

Z. Professor Mary Ohmer

2260. Professor Mary Ohmer is currently employed as a professor at Georgia State University.

2261. Professor Mary Ohmer 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 Mary Ohmer attempted to place on ERes was too large.

2262. When determining whether to even consider undertaking a fair use analysis for an excerpt, Professor Mary Ohmer 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 Mary Ohmer does not perform further analysis, and either does not place the excerpt on ERes, or reduces the amount of her use.

1) SW8200 – EVALUATION AND TECHNOLOGY

2263. Professor Mary Ohmer taught SW8200 during Fall 2009.

2264. Forty-two students enrolled in Professor Mary Ohmer's section of SW8200.

2265. Professor Mary Ohmer required her students to purchase SPSS for Social Workers (Blanksby) and Program Evaluation (Royse).

i. **Utilization-Focused Evaluation: The New Century Text (3rd Ed.)**

2266. Professor Mary Ohmer used an excerpt from the work Utilization-Focused Evaluation: The New Century Text (3rd Ed.) while teaching SW8200 during Fall 2009.

2267. Utilization-Focused Evaluation: The New Century Text (3rd Ed.) is published by Sage Publications.

2268. Utilization-Focused Evaluation: The New Century Text (3rd Ed.) is 447 pages long.

2269. Professor Mary Ohmer prepared a fair use checklist prior to requesting that the library put the excerpt of Utilization-Focused Evaluation: The New Century Text (3rd Ed.) on Georgia State University's ERes system.

2270. In preparing the fair use checklist for Utilization-Focused Evaluation: The New Century Text (3rd Ed.), Professor Mary Ohmer considered each of the fair use factors on the checklist and determined whether each factor favored fair use, and checked the boxes according to her analysis.

2271. Professor Mary Ohmer lost or 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 Utilization-Focused Evaluation: The New Century Text (3rd Ed.).

2272. The excerpt of Utilization-Focused Evaluation: The New Century Text (3rd Ed.) that was placed on Georgia State University's ERes system was 38 pages long, and constituted two chapters and approximately 8.5% of the work.

2273. The excerpt of Utilization-Focused Evaluation: The New Century Text (3rd Ed.) 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 Mary Ohmer's course materials for the purpose of teaching her class, and neither Professor Mary Ohmer, Georgia State University, nor the named defendants profited from the use of the excerpt of Utilization-Focused Evaluation: The New Century Text (3rd Ed.).

2274. The excerpt of Utilization-Focused Evaluation: The New Century Text (3rd Ed.) that was placed on Georgia State University's ERes system was not used for commercial purposes.

2275. The excerpt of Utilization-Focused Evaluation: The New Century Text (3rd Ed.) that was placed on Georgia State University's ERes system

was used by Professor Mary Ohmer for the purpose of teaching the students in her course.

2276. Neither Georgia State University, Professor Mary Ohmer, nor the named Defendants profited from the use of the excerpt of Utilization-Focused Evaluation: The New Century Text (3rd Ed.) that was placed on Georgia State University's ERes system.

2277. Professor Mary Ohmer did not use the excerpt of Utilization-Focused Evaluation: The New Century Text (3rd Ed.) that she placed on Georgia State University's ERes system for the purpose of entertainment.

2278. Professor Mary Ohmer's use of the excerpt of Utilization-Focused Evaluation: The New Century Text (3rd Ed.) that she placed on Georgia State University's ERes system was necessary to achieve her intended educational purpose.

2279. Professor Mary Ohmer did not publish or publicly distribute the excerpt of Utilization-Focused Evaluation: The New Century Text (3rd Ed.) that she placed on Georgia State University's ERes system.

2280. Professor Mary Ohmer's use of the excerpt of Utilization-Focused Evaluation: The New Century Text (3rd Ed.) 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.

2281. Utilization-Focused Evaluation: The New Century Text (3rd Ed.) is a published work.

2282. Utilization-Focused Evaluation: The New Century Text (3rd Ed.) is a factual work of nonfiction.

2283. The excerpt of Utilization-Focused Evaluation: The New Century Text (3rd Ed.) that Professor Mary Ohmer used in her course amounts to 8.5% of the work, and as such, was a small portion of Utilization-Focused Evaluation: The New Century Text (3rd Ed.).

2284. The excerpt of Utilization-Focused Evaluation: The New Century Text (3rd Ed.) that Professor Mary Ohmer used in her course was not central to the work because it was only two chapters in a book having 15 chapters, with multiple sections.

2285. The excerpt of Utilization-Focused Evaluation: The New Century Text (3rd Ed.) that Professor Mary Ohmer used in her course was narrowly tailored for Professor Mary Ohmer's educational purpose because she only used the portion of the work that she needed to illustrate her lesson.

2286. Professor Mary Ohmer's use of the excerpt of Utilization-Focused Evaluation: The New Century Text (3rd Ed.) did not have a significant effect on the market or potential market for the copyrighted work because the ERes excerpt was restricted to her class.

2287. Professor Mary Ohmer's use of the excerpt of Utilization-Focused Evaluation: The New Century Text (3rd Ed.) stimulated the market for the original work because it exposed students to a portion of a work that they may not have otherwise experienced.

2288. The publisher of Utilization-Focused Evaluation: The New Century Text (3rd Ed.) does not market any similar product.

2289. Licensing or permission for Utilization-Focused Evaluation: The New Century Text (3rd Ed.) is unavailable.

2290. Professor Mary Ohmer assigned two text books as required reading.

2291. A small number of copies of the excerpt of Utilization-Focused Evaluation: The New Century Text (3rd Ed.) were distributed—specifically, because access to the work was limited to students with a password.

