

EXHIBIT B

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

CAMBRIDGE UNIVERSITY)
PRESS, et al.,)
)
Plaintiffs,)
)
vs.) Civil Action File
) No. 1:08-CV-1425-ODE
MARK P. BECKER, in his)
official capacity as)
Georgia State University)
President, et al.,)
)
Defendants.)

- - -

Videotaped deposition of JAMES DANIEL PALMOUR,
taken on behalf of the plaintiffs, pursuant to the
stipulations contained herein, before Teresa Bishop,
RPR, RMR, CCR No. B-307, at 104 Marietta Street, 6th
floor, Room 3, Atlanta, Georgia, on Thursday, April 23,
2009, commencing at the hour of 8:54 a.m.

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1 from some of the professors that that was the case.
2 Sometimes they would tell me this is not required so I
3 won't need the full enrollment number.

4 Q. And if you were aware through some way that it
5 was required you would order a coursepack essentially
6 for everyone in the class?

7 A. Generally I would assume that it was required.

8 Q. Let's go back just for a second to what you
9 were telling me about the EReserve system pre-2004.

10 You said there was a requirement that the
11 amount put on EReserve was small, small in relation to
12 the total amount used for the course, was that right?

13 A. Yes.

14 Q. So it wasn't a small amount in relation to the
15 work from which it was taken?

16 A. It was also stipulated that it should be a
17 small amount in relation to the total work from which it
18 was taken.

19 Q. And do you have an understanding with respect
20 to the first one, the relation between the excerpt and
21 the total used in the class, do you have an
22 understanding that that was a requirement that is
23 necessary to comply with copyright law?

24 A. I believe that was one of the requirements.

25 Q. Okay. Well, one of the requirements of the

1 policy makers at Georgia State or a requirement of the
2 copyright law?

3 A. Of Georgia State and the Board Of Regents.

4 Q. Do you have a view, though, whether that's a
5 requirement for EReserves postings to be compliant with
6 copyright law?

7 A. I'm not sure about the specifics of the law on
8 that.

9 Q. Is that requirement still in place?

10 A. I'm not sure for the ERes. The library staff
11 took over the electronic reserves.

12 Q. Just recently though, correct?

13 A. Well, they took it over the first semester of
14 2004. The library staff took over providing the faculty
15 interface and the decision on content and the
16 interpretation of copyright policy and dissemination of
17 that information to the faculty.

18 Q. And after that point did you have any reason
19 to do any analysis of works that were submitted for
20 copyright compliance?

21 A. No. When I was doing scanning from 2004 up
22 until this January I would look to see if I could tell
23 if what I was being asked to scan was over our 20
24 percent limit. And if I noticed that, then I would
25 inform the library.

1 Q. Was that the only check you did?

2 A. Yes.

3 (Plaintiffs' Exhibit No. 29
4 was marked for identification
5 by the reporter.)

6 BY MR. LARSON:

7 Q. Do you recognize this document?

8 A. No.

9 Q. I'll represent to you this was produced as
10 part of the production of documents in this case.

11 A. This looks like something that my boss would
12 have been asked to provide.

13 Q. But you don't recall seeing it?

14 A. I don't recall.

15 Q. Take your time to look at it if you need to.
16 I want to focus you on a couple small sections.

17 If you could turn to page 3. Take a look down
18 at the bottom of the paragraph starting for several
19 years.

20 A. Right.

21 Q. And can you just read through that set of
22 bullet points to yourself of tasks that are listed
23 there?

24 A. Right, okay.

25 Q. Is that an accurate summary of your tasks with

1 Q. Who's handling that task now, do you know?
2 And by that task, I mean the primary system
3 administration.

4 A. I suppose that's still me. They still
5 occasionally ask me questions.

6 Q. So you're no longer scanning, though?

7 A. Correct.

8 Q. The third bullet says move the contents of the
9 current IS&T electronic reserve system Docuweb to the
10 new Docutek ERes system purchased and supported by IS&T
11 to support GSU electronic reserves.

12 What are the components of the Docutek system?

13 A. Components of the Docutek system --

14 Q. Is there hardware, software, you know, a
15 server?

16 A. There is a server and there is -- it's a
17 server that it only has the Docutek software running on
18 it. And there's the Docutek software and the Microsoft
19 Windows XP operating system is what it runs on.

20 Q. Those are owned by the university?

21 A. Well, the server is owned by the university.
22 The software is licensed by the university.

23 Q. And is that -- so the university pays a
24 license fee to Docutek?

25 A. Yes.

1 Q. And is that a one time fee or an annual fee?

2 A. It's an annual fee.

3 Q. Do you know how much that is?

4 A. It's my recollection that's in the
5 neighborhood of between 4 and \$5,000 a year.

6 Q. Are there other ongoing costs with regard to
7 operating and maintaining the EReserve system other than
8 that annual license fee?

9 A. There's a backup cost.

10 Q. What's the backup cost?

11 A. I do not know.

12 Q. I mean, what do you mean by that?

13 A. The systems programming group provides service
14 where they back up all the production servers and make
15 sure if there's a crash they can rebuild it to the point
16 where it was before the crash.

17 Q. That bullet also says -- refers to moving the
18 contents of the current IS&T electronic reserve system
19 Docuweb to the new system Docutek ERes?

20 A. Yes.

21 Q. Docuweb was the old EReserve system?

22 A. Yes.

23 Q. And when ERes was put in by Docutek the
24 contents -- tell me what happened.

25 A. The instructors that were teaching classes for

1 spring semester 2004 had their materials copied over to
2 the new server and made available to the library's
3 reserve staff.

4 Q. Was everything that was on the Docuweb server
5 transferred over or just what was needed for courses
6 going forward?

7 A. Just what was needed.

8 Q. We'll mark our next exhibit as Plaintiffs' 32.
9 (Plaintiffs' Exhibit No. 32
10 was marked for identification
11 by the reporter.)

