

# EXHIBIT 2

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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, INC.

Plaintiffs, CIVIL ACTION FILE

vs. NO. 1:13-CV-01215-EGS

PUBLIC.RESOURCE.ORG, INC.,

Defendant.

30(b)(6) VIDEOTAPED DEPOSITION OF

STEVEN COMSTOCK

March 5, 2015

10:20 a.m.

1075 Peachtree Street

Suite 3625

Atlanta, Georgia 30309

Lee Ann Barnes, CCR-1852, RPR, CRR

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1 A. The -- the -- the concerns that -- that --  
 2 that ASHRAE has is to be able to maintain control  
 3 over its -- its document for how it's -- it's used  
 4 and distributed in the market in accordance with  
 5 its -- with its terms.  
 6 Whether there's a specific harm that's been  
 7 seen from PR -- from the case at hand, I can't speak  
 8 to that. But in -- in principle, the -- the  
 9 organization sees harm if -- if it -- if -- if its  
 10 documents are not able to be maintained.  
 11 Q. And apart from that, has ASHRAE detected  
 12 any harms, financially or otherwise, to itself  
 13 arising from any acts, omissions, or operations of  
 14 Public Resource?  
 15 A. I -- I've got no evidence. I have not seen  
 16 cases of that.  
 17 Q. Again, this overlaps a little bit with some  
 18 earlier questions.  
 19 What -- what are all the factors that you  
 20 understand ASHRAE considered in deciding to provide  
 21 free viewing to ASHRAE's standards?  
 22 A. I was the one who actually launched that  
 23 effort, and it was -- so much of what we do is a  
 24 balance between trying to assist our members, trying  
 25 to help provide a better explanation of the

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1 technology, and allowing our -- our business model  
 2 to -- to -- to be supported. So it was a combination  
 3 of those things.  
 4 Number one was to -- in -- in theory, when  
 5 we first decided to move in that direction, it was so  
 6 that our members could see a document and be able to  
 7 determine if they wished to buy it or not. So they  
 8 had some familiarity that, yes, this is a document  
 9 that would be worthwhile for us to have, and then --  
 10 then to be able to build into that that notion that  
 11 then it's going to lead to a sale.  
 12 And then there are -- our mission statement  
 13 means that we are to advance technology, so then the  
 14 third element would be to make it available to other  
 15 people who would have an interest in -- in looking at  
 16 the standard, but -- but would not be an engineer or  
 17 part of the engineering community, so wouldn't need  
 18 the technical depth of the -- the document as a  
 19 working tool.  
 20 So it's those three factors that went into  
 21 our decision to create the -- the free viewing,  
 22 which, again, I'm -- I can't recall the exact year,  
 23 but it's -- it's 15 years ago, maybe even a little  
 24 bit longer than that.  
 25 Q. How do the standards func- -- strike that.

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1 How do ASHRAE's standards function as  
 2 working tools for persons who are part of the  
 3 engineering community?  
 4 A. ASHRAE's stan- -- they -- they provide a --  
 5 well, many of the standards are method of test, so  
 6 they provide methods of testing equipment so that  
 7 equipment can be measured -- can be compared with  
 8 similar levels of performance.  
 9 Our -- some of the standards set  
 10 definitions of refrigerants and classify those  
 11 refrigerants in terms of their flammability, in terms  
 12 of their toxicity, different characteristics.  
 13 And then you have a third type of standard,  
 14 which is a design standard, which actually provides  
 15 guidance that says, "You shall have a -- your design  
 16 shall do this in these circumstances."  
 17 Q. And as you just mentioned, does that  
 18 guidance take the form of specific requirements that  
 19 are specified in the standard?  
 20 A. It says "shall."  
 21 Q. So that answer's yes?  
 22 A. Yes.  
 23 Q. Were there any other factors involved in  
 24 the decision to provide free viewing of ASHRAE's  
 25 standards?

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1 A. No. Those three factors were the -- that  
 2 was the -- the -- the thrust of our initiative.  
 3 Q. Are there any protocols or procedures at  
 4 ASHRAE governing the granting of licenses or  
 5 permission requests to anyone outside the  
 6 organization? And you can limit your answer to  
 7 standards.  
 8 A. Typically, the factors that would be  
 9 considered would be amount of content that's to be  
 10 used. Typically, we would want it to be less than  
 11 33 percent of a standard. That's not a hard and fast  
 12 rule, but that's a general guideline that my  
 13 assistant has.  
 14 We would look at what the use is. If it's  
 15 a classroom use, that's one thing; if it's posting it  
 16 on the Internet, that's another thing; if it's a  
 17 company brochure, that's another thing. So it's --  
 18 it's -- it's how the distribution will be done and --  
 19 and who is doing it, for example, a company, as  
 20 opposed to an educator.  
 21 Then there would also be the -- you know,  
 22 our expectation that the -- the -- the -- that there  
 23 be a citation so that the doc- -- the document is  
 24 sourced. And in that particular case, it would be  
 25 reprinted as it is unless it's specified that it

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1 CERTIFICATE  
2  
3  
4 STATE OF GEORGIA:  
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6 COUNTY OF FULTON:  
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8 I hereby certify that the foregoing transcript was  
9 taken down, as stated in the caption, and the  
10 questions and answers thereto were reduced to  
11 typewriting under my direction; that the foregoing  
12 pages represent a true, complete, and correct  
13 transcript of the evidence given upon said hearing,  
14 and I further certify that I am not of kin or counsel  
15 to the parties in the case; am not in the regular  
16 employ of counsel for any of said parties; nor am I  
17 in anywise interested in the result of said case.  
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*Lee Ann Barnes*  
LEE ANN BARNES, CCR B-1852, RPR, CRR

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1 DEPOSITION ERRATA SHEET  
2  
3 Our Assignment No. 2023730  
4 Case Caption: AMERICAN SOCIETY FOR TESTING  
5 AND MATERIALS d/b/a ASTM INTERNATIONAL, et al. vs.  
6 PUBLIC.RESOURCE.ORG, INC.  
7  
8 DECLARATION UNDER PENALTY OF PERJURY  
9 I declare under penalty of perjury  
10 that I have read the entire transcript of  
11 my Deposition taken in the captioned matter  
12 or the same has been read to me, and  
13 the same is true and accurate, save and  
14 except for changes and/or corrections, if  
15 any, as indicated by me on the DEPOSITION  
16 ERRATA SHEET hereof, with the understanding  
17 that I offer these changes as if still under  
18 oath.  
19 Signed on the \_\_\_\_\_ day of  
20 \_\_\_\_\_, 20\_\_\_\_.  
21  
22 \_\_\_\_\_  
23 STEVEN COMSTOCK  
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