

EXHIBIT 3

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Civil Action No. 1:13-cv-01215-TSC

AMERICAN SOCIETY FOR)
TESTING AND MATERIALS,)
d/b/a ASTM INTERNATIONAL;)
NATIONAL FIRE PROTECTION)
ASSOCIATION, INC.; and)
AMERICAN SOCIETY OF)
HEATING, REFRIGERATION AND)
AIR CONDITIONING ENGINEERS,)
Plaintiffs and)
Counter-Defendants,)
vs.)
PUBLIC.RESOURCE.ORG, INC.,)
Defendant and)
Counter-Plaintiff.

VIDEOTAPED 30(b)(6) DEPOSITION
OF DONALD P. BLISS, taken before Jeanette
N. Maracas, Registered Professional Reporter
and Notary Public in and for the Commonwealth
of Massachusetts, at 42 Chauncy Street, Boston,
Massachusetts, on Tuesday, March 3, 2015,
commencing at 9:10 a.m.

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1 A. That's the standard for criteria for 12:30:10
2 conducting an origin and cause investigation 12:30:17
3 at a fire scene, guidance on the preservation 12:30:21
4 of evidence, preparation of reports, 12:30:23
5 determining the source or origin of a fire. 12:30:28
6 Q. It set out some method for them to bring 12:30:37
7 to their investigation of the fire? 12:30:39
8 A. Yes. 12:30:44
9 Q. Can you explain to me with some examples 12:30:44
10 perhaps how NFPA 921 contributed to the 12:31:00
11 activities of the fire investigation? 12:31:15
12 MR. REHN: Object as to form. It's 12:31:21
13 pretty vague. 12:31:24
14 A. One of the things that it provided was 12:31:30
15 consistency with how all of our fire 12:31:37
16 investigations were performed because it's 12:31:41
17 a standard or best practice to ensure that 12:31:45
18 the key elements of an investigation were 12:31:55
19 adhered to consistent with their training, 12:31:58
20 their education, their knowledge. 12:32:02
21 Q. So it provided a consistent process for 12:32:04
22 the fire investigators to follow in their 12:32:07
23 investigations? 12:32:09
24 A. Yes. 12:32:11
25 MR. REHN: Object as to form. 12:32:11

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1 Q. Do you know how many standards or codes 12:32:15
2 NFPA publishes that have not been adopted 12:32:29
3 into law? 12:32:34
4 A. No. 12:32:38
5 Q. Do you know how many codes or standards 12:32:39
6 NFPA has published that are now what you 12:32:43
7 would consider to be current versions? By 12:32:51
8 that question I want you to exclude earlier 12:32:55
9 versions. 12:32:57
10 A. I don't know. 12:33:01
11 Q. Can you give an estimate? 12:33:02
12 A. No. 12:33:05
13 Q. Are you aware of any NFA (sic) codes or 12:33:05
14 standards that have not been adopted into 12:33:10
15 law? 12:33:13
16 A. I couldn't speculate one way or the other, 12:33:13
17 so the answer, no. 12:33:35
18 Q. I think I misspoke in my earlier question. 12:33:38
19 I said NFA, but you understood that question 12:33:42
20 to be NFPA? 12:33:45
21 A. Yes. 12:33:46
22 Q. So you're not aware, as you sit here, of 12:33:46
23 any NFPA codes or standards that have not 12:33:49
24 been adopted into law? 12:33:52
25 A. If you're specifically referring to codes 12:33:56

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1 and standards and not documents that are 12:33:58
2 considered guidelines or recommended 12:34:00
3 practices, then no. 12:34:02
4 Q. What guidelines or recommended practice 12:34:03
5 documents have not been incorporated into 12:34:26
6 law or adopted into law? 12:34:29
7 MR. REHN: Objection as to form, 12:34:32
8 may call for a legal conclusion. 12:34:33
9 A. To my knowledge, none of them because 12:34:37
10 they're not in written, specifically not 12:34:39
11 written for the purposes of being adopted 12:34:45
12 as a regulation or a law. 12:34:48
13 Q. Whereas the other parts of the standards 12:34:51
14 or codes are written for the purposes of 12:34:59
15 being adopted as a regulation or a law? 12:35:01
16 MR. REHN: Objection as to form. 12:35:05
17 A. The standards are written in such a fashion 12:35:07
18 that they may be adopted as a regulation 12:35:11
19 or a law. 12:35:15
20 Q. Your previous answer referred to purposes. 12:35:17
21 It sounded as though you were distinguishing 12:35:22
22 between guidelines and recommended practices, 12:35:26
23 on the one hand, and some other parts of 12:35:43
24 codes and standards, correct? 12:35:52
25 A. Yes. 12:35:55

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1 Q. What would you call the parts of standards 12:35:55
2 that are not guidelines or recommended 12:35:58
3 practices? 12:36:00
4 MR. REHN: Objection as to form, 12:36:03
5 vague. 12:36:08
6 A. I was just trying to clarify that a 12:36:08
7 recommended practice or a guideline, even 12:36:13
8 though it has a NFPA number, is not a 12:36:13
9 standard. 12:36:17
10 Q. I understand your statement on that, but 12:36:22
11 you were distinguishing the purpose of the 12:36:26
12 recommended guidelines -- sorry, of the 12:36:28
13 guidelines and recommended practices from 12:36:31
14 the purpose of other parts of these 12:36:35
15 documents, is that correct? 12:36:39
16 MR. REHN: I believe that 12:36:40
17 mischaracterizes the testimony. I object 12:36:41
18 on that basis. 12:36:44
19 MR. BRIDGES: I'm happy for him 12:36:46
20 to straighten me out because I want to 12:36:49
21 understand the distinction. 12:36:51
22 A. The recommended practice or the guideline 12:36:55
23 is exactly what the category designation 12:36:57
24 implies, that it's a guidance document, not 12:37:02
25 an enforceable or a -- it doesn't reach the 12:37:08

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1 this is the end of Tape No. 4. 06:01:55
 2 MR. REHN: 6:02. 06:01:57
 3 VIDEOGRAPHER: 6:02, excuse me. We 06:01:57
 4 are now off the record. 06:02:00
 5 (Whereupon the deposition was 06:02:03
 6 concluded at 6:02 p.m.)
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1 COMMONWEALTH OF MASSACHUSETTS)
 2 SUFFOLK, SS.)
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 4
 5 I, Jeanette Maracas, Registered
 6 Professional Reporter and Notary Public in
 7 and for the Commonwealth of Massachusetts, do
 8 hereby certify that there came before me on
 9 the 3rd day of March, 2015, at 9:10 a.m., the
 10 person hereinbefore named, who was by me duly
 11 sworn to testify to the truth and nothing but
 12 the truth of his knowledge touching and
 13 concerning the matters in controversy in this
 14 cause; that he was thereupon examined upon
 15 his oath, and his examination reduced to
 16 typewriting under my direction; and that the
 17 deposition is a true record of the testimony
 18 given by the witness.
 19
 20 I further certify that I am neither
 21 attorney or counsel for, nor related to or
 22 employed by, any attorney or counsel employed
 23 by the parties hereto or financially
 24 interested in the action.
 25
 In witness whereof, I have hereunto
 set my hand this 9th day of March, 2015.

 Notary Public
 My commission expires 8/14/20

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1 I declare under penalty of perjury
 2 under the laws that the foregoing is
 3 true and correct.
 4
 5 Executed on _____, 20____,
 6 at _____, _____.
 7
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 11 _____
 12 Donald Bliss
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