

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

STEPHEN V. KOLBE, et al.,	:	
	:	
Plaintiffs,	:	
	:	Case No. 1:13-cv-02841-CCB
v.	:	
	:	
MARTIN O'MALLEY, et al.,	:	
	:	
Defendants.	:	
	:	

**BRADY CENTER TO PREVENT GUN VIOLENCE'S
MOTION FOR LEAVE TO FILE BRIEF AS *AMICUS CURIAE*
IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Through undersigned counsel, the Brady Center to Prevent Gun Violence applies to the Court for leave to file a brief as *amicus curiae* in this case. All parties have consented to the filing of the brief. The brief is lodged as an attachment to this Motion for the convenience of the Court and counsel.

This Court has discretion to consider a brief filed by an *amicus curiae*. *Bryant v. Better Business Bureau of Greater Md., Inc.*, 923 F. Supp. 720, 728 (D. Md. 1996). "The aid of *amici curiae* has been allowed at the trial level where they provide helpful analysis of the law, they have a special interest in the subject matter of the suit, or existing counsel is in need of assistance." *Id.* (internal citations omitted). Leave should be granted where the proffered information is "timely and useful." *Id.* (citation omitted); *see also Glynn v. EDO Corp.*, No. JFM-07-01660, 2010 WL 3294347, at *2 n.4 (D. Md. Aug. 20, 2010) (granting *amicus curiae* leave to file based on *Bryant*).

The Brady Center respectfully submits that the proposed brief meets the criteria this Court has established for *amicus* submissions. First, the Brady Center has a special interest in the subject matter of this suit because it is the nation's largest non-partisan, non-profit organization dedicated to reducing gun violence through education, research, and legal advocacy. The Brady Center has a substantial interest in ensuring that the Second Amendment is not interpreted to jeopardize the public's interest in protecting families and communities from the effects of gun violence. Through its Legal Action Project, the Brady Center has filed numerous *amicus* briefs in cases involving firearms regulations, including *McDonald v. City of Chicago*, 130 S. Ct. 3020 (2010), *United States v. Hayes*, 555 U.S. 415, 427 (2009) (citing Brady Center brief), and *District of Columbia v. Heller*, 554 U.S. 570 (2008). The Brady Center has also filed *amicus* briefs in cases before the United States District Courts, including *Shew v. Malloy*, No. 3:13-cv-00739-AVC (D. Conn. filed Oct. 18, 2013) and *N.Y. State Rifle & Pistol Ass'n v. Cuomo*, No. 13-cv-00291-WMS (W.D.N.Y. filed June 21, 2013).

Second, drawing upon the Brady Center's extensive litigation experience described above, the proposed brief contains a helpful analysis of the law, particularly the appropriate constitutional standard for reviewing firearms regulations under the Second Amendment.

Finally, this *amicus* brief is timely because it is being filed on the same day as Defendants' motion for summary judgment, thereby permitting Plaintiffs ample opportunity to respond to both.

CONCLUSION

For the foregoing reasons, and because all parties have consented to the filing of the brief, *amicus curiae* Brady Center to Prevent Gun Violence respectfully requests that the Court grant leave to file the attached brief.

Respectfully submitted,

Of Counsel:

Jonathan E. Lowy
Elizabeth M. Burke
Alla Lefkowitz
BRADY CENTER TO
PREVENT GUN VIOLENCE
LEGAL ACTION PROJECT
840 First Street NE, Suite 400
Washington, DC 20002
Tel: 202-370-8101
jlowy@bradymail.org
eburke@bradymail.org
alefkowitz@bradymail.org

/s/ Benjamin C. Block
Benjamin C. Block (D. Md. #15811)
Of Counsel:
Elliott Schulder
Justin T. Lepp
COVINGTON & BURLING LLP
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel: 202-662-5205
Fax: 202-778-5205
bblock@cov.com
eschulder@cov.com
jlepp@cov.com

February 14, 2014

Counsel for Amicus Curiae