

EXHIBIT C

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 JODI KAUFMANN, 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 Wednesday, May 6, 2009, commencing at the hour of 8:55 a.m.

Shugart & Bishop
Certified Court Reporters
Suite 140
13 Corporate Square
Atlanta, Georgia 30329
(770) 955-5252

1 A. This is the syllabus for EPRS 8500, summer of
2 2007.

3 Q. Take your time going through it, and I would
4 ask you if this appears to be the document which you
5 marked up, as it were, to figure out your readings for
6 the Maymester?

7 A. I think so. I'm not positive, but I think so.

8 Q. Okay. On that assumption and subject to your
9 jogging your recollection further, why don't we turn to
10 page 7 of this document and if you could tell me what
11 changes you made in terms of EReserves postings for the
12 Maymester?

13 A. Okay. Bogdan and Biklen and Crotty stayed
14 because those are the books that they're reading.

15 Q. Right.

16 A. I believe this introductory chapter from
17 Denzin stayed.

18 Down to number 3, those three stayed.

19 4, Tisdale left. And I believe both Chaudhry
20 and Johnson Bailey stayed. Under 5 Schwesdt was cut.

21 Under 6 Villenas was cut. Under 7 I think
22 Stake stayed. 8 --

23 Q. So that under 7 you don't recall anything
24 coming out?

25 A. I think that stayed the same to the best of my

1 remembrance.

2 Madison left. Van Maanen might be gone as
3 well. I'm not positive.

4 Q. I'm sorry? Okay.

5 A. Van Maanen might be gone. Tara Johnson's
6 article is gone because we don't have a link to that. I
7 think we have a link for St. Pierre.

8 Narrative Inquiry Beverley is gone on number
9 10. I'm not sure, Chase might be gone and I think what
10 I did was put in something from the Narrative Inquiry
11 Handbook. Plummer is still there. Bishop is gone under
12 11. Ellis stayed.

13 Number 12 I think those all stayed.

14 Q. Okay. I want to understand a little more the
15 basis on which you made these different judgments you've
16 just testified to. When you -- how did you come --

17 Other than quantitatively in terms of bringing
18 down the total takings from the Sage handbook to single
19 digits, were there other criteria you brought to bear in
20 making the determination under the new policy and going
21 through the checklist that informed your judgment which
22 chapters from the handbook to retain and which not to
23 retain?

24 A. Yes. What I did was I just took all of the
25 readings and put them under headings, this is Sage,

1 presently?

2 A. Oh, shoot. 16 approximately.

3 Q. And does that accurately reflect the assigned
4 readings for the course?

5 A. Yes.

6 Q. Including the week by week readings?

7 A. Yes.

8 Q. And were these readings determined at the time
9 they were determined, that is the EReserves postings,
10 under your prior 20 percent rule?

11 A. This was before the new policy, yes.

12 Q. Yes. And so now with an eye to the new
13 policy, I would appreciate it if you would course
14 through the list which is generally shorter than I see
15 the other in terms of numbers of works, anyway, and what
16 you feel might or might not warrant modification in the
17 future offering under the new policy.

18 A. Well, what I'd have to do is go back to my
19 categorizations and make sure that the readings that I
20 took out of the handbook constituted single digits. I
21 would also make sure that each journal article that was
22 listed was -- the link was provided, that we had
23 licensing for that.

24 Q. So in week 5 --

25 A. Yes.

1 Q. -- Coover, that's a -- is that a chapter from
2 a --

3 A. An edited book.

4 Q. An edited book?

5 A. Uh-huh.

6 Q. Would you see any reason to modify the offer
7 of that?

8 A. I would go back and see how long the book was.

9 Q. And if it met the single digit --

10 A. Then I would keep it if it were the only work
11 out of that book.

12 Q. Okay. And with respect to the handbook
13 selections, I think you've testified what your practice
14 would be?

15 A. Uh-huh.

16 Q. Similar to what we've discussed, yes?

17 A. Yes.

18 Q. And the Harper contribution?

19 A. I would make -- talking about pictures, I
20 would make sure that "Visual Studies" was a journal that
21 we have access to.

22 Q. And the contribution of S. Pink to the
23 "Qualitative Research Practice"?

24 A. I'd make sure that constituted less than 10
25 percent of the total.

1 Q. Coursing the rest of this list do you see any
2 other works subject to the two factors you identified,
3 namely percentage of the whole and whether there were
4 links to the electronic journal database that you would
5 either take out or modify as to --

6 A. Well, I would do that first. And then after
7 doing that everything that was left that I wanted to
8 keep I would go through the fair use list, checklist
9 with. But there's no reason to do the checklist if it's
10 out of the game from the start.

11 Q. Right. Henceforth, do you anticipate in
12 adopting the checklist investigating the availability of
13 licenses or permissions to use any of the works that you
14 would propose to offer by EReserves?

15 A. I believe at this moment what I would do is
16 contact legal affairs and talk to them about if it fails
17 the checklist, where does that weigh in, what do I need
18 to do.

19 Q. Now, did you understand the single digit
20 guidance from Ms. Hall to be a hard practice limitation?

21 A. No.

22 Q. What's the fairest way to characterize that?

23 A. My understanding from her discussion was that
24 it has not been directly stated by law what the
25 percentage is that constitutes a small portion. And

1 meaning --

2 A. That I needed to do that for me.

3 MR. RICH: Why don't you take this time
4 to change the tape.

5 THE VIDEOGRAPHER: Off the record at
6 11:26:23.

7 (Brief recess.)

