

No. 20-1199

In the
Supreme Court of the United States

STUDENTS FOR FAIR ADMISSIONS, INC.,
Petitioner,

v.

PRESIDENT AND FELLOWS OF HARVARD COLLEGE,
Respondent.

**On Writ of Certiorari to the
United States Court of Appeals
for the First Circuit**

**JOINT APPENDIX
VOL. I OF IV (JA1–JA545)**

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MAY 2, 2022

PETITION FOR WRIT OF CERTIORARI FILED FEBRUARY 25, 2021
PETITION FOR WRIT OF CERTIORARI GRANTED JANUARY 24, 2022

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JA1

***Students for Fair Admissions, Inc. v. President
and Fellows of Harvard College et al.,
1:14-cv-14176-ADB (D. Mass.)***

11/17/2014	1	COMPLAINT against All Defendants Filing fee: \$ 400, receipt number 0101-5281571 (Fee Status: Filing Fee paid), filed by Students for Fair Admissions, Inc.. (Attachments: # 1 Exhibit A, # 2, Civil Cover Sheet, # 3 Category Form)(Sanford, Paul) (Entered: 11/17/2014)
11/17/2014	2	NOTICE of Appearance by Paul M Sanford on behalf of Students for Fair Admissions, Inc. (Sanford, Paul) (Entered: 11/17/2014)
11/17/2014	3	NOTICE of Appearance by Benjamin C. Caldwell on behalf of Students for Fair Admissions, Inc. (Caldwell, Benjamin) (Entered: 11/17/2014)
11/17/2014	4	CORPORATE DISCLOSURE STATEMENT by Students for Fair Admissions, Inc.. (Sanford, Paul) (Entered: 11/17/2014)

JA2

11/17/2014	5	<p>MOTION for Leave to Appear Pro Hac Vice for admission of William S. Consovoy, Thomas R. McCarthy and J. Michael Connolly Filing fee: \$ 300, receipt number 0101-5281670 by Students for Fair Admissions, Inc.. (Attachments: # 1 Cert. of Attorney Consovoy, # 2 Cert. of Attorney McCarthy, # 3 Cert. of Attorney Connolly, # 4 Text of Proposed Order) (Sanford, Paul) (Entered: 11/17/2014)</p>
11/17/2014	6	<p>ELECTRONIC NOTICE of Case Assignment. Judge Denise J. Casper assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Judith G. Dein. (Abaid, Kimberly) (Entered: 11/17/2014)</p>
11/17/2014	7	<p>Summons Issued as to All Defendants. Counsel receiving this notice electronically should download this summons, complete one for each</p>

		<p>defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Abaid, Kimberly) (Entered: 11/17/2014)</p>
11/18/2014	8	<p>Judge Denise J. Casper: ELECTRONIC ORDER entered granting 5 Motion for Leave to Appear Pro Hac Vice Added William S. Consovoy, Thomas R. McCarthy and John Michael Connolly. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Maynard, Timothy) (Entered: 11/18/2014)</p>
12/04/2014	9	<p>WAIVER OF SERVICE Returned Executed by</p>

JA4

		Students for Fair Admissions, Inc.. President and Fellows of Harvard College waiver sent on 11/20/2014, answer due 1/19/2015. (Sanford, Paul) (Entered: 12/04/2014)
12/19/2014	10	NOTICE of Appearance by Felicia H. Ellsworth on behalf of President and Fellows of Harvard College (Ellsworth, Felicia) (Entered: 12/19/2014)
12/19/2014	11	CORPORATE DISCLOSURE STATEMENT by President and Fellows of Harvard College. (Ellsworth, Felicia) (Entered: 12/19/2014)
12/19/2014	12	Assented to MOTION for Extension of Time to February 18, 2015 to Respond to the Complaint by President and Fellows of Harvard College. (Ellsworth, Felicia) (Entered: 12/19/2014)
12/19/2014	13	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of Seth P. Waxman, Paul R.Q. Wolfson, and Debo P. Adegbile Filing fee: \$ 300, receipt number

JA5

		0101-5332406 by President and Fellows of Harvard College. (Attachments: # 1 Certification of Seth P. Waxman, # 2 Certification of Paul R.Q. Wolfson, # 3 Certification of Debo P. Adebile)(Ellsworth, Felicia) (Entered: 12/19/2014)
12/22/2014	14	Judge Denise J. Casper: ELECTRONIC ORDER entered granting 12 Motion for Extension of Time to Answer to 2/18/15 by President and Fellows of Harvard College (Hourihan, Lisa) (Entered: 12/22/2014)
12/23/2014	15	Judge Denise J. Casper: ELECTRONIC ORDER entered granting 13 Motion for Leave to Appear Pro Hac Vice Added Debo P. Adebile. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information,

JA6

		then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Maynard, Timothy) (Entered: 12/23/2014)
01/09/2015	16	STIPULATION of Dismissal as to Defendant The Board of Overseers of Harvard College Only by Students for Fair Admissions, Inc.. (Sanford, Paul) (Entered: 01/09/2015)
02/18/2015	17	ANSWER to 1 Complaint, by President and Fellows of Harvard College.(Waxman, Seth)(Entered: 02/18/2015)
02/19/2015	18	NOTICE of Scheduling Conference Scheduling Conference set for 3/23/2015 02:30 PM in Courtroom 11 before Judge Denise J. Casper. (Hourihan, Lisa) (Entered: 02/19/2015)
02/19/2015	19	Judge Denise J. Casper: ORDER entered. Standing Order Re: Courtroom Opportunities for Relatively Inexperienced Attorneys (Hourihan, Lisa) (Entered: 02/19/2015)

JA7

03/02/2015	20	MOTION to Continue Rule 16 Initial Scheduling Conference (<i>UNOPPOSED</i>) by Students for Fair Admissions, Inc.. (Caldwell, Benjamin) (Entered: 03/02/2015)
03/03/2015	21	Judge Denise J. Casper: ELECTRONIC ORDER entered granting 20 Motion to Continue Scheduling Conference set for 4/13/2015 02:00 PM in Courtroom 11 before Judge Denise J. Casper. (Hourihan, Lisa) (Entered: 03/03/2015)
03/12/2015	22	ELECTRONIC NOTICE of Reassignment. Judge Allison D. Burroughs added. Judge Denise J. Casper no longer assigned to case. (Abaid, Kimberly) (Entered: 03/12/2015)
03/13/2015	23	ELECTRONIC NOTICE OF RESCHEDULING Scheduling Conference RESET for 4/23/2015 10:30 AM in Courtroom 17 before Judge Allison D. Burroughs. (Folan, Karen) (Entered: 03/13/2015)

JA8

03/16/2015	24	Assented to MOTION to Continue Intial Scheduling Conference to 04/30/2015 by President and Fellows of Harvard College.(Ellsworth, Felicia) (Entered: 03/16/2015)
03/18/2015	25	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 24 Motion to Continue. Scheduling Conference reset for 4/30/2015 02:00 PM in Courtroom 17 before Judge Allison D. Burroughs. (Folan, Karen) (Entered: 03/18/2015)
04/23/2015	26	JOINT STATEMENT of counsel <i>pursuant to Federal Rule 26(f) and Local Rule 16.1(d)</i> . (Sanford, Paul) (Entered: 04/23/2015)
04/23/2015	27	CERTIFICATION pursuant to Local Rule 16.1 (d)(3). (Ellsworth, Felicia) (Entered: 04/23/2015)
04/23/2015	28	CERTIFICATION pursuant to Local Rule 16.1 . (Sanford, Paul) (Entered: 04/23/2015)
04/29/2015	29	ELECTRONIC NOTICE OF

JA9

		<p>RESCHEDULING Scheduling Conference reset for 4/30/2015 02:00 PM in Courtroom 4 before Judge Allison D. Burroughs. NOTICE IS FOR COURTROOM LOCATION CHANGE ONLY.(Folan, Karen) (Entered: 04/29/2015)</p>
04/29/2015	30	<p>MOTION to Intervene <i>In Defense of Harvard's Admission Policy</i> by Sarah Cole, Fadhal Moore, Arjini Kumari Nawal, Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, M. B., K. C., Y. D., G. E., A. G., I. G., R. H., J. L., R. S..(Hall, Rahsaan) (Entered: 04/29/2015)</p>
04/29/2015	31	<p>MEMORANDUM in Support re 30 MOTION to Intervene <i>In Defense of Harvard's Admission Policy</i> filed by M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth. (Attachments: # 1 Exhibit Declarations of Proposed Defendant-Intervenors, # 2 Exhibit</p>

JA10

		Proposed Answer) (Hall, Rahsaan) (Entered: 04/29/2015)
04/29/2015	32	MOTION for Leave to Appear Pro Hac Vice for admission of Jon M. Greenbaum Filing fee: \$100, receipt number 0101-5535156 by M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth. (Attachments: # 1 Exhibit A - Certificate of Good Standing, # 2 Exhibit B - Affidavit)(Hall, Rahsaan) (Entered: 04/29/2015)
04/29/2015	33	NOTICE of Appearance by Rahsaan D. Hall on behalf of M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth (Hall, Rahsaan) (Entered: 04/29/2015)
04/30/2015	34	ELECTRONIC Clerk's Notes for proceedings held before Judge Allison D. Burroughs:

JA11

		<p>Scheduling Conference held on 4/30/2015. Colloquy re: motion to intervene. Responses will be filed within 2 weeks. Colloquy re: applications. Colloquy re: discovery schedule. Scheduling order to issue. (Court Reporter: James Gibbons at jmsgibbons@yahoo.com.) (Attorneys present: Sanford, Consovoy, Caldwell, Waxman, Ellsworth) (Folan, Karen) (Entered: 04/30/2015)</p>
05/04/2015	35	<p>Judge Allison D. Burroughs: ORDER entered. SCHEDULING ORDER: Status Conference set for 7/9/2015 02:00 PM in Courtroom 17 before Judge Allison D. Burroughs. Amended Pleadings due by 9/25/2015. Discovery to be completed by 4/1/2016 Motions due by 10/13/2016(Folan, Karen) (Entered: 05/04/2015)</p>
05/13/2015	36	<p>NOTICE of Appearance by Patrick Strawbridge on behalf of Students for Fair Admissions, Inc. (Strawbridge, Patrick) (Entered: 05/13/2015)</p>

JA12

05/13/2015	37	MEMORANDUM in Opposition re 30 MOTION to Intervene <i>In Defense of Harvard's Admission Policy</i> filed by Students for Fair Admissions, Inc.. (Consovoy, William) (Entered: 05/13/2015)
05/13/2015	38	RESPONSE to Motion re 30 MOTION to Intervene <i>In Defense of Harvard's Admission Policy</i> filed by President and Fellows of Harvard College. (Waxman, Seth) (Entered: 05/13/2015)
05/15/2015	39	MOTION for Leave to File <i>REPLY MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE</i> by M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth. (Attachments: # 1 Exhibit Proposed Reply)(Hall, Rahsaan) (Entered: 05/15/2015)
05/15/2015	40	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 39 Motion for Leave to File Document ;

		Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Folan, Karen) (Entered: 05/15/2015)
05/18/2015	41	CERTIFICATE OF SERVICE pursuant to LR 5.2 by Students for Fair Admissions, Inc. re 36 Notice of Appearance of <i>Patrick Strawbridge</i> . (Strawbridge, Patrick) (Entered: 05/18/2015)
05/18/2015	42	REPLY to Response to 39 MOTION for Leave to File <i>REPLY MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE</i> filed by M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth. (Hall, Rahsaan) (Entered: 05/18/2015)

JA14

5/19/2015	43	<p>Transcript of Status Conference held on April 30, 2015, before Judge Allison D. Burroughs. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: James Gibbons at jmsgibbons@yahoo.com Redaction Request due 6/9/2015. Redacted Transcript Deadline set for 6/19/2015. Release of Transcript Restriction set for 8/17/2015. (Scalfani, Deborah) (Entered: 05/19/2015)</p>
05/19/2015	44	<p>NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 05/19/2015)</p>

05/26/2015	45	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 32 Motion for Leave to Appear Pro Hac Vice Added Jon M. Greenbaum. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. Pursuant to Local Rule 83.5.3, local counsel shall also file an appearance in this matter. Further, local counsel shall review all filings and shall personally appear in Court for any hearings or conferences, unless expressly excused by the Court for good cause. (Folan, Karen) (Entered: 05/26/2015)</p>
05/26/2015	46	<p>MOTION for Leave to Appear Pro Hac Vice for admission of Lawrence Culleen Filing fee: \$ 100, receipt number</p>

		0101-5572007 by M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth. (Attachments: # 1 Exhibit Certificate of Good Standing, # 2 Exhibit Affidavit)(Hall, Rahsaan) (Entered: 05/26/2015)
05/26/2015	47	MOTION for Leave to Appear Pro Hac Vice for admission of Nancy L. Perkins Filing fee: \$ 100, receipt number 0101-5572061 by M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth. (Attachments: # 1 Exhibit Certificate of Good Standing, # 2 Exhibit Af)(Hall, Rahsaan) (Entered: 05/26/2015)
05/26/2015	48	MOTION for Leave to Appear Pro Hac Vice for admission of Steven L. Mayer Filing fee: \$ 100, receipt number 0101-5572070 by M. B., K. C., Sarah Cole, Y. D., G. E., A. G.,

		<p>I. G., R. H., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth. (Attachments: # 1 Exhibit Certificate of Good Standing, # 2 Exhibit Affidavit)(Hall, Rahsaan) (Entered: 05/26/2015)</p>
05/27/2015	49	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 46 Motion for Leave to Appear Pro Hac Vice Added Lawrence Cullen. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. Pursuant to Local Rule 83.5.3, local counsel shall also file an appearance in this matter. Further, local counsel shall review all filings and shall personally appear in</p>

		Court for any hearings or conferences, unless expressly excused by the Court for good cause. (Folan, Karen) (Entered: 05/27/2015)
05/27/2015	50	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 47 Motion for Leave to Appear Pro Hac Vice Added Nancy L. Perkins. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. Pursuant to Local Rule 83.5.3, local counsel shall also file an appearance in this matter. Further, local counsel shall review all filings and shall personally appear in Court for any hearings or conferences, unless expressly excused by the Court for good cause. (Folan, Karen)

		(Entered: 05/28/2015)
05/27/2015	51	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 48 Motion for Leave to Appear Pro Hac Vice Added Steven L. Mayer. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. Pursuant to Local Rule 83.5.3, local counsel shall also file an appearance in this matter. Further, local counsel shall review all filings and shall personally appear in Court for any hearings or conferences, unless expressly excused by the Court for good cause. (Folan, Karen) (Entered: 05/28/2015)</p>
06/15/2015	52	Judge Allison D. Burroughs: ORDER entered

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		MEMORANDUM AND ORDER ON PROPOSED DEFENDANT-INTERVENORS' MOTION TO INTERVENE the Proposed Intervenor's Motion to Intervene 30 is DENIED; however, the Proposed Intervenor is granted leave to participate in this action as amici curiae. (Montes, Mariliz) (Entered: 06/15/2015)
06/25/2015	53	Joint MOTION for Protective Order (<i>Stipulated</i>) by President and Fellows of Harvard College.(Waxman, Seth) (Entered: 06/25/2015)
06/25/2015	54	Judge Allison D. Burroughs: ELECTRONIC ORDER entered The parties' Joint Motion for Protective Order 53 is hereby ALLOWED, and the parties' Stipulated Protective Order is approved. However, given the lack of specificity in Paragraphs 10 and 13 regarding the use of protected documents during public proceedings, the Court reserves the right to allow, after notice to the parties,

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		the disclosure of any document or information covered by the Protective Order or to modify the Protective Order at any time in the interests of justice and to ensure that any proceeding before this Court is fair, efficient, and consistent with the public interest. (Montes, Mariliz) (Entered: 06/25/2015)
06/25/2015	55	Judge Allison D. Burroughs: ORDER entered. STIPULATION PROTECTIVE ORDER REGARDING DISCLOSURE AND USE OF DISCOVERY MATERIALS (Montes, Mariliz) (Entered: 06/25/2015)
06/30/2015	56	MOTION to Continue Status Conference (<i>UNOPPOSED</i>) by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 06/30/2015)
07/01/2015	57	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 56 Motion to Continue. Status Conference reset for 7/21/2015 02:00 PM in Courtroom 17 before Judge

JA22

		Allison D. Burroughs. (Folan, Karen) (Entered: 07/01/2015)
07/06/2015	58	MOTION to Stay by President and Fellows of Harvard College.(Waxman, Seth) (Entered:07/06/2015)
07/06/2015	59	MEMORANDUM in Support re 58 MOTION to Stay filed by President and Fellows of Harvard College. (Attachments: # 1 Exhibit A) (Waxman, Seth) (Entered: 07/06/2015)
07/13/2015	60	NOTICE OF APPEAL as to 52 Order on Motion to Intervene, by M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth Filing fee: \$ 505, receipt number 0101-5656193 Fee Status: Not Exempt. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov

		<p>MUST be completed and submitted to the Court of Appeals. Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf. Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/cmecf. US District Court Clerk to deliver official record to Court of Appeals by 8/3/2015. (Hall, Rahsaan) (Entered: 07/13/2015)</p>
07/14/2015	61	<p>Certified and Transmitted Abbreviated Electronic Record on Appeal to US Court of Appeals re 60 Notice of Appeal. (Paine, Matthew) (Entered: 07/14/2015)</p>
07/14/2015	62	<p>USCA Case Number 15-1823 for 60 Notice of Appeal filed by G. E., K. C., R. S., Keyanna Wigglesworth, Sarah Cole, Itzel Vasquez-Rodriguez,</p>

		Fadhal Moore, M. B., Y. D., Arjini Kumari Nawal, I. G., R. H., A. G., J. L.. (Paine, Matthew) (Entered: 07/14/2015)
07/15/2015	63	NOTICE TO COUNSEL: The clerk's office has received a request to video record this hearing as part of the "Cameras in the Courtroom" project. Counsel are directed to the district court web site at http://www.mad.uscourts.gov/ general/cameras.html to determine if they wish to consent to video recording. A RESPONSE FROM EACH PARTY IS REQUIRED. (Hurley, Virginia) (Entered: 07/15/2015)
07/16/2015	64	MOTION to Compel <i>Production</i> by Students for Fair Admissions, Inc.. (Caldwell, Benjamin) (Entered: 07/16/2015)
07/16/2015	65	MEMORANDUM in Support re 64 MOTION to Compel <i>Production</i> filed by Students for Fair Admissions, Inc.. (Caldwell, Benjamin) (Main

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		Document 65 replaced on 2/9/2016) (Montes, Mariliz). (Entered: 07/16/2015)
07/16/2015	66	DECLARATION re 65 Memorandum in Support of Motion to <i>Compel Production</i> by Students for Fair Admissions, Inc.. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E) (Caldwell, Benjamin) (Entered: 07/16/2015)
07/17/2015	67	MOTION to Seal <i>Exhibit and Unredacted Memorandum of Law Associated with Motion to Compel</i> by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 07/17/2015)
07/17/2015	70	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 67 Motion to Seal (Montes, Mariliz) (Entered: 07/17/2015)
07/20/2015	71	Opposition re 58 MOTION to Stay filed by Students for Fair Admissions, Inc.. (Strawbridge, Patrick) (Entered: 07/20/2015)

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07/21/2015	72	MOTION to Seal by President and Fellows of Harvard College.(Ellsworth, Felicia) (Entered: 07/21/2015)
07/21/2015	73	MOTION for Leave to File <i>Reply Memorandum In Support Of Motion To Stay</i> by President and Fellows of Harvard College. (Attachments: # 1 Exhibit A, # 2 Exhibit B) (Ellsworth, Felicia) (Entered: 07/21/2015)
07/21/2015	74	ELECTRONIC NOTICE OF RESCHEDULING Status Conference set for 7/21/2015 02:00 PM in Courtroom 16 before Judge Allison D. Burroughs. NOTICE IS FOR COURTROOM LOCATION CHANGE ONLY.(Folan, Karen) (Entered: 07/21/2015)
07/21/2015	75	NOTICE of Withdrawal of Appearance by Rahsaan D. Hall (Hall, Rahsaan) (Entered: 07/21/2015)
07/21/2015	76	NOTICE of Appearance by Priya A. Lane on behalf of M. B., K. C., Sarah Cole, Y. D.,

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		G. E., A. G., I. G., R. H., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez- Rodriguez, Keyanna Wigglesworth (Lane, Priya) (Entered: 07/21/2015)
07/21/2015	77	ELECTRONIC Clerk's Notes for proceedings held before Judge Allison D. Burroughs: granting 72 Motion to Seal; granting 73 Motion for Leave to File Document ; Status Conference held on 7/21/2015; (Court Reporter: Carol Scott at carollynnscott@cs.com.) (Attorneys present: Sanford, Consovoy, Strawbridge, Waxman, Ellsworth, Gershengorn)(Folan, Karen) (Entered: 07/23/2015)
07/23/2015	78	REPLY to Response to 58 MOTION to Stay filed by President and Fellows of Harvard College. (Ellsworth, Felicia) (Entered: 07/23/2015)
07/23/2015	79	DECLARATION re 78 Reply to Response to Motion <i>to Stay</i> by President and Fellows of Harvard College.

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		(Attachments: # 1 Exhibit A, # 2 Exhibit B)(Ellsworth, Felicia) (Entered: 07/23/2015)
07/28/2015	82	NOTICE by President and Fellows of Harvard College re 58 MOTION to Stay - <i>Supplemental Submission</i> (Ellsworth, Felicia) (Entered: 07/28/2015)
07/28/2015	83	Supplemental Opposition re 58 MOTION to Stay filed by Students for Fair Admissions, Inc.. (Strawbridge, Patrick) (Entered: 07/28/2015)
07/30/2015	84	Transcript of Status Conference held on July 21, 2015, before Judge Allison D. Burroughs. COA Case No. 15-1823. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Carol Scott at carollynscott@cs.com Redaction Request due 8/20/2015. Redacted Transcript Deadline set

		for 8/31/2015. Release of Transcript Restriction set for 10/28/2015. (Scalfani, Deborah) (Entered: 07/30/2015)
07/30/2015	85	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 07/30/2015)
07/30/2015	86	MEMORANDUM in Opposition re 64 MOTION to Compel <i>Production</i> filed by President and Fellows of Harvard College. (Ellsworth, Felicia) (Entered: 07/30/2015)
07/30/2015	87	DECLARATION re 86 Memorandum in Opposition to Motion to <i>Compel (McCrary)</i> by President and Fellows of Harvard College. (Ellsworth, Felicia) (Main Document 87

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		replaced on 7/31/2015) (Montes, Mariliz). (Additional attachment(s) added on 7/31/2015: # 1 Addendum) (Montes, Mariliz). (Entered: 07/30/2015)
07/30/2015	88	DECLARATION re 86 Memorandum in Opposition to Motion to Compel (<i>McGrath</i>) by President and Fellows of Harvard College. (Ellsworth, Felicia) (Entered: 07/30/2015)
07/31/2015	89	Notice of correction to docket made by Court staff. Correction: Docket 87 corrected by detaching Addendum from Declaration and re-filing it as an attachment. (Montes, Mariliz) (Entered: 07/31/2015)
08/05/2015	90	MOTION to Stay <i>Proceedings Pending Appeal</i> by M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth.(Lane, Priya) (Entered: 08/05/2015)

08/05/2015	91	MEMORANDUM in Support re 90 MOTION to Stay <i>Proceedings Pending Appeal</i> filed by M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H., J. L., Fadhil Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth. (Lane, Priya) (Entered: 08/05/2015)
08/06/2015	92	MOTION for Leave to File <i>Reply Memorandum in Support of Motion to Compel</i> by Students for Fair Admissions, Inc.. (Attachments: # 1 Proposed Reply Memo, # 2 Declaration of Patrick Strawbridge) (Caldwell, Benjamin) (Entered: 08/06/2015)
08/07/2015	93	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 92 Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must

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		include - Leave to file granted on (date of order)- in the caption of the document. (Montes, Mariliz) (Entered: 08/07/2015)
08/07/2015	94	REPLY to Response to 64 MOTION to Compel <i>Production</i> filed by Students for Fair Admissions, Inc.. (Caldwell, Benjamin) (Entered: 08/07/2015)
08/07/2015	95	DECLARATION re 94 Reply to Response to Motion to <i>Compel</i> by Students for Fair Admissions, Inc.. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Caldwell, Benjamin) (Entered: 08/07/2015)
08/07/2015	96	CERTIFICATE OF SERVICE pursuant to LR 5.2 by Students for Fair Admissions, Inc. re 95 Declaration re <i>94 Reply to Response to Motion to Compel by Students for Fair Admissions, Inc...</i> (Caldwell, Benjamin) (Entered: 08/07/2015)

08/14/2015	97	MOTION for Leave to File <i>A Sur-Reply Memorandum In Opposition to SFFA's Motion to Compel</i> by President and Fellows of Harvard College. (Attachments: # 1 Exhibit A) (Ellsworth, Felicia) (Entered: 08/14/2015)
08/14/2015	98	Opposition re 90 MOTION to Stay <i>Proceedings Pending Appeal</i> filed by Students for Fair Admissions, Inc.. (Strawbridge, Patrick) (Entered: 08/14/2015)
08/17/2015	99	RESPONSE to Motion re 90 MOTION to Stay <i>Proceedings Pending Appeal</i> filed by President and Fellows of Harvard College. (Ellsworth, Felicia) (Entered: 08/17/2015)
08/18/2015	100	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 97 Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must

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		include - Leave to file granted on (date of order)- in the caption of the document. (Folan, Karen) (Entered: 08/18/2015)
08/18/2015	101	SUR-REPLY to Motion re 64 MOTION to Compel <i>Production</i> filed by President and Fellows of Harvard College. (Ellsworth, Felicia) (Entered: 08/18/2015)
09/01/2015	102	Letter/request (non-motion) from SFFA Requesting Telephonic Conference . (Strawbridge, Patrick) (Entered: 09/01/2015)
09/28/2015	103	MOTION for Leave to Appear Pro Hac Vice Filing fee: \$ 100, receipt number 0101-5765135 by Students for Fair Admissions, Inc.. (Attachments: # 1 Exhibit Certification of Michael H. Park, # 2 Exhibit Proposed Order)(Sanford, Paul) (Entered: 09/28/2015)
09/30/2015	104	Emergency MOTION for Protective Order by President and Fellows of Harvard College. (Attachments: # 1 Declaration in Support of

		Motion, # 2 Exhibit Exhibit 1 to Ellsworth Declaration, # 3 Exhibit Exhibit 2 to Ellsworth Declaration, # 4 Exhibit Exhibit 3 to Ellsworth Declaration)(Ellsworth, Felicia) Modified on 10/1/2015 (Montes, Mariliz). (Entered: 09/30/2015)
09/30/2015	107	MEMORANDUM in Support re 104 Emergency MOTION for Protective Order filed by President and Fellows of Harvard College. (Montes, Mariliz) (Entered: 10/01/2015)
10/01/2015	105	Opposition re 104 Emergency MOTION for Protective Order filed by Students for Fair Admissions, Inc.. (Strawbridge, Patrick) (Entered: 10/01/2015)
10/01/2015	106	DECLARATION re 105 Opposition to Motion <i>for Protective Order</i> by Students for Fair Admissions, Inc.. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4) (Strawbridge, Patrick) (Entered: 10/01/2015)

10/01/2015	108	Notice of correction to docket made by Court staff. Correction: Docket 104 corrected by detaching Memorandum and re-filing it as a separate docket entry. (Montes, Mariliz) (Entered: 10/01/2015)
10/07/2015	109	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 103 Motion for Leave to Appear Pro Hac Vice Added Michael H. Park. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. Pursuant to Local Rule 83.5.3, local counsel shall also file an appearance in this matter. Further, local counsel shall review all filings and shall personally appear in Court for any hearings or

		conferences, unless expressly excused by the Court for good cause. (Folan, Karen) (Entered: 10/07/2015)
10/09/2015	110	Judge Allison D. Burroughs: ORDER entered The Proposed Defendant-Intervenors Motion to Stay [ECF No. 90] is ALLOWED IN PART and DENIED IN PART, and Harvards Motion to Stay [ECF No. 58] is also ALLOWED IN PART and DENIED IN PART, as set forth in the accompanying Order. And in light of the Court's ruling, Harvards Emergency Motion for a Protective Order and a Temporary Stay of Depositions [ECF No. 104]is DENIED AS MOOT. (Montes, Mariliz) (Entered: 10/09/2015)
10/23/2015	111	RESPONSE TO COURT ORDER by President and Fellows of Harvard College <i>Regarding The Proposed Scope Of Discovery During A Stay Pending Resolution Of Fisher II.</i> (Ellsworth, Felicia) (Entered: 10/23/2015)

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10/23/2015	112	RESPONSE TO COURT ORDER by Students for Fair Admissions, Inc. re 110 Order on Motion to Stay,,Order on Motion for Protective Order,,, . (Strawbridge, Patrick) (Entered: 10/23/2015)
10/30/2015	113	Judge Allison D. Burroughs: ELECTRONIC ORDER entered Plaintiff's Motion to Compel Production (ECF No. 64) is DENIED as MOOT with leave to renew. The issue of whether a sample of alumni interviewers should be identified and/or deposed will be addressed at a status conference to be held shortly following the First Circuit's decision regarding intervention. (Montes, Mariliz) (Entered: 10/30/2015)
12/09/2015	114	OPINION of USCA as to 60 Notice of Appeal filed by G. E., K. C., R. S., Keyanna Wigglesworth, Sarah Cole, Itzel Vasquez-Rodriguez, Fadhal Moore, M. B., Y. D., Arjini Kumari Nawal, I. G., R. H., A. G., J. L.. (Paine, Matthew) (Entered: 12/10/2015)

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12/09/2015	115	USCA Judgment as to 60 Notice of Appeal filed by G. E., K. C., R. S., Keyanna Wigglesworth, Sarah Cole, Itzel Vasquez-Rodriguez, Fadhal Moore, M. B., Y. D., Arjini Kumari Nawal, I. G., R. H., A. G., J. L. AFFIRMED. (Paine, Matthew) (Entered: 12/10/2015)
12/31/2015	116	MANDATE of USCA as to 60 Notice of Appeal filed by G. E., K. C., R. S., Keyanna Wigglesworth, Sarah Cole, Itzel Vasquez-Rodriguez, Fadhal Moore, M. B., Y. D., Arjini Kumari Nawal, I. G., R. H., A. G., J. L.. Appeal 60 Terminated (Paine, Matthew) (Entered: 01/04/2016)
01/07/2016	117	ELECTRONIC NOTICE of Hearing. Status Conference set for 1/28/2016 10:00 AM in Courtroom 17 before Judge Allison D. Burroughs. (Folan, Karen) (Entered: 01/07/2016)
01/27/2016	118	Letter/request (non-motion) from SFFA to Judge Burroughs . (Caldwell, Benjamin) (Main Document

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		118 replaced on 2/9/2016) (Montes, Mariliz). (Entered: 01/27/2016)
01/27/2016	119	MOTION to Seal Document (<i>SFFA's Letter to Judge Burroughs</i>) by Students for Fair Admissions, Inc.. (Caldwell, Benjamin) (Entered: 01/27/2016)
01/27/2016	120	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 119 Motion to Seal Document. (Folan, Karen) (Entered: 01/27/2016)
01/27/2016	121	Letter/request (non-motion) from Harvard In Response to Letter/request (non-motion) from SFFA . (Ellsworth, Felicia) (Entered: 01/27/2016)
01/28/2016	123	Electronic Clerk's Notes for proceedings held before Judge Allison D. Burroughs: Status Conference held on 1/28/2016. Colloquy re: discovery. (Further Status Conference set for 2/25/2016 11:00 AM in Courtroom 17 before Judge Allison D. Burroughs.). (Court Reporter: Carol Scott at carollynnscott@cs.com.)

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		(Attorneys present: Park, Caldwell, Strawbridge, Waxman, Ellsworth) (Folan, Karen) (Entered: 01/28/2016)
02/01/2016	124	Letter/request (non-motion) from SFFA to Judge Burroughs . (Caldwell, Benjamin) (Main Document 124 replaced on 2/9/2016) (Montes, Mariliz). (Entered: 02/01/2016)
02/01/2016	125	MOTION to Seal Document (<i>SFFA's letter to Judge Burroughs dated 2.1.16</i>) by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 02/01/2016)
02/02/2016	126	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 125 Plaintiff's Motion to Seal Document (Montes, Mariliz) (Entered: 02/02/2016)
02/03/2016	128	Transcript of Status Conference held on January 28, 2016, before Judge Allison D. Burroughs. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed

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		through PACER after it is released. Court Reporter Name and Contact Information: Carol Scott at carolynnscoott@cs.com Redaction Request due 2/24/2016. Redacted Transcript Deadline set for 3/7/2016. Release of Transcript Restriction set for 5/3/2016. (Scalfani, Deborah) (Entered: 02/03/2016)
02/03/2016	129	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 02/03/2016)
02/05/2016	130	MOTION to Seal <i>Response to SFFA's Jan. 27, 2016 Letter</i> by President and Fellows of Harvard College.(Ellsworth, Felicia) (Entered: 02/05/2016)

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02/08/2016	131	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 130 Motion to Seal (Folan, Karen) (Entered: 02/08/2016)
02/09/2016	132	Notice of correction to docket made by Court staff. Correction: Dockets 65, 118, and 124 corrected: documents were replaced by counsel with identical documents, as he noticed the redacted material (from the original documents), was compromised as a result of hidden metadata. (Montes, Mariliz) (Entered: 02/09/2016)
02/10/2016	134	MOTION to Seal Document (<i>SFFA's Reply to Harvard's February 5, 2016 Letter</i>) by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Additional attachment(s) added on 2/10/2016: # 1 Exhibit) (Folan, Karen). (Entered: 02/10/2016)
02/10/2016	135	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 134 Motion to Seal Document. (Folan, Karen) (Entered: 02/10/2016)

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02/22/2016	136	Letter/request (non-motion) from Harvard regarding SFFA's February 1, 2016 Letter . (Ellsworth, Felicia) (Entered: 02/22/2016)
02/25/2016	137	Electronic Clerk's Notes for proceedings held before Judge Allison D. Burroughs: Status Conference held on 2/25/2016. Colloquy re: production of documents, protective order. (Further Status Conference set for 3/30/2016 10:00 AM in Courtroom 17 before Judge Allison D. Burroughs.). (Court Reporter: Carol Scott at carollynnscott@cs.com.) (Attorneys present: Park, Caldwell, Strawbridge, Ellsworth, Fox) (Folan, Karen) (Entered: 02/25/2016)
02/29/2016	138	MOTION to Seal Document <i>Feb. 29, 2016 Letter to Court regarding Database Fields</i> by President and Fellows of Harvard College.(Ellsworth, Felicia) (Entered: 02/29/2016)
03/01/2016	139	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 138

JA45

		Defendant's Motion to File Under Seal Harvard's February 29, 2016 letter (Montes, Mariliz) (Entered: 03/01/2016)
03/02/2016	141	MOTION to Seal Document (<i>SFFA's Reply to Harvard's February 29, 2016 Letter</i>) by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 03/02/2016)
03/03/2016	142	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 141 Motion to Seal Document (Folan, Karen) (Entered: 03/03/2016)
03/04/2016	143	Transcript of Status Conference held on February 25, 2016, before Judge Allison D. Burroughs. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Carol Scott at carollynnscott@cs.com Redaction Request due 3/25/2016. Redacted

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		Transcript Deadline set for 4/4/2016. Release of Transcript Restriction set for 6/2/2016. (Scalfani, Deborah) (Entered: 03/04/2016)
03/04/2016	144	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm Scalfani, Deborah) (Entered: 03/04/2016)
03/11/2016	146	Judge Allison D. Burroughs: STAY ORDER entered. (Status Conference set for 4/25/2016 02:00 PM in Courtroom 17 before Judge Allison D. Burroughs.)(Folan, Karen) (Entered: 03/11/2016)
04/15/2016	147	Letter/request (non-motion) from Harvard Regarding Discovery of SFFA . (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3,

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		# 4 Exhibit 4, # 5 Exhibit 5) (Ellsworth, Felicia) (Entered: 04/15/2016)
04/21/2016	148	MOTION to Continue Status Conference of April 25, 2016 to April 29, 2016 (<i>UNOPPOSED</i>) by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 04/21/2016)
04/22/2016	149	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 148 Motion to Continue Status Conference set for 4/29/2016 02:30 PM in Courtroom 17 before Judge Allison D. Burroughs. (Folan, Karen) (Entered: 04/22/2016)
04/29/2016	150	Letter/request (non-motion) from Students for Fair Admissions . (Attachments: # 1 Affidavit Ex A, # 2 Exhibit Ex B, # 3 Affidavit Ex C, # 4 Affidavit Ex D, # 5 Affidavit Ex E)(Consovoy, William) (Entered: 04/29/2016)
04/29/2016	151	Electronic Clerk's Notes for proceedings held before Judge Allison D. Burroughs: Status

		Conference held on 4/29/2016. Parties will have two weeks after Fisher to file a letter to the court. Colloquy re: discovery dispute. (Court Reporter: Cheryl Dahlstrom at cheryldahlstrom@comcast.net.) (Attorneys present: various) (Folan, Karen) (Entered: 05/03/2016)
05/10/2016	152	Transcript of Status Conference held on April 29, 2016, before Judge Allison D. Burroughs. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Cheryl Dahlstrom at cheryldahlstrom@comcast.net Redaction Request due 5/31/2016. Redacted Transcript Deadline set for 6/10/2016. Release of Transcript Restriction set for 8/8/2016. (Scalfani, Deborah) (Entered: 05/10/2016)
05/10/2016	153	NOTICE is hereby given that

		<p>an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 05/10/2016)</p>
05/18/2016	154	<p>Letter/request (non-motion) from Harvard <i>Regarding Discovery of SFFA</i>. (Attachments: # 1 Exhibit Yoga Source v. Choudhury, # 2 Exhibit SFFA Articles of Incorporation and Bylaws) (Ellsworth, Felicia) (Entered: 05/18/2016)</p>
06/17/2016	155	<p>NOTICE of Appearance by William F. Lee on behalf of President and Fellows of Harvard College (Lee, William) (Entered: 06/17/2016)</p>
06/27/2016	156	<p>ELECTRONIC NOTICE of Hearing. Status Conference set for 7/20/2016 03:15 PM in Courtroom 17 before Judge</p>

JA50

		Allison D. Burroughs. (Folan, Karen) (Entered: 06/27/2016)
07/08/2016	157	MOTION to Seal <i>Letter</i> by President and Fellows of Harvard College.(Ellsworth, Felicia) (Entered: 07/08/2016)
07/08/2016	158	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 157 Defendant's Motion to File Under Seal Defendant's Unredacted Letter Regarding Implication of Fisher II for this Litigation. (Montes, Mariliz) (Entered: 07/08/2016)
07/08/2016	159	MOTION to Seal Document (<i>SFFA's letter to Judge Burroughs dated 7.8.16</i>) by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 07/08/2016)
07/08/2016	160	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 159 Motion to Seal Document. (Folan, Karen) (Entered: 07/08/2016)
07/11/2016	161	NOTICE of Appearance by Matthew M. Cregor on behalf

JA51

		of M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth (Cregor, Matthew) (Entered: 07/11/2016)
07/19/2016	164	Assented to MOTION to Seal <i>Unredacted Letter</i> by President and Fellows of Harvard College.(Ellsworth, Felicia) (Entered: 07/19/2016)
07/19/2016	165	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 164 Motion to Seal. (Folan, Karen) (Entered: 07/19/2016)
07/20/2016	166	MOTION to Seal <i>SFFA's Unredacted Letter to J. Burroughs</i> by Students for Fair Admissions, Inc.. (Caldwell, Benjamin) (Entered: 07/20/2016)
07/20/2016	167	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 166 Motion to Seal SFFA's Unredacted Letter to J. Burroughs by

JA52

		Students for Fair Admissions, Inc. (Montes, Mariliz) (Entered: 07/20/2016)
07/20/2016	170	Electronic Clerk's Notes for proceedings held before Judge Allison D. Burroughs: Status Conference held on 7/20/2016. Colloquy re: discovery. (Court Reporter: Carol Scott at carollynscott@cs.com.) (Attorneys present: Consovoy, Ellsworth, Waxman, Strawbridge, Cregor) (Folan, Karen) (Entered: 07/21/2016)
07/27/2016	171	Letter/request (non-motion) from Harvard <i>regarding Scope of Discovery</i> . (Ellsworth, Felicia) (Entered: 07/27/2016)
07/28/2016	172	Letter/request (non-motion) from SFFA to Judge Burroughs responding to Harvard's 7.27.16 Letter . (Strawbridge, Patrick) (Entered: 07/28/2016)
08/04/2016	173	Transcript of Status Conference held on July 20, 2016, before Judge Allison D. Burroughs. The Transcript

		<p>may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Carol Scott at carollynnscott@cs.com Redaction Request due 8/25/2016. Redacted Transcript Deadline set for 9/5/2016. Release of Transcript Restriction set for 11/2/2016. (Scalfani, Deborah) (Entered: 08/04/2016)</p>
08/04/2016	174	<p>NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 08/04/2016)</p>
08/11/2016	175	<p>Letter/request (non-motion) from Students for Fair Admissions, Inc. .</p>

		(Strawbridge, Patrick) (Entered: 08/11/2016)
08/29/2016	176	ELECTRONIC NOTICE of Hearing. Status Conference set for 9/6/2016 09:30 AM in Courtroom 17 before Judge Allison D. Burroughs. Status Conference to address disputed issues with respect to Harvard's production of various databases.(Folan, Karen) (Entered: 08/29/2016)
08/30/2016	177	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of Daniel Winik Filing fee: \$ 100, receipt number 0101-6270154 by President and Fellows of Harvard College.(Ellsworth, Felicia) (Entered: 08/30/2016)
08/31/2016	178	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 177 Motion for Leave to Appear Pro Hac Vice Added Daniel Winik. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in

		<p>this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. Pursuant to Local Rule 83.5.3, local counsel shall also file an appearance in this matter. Further, local counsel shall review all filings and shall personally appear in Court for any hearings or conferences, unless expressly excused by the Court for good cause. (Montes, Mariliz) (Entered: 08/31/2016)</p>
09/01/2016	179	<p>NOTICE of Appearance by Oren M. Sellstrom on behalf of M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth (Sellstrom, Oren) (Entered: 09/01/2016)</p>
09/01/2016	180	<p>Judge Allison D. Burroughs: ORDER entered. AMENDED SCHEDULING ORDER:</p>

		Amended Pleadings due by 9/15/2016; Fact Discovery to be completed by 6/20/2017 Dispositive Motions due by 3/2/2018. (Montes, Mariliz) (Entered: 09/02/2016)
09/06/2016	182	Electronic Clerk's Notes for proceedings held before Judge Allison D. Burroughs: Status Conference held on 9/6/2016. Colloquy re: pending motion, discovery issues, depositions, confidentiality designations. (Court Reporter: Carol Scott at carollynscott@cs.com.) (Attorneys present: various) (Folan, Karen) (Entered: 09/09/2016)
09/07/2016	181	Judge Allison D. Burroughs: ORDER on Various Discovery Disputes entered. (Montes, Mariliz) (Entered: 09/07/2016)
09/22/2016	183	Assented to MOTION to Seal <i>Memorandum and Supporting Materials in Support of Defendant's Motion to Dismiss</i> by President and Fellows of Harvard College.(Ellsworth, Felicia) (Entered: 09/22/2016)

JA57

09/23/2016	184	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 183 Motion to Seal (Folan, Karen) (Entered: 09/23/2016)
09/23/2016	185	MOTION for Judgment on the Pleadings <i>on Counts IV and VI</i> by President and Fellows of Harvard College.(Waxman, Seth) (Entered: 09/23/2016)
09/23/2016	186	MEMORANDUM in Support re 185 MOTION for Judgment on the Pleadings <i>on Counts IV and VI</i> filed by President and Fellows of Harvard College. (Waxman, Seth) (Entered: 09/23/2016)
09/23/2016	187	MOTION to Dismiss for Lack of Jurisdiction by President and Fellows of Harvard College.(Waxman, Seth) (Entered: 09/23/2016)
09/23/2016	188	DECLARATION re 187 MOTION to Dismiss for Lack of Jurisdiction by President and Fellows of Harvard College. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5

		Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I) (Ellsworth, Felicia) (Additional attachment(s) added on 9/27/2016: # 10 Exhibit A (unredacted), # 11 Exhibit B (unredacted), # 12 Exhibit C (unredacted), # 13 Exhibit E (unredacted), # 14 Exhibit F (unredacted), # 15 Exhibit G (unredacted)) (Montes, Mariliz). (Entered: 09/23/2016)
09/26/2016	189	Letter/request (non-motion) from SFFA <i>in response to motions filed by Harvard.</i> (Strawbridge, Patrick) (Entered: 09/26/2016)
09/26/2016	190	MEMORANDUM in Support re 187 MOTION to Dismiss for Lack of Jurisdiction (<i>Redacted</i>) filed by President and Fellows of Harvard College. (Waxman, Seth) (Additional attachment(s) added on 9/27/2016: # 1 (Unredacted) Memorandum in Supp.) (Montes, Mariliz). (Entered: 09/26/2016)

JA59

09/29/2016	191	Letter/request (non-motion) from Harvard <i>in response to SFFA's letter/request (Dkt. 189)</i> . (Waxman, Seth) (Entered: 09/29/2016)
09/30/2016	192	Letter/request (non-motion) from SFFA <i>in Response to Harvard's Letter of September 29, 2016</i> . (Strawbridge, Patrick) (Entered: 09/30/2016)
10/03/2016	193	Transcript of Status Conference held on September 6, 2016, before Judge Allison D. Burroughs. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Carol Scott at carollynnscott@cs.com Redaction Request due 10/24/2016. Redacted Transcript Deadline set for 11/3/2016. Release of Transcript Restriction set for 1/2/2017. (Scalfani, Deborah) (Entered: 10/03/2016)

JA60

10/03/2016	194	<p>NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 10/03/2016)</p>
10/05/2016	196	<p>STIPULATION re 187 MOTION to Dismiss for Lack of Jurisdiction , 185 MOTION for Judgment on the Pleadings <i>on Counts IV and VI (Stipulation to Enlarge Time to File an Opposition)</i> by Students for Fair Admissions, Inc.. (Caldwell, Benjamin) (Entered: 10/05/2016)</p>
10/06/2016	197	<p>ELECTRONIC ENDORSEMENT APPROVING 196 Stipulation to Enlarge Time to File an Opposition, filed by Students for Fair Admissions, Inc.</p>

JA61

		(Folan, Karen) (Entered: 10/06/2016)
10/19/2016	199	MEMORANDUM in Support re 185 MOTION for Judgment on the Pleadings <i>on Counts IV and VI</i> filed by M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth. (Culleen, Lawrence) (Entered: 10/19/2016)
10/20/2016	200	Letter/request (non-motion) from Harvard <i>regarding document production.</i> (Ellsworth, Felicia) (Entered: 10/20/2016)
10/20/2016	201	Assented to MOTION to Seal Document (<i>Opposition Memorandums and Supporting Materials</i>) by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 10/20/2016)
10/21/2016	202	MEMORANDUM in Opposition re 185 MOTION for Judgment on the

JA62

		Pleadings on Counts IV and VI (<i>Redacted</i>) filed by Students for Fair Admissions, Inc.. (Consovoy, William) (Additional attachment(s) added on 10/27/2016: # 1 Sealed- Memorandum in Opposition for Judgment on the Pleadings) (Montes, Mariliz). (Entered: 10/21/2016)
10/21/2016	203	DECLARATION re 202 Memorandum in Opposition to Motion by Students for Fair Admissions, Inc.. (Attachments: # 1 Exhibit A (<i>Redacted</i>))(Consovoy, William) (Additional attachment(s) added on 10/27/2016: # 2 Exhibit Sealed Exhibit to the Declaration of William S. Consovoy) (Montes, Mariliz). (Entered: 10/21/2016)
10/21/2016	204	MEMORANDUM in Opposition re 187 MOTION to Dismiss for Lack of Jurisdiction (<i>Redacted</i>) filed by Students for Fair Admissions, Inc.. (Consovoy, William) (Additional

		<p>attachment(s) added on 10/27/2016: # 1 Sealed MEMORANDUM in Opposition 187 MOTION to Dismiss) (Montes, Mariliz). (Entered: 10/21/2016)</p>
<p>10/21/2016</p>	<p>205</p>	<p>DECLARATION re 204 Memorandum in Opposition to Motion (<i>Redacted</i>) by Students for Fair Admissions, Inc.. (Attachments: # 1 Exhibit A (Redacted), # 2 Exhibit B (Redacted), # 3 Exhibit C (Redacted), # 4 Exhibit D (Redacted), # 5 Exhibit E (Redacted), # 6 Exhibit F, # 7 Exhibit G (Redacted), # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J (Redacted), # 11 Exhibit K (Redacted), # 12 Exhibit L (Redacted), # 13 Exhibit M (Redacted), # 14 Exhibit N (Redacted), # 15 Exhibit O (Redacted), # 16 Exhibit P (Redacted), # 17 Exhibit Q (Redacted), # 18 Exhibit R (Redacted), # 19 Exhibit S (Redacted), # 20 Exhibit T (Redacted), # 21 Exhibit U) (Consovoy, William) (Additional attachment(s)</p>

	<p>added on 10/27/2016: # 22 Sealed Version: Plaintiff's Opposition to Defendant's Motion to Dismiss, # 23 Exhibit Sealed Exhibit A to Declaraiton of W. S. Convoy, # 24 Exhibit Sealed Exhibit B to Declaraiton of W. S. Convoy, # 25 Exhibit Sealed Exhibit C to Declaraiton of W. S. Convoy, # 26 Exhibit Sealed Exhibit D to Declaraiton of W. S. Convoy, # 27 Exhibit Sealed Exhibit E to Declaraiton of W. S. Convoy, # 28 Exhibit Sealed Exhibit F to Declaraiton of W. S. Convoy, # 29 Exhibit Sealed Exhibit G to Declaraiton of W. S. Convoy, # 30 Exhibit Sealed Exhibit H to Declaraiton of W. S. Convoy, # 31 Sealed Exhibit I to Declaration of W. S. Convoy, # 32 Exhibit Sealed Exhibit J to Declaration of W. S. Convoy, # 33 Exhibit Sealed Exhibit K to Declaration of W. S. Convoy, # 34 Exhibit Sealed Exhibit L to Declaration of W. S. Convoy, # 35 Exhibit Sealed Exhibit M to Declaration of</p>
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		<p>W. S. Convoy, # 36 Exhibit Sealed Exhibit N to Declaration of W. S. Convoy, # 37 Exhibit Sealed Exhibit O to Declaration of W. S. Convoy, # 38 Exhibit Sealed Exhibit P to Declaration of W. S. Convoy, # 39 Exhibit Sealed Exhibit Q to Declaration of W. S. Convoy, # 40 Exhibit Sealed Exhibit R to Declaration of W. S. Convoy, # 41 Exhibit Sealed Exhibit S to Declaration of W. S. Convoy, # 42 Exhibit Sealed Exhibit T to Declaration of W. S. Convoy, # 43 Exhibit Sealed Exhibit U to Declaration of W. S. Convoy) (Montes, Mariliz). (Entered: 10/21/2016)</p>
10/24/2016	206	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 201 Motion to Seal Document (Folan, Karen) (Entered: 10/24/2016)</p>
11/01/2016	209	<p>Assented to MOTION to Seal <i>SFFA's Unredacted Letter to J. Burroughs and accompanying documents</i> by Students for Fair Admissions, Inc..(Caldwell, Benjamin)</p>

JA66

		(Entered: 11/01/2016)
11/01/2016	210	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 209 Motion to Seal (Folan, Karen) (Entered: 11/01/2016)
11/03/2016	211	MOTION for Leave to File <i>Reply Memorandum in Support of Motion for Judgment on the Pleadings</i> by President and Fellows of Harvard College.(Waxman, Seth) (Entered: 11/03/2016)
11/03/2016	212	MOTION for Leave to File <i>Reply Memorandum in Support of Motion to Dismiss</i> by President and Fellows of Harvard College.(Waxman, Seth) (Entered: 11/03/2016)
11/03/2016	213	MOTION to Seal Document <i>Reply Memorandum and Exhibit in Support of Motion to Dismiss</i> by President and Fellows of Harvard College.(Ellsworth, Felicia) (Entered: 11/03/2016)

JA67

11/03/2016	215	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 211 Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Folan, Karen) (Entered: 11/03/2016)</p>
11/03/2016	216	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 212 Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Folan, Karen) (Entered: 11/03/2016)</p>

JA68

11/03/2016	217	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 213 Motion to Seal Document (Folan, Karen) (Entered: 11/03/2016)
11/04/2016	218	REPLY to Response to 185 MOTION for Judgment on the Pleadings <i>on Counts IV and VI</i> filed by President and Fellows of Harvard College. (Waxman, Seth) (Entered: 11/04/2016)
11/04/2016	219	DECLARATION <i>re Reply</i> <i>Memorandum in Support of</i> <i>Motion to Dismiss</i> by President and Fellows of Harvard College. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E) (Ellsworth, Felicia) (Additional attachment(s) added on 11/8/2016: # 6 Exhibit A (sealed)) (Montes, Mariliz). (Entered: 11/04/2016)
11/08/2016	220	REPLY to Response to 187 MOTION to Dismiss for Lack of Jurisdiction (<i>Redacted</i>) filed by President and Fellows of Harvard College.

		(Waxman, Seth) (Additional attachment(s) added on 11/8/2016: # 1 Sealed Reply Memorandum in Support of Defendant's Motion to Dismiss) (Montes, Mariliz). (Entered: 11/08/2016)
12/01/2016	222	Assented to MOTION to Seal <i>SFFA's Motions to Compel</i> by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 12/01/2016)
12/05/2016	223	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 222 Motion to Seal (Folan, Karen) (Entered: 12/05/2016)
12/12/2016	228	MOTION for Leave to Appear Pro Hac Vice for admission of Nicole Gon Ochi Filing fee: \$ 100, receipt number 0101-6410623 by M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth. (Attachments: # 1 Exhibit Certificate of Good Standing, # 2 Exhibit

		Declaration) (Cregor, Matthew) (Entered: 12/12/2016)
12/12/2016	229	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 228 Motion for Leave to Appear Pro Hac Vice Added Nicole K. Ochi. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. Pursuant to Local Rule 83.5.3, local counsel shall also file an appearance in this matter. Further, local counsel shall review all filings and shall personally appear in Court for any hearings or conferences, unless expressly excused by the Court for good cause. (Montes, Mariliz) (Entered: 12/12/2016)

JA71

12/12/2016	230	MOTION for Leave to File <i>to Participate as Amici Curiae</i> by M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth. (Attachments: # 1 Exhibit, # 2 Exhibit) (Culleen, Lawrence) (Entered: 12/12/2016)
12/19/2016	231	MOTION to Seal <i>Oppositions to SFFA's Motions to Compel</i> by President and Fellows of Harvard College.(Ellsworth, Felicia) (Entered: 12/19/2016)
12/19/2016	232	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 231 Motion to Seal (Folan, Karen) (Entered: 12/19/2016)
12/22/2016	236	Assented to MOTION for Leave to File <i>Reply Memoranda in Support of SFFA's Two Pending Motions to Compel</i> by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 12/22/2016)
12/22/2016	237	Judge Allison D. Burroughs:

JA72

		<p>ELECTRONIC ORDER entered granting 236 Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Folan, Karen) (Entered: 12/22/2016)</p>
01/03/2017	238	<p>Assented to MOTION to Seal <i>Reply Memoranda in Support of SFFA's Two Pending Motions to Compel</i> by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 01/03/2017)</p>
01/03/2017	239	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 238 Motion to Seal (Folan, Karen) (Entered: 01/03/2017)</p>
01/05/2017	240	<p>Letter/request (non-motion) from SFFA <i>regarding discovery matters.</i></p>

JA73

		(Strawbridge, Patrick) (Entered: 01/05/2017)
01/18/2017	244	Judge Allison D. Burroughs: ELECTRONIC ORDER entered 230 Motion for Leave to Participate As Amici Curiae is GRANTED. The students J.F. and M.A. are allowed to participate in this matter as amici curiae alongside the current amici curiae and under the same terms and conditions. [ECF No. 52]. (Montes, Mariliz) (Entered: 01/18/2017)
02/02/2017	245	Joint MOTION to Seal <i>Letters Regarding Production Of Reviewer Comments</i> by President and Fellows of Harvard College.(Ellsworth, Felicia) (Entered: 02/02/2017)
02/03/2017	246	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 245 Motion to Seal (Folan, Karen) (Entered: 02/03/2017)
02/08/2017	249	NOTICE of Appearance by Andrew S. Dulberg on behalf of President and Fellows of

JA74

		Harvard College (Dulberg, Andrew) (Entered: 02/08/2017)
02/08/2017	250	NOTICE of Appearance by Elizabeth C. Mooney on behalf of President and Fellows of Harvard College (Mooney, Elizabeth) (Entered: 02/08/2017)
03/13/2017	251	Assented to MOTION for Order to Produce Applicant Files by President and Fellows of Harvard College. (Attachments: # 1 Text of Proposed Order Proposed Order for Application Files) (Ellsworth, Felicia) (Entered: 03/13/2017)
03/13/2017	252	Judge Allison D. Burroughs: ORDER entered granting 251 Motion for Order. (Folan, Karen) (Entered: 03/13/2017)
03/13/2017	253	Assented to MOTION to Seal <i>Motion to Quash Subpoenas and Deposition Notices or for a Protective Order</i> by Students for Fair Admissions, Inc.. (Caldwell, Benjamin) (Entered: 03/13/2017)

JA75

03/15/2017	254	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 253 Motion to Seal (Folan, Karen) (Entered: 03/15/2017)
03/21/2017	258	Assented to MOTION to Seal <i>Motion for a Protective Order and to Quash Deposition Notices</i> by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 03/21/2017)
03/21/2017	259	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 258 Motion to Seal (Folan, Karen) (Entered: 03/21/2017)
03/28/2017	263	Assented to MOTION to Seal Document <i>Opposition to SFFA's Motion to Quash Subpoenas and Deposition Notices or For a Protective Order</i> by President and Fellows of Harvard College. (Ellsworth, Felicia) (Entered: 03/28/2017)
03/29/2017	264	Judge Allison D. Burroughs: ELECTRONIC ORDER

JA76

		entered granting 263 Motion to Seal Document (Folan, Karen) (Entered: 03/29/2017)
03/31/2017	265	Assented to MOTION for Leave to File <i>Reply Memorandum in Support of SFFA's Motion to Quash Subpoenas and Deposition Notices or for a Protective Order</i> by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 03/31/2017)
04/03/2017	267	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 265 Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Folan, Karen) (Entered: 04/03/2017)

JA77

04/03/2017	268	Assented to MOTION to Seal Document <i>Harvard's Opposition to SFFA's Motion for a Protective Order and to Quash Deposition Notices</i> by President and Fellows of Harvard College.(Ellsworth, Felicia) (Entered: 04/03/2017)
04/03/2017	269	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 268 Motion to Seal Document (Folan, Karen) (Entered: 04/03/2017)
04/03/2017	270	Assented to MOTION to Seal Document <i>SFFA's Reply in Support of its Motion to Quash Subpoenas and Deposition Notices or for a Protective Order</i> by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 04/03/2017)
04/03/2017	271	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 270 Motion to Seal Document (Folan, Karen) (Entered: 04/03/2017)
04/06/2017	272	First MOTION to Quash <i>Plaintiff's Subpoena to BLS</i>

JA78

		by Boston Public Schools. (Seich, Jennifer) (Main Document 272 replaced on 4/10/2017) (Montes, Mariliz). (Entered: 04/06/2017)
04/06/2017	276	MEMORANDUM in Support of 272 First MOTION to Quash <i>Plaintiff's Subpoena to BLS</i> filed by Boston Public Schools. (Attachments: # 1 Exhibit 1)(Montes, Mariliz) (Entered: 04/10/2017)
04/07/2017	275	Assented to MOTION to Seal <i>SFFA's Motions to Compel</i> by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 04/07/2017)
04/10/2017	277	Notice of correction to docket made by Court staff. Correction: Docket 272 corrected by detaching memorandum and it's exhibit and re-docketing as a separate docket entry.(Montes, Mariliz) (Entered: 04/10/2017)
04/10/2017	278	Assented to MOTION for Leave to File <i>Reply Memorandum in Support of</i>

		<i>SFFA's Motion for a Protective Order and to Quash Deposition Notices</i> by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 04/10/2017)
04/10/2017	279	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 275 Assented-To Motion to Under Seal Two Motions to Compel; granting 278 Plaintiff's Assented-To Motion for Leave to File a Reply Memorandum in Support of Its Motion for a Protective Order and to Quash Deposition Notices ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Montes, Mariliz) (Entered: 04/10/2017)
04/10/2017	280	Assented to MOTION to Seal <i>Reply Memorandum in</i>

JA80

		<i>Support of SFFA's Motion for a Protective Order and to Quash Deposition Notices</i> by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 04/10/2017)
04/10/2017	281	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 280 Plaintiff's Assented-to Motion to File Under Seal Reply Memorandum in Support of Motion for a Protective Order and to Quash Deposition Notices (Montes, Mariliz) (Entered: 04/10/2017)
04/11/2017	282	Assented to MOTION to Seal <i>SFFA's Letter Motion Regarding Depositions and Custodians</i> by Students for Fair Admissions, Inc.. (Caldwell, Benjamin) (Entered: 04/11/2017)
04/11/2017	283	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 282 Plaintiff's Assented-To Motion to File Under Seal Plaintiff's Letter Motion Regarding Depositions and Custodians.

