

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

CODE REVISION COMMISSION on
behalf of and for the benefit of THE
GENERAL ASSEMBLY OF
GEORGIA, and THE STATE OF
GEORGIA,

Plaintiff,

v.

PUBLIC.RESOURCE.ORG, INC.

Defendant.

CIVIL ACTION NO.

1:15-CV-02594-MHC

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiff and Counterclaim-Defendant the Code Revision Commission, on behalf of and for the benefit of the General Assembly of Georgia and the State of Georgia ("Commission"), files this Motion for Partial Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Civil Rule 56.1 N.D. Ga., with respect to the claims in Plaintiff's Amended Complaint relating to the 2014 edition of the OCGA. As more fully discussed in the accompanying Memorandum of Law and exhibits thereto, and further supported by the parties' Stipulation of Facts (Dkt. No. 17), Plaintiff is entitled to summary judgment as follows:

1. Each of Plaintiff's copyrighted works identified in Exhibit A to the Stipulation of Facts (Dkt. 17), numbered 1-6, 8-10, 12-15 and 17-71 ("Copyrighted Works") are original and creative works of authorship subject to a valid copyright;

2. The copyright in each of Plaintiff's Copyrighted Works is owned by Plaintiff through a valid work-for-hire agreement with the authors whom are employed by LexisNexis;

3. Each of Plaintiff's Copyrighted Works was the subject of a U.S. Copyright Registration at the time this lawsuit was filed;

4. Defendant directly infringed each of the Copyrighted Works by copying each of those works in its entirety, and posting a copy of each of those works on the publicly accessible websites <https://law.resource.org> and www.archive.org; and

5. Defendant's direct infringement of each of Plaintiff's Copyrighted Works is not encompassed by the fair use defense.

WHEREFORE, there being no genuine issue of material fact and being entitled to judgment as a matter of law on the issues addressed herein, Plaintiff requests that this Court grant its motion as to Plaintiff's counts of copyright

infringement relating to the 2014 edition of the OCGA described above, pursuant to Rule 56 and Local Civil Rule 56.1.

Respectfully submitted, this 17th day of May, 2016.

/s/Lisa C. Pavento

Lisa C. Pavento (G.A. Bar: 246698)
Anthony B. Askew (G.A. Bar: 025300)
Warren Thomas (G.A. Bar: 164714)
Meunier Carlin & Curfman LLC
999 Peachtree Street, NE, Suite 1300
Atlanta, Georgia 30309
Phone: 404-645-7700
Fax: 404-645-7707
lpavento@mcciplaw.com
taskew@mcciplaw.com
wthomas@mcciplaw.com

*Counsel for the Plaintiff, Code Revision
Commission on behalf of and for the benefit
of the General Assembly of Georgia, and the
State of Georgia*

CERTIFICATE OF SERVICE

I certify that on May 17, 2016, I electronically filed the foregoing MOTION FOR PARTIAL SUMMARY JUDGMENT with the Clerk of Court using the CM/ECF system, which constitutes service of the filed document on all counsel of record in this proceeding under LR 5.1(A)(3), N.D. Ga.

By: /s/Lisa C. Pavento
Lisa C. Pavento (G.A. Bar: 246698)
Anthony B. Askew (G.A. Bar: 025300)
Warren Thomas (G.A. Bar: 164714)
Meunier Carlin & Curfman LLC
999 Peachtree Street, NE, Suite 1300
Atlanta, Georgia 30309
Phone: 404-645-7700
Fax: 404-645-7707
lpavento@mcciplaw.com
taskew@mcciplaw.com
wthomas@mcciplaw.com

*Counsel for the Plaintiff, Code Revision
Commission on behalf of and for the benefit
of the General Assembly of Georgia, and the
State of Georgia*