

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

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

Plaintiffs,

- v -

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

Defendants.

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

**PLAINTIFFS' RESSPONSE TO DEFENDANTS' MOTION TO FILE
CORRECTED BRIEF IN OPPOSITION TO PLAINTIFFS' MOTION *IN*
LIMINE TO PRECLUDE THE ADMISSION OF RECENTLY CREATED
FAIR USE CHECKLISTS**

At approximately 11:30am this morning, a mere five and one-half hours before Plaintiffs' reply is due, Defendants sought leave from this Court to file a "Corrected" Opposition Brief to Plaintiffs' Motion *in Limine* concerning certain recently created "Fair Use Checklists." Defendants' initial opposition brief was filed shortly before 5:00pm on May 9, 2011 in accordance with this Court's orders.

Defendants represent that their "Corrected" brief does not contain substantive changes, but Plaintiffs disagree with that characterization. The corrected brief presents a significantly different account from Defendants' initial brief as to whether or not certain fair use checklists were actually filled out in 2009 and, therefore, whether the supposed "recreated" checklists are in fact recreations of any original document at all -- issues at the heart of Plaintiffs' motion.

Because Plaintiffs' reply brief on this Motion *in Limine* is due today no later than 5:00pm, Plaintiffs respectfully request that this Court either strike Defendants' "Corrected" Brief or, at a minimum, extend Plaintiffs' time to file their reply brief.

Respectfully submitted this 11th day of May, 2011.

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), I hereby certify that this document complies with the font and point selections set forth in Local Rule 5.1. This document was prepared in Times New Roman 14 point font.

/s/ John H. Rains IV
John H. Rains IV

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the foregoing **PLAINTIFFS’
RESPONSE TO DEFENDANTS’ MOTION TO FILE CORRECTED BRIEF
IN OPPOSITION TO PLAINTIFFS’ MOTION *IN LIMINE* TO PRECLUDE
THE ADMISSION OF RECENTLY CREATED FAIR USE CHECKLISTS**
with the Clerk of Court using the CM/ECF filing system which will send e-mail
notification of such filing to opposing counsel as follows:

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This 11th day of May, 2011.

/s/ John H. Rains IV
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