JA81

		(Montes, Mariliz) (Entered: 04/11/2017)
04/12/2017	288	Letter/request (non-motion) from SFFA to <i>Judge Burroughs Requesting Conference</i> . (Strawbridge, Patrick) (Entered: 04/12/2017)
04/14/2017	291	Letter/request (non-motion) from Harvard <i>in Response to Letter from SFFA (Dkt. 288)</i> . (Ellsworth, Felicia) (Entered: 04/14/2017)
04/18/2017	292	Assented to MOTION to Seal Document <i>Harvard's Oppositions to SFFA's Motions to Compel Production of Unredacted Documents and Application Files</i> by President and Fellows of Harvard College.(Ellsworth, Felicia) (Entered: 04/18/2017)
04/19/2017	293	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 292 Harvard's Assented- Motion to File Under Seal Harvard's Oppositions to SFFA's Motions to Compel (Montes, Mariliz) (Entered: 04/19/2017)

04/20/2017	294	Opposition re 272 First MOTION to Quash <i>Plaintiff's Subpoena to BLS</i> filed by Students for Fair Admissions, Inc.. (Attachments: # 1 Notice of Subpoena to Boston Latin School, # 2 Notice of Subpoena to Thomas Jefferson High School for Science and Technology, # 3 Notice of Subpoena to Stuyvesant High School, # 4 Notice of Subpoena to Monta Vista High School) (Strawbridge, Patrick) (Entered: 04/20/2017)
04/26/2017	295	Assented to MOTION for Leave to File <i>Reply Memoranda in Support of SFFA's Two Pending Motions to Compel</i> by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 04/26/2017)
04/27/2017	298	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 295 Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with

JA83

		the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Folan, Karen) (Entered: 04/27/2017)
04/27/2017	299	Assented to MOTION to Seal <i>Reply Memoranda in Support of SFFA's Two Pending Motions to Compel</i> by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 04/27/2017)
04/28/2017	300	Assented to MOTION to Seal Document <i>Harvard's Response Letter to SFFA's April 12, 2017 Letter Motion re Depositions and Custodians</i> by President and Fellows of Harvard College.(Ellsworth, Felicia) (Entered: 04/28/2017)
04/28/2017	301	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 299 Motion to Seal (Folan, Karen) (Entered: 04/28/2017)
05/01/2017	302	Judge Allison D. Burroughs: ELECTRONIC ORDER

JA84

		entered granting 300 Motion to Seal Document (Folan, Karen) (Entered: 05/01/2017)
05/02/2017	303	Letter/request (non-motion) from SFFA to Judge Burroughs Requesting Status Conference This Week to Address Urgent Discovery Matters . (Strawbridge, Patrick) (Entered: 05/02/2017)
05/05/2017	304	Assented to MOTION to Seal <i>SFFA's Emergency Application</i> by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 05/05/2017)
05/05/2017	305	Judge Allison D. Burroughs: ELECTRONIC ORDER entered. SFFAs motions to quash certain subpoenas [ECF Nos. 255, 260] are DENIED. SFFA failed to meet its burden under Fed. R. Civ. P. 45(d)(3). Because of the broad understanding of what constitutes relevant discovery, it is very unusual for a court to prohibit the taking of a deposition altogether. Green v. Cosby, 152 F. Supp. 3d 31, 35

		<p>(D. Mass. 2015), modified on reconsideration on other grounds, 160 F. Supp. 3d 431 (D. Mass. 2016) (quoting E.E.O.C. v. FreudenbergNOK Gen. P'ship, No. 07 Civ. 406, 2009 WL 909571, at *3 (D.N.H. Apr. 3, 2009)).</p> <p>Moreover, at this stage, the Court will not unduly fetter the parties ability to develop a complete factual record.</p> <p>(Folan, Karen) (Entered: 05/05/2017)</p>
05/05/2017	306	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered denying as moot 304 Motion to Seal. (Folan, Karen) (Entered: 05/05/2017)</p>
05/09/2017	307	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered Boston Latin's motion to quash SFFA's subpoena to BLS [ECF No. 272] is <u>GRANTED IN PART</u> and <u>DENIED IN PART</u>. BLS will not be required to produce documents or information that were prepared by or shared with Harvard. However, BLS is hereby ordered to produce</p>

	<p>the following: (1) documents from the Relevant Period prepared by BLS concerning the racial composition of applicants, admitted persons, or enrollees to Harvard, excluding documents that merely aggregate statistical information; (2) all internal communications from the Relevant Period by or among BLS employees or agents regarding Harvard's use of race in the admissions process; (3) any documents from the Relevant Period that describe any alleged discrimination by Harvard against persons of Asian descent in the college admissions process; and (4) all non-privileged communications during the Relevant Period concerning SFFA or this litigation. Furthermore, SFFA may depose a BLS representative. The motion to quash is otherwise granted. This is meant to minimize the burden on non-party BLS, while also ensuring the availability of</p>
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JA87

		information and the integrity of the discovery process. (Montes, Mariliz) Modified on 5/9/2017 <i>NEF Regenerated</i> . (Montes, Mariliz). (Entered: 05/09/2017)
05/10/2017	311	Assented to MOTION to Seal <i>SFFA's Reply in Support of its Letter Motion Regarding Depositions and Custodians</i> by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 05/10/2017)
05/11/2017	312	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 311 Motion to Seal (Folan, Karen) (Entered: 05/11/2017)
05/19/2017	314	Assented to MOTION to Seal <i>SFFA'S Letter Motion Requesting Production of Performance Reports</i> by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 05/19/2017)
05/19/2017	315	Letter/request (non-motion) from SFFA <i>requesting stay of discovery deadlines</i> .

JA88

		(Strawbridge, Patrick) (Entered: 05/19/2017)
05/22/2017	316	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 314 Motion to Seal (Folan, Karen) (Entered: 05/22/2017)
05/23/2017	318	Letter/request (non-motion) from Harvard <i>in Response to the May 19, 2017 Letter from SFFA.</i> (Ellsworth, Felicia) (Entered: 05/23/2017)
05/24/2017	319	Letter/request (non-motion) from SFFA <i>in response to Harvard's letter of May 23 regarding stay of discovery deadlines.</i> (Strawbridge, Patrick) (Entered: 05/24/2017)
05/26/2017	320	STIPULATION re 307 Order on Motion to Quash,,,,, (<i>Joint Stipulation between SFFA and Boston Latin School re: SFFA's Subpoena for Documents and Testimony</i>) by Boston Public Schools, Students for Fair Admissions, Inc.. (Attachments: # 1 Text of

JA89

		Proposed Order)(Caldwell, Benjamin) (Entered: 05/26/2017)
05/30/2017	321	Judge Allison D. Burroughs: ORDER entered re 320 Stipulation, filed by Boston Public Schools, Students for Fair Admissions, Inc. (Folan, Karen) (Entered: 05/30/2017)
05/31/2017	322	Assented to MOTION to Seal Document <i>Harvard's Response Letter to SFFA's Letter Motion regarding Performance Reports</i> by President and Fellows of Harvard College. (Ellsworth, Felicia) (Entered: 05/31/2017)
05/31/2017	323	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 322 Motion to Seal Document (Folan, Karen) (Entered: 05/31/2017)
06/02/2017	324	Judge Allison D. Burroughs: ORDER entered. MEMORANDUM AND ORDER. "...Accordingly, Harvards motion to dismiss

JA90

		for lack of subject matter jurisdiction [ECF No. 187] is DENIED. SO ORDERED.” (Folan, Karen) (Entered: 06/02/2017)
06/02/2017	325	Judge Allison D. Burroughs: ORDER entered. MEMORANDUM AND ORDER. “...Accordingly, Harvards motion for partial judgment on the pleadings as to Count IV and VI [ECF No. 185] is GRANTED. SO ORDERED.”(Folan, Karen) (Entered: 06/02/2017)
06/16/2017	327	Assented to MOTION to Seal <i>SFFA’s Reply Letter in support of its Letter Motion regarding Performance Reports</i> by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 06/16/2017)
06/16/2017	329	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 327 Motion to Seal (Folan, Karen) (Entered: 06/16/2017)
06/21/2017	331	Assented to MOTION to Seal Document <i>Harvard’s Letter</i>

		<i>to the Court regarding June 6, 2017 Discovery Order</i> by President and Fellows of Harvard College.(Ellsworth, Felicia) (Entered: 06/21/2017)
06/21/2017	332	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 331 Motion to Seal Document (Folan, Karen) (Entered: 06/21/2017)
06/27/2017	334	Joint MOTION to Amend <i>September 1, 2016 Amended Scheduling Order</i> by President and Fellows of Harvard College.(Ellsworth, Felicia) (Entered: 06/27/2017)
06/27/2017	335	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 334 Motion to Amend. In light of the Court's extension of the fact discovery deadline until August 4, 2017 [ECF No. 326], the September 1, 2016 Scheduling Order [ECF No. 180] is amended as follows. Plaintiffs experts shall be designated and the information required by Fed. R. Civ. P. 26(a)(2) shall be

		<p>disclosed by October 3, 2017. Defendants experts shall be designated and the information required by Fed. R. Civ. P. 26(a)(2) shall be disclosed by December 2, 2017. Plaintiffs rebuttal expert reports shall be disclosed by January 16, Defendants rebuttal expert reports shall be disclosed by February 26, 2018. All expert discovery, including expert depositions, shall be completed by May 1, 2018. All dispositive motions under Fed. R. Civ. P. 56 shall be filed by June 15, 2018. Opposition briefs shall be filed by July 30, 2018. Reply briefs shall be filed by August 30, 2018. (Folan, Karen) (Entered: 06/27/2017)</p>
06/28/2017	336	<p>Reset Scheduling Order Deadlines: Fact Discovery to be completed by 8/4/2017, Dispositive Motions due by 6/15/2018, Oppositions due by 7/30/2018, Replies due by 8/30/2018. (Montes, Mariliz) (Entered: 06/28/2017)</p>

JA93

07/07/2017	338	Letter/request (non-motion) from SFFA to Judge Burroughs (Emergency Request for Judicial Intervention and Relief re: scheduling dispute) . (Strawbridge, Patrick) (Entered: 07/07/2017)
07/11/2017	339	Judge Allison D. Burroughs: ELECTRONIC ORDER entered. On July 7, 2017, SFFA requested that the Court order certain witness depositions to be taken on a weekend or, alternatively, that those depositions be quashed. [ECF No. 338]. Although the Court strongly urges the parties to work to accommodate witness schedules, the Court will not require that depositions be taken on a weekend over the objection of either party. Further, an unwillingness to take depositions over a weekend does not justify quashing the depositions in their entirety.(Folan, Karen) (Entered: 07/11/2017)

JA94

08/01/2017	340	Assented to MOTION to Seal <i>SFFA's Request for Judicial Intervention and Relief</i> by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 08/01/2017)
08/02/2017	341	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 340 Motion to Seal (Folan, Karen) (Entered: 08/02/2017)
08/02/2017	342	Assented to MOTION to Seal Document <i>Harvard's Response to SFFA's August 1, 2017 Letter</i> by President and Fellows of Harvard College. (Ellsworth, Felicia) (Entered: 08/02/2017)
08/02/2017	343	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 342 Motion to Seal Document (Folan, Karen) (Entered: 08/02/2017)
08/03/2017	345	Assented to MOTION to Seal <i>SFFA's Reply in Support of its August 1, 2017 Request for Judicial Intervention and Relief</i> by Students for Fair Admissions, Inc..

JA95

		(Caldwell, Benjamin) (Entered: 08/03/2017)
08/03/2017	346	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 345 Motion to Seal (Folan, Karen) (Entered: 08/03/2017)
08/07/2017	349	Assented to MOTION to Seal <i>SFFA's Letter Motion</i> <i>Regarding Summary Sheets</i> by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 08/07/2017)
08/07/2017	350	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 349 Plaintiff's Assented-To Motion to File Under Seal Plaintiff's Letter Motion Regarding Summary Sheets (Montes, Mariliz) (Entered: 08/07/2017)
08/07/2017	351	Judge Allison D. Burroughs: ELECTRONIC ORDER entered. The Court is very reluctant to allow SFFA the additional deposition that it now seeks.

	<p>[ECF No. 344]. The discovery period has ended. Further, the potential deponent clearly qualifies as a party, and SFFA has used all of its allotted party depositions. The testimony sought seems largely duplicative of information already obtained and of marginal utility. The Court would be well within its bounds to decline the request for the above reasons as well as other reasons set forth by Harvard in its opposition [ECF No. 347]. That being said, the Court is equally reluctant to force this case to go forward without a fully developed factual record, particularly where there is only one additional deposition sought and where Harvard arguably should have disclosed the name of the deponent earlier. Out of an abundance of caution and trying to fairly balance the interests of the parties, the Court will allow the deposition to go forward under the following conditions: the deposition will be limited to</p>
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		<p>two (2) hours and will take place at a location and time convenient for the deponent and Harvard, with SFFA to bear all the costs of the deposition, including reasonable attorneys fees and costs incurred by Harvard. <u>See San Francisco Health Plan v. McKesson Corp.</u>, 264 F.R.D. 20, 21 (D. Mass. 2010) (ordering party seeking additional depositions to pay associated costs because a balance must be struck between upholding the limitations of the rule and the reasons for those limitations on the one hand and counsel's judgment as to the needs of his or her case on the other). Alternatively, the parties can agree on a different format, including allowing the deponent to respond to written questions. (Montes, Mariliz) (Entered: 08/07/2017)</p>
08/11/2017	353	<p>MOTION to Seal Document <i>Harvard's Response to SFFA's Letter Motion regarding Summary Sheets</i> by President</p>

JA98

		and Fellows of Harvard College.(Ellsworth, Felicia) (Entered: 08/11/2017)
08/11/2017	354	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 353 Motion to Seal Document (Folan, Karen) (Entered: 08/11/2017)
08/23/2017	355	Letter/request (non-motion) from SFFA . (Strawbridge, Patrick) (Entered: 08/23/2017)
08/25/2017	357	Assented to MOTION to Seal <i>SFFA's Reply in Support of its Letter Motion Regarding Summary Sheets</i> by Students for Fair Admissions, Inc.. (Caldwell, Benjamin) (Entered: 08/25/2017)
08/28/2017	358	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 357 Motion to Seal (Folan, Karen) (Entered: 08/28/2017)
08/31/2017	359	Letter/request (non-motion) from Harvard in Response to Aug. 23, 2017 Letter from SFFA . (Ellsworth, Felicia) (Entered: 08/31/2017)

08/31/2017	360	Judge Allison D. Burroughs: ELECTRONIC ORDER entered. The Court is in receipt of letters from both parties. [ECF Nos. 355, 359]. Despite the fact that discovery had closed and SFFA had used all of its allotted party depositions, the Court allowed one additional deposition to go forward with the understanding that SFFA would bear all of the reasonable associated expenses, including Harvard's attorneys' fees. [ECF No. 351]. SFFA has not presented compelling grounds to reconsider that decision. The estimate provided by Harvard is not unreasonable on its face. SFFA may challenge the reasonableness of the fees and costs after they have accrued or forego the deposition, which again appears to seek information that is marginal, duplicative, and disproportionate. (Montes, Mariliz) (Entered: 08/31/2017)
09/20/2017	363	Joint MOTION to Amend 335

JA100

		Order on Motion to Amend,, <i>Scheduling Order</i> by Students for Fair Admissions, Inc.. (Strawbridge, Patrick) (Entered: 09/20/2017)
09/22/2017	364	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 363 Motion to Amend scheduling order (Folan, Karen) (Entered: 09/22/2017)
12/21/2017	365	Assented to MOTION to Seal <i>SFFA's Motion to Compel Regarding Harvard's Privilege Log</i> by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 12/21/2017)
12/22/2017	366	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 365 Motion to Seal (Folan, Karen) (Entered: 12/22/2017)
12/27/2017	369	STIPULATION to <i>Enlarge Time to file an Opposition to Plaintiff's Motion to Compel</i> by President and Fellows of Harvard College. (Ellsworth, Felicia) (Entered: 12/27/2017)

JA101

12/28/2017	370	ELECTRONIC ENDORSEMENT APPROVING 369 Stipulation to extend time to file opposition to motion to compel filed by President and Fellows of Harvard College (Folan, Karen) (Entered: 12/28/2017)
01/17/2018	371	Assented to MOTION to Seal Document <i>Harvard's Opposition to SFFA's Motion to Compel Production of Documents Withheld or Redacted</i> by President and Fellows of Harvard College. (Ellsworth, Felicia) (Entered: 01/17/2018)
01/17/2018	372	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 371 Motion to Seal Document (Folan, Karen) (Entered: 01/17/2018)
01/23/2018	375	Assented to MOTION for Leave to File <i>Reply Memorandum in Support of SFFA's Motion to Compel</i> by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 01/23/2018)

JA102

01/23/2018	376	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 375 Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Folan, Karen) (Entered: 01/23/2018)</p>
01/24/2018	377	<p>ELECTRONIC NOTICE of Hearing.Motion Hearing on Motion to compel set for 2/7/2018 02:30 PM in Courtroom 17 before Judge Allison D. Burroughs. Defendant to provide the court with unredacted copies of all documents at issue noting the proposed redactions 7 days prior to hearing.(Folan, Karen) (Entered: 01/24/2018)</p>
01/25/2018	378	<p>Assented to MOTION to Seal <i>Reply Memorandum in Support of SFFA's Motion</i></p>

JA103

		<i>to Compel</i> by Students for Fair Admissions, Inc..(Caldwell, Benjamin) (Entered: 01/25/2018)
01/25/2018	379	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 378 Motion to Seal (Folan, Karen) (Entered: 01/25/2018)
01/29/2018	380	Receipt of Defendant's unredacted documents for in camera review, pursuant to 377 Order. (Montes, Mariliz) (Entered: 01/30/2018)
02/07/2018	382	Electronic Clerk's Notes for proceedings held before Judge Allison D. Burroughs: Hearing held on 2/7/2018. Order to issue. (Court Reporter: Joan Daly at joanmdaly62@gmail.com.) (Folan, Karen) (Entered: 02/12/2018)
02/21/2018	384	Transcript of Hearing held on February 7, 2018, before Judge Allison D. Burroughs. The Transcript may be purchased through the Court Reporter, viewed at the public

JA104

		terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Joan Daly at joanmdaly62@gmail.com Redaction Request due 3/14/2018. Redacted Transcript Deadline set for 3/26/2018. Release of Transcript Restriction set for 5/22/2018. (Scalfani, Deborah) (Entered: 02/21/2018)
02/21/2018	385	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 02/21/2018)
03/09/2018	386	STATUS REPORT (<i>Joint Status Report on behalf of all parties</i>) by Students for Fair Admissions, Inc.. (Consovoy, William) (Entered: 03/09/2018)

03/14/2018	387	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered.</p> <p>Upon review of the parties' joint status report filed on March 9, 2018 ECF No. 363, the Court orders the following:</p> <ol style="list-style-type: none">1. Dispositive motions shall be filed and briefed in accordance with the operative scheduling order ECF No. 363.2. Amicus briefs in support of a dispositive motion shall be filed by <u>July 13, 2018</u>. Amicus briefs in opposition to a dispositive motion shall be filed by <u>August 17, 2018</u>.3. The parties shall meet and confer regarding the treatment of confidential materials to narrow the areas of dispute. The parties shall file letter briefs on the outstanding issues by <u>March 30, 2018</u>, and a hearing is scheduled for <u>April 10, 2018</u> at 9:00 AM in Courtroom 17 before Judge Allison D. Burroughs.
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JA106

		<p>4. By the agreement of the parties, the Court will bifurcate the issues of liability and remedies. Remedies will be addressed after the disposition of dispositive motions and/or trial on liability.</p> <p>5. The Court is considering scheduling trial for four weeks beginning the week of <u>January 2, 2019</u>. The parties may address the trial schedule at the hearing on <u>April 10, 2018</u>.</p> <p>(McDonagh, Christina) (Entered: 03/14/2018)</p>
03/30/2018	388	Letter/request (non-motion) from SFFA re: Treatment of Materials Marked Confidential . (Consovoy, William) (Entered: 03/30/2018)
03/30/2018	389	Letter/request (non-motion) from Harvard <i>Regarding Confidential Materials</i> . (Ellsworth, Felicia) (Entered: 03/30/2018)
04/06/2018	390	Amicus Curiae APPEARANCE entered by Sigmund David Schutz on

JA107

		<p>behalf of New England First Amendment Coalition; Reporters Committee for Freedom of the Press; Massachusetts Newspaper Publishers Association; GateHouse Media, LLC. (Schutz, Sigmund) (Entered: 04/06/2018)</p>
04/06/2018	391	<p>MOTION for Leave to File <i>as Amicus Curiae</i> by New England First Amendment Coalition; Reporters Committee for Freedom of the Press; Massachusetts Newspaper Publishers Association; GateHouse Media, LLC. (Attachments: # 1 Exhibit A - Letter Brief)(Schutz, Sigmund) (Entered: 04/06/2018)</p>
04/06/2018	392	<p>NOTICE of Appearance by Eric G. Penley on behalf of New England First Amendment Coalition; Reporters Committee for Freedom of the Press; Massachusetts Newspaper Publishers Association; GateHouse Media, LLC (Penley, Eric) (Entered: 04/06/2018)</p>

JA108

04/06/2018	393	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 391 Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Folan, Karen) (Entered: 04/06/2018)
04/06/2018	394	<i>Leave to file granted on April 6, 2018</i> Letter/request (non-motion) from Amici Curiae . (Schutz, Sigmund) (Entered: 04/06/2018)
04/06/2018	395	NOTICE by United States of <i>Interest in Public Access to Summary Judgment Briefing and Materials</i> (Donnelly, Matthew) (Entered: 04/06/2018)
04/06/2018	396	Response by Students for Fair Admissions, Inc. to 389 Letter/request (non-motion) .

JA109

		(Consovoy, William) (Entered: 04/06/2018)
04/09/2018	397	Letter/request (non-motion) from Harvard <i>Regarding Confidential Materials</i> . (Lee, William) (Entered: 04/09/2018)
04/09/2018	398	Letter/request (non-motion) from Students, Amici Curiae <i>Regarding Confidential Materials</i> . (Greenbaum, Jon) (Entered: 04/09/2018)
04/10/2018	399	NOTICE of Withdrawal of Appearance by Benjamin C. Caldwell (Caldwell, Benjamin) (Entered: 04/10/2018)
04/11/2018	400	MOTION for Leave to Appear Pro Hac Vice for admission of Adam K. Mortara and John M. Hughes Filing fee: \$ 200, receipt number 0101-7090675 by Students for Fair Admissions, Inc.. (Attachments: # 1 Cert. of Attorney Mortara, # 2 Cert. of Attorney Hughes, # 3 Text of Proposed Order)(Strawbridge, Patrick) (Entered: 04/11/2018)
04/12/2018	401	Judge Allison D. Burroughs: ELECTRONIC ORDER

JA110

		<p>entered granting 400 Motion for Leave to Appear Pro Hac Vice Added Adam K. Mortara & John M. Hughes. Pursuant to Local Rule 83.5.3, local counsel shall also file an appearance in this matter. Further, local counsel shall review all filings and shall personally appear in Court for any hearings or conferences, unless expressly excused by the Court for good cause. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (McDonagh, Christina) (Entered: 04/12/2018)</p>
04/12/2018	402	<p>Transcript of Status Conference held on April 10, 2018, before Judge Allison D. Burroughs. The Transcript</p>

JA111

		<p>may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Richard Romanow at bulldog@richromanow.com Redaction Request due 5/3/2018. Redacted Transcript Deadline set for 5/14/2018. Release of Transcript Restriction set for 7/11/2018. (Scalfani, Deborah) (Entered: 04/12/2018)</p>
04/12/2018	403	<p>NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 04/12/2018)</p>
05/23/2018	404	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered.</p>

JA112

		<p>As discussed at the hearing held on April 10, 2018 ECF No. 402, the Court orders the following:</p> <ol style="list-style-type: none">1. The deadlines for amicus briefing on dispositive motions ECF No. 387 are amended as follows. Amicus briefs in support of a dispositive motion shall be filed by <u>July 30, 2018</u>. Amicus briefs in opposition to a dispositive motion shall be filed by <u>August 30, 2018</u>.2. Prior to <u>June 15, 2018</u>, the parties shall meet and confer and propose a procedure for the Court to determine whether any dispositive motion briefing and/or exhibits filed under seal should remain sealed. <p>(McDonagh, Christina) (Entered: 05/23/2018)</p>
05/23/2018	405	<p>Judge Allison D. Burroughs: ORDER entered. PROCEDURAL ORDER re pretrial/trial Final Pretrial Conference set for 10/3/2018 10:00 AM in Courtroom 17 before Judge Allison D. Burroughs. Bench Trial set</p>

JA113

		for 10/15/2018 10:00 AM in Courtroom 17 before Judge Allison D. Burroughs. (McDonagh, Christina) (Entered: 05/23/2018)
06/08/2018	406	Joint MOTION for Leave to File Excess Pages by Students for Fair Admissions, Inc.. (Strawbridge, Patrick) (Entered: 06/08/2018)
06/11/2018	407	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 406 Motion for Leave to File Excess Pages. Parties are nonetheless encouraged to adhere to the limits set forth in Local Rule 7.1(b)(4) to the extent possible and to limit repetition between the various briefs. Further, given the potential volume of the submissions and the impending trial date, the court further orders as follows: a summary judgment motion shall include a separately filed Statement of Undisputed Facts which details, in numbered paragraphs, the material facts that the moving party contends are undisputed

		<p>and entitle the movant to judgment as a matter of law. Only those facts which bear on dispositive material issues shall be included in this statement. Oppositions shall include a separate filing of a statement of material facts, responding to each numbered paragraph in the movants Statement of Undisputed Facts, which the respondent contends present genuine issues for trial. The responding party shall also set forth, in separate numbered paragraphs, any additional facts which the respondent contends preclude the entry of summary judgment. Statements of material facts in support of or in opposition to a motion for summary judgment shall include specific references to the parts of the record that support each stated fact. Each stated fact shall cite the source relied upon, including the page of any document or line and page number of any deposition to which reference is made. If both parties are moving for</p>
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JA115

		summary judgment, the parties may also submit one joint Statement of Undisputed Facts or include a separate joint submission of facts that are truly undisputed to the extent that that may make sense. In light of the number of pages that are likely to be submitted and the scheduled trial date, the parties are encouraged to work together to find ways in which the information, particularly undisputed facts, can be presented to the court as efficiently as possible. (Folan, Karen) (Entered: 06/11/2018)
06/12/2018	408	JOINT STATEMENT re scheduling conference . (Ellsworth, Felicia) (Entered: 06/12/2018)
06/12/2018	409	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 408 JOINT scheduling motion. (Folan, Karen) (Entered: 06/12/2018)
06/13/2018	410	Joint MOTION to Seal <i>Certain Information Filed in Connection with the Parties'</i>

JA116

		<i>Summary Judgment Motions</i> by President and Fellows of Harvard College.(Ellsworth, Felicia) (Entered: 06/13/2018)
06/14/2018	411	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 410 Motion to Seal (Folan, Karen) (Entered: 06/14/2018)
06/15/2018	412	MOTION for Summary Judgment by Students for Fair Admissions, Inc.. (Consovoy, William) (Entered: 06/15/2018)
06/15/2018	413	MEMORANDUM in Support re 412 MOTION for Summary Judgment filed by Students for Fair Admissions, Inc.. (Consovoy, William) (Additional attachment(s) added on 6/18/2018: # 1 Unredacted version of Memorandum in Support) (Montes, Mariliz). (Additional attachment(s) added on 7/13/2018: # 2 Updated Redacted Version of Memorandum of Reasons in Support of Motion for Summary Judgment)

JA117

		(McDonagh, Christina). (Entered: 06/15/2018)
06/15/2018	415	DECLARATION re 412 MOTION for Summary Judgment by Students for Fair Admissions, Inc.. (Attachments: # 1 Exhibit Expert Report, # 2 Exhibit Rebuttal Expert Report, # 3 Errata Errata)(Consovoy, William) (Additional attachment(s) added on 6/18/2018: # 4 Unredacted version of Declaration of P. Arcidiacono, # 5 Exhibit A- unredacted version , # 6 Exhibit B- unredacted version) (Montes, Mariliz). (Additional attachment(s) added on 7/13/2018: # 7 Updated Redacted Version of Declaration of Peter Arcidiacono, # 8 Updated Redacted Version of Exhibit 1, # 9 Updated Redacted Version of Exhibit 2) (McDonagh, Christina). (Entered: 06/15/2018)
06/15/2018	416	DECLARATION re 412 MOTION for Summary Judgment by Students for

JA118

		<p>Fair Admissions, Inc.. (Attachments: # 1 Exhibit Expert Report, # 2 Exhibit Rebuttal Expert Report, # 3 Exhibit Supplemental Report) (Consovoy, William) (Additional attachment(s) added on 6/18/2018: # 5 Exhibit A- unredacted version) (Montes, Mariliz). (Entered: 06/15/2018)</p>
06/15/2018	417	<p>MOTION for Summary Judgment by President and Fellows of Harvard College. (Waxman, Seth) (Entered: 06/15/2018)</p>
06/15/2018	418	<p>MEMORANDUM in Support re 417 MOTION for Summary Judgment filed by President and Fellows of Harvard College. (Waxman, Seth) (Additional attachment(s) added on 7/2/2018: # 1 Unredacted version of Memorandum in Support) (Montes, Mariliz). (Additional attachment(s) added on 7/10/2018: # 2 Updated Redacted Version) (McDonagh, Christina). (Entered: 06/15/2018)</p>

06/15/2018	419	DECLARATION re 417 MOTION for Summary Judgment by President and Fellows of Harvard College. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15, # 16 Exhibit 16, # 17 Exhibit 17, # 18 Exhibit 18, # 19 Exhibit 19, # 20 Exhibit 20, # 21 Exhibit 21, # 22 Exhibit 22, # 23 Exhibit 23, # 24 Exhibit 24, # 25 Exhibit 25, # 26 Exhibit 26, # 27 Exhibit 27, # 28 Exhibit 28, # 29 Exhibit 29, # 30 Exhibit 30, # 31 Exhibit 31, # 32 Exhibit 32, # 33 Exhibit 33, # 34 Exhibit 34, # 35 Exhibit 35, # 36 Exhibit 36, # 37 Exhibit 37, # 38 Exhibit 38, # 39 Exhibit 39, # 40 Exhibit 40, # 41 Exhibit 41, # 42 Exhibit 42, # 43 Exhibit 43, # 44 Exhibit 44, # 45 Exhibit 45, # 46 Exhibit 46, # 47 Exhibit 47, # 48
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JA120

	<p>Exhibit 48, # 49 Exhibit 49, # 50 Exhibit 50, # 51 Exhibit 51, # 52 Exhibit 52, # 53 Exhibit 53, # 54 Exhibit 54, # 55 Exhibit 55, # 56 Exhibit 56, # 57 Exhibit 57, # 58 Exhibit 58, # 59 Exhibit 59, # 60 Exhibit 60, # 61 Exhibit 61, # 62 Exhibit 62, # 63 Exhibit 63, # 64 Exhibit 64, # 65 Exhibit 65, # 66 Exhibit 66, # 67 Exhibit 67, # 68 Exhibit 68, # 69 Exhibit 69, # 70 Exhibit 70, # 71 Exhibit 71, # 72 Exhibit 72, # 73 Exhibit 73, # 74 Exhibit 74, # 75 Exhibit 75, # 76 Exhibit 76, # 77 Exhibit 77, # 78 Exhibit 78, # 79 Exhibit 79, # 80 Exhibit 80, # 81 Exhibit 81, # 82 Exhibit 82, # 83 Exhibit 83, # 84 Exhibit 84, # 85 Exhibit 85, # 86 Exhibit 86, # 87 Exhibit 87, # 88 Exhibit 88, # 89 Exhibit 89, # 90 Exhibit 90, # 91 Exhibit 91, # 92 Exhibit 92, # 93 Exhibit 93, # 94 Exhibit 94, # 95 Exhibit 95, # 96 Exhibit 96, # 97 Exhibit 97)(Ellsworth, Felicia) (Additional attachment(s) added on</p>
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		<p>7/2/2018: # 98 Unredacted version of Declaration) (Montes, Mariliz). (Additional attachment(s) added on 7/2/2018: # 99 Exhibit 1 (filed under seal), # 100 Exhibit 3 (filed under seal), # 101 Exhibit 4 (filed under seal), # 102 Exhibit 5 (filed under seal), # 103 Exhibit 6 (filed under seal), # 104 Exhibit 7 (filed under seal), # 105 Exhibit 8 (filed under seal), # 106 Exhibit 9 (filed under seal), # 107 Exhibit 10 (filed under seal), # 108 Exhibit 11 (filed under seal), # 109 Exhibit 12 (filed under seal), # 110 Exhibit 13 (filed under seal), # 111 Exhibit 14 (filed under seal), # 112 Exhibit 15 (filed under seal), # 113 Exhibit 16 (filed under seal), # 114 Exhibit 17 (filed under seal), # 115 Exhibit 18 (filed under seal), # 116 Exhibit 19 (filed under seal), # 117 Exhibit 20 (filed under seal), # 118 Exhibit 21 (filed under seal), # 119 Exhibit 22 (filed under seal), # 120 Exhibit 23 (filed under seal), # 121</p>
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	<p>Exhibit 24 (filed under seal), # 122 Exhibit 25 (filed under seal), # 123 Exhibit 26 (filed under seal), # 124 Exhibit 27 (filed under seal), # 125 Exhibit 29 (filed under seal), # 126 Exhibit 30 (filed under seal), # 127 Exhibit 40 (filed under seal), # 128 Exhibit 43 (filed under seal), # 129 Exhibit 52 (filed under seal), # 130 Exhibit 53 (filed under seal), # 131 Exhibit 54 (filed under seal), # 132 Exhibit 55 (filed under seal), # 133 Exhibit 56 (filed under seal), # 134 Exhibit 57 (filed under seal), # 135 Exhibit 61 (filed under seal), # 136 Exhibit 62 (filed under seal), # 137 Exhibit 63 (filed under seal), # 138 Exhibit 65 (filed under seal), # 139 Exhibit 93 (filed under seal) (Montes, Mariliz). (Attachment 1 replaced on 7/10/2018) (McDonagh, Christina). (Attachment 9 replaced on 7/10/2018) (McDonagh, Christina). (Additional attachment(s) added on 7/10/2018: # 140 Updated Redacted Version of</p>
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JA123

		Exhibit 31, # 141 Updated Redacted Version of Exhibit 33, # 142 Updated Redacted Version of Exhibit 35, # 143 Updated Redacted Version of Exhibit 37) (McDonagh, Christina). (Entered: 06/15/2018)
06/15/2018	420	Statement of Material Facts L.R. 56.1 re 417 MOTION for Summary Judgment filed by by President and Fellows of Harvard College. (Waxman, Seth) (Additional attachment(s)added on 7/2/2018: # 1 Unredacted version of Statement of Undisputed Material Facts)(Montes, Mariliz). (Entered: 06/15/2018)
06/15/2018	421	DECLARATION re 412 MOTION for Summary Judgment by Students for Fair Admissions, Inc.. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit

		13, # 14 Exhibit 14, # 15 Exhibit 15, # 16 Exhibit 16, # 17 Exhibit 17, # 18 Exhibit 18, # 19 Exhibit 19, # 20 Exhibit 20, # 21 Exhibit 21, # 22 Exhibit 22, # 23 Exhibit 23, # 24 Exhibit 24, # 25 Exhibit 25, # 26 Exhibit 26, # 27 Exhibit 27, # 28 Exhibit 28, # 29 Exhibit 29, # 30 Exhibit 30, # 31 Exhibit 31, # 32 Exhibit 32, # 33 Exhibit 33, # 34 Exhibit 34, # 35 Exhibit 35, # 36 Exhibit 36, # 37 Exhibit 37, # 38 Exhibit 38, # 39 Exhibit 39, # 40 Exhibit 40, # 41 Exhibit 41, # 42 Exhibit 42, # 43 Exhibit 43, # 44 Exhibit 44, # 45 Exhibit 45, # 46 Exhibit 46, # 47 Exhibit 47, # 48 Exhibit 48, # 49 Exhibit 49, # 50 Exhibit 50, # 51 Exhibit 51, # 52 Exhibit 52, # 53 Exhibit 53, # 54 Exhibit 54, # 55 Exhibit 55, # 56 Exhibit 56, # 57 Exhibit 57, # 58 Exhibit 58, # 59 Exhibit 59, # 60 Exhibit 60, # 61 Exhibit 61, # 62 Exhibit 62, # 63 Exhibit 63, # 64 Exhibit 64, # 65 Exhibit 65, # 66 Exhibit 66,
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	<p># 67 Exhibit 67, # 68 Exhibit 68, # 69 Exhibit 69, # 70 Exhibit 70, # 71 Exhibit 71, # 72 Exhibit 72, # 73 Exhibit 73, # 74 Exhibit 74, # 75 Exhibit 75, # 76 Exhibit 76, # 77 Exhibit 77, # 78 Exhibit 78, # 79 Exhibit 79, # 80 Exhibit 80, # 81 Exhibit 81, # 82 Exhibit 82, # 83 Exhibit 83, # 84 Exhibit 84, # 85 Exhibit 85, # 86 Exhibit 86, # 87 Exhibit 87, # 88 Exhibit 88, # 89 Exhibit 89, # 90 Exhibit 90, # 91 Exhibit 91, # 92 Exhibit 92, # 93 Exhibit 93, # 94 Exhibit 94, # 95 Exhibit 95, # 96 Exhibit 96, # 97 Exhibit 97, # 98 Exhibit 98, # 99 Exhibit 99, # 100 Exhibit 100, # 101 Exhibit 101, # 102 Exhibit 102, # 103 Exhibit 103, # 104 Exhibit 104, # 105 Exhibit 105, # 106 Exhibit 106, # 107 Exhibit 107, # 108 Exhibit 108, # 109 Exhibit 109, # 110 Exhibit 110, # 111 Exhibit 111, # 112 Exhibit 112, # 113 Exhibit 113, # 114 Exhibit 114, # 115 Exhibit 115, # 116 Exhibit 116, # 117 Exhibit 117, # 118 Exhibit 118, # 119 Exhibit</p>
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JA126

		119, # 120 Exhibit 120, # 121 Exhibit 121, # 122 Exhibit 122, # 123 Exhibit 123, # 124 Exhibit 124, # 125 Exhibit 125, # 126 Exhibit 126, # 127 Exhibit 127, # 128 Exhibit 128, # 129 Exhibit 129, # 130 Exhibit 130, # 131 Exhibit 131, # 132 Exhibit 132, # 133 Exhibit 133, # 134 Exhibit 134, # 135 Exhibit 135, # 136 Exhibit 136, # 137 Exhibit 137, # 138 Exhibit 138, # 139 Exhibit 139, # 140 Exhibit 140, # 141 Exhibit 141, # 142 Exhibit 142, # 143 Exhibit 143, # 144 Exhibit 144, # 145 Exhibit 145, # 146 Exhibit 146, # 147 Exhibit 147, # 148 Exhibit 148, # 149 Exhibit 149, # 150 Exhibit 150, # 151 Exhibit 151, # 152 Exhibit 152, # 153 Exhibit 153, # 154 Exhibit 154, # 155 Exhibit 155, # 156 Exhibit 156, # 157 Exhibit 157, # 158 Exhibit 158, # 159 Exhibit 159, # 160 Exhibit 160, # 161 Exhibit 161, # 162 Exhibit 162, # 163 Exhibit 163, # 164 Exhibit 164, # 165 Exhibit 165, # 166 Exhibit 166, # 167 Exhibit 167, # 168 Exhibit 168, # 169
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JA127

		Exhibit 169, # 170 Exhibit 170, # 171 Exhibit 171, # 172 Exhibit 172, # 173 Exhibit 173, # 174 Exhibit 174, # 175 Exhibit 175, # 176 Exhibit 176, # 177 Exhibit 177, # 178 Exhibit 178, # 179 Exhibit 179, # 180 Exhibit 180, # 181 Exhibit 181, # 182 Exhibit 182, # 183 Exhibit 183, # 184 Exhibit 184, # 185 Exhibit 185, # 186 Exhibit 186, # 187 Exhibit 187, # 188 Exhibit 188, # 189 Exhibit 189, # 190 Exhibit 190, # 191 Exhibit 191, # 192 Exhibit 192, # 193 Exhibit 193, # 194 Exhibit 194, # 195 Exhibit 195, # 196 Exhibit 196, # 197 Exhibit 197, # 198 Exhibit 198, # 199 Exhibit 199, # 200 Exhibit 200, # 201 Exhibit 201, # 202 Exhibit 202, # 203 Exhibit 203, # 204 Exhibit 204, # 205 Exhibit 205, # 206 Exhibit 206, # 207 Exhibit 207, # 208 Exhibit 208, # 209 Exhibit 209, # 210 Exhibit 210, # 211 Exhibit 211, # 212 Exhibit 212, # 213 Exhibit 213, # 214 Exhibit 214, # 215 Exhibit 215, # 216 Exhibit 216, # 217 Exhibit 217, # 218 Exhibit
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	<p>218, # 219 Exhibit 219, # 220 Exhibit 220, # 221 Exhibit 221, # 222 Exhibit 222, # 223 Exhibit 223, # 224 Exhibit 224, # 225 Exhibit 225, # 226 Exhibit 226, # 227 Exhibit 227, # 228 Exhibit 228, # 229 Exhibit 229, # 230 Exhibit 230, # 231 Exhibit 231, # 232 Exhibit 232, # 233 Exhibit 233, # 234 Exhibit 234, # 235 Exhibit 235, # 236 Exhibit 236, # 237 Exhibit 237, # 238 Exhibit 238, # 239 Exhibit 239, # 240 Exhibit 240, # 241 Exhibit 241, # 242 Exhibit 242, # 243 Exhibit 243, # 244 Exhibit 244, # 245 Exhibit 245, # 246 Exhibit 246, # 247 Exhibit 247, # 248 Exhibit 248, # 249 Exhibit 249, # 250 Exhibit 250, # 251 Exhibit 251, # 252 Exhibit 252, # 253 Exhibit 253, # 254 Exhibit 254, # 255 Exhibit 255, # 256 Exhibit 256, # 257 Exhibit 257, # 258 Exhibit 258, # 259 Exhibit 259, # 260 Exhibit 260, # 261 Exhibit 261) (Consovoy, William) (Additional attachment(s) added on 6/18/2018: # 262 Unredacted version of</p>
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	<p>Declaration, # 263 Exhibit 1 (filed under seal), # 264 Exhibit 2 (filed under seal), # 265 Exhibit 5 (filed under seal), # 266 Exhibit 6 (filed under seal), # 267 Exhibit 7 (filed under seal), # 268 Exhibit 8 (filed under seal), # 269 Exhibit 9 (filed under seal), # 270 Exhibit 10 (filed under seal)) (Montes, Mariliz). (Additional attachment(s) added on 6/18/2018: # 271 Exhibit 11 (filed under seal), # 272 Exhibit 12(filed under seal), # 273 Exhibit 13 (filed under seal), # 274 Exhibit 14 (filed under seal), # 275 Exhibit 16 (filed under seal), # 276 Exhibit 17(filed under seal), # 277 Exhibit 18(filed under seal), # 278 Exhibit 19 (filed under seal), # 279 Exhibit 20 (filed under seal), # 280 Exhibit 22 (filed under seal), # 281 Exhibit 23 (filed under seal), # 282 Exhibit 24 (filed under seal), # 283 Exhibit 25(filed under seal), # 284 Exhibit 26 (filed under seal), # 285 Exhibit 28 (filed under seal), # 286 Exhibit 29 (filed</p>
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	<p>under seal), # 287 Exhibit 31 (filed under seal), # 288 Exhibit 32 (filed under seal), # 289 Exhibit 33 (filed under seal), # 290 Exhibit 35 (filed under seal), # 291 Exhibit 36 (filed under seal), # 292 Exhibit 37 (filed under seal), # 293 Exhibit 38 (filed under seal), # 294 Exhibit 39 (filed under seal), # 295 Exhibit 40 (filed under seal), # 296 Exhibit 41, # 297 Exhibit 42 (filed under seal), # 298 Exhibit 43 (filed under seal), # 299 Exhibit 44 (filed under seal), # 300 Exhibit 45 (filed under seal), # 301 Exhibit 46 (filed under seal), # 302 Exhibit 47 (filed under seal), # 303 Exhibit 48 (filed under seal), # 304 Exhibit 51 (filed under seal)) (Montes, Mariliz). (Additional attachment(s) added on 7/2/2018: # 305 Exhibit 52 (filed under seal), # 306 Exhibit 53 (filed under seal), # 307 Exhibit 54 (filed under seal), # 308 Exhibit 55 (filed under seal), # 309 Exhibit 56 (filed under seal), # 310 Exhibit 57 (filed under seal), # 311 Exhibit 58 (filed</p>
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	<p>under seal), # 312 Exhibit 59 (filed under seal), # 313 Exhibit 60 (filed under seal), # 314 Exhibit 61 (filed under seal), # 315 Exhibit 62 (filed under seal), # 316 Exhibit 63 (filed under seal), # 317 Exhibit 64 (filed under seal), # 318 Exhibit 65 (filed under seal), # 319 Exhibit 66 (filed under seal), # 320 Exhibit 67 (filed under seal), # 321 Exhibit 68 (filed under seal), # 322 Exhibit 69 (filed under seal), # 323 Exhibit 70 (filed under seal), # 324 Exhibit 71 (filed under seal), # 325 Exhibit 72 (filed under seal), # 326 Exhibit 73 (filed under seal), # 327 Exhibit 74 (filed under seal), # 328 Exhibit 75 (filed under seal), # 329 Exhibit 76 (filed under seal), # 330 Exhibit 77 (filed under seal), # 331 Exhibit 78 (filed under seal), # 332 Exhibit 79 (filed under seal), # 333 Exhibit 80 (filed under seal), # 334 Exhibit 81 (filed under seal), # 335 Exhibit 82 (filed under seal), # 336 Exhibit 83 (filed under seal),</p>
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	<p># 337 Exhibit 84 (filed under seal), # 338 Exhibit 85 (filed under seal), # 339 Exhibit 86 (filed under seal), # 340 Exhibit 87 (filed under seal), # 341 Exhibit 88 (filed under seal), # 342 Exhibit 89 (filed under seal), # 343 Exhibit 90 (filed under seal), # 344 Exhibit 91 (filed under seal) (Montes, Mariliz). (Additional attachment(s) added on 7/2/2018: # 345 Exhibit 92 (filed under seal), # 346 Exhibit 93 (filed under seal), # 347 Exhibit 95 (filed under seal), # 348 Exhibit 96 (filed under seal), # 349 Exhibit 97 (filed under seal), # 350 Exhibit 99 (filed under seal), # 351 Exhibit 100 (filed under seal), # 352 Exhibit 101 (filed under seal), # 353 Exhibit 103 (filed under seal), # 354 Exhibit 104 (filed under seal), # 356 Exhibit 108 (filed under seal), # 357 Exhibit 109 (filed under seal), # 358 Exhibit 110 (filed under seal), # 359 Exhibit 111 (filed under seal), # 360 Exhibit 113 (filed under seal), # 361 Exhibit 114 (filed under seal), # 362 Exhibit 117</p>
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	<p>(filed under seal), # 363 Exhibit 118 (filed under seal), # 364 Exhibit 119 (filed under seal), # 365 Exhibit 120 (filed under seal) (Montes, Mariliz). (Additional attachment(s) added on 7/2/2018: # 366 Exhibit 121 (filed under seal), # 367 Exhibit 122 (filed under seal), # 368 Exhibit 124 (filed under seal), # 369 Exhibit 125 (filed under seal), # 370 Exhibit 126 (filed under seal), # 371 Exhibit 127 (filed under seal), # 372 Exhibit 128 (filed under seal), # 373 Exhibit 129 (filed under seal), # 374 Exhibit 130 (filed under seal), # 375 Exhibit 131 (filed under seal), # 376 Exhibit 132 (filed under seal), # 377 Exhibit 134 (filed under seal), # 378 Exhibit 135 (filed under seal), # 379 Exhibit 136 (filed under seal), # 380 Exhibit 137 (filed under seal), # 381 Exhibit 138 (filed under seal), # 382 Exhibit 139 (filed under seal), # 383 Exhibit 140 (filed under seal), # 384 Exhibit 141 (filed under seal), # 385 Exhibit 142 (filed under seal), # 386 Exhibit 144 (filed under</p>
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	<p>seal), # 387 Exhibit 146 (filed under seal), # 388 Exhibit 147 (filed under seal), # 389 Exhibit 151 (filed under seal), # 390 Exhibit 152 (filed under seal), # 391 Exhibit 153 (filed under seal), # 392 Exhibit 158 (filed under seal), # 393 Exhibit 159 (filed under seal), # 394 Exhibit 160 (filed under seal), # 395 Exhibit 161 (filed under seal), # 396 Exhibit 162 (filed under seal), # 397 Exhibit 163 (filed under seal), # 398 Exhibit 169 (filed under seal), # 399 Exhibit 170 (filed under seal), # 400 Exhibit 171 (filed under seal), # 401 Exhibit 172 (filed under seal), # 402 Exhibit 173 (filed under seal), # 403 Exhibit 174 (filed under seal), # 404 Exhibit 175 (filed under seal)) (Montes, Mariliz). (Additional attachment(s) added on 7/2/2018: # 405 Exhibit 176 (filed under seal), # 406 Exhibit 177 (filed under seal), # 407 Exhibit 178 (filed under seal), # 408 Exhibit 179 (filed under seal), # 409 Exhibit 180 (filed under seal), # 410 Exhibit 181 (filed under seal),</p>
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	<p># 411 Exhibit 182 (filed under seal), # 412 Exhibit 183, # 413 Exhibit 184 (filed under seal), # 414 Exhibit 187 (filed under seal), # 415 Exhibit 188 (filed under seal), # 416 Exhibit 189 (filed under seal), # 417 Exhibit 192 (filed under seal), # 418 Exhibit 194 (filed under seal), # 419 Exhibit 195 (filed under seal), # 420 Exhibit 196 (filed under seal), # 421 Exhibit 197 (filed under seal), # 422 Exhibit 198 (filed under seal), # 423 Exhibit 199 (filed under seal), # 424 Exhibit 200 (filed under seal)) (Montes, Mariliz). (Additional attachment(s) added on 7/2/2018: # 425 Exhibit 202 (filed under seal), # 426 Exhibit 205 (filed under seal), # 427 Exhibit 206 (filed under seal), # 428 Exhibit 207 (filed under seal), # 429 Exhibit 220 (filed under seal), # 430 Exhibit 223 (filed under seal), # 431 Exhibit 224 (filed under seal), # 432 Exhibit 225 (filed under seal), # 433 Exhibit 226 (filed under seal), # 434 Exhibit 227 (filed under seal), # 435 Exhibit 228 (filed under</p>
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		<p>seal), # 436 Exhibit 229 (filed under seal), # 437 Exhibit 230 (filed under seal), # 438 Exhibit 231 (filed under seal), # 439 Exhibit 233 (filed under seal), # 440 Exhibit 234 (filed under seal)) (Montes, Mariliz). (Additional attachment(s) added on 7/2/2018: # 441 Exhibit 236 (filed under seal), # 442 Exhibit 252 (filed under seal), # 443 Exhibit 253, # 444 Exhibit 254 (filed under seal), # 445 Exhibit 255 (filed under seal), # 446 Exhibit 256 (filed under seal), # 447 Exhibit 258 (filed under seal), # 448 Exhibit 259 (filed under seal), # 449 Exhibit 260 (filed under seal), # 450 Exhibit 261 (filed under seal)) (Montes, Mariliz). Modified to fix docket text on 7/30/2018 (McDonagh, Christina). (Entered: 06/15/2018)</p>
06/22/2018	422	<p>MEMORANDUM in Support re 410 Joint MOTION to Seal <i>Certain Information Filed in Connection with the Parties' Summary Judgment Motions</i> filed by President and Fellows of Harvard College.</p>

JA137

		(Attachments: # 1 Declaration of Robin Worth)(Ellsworth, Felicia)(Entered: 06/22/2018)
06/27/2018	423	Letter/request (non-motion) from Sean D. Reyes Utah Attorney General. (McDonagh, Christina) (Entered: 06/27/2018)
06/27/2018	424	Assented to MOTION to Seal <i>Portions of SFFA's Opposition to Harvard's Motion to Seal</i> by Students for Fair Admissions, Inc..(Strawbridge, Patrick) (Entered: 06/27/2018)
06/28/2018	425	MOTION to Unseal Document by President and Fellows of Harvard College.(Ellsworth, Felicia) (Entered: 06/28/2018)
06/29/2018	426	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 424 Motion to Seal (Folan, Karen) (Entered: 06/29/2018)
06/29/2018	427	Opposition re 410 Joint MOTION to Seal <i>Certain Information Filed in Connection with the Parties' Summary Judgment Motions</i>

JA138

		filed by Students for Fair Admissions, Inc..(Consovoy, William) (Additional attachment(s) added on 7/2/2018: # 1 SEALED Memorandum of Law (unredacted)) (McDonagh, Christina). (Entered: 06/29/2018)
07/02/2018	428	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 425 Motion to Unseal Document (Folan, Karen) (Entered: 07/02/2018)
07/24/2018	429	JOINT STATEMENT of counsel <i>Regarding the Submission of Amicus Briefs.</i> (Strawbridge, Patrick) (Entered: 07/24/2018)
07/24/2018	430	MOTION to Seal <i>Certain Information Filed in Connection with Harvard's Opposition to Plaintiff's Motion for Summary Judgment</i> by President and Fellows of Harvard College. (Ellsworth, Felicia) (Entered: 07/24/2018)

JA139

07/24/2018	431	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 430 Motion to Seal (Folan, Karen) (Entered: 07/24/2018)
07/24/2018	432	Judge Allison D. Burroughs: ELECTRONIC ORDER entered. In response to the parties' joint statement regarding the submission of amicus briefs [ECF No. 429], the Court hereby grants leave for any interested party to file an amicus brief on the pending dispositive motions, in accordance with the deadlines set forth in the Court's order dated May 23, 2018 [ECF No. 404]. (Folan, Karen) (Entered: 07/24/2018)
07/26/2018	433	Assented to MOTION to Seal by Students for Fair Admissions, Inc..(Strawbridge, Patrick) (Entered: 07/26/2018)
07/26/2018	434	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 433 Motion to Seal (Folan, Karen) (Entered: 07/26/2018)

JA140

07/27/2018	435	MEMORANDUM in Opposition re 412 MOTION for Summary Judgment filed by President and Fellows of Harvard College. (Waxman, Seth) (Additional attachment(s)added on 7/30/2018: # 1 SEALED Opposition to Motion for Summary Judgment) (McDonagh, Christina). (Entered: 07/27/2018)
07/27/2018	436	Amicus Curiae APPEARANCE entered by Dwight G. Duncan on behalf of National Association of Scholars. (Duncan, Dwight) (Entered: 07/27/2018)
07/27/2018	437	Counter Statement of Material Facts L.R. 56.1 re 412 MOTION for Summary Judgment filed by President and Fellows of Harvard College. (Waxman, Seth) (Additional attachment(s) added on 7/30/2018: # 1 SEALED Response to Statement of Material Facts) (McDonagh, Christina). (Entered: 07/27/2018)

07/27/2018	438	<p>DECLARATION <i>Declaration of Felicia H. Ellsworth ISO Defendant's Opposition to Plaintiff's Motion for Summary Judgment</i> by President and Fellows of Harvard College.</p> <p>(Attachments: # 1 Exhibit 98, # 2 Exhibit 99, # 3 Exhibit 100, # 4 Exhibit 101, # 5 Exhibit 102, # 6 Exhibit 103, # 7 Exhibit 104, # 8 Exhibit 105, # 9 Exhibit 106, # 10 Exhibit 107, # 11 Exhibit 108, # 12 Exhibit 109, # 13 Exhibit 110, # 14 Exhibit 11, # 15 Exhibit 112, # 16 Exhibit 113, # 17 Exhibit 114, # 18 Exhibit 115, # 19 Exhibit 116, # 20 Exhibit 117, # 21 Exhibit 118, # 22 Exhibit 119, # 23 Exhibit 120, # 24 Exhibit 121, # 25 Exhibit 122, # 26 Exhibit 123, # 27 Exhibit 124, # 28 Exhibit 125, # 29 Exhibit 126, # 30 Exhibit 127, # 31 Exhibit 128, # 32 Exhibit 129, # 33 Exhibit 130, # 34 Exhibit 131, # 35 Exhibit 132, # 36 Exhibit 133, # 37 Exhibit 134, # 38 Exhibit 135, # 39 Exhibit 136, # 40 Exhibit 137, # 41 Exhibit 138, # 42 Exhibit 139, # 43</p>
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JA142

		<p>140, # 44 Exhibit 141, # 45 Exhibit 142, # 46 Exhibit 143, # 47 Exhibit 144, # 48 Exhibit 145, # 49 Exhibit 146, # 50 Exhibit 147, # 51 Exhibit 148, # 52 Exhibit 149, # 53 Exhibit 150, # 54 Exhibit 151, # 55 Exhibit 152, # 56 Exhibit 153, # 57 Exhibit 154, # 58 Exhibit 155, # 59 Exhibit 156, # 60 Exhibit 157, # 61 Exhibit 158) (Ellsworth, Felicia) (Additional attachment(s) added on 7/30/2018: # 62 SEALED Declaration of Felicia H. Ellsworth in Support of Defendant's Opposition to Plaintiff's Motion for Summary Judgment, # 63 Exhibit 98 Unredacted Version, # 64 Exhibit 101 Unredacted Version, # 65 Exhibit 102 Unredacted Version) (McDonagh, Christina). (Additional attachment(s) added on 7/30/2018: # 66 Exhibit 105 Unredacted Version, # 67 Exhibit 119 Unredacted Version, # 68 Exhibit 128 Unredacted Version, # 69 Exhibit 151 Unredacted Version, # 70</p>
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JA143

		Exhibit 158 Unredacted Version) (McDonagh, Christina). (Entered: 07/27/2018)
07/30/2018	439	AMICUS BRIEF filed by National Association of Scholars . (Duncan, Dwight) (Entered: 07/30/2018)
07/30/2018	440	MEMORANDUM in Support re 417 MOTION for Summary Judgment filed by M. B., K. C., Sarah Cole, Y . D., G. E., A. G., I. G., R. H., J. L., Fadhil Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth. (Attachments: # 1 Exhibit Student Declarations)(Culleen, Lawrence) (Entered: 07/30/2018)
07/30/2018	441	Amicus Curiae APPEARANCE entered by Natasha Tidwell on behalf of American Council on Education. (Tidwell, Natasha) (Entered: 07/30/2018)
07/30/2018	442	AMICUS BRIEF filed by American Council on

		<p><i>Education and 36 Other Higher Education Organizations in Opposition to Plaintiff's Motion for Summary Judgment and in Support of Defendant's Motion for Summary Judgment.</i></p> <p>(Tidwell, Natasha) (Entered: 07/30/2018)</p>
07/30/2018	443	<p>Amicus Curiae APPEARANCE entered by Seth B. Orkand on behalf of Brown University, Case Western Reserve University, Columbia University, Cornell University, Dartmouth College, Duke University, Emory University, George Washington University, John Hopkins University, Massachusetts Institute of Technology, Princeton University, Stanford University, University of Pennsylvania, Vanderbilt University, Washington University in St. Louis, Yale University. (Orkand, Seth) (Entered: 07/30/2018)</p>
07/30/2018	444	<p>MOTION for Leave to Appear Pro Hac Vice for admission of</p>

JA145

		<p>Matthew S. Hellman Filing fee: \$ 100, receipt number 0101-7251217 by Brown University, Case Western Reserve University, Columbia University, Cornell University, Dartmouth College, Duke University, Emory University, George Washington University, John Hopkins University, Massachusetts Institute of Technology, Princeton University, Stanford University, University of Pennsylvania, Vanderbilt University, Washington University in St. Louis, Yale University. (Attachments: # 1 Affidavit of Matthew S. Hellman) (Orkand, Seth) (Entered: 07/30/2018)</p>
07/30/2018	445	<p>AMICUS BRIEF filed by Brown University, Case Western Reserve University, Columbia University, Cornell University, Dartmouth College, Duke University, Emory University, George Washington University, John Hopkins University, Massachusetts Institute of</p>

		Technology, Princeton University, Stanford University, University of Pennsylvania, Vanderbilt University, Washington University in St. Louis, Yale University <i>in Support of Defendants.</i> (Orkand, Seth) (Entered: 07/30/2018)
07/30/2018	446	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 444 Motion for Leave to Appear Pro Hac Vice Added Matthew S. Hellman. Pursuant to Local Rule 83.5.3, local counsel shall also file an appearance in this matter. Further, local counsel shall review all filings and shall personally appear in Court for any hearings or conferences, unless expressly excused by the Court for good cause. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at

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		www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (McDonagh, Christina) (Entered: 07/30/2018)
07/30/2018	447	BRIEF by Walter Dellinger (<i>Brief For Walter Dellinger As Amicus Curiae In Support Of Defendant On The Issue Of Standing</i>). (Wisner, Joanne) (Entered: 07/30/2018)
07/30/2018	448	Amicus Curiae APPEARANCE entered by Randall B. Clark on behalf of Amici Curiae Economists Michael Keane et al., in Support of Students for Fair Admissions. (Clark, Randall) Modified to correct docket text on 7/30/2018 (McDonagh, Christina). (Entered: 07/30/2018)
07/30/2018	449	MEMORANDUM in Opposition re 417 MOTION for Summary Judgment filed by Students for Fair Admissions, Inc.. (Consovoy, William) (Additional attachment(s) added on

JA148

		7/31/2018: # 1 Memorandum of Reasons in Opposition to Harvard's Motion For Summary Judgment (Unredacted and Sealed) (McDonagh, Christina). (Entered: 07/30/2018)
07/30/2018	450	AMICUS BRIEF filed by Amici Curiae Economists Michael Keane et al., in Support of Students for Fair Admissions . (Attachments: # 1 Exhibit)(Clark, Randall) (Entered: 07/30/2018)
07/30/2018	451	MOTION for Leave to Appear Pro Hac Vice for admission of C. Boyden Gray, Andrew R. Varcoe, Adam R.F. Gustafson, James R. Conde Filing fee: \$ 400, receipt number 0101-7251970 by Amici Curiae Economists Michael Keane et al., in Support of Students for Fair Admissions.(Clark, Randall) (Entered: 07/30/2018)
07/30/2018	452	Counter Statement of Material Facts L.R. 56.1 re 417 MOTION for Summary Judgment filed by Students for Fair Admissions, Inc..

