

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

STEPHEN V. KOLBE et al.

*

v.

*

No. 1:13-cv-02841-CCB

MARTIN O'MALLEY et al.

*

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

The National Rifle Association of America, Inc. (“NRA”) respectfully requests leave to file an *amicus curiae* brief in support of Plaintiffs. The NRA’s proposed brief is submitted along with this motion. In support of its motion, the NRA states as follows:

1. This Court has broad discretion to grant an *amicus curiae* leave to participate in a matter when the Court “deems the proffered information timely and useful.” *Bryant v. Better Business Bureau of Greater Maryland, Inc.*, 923 F. Supp. 720, 728 (D. Md. 1996). Leave has been granted to *amici* having “a special interest in the subject matter of the suit” and to *amici* that “provide helpful analysis of the law.” *Id.*

2. The NRA has a special interest in the subject matter of the suit. The NRA is America’s foremost and oldest defender of Second Amendment rights. Founded in 1871, the NRA today has approximately five million members and its programs reach millions more. The NRA is America’s leading provider of firearms marksmanship and safety training for civilians. The NRA’s membership includes many residents of the State of Maryland.

3. The NRA and its members have numerous interests that will be substantially affected by the outcome of this litigation. First and foremost, the fundamental Second Amendment rights of

Maryland's NRA members are infringed by the State's prohibitions on commonly used firearms and ammunition feeding devices. These prohibitions adversely affect both the NRA's individual members who wish to use such items to defend themselves, their families, and their homes and its firearms-dealer members who wish to sell such items to the law-abiding citizens of Maryland. *Cf. Illinois Ass'n of Firearms Retailers v. City of Chicago*, --- F. Supp. 2d ---, No. 10-4184, 2014 WL 31339 (N.D. Ill. Jan. 6, 2014) (striking down ban on firearms sales in the City of Chicago). In addition, because the NRA and its members are often litigants in cases raising Second Amendment issues, it has a substantial interest in ensuring that the Second Amendment is properly interpreted and applied in cases that have the potential to influence the outcome of other cases either through binding precedential force or persuasive authority.

4. The NRA submits that its participation will assist the Court in deciding the important issues presented by this case. The NRA has extensive experience litigating the Second Amendment's application to laws, like the Maryland law at issue here, that burden law-abiding citizens' fundamental right to keep and bear arms. Indeed, it filed briefs in the United States Supreme Court in both *District of Columbia v. Heller*, 554 U.S. 570 (2008) (as an *amicus curiae*), and *McDonald v. City of Chicago*, 130 S. Ct. 3020 (2010) (as a party), and since that time it has participated as both an *amicus curiae* and as a party in cases across the Nation that implicate those seminal decisions. For example, the NRA participated as an *amicus curiae* in *Moore v. Madigan*, 702 F.3d 933 (7th Cir. 2012), in which the Seventh Circuit confirmed that the right to bear arms is not limited to the home and struck down Illinois's law broadly prohibiting law-abiding citizens from carrying firearms in public for their own protection. And the NRA was granted leave to file *amicus* briefs in cases challenging New York and Connecticut legislation similar to the Maryland legislation challenged in this case. *See New York State*

Rifle & Pistol Ass'n v. Cuomo, No. 13-291 (W.D.N.Y. May 7, 2013), ECF No. 43; *Shew v. Malloy*, No. 13-739 (D. Ct. July 15, 2013), ECF No. 32.

5. Counsel for Plaintiffs and Counsel for Defendants have stated that Plaintiffs and Defendants consent to the filing of the NRA's *amicus curiae* brief.

6. For the foregoing reasons, the NRA respectfully requests leave to file an *amicus curiae* brief in support of Plaintiffs.

March 17, 2014

Respectfully submitted,

/s/ Vincent J. Colatriano
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