

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHUI W. KWONG; et al.,

Plaintiffs,

-against-

MICHAEL BLOOMBERG; et al.,

Defendants,

-and-

ATTORNEY GENERAL OF THE STATE OF
NEW YORK,

Intervenor.

No. 11 Civ. 2356 (JGK) (DCF)

ECF Case

**SUPPLEMENTAL
DECLARATION OF
DAVID D. JENSEN**

I, David D. Jensen, declare as follows:

1. I am counsel of record for Plaintiffs in the captioned action. I submit this Declaration to supplement my previous Declaration dated June 22, 2011.
2. Plaintiffs submit this declaration to meet the technical requirement of Rule 56(f) of the Federal Rules of Civil Procedure.
3. Plaintiffs moved for summary judgment on June 22, 2011. Defendants and Intervenor then cross-moved for summary judgment. There has been no discovery.
4. Defendants' motion contends that there is no issue of fact that the \$340 fee is less than the claimed costs of administering and enforcing Article 400 of the Penal Law.
5. Because there has been no discovery, Plaintiffs are not in a position to respond to Defendants' assertions regarding the procedures and costs attendant licensing in New York City.
6. Plaintiffs submit that discovery is not necessary in light of the issues presented. However, if the Court concludes that the "cost" basis for the City's \$340 fee is a dispositive

factor, then discovery regarding the basis for the City's calculations will be essential to oppose the City's motion.

I affirm all of the foregoing statements under penalty of perjury under the laws of the United States of America.

Dated: New York, New York
August 24, 2011



David D. Jensen