

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<p>AMERICAN SOCIETY FOR TESTING AND MATERIALS d/b/a/ ASTM INTERNATIONAL;</p> <p>NATIONAL FIRE PROTECTION ASSOCIATION, INC.; and</p> <p>AMERICAN SOCIETY OF HEATING, REFRIGERATING, AND AIR CONDITIONING ENGINEERS,</p> <p style="text-align: right;">Plaintiffs/ Counter-Defendants,</p> <p>v.</p> <p>PUBLIC.RESOURCE.ORG, INC.,</p> <p style="text-align: right;">Defendant/ Counter-Plaintiff.</p>	<p>Case No. 1:13-cv-01215-TSC-DAR</p>
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**REQUEST FOR HEARING**

Plaintiffs 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 (collectively, “Plaintiffs”) respectfully request that the Court schedule a hearing to set a schedule for briefing summary judgment motions.

This case has been pending since August 2013. Fact discovery was completed in April 2015, and expert discovery concluded on August 30, 2015.<sup>1</sup> Since September 15, 2015, Plaintiffs have attempted to work with Defendant to set a reasonable schedule for summary judgment briefing that will allow for the speedy determination of this action. The parties have met and conferred multiple times and had initially agreed on a schedule that would allow all

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<sup>1</sup> The final expert deposition occurred on August 27, 2015, when Defendant deposed Plaintiff’s economic expert. On August 30, 2015, Defendant informed Plaintiffs that it did not intend to offer a rebuttal economic expert, which ensured that all expert discovery was then complete in the case.

briefing to be concluded before the end of 2015. However, Defendant has recently taken the position that briefing in this matter must extend into March of next year because Defendant will also be briefing summary judgment motions in another case, *American Educational Research Association, Inc. et al. v. Public.Resource.Org, Inc.*, Civil Action No. 1:14-cv-00857-TSC.

Because Defendant is now unwilling to agree to a schedule in which the briefing is completed earlier than March 2016, the parties have reached an impasse. Due to Defendant's position regarding the *AERA* case, Plaintiffs believe it may be beneficial for the hearing to also include the *AERA* Plaintiffs. Because this case has been ready for summary judgment briefing for several months and Defendant has already succeeded in delaying the process, Plaintiffs request that the Court schedule a hearing at its earliest convenience.

Dated: October 27, 2015

Respectfully submitted,

/s/ Jordana Rubel

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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Request for Hearing was served this 27th day of October, 2015 via CM/ECF upon the following:

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