

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

AMERICAN FREEDOM DEFENSE
INITIATIVE; PAMELA GELLER; and
ROBERT SPENCER,

Plaintiffs,

v.

SUBURBAN MOBILITY AUTHORITY
for REGIONAL TRANSPORTATION
("SMART"); GARY L. HENDRICKSON,
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.

2:10-cv-12134-DPH-MJH

**JOINT WITNESS LIST FOR
HEARING ON MOTION FOR
PRELIMINARY INJUNCTION**

Hon. Denise Page Hood

Magistrate Judge Hluchaniuk

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*Co-Counsel for Defendants SMART,
Hertel and Gibbons*

Pursuant to this Court's order of June 22, 2010, the parties, through undersigned counsel, have met and conferred to narrow the issues and exchange witness lists and exhibits to be presented at the hearing on the Motion for Preliminary Injunction, and submit the following joint witness lists, identification of exhibits, and stipulations:

WITNESSES

Plaintiffs intend to call at the hearing on this matter the following witnesses:

1. Pamela Geller, Executive Director, American Freedom Defense Initiative
2. Beth Gibbons, Marketing Program Manager, SMART

Address: c/o Avery E. Gordon, Esq., 535 Griswold Street, Suite 600,
Detroit, MI. 48226

Telephone: (313) 223-2100

3. John Hertel, General Manager, SMART

Address: c/o Avery E. Gordon, Esq., 535 Griswold Street, Suite 600,
Detroit, MI. 48226

Telephone: (313) 223-2100

Plaintiffs reserve the right to call rebuttal witnesses, but specifically identify the following as known rebuttal witnesses:

4. Beth Dryden, Supervisor to Beth Gibbons, SMART

Address: c/o Avery E. Gordon, Esq., 535 Griswold Street, Suite 600,
Detroit, MI. 48226

Telephone: (313) 223-2100

5. Robert B. Hawkins, Sales Manager, Displays Division, CBS Outdoor, Inc.

Address: 88 Custer Avenue, Detroit, MI. 48202

Telephone: (313) 556-7115

Defendants do not intend to call at the hearing in this matter any witnesses but reserve the right to call rebuttal witnesses.

EXHIBITS

[1] The parties, through undersigned counsel, stipulate that the declarations previously submitted in support of and in opposition to the motion for preliminary injunction may be introduced as testimony for the respective declarants without evidentiary objections (and subject to rebuttal) except that Plaintiffs object to the declarations by Richard B. Hawkins (Hawkins Declaration at ¶¶ 6-7 (Doc No. 12-6)) opining (1) on the existence of an agreement between Plaintiff American Freedom Defense Initiative and CBS Outdoor, Inc. regarding advertising on SMART buses and (2) on the payment therefore as unqualified legal opinions and on the grounds that the documents representing that agreement and payment as attached to Pamela Geller's Declaration (Doc. No. 8-2) as Exhibits E (Doc. No. 8-7), F (Doc. No. 8-8), H (Doc. No. 8-10), I (Doc. No. 8-11), and J (Doc. No. 8-12) speak for themselves.

[2] The parties, through undersigned counsel, stipulate that all of the exhibits attached to the Complaint and submitted as exhibits in support of or in opposition to the Motion for Preliminary Injunction shall be submitted as evidence without evidentiary objection in the hearing on the Motion for Preliminary Injunction.

[3] The parties, through undersigned counsel, stipulate that Defendants may introduce two additional exhibits in rebuttal and have provided these exhibits to Plaintiffs. The parties

further stipulate that Plaintiffs reserve their right to object to these exhibits on grounds supported by the Federal Rules of Evidence and the Federal Rules of Civil Procedure if submitted by Defendants.

Respectfully submitted,

THOMAS MORE LAW CENTER

/s/ Robert J. Muise
Robert J. Muise, Esq.

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/s/ David Yerushalmi
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