

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY,

Plaintiff,

v.

Civil Action No. 08-11364-GAO

ZACK ANDERSON, RJ RYAN,
ALESSANDRO CHIESA, and the
MASSACHUSETTS INSTITUTE OF
TECHNOLOGY,

Defendants.

**DECLARATION OF CORYNNE MCSHERRY IN SUPPORT OF MOTION FOR
RECONSIDERATION OF TEMPORARY RESTRAINING ORDER**

I am an attorney with the Electronic Frontier Foundation, co-counsel for the Defendants Zack Anderson, RJ Ryan, and Allesandro Chiesa in the above-captioned matter. I have personal knowledge of the matters stated in this declaration. If called upon to do so, I am competent to testify to all matters set forth herein.

1. Attached hereto as Exhibit 1 is Hiawatha Bray, *T Card Has Security Flaw, Says Researcher*, Boston Globe, Mar. 6, 2008, downloaded August 17, 2008 from http://www.boston.com/business/articles/2008/03/06/t_card_has_security_flaw_says_researcher.
2. Attached hereto as Exhibit 2 is Marie Szaniszlo, *Research: Charlie Card is Far From Hack Proof*, Boston Herald, Mar. 6, 2008, downloaded August 17, 2008, from <http://news.bostonherald.com/news/regional/general/view.bg?articleid=1078138>.
3. Attached hereto as Exhibit 3 is Bruce Schneier, *Why Being Open About Security Makes Us All Safer in the Long Run*, The Guardian, Aug. 7, 2008, downloaded

August 17, 2008, from

<http://www.guardian.co.uk/technology/2008/aug/07/hacking.security>.

4. Attached hereto as Exhibit 4 is *MIT Blocks Students from Revealing Fare Tips*, Boston Globe, Aug. 10, 2008, downloaded August 17, 2008 from http://www.boston.com/news/local/massachusetts/articles/2008/08/10/mbta_blocks_mit_students_from_revealing_fare_tips/.
5. Attached hereto as Exhibit 5 is Christopher Baxter, *MIT Students' Report Makes Security Recommendations*, Boston Globe, Aug. 12, 2008, downloaded August 17, 2008 from http://www.boston.com/news/education/higher/articles/2008/08/12/mit_students_report_makes_security_recommendations_to_t/.
6. Attached hereto as Exhibit 6 is George Hulme, *MBTA: Legally Shackling Security Researchers Rarely Works*, InformationWeek Security Weblog, Aug. 14, 2008, downloaded August 17, 2008, from http://www.informationweek.com/blog/main/archives/2008/08/mbta_legally_sh.html.
7. Attached hereto as Exhibit 7 is Marie Szaniszló, *Board Member Demands MBTA Audit*, Boston Herald, Aug. 13, 2008, downloaded August 17, 2008 from http://news.bostonherald.com/news/regional/politics/view/2008_08_14_Board_member_demands_MBTA_audit/srvc=home&position=also.
8. Attached hereto as Exhibit 8 is Maddie Hanna, *Court Tells Students to Disclose Hacker Secrets in T Case*, Boston Globe, Aug. 14, 2008, downloaded August 17, 2008 from http://www.boston.com/news/local/articles/2008/08/15/court_tells_students_to_disclose_hacker_secrets_in_t_case/.
9. Attached hereto as Exhibit 9 is Boston Globe Editorial Board, *Hacking and Free Speech*, Boston Globe, Aug. 14, 2008, downloaded August 17, 2008 from

http://www.boston.com/bostonglobe/editorial_opinion/editorials/articles/2008/08/14/hacking_and_free_speech/?page=full.

10. Attached hereto as Exhibit 10 is KiMae Heussner, *Leading Computer Scientists Defend Student Hackers*, ABCnews.com, Aug. 14, 2008, downloaded on August 17, 2008 from <http://www.abcnews.go.com/Technology/story?id=5581876&page=1>
11. Attached hereto as Exhibit 11 is Marie Szanislow, *MIT Students Must Turn In Charlie Card Data Today*, Boston Herald, Aug. 15, 2008, downloaded on August 17, 2008 from http://news.bostonherald.com/news/regional/general/view/2008_08_15_MIT_students_must_turn_in_CharlieCard_data_today/.
12. Attached hereto as Exhibit 12 is Robert Caron, *Missed Opportunity On MBTA Security*, Letters to the Editor, Boston Globe, Aug. 16, 2008, downloaded Aug. 17, 2008 from http://www.boston.com/bostonglobe/editorial_opinion/letters/articles/2008/08/16/missed_opportunity_on_mbt_security/.
13. Attached hereto as Exhibit 13 is Harvey Silverglate, *National Security and Free Speech*, Boston Globe, August 16, 2008, downloaded August 17, 2008 from http://www.boston.com/bostonglobe/editorial_opinion/oped/articles/2008/08/16/national_security_and_free_speech/.
14. Attached hereto as Exhibit 14 is Ben Arnoldy and Uri Friedman, *Not So Smart Cards Easily Hacked*, Christian Science Monitor, August 18, 2008, downloaded August 18, 2008 from <http://www.csmonitor.com/2008/0819/p01s01-usgn.html>.

Signed under penalty of perjury this 18th day of August 2008 in San Francisco,
California.

/s/
Corynne McSherry, Esq.