

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

KEVIN POULSEN  
520 Third Street, Suite 305  
San Francisco, CA 94107,

Plaintiff,

vs.

DEPARTMENT OF HOMELAND SECURITY  
Washington, DC 20528,

Defendant,

and

MASSACHUSETTS INSTITUTE OF  
TECHNOLOGY  
77 Massachusetts Avenue  
Cambridge, MA 02139,

Intervenor-Defendant.

Case No. 13-0498 (CKK)

**THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY'S MOTION TO  
INTERVENE AS DEFENDANT AND ESTABLISH  
A PROCESS FOR REVIEW AND RELEASE OF DOCUMENTS**

The Massachusetts Institute of Technology ("MIT") moves to intervene and participate fully in this action as defendant pursuant to Rule 24(a) of the Federal Rules of Civil Procedure, for the reasons stated in the accompanying memorandum of points and authorities. MIT has an interest relating to the records that are subject of the action and is so situated that disposition of the action may as a practical matter impair or impede MIT's ability to protect that interest, in light of the fact that MIT's interest is not adequately protected by the existing parties. In the alternative, MIT moves for leave to intervene pursuant to Rule 24(b) of the Federal Rules of

Civil Procedure, upon the ground that MIT has claims or defenses that share common questions of law and fact with the claims or defenses in this case.

MIT also moves to establish a process that affords MIT the opportunity to conduct an expeditious pre-release review of any documents that contain information that MIT submitted to DHS or that describes MIT's employees or networks.. As detailed in MIT's accompanying memorandum of points and authorities in support of this motion, MIT proposes that it be afforded five business days to review documents prior to their release to Plaintiff Kevin Poulsen ("Mr. Poulsen"), so that it may propose any redactions necessary to protect the privacy of its employees or the security of its networks, prior to those documents being placed irretrievably into the public domain.

Counsel for MIT has conferred with counsel for Mr. Poulsen and the government regarding the relief sought by this motion. Counsel for the government consents to MIT's intervention in this matter, but has not authorized MIT to make any representation regarding the government's position with regard to the review procedure proposed by MIT. Counsel for Mr. Poulsen takes no position in advance of this motion, but reserves the right to oppose it after reviewing it.

Pursuant to Local Rule 7(c) and (j), this motion is accompanied by a Proposed Order and an original of the pleading setting forth the claims or defenses for which MIT seeks intervention.

By: /s/ Patrick J. Carome  
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*Counsel for Movant-Intervenor  
Massachusetts Institute of Technology*

Dated: July 18, 2013