

**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/Counter-defendants,

v.

PUBLIC.RESOURCE.ORG, INC.,

Defendant/Counterclaimant.

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

**DEFENDANT-COUNTERCLAIMANT PUBLIC RESOURCE ORG., INC.'S  
CONSOLIDATED INDEX OF EXHIBITS IN OPPOSITION TO [198] PLAINTIFFS'  
MOTION FOR SUMMARY JUDGMENT AND PERMANENT INJUNCTION AND IN  
SUPPORT OF DEFENDANT PUBLIC RESOURCE'S SECOND MOTION FOR  
SUMMARY JUDGMENT**

Defendant-Counterclaimant Public.Resource.Org, Inc. (“Defendant”) submits the following Consolidated Index of Exhibits in Opposition to [198] Plaintiffs’ Motion for Summary Judgment and Permanent Injunction and in Support of Defendant’s Second Motion for Summary Judgment:

| Exh. No. | Document Title   |
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| 1        | John Markoff, “Turning the Desktop PC Into a Talk Radio Medium,” New York Times, March 4, 1993   |
| 2        | John Markoff, “Plan Opens More Data To Public,” New York Times, October 22, 1993   |
| 3        | Correspondence from the Securities and Exchange Commission on August 31, 1995 , stating in part: “Looking forward to your support as we continue down the road you’ve paved.” Service available at <a href="https://www.sec.gov/edgar.shtml">https://www.sec.gov/edgar.shtml</a> . |
| 4        | John Schwartz, “Superhighway Routed Through Capitol Hill,” Washington Post, September 9, 1994  |
| 5        | Correspondence from Senator Connie Mack on June 16, 1995, concerning the first congressional hearing on Internet.  |
| 6        | Katie Hafner, “The Man With Ideas: The Robert Moses of Cyberspace Plans a 1996 World’s Fair,” Newsweek, July 24, 1995.   |
| 7        | “Foreword by His Holiness the Dalai Lama,” A World’s Fair for the Information Age, MIT Press (1997).   |
| 8        | John Schwartz, “Ideas Whose Time for Free Access Has Come,” Washington Post, June 29, 1998.  |
| 9        | John Markoff, “U.S. to Release Patent Data On a World Wide Web Site,” New York Times, June 25, 1998.   |
| 10       | Correspondence from the Public Printer of the United States on July 27, 2006.  |
| 11       | Correspondence from Hon. Nancy Pelosi, the Speaker of the House of Representatives, on April 17, 2008, supporting “FedFlix” initiative.  |
| 12       | James Fallows, “Another Win for Carl Malamud,” Atlantic Monthly, March 9, 2007.  |

| Exh. No. | Document Title   |
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| 13       | Correspondence from Speaker Boehner and Chairman Issa on January 5, 2011.  |
| 14       | Remarks of Congressman Issa titled “Commemorating the Tenth Anniversary of Public.Resource.Org,” Congressional Record, Page E285, March 7, 2017.                           |
| 15       | Suzanne Perry, “IRS Plans to Begin Releasing Electronic Nonprofit Tax Forms Next Year,” Chronicle of Philanthropy, June 30, 2015.  |
| 16       | Robert Ambrogi, “1.8M Pages of Federal Case Law To Go Public,” Law Sites, November 14, 2007.   |
| 17       | Correspondence from the Hon. Lee H. Rosenthal, Chair of the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, on July 16, 2008 |
| 18       | Correspondence from Chief Judge Royce C. Lamberth, U.S. District Court for the District of Columbia, on January 28, 2009.  |
| 19       | Correspondence from U.S. Senator Joseph I. Lieberman to Hon. Lee H. Rosenthal, on February 27, 2009.   |
| 20       | Prepared statement by Carl Malamud before the U.S. Court of Appeals for the Ninth Circuit on June 23, 2010.  |
| 21       | Submission by Carl Malamud to the Presidential Transition Effort (“Change.Gov”), titled “Federal Register 2.0,” on January 5, 2009.  |
| 22       | Correspondence from the Hon. David Ferriero, Archivist of the United States to me, on April 2, 2019.   |
| 23       | Prepared statement by Carl Malamud before the Oregon State Legislature Legislative Counsel Committee on June 19, 2008.   |
| 24       | The Editorial Board, “The Law©?,” New York Times, June 25, 2019.   |
| 25       | “Notice of Incorporation,” dated March 15, 2012.   |
| 26       | Carl Malamud Response to SMACNA, on January 11, 2013.  |
| 27       | Response to SMACNA, on January 11, 2013.   |
| 28       | ANSI website, titled “ANSI Launches Online Portal for Standards Incorporated by Reference,” dated October 28, 2013.  |

