

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:11-cv-06774-PAE**

American Freedom Defense Initiative et al v. Metropolitan
Transportation Authority et al
Assigned to: Judge Paul A. Engelmayer
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/27/2011
Date Terminated: 10/16/2012
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

American Freedom Defense Initiative

represented by **David Eliezer Yerushalmi**
American Freedom Law Center
640 Eastern Parkway, Suite 4C
Brooklyn, NY 11213
(646)-262-0500
Fax: (801)-760-3901
Email: david.yerushalmi@verizon.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Erin Elizabeth Mersino
Thomas More Law Center
24 Frank Lloyd Wright Drive
P.O. Box 393
Ann Arbor, MI 48106
(734) 827-2001
Fax: (734) 930-7160
Email: emersino@thomasmore.org
ATTORNEY TO BE NOTICED

Robert J. Muise
American Freedom Law Center
PO Box 131098
Ann Arbor, MI 48113
(734)-635-3756
Fax: (734) 760-3901
Email: rmuise@americanfreedomlawcenter.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

Pamela Geller

represented by **David Eliezer Yerushalmi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Erin Elizabeth Mersino
(See above for address)
ATTORNEY TO BE NOTICED

Robert J. Muise
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

Robert Spencer

represented by **David Eliezer Yerushalmi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Erin Elizabeth Mersino
(See above for address)
ATTORNEY TO BE NOTICED

Robert J. Muise
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant

Metropolitan Transportation Authority
(MTA)

represented by **Peter Andrew Sistrom**
Metropolitan Transportation Authority
347 Madison Avenue
New York, NY 10017
(212) 878-7176
Email: psistrom@mtahq.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Richard Schoolman
NYC Transportation Authority
130 Livingston Street
Brooklyn, NY 11201
7186944667
Fax: 718695-5727
Email: Richard.Schoolman@nyct.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Jay H. Walder
in his official capacity as chairman

represented by **Peter Andrew Sistrom**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Jay H. Walder
in his capacity as Chief Executive Officer of MTA

represented by **Peter Andrew Sistrom**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Richard Schoolman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|--|
| 09/27/2011 | <u>1</u> | COMPLAINT against Metropolitan Transportation Authority, Jay H. Walder(in his capacity as Chief Executive Officer of MTA), Jay H. Walder(in his official capacity as chairman). (Filing Fee \$ 350.00, Receipt Number 1017572)Document filed by American Freedom Defense Initiative, Robert Spencer, Pamela Geller.(tro) (Additional attachment(s) added on 9/28/2011: # <u>1</u> Exhibit 1, # <u>2</u> Ex. 2, # <u>3</u> Ex.3, # <u>4</u> EX.4, # <u>5</u> EX.5, # <u>6</u> EX.6, # <u>7</u> EX.7, # <u>8</u> EX.8, # <u>9</u> EX.9, # <u>10</u> EX.10, # <u>11</u> Index of Exhibits) (ama). (Entered: 09/28/2011) |
| 09/27/2011 | | SUMMONS ISSUED as to Metropolitan Transportation Authority, Jay H. Walder(in his capacity as Chief Executive Officer of MTA), Jay H. Walder(in his official capacity as chairman). (tro) (Entered: 09/28/2011) |

