

**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, )	<b>PLAINTIFFS' MOTION TO EXTEND TIME FOR FACT DISCOVERY</b>
v. )	
PUBLIC.RESOURCE.ORG, INC., )	
Defendant/Counterclaimant. )	

Plaintiffs/Counterclaim Defendants, American Educational Research Association, Inc. (“AERA”), American Psychological Association, Inc. (“APA”), and National Council on Measurement in Education, Inc. (“NCME”) (collectively, “Plaintiffs”), respectfully move this Court to extend the fact discovery deadline pending the resolution of Plaintiffs’ Amended Motion to Compel Discovery, Privilege Log, and Further Initial Disclosures (Dkt. No. 27, “Plaintiffs’ Amended Motion to Compel”). Pursuant to LCvR 7(m), Plaintiffs’ undersigned counsel discussed this motion with Defendant/Counterclaimant, Public.Resource.Org, Inc.’s (“Public Resource’s”) counsel, Matthew B. Becker, via telephone on May 18, 2015 in a good faith effort to determine whether there would be any opposition to the relief sought by Plaintiffs. Public Resource intends to oppose to the relief requested herein.

**Statement of Points and Authorities**

Plaintiffs’ Amended Motion to Compel was filed with the Court on December 15, 2014. Oral argument on Plaintiffs’ Amended Motion to Compel was held on January 22, 2015, at which time the Court took Plaintiffs’ motion “under advisement.” A status conference was held

on March 19, 2015, at which time the Court again took Plaintiffs' motion "under advisement." Discovery cannot be completed, however, without guidance from the Court on the matters that are the subject of Plaintiffs' Amended Motion to Compel.

Accordingly, on April 9, 2015, Plaintiffs requested a status conference seeking clarity and guidance from the Court on the outstanding discovery issues and the discovery schedule. The Court scheduled a status conference for May 6, 2015. However, the status conference has since been rescheduled twice, to May 13, and May 21, 2015. Thus, the status conference is now scheduled to occur three days after the May 18, 2015 due-date for the close of fact discovery.

Plaintiffs cannot complete discovery until the Court rules on Plaintiffs' Amended Motion to Compel. Plaintiffs require the opportunity to conduct a follow-up deposition of Public Resource regarding any information or materials the Court orders that Public Resource produce. Therefore, in order to allow for the diligent and orderly completion of discovery, Plaintiffs' request that the close of fact discovery be extended until three weeks after Public Resource produces any information or documents ordered by the Court's ruling on Plaintiffs' Amended Motion to Compel.

The requested extension will provide Public Resource with time to produce any necessary information and documents, and allow Plaintiffs to conduct a supplemental deposition of Public Resource (preferably by video conference) regarding the subject matter contained in the materials Public Resource produces. Plaintiffs do not seek to change the remainder of the dates set forth in Plaintiffs' Consent Motion to Extend Time for Discovery and Case Schedule (Dkt. No. 42), granted by the Court on May 5, 2015. These dates remain in effect.

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Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT,LLP

Dated: May 18, 2015

By: /s/ Jonathan Hudis  
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**CERTIFICATE OF SERVICE**

I hereby certify that on May 18, 2015, the foregoing **MOTION TO EXTEND TIME FOR FACT DISCOVERY** and a **PROPOSED ORDER** were filed using the CM/ECF system that sent notice of the filing of these documents to all counsel of record, and was also served via e-mail to:

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*/s/ Jonathan Hudis*  
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