JA149

		<p>(Consovoy, William) (Additional attachment(s) added on 7/31/2018: # 1 Unredacted Version of Plaintiff's Response to Defendant's Statement of Undisputed Material Facts (Filed under Seal)) (McDonagh, Christina). (Additional attachment(s) added on 10/3/2018: # 2 Updated (10/3/2018) Redacted Response) (McDonagh, Christina). (Entered: 07/30/2018)</p>
07/30/2018	453	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 451 Motion for Leave to Appear Pro Hac Vice Added James R. Conde, Adam R.F. Gustafson, C. Boyden Gray, Andrew R. Varcoe. Pursuant to Local Rule 83.5.3, local counsel shall also file an appearance in this matter. Further, local counsel shall review all filings and shall personally appear in Court for any hearings or conferences, unless expressly excused by the</p>

		<p>Court for good cause. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (McDonagh, Christina) (Entered: 07/30/2018)</p>
07/30/2018	454	<p>DECLARATION of <i>Michael Connolly in Support of SFFA's Opposition to Harvard's Motion for Summary Judgment</i> by Students for Fair Admissions, Inc.. (Attachments: # 1 Exhibit 262, # 2 Exhibit 263, # 3 Exhibit 264, # 4 Exhibit 265, # 5 Exhibit 266, # 6 Exhibit 267, # 7 Exhibit 268, # 8 Exhibit 269, # 9 Exhibit 270, # 10 Exhibit 271, # 11 Exhibit 272, # 12 Exhibit 273, # 13 Exhibit 274, # 14 Exhibit 275, # 15 Exhibit 276, # 16 Exhibit 277, # 17 Exhibit 278, # 18</p>

	<p>Exhibit 279, # 19 Exhibit 280, # 20 Exhibit 281, # 21 Exhibit 282, # 22 Exhibit 283, # 23 Exhibit 284, # 24 Exhibit 285) (Consovoy, William) (Additional attachment(s) added on 7/31/2018: # 25 Unredacted DECLARATION of Michael Connolly in Support of SFFA's Opposition to Harvard's Motion for Summary Judgment (Filed Under Seal), # 26 Exhibit 262 (Filed Under Seal), # 27 Exhibit 263 (Filed Under Seal), # 28 Exhibit 264 (Filed Under Seal), # 29 Exhibit 265 (Filed Under Seal), # 30 Exhibit 266 (Filed Under Seal), # 31 Exhibit 267 (Filed Under Seal), # 32 Exhibit 268 (Filed Under Seal), # 33 Exhibit 269 (Filed Under Seal), # 34 Exhibit 270 (Filed Under Seal), # 35 Exhibit 271 (Filed Under Seal), # 36 Exhibit 272 (Filed Under Seal), # 37 Exhibit 273 (Filed Under Seal), # 38 Exhibit 274 (Filed Under Seal), # 39 Exhibit 275 (Filed Under Seal), # 40 Exhibit 276 (Filed Under Seal), # 41 Exhibit 277</p>
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		(Filed Under Seal), # 42 Exhibit 278 (Filed Under Seal), # 43 Exhibit 279 (Filed Under Seal), # 44 Exhibit 280 (Filed Under Seal), # 45 Exhibit 281 (Filed Under Seal), # 46 Exhibit 282 (Filed Under Seal), # 47 Exhibit 283 (Filed Under Seal), # 48 Exhibit 284 (Filed Under Seal), # 49 Exhibit 285 (Filed Under Seal)) (McDonagh, Christina). (Entered: 07/30/2018)
07/30/2018	455	MOTION for Leave to File to <i>Participate as Amici Curiae</i> by Harvard-Radcliffe Black Students Association, Kuumba Singers of Harvard College, Fuerza Latina of Harvard, Native Americans At Harvard College, Harvard-Radcliffe Asian American Association, Harvard-Radcliffe Asian American Women's Association, Harvard Asian American Brotherhood, Harvard Vietnamese Association, Harvard-Radcliffe Chinese Students Association, Harvard Korean Association, Harvard Japan Society, Harvard South

	<p>Asian Association, Harvard Islamic Society, Task Force on Asian and Pacific American Studies at Harvard College, Harvard Phillips Brooks House Association, Harvard Minority Association of Pre-Medical Students, Coalition for a Diverse Harvard, First Generation Harvard Alumni, Native American Alumni of Harvard University, Harvard University Muslim Alumni, Harvard Latino Alumni Alliance. (Attachments: # 1 Exhibit Amicus Brief by Harvard Student and Alumni Organizations in Support of Defendants' Motion for Summary Judgment, # 2 Exhibit Declaration, # 3 Exhibit Declaration, # 4 Exhibit Declaration, # 5 Exhibit Declaration, # 6 Exhibit Declaration, # 7 Exhibit Declaration, # 8 Exhibit Declaration, # 9 Exhibit Declaration, # 10 Exhibit Declaration, # 11 Exhibit Declaration, # 12 Exhibit Declaration, # 13 Exhibit Declaration, # 13</p>
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JA154

		Exhibit Declaration, # 14 Exhibit Declaration, # 15 Exhibit Declaration, # 16 Exhibit Declaration, # 17 Exhibit Declaration)(Thayer, Kenneth) (Entered: 07/30/2018)
07/30/2018	456	NOTICE of Appearance by Kenneth N. Thayer on behalf of Coalition for a Diverse Harvard, First Generation Harvard Alumni, Fuerza Latina of Harvard, 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,

JA155

		<p>Harvard-Radcliffe Chinese Students Association, Kuumba Singers of Harvard College, Native American Alumni of Harvard University, Native Americans At Harvard College, Task Force on Asian and Pacific American Studies at Harvard College (Thayer, Kenneth) (Entered:07/30/2018)</p>
<p>07/30/2018</p>	<p>457</p>	<p>MOTION for Leave to Appear Pro Hac Vice for admission of Sherrilyn A. Ifill, Janai S. Nelson, Samuel Spital, Jin Hee Lee, Rachel M. Kleinman, Michael N. Turnage Young, Jennifer A. Holmes, and Cara McClellan by Coalition for a Diverse Harvard, First Generation Harvard Alumni, Fuerza Latina of Harvard, 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</p>

JA156

	<p>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, Task Force on Asian and Pacific American Studies at Harvard College. (Attachments: # 1 Certification of Attorney Ifill, # 2 Certification of Attorney Nelson, # 3 Certification of Attorney Spital, # 4 Certification of Attorney Lee, # 5 Certification of Attorney Kleinman, # 6 Certification of Attorney Turnage Young, # 7 Certification of Attorney Holmes, # 8 Certification of Attorney McClellan)</p>
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JA157

		(Thayer, Kenneth) (Entered: 07/30/2018)
07/30/2018	458	NOTICE of Appearance by Kathryn Rebecca Cook on behalf of Coalition for a Diverse Harvard, First Generation Harvard Alumni, Fuerza Latina of Harvard, 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

JA158

		Americans At Harvard College, Task Force on Asian and Pacific American Studies at Harvard College (Cook, Kathryn) (Entered:07/30/2018)
07/30/2018	459	MOTION for Leave to Appear Pro Hac Vice for admission of Gordon M. Fauth, Jr. and Lee Cheng Filing fee: \$ 200, receipt number 0101-7252337 by Asian American Legal Foundation, Asian American Coalition for Education. (Attachments: # 1 Exhibit Cheng Certification, # 2 Exhibit Fauth Certification, # 3 Text of Proposed Order) (Randazza, Marc) (Entered: 07/30/2018)
07/30/2018	460	AMICUS BRIEF filed by Asian American Coalition for Education, Asian American Legal Foundation . (Randazza, Marc) (Entered: 07/30/2018)
07/30/2018	461	MOTION for Leave to File <i>Brief of Amici Curiae 460 Out of Time</i> by Asian American Coalition for Education,

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		Asian American Legal Foundation. (Attachments: # 1 Text of Proposed Order) (Randazza, Marc) (Entered: 07/30/2018)
07/31/2018	462	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 459 Motion for Leave to Appear Pro Hac Vice Added Gordon M. Fauth Jr. and Lee Cheng. Pursuant to Local Rule 83.5.3, local counsel shall also file an appearance in this matter. Further, local counsel shall review all filings and shall personally appear in Court for any hearings or conferences, unless expressly excused by the Court for good cause. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the

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		CM/ECF Registration Form. (McDonagh, Christina) (Entered: 07/31/2018)
07/31/2018	463	NOTICE OF ATTORNEY PAYMENT OF FEES as to 457 MOTION for Leave to Appear Pro Hac Vice for admission of Sherrilyn A. Ifill, Janai S. Nelson, Samuel Spital, Jin Hee Lee, Rachel M. Kleinman, Michaele N. Turnage Young, Jennifer A. Holmes, and Cara McClellan by Amicus Parties Coalition for a Diverse Harvard, First Generation Harvard Alumni, Fuerza Latina of Harvard, 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,

JA161

		<p>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, Task Force on Asian and Pacific American Studies at Harvard College. Filing fee \$ 400, receipt number 0101-7253250. Payment Type : PRO HAC VICE. (Thayer, Kenneth) (Entered: 07/31/2018)</p>
07/31/2018	464	<p>NOTICE OF ATTORNEY PAYMENT OF FEES by Amicus Parties Coalition for a Diverse Harvard, First Generation Harvard Alumni, Fuerza Latina of Harvard, Harvard Asian American Brotherhood, Harvard Islamic Society, Harvard Japan Society, Harvard Korean Association, Harvard Latino Alumni Alliance, Harvard Minority Association of Pre-Medical Students,</p>

JA162

		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, Task Force on Asian and Pacific American Studies at Harvard College. Filing fee \$ 400, receipt number 0101-7253315. Payment Type : PRO HAC VICE. (Thayer, Kenneth) (Entered:07/31/2018)
07/31/2018	465	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 455 Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for

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		<p>which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Folan, Karen) (Entered: 07/31/2018)</p>
07/31/2018	466	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 461 Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Folan, Karen) (Entered: 07/31/2018)</p>
07/31/2018	467	<p>AMICUS BRIEF filed by Asian American Coalition for Education, Asian American Legal Foundation . (Randazza, Marc) (Entered: 07/31/2018)</p>

07/31/2018	468	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 457 Motion for Leave to Appear Pro Hac Vice Added Sherrilyn A. Ifill, Janai S. Nelson, Samuel Spital, Jin Hee Lee, Rachel M. Kleinman, Michael N. Turnage Young, Jennifer A. Holmes, and Cara McClellan. Pursuant to Local Rule 83.5.3, local counsel shall also file an appearance in this matter. Further, local counsel shall review all filings and shall personally appear in Court for any hearings or conferences, unless expressly excused by the Court for good cause. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (McDonagh, Christina)</p>
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		(Entered: 07/31/2018)
08/01/2018	469	NOTICE by Asian American Legal Foundation <i>NOTICE OF APPEARANCE OF LEE C. CHENG AS COUNSEL FOR AMICUS CURIAE THE ASIAN AMERICAN LEGAL FOUNDATION</i> (Fauth, Gordon) (Entered: 08/01/2018)
08/01/2018	470	NOTICE of Appearance by Gordon M. Fauth, Jr on behalf of Asian American Coalition for Education, Asian American Legal Foundation (Fauth, Gordon) (Entered: 08/01/2018)
08/03/2018	471	AMICUS BRIEF filed by Coalition for a Diverse Harvard, First Generation Harvard Alumni, Fuerza Latina of Harvard, 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,

	<p>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, Task Force on Asian and Pacific American Studies at Harvard College <i>in Support of Defendants' Motion for Summary Judgment.</i> (Attachments: # 1 Exhibit 2 Declaration, # 2 Exhibit 3 Declaration, # 3 Exhibit 4 Declaration, # 4 Exhibit 5 Declaration, # 5 Exhibit 6 Declaration, # 6 Exhibit 7 Declaration, # 7 Exhibit 8 Declaration, # 8 Exhibit 9 Declaration, # 9 Exhibit 10 Declaration, # 10 Exhibit 11 Declaration, # 11 Exhibit 12 Declaration, # 12 Exhibit 13</p>
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JA167

		Declaration, # 13 Exhibit 14 Declaration, # 14 Exhibit 15 Declaration, # 15 Exhibit 16 Declaration, # 16 Exhibit 17 Declaration)(Thayer, Kenneth) (Entered: 08/03/2018)
08/06/2018	472	MOTION for Leave to Appear Pro Hac Vice for admission of Brenda Shum Filing fee: \$ 100, receipt number 0101-7261415 by M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H., J. L., Fadhil Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth. (Attachments: # 1 Shum Declaration, # 2 Text of Proposed Order Text of Proposed Order)(Cregor, Matthew) (Entered: 08/06/2018)
08/06/2018	473	MOTION for Leave to Appear Pro Hac Vice for admission of Genevieve Bonadies Torres Filing fee: \$ 100, receipt number 0101-7261863 by M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H., J. L.,

JA168

		Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth. (Attachments: # 1 Certificate of Good Standing, # 2 Declaration, # 3 Text of Proposed Order Text of Proposed Order)(Cregor, Matthew) (Entered: 08/06/2018)
08/06/2018	474	MOTION for Leave to Appear Pro Hac Vice for admission of Emma Dinan Filing fee: \$ 100, receipt number 0101-7261880 by M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth. (Attachments: # 1 Declaration, # 2 Text of Proposed Order Text of Proposed Order)(Cregor, Matthew) (Entered: 08/06/2018)
08/06/2018	475	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 472 Motion for Leave to Appear Pro Hac Vice Added Brenda Shum. Pursuant to Local Rule 83.5.3, local counsel shall

		<p>also file an appearance in this matter. Further, local counsel shall review all filings and shall personally appear in Court for all hearings or conferences, unless expressly excused by the Court for good cause. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (McDonagh, Christina) (Entered: 08/06/2018)</p>
08/06/2018	476	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 473 Motion for Leave to Appear Pro Hac Vice Added Genevieve Bonadies Torres. Pursuant to Local Rule 83.5.3, local counsel shall also file an appearance in this matter.</p>

		<p>Further, local counsel shall review all filings and shall personally appear in Court for all hearings or conferences, unless expressly excused by the Court for good cause. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (McDonagh, Christina) (Entered: 08/06/2018)</p>
08/06/2018	477	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 474 Motion for Leave to Appear Pro Hac Vice Added Emma Katherine Dinan. Pursuant to Local Rule 83.5.3, local counsel shall also file an appearance in this matter. Further, local counsel shall review all filings and shall</p>

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		<p>personally appear in Court for all hearings or conferences, unless expressly excused by the Court for good cause. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (McDonagh, Christina) (Entered: 08/06/2018)</p>
08/13/2018	478	<p>JOINT STATEMENT of counsel <i>Regarding the Submission of Trial Briefs.</i> (Mortara, Adam) (Entered: 08/13/2018)</p>
08/13/2018	479	<p>MEMORANDUM in Opposition re 455 MOTION for Leave to File <i>to Participate as Amici Curiae</i> filed by Students for Fair Admissions, Inc.. (Attachments: # 1 Exhibit 1) (Hughes, John)</p>

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		(Entered: 08/13/2018)
08/16/2018	480	MOTION for Leave to File <i>Reply</i> by Coalition for a Diverse Harvard, First Generation Harvard Alumni, Fuerza Latina of Harvard, 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, Task Force on

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		Asian and Pacific American Studies at Harvard College. (Attachments: # 1 Exhibit 1 - Proposed Reply to Students for Fair Admissions, Inc.'s Memorandum in Opposition to Amici Organizations' Motion to Participate as Amici Curiae)(Kleinman, Rachel) (Entered: 08/16/2018)
08/16/2018	481	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 480 Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Folan, Karen) (Entered: 08/16/2018)
08/16/2018	482	REPLY to Response to 455 MOTION for Leave to File <i>to Participate as Amici Curiae</i> filed by Coalition for a Diverse Harvard, First Generation

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		<p>Harvard Alumni, Fuerza Latina of Harvard, 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, Task Force on Asian and Pacific American Studies at Harvard College. (Kleinman, Rachel) (Entered: 08/16/2018)</p>
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JA175

08/27/2018	483	MOTION to Seal <i>Certain Information Filed in Connection with Harvard's Reply in Support of its Motion for Summary Judgment</i> by President and Fellows of Harvard College.(Ellsworth, Felicia) (Entered: 08/27/2018)
08/27/2018	484	REPLY to Response to 417 MOTION for Summary Judgment filed by President and Fellows of Harvard College. (Waxman, Seth) (Entered: 08/27/2018)
08/28/2018	485	Assented to MOTION to Seal by Students for Fair Admissions, Inc.. (Strawbridge, Patrick) (Entered: 08/28/2018)
08/28/2018	486	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 483 Motion to Seal (Folan, Karen) (Entered: 08/28/2018)
08/28/2018	487	DECLARATION of <i>Felicia H. Ellsworth ISO Defendant's Reply ISO Its Motion for Summary Judgment</i> by President and Fellows of

JA176

		<p>Harvard College. (Attachments: # 1 Exhibit 159, # 2 Exhibit 160, # 3 Exhibit 161, # 4 Exhibit 162, # 5 Exhibit 163, # 6 Exhibit 164, # 7 Exhibit 165, # 8 Exhibit 166)(Ellsworth, Felicia) (Additional attachment(s) added on 8/28/2018: # 9 Unredacted Memorandum, # 10 Exhibit 160 Unredacted Version (FILED UNDER SEAL), # 11 Exhibit 161 Unredacted Version (FILED UNDER SEAL), # 12 Exhibit 162 Unredacted Version (FILED UNDER SEAL), # 13 Exhibit 163 Unredacted Version (FILED UNDER SEAL), # 14 Exhibit 164 Unredacted Version (FILED UNDER SEAL), # 15 Exhibit 165 Unredacted Version (FILED UNDER SEAL)) (McDonagh, Christina). (Entered: 08/28/2018)</p>
08/29/2018	488	<p>NOTICE of Appearance filed in error. Please see docket entry ECF 489 (Entered: 08/29/2018)</p>

JA177

08/29/2018	489	NOTICE of Appearance by Richard J. Rosensweig on behalf of Social Scientists and Scholars (Attachments: # 1 Exhibit)(Rosensweig, Richard) (Entered: 08/29/2018)
08/29/2018	490	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of Sarah E. Harrington Filing fee: \$ 100, receipt number 0101-7295782 by Social Scientists and Scholars. (Attachments: # 1 Exhibit Certificate in Support of Pro Hac Vice Admission, # 2 Exhibit List of Amici Curiae) (Rosensweig, Richard) (Entered: 08/29/2018)
08/29/2018	491	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 490 Motion for Leave to Appear Pro Hac Vice Added Sarah E. Harrington. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at

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		<p>www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. Pursuant to Local Rule 83.5.3, local counsel shall also file an appearance in this matter. Further, local counsel shall review all filings and shall personally appear in Court for any hearings or conferences, unless expressly excused by the Court for good cause. (McDonagh, Christina) (Entered: 08/29/2018)</p>
08/29/2018	492	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 485 Motion to Seal (Folan, Karen) (Entered: 08/29/2018)</p>
08/29/2018	493	<p>MOTION for Leave to Appear Pro Hac Vice for admission of Earl A. Kirkland III Filing fee: \$ 100, receipt number 0101-7296869 by Coalition for a Diverse Harvard, First Generation Harvard Alumni,</p>

JA179

	<p>Fuerza Latina of Harvard, 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, Task Force on Asian and Pacific American Studies at Harvard College. (Attachments: # 1 Exhibit Certification of Attorney Kirkland)(Thayer, Kenneth) (Entered: 08/29/2018)</p>
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08/30/2018	494	<p>AMICUS BRIEF filed by Social Scientists and Scholars <i>in Support of Defendant</i>. (Attachments: # 1 Appendix List of Amici)(Rosensweig, Richard) (Entered: 08/30/2018)</p>
08/30/2018	495	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 493 Motion for Leave to Appear Pro Hac Vice Added Earl A. Kirkland III. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. Pursuant to Local Rule 83.5.3, local counsel shall also file an appearance in this matter. Further, local counsel shall review all filings and shall personally appear in Court for any hearings or</p>

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		conferences, unless expressly excused by the Court for good cause. (McDonagh, Christina) (Entered: 08/30/2018)
08/30/2018	496	Assented to MOTION to Seal <i>Statement of Interest</i> by United States.(Donnelly, Matthew) (Entered: 08/30/2018)
08/30/2018	497	AMICUS BRIEF filed by United States <i>in Opposition to Defendant's Motion for Summary Judgment 417.</i> (Attachments: # 1 Exhibit Fitzsimmons Dep., # 2 Exhibit Ortiz Dep., # 3 Exhibit Smith (2nd) Dep.)(Donnelly, Matthew) (Additional attachment(s) added on 8/31/2018: # 4 Unredacted Version of United States' Statement of Interest Opposition to Defendant's Motion for Summary Judgment) (McDonagh, Christina). (Entered: 08/30/2018)
08/30/2018	498	NOTICE of Appearance by Derek Tam Ho on behalf of

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		Amici Curiae Professors of Economics Susan Dynarski, et al., in Support of Defendant (Ho, Derek) (Entered: 08/30/2018)
08/30/2018	499	AMICUS BRIEF filed by Amici Curiae Professors of Economics Susan Dynarski, et al., in Support of Defendant . (Ho, Derek) (Entered: 08/30/2018)
08/30/2018	500	NOTICE of Appearance by Madeleine K. Rodriguez on behalf of Amici Curiae the Asian American Legal Defense and Education Fund, et al. (Rodriguez, Madeleine) (Entered: 08/30/2018)
08/30/2018	501	MOTION for Leave to Appear Pro Hac Vice for admission of Kenneth Kimerling Filing fee: \$ 100, receipt number 0101-7297870 by Amici Curiae the Asian American Legal Defense and Education Fund, et al.. (Attachments: # 1 Affidavit of Kenneth Kimerling) (Rodriguez, Madeleine) (Entered: 08/30/2018)

08/30/2018	502	AMICUS BRIEF filed by Amici Curiae the Asian American Legal Defense and Education Fund, et al. <i>in Opposition to Plaintiff's Motion for Summary Judgment.</i> (Rodriguez, Madeleine) (Entered: 08/30/2018)
08/30/2018	503	MOTION for Leave to File to <i>Participate as Amici Curiae</i> by Harvard Black Alumni Society, Harvard Asian American Alumni Alliance, Association of Black Harvard Women, 21 Colorful Crimson. (Attachments: # 1 Exhibit Declaration, # 2 Exhibit Declaration, # 3 Exhibit Declaration, # 4 Exhibit Declaration)(Thayer, Kenneth) (Entered: 08/30/2018)
08/30/2018	504	AMICUS BRIEF filed by 21 Colorful Crimson, 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,

JA184

		<p>Harvard Black Alumni Society, 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, Task Force on Asian and Pacific American Studies at Harvard College <i>in Opposition to Plaintiff's Motion for Summary Judgment.</i> (Thayer, Kenneth) (Entered:08/30/2018)</p>
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JA185

08/30/2018	505	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 496 Motion to Seal (Folan, Karen) (Entered: 08/30/2018)
08/30/2018	506	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 501 Motion for Leave to Appear Pro Hac Vice Added Kenneth Kimerling. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. Pursuant to Local Rule 83.5.3, local counsel shall also file an appearance in this matter. Further, local counsel shall review all filings and shall personally appear in Court for any hearings or conferences, unless

JA186

		expressly excused by the Court for good cause. (McDonagh, Christina) (Entered: 08/30/2018)
08/30/2018	507	MOTION for Leave to Appear Pro Hac Vice for admission of Sarah Hinger Filing fee: \$ 100, receipt number 0101-7298403 by American Civil Liberties Union, American Civil Liberties Union Foundation of Massachusetts, Inc.. (Attachments: # 1 Affidavit Affidavit of Sarah Hinger in Support of Motion to Appear Pro Hac Vice)(Segal, Matthew) (Entered: 08/30/2018)
08/30/2018	508	BRIEF by American Civil Liberties Union, American Civil Liberties Union Foundation of Massachusetts, Inc. <i>in Opposition to Plaintiffs Motion For Summary Judgment.</i> (Segal, Matthew) (Entered: 08/30/2018)
08/30/2018	509	MEMORANDUM in Opposition re 412 MOTION for Summary Judgment filed by M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H.,

JA187

		J. L., Fadhal Moore, Arjini Kumari Nawal, Itzel Vasquez-Rodriguez, Keyanna Wigglesworth. (Attachments: # 1 Exhibit Student Record) (Culleen, Lawrence) (Entered: 08/30/2018)
08/30/2018	510	REPLY to Response to 412 MOTION for Summary Judgment filed by Students for Fair Admissions, Inc.. (Consovoy, William) (Additional attachment(s) added on 8/31/2018: # 1 Unredacted Memorandum) (McDonagh, Christina). (Entered: 08/30/2018)
08/30/2018	511	Counter Statement of Material Facts L.R. 56.1 re 412 MOTION for Summary Judgment filed by Students for Fair Admissions, Inc.. (Consovoy, William) (Additional attachment(s) added on 8/31/2018: # 1 Unredacted Response to Statement of Material Facts) (McDonagh, Christina). (Entered: 08/30/2018)
08/30/2018	512	DECLARATION re 510 Reply to Response to Motion <i>for</i>

JA188

		<p><i>Summary Judgment</i> by Students for Fair Admissions, Inc.. (Attachments: # 1 Exhibit 286, # 2 Exhibit 287) (Consovoy, William) (Additional attachment(s) added on 8/31/2018: # 3 Exhibit 286 (Unredacted Version FILED UNDER SEAL), # 4 Exhibit 287 (UNREDACTED VERSION FILED UNDER SEAL)) (McDonagh, Christina). (Additional attachment(s) added on 8/31/2018: # 5 Unredacted Declaration of Michael Connolly) (McDonagh, Christina). (Entered: 08/30/2018)</p>
08/30/2018	513	<p>NOTICE of Appearance by Douglass C. Lawrence on behalf of Southeastern Legal Foundation, Center for Equal Opportunity, Reason Foundation (Lawrence, Douglass) (Entered: 08/30/2018)</p>
08/30/2018	514	<p>AMICUS BRIEF filed by Center for Equal Opportunity, Reason Foundation, Southeastern Legal</p>

		<i>Foundation in Opposition to Defendants Motion for Summary Judgment.</i> (Lawrence, Douglass) (Entered: 08/30/2018)
08/31/2018	515	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 507 Motion for Leave to Appear Pro Hac Vice Added Sarah Hinger. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. Pursuant to Local Rule 83.5.3, local counsel shall also file an appearance in this matter. Further, local counsel shall review all filings and shall personally appear in Court for any hearings or conferences, unless expressly excused by the

JA190

		Court for good cause. (McDonagh, Christina) (Entered: 08/31/2018)
08/31/2018	516	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 503 Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Folan, Karen) (Entered: 08/31/2018)
08/31/2018	517	AMICUS BRIEF filed by 21 Colorful Crimson, 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 Black Alumni Society, Harvard Islamic Society, Harvard Japan

	<p>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, Task Force on Asian and Pacific American Studies at Harvard College <i>in Opposition to Plaintiff's Motion for Summary Judgment.</i> (Attachments: # 1 Exhibit Declaration, # 2 Exhibit Declaration, # 3 Exhibit Declaration, # 4 Exhibit Declaration)</p>
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JA192

		(Thayer, Kenneth) (Entered: 08/31/2018)
08/31/2018	518	MOTION Participate in Trial Proceedings by M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez Rodriguez, Keyanna Wigglesworth. (Culleen, Lawrence) (Entered: 08/31/2018)
09/04/2018	519	Amicus Curiae APPEARANCE entered by Sarah E. Harrington on behalf of Social Scientists and Scholars. (Attachments: # 1 Exhibit Exhibit A: List of Amici) (Harrington, Sarah) (Entered: 09/04/2018)
09/04/2018	520	NOTICE of Appearance by Sherrilyn A. Ifill on behalf of 21 Colorful Crimson, 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,

JA193

		<p>Harvard Black Alumni Society, 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, Task Force on Asian and Pacific American Studies at Harvard College (Ifill, Sherrilyn) (Entered: 09/04/2018)</p>
09/04/2018	521	NOTICE of Appearance by Samuel Spital on behalf of 21

	<p>Colorful Crimson, 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 Black Alumni Society, 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,</p>
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JA195

		Native Americans At Harvard College, Task Force on Asian and Pacific American Studies at Harvard College (Spital, Samuel) (Entered: 09/04/2018)
09/04/2018	522	NOTICE of Appearance by Jin Hee Lee on behalf of 21 Colorful Crimson, 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 Black Alumni Society, 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,

JA196

		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, Task Force on Asian and Pacific American Studies at Harvard College (Lee, Jin) (Entered: 09/04/2018)
09/04/2018	523	NOTICE of Appearance by Rachel M. Kleinman on behalf of 21 Colorful Crimson, 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 Black Alumni Society, Harvard Islamic Society, Harvard Japan Society, Harvard Korean Association, Harvard Latino Alumni Alliance,

JA197

		<p>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, Task Force on Asian and Pacific American Studies at Harvard College (Kleinman, Rachel) (Entered: 09/04/2018)</p>
09/04/2018	524	<p>NOTICE of Appearance by Michael N. Turnage Young on behalf of 21 Colorful Crimson, Association of Black Harvard Women, Coalition for a Diverse Harvard, First Generation Harvard Alumni, Fuerza Latina of Harvard,</p>

JA198

		Harvard Asian American Alumni Alliance, Harvard Asian American Brotherhood, Harvard Black Alumni Society, 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, Task Force on Asian and Pacific American Studies at Harvard College (Turnage Young, Michael) (Entered: 09/04/2018)
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JA199

09/04/2018	525	<p>NOTICE of Appearance by Jennifer A. Holmes on behalf of 21 Colorful Crimson, 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 Black Alumni Society, 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,</p>
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JA200

		Native American Alumni of Harvard University, Native Americans At Harvard College, Task Force on Asian and Pacific American Studies at Harvard College (Holmes, Jennifer) (Entered: 09/04/2018)
09/04/2018	526	NOTICE of Appearance by Cara McClellan on behalf of 21 Colorful Crimson, 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 Black Alumni Society, 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

JA201

		<p>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, Task Force on Asian and Pacific American Studies at Harvard College (McClellan, Cara) (Entered: 09/04/2018)</p>
09/05/2018	527	<p>MOTION for Leave to File <i>Amended Amicus Brief</i> by Amici Curiae Professors of Economics Susan Dynarski, et al., in Support of Defendant. (Attachments: # 1 Exhibit A - Proposed Amended Brief)(Ho, Derek) (Entered: 09/05/2018)</p>
09/05/2018	528	<p>MOTION for Leave to Appear Pro Hac Vice for admission of Meg E. Fasulo, Katherine L.I. Hacker, J. Scott McBride, and Krista J. Perry Filing fee: \$ 400, receipt number 0101-7305513</p>

JA202

		<p>by Students for Fair Admissions, Inc.. (Attachments: # 1 Fasulo Certification, # 2 Hacker Certification, # 3 McBride Certification, # 4 Perry Certification, # 5 Text of Proposed Order)(Strawbridge, Patrick) (Entered: 09/05/2018)</p>
09/06/2018	529	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 528 Motion for Leave to Appear Pro Hac Vice Added J. Scott McBride, Katherine L.I. Hacker , Meg E. Fasulo, and Krista J. Perry. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. Pursuant to Local Rule 83.5.3, local counsel shall also file an appearance in this matter.</p>

JA203

		Further, local counsel shall review all filings and shall personally appear in Court for any hearings or conferences, unless expressly excused by the Court for good cause. (McDonagh, Christina) (Entered: 09/06/2018)
09/06/2018	530	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 527 Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Folan, Karen) (Entered: 09/06/2018)
09/06/2018	531	AMENDED DOCUMENT by Amici Curiae Professors of Economics Susan Dynarski, et al., in Support of Defendant. Amendment to 499 Amicus brief filed <i>Amended Brief of</i>

		<i>Professors of Economics As Amici Curiae In Support of Defendant.</i> (Ho, Derek) (Entered: 09/06/2018)
09/07/2018	532	MOTION To Participate In Trial by 21 Colorful Crimson, 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 Black Alumni Society, 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

JA205

		<p>Black Students Association, Harvard-Radcliffe Chinese Students Association, Kuumba Singers of Harvard College, Native American Alumni of Harvard University, Native Americans At Harvard College, Task Force on Asian and Pacific American Studies at Harvard College. (Turnage Young, Michael) (Entered: 09/07/2018)</p>
<p>09/10/2018</p>	<p>533</p>	<p>NOTICE of Appearance by Janai S. Nelson on behalf of 21 Colorful Crimson, 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 Black Alumni Society, Harvard Islamic Society, Harvard Japan Society, Harvard Korean Association, Harvard Latino Alumni Alliance, Harvard Minority Association of Pre-Medical Students, Harvard Phillips Brooks</p>

JA206

		<p>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, Task Force on Asian and Pacific American Studies at Harvard College (Nelson, Janai) (Entered: 09/10/2018)</p>
09/10/2018	534	<p>NOTICE of Appearance by Earl A. Kirkland, III on behalf of 21 Colorful Crimson, 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,</p>

JA207

		<p>Harvard Black Alumni Society, 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, Task Force on Asian and Pacific American Studies at Harvard College (Kirkland, Earl) (Entered: 09/10/2018)</p>
09/10/2018	535	<p>NOTICE of Appearance by Sarah R. Frazier on behalf of President and Fellows of</p>

JA208

		Harvard College (Frazier, Sarah) (Entered: 09/10/2018)
09/10/2018	536	MOTION for Leave to Appear Pro Hac Vice for admission of Danielle Conley and Brittany Amadi Filing fee: \$ 200, receipt number 0101-7312062 by President and Fellows of Harvard College. (Attachments: # 1 Conley Certification in Support of Motion, # 2 Amadi Certification in Support of Motion) (Ellsworth, Felicia) Modified on 9/11/2018 (McDonagh, Christina). (Entered: 09/10/2018)
09/11/2018	537	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 536 Motion for Leave to Appear Pro Hac Vice Added Danielle Conley and Brittany Amadi. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov.

JA209

		<p>Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. Pursuant to Local Rule 83.5.3, local counsel shall also file an appearance in this matter. Further, local counsel shall review all filings and shall personally appear in Court for any hearings or conferences, unless expressly excused by the Court for good cause. (McDonagh, Christina) (Entered: 09/11/2018)</p>
09/12/2018	538	<p>NOTICE of Appearance by Ara B. Gershengorn on behalf of President and Fellows of Harvard College (Gershengorn, Ara) (Entered: 09/12/2018)</p>
09/13/2018	539	<p>Assented to MOTION for Leave to Appear Pro Hac Vice for admission of John J. Park, Jr. Filing fee: \$ 100, receipt number 0101-7318306 by Center for Equal Opportunity, Reason Foundation, Southeastern Legal</p>

JA210

		Foundation. (Attachments: # 1 Affidavit of John J. Park, Jr.) (Lawrence, Douglass) (Entered: 09/13/2018)
09/14/2018	540	Assented to MOTION to Seal <i>Portions of Pre-Trial Motions</i> by Students for Fair Admissions, Inc..(Strawbridge, Patrick) (Entered: 09/14/2018)
09/14/2018	541	RESPONSE to Motion re 518 MOTION Participate in Trial Proceedings ,532 MOTION To Participate In Trial filed by President and Fellows of Harvard College. (Waxman, Seth) (Entered: 09/14/2018)
09/14/2018	542	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 540 Motion to Seal (Folan, Karen) (Entered: 09/14/2018)
09/14/2018	543	Opposition re 518 MOTION Participate in Trial Proceedings filed by Students for Fair Admissions, Inc.. (Hughes, John) (Entered: 09/14/2018)
09/14/2018	544	Letter/request (non-motion) from Jahjah T. Jishbite.

JA211

		(McDonagh, Christina) (Entered: 09/17/2018)
09/17/2018	545	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 539 Motion for Leave to Appear Pro Hac Vice Added John J. Park Jr.. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. Pursuant to Local Rule 83.5.3, local counsel shall also file an appearance in this matter. Further, local counsel shall review all filings and shall personally appear in Court for any hearings or conferences, unless expressly excused by the Court for good cause. (McDonagh, Christina) (Entered: 09/17/2018)

JA212

09/17/2018	546	MOTION in Limine by Students for Fair Admissions, Inc.. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5) (Hughes, John) (Entered: 09/17/2018)
09/17/2018	547	MOTION in Limine by President and Fellows of Harvard College.(Waxman, Seth) (Entered: 09/17/2018)
09/21/2018	550	Opposition re 532 MOTION To Participate In Trial filed by Students for Fair Admissions, Inc.. (Hughes, John) (Entered: 09/21/2018)
09/21/2018	551	Unopposed Motion for leave to File a Reply in regards to 518 MOTION Participate in Trial Proceedings filed by M. B., K. C., Sarah Cole, Y . D., G. E., A. G., I. G., R. H., J. L., Fadhil Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth. (Attachments: # 1 Exhibit)(Culleen, Lawrence) Modified on 9/25/2018 (McDonagh, Christina). (Entered: 09/21/2018)

JA213

09/26/2018	555	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 551 Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Folan, Karen) (Entered: 09/26/2018)</p>
09/26/2018	558	<p>REPLY to Response to 518 MOTION Participate in Trial Proceedings filed by M. B., K. C., Sarah Cole, Y . D., G. E., A. G., I. G., R. H., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth. (Culleen, Lawrence) (Entered: 09/26/2018)</p>
09/26/2018	559	<p>MOTION for Leave to File <i>Response to the United States'</i> <i>Statement of Interest</i> by President and Fellows of Harvard College.</p>

JA214

		(Attachments: # 1 Proposed Response) (Waxman, Seth) (Entered: 09/26/2018)
09/27/2018	560	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 559 Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Folan, Karen) (Entered: 09/27/2018)
09/27/2018	561	Response by President and Fellows of Harvard College to 497 Amicus brief filed, <i>by the United States</i> . (Waxman, Seth) (Entered: 09/27/2018)
09/27/2018	562	Assented to MOTION for Leave to File <i>Reply</i> by 21 Colorful Crimson, Association of Black Harvard Women, Coalition for a Diverse Harvard, First Generation

JA215

		Harvard Alumni, Fuerza Latina of Harvard, Harvard Asian American Alumni Alliance, Harvard Asian American Brotherhood, Harvard Black Alumni Society, 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, Task Force on Asian and Pacific American Studies at Harvard College.
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JA216

		(Attachments: # 1 Exhibit Proposed Reply)(Holmes, Jennifer) (Entered: 09/27/2018)
09/27/2018	563	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 562 Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Folan, Karen) (Entered: 09/27/2018)
09/27/2018	564	REPLY to Response to 532 MOTION To Participate In Trial filed by 21 Colorful Crimson, 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,

JA217

		<p>Harvard Black Alumni Society, 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, Task Force on Asian and Pacific American Studies at Harvard College. (Holmes, Jennifer) (Entered: 09/27/2018)</p>
09/28/2018	565	Consent MOTION to Seal by Students for Fair Admissions,

JA218

		Inc.. (Strawbridge, Patrick) (Entered: 09/28/2018)
09/28/2018	566	Judge Allison D. Burroughs: MEMORANDUM AND ORDER entered. Accordingly, the cross-motions for summary judgment [ECF Nos. 412, 417] are <u>denied</u> without prejudice. Consistent with this order , the parties may renew their arguments at trial. SO ORDERED. (McDonagh, Christina) (Entered: 09/28/2018)
09/28/2018	567	Judge Allison D. Burroughs: ELECTRONIC ORDER entered. The Courts Summary Judgment Memorandum and Order (“Opinion”) cites to several paragraphs in the parties submissions that were filed with redactions. The Court has concluded that two of these paragraphs must be filed without redactions. SFFA shall email the Court’s docket clerk an updated version of its Statement of Material Fact [ECF No. 414 -2] with the redaction in 130 removed, and

	<p>an updated version of its Counter Statement of Material Facts [ECF No. 452] with the redaction in its response to 73 removed.</p> <p>The Court finds “good cause” to maintain under seal the remaining redacted statements cited by the Opinion, which consist primarily of individuals’ names and other personally identifiable information. <u>Bradford & Bigelow, Inc. v. Richardson</u>, 109 F. Supp. 3d 445, 447 (D. Mass. 2015). The parties disagree about whether there is sufficient cause to maintain partial or complete sealing of approximately 100 exhibits and numerous statements in the parties’ submissions. <u>See</u> [ECF No. 422 at 21-24]. Given that the court has not relied on these materials in its Opinion and some of this information may become public during trial, the Court will defer deciding the issues raised by the parties’</p>
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JA220

		<p>memoranda on sealing [ECF Nos. 422 , 427] until the conclusion of trial. (McDonagh, Christina) (Entered: 09/28/2018)</p>
09/28/2018	568	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 565 Motion to Seal (Folan, Karen) (Entered: 09/28/2018)</p>
10/01/2018	569	<p>Opposition re 547 MOTION in Limine filed by Students for Fair Admissions, Inc.. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15, # 16 Exhibit 16) (Mortara, Adam) (Attachment 6 replaced on 10/1/2018) (McDonagh, Christina). (Additional attachment(s) added on 10/2/2018: # 17 Unredacted Memorandum in Opposition (FILED UNDER SEAL), # 18 Exhibit 4 (Filed Under Seal))</p>

JA221

		(McDonagh,Christina). (Entered: 10/01/2018)
10/01/2018	570	PRETRIAL MEMORANDUM by Students for Fair Admissions, Inc.. (Attachments: # 1 Exhibit A1, # 2 Exhibit A2, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F) (Mortara, Adam) (Additional attachment(s) added on 10/2/2018: # 8 Exhibit A1 (Filed Under Seal)) (McDonagh, Christina). (Entered: 10/01/2018)
10/01/2018	571	Opposition re 546 MOTION in Limine filed by President and Fellows of Harvard Harvard College. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10) (Waxman, Seth) (Entered: 10/01/2018)
10/02/2018	572	ELECTRONIC NOTICE OF RESCHEDULING Final Pretrial Conference reset for 10/3/2018 09:00 AM in Courtroom 17 before Judge

JA222

		Allison D. Burroughs. NOTICE IS FOR TIME CHANGE ONLY.(Folan, Karen) (Entered: 10/02/2018)
10/03/2018	573	Electronic Clerk's Notes for proceedings held before Judge Allison D. Burroughs: Final Pretrial Conference held on 10/3/2018. Colloquy re: pending motions, trial schedule and logistics. (Court Reporter: Joan Daly at joanmdaly62@gmail.com.) (Attorneys present: various) (Folan, Karen) (Entered: 10/03/2018)
10/03/2018	574	Judge Allison D. Burroughs: ELECTRONIC ORDER entered. As was more fully set forth during the October 3, 2018 pretrial conference, the parties motions in limine (MIL), see [ECF Nos. 546 , 547], are resolved as follows: SFFAs MIL No. 1 which sought to preclude Harvard from calling Edward Blum as a witness is denied as moot, see [ECF No. 571].

	<p>SFFAs MIL No. 2 which sought to preclude evidence or argument regarding portions of application files relevant to personal ratings is denied with leave to renew or object at trial.</p> <p>SFFAs MIL No. 3 concerning the expected testimony of Dean Khurana is resolved as follows: Dean Khurana was not noticed as an expert and, therefore, may not be called as an expert witness. He may, however, testify as a percipient witness and based on his personal knowledge.</p> <p>Harvards MIL No.1 to exclude evidence concerning its early twentieth-century discrimination against Jewish applicants is granted in part and denied in part. In the interests of developing a complete factual record, but also recognizing the somewhat attenuated relevance, the Court will allow a very limited presentation of this topic including through exhibits, stipulations and direct and cross examination.</p>
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JA224

		<p>Harvards MIL No. 2 to preclude evidence regarding Harvards invocation of the attorney-client privilege is denied with leave to renew or object at trial in recognition of the fact that there are proper and improper uses for the documents at issue.</p> <p>(McDonagh, Christina) (Entered: 10/03/2018)</p>
10/03/2018	575	<p>Judge Allison D. Burroughs: ORDER entered. MEMORANDUM AND ORDER(McDonagh, Christina) (Entered: 10/03/2018)</p>
10/03/2018	576	<p>EXHIBIT 1 by Lawrence Crawford. (Attachments: # 1 Exhibit 2, # 2 Exhibit 3, # 3 Exhibit 4, # 4 Exhibit 5, # 5 Exhibit 6) *Note that the envelop of this filing states that it is being made as 2 of 2 but Clerk's Office never received envelop 1 of 2 so there is no motion to link this to on the docket* (McDonagh, Christina) (Entered: 10/05/2018)</p>

JA225

10/05/2018	578	<p>AFFIDAVIT of Lawrence Crawford re 576 Exhibit, by Lawrence Crawford. (Attachments: # 1 Affidavit, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4) *Note this is envelop 1 of 2. (McDonagh, Christina) (Entered: 10/09/2018)</p>
10/08/2018	577	<p>Request for Judicial Notice by Students for Fair Admissions, Inc.. (Attachments: # 1 Exhibit DX-13, # 2 Exhibit DX-40, # 3 Exhibit P500)(Mortara, Adam) (Entered: 10/08/2018)</p>
10/10/2018	579	<p>NOTICE by 21 Colorful Crimson, 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 Black Alumni Society, Harvard Islamic Society, Harvard Japan Society, Harvard Korean Association, Harvard Latino Alumni Alliance, Harvard Minority Association of Pre-Medical Students,</p>

JA226

		<p>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, Task Force on Asian and Pacific American Studies at Harvard College re 575 Memorandum & ORDER <i>Regarding Witnesses and Opening Statement</i> (Thayer, Kenneth) (Entered: 10/10/2018)</p>
10/11/2018	580	<p>NOTICE of Appearance by Joseph J. Mueller on behalf of President and Fellows of Harvard College (Mueller, Joseph) (Entered: 10/11/2018)</p>

JA227

10/12/2018	581	NOTICE by M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth re 575 Memorandum & ORDER <i>REGARDING TRIAL WITNESSES, REQUEST FOR DATE CERTAIN FOR STUDENT TESTIMONY, AND NOTICE OF INTENT TO PRESENT ORAL OPENING STATEMENT</i> (Culleen, Lawrence) (Entered: 10/12/2018)
10/15/2018	585	Electronic Clerk's Notes for proceedings held before Judge Allison D. Burroughs: Bench Trial Day 1 held on 10/15/2018. Opening statements by the parties. Dean William Fitzsimmons sworn and testifies. (Court Reporter: Joan Daly at joanmdaly62@gmail.com.) (Folan, Karen) (Entered: 10/18/2018)
10/16/2018	582	Transcript of Bench Trial - Day One held on October 15, 2018, before Judge Allison D. Burroughs. The Transcript

JA228

		<p>may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Joan Daly at joanmdaly62@gmail.com Redaction Request due 11/6/2018. Redacted Transcript Deadline set for 11/16/2018. Release of Transcript Restriction set for 1/14/2019. (Scalfani, Deborah) (Entered: 10/16/2018)</p>
10/16/2018	583	<p>Transcript of Bench Trial - Day Two held on October 16, 2018, before Judge Allison D. Burroughs. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Joan Daly at joanmdaly62@gmail.com Redaction Request due 11/6/2018. Redacted Transcript Deadline set for 11/16/2018. Release of Transcript Restriction set for</p>

JA229

		1/14/2019. (Scalfani, Deborah) (Entered: 10/16/2018)
10/16/2018	584	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 10/16/2018)
10/16/2018	586	Electronic Clerk's Notes for proceedings held before Judge Allison D. Burroughs: Bench Trial Day 2 held on 10/16/2018. Testimony of William Fitzsimmons resumes. (Court Reporter: Joan Daly at joanmdaly62@gmail.com .) (Folan, Karen) (Entered: 10/18/2018)
10/17/2018	587	Electronic Clerk's Notes for proceedings held before Judge Allison D. Burroughs: Bench Trial Day 3 held on 10/17/2018.

JA230

		Testimony of William Fitzsimmons resumes. (Court Reporter: Joan Daly at joanmdaly62@gmail.com.) (Folan, Karen) (Entered: 10/18/2018)
10/18/2018	589	Electronic Clerk's Notes for proceedings held before Judge Allison D. Burroughs: Bench Trial Day 4 held on 10/18/2018. Dean Fitzsimmons testimony continues. Christopher Looby and Erica Bever sworn and testify. (Court Reporter: Joan Daly at joanmdaly62@gmail.com.) (Folan, Karen) (Entered: 10/22/2018)
10/19/2018	590	Electronic Clerk's Notes for proceedings held before Judge Allison D. Burroughs: Bench Trial Day 5 held on 10/19/2018. Erica Bever testimony continues. Erin Driver-Linn and Marlyn McGrath sworn and testify. (Court Reporter: Joan Daly at joanmdaly62@gmail.com.) (Folan, Karen) (Entered: 10/22/2018)

JA231

10/21/2018	588	MOTION Admit Exhibit P9 by Students for Fair Admissions, Inc.. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4)(Mortara, Adam) (Entered: 10/21/2018)
10/22/2018	591	Letter/request (non-motion) from Jahjah Al Mahdi. (McDonagh, Christina) (Entered: 10/22/2018)
10/22/2018	592	Electronic Clerk's Notes for proceedings held before Judge Allison D. Burroughs: Bench Trial Day 6 held on 10/22/2018. Richard Kahlenberg sworn and testifies. Marlyn McGrath testimony resumes. Rakesh Khurana sworn and testifies. (Court Reporter: Joan Daly at joanmdaly62@gmail.com.) (Folan, Karen) (Entered: 10/23/2018)
10/23/2018	594	Electronic Clerk's Notes for proceedings held before Judge Allison D. Burroughs: Bench Trial Day 7 held on 10/23/2018. Rakesh Khurana, Michael Smith, and Elizabeth Yong sworn and testify.

JA232

		(Court Reporter: Joan Daly at joanmdaly62@gmail.com.) (Folan, Karen) (Entered: 10/24/2018)
10/24/2018	593	Judge Allison D. Burroughs: ELECTRONIC ORDER entered finding as moot 588 Motion to Admit Exhibit P9 (Folan, Karen) (Entered: 10/24/2018)
10/24/2018	599	Electronic Clerk's Notes for proceedings held before Judge Allison D. Burroughs: Bench Trial Day 8 held on 10/24/2018. Mark Hansen, Roger Banks, Charlene Kim, and Tia Ray sworn and testify. (Court Reporter: Joan Daly at joanmdaly62@gmail.com.) (Folan, Karen) (Entered: 10/29/2018)
10/25/2018	595	AFFIDAVIT of Lawrence Crawford re 591 Letter/request (non-motion) by Lawrence Crawford. (McDonagh, Christina) (Entered: 10/26/2018)
10/25/2018	600	Electronic Clerk's Notes for proceedings held before Judge

JA233

		Allison D. Burroughs: Bench Trial Day 9 held on 10/25/2018. Peter Arcidiacono sworn and testifies. (Court Reporter: Joan Daly at joanmdaly62@gmail.com.) (Folan, Karen) (Entered: 10/29/2018)
10/26/2018	601	Electronic Clerk's Notes for proceedings held before Judge Allison D. Burroughs: Bench Trial Day 10 held on 10/26/2018. Testimony of Peter Arcidiacono resumes. Deposition testimony read into the record. (Court Reporter: Joan Daly at joanmdaly62@gmail.com.) (Folan, Karen) (Entered: 10/29/2018)
10/26/2018	609	Opposition to SFFA's Oral Motion to Admit P438 and P588 by President and Fellows of Harvard College. (Folan, Karen) (Entered: 11/02/2018)
10/27/2018	596	Assented to MOTION to Seal by Students for Fair Admissions, Inc..(Hacker, Katherine) (Entered: 10/27/2018)

JA234

10/27/2018	597	NOTICE by Students for Fair Admissions, Inc. <i>of Deposition Designations Played in Court</i> (Attachments: # 1 Script report)(Hacker, Katherine) (Entered: 10/27/2018)
10/29/2018	598	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 596 Motion to Seal (Folan, Karen) (Entered: 10/29/2018)
10/29/2018	606	Electronic Clerk's Notes for proceedings held before Judge Allison D. Burroughs: Bench Trial Day 11 held on 10/29/2018. Margaret Chin, Sarah Cole, Catherine Ho, Cecelia Nunez, Thang Diep, Madison Trice, and Sally Chen all sworn and testify. (Court Reporter: Kelly Mortellite and Joan Daly at joanmdaly62@gmail.com.) (Folan, Karen) (Entered: 10/31/2018)
10/30/2018	602	NOTICE by Students for Fair Admissions, Inc. <i>Bench Brief Regarding Exhibits D669 Through D730</i> (Mortara, Adam) (Entered: 10/30/2018)

JA235

10/30/2018	603	NOTICE by Students for Fair Admissions, Inc. <i>Offer of Proof of Deposition Designations</i> (Mortara, Adam) (Additional attachment(s) added on 10/30/2018: # 1 Exhibit 1 (Filed under Seal), # 2 Exhibit 2 (Filed Under Seal), # 3 Exhibit 3 (Filed Under Seal)) (McDonagh, Christina). (Entered: 10/30/2018)
10/30/2018	604	Letter/request (non-motion) from Harvard <i>in Response to Dkt. 602.</i> (Waxman, Seth) (Entered: 10/30/2018)
10/30/2018	605	Reply in Support of Admission of P438 and P588 by Students for Fair Admissions, Inc. (Mortara, Adam) Modified on 11/1/2018 (McDonagh, Christina). (Entered: 10/30/2018)
10/30/2018	607	Electronic Clerk's Notes for proceedings held before Judge Allison D. Burroughs: Bench Trial Day 12 held on 10/30/2018. Ruth Simmons and David Card sworn and testify. (Court Reporter:

JA236

		Joan Daly at joanmdaly62@gmail.com.) (Folan, Karen) (Entered: 10/31/2018)
10/31/2018	608	Electronic Clerk's Notes for proceedings held before Judge Allison D. Burroughs: Bench Trial Day 13 held on 10/31/2018. Testimony of David Card resumes. (Court Reporter: Joan Daly at joanmdaly62@gmail.com.) (Folan, Karen) (Entered: 11/01/2018)
11/01/2018	613	Electronic Clerk's Notes for proceedings held before Judge Allison D. Burroughs: Bench Trial Day 14 held on 11/1/2018. Testimony of David Card resumes. Marlyn McGrath sworn and testifies. Plaintiff rests. Drew Faust sworn and testifies. Deposition testimony read into the record. Defense rests. (Court Reporter: Joan Daly at joanmdaly62@gmail.com.) (Folan, Karen) (Entered: 11/13/2018)

JA237

11/02/2018	614	Electronic Clerk's Notes for proceedings held before Judge Allison D. Burroughs: Bench Trial Day 15 completed on 11/2/2018. Closing arguments by the parties. (Court Reporter: Joan Daly at joanmdaly62@gmail.com.) (Folan, Karen) (Entered: 11/13/2018)
11/05/2018	610	NOTICE of Change of Address or Firm Name by Adam K Mortara (Mortara, Adam) (Entered: 11/05/2018)
11/05/2018	611	NOTICE by Students for Fair Admissions, Inc. <i>Admitted Exhibit List</i> (Mortara, Adam) (Entered: 11/05/2018)
11/06/2018	612	ELECTRONIC NOTICE of Hearing.Hearing on Arguments in support of proposed findings set for 2/13/2019 02:00 PM in Courtroom 17 before Judge Allison D. Burroughs. (Folan, Karen) (Entered: 11/06/2018)
11/13/2018	615	Joint MOTION Entry of Scheduling Order by Students for Fair Admissions, Inc..

JA238

		(Consovoy, William) (Entered: 11/13/2018)
11/14/2018	616	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 615 Motion for Entry of Scheduling Order (Folan, Karen) (Entered: 11/14/2018)
11/14/2018	617	NOTICE by President and Fellows of Harvard College <i>Corrected Admitted Exhibit List</i> (Attachments: # 1 Exhibit 01)(Ellsworth, Felicia) (Entered: 11/14/2018)
12/18/2018	618	Consent MOTION to Seal by Students for Fair Admissions, Inc..(Consovoy, William) (Entered: 12/19/2018)
12/19/2018	619	Proposed Findings of Fact by President and Fellows of Harvard College. (Attachments: # 1 Appendix Selected Exhibits)(Waxman, Seth) (Entered: 12/19/2018)
12/19/2018	620	Proposed Findings of Fact by Students for Fair Admissions, Inc.. (Attachments: # 1 Appendix)(Consovoy, William) (Additional attachment(s))

JA239

		added on 12/20/2018: # 2 Unredacted Version, # 3 Appendix Unredacted Version) (McDonagh, Christina). (Entered: 12/19/2018)
12/20/2018	621	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 618 Motion to Seal (Folan, Karen) (Entered: 12/20/2018)
01/08/2019	622	AMICUS BRIEF filed by Asian American Coalition for Education <i>AMICI CURIAE BRIEF OF THE ASIAN AMERICAN COALITION FOR EDUCATION AND THE ASIAN AMERICAN LEGAL FOUNDATION, IN SUPPORT OF PLAINTIFF STUDENTS FOR FAIR ADMISSIONS, INC.</i> . (Fauth, Gordon) (Entered: 01/08/2019)
01/09/2019	623	Proposed Findings of Fact by 21 Colorful Crimson, Association of Black Harvard Women, Coalition for a Diverse Harvard, First Generation Harvard Alumni, Fuerza Latina of Harvard,

JA240

		<p>Harvard Asian American Alumni Alliance, Harvard Asian American Brotherhood, Harvard Black Alumni Society, 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, Task Force on Asian and Pacific American Studies at Harvard College. (Lee, Jin) (Entered: 01/09/2019)</p>
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JA241

01/09/2019	624	AMICUS BRIEF filed by Amici Curiae Economists Michael Keane et al., in Support of Students for Fair Admissions . (Attachments: # 1 Exhibit A)(Clark, Randall) (Entered: 01/09/2019)
01/09/2019	625	AMICUS BRIEF filed by Amici Curiae the Asian American Legal Defense and Education Fund, et al. <i>in Support of Defendant.</i> (Rodriguez, Madeleine) (Entered: 01/09/2019)
01/09/2019	626	Proposed Findings of Fact by M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth. (Culleen, Lawrence) (Entered: 01/09/2019)
01/23/2019	627	Proposed Findings of Fact by Students for Fair Admissions, Inc.. (Consovoy, William) (Entered: 01/23/2019)

JA242

01/23/2019	628	Response by President and Fellows of Harvard College to 620 Proposed Findings of Fact . (Waxman, Seth) (Entered: 01/23/2019)
01/31/2019	629	Hearing of arguments in support of proposed findings of fact and conclusions of law is rescheduled for <u>February 13, 2019 at 1:30 PM</u> in Courtroom 17. This is a <u>TIME</u> change only. SFFA and Harvard may each have up to 60 minutes for argument. Amici groups “Students” and “Organizations” will each be allowed up to 15 minutes. <u>See</u> ECF No. 575 . (McDonagh, Christina) (Entered: 01/31/2019)
02/13/2019	630	Electronic Clerk’s Notes for proceedings held before Judge Allison D. Burroughs: Hearing re on arguments in support of proposed findings of fact and conclusions of law held on 2/13/2019. (Court Reporter: Joan Daly at joanmdaly62@gmail.com.) (Folan, Karen) (Entered: 02/13/2019)

JA243

04/18/2019	631	<p>Transcript of Bench Trial - Day One held on October 15, 2018, before Judge Allison D. Burroughs. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Joan Daly at joanmdaly62@gmail.com Redaction Request due 5/9/2019. Redacted Transcript Deadline set for 5/20/2019. Release of Transcript Restriction set for 7/17/2019. (Scalfani, Deborah) (Entered: 04/18/2019)</p>
04/18/2019	632	<p>Transcript of Bench Trial - Day Two held on October 16, 2018, before Judge Allison D. Burroughs. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Joan Daly at joanmdaly62@gmail.com</p>

JA244

		Redaction Request due 5/9/2019. Redacted Transcript Deadline set for 5/20/2019. Release of Transcript Restriction set for 7/17/2019. (Scalfani, Deborah) (Entered: 04/18/2019)
04/18/2019	633	Transcript of Bench Trial - Day Three held on October 17, 2018, before Judge Allison D. Burroughs. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Joan Daly at joanmdaly62@gmail.com Redaction Request due 5/9/2019. Redacted Transcript Deadline set for 5/20/2019. Release of Transcript Restriction set for 7/17/2019.(Scalfani, Deborah) (Entered: 04/18/2019)
04/18/2019	634	SEALED Transcript of Bench Trial - Day Three held on October 17, 2018, before Judge Allison D. Burroughs. Court

JA245

		Reporter Name and Contact Information: Joan Daly at joanmdaly62@gmail.com (Scalfani, Deborah) (Entered: 04/18/2019)
04/18/2019	635	Transcript of Bench Trial - Day Four held on October 18, 2018, before Judge Allison D. Burroughs. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Joan Daly at joanmdaly62@gmail.com Redaction Request due 5/9/2019. Redacted Transcript Deadline set for 5/20/2019. Release of Transcript Restriction set for 7/17/2019. (Scalfani, Deborah) (Entered: 04/18/2019)
04/18/2019	636	Transcript of Bench Trial - Day Five held on October 19, 2018, before Judge Allison D. Burroughs. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed

JA246

		<p>through PACER after it is released. Court Reporter Name and Contact Information: Kelly Mortellite and Joan Daly at joanmdaly62@gmail.com Redaction Request due 5/9/2019. Redacted Transcript Deadline set for 5/20/2019. Release of Transcript Restriction set for 7/17/2019. (Scalfani, Deborah) Modified on 4/18/2019 (Scalfani, Deborah). (Entered: 04/18/2019)</p>
04/18/2019	637	<p>SEALED Transcript of Bench Trial - Day Five held on October 19, 2018, before Judge Allison D. Burroughs. Court Reporter Name and Contact Information: Kelly Mortellite and Joan Daly at joanmdaly62@gmail.com (Scalfani, Deborah) (Entered: 04/18/2019)</p>
04/18/2019	638	<p>Transcript of Bench Trial - Day Six held on October 22, 2018, before Judge Allison D. Burroughs. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or</p>

JA247

		viewed through PACER after it is released. Court Reporter Name and Contact Information: Joan Daly at joanmdaly62@gmail.com Redaction Request due 5/9/2019. Redacted Transcript Deadline set for 5/20/2019. Release of Transcript Restriction set for 7/17/2019. (Scalfani, Deborah) (Entered: 04/18/2019)
04/18/2019	639	SEALED Transcript of Bench Trial - Day Six held on October 22, 2018, before Judge Allison D. Burroughs. Court Reporter Name and Contact Information: Joan Daly at joanmdaly62@gmail.com (Scalfani, Deborah) (Entered: 04/18/2019)
04/18/2019	640	Transcript of Bench Trial - Day Seven held on October 23, 2018, before Judge Allison D. Burroughs. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Joan Daly at

JA248

		joanmdaly62@gmail.com Redaction Request due 5/9/2019. Redacted Transcript Deadline set for 5/20/2019. Release of Transcript Restriction set for 7/17/2019. (Scalfani, Deborah) (Entered: 04/18/2019)
04/18/2019	641	SEALED Transcript of Bench Trial - Day Seven held on October 23, 2018, before Judge Allison D. Burroughs. Court Reporter Name and Contact Information: Joan Daly at joanmdaly62@gmail.com (Scalfani, Deborah) (Entered: 04/18/2019)
04/18/2019	642	Transcript of Bench Trial - Day Eight held on October 24, 2018, before Judge Allison D. Burroughs. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Kelly Mortellite and Joan Daly at joanmdaly62@gmail.com Redaction Request due 5/9/2019.