12 BY MR. LARSON:

13 Q. Document with Bates number GSU006281.

14 Mr. Palmour, do you recognize this document?

15 A. I've never used this form, so -- but I'm aware
16 that this form exists.

17 Q. Have you seen a form like this before?

18 A. Not filled out.

19 Q. Where have you seen it? I mean, where have
20 you seen a not filled out version?

21 A. I believe it's accessible from the ERes main
22 web site.

23 Q. Do you know from your experience enough to say
24 whether this is a form that's filled out when a
25 professor submits an electronic request rather than a

1 A. No, to use -- to notify them of anything you
2 want to.

3 Q. Could you notify them of activity on the
4 system?

5 A. Yes.

6 Q. So --

7 A. If you wanted.

8 Q. Including whether or not students had accessed
9 files that were stored on the system?

10 A. Well, the idea was that the e-mail would
11 function to send whatever information you wanted to
12 them. I think it was -- its main value was in providing
13 a list of all of the faculty's e-mail that used EReserve
14 so you could send like a blanket announcement of when
15 the next deadlines are.

16 Q. Okay.

17 A. That was the way it was intended to be used.

18 Q. Just give me a moment, if you would.

19 We talked a bit before about the EReserve's
20 process and your role in it. You explained that you did
21 an analysis or you looked at the words to see if more
22 than 20 percent was being used, correct?

23 A. Yes.

24 Q. And do you have any awareness of the process
25 the library staff engaged in in terms of reviewing items

1 for copyright compliance?

2 A. Not really, no.

3 Q. Do you know whether they looked at the works
4 to see if they were over 20 percent?

5 A. I assume they did. They -- I know they were
6 supposed to.

7 Q. Okay. Incidentally, do you know the
8 derivation of the 20 percent rule?

9 A. That's -- my best recollection is that when we
10 first started providing the service in mid to late 90s
11 that my boss at that time, Phil Williams, told me what
12 that limit was. I believe he got it from looking at
13 other university web sites doing similar things.

14 Q. Okay. So Mr. Williams was the original source
15 of that?

16 A. Well, for me, that's who I got it from. He
17 may have gotten it from the Board Of Regents or --

18 Q. When you said that he may have got it from
19 looking at other web sites, do you have reason to
20 believe that that's where he got it from? Did he tell
21 you that?

22 A. I think he told me that when he discussed it.

23 Q. Do you know when faculty submits EReserve
24 requests to the library that the library staff does any
25 sort of fair use determination for a given excerpt to

1 see whether it might be fair use?

2 A. I believe that they did. I believe the new
3 policy is to have the faculty member do that.

4 Q. And what's that understanding based on?

5 A. The recent copyright policy that's been
6 released.

7 Q. We'll talk about that in a moment.

8 Under the previous regime, do you know, did
9 the faculty do a fair use analysis as well or was it
10 generally the library staff who did that?

11 A. Well, I believe the form that was submitted
12 that required the faculty's signature required them to
13 acknowledge that it was for fair use.

14 Q. That was the form we were looking at before?
15 You can grab it out if you want to take a look.

16 A. Yeah. Yeah.

17 Q. I think it's at the bottom of your stack. And
18 what's that marked, the Exhibit Number, just for the
19 record?

20 Mr. Palmour, can you just tell us what the
21 number is, sir?

22 A. Oh, it's Exhibit Number 31.

23 Q. Okay. So does that form indicate that either
24 the faculty member or the library performed a fair use
25 analysis?

1 A. Well, I guess it doesn't now that I look at
2 it.

3 Q. Was there a limit in addition to the 20
4 percent rule; are you aware of a limit of one chapter of
5 a work?

6 A. Only in the sense that they would use one
7 chapter or less than 20 percent, whichever was greater.

8 Q. Whichever was greater?

9 A. That's the way --

10 Q. So if a chapter was 30 percent of a work, that
11 was okay?

12 A. Well, I'm not sure. You'd have to ask them.

13 Q. Them being the library staff?

14 A. The library staff.

15 Q. But when you told me before about you flagging
16 things that were over 20 percent --

17 A. Right.

18 Q. -- would you do that if you had a chapter, a
19 single chapter?

20 A. Well, I -- actually I did do that with one
21 chapter at one -- I have one recollection of that
22 instance when I noticed it was more than 20 percent and
23 they said, well, it's just one chapter.

24 Q. And you flagged that for the library?

25 A. Yeah, I brought it to their attention.

1 Q. Do you recall who the professor was?

2 A. I think it was an African American studies
3 professor by the name of Umoja.

4 Q. Let's talk about the new policy that's been
5 released. You've seen the policy?

6 A. Yes.

7 Q. Were you involved in any way in drafting or
8 drawing up of that policy?

9 A. No.

10 Q. Have you been involved in any training or
11 meetings or briefings with respect to the new policy?

12 A. I have been briefed myself. I have attended a
13 meeting where we were briefed on it.

14 Q. And who conducted that briefing?

15 A. Cynthia Hall.

16 Q. When was that meeting?

17 A. I don't recall the exact date.

18 Q. Approximately how long ago?

19 A. Within the last month or two.

20 Q. And the new policy was presented at that
21 meeting?

22 A. Yes.

23 Q. And were you told at that meeting whether or
24 not the new policy was actually formally -- had been put
25 in place and was operative?

1 coursepacks. But the number of courses is somewhat
2 smaller?

3 A. Yes.

4 Q. And if you work backwards, the next one we
5 come to is summer semester 2001. And it's two pages
6 earlier, page 805.

7 A. Right.

8 Q. My question is, did you keep similar numbers
9 for the period between summer semester of 2001 and
10 spring semester of 2008?

11 A. No, I did not.

12 Q. You did not. Okay.

13 So to the extent you have numbers there, those
14 would be available from your invoices to the bookstore?

15 A. Yes.

16 Q. As a general matter has the coursepack
17 business -- or how would you characterize the trend over
18 the last several years in the coursepack business?

19 A. It's been gradually declining.

20 Q. And would you know in the current semester
21 we're in now how many coursepacks are being offered, how
22 many titles?

23 A. I think it's about 15 titles.

24 Q. To what do you attribute the drop?

25 A. Well, one last summer was a coursepack that

1 A. Not until about a year after -- well, it
2 was -- let's see. The next to the last paragraph we
3 implemented the change at the end of spring semester of
4 2007 that would correct the problem.

5 Q. So it was roughly a year?

6 A. Yes.

7 (Plaintiffs' Exhibit No. 56
8 was marked for identification
9 by the reporter.)

10 BY MR. LARSON:

11 Q. I'm marking as Plaintiffs' 56 a very large
12 stack of paper that has the Bates number
13 GSU007945.012.XLS-000001 and it runs up through 000416.

