IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

AMERICAN EDUCATIONAL RESEARCH	
ASSOCIATION, INC., AMERICAN)
PSYCHOLOGICAL ASSOCIATION, INC.,)
and NATIONAL COUNCIL ON)
MEASUREMENT IN EDUCATION, INC.,) Civil Action No. 1:14-cv-00857-TSC
)
Plaintiffs/Counterclaim Defendants,) DECLARATION OF JONATHAN
·) HUDIS IN SUPPORT OF
V.) PLAINTIFFS' MOTION TO COMPEL
) DISCOVERY, PRIVILEGE LOG, AND
PUBLIC.RESOURCE.ORG, INC.,) FOR FURTHER INITIAL
, ,) DISCLOSURES
Defendant/Counterclaimant.)
)

I, JONATHAN HUDIS, declare:

- 1. I am a partner with Oblon, Spivak, McClelland, Maier & Neustadt, LLP, counsel to Plaintiffs, AMERICAN EDUCATIONAL RESEARCH ASSOCIATION, INC. ("AERA"), AMERICAN PSYCHOLOGICAL ASSOCIATION, INC. ("APA") and NATIONAL COUNCIL ON MEASUREMENT IN EDUCATION, INC. ("NCME") (collectively, "Plaintiffs") in the captioned action. I submit this Declaration in support of Plaintiffs' motion to compel discovery, privilege log, and for further initial disclosures from Defendant.
- 2. The parties' counsel had their meet-and-confer telephone conference pursuant to Fed. R. Civ. P. 26(f) on September 25, 2014.
- 3. The Court's Scheduling Order [Dkt. No. 22] has set the close of fact discovery for March 16, 2015.
- 4. Accompanying this Declaration as Exhibit A is a true copy of Plaintiffs' First Set of Interrogatories served by e-mail on Defendant's counsel on October 1, 2014.

- 5. Accompanying this Declaration as Exhibit B is a true copy of Plaintiffs' First Production Requests served by e-mail on Defendant's counsel on October 1, 2014.
- 6. Accompanying this Declaration as Exhibit C is a true copy of Plaintiffs' First Admissions Requests served by e-mail on Defendant's counsel on October 1, 2014.
- 7. Accompanying this Declaration as Exhibit D is a true copy of Defendant's Objections and Responses to Plaintiffs' First Set of Interrogatories, served on November 3, 2014.
- 8. Accompanying this Declaration as Exhibit E is a true copy of Defendant's Objections and Responses to Plaintiffs' First Production Requests, served on November 3, 2014.
- 9. Accompanying this Declaration as Exhibit F is a true copy of Defendant's Objections and Responses to Plaintiffs' First Admissions Requests, served on November 3, 2014.
- 10. Accompanying this Declaration as Exhibit G is a true copy of Defendant's Initial Disclosures, served on November 14, 2014.
- 11. Accompanying this Declaration as Exhibit H is a true copy of a letter dated November 10, 2014 from me and my partner, Kathleen Cooney-Porter, to Defendant's counsel.
- 12. Accompanying this Declaration as Exhibit I is a true copy of a letter dated November 13, 2014 from Andrew Bridges, Defendant's counsel.
- 13. Accompanying this Declaration as Exhibit J is a true copy of a letter dated November 14, 2014 from me and my partner, Kathleen Cooney-Porter, to Defendant's counsel.
- 14. Accompanying this Declaration as Exhibit K is a true copy of a letter dated November 18, 2014 from me and my partner, Kathleen Cooney-Porter, to Defendant's counsel.
- 15. Accompanying this Declaration as Exhibit L is a true copy of a letter dated November 19, 2014 from Andrew Bridges, Defendant's counsel.

16. The parties' counsel, on November 20, 2014, participated in a telephone

conference to discuss outstanding discovery issues.

17. Accompanying this Declaration as Exhibit M is a true copy of a letter dated

November 21, 2014 from me and my partner, Kathleen Cooney-Porter, to Andrew Bridges,

Defendant's counsel.

18. Accompanying this Declaration as Exhibit N is a true copy of a letter dated

November 24, 2014 from Andrew Bridges, Defendant's counsel.

19. Accompanying this Declaration as Exhibit O is a true copy of a letter dated

November 25, 2014 from me and my partner, Kathleen Cooney-Porter, to Defendant's counsel.

20. Accompanying this Declaration as Exhibit P is a true copy of a letter dated

December 19, 2013 from Defendant's President and Founder, Carl Malamud, to John Neikirk,

Director of Publications, AERA.

21. Accompanying this Declaration as Exhibit Q is a true copy of the Merriam-

Webster Dictionary's definition of the term "publish" available at www.merriam-

webster.com/dictionary/publish (last visited on December 11, 2014).

22. Accompanying this Declaration as Exhibit R is a true copy of the Merriam-

Webster Dictionary's definition of the term "post" available at www.merriam-

webster.com/dictionary/post (last visited on December 11, 2014).

I DECLARE, under the penalty of perjury, that the foregoing is true and correct.

/s/ Jonathan Hudis

Jonathan Hudis

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