

# EXHIBIT G

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

CAMBRIDGE UNIVERSITY )  
PRESS, et al., )  
 )  
Plaintiffs, )  
 )  
vs. ) Civil Action File  
 ) No. 1:08-CV-1425-ODE  
MARK P. BECKER, in his )  
official capacity as )  
Georgia State University )  
President, et al., )  
 )  
Defendants. )

- - -

Videotaped deposition of LAURA G. BURTLE,  
taken on behalf of the plaintiffs, pursuant to the  
stipulations contained herein, before Sharon A.  
Gabrielli, RPR, CCR No. B-2202, at 104 Marietta Street,  
6th floor, Room 3, Atlanta, Georgia, on Friday, April  
24, 2009, commencing at the hour of 9:13 a.m.

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KENNITH DRAKE, VIDEOGRAPHER  
- - -

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12 Bates Stamp GaState0000926

13 Exhibit 73 CCC - GSU Cost 98 to Pres.xls 30  
14 Bates stamp GaState0000824

15 Exhibit 74 Email from Laura Burtle to Sheryl 32  
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16 Bates stamp GaState0000906

17 Exhibit 75 Email from Nancy Seamans to Laura 106  
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18 Bates stamp GaState0038882

19 Exhibit 76 Document entitled "Staff" 115  
Bates stamp GaState0003586

20 Exhibit 77 Doc Hit Report 1.1.2009-4.2.2009 with 118  
course names.xls  
21 Bates stamp GSU008247.XLS-000001  
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22 Exhibit 78 Email from Marjorie Denise Dimsdale 135  
23 to Laura Burtle dated 4/18/2008  
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24 Exhibit 79 Yearly document hits statistics.xls 138  
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1 THE VIDEOGRAPHER: This will be the  
2 videotaped deposition of Laura Burtle taken  
3 by the plaintiffs in the matter of Cambridge  
4 University Press, et al., versus Mark P.  
5 Becker in the official capacity as Georgia  
6 State University president, et al.

7 The date is April 24th, 2009. We are on  
8 the record at 9:13:42.

9 Swear the witness, please.

10 LAURA G. BURTLE,  
11 having been first duly sworn, was deposed and testified  
12 as follows:

13 EXAMINATION

14 BY MS. SINGER:

15 Q Good morning, Ms. Burtle. My name is Randi  
16 Singer. I'm from the law firm of Weil, Gotshal &  
17 Manges. And we represent Cambridge University Press,  
18 Oxford University Press, and Sage Publications.

19 Could you please state your name and address  
20 for the record?

21 A Laura Burtle, 1542 Marbut Avenue, Southeast,  
22 Atlanta, Georgia.

23 Q Okay. Have you ever been deposed before,  
24 Ms. Burtle?

25 A No.

1 Q Okay. I'll be asking you some questions this  
2 morning, and you've agreed to answer them truthfully  
3 and completely. Okay?

4 A Yes.

5 Q Okay. So let's go over just a quick few  
6 ground rules. Your answers need to be verbal so that  
7 the court reporter can take them down. She can't get  
8 nods and hand gestures. Okay?

9 A Okay.

10 Q If you don't understand a question, please  
11 let me know, and I'll repeat it or rephrase it. Okay?

12 A Okay.

13 Q If you answer it, we'll assume that you have  
14 understood it; is that fair?

15 A Yes.

16 MR. ASKEW: I would not make that  
17 assumption. If she answers it, then she will  
18 be reviewing the transcript, and it may be  
19 that during her review she may find that  
20 there's a question that she did not  
21 understand.

22 MS. SINGER: Fair enough.

23 Q (BY MS. SINGER) And if you need a break at  
24 any point, please let me know and we'll take one.

25 Did you do anything to prepare for your

1 deposition today?

2 A Yes.

3 Q What did you do?

4 A Met with counsel.

5 Q When did you meet with him?

6 A Yesterday.

7 Q For about how long was that meeting?

8 A About two-and-a-half hours.

9 Q Was anybody there besides Mr. Askew?

10 A Yes, Ms. Swift and Hall.

11 Q Ms. Swift and Ms. Hall?

12 A Yes.

13 Q Okay. Did you look at any documents when you  
14 were preparing?

15 A Yes.

16 Q Okay. Did you have any conversations with  
17 anyone other than -- than counsel in preparation for  
18 the deposition?

19 A No.

20 Q Did you talk to Ms. Seamans about her  
21 deposition?

22 A Only that she had done it.

23 Q Okay. Did you search your files at any time  
24 for documents to produce in this litigation?

25 A Yes.

1 Q And when was that?

2 A I don't recall exactly. Whenever they were  
3 requested, and that request was sent to me to do.

4 Q Okay. Would that have been within the last  
5 six months?

6 A I think so, but I'm not certain.

7 Q Okay. Do you think it was calendar year 2009  
8 or before that?

9 A No, probably before then.

10 Q Okay. Have you been asked to search them  
11 again at any point since then or just that one initial  
12 search?

13 A No. I was advised not to delete anything,  
14 but I have not researched.

15 Q Okay. And did you search your files  
16 yourself, or did someone search them for you?

17 A Myself.

18 Q What were you asked to look for?

19 A A list of key words.

20 Q Okay. And did you search email and whatever  
21 paper files you have?

22 A Yes.

23 Q Anything else?

24 A Papers on my local hard drive and the  
25 networked hard drive that I access at work.

1 Q Okay. Great. Is there any kind of automatic  
2 deletion on your emails after a certain period of time?

3 A No.

4 Q No. So you would have all of your emails  
5 going back unless you manually deleted them?

6 A That's correct. They're archived  
7 automatically.

8 Q Okay. And how far back does that archive go,  
9 approximately?

10 A Maybe 2003.

11 Q Okay. Could you briefly tell me about your  
12 educational background?

13 A I have an undergraduate degree from the  
14 College of William & Mary, Bachelor's degree, and I  
15 have a Master's in Library and Information Science from  
16 the University of North Carolina.

17 Q Okay. What year did you graduate from  
18 William & Mary?

19 A 1988.

20 Q And then did you go straight to -- for your  
21 Master's?

22 A No.

23 Q What did you do -- what did you do after you  
24 graduated from William & Mary?

25 A I worked in a library in between as a staff

1 person.

2 Q Okay. And where was that library?

3 A Washington, D.C.

4 Q Was that a -- was that a university, or was  
5 that a --

6 A Yes, Johns Hopkins School of Advanced  
7 International Studies.

8 Q Okay. And so you were there from 1988 until  
9 when?

10 A 2002.

11 Q What was your job responsibilities or your  
12 job description during that period?

13 A I was their systems librarian and I did  
14 acquisitions for a library in Beijing, China that was  
15 affiliated -- or Manjing, China that was affiliated.

16 Q Okay. And was that your description for the  
17 whole 14 years?

18 A Four years, yes.

19 Q Four years. 19 -- I'm sorry, I --

20 A Oh, I'm sorry.

21 Q You graduated from William and --

22 A I -- I left there in 1992, not 2002.

23 Q Oh, okay. I'm sorry. What did you do, then,  
24 from 1992 to 2002?

25 A 1992 to 1994 I was in graduate school.

1 Q Okay. And --

2 A 1994 I began working at Georgia State.

3 Q Okay. Thank you for clarifying that. I  
4 appreciate it.

5 So when -- what was your position when you  
6 started at Georgia State?

7 A I was a systems librarian and reference  
8 librarian.

9 Q What did that involve?

10 A Well, the reference was working at the  
11 reference desk answering general questions; and the  
12 systems piece, I administered a CD-ROM network and a  
13 Novell network that was used in the library.

14 Q And have you been at Georgia State since  
15 1994?

16 A Yes.

17 Q Employed by Georgia State since 1994. Okay.

18 A Yes.

19 Q Has your job description changed at all  
20 during that period?

21 A Yes.

22 Q Okay. Could you walk me briefly through the  
23 positions you've held at Georgia State.

24 A I was the head of instruction after my  
25 initial job, and then I was the head of information

1 services. And in 2003, I became associate university  
2 librarian for technology services and, in 2005,  
3 associate university librarian for learning and  
4 technology initiatives.

5 Q Okay. How did your responsibilities, if at  
6 all, change in 2005, when you became the associate  
7 librarian for learning and technology services?

8 A The departments that reported to me changed.

9 Q Okay. How did your -- did your day-to-day  
10 responsibilities change?

11 A No, not beyond different reports.

12 Q Okay. And that's -- is that your current  
13 position?

14 A Yes.

15 Q Okay. So which departments currently report  
16 to you, as we sit here today?

17 A Access and media services, which includes the  
18 reserves unit; learning commons, which is the reference  
19 desk; the instruction department, the training and  
20 assessment department, and digital library services, as  
21 well as our creative manager.

22 Q Okay. Approximately how many people report  
23 to you?

24 A I believe I have six direct reports.

25 Q And how many reports do they have? Ballpark.

1 I'm just trying to get a --

2 A Maybe 40.

3 Q Okay. And who do you report to?

4 A I report to the dean of libraries.

5 Q And that's Nancy Seamans?

6 A Yes.

7 Q And before she came, you reported to Charlene  
8 Hurt?

9 A Correct.

10 Q Let's -- very briefly, the learning commons,  
11 you said, is the reference desk. Could you tell me --

12 A Includes.

13 Q -- a little bit -- includes the reference --

14 A Includes the reference desk. That's where  
15 they provide assistance to students, research  
16 assistance. It also includes technology assistance,  
17 all the public computers.

18 Q How about instructional services?

19 A They manage the instruction -- librarians  
20 do -- for classes, for them to do their research in  
21 particular subject areas.

22 Q Are those -- are those standalone classes  
23 that students would sign up for, or are those within  
24 the context of another instructor's course?

25 A The vast majority are within another

1 instructor's course.

2 Q Okay. And the training department?

3 A Training does internal staff training, as  
4 well as assessment activities.

5 Q And by "assessment," is that staff assessment  
6 for --

7 A Staff assessment, statistical reports for  
8 national organizations, service assessment.

9 Q Okay. And the digital library services?

10 A Digital library services includes the systems  
11 department that manages the hardware in the library and  
12 the Web services that manages the Website in the  
13 library.

14 Q Okay. And the creative manager?

15 A He's responsible for public relations,  
16 marketing, graphic design.

17 Q Who are your six direct reports?

18 A Denita Hampton.

19 Q And she -- is she --

20 A She's access and media.

21 Q Okay.

22 A Laloria Konata, L-A-L-O-R-I-A --

23 Q Okay.

24 A -- K-O-N-A-T-A, learning commons.

25 Q Okay.

1 A Jennifer Link Jones, training and assessment.

2 Q Okay.

3 A Doug Goans, Web development.

4 Q Okay.

5 A Rob Bustos, systems librarian; and Christian  
6 Steinmetz, creative manager.

7 Q Now, we learned yesterday that library  
8 support systems has been -- I think Mr. Palmour called  
9 it disbanded?

10 A That's probably pretty accurate.

11 Q Okay.

12 A I believe he's the only employee left.

13 Q Okay. When did that happen?

14 A I believe the completion was in April of this  
15 year.

16 Q Do you know why that was disbanded?

17 A There's an organizational review going on  
18 in IS&T, information systems and technology, that  
19 that's a unit of and some changes at the Board of  
20 Regents that affected all of the positions in that  
21 unit.

22 Q Okay. Who -- who currently performs the  
23 services that LSS used to perform for the library?

24 A They -- they -- one of their main  
25 responsibilities was managing our catalog, as well as

1 the catalog of 22 other libraries, and that function  
2 has been moved to the Board of Regents in Athens. They  
3 also were responsible for working with our DSpace  
4 institutional repository, our ETD service, electronic  
5 thesis and dissertations, and the EReserve system. We  
6 are in the process of migrating the repository and the  
7 ETDs to a commercial-hosted system, so nobody is doing  
8 that anymore.

9 Q Okay.

10 A And the reserve system, the server contact  
11 has been removed into the server unit in IS&T.

12 Q And who is your contact in the server unit at  
13 IS&T?

14 A Right now I'm still working through Jim  
15 Palmour as an intermediary. Behind him is Keith -- I  
16 don't think I know Keith's last name -- Keith in the  
17 server unit.

18 Q Okay. Do you know if the plan is ultimately  
19 for Keith in the server unit to take over Mr. Palmour's  
20 responsibilities?

21 A I do not know.

22 Q Okay. Do you know who would know that?

23 A The unit is part of university academic  
24 technology services, which is run by Mike -- Michael  
25 Russell, who reports to J.L. Albert.

1 Q Okay. Have you ever had any formal training  
2 in copyright?

3 A No.

4 Q Do you have the power to hire or fire any of  
5 your direct reports?

6 A Yes.

7 Q Do you have the power to do both?

8 A Yes.

9 Q Okay. Do you control any lines in the  
10 university budget?

11 A No.

12 Q Okay. How are the budget responsibilities  
13 for the library apportioned?

14 A The dean of libraries, in consultation with  
15 the library academic officer, manage the budget. Money  
16 might be allocated, but it's not controlled.

17 Q Do you control any of the -- do you -- strike  
18 that.

19 Do you have any input into how the library  
20 budget is allocated?

21 A Yes.

22 Q Could you tell me briefly which areas you  
23 have input into?

24 A The two library -- associate university  
25 libraries, as well as the dean of libraries and the

1 college administrative officer make decisions about the  
2 budget allocations jointly.

3 Q Okay. What is the current library budget?

4 A Around \$11 million.

5 Q And approximately how much of that 11 million  
6 is allocated to the six areas under your umbrella?

7 A I don't think I can answer that.

8 Q Okay. Approximately, if you -- if you know  
9 or if you're able to take a broad swath at, how much of  
10 that is for the access and media piece?

