

**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

**EVIDENTIARY PROFFER IN SUPPORT OF THE TRIAL  
TESTIMONY OF JODI KAFUMANN**

## PRELIMINARY STATEMENT

On May 23, 2011, Plaintiffs sought to introduce evidence of repeated and long term use of many of the works that Professor Kaufmann assigned as required reading to students in her EPRS8500 course in the 2009 Maymester and 2009 Fall term. Specifically, Plaintiffs sought to introduce the following syllabi from Professor Kaufmann's prior EPR8500 courses:

- PX 806 (Spring 2007)
- PX 804 (Summer 2007)
- PX 723 (Fall 2007)
- PX 803 (Fall 2008)<sup>1</sup>

Plaintiffs also sought to introduce the following reports from GSU's Gosolar system, which detail the number of students enrolled in each EPRS8500 course for the academic terms at issue, to illustrate the number of students that Professor Kaufmann has distributed the works at issue to over the course of the past several years:

- PX 995 (Spring 2007)
- PX 996 (Summer 2007)
- PX 997 (Fall 2007)
- PX 998 (Summer 2008)
- PX 999 (Fall 2008)<sup>2</sup>

---

<sup>1</sup> The syllabi referenced above are attached hereto as exhibits to this filing.

<sup>2</sup> The Gosolar reports referenced above are attached hereto as exhibits to this filing.

The Court declined to admit the above-referenced exhibits into evidence as impeachment of Professor Kaufmann's testimony with respect to her completion of the fair use checklist that there had not been repeated and long term use of the works used in her EPRS8500 course, but accepted the Plaintiffs' proffer that Professor Kaufmann had made repeated use of many of the works referenced in Joint Exhibit 5. The following summary sets forth the specific details of the evidence that Plaintiffs sought to introduce, explaining each Plaintiff work that appears in Professor Kafumann's EPRS8500 courses on Joint Exhibit 5 and the prior academic term(s) in which Professor Kaufmann used the same work, based on the syllabi and ERes reports<sup>3</sup> produced by the Defendants in the course of this litigation.

### **SUMMARY**

Denzin, N. & Lincoln, Y., *The SAGE Handbook of Qualitative Research* (3d edition)

---

<sup>3</sup> In addition to the syllabi referenced above, Plaintiffs attach Plaintiffs' Trial Exhibit 710-A, which is an excerpt of the Summer 2008 ERes report (PX 710) that shows the works that Professor Kaufmann placed on ERes for EPRS8500 during the Summer 2008 academic term. Plaintiffs submit this report as evidence of the works that Professor Kaufmann offered via ERes to the students in her EPRS8500 course during the Summer 2008 academic term because Defendants have not produced a syllabus for Professor Kaufmann's EPRS8500 course for this term.

- **1-32:** *Introduction: The Discipline and Practice of Qualitative Research* by N. Denzin and Y. Lincoln
  - Academic terms in which Professor Kaufmann used this work:
    - Fall 2009 (21 students)
    - Maymester 2009 (13 students)
    - Fall 2008 (35 students)
    - Summer 2008 (45 students)
    - Fall 2007 (47 students)
    - Spring 2007 (15 students)
  
- **109-138:** *Freeing Ourselves from Neocolonial Domination in Research: A Kaupapa Maori Approach to Creating Knowledge* by Russell Bishop
  - Academic terms in which Professor Kaufmann used this work:
    - Fall 2009 (21 students)
    - Fall 2008 (35 students)
    - Summer 2008 (45 students)
    - Fall 2007 (47 students)
    - Summer 2007 (15 students)
    - Spring 2007 (15 students)
  
- **357-373:** *Critical Humanism and Queer Theory: Living With the Tensions* by Ken Plummer
  - Academic terms in which Professor Kaufmann used this work:
    - Fall 2009 (21 students);
    - Maymester 2009 (13 students)
    - Fall 2008 (35 students)
    - Summer 2008 (45 students)
    - Fall 2007 (47 students)
    - Summer 2007 (15 students)
    - Spring 2007 (15 students)
  
- **443-465:** *Qualitative Case Studies* by Robert E. Stake
  - Academic terms in which Professor Kaufmann used this work:
    - Fall 2009 (21 students)
    - Maymester 2009 (13 students)

- Fall 2008 (35 students)
  - Summer 2008 (45 students)
  - Fall 2007 (47 students)
  - Summer 2007 (15 students)
  - Spring 2007 (15 students)
- **547-557:** *Testimonio, Subalternity, and Narrative Authority* by John Beverley
  - Academic terms in which Professor Kaufmann used this work:
    - Fall 2009 (21 students)
    - Fall 2008 (35 students)
    - Summer 2008 (45 students)
    - Fall 2007 (47 students)
    - Summer 2007 (15 students)
    - Spring 2007 (15 students)
- **651-679:** *Narrative Inquiry: Multiple Lenses, Approaches, Voices* by Susan E. Chase
  - Academic terms in which Professor Kaufmann used this work:
    - Maymester 2009 (13 students)
    - Summer 2008 (45 students)
    - Fall 2007 (47 students)
    - Summer 2007 (15 students)
    - Spring 2007 (15 students)
- **915-932:** *Relativism, Criteria and Politics* by John K. Smith and Phil Hodkinson
  - Academic terms in which Professor Kaufmann used this work:
    - Fall 2009 (21 students)
    - Fall 2007 (47 students)
    - Summer 2007 (15 students)
    - Spring 2007 (15 students)
- **959-978:** *Writing: A Method of Inquiry* by Laurel Richardson
  - Academic terms in which Professor Kaufmann used this work:
    - Fall 2009 (21 students)
    - Maymester 2009 (13 students)
    - Summer 2008 (45 students)

