

# Appendix E

## APPENDIX E

### BACKGROUND FACTS REGARDING THE GSU ERES REPORTS (JX 1-3)

1. *The term “ERes Reports” means those reports generated by the electronic course reserve system at GSU and produced by Defendants to Plaintiffs in this action. [Stipulated Facts ¶ 60.]*

2. *The ERes Reports were generated using computers and software within the possession, custody, and control of Defendants. [Stipulated Facts ¶ 61.]*

3. *The ERes software has the ability to create reports that contain information regarding electronic course materials posted on ERes and accessed by ERes users. [Stipulated Facts ¶ 62.]*

4. *The ERes Reports produced by Defendants to Plaintiffs in this action were created using the ERes software’s reporting capabilities. [Stipulated Facts ¶ 63.]*

5. The ERes Reports were not altered by Defendants following their creation and were produced to Plaintiffs exactly as they were generated by the ERes software. [Stipulations of Fact Regarding ERes and uLearn Usage at GSU (“ERes/uLearn Stipulations”), DX 111, ¶ 7.]

6. *Each row on the ERes Reports provides information regarding distinct electronic course material posted on ERes for a specified course.*

*[Stipulated Facts ¶ 64.]*

7. *The ERes Reports list electronic course materials available on the ERes system for a specified course during the time periods specified in the “Date Range” column. [Stipulated Facts ¶ 65.]*

8. *Employees of GSU manually input into the ERes system the information that appears in the columns of the ERes Reports bearing the headings “Document” and “Course Reserves Page.” [Stipulated Facts ¶ 66.]*

9. *The ERes software compiles and stores the information entered by GSU employees as to each electronic course material posted on the system.*

*[DX 111, ¶ 11.]*

10. *The ERes software tracks the number of times each electronic course material on the system is accessed by an ERes user. [Stipulated Facts ¶ 67.]*

11. *The information in the “Document” column on the ERes Report identifies the title of a specific electronic course material made available on the ERes for the course specified in the “Course Reserves Page” column. [Stipulated Facts ¶ 68.]*

12. *The information in the “Course Reserves Page” column on the ERes Report identifies the course for which the specific electronic course material in that row of the report is/was offered through ERes. [Stipulated Facts ¶ 69.]*

13. *Where a personal name is given in the “Course Reserves Page” column on the ERes Reports, it refers to the instructor of the identified course. [Stipulated Facts ¶ 70.]*

14. *Where a season and year are given in the Course Reserves Page column on the ERes Reports (e.g., “Fall 2008” or “Spring 2008”), the information typically refers to the semester during which the identified course was offered. [Stipulated Facts ¶ 71.]*

15. The information in the “Date Range” column of each ERes Report identifies the time period during which the ERes activity documented by the Report took place. [DX 111, ¶ 17.]

16. The data in the “Hit Count” column of each ERes Report represents the number of times the specific electronic course material listed in that row of the report was accessed by ERes users during the corresponding time period. [DX 111, ¶ 18; 6/1 Tr. at 126:2-7 (Burtle).]

17. Each “hit” represented in the “Hit Count” column of the ERes Reports represents the display of the corresponding electronic course material on an authorized user’s computer monitor. [DX 111, ¶ 20.]