

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-2594-RWS

**JOINT STATUS REPORT AND**  
**JOINT MOTION TO STAY PROCEEDINGS PENDING**  
**APPEAL TO U.S. SUPREME COURT**

Pursuant to this Court's Order on December 6, 2018 (Dkt. No. 65), the parties, 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 ("State of Georgia"), and Defendant and Counterclaim-Plaintiff, Public.Resource.Org., Inc. ("Public Resource"), hereby submit the following joint status report regarding any issues left to be decided in this litigation.

The Parties submit that the issues left to be decided in this litigation are yet to be determined because the State of Georgia will be filing a Petition For a Writ of

Certiorari to the United States Supreme Court regarding the 11th Circuit Court of Appeals' decision holding the O.C.G.A. annotations uncopyrightable. *See* Dkt. No. 61. Any decision by the U.S. Supreme Court on this central issue will dictate the scope of issues left to be decided by this Court and/or the 11th Circuit Court of Appeals.

The State of Georgia currently has a deadline of January 17, 2019 to file the Petition for Certiorari, but, through newly designated co-counsel at Vinson & Elkins LLP, has requested an extension of time to file such Petition until March 4, 2019. *See* Application For An Extension Of Time In Which To File a Petition For a Writ Of Certiorari To The United States Court of Appeals For The Eleventh Circuit, Exhibit A.

Accordingly, the Parties submit this Joint Motion For A Stay of these proceedings pending the decision of the U.S. Supreme Court regarding the Petition for Certiorari, and if the Petition is granted, further pending a decision of the U.S. Supreme Court on the merits. The Parties propose that they notify the Court via a status report or motion to lift the stay within ten days after an order or decision refusing or terminating the appeal is issued by the U.S. Supreme Court—or any other schedule as directed by this Court.

Public Resource makes the following statement, which is not joined by State of Georgia: Public.Resource.Org wishes to advise the Court that despite the Court of Appeals' ruling, LexisNexis has not reinstated the account that he previously used to purchase the OCGA at regular market price, nor will his previous account representative return calls or emails, although LexisNexis's counsel told Public.Resource.Org's counsel that LexisNexis was willing to sell it the OCGA. Public.Resource.Org has also written to legislative counsel and while they said they would look into it, that has not resulted in reinstatement of the account or assignment to a representative who can accept an order to purchase the OCGA. The plaintiff could exert its influence with LexisNexis to prevent LexisNexis from making it difficult for Public.Resource.Org to obtain the OCGA in order to post it, as the Court of Appeals has ruled he has the right to do, but the plaintiff has not done so.

State of Georgia, without the joining of Public Resource, responds to the above statement by Public Resource as follows: State of Georgia understands from Public Resource that Lexis has told Public Resource that it may order the O.C.G.A. from Lexis' normal public facing customer support number. On Monday, December 17, 2018, Public Resource informed the State of Georgia that Mr. Malamud is not satisfied with ordering the O.C.G.A. from Lexis through the

normal public facing customer support number and would like special accommodations made for him in this respect. The State of Georgia responded to Public Resource that it should request the special accommodation directly from Lexis or Lexis' counsel. This is an issue not germane to these proceedings.

Respectfully submitted, this 20th day of December, 2018.

/s/Anthony B. Askew

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*Counsel for the Defendant,  
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*benefit of the General Assembly of  
Georgia, and the State of Georgia*

### **CERTIFICATE OF COMPLIANCE**

I hereby certify that, pursuant to L.R. 5.1C and 7.1D of the Northern District of Georgia, the foregoing JOINT STATUS REPORT AND MOTION TO STAY PROCEEDINGS PENDING APPEAL TO U.S. SUPREME COURT complies with the font and point selections approved by the Court in L.R. 5.1C. The foregoing pleading was prepared on a computer using 14-point Times New Roman font.

/s/Anthony B. Askew

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**CERTIFICATE OF SERVICE**

I certify that on December 20, 2018, I electronically filed the foregoing  
JOINT STATUS REPORT AND MOTION TO STAY PROCEEDINGS  
PENDING APPEAL TO U.S. SUPREME COURT 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/Anthony B. Askew  
Anthony B. Askew (G.A. Bar: 025300)

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**[PROPOSED] STAY OF PROCEEDINGS ORDER**

The Court stays these proceedings pending the U.S. Supreme Court's 1) denial of a Petition for Certiorari to be filed by 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 ("State of Georgia") requesting review of the November 15, 2018 decision of the 11<sup>th</sup> Circuit Court of Appeals that is now the judgement of this Court ("Petition"), or 2) grant of the Petition and further decision on the issues presented therein.



The Parties shall notify the Court via a status report or motion to lift the stay within ten days after an order or decision refusing or terminating the appeal is issued by the U.S. Supreme Court.

IT IS SO ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF GEORGIA