

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(NORTHERN DIVISION)**

**STEPHEN V. KOLBE, et al.**

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**vs.**

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**Case No. 1:13-cv-02841-CCB**

**MARTIN O'MALLEY, et al.**

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**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF IN SUPPORT OF PLAINTIFFS**

Pink Pistols respectfully requests and hereby moves this Court for leave to file its Brief as *amicus curiae* in support of Plaintiffs. The brief is tendered with and attached to this motion. The motion should be granted for the following reasons:

1. This Court has recognized that the aid of *amici curiae* is appropriate at the trial level when, among other reasons, an *amicus*: (1) provides helpful analysis of the law and; (2) has a special interest in the subject matter of the suit. *Bryant v. Better Business Bureau of Greater Maryland, Inc.*, 923 F. Supp. 720, 728 (D. Md. 1996). Here, Pink Pistols hopes to provide a helpful analysis of how the Maryland Firearms Safety Act of 2013 (the “Act”) violates the Second Amendment by outlawing common firearms and standard magazines that are “of the kind in common use . . . for lawful purposes.” *District of Columbia v. Heller*, 554 U.S. 570, 624 (2008). Additionally, Pink Pistols’ *amicus curiae* brief explains why the bans contemplated by the Act would not reduce violent crime.

2. Pink Pistols has a special interest in the subject matter of the suit. Pink Pistols is an unincorporated association established in 2000 to advocate on behalf of lesbian, gay, bisexual, and transgendered (“LGBT”) firearm owners, with specific emphasis on self-defense issues. There are twenty-six chapters across the United States and the organization is experiencing rapid growth, with

requests to form new local chapters coming in all the time. Membership is open to any person, regardless of sexual orientation, who supports the rights of LGBT firearm owners.

3. Pink Pistols is aware of the long history of hate crimes and violence directed at the LGBT community, as is the Baltimore Police Department, as evidenced by Baltimore Police Commissioner Anthony W. Batts' recent comments at a hate-crime forum held in Mount Vernon. *See* Kevin Rector, *Batts Offers Open Hand to LGBT Community at Hate-Crime Forum*, THE BALTIMORE SUN (Oct. 11, 2013). The number one location for anti-gay hate crimes is in or near a home or residence, and there are significant practical limitations on the ability of the police to protect individuals against such violence. Thus, the right to keep and bear arms for self-defense in one's home is of paramount importance to the Pink Pistols and members of the LGBT community.

4. Pink Pistols also assists its members in selecting firearms, learning how to operate them safely, and understanding applicable firearms statutes and regulations.

5. The Supreme Court has found Pink Pistols' perspective useful in addressing the fundamental right to keep and bear arms. Pink Pistols filed an *amicus curiae* brief in *District of Columbia v. Heller*, 554 U.S. 570 (2008), and Justice Alito's controlling opinion in *McDonald v. City of Chicago*, 130 S. Ct. 3020 (2010), cited that brief in rejecting Justice Breyer's argument that the Second Amendment "does not protect minorities or persons neglected by those holding political power," *id.* at 3049. Responding to Justice Breyer, Justice Alito credited Pink Pistols' contention that the right to keep and bear arms "is especially important for . . . members of . . . groups that may be especially vulnerable to violent crime." *Id.* at 3049 & n.33. The same principle applies in this case, and it demonstrates why it is imperative that laws violating Second Amendment rights like the Maryland law at issue here not be allowed to stand. Pink Pistols was also granted leave to file an *amicus* brief in cases challenging New

York and Connecticut legislation similar to the Maryland legislation challenged in this case. *See* Text Order, *N.Y. State Rifle & Pistol Ass'n v. Cuomo*, No. 13-291-WMS (W.D.N.Y. Aug. 30, 2013), ECF No. 118; Order, *Shew v. Malloy*, No. 13-739-AVC (D. Conn. July 15, 2013), ECF No. 32.

6. Pink Pistols has contacted counsel for both the Plaintiffs and Defendants in this action to seek consent to file this brief. Both the Plaintiffs and the Defendants have consented to the filing of Pink Pistols' *amicus curiae* brief.

7. Pink Pistols respectfully requests leave to file its *amicus curiae* brief to assist the District Court in the resolution of this case.

Date: March 17, 2014

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Respectfully submitted,

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