14 Mr. Palmour, I'll represent to you that this
15 was a report that was produced to us as part of the
16 discovery in this matter by your counsel.

17 I should ask, are you aware that as part of
18 discovery in this matter that some ERes reports were
19 generated and produced to the plaintiffs?

20 A. Yes.

21 Q. Were you involved in that process at all?

22 A. Yes.

23 Q. How were you involved?

24 A. I ran some of those reports myself.

25 Q. And you did that based on date ranges that you

1 were provided?

2 A. Yes.

3 Q. Okay. And does this appear to be a sample of
4 one of those reports?

5 A. I believe so. Or -- it would look the same
6 whether I did it or someone else did it.

7 Q. Okay. So let's just take a look at this.

8 A. It may have been somebody else that ran it.

9 Q. Does this appear to you to be a report
10 describing activity on the system between 8/16/2006 and
11 December 31st of 2006?

12 A. Yes.

13 Q. And that's indicated in the date range column
14 there, correct?

15 A. Yes.

16 MR. ASKEW: What was the date range
17 again?

18 MR. LARSON: It's August 16th of '06 to
19 12/31/06.

20 BY MR. LARSON:

21 Q. And that appears in the header as well,
22 correct?

23 A. Yes.

24 Q. And I think you said before you're not sure if
25 that heading is something that's inputted by the user or

1 generated by the system?

2 A. That looks like a file name or an Excel spread
3 sheet file name or title name.

4 Q. Got it.

5 A. And I don't believe it's one that I typed in.

6 Q. Yeah, I'll again represent to you the
7 documents were produced to us as Excel files with that
8 title.

9 A. Okay.

10 Q. So this is a report as you said from late --
11 fall of '06 basically.

12 Take a look six lines down. There's an entry
13 for G. L. Berry. Do you see that?

14 A. Yes.

15 Q. And then there's an entry for -- in the course
16 reserves page column of that row, says Com 3070
17 introduction to theories of mass communications, paren,
18 spring 2009 Hoffner.

19 A. Yes.

20 Q. Can you tell me how it is for a report
21 detailing activity from the second half of 2006 there's
22 a course page identified as spring 2009?

23 A. No, I can't. I don't know why it would do
24 that unless they copied the same course reserve page
25 that was used in the fall of 2006 to use again in the

1 spring of 2009 and somehow the system still had it
2 registered as --

3 Q. If they unarchive the old course page and
4 update it and say spring 2009, that course page, that
5 data would be reflected here?

6 A. I'm not sure. That's something I haven't
7 really looked into the detail. But that could be the
8 reason why it doesn't have the correct -- well, it
9 doesn't say fall 2006 there. There's another one too,
10 below that one.

11 Q. Just staying in that line for purposes of the
12 question, the hit count, does that hit count reflect the
13 hits that were recorded by the system during the date
14 range?

15 A. I'm pretty sure that is the case. The hit
16 count is restricted to that date range and not a
17 previous semester that used earlier or currently.

18 Q. It's not a cumulative total of --

19 A. I do not believe so. I think it's just for
20 the date range.

21 Q. Again, any reason you have to doubt the
22 accuracy of these reports?

23 A. I wouldn't bet 100 percent that it's, you
24 know, guaranteed absolutely correct. It may be that
25 their software is in error on some of this reporting. I

1 mean, I have no way of knowing that for sure.

2 Q. But is there any reason that you think it
3 would be?

4 A. Well, they had bugs in their software before,
5 so I mean --

6 Q. And you've used these reports to provide
7 people in the library and your superiors with --

8 A. Yes. Yes.

9 Q. -- data and various activity on the system?

10 A. Yes. Yes. As far as I know, it should be
11 accurate.

12 Q. Okay. Flip if you could, I want to point out
13 a few entries to you. Turn to page -- let's see. Turn
14 to page 64.

15 MR. ASKEW: 64?

16 MR. LARSON: Yeah.

17 BY MR. LARSON:

18 Q. You there?

19 A. Yes.

20 Q. Okay. Take a look at the last entry, the R.
21 Bishop entry?

22 A. Right.

23 Q. So does this entry here reflect the fact that
24 an article by R. Bishop from the Sage "Handbook Of
25 Qualitative Research" comprising pages 109 to 138 was

1 provided to students in EPS 9280 in the fall of 2006?

2 A. Yes. Yes.

3 Q. And it was hit 32 times?

4 A. Yes.

5 Q. Okay. Flip to page 89, please. Just tell me
6 when you're there.

7 A. Okay.

8 Q. There's an entry about six up from the bottom
9 called "Changing The System".

10 A. Okay.

11 Q. You see that?

12 A. Yes.

13 Q. So does this reflect the fact that Chapter 2
14 and 7 of "Changing The System", Sage Publications book,
15 were on the system, on the EReserve system during the
16 time period reflected on this report?

17 A. Yes, if the title is correct.

18 Q. And by that what do you mean if the title is
19 correct?

20 A. Well, it's possible that whoever entered this
21 in may have copied that file incorrectly or something
22 or --

23 Q. Any reason to believe that that happened with
24 any regularity?

25 A. No, not really.

1 Q. And it's the case, isn't it, if that had
2 happened that someone most likely would have alerted the
3 professor that --

4 A. Yeah, yeah, and the professor would have
5 alerted the library staff that it was incorrect,
6 possibly.

7 Q. And this report reflects that that excerpt was
8 hit 24 times during the time period of this report?

9 A. That's correct.

10 Q. Turn to page 93, please. Okay. And then look
11 in the middle, there's a Chapter 25 "Rethinking
12 Observation For Method Context". Do you see that?

13 A. Yes.

14 Q. So does this reflect the fact that that was,
15 that a chapter of that name from the Sage "Handbook Of
16 Qualitative Research" was available on the system during
17 the time period of this report?

18 A. Yes.

19 Q. And it was hit 52 times?

20 A. Yes.

21 Q. Okay. And again, this -- it was offered to
22 students in a class called sociology 8342?

23 A. Yes.

24 Q. Now, again you have no way to know whether --
25 it says fall 2008 here for that course reserves page,

1 right?

2 A. Right.

3 Q. But the hit as you said before would be hits
4 from the 2006 period?

5 A. From that date range.

6 Q. Okay. And is it possible that that's because
7 sociology 8342, the same course page was offered in the
8 fall 2006 as well?

