

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT COURT 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

**UNOPPOSED MOTION FOR LEAVE TO SUBMIT REPLY ON BEHALF OF
*STUDENT AMICI CURIAE***

Students request leave pursuant to local rule 7.1(b)(3) to file a Reply to SFFA's Opposition and Harvard's Response to *Students'* Motion to Participate in Trial, attached as Exhibit 1. *Students* have conferred with the parties; Harvard assents and SFFA does not oppose. *Students* seek to respond to arguments that SFFA submitted in opposition to *Students'* Motion. (Dkt. 543.) SFFA misconstrues the law and the facts in opposing *Students'* participation at trial. Contrary to SFFA's claims, this Court has ample authority to permit *Students'* participation, and *Students* would play a distinct, important, and beneficial role to help ensure a complete and plenary presentation of difficult issues so that this Court may reach a proper decision. Harvard notably agrees that *Students'* participation as witnesses would aid this Court. Harvard also raises no concerns about judicial expediency with regard to *Students'* presenting testimony or participating in opening and closing arguments.

Harvard's only objection to *Students'* Motion is *Students'* request to cross-examine SFFA's expert witness Dr. Arcidiacono. (Dkt. 541 at 3.) Harvard's apparent concern is that *Students'* examination would likely be duplicative of Harvard's. (*Id.*) But *Students'* interests diverge from both parties with regard to SFFA's intentional discrimination claim, and their cross-examination would likewise solicit important testimony which otherwise may not surface in trial. Because *Students* intend to present distinct arguments, *Students* participation at trial would not lead to duplicative examinations and would meaningfully develop the factual record on key issues.

Wherefore, *Students* respectfully request that the Court grant them leave to file a Reply.

Respectfully Submitted,

/s/ Oren M. Sellstrom

Oren M. Sellstrom (BBO #569045)
LAWYERS' COMMITTEE FOR CIVIL RIGHTS
AND ECONOMIC JUSTICE
61 Batterymarch Street, Fifth Floor
Boston, MA 02110
Tel: 617-988-0608
osellstrom@lawyerscom.org

/s/ Genevieve Bonadies Torres

Genevieve Bonadies Torres (*pro hac vice*)
Kristen Clarke
Jon M. Greenbaum (*pro hac vice*)
Brenda Shum (*pro hac vice*)
LAWYERS' COMMITTEE FOR CIVIL RIGHTS
UNDER LAW
1500 K Street, NW
Washington, DC 20005
Tel: (202) 662-8600
gbonadies@lawyerscommittee.org

/s/ Nicole K. Ochi

Nicole K. Ochi (*pro hac vice*)
ASIAN AMERICANS ADVANCING JUSTICE

1145 Wilshire Boulevards
Los Angeles, CA 90017
Tel: (213) 241-0211
nochi@advancingjustice-la.org

/s/ Lawrence Culleen
Lawrence Culleen (*pro hac vice*)
Nancy Perkins (*pro hac vice*)
Steven Mayer (*pro hac vice*)
Emma Dinan (*pro hac vice*)
ARNOLD & PORTER KAYE SCHOLER LLP
601 Massachusetts Ave., NW
Washington, DC 20001
Tel: (202) 942-5477
Lawrence.Culleen@arnoldporter.com

Dated: September 21, 2018

COUNSEL FOR *AMICI CURIAE*

CERTIFICATE OF SERVICE

In accordance with Local Rule 5.2(b), I hereby certify that this document filed through the ECF system on September 21, 2018 will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Lawrence Culleen
Lawrence Culleen