EXHIBIT B

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

CAMBRIDGE UNIVERSITY PRESS, et al.,	§ §	
Plaintiffs,	§	
V.	§	
	§	Case No. 1:08-CV-1425-ODE
MARK P. BECKER, in his official	§	
capacity as Georgia State University	§	
President, et al.,	§	
Defendants,	§	
Dorondamo,	§	
	§	

DECLARATION OF JENNIFER ESPOSITO, Ph.D

- I, Jennifer Esposito, do hereby declare under penalty of perjury as follows:
- 1. My name is Jennifer Esposito. I am over the age of 18 and competent to make this declaration. All of the facts stated herein are within my personal knowledge and are true and correct.
- 2. I am a professor of Educational Policy Studies at Georgia State
 University. Following adoption of the USG Policy on Copyright and Fair Use
 ("the Policy"), I completed a fair use checklist in accordance with the Policy for
 each of the course reading assignments I made available on electronic reserves
 ("eReserves") and concluded that each such use was a fair use. True and correct
 copies of fair use checklists I have completed are attached hereto as Exhibit A.

•

- 3. Each course reading assignment I have made available on eReserves since adoption of the Policy has been narrowly tailored to support a specific teaching point and constitutes less than ten percent of the entire work. For each course I have taught following adoption of the Policy, the total course reading assignments available on eReserves have been less than ten percent of the total reading assignments for the course. In addition to the supplemental reading material I place on eReserves, I also require my students to purchase books, including one published by Sage Publications, Inc.
- 4. My completion of fair use checklists has changed my understanding of how the fair use analysis works. It has made me aware of the stakes involved in posting on eReserves a substantial portion from any particular book.
- 5. My practices have changed as a result of the Policy and my completion of fair use checklists. For example, I have determined that certain proposed uses were not fair uses after completing the fair use checklist and accordingly have required less course reading for that course in order to ensure the use was a fair use. Though I believe students' education has suffered as a result, I had to make the tough decision to drop those assignments because it would be too expensive to require students to purchase the books on top of the other books they must purchase for my course. I also looked into the option of licensing excerpts of

a book for a course I was teaching in Summer Semester of 2009. Because licensing was too expensive, however, I chose not to assign those excerpts.

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

Executed on April <u>7</u>, 2010.

