

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NATIONAL RIFLE ASSOCIATION OF)	
AMERICA, INC., ROBERT KLEIN)	
ENGLER and DR. GENE A. REISINGER,)	
)	No. 08 CV 3696
Plaintiffs,)	
)	Honorable Milton I. Shadur
v.)	
)	
VILLAGE OF OAK PARK,)	
)	
Defendant.)	

NOTICE OF APPEAL

Notice is hereby given that Plaintiffs, NATIONAL RIFLE ASSOCIATION OF AMERICA, INC., ROBERT KLEIN ENGLER and DR. GENE A. REISINGER, appeal to the United States Court of Appeals for the Seventh Circuit from this Court's Order entered in this action on December 18, 2008.

Dated: December 18, 2008

Respectfully submitted,
**NATIONAL RIFLE ASSOCIATION
OF AMERICA, INC., ROBERT KLEIN
ENGLER, and DR. GENE A. REISINGER**
Plaintiffs

BY: s/ William N. Howard
One of Their Attorneys

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FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

NATIONAL RIFLE ASSOCIATION OF)	
AMERICA, INC., ROBERT KLEIN ENGLER,)	
and DR. GENE A. REISINGER,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 08 C 3696
)	
)	
VILLAGE OF OAK PARK and)	
DAVID POPE, President,)	
)	
Defendants.)	

CERTIFICATE OF SERVICE

The undersigned attorney certifies that he caused a true and correct copy of the foregoing instrument to be served upon the parties of record, as shown below, via the Court's CM/ECF filing system on the **18th** day of **December 2008**.

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s/ William N. Howard

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(Pro Hac Vice)

SEVENTH CIRCUIT COURT OF APPEALS INFORMATION SHEET

Include the names of all plaintiffs (petitioners) and defendants (respondents) who are parties to the appeal. Use a separate sheet if needed.

NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION DOCKET NUMBER: 08cv3696

PLAINTIFF (Petitioner)	v.	DEFENDANT (Respondent)
NRA, et al/Appellants		Village of Oak Park, et al/Appellee

(Use separate sheet for additional counsel)

PETITIONER'S COUNSEL		RESPONDENT'S COUNSEL	
Name	William N. Howards	Name	Lance C. Malina
Firm	Freeborn & Peters	Firm	Klein, Thorpe & Jenkins, Ltd.
Address	311 South Wacker Drive Suite 3000 Chicago, IL 60606	Address	20 North Wacker Drive Suite 1660 Chicago, IL 60606-2903
Phone	312-360-6000	Phone	312-984-6400

Other Information			
District Judge	Shadur	Date Filed in District Court	6/27/2008
Court Reporter	J. Andrews Ext. 6899	Date of Judgment	12/18/2008
Nature of Suit Code	6/27/2008	Date of Notice of Appeal	12/18/2008

COUNSEL: Appointed Retained Pro Se

FEE STATUS: Paid Due IFP
 IFP Pending U.S. Waived

Has Docketing Statement been filed with the District Court Clerk's Office? Yes No

If State/Federal Habeas Corpus (28 USC 2254/28 USC 2255), was Certificate of Appealability:

Granted Denied Pending

If Certificate of Appealability was granted or denied, date of order: _____

If defendant is in federal custody, please provide U.S. Marshall number (USM#): _____

IMPORTANT: THIS FORM IS TO ACCOMPANY THE SHORT RECORD SENT TO THE CLERK OF THE U.S. COURT OF APPEALS PURSUANT TO CIRCUIT RULE 3(A). Rev 04/01

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 3696	DATE	12/18/2008
CASE TITLE	NRA vs. Village of Oak Park		

DOCKET ENTRY TEXT

Status hearing held. Pursuant to the Stipulation of Dismissal filed 12/18/08, Count III of the Complaint is hereby dismissed with prejudice. Enter Order. This Court hereby grants the oral motion of the City of Chicago pursuant to Fed. R. Civ. P. 12(c) for judgment on the pleadings on Counts I and II of the Complaint. Judgment is hereby entered in favor of the City of Chicago and against Plaintiffs on Counts I and II of the Complaint.

■ [For further detail see separate order(s).]

Docketing to mail notices.

