

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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

Plaintiffs,

v.

METROPOLITAN TRANSPORTATION
AUTHORITY (“MTA”); and JAY H.
WALDER, in his official capacity as
Chairman and Chief Executive Officer of
MTA,

Defendants.

Case No. 11-civ-6774-PAE-THK

ECF CASE

Hon. Paul A Engelmayer

Magistrate Judge Katz

**PLAINTIFFS’ NOTICE OF MOTION AND
MOTION FOR PRELIMINARY INJUNCTION**

PLEASE TAKE NOTICE that at a date and time to be determined by the court, Plaintiffs, through counsel, will and hereby do move this court pursuant to Rule 65 of the Federal Rules of Civil Procedure for a preliminary injunction enjoining Defendants’ unlawful restriction of Plaintiffs’ right to freedom of speech. Plaintiffs have suffered, and will continue to suffer, irreparable harm absent the requested injunction.

In support of their motion, Plaintiffs rely upon the pleadings and papers of record, as well as Plaintiffs’ accompanying memorandum of law and the declaration and exhibits attached thereto.

During the Initial Pretrial Conference held on December 8, 2011, Plaintiffs’ counsel informed this court and opposing counsel that this motion would be filed, and he explained the basis for the motion.

WHEREFORE, Plaintiffs respectfully ask this court to grant their motion and enter a preliminary injunction enjoining Defendants' unlawful speech restriction and ordering Defendants to run Plaintiffs' Pro-Israel Advertisement on the MTA buses.

Respectfully submitted,

AMERICAN FREEDOM LAW CENTER

/s/ David Yerushalmi

David Yerushalmi, Esq. (Ariz. Bar No. 009616;
DC Bar No. 978179; Cal. Bar No. 132011; NY Bar No. 4632568)
640 Eastern Parkway, Suite 4C
Brooklyn, NY 11213
dyerushalmi@americanfreedomlawcenter.org
(646) 262-0500

/s/ Robert J. Muise

Robert J. Muise, Esq.* (MI Bar No. P62849)
P.O. Box 131098
Ann Arbor, MI 48113
rmuise@americanfreedomlawcenter.org
(734) 635-3756
*Admitted *pro hac vice*

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2012, a copy of the foregoing and accompanying memorandum of law with attached exhibits were 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.

Respectfully submitted,

AMERICAN FREEDOM LAW CENTER

/s/ Robert J. Muise

Robert J. Muise, Esq.* (MI Bar No. P62849)

*Admitted *pro hac vice*

Counsel for Plaintiffs