. 09:42:27 25 BY MR. BRIDGES: 09:42:32</p>
Page 18	Page 20
<p>1 Q. What did you ask him about? 09:39:55 2 A. I wanted to review with him what I knew about 09:39:59 3 sources of ASTM's revenue from the sale publications. 09:40:07 4 Q. What else did you ask him about? 09:40:12 5 A. That's all I recall. 09:40:15 6 Q. Did you review -- did you discuss with him 09:40:20 7 any changes in revenue to ASTM from publications? 09:40:25 8 MR. FEE: Objection. Form. 09:40:30 9 THE WITNESS: Not that I recall. 09:40:34 10 BY MR. BRIDGES: 09:40:37 11 Q. And did you discuss with him any trends with 09:40:37 12 respect to revenue that ASTM gains from publications? 09:40:42 13 MR. FEE: Objection to form. 09:40:45 14 Go ahead. 09:40:47 15 THE WITNESS: I did ask -- I wanted to learn 09:40:48 16 over the last couple of years, roughly, what increase 09:40:53 17 in sales we've been experiencing. 09:40:56 18 BY MR. BRIDGES: 09:41:01 19 Q. What else? 09:41:01 20 A. That's all I recall. 09:41:02 21 Q. What did you learn about the increase in 09:41:05 22 sales that ASTM has been experiencing? 09:41:07 23 A. That there has been a very slight 2 to 3 to 5 09:41:10 24 percent increase over the last two to three years. 09:41:15 25 Revenue from sales of publications. 09:41:18</p>	<p>1 Q. What else did you discuss with Mr. Pace? 09:42:32 2 A. That's all I recall. 09:42:39 3 Q. Did you have conversations with anyone else 09:42:40 4 to prepare for your testimony today? 09:42:43 5 MR. FEE: I assume you're excluding 09:42:49 6 conversations with counsel for purposes -- 09:42:50 7 MR. BRIDGES: Yes. 09:42:52 8 MR. FEE: -- of that question? 09:42:52 9 MR. BRIDGES: Yes. 09:42:54 10 THE WITNESS: Not that I recall. 09:42:55 11 BY MR. BRIDGES: 09:43:04 12 Q. How long have you worked for ASTM? 09:43:04 13 A. Just over 10 years. 09:43:07 14 Q. What have your job titles been? 09:43:11 15 A. My original job title was Washington 09:43:13 16 representative. My second title was director of 09:43:15 17 government and industry affairs, and my current title 09:43:21 18 is vice president of global policy and industry 09:43:25 19 affairs. 09:43:29 20 Q. In that job title, what does the word 09:43:39 21 "industry" refer to? 09:43:41 22 MR. FEE: Objection. Vague. 09:43:43 23 THE WITNESS: Well, the majority of ASTM 09:43:48 24 members under our system of private sector led 09:43:51 25 public/private collaboration come from industry. So I 09:43:56</p>
Page 19	Page 21

1 work with industry to make them aware of ASTM and to 09:43:59
 2 try to get them engaged in our process 09:44:03
 3 BY MR BRIDGES: 09:44:12
 4 Q So "industry" in that title doesn't refer to 09:44:12
 5 industry that ASTM is in. Instead, it refers to the 09:44:15
 6 industries of its members -- 09:44:20
 7 MR. FEE: Objection to form 09:44:22
 8 BY MR BRIDGES: 09:44:28
 9 Q -- is that correct? 09:44:28
 10 A Yes 09:44:28
 11 Q What was your undergraduate degree? 09:44:40
 12 A My undergraduate degree is in -- I'm a double 09:44:44
 13 major in political science and public administration 09:44:47
 14 Q What employment did you have before ASTM that 09:45:05
 15 equipped you for your job at ASTM? 09:45:15
 16 MR. FEE: Objection. Vague 09:45:20
 17 THE WITNESS: From 1993 to 2000 I worked for 09:45:21
 18 the U S House of Representatives in different 09:45:29
 19 positions 09:45:32
 20 BY MR BRIDGES: 09:45:33
 21 Q What else? 09:45:33
 22 A From 2001 to 2004 I worked for the 09:45:37
 23 Association for Computing Machinery here in 09:45:42
 24 Washington 09:45:44
 25 Q What else? 09:45:47

Page 22

1 A. 2004, I was hired by ASTM. 09:45:48
 2 Q. Did you receive any training as an engineer? 09:46:07
 3 A. I'm not an engineer, no. 09:46:11
 4 Q. Did you receive any scientific technical 09:46:13
 5 training? 09:46:16
 6 MR. FEE: Objection. Vague and compound. 09:46:17
 7 THE WITNESS: No. Science and technology 09:46:20
 8 policy I was involved in, but not a scientist. 09:46:22
 9 BY MR. BRIDGES: 09:46:58
 10 Q. In the time you have worked for ASTM, have 09:46:58
 11 you held any type of position in any other the 09:47:01
 12 organization? 09:47:02
 13 MR. FEE: Objection. Vague. 09:47:03
 14 THE WITNESS: Could you help define 09:47:05
 15 "organization." 09:47:07
 16 BY MR. BRIDGES: 09:47:08
 17 Q. Well, another association or industry group. 09:47:08
 18 A. Okay. 09:47:16
 19 Q. Any other entity that you've had a title in. 09:47:16
 20 A. Okay. 09:47:19
 21 MR. FEE: Objection. Are you asking about 09:47:20
 22 his personal capacity too? Do you want to know what 09:47:21
 23 church he belongs to, et cetera, or just as an ASTM 09:47:24
 24 employee? 09:47:27
 25 MR. BRIDGES: Well, that's not a focus of my 09:47:28

Page 23

1 curiosity, but the question is broad enough that it 09:47:29
 2 might call for that 09:47:31
 3 MR. FEE: Objection to form 09:47:33
 4 BY MR BRIDGES: 09:47:34
 5 Q You may answer 09:47:34
 6 A So I've been appointed to work for the 09:47:40
 7 Department of Commerce, Environmental Technology Trade 09:47:42
 8 Advisory Committee where for the last four years I've 09:47:46
 9 served as the vice chairman of regulation, 09:47:55
 10 certification, and standards. I'm sorry. Vice 09:48:01
 11 chairman, yes 09:48:03
 12 Q Is that a USTR committee? 09:48:06
 13 A It's a U S Department of Commerce 09:48:08
 14 Congressionally chartered committee 09:48:11
 15 Q What other positions have you held? 09:48:22
 16 A There is an organization called the American 09:48:27
 17 National Standards Institute, and I serve on the 09:48:28
 18 National Policy Committee 09:48:32
 19 Q What else? 09:48:40
 20 A In 2009 I served the State Department -- U S 09:48:44
 21 State Department as a delegate to the -- I want to 09:48:50
 22 make sure I get it right. Asia-Pacific Economic 09:48:55
 23 Council. APEC. It involved meetings in Singapore 09:49:00
 24 Q What else? 09:49:11
 25 A That's all I recall 09:49:20

Page 24

1 Q. Have you ever heard of an informal 09:49:22
 2 organization called coalition for SDO awareness? 09:49:25
 3 A. I'm not familiar with that title. 09:49:34
 4 Q. Are you familiar with an organization that 09:49:37
 5 that title suggests? 09:49:47
 6 MR. FEE: Objection. Vague. Calls for 09:49:47
 7 speculation. 09:49:47
 8 THE WITNESS: I'm not aware of that 09:49:47
 9 organization. 09:49:48
 10 BY MR. BRIDGES: 09:49:48
 11 Q. Are you familiar with the domain name or 09:49:54
 12 website SDOAWARENESS.ORG? 09:49:57
 13 A. Okay. So I can't speak with certainty, but 09:50:00
 14 that could be referring to work that ASTM and FPA and 09:50:06
 15 ASME undertook together to educate the public about 09:50:10
 16 standards back in 2012. 09:50:14
 17 MR. FEE: I'll just remind you to answer 09:50:20
 18 about your knowledge. Don't speculate. 09:50:21
 19 THE WITNESS: Thank you. 09:50:26
 20 BY MR. BRIDGES: 09:50:37
 21 Q. Did you understand the work that ASTM and FPA 09:50:37
 22 and ASME undertook together to be as part of some 09:50:40
 23 informal coalition? 09:50:44
 24 MR. FEE: Objection. Vague. 09:50:46
 25 THE WITNESS: Informal coalition would be my 09:50:49

Page 25

1 recollection of this group. 09:50:52
 2 BY MR. BRIDGES: 09:50:56
 3 Q. Do you recall any other name for that 09:50:56
 4 informal coalition than the name I used a few 09:50:57
 5 questions ago? 09:51:00
 6 A. I do not. 09:51:09
 7 Q. Are you aware that that informal coalition 09:51:10
 8 retained a lobbyist in Washington? 09:51:10
 9 MR. FEE: Objection. Lack of foundation. 09:51:11
 10 Calls for speculation. 09:51:12
 11 THE WITNESS: ASTM does not lobby. So I'm 09:51:14
 12 not aware that we retained a lobbyist for that 09:51:16
 13 coalition. 09:51:23
 14 BY MR. BRIDGES: 09:51:25
 15 Q. Are you aware of any of the work of an 09:51:25
 16 organization called APCO? 09:51:28
 17 A. Yes, I'm aware. 09:51:29
 18 Q. Are you aware of its work with respect to 09:51:30
 19 standards development organizations? 09:51:32
 20 MR. FEE: Objection. Vague. Calls for 09:51:32
 21 speculation. 09:51:35
 22 THE WITNESS: I'm aware that we worked with 09:51:38
 23 an organization called APCO on a public awareness 09:51:40
 24 project. 09:51:43
 25 BY MR. BRIDGES: 09:51:46
 Page 26

1 BY MR. BRIDGES: 09:53:07
 2 Q. Why do you not know? 09:53:07
 3 MR. FEE: Objection. Vague. Calls for 09:53:09
 4 speculation. 09:53:11
 5 THE WITNESS: I don't know why -- how the 09:53:15
 6 organization was formed. 09:53:18
 7 BY MR. BRIDGES: 09:53:19
 8 Q. Did you participate in the organization? 09:53:19
 9 A. And, again, I wouldn't call it an 09:53:21
 10 organization. It's an informal group. But, yes, I 09:53:23
 11 participated. 09:53:26
 12 Q. Who else participated in the informal group? 09:53:27
 13 A. My counterparts, being Washington 09:53:30
 14 representatives for ASME and for NFPA. 09:53:32
 15 Q. Who are those counterparts? 09:53:40
 16 A. At the time, for ASME, it was a 09:53:44
 17 representative named Robert Grains, and for NFPA I 09:53:48
 18 believe it was Megan Housewright. 09:53:54
 19 Q. Do you recall their titles at their 09:54:01
 20 respective organizations? 09:54:03
 21 A. I don't. I do not. 09:54:04
 22 Q. How did you first come to hear about the 09:54:09
 23 possibility of these companies working with APCO? 09:54:13
 24 A. I don't recall exactly how I came to be aware 09:54:26
 25 of it. 09:54:30
 Page 28

1 Q. When you said, "we" in the last answer, who 09:51:46
 2 are you referring to? 09:51:48
 3 A. That was jointly undertaken between FPA and 09:51:50
 4 FPA and ASME 09:51:55
 5 Q. Did ASTM contribute to the payments to APCO? 09:51:55
 6 A. We did, yes 09:52:02
 7 Q. You mentioned ASTM and FPA and ASME as part 09:52:17
 8 of the group; is that correct? 09:52:23
 9 MR. FEE: Objection. Mischaracterizes his 09:52:24
 10 testimony and vague 09:52:25
 11 THE WITNESS: My recollection is those are 09:52:33
 12 the three organizations, correct 09:52:35
 13 BY MR. BRIDGES: 09:52:38
 14 Q. Do you recall whether any other organization 09:52:38
 15 participated with those three and the activities 09:52:41
 16 relating to APCO? 09:52:44
 17 A. I do not recall any other organizations 09:52:46
 18 participating 09:52:48
 19 Q. Who organized the joint effort of ASTM and 09:52:49
 20 FPA and ASME with respect to APCO? 09:52:52
 21 MR. FEE: Objection. Lack of foundation 09:52:56
 22 THE WITNESS: I wouldn't be able to answer 09:53:01
 23 that I believe it -- 09:53:02
 24 MR. FEE: If you don't know, you don't know 09:53:04
 25 THE WITNESS: I don't know 09:53:07
 Page 27

1 Q. What's the first activity that you recall you 09:54:31
 2 engaged in with respect to that group? 09:54:37
 3 A. I believe that we -- the representatives of 09:54:41
 4 the organizations recognized that there was a need to 09:54:48
 5 raise a greater awareness about the benefits the U.S. 09:54:52
 6 Standards System with our key stakeholders in 09:54:58
 7 Washington, D.C. and beyond. So I believe we got -- 09:55:01
 8 had that discussion and decided the best way to do 09:55:06
 9 that would be to work with a firm that's more familiar 09:55:10
 10 with public affairs capabilities and attributes. 09:55:15
 11 Q. What was the first activity that you recall 09:55:26
 12 you engaged in with respect to that group? 09:55:30
 13 MR. FEE: Objection. Asked and answered. 09:55:32
 14 THE WITNESS: Identifying what -- some of the 09:55:40
 15 activities we'd like to undertake together. 09:55:43
 16 BY MR. BRIDGES: 09:55:52
 17 Q. How did you first -- did you propose that 09:55:52
 18 these three organizations work together in this 09:55:57
 19 fashion? 09:56:07
 20 A. I don't recall how these three organizations 09:56:07
 21 were the ones that worked together. 09:56:09
 22 Q. Do you recall -- did somebody take the 09:56:15
 23 initiative to convene this group with respect to 09:56:22
 24 retaining a firm like APCO? 09:56:24
 25 MR. FEE: Objection. Vague. 09:56:26
 Page 29

1 THE WITNESS: Right. So I believe we 09:56:29
 2 identified the objectives, and I believe the next step 09:56:33
 3 was to formulate a request for proposal that we wanted 09:56:36
 4 to put out to a public affairs firm. 09:56:40
 5 BY MR. BRIDGES: 09:56:46
 6 Q. Who first brought the idea of this activity 09:56:46
 7 to the attention of the others within this group? 09:56:49
 8 MR. FEE: Objection. Vague. 09:56:51
 9 THE WITNESS: I just don't recall. 09:56:52
 10 BY MR. BRIDGES: 09:56:54
 11 Q. Was it you? 09:56:54
 12 A. I don't think it was me. 09:56:55
 13 Q. Was it Megan Housewright? 09:57:02
 14 MR. FEE: Objection. Calls for speculation. 09:57:04
 15 THE WITNESS: Yeah, I don't know. 09:57:05
 16 BY MR. BRIDGES: 09:57:12
 17 Q. Do you know on what occasion the idea these 09:57:12
 18 three entities working together in this fashion came 09:57:25
 19 about? 09:57:27
 20 MR. FEE: Objection. Vague. Calls for 09:57:28
 21 speculation. 09:57:30
 22 THE WITNESS: Could you restate the question, 09:57:32
 23 please? 09:57:33
 24 BY MR. BRIDGES: 09:57:33
 25 Q. Do you know on what occasion the idea of 09:57:33
 Page 30

1 these three entities working together came about? 09:57:35
 2 MR. FEE: Same objections. 09:57:38
 3 THE WITNESS: I don't recall the occasion. 09:57:46
 4 BY MR. BRIDGES: 09:57:46
 5 Q. Do you recall when the idea of these three 09:57:46
 6 entities working together arose? 09:57:49
 7 A. Right. I believe it was 2011. 09:57:49
 8 Q. When in 2011? 09:57:52
 9 A. I'm sorry. I don't know -- recall the month. 09:57:54
 10 Q. Did this activity arise because of concerns 09:58:12
 11 about political policy issues relating to 09:58:16
 12 incorporation of standards by reference? 09:58:20
 13 MR. FEE: Objection. Vague. Calls for 09:58:21
 14 speculation. 09:58:23
 15 THE WITNESS: I don't recall there being one 09:58:25
 16 single reason why -- that motivated the formation of 09:58:26
 17 this informal group. 09:58:30
 18 BY MR. BRIDGES: 09:58:32
 19 Q. Was that a reason? 09:58:32
 20 MR. FEE: Same objections. 09:58:34
 21 THE WITNESS: It could have been one reason. 09:58:35
 22 BY MR. BRIDGES: 09:58:36
 23 Q. It could have been or it was? 09:58:36
 24 MR. FEE: Objection. Calls for speculation. 09:58:38
 25 THE WITNESS: I don't recall whether it was. 09:58:42
 Page 31

1 BY MR. BRIDGES: 09:58:47
 2 Q. Do you recall any interactions with Lorraine 09:58:47
 3 Carli of NFPA? 09:58:49
 4 A. I do recall Lorraine Carli 09:58:52
 5 Q. With respect to this initiative? 09:58:53
 6 MR. FEE: Objection. Vague. 09:58:55
 7 THE WITNESS: I believe Lorraine is the vice 09:58:57
 8 president for public affairs and communications in 09:59:00
 9 Battery Park, Massachusetts. So I do believe she was 09:59:06
 10 involved in this now that you mention it 09:59:09
 11 BY MR. BRIDGES: 09:59:12
 12 Q. How was she involved? 09:59:12
 13 MR. FEE: Objection. Calls for speculation. 09:59:14
 14 THE WITNESS: I believe she helped to frame 09:59:16
 15 some of the issues that this informal group would want 09:59:19
 16 to work with the public affairs firm to assist us, and 09:59:23
 17 perhaps drafted -- helped to draft the RFP 09:59:29
 18 BY MR. BRIDGES: 09:59:46
 19 Q. Who else provided input for that RFP? 09:59:46
 20 MR. FEE: Objection. Calls for speculation. 09:59:49
 21 THE WITNESS: I believe both ASTM and ASME 09:59:50
 22 had an opportunity to provide input 09:59:53
 23 BY MR. BRIDGES: 09:59:59
 24 Q. And did they provide input? 09:59:59
 25 MR. FEE: Objection. Calls for speculation. 10:00:01
 Page 32

1 THE WITNESS: I don't recall. 10:00:02
 2 BY MR. BRIDGES: 10:00:03
 3 Q. Did you provide input? 10:00:03
 4 A. I recall that I reviewed it. I don't recall 10:00:04
 5 if I commented specifically and requested any changes. 10:00:06
 6 Q. Did anybody else from ASTM review it? 10:00:15
 7 MR. FEE: Objection. Calls for speculation. 10:00:19
 8 THE WITNESS: I probably made our attorney 10:00:22
 9 aware of and asked for legal counsel advice. 10:00:24
 10 BY MR. BRIDGES: 10:00:29
 11 Q. Which attorney? 10:00:29
 12 A. That would be Tom O'Brien, our vice president 10:00:30
 13 and general counsel. 10:00:32
 14 Q. Who's sitting here in the deposition today? 10:00:33
 15 A. Correct. 10:00:35
 16 Q. Did anybody else at ASTM review it? 10:00:40
 17 MR. FEE: Objection. Calls for speculation. 10:00:44
 18 THE WITNESS: I don't recall. 10:00:49
 19 BY MR. BRIDGES: 10:01:12
 20 Q. A few questions ago you said that the 10:01:12
 21 representatives of the organizations recognized that 10:01:14
 22 there was a need to raise a greater awareness about 10:01:17
 23 the benefits of the U.S. Standards System with our key 10:01:22
 24 stakeholders in Washington, D.C. and beyond. Whom 10:01:27
 25 were you referring to when you referred to "our key 10:01:33
 Page 33

1 stakeholders in Washington, D.C."? 10:01:37
 2 MR. FEE: Objection to the extent that it 10:01:40
 3 isn't an exact quote of what he said. 10:01:40
 4 You can answer, if you know. 10:01:43
 5 THE WITNESS: Okay. I believe that our key 10:01:45
 6 stakeholders in Washington, D.C., the business 10:01:46
 7 community that's active on shaping and forming 10:01:50
 8 Washington. So that would include organizations like 10:01:57
 9 the National Association of Manufacturers. 10:02:00
 10 BY MR. BRIDGES: 10:02:11
 11 Q. Who else do you include within the scope of 10:02:11
 12 "our key stakeholders in Washington, D.C."? 10:02:14
 13 A. The U.S. Chamber of Commerce. 10:02:17
 14 Q. Who else? 10:02:24
 15 A. Consumer representatives, such as the 10:02:26
 16 Consumer Federation of America. 10:02:27
 17 Q. Who else? 10:02:34
 18 A. The U.S. Public Interest Research Group, 10:02:36
 19 known as U.S. PIRG. 10:02:40
 20 Q. Who else? 10:02:40
 21 A. Environmental advocacy groups. To name one, 10:02:47
 22 Friend of the Earth. 10:02:52
 23 Q. Who else? 10:02:59
 24 A. Important research organizations and think 10:03:03
 25 tanks, such as the National Academies of Science. 10:03:04
 Page 34

1 Q. Who else? 10:03:12
 2 A. The Transportation Resource Board. 10:03:13
 3 Q. Keep going. 10:03:17
 4 A. I believe think tanks such as the Brookings 10:03:25
 5 Institute. 10:03:28
 6 Q. Keep going? 10:03:35
 7 A. The Council for Competitiveness. 10:03:36
 8 Q. Keep going. 10:03:39
 9 A. The American Enterprise Institute. 10:03:39
 10 Q. Keep going. 10:03:44
 11 A. That might close the business and consumer 10:03:54
 12 groups stakeholder category. 10:03:56
 13 Q. Keep going with more stakeholders. 10:03:59
 14 A. Another category, then, would be policy 10:04:01
 15 makers in Washington, D.C. 10:04:03
 16 Q. And please list them. 10:04:09
 17 A. That could include Congressional staff or the 10:04:10
 18 U.S. House of Representatives, the U.S. Senate. 10:04:12
 19 Q. Yes. 10:04:18
 20 A. That would include executive branch 10:04:18
 21 officials, such as the Office of Management and Budget 10:04:21
 22 and specific agencies. 10:04:23
 23 Q. Yes. 10:04:32
 24 A. I believe that's all I can recall at the 10:04:42
 25 moment. 10:04:44
 Page 35

1 Q And were these all stakeholders with whom 10:04:49
 2 this informal group communicated with respect to the 10:04:51
 3 topics for which the group retained APCO? 10:04:57
 4 MR FEE: Objection Vague Calls for 10:05:02
 5 speculation 10:05:04
 6 THE WITNESS: Generally, this would be the 10:05:07
 7 audience that we'd be trying to inform about the 10:05:07
 8 importance of the U S Standards System 10:05:12
 9 BY MR BRIDGES: 10:05:15
 10 Q Is this the same audience you would wish to 10:05:15
 11 raise the policy issues surrounding incorporation by 10:05:18
 12 reference with? 10:05:25
 13 MR FEE: Same objection 10:05:27
 14 THE WITNESS: I don't recall that in 2011 a 10:05:28
 15 corporation by reference I don't believe there was 10:05:29
 16 any legislation or any significant reason to raise 10:05:31
 17 IBR 10:05:37
 18 BY MR BRIDGES: 10:05:44
 19 Q When did it become significant, in your view? 10:05:44
 20 MR FEE: Objection Vague Calls for 10:05:46
 21 speculation 10:05:48
 22 THE WITNESS: In the course of our meetings 10:05:49
 23 and raising a greater awareness about the U S 10:05:50
 24 Standards System, we would be asked questions about 10:05:54
 25 how organizations like ASTM and FPA and ASME sustained 10:05:57
 Page 36

1 their funding model 10:06:03
 2 BY MR BRIDGES: 10:06:08
 3 Q Who asked those questions? 10:06:08
 4 A That could be any of the stakeholders that we 10:06:09
 5 interacted with 10:06:12
 6 Q I'm asking you to recall any specific source 10:06:12
 7 of that question 10:06:14
 8 A I believe during the course of this time, 10:06:22
 9 Office of Management and Budget was having a review of 10:06:24
 10 the U S Standards System and asked specific questions 10:06:28
 11 about the effectiveness of the U S Standards System 10:06:35
 12 and how the Standard System works 10:06:37
 13 Q What did you understand to be the reason that 10:06:39
 14 prompted OMB's review? I understand -- 10:06:43
 15 MR FEE: Objection 10:06:47
 16 BY MR BRIDGES: 10:06:47
 17 Q -- you may have been privy to the exact 10:06:47
 18 reason, but what did you, at the time, understand to 10:06:49
 19 be the reason? 10:06:52
 20 MR FEE: Objection Compound Calls for 10:06:54
 21 speculation 10:06:56
 22 THE WITNESS: I wouldn't know specifically 10:06:56
 23 BY MR BRIDGES: 10:06:59
 24 Q You have no idea? 10:06:59
 25 MR FEE: Same objections 10:07:00
 Page 37

1 THE WITNESS: Right I believe it hadn't 10:07:01
 2 been revised in 10 years The OMB circular, which 10:07:02
 3 provides key important information for federal 10:07:07
 4 agencies, informing them that they should work with 10:07:10
 5 voluntary consensus standards organizations and use 10:07:11
 6 voluntary consensus standards to the extent that it's 10:07:13
 7 relevant to their mission That specific OMB circular 10:07:16
 8 had not been revised for a period of 10 years So 10:07:21
 9 there was a fresh look in the new administration, the 10:07:24
 10 Obama administration which had come to Washington 10:07:29
 11 BY MR BRIDGES: 10:07:33
 12 Q And you have no idea of any particular reason 10:07:33
 13 apart from general updating -- 10:07:35
 14 MR FEE: Objection 10:07:38
 15 BY MR BRIDGES: 10:07:40
 16 Q -- OMB was -- 10:07:40
 17 A I'm not -- 10:07:42
 18 MR FEE: Let me object 10:07:43
 19 Objection Calls for speculation 10:07:44
 20 THE WITNESS: No, I don't have any, why OMB 10:07:47
 21 conducted their review 10:07:55
 22 BY MR BRIDGES: 10:08:09
 23 Q When did ASTM start discussing Carl Malamud 10:08:09
 24 with its key stakeholders in Washington, D C ? 10:08:18
 25 MR FEE: Objection Foundation Vague 10:08:23

Page 38

1 THE WITNESS: I wouldn't be able to give you 10:08:25
 2 the exact date, but I believe it was 2012 10:08:26
 3 BY MR BRIDGES: 10:08:29
 4 Q What caused ASTM to discuss Carl Malamud with 10:08:29
 5 its key stakeholders in Washington, D C ? 10:08:36
 6 MR FEE: Objection Vague 10:08:39
 7 THE WITNESS: I believe there was an event 10:08:40
 8 where there was a number of ASTM copyrighted standards 10:08:42
 9 which were provided to various officials in 10:08:48
 10 Washington, D C 10:08:51
 11 BY MR BRIDGES: 10:08:57
 12 Q Is that the first awareness -- strike that 10:08:57
 13 Is that the first time that ASTM discussed 10:08:59
 14 Carl Malamud with its key stakeholders in Washington, 10:09:12
 15 D C ? 10:09:16
 16 MR FEE: Objection Vague 10:09:16
 17 THE WITNESS: That's when I recall the 10:09:18
 18 Washington office becoming aware of it 10:09:19
 19 BY MR BRIDGES: 10:09:26
 20 Q That wasn't exactly an answer to my question 10:09:26
 21 Is that the first time that ASTM discussed Carl 10:09:31
 22 Malamud with its key stakeholders in Washington, D C ? 10:09:35
 23 MR FEE: Same objections 10:09:40
 24 THE WITNESS: To the best of my knowledge 10:09:41
 25 BY MR BRIDGES: 10:10:03

Page 39

1 Q. Did ASTM have any written communications 10:10:03
 2 with -- strike that. 10:10:11
 3 Did ASTM have written communications 10:10:18
 4 regarding public resource regarding Carl Malamud or 10:10:21
 5 regarding incorporation by reference with any of the 10:10:26
 6 following: Consumer Federation, U.S. public interest 10:10:30
 7 groups, Friends of the Earth, Brookings Institute? 10:10:36
 8 MR. FEE: Objection. Compound. Calls for 10:10:53
 9 speculation. 10:10:54
 10 THE WITNESS: I believe we produced some 10:10:55
 11 materials which were distributed broadly to our 10:10:57
 12 stakeholders, including the groups that you mentioned, 10:10:59
 13 that discussed the benefits of the U.S. Standards 10:11:01
 14 System, the independence of our standards development 10:11:04
 15 enterprise, and the process by which organizations 10:11:09
 16 like ours maintain our independence and keep barriers 10:11:11
 17 to participation low by providing our standards, 10:11:16
 18 making them widely available at a very reasonable and 10:11:19
 19 flexible basis. 10:11:19
 20 BY MR. BRIDGES: 10:11:19
 21 Q. What were the materials that were 10:11:24
 22 distributed? 10:11:26
 23 MR. FEE: Same objections. 10:11:27
 24 THE WITNESS: One-pager or two-pager of 10:11:31
 25 printed materials. 10:11:33

Page 40

1 BY MR. BRIDGES: 10:11:35
 2 Q. Exactly what were they? 10:11:35
 3 A. In Washington speak, I believe they're just 10:11:38
 4 called "lit pieces." 10:11:40
 5 Q. They're called what? 10:11:42
 6 A. A literature piece. Just a one-pager that 10:11:43
 7 you prepare that discusses your relevance. 10:11:51
 8 Q. How many distinct literature pieces were 10:11:55
 9 distributed? 10:12:02
 10 MR. FEE: Objection. Vague. 10:12:05
 11 THE WITNESS: I wouldn't be able to answer. 10:12:08
 12 BY MR. BRIDGES: 10:12:09
 13 Q. I don't mean how many copies were circulated. 10:12:09
 14 I mean how many different literature pieces did ASTM, 10:12:11
 15 either alone or with these other organizations, 10:12:15
 16 generate for use with the key stakeholders? 10:12:18
 17 MR. FEE: Objection to form. 10:12:24
 18 THE WITNESS: Yeah. I'm familiar with more 10:12:25
 19 than two. 10:12:27
 20 BY MR. BRIDGES: 10:12:28
 21 Q. How many? 10:12:28
 22 MR. FEE: Objection. Asked and answered. 10:12:29
 23 BY MR. BRIDGES: 10:12:33
 24 Q. How many? 10:12:33
 25 MR. FEE: Objection. 10:12:34

Page 41

1 THE WITNESS: I don't have an exact number. 10:12:35
 2 BY MR. BRIDGES: 10:12:36
 3 Q. What's your best estimate? 10:12:36
 4 MR. FEE: Objection. 10:12:37
 5 I instruct you not to speculate. If you have 10:12:38
 6 an estimate beyond what you've said, then you can go 10:12:42
 7 ahead and give it. 10:12:44
 8 THE WITNESS: I'd say three. 10:12:46
 9 BY MR. BRIDGES: 10:12:46
 10 Q. Who drafted them? 10:12:46
 11 MR. FEE: Objection. Calls for speculation. 10:12:48
 12 THE WITNESS: It would be an iterative 10:12:50
 13 process. Our public affairs firm would be informed by 10:12:52
 14 the interests and comments that we would make to help 10:12:56
 15 shape them to reflect more accurately the operations 10:13:01
 16 of our organizations. 10:13:05
 17 BY MR. BRIDGES: 10:13:08
 18 Q. Are you saying that only the public affairs 10:13:08
 19 firm drafted those pieces? 10:13:12
 20 MR. FEE: Objection. Vague. Compound. 10:13:17
 21 THE WITNESS: I believe you're asking about 10:13:19
 22 this APCO related effort. 10:13:20
 23 BY MR. BRIDGES: 10:13:20
 24 Q. I'm referring to whatever public relations 10:13:22
 25 firm you just referred to. 10:13:23
 Page 42

1 A Yes 10:13:25
 2 Q No one else, to your knowledge, drafted the 10:13:25
 3 literature pieces you referred to? 10:13:34
 4 MR FEE: Objection Vague Compound 10:13:36
 5 THE WITNESS: Not that I recall 10:13:38
 6 BY MR BRIDGES: 10:13:46
 7 Q Was the public affairs firm -- you said it 10:13:46
 8 was an iterative process and that the public affairs 10:13:49
 9 firm would be informed by the information and comments 10:13:53
 10 that were provided Who, to your knowledge, provided 10:14:00
 11 the information and comments? 10:14:05
 12 A For ASTM, that would be me 10:14:06
 13 Q Anybody else from ASTM? 10:14:10
 14 MR FEE: Objection Calls for speculation 10:14:13
 15 THE WITNESS: No I think I was the person 10:14:16
 16 that directly commented for ASTM on those types of 10:14:19
 17 materials 10:14:27
 18 BY MR BRIDGES: 10:14:28
 19 Q How much did ASTM pay to APCO in the course 10:14:28
 20 of the engagement? 10:14:31
 21 A So I believe that we engaged APCO for a 10:14:35
 22 period of between 12 months and 18 months, and I 10:14:37
 23 believe the billings were between \$15- to \$20,000 per 10:14:45
 24 month divided by the three organizations equally 10:14:49
 25 Q Any further information on how much ASTM paid 10:15:05
 Page 43

1 to APCO? 10:15:09
 2 MR. FEE: Objection. Vague. Asked and 10:15:10
 3 answered. 10:15:13
 4 THE WITNESS: No further information. 10:15:14
 5 BY MR. BRIDGES: 10:15:15
 6 Q. What other public relations or government 10:15:15
 7 relations firm -- firms did ASTM work with where the 10:15:18
 8 work related in any way to standards incorporated by 10:15:31
 9 reference? 10:15:37
 10 MR. FEE: Objection. Lack of foundation. 10:15:38
 11 THE WITNESS: No other public affairs firms 10:15:41
 12 or other firms that I'm aware of for this type of 10:15:44
 13 activity. 10:15:48
 14 BY MR. BRIDGES: 10:15:52
 15 Q. What other -- strike that. 10:15:52
 16 Did ASTM engage, during the same period of 10:16:01
 17 time, any public relations firms to engage in any 10:16:08
 18 other types of public relations from the period 2011 10:16:15
 19 to today? 10:16:20
 20 MR. FEE: Objection. Calls for speculation. 10:16:21
 21 MR. BRIDGES: I'm going to change the 10:16:24
 22 question because it's inconsistent. 10:16:25
 23 BY MR. BRIDGES: 10:16:38
 24 Q. What other public relations firms has ASTM 10:16:39
 25 retained since 2011 to today? 10:16:45
 Page 44

1 MR. FEE: Objection. Calls for speculation. 10:16:45
 2 This is clearly outside the scope of his designation. 10:16:46
 3 But to the extent you know, you can answer. 10:16:48
 4 THE WITNESS: Well, I would -- so I'm not 10:16:50
 5 involved in the litigation directly, but -- 10:16:54
 6 MR. FEE: Hold on. Let me also make sure you 10:16:59
 7 don't disclose any communications or actions that were 10:17:01
 8 taken at the direction of counsel in connection with 10:17:05
 9 this matter. 10:17:10
 10 THE WITNESS: Right. So any other activity 10:17:10
 11 would have been between -- would have involved 10:17:12
 12 litigation. 10:17:16
 13 BY MR. BRIDGES: 10:17:23
 14 Q. What public relations outreach has ASTM 10:17:23
 15 engaged in relating to the litigation? 10:17:28
 16 MR. FEE: Objection. Vague. By "outreach," 10:17:31
 17 are you saying not at the direction of counsel and 10:17:34
 18 publicly available? 10:17:38
 19 BY MR. BRIDGES: 10:17:40
 20 Q. I mean outreach meaning communications 10:17:40
 21 outside of ASTM and outside the plaintiffs in this 10:17:43
 22 case. 10:17:46
 23 MR. FEE: Okay. Well, I will instruct you 10:17:47
 24 not to answer to the extent those communications are 10:17:48
 25 not publicly made available and at the direction of 10:17:50
 Page 45

1 counsel 10:17:52
 2 MR BRIDGES: Now, I want to be very clear 10:17:54
 3 what we mean "publicly made available " In my view, 10:17:56
 4 it's fair game for me to get an answer regarding any 10:17:59
 5 communication that was not a privileged communication 10:18:02
 6 MR FEE: Yeah That's fair Why don't I go 10:18:05
 7 outside I'm going to discuss this with him and see 10:18:07
 8 if there's really anything to worry about 10:18:10
 9 MR BRIDGES: Okay We'll go off the record 10:18:12
 10 THE VIDEOGRAPHER: We are off the record at 10:18:15
 11 10:17 10:18:18
 12 (A recess was taken from 10:17 a m 10:26:54
 13 to 10:26 a m) 10:26:54
 14 THE VIDEOGRAPHER: We are back on the record 10:26:54
 15 at 10:26 a m 10:26:55
 16 BY MR BRIDGES: 10:27:04
 17 Q There was a pending question, I think, when 10:27:04
 18 we broke The question I had was what public 10:27:06
 19 relations outreach was ASTM engaged in relating to the 10:27:12
 20 litigation And by "outreach," I mean communications 10:27:16
 21 with persons outside ASTM and outside the plaintiff 10:27:19
 22 group in this case 10:27:23
 23 MR FEE: Okay I would object 10:27:27
 24 And instruct you not to disclose any 10:27:29
 25 communications made at the direction of counsel that 10:27:31
 Page 46

1 were not disseminated to the public generally. 10:27:34
 2 MR. BRIDGES: Okay. I think that's an 10:27:36
 3 improper instruction because if a statement was made 10:27:37
 4 to the public -- I'm not asking why it was made to the 10:27:41
 5 public. I'm not asking for legal discussions that 10:27:45
 6 were made about what to make to the public -- 10:27:48
 7 MR. FEE: And we're not disagreeing with 10:27:54
 8 that. 10:27:54
 9 MR. BRIDGES: Let me make my record, please. 10:27:56
 10 But if a statement was made to the public, 10:28:00
 11 I'm entitled to know whether it was at the direction 10:28:02
 12 of counsel or not. If it was to people outside the 10:28:04
 13 plaintiff group, I'm entitled to know. 10:28:07
 14 MR. FEE: You're arguing with me about 10:28:10
 15 something I'm not instructing him to refuse to answer. 10:28:12
 16 If a statement was made to the public that's 10:28:14
 17 responsive to that, feel free to answer it. 10:28:14
 18 MR. BRIDGES: No. No. That's not my 10:28:16
 19 question. 10:28:17
 20 My question is if a statement was made to any 10:28:17
 21 person or entity outside the plaintiff's group and the 10:28:22
 22 plaintiff's group counsel, then I would like to know 10:28:27
 23 what -- strike that. 10:28:33
 24 If ASTM caused any communication to be made 10:28:35
 25 or engaged in any communication to persons or entities 10:28:43
 Page 47

1 outside the plaintiffs in this case and their counsel, 10:28:48
 2 I would like to know what those communications were 10:28:54
 3 MR FEE: My instruction with respect to that 10:28:57
 4 is you could disclose any communications along those 10:28:58
 5 lines except communications at the direction of 10:29:02
 6 counsel that were not made publicly to persons other 10:29:05
 7 than the person receiving the communication from ASTM 10:29:09
 8 or its counsel 10:29:12
 9 THE WITNESS: Okay I recall that in August 10:29:22
 10 of 2013 I was invited to be on a panel by the 10:29:23
 11 Standards Engineering Society in Ottawa, Canada, to 10:29:26
 12 discuss relevant topics with a number of other 10:29:28
 13 representatives Washington-related topics in which I 10:29:33
 14 was asked and questioned about the status of the 10:29:41
 15 lawsuit 10:29:46
 16 BY MR BRIDGES: 10:29:52
 17 Q What else? 10:29:52
 18 A I recall that on two occasions in 2013, while 10:29:54
 19 serving on the National Policy Committee of ANSI, 10:29:59
 20 American National Standards Institute, there were 10:30:03
 21 questions about the lawsuit, and again, I gave an 10:30:08
 22 update as to the status of the lawsuit 10:30:15
 23 Q What else? 10:30:21
 24 A That's all that I specifically recall 10:30:23
 25 Q So you recall only instances where ASTM was 10:30:26
 Page 48

1 responding to questions from others? 10:30:30
 2 MR. FEE: Same instruction, of course, with 10:30:40
 3 respect to privilege. 10:30:43
 4 THE WITNESS: Thank you. 10:30:44
 5 That's correct. 10:30:44
 6 BY MR. BRIDGES: 10:30:45
 7 Q. You don't recall any instance where ASTM 10:30:45
 8 initiated a communication on what you call "relevant 10:30:49
 9 topics" without being requested to do so? 10:30:55
 10 MR. FEE: Objection. Vague as to "relevant 10:31:00
 11 topics." 10:31:02
 12 THE WITNESS: I don't recall. 10:31:07
 13 BY MR. BRIDGES: 10:31:11
 14 Q. You said that you were invited to a panel by 10:31:11
 15 the Standards Engineering Society where you discussed 10:31:12
 16 relevant topics with other representatives. What were 10:31:17
 17 the "relevant topics" you were referring to in that 10:31:21
 18 answer? 10:31:23
 19 A. Yeah. I believe my comments on my panel 10:31:24
 20 involved an update on funding for the National 10:31:28
 21 Institute of Standards and Technology, an update that 10:31:35
 22 the Office of Management and Budget was still 10:31:36
 23 preparing to revise their circular, but it hadn't come 10:31:41
 24 out yet. That there may have been other actions of 10:31:45
 25 interest to the standards community. I believe the 10:31:51
 Page 49

1 National Archives and Records Administration, Office 10:31:55
 2 of Federal Register had come out with some additional 10:31:59
 3 findings and information. 10:32:02
 4 So those are the other kinds of things that I 10:32:04
 5 reported on. 10:32:08
 6 Q. What else apart from those? 10:32:09
 7 A. Transatlantic Trade Investment Partnership. 10:32:18
 8 The U.S. Free Trade Agreement that's being negotiated 10:32:20
 9 with the European commission is of key interest to 10:32:24
 10 standards developers. 10:32:28
 11 Q. And you consider that to be a relevant topic? 10:32:38
 12 MR. FEE: Objection. Vague as to "relevant 10:32:40
 13 topic." 10:32:41
 14 THE WITNESS: I do because there's a 10:32:42
 15 standards technical barriers to trade chapter to the 10:32:45
 16 trade agreement, which many standards developers are 10:32:50
 17 quite concerned about. 10:32:53
 18 BY MR. BRIDGES: 10:32:54
 19 Q. That's a relevant topic with respect to this 10:32:55
 20 case? 10:33:06
 21 MR. FEE: Objection. Mischaracterizes his 10:33:06
 22 previous testimony. 10:33:07
 23 MR. BRIDGES: Well, my question was 10:33:08
 24 originally about public relations outreach relating to 10:33:10
 25 this litigation. 10:33:13
 Page 50

1 MR. FEE: And he said that he testified about 10:33:15
 2 numerous relevant topics at a presentation. He didn't 10:33:16
 3 say that they were relevant to this litigation. They 10:33:22
 4 were relevant to the presentation. 10:33:24
 5 MR. BRIDGES: Well, my question was about 10:33:24
 6 relating to this litigation. 10:33:28
 7 Q. So what discussions at the Canada meeting 10:33:30
 8 related to this litigation? 10:33:35
 9 MR. FEE: Objection. Asked and answered. 10:33:42
 10 THE WITNESS: As I previously stated, I was 10:33:44
 11 asked for an update about the status of the lawsuit, 10:33:47
 12 and I provided it. 10:33:52
 13 BY MR. BRIDGES: 10:33:54
 14 Q. Who asked you for the update? 10:33:54
 15 A. I believe one of the -- the moderator or the 10:33:56
 16 session chair for the panel that I was presenting on. 10:34:01
 17 Q. Who is that? 10:34:04
 18 A. He's with the Canadian standards 10:34:04
 19 organization. Doug Morton. 10:34:08
 20 Q. And in referring to that Canadian meeting, 10:34:10
 21 you also mentioned "other representatives" in your 10:34:16
 22 answer. 10:34:21
 23 A. Uh-huh. 10:34:21
 24 Q. Who are the "other representatives" you're 10:34:21
 25 referring to? 10:34:24
 Page 51

1 A. On the panel that I was a panelist with was 10:34:29
 2 the American National Standards Institute. Someone 10:34:30
 3 from their New York office. I don't recall her name. 10:34:32
 4 Myself. And I'd be speculating to name the other 10:34:37
 5 person. And Doug Morton was the moderator 10:34:45
 6 participant. 10:34:47
 7 Q. You have no memory of who that other person 10:34:51
 8 was? 10:34:52
 9 MR. FEE: Objection. Asked and answered. 10:34:56
 10 THE WITNESS: I do not. 10:34:57
 11 BY MR. BRIDGES: 10:34:58
 12 Q. Do you recall what organization that person 10:34:58
 13 was from? 10:35:00
 14 A. I do not. 10:35:02
 15 Q. Who is on the policy committee of ANSI? 10:35:14
 16 MR. FEE: Objection. Foundation. Calls for 10:35:17
 17 speculation. Vague as to time. 10:35:19
 18 THE WITNESS: It's currently chaired by 10:35:28
 19 Sharon Stanford from the American Dental Association 10:35:31
 20 in Chicago, Illinois. 10:35:35
 21 BY MR. BRIDGES: 10:35:35
 22 Q. Is she the only person on the committee? I 10:35:35
 23 asked who was on the committee. 10:35:37
 24 A. In addition, myself. There's a 10:35:39
 25 representative from the Underwriters Laboratories. 10:35:43
 Page 52

1 There's actually many representatives. There's 10:35:49
 2 probably 25 to 30 voting members. 10:35:52
 3 REPORTER MARTIN: 35 to -- how many? 10:36:41
 4 THE WITNESS: I said 25 to 30. 10:36:41
 5 (Deposition Exhibit 1022 was marked for 10:36:41
 6 identification.) 10:36:41
 7 MR. BRIDGES: Mr. Grove, I'd ask you to look 10:36:41
 8 at Exhibit 1022. 10:36:44
 9 Q. Do you recognize this as an amended 10:36:46
 10 deposition notice with topics for examination for your 10:36:49
 11 deposition today? 10:36:55
 12 A. Yes, I do. 10:36:56
 13 Q. Which of these topics are you prepared to 10:36:57
 14 testify on? 10:36:59
 15 MR. FEE: I'll answer that question. He's 10:37:03
 16 our designee with respect to all the topics except for 10:37:04
 17 Topics 2, 3, and 24. 10:37:08
 18 BY MR. BRIDGES: 10:37:15
 19 Q. Do you adopt your counsel's response? 10:37:15
 20 MR. FEE: Counsel, could you repeat which 10:37:18
 21 sections I'm not responding -- 10:37:20
 22 MR. FEE: 2, 3, and 24, I believe are the 10:37:22
 23 ones. 10:37:25
 24 THE WITNESS: Yes, I do. 10:37:33
 25 BY MR. BRIDGES: 10:37:34
 Page 53

1 Q Who at ASTM has the most information about 10:37:34
 2 questions of copyright -- strike that 10:37:39
 3 Who at ASTM do you understand have the most 10:37:49
 4 information about the efforts by ASTM to have 10:37:52
 5 participants in the standards writing process transfer 10:38:06
 6 copyrights in their work to ASTM? 10:38:14
 7 MR FEE: Objection Calls for speculation 10:38:18
 8 It's beyond the scope of his designation 10:38:18
 9 MR BRIDGES: I'm asking him, and he can 10:38:23
 10 answer based on his personal knowledge 10:38:25
 11 MR FEE: Calls for a legal conclusion to the 10:38:27
 12 extent it implies that an assignment is required 10:38:28
 13 You can answer if you know 10:38:32
 14 THE WITNESS: General counsel for ASTM would 10:38:39
 15 be responsible for that 10:38:42
 16 BY MR BRIDGES: 10:38:43
 17 Q Who else would have knowledge of those facts? 10:38:43
 18 MR FEE: Same objection 10:38:45
 19 THE WITNESS: I guess I wouldn't know 10:38:48
 20 specifically 10:38:50
 21 BY MR BRIDGES: 10:38:52
 22 Q Would you know generally? 10:38:52
 23 MR FEE: Objection Vague Calls for 10:38:53
 24 speculation Asked and answered 10:38:55
 25 THE WITNESS: Our copyright policy is very 10:38:59
 Page 54

1 well known amongst staff. So it wouldn't surprise me 10:39:01
 2 if many members of the ASTM staff are very familiar 10:39:05
 3 with the copyright policies that are part of our 10:39:10
 4 standards development at enterprise. 10:39:18
 5 BY MR. BRIDGES: 10:39:20
 6 Q. I'm not asking, actually, about copyright 10:39:20
 7 policies. I'm asking about actual actions of persons 10:39:23
 8 who contribute to the writing of standards to assign 10:39:30
 9 their rights to ASTM. 10:39:37
 10 MR. FEE: Objection. 10:39:39
 11 BY MR. BRIDGES: 10:39:39
 12 Q. Who would have knowledge of that? 10:39:39
 13 MR. FEE: Objection. Vague. Calls for 10:39:40
 14 speculation. Beyond the scope of his designation. 10:39:41
 15 THE WITNESS: I'm not able to answer that. 10:39:46
 16 BY MR. BRIDGES: 10:40:04
 17 Q. Who is in charge of receiving and acting on 10:40:04
 18 membership applications? 10:40:14
 19 MR. FEE: Objection. Calls for speculation. 10:40:17
 20 Beyond the scope of his designation. 10:40:20
 21 THE WITNESS: We have a membership function 10:40:25
 22 at ASTM where there are staff that work closely with 10:40:26
 23 our Technical Committee Operations that would be most 10:40:33
 24 familiar with membership. 10:40:36
 25 BY MR. BRIDGES: 10:40:38
 Page 55

1 Q. What person who have that membership function 10:40:38
 2 would have most information about the receiving of 10:40:45
 3 membership applications? 10:40:51
 4 MR. FEE: Objection. Calls for speculation. 10:40:52
 5 Outside the scope of his designation. 10:40:55
 6 You can answer if you know. 10:40:58
 7 THE WITNESS: Our membership department 10:41:00
 8 reports to our vice president for Technical Committee 10:41:02
 9 Operations, Daniel Smith. 10:41:05
 10 BY MR. BRIDGES: 10:41:13
 11 Q. And who is the senior most person in the 10:41:13
 12 membership department who reports to him? 10:41:16
 13 MR. FEE: Objection. Beyond the scope of his 10:41:19
 14 designation. 10:41:21
 15 You can answer if you know. 10:41:23
 16 THE WITNESS: Ileana Smith who is not -- no 10:41:26
 17 relation, to my knowledge. 10:41:28
 18 BY MR. BRIDGES: 10:41:33
 19 Q. Who within the membership department has most 10:41:33
 20 knowledge about the receipt by ASTM of membership 10:41:37
 21 renewals? 10:41:44
 22 MR. FEE: Objection. Calls for speculation. 10:41:45
 23 It's beyond the scope of his designation. 10:41:48
 24 THE WITNESS: That, I wouldn't know. 10:41:50
 25 (Deposition Exhibit 1023 was marked for 10:42:39
 Page 56

1 identification.) 10:42:39
 2 MR. BRIDGES: Mr. Grove, I've handed you 10:42:39
 3 Exhibit 1023. 10:42:42
 4 Q. Do you recognize this as a copy of ASTM's 10:42:43
 5 Form 990 filed with the Internal Revenue Service? 10:42:45
 6 MR. FEE: Take a look at the document before 10:42:52
 7 you answer that question. 10:42:54
 8 (The witness reviewed Exhibit 1024.) 10:43:36
 9 THE WITNESS: Yes, it appears to be our 990 10:43:36
 10 forms. 10:43:42
 11 (Deposition Exhibit 1024 was marked for 10:44:02
 12 identification.) 10:44:02
 13 MR. BRIDGES: Mr. Grove, I've handed you 10:44:14
 14 Exhibit 1024. 10:44:16
 15 Q. This is an E-mail exchange between you and 10:44:17
 16 James Thomas; correct? 10:44:19
 17 A. Yes, it appears to be an E-mail. 10:44:39
 18 Q. Who is Mr. Thomas? 10:44:42
 19 A. In this instance, Jim Thomas is the president 10:44:44
 20 of ASTM International. 10:44:46
 21 (Deposition Exhibit 1025 was marked for 10:44:48
 22 identification.) 10:45:11
 23 MR. BRIDGES: Mr. Grove. I've handed you 10:45:11
 24 Exhibit 1025. 10:45:13
 25 Q. Is this a copy of the comments that ASTM made 10:45:14
 Page 57

1 to OMB in connection with the OMB activities you 10:45:19
 2 described earlier in your testimony? 10:45:23
 3 MR. FEE: Please read that carefully before 10:45:29
 4 you answer the question. 10:45:31
 5 THE WITNESS: Okay. 10:45:32
 6 (The witness reviewed Exhibit 1025.) 10:45:55
 7 THE WITNESS: It appears to be, yes. 10:45:55
 8 (Deposition Exhibit 1026 was marked for 10:46:18
 9 identification.) 10:46:18
 10 MR. BRIDGES: Mr. Grove, I've handed you 10:46:18
 11 Exhibit 1026. 10:46:20
 12 Q. This is an exchange of E-mails between you 10:46:21
 13 and Sarah Petre, and also, Kate McClung; is that 10:46:33
 14 correct? 10:46:36
 15 (The witness reviewed Exhibit 1026 for 10:46:36
 16 identification.) 10:47:14
 17 THE WITNESS: Yes. It's an E-mail exchange 10:47:14
 18 between myself and Sarah and Kate McClung. 10:47:15
 19 BY MR. BRIDGES: 10:47:17
 20 Q. Sarah Petre recently left ASTM; correct? 10:47:17
 21 A. She did, correct. 10:47:22
 22 Q. How recently did she leave? 10:47:22
 23 A. February 11 was her last date. 10:47:24
 24 Q. And what was her job title at ASTM? 10:47:26
 25 A. Her final title at ASTM was regulatory 10:47:30
 Page 58

1 counsel. 10:47:35
 2 Q. Was she functioning as an attorney or as a 10:47:35
 3 government affairs person? 10:47:37
 4 MR. FEE: Objection. Calls for speculation. 10:47:39
 5 Beyond the scope of his designation. 10:47:41
 6 THE WITNESS: I'd have to consult with our 10:47:45
 7 attorney to see what functions, if any, she was 10:47:47
 8 providing in the form of an attorney. 10:47:51
 9 BY MR. BRIDGES: 10:47:55
 10 Q. Insofar as you interacted with her, was she, 10:47:55
 11 to your understanding, functioning as an attorney for 10:47:57
 12 the organization, or is it a government affairs 10:48:00
 13 representative? 10:48:03
 14 MR. FEE: Objection. Calls for a legal 10:48:04
 15 conclusion. 10:48:05
 16 BY MR. BRIDGES: 10:48:06
 17 Q. I'm asking for your understanding. 10:48:06
 18 MR. FEE: Same objection. 10:48:09
 19 THE WITNESS: She was providing analysis of 10:48:14
 20 rules and regulations to help inform our decision 10:48:15
 21 making. So... 10:48:21
 22 BY MR. BRIDGES: 10:48:26
 23 Q. Does she report to you? 10:48:27
 24 A. She does, correct. 10:48:27
 25 Q. Who is Kate McClung? 10:48:28
 Page 59

1 A. Kate McClung is a staff manager for technical 10:48:31
 2 committees within ASTM's Technical Committee 10:48:34
 3 Operations division. 10:48:39
 4 Q. Who is Dan Smith? 10:48:42
 5 A. At the time of this E-mail, Dan Smith was the 10:48:46
 6 associate vice president for Technical Committee 10:48:50
 7 Operations and Kate McClung's supervisor. 10:48:53
 8 Q. What is Mr. Smith's role now? 10:48:57
 9 A. He's been promoted to be vice president of 10:49:00
 10 TCO, Technical Committee Operations. 10:49:08
 11 Q. To whom does he report? 10:49:08
 12 A. He reports to our executive vice president, 10:49:10
 13 Katherine Morgan. 10:49:15
 14 Q. And who is Anthony Quinn? 10:49:20
 15 A. Anthony Quinn works in the Washington office. 10:49:24
 16 His title is director of public policy, international 10:49:26
 17 trade. 10:49:32
 18 Q. Does he report to you? 10:49:32
 19 A. He does. 10:49:33
 20 Q. Who else reports to you? 10:49:36
 21 A. At ASTM I'm responsible for -- in addition to 10:49:39
 22 the Washington office, I'm responsible for corporate 10:49:42
 23 communications. So we have a team of five people at 10:49:44
 24 our headquarters in Conshohocken, Pennsylvania that 10:49:48
 25 report to me, and that's it for direct reports of ASTM 10:49:52
 Page 60

1 employees. 10:49:58
 2 Q. Sarah Petre used to report to you directly? 10:49:59
 3 A. That's correct. 10:50:02
 4 Q. Do any outside vendors report to you 10:50:03
 5 directly? 10:50:05
 6 MR. FEE: Objection. Vague. 10:50:06
 7 THE WITNESS: Not that I can think of. No, 10:50:15
 8 they do not. 10:50:16
 9 BY MR. BRIDGES: 10:50:17
 10 Q. Do any outside consultants report to you 10:50:17
 11 directly? 10:50:19
 12 MR. FEE: Objection. Vague. 10:50:20
 13 THE WITNESS: I'm sorry. I did forget one. 10:50:21
 14 We do -- I have a consultant that reports to me in 10:50:23
 15 Brussels. We have an office of -- office of European 10:50:26
 16 affairs in Brussels, Belgium. 10:50:29
 17 BY MR. BRIDGES: 10:50:33
 18 Q. And who is that person? 10:50:33
 19 A. Her name is Sara Gobbi, G-o-b-b-i. 10:50:34
 20 (Deposition Exhibit 1027 was marked for 10:50:36
 21 identification.) 10:51:20
 22 MR. BRIDGES: I'm handing you Exhibit 1027. 10:51:21
 23 I'd ask you if you've seen that before. 10:51:23
 24 (The witness reviewed Exhibit 1027.) 10:51:35
 25 THE WITNESS: I don't recall if I've seen 10:52:05
 Page 61

<p>1 this before. 10:52:06 2 BY MR. BRIDGES: 10:52:07 3 Q. In your capacity as a representative of ASTM, 10:52:07 4 is it your understanding that this document is a 10:52:11 5 response by Mr. Thomas, whom you identified earlier, 10:52:15 6 to communication from a Boeing representative? 10:52:18 7 MR. FEE: Objection. Calls for speculation. 10:52:21 8 He is not designated as to this document. 10:52:24 9 But you can answer if you have an answer in 10:52:28 10 the capacity individually. 10:52:30 11 THE WITNESS: Right. Laura Hitchcock serves 10:52:32 12 many roles in the standards community. So I'm not 10:52:35 13 certain as to what capacity this E-mail is being 10:52:38 14 written to Jim Thomas, but Laura is involved in a 10:52:42 15 number of different standards organizations. 10:52:49 16 BY MR. BRIDGES: 10:52:55 17 Q. I'm wanting to focus on Mr. Thomas's 10:52:55 18 response. Does this response in Exhibit 1027 appear 10:52:58 19 consistent with your understanding of views that ASTM 10:53:03 20 or Mr. Thomas had at about the time of this -- strike 10:53:08 21 that. 10:53:13 22 Does this response in Exhibit -27 appear 10:53:14 23 consistent with communications that ASTM had outside 10:53:16 24 the organization at approximately the time of this 10:53:23 25 E-mail? 10:53:26</p> <p style="text-align: right;">Page 62</p>	<p>1 Q Do you recognize this document? 10:56:14 2 A I do, yes 10:56:15 3 Q What is it? 10:56:15 4 A It is an E-mail from Anthony Quinn to myself 10:56:16 5 and Jim Thomas 10:56:16 6 Q What was the ACUS chambered event that is 10:56:16 7 mentioned in the E-mail? 10:56:24 8 A Well, I believe the ACUS is the 10:56:25 9 administrative council of the United States In 10:56:28 10 working with the U S Chamber of Commerce, they had an 10:56:31 11 event highlighting some of the recommendations and 10:56:33 12 discussing the recommendations that came out of ACUS 10:56:37 13 in 2011 on incorporation by reference and 10:56:40 14 international regulatory cooperation 10:56:46 15 (Deposition Exhibit 1029 was marked for 10:56:52 16 identification) 10:56:52 17 MR BRIDGES: Mr Grove, Exhibit 1029 is an 10:58:03 18 E-mail that is produced to us by ASTM, and you're 10:58 06 19 copied on it, it appears 10:58:16 20 Q Is it correct this is an E-mail from Maureen 10:58:18 21 Brodoff at NFPA to you and others? 10:58:21 22 A Yes, it appears to be 10:58:30 23 Q She was forwarding an E-mail from Jonathan 10:58:31 24 Gregory of APCO worldwide; is that correct? 10:58:34 25 MR FEE: Did you say this was directed to 10:58:38</p> <p style="text-align: right;">Page 64</p>
<p>1 MR. FEE: Objection. Vague. Calls for 10:53:27 2 speculation. Beyond the scope of his designation. 10:53:28 3 THE WITNESS: This may be the first time that 10:53:36 4 I became aware of who Carl Malamud is. 10:53:40 5 BY MR. BRIDGES: 10:53:47 6 Q. This E-mail may be? 10:53:47 7 A. Yes. 10:53:49 8 Q. Do you know if she got bcc'd on this? 10:53:50 9 A. I do not believe -- I do not believe that I 10:53:53 10 was, no. 10:53:55 11 Q. Then how would this be the first time you 10:53:56 12 became aware of Carl Malamud? 10:53:58 13 A. Well, we were referring to the E-mail here, 10:54:00 14 and I'm thinking of the event that this E-mail 10:54:01 15 pertains to. 10:54:04 16 (Deposition Exhibit 1028 was marked for 10:54:58 17 identification.) 10:54:58 18 BY MR. BRIDGES: 10:55:00 19 Q. Mr. Grove, do you recognize this document? 10:55:00 20 MR. FEE: Take your time to read it. 10:55:05 21 THE WITNESS: Okay. 10:55:07 22 (The witness reviewed Exhibit 1028.) 10:56:08 23 THE WITNESS: Would you please repeat the 10:56:08 24 question now that I've reviewed it. 10:56:12 25 BY MR. BRIDGES: 10:56:14</p> <p style="text-align: right;">Page 63</p>	<p>1 Jeff Grove? 10:58:44 2 MR BRIDGES: Yes, I did 10:58:46 3 MR FEE: Oh, I'm sorry I missed it My 10:58:47 4 apologies 10:58:49 5 THE WITNESS: It appears that there is 10:58:50 6 something from Jonathan Gregory that's being 10:58:51 7 forwarded, yes 10:58:53 8 BY MR BRIDGES: 10:58:54 9 Q Does this relate to the efforts that ASTM and 10:58:54 10 FPA and ASME were engaged in together with respect to 10:58:58 11 APCO? 10:59:02 12 MR FEE: Objection Vague Calls for 10:59:03 13 speculation 10:59:06 14 THE WITNESS: Yes It appears to be an 10:59:08 15 agenda for a conference call 10:59:11 16 (Deposition Exhibit 1030 was marked for 11:00:56 17 identification) 11 00:56 18 MR BRIDGES: I'll hand you Exhibit 1030 11:00:56 19 which is produced to us by ASTM in this litigation 11:01:00 20 This appears to be a letter from ASME regarding the 11:01:06 21 OMB process that you described earlier in your 11:01:14 22 testimony 11:01:17 23 Q Is that your understanding? 11:01:18 24 MR FEE: Objection Vague Calls for 11:01:19 25 speculation It's beyond the scope of his designation 11:01:21</p> <p style="text-align: right;">Page 65</p>

1 He wasn't designated to describe ASME documents 11:01:42
 2 (The witness reviewed Exhibit 1030) 11:01:48
 3 THE WITNESS: It appears there's a response 11:01:49
 4 by ASME to various questions posed by OMB on federal 11 01:50
 5 participation in the development and use of voluntary 11:01:54
 6 consents of standards 11:01:55
 7 BY MR BRIDGES: 11:01:55
 8 Q And it is correct that ASTM, NFPA, and ASME 11:01:56
 9 shared with each other their drafts of their 11:02:00
 10 respective letters to OMB regarding the OMB circular; 11:02:05
 11 is that right? 11:02:09
 12 MR FEE: Objection Lack of foundation 11:02:09
 13 Calls for speculation 11:02:11
 14 THE WITNESS: I don't recall sharing drafts 11:02:14
 15 BY MR BRIDGES: 11:02:15
 16 Q You don't have any recollection of that? 11 02:15
 17 MR FEE: Objection Asked and answered 11:02:17
 18 THE WITNESS: I don't recall sharing drafts 11:02:24
 19 BY MR BRIDGES: 11:02:29
 20 Q Do you recall seeing this letter before? 11:02:29
 21 A I know I read a number of submissions by 11:02:31
 22 various organizations as it's a topic I'm very 11 02:33
 23 interested in So it's quite likely I've read this 11:02:35
 24 before I don't believe this is a draft This is 11:02:38
 25 their submission 11:02:48

Page 66

1 Q That's right Do you recall this as being 11:02:48
 2 their submission? 11:02:49
 3 MR FEE: Objection Calls for speculation 11:02:51
 4 Beyond the scope of his designation 11:02:51
 5 THE WITNESS: It appears to be their 11:03:00
 6 submission 11:03:02
 7 (Deposition Exhibit 1031 was marked for 11:03:54
 8 identification) 11 03:54
 9 MR BRIDGES: I've handed you Exhibit 1031 11:03:54
 10 This appears to be an E-mail between Mr Thomas, 11:03:59
 11 ASTM's president, and Mary McKiel at the Environmental 11:04 04
 12 Protection Agency 11:04:09
 13 Q Have you seen this document before? 11:04:10
 14 (The witness reviewed Exhibit 1031) 11:04:36
 15 THE WITNESS: No, I'm not familiar with this 11:04:36
 16 specific document 11 04:37
 17 BY MR BRIDGES: 11:04:39
 18 Q This is not one of the documents you reviewed 11:04:39
 19 to prepare for this deposition? 11:04:41
 20 A I could have I just don't recall this 11:04:43
 21 Q Do you recall what the event was that is 11:04:46
 22 referred to in the document? 11:04:49
 23 MR FEE: Objection Calls for speculation 11:04:56
 24 THE WITNESS: I believe it's referring to a 11:04:58
 25 senior staff executive committee of the board retreat 11:05:01

