

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 RUSSELL J. RYAN IN SUPPORT OF MOTION FOR
RECONSIDERATION AND/OR MODIFICATION OF DISCOVERY ORDER**

I am a student in computer science and electrical engineering at the Massachusetts Institute of Technology. I am a defendant in this matter. I have personal knowledge of the matter stated in this declaration. If called upon to do so, I am competent to testify to all matters set forth herein.

1. I have reviewed the Requests for Production issued by the Massachusetts Bay Transportation Authority ("MBTA"). The research materials sought in Requests Nos. 2.1 and 5.4 were created in connection with Computer and Network Security, a class taught by Professor Ronald Rivest at the Massachusetts Institute of Technology.

2. The research materials were shared with Professor Rivest and the Computer and Network Security course staff. Specifically, we submitted the Class Paper to Professor Rivest and the course staff, along with draft code for a single research tool in the appendix of the paper. We also gave a presentation to our classmates describing our research.

3. In addition, the Class Paper was posted online temporarily at a private link provided only to one DEFCON conference organizer.

4. We did not intend to publish the Class Paper.

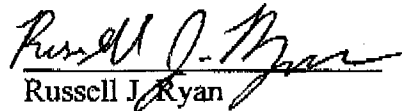
5. Our research materials were not published.

6. We never decided which research materials, if any, we would include or demonstrate in our final presentation at DEFCON. Our efforts to re-evaluate the materials after the MBTA expressed its concerns delayed the decision-making process. In light of the MBTA's concerns and the subsequent filing of this lawsuit, we ultimately did not finalize any software or demonstration plans for the DEFCON presentation.

7. Our research materials were never presented to the public.

8. We do not currently intend to demonstrate any research materials.

Signed under penalty of perjury this 15th day of August 2008.


Russell J. Ryan