9 A. That may be the case.

10 Q. Turn to page 98, if you would. Look at the
11 first entry. Does this reflect the fact that an article
12 by an S. Chase called "Narrative Inquiry" in the Sage
13 "Handbook Of Qualitative Research" was provided to
14 students in EPS 9280 in the fall of 2006?

15 A. Yes.

16 Q. And it is hit 57 times?

17 A. Yes.

18 Q. Okay. And go to page 102. And look at the
19 second entry when you get there.

20 A. Okay.

21 Q. Does this entry here reflect the fact that an
22 excerpt called "Defining Psychological War And World War
23 And Early Modern Communication Research" by Christopher
24 Simpson were made available to students in Com 8100 in
25 the fall of 2006?

1 A. Yes.

2 Q. And hit 71 times by students in that class?

3 A. Yes.

4 Q. And if you could turn to page 149.

5 MR. ASKEW: 149?

6 MR. LARSON: Yeah.

7 BY MR. LARSON:

8 Q. And look at the fourth entry.

9 A. Okay.

10 Q. You see an entry that starts with Ethan
11 Scheiner, S-C-H-E-I-N-E-R?

12 A. Yes.

13 Q. Does this reflect the fact that Chapter 2 of
14 Ethan Scheiner's "Democracy Without Competition" were
15 made available in the time period covered by this
16 report?

17 A. Yes.

18 Q. And hit eight times?

19 A. Yes.

20 Q. Turn to the last page, please. You see the
21 totals at the end?

22 A. Yes.

23 Q. And does this reflect the fact that the works
24 listed in this report were hit 125,531 times during the
25 date range on this report?

1 A. Yes.

2 Q. Put that aside.

3 (Plaintiffs' Exhibit No. 57
4 was marked for identification
5 by the reporter.)

6 BY MR. LARSON:

7 Q. Let's mark this as Plaintiffs' 57. This is a
8 document Bates labeled GSU007945.004.XLS-00001 and
9 running through 00401.

10 Mr. Palmour do you recognize this as another
11 one of the reports that was generated by the EReserve
12 system for use in the litigation?

13 A. Yes.

14 Q. And I'll represent to you this was like the
15 one we just looked at produced by your counsel. And
16 this one reports activity from January 1st of 2007 to
17 May 15th, 2007 on the EReserve system, correct?

18 A. Yes.

19 Q. Incidentally while I have you here, I don't
20 have an example in front of me, but are you aware that
21 occasionally in the course reserves page your name will
22 appear?

23 A. Where did you see it?

24 Q. I've seen it in reports. I don't have an
25 example here, I apologize. Is that something that

1 you're aware of that Palmour will appear with a listing
2 in the course reserves page?

3 A. I set up a test class that has my name
4 associated with it. That's probably where it's coming
5 from.

6 Q. When did you do that?

7 A. Well, last November I set up -- I tried to set
8 up a test course reserves page that would have all
9 documents in it. I tried to add every document in the
10 system into that course reserves page. I thought it
11 would be easier.

12 Q. For purposes of the litigation?

13 A. For creating reports. But it turned out that
14 you could not access that page once you put everything
15 in it. Lock up the system when you tried to get to it.

16 Q. Just given the size?

17 A. Yeah. Yeah. So I guess I should have just
18 deleted it, but I was under orders not to delete
19 anything so I just left it up there.

20 And we made it -- for a while it was
21 accessible and it may have shown up in some reports, but
22 we made it inaccessible so it shouldn't be interfering
23 with the reports now.

24 Q. So that was done in an effort to provide
25 reports --

1 A. Yes.

2 Q. -- on activity on the system?

3 A. Yes. A failed attempt.

4 Q. Can you turn to page 89 of this report.

5 A. Okay.

6 Q. Look three up from the bottom, there's an

7 entry in the document column for Susan Chase?

8 A. Right.

9 Q. Does this reflect the fact a chapter called

10 "Narrative Inquiry" by Susan Chase from the Sage

11 "Handbook Of Quantitative Research" was provided to

12 students during the time period covered by this report?

13 A. Yes.

14 Q. And it was hit 13 times?

15 A. Yes.

16 Q. Okay. If you can turn to 151.

17 A. Okay.

18 Q. And take a look at the first entry, first two.

19 Do those reflect the fact that Chapters 9 and 10 of

20 Allwright and Bailey's "Focus On The Language Classroom"

21 were provided to students in AL 8900 during the date

22 range of this report?

23 A. Yes.

24 Q. And hit 13 and 15 times respectively?

25 A. Yes.

1 Q. Okay. And does it also reflect the fact,
2 looking to the fifth entry, that a chapter called "The
3 Interview", Chapter 24 by Fontana and Frey from the
4 "Handbook Of Qualitative Research" was provided to
5 students in AL 8961 in the spring of '07?

6 A. Yes.

7 Q. And hit 19 times?

8 A. Yes.

9 Q. Turn to 153.

10 A. Okay.

11 Q. And if you look at the entry in the middle for
12 Fredrickson. Do you see that?

13 A. Yes.

14 Q. Does this reflect that pages 3 to 53 of George
15 Fredrickson's "White Supremacy" was provided to students
16 in history 1112 during the time period of this report?

17 A. Yes.

18 Q. And hit eight times?

19 A. Yes.

20 Q. Turn to 231, please.

21 A. Okay.

22 Q. And look at the fourth line down.

23 A. Okay.

24 Q. Does this reflect the fact that a Chapter 6
25 called "Paradynamic Controversies" by Lincoln and Guba

1 from the "Handbook Of Qualitative Research" was provided
2 to students in AL 8961 during the time period of this
3 report?

4 A. Yes.

5 Q. And hit four times?

6 A. Yes.

7 Q. Not too many of these left.

8 Look at page 342.

9 A. Okay.

10 Q. Look at the first two entries if you could.

11 A. Okay.

12 Q. Does this reflect the fact that a chapter
13 called "Qualitative Case Studies" by an R. Stack from
14 the Sage "Handbook Of Qualitative Research" was provided
15 to students in EPS 8900 during the time period of this
16 report?

