

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-EAS

Hon. Denise Page Hood

JUDGMENT

This action comes before the Court on remand from the U.S. Court of Appeals for the Sixth Circuit, which rendered its opinion in *American Freedom Defense Initiative v. Suburban Mobility Authority*, 978 F.3d 481 (6th Cir. 2020).

Based on the opinion of the Sixth Circuit,

IT IS ORDERED AND ADJUDGED that this Court’s order granting summary judgment to Defendants and denying summary judgment to Plaintiffs (Doc No. 83) is REVERSED and judgment is hereby entered in Plaintiffs’ favor on their First Amendment claims.

Accordingly, the Court hereby declares that, pursuant to the opinion of the Sixth Circuit, Defendants violated Plaintiffs’ right to freedom of speech protected by the First Amendment. The Court further declares, consistent with the Sixth

Circuit opinion, that SMART's Advertising Guidelines restricting "political" advertisements and advertisements "likely to hold up to scorn or ridicule any person or group of persons" violate the Free Speech Clause of the First Amendment and are hereby enjoined.

IT IS FURTHER ORDERED AND ADJUDGED that in addition to declaratory and injunctive relief, Plaintiffs are entitled to nominal damages in the amount of \$3.00 and an award of reasonable attorneys' fees and costs in the amount of \$207,500.00.

So Ordered.

Dated: February 17, 2021

s/Denise Page Hood
United States District Judge