11 A It would be for the staff in access and media  
12 almost exclusively.

13 Q Okay.

14 A I -- approximately ten staff would be my  
15 estimation. I'm not sure.

16 Q Okay. And what would that translate to in --  
17 very roughly in budget terms?

18 A \$250,000.

19 Q Okay.

20 A Roughly.

21 Q Roughly. That's -- I'm not going to hold you  
22 to it.

23 How about for the physical part of the  
24 reserves, the actual servers?

25 A The server is paid for out of the IS&T. The

1 library does not pay for the server.

2 Q Okay. And the -- the labor of actually  
3 put -- uploading things on to the ERes system, is that  
4 IS&T, or is that out of access and media?

5 A That's out of access and media.

6 Q And those would be those ten staffers that we  
7 just talked about?

8 A Primarily four of them.

9 Q Which four is that?

10 A That would be Denise Dimsdale, Marjorie  
11 Denise Dimsdale, Cory Schlotzhauer, Malia Cargile,  
12 actually -- actually, I think those are the three  
13 primaries, so three.

14 Q Okay. Who does now the actual scanning of  
15 materials, if a faculty member brings in a book, who  
16 would actually do the scanning?

17 A One of those three.

18 Q One of those three. Do you have the scanners  
19 in the library?

20 A Correct.

21 Q What are the different methods available to  
22 instructors at GSU for distributing course reading  
23 material?

24 A I -- I wouldn't know the full extent of that.

25 Q Okay. What -- which ones are you aware of?

1           A       They can put things on reserve.

2           Q       Okay.

3           A       They can require students to buy textbooks.

4 Those are the two that I'm most intimately familiar  
5 with and that I've actually talked to a faculty member  
6 about them.

7           Q       Fair enough. And when you say "reserve," are  
8 you talking about hard copy, actually put the books  
9 behind the counter reserve, or are you talking about  
10 EReserves?

11          A       Both.

12          Q       Are you familiar with the uLearn system?

13          A       Yes.

14          Q       What -- what can you tell me about the uLearn  
15 system; what is it?

16          A       It's a course -- a course management system.

17          Q       Do you have any responsibilities for that?

18          A       No.

19          Q       Do you have any involvement with uLearn?

20          A       No.

21          Q       How about Coursepacks? Are you aware -- are  
22 you familiar with a Coursepack?

23          A       I know what a Coursepack is, yes.

24          Q       Okay. What's a Coursepack?

25          A       Coursepack is a collection of readings that a

1 commercial vendor sells to support students in a  
2 course.

3 Q Do you have any responsibility for  
4 Coursepacks?

5 A No.

6 Q Who would have responsibility for  
7 Coursepacks, as you've described them?

8 A I believe Jim Palmour has offered Coursepacks  
9 in a small sense. Beyond that, I don't know.

10 Q Do you have any knowledge of how many  
11 professors take advantage of Coursepacks?

12 A No.

13 Q Do you have any familiarity with how many  
14 professors take advantage of the uLearn system?

15 A No.

16 Q How about how many professors take advantage  
17 of reserves, either hard copy reserves or electronic  
18 reserves?

19 A I don't know a number.

20 Q Do you have a sense of what the percentage of  
21 professors might be?

22 A No.

23 Q Okay. How many professors are there at  
24 Georgia State?

25 A I believe around a thousand, but I don't

1 know.

2 Q Okay. Do you think -- is your sense that  
3 more than half of them would use the reserve system?

4 A I don't sense that, no.

5 Q Okay. Do you have a sense of how many of  
6 them take advantage of hard copy reserves as opposed to  
7 EReserves?

8 A No. We have very few hard copy reserves.

9 Q Okay. So more -- more professors would take  
10 advantage of EReserves then of the hard copy reserves?

11 A Of the professors that use reserves, that  
12 would be true.

13 Q Okay. Do you have any sense of whether that  
14 has changed at all in the time you've been at Georgia  
15 State University?

16 A Yes.

17 Q And would it be fair to say that the number  
18 of professors who use EReserves has increased in the  
19 time you've been at Georgia State University?

20 A Yes.

21 Q Okay. Is there any preference amongst the --  
22 are -- strike that.

23 Are you aware whether there's any preference  
24 amongst the administrators at Georgia State University  
25 for the use of one system over another, whether it's

1 uLearn or EReserves --

2 A No.

3 Q -- Coursepacks?

4 A (Shakes head negatively.)

5 Q Is there any preference amongst faculty or  
6 instructors that you're aware of?

7 A No, I wouldn't know that.

8 Q How about in the library; what's -- what's  
9 the library's preference for which system professors  
10 should use?

11 A I don't believe we pressure faculty to use  
12 one system or another.

13 Q Okay. In your experience, are there any  
14 advantages or disadvantages to using EReserves over any  
15 of the other electronic course management systems?

16 A I'm sorry, I don't understand the question.

17 Q Well, okay. Fair enough. Let's take a step  
18 back.

19 Can you describe for me briefly what  
20 EReserves is?

21 A EReserves is a way of providing reserve  
22 course reading to students electronically.

23 Q And when you say "reserve course reading,"  
24 what do you mean by that?

25 A Items professors choose to have their

1 students read as part of their course work.

2 Q Would those items be required reading or  
3 supplemental reading?

4 A I believe they're usually supplemental, but  
5 that's not something we ask the faculty when they put  
6 something on reserve.

7 Q Would you have any way of knowing whether a  
8 particular reserve course reading was supplemental or  
9 required?

10 A No.

11 Q What is your understanding of what  
12 supplemental reading is?

13 A Something that's not required but is  
14 recommended for a student to achieve their learning  
15 outcomes.

16 Q In your experience, do students generally  
17 read supplemental readings?

18 A Some.

19 Q And how would you define required reading?

20 A Something a student is required to read for  
21 the course.

22 Q Okay. Are you familiar with the Copyright  
23 Clearance Center?

24 A Yes.

25 Q What's the Copyright Clearance Center?

1           A       It is an organization that provides the  
2 opportunity to pay royalty payments for readings, for  
3 electro- -- or -- well, we use it for interlibrary  
4 loan. That's my familiarity with it.

5           Q       What is interlibrary loan?

6           A       Where we share materials that we own with  
7 other schools for their students to use -- or really  
8 other libraries, not other schools.

9           Q       What's the distinction you're drawing between  
10 other libraries and other schools?

11          A       It might not be a university.

12          Q       Oh, okay. And how do you use CCC in  
13 conjunction with interlibrary loan?

14          A       There are standards agreed on within the  
15 interlibrary loan community for when materials may be  
16 shared without paying a royalty and when the royalty  
17 payment is required. That's the extent of what I know.  
18 I have not been involved in interlibrary loan directly.

19          Q       Have you ever had occasion to interact with  
20 anybody at CCC?

21          A       No.

22          Q       And is that true for your entire career or  
23 just Georgia State?

24          A       Entire career.

25          Q       Okay. Does Georgia State have any

1 interaction with the Copyright Clearance Center with  
2 regard to licensing for EReserves?

3 A No.

4 Q Does anyone at Georgia State University have  
5 any interaction with CCC for the licensing of  
6 Coursepacks?

7 A I don't know anything about that.

8 Q Okay. Are you aware of whether anyone at  
9 Georgia State University has any interaction with CCC  
10 for any other kind of licensing, other than  
11 interlibrary loan or Coursepacks?

12 A I'm not aware, but I wouldn't know.

13 Q Okay. Is there any funding in the library  
14 budget to pay licensing fees?

15 A There is funding to pay licensing for  
16 database access. We license an enormous number of  
17 databases and electronic journals.

18 Q Okay. Approximately how much, either in  
19 numbers or percentages, of the library budget is for  
20 licensing of databases or electronic journals?

21 A I don't know specifically. Probably half  
22 the -- I believe the library materials budget is  
23 approximately \$5 million. I may be off on that. 4 to  
24 5 million. And I would estimate at least half of that  
25 is for licensing, but I -- I don't know that directly.

1 Q And when you say "licensing," you're talking  
2 about licensing databases and electronic journals?

3 A Correct.

4 Q And when -- are any of these licensed  
5 databases or electronic journals used for the reserve  
6 course reading?

7 A Yes.

8 Q Is there readings used in the electronic  
9 course readings that are not licensed databases or  
10 electronic journals?

11 A Yes.

12 Q Do you have a sense of how much on the  
13 EReserve system is not licensed databases or electronic  
14 journals?

15 A I would estimate 40 to 50 percent, but I  
16 don't know -- I don't know the exact number.

17 Q Okay. Do you know whether the GSU library  
18 has ever considered taking a license from CCC, other  
19 than for interlibrary loan?

20 A Not that I'm aware of.

21 Q Let's take a look at a document Bates  
22 numbered Georgia State 926.

23 MR. ASKEW: Have you got an exhibit  
24 number on that?

25 MS. SINGER: Okay. I believe this is

1 going to --

2 MR. ASKEW: Exhibit number?

3 MS. SINGER: This is going to be Exhibit  
4 P-72.

5 MR. ASKEW: Exhibit 72.

6 MS. SINGER: That's why I was handing it  
7 to you. I'm sorry.

8 (Whereupon, there was a discussion off the record.)

9 (WHEREUPON, Plaintiffs' Exhibit 72 was marked for  
10 identification.)

11 Q (BY MS. SINGER) Ms. Burtle, you have in  
12 front of you what's been marked as Plaintiffs' Exhibit  
13 72. It bears the Bates stamp Georgia State 926. Are  
14 you familiar with this document?

15 A Yes.

16 Q Okay. Could you describe what P -- P-72 is?

17 A It's an email that said that there's attached  
18 information about how much Georgia State has paid to  
19 the Copyright Clearance Center.

20 Q Okay. And that's an email dated May 12th,  
21 2008, from Carmen Newton to Charlene Hurt in which you  
22 are CC'ed?

23 A Correct.

24 Q Okay. Who is Carmen Newton?

25 A The library administrative officer.

1 Q Okay. Do you know why she was sending this  
2 information?

3 A I do not.

4 Q Okay.

5 MS. SINGER: If you would mark this as  
6 P-73, please.

7 MR. ASKEW: Exhibit 73?

8 MS. SINGER: Yes.

9 (WHEREUPON, Plaintiffs' Exhibit 73 was marked for  
10 identification.)

11 Q (BY MS. SINGER) Ms. Burtle, you have in  
12 front of you what's been marked as P-73. And  
13 Plaintiffs' Exhibit 73 is Bates stamped Georgia State  
14 824. It's an Excel file entitled "GSU Cost '98 to  
15 Pres" -- P-R-E-S -- ".xls."

16 And if you look on P-72, the attachment to  
17 that document is "GSU Cost '98 to Pres.xls." Do you  
18 see that.

19 A Yes.

20 Q Okay. Have you ever seen Plaintiffs' 73  
21 before?

22 A Apparently, since I was copied on this email.

23 Q Can you tell us what P73 is, please?

24 A It's a spreadsheet showing payments to the  
25 Copyright Clearance Center.

1 Q Okay. And if we look on the last page of  
2 P73, the total at the bottom there is \$18,905.42. Do  
3 you see that?

4 A Yes.

5 Q Okay. And that's, based on the title of the  
6 spreadsheet, from 1998 to probably sometime in early  
7 2008?

8 A Yes. Although it doesn't go back to 1998 --  
9 oh, never mind. It does.

10 Q Are you aware -- if you look at the -- the  
11 fourth column of the last page appears to be a  
12 description. And we see at the top about \$3,287.91  
13 looks to have been from ILL. Is that interlibrary  
14 loan?

15 A Yes.

16 Q Okay. So that's what we were discussing, the  
17 fees paid to CCC for -- for interlibrary loan?

18 A Correct.

19 Q And then the bottom section has -- the  
20 description entries are copyright royalties, executive  
21 leadership, copyright approval, copyright fees. Are  
22 you familiar with what those payments would have been  
23 for?

24 A No.

25 Q Who would be familiar with that?

1 A Well, whoever entered them.

2 Q Do you know who that would have been?

3 A I don't know. The last column would  
4 indicate, but I don't know the key that goes with those  
5 codes.

6 Q Okay. You anticipated my next question. To  
7 go back to P-72 for a moment, the email says, "Here's  
8 the information you requested. Lee pulled the  
9 information out of Spectrum from 1998 to present." Who  
10 is Lee?

11 A Lee is the library business manager.

12 Q Okay. And what is Spectrum?

13 A Spectrum is the university's financial  
14 system.

15 Q Do you have access to Spectrum?

16 A No, I do not.

17 Q Do you have any opinion about whether  
18 approximately \$19,000 paid to CCC over a period of ten  
19 years is a large amount, a small amount?

20 A I have no context to answer that.

21 Q Okay.

22 MS. SINGER: Let's -- let's mark this  
23 Exhibit 74, please.

24 (WHEREUPON, Plaintiffs' Exhibit 74 was marked for  
25 identification.)

1 Q (BY MS. SINGER) Ms. Burtle, you have in  
2 front of you what's been marked as Plaintiffs' Exhibit  
3 74. It bears the Bates stamp Georgia State 906. Are  
4 you familiar with this document?

5 A Yes.

6 Q What is P-74?

7 A It is an email from me to Sheryl Williams.

8 Q Who is Sheryl Williams?

9 A She is interlibrary loan librarian.

10 Q And it looks like Sheryl Williams was writing  
11 to you on May 14th, 2008, and she says, "Well, sorry, I  
12 didn't get as far as I thought I would on their Web  
13 pages." And then she goes on to show you a link to  
14 [www.copyright.com/ccs](http://www.copyright.com/ccs). Do you see that?

15 A Yes.

16 Q Is that the Copyright Clearance Center?

17 A As far as I know, yes.

18 Q Okay. Do you know what Sheryl Williams was  
19 looking for, had you given her any instructions?

20 A I asked her to find out what the annual  
21 copyright license fee for academic -- they have an  
22 academic package, something they sell.

