

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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**CENTER FOR BIO-ETHICAL REFORM, INC.;**  
**GREGG CUNNINGHAM; DARIUS HARDWICK;**  
**CHRISTIAN ANDZEL; MATTHEW RAMSEY; and**  
**UB STUDENTS FOR LIFE,**

\_\_\_\_\_-CV-\_\_\_\_\_

Plaintiffs,

**COMPLAINT**

v.

**DENNIS R. BLACK**, in his official capacity as  
Vice President for University Life & Services,  
State University of New York at Buffalo (“SUNY-Buffalo”);  
**BARBARA J. RICOTTA**, in her official capacity as  
Associate Vice President for Student Affairs,  
SUNY-Buffalo; **THOMAS TIBERI**, individually and  
in his official capacity as Director of Student Life,  
SUNY-Buffalo; and **GERALD W. SCHOENLE, JR.**,  
individually and in his official capacity as Chief of Police,  
University Police, SUNY-Buffalo,

Defendants.

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Plaintiff Center for Bio-Ethical Reform, Inc. (“CBR”), Gregg Cunningham, Darius Hardwick, Christian Andzel, Matthew Ramsey, and UB Students for Life (collectively referred to as “Plaintiffs”), by and through their undersigned counsel, bring this Complaint against the above-named Defendants, their employees, agents, and successors in office, and in support thereof allege the following upon information and belief:

**INTRODUCTION**

1. This is a civil rights action brought under the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983, seeking to vindicate Plaintiffs’ fundamental constitutional rights.

2. Plaintiffs seek a declaration that Defendants violated their clearly established constitutional rights as set forth in this Complaint; a preliminary and permanent injunction enjoining Defendants from unlawfully permitting protestors to disrupt and silence Plaintiffs' speech as set forth in this Complaint; and a judgment awarding nominal damages against certain Defendants in their individual capacities only. Plaintiffs also seek an award of their reasonable costs of litigation, including attorneys' fees and expenses, pursuant to 42 U.S.C. § 1988 and other applicable law.

### **JURISDICTION AND VENUE**

3. This action arises under the Constitution and laws of the United States. Jurisdiction is conferred on this court pursuant to 28 U.S.C. §§ 1331 and 1343.

4. Plaintiffs' claims for declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201 and 2202, by Rules 57 and 65 of the Federal Rules of Civil Procedure, and by the general legal and equitable powers of this court. Plaintiffs' claim for damages against certain Defendants sued in their individual capacities is authorized under 42 U.S.C. § 1983.

5. Venue is proper under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in this district.

### **PLAINTIFFS**

6. Plaintiff Center for Bio-Ethical Reform, Inc. ("CBR"), is a pro-life, nonprofit corporation that is recognized by the Internal Revenue Service as a 501(c)(3) organization. CBR is incorporated under the laws of California.

7. Plaintiff Gregg Cunningham is an adult citizen of the United States and the Executive Director of CBR. Plaintiff Cunningham exercises his right to freedom of speech through the activities and projects of CBR, including the Genocide Awareness Project.

8. Plaintiff Darius Hardwick is an adult citizen of the United States and an employee of CBR. Plaintiff Hardwick exercises his right to freedom of speech through the activities and projects of CBR, including the Genocide Awareness Project.

9. Plaintiff Christian Andzel is an adult citizen of the United States and a full-time, registered student at the State University of New York at Buffalo (hereinafter “SUNY-Buffalo”). Plaintiff Andzel was the President of UB Students for Life during the 2012 to 2013 academic year. Plaintiff Andzel is currently the undergraduate advisor for the student organization.

10. Plaintiff Matthew Ramsey is an adult citizen of the United States and a full-time, registered student at SUNY-Buffalo. In April 2013, Plaintiff Ramsey was a member of UB Students for Life. Plaintiff Ramsey is currently the President of the student organization.

11. Plaintiff UB Students for Life (“Students for Life”) is an official, university-sanctioned student organization at SUNY-Buffalo and an unincorporated association of SUNY-Buffalo students. It has approximately 16 student members.

12. The mission of Students for Life is to “[p]eacefully spread awareness and respect for the dignity of human life from natural conception through natural death.” Students for Life accomplishes its mission by, *inter alia*, conducting and sponsoring free speech activities on the SUNY-Buffalo campus. One such activity is the display of the Genocide Awareness Project on the university campus.