Page 67

1 BY MR. BRIDGES: 11:05:09
 2 Q. Which board? 11:05:09
 3 A. The board of ASTM international, and the 11:05:11
 4 senior staff of ASTM. 11:05:13
 5 Q. You were at that meeting; correct? 11:05:16
 6 A. Correct. 11:05:18
 7 Q. And you're the "Jeff" that's referred to 11:05:19
 8 in -- I've lost where it is. In the last sentence of 11:05:22
 9 the first paragraph for Ms. McKiel? 11:05:42
 10 MR. FEE: Objection. Calls for speculation. 11:05:44
 11 THE WITNESS: I'm sorry. I don't see that. 11:05:49
 12 Can I -- 11:05:50
 13 BY MR. BRIDGES: 11:05:51
 14 Q. First paragraph of Exhibit 1031. 11:05:51
 15 A. First paragraph? 11:05:55
 16 Q. Right. Last sentence. "Brian and Jeff did a 11:05:56
 17 great job with the exercise." 11:05:58
 18 A. That's correct. 11:06:00
 19 Q. Are you that Jeff that -- 11:06:02
 20 A. I would be that Jeff. 11:06:03
 21 MR. FEE: Objection. Same objection. 11:06:04
 22 BY MR. BRIDGES: 11:06:05
 23 Q. And you did an exercise with someone named 11:06:05
 24 Brian? 11:06:08
 25 A. We did. We put the board through a branding 11:06:08

Page 68

1 workshop 11:06:11
 2 Q What was that branding workshop? 11:06:15
 3 A It was -- it was a very iterative process 11:06:17
 4 where we asked the board to consider ASTM's brand and 11:06:22
 5 ASTM's logo and to reflect on its attributes and its 11:06:30
 6 strengths and discuss whether or not it was time to 11:06:37
 7 revise our brand and revise our logo 11:06:42
 8 Q What was the outcome of that discussion? 11:06:49
 9 A Well, I believe the executive staff -- the 11:06:53
 10 executive committee of the board was excited about the 11 06:56
 11 idea of updating or refreshing ASTM's logo and coming 11:06:59
 12 out with a strong brand purpose and core purpose as an 11:07:06
 13 organization 11:07:12
 14 Q What steps has ASTM taken to do that? 11:07:17
 15 MR FEE: Objection Lack of foundation 11:07:23
 16 BY MR BRIDGES: 11:07:25
 17 Q If any 11:07:25
 18 A We've launched a new brand as of October 1 of 11 07:27
 19 last year We've got a new tag line and a new logo, 11:07:31
 20 which just is a -- is a -- it's an evolution over time 11:07:38
 21 of ASTM's mission 11:07:49
 22 Q Please describe that evolution over time of 11:07:51
 23 ASTM's mission 11:07:53
 24 A Well, so our core purpose is helping our 11:07:57
 25 world work better because we believe that's an 11:07:58

Page 69

1 impactful statement that summarizes ASTM's activities 11:08:03
 2 to develop 13,000 standards which improve the lives of 11:08:09
 3 people every day in countless ways 11:08:11
 4 Q What are some of the main ways in which those 11:08:13
 5 standards improve the lives of people every day? 11:08:16
 6 A Sure Well, just looking around this room, 11:08:18
 7 the water that we're drinking out of these bottles, 11:08:22
 8 the coffee cups that become compostable and 11:08:25
 9 recyclable The air that we're breathing is probably 11:08:28
 10 impacted by a number of ASTM standards It's 11:08:34
 11 difficult to quantify the extent to which ASTM's 11:08:41
 12 standards are being used as we speak 11:08:43
 13 Q Pick a standard, and explain to me how it -- 11:08:47
 14 how many standards did you say ASTM has? 11:08:55
 15 A We've got a volume of 12,700 or so 11:08:58
 16 Q How many of those are incorporated by 11:09:01
 17 reference? 11:09:03
 18 MR FEE: Objection Calls for speculation 11:09:03
 19 Vague 11:09:05
 20 MR BRIDGES: Let me withdraw that 11:09:13
 21 Q How many of those standards have the force of 11:09:13
 22 law because they have been adopted by some government? 11:09:15
 23 MR FEE: Objection Calls for a legal 11:09:18
 24 conclusion Vague as to "adopted " Calls for 11:09:19
 25 speculation 11:09:21
 Page 70

1 THE WITNESS: I'm not an attorney. So I 11:09:22
 2 wouldn't be able to comment on whether they had the 11:09:24
 3 force of law. 11:09:27
 4 BY MR. BRIDGES: 11:09:28
 5 Q. Have you ever expressed the view as to 11:09:28
 6 whether any ASTM standard has the force of law? 11:09:30
 7 MR. FEE: Objection. Calls for speculation. 11:09:36
 8 Calls for a legal conclusion. 11:09:38
 9 THE WITNESS: I'm not familiar -- I don't 11:09:39
 10 recall expressing that position. 11:09:41
 11 BY MR. BRIDGES: 11:09:43
 12 Q. You don't recall once -- 11:09:43
 13 MR. FEE: Objection. Asked and answered. 11:09:45
 14 BY MR. BRIDGES: 11:09:46
 15 Q. -- expressing the view as to whether an ASTM 11:09:46
 16 standard has the force of law? 11:09:49
 17 MR. FEE: Same objection. 11:09:51
 18 THE WITNESS: Per my previous answer, no. 11:09:52
 19 BY MR. BRIDGES: 11:09:59
 20 Q. Are you familiar with whether any government 11:09:59
 21 has adopted ASTM standards as its law or as its 11:10:03
 22 regulation? 11:10:13
 23 MR. FEE: Objection. Calls for a legal 11:10:14
 24 conclusion. Vague as to "adopted." Calls for 11:10:15
 25 speculation. 11:10:21
 Page 71

1 THE WITNESS: I'm not familiar with the term 11:10:22
 2 "adopted." 11:10:24
 3 BY MR. BRIDGES: 11:10:25
 4 Q. Not at all? 11:10:25
 5 MR. FEE: Objection. Asked and answered. 11:10:25
 6 THE WITNESS: That's not a term of art that 11:10:28
 7 I'm familiar with in the standards community. 11:10:30
 8 BY MR. BRIDGES: 11:10:34
 9 Q. You've never heard "adopted by reference" as 11:10:34
 10 a term in the standards community? 11:10:36
 11 A. Adopted by reference, no. Adopted as a 11:10:38
 12 national standard around the world? That's a 11:10:40
 13 different context. I've heard that context before. 11:10:43
 14 Q. Are you familiar with any ASTM standards 11:10:55
 15 being incorporated into law or regulation? 11:10:57
 16 MR. FEE: Objection. Vague. 11:11:00
 17 THE WITNESS: And, again, the term 11:11:08
 18 "incorporated" isn't the term of art that we would use 11:11:10
 19 in the standards community. I would be speculating as 11:11:12
 20 to what that might mean. 11:11:16
 21 BY MR. BRIDGES: 11:11:17
 22 Q. Have you ever -- are you familiar -- strike 11:11:17
 23 that. 11:11:22
 24 Are you familiar with whether any government 11:11:23
 25 has incorporated ASTM standards by reference into law 11:11:26
 Page 72

1 or regulation? 11:11:34
 2 MR FEE: Objection Calls or a legal 11:11:42
 3 conclusion 11:11:42
 4 THE WITNESS: I'm familiar with the term 11:11:43
 5 "incorporation by reference " I wouldn't be able to 11:11:44
 6 comment whether that implies it's law 11:11:47
 7 BY MR BRIDGES: 11:11:52
 8 Q Are you familiar with any government having 11:11:52
 9 incorporated ASTM standards by reference? 11:11:56
 10 A Yes 11:12:04
 11 Q What did the government -- please give me any 11:12:05
 12 instance that you're aware of where a government has 11:12:11
 13 incorporated any ASTM standard by reference 11:12:13
 14 A Okay There's actually many incorporation by 11:12:20
 15 reference of ASTM standards To pick one, I would 11:12:25
 16 pick a specific ASTM standard related to toy safety 11:12:33
 17 known as ASTM F963 11:12:36
 18 Q What governments have incorporated that 11:12:57
 19 standard by reference? 11:12:58
 20 MR FEE: Objection Calls for speculation 11:12:59
 21 THE WITNESS: I'm aware that the U S 11:13:00
 22 Consumer Product Safety Commission has incorporated by 11:13:02
 23 reference F963, and I'm also aware that other 11:13:05
 24 governments around the world have incorporated, by 11:13:10
 25 reference, F963 as one pathway towards -- as one of 11:13:14
 Page 73

1 other standards that they reference for toy safety 11:13:23
 2 BY MR BRIDGES: 11:13:31
 3 Q You started to refer to it as "one pathway " 11:13:31
 4 Pathway to what? 11:13:35
 5 A Well, I'm familiar with Hong Kong and 11:13:36
 6 Singapore having a consumer product safety policy that 11:13:38
 7 if a toy meets either ASTM F963, the European norm 11:13:42
 8 known as EN 71, or the ISO standard known as ISO 8124, 11:13:48
 9 that is the mechanism that their consumer product 11:13:55
 10 safety ministry has determined constitutes whether or 11:13:58
 11 not a product is deemed to be safe and enter into the 11:14:01
 12 marketplace in that country or in those two countries 11:14:04
 13 Q So I still don't understand what the pathway 11:14:07
 14 was to in your reference to a pathway 11:14:11
 15 MR FEE: Objection Asked and answered 11:14:14
 16 THE WITNESS: Right The government has 11:14:18
 17 indicated, as stated in an incorporation by 11:14:19
 18 reference-type manner, that the ASTM F963 is one 11:14:23
 19 mechanism that they recognize as a pathway to selling 11:14:28
 20 their product in their marketplace 11:14:33
 21 BY MR BRIDGES: 11:14:36
 22 Q As a pathway to a governmental permission? 11:14:36
 23 MR FEE: Objection Lack of foundation It 11:14:38
 24 calls for now, I think, a foreign legal conclusion 11:14:39
 25 THE WITNESS: Yeah I wouldn't be able to 11:14:44
 Page 74

1 speak with certainty. 11:14:46
 2 BY MR. BRIDGES: 11:14:47
 3 Q. So what did the Consumer Product Safety 11:14:47
 4 Council incorporate F963 into? 11:14:50
 5 MR. FEE: Objection. Lack of foundation. 11:14:54
 6 Vague as to "incorporate." 11:14:56
 7 BY MR. BRIDGES: 11:15:01
 8 Q. I'm asking for your understanding. 11:15:01
 9 A. Sure. 11:15:03
 10 Q. You used the term "incorporation by 11:15:03
 11 reference." So I'm trying to figure out -- 11:15:05
 12 MR. FEE: Your question did not have "by 11:15:07
 13 reference." That was the basis for my objection. 11:15:08
 14 MR. BRIDGES: Then I'll fix that. 11:15:10
 15 Q. What did the Consumer Product Safety Council 11:15:12
 16 incorporate F963 by reference into? 11:15:14
 17 A. So the Consumer Product Safety Commission has 11:15:17
 18 the Code of Federal Regulations that's related to 11:15:22
 19 consumer product safety, and it's my understanding 11:15:26
 20 that they indicate that F963 is one standard that's 11:15:30
 21 incorporated by reference. 11:15:34
 22 Q. Into the Code of Federal Regulations? 11:15:37
 23 A. That would be correct. 11:15:39
 24 Q. What do you understand the Code of Federal 11:15:41
 25 Regulations to contain? 11:15:45
 Page 75

1 MR. FEE: Objection. Calls for speculation. 11:15:45
 2 To the extent your understanding is based on your 11:15:47
 3 communications with counsel, I'd advise you not to 11:15:49
 4 disclose that. If you have an independent 11:15:51
 5 understanding, you can disclose that. 11:15:53
 6 BY MR. BRIDGES: 11:15:57
 7 Q. Well, if you're ignorant of what the CFR 11:15:58
 8 contains on your own, then go ahead and say that. 11:16:00
 9 MR. FEE: Objection. If you keep up with 11:16:03
 10 that, we'll have to take a break here. 11:16:04
 11 But you could answer the prior question. 11:16:05
 12 Ignore the "ignorant" question. He's not answering a 11:16:10
 13 question as "ignorant." 11:16:14
 14 MR. BRIDGES: I'm not accusing him of being 11:16:15
 15 an ignorant person, but if he's ignorant of what it 11:16:17
 16 contains, that's all right. There's nothing wrong 11:16:19
 17 with that. Nothing to be embarrassed about. 11:16:21
 18 MR. FEE: I'm instructing him not to answer 11:16:23
 19 the question with "ignorant" in it. If you have 11:16:23
 20 another question you want him to answer, you could ask 11:16:26
 21 it. 11:16:28
 22 BY MR. BRIDGES: 11:16:29
 23 Q. What do you understand the Code of Federal 11:16:29
 24 Regulations to contain? 11:16:33
 25 MR. FEE: Objection. 11:16:34
 Page 76

1 To the extent your understanding is based on 11:16:34
 2 communications with counsel, you should not disclose 11:16:36
 3 those, but if you have an independent understanding, 11:16:38
 4 you can go ahead and answer 11:16:39
 5 THE WITNESS: I mean I've seen the Code of 11:16:46
 6 Federal Regulations before There's a lot of 11:16:49
 7 information in it Sometimes it includes reference -- 11:16:52
 8 incorporation by reference to specific ASTM standards 11:16:57
 9 that I'm aware of But I'm not -- ASTM is a nonprofit 11:17:01
 10 organization, and we're not involved in determining 11:17:05
 11 what's -- we don't decide how our standards are 11:17:11
 12 applied in the marketplace 11:17:15
 13 BY MR BRIDGES: 11:17:17
 14 Q Well, my question was do you have an 11:17:17
 15 understanding as to what the Code of Federal 11:17:18
 16 Regulations contains? 11:17:21
 17 MR FEE: Objection Asked and answered, 11:17:22
 18 plus all my previous objections 11:17:23
 19 THE WITNESS: I believe I answered that It 11:17:25
 20 contains a variety of different information, including 11:17:28
 21 it may reference -- incorporate by reference specific 11:17:33
 22 ASTM document numbers in addition to numerous other 11:17:38
 23 types of supplemental information 11:17:41
 24 BY MR BRIDGES: 11:17:44
 25 Q What else are you aware that the Code of 11:17:45
 Page 77

<p>1 Federal Regulations contains? Are you aware it 11:17:48 2 contains federal regulations? 11:17:49 3 MR. FEE: Objection. Compound. 11:17:51 4 THE WITNESS: My knowledge of the Code of 11:17:58 5 Federal Regulations is -- I'm not an attorney. So 11:18:01 6 it's limited. 11:18:04 7 Since I've answered that question, this might 11:18:05 8 be a nice time. Could I take a short break? 11:18:06 9 MR. BRIDGES: No. I'm in the middle of a 11:18:09 10 course of questions. We'll finish my course of 11:18:10 11 questions, and then we can take a break for your 11:18:12 12 convenience. 11:18:15 13 MR. FEE: You can take a break as soon as you 11:18:16 14 finish answering these questions. 11:18:17 15 THE WITNESS: No problem. 11:18:20 16 BY MR. BRIDGES: 11:18:21 17 Q. Do you have any understanding as to what a 11:18:21 18 federal regulation is? 11:18:24 19 MR. FEE: Objection. Calls for a legal 11:18:27 20 conclusion. 11:18:28 21 You shouldn't disclose communications with 11:18:30 22 counsel, but if you have an independent understanding, 11:18:32 23 go ahead and answer it. 11:18:35 24 THE WITNESS: Sure. My independent 11:18:36 25 understanding would be the federal agency would come 11:18:37 Page 78</p>	<p>1 MR. FEE: Objection. Asked and answered. 11:20:10 2 THE WITNESS: No, I can't give you a general 11:20:21 3 answer. I would be speculating. 11:20:23 4 BY MR. BRIDGES: 11:20:27 5 Q. Do federal regulations impose requirements on 11:20:27 6 anybody? 11:20:32 7 MR. FEE: Objection. Calls for speculation 11:20:32 8 and a legal conclusion. 11:20:34 9 THE WITNESS: I'm not an attorney. I 11:20:36 10 wouldn't know. 11:20:37 11 BY MR. BRIDGES: 11:20:39 12 Q. You wouldn't know? How many years did you 11:20:39 13 spend on the Hill? 11:20:43 14 A. About eight years. 11:20:47 15 Q. And what were your jobs on the Hill? 11:20:48 16 A. I worked as a staff assistant, a legislative 11:20:51 17 assistant, a legislative director, a committee staff 11:20:54 18 person. 11:20:58 19 Q. In each of those jobs, to whom did you 11:21:00 20 report? 11:21:02 21 MR. FEE: Objection. Compound. 11:21:04 22 THE WITNESS: It would -- I would have to 11:21:07 23 state many different individuals, but I guess 11:21:09 24 ultimately, the members of Congress. 11:21:12 25 BY MR. BRIDGES: 11:21:16 Page 80</p>
<p>1 out with the notice of proposed rulemaking within the 11:18:41 2 areas that they're -- their mission of their agency is 11:18:47 3 responsible for. It would inform the public that they 11:18:51 4 intend to enact the following regulation and invite 11:18:54 5 the public to comment on that regulation. 11:18:57 6 BY MR. BRIDGES: 11:19:00 7 Q. What do you understand the -- well, what 11:19:01 8 purpose do you understand a regulation to serve in 11:19:04 9 that context that you just cited? 11:19:09 10 MR. FEE: Could you read that question back 11:19:11 11 for me, please. 11:19:13 12 (Record read.) 11:19:30 13 MR. FEE: Objection. Vague, and calls for 11:19:31 14 speculation. 11:19:33 15 THE WITNESS: It's an action by an agency 11:19:39 16 describing their expectations for the areas that 11:19:47 17 they're responsible for. 11:19:50 18 BY MR. BRIDGES: 11:19:53 19 Q. Expectations only? 11:19:53 20 MR. FEE: Objection. Vague. 11:19:55 21 THE WITNESS: I think you'd have to -- 11:20:00 22 there's so many different regulations, I wouldn't be 11:20:03 23 able to comment. 11:20:05 24 BY MR. BRIDGES: 11:20:08 25 Q. You couldn't comment beyond expectations? 11:20:08 Page 79</p>	<p>1 Q Whom were your direct superiors in each of 11:21:16 2 those positions? 11:21:19 3 MR FEE: Objection Compound 11:21:21 4 THE WITNESS: So working backwards from my 11:21:24 5 most recent employment on the Hill, chairperson was 11:21:27 6 Congresswoman Connie Morella from Maryland 11:21:32 7 BY MR BRIDGES: 11:21:40 8 Q Keep going I thought you were working 11:21:40 9 backwards 11:21:43 10 A Sure 11:21:43 11 Q So please continue backwards -- 11:21:43 12 A Sure I'd be happy to 11:21:48 13 MR FEE: Objection Compound 11:21:48 14 Go ahead 11:21:50 15 THE WITNESS: Prior to that, it would have 11:21:54 16 been Congressman Jim Sensenbrenner from Wisconsin 11:21:56 17 Prior to that, it would be Congressman Steven 11:22:00 18 Gunderson from Wisconsin And that would conclude the 11:22:03 19 three bosses that I served while I was on 11:22:10 20 Capitol Hill 11:22:14 21 BY MR BRIDGES: 11:22:16 22 Q And what committees did you work for? 11:22:16 23 MR FEE: Same objection Compound 11:22:18 24 THE WITNESS: It was the house committee on 11:22:19 25 science and technology That's the only committee 11:22:26 Page 81</p>

<p>1 MR BRIDGES: We can take a break now 11:22:28 2 THE WITNESS: Okay 11:22:31 3 THE VIDEOGRAPHER: We're off the record at 11:22:32 4 11:31 11:22:34 5 (A recess was taken from 11:31 a m 11:41:41 6 to 11:40 a m) 11:41:41 7 THE VIDEOGRAPHER: We're now back on the 11:41:41 8 record at 11:40 11:41:42 9 (Deposition Exhibit 1032 was marked for 11:41:58 10 identification) 11:41:58 11 MR BRIDGES: Mr Grove, I've handed you 11:41:58 12 Exhibit 1032 It's double sided flipping up along the 11:42:06 13 side 11:42:12 14 Q Do you recognize this as a document you 11:42:19 15 prepared? 11:42:21 16 MR FEE: Remember to review it first 11:42:22 17 (The witness reviewed Exhibit 1032) 11:44:07 18 THE WITNESS: Yes, I recognize the document 11:44:07 19 BY MR BRIDGES: 11:44:09 20 Q Do you recognize this as a document that you 11:44:09 21 prepared? 11:44:11 22 A Yes 11:44:13 23 Q Did you show this document at a presentation? 11:44:19 24 MR FEE: Objection Vague 11:44:25 25 THE WITNESS: My recollection is I did, yes 11:44:27</p> <p style="text-align: right;">Page 82</p>	<p>1 beginning? 11:46:52 2 A. That would be Jim Thomas, our president. 11:46:52 3 Q. And this is a document you prepared; correct? 11:46:54 4 A. It is. Correct. 11:46:56 5 (Deposition Exhibit 1034 for identification.) 11:47:43 6 MR. BRIDGES: Mr. Grove, Exhibit 1034 is an 11:47:44 7 exchange of -- it's an E-mail thread where you're 11:47:51 8 either the author or the recipient of each of the 11:47:57 9 E-mails. 11:48:00 10 Q. Is this correct? 11:48:02 11 (The witness reviewed Exhibit 1034.) 11:48:10 12 THE WITNESS: That is correct. 11:48:10 13 (Deposition Exhibit 1035 was marked for 11:48:40 14 identification.) 11:48:40 15 MR. BRIDGES: Mr. Grove, Exhibit 1035 is a 11:48:40 16 couple of E-mails from Sarah Petre to you during the 11:48:48 17 time she reported to you. 11:48:59 18 Q. Is that correct? 11:49:02 19 (The witness reviewed Exhibit 1035.) 11:49:25 20 THE WITNESS: Yes, it is. 11:49:25 21 (Deposition Exhibit 1036 for identification.) 11:51:16 22 MR. BRIDGES: Mr. Grove, Exhibit 1036 is a 11:51:16 23 memo from you to ASTM senior staff; is that correct? 11:51:19 24 (The witness reviewed Exhibit 1036.) 11:52:18 25 BY MR. BRIDGES: 11:52:19</p> <p style="text-align: right;">Page 84</p>
<p>1 BY MR BRIDGES: 11:44:32 2 Q Was it at a program referred to on the first 11:44:32 3 page of Exhibit 1032? 11:44:34 4 A Correct 11:44:37 5 Q When was the presentation? 11:44:42 6 A I wouldn't be able to give you an exact date 11:44:43 7 I want to say 2008 or -9 11:44:45 8 (Deposition Exhibit 1033 was marked for 11:45:26 9 identification) 11:45:29 10 MR BRIDGES: I'm handing you Exhibit 1033 11:45:29 11 I'm sorry I gave you two copies Please hand one 11:45:30 12 copy to your counsel 11:45:33 13 Please tell me what that document is 11:45:34 14 (The witness reviewed Exhibit 1033) 11:46:05 15 BY MR BRIDGES: 11:46:05 16 Q Do you recognize the document? 11:46:05 17 (The witness further reviewed Exhibit 1033) 11:46:12 18 THE WITNESS: I do recognize the document 11:46:13 19 BY MR BRIDGES: 11:46:31 20 Q What is it? 11:46:31 21 A I believe it's a statement that my supervisor 11:46:32 22 asked me for, summarizing some of the accomplishments 11:46:35 23 of my previous year of employment, 2012 11:46:39 24 accomplishments, and identifies some goals for 2013 11:46:46 25 Q Who is the "Jim" that it refers to at the 11:46:49</p> <p style="text-align: right;">Page 83</p>	<p>1 Q. Is that correct? 11:52:19 2 A. Correct, that is. 11:52:20 3 Q. Whom does "ASTM senior staff" in this memo 11:52:21 4 refer to? 11:52:25 5 A. So at ASTM we have a number of staff that are 11:52:30 6 responsible for the various divisions. That would be 11:52:37 7 vice presidents and associate vice presidents. That's 11:52:40 8 who senior staff is. 11:52:49 9 Q. Tell me who the persons were that you 11:52:49 10 intended that to refer to? 11:52:51 11 A. Sure. That would be Jim Thomas, our 11:52:53 12 president. Tom O'Brien, our general counsel. 11:52:57 13 Katherine Morgan, our vice president for technical 11:53:02 14 committees at the time. Tim Brook, vice president for 11:53:04 15 certification programs. Phil Lively, president for 11:53:13 16 information technology. That would include our 11:53:23 17 treasurer, Margaret Cassidy. And that may include two 11:53:29 18 others that aren't part of senior staff because of a 11:53:36 19 vice president title. They might be senior enough at 11:53:40 20 associate vice president or assistant vice president 11:53:44 21 level. That would have been Dan Smith and possibly 11:53:47 22 Jim S. Thomas. 11:53:52 23 Q. Is Jim S. Thomas James Thomas's son? 11:53:57 24 A. That would be correct. Associate vice 11:54:00 25 president for marketing and sales. 11:54:03</p> <p style="text-align: right;">Page 85</p>

1 Q. Does he still work for ASTM? 11:54:10
 2 A. He does. 11:54:12
 3 (Deposition Exhibit 1037 was marked for 11:54:56
 4 identification.) 11:54:56
 5 BY MR. BRIDGES: 11:54:57
 6 Q. Mr. Grove, Exhibit 1037 is an exchange of 11:54:57
 7 correspondence between you and John Pace; correct? 11:55:01
 8 A. Yes. 11:55:11
 9 Q. And the post that you're referring to is 11:55:12
 10 indicated at the URL down below at the bottom of that 11:55:17
 11 document; is that correct? 11:55:20
 12 A. That's correct. 11:55:22
 13 Q. What interactions did you have with Emily 11:55:24
 14 Bremer? 11:55:26
 15 A. I forget the time line. It was probably in 11:55:28
 16 2011 but Emily Bremer was the lead investigator or 11:55:31
 17 counsel that was working on the administrative counsel 11:55:36
 18 of the United States review and potential 11:55:39
 19 recommendations on incorporation by reference, and we 11:55:44
 20 met on one occasion at my office at her request. 11:55:49
 21 Q. Did you meet with her only once? 11:55:55
 22 A. Only once professionally. I see her at 11:55:56
 23 various standards community events in Washington quite 11:55:59
 24 a bit. 11:56:04
 25 Q. Are those nonprofessional events? I don't 11:56:06
 Page 86

1 quite understand the -- 11:56:09
 2 MR. FEE: Objection. 11:56:14
 3 BY MR. BRIDGES: 11:56:15
 4 Q. You said you met with her only once 11:56:15
 5 professionally, and then you see her at various 11:56:17
 6 standards community events in Washington quite a bit. 11:56:19
 7 A. Yeah. Thanks for the opportunity to clarify. 11:56:25
 8 MR. FEE: Objection. Vague. 11:56:25
 9 THE WITNESS: So I only met in an official 11:56:29
 10 capacity to be interviewed to represent ASTM's views 11:56:32
 11 once with Emily, but from time to time since then I 11:56:37
 12 see her at standards related events and quite possibly 11:56:40
 13 would say, "Hi" or "Hello," or "What are you working 11:56:45
 14 on" type of networking discussions. 11:56:48
 15 BY MR. BRIDGES: 11:56:53
 16 Q. What networking would be going on in those 11:56:53
 17 networking discussions? 11:56:56
 18 A. Just in the course of normal relationship, 11:56:57
 19 discussions that one might have with a colleague from 11:57:04
 20 another organization. 11:57:07
 21 Q. Have you ever met with her alone on any 11:57:11
 22 occasion other than the one time you said you were 11:57:14
 23 interviewed? 11:57:17
 24 A. I don't recall, no. I don't believe I have 11:57:20
 25 ever met with her besides the one time. 11:57:21
 Page 87

1 Q. How many times have you seen her at standards 11:57:24
 2 community events? 11:57:25
 3 A. I'd say at least a dozen. At least 10 to 12 11:57:31
 4 times. 11:57:34
 5 Q. And what standards community events do you 11:57:35
 6 have in mind? Strike that. 11:57:40
 7 What standards community events do you 11:57:44
 8 recall? 11:57:46
 9 A. I recall there were some subsequent ACUS 11:57:47
 10 public stakeholder opportunities for stakeholders to 11:57:50
 11 come to ACUS events. I recall that Emily was at the 11:57:56
 12 NIST standards workshop in May of 2012. I know I've 11:58:03
 13 seen her on other occasions at ANSI related events, 11:58:11
 14 ANSI sponsors world standards week where there's a 11:58:17
 15 number of different opportunities for meetings and 11:58:22
 16 topical discussions. So those would be the -- some of 11:58:27
 17 the instances where I may have seen her. 11:58:34
 18 Q. What other occasions have you seen her apart 11:58:36
 19 from ACUS public stakeholders events, the NIST 11:58:39
 20 standards workshop, and ANSI sponsored events? 11:58:42
 21 A. I think that represents most of my 11:58:51
 22 interactions or times I've seen her in Washington. 11:58:55
 23 Q. I understand maybe most. I want to try to 11:58:58
 24 understand every single one that you recall. 11:59:01
 25 A. Right. That's all I recall. 11:59:03
 Page 88

1 Q. What were the ANSI sponsored events to which 11:59:07
 2 you referred? 11:59:09
 3 A. I recall there was one at the national -- I'm 11:59:10
 4 sorry. It's at the consumer electronics association 11:59:15
 5 in Arlington, Virginia. A panel where Peter Strauss, 11:59:20
 6 Emily spoke, and now that you've refreshed my memory, 11:59:24
 7 I believe I spoke also on a panel there. Oh, and the 11:59:28
 8 ANSI events, the question. During world standards 11:59:38
 9 week every year there's four or five days in October 11:59:41
 10 where each day there's a -- one or more events, such 11:59:45
 11 as the organizational member form of ANSI, where 11:59:53
 12 organizations that are members of ANSI can come and -- 11:59:57
 13 for a program. There's the consumer interest forum or 12:00:02
 14 consumer groups that are members of ANSI speak. 12:00:07
 15 There's a legal issues forum where members 12:00:13
 16 from the standards community might go to discuss legal 12:00:20
 17 issues. And, occasionally, there's official committee 12:00:24
 18 meetings, such as the national policy committee, which 12:00:29
 19 I belong to, during that week. 12:00:31
 20 Q. And did she attend all of those? 12:00:34
 21 A. I recall I've seen her at some ANSI events 12:00:36
 22 before, but I wouldn't be able to tell you which ones 12:00:38
 23 with any certainty. 12:00:41
 24 Q. Are there any other instances that you recall 12:00:43
 25 being with her at an event? 12:00:46
 Page 89

1 A Not that I recall 12:00:51
 2 Q Where is your office? 12:01:08
 3 A The ASTM Washington office 12:01:10
 4 Q Where you work? 12:01:15
 5 A Yeah It's at 1850 M Street, Northwest, 12:01:16
 6 Suite 1030 12:01:16
 7 Q Who else works in ASTM's office there? 12:01:19
 8 A Currently, Anthony Quinn, our director of 12:01:25
 9 public policy and international trade, and we have a 12:01:27
 10 vacancy at the moment So just the two of us 12:01:32
 11 Q What's the vacancy? 12:01:34
 12 A It will be for a manager of global policy and 12:01:36
 13 industry affairs when we fill it 12:01:41
 14 REPORTER MARTIN: What was the last -- 12:01:56
 15 THE WITNESS: I'm sorry Global policy and 12:02:01
 16 industry affairs 12:02:01
 17 REPORTER MARTIN: And you said something 12:02:01
 18 towards the end 12:02:01
 19 THE WITNESS: When we fill it 12:02:01
 20 BY MR BRIDGES: 12:02:01
 21 Q Do you recall that the Consumer Electronics 12:02:01
 22 Associates panel you're on -- I think you said you 12:02:04
 23 were on a panel with Ms Bremer; is that correct? 12:02:11
 24 A I don't think we were on the same panel, but 12:02:13
 25 we spoke the same day at the same event 12:02:15
 Page 90

1 Q Do you recall being on a panel called 12:02:17
 2 "Towards Greater Government and Industry Cooperation"? 12:02:19
 3 A That sounds like the panel I was on, yes 12:02:23
 4 Q Who else was on that panel? 12:02:25
 5 A I believe Gordon Gillerman from the National 12:02:29
 6 Institute of Standards and Technology I believe 12:02:34
 7 Scott Cooper from the American National Standards 12:02:37
 8 Institute There's probably one more I'm sorry I 12:02:39
 9 just can't recall 12:02:46
 10 Q What was the greater government industry 12:02:47
 11 cooperation that you were urging? 12:02:49
 12 MR FEE: Objection Lack of foundation 12:02:55
 13 BY MR BRIDGES: 12:02:56
 14 Q Were you urging greater government in 12:02:56
 15 industry cooperation? 12:02:58
 16 MR FEE: Objection Vague 12:02:59
 17 THE WITNESS: Yeah I think -- I don't have 12:03:01
 18 my -- I don't recall the specifics of my presentation, 12:03:04
 19 but I believe we were outlying ways to make the 12:03:06
 20 public/private collaboration in standards development 12:03:10
 21 more effective, in our experience 12:03:13
 22 BY MR BRIDGES: 12:03:17
 23 Q And government cooperation was part of the 12:03:17
 24 public/private collaboration to which you just 12:03:22
 25 referred? 12:03:24
 Page 91

1 A. Government cooperation, you said? I'm sorry. 12:03:26
 2 Could you repeat the question. 12:03:28
 3 Q. Yes. Was government cooperation part of the 12:03:31
 4 public/private collaboration to which you just 12:03:34
 5 referred? 12:03:36
 6 A. Yes. 12:03:37
 7 Q. What government cooperation, if any, did you 12:03:40
 8 suggest would be beneficial when you were on that 12:03:48
 9 panel? 12:03:55
 10 A. I assume I presented some of the best 12:03:56
 11 practices that we've observed in the ASTM system for 12:04:00
 12 ensuring all diverse stakeholders that work in our 12:04:04
 13 open balance and transparent standards development 12:04:07
 14 process that results in voluntary consensus standards 12:04:10
 15 have a seat at the table, including the U.S. 12:04:14
 16 government. 12:04:17
 17 Q. So for government cooperation, then, you're 12:04:20
 18 suggesting government participation in the standards 12:04:25
 19 development process? Is that what you're referring 12:04:27
 20 to? 12:04:30
 21 MR. FEE: Objection. Vague. 12:04:31
 22 THE WITNESS: Yeah, including the government 12:04:32
 23 representatives in the process would be included, yes. 12:04:33
 24 BY MR. BRIDGES: 12:04:39
 25 Q. In the process for developing standards? 12:04:39
 Page 92

1 A. Correct. 12:04:41
 2 MR. FEE: Objection. Vague. 12:04:41
 3 BY MR. BRIDGES: 12:04:53
 4 Q. Do you recall that this was a panel moderated 12:04:53
 5 by Scott Cooper, that panelists were Gordon Gillerman 12:04:58
 6 from NIST, Emily Bremer, John Card from EchoStar 12:05:02
 7 Technologies, and you? 12:05:08
 8 A. Thank you for pointing that out. I did not 12:05:10
 9 recall that Emily was on the same panel but... 12:05:12
 10 Q. Does that refresh your recollection? 12:05:14
 11 A. That does. 12:05:15
 12 Q. Do you recall that one of the questions 12:05:16
 13 identified in the agenda published to the attendees 12:05:22
 14 was as follows: "What factors should government 12:05:27
 15 agencies take into consideration when examining 12:05:30
 16 industry standards for regulatory purposes"? 12:05:35
 17 MR. FEE: Objection. Calls for speculation. 12:05:39
 18 To the extent that mischaracterizes the document 12:05:43
 19 you're reading, object that you don't give him the 12:05:44
 20 document that you're reading. If you're asking him to 12:05:49
 21 remember a quote -- and he certainly hasn't been 12:05:52
 22 designated as an ASTM witness on quotes from 12:05:54
 23 particular slides of presentations. 12:05:57
 24 But you can answer if you know. 12:06:01
 25 THE WITNESS: Okay. That sounds like 12:06:05
 Page 93

<p>1 something that I would speak about. 12:06:06</p> <p>2 BY MR. BRIDGES: 12:06:08</p> <p>3 Q. So what factors should government agencies 12:06:08</p> <p>4 take into consideration when examining industry 12:06:08</p> <p>5 standards for regulatory purposes? 12:06:10</p> <p>6 A. Well, one of the most important factors that 12:06:13</p> <p>7 we believe is important to maintain the robust, viable 12:06:15</p> <p>8 system of standardization that we have in the U.S. is 12:06:24</p> <p>9 looking to see if standards development organizations 12:06:26</p> <p>10 meet the world trade organizations, technical barriers 12:06:28</p> <p>11 to trade agreement principles for international 12:06:31</p> <p>12 standardization. It's a message that we believe 12:06:34</p> <p>13 strongly in at ASTM, we've invested heavily in, and we 12:06:37</p> <p>14 promote it as widely as possible. 12:06:41</p> <p>15 Q. What regulatory purposes do you anticipate 12:06:49</p> <p>16 government agencies have that causes them to examine 12:06:54</p> <p>17 industry standards? 12:07:01</p> <p>18 MR. FEE: Read that back, please. 12:07:03</p> <p>19 (Record read.) 12:07:13</p> <p>20 MR. FEE: Objection. Calls for speculation. 12:07:14</p> <p>21 It's beyond the scope of his designation. 12:07:15</p> <p>22 THE WITNESS: I don't have an answer for 12:07:23</p> <p>23 that. I think you could assume that government 12:07:24</p> <p>24 participants in the standardization process bring 12:07:30</p> <p>25 knowledge of regulatory agendas and regulatory needs 12:07:32</p> <p style="text-align: right;">Page 94</p>	<p>1 when they're looking at participating in standards 12:08:53</p> <p>2 development activities and utilizing voluntary 12:08:57</p> <p>3 consensus standards in support of their agency's 12:09:01</p> <p>4 mission. 12:09:03</p> <p>5 BY MR. BRIDGES: 12:09:11</p> <p>6 Q. So my question is what are the regulatory 12:09:11</p> <p>7 purposes that in your interactions with government on 12:09:16</p> <p>8 behalf of ASTM, you believe government agencies have 12:09:20</p> <p>9 when they examine industry standards? So I'm asking 12:09:25</p> <p>10 what do you think the regulatory purposes are. 12:09:29</p> <p>11 MR. FEE: Same objections, plus compound. 12:09:31</p> <p>12 THE WITNESS: Yeah. And I don't believe 12:09:33</p> <p>13 there's any one answer to that. Each agency that 12:09:34</p> <p>14 we're aware of that we interact with or that 12:09:38</p> <p>15 participate in our committees have different needs and 12:09:40</p> <p>16 different expectations and different motivations for 12:09:42</p> <p>17 participating in our process. 12:09:46</p> <p>18 BY MR. BRIDGES: 12:09:48</p> <p>19 Q. So beyond that, you can't give your testimony 12:09:48</p> <p>20 as to what you think the government regulatory 12:09:51</p> <p>21 purposes are on a general basis? 12:09:54</p> <p>22 MR. FEE: Same objections. 12:09:57</p> <p>23 BY MR. BRIDGES: 12:10:00</p> <p>24 Q. In using or in examining ASTM's standards. 12:10:00</p> <p>25 MR. FEE: Same objections. 12:10:05</p> <p style="text-align: right;">Page 96</p>
<p>1 of agencies to the voluntary consensus standards 12:07:37</p> <p>2 community of which ASTM is one member amongst 225 12:07:40</p> <p>3 others 12:07:45</p> <p>4 BY MR BRIDGES: 12:07:50</p> <p>5 Q This agenda item referred to government 12:07:50</p> <p>6 agencies examining industry standards for regulatory 12:07:52</p> <p>7 purposes 12:07:56</p> <p>8 MR FEE: Objection Vague What agenda -- 12:07:57</p> <p>9 I'm unclear as to what agenda you're referring 12:08:00</p> <p>10 There's no agenda in front of him 12:08:04</p> <p>11 MR BRIDGES: That's all right It's so 12:08:07</p> <p>12 short, I can read it to him 12:08:08</p> <p>13 Q So my question is what regulatory purposes do 12:08:10</p> <p>14 you understand government agencies to have when they 12:08:16</p> <p>15 examine industry standards? 12:08:20</p> <p>16 MR FEE: Objection He's not been 12:08:22</p> <p>17 designated as to speculation as to government 12:08:24</p> <p>18 regulatory motivations, but to the extent you have an 12:08:26</p> <p>19 understanding individually, you can try to answer 12:08:31</p> <p>20 that 12:08:34</p> <p>21 THE WITNESS: Sure And I'm not an attorney, 12:08:35</p> <p>22 but my understanding is the National Technology 12:08:36</p> <p>23 Transfer and Advancement Act of 1995 combined with the 12:08:38</p> <p>24 OMB circular A119 lays out criteria or further 12:08:41</p> <p>25 guidance for federal agencies for them to consider 12:08:50</p> <p style="text-align: right;">Page 95</p>	<p>1 THE WITNESS: Yeah. I think we discussed 12:10:09</p> <p>2 earlier federal agencies do incorporate, by reference, 12:10:11</p> <p>3 standards from voluntary consensus standards bodies 12:10:16</p> <p>4 like ASTM. So that could be one potential -- one 12:10:19</p> <p>5 potential factor. 12:10:24</p> <p>6 BY MR. BRIDGES: 12:10:28</p> <p>7 Q. Do you understand what regulatory purposes 12:10:28</p> <p>8 federal agencies may have in incorporating ASTM 12:10:33</p> <p>9 standards by reference into CFR? 12:10:36</p> <p>10 MR. FEE: Objection. Calls for speculation. 12:10:41</p> <p>11 It's also beyond the scope of his designation. 12:10:42</p> <p>12 You can answer if you know. 12:10:44</p> <p>13 THE WITNESS: Generally, I believe the EPA 12:10:46</p> <p>14 would look to -- has a mission of helping to keep the 12:10:48</p> <p>15 air we breathe, the water we drink and the ground that 12:10:53</p> <p>16 we habitate on as safe and as clean and sustainable as 12:10:56</p> <p>17 possible. So they might look to organizations like 12:11:02</p> <p>18 ASTM and many others to see what work we're doing in 12:11:05</p> <p>19 many of these areas and ensure that their employees 12:11:08</p> <p>20 are participating in our standards development process 12:11:10</p> <p>21 to reflect the agency's mission. 12:11:12</p> <p>22 BY MR. BRIDGES: 12:11:17</p> <p>23 Q. How would the government employees affect -- 12:11:17</p> <p>24 strike that. 12:11:22</p> <p>25 What effect does the presence of government 12:11:26</p> <p style="text-align: right;">Page 97</p>

<p>1 employees have in the standards development process at 12:11:30 2 ASTM? 12:11:36 3 MR. FEE: Objection. Vague. 12:11:37 4 THE WITNESS: In my experience, federal 12:11:43 5 government participation in standards development 12:11:45 6 helps to make a more effective public/private 12:11:47 7 collaboration in our process. 12:11:50 8 BY MR. BRIDGES: 12:11:51 9 Q. How does it help in the drafting of 12:11:52 10 standards? 12:11:53 11 MR. FEE: Objection. Lack of foundation. 12:11:54 12 THE WITNESS: In the area of drafting 12:11:58 13 standards, I wouldn't have specific knowledge. 12:11:59 14 BY MR. BRIDGES: 12:12:03 15 Q. Who would? 12:12:03 16 MR. FEE: Objection. Calls for speculation. 12:12:04 17 THE WITNESS: Right. We have 140 different 12:12:07 18 technical committees and over 1,000 individual 12:12:09 19 subcommittees. So each agency's participation and 12:12:12 20 what role they play in the drafting of standards, I 12:12:15 21 believe was your term, that would vary significantly. 12:12:20 22 BY MR. BRIDGES: 12:12:23 23 Q. Who are two or three people at ASTM you think 12:12:23 24 would be in a best position to answer the question of 12:12:25 25 what effect the presence of government employees has 12:12:32 Page 98</p>	<p>1 Q. Have you seen Exhibit 1038 before? 12:14:55 2 (The witness reviewed Exhibit 1038.) 12:15:20 3 THE WITNESS: Yes, I have. 12:15:20 4 BY MR. BRIDGES: 12:15:21 5 Q. Is this an organizational chart as of 12:15:22 6 July 21, 2014? 12:15:23 7 A. I believe it is, yes. 12:15:25 8 Q. Have you seen a more recent organizational 12:15:27 9 chart of ASTM? 12:15:29 10 A. I have not, but I believe that this is just 12:15:31 11 slightly out of date. 12:15:35 12 Q. What changes are necessary to make it 12:15:36 13 current? 12:15:40 14 A. Under the direct line from Jim Thomas, that 12:15:46 15 would be a new box that would say, "Kathie Morgan, 12:15:51 16 Executive Vice President," and then a number of 12:15:57 17 departments would be reporting up through Kathie. 12:16:01 18 This is as of just a few weeks ago. 12:16:04 19 Q. I see that she is almost directly under 12:16:10 20 Mr. Thomas in what looks like a direct report as vice 12:16:11 21 president of Technical Committee Operations. Would 12:16:16 22 that be simply changing the title in that box? 12:16:18 23 A. It would be expanding her responsibilities. 12:16:23 24 For instance, now I report to Kathie Morgan, as does 12:16:25 25 Phil Lively, as does Teresa Cendrowska, as does Tim 12:16:30 Page 100</p>
<p>1 in the creation of standards? 12:12:38 2 MR. FEE: Objection. Calls for speculation. 12:12:43 3 Vague. 12:12:44 4 THE WITNESS: Well, other than me, I would 12:12:49 5 say I'm one. Beyond that, you know, ASTM, it's a 12:12:50 6 decentralized process. So it would really vary again 12:13:01 7 by the individual committees and the actions by the 12:13:05 8 committee officers. So if I had to give you another 12:13:08 9 name, I would say probably Katherine Morgan, who 12:13:14 10 formerly led our Technical Committee Operations. 12:13:17 11 BY MR. BRIDGES: 12:13:23 12 Q. What is her current post? 12:13:23 13 A. She's the executive vice president. 12:13:25 14 Q. What are her duties? 12:13:27 15 MR. FEE: Objection. Calls for speculation. 12:13:28 16 Beyond the scope of his designation. 12:13:31 17 THE WITNESS: Actually, I'm not certain what 12:13:35 18 her new duties are. She just assumed them in 12:13:36 19 February. But I would assume she's serving as our -- 12:13:39 20 she'll be serving as our president within the next two 12:13:48 21 to three years. So she's broad supervisory 12:13:51 22 responsibility. 12:13:54 23 (Deposition Exhibit 1038 was marked for 12:14:54 24 identification.) 12:14:54 25 BY MR. BRIDGES: 12:14:55 Page 99</p>	<p>1 Brooke, and a new box would need to be created -- or 12:16:38 2 in the old box that said Kathie Morgan, I would put 12:16:48 3 Daniel G. Smith. 12:16:51 4 Q. That's on Page 5 of 11 of the document? 12:16:53 5 A. Page 6 of 11. So Kathie has been promoted, 12:16:56 6 and Dan has taken Kathie's old job, if that helps. 12:17:12 7 Q. All right. In the standards development but 12:17:16 8 not Technical Committee Operations? Page 5 of 11 is 12:17:17 9 Technical Committee Operations. Page 6 of 11 is 12:17:24 10 standards development? 12:17:29 11 A. Yeah. I actually wouldn't be able to explain 12:17:30 12 the difference between Technical Committee Operations 12:17:32 13 and standards development, and in fact -- I would be 12:17:34 14 able to tell you why we have it displayed that way. 12:17:48 15 We think of them together. 12:17:48 16 Q. Where is Ms. Morgan's office? 12:17:57 17 A. Kathie is based at our corporate headquarters 12:17:59 18 in Conshohocken, Pennsylvania. 12:18:02 19 Q. What offices does ASTM have apart from the 12:18:11 20 Pennsylvania office you just referred to and 12:18:14 21 Washington, D.C.? 12:18:18 22 A. Well, we have an office in Ottawa, Canada, 12:18:24 23 but I believe the person that works for us there is a 12:18:26 24 contractor. 12:18:32 25 Q. Any other offices? 12:18:33 Page 101</p>

<p>1 A I had previously mentioned an office in 12:18:34 2 Brussels, Belgium where we have a contractor 12:18:35 3 Q Who else? 12:18:39 4 A We operated for many years an office in 12:18:40 5 Mexico City That office, our representative, 12:18:44 6 unfortunately, recently passed away So we are 12:18:47 7 re-evaluating what we're going to be doing in Mexico 12:18:51 8 City But I believe we will still have an office 12:18:54 9 there for the time being 12:18:58 10 Q Any other offices? 12:18:59 11 A We do So we worked in collaboration with an 12:19:01 12 organization called the American Association of State 12:19:04 13 Highway Transportation Officials It's known as 12:19:09 14 AASHTO, and AASHTO and ASTM work together in a 12:19:12 15 facility in Buckeystown, Maryland, which is -- we do 12:19:16 16 cement and concrete reference, related laboratory 12:19:22 17 inspections To my knowledge, that's the scope of 12:19:30 18 ASTM's offices 12:19:35 19 Q How often do you visit the corporate 12:19:44 20 headquarters in the course of a year? 12:19:47 21 A In 2013 I made approximately 24 trips to 12:19:50 22 ASTM's headquarters 12:19:55 23 Q How often do you speak to Emily Bremer on the 12:20:38 24 telephone? 12:20:41 25 A I honestly don't recall speaking with Emily 12:20:46</p> <p style="text-align: right;">Page 102</p>	<p>1 an interview with Emily that appeared in our magazine. 12:22:11 2 (Deposition Exhibit 1040 was marked for 12:23:27 3 identification.) 12:23:27 4 BY MR. BRIDGES: 12:23:27 5 Q. Mr. Grove, have you seen Exhibit 1040 before? 12:23:27 6 MR. FEE: Read it first. 12:23:34 7 MR. BRIDGES: It's pretty short. It's pretty 12:23:35 8 obvious. 12:23:37 9 (The witness reviewed Exhibit 1040.) 12:24:02 10 THE WITNESS: Yes, I'm familiar -- I am on 12:24:07 11 this E-mail, yes. 12:24:09 12 BY MR. BRIDGES: 12:24:12 13 Q. All right. And did you get -- did you see at 12:24:12 14 any point the segment from John Pace to James Thomas 12:24:18 15 up top? 12:24:22 16 A. Yes. 12:24:27 17 Q. Is the "Jeff" in the middle of the large 12:24:30 18 paragraph at the top, do you understand that to be a 12:24:34 19 reference to you? 12:24:37 20 A. I believe it is as I'm responsible for the 12:24:39 21 ASTM's reading room. 12:24:41 22 Q. Why are you responsible for the reading room? 12:24:54 23 MR. FEE: Objection. Vague. Calls for 12:24:57 24 speculation. 12:24:59 25 THE WITNESS: For many years I've been 12:25:01</p> <p style="text-align: right;">Page 104</p>
<p>1 Bremer since 2012 on the telephone. 12:20:48 2 Q. What about your staff? Do you know how often 12:20:50 3 they speak to Emily Bremer on the telephone? 12:20:53 4 MR. FEE: Objection. Calls for speculation. 12:20:56 5 Beyond the scope of his designation. 12:20:57 6 THE WITNESS: I believe my staff would inform 12:21:00 7 me if they spoke with Emily, and I don't recall them 12:21:01 8 speaking with her by phone. 12:21:08 9 MR. BRIDGES: I'll hand you Exhibit 1039. 12:21:14 10 (Deposition Exhibit 1039 was marked for 12:21:25 11 identification.) 12:21:25 12 BY MR. BRIDGES: 12:21:25 13 Q. Do you recognize this as an E-mail to you 12:21:25 14 from Cicely Enright? And who is Cicely Enright? 12:21:26 15 MR. FEE: Objection. Compound. 12:21:46 16 THE WITNESS: Yes. I recognize this is an 12:21:50 17 E-mail from Cicely Enright. Cicely works as an 12:21:51 18 associate editor of our ASTM magazine known as 12:21:54 19 Standardization News. 12:21:58 20 BY MR. BRIDGES: 12:22:00 21 Q. Does this E-mail concern an article to be 12:22:00 22 published in that newsletter? 12:22:03 23 MR. FEE: Objection. Beyond the scope of his 12:22:05 24 designation. 12:22:07 25 THE WITNESS: It appears as if it does. It's 12:22:08</p> <p style="text-align: right;">Page 103</p>	<p>1 working with senior staff because of an interest that 12:25:01 2 I have in striking the right balance between providing 12:25:05 3 the public with access to ASTM standards that become 12:25:09 4 incorporated by reference in various laws and 12:25:12 5 regulations while maintaining our ability to sustain 12:25:17 6 our organization through the distribution of our 12:25:25 7 standards under the model that served us so well for 12:25:27 8 118 years. 12:25:30 9 BY MR. BRIDGES: 12:25:42 10 Q. How did you come by such an interest? 12:25:42 11 A. Well, working in Washington for ASTM for as 12:25:45 12 long as I have, I've begun to hear and see the 12:25:48 13 emerging interest in striking this delicate balance, 12:25:56 14 began to see efforts that other organizations were 12:26:04 15 taking, such as the NFPA, which, going back all the 12:26:06 16 way to 2004, started to provide some of their key code 12:26:10 17 documents on their website. And I've heard some 12:26:15 18 interesting testimony and ideas expressed by people 12:26:21 19 like Peter Strauss, who is a law professor, I believe, 12:26:23 20 and other people associated with ACUS who served on 12:26:31 21 ACUS committees. So those are some of the factors and 12:26:35 22 things that have influenced my thinking on this 12:26:42 23 reading room. 12:26:44 24 Q. I understand the factors that influenced your 12:26:47 25 thinking, but how did you come to have such an 12:26:50</p> <p style="text-align: right;">Page 105</p>

<p>1 interest to begin with 12:26:52</p> <p>2 MR. FEE: Objection. Asked and answered. 12:26:54</p> <p>3 THE WITNESS: Yeah. I guess I don't know the 12:26:58</p> <p>4 difference in your question. ASTM is a nonprofit 12:26:59</p> <p>5 organization that serves society in a number of 12:27:07</p> <p>6 different ways. We're excited about our documents and 12:27:10</p> <p>7 what they can do, and the idea that we could strike a 12:27:12</p> <p>8 balance that would allow more access to some of those 12:27:18</p> <p>9 documents was something that we thought would be a -- 12:27:21</p> <p>10 very good for ASTM's standing in the community, as 12:27:25</p> <p>11 well as for the public. 12:27:28</p> <p>12 BY MR. BRIDGES: 12:27:31</p> <p>13 Q. Do you have any background in publications 12:27:31</p> <p>14 before coming to ASTM? 12:27:34</p> <p>15 A. I do not. 12:27:37</p> <p>16 Q. Do you have any background in libraries 12:27:38</p> <p>17 before coming to ASTM? 12:27:53</p> <p>18 A. No. 12:27:55</p> <p>19 Q. Did you have any background in archives 12:27:55</p> <p>20 before coming to ASTM? 12:27:57</p> <p>21 A. No. 12:27:59</p> <p>22 Q. Did you have any background in educational 12:28:01</p> <p>23 policy before coming to ASTM? 12:28:05</p> <p>24 MR. FEE: Objection. Vague. 12:28:08</p> <p>25 THE WITNESS: Yeah, it would depend what you 12:28:10</p> <p style="text-align: right;">Page 106</p>	<p>1 the development or for the funded research, that the 12:29:14</p> <p>2 resulting publications should be available to the 12:29:22</p> <p>3 public for a reasonable amount of time before they 12:29:25</p> <p>4 were exclusively put into commercial journals and put 12:29:32</p> <p>5 under that type of control. 12:29:39</p> <p>6 BY MR. BRIDGES: 12:29:46</p> <p>7 Q. When were you first aware of NFPA's actions 12:29:46</p> <p>8 in giving some public access to its standards? 12:29:52</p> <p>9 MR. FEE: Objection. Vague. This is also 12:29:59</p> <p>10 beyond the scope of his designation. 12:30:01</p> <p>11 THE WITNESS: I would -- I actually wouldn't 12:30:07</p> <p>12 be able to give you an exact date, but I would 12:30:09</p> <p>13 reasonably assume it's been within the last five 12:30:13</p> <p>14 years. Probably 2009, 2010. 12:30:16</p> <p>15 BY MR. BRIDGES: 12:30:19</p> <p>16 Q. Because you pointed out in your answer 12:30:19</p> <p>17 earlier how long NFPA had provided public access to 12:30:24</p> <p>18 some of the standards. I think you said going back 12:30:35</p> <p>19 all the way to 2004. Is that your understanding? 12:30:38</p> <p>20 A. That's based on what the NFPA representatives 12:30:41</p> <p>21 told me, which was very informational to me once we 12:30:44</p> <p>22 began to start working with them or start exchanging 12:30:49</p> <p>23 information about some of the things happening in 12:30:54</p> <p>24 Washington. And I learned suddenly that they've 12:30:56</p> <p>25 already been addressing this issue through some of 12:31:00</p> <p style="text-align: right;">Page 108</p>
<p>1 mean by "educational policy " 12:28:12</p> <p>2 BY MR BRIDGES: 12:28:15</p> <p>3 Q Did you have any background in promoting 12:28:15</p> <p>4 education, widespread education before coming to ASTM? 12:28:18</p> <p>5 MR FEE: Objection Vague 12:28:24</p> <p>6 THE WITNESS: No 12:28:25</p> <p>7 BY MR BRIDGES: 12:28:26</p> <p>8 Q Did you have any background in public access 12:28:26</p> <p>9 to government sponsored documents before coming to 12:28:31</p> <p>10 ASTM? 12:28:37</p> <p>11 MR FEE: Objection Vague as to "government 12:28:38</p> <p>12 sponsored documents " 12:28:40</p> <p>13 THE WITNESS: I was aware, during my time on 12:28:41</p> <p>14 Capitol Hill, there was interest in what was called at 12:28:45</p> <p>15 the time "public access to science," which was mostly 12:28:48</p> <p>16 about academic journals funded by the National 12:28:56</p> <p>17 Institute and others, and National Science Foundation 12:28:58</p> <p>18 BY MR BRIDGES: 12:28:59</p> <p>19 Q And what did you understand the interest in 12:28:59</p> <p>20 public access to mean? 12:29:00</p> <p>21 MR FEE: Objection This is beyond the 12:29:04</p> <p>22 scope of his designation 12:29 05</p> <p>23 You can answer individually 12:29 07</p> <p>24 THE WITNESS: My recollection was that there 12:29:09</p> <p>25 was an idea that if the federal government paid for 12:29:12</p> <p style="text-align: right;">Page 107</p>	<p>1 their codes, and I wouldn't be able to tell you what 12:31 09</p> <p>2 codes, but I believe it goes all the way back to 2004, 12:31:11</p> <p>3 2005 12:31:18</p> <p>4 Q In the answer you just gave, you referred to 12:31:19</p> <p>5 when you started working with NFPA and exchanged 12:31:23</p> <p>6 information with them When do you date that? 12:31:23</p> <p>7 A That would be, I think I've met -- the 12:31:25</p> <p>8 standards community in Washington is a small 12:31:31</p> <p>9 community So I've met the various Washington 12:31:34</p> <p>10 representatives for agencies Excuse me For SDO's, 12:31:35</p> <p>11 standards development organizations, many times in my 12:31:39</p> <p>12 career And I would say I've worked cooperatively and 12:31:41</p> <p>13 individually whenever necessary throughout my career 12:31:45</p> <p>14 at ASTM So 12:31:48</p> <p>15 Q Well, I think that doesn't quite answer my 12:31:56</p> <p>16 question I think you said you developed this 12:31:59</p> <p>17 interest when you began to hear -- sorry When you 12:32:02</p> <p>18 began to -- when you started working with them on 12:32:06</p> <p>19 exchanging information I'm just trying to find out 12:32:10</p> <p>20 what year you're referring to when you said that 12:32:12</p> <p>21 MR FEE: Objection Mischaracterizes his 12:32:14</p> <p>22 testimony 12:32:15</p> <p>23 THE WITNESS: I wouldn't be able to give you 12:32:19</p> <p>24 an exact year except for I know when we began the APCO 12:32:20</p> <p>25 related work, that was 2011 time frame 12:32:25</p> <p style="text-align: right;">Page 109</p>

1 BY MR BRIDGES: 12:32:29
 2 Q And did your interest in providing a reading 12:32:31
 3 room arise about the same time as the APCO engagement 12:32:32
 4 arose? 12:32:38
 5 A Similar time line I believe it began to -- 12:32:40
 6 I began to introduce the idea and socialize it before 12:32:43
 7 then Maybe a year or so before then 12:32:45
 8 Q You introduced the idea of a reading room? 12:32:48
 9 A The idea of figuring out a way to strike the 12:32:51
 10 right balance I think another idea we had at the 12:32:53
 11 time that I introduced was perhaps figuring out if 12:32:57
 12 there was a way we could provide better summaries of 12:33:01
 13 our standards to the public rather than relying on 12:33:04
 14 abstracts So there was various ideas that I began to 12:33:07
 15 socialize with ASTM staff about how to strike this 12:33:13
 16 delicate balance between providing the public with 12:33:17
 17 greater access to our documents while still preserving 12:33:20
 18 what we need to preserve in order to meet -- continue 12:33:25
 19 the enterprise of developing standards, keeping the 12:33:28
 20 barriers to participation low, and ensuring that would 12:33:31
 21 continue to provide the important value that we do in 12:33:35
 22 high-quality market-relevant standards that protect 12:33:39
 23 the public 12:33:42
 24 Q How did you introduce the idea of providing a 12:33:44
 25 reading room in the discussion you were referring to? 12:33:46

Page 110

1 A. Right. It would be as simple as talking to 12:33:52
 2 other staff at ASTM about looking at solutions that 12:34:01
 3 other organizations are considering or have posted 12:34:04
 4 towards providing greater access. 12:34:09
 5 Q. What other organizations did you mean just 12:34:17
 6 now? 12:34:19
 7 A. I believe the NFPA would be one. The 12:34:19
 8 American Petroleum Institute is a trade association 12:34:23
 9 that also develops standards, and I believe that they 12:34:25
 10 took some steps to provide greater access to their 12:34:30
 11 documents that I can recall caught my attention. 12:34:32
 12 Q. What other organizations? 12:34:39
 13 A. There's probably others, but those are the 12:34:50
 14 two I can think of that are what I would call "thought 12:34:51
 15 leaders." 12:34:56
 16 Q. What made NFPA a thought leader with respect 12:34:58
 17 to a reading room? 12:35:03
 18 A. The fact that they were making some of their 12:35:05
 19 core documents available to the public at no cost to 12:35:07
 20 first responders and those that they deemed needed 12:35:11
 21 access to them, positioned them in a way that was 12:35:15
 22 beyond the norm for standards developers and caught my 12:35:19
 23 notice. 12:35:22
 24 Q. Can you explain why it took approximately 12:35:24
 25 seven years for NFPA's reading room to catch your 12:35:27

Page 111

1 notice -- 12:35:38
 2 MR FEE: Objection Calls for -- 12:35:38
 3 BY MR BRIDGES: 12:35:38
 4 Q -- from 2004 to 2011? 12:35:38
 5 MR FEE: Lack of foundation Calls for 12:35:41
 6 speculation This is beyond his designation as a 12:35:42
 7 witness on behalf of ASTM 12:35:44
 8 You can answer if you know 12:35:46
 9 THE WITNESS: Yeah In my opinion, access 12:35:47
 10 just wasn't an issue that people were bringing to 12:35:50
 11 standards development organizations From ASTM's 12:35:54
 12 standpoint, we just were not hearing from the public 12:35:57
 13 or from agencies that access to ASTM standards at the 12:36:01
 14 reasonable and flexible, widely available way that we 12:36:05
 15 provided them, why that wasn't good enough So this 12:36:10
 16 was all informational to me and was significant in the 12:36:14
 17 fact that NFPA was doing this 12:36:19
 18 BY MR BRIDGES: 12:36:36
 19 Q How did you establish priorities in 12:36:36
 20 determining what standards ASTM would make available 12:36:40
 21 on its reading room? 12:36:45
 22 MR FEE: Objection Vague 12:36:47
 23 THE WITNESS: I believe there was some 12:36:51
 24 discussion initially about there was a provision 12:36:51
 25 introduced in legislation on the Hill that could 12:36:58

