

**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.,)	
)	
Plaintiffs/Counterclaim Defendants,)	Civil Action No. 1:14-cv-00857-TSC-DAR
)	
v.)	[REVISED PROPOSED] ORDER
)	GRANTING PLAINTIFFS' AMENDED
PUBLIC.RESOURCE.ORG, INC.,)	MOTION TO COMPEL DISCOVERY,
)	PRIVILEGE LOG, AND FURTHER
Defendant/Counterclaimant.)	INITIAL DISCLOSURES
)	

THIS MATTER comes before the Court on Plaintiffs' Amended Motion to Compel Discovery, Privilege Log, and Further Initial Disclosures.

This is an action by three non-profit organizations: the American Educational Research Association, Inc., the American Psychological Association, Inc., and the National Council on Measurement in Education, Inc. (collectively, "Plaintiffs"), creators of the work entitled "Standards for Educational and Psychological Testing" (1999 ed.) (the "Standards"). Pursuant to the Copyright Act, 17 U.S.C. §§ 101, *et seq.*, Plaintiffs seek injunctive relief against Public.Resource.Org, Inc. ("Defendant") for infringement and contributory infringement of Plaintiffs' copyright in the Standards. Defendant filed an answer and counterclaim asserting certain defenses and seeking declaratory relief.

Plaintiffs served their First Set of Interrogatories, First Production Requests, and First Admission Requests (collectively, "Discovery Requests") on Defendant on October 1, 2014. Defendant served its responses to the Discovery Requests on November 3, 2014.

Despite two months of negotiations, and repeated follow-up efforts by Plaintiffs, Defendant has not sufficiently supplemented its deficient responses to Plaintiffs' Discovery Requests. Further, Defendant has not produced many of the non-privileged materials reasonably requested by Plaintiffs, nor has Defendant committed to a date by which any such materials will be produced. The Court additionally finds that the recitation of documents in Defendant's Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1)(A)(ii) is deficient.

Having fully considered the moving and opposition papers, and all other matters presented to the Court, it is hereby

ORDERED that Plaintiffs' Amended Motion, to the extent not withdrawn in its Reply Memorandum, is **GRANTED**, and it is further

ORDERED that Defendant's General Objections not specifically tailored to, or specifically recited in its responses to, Plaintiffs' Discovery Requests are hereby waived; and it is further

ORDERED that Defendant produce the materials relied on in its Amended Responses to Plaintiffs' Interrogatory No. 5 and Production Request No. 7; and it is further

ORDERED that Defendant produce materials responsive to Plaintiffs' Production Requests Nos. 1, 2, 5, and 9; and it is further

ORDERED that Defendant supplement its response to Plaintiffs' Interrogatories Nos. 6 and 8; and it is further

ORDERED that Defendant supplement its responses to Plaintiffs' Admission Requests Nos. 3 and 6; and it is further

ORDERED that Defendant supplement its Initial Disclosures required under Fed. R. Civ. P. 26(a)(1)(a)(ii); and it is further

ORDERED that Defendant shall serve the above-noted items, documents and supplementation on Plaintiffs' counsel no later than _____, 2015.

IT IS SO ORDERED:

Dated: _____, 20__

Hon. Deborah A. Robinson
United States District Magistrate Judge

{431384US, 11520668_1.DOCX}

Attorneys to be notified of the entry of this Order:

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