17 A. Yes.

18 Q. Hit 89 times?

19 A. Yes.

20 Q. And a chapter also by -- well, a chapter by
21 Robert E. Stack, Chapter 16 from the "Handbook Of
22 Qualitative Research" called "Case Studies" was provided
23 to students in AL 8961 during the period covered by this
24 report?

25 A. Yes.

1 Q. Hit 17 times?

2 A. Yes.

3 Q. Okay. And one more here.

4 Page 353.

5 A. Okay.

6 Q. See there's an entry 7 down by Tedlock.

7 A. Okay.

8 Q. Does this reflect the fact that Chapter 17 by
9 Barbara Tedlock called "Ethnography And Ethnographic
10 Representation" from the "Handbook Of Qualitative
11 Research" was provided to students in AL 89611 during
12 the period covered by this report?

13 A. Yes.

14 Q. And it was hit five times?

15 A. Yes.

16 Q. And let's go to the last page. And see the
17 totals line there?

18 A. Yes.

19 Q. Does this reflect the fact that during the
20 time period covered by this report the works detailed in
21 this report were hit collectively 111,314 times?

22 A. Yes.

23 Q. Let's mark this as 58.

24 (Plaintiffs' Exhibit No. 58

25 was marked for identification

1 by the reporter.)

2 BY MR. LARSON:

3 Q. All right. Mr. Palmour, do you recognize this
4 as another report similar to those we were just looking
5 at?

6 A. Yes.

7 Q. And this is for the time period August 16th,
8 2007 to December 31st, 2007?

9 A. Yes.

10 Q. Okay. I'll represent to you that this was
11 produced to us by your counsel during discovery. Starts
12 with Bates number GSU007945.013.XSL-000001 through 437.

13 If you turn to page 26. Look at the first two
14 entries.

15 A. Okay.

16 Q. You there?

17 A. Yep.

18 Q. Does this reflect the fact that Chapter 6 from
19 L. E. Berk's "Awakening Children's Minds" was provided
20 to students during the time period represented by this
21 report?

22 A. Yes.

23 Q. And it was hit 35 times?

24 A. 35 for the first half and 23 for the second
25 half for some reason.

1 Q. And I should clarify my question. Together
2 there's -- the two excerpts are pages 181 to 199 of
3 Chapter 6 and then pages 200 to 219?

4 A. Yes.

5 Q. Okay. Can you turn to page 67.

6 A. 67?

7 Q. Yeah.

8 A. Okay.

9 Q. Look at the fourth entry.

10 A. Okay.

11 Q. And does this show that J. Beverley's
12 "Testimonio Subalternity, And Narrative Authority" in
13 the Sage "Handbook Of Qualitative Research" was offered
14 to students during the time period covered by this
15 report?

16 A. Yes.

17 Q. And it was hit 68 times?

18 A. Yes.

19 Q. And go to page 69.

20 MR. ASKEW: Page what?

21 MR. LARSON: 69.

22 THE WITNESS: Okay.

23 BY MR. LARSON:

24 Q. The first entry, does this reflect the fact
25 that R. Bishop's chapter "Freeing Ourselves From

1 Neocolonial Domination And Research" from the Sage
2 "Handbook Of Qualitative Research" pages 109 to 138 were
3 offered to students during the time period covered by
4 this report?

5 A. Yes.

6 Q. It was hit 89 times during that time period?

7 A. Yes. Yes.

8 Q. Look at 97, please.

9 A. Okay.

10 Q. Look down about six lines, there's an entry
11 for "Changing The System".

12 A. Okay.

13 Q. Does this entry reflect that "Changing The
14 System" Chapters 2 and 7 Sage Publications book was
15 offered to students during the time period covered by
16 this report?

17 A. Yes.

18 Q. And it was hit 10 times during that time
19 period?

20 A. Yes.

21 MR. ASKEW: Where was that?

22 MR. LARSON: I'm sorry. It was six
23 entries down.

24 BY MR. LARSON:

25 Q. Okay. Turn to page 100, please.

1 A. Okay.

2 Q. First entry.

3 A. Okay.

4 Q. Does this reflect that Chapter 25 from the
5 Sage "Handbook Of Qualitative Research" called
6 "Rethinking Observation For Methods Context" by
7 Angrosino and Mays de Perez was offered to students in
8 sociology 8342 during the date range displayed on this
9 report?

10 A. Yes.

11 Q. It was hit nine times?

12 A. Yes.

13 Q. Okay. Turn to page 102, please. Look at the
14 bottom entry.

15 A. Okay.

16 Q. Does this reveal the fact that a chapter by S.
17 Chase called "Narrative Inquiry" from the Sage "Handbook
18 Of Qualitative Research" pages 651 to 679 was offered to
19 students during the time period covered by this report?

20 A. Yes.

21 Q. And it was hit 133 times?

22 A. Yes.

23 Q. Actually stay on that page for a second. Go
24 up to there's an entry for Charmez five lines up, six
25 lines up, you see that?

1 A. Yes.

2 Q. Talking about the first of the two Charmez
3 entries.

4 Does that reflect the fact that Chapter 3, a
5 chapter called "Coding And Grounded Theory Practice" was
6 presented to students during the time period of this
7 report?

8 A. Yes.

9 Q. Hit 30 times?

10 A. Yes.

11 Q. And it was for students in EPRS 3020?

12 A. Yes.

13 Q. Go to 156, please.

14 A. 156?

15 Q. Uh-huh.

16 A. Okay.

17 Q. See two entries about six or seven lines up
18 for Ethan Scheiner?

19 A. Yes.

20 Q. Does this reflect the fact that pages 31 to 63
21 or Chapter 2 of Ethan Scheiner's "Democracy Without
22 Competition" were provided to students in POLS 4255
23 during the fall 2007 semester?

24 A. Yes.

25 Q. Hit six times?

1 A. Yes.

2 Q. And that the same excerpt was also hit once in
3 connection with POLS 4256?

4 A. Yes.

5 Q. Can you go to page 167, please. Look at the
6 third and fourth lines.

7 A. Okay.

8 Q. Does this reflect the fact that Chapters 9 and
9 10 from "Focus On The Language Classroom" by Allwright
10 and Bailey was provided to students in AL 8900 during
11 the time period covered by this report?

