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**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

**DEFENDANTS' AMENDED AND SUPPLEMENTAL RESPONSES TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES TO DEFENDANTS**

Defendants MARK P. BECKER, in his official capacity as Georgia State University President, RON HENRY, in his official capacity as Georgia State University Provost, NANCY SEAMANS, in her official capacity as Georgia State University Dean of Libraries, J.L. ALBERT, in his official capacity as Georgia State University Associate Provost for Information Systems and Technology, (collectively, "University Administrators"), KENNETH R. BERNARD, JR., in his official capacity as member of the Board of Regents of the University System of Georgia, JAMES A. BISHOP, in his official capacity as member of the Board of Regents of the University System of Georgia, HUGH A. CARTER, JR., in his

- License for Cambridge's Millennial Edition of the Historical Statistics of the United States (GaState 2874 - GaState 2884);
- License for Oxford's International Law in Domestic Courts Online (GaState 2924 - GaState 2934);
- License for Sage Journals Online (GaState 3015 - GaState 3020);
- License to use portions of Materials Development in Language Teaching on electronic reserves (CUP0000236).

Defendants further respond that GaState 3742 - GaState 3744, which provides a summary of other GSU licenses, supports Defendants' contention that GSU was given permission to provide students access to Plaintiffs' copyrighted works through GSU's library services.

Interrogatory No. 3:

Identify each and every person at GSU who participates or has participated in any way in copying, scanning, posting, and/or transmitting Course Reading Material on ERes or any Course Management System, and his or her job title. (This need not include every instructor or professor that has distributed Electronic Course Reading Material.)

Response: Defendants object to Interrogatory No. 3 on the basis of the Scope Objection, the Burden Objection, and the Vague Objection. Based on Plaintiffs'

broad definition of the term “transmitting,” Interrogatory No. 3 requires Defendants to identify “each and every person who has in any way participated” in viewing such materials in an Internet web browser window, in opening and viewing such materials in Adobe Acrobat, in downloading such materials whether viewed or not, and/or in printing such materials. Further, it is unclear who Plaintiffs are carving out of the interrogatory in stating, “This need not include every instructor or professor that has distributed Electronic Course Reading Material.”

Subject to and without waiving these objections, Defendants respond as follows:

Denise Dimsdale, Library Media & Reserves Coordinator, and Malia Cargile, Library Assistant II Digital Reserves, receive requests from faculty members to make excerpts of course reading materials (which the faculty members have certified comply with the USG copyright policy) available via ERes, collect the requested excerpts, and perform a secondary review of the excerpts for compliance with the GSU copyright policy. Before January 2009, Jim Palmour, Information Systems Specialist Lead, performed a third-level review for compliance with the GSU copyright policy, created PDFs of the excerpts which he determined complied with the policy, and made the PDFs available via ERes. As

of January 2009, Jim Palmour is no longer involved in copying, scanning, posting, and/or transmitting Course Reading Material on ERes.

Michael Tillman-Davis, Reference-Faculty Services Librarian for the College of Law, receives requests from faculty members at the College of Law to make excerpts available via ERes, collects the requested excerpts, and reviews the excerpts to ensure they comply with the USG copyright policy. Once Mr. Tillman-Davis determines the excerpts comply, he scans the excerpts and makes them available via ERes. Terrance Manion, Director of Information Technology for the College of Law, Ron Wheeler, Associate Director for Public Services for the College of Law Library, and Pam Brannon, Law Librarian, from time to time assist Michael Tillman-Davis in reviewing the excerpts to ensure they comply with the USG copyright policy.

Zoe Salloom, Project Manager, has relevant knowledge regarding how digitized course information may be made available via uLearn. J.L. Albert, Associate Provost and CIO, Keith Campbell, Assistant Director of University Computing and Communication Services, Carl Stucke, Assistant Professor and Associate Chair of the Computer Information Systems Department at the Robinson College of Business, Martin Grace, Professor of Risk Management and Insurance in the Robinson College of Business, and Randy Jones, Director of Information

Systems and Technology for the College of Education have relevant knowledge regarding how digitized course information may be made available via faculty web pages and course web pages.

Interrogatory No. 4:

Identify each and every person at GSU with responsibility for or knowledge of the development, construction, programming, function, structure, management, maintenance, repair, and/or monitoring of ERes or any Course Management System for the purposes of technical operation, legal compliance, or any other purpose, and his or her job title.

Response: Defendants object to Interrogatory No. 4 on the basis of the Scope Objection, the Burden Objection, and the Vague Objection. The meaning of the terms “function,” “structure,” “management,” and “monitoring” is unclear and the phrases “or knowledge of,” “legal compliance” and “any other purpose” is indefinite. The interrogatory, as worded, literally asks for the identification of every faculty member, teaching assistant, administrative assistant, secretary, staff member, and/or student with knowledge regarding the operation of ERes, ULearn, and faculty and course web pages.

Subject to and without waiving these objections, Defendants respond that the GSU staff with relevant knowledge include Jim Palmour, Information Systems