

FRANKFURT KURNIT KLEIN & SELZ PC

488 Madison Avenue
New York, New York 10022
Telephone: (212) 980-0120
Facsimile: (347) 438-2110

Edward H. Rosenthal
Direct dial: (212) 826-5524
e-mail: erosenthal@fkks.com

June 28, 2012

BY FACSIMILE (212) 805-7901

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 6/29/12

Hon. Harold Baer, Jr.
United States District Judge
Southern District of New York
500 Pearl Street, Rm. 2230
New York, New York 10007-1312

Re: The Authors Guild, et al. v. Hathitrust, et al., 11 Civ. 6351 (HB)

Dear Judge Baer:

We represent the Plaintiffs in the above-captioned matter. We are writing with the consent of counsel for Defendants and for Intervenors with respect to the summary judgment motions to be filed by the parties this week. All of the parties intend to include and/or refer to certain information that has been designated by another party or third party entity as "confidential." Accordingly, the parties request that they be permitted to serve redacted versions of their papers and to submit an unredacted set of the papers for filing under seal.

Our understanding from your Chambers and from reviewing the Court's individual rules of practice is that at the time the parties submit courtesy copies of the fully briefed motion to Chambers, the parties should submit both an unredacted and a redacted set so that the Court can determine whether some or all of the redactions are appropriate. We would, of course, follow any procedure that the Court directs.

In addition, Plaintiffs and Defendants respectfully request that they be permitted to serve a memorandum of law not longer than thirty (30) pages in support of their summary judgment motions.

Thank you for your consideration of this request.

Respectfully submitted,

30 pages is OK no further explanation by any party Redacted + unredacted version will be submitted

SO ORDERED
Edward H. Rosenthal

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

Date: 6/28/12

cc: Robert Bernstein, Esq. (via email)
Dan Goldstein, Esq. (via email)
Joseph Petersen, Esq. (via email)

Endorsement:

30 pages is OK no further extensions by any party redacted and unredacted versions will be submitted.