23 Q Okay. Where does this inquiry stand today?

24 A The CCC refused to respond to us on the basis  
25 of this lawsuit.

1 Q Okay. Was there any other discussions of it,  
2 other than this email chain?

3 A No. She contacted them, and they refused  
4 to -- their lawyer called.

5 Q Okay. What did you do with that information?  
6 Did you communicate to anyone?

7 A I don't recall.

8 Q Okay. Do you recall why you asked Sheryl  
9 Williams to investigate this?

10 A Not specifically, but I'm sure it was a  
11 result of reading the Complaint and wanting to get all  
12 of the information I could.

13 Q Okay. In your opinion, did GSU need a  
14 license from CCC?

15 A No.

16 Q Then why would you ask her to look into it?

17 A Because the Complaint indicated that they  
18 thought maybe we did need one, so I wanted to have all  
19 of the information about what that meant.

20 Q Okay. And what's the basis for your opinion  
21 that GSU did not need a license from CCC?

22 A Because we've been paying individually, and  
23 it didn't seem to me that that was a -- from what I  
24 knew of the academic license, it would not cover much  
25 of what we used; and it did not seem appropriate, as

1 much of what we use, particularly in EReserves, is fair  
2 use. There's no need to pay a license for it. So  
3 having a blanket license would be a waste of our money.

4 Q Well, when you say much of it was licensed  
5 anyway, what do you mean by that?

6 A The electronic databases and journals.

7 Q Okay.

8 A Particularly the journals.

9 Q How did you -- strike that.

10 You said much of your use was fair use. What  
11 do you mean by "fair use"?

12 A It was use that was educational and it fell  
13 within the guidelines of the copyright law that defined  
14 fair use.

15 Q Okay. Well, we'll come back to that.

16 A I'm sure we will.

17 Q How did you become aware of the CCC's blanket  
18 license?

19 A They sent out advertising.

20 Q When was that? Do you remember?

21 A No. But whenever they started offering to  
22 academic libraries is when they started advertising.

23 Q Okay. Are you aware of any other  
24 university's library experience -- university library's  
25 experience with the CCC blanket license?

1           A     Yes.

2           Q     And which universities is that?

3           A     Hofstra, and I'm aware the University of  
4 Texas decided, but I'm not aware of their experience  
5 once they did. And the University of Pennsylvania, I  
6 believe, is the other one that I've read about.

7           Q     Okay. How did you come to be familiar with  
8 those universities' experiences with CCC's blanket  
9 license?

10          A     I was sent something about Hofstra's license,  
11 and the other two published in a -- a library  
12 publication that was distributed, they had a -- two  
13 articles about their experiences with CCC.

14          Q     Can you tell me generally what your  
15 understanding is of Hofstra's experience with the CCC  
16 blanket license?

17          A     They found it to be not cost effective.

18          Q     Do you know why they found it to not be cost  
19 effective?

20          A     I don't recall what their reasoning was.

21          Q     What's your general understanding of the  
22 University of Texas's experience?

23          A     All I know is that they decided to purchase a  
24 license. I know nothing about what came after that.

25          Q     Okay. How about the University of

1 Pennsylvania?

2 A I believe they found it expensive, but I  
3 don't remember the details of the article.

4 Q Okay. Could you describe briefly the  
5 library's role in the ERes system?

6 A Could you clarify the time periods you're  
7 talking about?

8 Q Well, let -- let's start with as we sit here  
9 today.

10 A Today. The library is responsible for  
11 accepting requests from faculty members to put things  
12 on reserve. They're responsible for searching for  
13 electronic versions to link to. Failing that, they're  
14 responsible for identifying -- or locating the print  
15 version in the library and scanning it. They're  
16 responsible for creating the course page that students  
17 use to access the material. They're responsible for  
18 providing the password to access the course page to the  
19 instructor. I think that covers it.

20 Q Okay. How is that -- strike that.

21 Are the responsibilities that you just  
22 listed, as we sit here today, different than the  
23 responsibilities at the beginning of the current  
24 semester, spring 2009?

25 A Yes.

1 Q How are they different?

2 A We were not systematically searching for an  
3 electronic version to link to at the beginning of 2009,  
4 of spring 2009.

5 Q Any other differences?

6 A At some point in the last six months, we took  
7 over the scanning operation from Jim Palmour into the  
8 library, but I do not recall exactly when that was.

9 Q Okay. So other than taking over the scanning  
10 and other than now you search for the electronic  
11 version, are there any other differences in the  
12 process?

13 A In the -- well, from the faculty point of  
14 view, but the library receives -- the faculty member is  
15 required to -- to complete a fair use analysis for each  
16 item that is -- that is requested for reserve. And the  
17 form that they submit, they do indicate by what  
18 rationale this is legitimate to put on electronic  
19 reserves. So it falls under fair use or they own the  
20 copyright to it personally; it's course notes or  
21 something like that. It's public domain. So we -- we  
22 receive that information, which we did not receive  
23 before.

24 Q What do you do with that information?

25 A It's saved.

1 Q Saved how?

2 A It's -- it comes in through an email form and  
3 it's saved in the email system.

4 Q Approximately when did that change take  
5 place?

6 A Within two or three weeks after the USG  
7 copyright policy was enacted.

8 Q Do you remember about --

9 A Sometime in the middle of the semester. I  
10 don't remember exactly the date.

11 Q Okay.

12 A And the checking of a link began before the  
13 new Web forms went up that required the faculty to  
14 indicate...

15 Q Okay. So today the -- how do the requests  
16 come in from the faculty? What form?

17 A The form that we have created on the library  
18 Website.

19 Q Okay. So it comes in, it's an electronic  
20 version. Do you ever get paper versions of the form,  
21 or all the requests come in electronically now?

22 A The vast majority come in electronically.  
23 I'm not aware that we're getting any in print, but I  
24 wouldn't --

25 Q Okay.

1           A        It's possible.

2           Q        There's always a few who refuse to deal with  
3 the computers.

4                    Okay. So what does the library do when it  
5 receives the electronic form?

6           A        It checks to see if the item is available  
7 electronically.

8           Q        And how -- what does that entail?

9           A        We use a tool available to us on our Website  
10 called a citation linker or the electronic journal  
11 locator that -- or our catalog. There are multiple  
12 ways we can identify whether something is available  
13 electronically through one of our licensed databases,  
14 so we check all of those. And if it is available, we  
15 create what's called a open URL or a persistent link to  
16 use for students to access.

17          Q        Okay. So if you get a request, and you --  
18 you check all of those available tools and the  
19 requested reading is not available, what does the  
20 library do next?

21          A        Checks to see if we have the item in a paper  
22 format.

23          Q        How would you do that?

24          A        Look in the catalog.

25          Q        If the work is in the catalog, then what

1 happens?

2 A A student assistant retrieves it from the  
3 shelf.

4 Q And then what?

5 A And it is brought down to the reserves unit,  
6 where the section is scanned and then entered into the  
7 EReserve system. And if any questions come up while  
8 they're scanning it, like if something seems off,  
9 they'll contact me or the dean of libraries with  
10 questions.

11 Q Has that happened, has anyone contacted you  
12 with questions because something seems off?

13 A Yes.

14 Q How many times has that happened?

15 A It's happened once since our new policy went  
16 into effect.

17 Q Can you tell me about that incident?

18 A They thought that the material being scanned  
19 was far too much and so they contacted me.

20 Q How much was -- were they requesting?

21 A A lot of a book.

22 Q When you say "a lot" --

23 A Most of it.

24 Q Most of it.

25 And what did you do upon receiving that

1 question or inquiry?

2 A I asked the staff member if they had spoken  
3 to the faculty member, and they said they had told them  
4 no. And I said, "Did they accept that?" And they  
5 said, "Yes."

6 And I said, "Well, if they give you any  
7 trouble, please refer them to me and I'll either speak  
8 to them or, if need be, I'll refer them to legal."

9 Q Okay. Did you hear anything else about that  
10 incident?

11 A No.

12 Q Do you know how much of the book ultimately  
13 ended up on the EReserve system?

14 A None of it.

15 Q None of it. Do you know who the professor  
16 was?

17 A No.

18 Q Do you know what department it was from?

19 A No.

20 Q Do you know what the book was?

21 A No.

22 Q Who was the staff member who came to you with  
23 questions?

24 A Denise Dimsdale.

25 Q Am I correct in -- I think you said the

1 student assistant is the person who retrieves the book  
2 and brings it to the reserves unit?

3 A Yes.

4 Q And those students are current GSU students?

5 A Correct.

6 Q Who does the actual scanning of the book?  
7 Would that be the student assistant?

8 A I'm not certain. I believe it's the staff.

9 Q When you say "staff," who do you mean?

10 A The people who work in the reserves unit; the  
11 three names I gave you earlier.

12 Q Okay. So you think one of those three is  
13 responsible for all of the scanning for the EReserve  
14 system?

15 A I think so.

16 Q Who would know that for sure?

17 A Denise Dimsdale.

18 Q Okay. If the book is in the catalog, it goes  
19 automatically to the reserves unit, there's no other  
20 oversight from the library in terms of copyright  
21 compliance?

22 A No.

23 Q Okay.

24 A I'm not sure that there's a need for  
25 copyright compliance checking when a book goes from the

1 shelf to the reserves unit.

2 Q I'm sorry?

3 A I'm not sure I'm understanding your question.

4 Q I'm sorry. Let me -- let me withdraw that  
5 question.

6 When the request comes in and you -- you --  
7 is there any point during which there's a check for  
8 copyright compliance from the library?

9 MR. ASKEW: I'll object to the form of  
10 the question --

11 MS. SINGER: Okay.

12 MR. ASKEW: -- as being vague as to what  
13 you mean by copyright compliance.

14 MS. SINGER: Okay.

15 Q (BY MS. SINGER) Why don't we take a step  
16 back, then.

17 Let's look at what was previously marked as  
18 Plaintiffs' Exhibit 19.

19 MR. ASKEW: Do you know which deposition  
20 this was used in?

21 MS. SINGER: It was Nancy Seamans', I  
22 think.

23 Q (BY MS. SINGER) Ms. Burtle, are you familiar  
24 with the Plaintiffs' Exhibit 19?

25 A Not directly, no.

1 Q When you say "not directly," are you  
2 generally aware of what this -- this form is?

3 A It looks like an old form, yes.

4 Q Okay. So am I correct, then, that  
5 Plaintiffs' Exhibit 19 is not the form that's currently  
6 used for faculty to request materials to be placed on  
7 the EReserve system?

8 A Yes, you are correct.

9 Q Okay. Do you know when Plaintiffs' Exhibit  
10 19 stopped being the form that was used?

11 A I cannot date this.

12 Q Okay. Do you know who created Plaintiffs'  
13 Exhibit 19?

14 A No.

15 Q Was Plaintiffs' Exhibit 19 the form that was  
16 in use when you became responsible for the access and  
17 media department for EReserves?

18 A I don't know.

19 Q Who would know that?

20 A Probably Denise Dimsdale.

21 Q Okay. Was Denise there when Georgia State  
22 first began using the EReserve system?

23 A Yes.

24 Q Would she have been either involved with or  
25 responsible for creating the forms and the procedures?

1           A       Probably involved with. I don't know how  
2 much responsibility she had for it.

3           Q       Okay. Who -- do you know who would have been  
4 responsible?

5           A       Probably her direct supervisor at that point.

6           Q       Were you -- were you responsible for the  
7 access and media department when EReserves first began  
8 to be used at Georgia State University?

9           A       No.

10          Q       No. Who was -- at what point did you become  
11 responsible for the EReserve system?

12          A       In 2005, when I moved into that position, to  
13 have that unit reporting to me.

14          Q       Okay. I'm going to show you what has  
15 previously been marked as Plaintiffs' Exhibit thirty --  
16 it's been marked both as Plaintiffs' Exhibit 21 and  
17 then somewhat more legibly as Plaintiffs' Exhibit 37.  
18 I have -- this is the official marked version of 21.

19               MS. SINGER: Do you have the clean 37?  
20 Do you have any other copies?

21               MR. ASKEW: I'm not sure this exhibit is  
22 legible. I -- I certainly can't read most of  
23 it.

24               MS. SINGER: I know, that's -- I believe  
25 that's why we remarked it as 37 yesterday.

1 So I don't know if you have in your pile 37.

2 Can we go off the record for a moment  
3 just to -- do we need to change the tape  
4 anyway?

5 THE VIDEOGRAPHER: Yes.

6 MS. SINGER: Okay. So let's go off the  
7 record and change the tape.

8 THE VIDEOGRAPHER: Off the record at  
9 10:08:50.

10 (Whereupon, there was a brief recess.)

11 THE VIDEOGRAPHER: This is Tape 2, we  
12 are back on the record at 10:24:34.

13 Q (BY MS. SINGER) Okay. Ms. Burtle, I am  
14 handing you what has been previously marked as  
15 Plaintiffs' Exhibit 37, which is a little bit more  
16 legible, I think.

17 A Yes.

18 Q Are you familiar with Plaintiffs' 37?

19 A Yes.

20 Q What is Plaintiffs' 37?

21 A This is a collection of the new Web pages  
22 that we are using in the library for electronic  
23 reserves requests -- or for all reserves requests.

24 Q Okay. So let's look at the first page of  
25 Plaintiffs' 37. Can you tell me what we're looking at?

1           A       This is the initial page that comes up for a  
2 professor to request materials to go on reserve, with  
3 instructions.

4           Q       Okay. So it says, "Before submitting a  
5 reserve request, you must determine under what  
6 circumstances each item can be placed in electronic  
7 reserves." It says, "Check to see if the library  
8 already has a license for the electronic version,"  
9 number 1.

10                   Is the library doing that, or is the  
11 professor?

12           A       The library is doing it. We ask the  
13 professor to do it with no real expectation that they  
14 will.

15           Q       Okay. And then instruction number 2 is,  
16 "Determine if the item is in the public domain." Is  
17 that something that you expect the professor to do, or  
18 is that something that the library will help out with?

