

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, RONALD L.
RIVEST, and the MASSACHUSETTS
INSTITUTE OF TECHNOLOGY

Defendants

MOTION FOR ENTRY OF A PRELIMINARY INJUNCTION

Pursuant to Fed. R. Civ. P. 65 and 18 U.S.C. §1030(g), Plaintiff Massachusetts Bay Transportation Authority ("MBTA"), hereby moves that this Court convert its previously entered Temporary Restraining Order (Docket No. 12) into an order for preliminary injunction, in the form set out in the attached proposed Order for Preliminary Injunction.

In support of this Motion, the MBTA relies on its previously filed papers and the following submissions: (i) the Supplemental Declaration of Joseph Kelley, (ii) the Supplemental Declaration of Scott Henderson, (iii) the Supplemental Declaration of William Mitchell, (iv) the Second Supplemental Declaration of Ieuan G. Mahony, (v) the Declaration of Maximillian J. Bodoïn, (vi) the Memorandum in Support of Entry of a Preliminary Injunction; and (vii) the proposed Order For Preliminary Injunction.

WHEREFORE, the MBTA respectfully requests that this Court enter a preliminary injunction as set out in Plaintiff's proposed Order For Preliminary Injunction.

MASSACHUSETTS BAY TRANSPORTATION
AUTHORITY

By its attorneys,

/s/ Ieuan G. Mahony

Ieuan G. Mahony (BBO #552349)

Maximillian J. Bodoïn (BBO # 667240)

HOLLAND & KNIGHT LLP

10 St. James Avenue

Boston, MA 02116

(617) 523-2700

Thomas F.S. Darling III (BBO #558848)

MASSACHUSETTS BAY TRANSPORTATION
AUTHORITY

State Transportation Building, 7th Floor

10 Park Plaza

Boston, MA 02116

(617) 222-3174

Dated: August 18, 2008
Boston, Massachusetts

CERTIFICATE OF SERVICE

I, Ieuan G. Mahony, Attorney for the Massachusetts Bay Transportation Authority in connection with the above-captioned proceeding, hereby certify that on this 18th day of August, 2008, the **Motion for Entry of a Preliminary Injunction** was served via the ECF system on the following interested parties:

Party

Counsel

Zack Anderson, RJ Ryan,
and Alessandro Chiesa
(the "MIT Undergrads")

Emily Berger, Esquire
Email: emily@eff.org

Jennifer Granick, Esquire
Email: jennifer@eff.org

John Reinstein, Esquire
Email: reinstein@aclum.org

Thomas A. Brown
Email: tbrown@fr.com

Cindy Cohn
cindy@eff.org

Lawrence K. Kolodney
kolodney@fr.com

Marcia Hoffman
marcia@eff.org

Adam J. Kessel
kessel@fr.com

Massachusetts Institute
of Technology ("MIT")

Jeffrey Swope, Esquire
Email: JSwope@eapdlaw.com

/s/ Ieuan G. Mahony _____