

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

NEW YORK STATE RIFLE AND PISTOL  
ASSOCIATION, INC.; WESTCHESTER  
COUNTY FIREARMS OWNERS  
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; BATAVIA MARINE &  
SPORTING SUPPLY; WILLIAM NOJAY,  
THOMAS GALVIN, and ROGER HORVATH

Plaintiffs,

13-cv-00291-WMS

-vs-

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; LAWRENCE FRIEDMAN, District  
Attorney for Genesee County; and GERALD J.  
GILL, Chief of Police for the Town of Lancaster,  
New York,

Defendants.

---

**DECLARATION OF BENJAMIN K. AHLSTROM**

BENJAMIN K. AHLSTROM declares under penalty of perjury that the following  
is true and correct:

1. I am an Assistant Attorney General, of counsel to Eric T. Schneiderman,  
Attorney General of the State of New York, attorney for the State Defendants Cuomo,  
D'Amico, and Schneiderman.

2. This declaration is submitted in opposition to Plaintiffs' motion, filed

April 15, 2013, for an expedited hearing on their motion for a preliminary injunction and in support of the motion by Defendants Cuomo, D'Amico, and Schneiderman for an

Order:

(a) granting Defendants Cuomo, D'Amico, and Schneiderman leave to file a memorandum of law in opposition to Plaintiffs' motion for a preliminary injunction or in support of a cross-motion which exceeds the page limit in Local Rule 7(a)(2)(C) by 15 pages;

(b) granting Defendants 60 days to respond to Plaintiffs' motion for preliminary injunction or scheduling a Status Conference to discuss a briefing schedule for Plaintiffs' motion for a preliminary injunction and any cross-motion;

(c) staying the deadline for all defendants to answer the Amended Complaint pending determination of Plaintiffs' motion for a preliminary injunction and any cross-motion; and

(d) expediting hearing of motions (a), (b), and (c) above under Local Rule 7.1(d).

**Leave to File Excess Pages**

3. As noted by Plaintiffs, this case involves a constitutional challenge to the New York Secure Ammunition and Firearms Enforcement Act ("NY SAFE Act"). *See* Affidavit of Brian T. Stapleton, Esq. (Dkt No. 12-1), ¶ 5.

4. Plaintiffs seek declaratory and injunctive relief prohibiting Defendants from enforcing provisions of the NY SAFE Act regulating large capacity ammunition feeding devices, assault weapons, and the transfer of ammunition, and providing for the registration of assault weapons. *See* Amended Compl. (Dkt No. 17).

5. Plaintiffs assert five claims citing the Second Amendment right to keep and bear arms as applicable to the State through the Fourteenth Amendment (Counts One and Two); the Fourteenth Amendment's right to equal protection (Count Three); the Dormant Commerce Clause of Article 1, § 8, cl. 3 (Count Four); and the Due Process

Clause of the Fourteenth Amendment (Count Five). *Id.*

6. As noted by Plaintiffs, the NY SAFE Act potentially affects millions of New Yorkers. The subject-matter of this lawsuit involves New York's Penal Law. And the case is likely to be "complex." *See* Dkt No. 12-1 at ¶¶ 6-7, 14.

7. Therefore, the Court recently granted Plaintiffs' leave to file a memorandum of law exceeding the Court's page limits. *See* Dkt No. 16.

8. Defendants Cuomo, D'Amico, and Schneiderman respectfully request the same leave — 15 excess pages — to supply the Court with the necessary briefing on these issues.

**An Appropriate Briefing Schedule or a Status Conference**

9. Plaintiffs request an expedited briefing schedule (Dkt No. 24) and seek to deprive the defendants of even the customary 14-day response period provided for non-summary judgment motions under Local Rule 7 let alone the much longer schedule accorded to more involved summary judgment motions. Such treatment is inappropriate in this case in light of the serious and complex issues identified above.

10. As previously noted by Plaintiffs' counsel, the Amended Complaint raises a number of constitutional issues which focus on developing areas of constitutional jurisprudence. And there are also a number of factual issues which will require time for analysis and response. *See* Dkt No. 12-1 at ¶ 13 (discussing the "many" features of assault weapons). These factual issues are readily apparent in the Memorandum in Support of Plaintiffs' Motion for Preliminary Injunction. *See* Dkt No. 23-1 at pp. 6-13 (discussing firearm features and models). Similarly, Plaintiffs' lengthy presentation of three purported "expert" declarations in support of their preliminary injunction motion

illustrates the unsuitability of this case for expedited review.