Page 112

1 potentially put ASTM in the position that if we did 12:37:03
 2 not provide public access at no cost to a few specific 12:37:08
 3 standards, that an agency would be precluded from 12:37:11
 4 utilizing such standards in future rulemakings, and 12:37:16
 5 that was a difficult position for ASTM to be put in. 12:37:20
 6 BY MR. BRIDGES: 12:37:25
 7 Q. My question was how did you establish 12:37:25
 8 priorities in determining what standards ASTM would 12:37:27
 9 make available on its reading room? 12:37:29
 10 MR. FEE: Same objections. 12:37:32
 11 THE WITNESS: So that same legislation that I 12:37:33
 12 referenced was very specific to an organization called 12:37:38
 13 FIMSA or PIMSA, which deals with -- it's a division 12:37:40
 14 within the Department of Transportation, which 12:37:43
 15 regulates the safety and the safe operation of 12:37:45
 16 pipelines and hazardous substances, and particularly 12:37:49
 17 for pipelines, this provision that I referred to 12:37:52
 18 earlier would have caused this potential barrier on 12:37:56
 19 the use of ASTM standards. 12:38:01
 20 So we began -- I began to look at which 12:38:03
 21 standards would be impacted by this potential 12:38:06
 22 legislation and what steps would ASTM possibly take to 12:38:08
 23 address this, either through legislation or through 12:38:15
 24 the fact that we make a decision that we'll go ahead 12:38:18
 25 and put it up for the public to review. 12:38:24

Page 113

1 BY MR BRIDGES: 12:38:36
 2 Q In your last answer you said, "I began to 12:38:36
 3 look at which standards would be impacted by this 12:38:39
 4 potential legislation and what steps would ASTM 12:38:41
 5 possibly take to address this " What did you mean by 12:38:46
 6 "to address this" in that answer? 12:38:51
 7 A Well, personally, I felt that there was a 12:38:54
 8 real dilemma for ASTM because, on one hand, we work 12:38:56
 9 with stakeholders who come to ASTM with the 12:39:00
 10 expectation at times that we are going to be the 12:39:04
 11 foremost developer of information and standards that 12:39:07
 12 will help to benefit their industry or protect and 12:39:12
 13 ensure their industry is operating safely So on one 12:39:18
 14 hand we have that commitment to our stakeholders to 12:39:21
 15 demonstrate our significance, and then on the other 12:39:24
 16 hand we had the situation where an agency may be told 12:39:28
 17 that they can no longer utilize ASTM standards if ASTM 12:39:32
 18 does not make such standards available to the public 12:39:37
 19 for free at no cost on an Internet website So you'd 12:39:39
 20 have to read back your question if I failed to answer 12:39:47
 21 that 12:39:49
 22 Q Thank you Yeah, I'm not sure you did I 12:39:49
 23 was asking what you meant by "to address this" when 12:39:52
 24 you were referring to the discussions around the FIMSA 12:39:55
 25 legislation I'm just trying to find out -- 12:40:01
 Page 114

1 A Sure 12:40:07
 2 Q -- what you meant by "to address this," what 12:40:07
 3 the "this" is and what it meant to address -- 12:40:12
 4 MR FEE: Objection to form 12:40:16
 5 Go ahead 12:40:17
 6 THE WITNESS: I was thinking ahead I 12:40:18
 7 believe it's my role to anticipate what changes could 12:40:20
 8 be coming from Washington, and the fact that this 12:40:22
 9 legislation was being considered, I thought was 12:40:28
 10 significant enough that we should do some internal 12:40:30
 11 planning and have some socialization of the issue 12:40:33
 12 amongst ASTM's management staff to ensure that we were 12:40:38
 13 taking steps to address it should it either be forced 12:40:43
 14 upon us or should we decide it's something that we 12:40:47
 15 want to do independent of any legislative or 12:40:50
 16 government directive 12:40:53
 17 BY MR BRIDGES: 12:40:57
 18 Q And you testified earlier that you began to 12:40:58
 19 look at what steps ASTM would possibly take to address 12:41:00
 20 this either through legislation or through the fact 12:41:04
 21 that we make a decision that we'll go ahead and put it 12:41:08
 22 up for the public to review What did you mean by 12:41:11
 23 "taking steps to address this through legislation"? 12:41:14
 24 Did that mean opposing the provisions relating to 12:41:20
 25 public access in the FIMSA legislation? 12:41:22
 Page 115

1 MR. FEE: Objection to form. 12:41:25
 2 THE WITNESS: That's not what I intended in 12:41:26
 3 my answer to your question. Taking steps to me, what 12:41:27
 4 I was implying there was that we were taking steps as 12:41:32
 5 an organization to implement this directive that might 12:41:34
 6 be passed by Congress. 12:41:39
 7 BY MR. BRIDGES: 12:41:41
 8 Q. Did, in fact, ASTM argue against the public 12:41:42
 9 access provisions in the FIMSA legislation? 12:41:48
 10 MR. FEE: Objection. Vague. 12:41:50
 11 THE WITNESS: Right. So I don't recall that 12:41:52
 12 we took any official position, wrote any official 12:41:54
 13 letters or signed any specific documents, but I do 12:41:57
 14 know that we did engage with Congressional staff on 12:42:02
 15 this issue to discuss what we thought would be the 12:42:05
 16 unintended consequences of this approach on 12:42:09
 17 organizations like ASTM and our model of standards 12:42:15
 18 development. And I should say we may have signed a 12:42:18
 19 letter. I just don't recall. I know there was a 12:42:22
 20 letter from SDOs that went to Capitol Hill. 12:42:25
 21 BY MR. BRIDGES: 12:42:29
 22 Q. So my question was a straightforward 12:42:30
 23 question. Did, in fact, ASTM argue against the public 12:42:31
 24 access provisions in the FIMSA legislation? 12:42:34
 25 MR. FEE: Objection. Asked and answered now. 12:42:38
 Page 116

1 The problem is your vague question is "argue." He 12:42:41
 2 answered it. 12:42:45
 3 But if you have something more to add, go 12:42:45
 4 ahead. 12:42:47
 5 THE WITNESS: We engaged Congressional staff 12:42:47
 6 and discussed with them the potential impacts, made 12:42:50
 7 them aware on what impacts could be on ASTM. 12:42:54
 8 BY MR. BRIDGES: 12:42:59
 9 Q. Well, "engage" is a very bland word. 12:42:59
 10 A. Sure. 12:43:00
 11 Q. In that engagement did you express criticisms 12:43:00
 12 of those provisions of the legislation? 12:43:04
 13 MR. FEE: Objection. Vague. 12:43:06
 14 THE WITNESS: Yeah. I recall that I asked 12:43:07
 15 what the motivation was because I understood that 12:43:08
 16 there was this perception that the consumers or the 12:43:14
 17 general public would somehow glean some technical 12:43:16
 18 knowledge out of our standards that would help them 12:43:24
 19 understand better how pipelines could be made more 12:43:26
 20 safely in their communities, and I wanted to -- in 12:43:31
 21 fact, at that meeting I believe I brought a copy of an 12:43:35
 22 ASTM standard that they were particularly interested 12:43:39
 23 in to show them the technical nature of the standard 12:43:44
 24 because I felt they were misinformed if that was their 12:43:48
 25 perception. 12:43:51
 Page 117

<p>1 BY MR. BRIDGES: 12:44:04 2 Q. Did your answer mean to imply that ASTM did 12:44:04 3 not criticize the public access provisions of the 12:44:09 4 legislation? Because your answer avoided my word 12:44:11 5 "criticism" by substituting other words and other 12:44:15 6 activities. 12:44:18 7 MR. FEE: Objection. Asked and answered. 12:44:19 8 Vague. He doesn't have to adopt your wording. He 12:44:20 9 just has to respond substantively to your question. 12:44:22 10 MR. BRIDGES: He has to answer my question, 12:44:26 11 that's exactly right, and that's all I'm asking him to 12:44:28 12 do. 12:44:28 13 MR. FEE: You can do it again if you have 12:44:28 14 something more to add. 12:44:30 15 THE WITNESS: I would add that I did not 12:44:31 16 indicate that ASTM supports their legislation. 12:44:32 17 BY MR. BRIDGES: 12:44:37 18 Q. Did my question have the word "support" in? 12:44:37 19 MR. FEE: He doesn't have to mock your 12:44:39 20 questions. That's his answer. If you don't like it, 12:44:41 21 then too bad. 12:44:44 22 MR. BRIDGES: It's not an answer to my 12:44:46 23 question did ASTM criticize the public access 12:44:46 24 provisions of the legislation. 12:44:49 25 MR. FEE: Objection. Asked and answered. 12:44:52 Page 118</p>	<p>1 Q -- did ASTM criticize the public access 12:45:20 2 provisions of the FIMSA legislation? 12:45:23 3 MR. FEE: You can answer that question 12:45:25 4 however you deem appropriate 12:45:26 5 BY MR. BRIDGES: 12:45:28 6 Q Yes or no? 12:45:28 7 A My previous answer I explained the unintended 12:45:34 8 potential and its consequences and explored the 12:45:41 9 motivation for why they were interested in this 12:45:41 10 legislation 12:45:43 11 Q Yes or no? 12:45:48 12 MR. FEE: Objection Asked and answered 12:45:54 13 THE WITNESS: I have nothing to add 12:45:56 14 BY MR. BRIDGES: 12:46:02 15 Q So what other priorities have you had in 12:46:02 16 determining what standards ASTM should make available 12:46:05 17 for public access? 12:46:13 18 MR. FEE: Can you read that question back, 12:46:15 19 please 12:46:16 20 (Record read) 12:46:25 21 MR. FEE: Objection Vague as to "public 12:46:25 22 access " 12:46:27 23 MR. BRIDGES: I'll rephrase that 12:46:31 24 Q What other priorities have you had in 12:46:32 25 determining what standards ASTM should make available 12:46:33 Page 120</p>
<p>1 MR. BRIDGES: It's a yes or no. 12:44:52 2 MR. FEE: No, it's not a yes or no. 12:44:54 3 Answer however you deem appropriate. 12:44:55 4 THE WITNESS: I believe I've answered the 12:44:57 5 question. 12:44:58 6 BY MR. BRIDGES: 12:44:58 7 Q. You're not going to answer this question? 12:44:58 8 MR. FEE: He's already answered it twice. 12:45:01 9 MR. BRIDGES: I need a yes or no. 12:45:03 10 MR. FEE: No, you don't. You're not getting 12:45:06 11 a yes or no unless that's all you have to say. You 12:45:07 12 answer the question however you like. 12:45:08 13 THE WITNESS: I believe I've answered the 12:45:09 14 question. 12:45:09 15 BY MR. BRIDGES: 12:45:09 16 Q. Are you taking your lawyer's instruction not 12:45:09 17 to give a further answer? 12:45:14 18 MR. FEE: I did not instruct him to do that. 12:45:16 19 MR. BRIDGES: It sounded like it to me. 12:45:17 20 MR. FEE: He's already answered that three 12:45:17 21 times now. 12:45:18 22 BY MR. BRIDGES: 12:45:19 23 Q. Yes or no -- 12:45:19 24 MR. FEE: No. 12:45:20 25 BY MR. BRIDGES: 12:45:20 Page 119</p>	<p>1 in this reading room? 12:46:36 2 A. Well, on or about that time, I believe that 12:46:39 3 was when scholars, such as Peter Strauss and ACUS was 12:46:41 4 beginning to -- and OMB was beginning to discuss or 12:46:48 5 review how the public currently has access to 12:46:53 6 standards that are incorporated by reference and what 12:46:57 7 "reasonably available" meant, and a lot of interesting 12:47:01 8 discussion was undergoing in Washington. So I think 12:47:05 9 it's fair to say that when discussing what documents 12:47:09 10 would have a priority that would -- ASTM would put up 12:47:16 11 for public access, we would look at some of the 12:47:20 12 standards that have been identified to us as having 12:47:24 13 been incorporated by reference, by federal agencies. 12:47:27 14 BY MR. BRIDGES: 12:47:32 15 Q. Do you know where to go to find a publicly 12:47:32 16 available list of standards that the federal 12:47:38 17 government has incorporated by reference? 12:47:43 18 MR. FEE: Objection. Vague as to time. 12:47:45 19 THE WITNESS: The resource that I'm most 12:47:51 20 familiar with that is almost exclusively I've looked 12:47:52 21 at is called STANDARDS.GOV. It's a website that's 12:47:55 22 operated by the National Institute of Standards and 12:48:00 23 Technology and includes a database that they provide 12:48:03 24 to the public as to which standards are incorporated 12:48:07 25 by reference in the U.S. Code of Federal Regulations. 12:48:12 Page 121</p>

1 BY MR BRIDGES: 12:48:17
 2 Q How many ASTM standards do you understand are 12:48:17
 3 listed at that location? 12:48:21
 4 MR FEE: Objection Vague as to time 12:48:23
 5 THE WITNESS: So there's -- if I'm answering 12:48:34
 6 your question exactly as you phrased it to me, how 12:48:35
 7 many standards, I believe there's 885 or so ASTM 12:48:38
 8 standards that are incorporated in the NIST database 12:48:41
 9 BY MR BRIDGES: 12:48:50
 10 Q How many of those standards are currently 12:48:50
 11 available at ASTM's reading room? 12:48:52
 12 A Well, if it's in the NIST database, we built 12:48:55
 13 the ASTM reading room using the NIST database as a 12:49:02
 14 baseline, and we added in other versions of those same 12:49:06
 15 885 ASTM standards that have been also incorporated by 12:49:10
 16 reference, just an agency, for instance, might 12:49:17
 17 reference the same ASTM standard but reference two 12:49:21
 18 different versions of the standard 12:49:25
 19 So we counted them in the reading room as 12:49:27
 20 well, and I believe our reading room has a volume of 12:49:30
 21 13- to 1,400 ASTM standards that are available to the 12:49:32
 22 public at no cost on our website for their review 12:49:36
 23 Q Are every one of the 885 standards from the 12:49:41
 24 NIST database available in the reading room? 12:49:45
 25 A I wouldn't be able to answer that 12:49:51
 Page 122

1 specifically. Using the NIST database as a guideline, 12:49:53
 2 we've incorporated, you know, as much of that as 12:50:02
 3 possible in the reading room. At times I believe we 12:50:04
 4 also tried to add a little bit more intelligence to it 12:50:06
 5 to determine if an agency was undertaking a subsequent 12:50:09
 6 rule-making, and we became aware that the agency had 12:50:18
 7 published a new final rule which either changed the 12:50:24
 8 reference to an ASTM standard that we had placed in 12:50:27
 9 the reading room or added a new ASTM standard to the 12:50:31
 10 reading room. 12:50:38
 11 Then we took steps to add that to the reading 12:50:39
 12 room. It's not an exact science. We don't pay a 12:50:42
 13 vendor to perform the service for us. We rely either 12:50:48
 14 exclusively on the NIST database or we -- it's based 12:50:55
 15 on intelligence that we've gathered about new 12:50:58
 16 rulemakings. 12:51:01
 17 Q. How do you gather intelligence about 12:51:03
 18 incorporations of ASTM standards by reference? 12:51:08
 19 A. Well, as much as possible we read the federal 12:51:14
 20 register. I'd like to think we read it on a regular 12:51:17
 21 basis, but sometimes it's more infrequent than that. 12:51:20
 22 So we will search key terms in the federal register to 12:51:24
 23 see if it's mentioning ASTM and if there's a rule that 12:51:30
 24 has resulted in the publication of standards. And 12:51:34
 25 sometimes we're ahead of it because ASTM has a policy 12:51:38
 Page 123

1 of working with agencies during the notice of proposed 12:51:41
 2 rule-making process 12:51:45
 3 Any agency that comes to us and asks us to 12:51:46
 4 put a standard up for public review during the public 12:51:50
 5 review period of a rule, we work with them to make 12:51:53
 6 that possible So at times we know that a certain 12:51:57
 7 number of ASTM standards have been in a notice to 12:52:01
 8 proposed rulemaking and that the new rule's expected 12:52:04
 9 to come out, so we can look for it 12:52:08
 10 Q Does ASTM provide assistance to the 12:52:16
 11 government in any way when the government is 12:52:18
 12 considering whether to incorporate an ASTM standard by 12:52:20
 13 reference? 12:52:23
 14 MR FEE: Objection Vague 12:52:24
 15 THE WITNESS: So we do -- I'm familiar with a 12:52:29
 16 couple things that either I do or a member of my staff 12:52:31
 17 does We look to see -- when we're aware that an ASTM 12:52:34
 18 standard is going to be used and incorporated by 12:52:39
 19 reference in some type of an action, we look to see 12:52:43
 20 what version of the standard and what designation of 12:52:46
 21 the standard is being used, and I believe on occasion 12:52:50
 22 if they're using -- proposing to use an outdated 12:52:54
 23 version of a standard, or, quite frankly, we've seen 12:52:59
 24 errors where they've attempted to use an ASTM biofuel 12:53:02
 25 standard, and rather than referencing D6751 they've 12:53:06
 Page 124

1 referenced D56571, gotten the numbers wrong, we will 12:53:09
 2 engage with an agency and either make them aware 12:53:14
 3 there's a more recent version or make them aware that 12:53:16
 4 what they are trying to reference doesn't make a lot 12:53:20
 5 of sense 12:53:22
 6 BY MR BRIDGES: 12:53:23
 7 Q Does ASTM bring standards to the attention of 12:53:26
 8 the federal government with some sort of 12:53:36
 9 recommendation that the federal government incorporate 12:53:38
 10 the standard by reference? 12:53:41
 11 MR FEE: Objection Vague 12:53:43
 12 THE WITNESS: That's not part of what we call 12:53:45
 13 engaging federal agencies in Congress What we will 12:53:49
 14 do is work with agencies and work with Congress to 12:53:53
 15 make them aware of the voluntary consensus standards 12:53:56
 16 that we're developing in any given area that they 12:53:59
 17 might have an interest But the ultimate decision of 12:54:02
 18 whether or not to utilize and reference those 12:54:07
 19 standards we rarely take positions on, and I can't 12:54:08
 20 give you a specific example of a time that we have 12:54:14
 21 taken an example on -- taken a position on 12:54:17
 22 BY MR BRIDGES: 12:54:23
 23 Q Do any state governments or municipal 12:54:23
 24 governments incorporate ASTM standards by reference? 12:54:26
 25 MR FEE: Objection to form 12:54:30
 Page 125

1 THE WITNESS: It's my understanding that 12:54:31
 2 state governments act on a parallel system of 12:54:32
 3 incorporation by reference and that many states may in 12:54:37
 4 fact reference ASTM standards in various state 12:54:41
 5 regulations. 12:54:45
 6 BY MR. BRIDGES: 12:54:47
 7 Q. When a state or municipal government 12:54:47
 8 incorporates an ASTM standard by reference -- strike 12:54:53
 9 that. 12:54:58
 10 Are you aware of any ASTM standards that a 12:55:00
 11 state or municipal government has incorporated by 12:55:04
 12 reference that the federal government has not 12:55:06
 13 incorporated by reference? 12:55:11
 14 MR. FEE: Objection to form. 12:55:12
 15 THE WITNESS: That's a very difficult one for 12:55:16
 16 us because, to my knowledge, there's nothing that 12:55:17
 17 parallels the NIST database for states. It would -- 12:55:20
 18 to my knowledge, it would require someone to search 50 12:55:24
 19 different states and perhaps use vendors and pay for a 12:55:29
 20 service to track that. So I don't have direct 12:55:33
 21 knowledge. From time to time we do get letters from 12:55:36
 22 states about proposed rule-making, saying about their 12:55:40
 23 interest in referencing standards. So I would be more 12:55:43
 24 familiar with that. 12:55:46
 25 BY MR. BRIDGES: 12:55:49
 Page 126

1 Q. I guess my question is are you aware of any 12:55:49
 2 ASTM standards that a state or municipal government 12:55:52
 3 has incorporated by reference that the federal 12:55:56
 4 government has not incorporated by reference? 12:55:58
 5 MR. FEE: Objection to form. 12:56:00
 6 THE WITNESS: I'm not aware of any. 12:56:06
 7 BY MR. BRIDGES: 12:56:09
 8 Q. You're not aware of a single one? 12:56:09
 9 A. I'm not aware of any. 12:56:11
 10 Q. I want to go back and continue the thread of 12:56:31
 11 questions about priorities and determining what 12:56:33
 12 standards to put in the reading room. 12:56:39
 13 A. Before you ask the next question, I would 12:56:41
 14 like to notice you that I would like to take a break 12:56:43
 15 at the appropriate point here. 12:56:49
 16 Q. Okay. Give me a few more minutes, and we'll 12:56:49
 17 take a break for lunch. 12:56:51
 18 A. That's fine. 12:56:56
 19 Q. I just want to go back to the topic of 12:56:56
 20 priorities you have in determining what standards to 12:56:58
 21 place in ASTM's reading room. Are there any other 12:57:00
 22 priorities that you have not discussed? 12:57:03
 23 MR. FEE: Objection. Vague. 12:57:05
 24 THE WITNESS: No, not that I'm aware of. Not 12:57:11
 25 that I can think of. 12:57:14
 Page 127

1 MR BRIDGES: Why don't we take our break 12:57:17
 2 now 12:57:18
 3 MR FEE: Okay Great 12:57:19
 4 THE VIDEOGRAPHER: Going off the record at 12:57:20
 5 12:56 12:57:21
 6 (A recess was taken from 12:56 p m 13:52:05
 7 to 1:59 p m) 14:00:46
 8 THE VIDEOGRAPHER: We are back on the record 14:00:46
 9 at 13:59 14:00:47
 10 (Deposition Exhibit 1041 was marked for 14:01:06
 11 identification) 14 01:06
 12 MR BRIDGES: Mr Grover, I'm handing you 14:01:06
 13 Exhibit 1041 This is an E-mail exchange between you 14 01:08
 14 and Jeff Grove; is that correct? Sorry This is an 14:01:19
 15 E-mail exchange -- strike that 14:01:22
 16 Q Exhibit 1041 is an E-mail exchange between 14:01:24
 17 you and John Pace; is that correct? 14:01:26
 18 (The witness reviewed Exhibit 1041) 14:01:57
 19 THE WITNESS: Yes 14:01:58
 20 BY MR BRIDGES: 14:01:58
 21 Q And Mr Pace is head of publications for 14:01:58
 22 ASTM; is that correct? 14:02:02
 23 A That's correct 14:02:02
 24 (Deposition Exhibit 1042 was marked for 14:02:33
 25 identification) 14 02:33
 Page 128

1 MR. BRIDGES: I'm handing you Exhibit 1042. 14:02:33
 2 This is an E-mail from you to Sarah Petre, 14:02:41
 3 who reported to you; is that correct? 14:02:43
 4 (The witness reviewed Exhibit 1042.) 14:03:26
 5 THE WITNESS: Yes. 14:03:26
 6 BY MR. BRIDGES: 14:03:27
 7 Q. What does "HF" refer to in Exhibit 1042? 14:03:27
 8 MR. FEE: Objection. Calls for speculation. 14:03:35
 9 THE WITNESS: I'd be speculating. I don't 14:03:41
 10 have a guess. 14:03:43
 11 BY MR. BRIDGES: 14:03:43
 12 Q. You'd have no idea? 14:03:43
 13 MR. FEE: Same objection. 14:03:46
 14 THE WITNESS: I don't. 14:03:48
 15 BY MR. BRIDGES: 14:03:51
 16 Q. Did you discuss with anybody at ASTM in 14:03:51
 17 preparation for your -- strike that. 14:03:55
 18 Did you review this E-mail in preparation for 14:03:58
 19 your testimony today? 14:04:00
 20 A. I don't recall, no. I don't think I 14:04:05
 21 discussed this, no. 14:04:07
 22 Q. I asked if you reviewed the E-mail in 14:04:12
 23 preparation for your testimony today. 14:04:14
 24 A. I did not. I just reviewed it now. 14:04:16
 25 Q. Does HF, as an acronym, apply to any public 14:04:19
 Page 129

1 relations firms that ASTM uses? 14:04:32
 2 A I think that would be in the scope of 14:04:42
 3 attorney-client discussions 14:04:43
 4 Q No, that would not 14:04:45
 5 MR FEE: Actually, it might We need to go 14:04:46
 6 outside for that 14 04:48
 7 MR BRIDGES: Going off the record 14:04:52
 8 THE VIDEOGRAPHER: Going off the record at 14:04:53
 9 2:04 14:04:57
 10 (A recess was taken from 2:04 p m 14:06:30
 11 to 2:06 p m) 14:07:47
 12 THE VIDEOGRAPHER: We're going back on the 14:07:49
 13 record at 14:06 14:07:50
 14 MR FEE: I'm going to instruct the witness 14:07:53
 15 not to answer any questions regarding what's referred 14:07:54
 16 to here as "HF call," and we're going to claw back 14:07:56
 17 ASTM102361, and we'll replace it with a redacted 14:08:00
 18 version that keeps Item No 2 of this E-mail 14:08:04
 19 unredacted 14:08:10
 20 MR BRIDGES: It keeps No 2 unredacted? 14:08:11
 21 MR FEE: Yes 14:08:13
 22 MR BRIDGES: I do have a couple of voir dire 14:08:15
 23 questions on this 14:08:17
 24 Q Does HF -- is that a mistake for "FH"? 14:08:18
 25 MR FEE: Objection 14:08:21
 Page 130

1 I'm going to instruct you not to answer that 14:08:21
 2 question. I instruct you not to answer. 14:08:23
 3 THE WITNESS: Okay. 14:08:29
 4 MR. BRIDGES: Mr. Fee, did ASTM provide in 14:08:31
 5 any privilege log, any records of communications with 14:08:38
 6 Fleishman Hillard? 14:08:42
 7 MR. FEE: I have no idea. 14:08:43
 8 MR. BRIDGES: If it wishes to protect 14:08:45
 9 information about communications regarding Fleishman 14:08:50
 10 Hillard, we would expect to see that on a privilege 14:08:54
 11 log. 14:08:56
 12 MR. FEE: Well, we'll certainly give you a 14:08:56
 13 privilege log at least for this document. 14:08:57
 14 MR. BRIDGES: Well, I'm asking for a 14:08:59
 15 privilege log because it strikes me as though -- this 14:09:00
 16 suggests to me that there are relevant and responsive 14:09:03
 17 communications in discovery in this case with 14:09:06
 18 non-lawyers as to which I'm hearing some work product 14:09:15
 19 claims are being asserted, and it appears to me that 14:09:19
 20 those communications in which the client participated 14:09:25
 21 should be on a privilege log. 14:09:36
 22 Q. Mr. Grove, has ASTM ever retained the firm of 14:09:42
 23 Fleishman Hillard? 14:09:48
 24 MR. FEE: Objection. 14:09:50
 25 I'll instruct you not to answer to the extent 14:09:51
 Page 131

1 that your answer would reveal any retention of any 14:09:53
 2 firm that was at the direction of counsel in 14:09:56
 3 connection with litigation. Excluding those 14:09:58
 4 retentions, you can disclose any others. 14:10:02
 5 THE WITNESS: Based on that direction, I'm 14:10:07
 6 unable to answer your question. 14:10:09
 7 BY MR. BRIDGES: 14:10:12
 8 Q. Do you know whether American Petroleum 14:10:12
 9 Institute had retained Fleishman Hillard? 14:10:14
 10 MR. FEE: Objection. Calls for speculation. 14:10:17
 11 THE WITNESS: I don't know. 14:10:19
 12 (Deposition Exhibit 1043 was marked for 14:11:05
 13 identification.) 14:11:05
 14 BY MR. BRIDGES: 14:11:05
 15 Q. Mr. Grove, do you recall having seen 14:11:05
 16 Exhibit 1043 before? 14:11:08
 17 (The witness reviewed Exhibit 1043.) 14:11:17
 18 THE WITNESS: This is not a document that 14:11:17
 19 I've seen that I recall. 14:11:18
 20 BY MR. BRIDGES: 14:11:21
 21 Q. It was produced to us by ASTM. Do you know 14:11:21
 22 the circumstances in which ASTM possessed this 14:11:26
 23 document? 14:11:31
 24 MR. FEE: Objection. Calls for speculation. 14:11:32
 25 It's beyond the scope of his designation. 14:11:34
 Page 132

1 THE WITNESS: I don't. 14:11:36
 2 BY MR. BRIDGES: 14:11:40
 3 Q. Does this document pertain to incorporations 14:11:40
 4 by reference? 14:11:42
 5 MR. FEE: Read the document to answer that 14:11:48
 6 question. 14:11:49
 7 (The witness further reviewed Exhibit 1043.) 14:12:04
 8 BY MR. BRIDGES: 14:13:07
 9 Q. Do you need more time to determine if this 14:13:07
 10 relates to incorporation -- 14:13:09
 11 A. Just about finished. 14:13:11
 12 (The witness further reviewed Exhibit 1043.) 14:13:14
 13 THE WITNESS: Great. I'm sorry. Could you 14:13:14
 14 repeat it? 14:13:19
 15 BY MR. BRIDGES: 14:13:21
 16 Q. Does this document pertain -- strike that. 14:13:21
 17 Does this document pertain to incorporation 14:13:24
 18 by reference? 14:13:26
 19 MR. FEE: Objection. Vague. The document 14:13:27
 20 speaks for itself. 14:13:30
 21 THE WITNESS: My understanding of the 14:13:37
 22 article, it's about the relationship between building 14:13:38
 23 codes and standards. So I don't consider that 14:13:43
 24 incorporation by reference. 14:13:47
 25 BY MR. BRIDGES: 14:14:02
 Page 133

<p>1 Q. Do you know who the author of that document 14:14:02 2 is? 14:14:04 3 A. I do not. 14:14:06 4 Q. Do you know what the publication is that's 14:14:07 5 indicated at the bottom? 14:14:09 6 A. I'd speculate that it's an architectural 14:14:13 7 magazine based on the name. 14:14:23 8 (Deposition Exhibit 1044 was marked for 14:14:58 9 identification.) 14:14:58 10 MR. BRIDGES: I'm handing you Exhibit 1044. 14:14:59 11 Q. Do you recognize this document? 14:15:15 12 (The witness reviewed Exhibit 1044.) 14:15:38 13 THE WITNESS: I do. 14:15:38 14 BY MR. BRIDGES: 14:15:38 15 Q. What material is blacked out at the top of 14:15:39 16 Page 1044? 14:15:43 17 MR. FEE: Objection. Calls for speculation. 14:15:44 18 To the extent that would require you to 14:15:46 19 disclose any privileged information, I would instruct 14:15:47 20 you not to answer that. 14:15:49 21 THE WITNESS: And I don't know. 14:15:54 22 BY MR. BRIDGES: 14:15:57 23 Q. So I have to say I'm curious as to why 14:15:57 24 something was blacked out because this is an E-mail 14:15:59 25 between you and people at three other organizations; 14:16:05 Page 134</p>	<p>1 THE WITNESS: That would relate to -- 14:17:13 2 MR. FEE: I instruct you not to answer that 14:17:15 3 question. 14:17:16 4 MR. BRIDGES: Can I get a representation from 14:17:17 5 counsel that this document was in anticipation of 14:17:19 6 litigation against Public Resource? 14:17:22 7 MR. FEE: I'd have to see what's underneath 14:17:24 8 there to be able to say anything. 14:17:26 9 MR. BRIDGES: Someone on your team redacted, 14:17:29 10 and I'd like an answer to that at our next break, 14:17:31 11 please. 14:17:32 12 MR. FEE: That's not going to happen. 14:17:32 13 MR. BRIDGES: Well, then we're going to 14:17:33 14 reserve the right to recall Mr. Grove back for further 14:17:34 15 question because this appears to be a wrongful 14:17:37 16 redaction to me at first blush. 14:17:40 17 MR. FEE: It doesn't appear that way to me 14:17:42 18 but... 14:17:47 19 BY MR. BRIDGES: 14:17:52 20 Q. Mr. Grove, the underlying E-mails from Emily 14:17:52 21 Bremer, she's someone we discussed earlier who worked 14:17:57 22 for the administrative conference of the 14:18:00 23 United States; correct? 14:18:03 24 MR. FEE: Objection. Calls for speculation. 14:18:05 25 THE WITNESS: Yes. 14:18:08 Page 136</p>
<p>1 correct? Maureen Brodoff, Lorraine Carli and Joseph 14:16:13 2 Wendler are not within ASTM's organization; is that 14:16:14 3 correct? 14:16:18 4 MR. FEE: Objection. Vague. Compound. 14:16:18 5 THE WITNESS: Correct. 14:16:22 6 BY MR. BRIDGES: 14:16:23 7 Q. And none of them was an attorney for ASTM; is 14:16:23 8 that correct? 14:16:26 9 MR. FEE: Objection. Calls for a legal 14:16:27 10 conclusion. Calls for speculation. Beyond the scope 14:16:28 11 of his designation. 14:16:32 12 THE WITNESS: My understanding is that 14:16:36 13 Maureen Brodoff is an attorney and acts as an attorney 14:16:38 14 for ASME -- excuse me, for NFPA. 14:16:42 15 BY MR. BRIDGES: 14:16:46 16 Q. No. I'm asking did any of those three 14:16:46 17 persons, Ms. Brodoff, Ms. Carli, and Mr. Wendler act 14:16:48 18 as a lawyer for ASTM, to your knowledge? 14:16:51 19 MR. FEE: Same objections. 14:16:54 20 THE WITNESS: Not to my knowledge. 14:16:56 21 BY MR. BRIDGES: 14:16:57 22 Q. On July 21, 2011, was ASTM considering filing 14:16:57 23 a lawsuit against Public Resource or Carl Malamud? 14:17:04 24 MR. FEE: Objection. I instruct you not to 14:17:10 25 answer that question. 14:17:11 Page 135</p>	<p>1 BY MR. BRIDGES 14:18:12 2 Q. What would you put in a cover E-mail to 14:18:12 3 persons at other organizations in July 21, 2011 that 14:18:14 4 would require a redaction in this case? Do you know? 14:18:22 5 MR. FEE: Objection. Calls for speculation. 14:18:25 6 To the extent your answer to that question 14:18:25 7 would require you to disclose any communications in 14:18:28 8 anticipation of litigation or attorney-client 14:18:31 9 communications, I would instruct you not to answer. 14:18:33 10 If you have an answer otherwise, you can go ahead and 14:18:35 11 answer. 14:18:38 12 THE WITNESS: And I don't recall. 14:18:40 13 (Deposition Exhibit 1045 was marked for 14:19:29 14 identification.) 14:19:29 15 BY MR. BRIDGES: 14:19:30 16 Q. Mr. Grove, have you seen Exhibit 1045 before? 14:19:30 17 A. I'm familiar with parts of the E-mail that I 14:19:41 18 was -- sent to me. 14:19:44 19 Q. You see in the middle Mr. Thomas sent a 14:19:46 20 message saying, "Dear exec members," and the 14:19:50 21 addressees of that E-mail are above the squiggly line 14:19:53 22 in the middle of the page. Do you see that? 14:20:00 23 A. I do. 14:20:03 24 Q. Seeing that, do you understand what Mr. -- 14:20:04 25 what the reference to "exec members" meant? 14:20:08 Page 137</p>

<p>1 MR. FEE: Objection. Calls for speculation. 14:20:13 2 THE WITNESS: I'd speculate that he's 14:20:16 3 referring to members of our board of directors that 14:20:18 4 served on the executive committee. 14:20:22 5 BY MR. BRIDGES: 14:20:26 6 Q. And do you recognize the names in the "To" 14:20:26 7 field of that E-mail in the middle of the page as 14:20:28 8 members of ASTM's board of directors? 14:20:32 9 A. At that time, yes. 14:20:38 10 Q. And was Mary McKiel at the time on the board 14:20:40 11 of directors of ASTM? 14:20:43 12 A. Yes. 14:20:46 13 Q. Mr. Thomas referred in his E-mail to being 14:20:50 14 involved in discussions with DIN regarding strategy 14:20:54 15 and next steps. Do you see that? 14:20:58 16 A. I see that. 14:21:02 17 Q. What is DIN? 14:21:03 18 MR. FEE: Objection. Calls for speculation. 14:21:06 19 THE WITNESS: I believe that that would refer 14:21:10 20 to the national standards body of Germany, known as 14:21:12 21 DIN. 14:21:16 22 BY MR. BRIDGES: 14:21:16 23 Q. What interest does ASTM have in being 14:21:18 24 involved in discussions with the national standards 14:21:21 25 body of Germany regarding strategy and next steps in 14:21:24 Page 138</p>	<p>1 not to disclose that portion of your -- of the answer 14:22:47 2 But anything else, you could disclose 14:22:50 3 THE WITNESS: That would fall outside of my 14:22:53 4 scope of government relations and would be more of a 14:22:55 5 legal issue 14:22:57 6 BY MR BRIDGES: 14:23:01 7 Q Are you saying that this is a legal issue and 14:23:01 8 not a government relations issue in that reference? 14:23:03 9 MR FEE: Objection Calls for speculation 14:23:06 10 THE WITNESS: It's not a government relations 14:23:09 11 issue that I'm familiar with 14:23:10 12 BY MR BRIDGES: 14:23:14 13 Q Who else would be familiar with whether it is 14:23:14 14 a government relations issue? 14:23:16 15 MR FEE: Objection Calls for speculation 14:23:18 16 THE WITNESS: Our attorney, Tom O'Brien 14:23:27 17 BY MR BRIDGES: 14:23:30 18 Q Does Mr O'Brien work in the field of 14:23:30 19 government relations apart from legal issues? 14:23:36 20 MR FEE: Objection Calls for speculation 14:23:39 21 It's beyond the scope of his designation as well 14:23:41 22 THE WITNESS: To my knowledge, no Tom works 14:23:45 23 on legal issues, and I work on government relations 14:23:47 24 issues 14:23:51 25 BY MR BRIDGES: 14:23:53 Page 140</p>
<p>1 relation to Carl Malamud? 14:21:31 2 MR. FEE: Objection. Calls for speculation. 14:21:33 3 Vague. Ambiguous. 14:21:39 4 BY MR. BRIDGES: 14:21:42 5 Q. If any. 14:21:42 6 A. I would -- I would think that that involves a 14:21:46 7 legal issue. It's the only -- I'm not aware of 14:21:48 8 consulting with DIN on strategy. 14:21:54 9 Q. Are you saying it refers to a DIN legal 14:21:57 10 issue? 14:22:00 11 A. It could. 14:22:03 12 Q. It does? 14:22:04 13 MR. FEE: Objection. Calls for speculation. 14:22:06 14 THE WITNESS: I'm just not certain. 14:22:09 15 BY MR. BRIDGES: 14:22:11 16 Q. Are you aware that DIN has filed a lawsuit 14:22:11 17 against Mr. Malamud's organization? 14:22:13 18 A. I'm not aware of that. 14:22:19 19 Q. In your government relations role, what 14:22:24 20 understanding do you have about discussions of ASTM 14:22:29 21 with DIN regarding strategy as mentioned in this 14:22:35 22 E-mail? 14:22:40 23 MR. FEE: Objection. 14:22:41 24 To the extent your understanding is based 14:22:42 25 upon counsel -- legal counsel, I would instruct you 14:22:45 Page 139</p>	<p>1 Q Ms McKiel, at the top of the E-mail thread 14:23:53 2 says, "I believe the ASTM strategy to this point has 14:23:58 3 proven best " What do you understand "the ASTM 14:24:05 4 strategy" in the context of this E-mail thread, to 14:24:09 5 have been? 14:24:14 6 MR FEE: Objection Calls for speculation 14:24:16 7 To the extent you have an understanding of 14:24:17 8 the strategy based on legal communications, I'm 14:24:18 9 instructing you not to disclose those If you have an 14:24:21 10 independent understanding of an ASTM strategy and have 14:24:24 11 some idea what Ms McKiel is referencing here, you can 14:24:27 12 answer 14:24:30 13 BY MR BRIDGES: 14:24:31 14 Q Well, I'm also asking you in your role as a 14:24:31 15 representative of ASTM for purposes of this 14:24:34 16 deposition 14:24:34 17 MR FEE: Which topic do you think this 14:24:34 18 relates to? 14:24:37 19 MR BRIDGES: I'll show you during a break 14:24:38 20 MR FEE: Okay Well, I -- 14:24:41 21 MR BRIDGES: I'm not going to take 14:24:41 22 deposition time to go through it 14:24:42 23 MR FEE: I think it's beyond the scope of 14:24:44 24 his deposition 14:24:46 25 But you can answer to the extent you know and 14:24:47 Page 141</p>

<p>1 won't disclose privileged communications. 14:24:48</p> <p>2 THE WITNESS: I mean, once again, I'm not in 14:24:52</p> <p>3 this communication chain between Jim and the executive 14:24:52</p> <p>4 committee, and it's not a government relations issue 14:24:56</p> <p>5 I'm working on. 14:24:59</p> <p>6 BY MR. BRIDGES: 14:25:00</p> <p>7 Q. So you did not interpret the ASTM strategy 14:25:00</p> <p>8 that's mentioned in that E-mail to be a government 14:25:03</p> <p>9 relations strategy? 14:25:06</p> <p>10 MR. FEE: Objection. Calls for speculation. 14:25:08</p> <p>11 THE WITNESS: I don't. 14:25:10</p> <p>12 (Deposition Exhibit 1046 was marked for 14:25:58</p> <p>13 identification.) 14:25:58</p> <p>14 MR. BRIDGES: I'll show you Exhibit 1046. 14:25:59</p> <p>15 Q. Have you seen this document before? 14:26:03</p> <p>16 (The witness reviewed Exhibit 1046.) 14:26:25</p> <p>17 THE WITNESS: So the world justice project, 14:26:25</p> <p>18 the origination of the E-mail, which I received, yes, 14:26:27</p> <p>19 I believe I reviewed that document. But from beyond 14:26:30</p> <p>20 that point in the E-mail chain, I do not have 14:26:35</p> <p>21 recollection of being involved in this. 14:26:38</p> <p>22 BY MR. BRIDGES: 14:26:41</p> <p>23 Q. Did you review this document in preparation 14:26:41</p> <p>24 to testify today? 14:26:44</p> <p>25 A. I did not. 14:26:50</p> <p style="text-align: right;">Page 142</p>	<p>1 of Mr. Thomas' statement in that sentence? 14:28:32</p> <p>2 MR. FEE: Objection. Calls for speculation. 14:28:35</p> <p>3 THE WITNESS: I understand that there's been 14:28:37</p> <p>4 an impact and a drag on ASTM's revenues due to 14:28:39</p> <p>5 confusion in business execution issues due to the fact 14:28:44</p> <p>6 that some of our standards are now available outside 14:28:49</p> <p>7 of our licensed distributors and outside of being 14:28:53</p> <p>8 directly available from ASTM. 14:28:58</p> <p>9 Q. So Mr. Thomas was lying in that statement? 14:29:02</p> <p>10 MR. FEE: Objection. Mischaracterizes his 14:29:07</p> <p>11 testimony. 14:29:07</p> <p>12 MR. BRIDGES: I'll withdraw it. 14:29:08</p> <p>13 Q. You didn't answer my question, Mr. Grove. 14:29:08</p> <p>14 A. Okay. 14:29:10</p> <p>15 Q. My question is what do you understand to have 14:29:11</p> <p>16 been the basis of Mr. Thomas' statement in that 14:29:14</p> <p>17 sentence? 14:29:17</p> <p>18 MR. FEE: Objection. Calls for speculation. 14:29:17</p> <p>19 THE WITNESS: I wouldn't be able to answer 14:29:20</p> <p>20 that. I apologize. 14:29:20</p> <p>21 BY MR. BRIDGES: 14:29:24</p> <p>22 Q. When did ASTM first notice a measurable 14:29:24</p> <p>23 impact on its finances from the activities of 14:29:27</p> <p>24 Mr. Malamud and Public Resource? 14:29:30</p> <p>25 MR. FEE: Objection. Vague. 14:29:32</p> <p style="text-align: right;">Page 144</p>
<p>1 Q. Who at ASTM would have the most knowledge 14:26:53</p> <p>2 about the content on the front page of Exhibit 1046? 14:26:56</p> <p>3 MR. FEE: Objection. Vague. Calls for 14:27:01</p> <p>4 speculation. 14:27:04</p> <p>5 THE WITNESS: Well, my understanding is that 14:27:13</p> <p>6 this mentions litigation and copyright. I would think 14:27:15</p> <p>7 it would be legal counsel, Tom O'Brien. 14:27:19</p> <p>8 BY MR. BRIDGES: 14:27:26</p> <p>9 Q. Who is the Steele, S-t-e-e-l-e, that the 14:27:26</p> <p>10 first line refers to? 14:27:30</p> <p>11 MR. FEE: Objection. Calls for speculation. 14:27:32</p> <p>12 THE WITNESS: I would speculate that it would 14:27:35</p> <p>13 be Rob Steele, who's the secretary general of ISO at 14:27:37</p> <p>14 this time. 14:27:42</p> <p>15 BY MR. BRIDGES: 14:27:50</p> <p>16 Q. On the third line of Mr. Thomas' E-mail is 14:27:50</p> <p>17 the sentence, "To date, all of Carl's posting have not 14:27:54</p> <p>18 had a measurable impact on our finances." Do you see 14:27:58</p> <p>19 that? 14:28:04</p> <p>20 A. I do see that. 14:28:04</p> <p>21 Q. Was that your understanding at the time? 14:28:05</p> <p>22 A. January 2013. I'm not aware that we did an 14:28:14</p> <p>23 analysis that I would be able to comment on based at 14:28:20</p> <p>24 that point of time. 14:28:26</p> <p>25 Q. What do you understand to have been the basis 14:28:30</p> <p style="text-align: right;">Page 143</p>	<p>1 THE WITNESS: Again, I don't have direct 14:29:39</p> <p>2 knowledge of such impact 14:29:42</p> <p>3 BY MR BRIDGES: 14:29:48</p> <p>4 Q What other knowledge do you have other than 14:29:48</p> <p>5 direct knowledge? 14:29:51</p> <p>6 MR FEE: Same objection 14:29:52</p> <p>7 THE WITNESS: So to date, I'm aware, based on 14:29:53</p> <p>8 conversations with our vice president for sales and 14:29:57</p> <p>9 publications, that the act of putting our standards 14:29:59</p> <p>10 into the public domain has caused a drag on revenue 14:30:04</p> <p>11 for ASTM, which has complicated business execution, 14:30:08</p> <p>12 which has produced some harm to ASTM 14:30:14</p> <p>13 BY MR BRIDGES: 14:30:25</p> <p>14 Q The vice president of sales and publications 14:30:25</p> <p>15 is John Pace; is that correct? 14:30:26</p> <p>16 A That's correct 14:30:28</p> <p>17 Q Tell me everything you remember about those 14:30:28</p> <p>18 conversations When did you have those conversations? 14:30:31</p> <p>19 A Yesterday 14:30:37</p> <p>20 Q Did you have any conversations before 14:30:43</p> <p>21 yesterday on that topic? 14:30:45</p> <p>22 A Not that I recall 14:30:49</p> <p>23 Q When is the first time you learned of a drag 14:30:54</p> <p>24 on revenue for ASTM caused by either Mr Malamud or a 14:30:58</p> <p>25 Public Resource? Was it yesterday? 14:31:05</p> <p style="text-align: right;">Page 145</p>

1 A I wouldn't be able to give you a specific 14:31:16
 2 date, but I understand that that's been the impact to 14:31:18
 3 date just through communications and just generally 14:31:20
 4 being a member of senior staff at ASTM 14:31:25
 5 Q When is the first time you learned of a drag 14:31:29
 6 on revenue for ASTM caused by either Mr Malamud or a 14:31:31
 7 Public Resource? 14:31:37
 8 MR FEE: Objection Asked and answered 14:31:38
 9 Vague 14:31:41
 10 THE WITNESS: The first time I've learned of 14:31:53
 11 it is probably in the last year 14:31:54
 12 BY MR BRIDGES: 14:31:58
 13 Q How did you learn of it? 14:31:58
 14 A Well, I was aware that there was -- some 14:32:03
 15 number of our standards have been put into the public 14:32:06
 16 domain I've heard from -- reports from John Pace 14:32:12
 17 that this was beginning to have an impact on ASTM, and 14:32:18
 18 I just can't recall exactly when that was and in what 14:32:24
 19 setting, but it was general knowledge at that point 14:32:27
 20 Q "General knowledge"? 14:32:30
 21 A My general knowledge 14:32:31
 22 Q Who else had that general knowledge within 14:32:33
 23 ASTM? 14:32:35
 24 MR FEE: Objection Vague 14:32:36
 25 THE WITNESS: I would assume Jim Thomas 14:32:41
 Page 146

1 BY MR. BRIDGES: 14:32:47
 2 Q. Who else? 14:32:47
 3 A. I would assume Tom O'Brien. 14:32:49
 4 Q. Who else? 14:32:52
 5 A. I'd be purely speculating beyond that. 14:32:57
 6 Q. Whom did you consult with to prepare yourself 14:33:00
 7 for testimony today about the harms to ASTM from the 14:33:03
 8 defendant's activities? 14:33:06
 9 MR. FEE: Objection. Asked and answered. 14:33:08
 10 THE WITNESS: As I stated earlier, John Pace. 14:33:10
 11 BY MR. BRIDGES: 14:33:15
 12 Q. Anybody else? 14:33:15
 13 A. Tom O'Brien was there, or has been involved. 14:33:16
 14 Q. Did he furnish you information for your 14:33:18
 15 testimony today? 14:33:20
 16 A. No. 14:33:21
 17 Q. Who else? 14:33:22
 18 A. That would be it. 14:33:25
 19 Q. How many dollars has ASTM lost because of the 14:33:31
 20 activities of defendants? 14:33:33
 21 MR. FEE: Objection. Calls for expert 14:33:34
 22 testimony. 14:33:37
 23 THE WITNESS: At this time, to my knowledge, 14:33:39
 24 we're not able to quantify the loss. 14:33:40
 25 BY MR. BRIDGES: 14:33:44
 Page 147

1 Q. Why not? 14:33:44
 2 MR. FEE: Same objection. Calls for expert 14:33:47
 3 testimony. 14:33:48
 4 THE WITNESS: It's hard to quantify. 14:33:50
 5 BY MR. BRIDGES: 14:33:52
 6 Q. Why is it hard to quantify? 14:33:52
 7 MR. FEE: Same objection. 14:33:56
 8 THE WITNESS: You'd be speculating based on 14:33:57
 9 lost sales. 14:33:58
 10 BY MR. BRIDGES: 14:34:00
 11 Q. Okay. What's the evidence of lost sales? 14:34:00
 12 MR. FEE: Same objection. 14:34:03
 13 THE WITNESS: So based on my conversation 14:34:06
 14 with John Pace, the time that's spent in executing 14:34:08
 15 business with customers and with members of the public 14:34:12
 16 who are confused or misled to believe that these are 14:34:15
 17 the official ASTM standards that are available causes 14:34:18
 18 a drag in a time on him and his staff from being able 14:34:27
 19 to execute the types of distribution in sales 14:34:31
 20 agreements that allow us to fund our enterprise. 14:34:37
 21 BY MR. BRIDGES: 14:34:42
 22 Q. It sounds as though what Mr. Pace described 14:34:42
 23 to you was an investment of time dealing with members 14:34:44
 24 of the public who were confused or misled. Is that 14:34:58
 25 one component of the harm that ASTM has suffered? 14:35:05
 Page 148

1 MR FEE: Objection Calls for expert 14:35:08
 2 testimony Mischaracterizes his testimony 14:35:09
 3 BY MR BRIDGES: 14:35:13
 4 Q I'm just asking to explore the testimony 14:35:13
 5 A That might be one Correct 14:35:16
 6 Q Well, what sales does ASTM believe did not 14:35:21
 7 occur because of the activities of defendants in this 14:35:28
 8 case? 14:35:32
 9 MR FEE: Objection Calls for expert 14:35:33
 10 testimony 14:35:34
 11 THE WITNESS: It's my understanding that 14:35:35
 12 something like 88,500 accesses have been made to some 14:35:38
 13 of the documents that have been put in the public 14:35:43
 14 domain, and my conversations with John Pace indicate 14:35:48
 15 that it's reasonable to assume that some of those 14:35:52
 16 88,500 downloads of information that's in the public 14:35:55
 17 domain would have been captured by ASTM under our 14:36:06
 18 distribution and sales possibilities 14:36:11
 19 BY MR BRIDGES: 14:36:14
 20 Q What information does ASTM have about lost 14:36:14
 21 sales apart from the number of accesses to the 14:36:17
 22 defendant's website and to the Internet archive? 14:36:21
 23 MR FEE: Objection Asked and answered 14:36:26
 24 Subject of expert testimony 14:36:29
 25 Sorry Go ahead 14:36:32
 Page 149

<p>1 THE WITNESS: I don't have anything 14:36:33 2 additional. 14:36:35 3 BY MR. BRIDGES: 14:36:36 4 Q. And you're here as a corporate representative 14:36:36 5 of ASTM to provide the information available to ASTM 14:36:37 6 on that topic; correct? 14:36:37 7 MR. FEE: Objection. He's here to provide 14:36:39 8 testimony regarding all the topics we identified 14:36:42 9 earlier today. Of course, we'll have expert testimony 14:36:42 10 on this subject as well. 14:36:45 11 You can answer. 14:36:47 12 THE WITNESS: Yes. 14:36:50 13 BY MR. BRIDGES: 14:36:55 14 Q. So I need to know every other fact you're 14:36:55 15 aware of that pertains to harms that ASTM has suffered 14:36:57 16 from the defendants. So, please, I'll take as much 14:37:06 17 time as we need. Tell me every other fact that you're 14:37:08 18 aware of that pertains to the harm that ASTM has 14:37:11 19 suffered as a consequence of the defendants. 14:37:15 20 MR. FEE: Objection to form. Objection. 14:37:18 21 Calls for expert testimony. Objection to the extent 14:37:19 22 it calls for a narrative. Objection as to vague. 14:37:21 23 Now, we're talking about harms as opposed to financial 14:37:28 24 harms? That's how I understand the question. 14:37:30 25 Can you read that back just to make sure I 14:37:34 Page 150</p>	<p>1 failed to perform the way that they expected them to. 14:39:04 2 BY MR. BRIDGES: 14:39:12 3 Q. What other harms? 14:39:12 4 MR. FEE: Same objections. 14:39:15 5 THE WITNESS: Well, I would be concerned -- I 14:39:19 6 know the important role our standards play in health, 14:39:21 7 life, and safety. I would certainly be concerned if 14:39:23 8 some of these documents that contain factual and other 14:39:25 9 errors contributed in any way to property damage, 14:39:30 10 injury or loss of life because of the sensitive, 14:39:33 11 important role that our standards play in protecting 14:39:37 12 people in society. 14:39:40 13 BY MR. BRIDGES: 14:39:45 14 Q. What other harms to ASTM? 14:39:45 15 MR. FEE: Same objections. 14:39:47 16 THE WITNESS: I can't think of additional 14:39:58 17 harms at this time. 14:40:00 18 BY MR. BRIDGES: 14:40:05 19 Q. Has ASTM heard from any customers that said, 14:40:05 20 "I didn't buy the standard I was planning to buy 14:40:08 21 because I could find it for free on the Internet from 14:40:10 22 Public Resource or the Internet archive"? 14:40:13 23 MR. FEE: Objection to form. 14:40:16 24 THE WITNESS: I don't have knowledge of that. 14:40:20 25 BY MR. BRIDGES: 14:40:22 Page 152</p>
<p>1 don't miss anything? 14:37:34 2 (Record read.) 14:37:34 3 MR. BRIDGES: I'm sorry. Why do we need 14:38:01 4 to -- just if you got objections, go ahead and state 14:38:02 5 them. 14:38:02 6 MR. FEE: Oh, I don't want to hear the 14:38:02 7 objections. 14:38:02 8 (Record read.) 14:38:02 9 MR. FEE: I think that's it. Okay. 14:38:02 10 THE WITNESS: Well, ASTM is known globally 14:38:03 11 for the quality and technical excellence of its 14:38:05 12 documents because we have a very robust standards 14:38:08 13 development and quality control process. My 14:38:14 14 understanding, and based on my direct knowledge of 14:38:19 15 viewing certain documents that have been put in the 14:38:21 16 public domain, these documents contain errors. I've 14:38:22 17 seen standards where tables have been upside down. 14:38:29 18 I've seen tables and columns and rows that don't align 14:38:34 19 properly. 14:38:39 20 So if there's a real risk to ASTM's 14:38:41 21 reputation and to ASTM's standing in the global 14:38:44 22 economy, if customers or the public or other 14:38:48 23 stakeholders utilize these documents with the 14:38:52 24 expectation and understanding that these were the 14:38:58 25 official ASTM documents, and products and materials 14:39:00 Page 151</p>	<p>1 Q. Does anybody at ASTM have knowledge of that 14:40:22 2 type of communication? 14:40:24 3 MR. FEE: Objection. Calls for speculation. 14:40:27 4 MR. BRIDGES: I'm asking him as a corporate 14:40:31 5 representative. 14:40:32 6 MR. FEE: Same objection. 14:40:34 7 THE WITNESS: So based on my conversations 14:40:35 8 with John Pace, he -- it's my understanding that there 14:40:36 9 is this confusion with certain customers and certain 14:40:43 10 members of the public that has caused this inability 14:40:47 11 to execute sales on a timely basis. 14:40:51 12 BY MR. BRIDGES: 14:40:54 13 Q. Well, what customers? 14:40:54 14 A. I'm not able to answer that at this time. 14:40:59 15 Q. What members of the public? 14:41:06 16 A. I'm not able to answer that at this time. 14:41:09 17 Q. Did Mr. Pace put a dollar amount on his 14:41:17 18 estimate of lost revenues to ASTM as a consequence of 14:41:19 19 the defendants' actions? 14:41:23 20 MR. FEE: Objection to the extent that calls 14:41:25 21 for expert testimony. 14:41:26 22 THE WITNESS: In my communications with him, 14:41:29 23 no. 14:41:31 24 BY MR. BRIDGES: 14:41:33 25 Q. As a representative of ASTM at this 14:41:33 Page 153</p>

<p>1 deposition, does ASTM have any estimate of the dollar 14:41:37 2 amount of lost revenues to it as a consequence of the 14:41:42 3 defendants' actions? 14:41:45 4 MR. FEE: Objection. Calls for expert 14:41:46 5 testimony. Let me see if that's really a topic that 14:41:48 6 he's been designated on. 14:41:52 7 MR. BRIDGES: He may answer. 14:41:59 8 MR. FEE: Hold on. I'm waiting to see if 14:42:00 9 that's actually a topic he's been designated on. 14:42:01 10 MR. BRIDGES: Make the objections, and if 14:42:08 11 it's superfluous and he hasn't been designated on. 14:42:11 12 I'd like to go ahead and get an answer. 14:42:11 13 MR. FEE: No. If you want to take off the 14:42:12 14 prelude to your question there, then I'm happy to have 14:42:14 15 his answer without the prelude, but if you're going to 14:42:16 16 have -- 14:42:16 17 MR. BRIDGES: Okay. Sure. 14:42:16 18 Q. Does ASTM have any estimate of the dollar 14:42:17 19 amount of lost revenues to it as a consequence of 14:42:20 20 defendants' actions? 14:42:23 21 MR. FEE: Objection. Calls for expert 14:42:25 22 testimony. 14:42:26 23 THE WITNESS: Not to my knowledge. 14:42:27 24 BY MR. BRIDGES: 14:42:30 25 Q. Does ASTM have any facts in its possession 14:42:30 Page 154</p>	<p>1 MR FEE: Same objections 14:44:04 2 THE WITNESS: I'm not sure 14:44:08 3 MR FEE: It's beyond the scope his 14:44:08 4 designation as well 14:44:10 5 Go ahead 14:44:11 6 THE WITNESS: I'm not sure, no 14:44:12 7 BY MR BRIDGES: 14:44:13 8 Q Was it more than three years ago? 14:44:13 9 MR FEE: Same objections 14:44:16 10 THE WITNESS: I'm not sure 14:44:17 11 BY MR BRIDGES: 14:44:18 12 Q Was it more than two weeks ago? 14:44:18 13 MR FEE: Same objection 14:44:21 14 THE WITNESS: I'm not sure 14:44:22 15 BY MR BRIDGES: 14:44:23 16 Q Do you know whether ASTM had any knowledge of 14:44:23 17 errors in connection with defendants posting of ASTM 14:44:26 18 standards more than a week ago? 14:44:31 19 MR FEE: Same objection -- objections, I 14:44:35 20 should say 14:44:36 21 THE WITNESS: More than a week ago, I believe 14:44:38 22 so, yes 14:44:39 23 BY MR BRIDGES: 14:44:40 24 Q When did you first learn of any errors in 14:44:40 25 defendants' posting of ASTM standards? 14:44:46 Page 156</p>
<p>1 that suggest to ASTM that it has lost money as a 14:42:39 2 consequence of defendants' actions? 14:42:46 3 MR. FEE: Objection. Asked and answered. 14:42:50 4 Calls for expert testimony. Vague. 14:42:51 5 THE WITNESS: Not that I'm aware of. 14:42:57 6 BY MR. BRIDGES: 14:43:05 7 Q. Is ASTM aware of any property damage, injury, 14:43:05 8 or loss of life that has occurred because of the 14:43:10 9 defendants' actions? 14:43:15 10 MR. FEE: Objection. Calls for expert 14:43:17 11 testimony and speculation. 14:43:19 12 THE WITNESS: Fortunately, not at this time. 14:43:22 13 BY MR. BRIDGES: 14:43:26 14 Q. When did you first -- sorry. 14:43:26 15 When did ASTM first become aware of any 14:43:27 16 errors in connection with the posting of ASTM 14:43:31 17 standards by the defendant? 14:43:36 18 A. I'm just not able to give you a time line. 14:43:51 19 I'm not certain. 14:43:53 20 Q. How long ago was it, to your best estimate? 14:43:55 21 MR. FEE: Objection. Asked and answered. 14:43:57 22 Calls for speculation. 14:43:58 23 THE WITNESS: I'm not certain. 14:44:00 24 BY MR. BRIDGES: 14:44:02 25 Q. Was it more than a year ago? 14:44:02 Page 155</p>	<p>1 A. I first learned of it by hearing of it in the 14:44:51 2 last year. I first viewed it yesterday. 14:44:53 3 Q. How many standards posted by defendants 14:44:56 4 contain errors? 14:45:00 5 MR. FEE: Objection. Beyond the scope of his 14:45:01 6 designation. Calls for speculation. 14:45:03 7 THE WITNESS: My understanding is that it 14:45:08 8 would be extremely difficult to do a complete 14:45:10 9 analysis, but based on quick analysis, we found 14:45:14 10 significant errors. 14:45:21 11 BY MR. BRIDGES: 14:45:28 12 Q. What are the significant ones? 14:45:28 13 A. To industries that rely on quality 14:45:30 14 information, yes, I would say so. 14:45:32 15 Q. Tell me some of the most significant ones. 14:45:34 16 A. Well, if a table and a chart don't align 14:45:38 17 correctly, the variables, it is displaying false 14:45:42 18 information. That seems like that could be an error. 14:45:44 19 Q. What other errors are really significant in 14:45:49 20 your mind? 14:45:52 21 A. I'm not certain. 14:45:53 22 Q. Can you think of any other significant errors 14:45:54 23 in defendants posting of standards? 14:45:56 24 MR. FEE: Objection. This is beyond the 14:45:58 25 scope of his designation. 14:45:59 Page 157</p>