JA249

		Redacted Transcript Deadline set for 5/20/2019. Release of Transcript Restriction set for 7/17/2019. (Scalfani, Deborah) (Entered: 04/18/2019)
04/18/2019	643	SEALED Transcript of Bench Trial - Day Eight held on October 24, 2018, before Judge Allison D. Burroughs. Court Reporter Name and Contact Information: Kelly Mortellite and Joan Daly at joanmdaly62@gmail.com (Scalfani, Deborah) (Entered: 04/18/2019)
04/18/2019	644	Transcript of Bench Trial - Day Nine held on October 25, 2018, before Judge Allison D. Burroughs. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Joan Daly at joanmdaly62@gmail.com Redaction Request due 5/9/2019. Redacted Transcript Deadline set for 5/20/2019.

JA250

		Release of Transcript Restriction set for 7/17/2019. (Scalfani, Deborah) (Entered: 04/18/2019)
04/18/2019	645	SEALED Transcript of Bench Trial - Day Nine held on October 25, 2018, before First. Court Reporter Name and Contact Information: Joan Daly at joanmdaly62@gmail.com (Scalfani, Deborah) (Entered: 04/18/2019)
04/18/2019	646	Transcript of Bench Trial - Day Ten held on October 26, 2018, before Judge Allison D. Burroughs. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Kelly Mortellite and Joan Daly at joanmdaly62@gmail.com Redaction Request due 5/9/2019. Redacted Transcript Deadline set for 5/20/2019. Release of Transcript Restriction set for 7/17/2019.

JA251

		(Scalfani, Deborah) (Entered: 04/18/2019)
04/18/2019	647	SEALED Transcript of Bench Trial - Day Ten held on October 26, 2018, before Judge Allison D. Burroughs. Court Reporter Name and Contact Information: Kelly Mortellite and Joan Daly at joanmdaly62@gmail.com (Scalfani, Deborah) (Entered: 04/18/2019)
04/18/2019	648	Transcript of Bench Trial - Day Eleven held on October 29, 2018, before Judge Allison D. Burroughs. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Kelly Mortellite and Joan Daly at joanmdaly62@gmail.com Redaction Request due 5/9/2019. Redacted Transcript Deadline set for 5/20/2019. Release of Transcript Restriction set for 7/17/2019. (Scalfani, Deborah) (Entered: 04/18/2019)

JA252

04/18/2019	649	SEALED Transcript of Bench Trial - Day Eleven held on October 29, 2018, before Judge Allison D. Burroughs. Court Reporter Name and Contact Information: Kelly Mortellite and Joan Daly at joanmdaly62@gmail.com (Scalfani, Deborah) (Entered: 04/18/2019)
04/18/2019	650	Transcript of Bench Trial - Day Twelve held on October 30, 2018, before Judge Allison D. Burroughs. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Kelly Mortellite and Joan Daly at joanmdaly62@gmail.com Redaction Request due 5/9/2019. Redacted Transcript Deadline set for 5/20/2019. Release of Transcript Restriction set for 7/17/2019. (Scalfani, Deborah) (Entered: 04/18/2019)

JA253

04/18/2019	651	SEALED Transcript of Jury Trial - Day Twelve held on October 30, 2018, before Judge Allison D. Burroughs. Court Reporter Name and Contact Information: Kelly Mortellite and Joan Daly at joanmdaly62@gmail.com (Scalfani, Deborah) (Entered: 04/18/2019)
04/18/2019	652	Transcript of Bench Trial - Day Thirteen held on October 31, 2018, before Judge Allison D. Burroughs. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Kelly Mortellite and Joan Daly at joanmdaly62@gmail.com Redacted Transcript Deadline set for 5/20/2019. Release of Transcript Restriction set for 7/17/2019. (Scalfani, Deborah) (Entered: 04/18/2019)
04/18/2019	653	SEALED Transcript of Bench Trial - Day Thirteen held on October 31, 2018, before Judge

JA254

		Allison D. Burroughs. Court Reporter Name and Contact Information: Kelly Mortellite and Joan Daly at joanmdaly62@gmail.com (Scalfani, Deborah) (Entered: 04/18/2019)
04/18/2019	654	Transcript of Bench Trial - Day Fourteen held on November 1, 2018, before Judge Allison D. Burroughs. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Kelly Mortellite and Joan Daly at joanmdaly62@gmail.com Redaction Request due 5/9/2019. Redacted Transcript Deadline set for 5/20/2019. Release of Transcript Restriction set for 7/17/2019. (Scalfani, Deborah) (Entered: 04/18/2019)
04/18/2019	655	SEALED Transcript of Bench Trial - Day Fourteen held on November 1, 2018, before Judge Allison D. Burroughs. Court Reporter

JA255

		Name and Contact Information: Kelly Mortellite and Joan Daly at joanmdaly62@gmail.com (Scalfani, Deborah) (Entered: 04/18/2019)
04/18/2019	656	Transcript of Bench Trial Day Fifteen (Closing Arguments) held on November 2, 2018, before Judge Allison D. Burroughs. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Kelly Mortellite and Joan Daly at joanmdaly62@gmail.com Redaction Request due 5/9/2019. Redacted Transcript Deadline set for 5/20/2019. Release of Transcript Restriction set for 7/17/2019. (Scalfani, Deborah) (Entered: 04/18/2019)
04/18/2019	657	SEALED Transcript of Bench Trial - Day Fifteen held on November 2, 2018, before Judge Allison D. Burroughs.

JA256

		Court Reporter Name and Contact Information: Kelly Mortellite and Joan Daly at joanmdaly62@gmail.com (Scalfani, Deborah) (Entered: 04/18/2019)
04/18/2019	658	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 04/18/2019)
05/14/2019	659	NOTICE of Withdrawal of Appearance by Michael H. Park (Park, Michael) (Entered: 05/14/2019)
05/16/2019	660	NOTICE of Withdrawal of Appearance by Lawrence Cullen <i>on behalf of Brenda Shum</i> (Cullen, Lawrence) (Entered: 05/16/2019)
06/04/2019	661	NOTICE of Withdrawal of Appearance by Lawrence Cullen <i>on behalf of</i>

JA257

		<i>Nicole K. Ochi</i> (Culleen, Lawrence) (Entered: 06/04/2019)
06/07/2019	662	MOTION for Leave to Appear Pro Hac Vice for admission of Laboni Hoq Filing fee: \$ 100, receipt number 0101-7721447 by M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth.(Sellstrom, Oren) (Entered: 06/07/2019)
06/07/2019	663	MOTION for Leave to Appear Pro Hac Vice for admission of Christopher Lapinig Filing fee: \$ 100, receipt number 0101-7721517 by M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth. (Sellstrom, Oren) (Entered: 06/07/2019)
06/10/2019	664	Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 662 Motion for Leave to Appear Pro Hac Vice Added Laboni Hoq.

		<p>Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. Pursuant to Local Rule 83.5.3, local counsel shall also file an appearance in this matter. Further, local counsel shall review all filings and shall personally appear in Court for any hearings or conferences, unless expressly excused by the Court for good cause. (McDonagh, Christina) (Entered: 06/10/2019)</p>
06/10/2019	665	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered granting 663 Motion for Leave to Appear Pro Hac Vice Added Christopher Lapinig. Attorneys admitted Pro Hac Vice must register</p>

		<p>for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. Pursuant to Local Rule 83.5.3, local counsel shall also file an appearance in this matter. Further, local counsel shall review all filings and shall personally appear in Court for any hearings or conferences, unless expressly excused by the Court for good cause. (McDonagh, Christina) (Entered: 06/10/2019)</p>
07/01/2019	666	<p>Transcript of Closing Arguments held on February 13, 2019, before Judge Allison D. Burroughs. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter</p>

JA260

		Name and Contact Information: Joan Daly at joanmdaly62@gmail.com Redaction Request due 7/22/2019. Redacted Transcript Deadline set for 8/1/2019. Release of Transcript Restriction set for 9/30/2019. (Scalfani, Deborah) (Entered: 07/01/2019)
07/01/2019	667	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 07/01/2019)
07/02/2019	668	NOTICE of Withdrawal of Appearance by Daniel Winik (Winik, Daniel) (Entered: 07/02/2019)
08/16/2019	669	NOTICE of Withdrawal of Appearance by Andrew R. Varcoe (Varcoe, Andrew) (Entered: 08/16/2019)

JA261

08/22/2019	671	Letter. (McDonagh, Christina) (Entered: 09/04/2019)
08/27/2019	670	USCA Judgment In Re: Lawrence L. Crawford. Appeal No. 18-8022. The petition is <u>DISMISSED</u> for want of jurisdiction. All pending motions are <u>DENIED</u> . (Pacho, Arnold) (Entered: 08/28/2019)
09/30/2019	672	Judge Allison D. Burroughs: ORDER entered. FINDINGS OF FACT AND CONCLUSIONS OF LAW (McDonagh, Christina) (Entered: 10/01/2019)
09/30/2019	673	Judge Allison D. Burroughs: ORDER entered. Judgment for the Defendant President and Fellows of Harvard College (Harvard Corporation).(McDonagh, Christina) (Entered: 10/01/2019)
10/04/2019	674	NOTICE OF APPEAL 672 FINDINGS OF FACT AND CONCLUSIONS OF LAW 673 JUDGMENT by Students for Fair Admissions, Inc. Filing fee: \$ 505, receipt number

JA262

	<p>0101-7910565 Fee Status: Not Exempt. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov MUST be completed and submitted to the Court of Appeals. Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf. Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/cmecf. US District Court Clerk to deliver official record to Court of Appeals by 10/24/2019. (Consovoy, William) (Modified on 10/4/2019 to Correct Docket Text and CM/ECF Document Link - Appealed Orders) (Paine, Matthew). (Entered: 10/04/2019)</p>
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JA263

10/07/2019	675	Certified and Transmitted Abbreviated Electronic Record on Appeal to US Court of Appeals re 674 Notice of Appeal. (Paine, Matthew) (Entered: 10/07/2019)
10/08/2019	676	USCA Case Number 19-2005 for 674 Notice of Appeal filed by Students for Fair Admissions, Inc.. (Paine, Matthew) (Entered: 10/08/2019)
12/09/2019	677	NOTICE of Withdrawal of Appearance by Lawrence Culleen <i>on behalf of Laboni A. Hoq</i> (Culleen, Lawrence) (Entered: 12/09/2019)
02/24/2020	678	NOTICE of Withdrawal of Appearance by Felicia H. Ellsworth (<i>Withdrawal of Elizabeth C. Mooney</i>) (Ellsworth, Felicia) (Entered: 02/24/2020)
03/10/2020	679	NOTICE of Withdrawal of Appearance by Michaele N. Turnage Young <i>on behalf of Earl A. Kirkland, III</i> (Turnage Young, Michaele) (Entered: 03/10/2020)

JA264

03/12/2020	680	<p>Judge Allison D. Burroughs: ELECTRONIC ORDER entered. To the extent not already reflected in the record, the following trial exhibits are ordered sealed: [ECF No. 617 -1 (Exs. PX104 (unredacted version), PX106 (unredacted version), PX111 (unredacted version), PX112, PX116, PX117, PX219, PX257, PX268, PX282, DX50, DX195, DX262, DX276, DX293, DX527, SA1, SA2, SA3, and SA4)]. These exhibits should have been sealed at trial and were treated as sealed by the Court and all parties throughout the trial and any failure to reflect that on the record was inadvertent. (McDonagh, Christina) (Entered: 03/12/2020)</p>
08/31/2020	681	<p>NOTICE of Change of Address or Firm Name by Adam K Mortara (Mortara, Adam) (Entered: 08/31/2020)</p>
11/12/2020	682	<p>OPINION of USCA as to 674 Notice of Appeal filed by Students for Fair Admissions, Inc.. (Paine, Matthew)</p>

JA265

		(Entered: 11/13/2020)
11/12/2020	683	USCA Judgment as to 674 Notice of Appeal filed by Students for Fair Admissions, Inc. (Paine, Matthew) (Entered: 11/13/2020)
12/03/2020	684	MANDATE of USCA as to 674 Notice of Appeal filed by Students for Fair Admissions, Inc.. Appeal 674 Terminated (Paine, Matthew) (Entered: 12/04/2020)
03/01/2021	685	Case Appealed to Supreme Court of the United States, Case Number 20-1199. (Paine, Matthew) (Entered: 03/09/2021)
08/05/2021	686	NOTICE of Withdrawal of Appearance by Felicia H. Ellsworth (Ellsworth, Felicia) (Entered: 08/05/2021)
01/24/2022	687	Order from the Supreme Court of the United States: The petition for a writ of certiorari is granted. (Pacho, Arnold) (Entered: 01/27/2022)

JA266

***Students for Fair Admissions v. President &
Fellows of Harvard,
No. 19-2005 (1st Cir.)***

10/11/2019	CIVIL CASE docketed. Notice of appeal (doc. #674) filed by Appellant Students for Fair Admissions, Inc. Docketing Statement, Transcript Report/Order form, and Appearance form due 10/25/2019. [19-2005] (KPC) [Entered: 10/11/2019 02:42 PM]
10/12/2019	NOTICE of appearance on behalf of Appellant Students for Fair Admissions, Inc. filed by Attorney William S. Consovoy. Certificate of service dated 10/12/2019. [19-2005] (WSC) [Entered: 10/12/2019 11:33 AM]
10/12/2019	TRANSCRIPT report/order form filed by Appellant Students for Fair Admissions, Inc. indicating all necessary transcripts have already been filed in district court. Certificate of service dated 10/12/2019. [19-2005] (WSC) [Entered: 10/12/2019 11:37 AM]
10/12/2019	DOCKETING statement filed by Appellant Students for Fair Admissions, Inc.. Certificate of service dated 10/12/2019. [19-2005] (WSC) [Entered: 10/12/2019 11:41 AM]
10/15/2019	NOTICE of appearance on behalf of

JA267

	Appellant Students for Fair Admissions, Inc. filed by Attorney Adam K. Mortara. Certificate of service dated 10/15/2019. [19-2005] (AKM) [Entered: 10/15/2019 11:35 AM]
10/15/2019	NOTICE of appearance on behalf of Appellant Students for Fair Admissions, Inc. filed by Attorney John M. Hughes. Certificate of service dated 10/15/2019. [19-2005] (JMH) [Entered: 10/15/2019 11:37 AM]
10/17/2019	NOTICE of appearance on behalf of Appellee President and Fellows of Harvard College filed by Attorney Seth P. Waxman. Certificate of service dated 10/17/2019. [19-2005] (SPW) [Entered: 10/17/2019 02:12 PM]
10/17/2019	NOTICE of appearance on behalf of Appellee President and Fellows of Harvard College filed by Attorney Paul R.Q. Wolfson. Certificate of service dated 10/17/2019. [19-2005] (PRW) [Entered: 10/17/2019 02:24 PM]
10/17/2019	NOTICE of appearance on behalf of Appellee President and Fellows of Harvard College filed by Attorney Debo P. Adegbile. Certificate of service dated 10/17/2019. [19-2005] (DPA) [Entered: 10/17/2019 02:28 PM]

JA268

10/17/2019	NOTICE of appearance on behalf of Appellee President and Fellows of Harvard College filed by Attorney Felicia H. Ellsworth. Certificate of service dated 10/17/2019. [19-2005] (FHE) [Entered: 10/17/2019 02:31 PM]
10/18/2019	NOTICE of appearance on behalf of Appellee President and Fellows of Harvard College filed by Attorney William F. Lee. Certificate of service dated 10/18/2019. [19-2005] (WFL) [Entered: 10/18/2019 10:51 AM]
10/18/2019	NOTICE of appearance on behalf of Appellee President and Fellows of Harvard College filed by Attorney Ara B. Gershengorn. Certificate of service dated 10/18/2019. [19-2005] (ABG) [Entered: 10/18/2019 11:03 AM]
10/28/2019	NOTICE issued. After 11/12/2019, the following attorneys will no longer receive notice of court issued documents in this case unless they register for an appellate ECF account: John Michael Connolly for Students for Fair Admissions, Inc., Meg E. Fasulo for Students for Fair Admissions, Inc., Katherine L.I. Hacker for Students for Fair Admissions, Inc., J Scott McBride for Students for Fair Admissions, Inc.,

JA269

	<p>Thomas R. McCarthy for Students for Fair Admissions, Inc., Krista J. Perry for Students for Fair Admissions, Inc., Brittany Amadi for President and Fellows of Harvard College and Sarah Ruth Frazier for President and Fellows of Harvard College. [19-2005] (KPC) [Entered: 10/28/2019 11:09 AM]</p>
10/29/2019	<p>NOTICE of appearance on behalf of Appellant Students for Fair Admissions, Inc. filed by Attorney Patrick Strawbridge. Certificate of service dated 10/29/2019. [19-2005] (PNS) [Entered: 10/29/2019 05:36 PM]</p>
10/29/2019	<p>NOTICE of appearance on behalf of Appellant Students for Fair Admissions, Inc. filed by Attorney J. Michael Connolly. Certificate of service dated 10/29/2019. [19-2005] (JMC) [Entered: 10/29/2019 10:30 PM]</p>
10/29/2019	<p>NOTICE of appearance on behalf of Appellant Students for Fair Admissions, Inc. filed by Attorney Cameron T. Norris. Certificate of service dated 10/29/2019. [19-2005] (CTN) [Entered: 10/29/2019 10:31 PM]</p>
11/06/2019	<p>NOTICE of appearance on behalf of Appellant Students for Fair Admissions, Inc. filed by Attorney</p>

JA270

	Thomas R. McCarthy. Certificate of service dated 11/06/2019. [19-2005] (TRM) [Entered: 11/06/2019 09:42 AM]
11/13/2019	NOTICE issued. The following attorneys have failed to register for an appellate ECF account and will no longer receive notice of court issued documents in this case: Meg E. Fasulo for Students for Fair Admissions, Inc., Katherine L.I. Hacker for Students for Fair Admissions, Inc., J Scott McBride for Students for Fair Admissions, Inc., Krista J. Perry for Students for Fair Admissions, Inc. and Sarah Ruth Frazier for President and Fellows of Harvard College. [19-2005] (KPC) [Entered: 11/13/2019 04:14 PM]
11/18/2019	NOTICE of appearance on behalf of Movant(s) Pacific Legal Foundation filed by Attorney Wencong FA. Certificate of service dated 11/18/2019. [19-2005] (WF) [Entered: 11/18/2019 06:23 PM]
11/18/2019	NOTICE of appearance on behalf of Movant(s) Pacific Legal Foundation filed by Attorney Joshua P. Thompson. Certificate of service dated 11/18/2019. [19-2005] (JPT) [Entered: 11/18/2019 06:25 PM]

JA271

01/07/2020	LETTER regarding <i>Briefing Schedule</i> filed by Attorney William S. Consovoy for Appellant Students for Fair Admissions, Inc.. Certificate of service dated 01/07/2020. [19-2005] (WSC) [Entered: 01/07/2020 09:14 AM]
01/07/2020	BRIEFING schedule set. Brief and Appendix due 02/18/2020 for appellant Students for Fair Admissions, Inc.. Pursuant to F.R.A.P. 31(a), appellee's brief will be due 30 days following service of appellant's brief and appellant's reply brief will be due 21 days following service of appellee's brief. [19-2005] (GRC) [Entered: 01/07/2020 05:45 PM]
01/27/2020	Mail returned as undeliverable to Attorney John J. Park, Jr. for Not Parties Southeastern Legal Foundation, Center for Equal Opportunity and Reason Foundation. Copy of Notice issued January 7, 2020. Forwarding address unknown. [19-2005] (JMK) [Entered: 02/06/2020 12:01 PM]
01/30/2020	Mail returned as undeliverable to Attorney Lee C. Cheng for Not Parties Asian American Legal Foundation and Asian American Coalition for Education. Copy of Notice issued

JA272

	January 7, 2020. Forwarding address unknown. [19-2005] (JMK) [Entered: 02/06/2020 04:56 PM]
02/10/2020	ASSENTED TO MOTION for leave to file oversized <i>opening brief</i> filed by Appellant Students for Fair Admissions, Inc.. Certificate of service dated 02/10/2020. [19-2005] (WSC) [Entered: 02/10/2020 03:08 AM]
02/10/2020	ORDER granting motion for leave to file oversized pleading filed by Appellant Students for Fair Admissions, Inc.. [19-2005] (GRC) [Entered: 02/10/2020 04:34 PM]
02/12/2020	NOTICE of appearance on behalf of Appellee President and Fellows of Harvard College filed by Attorney Danielle Conley. Certificate of service dated 02/12/2020. [19-2005] (DC) [Entered: 02/12/2020 01:14 PM]
02/13/2020	NOTICE issued. After 02/27/2020, the following attorneys will no longer receive notice of court issued documents in this case unless they register for an appellate ECF account: Meg E. Fasulo for Students for Fair Admissions, Inc., Katherine L.I. Hacker for Students for Fair Admissions, Inc., J Scott McBride

	<p>for Students for Fair Admissions, Inc., Krista J. Perry for Students for Fair Admissions, Inc., Ruth A. Bourquin for American Civil Liberties Union, Joel Buckman for American Council on Education, Jessica Calvo-Friedman for American Civil Liberties Union, Hemmie Chang for Asian American Legal Defense and Education Fund, Lee C. Cheng for Asian American Legal Foundation and Asian American Coalition for Education, Randall Baldwin Clark for Amici Curiae Economists Michael Keane et al in Support of Students for Admissions, Kristen Clarke for K.C., J.L., Sarah Cole, Fadhal Moore, Arjini Kumari Nawal, Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, M.B., Y.D., G.E., I.G., R.H. and R.S., Matthew M. Cregor for K.C., A.G., J.L., Sarah Cole, Fadhal Moore, Arjini Kumari Nawal, Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, M.B., Y.D., G.E., I.G., R.H., R.S., J.F. and M.A., Matthew J. Donnelly for US, Gordon M. Fauth, Jr. for Asian American Legal Foundation and Asian American Coalition for Education, Stephanie J. Gold for American Council on Education, David Grau for K.C., J.L., Sarah Cole, Fadhal Moore, Arjini Kumari Nawal,</p>
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	<p>Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, M.B., Y.D., G.E., I.G., R.H. and R.S., Claylan Boyden Gray for Amici Curiae Economists Michael Keane et al in Support of Students for Admissions, Adam R.F. Gustafson for Amici Curiae Economists Michael Keane et al in Support of Students for Admissions, Minsuk Han for Amici Curiae Professors of Economics Susan Dynarski, et al., in Support of Defendant, Matthew J. Higgins for American Council on Education, Laboni Hoq for K.C., J.L., Sarah Cole, Fadhal Moore, Arjini Kumari Nawal, Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, M.B., Y.D., G.E., I.G., R.H. and R.S., Rachel Hutchinson for Asian American Legal Defense and Education Fund, Kenneth Kimerling for Asian American Legal Defense and Education Fund, Earl A. Kirkland, III for Harvard-Radcliffe Black Students Association, Kuumba Singers of Harvard College, Fuerza Latina of Harvard, Native Americans At Harvard College, Harvard-Radcliffe Asian American Association, Harvard-Radcliffe Asian American Women’s Association, Harvard Asian American Brotherhood, Harvard Vietnamese Association, Harvard-Radcliffe Chinese Students</p>
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	<p>Association, Harvard Korean Association, Harvard Japan Society, Harvard South Asian Association, Harvard Islamic Society, Task Force on Asian and Pacific American Studies at Harvard College, Harvard Phillips Brooks House Association, Harvard Minority Association of Pre-Medical Students, Coalition for a Diverse Harvard, First Generation Harvard Alumni, Native American Alumni of Harvard University, Harvard University Muslim Alumni, Harvard Latino Alumni Alliance, Harvard Black Alumni Society, Harvard Asian American Alumni Alliance, Association of Black Harvard Women and 21 Colorful Crimson, Priya A. Lane for K.C., A.G., J.L., Sarah Cole, Fadhal Moore, Arjini Kumari Nawal, Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, M.B., Y.D., G.E., I.G., R.H. and R.S., Christopher Lapinig for K.C., J.L., Sarah Cole, Fadhal Moore, Arjini Kumari Nawal, Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, M.B., Y .D., G.E., I.G., R.H. and R.S., Peter G. McDonough for American Council on Education, Anton Metlitsky for Walter Dellinger, John J. Park, Jr. for Southeastern Legal Foundation, Center for Equal Opportunity and Reason Foundation,</p>
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JA276

	<p>Dennis D. Parker for American Civil Liberties Union, Hilary F. Pinion for US, Marc John Randazza for Asian American Legal Foundation and Asian American Coalition for Education, Dean Richland for Asian American Legal Defense and Education Fund, Jessica Rossman for American Civil Liberties Union, Dennis J. Saffran for National Association of Scholars, Krithika Santhanam for K.C., J.L., Sarah Cole, Fadhil Moore, Arjini Kumari Nawal, Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, M.B., Y.D., G.E., I.G., R.H. and R.S., Jennifer N. Seich for Boston Public Schools Department and Joanne L. Wisner for Walter Dellinger. [19-2005] (GRC) [Entered: 02/13/2020 05:38 PM]</p>
02/14/2020	<p>AFFIDAVIT of service for filed by not party Jahtah Al Mahdi . [19-2005] (GRC) [Entered: 02/21/2020 12:53 PM]</p>
02/18/2020	<p>BRIEF tendered by Appellant Students for Fair Admissions, Inc.. [19-2005] (WSC) [Entered: 02/18/2020 03:55 PM]</p>
02/19/2020	<p>PLEADING tendered: FIVE (5) Paper copies of appendix (Number of Volumes: 9) filed by Appellant</p>

JA277

	<p>Students for Fair Admissions, Inc.. Certificate of service dated 02/18/2020. [19-2005] (LIM) [Entered: 02/19/2020 11:54 AM]</p>
02/19/2020	<p>PLEADING tendered: FIVE (5) Paper copies of sealed supplemental appendix filed provisionally under seal filed by Appellant Students for Fair Admissions, Inc.. Certificate of service dated 02/18/2020. [19-2005] (LIM) [Entered: 02/19/2020 11:58 AM]</p>
02/19/2020	<p>APPENDIX filed by Appellant Students for Fair Admissions, Inc.. Number of volumes: 9. Number of copies: 5. Certificate of service dated 02/18/2020. [19-2005] (LIM) [Entered: 02/20/2020 11:18 AM]</p>
02/20/2020	<p>APPELLANT'S BRIEF filed by Appellant Students for Fair Admissions, Inc.. Certificate of service dated 02/18/2020. Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 02/27/2020. Brief due 03/19/2020 for APPELLEE President and Fellows of Harvard College. [19-2005] (LIM) [Entered: 02/20/2020 11:27 AM]</p>

JA278

02/20/2020	MOTION to extend time to file <i>brief</i> for leave to file oversized <i>brief</i> filed by Appellee President and Fellows of Harvard College. Certificate of service dated 02/20/2020. [19-2005] (SPW) [Entered: 02/20/2020 11:40 AM]
02/20/2020	DISCLOSURE statement filed by Appellant Students for Fair Admissions, Inc.. Certificate of service dated 02/18/2020. [19-2005] (LIM) [Entered: 02/20/2020 12:08 PM]
02/20/2020	RESPONSE filed by Appellant Students for Fair Admissions, Inc. to motion to extend time to file brief and/or appendix [6318583-2], motion for leave to file oversized pleading [6318583-3]. Certificate of service dated 02/20/2020. [19-2005] (WSC) [Entered: 02/20/2020 01:58 PM]
02/20/2020	AMENDED RESPONSE filed by Appellant Students for Fair Admissions, Inc. to motion to extend time to file brief and/or appendix [6318583-2], motion for leave to file oversized pleading [6318583-3], response [6318657-2]. Certificate of service dated 02/20/2020. [19-2005] CLERK'S NOTE: Docket entry was edited to modify the docket text. (WSC) [Entered: 02/20/2020 03:02 PM]

JA279

02/21/2020	Mail returned as undeliverable to Attorney Lee C. Cheng for Not Parties Asian American Legal Foundation and Asian American Coalition for Education. Copy of Order entered February 10, 2020. Forwarding address unknown. [19-2005] (JMK) [Entered: 02/21/2020 12:02 PM]
02/24/2020	NOTICE of appearance on behalf of Movant(s) Amici Curiae Harvard Student and Alumni Organizations filed by Attorney Kate R. Cook. Certificate of service dated 02/24/2020. [19-2005] (KRC) [Entered: 02/24/2020 11:29 AM]
02/24/2020	NOTICE of appearance on behalf of Movant(s) Amici Curiae Harvard Student and Alumni Organizations filed by Attorney Kenneth N. Thayer. Certificate of service dated 02/24/2020. [19-2005] CLERK'S NOTE: The signature on the document does not match the name of the ECF filer under whose login and password the document was filed. THE FILER IS DIRECTED TO RE-FILE THE DOCUMENT WITHIN TWO DAYS (03/23/2020). (KRC) [Entered: 02/24/2020 11:41 AM]

JA280

02/24/2020	ASSENTED TO MOTION for Attorney Elizabeth C. Mooney to withdraw as counsel filed by Appellee President and Fellows of Harvard College. Certificate of service dated 02/24/2020. [19-2005] (FHE) [Entered: 02/24/2020 12:34 PM]
02/24/2020	NOTICE of appearance on behalf of Movant(s) National Association of Scholars filed by Attorney Dwight Gerard Duncan. Certificate of service dated 02/24/2020. [19-2005] (DGD) [Entered: 02/24/2020 12:36 PM]
02/24/2020	NOTICE of appearance on behalf of Movant(s) Amici Curiae Harvard Student and Alumni Organizations filed by Attorney Rachel Kleinman. Certificate of service dated 02/24/2020. [19-2005] (RK) [Entered: 02/24/2020 12:55 PM]
02/24/2020	NOTICE of appearance on behalf of Movant(s) Amici Curiae Harvard Student and Alumni Organizations filed by Attorney Jennifer Holmes. Certificate of service dated 02/24/2020. [19-2005] (JAH) [Entered: 02/24/2020 01:00 PM]
02/24/2020	NOTICE of appearance on behalf of Movant(s) Amici Curiae Harvard Student and Alumni Organizations

JA281

	filed by Attorney Michael Turnage Young. Certificate of service dated 02/24/2020. [19-2005] (MNT) [Entered: 02/24/2020 01:04 PM]
02/24/2020	NOTICE of appearance on behalf of Movant(s) Amici Curiae Harvard Student and Alumni Organizations filed by Attorney Jin Hee Lee. Certificate of service dated 02/24/2020. [19-2005] (JL) [Entered: 02/24/2020 03:42 PM]
02/24/2020	NOTICE of appearance on behalf of Movant(s) Amici Curiae Harvard Student and Alumni Organizations filed by Attorney Sherrilyn Ifill. Certificate of service dated 02/24/2020. [19-2005] (SAI) [Entered: 02/24/2020 04:54 PM]
02/24/2020	NOTICE of appearance on behalf of Movant(s) Amici Curiae Harvard Student and Alumni Organizations filed by Attorney Janai Nelson. Certificate of service dated 02/24/2020. [19-2005] (JN) [Entered: 02/24/2020 05:23 PM]
02/24/2020	DISCLOSURE statement filed by Appellee President and Fellows of Harvard College. Certificate of service dated 02/24/2020. [19-2005] (RMK)

JA282

	[Entered: 03/04/2020 02:17 PM]
02/25/2020	AMICUS CURIAE BRIEF tendered by National Association of Scholars. [19-2005] (DGD) [Entered: 02/25/2020 12:34 AM]
02/25/2020	NOTICE of appearance on behalf of Movants Parties Asian American Coalition for Education and Asian American Legal Foundation filed by Attorney Gordon M. Fauth, Jr.. Certificate of service dated 02/24/2020. [19-2005] CLERK'S NOTE: The ECF filer did not select the option that best describes the document and the party selection was incorrect and/or incomplete. Correction made by clerk's office. No further action required. (GMF) [Entered: 02/25/2020 01:41 AM]
02/25/2020	PLEADING tendered: NINE (9) paper copies of Appellant's Brief [6318577-2] submitted by Appellant Students for Fair Admissions, Inc. [19-2005] (ATC) [Entered: 02/25/2020 01:49 PM]
02/25/2020	NOTICE of appearance on behalf of Movant(s) Students, Prospective Students, and Alumni of Harvard College filed by Attorney Elisabeth S. Theodore. Certificate of service dated 02/25/2020. [19-2005] (EST)

JA283

	[Entered: 02/25/2020 03:12 PM]
02/25/2020	NOTICE of appearance on behalf of Movant(s) Amici Curiae Harvard Student and Alumni Organizations filed by Attorney Cara McClellan. Certificate of service dated 02/25/2020. [19-2005] (CM) [Entered: 02/25/2020 03:17 PM]
02/25/2020	NOTICE of appearance on behalf of Movant(s) Students, Prospective Students, and Alumni of Harvard College filed by Attorney Lawrence E. Cullen. Certificate of service dated 02/25/2020. [19-2005] (LEC) [Entered: 02/25/2020 03:18 PM]
02/25/2020	AMICUS CURIAE BRIEF tendered by Judicial Watch, Inc.. [19-2005] (TJP) [Entered: 02/25/2020 03:18 PM]
02/25/2020	NOTICE of appearance on behalf of Movant(s) Students, Prospective Students, and Alumni of Harvard College filed by Attorney Janine M. Lopez. Certificate of service dated 02/25/2020. [19-2005] (JML) [Entered: 02/25/2020 04:11 PM]
02/25/2020	MOTION to file supplemental appendix under seal filed by Appellant Students for Fair Admissions, Inc.. Certificate of

	service dated 02/24/2020. [19-2005] (GRC) [Entered: 02/25/2020 04:41 PM]
02/25/2020	ORDER entered by Jeffrey R. Howard, Chief Appellate Judge: Upon consideration of defendant-appellee President and Fellows of Harvard College's motion seeking a 56-day briefing extension for its answering brief and plaintiff-appellant Students for Fair Admissions, Inc.'s response in opposition, the motion is granted. The answering brief shall be filed on or before Thursday May 14, 2020 . [19-2005] (GRC) [Entered: 02/25/2020 04:54 PM]
02/25/2020	AMICUS CURIAE BRIEF tendered by The Asian American Coalition For Education, and The Asian American Legal Foundation. [19-2005] CLERK'S NOTE: Party selection was incorrect. Correction made by clerk's office. No further action required. (GMF) [Entered: 02/25/2020 04:59 PM]
02/25/2020	DUPLICATE amicus curiae brief tendered by THE ASIAN AMERICAN COALITION FOR EDUCATION, AND THE ASIAN AMERICAN LEGAL FOUNDATION. [19-2005]

JA285

	<p>CLERK'S NOTE: Docket entry was edited to modify the docket text. (GMF) [Entered: 02/25/2020 05:04 PM]</p>
02/25/2020	<p>AMICUS CURIAE BRIEF tendered by Pacific Legal Foundation, Reason Foundation, Center for Equal Opportunity, Individual Rights Foundation, and Chinese American Citizens Alliance - Greater New York. [19-2005] (WF) [Entered: 02/25/2020 05:22 PM]</p>
02/25/2020	<p>NOTICE of appearance on behalf of Movant(s) United States of America filed by Attorney Matthew J. Donnelly. Certificate of service dated 02/25/2020. [19-2005] (MJD) [Entered: 02/25/2020 05:53 PM]</p>
02/25/2020	<p>NOTICE of appearance on behalf of Movant(s) United States of America filed by Attorney Elliott M. Davis. Certificate of service dated 02/25/2020. [19-2005] (EMD) [Entered: 02/25/2020 06:00 PM]</p>
02/25/2020	<p>NOTICE of appearance on behalf of Movant(s) Amici Curiae Harvard Student and Alumni Organizations filed by Attorney Samuel Spital.</p>

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	Certificate of service dated 02/25/2020. [19-2005] (SS) [Entered: 02/25/2020 06:10 PM]
02/25/2020	AMICUS CURIAE BRIEF tendered by United States of America. [19-2005] (MJD) [Entered: 02/25/2020 06:30 PM]
02/25/2020	NOTICE of appearance on behalf of Movant(s) Michael Keane, Hanming Fang, Christopher Flinn, Stefan Hoderlein, Yingyao Hu, Joseph Kaboski, Glenn Loury, Thomas Mroz, John Rust & Matthew Shum filed by Attorney Randall B. Clark. Certificate of service dated 02/25/2020. [19-2005] (RBC) [Entered: 02/25/2020 07:26 PM]
02/25/2020	AMICUS CURIAE BRIEF tendered by Michael Keane, Hanming Fang, Christopher Flinn, Stefan Hoderlein, Yingyao Hu, Joseph Kaboski, Glenn Loury, Thomas Mroz, John Rust & Matthew Shum. [19-2005] (RBC) [Entered: 02/25/2020 07:29 PM]
02/25/2020	AMICUS CURIAE BRIEF tendered by Mountain States Legal Foundation. [19-2005] (CJW) [Entered: 02/25/2020 08:34 PM]
02/25/2020	PLEADING tendered: NINE (9) Paper copies of proposed movants/amici brief

JA287

	<p>filed by Jun Xiao, Yong Li, Xiaoying Yu, and Haiying Li. [19-2005] (LIM) [Entered: 02/27/2020 04:34 PM]</p>
02/25/2020	<p>MOTION for leave to file amicus curiae brief in support of Appellant filed by Movant/Amici Curiae Haiying Li, Yong Li, Jun Xiao and Xiaoying Yu. Certificate of service dated 02/28/2020. [19-2005] (GRC) [Entered: 02/28/2020 12:07 PM]</p>
02/25/2020	<p>DISCLOSURE statement filed by Not Parties Asian American Coalition for Education and Asian American Legal Defense and Education Fund. Certificate of service dated 02/25/2020. [19-2005] (SBT) [Entered: 03/18/2020 09:31 AM]</p>
02/26/2020	<p>ORDER entered: Defendant-Appellee President and Fellows of Harvard College's motion to file a brief of 15,000 words, 2,000 words over the length permitted in Rule 32(a)(7), is granted. [19-2005] (GRC) [Entered: 02/26/2020 09:02 AM]</p>
02/26/2020	<p>NOTICE of appearance on behalf of Movant(s) United States of America filed by Attorney Thomas E. Chandler. Certificate of service dated 02/26/2020.</p>

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	[19-2005] (TEC) [Entered: 02/26/2020 09:30 AM]
02/26/2020	NOTICE of appearance on behalf of Movant(s) Students, Prospective Students, and Alumni of Harvard College filed by Attorney Nancy L. Perkins. Certificate of service dated 02/26/2020. [19-2005] (NLP) [Entered: 02/26/2020 11:14 AM]
02/26/2020	PLEADING tendered: TEN (10) paper copies of Amicus Curiae brief [6319799-2] submitted by Judicial Watch, Inc. [19-2005]. CLERK'S NOTE: Docket entry was edited to modify the docket text. (ATC) [Entered: 02/26/2020 11:34 AM]
02/27/2020	NOTICE of appearance on behalf of Movant(s) Amici Curiae Students, Prospective Students, and Alumni of Harvard College filed by Attorney Jon M. Greenbaum. Certificate of service dated 02/27/2020. [19-2005] (JMG) [Entered: 02/27/2020 12:48 PM]
02/27/2020	NINE (9) paper copies of appellant/petitioner brief [6318577-2] submitted by Appellant Students for Fair Admissions, Inc.. [19-2005] (ATC) [Entered: 02/28/2020 09:47 AM]

02/28/2020	<p>NOTICE issued. The following attorneys have failed to register for an appellate ECF account and will no longer receive notice of court issued documents in this case: Katherine L.I. Hacker for Students for Fair Admissions, Inc., Krista J. Perry for Students for Fair Admissions, Inc., Joel Buckman for American Council on Education, Jessica Calvo-Friedman for American Civil Liberties Union, Hemmie Chang for Asian American Legal Defense and Education Fund, Lee C. Cheng for Asian American Legal Foundation and Asian American Coalition for Education, Kristen Clarke for K.C., J.L., Sarah Cole, Fadhal Moore, Arjini Kumari Nawal, Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, M.B., Y.D., G.E., I.G., R.H. and R.S., Matthew M. Cregor for K.C., A.G., J.L., Sarah Cole, Fadhal Moore, Arjini Kumari Nawal, Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, M.B., Y.D., G.E., I.G., R.H., R.S., J.F. and M.A., Gordon M. Fauth, Jr. for Asian American Legal Foundation and Asian American Coalition for Education, Stephanie J. Gold for American Council on Education, David Grau for K.C., J.L., Sarah Cole, Fadhal Moore,</p>
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	<p>Arjini Kumari Nawal, Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, M.B., Y.D., G.E., I.G., R.H. and R.S., Claylan Boyden Gray for Amici Curiae Economists Michael Keane et al in Support of Students for Admissions, Minsuk Han for Amici Curiae Professors of Economics Susan Dynarski, et al., in Support of Defendant, Laboni Hoq for K.C., J.L., Sarah Cole, Fadhal Moore, Arjini Kumari Nawal, Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, M.B., Y.D., G.E., I.G., R.H. and R.S., Rachel Hutchinson for Asian American Legal Defense and Education Fund, Kenneth Kimerling for Asian American Legal Defense and Education Fund, Earl A. Kirkland, III for Harvard-Radcliffe Black Students Association, Kuumba Singers of Harvard College, Fuerza Latina of Harvard, Native Americans At Harvard College, Harvard-Radcliffe Asian American Association, Harvard-Radcliffe Asian American Women’s Association, Harvard Asian American Brotherhood, Harvard Vietnamese Association, Harvard-Radcliffe Chinese Students Association, Harvard Korean Association, Harvard Japan Society,</p>
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	<p>Harvard South Asian Association, Harvard Islamic Society, Task Force on Asian and Pacific American Studies at Harvard College, Harvard Phillips Brooks House Association, Harvard Minority Association of Pre-Medical Students, Coalition for a Diverse Harvard, First Generation Harvard Alumni, Native American Alumni of Harvard University, Harvard University Muslim Alumni, Harvard Latino Alumni Alliance, Harvard Black Alumni Society, Harvard Asian American Alumni Alliance, Association of Black Harvard Women and 21 Colorful Crimson, Priya A. Lane for K.C., A.G., J.L., Sarah Cole, Fadhal Moore, Arjini Kumari Nawal, Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, M.B., Y.D., G.E., I.G., R.H. and R.S., Christopher Lapinig for K.C., J.L., Sarah Cole, Fadhal Moore, Arjini Kumari Nawal, Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, M.B., Y .D., G.E., I.G., R.H. and R.S., Jin Hee Lee for Amici Curiae Economists Michael Keane et al in Support of Students for Admissions, Peter G. McDonough for American Council on Education, Anton Metlitsky for Walter Dellinger, John J. Park, Jr.</p>
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	<p>for Southeastern Legal Foundation, Center for Equal Opportunity and Reason Foundation, Hilary F. Pinion for US, Dean Richland for Asian American Legal Defense and Education Fund, Jessica Rossman for American Civil Liberties Union, Krithika Santhanam for K.C., J.L., Sarah Cole, Fadhal Moore, Arjini Kumari Nawal, Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, M.B., Y.D., G.E., I.G., R.H. and R.S., Jennifer N. Seich for Boston Public Schools Department and Joanne L. Wisner for Walter Dellinger. [19-2005] (GRC) [Entered: 02/28/2020 03:34 PM]</p>
03/04/2020	<p>PLEADING tendered: NINE (9) paper copies of amici curiae brief [6319863-2] submitted by Not Parties Asian American Coalition for Education and Asian American Legal Foundation [19-2005]. CLERK'S NOTE: Docket entry was edited to modify the docket text. (ATC) [Entered: 03/04/2020 04:17 PM]</p>
03/04/2020	<p>ORDER entered: Upon consideration, the assented-to motion to withdraw Attorney Elizabeth C. Mooney as counsel for defendant-appellee President and Fellows of Harvard</p>

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	College is allowed. Attorney Mooney is hereby withdrawn as counsel of record in this appeal. Appellee will continue to be represented by the remaining counsel of record. [19-2005] (RMK) [Entered: 03/04/2020 04:53 PM]
03/06/2020	DISCLOSURE statement filed by Amicus Curiae National Association of Scholars. [19-2005] (GRC) [Entered: 03/06/2020 09:32 AM]
03/06/2020	DISCLOSURE statement filed by Amicus Curiae Judicial Watch, Inc.. [19-2005] (GRC) [Entered: 03/06/2020 09:53 AM]
03/06/2020	DISCLOSURE statement filed by Amicus Curiae Mountain States Legal Foundation. [19-2005] (GRC) [Entered: 03/06/2020 10:43 AM]
03/06/2020	NOTICE of appearance on behalf of Amicus Curiae Judicial Watch, Inc. filed by Attorney Timothy J. Perry. Certificate of service dated 03/06/2020. [19-2005] (TJP) [Entered: 03/06/2020 11:26 AM]
03/06/2020	DISCLOSURE statement filed by Amicus Curiae Pacific Legal Foundation, Reason Foundation,

	<p>Individual Rights Foundation, Center for Equal Opportunity, and Chinese American Citizens Alliance–Greater New York. Certificate of service dated 03/06/2020. [19-2005] CLERK’S NOTE: Party selection was incomplete. Correction made by clerk’s office. No further action required. (WF) [Entered: 03/06/2020 12:17 PM]</p>
03/06/2020	<p>NOTICE of appearance on behalf of Amicus Curiae Mountain States Legal Foundation filed by Attorney Cody J. Wisniewski. Certificate of service dated 03/06/2020. [19-2005] CLERK’S NOTE: Party selection was incorrect. Correction made by counsel. No further action required. (CJW) [Entered: 03/06/2020 01:38 PM]</p>
03/06/2020	<p>ORDER entered: Appellant Students for Fair Admissions, Inc.’s assented-to motion to file a supplemental appendix under seal is denied without prejudice to refile because many of the items included in this volume of the appendix were not sealed by the district court. See 1st Cir. R. 11(c)-(d), 30.0(g). On or before March 16, 2020, Appellant shall either tender a corrected sealed appendix containing only documents that were sealed in the district court,</p>

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	<p>along with a renewed motion to seal, or file a renewed motion explaining why these documents should be sealed and specifying the desired duration of the sealing order. [19-2005] (GRC) [Entered: 03/06/2020 03:17 PM]</p>
03/06/2020	<p>NOTICE of appearance on behalf of Amicus Curiae Mountain States Legal Foundation filed by Attorney Cody J. Wisniewski. Certificate of service dated 03/06/2020. [19-2005] (CJW) [Entered: 03/06/2020 03:25 PM]</p>
03/06/2020	<p>Mail returned as undeliverable to Attorney David Grau for Not Parties K.C., J.L., Sarah Cole, Fadhal Moore, Arjini Kumari Nawal, Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, M.B., Y.D., G.E., I.G., R.H. and R.S. Copy of Notice issued February 13, 2020 and Notice issued February 20, 2020. Forwarding address unknown. [19-2005] (JMK) [Entered: 03/06/2020 03:35 PM]</p>
03/06/2020	<p>Mail returned as undeliverable to Attorney Kristen Clarke for Not Parties K.C., J.L., Sarah Cole, Fadhal Moore, Arjini Kumari Nawal, Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, M.B., Y.D., G.E.,</p>

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	I.G., R.H. and R.S. Copy of Notice issued February 13, 2020 and Notice issued February 20, 2020. Forwarding address unknown. [19-2005] (JMK) [Entered: 03/06/2020 03:46 PM]
03/06/2020	AMICUS CURIAE BRIEF filed by Amicus Curiae Judicial Watch, Inc. in support of Appellant. Certificate of service dated 02/25/2020. [19-2005] (GRC) [Entered: 03/06/2020 05:00 PM]
03/06/2020	TEN (10) paper copies of amicus brief [6322997-2] submitted by Amicus Curiae Judicial Watch, Inc.. [19-2005] (GRC) [Entered: 03/06/2020 05:02 PM]
03/09/2020	AMICUS CURIAE BRIEF filed by Amicus Curiae National Association of Scholars. Certificate of service dated 02/25/2020. Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 03/16/2020. [19-2005] (GRC) [Entered: 03/09/2020 11:55 AM]
03/09/2020	Mail returned as undeliverable to Attorney David Grau for Not Parties K.C., J.L., Sarah Cole, Fadhal Moore, Arjini Kumari Nawal, Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, M.B., Y.D., G.E.,

JA297

	I.G., R.H. and R.S.. Copy of Order entered February 10, 2020. Forwarding address unknown. [19-2005] (JMK) [Entered: 03/11/2020 11:15 AM]
03/09/2020	Mail returned as undeliverable to Attorney Kristen Clarke for Not Parties K.C., J.L., Sarah Cole, Fadhal Moore, Arjini Kumari Nawal, Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, M.B., Y.D., G.E., I.G., R.H. and R.S.. Copy of Order entered February 10, 2020. Forwarding address unknown. [19-2005] JMK) [Entered: 03/11/2020 11:18 AM]
03/10/2020	CERTIFICATE of service for electronically filed brief [6319897-2] filed by Amicus Curiae US. Certificate of service dated 02/25/2020. [19-2005] (MJD) [Entered: 03/10/2020 03:25 PM]
03/11/2020	NINE (9) paper copies of amicus brief [6323161-2] submitted by Amicus Curiae National Association of Scholars. [19-2005] (ATC) [Entered: 03/11/2020 11:13 AM]
03/16/2020	Mail returned as undeliverable to Attorney Kristen Clarke for Not Parties K.C., J.L., Sarah Cole, Fadhal Moore, Arjini Kumari Nawal, Itzel Vasquez-Rodriguez,

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	<p>Keyanna Wigglesworth, M.B., Y.D., G.E., I.G., R.H. and R.S. Copy of Notice issued February 28, 2020. Forwarding address unknown. [19-2005] (JMK) [Entered: 03/17/2020 02:48 PM]</p>
03/17/2020	<p>Mail returned as undeliverable to Attorney David Grau for Not Parties K.C., J.L., Sarah Cole, Fadhil Moore, Arjini Kumari Nawal, Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, M.B., Y.D., G.E., I.G., R.H. and R.S. Copy of Notice issued February 28, 2020. Forwarding address unknown. [19-2005] (JMK) [Entered: 03/17/2020 02:50 PM]</p>
03/17/2020	<p>AMICUS CURIAE BRIEF filed by Amicus Curiae Mountain States Legal Foundation in support of Appellant and Reversal. Certificate of service dated 02/25/2020. Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 04/1/2020. [19-2005] CLERK'S NOTE: Docket entry was edited to modify the docket text.. (SBT) [Entered: 03/17/2020 03:41 PM]</p>
03/17/2020	<p>PLEADING tendered: FIVE (5) Paper copies of sealed supplemental appendix filed provisionally under seal filed by</p>

JA299

	Appellant Students for Fair Admissions, Inc.. Certificate of service dated 03/16/2020. [19-2005] (LIM) [Entered: 03/17/2020 04:44 PM]
03/17/2020	MOTION to file supplemental appendix under seal filed by Appellant Students for Fair Admissions, Inc.. Certificate of service dated 03/16/2020. [19-2005] (GRC) [Entered: 03/17/2020 04:55 PM]
03/17/2020	NOTICE of appearance on behalf of Movant(s) M. B., K. C., Sarah Cole, Y. D., G. E., A. G., I. G., R. H., J. L., Fadhal Moore, Arjini Kumari Nawal, R. S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth filed by Attorney Genevieve Bonadies Torres. Certificate of service dated 03/17/2020. [19-2005] (GBT) [Entered: 03/17/2020 04:57 PM]
03/18/2020	ORDER granting motion to file amicus curiae brief filed by Amici Curiae Yong Li, Jun Xiao, Xiaoying Yu and Haiying Li. [19-2005] (GRC) [Entered: 03/18/2020 10:01 AM]
03/18/2020	AMICUS CURIAE BRIEF filed by Amici Curiae Haiying Li, Yong Li, Jun Xiao and Xiaoying Yu in support of Appellant. Number of copies: 9.

JA300

	Certificate of service dated 02/25/2020.. [19-2005] (GRC) [Entered: 03/18/2020 10:16 AM]
03/18/2020	AMICUS CURIAE BRIEF filed by Amicus Curiae US in support of Appellant. Certificate of service dated 02/25/2020. Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 04/01/2020. [19-2005] (GRC) [Entered: 03/18/2020 11:22 AM]
03/18/2020	DISCLOSURE statement filed by Amicus Curiae Asian American Coalition for Education and Asian American Legal Foundation. [19-2005] (GRC) [Entered: 03/18/2020 12:54 PM]
03/18/2020	NOTICE of appearance on behalf of Movant(s) Reason Foundation; Individual Rights Foundation; Center for Equal Opportunity; and The Chinese American Citizens Alliance - Greater New York filed by Attorney Wencong Fa. Certificate of service dated 03/18/2020. [19-2005] (WF) [Entered: 03/18/2020 04:40 PM]
03/18/2020	NOTICE of appearance on behalf of Movant(s) Reason Foundation;

JA301

	Individual Rights Foundation; Center for Equal Opportunity; and The Chinese American Citizens Alliance - Greater New York filed by Attorney Joshua P. Thompson. Certificate of service dated 03/18/2020. [19-2005] (JPT) [Entered: 03/18/2020 04:43 PM]
03/18/2020	ORDER granting motion to file supplemental appendix under seal filed by Appellant Students for Fair Admissions, Inc.. [19-2005] (GRC) [Entered: 03/18/2020 04:45 PM]
03/18/2020	SEALED SUPPLEMENTAL APPENDIX filed by Appellant Students for Fair Admissions, Inc.. Number of volumes: 1. Number of copies: 5. Certificate of service dated 03/16/2020. [19-2005] (GRC) [Entered: 03/18/2020 04:47 PM]
03/18/2020	AMICUS CURIAE BRIEF filed by Amici Curiae Asian American Coalition for Education and Asian American Legal Foundation in support of Appellant. Certificate of service dated 02/25/2020. [19-2005] (GRC) [Entered: 03/18/2020 04:58 PM]
03/18/2020	NINE (9) paper copies of amicus brief [6325834-2] submitted by Amici Curiae Asian American Coalition for

JA302

	Education and Asian American Legal Foundation. [19-2005] (GRC) [Entered: 03/18/2020 04:59 PM]
03/19/2020	NOTICE of appearance on behalf of Movant(s) Amici Curiae Harvard Student and Alumni Organizations filed by Attorney Kenneth N. Thayer. Certificate of service dated 03/19/2020. [19-2005] (KNT) [Entered: 03/19/2020 01:50 PM]
03/19/2020	Mail returned as undeliverable to Attorney Kristen Clarke for Not Parties K.C., J.L., Sarah Cole, Fadhal Moore, Arjini Kumari Nawal, Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, M.B., Y.D., G.E., I.G., R.H. and R.S. Copy of Order entered February 25, 2020 and Order entered February 26, 2020. Forwarding address unknown. [19-2005] (JMK) [Entered: 03/20/2020 02:00 PM]
03/19/2020	Mail returned as undeliverable to Attorney David Grau for Not Parties K.C., J.L., Sarah Cole, Fadhal Moore, Arjini Kumari Nawal, Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, M.B., Y.D., G.E., I.G., R.H. and R.S. Copy of Order entered February 26, 2020.

JA303

	Forwarding address unknown. [19-2005] (JMK) [Entered: 03/20/2020 02:07 PM]
03/20/2020	NINE (9) paper copies of amicus brief [6325584-2] submitted by Amicus Curiae US. [19-2005] (ATC) [Entered: 03/20/2020 03:14 PM]
03/20/2020	NINE (9) paper copies of amicus brief [6325378-2] submitted by Amicus Curiae Mountain States Legal Foundation. [19-2005] (ATC) [Entered: 03/20/2020 03:16 PM]
03/23/2020	AMICUS CURIAE BRIEF filed by Amici Curiae Hanming Fang, Christopher Flinn, Stefan Hoderlein, Yingyao Hu, Joseph Kaboski, Michael Keane, Glenn Loury, Thomas Mroz, John Rust and Matthew Shum in support of Appellant. Certificate of service dated 02/25/2020. Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 04/07/2020. [19-2005]. CLERK'S NOTE: Docket entry was edited to modify the docket text. (SBT) [Entered: 03/23/2020 05:45 PM]

JA304

03/24/2020	AMICUS CURIAE BRIEF filed by Amici Curiae Center for Equal Opportunity, Chinese American Citizens Alliance - Greater New York, Individual Rights Foundation, Pacific Legal Foundation and Reason Foundation in support of Appellant. Number of copies: 9. [19-2005] (GRC) [Entered: 03/24/2020 10:10 AM]
03/25/2020	Mail returned as undeliverable to Attorney David Grau for Not Parties K.C., J.L., Sarah Cole, Fadhil Moore, Arjini Kumari Nawal, Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, M.B., Y.D., G.E., I.G., R.H. and R.S. Copy of Order entered February 25, 2020. Forwarding address unknown. [19-2005] (JMK) [Entered: 03/25/2020 04:28 PM]
03/27/2020	NINE (9) paper copies of amicus brief [6326877-2] submitted by Amici Curiae Hanming Fang, Christopher Flinn, Stefan Hoderlein, Yingyao Hu, Joseph Kaboski, Michael Keane, Glenn Loury, Thomas Mroz, John Rust and Matthew Shum. [19-2005] (ATC) [Entered: 03/27/2020 02:20 PM]
04/20/2020	MOTION for leave to file oversized <i>brief (unopposed)</i> filed by Appellee

JA305

	President and Fellows of Harvard College. Certificate of service dated 04/20/2020. [19-2005] (SPW) [Entered: 04/20/2020 08:53 PM]
04/21/2020	ORDER entered by William J. Kayatta, Jr., Appellate Judge: Upon consideration, defendant-appellee President and Fellows of Harvard College's assented-to motion for leave to file an oversized response brief containing up to 17,500 words is <u>allowed</u> . [19-2005] (GRC) [Entered: 04/21/2020 04:46 PM]
05/04/2020	PLEADING tendered: letter filed by not party Jahtah Al Mahdi. [19-2005] (GRC) [Entered: 05/05/2020 09:53 AM]
05/12/2020	NOTICE of appearance on behalf of Appellee President and Fellows of Harvard College filed by Attorney Andrew S. Dulberg. Certificate of service dated 05/12/2020. [19-2005] (ASD) [Entered: 05/12/2020 04:07 PM]
05/12/2020	NOTICE of appearance on behalf of Appellee President and Fellows of Harvard College filed by Attorney Brittany Blueitt Amadi. Certificate of service dated 05/12/2020. [19-2005] (BA) [Entered: 05/12/2020 04:10 PM]

JA306

05/12/2020	NOTICE of appearance on behalf of Appellee President and Fellows of Harvard College filed by Attorney Emma Simson. Certificate of service dated 05/12/2020. [19-2005] (ES) [Entered: 05/12/2020 04:12 PM]
05/12/2020	NOTICE of appearance on behalf of Appellee President and Fellows of Harvard College filed by Attorney Greg Schmidt. Certificate of service dated 05/12/2020. [19-2005] (GMS) [Entered: 05/12/2020 04:16 PM]
05/12/2020	NOTICE of appearance on behalf of Appellee President and Fellows of Harvard College filed by Attorney Alex Hemmer. Certificate of service dated 05/12/2020. [19-2005] (AH) [Entered: 05/12/2020 04:18 PM]
05/12/2020	NOTICE of appearance on behalf of Appellee President and Fellows of Harvard College filed by Attorney Michelle Liszt Sandals. Certificate of service dated 05/12/2020. [19-2005] (MLS) [Entered: 05/12/2020 04:21 PM]
05/13/2020	NOTICE of appearance on behalf of Not Parties A.G., Sarah Cole, G.E., I.G., J.L., K.C., M.B., Fadhal Moore, Arjini Kumari Nawal, R.H., R.S.,

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	<p>Itzel Vasquez-Rodriguez, Keyanna Wigglesworth and Y.D. filed by Attorney Eri Andriola. Certificate of service dated 05/13/2020. [19-2005] (EA) [Entered: 05/13/2020 1:07 AM]</p>
05/14/2020	<p>BRIEF tendered by Appellee President and Fellows of Harvard College. [19-2005] (SPW) [Entered: 05/14/2020 07:07 PM]</p>
05/14/2020	<p>NOTICE of appearance on behalf of Not Parties A.G., Sarah Cole, G.E., J.L., K.C., M.A., Fadhal Moore, R.H., R.S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, Y.D. and Arjini Kumari Nawal filed by Attorney David Hinojosa. Certificate of service dated 05/14/2020. [19-2005] (DH) [Entered: 05/14/2020 09:56 PM]</p>
05/15/2020	<p>APPELLEE'S BRIEF filed by Appellee President and Fellows of Harvard College. Certificate of service dated 05/14/2020. Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 05/29/2020. Reply brief due 06/04/2020 for APPELLANT Students for Fair Admissions, Inc. [19-2005] (LIM) [Entered: 05/15/2020 08:24 AM]</p>

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05/15/2020	DISCLOSURE statement filed by Appellee President and Fellows of Harvard College. Certificate of service dated 05/14/2020. [19-2005] (LIM) [Entered: 05/15/2020 08:25 AM]
05/15/2020	NINE (9) paper copies of appellee/respondent brief [6338949-2] submitted by Appellee President and Fellows of Harvard College. [19-2005] (ATC) [Entered: 05/18/2020 03:47 PM]
05/18/2020	AMICUS CURIAE BRIEF tendered by Amici Curiae Students, Alumni, and Prospective Students of Harvard College. [19-2005] AMICUS CURIAE BRIEF tendered by Amici Curiae Students, Alumni, and Prospective Students of Harvard College. [19-2005] (LEC) [Entered: 05/18/2020 11:02 AM]
05/18/2020	ASSENTED TO MOTION for leave to file oversized <i>reply brief</i> filed by Appellant Students for Fair Admissions, Inc.. Certificate of service dated 05/18/2020. [19-2005] (WSC) [Entered: 05/18/2020 01:41 PM]
05/18/2020	MOTION requesting leave for Attorney Jessica L. Ellsworth to enter an appearance filed by Not Party American Council on Education.