11. Moreover, Plaintiffs' justifications for expedited treatment ring particularly hollow following their bewildering three-month delay in seeking preliminary injunctive relief.

12. Governor Cuomo signed the NY SAFE Act into law on January 15, 2013.

13. A mere three days later, Plaintiff NYSRPA announced on Twitter that it and the National Rifle Association would file a Notice of Claim and brief the constitutionality of the NY SAFE Act.

14. Plaintiffs filed a much-touted Notice of Claim in the New York State Court of Claims on January 29, 2013. *See Exs. A-B* (attaching copy of Notice of Claim and January 30, 2013 *Newsday* article discussing the filing, with reported comments from Plaintiffs' counsel).

15. In the intervening months, Plaintiffs have held many rallies and events in opposition to the NY SAFE Act.

16. Three other lawsuits were filed by other plaintiffs targeting the constitutionality of the NY SAFE Act: *Dywinski v. State of N.Y.* (January 30, 2013); *Holtz v. State of N.Y.* (Feb. 27, 2013); and *Schulz v. State of N.Y.* (Feb. 28, 2013).

17. Through the press, Plaintiffs stated that they were preparing a lawsuit and, specifically a request for injunctive relief. *See Exs. B-D.* But the days passed without action.

18. Eventually, after more than two months, Plaintiffs filed this action on March 21, 2013 (Dkt No. 1).

19. Even then, Plaintiffs apparently continued to work on their request for

preliminary injunctive relief, and lined up three purported non-party experts who have now made voluminous submissions.

20. Plaintiffs requested permission to file excess pages in support of a planned preliminary injunction motion on April 8, 2013 and received leave from the Court on April 10, 2013 (Dkt Nos. 12 and 16).

21. Additional days passed.

22. On April 15, 2013 at approximately 8:14 p.m., Plaintiffs filed their motion for preliminary injunction (Dkt No. 23). The submission includes a 40-page memorandum of law, two party affidavits, and declarations by three purported non-party experts, plus exhibits.

23. Plaintiffs' motion was filed three months after the NY SAFE Act was enacted. Rather than requesting the extraordinary relief of a preliminary injunction during the preceding three months, Plaintiffs waited until the very day key challenged provisions took effect.

24. The above record illustrates that rather than acting quickly to combat perceived imminent harm, Plaintiffs choose a deliberate path of months-long preparation. Now with their request to expedite the hearing of this motion, Plaintiffs' tack here is obvious — because any full and fair review of their claims will demonstrate that they have no merit — Plaintiffs seek to deprive Defendants of adequate time to prepare and submit papers in defense of this landmark state statute by imposing a schedule that would give Defendants less than two weeks to mount their case after Defendants had three months. The one-sided presentation proposed by Plaintiffs is no orderly way to litigate important constitutional issues, or to resolve a motion that seeks to enjoin duly-enacted

state legislation.

25. In sum, Plaintiffs' self-serving statements in support of their motion for expedited hearing to the effect that "not another day can wait" make little sense viewed in the context of the Plaintiffs' quarter of waiting.

26. Accordingly, Defendants propose to respond to the preliminary injunction motion and/or submit an appropriate cross-motion within 60 days with reasonable additional time for Plaintiffs' response and Defendants' reply.

27. This time period is required to fully brief the legal issues raised, provide the Court with a legal analysis which accurately characterizes prevailing law, and to marshal fact and expert witnesses to rebut Plaintiffs' two party affidavits and three purported "expert" declarations, as appropriate.

28. If this schedule is not acceptable, Defendants Cuomo, D'Amico, and Schneiderman respectfully request that the Court schedule a Status Conference to discuss a briefing schedule.

**A Stay of Defendants' Deadline to Answer**

29. As counsel for both parties will be occupied briefing substantive legal and factual issues, Defendants respectfully assert that a formal Answer to the Amended Complaint would not aid either the parties or the Court and is currently unnecessary. Accordingly, Defendants Cuomo, D'Amico, and Schneiderman respectfully request that the Court stay all defendants' deadline to answer the Amended Complaint pending determination of Plaintiffs' motion for a preliminary injunction and any cross-motion.

**Expediting This Motion**

30. Defendants Cuomo, D'Amico, and Schneiderman respectfully submit that the above also establishes good cause for expedited hearing of these motions. I have submitted a Proposed Order with this motion as required by Local Rule 7.1(d)(1)(B).

