

Exhibit 1

Mahony, Ieuan (BOS - X75835)

From: Mahony, Ieuan (BOS - X75835)
Sent: Friday, August 08, 2008 8:13 PM
To: 'marcia@eff.org'
Cc: 'jaren@mit.edu'; William Mitchell; 'Scott Darling'; Mahony, Ieuan (BOS - X75835)
Subject: FW: Pleadings

Attachments: MahonyDeclaration.pdf; Complaint.pdf; Disclosure.pdf; Fosterdeclarataion.pdf; KelleyDeclaration.pdf; MemoinSupport.pdf; Order.pdf; SullivanDec.pdf; SullivanDeclaration.pdf; TROMotion.pdf

Marcia:

Per my recent voice-mail to you, I understand from your communications with Bill Mitchell, and from Mr. Anderson's voice-mail to Scott Henderson, that you are representing the defendants Zack Anderson, RJ Ryan, and Alessandro Chiesa. This matter presents the following issues from our end:

(1) Pleadings Filed

I have attached the pleadings filed today. An email will follow with the exhibits, and the Order that issued in the case.

(2) Hearing Tomorrow

The Order sets a further hearing for tomorrow at 11:00 on the Seventh floor, Courtroom 20, at the John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Boston 02210.

(3) DEFCON Presentation Materials.

As you may know, the MBTA has requested that your clients present a complete set of materials they intend to present at the DEFCON Conference. Late today, the MBTA received a 4 page (excluding the cover sheet) document entitled "Prepared for the Massachusetts Bay Transit Authority: Fare Collection Vulnerability Assessment Report" dated August 8, 2008. We have reviewed this document and it does not appear to comprise all (or perhaps any) DEFCON presentation materials.

In a voice-mail to Scott Henderson this evening, Mr. Anderson suggested that he had distributed a CD of materials at the DEFCON Conference for this presentation. Mr. Anderson stated, however, that he was unable to send these materials due to poor internet. Mr. Anderson later called and left a message for Mr. Henderson informing him that, on the advice of counsel, Mr. Anderson was not providing further information to the MBTA on the presentation.

I urge you strongly to advise your clients to provide us with all presentation materials and all other materials they may wish to circulate concerning the MBTA's Fare Media Systems. I see no basis for withholding this information.

(4) Negotiated Order

The papers I have attached include a proposed Order. The Judge discussed revisions to this Order with us this afternoon. If you believe that the Order, with revisions, may provide a basis for discussing a negotiated resolution, by way of a form of consent judgment, please let me know. I left with your voice-mail my cell and work numbers. I have included them below as well.

I will call again later this evening to answer any questions you may have. I will also again urge you to immediately provide all presentation materials.

Thank you

Ieuan Mahony

Holland Knight

Ieuan G. Mahony
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