

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AMERICAN FREEDOM DEFENSE
INITIATIVE; PAMELA GELLER; and
ROBERT SPENCER,

Plaintiffs,

-v.-

MASSACHUSETTS BAY TRANSPORTATION
AUTHORITY (“MBTA”); and BEVERLY A.
SCOTT, individually and in her official capacity as
Chief Executive Officer / General Manager of the
MBTA,

Defendants.

Case No. 1:14-cv-10292-NMG

**PLAINTIFFS’ MOTION FOR
PRELIMINARY INJUNCTION**

[Fed. R. Civ. P. 65]

Plaintiffs American Freedom Defense Initiative (“AFDI”), Pamela Geller, and Robert Spencer (collectively referred to as “Plaintiffs”), by and through their undersigned counsel, hereby move this court for a preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure, enjoining Defendants’ (hereinafter also collectively referred to as “MBTA”) prior restraint on Plaintiffs’ speech and thereby permitting the display of Plaintiffs’ pro-Israel advertisement (“AFDI Advertisement III”) on the MBTA’s advertising space.

As set forth further in the attached memorandum, Plaintiffs are likely to succeed on the merits of their constitutional claims, they are likely to suffer irreparable harm in the absence of preliminary relief, the balance of equities tips sharply in Plaintiffs’ favor, and granting the requested injunction is in the public interest.

Pursuant to Local Rule 7.1(a)(2), on February 10, 2014, counsel for the parties conferred and attempted in good faith to resolve or narrow the issue. During this conference, counsel jointly agreed upon, and hereby respectfully propose to the court the following briefing and hearing schedule for this motion:

- Defendants' opposition to Plaintiffs' motion will be filed on or before February 26, 2014;
- Upon the court granting Plaintiffs leave to file a reply brief—a request which Defendants' do not oppose—Plaintiffs' reply in support of this motion will be filed on or before March 5, 2014;
- The parties respectfully propose the following alternative dates for a hearing on this motion: March 11-12; 18-20. The parties only request oral argument and do not require an evidentiary hearing.

WHEREFORE, Plaintiffs respectfully request that the court grant this motion and immediately enjoin Defendants' restriction on Plaintiffs' speech, thereby permitting the display of AFDI Advertisement III on the MBTA's advertising space.

Respectfully submitted,

/s/ Robert Snider

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* Application for *pro hac vice* admission pending

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2014, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that, prior to the filing of a notice of appearance by Defendants' counsel, a copy of the foregoing has been served by electronic mail with a follow-up hard copy by USPS upon counsel for Defendants by written agreement of the parties.

/s/ David Yerushalmi
David Yerushalmi, Esq.