

**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

**DEFENDANT’S ASSENTED-TO MOTION FOR LEAVE TO FILE A
REPLY MEMORANDUM IN SUPPORT OF ITS MOTION
TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**

Pursuant to Local Rule 7.1(b)(3), Defendant President and Fellows of Harvard College (“Harvard”) respectfully seeks leave of the Court to submit a reply memorandum in support of its Motion to Dismiss for Lack of Subject Matter Jurisdiction (Dkt. 187). Pursuant to Local Rule 7.1(a)(2), SFFA has stipulated that it assents to this motion. *See* Dkt. 196.

A reply memorandum is warranted because in its Opposition (Dkt. 204), Plaintiff Students for Fair Admissions, Inc. (“SFFA”) makes several assertions that require a response. Among other things, SFFA mischaracterizes the law regarding the applicability of the indicia-of-membership standard set forth in *Hunt v. Washington State Apple Advertising Commission*, 432 U.S. 333 (1977), and then improperly applies that standard to the facts of this case.

WHEREFORE, Harvard respectfully requests that the Court grant its motion for leave to file a reply in support of its Motion to Dismiss for Lack of Subject Matter Jurisdiction.

Respectfully submitted,

/s/ Seth P. Waxman

Seth P. Waxman (*pro hac vice*)
Paul R.Q. Wolfson (*pro hac vice*)
Daniel Winik (*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
daniel.winik@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

William F. Lee (BBO #291960)
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
william.lee@wilmerhale.com
felicia.ellsworth@wilmerhale.com

Dated: November 3, 2016

*Counsel for Defendant President and
Fellows of Harvard College*

LOCAL RULE 7.1 CERTIFICATION

Counsel for Harvard hereby certifies that SFFA assented to this motion by stipulation.
See Dkt. 196.

/s/ Seth P. Waxman
Seth P. Waxman

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.

/s/ Seth P. Waxman
Seth P. Waxman