

**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 THE ENTRY OF A SCHEDULING ORDER, 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. Tarbuton, III,

Richard L. Tucker, and Allan Vigil in their official capacities only (collectively “Defendants”), by and through their undersigned counsel, respectfully move the Court for a modification of the discovery and summary judgment deadlines in this action. 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 Court entered a third scheduling order in this case on April 22, 2009 extending the time for the parties to schedule and take depositions until June 30, 2009.

5.

On May 19, 2009, Defendants designated Kenneth D. Crews as a testifying expert in this case. On June 1, 2009, Defendants served Dr. Crews' expert report on Plaintiffs.

6.

Plaintiffs have moved to exclude Dr. Crews expert report and Defendants have responded to that motion. The briefing on the motion is now complete.

7.

The Parties agree that, in the interest of efficiency, the schedule for further expert discovery, if any, and the deadline for filing motions for summary judgment and for conducting the post-discovery conference required by Local Rule 16.3 should be tied to the Court's resolution of Plaintiffs' motion to exclude Dr. Crews' expert report.

8.

The Parties have agreed on a schedule for motions for summary judgment, including a conditional period of expert discovery prior to summary judgment briefing in the event Plaintiffs' motion to exclude Dr. Crews' expert report is denied in whole or in part. That agreement is memorialized in the proposed scheduling order presented with this motion.

9.

The Parties also agree that page limits for summary judgment briefs set forth by the local rules should be altered in this case and that neither Party should be permitted to file any surreply brief with the Court without first receiving leave to do so. That agreement is also memorialized in the proposed scheduling order.

WHEREFORE, the Parties respectfully move this Court for entry of a scheduling order setting deadlines for filing motions for summary judgment, holding a post-discovery conference, and conducting expert discovery, if any. A proposed order is attached for the Court's convenience.

Respectfully submitted this 20th day of July, 2009.

/s/ John H. Rains IV

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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 THE ENTRY OF A SCHEDULING ORDER, 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:

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This 20th day of July, 2009.

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