Jennifer Esposito, Ph.D

EXHIBIT A TO DECLARATION OF J. ESPOSITO



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Reserves Request

Personal Information

Instructor Jennifer Esposito

Department EPS

Work Phone 404-413-8281

E-mail jesposito@gsu edu

Course Information

Course Name EPRS 8500

Course Number CRN 14126

This request is for Spring 2010

Additional Instructors - Sharon Duhart, GTA

Material Owned by the Library

Electronic: Book

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Call Number

Author Howard S Becker

Title How I learned what a crock was

Place of Publication

Publisher SAGE

Edition Journal of Contemporary Ethnography / Vol 22, No 1

Year of Publication April 1993

Chapter or Page Pages 28-35

Numbers

Copyright Status It falls under fair use according to the Fair Use Checklist I

completed

Call Number

Author Carolyn Ellis

Title Emotional and Ethical Quagmires in Returning to the Field

Place of Publication

Publisher SAGE

Edition Journal of Contemporary Ethnography / Vol. 24, No. 1

Year of Publication April 1995

Chapter or Page pages 68-98

Numbers

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completed

Call Number

Author Christopher Shea

Title Don't Talk to the Humans The Crackdown on Social Science

Research

Place of Publication

Publisher Lingua Franca

Edition Lingua Franca / September / Vol 10

Year of Publication September 2000

Chapter or Page pages 27-34

Numbers

Submit Back

Name Jennifer Espo	sito	<u> </u>	Date	January 14, 2010
Class or Project	Qual/Inter Research	h ın Edu l		
Course and Term	EPRS 8500 / CRN 14	4126		
Title of Copyrighte	ed Work Emotiona	il and Ethical Qua	gmires in R	eturning to the Field
Author and Publis	her Carolyn Ellis / Jo	urnal of Contempor	ary Ethnogra	phy / SAGE / Vol. 24 / No. 1 / April 1995
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Fair Use Cr	necklist				
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Class or Project Qual/Inter Research in Edu I					
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Fair Use 0	Checklist	
Name Jennifer Esposito	_ Date	January 14, 2010
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Course and Term EPRS 8500 / CRN 14126		
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☐ Factor Weighs in Favor of Fair Use	☐ Factor Weighs Against Fair Use
Factor 4: Effect or	n Market for Original
Weighs in Favor of Fair Use	Weighs Against Fair Use
 ☑ No significant effect on market or potential market for copyrighted work ☑ Use stimulates market for original work ☑ No similar product marketed by the copyright holder ☑ No longer in print ☑ Licensing or permission unavailable ☑ Supplemental classroom reading ☑ One or few copies made or distributed ☑ User owns lawfully acquired or purchased copy of original work ☑ Restricted access (to students or other appropriate group) 	 □ Significantly impairs market or potential market for copyrighted work or derivative □ Licensing or permission reasonably available □ Numerous copies made or distributed □ Repeated or long-term use that demonstrably affects the market for the work □ Required classroom reading □ User does not own lawfully acquired or purchased copy of original work □ Unrestricted access on the web or other public forum
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Personal Information

Instructor Jennifer Esposito

Department EPS

Work Phone 404-413-8281

E-mail jesposito@gsu.edu

Course Information

Course Name EPRS 8500

Course Number CRN 14126

This request is for: Spring 2010

Additional Instructors: - Sharon Duhart, GTA

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Title of Journal Qualitative Report

Volume 14

Issue 3

Month: September 2009

Year 2009

Title of Article. The Poliferation of Theoretical Paradigms Quandary: How

One Novice Researcher Used Eclecticism as a Solution

Author of Article. David W Stinson

Page Numbers 498-523

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Personal Information

Instructor Jennifer Esposito

Department EPS

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Course Name EPRS 8500

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Volume 12

Issue 6

Month Nov/Dec

Year 1999

Title of Article The ties that bind and the shackles that separate race,

gender, class, and color in a research process

Author of Article Juanita Johnson-Bailey

Page Numbers 659-670

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Title of Journal Qualitative Inquiry

Volume 8

Issue 1

Month February

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Title of Article Critical Race Methodology Counter-Storytelling as an

Analytical Framework for Education Research

Author of Article Daniel G Solorzano and Tara J Yosso

Page Numbers 23-44

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Volume 5

Issue 4

Month December

Year 1999

Title of Article On Understanding Understanding

Author of Article Thomas A Schwandt

Page Numbers 451-464

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Author Bernard N Meltzer, John W Petras, Larry T Reynolds

Title Symbolic interactionism genesis, varieties and criticism

Place of Publication London, Boston

Publisher Routledge & K Paul

Edition 1975

Year of Publication 1975

Chapter or Page 53-83

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Call Number BF204 5 M68 1994

Author Clark Moustakas

Title Phenomenological research methods

Place of Publication Thousand Oaks, California

Publisher SAGE

Edition 1994

Year of Publication 1994

Chapter or Page (ix-24) and (43-67)

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Author Robert K Yin

Title Applications of case study research Applied Social

Research Methods Series Volume 34

Place of Publication Thousand Oaks, California

Publisher SAGE

Edition 2nd Edition

Year of Publication 2003

Chapter or Page Chapter 3 (p 53-67)

Numbers

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Call Number H62 M277 1995

Author Catherine Marshall, Gretchen B Rossman

Title Designing Qualitative Research

Place of Publication Thousand Oaks, California

Publisher SAGE

Edition 4th Edition

Year of Publication 2006

Chapter or Page Chapter 3 (p 51-96) and Chapter 4 (p 97-150)

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Call Number H62 H2455 2000

Author Norman K Denzin, Yvonna S Lincoln editors

Title The handbook of qualitative research

Place of Publication Thousand Oaks, California

Publisher SAGE

Edition 2nd Edition

Year of Publication 2000

Chapter or Page Chapter 6 (p 163-188)

Numbers

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Call Number H62 H2455 2005

Author Norman K Denzin, Yvonna S Lincoln

Title The SAGE handbook of qualitative research

Place of Publication Thousand Oaks, California

Publisher SAGE

Edition 3rd Edition

Year of Publication 2005

Chapter or Page Chapter 12 (p 303-343) and Chapter 25 (p 651-679)