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	Certificate of service dated 05/18/2020. [19-2005] (JLE) [Entered: 05/18/2020 01:58 PM]
05/19/2020	MOTION requesting leave for Attorney Sarah E. Harrington to enter an appearance filed by Not Party Social Scientists and Scholars. Certificate of service dated 05/19/2020. [19-2005] (SEH) [Entered: 05/19/2020 09:49 AM]
05/19/2020	NOTICE of appearance on behalf of Movant(s) National Association of Basketball Coaches and Women's Basketball Coaches Association filed by Attorney Jaime A. Santos. Certificate of service dated 05/19/2020. [19-2005] (JAS) [Entered: 05/19/2020 04:39 PM]
05/20/2020	MOTION requesting leave for Attorney Anton Metlitsky to enter an appearance filed by Not Party Walter Dellinger. Certificate of service dated 05/20/2020. [19-2005] (AM) [Entered: 05/20/2020 11:16 AM]
05/20/2020	AMICUS CURIAE BRIEF tendered by Harvard Student and Alumni Organizations. [19-2005] (JL) [Entered: 05/20/2020 02:09 PM]
05/21/2020	NOTICE of appearance on behalf of Movant(s) Asian American Legal

JA310

	<p>Defense and Education Fund, et al. filed by Attorney Madeleine K. Rodriguez. Certificate of service dated 05/21/2020. [19-2005] (MKR) [Entered: 05/21/2020 10:22 AM]</p>
05/21/2020	<p>NOTICE of appearance on behalf of Movant(s) Massachusetts, California, Colorado, Delaware, the District of Columbia, Hawai'i, Illinois, Maine, Maryland, Minnesota, Nevada, New Mexico, New York, Pennsylvania, Rhode Island, and Virginia filed by Attorney Elizabeth N. Dewar. Certificate of service dated 05/21/2020. [19-2005] (END) [Entered: 05/21/2020 12:22 PM]</p>
05/21/2020	<p>AMICUS CURIAE BRIEF tendered by Massachusetts, California, Colorado, Delaware, the District of Columbia, Hawai'i, Illinois, Maine, Maryland, Minnesota, Nevada, New Mexico, New York, Pennsylvania, Rhode Island, and Virginia. [19-2005] (END) [Entered: 05/21/2020 12:24 PM]</p>
05/21/2020	<p>AMICUS CURIAE BRIEF tendered by Walter Dellinger. [19-2005] (AM) [Entered: 05/21/2020 12:37 PM]</p>
05/21/2020	<p>AMICUS CURIAE BRIEF tendered</p>

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	<p>by Asian American Legal Defense and Education Fund, et al.. [19-2005] (MKR) [Entered: 05/21/2020 01:31 PM]</p>
05/21/2020	<p>AMICUS CURIAE BRIEF tendered by Brown University, Columbia University, Cornell University, Dartmouth College, Duke University, Emory University, Johns Hopkins University, Massachusetts Institute of Technology, Princeton University, Stanford University, University of Chicago, et al.. [19-2005] (MSH) [Entered: 05/21/2020 01:59 PM]</p>
05/21/2020	<p>AMICUS CURIAE BRIEF tendered by American Council on Education and 40 Other Higher Education Organizations. [19-2005] (JLE) [Entered: 05/21/2020 02:35 PM]</p>
05/21/2020	<p>NOTICE of appearance on behalf of Movant(s) Brown University, Columbia University, Cornell University, Dartmouth College, Duke University, Emory University, Johns Hopkins University, Massachusetts Institute of Technology, Princeton University, Stanford University, University of Chicago, et al. filed by Attorney Matthew S. Hellman. Certificate of service dated 05/21/2020. [19-2005] (MSH) [Entered: 05/21/2020 02:40 PM]</p>

JA312

05/21/2020	NOTICE of appearance on behalf of Movant(s) Brown University, Columbia University, Cornell University, Dartmouth College, Duke University, Emory University, Johns Hopkins University, Massachusetts Institute of Technology, Princeton University, Stanford University, University of Chicago, et al. filed by Attorney Ishan K. Bhabha. Certificate of service dated 05/21/2020. [19-2005] (IKB) [Entered: 05/21/2020 02:42 PM]
05/21/2020	AMICUS CURIAE BRIEF tendered by 678 Social Scientists and Scholars. [19-2005] CLERK'S NOTE: Party selection was incorrect. Correction made by clerk's office. No further action required. (SEH) [Entered: 05/21/2020 03:51 PM]
05/21/2020	NOTICE of appearance on behalf of Movant(s) Anti-Defamation League filed by Attorney Samuel P. Groner. Certificate of service dated 05/21/2020. [19-2005] (SPG) [Entered: 05/21/2020 04:35 PM]
05/21/2020	AMICUS CURIAE BRIEF tendered by Anti-Defamation League. [19-2005] (SPG) [Entered: 05/21/2020 06:39 PM]

JA313

05/21/2020	NOTICE of appearance on behalf of Movant(s) Professors of Economics filed by Attorney Derek T. Ho. Certificate of service dated 05/21/2020. [19-2005] (DTH) [Entered: 05/21/2020 07:05 PM]
05/21/2020	AMICUS CURIAE BRIEF tendered by The National Association of Basketball Coaches, Women's Basketball Coaches Association, and 339 Current or Former College Head Coaches. [19-2005] (JAS) [Entered: 05/21/2020 07:10 PM]
05/21/2020	NOTICE of appearance on behalf of Movant(s) Professors of Economics filed by Attorney Bradley E. Oppenheimer. Certificate of service dated 05/21/2020. [19-2005] (BO) [Entered: 05/21/2020 07:11 PM]
05/21/2020	AMICUS CURIAE BRIEF tendered by Professors of Economics. [19-2005] (DTH) [Entered: 05/21/2020 07:17 PM]
05/21/2020	AMICUS CURIAE BRIEF tendered by Amgen; Apple; Applied Materials; Cisco Systems; Cummins; General Electric Company; Gilead Sciences; GlaxoSmithKline LLC; Intel Corporation; Micron Technology; Microsoft Corporation; Twitter;

JA314

	Verizon Services Corp.; and ViiV Healthcare Company. [19-2005] (MSD) [Entered: 05/21/2020 08:04 PM]
05/22/2020	ORDER entered by Sandra L. Lynch, Appellate Judge: Plaintiff-appellant Students for Fair Admissions' motion for leave to file an oversized reply brief, containing 10,000 words or less, is granted. [19-2005] (GB) [Entered: 05/22/2020 01:52 PM]
05/22/2020	NOTICE of appearance on behalf of Movant(s) Amgen Inc.; Apple Inc.; Applied Materials, Inc.; Cisco Systems, Inc.; Cummins Inc.; General Electric Company; Gilead Sciences, Inc.; GlaxoSmithKline LLC; Intel Corporation; Micron Technology, Inc.; Microsoft Corporation; Twitter, Inc. and ViiV Healthcare Company filed by Attorney Mark S. Davies. Certificate of service dated 05/22/2020. [19-2005] (MSD) [Entered: 05/22/2020 05:51 PM]
05/22/2020	NOTICE of appearance on behalf of Movant(s) Amgen Inc.; Apple Inc.; Applied Materials, Inc.; Cisco Systems, Inc.; Cummins Inc.; General Electric Company; Gilead Sciences, Inc.; GlaxoSmithKline LLC; Intel Corporation; Micron Technology, Inc.;

JA315

	<p>Microsoft Corporation; Twitter, Inc. and ViiV Healthcare Company filed by Attorney Sarah H. Sloan. Certificate of service dated 05/22/2020. [19-2005] (SHS) [Entered: 05/22/2020 06:04 PM]</p>
05/22/2020	<p>NOTICE of appearance on behalf of Movant(s) Amgen Inc.; Apple Inc.; Applied Materials, Inc.; Cisco Systems, Inc.; Cummins Inc.; General Electric Company; Gilead Sciences, Inc.; GlaxoSmithKline LLC; Intel Corporation; Micron Technology, Inc.; Microsoft Corporation; Twitter, Inc. and ViiV Healthcare Company filed by Attorney E. Joshua Rosenkranz. Certificate of service dated 05/22/2020. [19-2005] (EJR) [Entered: 05/22/2020 06:10 PM]</p>
05/22/2020	<p>NOTICE of appearance on behalf of Movant(s) Amgen Inc.; Apple Inc.; Applied Materials, Inc.; Cisco Systems, Inc.; Cummins Inc.; General Electric Company; Gilead Sciences, Inc.; GlaxoSmithKline LLC; Intel Corporation; Micron Technology, Inc.; Microsoft Corporation; Twitter, Inc. and ViiV Healthcare Company filed by Attorney Katherine M. Kopp. Certificate of service dated 05/22/2020. (KK) [Entered: 05/22/2020 06:15 PM]</p>

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05/22/2020	NOTICE of appearance on behalf of Movant(s) Amgen Inc.; Apple Inc.; Applied Materials, Inc.; Cisco Systems, Inc.; Cummins Inc.; General Electric Company; Gilead Sciences, Inc.; GlaxoSmithKline LLC; Intel Corporation; Micron Technology, Inc.; Microsoft Corporation; Twitter, Inc. and ViiV Healthcare Company filed by Attorney Sheila A. Baynes. Certificate of service dated 05/22/2020. [19-2005] (SB) [Entered: 05/22/2020 06:20 PM]
05/22/2020	NOTICE of appearance on behalf of Movant(s) Amgen Inc.; Apple Inc.; Applied Materials, Inc.; Cisco Systems, Inc.; Cummins Inc.; General Electric Company; Gilead Sciences, Inc.; GlaxoSmithKline LLC; Intel Corporation; Micron Technology, Inc.; Microsoft Corporation; Twitter, Inc. and ViiV Healthcare Company filed by Attorney Darren S. Teshima. Certificate of service dated 05/22/2020. [19-2005] (DT) [Entered: 05/22/2020 06:25 PM]
05/22/2020	NOTICE of appearance on behalf of Movant(s) Amgen Inc.; Apple Inc.; Applied Materials, Inc.; Cisco Systems, Inc.; Cummins Inc.; General Electric Company; Gilead Sciences, Inc.;

JA317

	<p>GlaxoSmithKline LLC; Intel Corporation; Micron Technology, Inc.; Microsoft Corporation; Twitter, Inc. and ViiV Healthcare Company filed by Attorney Thomas M. Bondy. Certificate of service dated 05/22/2020. [19-2005] (TMB) [Entered: 05/22/2020 06:30 PM]</p>
05/26/2020	<p>DISCLOSURE statement filed by Amicus Curiae University of Chicago and Not Parties Brown University, Columbia University, Cornell University, Dartmouth College, Duke University, Emory University, John Hopkins University, Massachusetts Institute of Technology, Princeton University, Stanford University, University of Pennsylvania, Vanderbilt University, Washington University in St Louis and Yale University. [19-2005] (GRC) [Entered: 05/26/2020 01:44 PM]</p>
05/26/2020	<p>NOTICE of appearance on behalf of Movant(s) Verizon Services Corp. filed by Attorney Keefe B. Clemons. Certificate of service dated 05/26/2020. [19-2005] (KBC) [Entered: 05/26/2020 04:49 PM]</p>
05/27/2020	<p>DISCLOSURE statement filed by Amicus Curiae American Council on Education and the 40 other higher</p>

JA318

	education associations. [19-2005] (GRC) [Entered: 05/27/2020 11:42 AM]
05/27/2020	NOTICE of appearance on behalf of Movant(s) American Council on Education and 40 Other Higher Education Organizations filed by Attorney Jessica L. Ellsworth. Certificate of service dated 05/27/2020. [19-2005] (JLE) [Entered: 05/27/2020 01:04 PM]
05/27/2020	ORDER granting motion for leave to file notice of appearance filed by Amicus Curiae Walter Dellinger. [19-2005] (GRC) [Entered: 05/27/2020 02:33 PM]
05/27/2020	AMICUS CURIAE BRIEF filed by Amicus Curiae Walter Dellinger in support of Appellee. Certificate of service dated 05/21/2020. Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 06/03/2020. [19-2005] (GRC) [Entered: 05/27/2020 02:46 PM]
05/27/2020	NOTICE of appearance filed by Attorney Anton Metlitsky for Amicus Curiae Walter Dellinger. [19-2005] (GRC) [Entered: 05/27/2020 02:49 PM]

JA319

05/27/2020	CORRECTED AMICUS CURIAE BRIEF tendered by Harvard Student and Alumni Organizations. [19-2005] CLERK'S NOTE: Docket entry was edited to modify the docket text. (JL) [Entered: 05/27/2020 06:33 PM]
06/03/2020	AMICUS CURIAE BRIEF filed by Amici Curiae A.G., Sarah Cole, G.E., I.G., J.L., K.C., M.B., Fadhal Moore, Arjini Kumari Nawal, R.H., R.S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth and Y.D.. Certificate of service dated 05/18/2020. Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 06/10/2020. [19-2005] (GRC) [Entered: 06/03/2020 12:20 PM]
06/03/2020	MOTION for leave to appear at oral argument filed by Amici Curiae A.G., Sarah Cole, G.E., I.G., J.L., K.C., M.B., Fadhal Moore, Arjini Kumari Nawal, R.H., R.S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth and Y.D.. Certificate of service dated 06/03/2020. [19-2005] (LEC) [Entered: 06/03/2020 12:34 PM]
06/03/2020	AMICUS CURIAE BRIEF filed by

JA320

	<p>Amici Curiae Colorado, Commonwealth of Massachusetts, District of Columbia, State of California, State of Delaware, State of Hawaii, State of Illinois, State of Maine, State of Maryland, State of Minnesota, State of Nevada, State of New Mexico, State of New York, State of Pennsylvania, State of Rhode Island and State of Virginia. Certificate of service dated 05/21/2020. Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 06/10/2020. [19-2005] (GRC) [Entered: 06/03/2020 12:55 PM]</p>
06/04/2020	<p>DISCLOSURE statement filed by Amici Curiae National Association of Basketball Coaches and Women's Basketball Coaches Association. [19-2005] (GRC) [Entered: 06/04/2020 11:31 AM]</p>
06/04/2020	<p>DISCLOSURE statement filed by Amici Curiae 21 Colorful Crimson, 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,</p>

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	<p>Harvard Black Alumni Society, 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 Progressive Jewish Alumni, 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 Americans At Harvard College and Not Party Task Force on Asian and Pacific American Studies at Harvard College. [19-2005] (GRC) [Entered: 06/04/2020 03:02 PM]</p>
<p>06/04/2020</p>	<p>ORDER granting motion for leave to file notice of appearance filed by Amicus Curiae American Council on Education. [19-2005] (GRC) [Entered: 06/04/2020 03:35 PM]</p>
<p>06/04/2020</p>	<p>NOTICE of appearance filed by Attorney Jessica Lynn Ellsworth for</p>

	<p>Amici Curiae American Association of University Professors, American Council on Education, Association of American Medical Colleges, Association of American Universities, Association of Public and Land-grant Universities, National Collegiate Athletic Association, Association of Catholic Colleges and Universities (ACCU), WASC Senior College and University Commission, The Accreditation Council for Pharmacy Education, American Association of Colleges of Nursing, American Association of Community Colleges, American Association of State Colleges and Universities, American Dental Education Association, American Indian Higher Education Consortium, American Speech-Language-Hearing Association, Association of American Colleges and Universities, Association of American Law Schools, Association of Community College Trustees, Association of Governing Boards of Universities and Colleges, Association of Jesuit Colleges and Universities, The College Board, College and University Professional Association for Human Resources, Council for Christian Colleges & Universities, Council for Opportunity in Education, Council of</p>
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	<p>Graduate Schools, Council of Independent Colleges, Educause, Hispanic Association of Colleges and Universities, Law School Admission Council, Middle States Commission on Higher Education, NASPA-Student Affairs Administrators in Higher Education, National Association for College Admission Counseling, National Association of College and University Business Officers, National Association of Diversity Officers in Higher Education, National Association of Independent Colleges and Universities, National Association of Student Financial Aid Administrators, New England Commission of Higher Education, Phi Beta Kappa, Southern Association of Colleges and Schools Commission on Colleges, The Common Application and University Risk Management and Insurance Association. [19-2005] (GRC) [Entered: 06/04/2020 03:44 PM]</p>
<p>06/04/2020</p>	<p>AMICUS CURIAE BRIEF filed by American Council on Education and 40 Other Higher Education Organizations. Certificate of service dated 05/21/2020. Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 06/11/2020.</p>

JA324

	[19-2005] (GRC) [Entered: 06/04/2020 04:08 PM]
06/04/2020	DISCLOSURE statement filed by Asian American Legal Defense and Education Fund, et al.. [19-2005] (GRC) [Entered: 06/04/2020 05:21 PM]
06/04/2020	BRIEF tendered by Appellant Students for Fair Admissions, Inc.. [19-2005] (WSC) [Entered: 06/04/2020 05:45 PM]
06/04/2020	DISCLOSURE statement filed by Amicus Curiae Anti-Defamation League. [19-2005] (GRC) [Entered: 06/04/2020 06:45 PM]
06/05/2020	REPLY BRIEF filed by Appellant Students for Fair Admissions, Inc. Certificate of service dated 06/04/2020. Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 06/19/2020. [19-2005] (LIM) [Entered: 06/05/2020 08:37 AM]
06/05/2020	NINE (9) paper copies of amicus brief [6343188-2] submitted by Amici Curiae Colorado, Commonwealth of Massachusetts, District of Columbia, State of California, State of Delaware, State of Hawaii, State of Illinois,

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	<p>State of Maine, State of Maryland, State of Minnesota, State of Nevada, State of New Mexico, State of New York, State of Pennsylvania, State of Rhode Island and State of Virginia. [19-2005] (ATC) [Entered: 06/05/2020 02:42 PM]</p>
06/08/2020	<p>NINE (9) paper copies of reply brief [6343686-2] submitted by Appellant Students for Fair Admissions, Inc.. [19-2005] (ATC) [Entered: 06/08/2020 03:23 PM]</p>
06/09/2020	<p>ORDER granting motion for leave to file notice of appearance filed by Amicus Curiae Social Scientists and Scholars. [19-2005] (GRC) [Entered: 06/09/2020 04:44 PM]</p>
06/09/2020	<p>NOTICE of appearance filed by Attorney Sarah Elaine Harrington for Amicus Curiae Social Scientists and Scholars. [19-2005] (GRC) [Entered: 06/09/2020 04:52 PM]</p>
06/09/2020	<p>AMICUS CURIAE BRIEF filed by Amicus Curiae Anti-Defamation League in support of Appellee. Certificate of service dated 05/21/2020. Nine paper copies identical to that of the electronically filed brief must be submitted so that</p>

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	they are received by the court on or before 06/16/2020. [19-2005] (GRC) [Entered: 06/09/2020 05:14 PM]
06/10/2020	AMICUS CURIAE BRIEF filed by Amicus Curiae Asian American Legal Defense and Education Fund et al. in support of Appellee. Certificate of service dated 05/21/2020. Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 06/17/2020. [19-2005] (GRC) [Entered: 06/10/2020 10:27 AM]
06/10/2020	AMICUS CURIAE BRIEF filed by Amicus Curiae 678 Social Scientists and Scholars in support of Appellee. Certificate of service dated 05/21/2020. Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 06/17/2020. [19-2005] (GRC) [Entered: 06/10/2020 10:49 AM]
06/10/2020	CERTIFICATE of service for notice of appearance [6340605-2] filed by Amicus Curiae Anti-Defamation League. Certificate of service dated 06/10/2020. [19-2005] (SPG) [Entered: 06/10/2020 01:59 PM]

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06/10/2020	NINE (9) paper copies of amicus brief [6343558-2] submitted by Amicus Curiae American Council on Education and 40 Other Higher Education Organizations. [19-2005] (ATC) [Entered: 06/10/2020 03:00 PM]
06/10/2020	NINE (9) paper copies of amicus brief [6343175-2] submitted by Amici Curiae A.G., Sarah Cole, G.E., I.G., J.L., K.C., M.B., Fadhal Moore, Arjini Kumari Nawal, R.H., R.S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth and Y.D. [19-2005] (ATC) [Entered: 06/10/2020 04:13 PM]
06/11/2020	DISCLOSURE statement filed by Amici Curiae Amgen, Inc, Apple Inc., Applied Materials, Cisco Systems, Inc, Cummins Inc., General Electric Co, Gilead Sciences, Inc., GlaxoSmithKline LLC, Intel Corp., Micron Technology, Inc., Microsoft Corporation, Twitter Inc., Verizon Services Corp. and ViiV Healthcare Company. [19-2005] (DO) [Entered: 06/11/2020 09:53 AM]
06/11/2020	NINE (9) paper copies of amicus brief [6344706-2] submitted by Amicus Curiae Anti-Defamation League. [19-2005] (ATC) [Entered: 06/12/2020 08:43 AM]

JA328

06/12/2020	RESPONSE filed by Appellee President and Fellows of Harvard College to motion for leave to appear at oral argument [6343180-2]. Certificate of service dated 06/12/2020. [19-2005] (SPW) [Entered: 06/12/2020 11:42 AM]
06/12/2020	NINE (9) paper copies of amicus brief [6344819-2] submitted by Amicus Curiae Asian American Legal Defense and Education Fund et al. [19-2005] (ATC) [Entered: 06/12/2020 01:12 PM]
06/12/2020	NINE (9) paper copies of amicus brief [6344830-2] submitted by Amicus Curiae 678 Social Scientists and Scholars. [19-2005] (ATC) [Entered: 06/12/2020 01:43 PM]
06/12/2020	AMICUS CURIAE BRIEF filed by Amici Curiae National Association of Basketball Coaches and Women's Basketball Coaches Association in support of Appellee. Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 06/19/2020. [19-2005] (DO) [Entered: 06/12/2020 02:07 PM]
06/15/2020	AMICUS CURIAE BRIEF filed by Amici Curiae Brown University,

	<p>Columbia University, Cornell University, Dartmouth College, Duke University, Emory University, Johns Hopkins University, Massachusetts Institute of Technology, Princeton University, Stanford University, University of Chicago, University of Pennsylvania, Vanderbilt University Yale University, and Washington University in St Louis in support of Appellee. Certificate of service dated 05/21/2020. Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 06/22/2020. [19-2005] (GRC) [Entered: 06/15/2020 04:41 PM]</p>
06/16/2020	<p>TEN (10) paper copies of amicus brief [6345508-2] submitted by Amici Curiae National Association of Basketball Coaches and Women's Basketball Coaches Association. [19-2005] (ATC) [Entered: 06/17/2020 01:03 PM]</p>
06/17/2020	<p>AMICUS CURIAE BRIEF filed by Amicus Curiae Amici Curiae Professors of Economics Susan Dynarski, et al., in Support of Defendant in support of Appellee. Certificate of service dated 05/21/2020. Nine paper copies identical to that of the electronically</p>

JA330

	<p>filed brief must be submitted so that they are received by the court on or before 06/24/2020. [19-2005] (GRC) [Entered: 06/17/2020 03:58 PM]</p>
06/17/2020	<p>AMICUS CURIAE BRIEF filed by Amici Curiae 21 Colorful Crimson, 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 Black Alumni Society, 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 Progressive Jewish Alumni, 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 and Native Americans At Harvard College</p>

	<p>in support of Appellee. Certificate of service dated 05/27/2020. Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 06/24/2020. [19-2005] (GRC) [Entered: 06/17/2020 04:11 PM]</p>
06/17/2020	<p>NINE (9) paper copies of amicus brief [6345924-2] submitted by Amici Curiae Brown University, Columbia University, Cornell University, Dartmouth College, Duke University, Emory University, Johns Hopkins University, Massachusetts Institute of Technology, Princeton University, Stanford University, University of Chicago, University of Pennsylvania, Vanderbilt University, Washington University in St Louis and Yale University. [19-2005] (ATC) [Entered: 06/18/2020 01:10 PM]</p>
06/18/2020	<p>ORDER entered by Juan R. Torruella, Appellate Judge: Non-party Lawrence Crawford has tendered certain documents and seeks permission to file those documents in this appeal. Permission is DENIED. The tendered documents are not accepted for filing and shall be returned to Crawford. Crawford is not a party to this appeal</p>

	and should not tender further filings in this appeal. [19-2005] (GRC) [Entered: 06/18/2020 03:43 PM]
06/19/2020	<p>MOTION for leave to appear at oral argument filed by Amici Curiae Coalition for a Diverse Harvard, Association of Black Harvard Women, First Generation Harvard Alumni, Fuerza Latina of Harvard, Harvard Asian American Alumni Alliance, Harvard Asian American Brotherhood, Harvard Black Alumni Society, 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 Progressive Jewish Alumni, 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 Americans At Harvard College, 21 Colorful Crimson, Task Force on Asian and</p>

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	<p>Pacific American Studies at Harvard College and Not Party Native American Alumni of Harvard University. Certificate of service dated 06/19/2020. [19-2005] (JL) [Entered: 06/19/2020 04:05 PM]</p>
06/19/2020	<p>NINE (9) paper copies of amicus brief [6341557-2] submitted by Amicus Curiae Walter Dellinger. [19-2005] (ATC) [Entered: 06/22/2020 02:37 PM]</p>
06/19/2020	<p>NINE (9) paper copies of amicus brief [6346577-2] submitted by Amicus Curiae Amici Curiae Professors of Economics Susan Dynarski, et al., in Support of Defendant. [19-2005] (ATC) [Entered: 06/22/2020 02:46 PM]</p>
06/22/2020	<p>AMICUS CURIAE BRIEF filed by Amici Curiae Amgen, Inc, Apple Inc., Applied Materials, Cisco Systems, Inc, Cummins Inc., General Electric Co, Gilead Sciences, Inc., GlaxoSmithKline LLC, Intel Corp., Micron Technology, Inc., Microsoft Corporation, Twitter Inc., Verizon Services Corp. and ViiV Healthcare Company in support of Appellee. Certificate of service dated 05/21/2020. Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before</p>

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	06/29/2020. [19-2005] (GRC) [Entered: 06/22/2020 11:58 AM]
06/22/2020	<p>NINE (9) paper copies of amicus brief [6346583-2] submitted by Amici Curiae 21 Colorful Crimson, 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 Black Alumni Society, 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 Progressive Jewish Alumni, 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 and Native Americans At Harvard College. [19-2005] (ATC) [Entered: 06/23/2020 1:00 AM]</p>

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06/23/2020	MOTION for leave to appear at oral argument filed by Amicus Curiae US. Certificate of service dated 06/23/2020. [19-2005] (MJD) [Entered: 06/23/2020 03:46 PM]
06/23/2020	JOINT RESPONSE filed by Appellee President and Fellows of Harvard College and Appellant Students for Fair Admissions, Inc. to motion for leave to appear at oral argument [6347708-2], motion for leave to appear at oral argument [6347053-2]. Certificate of service dated 06/23/2020. [19-2005] (SPW) [Entered: 06/23/2020 05:33 PM]
06/26/2020	NINE (9) paper copies of amicus brief [6347242-2] submitted by Amici Curiae Amgen, Inc, Apple Inc., Applied Materials, Cisco Systems, Inc, Cummins Inc., General Electric Co, Gilead Sciences, Inc., GlaxoSmithKline LLC, Intel Corp., Micron Technology, Inc., Microsoft Corporation, Twitter Inc., Verizon Services Corp. and ViiV Healthcare Company. [19-2005] (ATC) [Entered: 06/26/2020 04:16 PM]
07/09/2020	ORDER entered by Juan R. Torruella, Appellate Judge: Before the court are three motions requesting leave to participate in oral argument, as well

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	<p>as a joint response from the parties. The three motions are: (1) “Motion of Amici Curiae Students, Alumni, and Prospective Students of Harvard College for Leave to Participate in Oral Argument”; (2) a “Motion of Amici Curiae Coalition for a Diverse Harvard [et al.] for Leave to Participate in Oral Argument”; and (3) a “Motion of the United States as Amicus Curiae to Participate in Oral Argument.” The motions are DENIED without prejudice to refile once this case is calendared for oral argument. SO ORDERED. [19-2005] (GRC) [Entered: 07/09/2020 11:36 AM]</p>
<p>07/28/2020</p>	<p>CASE calendared: Consistent with public health guidance and ongoing efforts to mitigate the risk of community transmission of COVID-19, the court will conduct oral argument remotely in this case on Wednesday, September 16, 2020 at 9:30 a.m., in lieu of in-person appearance. Designation form due 08/04/2020. [19-2005] (DJT) [Entered: 07/28/2020 06:52 PM]</p>
<p>07/29/2020</p>	<p>DESIGNATION of attorney presenting oral argument filed by Attorney Seth P. Waxman for Appellee President and Fellows of</p>

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	Harvard College. Certificate of service dated 07/29/2020. [19-2005] (SPW) [Entered: 07/29/2020 08:51 AM]
07/29/2020	ORDER entered: Inasmuch as this case has been calendared for the Court's September sitting, the parties are hereby ordered to refile electronically any previously filed appendix, or supplemental appendix, filed in paper before the Court's April 20, 2020 order requiring appendices to be filed electronically and in paper. The parties' electronically filed appendices are due by August 5, 2020 . [19-2005] (MNH) [Entered: 07/29/2020 01:13 PM]
07/29/2020	APPENDIX tendered by Appellant Students for Fair Admissions, Inc.. Certificate of service dated 07/29/2020. [19-2005] (WSC) [Entered: 07/29/2020 03:02 PM]
07/29/2020	APPENDIX tendered by Appellant Students for Fair Admissions, Inc.. Certificate of service dated 07/29/2020. [19-2005] (WSC) [Entered: 07/29/2020 03:04 PM]
07/29/2020	APPENDIX tendered by Appellant Students for Fair Admissions, Inc.. Certificate of service dated 07/29/2020. [19-2005] (WSC)

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	[Entered: 07/29/2020 03:08 PM]
07/29/2020	APPENDIX tendered by Appellant Students for Fair Admissions, Inc.. Certificate of service dated 07/29/2020. [19-2005] (WSC) [Entered: 07/29/2020 03:10 PM]
07/29/2020	APPENDIX tendered by Appellant Students for Fair Admissions, Inc.. Certificate of service dated 07/29/2020. [19-2005] (WSC) [Entered: 07/29/2020 03:12 PM]
07/29/2020	RENEWED MOTION for leave to appear at oral argument filed by Amici Curiae A.G., Sarah Cole, G.E., I.G., J.L., K.C., M.B., Fadhal Moore, Arjini Kumari Nawal, R.H., R.S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth and Y.D.. Certificate of service dated 07/29/2020. [19-2005] (LEC) [Entered: 07/29/2020 03:24 PM]
07/29/2020	APPENDIX tendered by Appellant Students for Fair Admissions, Inc.. Certificate of service dated 07/29/2020. [19-2005] (WSC) [Entered: 07/29/2020 03:48 PM]
07/29/2020	APPENDIX tendered by Appellant Students for Fair Admissions, Inc..

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	Certificate of service dated 07/29/2020. [19-2005] (WSC) [Entered: 07/29/2020 04:13 PM]
07/29/2020	APPENDIX tendered by Appellant Students for Fair Admissions, Inc.. Certificate of service dated 07/29/2020. [19-2005] (WSC) [Entered: 07/29/2020 04:18 PM]
07/29/2020	APPENDIX tendered by Appellant Students for Fair Admissions, Inc.. Certificate of service dated 07/29/2020. [19-2005] (WSC) [Entered: 07/29/2020 04:22 PM]
07/30/2020	APPENDIX filed by Appellant Students for Fair Admissions, Inc. [19-2005] (LIM) [Entered: 07/30/2020 11:14 AM]
07/30/2020	RENEWED MOTION for leave to appear at oral argument filed by Amici Curiae 21 Colorful Crimson, 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 Black Alumni Society, Harvard Islamic Society, Harvard Japan Society, Harvard Korean

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	<p>Association, Harvard Latino Alumni Alliance, Harvard Minority Association of Pre-Medical Students, Harvard Phillips Brooks House Association, Harvard Progressive Jewish Alumni, 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 Americans At Harvard College, Task Force on Asian and Pacific American Studies at Harvard College and Not Party Native American Alumni of Harvard University. Certificate of service dated 07/30/2020. [19-2005] (JL) [Entered: 07/30/2020 07:29 PM]</p>
07/30/2020	<p>DESIGNATION of attorney presenting oral argument filed by Attorney William S. Consovoy for Appellant Students for Fair Admissions, Inc.. Certificate of service dated 07/30/2020. [19-2005] (WSC) [Entered: 07/30/2020 10:21 PM]</p>
07/31/2020	<p>ORDER entered by Juan R. Torruella, Appellate Judge, The motion of Amici</p>

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	Curiae Students, Alumni, and Prospective Students of Harvard College for leave to participate in oral argument is granted.. [19-2005] (DJT) [Entered: 07/31/2020 11:58 AM]
07/31/2020	MOTION for leave to appear at oral argument filed by Amicus Curiae US. Certificate of service dated 07/31/2020. [19-2005] (MJD) [Entered: 07/31/2020 01:35 PM]
07/31/2020	RESPONSE filed by Appellee President and Fellows of Harvard College to motion for leave to appear at oral argument [6356397-2], motion for leave to appear at oral argument [6356796-2], motion for leave to appear at oral argument [6356957-2]. Certificate of service dated 07/31/2020. [19-2005] (SPW) [Entered: 07/31/2020 03:49 PM]
08/03/2020	ORDER entered by Juan R. Torruella, Appellate Judge, The motion of Amici Curiae Harvard Student and Alumni Organizations for leave to participate in oral argument is granted. [19-2005] (DJT) [Entered: 08/03/2020 03:37 PM]
08/03/2020	ORDER entered by Juan R. Torruella, Appellate Judge: The motion of Amici Curiae United States for leave to

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	participate in oral argument is granted. [19-2005] (DJT) [Entered: 08/03/2020 03:40 PM]
08/04/2020	DESIGNATION of attorney presenting oral argument filed by Attorney Jon M. Greenbaum for Amici Curiae A.G., Sarah Cole, G.E., I.G., J.L., K.C., M.B., Fadhal Moore, Arjini Kumari Nawal, R.H., R.S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth and Y.D.. Certificate of service dated 08/04/2020. [19-2005] (JMG) [Entered: 08/04/2020 02:05 PM]
08/04/2020	Motion for late appearance on behalf of Movant(s) United States of America filed by Attorney Eric S. Dreiband. Certificate of service dated 08/04/2020.-[Edited 08/04/2020 by DJT] [19-2005] CLERK'S NOTE: Docket entry was edited to modify the docket text.. [19-2005] (ESD) [Entered: 08/04/2020 03:50 PM]
08/04/2020	DESIGNATION of attorney presenting oral argument filed by Attorney Jin Hee Lee for Amici Curiae 21 Colorful Crimson, Association of Black Harvard Women, Coalition for a Diverse Harvard, First Generation Harvard Alumni, Fuerza Latina of Harvard, Harvard Asian

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	<p>American Alumni Alliance, Harvard Asian American Brotherhood, Harvard Black Alumni Society, 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 Progressive Jewish Alumni, 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 Americans At Harvard College, Task Force on Asian and Pacific American Studies at Harvard College and Not Party Native American Alumni of Harvard University. Certificate of service dated 08/04/2020. [19-2005] (JL) [Entered: 08/04/2020 05:01 PM]</p>
<p>08/05/2020</p>	<p>ORDER entered by Juan R. Torruella, Appellate Judge: Attorney Eric S. Dreiband's motion for late appearance is allowed. [19-2005] (DJT) [Entered: 08/05/2020 04:17 PM]</p>

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08/05/2020	NOTICE of appearance filed by Attorney Eric Dreiband for Amicus Curiae US. Certificate of service dated 08/04/2020. [19-2005] (DJT) [Entered: 08/05/2020 04:22 PM]
08/05/2020	DESIGNATION of attorney presenting oral argument filed by Attorney Eric Dreiband for Amicus Curiae US. Certificate of service dated 08/05/2020. [19-2005] (ESD) [Entered: 08/05/2020 04:37 PM]
08/18/2020	DESIGNATION of attorney presenting oral argument filed by Attorney David Hinojosa for Amici Curiae A.G., Sarah Cole, G.E., I.G., J.L., K.C., M.B., Fadhal Moore, Arjini Kumari Nawal, R.H., R.S., Itzel Vasquez-Rodriguez, Keyanna Wigglesworth, Y.D. and Not Party M.A.. Certificate of service dated 08/18/2020. [19-2005] (DH) [Entered: 08/18/2020 04:54 PM]
09/16/2020	CASE argued. Panel: Jeffrey R. Howard, Chief Appellate Judge; Juan R. Torruella, Appellate Judge and Sandra L. Lynch, Appellate Judge. Arguing attorneys: Eric Dreiband for US, Jin Hee Lee for Harvard-Radcliffe Black Students Association, Kuumba Singers of Harvard College, Fuerza

	<p>Latina of Harvard, Native Americans At Harvard College, Harvard-Radcliffe Asian American Association, Harvard-Radcliffe Asian American Women's Association, Harvard Asian American Brotherhood, Harvard Vietnamese Association, Harvard-Radcliffe Chinese Students Association, Harvard Korean Association, Harvard Japan Society, Harvard South Asian Association, Harvard Islamic Society, Task Force on Asian and Pacific American Studies at Harvard College, Harvard Phillips Brooks House Association, Harvard Minority Association of Pre-Medical Students, Coalition for a Diverse Harvard, First Generation Harvard Alumni, Harvard University Muslim Alumni, Harvard Latino Alumni Alliance, Harvard Black Alumni Society, Harvard Asian American Alumni Alliance, Association of Black Harvard Women, 21 Colorful Crimson, Harvard Progressive Jewish Alumni and Native American Alumni of Harvard University, William S. Consovoy for Students for Fair Admissions, Inc., Seth P. Waxman for President and Fellows of Harvard College and David Hinojosa for M.A.. [19-2005] (DJT) [Entered: 09/16/2020 03:28 PM]</p>
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11/12/2020	<p>OPINION* issued by Jeffrey R. Howard, Chief Appellate Judge and Sandra L. Lynch, Appellate Judge. Published. *Judge Torruella heard oral argument in this matter and participated in the semple, but he did not participate in the issuance of the panel's decision. The remaining two panelists therefore issued the opinion pursuant to 28 U.S.C. § 46(d). [19-2005] (GRC) [Entered: 11/12/2020 09:01 AM]</p>
11/12/2020	<p>JUDGMENT entered: This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts and was argued by counsel. Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The judgment of the district court is affirmed. No costs are awarded. [19-2005] (GRC) [Entered: 11/12/2020 09:03 AM]</p>
11/12/2020	<p>URLs Cited in Court Opinion dated 11/12/2020 [6381138-2]. [19-2005] (GRC) [Entered: 11/13/2020 10:57 AM]</p>
11/24/2020	<p>ERRATA issued by court to opinion (published) [6381138-2] [19-2005] (SBT) [Entered: 11/24/2020 07:11PM]</p>

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12/03/2020	MANDATE issued. [19-2005] (GRC) [Entered: 12/03/2020 03:28 PM]
01/13/2021	LETTER regarding <i>withdrawal of Eric S. Dreiband from docket</i> filed by Attorney Thomas E. Chandler for Amicus Curiae US. Certificate of service dated 01/13/2021. [19-2005] (TEC) [Entered: 01/13/2021 11:37 AM]
01/14/2021	ORDER entered: Attorney Thomas E. Chandler has filed a letter of withdrawal of Attorney Eric S. Dreiband as counsel of record for Amicus Curiae United States, as Attorney Dreiband is no longer employed with the United States Department of Justice. Construing the letter as a motion to withdraw Attorney Dreiband, the motion is allowed, and Attorney Dreiband is hereby withdrawn. Amicus Curiae United States will continue to be represented by its remaining counsel of record. [19-2005] (GRC) [Entered: 01/14/2021 10:51 AM]
01/21/2021	MOTION for Attorney Danielle Y. Conley, Alex Hemmer, Michelle Liszt Sandals, and Greg Schmidt to withdraw as counsel filed by Appellee President and Fellows of Harvard College. Certificate of service dated

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	01/21/2021. [19-2005] (FHE) [Entered: 01/21/2021 05:16 PM]
01/27/2021	ORDER entered: Upon consideration, the motion to withdraw Attorneys Danielle Y. Conley, Alex Hemmer, Michelle Liszt Sandals, and Greg Schmidt as counsel for Appellee President and Fellows of Harvard College is allowed and Attorney Stewart is hereby withdrawn as counsel in this appeal. Appellee will continue to be represented by his remaining counsel of record. [19-2005] (GRC) [Entered: 01/27/2021 01:08 PM]
02/01/2021	MOTION requesting leave for Attorney Kevin K. Russell to enter an appearance filed by Amicus Curiae Social Scientists and Scholars. Certificate of service dated 02/01/2021. [19-2005] (KKR) [Entered: 02/01/2021 09:51 AM]
02/01/2021	MOTION for Attorney Sarah E. Harrington to withdraw as counsel filed by Amicus Curiae Social Scientists and Scholars. Certificate of service dated 02/01/2021. [19-2005] (SEH) [Entered: 02/01/2021 09:55 AM]
02/03/2021	ORDER entered: Attorney Kevin K. Russell's motion for late appearance

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	<p>on behalf of Amicus Curiae Social Scientists and Scholars is allowed. [19-2005] (GRC) [Entered: 02/03/2021 04:58 PM]</p>
02/03/2021	<p>NOTICE of appearance filed by Attorney Kevin K. Russell for Amicus Curiae Social Scientists and Scholars. [19-2005] (GRC) [Entered: 02/03/2021 05:02 PM]</p>
02/03/2021	<p>ORDER entered: Upon consideration, attorney Sarah E. Harrington's motion to withdraw as counsel of record for Amicus Curiae Social Scientists and Scholars is allowed. Amicus Curiae Social Scientists and Scholars shall continue to be represented by their remaining counsel of record. [19-2005] (GRC) [Entered: 02/03/2021 05:03 PM]</p>
03/01/2021	<p>U.S. SUPREME COURT NOTICE advising a petition for a writ of certiorari was filed on 02/25/2021 and assigned case number 20-1199. [19-2005] (GRC) [Entered: 03/08/2021 01:33 PM]</p>
08/05/2021	<p>MOTION for Attorney Paul R.Q. Wolfson to withdraw as counsel filed by Appellee President and Fellows of Harvard College. Certificate of service dated 08/05/2021. [19-2005] (FHE)</p>

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	[Entered: 08/05/2021 01:19 PM]
08/06/2021	ORDER entered: Upon consideration, the motion to withdraw Attorney Paul R.Q. Wolfson as counsel for defendant-appellee President and Fellows of Harvard College is granted. Attorney Wolfson is hereby withdrawn as counsel of record, and Appellee will continue to be represented by its remaining counsel of record. [19-2005] (GRC) [Entered: 08/06/2021 04:31 PM]
12/03/2021	MOTION for Attorney Kate R. Cook to withdraw as counsel filed by Amici Curiae 21 Colorful Crimson, Harvard Black Alumni Society, 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 Progressive Jewish Alumni, Harvard South Asian Association, Harvard University Muslim Alumni,

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	<p>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 Americans At Harvard College, Task Force on Asian and Pacific American Studies at Harvard College and Not Party Native American Alumni of Harvard University. Certificate of service dated 12/03/2021. [19-2005] (KRC) [Entered: 12/03/2021 09:45 AM]</p>
12/03/2021	<p>ORDER entered: Attorney Kate R. Cook has filed a motion to withdraw as counsel of record for amicus curiae Harvard Student and Alumni Organizations as attorney Cook is leaving the firm of Sugarman, Rogers, Barshak & Cohen, P.C. Upon consideration, the motion is allowed, and attorney Cook is hereby withdrawn as counsel of record. Amicus curiae Harvard Student and Alumni Organizations will continue to be represented by their remaining counsel of record, Kenneth N. Thayer. [19-2005] (GRC) [Entered: 12/03/2021 05:03 PM]</p>

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01/24/2022	U.S. SUPREME COURT ORDER entered on 01/24/2022. The petition for a writ of certiorari was granted. [19-2005] (GRC) [Entered: 01/26/2022 09:45 AM]
02/04/2022	MOTION for Attorney Bradley N. Garcia to withdraw as counsel filed by Amicus Curiae Walter Dellinger. Served on 02/04/2022. [19-2005] (BNG) [Entered: 02/04/2022 01:09 PM]
02/07/2022	ORDER entered: Upon consideration, the motion to withdraw Attorney Bradley N. Garcia as counsel for Amicus Curiae Walter Dellinger is granted. Attorney Garcia is hereby withdrawn as counsel of record, and Amicus Curiae Walter Dellinger will continue to be represented by his remaining counsel of record. [19-2005] (GRC) [Entered: 02/07/2022 04:12 PM]

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Dkt. 1

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

Civil Action No. _____

[Filed: November 17, 2014]

STUDENTS FOR FAIR ADMISSIONS, INC.,)
)
Plaintiff,)
)
v.)
)
PRESIDENT AND FELLOWS OF HARVARD)
COLLEGE (HARVARD CORPORATION); and)
THE HONORABLE AND REVEREND THE)
BOARD OF OVERSEERS,)
)
Defendants.)
)

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Students for Fair Admissions, Inc. brings this action to obtain, among other relief, a declaratory judgment under the Declaratory Judgment Act, 28 U.S.C. § 2201, that Defendant President and Fellows of Harvard College (“Harvard Corporation”) and The Honorable and Reverend the Board of Overseers (“Board of Overseers” and together with Harvard Corporation, “Defendants” or “Harvard”) have

employed and are employing racially and ethnically discriminatory policies and procedures in administering the undergraduate admissions program at Harvard College in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.* (“Title VI”). Harvard’s undergraduate admissions policies and procedures have injured and continue to injure Plaintiff’s members by intentionally and improperly discriminating against them on the basis of their race and ethnicity in violation of Title VI.

I. INTRODUCTION

1. This is an action brought under Title VI of the Civil Rights Act of 1964 to prohibit Harvard from engaging in intentional discrimination on the basis of race and ethnicity. “Classifications of citizens solely on the basis of race are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality. They threaten to stigmatize individuals by reason of their membership in a racial group and to incite racial hostility.” *Shaw v. Reno*, 509 U.S. 630, 643 (1993) (citations and quotations omitted). As a consequence, racial classifications are highly disfavored and have been permitted only when there is a compelling government interest that cannot be met through race-neutral means. In the educational setting, “diversity” is the only interest the Supreme Court has found compelling. Even then, the Supreme Court has mandated strict judicial scrutiny to ensure that an academic institution is actually pursuing that interest and that it is absolutely necessary to employ racial preferences in order to achieve a diverse student body.

2. Yet the Supreme Court has always had misgivings about its decision to permit *any* use of racial preferences in university admissions. See *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469, 518 (1989) (Kennedy, J., concurring in part and concurring in the judgment). The Supreme Court was nevertheless convinced to permit racial preferences in pursuit of diversity for two reasons. First, based mainly on an *amicus* brief that Harvard submitted, the Supreme Court was led to believe that schools only would “take account of race as one, nonpredominant factor in a system designed to consider each applicant as an individual.” *Grutter v. Bollinger*, 539 U.S. 306, 387 (2003) (Kennedy, J., dissenting) (citing *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265, 289-91 (1978)). Second, the Supreme Court believed that the “strict scrutiny standard [would] operate in a manner generally consistent with the imperative of race neutrality, because it forbids the use even of narrowly drawn racial classifications except as a last resort.” *Croson*, 488 U.S. at 519 (Kennedy, J., concurring in part and concurring in the judgment).

3. The Supreme Court was misled. The admissions plan Harvard advocated for in *Bakke* (the “Harvard Plan”) that promised to treat each applicant as an individual has always been an elaborate mechanism for hiding Harvard’s systematic campaign of racial and ethnic discrimination against certain disfavored classes of applicants. Indeed, the Harvard Plan was created for the specific purpose of discriminating against Jewish applicants. Put simply, *Bakke* “legitimated an admissions process that is *inherently capable* of gross abuse and that ... *has in fact been deliberately*

manipulated for the specific purpose of perpetuating religious and ethnic discrimination in college admissions.” Alan Dershowitz and Laura Hanft, *Affirmative Action and the Harvard College Diversity-Discretion Model: Paradigm or Pretext*, 1 *Cardozo L. Rev.* 379, 385 (1979). Today it is used to hide intentional discrimination against Asian Americans. Harvard is using the same “holistic” code words to discriminate for the same invidious reasons and it is relying on the same pretextual excuses to justify its disparate treatment of another high-achieving racial and ethnic minority group.

4. In any event, even if the Harvard Plan at some point outgrew its discriminatory roots, Harvard has long since abandoned an admissions policy that purported to merely use race contextually to fill the last few seats in the entering freshman class. Harvard now labels every applicant by race on the claim that it is pursuing the so-called “critical mass” diversity objective. That creates two problems for Harvard. First, as it has abandoned the very “plan” that led the Supreme Court to permit the use of racial admissions preferences, Harvard has deprived the Court of any continuing “authority to approve the use of race in pursuit of student diversity.” *Grutter*, 539 U.S. at 394 (Kennedy, J., dissenting). Second, Harvard’s new diversity interest—critical mass—should never have been endorsed and should be outlawed once and for all. “[T]he concept of critical mass is a delusion used ... to mask [an] attempt to make race an automatic factor in most instances and to achieve numerical goals indistinguishable from quotas.” *Id.* at 389.

5. Worse still, Harvard is not even pursuing its claimed “critical mass” interest. Rather, even under governing Supreme Court precedent, Harvard is violating Title VI for at least four reasons. First, Harvard is using racial classifications to engage in the same brand of invidious discrimination against Asian Americans that it formerly used to limit the number of Jewish students in its student body. Statistical evidence reveals that Harvard uses “holistic” admissions to disguise the fact that it holds Asian Americans to a far higher standard than other students and essentially forces them to compete against each other for admission. There is nothing high-minded about this campaign of invidious discrimination. It is “illegitimate racial prejudice or stereotype.” *Croson*, 488 U.S. at 493.

6. Second, Harvard is engaging in racial balancing. Over an extended period, Harvard’s admission and enrollment figures for each racial category have shown almost no change. Each year, Harvard admits and enrolls essentially the same percentage of African Americans, Hispanics, whites, and Asian Americans even though the application rates and qualifications for each racial group have undergone significant changes over time. This is not the coincidental byproduct of an admissions system that treats each applicant as an individual; indeed, the statistical evidence shows that Harvard modulates its racial admissions preference whenever there is an unanticipated change in the yield rate of a particular racial group in the prior year. Harvard’s remarkably stable admissions and enrollment figures over time are the deliberate result of systemwide intentional racial discrimination

designed to achieve a predetermined racial balance of its student body.

7. Third, Harvard is failing to use race merely as a “plus factor” in admissions decisions. Rather, Harvard’s racial preference for each student (which equates to a penalty imposed upon Asian-American applicants) is so large that race becomes the “defining feature of his or her application.” *Grutter*, 539 U.S. at 337. Only using race or ethnicity as a dominant factor in admissions decisions could, for example, account for the remarkably low admission rate for high-achieving Asian-American applicants. Harvard’s admissions decisions simply are not explainable on grounds other than race. High-achieving Asian-American applicants are as broadly diverse and eclectic in their abilities and interests as any other group seeking admission to Harvard. They compete in interscholastic sports, are members of the school band, work part-time jobs after school, travel, and engage in volunteer work just like everyone else. It is not a lack of non-academic achievement that is keeping them from securing admission. It is Harvard’s dominant use of racial preferences to their detriment.

8. Fourth, and last, Harvard is using race in admissions decisions when race-neutral alternatives can achieve diversity. As other elite universities have shown, increased utilization of non-race-based criteria, such as socioeconomic preferences, can promote diversity about as well as racial preferences. This approach is particularly effective when combined with increased use of financial aid, scholarships, and recruitment to attract and enroll minority applicants

and the elimination of admissions policies and practices, such as legacy preferences and early admission, which operate to the disadvantage of minority applicants. Further, eliminating racial preferences at Harvard will alleviate the substantial harm these discriminatory policies cause to those minority applicants who receive such admissions preferences, the Harvard community, and society as a whole. Racial preferences are a dangerous tool and may only be used as a last resort. There is now overwhelming evidence that race-neutral alternatives render reliance on racial preferences unnecessary. It is incumbent on Harvard to take full advantage of these preferred alternatives.

9. Accordingly, there is no doubt that Harvard is in violation of Title VI. The only question is the proper judicial response. Given what is occurring at Harvard and at other schools, the proper response is the outright prohibition of racial preferences in university admissions— period. Allowing this issue to be litigated in case after case will only “perpetuate the hostilities that proper consideration of race is designed to avoid.” *Grutter*, 539 U.S. at 394 (Kennedy, J., dissenting). Harvard and other academic institutions cannot and should not be trusted with the awesome and historically dangerous tool of racial classification. As in the past, they will use any leeway the Supreme Court grants them to use racial preferences in college admissions— under whatever rubric— to engage in racial stereotyping, discrimination against disfavored minorities, and quota-setting to advance their social-engineering agenda. Strict scrutiny has proven to be no match for concerted discrimination hidden behind the

veil of “holistic” admissions. There may be times when social problems can be solved democratically. But massive resistance to racial equality is not one of them. *See Brown v. Bd. of Educ. of Topeka, Kan.*, 349 U.S. 294 (1955). “The moral imperative of racial neutrality is the driving force of the Equal Protection Clause Structural protections may be necessities if moral imperatives are to be obeyed.” *Croson*, 488 U.S. at 518 (Kennedy, J., concurring in part and concurring in the judgment).

II. JURISDICTION AND VENUE

10. This action arises under 42 U.S.C. § 2000d *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343.

11. Venue is proper in the District of Massachusetts under 28 U.S.C. § 1391 because the events giving rise to the claims detailed herein occurred in the District of Massachusetts.

III. THE PARTIES

A. Plaintiff

12. Plaintiff, Students for Fair Admissions, Inc. (“SFFA”) is an Internal Revenue Code Section 501(c)(3) organization formed for the purpose of defending human and civil rights secured by law, including the right of individuals to equal protection under the law, through litigation and any other lawful means. More specifically, SFFA seeks to promote and protect the right of the public to be free from discrimination on the basis of race in higher education admissions.

13. SFFA is a coalition of prospective applicants and applicants to higher education institutions who were denied admission to higher education institutions, their parents, and other individuals who support the organization's purpose and mission of eliminating racial discrimination in higher education admissions. SFFA has members throughout the country.

14. Edward Blum is the President of SFFA. *See Exhibit A*, Declaration of Edward Blum ("Blum Dec.") ¶ 2.

15. SFFA has at least one member ("Applicant") who applied for and was denied admission to Harvard's 2014 entering class. Blum Dec. ¶ 4.

16. Applicant is Asian American. Blum Dec. ¶ 5.

17. Applicant's parents are first-generation immigrants to the United States from China. Blum Dec. ¶ 6.

18. Applicant graduated from high school ranked 1 out of 460 students by weighted and un-weighted grade point average. Blum Dec. ¶ 7.

19. U.S. News and World Report ranks Applicant's high school in the top 5 percent of all high schools in the United States. Blum Dec. ¶ 8.

20. Applicant achieved a perfect score of 36 on the ACT. Applicant achieved a perfect score of 800 for SAT II History and a perfect score of 800 for SAT II Math. Among other academic achievements, Applicant was named an AP Scholar with distinction, a National

Scholar, and a National Merit Scholarship semifinalist. Blum Dec. ¶¶ 9-10.

21. While in high school, Applicant participated in numerous extracurricular and volunteer activities. Among other things, Applicant was captain of the varsity tennis team, volunteered at a community tennis camp, volunteered for the high school's student peer tutoring program, was a volunteer fundraiser for National Public Radio, and traveled to China as part of a program organized by the United States Consulate General and Chinese American Students Education and Exchange to assist students in learning English writing and presentation skills. Blum Dec. ¶ 11.

22. Applicant was denied the opportunity to compete for admission to Harvard on equal footing with other applicants on the basis of race or ethnicity due to Harvard's discriminatory admissions policies. Blum Dec. ¶ 12.

23. Applicant was accepted to and has enrolled at a university that is ranked in the Top 20 in the nation by U.S. News and World Report. That university does not grant an admissions preference on the basis of race or ethnicity. Blum Dec. ¶ 13.

24. Applicant is ready, able, and intends to seek to transfer to Harvard when it ceases the use of race or ethnicity as an admissions preference and ceases its intentional discrimination against Asian Americans. Blum Dec. ¶ 14.

25. SFFA has members who are currently in high school and intend to apply for admission to Harvard

(“Future Applicants”). Some of these Future Applicants are Asian American. Blum Dec. ¶ 15.

26. Future Applicants will be denied the opportunity to compete for admission to Harvard on equal footing with other applicants on the basis of race or ethnicity due to Harvard’s discriminatory admissions policies. As a result, Future Applicants may be denied admission to Harvard because of these discriminatory policies. Blum Dec. ¶ 16.

27. SFFA has members whose children intend to apply for admission to Harvard (“Parents”). Some of these Parents are Asian Americans. Blum Dec. ¶ 17.

28. Parents’ children will be denied the opportunity to compete for admission to Harvard on equal footing with other applicants on the basis of race or ethnicity due to Harvard’s discriminatory admissions policies. As a result, Parents’ children may be denied admission to Harvard because of these discriminatory policies. Blum Dec. ¶ 18.

B. Defendants

29. Defendants, the Harvard Corporation and Harvard Board of Overseers govern Harvard University.

30. Harvard University is a private educational institution based in Cambridge, Massachusetts.

31. Harvard College is a component of Harvard University that offers undergraduate, graduate, professional, and research programs in the fields of

arts, science, medicine, business, design, and public health.

32. Despite having an endowment of approximately \$36.4 billion, Harvard accepts substantial direct financial assistance from the Federal government through, among other things, grants and loans. In 2010, Harvard accepted more than \$6.6 million in federal funds. In 2011, Harvard accepted more than \$11.9 million in federal funds. In 2012, Harvard accepted more than \$20.9 million in federal funds. In 2013, Harvard accepted more than \$13.4 million in federal funds. Harvard also has received and will further receive substantial direct financial assistance from the Federal government in 2014.

33. Harvard also accepts substantial indirect Federal financial assistance by, among other things, enrolling students who pay, in part, with Federal financial aid directly distributed to those students.

34. As a recipient of Federal financial assistance, Harvard University, and all of its programs and activities, which includes Harvard College, are subject to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et. seq.*

IV. HARVARD HAS A LONG HISTORY OF INTENTIONAL DISCRIMINATION ON THE BASIS OF RACE OR ETHNICITY AGAINST DISFAVORED MINORITY APPLICANTS.

35. Discrimination on the basis of race or ethnicity is longstanding at Harvard. The “Harvard Plan” itself—and the concept of an admissions system based on a “holistic” review of applicants instead of admission

based on academic qualifications— was formulated for the specific purpose of discriminating against disfavored minority groups. “Indeed, the historical evidence points inexorably to the conclusion that the current Harvard College admissions system was *born* out of one of the most shameful episodes in the history of American higher education in general, and of Harvard college in particular.” Alan Dershowitz and Laura Hanft, *Affirmative Action and the Harvard College Diversity-Discretion Model: Paradigm or Pretext*, 1 Cardozo L. Rev. 379, 385 (1979).

A. 1900s to 1920s: Before “Selective Admissions”

36. Until the early 1920s, Harvard, like all other Ivy League schools, selected its students by admitting applicants who passed a required examination.

37. Because Harvard’s entrance examination was not especially demanding, an applicant for undergraduate admission with average intelligence from a prominent school could usually pass with ease.

38. Though the performance of some students placed them in a gray zone from which they could be admitted “with conditions,” most applicants were admitted based solely on objective academic criteria.

39. Under this system, the number of students entering Harvard fluctuated, sometimes quite widely, from year to year.

40. Harvard’s student body during this time period was fairly homogenous in terms of class, race, religion, and ethnicity. Students during this time period were

overwhelmingly from affluent backgrounds, almost exclusively white, and composed largely of graduates of elite private secondary schools.

41. Harvard was considered somewhat open to African Americans, immigrants, and foreigners, though the numerical presence of each of these groups of students on campus was relatively small.

B. 1920s to 1930s: Harvard's "Jewish Problem"

42. Ivy League schools began to reevaluate their admissions systems when students deemed socially "undesirable"—most prominently, Jewish applicants—started to pass the examinations and enroll in greatly increasing numbers.

43. In or around the late 1910s, the number of Jewish students enrolling at Harvard began to increase, and Harvard administrator determined that the college had a "Jewish problem" that it needed to address.

44. By 1918, Harvard's freshman class was 20 percent Jewish, three times the percentage at Yale and six times that at Princeton.

45. The President of Harvard, A. Lawrence Lowell, was deeply troubled by this rising Jewish population.

46. President Lowell feared that the enrollment of too many Jewish students would cause students from Protestant upper and upper-middle class families to choose other elite colleges over Harvard.

