

**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,

v.

PUBLIC.RESOURCE.ORG, INC.,

Defendant.

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PUBLIC.RESOURCE.ORG, INC.,

Counterclaimant,

v.

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.

Counterdefendants.

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

**JOINT STATUS REPORT ON  
OUTSTANDING ISSUES RAISED IN  
PUBLIC RESOURCE'S MOTION TO  
COMPEL DISCOVERY**

Filed: August 6, 2013

## **STATUS REPORT**

Plaintiffs National Fire Protection Association, Inc. (“NFPA”) and American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc. (“ASHRAE”) and Defendant Public.Resource.Org, Inc. (“Public Resource”), jointly submit this status report in response to the Court’s direction at the last hearing. This report outlines the status of the productions that were still in dispute at the last hearing.

Counsel for Plaintiffs have authorized counsel for Defendant to file this without their signatures but with their express permission.

### **ASHRAE**

At the last hearing, ASHRAE represented that it would produce assignment forms and lists of persons who signed those forms. In particular, for pre-2010 forms, ASHRAE represented it would produce lists of project committee members because ASHRAE did not have other lists of signees readily available. Since the hearing, ASHRAE has made several productions of documents, including on December 29, 2014 and January 9, 2015. ASHRAE represents that with its most recent January 9, 2015 production, its production is complete with regard to all outstanding requests for production. Public Resource is still in the process of reviewing ASHRAE’s productions. The parties expect to update the Court on Thursday, January 15, 2015, on the status of this production and whether the parties believe any assignment or membership document issues remain outstanding.

### **NFPA**

At the last hearing, the Court denied Public Resource’s motion without prejudice, provided that NFPA make its standards development records available for Public Resource to inspect and locate the assignment forms contained therein. Since that time, in accordance with the Court’s order, NFPA has gathered its standards development records for the standards at issue, and the parties have conferred to arrange logistics for inspecting the records to identify and copy the assignment forms.

There are approximately 120 boxes containing the standards development records for the standards at issue. NFPA has offered to identify the folders within the standards development records containing assignment forms, which NFPA estimates would fill fewer than 50 boxes, and is doing so. Public Resource has proposed that NFPA furnish those folders to a third-party vendor who will, at Public Resource's cost, scan the contents of those folders and deliver the scans to Public Resource. NFPA disagrees with permitting its paper records to be taken offsite by a third-party vendor, but has offered to have its own copy center reproduce the files at Public Resource's cost. The parties are still discussing the logistics of whether NFPA's copy center can reproduce the files at a reasonable cost commensurate with outside rates, as well as the format in which NFPA's copy center can deliver the documents. The parties expect to have more information on this issue at the conference on Thursday, January 15, 2015.

NFPA also has 20 rolls of microfilm that contain records of the standards development process for some of the standards at issue. NFPA has ascertained that 11 of these microfilm rolls contain assignment forms. NFPA and Public Resource have agreed that NFPA will furnish those 11 microfilm rolls to a vendor who will, at Public Resource's cost, scan the contents of the rolls and deliver the scans to Public Resource. The parties are working on the logistics of this delivery.

January 12, 2015

Respectfully submitted,

/s/ Andrew P. Bridges  
Andrew P. Bridges

Counsel for Defendant (with express permission of  
counsel for NFPA and ASHRAE)