12 A. Yes.

13 Q. And hit 14 and 19 times respectively?

14 A. Yes.

15 Q. Can you go to 169, please.

16 A. Okay.

17 Q. Can you look at the first entry.

18 A. Okay.

19 Q. Does this reflect the fact that a chapter by
20 G. Fox called "Using Corpus Data In The Classroom" from
21 a book called "Materials Development And Language
22 Teaching" pages 25 to 43 was offered to students in AL
23 8660 during the fall 2007 semester?

24 A. Yes.

25 Q. And hit 46 times?

1 A. Yes.

2 Q. Okay. 229, please.

3 A. 229?

4 Q. Uh-huh.

5 A. Okay.

6 Q. Go down five entries, there's one that starts
7 with Jolly.

8 A. Okay.

9 Q. Does this entry reflect the fact that a
10 chapter by D. Jolly and R. Bolitho called "A Framework
11 For Materials Writing" from the book "Materials
12 Development And Language Teaching" pages 90 to 115 was
13 offered to students in AL 8660 in the fall 2007
14 semester?

15 A. Yes.

16 Q. And hit eight times?

17 A. Yes.

18 Q. 324, please.

19 A. Okay.

20 Q. And look at the second entry.

21 A. Okay.

22 Q. Kay Plummer. Does this represent the fact
23 that a chapter by Kay Plummer called "Critical Humanism
24 And Queer Theory, Living With The Tensions" from the
25 Sage "Handbook Of Qualitative Research" pages 357 to 373

1 was provided to students in EPS 8500 during the time
2 period covered by this report?

3 A. Yes.

4 Q. It was hit 36 times?

5 A. Yes.

6 Q. And that it was -- that the same excerpt, if
7 you look at number 3, was hit 69 times also in
8 connection with EPS 8900?

9 A. Well, let's see. Is it the same?

10 Q. The second one indicates pages 357 to 375.

11 A. Yeah, the second one is two pages longer for
12 some reason. But yes, I see what you're saying.

13 Q. So both of those would have been posted?

14 A. It looks like it, yeah.

15 Q. Okay. One hit 36 times and one hit 69?

16 A. Yeah. A mistake there.

17 Q. Turn to 331, please.

18 A. Okay.

19 Q. And look five lines up.

20 A. Okay.

21 Q. Does this reflect that a chapter by P. Prowse
22 called "How Writers Write, Testimony From Authors" in
23 the book "Materials Development And Language Teaching"
24 pages 116 to 129 was provided to students in AL 8660
25 during the time period covered by this report?

1 A. Yes.

2 Q. And it was hit 12 times during that time
3 period?

4 A. Yes.

5 Q. Turn to 371, please. First two entries.

6 A. Okay.

7 Q. Do those two entries reflect the fact that
8 Chapters 4 and 7 of "Slave Community" -- I'm sorry, "The
9 Slave Community" by John Blassingame were provided to
10 students in AAS 3000 during the time period covered by
11 this report?

12 A. Yes.

13 Q. Chapter 7 was hit 67 times during that period?

14 A. Yes.

15 Q. Chapter 4 was hit eight times?

16 A. Yes.

17 Q. Page 378, please.

18 A. Okay.

19 Q. Four lines up from the bottom you see an entry
20 by R. Stack?

21 A. Okay.

22 Q. Does this reflect the fact that a chapter
23 called "Qualitative Case Studies" from the Sage
24 "Handbook Of Qualitative Research" pages 443 to 465 by
25 R. Stack were presented to students in EPS 8500 during

1 the time period covered by this report?

2 A. Yes.

3 Q. And hit 49 times?

4 A. Yes.

5 Q. One more here. Page 401, please. Do you see
6 the third and fourth entry?

7 A. Okay.

8 Q. Does this reflect the fact that Chapters 1 and
9 2, these two entries combined, Chapters 1 and 2 of
10 "States And Social Revolutions" by Theda Skocpol were
11 provided to students in POLS 8200 during the time period
12 covered by this report?

13 A. Yes.

14 Q. And Chapter 1 was hit three times and Chapter
15 2 was hit twice?

16 A. Yes.

17 Q. Go to the last page, please.

18 A. Okay.

19 Q. You see the totals line at the bottom?

20 A. Yes.

21 Q. Does this reflect the fact that the excerpts
22 in this report were hit a combined total of 124,244
23 times during the date range covered by this report?

24 A. Yes.

25 Q. Okay. Got one more of these. Do you want to

1 take a breather?

2 A. It doesn't matter to me.

3 Q. Or work through one more?

4 A. Go ahead and finish the next one.

5 Q. Okay.

6 (Plaintiffs' Exhibit No. 59
7 was marked for identification
8 by the reporter.)

9 BY MR. LARSON:

10 Q. We'll mark this as Plaintiffs' Exhibit 59.
11 And this is Bates numbered GSU007945.005.XSL-000001
12 through 377.

13 Mr. Palmour, this is another report like the
14 last few that were provided to us by your counsel. And
15 do you recognize this as a report of the EReserve
16 system?

17 A. Yes.

18 Q. And this is providing details of activity
19 between 1/1/2008 and 5/15/2008?

20 A. Okay.

21 Q. Is that right?

22 A. Yes.

23 Q. Okay. Take a look, if you would, at page 44.

24 A. Okay.

25 Q. Six lines down.

1 A. Okay.

2 Q. See Beverley? Does this reflect the fact that
3 J. Beverley's chapter called "Testimonio Subalternity
4 And Narrative Authority" from the Sage "Handbook Of
5 Qualitative Research" pages 547 to 557 was offered to
6 students in EPS 8500 during the time period covered by
7 this report?

8 A. Yes.

9 Q. And it was hit 16 times?

10 A. Yes.

11 Q. If you turn to page 46.

12 A. Okay.

13 Q. The second line down, does that reflect the
14 fact that a chapter by R. Bishop called "Freeing
15 Yourselves From Neocolonial Domination And Research"
16 from the Sage "Handbook Of Qualitative Research" pages
17 109 to 138 was provided to students in EPS 8500 during
18 the time period covered by this report?

19 A. Yes.

20 Q. It was hit 20 times during that time period?

21 A. Yes. Yes.

22 Q. If you could turn to page 77, please.

23 A. Okay.

24 Q. Does this reflect the fact that -- I'm sorry,
25 look two lines up from the bottom.

1 A. Okay.

2 Q. Does this reflect the fact that a chapter
3 called "Narrative Inquiry" by S. Chase from the Sage
4 "Handbook Of Qualitative Research" pages 651 to 679 was
5 offered to students in EPS 8500 during the time period
6 covered by this report?

