

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

CODE REVISION COMMISSION)	
on Behalf of and For the Benefit of the)	
GENERAL ASSEMBLY OF GEORGIA,)	CIVIL ACTION
and the STATE OF GEORGIA,)	NO. 1:15-cv-2594-MHC
)	
Plaintiffs,)	
)	
v.)	
)	
PUBLIC.RESOURCE.ORG, INC.,)	
)	
Defendant.)	

**DEFENDANT PUBLIC.RESOURCE.ORG, INC.’S FIRST SET OF
INTERROGATORIES TO PLAINTIFFS CODE REVISION COMMISSION
AND THE STATE OF GEORGIA**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure (the “Federal Rules”), Public.Resource.Org, Inc. (“Public Resource”) serves these interrogatories upon the Code Revision Commission (the “Commission”) and the State of Georgia (“the State”). Public Resource requests that the Commission serve upon Public Resource sworn answers to each Interrogatory in writing within thirty (30) days of service hereof.

Each Interrogatory set forth below is addressed to the knowledge of the Commission and the State, as well as the knowledge, information and documents

in the possession, custody, or control of the Commission or the State’s attorneys, accountants, agents, employees, officers, directors, investigators, consultants and other representatives. Thus, when an Interrogatory is directed to the Commission, it is also directed to each of the above-described persons.

DEFINITIONS AND INSTRUCTIONS

1. The term “Commission” and “you” refers to the Code Revision Commission and the State of Georgia, including any elected officials, officers, directors, employees, servants, agents, attorneys or other representative acting on its behalf.

2. The term “Public Resource” refers to Public.Resource.Org, Inc., including any present or former owners, officers, directors, employees, servants, agents, attorneys or other representative acting on its behalf, and shall include any parent corporation or wholly-owned or partially-owned subsidiary, affiliate, predecessor or successor corporation either within the United States or a foreign country.

3. “O.C.G.A.”, as used herein, shall mean the Official Code of Georgia Annotated, including the statutory text; annotations; editorial notes; Commission notes; research references; notes on law review articles; opinions of the Attorney

General of Georgia; indexes; analyses; title, chapter, article, part, and subpart captions or headings; and catchlines of Code sections.

4. “Person” or “persons” refers to individuals, companies, corporations, partnerships, sole proprietorships, trade groups, unincorporated associations and all other entities of every kind and description.

5. “Document” or “documents” as used herein shall mean original and every non-identical copy of any original of all mechanically written, handwritten, typed or printed material, electronically-stored data, microfilm, microfiches, sound recordings, films, photographs, slides, and other physical objects of every kind and description, including but not limited to, all transcripts, letters, notes, memoranda, tapes, records, telegrams, periodicals, pamphlets, brochures, circulars, advertisements, leaflets, reports, research studies, test data, working papers, drawings, sketches, diagrams, graphs, charts, diaries, logs, agreements, contracts, rough drafts, analyses, ledgers, inventories, financial information, books of account, understandings, minutes of meetings, minute books, resolutions, assignments, computer printouts, purchase orders, invoices, bills of lading, written memoranda or notes of oral communications, reports, laboratory or engineering notebooks, blueprints, drawings, operator manuals, software manuals, advertising information, consumer letters and complaints, trade journals, magazines, technical

manuals, archive records, expired or “dead” files electronically stored or recorded files, and any other tangible thing of whatever nature.

6. “Identify” or “identification” with respect to a person or persons shall mean to disclose the full name, present address, or if unknown, last known address, the employer(s) of such person(s), and title and job description.

7. “Identify” or “identification” with respect to a document shall mean to disclose the title of the document, the date of the document, the name of the person(s) who signed or prepared such document, the name(s) of the person to whom the document was addressed, and the nature and subject of the document or thing.

8. “Identify” or “identification” with respect to a business or other entity shall mean to disclose its full name, the type of entity, its present or last known address of each established place of business, and the officers and/or partners of each entity.

9. “Identify” or “identification” with respect to an event or circumstances shall mean to disclose the date of such event, the location of such event, the identity of each person present at the event, and what was said and/or done by each person present at the event.

10. Words of gender shall be construed as including all genders, without limitation.

11. Words in the singular shall be construed to mean the plural and vice versa as appropriate.

12. “And” and “or” shall be read in the conjunctive or disjunctive in a manner to provide the broadest scope of an interrogatory.

