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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 N. LEE ORR, Ph.D.,
taken on behalf of the plaintiffs, pursuant to the
stipulations contained herein, before Teresa Bishop,
RPR, RMR, CCR No. B-307, at 104 Marietta Street, SB-2
Conference Room, Atlanta, Georgia, on Friday, February
4, 2011, commencing at the hour of 12:66 p.m.

Shugart & Bishop
Certified Court Reporters
Suite 140
13 Corporate Square
Atlanta, Georgia 30329
(770) 955-5252

1 Q. When was that?

2 A. Wednesday.

3 Q. Okay. At any point in the course of this
4 litigation, were you asked to preserve documents related
5 to the litigation?

6 A. No. Just send copies of what I had done.

7 Q. And copies of what you had done meaning what?

8 A. For the semesters in question. Because I keep
9 everything.

10 Q. And by done, you mean the checklist that you
11 filled out?

12 A. I didn't start filling them out until
13 recently. I didn't know I needed to actually do that.
14 Okay.

15 Q. I see. I was going to ask. You're aware that
16 the suit as it's currently constituted is focusing on
17 semesters from 2009, is that your understanding?

18 A. Yes.

19 Q. And for the -- and I believe you taught in the
20 summer and fall of 2009, is that right?

21 A. Yes.

22 Q. And did you complete checklists for the works
23 that you provided to students on the EReserve system
24 during those two semesters?

25 A. I didn't write on the actual paper. I used

1 the checklist as my guideline for each reading because
2 I'm not -- they don't require us to turn them in. And
3 that point about the literal writing I didn't, but I
4 adhered to it and kept it there in mind when I selected
5 the reading.

6 Q. So you -- this was at the beginning of those
7 semesters that you did this?

8 A. Sir?

9 Q. This, the process you just described took
10 place at the beginning of each of those two semesters,
11 summer and fall of 2009?

12 A. No. I look at it with each books I'm
13 considering specifically.

14 Q. Right. And is that something that takes place
15 as the semester goes along or --

16 A. Yes.

17 Q. Just let me finish the question.

18 A. Right, sorry.

19 Q. And so in those semesters for the readings
20 that you put -- for each of the readings that you put on
21 the EReserve system, you walked through, you had a
22 checklist in front of you and you walked through it to
23 see whether or not the work was a fair use according to
24 the checklist?

25 A. Yes.

1 Q. But you didn't write down, didn't check any
2 boxes or save a form of any kind?

3 A. Yes. I mean, you're correct.

4 Wait, I do keep the electronic form I submit
5 or my notes.

6 Q. And what's the electronic form that you
7 submit?

8 A. After we select the readings and go through
9 the checklist, then we fill out an electronic form for
10 the library.

11 Q. That's a form requesting the library to
12 actually put the work up on the EReserve system?

13 A. Yes.

14 Q. And you save those?

15 A. I have been in the last year or so. At times
16 it was just my notes that I made to get the book, and
17 then I remember -- I thought a while back I need to
18 start saving these electronic submissions, my own copy.

19 Q. And did you save them for the summer and fall
20 2009 semesters or is this something that you started
21 doing in 2010?

22 A. No, I did not save them earlier. But
23 recently, yes. Actually let me -- last -- last fall is
24 when I realized, or maybe summer.

25 Q. 2010?

1 five readings in general that we just
2 talked about.

3 BY MR. LARSON:

4 Q. Did you for each of those prior to putting
5 them on EReserves consider them with the fair use
6 checklist?

7 A. Yes, I went through the checklist and
8 determined that they fit under the fair use.

9 Q. And you did that mentally but not -- you
10 didn't actually write any checks on the checklist,
11 correct?

12 A. Yes.

13 Q. Are you familiar with the GoSolar system on
14 the school web site?

15 A. Yes.

16 Q. I'll provide you what's been marked Orr
17 Exhibit 2 and ask you to look at the --

18 MR. LARSON: Actually, Tony, can I see
19 yours back? I think I gave you more pages
20 than --

21 That matches now.

22 MR. ASKEW: Hold on just a second. Let
23 me see what he's got. Okay. Hold on.

24 Okay.

25 BY MR. LARSON:

1 weighs in favor of fair use side?

2 A. Yes.

3 Q. And when was -- when did that happen?

4 A. It happens most every term. And I don't
5 remember the specific books. I will put books like "The
6 Guide For Research on J. S. Bach" or a musical score
7 especially, I'll put musical scores.

8 Q. For "The Guide To Research For J.S. Bach" did
9 you actually consult a checklist for that or is that one
10 where you just decided to put --

11 A. No, I just put that on reserve.

12 Q. And my question, do you recall any that you've
13 put on hard copy reserve specifically as a result of
14 doing the checklist and determining that it wasn't a
15 fair use?

16 A. Right now I can't remember the exact process.
17 In general, because I've done it for a while, if a book
18 strikes me it's not going to make it or stretching it, I
19 just don't have to go through the checklist, I just take
20 it down and put it on hard copy reserve.

21 Q. At a certain point, I think you indicated
22 earlier that you started actually writing on the
23 checklist and saving those. Is that right?

24 A. Yes.

25 Q. When was that?

1 A. That was earlier this week when I understood
2 it was important to do that. And I did it Tuesday with
3 the books I took over there. Did it -- Tuesday or
4 Wednesday. Maybe it was Wednesday.

5 Q. Okay. And that was the first time?

6 A. Filled it out by hand, yes.

7 Q. Uh-huh. And that came as a result of your
8 meeting with counsel for this deposition?

9 A. Yes.

10 Q. Have you ever used coursepacks in your
11 courses?

12 A. The reserve reading copying?

13 Q. Well, do you have an understanding of what
14 coursepacks are?

15 A. Tell me.

16 Q. Are you familiar with the process of putting
17 articles or excerpts, binding them together at a copy
18 shop or bookstore?

19 A. Yes. No, I haven't done it for years. Years
20 and years.

21 Q. You did do it at some point?

22 A. At some point years ago, and then copyright
23 concerns so I stopped and put the books, hard copy in
24 the library on reserve. And then when EReserves began I
25 started doing that with the guidelines and the