7 A. Yes.

8 Q. And it was hit 10 times?

9 A. Yes.

10 Q. And does this reflect the fact, in going down
11 one line --

12 A. Yes.

13 Q. -- that a chapter by Susan Chase of the same
14 name, same book was hit 58 times during this time
15 period?

16 A. Yes. That's a different class, though. One
17 was by Kaufmann and the other one was Esposito.

18 Q. You're right. In the first class one is EPS
19 8500 and one is EPRS 8500?

20 A. Yes. Yes.

21 Q. Can you go to page 93, please.

22 A. All right.

23 Q. You'll see three entries by Cox and McCubbins.

24 A. Okay.

25 Q. Do those three entries, they're the second,

1 third and fourth up from the bottom, reflect the fact
2 that Chapters 5, 7 and 8 of Cox and McCubbins
3 "Legislative Leviathan" were provided to students in
4 POLS 8170 during the time frame covered by this report?

5 A. Yes.

6 Q. Chapter 5 was hit three times and Chapter 7
7 once and Chapter 8 once?

8 A. Yes.

9 Q. If you could look at 129, please.

10 MR. ASKEW: On the last one you're
11 looking at Cox, Cox and Cox or were you
12 looking at Cover and Cox, Cox and Cox?

13 BY MR. LARSON:

14 Q. Let's just clarify. I was looking at the
15 three entries, the second from the bottom, third from
16 the bottom and fourth from the bottom. Is that what you
17 understood me to be referring to?

18 A. Yes.

19 Q. If you could look at page 129.

20 A. Okay.

21 Q. Again, second, third -- actually the four
22 lines counting up from the bottom.

23 A. Okay.

24 Q. Do those lines reveal that the introduction
25 and Chapters 2, 3 and 4 of "Feminist Media Studies" by

1 Liesbet -- either Zoonen van Liesbet or Liesbet van
2 Zoonen, I'm not sure which, were provided to students in
3 JOU 4780 during the time frame covered by this report?

4 A. Yes.

5 Q. And Chapter 2 of the book was hit 78 times?

6 A. Yes.

7 Q. And Chapters 3 and 4 were hit two and one
8 times respectively?

9 A. Yes.

10 Q. And the introduction was hit 37 times?

11 A. Yes.

12 Q. And that's a book by Sage Publications?

13 A. Yes.

14 Q. Can you turn to 270.

15 A. Okay.

16 Q. And see there's two entries for Plummer in the
17 middle of the page?

18 A. Okay.

19 Q. Does the first reflect the fact that a chapter
20 called "Critical Humanism And Queer Theory, Living With
21 The Tensions" from the Sage "Handbook Of Qualitative
22 Research" pages 357 to 373 by Kay Plummer provided to
23 students in EPS 8500 during the time period covered by
24 this report?

25 A. Yes.

1 Q. And that excerpt was hit seven times?

2 A. Yes.

3 Q. And that a chapter by Kay Plummer from "The
4 Handbook Of Ethnography" called "The Call Of Life
5 Stories And Ethnographic Research" was provided to
6 students in EPRS 8500 during the time period covered by
7 this report?

8 A. Yes.

9 Q. And hit 71 times?

10 A. Yes.

11 Q. Page 287, please.

12 A. Okay.

13 Q. First entry.

14 A. Okay.

15 Q. Does this reflect the fact that a chapter by
16 L. Richardson called "Writing Is A Method Of Inquiry"
17 from the Sage "Handbook Of Qualitative Research" pages
18 959 to 978 was provided to students in EPRS 8510 during
19 the date range specified in this report?

20 A. Yes.

21 Q. And it was hit 73 times?

22 A. Yes.

23 Q. Page 311, please.

24 A. Okay.

25 Q. You will see two entries for "Slave Community"

1 in the middle of the page?

2 A. Yes.

3 Q. Those entries reflect the fact that Chapters 4
4 and 7 of John Blassingame's "The Slave Family" -- I'm
5 sorry, strike that.

6 These entries reflect the fact that Chapters 4
7 and 7 of John Blassingame's "Slave Community" were
8 offered to students in AAS 3,000 during the time frame
9 covered by this report?

10 A. Yes.

11 Q. Chapter 7 was hit 83 times, Chapter 4 was hit
12 14 times?

13 A. Yes.

14 Q. Page 313, please.

15 A. Okay.

16 Q. If you could look at the first entry.

17 A. Okay.

18 Q. Does that entry reflect that a chapter called
19 "Relativism Criteria And Politics" by J. Smith and P.
20 Hodkinson from the Sage "Handbook Of Qualitative
21 Research" pages 915 to 932 was offered to students in
22 EPS 8500 during the time frame covered by this report?

23 MR. ASKEW: What page are you on?

24 MR. LARSON: 313.

25 MR. ASKEW: I thought you said 315.

1 You're on 313?

2 THE WITNESS: Yes.

3 BY MR. LARSON:

4 Q. Let me ask the question again. That first
5 entry on page 313, does that reflect the fact that a
6 chapter called "Relativism Criteria And Politics" by J.
7 Smith and P Hodkinson from the Sage "Handbook Of
8 Qualitative Research" pages 915 to 932 was offered to
9 students in EPS 8500 during the date range covered by
10 this report?

11 A. Yes.

12 Q. And that chapter was hit four times?

13 A. Yes.

14 Q. And page 337.

15 A. Okay.

16 Q. Two up from the bottom, second and third up
17 from the bottom.

18 A. Okay.

19 Q. Do those two entries reflect the fact that
20 Chapters 4 and 7 from John Blassingame's "The Slave
21 Community" were offered to students in AAS 4030 during
22 the time frame reflected by this report?

23 A. Yes.

24 Q. Chapter 7 was hit twice and Chapter 4 was hit
25 five times?

1 A. Yes.

2 Q. Could you turn to the end, please.

3 A. Okay.

4 Q. And do the totals at the end reflect the fact
5 that works in this report were hit cumulatively 100,514
6 times during the time frame of this report?

7 A. Yes.

8 MR. LARSON: Okay. This would be a
9 good time to take a break and I think I
10 can -- we won't have much left.

11 THE VIDEOGRAPHER: Off the record at
12 3:16:09.

13 (Brief recess.)