| | | |
|------------|-----------|--|
| 09/27/2011 | | Magistrate Judge Theodore H. Katz is so designated. (tro) (Entered: 09/28/2011) |
| 09/27/2011 | | Case Designated ECF. (tro) (Entered: 09/28/2011) |
| 09/27/2011 | <u>2</u> | RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by American Freedom Defense Initiative.(tro) (ama). (Entered: 09/28/2011) |
| 10/06/2011 | <u>3</u> | AFFIDAVIT OF SERVICE of Summons and Complaint,, Metropolitan Transportation Authority served on 9/28/2011, answer due 10/19/2011. Service was accepted by Ann Cutler. Document filed by American Freedom Defense Initiative; Robert Spencer; Pamela Geller. (Yerushalmi, David) (Entered: 10/06/2011) |
| 10/06/2011 | <u>4</u> | AFFIDAVIT OF SERVICE of Summons and Complaint,, Jay H. Walder(in his capacity as Chief Executive Officer of MTA) served on 9/28/2011, answer due 10/19/2011. Service was accepted by Ann Culter. Document filed by American Freedom Defense Initiative; Robert Spencer; Pamela Geller. (Yerushalmi, David) (Entered: 10/06/2011) |
| 10/19/2011 | <u>5</u> | NOTICE OF APPEARANCE by Peter Andrew Sistrom on behalf of Metropolitan Transportation Authority, Jay H. Walder(in his capacity as Chief Executive Officer of MTA), Jay H. Walder(in his official capacity as chairman) (Sistrom, Peter) (Entered: 10/19/2011) |
| 10/19/2011 | <u>6</u> | ANSWER to <u>1</u> Complaint,, Document filed by Metropolitan Transportation Authority, Jay H. Walder(in his capacity as Chief Executive Officer of MTA), Jay H. Walder(in his official capacity as chairman).(Sistrom, Peter) (Entered: 10/19/2011) |
| 10/20/2011 | <u>7</u> | ORDER: The Court has received the Complaint in this case, and Defendant's Answer, filed yesterday. The parties are directed, by November 4, 2011, to submit a joint case management plan and scheduling order, consistent with this Court's Individual Rules. In addition, Defendants are directed, by the same date, to clarify whether Defendants plan to move to dismiss the Complaint or to move for judgment on the pleadings. The Court raises this question because the first affirmative defense in the Answer, and also the prayer for relief, appear to indicate that Defendants are moving for dismissal on the pleadings, but no such motion was filed with the Court. (Signed by Judge Victor Marrero signing for Judge Paul A. Engelmayer on 10/20/2011) (djc) Modified on 10/20/2011 (djc). (Entered: 10/20/2011) |
| 10/20/2011 | <u>8</u> | NOTICE OF APPEARANCE by Richard Schoolman on behalf of Metropolitan Transportation Authority, Jay H. Walder(in his capacity as Chief Executive Officer of MTA) (Schoolman, Richard) (Entered: 10/20/2011) |
| 10/27/2011 | <u>9</u> | FILING ERROR – ELECTRONIC FILING FOR NON–ECF DOCUMENT – RULE 26(f) DISCOVERY PLAN REPORT.Document filed by American Freedom Defense Initiative, Pamela Geller, Metropolitan Transportation Authority, Robert Spencer, Jay H. Walder(in his capacity as Chief Executive Officer of MTA).(Yerushalmi, David) Modified on 10/28/2011 (ka). (Entered: 10/27/2011) |
| 10/28/2011 | | ***NOTE TO ATTORNEY TO RE–FILE DOCUMENT – NON–ECF DOCUMENT ERROR. Note to Attorney David Yerushalmi to E–MAIL to judgments@nysd.uscourts.gov., Document No. <u>9</u> Case Management Plan &Scheduling Order. This document is not filed via ECF. (ka) (Entered: 10/28/2011) |
| 10/31/2011 | <u>10</u> | CIVIL CASE MANAGEMENT PLAN AND SCHEDULING ORDER: Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed within 60 days from the date of this Order The parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial. This case is not to be tried to a jury Counsel for the parties have conferred and their present best estimate of the length of trial is 1–2 days. Deposition due by 4/6/2012. Discovery due by 5/18/2012. Case Management Conference set for 12/9/2011 at 02:30 PM in Courtroom 18C, 500 Pearl Street, New York, NY 10007 before Judge Paul A. Engelmayer. (Signed by Judge Paul A. Engelmayer on 10/31/2011) (js) |

