

EXHIBIT E

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January 30, 2009

VIA ELECTRONIC MAIL AND U.S. MAIL

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**RE: *Cambridge University Press, et al. v. Patton, et al.,*
United States District Court for the Northern District of Georgia
Case No. 1:08-CV-1425-ODE**

Dear Edward:

We are in receipt of your letter dated January 26, 2009, requesting access to the uLearn system by the end of this week.

As an initial matter, on October 1, 2008, the defendant University Administrators made available for plaintiffs' inspection all existing ERes request forms and a tape containing all material on the ERes server. However, as was explained in October, GSU's IT staff would have had to build a program to read the data on the tape, and could not do so without substantial burden and expense. Instead of producing the tape, defendants offered to investigate how to produce the data on the tape in a readable format. GSU's IT staff spent significant man-hours investigating how to access the data on the tape, and, ultimately, manually copying relevant material from the server to a hard drive.

On December 12, Plaintiffs instead requested direct access to the ERes system, to which Defendants agreed on January 7, 2009. Meanwhile, Defendants continued to produce documents directly responsive to Request Nos. 17 and 19, including an ERes usage report, Spring 2009 ERes request forms, faculty email requests, and syllabi reflecting course reading material available on ERes.

Regarding uLearn, the defendant University Administrators have produced all uLearn documents in their possession, custody or control. Access to the material on the uLearn server or direct access to the uLearn system requires the assistance of the Board Members, who were not named as defendants in this case until December 2008, or served discovery requests until

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January 2009. While the defendant Board Members are not obligated to make documents or systems in their possession, custody or control available to plaintiffs until February 16, 2009 -- when their responses to plaintiffs' discovery requests are due -- we have endeavored to provide you with reasonable access to GSU's uLearn system by next week.

The defendant Board Members are only able to provide direct access to uLearn to enrolled "students." Even then, the defendant Board Members are only able to provide Plaintiffs' counsel with direct access to uLearn by enrolling counsel as a "student" in specified course sections. As such, we will make available the course sections identified in the complaint, and, if necessary, additional reasonable course sections that you identify, for the previous semester. Since being enrolled as a "student" will allow you to participate in all uLearn activities of enrolled students (e.g., engage in online discussions, participate in online quizzes, etc.), providing access to course sections for the previous semester will ensure that your access does not cause any disruption to active courses. As with the ERes inspection, we will make the uLearn system available at GSU workstations.

We have also investigated WebCT/Vista's ability to generate reports for GSU's uLearn system. Defining the criteria for a particular report can be complex, and the data generated by any particular report can be huge (over 2.7 terabytes). We intend to produce to you a sample report showing how many times a particular file posted on uLearn was accessed, and a sample report showing how many GSU students were active during a given time (usually an hour). After you have had a chance to review the sample reports and access uLearn, you can then identify whether you seek for GSU to produce reports for additional reasonable files posted on GSU's uLearn system and for additional reasonable time periods. We will be pleased to address any such further requests at that time.

In addition to other responsive documents in the defendant Board Members' possession, custody or control, we will also produce to you a report showing the number of files (and file types) posted on GSU's uLearn system and account lists broken down by GSU faculty, staff, students and administrators.

We hope that providing access to GSU's uLearn system by next week is agreeable to your schedule. Please let us know if you anticipate any further issues in completing discovery by the current deadline.

We look forward to hearing from you.

Sincerely,

Handwritten signature of Kristen Swift in black ink, including a stylized initial 'KG' at the end.

Kristen A. Swift

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cc: Cynthia V. Hall, Esq. (via email)
Burns Newsome, Esq. (via email)
Mary Jo Volkert, Esq. (via email)
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