



21st Floor
1251 Avenue of the Americas
New York, NY 10020-1104

Elizabeth McNamara
212-603-6437 tel
212-489-8340 fax

lizmcnamara@dwt.com

July 28, 2023

VIA ECF

The Honorable John G. Koeltl
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Courtroom 14A
New York, NY 10007-1312

*Application granted.
No further extensions.
So ordered.
JGC/Koeltl
7/28/23 U.S.D. 5*

Re: *Hachette Book Group, Inc., et al. v. Internet Archive*, Case No. 1:20-CV-04160-JGK

Your Honor:

The parties write jointly in connection with their July 28 deadline to submit a proposal for the appropriate procedure to determine the judgment to be entered in this case.

The parties are very close to finalizing the terms of a consent judgment subject to a right of appeal, as well as other documents reflecting the parties' anticipated agreements. We hope to be able to submit the proposed consent judgment to the Court in the next week or so.

Accordingly, the parties respectfully request that the Court issue an order extending the deadline to submit a proposal for the appropriate procedure to determine the judgment to be entered in this case to **August 11, 2023**.

We appreciate the Court's time and attention to this matter.

Respectfully submitted,

MORRISON & FOERSTER LLP

DAVIS WRIGHT TREMAINE LLP

/s/ Joseph C. Gratz

Joseph C. Gratz (Pro Hac Vice)
Annie A. Lee (Pro Hac Vice)
425 Market Street
San Francisco, CA 94105
Phone: (415) 268-7000
Email: JGratz@mofocom
AnnieLee@mofocom

/s/ Elizabeth A. McNamara

Elizabeth A. McNamara
Linda Steinman
John M. Browning
Jesse Feitel
Carl Mazurek
1251 Avenue of the Americas, 21st Floor
New York, NY 10020
Phone: (212) 489-8230
Email: lizmcnamara@dwt.com

The Honorable John G. Koeltl
July 28, 2023
Page Two

Aditya V. Kamdar (*Pro Hac Vice*)
2100 L Street NW, Suite 900
Washington, D.C. 20037
Phone: (202) 887-1500
Email: Akamdar@mofo.com

lindasteinman@dwt.com
jackbrowning@dwt.com
jessefeitel@dwt.com
carlmazurek@dwt.com

ELECTRONIC FRONTIER
FOUNDATION

Corynne McSherry (*Pro Hac Vice*)
Kit Walsh (*Pro Hac Vice*)
Cara Gagliano (*Pro Hac Vice*)
815 Eddy Street
San Francisco, CA 94109
Phone: (415) 436-9333
Email: corynne@eff.org
kit@eff.org
cara@eff.org

Attorneys for Defendant

OPPENHEIM + ZEBRAK, LLP

Matthew J. Oppenheim
Scott A. Zebrak
Danae Tinelli
4530 Wisconsin Avenue, NW, 5th Floor
Washington, DC 20016
Phone: (202) 480-2999
Email: matt@oandzlaw.com
scott@oandzlaw.com
danae@oandzlaw.com

Attorneys for Plaintiffs

cc: All Counsel (via ECF)