

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

CAMBRIDGE UNIVERSITY PRESS,
et al.,

Plaintiffs,

-v-

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

Defendants.

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

**PLAINTIFFS' MOTION TO EXCLUDE TESTIMONY AND
EVIDENTIARY PROFFERS IN DECLARATIONS OF
GEORGIA STATE UNIVERSITY PROFESSORS**

For the reasons set forth in their accompanying memorandum of law, Cambridge University Press, Oxford University Press, Inc., and Sage Publications, Inc. respectfully request that the Court strike Paragraphs 2-6 of the Declaration of Anne Kruger, Ph.D.; paragraphs 2, 4, and 5 of the Declaration of Marian Meyers, Ph.D.; paragraphs 2-4 of the Declaration of Patricia Dixon, Ph.D.; paragraphs 2, 4, and 5 and Exhibit A of the Declaration of Jennifer Esposito, Ph.D.; paragraphs 2, 5, and 6 and Exhibit A of the Declaration of Jodi Kaufmann, Ph.D.; and paragraphs 1-12, 14, and 23 of Defendants' Statement of Additional Facts in Support of

Defendants' Motion for Summary pursuant to Federal Rules of Civil Procedure
26(e)(1) and 37(c).

This 26th day of April, 2010.

/s/ John H. Rains IV
Edward B. Krugman
Georgia Bar No. 429927
John H. Rains IV
Georgia Bar No. 556052

BONDURANT, MIXSON & ELMORE, LLP
1201 West Peachtree Street NW
Suite 3900
Atlanta, GA 30309
Telephone: (404) 881-4100
Facsimile: (404) 881-4111
krugman@bmelaw.com
rains@bmelaw.com

R. Bruce Rich (*pro hac vice*)
Randi Singer (*pro hac vice*)
Jonathan Bloom (*pro hac vice*)
Todd D. Larson (*pro hac vice*)

WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153
Telephone: (212) 310-8000
Facsimile: (212) 310-8007
r.bruce.rich@weil.com
randi.singer@weil.com
jonathan.bloom@weil.com
todd.larson@weil.com

Attorneys for Plaintiffs

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), I hereby certify that this document complies with the font and point selections set forth in Local Rule 5.1. This document was prepared in Times New Roman 14 point font.

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

CERTIFICATE OF SERVICE

I hereby certify that I have this day served **PLAINTIFFS' MOTION TO EXCLUDE TESTIMONY AND EVIDENTIARY PROFFERS IN DECLARATIONS OF GEORGIA STATE UNIVERSITY PROFESSORS** by CM/ECF filing system which will automatically send e-mail notification of such filing to the following attorney of record:

Anthony B. Askew, Esq.
Stephen M. Schaezel, Esq.
Katrina M. Quicker, Esq.
John P. Sheesley, Esq.
Kristen A. Swift, Esq.
C. Suzanne Johnson, Esq.
Laura E. Gary, Esq.
King & Spalding LLP
1180 Peachtree Street
Atlanta, Georgia 30309

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

This 26th day of April, 2010.

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