#### **DEFENDANTS**

13. Defendant Dennis R. Black, at all times relevant herein, was the Vice President for University Life & Services at SUNY-Buffalo, acting under color of state law. As Vice President for University Life & Services, Defendant Black is the senior university official overseeing the Department of Student Affairs, which includes the Student Life Department and

the University Police Department. Accordingly, as Vice President for University Life & Services, Defendant Black is responsible for adopting, approving, creating, and enforcing the policies, practices, customs, and procedures of SUNY-Buffalo with respect to student groups and student group activities on the SUNY-Buffalo campus. Defendant Black is also responsible for adopting, approving, creating, and enforcing the rules and regulations regarding student and student group speech activities on the SUNY-Buffalo campus, including the enforcement of such rules and regulations by the University Police Department. Defendant Black is sued in his official capacity only.

14. Defendant Barbara J. Ricotta, at all relevant times herein, was the Associate Vice President for Student Affairs at SUNY-Buffalo, acting under color of state law. As Associate Vice President for Student Affairs, Defendant Ricotta is responsible for adopting, approving, creating, and enforcing the policies, practices, customs, and procedures of SUNY-Buffalo with respect to student groups and student group activities on the SUNY-Buffalo campus. Defendant Ricotta is also responsible for adopting, approving, creating, and enforcing the rules and regulations regarding student and student group speech activities on the SUNY-Buffalo campus, including the enforcement of such rules and regulations by the University Police Department. Defendant Ricotta is sued in her official capacity only.

15. Defendant Thomas Tiberi, at all times relevant herein, was the Director of Student Life at SUNY-Buffalo, acting under color of state law. As Director of Student Life, Defendant Tiberi is responsible for adopting, approving, creating, and enforcing the policies, practices, customs, and procedures of SUNY-Buffalo with respect to student groups and student group activities, including speech activities, on the SUNY-Buffalo campus. Additionally, Defendant Tiberi is responsible for reserving the Student Union and its surrounding areas for free speech

activities. As Director of Student Life, Defendant Tiberi has the authority to permit or reject proposed free speech activities of students and student groups, including Students for Life, held in or near the Student Union. Defendant Tiberi is sued individually and in his official capacity.

16. Defendant Gerald W. Schoenle, Jr., at all times relevant herein, was the Chief of Police for the University Police Department at SUNY-Buffalo, acting under color of state law. As the Chief of Police, Defendant Schoenle is responsible for the training and supervision of university police officers and for enforcing the law, as well as university rules and regulations—including laws and regulations regarding student and student group speech activities—on the SUNY-Buffalo campus. Defendant Schoenle is sued individually and in his official capacity.

#### **STATEMENT OF FACTS**

17. CBR is a social reform organization whose main purpose is to promote prenatal justice and the right to life for the unborn, the disabled, the infirm, the aged, and all vulnerable peoples through education and the development of innovative educational programs.

18. One such educational program is the Genocide Awareness Project (“GAP”), which is a traveling photo-mural exhibit that compares the contemporary genocide of abortion to historically recognized forms of genocide, such as the Holocaust.

19. The GAP display uses graphic images to demonstrate the irrefutable truth that abortion is a violent act that results in the death of an innocent human life.

20. CBR’s GAP display visits university campuses around the country to show as many students as possible what abortion actually does to unborn children and to get the students to think about abortion in a broader historical context unlikely to be considered in typical university classrooms.

21. A number of significant public opinion polls indicate substantial confusion in the public mind as to the humanity of the unborn child and the inhumanity of the act of abortion. CBR's graphic images address both areas of confusion.

22. Graphic and horrifying images of injustice have long been a part of modern social reform. Throughout our nation's history, social reform has often been achieved through the use of graphic pictures designed to dramatize injustice and prick the collective conscience of the culture. Examples of this phenomenon include the abolition of child labor, the civil rights movement, anti-war movements, and environmental causes. Many of these disturbing images are well known, and it is widely acknowledged that these images were indispensable in changing public opinion at the levels necessary to create the political consensus required for social reform.

23. Similarly, CBR uses graphic images as part of its educational programs, including GAP, to demonstrate the injustice of abortion in order to effect social change.

