

**IN THE 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,

Plaintiffs-Counterdefendants,

v.

PUBLIC.RESOURCE.ORG, INC.,

Defendant-Counterclaimant.

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

**DECLARATION OF CARL
MALAMUD IN SUPPORT OF
DEFENDANT-COUNTERCLAIMANT
PUBLIC.RESOURCE.ORG, INC.'S
RESPONSE TO PLAINTIFFS'
MOTION TO COMPEL DISCOVERY**

Filed: August 6, 2013

I, CARL MALAMUD, declare as follows:

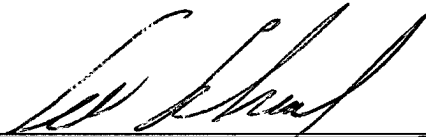
1. I founded Public.Resource.Org (“Public Resource”) in 2007 and I serve as its president.
2. Public Resource works to make government documents more available to the public via the Internet. As part of this work, I publish essays and position papers, write to and meet with government officials, and testify at legislative and administrative hearings.
3. Public Resource’s work is funded almost entirely by charitable donations. While Public Resource has made t-shirts and other memorabilia bearing its logo available for sale, it has obtained less than \$100 through such sales.
4. Some donors to Public Resource have consented to be identified publicly on Public Resource’s website, and are identified there.
5. However, many donors to Public Resource have not consented to be identified

publicly, and have expressed a desire to remain anonymous. I believe that donors to Public Resource know that Public Resource's work is controversial, and has drawn legal threats and litigation.

6. For example, several large donors channel their donations through Donor Advised Funds and other charitable instruments that keep donors' identities private.
7. Another large donor has a policy of anonymous philanthropy and has made that policy known to Public Resource. It is my understanding that that donor is submitting a declaration in connection with this motion, signed as John Doe.
8. Those who donate through the Internet have also expressed a desire for anonymity. From May through July, 2014, Public Resource conducted a series of fundraising campaigns through the website indiegogo.com to raise funds for the scanning and posting of official state statutes in four states. One-third of the donors to these campaigns requested anonymity.
9. It is my belief, based on communications with donors and my experience in political advocacy and fundraising, that if Public Resource is compelled to reveal the identities of its donors to the Plaintiffs in this case, some current donors will be reluctant to donate again, and potential new donors will be discouraged from donating. Such compelled disclosure will make it more difficult for Public Resource to raise funds, and its ability to advocate will be diminished.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 12th day of January, 2015, in Sebastopol, California.

/s/ 

Carl Malamud