

# **Exhibit 10**

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**From:** Rubel, Jordana S.  
**Sent:** Wednesday, June 11, 2014 4:55 PM  
**To:** Matthew Becker; Andrew Bridges; 'corynne@eff.org'; Kathleen Lu; 'mitch@eff.org'; 'davidhalperindc@gmail.com'; 'jgratz@durietangri.com'; 'mlemley@durietangri.com'  
**Cc:** Fee, J. Kevin; Clayton, Michael F.; 'jbucholtz@kslaw.com'; 'jwetzal@kslaw.com'; 'ksteintal@kslaw.com'; 'azee@kslaw.com'; Klaus, Kelly; Blavin, Jonathan; Mongan, Michael  
**Subject:** RE: ASTM et al. v. Public.Resource.Org - protective order  
**Attachments:** (77932750)\_ (5)\_ Protective Order - Pls\_ draft 6-11.DOCX

Counsel,

We attach a revised version of our proposed protective order that shows the changes we've made to the original document we circulated. You will see that we have accepted your proposal regarding the procedures for filing documents under seal (in Paragraph 2 of the attached) but we have rejected the remainder of your proposed changes.

Because we believe that the parties are at an impasse, we plan to file a motion with the court requesting that it enter our proposed order and explaining the issues on which the parties have been unable to agree. As far as we understand, there are at least two issues on which the parties have been unable to reach an agreement:

- 1) whether there should be an attorneys' eyes only category; and
- 2) the procedure for challenging a confidentiality designation – whether the designating party or the receiving party should have to bring the motion and within what time frame.

There are two additional issues on which we'd like you to clarify your position:

- Your May 23 letter did not mention your previous request that all documents designated as confidential be accompanied by a statement explaining which specific facts or elements within the designated material is confidential, and explaining why such designation is warranted. Please let us know if you continue to maintain that this should be required.
- We have added a new provision (Paragraph 7 in the attached) to our proposed protective order that restricts the parties' ability to use documents produced in the context of the litigation for any purpose other than litigating the case. Please let us know whether you agree to this provision.

We look forward to your prompt response.

Thank You,  
Jordana

**Jordana S. Rubel**  
**Morgan, Lewis & Bockius LLP**  
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Assistant: Margaret C. Young | +1 202.739.5493 | myoung@morganlewis.com

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**From:** Matthew Becker [mailto:mbecker@fenwick.com]  
**Sent:** Friday, May 23, 2014 11:55 PM  
**To:** 'Mongan, Michael'

**Cc:** 'corynne@eff.org'; Kathleen Lu; 'mitch@eff.org'; 'davidhalperindc@gmail.com'; 'jgratz@durietangri.com'; 'mlemley@durietangri.com'; Rubel, Jordana S.; Fee, J. Kevin; Clayton, Michael F.; 'jbucholtz@kslaw.com'; 'jwetzal@kslaw.com'; 'ksteinthal@kslaw.com'; 'azee@kslaw.com'; Klaus, Kelly; Blavin, Jonathan; Andrew Bridges  
**Subject:** RE: ASTM et al. v. Public.Resource.Org Discovery Letter and Protective Order

Counsel,

Attached, please find Public Resource's letter in response to our teleconference on May 7th.

Have an enjoyable holiday weekend,  
Matt

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**From:** Mongan, Michael [<mailto:michael.mongan@mto.com>]  
**Sent:** Friday, May 23, 2014 5:49 PM  
**To:** Andrew Bridges  
**Cc:** 'corynne@eff.org'; Kathleen Lu; 'mitch@eff.org'; 'davidhalperindc@gmail.com'; 'jgratz@durietangri.com'; 'mlemley@durietangri.com'; Matthew Becker; 'jrubel@morganlewis.com'; 'jkfee@morganlewis.com'; 'mclayton@morganlewis.com'; 'jbucholtz@kslaw.com'; 'jwetzal@kslaw.com'; 'ksteinthal@kslaw.com'; 'azee@kslaw.com'; Klaus, Kelly; Blavin, Jonathan  
**Subject:** RE: ASTM et al. v. Public.Resource.Org Discovery Letter and Protective Order

Counsel:

Attached, please find a letter in response to your May 2 letter. I hope you all have a pleasant holiday weekend.

Best,  
Mike

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**From:** Matthew Becker [<mailto:mbecker@fenwick.com>]  
**Sent:** Friday, May 02, 2014 6:49 PM  
**To:** 'jrubel@morganlewis.com'; Mongan, Michael; 'jkfee@morganlewis.com'; 'mclayton@morganlewis.com'; 'jbucholtz@kslaw.com'; 'jwetzal@kslaw.com'; 'ksteinthal@kslaw.com'; 'azee@kslaw.com'; Klaus, Kelly; Blavin, Jonathan; Choudhury, Anjan  
**Cc:** 'corynne@eff.org'; Andrew Bridges; Kathleen Lu; 'mitch@eff.org'; 'davidhalperindc@gmail.com'; 'jgratz@durietangri.com'; 'mlemley@durietangri.com'  
**Subject:** ASTM et al. v. Public.Resource.Org Discovery Letter and Protective Order

Counsel,

Please find attached to this email a discovery letter, draft protective order, and redline of the draft protective order for the ASTM et al. v. Public.Resource.Org matter.

Thank you,

Fenwick  
FENWICK & WEST LLP

**MATTHEW BECKER**

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