

**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

**MOTION FOR LEAVE TO FILE A REPLY MEMORANDUM
IN SUPPORT OF THE MOTION TO INTERVENE**

Pursuant to Local Rule 7.1(b)(3), Proposed Defendant-Intervenors seek leave of the Court to submit an 11-page reply to Plaintiff's Opposition and Harvard's Response to the Motion to Intervene. The Proposed Reply is attached to this Motion as Exhibit A.

A reply memorandum is necessary to address several matters raised by the Parties. Specifically, the Parties' arguments mischaracterize the applicable legal standards for intervention as of right under Rule 24(a)(2) and Movants' Proposed Reply offers points of authority that will assist the Court in resolving the issue. Additionally, because this motion is dispositive for Movants' involvement as a party in the case, and a denial would be immediately appealable, *see Brotherhood of R. R. Trainmen v. Baltimore & Ohio R. Co.*, 331 U.S. 519, 524-25 (1947), a reply memorandum is warranted.

A reply is also necessary to respond to the Parties' contentions that Movants should be relegated to *amici curiae*. Movants' participation as *amici* would deprive the Court of the full

benefit of Movants' adversarial role and would deprive Movants of the ability to protect their interests. The Proposed Reply explains why Movants' participation as a party would not result in the unwieldy or lengthy discovery that the Parties cited in their opposition memoranda.

The Proposed Reply does not reiterate arguments in Movants' opening brief, but rather clarifies dispositive legal issues that Plaintiff and Defendant have contested.

Respectfully submitted,

Dated: May 15, 2015

/s/ Rahsaan D. Hall
Rahsaan D. Hall, BBO # 645369
LAWYERS' COMMITTEE FOR CIVIL
RIGHTS AND ECONOMIC JUSTICE
294 Washington St. Suite 443
Boston, MA 02108
Tel: (617) 988-0608
rhall@lawyerscom.org

/s/ Jon M. Greenbaum
Jon M. Greenbaum, DC Bar # 489887 (*pro*
hac motion pending)
LAWYERS' COMMITTEE FOR CIVIL
RIGHTS UNDER LAW
1401 New York Avenue, NW, Suite 400
Washington, DC 20005
Tel: (202) 662-8600
jgreenbaum@lawyerscommittee.org

ATTORNEYS FOR PROPOSED
DEFENDANT-INTERVENORS

CERTIFICATE OF CONFERENCE

In accordance with Local Rule 7.1(a), I hereby certify that I conferred with counsel for Plaintiff and Defendant in connection with this motion. Defendant consents to the filing of a reply. Plaintiff opposes a submission longer than five pages.

/s/ Jon M. Greenbaum
Jon M. Greenbaum

CERTIFICATE OF SERVICE

In accordance with Local Rule 5.2(b), I hereby certify that this document filed through the ECF system on May 15, 2015 will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Rahsaan D. Hall
Rahsaan D. Hall