

EXHIBIT 1

Robert Muise AFLC

From: David Yerushalmi <dyerushalmi@americanfreedomlawcenter.org>
Sent: Tuesday, May 20, 2014 3:53 PM
To: La_Shawn_Saulsberry@mied.uscourts.gov
Cc: 'Gordon, Avery'; 'Christian E. Hildebrandt'; 'Robert Muise AFLC'
Subject: RE: 10-12134 American Freedom v. Suburban

Actually, this might be more proper for a Rule 21, which the court may do sua sponte. The problem with a Rule 41 is the confusion whether it is a dismissal of a party or the action. Rule 21 looks to us to be the better route.

RULE 21. MISJOINDER AND NONJOINDER OF PARTIES

Misjoinder of parties is not a ground for dismissing an action. On motion or on its own, the court may at any time, on just terms, add or drop a party. The court may also sever any claim against a party.

Sent from my BlackBerry® wireless handheld

David Yerushalmi*

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From: David Yerushalmi [mailto:dyerushalmi@americanfreedomlawcenter.org]

Sent: Tuesday, May 20, 2014 3:45 PM

To: 'La_Shawn_Saulsberry@mied.uscourts.gov'

Cc: 'Gordon, Avery'; 'Christian E. Hildebrandt'; 'Robert Muise AFLC'

Subject: RE: 10-12134 American Freedom v. Suburban

Can Plaintiffs not just file a Rule 41(a)(1)(A)(i) notice of dismissal since the opposing party, Hendrickson, has not filed an answer?

RULE 41. DISMISSAL OF ACTIONS

(a) Voluntary Dismissal.

(1) By the Plaintiff.

(A) Without a Court Order. Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

(ii) a stipulation of dismissal signed by all parties who have appeared.

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-----Original Message-----

From: [La Shawn Saulsberry@mied.uscourts.gov](mailto:La_Shawn_Saulsberry@mied.uscourts.gov) [mailto:La_Shawn_Saulsberry@mied.uscourts.gov]

Sent: Tuesday, May 20, 2014 1:31 PM

To: dyerushalmi@americanfreedomlawcenter.org

Cc: 'Gordon, Avery'; 'Christian E. Hildebrandt'; 'Robert Muise AFLC'

Subject: RE: 10-12134 American Freedom v. Suburban

Thank you,

The Court would need a Stipulated Order Dismissing that party.

La Shawn R. Saulsberry

Case Manager to

Honorable Denise Page Hood

(313) 234-5167

From: "David Yerushalmi" <dyerushalmi@americanfreedomlawcenter.org>

To: <La_Shawn_Saulsberry@mied.uscourts.gov>,

Cc: "'Robert Muise AFLC'" <rmuise@americanfreedomlawcenter.org>,

"'Gordon, Avery'" <AGordon@smartbus.org>, "'Christian E.

Hildebrandt'" <CHildebrandt@VGpcLAW.com>

Date: 05/20/2014 12:48 PM
Subject: RE: 10-12134 American Freedom v. Suburban

Dear Ms. Saulsberry:

We learned early on in this litigation that there was no Gary Hendrickson at SMART. The general manager during the relevant time was/is John Hertel, who is a party in this case. Consequently, other than being named in the original complaint, Gary Hendrickson was never served and thus never a party to this litigation.

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From: La_Shawn_Saulsberry@mied.uscourts.gov [mailto:La_Shawn_Saulsberry@mied.uscourts.gov]
Sent: Tuesday, May 20, 2014 10:34 AM
To: dyerushalmi@americanfreedomlawcenter.org
Subject: 10-12134 American Freedom v. Suburban

Dear Counsel,

Please advise the Court as to the status of defendant Gary Hendrickson.

La Shawn R. Saulsberry
Case Manager to
Honorable Denise Page Hood
(313) 234-5167