

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

NEW YORK STATE RIFLE AND)	
PISTOL ASSOCIATION, INC., et al.,)	
)	
Plaintiffs,)	Case No.: 13-cv-00291-WMS
)	
v.)	
)	
ANDREW M. CUOMO, et al.,)	
)	
Defendants.)	

DECLARATION OF RICHARD A. GRIMM, III

1. I am an attorney at law duly licensed to practice in the State of New York and am an attorney with the law firm Magavern Magavern Grimm LLP, counsel to Pink Pistols, in the above-captioned action.

2. As such, I am familiar with the facts and circumstances of Pink Pistols’ Motion for Leave to File an Amicus Curiae Brief in Support of Plaintiffs’ Motion for Summary Judgment, and I submit this Declaration in support of Pink Pistols’ Motion.

3. Pink Pistols is a shooting society that honors diversity and that is open to all. It advocates the responsible use of lawfully owned and lawfully carried firearms for self defense, whether by sexual minorities (a group that FBI statistics identify as particularly subject to violence based on discriminatory animus) or by any other individuals, all of whom have a Second Amendment right to armed self-defense. Pink Pistols has twenty-two chapters across the United States, including one in New York City, and the organization is experiencing rapid growth, with requests to form new local chapters coming in all the time.

4. Pink Pistols has a strong interest in protecting the Second Amendment rights of sexual minorities and other law-abiding citizens of New York. Pink Pistols is aware of the long history of hate crimes and violence directed at sexual minorities, and there are significant practical limitations on the ability of police to protect individuals against such hate crimes and violence. The fundamental right of sexual minorities and other citizens of New York to defend themselves with commonly possessed firearms equipped with standard ammunition magazines is thus of paramount importance. The New York Act at issue in this case infringes this right.

5. Pink Pistols submits that the unique perspective it offers will be of assistance to this Court in deciding this case. Indeed, 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 crimes." *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 State of New York law at issue here not be allowed to stand.

6. In addition, Pink Pistols was granted leave to file an amicus brief in support of the plaintiffs in a challenge to a Connecticut law that is similar to the New York law being challenged here. *See Order, Shew v. Malloy*, No. 3:13-cv-00739-AVC (D. Conn. July 15, 2013), ECF Nos. 32.

7. For the foregoing reasons, Pink Pistols respectfully requests that its Motion for Leave to File an Amicus Curiae Brief in Support of Plaintiffs' Motion for Summary Judgment be granted.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 26, 2013

s/ Richard A. Grimm, III
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