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Call Number B828 2 L56 1985

Author Yvonna S Lincoln

Title Naturalistic Inquiry

Place of Publication Beverly Hills, California

Publisher SAGE

Edition 1985

Year of Publication 1985

Chapter or Page Chapter 9 (p 221-249)

Numbers

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Call Number HQ1180 D48 1999

Author Marjorie L DeVault

Title Liberating Method Feminism and Social Research

Place of Publication Philadelphia

Publisher Temple University Press

Edition 1999

Year of Publication 1999

Chapter or Page Chapter 5 (p 84-103)

Numbers

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Call Number LB1028 F64 2004

Author Edited by Kathleen deMarrais, Stephen D Lapan

Title Foundations for research methods of inquiry in education

and the social sciences

Place of Publication Mahwah, N J

Publisher Lawrence Erlbaum Associates

Edition 2004

Year of Publication 2004

Chapter or Page Chapter 7 (p 103-121) and Chapter 13 (p 217-234)

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Call Number H62 G82 1997

Author Gubrium, Jaber F

Title The new language of qualitative method

Place of Publication New York, NY

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Edition 1997

Year of Publication 1997

Chapter or Page Chapter 1 (p 3-16)

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Call Number HM48 G43

Author Barney G Glaser and Anselm L Strauss

Title The Discovery of Grounded Theory Strategies for Qualitative

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Place of Publication Chicago, IL

Publisher Aldine Publishing Company

Edition 1967

Year of Publication 1967

Chapter or Page Chapter 1 (p 1-18)

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Call Number GN345 H365 2001

Author Edited by Paul Atkinson, Amanda Coffey, Sara Delamont,

John Lofland, and Lyn Lofland

Title Handbook of Ethnography

Place of Publication London, Thousand Oaks, California

Publisher SAGE

Edition 2001

Year of Publication 2001

Chapter or Page Chapter 11 (p 160-174), Chapter 27 (p 395-406), Chapter 30

Numbers (p 443-452)"

NameJennifer Esposito	Date	January 6,2010
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Course and Term: EPRS 8500 / CRN 14126		
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for new utility or purpose)	necessary to achieve your intended
☐ Personal Study	educational purpose
☐ Use is necessary to achieve your	
intended educational purpose	
☐ Factor Weighs in Favor of Fair Use	☐ Factor Weighs Against Fair Use

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☐ Factor Weighs in Favor of Fair Use	☐ Factor Weighs Against Fair Use

Name _ Jennifer Esposito	Date	January 6, 2010
Class or Project Qualit/Inter Research in Edu	1	
Course and Term EPRS 8500 / CRN 14126		
Title of Copyrighted Work The Discovery of Gro	ounded Theory Str	rategies for Qualitative Research
Author and Publisher Barney G Glaser and Anselm	n L Strauss	
Portion(s) to be used (e g , pages, timer cour	nts) pages 1-18	

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☐ Factor Weighs in Favor of Fair Use	☐ Factor Weighs Against Fair Use

Weighs in Favor of Fair Use	Weighs Against Fair Use
☐ Published work ☐ Factual or nonfiction work ☐ Important to educational objectives	 ☐ Unpublished work ☐ Highly creative work (art, music, novels, films, plays, poetry, fiction) ☐ Consumable work (workbook, test)
☐ Factor Weighs in Favor of Fair Use	☐ Factor Weighs Against Fair Use
Factor 3: Amount and Si	ubstantiality of Portion Used
Weighs in Favor of Fair Use	Weighs Against Fair Use
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☐ Factor Weighs in Favor of Fair Use	☐ Factor Weighs Against Fair Use
Factor 4: Effect o	n Market for Original
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Name: Jennifer Esposito		Date	January 6, 2010
Class or Project Qu	alıt/Inter Research ın Edu I		
Course and Term. E	PRS 8500 / CRN 14126		
Title of Copyrighted V	Vork _ The new language of qualita	tive method	
Author and Publisher	Jaber Gubnum and James A. Holstein	1	
Portion(s) to be used	(e g., pages, timer counts)	pages 3-16	