13. The terms “referring to,” “relating to” or “concerning” shall mean in any way, directly or indirectly, in whole or in part, discussing, regarding, constituting, comprising, about, pertaining to, reflecting, considering, underlying, modifying, amending, confirming, mentioning, endorsing, evidencing, summarizing, memorializing, describing, analyzing, evaluating, representing, and supporting.

14. The interrogatories propounded herein are continuing in nature to the extent permitted by the Federal Rules, and to the extent information is received or circumstances are known which may modify in any way or add to the responses given to these interrogatories, supplemental answers reflecting all such subsequently acquired information or known circumstances promptly shall be provided.

15. If any privilege is claimed with respect to any documents or oral communications, the identification of which would otherwise be required by these interrogatories, you need not produce or disclose the contents thereof at this time, but with respect to each document and oral communication for which a privilege is claimed, you shall:

- (1) identify the date thereof;
- (2) state the particular privilege believed applicable and concisely state sufficient facts to support the claim of privilege; and
- (3) if the privilege is asserted with respect to a document, identify all persons to whom its contents were disclosed, including all recipients thereof.

16. As used herein, the present tense shall include the past tense and vice versa.

17. To the extent you respond to any of these Interrogatories by producing business records pursuant to Fed. R. Civ. P. 33(d), you should answer the specific Interrogatories by identifying such records or other documents by Bates number(s).

INTERROGATORIES

1. Identify the portions of the O.C.G.A. in which you claim a valid copyright, including, but not limited to, the statutory text; annotations; editorial notes; Commission notes; research references; notes on law review articles; opinions of the Attorney General of Georgia; indexes; analyses; title, chapter, article, part, and subpart captions or headings; and catchlines of Code sections.

2. Identify the portions of the O.C.G.A. in which you do not claim copyright, including, but not limited to, the statutory text, the annotations; editorial notes; Commission notes; research references; notes on law review articles; opinions of the Attorney General of Georgia; indexes; analyses; title, chapter, article, part, and subpart captions or headings; and catchlines of Code sections.

3. Describe in detail the process by which the Commission creates the Commission notes of the O.C.G.A. and the extent to which Matthew Bender and Company, a member of the LexisNexis Group, a division of Reed Elsevier Properties, Inc., is involved in their creation.

4. Identify those state- and county-operated facilities at which a member of the public could access the complete, annotated O.C.G.A. for free, including, but not limited to, state and county libraries, state universities, high and junior high schools, state prisons, etc.

5. Identify the total revenue the Commission received in 2014 from the following sources: (1) royalties from sales of the printed bound volumes of the O.C.G.A.; (2) royalties from the licensing fees of the CD-ROM of the O.C.G.A.; and (3) royalties from the licensing of the on-line version of the O.C.G.A.

6. Identify all facts, documents, or other information on which you rely to support the assertion in Paragraphs 29 and 35 of the Amended Complaint that “there is no adequate remedy at law” for Plaintiff.

7. Identify all facts, documents, or other information on which you rely to support the assertion in Paragraphs 29 and 35 of the Amended Complaint that “Defendant’s conduct will continue to cause severe and irreparable harm to Plaintiff.”

8. Identify all facts, documents, or other information on which you rely to support the assertion in Paragraph 2 of the Amended Complaint that “[w]ithout providing the publisher the ability to recoup its costs for the development of these copyrighted annotations, the State of Georgia will be required to either stop publishing the annotations altogether or pay for development of the annotations using state tax dollars.”

9. Identify all facts, documents, or other information on which you rely to support the assertion in Paragraph 2 of the Amended Complaint that “[u]nless Defendant’s infringing activities are enjoined, Plaintiff and the citizens of the State of Georgia, will face losing valuable analysis and guidance regarding their state laws.”

10. Identify all facts, documents, or other information on which you rely to support any contention regarding the effect of Public Resource's use of the O.C.G.A. upon the potential market for, or value of, the copyrighted works.

Respectfully submitted,

By: /s/ Jason D. Rosenberg
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CERTIFICATE OF SERVICE

Pursuant to Local Rule 5.4, I hereby certify that on this day, Friday, January 15, 2016, I served a true and correct copy of DEFENDANT PUBLIC.RESOURCE.ORG, INC.'S FIRST SET OF INTERROGATORIES TO PLAINTIFF CODE REVISION COMMISSION by e-mail, pursuant to the agreement of the parties, upon Plaintiffs' counsel listed below:

Anthony B. Askew
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Dated: January 15, 2016

By: /s/ Jason A. Englund
Jason A. Englund