

No. 13-1816

United States of America,

Plaintiff-Appellee,

v.

Andrew Auernheimer,

Defendant-Appellant.

Appeals from the United States District Court for the District of New
Jersey, Case No. 11-CR-470, Judge Susan D. Wigenton

Motion for Leave to File Supplemental Information to Brief of Meredith
Patterson, Brendan O'Connor, Sergey Bratus, Gabriella Coleman,
Peyton Engel, Matthew Green, Dan Hirsch, Dan Kaminsky, Samuel
Liles, Shane MacDougall, Brian Martin, and C. Thomas, and Peiter
Zatko as *Amici Curiae* Supporting Appellant

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The *amici curiae*, Meredith Patterson, Brendan O'Connor, Sergey Bratus, Gabriella Coleman, Peyton Engel, Matthew Green, Dan Hirsch, Dan Kaminsky, Samuel Liles, Shane MacDougall, Brian Martin, and C. Thomas, and Peiter Zatkó, through their attorney, Alex Muentz, humbly move this court to allow the filing of the Appendix to their Brief of *Amici Curiae*, which contains supplemental information that they believe would assist the Court in understanding the importance of the above-captioned case to the security research community, of which the *amici* are a part. In support of this motion, the *amici* state the following facts:

1. The two parties to this litigation consented to the filing of this brief of *amici curiae*, in accord with Fed. R. App. P. 29(a), before it was filed with this court. The United States consented through Mark Coyne, Chief, Appeals Division, and Mr. Auernheimer consented through Tor Ekeland, counsel for the defendant.
2. The *amici* filed their brief on Monday, July 8, 2013, through the CM/ECF system, through which all parties have consented to receive service, and promptly submitted the seven written copies required by this Court's Local Appellate Rule 31.1 to the Court.

3. The *amici* are professional security researchers who work in government, academia, and private industry; they represent a broad swath of knowledge, and more than two centuries of experience. To aid the Court in understanding their background, they created the Appendix filed with their brief, containing their *curricula vitae*, for the Court's reference as supplemental information.
4. In addition to including the Appendix in the electronic submission through CM/ECF, the *amici* included a copy of the Appendix in each bound paper copy of the brief; the Appendix is not of a length that requires separate binding. As such, the *amici* have already delivered to this Court more than the four required copies of the Appendix; granting this motion will not require the filing of any additional documents either electronically or in hard copy.

WHEREFORE, for the foregoing reasons, the *amici* move this Court to allow the filing of the Appendix as supplemental information.

Respectfully submitted this 10th day of July, 2013,

Alexander Charles Muentz

Attorney for Amici