

EXHIBIT E

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

CAMBRIDGE UNIVERSITY PRESS, et al.,
Plaintiffs,

CIVIL ACTION FILE

vs.

NO. 1:08-CV-1425-ODE

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

Defendants.

Videotaped deposition of NANCY SEAMANS, taken on behalf of the Plaintiffs pursuant to Rules 26 and 30 of the Federal Rules of Civil Procedure, before Michelle M. Boudreaux, Georgia Certified Court Reporter, at the Offices of Legal Affairs for Georgia State University, 10 Park Place South Building, Atlanta, Georgia, on the 10th day of March 2009, commencing at the hour of 10:15 a.m.

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1 and your working with copyright law, as to the
2 reasonableness of the contentions that the works
3 cited exceeded fair use boundaries?

4 A No, because it seemed to hinge so much on
5 the Regents Guide, which is -- seems to be different
6 from the way many states have looked at how to
7 implement copyright law.

8 Q I don't quite follow that answer.

9 MR. RICH: Can I hear the witness's
10 answer back?

11 (Record read.)

12 Q (By Mr. Rich) Do I understand you to be
13 saying that the proper way, as you think about it, to
14 evaluate the claims of the complaint is to compare
15 that practice against the Regent Guide, guidelines,
16 to determine lawfulness, or am I misunderstanding
17 your testimony?

18 MR. SCHAEZEL: Objection as to form.

19 THE WITNESS: The Regents Guide is
20 what people have used to implement the
21 policy, so that's what you use to implement
22 the policy.

23 Q (By Mr. Rich) If, just for the sake of my
24 question --

25 A Uh-huh.

1 Q -- one or more aspects of the Regent Guide
2 were found by a court to be improper advice or
3 provide inadequate guidance as to copyright values,
4 do you have an understanding whether, if Georgia
5 State followed those guides, even if those guides
6 were by some court determined to be inappropriate in
7 one or more particulars, that Georgia State's conduct
8 therefore is innocent legally?

9 A I don't know.

10 MR. SCHAEZEL: Objection as to
11 form.

12 Q (By Mr. Rich) You don't have a view?

13 A I'm sorry?

14 Q You don't have a view?

15 A I don't know.

16 Q You don't know.

17 In working with the committee process that
18 just concluded, did you come to have an understanding
19 whether the principal objective was to create a set
20 of procedures that seemed reasonable, or did you come
21 to a further conclusion that that isn't sufficient,
22 that even following those procedures, it's important
23 that the result itself comply with the copyright law?
24 Do you understand my question?

25 A There seemed to be two of them there,

1 A No.

2 Q Did anyone come and brief you on that
3 subject?

4 A No.

5 Q Do you receive periodic reports on that
6 topic?

7 A No.

8 Q Does anyone on the library team perform any
9 of those --

10 A I don't know.

11 Q With respect to the 1997 Regents
12 guidelines, since coming to GSU have you formed a
13 judgment as to the degree to which the framework and
14 recommendations of the guide have actually been
15 followed by faculty in connection with E-Reserve's
16 postings?

17 A No.

18 Q To your knowledge, has anybody on the
19 library staff made it a part of his or her duties to
20 ascertain the degree of which the implementation of
21 the E-Reserves process comports with then-prevailing
22 copyright guidelines?

23 A I don't know.

24 Q Is anyone assigned to perform that
25 function?