

# **EXHIBIT 1**

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

**DECLARATION OF ELIZABETH P. HOWERTON**

I, Elizabeth P. Howerton, hereby testify and state by declaration as follows:

1. I began working as an attorney in the State of Georgia's Office of Legislative Counsel in November of 2002. I assumed my current position as Deputy Legislative Counsel in 2004.

2. I make the following declaration on personal knowledge and belief. If called upon to testify to the statements in this Declaration, I could and would competently testify to these facts.

3. The Official Code of Georgia Annotated is a compilation of the Georgia statutes and other non-statutory materials, or annotations, which has been published yearly since 1982.

4. The annotations in the O.C.G.A. provide analyses and other information that allow for a better or easier understanding of a relevant statute. The annotations included in the O.C.G.A. are original and creative summaries of judicial decisions, editor's notes, summaries of opinions of the Attorney General of Georgia, and compilations thereof.

5. The O.C.G.A. is published by Matthew Bender and Company, Inc., a member of the LexisNexis Group ("LexisNexis"), a division of Reed Elsevier Properties, Inc. under a work for hire agreement with the State of Georgia.

6. When entering the contract with LexisNexis, the ability of the state to keep the price of the O.C.G.A. low for the benefit of the citizens of Georgia was an important consideration.

7. West's Code of Georgia Annotated is another compilation of the Georgia statutes and annotations thereof that is published by West Publishing.

8. The O.C.G.A. contains the official, or State of Georgia-approved, codified statutory text (O.C.G.A. 1-1-1), whereas the statutory text in West's Code of Georgia Annotated is not approved by the State.

9. Currently, the price of a complete O.C.G.A. set is \$404.00 as compared to \$2,570.00 for a complete set of West's Code of Georgia Annotated.

10. The entire O.C.G.A., including the annotations, is available for viewing on compact disc at over 60 state- and county-operated facilities such as state and county libraries, state universities, and county law enforcement offices within the State of Georgia.

11. The Georgia General Assembly has websites at <http://www.legis.ga.gov>, <http://www.house.ga.gov>, and <http://www.senate.ga.gov> that provide live broadcasts of both legislative houses, links to the Georgia Code, and the ability to search pending legislation, obtain contact information for legislators, and obtain state budget documents, among other things.

12. The Georgia Code was accessed almost 79 million times between 2007 and 2015 via the website that is linked to the Georgia General Assembly websites.

13. In 1994, the Board of Regents of the University System of Georgia created GALILEO, the first state wide digital library, which can be found at <http://dlg.galileo.usg.edu>.

14. GALILEO provides access to the *Georgia Laws*—a publication of Georgia laws as enacted by the Georgia Legislature that includes uncodified laws.

15. In 1996, the Georgia Government Publications database (GGP) was created as GALILEO's first digital conversion initiative of publications released by agencies of Georgia's executive branch.

16. Georgia law (O.C.G.A. 20-5-2) requires Georgia state agencies to submit publications to GALILEO that they produce for the public.

17. The GGP database consists of over 70,000 documents produced by Georgia state agencies.

18. Prior to the State of Georgia filing a lawsuit against Public Resource, Public Resource copied and distributed hundreds of annotated state code volumes of several states, including Georgia, Mississippi and Idaho, as well as the District of Columbia, and then informed each of its actions.

I declare under the penalty of perjury pursuant to 28 U.S.C. 1746 that the foregoing testimony is true and accurate to the best of my knowledge, information, understanding, and belief.

May 17, 2016



Elizabeth P. Howerton