

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CAMBRIDGE UNIVERSITY PRESS,
et al.,

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

**KRISTEN A. LYNN'S RESPONSE
TO ORDER TO SHOW CAUSE**

NOW COMES non-party KRISTEN A. LYNN (formerly Kristen A. Swift), one of Defendants' counsel of record in the above-captioned action, and hereby responds to the Court's June 13, 2012 Order (Dkt. No. 431) to show cause why the Clerk should not strike her name as counsel of record from the docket for this case.

Ms. Lynn respectfully shows the Court as follows:

1. Until this Court's entry of its June 13, 2012 Order, Ms. Lynn was not aware of Judge Batten's November 22, 2011 Order suspending her (and numerous other attorneys) from practicing law before the United States District Court for the

Northern District of Georgia. (*See* 11/22/2011 Order from Judge Batten, attached hereto as Exhibit A).

2. Ms. Lynn promptly investigated the matter upon receipt of this Court's June 13, 2012 Order and has since learned that on November 11, 2011, the State Bar of Georgia had sent a letter to the Clerks of Record in the State of Georgia indicating that she and numerous other attorneys were "ineligible to practice due to the fact that they have not paid their 2011-2012 Bar Dues and/or late fees." (*See* 11/11/2011 Letter from State Bar of Georgia, attached hereto as Exhibit B). On November 22, 2011, Judge Batten apparently entered an Order suspending the attorneys identified in the State Bar of Georgia's letter and set forth a procedure by which they could be reinstated. (*See* Exhibit A at 3).

3. Upon investigating this matter, Ms. Lynn also learned that at the time the State Bar of Georgia sent its November 11, 2011 letter to the Clerks of Record, Ms. Lynn was current on her bar dues. Ms. Lynn's law firm, King & Spalding LLP, had submitted a check for payment of her dues on or about September 15, 2011, which the State Bar of Georgia processed for payment on or about September 20, 2011. (*See* copy of 9/15/2011 check and stub, attached hereto as Exhibit C; 6/18/2012 Affidavit from State Bar of Georgia, attached hereto as Exhibit D).

4. Ms. Lynn's dues payment was submitted after the July 1, 2011 deadline due to some administrative issues that had occurred while she was out on medical leave and maternity leave from approximately May 2011 to January 2012. (During this time, Ms. Lynn was also in the process of changing her maiden name in her personnel records at King & Spalding from Kristen A. Swift to Kristen A. Lynn in order to accurately reflect her married name.)

5. Because Ms. Lynn's payment was submitted after the July 1, 2011 deadline, the State Bar of Georgia apparently assessed a \$75.00 late fee. However, when Ms. Lynn contacted the State Bar of Georgia by telephone in September 2011 to inquire whether she owed any fees, she was informed that she did not owe any. Accordingly, at that time, Ms. Lynn was under the impression that she was current on all payments to the State Bar of Georgia.

6. On or about November 9, 2011, the State Bar of Georgia contacted Ms. Lynn by e-mail (while she was still on maternity leave) informing her that a letter had been sent to King & Spalding mistakenly indicating that she had not paid her dues, when in fact she only owed a late fee. (*See* 11/10/11 Email Chain with Brinda Lovvorn, attached hereto as Exhibit E). On November 10, 2011, Ms. Lynn responded that she had previously been informed that she did not owe any fees, and informed the State Bar of Georgia that she sent a check that same day referencing

her bar number. (*See id.*) The State Bar of Georgia apologized, stating “we have a relatively new database and partial amounts owed are a little hard to deal with.” (*Id.*).

7. On or about November 10, 2011, Ms. Lynn submitted a billpay request via her online banking system to deliver a \$75.00 check to the State Bar of Georgia in payment of the late fee. (*See* 6/21/12 Letter from Bank of America, attached hereto as Exhibit F). The check was sent to the State Bar of Georgia by Ms. Lynn’s bank on November 14, 2011, and funds were withdrawn from the account on November 16, 2011. (*See id.*) The State Bar of Georgia processed this check on or about November 17, 2011, five days before Judge Batten issued his Order. (*See* Exhibit D).

8. Unfortunately, Ms. Lynn never received a copy (or other notice) of the Order entered by Judge Batten until after this Court entered its June 13, 2012 Order. Upon investigating this matter, Ms. Lynn learned that King & Spalding’s mailroom apparently received the certified letter enclosing Judge Batten’s Order in November 2011, but immediately sent it (in error) to the firm’s Records Department, perhaps because Ms. Lynn had recently changed her name at the firm from Ms. Swift to Ms. Lynn, and someone at the firm was under the mistaken impression that “Kristen Swift” was no longer employed by the firm.

9. On June 15, 2012, in accordance with Judge Batten's November 22, 2011 Order, Ms. Lynn promptly delivered to the Clerk's Office for the United States District Court for the Northern District of Georgia an original Certificate of Good Standing from the State Bar of Georgia.

10. On June 15, 2012, the administrative suspension of Ms. Lynn was lifted, as reflected in the attached Certificate of Good Standing from the United States District Court for the Northern District of Georgia. (*See* Certificate of Good Standing from the United States District Court for the Northern District of Georgia, attached hereto as Exhibit G).

11. Because Ms. Lynn's administrative suspension has been lifted and because it resulted from an inadvertent and unintentional failure to pay a late fee, Ms. Lynn respectfully requests that the Court not strike her from the docket in this case.

Respectfully submitted, this 21st day of June, 2012.

KING & SPALDING LLP

/s/ Kristen A. Swift

Kristen A. Swift

Georgia Bar No. 702536

KING & SPALDING LLP

1180 Peachtree Street, N.E.

Atlanta, GA 30309

Telephone: (404) 572-4600

Facsimile: (404) 572-5100

Email: klynn@kslaw.com

Attorneys for Defendants

CERTIFICATE OF COMPLIANCE

I hereby certify, pursuant to L.R. 5.1B and 7.1D of the Northern District of Georgia, that the foregoing Kristen A. Lynn's Response To Order To Show Cause complies with the font and point selections approved by the Court in L.R. 5.1B. The foregoing pleading was prepared on a computer using 14-point Times New Roman font.

/s/ Kristen A. Swift
Kristen A. Swift
Georgia Bar No. 702536

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CAMBRIDGE UNIVERSITY PRESS,
et al.,

Plaintiffs,

-vs.-

MARK P. BECKER, in his official
capacity as Georgia State University
President, et al.,

Defendants.

Civil Action No.
1:08-CV-1425-ODE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this 21st day of June, 2012, I have electronically filed the foregoing Kristen A. Lynn's Response To Order To Show Cause with the Clerk of the Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the following attorneys of record:

Edward B. Krugman
krugman@bmelaw.com
Georgia Bar No. 429927
Corey F. Hirokawa
hirokawa@bmelaw.com
Georgia Bar No. 357087
John H. Rains IV
Georgia Bar No. 556052

BONDURANT, MIXSON &
ELMORE, LLP
1201 West Peachtree Street NW
Suite 3900
Atlanta, GA 30309
Telephone: (404) 881-4100
Facsimile: (404) 881-4111

R. Bruce Rich
Jonathan Bloom
Randi Singer
Todd D. Larson

WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153
Telephone: (212) 310-8000
Facsimile: (212) 310-8007

/s/ Kristen A. Swift
Kristen A. Swift
Georgia Bar No. 702536