

# EXHIBIT A

## John H. Rains IV

---

**From:** Swift, Kristen [KSwift@KSLAW.com]  
**Sent:** Tuesday, April 21, 2009 3:38 PM  
**To:** John H. Rains IV  
**Cc:** Askew, Tony; Edward B. Krugman; Swift, Kristen  
**Subject:** RE: Oxford/GSU - Ancillary Issue relating to our upcoming motion for permission to take additional depositions  
**Attachments:** REVISED Oxford\_GSU joint motion to extend time to take depositions (3) (2).DOC.DOC

John,

We have no problem with limiting the extension to the limited purpose of scheduling and taking depositions assuming the ability to do so is reciprocal. We have attached a joint motion containing our proposed revisions in track changes.

Thanks,  
Kristen

---

**From:** John H. Rains IV [mailto:rains@bmelaw.com]  
**Sent:** Tuesday, April 21, 2009 12:10 PM  
**To:** Swift, Kristen  
**Cc:** Askew, Tony; Edward B. Krugman  
**Subject:** RE: Oxford/GSU - Ancillary Issue relating to our upcoming motion for permission to take additional depositions

Kristen,

We have discussed the issue of extending the discovery deadline and are willing to agree to an extension of the discovery period for the limited purpose of scheduling and taking depositions. All other discovery deadlines would remain the same. A draft joint motion and proposed order reflecting that proposal are attached.

Also, if Plaintiffs' motion to take additional depositions is still pending, we plan to go forward with the deposition of Paula Christopher as scheduled, but would like to postpone the depositions of Dimsdale and Schlotzhauer until after at least some of the professors have been deposed. Can you confirm that Paula Christopher is available on the 5th?

To the extent you can gather and share information about the professors' availability, we would be greatly appreciative.

We look forward to your response,

John

John H. Rains IV  
Bondurant, Mixson & Elmore  
1201 West Peachtree St. NW  
Suite 3900  
Atlanta, GA 30309  
www.bmelaw.com  
Direct Line: (404) 881-4128  
Fax: (404) 881-4111

rains@bmelaw.com

---

**From:** Swift, Kristen [mailto:KSwift@KSLAW.com]  
**Sent:** Tuesday, April 21, 2009 10:51 AM  
**To:** John H. Rains IV  
**Cc:** Askew, Tony; Edward B. Krugman; Swift, Kristen  
**Subject:** RE: Oxford/GSU - Ancillary Issue relating to our upcoming motion for permission to take additional depositions

John,

Unfortunately, due to conflicts in our schedules and the professors' schedules, we are not able to schedule the professors' depositions for next week. We understand per our conversation this morning with Edward that you all will be preparing a joint motion to extend discovery through the end of June. As such, we will inquire as to the professors' availability through the end of June.

We also presume that the depositions of Christopher and Schlotzhauer will still be going forward on 5/5 and 5/6, even if plaintiffs' motion to exceed the number of depositions permitted by the Federal Rules is still pending. Please let us know if you would prefer to schedule professors' depositions for those dates instead, if they are available.

Thanks,  
Kristen

---

**From:** John H. Rains IV [mailto:rains@bmelaw.com]  
**Sent:** Monday, April 20, 2009 6:59 PM  
**To:** Swift, Kristen  
**Cc:** Askew, Tony; Edward B. Krugman  
**Subject:** RE: Oxford/GSU - Ancillary Issue relating to our upcoming motion for permission to take additional depositions

Thank you. We look forward to your answer.

John H. Rains IV  
Bondurant, Mixson & Elmore  
1201 West Peachtree St. NW  
Suite 3900  
Atlanta, GA 30309  
www.bmelaw.com  
Direct Line: (404) 881-4128  
Fax: (404) 881-4111  
rains@bmelaw.com

---

**From:** Swift, Kristen [mailto:KSwift@KSLAW.com]  
**Sent:** Monday, April 20, 2009 6:12 PM  
**To:** John H. Rains IV  
**Cc:** Askew, Tony; Edward B. Krugman; Swift, Kristen  
**Subject:** RE: Oxford/GSU - Ancillary Issue relating to our upcoming motion for permission to take additional depositions

John,

I hope to have an answer for you first thing tomorrow morning (Tony is currently on a plane).

Thanks,  
Kristen

---

**From:** John H. Rains IV [mailto:rains@bmelaw.com]  
**Sent:** Monday, April 20, 2009 5:35 PM  
**To:** Swift, Kristen  
**Cc:** Askew, Tony; Edward B. Krugman  
**Subject:** Oxford/GSU - Ancillary Issue relating to our upcoming motion for permission to take additional depositions

Kristen,

In conjunction with asking the Court for permission to take additional depositions in this case, we also plan to seek a short extension of the discovery period (approximately thirty days) to ensure that there is time to schedule and take any additional depositions the Court permits. We plan to ask the Court to limit this extension so that it may only be used by the parties to take additional depositions above the ten allowed under the Federal Rules.

We understand Defendants are opposed to Plaintiffs taking any additional depositions, but in the event the Court does permit Plaintiffs to take additional depositions, would Defendants be opposed to such an extension?

Given that the end of the academic term is nearing and university personnel are more difficult to locate during school holidays, we believe such an extension is prudent. We also want to make sure there is time left after the Court considers the parties' briefs and issues an order.

What we propose is adding language to our motion representing to the Court that Defendants are opposed to Plaintiffs being permitted to take any additional depositions beyond those allowed under the Rules, but that in the event the Court permits Plaintiffs to take any additional depositions, Defendants do not oppose an extension of the discovery period for the limited purpose of scheduling and taking those depositions.

