

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

**STIPULATION OF THE
PARTIES**

Hon. Denise Page Hood

Magistrate Judge Hluchaniuk

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For purposes of the hearing on Plaintiffs' motion for a preliminary injunction scheduled for July 13, 2010, the parties, through their undersigned counsel, stipulate as follows:

1. Defendant SMART is a government agency and as such is bound by the First and Fourteenth Amendments to the United States Constitution.

2. Defendants Gibbons and Hertel will be testifying in their capacity as authorized representatives of SMART pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure.

3. Pursuant to the agreement between SMART and CBS Outdoor, Inc., SMART has the ultimate authority to accept or reject advertising copy to be placed on SMART buses, and pursuant to this authority, Defendant SMART and not CBS Outdoor, Inc. rejected Plaintiffs' advertising copy at issue in this litigation.

DK 4. ~~Defendant SMART's rejection of Plaintiffs' advertising copy is, pursuant to the agreement between Defendant SMART and CBS Outdoor, Inc., an ultimate and final decision and prevents Plaintiffs' rejected advertising copy from running on SMART buses.~~

LG

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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Counsel for Plaintiff

SMART

/s/ Avery E. Gordon
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