

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Case No. 11-10260-NMG
)
 AARON SWARTZ,)
)
 Defendant.)
)
)

THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY'S
MOTION TO INTERVENE AND PARTIALLY OPPOSE
MOTION TO MODIFY PROTECTIVE ORDER

Third party, the Massachusetts Institute of Technology (“MIT”), respectfully moves to intervene in this action for the limited purpose of partially opposing the Estate of Aaron Swartz’s Motion to Modify the Protective Order. MIT agrees to a modification of the Protective Order so long as it is conditioned on MIT being allowed, prior to any dissemination of documents, to redact the documents to protect the privacy and safety of members of the MIT community and to protect against the disclosure of any MIT network vulnerabilities. Specifically, MIT seeks an order compelling defense counsel to return all documents that it received during discovery, and any copies made of those documents, to the U.S. Attorney’s Office so that, prior to any public disclosure of these documents, MIT has the opportunity to redact (a) any names or identifying information, including titles and departments, of any MIT staff or other community member, and (b) any references to MIT network vulnerabilities.

Counsel for both the United States of America and the Estate of Aaron Swartz have assented to MIT’s request to intervene in this action for the limited purpose of partially opposing the Motion to Modify the Protective Order.

In support of this motion and partial opposition, MIT files a supporting memorandum and affidavit, which MIT incorporates fully herein.

MASSACHUSETTS INSTITUTE
OF TECHNOLOGY

By its attorneys,

/s/ Jonathan L. Kotlier

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Dated: March 29, 2013

LOCAL RULES 7.1 & 112.1 CERTIFICATE

Pursuant to Local Rules 7.1(A)(2) & 112.1, I hereby certify that counsel for the Massachusetts Institute of Technology (“MIT”) has conferred with counsel for the United States of America and the Estate of Aaron Swartz on the subject of this motion to in good faith resolve or narrow the issues. Counsel for both the United States of America and Aaron Swartz have assented to MIT’s request to intervene in this action.

/s/ Jonathan L. Kotlier

CERTIFICATE OF SERVICE

I certify that, on March 29, 2013, this document (filed through the ECF system) will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Jonathan L. Kotlier

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