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intended educational purpose	
☐ Factor Weighs in Favor of Fair Use	☐ Factor Weighs Against Fair Use

Weighs in Favor of Fair Use	Weighs Against Fair Use	
☑ Published work☐ Factual or nonfiction work☐ Important to educational objectives	 ☐ Unpublished work ☐ Highly creative work (art, music, novels, films, plays, poetry, fiction) ☐ Consumable work (workbook, test) 	
☐ Factor Weighs in Favor of Fair Use	☐ Factor Weighs Against Fair Use	
Factor 3: Amount and Su	bstantiality of Portion Used	
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Factor 4: Effect on Market for Original		
Weighs in Favor of Fair Use	Weighs Agaınst Faır Use	
 No significant effect on market or potential market for copyrighted work Use stimulates market for original work No similar product marketed by the copyright holder No longer in print Licensing or permission unavailable Supplemental classroom reading One or few copies made or distributed User owns lawfully acquired or purchased copy of original work Restricted access (to students or other appropriate group) 	 □ Significantly impairs market or potential market for copyrighted work or derivative □ Licensing or permission reasonably available □ Numerous copies made or distributed □ Repeated or long-term use that demonstrably affects the market for the work □ Required classroom reading □ User does not own lawfully acquired or purchased copy of original work □ Unrestricted access on the web or other public forum 	
☐ Factor Weighs in Favor of Fair Use	☐ Factor Weighs Against Fair Use	

NameJennifer Espo	sito	_ Date	January 6, 2010
Class or Project	Qualit/Inter Research in Edu I		
Course and Term	EPRS 8500 / CRN 14126		
Title of Copyrighte	d Work _Foundations for research n	nethods of inqu	ury in education and the social sciences
Author and Publisl	ner Edited by Kathlen deMarrais, Step	hen D Lapan	
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Weighs in Favor of Fair Use	Weighs Agaınst Faır Use
☑ Nonprofit Educational	☐ Commercial activity
☑ Teaching (including multiple copies	☐ Profiting from use
for classroom use)	☐ Entertainment
☐ Research or Scholarship	☐ Non-transformative
☐ Criticism, Comment, News	☐ For publication
Reporting, or Parody	☐ For public distribution
☐ Transformative (use changes work	Use exceeds that which is
for new utility or purpose)	necessary to achieve your intended
☐ Personal Study	educational purpose
☐ Use is necessary to achieve your	
intended educational purpose	
☐ Factor Weighs in Favor of Faır Use	☐ Factor Weighs Against Fair Use

Weighs in Favor of Fair Use	Weighs Agaınst Faır Use
☐ Published work ☐ Factual or nonfiction work ☐ Important to educational objectives	 ☐ Unpublished work ☐ Highly creative work (art, music, novels, films, plays, poetry, fiction) ☐ Consumable work (workbook, test)
☐ Factor Weighs in Favor of Fair Use	☐ Factor Weighs Against Fair Use
Factor 3: Amount and S	ubstantiality of Portion Used
Weighs in Favor of Fair Use	Weighs Agaınst Fair Use
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☐ Factor Weighs in Favor of Fair Use	☐ Factor Weighs Against Fair Use
Factor 4: Effect of	n Market for Original
Weighs in Favor of Fair Use	Weighs Against Fair Use
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☐ Factor Weighs in Favor of Fair Use	☐ Factor Weighs Against Fair Use

Name: Jennifer Espos	ito	Date	January 6, 2010
Class or Project	Qualit/Inter Research in Edu I		
Course and Term	EPRS 8500 / CRN 14126		
Title of Copyrighted	d Work. Liberating Method Feminis	m and Socia	l Research
Author and Publish	ner: Marjone L DeVault		
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Weighs ın Favor of Fair Use	Weighs Against Fair Use
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 □ Criticism, Comment, News Reporting, or Parody □ Transformative (use changes work for new utility or purpose) 	 ☐ For publication ☐ For public distribution ☐ Use exceeds that which is necessary to achieve your intended
 □ Personal Study □ Use is necessary to achieve your intended educational purpose 	educational purpose
☐ Factor Weighs in Favor of Fair Use	☐ Factor Weighs Against Fair Use