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| 29       | Prepared remarks by Carl Malamud before the ABA House of Delegates on August 9, 2016.   |
| 30       | Lorelei Laird, "After debate, ABA House calls for publication of privately drafted standards used in legislation," ABA Journal, August 9, 2016. |
| 31       | Hon. David Ferriero, "Federal Register 2.0," The White House Blog, July 26, 2010.   |
| 32       | History of the Federal Register, March 14, 2006.  |
| 33       | Cornell Legal Information Institute, "Worth A Thousand Words: We're Upping Our Game for Images," April 4, 2019.                                 |
| 34       | Email correspondence on March 1, 2016, with Amy Bunk, Director of Legal Affairs and Policy at the Office of the Federal Register.               |
| 35       | John Adams' "Dissertation on the Canon and Feudal Law."   |
| 36       | Deposition of Mia D. Marvelli, dated August 19, 2019.   |
| 37       | Deposition of Mary H. Saunders, dated August 15, 2019.  |
| 38       | Deposition of Plaintiffs' expert, John Jarosz, dated August 27, 2015.   |
| 39       | Deposition of Public Resource's expert, James Fruchterman, dated July 31, 2015.   |
| 40       | Deposition of Daniel Smith, one of ASTM's Rule 30(b)(6) designees, dated July 24, 2015.   |
| 41       | Deposition of Christian Dubay, one of NFPA's Rule 30(b)(6) designees, dated April 1, 2015   |
| 42       | SEALED Deposition of Bruce Mullen, one of NFPA's Rule 30(b)(6) designees, dated March 31, 2015.   |
| 43       | Deposition of Stephanie Reiniche, one of ASHRAE's Rule 30(b)(6) designees, dated March 30, 2015.  |
| 44       | Deposition of Steven Comstock, one of ASHRAE's Rule 30(b)(6) designees, dated March 5, 2015.  |

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| 45       | Deposition of Jeffrey Grove, one of ASTM's Rule 30(b)(6) designees, dated March 4, 2015.                         |
| 46       | SEALED Deposition of Donald Bliss, one of NFPA's Rule 30(b)(6) designees, dated March 3, 2015.                   |
| 47       | SEALED Deposition of Carl Malamud, dated February 27, 2015.  |
| 48       | Deposition of Carl Malamud as Rule 30(b)(6) designee for Public Resource, dated February 26, 2015.               |
| 49       | Deposition of Vikas Bhutada, Rule 30(b)(6) designee for third party HTC Global Services, dated November 5, 2014. |
| 50       | Deposition of Rebecca Malamud, Rule 30(b)(6) designee for third party Point B Studio, dated November 13, 2014.   |
| 51       | ASHRAE Interrogatories 2019  |
| 52       | NFPA Interrogatories 2019  |
| 53       | ASTM Second Amended Interrogatories 2019   |
| 54       | ASTM Interrogatories 2014  |
| 55       | SEALED ASHRAE Financials 2016-17   |
| 56       | SEALED ASHRAE Financials 2017-18   |
| 57       | SEALED Exhibit 5 from the deposition of Mary Saunders.   |
| 58       | Exhibit 9 from the deposition of Mary Saunders.  |
| 59       | SEALED Exhibit 10 from the deposition of Mary Saunders.  |
| 60       | Exhibit 11 from the deposition of Mary Saunders.   |
| 61       | SEALED Exhibit 13 from the deposition of Mary Saunders.  |
| 62       | SEALED Exhibit 14 from the deposition of Mary Saunders.  |
| 63       | SEALED Exhibit 21 from the deposition of Mary Saunders.  |

