

EXHIBIT 4

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY

Plaintiff

v.

ZACK ANDERSON, RJ RYAN,
ALESSANDRO CHIESA, RONALD L.
RIVEST, and the MASSACHUSETTS
INSTITUTE OF TECHNOLOGY

Defendants

Civil Action No. 08-11364-GAO

PLAINTIFF MASSACHUSETTS BAY TRANSPORTATION AUTHORITY'S
RULE 26(a)(1) INITIAL DISCLOSURES

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Plaintiff Massachusetts Bay Transportation Authority (the "MBTA") hereby makes the following initial disclosures based upon information it has acquired to date, without yet having had the benefit of formal discovery or production of documents. The MBTA's disclosures are based on the current status of the pleadings. Moreover, the MBTA reserves the right, consistent with its obligation under Rule 26(e) of the Federal Rules of Civil Procedure, to modify, amend, retract, and/or supplement the disclosures made herein as additional evidence and information becomes available.

DISCLOSURES

A. The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

- Zack Anderson, East Campus, 3 Ames St., Hall 2W, Room W210, Cambridge, MA 02142: information concerning the Fare Media System.¹
- RJ Ryan, East Campus, 3 Ames St. Hall 2W, Room W214, Cambridge, MA 02142: information concerning the Fare Media System.
- Alessandro Chiesa, East Campus, 3 Ames St., Hall 4W, Room 409, Cambridge, MA 02142: information concerning the Fare Media System.²
- Massachusetts Institute of Technology ("MIT"), 77 Massachusetts Avenue, Cambridge, MA 02139: information concerning the MIT Undergrads and MIT policies.
- Ron Rivest, 77 Massachusetts Avenue, Cambridge, MA 02139: information concerning the MIT Undergrads.
- Jacob Shaver, Agent for the FBI, (to be supplemented later).
- Massachusetts Bay Transportation Authority, the State Transportation Building, 10 Park Plaza, Boston, MA 02116: information regarding the MBTA.
- Joseph Kelley, Deputy General Manager for Systemwide Modernization for the MBTA, the State Transportation Building, 10 Park Plaza, Boston, MA 02116: information regarding the MBTA.
- Gary Foster, Chief Technology Officer for the MBTA, the State Transportation Building, 10 Park Plaza, Boston, MA 02116: information concerning the MBTA.
- Scott Henderson, Systems Project Manager for the Automated Fare Collection System for the MBTA, the State Transportation Building, 10 Park Plaza, Boston, MA 02116: information concerning the MBTA.
- Richard Sullivan, Sergeant Detective in the Transit Police of the MBTA, the State Transportation Building, 10 Park Plaza, Boston, MA 02116: information regarding fare media and communications with Defendants.

¹ The term "Fare Media System" means the system that meets the following two criteria: the system (i) is employed by the MBTA to manage, track, charge for, and collect fares; and (ii) relies on CharlieTicket passes and/or CharlieCard passes.

² Zack Anderson, RJ Ryan and Alessandro Chiesa are collectively referred to as the "MIT Undergrads."

- Daniel Terryn, Technical Software Manager of Scheidt & Bachmann: information on the Fare Media System.

B. A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody or control of the party, and that the disclosing party may use to support its claims and defenses, unless solely for impeachment.

The MBTA identifies the following categories of documents, data compilations, and tangible things in its possession, custody, or control under Fed. R. Civ. P. 26(a)(1)(B), located to date. The documents described below are located at the MBTA's offices in Boston, Massachusetts. Certain of these documents may contain sensitive information, and will be provided pursuant to a protective order.

- Technical documents regarding the MBTA's Fare Media System including related security measures.
- Communications with MIT Undergrads.
- Communications requesting disclosure of presentation.
- Communications with MIT.
- Communications with Professor Rivest.
- Public statements made by Defendants and Defendants' counsel regarding these proceedings.
- Documents concerning the relationship of the parties with the DEFCON conference.
- Documents relating to the MIT Undergrads' class paper.
- Documents concerning the Transit Police and the FBI meeting.
- Documents concerning fare media.
- Documents concerning the presentation.
- Documents concerning the MIT Undergrads' report.
- Documents concerning responsible disclosure.

C. A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other

evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of the injuries suffered.

Because these proceedings have just begun and the parties have not disclosed sufficient documents, the MBTA is currently unable to compute the damage caused by the Defendants. Accordingly, the MBTA reserves the right to supplement its disclosure after receiving sufficient information from the Defendants.

D. For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

The Defendants have not raised claims that would implicate potential insurance.

The MBTA's initial disclosures are made without it waiving: (i) the right to object to discovery on the grounds of competency, protection from discovery including the attorney client privilege or work product doctrine, undue burden, relevancy and materiality, or any other proper ground, (ii) the right to object to the use of any such information, for any purpose, in whole or in part, in any subsequent proceeding in this action or any other action; and (iii) the right to object on any and all grounds, at any time, to any discovery request or proceeding involving or relating to the subject matter of this disclosure.

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
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 13, 2008
Boston, Massachusetts

CERTIFICATE OF SERVICE

I, Ieuan G. Mahony, Counsel for Plaintiff the Massachusetts Bay Transportation Authority, hereby certify that on this 13th day of August, 2008, I served the foregoing document on Plaintiffs' counsel of record, via hand delivery, as follows:

Party	Counsel
Zack Anderson, RJ Ryan, and Alessandro Chiesa (the "MIT Undergrads")	Emily Berger Lowrie, Lando & Anastasi, LLP One Main Street Boston, MA 617-395-7000 Fax: 617-395-7070 Email: emily@eff.org
Massachusetts Institute of Technology ("MIT")	Jeffrey Swope Edwards Angell Palmer & Dodge LLP 111 Huntington Avenue Boston, Massachusetts 02199 USA 617-239-0100 Fax: 617-227-4420 Email: JSwope@eapdlaw.com

/s/ Ieuan G. Mahony
Ieuan G. Mahony