

**UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT**

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 22<sup>nd</sup> day of April, two thousand thirteen,

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The Authors Guild, Inc., Associational Plaintiff,  
Betty Miles, Joseph Goulden, and Jim Bouton,  
individually and on behalf of all others similarly  
situated,

Plaintiffs-Appellees,

v.

Google, Inc.,

Defendant-Appellant.

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**ORDER**

Docket No. 12-3200

Judge Leval wishes to advise the parties as follows:

1. In 2008, Judge Leval attended a conference jointly sponsored and organized by Stanford Law School and Google Inc. (“Google”) regarding technological advancement and the law. As an invited participant, the conference covered the costs of Judge Leval’s attendance. Prior to the conference, Judge Leval communicated with a Google representative regarding the conference. During the conference, Judge Leval met and chatted briefly with Google representatives involved in organizing the conference and, along with other conference participants, attended a dinner hosted by Google on its campus.

2. Judge Leval has been friendly for nearly twenty-five years with William Patry, Esq. For approximately the last five years, Mr. Patry has been employed as in-house copyright counsel at Google.

Judge Leval is confident that these circumstances would in no way influence his consideration of the case and believes they do not give rise to a reasonable basis for questioning his impartiality. However, if any party wishes to request Judge Leval’s recusal and to submit argument in support of the request (or to request further information), Judge Leval will give due reconsideration to the question. Counsel should submit the party’s position by attachment to a letter addressed to the Clerk of the Court by April 26, 2013, formatted to permit the Clerk to transmit the

attachment to Judge Leval without revealing the identity of the party. Any opposition by an adverse party may be submitted, using the same procedure and format, within five days thereafter.

The Clerk is directed to transmit any attachment submitted to Judge Leval, without the covering letter, so as not to reveal to Judge Leval the identity of the submitting party or counsel.

For the Court:

Catherine O'Hagan Wolfe  
Clerk of Court

  