DATED: Buffalo, New York  
April 16, 2013

ERIC T. SCHNEIDERMAN  
Attorney General of the  
State of New York  
Attorney for the State Defendants  
*s/ Benjamin K. Ahlstrom*  
BY: BENJAMIN K. AHLSTROM  
Assistant Attorney General  
of Counsel  
Main Place Tower  
350 Main Street, Suite 300A  
Buffalo, NY 14202  
Telephone: (716) 853-8440  
Facsimile: (716) 853-8428  
[benjamin.ahlstrom@ag.ny.gov](mailto:benjamin.ahlstrom@ag.ny.gov)

# Exhibit A

In The Matter of the Claim of:

-----X  
THE NEW YORK STATE RIFLE & PISTOL  
ASSOCIATION, WESTCHESTER COUNTY  
FIREARMS OWNERS ASSOCIATION,  
SPORTSMEN’S ASSOCIATION FOR FIREARMS  
EDUCATION, INC., and AR15.COM LLC,

Plaintiffs,

**NOTICE OF CLAIM**

-against-

THE STATE OF NEW YORK,

Defendant.

-----X

TO: **THE ATTORNEY GENERAL OF THE STATE OF NEW YORK**

Office of the Attorney General  
The Capitol  
Albany, NY 12224-0341

**PLEASE TAKE NOTICE** that THE NEW YORK STATE RIFLE & PISTOL ASSOCIATION, THE WESTCHESTER COUNTY FIREARMS OWNERS ASSOCIATION, THE SPORTSMEN’S ASSOCIATION FOR FIREARMS EDUCATION, INC., and AR15.COM LLC, by and through their counsel, GOLDBERG SEGALLA, LLP, hereby serve notice that they intend to file a claim against THE STATE OF NEW YORK pursuant to General Municipal Law section 50-e. Please be further advised of the following:

**I. TIME & PLACE WHERE CLAIM(S) AROSE**

The claims of the plaintiffs arose with the passage of legislation on January 14<sup>th</sup>, 2013, (identified as New York Senate Bill 2230, New York Assembly Bill 2388, and collectively known as “the New York Secure Ammunition and Firearms Act (“NY SAFE Act”)), and with its enforcement throughout New York State at various times following its passage, that: amended portions of the criminal procedure law, the correction law, the family court act, the executive law, the general business law, the judiciary law, the mental hygiene law, the penal law and the

surrogate's court procedure act, in relation to suspension and revocation of firearms licenses; private sale or disposal of firearms, rifles or shotguns and establishing a minimum age to possess a firearm; amended the family court act, the domestic relations law and the criminal procedure law, in relation to providing for the mandatory suspension or revocation of the firearms license of a person against whom an order of protection or a temporary order of protection has been issued under certain circumstances, or upon violation of any such order; amended the penal law, in relation to community guns and the criminal sale of a firearm and in relation to the definitions of aggravated and first degree murder; amended chapter 408 of the laws of 1999 constituting Kendra's Law, in relation to extending the expiration thereof; and amended the education law, in relation to the New York state school safety improvement teams; and in relation to building aid for metal detectors and safety devices.

The claims of the plaintiff arose in Albany, New York, and also in every location where the plaintiffs have resided and/or conducted business since January 14<sup>th</sup>, 2013.

**II. NATURE OF CLAIM(S)**

Plaintiffs claim that passage and enforcement of the aforementioned legislation:

- A. violates their fundamental constitutional rights to lawfully possess, keep, bear and use firearms for self-defense and other lawful purposes;
- B. violates their constitutional rights to privacy;
- C. impermissibly interferes with and infringes upon their fundamental constitutional rights to travel both intra-state and inter-state with lawfully possessed firearms;
- D. unconstitutionally criminalizes and bans the possession of certain firearms, ammunition and large capacity feeding devices that were legally possessed prior by plaintiffs prior to the legislation's passage and enforcement, and in which the plaintiff's had a cognizable property

interest. The outright criminalization and ban of these firearms, ammunition and large capacity feeding devices amounts to a deprivation and taking of them by the State of New York under color of law and without due process or just compensation. As such, passage and enforcement of the NY SAFE Act effectuates an unconstitutional taking of private property under the Fifth and Fourteenth Amendments to the U.S. Constitution;