14 THE VIDEOGRAPHER: Back on the record
15 at 3:30:52.

16 BY MR. LARSON:

17 Q. Mr. Palmour, just one question. We just went
18 through a number of EReserves reports and looked at some
19 works posted on the system.

20 What would be involved in actually trying to,
21 you know, get ahold of the PDF files of the examples
22 that we just walked through?

23 A. What do you mean?

24 Q. Are they available?

25 A. The PDF files are still somewhere on the ERes

1 server, yes.

2 Q. So they could be identified and gathered if
3 need be?

4 A. Yes, they could be.

5 Q. Okay.

6 (Plaintiffs' Exhibit No. 60
7 was marked for identification
8 by the reporter.)

9 BY MR. LARSON:

10 Q. Mark Plaintiffs' 60.

11 So what you're looking at, Mr. Palmour, I will
12 represent to you that yesterday, which I believe was the
13 22nd, you see down there in right hand corner, I went on
14 the publicly available GSU ERes web site, at least the
15 portions of it that are publicly available, and entered
16 some search terms, in this case "slave family" and this
17 is what was produced.

18 Do you recognize this interface revealed in
19 this document?

20 A. Yes.

21 Q. Tell me what this is?

22 A. This is the results of a search on the ERes
23 system.

24 Q. That's a functionality offered by the system,
25 a search functionality?

1 A. Yes.

2 Q. And it's the case you can search in different
3 ways, is that right?

4 A. That's correct.

5 Q. And those ways that you can search are
6 indicated by the four tabs that we see here in the
7 middle of the page?

8 A. Yes.

9 Q. You can search for course reserves page?

10 A. Yes.

11 Q. You can search by department, correct?

12 A. Correct.

13 Q. You can search by instructor?

14 A. Correct.

15 Q. And you can search by title or author?

16 A. Correct.

17 Q. Okay. And you enter search criteria in the
18 field in the middle next to the search button, is that
19 right?

20 A. That's correct.

21 Q. So this particular search that was entered
22 here would call up where instances when the word "slave
23 family" appeared in any of the fields?

24 A. Okay.

25 Q. Is that correct?

1 A. Yes.

2 Q. Okay. And then what do we see in the lines of
3 the report, for lack of a better word, what do those
4 reveal?

5 A. Those show the course numbers and course names
6 that used those documents.

7 Q. Okay. So the first entry, for example, here
8 shows that Professor Dixon is teaching a course called
9 African American Family and providing students with
10 Chapter 4 of John Blassingame's "The Slave Community"?

11 A. Yes.

12 Q. And the next page reveals that -- I'm sorry,
13 the next entry reveals the same chapter being provided
14 by Professor Dixon in AAS 4030?

15 A. Yes.

16 Q. Does this show -- are the results that are
17 returned here for the current semester?

18 A. Yes.

19 Q. And would the results of a search like this
20 basically show anything that's currently accessible to
21 students?

22 A. Yes.

23 Q. And in this case that's all spring 2009
24 classes?

25 A. Yes.

1 Q. So on the second page do those two entries
2 show that Professor Dixon is offering Chapters 4 and 7
3 of "The Slave Community" to students in -- I'm sorry,
4 strike that.

5 The second page, does the second page shows
6 Professor Dixon is offering Chapter 7 of "The Slave
7 Community" to students in AAS 2000 and AAS 4030?

8 A. Yes.

9 Q. Now, the third page -- I will represent to you
10 I put together the pages here from several searches that
11 I ran. Third page is a different search from the one
12 represented on the first two pages.

13 You see here this was a search for Liesbet
14 van, L-I-E-S-B-E-T space van?

15 A. Yes.

16 Q. And did the two entries that you see here
17 reveal that Professor Meyers is providing students in
18 JOU 4780 with Chapters 3 and 4 of "Feminist Media
19 Studies"?

20 A. Yes.

21 Q. A Sage Publications book?

22 A. Yes.

23 Q. And if you flip to the next page those entries
24 show that she's providing Chapter 2 and the introduction
25 to that same book --

1 A. Yes.

2 Q. -- to students in JOU 4780?

3 A. Yes.

4 Q. And then I'll represent to you that the next
5 two -- next three pages -- I'm sorry. Next single page
6 is the results of another search that I ran yesterday
7 searching on Susan Chase.

8 Does the line in the report indicate that
9 Professor Esposito is providing students in PRS 8500
10 with a chapter by Susan Chase called "Narrative Inquiry"
11 from the Sage "Handbook Of Qualitative Research"?

12 A. Yes.

13 Q. Go to the next page. This is another search
14 that we ran yesterday. Again, I'll represent that this
15 is a printout of the search results when I searched on
16 the term Kincheoloe. K-I-N-C-H-E-L-O-E.

17 Does the entry on this search return indicate
18 that Professor Esposito is providing students in EPRS
19 8500 with a chapter by J. L. Kincheoloe and P. McLaren
20 called "Rethinking Critical Theory And Qualitative
21 Research" from the Sage "Handbook Of Qualitative
22 Research"?

23 A. Yes.

24 Q. And finally the last page, this was a
25 search -- I'll represent to you this was a printout of

1 search results using the same functionality using the
2 search terms "method of inquiry".

3 Does the entry in the search results there
4 indicate that Professor Kaufmann is providing students
5 in EPRS 8510 with a chapter by L. Richardson called
6 "Writing Is A Method Of Inquiry" from the Sage "Handbook
7 Of Qualitative Research"?

8 A. Yes.

9 Q. We'll mark Plaintiffs' 61.

10 (Plaintiffs' Exhibit No. 61
11 was marked for identification
12 by the reporter.)

13 BY MR. LARSON:

14 Q. This is a document that was produced in
15 discovery and for some reason when it was printed the
16 Bates number didn't show up, but I have the Bates
17 number. It is OUP 0011.

18 MR. ASKEW: OUP what was it?

19 MR. LARSON: OUP 0011928 to 929. Two
20 pages.

21 BY MR. LARSON:

22 Q. And these were produced by plaintiffs in
23 discovery, Mr. Palmour. Again, printouts from the GSU
24 EReserves system displaying the results of searches that
25 were done by the plaintiffs on the system.