

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EDWARD L. WHITE, P.C.,

Plaintiff,

- against -

WEST PUBLISHING CORPORATION d/b/a “West”;  
and REED ELSEVIER INC., d/b/a LexisNexis,

Defendants.

**12-CV-1340 (JSR)**  
**ECF CASE**

**PLAINTIFF’S RESPONSE TO DEFENDANT REED  
ELSEVIER INC.’S RULE 56.1 STATEMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Rule 56.1 of the Local Civil Rules of the United States District Court for the Southern District of New York, Plaintiff Edward L. White, P.C.(“Plaintiff”), by its undersigned attorneys, respectfully submits the following response as to defendant Reed Elsevier Inc.’s (“Lexis”) Rule 56.1 Statement.

43. Plaintiff has no dispute with the mechanical steps Lexis takes with each document that it uploads onto its system. Plaintiff objects to the characterization of those steps as having “enhanced” each document. Plaintiff contends that all the mechanical steps taken by Lexis only promote Lexis’ goal of making the documents accessible to subscribers.

85. Plaintiff disputes this paragraph on the grounds that it does not assert any fact established by the record in the case and constitutes merely expert opinion. Plaintiff reserves all of its rights to challenge the admissibility and or competence of such expert

opinion. In any event, plaintiff disagrees with the contentions of this paragraph as set forth in its memoranda of law.

86. Plaintiff disputes this paragraph on the grounds that it does not assert any fact established by the record in the case and constitutes merely expert opinion. Plaintiff reserves all of its rights to challenge the admissibility and or competence of such expert opinion. In any event, plaintiff disagrees with the contentions of this paragraph as set forth in its memoranda of law.

87. Plaintiff disputes this paragraph on the grounds that it does not assert any fact established by the record in the case and constitutes merely expert opinion. Plaintiff reserves all of its rights to challenge the admissibility and or competence of such expert opinion. In any event, plaintiff disagrees with the contentions of this paragraph as set forth in its memoranda of law.

89. Plaintiff agrees that there is a market for its Briefs, but disputes that Lexis created a market where one would not otherwise exist. In addition, this paragraph does not assert any fact established by the record in the case and constitutes merely expert opinion. Plaintiff reserves all of its rights to challenge the admissibility and or competence of such expert opinion. In any event, plaintiff disagrees with the contentions of this paragraph as set forth in its memoranda of law.

90. Plaintiff disputes this paragraph on the grounds that it does not assert any fact established by the record in the case and constitutes merely expert opinion. Plaintiff reserves all of its rights to challenge the admissibility and or competence of such expert opinion. In any event, plaintiff disagrees with the contentions of this paragraph as set forth in its memoranda of law.

91. To the extent this paragraph is based on the purported expert report, plaintiff disputes the forgoing paragraph on the grounds that it does not assert any fact established by the record in the case and constitutes merely expert opinion. Plaintiff reserves all of its rights to challenge the admissibility and or competence of such expert opinion. To the extent this paragraph is based on the Beauchamp declaration, plaintiff objects because it is not a statement of fact supported by the record, but rather speculation concerning future events.

92. Plaintiff disputes this paragraph on the grounds that it does not assert any fact established by the record in the case and constitutes merely expert opinion. Plaintiff reserves all of its rights to challenge the admissibility and/or competence of such expert opinion. In any event, plaintiff disagrees with the contentions of this paragraph as set forth in its memoranda of law.

Dated: New York, New York  
October 23, 2012

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