| | | |
|------------|-----------|--|
| | | (Entered: 10/31/2011) |
| 11/09/2011 | <u>11</u> | MOTION for Robert J. Muise to Appear Pro Hac Vice. Document filed by American Freedom Defense Initiative, Pamela Geller, Robert Spencer.(bwa) (Entered: 11/10/2011) |
| 11/16/2011 | | CASHIERS OFFICE REMARK on <u>11</u> Motion to Appear Pro Hac Vice in the amount of \$200.00, paid on 11/10/2011, Receipt Number 1021533. (jd) (Entered: 11/16/2011) |
| 11/17/2011 | <u>12</u> | ORDER FOR ADMISSION PRO HAC VICE granting <u>11</u> Motion for Robert J. Muise to Appear Pro Hac Vice. (Signed by Judge Victor Marrero signing for Judge Paul A. Engelmayer on 11/16/2011) (djc) (Entered: 11/17/2011) |
| 12/08/2011 | | Minute Entry for proceedings held before Judge Paul A. Engelmayer: Initial Pretrial Conference held on 12/8/2011. Counsel for both sides to send in a letter by next week re: authority. (ft) (Entered: 12/08/2011) |
| 01/28/2012 | <u>13</u> | NOTICE OF CHANGE OF ADDRESS by David Eliezer Yerushalmi on behalf of American Freedom Defense Initiative, Pamela Geller, Robert Spencer. New Address: American Freedom Law Center, 640 Eastern Parkway, Suite 4C, Brooklyn, New York, USA 11213, 646.262.0500. (Yerushalmi, David) (Entered: 01/28/2012) |
| 01/29/2012 | <u>14</u> | NOTICE OF CHANGE OF ADDRESS by Robert J. Muise on behalf of American Freedom Defense Initiative, Pamela Geller, Robert Spencer. New Address: American Freedom Law Center, PO Box 131098, Ann Arbor, Michigan, USA 48113, (734) 635-3756. (Muise, Robert) (Entered: 01/29/2012) |
| 01/31/2012 | <u>15</u> | FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Preliminary Injunction. Document filed by American Freedom Defense Initiative, Pamela Geller, Robert Spencer. Return Date set for 2/14/2012 at 05:00 PM. (Attachments: # <u>1</u> Memorandum of Law in Support of Motion for Preliminary Injunction, # <u>2</u> Index of Exhibits, # <u>3</u> Exhibit 1—Declaration of Pamela Geller, # <u>4</u> Exhibit A—"Muslims for Peace" Advertisement, # <u>5</u> Exhibit B—"Jesus for Jews" Advertisement, # <u>6</u> Exhibit C—"Million New Yorkers Without God" Advertisement, # <u>7</u> Exhibit D—Religious Freedom Advertisement, # <u>8</u> Exhibit E—Demeaning Advertisements Approved by MTA, # <u>9</u> Exhibit F—Anti-Israel Advertisement, # <u>10</u> Exhibit G—Pro-Israel Advertisement, # <u>11</u> Exhibit H—MTA's Initial Rejection, # <u>12</u> Exhibit I—MTA's Advertising Standard 5.05 (excerpt), # <u>13</u> Exhibit J—Plaintiffs' Response to MTA's Initial Rejection, # <u>14</u> Exhibit K—MTA's Final Rejection)(Muise, Robert) Modified on 2/1/2012 (Idi). (Entered: 01/31/2012) |
| 01/31/2012 | | ***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Robert J. Muise to RE-FILE Document <u>15</u> MOTION for Preliminary Injunction. ERROR(S): Supporting documents must be filed separately, each receiving their own document number. Memorandum of Law in Support of Motion is found under the event list Replies, Opposition and Supporting Documents. (Idi) (Entered: 02/01/2012) |
| 02/01/2012 | <u>16</u> | MOTION for Preliminary Injunction. Document filed by American Freedom Defense Initiative, Pamela Geller, Robert Spencer. Return Date set for 2/15/2012 at 05:00 PM.(Muise, Robert) (Entered: 02/01/2012) |
| 02/01/2012 | <u>17</u> | MEMORANDUM OF LAW in Support re: <u>16</u> MOTION for Preliminary Injunction.. Document filed by American Freedom Defense Initiative, Pamela Geller, Robert Spencer. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit 1—Declaration of Pamela Geller, # <u>3</u> Exhibit A—"Muslims for Peace" Advertisement, # <u>4</u> Exhibit B—"Jesus for Jews" Advertisement, # <u>5</u> Exhibit C—"Million New Yorkers Without God" Advertisement, # <u>6</u> Exhibit D—Religious Freedom Advertisement, # <u>7</u> Exhibit E—Demeaning Advertisements Approved by MTA, # <u>8</u> Exhibit F—Anti-Israel Advertisement, # <u>9</u> Exhibit G—Pro-Israel Advertisement, # <u>10</u> Exhibit H—MTA's Initial Rejection, # <u>11</u> Exhibit I—MTA's Advertising Standard 5.05 (excerpt), # <u>12</u> Exhibit J—Plaintiffs' Response to MTA's Initial Rejection, # <u>13</u> Exhibit K—MTA's Final Rejection)(Muise, Robert) (Entered: 02/01/2012) |

