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

CAMBRIDGE UNIVERSITY PRESS,
OXFORD UNIVERSITY PRESS, INC.,
and SAGE PUBLICATIONS, INC.,

Plaintiffs, Civil Action No.
1:08-CV-1425-ODE

-v.-

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

Defendants.

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Videotaped deposition of

DENIS CHARLES GAINTY, Ph.D., taken on behalf of the
defendants, pursuant to the stipulations contained
herein, before Carole E. Poss, RDR, CRR, Certified
Court Reporter, at 1180 Peachtree Street, NE, Atlanta,
Georgia, on the 20th day of April, 2011, commencing at
the hour of 10:13 a.m.

SHUGART & BISHOP

Certified Court Reporters

13 Corporate Square

Suite 140

Atlanta, Georgia 30329

(770) 955-5252

1 to complete a fair use checklist to determine whether
2 the reading that we're requesting may fairly be used.

3 Q And in connection with this particular work,
4 "Sino-Korean Tributary Relations Under the Ming," did
5 you complete a fair use checklist prior to requesting
6 that this work be loaded into e-res?

7 A I believe I did.

8 MS. MOFFITT: Can I have you mark this
9 document Gainty TX 2?

10 (Defendants' Exhibit Gainty TX 2 marked for
11 identification.)

12 BY MS. MOFFITT:

13 Q Professor Gainty, the court reporter has
14 handed you what's been marked as Gainty TX 2. Do you
15 recognize this document?

16 A I do.

17 Q And what is it?

18 A This is a fair use checklist that I completed
19 for -- although it's very hard to read, unfortunately,
20 on this copy, but it -- as I make it out, for the work
21 "Sino-Korean Tributary Relations Under the Ming."

22 Q And given that this particular checklist
23 appears to be somewhat illegible, are you able to
24 ascertain from other information contained in this
25 checklist that it is, in fact, the checklist related to

1 that particular work?

2 A Yes.

3 Q What informs you on this checklist that this
4 checklist, in particular, relates to that particular
5 work?

6 A I can read my name, the name of the course,
7 the author and publisher and portions to be used, the
8 page numbers. All of those match the work in question.

9 Q When -- did you fill out this checklist?

10 A I did.

11 Q When did you fill out this fair use
12 checklist?

13 A I filled out this fair use checklist in the
14 last few months.

15 Q Now, in the upper right-hand corner it's
16 dated August 1, 2009. Do you see that?

17 A Yes.

18 Q What does that date reflect?

19 A I tried, as best I could, to the best of my
20 ability, to recreate the fair use checklist that I
21 would have filled out and I believe I did fill out for
22 the fall 2009 semester.

23 Q You stated that you recreated the checklist.
24 Can you explain why you recreated the checklist?

25 A I did not have any longer a copy of the fair