

DEC 11 2008

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

JAMES M. HATTEN, Clerk
By: *M. A. Overton*
Deputy Clerk

CAMBRIDGE UNIVERSITY PRESS,
et al.,

Plaintiffs,

v.

CIVIL ACTION NO.
1:08-CV-1425-ODE

CARL V. PATTON, in his
official capacity as Georgia
State University President,
et al.,

Defendants.

ORDER


This copyright infringement case is before the Court on Plaintiffs' motion for leave to amend the complaint to add additional defendants. [Doc. #29]. Plaintiffs seek leave to add as defendants the Board of Regents of the University System of Georgia ("Board of Regents"), and individual members of the Board of Regents.¹ Id. at 1-2. Defendants filed a reply brief, in which they did not oppose the addition of the individual defendants. [Doc. #33 at 2 n.1]. However, Defendants claim that the Board of Regents is an arm of the State of Georgia, and as such, is entitled to sovereign immunity under the Eleventh Amendment to the United States Constitution. Id. at 3-4.

¹The individual members Plaintiffs seek to add are: Kenneth R. Bernard, Jr., James A. Bishop, Hugh A. Carter, Jr., William H. Cleveland, Robert F. Hatcher, Felton Jenkins, W. Mansfield Jennings, Jr., James R. Jolly, Donald M. Leebern, Jr., Eldridge McMillan, William NeSmith, Jr., Doreen Stiles Poitevint, Willis J. Potts, Jr., Wanda Yancey Rodwell, Kessel Stelling, Jr., Benjamin J. Tarbutton, III, Richard L. Tucker, and Allan Vigil.

Plaintiffs filed a reply brief, in which they seek to withdraw their motion to amend as to the Board of Regents. [Doc. #35 at 2]. However, Plaintiffs wish to reserve the right to seek leave to amend their complaint to add the Board of Regents if the motion becomes appropriate at a later time. Id.

Because Defendants do not oppose the addition of the individual defendants, and leave to amend is appropriate here, Plaintiffs' motion for leave to amend the complaint is GRANTED IN PART, as to the individual defendants. Plaintiffs' motion for leave to amend to add the Board of Regents as a defendant is DISMISSED IN PART. If they so desire, Plaintiffs may seek leave to amend the complaint to add the Board of Regents as a defendant at a later time. The parties' arguments regarding sovereign immunity and whether the Board of Regents is a necessary party will be considered when and if such a motion is filed.

SO ORDERED, this 11 day of December, 2008.



ORINDA D. EVANS
UNITED STATES DISTRICT JUDGE