

EXHIBIT A

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 MARNI DAVIS, taken on behalf of the plaintiffs, pursuant to the stipulations contained herein, before Teresa Bishop, RPR, RMR, CCR No. B-307, at 75 Piedmont Avenue Street, Room 1130, Atlanta, Georgia, on Wednesday, April 13, 2011, commencing at the hour of 1:54 p.m.

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

1 recently.

2 Q. Okay. And when you speak about the fair use
3 checklist, you're referring to --

4 A. Page 7 and 8.

5 Q. -- pages 7 and 8?

6 A. Yes.

7 Q. Of Dixon Exhibit Number 2?

8 A. Yes.

9 Q. Is that correct?

10 A. That is correct.

11 Q. Looking at page 7 under the instructions, it
12 states that complete and retain a copy of this checklist
13 for each fair use of a copyrighted work in order to
14 establish a reasonable and good faith attempt at
15 applying fair use should any dispute regarding such use
16 arise.

17 The question I have is, did you do that in
18 connection with the checklists that you filled out in
19 connection with requesting works to be posted on Georgia
20 State's ERes system?

21 A. No, I didn't, not when I put the stuff up on
22 EReserve.

23 Q. Okay. And why did you not?

24 A. Because the checklist that was provided on the
25 library web site struck me as equivalent and sufficient

1 to make sure that I was following the rules.

2 Q. I don't quite -- I don't quite understand the
3 response. The instructions were to complete and retain
4 a copy of the checklist, is that correct?

5 A. That is correct.

6 Q. And you didn't and what you said is you said
7 because the checklist that was provided on the library
8 web site struck me as equivalent and sufficient to make
9 sure I was following the rules.

10 A. Right.

11 Q. What do you mean?

12 A. Well, as I had said before, before you put --
13 when you go up -- when you go to the library's EReserve
14 web site, before you can put anything up, actually
15 before each document it asks you a series of questions
16 about are they -- about fair use. And my responses
17 indicated -- my responses and in addition to the fact
18 that I had seen this before and was familiar with the
19 parameters made me feel confident I was following the
20 rules of fair use as laid out by this checklist and by
21 the rules of -- you know, as currently structured.

22 Q. What are the questions?

23 A. I don't recall offhand.

24 Q. Are these questions that are currently -- if
25 you were to go and request that a work be posted on

1 Georgia State's ERes system, that these are questions
2 that you're asked in order to be able to do that
3 currently?

4 A. Yes.

5 Q. And are those questions different than what is
6 contained on the fair use checklist?

7 A. I don't recall the exact wording.

8 Q. Okay. Are you required to answer the
9 questions electronically?

10 A. Yes.

11 Q. Do you remember any of the questions that
12 you're asked?

13 A. No.

14 Q. Do you know what happens to the data that --

15 A. No.

16 Q. Do you remember any of the questions?

17 A. No.

18 Q. Are any of the questions -- do any of the
19 questions overlap with any of the statements or the
20 subjects on the fair use checklist?

21 MS. QUICKER: Objection. She just
22 answered she doesn't remember.

23 BY MR. KRUGMAN:

24 Q. Does that help to refresh your recollection
25 then?

1 A. No.

2 Q. You just don't know one way or the other?

3 A. No.

4 Q. Okay. So you felt that it was sufficient for
5 you simply to answer whatever the questions were when
6 you requested --

7 A. Yes.

8 Q. -- posting of a work --

9 A. Yes.

10 Q. -- rather than having to complete and retain a
11 copy of the checklist?

12 A. Correct.

13 Q. Did you at the time in fact complete a
14 checklist for each of the works?

15 A. No.

16 Q. And why not?

17 A. Because I felt confident that the information
18 that I had already given and my understanding of the
19 fair use rules were sufficient, that I was following the
20 guidelines even though I hadn't filled out a checklist
21 and retained it.

22 Q. Was that understanding based on your
23 understanding of the new policy?

24 A. It was based on my understanding of the
25 checklist specifically, which I had seen previously.