

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**
Buffalo Division

**NEW YORK STATE RIFLE AND PISTOL
ASSOCIATION, INC., et al.,**

Plaintiffs.

v.

Case No.: 13-cv-00291-WMS

ANDREW M. CUOMO, et al.,

Defendants.

**NOTICE OF MOTION FOR LEAVE TO FILE [PROPOSED]
AMICUS CURIAE BRIEF OF THE BRADY CENTER TO PREVENT GUN
VIOLENCE, THE POLICE FOUNDATION, AND THE MAJOR CITIES CHIEFS
ASSOCIATION**

PLEASE TAKE NOTICE that the Brady Center to Prevent Gun Violence, the Police Foundation, and the Major Cities Chiefs Association, (together, “Amici”), through their undersigned counsel, hereby move the Court to grant an Order allowing Amici to file an amicus curiae brief in opposition to Plaintiffs’ motion for a preliminary injunction. Amici submit herewith a motion providing reasons why this Court may choose to accept the brief, as well as a copy of the proposed amicus curiae brief they request leave to file.

**MOTION FOR LEAVE TO FILE PROPOSED BRIEF OF AMICI CURIAE ON
BEHALF OF DEFENDANTS**

Amici respectfully move this Court, pursuant to its broad discretion to allow for the appearance of amici curiae in a district court case, for leave to file the concurrently submitted amicus brief in opposition to Plaintiffs' motion for a preliminary injunction. Amici certify that this brief was not written in whole or in part by the counsel for any party, and that no person or entity other than the Amici, their members, and counsel made a monetary contribution to the preparation and submission of this brief.

I. Interests of the Amici

The Brady Center works to pass, enforce, and protect sensible laws and public policy that address gun violence at the federal and state levels. The Brady Center develops and implements extensive public health and safety programs and utilizes the courts to reduce gun violence. Through its Legal Action Project, it represents victims of gun violence in cases against irresponsible gun sellers and owners.

The Police Foundation is America's oldest national, nonpartisan, nonprofit police research organization. Its mission is to advance policing through innovation and science. The foundation has a long history of promoting public policies that enhance safety of law enforcement officers and the public they serve.

The Major Cities Chiefs Association is comprised of police executives heading the sixty-six largest police departments in the United States which protect approximately forty percent of America's population.

II. Reasons for Filing

Amici have reviewed the documents filed to date by the parties and other amici to this proceeding and are familiar with the issues before this Court in the instant case. The accompanying proposed brief will assist this Court by providing additional analysis of the current standard for application of the Second Amendment and the standard of review for restrictions on the possession of firearms, applying this analysis to the challenged SAFE Act provisions. These issues will not be addressed in similar detail and scope by Defendants. Accordingly, a separate brief is necessary to permit the Brady Center to address these issues.

The Amici's request to file an amicus curiae brief follows from their substantial interest and continuing work to help ensure that the Second Amendment is not interpreted to jeopardize the public's interest in protecting families and communities through strong government action to prevent gun violence. With regard to the Brady Center to Prevent Gun Violence, it has filed numerous amicus curiae briefs in cases involving firearms regulations similar to those at issue in this case. For example, through its Legal Action Project, the Brady Center has filed amicus curiae briefs in *McDonald v. City of Chicago*, 130 S. Ct. 3020 (2010), *United States v. Hayes*, 555 U.S. 415, 427 (2009) (citing Brady Center brief), *District of Columbia v. Heller*, 554 U.S. 570 (2008), *Heller v. District of Columbia*, 670 F.3d 1244 (D.C. Cir. 2011) ("*Heller II*"), and *United States v. Skoien*, 614 F.3d 638 (7th Cir. 2010) (en banc).

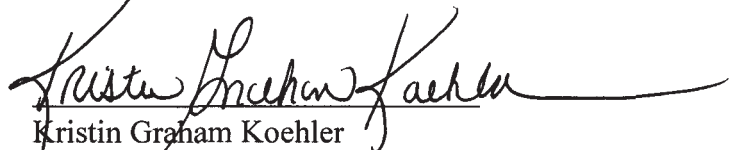
Accordingly, the Amici respectfully move that this Court grant leave to file the brief submitted concurrently with this motion.

Dated: June 21, 2013

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