

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

AMERICAN SOCIETY FOR TESTING AND  
MATERIALS d/b/a/ ASTM INTERNATIONAL;

NATIONAL FIRE PROTECTION  
ASSOCIATION, INC.; and

AMERICAN SOCIETY OF HEATING,  
REFRIGERATING, AND AIR-CONDITIONING  
ENGINEERS, INC.

Plaintiffs,

v.

PUBLIC.RESOURCE.ORG, INC.,

Defendant.

---

PUBLIC.RESOURCE.ORG, INC.,

Counterclaimant,

v.

AMERICAN SOCIETY FOR TESTING AND  
MATERIALS d/b/a/ ASTM INTERNATIONAL;

NATIONAL FIRE PROTECTION  
ASSOCIATION, INC.; and

AMERICAN SOCIETY OF HEATING,  
REFRIGERATING, AND AIR-CONDITIONING  
ENGINEERS, INC.

Counterdefendants.

---

Case No. 1:13-cv-01215-TSC-DAR

**PLAINTIFF-  
COUNTERDEFENDANTS THE  
AMERICAN SOCIETY OF HEATING,  
REFRIGERATING, AND AIR-  
CONDITIONING ENGINEERS, INC.  
AND THE NATIONAL FIRE  
PROTECTION ASSOCIATION,  
INC.'S UNOPPOSED MOTION TO  
ALLOW TELEPHONIC  
APPEARANCE AT OCTOBER 28,  
2014 HEARING**

Filed: August 6, 2013

The American Society of Heating, Refrigerating, and Air Conditioning Engineers (“ASHRAE”) and the National Fire Protection Association, Inc. (“NFPA”) respectfully request that their counsel be allowed to appear telephonically at the October 28, 2014 further hearing on Defendant’s Motion to Compel Discovery. In support of this Motion, ASHRAE states as follows:

1. On September 15, 2014, Defendant Public.Resource.Org, Inc. (“Public Resource”) filed a Motion to Compel Discovery. ECF No. 41. ASHRAE and NFPA filed their responses in opposition to the Motion on October 2, 2014. ECF Nos. 46, 48.

2. On October 15, 2014, the parties presented preliminary arguments regarding the status of Public Resource’s Motion before U.S. Magistrate Judge Deborah A. Robinson. The Court scheduled a further hearing for October 28, 2014 at 3:00 p.m.

3. Since the initial hearing on October 15, 2014, the parties have continued their meet-and-confer efforts. ASHRAE and NFPA believe that there is a reasonable possibility that the parties will mutually resolve their disputes and eliminate the need for the further hearing on October 28, 2014.

4. The attorneys for ASHRAE and NFPA with primary responsibility for this case work and reside in or around San Francisco, California. Permitting counsel to appear by telephone will save the time and expense of traveling across the country to Washington D.C. Counsel for ASHRAE and NFPA believe that their ability to participate meaningfully in the hearing will not be impeded by a telephonic appearance.

5. No party will be prejudiced by the requested telephonic appearance by counsel for ASHRAE and NFPA.

6. On October 23, 2014, counsel for ASHRAE contacted counsel for Public Resource, who stated that they have no opposition to the requested relief.

Accordingly, for the foregoing reasons, ASHRAE and NFPA respectfully request that the Court grant this Motion and permit their counsel to appear telephonically at the October 28, 2014 further hearing on Public Resource's Motion to Compel Discovery. A proposed order is attached.

Dated: October 24, 2014

Respectfully submitted,

/s/ Kenneth L. Steinthal

Kenneth L. Steinthal *admitted pro hac vice*  
Joseph R. Wetzel *admitted pro hac vice*  
M. Andrew Zee *admitted pro hac vice*  
KING & SPALDING, LLP  
101 2<sup>nd</sup> Street, Suite 2300  
San Francisco, CA 94105  
(415) 318-1200  
ksteinthal@kslaw.com  
jwetzel@kslaw.com  
azee@kslaw.com

Jeffrey S. Bucholtz (D.C. Bar: 452385)  
KING & SPALDING, LLP  
1700 Pennsylvania Avenue, NW, Suite 200  
Washington, DC 20006  
(202) 737-0500  
jbucholtz@kslaw.com

*Counsel for the American Society of  
Heating, Refrigerating, and Air-  
Conditioning Engineers, Inc.*

/s/ Kelly Klaus

Anjan Choudhury (D.C. Bar: 497271)  
Munger, Tolles & Olson LLP  
355 South Grand Avenue, 35th Floor  
Los Angeles, CA 90071  
Tel: 213.683.9100  
Email: Anjan.Choudhury@mto.com  
Kelly M. Klaus  
Jonathan H. Blavin  
Nathan M. Rehn  
Munger, Tolles & Olson LLP

560 Mission St., 27th Floor  
San Francisco, CA 94105  
Tel: 415.512.4000  
Email: Kelly.Klaus@mto.com  
Jonathan.Blavin@mto.com  
Thane.Rehn@mto.com

*Counsel for National Fire Protection  
Association, Inc.*