Exhibit E

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN

American Freedom Defense Initiative, et al.)
) Civil Action No. 2:10-cv-12134
Plaintiff,)
) HON. DENISE PAGE HOOD
VS.)
~ 1	
Suburban Mobility Authority	
For Regional Transportation)
(SMART), GARY L. HENDRICKSON,) AFFIDAVIT OF ROBERT HAWKINS
Individually and in his official capacity as)
Chief Executive of SMART; JOHN	
HERTEL, individually and in his official)
Capacity as General Manager of SMART)
and BETH GIBBONS, individually and in)
her official capacity as Marketing Program)
Manager of SMART,)
Defendants.)

THOMAS MORE LAW CENTER

Robert J. Muise, Esq. (P62849) Richard Thompson, Esq. (P21410) 24 Frank Lloyd Wright Drive

P.O. Box 393

Ann Arbor, MI 48106

rmuise@thomasmore.org

(734) 827-2001

Fax: (734) 930-7160

Co-Counsel for Plaintiffs

SMART

Avery E. Gordon, Esq. (P41194) Anthony Chubb, Esq. (P72608) 535 Griswold Street, Suite 600

Detroit, MI 48226

agordon@smartbus.org

achubb@smartbus.org

(313) 223-2100

Fax: (248) 244-9138

Co-Counsel for Defendants SMART,

Hertel and Gibbons

LAW OFFICES OF DAVID YERUSHALMI, P.C.

David Yerushalmi, Esq. (Arz. Bar No. 009616;

DC Bar No. 978179; Cal. Bar No. 132011; NY Bar No. 4632568)

P.O. Box 6358

Chandler, AZ 85246

David.yerushalmi@yerizon.net

(646) 262-0500

Fax: (801) 760-3901

Co-Counsel for Plaintiffs

AFFIDAVIT OF ROBERT HAWKINS

STATE OF MICHIGAN)

SS.

COUNTY OF WAYNE)

- 1. I am the Sales Manager, Displays Division, for CBS Outdoor, Inc.
- 2. I have personal knowledge of the matters stated herein and if called as a witness will testify to the same.
- 3. I am responsible for the management and supervision of CBS Outdoor, Inc.'s advertising contract with SMART.
- 4. I was contacted by Pamela Geller from the American Freedom Defense Initiative on or about late April, 2010, regarding proposed advertising on City of Detroit Department of Transportation buses.
- 5. The City of Detroit informed me that it rejected the advertisements. After I informed Ms. Geller of this, she requested advertising on SMART buses. Per the contract between CBS and SMART, and having reviewed the advertisement and recognizing its controversial content, I forwarded the advertisement to SMART for final review as to whether it was prohibited. I was informed by SMART that the advertisement violated the policy against political advertising.
- 6. Ms. Geller did not, nor did anyone else on behalf of the American Freedom Defense Initiative, enter into a contract with CBS to advertise on SMART buses.

7. CBS did not accept any money on behalf of SMART from Ms. Geller, nor anyone else on behalf of the American Freedom Defense Initiative, for advertisement on SMART buses.

FURTHER AFFIANT SAITH NOT.

Subscribed and sworn to before me this

2ND day of July, 2010

Notary Public, Waynes County, MI
My commission expires: August 7,2013

BRENDA LEE YNCLAN
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES AUG 7, 2013
ACTING IN COUNTY OF Wayne