19           A       We will certainly help with any of this.

20           Q       Okay. How -- if a professor wanted help, how  
21 would they get it?

22           A       They would most likely contact the reserves  
23 unit, who would refer them to the subject liaison that  
24 their department falls under. Every department has a  
25 subject librarian who works with them and that

1 librarian would likely be the person to help them.

2 Q Would that librarian have any formal  
3 copyright training, do you know?

4 A They will have been trained by legal here.  
5 Beyond that, I will not -- I do not know. It would  
6 vary.

7 Q Do the personnel in the reserves department  
8 to whom the faculty would initially be referred, do  
9 they have any formal copyright training?

10 A The training that was provided here, but  
11 not -- beyond that, I wouldn't know.

12 Q What -- what kind of training was provided at  
13 Georgia State University?

14 A When the new Board of Regents' copyright  
15 policy was enacted, the legal department, Cynthia, came  
16 over and went through the copyright policy with us, the  
17 fair use checklist, other copyright, legal copyright  
18 things that might come into play, like the TEACH Act  
19 that we don't deal with directly, but just so if  
20 faculty came, we would know what they were talking  
21 about. And they -- she that for all the people who  
22 work in the reserves unit.

23 Q And that was -- would that be all -- I think  
24 we talked about ten staff members?

25 A No. It would be all the -- the ten staff

1 members work in access and media services. The  
2 reserves unit is the three other -- three individual  
3 staff members, their supervisor was also there, I was  
4 there, the dean of libraries was there, some other  
5 interested people were there as well.

6 Q How about the student assistants; were they  
7 there?

8 A No.

9 Q When did this training done by Ms. Hall take  
10 place, approximately?

11 A If that policy was enacted a month, six weeks  
12 ago, maybe two weeks after that.

13 Q So would that be sometime in late February or  
14 early March, does that sound about right?

15 A I honestly don't remember when it happened.  
16 It's been a busy semester, but sometime during the  
17 semester.

18 Q Fair enough. How long did the training last?

19 A I think it was approximately two hours.

20 Q What form did the training take?

21 A Presentation and questions.

22 Q Other than the two-hour training by Ms. Hall,  
23 was there any other copyright training given to the  
24 staff at GSU, any other copyright training?

25 A I'm not aware of other formal training. I

1 have met with them since to reinforce what we -- what  
2 we learned, but not in a formal training setting.

3 Q Okay. So prior to this training by Ms. Hall,  
4 was there any formal copyright training for the library  
5 staff at GSU?

6 A Not that I'm aware of. Let me edit that.

7 Q Please.

8 A The liaison librarians, the subject  
9 librarians have been becoming increasingly familiar  
10 with scholarly communications issues, open access  
11 repositories and things like that. And I do believe  
12 they did have some training over last summer when they  
13 were focusing on that, or it might have been two  
14 summers ago. I'm not sure who did the training. I  
15 believe they were outside individuals.

16 Q Okay. Did anyone from the reserve staff  
17 attend that training?

18 A That was specific to the subject librarians.

19 Q So, no; no one from the reserve staff went?

20 A Not that I'm aware of.

21 Q Okay. Did you, yourself, attend that  
22 training?

23 A No.

24 Q So other than that training for the -- the  
25 subject liaisons last summer, approximately, has there

1 been any other formal training by GSU, any other formal  
2 copyright training offered by GSU to the library staff?

3 A Not that I recall.

4 Q Okay. You mentioned that you have followed  
5 up since Ms. Hall's training with the reserve staff.  
6 On approximately how many occasions have you followed  
7 up informally with them?

8 A I don't know. Five, ten. I mean, I meet  
9 with them regularly.

10 Q Okay. Can you tell me in general terms what  
11 those interactions have been?

12 A Well, we've gone over the policy again.

13 Q Okay.

14 A We have redeveloped our entire Website, as  
15 well as our process and our work flow for doing  
16 reserves. So we have a lot of discussion about how we  
17 interact with faculty, how we make sure we understand  
18 the fair use checklist, what might set off alarm bells  
19 in -- in their head that might make them contact me or  
20 legal if they have questions.

21 There's been a lot of work redoing the work  
22 flow and the practice of what we do, so there have been  
23 a lot of meetings talking about that; some of it  
24 directly related to copyright or specifically fair use,  
25 others more work flow, personnel decisions.

1           Q     Who's -- who's responsible for designing  
2 these new work flow and these new systems?

3           A     They're primarily being designed by Denita  
4 Hampton, Denise Dimsdale's boss.

5           Q     And Denita Hampton reports to you, I think  
6 you said?

7           A     Correct.

8           Q     So ultimately, you would be responsible for  
9 those?

10          A     Yes.

11          Q     How much day-to-day involvement do you have  
12 in -- in designing these processes?

13          A     I do not have day-to-day involvement.

14          Q     Okay. Do you approve the systems before  
15 they're put into place?

16          A     I think it's fair to say yes at this point,  
17 because we're changing things so much, they're coming  
18 to me with their suggestions and how they're planning  
19 to do things and I'm saying yes or no or asking  
20 questions.

21          Q     Okay. Do I take it from your answer that,  
22 generally, that's not been the case when new systems or  
23 processes are designed by the reserve staff?

24          A     New systems and processes haven't really been  
25 a regular occurrence, so probably the last time they

1 changed, I was not responsible for that unit.

2 Q Okay. You mentioned that some of the  
3 discussions you've had would be about what might set  
4 off alarm bells in -- in their heads. What -- what  
5 would set off alarm bells, or what should set off alarm  
6 bells?

7 A I believe the primary thing that they are  
8 going to pick up on is -- is excessive amounts of  
9 material from a single source.

10 Q And what do you mean by "excessive"?

11 A Well, they're used to one chapter, 20  
12 percent, that's what they worked with prior to  
13 change -- changing the policy. Well, we're not looking  
14 at those numbers now. I think anything much more than  
15 that, they're going to ask questions and they're going  
16 to refer. It doesn't necessarily mean it's going to be  
17 ruled right or wrong, but I think those are the kinds  
18 of things that are going to set off alarm bells for  
19 them. Things they've always had issues with, you know,  
20 somebody tries to put an entire book on reserve,  
21 somebody -- those are probably the major ones that come  
22 up. They're aware of other things, but those are the  
23 ones that come up.

24 Q In your opinion, could an entire book ever be  
25 posted on EReserves and qualify as -- as fair use?

1           A     Yes.

2           Q     And what circumstance would that be?

3           A     A book in the public domain.

4           Q     Okay.  Other than a book in the public  
5 domain, can you envision any other circumstances in  
6 which it would be, in your opinion, fair use to -- to  
7 put an entire copyrighted book on the EReserve system?

8           A     I can envision orphan work circumstances  
9 where that might be considered fair use generally.  I  
10 would not do it in the library, though, so I don't --  
11 we don't have the staff or personnel to research  
12 orphaned copyrights, so we would not do that.

13          Q     Okay.  How about 90 percent of a copyrighted  
14 work?

15          A     I can't really answer that question.  The  
16 faculty member knows what's in the book and would know  
17 what's fair use.  It seems unlikely, but I -- I can't  
18 say yes or no categorically without having subject  
19 knowledge of what's in the book and what's in the  
20 field, so...

21          Q     Okay.  So let's say a faculty member fills  
22 out a form and they're telling you that it's fair use  
23 but it's 80 percent of the book.  What would happen?

24          A     The reserves unit would question it, they  
25 would talk to me.  I would probably talk to the faculty

1 member first, and if they insisted that this was fair  
2 use, I would refer them to legal. If legal said it was  
3 fair use, I would go ahead. But I think that's a -- a  
4 legal decision, not a decision the library would make.

5 Q Okay. What about 70 percent; what would  
6 happen?

7 A Anything that sets off an alarm, that's the  
8 process that's going to happen.

9 Q And you said the alarm is anything above 20  
10 percent?

11 A Could be something below 20 percent if it's a  
12 very short work or something. It's -- it's a  
13 case-by-case basis. I mean, this -- this is not an  
14 across the board this is what we do, it's a  
15 case-by-case basis, so...

16 Q How many excerpts are there up on EReserves,  
17 approximately?

18 A There -- there are approximately, generally  
19 between 3,500 and 4,000 listings, they're not all  
20 excerpts.

21 Q Okay. Fair enough. Okay. Let's go back to  
22 Plaintiffs' Exhibit 37. The third instruction on the  
23 first page of P37 is, "Use the Board of Regents fair  
24 use checklist to determine" if you use -- "if your use  
25 of the item" --

1           A     Whoops.

2           Q     -- "for the course is considered fair use.  
3 Print and save a copy of the completed checklist for  
4 your records."

5                     And then I take it by the underlining of  
6 "fair use checklist," that's a link to the actual  
7 checklist on the Website?

8           A     The checklist on the Board of Regents'  
9 Website.

10          Q     On the Board of Regents' Website, okay. Is  
11 the -- Plaintiffs' Exhibit 37, the form we're looking  
12 at, this looks like a screen shot of the Georgia State  
13 University Web page; is that correct?

14          A     Georgia State University library course  
15 reserves page.

16          Q     Okay. And that -- if you know, where is the  
17 library course reserves Website hosted?

18          A     On the library Web server.

19          Q     And the library Web server is where?

20          A     In the library.

21          Q     Okay. So the library actually controls its  
22 Web server --

23          A     Yes.

24          Q     -- and its -- its pages?

25          A     Yes.

1 Q Okay. Where do items that are posted on the  
2 EReserve system, what server do those live on?

3 A Those live on the EReserve, the EReserve  
4 server, Docutek ERes server.

5 THE WITNESS: Docutek ERes server.

6 Q (BY MS. SINGER) Is the Docutek ERes server  
7 part of the GSU library servers?

8 A No.

9 Q Is that part of the Board of Regents'  
10 servers?

11 A No. That's Georgia State University servers.

12 Q Okay.

13 A Centrally hosted.

14 Q Centrally hosted by Georgia State --

15 A Centrally managed by the IS&T, the central  
16 campus computing.

17 Q So the actual Docutek ERes servers are hosted  
18 by Georgia State University?

19 A Correct.

20 Q If you -- if someone from the reserves  
21 department changes an entry on a E-Reserves course  
22 page, where -- which server are they changing an entry  
23 on, do you know who's --

24 A The ERes server.

25 Q The Georgia State University ERes server?

1           A     Yes.

2           Q     Okay.  I apologize for this.  That's very  
3 complicated.

4                     Now, instruction number 3 on the first page  
5 of P-37 says, "Print and save a copy of the completed  
6 checklist for your records."  Do you see that?

7           A     Yes.

8           Q     Does the library ever see the checklist --  
9 the fair use checklist filled out by the faculty  
10 members?

11          A     No.

12          Q     Does the library have any systems or  
13 processes in place to in -- inquire whether the faculty  
14 member has, indeed, completed the fair use checklist?

15          A     By clicking on "I agree" on this page, they  
16 are indicating that they have done what they needed to  
17 do, including the fair use checklist, if one of the  
18 other criteria did not apply.

19          Q     Okay.  But nobody in the reserves department  
20 is going to check up on them other than clicking "I  
21 agree"?

22          A     No.

23          Q     Okay.  Do you know whether the faculty  
24 members at Georgia State University have received any  
25 copyright training?

1           A       Some have, and some have not. There's  
2 ongoing training. There's regularly open sessions that  
3 are announced, as well as individual departments are  
4 having training for the entire department.

5           Q       And is that copyright training something new  
6 since the new policy has been put into place?

7           A       Yes, the training specifically is on the new  
8 policy and the implications for how they do their work.

9           Q       Do you know when that training is scheduled  
10 to be complete?

11          A       I would assume it's ongoing, but, no, I do  
12 not know.

13          Q       Do you know whether all of the faculty  
14 members who fill out the fair use checklist will have  
15 received their copyright training?

16          A       No, I wouldn't know that.

17          Q       Do you know whether there's any plans to  
18 audit whether faculty members have saved copies of  
19 their fair use check lists?

20          A       No, I don't.

21          Q       Would that be something the library would be  
22 in charge of?

23          A       No. That would be a legal function.

24          Q       Okay. Okay. So number 4 on page 1 of P-37  
25 says, "If none of the above options apply, obtain

1 permission to use the item from the copyright holder",  
2 and then in paren, "(generally the publisher).  
3 Evidence of permission must be submitted to the library  
4 with your reserves request."

5           How would you expect the faculty member to  
6 obtain permission to use the item? How would that  
7 work?

8           A       They would contact the publisher, if they  
9 knew, they would contact the Copyright Clearance  
10 Center, and; if it actually included what they wanted,  
11 they could go that way. We would advise them if they  
12 asked. But I think, in most cases, they would contact  
13 the publisher directly, but I don't really know. I've  
14 not -- I've never been asked by a faculty member how to  
15 do it, so I don't know what they do. They may have  
16 other routes.

17           Q       Are you aware of whether anyone in the  
18 reserve department has ever been asked?

19           A       I'm not aware.

20           Q       And it says, "Evidence of permission must be  
21 submitted to the library with your reserves request."

22                    What -- what form would that evidence take?

23           A       Whatever form they receive the permission in,  
24 probably electronic.

25           Q       What would the library do with that evidence

1 of permission?

2 A We would file it with the request.

3 Q And how many items -- how much evidence is in  
4 that file?

5 A The request and if there were a permission  
6 granted, that permission.

7 Q And on how many occasions has that occurred?

8 A I don't know.

9 Q Who would know that?

10 A Denise Dimsdale.

11 Q Do you know whether a faculty member has ever  
12 contacted a publisher to obtain permission?

13 A I wouldn't know that.

14 Q If a licensing fee or some kind of  
15 permissions fee had to be paid to use the item, who  
16 would be responsible for paying that fee?

17 A A faculty member would be responsible for  
18 arranging payment.

19 Q And how would they go about arranging  
20 payment?

21 A I don't know.

22 Q Would that come out of the library budget?

23 A No.

24 Q Is there any money in the library budget to  
25 pay for permissions for specific works on the EReserve

1 system?