47. In 1920, in a letter to William Hocking, a Harvard philosophy professor, President Lowell wrote that the increasing number of Jewish students enrolling at Harvard would ultimately “ruin the college.”

48. To combat this “Jewish problem,” President Lowell sought to institute a cap on Jewish enrollment in each entering class.

49. In his letter to Hocking, President Lowell stated that the best approach would be “to state frankly that we thought we could do the most good by not admitting more than a certain proportion of men in a group that did not intermingle with the rest, and give our reasons for it to the public.” According to Lowell, “[e]xperience seems to place that proportion at about 15%.”

50. Yet President Lowell knew that such overt discrimination would meet resistance. He believed that the faculty, and probably the governing boards, would prefer to make a rule whose motive was less obvious on its face, such as giving to the Committee on Admission authority to refuse admittance to persons who possessed particular qualities believed to be characteristic of Jewish applicants.

51. If such a system was instituted, however, President Lowell wished to ensure that the faculty knew “perfectly well what they are doing, and that any vote passed with the intent of limiting the number of Jews should not be supposed by anyone to be passed as a measurement of character really applicable to Jews and Gentiles alike.”

52. By the spring of 1922, the proportion of Jewish students had reached 21.5 percent. President Lowell warned that unless immediate measures were taken “the danger would seem to be imminent.”

53. President Lowell made clear that absent the rise in Jewish enrollment, no change in Harvard’s admissions policies would be needed. The problem was not with the academic method of selection *per se*, but with its results: it was now yielding too many Jewish students at Harvard.

54. In a 1922 letter President Lowell wrote: “We can reduce the number of Jews by talking about other qualifications than those of admission examinations. If the object is simply to diminish the Jews, this is merely an indirect method of avoiding a problem in American life which is really important. This is the feeling of the most thoughtful people here, both gentile and Jew. On the other hand, we are in no present danger of having more students in college than we can well take care of; nor, apart from the Jews, is there any real problem of selection, the present method of examination giving us, for the Gentile, a satisfactory result.”

55. In May 1922, Professor Ropes proposed that the Committee on Admission “take into account the proportionate size of racial and national groups in the membership of Harvard College,” declaring that “it is not desirable that the number of students in any group which is not easily assimilated into the common life of the College should exceed 15 percent of the whole college.”

56. As one Harvard alumnus noted, “I am fully prepared to accept the judgment of the Harvard authorities that a concentration of Jews in excess of fifteen percent will produce a segregation of culture rather than a fusion.”

57. President Lowell’s plans received pushback. One petition, signed by 31 faculty members, described the “action of the Faculty relating to controlling the percentage of the Jews in Harvard College” as “a radical departure from the spirit and practice of the College” and declared “that racial consideration should not influence the Committee on Admission before a careful and deliberate study of the whole question of the Jews shall be made by the Faculty.”

58. At the same time, Harvard was beginning to gather the information that would permit it to identify which applicants were Jewish.

59. Starting in the fall of 1922, applicants were required to answer questions on “Race and Color,” “Religious Preference,” “Maiden Name of Mother,” and “Birthplace of Father,” as well as the question, “What change, if any, has been made since birth in your own name or that of your father? (Explain fully.)”

60. In addition, Harvard asked high school principals and private school headmasters to fill out a form indicating “by a check [the applicant’s] religious preference so far as known . . . Protestant . . . Roman Catholic . . . Hebrew . . . Unknown.”

61. Harvard also created a committee tasked with counting the number of Jewish students at Harvard.

62. After analyzing all the student information it could obtain, the committee began classifying each Harvard student into one of four categories: “J1,” “J2,” “J3,” and “other.” A “J1” was assigned “when the evidence pointed conclusively to the fact that the student was Jewish;” a “J2” was assigned when a “preponderance of evidence” suggested the student was Jewish; and a “J3” was assigned when “the evidence suggested the possibility that the student might be Jewish.”

63. During this time period, Harvard also adopted a “one-seventh plan,” which purported to target “a new group of men from the West and South” who were in the top seventh of their graduating class. In reality, however, it was a “thinly disguised attempt to lower the Jewish proportion of the student body by bringing in boys— some of them academically ill equipped for Harvard— from regions of the country where there were few Jews.”

64. After President Lowell’s intentions of imposing a Jewish cap became known to the public, opponents began mobilizing opposition.

65. In 1923, Harvard’s Committee on Methods of Sifting Candidates for Admission defeated President Lowell’s requests for a cap on Jewish enrollment. In doing so, the committee issued a statement indicating its opposition to “an arbitrary limitation of the number of students to be admitted” and specifying that “if the size of our Freshman class is to be reduced, the reduction can best be accomplished by raising the standard for admission.”

66. Despite this defeat, President Lowell pressed forward. In June 1923, he commissioned a study to determine “whether it might be wise to limit the number of students admitted to the Freshman class to one thousand.”

67. President Lowell realized that a ceiling on the size of the class was the necessary precondition for addressing the “Jewish problem,” for as long as Harvard had an absolute standard of admission, discretionary selection policy using nonacademic as well as academic criteria would not be possible.

68. Lowell’s proposal “signaled the beginning of a new, more subtle campaign to restrict Jewish enrollment.”

69. By the end of 1923, President Lowell’s committee issued a report recommending a limit of 1,000 on the size of the freshman class and additional changes in the criteria for admission. Instead of making decisions based on academic achievement, the committee proposed using letters from teachers and personal interviews to shed light on the candidates’ “aptitude and character.” However, no changes were made in 1923.

70. By 1924, Harvard’s Jewish enrollment had risen to 25 percent.

71. According to President Lowell, Harvard’s “reputation of having so many Jews” was hurting its ability to “attract applicants from western cities and the great preparatory schools.”

72. By 1925, the dean's office reported that the proportion of known Jewish freshmen (the J1s and J2s) had risen to 27.6 percent, with an additional 3.6 percent in the J3 category.

73. As President Lowell was contemplating these figures, he was receiving letters from alumni castigating the school for being overrun by Jewish students. Among these letters was one from W.F. Williams '01, who had attended a recent Harvard-Yale football game. Williams recommended using the school's admissions program to discretely limit the number of Jewish students enrolling at Harvard: "Naturally, after twenty-five years, one expects to find many changes but to find that one's University had become so Hebrewized was a fearful shock. There were Jews to the right of me, Jews to the left of me, in fact they were so obviously everywhere that instead of leaving the Yard with pleasant memories of the past I left with a feeling of utter disgust of the present and grave doubts about the future of my Alma Mater The Jew is undoubtedly of high mental order, desires the best education he can get CHEAPEST, and is more persistent than other races in his endeavors to get what he wants. It is self evident, therefore, that by raising the standard of marks he can't be eliminated from Harvard, whereas by the same process of raising the standard 'White' boys ARE eliminated. And is this to go on? Why the Psychology Test if not to bar those not wanted? Are the Overseers so lacking in genius that they can't devise a way to bring Harvard back to the position it always held as a 'white man's' college?"

74. President Lowell agreed with Williams' assessment, responding that he "had foreseen the peril of having too large of a number of an alien race and had tried to prevent it," but that "not one of the alumni ventured to defend the policy publicly." President Lowell was "glad to see from your letter, as I have from many other signs, that the alumni are beginning to appreciate that I was not wholly wrong three years ago in trying to limit the proportion of Jews."

75. Despite increasing alumni approval, President Lowell still faced significant obstacles to his plan. He needed Harvard's "Special Committee on the Limitation of the Size of the Freshman Class" to approve his new admissions plan.

76. In a letter to the chairman of the committee, President Lowell wrote that "questions of race," though "delicate and disagreeable," were not solved by ignoring them. The solution was a new admissions system giving the school wide discretion to limit the admission of Jewish applicants: "To prevent a dangerous increase in the proportion of Jews, I know at present only one way which is at the same time straightforward and effective, and that is a selection by a personal estimate of character on the part of the Admissions authorities, based upon the probable value to the candidate, to the college and to the community of his admission. Now a selection of this kind can be carried out only in case the numbers are limited. If there is no limit, it is impossible to reject a candidate who passes the admissions examinations without proof of defective character, which practically cannot be obtained. The

only way to make a selection is to limit the numbers, accepting those who appear to be the best.”

77. Anticipating pushback, President Lowell insisted that he was not proposing to discriminate against Jewish applicants. Instead, he sought “discrimination among individuals in accordance with the probable value of a college education to themselves, to the University, and the community,” carefully adding that “a very large proportion of the less desirable, upon this basis, are at the present time the Jews.”

78. The committee’s chairman was initially opposed, stating that “[e]verything in my education and bringing up makes me shrink from a proposal to begin a racial discrimination at Harvard— there’s no use my pretending this isn’t the case.”

79. In the end, however, the chairman agreed with President Lowell’s notion of “a sound and discerning ‘discrimination’ among individuals” and expressed confidence that “such a discrimination would inevitably eliminate most of the Jewish element which is making trouble.”

80. Nevertheless, the chairman refused to endorse “a candid regulation excluding all but so many or such a proportion of ‘Jews.’” Instead, he advised President Lowell that more subtle measures to exclude Jewish applicants would be a wiser approach.

81. In its report, the Committee made multiple recommendations along these lines. First, the committee recommended that Harvard limit its incoming class to just 1,000 students. Second, it

recommended that “the application of the rule concerning candidates from the first seventh of their school be discretionary with the Committee on Admission.” This modification would allow the committee to eliminate from the program high schools that sent too many Jewish students to Harvard.

82. Finally, and most important, the committee rejected an admissions policy that would select the 1,000 students on the basis of scholarship alone. According to the committee, it was “neither feasible nor desirable to raise the standards of the College so high that none but brilliant scholars can enter” and “the standards ought never to be too high for serious and ambitious students of average intelligence.”

83. Not only did the faculty adopt these proposals, but it also approved measures making the admissions process even more subjective.

84. In particular, the faculty called on the admissions committee to interview as many applicants as possible to gather additional information on “character and fitness and the promise of the greatest usefulness in the future as a result of a Harvard education.”

85. In addition, Harvard began requiring a passport-sized photo “as an essential part of the application for admissions.”

86. Harvard also began using “legacy” preferences for the children of alumni as a strategy for reducing the admission of Jewish students.

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87. President Lowell was elated by these changes, realizing that they “provided a tremendous opportunity to impose, at long last, the policy of restriction he had favored since 1922.”

88. The reduction in Jewish enrollment at Harvard was immediate. The Jewish portion of Harvard’s entering class dropped from over 27 percent in 1925 to 15 percent the following year.

89. For the next 20 years, this percentage (15 percent) remained virtually unchanged.

90. Harvard’s new system of selection was far more complicated than the exam-based system that had preceded it, and implementing it required a new bureaucratic apparatus of information gathering and assessment.

91. In addition to expanding its administrative staffing apparatus, the new Office of Admissions needed to collect vast quantities of data formerly unnecessary.

92. The development of a procedure for identifying Jewish applicants was only the first step. For the first time, candidates were asked to fill out lengthy applications that included demographic information, a personal essay, and a detailed description of extracurricular activities that might demonstrate “leadership” and reveal something about their “character.”

93. The centerpiece of the new system was the personal letter of recommendation, especially those

from trusted sources such as alumni and headmasters or teachers from the leading feeder schools.

94. Finally, to ensure that “undesirables” were identified and to assess important but subtle indicators of background and breeding such as speech, dress, deportment, and physical appearance, a personal interview was required, a final screening device usually conducted by the Director of Admissions or a trusted alumnus.

95. The new policy permitted the rejection of scholastically brilliant students considered “undesirable,” and it granted the director of admissions broad latitude to admit those of good background with weaker academic records.

96. The key code word used was “character”— a quality thought to be frequently lacking among Jewish applicants, but present congenitally among affluent Protestants.

97. By emphasizing the inherently subjective character of admissions decisions, Harvard’s new system of selection left it free to adapt to changing circumstances by admitting— and rejecting— whomever it wished.

98. These tools gave admissions officials the power to discriminate, ostensibly on the basis of “objective” evidence. Any number of reasons could be invoked to deny an applicant. “Selective admissions deflected much criticism precisely because it singled out no single status as ‘key.’”

99. As a consequence, university leaders could deny the existence of any racial or religious quotas, while still managing to reduce Jewish enrollment to a much lower level, and thereafter hold it essentially constant during the decades that followed.

C. 1930s to 1960s: A Continuation of Policies

100. In the 1930s, Harvard continued the discriminatory admissions policies instituted during the previous decade.

101. Instrumental during this time period was Richard Gummere, who served as Harvard's Chairman of the Committee on Admission from 1934 to 1952.

102. Gummere continued to use Harvard's opaque admissions system to limit the number of Jewish students enrolling at Harvard.

103. The key was secrecy. In 1922, when he was headmaster of William Penn Charter School in Philadelphia, Gummere had recommend that Harvard follow the approach he had employed at his own school: "I feel that Doctor Edsall [a Harvard faculty member] has stated the case very correctly and intelligently, as far as the experiences of the Penn Charter School in the Jew problem are concerned. Such action was taken very definitely, and a very limited number of Jews is admitted; in fact, it is at present almost infinitesimal. We are particularly careful not to make any issue of the matter, and when people of that persuasion wish to be admitted, and we either have enough in the school, or do not feel that the applicant is satisfactory, we employ the same methods of keeping them out of the school as

we would any unsatisfactory candidate of any denomination. As a matter of fact, I admitted only one Jew last fall, and plan to admit none this coming fall.”

104. Gummere continued the policies of the prior decade laid down by President Lowell, including the establishment of a fixed number of places in the freshman class and a clear statement to both applicants and the public that candidates would not be accepted on academic ability alone.

105. Instead, a multiplicity of nonacademic criteria— alumni connections, athletic talent, geographical diversity, and vague qualities such as “character” and “leadership”— played a pivotal role in determining admission.

106. Similarly, Gummere reported that “increased emphasis is being put on the preliminary interviews.” Rather than subjecting undesirable applicants, many of them Jewish, to a formal rejection, the committee preferred to discourage them— politely but firmly— from submitting a final application.

107. For example, in 1936, Irving B. Rosenstein, a Jewish alumnus who had graduated first in his class at Harvard, contacted Dean Hanford about two young Jewish men who were applying for admission. Hanford took notes during his conversation but did not pass on an endorsement. Instead, he wrote directly to Gummere, stating that “I do not know either Goldberg or Rabinowitz, and I realize that we have quite enough applicants of this type.” Nevertheless, Hanford continued, “I felt it my duty to pass along the

information that Rosenstein had given me regarding the two boys.”

108. In another case, Jerome Greene, secretary to the Harvard Corporation, explained why a young Jewish man named S. A. Goldstein, who reportedly had high marks on his College Board exams, had been turned down. Mr. Goldstein “came just under the ‘weighted average,’ which takes all pertinent factors into account.” Harvard, he declared, had “no reason to suppose that he is not a creditable representative of his race, many members of which are admitted to Harvard each year.” He closed his letter by assuring that “no personal discrimination against him was involved.”

109. During this time period, Harvard continued to accept mainly wealthy, Protestant applicants who could pay the tuition and meet minimal standards. Harvard filled approximately 75 to 80 percent of the seats with individuals who could afford to pay the full tuition, and fewer than 13 percent of legacy applicants were rejected.

110. In the late 1940s and early 1950s, following World War II, American public sentiment turned against anti-Semitism, and Harvard began to gradually reduce its discrimination against Jewish applicants.

111. Harvard, however, retained the admissions policies that it had used to successfully cap Jewish enrollments in the past.

112. In a 1952 report from the Harvard Committee on Admissions, the Dean of Admissions wrote that Harvard was “one of the few colleges with ‘snob’ appeal.” Accordingly, it attracted the children of the

“upper-upper” class throughout the country who were “almost entirely paying guests.” It was possible, he acknowledged, that “a third or half of this group, strictly on their merits in terms of SAT scores, character and personality, was not particularly desirable.” But if Harvard rejected them, it “would lose most of the rest of the group, including a lot of able and desirable students.”

113. Similarly, allegations that Harvard was “dominated by Jews” could cause “students from upper-income, business backgrounds” to abandon Harvard for “colleges like Yale, Princeton, Dartmouth, Williams, etc.”

114. By the 1960s, Harvard was using a complex “docket system” of classifications to process each candidate.

115. The docket system created 22 groups, ranging from the huge (Docket B, which covered eight Rocky Mountain states) to the very small (Docket P, limited to Boston Latin, and Docket Q, which covered the rest of metropolitan Boston).

116. The docket system generated “targets” for each docket that proved strikingly close to the actual number of students admitted each year. Each docket was admitted at a different rate.

117. For example, Docket D (covering the upper Midwest) had about a 25 percent acceptance rate. By contrast, Docket M (“Select New England private schools”) and Docket L (“Exeter and Andover”) were admitted at a rate of 44 and 46 percent respectively, compared to just 20 percent for all applicants.

118. The structure of this system ensured that competition would be almost entirely within rather than between docketets.

119. The generous targets for some docketets were designed to insulate applicants from competition with other docketets while the restrained targets for others were intended to guarantee that the number of students admitted would not upset Harvard's delicate "balance."

120. At this time Harvard also used a second system of classification to rate each applicant individually along four dimensions: personal, academic, extracurricular, and athletic.

121. The "personal" rating was critical. According to Harvard's own statistical studies, the personal rating was a stronger predictor of which candidates would ultimately be admitted than the more objective academic rating. A "4" rating ("generally acceptable") was all but fatal, with a rejection rate of 98 percent; a "1" was a virtual guarantee of admission, with a rejection rate of just 2.5 percent.

122. Finally, at this time Harvard used a third major scheme to divide applicants into 12 categories. This "typology," as Harvard called it, was an integral part of each student's file. Each candidate was assigned a code letter that was shorthand for the social type he was thought to embody.

123. Under this typology, every candidate was placed in one of the following categories:

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1	S	First-rate scholar in Harvard departmental terms.
2	D	Candidate's primary strength is his academic strength, but it doesn't look strong enough to qualify as an S (above).
3	A	All-American – healthy, uncomplicated athletic strengths and style, perhaps some extracurricular participation, but not combined with top academic credentials.
4	W	Mr. School – significant extracurricular and perhaps (but not necessarily) athletic participation plus excellent academic record.
5	X	Cross-country style – steady man who plugs and plugs and plugs, won't quit when most others would. Gets results largely through stamina and consistent effort.
6	P	PBH [Phillips Brooks House] style: in activities and personal concerns.
7	C	Creative in music, art, writing.
8	B	Boondocker – unsophisticated rural background.
9	T	Taconic – culturally depressed background, low income.
10	K	Krunch – main strength is athletic, prospective varsity athlete.

11	L	Lineage – candidate probably couldn't be admitted without the extra plus of being a Harvard son, a faculty son, or a local boy with ties to the university community.
12	O	Other – use when none of the above are applicable.

124. With only minor modifications, Harvard used this typology through at least 1988, which includes the period when Harvard submitted its description of the “Harvard Plan” to the Supreme Court in its *Bakke amicus* brief.

V. HARVARD HAS USED AND CONTINUES TO USE AN APPLICANT’S RACE AND ETHNICITY AS A FACTOR IN ADMISSION DECISIONS.

125. Harvard has long expressly considered the race and ethnicity of applicants in making admissions decisions in ways that go far beyond its systematic discrimination against Jewish applicants.

126. In 1926, Harvard’s Chairman of Admissions, Henry Pennypacker, described how race would be considered under Harvard’s new subjective admissions policies: “Race is a part of the record. It is by no means the whole record and no man will be kept out on grounds of race; but those racial characteristics which make for race isolation will, if they are borne by the individual, be taken into consideration as a part of that individual’s characteristics under the test of character, personality and promise. That if there should result in

fact any substantial change in the proportion of groups in the College following application of the test, this will be due, not to race discrimination or any quota system, but to the failure of particular individuals to possess as individuals those evidences of character, personality and promise which weighed with other evidences render them more fit than other individuals to receive all that Harvard has to offer. Of course there will be criticisms. It will be said that Harvard is discriminating on grounds of race. That will not be true.”

127. In the early 1960's, Harvard began actively seeking to increase the number of African-American students on its campus. Notwithstanding this concerted effort, African-American enrollment stagnated until 1968.

128. In 1968, Harvard altered its admissions policies and practices to admit more African Americans by taking into greater account the limitations of background and schooling that shaped the qualification of many African-American applicants.

129. Under this new policy, an applicant who had “survived the hazards of poverty” and showed that he or she “is clearly intellectually thirsty” and “still has room for more growth” was given an admissions preference.

130. In 1969, one year after this policy change, Harvard's African-American enrollment increased 76 percent over the prior year to 7 percent of the enrolled freshman class. Although Harvard denied that it had

instituted a quota, the enrollment rate consistently averaged 7 percent over the next several years.

131. In 1969, a majority of the African-American applicants admitted to Harvard came from socioeconomically challenged backgrounds. By 1973, however, this number had decreased dramatically, with 75 to 80 percent of the African Americans admitted to Harvard coming from backgrounds that did not include “the hazards of poverty.”

132. According to Dean Peterson, Harvard diminished its focus on applicants with disadvantaged backgrounds because African Americans from relatively privileged backgrounds allegedly made the transition to Harvard more easily than those from working class and poor backgrounds: “We have learned” that “we cannot accept the victims of social disaster, however deserving of promise they once might have been, or however romantically or emotionally an advocate (or a society) might plead for him.”

133. In 1978, Harvard submitted an *amicus* brief to the Supreme Court in *Regents of the University of California v. Bakke* that included a copy of the “Harvard College Admissions Program” as an Appendix.

134. The “Harvard College Admissions Program” submitted to the Supreme Court in *Bakke* stated that “for the past 30 years the Committee on Admissions” has “adopted ... [t]he belief ... that if scholarly excellence were the sole or even predominant criterion, Harvard College would lose a great deal of its vitality and intellectual excellence and that the quality of the

educational experience offered to all students would suffer.”

135. The “Harvard College Admissions Program” submitted to the Supreme Court in *Bakke* further stated: “The belief that diversity adds an essential ingredient to the educational process has long been a tenet of Harvard College admissions. Fifteen or twenty years ago, however, diversity meant students from California, New York, and Massachusetts; city dwellers and farm boys; violinists, painters and football players; biologists, historians and classicists; potential stockbrokers, academics and politicians. The result was that very few ethnic or racial minorities attended Harvard College. In recent years Harvard College has expanded the concept of diversity to include students from disadvantaged economic, racial and ethnic groups. Harvard College now recruits not only Californians or Louisianans but also blacks and Chicanos and other minority students. Contemporary conditions in the United States mean that if Harvard College is to continue to offer a first-rate education to its students, minority representation in the undergraduate body cannot be ignored by the Committee on Admissions.”

136. The “Harvard College Admissions Program” submitted to the Supreme Court in *Bakke* further stated: “In practice, this new definition of diversity has meant that race has been a factor in some admission decisions. When the Committee on Admissions reviews the large middle group of applicants who are ‘admissible’ and deemed capable of doing good work in their courses, the race of an applicant may tip the balance in his favor just as geographic origin or a life

spent on a farm may tip the balance in other candidates' cases. A farm boy from Idaho can bring something to Harvard College that a Bostonian cannot offer. Similarly, a black student can usually bring something that a white person cannot offer. The quality of the educational experience of all the students in Harvard College depends in part on these differences in the background and outlook that students bring with them."

137. The "Harvard College Admissions Program" submitted to the Supreme Court in *Bakke* further stated: "In Harvard College admissions the Committee has not set target-quotas for the number of blacks, or of musicians, football players, physicists or Californians to be admitted in a given year. At the same time the Committee is aware that if Harvard College is to provide a truly heterogeneous environment that reflects the rich diversity of the United States, it cannot be provided without some attention to numbers. It would not make sense, for example, to have 10 or 20 students out of 1,100 whose homes are west of the Mississippi. Comparably, 10 or 20 black students could not begin to bring to their classmates and to each other the variety of points of view, backgrounds and experiences of blacks in the United States. Their small numbers might also create a sense of isolation among the black students themselves and thus make it more difficult for them to develop and achieve their potential. Consequently, when making its decisions, the Committee on Admissions is aware that there is some relationship between numbers and achieving the benefits to be derived from a diverse student body, and between

numbers and providing a reasonable environment for those students admitted. But that awareness does not mean that the Committee sets a minimum number of blacks or of people from west of the Mississippi who are to be admitted. It means only that in choosing among thousands of applicants who are not only 'admissible' academically but have other strong qualities, the Committee, with a number of criteria in mind, pays some attention to distribution among many types and categories of students."

138. The "Harvard College Admissions Program" submitted to the Supreme Court in *Bakke* further stated: "The further refinements sometimes required help to illustrate the kind of significance attached to race. The Admissions Committee, with only a few places left to fill, might find itself forced to choose between A, the child of a successful black physician in an academic community with promise of superior academic performance, and B, a black who grew up in an inner-city ghetto of semi-literate parents whose academic achievement was lower, but who had demonstrated energy and leadership, as well as an apparently abiding interest in black power. If a good number of black students much like A, but few like B, had already been admitted, the Committee might prefer B, and vice versa. If C, a white student with extraordinary artistic talent, were also seeking one of the remaining places, his unique quality might give him an edge over both A and B. Thus, the critical criteria are often individual qualities or experience not dependent upon race but sometimes associated with it."

139. In 2003, Harvard submitted an *amicus* brief to the Supreme Court in *Grutter v. Bollinger*.

140. The *Grutter amicus* brief stated that Harvard “considers an academically qualified student’s race or ethnicity as one among many factors in a carefully designed, competitive admissions process that views each applicant as an individual and weighs the capacity of each to contribute to the class as a whole.”

141. The *Grutter amicus* brief further stated that Harvard seeks “racial and ethnic diversity as a natural part of a long and expanding policy of inclusion” and that it “has been pursuing the idea of student diversity for a period that dates back to the nineteenth century.” That includes the period when Harvard was discriminating against Jewish and other disfavored minority groups.

142. The *Grutter amicus* brief further stated that a racial or ethnic admissions “quota” is “impermissible as an affront to the equal dignity of the excluded” and it defined a “quota” as a “policy that “exclude[s] someone altogether from a given position or opportunity on account of the individual’s race.”

143. In 2012, Harvard submitted an *amicus* brief to the Supreme Court in *Fisher v. University of Texas at Austin*.

144. The *Fisher amicus* brief stated that Harvard has “long used admissions policies similar to the Harvard Plan that Justice Powell approved in [*Bakke*] and the University of Michigan Law School plan upheld in *Grutter*.”

145. The *Fisher amicus* brief further stated that Harvard “consider[s] all aspects of an applicant’s background and experience, including in some circumstances the applicant’s racial or ethnic background.”

146. The *Fisher amicus* brief further stated that Harvard believes that “racial and ethnic diversity are a distinct kind of difference in background, and reliance on ... race-neutral measures alone cannot substitute for individualized, holistic review that takes account of race and ethnicity.”

147. In other words, it is now Harvard’s position that race or ethnicity itself—not other factors that may be associated with race or ethnicity—is a distinguishing characteristic that warrants consideration in the admissions process.

VI. HARVARD HAS A LONG HISTORY OF INTENTIONALLY DISCRIMINATING SPECIFICALLY AGAINST ASIAN AMERICANS.

148. Harvard started considering Asian-American students a discrete subset of its undergraduate applicant pool in the early 1970s.

149. At that juncture, Harvard took the position that Asian Americans students were not “under represented” on its campus and therefore were not in need of “affirmative action.” Harvard nevertheless included Asian Americans in its affirmative-action compliance reports to the Federal government.

150. Like Jewish applicants, Asian-American applicants tended to have superior academic records, and were well represented among the most successful students.

151. Harvard came to the conclusion that Asian Americans were “over-represented” in its student body.

152. According to Henry Rosovsky, Harvard’s Dean of the Faculty of Arts and Sciences (and later Acting President), Asian-American students were “no doubt the most over-represented group in the university.”

153. In 1974, a group calling itself the Coalition of Asian Americans (“CAA”) formed at Harvard. For at least two years, Harvard refused to recognize the CAA as a minority student organization.

154. In 1976, Harvard continued to refuse to recognize Asian Americans as a minority and barred those Asian Americans that had accepted admission to the college from participating in its Freshman Minority Orientation.

155. By 1977, the CAA had become the Asian-American Association (“AAA”). The AAA demanded, among other things, that Harvard expand Asian-American recruitment and include Asian Americans within the college’s “affirmative action” program.

156. Between 1976 and 1978, the proportion of Asian Americans increased from 3.6 percent to 6.5 percent of the freshman class— a result of the successful mobilization of Asian-American students at Harvard. These events coincided with a massive

increase in Asian Americans applying to Harvard for undergraduate admission.

157. Despite these increases, Harvard held Asian Americans to a higher standard than other applicants.

158. In 1983, Margaret Chin, a Harvard undergraduate who had worked in the college's admissions office, co-authored a report entitled "Admissions Impossible." Surveying data from 25 universities, the report found that while Asian-American applications to Harvard and other universities were soaring, enrollments were barely increasing.

159. Although Harvard claimed that the lower admission rate for Asian-American applicants was attributable to weaker academic qualifications, the "Admissions Impossible" report found that, on average, Asian Americans were *more* qualified than other applicants and that Harvard had set an informal ceiling on Asian-American enrollment.

160. In the wake of this report, Harvard abandoned the argument that Asian-American applicants had weaker qualifications. Former Dean of Admissions Fred Jewett instead claimed, on behalf of Harvard, that "arguments over numbers ignore a whole range of personal qualities," and that Harvard's official policy favored "choosing people who bring talents underrepresented in the applicant pool."

161. In 1987, a study found that Asian-American students admitted to Harvard had an average SAT score of 1467, whereas white students admitted to

Harvard had an average SAT score of 1355— a 112-point difference.

162. In a 1987 *New York Times* article, Berkeley professor Ling-Chi Wang compared the way Asian Americans are considered in college admissions to the earlier treatment of Jews: “I think all of the elite universities in America suddenly realized they had what used to be called a ‘Jewish problem’ before World War II, and they began to look for ways of slowing down the admissions of Asians.” Robert Lindsey, *Colleges Accused of Bias to Stem Asians’ Gains*, *New York Times* (Jan. 19, 1987).

163. In 1988, Harvard rejected Ling-Chi Wang’s claim of discrimination against Asian-American applicants just as it had rejected the “Admissions Impossible” study’s findings of discrimination. Dean of Admissions William Fitzsimmons—who remains Dean of Admissions today— acknowledged that “Asian Americans are slightly stronger than whites on academic criteria,” but blamed the disparity in admissions on Asian Americans, as a group, being “slightly less strong on extracurricular criteria.”

164. In July 1988, the Office of Civil Rights (“OCR”) of the U.S. Department of Education began investigating the treatment of Asian-American applicants at Harvard to determine whether Harvard was engaging in discrimination in violation of Title VI of the Civil Rights Act. However, the investigation was strictly limited to the treatment of Asian-American applicants as compared to white applicants.

165. The OCR investigation lasted more than two years. Under the pressure of the investigation, Harvard began to increase its enrollment of Asian Americans. By the end of the investigation, the percentage of Asian Americans admitted to Harvard increased from 10.8 percent in 1988 to 16.1 percent in 1991.

166. OCR announced its findings in October 1990. Focusing on ten groups admitted from 1979 through 1988, it found that Asian Americans had been admitted at a significantly lower rate for each of the past seven years, even though they were “similarly qualified” to white applicants. OCR nevertheless blamed the differential on legacy preferences and found that the differential admission rates were not the product of racial or ethnic discrimination.

167. The OCR report was roundly criticized. According to Harvard Law Professor Alan Dershowitz, for example, Harvard’s rationale was just pretext for intentional discrimination: “Asian Americans clearly get a big whack— not a tip— in the direction against them. Harvard wants a student body that possesses a certain racial balance... . I think the report was sloppy. I have absolutely no faith in the Harvard system of admissions.”

VII. H A R V A R D ’ S C U R R E N T DISCRIMINATORY ADMISSIONS PLAN

A. Harvard’s Stated Admissions Goals.

168. On its website, Harvard states as follows: “In our admissions process, we give careful, individual attention to each applicant. We seek to identify students who will be the best educators of one another

and their professors— individuals who will inspire those around them during their College years and beyond.”

169. The Harvard website further states that Harvard “asks [itself] many questions” about an applicant for admission, which generally fall under four categories: an applicant’s “growth and potential,” “interests and activities,” “character and personality,” and “contribution to the Harvard community.”

170. The Harvard website further states that, in assessing an applicant’s “growth and potential, the committee asks questions such as “Have you reached your maximum academic and personal potential” and “Do you have initiative?” and “What sort of human being are you now?”

171. The Harvard website further states that, in assessing an applicant’s “interests and activities,” the committee asks questions such as “Do you care deeply about anything— intellectual? Extracurricular? Personal?” and “What have you learned from your interests?” and “In terms of extracurricular, athletic, community, or family commitments, have you taken full advantage of opportunities?”

172. The Harvard website further states that, in assessing “character and personality,” the committee asks questions such as “What choices have you made for yourself?” and “Are you a late bloomer?” and “What about your maturity, character, leadership, self-confidence, warmth of personality, sense of humor, energy, concern for others, and grace under pressure?”

173. The Harvard website further states, in assessing an applicant’s “contribution to the Harvard community,” the committee asks questions such as “Will you be able to stand up to the pressures and freedoms of College life?” and “Will you contribute something to Harvard and to your classmates?” and “Would other students want to room with you, share a meal, be in a seminar together, be teammates, or collaborate in a closely knit extracurricular group?”

174. The Harvard website further states that its admissions process “strives to be deliberate, meticulous and fair” while acknowledging that the process “permits extraordinary flexibility and the possibility of changing decisions virtually until the day the Admissions Committee mails them.”

B. Harvard’s Admissions Process.

1. The Application.

175. During an admissions cycle, the Harvard Admissions Committee reviews each student’s admissions materials. Those materials include: (1) the Common Application or Universal College Application, including an essay, and the required parts of the Harvard Supplement; (2) the high school transcript, school report, and mid-year school report— all submitted by a student’s guidance counselor; (3) standardized test scores— submitted by the College Board; (4) teacher and guidance counselor recommendations; (5) optional on-campus and/or off-campus interviewer evaluation; (6) optional personal statements (found on the Harvard Supplement) in

addition to the required essays; and (7) optional music tapes, artwork slides, or samples of academic work.

176. Harvard gathers information about the race and ethnicity of its applicants through numerous ways.

177. An applicant filling out a Common Application has the option of disclosing his or her racial identity.

178. The Common Application asks two questions to identify an applicant's race and ethnicity: (1) "Are you Hispanic/Latino?" and (2) "Regardless of your answer to the prior question, please indicate how you identify yourself. (Check one or more and describe your background.) American Indian or Alaska Native (including all Original Peoples of the Americas); Asian (including Indian subcontinent and Philippines); Black or African American (including Africa and Caribbean); Native Hawaiian or Other Pacific Islander (Original People); or White (including Middle Eastern)."

179. The Common Application requires applicants to identify their parents' first and last name, the parents' former last names, and their country of birth.

180. Similarly, the Universal College Application gives the applicant the option of disclosing his or her racial identity.

181. The Universal College Application asks two questions to identify an applicant's race and ethnicity: "Are you Hispanic or Latino?" and "How would you describe your racial background? (select one or more of the following categories): Asian ([if so, identify] country of family origin); Black or African American; American Indian or Alaska Native ([if so, identify where] enrolled

[and] Tribal affiliation; Native Hawaiian or Other Pacific Islander; or White.”

182. The Universal College Application requires applicants to identify their parents’ first and last names.

183. The Universal College Application also requires applicants to identify, if it is not English, the “language spoken in your home.”

184. Harvard also encourages students to emphasize their race and ethnicity through their essays. According to Monica Del Toro, a Harvard Admissions Officer, the essay “is the most important part of the application.” The biggest rule, she says, “is to stand out,” and a good way “to truly stand out from the rest of the pack is to discuss your culture.”

185. Harvard accepts transfer students who have completed at least one continuous academic year in a full-time degree program at one college.

186. Harvard evaluates applicants for transfer in the same purportedly “holistic” manner it evaluates all other applicants. Harvard uses race or ethnicity as a factor in evaluating transfer applicants.

2. The Review Process.

187. Students are admitted through one of four lists: (1) early admissions; (2) regular admissions; (3) the waitlist; or (4) the “Z-list.” A student accepted through the early admission process must accept Harvard’s offer of admission.

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188. As the admissions materials are received at the admissions office, they are stamped, dated, sorted, and organized in a folder, called the “file,” along with a scorecard, called the “reading sheet,” which is used to evaluate the applicant’s eligibility for admission.

189. Admissions officers start by assessing each applicant in four areas (academics, extracurriculars, personal qualities, and athletics) on a scale of one (best) to six (worst).

190. Those who pass this initial threshold move forward to a second and sometimes third reader for further appraisal; the rest form the first batch of rejections, their folders marked with notes such as “below the edge” or “case falls flat.”

191. Small teams of admissions officers, each responsible for one of the 25 or so geographic regions or “dockets” into which Harvard divides its applicants, then scrutinize the remaining applicants for as long as five days.

192. After the docket reader has looked through and graded the file on the reading sheet, the folder is passed on to two more readers, who examine and evaluate all materials on separate reading sheets. The information from the three reading sheets is compiled onto a final reading sheet. Once this sheet has been prepared for all applicants in the docket, the admissions committee convenes to discuss the eligibility of all applicants from that docket.

193. Between 5,000 and 7,000 applicants proceed to the last and most contentious stage, the full committee meeting, in which all 35 admissions officers debate and

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vote on who will make the final cut. The committee's decisions are ultimately rendered by simple majority ballot.

194. Typically, more students are voted in than space will permit. So the final portion of the process is spent in "reruns," in which candidates who had won approval have their initial acceptances rescinded.

195. After reruns, a final decision is made either to accept, reject, wait-list, or "Z-list" the applicant.

196. Harvard considers race and/or ethnicity as a factor in whether to accept, reject, wait-list, or "Z-list" an applicant.

197. Applicants who are waitlisted are reviewed again by Harvard admissions officials in May after the admissions office has received students' updated class grades, test scores, and achievements.

198. Those select students placed on the "Z-list" are admitted on the condition that they take a mandatory year off before enrolling in Harvard. Harvard uses the Z-list to admit legacies and children of affluent families and elite schools who cannot gain admission through the ordinary course.

199. Harvard does not reveal publicly any aspect of its deliberative or decisional admissions process other than the end result.

VIII. HARVARD CURRENTLY ENGAGES IN INTENTIONAL DISCRIMINATION AGAINST ASIAN-AMERICAN APPLICANTS.

200. Harvard intentionally discriminates against Asian-American applicants. This discrimination is shown through both direct and circumstantial evidence, including statistical studies of Harvard's admissions decisions. These studies confirm what Asian-American applicants and their parents already know: Harvard intentionally and artificially limits the number of Asian Americans to whom it will offer admission.

A. There Is Decisive Statistical Evidence That Harvard Discriminates Against Asian-American Applicants.

201. Each year, Harvard publishes a significant amount of data concerning its application process. Among other things, Harvard releases admitted student data and enrolled student data broken down by racial category.

202. Harvard used to allow the public to examine admission rates by race as well. More recently, however, Harvard began keeping these figures secret. Harvard has never offered an explanation for this decision.

203. By contrast, the prestigious University of California system routinely releases information about its applicant pool broken down by racial category, which allows the public to examine admission rates by race.

204. Nonetheless, significant data regarding Harvard's applicant pool has been made publicly available.

205. This statistical evidence establishes that Harvard is intentionally discriminating against Asian Americans by making it far more difficult for Asian Americans than for any other racial and ethnic group of students to gain admission to Harvard.

206. Princeton professor Thomas J. Espenshade and his coauthor, Alexandra Radford, conducted an authoritative study of the role of race in elite American undergraduate admissions for their book *No Longer Separate, Not Yet Equal*, which was published in 2009. Espenshade and Radford gathered exhaustive application data on a group of three elite public and four elite private colleges.

207. Controlling for a wide variety of academic, demographic, and personal characteristics, Espenshade and Radford found that Asian-American students were dramatically less likely to be admitted than otherwise similar students who identified themselves as white or Caucasian. In fact, Espenshade and Radford's analysis showed that the negative odds-ratio affecting Asian Americans relative to Whites was larger than the positive odds-ratio affecting African Americans relative to Whites.

208. The Espenshade-Radford study also expressed the admissions penalty facing Asian Americans in terms of SAT-point equivalents. The authors reported that Asian Americans needed SAT scores that were about 140 points higher than white students, all other

quantifiable variables being equal, to get into elite schools. Thus, if a white student needed a 1320 SAT score to be admitted to one of these schools, an Asian American needed a 1460 SAT score to be admitted. That is a massive penalty given that marginal differences in SAT scores are magnified among those students competing for admission to the most elite universities, as there is less room at the very top of the SAT scale to differentiate between applicants.

209. Recent statistical evidence reveals that discrimination against Asian Americans at Harvard is even more severe than the Espenshade-Radford study found.

210. In recent years, *The Harvard Crimson* has been surveying incoming freshmen. In 2013, nearly 80% of the incoming class of 2017 responded to its survey. According to the survey, the average SAT of respondents was 2237 (on a 2400-scale), while the average SAT of individual ethnic groups varied widely: 2299 for East Asians and Indians, 2107 for African-Americans, and 2142 for Native Americans). Given this reporting, the average SAT for non-Hispanic Whites is at or somewhat below the overall median.

211. This class average (2237) corresponds to roughly the 99.5 percentile of the SAT, meaning that Harvard draws half of its class from students scoring in the top 1/2 of 1 percent of the SAT I distribution. The “East Asian and Indian” average of 2299 corresponds to the 99.9 percentile of the SAT, meaning that Harvard draws about half of this ethnic group from the top 1/10 of 1 percent of the SAT I distribution. That is a dramatically higher standard of academic performance.

Harvard requires much more of its Asian-American applicants than it requires of other races and ethnicities.

212. Dr. Richard Sander, a professor of law at UCLA, and Medha Uppala, a graduate student in statistics at UCLA, recently co-authored a working paper titled *The Evolution of SES Diversity in the Applicant Pool of Highly Selective Universities, 1994-2012*. In this working paper, Dr. Sander and Ms. Uppala examine data on several Ivy League colleges that shed valuable light on the admissions practices at these schools. The paper examines the degree to which elite colleges, including Harvard, have expanded their access in recent years to students with low socioeconomic status. The primary data source is a widely used database from the College Board, which biannually compiles anonymized data on 100,000 SAT-takers nationwide. The paper reveals startling application patterns from the aggregated data that it reports, which, in conjunction with other data sources, make manifest Harvard's massive intentional discrimination against Asian Americans.

213. As an initial matter, the paper finds that Asian Americans are being admitted to these schools at a far lower rate than the rate at which they apply. The paper notes that for "three of the most selective Ivy League colleges," the average racial makeup of all domestic score senders between 2008 and 2012 is 27.3 percent Asian American, 11.3 percent African American, 12.5 percent Hispanic, 40.4 percent non-Hispanic White, and 8.5 percent other race or non-identified. Over this same time period, however, Asian Americans

represented only 17-20 percent of the admitted students. No other racial or ethnic group at these schools is as underrepresented relative to its application numbers as are Asian Americans. Indeed, no other racial or ethnic group comes even remotely close to this level of underrepresentation.

214. Thus, if Harvard admitted randomly from its applicant pool, the number of Asian Americans in its entering freshman class would be far higher than it actually is.

215. These data alone provide strong evidence that Harvard is engaging in intentional discrimination against Asian-American applicants absent some factor that makes this gross disparity explainable on non-discriminatory grounds.

216. Moreover, the paper's data shows that Asian-American applicants have, on average, stronger qualifications for admission than any other racial or ethnic group applying to top Ivy League schools.

217. Ironically, then, the most *underrepresented* group of admitted students relative to the applicant pool is the most *overrepresented* racial or ethnic group among top academic performers.

218. Among "three of the most selective Ivy League colleges," the paper's data shows that, during the 2008, 2010, and 2012 admissions cycles, Asian Americans, on average, constituted nearly 39 percent of all domestic SAT-takers who (a) had scores of 2100 or higher and (b) sent their scores to these schools.

219. *The Harvard Crimson* survey, as does every other available public source, confirms that the vast majority of Harvard's students come from this pool of applicants (with SAT scores of 2100 or higher).

220. Remarkably, students with higher test scores were even more likely to be Asian Americans. In 2008, Asian Americans made up 46 percent of domestic Harvard score-senders with SAT scores above 2200 (a range from which Harvard draws more than half of its students). In addition, Asian Americans made up an even higher percentage of the very top students; they accounted for 55 percent of domestic Harvard score-senders with SAT scores above 2300. These patterns are very similar across all of the top Ivy League schools. In 2008-12, for the three Ivy League schools analyzed by Dr. Sander and Ms. Uppala, Asian Americans made up 38.9 percent of all domestic score-senders with SAT scores above 2100; 45 percent of domestic score-senders with SAT scores above 2200; and over 51 percent of domestic score-senders with SAT scores above 2300. These data, in combination with other publicly available data, demonstrate that Asian Americans admitted to Harvard are vastly underrepresented— by a factor of half or even two-thirds— relative to the number of applications from Asian Americans that Harvard receives.

221. There is no reason to doubt that Harvard is one of the three Ivy League colleges in Dr. Sander's and Ms. Uppala's analysis. Harvard is among the most selective colleges in the Ivy League (if not the most selective). But even if Harvard is not one of the colleges they examined, its patterns of Asian-American

enrollment and selectivity closely match those of the “three of the most selective Ivy League colleges” in Dr. Sander’s and Ms. Uppala’s analysis such that there is no reason to believe their conclusions would not apply to Harvard.

222. In all events, Harvard’s data is highly consistent with *all* other Ivy League schools, which as Table A shows, inexplicably enroll Asian Americans in remarkably similar numbers year after year after year.

Sch- ool	2007	2008	2009	2010	2011	2012	2013
Brown	15%	16%	15%	15%	14%	12%	14%
Colu- mbia	17%	17%	16%	16%	16%	16%	18%
Cor- nell	16%	17%	17%	16%	16%	16%	16%
Dart- mouth	14%	14%	15%	15%	14%	14%	14%
Har- vard	15%	17%	17%	16%	17%	18%	18%
Penn	17%	17%	18%	18%	18%	18%	18%
Prin- ceton	14%	15%	16%	17%	18%	19%	17%
Yale	14%	14%	15%	15%	15%	16%	16%

223. Various additional studies confirm that Harvard is intentionally discriminating against Asian-American applicants and that it is doing so in much the same manner as it discriminated against Jewish applicants decades ago.

224. In 2012, Ron Unz, who holds an undergraduate physics degree from Harvard and studied theoretical physics at Stanford, conducted an extensive study of Ivy League admissions. See Ron Unz, *The Myth of American Meritocracy*, American Spectator (Dec. 2012). Mr. Unz found rampant discrimination against Asian Americans by Ivy League universities generally and Harvard specifically.

225. Using data from the National Center for Educational Statistics, as well as other sources, Mr. Unz found that the “ethnic composition of Harvard’s undergraduates ... follows a highly intriguing pattern.” In particular, he found that after seeing a steady increase in Asian-American admissions through the 1980s and into the 1990s, in 1993 “Asian numbers went into reverse, generally stagnating in the two decades that followed, with the official 2011 figure being 17.2 percent.”

226. Unz found “[e]ven more surprising ... the sheer constancy of these percentages, with almost every year from 1995-2011 showing an Asian enrollment within a single point of the 16.5 percent average, despite high fluctuations in the numbers of applications and the inevitable uncertainty surrounding which students will accept admission.” Unz highlighted that “this exactly replicates the historical pattern ... in which Jewish enrollment rose very rapidly, leading to the imposition

of an informal quota system, after which the numbers fell substantially, and thereafter remained roughly constant for decades.”

227. A report by the Consortium on Financing Higher Education, in the Harvard Class of 1995, also showed that Asian Americans are held to a higher standard than any other group of applicants. See Melissa Lee, *Report Discloses SATs, Admit Rate*, The Harvard Crimson (May 7, 1993). Responding to this study, Dean Fitzsimmons stated that race is “only one factor in deciding whether a candidate is admitted,” but that certain minority groups, particularly African Americans, are “highly sought after” and that, “[s]tatistically, one could make the argument that it’s easier for certain minorities [to be admitted].”

228. Dean Fitzsimmons added: “It’s true that admission rates for Asian Americans and whites are lower than the admission rates for Hispanics and African American students and Native American students as well. But it’s more complicated than that. . . . The question we look at is how much more likely will white and Asian American students have access to the kind of preparation that will make one an outstanding college candidate here.”

229. No non-discriminatory factor justifies the gross disparity in Asian American admissions relative to their presence in Harvard’s applicant pool.

230. One non-discriminatory factor that theoretically could justify this gross disparity would be if a disproportionately high percentage of Asian-American students were clustered at the low end of the

applicant pool with regard to academic qualifications as compared to other racial groups. But as Dr. Sander's and Ms. Uppala's paper and other data show, the opposite is in fact true. A disproportionately high percentage of Asian-American students are clustered at the high end of the applicant pool with regard to academic qualifications.

231. Another non-discriminatory factor that theoretically could justify this gross disparity would be if a disproportionately high percentage of Asian-American students were lacking with regard to non-academic criteria as compared to other racial groups.

232. But there is no data to support that theory. *See, e.g.*, Esteban M. Aucejo, Hanming Fang, and Ken Spenner, "Does Affirmative Action Lead to Mismatch? A New Test and Evidence," 2 *Quantitative Economics* 303 (2011). This study found no racial advantage for underrepresented minority applicants in levels of personal achievement.

233. Studies also have shown that high-achieving Asian-American students are equally, if not more, qualified than other racial groups with regard to non-academic criteria. At the University of California, Los Angeles (UCLA), over several years, undergraduate admissions readers assigned each applicant three types of scores: "academic achievement" (principally high school grades, AP courses, and standardized test scores); "life challenges" (mainly socioeconomic background); and "personal achievement" (such as leadership, musical ability, and community service). These three scores jointly determined virtually all admissions decisions. *See* Peter Arcidiacono, Thomas

Espenshade, Stacy Hawkins, and Richard Sander, *A Conversation on the Nature, Effects, and Future of Affirmative Action in Higher Education Admissions*, Pennsylvania Journal of Constitutional Law (Fall 2014).

234. The data cover over 100,000 undergraduate applicants to UCLA over three years and show absolutely no correlation between race and “personal achievement.” Rather, the data show that the only strong predictor of personal-achievement scores is academic achievement; applicants with high test scores and grades tended to have personal achievement scores that were about one standard deviation higher than applicants with low test scores and grades.

235. There is no evidence that Asian Americans applying to UCLA have personal achievement credentials that Asian Americans applying to Harvard uniformly lack. Rather, all available evidence points in the opposite direction.

236. Moreover, notwithstanding Harvard’s public relations emphasis on non-academic factors in reviewing applications, academic performance is the principal criteria for admission—except when it comes to minority groups that are either preferred or discriminated against based on their race and ethnicity.

237. Academic analyses of dozens of application processes at colleges and law schools around the country demonstrate that selective schools give far more weight to academic achievement and preparation than to other types of accomplishment and activity. *See*

Richard Sander, *Why Strict Scrutiny Requires Transparency: The Practical Effects of Bakke, Gratz, and Grutter* (2011). In general, academic factors alone explain about 80 percent of admissions decisions at selective schools.

238. The gross disparity between the percentage of Asian-American students in the applicant pool and those in the admitted pool therefore are not explainable on any grounds other than intentional discrimination on the basis of race.

B. Elite Schools That Use Race-Neutral Admissions Have Far Higher Asian-American Enrollment.

239. Other elite colleges and universities do not consider race in their admissions process, and therefore serve as controls against which to measure Harvard's admission and enrollment figures. Those universities uniformly admit and enroll far higher percentages of Asian American students than Harvard.

240. For example, the California Institute of Technology (Caltech) is a private school that selects its students by strict academic standards and chooses not to consider race. Almost 40 percent of its undergraduates are Asian American.

241. Table B sets forth the Asian-American percentage of the total undergraduate enrollment at Caltech and Harvard:

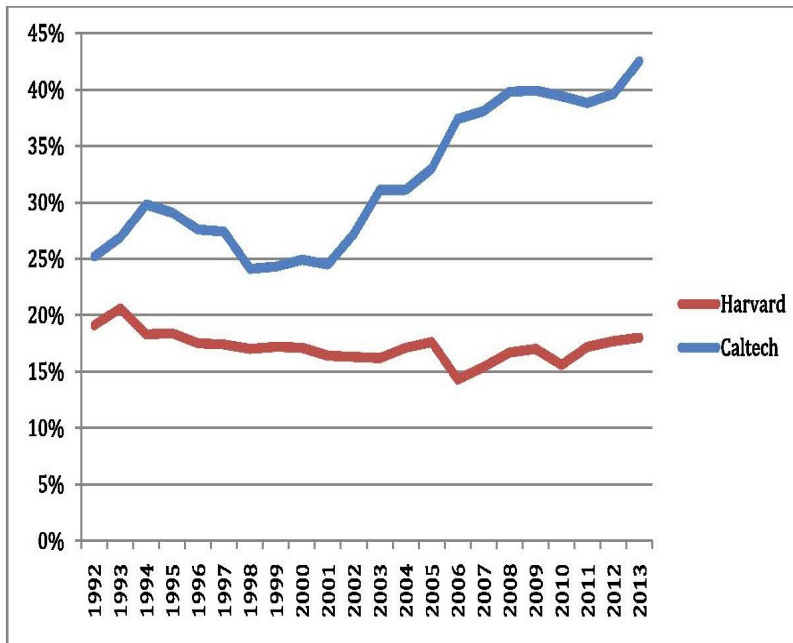
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Table B Asian-American Enrollment		
	Harvard	Caltech
1992	19.1%	25.2%
1993	20.6%	26.9%
1994	18.3%	29.8%
1995	18.4%	29.1%
1996	17.5%	27.6%
1997	17.4%	27.4%
1998	17.0%	24.1%
1999	17.2%	24.3%
2000	17.1%	24.9%
2001	16.4%	24.5%
2002	16.3%	27.2%
2003	16.2%	31.1%
2004	17.1%	31.1%
2005	17.6%	33.0%
2006	14.3%	37.4%
2007	15.4%	38.1%
2008	16.7%	39.8%
2009	17.0%	39.9%

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2010	15.6%	39.4%
2011	17.2%	38.8%
2012	17.7%	39.6%
2013	18.0%	42.5%

242. The following graph represents the Asian-American enrollment trends between the two schools:



243. The University of California system also does not use racial preferences, as they were banned via popular referendum in 1996. Asian Americans currently make up 34.8 percent of UCLA's student body

and 32.4 percent of the University of California at Berkley's student body.

244. A similar phenomenon exists at elite high schools. Those high schools that do not employ racial preferences have extraordinarily high percentages of Asian Americans. For example, Hunter College High School in New York chooses students without giving preference to legacies, athletes, or underrepresented minorities. This admissions system produced a student body that was 49 percent Asian American in 2013.

245. Similarly, Thomas Jefferson High School for Science and Technology, a magnet school in Virginia that is consistently ranked one of the best high schools in the country, does not employ racial preferences. Its 2014 entering fall class is 66 percent Asian American.

C. Statements By Admissions Staff At Harvard And Other Schools Provide Further Evidence That Harvard Discriminates Against Asian-American Applicants.

246. Harvard evaluators consistently rank Asian-American candidates below White candidates in "personal qualities." In comments written in applicants' files, Harvard admissions staff repeatedly have described Asian Americans as "being quiet/shy, science/math oriented, and hard workers."

247. One Harvard official summed up the profile of a purportedly typical Asian applicant this way: "He's quiet and, of course, wants to be a doctor."

248. Another Harvard official wrote that an applicant's "scores and application seem so typical of other Asian applications I've read: extraordinarily gifted in math with the opposite extreme in English."

249. According to Hunter College High School's director of college counseling, admissions officers at elite universities often complain that Asian American applicants all look the same on paper. "When Harvard calls us back and gives us a brief synopsis of why certain [Asian] kids didn't make it, they'll say, 'There were so many kids in the pool that looked just like this kid.'"

250. Admissions officers at other top schools have expressed similar sentiments. For example, asked why Vanderbilt poured resources into recruiting Jewish students instead of Asian Americans, a former administrator said, "Asians are very good students, but they don't provide the kind of intellectual environment that Jewish students provide."

251. Rod Bugarin, a former admissions officer at Wesleyan, Brown, and Columbia, stated: "The bar is different for every group. Anyone who works in the industry knows that." Without affirmative action, "our elite campuses will look like UCLA and Berkeley," and "[t]hat wouldn't be good for Asians or for anyone else."

D. College Counselors Acknowledge Discrimination Against Asian Americans At Elite Universities.

252. College counselors and advisors recognize that discrimination against Asian Americans occurs at elite universities such as Harvard and thus tell Asian

Americans to hide their identity, to emphasize personal characteristics that avoid Asian stereotypes, and, in many cases, to lower their expectations and apply elsewhere.

253. For example, the Princeton Review, the leading guide to college admissions, gives specific recommendations for Asian-American students applying to elite schools such as Harvard on how to overcome these schools' anti-Asian-American bias. Its recommendations are both honest and discouraging.

254. According to the Princeton Review: "Asian Americans comprise an increasing proportion of college students nationwide. Many Asian Americans have been extraordinarily successful academically, to the point where some colleges now worry that there are 'too many' Asian Americans on their campuses. Being an Asian American can now actually be a distinct disadvantage in the admissions processes at some of the most selective schools in the country. Increasingly, the standard for affirmative action isn't minority status, but under-represented minority status. Since Asian American populations at many colleges exceed the proportion of Asian Americans to the population of the state or country as a whole, Asian Americans are a minority, but not an under-represented minority, at those colleges... . If you are an Asian American— or even if you simply have an Asian or Asian-sounding surname— you need to be careful about what you do and don't say in your application."

255. According to the Princeton Review: "You need to avoid being an Asian Joe Bloggs. Asian Joe Bloggs is an Asian American applicant with a very high math

SAT score, a low or mediocre verbal SAT score, high math- or science-related SAT II scores, high math and science grades, few credits in the humanities, few extracurricular activities, an intended major in math or the sciences, and an ambition to be a doctor, an engineer, or a research scientist. The more you sound like this person, the more likely admissions officers will be to treat you as part of the ‘Asian invasion’ and reject your application, or at the very least make you compete against other Asian applicants with similar characteristics, rather than against the applicant pool as a whole.”

256. Princeton Review further explains: “If you share traits with Asian Joe Bloggs you should probably pay careful attention to the following guidelines:

- If you’re given an option, don’t attach a photograph to your application and don’t answer the optional question about your ethnic background. This is especially important if you don’t have an Asian-sounding surname. (By the same token, if you do have an Asian-sounding surname but aren’t Asian, do attach a photograph.)
- Work on your verbal SAT score, take some literature and history courses, and get involved in activities other than math club, chess club, and computer club.
- Do not write your application essay about the importance of your family or the positive/negative aspects of living in two cultures. These are Asian Joe Bloggs topics, and they

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are incredibly popular. Instead, write about something entirely unrelated to your ethnic background.

- Don't say you want to be a doctor, and don't say you want to major in math or the sciences. You don't have to lie. If you have lousy SAT verbal scores, saying you want to be an English major isn't going to help you, either. Just say you're undecided. The point is to distance yourself as much as possible from the stereotype.
- These guidelines are less important if you are chiefly interested in less selective schools or if you are applying to schools where all the students take only math and science courses and dream of medical or research careers. In fact, Asian Joe Bloggs's high math and science scores can be an advantage in applying to schools below the Ivy league level. Even there, though, the less you sound like the stereotype, the better your chances will be."

257. Whole new industries have sprung up to help Asian Americans overcome discrimination and secure admission to elite universities, including Harvard.

258. One organization called "Asian Advantage College Consulting" promises to help an "Asian-American student applying to elite colleges beat the Asian Quotas." Its strategy is, first, recognizing that "Asian students need to approach the admissions process in a completely different manner than the

white or non-Asian applicant” and, second, developing a strategy to stand out from the many “Asian-American applicants with high grades and SAT/ACT scores, along with a seemingly impressive list of awards and achievements in science fairs, musical competitions and school-based activities like debate and the robotics club.”

259. Similarly, the Ivy League Coach, a college counseling practice, provides specific recommendations for Asian Americans: “The fact is, highly selective colleges seek a diverse incoming class and a diverse incoming class does not mean an all Asian class. So Asian students do indeed compete against each other. Does that mean that an Asian American student shouldn’t check off ‘Asian American’ on their college application? Not necessarily. A student should check off the ethnicity that they’re most comfortable with, the ethnicity or ethnicities that they most closely identify with. But what the article on Asians and college admissions ... doesn’t say is that college admissions counselors are going to suspect that Henry Chang is Asian whether or not Henry Chang checks the box. But that doesn’t mean Henry can’t do something about differentiating himself from other Asian American applicants... . Don’t just be the math kid with perfect scores who competes in Mathletes. Don’t just play the violin. Do something that many of the Asian American kids in your class aren’t doing... . Whether or not the following is [politically correct], it’s also true: What you want to do is distinguish yourself from any perceived stereotypes.”

260. The bias against Asian-American applicants discussed by these college counselors exists at Harvard. Many high school guidance counselors caution students applying to Harvard not to list their race as Asian.

261. According to one high school guidance counselor, Asian Americans face difficulty because they cannot distinguish themselves within their community: “[e]very single child has had music lessons. Every single child succeeds well in math. Every single child has done community service in a hospital. Every child has done Chinese or Korean studies on Saturday and is fluent in that language.”

E. Asian-American Applicants And Their Families Know That They Are Being Discriminated Against By Elite Universities.

262. Asian Americans are not blind to the discrimination employed by Harvard and other elite colleges and universities.

263. According to Princeton economist Uwe Reinhardt, “within the Asian community, of which I’m a part, there’s this feeling that, for you to get into Harvard or Princeton, you’ve got to be better than everybody else.”

