# EXHIBIT B

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

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| CAMBRIDGE UNIVERSITY PRESS, OXFORD UNIVERSITY PRESS, INC., and SAGE PUBLICATIONS, INC.,<br><br>Plaintiffs,<br><br>*- vs. –*<br><br>MARK P. BECKER, in his official capacity as Georgia State University President, et. al.<br><br>Defendants. | Civil Action No. 1:08-CV-1425-ODE |

**DECLARATION OF TODD D. LARSON IN SUPPORT OF PLAINTIFFS' MOTION *IN LIMINE***

I, Todd D. Larson, declare as follows:

1. I am an attorney with the law firm Weil, Gotshal & Manges LLP, counsel to the Plaintiffs in this action. I make this declaration based upon my own knowledge.

2. Exhibit 1 to this Declaration is a true and correct copy of a letter from Defendants' counsel Stephen Schaetzel to Randi Singer, dated March 4, 2011, a copy of which Mr. Shaetzel sent to me as well, via email.

Dated: New York, New York
April 29, 2011

Todd D. Larson

# EXHIBIT 1

# KING & SPALDING

King & Spalding LLP
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Stephen M. Schaetzel
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March 4, 2011

**VIA EMAIL**
**CONFIRMATION VIA U.S. MAIL**

Ms. Randi W. Singer
Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, NY 10153

**Re: Cambridge University Press, et al. v. Mark Becker et al., 1:08-CV-1425-0DE**

Dear Randi:

Further to your February 10, 2011 letter and our several conversations, we respond to points raised therein as follows. We do not agree or adopt your statement of events or your interpretation thereof. However, rather than engage in a point by point rebuttal, we focus on complying with the Court's orders and address the substantive matters raised in your letter.

Per your request, the Defendants have located and collected additional syllabi. Such additional syllabi are produced with this letter. As previously stated, we cannot and do not confirm that additional documents "do not exist." We can confirm that the Defendants have searched for relevant and responsive checklists, syllabi and related materials, and produced all they have found. In addition, we can confirm that the Defendants continue to search and will produce any additional documents in accordance with the Court's directive. The documents produced herewith reflect that effort.

As to the individual deponents, the Defendants are working to locate and produce materials from Patricia Dixon, Jennifer Esposito, YouJin Kim and N. Lee Orr. Further, materials from YouJin Kim deserve special mention. As stated previously, we will gather available checklists for the nine (9) identified works. We understand that Professor Kim may have posted or caused excerpts from these works to be posted on uLearn. We stand ready to produce these checklist with the understanding the Plaintiffs will not seek any other materials relating to the uLearn system. Simply put, as previously stated, we stand ready to provide this accommodation so long as the Plaintiffs seek no other uLearn report or materials. Please let us know your position in this regard. Further, as also previously stated, the Defendants object to producing a

copy of each actual ERes reading excerpt in PDF format, regardless of whether the courses are MUS8860, MUS8840 or otherwise. The Plaintiffs did not request such information during the discovery period.

Further, as explained via telephone and testified to by the deponents, "recreated checklists" are simply a checklist that the witness had completed, was unable to locate, and therefore "recreated" to comport with the previously completed but unlocated checklist.

Yet further, regarding Laura Burtle's declaration, your statement of the Defendants' position is essentially correct. It is the Defendants' position is that if Ms. Burtle relied on certain material, we will (and have) produced it. With reference to your specific questions, we provide herewith complete screen-shots of Exhibits J, M. and P from the Burtle Declaration. We will provide a description of the tabs that she did not rely on, again as an accommodation, on Wednesday, March 9.

Yet further, the "Related Material" custodian was the person, whoever that might have been, that held the subject documents. For example, a syllabus would be retained by and collected from the professor who taught the course. As a further example, completed library forms indicating that a professor had completed a checklist could be retained by and collected from the GSU library. These topics were either explored, or could have been explored, at the depositions.

There are two other items to be addressed. First, we also provide concurrently herewith the declarations of Shealyn Allman, William Andrews, Marni Alyson Brown, Heying Jenny Zhan and Shelly-Ann Williams regarding courses that were not taught in the relevant semesters. We anticipate providing a few additional declarations (most likely two) and a few additional documents on Wednesday, March 9. We also provide herewith the list of over forty (40) works that have yet to be produced by the Plaintiffs. As you know, the Defendants have sought an identification of the specific works, as deposit material, since the beginning of discovery in these matters.

We are in receipt of your email today. The documents provided herewith are of course produced well in advance of Monday. We anticipate producing other materials by Wednesday. We are pleased to speak with you on Monday afternoon, March 7, regarding the next steps, the documents produced herewith, and Plaintiffs' anticipated production of all works alleged to be at issue.

Sincerely,

Stephen M. Schaetzel

SMS/ve
Enclosures