

Exhibit I - Burtle Deposition

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

CAMBRIDGE UNIVERSITY)
PRESS, et al.,)
)
 Plaintiffs,)
)
 vs.) Civil Action File
) No. 1:08-CV-1425-ODE
MARK P. BECKER, in his)
official capacity as)
Georgia State University)
President, et al.,)
)
 Defendants.)

- - -

Videotaped deposition of LAURA G. BURTLE,
taken on behalf of the plaintiffs, pursuant to the
stipulations contained herein, before Sharon A.
Gabielli, RPR, CCR No. B-2202, at 104 Marietta Street,
6th floor, Room 3, Atlanta, Georgia, on Friday, April
24, 2009, commencing at the hour of 9:13 a.m.

Shugart & Bishop
Certified Court Reporters
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ALSO PRESENT:

CYNTHIA V. HALL,
BHARATH PARTHASARATHY
STACEY LUTZKER,
KENNITH DRAKE, VIDEOGRAPHER
- - -

1 Q Saved how?
2 A It's -- it comes in through an email form and
3 it's saved in the email system.
4 Q Approximately when did that change take
5 place?
6 A Within two or three weeks after the USG
7 copyright policy was enacted.
8 Q Do you remember about --
9 A Sometime in the middle of the semester. I
10 don't remember exactly the date.
11 Q Okay.
12 A And the checking of a link began before the
13 new Web forms went up that required the faculty to
14 indicate...
15 Q Okay. So today the -- how do the requests
16 come in from the faculty? What form?
17 A The form that we have created on the library
18 Website.
19 Q Okay. So it comes in, it's an electronic
20 version. Do you ever get paper versions of the form,
21 or all the requests come in electronically now?
22 A The vast majority come in electronically.
23 I'm not aware that we're getting any in print, but I
24 wouldn't --
25 Q Okay.

1 A It's possible.

2 Q There's always a few who refuse to deal with
3 the computers.

4 Okay. So what does the library do when it
5 receives the electronic form?

6 A It checks to see if the item is available
7 electronically.

8 Q And how -- what does that entail?

9 A We use a tool available to us on our Website
10 called a citation linker or the electronic journal
11 locater that -- or our catalog. There are multiple
12 ways we can identify whether something is available
13 electronically through one of our licensed databases,
14 so we check all of those. And if it is available, we
15 create what's called a open URL or a persistent link to
16 use for students to access.

17 Q Okay. So if you get a request, and you --
18 you check all of those available tools and the
19 requested reading is not available, what does the
20 library do next?

21 A Checks to see if we have the item in a paper
22 format.

23 Q How would you do that?

24 A Look in the catalog.

25 Q If the work is in the catalog, then what

1 happens?

2 A A student assistant retrieves it from the
3 shelf.

4 Q And then what?

5 A And it is brought down to the reserves unit,
6 where the section is scanned and then entered into the
7 EReserve system. And if any questions come up while
8 they're scanning it, like if something seems off,
9 they'll contact me or the dean of libraries with
10 questions.

11 Q Has that happened, has anyone contacted you
12 with questions because something seems off?

13 A Yes.

14 Q How many times has that happened?

15 A It's happened once since our new policy went
16 into effect.

17 Q Can you tell me about that incident?

18 A They thought that the material being scanned
19 was far too much and so they contacted me.

20 Q How much was -- were they requesting?

21 A A lot of a book.

22 Q When you say "a lot" --

23 A Most of it.

24 Q Most of it.

25 And what did you do upon receiving that

1 question or inquiry?

2 A I asked the staff member if they had spoken
3 to the faculty member, and they said they had told them
4 no. And I said, "Did they accept that?" And they
5 said, "Yes."

6 And I said, "Well, if they give you any
7 trouble, please refer them to me and I'll either speak
8 to them or, if need be, I'll refer them to legal."

9 Q Okay. Did you hear anything else about that
10 incident?

11 A No.

12 Q Do you know how much of the book ultimately
13 ended up on the EReserve system?

14 A None of it.

15 Q None of it. Do you know who the professor
16 was?

17 A No.

18 Q Do you know what department it was from?

19 A No.

20 Q Do you know what the book was?

21 A No.

22 Q Who was the staff member who came to you with
23 questions?

24 A Denise Dimsdale.

25 Q Am I correct in -- I think you said the

1 of permission?

2 A We would file it with the request.

3 Q And how many items -- how much evidence is in
4 that file?

5 A The request and if there were a permission
6 granted, that permission.

7 Q And on how many occasions has that occurred?

8 A I don't know.

9 Q Who would know that?

10 A Denise Dimsdale.

11 Q Do you know whether a faculty member has ever
12 contacted a publisher to obtain permission?

13 A I wouldn't know that.

14 Q If a licensing fee or some kind of
15 permissions fee had to be paid to use the item, who
16 would be responsible for paying that fee?

17 A A faculty member would be responsible for
18 arranging payment.

19 Q And how would they go about arranging
20 payment?

21 A I don't know.

22 Q Would that come out of the library budget?

23 A No.

24 Q Is there any money in the library budget to
25 pay for permissions for specific works on the EReserve

1 system?

2 A There's not a budget line for that, no.

3 Q Has the library ever paid permissions fees
4 for particular copyrighted excerpts to be placed on
5 EReserves?

6 A I'm not aware that they have. I haven't been
7 in charge of the system the entire time it's been up,
8 so...

9 Q In the period of time from 2005 on for which
10 you've been responsible for the system, has that ever
11 occurred?

12 A Not that I'm aware of.

13 Q And who would -- who would know that?

14 A Probably Denise would have been involved in
15 that, so Denise would probably know.

16 Q Okay. Would it be fair to say that if it's
17 happened, it hasn't happened on very many occasions,
18 that the library has -- has paid for the permissions
19 fee?

20 A Yes, that would be fair to say.

21 Q Okay. Okay. So if we turn to the second
22 page of P-37, you see the University System of Georgia
23 copyright policy page. And where does the screen shot
24 that's the second page of this -- of P37 -- what server
25 does that live on?