

Exhibit 1

From: [Andrew Bridges](mailto:Andrew.Bridges@fenwick.com)
To: [Zee, Andrew](mailto:Zee.Andrew@KSLAW.com); ["corynne@eff.org"](mailto:corynne@eff.org); [Kathleen Lu](mailto:Kathleen.Lu@gmail.com); ["davidhalperindc@gmail.com"](mailto:davidhalperindc@gmail.com); ["mitch@eff.org"](mailto:mitch@eff.org); ["jgratz@durietangri.com"](mailto:jgratz@durietangri.com); ["mlemley@durietangri.com"](mailto:mlemley@durietangri.com); [Matthew Becker](mailto:Matthew.Becker@morganlewis.com)
Cc: ["mclayton@morganlewis.com"](mailto:mclayton@morganlewis.com); ["jrubel@morganlewis.com"](mailto:jrubel@morganlewis.com); ["jkfee@morganlewis.com"](mailto:jkfee@morganlewis.com); [Bucholtz, Jeff](mailto:Jeff.Bucholtz@KSLAW.com); [Steinthal, Kenneth](mailto:Kenneth.Steinthal@KSLAW.com); [Wetzel, Joseph](mailto:Joseph.Wetzel@KSLAW.com); ["Kelly.Klaus@mto.com"](mailto:Kelly.Klaus@mto.com); ["Thane.Rehn@mto.com"](mailto:Thane.Rehn@mto.com); ["anjan.choudhury@mto.com"](mailto:anjan.choudhury@mto.com); ["Jonathan.Blavin@mto.com"](mailto:Jonathan.Blavin@mto.com)
Subject: Re: ASTM et al. v. Public.Resource.Org -- Motion to Compel
Date: Tuesday, September 30, 2014 9:34:28 AM

Thanks for your message. We will proceed with the motion, which was an obvious consequence of our failure to make meaningful progress during our previous efforts to resolve these issues without a motion.

Andrew

Andrew P. Bridges
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Sent from my wireless PDA

----- Original Message -----

From: Zee, Andrew [<mailto:AZee@KSLAW.com>]
Sent: Tuesday, September 30, 2014 08:30 AM Pacific Standard Time
To: Andrew Bridges; 'corynne@eff.org' <corynne@eff.org>; Kathleen Lu; 'davidhalperindc@gmail.com' <davidhalperindc@gmail.com>; 'mitch@eff.org' <mitch@eff.org>; 'jgratz@durietangri.com' <jgratz@durietangri.com>; 'mlemley@durietangri.com' <mlemley@durietangri.com>; Matthew Becker
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Subject: RE: ASTM et al. v. Public.Resource.Org -- Motion to Compel

Andrew,

We disagree that any of PRO's letters or teleconferences made any mention of the motion that was filed on September 15. As indicated in my initial email, Plaintiffs believe that there areas where the parties can reach a resolution. However, we will not engage in a meet-and-confer while PRO's motion to compel remains pending. That is precisely the situation that the local rule in question is designed to prevent.

Best,
Andrew

From: Andrew Bridges [abridges@fenwick.com]
Sent: Monday, September 29, 2014 6:55 PM
To: Zee, Andrew; 'corynne@eff.org'; Kathleen Lu; 'davidhalperindc@gmail.com'; 'mitch@eff.org'; 'jgratz@durietangri.com'; 'mlemley@durietangri.com'; Matthew Becker
Cc: 'mclayton@morganlewis.com'; 'jrubel@morganlewis.com'; 'jkfee@morganlewis.com'; Bucholtz, Jeff; Steinthal, Kenneth; Wetzel, Joseph; 'Kelly.Klaus@mto.com'; 'Thane.Rehn@mto.com'; 'anjan.choudhury@mto.com'; 'Jonathan.Blavin@mto.com'
Subject: RE: ASTM et al. v. Public.Resource.Org -- Motion to Compel

Dear Mr. Zee:

P.R.O. believes that the parties thoroughly discussed these issues both by teleconferences and by letters. Accordingly it plans to proceed with the motion and, if necessary, it will explain to the Court all the communications between counsel that led up to the motion.

Of course, P.R.O. does not want to burden the Court any more than necessary. Therefore it might reconsider this decision if you can inform us, right away, that plaintiffs *do not* oppose the relief P.R.O. seeks. Alternatively, please indicate what specific issues plaintiffs believe the parties can substantially narrow.

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From: Zee, Andrew [<mailto:AZee@KSLAW.com>]
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Cc: 'mclayton@morganlewis.com'; 'jrubel@morganlewis.com'; 'jkfee@morganlewis.com'; Bucholtz, Jeff; Steinthal, Kenneth; Wetzel, Joseph; 'Kelly.Klaus@mto.com'; 'Thane.Rehn@mto.com'; 'anjan.choudhury@mto.com'; 'Jonathan.Blavin@mto.com'
Subject: ASTM et al. v. Public.Resource.Org -- Motion to Compel

Counsel,

Plaintiffs write to request that Public.Resource.Org withdraw its motion to compel because it has not complied with Local Rule 7(m). As you are likely aware, that Rule requires counsel for the moving party to discuss the anticipated motion with opposing counsel in a good-faith effort to determine whether there is any opposition to the relief sought and to narrow the areas of disagreement. Although the parties exchanged letters about some of the issues raised in your motion, you did not initiate any such discussion with counsel for the Plaintiffs, and thus, by necessity, the motion also fails to include the required statement that such discussion took place.

As numerous courts in D.D.C. have held, a nondispositive motion that does not comply with Rule 7(m) should be denied on that basis. See, e.g., *K & R Ltd. Partnership v. Massachusetts Housing Finance Agency*, 456 F. Supp. 2d 46 (D.D.C. 2006); *Alexander v. FBI*, 186 F.R.D. 185, 187 (D.D.C. 1999).

If you agree to withdraw the motion, Plaintiffs remain open to discussing the issues raised by Public.Resource once you have done so. In the event Public.Resource chooses to proceed with its deficient motion, Plaintiffs will have little choice but to present this issue to the court in their response papers. Please let us know your response by noon Pacific time tomorrow. Thank you.

Best regards,

Andrew

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