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18 SUPERIOR COURT OF THE STATE OF CALIFORNIA

19 COUNTY OF SACRAMENTO

20  
21 Public.Resource.Org., Inc.,

22 Petitioner,

23 vs.

24 California Office of Administrative Law, and  
the California Building Standards  
25 Commission,

26 Respondents.  
27  
28

Case No. 34-2021-80003612

**Declaration of Bryan H. Heckenlively**

**Filed In Support of Intervenor's Brief in  
Opposition to the Petition for a Writ of  
Mandate**

Date: January 21, 2022

Time: 1:30 p.m.

Dept.: 27

Judge: Hon. Steven M. Gevercer

Action Filed: March 17, 2021

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**DECLARATION OF BRYAN H. HECKENLIVELY**

I, Bryan H. Heckenlively, declare as follows:

1. I am an attorney at Munger, Tolles & Olson LLP and counsel of record for Plaintiff National Fire Protection Association, Inc. (“NFPA”) in this matter. The contents of this declaration are based on my personal knowledge from my investigation and that of attorneys and professionals in my law firm working at my direction. If called as a witness, I could and would testify competently to the facts in this declaration.

2. Attached as **Exhibit A** to this declaration is a true and correct copy of Carl Malamud’s Testimony, “An Edicts of Government Amendment,” before the House Judiciary Committee, Courts, Intellectual Property, and the Internet Subcommittee on January 14, 2014, which I accessed and downloaded from <<https://docs.house.gov/meetings/JU/JU03/20140114/101642/HHRG-113-JU03-Wstate-MalamudC-20140114.pdf>>.

3. Attached as **Exhibit B** to this declaration is a true and correct copy of an excerpt from the deposition of Carl Malamud taken February 26, 2015.

4. Attached as **Exhibit C** to this declaration is a true and correct copy of the results of a search conducted on February 25, 2015, on the Internet Archive website, displaying NFPA materials posted on the site and the number of times each document was downloaded.

5. Attached as **Exhibit D** to this declaration is a true and correct copy of Public.Resource.Org’s website, accessed and printed on December 20, 2021.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 27th day of December, 2021, at Oakland, California.



Bryan H. Heckenlively