

**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

**AMICI CURIAE HARVARD STUDENT AND ALUMNI ORGANIZATIONS' NOTICE
REGARDING TRIAL WITNESSES AND REQUEST REGARDING DELIVERY OF
OPENING STATEMENT**

Pursuant to this Court's October 3, 2018 Order Regarding Motions to Participate in Trial Proceedings by Amici Curiae, the amici Harvard Student and Alumni Organizations ("Organization Amici") submit the following notice and request concerning (1) the names of the witnesses whose testimony Organization Amici intend to offer at trial, and (2) Organization Amici's intent to deliver its opening statement in court rather than in writing.

I. Organization Amici Witnesses

In its October 3rd Order, this Court ruled that Organization Amici may present "up to 4 witnesses from among the individuals identified in their motion[]" (Order at 5.) In accordance with this Order, Organization Amici shall present the following witnesses:

1. Catherine Ho, Co-President, Asian American Women's Association;

2. Margaret Chin, Co-founder and Board member of the Coalition for a Diverse Harvard, Past President of the Harvard-Radcliffe Asian American Association, and former Board member of the Harvard Asian American Alumni Alliance;

3. Cecilia Nuñez, Vice President, Fuerza Latina of Harvard, and an officer of the Phillips Brooks House Association; and

4. Madison Trice, Political Action Chair of the Association of Black Harvard Women, and a member of the Harvard-Radcliffe Black Students Association.

Each of the foregoing witnesses was identified in Organization Amici's September 7, 2018 motion and has submitted a declaration in this matter. Organization Amici are in the process of conferring with the Student Amici and the parties regarding the scheduling of witness testimony, as set forth in the Court's Order.

II. Organization Amici's Opening Statement

The Court's October 3rd Order permits Organization Amici to either "submit a written opening statement or to deliver an opening statement in court, provided that it is (a) less than 15 minutes in length, and (b) delivered by an attorney with 5 years or less of experience." (Order at 4.) Organization Amici submit this Notice of their intent to present an oral opening statement, to be delivered by attorney Jennifer A. Holmes of the NAACP Legal Defense & Education Fund ("LDF").

As a 2012 law school graduate, Ms. Holmes falls just beyond the Court's directive that amici counsel delivering opening statements have "5 years or less of experience." Organization Amici request that the Court modestly extend the parameters of its Order to permit Ms. Holmes' delivery of the opening statement and examination of two witnesses for the following reasons: first, Ms. Holmes is the second-most junior attorney working for LDF on this matter, and the

least-tenured attorney on the case will be unavailable on October 15, 2018 due to an oral argument scheduled in another matter. Second, Ms. Holmes has not yet had an opportunity to present an opening statement at trial. Accordingly, allowing Ms. Holmes to deliver the Organization Amici's opening statement will be fully consistent with the spirit of the Court's Order.

WHEREFORE, Organization Amici respectfully request that the Court allow Ms. Holmes to deliver the opening statement and examine two Organization Amici witnesses.

Dated: October 10, 2018

Respectfully submitted,

/s/ Jennifer A. Holmes
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Association of Black Harvard Women,
Coalition for a Diverse Harvard, First
Generation Harvard Alumni, Fuerza Latina
of Harvard, Harvard Asian American
Alumni Alliance, Harvard Asian American
Brotherhood, Harvard Islamic Society,
Harvard Japan Society, Harvard Korean
Association, Harvard Latino Alumni
Alliance, Harvard Minority Association of
Pre-Medical Students, Harvard Phillips
Brooks House Association, Harvard South
Asian Association, Harvard University
Muslim Alumni, Harvard Vietnamese
Association, Harvard-Radcliffe Asian
American Association, Harvard-Radcliffe
Asian American Women's Association,
Harvard-Radcliffe Black Students
Association, Harvard-Radcliffe Chinese
Students Association, Kuumba Singers of
Harvard College, Native American Alumni
of Harvard University, Native Americans at
Harvard College, and Task Force on Asian
and Pacific American Studies at Harvard
College.*

**Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of October, 2018, a copy of the above and foregoing document was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the court's electronic filing system.

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