We plan to file our motion tomorrow morning. If Defendants are inclined to allow us to make this proposed representation to the Court, please let us know as soon as possible. Also, if you would like to discuss the matter over the phone or negotiate over the specific length of the extension, please let me know.

Best regards,

John

John H. Rains IV  
Bondurant, Mixson & Elmore  
1201 West Peachtree St. NW  
Suite 3900  
Atlanta, GA 30309  
www.bmelaw.com  
Direct Line: (404) 881-4128  
Fax: (404) 881-4111  
rains@bmelaw.com

Confidentiality Notice

This message is being sent by or on behalf of a lawyer. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.

Confidentiality Notice

This message is being sent by or on behalf of a lawyer. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.

Confidentiality Notice

This message is being sent by or on behalf of a lawyer. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

CAMBRIDGE UNIVERSITY PRESS,  
et al,

Plaintiffs,

-vs.-

MARK P. BECKER, in his official  
capacity as Georgia State University  
President, et al,

Defendants.

Civil Action File  
No.1:08-CV-1425-ODE

**JOINT MOTION FOR AN EXTENSION OF TIME TO TAKE  
DEPOSITIONS, AND SUPPORTING MEMORANDUM**

Plaintiffs Cambridge University Press, Oxford University Press, Inc., and Sage Publications, Inc. (collectively "Plaintiffs") and Defendants Mark P. Becker, Ron Henry, Nancy Seamans, J.L. Albert, Kenneth R. Bernard, Jr., James A. Bishop, Hugh A. Carter, Jr., William H. Cleveland, Robert F. Hatcher, Felton Jenkins, W. Mansfield Jennings, Jr., James R. Jolly, Donald M. Leebern, Jr., Elridge McMillan, William NeSmith, Jr., Doreen Stiles Poitevint, Willis J. Potts, Jr., Wanda Yancey Rodwell, Kessel Stelling, Jr., Benjamin J. Tarbutton, III, Richard L. Tucker, and Allan Vigil (collectively "Defendants"), by and through their undersigned counsel, respectfully move the Court for an extension of the

438748.1

discovery period in this action for the limited purpose of scheduling and taking depositions. In support of this motion, the Parties show the Court as follows:

1.

This copyright infringement action was commenced on April 15, 2008 when Plaintiffs filed their complaint. Plaintiffs amended their complaint on December 15, 2008, at the consent of Defendants, to add as Defendants individual members of the Board of Regents of the University System of Georgia in their official capacities.

2.

The Court entered a scheduling Order in this case on July 30, 2008 providing for an eight-month discovery period.

3.

The Court entered a second scheduling order in this case on February 24, 2009 extending the time to complete discovery until May 25, 2009.

4.

The Parties have worked diligently to complete discovery in this matter but will not be able to complete all depositions by the May 25, 2009 deadline.

Because of scheduling difficulties with certain deponents due in most part to the academic calendar and the complicated schedules of Georgia State University faculty members as the end of the current semester approaches, the Parties do not

Deleted: and

Deleted: discovery except certain

Deleted: those

anticipate being able to schedule those depositions before the existing deadline expires.

Deleted: those

Deleted: These difficulties are due in most part to the academic calendar and the complicated schedules of Georgia State University faculty members as the end of the current semester approaches.

5.

The Parties wish to provide each other with sufficient time to complete the discovery necessary in this matter as expeditiously as possible.

6.

The Parties have agreed that the deadline for taking depositions in this case should be extended until June 30, 2009, but that all other discovery should be completed by the existing deadline.

WHEREFORE, the Parties respectfully move this Court for entry of an Order extending the time for taking depositions. A Proposed Order is attached for the Court's convenience.

Respectfully submitted this 21st day of April, 2009.



/s/ John H. Rains IV

Edward B. Krugman  
Georgia Bar No. 429927  
John H. Rains IV  
Georgia Bar No. 556052  
BONDURANT, MIXSON &  
ELMORE, LLP  
1201 West Peachtree Street NW  
Suite 3900  
Atlanta, GA 30309  
(404) 881-4100

R. Bruce Rich (*pro hac vice*)  
Randi Singer (*pro hac vice*)  
Todd D. Larson (*pro hac vice*)  
WEIL, GOTSHAL & MANGES LLP  
767 Fifth Avenue  
New York, New York 10153

*Attorneys for the Plaintiffs*

/s/ Kristen A. Swift

(with express permission)  
Anthony B. Askew  
Georgia Bar No. 025300  
Special Assistant Attorney General  
Stephen M. Schaetzel  
Georgia Bar No. 628653  
Kristen A. Swift  
Georgia Bar No. 702536  
KING & SPALDING, LLP  
1180 Peachtree Street  
Atlanta, Georgia 30309  
(404) 572-5100

Mary Jo Volkert  
Georgia Bar No. 728755  
Assistant Attorney General  
40 Capitol Square  
Atlanta, Georgia 30334

*Attorneys for the Defendants*

**CERTIFICATE OF COMPLIANCE**

I hereby certify that this document was prepared in Times New Roman 14 point font.

/s/ John H. Rains IV  
John H. Rains IV

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day filed the foregoing **JOINT MOTION FOR AN EXTENSION OF TIME TO TAKE DEPOSITIONS, AND SUPPORTING MEMORANDUM** with the Clerk of Court using the CM/ECF filing system which will automatically send e-mail notification of such filing to the following attorneys of record:

Anthony B. Askew, Esq.  
Stephen M. Schaetzel, Esq.  
Kristen A. Swift, Esq.  
King & Spalding  
1180 Peachtree Street  
Atlanta, Georgia 30309

Mary Jo Volkert, Esq.  
Assistant S. Attorney General  
40 Capitol Square  
Atlanta, Georgia 30334

This 21st day of April, 2009.

/s/ John H. Rains IV  
John H. Rains IV