

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 12-4547

Caption [use short title]

Motion for: Permission to File Sealed Brief

Authors Guild, Inc., et al. v. HathiTrust, et al.

Set forth below precise, complete statement of relief sought:

Because Intervenor Defendants-Appellees' brief will refer to portions

of the record that the court below deemed confidential, pursuant to the

Stipulation and Protective Order, attached as Exhibit A, Intervenor

Defendants-Appellees request permission to file a sealed brief with this Court.

MOVING PARTY: The National Federation of the Blind, et al.

OPPOSING PARTY: The Authors' Guild, Inc., et al.

Plaintiff Defendant
 Appellant/Petitioner Appellee/Respondent

MOVING ATTORNEY: Daniel F. Goldstein

[name of attorney, with firm, address, phone number and e-mail]

Brown, Goldstein & Levy, LLP

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OPPOSING ATTORNEY: Edward H. Rosenthal

Frankfurt Kurnit Klein & Selz, P.C.

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New York, NY 10022

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Court-Judge/Agency appealed from: U.S. District Court for the Southern District of New York/The Honorable Harold S. Baer

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

Yes No (explain): _____

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has request for relief been made below?

Yes No

Has this relief been previously sought in this Court?

Yes No

Requested return date and explanation of emergency: _____

Opposing counsel's position on motion:

Unopposed Opposed Don't Know

Does opposing counsel intend to file a response:

Yes No Don't Know

Is oral argument on motion requested?

Yes No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

Yes No If yes, enter date: _____

Signature of Moving Attorney:

/s/ Daniel F. Goldstein

Date: May 24, 2013

Service by: CM/ECF

Other [Attach proof of service]

ORDER

IT IS HEREBY ORDERED THAT the motion is **GRANTED DENIED**.

FOR THE COURT:

CATHERINE O'HAGAN WOLFE, Clerk of Court

Date: _____

By: _____