

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CARLOS NINO DE RIVERA
LAJOUS, et al,

Plaintiffs,

v.

DAVID SANKEY, in his official capacity
as Superintendent of the Nebraska State
Patrol,

Defendant.

Case No. 4:13CV3070

**STIPULATION TO ENTRY
OF FINAL JUDGMENT AND
PERMANENT INJUNCTION**

The parties to this matter, by and through their respective counsel, hereby stipulate to the entry of the following order for final judgment and permanent injunctive relief of the Court:

The Plaintiffs are challenging Neb. Rev. Stat. § 69-2433(10), which requires an applicant under the Concealed Handgun Permit Act to be a citizen of the United States. Plaintiffs allege Neb. Rev. Stat. § 69-2433(10) is unconstitutional as applied to lawful permanent residents. Plaintiffs seek to enjoin Defendant from enforcing Neb. Rev. Stat. § 69-2433(10) against lawful permanent residents.

United States Citizenship and Immigrations Services defines lawful permanent resident as any person not a citizen of the United States who is residing in the United States under legally recognized and lawfully recorded permanent residence as an immigrant.

The Fourteenth Amendment provides, “Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” *Graham v. Richardson*, 403 U.S. 365, 371 (1971). “It has long been settled, and it is not disputed here, that the term “person” in this context encompasses lawfully admitted

resident aliens as well as citizens of the United States and entitles both citizens and aliens to the equal protection of the laws of the State in which they reside.” *Id.*

Accordingly, the parties stipulate that the Court shall issue an order enjoining Defendant from enforcing Neb. Rev. Stat. § 69-2433(10) as applied to the application of lawful permanent residents to obtain a permit to carry a concealed handgun, provided they are otherwise-qualified.

Upon entry of the final order and permanent injunction, Defendant shall allow Plaintiffs and other lawful permanent residents residing in Nebraska to apply to obtain a permit to carry a concealed handgun, provided they are otherwise-qualified to apply for a permit pursuant to the Concealed Handgun Permit Act.

Further, upon entry of the final order and permanent injunction, Defendants will compensate Plaintiffs for reasonable attorneys’ fees as required under 42 U.S.C. §1988. If the parties are unable to reach an agreement as to the amount of fees reasonable in this case, the parties will pursue such determination from this Court.

Agreed to on the 4th day of October, 2013:

DAVID SANKEY, Defendant.

CARLOS NINO DE RIVERA
LAJOUS, et al, Plaintiffs.

BY: JON BRUNING, #20351
Attorney General

BY: s/Stephanie Caldwell
Stephanie Caldwell, #22994
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68508
Tel: (402) 471-2682
Fax: (402) 471-3297
stephanie.caldwell@nebraska.gov

BY: s/David G. Sigale
David G. Sigale, Esq, IL #6238103
Law Firm of David G. Sigale, P.C.
739 Roosevelt Road, Suite 304
Glen Ellyn, IL 60137
Tel: (630) 452-4547
Fax: (630) 596-4445
dsigale@sigalelaw.com
Admitted *Pro hac vice*

One of the Attorneys for Defendant.

One of Attorneys for Plaintiffs.