E. unlawfully and unconstitutionally imposes restrictions on the ability of the plaintiffs to conduct business on both inter-state and intra-state levels with the designers of, manufacturers of, sellers of, distributors of, and purchasers of certain firearms, ammunition, and large capacity feeding devices, all in violation of the Commerce Clause of the U.S. Constitution;

F. deprives the plaintiffs of life, liberty and/or property without due process of law, in violation of the Fourteenth Amendment of the U.S. Constitution;

G. deprives the plaintiffs of the equal protection of the laws, in violation of the Fourteenth Amendment of the U.S. Constitution;

H. was passed and is being continuously enforced with the ongoing tortious intent to harass, harm, impede, interfere with, disrupt, interrupt, and/or destroy the present and future business and commercial activities of those plaintiffs who engage in the design of, manufacture of, distribution of, sale of, possession of, and/or training in the safe and lawful use of firearms, ammunition, and/or large capacity feeding devices; and

I. the legislation is impermissibly vague and overbroad.

### **III. ITEMS OF DAMAGE / INJURIES SUSTAINED**

A. Violation of rights guaranteed to the plaintiffs by the U.S. Constitution and the New York State Constitution.

B. Deprivation of property rights and property values.

C. Interference with business relations, business activities, and business contracts relating to the design of, manufacture of, distribution of, sale of, possession of, and/or training in the safe and lawful firearms, ammunition, and/or large capacity feeding devices.

**IV. AMOUNT OF DAMAGES TO WHICH PLAINTIFFS ARE ENTITLED**

Plaintiffs are not seeking monetary damages. Plaintiffs are seeking injunctive relief against the ongoing enforcement of the NYS SAFE Act, and declaratory relief the NYS SAFE Act is unconstitutional.

**V. CLAIMANT & ATTORNEY INFORMATION**

The addresses of the claimants herein are:

The New York State Rifle & Pistol Association  
90 S. Swan Street, Ste. 395  
Albany, NY 12210

Westchester County Firearms Owner's Association  
P.O. Box 91  
Rye Brook, NY 10573-0091

Sportsmen's Association for Firearms Education, Inc.  
P.O. Box 343  
Commack, NY 11725

AR15.Com LLC  
6162 State Route 96  
Farmington, NY 14425

The attorney for the Claimants herein is:

William J. Greagan, Esq.  
*Attorneys for Plaintiffs*  
8 Southwoods Blvd., Suite 300  
Albany, New York 12211-2364  
(518) 463-5400  
wgreagan@goldbergsegalla.com

DATED: Albany, NY  
January 29, 2013

GOLDBERG SEGALLA LLP

By: \_\_\_\_\_  
William J. Greagan, Esq.  
*Attorneys for Plaintiffs*  
8 Southwoods Blvd., Suite 300  
Albany, New York 12211-2364  
(518) 463-5400  
wgreagan@goldbergsegalla.com

**ATTORNEY VERIFICATION**

**WILLIAM J. GREAGAN**, an attorney admitted to practice in the Courts of the State of New York, affirms that the following statements are true, under the penalties of perjury:

I am a member of the firm of **GOLDBERG SEGALLA, LLP**, attorneys for plaintiffs. I have read the foregoing **NOTICE OF CLAIM** and know the contents thereof. The same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief; and as to those matters, I believe them to be true. The reason this verification is made by me and not by said plaintiffs is that the plaintiffs do not reside in the county where your affiant maintains his office. The grounds for my belief as to all matters not stated upon my own knowledge are the claims on file in this case.

Dated: Albany, New York  
January 29, 2013

**WILLIAM J. GREAGAN, ESQ.**

**AFFIDAVIT OF SERVICE**

KERRY DILLON, being duly sworn, hereby deposes and says that deponent is not a party to this action, is over 18 years of age and resides in Westchester County, New York; that on the \_\_\_\_\_ day of January, 2013, deponent served the foregoing Notice of Claim upon the following:

**THE ATTORNEY GENERAL OF THE STATE OF NEW YORK**  
Office of the Attorney General  
The Capitol  
Albany, NY 12224-0341

at the address designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a post-paid, properly addressed wrapper, in a post-office/official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

\_\_\_\_\_  
KERRY DILLON

Sworn to before me this  
\_\_\_\_\_ day of January, 2013

\_\_\_\_\_  
Notary Public

## Exhibit B



159 of 178 DOCUMENTS

Copyright 2013 Newsday, Inc.

