

# EXHIBIT 3

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

AMERICAN FREEDOM DEFENSE  
INITIATIVE; *et al.*,

Plaintiffs,

v.

SUBURBAN MOBILITY AUTHORITY  
for REGIONAL TRANSPORTATION  
("SMART"), *et al.*,

Defendants.

No. 2:10-cv-12134-DPH-MJH

**DECLARATION OF  
ROBERT J. MUISE**

Hon. Denise Page Hood

Magistrate Judge Hluchaniuk

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*Counsel for Defendants*

I, Robert J. Muise, make this declaration pursuant to 28 U.S.C. § 1746 and based on my personal knowledge.

1. I am an adult citizen of the United States and co-lead counsel for Plaintiffs in the above-captioned case. I have personal knowledge of the matters set forth in this declaration, which is filed in support of Plaintiffs' motion for summary judgment (hereinafter "Plaintiffs' motion").

2. Exhibit 4 to Plaintiffs' motion contains true and correct copies of excerpts of the deposition of Defendant SMART taken in this matter pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure (hereinafter "SMART Deposition"). The designated witness for this deposition was Anthony Chubb, SMART's Assistant General Counsel.

3. During the SMART Deposition, the parties entered into the following stipulation on the record: "that the documents that were produced pursuant to the discovery request, the parties will stipulate to the authenticity of those documents, meaning that they will authenticate by the stipulation that the documents are what they purport to be." The stipulation is at pages 91 to 92 of the SMART Deposition.

4. Exhibit 5 to Plaintiffs' motion contains true and correct copies of deposition exhibits that were introduced during the SMART Deposition. The deposition exhibits are provided in numerical order.

5. Exhibit 6 to Plaintiffs' motion contains true and correct copies of excerpts of the deposition of Plaintiff Pamela Geller (hereinafter "Geller Deposition") taken in this matter.

6. Exhibit 7 to Plaintiffs' motion contains true and correct copies of deposition exhibits that were introduced during the Geller Deposition.

7. Exhibit 8 to Plaintiffs' motion contains true and correct copies of excerpts of the deposition of Defendant Beth Gibbons taken in this matter.

8. Exhibit 9 to Plaintiffs' motion contains true and correct copies of excerpts of the deposition of Elizabeth Dryden taken in this matter.

9. Exhibit A to this declaration is a true and accurate photograph of the "atheist advertisement" submitted by the Detroit Area Coalition of Reason. This advertisement, which ran on SMART's buses, is referenced in Exhibit 4 to the SMART Deposition. Additionally, this photograph was previously filed in this case by Defendants as an exhibit (Doc. No. 12-7).

10. Exhibit B to this declaration is an email and attached photographs that were produced by Defendants during the course of this litigation. The email and photographs relate to the controversy involving the "atheist advertisement" and the associated vandalism of this advertisement.

11. Exhibit C to this declaration is a true and accurate copy of a webpage from the Detroit Area Coalition of Reason website during the time when the

advertisement” was approved by SMART.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on the 15th day of August, 2013.

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

# EXHIBIT A



**Don't believe in God?**

DETROITCoR.ORG

You are  
not alone.

# EXHIBIT B



## Gibbons, Beth

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**From:** Dryden, Elizabeth  
**Sent:** Monday, March 15, 2010 10:27 PM  
**To:** Fetzer, Jim  
**Subject:** FW: SMART Buses  
**Attachments:** Transit photos 009.jpg; Transit photos 007.jpg; Transit photos 001.jpg

Jim,  
Did Beth forward these to you? You also mentioned one that was defaced with black marker – I don't think that one appears here...wondering if it occurred after CBS went to the terminal or over the weekend when the bus was out?

Beth

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**From:** Gibbons, Beth  
**Sent:** Monday, March 15, 2010 3:54 PM  
**To:** Dryden, Elizabeth  
**Subject:** FW: SMART Buses

Beth Gibbons  
SMART Marketing Program Manager  
313.223.2112 - Office  
313.461.4523 - Cell  
[bgibbons@smartbus.org](mailto:bgibbons@smartbus.org)

535 Griswold Street, Suite 600  
Detroit, MI 48226

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**From:** Hawkins, Robert B [<mailto:robert.hawkins@cbsoutdoor.com>]  
**Sent:** Monday, March 15, 2010 3:19 PM  
**To:** Gibbons, Beth  
**Subject:** SMART Buses

Hello Beth,

These are the photo's hat were discussed.

Bus numbers 2140, 22406, 2116 all from the Oakland terminal.

Robert B. Hawkins  
Sales Manager, Displays Division  
CBS Outdoor  
88 Custer Ave.  
Detroit, MI 48202

(313) 556-7115 (ph) / (313) 872-8066 (fax)



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**5**  
RIDE





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# EXHIBIT C





MOVING FORWARD  
WITH UNITY AND PURPOSE



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## Welcome Secular Humanists, Atheists, Freethinkers, Skeptics, Brights, Agnostics & Naturalists, to the Detroit Area Coalition of Reason (Detroit CoR)!

From civil rights and separation of state and church activism, to scientific, rational and freethought presentations and discussions, to networking and camaraderie, Detroit CoR [Member Groups](#) have so much to offer to the Metro Detroit reason based, nontheist community. You are not alone!

Learn what each Detroit CoR member organization is about on our [Member Groups](#) page. You may find that each group offers something that appeals to you whether you are a Secular Humanist, Atheist, Freethinker, Skeptic, Bright, Agnostic or Naturalist.

Discover the wide range of meetings and events happening in the Detroit area on our [Calendar](#) page.

You will find links to additional useful information, and [contacts](#) for each member organization, on our [Member Groups](#) page.

We encourage you to explore and inquire.

We look forward to connecting with you whether you are an individual looking for groups or a group looking to coalesce.

God free? So are we!

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Detroit CoR Member Organizations -  
[Michigan Atheists](#)  
[Detroit Atheists Meetup](#)  
[Center for Inquiry | Michigan](#)  
[Detroit Grassroots Atheism Project](#)  
[Gay/Lesbian Atheists & Friends Meetup](#)



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