1 But go ahead. 14:46:00	1 Q. Where has ASTM collected all of the errors 14:48:14
2 THE WITNESS: A table or chart appearing 14:46:02	2 because Mr. Malamud in Public Resource would like to 14:48:17
3 upside down. If someone is flipping through and 14:46:03	3 know them as soon as possible? Has ASTM collected all 14:48:20
4 reading it or displaying it, that's significant to me. 14:46:05	4 of the errors in any place so that it can act on them 14:48:23
5 BY MR. BRIDGES: 14:46:11	5 right away? 14:48:26
6 Q. That's a significant error? 14:46:11	6 MR. FEE: Objection. Calls for speculation. 14:48:27
7 A. Yes. 14:46:12	7 Beyond the scope of his designation. 14:48:28
8 Q. Is that error going to lead to death or 14:46:12	8 THE WITNESS: Not to my knowledge, no. 14:48:32
9 injury to property? 14:46:14	9 BY MR. BRIDGES: 14:48:33
10 MR. FEE: Objection. Calls for speculation. 14:46:16	10 Q. Because I commit to you that Public Resource 14:48:33
11 Beyond the scope of his designation as well. 14:46:18	11 will immediately make any changes that ASTM calls to 14:48:35
12 THE WITNESS: I don't know. 14:46:21	12 its attention. Is that clear to you? 14:48:39
13 BY MR. BRIDGES: 14:46:32	13 A. Thank you. 14:48:43
14 Q. And is ASTM really concerned about death or 14:46:32	14 Q. Is that clear to you? 14:48:44
15 injury to property resulting from the defendants 14:46:36	15 MR. FEE: Objection. Vague. 14:48:45
16 posting of standards? 14:46:39	16 THE WITNESS: Yes. 14:48:48
17 MR. FEE: Objection. Vague. Beyond the 14:46:41	17 BY MR. BRIDGES: 14:48:50
18 scope of his designation. Calls for speculation. 14:46:42	18 Q. Do you think that Public Resource has an 14:48:50
19 THE WITNESS: I'm concerned about it. 14:46:56	19 interest in posting standards to the Internet in a way 14:48:52
20 BY MR. BRIDGES: 14:46:58	20 that will cause death and injury and loss of property? 14:48:57
21 Q. Are you really concerned about it? 14:46:58	21 MR. FEE: Objection. 14:49:01
22 MR. FEE: Objection. Asked and answered. 14:46:59	22 BY MR. BRIDGES: 14:49:02
23 THE WITNESS: Yes. 14:47:02	23 Q. Is that ASTM's view of Public Resource? 14:49:02
24 BY MR. BRIDGES: 14:47:02	24 MR. FEE: Objection. Form. Calls for 14:49:06
25 Q. Does it frighten you? 14:47:02	25 speculation. Beyond the scope of his designation. 14:49:08
Page 158	Page 160
1 MR. FEE: Objection. Asked and answered. 14:47:05	1 THE WITNESS: I'd be concerned about 14:49:11
2 THE WITNESS: Frighten? It could. 14:47:10	2 unintended consequences of posting documents that 14:49:11
3 BY MR. BRIDGES: 14:47:17	3 aren't technically correct. I don't believe that 14:49:16
4 Q. Did it frighten you so much to ensure that 14:47:17	4 there's a deliberate attempt to harm the public. 14:49:19
5 somebody notified defendant that these errors needed 14:47:20	5 BY MR. BRIDGES: 14:49:22
6 immediate correction to preserve life and safety of 14:47:23	6 Q. And what steps do you know of that ASTM has 14:49:22
7 property? 14:47:26	7 taken to protect the public by notifying Public 14:49:26
8 MR. FEE: Objection. Beyond the scope of his 14:47:27	8 Resource of errors in its transcription of standards? 14:49:32
9 designation. Calls for speculation as to whether or 14:47:29	9 A. I'm not certain. 14:49:38
10 not that actually has happened. 14:47:32	10 Q. Who would know the most about that at ASTM? 14:49:41
11 THE WITNESS: No. 14:47:38	11 MR. FEE: Objection. Calls for speculation. 14:49:43
12 MR. FEE: You can consider this notice now. 14:47:40	12 Beyond the scope of his designation. 14:49:44
13 You guys should check all of your standards that were 14:47:42	13 THE WITNESS: It's a legal matter. So I'd 14:49:47
14 reproduced and make sure they're correct because it 14:47:45	14 refer to counsel. 14:49:49
15 may be dangerous. 14:47:48	15 BY MR. BRIDGES: 14:49:59
16 MR. BRIDGES: I'm sorry. Are you becoming a 14:47:50	16 Q. Does ASTM ever make any errors in its 14:49:59
17 witness now? 14:47:51	17 standards? 14:50:03
18 MR. FEE: No. No. In case you weren't clear 14:47:52	18 MR. FEE: Objection. Beyond the scope of his 14:50:03
19 about that from the deposition of Mr. Malamud, these 14:47:54	19 designation. Calls for speculation. 14:50:04
20 are important standards, you've now heard. You're now 14:47:56	20 THE WITNESS: I'm aware that ASTM has a very 14:50:09
21 on notice, if you weren't on notice before, that you 14:47:59	21 rigorous quality control process. I'm not aware of 14:50:11
22 should go back and make sure they're actually right. 14:48:01	22 any errors, but it wouldn't surprise me to hear that 14:50:15
23 MR. BRIDGES: You know something? We will. 14:48:06	23 there might be one. 14:50:18
24 MR. FEE: I bet you will. 14:48:07	24 BY MR. BRIDGES: 14:50:19
25 MR. BRIDGES: And that's a really good point. 14:48:09	25 Q. One? Would it surprise you if there were 14:50:20
Page 159	Page 161

<p>1 more than one error in the ASTM standards? 14:50:24 2 MR. FEE: Same objections. 14:50:28 3 THE WITNESS: I'd be speculating. 14:50:31 4 BY MR. BRIDGES: 14:50:34 5 Q. Well, you have testified as to what would 14:50:34 6 surprise you. I'd like to know what would surprise 14:50:34 7 you. 14:50:35 8 MR. FEE: Same objections. 14:50:37 9 THE WITNESS: I'm aware of ASTM's rigorous 14:50:37 10 quality control process and the value of bringing 14:50:40 11 people together under an open, transparent process and 14:50:42 12 the important role that ASTM staff plays in helping to 14:50:47 13 ensure the quality of our documents. And I would be 14:50:49 14 skeptical that that could be replicated if any steps 14:50:54 15 were bypassed. So -- 14:50:59 16 BY MR. BRIDGES: 14:51:03 17 Q. Would it surprise you for an ASTM standard to 14:51:03 18 have three or more errors in it? 14:51:05 19 MR. FEE: Same objections. 14:51:08 20 THE WITNESS: Would it surprise me? Yes. 14:51:13 21 BY MR. BRIDGES: 14:51:16 22 Q. Are you aware of any ASTM standards with 14:51:16 23 three or more errors? 14:51:19 24 MR. FEE: Same objections. Just give me a 14:51:21 25 second to object. 14:51:23</p> <p style="text-align: right;">Page 162</p>	<p>1 THE WITNESS: I'm not familiar with the term 14:53:06 2 "errata." 14:53:07 3 BY MR. BRIDGES: 14:53:08 4 Q. Does ASTM ever issue corrigenda to its 14:53:08 5 standards? 14:53:13 6 MR. FEE: Objection. Vague. Beyond the 14:53:14 7 scope of his designation. 14:53:15 8 THE WITNESS: I'm not certain. 14:53:20 9 BY MR. BRIDGES: 14:53:21 10 Q. Does ASTM ever issue a notice of errors in 14:53:21 11 any of its standards? 14:53:28 12 MR. FEE: Same objections. 14:53:31 13 THE WITNESS: I'm not certain. 14:53:32 14 BY MR. BRIDGES: 14:53:34 15 Q. What happens if ASTM publishes and 14:53:34 16 distributes a standard that's widely held by persons 14:53:37 17 and then discovers that there is a mistake in the 14:53:40 18 standard? How does ASTM notify the public? 14:53:42 19 MR. FEE: Objection. Calls for speculation. 14:53:45 20 It's beyond the scope of his designation, and 14:53:47 21 compound. 14:53:50 22 THE WITNESS: I'm not able to explain that 14:53:52 23 process. 14:53:53 24 BY MR. BRIDGES: 14:53:55 25 Q. Would it harm ASTM's reputation to issue a 14:53:55</p> <p style="text-align: right;">Page 164</p>
<p>1 THE WITNESS: I'm not personally, no 14:51:25 2 BY MR BRIDGES: 14:51:27 3 Q Are you aware of how ASTM standards are 14:51:27 4 proofread? 14:51:44 5 MR FEE: Objection Vague 14:51:47 6 THE WITNESS: Yes, generally 14:51:51 7 BY MR BRIDGES: 14:51:53 8 Q How? 14:51:53 9 A There's a rigorous process under which at 14:51:54 10 every point in the standards development process 14:51:58 11 there's peer review of the standard and of the 14:52:00 12 document, and as it goes through the process, as it 14:52:05 13 works through the ASTM process, which involves many 14:52:09 14 steps, at the end there's an editor, an ASTM staff 14:52:13 15 that reviews the standard and insures that the 14:52:21 16 document purports to be what the committee intended it 14:52:26 17 for -- for it to be 14:52:29 18 Q And do ASTM editors catch every mistake? 14:52:32 19 MR FEE: Objection Calls for speculation 14:52:36 20 THE WITNESS: I'm not aware of errors, but it 14:52:44 21 wouldn't surprise me if there were some 14:52:47 22 BY MR BRIDGES: 14:52:49 23 Q Does ASTM ever issue errata to its standards? 14:52:49 24 MR FEE: Objection Vague I think that's 14:52:55 25 also beyond the scope of his designation 14:52:59</p> <p style="text-align: right;">Page 163</p>	<p>1 standard with mistakes? 14:53:58 2 MR FEE: Objection Calls for expert 14:53:59 3 testimony It's beyond the scope of his designation 14:54:01 4 THE WITNESS: I'm not certain 14:54:07 5 BY MR BRIDGES: 14:54:09 6 Q How has ASTM's reputation suffered from the 14:54:09 7 activities of the defendants? 14:54:15 8 MR FEE: Objection Calls for expert 14:54:24 9 testimony 14:54:25 10 THE WITNESS: I'm not certain 14:54:28 11 BY MR BRIDGES: 14:54:29 12 Q Have you noticed an effect on ASTM's 14:54:29 13 reputation as a consequence of the defendants' 14:54:32 14 activities? 14:54:35 15 A I have not 14:54:37 16 Q What instances is ASTM aware of, of people 14:54:44 17 being confused about the relationship between ASTM and 14:54:50 18 the defendant? 14:54:57 19 MR FEE: Objection Vague Asked and 14:54:59 20 answered 14:55:02 21 THE WITNESS: Based on communications with 14:55:04 22 our sales and publications vice president 14:55:06 23 BY MR BRIDGES: 14:55:09 24 Q What did those communications convey to you? 14:55:09 25 A That there was some level of confusion in the 14:55:14</p> <p style="text-align: right;">Page 165</p>

1 marketplace which was impacting business execution. 14:55:18
 2 Q. What was the confusion in the marketplace? 14:55:26
 3 A. Potential customers thought they would no 14:55:32
 4 longer need to access documents through ASTM if they 14:55:38
 5 were provided at a different place. 14:55:43
 6 Q. Who were those "potential customers"? 14:55:46
 7 MR. FEE: Objection. Asked and answered. 14:55:49
 8 THE WITNESS: I don't know. 14:55:51
 9 BY MR. BRIDGES: 14:55:59
 10 Q. Is it -- did Mr. Pace identify them to you 14:55:59
 11 and you've forgotten them? 14:56:02
 12 A. I don't recall. I don't think so. 14:56:08
 13 Q. Do you recall Mr. Pace identifying any of 14:56:10
 14 those potential customers? 14:56:17
 15 MR. FEE: Objection. Asked and answered. 14:56:19
 16 THE WITNESS: I don't recall. 14:56:21
 17 BY MR. BRIDGES: 14:56:22
 18 Q. Did Mr. Pace tell you how many potential 14:56:23
 19 customers had that experience? 14:56:25
 20 A. No. 14:56:30
 21 Q. Did Mr. Pace explain to you any 14:56:30
 22 characteristics of the potential customers who had 14:56:34
 23 that experience? 14:56:36
 24 MR. FEE: Objection to form. 14:56:37
 25 THE WITNESS: No. 14:56:40
 Page 166

1 BY MR BRIDGES: 14:56:41
 2 Q Did Mr Pace give you any kind of description 14:56:41
 3 of the potential customers who had that experience? 14:56:43
 4 MR FEE: Objection to form 14:56:46
 5 THE WITNESS: No 14:56:49
 6 BY MR BRIDGES: 14:56:52
 7 Q Are you aware of any documents in ASTM's 14:56:52
 8 possession that identify the potential customers who 14:56:55
 9 had that experience? 14:57:00
 10 A No 14:57:04
 11 Q Are you aware -- strike that 14:57:05
 12 You mentioned potential customers thought 14:57:13
 13 that they would no longer need to access documents 14:57:15
 14 through ASTM if they were provided with it at a 14:57:18
 15 different place Apart from that, what other 14:57:21
 16 confusion are you aware of, or is ASTM aware of, in 14:57:25
 17 the marketplace that impacted business execution? 14:57:29
 18 MR FEE: Objection to form 14:57:33
 19 THE WITNESS: I can't think of any at the 14:57:40
 20 moment 14:57:41
 21 BY MR BRIDGES: 14:57:52
 22 Q Does the presence of the ASTM logo and 14:57:52
 23 trademarks on documents posted to the Internet by 14:57:57
 24 Public Resource cause any harm to ASTM from ASTM's 14:58:06
 25 knowledge? 14:58:15
 Page 167

1 MR. FEE: Objection. Calls for expert 14:58:15
 2 testimony. Vague. 14:58:17
 3 THE WITNESS: Yes. 14:58:22
 4 BY MR. BRIDGES: 14:58:24
 5 Q. What harm does it cause? 14:58:24
 6 A. It creates the impression that this is the 14:58:28
 7 official ASTM standard when, in fact, it may not be, 14:58:30
 8 may contain errors, or it may be a different version 14:58:35
 9 than the version that ASTM is currently maintained. 14:58:40
 10 Q. What harm -- explain to me, please, the facts 14:59:04
 11 of the kinds of harm that ASTM suffers if the ASTM 14:59:11
 12 logo is on an older version than the current version 14:59:22
 13 of an ASTM standard and it is posted to the Internet 14:59:30
 14 by Public Resource. 14:59:37
 15 MR. FEE: Objection. May call for expert 14:59:39
 16 testimony. To form as well. 14:59:41
 17 Go ahead. 14:59:44
 18 BY MR. BRIDGES: 14:59:48
 19 Q. And to be clear, I want to know what harm 14:59:48
 20 ASTM suffers from the presence of the logo on that 14:59:49
 21 older version that Public Resource has posted. 14:59:53
 22 MR. FEE: Same objections. 14:59:57
 23 THE WITNESS: Well, by going to a source 15:00:00
 24 other than ASTM for a document such as this that 15:00:01
 25 contains ASTM's logo, I would be concerned that the 15:00:05
 Page 168

1 public isn't accessing the most recent version of a 15:00:15
 2 standard which may have been revised to address new 15:00:18
 3 hazards in the marketplace or state of the artistry 15:00:21
 4 practice that needs to be captured. 15:00:24
 5 BY MR. BRIDGES: 15:00:34
 6 Q. Do you understand that Public Resource 15:00:34
 7 intends to post to the Internet only those ASTM 15:00:38
 8 standards that have been incorporated by reference? 15:00:43
 9 MR. FEE: Objection. Calls for speculation 15:00:45
 10 as to Public Resource's intention. 15:00:48
 11 THE WITNESS: I don't fully understand the 15:00:55
 12 strategy. 15:00:59
 13 BY MR. BRIDGES: 15:01:00
 14 Q. Do you understand that it is Public 15:01:00
 15 Resource's practice to post standards only if they are 15:01:01
 16 incorporated by reference? 15:01:04
 17 MR. FEE: Objection. Lack of foundation. 15:01:06
 18 Calls for speculation. 15:01:08
 19 THE WITNESS: Based on the documents I've 15:01:14
 20 seen that have been posted, it's my understanding that 15:01:16
 21 they have been incorporated by reference, yes. 15:01:18
 22 BY MR. BRIDGES: 15:01:21
 23 Q. Is it misleading, in your view, to provide to 15:01:21
 24 the public an older version of a standard -- of an 15:01:25
 25 ASTM standard where that older version is incorporated 15:01:43
 Page 169

<p>1 by reference? 15:01:47</p> <p>2 MR. FEE: Objection. Vague as to whether or 15:01:48</p> <p>3 not that older version is authentic. 15:01:51</p> <p>4 THE WITNESS: Yeah. I'm sorry. Could you 15:01:54</p> <p>5 just repeat that? 15:01:55</p> <p>6 BY MR. BRIDGES: 15:01:57</p> <p>7 Q. Is it misleading, in your view, to have the 15:01:57</p> <p>8 ASTM logo on an older version of an ASTM standard 15:02:01</p> <p>9 where the older version has been incorporated by 15:02:07</p> <p>10 reference? 15:02:09</p> <p>11 MR. FEE: Same objection as to the vagueness. 15:02:11</p> <p>12 THE WITNESS: My concern would be that to get 15:02:16</p> <p>13 the most recent version of any document, you more than 15:02:19</p> <p>14 likely need to come to ASTM or one of our licensed 15:02:27</p> <p>15 distributors. 15:02:31</p> <p>16 BY MR. BRIDGES: 15:02:32</p> <p>17 Q. But if somebody is interested in, let's say, 15:02:32</p> <p>18 a 2008 standard because the 2008 standard has been 15:02:39</p> <p>19 incorporated by reference but a more recent standard 15:02:42</p> <p>20 has not been, what is the harm to ASTM from the 15:02:44</p> <p>21 inclusion of the ASTM logo on that 2008 standard 15:02:49</p> <p>22 posted by Public Resource? 15:02:55</p> <p>23 MR. FEE: Objection. Calls for speculation. 15:02:58</p> <p>24 THE WITNESS: Since I'm not an attorney and 15:03:01</p> <p>25 I'm not familiar with the regulatory -- the connection 15:03:04</p> <p style="text-align: right;">Page 170</p>	<p>1 than the dated issue. 15:04:36</p> <p>2 BY MR. BRIDGES: 15:04:38</p> <p>3 Q. The authenticity of the standard didn't come 15:04:38</p> <p>4 into your answer until you heard counsel's objection. 15:04:41</p> <p>5 MR. FEE: That's absolutely false. You 15:04:41</p> <p>6 should read the transcript when you get done with 15:04:43</p> <p>7 this. 15:04:47</p> <p>8 BY MR. BRIDGES: 15:04:49</p> <p>9 Q. Would it harm ASTM less if defendant took the 15:04:49</p> <p>10 ASTM logo off the standards that it -- sorry, that it 15:04:53</p> <p>11 posts? 15:04:58</p> <p>12 MR. FEE: Objection. Calls for speculation, 15:04:59</p> <p>13 and a hypothetical. 15:05:01</p> <p>14 MR. BRIDGES: I'd like to know what ASTM -- 15:05:05</p> <p>15 MR. FEE: Calls for an expert opinion, 15:05:08</p> <p>16 perhaps, as well. 15:05:09</p> <p>17 THE WITNESS: I'm not able to answer that 15:05:10</p> <p>18 question. 15:05:12</p> <p>19 BY MR. BRIDGES: 15:05:14</p> <p>20 Q. Would ASTM -- well, would you find it 15:05:14</p> <p>21 problematic -- I'm just curious. Which would you find 15:05:18</p> <p>22 to be more of a problem to ASTM, for Public Resource 15:05:21</p> <p>23 to public -- strike that. 15:05:27</p> <p>24 What would ASTM, in your view, find to be 15:05:37</p> <p>25 more of a problem, for Public Resource to post the 15:05:41</p> <p style="text-align: right;">Page 172</p>
<p>1 between regulations and law, I will share my 15:03:09</p> <p>2 observation -- 15:03:12</p> <p>3 BY MR. BRIDGES: 15:03:14</p> <p>4 Q. Please do. 15:03:14</p> <p>5 A. -- that just because a version of a standard 15:03:15</p> <p>6 that's in the law might be outdated, that doesn't seem 15:03:18</p> <p>7 to stop industry from wanting to use the most recent 15:03:26</p> <p>8 version of the standard. 15:03:30</p> <p>9 Q. And is it ASTM's view that it's misleading to 15:03:35</p> <p>10 have the ASTM logo on anything that's currently 15:03:39</p> <p>11 available -- strike that. 15:03:43</p> <p>12 Is it ASTM's view that it is misleading to 15:03:48</p> <p>13 display the ASTM logo on standards currently available 15:03:54</p> <p>14 on the Internet when the standards are not the most 15:04:03</p> <p>15 recent versions? 15:04:09</p> <p>16 MR. FEE: Objection. To the extent you're 15:04:11</p> <p>17 using "misleading" as a legal term, I object on that 15:04:13</p> <p>18 ground. I also object to the vagueness of that 15:04:15</p> <p>19 because it's not clear whether or not the standards 15:04:18</p> <p>20 you're referencing are authentic or not. 15:04:21</p> <p>21 MR. BRIDGES: That's coaching the witness, 15:04:23</p> <p>22 Mr. Fee. 15:04:24</p> <p>23 THE WITNESS: Well, that's exactly the point 15:04:25</p> <p>24 I thought I was making. I don't -- it's the 15:04:26</p> <p>25 authenticity of the standard as much as the -- more 15:04:31</p> <p style="text-align: right;">Page 171</p>	<p>1 ASTM standards it posts with the ASTM logo or for 15:05:49</p> <p>2 Public Resource to publish them without the ASTM logo? 15:05:56</p> <p>3 MR FEE: Objection To the extent that 15:06:02</p> <p>4 you're asking for what would be more problematic from 15:06:03</p> <p>5 a legal perspective -- 15:06:06</p> <p>6 MR BRIDGES: Just please state the basis for 15:06:08</p> <p>7 your objection instead of -- 15:06:10</p> <p>8 MR FEE: Andrew, do you forget how your 15:06:11</p> <p>9 deposition objections went? Do you remember your 15:06:12</p> <p>10 deposition objections the other day? They were much 15:06:14</p> <p>11 more talkative than this 15:06:16</p> <p>12 MR BRIDGES: Not so 15:06:18</p> <p>13 MR FEE: I'm going to make my objections 15:06:19</p> <p>14 To the extent you're asking for a legal 15:06:21</p> <p>15 conclusion with respect to "problematic," I object on 15:06:22</p> <p>16 that basis I object because it calls for 15:06:25</p> <p>17 speculation, and it's a hypothetical question 15:06:28</p> <p>18 BY MR BRIDGES: 15:06:35</p> <p>19 Q You may answer 15:06:35</p> <p>20 MR FEE: Hold on I'm not done objecting 15:06:36</p> <p>21 yet And objection to form 15:06:38</p> <p>22 THE WITNESS: And I'm not able to answer that 15:06:49</p> <p>23 question 15:06:50</p> <p>24 BY MR BRIDGES: 15:06:53</p> <p>25 Q In your position at ASTM, does it make a 15:06:53</p> <p style="text-align: right;">Page 173</p>

<p>1 difference to you whether the ASTM logo is or is not 15:06:58</p> <p>2 on the standards, the ASTM standards that defendant 15:07:04</p> <p>3 has posted to the Internet? 15:07:10</p> <p>4 MR. FEE: Are you asking him personally now 15:07:13</p> <p>5 for his opinion? 15:07:14</p> <p>6 MR. BRIDGES: In his position at ASTM. 15:07:15</p> <p>7 MR. FEE: Then it's beyond the scope of his 15:07:18</p> <p>8 designation. I object on that basis. All the other 15:07:19</p> <p>9 objections as last time, as well. 15:07:22</p> <p>10 And to the extent that your position is based 15:07:23</p> <p>11 on legal counsel, I would instruct you not to disclose 15:07:26</p> <p>12 anything based on legal counsel. If you have an 15:07:29</p> <p>13 answer still, you can go ahead and answer. 15:07:33</p> <p>14 THE WITNESS: My position would be based on 15:07:36</p> <p>15 legal counsel. 15:07:37</p> <p>16 MR. BRIDGES: There's a misunderstanding. I 15:07:41</p> <p>17 wasn't asking what your position was. I said, "in 15:07:44</p> <p>18 your position." 15:07:47</p> <p>19 Q. In your position at ASTM, does it make a 15:07:47</p> <p>20 difference to you whether the ASTM logo is or is not 15:07:49</p> <p>21 on the ASTM standards the defendant has posted to the 15:07:52</p> <p>22 Internet? 15:07:55</p> <p>23 MR. FEE: I'll make all the same objections, 15:07:57</p> <p>24 and to the extent whether or not something makes a 15:07:59</p> <p>25 difference to you is based upon your understanding 15:08:03</p> <p style="text-align: right;">Page 174</p>	<p>1 the presence of the ASTM logo and trademarks on the 15:09:22</p> <p>2 ASTM standards that defendant has posted to the 15:09:26</p> <p>3 Internet harms ASTM? 15:09:30</p> <p>4 MR. FEE: Objection Asked and answered 15:09:35</p> <p>5 Calls for expert testimony 15:09:37</p> <p>6 THE WITNESS: It creates the perception, 15:09:42</p> <p>7 problem that's been identified by John Pace as a drag 15:09:45</p> <p>8 on business execution 15:09:48</p> <p>9 I'd also like to notice we've been going for 15:09:53</p> <p>10 over an hour So at an appropriate time 15:09:56</p> <p>11 MR. BRIDGES: We can take a break if you 15:10:02</p> <p>12 want We can do it now 15:10:02</p> <p>13 THE WITNESS: All right 15:10:06</p> <p>14 THE VIDEOGRAPHER: We're going off the record 15:10:07</p> <p>15 at 15:09 15:10:08</p> <p>16 (A recess was taken from 3:09 p m 15:26:01</p> <p>17 to 3:26 p m) 15:26:01</p> <p>18 THE VIDEOGRAPHER: Back on the record at 15:26:02</p> <p>19 3:26 p m 15:26:05</p> <p>20 BY MR. BRIDGES: 15:26:07</p> <p>21 Q Mr Grove, let me direct your attention back 15:26:07</p> <p>22 to Exhibit 1044 for a minute It's one with the 15:26:10</p> <p>23 redacted band across the top Does this document 15:26:15</p> <p>24 refresh your recollection as to whether, roughly, 15:26:22</p> <p>25 around the time of that document or before the 15:26:24</p> <p style="text-align: right;">Page 176</p>
<p>1 from legal counsel, I would instruct you not to 15:08:05</p> <p>2 disclose at least that difference. 15:08:11</p> <p>3 If you have some other difference -- 15:08:13</p> <p>4 THE WITNESS: I don't. This gets into an 15:08:15</p> <p>5 area of legal matters that I don't have an opinion. 15:08:16</p> <p>6 BY MR. BRIDGES: 15:08:20</p> <p>7 Q. Well, I'm not asking for legal positions. 15:08:20</p> <p>8 I'm not asking for legal theories. I'm asking for the 15:08:22</p> <p>9 facts that are available to you. What facts are you 15:08:24</p> <p>10 aware of that suggests that the presence of the ASTM 15:08:28</p> <p>11 logo and trademarks on the ASTM standards that 15:08:35</p> <p>12 defendant has posted to the Internet -- 15:08:44</p> <p>13 A. Uh-huh. 15:08:49</p> <p>14 Q. -- harms ASTM? 15:08:49</p> <p>15 MR. FEE: Objection. Asked and answered. 15:08:51</p> <p>16 Calls for expert testimony. 15:08:54</p> <p>17 THE WITNESS: I believe I answered the 15:08:58</p> <p>18 question to the best of my ability. 15:08:59</p> <p>19 BY MR. BRIDGES: 15:09:04</p> <p>20 Q. I'm asking you -- I asked different questions 15:09:04</p> <p>21 earlier. I'm asking for what the facts are that 15:09:07</p> <p>22 you're aware of now. 15:09:10</p> <p>23 MR. FEE: Hold on. Is that a new question? 15:09:17</p> <p>24 BY MR. BRIDGES: 15:09:19</p> <p>25 Q. What facts are you aware of that suggest that 15:09:19</p> <p style="text-align: right;">Page 175</p>	<p>1 document you had received a notice internally to 15:26:25</p> <p>2 preserve all documents for litigation in this case? 15:26:30</p> <p>3 A. No, it does not. 15:26:36</p> <p>4 Q. Did you ever receive such a notice to hold 15:26:37</p> <p>5 documents for litigation? 15:26:43</p> <p>6 MR. FEE: Hold on a second. Actually, if 15:26:44</p> <p>7 you'll agree that that's not a waiver of anything, 15:26:46</p> <p>8 I'll let him answer that. 15:26:49</p> <p>9 MR. BRIDGES: Correct. 15:26:51</p> <p>10 THE WITNESS: Can you just restate that one 15:26:54</p> <p>11 more time? I got lost. 15:26:56</p> <p>12 BY MR. BRIDGES: 15:26:57</p> <p>13 Q. Did you ever receive such a notice to hold 15:26:57</p> <p>14 documents for this litigation? 15:26:59</p> <p>15 A. Could you define "hold." 15:27:01</p> <p>16 Q. To preserve documents against disposal or 15:27:03</p> <p>17 destruction for the purposes of this litigation. 15:27:05</p> <p>18 A. Yes. 15:27:08</p> <p>19 Q. Do you know when you received that notice? 15:27:09</p> <p>20 A. I don't recall. 15:27:12</p> <p>21 Q. Do you know how long ago it was? 15:27:13</p> <p>22 A. I don't recall specifically, no. 15:27:20</p> <p>23 Q. Do you recall what year it was? 15:27:21</p> <p>24 A. Fall of 2013. 15:27:29</p> <p>25 Q. Okay. Were you aware of the filing of this 15:27:32</p> <p style="text-align: right;">Page 177</p>

1 lawsuit being pushed back several months from its 15:27:38
 2 originally intended timing? 15:27:40
 3 MR. FEE: Objection. 15:27:43
 4 To the extent that it would require you to 15:27:43
 5 disclose communication with counsel, I instruct you 15:27:46
 6 not to answer that. If you became aware otherwise, 15:27:47
 7 you can go ahead. 15:27:50
 8 THE WITNESS: That would involve 15:27:51
 9 communication with counsel. 15:27:52
 10 BY MR. BRIDGES: 15:27:55
 11 Q. Are you aware that plaintiffs relayed that 15:27:55
 12 fact to persons outside the plaintiff group? 15:28:01
 13 MR. FEE: Objection. Lack of foundation. 15:28:04
 14 THE WITNESS: I'm not aware of that. 15:28:08
 15 MR. BRIDGES: Let me turn back to 15:28:15
 16 Exhibit 1046. 15:28:16
 17 Mr. Fee, I think it would be uncontroversial, 15:28:17
 18 does ASTM stipulate to the authenticity of 15:28:20
 19 Exhibit 1036? 15:28:24
 20 MR. FEE: 1046? 15:28:27
 21 MR. BRIDGES: Sorry. 1046, you're right. 15:28:28
 22 It's a document that ASTM produced with a Bates 15:28:29
 23 022620. 15:28:37
 24 MR. FEE: I'm hesitant to do that without 15:28:37
 25 knowing more about it, but I would imagine that both 15:28:40
 Page 178

1 parties would agree to the authenticity of most, if 15:28:43
 2 not all, the E-mails they produced I'd be happy to 15:28:46
 3 talk about this or a broader discussion on that topic 15:28:53
 4 MR. BRIDGES: Okay But for present 15:28:53
 5 purposes, I needed to ask him questions about this 15:28:54
 6 MR. FEE: Well, you're welcome to ask him 15:28:55
 7 whatever questions you want about this I don't want 15:28:56
 8 to do that without examining the issue a little bit 15:28:59
 9 MR. BRIDGES: Okay 15:29:04
 10 Q. This document -- do you see where Mr. Thomas 15:29:10
 11 said at the top of the page, "We are now live with our 15:29:12
 12 reading room"? 15:29:14
 13 A. I do 15:29:24
 14 Q. What do you understand that statement to 15:29:26
 15 mean? 15:29:29
 16 A. I'd be speculating 15:29:37
 17 Q. Go ahead 15:29:46
 18 MR. FEE: Objection Lack of foundation 15:29:50
 19 THE WITNESS: I believe he's announcing the 15:29:53
 20 fact that we went live with our reading room, which is 15:29:55
 21 the place on ASTM's website where we place all ASTM 15:30:00
 22 standards that we're aware of that are incorporated by 15:30:06
 23 reference 15:30:08
 24 BY MR. BRIDGES: 15:30:09
 25 Q. Did ASTM go live with its reading room? 15:30:09
 Page 179

1 A. We did, in January of 2013. 15:30:14
 2 Q. And what do you mean by "going live" with the 15:30:17
 3 reading room? 15:30:21
 4 MR. FEE: Objection. Lack of foundation. 15:30:22
 5 THE WITNESS: It took a lot of work and 15:30:25
 6 resources to build the ASTM reading room, and the 15:30:27
 7 executive committee, or in this case the chairman of 15:30:34
 8 the board, or whatever capacity Mary McKiel may have 15:30:40
 9 been at that time. Jim was communicating to her that 15:30:44
 10 I believe -- I'm speculating what Jim is 15:30:46
 11 communicating, but I believe he was saying the reading 15:30:50
 12 room is up and running. 15:30:52
 13 BY MR. BRIDGES: 15:30:55
 14 Q. So when you say that ASTM went live with the 15:30:55
 15 reading room, what you meant was that ASTM's reading 15:30:59
 16 room was available for public access; is that correct? 15:31:03
 17 MR. FEE: Objection. Vague. 15:31:11
 18 THE WITNESS: Yes. 15:31:12
 19 BY MR. BRIDGES: 15:31:13
 20 Q. And that happened in January 2013? 15:31:13
 21 A. Some documents went up before January, but 15:31:16
 22 January of 2013 was when we had set a goal working 15:31:20
 23 with IT to try to get these documents on-line. 15:31:27
 24 Q. How many documents were on-line at the ASTM 15:31:30
 25 reading room in January 2013? 15:31:32
 Page 180

1 A. I believe close to the full collection So 15:31:36
 2 as many as 1,300 ASTM documents 15:31:38
 3 Q. What announcements to the press did ASTM make 15:31:43
 4 about its reading room going live? 15:31:48
 5 A. I don't recall if we made a lot of 15:31:54
 6 announcements when it went live in January I believe 15:31:55
 7 we were concerned about if it would function and work, 15:31:58
 8 and I think we wanted to get a little experience with 15:32:05
 9 it before we broadcast it too widely 15:32:08
 10 Q. Did ASTM ever make announcements to the press 15:32:12
 11 about the availability of its reading room? 15:32:15
 12 MR. FEE: Objection Vague 15:32:17
 13 THE WITNESS: Yes Through our flagship 15:32:19
 14 communication, Standardization News, which we 15:32:21
 15 delivered to all of our members and stakeholders I 15:32:25
 16 believe 30,000 individuals receive it six times a 15:32:27
 17 year Mention of it was made in the magazine 15:32:33
 18 BY MR. BRIDGES: 15:32:36
 19 Q. When was that? 15:32:36
 20 A. I'm sorry I don't know specifically 15:32:37
 21 Q. How long after the launch of the reading room 15:32:39
 22 did that occur? 15:32:45
 23 A. I'm sorry I don't recall It was in 2013 15:32:53
 24 Q. Did ASTM ever make an announcement to the 15:32:59
 25 press about the availability of its reading room 15:33:03
 Page 181

1 beyond the announcement in Standardization News? 15:33:08
 2 MR FEE: Objection to form 15:33:13
 3 THE WITNESS: I believe it was also announced 15:33:15
 4 at the ASTM annual business meeting in 2013 15:33:16
 5 BY MR BRIDGES: 15:33:22
 6 Q The "ASTM business meeting" being a meeting 15:33:22
 7 of ASTM members and stakeholders? 15:33:25
 8 A Yes 15:33:28
 9 Q What other public announcements did ASTM make 15:33:32
 10 about the availability of its reading room beyond 15:33:36
 11 announcements to its own members and stakeholders? 15:33:40
 12 A I also believe that there was a reference to 15:33:44
 13 it in the ASTM annual report in 2013, which was 15:33:46
 14 published in 2014 15:33:50
 15 Q What else? 15:33:52
 16 A I make it part of my message, when I'm 15:33:58
 17 visiting with stakeholders that I interact with, that 15:34:01
 18 ASTM has this reading room 15:34:05
 19 Q What else? 15:34:07
 20 A Jim Thomas, our president, mentions it in his 15:34:08
 21 interactions on a worldwide basis 15:34:12
 22 Q With whom? 15:34:16
 23 A Jim Thomas is a popular figure in the 15:34:19
 24 standards community, a well-known expert, and he 15:34:22
 25 speaks to many groups So I wouldn't be able to give 15:34:25
 Page 182

1 you specifics without reviewing his calendar. 15:34:30
 2 Q. What else? 15:34:34
 3 A. ASTM has an electronic newsletter. I believe 15:34:40
 4 we mentioned it in the newsletter in 2013. 15:34:45
 5 Q. To ASTM's members and stakeholders? 15:34:49
 6 A. Yes. To anyone interested in subscribing. 15:34:52
 7 Q. What else? 15:34:54
 8 A. We previously discussed some efforts to 15:35:02
 9 educate policy makers and stakeholders in Washington 15:35:07
 10 through an APCO public relations campaign. I believe 15:35:10
 11 the reading room was part of that messaging as well in 15:35:14
 12 2013. 15:35:17
 13 Q. What else? 15:35:19
 14 A. That's all I can recall at this time. It had 15:35:28
 15 a place on our website as well. 15:35:34
 16 Q. Of all the persons who had access to -- 15:35:40
 17 sorry. Were you about to mention another? 15:35:43
 18 A. I'm sorry. We also sent a few letters to 15:35:46
 19 agencies informing them of the creation of the reading 15:35:49
 20 room. 15:35:54
 21 Q. By "agencies," do you mean government 15:35:57
 22 agencies? 15:35:58
 23 A. To government agencies, to the office of 15:35:58
 24 management and budget, and to the office of the 15:36:01
 25 federal register at NARA, the National Archives 15:36:04
 Page 183

1 Records Administration 15:36:09
 2 Q What else? 15:36:10
 3 A And I'm sorry I believe that concludes all 15:36:12
 4 that I can recall 15:36:15
 5 Q How many of those audiences did not already 15:36:16
 6 have -- strike that 15:36:27
 7 Were there any announcements to the general 15:36:41
 8 public apart from what you would call NFPA members and 15:36:45
 9 stakeholders? 15:36:53
 10 MR FEE: I think you misspoke You said 15:36:54
 11 "NFPA"? 15:36:56
 12 MR BRIDGES: Yes Excuse me Thank you 15:36:57
 13 I'm still stuck in yesterday 15:36:58
 14 Q Was there any -- were there any announcements 15:37:01
 15 by ASTM of the availability of the reading room to the 15:37:05
 16 general public apart from those whom you would call 15:37:11
 17 ASTM members and stakeholders? 15:37:18
 18 MR FEE: Objection Vague 15:37:21
 19 THE WITNESS: Yeah I can recall at least on 15:37:23
 20 one occasion when -- we don't get a lot of inquiries 15:37:24
 21 from the media on this issue, on public access issues, 15:37:27
 22 but I do recall Jim Thomas, our CEO, mentioned it to a 15:37:31
 23 reporter that was asking us about public access 15:37:38
 24 BY MR BRIDGES: 15:37:43
 25 Q Which reporter was that? 15:37:43
 Page 184

1 A I'm sorry I don't recall 15:37:44
 2 Q Was it a reporter for the New Republic? 15:37:45
 3 A Yeah I'm sorry I don't recall 15:37:51
 4 Q Was it a reporter writing an article about 15:37:53
 5 this litigation? 15:37:55
 6 A Could have been 15:37:59
 7 Q It was; right? 15:38:00
 8 MR FEE: Objection Asked and answered 15:38:01
 9 BY MR BRIDGES: 15:38:05
 10 Q To the best of your knowledge, it was? 15:38:05
 11 MR FEE: Same answer -- or same objection 15:38:07
 12 Sorry 15:38:09
 13 THE WITNESS: Yes I think that was the 15:38:09
 14 interest 15:38:10
 15 BY MR BRIDGES: 15:38:11
 16 Q So apart from that, what announcements did 15:38:11
 17 ASTM make to the general public beyond its members and 15:38:18
 18 stakeholders about the availability of its standards 15:38:22
 19 on its reading room? 15:38:25
 20 MR FEE: Objection Vague 15:38:27
 21 THE WITNESS: I'm very proud of the reading 15:38:29
 22 room It's something that we worked very hard to do 15:38:30
 23 to strike this balance I believe it's an excellent 15:38:33
 24 policy, and we've received a lot of accolades for it 15:38:38
 25 So we speak about it freely to anyone that wants to 15:38:45
 Page 185

1 hear about it. 15:38:47
 2 BY MR. BRIDGES: 15:38:50
 3 Q. And if you're very proud of it, you would 15:38:50
 4 want to make sure that as many people hear about it as 15:38:52
 5 possible; is that right? 15:38:54
 6 MR. FEE: Objection. This is beyond the 15:38:55
 7 scope of his designation, among other things. 15:38:57
 8 But you can answer. 15:38:59
 9 THE WITNESS: I have no concerns with anyone 15:39:01
 10 knowing about it. 15:39:03
 11 BY MR. BRIDGES: 15:39:06
 12 Q. And would you want as many people as possible 15:39:06
 13 to know about it? 15:39:08
 14 MR. FEE: Same objection. It's vague and 15:39:10
 15 asked and answered. 15:39:11
 16 THE WITNESS: Again, I have no concerns. 15:39:15
 17 Yes, I would. 15:39:16
 18 BY MR. BRIDGES: 15:39:18
 19 Q. So did ASTM issue any broad press releases to 15:39:18
 20 the general American public about the availability of 15:39:25
 21 any of its standards on its reading room? 15:39:27
 22 MR. FEE: Objection. Vague. 15:39:31
 23 THE WITNESS: I don't have our press 15:39:36
 24 releases. I know we issued 350 press releases a year. 15:39:37
 25 So I'm not certain if we announced it through a press 15:39:40
 Page 186

1 release. 15:39:44
 2 BY MR. BRIDGES: 15:39:47
 3 Q. How many press releases has ASTM issued, to 15:39:47
 4 the best of your knowledge, from January 1, 2013 until 15:39:52
 5 now? 15:39:56
 6 MR. FEE: Objection. Beyond the scope of his 15:39:57
 7 designation. Calls for speculation. 15:39:59
 8 THE WITNESS: I'd be speculating, but our 15:40:05
 9 ASTM press releases cover member recognition and 15:40:11
 10 awards in a variety of things. So I wouldn't be 15:40:17
 11 surprised if it was a couple hundred. 15:40:20
 12 BY MR. BRIDGES: 15:40:23
 13 Q. And how many press releases do you recall 15:40:23
 14 announced to the general public the availability of 15:40:27
 15 ASTM standards on ASTM's reading room? 15:40:30
 16 MR. FEE: Objection. Beyond the scope of his 15:40:33
 17 designation. 15:40:34
 18 You can answer in your personal capacity if 15:40:35
 19 you have an answer. 15:40:38
 20 THE WITNESS: I don't have a number. 15:40:40
 21 BY MR. BRIDGES: 15:41:41
 22 Q. Did ASTM investigate the sources of Public 15:41:41
 23 Resource's funding? 15:41:45
 24 MR. FEE: Objection. Vague. 15:41:45
 25 To the extent that investigation was done in 15:41:46
 Page 187

1 connection with this litigation at the request of 15:41:49
 2 counsel, I'd instruct you not to disclose that. If 15:41:50
 3 you're aware of some other investigation, you can 15:41:54
 4 answer it, although, also, it's beyond the scope of 15:41:56
 5 your designation in this case. 15:41:59
 6 THE WITNESS: I have no knowledge of that. 15:42:03
 7 BY MR. BRIDGES: 15:42:04
 8 Q. You have no knowledge of communicating with 15:42:04
 9 David Carmel at International Code Council about what 15:42:06
 10 you knew about Public Resource's funding? 15:42:10
 11 MR. FEE: Same instruction. If it requires 15:42:14
 12 you to disclose something you learned through -- at 15:42:22
 13 the request of counsel, you should not answer it. 15:42:22
 14 MR. BRIDGES: I'm sorry. I'm just asking 15:42:23
 15 about a disclosure. You're introducing the concept of 15:42:24
 16 how he may have learned about something. But if he's 15:42:30
 17 communicating something to a non-party, then I don't 15:42:33
 18 see any protection here. 15:42:37
 19 MR. FEE: That's not what the work product 15:42:41
 20 doctrine covers. 15:42:43
 21 If you did something at the direction of 15:42:46
 22 counsel in connection with this litigation, I instruct 15:42:48
 23 you not to disclose it in connection with answering 15:42:49
 24 that question. If you did it otherwise, you can 15:42:52
 25 answer it. 15:42:54
 Page 188

1 THE WITNESS: Right. I thought the question 15:42:55
 2 was did ASTM investigate the sources of Google funding 15:42:56
 3 to which I said, "No." That would have been a legal 15:43:00
 4 matter. 15:43:03
 5 BY MR. BRIDGES: 15:43:05
 6 Q. I said have you no knowledge of communicating 15:43:05
 7 to David Carmel at International Code Council about 15:43:07
 8 what you knew about Public Resource's funding? 15:43:09
 9 MR. FEE: Same instruction with respect to 15:43:13
 10 that. 15:43:14
 11 THE WITNESS: I may have. 15:43:18
 12 BY MR. BRIDGES: 15:43:21
 13 Q. Why may you have? What would be your purpose 15:43:21
 14 in doing that? 15:43:25
 15 MR. FEE: To the extent that you are doing it 15:43:26
 16 at the direction of counsel, you should not disclose 15:43:27
 17 those communications. 15:43:30
 18 THE WITNESS: I'm not sure. 15:43:35
 19 BY MR. BRIDGES: 15:43:44
 20 Q. Has ASTM, to your knowledge, ever had a 15:43:44
 21 contract or an agreement with International Code 15:43:50
 22 Council regarding this litigation? 15:43:52
 23 MR. FEE: Objection. Let me talk to you 15:43:54
 24 about privilege issues with respect to this line of 15:43:58
 25 questioning. Let's take a break. 15:44:00
 Page 189

1 THE WITNESS: Okay 15:44:02
 2 THE VIDEOGRAPHER: We're now off the record 15:44:02
 3 at 15:43 15:44:03
 4 (A recess was taken from 3:43 p m 15:45:10
 5 to 3:44 p m) 15:45:10
 6 THE VIDEOGRAPHER: We're back on the record 15:45:10
 7 at 15:44 15:45:51
 8 MR. FEE: Can you read back the question, 15:45:52
 9 please 15:45:53
 10 (Record read) 15:46:09
 11 MR. FEE: I think you can just go ahead and 15:46:09
 12 answer that question 15:46:11
 13 THE WITNESS: To my knowledge, no, we've had 15:46:12
 14 no contact No 15:46:16
 15 BY MR. BRIDGES: 15:46:20
 16 Q So a few minutes ago, right before the break, 15:46:20
 17 I was asking you a question about what you knew about 15:46:24
 18 Public Resource's funding, and my question was have 15:46:33
 19 you no knowledge of communicating to David Carmel at 15:46:35
 20 International Code Council about what you knew about 15:46:40
 21 Public Resource's funding Do you recall my asking 15:46:42
 22 that question? 15:46:44
 23 A Could I ask you to go one question before 15:46:45
 24 that? 15:46:48
 25 Q Before that was "Did ASTM investigate the 15:46:54
 Page 190

1 sources of Public Resource's funding?" 15:46:57
 2 A. Okay. 15:47:01
 3 MR. FEE: He didn't ask you a question. Let 15:47:04
 4 him get to his question. 15:47:05
 5 What is your question? 15:47:08
 6 THE WITNESS: Is there no way I can answer 15:47:15
 7 that? 15:47:15
 8 MR. FEE: Was something -- 15:47:15
 9 THE WITNESS: I think I said something out of 15:47:15
 10 sequence here to these questions. 15:47:17
 11 MR. FEE: It's up to him if he wants to 15:47:19
 12 clarify. 15:47:21
 13 BY MR. BRIDGES: 15:47:22
 14 Q. So, anyway, I had asked you about did ASTM 15:47:22
 15 investigate the sources of Public Resource's funding. 15:47:30
 16 There was an objection, and you said, "I have no 15:47:38
 17 knowledge of that." 15:47:39
 18 A. And I'm sorry. I inadvertently said -- what 15:47:41
 19 I should have said was I did not investigate the 15:47:43
 20 funding of Google. I'm sorry. Of wherever we're 15:47:46
 21 going with this, but I was aware -- 15:47:50
 22 MR. FEE: Remember, don't disclose any 15:47:52
 23 instruction you had from counsel. 15:47:54
 24 THE WITNESS: Okay. 15:47:56
 25 BY MR. BRIDGES: 15:48:00
 Page 191

1 Q. Well, my curiosity is twice now you've used a 15:48:00
 2 word or a name that I've never used. 15:48:04
 3 A. Right. 15:48:06
 4 Q. And that name is "Google." And you used it 15:48:07
 5 just now. And I had asked you if ASTM had 15:48:12
 6 investigated the sources of Public Resource's funding, 15:48:21
 7 and you said, "I have no knowledge of that." So what 15:48:25
 8 causes you to associate Google with Public Resource in 15:48:28
 9 your testimony today? 15:48:31
 10 MR. FEE: Hold on. 15:48:34
 11 THE WITNESS: Oh, sorry. 15:48:36
 12 MR. FEE: Objection. Vague. It's beyond the 15:48:36
 13 scope of his designation. 15:48:37
 14 To the extent that your association is 15:48:39
 15 because of communications with counsel, I'd instruct 15:48:41
 16 you not to disclose those. If you have some other 15:48:43
 17 basis for an association, you can go ahead and answer. 15:48:48
 18 THE WITNESS: Okay. So my recollection is 15:48:53
 19 based on information -- privileged information with 15:48:55
 20 counsel. 15:49:00
 21 BY MR. BRIDGES: 15:49:10
 22 Q. What else -- well, I think we've got a 15:49:10
 23 serious waiver issue because I've got a document that 15:49:14
 24 shows him communicating information from -- 15:49:16
 25 MR. FEE: Well, show him the document. 15:49:19
 Page 192

1 MR. BRIDGES: I don't need to show him the 15:49:20
 2 document. 15:49:21
 3 MR. FEE: Then you're not going to be able to 15:49:22
 4 show there's a waiver. 15:49:24
 5 MR. BRIDGES: I can because I can show the 15:49:26
 6 document outside of the context of this deposition. 15:49:28
 7 MR. FEE: All right. Well, if you don't want 15:49:30
 8 to ask him about it, then don't ask him about it. 15:49:30
 9 MR. BRIDGES: It will get to the broader 15:49:30
 10 issues of waiver because it will require a much more 15:49:30
 11 radical effect than just this deposition. 15:49:32
 12 MR. FEE: Well, whatever document you're 15:49:41
 13 referencing, if it's -- we may want to claw it back 15:49:42
 14 depending on what it is. But I can't claw it back 15:49:48
 15 if -- 15:49:51
 16 MR. BRIDGES: I'll go ahead and do it. 15:49:51
 17 I'm just going to mark as Exhibit 1048 a 15:49:53
 18 document for the record. 15:49:59
 19 THE WITNESS: I'm sorry. Was there a 1047. 15:50:07
 20 (Pause in proceedings.) 15:50:51
 21 MR. BRIDGES: I'm going to hand the witness 15:50:51
 22 Exhibit 1047, and I have a quick yes or no answer. 15:50:55
 23 Q. Is this an E-mail that you sent to David 15:51:02
 24 Carmel? 15:51:04
 25 (Deposition Exhibit 1047 was marked for 15:51:08
 Page 193

1 identification.) 15:51:08
 2 (The witness reviewed Exhibit 1047.) 15:51:13
 3 BY MR. BRIDGES: 15:51:13
 4 Q. What's the answer, Mr. Grove? 15:51:13
 5 A. I am trying to understand this E-mail. 15:51:15
 6 (The witness further reviewed Exhibit 1047.) 15:51:18
 7 MR. REHN: This is Thane Rehn, counsel for 15:51:18
 8 NFPA. For the record, will you please read the Bates 15:51:30
 9 number. 15:51:30
 10 MR. BRIDGES: Yes. ASTM030712. 15:51:30
 11 And for the court reporter, Thane Rehn, for 15:51:30
 12 the record, "Can I get a Bates number for this 15:51:32
 13 document." 15:51:33
 14 THE WITNESS: Yes. This appears to be an 15:51:38
 15 E-mail from myself to David Carmel. 15:51:39
 16 BY MR. BRIDGES: 15:51:42
 17 Q. And were you giving him information that you 15:51:42
 18 had received from ASTM's counsel? 15:51:44
 19 A. In this case, no, I am not. 15:51:47
 20 Q. What was the source of your information on 15:51:50
 21 that E-mail? 15:51:53
 22 A. It looks as if there was a Twitter posting by 15:51:54
 23 Carl Malamud that was picked up by other members of 15:51:59
 24 the standards, including -- that was forwarded to my 15:52:05
 25 attention. 15:52:08
 Page 194

1 Q. You were giving Mr. Carmel, at the top line 15:52:33
 2 of this E-mail, the same information that you believe 15:52:36
 3 was in Twitter at the bottom of this E-mail. Is that 15:52:39
 4 your testimony? 15:52:42
 5 A. Without seeing the Twitter post, I'm unable 15:52:47
 6 to answer that. 15:52:53
 7 Q. So you're unable to answer whether that 15:52:54
 8 Twitter post said the Google foundation grant was 15:52:56
 9 expired and not extended or renewed? 15:53:01
 10 A. Yeah. I don't recall what that Twitter post 15:53:03
 11 said. 15:53:06
 12 Q. So do you now recall whether that Twitter 15:53:07
 13 post was the source of the information you gave to 15:53:09
 14 Mr. Carmel? 15:53:11
 15 A. I don't recall. 15:53:15
 16 Q. So do you know what the source of information 15:53:16
 17 was, as you sit here, of that statement -- of your 15:53:18
 18 statement to Mr. Carmel? 15:53:21
 19 A. No. I would be speculating. 15:53:25
 20 (Deposition Exhibit 1048 was marked for 15:53:46
 21 identification.) 15:53:46
 22 MR. BRIDGES: I've handed you Exhibit 1048. 15:53:48
 23 Q. Is this an E-mail that you received from 15:53:49
 24 Sarah Petre? 15:53:51
 25 (The witness reviewed Exhibit 1048.) 15:54:50
 Page 195

1 THE WITNESS: Yes, it appears to be an E-mail 15:54:50
 2 from Sarah Petre. 15:54:52
 3 BY MR. BRIDGES: 15:54:55
 4 Q. Does ASTM have a more up-to-date document 15:54:58
 5 listing the errors in defendants' work that ASTM is 15:55:01
 6 aware of? 15:55:08
 7 MR. FEE: Objection to the extent any list 15:55:09
 8 was compiled at the direction of counsel in connection 15:55:11
 9 with this litigation. 15:55:13
 10 I would instruct you not to disclose that. 15:55:15
 11 You could answer otherwise. 15:55:17
 12 THE WITNESS: I'm not aware of it, no. 15:55:19
 13 BY MR. BRIDGES: 15:55:22
 14 Q. As you sit here today, what errors, other 15:55:22
 15 than the errors you've mentioned earlier and any 15:55:24
 16 alleged errors in this document, are you aware of in 15:55:27
 17 defendants' activities with respect to ASTM standards? 15:55:32
 18 A. I have not done that analysis. I'm not aware 15:55:39
 19 of those errors. 15:55:42
 20 MR. FEE: Objection. This is beyond the 15:55:44
 21 scope of his designation. 15:55:45
 22 MR. BRIDGES: I think it's within the scope 15:55:46
 23 of the designation. 15:55:47
 24 Q. Are you aware, on behalf of ASTM, of anything 15:55:49
 25 else? 15:55:53
 Page 196

1 MR. FEE: Same objection. 15:55:54
 2 THE WITNESS: Aware of errors? Could you 15:56:02
 3 repeat the question, please. 15:56:04
 4 BY MR. BRIDGES: 15:56:10
 5 Q. Are you aware, on behalf of ASTM, of any 15:56:10
 6 errors other than the errors you mentioned earlier 15:56:16
 7 today, alleged errors -- 15:56:22
 8 MR. FEE: Objection. 15:56:25
 9 BY MR. BRIDGES: 15:56:26
 10 Q. -- in 1048 -- 15:56:26
 11 My question was interrupted. So I'll restate 15:56:37
 12 it. 15:56:40
 13 On behalf of ASTM, are you aware of any 15:56:41
 14 errors, other than the errors you've testified to 15:56:46
 15 earlier today and alleged errors mentioned in 15:56:50
 16 Exhibit 1048 and the activities of defendants in 15:56:55
 17 connection with defendants' posting of ASTM standards 15:57:07
 18 to the Internet? 15:57:14
 19 MR. FEE: Objection to form. Objection. 15:57:15
 20 Calls for speculation, and beyond the scope of his 15:57:17
 21 designation. 15:57:20
 22 You can answer. 15:57:22
 23 THE WITNESS: No, I'm not. 15:57:23
 24 BY MR. BRIDGES: 15:57:29
 25 Q. On behalf of ASTM, are you aware of any 15:57:29
 Page 197

<p>1 deliberation of ASTM as to whether to inform 15:57:36 2 Mr. Malamud or Public Resource of any errors in the 15:57:40 3 documents that they posted to the Internet? 15:57:45 4 MR. FEE: Objection to form. Beyond the 15:57:49 5 scope of his designation. Calls for speculation. 15:57:53 6 To the extent that you were involved in any 15:57:57 7 discussions amongst counsel regarding that subject, 15:57:59 8 you shouldn't disclose those, but if there are other 15:58:02 9 deliberations as the questioner asked, you can 15:58:05 10 identify those. 15:58:08 11 THE WITNESS: I'm reviewing the document. I 15:58:11 12 see that it was being referred to Tom. So that would 15:58:12 13 be a legal issue, and I was not involved in any 15:58:16 14 further discussion. 15:58:20 15 BY MR. BRIDGES: 15:58:35 16 Q. Is your response to that question limited by 15:58:36 17 the instruction or objection by counsel? 15:58:37 18 A. Yeah, it may involve attorney-client work. 15:58:37 19 Q. So there's other information that you would 15:58:38 20 furnish in response to that question except that 15:58:41 21 you're omitting it because you believe it falls within 15:58:43 22 attorney-client privilege or attorney work product? 15:58:47 23 MR. FEE: Objection. I instruct you not to 15:58:49 24 answer that question. 15:58:50 25 MR. BRIDGES: I'm entitled to know whether 15:58:54 Page 198</p>	<p>1 ASTM027093 to -097 Do you recognize that document? 16:02:03 2 (The witness reviewed Exhibit 1050) 16:02:20 3 THE WITNESS: I recognize the document, yes 16:02:21 4 BY MR BRIDGES: 16:02:22 5 Q And you received the E-mail on the exhibit? 16:02:22 6 A Attached -- based on the E-mail saying it was 16:02:29 7 attached, I believe I did, yes 16:02:32 8 Q And this was part of the joint effort that 16:02:35 9 ASTM engaged in with NFPA and -- with the NFPA; 16:02:40 10 correct? Regarding APCO; is that correct? 16:02:49 11 A Hold on 16:03:01 12 (Pause in proceedings) 16:03:20 13 BY MR BRIDGES: 16:03:21 14 Q Is that correct? 16:03:21 15 MR FEE: Hold on I'm reviewing this 16:03:22 16 document to figure out if I need to instruct him 16:03:23 17 (The witness further reviewed Exhibit 1050) 16 03:30 18 MR FEE: I need to talk to the witness about 16:03:30 19 this document, about privilege issues 16:03:31 20 MR BRIDGES: We have numerous instances of 16:03:35 21 it in the production 16:03:36 22 THE VIDEOGRAPHER: We're off the record at 16:03:38 23 16:02 16:03:40 24 (A recess was taken from 4:02 p m 16:09:01 25 to 4:08 p m) 16:09 01 Page 200</p>
<p>1 that instruction has an effect on his answer. 15:58:55 2 MR. FEE: Answering that question would 15:58:58 3 disclose the substance of communications that he's 15:59:00 4 aware of that are privileged. 15:59:02 5 BY MR. BRIDGES: 15:59:08 6 Q. Are you taking your lawyer's instruction? 15:59:08 7 A. I am. 15:59:11 8 (Deposition Exhibit 1049 was marked for 15:59:54 9 identification.) 15:59:54 10 BY MR. BRIDGES: 15:59:54 11 Q. Mr. Grove, do you recognize Exhibit 1049 as 15:59:54 12 including an E-mail that you sent to James Thomas in 16:00:10 13 the middle? 16:00:17 14 MR. FEE: Objection. Vague. 16:00:26 15 THE WITNESS: Yes. 16:00:32 16 (Deposition Exhibit 1050 was marked for 16:01:20 17 identification.) 16:01:20 18 MR. BRIDGES: We'll need a clip or staple, 16:01:20 19 but the next two documents together are Exhibit 1050. 16:01:22 20 MR. FEE: Which one are you putting first? 16:01:36 21 MR. BRIDGES: The E-mail. The cover E-mail. 16:01:40 22 MR. FEE: Okay. 16:01:46 23 MR. BRIDGES: Exhibit 1050 is an E-mail from 16:01:49 24 Lorraine Carli of NFPA to you, among others, attaching 16:01:51 25 a draft request for proposals. This is produced as 16:01:55 Page 199</p>	<p>1 THE VIDEOGRAPHER: We are back on the record 16:09:01 2 at 16:08 16:09:02 3 MR FEE: Would you read back the question, 16:09:05 4 please 16:09:07 5 MR BRIDGES: I will start a new question 16:09:12 6 Q Mr Grove, I've shown you Exhibit 1050, and I 16:09:14 7 think you identified this as an E-mail from Lorraine 16:09:18 8 Carli of NFPA to you and others This pertains to 16:09:22 9 soliciting work that ended up being work performed by 16:09:29 10 APCO; is that correct? 16:09:36 11 MR FEE: Objection Beyond the scope of his 16:09:39 12 designation 16:09:40 13 THE WITNESS: No The time line of this 16:09:43 14 doesn't correspond with our selection of APCO 16:09:44 15 BY MR BRIDGES: 16:09:49 16 Q What does this correspond to? 16:09:49 17 MR FEE: Objection Vague Beyond the 16:09:51 18 scope of his designation 16:09:52 19 THE WITNESS: This was a separate RFP for 16:09:57 20 some continuing work 16:09:59 21 BY MR BRIDGES: 16:10:02 22 Q What work was it continuing? 16:10:02 23 MR FEE: Objection Beyond the scope of his 16:10:06 24 designation 16:10:08 25 THE WITNESS: We were anticipating a lot of 16:10:09 Page 201</p>

1 public interest in the interest of public access. 16:10:11
 2 BY MR. BRIDGES: 16:10:17
 3 Q. Are you reading from the document? 16:10:17
 4 A. Oh, no. I just have it in front of me. We 16:10:19
 5 were anticipating a lot of public interest in the 16:10:22
 6 issue of public access. So we were again discussing 16:10:24
 7 whether it was necessary to retain a firm to help us. 16:10:28
 8 Q. Did ASTM or any of these companies that 16:10:34
 9 you're aware of retain a firm to help in that effort? 16:10:38
 10 MR. FEE: Objection. Calls for speculation. 16:10:41
 11 It's beyond the scope of his designation. 16:10:42
 12 THE WITNESS: Yes. 16:10:47
 13 BY MR. BRIDGES: 16:10:49
 14 Q. What firm did you retain? 16:10:49
 15 A. I don't believe this was the final RFP, but 16:10:55
 16 we ultimately retained Fleishman Hillard. 16:10:58
 17 Q. Do you know who prepared the draft request 16:11:04
 18 for proposals in Exhibit 1050? 16:11:06
 19 MR. FEE: Objection. Beyond the scope of his 16:11:10
 20 designation. Calls for speculation. 16:11:11
 21 THE WITNESS: I don't know with certainty who 16:11:23
 22 prepared it. 16:11:25
 23 BY MR. BRIDGES: 16:11:25
 24 Q. You received it from Lorraine Carli -- 16:11:25
 25 A. Correct. 16:11:30
 Page 202

1 (Deposition Exhibit 1051 was marked for 16:12:31
 2 identification.) 16:12:31
 3 BY MR. BRIDGES: 16:12:32
 4 Q. Exhibit 1051 is an E-mail that you sent to 16:12:32
 5 James Thomas at ASTM; correct? 16:12:34
 6 A. Yes, it appears to be. 16:12:49
 7 Q. Did you draft the text of the E-mail? 16:12:50
 8 A. To the best of my recollection, I did. 16:13:00
 9 (Deposition Exhibit 1052 was marked for 16:16:21
 10 identification.) 16:16:21
 11 MR. BRIDGES: Mr. Grove, I've handed you 16:16:21
 12 Exhibit 1052. 16:16:25
 13 MR. FEE: Objection. I'm going to claw this 16:16:26
 14 document back. It expressly references legal 16:16:29
 15 communications in the first sentence. I'm going to 16:16:32
 16 instruct the witness not to answer any questions, at 16:16:34
 17 least about the top portion of this E-mail. 16:16:36
 18 BY MR. BRIDGES: 16:16:42
 19 Q. Has Underwriters Laboratories ever been -- 16:16:42
 20 strike that. 16:16:49
 21 To your knowledge, has ASTM ever had an 16:16:50
 22 agreement with Underwriters Laboratories to keep 16:16:52
 23 communications about potential litigation 16:16:57
 24 confidential? 16:16:59
 25 MR. FEE: Objection. 16:17:00
 Page 203

1 Actually, you can answer that question yes or 16:17:04
 2 no if you're aware. 16:17:07
 3 THE WITNESS: To my knowledge, no. 16:17:10
 4 BY MR. BRIDGES: 16:17:11
 5 Q. Okay. What did you understand to be a reason 16:17:11
 6 for Underwriters Laboratories being included in your 16:17:22
 7 E-mail -- strike that. 16:17:27
 8 What was your reason for including someone 16:17:29
 9 from Underwriters Laboratories in your E-mail? 16:17:31
 10 MR. FEE: Objection. 16:17:34
 11 I'm going to instruct you not to answer that 16:17:34
 12 question. We have a common interest agreement with 16:17:36
 13 Underwriters Laboratory, and this is a privileged 16:17:39
 14 communication. 16:17:41
 15 BY MR. BRIDGES: 16:17:49
 16 Q. You did send this E-mail, Exhibit 1052, to 16:17:49
 17 the addressees indicated in the header; is that 16:17:53
 18 correct? 16:17:57
 19 MR. FEE: You can answer yes or no. 16:17:58
 20 THE WITNESS: I didn't personally. So I 16:18:03
 21 don't have knowledge if this was sent. I'm sorry. 16:18:06
 22 Could you restate that? 16:18:11
 23 BY MR. BRIDGES: 16:18:12
 24 Q. You did send this E-mail, Exhibit 1052, to 16:18:13
 25 the addressees indicated in the header; is that 16:18:16
 Page 204

