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May 21, 2009

Laura Gary, Esq.  
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VIA ELECTRONIC MAIL

Re: *Cambridge University Press, et al. v. Mark P. Becker, et al.*  
United States District Court, Northern District of Georgia  
Civil Action File No. 1:08-CV-1425-ODE

Dear Laura:

I am writing to confirm our phone conversation this afternoon in which I advised you that Plaintiffs' object to Defendants' use of a witness to present evidence at trial under Federal Rules of Evidence 702, 703 and 705. Putting aside whether the proposed testimony would even be admissible, Plaintiffs believe Defendants' identification of Dr. Crews as an expert witness was clearly untimely under Local Rule 26.2.C and, absent a court order authorizing the testimony based upon a showing that Defendants' failure to comply with the Local Rule was justified, any such testimony cannot be used.

We can discuss this issue further once you have had an opportunity to confer with Tony and your co-counsel.

Very truly yours,



Edward B. Krugman

EBK:am

cc: Anthony B. Askew, Esq. (via email)  
Mary Jo Volkert, Esq. (via email)  
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