| | | |
|------------|-----------|---|
| 02/01/2012 | <u>18</u> | ORDER: Friday, Telephone Conference set for 2/3/2012 at 10:15 AM before Judge Paul A. Engelmayer to discuss a briefing schedule for plaintiffs' motion for a preliminary injunction. The parties should jointly call Chambers at (212) 805-0268 at the appointed time. (Signed by Judge Paul A. Engelmayer on 2/1/2012) (cd) (Entered: 02/01/2012) |
| 02/06/2012 | | Minute Entry for proceedings held before Judge Paul A. Engelmayer: Pre-Motion Conference held on 2/6/2012. Defendants papers by 3/9/12; Plaintiff's response by 3/23/12. Counsel are to meet and confer after defendants papers are filed to discuss if some discovery/depositions needs to be taken,counsel are to notify the Court if discovery is needed immediately (Responses due by 3/23/2012). (js) (Entered: 02/06/2012) |
| 02/07/2012 | <u>19</u> | ORDER: On Friday, February 3, 2012, the Court held a telephonic conference in this matter, in which counsel for all parties participated, to discuss a briefing schedule for plaintiffs' motion for a preliminary injunction. This order memorializes the schedule set at that conference. Plaintiffs' motion for a preliminary injunction was filed on February 1,2012. Opposition papers are due March 9,2012; reply papers, if any, are due March 21,2012. Promptly after the filing of opposition papers, counsel are instructed to meet and confer, after which plaintiffs shall alert the Court as to whether they believe the taking of depositions, or any other additional discovery, is necessary prior to filing reply papers. Responses due by 3/9/2012 Replies due by 3/21/2012. (Signed by Judge Paul A. Engelmayer on 2/6/2012) (ft) (Entered: 02/07/2012) |
| 02/21/2012 | <u>20</u> | MOTION for Erin Elizabeth Mersino to Appear Pro Hac Vice. Document filed by American Freedom Defense Initiative, Pamela Geller, Robert Spencer.(arc) (Entered: 02/28/2012) |
| 02/28/2012 | | CASHIERS OFFICE REMARK on <u>20</u> Motion to Appear Pro Hac Vice in the amount of \$200.00, paid on 02/21/2012, Receipt Number 1030358. (jd) (Entered: 02/28/2012) |
| 03/02/2012 | <u>21</u> | ORDER FOR ADMISSION PRO HAC VICE granting <u>20</u> Motion for Erin Elizabeth Mersino to Appear Pro Hac Vice. (Signed by Judge Paul A. Engelmayer on 3/1/2012) (rjm) (Entered: 03/02/2012) |
| 03/09/2012 | <u>22</u> | MEMORANDUM OF LAW in Opposition re: <u>16</u> MOTION for Preliminary Injunction.. Document filed by Metropolitan Transportation Authority, Jay H. Walder(in his capacity as Chief Executive Officer of MTA), Jay H. Walder(in his official capacity as chairman). (Sistrom, Peter) (Entered: 03/09/2012) |
| 03/09/2012 | <u>23</u> | DECLARATION of Jeffrey B. Rosen in Opposition re: <u>16</u> MOTION for Preliminary Injunction.. Document filed by Metropolitan Transportation Authority, Jay H. Walder(in his capacity as Chief Executive Officer of MTA), Jay H. Walder(in his official capacity as chairman). (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P)(Sistrom, Peter) (Entered: 03/09/2012) |
| 03/09/2012 | <u>24</u> | DECLARATION of Peter Sistrom in Opposition re: <u>16</u> MOTION for Preliminary Injunction.. Document filed by Metropolitan Transportation Authority, Jay H. Walder(in his capacity as Chief Executive Officer of MTA), Jay H. Walder(in his official capacity as chairman). (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G)(Sistrom, Peter) (Entered: 03/09/2012) |
| 03/09/2012 | <u>25</u> | DECLARATION of Richard Schoolman in Opposition re: <u>16</u> MOTION for Preliminary Injunction.. Document filed by Metropolitan Transportation Authority, Jay H. Walder(in his capacity as Chief Executive Officer of MTA), Jay H. Walder(in his official capacity as chairman). (Attachments: # <u>1</u> Exhibit Q, # <u>2</u> Exhibit R, # <u>3</u> Exhibit S, # <u>4</u> Exhibit T)(Sistrom, Peter) (Entered: 03/09/2012) |
| 03/13/2012 | | Minute Entry for proceedings held before Judge Paul A. Engelmayer: Telephone Conference held on 3/13/2012. Telephone conference held on the record. The Court scheduled a Hearing for April 3, 2012 at 10:00 a.m. (dj) (Entered: 03/16/2012) |