1 correct? 16:18:18
 2 A I'm sorry Yes, I did Correct 16:18:18
 3 MR BRIDGES: We need to take a short break 16:18:26
 4 because, for some reason, my real time is about to run 16:18:28
 5 out of battery, but I need it to be very short because 16:18:32
 6 we've been taking a lot of breaks If we can go off 16:18:34
 7 the record briefly, I would appreciate it 16:18:37
 8 THE VIDEOGRAPHER: We're going off the record 16:18:38
 9 at 16:17 16:18:38
 10 (A recess was taken from 4:17 p m 16:19:34
 11 to 4:18 p m) 16:19:34
 12 THE VIDEOGRAPHER: We're back on the record 16:19:35
 13 at 16:18 16:19:37
 14 (Deposition Exhibit 1053 was marked for 16:20:33
 15 identification) 16:20:33
 16 MR BRIDGES: Mr Grove, I've handed you -- 16:20:34
 17 MR FEE: Can I get a copy of the exhibit, 16:20:36
 18 please 16:20:38
 19 MR BRIDGES: Mr Grove, I've handed you a 16:20:40
 20 copy of Exhibit 1053 16:20:42
 21 Q I'd like to know if you've seen this document 16:20:43
 22 before 16:20:45
 23 A Yes, I believe I have 16:21:01
 24 Q And this is an E-mail from Mr Thomas, the 16:21:07
 25 president of ASTM, to Roger Stoller; is that correct? 16:21:10
 Page 205

1 A. Yes. 16:21:15
 2 Q. Who is Mr. Stoller? 16:21:20
 3 A. At the time of this E-mail, I believe Roger 16:21:25
 4 Stoller was the incoming chairman of our board of 16:21:29
 5 directors. 16:21:32
 6 Q. What government agency -- strike that. 16:21:33
 7 He was at Oakridge National Laboratory; is 16:21:39
 8 that correct? 16:21:43
 9 A. Yes. 16:21:44
 10 Q. And was a government employee; is that 16:21:44
 11 correct? 16:21:46
 12 MR. FEE: Objection. Calls for a legal 16:21:46
 13 conclusion and speculation. It's beyond the scope of 16:21:48
 14 his designation. 16:21:50
 15 THE WITNESS: I'm not certain of that. 16:21:52
 16 BY MR. BRIDGES: 16:21:53
 17 Q. Did you understand him to be a government 16:21:53
 18 employee? 16:21:55
 19 MR. FEE: Same objections. 16:21:56
 20 THE WITNESS: Yes. 16:21:58
 21 (Deposition Exhibit 1054 was marked for 16:23:28
 22 identification.) 16:23:28
 23 MR. BRIDGES: Please look at Exhibit 1054. 16:23:28
 24 Q. That is an E-mail from Maureen Houck to a 16:23:35
 25 number of persons, and you are included in the 16:23:38
 Page 206

1 addressee list; is that correct? 16:23:46
 2 A Yes, that's correct 16:24:05
 3 MR BRIDGES: I'm going to add, as additional 16:24:06
 4 pages to this, Exhibit ASTM103025 to -103032 Let's 16:24:08
 5 make that a continuation exhibit, please 16:24:17
 6 Q And the pages I've just added were the 16:24:24
 7 attachment to the E-mail on Exhibit 1054; right? 16:24:26
 8 MR FEE: Objection It looks like there 16:24:33
 9 were two attachments to this E-mail Are you saying 16:24:34
 10 this is all the attachments? 16:24:37
 11 MR BRIDGES: No I'm omitting an attachment 16:24:54
 12 written by Carl Malamud that was 16:24:56
 13 MALAMUDOMB_GOV_201404111 PDF 16:24:58
 14 MR FEE: Okay We object to the use of an 16:25:05
 15 exhibit that's incomplete 16:25:08
 16 BY MR BRIDGES: 16:25:14
 17 Q Do you recognize Exhibit 1054 as a cover 16:25:15
 18 E-mail with one of its attachments being the draft 16:25:17
 19 records of ASTM to OMB regarding Circular A-119? 16:25:23
 20 MR FEE: Same objection 16:25:29
 21 THE WITNESS: Yes 16:25:30
 22 BY MR BRIDGES: 16:25:34
 23 Q Who is Maureen Houck? 16:25:34
 24 A Maureen Houck is the executive assistant to 16:25:38
 25 our president, Jim Thomas 16:25:40
 Page 207

1 Q. And you understand it went from her to all 16:25:47
 2 the persons identified in this E-mail? 16:25:49
 3 MR. FEE: Objection. Calls for speculation. 16:25:52
 4 It's beyond the scope of his designation. 16:25:57
 5 THE WITNESS: Yes. 16:25:59
 6 (Deposition Exhibit 1055 was marked for 16:26:06
 7 identification.) 16:28:08
 8 BY MR. BRIDGES: 16:28:09
 9 Q. Exhibit 1055 is a series of E-mails between 16:28:09
 10 you and a number of persons, including Katherine 16:28:15
 11 Morgan; is that correct? 16:28:18
 12 MR. FEE: Excuse me for one second. 16:28:21
 13 (The witness reviewed Exhibit 1055.) 16:29:08
 14 THE WITNESS: Yes. 16:29:08
 15 BY MR. BRIDGES: 16:29:37
 16 Q. At the bottom of the second page there's an 16:29:37
 17 E-mail from Phil Lively to you; correct? 16:29:39
 18 A. From Phil to Jeff, yes. 16:30:03
 19 Q. What's Mr. Lively's role within ASTM? 16:30:04
 20 A. Phil is the vice president of information 16:30:08
 21 technology. 16:30:10
 22 Q. And does this exchange of E-mails refer to 16:30:31
 23 steps that ASTM took towards creating a reading room 16:30:32
 24 for public access to ASTM standards? 16:30:37
 25 MR. FEE: Objection. The document speaks for 16:30:41
 Page 208

1 itself Form 16:30:42
 2 THE WITNESS: Yes 16:30:53
 3 BY MR BRIDGES: 16:31:09
 4 Q That E-mail follows on E-mails that you sent 16:31:09
 5 to some members of ASTM senior management regarding 16:31:12
 6 recommendations by the administrative conference of 16:31:20
 7 the United States as ascribed in the two underlying 16:31:23
 8 E-mails in this thread; is that correct? 16:31:29
 9 MR FEE: Objection The document speaks for 16:31:31
 10 itself Vague 16:31:33
 11 THE WITNESS: Yes 16:31:36
 12 BY MR BRIDGES: 16:31:42
 13 Q At the bottom of the page with Bates 16:31:42
 14 No -101185, there's a reference to a quotation in the 16:31:45
 15 ACUS report There's a sentence starting the final 16:31:52
 16 line, carrying over to the next page, "Moreover, ASTM 16:31:58
 17 explained that only a small percentage of its 16:32:01
 18 standards are truly profitable and many lose money or 16:32:04
 19 simply break even " Do you see that? 16:32:11
 20 A I do 16:32:16
 21 Q Was that an accurate representation of ASTM's 16:32:16
 22 statement? 16:32:19
 23 MR FEE: Objection Lack of foundation 16:32:21
 24 Calls for speculation It's beyond the scope of his 16:32:25
 25 designation 16:32:27
 Page 209

<p>1 THE WITNESS: It's a little out of context. 16:32:42 2 BY MR. BRIDGES: 16:32:45 3 Q. What would be necessary to add to that 16:32:45 4 statement in order to supply the context? 16:32:50 5 MR. FEE: Same objections. 16:32:55 6 THE WITNESS: Looking at standards on an 16:33:12 7 individual basis devalues the real value that ASTM 16:33:14 8 standards have as a collection of a whole. 16:33:14 9 BY MR. BRIDGES: 16:33:17 10 Q. What is the real value that ASTM standards 16:33:17 11 have as a collection? 16:33:19 12 A. Customers in the public benefit from getting 16:33:25 13 a collection of standards at a very affordable price 16:33:27 14 point, which allows them to access numerous standards 16:33:32 15 rather than looking at them as individual standards 16:33:39 16 purchased separately. 16:33:42 17 Q. Is there anything else about the context -- 16:33:48 18 sorry. Anything else necessary to supply an 16:33:52 19 appropriate context for that statement? 16:33:54 20 MR. FEE: Objection. Lack of foundation. 16:33:56 21 Calls for speculation. It's beyond the scope of his 16:33:59 22 designation. 16:34:01 23 THE WITNESS: No. 16:34:14 24 (Deposition Exhibit 1056 was marked for 16:34:40 25 identification.) 16:34:40</p> <p style="text-align: right;">Page 210</p>	<p>1 Q. What were you suggesting in addition to a 16:36:38 2 reading room? 16:36:40 3 A. I see that I was recommending that we 16:36:41 4 consider beefing up -- excuse me -- making our 16:36:42 5 summaries, which the abstracts which we provide to our 16:36:47 6 standards, considering whether those abstracts could 16:36:53 7 be converted to something that's more of a summary. 16:36:57 8 Q. Was that in addition to doing a reading room 16:37:08 9 or instead of doing a reading room? 16:37:10 10 A. Obviously, John was thinking I was suggesting 16:37:20 11 it as an addition, and I'm not sure if I was or not. 16:37:21 12 I was explaining I'm not the IT guy. So I didn't know 16:37:40 13 how difficult this task would be. 16:37:45 14 Q. Did you have in mind providing summaries as 16:37:48 15 opposed to the standards themselves in the reading 16:37:53 16 room? 16:37:55 17 MR. FEE: Objection. Are you asking him his 16:37:56 18 personal opinion in this question? 16:37:59 19 MR. BRIDGES: I'm asking him what his state 16:38:02 20 of mind was at the time. 16:38:03 21 MR. FEE: It's beyond the scope of his 16:38:04 22 designation. 16:38:06 23 But you can answer. 16:38:07 24 THE WITNESS: In our efforts to strike the 16:38:08 25 right balance between providing the public with public 16:38:10</p> <p style="text-align: right;">Page 212</p>
<p>1 BY MR. BRIDGES: 16:34:41 2 Q. Exhibit 1056 consists of a series of E-mails 16:34:41 3 in which you and John Pace were either authors or 16:34:54 4 recipients; correct? 16:35:04 5 (The witness reviewed Exhibit 1056.) 16:35:28 6 THE WITNESS: Yes, that's correct. 16:35:28 7 BY MR. BRIDGES: 16:35:29 8 Q. What did you understand Mr. Pace to mean in 16:35:29 9 the first sentence about "sticking to our guns and 16:35:34 10 doing the reading room exactly as how we have all 16:35:39 11 agreed to date"? 16:35:43 12 A. I'd be speculating. 16:35:48 13 Q. Well, you were a recipient -- the sole 16:35:52 14 recipient of that E-mail. So please tell me what your 16:35:56 15 understanding was. 16:35:58 16 MR. FEE: Objection. Lack of foundation. 16:35:59 17 Beyond the scope of his designation as well. 16:36:07 18 THE WITNESS: I'd infer from this that John 16:36:10 19 Pace was raising concerns that we had already 16:36:12 20 committed to building a reading room and committed 16:36:15 21 extensive resources of his employees' time to help in 16:36:21 22 compiling the reading room, and now I was suggesting 16:36:26 23 that, in addition to the reading room, we might want 16:36:28 24 to consider other things as well. 16:36:32 25 BY MR. BRIDGES: 16:36:38</p> <p style="text-align: right;">Page 211</p>	<p>1 access to standards incorporated by reference and 16:38:12 2 maintaining our viability of our standards development 16:38:14 3 enterprise, I was recommending that we review a lot of 16:38:18 4 options. One of which was this summaries idea. 16:38:22 5 BY MR. BRIDGES: 16:38:26 6 Q. Was it the idea of providing summaries as 16:38:26 7 opposed to the text of the standards themselves? 16:38:29 8 MR. FEE: Same objection. 16:38:33 9 THE WITNESS: I don't recall. 16:38:36 10 BY MR. BRIDGES: 16:38:41 11 Q. Does someone -- are you familiar with the 16:38:41 12 operation of the reading room for ASTM today? 16:38:44 13 A. Yes. 16:38:47 14 Q. Does one have to register to gain access to 16:38:47 15 the reading room? 16:38:50 16 A. Yes. 16:38:51 17 Q. What does one have to do to register to get 16:38:52 18 access to the reading room? 16:38:55 19 A. Enter a name and E-mail address. 16:38:56 20 Q. What's the purpose of that? 16:39:00 21 A. Well, to ensure that it wasn't -- again, I'm 16:39:02 22 not an IT person, but I believe there's some concerns 16:39:08 23 that bots and other types of automatic -- that perhaps 16:39:10 24 machines could access our system and pull information 16:39:19 25 in ways that perhaps we weren't intending by providing 16:39:22</p> <p style="text-align: right;">Page 213</p>

<p>1 this information to the public. 16:39:25</p> <p>2 Q. Is that the only reason for requiring a name 16:39:29</p> <p>3 and E-mail address? 16:39:31</p> <p>4 A. At one point we discussed -- my goal was to 16:39:31</p> <p>5 provide access to U.S. citizens, and we discussed 16:39:35</p> <p>6 whether or not it should be available to the others in 16:39:43</p> <p>7 addition to the U.S. So providing an E-mail address 16:39:48</p> <p>8 just might have given us some additional information 16:39:52</p> <p>9 about who was coming to our website for what purpose. 16:39:54</p> <p>10 Q. Is that so that you could keep certain 16:40:00</p> <p>11 persons out of the reading room if they were not from 16:40:02</p> <p>12 the U.S.? 16:40:05</p> <p>13 A. Actually, I'm aware that we have some 16:40:06</p> <p>14 restrictions due to the U.S. Treasury Departments OFAC 16:40:09</p> <p>15 that makes it -- we have to take reasonable steps to 16:40:12</p> <p>16 prevent technical information from going to whatever 16:40:17</p> <p>17 countries are designated by the U.S. Department of 16:40:20</p> <p>18 Treasury as such. 16:40:23</p> <p>19 Q. What about apart from those restrictions. 16:40:25</p> <p>20 Was there an interest in keeping persons from other 16:40:28</p> <p>21 countries out of the reading room? 16:40:32</p> <p>22 MR. FEE: Objection. Vague. 16:40:35</p> <p>23 THE WITNESS: I don't recall. 16:40:37</p> <p>24 BY MR. BRIDGES: 16:40:39</p> <p>25 Q. What else does one have to do to register for 16:40:39</p> <p style="text-align: right;">Page 214</p>	<p>1 BY MR. BRIDGES: 16:41:49</p> <p>2 Q. Do you recall requiring that people agree to 16:41:49</p> <p>3 acknowledge ASTM's copyrights from the standards in 16:41:52</p> <p>4 order to get access? 16:41:56</p> <p>5 A. That sounds familiar, yes. 16:41:58</p> <p>6 Q. And so somebody had an argument that for some 16:42:00</p> <p>7 reason these standards were not subject to copyright, 16:42:03</p> <p>8 would that person have to, in your understanding, give 16:42:10</p> <p>9 up that view in order to get access to the documents 16:42:13</p> <p>10 in the reading room? 16:42:17</p> <p>11 MR. FEE: Objection. Calls for a legal 16:42:19</p> <p>12 conclusion. To the extent it does, he's not 16:42:20</p> <p>13 designated for any legal opinions. 16:42:22</p> <p>14 THE WITNESS: I'm not an attorney, but I 16:42:26</p> <p>15 believe that it's clear that -- what's intended. 16:42:27</p> <p>16 Someone could access the information and read the 16:42:34</p> <p>17 information but is made aware of the fact that ASTM 16:42:36</p> <p>18 owns the copyright. 16:42:42</p> <p>19 BY MR. BRIDGES: 16:42:44</p> <p>20 Q. It's not only made aware of it. They're 16:42:44</p> <p>21 forced to agree that ASTM owns a copyright. Is that 16:42:46</p> <p>22 not the case? 16:42:51</p> <p>23 MR. FEE: Same objections. 16:42:53</p> <p>24 THE WITNESS: It could be, yes. 16:42:54</p> <p>25 BY MR. BRIDGES: 16:42:55</p> <p style="text-align: right;">Page 216</p>
<p>1 access to the reading room apart from furnishing an 16:40:42</p> <p>2 E-mail address? 16:40:44</p> <p>3 MR. FEE: My recollection is you have to 16:40:47</p> <p>4 agree to our policies on the use of the information. 16:40:49</p> <p>5 BY MR. BRIDGES: 16:40:55</p> <p>6 Q. Does that require entering into an 16:40:55</p> <p>7 enforceable contract with ASTM? 16:40:57</p> <p>8 MR. FEE: Objection. Calls for a legal 16:41:00</p> <p>9 conclusion. Beyond the scope of his designation. To 16:41:01</p> <p>10 the extent it calls for a legal conclusion, you can 16:41:04</p> <p>11 answer if you know. 16:41:07</p> <p>12 THE WITNESS: I'm not an attorney, but I 16:41:09</p> <p>13 believe it makes very clear that copyright policy on 16:41:11</p> <p>14 the documents. 16:41:14</p> <p>15 BY MR. BRIDGES: 16:41:16</p> <p>16 Q. Does somebody have to agree to terms of 16:41:16</p> <p>17 service in order to get access to the reading room? 16:41:19</p> <p>18 A. To my knowledge, yes. 16:41:26</p> <p>19 Q. And does somebody have to agree about the 16:41:27</p> <p>20 location of any lawsuit that would be filed for 16:41:29</p> <p>21 violation of terms of service? 16:41:33</p> <p>22 A. I'm not certain of that provision. 16:41:38</p> <p>23 Q. Do you recall seeing something like that? 16:41:40</p> <p>24 MR. FEE: Objection. Asked and answered. 16:41:43</p> <p>25 THE WITNESS: No. 16:41:45</p> <p style="text-align: right;">Page 215</p>	<p>1 Q. And do you see the third bullet in Mr. Pace's 16:42:55</p> <p>2 message to you at the top of Exhibit 1056. It says, 16:43:01</p> <p>3 "Reading pane is 5-by-7. So you have to scroll." Do 16:43:06</p> <p>4 you see that? 16:43:13</p> <p>5 A. I see that in the E-mail. 16:43:15</p> <p>6 Q. Does 5-by-7 mean 5-by-7 inches? 16:43:17</p> <p>7 A. I don't have knowledge what exactly he's 16:43:28</p> <p>8 referring to. 16:43:30</p> <p>9 Q. Do you understand what it means that one has 16:43:31</p> <p>10 to "scroll"? 16:43:33</p> <p>11 A. Again, I'd speculate that that means you have 16:43:38</p> <p>12 to navigate your monitor to see it. 16:43:41</p> <p>13 Q. It means that one would have to scroll down 16:43:46</p> <p>14 to get a full page of a standard. To read a full page 16:43:50</p> <p>15 of the standard, one couldn't read a full page and one 16:43:53</p> <p>16 go without scrolling; correct? 16:43:57</p> <p>17 MR. FEE: Objection. Vague. Calls for 16:43:59</p> <p>18 speculation. May call for expert testimony as well. 16:44:01</p> <p>19 THE WITNESS: That may certainly be possible. 16:44:04</p> <p>20 BY MR. BRIDGES: 16:44:08</p> <p>21 Q. Do you know why that would be a feature of a 16:44:08</p> <p>22 reading room design? 16:44:21</p> <p>23 MR. FEE: Objection. Vague. 16:44:25</p> <p>24 THE WITNESS: Again, the purpose of the 16:44:31</p> <p>25 reading room is to provide the public with access to 16:44:32</p> <p style="text-align: right;">Page 217</p>

1 read the documents. So we're -- I'm pleased that our 16:44:34
 2 reading room gives them the ability to do that. 16:44:39
 3 BY MR. BRIDGES: 16:44:41
 4 Q. Were you proud of having a design that would 16:44:41
 5 require people to scroll to read an entire page? Were 16:44:44
 6 you pleased about that? 16:44:48
 7 A. We received a lot of accolades for it, and so 16:44:48
 8 to that -- to the fact that the reading room exists. 16:44:53
 9 So I haven't heard complaints beyond what's been 16:44:56
 10 discussed here today. 16:44:59
 11 Q. Does that feature appear to you to be a user 16:45:00
 12 friendly feature to design into the reading room? 16:45:04
 13 MR. FEE: Objection. Vague. May call for 16:45:07
 14 expert testimony. 16:45:09
 15 THE WITNESS: And I'm not an expert, but I've 16:45:12
 16 used the reading room and I've read standards through 16:45:14
 17 it without any problem. 16:45:16
 18 BY MR. BRIDGES: 16:45:24
 19 Q. The second paragraph of Mr. Pace's E-mail 16:45:24
 20 says, "I haven't chatted with Jim yet." Does "Jim" 16:45:29
 21 refer to James Thomas, the president of ASTM? 16:45:34
 22 A. In this context, I believe it does. 16:45:44
 23 Q. And a couple of paragraphs down, it says, "On 16:45:47
 24 the four bullet points above, I know Phil might think 16:45:50
 25 I'm overdoing it a bit." Whom did you understand 16:45:54
 Page 218

1 "Phil" to refer to? Is that Phil Lively? 16:46:00
 2 A. I believe it would be Phil Lively. 16:46:02
 3 Q. Who's Bob Dreyfus? 16:46:06
 4 A. My understanding is Bob Dreyfus is a 16:46:10
 5 consultant that works on various IT projects for ASTM. 16:46:12
 6 Q. What other IT projects does he work on? 16:46:16
 7 A. I'm afraid I don't have knowledge of that. 16:46:20
 8 It's outside of my area. 16:46:22
 9 Q. Does ASTM make available on its reading room 16:47:21
 10 for public access any of its thousands of standards 16:47:25
 11 that have not been incorporated by reference? 16:47:30
 12 A. To the best of my knowledge, no. 16:47:38
 13 Q. Why not? 16:47:42
 14 MR. FEE: Objection. Calls for speculation. 16:47:45
 15 That's also beyond the scope of his designation. 16:47:48
 16 THE WITNESS: ASTM, we're very proud of the 16:47:53
 17 role we've played in society for 115 years in 16:47:55
 18 developing high quality, market relevant standards 16:47:59
 19 that are open, balanced, transparent process, and 16:48:01
 20 putting more documents up in the reading room beyond 16:48:05
 21 what's incorporated by reference could have unintended 16:48:11
 22 consequences on our ability to maintain our viability 16:48:15
 23 as a standards developer and ensure that the proper 16:48:18
 24 stakeholders have access to participating in the ASTM 16:48:21
 25 standards process under the expectations that they 16:48:25
 Page 219

1 have today. 16:48:28
 2 BY MR. BRIDGES: 16:48:31
 3 Q. Does ASTM have any actual facts causing it to 16:48:31
 4 believe that putting more standards in its reading 16:48:36
 5 room would affect its viability as a standards 16:48:42
 6 developer, or is this conclusion based on speculation? 16:48:46
 7 MR. FEE: Objection to form. Vague. May 16:48:50
 8 call for expert testimony. Beyond the scope of his 16:48:54
 9 designation, and speculation. 16:48:59
 10 THE WITNESS: I'm just aware that for 115 16:49:05
 11 years this is the way our model has operated, and it's 16:49:07
 12 served society well with very little complaints from 16:49:11
 13 our stakeholders. In fact, this is the first case 16:49:14
 14 where this has become an issue. So that's my answer. 16:49:16
 15 (Deposition Exhibit 1057 was marked for 16:49:50
 16 identification.) 16:49:50
 17 BY MR. BRIDGES: 16:49:51
 18 Q. Exhibit 1057 is an E-mail from John Pace to 16:49:51
 19 you with earlier E-mails in which you both 16:49:54
 20 participate; is that correct? 16:50:02
 21 (The witness reviewed Exhibit 1057.) 16:50:15
 22 THE WITNESS: Yes. 16:50:15
 23 BY MR. BRIDGES: 16:50:22
 24 Q. At the end of that top E-mail Mr. Pace says, 16:50:22
 25 "We're getting big bucks annually from DHS." Do you 16:50:26
 Page 220

1 see that? 16:50:30
 2 A I do 16:50:31
 3 Q What did you understand that to refer to? 16:50:32
 4 A I have great respect for John Pace and his 16:50:39
 5 experience in -- 16:50:41
 6 MR BRIDGES: I move to strike That's not 16:50:42
 7 my question 16:50:43
 8 Q I'm asking what -- 16:50:46
 9 MR FEE: Don't cut him off 16:50:47
 10 Answer your question 16:50:47
 11 BY MR BRIDGES: 16:50:47
 12 Q -- does "We're getting big bucks annually 16:50:47
 13 from DHS" refer to? 16:50:47
 14 MR FEE: Answer your question as you were 16:50:50
 15 going to answer it 16:50:51
 16 THE WITNESS: I was going to just describe 16:50:52
 17 John Pace as a colorful character that's involved in 16:50:54
 18 sales, and he's describing the fact that he's very 16:50:58
 19 pleased with the relationship that we have with the 16:51:02
 20 Department of Homeland Security where we provide 31 16:51:05
 21 ASTM standards to the public where they can access 16:51:09
 22 print standards, particularly for first responders, at 16:51:12
 23 a reasonable price point 16:51:21
 24 BY MR BRIDGES: 16:51:24
 25 Q And what you just said was, in fact, in your 16:51:24
 Page 221

<p>1 E-mail to him in the middle; right? 16:51:26</p> <p>2 MR. FEE: You want him to compare his 16:51:32</p> <p>3 testimony verbatim to this E-mail? 16:51:33</p> <p>4 BY MR. BRIDGES: 16:51:36</p> <p>5 Q. What you just said, that comes from your 16:51:36</p> <p>6 E-mail to him. I was asking him about his E-mail to 16:51:37</p> <p>7 you and specifically what you understood him to mean 16:51:40</p> <p>8 by the statement "We're getting big bucks annually 16:51:43</p> <p>9 from DHS." What did you understand that to mean? 16:51:46</p> <p>10 MR. FEE: Objection. Asked and answered. 16:51:50</p> <p>11 THE WITNESS: You know, I'm happy to answer 16:51:53</p> <p>12 what I know about what this could mean. It could mean 16:51:54</p> <p>13 that we have a contract with the Department of 16:51:57</p> <p>14 Homeland Security, or we did at this time, in which 16:52:00</p> <p>15 ASTM received, I believe, \$25,000 in funding in 16:52:03</p> <p>16 exchange for putting 31 standards up for unlimited 16:52:08</p> <p>17 print and use. This was a deep, discounted price that 16:52:11</p> <p>18 John was very -- this was a deep, discounted price, 16:52:14</p> <p>19 and this went to the fact that we wanted to get our 16:52:23</p> <p>20 standards in the hands of Homeland Security -- I'm 16:52:26</p> <p>21 sorry -- of first responders in a way that still 16:52:28</p> <p>22 allowed us to recoup some of the cost and expense that 16:52:31</p> <p>23 ASTM incurs on the development, delivery of standards. 16:52:35</p> <p>24 BY MR. BRIDGES: 16:52:38</p> <p>25 Q. Is it your testimony that ASTM put 31 16:52:38</p> <p style="text-align: right;">Page 222</p>	<p>1 money for? 16:53:57</p> <p>2 MR FEE: Objection Lack of foundation 16:53:57</p> <p>3 Beyond the scope of his designation Calls for 16:53:59</p> <p>4 speculation 16:54:03</p> <p>5 THE WITNESS: I would speculate that these 16:54:04</p> <p>6 standards were viewed as playing an important role in 16:54:06</p> <p>7 helping first responders carry out their important 16:54:09</p> <p>8 mission, and DHS came to ASTM and we figured out a 16:54:12</p> <p>9 very flexible and reasonable agreement to allow that 16:54:19</p> <p>10 to happen, which we've done for 115 years of our 16:54:21</p> <p>11 existence 16:54:25</p> <p>12 BY MR BRIDGES: 16:54:26</p> <p>13 Q Were these standards that had been 16:54:26</p> <p>14 incorporated by reference? 16:54:28</p> <p>15 A I'm afraid I don't know the answer to that 16:54:31</p> <p>16 Q Do you know whether ASTM had different 16:54:34</p> <p>17 licensing practices or prices according to whether 16:54:38</p> <p>18 standards were incorporated by reference or not? 16:54:41</p> <p>19 MR FEE: Objection to form 16:54:45</p> <p>20 THE WITNESS: I am not aware of any pricing 16:54:48</p> <p>21 differential, whether or not an ASTM standard is 16:54:50</p> <p>22 incorporated by reference or not 16:54:54</p> <p>23 BY MR BRIDGES: 16:54:55</p> <p>24 Q Are you aware of any other terms of licenses 16:54:55</p> <p>25 that differed according to whether an ASTM standard 16:55:00</p> <p style="text-align: right;">Page 224</p>
<p>1 standards up for unlimited print and use by the 16:52:41</p> <p>2 public? 16:52:43</p> <p>3 MR. FEE: Objection. Vague. 16:52:44</p> <p>4 THE WITNESS: I'm not certain as to exactly 16:52:46</p> <p>5 what the portal that may have existed at this site, 16:52:47</p> <p>6 but at this time in 2012 my understanding was, yes. 16:52:51</p> <p>7 Because of the relationship we had with DHS, we were 16:52:57</p> <p>8 allowing the public to come to this website -- come to 16:53:00</p> <p>9 this portal and access and print, save, and E-mail our 16:53:03</p> <p>10 standards. I'm not sure if that was the exact 16:53:11</p> <p>11 functionality that was provided, but that was my 16:53:13</p> <p>12 understanding. 16:53:15</p> <p>13 BY MR. BRIDGES: 16:53:16</p> <p>14 Q. And you said it was \$25,000 in funding in 16:53:16</p> <p>15 exchange for putting 31 standards up for unlimited 16:53:19</p> <p>16 print and use. By "unlimited," did you mean unlimited 16:53:23</p> <p>17 into the future? 16:53:27</p> <p>18 MR. FEE: Objection. Vague. 16:53:33</p> <p>19 THE WITNESS: And I don't know the 16:53:34</p> <p>20 particulars of the contractual relationship or the 16:53:35</p> <p>21 subscription that was negotiated between our sales 16:53:37</p> <p>22 staff and DHS. 16:53:39</p> <p>23 BY MR. BRIDGES: 16:53:51</p> <p>24 Q. What interest did you understand DHS to have 16:53:51</p> <p>25 for public access to the standards that it paid the 16:53:53</p> <p style="text-align: right;">Page 223</p>	<p>1 was incorporated by reference or not? 16:55:04</p> <p>2 MR FEE: Objection Vague To the extent 16:55:06</p> <p>3 that calls for a legal conclusion 16:55:08</p> <p>4 THE WITNESS: And I'm sorry You're asking 16:55:13</p> <p>5 me if under a purchasing agreement with ASTM for a 16:55:14</p> <p>6 standard? What's the context of the question? 16:55:19</p> <p>7 BY MR BRIDGES 16:55:21</p> <p>8 Q Well, I assume that ASTM makes money off of 16:55:21</p> <p>9 standards in a variety of ways; correct? 16:55:24</p> <p>10 MR FEE: Objection Vague 16:55:26</p> <p>11 THE WITNESS: 90 percent of ASTM's revenue 16:55:31</p> <p>12 comes from -- 80 percent of ASTM's revenue comes from 16:55:33</p> <p>13 the sale of publications of which 90 percent comes 16:55:38</p> <p>14 from the sale of standards 16:55:41</p> <p>15 BY MR BRIDGES: 16:55:43</p> <p>16 Q My question was I assume that ASTM makes 16:55:43</p> <p>17 money off standards in a variety of ways; correct? 16:55:46</p> <p>18 MR FEE: Asked and answered 16:55:52</p> <p>19 THE WITNESS: Yeah I'm not agreeing with 16:55:53</p> <p>20 that because 90 percent of the revenue we get from 16:55:55</p> <p>21 standards is due to the sale of standards 16:55:59</p> <p>22 BY MR BRIDGES: 16:56:02</p> <p>23 Q What did you mean by "the sale of standards"? 16:56:02</p> <p>24 A It's what it sounds -- it's our sales staff 16:56:09</p> <p>25 The public coming to our website Our sales staff 16:56:11</p> <p style="text-align: right;">Page 225</p>

1 working with customers, and it's our distributors, our 16:56:15
 2 licensed distributors working with customers on a 16:56:17
 3 worldwide basis to negotiate payment for the access to 16:56:20
 4 our standards. 16:56:24
 5 Q. I'm afraid I don't think you answered my 16:56:29
 6 question. I said what did you mean by "the sale of 16:56:31
 7 standards"? 16:56:35
 8 MR. FEE: Objection. Asked and answered. 16:56:36
 9 BY MR. BRIDGES: 16:56:41
 10 Q. And you say, "our sales staff, the public 16:56:41
 11 coming to our website." Those don't seem like answers 16:56:44
 12 to my question. What do you mean by "sales of 16:56:46
 13 standards"? 16:56:50
 14 MR. FEE: Objection. Asked and answered. 16:56:51
 15 THE WITNESS: I'm trying to meet you here. I 16:56:57
 16 believe it's providing a document in exchange for 16:56:57
 17 remuneration. 16:57:06
 18 BY MR. BRIDGES: 16:57:07
 19 Q. What are the different ways in which ASTM 16:57:07
 20 provides documents in exchange for remuneration? 16:57:13
 21 A. Well, someone may come to our website, search 16:57:19
 22 for a standard, find it in a variety of different 16:57:25
 23 formats, and indicate that they'd like to purchase it 16:57:30
 24 in one of those formats at the agreed upon price 16:57:35
 25 point. 16:57:37
 Page 226

1 Q. Now, previously you said that you were 16:57:40
 2 unaware of any price differential according to whether 16:57:43
 3 a standard was incorporated by reference or not; 16:57:47
 4 correct? 16:57:51
 5 A. Correct. 16:57:52
 6 Q. ASTM engages in some licensing agreements, 16:57:53
 7 does it not, with other parties regarding the license 16:57:56
 8 of access to the standards; correct? 16:58:01
 9 A. That's correct. 16:58:05
 10 Q. I'm just talking as a commercial matter -- 16:58:06
 11 A. Right. 16:58:08
 12 Q. -- are you aware of any significant 16:58:08
 13 differences in the language of the licenses that ASTM 16:58:10
 14 offers for the license of standards incorporated by 16:58:18
 15 reference and the language of the licenses that ASTM 16:58:24
 16 orders for the license of standards that are not 16:58:30
 17 incorporated by reference? 16:58:33
 18 MR. FEE: Objection. Vague. To the extent 16:58:34
 19 it calls for a legal conclusion. 16:58:37
 20 THE WITNESS: No, I'm not aware of that. 16:58:39
 21 MR. FEE: Do you want to take a break soon? 16:59:05
 22 THE WITNESS: It's been -- yeah. I've been 16:59:07
 23 looking at my watch. I think now would be a good 16:59:09
 24 time. 16:59:11
 25 THE VIDEOGRAPHER: Now off the record at 16:59:12
 Page 227

1 2:58 16:59:13
 2 (A recess was taken from 4:58 p m 17:08:49
 3 to 5:07 p m) 17:08:49
 4 THE VIDEOGRAPHER: We're now back on the 17:08:50
 5 record at 17:07 17:08:51
 6 (Deposition Exhibit 1058 was marked for 17:09:04
 7 identification) 17:09:04
 8 BY MR BRIDGES: 17:09:04
 9 Q Mr Grove, Exhibit 1058 is a series of 17:09:04
 10 E-mails that you are -- appear to be part of -- 17:09:11
 11 intermittently; is that correct? 17:09:24
 12 MR FEE: Objection Vague 17:09:26
 13 THE WITNESS: Yes 17:09:30
 14 BY MR BRIDGES: 17:09:36
 15 Q Did ASTM put the wrong version of one of its 17:09:36
 16 standards up that PHMSA wanted to reference? PHMSA 17:09:41
 17 being spelled P-H-M-S-A 17:09:46
 18 A I mean there's -- 17:09:51
 19 MR FEE: Objection Beyond the scope of his 17:09:53
 20 designation 17:09:55
 21 THE WITNESS: That's not what most of these 17:10:12
 22 E-mails refer to I'm not sure what the context is of 17:10:13
 23 that E-mail from Phil to me 17:10:15
 24 BY MR BRIDGES: 17:10:22
 25 Q Well, there's context in your response to 17:10:22
 Page 228

1 Phil at the top -- 17:10:23
 2 A Right 17:10:26
 3 Q -- saying, "Yes That is the version that 17:10:26
 4 PHMSA wants to reference I suppose that Malamud will 17:10:26
 5 hit us for that too " 17:10:31
 6 A Right 17:10:32
 7 Q What was the context of your response? 17:10:33
 8 MR FEE: Objection Again, beyond the scope 17:10:34
 9 of his designation 17:10:37
 10 THE WITNESS: It could be that I'd be 17:10:38
 11 speculating, but it could be that you're right, that 17:10:40
 12 possibly we put the wrong version up when, in fact, 17:10:43
 13 NITSA -- excuse me, FIMSA wanted us to reference the 17:10:47
 14 '06 version 17:10:50
 15 (Deposition Exhibit 1059 was marked for 17:11:47
 16 identification) 17:11:47
 17 BY MR BRIDGES: 17:11:47
 18 Q Exhibit 1059 consists of two E-mails from 17:11:47
 19 Sarah Petre at ASTM to someone at the Federal Trade 17:11:52
 20 Commission; is that correct? 17:11:55
 21 A Yes 17:12:25
 22 (Deposition Exhibit 1060 was marked for 17:15:20
 23 identification) 17:15:20
 24 MR BRIDGES: I'll show you Exhibit 1060, a 17:15:20
 25 two-page exhibit 17:15:23
 Page 229

<p>1 Q. This is the agreement that a member of the 17:15:26 2 public must agree to in order to gain access to ASTM 17:15:28 3 incorporated by reference standards in the reading 17:15:36 4 room; correct? 17:15:40 5 A. It appears to be, yes. 17:15:48 6 Q. And the only standards available through this 17:15:49 7 reading room are standards that have been incorporated 17:15:51 8 by reference, I believe you said; correct? 17:15:53 9 A. To the best of my knowledge, yes. 17:15:57 10 (Deposition Exhibit 1061 was marked for 17:16:32 11 identification.) 17:16:32 12 BY MR. BRIDGES: 17:16:32 13 Q. Mr. Grove, what is Exhibit 1061? 17:16:32 14 (The witness reviewed Exhibit 1061.) 17:17:09 15 THE WITNESS: It appears to be a licensing 17:17:09 16 agreement. 17:17:11 17 BY MR. BRIDGES: 17:17:12 18 Q. For what? 17:17:12 19 A. For ASTM's copyright protected information. 17:17:13 20 Q. In what circumstances must somebody enter 17:17:22 21 into this license agreement with ASTM? 17:17:24 22 MR. FEE: Objection. Vague. 17:17:28 23 THE WITNESS: It's my understanding that a 17:17:33 24 user purchaser of ASTM standards would need to agree 17:17:35 25 to a license agreement which authorizes the specific 17:17:40 Page 230</p>	<p>1 have separate policies for standards incorporated by 17:19:03 2 reference versus purchasing standards that are not 17:19:04 3 incorporated by reference. 17:19:06 4 (Deposition Exhibit 1062 was marked for 17:20:35 5 identification.) 17:20:35 6 BY MR. BRIDGES: 17:20:36 7 Q. Mr. Grove, Exhibit 1062 is an exchange of 17:20:36 8 E-mails between you and Mary McKiel with earlier 17:20:51 9 E-mails in the thread; is that correct? 17:20:59 10 A. Yes, it is. 17:21:29 11 Q. Does this discussion in the middle of the 17:21:31 12 first page of Exhibit 1062 refer to some EPA 17:21:35 13 incorporations by reference of certain ASTM standards? 17:21:49 14 MR. FEE: Objection. Vague. The document 17:21:53 15 speaks for itself. 17:21:58 16 THE WITNESS: Yeah. This was a project I was 17:21:59 17 excited to be part of. We worked with the EPA and the 17:22:00 18 National Institute of Standards and Technology to 17:22:03 19 remove mercury from thermometers that are used in the 17:22:05 20 United States because of a threat that they posed to 17:22:08 21 children if they were broken or to those in the lab 17:22:10 22 environment. The difficulty was the use of these 17:22:13 23 standards was mandated by reference. Excuse me. The 17:22:17 24 use of these types of measurement devices containing 17:22:20 25 mercury were referenced in standards that were 17:22:24 Page 232</p>
<p>1 ways in which the information may be used and 17:17:44 2 identifies a number of ways that the information 17:17:48 3 should not be used. 17:17:50 4 BY MR. BRIDGES: 17:17:57 5 Q. Does this apply to all purchases of ASTM 17:17:57 6 standards? 17:18:01 7 MR. FEE: Objection. Calls for speculation. 17:18:04 8 THE WITNESS: Well, it looks pretty basic to 17:18:11 9 me. So within my knowledge, I'd say yes. 17:18:13 10 BY MR. BRIDGES: 17:18:21 11 Q. Does this apply also to the purchase of paper 17:18:21 12 copies of ASTM standards? 17:18:25 13 MR. FEE: Same objection. 17:18:27 14 THE WITNESS: I'm not sure what distinctions 17:18:29 15 are made between our policy for paper versus other 17:18:31 16 formats. 17:18:36 17 BY MR. BRIDGES: 17:18:38 18 Q. Does this license agreement apply to both the 17:18:38 19 purchase of standards incorporated by reference and 17:18:43 20 other standards not incorporated by reference? 17:18:47 21 MR. FEE: Hold on a second. 17:18:51 22 (Pause in proceedings.) 17:19:00 23 MR. FEE: Same objection. 17:19:00 24 You can answer. 17:19:01 25 THE WITNESS: Yeah. I'm not aware that we 17:19:02 Page 231</p>	<p>1 incorporated by reference in the U.S. code. 17:22:26 2 (Deposition Exhibit 1063 was marked for 17:23:23 3 identification.) 17:23:23 4 BY MR. BRIDGES: 17:23:25 5 Q. Exhibit 1063 is an E-mail from you to your 17:23:25 6 colleague, Anthony Quinn; correct? 17:23:28 7 A. Yes. Correct. 17:23:41 8 Q. And you were commenting upon the information 17:23:44 9 relayed to you from Mr. Miller, and before that, from 17:23:48 10 Scott Cooper; is that correct? 17:23:53 11 MR. FEE: Objection. The document speaks for 17:23:58 12 itself. 17:23:59 13 THE WITNESS: Right. I don't think that -- 17:24:01 14 MR. BRIDGES: Can we stipulate that the 17:24:01 15 document speaks for itself? 17:24:03 16 MR. FEE: The document says what it says. 17:24:04 17 What do you need my stipulation for? 17:24:06 18 MR. BRIDGES: Well, then I need to ask the 17:24:10 19 witness some questions. 17:24:11 20 MR. FEE: You're welcome to ask him. 17:24:13 21 THE WITNESS: I would actually like to answer 17:24:16 22 that because I believe I'm replying to David Miller's 17:24:17 23 interpretation that this means that language in our 17:24:22 24 standards that implies some things are "shoulds" and 17:24:24 25 "shalls." This particular agency was going to say 17:24:28 Page 233</p>

1 that they must be -- they have to be referred to as 17:24:32
 2 "musts," and this would have the voluntary consensus 17:24:35
 3 standards process This isn't the intention when 17:24:39
 4 people come together to work in a voluntary consensus 17:24:43
 5 standard environment They want the words to mean 17:24:47
 6 what they carefully craft them to mean in the process, 17:24:49
 7 and when -- so I believe that's what I was referring 17:24:52
 8 to in this 17:24:55
 9 BY MR BRIDGES: 17:25:00
 10 Q Well, Mr Miller was not saying that the 17:25:00
 11 government was changing the standard The government 17:25:02
 12 was proposing to change the law; correct? 17:25:07
 13 MR FEE: Objection The document speaks for 17:25:11
 14 itself Calls for speculation 17:25:13
 15 THE WITNESS: I guess I would be speculating, 17:25:22
 16 but that was my interpretation of what this means 17:25:24
 17 BY MR BRIDGES: 17:25:29
 18 Q That the government would be changing the law 17:25:29
 19 as the law interprets the standard? 17:25:31
 20 MR FEE: Same objections And vague 17:25:36
 21 THE WITNESS: Yeah That the government was 17:25:41
 22 interpreting a standard in a way that the voluntary 17:25:43
 23 consensus standard group didn't necessarily intend it 17:25:46
 24 to without coming back to the organization and working 17:25:50
 25 with them 17:25:57
 Page 234

1 BY MR BRIDGES: 17:27:38
 2 Q Mr Grove, does ASTM encourage any 17:27:38
 3 governments to incorporate its standards by reference? 17:27:46
 4 MR FEE: Objection Vague 17:27:49
 5 THE WITNESS: As a matter of policy, we make 17:27:54
 6 organizations -- sorry -- governments aware of our 17:27:58
 7 standards and point out and connect with agency 17:28:04
 8 missions But in the end, we respect that agencies 17:28:07
 9 should be the ones that determine whether or not our 17:28:09
 10 standards are incorporated or not 17:28:12
 11 BY MR BRIDGES: 17:28:13
 12 Q Is ASTM generally pleased when governments 17:28:13
 13 incorporate its standards by reference? 17:28:20
 14 MR FEE: Objection Vague 17:28:22
 15 THE WITNESS: So I think it speaks to the 17:28:28
 16 significance of ASTM and to the breadth of ASTM when 17:28:29
 17 you see ASTM standards become incorporated by 17:28:34
 18 reference because it does signify that they are widely 17:28:37
 19 respected for their technical excellence I believe 17:28:42
 20 that it signifies that the government -- it couldn't 17:28:46
 21 do what we've done with the same effectiveness So 17:28:52
 22 they're looking to a voluntary consensus standards 17:28:54
 23 group in utilizing those standards 17:28:57
 24 So in some ways I might take pride in the 17:29:00
 25 fact that ASTM standards are relied upon by all of our 17:29:04
 Page 235

1 stakeholders because the government is a very 17:29:07
 2 important member. 17:29:09
 3 BY MR. BRIDGES: 17:29:11
 4 Q. So is the answer to my question "yes"? 17:29:11
 5 MR. FEE: Objection. 17:29:13
 6 You can answer it however you'd like. 17:29:14
 7 MR. BRIDGES: He already has. 17:29:17
 8 Q. I'm now asking him is the answer to my 17:29:18
 9 question "yes." 17:29:20
 10 MR. FEE: Same objection. Asked and 17:29:21
 11 answered. 17:29:22
 12 THE WITNESS: Speaking for Jeff Grove, yes. 17:29:23
 13 BY MR. BRIDGES: 17:29:26
 14 Q. What about speaking for ASTM? 17:29:26
 15 MR. FEE: Objection. Asked and answered. 17:29:28
 16 THE WITNESS: I don't believe ASTM would have 17:29:29
 17 an official position. 17:29:31
 18 BY MR. BRIDGES: 17:29:35
 19 Q. You don't think that ASTM has a view as to 17:29:35
 20 whether it is pleased when governments incorporate its 17:29:39
 21 standards by reference? 17:29:43
 22 MR. FEE: Objection. Vague and asked and 17:29:44
 23 answered. 17:29:46
 24 THE WITNESS: It's never been a performance 17:29:49
 25 metric for me. So no. 17:29:50
 Page 236

1 BY MR. BRIDGES: 17:29:58
 2 Q. Does ASTM have views about things that are 17:29:58
 3 not performance metrics? 17:30:01
 4 MR. FEE: Objection. Beyond the scope of his 17:30:05
 5 designation. Vague. 17:30:06
 6 THE WITNESS: It could. 17:30:11
 7 BY MR. BRIDGES: 17:30:14
 8 Q. What performance metrics do you have? 17:30:14
 9 MR. FEE: Objection. Beyond the scope of his 17:30:16
 10 designation. 17:30:20
 11 THE WITNESS: Generally, my performance is 17:30:23
 12 based on the job I've done in removing worldwide 17:30:24
 13 barriers to the acceptance and use of ASTM standards. 17:30:27
 14 BY MR. BRIDGES: 17:30:36
 15 Q. Is your -- do your performance reviews ever 17:30:36
 16 mention the degree of adoption of ASTM standards by 17:30:39
 17 reference -- strike that. 17:30:44
 18 Do your performance reviews ever mention the 17:30:46
 19 degree of incorporation of ASTM standards by 17:30:48
 20 reference? 17:30:50
 21 MR. FEE: Objection. Beyond the scope of his 17:30:51
 22 designation. 17:30:55
 23 THE WITNESS: I believe over the years I 17:30:56
 24 might have pointed out to my superiors that a standard 17:30:57
 25 has become incorporated as something significant. 17:31:00
 Page 237

1 BY MR BRIDGES: 17:31:05
 2 Q As something pertaining to your performance? 17:31:05
 3 MR FEE: Same objection Whatever document 17:31:07
 4 that you're referencing will speak for itself as well 17:31:13
 5 THE WITNESS: It could 17:31:26
 6 (Deposition Exhibit 1064 was marked for 17:32:20
 7 identification) 17:32:20
 8 MR BRIDGES: I'll hand you an exhibit marked 17:32:20
 9 1064 It consists of Pages ASTM099269 to ASTM099335 17:32:22
 10 (The witness reviewed Exhibit 1064) 17:33:02
 11 MR BRIDGES: And, actually, I'm going to add 17:33:03
 12 more to the document It's going to be ASTM099269 to 17:33:04
 13 -099360 17:33:34
 14 (Pause in proceedings) 17:33:51
 15 BY MR BRIDGES: 17:33:51
 16 Q How many pieces of paper did I give you? 17:33:51
 17 A Just the cover sheet and this (indicating) 17:33:53
 18 Q Okay Here's the rest of the exhibit 17:33:56
 19 A Okay 17:34:03
 20 (The witness reviewed Exhibit 1064) 17:34:21
 21 BY MR BRIDGES: 17:34:21
 22 Q I just want to verify, Mr Grove, that these 17:34:21
 23 were produced by ASTM I just want to verify that 17:34:23
 24 Exhibit 1064 consists of an E-mail to you from 17:34:27
 25 Lorraine Carli at NFPA -- 17:34:31
 Page 238

1 MR. FEE: Is this 1065, did you say? 17:34:37
 2 MR. BRIDGES: 1064. 17:34:40
 3 MR. FEE: Okay. Sorry. 17:34:42
 4 MR. BRIDGES: -- an E-mail to you by Lorraine 17:34:43
 5 Carli of NFPA, including two attachments. One's 17:34:47
 6 called an "SDO Proposal," and the other is called "SDO 17:34:49
 7 Power Point Presentation." 17:34:53
 8 I'll represent to Mr. Fee that the last 17:34:56
 9 attachment is one of these phantom attachments. 17:35:01
 10 MR. FEE: Okay. 17:35:09
 11 THE WITNESS: Is there a question? I'm 17:35:14
 12 sorry. 17:35:15
 13 BY MR. BRIDGES: 17:35:17
 14 Q. Do you recall receiving this E-mail and the 17:35:17
 15 attachments from Lorraine Carli at NFPA? 17:35:18
 16 A. Yes, I do. 17:35:23
 17 Q. Does this pertain to the retention of APCO, 17:35:24
 18 which we referred to -- which you referred to earlier 17:35:26
 19 in testimony? 17:35:29
 20 MR. FEE: Objection. Vague. Form. 17:35:30
 21 THE WITNESS: Yeah, it appears as if it did. 17:35:36
 22 BY MR. BRIDGES: 17:35:41
 23 Q. Does this relate to the engagement that ASTM 17:35:41
 24 and NFPA had with APCO for government relations 17:35:50
 25 outreach? 17:35:55
 Page 239

1 MR. FEE: Objection. Vague. 17:35:58
 2 THE WITNESS: Who are the organizations you 17:36:07
 3 mentioned? 17:36:09
 4 BY MR. BRIDGES: 17:36:09
 5 Q. I just mentioned ASTM and NFPA. 17:36:09
 6 A. Yes. 17:36:13
 7 (Deposition Exhibit 1065 was marked for 17:37:17
 8 identification.) 17:37:17
 9 MR. BRIDGES: I've handed you Exhibit 1065. 17:37:17
 10 Q. Do you recognize this exhibit? 17:37:20
 11 (The witness reviewed Exhibit 1065.) 17:37:30
 12 THE WITNESS: Yes. 17:37:43
 13 BY MR. BRIDGES: 17:37:44
 14 Q. What was redacted from the first page and a 17:37:44
 15 half of Exhibit 1065? 17:37:48
 16 MR. FEE: Objection. Calls for speculation. 17:37:50
 17 THE WITNESS: Yeah. I don't have knowledge 17:37:52
 18 what was redacted. 17:37:55
 19 BY MR. BRIDGES: 17:38:05
 20 Q. Has ASMA -- has ASME, to your knowledge, 17:38:05
 21 entered into any agreement with ASTM regarding 17:38:10
 22 potential litigation? 17:38:15
 23 MR. FEE: Hold on one second. 17:38:18
 24 (Pause in proceedings.) 17:38:30
 25 MR. FEE: You can answer that yes or no. 17:38:31
 Page 240

1 THE WITNESS: I don't know 17:38:38
 2 BY MR BRIDGES: 17:38:40
 3 Q At this time are you aware of whether ASTM 17:38:40
 4 was contemplating litigation against Public Resource? 17:38:42
 5 MR FEE: Objection To the extent your 17:38:46
 6 awareness would be as a result of any communications 17:38:49
 7 from counsel, I'd instruct you not to answer If you 17:38:51
 8 have an awareness otherwise, you can answer 17:38:53
 9 THE WITNESS: I don't recall 17:39:05
 10 BY MR BRIDGES: 17:39:07
 11 Q Do you recall what discussions you had with 17:39:07
 12 personnel at NFPA or ASME about Emily Bremer? 17:39:11
 13 A I'd be speculating, but I believe it's -- I 17:39:26
 14 see that Scott Cooper -- she asked Scott Cooper from 17:39:32
 15 ANSI if she would introduce -- "I'd very much 17:39:36
 16 appreciate it if you would introduce some of the SDO 17:39:41
 17 folks He introduced me " And that's the extent of 17:39:43
 18 the E-mail I see in front of me 17:39:53
 19 Q What's the extent of your knowledge? I'm 17:39:56
 20 asking you apart from that document What discussions 17:39:59
 21 did ASTM have with personnel at NFPA and ASME about 17:40:02
 22 Emily Bremer? 17:40:11
 23 MR FEE: Objection Beyond the scope of his 17:40:12
 24 designation and calls for speculation 17:40:14
 25 THE WITNESS: Yeah I may have let other 17:40:16
 Page 241

1 SDOs, including NFPA and ASME, know that I had the 17:40:18
 2 opportunity to speak with Ms Bremer 17:40:25
 3 BY MR BRIDGES: 17:40:30
 4 Q Was there something secret about your 17:40:30
 5 conversations with those organizations about 17:40:31
 6 Ms Bremer? 17:40:33
 7 MR FEE: Objection Vague Beyond the 17:40:34
 8 scope of his designation 17:40:37
 9 THE WITNESS: Not that I recall 17:40:39
 10 BY MR BRIDGES: 17:40:41
 11 Q Is there anything confidential -- 17:40:41
 12 MR FEE: Same objections 17:40:44
 13 BY MR BRIDGES: 17:40:45
 14 Q -- about your interactions with Ms Bremer? 17:40:45
 15 MR FEE: Same objection, plus potentially 17:40:51
 16 calls for a legal conclusion 17:40:52
 17 THE WITNESS: Not that I recall 17:41:05
 18 (Deposition Exhibit 1066 was marked for 17:41:36
 19 identification) 17:41:36
 20 MR BRIDGES: Mr Grove, I've shown you 17:41:37
 21 Exhibit 1066 17:41:38
 22 Q And I ask is this an E-mail that you received 17:41:40
 23 from Len Morrissey? 17:41:45
 24 A Yes 17:41:49
 25 Q Who is Len Morrissey? 17:41:51
 Page 242

1 A. Len Morrissey is a staff manager that works 17:41:53
 2 with our consumer products safety related committees. 17:41:56
 3 (Deposition Exhibit 1067 was marked for 17:43:26
 4 identification.) 17:43:26
 5 BY MR. BRIDGES: 17:43:26
 6 Q. Do you -- strike that. 17:43:26
 7 Is Exhibit 1067 an exchange of E-mail 17:43:27
 8 correspondence between James Thomas and you? 17:43:31
 9 (The witness reviewed Exhibit 1067.) 17:43:37
 10 THE WITNESS: Yes, it is. 17:43:37
 11 BY MR. BRIDGES: 17:43:42
 12 Q. Mr. Thomas wrote down below, "Not much here. 17:43:42
 13 I hope this is level of enthusiasm he generates." Did 17:43:45
 14 you understand what he meant by "not much here"? 17:43:50
 15 MR. FEE: Objection. Calls for speculation. 17:43:55
 16 It's beyond the scope of his designation. 17:43:56
 17 THE WITNESS: I don't know what he meant. 17:44:01
 18 BY MR. BRIDGES: 17:44:04
 19 Q. Where were you at the time that he said to 17:44:04
 20 you, "Wear sunscreen and have fun"? 17:44:07
 21 A. Well, I believe -- I said, "I'll be coaching 17:44:10
 22 Little League this weekend." 17:44:15
 23 And he replied, "Wear sunscreen and have 17:44:16
 24 fun." 17:44:18
 25 Q. What is it about the argument about setting 17:44:20
 Page 243

1 standards free, will spur investment and integration 17:44:22
 2 that really grated on you? 17:44:27
 3 MR. FEE: Objection. Beyond the scope of his 17:44:28
 4 designation. 17:44:30
 5 THE WITNESS: I would fundamentally disagree 17:44:32
 6 with that statement. 17:44:34
 7 BY MR. BRIDGES: 17:44:38
 8 Q. What's the factual basis for your 17:44:38
 9 disagreement? 17:44:41
 10 MR. FEE: Objection. Beyond the scope of his 17:44:41
 11 designation. 17:44:43
 12 THE WITNESS: I believe it's based on a 17:44:45
 13 misperception about the -- what's contained in the 17:44:47
 14 standards. 17:44:57
 15 BY MR. BRIDGES: 17:45:00
 16 Q. You think that setting standards for you 17:45:00
 17 would not spur investment and innovation? 17:45:03
 18 MR. FEE: Same objection. 17:45:07
 19 THE WITNESS: I believe the best way to spur 17:45:09
 20 innovation is to -- using standards, is to work in the 17:45:11
 21 voluntary consensus standards environment, open, 17:45:16
 22 transparent, with a lot of openness, transparency, and 17:45:20
 23 due process where you can work with your peers from 17:45:25
 24 all different stakeholder communities to reach a 17:45:28
 25 consensus decision. That's where I believe the 17:45:31
 Page 244

1 innovation and the creativity that's involved in the 17:45:34
 2 innovation process comes into play. 17:45:37
 3 BY MR. BRIDGES: 17:45:41
 4 Q. Was it your understanding that Carl Malamud 17:45:41
 5 criticized the consensus process of developing the 17:45:48
 6 standards? 17:45:52
 7 A. I don't recall the specifics, but I believe 17:45:55
 8 something like if the standard was available -- more 17:45:57
 9 widely available, that would allow others that aren't 17:46:01
 10 members of committees to comment and reiterate on the 17:46:07
 11 existing standard outside of the normal process of 17:46:14
 12 standards development. 17:46:17
 13 Q. And you think that would be a bad idea? 17:46:18
 14 MR. FEE: Objection. This is beyond the 17:46:21
 15 scope of his designation again. 17:46:22
 16 But you can answer. 17:46:23
 17 THE WITNESS: I do. I believe the best place 17:46:25
 18 to do that is an environment based on consensus, not 17:46:26
 19 one person acting independently. 17:46:30
 20 BY MR. BRIDGES: 17:46:31
 21 Q. Well, what about other people making comments 17:46:32
 22 based on their awareness of standards that they had 17:46:34
 23 not previously been aware of? 17:46:38
 24 MR. FEE: Objection. Again, beyond the scope 17:46:40
 25 of his designation. 17:46:42
 Page 245

1 You can answer. 17:46:44
 2 THE WITNESS: We would welcome them to 17:46:47
 3 participate in the standards development process and 17:46:51
 4 share their ideas freely with their colleagues to 17:46:53
 5 contribute to the development of an appropriate 17:46:57
 6 standard. 17:46:59
 7 BY MR. BRIDGES: 17:47:02
 8 Q. But not as a member of the public? 17:47:02
 9 MR. FEE: Objection. Vague. It's also, I 17:47:04
 10 think, beyond the scope of his designation. 17:47:08
 11 To the extent you understand the question. 17:47:11
 12 THE WITNESS: So I believe members of the 17:47:13
 13 public do, from time to time, comment on ASTM 17:47:14
 14 standards and share information with technical 17:47:17
 15 committees. So there's already avenues available to 17:47:20
 16 them to work with voluntary consensus standards 17:47:25
 17 bodies. 17:47:29
 18 BY MR. BRIDGES: 17:47:31
 19 Q. So I didn't hear any of your answers just now 17:47:31
 20 referring to the fact that Mr. Malamud had thought 17:47:32
 21 that the public should have access to the published 17:47:35
 22 standards for free when those standards have been 17:47:37
 23 incorporated by reference. Do you believe that 17:47:41
 24 Mr. Malamud's belief that the public should have free 17:47:46
 25 and unfettered access to ASTM standards that have been 17:47:50
 Page 246

1 incorporated by reference by the federal government is 17:47:56
 2 harmful? 17:48:04
 3 MR. FEE: Objection. Vague. Calls for 17:48:06
 4 speculation. Beyond the scope of his designation. I 17:48:08
 5 object also to the factual statements before the 17:48:16
 6 question. 17:48:19
 7 But you can answer. 17:48:20
 8 THE WITNESS: Obviously, I find that it would 17:48:22
 9 be in the best interests of ASTM to strike a balance 17:48:27
 10 in providing the public with some access so they can 17:48:32
 11 read standards that are incorporated by reference, and 17:48:35
 12 that's why I've worked on this project for years, to 17:48:37
 13 get the reading room up and running. So I don't 17:48:40
 14 disagree on that aspect of what you just put in front 17:48:45
 15 of me. 17:48:47
 16 BY MR. BRIDGES: 17:48:51
 17 Q. You don't disagree with the statement of free 17:48:51
 18 and unfettered access by the public to ASTM standards 17:48:57
 19 that have been incorporated by reference by the 17:49:02
 20 federal government -- 17:49:05
 21 A. Is harmful. 17:49:21
 22 Q. No. The transcription here didn't make 17:49:23
 23 sense. So I need to start again. 17:49:28
 24 Is it your view -- sorry. Is it ASTM's view 17:49:30
 25 that free and unfettered access by the public to 17:49:37
 Page 247

1 ASTM's standards that have been incorporated by 17:49:41
 2 reference by the federal government would be harmful 17:49:44
 3 to ASTM? 17:49:51
 4 MR. FEE: Objection. Asked and answered. 17:49:54
 5 Form. Vague. 17:49:59
 6 Go ahead. 17:50:07
 7 THE WITNESS: I think that the reading room 17:50:07
 8 that we've crafted represented a lot of internal 17:50:08
 9 debate and represented the position that the ASTM 17:50:12
 10 board of directors felt comfortable with as our 17:50:16
 11 solution to providing the public with access to the 17:50:20
 12 standards incorporated by reference while retaining 17:50:23
 13 our ability to protect the viability of ASTM as a 17:50:26
 14 standards development enterprise, to meet our future 17:50:30
 15 commitments to our stakeholders. 17:50:33
 16 BY MR. BRIDGES: 17:50:35
 17 Q. So your answer to my question is "yes"? 17:50:35
 18 MR. FEE: Objection. Mischaracterizes his 17:50:37
 19 testimony. 17:50:38
 20 BY MR. BRIDGES: 17:50:40
 21 Q. Well, you're making a speech. I'm asking you 17:50:40
 22 to answer my question, please. 17:50:42
 23 MR. FEE: Objection. Asked and answered. 17:50:44
 24 He's done that. 17:50:44
 25 BY MR. BRIDGES: 17:50:46
 Page 248

1 Q. My question is is it ASTM's view that free 17:50:46
 2 and unfettered access by the public to ASTM's 17:50:50
 3 standards that have been incorporated by reference by 17:50:56
 4 the federal government would be harmful to ASTM? 17:50:58
 5 MR. FEE: Objection. Vague and ambiguous. 17:51:04
 6 BY MR. BRIDGES: 17:51:12
 7 Q. And I'd like a "yes" or "no" to that, please. 17:51:12
 8 MR. FEE: No. You will get whatever answer 17:51:15
 9 he wants. 17:51:18
 10 Asked and answered, and form. 17:51:28
 11 BY MR. BRIDGES: 17:51:29
 12 Q. Yes or no? 17:51:29
 13 MR. FEE: No. Answer how you feel is 17:51:30
 14 appropriate. 17:51:32
 15 THE WITNESS: Free and unfettered access at 17:51:33
 16 this time, we don't understand what the 17:51:35
 17 consequences -- unintended consequences might be on 17:51:37
 18 our ability to fund our standards development 17:51:42
 19 enterprise. So I would be concerned. 17:51:47
 20 BY MR. BRIDGES: 17:51:50
 21 Q. As Tim would be concerned. 17:51:50
 22 MR. FEE: Same objection. 17:51:53
 23 THE WITNESS: Yes. 17:51:54
 24 BY MR. BRIDGES: 17:51:55
 25 Q. ASTM is afraid? 17:51:55
 Page 249

