

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

Civil Action No. 14-cv-02822-RPM

SANDY PHILLIPS, individually and  
as surviving parent of Jessica Ghawi, decedent;  
LONNIE PHILLIPS, individually and as  
surviving parent of Jessica Ghawi, decedent.

Plaintiffs,

v.

LUCKY GUNNER, d/b/a/ BULKAMMO.COM,  
a Tennessee Corporation; THE SPORTSMAN'S  
GUIDE, a Minnesota Corporation; Brian Platt,  
d/b/a/ BTP ARMS, Gold Strike E Commerce LLC  
d/b/a/ BULLETPROOFBODYARMORHQ.COM,  
an Arizona Corporation; and JOHN DOES  
1 through 10, unknown individuals.

Defendants.

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**PLAINTIFFS' NOTICE OF CONSTITUTIONAL CHALLENGE**

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**TO THE COURT, TO THE ATTORNEY GENERAL OF THE STATE OF  
COLORADO, TO THE ATTORNEY GENERAL OF THE UNITED STATES, AND TO  
ALL PARTIES AND ATTORNEYS OF RECORD:**

Pursuant to Federal Rule of Civil Procedure 5.1, Plaintiffs Sandy Phillips and Lonnie Phillips ("Plaintiffs") hereby give notice that their Opposition to Defendants' Motions to Dismiss calls into question the constitutionality of the Protection of Lawful Commerce in Arms Act, 15 U.S.C. § 7901 *et seq.* (the "PLCAA") and C.R.S. § 13-21-504.5 (collectively, the "Statutes").

Specifically, Plaintiffs question whether the PLCAA infringes Colorado's sovereign right to allocate its lawmaking function and impermissibly compels Colorado to take specified actions.

Plaintiffs also question whether the Statutes violate the Due Process and Equal Protection clauses of the U.S. Constitution and impermissibly deprive plaintiffs of their right to seek redress in the courts.

Copies of this notice, as well as Plaintiffs' Opposition to Defendants' Motions to Dismiss, have been served via United States Certified First Class Mail on the Attorney General of Colorado and the Attorney General of the United States at the following addresses:

John W. Suthers, Attorney General  
Colorado Department of Law  
Ralph L. Carr Colorado Judicial Center  
1300 Broadway, 10th Floor  
Denver, Colorado 80203

Eric Holder, U.S. Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington D.C. 20530-0001

Dated: December 3, 2014.

Respectfully submitted,

**ARNOLD & PORTER LLP**

By /s/ Thomas W. Stoever, Jr.

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*Attorneys for Plaintiffs*

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 3rd day of December, 2014, the foregoing **PLAINTIFFS' NOTICE OF CONSTITUTIONAL CHALLENGE** was filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

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\*Admitted in Dist. of Colorado

*Attorneys for The Sportsman's Guide,  
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In addition, I served copies of same by deposit with the United States Postal Service this day in the ordinary course of business on the following:.

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Colorado Department of Law  
Ralph L. Carr Colorado Judicial Center  
1300 Broadway, 10th Floor  
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/s/ Rebecca A. Golz