

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

MASSACHUSETTS BAY)	
TRANSPORTATION AUTHORITY,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO. 08-11364-GAO
v.)	
)	
ZACK ANDERSON, RJ RYAN,)	
ALESSANDRO CHIESA, AND THE)	
MASSACHUSETTS INSTITUTE OF)	
TECHNOLOGY,)	
)	
Defendants.)	

**DECLARATION OF KURT OPSAHL IN SUPPORT OF
MOTION FOR AN EXTENSION OF TIME TO RESPOND TO
AUGUST 14, 2008 DISCOVERY ORDER**

1. The Electronic Frontier Foundation (“EFF”) represents Defendants Anderson, Ryan and Chiesa (hereafter “students”) in this matter. I am a Senior Staff Attorney with the EFF and a member in good standing of the California State Bar. 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.

2. This declaration is submitted in support of the Motion for an Extension of Time to Respond to the August 14, 2008 Discovery Order.

3. An extension of the deadline imposed by the Court’s August 14, 2008 discovery order is necessary because the students’ lead counsel, Jennifer Granick, through no fault of her own, has encountered numerous travel-related complications that have delayed her return to San Francisco and rendered her unable to review the response to the document requests underlying the Court’s order.

4. Ms. Granick's flight is expected to land in San Francisco at approximately 12:00 PT/3:00 ET this afternoon, and she will be unable to review the response in consultation with her colleagues until late afternoon ET today, after the Court-ordered discovery deadline has passed.

5. I emailed Ieuan Mahony at 12:06 PT/3:06 ET this morning to request his consent to extend the deadline, in response to a message he had sent about 30 minutes before. Mr. Mahony has not responded.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct to the best of my knowledge and belief. Executed August 15, 2008 in San Francisco, California.

/s/ Kurt Opsahl
Kurt Opsahl