| | | |
|------------|-----------|--|
| 03/22/2012 | <u>26</u> | REPLY MEMORANDUM OF LAW in Support re: <u>16</u> MOTION for Preliminary Injunction.. Document filed by American Freedom Defense Initiative, Pamela Geller, Robert Spencer. (Attachments: # <u>1</u> Index of Exhibits)(Muise, Robert) (Entered: 03/22/2012) |
| 03/22/2012 | <u>27</u> | DECLARATION of David Yerushalmi, Esq. in Support re: <u>16</u> MOTION for Preliminary Injunction.. Document filed by American Freedom Defense Initiative, Pamela Geller, Robert Spencer. (Attachments: # <u>1</u> Exhibit 1--NY Times Article, # <u>2</u> Exhibit 2--NY Times Article, # <u>3</u> Exhibit 3--NY Times Article, # <u>4</u> Exhibit 4--NY Times Article, # <u>5</u> Exhibit 5--NY Times Article, # <u>6</u> Exhibit 6--NY Times Article, # <u>7</u> Exhibit 7--NY Times Article, # <u>8</u> Exhibit 8--NY Times Article, # <u>9</u> Exhibit 9--NY Times Article, # <u>10</u> Exhibit 10--NY Times Article, # <u>11</u> Exhibit 11--NY Times Article, # <u>12</u> Exhibit 12--NY Times Article, # <u>13</u> Exhibit 13--NY Times Article, # <u>14</u> Exhibit 14--NY Times Article, # <u>15</u> Exhibit 15--NY Times Article, # <u>16</u> Exhibit 16--NY Times Article, # <u>17</u> Exhibit 17--NY Times Article, # <u>18</u> Exhibit 18--NY Times Article, # <u>19</u> Exhibit 19--NY Times Article, # <u>20</u> Exhibit 20--NY Times Article, # <u>21</u> Exhibit 21--NY Times Article, # <u>22</u> Exhibit 22--NY Times Article, # <u>23</u> Exhibit 23--NY Times Article, # <u>24</u> Exhibit 24--NY Times Article, # <u>25</u> Exhibit 25--NY Times Article, # <u>26</u> Exhibit 26--NY Times Article, # <u>27</u> Exhibit 27--NY Times Article, # <u>28</u> Exhibit 28--NY Times Article, # <u>29</u> Exhibit 29--NY Times Article, # <u>30</u> Exhibit 30--United States v. Rahman, # <u>31</u> Exhibit 31--United States v. Abu-Jihaad, # <u>32</u> Exhibit 32--Jihad Article, # <u>33</u> Exhibit 33--Jihad Article, # <u>34</u> Exhibit 34--Jihad Article, # <u>35</u> Exhibit 35--Jihad Article, # <u>36</u> Exhibit 36--Jihad Article, # <u>37</u> Exhibit 37--Jihad Article, # <u>38</u> Exhibit 38--Jihad Article, # <u>39</u> Exhibit 39--Jihad Article, # <u>40</u> Exhibit 40--Jihad Article, # <u>41</u> Exhibit 41--Jihad Article, # <u>42</u> Exhibit 42--Jihad Article)(Muise, Robert) (Entered: 03/22/2012) |
| 04/03/2012 | | Minute Entry for proceedings held before Judge Paul A. Engelmayer: Status Conference held on 4/3/2012. Preliminary Injunction Hearing held. Court decision reserved. (jfe) (Entered: 04/06/2012) |
| 04/09/2012 | <u>28</u> | ORDER: The pretrial conference in this matter scheduled for April 23, 2012, is adjourned sine die. (Signed by Judge Paul A. Engelmayer on 4/6/2012) (mro) (Entered: 04/09/2012) |
| 07/20/2012 | <u>29</u> | OPINION & ORDER re: #102084 <u>16</u> MOTION for Preliminary Injunction filed by American Freedom Defense Initiative, Robert Spencer, Pamela Geller. For the reasons discussed above, AFDI's motion for a preliminary injunction enjoining the enforcement of MTA's no-demeaning standard is GRANTED. In order to enable MTA to consider its appellate options and alternatives to the current regulation, the Court, in the public interest, will stay the effect of this Order for 30 days. Absent a court order extending it, after 30 days, this stay will expire. The Clerk of Court is directed to terminate the motion pending at docket entry number 16. A conference in this case is scheduled for August 29, 2012, at 11:00 a.m., at the U.S. Courthouse, 500 Pearl Street, New York, New York 10007. The parties are directed to meet and confer in advance of the conference, and to advise the Court by joint letter, due August 24, 2012, as to their respective views on the next steps to be taken, if any, in this litigation. (Signed by Judge Paul A. Engelmayer on 7/20/2012) (mro) Modified on 7/23/2012 (jab). (Entered: 07/20/2012) |
| 07/20/2012 | | Set/Reset Hearings: Status Conference set for 8/29/2012 at 11:00 AM before Judge Paul A. Engelmayer. (mro) (Entered: 07/20/2012) |
| 07/20/2012 | | ***DELETED DOCUMENT. Deleted document number <u>30</u> Opinion. The document was incorrectly filed in this case. (mt) (Entered: 07/20/2012) |
| 07/20/2012 | <u>35</u> | INTERNET CITATION NOTE: Material from decision with Internet citation re: <u>29</u> Memorandum & Opinion. (Attachments: # <u>1</u> Just Peace, # <u>2</u> SayYesToPeace.org, # <u>3</u> show) (tro) (Entered: 08/21/2012) |
| 08/06/2012 | <u>30</u> | NOTICE OF INTERLOCUTORY APPEAL from <u>29</u> Memorandum & Opinion,,,, Document filed by Metropolitan Transportation Authority, Jay H. Walder(in his capacity as Chief Executive Officer of MTA), Jay H. Walder(in his official capacity as chairman). Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Sistrom, Peter) (Entered: 08/06/2012) |

