

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

FASTCASE, INC.,)	
)	
Plaintiff,)	
)	Case 1:16-cv-00327-TCB
v.)	
)	PLAINTIFF’S STATEMENT
LAWRITER LLC, dba CASEMAKER,)	OF UNDISPUTED FACTS
)	
Defendant.)	
_____)	

Plaintiff Fastcase, Inc., submits that there is no genuine issue to be tried with regard to the following facts:

1. Fastcase is a legal research service that provides online access to searchable databases of public law, including federal and state statutes (all 50 states and the District of Columbia), administrative rules and regulations such as the Georgia Administrative Rules and Regulations, and judicial decisions, as well as to secondary sources in many states. Declaration of Edward J. Walters at 1, ¶ 2.
2. Fastcase is available by subscription to lawyers and law firms, and is also made available for free to members of state bar associations such as the State Bar of Georgia as a benefit of membership in the bar. *Id.* at 2, ¶ 5.
3. Lawriter is a legal research service that similarly offers searchable

access to cases, statutes, and other primary law materials operating under the name Casemaker. *Id.*, ¶ 6.

4. Lawriter represents that it “is the designated publisher of the Georgia Rules and Regulations and Monthly Bulletins and granted sole rights to the distribution of this data.” Doc. 4-1.

5. On December 21, 2015, Lawriter sent Fastcase a letter asserting that: (a) Lawriter is the sole “party authorized to license and/or offer subscriptions to use . . . Electronic Files . . . incorporating the [Georgia Regulations],” and (b) Fastcase’s provision of fee-based access to Georgia Regulations, without Lawriter’s consent or authorization or a subscription with Lawriter, violates Lawriter’s “legal rights.” Declaration of Edward J. Walters at 2-3, ¶ 9 and Doc. 4-3.

6. The letter threatened enforcement, including through the commencement of litigation, of Lawriter’s unspecified “rights,” unless Fastcase: (a) immediately provided Lawriter a written response justifying its right to use Georgia Regulations, (b) purchased from Lawriter a subscription to Georgia Regulations, or (c) ceased use of Georgia Regulations, including provision of fee-based access to Georgia Regulations. Doc. 4-3.

7. Lawriter publishes the Georgia Regulations directly from the agencies

of the State of Georgia. *See* Doc. 13 at 7, ¶ 39.

8. At about the same time that Lawriter withdrew its counterclaims, the page of the Georgia Secretary of State's web site providing access to Georgia Rules and Regulations, <http://rules.sos.ga.gov>, was changed. Declaration of Edward J. Walters at 3, ¶ 12; *see* Doc. 14 at 4, ¶ 17 and Doc. 14-1.

9. Instead of providing direct access to the Georgia Regulations, the web site now announces that "certain features of this site have been disabled for the general public to prevent digital piracy." Declaration of Edward J. Walters at 4, ¶ 13 and Doc. 14-1.

10. Where the Secretary of State formerly had offered the services of Lawriter to provide research and printed copies of regulatory materials for stated fees, its website now says:

To access this website, you must agree to the following:

These terms of use are a contract between you and/or your employer (if any), and Lawriter, LLC.

You agree that you will not copy, print, or download anything from this website other than for your personal use.

You agree not to use any web crawler, scraper, or other robot or automated program or device to obtain data from the website.

You agree that you will not sell, will not license, and will not otherwise make available in exchange for anything of value, anything that you download, print, or copy from this site.

Declaration of Edward J. Walters at 4, ¶ 14 and Doc. 14-1.

11. Even while Lawriter “denies that it purports to have exclusive rights to publish the Georgia Regulations,” it “affirmatively states that it has the exclusive right to control commercial access to the Georgia Regulations as compiled and made available on-line by Defendant.” Doc. 14 at 2, ¶¶ 3, 4.

12. Lawriter also claims “legal and equitable rights in electronic files it creates and maintains” relating to the laws, rules and regulations of other States. Doc. 14 at 3, ¶ 7.

13. As Fastcase updates its collection of the Georgia Regulations from the Georgia Secretary of State website, these purported license terms attempt to exclude Fastcase and any other commercial user of the Georgia Regulations. Declaration of Edward J. Walters at 5, ¶ 17.

Respectfully submitted this 12th day of May 2016.

**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.**

/s/ Robert G. Brazier

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing has been prepared with Times New Roman 14-point, which is one of the font and point selections approved by the court in LR 5.1B.

/s/ Robert G. Brazier _____

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CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2016, I electronically filed **PLAINTIFF'S STATEMENT OF UNDISPUTED FACTS** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorney of record:

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This 12th day of May, 2016.

**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.**

/s/ Robert G. Brazier _____

Robert G. Brazier

Georgia Bar No. 078918