UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN SOCIETY FOR TESTING AND MATERIALS d/b/a ASTM INTERNATIONAL, et al.,

Plaintiffs,

v.

PUBLIC.RESOURCE.ORG,INC.,

Defendant.

Civil Action No. 13-1215
KBJ/DAR

PUBLIC.RESOURCE.ORG.INC.,

Counterclaimant,

v.

AMERICAN SOCIETY FOR TESTING AND MATERIALS d/b/a ASTM INTERNATIONAL, et al.,

Counterdefendants.

ORDER

Plaintiffs' Emergency Motion for Protective Order and Request for Expedited Briefing Schedule (Document No. 86) is pending for determination by the undersigned. Upon consideration of the motion; Defendant/Counterclaim Plaintiff's Opposition (Document No. 91); Plaintiffs/Counterclaim Defendant's Reply (Document No. 98); the arguments of counsel on March 19, 2015, and the entire record herein, the motion is determined as follows:

Plaintiffs' Request for Expedited Briefing Schedule is **DENIED AS MOOT.** *See* 03/23/2015 Minute Entry.

Plaintiffs' Motion for Protective Order "confirming" that Plaintiffs need not produce Rule 30(b)(6) witnesses to testify regarding (1) the assignments of copyrights by Plaintiffs' members; (2) Plaintiffs' chain of title of copyright ownership for the standards at issue; and (3) the assignors' authority to assign any copyrights to Plaintiffs is **DENIED**, because Plaintiffs have not shown good cause for limiting discovery.

The scope of discovery in civil actions is broad, allowing for discovery regarding any nonprivileged matter that is relevant to a claim or defense, including material inadmissible at trial but reasonably likely to lead to admissible evidence. *See* Fed. R. Civ. P. 26(b)(1); *Lurensky v. Wellinghoff*, 258 F.R.D. 27, 29 (D.D.C. 2009). Trial courts are afforded considerable discretion in managing the discovery process. *Lurensky*, 258 F.R.D. at 29 (citing *Tequila Centinela, S.A. de C.V. v. Bacardi & Co. Ltd.*, 247 F.R.D. 198, 201 (D.D.C. 2008)). Under Rule 26, a district court can intervene to limit the scope of discovery by issuing a protective order if, for example, the discovery sought will be unreasonably cumulative or duplicative or unduly burdensome. Fed. R. Civ. P. 26(b)(2)(C). "The movant must show good cause for the proposed limitation of discovery, including specific, articulable facts and not merely speculative or conclusory statements." *Lurensky*, 258 F.R.D. at 30 (citations omitted).

The undersigned observes that Plaintiffs' primary objection to the scope of the proposed 30 (b)(6) depositions is that the discovery sought would not be admissible at trial as a defense to a claim of alleged copyright infringement. However, the undersigned finds that the argument regarding admissibility is not sufficient to demonstrate good cause for precluding the discovery. Fed. R. Civ. P. 26(b)(1) ("Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence.") The

undersigned further finds, with respect to Plaintiffs' argument that the proposed discovery is burdensome, that Plaintiffs' have failed to demonstrate "undue burden" in accordance with this Court's standard. *Lurensky*, 258 F.R.D. at 30 ("Absent a specific articulation of facts supporting its conclusion that the [defendant's] request is unreasonably cumulative, duplicative, or burdensome, the [plaintiff] has not proffered the required good cause to support the issuance of a protective order.")

For all the foregoing reasons, it is this 22nd day of June, 2015,

ORDERED that Plaintiffs' Emergency Motion for Protective Order and Request for Expedited Briefing Schedule (Document No. 86) is **DENIED**; and it is

FURTHER OREDERED that the Rule 30(b)(6) depositions shall be completed by no later than July 7, 2015.

/s/
DEBORAH A. ROBINSON
United States Magistrate Judge