

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MASSACHUSETTS BAY  
TRANSPORTATION AUTHORITY

Plaintiff

v.

Civil Action No. No. 08- 11364-GAO

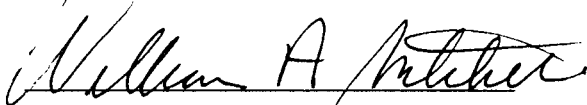
ZACK ANDERSON et al.

Defendants

**DECLARATION OF WILLIAM A. MITCHELL, JR.**

1. I am General Counsel for the plaintiff, Massachusetts Bay Transportation Authority ("MBTA").
2. I make this declaration based on my personal knowledge and a review of MBTA business records concerning the matters set out below.
3. On Friday, August 8, 2008 at approximately 4:30 PM, I contacted Gregory Morgan, Vice President and General Counsel of MIT. I left a message for Mr. Morgan, asking him to call me concerning the issues with the CharlieCard and Charlie Ticket.
4. At approximately 5:00 PM on August 8, Jay Wilcoxson, Associate General Counsel of MIT, returned my call. I informed Mr. Wilcoxson that the MBTA was proceeding forward to seek a TRO.
5. I subsequently got another call from Mr. Morgan and Mr. Wilcoxson. During this call, they indicated that the MBTA should not move forward with the TRO.

Signed under the penalties of perjury this 18th day of August, 2008.

  
William A. Mitchell, Jr.

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 18<sup>th</sup> day of August, 2008, the **Declaration of William A. Mitchell, Jr.** was served via the ECF system on the following interested parties:

**Party**

**Counsel**

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

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/s/ Ieuan G. Mahony