264. According to Kara Miller, a former Ivy League admissions officer, “Asian kids know that when you look at the average SAT for the school, they need to add 50 or 100 to it. If you’re Asian, that’s what you’ll need to get in.”

265. For example, Iris Wang, a senior at Hunter College High School, one of the best public high schools in America, scored a 1520 SAT score and had top grades. Her father is a chemist and her mother a postal worker. She was rejected by Harvard, as well as numerous other schools. According to Wang, “All the schools basically say, ‘we don’t discriminate.’ But I went to the Columbia session and they said they value a multicultural community. If they want to be multicultural, there’s only so many of one culture they can take.”

266. Daniel Golden, the Pulitzer Prize-winning reporter then of *The Wall Street Journal*, described Jamie Lee, who applied to Harvard, as well as six other elite private schools: According to Mr. Golden, “Jamie Lee was a superb student. Born in Hong Kong to an English father and Chinese mother, he grew up in London, where teachers marveled at his ability and his IQ was measured at 162, widely considered genius level. When his family emigrated to Greenwich, Connecticut, in 2003, he quickly established himself as a top student at Greenwich High, a premier public school. On his first tries, without a test-prep course, he scored the maximum on the PSAT, the SAT, and two of his three SAT II subject tests; on the third SAT II, writing, he missed by only 20 points, scoring 780 out of 800. Nor was he merely a standardized-test machine; his problem solving displayed impressive originality. In 2005, Jamie won the Greenwich High award given to the senior who ‘demonstrates creative ability and inventiveness in math, who may take the unusual approach to a problem and come up with an unexpected answer.’ His creativity also emerged in music (the high

school string ensemble performed his composition ‘Three Dances,’ with Jamie on cello) and mechanical design (he built an ingenious wooden cabinet with doors that automatically opened and closed a mobile rack for storing compact discs). ‘He likes to be opposition and play the devil’s advocate,’ said his junior-year Latin teacher, Camille Fusco. ‘He’s very independent in his thinking. On an essay question, he’d deliberately take the point of view I didn’t want to hear. But he got away with it because he can take any view brilliantly.’”

267. Despite this academic record, Harvard— as well as Princeton, Yale, Stanford, Columbia, Dartmouth, and MIT— denied Jamie Lee admission. Fusco said he “was really shocked [Jamie] didn’t get in” because he “thought of him as a Harvard person.”

268. Jamie’s English literature teacher, Brigid Barry, said she too was “very, very surprised. There’s no doubt he’s an outstanding student,” and that in eight years of teaching AP English, she had seen the Ivy League schools admit many weaker candidates.

269. Marlyn McGrath Lewis, Harvard’s director of admissions, told Jamie’s father that Jamie “was an excellent student but that a number of better musicians had applied.” When asked later if Jamie was held to a higher standard because he was half Asian, Ms. Lewis declined to comment.

270. One strategy that Asian-American students applying to Harvard use is to avoid identifying their race. Many Asian-American students are unwilling to state their race at all on college applications.

271. For example, Lanya Olmstead was born in Florida to a mother who immigrated from Taiwan and an American father of Norwegian ancestry. Ethnically, she considers herself half Taiwanese and half Norwegian. But when applying to Harvard, Olmstead checked only one box for her race: white. According to Olmstead: “I didn’t want to put ‘Asian’ down ... because my mom told me there’s discrimination against Asians in the application process... . Not to really generalize, but a lot of Asians, they have perfect SATs, perfect GPAs, ... so it’s hard to let them all in.”

272. Said another student: “As someone who was applying with relatively strong scores, I didn’t want to be grouped into that stereotype ... I didn’t want to be written off as one of the 1.4 billion Asians that were applying.”

273. Applicants who are part Asian American regularly attempt to conceal their Asian ancestry when applying to Harvard out of concern it would greatly reduce their chances of admission.

274. For example, Harvard student Heather Pickerell, born in Hong Kong to a Taiwanese mother and American father, refused to check any race box on her application because “I figured it might help my chances of getting in.”

275. According to Lee Cheng, founder of the Asian American Legal Foundation, “Many Chinese-American children have internalized their anger and pain, confused about why they are treated differently from their non-Chinese friends. Often they become ashamed of their ethnic heritage after concluding that their

unfair denial is a form of punishment for doing something wrong.”

276. Another example is Henry Park. According to Daniel Golden’s reporting: “Henry Park ranked 14th out of 79 members of the class of 1998 at Groton School, a super competitive prep school in Groton, Massachusetts. He got a perfect 800 on the math SAT for a combined score of 1560 out of 1600, placing him in the top one-quarter of 1 percent of college-bound students. On the SAT II subject test, he scored another perfect 800 on the harder of the two math exams offered, along with 760 out of 800 in Latin and 740 in physics. He played violin and competed on the cross-country team, and a respected math journal published a paper he coauthored with two classmates. And as the son of hardworking, middle-class Korean immigrants who dreamed of a better life for their children and scrimped to pay Groton’s tuition, Henry seemed to embody the up-by-his bootstraps American saga that is supposed to appeal to college admissions officers.”

277. Henry’s guidance counselor at Groton nevertheless discouraged him from applying to the Ivy League, telling him “it was a long shot at best, and advised him to lower his expectations to second- and third-tier schools.”

278. Harvard denied Henry admission, as did Yale, Brown, and Columbia. At the same time, Ivy League universities admitted 34 of Henry’s Groton classmates. According to Henry: “When the decisions came out, and all these people started getting in, I was a little upset. I feel I have to hold myself to a higher standard.” Added his mother, Suki Park, “I was naïve. I thought

college admissions had something to do with academics.”

279. Henry Park’s mother described the harm caused to Henry and his family: “I have thought many, many times why Henry failed. It was just devastating. He just failed like a falling leaf.... Korean Americans have to do a lot better than Caucasians to get admitted, and it’s probably the same for other Asians. It’s very, very tough. Presently, yes, there is discrimination.”

280. When MIT’s dean of admissions Marillee Jones was asked about Henry Park, who was rejected by Harvard, she said that “it’s possible that Henry Park looked like a thousand other Korean kids with the exact same profile of grades and activities and temperament. My guess is that he just wasn’t involved or interesting enough to surface to the top.” To Ms. Jones, it made sense for universities to admit other students over “yet another textureless math grind.”

281. The “model minority” stereotype of high-achieving Asian Americans does an even greater disservice to socioeconomically disadvantaged individuals by making it virtually impossible for disadvantaged Asian Americans to compete with disadvantaged students from other races who are held to a lower standard.

282. For example, Kai Chan, a Princeton doctoral student in economics and the son of Chinese immigrants, describes the struggles he has endured: “Is it fair in the name of (skin-deep) diversity to hold back qualified students from admission to the Ivies because of their race? After all, it is a fact that Asians need

higher academic achievements than their peers to get admitted to the same school... . The misguided approach of programs like affirmative action can be seen through my experience. I am the son of poor, non-English speaking parents, neither of whom attended high school. They never read to me as a child. They never attended my graduations. I went to some terrible high schools. (Altogether, I attended five high schools, one of which was known locally as ‘last chance high.’) I worked practically full-time while attending high school and college. But I’ve never gotten the benefit of the doubt anytime in my life. If anything, I’ve had to be better than my peers.”

283. Application statistics confirm that Asian Americans are aware of (and have responded to) the discrimination they suffer at Harvard. As the Asian-American population of the United States has grown, so has its share of academically high-achieving students. As Dr. Sander’s paper shows, Asian Americans made up roughly 21 percent of all domestic SAT takers with scores above 1400 in the 1994, 1996, and 1998 admissions cycles. In the 2008, 2010, and 2012 admissions cycles, Asian Americans made up roughly 33 percent of all domestic SAT takers with scores above 2100— an increase roughly proportionate to the growth of the Asian-American proportion of all SAT takers.

284. Yet during this same period, as many elite colleges, including Harvard, increasingly discriminated against Asian Americans, the proportion of high-scoring Asian Americans sending their scores to these schools declined sharply. As Dr. Sander and Ms.

Uppala report, the proportion of Asian Americans with top SAT scores (i.e., above 1400 in 1994-98 and 2100 in 2008-12) who sent their scores to the most selective Ivy League schools fell from 39.7 percent in the mid-1990s to only 27.4 percent during the 2008, 2010, and 2012 cycles. No comparable drop occurred for any other racial group.

285. Asian Americans understand that they are not competing for admission to Harvard against the entire applicant pool. In light of Harvard's discriminatory admissions policies, they are competing only against each other, and all other racial and ethnic groups are insulated from competing against high-achieving Asian Americans.

286. Because Asian Americans congregate at the high end of Harvard's applicant pool, the competition is fierce. This has deterred and continues to deter many qualified Asian Americans from applying to Harvard. Harvard's discriminatory reach thus extends far beyond those highly qualified Asian Americans who decide to apply and whose applications are treated unfairly in the admissions process.

287. This discrimination has reached and continues to reach every Asian American student who has shied away or will shy away from applying to Harvard out of the well-founded fear that he or she will not successfully make it out of the highly competitive Asian American admissions pool and gain admission to Harvard.

IX. HARVARD CURRENTLY ENGAGES IN RACIAL BALANCING.

288. Not only does Harvard discriminate against Asian Americans, it racially balances its entering freshman class to ensure proportional representation of the various racial and ethnic groups present in Harvard's student body.

289. Harvard's system of racial balancing is shown through both direct and circumstantial evidence, including statistical studies of Harvard's admissions decisions. This evidence confirms that Harvard is not using racial preference to pursue "critical mass" or any other diversity goal the Supreme Court has ever found permissible.

290. As shown in Table C, the racial demographics of Harvard's admitted class have remained stable across all racial groups at least over the last 9 years.

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Table C									
Harvard Admissions (Percentage of Admitted Students by Race/Ethnicity)									
	2014	2013	2012	2011	2010	2009	2008	2007	2006
African American	11.9%	11.5%	10.2%	11.8%	11.3%	10.8%	11.0%	10.7%	10.5%
Hispanic	13.0%	11.5%	11.2%	12.1%	10.3%	10.9%	9.7%	10.1%	9.8%
Asian American	19.7%	19.9%	20.7%	17.8%	18.2%	17.6%	18.5%	19.6%	17.7%
Native American	1.9%	2.2%	1.7%	1.9%	2.7%	1.3%	1.3%	1.5%	1.4%
White and Other	53.5%	54.9%	56.2%	56.4%	57.5%	59.4%	59.5%	58.1%	60.6%

291. As shown in Table D, the racial demographics of Harvard's enrolled first-year classes also have remained stable across all racial groups throughout the past decade.

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Table D Harvard Enrollment (Percentage of First Years by Race/Ethnicity)											
	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003
Nonresident alien	11%	11%	12%	10%	10%	10%	10%	9%	9%	9%	8%
Hispanic/Latino	10%	9%	10%	9%	9%	7%	8%	8%	7%	9%	8%
American Indian or Alaska Native	0%	0%	0%	0%	1%	1%	1%	1%	1%	1%	1%
Asian Americans	19%	20%	17%	15%	17%	19%	18%	15%	19%	20%	17%
Black or African American	7%	6%	7%	6%	9%	8%	8%	8%	9%	9%	9%
Native Hawaiian or Other Pacific Islander	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
White	43%	45%	45%	44%	40%	41%	42%	44%	47%	47%	50%
Two or more races	7%	6%	6%	6%	0%	0%	0%	0%	0%	0%	0%
Race and ethnicity unknown	3%	3%	3%	11%	14%	15%	13%	15%	8%	5%	7%

292. As shown in Table E, the racial demographics of Harvard’s overall student body likewise have remained remarkably stable across all racial groups throughout the past decade.

Table E											
Harvard Enrollment (Percentage of Student Body)											
	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003
Nonresident alien	11%	11%	11%	10%	10%	10%	9%	10%	8%	8%	7%
Hispanic/Latino	9%	9%	9%	8%	8%	7%	7%	7%	7%	8%	7%
American Indian or Alaska Native	0%	0%	0%	0%	1%	1%	1%	1%	1%	1%	1%
Asian Americans	18%	18%	17%	16%	17%	17%	15%	17%	18%	17%	16%
Black or African American	6%	6%	7%	7%	8%	8%	8%	8%	8%	8%	7%
Native Hawaiian or Other Pacific Islander	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
White	45%	45%	45%	44%	42%	45%	46%	45%	49%	49%	49%
Two or more races	6%	5%	5%	3%	0%	0%	0%	0%	0%	0%	0%
Race and ethnicity unknown	4%	5%	6%	12%	14%	14%	14%	14%	8%	9%	12%

293. Table C, Table D, and Table E, both individually and collectively, demonstrate that Harvard is engaging in racial balancing as there can be no non-discriminatory reason justifying such remarkable stability in its overall student body across all racial groups over this multi-year period.

294. Indeed, Harvard's admissions and enrollment data tends to demonstrate that Harvard is engaging in racial balancing to a statistically significant degree.

295. The year-to-year changes in the racial composition of Harvard's admitted and enrolled freshman class also reflect racial balancing as shown

by, among other things, how Harvard has managed its balance between African Americans and Hispanics, and how it has managed its balance between Asians and Non-Hispanic whites.

296. Over the period between 1994 and 2008, African American enrollment has remained extraordinarily stable at Harvard, averaging 7.8 percent with a standard deviation (calculated by year over the 14-year period) of 0.3 percent. Hispanic enrollment also remained quite stable, averaging 7.4 percent with a standard deviation of 0.4 percent. This occurred despite the fact that throughout this period, the applicant pool of academically strong Hispanic students at Harvard and other elite Ivy League schools was substantially larger than the similar pool for African Americans, and the gap became larger over time.

297. Yet Harvard and its peer Ivy League colleges have consistently admitted as many African Americans as Hispanics (if not more), even though this meant using substantially larger preferences for African Americans than for Hispanics. In other words, Harvard has manipulated the size of racial preferences to ensure it maintained racial balance.

298. Over the period between 2003 and 2012, the percentage of Asian Americans at Harvard wavered only slightly above and below approximately 17 percent. As noted earlier, this is despite the fact that, by 2008, Asian Americans made up over 27 percent of Harvard's applicant pool, and approximately 46 percent of applicants with academic credentials in the range from which Harvard admits the overwhelming majority

of students. But during this same period, Harvard's "non-Hispanic white" representation is only slightly declining.

299. Given Harvard's other racial balancing goals, it is obvious that if Harvard evaluated Asian Americans and non-Hispanic whites equally, non-Hispanic white admissions would drop significantly, possibly to the point where Asian-American enrollment and non-Hispanic white enrollment would be roughly comparable. Although this would cause Harvard's overall level of racial diversity to increase, not decrease, Harvard nevertheless continues to use racial balancing to keep white enrollment more than twice as high as Asian-American enrollment.

300. The minor year-to-year deviations in admissions and enrollment numbers demonstrate Harvard's commitment to maintaining racial stability over any four-year enrollment period. In other words, when enrollment of a particular racial or ethnic group exceeds or falls short of Harvard's intended goal, in the next one or two admissions cycles, Harvard admits fewer or more applicants of that racial or ethnic group in order to balance out the overall student body.

301. For example, in 2005, 18 percent of Harvard's student body was Asian American, which was a 16-year high. In response, Harvard admitted an unusually low number of Asian Americans in the following admissions cycle (17.7 percent). That predictably resulted in an unusually low yield of Asian Americans enrolling at Harvard (15.0 percent). Indeed, both the 2006 admissions and enrollment figures for Asian Americans were at or near 10-year lows.

302. Similarly, in 2012, 6 percent of Harvard's overall student body was African American, which was a 24-year low. In response, Harvard admitted an unusually high number of African Americans in the next two admissions cycle (11.5 percent and 11.9 percent, respectively), which were both record highs. That predictably resulted in an unusually high yield of African Americans enrolling at Harvard in 2013, which maintained an overall enrollment figure in line with the 20-year average, and would be expected to result in a similar enrollment level of African Americans in 2014.

303. No factor or criteria for admission— other than racial balancing— could explain these admissions patterns and the overall consistency of Harvard's admissions, enrollment, and overall student body figures across all racial groups.

304. As the Unz study found, "ethnic enrolment levels which widely diverge from academic performance data or applications rates and which remain remarkably static over time provide obvious circumstantial evidence for at least a *de facto* quota system."

X. HARVARD HAS AVAILABLE RACE-NEUTRAL ALTERNATIVES THAT CAN ACHIEVE STUDENT-BODY DIVERSITY.

305. Harvard has a host of race-neutral alternatives that can achieve student body diversity without the use of racial classifications, including but not limited to: (a) increased utilization of non-race-based preferences; (b) increased use of financial aid, scholarships, and

recruitment to attract and enroll minority applicants; and (c) elimination of admissions policies and practices that operate to the disadvantage of minority applicants. Furthermore, eliminating racial preferences at Harvard will alleviate the substantial harm these discriminatory policies cause to those minority applicants who receive such admissions preference, the Harvard community, and society as a whole.

A. Harvard Can Achieve Student Body Diversity Without Using Race As A Factor In Admissions Decisions By Making Greater Use Of Non-Racial Preferences.

306. Colleges and universities that have eliminated race-based admissions have maintained or increased their student body diversity by placing greater emphasis on socioeconomic factors, which often strongly correlate with an applicant's race but are not exclusively reserved for applicants of a particular race or ethnicity. Using socioeconomic preferences thus increases racial diversity *and* achieves the broader diversity that Harvard claims to seek by opening the door of opportunity for poor students of all races.

307. In a recent study of ten leading public universities that ended race-based preferences, researchers found that seven of these schools maintained or increased their enrollment of African-American and Hispanic students by adopting strategies that target socioeconomic inequality. See Halley Potter, *Transitioning to Race-Neutral Admissions: An Overview of Experiences in States Where Affirmative*

Action Has Been Banned, The Future of Affirmative Action (2014).

308. For example, the University of Colorado has devised an admissions formula that gives a significant preference to students from socioeconomically disadvantaged backgrounds. This refined formula takes into consideration numerous socioeconomic factors, including single-parent status, parents' education level, family income, native language, the number of dependents in the family, whether the applicant attended a rural high school, the percentage of students from the applicant's high school eligible for free or reduced-price lunch, the school-wide student-to-teacher ratio, and the size of the twelfth-grade class.

309. Under this admissions program, the University of Colorado found not only that the socioeconomic diversity of its incoming class increased substantially, but that racial and ethnic diversity increased as well. African-American and Hispanic acceptance rates to the University of Colorado increased from 56 percent under race-based admissions to 65 percent under class-based admissions. See Matthew N. Gaertner, *Advancing College Access with Class-Based Affirmative Action*, The Future of Affirmative Action (2014).

310. Recently, a national simulation was conducted to determine whether the use of socioeconomic preferences could achieve student body diversity without the use of racial preferences at elite universities. See Anthony P. Carnevale, Stephen J. Rose, Jeff Strohl, *Achieving Racial and Economic Diversity with Race-Blind Admissions Policy*, The Future of Affirmative Action (2014). The study

simulated various admissions models at the top-rated 193 colleges and universities “because the dialogue about affirmative action often implies that it is access to these schools and the opportunities they provide in business, social and career advancement that truly matters.” The study examined, among other things, the effect of substituting socioeconomic preference for race-based preferences at America’s elite college and universities using test scores and high-school grades as measures of merit.

311. The national simulation ultimately found that “it is possible to achieve both racial and economic diversity in selective colleges without using race per se as an admissions criterion” and, importantly, that it could be achieved consistent with the understanding “that affirmative action models ought to promote racial diversity as an educational benefit instead of promoting racial diversity for its own sake.”

312. Another study found that increased focus on parental education and wealth— as opposed to income— as a measure of socioeconomic status also can help achieve student body diversity without the use of racial preferences. See Dalton Conley, *The Why, What, and How of Class-Based Admissions Policy*, *The Future of Affirmative Action* (2014). The study found that “the most important factor in predicting individual academic success is the education of a parent” and the “economic factor” that mattered most was “parental net worth (that is, wealth) and not income.” Indeed, “wealth conceptually captures the legacy of historical inequalities of opportunity better than aspects of class that cannot be literally transferred directly from one

generation to the next by signing a check (or a deed or a will).” While African Americans make on the order of 60 to 70 percent of what whites make in income, the median African-American family wealth is just 10 percent of white family wealth.

313. Affording a community-based preference is another means of achieving student body diversity by admitting more socioeconomically disadvantaged students. See Sheryll Cashin, *Place not Race: A New Vision of Opportunity in America* (2014). African Americans and Hispanics are much more likely to live in neighborhoods with concentrated poverty than whites. See John R. Logan, *Separate and Unequal: The Neighborhood Gap for Blacks, Hispanics, and Asians in Metropolitan America* (2011), Table 2.

314. Universities have used this community-based homogeneity to promote racial and ethnic diversity through race-neutral means. For example, Texas, California, and Florida have adopted “percent plans” that guarantee admission to state universities for top graduates (based on grades) from each high school in the state. These percentage plans have been successful in promoting community, socioeconomic, and racial diversity.

315. In addition to statewide percentage plans, a university can achieve student body diversity by granting a preference within their existing admissions framework utilizing other community-based metrics, such as an applicant’s zip code. See Danielle Allen, *Talent is Everywhere: Using Zip Codes and Merit to Enhance Diversity, The Future of Affirmative Action* (2014).

316. Studies show that students admitted based on socioeconomic as opposed to racial criteria regularly outperform all other admitted students. These students drop out at lower rates, graduate in shorter time periods, and receive better grades.

317. The Espenshade-Radford study found that selective private institutions use racial preferences that are two to three times as large as their socioeconomic preferences.

318. This failure to give weight to socioeconomic preferences is exemplified by Harvard, particularly given the lack of socioeconomic diversity in the student body as compared to racial diversity.

319. Measured in terms of those students receiving federal Pell Grants, which are awarded to students coming from low-income families, Harvard lags far behind other schools. The percentage of students at Harvard who receive Pell Grants has ranged in recent years from 11 percent to 19 percent. In comparison, universities that employ race-neutral admissions had far greater numbers of Pell Grant recipients, including UCLA (35 percent), UC Berkeley (33 percent), and the University of Florida (30 percent). *2014 National Universities Rankings – Social Mobility*, Washington Monthly (2014).

320. According to a survey of the 2014 freshman class that *The Harvard Crimson* conducted, 14 percent reported annual family income above \$500,000 and another 15 percent came from families making more than \$250,000 per year. In contrast, only 20 percent reported incomes less than \$65,000. Taking these

statistics at face value, they show that a high school student from the top “1 percent” of the income distribution is approximately 35 times more likely to attend Harvard than one from the bottom 50 percent.

321. According to former Harvard president Lawrence Summers, only ten percent of students at selective colleges and universities, including Harvard, come from the bottom half of the income scale. *See* Harvard University President Lawrence H. Summers Commencement Address (2004).

322. By contrast, Harvard places far greater weight on an applicant’s race— regardless of his or her socioeconomic status or the community of origin.

323. By increasing the weight given to an applicant’s socioeconomic status and/or community of origin, Harvard could achieve student body diversity without resorting to the disfavored tool of racial preferences.

B. Harvard Can Achieve Student Body Diversity Without Using Race As A Factor In Admissions Decisions By Making Greater Use Of Financial Aid And Scholarships To Attract Minority Candidates.

324. Relying on socioeconomic instead of racial preferences at the admissions stage is the first step. But Harvard needs to ensure that those underprivileged minorities that benefit from socioeconomic preferences are in a position to accept the offer of admission and enroll at Harvard. To that

end, Harvard can achieve student body diversity by increasing its use of financial aid and scholarships.

325. Colleges and universities that have eliminated racial preferences have maintained or increased student body diversity by offering more financial aid to socioeconomically disadvantaged students. For example, the University of California system, which does not use race-based preferences, covers system-wide tuition for students from families with incomes below \$80,000. The University of California devotes one-third of tuition revenue to financial aid.

326. Harvard, in contrast, only covers the tuition of students from families with incomes below \$65,000. This is a trivial use of Harvard's vast economic resources. Harvard's \$36.4 billion endowment is the largest in the nation; it exceeds the gross domestic product of over 100 nations. Yet it costs students \$43,938 per year in tuition alone, and \$58,607 overall per year, to attend Harvard.

327. Harvard has the economic resources to increase the coverage of full tuition far beyond the current \$65,000 threshold. Doing so would make it possible for underprivileged minorities, especially those in the lower middle class and those who may have slightly higher income levels but less wealth, admitted to Harvard through the increased use of socioeconomic preferences (as opposed to affluent minorities currently admitted due to racial preferences) to be in a position to accept an offer of admission and enroll at Harvard.

C. Harvard Can Achieve Student Body Diversity Without Using Race As A Factor In Admissions Decisions Through Increased Recruitment And Other Steps Designed To Encourage More Qualified Minority Students To Apply For Admission.

328. Harvard can achieve student body diversity by bringing more highly qualified, socioeconomically disadvantaged minorities into its applicant pool.

329. Across the country, there are tens of thousands of high-achieving, socioeconomically disadvantaged minorities who fail to apply to selective schools, including Harvard, at which they would likely be admitted and at which they would enroll if offered sufficient financial aid.

330. One study found that between 25,000 and 35,000 socioeconomically disadvantaged high school seniors obtain an SAT or ACT in the 90th percentile or higher and have a GPA of A- or better. Nearly 6 percent of this group is African American and nearly 8 percent is Hispanic. A great many of these socioeconomically disadvantaged students “undermatch” by applying to and enrolling at colleges and universities less selective than the ones to which they could have been admitted. See Caroline Hoxby, Christopher Avery, *The Missing “One-Offs”: The Hidden Supply of High-Achieving, Low-Income Students*, Brookings Papers on Economic Activity (Spring 2013).

331. The “undermatch” problem is a serious issue in the Ivy League. Among the highly selective Ivy League schools studied by Dr. Sander and Ms. Uppala, the applicant pools of these schools included, on average, less than 20 percent of the socioeconomically disadvantaged students in the country with SAT scores above 2100. The rate is even lower for high-scoring, socioeconomically disadvantaged Asian Americans, in which less than 18 percent of such students are, on average, in the applicant pools of the highly selective Ivy League schools.

332. Universities with race-neutral admissions have increased their student body diversity by improving recruitment of these socioeconomically disadvantaged, high-achieving minority students. For example, after race-based admissions were eliminated in Texas, the University of Texas at Austin increased its student body diversity by implementing numerous programs designed to recruit students from underrepresented regions and high schools, including “Longhorn Game Weekends,” which focus on specific geographic regions, and “Longhorn for a Day,” which reaches out to students in underrepresented high schools.

333. Furthermore, a study found that simply mailing a well-designed, targeted brochure to high-achieving, socioeconomically disadvantaged students could be instrumental in causing them to apply to selective colleges and universities. See Sheryll Cashin, *Place not Race: A New Vision of Opportunity in America* 49 (2014).

334. Universities also have achieved student body diversity by aggressively recruiting high-achieving

community college students, who are more likely to be African American or Hispanic. For example, in 1997, after California banned racial preferences, the University of California substantially increased its recruitment and enrollment of community college students. As a result of the University of California's efforts, by 2012, about 29 percent of new students enrolling in the University of California system were transfers from community colleges. *See Preparing California for Its Future: Enhancing Community College Student Transfer to the University of California* (2014).

335. Harvard does little to recruit high-achieving, socioeconomically disadvantaged minority students or high-achieving community college students.

336. Harvard focuses its recruitment in parts of the country with small numbers of socioeconomically disadvantaged achievers and neglects regions with a significant number of such students. For example, Harvard recruits heavily in New England, which has only 3.5 percent of low-income high achievers nationwide, yet neglects Midwest and Rocky Mountain states, which produce 21.2 percent of these students.

337. This failure to recruit socioeconomically disadvantaged students is reflected in Harvard's applicant pool. Although there are more than 10,000 high schools in the country that have students with the credentials to be admitted to Harvard, only a small fraction of these schools have students who ultimately apply to Harvard.

338. In addition, community college transfer students are a miniscule percentage of Harvard's student body. Each year, Harvard accepts fewer than three students from community colleges across the country.

339. Harvard officials have flatly conceded that they make little effort to recruit students from community colleges and other nontraditional educational backgrounds. *See* Arianna Markel, *Harvard Lags in Community College Recruitment*, *The Harvard Crimson* (Dec. 12, 2007).

340. Harvard could achieve its student body diversity without the use of racial preferences by improving its recruitment of socioeconomically disadvantaged, high-achieving minorities, and community college students.

D. Harvard Can Achieve Student Body Diversity Without Using Race As A Factor In Admissions Decisions Through The Elimination Of Admissions Policies And Practices That Harm Minority Applicants.

341. Harvard employs a series of admissions practices and policies that make it more difficult for socioeconomically disadvantaged minorities to gain admission. Eliminating these practices and policies would allow Harvard to achieve student body diversity without using racial preferences.

342. Harvard grants an admissions preference to "legacy" applicants.

343. The acceptance rate for legacy applicants to Harvard is about 30 percent, which is roughly five times the rate at which all other applicants are admitted to Harvard.

344. At most universities throughout the country, including Harvard, alumni children are less likely to be socioeconomically disadvantaged or racial minorities than the rest of the student body. Thus, colleges and universities, like Harvard, that grant admissions preferences to legacies give a competitive advantage to mainly white, wealthy applicants, while undermining the chances for admission of socioeconomically disadvantaged and minority applicants. See John Brittain and Eric L. Bloom, *Admitting the Truth: The Effect of Affirmative Action, Legacy Preferences, and the Meritocratic Ideal on Students of Color in College Admissions*, Affirmative Action for the Rich (2010).

345. As a consequence, eliminating legacy preferences in conjunction with other race-neutral admissions policies can achieve student body diversity. Several universities, including Texas A&M University, the University of Georgia, and the University of California, have increased their student body diversity by ending their practice of favoring legacies in the admissions process in conjunction with the elimination of racial preferences.

346. Furthermore, one study found that eliminating legacy preferences in combination with other race-neutral admissions criteria could more than double African-American and Hispanic enrollment and more than triple the enrollment of socioeconomically disadvantaged students. See Anthony P. Carnevale,

Stephen J. Rose, Jeff Strohl, *Achieving Racial and Economic Diversity with Race-Blind Admissions Policy*, *The Future of Affirmative Action* (2014).

347. Harvard can achieve student body diversity without using racial preferences by eliminating legacy admissions preferences in conjunction with other race-neutral measures.

348. Eliminating legacy preferences is a workable race-neutral strategy. Research finds that the existence of legacy preferences does not increase alumni donations to an institution. See Chad Coffman, Tara O’Neil, and Brian Starr, *An Empirical Analysis of Legacy Preferences on Alumni Giving at Top Universities*, *Affirmative Action for the Rich* (2010).

349. Harvard also grants admissions preferences to non-legacy students whose parents make significant donations to Harvard, notwithstanding its \$36.4 billion endowment.

350. For example, a wealthy New Jersey real estate developer who did not attend Harvard pledged \$2.5 million to Harvard in 1998. That same year, his son applied to Harvard, even though he did not take demanding classes in high school and his test scores were below Ivy League standards. His son’s high school advisors were “surprised when he applied to Harvard—and dismayed when he was admitted.”

351. As one of his advisors explained, “[t]here was no way anybody in the administrative office of the school thought he would on the merits get into Harvard. His GPA did not warrant it, his SAT scores did not warrant it. We thought for sure, there was no

way this was going to happen. Then, lo and behold, [he] was accepted. It was a little bit disappointing because there were at the time other kids we thought should really get in on the merits, and they did not.”

352. Minority students are far less likely to be children of wealthy donors. Thus, colleges and universities, like Harvard, that grant admissions preferences to children of wealthy donors give a competitive advantage to mainly white applicants while undermining the chances for admission of minority applicants.

353. Harvard’s preferences for legacies and children of wealthy donors often operate in tandem to the detriment of minority applicants. For example, one applicant, who was a fifth-generation Harvard legacy, scored 1440 on her SATs, which is below Harvard’s average, and ranked in the second quartile her high school class. Before she applied to Harvard, her father donated \$1 million to the university and pledged an additional \$5 million in future years. Shortly after her junior year, the applicant’s father arranged for her to meet the Dean of Admissions, William Fitzsimmons. She was admitted to Harvard the following year.

354. When asked whether it was fair that she was admitted, she stated that legacy preferences are a “valid thing for a college to do. Any college has to be careful about the students it lets in from a social perspective. If you let in too many of any one group, it can affect social cohesiveness. At one time, Harvard had too many Asian American students... . It’s important to Harvard to have people who know what it means to work hard, make good friends, and go out at

night. A lot more alumni children are well-rounded kids, probably because they come from more stable families.”

355. Harvard can achieve student body diversity without using racial preferences by eliminating admissions preferences for children of wealthy donors, both legacies and non-legacies, in conjunction with other race-neutral measures.

356. Harvard also operates a unique form of admissions known as the “Z-list.” The Z-list is an admissions process under which Harvard admits a select group of students on the condition that they take a year off before enrolling in Harvard.

357. Harvard admits between 20 and 50 students through the Z-list every year.

358. Harvard principally uses the Z-list to admit legacies and children of affluent families who cannot gain admission through the ordinary course and who can afford to take a year off before enrolling in college.

359. In 2010, *The Harvard Crimson* interviewed 28 students admitted under the Z-list. Of these students, 18 were children of Harvard alumni and all but four received no financial aid from Harvard.

360. Students admitted through the Z-list are overwhelmingly wealthy and white, and have a worse academic record than the rest of the student body.

361. For example, in 2006, Harvard used the Z-list to admit the granddaughter of a Harvard alumnus who had endowed a professorship in computer science, even

though she had inferior admissions credentials. By contrast, one of her high school classmates, Jennifer Soo Hoo, who is of Chinese descent, had comparatively outstanding credentials: she was a Cum Laude Society member, an Advance Placement Scholar, a National Merit Scholar, an all-conference center back on the soccer team, and scored a 34 out of 36 on the ACT. Jennifer was rejected by every Ivy League school to which she applied.

362. Harvard can achieve student body diversity without using racial preferences by eliminating Z-list admissions in conjunction with other race-neutral measures.

363. Finally, Harvard admits applicants through an early admission program. Early admissions is a practice in which schools allow students to submit their application in the early Fall if they apply to only one school or promise to attend the school if admitted.

364. Early admission programs, like Harvard's program, usually benefit wealthier and better-informed students because these students have the resources to submit their application early and do not need to hold out for the prospect of financial aid. *See Justin Pope, Harvard Drops Early Admissions, Saying They Favor Wealthier Students Over Minorities, Poor*, Associated Press (Sept. 12, 2006).

365. By contrast, socioeconomically disadvantaged students and minorities face a disadvantage under early admission programs because they often receive inadequate information and counseling and lack the

economic resources to commit to a school so early in the process.

366. Because early admissions undermine the chances of socioeconomically disadvantaged and minority applicants, in 2006, Harvard terminated this program. According to Harvard's then-President Derek Bok, "We think this will produce a fairer process because the existing process has been shown to advantage those who are already advantaged."

367. Similarly, Dean of Admissions William Fitzsimmons supported ending early admissions because "[t]here are lots of very talented students out there from poor and moderate-income backgrounds who have been discouraged by this whole hocus-pocus of early admissions."

368. Harvard reinstated early admissions in 2011. The reintroduction of early admissions has again hurt the ability of socioeconomically disadvantaged and minority students to apply and be admitted to Harvard.

369. Harvard can achieve student body diversity without using racial preferences by eliminating its early admission program in conjunction with other race-neutral measures.

E. Achieving Student Body Diversity Through Race-Neutral Means Eliminates The Heavy Cost Imposed By The Use Of Racial Preferences.

370. Any assessment of the feasibility of race-neutral alternatives must also take into account the heavy costs of *not* employing them. The costs of

continuing to use racial preferences, when workable race-neutral alternatives exist, are high from both a legal and a practical perspective.

371. As a legal matter, “[d]istinctions between citizens solely because of their ancestry are by their very nature odious to a free people, and therefore are contrary to our traditions and hence constitutionally suspect.” *Fisher v. University of Texas at Austin*, 133 S. Ct. 2411, 2418 (2013) (citations and quotations omitted).

372. As a result, the Fourteenth Amendment, and therefore Title VI, “forbids the use even of narrowly drawn racial classifications except as a last resort.” *Croson*, 488 U.S. at 519 (Kennedy, J., concurring in part and concurring in the judgment).

373. Harvard’s practice of labeling all applicants according to broad racial categories illustrates why such classifications are pernicious and always create the “danger that a racial classification is merely the product of unthinking stereotypes or a form of racial politics.” *Croson*, 488 U.S. at 493.

374. These racial categories lump together students in categories such as “African American” or “Hispanic” or “Asian American,” even though they come from vastly different cultures, experiences, and backgrounds.

375. For example, Harvard’s category of “Asian Americans” comprises roughly 60 percent of the world’s population, including individuals of Chinese, Japanese, Korean, Vietnamese, Cambodian, Hmong, and Indian descent.

376. While many Asian Americans have been in the United States for generations, others are recent immigrants or children of immigrants. Some Asian Americans came to the United States to escape communism, authoritarianism, war, and poverty, while others simply sought out greater opportunities. Some Asian Americans come from highly educated families, but many others do not.

377. Asian Americans also have a wide range of religious beliefs, including Christianity, Islam, Buddhism, Judaism, Hinduism and many others. Some come from cultures that aggressively promote education, while many others come from cultures that take a less demanding approach.

378. Thus, for example, Indian-American students are different from Japanese-American students; Vietnamese-American students are different from Chinese-American students; and students from Mainland China, Hong Kong, and Taiwan all have unique perspectives and cultural experiences.

379. Given this diversity, it is lamentable for Harvard to lump all Asian Americans together in the admissions process. Yet this categorization is the inevitable byproduct of using group-based racial classifications instead of employing race-neutral alternatives that are able to account for the vast differences among applicants.

380. Racial classifications also have a stigmatizing effect on the supposed beneficiaries of these policies. Irrespective of whether an individual African-American or Hispanic applicant is admitted to Harvard because

of a racial preference, so long as racial preferences exist, it will often be assumed that race is the reason for the applicant's admission to the school. This stigma can have a devastating effect on the psyche of impressionable students.

381. For example, according to one African American who attended an elite liberal arts college, upon arriving at school, "I was immediately stereotyped and put into a box because I was African-American. And that made it harder to perform. . . . There was a general feeling that all blacks on campus were there either because they were athletes or they came through a minority-recruitment program and might not really belong there." Shaken by the experience, the student dropped out after his freshman year.

382. Harvard can eliminate the harmful effects these unfair stereotypes cause by using race-neutral alternatives.

383. Finally, the "mismatch effect" of racial preferences far too frequently put the supposed beneficiaries of race-based admissions policies in a position where they cannot succeed academically in order to fulfill the university's social-engineering vision.

384. This "mismatch" effect happens when a school employs such a large admissions preference that the student is academically damaged in a variety of ways by being placed in an academic environment where most of the student's peers have substantially stronger levels of academic preparation.

385. For example, a student who would flourish at a less elite school instead finds himself or herself at Harvard, where the professors are not teaching at a pace designed for him or her. Instead, they are teaching to the “middle” of the class, introducing terms and concepts at a speed that is unnerving even to the best-prepared student.

386. The student who is underprepared relative to others in that class falls behind from the start and becomes increasingly lost as the professor and classmates race ahead. The student’s grades on his or her first exams or papers put him or her at the bottom of the class. Worse, the experience may well induce panic and self-doubt, making learning even more difficult, thus creating a vicious cycle that only exacerbates the problem.

387. The “mismatch effect” has been documented in dozens of studies. *See, e.g.*, Peter Arcidiacono, Esteban M. Aucejo, and Ken Spenner, *What Happens After Enrollment? An Analysis of the Time Path of Racial Differences in GPA and Major Choice* (2011); U.S. Commission on Civil Rights, *Encouraging Minority Students to Pursue Science, Technology, Engineering and Math Careers, Briefing Report* (October 2010); Richard Sander and Roger Bolus, *Do Credential Gaps in College Reduce the Number of Minority Science Graduates?* (2009); Richard Sander, *A Systemic Analysis of Affirmative Action in American Law Schools*, 57 *Stan. L. Rev.* 367 (2004); Stephen Cole and Elinor Barber, *Increasing Faculty Diversity* (2003); Rogers Elliott, A. Christopher Strenta, Russell Adair, Michael Matier and Jannah Scott, *The Role of Ethnicity*

in Choosing and Leaving Science in Highly Selective Institutions, 37 *Research in Higher Education* 681 (1996).

388. As this research demonstrates, African-American college freshmen are more likely to aspire to science or engineering careers than are white freshmen, but mismatch causes African Americans to abandon these fields at twice the rate of whites.

389. As a consequence, African Americans who start college interested in pursuing a doctorate and an academic career are twice as likely to be derailed from this path if they attend a school where they are mismatched.

390. Furthermore, about half of African-American college students rank in the bottom 20 percent of their classes.

391. Mismatch also creates social problems on campus. The academic research shows that interracial friendships are more likely to form among students with relatively similar levels of academic preparation; thus, African Americans and Hispanics are more socially integrated on campuses where they are less academically mismatched.

392. Harvard has and is continuing to experience the problems associated with the “mismatch” effect as documented in major, unrebutted empirical studies that either included Harvard or included studies of close peer institutions.

393. “Academic mismatch” has been documented at Harvard by sociologists Stephen Cole and Elinor

Barber. See Stephen Cole and Elinor Barber, *Increasing Faculty Diversity* (2003). Cole and Barber undertook their research in large part at the urging of Harvard President Neil Rudenstien, and the Council of Ivy League Presidents financially supported their work. The purpose of the study was to understand why there were so few underrepresented minorities—particularly African Americans—in the academic pipeline leading to university faculty positions.

394. Cole and Barber found that a prime cause of the constrained pipeline was academic mismatch. Promising African American and Hispanic students who were interested in academic careers sought to go to selective colleges. Through the operation of racial preferences, these students often found themselves being admitted and courted by super-elite colleges, and often unwittingly found themselves at schools where their level of academic preparation was far below the median. In these environments, the students survived but did not flourish. Their grades tended to be well below the median, and in large numbers they soured on the prospect of pursuing a career in academia. The study found that otherwise similar students who went to less elite schools—such as flagship state universities—performed better and retained their interest in academic careers at much higher rates.

395. Harvard also has a documented “mismatch” problem in the sciences. In 2004, two psychologists at the University of Virginia published a peer-reviewed study of minority attrition in the sciences. See Frederick L. Smyth and John J. McArdle, *Ethnic and Gender Differences in Science Graduation at Selective*

Colleges With Implications For Admission Policy and College Choice, Research In Higher Education, Vol. 45, No. 4 (June 2003). These scholars gained permission to use the College and Beyond dataset assembled by the Mellon Foundation. This dataset, which included comprehensive data from several Ivy League colleges (Columbia, Princeton, and Yale) as well as approximately twenty less selective schools, served as the basis for the well-known study of affirmative action, *The Shape of the River* (1998).

396. Smyth and McArdle examined what factors affected the success of students in science, technology, engineering, and math (“STEM”) fields of study. They found that a critical factor was a student’s academic preparation relative to her peers. Moreover, they found that this effect was essentially identical for white, African American, and Hispanic students. In all cases, students who attended a school where their level of academic preparation was substantially lower than those of their peers were far more likely to drop out of STEM fields as compared to identical students who attended schools where their relative peer position was higher. The effect was so large that Smyth and McArdle advised high school counselors to take potential mismatch into account in helping students understand the pros and cons of attending “reach” schools.

397. In 1996, a group of researchers at Dartmouth University, led by Dartmouth psychologist Rogers Elliott, published a peer-reviewed study that examined rates of STEM attrition at four Ivy League colleges. *See* Rogers Elliott, A. Christopher Strenta, Russell Adair,

Michael Matier and Jannah Scott, *The Role of Ethnicity in Choosing and Leaving Science in Highly Selective Institutions*, 37 *Research in Higher Education* 681 (1996). They found that although African-American freshmen aspired to STEM majors at roughly the same rate as other students, only about 10 percent of African-American aspirants actually achieved bachelor degrees in STEM fields. Many of these students switched to majors in the humanities and social sciences; some failed to graduate at all. The study found that a principal reason for the high attrition rate of African Americans was their relative position among a group of peers who generally had much higher levels of academic preparation, and could thus compete effectively in the demanding, sequential, rigorously graded STEM curricula.

398. Harvard has disregarded the “mismatch effect” that is harming the many African American and Hispanic students who are admitted to and enroll at Harvard because of its large admissions preference.

399. Harvard can eliminate this harmful mismatch and allow students to excel at schools for which they are most prepared by eliminating the use of racial preferences and employing race-neutral alternatives that bring high-performing, socioeconomically disadvantaged minorities into the applicant pool.

XI. GOVERNING LAW

400. Title VI of the Civil Rights Act of 1964 provides: “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be

subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C. § 2000d.

401. Under Title VI, “the term ‘program or activity’ and the term ‘program’ mean all of the operations ... of a college, university, or other postsecondary institution, or a public system of higher education ... any part of which is extended Federal financial assistance.” 42 U.S.C. § 2000d-4a.

402. An institution that accepts federal funds violates Title VI when it engages in racial or ethnic discrimination that violates the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution. *See Gratz v. Bollinger*, 539 U.S. 244, 257 n.23 (2003) (“We have explained that discrimination that violates the Equal Protection Clause of the Fourteenth Amendment committed by an institution that accepts federal funds also constitutes a violation of Title VI.”) (citing *Alexander v. Sandoval*, 532 U.S. 275, 281 (2001)).

403. The Fourteenth Amendment provides, in relevant part, that no person shall be denied “the equal protection of the laws.” The “central mandate” of equal protection is “racial neutrality” by the government or institution subject to the Fourteenth Amendment. *Miller v. Johnson*, 515 U.S. 900, 904 (1995). “Whenever the government treats any person unequally because of his or her race, that person has suffered an injury that falls squarely within the language and spirit of the Constitution’s guarantee of equal protection.” *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 229-30 (2000).

404. “Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people, and therefore are contrary to our traditions and hence constitutionally suspect.” *Fisher*, 133 S. Ct. at 2419 (citations and quotations omitted). Thus, “any official action that treats a person differently on account of race or ethnic origin is inherently suspect.” *Id.* (citation and quotations omitted). In other words, “because racial classifications so seldom provide a relevant basis for disparate treatment, the Equal Protection Clause demands that racial classifications be subjected to the most rigid scrutiny.” *Id.* (citations and quotations omitted).

405. “[A]ll racial classifications ... must be analyzed by a reviewing court under strict scrutiny.” *Adarand*, 515 U.S. at 227. “Strict scrutiny is a searching examination, and it is the government [or institution subject to the Fourteenth Amendment through Title VI] that bears the burden to prove that the reasons for any racial classification are clearly identified and unquestionably legitimate.” *Fisher*, 133 S. Ct. at 2419 (citations and quotations omitted). Strict scrutiny thus requires a “detailed judicial inquiry to ensure that the personal right to equal protection of the laws has not been infringed.” *Adarand*, 515 U.S. at 227.

406. In particular, strict scrutiny requires a “detailed examination, both as to ends and to means.” *Adarand*, 515 U.S. at 236. When those governmental or other institutions subject to the Fourteenth Amendment directly or through Title VI implement policies and practices that “touch upon an individual’s race or ethnic background, he is entitled to a judicial

determination that the burden he is asked to bear on that basis is precisely tailored to serve a compelling governmental interest.” *Fisher*, 133 S. Ct. at 2417 (citations and quotations omitted).

407. Racial “classifications are constitutional only if they are narrowly tailored to further compelling governmental interests.” *Grutter*, 539 U.S. at 326.

408. “Strict scrutiny requires the university to demonstrate with clarity that its purpose or interest is both constitutionally permissible and substantial, and that its use of the classification is necessary to accomplish that purpose.” *Fisher*, 133 S. Ct. at 2418.

409. To meet strict scrutiny, the end must be “compelling”—not merely legitimate or important. To be narrowly tailored, “the means chosen” must “fit” the unmet compelling interest “so closely that there is little or no possibility that the motive for the classification was illegitimate racial prejudice or stereotype.” *Croson*, 488 U.S. at 493 (citations and quotations omitted). In other words, “racial classifications, however, compelling their goals, are potentially so dangerous that they may be employed no more broadly than the interest demands.” *Grutter*, 539 U.S. at 342.

410. “To survive strict scrutiny,” moreover, the institution “must do more than assert a compelling state interest— it must demonstrate that its law is necessary to serve the asserted interest.” *Burson v. Freeman*, 504 U.S. 191, 199 (1992). The institution must establish the necessity of using race by a “strong basis in evidence” because “the mere recitation” of a compelling interest is “not an automatic shield which

protects against any inquiry” into the justification for race-based action.” *Croson*, 488 U.S. at 495, 500.

411. Strict scrutiny “forbids the use even of narrowly drawn racial classifications except as a last resort.” *Id.* at 519 (Kennedy, J., concurring in part and concurring in the judgment).

412. An institution’s use of race or ethnicity that is in any way motivated by “prejudice or stereotype” against a particular group violates the Fourteenth Amendment and therefore violates Title VI. *Croson*, 488 U.S. at 493. “[T]he Equal Protection Clause prohibits a State [or institution subject to the Fourteenth Amendment through Title VI] from taking any action based on crude, inaccurate racial stereotypes.” *Batson v. Kentucky*, 476 U.S. 79, 104 (1986); *see also Thomas v. Eastman Kodak Co.*, 183 F.3d 38, 42 (1st Cir. 1999) (“Title VII’s prohibition against ‘disparate treatment because of race’ extends both to employer acts based on conscious racial animus and to employer decisions that are based on stereotyped thinking or other forms of less conscious bias.”).

413. In addition to direct evidence of discrimination, racial “prejudice or stereotype” may be proven through circumstantial evidence. *See Village of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 266 (1977) (“Determining whether invidious discriminatory purpose was a motivating factor demands a sensitive inquiry into such circumstantial and direct evidence of intent as may be available.”). The Supreme Court has identified five, non-exhaustive “subjects of proper inquiry in determining whether racially discriminatory

intent existed” based on circumstantial evidence. *Id.* at 268.

414. First, the Court looks to whether the policy, notwithstanding its purportedly neutral rationale, “bears more heavily on one race than another. . . . Sometimes a clear pattern, unexplainable on grounds other than race, emerges from the effect of the state action even when the governing legislation appears neutral on its face.” *Id.* at 266.

415. Second, the Court looks to “the historical background” of the policy, “particularly if it reveals a series of official actions taken for invidious purposes.” *Id.* at 267.

416. Third, “[t]he specific sequence of events leading up the challenged decision also may shed some light on the decisionmaker’s purposes.” *Id.*

417. Fourth, “[d]epartures from the normal procedural sequence also might afford evidence that improper purposes are playing a role. Substantive departures too may be relevant, particularly if the factors usually considered important by the decisionmaker strongly favor a decision contrary to the one reached.” *Id.*

418. Fifth, and last, “[t]he legislative or administrative history may be highly relevant, especially where there are contemporary statements by members of the decisionmaking body, minutes of its meetings, or reports.” *Id.* at 268.

419. Even if not motivated by prejudice or stereotype, a racial classification violates the

Fourteenth Amendment and therefore violates Title VI if it is a quota. In the educational setting, then, “universities cannot establish quotas for members of certain racial groups or put members of those groups on separate admissions tracks. Nor can universities insulate applicants who belong to certain racial or ethnic groups from the competition for admission.” *Grutter*, 539 U.S. at 334 (citation omitted).

420. Moreover, a university’s policy violates the Fourteenth Amendment and therefore violates Title VI if it amounts to “racial balancing, which is patently unconstitutional.” *Id.* at 329. Racial balancing is a program designed “to assure within [the school’s] student body some specified percentage of a particular group merely because of its race or ethnic origin.” *Id.* (citations and quotation omitted). “[P]roportional representation” is never a constitutional “rationale for programs of preferential treatment.” *Id.* at 343.

421. The only interest in using racial preferences in higher education that the Supreme Court has accepted as “compelling” is the interest “in obtaining the educational benefits that flow from a diverse student body.” *Grutter*, 539 U.S. at 343. Redressing past discrimination does “not serve as a compelling interest, because a university’s broad mission of education is incompatible with making the judicial, legislative, or administrative findings of constitutional or statutory violations necessary to justify remedial racial classification.” *Fisher*, 133 S. Ct. at 2417 (citations and quotations omitted).

422. The interest in student body diversity the Supreme Court has found compelling “is not an interest

in simply ethnic diversity, in which a specified percentage of the student body is in effect guaranteed to be members of selected ethnic groups, with the remaining percentage an undifferentiated aggregation of students.” *Fisher*, 133 S. Ct. at 2418 (citation and quotations omitted). “[C]ritical mass is defined by reference to the educational benefits that diversity is designed to produce.” *Grutter*, 539 U.S. at 330.

423. Even in the pursuit of critical mass, the Supreme Court has permitted race to be used only as a “plus” factor in admissions decisions. *Id.* at 333. “[I]t remains at all times the University’s obligation to demonstrate, and the Judiciary’s obligations to determine, that admissions processes ‘ensure that each applicant is evaluated as an individual and not in a way that makes an applicant’s race or ethnicity the defining feature of his or her application.’” *Fisher*, 133 S. Ct. at 2418 (quoting *Grutter*, 539 U.S. at 337). Thus, even if “the University has established that its goal of diversity is consistent with strict scrutiny, ... there must still be a further judicial determination that the admissions process meets strict scrutiny in its implementation. The University must prove that the means chosen by the University to attain diversity are narrowly tailored to that goal.” *Id.* at 2419-20.

424. “Narrow tailoring also requires that the reviewing court verify that it is ‘necessary’ for a university to use race to achieve the educational benefits of diversity. This involves a careful judicial inquiry into whether a university could achieve sufficient diversity without using racial classifications.” *Id.* at 2420 (internal citation omitted). Accordingly,

strict scrutiny uniformly “require[s] a court to examine with care, and not defer to, a university’s ‘serious, good faith consideration of workable race-neutral alternatives.’” *Id.* (quoting *Grutter*, 539 U.S. at 339-340).

425. “Consideration by the university is of course necessary, but it is not sufficient to satisfy strict scrutiny: The reviewing court must ultimately be satisfied that no workable race-neutral alternatives would produce the educational benefits of diversity. If a nonracial approach ... could promote the substantial interest about as well and at tolerable administrative expense, then the university may not consider race.” *Id.* (citations and quotations omitted).

426. As a consequence, “strict scrutiny imposes on the university the ultimate burden of demonstrating, *before turning to racial classifications*, that available, workable race-neutral alternatives do not suffice.” *Id.* (emphasis added).

XII. CLAIM FOR RELIEF

427. Harvard’s use of racial preferences in undergraduate admissions violates Title VI of the Civil Rights Act of 1964. Plaintiff should be granted relief on that claim for a host of reasons. First, Harvard is intentionally discriminating against Asian-American applicants. Second, Harvard is engaging in racial balancing. Third, Harvard’s use of racial preference is not narrowly tailored because Harvard is not pursuing the critical-mass interest found permissible in *Grutter*. Fourth, Harvard’s use of racial preferences is not narrowly tailored because Harvard is not using this

disfavored tool merely to fill the “few places” left in its incoming class contrary to the “Harvard College Admissions Program” submitted to the Supreme Court in *Bakke*. Fifth, Harvard is not fully utilizing a number of race-neutral alternatives that can achieve student body diversity. Finally, whether or not Harvard is found to be acting permissibly under Supreme Court precedent, the Supreme Court should overrule any decision holding that the Fourteenth Amendment and therefore Title VI ever permits the use of racial preferences to achieve “diversity.”

COUNT I

Violation of 42 U.S.C. § 2000d *et seq.* (Intentional Discrimination Against Asian Americans)

428. Plaintiff incorporates the allegations and averments contained in paragraphs 1-427 as if fully set forth herein.

429. Harvard, a recipient of federal funds, intentionally discriminated against certain of Plaintiff's members on the basis of their race, color, or ethnicity in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, by employing an undergraduate admissions policy that intentionally discriminates against Asian-American applicants on the basis of race or ethnicity.

430. Harvard has conceded that, because it uses a racial criterion in its admissions process and receives federal funds, it is subject to potential liability for violations of Title VI if it is found to have discriminated on the basis of race in its admissions process. *See*

Harvard *Grutter* Amicus Brief at 2 (“Because Title VI of the Civil Rights Act of 1964 forbids institutions that receive federal funds from engaging in racial ‘discrimination,’ the ability of private colleges and universities to exercise their institutional competence could well be dramatically compromised by any new limits . . . on state university admissions criteria or procedures.”); Harvard *Fisher* Amicus Brief 3 (stating that “Title VI of the Civil Rights Act of 1964 forbids institutions that receive federal funds from engaging in racial ‘discrimination,’ and so Harvard’s “efforts to attain diverse student bodies could be compromised” if limits were placed on the university’s admissions procedures).

431. Title VI is privately enforceable.

432. Discrimination that violates the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution constitutes a violation of Title VI when committed by an institution that accepts federal funds.

433. An institution’s use of race or ethnicity that is in any way motivated by prejudice or stereotype against a particular group violates the Fourteenth Amendment and therefore violates Title VI.

434. Harvard has intentionally discriminated against Asian-American applicants for admission on the basis of race or ethnicity based on prejudicial and stereotypical assumptions about their qualifications.

435. Harvard officials have made prejudicial and stereotypical statements about Asian-American applicants for admission. Among other things, Harvard

officials have made racially stereotypical statements assuming that, as a group, Asian Americans all have same academic interests, experiences, and personal attributes and that Asian Americans, as a group, lack certain qualities that Harvard values.

436. Harvard's admissions system has a disproportionately negative effect on Asian-American applicants for admission that is not explainable on grounds other than intentional discrimination on the basis of race or ethnicity. As the statistical evidence demonstrates, Asian Americans are underrepresented at Harvard in relation to their share of the applicant pool and are massively underrepresented in relation to the share of the highly qualified portion of Harvard's applicant pool. Asian Americans represent roughly 46 percent of the highly qualified portion of Harvard's applicant pool, yet they represent only about 17 percent of those admitted and/or enrolled at Harvard over a multi-year period.

437. Harvard has a long and unfortunate history of intentional discrimination on the basis of race or ethnicity, including a history of intentional discrimination against Asian Americans. The Harvard Plan itself is a product of admissions policies created to advance an invidious purpose. Harvard has a history of using the rubric of "holistic" admissions in general, and the Harvard Plan in particular, to limit the admission of Jewish applicants and other minority groups. Indeed, Harvard is using the same pretextual excuses to justify its disparate treatment of Asian Americans that it used to deny that it was discriminating against Jewish applicants in the past. In short, Harvard's

intentional discrimination against Asian-American applicants exhibits the same pattern as its previous discrimination against Jewish applicants.

438. Harvard's departure from its normal procedures, including its abrupt decision to no longer make public the application figures grouped by racial category, demonstrates that steps were taken for the improper purpose of engaging in intentional discrimination on the basis of race or ethnicity.

439. Harvard's substantive decision to abandon or place considerably less reliance, when it comes to Asian Americans, on the academic factors it usually considers important for purposes of granting or denying admission demonstrates that Harvard is engaging in intentional discrimination on the basis of race or ethnicity.

440. Plaintiff's members have been and will continue to be injured because Harvard has and will continue to deny them the opportunity to compete for admission to Harvard on equal footing with other applicants on the basis of race or ethnicity due to its intentionally discriminatory admissions policies and procedures.

441. Plaintiff is entitled to a declaratory judgment, pursuant to 28 U.S.C. § 2201, and a permanent injunction because there is no plain, adequate, or speedy remedy at law to prevent Harvard from continuing to use admissions policies and procedures that discriminate on the basis of race or ethnicity in violation of Title VI of the Civil Rights Act of 1964 and

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because the harm Plaintiff's members will otherwise continue to suffer is irreparable.

442. Plaintiff is entitled to attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

COUNT II

Violation of 42 U.S.C. § 2000d *et seq.* (Racial Balancing)

443. Plaintiff incorporates the allegations and averments contained in paragraphs 1-442 as if fully set forth herein.

444. Harvard, a recipient of federal funds, intentionally discriminated against certain of Plaintiff's members on the basis of their race, color, or ethnicity in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, by employing an undergraduate admissions policy that balances the class according to its racial or ethnic composition.

445. Harvard has conceded that, because it uses a racial criterion in its admissions process and receives federal funds, it is subject to potential liability for violations of Title VI if it is found to have discriminated on the basis of race in its admissions process. *See* Harvard *Grutter* Amicus Brief at 2 ("Because Title VI of the Civil Rights Act of 1964 forbids institutions that receive federal funds from engaging in racial 'discrimination,' the ability of private colleges and universities to exercise their institutional competence could well be dramatically compromised by any new limits . . . on state university admissions criteria or procedures."); Harvard *Fisher* Amicus Brief 3 (stating

that “Title VI of the Civil Rights Act of 1964 forbids institutions that receive federal funds from engaging in racial ‘discrimination,’ and so Harvard’s “efforts to attain diverse student bodies could be compromised” if limits were placed on the university’s admissions procedures).

446. Title VI is privately enforceable.

447. Discrimination that violates the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution constitutes a violation of Title VI when committed by an institution that accepts federal funds.

448. A university that uses its admissions system to pursue quotas or proportional representation of racial or ethnic groups either in the entering class or in the overall student body violates the Fourteenth Amendment and therefore violates Title VI.

449. The remarkable stability of Harvard’s admissions figures across racial and ethnic groups—especially in the overall student body— demonstrates that Harvard is seeking proportional representation and therefore is engaged in racial balancing.

450. There is no non-discriminatory reason that could justify admissions figures this stable across all racial groups over a period of several years given the unique characteristics of each applicant for admission. If Harvard were truly treating each applicant for admission as an individual, as it professes to do, “[o]ne would expect the percentage of specified minority enrollees produced by such a such a system to vacillate widely from year to year, reflecting changes in each

year's applicant pool." Alan Dershowitz and Laura Hanft, *Affirmative Action and the Harvard College Diversity-Discretion Model: Paradigm or Pretext*, 1 Cardozo L. Rev. 379, 382 n.13 (1979). That is not happening.