Weighs in Favor of Fair Use	Weighs Against Fair Use	
☑ Published work☐ Factual or nonfiction work☐ Important to educational objectives	 ☐ Unpublished work ☐ Highly creative work (art, music, novels, films, plays, poetry, fiction) ☐ Consumable work (workbook, test) 	
☐ Factor Weighs in Favor of Fair Use	☐ Factor Weighs Against Fair Use	
Factor 3: Amount and Substantiality of Portion Used		
Weighs in Favor of Fair Use	Weighs Against Fair Use	
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☐ Factor Weighs in Favor of Fair Use	☐ Factor Weighs Against Fair Use	
Factor 4: Effect on Market for Original		
Weighs in Favor of Fair Use	Weighs Against Fair Use	
 No significant effect on market or potential market for copyrighted work Use stimulates market for original work No similar product marketed by the copyright holder No longer in print Licensing or permission unavailable Supplemental classroom reading One or few copies made or distributed User owns lawfully acquired or purchased copy of original work Restricted access (to students or other appropriate group) 	 □ Significantly impairs market or potential market for copyrighted work or derivative □ Licensing or permission reasonably available □ Numerous copies made or distributed □ Repeated or long-term use that demonstrably affects the market for the work □ Required classroom reading □ User does not own lawfully acquired or purchased copy of original work □ Unrestricted access on the web or other public forum 	
☐ Factor Weighs in Favor of Fair Use	☐ Factor Weighs Against Fair Use	

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Class or Project	Qualit/Inter Research in Edu I			
Course and Term	EPRS 8500 / CRN 14126	_		
Title of Copyrighte	d Work Naturalistic Inquiry			
Author and Publish	ner Yvonna S Lincoln			
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☐ Use is necessary to achieve your intended educational purpose	
☐ Factor Weighs in Favor of Fair Use	☐ Factor Weighs Against Fair Use

Weighs in Favor of Fair Use	Weighs Against Fair Use	
☑ Published work☐ Factual or nonfiction work☐ Important to educational objectives	 ☐ Unpublished work ☐ Highly creative work (art, music, novels, films, plays, poetry, fiction) ☐ Consumable work (workbook, test) 	
☐ Factor Weighs in Favor of Fair Use	☐ Factor Weighs Against Fair Use	
Factor 3: Amount and Substantiality of Portion Used		
Weighs in Favor of Fair Use	Weighs Against Fair Use	
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☐ Factor Weighs in Favor of Fair Use	☐ Factor Weighs Against Fair Use	
Factor 4: Effect on Market for Original		
Weighs in Favor of Fair Use	Weighs Against Fair Use	
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□ Factor Weighs in Favor of Fair Use	☐ Factor Weighs Against Fair Use	

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Class or Project Qualit/Inter	Research in Edu I		
Course and Term EPRS 8500	/ CRN 14126	· · · · · ·	
Title of Copyrighted Work	he SAGE Handbook of Q	ualitative Re	esearch
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Weighs in Favor of Fair Use	Weighs Against Fair Use	
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☐ Factor Weighs ın Favor of Fair Use	☐ Factor Weighs Agaınst Faır Use	
Factor 4: Effect on Market for Original		
Weighs in Favor of Fair Use	Weighs Against Fair Use	
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Date [.]	January 6, 2010	
		
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Name. Jennifer Esposito	Date	January 6, 2010	
Class or Project Qualit/Inter Research in Edu	<u> </u>		
Course and Term EPRS 8500 / CRN 14126			
Title of Copyrighted Work. Designing Qualitative	Research		
Author and Publisher Catherine Marshall and Gretch	hen B Rossman		
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Reporting, or Parody Transformative (use changes work for new utility or purpose) Personal Study Use is necessary to achieve your intended educational purpose	☐ For public distribution ☐ Use exceeds that which is necessary to achieve your intended educational purpose
☐ Factor Weighs in Favor of Fair Use	☐ Factor Weighs Agaınst Faır Use

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Weighs in Favor of Fair Use	Weighs Against Fair Use
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Weighs in Favor of Fair Use	Weighs Against Fair Use		
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