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| 64       | SEALED Exhibit 23 from the deposition of Mary Saunders   |
| 65       | SEALED Exhibit 24 from the deposition of Mary Saunders.  |
| 66       | SEALED Exhibit 25 from the deposition of Mary Saunders.  |
| 67       | SEALED Exhibit 26 from the deposition of Mary Saunders.  |
| 68       | SEALED Exhibit 28 from the deposition of Mary Saunders.  |
| 69       | SEALED Exhibit 37 from the deposition of Mary Saunders.  |
| 70       | SEALED Exhibit 43 from the deposition of Mary Saunders.  |
| 71       | SEALED Exhibit 46 from the deposition of Mary Saunders.  |
| 72       | SEALED December 31, 2015 and 2014 National Fire Protection Association Financial Statements, produced as begin Bates reference NFPA-PR0097912. |
| 73       | SEALED December 31, 2016 and 2015 National Fire Protection Association Financial Statements, produced as begin Bates reference NFPA-PR0097936. |
| 74       | SEALED December 31, 2017 and 2016 National Fire Protection Association Financial Statements, produced as begin Bates reference NFPA-PR0097961. |
| 75       | SEALED December 31, 2018 and 2017 National Fire Protection Association Financial Statements, produced as begin Bates reference NFPA-PR0097987. |
| 76       | NFPA income statement, produced as begin Bates reference NFPA-PR0098016.   |
| 77       | SEALED Code and Standard Units Sold, produced as begin Bates reference NFPA-PR0098022.   |
| 78       | SEALED Page view and sales information, produced as begin Bates reference NFPA-PR0098023.  |
| 79       | SEALED NFPA Publication sales 2009-2013, produced as begin Bates reference NFPA-PR0098028.   |
| 80       | SEALED NFPA Publication sales 2014-2018, produced as begin Bates reference NFPA-PR0098029.   |

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| 81       | SEALED Email produced as begin Bates reference NFPA-PR0098030.  |
| 82       | NEC adoption maps, produced as begin Bates reference NFPA-PR0098046.  |
| 83       | CodeFinder Tool Disclaimer, produced as begin Bates reference NFPA-PR0098059.   |
| 84       | Exhibit 3 from the deposition of Mia Marvelli.  |
| 85       | Exhibit 4 from the deposition of Mia Marvelli.  |
| 86       | Exhibit 7 from the deposition of Mia Marvelli.  |
| 87       | Exhibit 8 from the deposition of Mia Marvelli.  |
| 88       | Exhibit 9 from the deposition of Mia Marvelli.  |
| 89       | Table of the ASHRAE standards at issue in this case.  |
| 90       | Table of the ASTM standards at issue in this case.  |
| 91       | Table of the NFPA standards at issue in this case.  |
| 92       | Printout from the National Archives website, titled “Incorporation by Reference”, available at <a href="http://www.archives.gov/federal-register/cfr/ibr-locations.html">http://www.archives.gov/federal-register/cfr/ibr-locations.html</a> .  |
| 93       | Declaration in Support of Probable Cause, <i>California v. Harris</i> , No. 17-CR-017349A (Cal. Super. Ct. June 5, 2017), available at <a href="https://www.scribd.com/document/350446988/Ghost-Ship-fire-criminal-charges">https://www.scribd.com/document/350446988/Ghost-Ship-fire-criminal-charges</a> .  |
| 94       | Criminal Complaint, <i>California v. Harris</i> , No. 17-CR-017349A (Cal. Super. Ct. June 5, 2017), available at <a href="https://web.archive.org/web/20170729051241/https://cbssanfran.files.wordpress.com/2017/06/almena-and-harris-complaint.pdf">https://web.archive.org/web/20170729051241/https://cbssanfran.files.wordpress.com/2017/06/almena-and-harris-complaint.pdf</a> .) |
| 95       | SEALED Exhibit 1056 to the deposition of Jeffrey Grove.   |
| 96       | SEALED Exhibit 1033 to the deposition of Jeffrey Grove.   |
| 97       | SEALED Exhibit 1033 to the deposition of Jeffrey Grove.   |

Dated: November 12, 2019

Respectfully submitted,

/s/ Andrew P. Bridges

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