

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION**

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE (HARVARD CORPORATION),

Defendant.

Civil Action No. 1:14-cv-14176-ADB

**EMERGENCY RELIEF
REQUESTED**

**EMERGENCY MOTION OF PRESIDENT AND FELLOWS OF HARVARD COLLEGE
FOR PROTECTIVE ORDER AND A TEMPORARY STAY OF DEPOSITIONS**

Plaintiff Students for Fair Admissions, Inc. (“SFFA”) has subpoenaed former Harvard employee Caroline Weaver, under Fed. R. Civ. P. 45, to attend a deposition on October 9, 2015. Declaration of Felicia H. Ellsworth in Support of Emergency Motion to Stay (“Ellsworth Decl.”), Ex. 1. SFFA has also noticed the deposition of Harvard employee Tia Ray for the same date. Ellsworth Decl., Ex. 3.

Because Harvard has moved to stay this litigation in full pending the Supreme Court’s resolution of *Fisher v. University of Texas* (No. 14-981), and because the Court has not yet ruled on that motion, Harvard respectfully requests a protective order staying the depositions of Ms. Ray and Ms. Weaver, and any future depositions SFFA may attempt to notice in this case, pending the Court’s ruling on Harvard’s motion to stay the litigation (Dkt. 58). Harvard also requests that the Court temporarily stay—prior to October 9, 2015—the depositions of Ms. Weaver and Ms. Ray pending its ruling on this motion. At a minimum, in the alternative, the Court should grant a protective order requiring that the depositions of Ms. Weaver and Ms. Ray

be scheduled for dates on which both witnesses are available and which will afford a reasonable time for preparation.

Harvard files this motion on an emergency basis because the depositions have been noticed to occur before this motion would be fully briefed on a normal Local Rule 7.1(b)(2) schedule, and respectfully requests that the Court rule on this motion prior to October 9, 2015.

Respectfully submitted,

/s/ Felicia H. Ellsworth
Seth P. Waxman (*pro hac vice*)
Paul R.Q. Wolfson (*pro hac vice*)
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Ave. NW
Washington, D.C. 20006
Tel: (202) 663-6800
Fax: (202) 663-6363
seth.waxman@wilmerhale.com
paul.wolfson@wilmerhale.com

Debo P. Adegbile (*pro hac vice*)
WILMER CUTLER PICKERING
HALE AND DORR LLP
7 World Trade Center
250 Greenwich Street
New York, NY 10007
Tel: (212) 295-6717
Fax: (212) 230-8888
debo.adegbile@wilmerhale.com

Felicia H. Ellsworth (BBO #665232)
WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boston, MA 02109
Tel: (617) 526-6687
Fax: (617) 526-5000
felicia.ellsworth@wilmerhale.com

Dated: September 30, 2015

*Counsel for Defendant President and
Fellows of Harvard College and
Former Employee Caroline Weaver*

CERTIFICATE OF CONFERENCE

In accordance with Local Rule 7.1(a), I hereby certify that SFFA's counsel was made aware of this motion before it was filed and that the parties were unable to narrow the issues presented.

/s/ Felicia H. Ellsworth _____
Felicia H. Ellsworth

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that paper copies will be sent to those indicated as non-registered participants on September 30, 2015.

/s/ Felicia H. Ellsworth _____
Felicia H. Ellsworth