

**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-Counterdefendants,
v.
PUBLIC.RESOURCE.ORG, INC.,
Defendant-Counterclaimant.

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

**DEFENDANT-COUNTERCLAIMANT
PUBLIC.RESOURCE.ORG'S MOTION
TO STRIKE JAROSZ REPORT
(EXHIBIT 1 TO DECLARATION OF
JORDANA RUBEL)**

Action Filed: August 6, 2013

Defendant/Counter-Claimant Public.Resource.Org, Inc. ("Public Resource") respectfully objects to and moves to strike Exhibit 1 to the Declaration of Jordana Rubel in support of Plaintiffs' Motion for Summary Judgment and Permanent Injunction.

As described in the attached Memorandum of Law in Support Of Defendant's Motion to Strike, John C. Jarosz is not qualified to testify on the matters contained in the report under the standards of Federal Rule of Evidence 702 and *Daubert*. Mr. Jarosz's opinions further rest uncritically on statements from Plaintiffs' agents, invade the province of the court, and rest on unsupported assumptions, facts, and methods. For that reason, Mr. Jarosz's report should be stricken from the record, along with all citations to and quotations of that report in Plaintiffs' Motion for Summary Judgment and Permanent Injunction and supporting papers.

Public Resource requests an oral hearing on this motion.

This motion is based on the enclosed Memorandum of Points & Authorities, the Declaration of Kathleen Lu and the exhibits attached thereto, Public Resource's proposed order, the pleadings and papers on file herein, and any further material and argument presented to the Court at the time of the hearing.

Dated: December 21, 2015

Respectfully submitted,

/s/ Andrew P. Bridges

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