

X. Professor Margaret Moloney

1924. Professor Margaret Moloney is currently employed as a professor at Georgia State University.

1925. Professor Margaret Moloney has encountered a situation where the library has rejected a request to place an excerpt on Georgia State University's ERes system because the portion Professor Margaret Moloney attempted to place on ERes was too large.

1926. When determining whether to even consider undertaking a fair use analysis for an excerpt, Professor Margaret Moloney considers the size of the excerpt she intends to use before performing a complete fair use analysis using Georgia State University's fair use checklist, and if she believes based on that preliminary analysis that the excerpt would be too large for her use to be fair, Professor Margaret Moloney does not perform further analysis, and either does not place the excerpt on ERes, or reduces the amount of her use. .

1) **NURS8035 – THEORETICAL AND PHILOSOPHICAL FOUNDATIONS FOR NURSING**

1927. Professor Margaret Moloney taught NURS8035 during Fall 2009.

1928. Fourteen students enrolled in Professor Margaret Moloney's section of NURS8035.

1929. Professor Margaret Moloney required her students to purchase Perspectives on Philosophy of Science in Nursing (Polifroni); Perspectives on Nursing Theory (Reed); and Strategies for Theory Construction in Nursing (Walker) for NURS8035.

i. **Handbook of Mixed Methods in Social & Behavioral Research**

1930. Professor Margaret Moloney used an excerpt from the work Handbook of Mixed Methods in Social & Behavioral Research while teaching NURS8035 during Fall 2009.

1931. Handbook of Mixed Methods in Social & Behavioral Research is published by Sage Publications.

1932. Handbook of Mixed Methods in Social & Behavioral Research is 784 pages long.

1933. Handbook of Mixed Methods in Social & Behavioral Research is a collective work made up of works from several different contributors.

1934. Professor Margaret Moloney prepared a fair use checklist prior to requesting that the library put the excerpt of the work on Georgia State University's ERes system.

1935. Professor Margaret Moloney misplaced her fair use checklist, and recreated a fair use checklist that fairly and accurately represents the initial fair

use checklist that she filled out for the excerpt of Handbook of Mixed Methods in Social & Behavioral Research.

1936. The excerpt of Handbook of Mixed Methods in Social & Behavioral Research that was placed on Georgia State University's ERes system was 16 pages long, and constituted one chapter and approximately 2% of the work.

1937. The excerpt of Handbook of Mixed Methods in Social & Behavioral Research that was placed on Georgia State University's ERes system was used for a nonprofit, educational purpose. Namely, the excerpt was used as part of Professor Margaret Moloney's course materials for the purpose of teaching her class, and neither Professor Margaret Moloney, Georgia State University, nor the named defendants profited from the use of the excerpt of Handbook of Mixed Methods in Social & Behavioral Research.

1938. The excerpt of Handbook of Mixed Methods in Social & Behavioral Research that was placed on Georgia State University's ERes system was not used for commercial purposes.

1939. The excerpt of Handbook of Mixed Methods in Social & Behavioral Research that was placed on Georgia State University's ERes system was used by Professor Margaret Moloney for the purpose of teaching the students in her course.

1940. Neither Georgia State University, Professor Margaret Moloney, nor the named Defendants profited from the use of the excerpt of Handbook of Mixed Methods in Social & Behavioral Research that was placed on Georgia State University's ERes system.

1941. Professor Margaret Moloney used the excerpt of Handbook of Mixed Methods in Social & Behavioral Research that she placed on Georgia State University's ERes system for the purpose of research and scholarship.

1942. Professor Margaret Moloney's use of the excerpt of Handbook of Mixed Methods in Social & Behavioral Research that she placed on Georgia State University's ERes system was necessary to achieve her intended educational purpose.

1943. Professor Margaret Moloney did not publish or publicly distribute the excerpt of Handbook of Mixed Methods in Social & Behavioral Research that she placed on Georgia State University's ERes system.

1944. Professor Margaret Moloney's use of the excerpt of Handbook of Mixed Methods in Social & Behavioral Research that she placed on Georgia State University's ERes system did not exceed her intended educational purpose because she used only the amount of the work that she needed to illustrate her intended lesson to the class.

1945. Handbook of Mixed Methods in Social & Behavioral Research is a published work.

1946. Handbook of Mixed Methods in Social & Behavioral Research is a factual work of nonfiction.

1947. The excerpt of Handbook of Mixed Methods in Social & Behavioral Research that Professor Margaret Moloney used in her course was important to her educational objectives.

1948. The excerpt of Handbook of Mixed Methods in Social & Behavioral Research that Professor Margaret Moloney used in her course amounts to 2% of the work, and as such, was a small portion of Handbook of Mixed Methods in Social & Behavioral Research.

1949. The excerpt of Handbook of Mixed Methods in Social & Behavioral Research that Professor Margaret Moloney used in her course was not central to the work because Handbook of Mixed Methods in Social & Behavioral Research is a collection of articles, and, as such, does not have a central or heart of the work.

1950. The excerpt of Handbook of Mixed Methods in Social & Behavioral Research that Professor Margaret Moloney used in her course was

narrowly tailored for Professor Margaret Moloney’s educational purpose because she only used the portion of the work that she needed to illustrate her lesson.

1951. Professor Margaret Moloney’s use of the excerpt of Handbook of Mixed Methods in Social & Behavioral Research did not have a significant effect on the market or potential market for the copyrighted work because ERes excerpt was restricted to her class.

1952. Professor Margaret Moloney’s use of the excerpt of Handbook of Mixed Methods in Social & Behavioral Research stimulated the market for the original work because her use exposed students to a portion of a work that they may not have otherwise experienced.

1953. The publisher of Handbook of Mixed Methods in Social & Behavioral Research does not market any similar product.

1954. Professor Margaret Moloney assigned the excerpt of Handbook of Mixed Methods in Social & Behavioral Research as supplemental classroom reading – they had 3 texts books as required reading.

1955. A small number of copies of the excerpt of Handbook of Mixed Methods in Social & Behavioral Research were distributed—specifically, the ERes records indicate that the work was accessed 27 times.

1956. Access to the excerpt of Handbook of Mixed Methods in Social & Behavioral Research was limited to the students in the class by a password protected website.

1957. The excerpt of Handbook of Mixed Methods in Social & Behavioral Research was removed from the ERes system after the semester ended.

1958. Georgia State University lawfully owns a copy of Handbook of Mixed Methods in Social & Behavioral Research.