# Newsday

Newsday (New York)

January 30, 2013 Wednesday

ALL EDITIONS

**SECTION:** NEWS; Pg. A05

**LENGTH:** 246 words

**HEADLINE:** Groups to sue over state gun law

**BYLINE:** JOAN GRALLA

**BODY:**

ALBANY - Four pro-gun groups yesterday filed notice that they plan to seek an injunction to block New York from enforcing a new law that cracks down on assault weapons.

The plaintiffs, which include an affiliate of the National Rifle Association, said in a notice of claim that the law signed one month after the Newtown, Conn., school massacre "violates their fundamental constitutional rights to lawfully possess, keep, bear and use firearms for self-defense and other lawful purposes."

The Cuomo administration didn't immediately comment.

Gov. Andrew M. Cuomo, who signed the bill Jan. 15, won over State Senate Republicans by coupling stiffer penalties for illegal guns with a narrower definition of assault weapons and a reduction in magazine capacity to seven from 10. Owners of handguns and assault weapons must register them every five years.

Brian Stapleton, a lawyer who represents the plaintiffs, said they aren't seeking monetary damages because the suit will center on state and federal constitutional questions. He said that no class-action lawsuit is planned and gave no time frame for actually filing suit. The groups include the New York State Rifle and Pistol Association and the Westchester County Firearms Association.

Groups to sue over state gun law Newsday (New York) January 30, 2013 Wednesday

The pro-gun groups said New York's firearm curbs violate constitutional rights to privacy, "criminalize and ban the possession of certain firearms," and "harass" and "disrupt" the plaintiffs' business of making or selling guns and ammunition.

**LOAD-DATE:** January 30, 2013

# Exhibit C



138 of 178 DOCUMENTS

Copyright 2013 The Hearst Corporation  
All Rights Reserved  
The Times-Union (Albany, NY)

February 13, 2013 Wednesday  
Final Edition EDITION

**SECTION:** MAIN; Pg. A1

**LENGTH:** 869 words

**HEADLINE:** NEW GUN LAW STILL SPLITS THE STATE

**BYLINE:** JIMMY VIELKIND

**BODY:**

ALBANY -- Chanting "Cuomo must go" and "We the people," hundreds of gun owners and Second Amendment supporters rallied outside the Capitol on Tuesday to show their continued opposition to a sweeping new state gun control law.

"All of you are good, law-abiding citizens," state Sen. Greg Ball, R-Putnam County, told the crowd, which braved blustery weather to attend. "They would rather focus on turning good, law-abiding citizens into criminals than focus on the real problem."

The NY SAFE Act, signed last month by Gov. Andrew Cuomo, expanded the definition of banned assault weapons and increased penalties for illegal gun possession. It also included funding for school safety improvements and mandates that mental health professionals take steps to prevent their patients from getting firearms. It restricts any magazine from holding more than seven rounds.

Rally participants also protested the quick passage of the measure, which was adopted hours after it was drafted with essentially no opportunity for public comment.

At noon, a smaller group -- the State Police estimated 150 members -- from One Million Moms For Gun Control held a news conference on the Capitol's Western Staircase. Democratic Assemblyman Brian Kavanagh said the SAFE Act made New York's gun control laws the toughest in the nation. Albany's Assemblywoman Patricia Fahy noted her support stemmed not only from being a wife and mother, but also from her own experience as the victim of a gunpoint robbery -- a crime, she noted, that happened just a few blocks from the U.S. Capitol.

The outdoor gun rights rally was headlined by Carl Paladino, the Buffalo developer who rode conservative tea party support to the 2010 Republican gubernatorial nomination. He lost to Democrat Cuomo.

NEW GUN LAW STILL SPLITS THE STATE The Times-Union (Albany, NY) February 13, 2013 Wednesday

Paladino walked through the Capitol earlier Tuesday to vent against the governor and Republicans in the state Senate, who permitted the SAFE bill to be brought to the floor even though a majority of their members voted against it. (Eleven members, including Republican Leader Dean Skelos of Long Island, voted for it.)

Paladino called Skelos a "bum" and suggested he resign to take a job "at a carwash."

"You've got a whole bunch of people in the state Senate calling themselves Republicans, but it's in name only," Paladino said. "They're playing their games. Why do they do that? Perpetuate themselves in office, to line their pockets, to have the power of the seat. ... Albany is corrupt. Albany has to be dealt with."