00:15

U.S. DISTRICT COURT

Courtroom Deputy Initials:	SN
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2008 DEC 18 PM 2:05

RECORDED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

NATIONAL RIFLE ASSOCIATION OF)
AMERICA, INC., ROBERT KLEIN)
ENGLER and DR. GENE A. REISINGER,)

Plaintiffs,)

v.)

VILLAGE OF OAK PARK,)

Defendant.)

No. 08 CV 3696

Honorable Milton I. Shadur

ORDER

The Court having ruled on December 4, 2008, that it is bound to follow the holding of *Quilici v. Village of Morton Grove*, 695 F.2d 261 (7th Cir. 1982) that the Second Amendment is not incorporated into the Fourteenth Amendment, the Plaintiffs having objected to that determination, and the Plaintiffs having taken the position that the viability of Counts I and II in their Complaint depends on a ruling that the Second Amendment is incorporated into the Fourteenth Amendment, the Court hereby grants the December 9, 2008 oral motion of the Village of Oak Park pursuant to Fed. R. Civ. P. 12(c) for judgment on the pleadings on Counts I and II of the Complaint. Judgment is hereby entered in favor of the Village of Oak Park and against Plaintiffs on Count I and II of the Complaint.

Dated: December 18, 2008

ENTERED:



The Honorable Milton I. Shadur
United States District Court Judge

United States District Court
Northern District of Illinois
Eastern Division

NRA

JUDGMENT IN A CIVIL CASE

v.

Case Number: 08 C 3696

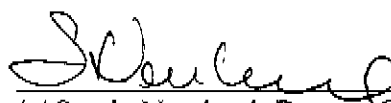
Village of Oak Park

- Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- Decision by Court. This action came to hearing before the Court. The issues have been heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that final judgment is entered in favor of the Village of Oak Park and against Plaintiffs on Count I and II of the Complaint.

Michael W. Dobbins, Clerk of Court

Date: 12/18/2008



/s/ Sandy Newland, Deputy Clerk

APPEAL, ASHMAN, TERMED

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 3.2.2 (Chicago)
CIVIL DOCKET FOR CASE #: 1:08-cv-03696
Internal Use Only

National Rifle Association of America, Inc. et al v. Village
of Oak Park et al
Assigned to: Honorable Milton I. Shadur
Cause: 28:2201 Injunction

Date Filed: 06/27/2008
Date Terminated: 12/18/2008
Jury Demand: Defendant
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Plaintiff

**National Rifle Association of
America, Inc.**

represented by **William Nicholas Howard**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

Robert Klein Engler

represented by **William Nicholas Howard**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen P. Halbrook
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

Dr. Gene A. Reisinger

represented by **William Nicholas Howard**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen P. Halbrook
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant

Village of Oak Park

represented by **Lance C. Malina**
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Defendant**David Pope***President**TERMINATED: 09/19/2008*represented by **Lance C. Malina***(See above for address)**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Jacob Henry Karaca***(See above for address)**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
06/27/2008	1	COMPLAINT filed by National Rifle Association of America, Inc., Robert Klein Engler, Gene A. Reisinger; Filing fee \$350.(hp,) (Entered: 06/30/2008)
06/27/2008	2	CIVIL Cover Sheet (hp,) (Entered: 06/30/2008)
06/27/2008	3	ATTORNEY Appearance for Plaintiffs National Rifle Association of America, Inc., Robert Klein Engler, Gene A. Reisinger by William Nicholas Howard (hp,) (Entered: 06/30/2008)
06/27/2008	4	LR 3.2 Notification of Affiliates by National Rifle Association of America, Inc., Robert Klein Engler, Gene A. Reisinger (hp,) (Entered: 06/30/2008)
06/27/2008	5	(Court only) RECEIPT regarding payment of filing fee paid on 6/27/2008 in the amount of \$350.00, receipt number 2894293 (hp,) (Entered: 06/30/2008)
07/07/2008	6	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 07520000000002913710. (Halbrook, Stephen) (Entered: 07/07/2008)
07/23/2008	7	ATTORNEY Appearance for Defendants Village of Oak Park, David Pope by Jacob Henry Karaca (Karaca, Jacob) (Entered: 07/23/2008)
07/23/2008	8	SUMMONS Issued as to Defendants Village of Oak Park, David Pope. (ep,) (Entered: 07/24/2008)
07/28/2008	9	ATTORNEY Appearance for Defendants Village of Oak Park, David Pope by Lance C. Malina (Malina, Lance) (Entered: 07/28/2008)
07/30/2008	10	EXECUTIVE COMMITTEE ORDER: Case reassigned to the Honorable Milton I. Shadur for all further proceedings. Case No. 08 C 3696 is related to Case No. 08 C 3645. (For further details see order.) Signed by Honorable Milton I. Shadur on 7/29/2008. (hp,) (Text Modified on 8/18/2008)(hp,). (Entered: 08/04/2008)
07/30/2008		Case Reassigned to the Honorable Milton I. Shadur. The Honorable Joan H. Lefkow no longer assigned to the case. Cases associated: Case No. 08 C 3696 is related to Case No. 08 C 3645. (hp,) (Entered: 08/18/2008)
08/14/2008	11	AFFIDAVIT of Service filed by Plaintiffs National Rifle Association of America, Inc., Robert Klein Engler, Gene A. Reisinger regarding Summons and Complaint served on Village of Oak Park and David Pope on August 1, 2008

