

**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,

Plaintiffs/Counter-defendants,

v.

PUBLIC.RESOURCE.ORG, INC.,

Defendant/Counterclaimant.

Case No. 1:13-cv-01215-TSC-DAR

**DECLARATION OF KATHLEEN LU
IN SUPPORT OF DEFENDANT-
COUNTERCLAIMANT
PUBLIC.RESOURCE.ORG, INC.'S
MOTION TO STRIKE JAROSZ
REPORT**

Action Filed: August 6, 2013

I, Kathleen Lu, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney admitted to practice in the State of California and am an associate with the law firm of Fenwick & West LLP, counsel of record for Defendant-Counterclaimant Public.Resource.Org, Inc.

2. Attached as **Exhibit 1** is a true and correct copy of deposition excerpts from the testimony of John C. Jarosz, dated August 27, 2015.

3. Attached as **Exhibit 2** is a true and correct copy of deposition excerpts from the testimony of Jeffrey Grove, Rule 30(b)(6) representative for Plaintiff ASTM International, dated March 4, 2015.

4. Attached as **Exhibit 3** is a true and correct copy of an email from nfpa@e.nfpa.org, entitled "Be confident your electrical work complies with California law," dated June 16, 2015.

5. Attached as **Exhibit 4** is a true and correct copy of a document produced by ASHRAE entitled, "Sales Report by Customer Type," with document production Bates number ASHRAE0029540, dated July 2, 1998.

6. Attached as **Exhibit 5** is a true and correct copy of documents produced by Mr. Jarosz with document production Bates numbered pages JAROSZ03736-03764, purporting to be Standards Incorporated by Reference (SIBR) database search results.

7. Attached as **Exhibit 6** is a true and correct copy of a document produced by ASTM entitled, "ASTM International – 2014 Expense Categorization," with document production Bates number ASTM103230–103231.

8. Attached as **Exhibit 7** is a true and correct copy of deposition excerpts from the testimony of Carl Malamud, dated February 26, 2015.

9. Attached as **Exhibit 8** is a true and correct copy of a document produced by NFPA entitled, "NFPA Publication Sales, 2009 to 2013," with document production Bates number NFPA-PR0038555.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 21st day of December, 2015 at Columbia, SC.

/s/ Kathleen Lu
Kathleen Lu