

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

MASSACHUSETTS BAY)
TRANSPORTATION AUTHORITY,)
)
Plaintiff,)
)
v.)
)
ZACK ANDERSON, RJ RYAN,)
ALESSANDRO CHIESA, AND THE)
MASSACHUSETTS INSTITUTE OF)
TECHNOLOGY,)
)
Defendants.)

CIVIL ACTION NO. 08-11364-GAO

**MOTION FOR AN EXTENSION OF TIME TO RESPOND TO
AUGUST 14, 2008 DISCOVERY ORDER**

Defendants Anderson, Ryan and Chiesa (“students”) hereby move for a short extension of time to respond to the Court’s August 14, 2008 order requiring production or responses to particular document requests submitted by the plaintiff no later than 1:00 PT/4:00 ET today, August 15, 2008.

This extension is necessary because the students’ lead counsel, Jennifer Granick, 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. Declaration of Kurt Opsahl (“Opsahl Decl.”) ¶ 3. 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. Opsahl Decl. ¶ 4.

Counsel for the students have requested opposing counsel’s consent to an

extension of the deadline, but opposing counsel has not responded. Opsahl Decl. ¶ 5. To permit Ms. Granick a reasonable opportunity to review the response to the discovery request and confer with her colleagues, we respectfully request that the Court extend the discovery deadline to 4:00 PT/8:00 ET on August 16, 2008.

Respectfully submitted,

/s/ John Reinstein

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Counsel for Defendants Anderson, Ryan and Chiesa

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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

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**[PROPOSED] ORDER GRANTING MOTION FOR AN EXTENSION OF TIME
TO RESPOND TO AUGUST 14, 2008 DISCOVERY ORDER**

After considering the defendants' Motion for an Extension of Time to Respond to August 14, 2008 Discovery Order, the declaration submitted in support of that motion, and the entire record, it is hereby ordered that the motion is GRANTED. The defendants shall produce or respond to the Court's August 14, 2008 Discovery Order no later than 5:00PT/8:00 ET on Saturday, August 16, 2008.

ORDERED this 15th day of August 2008.

UNITED STATES DISTRICT COURT JUDGE