2 A There's not a budget line for that, no.

3 Q Has the library ever paid permissions fees  
4 for particular copyrighted excerpts to be placed on  
5 EReserves?

6 A I'm not aware that they have. I haven't been  
7 in charge of the system the entire time it's been up,  
8 so...

9 Q In the period of time from 2005 on for which  
10 you've been responsible for the system, has that ever  
11 occurred?

12 A Not that I'm aware of.

13 Q And who would -- who would know that?

14 A Probably Denise would have been involved in  
15 that, so Denise would probably know.

16 Q Okay. Would it be fair to say that if it's  
17 happened, it hasn't happened on very many occasions,  
18 that the library has -- has paid for the permissions  
19 fee?

20 A Yes, that would be fair to say.

21 Q Okay. Okay. So if we turn to the second  
22 page of P-37, you see the University System of Georgia  
23 copyright policy page. And where does the screen shot  
24 that's the second page of this -- of P37 -- what server  
25 does that live on?

1           A       That's at the Board of Regents.

2           Q       Okay. And that has a link to a -- the  
3 fillable fair use checklist?

4           A       Yes.

5           Q       Okay. And the fillable fair use checklist  
6 lives on the Board of Regents' server as well?

7           A       Yes.

8           Q       Okay. If you turn to the third page of P-37,  
9 it's another screen shot, and the top of it says,  
10 "Policy on the use of copyrighted works in education  
11 and research."

12                    This screen shot, again, we're on the -- the  
13 Board of Regents' servers here?

14           A       Yes.

15           Q       Okay. Did you have any involvement in  
16 designing or promulgating this policy?

17           A       I was not involved in designing it. I have  
18 spoken to the Regents Academic Committee on Libraries,  
19 which is the library directors for the University  
20 System, to inform them and -- and alert them to this  
21 policy and its implications for their practices.

22           Q       Can you tell me a little bit about the -- I'm  
23 sorry, the library --

24           A       It's the Regents Academic Committee on  
25 Libraries.

1 Q Regents Academic Committee on Libraries. And  
2 who is on that committee?

3 A The directors of every academic -- or  
4 University System of Georgia libraries, which I believe  
5 is 35 University System schools.

6 Q How did you first become aware of this new  
7 policy?

8 A My boss, Nancy Seamans, was on the committee  
9 that developed this policy.

10 Q Did you have any conversations with her while  
11 the committee was in the process of designing the  
12 policy?

13 A No. No.

14 Q She didn't come to you for any input --

15 A No.

16 Q -- or anything?

17 A No.

18 Q Were you aware that she was on this committee  
19 and they were working on the new policy?

20 A Yes.

21 Q Okay. But you didn't have any conversations  
22 with her about it?

23 A No. "How did your meeting go?" "Fine, busy,  
24 long." That's pretty much the extent of it.

25 Q Like all meetings involving lawyers, long?

1           A       And faculty members.

2           Q       So when did Ms. Seamans first tell you about  
3 this new policy?

4           A       When she received a request from the  
5 chancellor to sit on the committee, she told me it was  
6 being developed.

7           Q       Okay.

8           A       And then --

9           Q       And when did you first learn that the -- the  
10 policy had been finalized?

11          A       When the committee had finished their work  
12 and it had not yet been approved by the chancellor, she  
13 gave me the password to get onto the Website. That was  
14 at that point passworded to see it.

15          Q       And what did you think of the new policy the  
16 first time you saw it?

17          A       I thought it was good, it looked familiar.  
18 It's very similar to other policies I've seen at other  
19 universities.

20          Q       How did you come to look at other policies at  
21 other universities?

22          A       There was a lawsuit filed for copyright  
23 infringement, so I spent a lot of time looking at other  
24 universities.

25          Q       Did you do that at anyone's request?

1           A     No.

2           Q     Okay.  That was just you decided to do that  
3 because you were curious?

4           A     Yes.

5           Q     Okay.  What -- what did you conclude about --  
6 if anything, about the then current Georgia State  
7 University policies as opposed to the policies on the  
8 other Websites that you were looking at?

9           MR. ASKEW:  I'm going to object to that  
10 from a time -- on a time basis.  I'm not sure  
11 what you're talking about when you said "the  
12 then current Georgia State policy."

13          MS. SINGER:  Fair enough.  I'll clarify.

14          Q     (BY MS. SINGER)  At the time you were  
15 looking -- after the lawsuit was filed, at the time you  
16 were looking at the policies on other university  
17 Websites, right --

18          A     Um-hmm.

19          Q     -- the policy we're looking at on P-37 was  
20 not in effect --

21          A     Correct.

22          Q     -- correct.

23                 What was your opinion about the policy at  
24 Georgia State University that was in effect at that  
25 time compared to the policies you were seeing on other

1 university Websites?

2 A Well, we didn't have a policy. We followed  
3 the Board of Regents' guidelines that existed prior to  
4 this.

5 Q Okay.

6 A So it was -- I -- I noted that we had a  
7 percent chapter guideline in place, and I did not see  
8 that on other universities, and I noticed they had a  
9 fair use checklist on a lot of these, and we did not  
10 have a fair use checklist.

11 Q Did you think it was a good idea to have a  
12 fair use checklist?

13 A Yes.

14 Q Why is that?

15 A Because faculty members are the ones who can  
16 do this, and by having a public checklist that goes  
17 through all the different factors and things that weigh  
18 for or against something, a faculty member is better  
19 able to assess whether a use is fair.

20 Q And you said the other university Websites  
21 didn't appear to have chapter percentage guidelines?

22 A Some did, but not -- some did; some didn't.  
23 It varied.

24 Q Did you -- do you think it's a good idea to  
25 have chapter percentage guidelines?

1           A       I do not think it is -- it can't operate  
2 exclusively as a proxy for a fair use analysis.  When  
3 you have staff members dealing with faculty members,  
4 it's a quick way for them to see whether or not they  
5 have a problem that needs to be pursued with a request.

6           Q       Do you think it would be a good idea to have  
7 a chapter or a percent guideline in conjunction with a  
8 fair use policy?

9           A       No, but --

10           MR. ASKEW:  I'm going to object to the  
11 form of the question as vague.  I'm just --  
12 I'm not sure what you're inquiring into just  
13 as "a good idea."  I think it's vague,  
14 Ms. Singer.

15           MS. SINGER:  Well, she is in charge of  
16 implementing the policy, so I'm asking if she  
17 thinks it would be useful to have that  
18 guideline in addition to it.

19           MR. ASKEW:  Is that going to be the  
20 question, then, useful as opposed to a good  
21 idea?

22           MS. SINGER:  Sure, let's ask the  
23 question as useful.

24           THE WITNESS:  No, because it puts the  
25 burden on the library staff as opposed to the

1 faculty, and I don't want that.

2 Q (BY MS. SINGER) Okay. So you believe that  
3 the burden should be on the faculty and not on the  
4 library staff?

5 A Yes. The faculty know the subject matter of  
6 the book they're looking at, so they're the ones that  
7 can do the analysis. They know how they're going to  
8 use it for teaching, they know what they're objectives  
9 are.

10 Q Should the library have any burden at all?

11 A For what?

12 Q For copyright compliance.

13 A I'm not sure I understand your question.

14 Q Should the library have any responsibility  
15 for determining whether a particular use is fair use?

16 A I don't think the library is responsible for  
17 determining whether a use is fair use. I think the  
18 library has a responsibility that if they have a  
19 concern, that they contact legal or the faculty member  
20 and then legal to -- to make sure that that is done,  
21 but I don't think it's the library's responsibility to  
22 do the fair use analysis. I don't think the library  
23 can do the fair use analysis for an individual course  
24 reading.

25 Q Why not?

1           A        Because it's not our course. We're not  
2 teaching it, we don't know what the objectives are. We  
3 most likely don't know the subject in enough depth to  
4 know -- to know if a use is fair.

5           Q        Okay. Do you know whether faculty members  
6 have reviewed the policy on the use of copyrighted  
7 works in education and research before they fill out  
8 the fair use checklist?

9           A        No. I wouldn't know on an individual basis.  
10 If they've gone through the training, they have.

11          Q        Okay. On -- in the second paragraph of the  
12 policy, it says, "The University System of Georgia" --

13                   MR. ASKEW: What page are you on?

14                   Excuse me.

15                   MS. SINGER: I'm sorry. I'm still on  
16 page 3 of Plaintiffs' 37.

17          Q        (BY MS. SINGER) It says, "The University  
18 System of Georgia facilitates compliance with copyright  
19 law."

20                   Do you know what's meant by that, what the  
21 university does to facilitate compliance?

22          A        Well, the University System developed the  
23 checklist, and the university and the University System  
24 both employ legal, lawyers to help people if they have  
25 questions about copyright and fair use.

1 Q The policy then goes on to list specific  
2 things that the University System does. And the last  
3 bullet point says, "Identifies individuals at the  
4 University System and member institutions who can  
5 counsel faculty and staff regarding application of  
6 copyright law."

7 Do you know who that -- who the individual is  
8 for GSU?

9 A Yes.

10 Q Who is that?

11 A Cynthia Hall.

12 Q Is there anyone else at GSU?

13 A Anybody in the legal department will work  
14 with us on that. She's our normal initial contact.

15 Q Okay. Okay. If we turn to the fourth page  
16 of P37, it's an screen shot of an electronic reserves  
17 request form?

18 A Yes.

19 Q And whose server does the electronic reserves  
20 request form live on?

21 A This is on the library's server.

22 Q Okay. And it says, "What kind of request  
23 would you like to make?" One of the choices is "print  
24 reserve."

25 A Correct.

1 Q Okay. How do print reserves work?

2 A A faculty member wants to put, for example,  
3 an entire book on reserve, so we say, "Well, we can put  
4 it on print reserve." There are shelves behind the  
5 desk, student gets the call number from the catalog and  
6 brings it to the desk and we get it from behind the  
7 desk and check it out to the student. The check-out  
8 time varies according to the professor's desires. It's  
9 on here. I can't remember what it is; two hour, three  
10 day, or seven day.

11 Q Okay. Do you know approximately how many  
12 books would be on print reserve at any given semester?

13 A It's maybe three or four shelves' worth, so a  
14 couple hundred, 150, I'm not -- I'm not sure exactly.

15 Q Okay. You think somewhere in the  
16 neighborhood of a hundred, 200?

17 A Yeah, it's certainly not a thousand or  
18 anything like that.

19 Q Okay. The next category on page 4 of P-37 is  
20 "media reserves." And the choice there are "video and  
21 audio" --

22 A Correct.

23 Q -- "for use in the media center"?

24 A Right.

25 Q Do you have any responsibility for the media

1 center?

2 A Yes.

3 Q How do video and audio reserves work?

4 A We put a videotape or a DVD or a CD behind  
5 the desk just like we do a book and the rest of it work  
6 the same way. Those are in use -- inhouse use only, so  
7 they can't be checked out of the building, they have to  
8 use them in the building, and there's equipment in the  
9 media center for them to view or listen to those.

10 Q Okay. And then the last category on page 4  
11 of P-37 is "electronic reserves from a book or journal  
12 or class notes." And then there's a series of four  
13 bullet points, and there's -- they're underlined. I  
14 assume those are links?

15 A Correct.

16 Q And what does -- what does the professor do  
17 with these -- with these links, or what do they link  
18 to? Let's start with electronic versions of journal  
19 articles.

20 A They link to a form for submitting a request  
21 for an electronic journal article -- version of a  
22 journal article.

23 Q Okay. And what about for parts of books?

24 A Same thing. These are to -- these link to  
25 different forms.

1 Q They link to different forms, okay.

2 So let's turn to -- I guess it's page 5 of  
3 P-37, and we see a screen shot for electronic reserves  
4 request form for print book. Whose server does this  
5 live on.

6 A The library server.

7 Q Okay. Is this the form that a professor or  
8 faculty member would fill out if they wanted to put a  
9 hard copy of a book on print reserves?

10 A Yes.

11 Q Okay.

12 A It says electronic reserves because we do  
13 create an entry in ERes that doesn't link to an actual  
14 digital file; it just gives you the call number, but  
15 that way a student can see everything on reserve in the  
16 same place. So a number of the items listed in ERes  
17 are just call numbers for print books.

18 Q Okay. Let's turn to page 6 of P-37. This is  
19 "electronic reserves request form for video."

20 A Um-hmm.

21 Q Does this --

22 A Yes.

23 Q Does this live on the library server as well?

24 A Yes.

25 Q Okay. And this would be the form that the

1 professor fills out when they want to put -- I'll say a  
2 hard copy, for lack of a better word -- of a video  
3 actually on the shelf in the media center?

4 A Yes.

5 Q Okay. Page 7 of P-37 is "electronic reserve  
6 request form audio hard copy." And that is also living  
7 on the G -- the library server, I'm sorry?

8 A Yes.

9 Q Okay. And this is -- what do we mean by  
10 "audio hard copy"?

11 A A CD or a --

12 Q Okay.

13 A Mostly a CD.

14 Q So this would be the form that a faculty  
15 member would fill out if they want to put a CD on the  
16 shelf?

17 A Yes.

18 Q Okay. If you would please turn to page 8 of  
19 P-37. It says "electronic reserves request form,  
20 electronic article." This page lives on the library  
21 server?

22 A Yes.

23 Q Okay. And this is the form that a professor  
24 would fill out if they want to put an article in the  
25 EReserve system?

1           A     Yes.

2           Q     Okay.  And then we see below the line there,  
3 it says, "this item can be placed on electronic reserve  
4 because, choose one:  The library already licenses the  
5 item"?

6           A     Yes.

7           Q     Under what circumstances would a faculty  
8 check that box?

9           A     If the item is available in one of the  
10 databases or electronic journals that we license.

11          Q     Okay.  And then, "if it falls under fair use,  
12 according to the fair use checklist I completed," under  
13 what circumstances would they click that?