<p>1 MR. FEE: Objection Vague This is beyond 17:51:57 2 the scope of his designation Calls for speculation 17:52:02 3 You can answer if you know how ASTM feels 17:52:09 4 THE WITNESS: ASTM would be concerned 17:52:16 5 BY MR. BRIDGES: 17:52:19 6 Q Is it ASTM's view that free and unfettered 17:52:19 7 access by the public to ASTM's standards that have 17:52:22 8 been incorporated by reference by the federal 17:52:27 9 government would be harmful to the public? 17:52:29 10 MR. FEE: Objection Vague and ambiguous I 17:52:35 11 think it might be beyond the scope of his designations 17:52:40 12 too Well, to the extent it's beyond the scope of his 17:52:45 13 designation, I'll object on that and -- 17:52:52 14 THE WITNESS: Okay And I would answer it 17:52:56 15 could be if it undermined our ability to continue to 17:52:57 16 develop standards under the model we have for 118 17:53:00 17 years, which allows participation of all key 17:53:02 18 stakeholder groups by keeping the barriers low 17:53:02 19 BY MR. BRIDGES: 17:53:07 20 Q What facts are available to you -- strike 17:53:07 21 that 17:53:11 22 What facts are available to ASTM to indicate 17:53:11 23 that free and unfettered access by the public to the 17:53:17 24 ASTM standards that have been incorporated by 17:53:24 25 reference by the federal government would cause ASTM 17:53:28 Page 250</p>	<p>1 experts other than John Pace? 17:54:46 2 MR. FEE: Objection. Vague. 17:54:48 3 THE WITNESS: I can't recall. 17:54:53 4 BY MR. BRIDGES: 17:54:55 5 Q. You can't recall any? 17:54:55 6 MR. FEE: Same objection. 17:54:56 7 THE WITNESS: No. 17:54:58 8 BY MR. BRIDGES: 17:55:01 9 Q. Can you recall how many conversations of that 17:55:01 10 sort you've had? 17:55:02 11 A. I can't recall a number, but it's a frequent 17:55:05 12 topic of discussion with John Pace and I. 17:55:07 13 Q. Are you aware of any case studies where other 17:55:12 14 voluntary consensus standards have been made available 17:55:21 15 to the public on a free and unfettered basis? 17:55:31 16 MR. FEE: Objection. Vague. Calls for 17:55:35 17 speculation. Beyond the scope of his designation. 17:55:37 18 May call for expert testimony. 17:55:43 19 THE WITNESS: I'm not aware of case studies 17:55:47 20 such as you've suggested. 17:55:49 21 BY MR. BRIDGES: 17:55:51 22 Q. Is ASTM aware of standards -- voluntary 17:55:51 23 consensus standards developed by the Internet 17:55:56 24 engineering task force? 17:56:01 25 MR. FEE: Objection. This is beyond the 17:56:03 Page 252</p>
<p>1 to lose the ability to continue its standards 17:53:35 2 development process to the extent it has done so in 17:53:43 3 the past? 17:53:47 4 MR. FEE: Objection. Vague and ambiguous. 17:53:48 5 Lack of foundation. Calls for expert testimony. 17:53:49 6 Form. 17:53:54 7 THE WITNESS: And one concern would be that 17:53:57 8 it devalues the collection of standards, the volumes 17:53:58 9 of standards that we sell to our commercial customers 17:54:01 10 in order to fund our standards development enterprise 17:54:05 11 which helps to offset all the various costs that are 17:54:10 12 associated with standards development. 17:54:13 13 BY MR. BRIDGES: 17:54:17 14 Q. I understand your answer to relate to a 17:54:17 15 concern, but my question was different. My question 17:54:19 16 was what facts are available to ASTM? What's your 17:54:22 17 answer? 17:54:28 18 MR. FEE: Same objections, plus asked and 17:54:29 19 answered. 17:54:31 20 THE WITNESS: And my facts would be based on 17:54:32 21 conversations with folks like John Pace and other 17:54:34 22 experts on the sale of standards. The impacts on 17:54:35 23 ASTM's business model. 17:54:42 24 BY MR. BRIDGES: 17:54:44 25 Q. What conversations have you had with such 17:54:44 Page 251</p>	<p>1 scope of his designation. Calls for speculation to 17:56:04 2 the extent you're asking him to speak on behalf of the 17:56:08 3 company. 17:56:10 4 If you know individually, you can answer. 17:56:11 5 THE WITNESS: I've heard of the IETF, but we 17:56:13 6 have no interactions with them that I'm aware of. I 17:56:16 7 don't study their policies. 17:56:19 8 BY MR. BRIDGES: 17:56:23 9 Q. You're aware that IETF engages in the 17:56:23 10 development of voluntary consensus standards? 17:56:26 11 MR. FEE: Objection. Vague. Calls for 17:56:29 12 speculation. Beyond the scope of his designation. 17:56:30 13 THE WITNESS: What I know about IETF is 17:56:34 14 that they're a voluntary -- I'm not aware that they 17:56:37 15 develop voluntary consensus standards under an ANSI 17:56:39 16 accredited process. I believe they might develop 17:56:42 17 consortia or other types of specifications. We 17:56:45 18 wouldn't consider those to be voluntary consensus 17:56:49 19 standards. 17:56:52 20 BY MR. BRIDGES: 17:56:56 21 Q. Are you aware of any shortcomings in the 17:56:56 22 process by which the Internet engineering task force 17:56:58 23 develops standards? 17:57:03 24 MR. FEE: Objection. Calls for speculation. 17:57:04 25 It's beyond the scope of his designation. 17:57:06 Page 253</p>

1 MR. BRIDGES: Strike that. 17:57:10	1 standards empower and promote creativity? 18:01:23
2 Q. Is ASTM aware of any shortcomings in the 17:57:12	2 MR FEE: Objection Beyond the scope of his 18:01:26
3 process by which engineering task force develops 17:57:15	3 designation Calls for speculation Vague and 18:01:29
4 standards? 17:57:19	4 ambiguous 18:01:35
5 MR. FEE: Objection. Calls for speculation. 17:57:19	5 THE WITNESS: No, I can think of another 18:01:39
6 It's beyond the scope of his designation. May call 17:57:21	6 BY MR BRIDGES: 18:01:42
7 for expert testimony. 17:57:23	7 Q Do you think it's possible that some new 18:01:42
8 To the extent you know personally, you can 17:57:25	8 modes of standards development might compete with ASTM 18 01:45
9 answer. 17:57:26	9 in the formulation of standards appropriate for 18:01:51
10 THE WITNESS: Not to my knowledge. 17:57:27	10 governments to incorporate by reference? 18:01:58
11 BY MR. BRIDGES: 17:57:28	11 MR FEE: Objection Beyond the scope of his 18:02:01
12 Q. A while back -- excuse me. 17:57:28	12 designation Calls for speculation Vague and 18:02:02
13 (Pause in proceedings.) 17:58:18	13 ambiguous and hypothetical 18:02 06
14 BY MR. BRIDGES: 17:58:18	14 THE WITNESS: It's possible 18:02:12
15 Q. I believe you said that Mr. Malamud's view 17:58:18	15 MR BRIDGES: Why don't we take a break, and 18:02:24
16 that grated on your nerves was based on a 17:58:27	16 I'll sort out how much time we have left 18:02:26
17 misunderstanding of what's in the standards. Do you 17:58:31	17 THE VIDEOGRAPHER: Off the record at 18:01 18:02:29
18 recall that testimony? 17:58:33	18 (A recess was taken from 6:01 p m 18:14:27
19 MR. FEE: Objection. Mischaracterizes his 17:58:34	19 to 6:13 p m) 18:14:27
20 testimony. Beyond the scope of his designation. 17:58:36	20 THE VIDEOGRAPHER: Back on the record here at 18:14:27
21 THE WITNESS: Now that I hear that read back 17:58:44	21 18:13 18:14:29
22 to me, I had a poor choice of words. 17:58:47	22 MR BRIDGES: Mr Grove, I've shown you 18:14:38
23 BY MR. BRIDGES: 17:58:50	23 Exhibit 1068, which is a document produced by ASTM 18:14:43
24 Q. What should you have said? 17:58:50	24 This is an E-mail from ASTM to someone regarding 18:14:47
25 A. I was -- 17:58:56	25 ASTM's policies in response to a request for 18:14:55
Page 254	Page 256
1 MR. FEE: Just so we're clear, you didn't 17:59:01	1 permission; is that correct? 18:15:01
2 actually read an answer back to him; right? 17:59:03	2 (Deposition Exhibit 1068 was marked for 18:15:06
3 MR. BRIDGES: No. 17:59:06	3 identification.) 18:15:06
4 THE WITNESS: Could I refresh my memory or 17:59:08	4 THE WITNESS: It appears to be. 18:15:06
5 have it read back? 17:59:10	5 (Deposition Exhibit 1069 was marked for 18:15:25
6 (Record read.) 18:00:15	6 identification.) 18:15:25
7 BY MR. BRIDGES: 18:00:15	7 BY MR. BRIDGES: 18:15:25
8 Q. What was the "misperception" that you 18:00:15	8 Q. I ask you to look at Exhibit 1069. This is a 18:15:25
9 referred to in that answer? 18:00:17	9 discussion within ASTM with an underlying E-mail 18:15:31
10 A. So it would depend on the specific standard, 18:00:21	10 thread regarding a request for permission to use 18:15:35
11 and I don't recall which ones or -- may have been 18:00:23	11 material from an ASTM standard; is that correct? 18:15:47
12 mentioned in the business week article that this 18:00:28	12 MR. FEE: Objection. Calls for speculation. 18:15:51
13 discussion was relating to. But the idea that -- as 18:00:30	13 Beyond the scope of his designation. 18:15:53
14 we discussed earlier, the idea that, outside of a 18:00:38	14 BY MR. BRIDGES: 18:15:55
15 standards development process, there could be 18:00:41	15 Q. I think it's within the scope of his 18:15:55
16 innovation around a standard to me raises -- is a 18:00:44	16 designation. That's why I'm asking him about it. 18:15:57
17 misperception because it will just create more 18:00:51	17 MR. FEE: We can agree to disagree on that. 18:16:01
18 confusion in the marketplace where there will be 18:00:53	18 THE WITNESS: I'm sorry. What was the 18:16:25
19 conflicting standards developed by somebody or some 18:00:56	19 question I'm saying "yes" or "no" to? 18:16:26
20 group of people who didn't operate under a consensus 18:01:00	20 BY MR. BRIDGES: 18:16:30
21 based accredited process to develop rigorous quality 18:01:05	21 Q. This is an internal ASTM E-mail; correct? 18:16:30
22 based standards. 18:01:10	22 MR. FEE: Objection. Lack of foundation. 18:16:35
23 And that's where I believe ASTM standards 18:01:11	23 THE WITNESS: Correct. 18:16:37
24 empower innovation and creativity. 18:01:14	24 BY MR. BRIDGES: 18:16:38
25 Q. Does ASTM believe that only its process and 18:01:19	25 Q. Who is Ms. Hooper? 18:16:38
Page 255	Page 257

<p>1 A. Kathe Hooper is responsible for permissions 18:16:38 2 at ASTM. 18:16:47 3 Q. Who is Joe Koury? 18:16:49 4 A. Joe Koury is a staff manager that works with 18:16:51 5 technical committees. 18:16:53 6 (Deposition Exhibit 1070 was marked for 18:17:06 7 identification.) 18:17:06 8 MR. BRIDGES: I'm showing you Exhibit 1070. 18:17:06 9 Q. This is an E-mail from Ms. Hooper responding 18:17:12 10 to a permission request; is that correct? 18:17:17 11 (The witness reviewed Exhibit 1070.) 18:17:58 12 THE WITNESS: Yes. 18:17:59 13 (Deposition Exhibit 1071 was marked for 18:18:11 14 identification.) 18:18:11 15 BY MR. BRIDGES: 18:18:12 16 Q. Exhibit 1071 is an E-mail from Sarah Petre to 18:18:12 17 you and others; is that correct? 18:18:16 18 (The witness reviewed Exhibit 1071.) 18:18:26 19 MR. FEE: Objection. Lack of foundation -- 18:18:26 20 strike that. No objection. 18:18:27 21 THE WITNESS: So it's an E-mail between ASTM 18:18:42 22 and Congressional staff and then ASTM staff, correct. 18:18:44 23 BY MR. BRIDGES: 18:18:48 24 Q. And within the ASTM -- 18:18:48 25 A. Correct. 18:18:51 Page 258</p>	<p>1 legislation that causes an incorporation by reference? 18:20:11 2 MR. FEE: Can you read that back to me, 18:20:19 3 please. 18:20:20 4 (Record read.) 18:20:38 5 MR. FEE: Objection to form. Beyond the 18:20:39 6 scope of his designation. Calls for speculation. 18:20:40 7 BY MR. BRIDGES: 18:20:48 8 Q. You may answer. 18:20:48 9 MR. FEE: Hold on. 18:20:49 10 Lack of foundation. 18:20:53 11 Go ahead. 18:20:55 12 THE WITNESS: Yeah. So I think we think -- 18:20:55 13 we want to make sure that Congress is aware of the 18:20:59 14 fact there may be a more recent version because 18:21:02 15 oftentimes it may be unintended that they're not using 18:21:05 16 the most recent version. 18:21:08 17 BY MR. BRIDGES: 18:21:12 18 Q. Ms. Petre asked you whether ASTM should 18:21:12 19 request that Congress use the language. Does ASTM 18:21:17 20 ever request Congress to use particular language 18:21:21 21 regarding ASTM standards? 18:21:25 22 MR. FEE: Objection. Beyond the scope of his 18:21:32 23 designation. 18:21:36 24 You can answer. 18:21:36 25 THE WITNESS: Okay. I can think of instances 18:21:38 Page 260</p>
<p>1 Q. And it's discussing Congressional 18:18:51 2 legislation; is that correct? 18:18:54 3 MR. FEE: Objection. The document speaks for 18:18:56 4 itself. 18:18:57 5 THE WITNESS: Legislation passed the House 18:19:10 6 and now it's being referred to the Senate, and Sarah 18:19:11 7 Petre recognized that there's references to ASTM 18:19:16 8 standards which are out of date, and she wanted to 18:19:18 9 contact the staffer to make him aware of that fact. 18:19:22 10 BY MR. BRIDGES: 18:19:26 11 Q. Was this a discussion about incorporation by 18:19:26 12 reference? 18:19:28 13 MR. FEE: Same objection. 18:19:29 14 THE WITNESS: It's a discussion about 18:19:35 15 Congressional intent to use the most recent standard, 18:19:37 16 I believe. 18:19:40 17 BY MR. BRIDGES: 18:19:41 18 Q. Is that for Congress's use in making an 18:19:41 19 incorporation by reference into a federal law of an 18:19:48 20 ASTM standard? 18:19:52 21 MR. FEE: Same objection. 18:19:54 22 THE WITNESS: It appears, yes. 18:19:55 23 BY MR. BRIDGES: 18:20:01 24 Q. Does ASTM have a view as to which versions of 18:20:01 25 its standard Congress should include in its 18:20:07 Page 259</p>	<p>1 like this where Congress -- what's happening here is 18:21:40 2 this is incorporation by reference by Congress and not 18:21:45 3 by an agency, and the concern that's expressed at 18:21:48 4 times by our committee members is if Congress acts to 18:21:52 5 designate a specific standard in legislation that 18:21:57 6 freezes that piece of -- that reference in statute for 18:22:02 7 years to come and agencies -- since it's something 18:22:06 8 that Congress said, agencies will simply say, "Hey, 18:22:12 9 talk to Congress, not to agencies about it." 18:22:16 10 So that's a concern that I'm familiar with, 18:22:19 11 and I can't tell if that -- I don't recall the 18:22:21 12 circumstances of this here, but that's the most 18:22:26 13 current version language. That's why we're interested 18:22:29 14 in making sure Congress is aware as a more current 18:22:32 15 version. 18:22:36 16 BY MR. BRIDGES: 18:22:38 17 Q. Mr. Grove, again, you didn't answer my 18:22:38 18 question. My question is does ASTM ever request 18:22:40 19 Congress to use particular language regarding ASTM 18:22:43 20 standards? 18:22:46 21 MR. FEE: Same objections. Plus asked and 18:22:47 22 answered. 18:22:50 23 THE WITNESS: Yes. 18:22:52 24 BY MR. BRIDGES: 18:22:55 25 Q. To your knowledge, has ASTM ever asked 18:22:55 Page 261</p>

1 Congress or a federal agency not to incorporate any of 18:23:00
 2 its standards by reference? 18:23:04
 3 MR FEE: Objection Beyond the scope of his 18:23:07
 4 designation 18:23:09
 5 THE WITNESS: To my knowledge, no I believe 18:23:15
 6 it's possible that there's been reasons why committees 18:23:21
 7 haven't wanted to see standards incorporated by 18:23:24
 8 reference, but I can't recall an instance 18:23:26
 9 BY MR BRIDGES: 18:23:31
 10 Q Has ASTM ever imposed conditions on whether 18:23:31
 11 the federal government may incorporate its standards 18:23:37
 12 by reference? 18:23:42
 13 MR FEE: Same objection Vague as well 18:23:44
 14 THE WITNESS: I don't have direct knowledge 18:23:52
 15 It was before my time at ASTM, but I understand at one 18:23:54
 16 point in time there was a concern that Congress was 18:23:58
 17 perhaps taking ASTM -- taking key content from an ASTM 18:24:03
 18 standard and placing it in a piece of legislation and 18:24:09
 19 that ASTM would be concerned about that 18:24:13
 20 BY MR BRIDGES: 18:24:16
 21 Q Why would ASTM be concerned about that? 18:24:16
 22 MR FEE: Objection Beyond the scope of his 18:24:20
 23 designation Calls for speculation Lack of 18:24:22
 24 foundation 18:24:24
 25 THE WITNESS: It would be taking the standard 18:24:26
 Page 262

1 out of context from what the voluntary consensus 18:24:27
 2 process encompassed in ASTM standards development 18:24:31
 3 enterprises wanted to see represented in the standard 18:24:35
 4 BY MR BRIDGES: 18:24:43
 5 Q Has ASTM ever asked an agency to use specific 18:24:43
 6 language in a regulation? 18:24:47
 7 MR FEE: Objection Beyond the scope of his 18:24:50
 8 designation 18:24:52
 9 THE WITNESS: It's possible that we have 18:24:54
 10 BY MR BRIDGES: 18:24:55
 11 Q Do you recall a particular -- any instance? 18:24:55
 12 MR FEE: Same objection 18:24:57
 13 THE WITNESS: I don't recall a particular 18:24:59
 14 time 18:24:59
 15 BY MR BRIDGES: 18:25:01
 16 Q Do you have an estimate as to the number of 18:25:01
 17 times it's occurred? 18:25:06
 18 MR FEE: Objection Lack of foundation 18:25:08
 19 Beyond the scope of his designation Calls for 18:25:09
 20 speculation 18:25:11
 21 THE WITNESS: It's -- there's a process that 18:25:13
 22 our committees would have to follow They would have 18:25:17
 23 to -- the executive committee of a committee would 18:25:19
 24 have to reach a consensus that they want to see an 18:25:24
 25 ASTM standard included in a regulation And so I 18:25:28
 Page 263

1 don't think it happens very often, but I believe it 18:25:33
 2 has happened in the last 10 years since I've been at 18:25:35
 3 ASTM 18:25:38
 4 BY MR BRIDGES: 18:25:40
 5 Q Are you saying that there has to be a 18:25:40
 6 consensus process in order to cooperate with a federal 18:25:42
 7 government in incorporating standards by reference? 18:25:46
 8 MR FEE: Objection Mischaracterizes his 18:25:52
 9 testimony Vague 18:25:54
 10 You can answer 18:25:58
 11 THE WITNESS: No, that's not what I'm saying 18:26:00
 12 BY MR BRIDGES: 18:26:14
 13 Q Do you know whether any federal official has 18:26:14
 14 taken advantage of the reading room that ASTM provides 18:26:17
 15 the public? 18:26:22
 16 MR FEE: Objection Vague 18:26:23
 17 THE WITNESS: I don't know specifically 18:26:30
 18 whether they have I do know I've received accolades 18:26:31
 19 from federal agencies, the fact that it exists So I 18:26:34
 20 would presume that they have 18:26:40
 21 BY MR BRIDGES: 18:26:44
 22 Q How much money has ASTM received from the 18:26:44
 23 federal government in each of the last five years? 18:26:49
 24 MR FEE: Objection Vague 18:26:58
 25 THE WITNESS: Well, I believe we've received 18:27:00
 Page 264

1 anywhere from \$650,000 to \$900,000 per year over the 18:27:04
 2 last five years from the federal government. 18:27:11
 3 BY MR. BRIDGES: 18:27:17
 4 Q. Were some of that money provided by the 18:27:17
 5 federal government in order to facilitate the 18:27:22
 6 standards development process? 18:27:25
 7 MR. FEE: Objection. Calls for speculation. 18:27:27
 8 Vague. 18:27:29
 9 THE WITNESS: To my knowledge, none of it 18:27:31
 10 was. 18:27:32
 11 BY MR. BRIDGES: 18:27:37
 12 Q. What were the main categories of payments by 18:27:37
 13 the federal government to ASTM over the last five 18:27:41
 14 years? 18:27:46
 15 MR. FEE: Objection. Vague. 18:27:47
 16 BY MR. BRIDGES: 18:27:48
 17 Q. In other words, what were the payments for 18:27:48
 18 ASTM to do? 18:27:50
 19 MR. FEE: Same objection, plus form. 18:27:52
 20 THE WITNESS: I can think of -- that we would 18:27:53
 21 sell standards to federal agencies. That would be one 18:27:56
 22 source of revenue. 18:28:00
 23 BY MR. BRIDGES: 18:28:01
 24 Q. What other sources of revenue? 18:28:01
 25 A. I believe that we have a number of federal 18:28:03
 Page 265

<p>1 employees that participate in ASTM as full voting 18:28:06 2 members. So they would pay a \$75-per-year fee to be a 18:28:09 3 member of ASTM. 18:28:14 4 Q. And you're counting that in the figures that 18:28:16 5 you gave me earlier? 18:28:18 6 A. Yes. 18:28:19 7 Q. What other sources of funds from the federal 18:28:20 8 government have there been for ASTM? 18:28:23 9 A. Right. That's all I'm aware of. That's all 18:28:27 10 I'm aware of. We also have certification and training 18:28:33 11 programs, which I don't believe the federal government 18:28:41 12 is too involved in, but we receive a small stipend 18:28:44 13 from the U.S. Department of Agriculture to assist them 18:28:49 14 in running a -- the U.S. bio preferred program. 18:28:53 15 Q. Anything else? 18:29:00 16 A. We run a proficiency testing program, which 18:29:06 17 the U.S. Department of Defense participates in. So 18:29:08 18 it's not related to standards, but it's another source 18:29:14 19 of revenue from the federal government. 18:29:18 20 Q. Does ASTM have any means of identifying who 18:29:22 21 the originator was of any particular language in its 18:29:26 22 standards? 18:29:33 23 MR. FEE: Objection. Vague. Compound. To 18:29:34 24 the extent it calls for a legal conclusion, I'd also 18:29:43 25 object on that basis. 18:29:46 Page 266</p>	<p>1 or edits to any version of ASTM standards where the 18:31:13 2 current ASTM standards have been incorporated by 18:31:25 3 reference? 18:31:33 4 MR. FEE: Objection It's beyond the scope 18:31:34 5 of his designation Compound Vague 18:31:35 6 THE WITNESS: Because of the openness and 18:31:45 7 transparency and iterative innovative process that 18:31:49 8 ASTM encapsulates, I wouldn't know how to answer that 18:31:53 9 question, give you a number 18:31:56 10 MR. BRIDGES: There's one more exhibit I want 18:32:08 11 to find 18:32:10 12 (Deposition Exhibit 1072 was marked for 18:32:35 13 identification) 18:32:35 14 MR. BRIDGES: Mr. Grove, I've handed you 18:32:35 15 Exhibit 1072 18:32:37 16 Q What is this document? 18:32:39 17 A It appears as if this is the ASTM form and 18:32:53 18 style book for how ASTM standards are displayed 18:32:57 19 Q Does that create standards that persons must 18:33:07 20 follow in participating in the drafting and revision 18:33:15 21 process of ASTM standards? 18:33:18 22 MR. FEE: Objection Vague Compound 18:33:22 23 THE WITNESS: No 18:33:31 24 BY MR. BRIDGES: 18:33:34 25 Q Does that provide rules that persons must 18:33:34 Page 268</p>
<p>1 Go ahead. 18:29:47 2 THE WITNESS: To the extent those are legal 18:29:51 3 terms, I'm aware of an ASTM standards development 18:29:52 4 process. I'm not aware of a way to trace origins back 18:29:56 5 to a specific individual. 18:30:02 6 BY MR. BRIDGES: 18:30:06 7 Q. Is there any -- strike that. 18:30:06 8 How many individuals provide language or 18:30:11 9 edits to the ASTM standards that have been 18:30:19 10 incorporated by reference? 18:30:24 11 MR. FEE: Objection. Vague. Compound. 18:30:25 12 THE WITNESS: That would be very difficult to 18:30:37 13 calculate. I need to ask are you referring to 18:30:39 14 standards that have already been incorporated by 18:30:41 15 reference? 18:30:43 16 BY MR. BRIDGES: 18:30:44 17 Q. Yes. 18:30:44 18 A. Presumably, if those standards are being 18:30:47 19 revised by ASTM or re-approved for use, it will have 18:30:49 20 to go through a technical committee. It has to. 18:30:55 21 That's the process for re-approving or revising 18:30:58 22 standards at ASTM. So it would depend on how many 18:31:01 23 people are on that committee and what percentage 18:31:05 24 voted. 18:31:07 25 Q. How many individuals have provided language 18:31:11 Page 267</p>	<p>1 follow in participating in the drafting and revision 18:33:38 2 process of ASTM standards? 18:33:40 3 MR. FEE: Objection. Vague. 18:33:42 4 THE WITNESS: Generally, yes. 18:33:44 5 MR. BRIDGES: Where are we on time? 18:34:06 6 THE VIDEOGRAPHER: 18 minutes left. 18:34:10 7 MR. BRIDGES: 18 minutes left. 18:34:13 8 (Deposition Exhibit 1073 was marked for 18:35:00 9 identification.) 18:35:00 10 BY MR. BRIDGES: 18:35:00 11 Q. Mr. Grove, do you recognize Exhibit 1073? 18:35:00 12 A. I do. 18:35:13 13 Q. Does it represent the views of both ASTM and 18:35:16 14 ANSI? 18:35:20 15 MR. FEE: Objection. Compound. Calls for 18:35:23 16 speculation. Beyond the scope of his designation. 18:35:25 17 THE WITNESS: I believe this is an error. 18:35:30 18 No. I'm not familiar why this page would be stapled 18:35:32 19 to a presentation. This is a speaker that came before 18:35:36 20 me on a panel followed by -- who probably didn't 18:35:39 21 provide a written presentation, which happens to be 18:35:44 22 stapled to a presentation which begins with the title 18:35:47 23 page on a presentation that I gave. 18:35:51 24 BY MR. BRIDGES: 18:35:54 25 Q. Okay. So starting -- okay. So there's a 18:35:54 Page 269</p>

1 general workshop That's reflected on the first page 18:35:56
 2 And then there's a listing of Scott Cooper Then 18:36:00
 3 there's your name, and then what follows in the 18:36:03
 4 exhibit is a presentation solely by you and not by 18:36:03
 5 Mr Cooper; is that correct? 18:36:11
 6 A That would be my recollection of events, yes 18:36:13
 7 Q And then does that remaining portion starting 18:36:17
 8 after your name reflect the views of ASTM at the time 18:36:20
 9 of your presentation? 18:36:22
 10 MR FEE: Objection Calls for speculation 18:36:24
 11 Beyond the scope of his designation Compound as 18:36:26
 12 well 18:36:29
 13 You should read the whole thing if he's 18:36:38
 14 asking you to verify all the use of ASTM 18:36:39
 15 (The witness reviewed Exhibit 1073) 18:37:01
 16 THE WITNESS: Yes I believe this, to the 18:37:01
 17 best of my recollection, was the general views that 18:37:05
 18 ASTM would have on this issue at the time of this 18:37:07
 19 presentation 18:37:09
 20 (Deposition Exhibit 1074 was marked for 18:38:01
 21 identification) 18:38:01
 22 BY MR BRIDGES: 18:38:01
 23 Q Mr Grove, Exhibit 1074 is a series of 18:38:01
 24 E-mails among you and Katherine Morgan, Len Morrissey 18:38:07
 25 and John Pace; is that correct? 18:38:15
 Page 270

1 A. Yes, it is. 18:38:26
 2 MR. FEE: While I'm thinking of it, I'm going 18:39:08
 3 to reserve the right to read and sign. 18:39:12
 4 (Deposition Exhibit 1075 was marked for 18:39:29
 5 identification.) 18:39:29
 6 MR. BRIDGES: I'm handing you an exhibit 18:39:29
 7 marked 1075 that consists of pages ASTM003314 to 18:39:31
 8 ASTM003315. 18:39:37
 9 (The witness reviewed Exhibit 1075.) 18:40:02
 10 BY MR. BRIDGES: 18:40:02
 11 Q. Do you recognize this document? 18:40:02
 12 A. I do, yes. 18:40:22
 13 Q. This is an E-mail from Maureen Houck to a 18:40:29
 14 number of senior staff at ASTM; is that correct? 18:40:32
 15 A. It is correct. 18:40:37
 16 Q. What does ITC -- sorry. "ITMC" mean? 18:40:39
 17 A. I believe it's short for the Information 18:40:45
 18 Technology Management Committee. 18:40:50
 19 Q. And -- 18:40:54
 20 MR. FEE: I'm going to object. This appears 18:40:56
 21 to be just one of many attachments to Exhibit 1075. 18:40:58
 22 MR. BRIDGES: You know, I'm glad you 18:41:01
 23 mentioned that because I don't think we got the other 18:41:02
 24 attachments, and I'd like to get them, please. 18:41:04
 25 MR. FEE: I don't know if that's true or not. 18:41:06
 Page 271

1 MR. BRIDGES: I will check, but if we don't 18:41:09
 2 have them, we expect to get them. 18:41:10
 3 Q. Can you please explain to me what the purpose 18:41:16
 4 was or what you understood to be the purpose of the 18:41:20
 5 page with the Bates number ending in -3315? 18:41:23
 6 MR. FEE: Objection. It's beyond the scope 18:41:33
 7 of the designation. Calls for speculation. 18:41:34
 8 THE WITNESS: This represents a project that 18:41:39
 9 ASTM staff is undertaking throughout the course of 18:41:42
 10 2015 and -- I'm sorry. 2014 and 2015. These would be 18:41:47
 11 the items that are contained in the project. 18:41:53
 12 BY MR. BRIDGES: 18:41:58
 13 Q. Has the project been approved? 18:41:58
 14 MR. FEE: Objection. Vague. Beyond the 18:41:59
 15 scope of his designation. 18:42:03
 16 THE WITNESS: Project been approved? 18:42:06
 17 MR. BRIDGES: Strike that. 18:42:08
 18 Q. Is the project underway? 18:42:09
 19 MR. FEE: Objection. Beyond the scope of his 18:42:11
 20 designation. 18:42:13
 21 THE WITNESS: So some of these activities may 18:42:16
 22 be underway, but we don't believe that we are actively 18:42:18
 23 pursuing all of them. 18:42:21
 24 BY MR. BRIDGES: 18:42:23
 25 Q. Which ones is ASTM not actively pursuing? 18:42:26
 Page 272

1 MR. FEE: Same objection. 18:42:31
 2 THE WITNESS: Well, we're taking an 18:42:38
 3 inventory. We don't have great information about the 18:42:40
 4 full extent of government participation. So we're 18:42:45
 5 taking an inventory of how many government reps are 18:42:50
 6 participating in ASTM technical committees and where. 18:42:52
 7 We're trying to find out more about how federal 18:42:56
 8 agencies use ASTM standards. 18:42:58
 9 MR. FEE: Can you read the question back. 18:43:03
 10 MR. BRIDGES: Not when he's in the middle of 18:43:10
 11 his answer, please. Afterwards, you can do that. 18:43:12
 12 MR. FEE: He's answering the wrong question. 18:43:14
 13 MR. BRIDGES: Well, let him finish. 18:43:16
 14 MR. FEE: Read the question back. 18:43:19
 15 MR. BRIDGES: No. No. 18:43:21
 16 MR. FEE: Yes. 18:43:21
 17 MR. BRIDGES: You stopped your witness from 18:43:22
 18 speaking. That's ridiculous. That's improper. 18:43:24
 19 MR. FEE: Wait until she reads the question 18:43:28
 20 back. 18:43:30
 21 (Record read.) 18:43:48
 22 THE WITNESS: It's really hard to say because 18:43:48
 23 we're very early in the process of working on this, 18:43:49
 24 but I can tell you it's been scaled back. This is a 18:43:53
 25 pretty ambitious activity. I believe the last two 18:43:55
 Page 273

<p>1 bullet points are things that we're not going to be 18:44:04 2 able to accomplish or pursue. 18:44:07 3 BY MR. BRIDGES: 18:44:13 4 Q. What standards development activities -- 18:44:13 5 strike that. 18:44:16 6 What activities has ASTM had to scale back to 18:44:16 7 date as a consequence of the actions of the 18:44:22 8 defendants? 18:44:27 9 MR. FEE: Objection. Beyond the scope of the 18:44:29 10 designation. May call for expert testimony. Vague 18:44:33 11 and ambiguous. 18:44:38 12 THE WITNESS: Yeah. I wouldn't be able to 18:44:41 13 answer what specific activities we've scaled back. 18:44:43 14 BY MR. BRIDGES: 18:44:46 15 Q. Have any activities been scaled back by ASTM 18:44:46 16 as a consequence of the actions of the defendants? 18:44:49 17 MR. FEE: Same objections. 18:44:51 18 BY MR. BRIDGES: 18:44:52 19 Q. Of the defendant, I should say. 18:44:52 20 A. To the best of my knowledge, no. 18:44:59 21 Q. Has ASTM changed its standards development 18:45:05 22 process in any way because of the activities of 18:45:11 23 defendant? 18:45:18 24 MR. FEE: Objection. To the extent that 18:45:19 25 changes were made at the direction of counsel -- let 18:45:21 Page 274</p>	<p>1 MR. FEE: Objection. Beyond the scope of his 18:46:23 2 designation. 18:46:25 3 THE WITNESS: At least once. 18:46:26 4 BY MR. BRIDGES: 18:46:30 5 Q. More than five times? 18:46:30 6 MR. FEE: Same objection. 18:46:32 7 THE WITNESS: I wouldn't be able to give you 18:46:33 8 a number. I would say less than five times. 18:46:35 9 BY MR. BRIDGES: 18:46:37 10 Q. How many times did Ms. Petre go to the Public 18:46:38 11 Resource website? 18:46:41 12 MR. FEE: Objection. Beyond the scope of his 18:46:41 13 designation. Calls for speculation. 18:46:43 14 THE WITNESS: I wouldn't be able to answer 18:46:45 15 that. I don't know. 18:46:46 16 BY MR. BRIDGES: 18:46:49 17 Q. Do you know how many times ASTM or its agents 18:46:49 18 have accessed Public Resource's website -- 18:46:53 19 MR. FEE: Objection. 18:46:59 20 BY MR. BRIDGES: 18:47:01 21 Q. -- for the purposes of this litigation? 18:47:01 22 MR. FEE: Objection. Calls for speculation. 18:47:03 23 Beyond the scope of his designation. 18:47:05 24 To the extent that work was done at the 18:47:07 25 direction or by counsel, that would be responsive to 18:47:09 Page 276</p>
<p>1 me think about that. Hold on one second. 18:45:24 2 (Pause in proceedings.) 18:45:33 3 MR. FEE: I'm going to object and instruct 18:45:33 4 you not to answer to the extent that activities were 18:45:34 5 changed at the direction of counsel because of 18:45:38 6 activities of the defendant. 18:45:40 7 If there is something done because of 18:45:43 8 defendant, not at the direction of counsel, you can 18:45:44 9 answer that. 18:45:46 10 THE WITNESS: I'm not aware of changes. 18:45:47 11 BY MR. BRIDGES: 18:45:56 12 Q. Have you gone to the Public Resource website 18:45:56 13 to find ASTM standards? 18:46:01 14 A. I have. 18:46:08 15 Q. Have other persons at ASTM? 18:46:08 16 MR. FEE: Objection. Beyond the scope of his 18:46:11 17 designation. Calls for speculation. 18:46:13 18 THE WITNESS: I'm aware of at least one 18:46:14 19 person. 18:46:16 20 BY MR. BRIDGES: 18:46:16 21 Q. Who is that? 18:46:16 22 A. That would be Sarah Petre, formerly of our 18:46:17 23 staff. 18:46:19 24 Q. How many times have you visited the Public 18:46:20 25 Resource website? 18:46:22 Page 275</p>	<p>1 that question, I instruct you not to disclose that. 18:47:13 2 You could otherwise answer. 18:47:17 3 THE WITNESS: I don't know. 18:47:20 4 BY MR. BRIDGES: 18:47:49 5 Q. Have you ever participated in something 18:47:49 6 called the "Corner Bakery Group"? 18:47:54 7 A. Yes, I have. 18:47:55 8 Q. Did you create it? 18:47:56 9 MR. FEE: Objection. Vague. 18:47:58 10 THE WITNESS: I don't know who created it. I 18:47:59 11 could have. I could have. 18:48:01 12 BY MR. BRIDGES: 18:48:04 13 Q. It involves meetings at a restaurant called 18:48:04 14 the Corner Bakery Cafe; correct? 18:48:06 15 A. That's correct. 18:48:08 16 Q. Where is it located in relation to ASTM's 18:48:08 17 Washington office? 18:48:12 18 A. About two blocks. 18:48:13 19 Q. What is the most frequent topic of discussion 18:48:19 20 at the Corner Bakery group meetings? 18:48:23 21 A. It would depend. It varies from month to 18:48:26 22 month. I wouldn't be able to give you an answer. 18:48:28 23 Q. What topics other than Public Resource are 18:48:34 24 most frequently discussed? 18:48:37 25 MR. FEE: Objection. Lack of foundation. 18:48:38 Page 277</p>

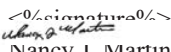
1 Misleading. 18:48:40
 2 THE WITNESS: Funding for NIST, the National 18:48:42
 3 Institute of Standards and Technology. I recall OFAC, 18:48:45
 4 the Treasury Department's restrictions on sharing 18:48:48
 5 standards with certain countries. Congress's interest 18:48:52
 6 in energy and dependence. It's just a way for the 18:48:59
 7 Washington representatives of standards organizations 18:49:06
 8 to exchange information about what's happening in 18:49:08
 9 Washington. 18:49:10
 10 BY MR. BRIDGES: 18:49:12
 11 Q. Who participates in the Corner Bakery group? 18:49:12
 12 MR. FEE: Objection. Vague. 18:49:17
 13 Remember to give me a second. Go ahead. 18:49:18
 14 THE WITNESS: I rarely participate. It's 18:49:21
 15 mostly lower level. Each organization usually assigns 18:49:23
 16 the lowest person in their Washington office to 18:49:26
 17 attend. 18:49:29
 18 BY MR. BRIDGES: 18:49:30
 19 Q. Who attends for ASTM? 18:49:30
 20 A. Most often it was Sarah Petre. 18:49:34
 21 Q. Who else from ASTM participated? 18:49:39
 22 A. Well, I recall -- 18:49:42
 23 MR. FEE: Objection. Vague. 18:49:42
 24 THE WITNESS: I recall attending two or three 18:49:44
 25 meetings in the last 15 months. And perhaps Anthony 18:49:49
 Page 278

1 Quinn from ASTM would attend some months. 18:49:52
 2 BY MR. BRIDGES: 18:49:58
 3 Q. Are you aware of any government employees 18:49:58
 4 ever attending a meeting of the Corner Bakery group? 18:50:00
 5 A. I cannot recall any government employee 18:50:07
 6 attending. 18:50:09
 7 Q. Whom do you most frequently interact with at 18:50:21
 8 NFPA? 18:50:25
 9 MR. FEE: Objection. Beyond the scope of his 18:50:26
 10 designation. Are you asking him personally or as 18:50:28
 11 ASTM? 18:50:31
 12 BY MR. BRIDGES: 18:50:32
 13 Q. Him personally. 18:50:32
 14 A. I would say Megan Housewright in their 18:50:34
 15 Washington office. 18:50:36
 16 Q. Whom do you interact with most frequently at 18:50:39
 17 ASHRAE? 18:50:42
 18 MR. FEE: Objection. Beyond the scope. 18:50:44
 19 THE WITNESS: I'm struggling with his name. 18:50:50
 20 His name is Mark. He's in their Washington office. I 18:50:51
 21 don't have a lot of interaction with him at all. 18:50:55
 22 BY MR. BRIDGES: 18:51:02
 23 Q. Who do you interact with most frequently at 18:51:02
 24 ANSI? 18:51:04
 25 MR. FEE: Same objection. 18:51:06
 Page 279

1 THE WITNESS: Well, I'm involved in a lot of 18:51:07
 2 activities for ASTM that -- so my -- probably someone 18:51:08
 3 responsible for their global policy, which would be 18:51:15
 4 Steve -- I'm sorry Joe Tretler 18:51:18
 5 BY MR. BRIDGES: 18:51:21
 6 Q Who is Steve Kramer? Do you know Mr Kramer? 18:51:27
 7 A I do Steve Kramer was a member of the board 18:51:30
 8 of directors for a period of three years from the 18:51:34
 9 University of Wisconsin 18:51:36
 10 Q Have you discussed this litigation with him? 18:51:37
 11 MR. FEE: Objection 18:51:40
 12 To the extent you had discussed litigation 18:51:41
 13 with him at the request of counsel, I would instruct 18:51:43
 14 you not to disclose that, but you can answer 18:51:48
 15 otherwise 18:51:50
 16 THE WITNESS: I have not discussed litigation 18:51:50
 17 with Steve Kramer 18:51:52
 18 BY MR. BRIDGES: 18:51:53
 19 Q Have you discussed Public Resource with Steve 18:51:53
 20 Kramer? 18:51:56
 21 MR. FEE: Same instruction 18:51:56
 22 This is also beyond the scope of his 18:51:57
 23 designation 18:51:58
 24 THE WITNESS: Yes, I might have 18:52:02
 25 BY MR. BRIDGES: 18:52:03
 Page 280

1 Q. In what context? 18:52:03
 2 MR. FEE: Same instruction with respect to 18:52:06
 3 privileged communications. 18:52:07
 4 And, again, this is beyond the scope of his 18:52:08
 5 designation. 18:52:11
 6 THE WITNESS: Yeah. I can't think of a 18:52:13
 7 specific instance, but it's possible I've prepared 18:52:14
 8 materials for the board that might have referenced the 18:52:17
 9 organization you mentioned. 18:52:21
 10 BY MR. BRIDGES: 18:52:24
 11 Q. Who is Randy Jennings? 18:52:24
 12 A. Randy Jennings is a former member of the ASTM 18:52:27
 13 board of directors. 18:52:32
 14 MR. FEE: We're now at the seven-minute time 18:52:32
 15 limit; right? 18:52:34
 16 THE VIDEOGRAPHER: (Nods head.) 18:52:35
 17 MR. FEE: Last time you said you'd give 18:52:38
 18 ASHRAE two more questions. So I'll do the same 18:52:40
 19 courtesy to you. 18:52:43
 20 MR. BRIDGES: That's fine. Thank you very 18:52:50
 21 much, Mr. Grove. 18:52:52
 22 THE WITNESS: Thank you. 18:52:54
 23 MR. FEE: I have no questions. 18:53:00
 24 Thane, do you have any questions? 18:53:02
 25 MR. REHN: No questions. 18:53:03
 Page 281

<p>1 THE VIDEOGRAPHER: This is the end of the 18:53:06 2 deposition of Mr. Jeffrey Grove. We are off the 18:53:08 3 record at 18:52. 18:53:13 4 (Witness excused.) 18:53:16 5 (Deposition concluded at 6:52 p.m.) 18:53:16 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 ACKNOWLEDGMENT OF DEPONENT 2 3 I, JEFFREY GROVE, do hereby certify that I 4 have read the foregoing pages, _____ to _____, 5 and that the same is a correct transcription of the 6 answers given by me to the questions therein 7 propounded, except for the corrections or changes in 8 form or substance, if any, noted in the attached 9 Errata Sheet. 10 11 _____ 12 DATE SIGNATURE 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
Page 282	Page 284

<p>1 CERTIFICATE 2 I do hereby certify that the aforesaid 3 testimony was taken before me, pursuant to 4 notice, at the time and place indicated; that 5 said deponent was by me duly sworn to tell 6 the truth, the whole truth, and nothing but 7 the truth; that the testimony of said 8 deponent was correctly recorded in machine 9 shorthand by me and thereafter transcribed 10 under my supervision with computer-aided 11 transcription; that the deposition is a true 12 and correct record of the testimony given by 13 the witness; and that I am neither of counsel 14 nor kin to any party in said action, nor 15 interested in the outcome thereof. 16 17 18 19  Nancy J. Martin, RMR, CSR 20 21 22 Dated: March 18, 2015 23 24 25</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
Page 283	

[& - 15:09]

&	1023 5:11 56:25	178:16,20,21	1072 11:9 268:12,15
& 3:4,12 4:3 6:13 13:19	57:3	1047 8:11 193:19,22	1073 11:12 269:8,11 270:15
0	1024 5:14 57:8,11 57:14	193:25 194:2,6	1074 11:15 270:20 270:23
001791 10:6	1025 5:16 57:21,24 58:6	195:20,22,25	1075 11:17 271:4,7 271:9,21
001815 9:21	1026 5:18 58:8,11 58:15	197:10,16	1017 46:11,12
003315 11:18	1027 5:20 61:20,22 61:24 62:18	1049 8:15 199:8,11	1026 46:13,15
003489 7:12	1028 5:22 63:16,22	1050 8:17 199:16,19 199:23 200:2,17	11 7:12 58:23 101:4 101:5,8,9
01215 1:4 2:4 13:13	102897 8:6	201:6 202:18	1111 3:6
022620 178:23	1029 6:5 64:15,17	1051 8:19 203:1,4	115 219:17 220:10 224:10
022631 8:10	103 7:13	1052 8:22 203:9,12 204:16,24	118 105:8 250:16
024219 6:11	1030 6:7 65:16,18 66:2 90:6	1053 9:5 205:14,20	119 207:19
025575 8:16	103032 207:4	1054 9:7 206:21,23 207:7,17	11:31 82:4,5
027188 8:23	1031 6:10 67:7,9,14 68:14	1055 9:9 208:6,9,13	11:40 82:6,8
029834 8:20	1032 6:12 82:9,12 82:17 83:3	1056 9:11 210:24 211:2,5 217:2	12 43:22 88:3
06 229:14	1033 6:15 83:8,10 83:14,17	1057 9:13 220:15,18 220:21	12,700 70:15
092009 10:23	1034 6:20 84:5,6,11	1058 9:15 228:6,9	1201 2:18
097 200:1	1035 6:22 84:13,15 84:19	1059 9:17 229:15,18	1250 2:18 13:8
097945 10:9	1036 7:5 84:21,22 84:24 178:19	1060 9:19 229:22,24	128 7:17,19
099360 238:13	1037 7:8 86:3,6	1061 10:5 230:10,13 230:14	12:56 128:5,6
099370 10:15	1038 7:10 99:23 100:1,2	1062 10:8 232:4,7 232:12	12th 3:16
1	1039 7:13 103:9,10	1063 10:10 233:2,5	13 8:17 11:13 122:21
1 1:25 7:9,11,16,18 7:20,23 8:8,12,14 8:18 9:8 10:11,13 10:17,19 69:18 187:4	104 7:15	1064 10:12 238:6,9 238:10,20,24 239:2	13,000 70:2
1,000 98:18	1040 7:15 104:2,5,9	1065 10:14 239:1 240:7,9,11,15	132 7:21
1,300 181:2	1041 7:17 128:10,13 128:16,18	1066 10:16 242:18 242:21	134 8:5
1,400 122:21	1042 7:19 128:24 129:1,4,7	1067 10:18 243:3,7 243:9	137 8:7
10 15:14 21:13 38:2 38:8 88:3 264:2	1043 7:21 132:12,16 132:17 133:7,12	1068 10:20 256:23 257:2	13:59 128:9
100368 6:21	1044 8:5 134:8,10 134:12,16 176:22	1069 10:22 257:5,8	14 5:3
101185 209:14	1045 8:7 137:13,16	1070 11:5 258:6,8 258:11	140 98:17
101186 9:10	1046 8:9 142:12,14 142:16 143:2	1071 11:7 258:13,16 258:18	142 8:9
101289 6:23			14:06 130:13
101779 7:6			15 11:14 14:19 43:23 278:25
102032 9:12			15660 5:15
102044 9:14			15667 5:17
102055 9:16			15780 5:21
102076 7:14			15830 5:23
1022 5:9 53:5,8			15913 6:6
			15:09 176:15

[15:43 - 875-2389]

15:43 190:3 15:44 190:7 16546 6:8 16:02 200:23 16:08 201:2 16:17 205:9 16:18 205:13 17 7:19 17:07 228:5 18 43:22 269:6,7 283:22 1850 90:5 18710 9:18 18:01 256:17 18:13 256:21 18:52 282:3 19299 6:18 193 8:11 195 8:13 19653 11:8 199 8:15,17 1993 22:17 1995 95:23 1:13 1:4 2:4 13:13 1:59 128:7	2009 24:20 108:14 2010 108:14 2010158 1:24 2011 10:12 31:7,8 36:14 44:18,25 64:13 86:16 109:25 112:4 135:22 137:3 2012 5:12 6:8,16 11:14 25:16 39:2 83:23 88:12 103:1 223:6 2013 6:17 7:19 8:14 8:17,19 48:10,18 83:24 102:21 143:22 177:24 180:1,20,22,25 181:23 182:4,13 183:4,12 187:4 2014 7:11 9:7 11:17 100:6 182:14 272:10 201404111.pdf. 207:13 2015 1:20 2:20 11:10 13:1,5 272:10 272:10 283:22	240 10:14 242 10:16 243 10:18 25 53:2,4 25,000 222:15 223:14 257 10:20,22 258 11:5,7 268 11:9 269 11:12 27 6:7 62:22 270 11:15 271 11:17 27th 4:6 284 1:25 2:04 130:9,10 2:06 130:11 2:58 228:1	4:18 205:11 4:58 228:2
			5
			5 7:14 8:6 10:15 19:23 101:4,8 217:3 217:6,6 50 126:18 512-4073 4:8 53 5:9 5400 11:16 555 3:15 56 5:11 560 4:5 57 5:14,16 58 5:18 5:07 228:3
			6
			6 1:15 2:15 101:5,9 61 5:20 63 5:22 64 6:5 65 6:7 650,000 265:1 67 6:10 6:01 256:18 6:13 256:19 6:52 282:5
			7
			7 5:17 8:13 217:3,6 217:6 71 74:8 739-5353 3:8 75 266:2
			8
			8 5:10 15:14 80 11:11 225:12 8124 74:8 82 6:12 83 6:15 84 6:20,22 7:5 86 7:8 875-2389 3:18
2	202 3:8 203 8:19,22 205 9:5 206 9:7 208 9:9 21 10:12 100:6 135:22 137:3 210 9:11 22 6:14 220 9:13 225 95:2 228 9:15 229 9:17,19 230 10:5 232 10:8 233 10:10 238 10:12 24 9:7 53:17,22 102:21	3	
2 5:15,21 6:6,11,23 7:7 8:10,16,19,21 8:23 9:6,12,18,21 10:7,21 11:16,19 19:23 53:17,22 130:18,20 20 11:17 20,000 43:23 2000 22:17 20004 3:7 2001 22:22 2004 22:22 23:1 105:16 108:19 109:2 112:4 2005 109:3 2008 83:7 170:18,18 170:21	201404111.pdf. 207:13 2015 1:20 2:20 11:10 13:1,5 272:10 272:10 283:22	3 5:23 6:19,21 9:14 9:16 10:9 19:23 53:17,22 30 1:15 2:15 53:2,4 30,000 181:16 30647 5:19 31 221:20 222:16,25 223:15 3315 272:5 35 53:3 350 186:24 3:09 176:16 3:26 176:17,19 3:43 190:4 3:44 190:5	
		4	
		4 1:20 2:20 5:19 9:10 10:23 11:6,8 13:1,5 415 3:18 4:8 43 5:13 4:02 200:24 4:08 200:25 4:17 205:10	

[88,500 - agency's]

<p>88,500 149:12,16 885 122:7,15,23</p> <p style="text-align: center;">9</p> <p>9 6:9 83:7 90 225:11,13,20 900,000 265:1 94104 3:17 94105 4:7 9504 1:23 2:20 95372 10:21 98311 9:6 99 7:10 990 57:5,9 9:20 2:19 13:1,6 9:26 18:2,3 9:37 18:4,6</p> <p style="text-align: center;">a</p> <p>a.m. 2:19 13:1 18:3 18:4 46:12,13,15 82:5,6 a119 95:24 aashto 102:14,14 ability 105:5 175:18 218:2 219:22 248:13 249:18 250:15 251:1 able 27:22 39:1 41:11 55:15 71:2 73:5 74:25 79:23 83:6 89:22 101:11 101:14 108:12 109:1,23 122:25 136:8 143:23 144:19 146:1 147:24 148:18 153:14,16 155:18 164:22 172:17 173:22 182:25 193:3 274:2,12 276:7,14 277:22 abridges 3:19 absolutely 172:5 abstracts 110:14 212:5,6</p>	<p>academic 107:16 academies 34:25 acceptance 237:13 access 105:3 106:8 107:8,15,20 108:8 108:17 110:17 111:4,10,21 112:9 112:13 113:2 115:25 116:9,24 118:3,23 120:1,17 120:22 121:5,11 166:4 167:13 180:16 183:16 184:21,23 202:1,6 208:24 210:14 213:1,14,18,24 214:5 215:1,17 216:4,9,16 217:25 219:10,24 221:21 223:9,25 226:3 227:8 230:2 246:21 246:25 247:10,18 247:25 248:11 249:2,15 250:7,23 accessed 276:18 accesses 149:12,21 accessing 169:1 accolades 185:24 218:7 264:18 accomplish 274:2 accomplishments 6:16 83:22,24 accord 20:11 accredited 253:16 255:21 accurate 209:21 accurately 42:15 accusing 76:14 acknowledge 216:3 acknowledgment 284:1 acronym 129:25 act 95:23 126:2 135:17 145:9 160:4</p>	<p>acting 55:17 245:19 action 79:15 124:19 283:14 actions 45:7 49:24 55:7 99:7 108:7 153:19 154:3,20 155:2,9 274:7,16 active 34:7 actively 272:22,25 activities 27:15 29:15 58:1 70:1 96:2 118:6 144:23 147:8,20 149:7 165:7,14 196:17 197:16 272:21 274:4,6,13,15,22 275:4,6 280:2 activity 29:1,11 30:6 31:10 44:13 45:10 273:25 acts 135:13 261:4 actual 55:7 220:3 acus 64:6,8,12 88:9 88:11,19 105:20,21 121:3 209:15 add 117:3 118:14,15 120:13 123:4,11 207:3 210:3 238:11 added 122:14 123:9 207:6 addition 15:7 52:24 60:21 77:22 211:23 212:1,8,11 214:7 additional 50:2 150:2 152:16 207:3 214:8 address 113:23 114:5,6,23 115:2,3 115:13,19,23 169:2 213:19 214:3,7 215:2 addressee 207:1 addressees 137:21 204:17,25</p>	<p>addressing 108:25 administration 22:13 38:9,10 50:1 184:1 administrative 64:9 86:17 136:22 209:6 adopt 53:19 118:8 adopted 70:22,24 71:21,24 72:2,9,11 72:11 adoption 237:16 advancement 95:23 advantage 264:14 advice 33:9 advise 76:3 advisory 24:8 advocacy 34:21 affairs 21:17,19 29:10 30:4 32:8,16 42:13,18 43:7,8 44:11 59:3,12 61:16 90:13,16 affect 97:23 220:5 affordable 210:13 aforesaid 283:2 afraid 219:7 224:15 226:5 249:25 agencies 35:22 38:4 93:15 94:3,16 95:1 95:6,14,25 96:8 97:2,8 109:10 112:13 121:13 124:1 125:13,14 183:19,21,22,23 235:8 261:7,8,9 264:19 265:21 273:8 agency 67:12 78:25 79:2,15 96:13 113:3 114:16 122:16 123:5,6 124:3 125:2 206:6 233:25 235:7 261:3 262:1 263:5 agency's 96:3 97:21 98:19</p>
---	--	---	---

[agenda - apart]

<p>agenda 65:15 93:13 95:5,8,9,10 agendas 94:25 agents 276:17 ago 20:21 26:5 33:20 100:18 155:20,25 156:8,12 156:18,21 177:21 190:16 agree 177:7 179:1 215:4,16,19 216:2 216:21 230:2,24 257:17 agreed 211:11 226:24 agreeing 225:19 agreement 9:19 10:5 50:8,16 94:11 189:21 203:22 204:12 224:9 225:5 230:1,16,21,25 231:18 240:21 agreements 148:20 227:6 agriculture 266:13 ahead 19:14 42:7 76:8 77:4 78:23 81:14 113:24 115:5 115:6,21 117:4 123:25 137:10 149:25 151:4 154:12 156:5 158:1 168:17 174:13 178:7 179:17 190:11 192:17 193:16 248:6 260:11 267:1 278:13 aided 283:10 air 1:7 2:7 70:9 97:15 al 13:10 align 151:18 157:16 alleged 196:16 197:7,15</p>	<p>allow 106:8 148:20 224:9 245:9 allowed 222:22 allowing 223:8 allows 210:14 250:17 ambiguous 139:3 249:5 250:10 251:4 256:4,13 274:11 ambitious 273:25 amended 5:9 53:9 america 34:16 american 1:3,6,15 2:3,6,15 13:9 24:16 35:9 48:20 52:2,19 91:7 102:12 111:8 132:8 186:20 amount 108:3 153:17 154:2,19 analysis 59:19 143:23 157:9,9 196:18 andrew 3:13 13:18 173:8 announced 182:3 186:25 187:14 announcement 181:24 182:1 announcements 181:3,6,10 182:9,11 184:7,14 185:16 announcing 179:19 annual 16:3 17:1 18:9 182:4,13 annually 220:25 221:12 222:8 ansi 48:19 52:15 88:13,14,20 89:1,8 89:11,12,14,21 241:15 253:15 269:14 279:24 answer 12:3 24:5 25:17 27:1,22 34:4 39:20 41:11 45:3,24 46:4 47:15,17 49:18</p>	<p>51:22 53:15 54:10 54:13 55:15 56:6,15 57:7 58:4 62:9,9 71:18 76:11,18,20 77:4 78:23 80:3 93:24 94:22 95:19 96:13 97:12 98:24 107:23 108:16 109:4,15 112:8 114:2,6,20 116:3 118:2,4,10,20,22 119:3,7,12,17 120:3 120:7 122:25 130:15 131:1,2,25 132:1,6 133:5 134:20 135:25 136:2,10 137:6,9,10 137:11 140:1 141:12,25 144:13 144:19 150:11 153:14,16 154:7,12 154:15 172:4,17 173:19,22 174:13 174:13 177:8 178:6 185:11 186:8 187:18,19 188:4,13 188:25 190:12 191:6 192:17 193:22 194:4 195:6 195:7 196:11 197:22 198:24 199:1 203:16 204:1 204:11,19 212:23 215:11 220:14 221:10,14,15 222:11 224:15 231:24 233:21 236:4,6,8 240:25 241:7,8 245:16 246:1 247:7 248:17 248:22 249:8,13 250:3,14 251:14,17 253:4 254:9 255:2,9 260:8,24 261:17 264:10 268:8</p>	<p>273:11 274:13 275:4,9 276:14 277:2,22 280:14 answered 29:13 41:22 44:3 51:9 52:9 54:24 66:17 71:13 72:5 74:15 77:17,19 78:7 80:1 106:2 116:25 117:2 118:7,25 119:4,8,13 119:20 120:12 146:8 147:9 149:23 155:3,21 158:22 159:1 165:20 166:7 166:15 175:15,17 176:4 185:8 186:15 215:24 222:10 225:18 226:5,8,14 236:11,15,23 248:4 248:23 249:10 251:19 261:22 answering 76:12 78:14 122:5 188:23 199:2 273:12 answers 226:11 246:19 284:6 anthony 60:14,15 64:4 90:8 233:6 278:25 anticipate 94:15 115:7 anticipating 201:25 202:5 anticipation 136:5 137:8 anybody 33:6,16 43:13 80:6 129:16 147:12 153:1 anyway 191:14 apart 18:9,12 38:13 50:6 88:18 101:19 140:19 149:21 167:15 184:8,16 185:16 214:19 215:1 241:20</p>
---	--	---	---

[apco - astm]

<p>apco 26:16,23 27:5 27:16,20 28:23 29:24 36:3 42:22 43:19,21 44:1 64:24 65:11 109:24 110:3 183:10 200:10 201:10,14 239:17 239:24 apec 24:23 apologies 65:4 apologize 144:20 appear 62:18,22 136:17 218:11 228:10 appearances 3:1 4:1 appeared 104:1 appearing 158:2 appears 57:9,17 58:7 64:19,22 65:5 65:14,20 66:3 67:5 67:10 103:25 131:19 136:15 194:14 196:1 203:6 230:5,15 239:21 257:4 259:22 268:17 271:20 applications 55:18 56:3 applied 77:12 apply 129:25 231:5 231:11,18 appointed 24:6 appreciate 205:7 241:16 approach 116:16 appropriate 119:3 120:4 127:15 176:10 210:19 246:5 249:14 256:9 approved 267:19 272:13,16 approving 267:21 approximately 62:24 102:21 111:24</p>	<p>april 6:7 9:7 architectural 134:6 archive 149:22 152:22 archives 50:1 106:19 183:25 area 98:12 125:16 175:5 219:8 areas 79:2,16 97:19 argue 116:8,23 117:1 arguing 47:14 argument 216:6 243:25 arlington 89:5 arose 31:6 110:4 art 72:6,18 article 103:21 133:22 185:4 255:12 articles 17:4,6 artistry 169:3 ascribed 209:7 ashrae 279:17 281:18 asia 24:22 asked 29:13 33:9 36:24 37:3,10 41:22 44:2 48:14 51:9,11 51:14 52:9,23 54:24 66:17 69:4 71:13 72:5 74:15 77:17 80:1 83:22 106:2 116:25 117:14 118:7,25 120:12 129:22 146:8 147:9 149:23 155:3,21 158:22 159:1 165:19 166:7,15 175:15,20 176:4 185:8 186:15 191:14 192:5 198:9 215:24 222:10 225:18 226:8,14 236:10,15,22</p>	<p>241:14 248:4,23 249:10 251:18 260:18 261:21,25 263:5 asking 16:7 23:21 37:6 42:21 47:4,5 54:9 55:6,7 59:17 75:8 93:20 96:9 114:23 118:11 131:14 135:16 141:14 149:4 153:4 173:4,14 174:4,17 175:7,8,8,20,21 184:23 188:14 190:17,21 212:17 212:19 221:8 222:6 225:4 236:8 241:20 248:21 253:2 257:16 270:14 279:10 asks 124:3 asma 240:20 asme 25:15,22 27:4 27:7,20 28:14,16 32:21 36:25 65:10 65:20 66:1,4,8 135:14 240:20 241:12,21 242:1 aspect 247:14 asserted 131:19 assign 55:8 assignment 54:12 assigns 278:15 assist 32:16 266:13 assistance 124:10 assistant 80:16,17 85:20 207:24 associate 60:6 85:7 85:20,24 103:18 192:8 associated 105:20 251:12 associates 90:22 association 1:5 2:5 22:23 23:17 34:9</p>	<p>52:19 89:4 102:12 111:8 192:14,17 assume 21:5 92:10 94:23 99:19 108:13 146:25 147:3 149:15 225:8,16 assumed 99:18 astm 1:4 2:4 4:14 5:16 6:12 7:5,10 9:19 10:5 11:9 13:23,24 14:13,24 15:2 16:4 19:7,12 19:22 21:12,23 22:1 22:5,14,15 23:1,10 23:23 25:14,21 26:11 27:5,7,19 32:21 33:6,16 36:25 38:23 39:4,8,13,21 40:1,3 41:14 43:12 43:13,16,19,25 44:7 44:16,24 45:14,21 46:19,21 47:24 48:7 48:25 49:7 54:1,3,4 54:6,14 55:2,9,22 56:20 57:20,25 58:20,24,25 60:21 60:25 62:3,19,23 64:18 65:9,19 66:8 68:3,4 69:14 70:10 70:14 71:6,15,21 72:14,25 73:9,13,15 73:16,17 74:7,18 77:8,9,22 84:23 85:3,5 86:1 90:3 92:11 93:22 94:13 95:2 96:8 97:4,8,18 98:2,23 99:5 100:9 101:19 102:14 103:18 105:3,11 106:4,14,17,20,23 107:4,10 109:14 110:15 111:2 112:7 112:13,20 113:1,5,8 113:19,22 114:4,8,9 114:17,17 115:19</p>
--	---	--	---

[astm - attaching]

