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Attorneys for Plaintiffs-Appellants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
THE AUTHORS GUILD, INC., et al,	:	
	:	Index No. 11 Civ. 6351 (HB)
Plaintiffs,	:	
	:	
- against -	:	
	:	
HATHITRUST, et al.	:	
	:	
Defendants.	:	
-----X		

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that all of the Plaintiffs in the above-captioned action hereby appeal to the United States Court of Appeals for the Second Circuit from the Opinion and Order of Judge Harold Baer, Jr., dated October 10, 2012, denying Plaintiffs' motions for judgment on the pleadings and summary judgment; granting in part Defendants' motions for judgment on the pleadings; and granting Defendants' and Defendant Intervenors' motions for summary judgment, and from the Judgment entered on October 12, 2012.

Respectfully submitted on this 8th day of November, 2012.

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*Attorneys for Plaintiffs-Appellants The Authors
Guild, Inc., et al.*

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:11-cv-06351-HB**

The Authors Guild, Inc. et al v. Hathitrust et al
Assigned to: Judge Harold Baer
Cause: 17:101 Copyright Infringement

Date Filed: 09/12/2011
Date Terminated: 10/12/2012
Jury Demand: None
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Plaintiff

The Authors Guild, Inc.

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/12/2011	<u>1</u>	COMPLAINT against Cornell University, Hathitrust, The Board Of Regents Of The University Of Wisconsin System, The Regents Of The University Of Michigan, The Regents of the University of California, The Trustees Of Indiana University. (Filing Fee \$ 350.00, Receipt Number xxxx) Document filed by Union Des Ecrivaines Et Des Ecrivains Quebecois, James Shapiro, The Authors Guild, Inc., Angelo Loukakis, Roxana Robinson, Daniele Simpson, T.J. Stiles, The Australian Society Of Authors Limited, Andre Roy, Pat Cummins, Fay Weldon.(ama) (Entered: 09/13/2011)
09/12/2011		SUMMONS ISSUED as to Cornell University, Hathitrust, The Board Of Regents Of The University Of Wisconsin System, The Regents Of The University Of Michigan, The Regents of the University of California, The Trustees Of Indiana University. (ama) (Entered: 09/13/2011)
09/12/2011		CASE REFERRED TO Judge Denny Chin as possibly related to 1:05-cv-8136. (ama) (Entered: 09/13/2011)
09/12/2011		Case Designated ECF. (ama) (Entered: 09/13/2011)
09/12/2011	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Pat Cummins, Angelo Loukakis, Roxana Robinson, Andre Roy, James Shapiro, Daniele Simpson, T.J. Stiles, The Australian Society Of Authors Limited, The Authors Guild, Inc., Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon.(ama) (Entered: 09/13/2011)

09/12/2011		Mailed notice to Register of Copyrights to report the filing of this action. (ama) (Entered: 09/13/2011)
09/16/2011		CASE DECLINED AS NOT RELATED. Case referred as related to 05-cv-8136 and declined by Judge Denny Chin and returned to wheel for assignment. (sjo) (Entered: 09/16/2011)
09/16/2011	<u>3</u>	NOTICE OF CASE ASSIGNMENT to Judge Harold Baer. Judge Unassigned is no longer assigned to the case. (sjo) (Entered: 09/16/2011)
09/16/2011		Magistrate Judge James L. Cott is so designated. (sjo) (Entered: 09/16/2011)
10/06/2011	<u>4</u>	FIRST AMENDED COMPLAINT amending <u>1</u> Complaint., against Jeffrey Bartell, MaryEllen Kiley Bishop, Richard C. Blum, Mark J. Bradley, William R. Cast, Bruce Cole, Cornell University, Judith V. Crain, David Crane, Julia Donovan Darlow, William De La Pena, Laurence B. Deitch, John Drew, Philip N. Eskew, Jr, Tony Evers, Michael J Falbo, Russell Gould, Cora J Griffin, Hathitrust, Denise Ilitch, Eddie Island, Odessa Johnson, George Kieffer, Sherry L. Lansing, Monica Lozano, Hadi Makarechian, Edmund Manydeeds, George M. Marcus, Olivia P. Maynard, Alfredo Mireles, Jr, Andrea Fischer Newman, Norman J. Pattiz, Katherine Pointer, Charles Pruitt, Thomas E. Reilly, Jr, Bonnie Reiss, Derica W. Rice, Andrew C. Richner, Fred Ruiz, Leslie Tang Schilling, Troy Sherven, Patrick A. Shoulders, Brent Smith, Michael J. Spector, William H. Strong, S. Martin Taylor, The Board Of Regents Of The University Of Wisconsin System, The Regents Of The University Of Michigan, The Regents of the University of California, The Trustees Of Indiana University, S. Mark Tyler, Bruce D. Varner, Jose F. Vazquez, Paul Wachter, David G. Walsh, Katherine E. White, Charlene Zettel. Document filed by Helge Ronning, Union Des Ecrivaines Et Des Ecrivains Quebecois, Jack R. Salamanca, Roxana Robinson, the Writers' Union of Canada, Pat Cummins, Fay Weldon, Sveriges Forfattarforbund, Norsk Faglitteraer Forfatter0OG Oversetterforening, Andre Roy, The Authors Guild, Inc., Pat Cummings, Daniele Simpson, T.J. Stiles, James Shapiro, Authors' Licensing and Collecting Society, Danielle Simpson, Angelo Loukakis, The Authors League Fund, Inc, The Australian Society Of Authors Limited, Erik Grundstrom. Related document: <u>1</u> Complaint., filed by Pat Cummins, Fay Weldon, Roxana Robinson, Union Des Ecrivaines Et Des Ecrivains Quebecois, Andre Roy, The Australian Society Of Authors Limited, Angelo Loukakis, T.J. Stiles, The Authors Guild, Inc., Daniele Simpson, James Shapiro.(mro) (Entered: 10/12/2011)
10/18/2011	<u>5</u>	MOTION for Alex S. Fonoroff to Appear Pro Hac Vice. Document filed by Jeffrey Bartell, MaryEllen Kiley Bishop, Richard C. Blum, Mark J. Bradley, William R. Cast, Bruce Cole, Cornell University, Judith V. Crain, David Crane, Julia Donovan Darlow, William De La Pena, Laurence B. Deitch, John Drew, Philip N. Eskew, Jr, Tony Evers, Michael J Falbo, Russell Gould, Cora J Griffin, Hathitrust, Denise Ilitch, Eddie Island, Odessa Johnson, George Kieffer, Sherry L. Lansing, Monica Lozano, Hadi Makarechian, Edmund Manydeeds, George M. Marcus, Olivia P. Maynard, Alfredo Mireles, Jr, Andrea Fischer Newman, Norman J. Pattiz, Katherine Pointer, Charles Pruitt, Thomas E. Reilly, Jr, Bonnie Reiss, Derica W. Rice, Andrew C. Richner, Fred Ruiz, Leslie Tang Schilling, Troy Sherven, Patrick A. Shoulders, Brent Smith, Michael J. Spector, William H. Strong, S. Martin Taylor, The Board Of Regents Of The University Of Wisconsin System, The Regents Of The University Of Michigan, The Regents of the University of California, The Trustees Of Indiana University, S. Mark Tyler, Bruce D. Varner, Jose F. Vazquez, Paul Wachter, David G. Walsh, Katherine E. White, Charlene Zettel.(bcu) (pgu). (Entered: 10/19/2011)
10/18/2011	<u>6</u>	MOTION for W. Andrew Pequignot to Appear Pro Hac Vice. Document filed by Jeffrey Bartell, MaryEllen Kiley Bishop, Richard C. Blum, Mark J. Bradley, William R. Cast, Bruce Cole, Cornell University, Judith V. Crain, David Crane, Julia Donovan Darlow, William De La Pena, Laurence B. Deitch, John Drew, Philip N. Eskew, Jr, Tony Evers, Michael J Falbo, Russell Gould, Cora J Griffin, Hathitrust, Denise Ilitch, Eddie Island, Odessa Johnson, George Kieffer, Sherry L. Lansing, Angelo Loukakis, Monica Lozano, Hadi Makarechian, Edmund Manydeeds, George M. Marcus, Olivia P. Maynard, Alfredo Mireles, Jr, Andrea Fischer Newman, Norman J. Pattiz, Katherine Pointer, Charles Pruitt, Thomas E. Reilly, Jr, Bonnie Reiss, Derica W. Rice, Andrew C. Richner, Fred Ruiz, Leslie

