

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

1:13-CV-01215-TSC

AMERICAN SOCIETY OF HEATING
REFRIGERATING, AND AIR CONDITIONING
ENGINEERS,

Plaintiffs/
Counter-Defendants,

v.

PUBLIC.RESOURCE.ORG, INC.

Defendant/
Counter-Plaintiff.

**UNOPPOSED MOTION FOR LEAVE TO FILE
SECOND *AMICUS CURIAE* BRIEF OF AMERICAN PROPERTY CASUALTY
INSURANCE ASSOCIATION IN SUPPORT OF PLAINTIFF'S SECOND MOTION FOR
SUMMARY JUDGMENT AND A PERMANENT INJUNCTION**

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*American Property Casualty Insurance
Association*

On behalf of *amicus* American Property Casualty Insurance Association the undersigned counsel respectfully moves for leave to file a Second *Amicus Curiae* Brief in Support of Plaintiffs' Second Motion for Summary Judgment and a Permanent Injunction filed in the above referenced matter. A copy of the proposed brief accompanies this motion.

1. The Court authorized the filing of *amicus curiae* briefs in this matter by its October 2, 2019 Minute Order setting a filing deadline of November 25, 2019, subsequently amended to December 6, 2019.

2. The American Property Casualty Insurance Association ("APCIA") is the primary national trade association for home, auto, and business insurers. APCIA was recently formed through a merger of two longstanding trade associations, the American Insurance Association (which previously filed an *amicus* brief in this case) and the Property Casualty Insurance Association of America.

3. APCIA seeks to file an *amicus* Brief in this lawsuit because of the continuing risks posed by Defendant's arguments to the availability of research and guidance provided in the standards promulgated by NFPA, ASTM and ASHRAE – and other standard development organizations. These standards play a central role in the prevention and control of losses and the reduction of insurance risk.

4. APCIA is uniquely positioned to explain (as *amicus curiae*) the industry's use of NFPA and other safety standards and the importance of these standards in protecting the public from fire and other safety hazards.

5. APCIA does not have a financial interest in the outcome of the present litigation.

6. Plaintiffs do not oppose the *amicus* filing of APCIA in this matter.

Dated: December 6, 2019

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By: /s/ Meegan F. Hollywood

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served this 6th day of December, 2019 via CM/ECF upon all counsel of record in this matter.

/s/ Meegan F. Hollywood