24. CBR works with university-sanctioned student groups, such as Students for Life, when it displays GAP on university campuses.

25. In December 2012, Plaintiff Andzel, acting on behalf of Students for Life and pursuant to university procedures, rules, and regulations, officially requested through the Department of Student Affairs the use of the area outside of the Student Union to display GAP on April 15, 2013 and again on April 16, 2013. Plaintiff Andzel completed the online reservation form for this location.

26. The area requested by Plaintiff Andzel had been approved by university officials, including Defendants, in the past for use by student organizations to engage in a myriad of activities, including free speech activities. Consequently, this area has been designated a public

forum by university officials, including Defendants, for use by student organizations for free speech activity, such as the GAP display.

27. The GAP display at this requested (and ultimately reserved) location outside of the Student Union would not (and did not) block nor interfere with pedestrian traffic, and it would (and did) provide an ideal location to expose a large number of students to CBR's graphic images, which provide irrefutable visual evidence of the injustice of abortion. Consequently, this location was important to Plaintiffs because it would allow them to effectively engage in their free speech activity.

28. In late March 2013, Ms. Elizabeth Hladczuk from the Student Life Department contacted Plaintiff Andzel via email, asking him to "come in for a meeting with [her] and Tom Tiberi, the Director of Student Life." Ms. Hladczuk explained that "[w]e would like some additional information about the Genocide Awareness event, and have some concerns that need to be addressed."

29. During this meeting with Plaintiff Andzel, which was held early in the week of April 8, 2013, Ms. Hladczuk and Defendant Tiberi, acting on behalf of the university, expressed their "concerns" about the graphic content of the GAP pictures and how they did not want people to be forced into seeing them. Consequently, Defendants did not want to allow Plaintiffs to use the requested site outside of the Student Union for the GAP display. Instead, Defendants wanted to move Plaintiffs to a remote location that would have lessened the impact—and thus the effectiveness—of Plaintiffs' speech.

30. On or about April 11, 2013, Plaintiff Cunningham sent an email to Defendant Tiberi, threatening to file a lawsuit if the site was not approved, noting that "[t]he display site we

have proposed is routinely used by other organizations for their activities,” and stating that “[w]e will not tolerate discrimination against CBR or its co-sponsors.”

31. Defendant Tiberi relented and approved the site location for the GAP signs to be displayed on April 15, 2013, and again on April 16, 2013. However, during the April 15th walk-through with Plaintiff Hardwick, the on-site representative for CBR, Defendant Tiberi tried to reduce the size of the GAP display in order to reduce its visual impact. Plaintiff Hardwick resisted these efforts by showing Defendant Tiberi photographs of other large student events that Defendants had previously permitted at this very location.

32. Reluctantly, Defendant Tiberi permitted the GAP display at the Student Union location. True and accurate photographs of the GAP display at the Student Union location on April 15, 2013 and April 16, 2013, are attached to this Complaint as Exhibit 1.

33. In light of the resistance university officials were showing toward Plaintiffs’ speech activity, it was evident that the university did not approve of Plaintiffs’ message.

34. During the first day (April 15th) of the GAP display, approximately 20 to 30 protestors gathered at the site of the display. Initially, the protestors stayed approximately 20 feet away from the GAP signs, thereby allowing Plaintiffs to engage in their free speech activity without interference. However, later in the day—and after observing the effectiveness of Plaintiffs’ abortion photo display—the protestors formed a barricade directly in front of the display, purposefully blocking Plaintiffs’ signs and thereby unlawfully interfering with Plaintiffs’ free speech activity.

35. Plaintiff Hardwick told two university police officers who were present at the site that this disruptive conduct was unacceptable. However, because Plaintiffs were disassembling the display for the evening, Plaintiff Hardwick did not pursue it further, but he did inform the



officers that Plaintiffs would not tolerate such disruptive behavior if it happened again tomorrow, the second day of the display.

36. Pursuant to university policies, rules, and regulations, “All members of a University community must share the responsibility for maintaining a climate in which diverse views can be expressed freely and without harassment. The University at Buffalo has traditionally supported the right of its students, faculty and staff to peaceful protest. Always implicitly is the understanding that demonstrators will not interfere with or violate the rights of others.”