		Tang Schilling, Troy Sherven, Patrick A. Shoulders, Brent Smith, Michael J. Spector, William H. Strong, S. Martin Taylor, The Board Of Regents Of The University Of Wisconsin System, The Regents Of The University Of Michigan, The Regents of the University of California, The Trustees Of Indiana University, S. Mark Tyler, Bruce D. Varner, Jose F. Vazquez, Paul Wachter, David G. Walsh, Katherine E. White, Charlene Zettel.(bcu) (pgu). (Entered: 10/19/2011)
10/18/2011	<u>7</u>	MOTION for Allison Scott Roach to Appear Pro Hac Vice. Document filed by Jeffrey Bartell, MaryEllen Kiley Bishop, Richard C. Blum, Mark J. Bradley, William R. Cast, Bruce Cole, Cornell University, Judith V. Crain, David Crane, Julia Donovan Darlow, William De La Pena, Laurence B. Deitch, John Drew, Philip N. Eskew, Jr, Tony Evers, Michael J Falbo, Russell Gould, Cora J Griffin, Hathitrust, Denise Ilitch, Eddie Island, Odessa Johnson, George Kieffer, Sherry L. Lansing, Monica Lozano, Hadi Makarechian, Edmund Manydeeds, George M. Marcus, Olivia P. Maynard, Alfredo Mireles, Jr, Andrea Fischer Newman, Norman J. Pattiz, Katherine Pointer, Charles Pruitt, Thomas E. Reilly, Jr, Bonnie Reiss, Derica W. Rice, Andrew C. Richner, Fred Ruiz, Leslie Tang Schilling, Troy Sherven, Patrick A. Shoulders, Brent Smith, Michael J. Spector, William H. Strong, S. Martin Taylor, The Board Of Regents Of The University Of Wisconsin System, The Regents Of The University Of Michigan, The Regents of the University of California, The Trustees Of Indiana University, S. Mark Tyler, Bruce D. Varner, Jose F. Vazquez, Paul Wachter, David G. Walsh, Katherine E. White, Charlene Zettel.(bcu) (pgu). (Entered: 10/19/2011)
10/18/2011	<u>8</u>	MOTION for Joseph M. Beck to Appear Pro Hac Vice. Document filed by Jeffrey Bartell, MaryEllen Kiley Bishop, Richard C. Blum, Mark J. Bradley, William R. Cast, Bruce Cole, Cornell University, Judith V. Crain, David Crane, Julia Donovan Darlow, William De La Pena, Laurence B. Deitch, John Drew, Philip N. Eskew, Jr, Tony Evers, Michael J Falbo, Russell Gould, Cora J Griffin, Hathitrust, Denise Ilitch, Eddie Island, Odessa Johnson, George Kieffer, Sherry L. Lansing, Monica Lozano, Hadi Makarechian, Edmund Manydeeds, George M. Marcus, Olivia P. Maynard, Alfredo Mireles, Jr, Andrea Fischer Newman, Norman J. Pattiz, Katherine Pointer, Charles Pruitt, Thomas E. Reilly, Jr, Bonnie Reiss, Derica W. Rice, Andrew C. Richner, Fred Ruiz, Leslie Tang Schilling, Troy Sherven, Patrick A. Shoulders, Brent Smith, Michael J. Spector, William H. Strong, S. Martin Taylor, The Board Of Regents Of The University Of Wisconsin System, The Regents Of The University Of Michigan, The Regents of the University of California, The Trustees Of Indiana University, S. Mark Tyler, Bruce D. Varner, Jose F. Vazquez, Paul Wachter, David G. Walsh, Katherine E. White, Charlene Zettel.(bcu) (pgu). (Entered: 10/19/2011)
10/19/2011		NOTICE of Conference: Pretrial Conference set for 11/17/2011 at 12:00 PM, in Chambers, Room 2230, before Judge Harold Baer. (cd) (Entered: 10/20/2011)
10/20/2011	<u>9</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>8</u> Motion for Joseph M. Beck to Appear Pro Hac Vice. Application for Pro Hac Vice GRANTED. The Clerk is instructed to close this motion. (Signed by Judge Harold Baer on 10/19/2011) (ft) (Entered: 10/20/2011)
10/20/2011	<u>10</u>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION granting <u>5</u> Motion for Alex S. Fonoroff to Appear Pro Hac Vice. Application for Pro Hac Vice GRANTED. The Clerk is instructed to close this motion. (Signed by Judge Harold Baer on 10/19/2011) (ft) (Entered: 10/20/2011)
10/20/2011	<u>11</u>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION granting <u>6</u> Motion for W. Andrew Pequignot to Appear Pro Hac Vice. Application for Pro Hac Vice GRANTED. The Clerk is instructed to close this motion. (Signed by Judge Harold Baer on 10/19/2011) (ft) (Entered: 10/20/2011)
10/20/2011	<u>12</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>7</u> Motion for Allison Scott Roach to Appear Pro Hac Vice. Application for Pro Hac Vice GRANTED. The Clerk is instructed to close this motion. (Signed by Judge Harold Baer on 10/20/2011) (ft) (Entered: 10/20/2011)
10/20/2011		CASHIERS OFFICE REMARK on <u>8</u> Motion to Appear Pro Hac Vice,,,, <u>5</u> Motion to Appear Pro Hac Vice,,,, <u>6</u> Motion to Appear Pro Hac Vice,,,, <u>7</u> Motion to Appear Pro Hac Vice,,,, in the amount of \$800.00, paid on 10/18/2011, Receipt

		Number 1019471,1019472,1019473,1019475. (jd) (Entered: 10/20/2011)
10/28/2011	<u>13</u>	STIPULATION: that the time for Defendants to answer, move, or otherwise respond to the First Amended Complaint be and is hereby extended to and including December 2, 2011. (Signed by Judge Harold Baer on 10/28/2011) (pl) Modified on 10/28/2011 (pl). (Entered: 10/28/2011)
10/31/2011	<u>14</u>	NOTICE OF APPEARANCE by Nelson E. Roth on behalf of Cornell University (Roth, Nelson) (Entered: 10/31/2011)
11/01/2011	<u>15</u>	NOTICE OF APPEARANCE by Joseph E. Petersen on behalf of Jeffrey Bartell, MaryEllen Kiley Bishop, Richard C. Blum, Mark J. Bradley, William R. Cast, Bruce Cole, Cornell University, Judith V. Crain, David Crane, Julia Donovan Darlow, William De La Pena, Laurence B. Deitch, John Drew, Philip N. Eskew, Jr, Tony Evers, Michael J Falbo, Russell Gould, Cora J Griffin, Hathitrust, Denise Ilitch, Eddie Island, Odessa Johnson, George Kieffer, Sherry L. Lansing, Monica Lozano, Hadi Makarechian, Edmund Manydeeds, George M. Marcus, Olivia P. Maynard, Alfredo Mireles, Jr, Andrea Fischer Newman, Norman J. Pattiz, Katherine Pointer, Charles Pruitt, Thomas E. Reilly, Jr, Bonnie Reiss, Derica W. Rice, Andrew C. Richner, Fred Ruiz, Leslie Tang Schilling, Patrick A. Shoulders, Brent Smith, Michael J. Spector, William H. Strong, S. Martin Taylor, The Board Of Regents Of The University Of Wisconsin System, The Regents Of The University Of Michigan (Petersen, Joseph) (Entered: 11/01/2011)
11/01/2011	17	Letter addressed to Edward Rosenthal from Linda Eckhouse, Judicial Assistant to the Honorable Harold Baer, Jr. dated 11/1/2011 re: The Pre-Trial Conference (PTC) on the above case has been rescheduled. The new date and time is Friday, November 18, 2011, at 11:30 A.M. Please notify your adversary.(lmb) (Entered: 11/08/2011)
11/01/2011		Set/Reset Hearings: Pretrial Conference set for 11/18/2011 at 11:30 AM before Judge Harold Baer. (lmb) (Entered: 11/08/2011)
11/07/2011	<u>16</u>	MOTION for Ronald L. Raider to Appear Pro Hac Vice. Document filed by Jeffrey Bartell, MaryEllen Kiley Bishop, Richard C. Blum, Mark J. Bradley, William R. Cast, Bruce Cole, Cornell University, Judith V. Crain, David Crane, Julia Donovan Darlow, William De La Pena, Laurence B. Deitch, John Drew, Philip N. Eskew, Jr, Tony Evers, Michael J Falbo, Russell Gould, Cora J Griffin, Hathitrust, Denise Ilitch, Eddie Island, Odessa Johnson, George Kieffer, Sherry L. Lansing, Monica Lozano, Hadi Makarechian, Edmund Manydeeds, George M. Marcus, Olivia P. Maynard, Alfredo Mireles, Jr, Andrea Fischer Newman, Norman J. Pattiz, Katherine Pointer, Charles Pruitt, Thomas E. Reilly, Jr, Bonnie Reiss, Derica W. Rice, Andrew C. Richner, Fred Ruiz, Leslie Tang Schilling, Troy Sherven, Patrick A. Shoulders, Brent Smith, Michael J. Spector, William H. Strong, S. Martin Taylor, The Board Of Regents Of The University Of Wisconsin System, The Regents Of The University Of Michigan, The Regents of the University of California, The Trustees Of Indiana University, S. Mark Tyler, Bruce D. Varner, Jose F. Vazquez, Paul Wachter, David G. Walsh, Katherine E. White, Charlene Zettel.(wb) (pgu). (Entered: 11/08/2011)
11/08/2011		CASHIERS OFFICE REMARK on <u>16</u> Motion to Appear Pro Hac Vice,,, in the amount of \$200.00, paid on 11/07/2011, Receipt Number 1021190. (jd) (Entered: 11/08/2011)
11/14/2011	<u>18</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>16</u> Motion for Ronald L. Raider to Appear Pro Hac Vice. It is hereby Ordered that Ronald L. Raider is admitted pro hac vice to appear for all purposes as counsel for the defendants. ENDORSEMENT: Application for Pro Hac Vice GRANTED. The Clerk is instructed to close this motion. (Signed by Judge Harold Baer on 11/14/2011) (mro) Modified on 11/14/2011 (mro). (Entered: 11/14/2011)
11/18/2011		Minute Entry for proceedings held before Judge Harold Baer: Initial Pretrial Conference held on 11/18/2011. (pl) (Entered: 11/22/2011)
11/21/2011	<u>20</u>	PRETRIAL SCHEDULING ORDER: The parties do not consent to proceed before a United States Magistrate for all purposes. Case added to the November trailing Trial Calendar. Non jury 4 day trial. Amended Pleadings due by 1/1/2012. Joinder

