

**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,

v.

PUBLIC.RESOURCE.ORG,

Defendant.

Case No. 1:14-CV-00857-TSC-DAR

**DEFENDANT-COUNTERCLAIMANT
PUBLIC.RESOURCE.ORG'S MOTION
TO STRIKE ECF NO. 60-88, THE
DECLARATION OF KURT P.
GEISINGER IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT AND
PERMANENT INJUNCTION**

Action Filed: May 23, 2014

Defendant-Counterclaimant Public.Resource.Org, Inc. ("Public Resource") respectfully moves to strike ECF No. 60-88, the Declaration of Kurt P. Geisinger In Support of Plaintiffs' Motion for Summary Judgment and Permanent Injunction.

As described in the attached Memorandum of Law in Support of Defendant's Motion to Strike, Kurt P. Geisinger's testimony includes new opinions, reasons, and facts that were not disclosed in his expert report and must be excluded under Federal Rule of Civil Procedure 37. Further, Geisinger is not qualified to testify on the matters contained in the report under the standards of Federal Rule of Evidence 702 and *Daubert*. Mr. Geisinger's opinions further rest uncritically on statements from Plaintiffs' agents, invade the province of the court, and rest on unsupported assumptions, facts, and methods. For these reasons, Mr. Geisinger's report should be stricken from the record, along with all citations to and quotations of that report in Plaintiffs' Motion for Summary Judgment and Permanent Injunction.

Public Resource requests an oral hearing on this motion.

This motion is based on the enclosed Memorandum of Points & Authorities, the Declaration of Matthew Becker and the exhibits attached thereto, Public Resource's proposed Order, the pleadings and papers on file herein, and any further material and argument presented to the Court at the time of the hearing.

Dated: January 21, 2016

Respectfully submitted,

/s/ Andrew P. Bridges

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