37. Plaintiffs resumed the GAP display outside of the Student Union on April 16, 2013. At about 10:00 a.m., protestors started to gather around the display. Initially, approximately 4 protestors stood directly in front of Plaintiffs’ signs, purposely trying to block them from the view of other students. Plaintiff Hardwick informed the university police officers present that this was unacceptable. The officers approached the disruptive protestors, and two of them departed.

38. Upon seeing how effective the 4 protestors were at blocking the signs and disrupting Plaintiffs’ speech activity, a larger group of protestors decided to form a solid row in front of the display to completely block the signs and disrupt Plaintiffs’ speech. In fact, when Plaintiffs attempted to raise the GAP signs above the disruptive protestors, the protestors held up umbrellas and bed sheets to further block Plaintiffs’ signs. True and accurate photographs of the protestors disrupting Plaintiffs’ speech activity are attached to this Complaint as Exhibits 2.

39. Plaintiff Hardwick requested that the university police officers present at the scene stop the protestors’ unlawful and disruptive conduct and thus protect Plaintiffs’ free speech

activity. Indeed, Plaintiffs had reserved this location (and thus had a permit to use it) for their speech activity. The officers refused.

40. Plaintiff Hardwick approached a university police officer who appeared to be the senior officer present and requested that he stop the unlawful disruption of Plaintiffs' speech activity. The officer refused.

41. It was evident that the university police officers were now under orders to allow the protestors to disrupt Plaintiffs' speech activity. In fact, a university police officer told Plaintiff Ramsey that the officers were under orders not to stop the protestors' disruptive conduct.

42. Because the university police officers were now condoning, facilitating, and indeed encouraging the disruptive behavior of protestors who were intent on suppressing Plaintiffs' speech, Plaintiff Hardwick demanded to speak with the Chief of Police.

43. Shortly after Plaintiff Hardwick made his demand, the Chief of Police, Defendant Schoenle, arrived at the scene and confirmed to Plaintiff Hardwick that university police officers were not going to stop the protestors from disrupting Plaintiffs' speech activity.

44. Defendant Tiberi was also at the scene and observed the protestors disrupting Plaintiffs' speech activity. However, Defendant Tiberi similarly refused to take any action that would stop the disruption and protect Plaintiffs' right to free speech. In fact, Defendants Tiberi and Schoenle conferred and agreed that they were not going to stop the protestors' disruptive conduct.

45. Following his conversation with Defendant Schoenle, Plaintiff Hardwick spoke with Plaintiff Cunningham, who called for an update on the event. Plaintiff Hardwick explained that the situation was rapidly deteriorating because the university police were unwilling to

protect Plaintiffs' speech activity. As a result of this update, Plaintiff Cunningham requested to speak with Defendant Schoenle by phone. Plaintiff Hardwick obliged, sought out Defendant Schoenle, and promptly handed him his phone.

46. During the conversation with Defendant Schoenle, Plaintiff Cunningham told the Chief of Police that the university was violating its own regulations which prohibited conduct that limited the exercise of expressive rights of others. Plaintiff Cunningham informed Defendant Schoenle that, based on his (Plaintiff Cunningham's) extensive experience with the GAP display and dealing with protestors, the best police practice was to separate contending factions when confrontations between demonstrators threatened to escalate. Plaintiff Cunningham further stated that it was improper for the university police to condone the misconduct of the protestors by permitting it. Plaintiff Cunningham concluded by pointing out that the university police were improperly taking sides instead of enforcing the law as neutral arbiters of order.

47. During this conversation, Defendant Schoenle became visibly agitated at Plaintiff Cunningham's comments and his request that the university police protect Plaintiffs' speech. As a result, Defendant Schoenle attempted to abruptly hang up the phone, but failed and instead thrust the phone back into Plaintiff Hardwick's hands.

48. During their disruptive conduct, the protestors were carrying signs and making statements that clearly demonstrated to any reasonable onlooker that they (the protestors) opposed Plaintiffs' message. Indeed, the protestors were intentionally engaging in conduct that was designed to interfere with and disrupt Plaintiffs' peaceful speech activity *because* they opposed Plaintiffs' message. In sum, the protestors were hecklers who were intent on suppressing Plaintiffs' speech.

