

January 19, 2016

E-File

Clerk of Court
United States Court of Appeals
For the Ninth Circuit
95 Seventh Street
San Francisco, California 94103-1526

Re: Haynie, et al. v. Harris, et al., - Case No.: 14-15531
Fed.R.App.Proc. Rule 28(j) Correspondence
Knife Rights, Inc., et al v. Vance, Case No.: 13-4840
United States Court of Appeals for the Second Circuit

Status: Briefing is Complete, Awaiting Oral Argument.

Action: Distribute Pursuant Federal Rule 28(j) and Circuit Rules.

Your Honor(s):

The Appellees and the District Court misapplied the reasoning of *City of Los Angeles v. Lyons*, 461 U.S. 95 (1983). The Second Circuit Court of Appeals in the case of *Knife Rights, Inc., et al v. Vance*, Case No.: 13-4840 (see attached) took up the same issue [prospective injunctive/declaratory relief, coupled with a history of (wrongful) arrests **and a vagueness challenge**] and came to the same conclusion urged by Appellants in this matter, i.e., plaintiffs have standing to pursue their claims.

The analysis of *Lyons* runs from page 21 to page 29 of the attached Certified Copy of the Second Circuit opinion. However, footnote 6 captures the essential kernel of Appellants' arguments in this matter:

Lyons might also be distinguished for another reason: it did not involve a vagueness challenge. In *Lyons*, plaintiff's claim focused on the actions of law enforcement and, in particular, the possibility that an

officer might use unconstitutional force in a future encounter. By contrast, plaintiffs' claims here focus on the actions and reasonable apprehensions of private actors, who seek to engage in conduct whose legality they cannot reasonably determine.

The theory of Appellants case herein is simple. Certain definitions ascribed to various features of what California calls "Assault Weapons" are vague and ambiguous. These ambiguities are resulting in the false arrest of people exercising fundamental rights. Furthermore, these ambiguities are curable.

The Attorney General acting through her agency – The California Department of Justice – has a constitutional and statutory duty to refine and/or clarify the definitions associated with assault weapons through the regulatory and rule-making process already authorized by statute.

Compelling the Attorney General to comply with this duty will insure that gun owners know their duties under the law and state/local law enforcement agencies will have the necessary guidance to distinguish crimes from conduct protected by the Second Amendment.

The decision below must be reversed.

This letter contains 315 words.

Respectfully,

/s/ Donald Kilmer
Attorney for Appellants

CERTIFICATE OF SERVICE

On this, January 19, 2016, I served the foregoing NOTICE OF SUPPLEMENTAL AUTHORITY by electronically filing it with the Court's ECF/CM system, which generated a Notice of Filing and effects service upon counsel for all parties in the case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 19, 2016.

/s/ Donald Kilmer
Attorney of Record for Appellants