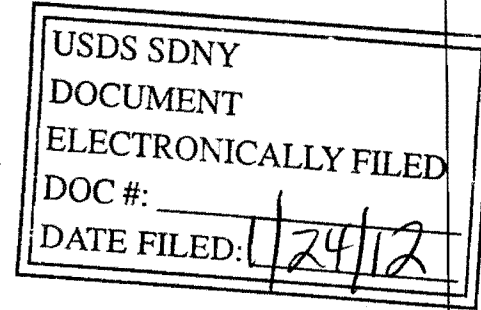


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK



THE AUTHORS GUILD, INC., et al.,

Plaintiffs,

v.

HATHITRUST, et al.,

Defendants.

Case No. 11-cv-6351(HB)

**NOTICE OF MOTION
TO INTERVENE**

**ORAL ARGUMENT
REQUESTED**

PLEASE TAKE NOTICE that upon the annexed Declarations of Daniel F. Goldstein, sworn to December 6, 2011; Dr. Marc Mauer, sworn to December 6, 2011, Georgina Kleege, sworn to December 5, 2011, Blair Seidlitz, sworn to December 6, 2011, and Courtney Wheeler, sworn to December 6, 2011; the accompanying Memorandum of Law in Support of the Motion of the National Federation of the Blind, Georgina Kleege, Blair Seidlitz and Courtney Wheeler (collectively, "Proposed Intervenors) to Intervene as Defendants in this action; and all prior pleadings herein, Proposed Intervenors will move this Court, before the Honorable Harold Baer, United States District Court Judge, in Courtroom 23B, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10017-1312, on the date and time to be set by the Court, for an order pursuant to Rule 24 of the Federal Rules of Civil Procedure permitting Proposed Intervenors to intervene as defendants in this action.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, shall be served upon the undersigned no later than December 23, 2011.

Dated: New York, New York
December 9, 2011

Respectfully submitted,

**THE LAW OFFICE OF
ROBERT J. BERNSTEIN**

By: /s/
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TO:

Edward H. Rosenthal
Jeremy S. Goldman
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488 Madison Avenue
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Attorneys for Plaintiffs

*Motion granted on consent.
The clerk is directed to
close the motion to
intervene.*

SO ORDERED:



Harold Baer, Jr., U.S.D.J.

Date: 1/24/2012

and

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, under penalty of perjury, that the foregoing Notice of Motion to Intervene of National Federation of the Blind, Georgina Kleege, Blair Seidlitz and Courtney Wheeler; the accompanying Declarations of Daniel F. Goldstein, Dr. Marc Mauer, Georgina Keege, Blair Seidlitz and Courtney Wheeler in support thereof; and the accompanying Memorandum in Support of the Motion of the National Federation of the Blind and Others to Intervene as Defendants, are being filed electronically today, and that, upon such filing, pursuant to this Court's Local Rules and ECF procedures, these documents shall be served electronically on the above-referenced attorneys for plaintiffs and for defendants at their respective email addresses registered with the Court's ECF system.

/s/
Robert J. Bernstein

Endorsement:

Motion granted on consent. The clerk is directed to close the motion to intervene.