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),

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

Defendant.

JOINT MOTION TO FILE UNDER SEAL LETTERS REGARDING PRODUCTION OF REVIEWER COMMENTS

Pursuant to Local Rule 7.2 and the Stipulated Protective Order (Dkt. 55), Plaintiff Students for Fair Admissions, Inc. ("SFFA") and Defendant President and Fellows of Harvard College ("Harvard") hereby jointly move this Court for an order sealing in their entirety the letters each side plans to submit in response to the Court's invitation in its sealed January 12, 2017 Order to provide proposals regarding the production of reviewer comments (Dkt. 243). The parties are filing their letters pursuant to that sealed order, and the letters contain references to information designated as confidential by Harvard relating to Harvard's admissions process.

The parties request that the documents subject to this motion be impounded until further order of the Court. In the event the Court has not previously ordered otherwise, the parties' submissions should be returned to the undersigned counsel upon resolution of this matter.

WHEREFORE, SFFA and Harvard respectfully request that the Court grant this motion and allow each party to file under seal in their entirety the letters regarding the production of reviewer comments, which will be viewed only by the Judge, her clerk(s), and Court personnel.

1

Respectfully submitted,

/s/ Felicia H. Ellsworth

Felicia H. Ellsworth (BBO #665232) William F. Lee (BBO #291960) WILMER CUTLER PICKERING HALE AND DORR LLP 60 State Street Boston, MA 02109 Tel: (617) 526-6000 Fax: (617) 526-5000 felicia.ellsworth@wilmerhale.com william.lee@wilmerhale.com

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

Dated: February 2, 2017

Counsel for Defendant President and Fellows of Harvard College

By: <u>/s/ Patrick Strawbridge</u>

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

Dated: February 2, 2017

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

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 Rule 7.1(a)(2), I hereby certify that SFFA joins in this motion and consents to the requested relief.

<u>/s/ Felicia H. Ellsworth</u> Felicia H. Ellsworth

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to all counsel of record via the CM/ECF system.

<u>/s/ Felicia H. Ellsworth</u> Felicia H. Ellsworth