2292. Access to the excerpt of Utilization-Focused Evaluation: The New Century Text (3rd Ed.) was limited to the students in the class by a password protected website.

2293. The excerpt of Utilization-Focused Evaluation: The New Century Text (3rd Ed.) was removed from the ERes system after the semester ended.

2294. Professor Mary Ohmer lawfully owns a copy of Utilization-Focused Evaluation: The New Century Text (3rd Ed.).

(b) **The Sage Handbook of Qualitative Research (2nd edition)**

2295. Professor Mary Ohmer used an excerpt from the work The SAGE Handbook of Qualitative Research (2nd edition) while teaching SW8200 during Fall 2009.

2296. The SAGE Handbook of Qualitative Research (2nd edition) is published by Sage Publications.

2297. The SAGE Handbook of Qualitative Research (2nd edition) is 1142 pages long.

2298. The SAGE Handbook of Qualitative Research (2nd edition) is a collective work made up of works from several different contributors.

2299. The excerpts of The SAGE Handbook of Qualitative Research (2nd edition) Professor Mary Ohmer placed on Georgia State University's ERes system are single works provided by individual contributors, and those contributors did not assign or grant an exclusive license to the work to SAGE.

2300. Professor Mary Ohmer prepared a fair use checklist prior to requesting that the library put the excerpt of The SAGE Handbook of Qualitative Research (2nd edition) on Georgia State University's ERes system.

2301. In preparing the fair use checklist for The SAGE Handbook of Qualitative Research (2nd edition), Professor Mary Ohmer considered each of the fair use factors on the checklist and determined whether each factor favored fair use, and checked the boxes according to her analysis.

2302. Professor Mary Ohmer lost or 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 The SAGE Handbook of Qualitative Research (2nd edition).

2303. The excerpt of The SAGE Handbook of Qualitative Research (2nd edition) that was placed on Georgia State University's ERes system was 18 pages long, and constituted two chapters and approximately 1.6% of the work.

2304. The excerpt of The SAGE Handbook of Qualitative Research (2nd edition) 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 Mary Ohmer's course materials for the purpose of teaching her class, and neither Professor Mary Ohmer, Georgia State University, nor the named defendants profited from the use of the excerpt of The SAGE Handbook of Qualitative Research (2nd edition).

2305. The excerpt of The SAGE Handbook of Qualitative Research (2nd edition) that was placed on Georgia State University's ERes system was not used for commercial purposes.

2306. The excerpt of The SAGE Handbook of Qualitative Research (2nd edition) that was placed on Georgia State University's ERes system was used by Professor Mary Ohmer for the purpose of teaching the students in her course.

2307. Neither Georgia State University, Professor Mary Ohmer, nor the named Defendants profited from the use of the excerpt of The SAGE Handbook of Qualitative Research (2nd edition) that was placed on Georgia State University's ERes system.

2308. Professor Mary Ohmer did not use the excerpt of The SAGE Handbook of Qualitative Research (2nd edition) that she placed on Georgia State University's ERes system for the purpose of entertainment.

2309. Professor Mary Ohmer's use of the excerpt of The SAGE Handbook of Qualitative Research (2nd edition) that she placed on Georgia State University's ERes system was necessary to achieve her intended educational purpose.

2310. Professor Mary Ohmer did not publish or publicly distribute the excerpt of The SAGE Handbook of Qualitative Research (2nd edition) that she placed on Georgia State University's ERes system.

2311. Professor Mary Ohmer's use of the excerpt of The SAGE Handbook of Qualitative Research (2nd edition) 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.

2312. The SAGE Handbook of Qualitative Research (2nd edition) is a published work.

2313. The SAGE Handbook of Qualitative Research (2nd edition) is a factual work of nonfiction.

2314. The excerpt of The SAGE Handbook of Qualitative Research (2nd edition) that Professor Mary Ohmer used in her course amounts to 1.6% of the work, and as such, was a small portion of The excerpt of The SAGE Handbook of Qualitative Research (2nd edition).

2315. The excerpt of The SAGE Handbook of Qualitative Research (2nd edition) that Professor Mary Ohmer used in her course was not central to the work because they were a few small essays in a much larger text of similar essays on related topics.

2316. The excerpt of The SAGE Handbook of Qualitative Research (2nd edition) that Professor Mary Ohmer used in her course was narrowly tailored for Professor Mary Ohmer's educational purpose because she only used the portion of the work that she needed to illustrate her lesson.

2317. Professor Mary Ohmer's use of the excerpt of The SAGE Handbook of Qualitative Research (2nd edition) did not have a significant effect on the market or potential market for the copyrighted work because the ERes excerpt was restricted to her class.

2318. Professor Mary Ohmer's use of the excerpt of The SAGE Handbook of Qualitative Research (2nd edition) stimulated the market for the

original work because it exposed students to a portion of a work that they may not have otherwise experienced.

2319. The publisher of The SAGE Handbook of Qualitative Research (2nd edition) does not market any similar product.

2320. Licensing or permission for The SAGE Handbook of Qualitative Research (2nd edition) is unavailable.

2321. Professor Mary Ohmer assigned two text books as required reading.

2322. A small number of copies of the excerpt of The SAGE Handbook of Qualitative Research (2nd edition) were distributed—specifically, the ERes records indicate that the work was accessed 45 times.

2323. Access to the excerpt of The SAGE Handbook of Qualitative Research (2nd edition) was limited to the students in the class by a password protected website.

2324. The excerpt of The SAGE Handbook of Qualitative Research (2nd edition) was removed from the ERes system after the semester ended.

2325. Professor Mary Ohmer lawfully owns a copy of The SAGE Handbook of Qualitative Research (2nd edition).