49. While the protestors were engaging in disruptive conduct designed to interfere with, disrupt, and suppress Plaintiffs' message, Defendant Schoenle and his police officers stood by, literally with arms folded, and allowed the hecklers to unlawfully disrupt Plaintiffs' speech activity. True and accurate photographs of Defendant Schoenle, standing with arms folded, and his officers refusing to stop the disruptive protestors are attached to this Complaint as Exhibit 3.

50. By allowing protestors to engage in disorderly and disruptive conduct to silence Plaintiffs' message, Defendants have effectively joined the hecklers and engaged in content- and viewpoint-based censorship of Plaintiffs' speech. In short, Defendants unlawfully censored Plaintiffs' message.

51. Through the discriminatory enforcement of the university's own policies, rules, and regulations, Defendants legitimized and encouraged student resort to disruption rather than reason as the default means of resolving disputes.

52. It would never occur to Plaintiffs to use mob action to shut down a "pro-choice" event.

53. Instead of fostering the free exchange of ideas in the "marketplace of ideas" (the clear objective of the university's policies, rules, and regulations regarding expressive rights and responsibilities), Defendants urged and facilitated aggressively hostile acts to end a debate that pro-abortion students knew they were losing.

54. Defendants' actions effectively chill the expression of disfavored ideas—ideas that run counter to the "orthodoxy" of ideas prescribed by Defendants—which might eventually prove socially valuable if permitted to be tested in the crucible of intellectually honest public debate, in direct violation of the First Amendment.

55. Plaintiffs want to return GAP to the SUNY-Buffalo campus, including during the upcoming school year (2013-2014). However, Plaintiffs reasonably fear that if they do, Defendants will again permit the protestors to engage in disruptive and disorderly conduct designed to suppress Plaintiffs' message.

56. Plaintiffs reasonably fear that Defendants will again refuse to perform their constitutional duty to protect Plaintiffs and their free speech activity from the disruptive behavior of protestors who are intent on suppressing Plaintiffs' speech. Consequently, Plaintiffs fear returning GAP to the SUNY-Buffalo campus absent a court order enjoining Defendants from continuing their pattern of illegal and unconstitutional conduct.

#### **FIRST CLAIM FOR RELIEF**

##### **(Freedom of Speech—First Amendment)**

57. Plaintiffs hereby incorporate by reference all stated paragraphs.

58. By reason of the aforementioned acts, omissions, policies, practices, procedures, and/or customs, created, adopted, and enforced under color of state law, Defendants have deprived Plaintiffs of their right to freedom of speech in violation of the First Amendment as applied to the states and their political subdivisions under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

59. At all relevant times, Plaintiffs were engaged in speech activity that is fully protected by the First Amendment. Defendants' actions injured Plaintiffs in a way likely to chill a person of ordinary firmness from further participation in that activity. Plaintiffs' constitutionally protected activity motivated Defendants' adverse actions. Thus, Defendants acted with a retaliatory intent or motive.

60. It was clearly established on or about April 15, 2013, that Defendants had a constitutional duty not to ratify and effectuate a heckler's veto nor join a moiling mob intent on suppressing speech. Rather, Defendants were required to take reasonable action to protect from disorderly and disruptive conduct persons exercising their constitutional rights, including Plaintiffs. By failing to do so, Defendants violated Plaintiffs' rights protected by the First Amendment.

61. By effectuating a heckler's veto as set forth in this Complaint, Defendants' actions were content- and viewpoint-based in violation of the First Amendment.

62. Defendants' enforcement of a heckler's veto against Plaintiffs as set forth in this Complaint violated Plaintiffs' right to freedom of speech protected by the First Amendment.

63. By ratifying and effectuating a heckler's veto and thus joining a moiling mob intent on suppressing speech as set forth in this Complaint, Defendants have effectively denied Plaintiffs the right to use a public forum for their expressive activity based on the content and viewpoint of Plaintiffs' message in violation of the First Amendment.

64. By granting use of a public forum to people whose views Defendants find acceptable, but denying use to those expressing less favored views as set forth in this Complaint, Defendants violated Plaintiffs' right to freedom of speech protected by the First Amendment.

65. By refusing to enforce their own policies and regulations, which require Defendants to protect Plaintiffs' speech activity, based on the adverse reaction of others to the content and viewpoint of Plaintiffs' message, Defendants violated Plaintiffs' right to freedom of speech protected by the First Amendment.

