

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**TEMPEST HORSLEY,**

**Plaintiff,**

**v.**

**JESSICA TRAME, in her official capacity as  
Chief of the Firearms Services Bureau,**

**Defendant.**

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**Case No. 13-cv-00321-WDS-SCW**

**REQUESTS TO ADMIT**

Comes now Plaintiff Tempest Horsley, by and through her attorneys Thomas G. Maag and the Maag Law Firm, LLC, and propound the following Requests to Admit.

1. Admit that Plaintiff Tempest Horsley is a citizen of the State of Illinois.
2. Admit that Plaintiff Tempest Horsley is a citizen of the United States of America.
3. Admit that Defendant Jessica Trame is the Chief of the Firearms Services Bureau, of the Illinois State Police.
4. Admit that that on or about March 14, 2013, Plaintiff Horsley mailed to the address listed on the Application for a Firearms Owners Identification Card for applications to be so sent, a properly completed Application for Firearm Owners Identification Card, along with a check in the amount of \$10.00, which was proper and complete with the exception that Plaintiff's parent or legal guardian did not sign the application.
5. Admit that on March 14, 2013, Plaintiff Horsley was a few months over 18 years of age, and had not yet reached 21 years of age.
6. Admit that per the terms of the Firearms Owners Identification Card Act, as referenced on the application, an applicant must submit evidence that

“He or she is 21 years of age or over, or if he or she is under 21 years of age that he or she has the written consent of his or her parent or legal guardian to possess and acquire firearms and firearm ammunition and that he or she has never been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, provided, however, that such parent or legal guardian is not an individual prohibited from having a Firearm Owner's Identification Card and files an affidavit with the Department as prescribed by the Department stating that he or she is not an individual prohibited from having a Card;”

7. Admit that Defendant will not approve an Application for a Firearms Owners Identification Card for an application who is at least 18, but not yet 21, who has not provided the written consent of his or her parent of legal guardian to possess and acquire firearms and firearms ammunition.
8. Admit that on or about March 27, 2013, Defendant returned to Plaintiff her application for a FOID card, with a cover letter indicating that the application was “incomplete” because it lacked a notarized parental signature.
9. Admit that Defendant will not process Plaintiff's FOID application without a notarized parental signature.
10. Admit that if Plaintiff was 21 years of age or older, that Defendant would process and approve her application for a FOID card, even without a notarized parental signature.
11. Admit that Plaintiff has no legal guardian.
12. Admit that under Illinois law, it would be impossible to even appoint a legal guardian for Plaintiff, unless she was in some way disabled.
13. Admit that Plaintiff is not disabled such that she requires a legal guardian.
14. Admit that at the time of the adoption of the Second Amendment to the U.S. Constitution, it was generally understood that that persons of at least 18 years of age could legally acquire and possess firearms for defense.
15. Admit that Plaintiff's parents will not sign the FOID application for Plaintiff.

16. Admit that subject only to various exceptions not relevant in this case, it is a criminal offense in Illinois to possess a firearm without being issued a Firearms Owners Identification Card.
17. Admit that persons who possess firearms without a FOID card are routinely arrested, prosecuted and jailed.
18. Admit that Plaintiff Horsley desires to possess a firearm for self defense inside of her home.
19. Admit that Plaintiff Horsley cannot lawfully purchase or otherwise lawfully acquire or possess a firearm of any description for self defense, without a FOID card, either from a federally licensed firearms dealer, from a non-licensed secondary seller or from any other source.
20. Admit that without a valid FOID card, Plaintiff Horsley cannot even lawfully make a firearm for her own use.
21. Admit that Plaintiff Horsley cannot lawfully possess a firearm for self defense inside her home without a FOID card.
22. Admit that Plaintiff Horsley is under no legal disabilities under 18 U.S.C. 922(g), or any state law, that would render her unable to legally own a firearm, had she been issued a FOID card.
23. Admit that there is no state law mechanism to allow a person in Illinois, who is 18 years of age or older, but not yet 21 years of age, to lawfully possess a firearm when their parent or legal guardian will not sign their FOID application.
24. Admit that Plaintiff has never been convicted of a felony.

25. Admit that Plaintiff has never been convicted of a misdemeanor crime of domestic violence.
26. Admit that Plaintiff has never renounced her U.S. citizenship.
27. Admit that Plaintiff is not under indictment or information for a felony.
28. Admit that Plaintiff has never been adjudicated as a mental defective.
29. Admit that Plaintiff is not an unlawful user of narcotics.
30. Admit that Exhibit A to Plaintiff's Motion for Summary Judgment is genuine.

Dated: September 23, 2013

Respectfully Submitted,

By: s/Thomas G. Maag

Thomas G. Maag  
Maag Law Firm, LLC  
22 West Lorena Avenue  
Wood River, IL 62095

Phone: 618-216-5291

### **CERTIFICATE OF SERVICE**

I hereby certify that on September 23, 2013, the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following counsel of record:

Joshua D. Ratz

Dated: September 23, 2013

s/Thomas G. Maag