

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

----- X

NEW YORK STATE RIFLE AND PISTOL ASSOCIATION, :
 INC., WESTCHESTER COUNTY FIREARMS OWNERS : Civil No.: 1:13-CV-00291-WMS
 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,

- against -

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.

----- X

**DECLARATION IN SUPPORT OF MOTION FOR LEAVE TO FILE PROPOSED
BRIEF OF AMICI CURIAE LAW CENTER TO PREVENT GUN VIOLENCE,
NEW YORKERS AGAINST GUN VIOLENCE, AND MOMS DEMAND ACTION
FOR GUN SENSE IN AMERICA**

TERRENCE M. CONNORS, ESQ., under penalty of perjury and pursuant to 28 U.S.C.

§ 1746, declares the following to be true and correct:

1. I am an attorney at law duly admitted to practice before this Court and a partner of the law firm of CONNORS & VILARDO, LLP, local counsel for *amici curiae* Law Center to Prevent Gun Violence, New Yorkers Against Gun Violence, and Moms Demand Action for Gun Sense in America (collectively “*amici*”) in the above-captioned action; as such, I am familiar with the facts and circumstances of this action.

2. I submit this declaration in support of the motion by the *amici* for leave to file the attached proposed brief in opposition to plaintiffs' motion for a preliminary injunction and in support of defendants' cross-motion for summary judgment.

INTERESTS OF THE *AMICI*

3. *Amicus curiae* Law Center to Prevent Gun Violence ("the Law Center"), formerly known as the Legal Community Against Violence, is a non-profit, national law center dedicated to reducing gun violence and the destructive impact it has on communities. The Law Center focuses on providing comprehensive legal expertise to promote smart gun laws. These efforts include tracking all Second Amendment litigation nationwide and providing support to jurisdictions facing legal challenges. The Law Center has a particular interest in this litigation because it was formed in the wake of an assault weapon massacre at a San Francisco law firm in 1993. The shooter in that rampage was armed with two assault weapons and multiple large capacity ammunition magazines, some capable of holding up to 50 rounds of ammunition.

4. *Amicus curiae* New Yorkers Against Gun Violence (NYAGV), a non-profit, tax-exempt organization, is New York State's leading anti-gun violence organization. Established in 1993 by a group of Brooklyn, New York mothers galvanized by the shooting death of a teacher in Prospect Park, Brooklyn, NYAGV has grown to include members in 27 counties throughout New York. NYAGV partners with community groups, local officials, law enforcement and individual citizens across New York to advocate against gun violence. NYAGV's affiliated Education Fund, also a non-profit, tax-exempt organization, works to educate New York youth and community members about gun violence and gun safety laws.

5. *Amicus curiae* Moms Demand Action for Gun Sense in America ("Moms Demand Action"), formed in the aftermath of the mass shooting at Sandy Hook Elementary

School in December 2012, is a nonpartisan grassroots organization with more than 100,000 members and nearly 100 chapters in 40 states, including six chapters in New York. A core purpose of Moms Demand Action is to advocate for common sense federal and state gun laws in order to curtail the epidemic of gun violence in the United States. Moms Demand Action strongly supports laws that protect public safety by regulating assault weapons and large capacity ammunition magazines.

REASONS FOR FILING

6. The *amici* have reviewed the documents filed to date by the parties to this proceeding and other *amici curiae*, and they are familiar with the issues before this Court.

7. The *amici* respectfully submit that their participation in this case will assist this Court by expressing the views of members of the community who are interested in keeping communities safe from gun violence.

8. The *amici* further submit that their participation in this case will assist this Court in deciding the important issues presented by this case because their brief will provide additional analysis of the issues of (1) whether the challenged SAFE Act falls outside of the scope of the Second Amendment right recognized in *Heller*, and (2) whether the challenged SAFE Act is constitutional even if, assuming *arguendo*, assault weapons and large capacity ammunition feeding devices implicate the Second Amendment. These issues have not been addressed in similar detail and scope by another party or *amicus curiae*.

9. Additionally, the Law Center has extensive experience and information relating to gun violence prevention and the promotion of smart gun laws, as well as a unique perspective because it was founded by lawyers in the San Francisco Bay Area – a legal community that was itself profoundly affected by gun violence.

10. Indeed, as an *amicus* the Law Center has provided informed analysis in many firearm-related cases, including the United States Supreme Court cases *District of Columbia v. Heller*, 554 U.S. 570 (2008), and *McDonald v. City of Chicago*, 130 S. Ct. 3020 (2010). The Law Center has also submitted *amicus* briefs in numerous other federal court cases, including – to name just a few – *Hightower v. City of Boston*, 693 F.3d 61 (1st Cir. 2012), *Pizzo v. City & Cnty. of San Francisco*, 2012 WL 6044837 (N.D. Cal. 2012); *Woollard v. Sheridan*, 863 F. Supp. 2d 462 (D. Md. 2012), and *Woollard v. Gallagher*, 712 F.3d 865 (4th Cir. 2013).

11. Finally, the Law Center believes that its briefs are particularly useful to courts in cases where a powerful and well-funded gun lobby or business group is participating as a plaintiff or *amicus*, as is the case here.

WHEREFORE, *amici* respectfully request that this Court issue an Order granting *amici* leave to file the attached brief in opposition to plaintiffs’ motion for a preliminary injunction and in support of defendants’ cross-motion for summary judgment, along with any other relief that this Court may deem proper.

EXECUTED: Buffalo, New York
June 28, 2013

s/Terrence M Connors
TERRENCE M. CONNORS, ESQ.