14          A     If they did an analysis using the fair use  
15 checklist and found that it was fair use.

16          Q     Okay.  And then, "if it is public domain or  
17 allowed under a creative commons license," when would  
18 they click that?

19          A     When it was public domain or allowed under a  
20 creative commons license, and we do ask them to read  
21 the creative commons license to make sure it'd be a  
22 fair use --

23          Q     Okay.

24          A     -- or not a fair use, but an allowed use.

25          Q     Okay.  Or the last option is if they

1 specifically obtained permission from the copyright  
2 holder?

3 A Yes.

4 Q And then the professor fills out all the  
5 information about the journal there?

6 A That is correct.

7 Q Okay.

8 A I want to add a couple of notes. This is not  
9 a current form.

10 Q Oh, this is not a current form?

11 A This has been updated.

12 Q It has, okay. When was it updated?

13 A Sometime between when this was printed and  
14 now.

15 Q Okay.

16 A Within -- probably a month ago.

17 Q Okay. How -- what has changed on this form?

18 A There is now a line where a faculty member,  
19 if they actually have found the link to the licensed  
20 item, can include it.

21 Q Okay.

22 A And we have removed the section that says,  
23 "if your journal is not part of your collection, you  
24 may submit a personal copy to be scanned." No, that's  
25 still there, but we have taken off "you can submit an

1 electronic copy." We won't take an electronic copy of  
2 something. They have to bring in a print copy that  
3 they own.

4 Q Okay. And when you say "they have to bring  
5 in a print copy," do you mean of a bound journal, or do  
6 you mean a printout of the article, what -- what will  
7 the library accept?

8 A It would most likely be a print journal.

9 Q Okay. If a faculty member brought in just a  
10 Word copy of a journal article, would the library  
11 accept that?

12 A No.

13 Q If the faculty member does not fill out all  
14 of the fields on this form, what happens?

15 A They get an error message telling them they  
16 have to fill out the bold fields that are required.

17 Q Okay.

18 A It's kind of hard to see on here which ones  
19 are bold, but some of them are.

20 Q Do you know which ones? I know it is hard to  
21 see on this.

22 A I think the only one that is not is author of  
23 article.

24 Q Okay. So it -- it's not possible to  
25 electronically submit a request without all of the

1 required fields?

2 A Correct.

3 Q Okay. Why were changes made to this form?

4 A Because I'm not comfortable accepting a Word  
5 or PDF file that I can't tell where it came from,  
6 because if the library doesn't own it and the  
7 instructor doesn't own it, I'm not putting it on  
8 reserve.

9 Q Okay. Let's turn to page 9 of P-37. This  
10 is -- says "electronic reserves request form,  
11 electronic book." And this form lives on the library  
12 server?

13 A Yes.

14 Q Is page 9 of P-37 the current form?

15 A I believe so.

16 Q Is this the form that a faculty member would  
17 fill out if they wanted to submit a book or an excerpt  
18 from a book for the EReserve system?

19 A Yes.

20 Q And would the faculty member need to fill out  
21 all of the bold fields again, all the required fields?

22 A Yes.

23 Q Do you know which fields are bold on this  
24 form?

25 A It looks like author, title, publisher, year,

1 chapter or page numbers, as well as the -- you have to  
2 pick one of the radio boxes at the top.

3 Q Okay. And the four radio boxes are the --  
4 these are the same radio boxes that we --

5 A Yes.

6 Q -- looked at before. And the same  
7 circumstances -- the -- the faculty member would check  
8 these radio boxes under the same circumstances that you  
9 testified to a few minutes ago? In other words --

10 A The same thing as the journal article.

11 Q Right.

12 A Correct.

13 Q Okay. And it says at the bottom, "Please  
14 note that documents violating copyright and copyrighted  
15 items submitted without complete citation will not be  
16 posted." What does that mean?

17 A Well, the wording is vague. Violating  
18 copyright, I assume would be do not fall under fair use  
19 guidelines or do not have a -- evidence that permission  
20 has been obtained, and we require a complete citation.

21 Q Okay. How does the library determine whether  
22 the document violates copyright?

23 A Again, the gut check, it feels wrong, it's  
24 too long, the -- the items that I -- I went over  
25 earlier.

1 Q Okay. The items we talked about earlier, it  
2 was the -- essentially, it was really just the amount  
3 of the work; is that correct?

4 MR. ASKEW: I'll object to the form of  
5 that question. It mischaracterizes her  
6 previous testimony.

7 MS. SINGER: Okay. Well, the -- the  
8 record will say what it says, but let me  
9 rephrase the question for here.

10 Q (BY MS. SINGER) What -- specifically, what  
11 factors would the library use to determine whether the  
12 reserve department believes that an item violates  
13 copyright?

14 MR. ASKEW: I'll object to the form of  
15 the question as having been asked and  
16 answered previously.

17 Q (BY MS. SINGER) You can answer it again.

18 A Well, they will look at the amount used, the  
19 type of work, things that just don't feel right, did  
20 not follow the norm of what they put on reserve, but  
21 generally, it is the amount that is the -- the major  
22 alarm that will -- will alert them if there's an issue.

23 Q If the faculty member needs to fill out all  
24 of the required fields in order to put the request  
25 through, would there ever be a time that the item could

1 be submitted without a complete citation?

2 A No.

3 Q Okay. Turning to page 10 of P-37, the  
4 electronic reserves request form for electronic notes?

5 A Yes.

6 Q What -- what constitutes notes?

7 A Many faculty members put copies of their  
8 course notes, previous exams, exam keys, answer keys,  
9 things like that on reserve.

10 Q Okay. So those would be materials, as a  
11 general matter, that were created by the faculty  
12 member?

13 A Yes.

14 Q Page 11 of P-37 is the "electronic reserves  
15 request form for audio: Streaming." Do you see that?

16 A Yes.

17 Q What is streaming audio in the context of  
18 EReserves?

19 A We will post small pieces of audio from --  
20 from materials in our collection, mostly CDs, on the  
21 university's, not the library's, but the university's  
22 streaming media server for students to access. We also  
23 will link to streaming media in databases we license  
24 that include music.

25 Q Okay. It says -- and then we see the same

1 four radio buttons on page 11 of P-37 that we've seen  
2 before. And the second radio button says, "It falls  
3 under fair use according to the fair use checklist I  
4 completed."

5           Would the fair use checklist for streaming  
6 audio be the same fair use checklist that's used for  
7 books?

8           A     Yes. Yeah.

9           Q     Okay. At the bottom of page 11 of P-37,  
10 there's a button that says "add to reserves cart"?

11          A     Yes.

12          Q     What does that mean?

13          A     If the professor is putting four or five  
14 things on reserve, they can fill out the form for five  
15 four or five things and add them to a cart, and then  
16 when they're finished, they hit submit and it sends all  
17 of them at once.

18          Q     Okay. Is there any limit to the number of  
19 things a professor can put in their reserves cart?

20          A     Currently --

21          Q     Currently.

22          A     -- there is a limit of 50.

23          Q     50, 5-0?

24          A     Yes.

25          Q     When did -- when was that limit put into

1 place?

2 A Last week.

3 Q Why did you institute that limit?

4 A Two reasons: First of all, workload. It  
5 becomes ridiculous to put a -- too many things on  
6 reserve for a course that students won't look at. It's  
7 a huge amount of work for our staff for no purpose.

8 And secondly, we thought it very unlikely  
9 that someone could actually do a fair use analysis of  
10 more than 50 items for a course. So if they want to  
11 put more than 50 on, they'll have to go through me or  
12 through the dean and we'll mostly -- we'll send them to  
13 legal to talk about completing the fair use analysis.

14 Q In the two weeks since the limit has been 50,  
15 has -- has there been any instances where someone has  
16 wanted to exceed the limit and come to you?

17 A No.

18 Q I -- I should have asked the question in the  
19 last -- since the policy has been instituted, have  
20 there been any occasions when anyone has wanted to  
21 exceed the limit?

22 A No.

23 Q Okay. Prior to the policy being put into  
24 place, where -- were there faculty members who  
25 requested more than 50 items on their EReserves page?

1           A       The 50-item policy or the board -- the  
2 copyright policy, the Board of Regents' copyright  
3 policy?

4           Q       50-item policy.

5           A       Yes.

6           Q       On how many occasions?

7           A       I don't know. Only select faculty members.  
8 It's not an overwhelming issue.

9           Q       So less than 10 professors tried to put more  
10 than 50 items up, would you say?

11          A       I would say that, yes.

12          Q       Okay. Of course, your answer leads to the  
13 other question: Have there been any instances, that  
14 you're aware of, of professors who did not comply with  
15 the University of Georgia copyright policy, that you're  
16 aware of?

17                 MR. ASKEW: I'll object to that question  
18 as being asked and answered previously.

19          Q       (BY MS. SINGER) You can answer.

20          A       I also don't understand the question. Can  
21 you rephrase it?

22          Q       Sure. I think I -- I asked you before if  
23 you're aware, since the policy was put into place, of  
24 anybody who tried to do more than 50 items.

25          A       No.

1 Q Okay. Since the Georgia -- since the USG  
2 copyright policy has been put into place, there have  
3 been professors who tried to post more than 50 items to  
4 their EReserves page?

5 A No.

6 Q There have not?

7 A No. There have been prior to the policy  
8 being put in place.

9 Q Okay. So at this juncture, was there a  
10 particular instance or a particular incident that  
11 caused you to implement the 50-item limit at this  
12 juncture in time?

13 MR. ASKEW: I'll object to the question  
14 as vague as to what you mean by "at this  
15 juncture."

16 Q (BY MS. SINGER) You said the policy was put  
17 into place a week or two ago, I think?

18 A The 50, yeah.

19 Q The 50 item. Why specifically a week or two  
20 ago was that policy put into place?

21 MR. ASKEW: I'll object to the form of  
22 the question being asked and answered, but  
23 you can answer again.

24 THE WITNESS: New semester, reviewing  
25 our work flow with this new -- new Board of

1 Regents copyright policy in place seemed a  
2 reasonable step.

3 Q (BY MS. SINGER) Okay. Was we sit here  
4 today, April, I think, 24th, what semester are we in at  
5 GSU?

6 A Spring 2009.

7 Q Okay. So when you say "new semester,"  
8 what -- what semester were you referring to?

9 A Summer.

10 Q The summer semester. When does that begin?

11 A May -- there's a Maymester, and then there's  
12 a summer semester. The Maymester begins in early May.  
13 I don't know the exact date.

14 Q Okay. When does the spring 2009 semester  
15 officially end?

16 A I believe it's May 4th is the last day of  
17 finals, but I'm not certain, something -- somewhere  
18 around there.

19 Q When -- what does the library do with the  
20 EReserves course pages at the end of a semester, or  
21 what does the library -- strike that.

22 What is the library planning to do with all  
23 of the items currently up on the EReserve system on May  
24 4th or May 5th, 2009.

25 A They are sent to the dark archive that is

1 part of the EReserve system.

2 Q Can you -- can you tell me more about what --  
3 what is the dark archive?

4 A When a -- when a item is no -- when it is no  
5 longer the current semester, students can no longer  
6 access that page, nor can faculty, nobody can access  
7 that page. So it's sent into a dark archive, where the  
8 files are not deleted, but they are longer accessible.

9 Q They're not accessible to anybody?

10 A Staff can access them with administrative  
11 password, but they're not accessible to any user.

12 Q Okay. Which -- which staff members have an  
13 administrative password?

14 A The members of the reserves unit have one.

15 Q Okay.

16 A I have one.

17 Q Have you ever used yours?

18 A Only to look at things as a result of this  
19 lawsuit.

20 Q Okay. So in the ordinary course of business,  
21 you generally do not access the dark archive?

22 A No. Never.

23 Q On whose server does the dark archive live?

24 A That is on the server in IS&T, central  
25 computing.

1 Q And that's GSU?

2 A Yes.

3 Q Okay. Do you know who has supervisory  
4 authority over this -- the GSU server that hosts the  
5 dark archive?

6 A I believe Keith.

7 Q Okay.

8 A Ultimate boss is Bill Paraska.

9 Q Do you know what Bill Parasko's [sic] title  
10 is or what department he's in?

11 A I don't know what the unit is called.  
12 They're responsible for the servers and the -- the  
13 physical infrastructure of the network on campus, as  
14 well as the security of the network.

15 Q Do you know ultimately to whom Bill Parasko  
16 [sic] reports?

17 A Paraska.

18 Q Paraska.

19 A He reports to J.L. Albert.

20 Q J.L. Albert. Does the dark archive  
21 contain -- strike that.

22 What -- what does the dark archive contain?

23 A At this point, it contains everything that  
24 was ever on reserve since 2003, as far as I know.

25 Q Are there any plans that you're aware of to

1 change the -- having the dark archive contain  
2 everything since 2003?

3 A When this lawsuit ends and I can delete  
4 things again, I intend to delete everything except for  
5 the most recent year.

6 Q Okay. To the best of your knowledge, what is  
7 the purpose of the dark archive?

8 A It provides a backup copy of a file, so if  
9 something in the live archive is corrupted, we can pull  
10 it back out. It also allows for renewing a course  
11 page. So if a professor teaches a class in fall '08  
12 and is teaching the same class in fall '09, previously  
13 he could ask to have the page renewed and we would just  
14 pull it out of the archive and it would just come back  
15 into a live site; it would generate a new password that  
16 the professor would give to his students in that -- in  
17 that semester and then they would have access to it.

18 Under the new policy, we have informed  
19 faculty we will not renew any pages because they must  
20 do a fair use analysis of everything that is -- that  
21 they're requesting for reserve and that has not been  
22 done for anything in the dark archive.

23 Q Okay. So if I'm a professor, and I'm  
24 teaching a course in the Maymester that I taught in  
25 Maymester of 2008 and I call the library and I say,

1 "Can you please restore my Maymester 2008 course  
2 reserves page," what -- what is going to happen?