		of Parties due by 1/1/2012. Motions due by 7/20/2012. Discovery due by 5/20/2012. (Signed by Judge Harold Baer on 11/19/2011) (cd) (Entered: 11/23/2011)
11/21/2011	<u>21</u>	PRETRIAL SCHEDULING ORDER:The parties do not consent to proceed before a United States Magistrate for all purposes, pursuant to 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73. This case is added to the Nov. Trailing Trial Calendar. Non-jury. Estimated number of trial days is 4. Amended Pleadings due by 1/1/2012. Joinder of Parties due by 1/1/2012. Motions due by 7/20/2012. Responses due by 7/20/2012. Replies due by 7/20/2012. Discovery due by 5/20/2012. (Signed by Judge Harold Baer on 11/19/2011) (lmb) (Entered: 11/23/2011)
11/21/2011	<u>22</u>	SCHEDULING ORDER: This case is added to the Nov. Tralling trial calendar. Non jury. Estimated number of trial days is 4. no additional causes of action or defenses may be asserted after January 1, 2012. the parties consent to proceed before a United States magistrate for all purposes, pursuant to 28 U.S.C 636(c) and Fed. R.Civ. P. 73? should be asserted. A joint pretrial order may be requested when your trial date is set, and will typically need to be submitted to Chambers from 10 days to 2 weeks prior to trial. Sec my Individual Practices for details. the law Clerk assigned to this case is Jackie Joinder of Parties due by 1/1/2012. Motions due by 7/20/2012. Discovery due by 5/20/2012. (Signed by Judge Harold Baer on 11/19/2011) (js) (Entered: 11/29/2011)
11/22/2011	<u>19</u>	STIPULATION AND ORDER: NOW THEREFORE. IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and Defendants, that notwithstanding the numerical limitations of Federal Rule of Civil Procedure 33(a)(1) and the subject matter limitations of Rule 33.3(8) of the Local Rules for the United Stats District Courts of the Southern and Eastern Districts of New York, Plaintiffs (collectively) and Defendants (collectively) may serve such interrogatories as the serving party deems appropriate, with neither Plaintiffs (collectively) nor Defendants (collectively) serving more than thirty (30) interrogatories on the other. (Signed by Judge Harold Baer on 11/22/2011) (djc) (Entered: 11/22/2011)
12/02/2011	<u>23</u>	ANSWER to <u>4</u> Amended Complaint,,,,,,. Document filed by Jeffrey Bartell, MaryEllen Kiley Bishop, Richard C. Blum, Mark J. Bradley, William R. Cast, Bruce Cole, Cornell University, Judith V. Crain, David Crane, Julia Donovan Darlow, William De La Pena, Laurence B. Deitch, John Drew, Philip N. Eskew, Jr, Tony Evers, Michael J Falbo, Russell Gould, Cora J Griffin, Hathitrust, Denise Ilitch, Eddie Island, Odessa Johnson, George Kieffer, Sherry L. Lansing, Monica Lozano, Hadi Makarechian, Edmund Manydeeds, George M. Marcus, Olivia P. Maynard, Alfredo Mireles, Jr, Andrea Fischer Newman, Norman J. Pattiz, Katherine Pointer, Charles Pruitt, Thomas E. Reilly, Jr, Bonnie Reiss, Derica W. Rice, Andrew C. Richner, Fred Ruiz, Leslie Tang Schilling, Troy Sherven, Patrick A. Shoulders, Brent Smith, Michael J. Spector, William H. Strong, S. Martin Taylor, The Board Of Regents Of The University Of Wisconsin System, The Regents Of The University Of Michigan, The Regents of the University of California, The Trustees Of Indiana University, S. Mark Tyler, Bruce D. Varner, Jose F. Vazquez, Paul Wachter, David G. Walsh, Katherine E. White, Charlene Zettel.(Petersen, Joseph) (Entered: 12/02/2011)
12/09/2011	<u>24</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION to Intervene As <i>Defendants</i> . Document filed by National Federation of the Blind, Blair Seidlitz, Courtney Wheeler, Georgina Kleege. (Attachments: # <u>1</u> Exhibit Exhibit A – Declaration of Dr. Marc Mauer, # <u>2</u> Exhibit Exhibit B – Declaration of Blair Seidlitz, # <u>3</u> Exhibit Exhibit C – Declaration of Courtney Wheeler, # <u>4</u> Exhibit Exhibit D – Declaration of Georgina Kleege, # <u>5</u> Exhibit Exhibit E – Declaration of Daniel F. Goldstein, # <u>6</u> Exhibit Exhibit F – Proposed Joint Answer and Defenses of Defendant Intervenors)(Bernstein, Robert) Modified on 12/23/2011 (kco). (Entered: 12/09/2011)
12/09/2011	<u>25</u>	MEMORANDUM OF LAW in Support re: <u>24</u> MOTION to Intervene As <i>Defendants</i> . Filed By National Federation of the Blind, Blair Seidlitz, Courtney Wheeler and Georgina Kleege. Document filed by Georgina Kleege. (Bernstein, Robert) (Entered: 12/09/2011)

12/11/2011	<u>26</u>	FILING ERROR – WRONG PDF ASSOCIATED WITH DOCKET ENTRY – DECLARATION of Daniel F. Goldstein in Support re: <u>24</u> MOTION to Intervene <i>As Defendants</i> . Document filed by National Federation of the Blind. (Attachments: # <u>1</u> Exhibit Exhibit E to Motion to Intervene as Defendants of National Federation of the Blind, Blair Seidlitz, Courtney Wheeler and Georgina Kleege)(Bernstein, Robert) Modified on 12/12/2011 (db). (Entered: 12/11/2011)
12/11/2011		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – PDF ERROR. Note to Attorney Robert Jay Bernstein to RE-FILE Document <u>26</u> Declaration in Support of Motion. Re-File and Attach Declaration in Support of Motion PDF. (db) (Entered: 12/12/2011)
12/12/2011	<u>27</u>	MOTION to Intervene <i>As Defendants</i> . Document filed by National Federation of the Blind. (Attachments: # <u>1</u> Exhibit Declaration of Dr. Marc Mauer, # <u>2</u> Exhibit Declaration of Blair Seidlitz, # <u>3</u> Exhibit Courtney Wheeler, # <u>4</u> Exhibit Declaration of Georgina Kleege, # <u>5</u> Exhibit Declaration of Daniel F. Goldstein, # <u>6</u> Exhibit Defendant Intervenors' Joint Answer and Defenses)(Bernstein, Robert) (Entered: 12/12/2011)
12/12/2011	<u>28</u>	MOTION for Peter Jaszi to Appear Pro Hac Vice. Document filed by Georgina Kleege, National Federation of the Blind, Blair Seidlitz, Courtney Wheeler.(bwa) (bwa). (Entered: 12/15/2011)
12/12/2011	<u>29</u>	MOTION for Laura G. Abelson to Appear Pro Hac Vice. Document filed by Georgina Kleege, National Federation of the Blind, Blair Seidlitz, Courtney Wheeler.(bwa) (bwa). (Entered: 12/15/2011)
12/12/2011	<u>30</u>	MOTION for Daniel F. Goldstein to Appear Pro Hac Vice. Document filed by Georgina Kleege, National Federation of the Blind, Blair Seidlitz, Courtney Wheeler.(bwa) (bwa). (Entered: 12/15/2011)
12/16/2011	<u>31</u>	FILING ERROR – ELECTRONIC FILING FOR NON-ECF DOCUMENT – MOTION to Substitute Party. Old Party: New Party: <i>STIPULATION AND ORDER TO SUBSTITUTE PARTIES</i> . Document filed by Hathitrust.(Petersen, Joseph) Modified on 12/19/2011 (ldi). (Entered: 12/16/2011)
12/16/2011		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – NON-ECF DOCUMENT ERROR. Note to Attorney Joseph E. Petersen to E-MAIL Document No. <u>31</u> Stipulation to Judgments@nysd.uscourts.gov. This document is not filed via ECF. (ldi) (Entered: 12/19/2011)
12/21/2011	<u>32</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Cornell University.(Petersen, Joseph) (Entered: 12/21/2011)
12/21/2011		CASHIERS OFFICE REMARK on <u>29</u> Motion to Appear Pro Hac Vice, <u>28</u> Motion to Appear Pro Hac Vice, <u>30</u> Motion to Appear Pro Hac Vice in the amount of \$600.00, paid on 12/12/2011, Receipt Number 1024124,1024125,1024126. (jd) (Entered: 12/21/2011)
12/21/2011	<u>33</u>	STIPULATION: NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between plaintiffs and defendants as follows:The Individual Defendants are hereby dismissed from the Action with prejudice. The caption in the Amended Complaint is deemed amended to reflect the substitution of the Substituted Defendants in the place and stead of the Individual Defendants. It as agreed among the parties that the operative complaint in the Action is the AmendedComplaint and that the operative answer is the Answer and that the parties shall not be obligated to, nor shall they, serve an amended complaint or answer reflecting the dismissal of the Individual Defendants and/or the substitution of the Substituted Defendants. SO ORDERED. (Signed by Judge Harold Baer on 12/21/2011) (ama) (Entered: 12/21/2011)
12/21/2011		***DELETED DOCUMENT. Deleted document number 34 Stipulation. The document was filed as a duplicate of entry #33 in this case. (djc) (Entered: 12/29/2011)
12/28/2011	<u>35</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – MOTION for Judgment on the Pleadings. Document filed by Hathitrust.(Petersen, Joseph) Modified on 12/29/2011 (ldi). (Entered: 12/28/2011)