Denzin, N. & Lincoln, Y., *The SAGE Handbook of Qualitative Research* (2nd edition)

- **733-768:** *Autoethnography, Personal Narrative, Reflexivity: Researcher as Subject* by Carolyn Ellis and Arthur Bochner
  - Academic terms in which Professor Kaufmann used this work:
    - Fall 2009 (21 students)
    - Maymester 2009 (13 students)
    - Fall 2008 (35 students)
    - Summer 2008 (45 students)
    - Fall 2007 (47 students)
    - Summer 2007 (15 students)
    - Spring 2007 (15 students)

Altford, R. *The Craft of Inquiry: Theories, Methods, Evidence* (pages 21-31)

- Academic terms in which Professor Kaufmann used this work:
  - Fall 2009 (21 students)
  - Maymester 2009 (13 students)
  - Fall 2008 (35 students)
  - Summer 2008 (45 students)
  - Fall 2007 (47 students)
  - Summer 2007 (15 students)
  - Spring 2007 (15 students)

Denzin, N., “The Art and Politics of Interpretation” in *Approaches to Qualitative Research* by Sharlene Nagy Hesse-Biber and Patricia Leavy (pages 447-472)

- Academic terms in which Professor Kaufmann used this work:
  - Fall 2009 (21 students)
  - Summer 2008 (45 students)
  - Fall 2007 (47 students)
  - Spring 2007 (15 students)

Hesse-Biber, S., *Handbook of Feminist Research: Theory and Praxis*

- **71-106:** *Postmodern, Poststructural and Critical Theories* by Susanne Gannon and Bronwyn Davies
  - Academic terms in which Professor Kaufmann used this work:
    - Fall 2009 (21 students)

- Fall 2008 (35 students)
- **155-172:** *Toward Understandings of Feminist Ethnography* by Wanda Pillow and Cris Mayo
  - Academic terms in which Professor Kaufmann used this work:
    - Fall 2009 (21 students)
    - Fall 2008 (35 students)
- **515-534:** *Feminist Research Ethics* by Judith Preissle
  - Academic terms in which Professor Kaufmann used this work:
    - Fall 2009 (21 students)
    - Maymester 2009 (13 students)
    - Fall 2008 (35 students)

Clandin, J. *Handbook of Narrative Inquiry*

- **3-34:** *Locating Narrative Inquiry Historically: Thematics in the Turn to Narrative* by Stefinee Pinnegar and J. Gary Daynes
  - Academic terms in which Professor Kaufmann used this work:
    - Maymester 2009 (13 students)
- **35-75:** *Mapping a Landscape of Narrative Inquiry: Borderland Spaces and Tensions* by D. Jean Clandinin and Jerry Rosiek (pages 35-75)
  - Academic terms in which Professor Kaufmann used this work:
    - Fall 2009 (21 students)
    - Fall 2008 (35 students)

Sandstrom, K., Martin, D. and Fine, G., “Symbolic Interactionism at the End of the Century” in G. Ritzer & B. Smart (Eds.) *Handbook of Social Theory* by (pages 217-228)

- Academic terms in which Professor Kaufmann used this work:
  - Fall 2009 (21 students)
  - Maymester 2009 (13 students)
  - Fall 2008 (35 students)
  - Summer 2008 (45 students)
  - Fall 2007 (47 students)
  - Summer 2007 (15 students)
  - Spring 2007 (15 students)

Respectfully submitted this 24th day of May, 2011.

/s/ Edward B. Krugman  
Edward B. Krugman  
Georgia Bar No. 429927  
John H. Rains IV  
Georgia Bar No. 556052

BONDURANT, MIXSON & ELMORE, LLP  
1201 West Peachtree Street NW  
Suite 3900  
Atlanta, Georgia 30309  
(404) 881-4100

R. Bruce Rich (*pro hac vice*)  
Randi Singer (*pro hac vice*)  
Jonathan Bloom (*pro hac vice*)  
Todd D. Larson (*pro hac vice*)

WEIL, GOTSHAL & MANGES LLP  
767 Fifth Avenue  
New York, New York 10153

*Attorneys for Plaintiffs*



**CERTIFICATE OF SERVICE**

I hereby certify that I have this day filed the foregoing

**EVIDENTIARY PROFFER IN SUPPORT OF THE TRIAL**

**TESTIMONY OF JODI KAUFMANN** 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:

Stephen M. Schaetzel, Esq.

John W. Harbin, Esq.

Natasha H. Moffitt, Esq.

Kristen A. Swift, Esq.

C. Suzanne Johnson, Esq.

Mary Katherine Bates, Esq.

**KING & SPALDING**

1180 Peachtree Street

Atlanta, Georgia 30309

Katrina M. Quicker, Esq.

Richard W. Miller, Esq.

**BALLARD SPAHR, LLP**

999 Peachtree Street, Suite 1000

Atlanta, Georgia 30309

Anthony B. Askew, Esq.

**MCKEON, MEUNIER, CARLIN & CURFMAN, LLC**

817 W. Peachtree Street, Suite 900

Atlanta, Georgia 30308

Mary Jo Volkert, Esq.

Assistant State Attorney General

40 Capitol Square

Atlanta, Georgia 30334

This 24th day of May, 2011.

/s/ Edward B. Krugman  
Edward B. Krugman