## 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-DAR
Plaintiffs/Counterclaim Defendants,	) [REVISED PROPOSED] ORDER ) GRANTING PLAINTIFFS' AMENDED
V.	) MOTION TO COMPEL DISCOVERY,
	) PRIVILEGE LOG, AND FURTHER
PUBLIC.RESOURCE.ORG, INC.,	) INITIAL DISCLOSURES
Defendant/Counterclaimant.	) ) )

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**ORDERED** that Plaintiffs' Amended Motion, to the extent not withdrawn in its Reply Memorandum, is **GRANTED**, and it is further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-note	d items,	documents	and	
supplementation on I	Plainti	ffs' counsel	no late	er than <sub>-</sub>		,	2015.			
IT IS SO ORDERE	D:									
Dated:	ated:, 20				Hon. Deborah A. Robinson United States District Magistrate Judge					
{431384US, 11520668_1.DOCY	ς}									

Attorneys to be notified of the entry of this Order:

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