12/28/2011	<u>36</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – MOTION for Declaratory Judgment. Document filed by Hathitrust.(Petersen, Joseph) Modified on 12/29/2011 (Idi). (Entered: 12/28/2011)
12/28/2011	<u>37</u>	MOTION for Judgment on the Pleadings. Document filed by Hathitrust.(Petersen, Joseph) (Entered: 12/28/2011)
12/28/2011		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – EVENT TYPE ERROR. Note to Attorney Joseph E. Petersen to RE-FILE Document <u>35</u> MOTION for Judgment on the Pleadings. Use the event type Memorandum of Law in Support of Motion found under the event list Replies, Opposition and Supporting Documents. Re-File and link ONLY to document # <u>37</u> Motion. (Idi) (Entered: 12/29/2011)
12/28/2011		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – EVENT TYPE ERROR. Note to Attorney Joseph E. Petersen to RE-FILE Document <u>36</u> MOTION for Declaratory Judgment. Use the event type Declaration in Support of Motion found under the event list Replies, Opposition and Supporting Documents. Re-File and link ONLY to document # <u>37</u> Motion. (Idi) (Entered: 12/29/2011)
12/29/2011	<u>38</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MEMORANDUM OF LAW in Support re: <u>35</u> MOTION for Judgment on the Pleadings. Document filed by Hathitrust. (Petersen, Joseph) Modified on 12/30/2011 (Idi). (Entered: 12/29/2011)
12/29/2011	<u>39</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – DECLARATION of Joseph Petersen in Support re: <u>36</u> MOTION for Declaratory Judgment. Document filed by Hathitrust. (Petersen, Joseph) Modified on 12/30/2011 (Idi). (Entered: 12/29/2011)
12/29/2011	<u>40</u>	ORDER FOR PRO HAC VICE ADMISSION OF PETER JASZI granting <u>28</u> Motion for Peter Jaszi to Appear Pro Hac Vice. Application for Pro Hac Vice GRANTED. The Clerk is instructed to close this motion. (Signed by Judge Harold Baer on 12/29/2011) (lmb) Modified on 12/29/2011 (lmb). (Entered: 12/29/2011)
12/29/2011	<u>41</u>	ORDER FOR PRO HAC VICE ADMISSION OF DANIEL F. GOLDSTEIN granting <u>30</u> Motion for Daniel F. Goldstein to Appear Pro Hac Vice. Application for Pro Hac Vice GRANTED. The Clerk is instructed to close this motion. (Signed by Judge Harold Baer on 12/29/2011) (lmb) (Entered: 12/29/2011)
12/29/2011	<u>42</u>	ORDER FOR PRO HAC VICE ADMISSION OF LAURA G. ABELSON granting <u>29</u> Motion for Laura G. Abelson to Appear Pro Hac Vice. Application for Pro Hac Vice GRANTED. The Clerk is instructed to close this motion. (Signed by Judge Harold Baer on 12/29/2011) (lmb) (Entered: 12/29/2011)
12/29/2011		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Joseph E. Petersen to RE-FILE Document <u>38</u> Memorandum of Law in Support of Motion, <u>39</u> Declaration in Support of Motion. ERROR(S): Documents linked to filing error. Re-File and link ONLY to document # <u>37</u> Motion. (Idi) (Entered: 12/30/2011)
12/30/2011	<u>43</u>	MEMORANDUM OF LAW in Support re: <u>37</u> MOTION for Judgment on the Pleadings.. Document filed by Hathitrust. (Petersen, Joseph) (Entered: 12/30/2011)
12/30/2011	<u>44</u>	DECLARATION of Joseph Petersen in Support re: <u>37</u> MOTION for Judgment on the Pleadings.. Document filed by Hathitrust. (Petersen, Joseph) (Entered: 12/30/2011)
01/02/2012	<u>45</u>	ENDORSED LETTER addressed to Judge Harold Baer, Jr. from Joseph Petersen dated 12/29/2011 re: We are attorneys for the defendants in the above-referenced action. We submit this letter pursuant to Rule 5A of Your Honor's Individual Rules of Practice to inform the Court that last night the defendants filed a motion for judgment on the pleadings seeking dismissal of certain of Plaintiffs' claims for lack of subject matter jurisdiction. ENDORSEMENT: If all parties to the M/D are in accord I can hear arguments the first 10 days of March and I will be in touch as to your most convenient date – otherwise the motion will be decided without oral argument – let me know on or before Friday 1/6/12. (Signed by Judge Harold Baer on 1/2/2012) (rjm) (Entered: 01/03/2012)

01/10/2012	<u>46</u>	STIPULATION AND ORDER: IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the parties below, that the time for Plaintiffs to respond to the motion by Defendants for Judgment on the Pleadings Based Upon Lack of Subject Matter Jurisdiction is hereby extended to January 31, 2012; and IT IS FURTHER STIPULATED AND AGREED, that the Defendants will serve any reply papers with respect to such motion on or before February 17, 2012; and IT IS FURTHER STIPULATED AND AGREED, consistent with the Court's January 2, 2012 "so ordered" endorsement of defendants' counsel's December 29, 2011 letter to the Court, that oral argument be held on March 2, 2012 at such time as is convenient to the Court. (Responses due by 1/31/2012.) (Signed by Judge Harold Baer on 1/10/2012) (lmb) (Entered: 01/10/2012)
01/24/2012	<u>47</u>	STIPULATION AND PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material... (Signed by Judge Harold Baer on 1/24/2012) (mro) (Entered: 01/24/2012)
01/24/2012	<u>48</u>	MEMO ENDORSEMENT granting <u>27</u> Motion to Intervene. ENDORSEMENT: Motion granted on consent. The clerk is directed to close the motion to intervene. (Signed by Judge Harold Baer on 1/24/2012) (mro) (Entered: 01/24/2012)
01/31/2012	<u>49</u>	DECLARATION of Edward H. Rosenthal in Opposition re: <u>37</u> MOTION for Judgment on the Pleadings.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Pat Cummins, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter00G Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, Danielle Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Rosenthal, Edward) (Entered: 01/31/2012)
01/31/2012	<u>50</u>	MEMORANDUM OF LAW in Opposition re: <u>37</u> MOTION for Judgment on the Pleadings.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Pat Cummins, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter00G Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, Danielle Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 01/31/2012)
02/17/2012	<u>51</u>	REPLY MEMORANDUM OF LAW in Support re: <u>37</u> MOTION for Judgment on the Pleadings.. Document filed by Hathitrust. (Petersen, Joseph) (Entered: 02/17/2012)
02/17/2012	<u>52</u>	DECLARATION of Joseph Petersen in Support re: <u>37</u> MOTION for Judgment on the Pleadings.. Document filed by Hathitrust. (Attachments: # <u>1</u> Exhibit A – Objections and Responses to Requests for Admission, # <u>2</u> Exhibit B – Objections and Responses to Request for Production, # <u>3</u> Exhibit C – Objections and Responses to Requests for Admissions, # <u>4</u> Exhibit D – Objections and Responses of Plaintiff SFF, # <u>5</u> Exhibit E – Objections and Responses of Plaintiff NFFO, # <u>6</u> Exhibit F – Objections and Responses of Plaintiff Authors Licensing and Collecting)(Petersen, Joseph) (Entered: 02/17/2012)
02/24/2012	<u>53</u>	NOTICE OF CHANGE OF ADDRESS by Joseph E. Petersen on behalf of All Defendants. New Address: 1114 Avenue of the Americas, 21st Floor, New York, NY, 10036,. (Petersen, Joseph) (Entered: 02/24/2012)
02/28/2012	<u>54</u>	MOTION for Judgment on the Pleadings <i>Motion for Partial Judgment on the Pleadings</i> . Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Pat Cummins, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter00G Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, Danielle Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada.(Rosenthal, Edward) (Entered: 02/28/2012)

02/28/2012	<u>55</u>	MEMORANDUM OF LAW in Support re: <u>54</u> MOTION for Judgment on the Pleadings <i>Motion for Partial Judgment on the Pleadings..</i> Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Pat Cummins, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter0OG Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, Danielle Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 02/28/2012)
03/20/2012	<u>56</u>	NOTICE OF APPEARANCE by Robert Nathan Potter on behalf of Hathitrust (Potter, Robert) (Entered: 03/20/2012)
03/21/2012	<u>57</u>	STIPULATION: IT IS HEREBY STIPULATED AND AGREED, that the time for Defendants and Intervenor Defendants to respond to the February 28, 2012 motion by Plaintiffs for Partial Judgment on the Pleadings is hereby extended to April 20, 2012. IT IS FURTHER STIPULATED AND AGREED, that the Plaintiffs will serve any reply papers with respect to such motion on or before May 11, 2012. IT IS FURTHER STIPULATED AND AGREED, that no party shall file any further dispositive motions of any type prior to May 20, 2012. Set Deadlines/Hearing as to <u>54</u> MOTION for Judgment on the Pleadings <i>Motion for Partial Judgment on the Pleadings.</i> :(Responses due by 4/20/2012) (Signed by Judge Harold Baer on 3/21/2012) (jfe) (Entered: 03/21/2012)
04/10/2012	<u>59</u>	MOTION for Jonathan Band to Appear Pro Hac Vice. Document filed by American Library Association, Association of College and Research Libraries, Association of Research Libraries.(bwa) (arc). (Entered: 04/16/2012)
04/12/2012	<u>58</u>	ANSWER to <u>4</u> Amended Complaint,,,,,,. Document filed by Georgina Kleege, Georgina Kleege, Blair Seidlitz, Blair Seidlitz, The National Federation of the Blind, Courtney Wheeler, Courtney Wheeler. (Attachments: # <u>1</u> Rule 7.1 Disclosure)(Abelson, Laura) (Entered: 04/12/2012)
04/20/2012	<u>60</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>59</u> Motion for Jonathan Band to Appear Pro Hac Vice. It is hereby Ordered that Jonathan Band be admitted Pro Hac Vice to appear for all purposes for counsel for amici American Library Association, Association of College and Research Libraries, and Association of Research Libraries. ENDORSEMENT: Application for Pro Hac Vice granted. The Clerk is instructed to close this motion. (Signed by Judge Harold Baer on 4/19/2012) (mro) Modified on 4/20/2012 (mro). (Entered: 04/20/2012)
04/20/2012	<u>61</u>	RESPONSE in Opposition re: <u>54</u> MOTION for Judgment on the Pleadings <i>Motion for Partial Judgment on the Pleadings. Of Defendants Intervenors'</i> . Document filed by Georgina Kleege, Georgina Kleege, National Federation of the Blind, Blair Seidlitz, Blair Seidlitz, The National Federation of the Blind, Courtney Wheeler, Courtney Wheeler. (Goldstein, Daniel) (Entered: 04/20/2012)
04/20/2012	<u>62</u>	MOTION for Leave to File Brief Amici Curiae. Document filed by American Library Association, Association of College and Research Libraries, Association of Research Libraries.(Band, Jonathan) (Entered: 04/20/2012)
04/20/2012	<u>63</u>	BRIEF <i>Amici Curiae in Opposition of Plaintiffs' Motion for Partial Judgment on the Pleadings.</i> Document filed by American Library Association, Association of College and Research Libraries, Association of Research Libraries.(Band, Jonathan) (Entered: 04/20/2012)
04/20/2012	<u>64</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by American Library Association, Association of College and Research Libraries, Association of Research Libraries.(Band, Jonathan) (Entered: 04/20/2012)
04/20/2012	<u>65</u>	MEMORANDUM OF LAW in Opposition re: <u>54</u> MOTION for Judgment on the Pleadings <i>Motion for Partial Judgment on the Pleadings..</i> Document filed by Hathitrust. (Potter, Robert) (Entered: 04/20/2012)
04/24/2012		CASHIERS OFFICE REMARK on <u>59</u> Motion to Appear Pro Hac Vice in the amount of \$200.00, paid on 04/11/2012, Receipt Number 1035078. (jd) (Entered: 04/24/2012)

