

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of New York

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

Plaintiff(s)

v.

ANDREW M. CUOMO, Governor of the State of New York et al.

Defendant(s)

Civil Action No. 1:13-cv-00291-WMS

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Frank A. Sedita, III, District Attorney for Erie County, Erie County Executive's Office, Edward A. Rath County Office Building, 95 Franklin Street, 16th Floor, Buffalo, New York 14202

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Brian T. Stapleton, GOLDBERG SEGALLA LLP, 11 Marine Avenue, Suite 750, White Plains, New York 10606-1934

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 03/26/2013



CLERK OF COURT

Signature of Michael J. Roemer

Signature of Clerk or Deputy Clerk

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PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any) FRANK A. SEDITA, III - DISTRICT ATTORNEY FOR
was received by me on (date) MARCH 26, 2013 ERIE COUNTY

I personally served the summons on the individual at (place) _____
on (date) _____; or

I left the summons at the individual's residence or usual place of abode with (name) _____
_____, a person of suitable age and discretion who resides there,
on (date) _____, and mailed a copy to the individual's last known address; or

I served the summons on (name of individual) DENISE SCHUNKE - SECRETARY, who is
designated by law to accept service of process on behalf of (name of organization) DISTRICT ATTORNEY'S OFFICE
FOR ERIE COUNTY on (date) MARCH 26, 2013 @ 2:28PM

I returned the summons unexecuted because _____; or

Other (specify):

My fees are \$ 0 for travel and \$ 30.00 for services, for a total of \$ 30.00

I declare under penalty of perjury that this information is true.

Date: MARCH 26, 2013

Kenneth Masternak
Server's signature

KENNETH MASTERNAK - PROCESS SERVER
Printed name and title

72 TOMAHAWK TRAIL - LAKESTER, NY 14086
Server's address

Additional information regarding attempted service, etc:

FULL CASE CAPTION

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

NEW YORK STATE RIFLE AND PISTOL ASSOCIATION, INC.;
WESTCHESTER COUNTY FIREARMS OWNERS ASSOCIATION, INC.;
SPORTSMEN'S ASSOCIATION FOR FIREARMS EDUCATION, INC.;
NEW YORK STATE AMATEUR TRAPSHOOTING ASSOCIATION, INC.;
BEDELL CUSTOM; BEIKIRCH AMMUNITION CORPORATION;
BLUELINE TACTICAL & POLICE SUPPLY, LLC;
WILLIAM NOJAY;
THOMAS GALVIN;
and ROGER HORVATH,

Plaintiffs.

v.

ANDREW M. CUOMO, Governor of the State of New York;
ERIC T. SCHNEIDERMAN, Attorney General of the State of New York;
JOSEPH A. D'AMICO, Superintendent of the New York State Police;
FRANK A. SEDITA, III, District Attorney for Erie County; and
GERALD J. GILL, Chief of Police for the Town of Lancaster, New York

Defendants.