

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

STUDENTS FOR FAIR ADMISSIONS, INC.,
Plaintiff,
v.
PRESIDENT AND FELLOWS OF HARVARD
COLLEGE,
Defendant.

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

REQUEST FOR JUDICIAL NOTICE

Plaintiff Students for Fair Admissions, Inc. files this request for judicial notice as the Court invited in its Memorandum and Order on Cross-Motions for Summary Judgment (D.I. 566 at 29 n.18) and during the pretrial conference.¹ Pursuant to Federal Rule of Civil Procedure 201(b), SFFA asks the Court to take judicial notice of the following:

The Report of the College Working Group on Diversity and Inclusion at Harvard, issued in November 2015, stated that “[u]nder the presidency of Abbott Lawrence Lowell (1909-1933), the Harvard administration restricted the numbers of Jewish students.” (DX-13.)

The Harvard President’s Report: 1993-1995 stated that “President A. Lawrence Lowell . . . called for quotas on the number of Jewish students admitted to Harvard.” (DX-40.)

In 1926, the Board of Overseers of Harvard College adopted a recommendation that “the rules for the admission of candidates be amended to lay greater emphasis on selection based on character and fitness, and the promise of the greatest usefulness in the future as a result of a Harvard education.” (P500.)

¹ Harvard does not oppose this motion, without prejudice to Harvard’s continuing objection to the relevance of these judicially noticeable facts to SFFA’s claims.

Dated: October 8, 2018

Respectfully submitted,

/s/ Adam K. Mortara

Adam K. Mortara
J. Scott McBride
Krista J. Perry
Bartlit Beck Herman Palenchar & Scott LLP
54 West Hubbard Street, Suite 300
Chicago, IL 60654
312.494.4400
adam.mortara@bartlit-beck.com
scott.mcbride@bartlit-beck.com
krista.perry@bartlit-beck.com

John M. Hughes
Katherine L.I. Hacker
Meg E. Fasulo
Bartlit Beck Herman Palenchar & Scott LLP
1801 Wewatta Street, Suite 1200
Denver, CO 80202
303.592.3100
john.hughes@bartlit-beck.com
kat.hacker@bartlit-beck.com
meg.fasulo@bartlit-beck.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
703.243.9423
will@consovoymccarthy.com
tom@consovoymccarthy.com
park@consovoymccarthy.com
mike@consovoymccarthy.com

Patrick Strawbridge BBO #678274
CONSOVOY MCCARTHY PARK PLLC
Ten Post Office Square
8th Floor South PMB #706
Boston, MA 02109
617.227.0548
patrick@consovoymccarthy.com

Paul M. Sanford BBO #566318
BURNS & LEVINSON LLP
One Citizens Plaza, Suite 1100 Providence,
RI 02903
617.345.3000
psanford@burnslev.com
bcaldwell@burnslev.com

Attorneys for Plaintiff Students for Fair Admissions, Inc.

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1(a), the undersigned conferred with counsel for Defendant on October 5, 2018. Defendant consents to the relief requested in this motion as explained in Footnote 1.

/s/ Katherine L.I. Hacker

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this 8th day of October, 2018.

/s/ Adam K. Mortara