66. By refusing to protect Plaintiffs' speech activity and permitting protestors to engage in disorderly and disruptive conduct designed to silence Plaintiffs' message based on its

content and viewpoint, Defendants have violated Plaintiffs' right to freedom of speech protected by the First Amendment.

67. By denying Plaintiffs access to a public forum to engage in their speech activities, which Defendants disfavor, while permitting protestors to engage in disorderly and disruptive conduct designed to suppress Plaintiffs' message, Defendants have effectively denied the use of this forum to those whose expressive activities Defendants find unacceptable in violation of Plaintiffs' right to freedom of speech protected by the First Amendment.

68. As a direct and proximate result of Defendants' violation of the First Amendment, Plaintiffs have suffered irreparable harm, including the loss of their fundamental constitutional rights, entitling them to declaratory and injunctive relief and damages.

## **SECOND CLAIM FOR RELIEF**

### **(Equal Protection—Fourteenth Amendment)**

69. Plaintiffs hereby incorporate by reference all stated paragraphs.

70. By reason of the aforementioned acts, omissions, policies, practices, procedures, and/or customs, created, adopted, and enforced under color of state law, Defendants have deprived Plaintiffs of the equal protection of the law guaranteed under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

71. By ratifying and effectuating a heckler's veto and thus joining a moiling mob intent on suppressing speech as set forth in this Complaint, Defendants have effectively denied Plaintiffs the right to use a public forum for their expressive activity based on the content and viewpoint of Plaintiffs' message in violation of the Equal Protection Clause of the Fourteenth Amendment.

72. By granting use of a public forum to people whose views Defendants find acceptable, but denying use to those expressing less favored views as set forth in this Complaint, Defendants have violated the Equal Protection Clause of the Fourteenth Amendment.

73. By refusing to enforce their own policies and regulations, which require Defendants to protect Plaintiffs' speech activity, based on the adverse reaction of others to the content and viewpoint of Plaintiffs' message, Defendants have deprived Plaintiffs of the equal protection of the law guaranteed by the Fourteenth Amendment.

74. By refusing to protect Plaintiffs' speech activity and permitting protestors to engage in disorderly and disruptive conduct designed to silence Plaintiffs' message based on its content and viewpoint, Defendants have effectuated a heckler's veto and deprived Plaintiffs of the equal protection of the law guaranteed by the Fourteenth Amendment.

75. By denying Plaintiffs access to a public forum to engage in their speech activities, which Defendants disfavor, while permitting protestors to engage in disorderly and disruptive conduct designed to suppress Plaintiffs' message, Defendants have effectively denied the use of this forum to those whose expressive activities Defendants find unacceptable in violation of the Equal Protection Clause of the Fourteenth Amendment.

76. Defendants chose to selectively enforce the law and their own policies, practices, procedures, rules, and regulations as set forth in this Complaint out of an arbitrary desire to discriminate against Plaintiffs based on the content and viewpoint of Plaintiffs' speech in violation of the Equal Protection Clause of the Fourteenth Amendment.

77. As a direct and proximate result of Defendants' violation of the Equal Protection Clause, Plaintiffs have suffered irreparable harm, including the loss of their fundamental constitutional rights, entitling them to declaratory and injunctive relief and damages.



**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs ask this court:

- A) to declare that Defendants violated Plaintiffs' fundamental constitutional rights as set forth in this Complaint;
- B) to permanently enjoin Defendants from permitting protestors to disrupt and silence Plaintiffs' speech and related activities as set forth in this Complaint;
- C) to award Plaintiffs nominal damages against Defendants Tiberi and Schoenle in their individual capacities;
- D) to award Plaintiffs their reasonable attorneys' fees, costs, and expenses pursuant to 42 U.S.C. § 1988 and other applicable law;
- E) to grant such other and further relief as this court should find just and proper.

Respectfully submitted,

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*Counsel for Plaintiffs*

# EXHIBIT 1



GAP Display on SUNY-Buffalo Campus on April 15, 2013





GAP Display on SUNY-Buffalo Campus on April 16, 2013

# EXHIBIT 2









# EXHIBIT 3





Chief of Police



Chief of Police

