

**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-DAR
	)	
Plaintiffs,	)	<b>DECLARATION OF NIKIA L. GRAY</b>
	)	<b>IN FURTHER SUPPORT OF</b>
v.	)	<b>PLAINTIFFS’ REPLY IN SUPPORT</b>
	)	<b>OF ITS MOTION FOR SUMMARY</b>
PUBLIC.RESOURCE.ORG, INC.,	)	<b>JUDGMENT AND PERMANENT</b>
	)	<b>INJUNCTION AND OPPOSITION TO</b>
Defendant.	)	<b>DEFENDANT’S MOTION FOR</b>
	)	<b>SUMMARY JUDGMENT</b>

I, NIKIA L. GRAY, declare:

1. I am an attorney with Quarles & Brady LLP, attorneys for Plaintiffs, American Educational Research Association, Inc., American Psychological Association, Inc. and National Council on Measurement in Education, Inc. Unless otherwise stated, I have knowledge of all facts set forth in this declaration, and I would, and could, testify competently thereto if called upon to do so.

2. I submit this Declaration in support of Plaintiffs’ Reply in Support of its Motion for Summary Judgment and Permanent Injunction and Opposition to Defendant’s Motion for Summary Judgment.

3. Attached as **Exhibit VVV** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) on the WorldCat website.

4. Attached as **Exhibit WWW** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Arizona State University Library.

5. Attached as **Exhibit XXX** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Baylor University Library.
6. Attached as **Exhibit YYY** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Boston College Library.
7. Attached as **Exhibit ZZZ** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Boston University Library.
8. Attached as **Exhibit AAAA** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the California State University library.
9. Attached as **Exhibit BBBB** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Columbia University Library.
10. Attached as **Exhibit CCCC** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Cornell University Library.
11. Attached as **Exhibit DDDD** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Dartmouth College Library.
12. Attached as **Exhibit EEEE** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Duke University Library.
13. Attached as **Exhibit FFFF** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Emory University Library.
14. Attached as **Exhibit GGGG** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Florida Atlanta University Library.

15. Attached as **Exhibit HHHH** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Florida International University Library.

16. Attached as **Exhibit IIII** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the George Mason University Library.

17. Attached as **Exhibit JJJJ** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the George Washington University Library.

18. Attached as **Exhibit KKKK** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Harvard University Library.

19. Attached as **Exhibit LLLL** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Indiana University Library.

20. Attached as **Exhibit MMMM** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Lehigh University Library.

21. Attached as **Exhibit NNNN** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Lewis and Clark College Library.

22. Attached as **Exhibit OOOO** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Louisiana State University Library.

23. Attached as **Exhibit PPPP** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Loyola Marymount University Library.

24. Attached as **Exhibit QQQQ** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Marian University Library.

25. Attached as **Exhibit RRRR** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Northwestern University Library.

26. Attached as **Exhibit SSSS** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Oregon State University Library.

27. Attached as **Exhibit TTTT** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Pepperdine University Library.

28. Attached as **Exhibit UUUU** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Purdue University Library.

29. Attached as **Exhibit VVVV** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Rutgers University Library.

30. Attached as **Exhibit WWWW** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the San Diego State University Library.

31. Attached as **Exhibit XXXX** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Seattle Pacific University Library.

32. Attached as **Exhibit YYYY** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Southern Utah University Library.

33. Attached as **Exhibit ZZZZ** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Stanford University Library.

34. Attached as **Exhibit AAAAA** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Suffolk University Library.

35. Attached as **Exhibit BBBB** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Trinity International University Library.

36. Attached as **Exhibit CCCCC** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the University of Alabama Library.

37. Attached as **Exhibit DDDDD** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the University of California Library.

38. Attached as **Exhibit EEEEE** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the University of Chicago Library.

39. Attached as **Exhibit FFFFF** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the University of Connecticut Library.

40. Attached as **Exhibit GGGGG** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the University of Florida Library.

41. Attached as **Exhibit HHHHH** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the University of Maryland Library.

42. Attached as **Exhibit IIIII** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the University of Miami Library.

43. Attached as **Exhibit JJJJJ** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the University of Minnesota Library.

44. Attached as **Exhibit KKKKK** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the University of Mississippi Library.

45. Attached as **Exhibit LLLLL** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the University of Nevada Library.

46. Attached as **Exhibit MMMMM** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the University of New Mexico Library.

47. Attached as **Exhibit NNNNN** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the University of North Carolina Library.

48. Attached as **Exhibit OOOOO** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the University of Oregon Library.

49. Attached as **Exhibit PTTTT** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the University of Pittsburgh Library.

50. Attached as **Exhibit QQQQQ** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the University of South Carolina Library.

51. Attached as **Exhibit RRRRR** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the University of Washington Library.

52. Attached as **Exhibit SSSSS** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Vanderbilt University Library.

53. Attached as **Exhibit TTTTT** is a true and correct copy of the catalog record for *Standards for Educational and Psychological Testing* (1999) at the Yale University Library.

54. Attached as **Exhibit UUUUU** is a true and correct copy of the Stipulation of Facts filed on January 15, 2016 in *Code Revision Commission, et al. v. Public.Resource,Org, Inc.*, Case No. 1:15-cv-02594-MHC, N.D. Ga.

55. Attached as **Exhibit VVVVV** is a true and correct copy of the Expert Report of S. E. Phillips, Ph.D., J.D. Pursuant to Fed. R. Civ. P. 26(a)(2)(B).

56. Attached as **Exhibit WWWWW** is a true and correct copy of the resume of S. E. Phillips, Ph.D., J.D.

57. Attached as Exhibit **XXXXX** is a true and correct copy of the deposition transcript of Wayne J. Camara, Ph.D., taken on May 1, 2015.

58. Attached as Exhibit **YYYYY** is a true and correct copy of the deposition transcript of Dianne L. Schneider, Ph.D., taken on April 23, 2015.

59. Attached as Exhibit **ZZZZZ** is a true and correct copy of information from Bookshare's website.

60. Attached as Exhibit **AAAAA** is a true and correct copy of the deposition transcript of Marianne Ernesto, taken on April 29, 2015.

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

Executed on February 18, 2016, in Washington, D.C.

/s/ Nikia L. Gray  
Nikia L. Gray