

**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. 1:13-cv-12803-NMG

**PLAINTIFFS’ MOTION FOR
TEMPORARY RESTRAINING
ORDER / 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 temporary restraining order and/or 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 (hereinafter “AFDI Advertisement”) on the MBTA’s advertising space.

As set forth further in the supporting 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 November 8, 2013, counsel for the parties conferred and attempted in good faith to resolve or narrow the issues. During this conference, counsel for Plaintiffs and Defendants agreed to jointly propose to the court the following briefing and hearing schedule for this motion:

- Defendants' opposition to Plaintiffs' motion will be filed on or before November 21, 2013;
- 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 November 27, 2013;
- The parties propose the following dates for a hearing on this motion: December 3rd, 4th, or 9th. The parties anticipate that the hearing will only require one day.

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

Respectfully submitted,

AMERICAN FREEDOM LAW CENTER

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CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2013, 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 a copy of the foregoing has been served by ordinary U.S. mail upon all parties for whom counsel has not yet entered an appearance electronically: none.

AMERICAN FREEDOM LAW CENTER

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