

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Civil Action No. 08-11364-GAO

MASSACHUSETTS BAY  
TRANSPORTATION AUTHORITY,

Plaintiff,

v.

ZACK ANDERSON, RJ RYAN,  
ALESSANDRO CHIESA, and the  
MASSACHUSETTS INSTITUTE OF  
TECHNOLOGY,

Defendants.

**MOTION FOR ADMISSION *PRO HAC VICE***

Pursuant to Massachusetts Local Rule 83.5.3(b), John Reinstein, Esq., a member in good standing of the Bar of the Commonwealth of Massachusetts and the United States District Court for the District of Massachusetts, moves for the admission of Marcia Hofmann, a member of the Bar of the State of California, to this Court for the purpose of representing defendants in the above-captioned matter, and states as follows:

1. Marcia Hofmann is counsel at the Electronic Frontier Foundation. Her business address is 454 Shotwell Street, San Francisco, CA 94110. Her telephone number is (415) 436-9333.

2. Marcia Hofmann is a member in good standing of the Bar of the State of California, as evidenced by the Certificate of Good Standing attached hereto as Exhibit A. There are no disciplinary proceedings pending against her as a member of the bar in any jurisdiction. See Affidavit of Marcia Hofmann, attached hereto as Exhibit B.

3. Marcia Hofmann is familiar with the applicable provisions of the Local

Rules of the United States District Court for the District of Massachusetts.

4. John Reinstein, a member of the Bar of the Commonwealth of Massachusetts and the United States District Court for the District of Massachusetts, will continue to represent defendants if this motion is granted.

5. Pursuant to Local Rule 7.1(a), Defendants have conferred with counsel for the Plaintiff and he has no objection to granting this motion.

WHEREFORE, the defendants respectfully request that Marcia Hofmann be admitted to practice before this Court *pro hac vice* for the purpose of appearing as counsel for defendants in the above referenced proceeding in accordance with the Rules of this Court.

DEFENDANTS ANDERSON, RYAN  
AND CHIESA

By their attorneys,

Dated: August 18, 2008

/s/ John Reinstein

John Reinstein, BBO #416120  
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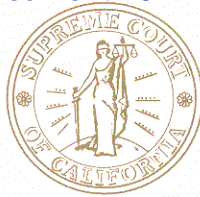
ELECTRONIC FRONTIER FOUNDATION  
454 Shotwell St.  
San Francisco, CA 94110  
(415) 436-9333  
(415) 436-9993 (fax)

**CERTIFICATE OF SERVICE**

In accordance with Local Rule 5.2(b), I, John Reinstein, hereby certify that this document filed through the ECF system on August 18, 2008 will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ John Reinstein  
John Reinstein, Esq.

# EXHIBIT A



# Supreme Court of California

FREDERICK K. OHLRICH

*Clerk of the Court*

## CERTIFICATE OF THE CLERK OF THE SUPREME COURT

OF THE

STATE OF CALIFORNIA

MARCIA CLARE HOFMANN

*I, FREDERICK K. OHLRICH, Clerk of the Supreme Court of the State of California, do hereby certify that **MARCIA CLARE HOFMANN** was on the 8th day of June 2007, duly admitted to practice as an attorney and counselor at law in all the courts of this state; and that her name now appears on the Roll of Attorneys as a member of the bar of this state in good standing.*

*Witness my hand and the seal of the court,  
this 23d day of MAY, 2008.*

FREDERICK K. OHLRICH

*Clerk of the Supreme Court*

By

A handwritten signature in blue ink that reads "Joseph Cornetta".

*Joseph Cornetta, Deputy Clerk*

# EXHIBIT B

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Defendants.

**AFFIDAVIT OF MARCIA HOFMANN**

I, MARCIA HOFMANN, depose and state as follows:

1. I am an attorney licensed to practice law in the State of California, as well as the United States District Court for the District of California.

2. I am a resident of California.

3. I am counsel at the Electronic Frontier Foundation, located at 454 Shotwell Street, San Francisco, CA 94110. The office telephone number is (415) 436-9333 and my direct extension is 116.

4. I am authorized to practice law in the following federal court districts: United States District Court for the Northern District of California and United States District Court for the Central District of California.

5. I was admitted to practice law in the State of California on June 8<sup>th</sup>, 2007. My California Bar Registration number is 250087.

6. I am a member in good standing and duly licensed and admitted to

practice in each of the jurisdictions listed above.

7. I have never been suspended or disbarred in my jurisdiction, and there are no disciplinary actions pending against me in any federal or state court.

8. I am familiar with the Local Rules of the United States District Court for the District of Massachusetts.

9. If the Court allows the Motion for me to appear *pro hac vice* in this matter, I will represent Defendants in this proceeding until the final determination thereof, and with reference to all matters, incidents, or proceedings, I agree that I shall be subject to the orders and to the disciplinary action and the civil jurisdiction of this Court in all respects as if I were regularly admitted.

Signed under the penalties of perjury on this 18th day of August, 2008.

/s/ Marcia Hofmann

Marcia Hofmann, Esq.