| | | |
|------------|-----------|--|
| 08/06/2012 | | Appeal Fee Due: for <u>30</u> Notice of Interlocutory Appeal,. \$455.00 Appeal fee due by 8/20/2012. (nd) (Entered: 08/06/2012) |
| 08/06/2012 | | Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>30</u> Notice of Interlocutory Appeal,. (nd) (Entered: 08/06/2012) |
| 08/06/2012 | | Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>20</u> MOTION for Erin Elizabeth Mersino to Appear Pro Hac Vice. filed by American Freedom Defense Initiative, Robert Spencer, Pamela Geller, <u>4</u> Affidavit of Service Complaints, filed by American Freedom Defense Initiative, Robert Spencer, Pamela Geller, <u>17</u> Memorandum of Law in Support of Motion,,, filed by American Freedom Defense Initiative, Robert Spencer, Pamela Geller, <u>18</u> Order, Set Deadlines/Hearings,,, <u>5</u> Notice of Appearance filed by Jay H. Walder, Metropolitan Transportation Authority, <u>3</u> Affidavit of Service Complaints, filed by American Freedom Defense Initiative, Robert Spencer, Pamela Geller, <u>12</u> Order on Motion to Appear Pro Hac Vice, <u>14</u> Notice of Change of Address filed by American Freedom Defense Initiative, Robert Spencer, Pamela Geller, <u>30</u> Notice of Interlocutory Appeal, filed by Jay H. Walder, Metropolitan Transportation Authority, <u>23</u> Declaration in Opposition to Motion,, filed by Jay H. Walder, Metropolitan Transportation Authority, <u>21</u> Order on Motion to Appear Pro Hac Vice, <u>28</u> Order, Terminate Hearings, <u>25</u> Declaration in Opposition to Motion, filed by Jay H. Walder, Metropolitan Transportation Authority, <u>29</u> Memorandum & Opinion,,, <u>11</u> MOTION for Robert J. Muisse to Appear Pro Hac Vice. filed by American Freedom Defense Initiative, Robert Spencer, Pamela Geller, <u>2</u> Rule 7.1 Corporate Disclosure Statement filed by American Freedom Defense Initiative, <u>6</u> Answer to Complaint filed by Jay H. Walder, Metropolitan Transportation Authority, <u>8</u> Notice of Appearance filed by Jay H. Walder, Metropolitan Transportation Authority, <u>26</u> Reply Memorandum of Law in Support of Motion filed by American Freedom Defense Initiative, Robert Spencer, Pamela Geller, <u>27</u> Declaration in Support of Motion,,,,, filed by American Freedom Defense Initiative, Robert Spencer, Pamela Geller, <u>16</u> MOTION for Preliminary Injunction. filed by American Freedom Defense Initiative, Robert Spencer, Pamela Geller, <u>7</u> Order,,, <u>10</u> Case Management Plan,,, <u>24</u> Declaration in Opposition to Motion, filed by Jay H. Walder, Metropolitan Transportation Authority, <u>19</u> Scheduling Order,,, <u>1</u> Complaint., filed by American Freedom Defense Initiative, Robert Spencer, Pamela Geller, <u>13</u> Notice of Change of Address, filed by American Freedom Defense Initiative, Robert Spencer, Pamela Geller, <u>22</u> Memorandum of Law in Opposition to Motion, filed by Jay H. Walder, Metropolitan Transportation Authority were transmitted to the U.S. Court of Appeals. (nd) (Entered: 08/06/2012) |
| 08/06/2012 | <u>31</u> | Letter addressed to Judge Paul A Engelmayer from James B Henly and Peter Siström dated 8/6/2012 re: Request that the time for additional brief time the stay of this Court's 7/20/12 Opinion. Document filed by Metropolitan Transportation Authority.(cd) (Entered: 08/07/2012) |
| 08/06/2012 | <u>32</u> | ORDER: The Court has received a letter, dated August 6,2012, from the defendants, asking that the Court's order invalidating MTA's no-demeaning standard be stayed pending appeal or, alternatively, pending MTA's Board meeting, scheduled for Thursday, September 27,2012. The stay that is currently in place—which lasts for 30 days after the Court's July 20, 2012 ruling—expires on August 19, 2012. A conference in this case is presently scheduled for Wednesday, August 29, 2012, at 11:00 a.m. The Court hereby extends the stay through and including August 29,2012, to permit the Court to use the upcoming conference to discuss with counsel MTA's request for an extended stay. The Court invites plaintiffs to submit a letter, before the conference, setting forth their views as to this request. Such a letter is due Thursday, August 16,2012. The Court's present view is that a stay pending appeal is not merited, for two reasons, and as further set forth in this document. (Signed by Judge Paul A. Engelmayer on 8/6/2012) (cd) (Entered: 08/07/2012) |
| 08/13/2012 | <u>33</u> | NOTICE OF CHANGE OF ADDRESS by David Eliezer Yerushalmi on behalf of All Plaintiffs. New Address: American Freedom Law Center, 640 Eastern Parkway, Suite 4C, Brooklyn, New York, USA 11213, 646-262-0500. (Yerushalmi, David) (Entered: 08/13/2012) |

