

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

THE NATIONAL ASSOCIATION OF	§	
BOARDS OF PHARMACY,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION
	§	NO: 3:07-CV-84(CDL)
THE BOARD OF REGENTS OF THE	§	
UNIVERSITY SYSTEM OF	§	
GEORGIA and FLYNN WARREN,	§	
JR.,	§	
	§	
Defendants.	§	

DECLARATION OF FLYNN WARREN, JR.

I, FLYNN WARREN, JR., make the following declaration in support of the Response of Flynn Warren, Jr. to Plaintiff's Motion for Determination of the Privileged Status of Certain Documents in the above-styled action. I submit this declaration subject to and without waiving my objections to the jurisdiction of the court in the above-styled action and my claim of immunity under the Eleventh Amendment to the United States Constitution, and to all other objections and defenses that I may raise in responsive pleadings in this case.

1.

I am of legal age, I am competent to give this declaration, and I make this declaration on the basis of my personal knowledge of the facts set forth herein.

2.

In September, 1994, I received a cease and desist letter from a law firm representing the National Association of Boards of Pharmacy ("NABP"). The letter threatened legal action against me with regard to the alleged use of NABP copyrighted materials.

3.

On November 10, 1994, Ms. Susan Jones, an attorney and then associate vice president for legal affairs of the University of Georgia responded on my behalf to the letter from the NABP attorneys.

4.

Subsequently, assistant attorney general Patricia Guilday was assigned by the Georgia attorney general to represent me and the University of Georgia in connection with the claims made by the NABP. Ms. Guilday was assisted by Ms. Jones in gathering information to defend against any claims by the NABP and to negotiate an agreement with the NABP.

5.

The two documents, A and B, that have been submitted to the court for *in camera* inspection, a February 22, 1995 letter from me to Ms. Susan Jones and an undated e-mail communication from me to assistant attorney general Patricia Guilday, were sent by me to Ms. Jones and Ms. Guilday with the understanding that they were acting as my attorneys, and I considered that these were confidential communications to my attorneys.

6.

I have and hereby assert my attorney-client privilege with respect to the two documents, and have not waived this privilege.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.


FLYNN WARREN, JR.

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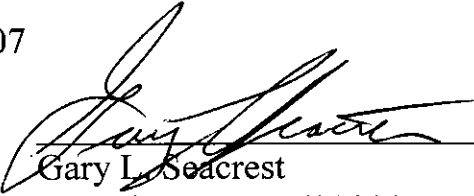
CERTIFICATE OF SERVICE

I hereby certify that I have this day filed a copy of the foregoing ***DECLARATION OF FLYNN WARREN, JR*** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

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This 18th day of October, 2007



Gary L. Seacrest
Georgia Bar No. 632900