		04/24/2012)
05/07/2012	<u>66</u>	ENDORSED LETTER addressed to Judge Harold Baer Jr. from Edward H. Rosenthal dated 5/1/12 re: Counsel for the plaintiffs requests permission for the plaintiffs to file a 15–page reply brief in connection with plaintiffs' motion for partial judgment on the pleadings. ENDORSEMENT: So ordered. (Signed by Judge Harold Baer on 5/7/2012) (mro) (Entered: 05/07/2012)
05/11/2012	<u>67</u>	REPLY MEMORANDUM OF LAW in Support re: <u>54</u> MOTION for Judgment on the Pleadings <i>Motion for Partial Judgment on the Pleadings..</i> Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Pat Cummins, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter0OG Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, Danielle Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 05/11/2012)
05/14/2012	<u>68</u>	ENDORSED LETTER addressed to Judge Harold Baer from Joseph Petersen dated 5/10/2012 re: Discovery dispute and to request direction from the Court on scheduling as it relates to the parties' filing of summary judgment motions. ENDORSEMENT: This problem should have been brought to my attention earlier and certainly not on the eve of the discovery cutoff and I trust it will not happen again. (1) I'd like a list of all depositions–name and role and schedule, (2) the three who are "too busy" will appear in NY wit hin the next ten (10) days at their convenience and I'd like a note from Mr. Salamanca's doctor as to his ability or lack thereof to participate at his bedside or wherever in an hour (1) of questions and answers. (Signed by Judge Harold Baer on 5/14/2012) (cd) (Entered: 05/14/2012)
05/17/2012		Minute Entry for proceedings held before Judge Harold Baer: Oral Argument held on 5/17/2012 re: <u>62</u> MOTION for Leave to File Brief Amici Curiae. filed by American Library Association, Association of Research Libraries, Association of College and Research Libraries, <u>54</u> MOTION for Judgment on the Pleadings <i>Motion for Partial Judgment on the Pleadings.</i> filed by Norsk Faglitteraer Forfatter0OG Oversetterforening, Pat Cummins, Fay Weldon, Roxana Robinson, Sveriges Forfattarforbund, The Authors League Fund, Inc, Pat Cummings, the Writers' Union of Canada, Jack R. Salamanca, T.J. Stiles, Daniele Simpson, James Shapiro, Union Des Ecrivaines Et Des Ecrivains Quebecois, Danielle Simpson, Andre Roy, Helge Ronning, The Australian Society Of Authors Limited, Angelo Loukakis, Erik Grundstrom, The Authors Guild, Inc., Authors' Licensing and Collecting Society. (js) (Entered: 06/05/2012)
05/29/2012	<u>69</u>	TRANSCRIPT of Proceedings re: MOTIONS held on 5/17/2012 before Judge Harold Baer. Court Reporter/Transcriber: William Richards, (212) 805–0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/22/2012. Redacted Transcript Deadline set for 7/2/2012. Release of Transcript Restriction set for 8/30/2012.(McGuirk, Kelly) (Entered: 05/29/2012)
05/29/2012	<u>70</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a MOTION proceeding held on 5/17/12 has been filed by the court reporter/transcriber in the above–captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 05/29/2012)
06/06/2012	<u>71</u>	ENDORSED LETTER addressed to Judge Harold Baer, Jr. from Edward H. Rosenthal dated 5/29/12 re: Counsel for the plaintiffs requests that the last day for fully briefed motions be served and filed be extended for one week to 7/27/12. Counsel proposes the following schedule: moving papers by 6/29; opposition by 7/20 and reply by 7/27. ENDORSEMENT: Fine. (Motions due by 6/29/2012., Responses due by 7/20/2012, Replies due by 7/27/2012.) (Signed by Judge Harold

		Baer on 6/6/2012) (mro) Modified on 6/7/2012 (mro). (Entered: 06/06/2012)
06/19/2012	<u>72</u>	ORDER granting <u>62</u> Motion for Leave to File Document. It is hereby ORDERED that the unopposed Motion for Leave to File Brief Amici Curiae filed by the American Library Association, the Association of College and Research Libraries, and the Association of Research Libraries is GRANTED. The Clerk of Court is directed to close the motion and remove it from my docket. (Signed by Judge Harold Baer on 6/18/2012) (lmb) (Entered: 06/19/2012)
06/29/2012	<u>73</u>	ENDORSED LETTER addressed to Judge Harold Baer Jr. from Edward R. Rosenthal dated 6/28/12 re: Counsel writes on behalf of the parties to request that they be permitted to serve redacted versions of their papers and to submit an unredacted set of the papers for filing under seal. The parties also request that they be permitted to serve a memorandum of law not longer than thirty pages. ENDORSEMENT: 30 pages is OK no further extensions by any party redacted and unredacted versions will be submitted. (Signed by Judge Harold Baer on 6/28/2012) (mro) (Entered: 06/29/2012)
06/29/2012	<u>74</u>	MOTION for Summary Judgment. Document filed by Georgina Kleege, National Federation of the Blind, Blair Seidlitz, The National Federation of the Blind, Courtney Wheeler. Responses due by 7/20/2012(Goldstein, Daniel) (Entered: 06/29/2012)
06/29/2012	<u>75</u>	MEMORANDUM OF LAW in Support re: <u>74</u> MOTION for Summary Judgment.. Document filed by Georgina Kleege, Blair Seidlitz, The National Federation of the Blind, Courtney Wheeler. (Goldstein, Daniel) (Entered: 06/29/2012)
06/29/2012	<u>76</u>	RULE 56.1 STATEMENT. Document filed by Georgina Kleege, Blair Seidlitz, The National Federation of the Blind, Courtney Wheeler. (Goldstein, Daniel) (Entered: 06/29/2012)
06/29/2012	<u>77</u>	DECLARATION of LAURA ABELSON in Support re: <u>74</u> MOTION for Summary Judgment.. Document filed by Georgina Kleege, Blair Seidlitz, The National Federation of the Blind, Courtney Wheeler. (Attachments: # <u>1</u> Exhibit A – CCB Depo, # <u>2</u> Exhibit B – Google Clancy, # <u>3</u> Exhibit C – interrogatories, # <u>4</u> Exhibit D – Kleege, # <u>5</u> Exhibit E – Seidlitz, # <u>6</u> Exhibit F – Wheeler)(Goldstein, Daniel) (Entered: 06/29/2012)
06/29/2012	<u>78</u>	DECLARATION of DR. MARC MAURER in Support re: <u>74</u> MOTION for Summary Judgment.. Document filed by Georgina Kleege, Blair Seidlitz, The National Federation of the Blind, Courtney Wheeler. (Goldstein, Daniel) (Entered: 06/29/2012)
06/29/2012	<u>79</u>	DECLARATION of GEORGE KERSCHER in Support re: <u>74</u> MOTION for Summary Judgment.. Document filed by Georgina Kleege, Blair Seidlitz, The National Federation of the Blind, Courtney Wheeler. (Goldstein, Daniel) (Entered: 06/29/2012)
06/29/2012	<u>80</u>	DECLARATION of JAMES FRUCHTERMAN in Support re: <u>74</u> MOTION for Summary Judgment.. Document filed by Georgina Kleege, Blair Seidlitz, The National Federation of the Blind, Courtney Wheeler. (Goldstein, Daniel) (Entered: 06/29/2012)
06/29/2012	<u>81</u>	MOTION for Summary Judgment. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Pat Cummins, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter0OG Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, Danielle Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada.(Rosenthal, Edward) (Entered: 06/29/2012)
06/29/2012	<u>82</u>	DECLARATION of Paul Aiken in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter0OG Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges

		Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D (part 1), # <u>5</u> Exhibit D (part 2), # <u>6</u> Exhibit D (part 3))(Rosenthal, Edward) (Entered: 06/29/2012)
06/29/2012	<u>83</u>	DECLARATION of T.J. Stiles in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter00G Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 06/29/2012)
06/29/2012	<u>84</u>	DECLARATION of Trond Andreassen in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter00G Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 06/29/2012)
06/29/2012	<u>85</u>	DECLARATION of Owen Atkinson in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter00G Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 06/29/2012)
06/29/2012	<u>86</u>	DECLARATION of Pat Cummings in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter00G Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 06/29/2012)
06/29/2012	<u>87</u>	DECLARATION of Kelly Duffin in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter00G Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 06/29/2012)
06/29/2012	<u>88</u>	DECLARATION of Francis Farley–Chevrier in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norman J. Pattiz, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 06/29/2012)

06/29/2012	<u>89</u>	DECLARATION of Erik Grundstrom in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer ForfatterOOG Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 06/29/2012)
06/29/2012	<u>90</u>	DECLARATION of Louise Hedberg in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer ForfatterOOG Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Fred Ruiz, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 06/29/2012)
06/29/2012	<u>91</u>	DECLARATION of Jan Terje Helmli in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer ForfatterOOG Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 06/29/2012)
06/29/2012	<u>92</u>	DECLARATION of Isabel Howe in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer ForfatterOOG Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 06/29/2012)
06/29/2012	<u>93</u>	DECLARATION of Isabel Howe in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer ForfatterOOG Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Rosenthal, Edward) (Entered: 06/29/2012)
06/29/2012	<u>94</u>	DECLARATION of Roxana Robinson in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer ForfatterOOG Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 06/29/2012)
06/29/2012	<u>95</u>	DECLARATION of Helge Ronning in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer ForfatterOOG Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges

		Forfatterforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 06/29/2012)
06/29/2012	<u>96</u>	DECLARATION of Andre Roy in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter00G Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfatterforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 06/29/2012)
06/29/2012	<u>97</u>	DECLARATION of James Shapiro in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Sherry L. Lansing, Norsk Faglitteraer Forfatter00G Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfatterforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 06/29/2012)
06/29/2012	<u>98</u>	DECLARATION of Daniele Simpson in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter00G Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfatterforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 06/29/2012)
06/29/2012	<u>99</u>	DECLARATION of Fay Weldon in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter00G Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, S. Martin Taylor, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B (part 1), # <u>3</u> Exhibit B (part 2), # <u>4</u> Exhibit B (part 3))(Rosenthal, Edward) (Entered: 06/29/2012)
06/29/2012	<u>100</u>	MOTION for Summary Judgment. Document filed by Hathitrust. Responses due by 7/20/2012(Petersen, Joseph) (Entered: 06/29/2012)
06/29/2012	<u>101</u>	DECLARATION of John White in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter00G Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfatterforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Rosenthal, Edward) (Entered: 06/29/2012)
06/29/2012	<u>102</u>	DECLARATION of Stanley Katz in Support re: <u>100</u> MOTION for Summary Judgment.. Document filed by Hathitrust. (Petersen, Joseph) (Entered: 06/29/2012)
06/29/2012	<u>103</u>	DECLARATION of Margret Leary in Support re: <u>100</u> MOTION for Summary Judgment.. Document filed by Hathitrust. (Petersen, Joseph) (Entered: 06/29/2012)

06/29/2012	<u>104</u>	DECLARATION of Neil R. Smalheiser in Support re: <u>100</u> MOTION for Summary Judgment.. Document filed by Hathitrust. (Petersen, Joseph) (Entered: 06/29/2012)
06/29/2012	<u>105</u>	MEMORANDUM OF LAW in Support re: <u>74</u> MOTION for Summary Judgment. <i>CORRECTED</i> . Document filed by Georgina Kleege, Blair Seidlitz, The National Federation of the Blind, Courtney Wheeler. (Goldstein, Daniel) (Entered: 06/29/2012)
06/29/2012	<u>107</u>	DECLARATION of Faith C. Hensrud in Support re: <u>100</u> MOTION for Summary Judgment.. Document filed by Hathitrust. (Petersen, Joseph) (Entered: 06/29/2012)
06/29/2012	<u>108</u>	DECLARATION of Joel Waldfogel, Ph.D. in Support re: <u>100</u> MOTION for Summary Judgment.. Document filed by Hathitrust. (Petersen, Joseph) (Entered: 06/29/2012)
06/29/2012	<u>109</u>	DECLARATION of Professor Daniel Gervais in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter00G Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 06/29/2012)
06/29/2012	<u>110</u>	DECLARATION of John Wilkin in Support re: <u>100</u> MOTION for Summary Judgment.. Document filed by Hathitrust. (Attachments: # <u>1</u> Exhibit A (Part 1 of 2), # <u>2</u> Exhibit A (Part 2 of 2), # <u>3</u> Exhibit B-C)(Petersen, Joseph) (Entered: 06/29/2012)
06/29/2012	<u>111</u>	AFFIRMATION of Joseph Petersen in Support re: <u>100</u> MOTION for Summary Judgment.. Document filed by Hathitrust. (Attachments: # <u>1</u> Exhibit A-W)(Petersen, Joseph) (Entered: 06/29/2012)
06/29/2012	<u>112</u>	MEMORANDUM OF LAW in Support re: <u>100</u> MOTION for Summary Judgment.. Document filed by Hathitrust. (Petersen, Joseph) (Entered: 06/29/2012)
06/29/2012	<u>113</u>	RULE 56.1 STATEMENT. Document filed by Hathitrust. (Petersen, Joseph) (Entered: 06/29/2012)
06/29/2012	<u>114</u>	DECLARATION of Edward H. Rosenthal (redacted) in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Pat Cummins, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter00G Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5 (Redacted), # <u>6</u> Exhibit 6 (Redacted), # <u>7</u> Exhibit 7 (Redacted), # <u>8</u> Exhibit 8 (Redacted), # <u>9</u> Exhibit 9 (Redacted), # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29, # <u>30</u> Exhibit 30, # <u>31</u> Exhibit 31, # <u>32</u> Exhibit 32, # <u>33</u> Exhibit 33, # <u>34</u> Exhibit 34, # <u>35</u> Exhibit 35, # <u>36</u> Exhibit 36, # <u>37</u> Exhibit 37, # <u>38</u> Exhibit 38, # <u>39</u> Exhibit 39, # <u>40</u> Exhibit 40, # <u>41</u> Exhibit 41, # <u>42</u> Exhibit 42, # <u>43</u> Exhibit 43, # <u>44</u> Exhibit 44, # <u>45</u> Exhibit 45, # <u>46</u> Exhibit 46, # <u>47</u> Exhibit 47, # <u>48</u> Exhibit 48, # <u>49</u> Exhibit 49, # <u>50</u> Exhibit 50, # <u>51</u> Exhibit 51, # <u>52</u> Exhibit 52, # <u>53</u> Exhibit 53, # <u>54</u> Exhibit 54, # <u>55</u> Exhibit 55, # <u>56</u> Exhibit 56, # <u>57</u> Exhibit 57, # <u>58</u> Exhibit 58, # <u>59</u> Exhibit 59, # <u>60</u> Exhibit 60, # <u>61</u> Exhibit 61, # <u>62</u> Exhibit 62, # <u>63</u> Exhibit 63, # <u>64</u> Exhibit 64, # <u>65</u> Exhibit 65, # <u>66</u> Exhibit 66, # <u>67</u> Exhibit 67, # <u>68</u> Exhibit 68, # <u>69</u> Exhibit 69, # <u>70</u> Exhibit 70, # <u>71</u> Exhibit 71, # <u>72</u> Exhibit 72, # <u>73</u> Exhibit 73, # <u>74</u> Exhibit 74, # <u>75</u> Exhibit 75, # <u>76</u> Exhibit 76, # <u>77</u> Exhibit 77, # <u>78</u> Exhibit 78, # <u>79</u> Exhibit 79, # 80 Exhibit 80 (Redacted), # 81 Exhibit 81 (Redacted), # 82 Exhibit 82 (Redacted), # 83 Exhibit 83 (Redacted), # 84 Exhibit 84 (Redacted), # 85 Exhibit 85 (Redacted), # <u>86</u> Exhibit 86, # 87 Exhibit 87 (Redacted), # 88 Exhibit 88 (Redacted), # 89 Exhibit 89 (Redacted), # <u>90</u> Exhibit

		90, # <u>91</u> Exhibit 91, # <u>92</u> Exhibit 92 (Redacted), # <u>93</u> Exhibit 93 (Redacted), # <u>94</u> Exhibit 94, # <u>95</u> Exhibit 95, # <u>96</u> Exhibit 96, # <u>97</u> Exhibit 97, # <u>98</u> Exhibit 98, # <u>99</u> Exhibit 99, # <u>100</u> Exhibit 100, # <u>101</u> Exhibit 101, # <u>102</u> Exhibit 102 (Part A), # <u>103</u> Exhibit 102 (Part B), # <u>104</u> Exhibit 103, # <u>105</u> Exhibit 104, # <u>106</u> Exhibit 105)(Rosenthal, Edward) (Entered: 06/29/2012)
06/29/2012	<u>115</u>	MEMORANDUM OF LAW in Support re: <u>81</u> MOTION for Summary Judgment. (<i>redacted</i>). Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter0OG Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 06/29/2012)
06/29/2012	<u>116</u>	RULE 56.1 STATEMENT. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter0OG Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 06/29/2012)
07/02/2012	<u>117</u>	DECLARATION of George Kerscher in Support re: <u>74</u> MOTION for Summary Judgment.. Document filed by National Federation of the Blind. (Attachments: # <u>1</u> Exhibit Exhiit A to Declaration of George Kerscher)(Bernstein, Robert) (Entered: 07/02/2012)
07/02/2012	<u>118</u>	DECLARATION of James Fruchterman in Support re: <u>74</u> MOTION for Summary Judgment.. Document filed by National Federation of the Blind. (Attachments: # <u>1</u> Exhibit Exhibit A – Curriculum Vitae of James Fruchterman)(Bernstein, Robert) (Entered: 07/02/2012)
07/03/2012	<u>119</u>	DECLARATION of Joel Waldfoegel, Ph.D. (redacted) in Support re: <u>100</u> MOTION for Summary Judgment.. Document filed by Hathitrust. (Petersen, Joseph) (Entered: 07/03/2012)
07/06/2012	<u>120</u>	MOTION to File Amicus Brief. Document filed by American Library Association, Association of College and Research Libraries, Association of Research Libraries.(Band, Jonathan) (Entered: 07/06/2012)
07/06/2012	<u>121</u>	BRIEF re: <u>120</u> MOTION to File Amicus Brief. <i>in Support of Defendant's Motion for Summary Judgment</i> . Document filed by American Library Association, Association of College and Research Libraries, Association of Research Libraries.(Band, Jonathan) (Entered: 07/06/2012)
07/07/2012	<u>122</u>	FIRST MOTION for Leave to File. Document filed by DIGITAL HUMANITIES AND LAW SCHOLARS.(Colman, Charles) (Entered: 07/07/2012)
07/07/2012	<u>123</u>	FIRST MEMORANDUM OF LAW in Support re: <u>100</u> MOTION for Summary Judgment.. Document filed by DIGITAL HUMANITIES AND LAW SCHOLARS. (Colman, Charles) (Entered: 07/07/2012)
07/11/2012	<u>124</u>	DECLARATION of Benjamin Edelman (redacted) (CORRECTED VERSION) in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter0OG Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 07/11/2012)
07/11/2012	<u>125</u>	DECLARATION of Edward H. Rosenthal (redacted) (CORRECTED VERSION) in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, David Crane, Pat Cummings, Erik Grundstrom,