| | | |
|------------|-----------|---|
| 08/16/2012 | <u>34</u> | Letter addressed to Judge Paul A. Engelmayer from Robert J. Muise and David Yerushalmi dated 8/14/2012 re: Plaintiff's counsels submit the following with regard to the MTAs request for a stay of this Court's order granting Plaintiff's motion for a preliminary injunciton pending appeal. In sum, Plaintiffs agree with the "Court's present view that a stay pending appeal is not merited." (Doc. No. 32). Document filed by American Freedom Defense Initiative.(ago) (Entered: 08/16/2012) |
| 08/16/2012 | | USCA Appeal Fees received \$ 455.00 receipt number 465401046530 on 08/16/2012 re: <u>30</u> Notice of Interlocutory Appeal, filed by Jay H. Walder, Metropolitan Transportation Authority. (nd) (Entered: 08/16/2012) |
| 08/23/2012 | <u>36</u> | Letter addressed to Judge Paul A. Engelmayer from David Yerushalmi, Robert J. Muise, Peter Siström, Richard Schoolman dated 8/24/2012 re: Pursuant to this Courts Opinion and Order of July 20, 2012 (Doc. No. 29), granting Plaintiffs motion for preliminary injunction, the parties hereby jointly notify the Court that they have met and conferred by telephonic conference held on Wednesday, August 22, 2012, to discuss and to prepare a joint letter as to their respective views on the next steps to be taken in this litigation in advance of the conference scheduled for August 29, 2012. Document filed by Metropolitan Transportation Authority, Jay H. Walder(in his capacity as Chief Executive Officer of MTA), Jay H. Walder(in his official capacity as chairman).(ama) (Entered: 08/23/2012) |
| 08/28/2012 | <u>37</u> | ENDORSED LETTER addressed to Judge Paul A. Engelmayer from David Yerushalmi dated 8/28/2012 re: In anticipation of tomorrow's conference, while I will participate by physically attending, I would request that my co-lead counsel Robert Muise (Ann Arbor) be included in the conference telephonically. ENDORSEMENT: Denied. Counsel who wish to participate must appear in person. (Signed by Judge Paul A. Engelmayer on 8/28/2012) (lmb) (Entered: 08/29/2012) |
| 08/29/2012 | <u>38</u> | OPINION & ORDER # 102276 . For the reasons discussed above: 1. AFDI's motion for a permanent injunction enjoining the enforcement of MTA's no-demeaning standard as presently written is GRANTED. 2. MTA's motion for a stay of this Order pending the resolution of its appeal is DENIED. However, in order to enable MTA to appeal to the Second Circuit the Court's denial of a stay pending appeal, the Court will extend the current stay of its Order enjoining MTA from enforcing the no-demeaning regulation as presently written until Wednesday, September 12, 2012. Absent an order from the Second Circuit, however, this stay will expire at midnight on September 12, 2012. 3. AFDI's motion for a declaratory judgment that the no-demeaning standard as presently written violates the First Amendment is GRANTED. 4. AFDI's motion for \$1 in nominal damages for the violation of its First Amendment rights is GRANTED. 5. The Court's consideration of AFDI's application for reasonable attorney's fees, costs and expenses, pursuant to 42 U.S.C. § 1988(b) is DEFERRED pending the resolution of MTA's appeal. The Court directs MTA's general counsel to furnish this Opinion and Order, and also the Court's July 20 Decision, forthwith to the MTA's full Board, so as to ensure that the Board is fully informed of the potential consequences of MTA's decision to defer consideration of an alternative regulation or regulations until after the current stay has expired. (Signed by Judge Paul A. Engelmayer on 8/29/2012) (lmb) Modified on 9/6/2012 (ft). (Entered: 08/29/2012) |
| 08/29/2012 | | Minute Entry for proceedings held before Judge Paul A. Engelmayer: Status Conference held on the record on 8/29/2012. The Court denied stay pending appeal and granting plaintiff other relief. The Court will issue an order later today. (Landers, Rigoberto) (Entered: 09/12/2012) |
| 08/30/2012 | <u>39</u> | ENDORSED LETTER addressed to Judge Paul A. Engelmayer from David Yerushalmi and Robert J. Muise dated 8/30/2012 re: Plaintiff's respectfully request a clarification of the Court's order regarding the 14-day period provided under the Rules for the filing of Plaintiffs' motion for attorney's fees and costs. ENDORSEMENT: AFDI's understanding is correct. The Court extends the period for filing a motion for attorney's fees until 14 days after a mandate has issued from the Court of Appeals. (Signed by Judge Paul A. Engelmayer on 8/30/2012) (lmb) (Entered: 08/30/2012) |

