

Case No. S215265

**IN THE SUPREME COURT  
OF THE STATE OF CALIFORNIA**

---

SHERIFF CLAY PARKER, *et al.*,  
*Plaintiffs and Respondents*

v.

THE STATE OF CALIFORNIA, *et al.*,  
*Defendants and Appellants.*

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APPLICATION OF THE NATIONAL SHOOTING SPORTS  
FOUNDATION, INC. FOR LEAVE TO FILE PROPOSED *AMICUS*  
*CURIAE* BRIEF; *AMICUS CURIAE* BRIEF IN SUPPORT OF  
PLAINTIFFS AND RESPONDENTS SHERIFF CLAY PARKER,  
*ET AL.*

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From an Opinion of the Court of Appeal, Fifth Appellate District,  
Case Nos. F062490, F062709

From a Decision by Fresno County Superior Court,  
Case No. 10 CECG-02116, The Honorable Jeffrey Y. Hamilton, Judge

Robert C. Wright (SBN 51864)  
Andrew E. Schouten (SBN 263684)  
WRIGHT, L'ESTRANGE &  
ERGASTOLO  
402 West Broadway, Suite 1800  
San Diego, California 92101  
Tel.: (619) 231-4844  
Fax: (619) 231-6710

Lawrence G. Keane  
General Counsel  
*(pro hac vice pending)*  
THE NATIONAL SHOOTING  
SPORTS FOUNDATION, INC.  
11 Mile Hill Road  
Newtown, CT 06470-2359  
(203) 426-1320

Attorneys for *Amicus Curiae*  
THE NATIONAL SHOOTING SPORTS FOUNDATION, INC.

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11 Mile Hill Road  
Newtown, CT 06470-2359  
(203) 426-1320

*Attorneys for Amicus Curiae*  
THE NATIONAL SHOOTING SPORTS FOUNDATION, INC.

## CERTIFICATE OF INTERESTED PERSONS

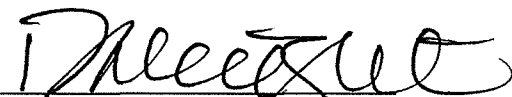
The following application and brief are made by the National Shooting Sports Foundation, Inc. ("NSSF"). It is a non-profit tax-exempt organization qualified under section 501(c)(6) of the Internal Revenue Code. The NSSF is not a party to this case and is not aware of any entity or person that must be disclosed pursuant to California Rule of Court 8.208(e).

Respectfully submitted,

WRIGHT, L'ESTRANGE &  
ERGASTOLO

Dated: October 28, 2014

By:



Robert C. Wright (SBN 51864)  
Attorneys for *Amicus Curiae*  
THE NATIONAL SHOOTING  
SPORTS FOUNDATION,  
INC.

**REQUEST TO FILE *AMICUS CURIAE* BRIEF  
IN SUPPORT OF RESPONDENTS**

Pursuant to California Rule of Court 8.520(f), the National Shooting Sports Foundation, Inc. (“NSSF”) requests leave to file the attached proposed *amicus curiae* brief in *Sheriff Clay Parker, et al. v. The State of California, et al.*, Case No. S215265 in support of Respondents.

The NSSF is the trade association for the firearms, ammunition, hunting, and shooting sports industry. Among its more than 10,000 members, the NSSF consists of 474 federally licensed firearms dealers in California and 6,289 licensed dealers nationwide, including two parties in this case. Its other members include licensed manufacturers and distributors, sportsmen’s organizations, shooting ranges and gun clubs, publishers, and individual hunters and recreational target shooters.

Formed in 1961 as a Connecticut non-profit tax-exempt corporation, the NSSF provides trusted leadership in addressing industry challenges; advances participation in and understanding of hunting and the shooting sports; reaffirms and strengthens its members’ commitment to the safe and responsible use of their

products; and promotes a political environment that is supportive of America's traditional hunting heritage and firearms freedoms.

The NSSF's interest in this appeal derives principally from the fact that NSSF members in California and other states will be adversely affected should this Court reverse the judgment declaring Penal Code sections 16650, 30312, 30345-30365 ("Challenged Provisions") vague and unenforceable. In addition, the firearms industry, and firearms sales in particular, is very heavily regulated. Vague laws endanger NSSF members' ability to engage in the lawful commerce in firearms that makes the exercise of Second Amendment rights possible.

The NSSF's brief discusses the Challenged Provisions' uncertainty from the practical perspective of the group that they regulate: firearms dealers. It focuses on the fair notice and arbitrary enforcement prongs of the void-for-vagueness doctrine, with particular attention to the deficiencies in the proposed saving construction put forward by Appellants, the constitutional and fundamental rights implicated by the Challenged Provisions' uncertainty, and the inability to render a saving construction of the Challenged Provisions by implying a *scienter* requirement.

The NSSF is familiar with the issues in this case, as its members are subject to the Challenged Provisions. In addition, the NSSF is currently involved in litigation over a local ammunition registration ordinance which does not suffer from the same vagueness problems. *See U.S. Firearms Company LLC, et al. v. City of Sunnyvale, et al.*, Case No. 1:13-cv-02573-53 (Santa Clara Cty). Thus, the NSSF has practical insight into the constitutional rights implicated by the Challenged Provisions. *U.S. Firearms* has been stayed pending resolution of the instant matter because a decision from this Court may resolve issues in that litigation.

The NSSF believes that this proposed *amicus curiae* brief can provide the Court with helpful analysis of the issues presented and provide additional, needed argument on these issues beyond the discussion in Appellants' and Respondents' briefs. For these reasons, the NSSF respectfully requests permission to file the attached *amicus curiae* brief.


No party or counsel for a party authored this brief in whole or in part, or made a monetary contribution intended to fund the preparation or submission of this brief. No person other than the

*amicus curiae* or its counsel made a monetary contribution to fund its preparation or submission.

Respectfully submitted,

WRIGHT, L'ESTRANGE &  
ERGASTOLO

Dated: October 28, 2014

By:   
Robert C. Wright (SBN 51864)  
Attorneys for *Amicus Curiae*  
THE NATIONAL SHOOTING  
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