

EXHIBIT 4

Fairfax Underground

Fairfax County General : Fairfax Underground

Welcome to Fairfax Underground, a project site designed to improve communication among residents of Fairfax County, VA. Feel free to post anything Northern Virginia residents would find interesting.

Fairfax County School Board v. John Doe and Cary Wiedemann

Posted by: Cary ()

Date: December 21, 2012 04:52PM

Due to the content and publicity associated with the thread Leaked! Fairfax High School Report Cards from 2011-2012 School Year for Every Student! 2,166 page PDF file, the Fairfax County School Board has filed suit against Fairfax Underground and was granted a temporary preliminary injunction by the US District Court of Alexandria, VA.

As the order was issued without notice I was not provided any chance to respond to the school board's petition. I have a very limited time to file a Motion to Dissolve, and am currently exploring the merits of doing so, but as the injunction expires on January 4th, 2013 I may well abide by this temporary order and focus my efforts on ensuring the injunction doesn't become permanent.

In compliance with the injunction I am currently performing a full MySQL database backup to preserve all of the original records, as I need to modify the offending post in order to remove the content.

In this thread I intend to produce all of the communications I've received from the Fairfax County School Board, my responses, and all petitions filed with and returned by the courts.

- Cary (the admin)

Re: Fairfax County School Board v. John Doe and Cary Wiedemann

Posted by: Cary ()

Date: December 21, 2012 04:55PM

Subject: Urgent Request

Date: Wed, 19 Dec 2012 14:25:57 -0500

X-Priority: 1

priority: Urgent

Importance: high

From: "Rewari, Sona" [srewari@hunton.com]

To: [cary@fairfaxunderground.com], [ben@fairfaxunderground.com]

Cc: "Cawley, Tom" [tcawley@hunton.com]

X-OriginalArrivalTime: 19 Dec 2012 19:25:58.0731 (UTC) FILETIME=[AC7471B0:01CDDE1E]

Dear Cary and Ben:

Our firm represents the Fairfax County School Board. Fairfax County Public Schools administrators were alerted today that two electronic files containing the grades of thousands of Fairfax County Public Schools' students were posted yesterday on your website www.fairfaxunderground.com. These files were posted by someone identified as "Fairfax Leaks" under the message: "Leaked! Fairfax High School Report Cards from 2011-2012 School Year for Every Student! 2,166 page PDF file."

We are contacting you in your capacity as the moderators of Fairfax Underground to notify you that these disclosures were made illegally, and in violation of the privacy rights of the thousands of students who are each identified by name on your website. We request that you immediately remove these files from your website, and preserve the records and other evidence in your possession, including all user accounts, IP addresses, and any other information about those who posted, downloaded, or accessed these files. Please advise us in writing that you have done so.

The School Board is committed to protecting and preserving the privacy rights of its students. We will take all steps necessary to do so and to limit the continuing damage that this unlawful disclosure has caused.

If you would like to discuss this matter, please feel free to contact me, or my partner, Tom Cawley (703.714.7424/tcawley@hunton.com). Your prompt cooperation in this matter is greatly appreciated.

Sincerely,
Sona Rewari

Edited 1 time(s). Last edit at 12/21/2012 05:23PM by Cary.

Re: Fairfax County School Board v. John Doe and Cary Wiedemann

Posted by: Cary ()

Date: December 21, 2012 05:24PM

Date: Thu, 20 Dec 2012 18:52:20 -0500

Subject: Re: Urgent Request

From: Cary W [cary@fairfaxunderground.com]

To: "Rewari, Sona" [srewari@hunton.com]

Cc: tcawley@hunton.com

Hello Sona,

First let me apologize for the delay in responding to your request. For clarity, the discussion thread in question resides here:
<http://www.fairfaxunderground.com/forum/read/2/1069819.html>

This is an interesting legal and moral dilemma and I am unsure of exactly how to proceed. Fairfax Underground has a rich history of free speech and as such the standard operating procedures are to NEVER delete any

legitimate content from the forums, regardless of how mundane or childish, so long as the claims made therein are true, and it doesn't violate one of the extremely simple rules which are: No spam, no complete garbage, no personal attacks, and no impersonation.

With that said, however, Fairfax Underground also takes the security and privacy of its users very seriously, and routinely removes content that was posted specifically to harass or embarrass other users. The motivation for this post does not seem to be malicious, rather intellectually curious, and as such doesn't qualify for moderation based on a personal attack.

Do you know of a Virginia law that explicitly prohibits the disclosure of this information? The federal Family Educational Rights and Privacy Act (FERPA) applies only to schools themselves, not necessarily non-authoritative third party sources. If you can identify a section of the Code of Virginia that explicitly prohibits the disclosure of this information I will certainly remove it, but without such a clear prohibition my gut instinct is to allow the thread and attached files to remain.

Can you confirm that this file truly does contain accurate information regarding the grades of students at Fairfax High School? As I have no way to verify the authenticity of such this file I assume it could just as easily be a hoax. Similarly, as this .pdf file comes from an anonymous source, and is hosted on a server that has no relation to the school system whatsoever, the material contained therein should never be trusted as authoritative information by any college or employer.

If this document exposed private information such as social security numbers or home addresses I would certainly remove it immediately; but as it stands there's nothing intrinsically dangerous about the information revealed, only embarrassing.

Please rest assured that I have and will retain full logs of this incident indefinitely, however, I do not intend to ever reveal them without a valid court order. Please note that the thread in question was posted from a "Tor" exit node, a sophisticated anonymizing network, which makes it very unlikely that the original author will ever be positively identified.

With all of that said, most of the damage has already been done. As this file has been posted on Fairfax Underground for over 48 hours and has already been downloaded hundreds of times removing the file and/or thread would not halt the redistribution of this information. Removing the thread in question at this point would only serve to inconvenience the casual browser, and may even lead to individuals altering the original file to disparage or glorify a student or teacher, and then passing off their modified version as the true original.

As I type this message I understand that various media outlets have picked up the story, as there is a discussion underway in the thread in question itself discussing the merits of retaining vs deleting this information. At this point I intend to allow the discussion to play out, listening to the concerns of the community (both for and against removing the content) and will come to a decision regarding this issue tomorrow.

I sincerely apologize for the trouble this issue has caused. While Fairfax Underground does strive to be a free place for whistle blowers to share sensitive and embarrassing information, it certainly does not intend to play host to the unnecessary exposure of innocent people.

If you have any further questions or requests please don't hesitate to ask.

Thanks and enjoy!

- Cary Wiedemann
--Curator, FairfaxUnderground.com

Re: Fairfax County School Board v. John Doe and Cary Wiedemann

Posted by: Cary ()

Date: December 21, 2012 05:29PM

Subject: Fairfax County School Board v. John Doe and Cary Weidemann

Date: Fri, 21 Dec 2012 12:06:05 -0500

From: "Baroody, Cindy" [cbaroody@hunton.com]

To: [cary@fairfaxunderground.com]

Cc: "Rewari, Sona" [srewari@hunton.com], "Cawley, Tom" [tcawley@hunton.com]

X-OriginalArrivalTime: 21 Dec 2012 17:06:12.0651 (UTC) FILETIME=[7AC9AFB0:01CDDF9D]

On behalf of Ms. Rewari and Mr. Cawley, please find attached pleadings that they intend to file with the court within the next hour.

If you have any problems opening the attachments, please let me know.