		(Howard, William) (Entered: 08/14/2008)
08/18/2008	12	MINUTE entry before the Honorable Milton I. Shadur:Status hearing held on 8/18/2008. Status hearing set for 9/10/2008 at 09:00 AM.Mailed notice (srn,) (Entered: 08/18/2008)
08/22/2008	13	MINUTE entry before the Honorable Milton I. Shadur: Steven Holbrook's motion for leave to appear pro hac vice 6 is granted. Mailed (vmj,) (Entered: 08/25/2008)
09/02/2008	14	MOTION by Defendants Village of Oak Park, David Pope to dismiss <i>Plaintiffs' Claims Against David Pope</i> (Malina, Lance) (Entered: 09/02/2008)
09/02/2008	15	NOTICE of Motion by Lance C. Malina for presentment of motion to dismiss 14 before Honorable Milton I. Shadur on 9/10/2008 at 09:00 AM. (Malina, Lance) (Entered: 09/02/2008)
09/02/2008	16	ANSWER to Complaint with Jury Demand by Village of Oak Park, David Pope(Malina, Lance) (Entered: 09/02/2008)
09/02/2008	17	NOTICE by Village of Oak Park, David Pope re answer to complaint 16 (Malina, Lance) (Entered: 09/02/2008)
09/10/2008	18	MINUTE entry before the Honorable Milton I. Shadur:Motion to dismiss 14 is entered and continued. Plaintiff's response is due September 22, 2008. Status hearing held on 9/10/2008. Status hearing set for 11/10/2008 at 09:00 AM.Mailed notice (srn,) (Entered: 09/10/2008)
09/18/2008	19	RESPONSE by National Rifle Association of America, Inc., Robert Klein Engler, Gene A. Reisinger to MOTION by Defendants Village of Oak Park, David Pope to dismiss <i>Plaintiffs' Claims Against David Pope</i> 14 (Howard, William) (Entered: 09/18/2008)
09/19/2008	20	MINUTE entry before the Honorable Milton I. Shadur:Enter Memorandum Order. Motion to dismiss David Pope 14 is granted. David Pope is dismissed as a defendant with prejudice and without the imposition of any conditions. David Pope terminated.Mailed notice (srn,) (Entered: 09/19/2008)
09/19/2008	21	MEMORANDUM Order Signed by the Honorable Milton I. Shadur on 9/19/2008:Mailed notice(srn,) (Entered: 09/19/2008)
10/21/2008	22	MOTION by Plaintiffs National Rifle Association of America, Inc., Robert Klein Engler, Gene A. Reisinger to strike <i>Jury Demand</i> (Howard, William) (Entered: 10/21/2008)
10/21/2008	23	NOTICE of Motion by William Nicholas Howard for presentment of motion to strike 22 before Honorable Milton I. Shadur on 10/28/2008 at 09:15 AM. (Howard, William) (Entered: 10/21/2008)
10/23/2008	24	MOTION by Plaintiffs National Rifle Association of America, Inc., Robert Klein Engler, Gene A. ReisingerTo Brief Threshold Legal Issues and Stay Discovery, MOTION by Plaintiffs National Rifle Association of America, Inc., Robert Klein Engler, Gene A. Reisinger to stay <i>discovery</i> (Attachments: # 1 Notice of Filing, # 2 Certificate of Service)(Howard, William) (Entered: 10/23/2008)

