

**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.,)

FILED UNDER SEAL

Defendants.)
_____)

DECLARATION OF MELISSA BEDSOLE

1. I, Melissa Bedsole, am over the age of twenty-one years of age, am competent to give this Declaration, and do hereby declare the following statement to be true of my own knowledge, information and belief.

2. I am a paralegal at the law firm of Smith, Gambrell & Russell, LLP in Atlanta, Georgia, and have held this position since November 1, 1992.

3. On August 6, 2007, I met J. Rodgers Lunsford III, Todd D. Williams, Jill Whitt, two U.S. Deputy Marshals, one Deputy Sheriff of Clarke County and one Deputy Sheriff of Oconee County at the U.S. Marshal's Office in the U.S. Courthouse in Athens, Georgia, to discuss the plan of action for impounding the data, documents and things within the scope of paragraph 1 of the Temporary Restraining Order and Seizure and Impoundment Order ("Order"), which were believed to be in Mr. Flynn Warren's home, his home office, on his home computer, at Mr. Warren's office at the University of Georgia, on Mr. Warren's office computer, and in

documents and disks, computers and other electronic storage devices located elsewhere the Pharmacy Building at the University of Georgia.

4. One U.S. Deputy Marshal, the Deputy Sheriff of Oconee County, Todd Williams and I traveled to Mr. Warren's residence at 1081 Lane Creek Circle, Bishop, Oconee County, Georgia 30621, to execute the Order. We waited outside of Mr. Warren's residence until we received confirmation from Mr. Lunsford that Mr. Warren had left the University of Georgia campus and was traveling to his residence.

5. The U.S. Deputy Marshal, Deputy Sheriff of Oconee County, Mr. Williams and I approached Mr. Warren's residence where Mr. Warren's wife allowed us to enter the residence and wait for Mr. Warren's arrival.

6. Mr. Warren arrived at his residence, and the U.S. Deputy Marshal served the Order on Mr. Warren, and Mr. Warren acknowledged the contents of the Order and consented to the search and impoundment.

7. In the presence of the U.S. Deputy Marshal, the Deputy Sheriff of Oconee County, Mrs. Warren and me, Mr. Warren turned on his home computer and directed Mr. Williams to the folders stored on his computer. At some point during the search, Mrs. Warren left the residence. Mr. Warren, the U.S. Deputy Marshal, the Deputy Sheriff of Oconee County and I remained in attendance at the residence throughout the entire search, with the exception of five minutes or less that I returned to my car in Mr. Warren's driveway to retrieve a soft drink. Throughout the search, I assisted Mr. Williams with marking and inventorying the electronic files which were duplicated on CDs and a floppy disk, and the impoundment of a zip thumb drive.

8. Mr. Williams systematically opened each folder acknowledged by Mr. Warren to be within paragraph 1 of the Order to ascertain the contents. Mr. Williams located several folders stored on Mr. Warrens computer which contained pertinent documents within the scope of paragraph 1 of the Order. The documents were copied to one floppy disk and two CDs. Three files would not copy to the CDs or disk and were emailed directly to Mr. Williams' computer via email.

A. The following documents were copied to a CD entitled "CD-ROM 1"

"2003 Naplex Info" (Word document)
"2003 NAPLEX Info" (WPD file)
"2004 Inhalers answers" (Word document)
"2004 Inhalers new test answers" (WPD file)
"2005 NAPLEX Jan Study Guide" (WPD file)

B. The following documents were copied to a CD entitled "CD-ROM 2"

"2006 Info for NAPLEX"
"2006 NAPLEX Part 2"
"2006 Review Test Answers"
"Enzyme Test" (Word document)
"NAPLEX Questions" (Word document)
"NAPLEX for 2004" (Word document)
"NAPLEX for June 2004"
"NAPLEX Review Document" (Word document)
"NAPLEX Study Guide" (Word document)
"Naplex Test 4 Answers" (WPD file)
"New Image"

C. The following documents were copied to a Floppy Disk

"2003 Naplex Feedback" (WPD file)
"NAPLEX 2007 Total" (WPD file)

D. The following documents would not copy to a CD or disk and the attempt to e-mail them to Mr. Williams' computer failed.

"2005 NAPLEX Review Test"
"2005 Stuff"
"Old Test One"

E. The files indexed on the zip thumb drive were entitled:

“Copy – 12/30/99”
“Harv Graph 99 – 12-30-99”
“Law Course – 12/30/99”
“WP8 for 99 – 12/30/99”
“WPdocs– 6/5/96”
“WPspone - 2/23/2000”
“WPwindoc – 5/15/96”
“Bacti – 3/16/99”
“oo543C.tmp – 2/24/2000”
“Phrm3200.tab – 2/2_/2000”
“Testknow – 3/15/95”

9. Mr. Williams requested Mr. Warren to access his e-mail account on the computer. Mr. Warren complied with the request and indicated that he never used his home e-mail for business purposes. There was one irrelevant e-mail in Mr. Warren’s home “Inbox” folder and there were no items in Mr. Warren’s “Sent” folder. Mr. Warren also showed Mr. Williams his e-mail account with the University of Georgia and indicated that Mr. Lunsford had already accessed and copied the relevant e-mails.

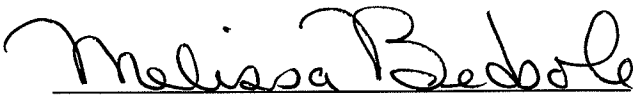
10. Mr. Williams asked Mr. Warren if the desk and area where the computer was located was the only area in the home which would be classified as his home office, and Mr. Warren confirmed that it was. Mr. Williams systematically searched the documents on the top of Mr. Warren’s computer desk, desk drawers, book shelves and floppy disks, CDs and zip files located in a box on the floor in front of Mr. Warren’s desk. Mr. Williams impounded the one zip thumb drive referenced in Paragraph 8E above.

11. Mr. Williams concluded his search and confirmed with Mr. Warren that no documents, computer files or e-mails were to be deleted or destroyed in accordance with the Litigation Hold Letter which Mr. Williams showed to Mr. Warren and which Mr. Warren acknowledged he had seen.

12. After completing the search and impoundment, the U.S. Deputy Marshal, the Deputy Sheriff of Oconee County, Mr. Williams and I returned to the U.S. Courthouse in Athens, Georgia and rejoined the second U.S. Deputy Marshal, Mr. Lunsford and Ms. Whitt. After a brief discussion regarding the data discovered on Mr. Warren's home computer, Mr. Lunsford, Mr. Williams and Ms. Witt returned to Mr. Warren's office at the University of Georgia to search Mr. Warren's laptop, and I returned to Atlanta.

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

Date: 8/17/07


Melissa Bedsole
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