

# EXHIBIT MMM

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

CONFIDENTIAL

**From:** John S. Neikirk  
**To:** 'Wayne Camara'  
**CC:** Suzanne Lane (sl+@pitt.edu); dfrisbie@uiowa.edu; Felice Levine  
**Sent:** 2/14/2014 9:40:11 PM  
**Subject:** RE: Existing Standards

Hi Wayne, thanks for your message and letting me know that this is possible. We are in communication with AERA's legal counsel, and perhaps also some outside help as well. We will be in touch as soon as we learn more.

Best wishes, John

John Neikirk  
Director of Publications  
American Educational Research Association  
1430 K Street, NW, Suite 1200  
Washington, DC 20005  
202.238.3238  
jneikirk@aera.net

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**From:** Wayne Camara [mailto:Wayne.Camara@act.org]  
**Sent:** Friday, February 07, 2014 8:26 AM  
**To:** John S. Neikirk  
**Cc:** Suzanne Lane (sl+@pitt.edu); dfrisbie@uiowa.edu  
**Subject:** RE: Existing Standards

John – the management committee has funds to cover any legal work that might be needed to get this issue escalated. So feel free to let us know if you want to bring in some legal counsel to pursue this.

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**From:** John S. Neikirk [mailto:JNeikirk@aera.net]  
**Sent:** Wednesday, February 05, 2014 10:35 AM  
**To:** Felice Levine; Wayne Camara; Ernesto, Marianne; 'lwise@humro.org'; SL@pitt.edu; Frisbie, David A; Gerald Sroufe  
**Cc:** Barbara Plake  
**Subject:** RE: Existing Standards

Hello everyone, I am following up on the messages from December about the pdf posting of Standards at:  
[https://law.resource.org/pub/us/cfr/ibr/001/aera\\_standards.1999.pdf](https://law.resource.org/pub/us/cfr/ibr/001/aera_standards.1999.pdf)

I had thought this was taken down after I wrote to the organization in December, asking that the pdf be taken down immediately. I checked yesterday and the pdf is still available. I wrote back to the organization, and I received a reply with the attached pdf letter, which had been sent in December apparently (the messages from this organization go straight into spam).

As you can see from the attached letter, the author (Carl Malamud of Public.Resource.Org) claims that the 1999 edition is in now in the public domain because it was Incorporated by Reference by the Department of Education. Please see: <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=c67daaa426ddc5f9838ea4247c36c938&rgn=div8&view=text&node=34:3.1.3.1.34.10.39.8&idno=34>

We are looking into this now and will report back to the group when we have more information.

Best wishes, John

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**From:** Felice Levine  
**Sent:** Monday, December 16, 2013 2:38 PM  
**To:** 'Wayne Camara'; Ernesto, Marianne; '[lwise@humrro.org](mailto:lwise@humrro.org)'; '[SL@pitt.edu](mailto:SL@pitt.edu)'; Frisbie, David A; Gerald Sroufe  
**Cc:** Barbara Plake; John S. Neikirk  
**Subject:** RE: Existing Standards

Yes, wow.... This must be a copyright infringement or something to the equivalent.... But John will look into this, felice

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**From:** Wayne Camara [<mailto:Wayne.Camara@act.org>]  
**Sent:** Monday, December 16, 2013 2:16 PM  
**To:** Ernesto, Marianne; '[lwise@humrro.org](mailto:lwise@humrro.org)'; '[SL@pitt.edu](mailto:SL@pitt.edu)'; Frisbie, David A; Gerald Sroufe; Felice Levine  
**Cc:** Barbara Plake  
**Subject:** RE: Existing Standards

Jerry and Felice – can you look into this? We need to get them to pull this off the web.

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**From:** Ernesto, Marianne [<mailto:MErnesto@apa.org>]  
**Sent:** Monday, December 16, 2013 1:09 PM  
**To:** '[lwise@humrro.org](mailto:lwise@humrro.org)'; '[SL@pitt.edu](mailto:SL@pitt.edu)'; Wayne Camara; Frisbie, David A  
**Cc:** Jerry Sroufe; Barbara Plake  
**Subject:** RE: Existing Standards

This is news to me!

Jerry and all,  
Any idea how this got posted?

Marianne

**From:** '[lwise@humrro.org](mailto:lwise@humrro.org)' [<mailto:lwise@humrro.org>]  
**Sent:** Monday, December 16, 2013 1:53 PM  
**To:** '[SL@pitt.edu](mailto:SL@pitt.edu)'; Wayne Camara; Frisbie, David A  
**Cc:** Jerry Sroufe; Ernesto, Marianne; Barbara Plake  
**Subject:** Existing Standards

Are they supposed to be available (in pdf form) free?

<https://law.resource.org/pub/us/cfr/ibr/001/aera.standards.1999.pdf>

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