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April 13, 2009

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VIA HAND DELIVERY AND EMAIL

Re: *Cambridge University Press, et al. v. Mark P. Becker, et al.*, 1:08-CV-1425-ODE

Dear Tony:

I write with a suggestion to expedite certain aspects of discovery in the above-referenced matter. Enclosed with this letter are a set of requests for admission which focus on basic facts that we do not believe should be in dispute, *e.g.*, the named Defendants' responsibility for GSU copyright policy; their authority over GSU library personnel and their control of the ERes and uLearn systems; their supervisory responsibilities; and their ability to enforce the terms of any injunction that may be ordered by the Court. Because of the limited time remaining for discovery, within the next few days we also plan to notice the depositions of the named GSU Defendants, as well as some members of the Board of Regents, to ensure that discovery may be had on the topics covered in the enclosed requests for admission.

If Defendants are willing to offer assurances that the substance of these requests will be admitted or denied within the time permitted by the applicable rules, we will not move ahead with the depositions of the Defendants to whom the requests are directed. As an alternative, if Defendants are uncomfortable with the wording of particular requests, we would be willing to withdraw those requests if both parties are able to negotiate and agree to stipulated facts covering those topics before the time for responding and objecting to the requests for admission lapses. Our goal in making this offer to is accomplish discovery on these matters in the most efficient and least costly manner possible for both sides. Please note that if Defendants deny a request to admit that Plaintiffs later demonstrate to be true, Plaintiffs will seek an award for their reasonable expenses, including attorney's fees, pursuant to Rule 37(c)(2).

On a related point, it is now clear that Plaintiffs will require more than the ten depositions normally allowed under the Federal Rules to complete the necessary discovery in this case. Given the number of defendants, the number of document custodians, and the fact that fair use determinations at GSU will primarily be made by individual faculty members, we anticipate that the Court would permit Plaintiffs to take these depositions, as well as a small number of others

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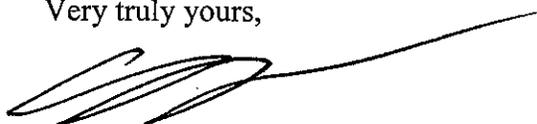
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that may be necessary. To avoid the delay and expense that bringing this matter to the Court's attention would entail, we ask that Defendants stipulate in writing to each side's being permitted to take twenty-five depositions.

Because of the limited time remaining for discovery, we ask that Defendants respond to the proposals set forth in this letter by this Friday, April 17, 2009, if not sooner. I look forward to your response.

Very truly yours,



Edward B. Krugman

Enclosure

cc: R. Bruce Rich, Esq. (via email)
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