		Angelo Loukakis, Norsk Faglitteraer Forfatter0OG Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Attachments: # <u>1</u> Exhibit 5 (redacted) (CORRECTED VERSION), # <u>2</u> Exhibit 6 (redacted) (CORRECTED VERSION), # <u>3</u> Exhibit 7 (redacted) (CORRECTED VERSION), # <u>4</u> Exhibit 8 (redacted) (CORRECTED VERSION), # <u>5</u> Exhibit 9 (redacted) (CORRECTED VERSION), # <u>6</u> Exhibit 10 (redacted) (CORRECTED VERSION), # <u>7</u> Exhibit 80 (redacted) (CORRECTED), # <u>8</u> Exhibit 81 (redacted) (CORRECTED VERSION), # <u>9</u> Exhibit 82 (redacted) (CORRECTED VERSION), # <u>10</u> Exhibit 83 (redacted) (CORRECTED VERSION), # <u>11</u> Exhibit 84 (redacted) (CORRECTED VERSION), # <u>12</u> Exhibit 85 (redacted) (CORRECTED VERSION), # <u>13</u> Exhibit 87 (redacted) (CORRECTED VERSION), # <u>14</u> Exhibit 88 (redacted) (CORRECTED VERSION), # <u>15</u> Exhibit 89 (redacted) (CORRECTED VERSION), # <u>16</u> Exhibit 92 (redacted) (CORRECTED VERSION), # <u>17</u> Exhibit 93 (redacted) (CORRECTED VERSION))(Rosenthal, Edward) (Entered: 07/11/2012)
07/13/2012	<u>126</u>	SEALED DOCUMENT placed in vault.(nm) (Entered: 07/13/2012)
07/19/2012	<u>127</u>	ORDER: With the consent of all parties, that the Non-conforming documents be deleted and access thereto permanently removed. (Signed by Judge Harold Baer on 7/19/2012) (jar) (Entered: 07/19/2012)
07/20/2012	<u>128</u>	RESPONSE in Opposition re: <u>81</u> MOTION for Summary Judgment.. Document filed by Georgina Kleege, Blair Seidlitz, The National Federation of the Blind, Courtney Wheeler. (Goldstein, Daniel) (Entered: 07/20/2012)
07/20/2012	<u>129</u>	DECLARATION of James Fruchterman in Opposition re: <u>81</u> MOTION for Summary Judgment.. Document filed by Georgina Kleege, Blair Seidlitz, The National Federation of the Blind, Courtney Wheeler. (Goldstein, Daniel) (Entered: 07/20/2012)
07/20/2012	<u>130</u>	COUNTER STATEMENT TO <u>116</u> Rule 56.1 Statement,,, RULE 56.1 STATEMENT. Document filed by Georgina Kleege, Blair Seidlitz, The National Federation of the Blind, Courtney Wheeler. (Goldstein, Daniel) (Entered: 07/20/2012)
07/20/2012	<u>131</u>	DECLARATION of Paul Aiken (Second) in Opposition re: <u>74</u> MOTION for Summary Judgment., <u>100</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter0OG Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 07/20/2012)
07/20/2012	<u>132</u>	DECLARATION of Jeremy S. Goldman (redacted) in Opposition re: <u>100</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter0OG Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 07/20/2012)
07/20/2012	<u>133</u>	COUNTER STATEMENT TO <u>113</u> Rule 56.1 Statement. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Pat Cummins, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter0OG Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois. (Rosenthal, Edward) (Entered: 07/20/2012)

07/20/2012	<u>134</u>	COUNTER STATEMENT TO <u>76</u> Rule 56.1 Statement. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter0OG Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 07/20/2012)
07/20/2012	<u>135</u>	MEMORANDUM OF LAW in Opposition re: <u>74</u> MOTION for Summary Judgment., <u>100</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter0OG Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 07/20/2012)
07/20/2012	<u>136</u>	DECLARATION of Bernt Hugenholtz in Opposition re: <u>81</u> MOTION for Summary Judgment.. Document filed by Hathitrust. (Petersen, Joseph) (Entered: 07/20/2012)
07/20/2012	<u>137</u>	DECLARATION of (REDACTED) Cory Snavely in Opposition re: <u>81</u> MOTION for Summary Judgment.. Document filed by Hathitrust. (Petersen, Joseph) (Entered: 07/20/2012)
07/20/2012	<u>138</u>	DECLARATION of (REDACTED) Joseph Petersen in Opposition re: <u>81</u> MOTION for Summary Judgment.. Document filed by Hathitrust. (Petersen, Joseph) (Entered: 07/20/2012)
07/20/2012	<u>139</u>	COUNTER STATEMENT TO <u>116</u> Rule 56.1 Statement,,. Document filed by Hathitrust. (Petersen, Joseph) (Entered: 07/20/2012)
07/20/2012	<u>140</u>	MEMORANDUM OF LAW in Opposition re: <u>81</u> MOTION for Summary Judgment. (REDACTED). Document filed by Hathitrust. (Petersen, Joseph) (Entered: 07/20/2012)
07/25/2012	<u>141</u>	SEALED DOCUMENT placed in vault.(mps) (Entered: 07/25/2012)
07/27/2012	<u>142</u>	DECLARATION of Jeremy S. Goldman in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Pat Cummins, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer Forfatter0OG Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, Danielle Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 07/27/2012)
07/27/2012	<u>143</u>	REPLY MEMORANDUM OF LAW in Support re: <u>81</u> MOTION for Summary Judgment.. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Pat Cummins, Erik Grundstrom, Angelo Loukakis, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, Danielle Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. (Rosenthal, Edward) (Entered: 07/27/2012)
07/27/2012	<u>144</u>	DECLARATION of John Wilkin in Support re: <u>100</u> MOTION for Summary Judgment.. Document filed by Hathitrust. (Petersen, Joseph) (Entered: 07/27/2012)
07/27/2012	<u>145</u>	DECLARATION of Joseph Petersen (redacted) in Support re: <u>100</u> MOTION for Summary Judgment.. Document filed by Hathitrust. (Petersen, Joseph) (Entered: 07/27/2012)
07/27/2012	<u>146</u>	REPLY MEMORANDUM OF LAW in Support re: <u>100</u> MOTION for Summary Judgment.. Document filed by Hathitrust. (Petersen, Joseph) (Entered: 07/27/2012)

07/27/2012	<u>147</u>	DECLARATION of James Fruchterman in Support re: <u>74</u> MOTION for Summary Judgment.. Document filed by Georgina Kleege, Blair Seidlitz, The National Federation of the Blind, Courtney Wheeler. (Goldstein, Daniel) (Entered: 07/27/2012)
07/27/2012	<u>148</u>	DECLARATION of Fredric Schroeder in Support re: <u>74</u> MOTION for Summary Judgment.. Document filed by Georgina Kleege, Blair Seidlitz, The National Federation of the Blind, Courtney Wheeler. (Goldstein, Daniel) (Entered: 07/27/2012)
07/27/2012	<u>149</u>	REPLY MEMORANDUM OF LAW in Support re: <u>74</u> MOTION for Summary Judgment.. Document filed by Georgina Kleege, Blair Seidlitz, The National Federation of the Blind, Courtney Wheeler. (Goldstein, Daniel) (Entered: 07/27/2012)
08/03/2012	<u>150</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Jessica P. Weber to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208–7702049. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Georgina Kleege, Georgina Kleege, National Federation of the Blind, Blair Seidlitz, Blair Seidlitz, The National Federation of the Blind, Courtney Wheeler, Courtney Wheeler. (Attachments: # <u>1</u> Exhibit Certificate of Good Standing NY, # <u>2</u> Exhibit Certificate of Good Standing MD, # <u>3</u> Text of Proposed Order)(Weber, Jessica) Modified on 8/3/2012 (wb). (Entered: 08/03/2012)
08/03/2012		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice regarding Document No. <u>150</u> MOTION for Jessica P. Weber to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208–7702049. Motion and supporting papers to be reviewed by Clerk's Office staff.. The Order has to Contain all the Attorney's Information. (wb) (Entered: 08/03/2012)
08/03/2012	<u>151</u>	MOTION for Jessica P. Weber to Appear Pro Hac Vice CORRECTED. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Georgina Kleege, Georgina Kleege, National Federation of the Blind, Blair Seidlitz, Blair Seidlitz, The National Federation of the Blind, Courtney Wheeler, Courtney Wheeler. (Attachments: # <u>1</u> Exhibit Certificate of Good Standing New York, # <u>2</u> Exhibit Certificate of Good Standing Maryland, # <u>3</u> Text of Proposed Order)(Weber, Jessica) (Entered: 08/03/2012)
08/03/2012		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>151</u> MOTION for Jessica P. Weber to Appear Pro Hac Vice CORRECTED. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 08/03/2012)
08/06/2012		Minute Entry for proceedings held before Judge Harold Baer: Oral Argument held on 8/6/2012 re: <u>74</u> MOTION for Summary Judgment. filed by Courtney Wheeler, National Federation of the Blind, The National Federation of the Blind, Blair Seidlitz, Georgina Kleege, <u>120</u> MOTION to File Amicus Brief. filed by American Library Association, Association of Research Libraries, Association of College and Research Libraries, <u>122</u> FIRST MOTION for Leave to File. filed by DIGITAL HUMANITIES AND LAW SCHOLARS, <u>81</u> MOTION for Summary Judgment. filed by Norsk Faglitteraer ForfatterOOG Oversetterforening, Pat Cummins, Fay Weldon, Roxana Robinson, Sveriges Forfattarforbund, The Authors League Fund, Inc, Pat Cummings, the Writers' Union of Canada, Jack R. Salamanca, T.J. Stiles, Daniele Simpson, James Shapiro, Union Des Ecrivaines Et Des Ecrivains Quebecois, Danielle Simpson, Andre Roy, Helge Ronning, The Australian Society Of Authors Limited, Angelo Loukakis, Erik Grundstrom, The Authors Guild, Inc., Authors' Licensing and Collecting Society. (js) (Entered: 08/20/2012)
08/16/2012	<u>152</u>	SEALED DOCUMENT placed in vault.(mps) (Entered: 08/16/2012)
08/22/2012	<u>153</u>	TRANSCRIPT of Proceedings re: CONFERNCE held on 8/6/2012 before Judge Harold Baer. Court Reporter/Transcriber: Alena Lynch, (212) 805–0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript

