

**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 EXTENSION OF TIME FOR EXPERT
DEPOSITIONS AND BRIEF IN SUPPORT**

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 (collectively “Defendants”), by and through their undersigned counsel, respectfully move the Court for an extension of the period for completion of expert depositions in this action up to and including

January 27, 2009. In support of this motion, the Parties show the Court as follows:

1.

On September 14, 2009, the Court entered a Scheduling Order in this case providing for a period of expert discovery, in which the parties were given a period of 45 days to complete expert depositions commencing a week after the delivery of Defendants' rebuttal expert report. The period to complete depositions is currently set to expire on Thursday, December 24, 2009.

2.

Pursuant to notice and agreement of the parties, Defendants planned to take the deposition of Debra J. Mariniello, one of Plaintiffs' rebuttal expert witnesses, on December 21, 2009. Ms. Mariniello resides in the Boston area and was scheduled to travel to New York City for the deposition.

4.

Due to severe inclement weather on Saturday, December 19 and Sunday, December 20, Ms. Mariniello was unable to travel from Boston to New York City for the deposition. Counsel for the Defendants was likewise unable to travel from Atlanta to New York City for the deposition. Plaintiffs' counsel requested that Ms. Mariniello's December 21 deposition be rescheduled for January 2010. Defendants' counsel agreed.

5.

The parties are currently working to schedule Ms. Mariniello's deposition, and believe the deposition can be completed by January 27, 2010. The parties hereby request the Court to extend the period for completion of expert depositions up to and including January 27, 2010, so that Ms. Mariniello's deposition may be taken within the expert discovery period.

6.

In view thereof, the parties further request that all other deadlines, including the deadline for summary judgment briefs, be extended accordingly. The parties have also conferred regarding summary judgment briefs and believe that an additional 10 pages for the initial briefs will be justified and necessary in this case. Accordingly, the parties request that the deadlines and page limits set forth in this Court's previous scheduling orders be extended as follows: (i) summary judgment motions and briefs, not to exceed 60 pages, shall be filed by February 26, 2010; (ii) opposition briefs, not to exceed 50 pages, shall be filed by March 22, 2010; and (iii) reply briefs, if any, shall be filed by April 8, 2010, and shall not exceed 25 pages.

WHEREFORE, the Parties respectfully move this Court for entry of an Order extending the period for completion of expert depositions up to and

including January 27, 2010, and extending the deadlines and page limits for summary judgment briefing as set forth in paragraph 6 above. A Proposed Order is attached for the Court's convenience.

Respectfully submitted this 23rd day of December, 2009.

/s/ Kristen A. Swift
Anthony B. Askew
Georgia Bar No. 025300
Special Assistant Attorney General
Stephen M. Schaezel
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

/s/ John H. Rains IV
(with express permission)
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

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

CERTIFICATE OF COMPLIANCE

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

/s/ Kristen A. Swift
Kristen A. Swift

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the foregoing **JOINT MOTION FOR EXTENSION OF TIME FOR EXPERT DEPOSITIONS** 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:

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

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

This 23rd day of December, 2009.

/s/ Kristen A. Swift
Kristen A. Swift