

Ann C. Kruger, Ph.D.

April 22, 2011

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

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

CIVIL ACTION FILE

Plaintiffs,

NO. 1:08-CV-1425-ODE

vs.

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

Defendants.

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VIDEOTAPE DEPOSITION OF  
ANN CALE KRUGER, Ph.D.

April 22, 2011

2:56 p.m.

Conference Room 16-K  
1180 Peachtree Street, N.E.  
Atlanta, Georgia

S. Julie Friedman, CCR-B-1476

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Also Present:

Henry Stewart, Videographer

1 Q. The date on this particular checklist,  
2 Kruger TX-2, is fall 2009. Do you see that?

3 A. I do.

4 Q. Did you complete a version of this  
5 checklist in the fall of 2009?

6 A. I did.

7 Q. With respect to the specific copy, Kruger  
8 TX-2, dated fall 2009, is this a copy of your  
9 original checklist?

10 A. No.

11 Q. Can you explain. Is this a -- Is it a  
12 re-creation of your original checklist?

13 A. It is.

14 Q. And why did you re-create your original  
15 checklist?

16 A. Excuse me. I could not locate my printed  
17 copy.

18 Q. Did you believe you kept a printed copy of  
19 the checklist?

20 A. I did.

21 Q. What -- What is the basis for your  
22 belief?

23 A. It's my practice to complete the checklist  
24 on my computer. However, the version of Adobe that I  
25 have doesn't allow me to save it as a completed form.

1 It, therefore, has to be printed out in order to  
2 save. There's no other way to save it.

3 So I printed it out and saved it, but I  
4 could not put my hands on it.

5 Q. Why did you fill out this checklist back  
6 in the fall of 2009 when you completed the original  
7 version?

8 A. It's part of the procedure that we  
9 undertake when we are creating Ereserves to complete  
10 a checklist for each item that we want to put on  
11 Ereserves.

12 Q. And is that pursuant to any kind of  
13 directive or policy?

14 A. It's a policy. It's a requirement.

15 Q. And when you re-created this checklist,  
16 TX-2, Kruger TX-2, did you make an effort to fill it  
17 out in the same way that you filled it out prior to  
18 your fall 2009 --

19 A. I did.

20 Q. -- course?

21 A. I did.

22 Q. And when you originally filled out the  
23 checklist in the fall of 2009 timeframe, did you make  
24 a good-faith effort to conduct a fair use analysis in  
25 accordance with the checklist?