		Restriction. After that date it may be obtained through PACER. Redaction Request due 9/17/2012. Redacted Transcript Deadline set for 9/27/2012. Release of Transcript Restriction set for 11/26/2012.(McGuirk, Kelly) (Entered: 08/22/2012)
08/22/2012	<u>154</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERNCE proceeding held on 8/6/12 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 08/22/2012)
09/28/2012	<u>155</u>	ENDORSED LETTER addressed to Judge Harold Baer, Jr. from Jessica P. Weber dated 9/28/12 re: Counsel writes to request that the fee accompanying her motion for admission pro hac vice be applied to her petition for admission to the United States District Court for the Southern District of New York. ENDORSEMENT: Please apply the fee to Ms. Weber's petition for admission to the SDNY Court. (Signed by Judge Harold Baer on 9/28/2012) (mro) (Entered: 09/28/2012)
10/10/2012	<u>156</u>	OPINION & ORDER # 102471re: <u>74</u> MOTION for Summary Judgment filed by Courtney Wheeler, National Federation of the Blind, The National Federation of the Blind, Blair Seidlitz, Georgina Kleege, <u>120</u> MOTION to File Amicus Brief filed by American Library Association, Association of Research Libraries, Association of College and Research Libraries, <u>37</u> MOTION for Judgment on the Pleadings. filed by Hathitrust, <u>54</u> MOTION for Judgment on the Pleadings <i>Motion for Partial Judgment on the Pleadings</i> filed by Norsk Faglitteraer Forfatter0OG Oversetterforening, Pat Cummins, Fay Weldon, Roxana Robinson, Sveriges Forfattarforbund, The Authors League Fund, Inc, Pat Cummings, the Writers' Union of Canada, Jack R. Salamanca, T.J. Stiles, Daniele Simpson, James Shapiro, Union Des Ecrivaines Et Des Ecrivains Quebecois, Danielle Simpson, Andre Roy, Helge Ronning, The Australian Society Of Authors Limited, Angelo Loukakis, Erik Grundstrom, The Authors Guild, Inc., Authors' Licensing and Collecting Society, <u>122</u> FIRST MOTION for Leave to File filed by DIGITAL HUMANITIES AND LAW SCHOLARS, <u>81</u> MOTION for Summary Judgment filed by Norsk Faglitteraer Forfatter0OG Oversetterforening, Pat Cummins, Fay Weldon, Roxana Robinson, Sveriges Forfattarforbund, The Authors League Fund, Inc, Pat Cummings, the Writers' Union of Canada, Jack R. Salamanca, T.J. Stiles, Daniele Simpson, James Shapiro, Union Des Ecrivaines Et Des Ecrivains Quebecois, Danielle Simpson, Andre Roy, Helge Ronning, The Australian Society Of Authors Limited, Angelo Loukakis, Erik Grundstrom, The Authors Guild, Inc., Authors' Licensing and Collecting Society, <u>100</u> MOTION for Summary Judgment filed by Hathitrust. I have considered the parties' remaining arguments and find them to be without merit. For the foregoing reasons, Plaintiffs' motions are DENIED. Defendants' motion for judgment on the pleadings is GRANTED in part and DENIED in part: the Associational Plaintiffs have Article III standing; the U.S. Associational Plaintiffs lack statutory standing; and Plaintiffs' OWP claims are not ripe. Defendants' and Defendant Intervenors' motions for summary judgment are GRANTED: their participation in the MDP and the present application of the HDL are protected under fair use. The two unopposed motions for leave to file briefs as amici are GRANTED. The Clerk of the Court is instructed to close the seven open motions, close the case, and remove it from my docket. (Signed by Judge Harold Baer on 10/10/2012) (lmb) Modified on 10/16/2012 (ft). (Entered: 10/10/2012)
10/10/2012		Transmission to Judgments and Orders Clerk. Transmitted re: <u>156</u> Memorandum & Opinion to the Judgments and Orders Clerk. (lmb) (Entered: 10/10/2012)
10/12/2012	<u>157</u>	CLERK'S JUDGMENT That for the reasons stated in the Court's Opinion and Order dated October 10, 2012, Plaintiffs' motions are denied; Defendants' motion for judgment on the pleadings is granted in part and denied in part: the Associational Plaintiffs have Article III standing; the U.S. Associational Plaintiffs lack statutory standing; and Plaintiffs' OWP claims are not ripe; Defendants and Defendant Intervenors' motions for summary judgment are granted: their participation in the MDP and the present application of the HDL are protected under fair use; and the two unopposed motions for leave to file briefs as amici are granted; accordingly, the case is closed. (Signed by Clerk of Court Ruby Krajick on 10/12/12) (Attachments: # <u>1</u> NOTICE OF RIGHT TO APPEAL)(ml) (Entered: 10/12/2012)

		10/12/2012)
10/26/2012	<u>158</u>	MOTION for Attorney Fees. Document filed by Hathitrust.(Petersen, Joseph) (Entered: 10/26/2012)
10/26/2012	<u>159</u>	MEMORANDUM OF LAW in Support re: <u>158</u> MOTION for Attorney Fees.. Document filed by Hathitrust. (Petersen, Joseph) (Entered: 10/26/2012)
10/26/2012	<u>160</u>	DECLARATION of Roger L. Zissu in Support re: <u>158</u> MOTION for Attorney Fees.. Document filed by Hathitrust. (Petersen, Joseph) (Entered: 10/26/2012)
10/26/2012	<u>161</u>	DECLARATION of Raymond J. Dowd in Support re: <u>158</u> MOTION for Attorney Fees.. Document filed by Hathitrust. (Petersen, Joseph) (Entered: 10/26/2012)
10/26/2012	<u>162</u>	DECLARATION of Joseph Petersen in Support re: <u>158</u> MOTION for Attorney Fees.. Document filed by Hathitrust. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Errata B, # <u>3</u> Exhibit C (Part 1 of 4), # <u>4</u> Exhibit C (Part 2 of 4), # <u>5</u> Exhibit C (Part 3 of 4), # <u>6</u> Exhibit C (Part 4 of 4))(Petersen, Joseph) (Entered: 10/26/2012)
11/01/2012	<u>163</u>	MOTION for Attorney Fees of <i>Defendant Intervenors</i> . Document filed by Georgina Kleege, Blair Seidlitz, The National Federation of the Blind, Courtney Wheeler.(Goldstein, Daniel) (Entered: 11/01/2012)
11/01/2012	<u>164</u>	MEMORANDUM OF LAW in Support re: <u>163</u> MOTION for Attorney Fees of <i>Defendant Intervenors</i> .. Document filed by Georgina Kleege, Blair Seidlitz, The National Federation of the Blind, Courtney Wheeler. (Goldstein, Daniel) (Entered: 11/01/2012)
11/01/2012	<u>165</u>	DECLARATION of Daniel F. Goldstein in Support re: <u>163</u> MOTION for Attorney Fees of <i>Defendant Intervenors</i> .. Document filed by Georgina Kleege, Blair Seidlitz, The National Federation of the Blind, Courtney Wheeler. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B-1, # <u>3</u> Exhibit B-2, # <u>4</u> Exhibit B-3, # <u>5</u> Exhibit B-4, # <u>6</u> Exhibit B-5, # <u>7</u> Exhibit B-6, # <u>8</u> Exhibit B-7, # <u>9</u> Exhibit B-8, # <u>10</u> Exhibit B-9, # <u>11</u> Exhibit B-10, # <u>12</u> Exhibit B-11, # <u>13</u> Exhibit B-12)(Goldstein, Daniel) (Entered: 11/01/2012)
11/08/2012	<u>166</u>	ENDORSED LETTER addressed to Judge Harold Baer, Jr. from Edward H. Rosenthal dated 11/6/2012 re: Counsel for plaintiff writes that the parties have agreed, subject to the Court's approval, that plaintiffs' opposition to the motion will be served on or before November 20, 2012 and any reply by defendants will be filed on or before December 6, 2012. ENDORSEMENT: granted.., (Replies due by 12/6/2012.) (Signed by Judge Harold Baer on 11/7/2012) (pl) (Entered: 11/08/2012)
11/08/2012	<u>167</u>	NOTICE OF APPEAL from <u>157</u> Clerk's Judgment,,, <u>156</u> Memorandum & Opinion,,,,,,. Document filed by Authors' Licensing and Collecting Society, Pat Cummings, Erik Grundstrom, Angelo Loukakis, Norsk Faglitteraer ForfatterOOG Oversetterforening, Roxana Robinson, Helge Ronning, Andre Roy, Jack R. Salamanca, James Shapiro, Daniele Simpson, T.J. Stiles, Sveriges Forfattarforbund, The Australian Society Of Authors Limited, The Authors Guild, Inc., The Authors League Fund, Inc, Union Des Ecrivaines Et Des Ecrivains Quebecois, Fay Weldon, the Writers' Union of Canada. Filing fee \$ 455.00, receipt number 0208-7961302. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Rosenthal, Edward) (Entered: 11/08/2012)
11/08/2012		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>167</u> Notice of Appeal,, (nd) (Entered: 11/08/2012)
11/08/2012		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>125</u> Declaration in Support of Motion,,,,, filed by Norsk Faglitteraer ForfatterOOG Oversetterforening, Fay Weldon, Roxana Robinson, Sveriges Forfattarforbund, The Authors League Fund, Inc, Pat Cummings, the Writers' Union of Canada, Jack R. Salamanca, T.J. Stiles, Daniele Simpson, David Crane, James Shapiro, Union Des Ecrivaines Et Des Ecrivains Quebecois, Andre Roy, Helge Ronning, The Australian Society Of Authors Limited, Angelo Loukakis, Erik Grundstrom, The Authors Guild, Inc., Authors' Licensing and Collecting Society, <u>59</u> MOTION for Jonathan Band to Appear Pro Hac Vice. filed by American Library Association, Association of Research

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