451. The pursuit of "critical mass" could never justify admissions figures this stable given the balancing that occurs between African-American and Hispanic applicants. But even if the pursuit of "critical mass" led to stable admissions figures for African Americans and Hispanics, which it did not, that would not provide a non-discriminatory explanation for why the white and Asian-American admissions and enrollment figures have been this stable over a multi-year period.

452. The stability of Harvard's admission and enrollment figures across all racial groups notwithstanding the massive changes in the racial and ethnic makeup of Harvard's admissions pool over time— especially the significant increase in highly qualified Asian-American applicants— confirms that Harvard is engaged in racial balancing.

453. Plaintiff's members have been and will continue to be injured because Harvard has and will continue to deny them the opportunity to compete for admission to Harvard on equal footing with other applicants on the basis of race or ethnicity due to its intentionally discriminatory admissions policies and procedures.

454. Plaintiff is entitled to a declaratory judgment, pursuant to 28 U.S.C. § 2201, and a permanent

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injunction because there is no plain, adequate, or speedy remedy at law to prevent Harvard from continuing to use admissions policies and procedures that discriminate on the basis of race or ethnicity in violation of Title VI of the Civil Rights Act of 1964 and because the harm Plaintiff's members will otherwise continue to suffer is irreparable.

455. Plaintiff is entitled to attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

COUNT III

Violation of 42 U.S.C. § 2000d *et seq.* (Failure To Use Race Merely As A "Plus" Factor In Admissions Decisions)

456. Plaintiff incorporates the allegations and averments contained in paragraphs 1-455 as if fully set forth herein.

457. Harvard, a recipient of federal funds, intentionally discriminated against certain of Plaintiff's members on the basis of their race, color, or ethnicity in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, by employing an undergraduate admissions policy that is not narrowly tailored because it does not use race merely as a "plus" factor in order to achieve student body diversity.

458. Harvard has conceded that, because it uses a racial criterion in its admissions process and receives federal funds, it is subject to potential liability for violations of Title VI if it is found to have discriminated on the basis of race in its admissions process. *See Harvard Grutter Amicus Brief at 2* ("Because Title VI

of the Civil Rights Act of 1964 forbids institutions that receive federal funds from engaging in racial ‘discrimination,’ the ability of private colleges and universities to exercise their institutional competence could well be dramatically compromised by any new limits . . . on state university admissions criteria or procedures.”); Harvard *Fisher* Amicus Brief 3 (stating that “Title VI of the Civil Rights Act of 1964 forbids institutions that receive federal funds from engaging in racial ‘discrimination,’ and so Harvard’s “efforts to attain diverse student bodies could be compromised” if limits were placed on the university’s admissions procedures).

459. Title VI is privately enforceable.

460. Discrimination that violates the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution constitutes a violation of Title VI when committed by an institution that accepts federal funds.

461. Harvard is not complying with the requirement of narrow tailoring because it is not using race merely as a “plus” factor in admissions decisions in order to achieve student body diversity.

462. The statistical evidence shows that each applicant for admission is not evaluated as an individual. Instead, race or ethnicity is the defining feature of the application. That is especially true for Asian-American applicants. Only using race or ethnicity as a dominant factor in admissions decisions could account for the remarkably low admission rate for high-achieving Asian-American applicants.

463. Plaintiff's members have been and will continue to be injured because Harvard has and will continue to deny them the opportunity to compete for admission to Harvard on equal footing with other applicants on the basis of race or ethnicity due to its intentionally discriminatory admissions policies and procedures.

464. Plaintiff is entitled to a declaratory judgment, pursuant to 28 U.S.C. § 2201, and a permanent injunction because there is no plain, adequate, or speedy remedy at law to prevent Harvard from continuing to use admissions policies and procedures that discriminate on the basis of race or ethnicity in violation of Title VI of the Civil Rights Act of 1964 and because the harm Plaintiff's members will otherwise continue to suffer is irreparable.

465. Plaintiff is entitled to attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

COUNT IV

Violation of 42 U.S.C. § 2000d *et seq.* (Failure To Use Race To Merely Fill The Last "Few Places" In The Incoming Freshman Class)

466. Plaintiff incorporates the allegations and averments contained in paragraphs 1-465 as if fully set forth herein.

467. Harvard, a recipient of federal funds, intentionally discriminated against certain of Plaintiff's members on the basis of their race, color, or ethnicity in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, by employing an

undergraduate admissions policy that is not narrowly tailored because it does not merely use race as a factor in filling the last “few places” in the entering freshman class.

468. Harvard has conceded that, because it uses a racial criterion in its admissions process and receives federal funds, it is subject to potential liability for violations of Title VI if it is found to have discriminated on the basis of race in its admissions process. *See* Harvard *Grutter* Amicus Brief at 2 (“Because Title VI of the Civil Rights Act of 1964 forbids institutions that receive federal funds from engaging in racial ‘discrimination,’ the ability of private colleges and universities to exercise their institutional competence could well be dramatically compromised by any new limits . . . on state university admissions criteria or procedures.”); Harvard *Fisher* Amicus Brief 3 (stating that “Title VI of the Civil Rights Act of 1964 forbids institutions that receive federal funds from engaging in racial ‘discrimination,’ and so Harvard’s “efforts to attain diverse student bodies could be compromised” if limits were placed on the university’s admissions procedures).

469. Title VI is privately enforceable.

470. Discrimination that violates the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution constitutes a violation of Title VI when committed by an institution that accepts federal funds.

471. In its *Bakke amicus* brief, Harvard informed the Supreme Court that it was using race as a factor in

admissions decisions only when it had “a few places left to fill” in the entering freshman class. But to the extent that Harvard ever used race in this way, given that the Harvard Plan itself was the product of racial and ethnic discrimination, it clearly is no longer using race in this fashion.

472. In its *Fisher amicus* brief, Harvard stated that it uses admissions “policies similar to the Harvard Plan that Justice Powell approved in [*Bakke*] and the University of Michigan Law School plan upheld in *Grutter*.” But an admissions policy similar in any fashion to the plan employed by the University of Michigan Law School by definition uses race beyond filling the remaining few places. In such a plan, race is— to one degree or another— a factor for every applicant as it is ostensibly being used to pursue a “critical mass” of underrepresented minorities in the overall student body.

473. Moreover, the statistical evidence demonstrates that Harvard is not using race merely to fill the last few places in the entering freshman class. Rather, especially for Asian Americans, race or ethnicity is a factor in admissions decision far beyond those competing for the last few places. Only using race or ethnicity as a dominant factor in admissions decisions could account for the remarkably low admission rate for high-achieving Asian-American applicants.

474. Plaintiff’s members have been and will continue to be injured because Harvard has and will continue to deny them the opportunity to compete for admission to Harvard on equal footing with other

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applicants on the basis of race or ethnicity due to its intentionally discriminatory admissions policies and procedures.

475. Plaintiff is entitled to a declaratory judgment, pursuant to 28 U.S.C. § 2201, and a permanent injunction because there is no plain, adequate, or speedy remedy at law to prevent Harvard from continuing to use admissions policies and procedures that discriminate on the basis of race or ethnicity in violation of Title VI of the Civil Rights Act of 1964 and because the harm Plaintiff's members will otherwise continue to suffer is irreparable.

476. Plaintiff is entitled to attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

COUNT V

Violation of 42 U.S.C. § 2000d *et seq.* (Race-Neutral Alternatives)

477. Plaintiff incorporates the allegations and averments contained in paragraphs 1-476 as if fully set forth herein.

478. Harvard, a recipient of federal funds, intentionally discriminated against certain of Plaintiff's members on the basis of their race, color, or ethnicity in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, by employing racial preferences in undergraduate admissions when there are available race-neutral alternatives capable of achieving student body diversity.

479. Harvard has conceded that, because it uses a racial criterion in its admissions process and receives federal funds, it is subject to potential liability for violations of Title VI if it is found to have discriminated on the basis of race in its admissions process. See Harvard *Grutter* Amicus Brief at 2 (“Because Title VI of the Civil Rights Act of 1964 forbids institutions that receive federal funds from engaging in racial ‘discrimination,’ the ability of private colleges and universities to exercise their institutional competence could well be dramatically compromised by any new limits . . . on state university admissions criteria or procedures.”); Harvard *Fisher* Amicus Brief 3 (stating that “Title VI of the Civil Rights Act of 1964 forbids institutions that receive federal funds from engaging in racial ‘discrimination,’” and so Harvard’s “efforts to attain diverse student bodies could be compromised” if limits were placed on the university’s admissions procedures).

480. Title VI is privately enforceable.

481. Discrimination that violates the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution constitutes a violation of Title VI when committed by an institution that accepts federal funds.

482. Harvard’s use of racial preferences is narrowly tailored only if using them is necessary to achieve student body diversity. If Harvard can achieve student body diversity without resorting to racial preferences, it is required to do so as a matter of law. Moreover, Harvard must have a strong basis in evidence that a non-racial approach will not work about as well as a

race-based approach *before* turning to the use of racial preferences.

483. There is no evidence that Harvard studied all of the available race-neutral alternatives and had a strong basis in evidence that none would work about as well as a race-based approach *before* turning to racial preferences. Indeed, Harvard claims that it has been using racial preferences— to one degree or another— continuously for nearly a century.

484. Whether Harvard considered them all or not, there are a host of race-neutral alternatives that if implemented can achieve student body diversity without resorting to racial preferences. Among these alternatives, both individually and collectively, are (a) increased use of non-racial preferences, (b) increased financial aid, scholarships, and recruitment efforts, and (c) elimination of admissions policies and practices that negatively affect minority applicants.

485. The use of race-neutral alternatives instead of racial preferences would not only achieve student body diversity, it would eliminate the heavy costs that using race as a factor in admissions decisions imposes on minority applicants who receive such admissions preference, the Harvard community, and society as a whole.

486. Plaintiff's members have been and will continue to be injured because Harvard has and will continue to deny them the opportunity to compete for admission to Harvard on equal footing with other applicants on the basis of race or ethnicity due to its

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intentionally discriminatory admissions policies and procedures.

487. Plaintiff is entitled to a declaratory judgment, pursuant to 28 U.S.C. § 2201, and a permanent injunction because there is no plain, adequate, or speedy remedy at law to prevent Harvard from continuing to use admissions policies and procedures that discriminate on the basis of race or ethnicity in violation of Title VI of the Civil Rights Act of 1964 and because the harm Plaintiff's members will otherwise continue to suffer is irreparable.

488. Plaintiff is entitled to attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

COUNT VI

Violation of 42 U.S.C § 2000d *et seq.* (Any Use of Race As A Factor In Admissions)

489. Plaintiff incorporates the allegations and averments contained in paragraphs 1-488 as if fully set forth herein.

490. Harvard, a recipient of federal funds, intentionally discriminated against certain of Plaintiff's members on the basis of their race, color, or ethnicity in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, by employing an undergraduate admissions policy that uses race as a factor in admissions.

491. Harvard has conceded that, because it uses a racial criterion in its admissions process and receives federal funds, it is subject to potential liability for

violations of Title VI if it is found to have discriminated on the basis of race in its admissions process. See Harvard *Grutter* Amicus Brief at 2 (“Because Title VI of the Civil Rights Act of 1964 forbids institutions that receive federal funds from engaging in racial ‘discrimination,’ the ability of private colleges and universities to exercise their institutional competence could well be dramatically compromised by any new limits . . . on state university admissions criteria or procedures.”); Harvard *Fisher* Amicus Brief 3 (stating that “Title VI of the Civil Rights Act of 1964 forbids institutions that receive federal funds from engaging in racial ‘discrimination,’ and so Harvard’s “efforts to attain diverse student bodies could be compromised” if limits were placed on the university’s admissions procedures).

492. Title VI is privately enforceable.

493. Discrimination that violates the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution constitutes a violation of Title VI when committed by an institution that accepts federal funds.

494. The Supreme Court’s decisions holding that there is a compelling government interest in using race as a factor in admissions decisions in pursuit of “diversity” should be overruled. Those decisions were wrongly decided at the time they were issued and they remain wrong today. “Diversity” is not an interest that could ever justify the use of racial preferences under the Fourteenth Amendment and Title VI.

495. Even if there were a compelling government interest in “diversity” in the abstract, however, the use of racial preferences in the educational setting nevertheless should be forbidden for several important reasons.

496. The Supreme Court’s jurisprudence in this area has been built on mistakes of fact and law. The Supreme Court first accepted the use of racial preferences in admissions on the assumption that they would be used consistent with the Harvard Plan, which purported to use race merely as a contextual factor in filling the final few places in the entering class. But the Harvard Plan itself was created in order to hide racial and ethnic discrimination. Thus, it is far from certain that Harvard has *ever* used race in the way the Supreme Court envisioned.

497. “The *raison d’être* for race-specific affirmative action programs has simply never been diversity for the sake of education.” Alan Dershowitz and Laura Hanft, *Affirmative Action and the Harvard College Diversity-Discretion Model: Paradigm or Pretext*, 1 *Cardozo L. Rev.* 379, 407 (1979). It is instead “a clever post facto justification for increasing the number of minority group students in the student body.” *Id.*

498. In any event, neither Harvard nor any other college or university uses race in this manner now. Instead, colleges and universities, including Harvard, claim to use race in order to pursue a “critical mass” of underrepresented minorities in the student body. But Harvard, and many others, are not pursuing this interest. Even when this interest is actually being pursued, moreover, it is nothing more than racial

balancing in that it necessarily seeks to ensure a proportional number of students of certain races or ethnicities in the entering class. Critical mass is a formula for ensuring “a specified percentage of the student body is in effect guaranteed to be members of selected ethnic groups, with the remaining percentage an undifferentiated aggregation of students.” *Bakke*, 438 U.S. at 315 (Powell, J.).

499. Ultimately, there is overwhelming evidence that colleges and universities will take advantage of any leeway given by the Supreme Court to use the dangerous tool of racial preferences in inappropriate ways. The experience with Harvard confirms that, if given the chance, colleges and universities will use racial preferences “for the ostensible purpose of enhancing education diversity of the student body” with the true “goal of simply increasing the number of minority persons in the universities and in the professions that these universities feed.” Alan Dershowitz and Laura Hanft, *Affirmative Action and the Harvard College Diversity-Discretion Model: Paradigm or Pretext*, 1 *Cardozo L. Rev.* 379, 385 (1979).

500. There simply is no practical way to ensure that colleges and universities will use race in their admissions processes in any way that would meet the narrow tailoring requirement. The strong medicine of strict scrutiny has proven insufficient to ensure that the Fourteenth Amendment and Title VI operate in conformity of racial neutrality except in those rare circumstances that justify the use of this disfavored remedy. Time after time, district courts and the courts of appeals have been either unwilling or unable to force

these colleges and universities to provide a strong evidentiary basis for their conclusion that use of racial preferences is *necessary* to achieve diversity. Nor have they been willing to engage in the close review of admissions programs to ensure that schools are treating each applicant as an individual.

501. There also have been important factual developments since this question was last considered by the Supreme Court. There is now much evidence that race-neutral alternatives can achieve the benefits of diversity. This is crucially important in light of the equally compelling evidence that racial preferences impose significant costs on the university community, society in general, and the very minority students these programs are purported to benefit.

502. In the end, the costs of allowing the use of racial preferences in admissions decisions— even in a limited way— far exceed any rapidly diminishing benefits. No principle of *stare decisis* counsels in favor of retaining decisions allowing their use. Those decisions were not well reasoned, were predicated on mistakes of fact, have been undermined by more recent developments, and have proven to be unworkable. Any decision allowing the use of racial preferences in the educational setting should be overruled.

503. Plaintiff's members have been and will continue to be injured because Harvard has and will continue to deny them the opportunity to compete for admission to Harvard on equal footing with other applicants on the basis of race or ethnicity due to its intentionally discriminatory admissions policies and procedures.

504. Plaintiff is entitled to a declaratory judgment, pursuant to 28 U.S.C. § 2201, and a permanent injunction because there is no plain, adequate, or speedy remedy at law to prevent Harvard from continuing to use admissions policies and procedures that discriminate on the basis of race or ethnicity in violation of Title VI of the Civil Rights Act of 1964 and because the harm Plaintiff's members will otherwise continue to suffer is irreparable.

505. Plaintiff is entitled to attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

WHEREFORE, Plaintiff, Students for Fair Admissions, Inc., prays for the following relief as to all counts:

(a) A declaratory judgment, pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201, from the Court that Harvard's admissions policies and procedures violate Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*;

(b) A declaratory judgment, pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201, from the Court that any use of race or ethnicity in the educational setting violates the Fourteenth Amendment and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*;

(c) A permanent injunction prohibiting Harvard from using race as a factor in future undergraduate admissions decisions;

(d) A permanent injunction requiring Harvard to conduct all admissions in a manner that does not

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permit those engaged in the decisional process to be aware of or learn the race or ethnicity of any applicant for admission;

(e) Attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable legal authority; and

(f) All other relief this Court finds appropriate and just.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury in this action of all triable issues.

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Dkt. 419-2

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION

Civil Action
No. 14-cv-14176
(ADB)

[Filed: June 15, 2018]

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

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Rule 30(b)(6) Notice to Students for Fair
Admissions, Inc.

Videotaped Deposition of EDWARD J. BLUM
Tuesday, July 12, 2016
9:05 a.m.

Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street - 26th Floor
Boston, Massachusetts 02109

----- J. Edward Varallo, RMR, CRR -----
Registered Professional Reporter

JA493

* * *

[p. 88:17-25]

Q. Are you still primarily -- Are you still responsible for the day-to-day operations of SFFA?

A. Yes.

Q. And what do those operations entail?

A. Communicating with members, communicating with the board, and communicating with counsel.

Q. And prior to July of 2015, were you also responsible for the day-to-day operations of SFFA?

A. Yes.

* * *

[pp. 108:1-109:16]

Q. So who are the affiliate -- Without giving me any names, are there members of SFFA that are not affiliate members?

MR. STRAWBRIDGE: Object to the form of the question. You may answer.

A. So all members of SFFA at the time of the adoption of these bylaws were affiliate members.

Q. Thank you. That was my question. There were no other type of members at that time?

A. No other type of members.

JA494

Q. And so affiliate members did not have any voting rights at the time of the adoption of the bylaws. Correct?

A. They did not have voting rights at the time of the adoption.

Q. And they did not have voting rights at the time the complaint was filed in this litigation. Correct?

A. That's correct.

Q. Did the affiliate members have any role in electing any of the officers of SFFA?

A. No.

Q. Did the affiliate members when these bylaws were in effect have any role in appointing any of the directors of SFFA?

A. No.

Q. Did the affiliate members at the time these bylaws were in place have the right to vote on anything involving the purpose or the mission of SFFA?

MR. STRAWBRIDGE: I'll object to the form of the question.

A. No.

Q. Did they have the right to vote to modify SFFA's purpose?

A. No.

Q. Did they have the right to ratify any action that SFFA took?

JA495

MR. STRAWBRIDGE: I will object to the form of the question.

A. No.

* * *

[p. 166:1-25]

Q. Okay. So we'll go ahead and play the first clip, please. And let us know if you can't see or hear.

THE WITNESS: I can see it.

MR. STRAWBRIDGE: Counsel, for the record, can we just, are these all clips taken from the video that's represented in this exhibit?

MS. ELLSWORTH: They are all clips from the video represented in this exhibit which is on YouTube.

MR. STRAWBRIDGE: Okay, thank you.

(Video clip played as follows:

"So I needed plaintiffs; I needed Asian plaintiffs. And finding plaintiffs to challenge the Ivy League admissions policies, Harvard in particular, is not an easy thing to do, so I started -- I designed three websites, HarvardNotFair.org, UNC, University of NorthCarolinaNotFair.org, and UWNotFair.org."

(End of video clip.)

THE WITNESS: So painful to watch.

BY MS. ELLSWORTH:

JA496

Q. Mr. Blum, that was you speaking that we just presented. Is that correct?

A. Yes, it was.

* * *

[pp. 325:8-326:3]

Q. So when the interrogatory response was given on July 2nd of 2015, was that before Mr. Connolly had completed his task of reviewing that big influx of numbers?

A. I don't know.

Q. What was the reason for providing this safe harbor that you just testified to?

A. Concern about providing information that was inaccurate.

Q. And was that concern driven by this technological situation that had arisen with the influx of new members in June 2015?

A. Yes.

Q. Do you know now what a more accurate number would have been in July of 2015?

A. I have an estimate of that.

Q. What is that estimate?

A. Slightly over 20,000.

Q. So the overwhelming of EngageDC's system was by about 20,000 new members?

JA497

A. That's correct.

JA498

Dkt. 419-85

ARTICLES OF INCORPORATION
of
STUDENTS FOR FAIR ADMISSIONS, INC.

[Filed: June 15, 2018]

The undersigned, pursuant to the Virginia Nonstock Corporation Act (the "Act"), hereby states as follows:

1. The name of the corporation is Students for Fair Admissions, Inc. (the "Corporation").

2. The Corporation shall have no members.

3. The initial directors of the Board of Directors of the Corporation shall be appointed by the sole incorporator. All other directors shall be elected by an affirmative vote of a majority of the directors then in office, and each shall continue in office for the term specified in the Bylaws of the Corporation and until such director's successor is elected and qualified, or until such director's earlier death, resignation, or removal.

4. The name of the initial registered agent of the Corporation is National Corporate Research, Ltd. The registered agent is a domestic or foreign stock or nonstock corporation, limited liability company, or registered limited liability partnership authorized to transact business in Virginia.

5. The Corporation's initial registered office address, which is identical to the business office of the initial registered agent, is: 250 Browns Hill Court,

JA499

Midlothian, Virginia, 23114. The registered office is located in the county of Chesterfield.

6. The Corporation is organized and shall be operated exclusively for charitable, religious, scientific, literary, educational and other purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as now in effect or as hereafter may be amended (the "Code"). The purposes for which the Corporation is formed are to defend human and civil rights secured by law, including the right of individuals to equal protection under the law, through litigation and any other lawful means, and to engage in any lawful act or activity for which corporations may be organized under the Act. In furtherance thereof, the Corporation shall have all the general powers enumerated in Sections 13.1-826 and 13.1-827 of the Act. Except as otherwise provided by law, or in any Bylaw of the Corporation, the business of the Corporation shall be managed and all of the powers of the Corporation shall be exercised by the Board of Directors of the Corporation.

7. The duration of the existence of the Corporation is perpetual.

8. Provisions for the regulation of the internal affairs of the Corporation, including provisions for distribution of assets on dissolution or final liquidation, are as follows:

A. The Corporation shall not only be organized but also operated exclusively for charitable purposes within the meaning of section 501(c)(1) of the Code; provided, however, that the corporation

JA500

may engage in any lawful act or activity for which corporations may be organized under the Act, provided such acts or activities would not prevent the Corporation from obtaining and retaining exemption from federal income taxation as a corporation described in Section 501(c)(3) of the Code.

B. No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to, its members, officers, directors, or other private individuals, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered to or for the Corporation and to make payments and distributions in furtherance of the purposes set forth in Article 6 hereof;

C. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate or intervene in (including the publication or distribution of statements concerning) any political campaign on behalf of, or in opposition to, any candidate for public office. Notwithstanding any other provision of these Articles of Incorporation, the Corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the purposes of the Corporation; and

D. In the event of dissolution or final liquidation of the Corporation, the remaining assets of the Corporation shall be distributed for one or more

JA501

exempt purposes within the meaning of section 501(c)(3) of the Code or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the Corporation is then located, exclusively for such purposes or to such organization or organizations, as the court shall determine, that are organized and operated exclusively for such purposes.

9. To the fullest extent permitted by the Act. no officer or director of the Corporation shall be personally liable for damages in any proceeding brought by or in the right of the Corporation, or in connection with any claim, action, suit, or proceeding to which he or she may be or is made a party by reason of being or having been an officer or director of the Corporation.

10. The Corporation reserves the right to amend or repeal any provision contained in these Articles of Incorporation, in the manner now or hereafter prescribed by statute, and all rights conferred upon directors herein are granted subject to this reservation.

Dated: July 29, 2014

[SIGNATURE PAGE FOLLOWS]

JA502

**SIGNATURE PAGE TO
ARTICLES OF INCORPORATION
of
STUDENTS FOR FAIR ADMISSIONS, INC.**

IN WITNESS WHEREOF, the undersigned has executed these Articles of Incorporation as of the date set forth above.

/s/ Robert D. Benton
Robert D. Benton
Sole Incorporator

JA503

Commonwealth of Virginia

[SEAL] State Corporation Commission

I Certify the Following from the Records of the Commission:

The foregoing is a true copy of all documents constituting the charter of Students for Fair Admissions, Inc. on file in the Clerk's Office of the Commission.

Nothing more is hereby certified.

[SEAL] *Signed and Sealed at Richmond on this Date:
July 31, 2014*

/s/ Joel H. Peck

Joel H. Peck, Clerk of the Commission

JA504

Commonwealth of Virginia

[SEAL]

State Corporation Commission

Richmond, July 30, 2014

This to certify that the certificate of incorporation of

Students for Fair Admissions, Inc.

was this day issued and admitted to record in this office and that the said corporation is authorized to transact its business subject to all of Virginia laws applicable to the corporation and its business. Effective date: July 30, 2014

[SEAL] *State Corporation Commission Attest:*

/s/ Joel H. Peck

Clerk of the Commission

JA505

[SEAL]

**COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION**

Office of the Clerk

July 30, 2014

BETH EPSTEIN
UCC RETRIEVALS INC
7288 HANOVER GREEN DR
*** HOLD FOR PICK UP ***
MECHANICSVILLE, VA 23111

RECEIPT

RE: Students for Fair Admissions, Inc.

ID: 0780781 - 1

DCN: 14-07-29-1206

Dear Customer:

This is your receipt for \$75.00, to cover the fees for filing articles of incorporation with this office.

This is also your receipt for \$100.00 to cover the fee(s) for expedited service(s).

The effective date of the certificate of incorporation is July 30, 2014.

If you have any questions, please call (804) 371-9733 or toll-free in Virginia, 1-866-722-2551.

JA506

Sincerely,
/s/ Joel H. Peck
Joel H. Peck
Clerk of the Commission

CORPRCPT
NEWCD
CIS0372

**P.O. Box 1197, Richmond, VA 23218-1197
Tyler Building, First Floor, 1300 East Main
Street, Richmond, VA 23219-3630
Clerk's Office (804) 371-9733 or (866) 722-2551
(toll-free in Virginia) www.scc.virginia.gov/clk
Tolocommunications Device for the Deaf-
TDD/Voice: (804) 371-9206**

JA507

Dkt. 419-86

**ORGANIZATIONAL ACTION TAKEN BY
THE SOLE INCORPORATOR
of
STUDENTS FOR FAIR ADMISSIONS, INC.**

[Filed: June 15, 2018]

Pursuant to the provisions of Section 13.1-822 of the Virginia Nonstock Corporation Act (the "Act"), the undersigned, being and constituting the sole incorporator of Students for Fair Admissions, Inc. (the "Corporation"), a Virginia nonstock corporation, does hereby take the following action:

WHEREAS, the Articles of Incorporation have been duly filed with the office of the Virginia State Corporation Commission of the Commonwealth of Virginia as of July 30, 2014, and

WHEREAS, the incorporator has the authority under Section 13.1-822 of the Act to elect the initial Board of Directors of the Corporation, it hereby is:

RESOLVED, that the initial Board of Directors consists of three (3) directors and that the following persons are hereby elected to serve as a director of the Corporation until their successors are elected and qualified or until their prior resignation or removal:

Edward Blum
Abigail Fisher
Richard Fisher

FURTHER RESOLVED, that the undersigned, having taken his sole action as incorporator, hereby

JA508

resigns as incorporator effective immediately after the election of the directors as provided herein.

Dated: July 31, 2014

[SIGNATURE PAGE FOLLOWS]

JA509

**SIGNATURE PAGE TO
ORGANIZATIONAL ACTION TAKEN BY
THE SOLE INCORPORATOR
of
STUDENTS FOR FAIR ADMISSIONS, INC.**

IN WITNESS WHEREOF, the undersigned has executed this Organizational Action Taken by the Sole Incorporator as of the date set forth above.

/s/ Robert Benton
Robert Benton
Sole Incorporator

JA510

Dkt. 419-87

BYLAWS

of

STUDENTS FOR FAIR ADMISSIONS, INC.

(Formed under the Virginia Nonstock
Corporation Act)

(Adopted August 6, 2014)

[Filed: June 15, 2018]

ARTICLE I

Name and Location

Section 1.01 Name. The name of the corporation is Students for Fair Admissions, Inc. (the “Corporation”).

Section 1.02 Location. The principal office of the Corporation shall be located at 109 North Henry Street, Alexandria, Virginia 22314, or at any other place approved by the Board of Directors.

Section 1.03 Registered Office and Agent. The Corporation shall continuously maintain a registered office and agent within the Commonwealth of Virginia at such place as may be designated by the Board of Directors. The Corporation’s initial registered office and agent are set forth in the Articles of Incorporation.

ARTICLE II

Purposes

The Corporation is organized and shall be operated exclusively for charitable, religious, scientific, literary,

educational and other purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as now in effect or as hereafter may be amended (the “Code”). The purposes for which the Corporation is formed are to defend human and civil rights secured by law, including the right of individuals to equal protection under the law, through litigation and any other lawful means, and to engage in any lawful act or activity for which corporations may be organized under the Virginia Nonstock Corporation Act (the “Act”). In furtherance thereof, the Corporation shall have all the general powers enumerated in Sections 13.1-826 and 13.1-827 of the Act.

ARTICLE III

Membership

Section 3.01 Members. The Corporation shall have no members within the meaning of the Act.

Section 3.02 Affiliate Members. The Corporation shall have one class of affiliate members with rights, privileges, and obligations established by the Board of Directors. Affiliate members have no voting rights and are not members within the meaning of the Act. Any individual who seeks to support the purposes and mission of the Corporation shall be eligible to be an affiliate member, subject to any additional standards that may be set from time to time by the Board of Directors. The Board of Directors shall have authority to recognize any individual as an affiliate member.

JA512

ARTICLE IV

Board of Directors

Section 4.01 Power of Board of Directors. The business and affairs of the Corporation shall be managed by the Board of Directors.

Section 4.02 Number of Directors. The number of directors of the Corporation is no fewer than three (3), but no more than five (5), and may be increased or decreased from time to time by action of the Board of Directors.

Section 4.03 Election and Term of Directors. The initial Board of Directors shall consist of those directors named in the Action of the Sole Incorporator dated July 30, 2014 and shall serve until their successors are elected and qualified. Thereafter, directors shall be elected at an annual meeting of the Board of Directors by an affirmative vote of a majority of the directors then in office, and each shall continue in office until his or her successor is elected or qualified (unless the Board of Directors, at the annual meeting, determines that there is to be no such immediate successor), or until his or her death, resignation, or removal. The tenure of incumbent members of the Board of Directors shall not be affected by an increase or decrease in the number of directors.

Section 4.04 Vacancies and Newly-Created Directorships. Vacancies are newly-created directorships, resulting from any increase in the authorized number of directors, may be filled by a majority vote of the directors then in office although less than a quorum, or by a sole remaining director. A

director elected to fill a vacancy or newly-created directorship shall hold office until the next annual meeting of the Board of Directors and until his or her successor is elected and qualified.

Section 4.05 Removal. Any director may be removed with or without cause at any time by action of the Board. A director may be removed only at a meeting called for that purpose (together with other purposes, if any).

Section 4.06 Resignations. Any director may resign at any time upon written notice to the Corporation. Unless otherwise specified in the written notice, the resignation shall be effective upon delivery to the Corporation.

Section 4.07 Quorum of the Board of Directors and Action of the Board of Directors. Unless a greater proportion is required by law or by these Bylaws for adoption of a particular action, a majority of the directors shall constitute a quorum for the transaction of business and, except as otherwise provided by law or by the Articles of Incorporation or these Bylaws, the vote of a majority of the directors present at the meeting at which a quorum is present shall be the act of the Board of Directors.

Section 4.08 Meetings of the Board of Directors. An annual meeting of the Board of Directors shall be held each year at such time and place as shall be fixed by the Board of Directors, for the election of officers and directors and for the transaction of such other business as may properly come before the meeting. Regular meetings of the Board of Directors shall be held at such

times as may be fixed by the Board of Directors. Special meetings of the Board of Directors may be held at any time whenever called by a majority of the directors then in office. Notice of all special meetings shall be delivered in writing to all directors and shall specify the matters to be addressed at such meeting. Meetings of the Board of Directors may be held at such places within or without the Commonwealth of Virginia as may be fixed by the Board of Directors for annual and regular meetings and in the notice of meeting for special meetings.

Section 4.09 Informal Action by the Board of Directors. Unless otherwise restricted by the Articles of Incorporation or these Bylaws, any action required or permitted to be taken by the Board of Directors may be taken without a meeting if all directors consent in writing to the adoption of a resolution authorizing the action. The resolution and the written consents thereto by the directors shall be filed with the minutes of proceedings of the Board of Directors. A written consent and the signing thereof may be accomplished by one or more electronic transmissions, including a signed email message from the applicable director.

Section 4.10 Meetings by Conference Telephone. Any one or more members of the Board of Directors may participate in a meeting of such Board of Directors by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can communicate with one another. Participation in a meeting by such means shall constitute presence in person at the meeting.

JA515

Section 4.11 Compensation of Directors. The Corporation may not pay any compensation to directors for services rendered, except that directors may be reimbursed for expenses incurred in the performance of their duties to the Corporation, in reasonable amounts as approved by a majority of the entire Board of Directors.

ARTICLE V *Committees*

Section 5.01 General Provisions. A majority of the Board of Directors may create one or more committees and appoint members of the Board of Directors to serve on them. To the extent specified by the Board of Directors, each committee may exercise the authority of the Board of Directors, except that a committee may not exercise authority prohibited by law.

Section 5.02 Committee Rules. Requirements for the Board of Directors set forth herein or, if applicable, in Sections 13.1-864 through 13.1-868 of the Act as now in effect or as may hereafter be amended, or any other statutory provision, governing meetings, action without meetings, notice and waiver of notice, and quorum and voting requirements shall apply to committees and their members as well.

ARTICLE VI *Officers, Agents, and Employees*

Section 6.01 Officers. The Board of Directors shall elect or appoint a President, Secretary, and Treasurer, and it may, if it so determines, elect or appoint one or more Vice Presidents, Assistant Secretaries, Assistant Treasurers, and other officers and may give any of

them such further designations or alternate titles as it considers desirable. The same individual may simultaneously hold more than one office in the Corporation.

Section 6.02 Term of Office, Vacancies and Removal. Each officer shall hold office for the term for which he or she is elected or appointed and until his or her successor is elected or appointed and qualified, or until his or her earlier death, resignation or removal. All officers shall be elected or appointed at the annual meeting of the Board of Directors, except in the case of initial officers and vacancies resulting from any resignation or removal, which may be filled by the Board of Directors as needed. An officer appointed or elected to fill a vacancy shall hold office for the unexpired term of his or her predecessor in office, and until his or her successor is elected and qualified. Any officer may be removed by the Board of Directors with or without cause at any time.

Section 6.03 Resignation. Any officer may resign at any time by giving written notice to the Corporation. Unless otherwise specified in written notice, the resignation shall be effective upon delivery to the Corporation.

Section 6.04 Powers and Duties of Officers. Subject to the control of the Board of Directors, all officers as between themselves and the Corporation shall have such authority and perform such duties in the management of the Corporation as may be provided by the Board of Directors and, to the extent not so provided, as generally pertain to their respective offices.

JA517

President. The President shall serve as the chief executive officer of the Corporation and preside at all meetings of the Board of Directors. The President shall supervise and control all of the affairs of the Corporation and oversee the management of the Corporation in accordance with policies and directives approved by the Board of Directors, including appointing assistants and hiring employees as necessary to ensure orderly operations.

Secretary. The Secretary shall be responsible for the keeping of an accurate record of the proceedings of all meetings of the Board of Directors, shall give or cause to be given all notices in accordance with these Bylaws or as required by law, and shall perform all duties customary to the office of Secretary.

Treasurer. The Treasurer shall have the custody of, and be responsible for, all funds and securities of the Corporation. He or she shall keep or cause to be kept complete and accurate accounts of receipts and disbursements of the Corporation, and shall deposit all monies and other valuable property of the Corporation in the name and to the credit of the Corporation in such banks or depositories as the Board of Directors may designate. Whenever required by the Board of Directors, the Treasurer shall render a statement of accounts. He or she shall at all reasonable times exhibit the books and accounts to any officer or director of the Corporation, and shall perform all duties incident to the office of Treasurer, subject to the supervision of

the Board of Directors, and such other duties as shall from time to time be assigned by the Board of Directors.

Section 6.05 Agents and Employees. The Board of Directors may appoint agents and employees who shall have such authority and perform such duties as may be prescribed by the Board of Directors. The Board of Directors may remove any agent or employee at any time with or without cause. Removal without cause shall be without prejudice to such person's contract rights, if any, and the appointment of such person shall not itself create contract rights.

Section 6.06 Compensation of Officers, Agents and Employees. The Corporation may pay compensation to officers for services rendered to the Corporation in their capacity as officers, and officers may be reimbursed for expenses incurred in the performance of their duties to the Corporation, in reasonable amounts as approved by a majority of the entire Board of Directors. The Corporation may pay compensation in reasonable amounts to agents and employees for services rendered, such amounts to be fixed by the Board of Directors or, if the Board of Directors delegates power to any officer or officers, then by such officer or officers. The Board of Directors may require officers, agents or employees to give security for the faithful performance of their duties.

JA519

ARTICLE VII

Miscellaneous

Section 7.01 Fiscal Year. The fiscal year of the Corporation shall be the calendar year or such other period as may be fixed by the Board of Directors.

Section 7.02 Corporate Seal. The corporate seal, if any, shall be circular in form, shall have the name of the Corporation inscribed thereon and shall contain the words “Corporate Seal” and “Virginia” and the year the Corporation was formed in the center, or shall be in such form as may be approved from time to time by the Board of Directors.

Section 7.03 Checks, Notes, Contracts. The Board of Directors shall determine who shall be authorized from time to time on the Corporation’s behalf to: (A) sign checks, drafts, or other orders for payment of money; (B) to sign acceptances, notes, or other evidences of indebtedness; (C) to enter into contracts; and (D) to execute and deliver other documents and instruments.

Section 7.04 Books and Records. The Corporation shall keep correct and complete books and records of account, the activities and transactions of the Corporation, minutes of the proceedings of the Board of Directors and any committee of the Corporation, a current list of the directors and officers of the Corporation, their business addresses and the Corporation’s most recent annual report. Any of the books, minutes, and records of the Corporation may be in written form or in any other form capable of being converted into written form within a reasonable time.

Section 7.05 Amendment of Articles of Incorporation and Bylaws. The Articles of Incorporation or Bylaws of the Corporation may be amended in whole or in part by a majority vote of the directors then in office and upon the taking of any other actions required under the Act.

Section 7.06 Indemnification and Insurance. The Corporation shall indemnify any director, any former director, any person who while a director of the Corporation may have served at its request as a director, officer, partner, trustee, employee, or agent of another foreign or domestic corporation, partnership, joint venture, trust employee benefit plan or other enterprise, and may, by resolution of the Board of Directors, indemnify any officer, employee, or agent against any and all expenses and liabilities actually and necessarily incurred by him or her or imposed on him or her in connection with any claim, action, suit, or proceedings (whether actual or threatened, civil, criminal, administrative, or investigative, including appeals) to which he or she may be or is made a party by reason of being or having been such director, officer, employee or agent; subject to the limitation, however, that there shall be no indemnification in relation to matters unless such person: (1) conducted himself or herself in good faith; (2) believed in the case of conduct in his or her official capacity with the Corporation that his or her conduct was in the best interest of the Corporation; and in all other cases that his or her conduct was at least not opposed to the best interests of the Corporation; or (3) in the case of any criminal proceeding, he or she had no reasonable cause to believe that his or her conduct was unlawful. Further, there shall be no indemnification in connection with a

JA521

proceedings (A) by or in the right of the Corporation in which the director, officer, employee or agent was judged liable to the Corporation, or (B) in which improper personal benefit is charged.

The Corporation shall upon order of a court of competent jurisdiction indemnify a director who entirely prevails in the defense of any proceeding to which he or she was a party because he or she is or was a director of the Corporation, for reasonable expenses incurred by him or her in connection with the proceedings.

Amounts paid in indemnification of expenses and liabilities may include, but shall not be limited to, counsel fees and other fees; costs and disbursements; judgments; fines, and penalties against, and amounts paid in settlement by, such director, officer, employee or agent. The Corporation may pay for or reimburse the reasonable expenses in advance of final disposition of the proceeding provided that the provisions of Section 13.1-878 of the Act are met.

The provisions of this Article shall be applicable to claims, actions, suits, or proceedings made or commenced after the adoption hereof, whether arising from acts or omissions to act occurring before or after adoption hereof.

The indemnification provided by this Article shall not be deemed exclusive of any other rights to which such director, officer, or employee may be entitled under any statute, bylaw, agreement, vote of the Board of Directors, or otherwise and shall not restrict the

power of the Corporation to make any identification permitted by law.

The Board of Directors may authorize the purchase of and maintain insurance on behalf of any director, officer, employee or agent of the Corporation against any liability asserted against or incurred by him or her which arises out of such person's status in such capacity or who is or was serving at the request of the Corporation as a director, officer, employee or agent of another foreign or domestic corporation, partnership, joint venture, trust, employee benefit plan or otherwise, or out of acts taken in such capacity, whether or not the Corporation would have the power to indemnify the person against that liability under law.

If any part of this Section shall be found in any action, suit or proceeding to be invalid or ineffective, the validity and the effectiveness of the remaining parts shall not be affected.

Section 7.07 Dissolution. The Corporation may be dissolved at any time by majority vote of the directors then in office and upon the taking of any other actions required under the Act. In the event of dissolution or final liquidation of the Corporation, all of the remaining assets of the Corporation shall, after paying or making provision for the payment of all of the liabilities and obligations of the Corporation and for necessary expenses thereof, be distributed as determined by the Board of Directors in accordance with the Articles of Incorporation and applicable law.

JA523

Dkt. 419-88

Form 1023 (Rev. 12-2013)

STUDENTS FOR FAIR ADMISSION

[See Volume III]

JA524

IRS Form 1023 – Exhibit D
Students for Fair Admissions, Inc.
EIN: 47-1689810

[Filed: June 15, 2018]

Part VIII, Line 15

**CLOSE CONNECTION WITH ANOTHER
ORGANIZATION**

Students for Fair Admissions has a “close connection” with the Project on Fair Representation (“POFR”). POFR is a legal defense fund that supports civil and voting rights litigation brought under the U.S. Constitution and federal statutes. POFR is currently in the process of transitioning from being a program of Project Liberty, Inc., a Section 509(a)(3) supporting organization, to being a legally-distinct public charity under Section 501(c)(3). Edward Blum, who serves as a volunteer director and the President of Students for Fair Admissions, also serves as a director and the Executive Director of POFR. Students for Fair Admissions’ initial funding is from POFR, and the organization anticipates that POFR will continue to be the primary funder of the organization.

JA525

Part IX, Line 23

ANY EXPENSE NOT OTHERWISE CLASSIFIED

	Current Tax Year	Two Succeeding Tax Years	
	(a) From 7/30/14 To 12/31/14	(b) From 1/1/15 To 12/31/15	(c) From 1/1/16 To 12/31/16
Office Supplies	\$5,000	\$5,000	\$5,000
Travel Expenses	\$20,000	\$20,000	\$20,000
Line 23 Total	\$25,000	\$25,000	\$25,000

JA526

Dkt. 419-89

BYLAWS

of

STUDENTS FOR FAIR ADMISSIONS, INC.

(Formed under the Virginia Nonstock
Corporation Act)

(Adopted August 6, 2014; Amended June 19, 2015)

[Filed: June 15, 2018]

ARTICLE I

Name and Location

Section 1.01 Name. The name of the corporation is Students for Fair Admissions, Inc. (the “Corporation”).

Section 1.02 Location. The principal office of the Corporation shall be located at 2200 Wilson Blvd., Suite 102-13, Arlington, VA 22201, or at any other place approved by the Board of Directors.

Section 1.03 Registered Office and Agent. The Corporation shall continuously maintain a registered office and agent within the Commonwealth of Virginia at such place as may be designated by the Board of Directors. The Corporation’s initial registered office and agent are set forth in the Articles of Incorporation.

ARTICLE II

Purposes

The Corporation is organized and shall be operated exclusively for charitable, religious, scientific, literary,

educational and other purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as now in effect or as hereafter may be amended (the “Code”). The purposes for which the Corporation is formed are to defend human and civil rights secured by law, including the right of individuals to equal protection under the law, through litigation and any other lawful means, and to engage in any lawful act or activity for which corporations may be organized under the Virginia Nonstock Corporation Act (the “Act”). In furtherance thereof, the Corporation shall have all the general powers enumerated in Sections 13.1-826 and 13.1-827 of the Act.

ARTICLE III

Membership

Section 3.01 Members. The Corporation shall have one class of members, referred to as General Members, which shall not be “members” within the meaning of the Act and shall have only the rights specifically set forth in these Bylaws.

Section 3.02 General Members. Any individual who seeks to support the purposes and mission of the Corporation, pays membership dues as may be prescribed by the Board of Directors, and meets any additional standards and procedures that may be prescribed from time to time by the Board of Directors shall be eligible to become a General Member. General Members shall have the right to vote for one (1) Member-Elected Director pursuant to Section 4.04.

Section 3.03 Revocation; Resignation. The Board of Directors may revoke the membership of any General

Member on the grounds that the General Member has engaged or is engaging in activities which are, in the sole discretion of the Board of Directors, contrary to the purposes of the Corporation. A General Member may resign at any time upon written notice to the Corporation.

ARTICLE IV

Board of Directors

Section 4.01 Power of Board of Directors. The business and affairs of the Corporation shall be managed by the Board of Directors.

Section 4.02 Number of Directors. The number of directors of the Corporation shall be five (5) and shall consist of four (4) Board-Elected Directors and one (1) Member-Elected Director.

Section 4.03 Qualifications. All directors must be General Members of the Corporation.

Section 4.04 Election and Term of Directors.

(a) Board-Elected Directors. There shall be four (4) Board-Elected Directors. Board-Elected Directors shall be elected at the applicable annual meeting of the Board of Directors by an affirmative vote of a majority of the directors then in office, to serve for terms of two (2) years from the date of their election, and each shall continue in office until his or her successor is elected or qualified, or until his or her prior death, resignation, or removal.

(b) Member-Elected Director. There shall be one (1) Member-Elected Director. The Member-Elected

Director shall be elected in conjunction with the applicable annual meeting of the Board of Directors by an affirmative vote of a majority of the General Members, to serve for a term of two (2) years from the date of such director's election, and such director shall continue in office until his or her successor is elected or qualified, or until his or her prior death, resignation, or removal. The time, method, manner, and eligibility of voting for the Member-Elected Director shall be determined by the Board of Directors. Neither cumulative nor proxy voting shall be allowed in such elections. The candidate receiving the highest number of votes shall be elected.

Section 4.05 Vacancies. A vacancy of a Board-Elected Directorship may be filled by a majority vote of the directors then in office although less than a quorum, or by a sole remaining director. A vacancy of a Member-Elected Directorship shall be filled by an affirmative majority vote of the General Members. Such election shall be held within sixty (60) days of the Member-Elected Directorship becoming vacant; provided that an election to fill a vacancy resulting from the creation of a new Member-Elected Directorship shall be held within ninety (90) days of such creation. A director elected to fill a vacancy shall be elected for the unexpired term of his or predecessor in office and until his or her successor is elected and qualified.

Section 4.06 Removal. Any director may be removed with or without cause at any time by action of the Board. A director may be removed only at a meeting

called for that purpose (together with other purposes, if any).

Section 4.07 Resignations. Any director may resign at any time upon written notice to the Corporation. Unless otherwise specified in the written notice, the resignation shall be effective upon delivery to the Corporation.

Section 4.08 Quorum of the Board of Directors and Action of the Board of Directors. Unless a greater proportion is required by law or by these Bylaws for adoption of a particular action, a majority of the directors shall constitute a quorum for the transaction of business and, except as otherwise provided by law or by the Articles of Incorporation or these Bylaws, the vote of a majority of the directors present at the meeting at which a quorum is present shall be the act of the Board of Directors.

Section 4.09 Meetings of the Board of Directors. An annual meeting of the Board of Directors shall be held each year at such time and place as shall be fixed by the Board of Directors, for the election of officers and directors and for the transaction of such other business as may properly come before the meeting. Regular meetings of the Board of Directors shall be held at such times as may be fixed by the Board of Directors. Special meetings of the Board of Directors may be held at any time whenever called by a majority of the directors then in office. Notice of all special meetings shall be delivered in writing to all directors and shall specify the matters to be addressed at such meeting. Meetings of the Board of Directors may be held at such places within or without the Commonwealth of Virginia as

may be fixed by the Board of Directors for annual and regular meetings and in the notice of meeting for special meetings.

Section 4.10 Informal Action by the Board of Directors. Unless otherwise restricted by the Articles of Incorporation or these Bylaws, any action required or permitted to be taken by the Board of Directors may be taken without a meeting if all directors consent in writing to the adoption of a resolution authorizing the action. The resolution and the written consents thereto by the directors shall be filed with the minutes of proceedings of the Board of Directors. A written consent and the signing thereof may be accomplished by one or more electronic transmissions, including a signed email message from the applicable director.

Section 4.11 Meetings by Conference Telephone. Any one or more members of the Board of Directors may participate in a meeting of such Board of Directors by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can communicate with one another. Participation in a meeting by such means shall constitute presence in person at the meeting.

Section 4.12 Compensation of Directors. The Corporation may not pay any compensation to directors for services rendered, except that directors may be reimbursed for expenses incurred in the performance of their duties to the Corporation, in reasonable amounts as approved by a majority of the entire Board of Directors.

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ARTICLE V

Committees

Section 5.01 General Provisions. A majority of the Board of Directors may create one or more committees and appoint members of the Board of Directors to serve on them. To the extent specified by the Board of Directors, each committee may exercise the authority of the Board of Directors, except that a committee may not exercise authority prohibited by law.

Section 5.02 Committee Rules. Requirements for the Board of Directors set forth herein or, if applicable, in Sections 13.1-864 through 13.1-868 of the Act as now in effect or as may hereafter be amended, or any other statutory provision, governing meetings, action without meetings, notice and waiver of notice, and quorum and voting requirements shall apply to committees and their members as well.

ARTICLE VI

Officers, Agents, and Employees

Section 6.01 Officers. The Board of Directors shall elect or appoint a President, Secretary, and Treasurer, and it may, if it so determines, elect or appoint one or more Vice Presidents, Assistant Secretaries, Assistant Treasurers, and other officers and may give any of them such further designation or alternate titles as it considers desirable. The same individual may simultaneously hold more than one office in the Corporation.

Section 6.02 Term of Office, Vacancies and Removal. Each officer shall hold office for the term for which he or she is elected or appointed and until his or her

successor is elected or appointed and qualified, or until his or her earlier death, resignation or removal. All officers shall be elected or appointed at the annual meeting of the Board of Directors, except in the case of initial officers and vacancies resulting from any resignation or removal, which may be filled by the Board of Directors as needed. An officer appointed or elected to fill a vacancy shall hold office for the unexpired term of his or her predecessor in office, and until his or her successor is elected and qualified. Any officer may be removed by the Board of Directors with or without cause at any time.

Section 6.03 Resignation. Any officer may resign at any time by giving written notice to the Corporation. Unless otherwise specified in the written notice, the resignation shall be effective upon delivery to the Corporation.

Section 6.04 Powers and Duties of Officers. Subject to the control of the Board of Directors, all officers as between themselves and the Corporation shall have such authority and perform such duties in the management of the Corporation as may be provided by the Board of Directors and, to the extent not so provided, as generally pertain to their respective offices.

President. The President shall serve as the chief executive officer of the Corporation and preside at all meetings of the Board of Directors. The President shall supervise and control all of the affairs of the Corporation and oversee the management of the Corporation in accordance with policies and directives approved by the Board of

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Directors, including appointing assistants and hiring employees as necessary to ensure orderly operations.

Secretary. The Secretary shall be responsible for the keeping of an accurate record of the proceedings of all meetings of the Board of Directors, shall give or cause to be given all notices in accordance with these Bylaws or as required by law, and shall perform all duties customary to the office of Secretary.

Treasurer. The Treasurer shall have the custody of, and be responsible for, all funds and securities of the Corporation. He or she shall keep or cause to be kept complete and accurate accounts of receipts and disbursements of the Corporation, and shall deposit all monies and other valuable property of the Corporation in the name and to the credit of the Corporation in such banks or depositories as the Board of Directors may designate. Whenever required by the Board of Directors, the Treasurer shall render a statement of accounts. He or she shall at all reasonable times exhibit the books and accounts to any officer or director of the Corporation, and shall perform all duties incident to the office of Treasurer, subject to the supervision of the Board of Directors, and such other duties as shall from time to time be assigned by the Board of Directors.

Section 6.05 Agents and Employees. The Board of Directors may appoint agents and employees who shall have such authority and perform such duties as may be prescribed by the Board of Directors. The Board of

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Directors may remove any agent or employee at any time with or without cause. Removal without cause shall be without prejudice to such person's contract rights, if any, and the appointment of such person shall not itself create contract rights.

Section 6.06 Compensation of Officers, Agents and Employees. The Corporation may pay compensation to officers for services rendered to the Corporation in their capacity as officers, and officers may be reimbursed for expenses incurred in the performance of their duties to the Corporation, in reasonable amounts as approved by a majority of the entire Board of Directors. The Corporation may pay compensation in reasonable amounts to agents and employees for services rendered, such amounts to be fixed by the Board of Directors or, if the Board of Directors delegates power to any officer or officers, then by such officer or officers. The Board of Directors may require officers, agents or employees to give security for the faithful performance of their duties.

ARTICLE VII *Miscellaneous*

Section 7.01 Fiscal Year. The fiscal year of the Corporation shall be the calendar year or such other period as may be fixed by the Board of Directors.

Section 7.02 Corporate Seal. The corporate seal, if any, shall be circular in form, shall have the name of the Corporation inscribed thereon and shall contain the words "Corporate Seal" and "Virginia" and the year the Corporation was formed in the center, or shall be in

such form as may be approved from time to time by the Board of Directors.

Section 7.03 Checks, Notes, Contracts. The Board of Directors shall determine who shall be authorized from time to time on the Corporation's behalf to: (A) sign checks, drafts, or other orders for payment of money; (B) to sign acceptances, notes, or other evidences of indebtedness; (C) to enter into contracts; and (D) to execute and deliver other documents and instruments.

Section 7.04 Books and Records. The Corporation shall keep correct and complete books and records of account, the activities and transactions of the Corporation, minutes of the proceedings of the Board of Directors and any committee of the Corporation, a current list of the directors and officers of the Corporation, their business addresses and the Corporation's most recent annual report. Any of the books, minutes, and records of the Corporation may be in written form or in any other form capable of being converted into written form within a reasonable time.

Section 7.05 Amendment of Articles of Incorporation and Bylaws. The Articles of Incorporation or Bylaws of the Corporation may be amended in whole or in part by a majority vote of the directors then in office and upon the taking of any other actions required under the Act.

Section 7.06 Indemnification and Insurance. The Corporation shall indemnify any director, any former director, any person who while a director of the Corporation may have served at its request as a director, officer, partner, trustee, employee, or agent of another foreign or domestic corporation, partnership,

joint venture, trust, employee benefit plan or other enterprise, and may, by resolution of the Board of Directors, indemnify any officer, employee, or agent against any and all expenses and liabilities actually and necessarily incurred by him or her or imposed on him or her in connection with any claim, action, suit, or proceeding (whether actual or threatened, civil, criminal, administrative, or investigative, including appeals) to which he or she may be or is made a party by reason of being or having been such director, officer, employee or agent; subject to the limitation, however, that there shall be no indemnification in relation to matters unless such person: (1) conducted himself or herself in good faith; (2) believed in the case of conduct in his or her official capacity with the Corporation that his or her conduct was in the best interest of the Corporation; and in all other cases that his or her conduct was at least not opposed to the best interests of the Corporation; or (3) in the case of any criminal proceeding, he or she had no reasonable cause to believe that his or her conduct was unlawful. Further, there shall be no indemnification in connection with a proceeding (A) by or in the right of the Corporation in which the director, officer, employee or agent was judged liable to the Corporation, or (B) in which improper personal benefit is charged.

The Corporation shall upon order of a court of competent jurisdiction indemnify a director who entirely prevails in the defense of any proceeding to which he or she was a party because he or she is or was a director of the Corporation, for reasonable expenses incurred by him or her in connection with the proceeding.

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Amounts paid in indemnification of expenses and liabilities may include, but shall not be limited to, counsel fees and other fees; costs and disbursements; judgments, fines, and penalties against, and amounts paid in settlement by, such director, officer, employee or agent. The Corporation may pay for or reimburse the reasonable expenses in advance of final disposition of the proceeding provided that the provisions of Section 13.1-878 of the Act are met.

The provisions of this Article shall be applicable to claims, actions, suits, or proceedings made or commenced after the adoption hereof, whether arising from acts or omissions to act occurring before or after adoption hereof.

The indemnification provided by this Article shall not be deemed exclusive of any other rights to which such director, officer, or employee may be entitled under any statute, bylaw, agreement, vote of the Board of Directors, or otherwise and shall not restrict the power of the Corporation to make any indemnification permitted by law.

The Board of Directors may authorize the purchase of and maintain insurance on behalf of any director, officer, employee or agent of the Corporation against any liability asserted against or incurred by him or her which arises out of such person's status in such capacity or who is or was serving at the request of the Corporation as a director, officer, employee or agent of another foreign or domestic corporation, partnership, joint venture, trust, employee benefit plan or otherwise, or out of acts taken in such capacity, whether or not the Corporation would have the power

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to indemnify the person against that liability under law.

If any part of this Section shall be found in any action, suit or proceeding to be invalid or ineffective, the validity and the effectiveness of the remaining parts shall not be affected.

Section 7.07 Dissolution. The Corporation may be dissolved at any time by majority vote of the directors then in office and upon the taking of any other actions required under the Act. In the event of dissolution or final liquidation of the Corporation, all of the remaining assets of the Corporation shall, after paying or making provision for the payment of all of the liabilities and obligations of the Corporation and for necessary expenses thereof, be distributed as determined by the Board of Directors in accordance with the Articles of Incorporation and applicable law.

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Dkt. 419-91

Form 990 (2015)

STUDENTS FOR FAIR ADMISSION

[See Volume III]

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Form 990 (2016)

[See Volume III]

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Dkt. 421-250

Chicago Tribune May 8, 1926

Harvard Scans Racial Traits of Applicants

Cambridge, Mass., May 7. —(AP)—The Harvard Liberal Club will say tomorrow in its publication, the Gadfly, that Prof. Henry Pennypacker, chairman of the committee on admissions at Harvard, has stated that racial characteristics are considered in passing upon applicants and that “race is part of the record.”

The quoted statement adds that race “is by no means the whole record, and no man will be kept out on grounds of race.” The editors of the student organ said that Mr. Pennypacker had certified as correct the statements attributed to him. Mr. Pennypacker could not be reached tonight.

Extreme Racial Characteristics.

“The whole record does include evidences of the candidate’s character, personality, and promise,” the quoted statement reads, “his fitness to give the most to Harvard and to derive the most from what Harvard has to offer. Traits of character which tend to prevent a boy from becoming a part of our great fellowship of Harvard will be weighed.

“Among those traits may be extreme racial characteristics. Race is a part of the record. It is by no means the whole record, and no man will be kept out on grounds of race; but those racial characteristics which make for race isolation will, if they are borne by the individual, be taken into consideration as a part of

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that individual's characteristics under the test of character, personality, and promise.

Denies Race Discrimination.

“If there should result, in fact, any substantial change in the proportion of groups in the college following the application of the test, this will be due not to race discrimination or any quota system, but to the failure of particular individuals to possess, as individuals, those evidences of character, personality, and promise which, weighed with other evidences, render them more fit than other individuals to receive all that Harvard has to offer.

“Of course there will be criticisms. It will be said that Harvard is discriminating on grounds of race. That will not be true.”

<http://archives.chicagotribune.com/1926/05/08/page/1/article/harvard-scans-racial-traits-of-applicants>

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Dkt. 421-251

Jewish Telegraphic Agency

Race Determining Factor in Regard to Harvard Applicants, He Admits

May 11, 1926

Boston (May. 10)

(Jewish Daily Bulletin)

Race and place of residence are to be part of the qualifications of candidates for admission to Harvard College under the new rule of "character, personality and promise," according to Henry S. Pennypacker, Chairman of the Committee on Admissions which administers this rule.

Mr. Pennypacker's statement was contained in the Gadfly, publication of the Harvard Student Liberal Club, on Saturday.

A committee of six undergraduate and graduate students, all members of the Liberal Club, interviewed Mr. Pennypacker recently and asked him the following questions:

How far are the new regulations designed to preserve a balance between racial groups? Between social groups?"

Mr. Pennypacker stated that the traditional policy of freedom from discrimination on the grounds of race or religion is still of binding force and effect. He then declared:

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“Race is a part of the record. It is by no means the whole record and no man will be kept out on grounds of race. But those racial characteristics which make for race isolation will, if they are borne by the individual, be taken into consideration as a part of that individual’s characteristics under the test of character, personality and promise.”

The new rule which the Committee on Admissions will interpret and which it is alleged will result in discrimination particularly against unfavored races reads:

“Candidates should bear in mind that in all admissions to the university regard is given to character, personality and promise as well as to scholarly attainments.”

The committee asked him what factors would be taken into consideration.

“All available factors concerning the boys will be taken into consideration We wish to look at the boy’s fitness for his job in much the same way an employer wants to looke at his employee.”

Under the new rule all candidates must include a photograph with the application blank. Mr. Pennypacker was asked the purpose of the photograph.

“For purposes of identification,” he said, “as evidence of character, personality, and promise, only very vague in the case of candidates not seen.”

<https://www.jta.org/1926/05/11/archive/race-determining-factor-in-regard-to-harvard-applicants-he-admits>