3 A We will say, "We are not restoring pages  
4 because you need to do a fair use analysis of  
5 everything that you want to put on; but if you'd like,  
6 we will send you a listing of what you had on reserve."

7 Q Okay.

8 MS. SINGER: I'm informed that we need  
9 to change the tape, so this is probably a  
10 good moment to take a break here.

11 THE WITNESS: Okay.

12 THE VIDEOGRAPHER: Off the record at  
13 11:19:37.

14 (Whereupon, there was a brief recess.)

15 THE VIDEOGRAPHER: This is Tape 3. We  
16 are back on the record at 11:29:31.

17 Q (BY MS. SINGER) Okay. Ms. Burtle, you have  
18 in front of you what was marked yesterday as  
19 Plaintiffs' Exhibit 38, which is the policy on the use  
20 of copyrighted works in education and research. Do you  
21 see that?

22 A Yes.

23 Q Okay. The second page of P-38 is additional  
24 guidelines for electronic reserves.

25 A Yes.

1 Q Do you see that? Okay.

2 Is this -- the additional guidelines for  
3 electronic reserves, is that part of the University  
4 System copyright policy?

5 A Yes.

6 Q Okay. So this page would likely live on -- I  
7 know this is not a screen shot, but this page would  
8 live on the -- the Board of Regents' server?

9 A Yes.

10 Q Okay. The additional guidelines, the first  
11 bullet point says, "Instructors are responsible for  
12 evaluating, on a case-by-case basis, whether the use of  
13 a copyrighted work on electronic reserves requires  
14 permission or qualifies as fair use." And there's a  
15 link. Do you know what that fair use -- does that link  
16 to the checklist, do you know?

17 A That would be my assumption.

18 Q Okay. "If relying upon the fair use  
19 exception, instructors must complete a copy of the fair  
20 use checklist before submitting material for electronic  
21 reserves." Do you see that?

22 A Um-hmm.

23 Q And I don't want to characterize your  
24 testimony, but does the library ever look at the copies  
25 of this fair use checklist that the instructors fill

1 out?

2 MR. ASKEW: Object to form.

3 THE WITNESS: The library, who?

4 Q (BY MS. SINGER) Does anybody in the library  
5 ever look at the fair use checklist that the  
6 instructors fill out?

7 MR. ASKEW: I'll object to the form of  
8 the question as being asked and answered.

9 But if you can answer it again, answer  
10 again.

11 THE WITNESS: No.

12 Q (BY MS. SINGER) Okay. Are you aware of  
13 whether instructors have completed their copyright  
14 training before they fill out the fair use checklist?

15 A No.

16 Q Is it possible that instructors would fill  
17 out the fair use checklist without having had copyright  
18 training?

19 A Presumably.

20 Q The second to last bullet point says,  
21 "Library reserve staff should delete materials  
22 available on electronic reserves at the conclusion of  
23 the semester." Do you see that?

24 A Yes.

25 Q And does the GSU library reserve staff do

1 that?

2 A They move them to the dark archive, which  
3 deletes access to them by the students who were in the  
4 course during the semester.

5 Q Okay. When -- when is that done, I mean, is  
6 it the day after exams or --

7 A I don't know.

8 Q Okay. Do you know how long, approximately,  
9 the pages from the prior semester remain on the system  
10 before they're -- after the conclusion of the semester?

11 A I think that's the same question, but, no, I  
12 don't.

13 Q Okay.

14 A I mean, it's -- it's right after the  
15 semester, but I don't know the exact day, if it's one  
16 day or two days or three days.

17 Q Do you -- do you think it's within a week?

18 A Yes.

19 Q Okay. In order to move those pages to the --  
20 the dark archive, can you do that globally, or do you  
21 need to move each page one by one to the dark archive?

22 A I'm going to backtrack a minute on your  
23 previous question.

24 Q Okay.

25 A I think, when the page is created, an

1 expiration date is put on it at the creation point and  
2 I know -- it's not done manually; they automatically  
3 gets sent to the -- to the archive.

4 Q Okay. So the expiration date would  
5 presumably be within a couple of days after exams are  
6 over?

7 A It's probably the day after exams, but I  
8 don't know that for certain.

9 Q Okay.

10 A That's not something I manage directly.

11 Q Okay. Who would imagine that directly?

12 A Denise Dimsdale.

13 Q Okay. Turning to the last page of P-38, it  
14 says "introduction to the fair use checklist." This  
15 page would live on the Board of Regents' Website?

16 A Yes.

17 Q Board of Regents' server. I'm sorry.

18 A Yes.

19 Q And these instructions -- who are these  
20 instructions aimed at?

21 A Faculty.

22 Q Okay. I want to go back to something you  
23 mentioned before. You said -- I'm not sure -- were  
24 you a -- are you a part of the Regents Academic  
25 Committee on Libraries, or were you reporting to them?

1           A       My -- by boss is a member, Nancy Seamans is a  
2 member.

3           Q       Okay.

4           A       She was unable to attend the meeting that was  
5 held, and asked me to attend in her place. Bill Potter  
6 from the University of Georgia, who is also a member,  
7 was going to introduce this policy to the membership.  
8 He was unable to attend and knew that I was familiar  
9 with it and called and asked me to do it instead, as he  
10 knew I was going to be there.

11          Q       Okay. Do you recall approximately when that  
12 meeting was?

13          A       I believe it was -- what is this, February --  
14 March 27th.

15          Q       March 27th?

16          A       It was a Friday in late March.

17          Q       Okay. What -- what did Bill Potter ask you  
18 to do at that meeting?

19          A       Just introduce the membership to the -- to  
20 the policy, show them where it was, go over what it  
21 said.

22          Q       And how did you -- what specifically did you  
23 do to introduce them to the policy?

24          A       I made a whole bunch of copies of it and I  
25 handed it out.

1 Q Okay.

2 A And I went through it with them and said you  
3 might notice there's a fair use checklist and that  
4 instructors need to fill this out and that there are  
5 specific guidelines for electronic reserves and that,  
6 you know, you need to make adjustments in your own  
7 library to make sure that you're accommodating these  
8 guidelines.

9 Q Approximately how long did that introduction  
10 take?

11 A Probably between 20 minutes and half an hour  
12 with questions and conversation following the -- kind  
13 of going through the policy.

14 Q What kinds of questions were you asked?

15 A I showed them our Website that had the form  
16 where people indicate under what criteria things are  
17 available for -- for fair use, it links out to the  
18 checklist and such. And they asked me a lot of  
19 questions about the form, about our work flow and how  
20 our work flow had changed, about whether faculty were  
21 upset, all of which, you know, it was too early to  
22 tell. It was brand new.

23 There was a suggestion that the University  
24 System libraries all develop similar Web pages and  
25 follow similar practices to all make sure we're in

1 compliance with the new policy, and I was asked to  
2 chair a committee to -- to come up with a standard  
3 practice for electronic reserves at University System  
4 libraries. That committee is being formed. It has not  
5 yet met.

6 Q Who -- who is going to be on that committee,  
7 do you know?

8 A Me. I do not know who else at this point.  
9 It's being appointed by the chair of the RACL group.

10 Q And who is the -- RACL is the Regents  
11 Academic Committee --

12 A Right.

13 Q -- on Libraries?

14 A Right.

15 Q Okay. Who is the chair of that group?

16 A Her name is Carol Bray; she's the director  
17 at -- I think she's the director at East Georgia  
18 College. I'm not sure. A small college somewhere  
19 in -- outside of metro Atlanta.

20 Q Do you have any role in deciding who's going  
21 to be on that committee that you're chairing?

22 A No. There was general discussion that we get  
23 people from the research libraries and the four years  
24 and the two years; but beyond that, not names.

25 Q Does that committee have a name yet?

1           A     No.

2           Q     No good acronyms yet?

3           A     No.    The EReserves copyright committee.

4           Q     Okay.  And it shall be dubbed?

5           A     And it shall be dubbed, yes.

6           Q     When you went to this RACL meeting in late  
7 March and introduced the policy, was that the first  
8 time that the other committee members were learning of  
9 the policy?

10          A     Some of them.

11          Q     Have you had any subsequent conversations  
12 with any members of the -- the RACL committee or their  
13 designees about your work, the work flow at GSU, or how  
14 GSU is implementing the policy?  Have there been any  
15 follow-ups from that meeting?

16          A     I've had a couple of brief discussions with  
17 representatives from Georgia Tech and the University of  
18 Georgia, mostly sharing our Web pages with them.

19          Q     Is it or was it your sense that GSU was  
20 either the first or among the first to be implementing  
21 the new policy?

22          A     Yes.

23          Q     Okay.  Was -- or is -- strike that.

24                    When do you consider that GSU first  
25 implemented the policy, the new copyright policy?

1           A       We were responsible for abiding by the policy  
2 as soon as the chancellor approved it and it went up on  
3 the Website and was announced through the Board of  
4 Regents' communications channels.

5                    Soon thereafter, next day, the next two or  
6 three days, we revised -- we put up our new Website  
7 that had the -- the indications that you must do a fair  
8 use analysis, and you must indicate under what  
9 circumstance this is eligible for electronic reserves  
10 within a couple of days after that.

11           Q       Okay. And that was sometime in February of  
12 2009?

13           A       It might have been mid March. I -- I'm just  
14 not sure exactly when it was.

15           Q       Okay.

16           A       Sometime in the middle of spring semester.

17           Q       Was anything done at GSU about things that  
18 were already posted on the ERes system for spring 2009  
19 that was posted before the new policy went into effect?

20           A       Yes.

21           Q       What was done?

22           A       For spring -- the materials that were on  
23 reserve for spring 2009, we went back and looked for  
24 electronically -- electronic versions that were already  
25 in a licensed database, and where we found those, we

1 took down the PDF and made a link.

2 Q How many -- how many articles did that  
3 implicate, approximately?

4 A I couldn't say. A lot.

5 Q More than a hundred?

6 A Yes.

7 Q More than 500?

8 A I -- I don't know.

9 Q Okay. Did you do anything else about the  
10 materials that was already posted for spring 2009?

11 A No.

12 Q Did any requests come in for materials to be  
13 posted for spring 2009, did any request come in post  
14 the new policy?

15 MR. ASKEW: I'll object to the form of  
16 the question as vague.

17 THE WITNESS: I don't know. I'm not  
18 that hands on with the requests.

19 Q (BY MS. SINGER) When -- what was the  
20 deadline for submitting a request for Maymester of  
21 2009?

22 A I don't believe we posted a deadline for  
23 Maymester. It's a small -- there aren't many requests.  
24 I don't think we -- we do -- we do deadlines for the  
25 big semesters.

1 Q Okay. What was the deadline, then, for  
2 summer 2009?

3 A I -- I don't know. Denise Dimsdale --

4 Q Okay.

5 A -- would know.

6 Q Do you know if it was before the new policy  
7 was implemented or after the new policy was  
8 implemented?

9 A No. I -- I don't believe it's actually been  
10 sent out at this point.

11 Q And by "it," you mean the new policy or the  
12 request?

13 A The notice that this is the deadline.

14 Q Okay. So I take it, then, that any material  
15 posted for summer 2009 will be in compliance with the  
16 new policy; is that --

17 A Yes.

18 Q Okay. You said one of the questions at the  
19 RACL meeting was were faculty upset. What was the  
20 answer as to that question?

21 A Not yet.

22 Q Since that meeting, has -- have faculty been  
23 upset at the new policy?

24 A Actually, I have not heard faculty being  
25 upset. I'm not sure I would hear. They may be upset

1 at their training sessions, they may not be. I -- I --  
2 I'm not aware.

3 Q Okay. Would Denise maybe be aware of that?

4 A It's possible. If she is, she hasn't -- she  
5 hasn't shared that with me.

6 Q Okay. Does the library provide the ERes  
7 system for all of the schools on the GSU campus?

8 A I don't think I understand the question.

9 Q Are there -- are there any -- maybe it's grad  
10 schools or anything that the library --

11 A There's only one library at Georgia State.

12 Q Okay.

13 A There's not a graduate school. I mean, there  
14 are different colleges, but we don't -- it's just all  
15 the faculty.

16 Q Okay.

17 A The law school does have their own library  
18 and they also use ERes and they do their own ERes. We  
19 don't do theirs. But everything else we do from the  
20 main library.

21 Q Okay. Do you know where -- which server the  
22 law school's ERes system lives on?

23 A The same server.

24 Q And that's the IS&T server for GSU?

25 A Yes.

1 Q Okay. The one that goes up to J.L. Albert?

2 A Yes.

3 Q How would you characterize your role in the  
4 ERes system?

5 A I'm ultimately responsible for it, as that  
6 unit is in my reporting areas.

7 Q What -- what kind of day-to-day interaction  
8 do you have, if at all?

9 A I don't have day-to-day interaction.

10 Q How often -- aside from implementing the new  
11 policy, in the ordinary course of business, how often  
12 do you have discussions with the reserve department  
13 about the ERes system?

14 A Infrequently. Only if there's an issue.

15 Q What -- what type of -- I think you said you  
16 had an administrator password?

17 A Yes.

18 Q What -- what does that -- what can you do  
19 with an administrator password?

20 A Well, what I do with the administrator  
21 password is it lets me run reports to see, you know,  
22 what's on reserve, how -- how frequently it's used,  
23 those are the two main things I've done.

24 Q Do you run those reports on a regular basis?

25 A No, I've run them out of curiosity as part of

1 this case.

2 Q Does anybody run reports on a regular basis?

3 A I believe Denise does, as she's who showed me  
4 how to do it.

5 Q Okay. Do you know how often she runs  
6 reports?

7 A No.

8 Q Do you review -- in the ordinary course, do  
9 you review reports with any kind of regularity?

10 A No.

11 Q Okay. Would you review them even once a  
12 semester?

13 A No.

14 MS. SINGER: This is 75, please.

15 Would you please mark this as

16 Plaintiffs' Exhibit 75.

17 (WHEREUPON, Plaintiffs' Exhibit 75 was marked for  
18 identification.)