8 THE VIDEOGRAPHER: This is tape 4.

9 We're back on the record at 11:33:36.

10 BY MR. RICH:

11 Q. Just a general question. Do you have an
12 understanding whether the new copyright policy applies
13 simply to course materials offered on EReserves or more
14 broadly across all platforms on which such course
15 materials may be offered?

16 A. All platforms.

17 Q. So it would include coursepacks?

18 A. I would assume.

19 Q. And it would include materials posted on
20 ULearn?

21 A. Yes.

22 Q. Let's now, I'm just going to mark for purposes
23 of your identifying a series of prior syllabi of courses
24 that you offered. I won't have a lot of specific
25 questions about them.

1 102 is the syllabus for the fall 2006 offering
2 of EPSF 9280 called interpretive inquiry.

3 (Plaintiffs' Exhibit No. 102
4 was marked for identification
5 by the reporter.)

6 BY MR. RICH:

7 Q. Can you able to identify this document?

8 A. Yes.

9 Q. What is it?

10 A. The syllabus for EPSF 9280 from fall 2006.

11 Q. And how did this course relate substantively
12 to the subsequently offered 8500 and 8510 courses?

13 A. This was the first course that I taught when I
14 came here. And I was told to teach this course but
15 there was no direction for it. And so I constituted the
16 course as I wanted it to be.

17 Then this was a special course that I don't
18 think is really offered much and I took -- because it
19 worked so well I really took this as the ground work for
20 8500.

21 Q. So you've not taught this course in this form
22 again, is that correct?

23 A. No.

24 Q. And does this syllabus accurately set forth
25 the assigned readings for the course?

1 A. Yes.

2 Q. And to the extent constituting other than
3 required texts, those readings were made available to
4 students via the EReserve system?

5 A. Yes.

6 MR. RICH: We'll mark as Plaintiffs' 103
7 the spring 2007 syllabus for the 8500
8 course.

9 (Plauntiffs' Exhibit No. 103
10 was marked for identification
11 by the reporter.)

12 BY MR. RICH:

13 Q. Ask you to identify this document?

14 A. Oh, sorry. EPRS 8500, qual 1, syllabus from
15 spring '07.

16 Q. And once again I'll ask you whether the
17 reading materials set forth in this were -- accurately
18 reflect the assigned readings for this course in the
19 spring 2007?

20 A. Yes.

21 Q. If I were -- well, strike that.

22 And the listed course readings apart from
23 required texts were made available to students via the
24 EReserve system, correct?

25 A. Yes.

1 MR. RICH: Next is Plaintiffs' 104,
2 which is the summer 2007 syllabus for the
3 8510 course.

4 (Plaintiffs' Exhibit No. 104
5 was marked for identification
6 by the reporter.)

7 BY MR. RICH:

8 Q. And I'll ask you to identify this document.

9 A. EPRS 8510 syllabus for summer 2007.

10 Q. And am I correct that the assigned readings
11 for this course, that this accurately sets forth the
12 assigned readings that were used in this course?

13 A. Yes.

14 Q. And again, those assigned readings to the
15 extent not required texts to be purchased were made
16 available via EReserves?

17 A. Yes.

18 MR. RICH: Plaintiffs' 105 is the fall
19 2007 syllabus for the 8500 course.

20 (Plaintiffs' Exhibit No. 105
21 was marked for identification
22 by the reporter.)

23 BY MR. RICH:

24 Q. Can you identify this document?

25 A. Syllabus for EPRS 8500, fall 2007.

1 Q. Does this accurately set forth the assigned
2 readings for this course?

3 A. Yes.

4 Q. And apart from required texts, is it correct
5 that those readings were available to students and
6 accessed by students from the EReserve system?

7 A. Yes.

8 MR. RICH: Plaintiffs' 106 is the spring
9 2008 offering of the 8510 course.

10 (Plaintiffs' Exhibit No. 106
11 was marked for identification
12 by the reporter.)

13 BY MR. RICH:

14 Q. I'll ask you to identify this document.

15 A. The syllabus for EPRS 8510 spring 2008.

16 Q. Does this syllabus accurately set forth the
17 assigned readings for this course?

18 A. Yes.

19 Q. And were those assigned readings to the extent
20 not required texts made available to students and
21 accessed by students and copied as they wished by
22 students from EReserves?

23 A. Yes.

24 MR. RICH: Plaintiffs' 107 is the
25 summer 2008 8510 offering.

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(Plaintiffs' Exhibit No. 107
was marked for identification
by the reporter.)

THE WITNESS: This is the syllabus for
EPRS 8510 summer '08.

BY MR. RICH:

Q. Thank you. And does it accurately set forth
the assigned readings for this course?

A. Yes.

Q. And were those readings apart from required
texts offered on EReserves?

A. Yes.

Q. Thank you.

MR. RICH: Next mark as Plaintiffs' 108
a syllabus of one of your colleagues, Ms.
Fournillier, for summer 2008. This is for
the 8500 course.

(Plaintiffs' Exhibit No. 108
was marked for identification
by the reporter.)

BY MR. RICH:

Q. Have you ever seen this document?

A. No.

Q. How were these documents physically prepared?

A. How did she prepare hers, I don't know.