| | | |
|------------|-----------|---|
| 09/19/2012 | <u>40</u> | TRANSCRIPT of Proceedings re: HEARING held on 4/3/2012 before Judge Paul A. Engelmayer. Court Reporter/Transcriber: Rebecca Forman, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/15/2012. Redacted Transcript Deadline set for 10/25/2012. Release of Transcript Restriction set for 12/21/2012.(McGuirk, Kelly) (Entered: 09/19/2012) |
| 09/19/2012 | <u>41</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a HEARING proceeding held on 4/3/12 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 09/19/2012) |
| 09/21/2012 | <u>42</u> | ORDER: This case remains open to permit the parties, following completion of defendants' appeal, to litigate plaintiffs' application for attorney's fees. The Court directs that, no later than September 30, 2012, and every 90 days thereafter, counsel for plaintiff shall submit a jointly prepared status letter to the Court, apprising it of the status of the case, including the status of defendants' appeal. (Signed by Judge Paul A. Engelmayer on 9/21/2012) (djc) (Entered: 09/21/2012) |
| 09/28/2012 | <u>43</u> | ENDORSED LETTER addressed to Judge Paul A. Engelmayer from Peter Sistrom dated 9/28/2012 re: Pursuant to this Court's Order of September 21, 2012 (Doc. No. 42), the parties hereby jointly notify the Court of the status of the case, including the status of defendants' appeal. ENDORSEMENT: Granted. The parties are directed to notify the Court, by October 15, 2012, whether the settlement discussions were successful, or if plaintiffs will be filing their motion by October 26, 2012. In the event that such a motion is filed, defendants' opposition will be due on November 2, 2012., (Motions due by 10/26/2012., Responses due by 11/2/2012.) (Signed by Judge Paul A. Engelmayer on 9/28/2012) (lmb) (Entered: 09/28/2012) |
| 10/16/2012 | <u>44</u> | MANDATE of USCA (Certified Copy) as to <u>30</u> Notice of Interlocutory Appeal, filed by Jay H. Walder, Metropolitan Transportation Authority. USCA Case Number 12-3174. Appellants have filed a motion for voluntary dismissal (withdrawal) of the appeal. IT IS HEREBY ORDERED that the motion is GRANTED with prejudice. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 10/16/2012. (nd) (Entered: 10/16/2012) |
| 10/16/2012 | <u>45</u> | ORDER: On August 29,2012, the Court issued an Opinion and Order granting plaintiffs' motion for a preliminary injunction, denying defendants' motion for a stay of that Order pending appeal, and granting declaratory relief and nominal damages to plaintiffs. In that Order, the Court deferred consideration of plaintiffs' motion for attorney's fees, pending the resolution of defendants' appeal. Defendants have since voluntarily dismissed that appeal. On October 16, 2012, the Court received a joint letter from the parties, stating that they have reached a settlement regarding attorney's fees, and that plaintiffs will not be seeking any further relief. Accordingly, that issue is now resolved. The Clerk of Court is directed to close the case. (ago) (Entered: 10/16/2012) |
| 10/18/2012 | <u>46</u> | TRANSCRIPT of Proceedings re: HEARING held on 4/3/2012 before Judge Paul A. Engelmayer. Court Reporter/Transcriber: Rebecca Forman, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/13/2012. Redacted Transcript Deadline set for 11/26/2012. Release of Transcript Restriction set for 1/22/2013.(Moya, Goretti) (Entered: 10/18/2012) |
| 10/18/2012 | <u>47</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a HEARING proceeding held on 4/3/2012 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(Moya, Goretti) (Entered: 10/18/2012) |