19 (Whereupon, there was a discussion off the record.)

20 Q (BY MS. SINGER) Ms. Burtle, you have in  
21 front of you what's been marked as Plaintiffs' Exhibit  
22 75, which is Bates stamped Georgia State 38882.

23 A Yes.

24 Q Do you recognize this document?

25 A Yes.

1 Q Okay. And this is an email from Nancy  
2 Seamans to you dated October 10th, 2008?

3 A Yes.

4 Q Okay. Plaintiffs' Exhibit 75 says, "List of  
5 possible topics from October 8th meeting with J.L. and  
6 October 3rd meeting with Mike." Is J.L., J.L. Albert?

7 A Yes.

8 Q And who is Mike?

9 A Mike Russell.

10 Q And what is Mike Russell's role or title?

11 A He's the director of university academic  
12 technology services.

13 Q Is he -- who does he report to?

14 A J.L.

15 Q He reports to J.L., okay. And who is Tammy  
16 Sugarman?

17 A She is the associate university librarian for  
18 research services, my counterpart over the other areas  
19 of the library.

20 Q Okay. So she's also an associate librarian?

21 A Yes.

22 Q And she reports to Nancy Seamans the same way  
23 you do?

24 A Yes.

25 Q Okay. The -- do you -- were you at this

1 October 8th meeting with J.L. or the October 3rd  
2 meeting with Mike?

3 A No.

4 Q Were you aware of what occurred at those  
5 meetings generally?

6 A Only from this email.

7 Q Okay. Under the second set there on  
8 Plaintiffs' 75, it says, "Mike's topics per 10/3  
9 conversation." The first line is, "ERes, Jim Palmour's  
10 role with this. Need to solve it." Do you know what  
11 that means?

12 A Mike was unhappy with having a highly paid  
13 employee scanning things.

14 Q Do you know whether, in fact, this was,  
15 quote/unquote, solved?

16 A Yes.

17 Q And how was it solved?

18 A The library is now scanning things, not Jim  
19 Palmour.

20 Q Okay. The next entry on P-75 is, "DSpace,  
21 Jim Palmour's role with this. Need to solve it." Are  
22 you familiar with what that means?

23 A Jim Palmour used to work with a gentleman  
24 named Phil Williams, who was managing our DSpace  
25 institutional repository server, Phil Williams retired,

1 leaving Jim Palmour in charge and Jim Palmour did not  
2 know what to do. So we were not getting good service  
3 there.

4 Q Was this solved, do you know?

5 A Yes.

6 Q How was that solved?

7 A We got rid of DSpace. We went to a hosted  
8 system.

9 Q Okay. And when you say "a hosted system,"  
10 that's a --

11 A We're paying a company to run it --

12 Q Okay.

13 A -- to run a different system for us, their  
14 system.

15 Q So that has been outsourced from the  
16 university?

17 A Correct.

18 Q Okay. The next entry on P-75 says,  
19 "Coursepacks, Jim Palmour's role with this," in all  
20 caps, "we need to get out of it and solve it." Do now  
21 what that is referring to?

22 A The Jim Palmour's role, I assume, is, again,  
23 scanning things, and I believe that Mike very much  
24 wanted us not to -- or wanted him, not us, not the  
25 library, but the univer- -- his piece of IS&T in the

1 university to stop doing Coursepacks.

2 Q Do you know whether this was solved?

3 A I do not know.

4 Q Okay. Do you know whether IS&T is still  
5 responsible for Coursepacks?

6 A I don't know.

7 Q Does the library have any responsibility for  
8 Coursepacks?

9 A No.

10 Q Okay. The next entry on P-75 is "inventory  
11 of services to support extended campus users, uLearn,  
12 Portal (Luminis), our committee intersecting with  
13 Mike's area." Do you know what that's referring to?

14 A Yes.

15 Q What is that referring to?

16 A We had a -- we have -- had, maybe still have  
17 a committee looking at how to support users who are not  
18 at our downtown campus.

19 Q Okay.

20 A And so, you know, we use it supporting them  
21 using uLearn or the university portal, which are in  
22 IS&T's area of responsibility, but we also need to  
23 provide library services to those users, so something  
24 about the committees talking to each other.

25 Q Do you have any role in those conversations?

1           A     No.

2           Q     The next entry down on P-75 is "ePortfolios."

3 Do you know what that refers to?

4           A     Not specifically.

5           Q     Do you know generally what an ePortfolio is  
6 in this context?

7           A     In this context, I'm not sure. Generally,  
8 it's something that students use to showcase their  
9 work, but Mike is not responsible for student services,  
10 so I'm not sure in this context what that means.

11          Q     Is the library responsible for ePortfolios?

12          A     No.

13          Q     The next entry on P-75 says "archiving." Do  
14 now what's meant by archiving?

15          A     No.

16          Q     Okay.

17          A     No, I don't know in that context what that  
18 means.

19          Q     Okay. The next entry on P-75 is "content  
20 DM." Do you know what that means?

21          A     Yes. Content DM is a -- a system that the  
22 library uses to host digital images from our special  
23 collections department.

24          Q     Okay. And those -- can you tell me what  
25 those special images -- can you give me an example of

1 what that might entail?

2 A For example, we held photo collections  
3 that -- of historic Atlanta, of labor photos from one  
4 of our donors.

5 Q Okay. The next item on P-75 is "future  
6 directions, we both need them." Do you know what that  
7 refers to?

8 A New directors in both places. Just figuring  
9 out where we're going --

10 Q Okay.

11 A -- generally.

12 Q Has -- where does that stand today, to your  
13 knowledge?

14 A Everybody is looking at their organizational  
15 structures, their future needs.

16 Q Has the library organizational structure  
17 changed?

18 A No.

19 Q Do you know if there's plans for the library  
20 organizational structure to change?

21 A Yes.

22 Q And what are those plans?

23 A We are looking at the organizational  
24 structure of our technical services, which includes  
25 cataloging acquisitions and collection development, and

1 we are looking at the organizational structure of our  
2 digital library services.

3 Q Are those -- I'm sorry, are those under your  
4 umbrella, or are those under Tammy's umbrella?

5 A One is Tammy and one is me. The digital  
6 library one is me.

7 Q And when you say you're looking at that area,  
8 what do you mean by that?

9 A There are two working groups examining the  
10 staffing and services in those areas and providing  
11 recommendations.

12 Q Would those -- any decisions made by those  
13 working groups have any impact on ERes or uLearn?

14 A No.

15 Q Okay. The next item on P75 says "short  
16 term-GIL upgrade." Do you know what that refers to?

17 A Sort of.

18 Q Okay.

19 A GIL is the catalog, the library does not run  
20 the -- the library does not run its own catalog. It's  
21 run at a system level, University System level.

22 Q Is that Board of Regents?

23 A Board of Regents, right, so this is referring  
24 back to the LSS unit being dissolved. They were  
25 running GIL.

1 Q Okay.

2 A Okay.

3 Q So you wanted to make sure you would still  
4 have --

5 A That's -- that's what GIL is. I'm not sure  
6 what "short term" and "upgrade" mean in this context.

7 Q Okay. Are you aware of any upgrades that  
8 have happened in GIL?

9 A There -- there is a new version. It may have  
10 been referring to that.

11 Q And then the last entry there above Dean  
12 Seamans's signature block on P75 says, "Laura as  
13 liaison between library digital initiatives and  
14 academic technology services." Do you know what that  
15 refers to?

16 A That I need to maintain a strong relationship  
17 with Mike.

18 Q Okay. Have you done that?

19 A Yes.

20 Q Do you meet with Mike on any kind of regular  
21 basis?

22 A We have lunch every few months.

23 Q What -- what do you discuss with Mike at  
24 those lunches?

25 A I don't think I can tell you specifically.

1 What we're doing in the library, what he's doing in his  
2 units.

3 Q When was your last discussion with Mike  
4 about -- about EReserves?

5 A Prior to us taking over the scanning  
6 operation from Jim Palmour.

7 Q Okay. Have you had any conversations with  
8 him since then?

9 A Not that I recall.

10 Q All right. Let's just do one more  
11 housekeeping thing and then we can break for lunch.

12 MS. SINGER: Would you please mark this,  
13 Georgia State 3586, as Plaintiffs' Exhibit  
14 76.

15 (WHEREUPON, Plaintiffs' Exhibit 76 was marked for  
16 identification.)

17 Q (BY MS. SINGER) Ms. Burtle, do you recognize  
18 Plaintiffs' Exhibit 76?

19 A I think I know what it is.

20 Q Okay. And what is Plaintiffs' Exhibit 76?

21 A It's a list of staff and accessing media  
22 services that's part of the library's annual report.

23 Q Is [sic], to the best of your knowledge,  
24 Plaintiffs' 76 reflect the current staffing at Georgia  
25 State University?

1           A     No.

2           Q     Could you tell me how the current staffing is  
3 different from what's reflected on Plaintiffs' 76?

4           A     A number of these people aren't here and some  
5 new people have come in, but the people working in  
6 reserves are the same.

7           Q     Okay. And when you say "the people working  
8 on [sic] reserves," that's Malia Cargile, Marjorie  
9 Denise Dimsdale, Denita Hampton?

10          A     Denita supervises the unit, but does not work  
11 directly on a hands-on basis with it.

12          Q     Okay. And Cory Schlotzhauer?

13          A     Yes. In looking at this list, I believe  
14 Douglas Walker at the bottom there may also do some  
15 reserves, but I'm not quite sure what.

16          Q     Does Douglas Walker report to Denita Hampton,  
17 to the best of your knowledge?

18          A     I'm not sure if he reports to Denita or to  
19 Denise.

20          Q     Okay. But he would be in Denita's reporting  
21 line?

22          A     Yes. Yes.

23          Q     Okay. And in the entries after the names,  
24 let's look at Denita Hampton as an example here. It  
25 says "access and media services, 1998." What does the

1 date represent?

2 A The year she began working at --

3 Q And then after it, it says "BA." What does  
4 that refer to?

5 A Her degree.

6 Q Okay. So for Marjorie Denise Dimsdale, would  
7 I be correct that she started working for the library  
8 in 1998?

9 A Yes.

10 Q And that she has a BA?

11 A Um-hmm.

12 Q And then a Master's in -- is that music?

13 A Music, yes.

14 Q Okay.

15 MS. SINGER: All right. It's a little  
16 after 12, so why don't we break for lunch, I  
17 think, at this juncture.

18 MR. ASKEW: Good.

19 THE VIDEOGRAPHER: Off the record at 12  
20 o'clock.

21 (Whereupon, there was a lunch recess.)

22 THE VIDEOGRAPHER: This is Tape 4. We  
23 are back on the record at 1:06:43.

24 Q (BY MS. SINGER) Okay. Ms. Burtle, I'm  
25 handing you what has been marked as Plaintiffs' Exhibit

1 24. It's a copy of the Complaint. And I'm --

2 MS. SINGER: If you would please mark  
3 this as Plaintiffs' 77.

4 (WHEREUPON, Plaintiffs' Exhibit 77 was marked for  
5 identification.)

6 Q (BY MS. SINGER) Okay. Ms. Burtle, you have  
7 the great big, thick thing in front of you that's been  
8 marked Plaintiffs' Exhibit 77, bearing the Bates stamp  
9 GSU 8247.001 xls-1. Do you see that?

10 A Yes.

11 Q Do you recognize Plaintiffs' Exhibit 77?

12 A I don't know that I've seen it in this form  
13 before, but I recognize what it is.

14 Q Okay. And what is Plaintiffs' Exhibit 77?

15 A It's a document hit report from the ERes  
16 system from the dates 1/1/09 to 4/2/09.

17 Q Have you seen reports in the same format as  
18 P-77 before?

19 A Yes.

20 Q And this is -- strike that.

21 Is this the form of report that generally you  
22 look at from the EReserve system?

23 A If I'm looking for hit counts, yes.

24 Q Okay. And we see that the headings at the  
25 top of P-77 are document, course reserves page, date

1 range, hit count, and percentage of total?

2 A Yes.

3 Q Do you see that?

4 A Um-hmm.

5 Q Could you walk us through what each of those  
6 columns mean?

7 A The document is what the document that's on  
8 reserve is.

9 Q Okay.

10 A The page is which course page it's on, so  
11 course number and the -- who's teaching it. Date range  
12 is number of hits during that date range. Hits is the  
13 number of times that document has been accessed. And  
14 percent of total is the percent of all the accesses  
15 during this time that that accounts for.

16 Q Okay. And the -- the total, then, would be  
17 all of the hits for everything on the ERes system for  
18 that date count?

19 A Everything on the active ERes system, yes.

20 Q Everything on the active. When you say  
21 "active" --

22 A Not in the dark archive.

23 Q Okay. Thank you.

24 Course reserves page, am I correct that each  
25 professor -- each course has its own page; is that how

1 ERes is set up?

2 A Yes.

3 Q Okay.

4 A Each section of each course.

5 Q And what do you mean by "section"?

6 A Professor could be teaching three sections of  
7 the same course.

8 Q Okay.

9 A Each section will have its own page.

10 Q Okay. If I could direct your attention to  
11 page 17 of P-77. So it's the -- the page where the  
12 number 17 comes after the dash on P-77.

13 A Oh, I see.

14 Q I'm not going to make you count, so --

15 A I couldn't see where you were looking at a  
16 number.

17 Q Okay. The second entry on page 17 of P-77,  
18 the document is 15a) Awakening Children's Minds,  
19 Chapter 6, pages 181 to 199 from -- the author there is  
20 Berk, L.E., and the publication is Awakening Children's  
21 Minds, Oxford: Oxford University Press, 2001. Do you  
22 see that?

23 A Yes.

24 Q So that excerpt from Awakening Children's  
25 Minds, the Oxford University Press book, would have