

EXHIBIT 1

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
PURSUANT TO FED. R.
CIV. P. 56(d)**

Hon. Denise Page Hood

Magistrate Judge Hluchaniuk

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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' response to Defendants' motion for summary judgment (Doc. No. 57) (hereinafter "Defendants' motion").

2. This declaration is made pursuant to Rule 56(d) of the Federal Rules of Civil Procedure.

3. On June 21, 2013, Plaintiffs filed a motion to compel discovery, seeking an order compelling the production of documents requested under Rule 34 of the Federal Rules of Civil Procedure and answers to questions asked under Rule 30 of the Federal Rules of Civil Procedure. (Doc. No. 50). Defendants withheld relevant documents and refused to answer relevant questions at deposition based upon an assertion that the information sought was protected by the attorney-client privilege.

4. On July 26, 2013, the court held a hearing on Plaintiffs' motion, and the matter was "taken under advisement." (*See* Minute Entry for proceedings held before District Judge Denise Page Hood dated July 26, 2013). To date, the court has not ruled on the motion. Consequently, Plaintiffs continue to be deprived of

documentary and testimonial evidence that relates directly to the application of Defendants' advertising guidelines, which is at the core of this legal controversy. Consequently, the facts derived from this evidence are essential to refute Defendants' claims that their advertising guidelines, facially and as applied to reject Plaintiffs' "*Leaving Islam*" advertisement, did not violate Plaintiffs' constitutional rights in this case.

5. Attached to this declaration as Exhibit A is a true and correct copy of a page from Wikipedia about Muhammad, identifying him as a "religious, *political*, and military leader." (emphasis added).

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

Executed on the 4th day of September, 2013.

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

EXHIBIT A

Muhammad

From Wikipedia, the free encyclopedia

Abū al-Qāsim Muḥammad ibn ʿAbd Allāh ibn ʿAbd al-Muṭṭalib ibn Hāshim (Arabic: محمد بن عبد الله بن عبد المطلب; c. 570 – c. 8 June 632),^[1] also transliterated as

Muhammad (Arabic: محمد), was a religious, political, and military leader^{[2][3][4]} from Mecca who unified Arabia into a single religious polity under Islam. He is believed by Muslims and Bahá'ís to be a messenger and prophet of God.

Muhammad is almost universally considered by Muslims as the last prophet sent by God for mankind.^{[5][n 1]} While non-Muslims regard Muhammad to have been the founder of Islam,^[6] Muslims consider him to have been the restorer of an unaltered original monotheistic faith of Adam, Noah, Abraham, Moses, Jesus, and other prophets.^{[7][8][9][10]}

Born in about 570 CE in the Arabian city of Mecca,^{[11][12]} Muhammad was orphaned at an early age and brought up under the care of his uncle Abu Talib. He later worked mostly as a merchant, as well as a shepherd, and was first married by age 25.^[13] Being in the habit of periodically retreating to a cave in the surrounding mountains for several nights of seclusion and prayer, he later reported that it was there, at age 40,^{[11][14]} that he received his first revelation from God. Three years after this event Muhammad started preaching these revelations publicly, proclaiming that "God is One", that complete "surrender" to Him (lit. *islām*) is the only way (*dīn*)^[n 2] acceptable to God, and that he himself was a prophet and messenger of God, in the same vein as other Islamic prophets.^{[15][16][17]}

Muhammad gained few followers early on, and was met with hostility from some Meccan tribes. To escape persecution, Muhammad sent some of his followers to Abyssinia before he and his followers in Mecca migrated to Medina (then known as Yathrib) in the year 622. This event, the Hijra, marks the beginning of the Islamic calendar, which is also known as the Hijri Calendar. In Medina, Muhammad united the tribes under the Constitution of Medina. After eight years of fighting with the Meccan tribes, his followers, who by then had grown to 10,000, took control of Mecca in the largely peaceful Conquest of Mecca. He destroyed the pagan idols in the city^[18] and then sent his followers out to destroy all of the remaining pagan temples in Eastern Arabia.^{[19][20]} In 632, a few months after returning to Medina from The Farewell

Islamic Prophet Muhammad



Common calligraphic representation of Muhammad's name

Born	Muḥammad ibn ʿAbd Allāh c. 570 Mecca, Makkah, Arabia (present-day Saudi Arabia)
Died	8 June 632 (aged 62 or 63) Medina, Hejaz, Arabia (present-day Saudi Arabia)
Resting place	Tomb under the Green Dome of Al-Masjid al-Nabawi at Medina, Hejaz, present-day Saudi Arabia
Other names	Abu al-Qasim (Kunya), Also see <i>Names of Muhammad</i>
Ethnicity	Arab
Religion	Islam
Spouse(s)	Wives: Khadijah bint Khuwaylid (595–619) Sawda bint Zamʿa (619–632) Aisha bint Abi Bakr (619–632) Hafsa bint Umar (624–632) Zaynab bint Khuzayma (625–627) Hind bint Abi Umayya (629–632) Zaynab bint Jahsh (627–632) Juwayriya bint al-Harith (628–632) Ramlah bint Abi Sufyan (628–632) Rayhana bint Zayd (629–631)