He suggested he might file a lawsuit, but declined to be specific. Tom King, president of the **New York State Rifle & Pistol Association**, the state's largest gun owners group, said his group has already filed notice it will sue the state. He said the only avenue available for gun owners is the courts, but added that the rally was a positive exercise in "building emotion."

Several Republican senators who voted against the bill -- like Ball and Sen. Tom O'Mara of Elmira -- attended the rally and directed the crowd's anger toward Cuomo. Sen. Tom O'Mara, R-Elmira, also opposed the bill and said Republicans did the best that they could to temper provisions of the final legislation.

Skelos was not seen at the Capitol on Tuesday, but was spotted on a 6 a.m. flight to Florida via Baltimore out of Albany International Airport. Scott Reif, a spokesman for Skelos, declined to answer questions about the leader's whereabouts but dismissed Paladino as a "failed former gubernatorial candidate looking to extend his 15 minutes of fame."

Paladino met the media in a Capitol hallway, and drew smirking glances from several passersby. A few moments later, Paladino walked to the Western Union-style windows that line the office of Fred Dicker, the state editor of the New York Post, who was in the middle of his daily live radio show on WGDJ.

The two men had a famous confrontation during the 2010 campaign when Dicker forcefully questioned Paladino about his unsubstantiated suggestions about Cuomo's romantic history, and Paladino yelled at Dicker for the actions of a Post reporter who had staked out his home.

"Hey, Fred!" Paladino shouted through the window.

Dicker looked up. Paladino raised his middle finger, smiled, and walked away.

State Police estimated roughly 400 people attended the outdoor rally, though organizers said the crowd was larger. Journalists estimated it closer to 600 participants.

Jeddy Tranquill, a 70-year-old retiree from Rochester, said the new law was a first step toward government tyranny. While Cuomo has insisted the bill is not part of any slippery slope, Tranquill, an Army veteran who leads the Monroe County Patriots group, was not convinced.

"This is a line in the sand," he said. "Either America remains free or we allow government to run over the Constitution."

Cuomo was also not at the Capitol on Tuesday, but told journalists after a speech in Poughkeepsie that he understood the "passion" elicited by the gun bill, but that the SAFE Act was "reasonable and balanced."

"I understand (opponents' reaction), I respect it, I also understand there has been a chronic problem of gun violence in this state, in this nation," Cuomo said.

Casey Seiler contributed -- jvielkind@timesunion.com -- 518-454-5081 -- @JimmyVielkind

NEW GUN LAW STILL SPLITS THE STATE The Times-Union (Albany, NY) February 13, 2013 Wednesday

**LOAD-DATE:** March 20, 2013

## Exhibit D



114 of 178 DOCUMENTS

Copyright 2013 The Evening Telegram  
Distributed by Newsbank, Inc. All Rights Reserved  
The Evening Telegram (Herkimer, New York)

February 22, 2013 Friday

**SECTION:** NEWS; Pg. A1

**LENGTH:** 695 words

**HEADLINE:** Hundreds Gather For Gun Control Law Info

**BYLINE:** Nichole Grant; Telegram Staff Writer

**BODY:**

SALISBURY - More than 400 people gathered at the Salisbury Ridgerunners Clubhouse Wednesday evening for an informational session on Gov. Andrew Cuomo's new gun control law.

The session was supposed to give attendees a better understanding of the Secure Ammunition and Firearms Enforcement Act, but the forum quickly turned into a question and answer session with Assemblyman Marc Butler, New York State Rifle and Pistol Association President Tom King, Herkimer County Sheriff Christopher Farber and Herkimer County Legislature Chairman Vincent Bono.

"Cuomo's idea is nothing but a gun grab. He negotiated this bill behind closed doors to get rid of all firearms," said Robert Fitch, of Ilion.

Fitch was among a number of people in attendance at Wednesday evening's forum who wore a T-shirt that stated "Cuomo Made Me A Criminal."

"I don't understand how this bill went through the way it did. It doesn't seem American," said Andrew Reimer, of Norway. "How come they didn't go after the mental health law when that's the real problem."

"How can someone who put their hand on the Bible and swore on the United States Constitution take the Second Amendment away? This is someone who upholds our Constitution," said Duke Fredrick, of East Herkimer.

"If limiting gun violence was the objective of the governor's gun control law, it fails to stand up to that task and instead tramples on our Second Amendment rights and threatens the jobs of my constituents," said Butler, R - Newport. "This poorly crafted law was forced on law-abiding citizens overnight and under a veil of secrecy. My constituents and I demand better for our state."

