

# EXHIBIT C

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

CODE REVISION COMMISSION	)	
on Behalf of and For the Benefit of the	)	CIVIL ACTION
GENERAL ASSEMBLY OF GEORGIA,	)	NO. 1:15-cv-2594-MHC
and the STATE OF GEORGIA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
PUBLIC.RESOURCE.ORG, INC.,	)	
	)	
Defendant.	)	

**DECLARATION OF BETH SIMONE NOVECK IN SUPPORT OF  
PUBLIC.RESOURCE.ORG'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to 28 U.S.C. § 1746, I, Beth Simone Noveck, hereby declare and state as follows:

1. My name is Beth Simone Noveck. I have personal knowledge of the facts stated in this Declaration and know them to be true and correct. I could competently testify to them if called as a witness.

2. I received an A.B. from Harvard University, magna cum laude, in Social Studies. I received a Ph.D. in 1994 from the University of Innsbruck and a J.D. from the Yale Law School in 1997. I was admitted to the Bar of the States of New York and New Jersey in 1997.

3. Since 2002, I have been a Professor of Law at the New York Law School. I am presently on leave from that position. I am currently the Jerry Hultin Global Network Professor of Engineering at New York University and since 2012, I have also been a Visiting Professor at the MIT Media Lab. At New York University, I lead the MacArthur Research Network on Opening Governance and am director of the Governance Lab, an action research institute that works with governments around the world on strategies, including open data, to govern more effectively and legitimately.

4. From 2009 to 2011, I served as United States Deputy Chief Technology Officer in the Executive Office of the President. In that capacity, I was charged with responsibility for the White House Open Government Initiative, including implementation of the President's Memorandum on Transparency and Open Government and the Office of Management and Budget's Open Government Directive and, together with my colleagues, implementation of the Administration's policy on open government data and creation of its open data portal [data.gov](http://data.gov).

5. One of the first Open Government initiatives we began in the White House was to make the Official Journals of Government, including the Federal Register, more broadly available. While the Federal Register was available in bulk

in 2008, the cost of the service was \$17,000 per year and procuring the data from the Government Printing Office involved a cumbersome subscription process.

6. Working with the Library of Congress, the National Archives, the Government Printing Office, and other groups in the government, we were able to remove the \$17,000/year fee and make the data available in bulk. The Federal Register is coded in a markup language known as SGML, a language similar to modern Internet technologies such as HTML and XML.

7. At the White House, we worked with a number of partners, such as Princeton University, to demonstrate how the Federal Register could be reformatted into a more usable web site. However, we were a long ways away from building a publicly accessible web site for the government to use. However, because we made the data available in bulk for use without restriction, other individuals were also free to work with the code.

8. In September 2009, a Washington, D.C. nonprofit called the Sunlight Foundation hosted a contest called "Apps for America." Three young programmers in California decided to enter the contest and went looking for something to do. They were not familiar with the Federal Register, but stumbled across the raw data.

9. The three programmers, Andrew Carpenter, Bob Burbach and Dave Augustine, created a new system called GovPulse.Us, which featured a vastly better web interfaced for the Federal Register. It included modern typography,

daily feeds and alerts, a sophisticated search capability, the ability to link to individual paragraphs of Federal Register notices, and many other features. Their application was a surprise to those of us in government and it very much impressed the judges in the contest, which they won.

10. The new interface to the Federal Register so impressed the Office of the Federal Register that they found the three individuals and asked them to work with the government. The result was that the open source application developed by them became the official web site for the government at federalregister.gov. A very modest consulting arrangement was put in place, and Andrew, Bob, and Dave continue to support the government web site.

11. On the 75th Anniversary of the Federal Register, the Honorable David Ferriero, Archivist of the United States, announced the public availability of “Federal Register 2.0” on the White House blog. His statement may be found at <https://www.whitehouse.gov/blog/2010/07/26/federal-register-20>

12. Because the work that was created at govpulse.US, and is now the basis for federalregister.gov, is open source, anybody can build on their work and create specialized sites or derivatives.

13. The difference between the “classic” Federal Register and the current system based on open source software is dramatic and can be seen immediately even by those without a technical background. For example, compare the

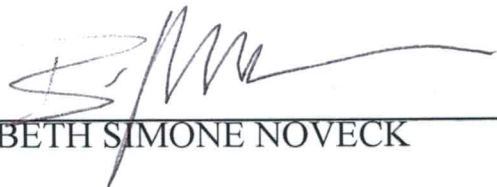
announcement of the U.S. Copyright Office of a new Compendium of U.S. Copyright Office Practices (78 C.F.R. 78911) in the old and new formats:

- <https://www.federalregister.gov/articles/2014/12/31/2014-30415/the-compendium-of-us-copyright-office-practices>;
- <http://www.gpo.gov/fdsys/pkg/FR-2014-12-31/pdf/2014-30415.pdf>.

14. Building web sites for legal materials is difficult. By making bulk data available, we are able to take advantage of the efforts of volunteers, citizen programmers, and others who can often move faster and in a smarter way than we can in government or in large corporations. At the GovLab, we have documented in detail the myriad benefits of making bulk data available online through a series of case studies available at <http://odimpact.org>. Making edicts of government, such as legal codes, available in bulk leads to more innovation and to a better democracy.

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

Executed on February 10, 2016.

/s/   
BETH SIMONE NOVECK