116:8,17,23 117:7	186:19 187:3,9,15	274:6,15,21 275:13	astm022627 8:7
117:22 118:2,16,23	187:22 189:2,20	275:15 276:17	astm022630 8:9
120:1,16,25 121:10	190:25 191:14	278:19,21 279:1,11	astm023336 8:14
122:2,7,13,15,17,21	192:5 196:4,5,17,24	280:2 281:12	astm024218 6:10
123:8,9,18,23,25	197:5,13,17,25	astm's 17:7,8 18:21	astm0255574 8:15
124:7,10,12,17,24	198:1 200:9 202:8	19:3 57:4 60:2	astm027093 8:18
125:7,24 126:4,8,10	203:5,21 205:25	67:11 69:4,5,11,21	200:1
127:2 128:22	207:19 208:19,23	69:23 70:1,11 87:10	astm027187 8:22
129:16 130:1 131:4	208:24 209:5,16	90:7 96:24 102:18	astm02893 8:5
131:22 132:21,22	210:7,10 213:12	102:22 104:21	astm029833 8:20
135:7,18,22 138:11	215:7 216:17,21	106:10 112:11	astm030644 5:18
138:23 139:20	218:21 219:5,9,16	115:12 122:11	astm030712 194:10
141:2,3,10,15 142:7	219:24 220:3	127:21 135:2 138:8	astm092006 10:22
143:1 144:8,22	221:21 222:15,23	144:4 151:20,21	astm095373 11:5
145:11,12,24 146:4	222:25 224:8,16,21	160:23 162:9	astm097943 10:8
146:6,17,23 147:7	224:25 225:5,8,16	164:25 165:6,12	astm097980 10:10
147:19 148:17,25	226:19 227:6,13,15	167:7,24 168:25	astm098310 9:5
149:6,17,20 150:5,5	228:15 229:19	171:9,12 179:21	astm099269 10:13
150:15,18 151:10	230:2,21,24 231:5	180:15 183:5	238:9,12
151:25 152:14,19	231:12 232:13	187:15 194:18	astm099335 238:9
153:1,18,25 154:1	235:2,12,16,16,17	209:21 216:3	astm099366 10:14
154:18,25 155:1,7	235:25 236:14,16	225:11,12 230:19	astm099834 10:16
155:15,16 156:16	236:19 237:2,13,16	247:24 248:1 249:1	astm100366 6:20
156:17,25 158:14	237:19 238:23	249:2 250:6,7	astm101183 9:9
160:1,3,11 161:6,10	239:23 240:5,21	251:23 256:25	astm101288 6:22
161:16,20 162:1,12	241:3,21 246:13,25	277:16	astm101778 7:6
162:17,22 163:3,13	247:9,18 248:3,9,13	astm001788 10:6	astm101800 7:8
163:14,18,23 164:4	249:4,25 250:3,4,22	astm001814 9:20	astm102031 9:11
164:10,15,18	250:24,25 251:16	astm003314 11:18	astm102042 9:13
165:16,17 166:4	252:22 254:2	271:7	astm102053 9:15
167:14,16,22,24	255:23,25 256:8,23	astm003315 271:8	astm102072 7:13
168:7,9,11,11,13,20	256:24 257:9,11,21	astm003479 7:11	astm102089 7:15
168:24 169:7,25	258:2,21,22,24	astm005399 11:15	astm102094 7:17
170:8,8,14,20,21	259:7,20,24 260:18	astm0095371 10:20	astm102361 7:20
171:10,13 172:9,10	260:19,21 261:18	astm015162 10:18	130:17
172:14,20,22,24	261:19,25 262:10	astm015659 5:14	astm102388 7:23
173:1,1,2,25 174:1	262:15,17,17,19,21	astm015661 5:17	astm103024 9:8
174:2,6,19,20,21	263:2,5,25 264:3,14	astm015779 5:20	astm103025 207:4
175:10,11,14 176:1	264:22 265:13,18	astm015828 5:22	astm95376 11:6
176:2,3 178:18,22	266:1,3,8,20 267:3	astm015912 6:5	atm030712 8:11
179:21,25 180:6,14	267:9,19,22 268:1,2	astm016538 6:8	attach 20:1
180:24 181:2,3,10	268:8,17,18,21	astm018709 9:17	attached 200:6,7
181:24 182:4,6,7,9	269:2,13 270:8,14	astm019297 6:18	284:8
182:13,18 183:3	270:18 271:14	astm019650 11:7	attaching 199:24
184:15,17 185:17	272:9,25 273:6,8		

[attachment - beginning]

<p>attachment 207:7 207:11 239:9 attachments 207:9 207:10,18 239:5,9 239:15 271:21,24 attempt 161:4 attempted 124:24 attend 89:20 278:17 279:1 attendees 93:13 attending 13:16 278:24 279:4,6 attends 278:19 attention 30:7 111:11 125:7 160:12 176:21 194:25 attorney 14:22 16:16 33:8,11 59:2 59:7,8,11 71:1 78:5 80:9 95:21 130:3 135:7,13,13 137:8 140:16 170:24 198:18,22,22 215:12 216:14 attorneys 13:15 14:14,17 15:13 18:13 attributes 29:10 69:5 audience 36:7,10 audiences 184:5 august 8:19 11:17 48:9 authentic 170:3 171:20 authenticity 171:25 172:3 178:18 179:1 author 84:8 134:1 authorizes 230:25 authors 211:3 automatic 213:23 availability 181:11 181:25 182:10 184:15 185:18</p>	<p>186:20 187:14 available 16:3 40:18 45:18,25 46:3 108:2 111:19 112:14,20 113:9 114:18 120:16,25 121:7,16 122:11,21,24 144:6 144:8 148:17 150:5 171:11,13 175:9 180:16 214:6 219:9 230:6 245:8,9 246:15 250:20,22 251:16 252:14 avenue 3:6 avenues 246:15 avoided 118:4 awards 187:10 aware 22:1 25:8 26:7,12,15,17,18,22 28:24 33:9 39:18 44:12 63:4,12 73:12 73:21,23 77:9,25 78:1 96:14 107:13 108:7 117:7 123:6 124:17 125:2,3,15 126:10 127:1,6,8,9 127:24 139:7,16,18 143:22 145:7 146:14 150:15,18 155:5,7,15 161:20 161:21 162:9,22 163:3,20 165:16 167:7,11,16,16 175:10,22,25 177:25 178:6,11,14 179:22 188:3 191:21 196:6,12,16 196:18,24 197:2,5 197:13,25 199:4 202:9 204:2 214:13 216:17,20 220:10 224:20,24 227:12 227:20 231:25 235:6 241:3 245:23 252:13,19,22 253:6</p>	<p>253:9,14,21 254:2 259:9 260:13 261:14 266:9,10 267:3,4 275:10,18 279:3 awareness 25:2 26:23 29:5 33:22 36:23 39:12 241:6,8 245:22</p> <p style="text-align: center;">b</p> <p>b 1:4,15 2:4,15 4:13 5:6 6:2 7:2 8:2 9:2 10:2 11:2 61:19,19 back 18:5 25:16 46:14 79:10 82:7 94:18 105:15 108:18 109:2 114:20 120:18 127:10,19 128:8 130:12,16 136:14 150:25 159:22 176:18,21 178:1,15 190:6,8 193:13,14 201:1,3 203:14 205:12 228:4 234:24 254:12,21 255:2,5 256:20 260:2 267:4 273:9 273:14,20,24 274:6 274:13,15 background 106:13 106:16,19,22 107:3 107:8 backwards 81:4,9 81:11 bad 118:21 245:13 bakery 277:6,14,20 278:11 279:4 balance 92:13 105:2 105:13 106:8 110:10,16 185:23 212:25 247:9 balanced 219:19</p>	<p>band 176:23 barrier 113:18 barriers 40:16 50:15 94:10 110:20 237:13 250:18 based 54:10 76:2 77:1 101:17 108:20 123:14 132:5 134:7 139:24 141:8 143:23 145:7 148:8 148:13 151:14 153:7 157:9 165:21 169:19 174:10,12 174:14,25 192:19 200:6 220:6 237:12 244:12 245:18,22 251:20 254:16 255:21,22 baseline 122:14 basic 231:8 basis 15:21 40:19 75:13 96:21 123:21 143:25 144:16 153:11 173:6,16 174:8 182:21 192:17 210:7 226:3 244:8 252:15 266:25 bates 178:22 194:8 194:12 209:13 272:5 battery 32:9 205:5 bcc'd 63:8 becker 3:14 13:19 17:18 becoming 39:18 159:16 beefing 212:4 began 105:14 108:22 109:17,18 109:24 110:5,6,14 113:20,20 114:2 115:18 beginning 84:1 121:4,4 146:17</p>
---	--	---	---

[begins - bridges]

<p>begins 269:22 begun 105:12 behalf 13:23 96:8 112:7 196:24 197:5 197:13,25 253:2 belgium 61:16 102:2 belief 246:24 believe 27:23 28:18 29:3,7 30:1,2 31:7 32:7,9,14,21 34:5 35:4,24 36:15 37:8 38:1 39:2,7 40:10 41:3 42:21 43:21,23 49:19,25 51:15 53:22 63:9,9 64:8 66:24 67:24 69:9,25 77:19 83:21 87:24 89:7 91:5,6,19 94:7 94:12 96:8,12 97:13 98:21 100:7,10 101:23 102:8 103:6 104:20 105:19 109:2 110:5 111:7,9 112:23 115:7 117:21 119:4,13 121:2 122:7,20 123:3 124:21 138:19 141:2 142:19 148:16 149:6 156:21 161:3 175:17 179:19 180:10,11 181:1,6 181:16 182:3,12 183:3,10 184:3 185:23 195:2 198:21 200:7 202:15 205:23 206:3 213:22 215:13 216:15 218:22 219:2 220:4 222:15 226:16 230:8 233:22 234:7 235:19 236:16 237:23 241:13 243:21 244:12,19</p>	<p>244:25 245:7,17 246:12,23 253:16 254:15 255:23,25 259:16 262:5 264:1 264:25 265:25 266:11 269:17 270:16 271:17 272:22 273:25 belong 89:19 belongs 23:23 beneficial 92:8 benefit 114:12 210:12 benefits 29:5 33:23 40:13 best 29:8 39:24 42:3 92:10 98:24 141:3 155:20 175:18 185:10 187:4 203:8 219:12 230:9 244:19 245:17 247:9 270:17 274:20 bet 159:24 better 69:25 110:12 117:19 beyond 29:7 33:24 42:6 54:8 55:14,20 56:13,23 59:5 63:2 65:25 67:4 79:25 94:21 96:19 97:11 99:5,16 103:5,23 107:21 108:10 111:22 112:6 132:25 135:10 140:21 141:23 142:19 147:5 156:3 157:5,24 158:11,17 159:8 160:7,25 161:12,18 163:25 164:6,20 165:3 174:7 182:1,10 185:17 186:6 187:6 187:16 188:4 192:12 196:20</p>	<p>197:20 198:4 201:11,17,23 202:11,19 206:13 208:4 209:24 210:21 211:17 212:21 215:9 218:9 219:15,20 220:8 224:3 228:19 229:8 237:4,9,21 241:23 242:7 243:16 244:3 244:10 245:14,24 246:10 247:4 250:1 250:11,12 252:17 252:25 253:12,25 254:6,20 256:2,11 257:13 260:5,22 262:3,22 263:7,19 268:4 269:16 270:11 272:6,14,19 274:9 275:16 276:1 276:12,23 279:9,18 280:22 281:4 big 220:25 221:12 222:8 billings 43:23 bio 266:14 biofuel 124:24 bit 86:24 87:6 123:4 179:8 218:25 blacked 134:15,24 bland 117:9 blocks 277:18 blush 136:16 board 35:2 67:25 68:2,3,25 69:4,10 138:3,8,10 180:8 206:4 248:10 280:7 281:8,13 bob 219:3,4 bockius 3:4 bodies 97:3 246:17 body 138:20,25 boeing 62:6 book 268:18</p>	<p>bosses 81:19 bots 213:23 bottles 70:7 bottom 86:10 134:5 195:3 208:16 209:13 box 100:15,22 101:1 101:2 branch 35:20 brand 69:4,7,12,18 branding 68:25 69:2 breadth 235:16 break 17:13,20 76:10 78:8,11,13 82:1 127:14,17 128:1 136:10 141:19 176:11 189:25 190:16 205:3 209:19 227:21 256:15 breaks 205:6 breathe 97:15 breathing 70:9 bremer 86:14,16 90:23 93:6 102:23 103:1,3 136:21 241:12,22 242:2,6 242:14 brian 68:16,24 bridge 17:22,23 bridges 3:13 5:3 13:18,18 14:8 16:5 16:9,14,24 17:12,17 17:21 18:7 19:10,18 20:5,10,19,25 21:7 21:9,11 22:3,8,20 23:9,16,25 24:4 25:10,20 26:2,14,25 27:13 28:1,7 29:16 30:5,10,16,24 31:4 31:18,22 32:1,11,18 32:23 33:2,10,19 34:10 36:9,18 37:2 37:16,23 38:11,15 38:22 39:3,11,19,25</p>
---	---	---	--

[bridges - business]

40:20 41:1,12,20,23 42:2,9,17,23 43:6 43:18 44:5,14,21,23 45:13,19 46:2,9,16 47:2,9,18 48:16 49:6,13 50:18,23 51:5,13 52:11,21 53:7,18,25 54:9,16 54:21 55:5,11,16,25 56:10,18 57:2,13,23 58:10,19 59:9,16,22 61:9,17,22 62:2,16 63:5,18,25 64:17 65:2,8,18 66:7,15 66:19 67:9,17 68:1 68:13,22 69:16 70:20 71:4,11,14,19 72:3,8,21 73:7 74:2 74:21 75:2,7,14 76:6,14,22 77:13,24 78:9,16 79:6,18,24 80:4,11,25 81:7,21 82:1,11,19 83:1,10 83:15,19 84:6,15,22 84:25 86:5 87:3,15 90:20 91:13,22 92:24 93:3 94:2 95:4,11 96:5,18,23 97:6,22 98:8,14,22 99:11,25 100:4 103:9,12,20 104:4,7 104:12 105:9 106:12 107:2,7,18 108:6,15 110:1 112:3,18 113:6 114:1 115:17 116:7 116:21 117:8 118:1 118:10,17,22 119:1 119:6,9,15,19,22,25 120:5,14,23 121:14 122:1,9 125:6,22 126:6,25 127:7 128:1,12,20 129:1,6 129:11,15 130:7,20 130:22 131:4,8,14	132:7,14,20 133:2,8 133:15,25 134:10 134:14,22 135:6,15 135:21 136:4,9,13 136:19 137:1,15 138:5,22 139:4,15 140:6,12,17,25 141:13,19,21 142:6 142:14,22 143:8,15 144:12,21 145:3,13 146:12 147:1,11,25 148:5,10,21 149:3 149:19 150:3,13 151:3 152:2,13,18 152:25 153:4,12,24 154:7,10,17,24 155:6,13,24 156:7 156:11,15,23 157:11 158:5,13,20 158:24 159:3,16,23 159:25 160:9,17,22 161:5,15,24 162:4 162:16,21 163:2,7 163:22 164:3,9,14 164:24 165:5,11,23 166:9,17 167:1,6,21 168:4,18 169:5,13 169:22 170:6,16 171:3,21 172:2,8,14 172:19 173:6,12,18 173:24 174:6,16 175:6,19,24 176:11 176:20 177:9,12 178:10,15,21 179:4 179:9,24 180:13,19 181:18 182:5 184:12,24 185:9,15 186:2,11,18 187:2 187:12,21 188:7,14 189:5,12,19 190:15 191:13,25 192:21 193:1,5,9,16,21 194:3,10,16 195:22 196:3,13,22 197:4,9 197:24 198:15,25	199:5,10,18,21,23 200:4,13,20 201:5 201:15,21 202:2,13 202:23 203:3,11,18 204:4,15,23 205:3 205:16,19 206:16 206:23 207:3,11,16 207:22 208:8,15 209:3,12 210:2,9 211:1,7,25 212:19 213:5,10 214:24 215:5,15 216:1,19 216:25 217:20 218:3,18 220:2,17 220:23 221:6,11,24 222:4,24 223:13,23 224:12,23 225:7,15 225:22 226:9,18 228:8,14,24 229:17 229:24 230:12,17 231:4,10,17 232:6 233:4,14,18 234:9 234:17 235:1,11 236:3,7,13,18 237:1 237:7,14 238:1,8,11 238:15,21 239:2,4 239:13,22 240:4,9 240:13,19 241:2,10 242:3,10,13,20 243:5,11,18 244:7 244:15 245:3,20 246:7,18 247:16 248:16,20,25 249:6 249:11,20,24 250:5 250:19 251:13,24 252:4,8,21 253:8,20 254:1,11,14,23 255:3,7 256:6,15,22 257:7,14,20,24 258:8,15,23 259:10 259:17,23 260:7,17 261:16,24 262:9,20 263:4,10,15 264:4 264:12,21 265:3,11 265:16,23 267:6,16	268:10,14,24 269:5 269:7,10,24 270:22 271:6,10,22 272:1 272:12,17,24 273:10,13,15,17 274:3,14,18 275:11 275:20 276:4,9,16 276:20 277:4,12 278:10,18 279:2,12 279:22 280:5,18,25 281:10,20 briefly 205:7 bring 94:24 125:7 bringing 112:10 162:10 broad 24:1 99:21 186:19 broadcast 181:9 broader 179:3 193:9 broadly 40:11 brodoff 64:21 135:1 135:13,17 broke 46:18 broken 232:21 brook 85:14 brooke 101:1 brookings 35:4 40:7 brought 30:6 117:21 brussels 61:15,16 102:2 buckeystown 102:15 bucks 220:25 221:12 222:8 budget 35:21 37:9 49:22 183:24 build 180:6 building 7:21 133:22 211:20 built 122:12 bullet 217:1 218:24 274:1 business 34:6 35:11 144:5 145:11 148:15 166:1
---	--	---	---

[business - characteristics]

167:17 176:8 182:4 182:6 251:23 255:12 buy 152:20,20 bypassed 162:15	137:5 138:1,18 139:2,13 140:9,15 140:20 141:6 142:10 143:3,11 144:2,18 147:21 148:2 149:1,9 150:21,22 153:3,20 154:4,21 155:4,10 155:22 157:6 158:10,18 159:9 160:6,11,24 161:11 161:19 163:19 164:19 165:2,8 168:1 169:9,18 170:23 172:12,15 173:16 175:16 176:5 187:7 197:20 198:5 202:10,20 206:12 208:3 209:24 210:21 215:8,10 216:11 217:17 219:14 224:3 225:3 227:19 231:7 234:14 240:16 241:24 242:16 243:15 247:3 250:2 251:5 252:16 253:1,11,24 254:5 256:3,12 257:12 260:6 262:23 263:19 265:7 266:24 269:15 270:10 272:7 275:17 276:13,22	caption 13:9 captured 149:17 169:4 card 93:6 career 109:12,13 carefully 58:3 234:6 carl 4:16 13:21 17:22 38:23 39:4,14 39:21 40:4 63:4,12 135:23 139:1 194:23 207:12 245:4 carl's 143:17 carli 32:3,4 135:1,17 199:24 201:8 202:24 238:25 239:5,15 carmel 188:9 189:7 190:19 193:24 194:15 195:1,14,18 carry 224:7 carrying 209:16 case 1:3 2:3 13:9,11 13:12 45:22 46:22 48:1 50:20 131:17 137:4 149:8 159:18 177:2 180:7 188:5 194:19 216:22 220:13 252:13,19 cassidy 85:17 catch 111:25 163:18 categories 265:12 category 35:12,14 caught 111:11,22 cause 160:20 167:24 168:5 250:25 caused 39:4 47:24 113:18 145:10,24 146:6 153:10 causes 94:16 148:17 192:8 260:1 causing 220:3 cement 102:16 cendrowska 100:25	ceo 184:22 certain 15:2 62:13 99:17 124:6 139:14 151:15 153:9,9 155:19,23 157:21 161:9 164:8,13 165:4,10 186:25 206:15 214:10 215:22 223:4 232:13 278:5 certainly 93:21 131:12 152:7 217:19 certainty 25:13 75:1 89:23 202:21 certification 24:10 85:15 266:10 certify 283:2 284:3 cetera 23:23 cfr 76:7 97:9 chain 142:3,20 chair 51:16 chaired 52:18 chairman 24:9,11 180:7 206:4 chairperson 81:5 chamber 34:13 64:10 chambered 64:6 chance 14:13 change 44:21 234:12 changed 123:7 274:21 275:5 changes 19:7 33:5 100:12 115:7 160:11 274:25 275:10 284:7 changing 100:22 234:11,18 chapter 50:15 character 221:17 characteristics 166:22
c			
c 283:1,1 cafe 277:14 calculate 267:13 calendar 183:1 california 3:15,17 4:7 call 18:16 24:2 28:9 49:8 65:15 111:14 125:12 130:16 168:15 184:8,16 217:18 218:13 220:8 252:18 254:6 274:10 called 24:16 25:2 26:16,23 41:4,5 91:1 102:12 107:14 113:12 121:21 239:6,6 277:6,13 calls 25:6 26:10,20 28:3 30:14,20 31:13 31:24 32:13,20,25 33:7,17 36:4,20 37:20 38:19 40:8 42:11 43:14 44:20 45:1 52:16 54:7,11 54:23 55:13,19 56:4 56:22 59:4,14 62:7 63:1 65:12,24 66:13 67:3,23 68:10 70:18 70:23,24 71:7,8,23 71:24 73:2,20 74:24 76:1 78:19 79:13 80:7 93:17 94:20 97:10 98:16 99:2,15 103:4 104:23 112:2 112:5 129:8 132:10 132:24 134:17 135:9,10 136:24			

[charge - concern]

<p>charge 55:17 chart 7:10 100:5,9 157:16 158:2 chartered 24:14 chatted 218:20 check 159:13 272:1 chicago 52:20 children 232:21 choice 254:22 chris 4:18 13:4 church 23:23 cicely 103:14,14,17 103:17 circular 38:2,7 49:23 66:10 95:24 207:19 circulated 41:13 circumstances 132:22 230:20 261:12 cited 79:9 citizens 17:9 214:5 city 102:5,8 claims 131:19 clarify 87:7 191:12 claw 130:16 193:13 193:14 203:13 clean 97:16 clear 46:2 159:18 160:12,14 168:19 171:19 215:13 216:15 255:1 clearly 45:2 client 130:3 131:20 137:8 198:18,22 clip 199:18 close 35:11 181:1 closely 55:22 coaching 171:21 243:21 coalition 25:2,23,25 26:4,7,13 code 75:18,22,24 76:23 77:5,15,25 78:4 105:16 121:25</p>	<p>188:9 189:7,21 190:20 233:1 codes 7:21 109:1,2 133:23 coffee 70:8 collaboration 21:25 91:20,24 92:4 98:7 102:11 colleague 87:19 233:6 colleagues 246:4 collected 160:1,3 collection 181:1 210:8,11,13 251:8 colorful 221:17 columbia 1:2 2:2 13:12 columns 151:18 combined 95:23 come 21:25 28:22 38:10 49:23 50:2 78:25 88:11 89:12 105:10,25 114:9 124:9 170:14 172:3 223:8,8 226:21 234:4 261:7 comes 124:3 222:5 225:12,12,13 245:2 comfortable 248:10 coming 69:11 106:14,17,20,23 107:4,9 115:8 214:9 225:25 226:11 234:24 commencing 2:19 comment 71:2 73:6 79:5,23,25 143:23 245:10 246:13 commented 33:5 43:16 commenting 233:8 comments 5:16 42:14 43:9,11 49:19 57:25 245:21</p>	<p>commerce 24:7,13 34:13 64:10 commercial 108:4 227:10 251:9 commission 50:9 73:22 75:17 229:20 commit 160:10 commitment 114:14 commitments 248:15 committed 211:20 211:20 committee 24:8,12 24:14,18 48:19 52:15,22,23 55:23 56:8 60:2,6,10 67:25 69:10 80:17 81:24,25 89:17,18 99:8,10 100:21 101:8,9,12 138:4 142:4 163:16 180:7 261:4 263:23,23 267:20,23 271:18 committees 60:2 81:22 85:14 96:15 98:18 99:7 105:21 243:2 245:10 246:15 258:5 262:6 263:22 273:6 common 204:12 communicated 36:2 communicating 180:9,11 188:8,17 189:6 190:19 192:24 communication 46:5,5 47:24,25 48:7 49:8 62:6 142:3 153:2 178:5,9 181:14 204:14 communications 32:8 40:1,3 45:7,20 45:24 46:20,25 48:2 48:4,5 60:23 62:23 76:3 77:2 78:21</p>	<p>131:5,9,17,20 137:7 137:9 141:8 142:1 146:3 153:22 165:21,24 189:17 192:15 199:3 203:15,23 241:6 281:3 communities 117:20 244:24 community 34:7 49:25 62:12 72:7,10 72:19 86:23 87:6 88:2,5,7 89:16 95:2 106:10 109:8,9 182:24 companies 28:23 202:8 company 253:3 compare 222:2 compete 256:8 competitiveness 35:7 compiled 196:8 compiling 211:22 complaints 218:9 220:12 complete 157:8 complicated 145:11 component 148:25 compostable 70:8 compound 20:8 23:6 37:20 40:8 42:20 43:4 78:3 80:21 81:3,13,23 96:11 103:15 135:4 164:21 266:23 267:11 268:5,22 269:15 270:11 computer 283:10 computing 22:23 concept 188:15 concern 17:6 103:21 170:12 251:7,15 261:3,10 262:16</p>
---	---	---	---

[concerned - core]

<p>concerned 50:17 152:5,7 158:14,19 158:21 161:1 168:25 181:7 249:19,21 250:4 262:19,21 concerns 31:10 186:9,16 211:19 213:22 conclude 81:18 concluded 282:5 concludes 184:3 conclusion 54:11 59:15 70:24 71:8,24 73:3 74:24 78:20 80:8 135:10 173:15 206:13 215:9,10 216:12 220:6 225:3 227:19 242:16 266:24 concrete 102:16 conditioning 1:7 2:7 conditions 262:10 conducted 38:21 conference 65:15 136:22 209:6 confidential 203:24 242:11 conflicting 255:19 confused 148:16,24 165:17 confusion 144:5 153:9 165:25 166:2 167:16 255:18 congress 80:24 116:6 125:13,14 259:25 260:13,19 260:20 261:1,2,4,8 261:9,14,19 262:1 262:16 congress's 259:18 278:5 congressional 35:17 116:14 117:5 258:22 259:1,15</p>	<p>congressionally 24:14 congressman 81:16 81:17 congresswoman 81:6 connect 235:7 connection 45:8 58:1 132:3 155:16 156:17 170:25 188:1,22,23 196:8 197:17 connie 81:6 consensus 38:5,6 92:14 95:1 96:3 97:3 125:15 234:2,4 234:23 235:22 244:21,25 245:5,18 246:16 252:14,23 253:10,15,18 255:20 263:1,24 264:6 consents 66:6 consequence 150:19 153:18 154:2,19 155:2 165:13 274:7 274:16 consequences 116:16 120:8 161:2 219:22 249:17,17 conshohocken 60:24 101:18 consider 50:11 69:4 95:25 133:23 159:12 211:24 212:4 253:18 consideration 93:15 94:4 considered 115:9 considering 111:3 124:12 135:22 212:6 consistent 20:15 62:19,23</p>	<p>consists 211:2 229:18 238:9,24 271:7 consortia 253:17 constitutes 74:10 consult 59:6 147:6 consultant 61:14 219:5 consultants 61:10 consulting 139:8 consumer 34:15,16 35:11 40:6 73:22 74:6,9 75:3,15,17 75:19 89:4,13,14 90:21 243:2 consumers 117:16 contact 190:14 259:9 contain 75:25 76:24 151:16 152:8 157:4 168:8 contained 244:13 272:11 containing 232:24 contains 76:8,16 77:16,20 78:1,2 168:25 contemplating 241:4 content 143:2 262:17 context 72:13,13 79:9 141:4 193:6 210:1,4,17,19 218:22 225:6 228:22,25 229:7 263:1 281:1 continuation 207:5 continue 81:11 110:18,21 127:10 250:15 251:1 continued 4:1 continuing 201:20 201:22</p>	<p>contract 189:21 215:7 222:13 contractor 101:24 102:2 contractual 223:20 contribute 27:5 55:8 246:5 contributed 17:4 152:9 control 108:5 151:13 161:21 162:10 convene 29:23 convenience 78:12 conversation 18:14 148:13 conversations 18:12 21:3,6 145:8,18,18 145:20 149:14 153:7 242:5 251:21 251:25 252:9 converted 212:7 convey 165:24 cooper 91:7 93:5 233:10 241:14,14 270:2,5 cooperate 264:6 cooperation 64:14 91:2,11,15,23 92:1 92:3,7,17 cooperatively 109:12 copied 64:19 copies 41:13 83:11 231:12 copy 57:4,25 83:12 117:21 205:17,20 copyright 54:2,25 55:3,6 143:6 215:13 216:7,18,21 230:19 copyrighted 39:8 copyrights 54:6 216:3 core 69:12,24 111:19</p>
---	--	--	---

[corner - decentralized]

<p>corner 277:6,14,20 278:11 279:4 corporate 14:22 60:22 101:17 102:19 150:4 153:4 corporation 36:15 correct 22:9 27:8,12 33:15 49:5 57:16 58:14,20,21 59:24 61:3 64:20,24 66:8 68:5,6,18 75:23 83:4 84:3,4,10,12 84:18,23 85:1,2,24 86:7,11,12 90:23 93:1 128:14,17,22 128:23 129:3 135:1 135:3,5,8 136:23 145:15,16 149:5 150:6 159:14 161:3 177:9 180:16 200:10,10,14 201:10 202:25 203:5 204:18 205:1 205:2,25 206:8,11 207:1,2 208:11,17 209:8 211:4,6 217:16 220:20 225:9,17 227:4,5,8 227:9 228:11 229:20 230:4,8 232:9 233:6,7,10 234:12 257:1,11,21 257:23 258:10,17 258:22,25 259:2 270:5,25 271:14,15 277:14,15 283:12 284:5 correction 159:6 corrections 284:7 correctly 157:17 283:8 correspond 201:14 201:16 correspondence 86:7 243:8</p>	<p>corrigenda 164:4 cost 111:19 113:2 114:19 122:22 222:22 costs 251:11 council 24:23 35:7 64:9 75:4,15 188:9 189:7,22 190:20 counsel 3:1 4:1,14 15:21 16:12,17 21:6 33:9,13 45:8,17 46:1,25 47:12,22 48:1,6,8 53:20 54:14 59:1 76:3 77:2 78:22 83:12 85:12 86:17,17 132:2 136:5 139:25 139:25 143:7 161:14 174:11,12 174:15 175:1 178:5 178:9 188:2,13,22 189:16 191:23 192:15,20 194:7,18 196:8 198:7,17 241:7 274:25 275:5 275:8 276:25 280:13 283:13 counsel's 53:19 172:4 counted 122:19 counterclaims 1:12 2:12 counterparts 28:13 28:15 counting 266:4 countless 70:3 countries 74:12 214:17,21 278:5 country 74:12 couple 19:16 84:16 124:16 130:22 187:11 218:23 course 36:22 37:8 43:19 49:2 78:10,10 87:18 102:20 150:9</p>	<p>272:9 court 1:1 2:1 13:12 13:25 194:11 courtesy 281:19 cover 137:2 187:9 199:21 207:17 238:17 covers 188:20 craft 234:6 crafted 248:8 create 255:17 268:19 277:8 created 101:1 277:10 creates 168:6 176:6 creating 208:23 creation 99:1 183:19 creativity 245:1 255:24 256:1 criteria 15:24 16:1 95:24 criticism 118:5 criticisms 117:11 criticize 118:3,23 120:1 criticized 245:5 csr 1:23 2:20 283:19 cups 70:8 curiosity 24:1 192:1 curious 134:23 172:21 current 21:17 99:12 100:13 168:12 261:13,14 268:2 currently 52:18 90:8 121:5 122:10 168:9 171:10,13 customers 148:15 151:22 152:19 153:9,13 166:3,6,14 166:19,22 167:3,8 167:12 210:12 226:1,2 251:9</p>	<p>cut 221:9 cv 1:4 2:4 13:13 d d 1:4 2:4 5:1 13:21 d.c. 1:19 2:19 3:7 13:1,7,8 29:7 33:24 34:1,6,12 35:15 38:24 39:5,10,15,22 101:21 d56571 125:1 d6751 124:25 damage 152:9 155:7 dan 60:4,5 85:21 101:6 dangerous 159:15 daniel 56:9 101:3 database 121:23 122:8,12,13,24 123:1,14 126:17 date 13:5 39:2 58:23 83:6 100:11 108:12 109:6 143:17 145:7 146:2,3 196:4 211:11 259:8 274:7 284:12 dated 6:7 7:19 8:13 8:17,19 9:7 10:12 11:17 172:1 283:22 david 188:9 189:7 190:19 193:23 194:15 233:22 day 70:3,5 89:10 90:25 173:10 days 14:18,18 15:10 89:9 dealing 148:23 deals 113:13 dear 137:20 death 158:8,14 160:20 debate 248:9 december 14:18 decentralized 99:6</p>
---	---	--	--

[decide - develops]

<p>decide 77:11 115:14 decided 29:8 decision 59:20 113:24 115:21 125:17 244:25 deem 119:3 120:4 deemed 74:11 111:20 deep 222:17,18 defendant 1:11 2:11 3:11 13:20 155:17 159:5 165:18 172:9 174:2,21 175:12 176:2 274:19,23 275:6,8 defendant's 147:8 149:22 defendants 147:20 149:7 150:16,19 153:19 154:3,20 155:2,9 156:17,25 157:3,23 158:15 165:7,13 196:5,17 197:16,17 274:8,16 defense 266:17 define 23:14 177:15 degree 22:11,12 237:16,19 delegate 24:21 deliberate 161:4 deliberation 198:1 deliberations 198:9 delicate 105:13 110:16 delivered 181:15 delivery 222:23 demonstrate 114:15 dental 52:19 department 24:7,13 24:20,21 56:7,12,19 113:14 214:17 221:20 222:13 266:13,17 department's 278:4</p>	<p>departments 100:17 214:14 depend 106:25 255:10 267:22 277:21 dependence 278:6 depending 193:14 deponent 283:5,8 284:1 deposed 14:11 deposition 1:15 2:15 5:9 12:1 13:4,6 14:14 16:16 18:14 18:15 33:14 53:5,10 53:11 56:25 57:11 57:21 58:8 61:20 63:16 64:15 65:16 67:7,19 82:9 83:8 84:5,13,21 86:3 99:23 103:10 104:2 128:10,24 132:12 134:8 137:13 141:16,22,24 142:12 154:1 159:19 173:9,10 193:6,11,25 195:20 199:8,16 203:1,9 205:14 206:21 208:6 210:24 220:15 228:6 229:15,22 230:10 232:4 233:2 238:6 240:7 242:18 243:3 257:2,5 258:6,13 268:12 269:8 270:20 271:4 282:2 282:5 283:11 describe 66:1 69:22 221:16 described 58:2 65:21 148:22 describing 79:16 221:18 description 5:8 6:4 7:4 8:4 9:4 10:4</p>	<p>11:4 167:2 design 217:22 218:4 218:12 designate 261:5 designated 62:8 66:1 93:22 95:17 154:6,9,11 214:17 216:13 designation 45:2 54:8 55:14,20 56:5 56:14,23 59:5 63:2 65:25 67:4 94:21 97:11 99:16 103:5 103:24 107:22 108:10 112:6 124:20 132:25 135:11 140:21 156:4 157:6,25 158:11,18 159:9 160:7,25 161:12,19 163:25 164:7,20 165:3 174:8 186:7 187:7,17 188:5 192:13 196:21,23 197:21 198:5 201:12,18,24 202:11,20 206:14 208:4 209:25 210:22 211:17 212:22 215:9 219:15 220:9 224:3 228:20 229:9 237:5 237:10,22 241:24 242:8 243:16 244:4 244:11 245:15,25 246:10 247:4 250:2 250:13 252:17 253:1,12,25 254:6 254:20 256:3,12 257:13,16 260:6,23 262:4,23 263:8,19 268:5 269:16 270:11 272:7,15,20 274:10 275:17 276:2,13,23 279:10</p>	<p>280:23 281:5 designations 250:11 designee 1:17 2:17 53:16 destruction 177:17 determination 15:22 determine 123:5 133:9 235:9 determined 15:18 74:10 determining 77:10 112:20 113:8 120:16,25 127:11 127:20 devalues 210:7 251:8 develop 70:2 250:16 253:15,16 255:21 developed 109:16 252:23 255:19 developer 114:11 219:23 220:6 developers 50:10,16 111:22 developing 92:25 110:19 125:16 219:18 245:5 development 17:9 26:19 40:14 55:4 66:5 91:20 92:13,19 94:9 96:2 97:20 98:1,5 101:7,10,13 108:1 109:11 112:11 116:18 151:13 163:10 213:2 222:23 245:12 246:3,5 248:14 249:18 251:2,10,12 253:10 255:15 256:8 263:2 265:6 267:3 274:4 274:21 develops 111:9 253:23 254:3</p>
---	--	--	---

[devices - doug]

<p>devices 232:24 dhs 220:25 221:13 222:9 223:7,22,24 224:8 dialed 17:22 differed 224:25 difference 101:12 106:4 174:1,20,25 175:2,3 differences 227:13 different 22:18 41:14 62:15 72:13 77:20 79:22 80:23 88:15 96:15,16,16 98:17 106:6 122:18 126:19 166:5 167:15 168:8 175:20 224:16 226:19,22 244:24 251:15 differential 224:21 227:2 difficult 70:11 113:5 126:15 157:8 212:13 267:12 difficulty 232:22 dilemma 114:8 din 138:14,17,21 139:8,9,16,21 dire 130:22 direct 60:25 81:1 100:14,20 126:20 145:1,5 151:14 176:21 262:14 directed 64:25 direction 12:3 16:12 45:8,17,25 46:25 47:11 48:5 132:2,5 188:21 189:16 196:8 274:25 275:5 275:8 276:25 directive 115:16 116:5 directly 17:22 43:16 45:5 61:2,5,11</p>	<p>100:19 144:8 director 21:16 60:16 80:17 90:8 directors 138:3,8,11 206:5 248:10 280:8 281:13 disagree 16:20 244:5 247:14,17 257:17 disagreeing 47:7 disagreement 244:9 disclose 15:23 16:11 16:12,23 45:7 46:24 48:4 76:4,5 77:2 78:21 132:4 134:19 137:7 140:1,2 141:9 142:1 174:11 175:2 178:5 188:2,12,23 189:16 191:22 192:16 196:10 198:8 199:3 277:1 280:14 disclosure 188:15 discounted 222:17 222:18 discovers 164:17 discovery 131:17 discuss 18:13,20 19:6,11 21:1 39:4 46:7 48:12 69:6 89:16 116:15 121:4 129:16 discussed 16:17 17:7 39:13,21 40:13 49:15 97:1 117:6 127:22 129:21 136:21 183:8 214:4 214:5 218:10 255:14 277:24 280:10,12,16,19 discusses 41:7 discussing 38:23 64:12 121:9 202:6 259:1</p>	<p>discussion 29:8 69:8 110:25 112:24 121:8 179:3 198:14 232:11 252:12 255:13 257:9 259:11,14 277:19 discussions 47:5 51:7 87:14,17,19 88:16 114:24 130:3 138:14,24 139:20 198:7 241:11,20 display 171:13 displayed 101:14 268:18 displaying 157:17 158:4 disposal 177:16 disseminated 47:1 distinct 41:8 distinctions 231:14 distributed 40:11,22 41:9 distributes 164:16 distribution 105:6 148:19 149:18 distributors 144:7 170:15 226:1,2 district 1:1,2 2:1,2 13:11,12 diverse 92:12 divided 43:24 division 60:3 113:13 divisions 85:6 doctrine 188:20 document 57:6 62:4 62:8 63:19 64:1 67:13,16,22 77:22 82:14,18,20,23 83:13,16,18 84:3 86:11 93:18,20 101:4 131:13 132:18,23 133:3,5 133:16,17,19 134:1 134:11 136:5 142:15,19,23</p>	<p>163:12,16 168:24 170:13 176:23,25 177:1 178:22 179:10 192:23,25 193:2,6,12,18 194:13 196:4,16 198:11 200:1,3,16 200:19 202:3 203:14 205:21 208:25 209:9 226:16 232:14 233:11,15,16 234:13 238:3,12 241:20 256:23 259:3 268:16 271:11 documents 12:8 15:8,9,13,15,16,18 16:6,11,13,15,17,18 16:22,25 17:1 18:8 66:1 67:18 105:17 106:6,9 107:9,12 110:17 111:11,19 116:13 121:9 149:13 151:12,15 151:16,23,25 152:8 161:2 162:13 166:4 167:7,13,23 169:19 177:2,5,14,16 180:21,23,24 181:2 198:3 199:19 215:14 216:9 218:1 219:20 226:20 doing 97:18 102:7 112:17 189:14,15 211:10 212:8,9 dollar 153:17 154:1 154:18 dollars 147:19 domain 7:22 25:11 145:10 146:16 149:14,17 151:16 double 22:12 82:12 doug 51:19 52:5</p>
---	---	---	--

[downloads - environment]

<p>downloads 149:16 dozen 88:3 draft 32:17 66:24 199:25 202:17 203:7 207:18 drafted 32:17 42:10 42:19 43:2 drafting 98:9,12,20 268:20 269:1 drafts 66:9,14,18 drag 144:4 145:10 145:23 146:5 148:18 176:7 dreyfus 219:3,4 drink 97:15 drinking 70:7 drop 17:23 due 17:9 144:4,5 214:14 225:21 244:23 duly 14:4 283:5 duties 99:14,18</p>	<p>208:2,9,17,22 209:4 209:4,8 211:2,14 213:19 214:3,7 215:2 217:5 218:19 220:18,19,24 222:1 222:3,6,6 223:9 228:10,22,23 229:18 232:8,9 233:5 238:24 239:4 239:14 241:18 242:22 243:7 256:24 257:9,21 258:9,16,21 270:24 271:13 283:1,1 earlier 58:2 62:5 65:21 97:2 108:17 113:18 115:18 136:21 147:10 150:9 175:21 196:15 197:6,15 220:19 232:8 239:18 255:14 266:5 early 273:23 earth 34:22 40:7 echostar 93:6 economic 24:22 economy 151:22 editor 103:18 163:14 editors 163:18 edits 267:9 268:1 educate 15:5 25:15 183:9 education 107:4,4 educational 106:22 107:1 effect 97:25 98:25 165:12 193:11 199:1 effective 91:21 98:6 effectiveness 37:11 235:21 effort 27:19 42:22 200:8 202:9</p>	<p>efforts 54:4 65:9 105:14 183:8 212:24 egs 1:4 2:4 13:13 eight 80:14 either 41:15 74:7 84:8 113:23 115:13 115:20 123:7,13 124:16 125:2 145:24 146:6 211:3 electronic 183:3 electronics 89:4 90:21 email 5:14,18,20,22 6:5,10,20,22 7:8,13 7:15,17,19 8:5,7,9 8:11,13,15,17,19,22 9:5,7,9,11,13,15,17 10:8,10,12,14,16,18 10:20,22 11:5,7,15 11:17 17:18 embarrassed 76:17 emerging 105:13 emily 86:13,16 87:11 88:11 89:6 93:6,9 102:23,25 103:3,7 104:1 136:20 241:12,22 employee 23:24 206:10,18 279:5 employees 61:1 97:19,23 98:1,25 211:21 266:1 279:3 employment 22:14 81:5 83:23 empower 255:24 256:1 en 74:8 enact 79:4 encapsulates 268:8 encompassed 263:2 encourage 235:2 ended 201:9 energy 278:6</p>	<p>enforceable 215:7 engage 44:16,17 116:14 117:9 125:2 engaged 22:2 29:2 29:12 43:21 45:15 46:19 47:25 65:10 117:5 200:9 engagement 43:20 110:3 117:11 239:23 engages 227:6 253:9 engaging 125:13 engineer 23:2,3 engineering 48:11 49:15 252:24 253:22 254:3 engineers 1:7 2:7 enright 103:14,14 103:17 ensure 97:19 114:13 115:12 159:4 162:13 213:21 219:23 ensuring 92:12 110:20 enter 74:11 213:19 230:20 entered 240:21 entering 215:6 enterprise 35:9 40:15 55:4 110:19 148:20 213:3 248:14 249:19 251:10 enterprises 263:3 enthusiasm 243:13 entire 218:5 entities 30:18 31:1,6 47:25 entitled 16:14,18 47:11,13 198:25 entity 23:19 47:21 environment 17:10 232:22 234:5 244:21 245:18</p>
<p>e</p>			
<p>e 5:1,6 6:2 7:2 8:2 9:2 10:2 11:2 57:15 57:17 58:12,17 60:5 62:13,25 63:6,13,14 64:4,7,18,20,23 67:10 84:7,9,16 103:13,17,21 104:11 128:13,15 128:16 129:2,18,22 130:18 134:24 136:20 137:2,17,21 138:7,13 139:22 141:1,4 142:8,18,20 143:9,9,9,16 179:2 193:23 194:5,15,21 195:2,3,23 196:1 199:12,21,21,23 200:5,6 201:7 203:4 203:7,17 204:7,9,16 204:24 205:24 206:3,24 207:7,9,18</p>			

[environmental - expert]

<p>environmental 24:7 34:21 67:11 epa 97:13 232:12,17 equally 43:24 equipped 22:15 errata 163:23 164:2 284:9 error 157:18 158:6 158:8 162:1 269:17 errors 124:24 151:16 152:9 155:16 156:17,24 157:4,10,19,22 159:5 160:1,4 161:8 161:16,22 162:18 162:23 163:20 164:10 168:8 196:5 196:14,15,16,19 197:2,6,6,7,14,14,15 198:2 esq 3:5,13,14 4:4 establish 112:19 113:7 estimate 42:3,6 153:18 154:1,18 155:20 263:16 et 13:10 23:23 european 50:9 61:15 74:7 evaluating 102:7 event 39:7 63:14 64:6,11 67:21 89:25 90:25 events 86:23,25 87:6 87:12 88:2,5,7,11 88:13,19,20 89:1,8 89:10,21 270:6 everyday 17:9 evidence 148:11 evolution 69:20,22 exact 34:3 37:17 39:2 42:1 83:6 108:12 109:24 123:12 223:10</p>	<p>exactly 28:24 39:20 41:2 118:11 122:6 146:18 171:23 211:10 217:7 223:4 examination 14:7 53:10 examine 94:16 95:15 96:9 examining 93:15 94:4 95:6 96:24 179:8 example 125:20,21 excellence 151:11 235:19 excellent 185:23 exception 17:3 exchange 57:15 58:12,17 84:7 86:6 128:13,15,16 208:22 222:16 223:15 226:16,20 232:7 243:7 278:8 exchanged 109:5 exchanging 108:22 109:19 excited 69:10 106:6 232:17 excluding 21:5 132:3 exclusively 108:4 121:20 123:14 excuse 109:10 135:14 184:12 208:12 212:4 229:13 232:23 254:12 excused 282:4 exec 137:20,25 execute 148:19 153:11 executing 148:14 execution 144:5 145:11 166:1 167:17 176:8</p>	<p>executive 35:20 60:12 67:25 69:9,10 99:13 100:16 138:4 142:3 180:7 207:24 263:23 exempt 5:11 exercise 68:17,23 exhibit 5:9,11,14,16 5:18,20,22 6:5,7,10 6:12,15,20,22 7:5,8 7:10,13,15,17,19,21 8:5,7,9,11,13,15,17 8:19,22 9:5,7,9,11 9:13,15,17,19 10:5 10:8,10,12,14,16,18 10:20,22 11:5,7,9 11:12,15,17 53:5,8 56:25 57:3,8,11,14 57:21,24 58:6,8,11 58:15 61:20,22,24 62:18,22 63:16,22 64:15,17 65:16,18 66:2 67:7,9,14 68:14 82:9,12,17 83:3,8,10,14,17 84:5,6,11,13,15,19 84:21,22,24 86:3,6 99:23 100:1,2 103:9 103:10 104:2,5,9 128:10,13,16,18,24 129:1,4,7 132:12,16 132:17 133:7,12 134:8,10,12 137:13 137:16 142:12,14 142:16 143:2 176:22 178:16,19 193:17,22,25 194:2 194:6 195:20,22,25 197:16 199:8,11,16 199:19,23 200:2,5 200:17 201:6 202:18 203:1,4,9,12 204:16,24 205:14 205:17,20 206:21 206:23 207:4,5,7,15</p>	<p>207:17 208:6,9,13 210:24 211:2,5 217:2 220:15,18,21 228:6,9 229:15,18 229:22,24,25 230:10,13,14 232:4 232:7,12 233:2,5 238:6,8,10,18,20,24 240:7,9,10,11,15 242:18,21 243:3,7,9 256:23 257:2,5,8 258:6,8,11,13,16,18 268:10,12,15 269:8 269:11 270:4,15,20 270:23 271:4,6,9,21 existed 223:5 existence 224:11 existing 245:11 exists 218:8 264:19 expanding 100:23 expect 131:10 272:2 expectation 114:10 151:24 expectations 20:12 79:16,19,25 96:16 219:25 expected 124:8 152:1 expense 222:22 experience 91:21 98:4 166:19,23 167:3,9 181:8 221:5 experiencing 19:17 19:22 expert 147:21 148:2 149:1,9,24 150:9,21 153:21 154:4,21 155:4,10 165:2,8 168:1,15 172:15 175:16 176:5 182:24 217:18 218:14,15 220:8 251:5 252:18 254:7 274:10</p>
--	---	---	---

[experts - fee]

<p>experts 251:22 252:1 expired 195:9 explain 70:13 101:11 111:24 164:22 166:21 168:10 272:3 explained 120:7 209:17 explaining 212:12 explore 149:4 explored 120:8 express 117:11 expressed 71:5 105:18 261:3 expressing 71:10,15 expressly 203:14 extended 195:9 extensive 211:21 extent 15:20 34:2 38:6 45:3,24 54:12 70:11 76:2 77:1 93:18 95:18 131:25 134:18 137:6 139:24 141:7,25 150:21 153:20 171:16 173:3,14 174:10,24 178:4 187:25 189:15 192:14 196:7 198:6 215:10 216:12 225:2 227:18 241:5 241:17,19 246:11 250:12 251:2 253:2 254:8 266:24 267:2 273:4 274:24 275:4 276:24 280:12 extremely 157:8 eye 2:18</p>	<p>facilitate 265:5 facility 102:15 fact 101:13 111:18 112:17 113:24 115:8,20 116:8,23 117:21 126:4 144:5 150:14,17 168:7 178:12 179:20 216:17 218:8 220:13 221:18,25 222:19 229:12 235:25 246:20 259:9 260:14 264:19 factor 97:5 factors 93:14 94:3,6 105:21,24 facts 54:17 154:25 168:10 175:9,9,21 175:25 220:3 250:20,22 251:16 251:20 factual 152:8 244:8 247:5 failed 114:20 152:1 fair 46:4,6 121:9 fall 140:3 177:24 falls 198:21 false 157:17 172:5 familiar 25:3,4,11 29:9 41:18 55:2,24 67:15 71:9,20 72:1 72:7,14,22,24 73:4 73:8 74:5 104:10 121:20 124:15 126:24 137:17 140:11,13 164:1 170:25 213:11 216:5 261:10 269:18 fashion 29:19 30:18 feature 217:21 218:11,12 february 8:13 58:23 99:19</p>	<p>federal 38:3 50:2 66:4 75:18,22,24 76:23 77:6,15 78:1 78:2,5,18,25 80:5 95:25 97:2,8 98:4 107:25 121:13,16 121:25 123:19,22 125:8,9,13 126:12 127:3 183:25 229:19 247:1,20 248:2 249:4 250:8 250:25 259:19 262:1,11 264:6,13 264:19,23 265:2,5 265:13,21,25 266:7 266:11,19 273:7 federation 34:16 40:6 fee 3:5 13:22,22 14:21 15:20 16:7,10 16:20 19:8,13 20:3 20:8,17,22 21:5,8 21:22 22:7,16 23:6 23:13,21 24:3 25:6 25:17,24 26:9,20 27:9,21,24 28:3 29:13,25 30:8,14,20 31:2,13,20,24 32:6 32:13,20,25 33:7,17 34:2 36:4,13,20 37:15,20,25 38:14 38:18,25 39:6,16,23 40:8,23 41:10,17,22 41:25 42:4,11,20 43:4,14 44:2,10,20 45:1,6,16,23 46:6 46:23 47:7,14 48:3 49:2,10 50:12,21 51:1,9 52:9,16 53:15,20,22 54:7,11 54:18,23 55:10,13 55:19 56:4,13,22 57:6 58:3 59:4,14 59:18 61:6,12 62:7 63:1,20 64:25 65:3</p>	<p>65:12,24 66:12,17 67:3,23 68:10,21 69:15 70:18,23 71:7 71:13,17,23 72:5,16 73:2,20 74:15,23 75:5,12 76:1,9,18 76:25 77:17 78:3,13 78:19 79:10,13,20 80:1,7,21 81:3,13 81:23 82:16,24 87:2 87:8 91:12,16 92:21 93:2,17 94:18,20 95:8,16 96:11,22,25 97:10 98:3,11,16 99:2,15 103:4,15,23 104:6,23 106:2,24 107:5,11,21 108:9 109:21 112:2,5,22 113:10 115:4 116:1 116:10,25 117:13 118:7,13,19,25 119:2,8,10,18,20,24 120:3,12,18,21 121:18 122:4 124:14 125:11,25 126:14 127:5,23 128:3 129:8,13 130:5,14,21,25 131:4,7,12,24 132:10,24 133:5,19 134:17 135:4,9,19 135:24 136:2,7,12 136:17,24 137:5 138:1,18 139:2,13 139:23 140:9,15,20 141:6,17,20,23 142:10 143:3,11 144:2,10,18,25 145:6 146:8,24 147:9,21 148:2,7,12 149:1,9,23 150:7,20 151:6,9 152:4,15,23 153:3,6,20 154:4,8 154:13,21 155:3,10 155:21 156:1,3,9,13</p>
f			
<p>f 283:1 f963 73:17,23,25 74:7,18 75:4,16,20</p>			

[fee - form]

156:19 157:5,24 158:10,17,22 159:1 159:8,12,18,24 160:6,15,21,24 161:11,18 162:2,8 162:19,24 163:5,19 163:24 164:6,12,19 165:2,8,19 166:7,15 166:24 167:4,18 168:1,15,22 169:9 169:17 170:2,11,23 171:16,22 172:5,12 172:15 173:3,8,13 173:20 174:4,7,23 175:15,23 176:4 177:6 178:3,13,17 178:20,24 179:6,18 180:4,17 181:12 182:2 184:10,18 185:8,11,20 186:6 186:14,22 187:6,16 187:24 188:11,19 189:9,15,23 190:8 190:11 191:3,8,11 191:22 192:10,12 192:25 193:3,7,12 196:7,20 197:1,8,19 198:4,23 199:2,14 199:20,22 200:15 200:18 201:3,11,17 201:23 202:10,19 203:13,25 204:10 204:19 205:17 206:12,19 207:8,14 207:20 208:3,12,25 209:9,23 210:5,20 211:16 212:17,21 213:8 214:22 215:3 215:8,24 216:11,23 217:17,23 218:13 219:14 220:7 221:9 221:14 222:2,10 223:3,18 224:2,19 225:2,10,18 226:8 226:14 227:18,21	228:12,19 229:8 230:22 231:7,13,21 231:23 232:14 233:11,16,20 234:13,20 235:4,14 236:5,10,15,22 237:4,9,21 238:3 239:1,3,8,10,20 240:1,16,23,25 241:5,23 242:7,12 242:15 243:15 244:3,10,18 245:14 245:24 246:9 247:3 248:4,18,23 249:5,8 249:13,22 250:1,10 251:4,18 252:2,6,16 252:25 253:11,24 254:5,19 255:1 256:2,11 257:12,17 257:22 258:19 259:3,13,21 260:2,5 260:9,22 261:21 262:3,13,22 263:7 263:12,18 264:8,16 264:24 265:7,15,19 266:2,23 267:11 268:4,22 269:3,15 270:10 271:2,20,25 272:6,14,19 273:1,9 273:12,14,16,19 274:9,17,24 275:3 275:16 276:1,6,12 276:19,22 277:9,25 278:12,23 279:9,18 279:25 280:11,21 281:2,14,17,23 feel 47:17 249:13 feels 250:3 felt 114:7 117:24 248:10 fenwick 3:12 13:19 fenwick.com 3:19 3:20 fh 130:24	field 138:7 140:18 figure 20:2 75:11 182:23 200:16 figured 224:8 figures 20:11 266:4 figuring 110:9,11 filed 13:11 57:5 139:16 215:20 filing 135:22 177:25 fill 90:13,19 fimsa 113:13 114:24 115:25 116:9,24 120:2 229:13 final 58:25 123:7 202:15 209:15 finances 143:18 144:23 financial 150:23 financials 18:21 find 109:19 114:25 121:15 152:21 172:20,21,24 226:22 247:8 268:11 273:7 275:13 findings 50:3 fine 15:25 127:18 281:20 finish 78:10,14 273:13 finished 133:11 fire 1:5 2:5 firm 29:9,24 30:4 32:16 42:13,19,25 43:7,9 44:7 131:22 132:2 202:7,9,14 firms 44:7,11,12,17 44:24 130:1 first 14:4 28:22 29:1 29:11,17 30:6 39:12 39:13,21 63:3,11 68:9,14,15 82:16 83:2 104:6 108:7 111:20 136:16 143:10 144:22	145:23 146:5,10 155:14,15 156:24 157:1,2 199:20 203:15 211:9 220:13 221:22 222:21 224:7 232:12 240:14 270:1 five 60:23 89:9 108:13 264:23 265:2,13 276:5,8 fix 75:14 flagship 181:13 fleishman 131:6,9 131:23 132:9 202:16 flexible 40:19 112:14 224:9 flipping 82:12 158:3 floor 3:16 4:6 focus 23:25 62:17 folks 241:17 251:21 follow 16:21 263:22 268:20 269:1 followed 269:20 following 40:6 79:4 follows 14:5 93:14 209:4 270:3 force 70:21 71:3,6 71:16 252:24 253:22 254:3 forced 115:13 216:21 foregoing 284:4 foreign 74:24 foremost 114:11 forget 61:13 86:15 173:8 forgot 17:13 forgotten 166:11 form 11:9 19:8,13 22:7 24:3 41:17 57:5 59:8 89:11 115:4 116:1 125:25 126:14 127:5
--	---	---	---

[form - going]

150:20 152:23 160:24 166:24 167:4,18 168:16 173:21 182:2 197:19 198:4 209:1 220:7 224:19 239:20 248:5 249:10 251:6 260:5 265:19 268:17 284:8 formation 31:16 formats 226:23,24 231:16 formed 28:6 former 281:12 formerly 99:10 275:22 forming 34:7 forms 57:10 formulate 30:3 formulation 256:9 fortunately 155:12 forum 7:21 89:13,15 forwarded 65:7 194:24 forwarding 64:23 found 157:9 foundation 26:9 27:21 38:25 44:10 52:16 66:12 69:15 74:23 75:5 91:12 98:11 107:17 112:5 169:17 178:13 179:18 180:4 195:8 209:23 210:20 211:16 224:2 251:5 257:22 258:19 260:10 262:24 263:18 277:25 four 24:8 89:9 218:24 fpa 25:14,21 27:3,4 27:7,20 36:25 65:10 frame 32:14 109:25	francisco 3:17 4:7 frankly 124:23 free 47:17 50:8 114:19 152:21 244:1 246:22,24 247:17,25 249:1,15 250:6,23 252:15 freely 185:25 246:4 freezes 261:6 frequent 252:11 277:19 frequently 277:24 279:7,16,23 fresh 38:9 friend 34:22 friendly 218:12 friends 40:7 frighten 158:25 159:2,4 front 95:10 143:2 202:4 241:18 247:14 full 181:1 217:14,14 217:15 266:1 273:4 fully 169:11 fun 243:20,24 function 55:21 56:1 181:7 functionality 223:11 functioning 59:2,11 functions 59:7 fund 148:20 249:18 251:10 fundamentally 244:5 funded 107:16 108:1 funding 37:1 49:20 187:23 188:10 189:2,8 190:18,21 191:1,15,20 192:6 222:15 223:14 278:2 funds 266:7	furnish 147:14 198:20 furnishing 215:1 further 43:25 44:4 83:17 95:24 119:17 133:7,12 136:14 194:6 198:14 200:17 future 113:4 223:17 248:14 <p style="text-align: center;">g</p> g 61:19 101:3 gain 213:14 230:2 gains 19:12 game 46:4 gather 123:17 gathered 123:15 general 4:14 16:19 33:13 38:13 54:14 80:2 85:12 96:21 117:17 143:13 146:19,20,21,22 184:7,16 185:17 186:20 187:14 270:1,17 generally 17:7 20:13 36:6 47:1 54:22 97:13 146:3 163:6 235:12 237:11 269:4 generate 41:16 generates 243:13 germany 138:20,25 getting 119:10 210:12 220:25 221:12 222:8 gillerman 91:5 93:5 give 39:1 42:7 73:11 80:2 83:6 93:19 96:19 99:8 108:12 109:23 119:17 125:20 127:16 131:12 146:1 155:18 162:24	167:2 182:25 216:8 238:16 268:9 276:7 277:22 278:13 281:17 given 125:16 214:8 283:12 284:6 gives 218:2 giving 108:8 194:17 195:1 glad 271:22 glean 117:17 global 21:18 90:12 90:15 151:21 280:3 globally 151:10 go 17:24 19:14 42:6 46:6,9 76:8 77:4 78:23 81:14 89:16 113:24 115:5,21 117:3 121:15 127:10,19 130:5 137:10 141:22 149:25 151:4 154:12 156:5 158:1 159:22 168:17 174:13 178:7 179:17,25 190:11 190:23 192:17 193:16 205:6 217:16 248:6 260:11 267:1,20 276:10 278:13 goal 180:22 214:4 goals 83:24 gobbi 61:19 goes 109:2 163:12 going 15:22 16:10 17:23 18:1 35:3,6,8 35:10,13 44:21 46:7 81:8 87:16 102:7 105:15 108:18 114:10 119:7 124:18 128:4 130:7 130:8,12,14,16 131:1 136:12,13 141:21 154:15
---	--	---	--

[going - high]

<p>158:8 168:23 173:13 176:9,14 180:2 181:4 191:21 193:3,17,21 203:13 203:15 204:11 205:8 207:3 214:16 221:15,16 233:25 238:11,12 271:2,20 274:1 275:3 good 13:3 14:9,10 16:2 18:25 106:10 112:15 159:25 227:23 google 189:2 191:20 192:4,8 195:8 gordon 91:5 93:5 gotten 125:1 gov 207:13 government 21:17 44:6 59:3,12 70:22 71:20 72:24 73:8,11 73:12 74:16 91:2,10 91:14,23 92:1,3,7 92:16,17,18,22 93:14 94:3,16,23 95:5,14,17 96:7,8 96:20 97:23,25 98:5 98:25 107:9,11,25 115:16 121:17 124:11,11 125:8,9 126:7,11,12 127:2,4 139:19 140:4,8,10 140:14,19,23 142:4 142:8 183:21,23 206:6,10,17 234:11 234:11,18,21 235:20 236:1 239:24 247:1,20 248:2 249:4 250:9 250:25 262:11 264:7,23 265:2,5,13 266:8,11,19 273:4,5 279:3,5 governmental 74:22</p>	<p>governments 73:18 73:24 125:23,24 126:2 235:3,6,12 236:20 256:10 grains 28:17 grant 195:8 grated 244:2 254:16 great 68:17 128:3 133:13 221:4 273:3 greater 29:5 33:22 36:23 91:2,10,14 110:17 111:4,10 gregory 64:24 65:6 ground 97:15 171:18 group 23:17 26:1 27:8 28:10,12 29:2 29:12,23 30:7 31:17 32:15 34:18 36:2,3 46:22 47:13,21,22 178:12 234:23 235:23 255:20 277:6,20 278:11 279:4 groups 34:21 35:12 40:7,12 89:14 182:25 250:18 grove 1:18 2:17 5:2 13:14 14:3,9 53:7 57:2,13,23 58:10 63:19 64:17 65:1 82:11 84:6,15,22 86:6 104:5 128:14 131:22 132:15 136:14,20 137:16 144:13 176:21 194:4 199:11 201:6 203:11 205:16,19 228:9 230:13 232:7 235:2 236:12 238:22 242:20 256:22 261:17 268:14 269:11 270:23 281:21 282:2 284:3</p>	<p>grover 128:12 guess 54:19 80:23 106:3 127:1 129:10 234:15 guidance 15:21 95:25 guideline 123:1 gunderson 81:18 guns 211:9 guy 212:12 guys 159:13</p> <p style="text-align: center;">h</p> <p>h 5:6 6:2 7:2 8:2 9:2 10:2 11:2 228:17 habitate 97:16 half 240:15 hand 65:18 83:11 103:9 114:8,14,16 193:21 238:8 handed 57:2,13,23 58:10 67:9 82:11 195:22 203:11 205:16,19 240:9 268:14 handing 61:22 83:10 128:12 129:1 134:10 271:6 hands 222:20 happen 136:12 224:10 happened 159:10 180:20 264:2 happening 108:23 261:1 278:8 happens 164:15 264:1 269:21 happy 81:12 154:14 179:2 222:11 hard 148:4,6 185:22 273:22 harm 145:12 148:25 150:18 161:4 164:25 167:24 168:5,10,11,19</p>	<p>170:20 172:9 harmful 247:2,21 248:2 249:4 250:9 harms 147:7 150:15 150:23,24 152:3,14 152:17 175:14 176:3 hazardous 113:16 hazards 169:3 head 128:21 281:16 header 204:17,25 headquarters 60:24 101:17 102:20,22 health 17:10 152:6 hear 28:22 105:12 109:17 151:6 161:22 186:1,4 246:19 254:21 heard 25:1 72:9,13 105:17 146:16 152:19 159:20 172:4 218:9 253:5 hearing 112:12 131:18 157:1 heating 1:6 2:6 heavily 94:13 held 13:6 23:11 24:15 164:16 hello 87:13 help 23:14 42:14 59:20 98:9 114:12 117:18 202:7,9 211:21 helped 32:14,17 helping 69:24 97:14 162:12 224:7 helps 98:6 101:6 251:11 hesitant 178:24 hey 261:8 hf 129:7,25 130:16 130:24 hi 87:13 high 110:22 219:18</p>
---	---	---	---