To help protect gun owners and jobs in up-state New York Butler has introduced a bill aimed at reversing the provisions of the law that will impact the manufacture of fire-arms at Remington Arms.

Hundreds Gather For Gun Control Law Info The Evening Telegram (Herkimer, New York) February 22, 2013 Friday

The new bill will seek to amend the definition of "assault weapon" to exclude pistol grips, muzzle breaks, muzzle compensators, thumbhole stock rifles and pistol shrouds with specific characteristics and common use for lawful purposes. To push the bill Butler is planning a Second Amendment rights rally in Albany on Feb. 28. The rally will also seek to repeal or make amendments to the SAFE Act.

"As president of the **New York State Rifle and Pistol Association**, I share the anger and frustration felt by Assemblyman Butler's constituents over the content of Gov. Cuomo's gun grab and the unnecessary urgency with which it was passed," said King, a member of the National Rifle Association board. "I commend Assembly-man Butler for trying to rectify the more onerous aspects of the gun control law pertaining to legitimate firearms manufactured by Remington Arms. I empathize with the residents and employees of the Mohawk Valley who will be impacted by this troubling law."

New legislation being passed around addressing liability of gun ownership projects an estimated cost of between \$2,000 to \$16,000. "Where is this money going to come from," asked Farber. "All I know is that Cuomo's gun bill is not going to reduce gun violence. Once this bill goes through the only people who will have guns will be criminals. Law abiding citizens are being trampled on."

With the restrictions included within the SAFE Act set to take effect on April 15, King announced the National Rifle Association has taken action and filed a lawsuit to overturn the legislation.

"About two weeks ago the NRA served the Attorney General and as soon as the suit is filed it will be available on the NRA website for everyone to view," said King. "Right now we're working with the best of the best Second Amendment attorneys and they are confident this will work in our favor."

Although King is confident he admitted it will take time to affect any change.

"Unfortunately, this will be a two year plus project which we hope will make it all the way to the Supreme Court," he said. "This will cost about \$700,000 and we don't want to cause taxpayers any more pain. At times the NRA acts as a lobbying group and at this time we need some help."

After King made his statement, a hat was passed around by a member of the audience for those in attendance to make a donation.

**GRAPHIC:** A crowd of more than 400 people gathered at the Salisbury Ridgerunners Clubhouse in Salisbury Wednesday evening for an information session on the SAFE Act. PHOTOS BY TELEGRAM PHOTO/NICHOLE GRANT Greenfield Fish and Game Club Board of Directors member Dean Grant asks Assemblyman Marc Butler to vote no on the New York state budget during a gun control information session at the Salisbury Ridgerunners Clubhouse in Salisbury Wednesday evening. Cuomo's idea is nothing but a gun grab. He negotiated this bill behind closed doors to get rid of all firearms. Robert Fitch of Iliion

**LOAD-DATE:** February 22, 2013

# Exhibit E



71 of 178 DOCUMENTS

Copyright 2013 Daily News, L.P.



March 20, 2013 Wednesday  
SPORTS FINAL REPLATE EDITION

**SECTION:** NEWS; Pg. 5

**LENGTH:** 168 words

**HEADLINE:** Seven-bullet limit may be shot down

**BYLINE:** Glenn Blain

**BODY:**

ALBANY - A key portion of Gov. Cuomo's landmark gun control law may get watered down in the state's budget.

Assembly Speaker Sheldon Silver (D-Manhattan) said lawmakers may roll back the law's ban on magazines that hold more than seven rounds.

"It is under discussion," Silver said Tuesday.

Lawmakers want to correct "inconsistencies" in the law that bans possession of 10-round magazines but allows their use at gun ranges and shooting competitions, he said.

Cuomo confirmed changes were on the table, but insisted "there is no discussion" of restoring the current 10-round limit.

An administration source said the governor has discussed allowing the sale of 10-round magazines but wants to keep a restriction that they can only be filled with seven bullets. Thomas King, president of the **New York State Rifle and Pistol Association**, said his group will still challenge the law in court.

Silver said he did not believe the proposed changes would weaken the law. "The ban on assault weapons is there, it is untouched."

**GRAPHIC:** NLVL

Seven-bullet limit may be shot down Daily News (New York) March 20, 2013 Wednesday

**LOAD-DATE:** March 20, 2013