

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE (HARVARD CORPORATION),

Defendant.

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

**PLAINTIFF’S MOTION TO IMPOUND
REPLY TO HARVARD’S FEBRUARY 29, 2016 LETTER**

Pursuant to Local Rule 7.2 and this matter’s Stipulated Protective Order (Dkt. No. 55), Plaintiff, Students for Fair Admissions, Inc. (“SFFA”), hereby brings this motion to give this Honorable Court the option to impound SFFA’s March 2, 2016 letter to Judge Burroughs (“Letter”) which replies to the letter filed under seal by Defendant, the President and Fellows of Harvard College (“Harvard”) on February 29, 2016. The Letter contains information that has been designated by Harvard as “protected material” under the Stipulated Protective Order. This motion is brought in reaction to Harvard’s designations. SFFA will be hand-delivering an unredacted courtesy copy of the Letter to Judge Burroughs in a sealed envelope.

WHEREFORE, SFFA respectfully submits this motion, which gives the Court the option to allow the Letter to be impounded until further order of the Court and to be viewed only by the Judge, her clerk(s), and Court personnel.

Respectfully submitted,

By: /s/ Benjamin C. Caldwell
Benjamin C. Caldwell

Paul M. Sanford BBO #566318
Benjamin C. Caldwell BBO #675061
BURNS & LEVINSON LLP
One Citizens Plaza, Suite 1100
Providence, RI 02903
Tel: 617-345-3000
Fax: 617-345-3299
psanford@burnslev.com
bcaldwell@burnslev.com

William S. Consovoy
Thomas R. McCarthy
Michael H. Park
J. Michael Connolly
CONSOVOY MCCARTHY PARK PLLC
3033 Wilson Boulevard, Suite 700
Arlington, Virginia 22201
Tel: 703-243-4923
Fax: 703.243.4923
will@consovoymccarthy.com
tom@consovoymccarthy.com
park@consovoymccarthy.com
mike@consovoymccarthy.com

Dated: March 2, 2016

Patrick Strawbridge BBO #678274
CONSOVOY MCCARTHY PARK PLLC
Ten Post Office Square
8th Floor South PMB #706
Boston, MA 02109
Tel: 617-227-0548
patrick@consovoymccarthy.com

Counsel for Plaintiff Students for Fair
Admissions, Inc.

CERTIFICATE OF CONFERENCE

In accordance with Local Rules 7.1(a), I hereby certify that this motion is brought in reaction to Harvard’s designation of certain database fields and other information as “protected material” under the Stipulated Protected Order.

/s/ Benjamin C. Caldwell
Benjamin C. Caldwell

CERTIFICATE OF SERVICE

In accordance with Local Rule 5.2(b), I hereby certify that this document was filed through the Court’s ECF system on March 2, 2016 and will be sent electronically to the registered participants identified on the Notice of Electronic Filing. A courtesy copy of the unredacted Letter referenced herein is being hand-delivered to the Court; a copy is also being provided to opposing counsel.

/s/ Benjamin C. Caldwell
Benjamin C. Caldwell