		10/23/2008)
10/28/2008	25	MINUTE entry before the Honorable Milton I. Shadur:Motion to strike 22 is entered and continued to November 10, 2008 at 9:15 a.m. Motion to stay discovery 24 is granted; Motion hearing held on 10/28/2008. Status hearing set for 12/4/2008 at 09:00 AM. Parties' submission is due on or before December 1, 2008.Mailed notice (srn,) (Entered: 10/29/2008)
11/07/2008	26	MINUTE entry before the Honorable Milton I. Shadur:Motion to strike 22 is denied as moot. By agreement of the parties the jury demand is withdrawn. Status hearing set for 12/4/2008 at 09:00 AM. The November 10 status date is stricken.Mailed notice (srn,) (Entered: 11/07/2008)
12/01/2008	27	MEMORANDUM by National Rifle Association of America, Inc., Robert Klein Engler, Gene A. Reisinger <i>in Support of Claim That the Second Amendment is Incorporated into the Fourteenth Amendment so as to be Applicable to States and Localities</i> (Howard, William) (Entered: 12/01/2008)
12/03/2008	28	MINUTE entry before the Honorable Milton I. Shadur:The December 4, 2008 status date is stricken. This Court will set a new status date after the completion of the trial that it is currently conducting.Mailed notice (srn,) (Entered: 12/03/2008)
12/04/2008	29	MINUTE entry before the Honorable Milton I. Shadur:Enter Memorandum Opinion and Order. Status hearing set for 12/9/2008 at 08:45 AM.Mailed notice (srn,) (Entered: 12/04/2008)
12/04/2008	30	MEMORANDUM Opinion and Order Signed by the Honorable Milton I. Shadur on 12/4/2008:Mailed notice(srn,) (Entered: 12/04/2008)
12/08/2008	31	ATTORNEY Appearance for Defendant Village of Oak Park by Marc Richard Kadish (Kadish, Marc) (Entered: 12/08/2008)
12/08/2008	33	ATTORNEY Appearance for Defendant Village of Oak Park by Alexandra Elaine Shea (hp,) (Entered: 12/10/2008)
12/09/2008	32	MINUTE entry before the Honorable Milton I. Shadur:Status hearing held on 12/9/2008. Counsel is to submit a draft order for consideration. Status hearing set for 12/18/2008 at 08:45 AM.Mailed notice (srn,) (Entered: 12/09/2008)
12/18/2008	34	NOTICE of appeal by National Rifle Association of America, Inc., Robert Klein Engler, Gene A. Reisinger, Filing fee \$ 455, receipt number 0752000000003368275. (Howard, William) Modified on 12/18/2008 (aac,). (Entered: 12/18/2008)
12/18/2008	35	MINUTE entry before the Honorable Milton I. Shadur: Status hearing held. Pursuant to the Stipulation of Dismissal filed 12/18/2008, Court III of the Complaint is hereby dismissed with prejudice. Enter Order. This Court hereby grants the oral motion of the City of Chicago pursuant to Fed. R. Civ. P. 12(c) for judgment on the pleadings on Counts I and II of the Complaint. Judgment is hereby entered in favor of the City of Chicago and against Plaintiffs on Counts I and II of the Complaint. (For further detail see separate order.) Civil case terminated. Mailed notice (hp,) (Entered: 12/18/2008)

12/18/2008	36	ORDER Signed by the Honorable Milton I. Shadur on 12/18/2008: Mailed notice(hp,) (Entered: 12/18/2008)
12/18/2008	37	ENTERED JUDGMENT on 12/18/2008: Mailed notice(hp,) (Entered: 12/18/2008)
12/18/2008	38	STIPULATION of Dismissal <i>of Count III of the Complaint With Prejudice</i> (Howard, William) (Entered: 12/18/2008)
12/19/2008	39	TRANSMITTED to the 7th Circuit the short record on notice of appeal 34 . Notified counsel (gej,) (Entered: 12/19/2008)
12/19/2008	40	NOTICE of Appeal Due letter sent to counsel of record. (gej,) (Entered: 12/19/2008)