[highlighting - independence]

<p>highlighting 64:11 highway 102:13 hill 80:13,15 81:5,20 107:14 112:25 116:20 hillard 131:6,10,23 132:9 202:16 hired 23:1 hit 229:5 hitchcock 62:11 hold 45:6 154:8 173:20 175:23 177:4,6,13,15 192:10 200:11,15 231:21 240:23 260:9 275:1 homeland 221:20 222:14,20 honest 18:24 honestly 102:25 hong 74:5 hooper 257:25 258:1,9 hope 243:13 houck 206:24 207:23,24 271:13 hour 176:10 hours 14:19 15:14 house 22:18 35:18 81:24 259:5 housewright 28:18 30:13 279:14 huh 51:23 175:13 hundred 187:11 hypothetical 172:13 173:17 256:13</p>	<p>245:13 255:13,14 ideas 105:18 110:14 246:4 identification 53:6 57:1,12,22 58:9,16 61:21 63:17 64:16 65:17 67:8 82:10 83:9 84:5,14,21 86:4 99:24 103:11 104:3 128:11,25 132:13 134:9 137:14 142:13 194:1 195:21 199:9 199:17 203:2,10 205:15 206:22 208:7 210:25 220:16 228:7 229:16,23 230:11 232:5 233:3 238:7 240:8 242:19 243:4 257:3,6 258:7,14 268:13 269:9 270:21 271:5 identified 30:2 62:5 93:13 121:12 150:8 176:7 201:7 208:2 identifies 83:24 231:2 identify 13:16 166:10 167:8 198:10 identifying 29:14 166:13 266:20 ietf 253:5,9,13 ignorant 76:7,12,13 76:15,15,19 ignore 76:12 ileane 56:16 illinois 52:20 imagine 178:25 immediate 159:6 immediately 160:11 impact 143:18 144:4 144:23 145:2 146:2 146:17</p>	<p>impacted 70:10 113:21 114:3 167:17 impactful 70:1 impacting 166:1 impacts 117:6,7 251:22 implement 116:5 implies 54:12 73:6 233:24 imply 118:2 implying 116:4 importance 36:8 important 17:8 34:24 38:3 94:6,7 110:21 152:6,11 159:20 162:12 224:6,7 236:2 impose 80:5 imposed 262:10 impression 168:6 improper 47:3 273:18 improve 70:2,5 inability 153:10 inadvertently 191:18 inches 217:6 include 34:8,11 35:17,20 85:16,17 259:25 included 92:23 204:6 206:25 263:25 includes 77:7 121:23 including 40:12 77:20 92:15,22 194:24 199:12 204:8 208:10 239:5 242:1 inclusion 170:21 income 5:12 incoming 206:4</p>	<p>incomplete 207:15 inconsistent 44:22 incorporate 75:4,6 75:16 77:21 97:2 124:12 125:9,24 235:3,13 236:20 256:10 262:1,11 incorporated 44:8 70:16 72:15,18,25 73:9,13,18,22,24 75:21 105:4 121:6 121:13,17,24 122:8 122:15 123:2 124:18 126:11,13 127:3,4 169:8,16,21 169:25 170:9,19 179:22 213:1 219:11,21 224:14 224:18,22 225:1 227:3,14,17 230:3,7 231:19,20 232:1,3 233:1 235:10,17 237:25 246:23 247:1,11,19 248:1 248:12 249:3 250:8 250:24 262:7 267:10,14 268:2 incorporates 126:8 incorporating 97:8 264:7 incorporation 11:12 31:12 36:11 40:5 64:13 73:5,14 74:17 75:10 77:8 86:19 126:3 133:10,17,24 237:19 259:11,19 260:1 261:2 incorporations 123:18 133:3 232:13 increase 19:16,21,24 incurs 222:23 independence 40:14 40:16</p>
i			
<p>ibr 36:17 idea 16:2 30:6,17,25 31:5 37:24 38:12 69:11 106:7 107:25 110:6,8,9,10,24 129:12 131:7 141:11 213:4,6</p>			

[independent - introduced]

<p>independent 15:23 76:4 77:3 78:22,24 115:15 141:10 independently 245:19 index 12:1 indicate 75:20 118:16 149:14 226:23 250:22 indicated 74:17 86:10 134:5 204:17 204:25 283:4 indicating 238:17 individual 98:18 99:7 210:7,15 267:5 individually 62:10 95:19 107:23 109:13 253:4 individuals 80:23 181:16 267:8,25 industries 22:6 157:13 industry 21:17,18 21:21,25 22:1,4,5 23:17 90:13,16 91:2 91:10,15 93:16 94:4 94:17 95:6,15 96:9 114:12,13 171:7 infer 211:18 influenced 105:22 105:24 inform 36:7 59:20 79:3 103:6 198:1 informal 25:1,23,25 26:4,7 28:10,12 31:17 32:15 36:2 information 16:4 38:3 43:9,11,25 44:4 50:3 54:1,4 56:2 77:7,20,23 85:16 108:23 109:6 109:19 114:11 131:9 134:19 147:14 149:16,20 150:5 157:14,18</p>	<p>192:19,19,24 194:17,20 195:2,13 195:16 198:19 208:20 213:24 214:1,8,16 215:4 216:16,17 230:19 231:1,2 233:8 246:14 271:17 273:3 278:8 informational 108:21 112:16 informed 42:13 43:9 informing 38:4 183:19 infrequent 123:21 initially 112:24 initiated 49:8 initiative 18:9 29:23 32:5 injury 152:10 155:7 158:9,15 160:20 innovation 244:17 244:20 245:1,2 255:16,24 innovative 268:7 input 32:19,22,24 33:3 inquiries 184:20 insofar 59:10 inspections 102:17 instance 49:7 57:19 73:12 100:24 122:16 262:8 263:11 281:7 instances 48:25 88:17 89:24 165:16 200:20 260:25 institute 24:17 35:5 35:9 40:7 48:20 49:21 52:2 91:6,8 107:17 111:8 121:22 132:9 232:18 278:3 instruct 15:22 16:10 42:5 45:23 46:24</p>	<p>119:18 130:14 131:1,2,25 134:19 135:24 136:2 137:9 139:25 174:11 175:1 178:5 188:2 188:22 192:15 196:10 198:23 200:16 203:16 204:11 241:7 275:3 277:1 280:13 instructing 47:15 76:18 141:9 instruction 16:21 47:3 48:3 49:2 119:16 188:11 189:9 191:23 198:17 199:1,6 280:21 281:2 insures 163:15 integration 244:1 intelligence 123:4 123:15,17 intend 79:4 234:23 intended 85:10 116:2 163:16 178:2 216:15 intending 213:25 intends 169:7 intent 259:15 intention 169:10 234:3 interact 96:14 182:17 279:7,16,23 interacted 37:5 59:10 interaction 279:21 interactions 32:2 86:13 88:22 96:7 182:21 242:14 253:6 interest 34:18 40:6 49:25 50:9 89:13 105:1,10,13 106:1 107:14,19 109:17 110:2 125:17</p>	<p>126:23 138:23 160:19 185:14 202:1,1,5 204:12 214:20 223:24 278:5 interested 66:23 117:22 120:9 170:17 183:6 261:13 283:15 interesting 105:18 121:7 interests 42:14 247:9 intermittently 228:11 internal 57:5 115:10 248:8 257:21 internally 177:1 international 1:4 2:4 4:14 5:16 57:20 60:16 64:14 68:3 90:9 94:11 188:9 189:7,21 190:20 internet 114:19 149:22 152:21,22 160:19 167:23 168:13 169:7 171:14 174:3,22 175:12 176:3 197:18 198:3 252:23 253:22 interpret 142:7 interpretation 233:23 234:16 interpreting 234:22 interprets 234:19 interrupted 197:11 interview 104:1 interviewed 87:10 87:23 introduce 110:6,24 241:15,16 introduced 110:8,11 112:25 241:17</p>
---	--	--	---

[introducing - knowledge]

<p>introducing 188:15 inventory 273:3,5 invested 94:13 investigate 187:22 189:2 190:25 191:15,19 investigated 192:6 investigation 187:25 188:3 investigator 86:16 investment 50:7 148:23 244:1,17 invite 79:4 invited 48:10 49:14 involve 178:8 198:18 involved 23:8 24:23 32:10,12 45:5,11 49:20 62:14 77:10 138:14,24 142:21 147:13 198:6,13 221:17 245:1 266:12 280:1 involves 139:6 163:13 277:13 iso 74:8,8 143:13 issue 108:25 112:10 115:11 116:15 139:7,10 140:5,7,8 140:11,14 142:4 163:23 164:4,10,25 172:1 179:8 184:21 186:19 192:23 198:13 202:6 220:14 270:18 issued 186:24 187:3 issues 31:11 32:15 36:11 89:15,17 140:19,23,24 144:5 184:21 189:24 193:10 200:19 itc 271:16 item 95:5 130:18 items 272:11</p>	<p>iterative 42:12 43:8 69:3 268:7 itmc 271:16</p> <p style="text-align: center;">j</p> <p>j 1:23 2:20 3:5 283:19 james 57:16 85:23 104:14 199:12 203:5 218:21 243:8 january 11:10 143:22 180:1,20,21 180:22,25 181:6 187:4 jeff 6:15 7:5 65:1 68:7,16,19,20 104:17 128:14 208:18 236:12 jeffrey 1:18 2:17 5:2 13:14 14:3 282:2 284:3 jennings 281:11,12 jim 6:15 57:19 62:14 64:5 81:16 83:25 84:2 85:11,22,23 100:14 142:3 146:25 180:9,10 182:20,23 184:22 207:25 218:20,20 jkfee 3:9 job 1:24 21:14,15,20 22:15 58:24 68:17 101:6 237:12 jobs 80:15,19 joe 258:3,4 280:4 john 18:19 86:7 93:6 104:14 128:17 145:15 146:16 147:10 148:14 149:14 153:8 176:7 211:3,18 212:10 220:18 221:4,17 222:18 251:21 252:1,12 270:25</p>	<p>joined 13:23 joint 27:19 200:8 jointly 27:3 jonathan 64:23 65:6 jordana 14:21 joseph 135:1 journals 107:16 108:4 jr 4:13 july 7:11 10:12 11:13 100:6 135:22 137:3 justice 142:17</p> <p style="text-align: center;">k</p> <p>kate 58:13,18 59:25 60:1,7 kathe 258:1 katherine 60:13 85:13 99:9 208:10 270:24 kathie 100:15,17,24 101:2,5,17 kathie's 101:6 keep 35:3,6,8,10,13 40:16 76:9 81:8 97:14 203:22 214:10 keeping 110:19 214:20 250:18 keeps 130:18,20 kevin 3:5 13:22 14:21 key 29:6 33:23,25 34:5,12 38:3,24 39:5,14,22 41:16 50:9 105:16 123:22 250:17 262:17 kin 283:14 kind 167:2 kinds 50:4 168:11 knew 19:2 188:10 189:8 190:17,20 know 16:14,18 17:13 20:18,20</p>	<p>23:22 27:24,24,25 28:2,5 30:15,17,25 31:9 34:4 37:22 45:3 47:11,13,22 48:2 54:13,19,22 56:6,15,24 63:8 66:21 80:10,12 88:12 93:24 97:12 99:5 103:2 106:3 109:24 112:8 116:14,19 121:15 123:2 124:6 132:8 132:11,21 134:1,4 134:21 137:4 141:25 150:14 152:6 156:16 158:12 159:23 160:3 161:6,10 162:6 166:8 168:19 172:14 177:19,21 181:20 186:13,24 195:16 198:25 202:17,21 205:21 212:12 215:11 217:21 218:24 222:11,12 223:19 224:15,16 241:1 242:1 243:17 250:3 253:4,13 254:8 264:13,17,18 268:8 271:22,25 276:15 276:17 277:3,10 280:6 knowing 178:25 186:10 knowledge 15:17 25:18 39:24 43:2,10 54:10,17 55:12 56:17,20 78:4 94:25 98:13 102:17 117:18 126:16,18 126:21 135:18,20 140:22 143:1 145:2 145:4,5 146:19,20 146:21,22 147:23</p>
--	---	---	---

[knowledge - long]

151:14 152:24 153:1 154:23 156:16 160:8 167:25 185:10 187:4 188:6,8 189:6 189:20 190:13,19 191:17 192:7 203:21 204:3,21 215:18 217:7 219:7 219:12 230:9 231:9 240:17,20 241:19 254:10 261:25 262:5,14 265:9 274:20 known 34:19 55:1 73:17 74:8,8 102:13 103:18 138:20 151:10 182:24 kong 74:5 koury 258:3,4 kramer 280:6,6,7,17 280:20	large 104:17 launch 181:21 launched 69:18 laura 62:11,14 law 70:22 71:3,6,16 71:21 72:15,25 73:6 105:19 171:1,6 234:12,18,19 259:19 laws 105:4 lawsuit 48:15,21,22 51:11 135:23 139:16 178:1 215:20 lawyer 135:18 lawyer's 119:16 199:6 lawyers 15:16 131:18 lays 95:24 lead 86:16 158:8 leader 111:16 leaders 111:15 league 243:22 learn 18:23 19:15,21 146:13 156:24 learned 108:24 145:23 146:5,10 157:1 188:12,16 leave 58:22 led 21:24 99:10 left 58:20 256:16 269:6,7 legal 2:18 4:18 15:21 33:9 47:5 54:11 59:14 70:23 71:8,23 73:2 74:24 78:19 80:8 89:15,16 135:9 139:7,9,25 140:5,7,19,23 141:8 143:7 161:13 171:17 173:5,14 174:11,12,15 175:1 175:5,7,8 189:3 198:13 203:14	206:12 215:8,10 216:11,13 225:3 227:19 242:16 266:24 267:2 legislation 36:16 112:25 113:11,22 113:23 114:4,25 115:9,20,23,25 116:9,24 117:12 118:4,16,24 120:2 120:10 259:2,5 260:1 261:5 262:18 legislative 80:16,17 115:15 len 242:23,25 243:1 270:24 letter 6:7 65:20 66:20 116:19,20 letters 66:10 116:13 126:21 183:18 level 85:21 165:25 243:13 278:15 lewis 3:4 13:22 libraries 106:16 license 9:19 10:5 227:7,14,16 230:21 230:25 231:18 licensed 144:7 170:14 226:2 licenses 224:24 227:13,15 licensing 224:17 227:6 230:15 life 152:7,10 155:8 159:6 limit 281:15 limited 78:6 198:16 line 12:4,9,14 69:19 86:15 100:14 110:5 137:21 143:10,16 155:18 180:23,24 189:24 195:1 201:13 209:16 lines 48:5	list 35:16 121:16 196:7 207:1 listed 122:3 listen 17:19 listening 13:20 listing 196:5 270:2 lit 41:4 literature 41:6,8,14 43:3 litigation 45:5,12,15 46:20 50:25 51:3,6 51:8 65:19 132:3 136:6 137:8 143:6 177:2,5,14,17 185:5 188:1,22 189:22 196:9 203:23 240:22 241:4 276:21 280:10,12 280:16 little 123:4 179:8 181:8 210:1 220:12 243:22 live 179:11,20,25 180:2,14 181:4,6 lively 85:15 100:25 208:17 219:1,2 lively's 208:19 lives 70:2,5 llp 3:4,12 4:3 lobby 26:11 lobbyist 26:8,12 located 13:7 277:16 location 122:3 215:20 log 131:5,11,13,15 131:21 logo 69:5,7,11,19 167:22 168:12,20 168:25 170:8,21 171:10,13 172:10 173:1,2 174:1,20 175:11 176:1 long 21:12 105:12 108:17 155:20 177:21 181:21
I			
I 13:21 143:9 lab 232:21 laboratories 52:25 203:19,22 204:6,9 laboratory 102:16 204:13 206:7 lack 26:9 27:21 44:10 66:12 69:15 74:23 75:5 91:12 98:11 112:5 169:17 178:13 179:18 180:4 209:23 210:20 211:16 224:2 251:5 257:22 258:19 260:10 262:23 263:18 277:25 language 227:13,15 233:23 260:19,20 261:13,19 263:6 266:21 267:8,25			

[longer - mckiel]

<p>longer 114:17 166:4 167:13 look 38:9 53:7 57:6 97:14,17 113:20 114:3 115:19 121:11 124:9,17,19 206:23 257:8 looked 121:20 looking 70:6 94:9 96:1 111:2 210:6,15 227:23 235:22 looks 100:20 194:22 207:8 231:8 lorraine 32:2,4,7 135:1 199:24 201:7 202:24 238:25 239:4,15 lose 209:18 251:1 loss 147:24 152:10 155:8 160:20 lost 68:8 147:19 148:9,11 149:20 153:18 154:2,19 155:1 177:11 lot 15:7 77:6 121:7 125:4 180:5 181:5 184:20 185:24 201:25 202:5 205:6 213:3 218:7 244:22 248:8 279:21 280:1 low 40:17 110:20 250:18 lower 278:15 lowest 278:16 lunch 127:17 lying 144:9</p>	<p>mail 57:15,17 58:17 60:5 62:13,25 63:6 63:13,14 64:4,7,18 64:20,23 67:10 84:7 103:13,17,21 104:11 128:13,15 128:16 129:2,18,22 130:18 134:24 137:2,17,21 138:7 138:13 139:22 141:1,4 142:8,18,20 143:16 193:23 194:5,15,21 195:2,3 195:23 196:1 199:12,21,21,23 200:5,6 201:7 203:4 203:7,17 204:7,9,16 204:24 205:24 206:3,24 207:7,9,18 208:2,17 209:4 211:14 213:19 214:3,7 215:2 217:5 218:19 220:18,24 222:1,3,6,6 223:9 228:23 233:5 238:24 239:4,14 241:18 242:22 243:7 256:24 257:9 257:21 258:9,16,21 271:13 mails 58:12 84:9,16 136:20 179:2 208:9 208:22 209:4,8 211:2 220:19 228:10,22 229:18 232:8,9 270:24 main 70:4 265:12 maintain 40:16 94:7 219:22 maintained 168:9 maintaining 105:5 213:2 major 22:13 majority 21:23</p>	<p>makers 35:15 183:9 making 40:18 59:21 111:18 123:6 124:2 126:22 171:24 212:4 245:21 248:21 259:18 261:14 malamud 4:16 13:21 38:23 39:4,14 39:22 40:4 63:4,12 135:23 139:1 144:24 145:24 146:6 159:19 160:2 194:23 198:2 207:12 229:4 245:4 246:20 malamud's 139:17 246:24 254:15 malamudomb 207:13 management 35:21 37:9 49:22 115:12 183:24 209:5 271:18 manager 60:1 90:12 243:1 258:4 mandated 232:23 manner 74:18 manufacturers 34:9 march 1:20 2:20 13:1,5 283:22 margaret 85:17 mark 193:17 279:20 marked 5:8 6:4 7:4 8:4 9:4 10:4 11:4 12:13 53:5 56:25 57:11,21 58:8 61:20 63:16 64:15 65:16 67:7 82:9 83:8 84:13 86:3 99:23 103:10 104:2 128:10,24 132:12 134:8 137:13 142:12 193:25 195:20 199:8,16</p>	<p>203:1,9 205:14 206:21 208:6 210:24 220:15 228:6 229:15,22 230:10 232:4 233:2 238:6,8 240:7 242:18 243:3 257:2 257:5 258:6,13 268:12 269:8 270:20 271:4,7 market 110:22 219:18 marketing 85:25 marketplace 74:12 74:20 77:12 166:1,2 167:17 169:3 255:18 martin 1:23 2:20 14:1 17:15 53:3 90:14,17 283:19 mary 67:11 138:10 180:8 232:8 maryland 81:6 102:15 massachusetts 32:9 material 134:15 257:11 materials 1:4,16 2:4 2:16 13:10 40:11,21 40:25 43:17 151:25 281:8 matter 45:9 161:13 189:4 227:10 235:5 matters 15:3 175:5 matthew 3:14 13:19 maureen 64:20 135:1,13 206:24 207:23,24 271:13 mbecker 3:20 mcclung 58:13,18 59:25 60:1 mcclung's 60:7 mckiel 67:11 68:9 138:10 141:1,11 180:8 232:8</p>
<p>m</p>			
<p>m 13:21,21 90:5 228:17 machine 283:8 machinery 22:23 machines 213:24 magazine 103:18 104:1 134:7 181:17</p>			

[mean - narrative]

<p>mean 41:13,14 45:20 46:3,20 72:20 77:5 107:1,20 111:5 114:5 115:22,24 118:2 142:2 179:15 180:2 183:21 211:8 217:6 222:7,9,12,12 223:16 225:23 226:6,12 228:18 234:5,6 271:16 meaning 45:20 means 217:9,11,13 233:23 234:16 266:20 meant 114:23 115:2 115:3 121:7 137:25 180:15 243:14,17 measurable 143:18 144:22 measurement 232:24 mechanism 74:9,19 media 184:21 meet 14:13,16,20 86:21 94:10 110:18 226:15 248:14 meeting 51:7,20 68:5 117:21 182:4,6 182:6 279:4 meetings 15:7,13 24:23 36:22 88:15 89:18 277:13,20 278:25 meets 74:7 megan 28:18 30:13 279:14 member 89:11 95:2 124:16 146:4 187:9 230:1 236:2 246:8 266:3 280:7 281:12 members 21:24 22:6 53:2 55:2 80:24 89:12,14,15 137:20 137:25 138:3,8 148:15,23 153:10</p>	<p>153:15 181:15 182:7,11 183:5 184:8,17 185:17 194:23 209:5 245:10 246:12 261:4 266:2 membership 55:18 55:21,24 56:1,3,7 56:12,19,20 memo 6:15 7:5 84:23 85:3 memory 17:5 52:7 89:6 255:4 mention 32:10 181:17 183:17 237:16,18 mentioned 27:7 40:12 51:21 64:7 102:1 139:21 142:8 167:12 183:4 184:22 196:15 197:6,15 240:3,5 255:12 271:23 281:9 mentioning 123:23 mentions 143:6 182:20 mercury 232:19,25 message 94:12 137:20 182:16 217:2 messaging 183:11 met 14:17,21 86:20 87:4,9,21,25 109:7 109:9 metric 236:25 metrics 237:3,8 mexico 102:5,7 middle 78:9 104:17 137:19,22 138:7 199:13 222:1 232:11 273:10 miller 233:9 234:10 miller's 233:22</p>	<p>mind 88:6 157:20 212:14,20 ministry 74:10 minute 176:22 281:14 minutes 17:25 127:16 190:16 269:6,7 mischaracterizes 27:9 50:21 93:18 109:21 144:10 149:2 248:18 254:19 264:8 misinformed 117:24 misleading 169:23 170:7 171:9,12,17 278:1 misled 148:16,24 misperception 244:13 255:8,17 missed 65:3 mission 4:5 17:7,8 38:7 69:21,23 79:2 96:4 97:14,21 224:8 missions 235:8 misspoke 184:10 mistake 130:24 163:18 164:17 mistakes 165:1 misunderstanding 174:16 254:17 mock 118:19 model 37:1 105:7 116:17 220:11 250:16 251:23 moderated 93:4 moderator 51:15 52:5 modes 256:8 moment 35:25 90:10 167:20 money 155:1 209:18 224:1 225:8,17 264:22 265:4</p>	<p>monitor 13:6 217:12 month 31:9 43:24 277:21,22 months 43:22,22 178:1 278:25 279:1 morella 81:6 morgan 3:4 13:22 60:13 85:13 99:9 100:15,24 101:2 208:11 270:24 morgan's 101:16 morganlewis.com 3:9 morning 13:3 14:9 14:10 morrissey 242:23,25 243:1 270:24 morton 51:19 52:5 motivated 31:16 motivation 117:15 120:9 motivations 95:18 96:16 move 221:6 mto.com 4:9 munger 4:3 municipal 125:23 126:7,11 127:2 musts 234:2</p> <hr/> <p style="text-align: center;">n</p> <hr/> <p>n 5:1 name 13:3,13 25:11 26:3,4 34:21 52:3,4 61:19 99:9 134:7 192:2,4 213:19 214:2 270:3,8 279:19,20 named 28:17 68:23 names 138:6 nancy 1:23 2:20 14:1 283:19 nara 183:25 narrative 150:22</p>
---	---	---	--

[national - objection]

<p>national 1:5 2:5 13:4 24:17,18 34:9 34:25 48:19,20 49:20 50:1 52:2 72:12 89:3,18 91:5 91:7 95:22 107:16 107:17 121:22 138:20,24 183:25 206:7 232:18 278:2 nature 117:23 navigate 217:12 necessarily 234:23 necessary 100:12 109:13 202:7 210:3 210:18 need 17:13 29:4 33:22 101:1 110:18 119:9 130:5 133:9 150:14,17 151:3 166:4 167:13 170:14 193:1 199:18 200:16,18 205:3,5 230:24 233:17,18 247:23 267:13 needed 111:20 159:5 179:5 needs 94:25 96:15 169:4 negotiate 226:3 negotiated 50:8 223:21 neither 283:13 nerves 254:16 networking 87:14 87:16,17 never 72:9 192:2 236:24 new 38:9 52:3 69:18 69:19,19 99:18 100:15 101:1 123:7 123:9,15 124:8 169:2 175:23 185:2 201:5 256:7</p>	<p>news 17:4 18:10 103:19 181:14 182:1 newsletter 103:22 183:3,4 nfpa 28:14,17 32:3 64:21 66:8 105:15 108:17,20 109:5 111:7,16 112:17 135:14 184:8,11 194:8 199:24 200:9 200:9 201:8 238:25 239:5,15,24 240:5 241:21 242:1 279:8 nfpa's 108:7 111:25 nfta 241:12 nice 78:8 nist 88:12,19 93:6 122:8,12,13,24 123:1,14 126:17 278:2 nitsa 229:13 nods 281:16 non 131:18 188:17 nonprofessional 86:25 nonprofit 77:9 106:4 norm 74:7 111:22 normal 87:18 245:11 northwest 13:8 90:5 noted 284:8 notice 5:9 53:10 79:1 111:23 112:1 124:1,7 127:14 144:22 159:12,21 159:21 164:10 176:9 177:1,4,13,19 283:4 noticed 165:12 notified 159:5 notify 164:18 notifying 161:7</p>	<p>number 5:8 6:4 7:4 8:4 9:4 10:4 11:4 39:8 42:1 48:12 62:15 66:21 70:10 85:5 88:15 100:16 106:5 124:7 146:15 149:21 187:20 194:9,12 206:25 208:10 231:2 252:11 263:16 265:25 268:9 271:14 272:5 276:8 numbers 77:22 125:1 numerous 51:2 77:22 200:20 210:14 nw 2:18 3:6</p> <p style="text-align: center;">o</p> <p>o 61:19 o'brien 4:13 13:23 14:22 33:12 85:12 140:16,18 143:7 147:3,13 oakridge 206:7 obama 38:10 object 38:18 46:23 93:19 162:25 171:17,18 173:15 173:16 174:8 207:14 247:5 250:13 266:25 271:20 275:3 objecting 173:20 objection 15:20 16:7 19:8,13 20:3,8,17 20:22 21:22 22:7,16 23:6,13,21 24:3 25:6,24 26:9,20 27:9,21 28:3 29:13 29:25 30:8,14,20 31:13,24 32:6,13,20 32:25 33:7,17 34:2 36:4,13,20 37:15,20</p>	<p>38:14,19,25 39:6,16 40:8 41:10,17,22,25 42:4,11,20 43:4,14 44:2,10,20 45:1,16 49:10 50:12,21 51:9 52:9,16 54:7,18,23 55:10,13,19 56:4,13 56:22 59:4,14,18 61:6,12 62:7 63:1 65:12,24 66:12,17 67:3,23 68:10,21,21 69:15 70:18,23 71:7 71:13,17,23 72:5,16 73:2,20 74:15,23 75:5,13 76:1,9,25 77:17 78:3,19 79:13 79:20 80:1,7,21 81:3,13,23 82:24 87:2,8 91:12,16 92:21 93:2,17 94:20 95:8,16 97:10 98:3 98:11,16 99:2,15 103:4,15,23 104:23 106:2,24 107:5,11 107:21 108:9 109:21 112:2,22 115:4 116:1,10,25 117:13 118:7,25 120:12,21 121:18 122:4 124:14 125:11,25 126:14 127:5,23 129:8,13 130:25 131:24 132:10,24 133:19 134:17 135:4,9,24 136:24 137:5 138:1 138:18 139:2,13,23 140:9,15,20 141:6 142:10 143:3,11 144:2,10,18,25 145:6 146:8,24 147:9,21 148:2,7,12 149:1,9,23 150:7,20 150:20,21,22 152:23 153:3,6,20</p>
---	--	--	---

[objection - opposing]

154:4,21 155:3,10 155:21 156:13,19 157:5,24 158:10,17 158:22 159:1,8 160:6,15,21,24 161:11,18 163:5,19 163:24 164:6,19 165:2,8,19 166:7,15 166:24 167:4,18 168:1,15 169:9,17 170:2,11,23 171:16 172:4,12 173:3,7,21 175:15 176:4 178:3 178:13 179:18 180:4,17 181:12 182:2 184:18 185:8 185:11,20 186:6,14 186:22 187:6,16,24 189:23 191:16 192:12 196:7,20 197:1,8,19,19 198:4 198:17,23 199:14 201:11,17,23 202:10,19 203:13 203:25 204:10 206:12 207:8,20 208:3,25 209:9,23 210:20 211:16 212:17 213:8 214:22 215:8,24 216:11 217:17,23 218:13 219:14 220:7 222:10 223:3 223:18 224:2,19 225:2,10 226:8,14 227:18 228:12,19 229:8 230:22 231:7 231:13,23 232:14 233:11 234:13 235:4,14 236:5,10 236:15,22 237:4,9 237:21 238:3 239:20 240:1,16 241:5,23 242:7,15 243:15 244:3,10,18	245:14,24 246:9 247:3 248:4,18,23 249:5,22 250:1,10 251:4 252:2,6,16,25 253:11,24 254:5,19 256:2,11 257:12,22 258:19,20 259:3,13 259:21 260:5,22 262:3,13,22 263:7 263:12,18 264:8,16 264:24 265:7,15,19 266:23 267:11 268:4,22 269:3,15 270:10 272:6,14,19 273:1 274:9,24 275:16 276:1,6,12 276:19,22 277:9,25 278:12,23 279:9,18 279:25 280:11 objections 31:2,20 37:25 39:23 40:23 77:18 96:11,22,25 113:10 135:19 151:4,7 152:4,15 154:10 156:1,9,19 162:2,8,19,24 164:12 168:22 173:9,10,13 174:9 174:23 206:19 210:5 216:23 234:20 242:12 251:18 261:21 274:17 objectives 6:17 30:2 observation 171:2 observed 92:11 obvious 104:8 obviously 212:10 247:8 occasion 30:17,25 31:3 86:20 87:22 124:21 184:20 occasionally 89:17 occasions 48:18 88:13,18	occur 149:7 181:22 occurred 17:12 155:8 263:17 october 7:19 69:18 89:9 ofac 214:14 278:3 offers 227:14 office 35:21 37:9 39:18 49:22 50:1 52:3 60:15,22 61:15 61:15 86:20 90:2,3 90:7 101:16,20,22 102:1,4,5,8 183:23 183:24 277:17 278:16 279:15,20 officers 99:8 offices 101:19,25 102:10,18 official 87:9 89:17 116:12,12 148:17 151:25 168:7 236:17 264:13 officials 35:21 39:9 102:13 offset 251:11 oftentimes 260:15 oh 65:3 89:7 151:6 192:11 202:4 okay 23:18,20 25:13 34:5 45:23 46:9,23 47:2 48:9 58:5 63:21 73:14 82:2 93:25 127:16 128:3 131:3 141:20 144:14 148:11 151:9 154:17 177:25 179:4,9 190:1 191:2,24 192:18 199:22 204:5 207:14 238:18,19 239:3,10 250:14 260:25 269:25,25 old 101:2,6	older 168:12,21 169:24,25 170:3,8,9 olson 4:3 omb 38:2,7,16,20 58:1,1 65:21 66:4 66:10,10 95:24 121:4 207:19 omb's 37:14 omitting 198:21 207:11 once 14:18 71:12 86:21,22 87:4,11 108:21 142:2 276:3 one's 239:5 ones 16:8,8 29:21 53:23 89:22 157:12 157:15 235:9 255:11 272:25 ooo 13:2 open 92:13 162:11 219:19 244:21 openness 244:22 268:6 operate 255:20 operated 102:4 121:22 220:11 operating 114:13 operation 113:15 213:12 operations 42:15 55:23 56:9 60:3,7 60:10 99:10 100:21 101:8,9,12 opinion 112:9 172:15 174:5 175:5 212:18 opinions 216:13 opportunities 88:10 88:15 opportunity 32:22 87:7 242:2 opposed 150:23 212:15 213:7 opposing 115:24
--	---	--	---

[options - people]

<p>options 213:4 order 110:18 210:4 215:17 216:4,9 230:2 251:10 264:6 265:5 orders 227:16 organization 5:11 23:12,15 24:16 25:2 25:4,9 26:16,23 27:14 28:6,8,10 51:19 52:12 59:12 62:24 69:13 77:10 87:20 102:12 105:6 106:5 113:12 116:5 135:2 139:17 234:24 278:15 281:9 organizational 7:10 89:11 100:5,8 organizations 26:19 27:12,17 28:20 29:4 29:18,20 33:21 34:8 34:24 36:25 38:5 40:15 41:15 42:16 43:24 62:15 66:22 89:12 94:9,10 97:17 105:14 109:11 111:3,5,12 112:11 116:17 134:25 137:3 235:6 240:2 242:5 278:7 organized 27:19 original 21:15 originally 50:24 178:2 origination 142:18 originator 266:21 origins 267:4 ottawa 48:11 101:22 outcome 69:8 283:15 outdated 124:22 171:6 outlying 91:19</p>	<p>outreach 45:14,16 45:20 46:19,20 50:24 239:25 outside 15:13 45:2 45:21,21 46:7,21,21 47:12,21 48:1 56:5 61:4,10 62:23 130:6 140:3 144:6,7 178:12 193:6 219:8 245:11 255:14 overdoing 218:25 owns 216:18,21</p> <p style="text-align: center;">p</p> <p>p 3:13 228:17 p.m. 128:6,7 130:10 130:11 176:16,17 176:19 190:4,5 200:24,25 205:10 205:11 228:2,3 256:18,19 282:5 pace 18:19 21:1 86:7 104:14 128:17,21 145:15 146:16 147:10 148:14,22 149:14 153:8,17 166:10,13,18,21 167:2 176:7 211:3,8 211:19 220:18,24 221:4,17 251:21 252:1,12 270:25 pace's 217:1 218:19 pacific 24:22 page 7:9,16,18,20,23 8:8,12,14,18 9:8 10:11,13,17,19 12:4 12:9,14 83:3 101:4 101:5,8,9 134:16 137:22 138:7 143:2 179:11 208:16 209:13,16 217:14 217:14,15 218:5 229:25 232:12 240:14 269:18,23 270:1 272:5</p>	<p>pager 40:24,24 41:6 pages 1:25 5:10,13 5:15,17,19,21,23 6:6,9,11,14,19,21,23 7:7,12,14 8:6,10,16 8:21,23 9:6,10,12 9:14,16,18,21 10:7 10:9,15,21,23 11:6 11:8,11,14,16,19 207:4,6 238:9 271:7 284:4 paid 43:25 107:25 223:25 pane 217:3 panel 48:10 49:14 49:19 51:16 52:1 89:5,7 90:22,23,24 91:1,3,4 92:9 93:4,9 269:20 panelist 52:1 panelists 93:5 paper 231:11,15 238:16 paragraph 68:9,14 68:15 104:18 218:19 paragraphs 218:23 parallel 126:2 parallels 126:17 park 32:9 part 25:22 27:7 55:3 85:18 91:23 92:3 125:12 182:16 183:11 200:8 228:10 232:17 participant 52:6 participants 54:5 94:24 participate 28:8 96:15 220:20 246:3 266:1 278:14 participated 27:15 28:11,12 131:20 277:5 278:21</p>	<p>participates 266:17 278:11 participating 27:18 96:1,17 97:20 219:24 268:20 269:1 273:6 participation 40:17 66:5 92:18 98:5,19 110:20 250:17 273:4 particular 38:12 93:23 233:25 260:20 261:19 263:11,13 266:21 particularly 113:16 117:22 221:22 particulars 223:20 parties 179:1 227:7 partnership 50:7 parts 137:17 party 188:17 283:14 passed 102:6 116:6 259:5 pathway 73:25 74:3 74:4,13,14,19,22 pause 193:20 200:12 231:22 238:14 240:24 254:13 275:2 pay 43:19 123:12 126:19 266:2 payment 226:3 payments 27:5 265:12,17 peer 163:11 peers 244:23 pending 46:17 pennsylvania 3:6 60:24 101:18,20 people 47:12 60:23 70:3,5 98:23 105:18 105:20 112:10 134:25 152:12 162:11 165:16 186:4,12 216:2</p>
--	--	--	--

[people - posting]

218:5 234:4 245:21 255:20 267:23 percent 19:24 225:11,12,13,20 percentage 209:17 267:23 perception 117:16 117:25 176:6 perform 123:13 152:1 performance 236:24 237:3,8,11,15,18 238:2 performed 201:9 period 14:17 38:8 43:22 44:16,18 124:5 280:8 permission 74:22 257:1,10 258:10 permissions 258:1 person 43:15 47:21 48:7 52:5,7,12,22 56:1,11 59:3 61:18 76:15 80:18 101:23 213:22 216:8 245:19 275:19 278:16 personal 15:10,17 23:22 54:10 187:18 212:18 personally 114:7 163:1 174:4 204:20 254:8 279:10,13 personnel 241:12,21 persons 46:21 47:25 48:6 55:7 85:9 135:17 137:3 164:16 178:12 183:16 206:25 208:2,10 214:11,20 268:19,25 275:15 perspective 173:5 pertain 133:3,16,17 239:17	pertaining 238:2 pertains 63:15 150:15,18 201:8 peter 89:5 105:19 121:3 petre 58:13,20 61:2 84:16 129:2 195:24 196:2 229:19 258:16 259:7 260:18 275:22 276:10 278:20 petroleum 111:8 132:8 phantom 239:9 phil 85:15 100:25 208:17,18,20 218:24 219:1,1,2 228:23 229:1 phmsa 228:16,16 229:4 phone 18:16 103:8 phrased 122:6 pick 70:13 73:15,16 picked 194:23 piece 41:6 261:6 262:18 pieces 41:4,8,14 42:19 43:3 238:16 pimsa 113:13 pipelines 113:16,17 117:19 pirg 34:19 place 127:21 160:4 166:5 167:15 179:21,21 183:15 245:17 283:4 placed 123:8 placing 262:18 plaintiff 46:21 47:13 178:12 plaintiff's 47:21,22 plaintiffs 1:8 2:8 3:3 45:21 48:1 178:11 planning 115:11 152:20	play 98:20 152:6,11 245:2 played 219:17 playing 224:6 plays 162:12 please 13:16 14:1 30:23 35:16 47:9 58:3 63:23 69:22 73:11 79:11 81:11 83:11,13 94:18 120:19 136:11 150:16 168:10 171:4 173:6 190:9 194:8 197:3 201:4 205:18 206:23 207:5 211:14 248:22 249:7 260:3 271:24 272:3 273:11 pleased 218:1,6 221:19 235:12 236:20 plus 77:18 96:11 242:15 251:18 261:21 265:19 point 6:13 104:14 127:15 141:2 142:20 143:24 146:19 159:25 163:10 171:23 210:14 214:4 221:23 226:25 235:7 239:7 262:16 pointed 108:16 237:24 pointing 93:8 points 218:24 274:1 policies 55:3,7 215:4 232:1 253:7 256:25 policy 21:18 23:8 24:18 31:11 35:14 36:11 48:19 52:15 54:25 60:16 74:6 89:18 90:9,12,15 106:23 107:1	123:25 183:9 185:24 215:13 231:15 235:5 280:3 political 22:13 31:11 poor 254:22 popular 182:23 portal 223:5,9 portion 140:1 203:17 270:7 posed 66:4 232:20 position 23:11 71:10 98:24 113:1,5 116:12 125:21 173:25 174:6,10,14 174:17,18,19 236:17 248:9 positioned 111:21 positions 22:19 24:15 81:2 125:19 175:7 possessed 132:22 possession 154:25 167:8 possibilities 149:18 possibility 28:23 possible 94:14 97:17 123:3,19 124:6 160:3 186:5,12 217:19 256:7,14 262:6 263:9 281:7 possibly 85:21 87:12 113:22 114:5 115:19 229:12 post 86:9 99:12 169:7,15 172:25 195:5,8,10,13 posted 111:3 157:3 167:23 168:13,21 169:20 170:22 174:3,21 175:12 176:2 198:3 posting 143:17 155:16 156:17,25 157:23 158:16 160:19 161:2
--	---	---	--

[posting - protected]

<p>194:22 197:17 posts 172:11 173:1 potential 86:18 97:4 97:5 113:18,21 114:4 117:6 120:8 166:3,6,14,18,22 167:3,8,12 203:23 240:22 potentially 113:1 242:15 power 6:13 239:7 practice 169:4,15 practices 92:11 224:17 precluded 113:3 preferred 266:14 prelude 154:14,15 preparation 18:15 129:17,18,23 142:23 prepare 14:14 16:15 21:4 41:7 67:19 147:6 prepared 18:22 53:13 82:15,21 84:3 202:17,22 281:7 preparing 49:23 presence 97:25 98:25 167:22 168:20 175:10 176:1 present 4:12 13:15 179:4 presentation 51:2,4 82:23 83:5 91:18 239:7 269:19,21,22 269:23 270:4,9,19 presentations 93:23 presented 92:10 presenting 51:16 preserve 110:18 159:6 177:2,16 preserving 110:17 president 4:13 18:16 21:18 32:8</p>	<p>33:12 56:8 57:19 60:6,9,12 67:11 84:2 85:12,13,14,15 85:19,20,20,25 99:13,20 100:16,21 145:8,14 165:22 182:20 205:25 207:25 208:20 218:21 presidents 85:7,7 press 181:3,10,25 186:19,23,24,25 187:3,9,13 presumably 267:18 presume 264:20 pretty 104:7,7 231:8 273:25 prevent 214:16 previous 20:16 50:22 71:18 77:18 83:23 120:7 previously 51:10 102:1 183:8 227:1 245:23 price 210:13 221:23 222:17,18 226:24 227:2 prices 224:17 pricing 224:20 pride 235:24 principles 94:11 print 221:22 222:17 223:1,9,16 printed 40:25 prior 76:11 81:15,17 priorities 112:19 113:8 120:15,24 127:11,20,22 priority 121:10 private 21:24,25 91:20,24 92:4 98:6 privilege 49:3 131:5 131:10,13,15,21 189:24 198:22 200:19</p>	<p>privileged 46:5 134:19 142:1 192:19 199:4 204:13 281:3 privy 37:17 probably 15:14 33:8 53:2 70:9 86:15 91:8 99:9 108:14 111:13 146:11 269:20 280:2 problem 78:15 117:1 172:22,25 176:7 218:17 problematic 172:21 173:4,15 proceedings 193:20 200:12 231:22 238:14 240:24 254:13 275:2 process 22:2 40:15 42:13 43:8 54:5 65:21 69:3 92:14,19 92:23,25 94:24 96:17 97:20 98:1,7 99:6 124:2 151:13 161:21 162:10,11 163:9,10,12,13 164:23 219:19,25 234:3,6 244:23 245:2,5,11 246:3 251:2 253:16,22 254:3 255:15,21,25 263:2,21 264:6 265:6 267:4,21 268:7,21 269:2 273:23 274:22 produce 20:23 produced 40:10 64:18 65:19 132:21 145:12 178:22 179:2 199:25 238:23 256:23 product 16:16 73:22 74:6,9,11,20 75:3 75:15,17,19 131:18</p>	<p>188:19 198:22 production 12:8 200:21 products 151:25 243:2 professionally 86:22 87:5 professor 105:19 proficiency 266:16 profitable 209:18 program 83:2 89:13 266:14,16 programs 85:15 266:11 project 26:24 142:17 232:16 247:12 272:8,11,13 272:16,18 projects 219:5,6 promote 17:8 94:14 256:1 promoted 60:9 101:5 promoting 107:3 prompted 37:14 proofread 163:4 proper 219:23 properly 151:19 property 152:9 155:7 158:9,15 159:7 160:20 proposal 30:3 239:6 proposals 199:25 202:18 propose 29:17 proposed 79:1 124:1 124:8 126:22 proposing 124:22 234:12 propounded 284:7 protect 17:10 110:22 114:12 131:8 161:7 248:13 protected 230:19</p>
---	---	--	--

[protecting - question]

<p>protecting 17:9 152:11 protection 1:5 2:5 67:12 188:18 proud 185:21 186:3 218:4 219:16 proven 141:3 provide 32:22,24 33:3 105:16 110:12 110:21 111:10 113:2 121:23 124:10 131:4 150:5 150:7 169:23 212:5 214:5 217:25 221:20 267:8 268:25 269:21 provided 15:21 32:19 39:9 43:10,10 51:12 108:17 112:15 166:5 167:14 223:11 265:4 267:25 provides 38:3 226:20 264:14 providing 40:17 59:8,19 105:2 110:2 110:16,24 111:4 212:14,25 213:6,25 214:7 226:16 247:10 248:11 provision 112:24 113:17 215:22 provisions 115:24 116:9,24 117:12 118:3,24 120:2 public 7:22 11:13 21:25 22:13 25:15 26:23 29:10 30:4 32:8,16 34:18 40:4 40:6 42:13,18,24 43:7,8 44:6,11,17 44:18,24 45:14 46:18 47:1,4,5,6,10 47:16 50:24 60:16 79:3,5 88:10,19</p>	<p>90:9 91:20,24 92:4 98:6 105:3 106:11 107:8,15,20 108:3,8 108:17 110:13,16 110:23 111:19 112:12 113:2,25 114:18 115:22,25 116:8,23 117:17 118:3,23 120:1,17 120:21 121:5,11,24 122:22 124:4,4 129:25 135:23 136:6 144:24 145:10,25 146:7,15 148:15,24 149:13 149:16 151:16,22 152:22 153:10,15 160:2,10,18,23 161:4,7,7 164:18 167:24 168:14,21 169:1,6,10,14,24 170:22 172:22,23 172:25 173:2 180:16 182:9 183:10 184:8,16,21 184:23 185:17 186:20 187:14,22 188:10 189:8 190:18,21 191:1,15 192:6,8 198:2 202:1 202:1,5,6 208:24 210:12 212:25,25 214:1 217:25 219:10 221:21 223:2,8,25 225:25 226:10 230:2 241:4 246:8,13,21,24 247:10,18,25 248:11 249:2 250:7 250:9,23 252:15 264:15 275:12,24 276:10,18 277:23 280:19 public.resource.o 13:10</p>	<p>public.resource.org 1:10 2:10 4:16 13:20 publication 123:24 134:4 publications 18:17 19:3,7,12,25 106:13 108:2 128:21 145:9 145:14 165:22 225:13 publicly 16:3 45:18 45:25 46:3 48:6 121:15 publish 173:2 published 93:13 103:22 123:7 182:14 246:21 publishes 164:15 pull 213:24 purchase 226:23 231:11,19 purchased 210:16 purchaser 230:24 purchases 231:5 purchasing 225:5 232:2 purely 147:5 purports 163:16 purpose 69:12,12,24 79:8 189:13 213:20 214:9 217:24 272:3 272:4 purposes 21:6 93:16 94:5,15 95:7,13 96:7,10,21 97:7 141:15 177:17 179:5 276:21 pursuant 283:3 pursue 274:2 pursuing 272:23,25 pushed 178:1 put 30:4 68:25 101:2 108:4,4 113:1 113:5,25 115:21 121:10 124:4</p>	<p>127:12 137:2 146:15 149:13 151:15 153:17 222:25 228:15 229:12 247:14 putting 145:9 199:20 219:20 220:4 222:16 223:15</p>
			q
			<p>quality 110:22 151:11,13 157:13 161:21 162:10,13 219:18 255:21 quantify 70:11 147:24 148:4,6 question 21:8 24:1 30:22 37:7 39:20 44:22 46:17,18 47:19,20 50:23 51:5 53:15 57:7 58:4 63:24 75:12 76:11 76:12,13,19,20 77:14 78:7 79:10 89:8 92:2 95:13 96:6 98:24 106:4 109:16 113:7 114:20 116:3,22,23 117:1 118:9,10,18 118:23 119:5,7,12 119:14 120:3,18 122:6 127:1,13 131:2 132:6 133:6 135:25 136:3,15 137:6 144:13,15 150:24 154:14 172:18 173:17,23 175:18,23 188:24 189:1 190:8,12,17 190:18,22,23 191:3 191:4,5 197:3,11 198:16,20,24 199:2 201:3,5 204:1,12 212:18 221:7,10,14</p>

[question - recommendations]

225:6,16 226:6,12 236:4,9 239:11 246:11 247:6 248:17,22 249:1 251:15,15 257:19 261:18,18 268:9 273:9,12,14,19 277:1 questioned 48:14 questioner 198:9 questioning 189:25 questions 12:13 26:5 33:20 36:24 37:3,10 48:21 49:1 54:2 66:4 78:10,11 78:14 93:12 118:20 127:11 130:15,23 175:20 179:5,7 191:10 203:16 233:19 281:18,23 281:24,25 284:6 quick 157:9 193:22 quinn 60:14,15 64:4 90:8 233:6 279:1 quite 50:17 66:23 86:23 87:1,6,12 109:15 124:23 quotation 209:14 quote 34:3 93:21 quotes 93:22	104:6 114:20 120:18,20 123:19 123:20 133:5 150:25 151:2,8 172:6 190:8,10 194:8 201:3 216:16 217:14,15 218:1,5 218:16 247:11 254:21 255:2,5,6 260:2,4 270:13 271:3 273:9,14,21 284:4 reading 9:20 93:19 93:20 104:21,22 105:23 110:2,8,25 111:17,25 112:21 113:9 121:1 122:11 122:13,19,20,24 123:3,9,10,11 127:12,21 158:4 179:12,20,25 180:3 180:6,11,15,15,25 181:4,11,21,25 182:10,18 183:11 183:19 184:15 185:19,21 186:21 187:15 202:3 208:23 211:10,20 211:22,23 212:2,8,9 212:15 213:12,15 213:18 214:11,21 215:1,17 216:10 217:3,22,25 218:2,8 218:12,16 219:9,20 220:4 230:3,7 247:13 248:7 264:14 reads 273:19 real 17:14,14,20 114:8 151:20 205:4 210:7,10 really 46:8 99:6 154:5 157:19 158:14,21 159:25 244:2 273:22	reason 31:16,19,21 36:16 37:13,18,19 38:12 204:5,8 205:4 214:2 216:7 reasonable 40:18 108:3 112:14 149:15 214:15 221:23 224:9 reasonably 108:13 121:7 reasons 262:6 recall 16:23 18:8 19:5,9,20 20:24 21:2,10 24:25 26:3 27:14,17 28:19,24 29:1,11,20,22 30:9 31:3,5,9,15,25 32:2 32:4 33:1,4,4,18 35:24 36:14 37:6 39:17 43:5 48:9,18 48:24,25 49:7,12 52:3,12 61:25 66:14 66:18,20 67:1,20,21 71:10,12 87:24 88:8 88:9,11,24,25 89:3 89:21,24 90:1,21 91:1,9,18 93:4,9,12 102:25 103:7 111:11 116:11,19 117:14 129:20 132:15,19 136:14 137:12 145:22 146:18 166:12,13 166:16 177:20,22 177:23 181:5,23 183:14 184:4,19,22 185:1,3 187:13 190:21 195:10,12 195:15 213:9 214:23 215:23 216:2 239:14 241:9 241:11 242:9,17 245:7 252:3,5,9,11 254:18 255:11 261:11 262:8	263:11,13 278:3,22 278:24 279:5 receipt 56:20 receive 23:2,4 177:4 177:13 181:16 266:12 received 142:18 177:1,19 185:24 194:18 195:23 200:5 202:24 218:7 222:15 242:22 264:18,22,25 receiving 48:7 55:17 56:2 239:14 recess 18:3 46:12 82:5 128:6 130:10 176:16 190:4 200:24 205:10 228:2 256:18 recipient 84:8 211:13,14 recipients 211:4 recognition 187:9 recognize 53:9 57:4 63:19 64:1 74:19 82:14,18,20 83:16 83:18 103:13,16 134:11 138:6 199:11 200:1,3 207:17 240:10 269:11 271:11 recognized 29:4 33:21 259:7 recollection 26:1 27:11 66:16 82:25 93:10 107:24 142:21 176:24 192:18 203:8 215:3 270:6,17 recommendation 125:9 recommendations 64:11,12 86:19 209:6
r			
r 13:10 283:1 radical 193:11 raise 29:5 33:22 36:11,16 raises 255:16 raising 36:23 211:19 randy 281:11,12 rarely 125:19 278:14 reach 244:24 263:24 read 58:3 63:20 66:21,23 79:10,12 94:18,19 95:12			

[recommending - remind]

<p>recommending 212:3 213:3 record 13:17 17:24 18:2,6 46:9,10,14 47:9 79:12 82:3,8 94:19 120:20 128:4 128:8 130:7,8,13 151:2,8 176:14,18 190:2,6,10 193:18 194:8,12 200:22 201:1 205:7,8,12 227:25 228:5 255:6 256:17,20 260:4 273:21 282:3 283:12 recorded 283:8 records 50:1 131:5 184:1 207:19 recoup 222:22 recyclable 70:9 redacted 130:17 136:9 176:23 240:14,18 redaction 136:16 137:4 refer 21:21 22:4 74:3 85:4,10 129:7 138:19 161:14 208:22 218:21 219:1 221:3,13 228:22 232:12 reference 11:12 31:12 36:12,15 40:5 44:9 64:13 70:17 72:9,11,25 73:5,9 73:13,15,19,23,25 74:1,14,18 75:11,13 75:16,21 77:7,8,21 77:21 86:19 97:2,9 102:16 104:19 105:4 121:6,13,17 121:25 122:16,17 122:17 123:8,18 124:13,19 125:4,10 125:18,24 126:3,4,8</p>	<p>126:12,13 127:3,4 133:4,18,24 137:25 140:8 169:8,16,21 170:1,10,19 179:23 182:12 209:14 213:1 219:11,21 224:14,18,22 225:1 227:3,15,17 228:16 229:4,13 230:3,8 231:19,20 232:2,3 232:13,23 233:1 235:3,13,18 236:21 237:17,20 246:23 247:1,11,19 248:2 248:12 249:3 250:8 250:25 256:10 259:12,19 260:1 261:2,6 262:2,8,12 264:7 267:10,15 268:3 referenced 113:12 125:1 232:25 281:8 references 203:14 259:7 referencing 124:25 126:23 141:11 171:20 193:13 238:4 referred 33:25 42:25 43:3 67:22 68:7 83:2 89:2 91:25 92:5 95:5 101:20 109:4 113:17 130:15 138:13 198:12 234:1 239:18,18 255:9 259:6 referring 25:14 27:2 33:25 42:24 49:17 51:20,25 63:13 67:24 86:9 92:19 95:9 109:20 110:25 114:24 138:3 217:8 234:7 246:20 267:13</p>	<p>refers 22:5 83:25 139:9 143:10 reflect 42:15 69:5 97:21 270:8 reflected 270:1 refresh 17:5 93:10 176:24 255:4 refreshed 89:6 refreshing 69:11 refrigerating 1:7 2:7 refuse 47:15 regarding 40:4,4,5 46:4 65:20 66:10 130:15 131:9 138:14,25 139:21 150:8 189:22 198:7 200:10 207:19 209:5 227:7 240:21 256:24 257:10 260:21 261:19 register 50:2 123:20 123:22 183:25 213:14,17 214:25 regular 123:20 regulates 113:15 regulation 24:9 71:22 72:15 73:1 78:18 79:4,5,8 263:6,25 regulations 6:12 59:20 75:18,22,25 76:24 77:6,16 78:1 78:2,5 79:22 80:5 105:5 121:25 126:5 171:1 regulatory 58:25 64:14 93:16 94:5,15 94:25,25 95:6,13,18 96:6,10,20 97:7 170:25 rehn 4:4 194:7,7,11 281:25 reiterate 245:10</p>	<p>relate 65:9 136:1 239:23 251:14 related 1:12 2:12 42:22 44:8 48:13 51:8 73:16 75:18 87:12 88:13 102:16 109:25 243:2 266:18 relates 133:10 141:18 relating 27:16 31:11 45:15 46:19 50:24 51:6 115:24 255:13 relation 56:17 139:1 277:16 relations 42:24 44:6 44:7,17,18,24 45:14 46:19 50:24 130:1 139:19 140:4,8,10 140:14,19,23 142:4 142:9 183:10 239:24 relationship 87:18 133:22 165:17 221:19 223:7,20 relayed 178:11 233:9 release 187:1 releases 186:19,24 186:24 187:3,9,13 relevance 41:7 relevant 38:7 48:12 49:8,10,16,17 50:11 50:12,19 51:2,3,4 110:22 131:16 219:18 relied 235:25 rely 123:13 157:13 relying 110:13 remaining 270:7 remember 82:16 93:21 145:17 173:9 191:22 278:13 remind 25:17</p>
--	--	--	--

[remotely - reviewed]

<p>remotely 13:16 remove 232:19 removing 237:12 remuneration 226:17,20 renewals 56:21 renewed 195:9 repeat 53:20 63:23 92:2 133:14 170:5 197:3 rephrase 120:23 replace 130:17 replicated 162:14 replied 243:23 replying 233:22 report 59:23 60:11 60:18,25 61:2,4,10 80:20 100:20,24 182:13 209:15 reported 1:22 50:5 84:17 129:3 reporter 13:25 17:15 53:3 90:14,17 184:23,25 185:2,4 194:11 reporting 100:17 reports 16:3 17:1 18:10 56:8,12 60:12 60:20,25 61:14 146:16 represent 87:10 239:8 269:13 representation 136:4 209:21 representative 14:24 15:2 21:16 28:17 52:25 59:13 62:3,6 102:5 141:15 150:4 153:5,25 representatives 22:18 28:14 29:3 33:21 34:15 35:18 48:13 49:16 51:21 51:24 53:1 92:23 108:20 109:10</p>	<p>278:7 represented 248:8,9 263:3 representing 13:19 represents 88:21 272:8 reproduced 159:14 reps 273:5 republic 185:2 reputation 151:21 164:25 165:6,13 request 12:8 16:12 30:3 86:20 188:1,13 199:25 202:17 256:25 257:10 258:10 260:19,20 261:18 280:13 requested 33:5 49:9 require 126:18 134:18 137:4,7 178:4 193:10 215:6 218:5 required 54:12 requirements 80:5 requires 188:11 requiring 214:2 216:2 research 34:18,24 108:1 reserve 136:14 271:3 resource 35:2 40:4 121:19 135:23 136:6 144:24 145:25 146:7 152:22 160:2,10,18 160:23 161:8 167:24 168:14,21 169:6 170:22 172:22,25 173:2 192:8 198:2 241:4 275:12,25 276:11 277:23 280:19 resource's 169:10 169:15 187:23</p>	<p>188:10 189:8 190:18,21 191:1,15 192:6 276:18 resources 180:6 211:21 respect 15:2 19:12 26:18 27:20 29:2,12 29:23 32:5 36:2 48:3 49:3 50:19 53:16 65:10 111:16 173:15 189:9,24 196:17 221:4 235:8 281:2 respected 235:19 respective 28:20 66:10 respond 118:9 responders 111:20 221:22 222:21 224:7 responding 49:1 53:21 258:9 response 53:19 62:5 62:18,18,22 66:3 198:16,20 228:25 229:7 256:25 responsibilities 100:23 responsibility 99:22 responsible 54:15 60:21,22 79:3,17 85:6 104:20,22 258:1 280:3 responsive 47:17 131:16 276:25 rest 238:18 restate 30:22 177:10 197:11 204:22 restaurant 277:13 restrictions 214:14 214:19 278:4 result 241:6 resulted 123:24 resulting 108:2 158:15</p>	<p>results 92:14 retain 202:7,9,14 retained 26:8,12 36:3 44:25 131:22 132:9 202:16 retaining 29:24 248:12 retention 132:1 239:17 retentions 132:4 retreat 67:25 return 5:11 reveal 16:16 132:1 revenue 19:3,7,12 19:25 20:14,15,16 20:20 57:5 145:10 145:24 146:6 225:11,12,20 265:22,24 266:19 revenues 18:22 144:4 153:18 154:2 154:19 review 15:9,19,23 16:2,6 17:2 18:21 19:2,6 33:6,16 37:9 37:14 38:21 82:16 86:18 113:25 115:22 121:5 122:22 124:4,5 129:18 142:23 163:11 213:3 reviewed 15:7 16:11 16:13,15,18 17:1 18:9 33:4 57:8 58:6 58:15 61:24 63:22 63:24 66:2 67:14,18 82:17 83:14,17 84:11,19,24 100:2 104:9 128:18 129:4 129:22,24 132:17 133:7,12 134:12 142:16,19 194:2,6 195:25 200:2,17 208:13 211:5 220:21 230:14</p>
---	---	---	--

[reviewed - scope]

238:10,20 240:11 243:9 258:11,18 270:15 271:9 reviewing 15:12 183:1 198:11 200:15 reviews 163:15 237:15,18 revise 49:23 69:7,7 revised 38:2,8 169:2 267:19 revising 267:21 revision 268:20 269:1 rfp 32:17,19 201:19 202:15 ridiculous 273:18 right 17:3,16 24:22 30:1 31:7 38:1 45:10 62:11 66:11 67:1 68:16 74:16 76:16 88:25 95:11 98:17 101:7 104:13 105:2 110:10 111:1 116:11 118:11 136:14 159:22 160:5 176:13 178:21 185:7 186:5 189:1 190:16 192:3 193:7 207:7 212:25 222:1 227:11 229:2 229:6,11 233:13 255:2 266:9 271:3 281:15 rights 55:9 rigorous 161:21 162:9 163:9 255:21 risk 151:20 rmr 1:23 2:21 283:19 rob 143:13 robert 28:17 robust 94:7 151:12 roger 205:25 206:3	role 17:8 60:8 98:20 115:7 139:19 141:14 152:6,11 162:12 208:19 219:17 224:6 roles 62:12 room 9:20 13:16 70:6 104:21,22 105:23 110:3,8,25 111:17,25 112:21 113:9 121:1 122:11 122:13,19,20,24 123:3,9,10,12 127:12,21 179:12 179:20,25 180:3,6 180:12,15,16,25 181:4,11,21,25 182:10,18 183:11 183:20 184:15 185:19,22 186:21 187:15 208:23 211:10,20,22,23 212:2,8,9,16 213:12 213:15,18 214:11 214:21 215:1,17 216:10 217:22,25 218:2,8,12,16 219:9 219:20 220:5 230:4 230:7 247:13 248:7 264:14 roughly 19:16 176:24 rows 151:18 rubel 14:21 rule 1:15 2:15 123:6 123:7,23 124:2,5 126:22 rule's 124:8 rulemaking 79:1 124:8 rulemakings 113:4 123:16 rules 59:20 268:25 run 205:4 266:16	running 180:12 247:13 266:14 s s 5:6 6:2 7:2 8:2 9:2 10:2 11:2 85:22,23 143:9 228:17 safe 74:11 97:16 113:15 safely 114:13 117:20 safety 17:11 73:16 73:22 74:1,6,10 75:3,15,17,19 113:15 152:7 159:6 243:2 sale 19:3 225:13,14 225:21,23 226:6 251:22 sales 18:17 19:17,22 19:25 85:25 145:8 145:14 148:9,11,19 149:6,18,21 153:11 165:22 221:18 223:21 225:24,25 226:10,12 san 3:17 4:7 sara 61:19 sarah 58:13,18,20 61:2 84:16 129:2 195:24 196:2 229:19 258:16 259:6 275:22 278:20 save 223:9 saying 16:25 42:18 45:17 126:22 137:20 139:9 140:7 180:11 200:6 207:9 229:3 234:10 257:19 264:5,11 says 141:2 217:2 218:20,23 220:24 233:16,16 scale 274:6	scaled 273:24 274:13,15 scholars 121:3 science 22:13 23:7 34:25 81:25 107:15 107:17 123:12 scientific 23:4 scientist 23:8 scope 34:11 45:2 54:8 55:14,20 56:5 56:13,23 59:5 63:2 65:25 67:4 94:21 97:11 99:16 102:17 103:5,23 107:22 108:10 130:2 132:25 135:10 140:4,21 141:23 156:3 157:5,25 158:11,18 159:8 160:7,25 161:12,18 163:25 164:7,20 165:3 174:7 186:7 187:6,16 188:4 192:13 196:21,22 197:20 198:5 201:11,18,23 202:11,19 206:13 208:4 209:24 210:21 211:17 212:21 215:9 219:15 220:8 224:3 228:19 229:8 237:4 237:9,21 241:23 242:8 243:16 244:3 244:10 245:15,24 246:10 247:4 250:2 250:11,12 252:17 253:1,12,25 254:6 254:20 256:2,11 257:13,15 260:6,22 262:3,22 263:7,19 268:4 269:16 270:11 272:6,15,19 274:9 275:16 276:1 276:12,23 279:9,18
---	---	---	---