

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

CAMBRIDGE UNIVERSITY PRESS,  
et al.,

Plaintiffs,

-vs.-

MARK P. BECKER, in his official  
capacity as Georgia State University  
President, et al.,

Defendants.

Civil Action No.  
1:08-CV-1425-ODE

**DEFENDANTS' SUPPLEMENTAL STATEMENT OF ADDITIONAL  
FACTS IN SUPPORT OF DEFENDANTS' RESPONSE TO PLAINTIFFS'  
MOTION FOR SUMMARY JUDGMENT**

**I. INTRODUCTION**

On April 5, 2010, concurrently with Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment (Dkt. 185), Plaintiffs also filed their Supplemental Local Rule 56.1 Statement of Facts In Support of Their Motion for Summary Judgment (*id.*). Pursuant to Local Rule 56.1.82(2), Defendants file concurrently herewith a response to Plaintiffs' Supplemental Statement of Facts. To insure compliance with the Local Rules, and particularly in view of Local Rule 56.1.B.(3), Defendants file both a Response to Plaintiffs

Supplemental Statement of Facts and the within Defendants' Supplemental Statement Of Additional Facts In Support Of Defendants' Response to Plaintiffs' Motion for Summary Judgment.

Accordingly, Defendants Mark P. Becker, in his official capacity as Georgia State University President, *et al.* (collectively, "Defendants") hereby submit their Statement of Additional Facts in Support of Defendants' Response to Plaintiffs' Motion for Summary Judgment.

## **II. STATEMENT OF UNDISPUTED FACTS**

30. Georgia State University licenses a number of electronic journal titles, including ones owned by Oxford University Press, Cambridge University Press, and Sage Publications, Inc. Attached hereto as Exhibit A is a list of all journal titles licensed by Georgia State University that are owned by Oxford University Press, Cambridge University Press, and Sage Publications, Inc. *See* Dkt. 211, Ex. A, Burtle Decl. ¶ 3.

31. Georgia State University licenses eighty (80) Cambridge University Press electronic journal titles. *Id.* ¶ 4.

32. Georgia State University licenses sixty-nine (69) Oxford University Press electronic journal titles. Georgia State University also licenses Oxford Music Online, and has access to three (3) other Oxford University Press databases,

Oxford Art Online, and two (2) versions of the Oxford English Dictionary, through GALILEO, a unit of the Board of Regents of the University System of Georgia that licenses resources on behalf of Georgia libraries. In addition, Georgia State University licenses approximately ten (10) Oxford University Press eBooks. *Id.* ¶ 5.

33. Georgia State University licenses or otherwise has permission to use two-hundred forty-five (245) Sage Publications, Inc. electronic journal titles. The two-hundred forty-five Sage Publications, Inc. electronic journal titles include Sage Criminology, which contains approximately twenty-four (24) titles. Georgia State University does not pay for or license Sage Criminology; it is used through an arrangement the Criminal Justice faculty have with Sage Publications, Inc. *Id.* ¶ 6.

Respectfully submitted this 26th day of April, 2010.

THURBERT E. BAKER  
Georgia Bar No. 033887  
Attorney General

R. O. LERER  
Georgia Bar No. 446962  
Deputy Attorney General

DENISE E. WHITING-PACK  
Georgia Bar No. 558559  
Senior Assistant Attorney General

MARY JO VOLKERT  
Georgia Bar No. 728755  
Assistant Attorney General  
KING & SPALDING LLP

/s/ Katrina M. Quicker

Anthony B. Askew  
Georgia Bar No. 025300  
Special Assistant Attorney General  
Stephen M. Schaezel  
Georgia Bar No. 628653  
Katrina M. Quicker  
Georgia Bar No. 590859  
Kristen A. Swift  
Georgia Bar No. 702536

*Attorneys for Defendants*

**CERTIFICATE OF COMPLIANCE**

I hereby certify, pursuant to L.R. 5.1B and 7.1D of the Northern District of Georgia, that the foregoing **DEFENDANTS' SUPPLEMENTAL STATEMENT OF ADDITIONAL FACTS IN SUPPORT OF DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** complies with the font and point selections approved by the Court in L.R. 5.1B. The foregoing pleading was prepared on a computer using 14-point Times New Roman font.

*/s/ Katrina M. Quicker* \_\_\_\_\_  
Katrina M. Quicker  
(Ga. Bar No. 590859)

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day filed the foregoing **DEFENDANTS' SUPPLEMENTAL STATEMENT OF ADDITIONAL FACTS IN SUPPORT OF DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** with the Clerk of Court using the *CM/ECF* filing system which will automatically send e-mail notification of such filing to the following attorneys of record:

This 26th day of April, 2010.

Edward B. Krugman  
krugman@bmelaw.com  
Georgia Bar No. 429927  
Corey F. Hirokawa  
hirokawa@bmelaw.com  
Georgia Bar No. 357087  
John H. Rains IV  
Georgia Bar No. 556052

BONDURANT, MIXSON &  
ELMORE, LLP  
1201 West Peachtree Street NW  
Suite 3900  
Atlanta, GA 30309  
Telephone: (404) 881-4100  
Facsimile: (404) 881-4111

R. Bruce Rich  
Randi Singer  
Todd D. Larson

WEIL, GOTSHAL & MANGES LLP  
767 Fifth Avenue  
New York, New York 10153  
Telephone: (212) 310-8000  
Facsimile: (212) 310-8007

/s/ Katrina M. Quicker  
Katrina M. Quicker  
(Ga. Bar No. 590859)