

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

13-cv-00291-WMS

Plaintiffs,

-v.-

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.

**NOTICE OF MOTION FOR PERMISSION TO SUBMIT
ADDITIONAL AUTHORITY AND A SUPPLEMENTAL EXHIBIT**

MOTION BY:

Defendants Andrew M. Cuomo, Governor
of the State of New York; Eric T.
Schneiderman, Attorney General of the State
of New York; and Joseph A. D'Amico,
Superintendent of the New York State
Police (collectively the "State Defendants").

RELIEF SOUGHT:

An Order:

(a) permitting the State Defendants to

present to the Court's attention additional authority -- an October 1, 2013 decision by the United States District Court for the District of Maryland denying a motion for a temporary restraining order against Maryland's recently enacted bans on assault weapons and detachable magazines with a capacity of more than ten rounds of ammunition -- which was not decided until after the State Defendants submitted their reply papers in further support of their cross-motion to dismiss and/or for summary judgment and in opposition to Plaintiffs' cross-motion for summary judgment on September 24, 2013 (Docket Nos. 122-25), and that is directly relevant to issues currently being considered by the Court both on the State Defendants' cross-motion to dismiss and/or for summary judgment (Docket No. 64) and on Plaintiffs' motion for a preliminary injunction and cross-motion for summary judgment (Docket Nos. 23, 113); and

(b) permitting the State Defendants to submit a supplemental exhibit in support of their cross-motion to dismiss and/or for summary judgment -- the Guide to the New York SAFE Act for Members of the Division of State Police -- that likewise was not issued until after the State Defendants submitted their recent reply papers on September 24, 2013.

WHEN RETURNABLE:

As directed by the Court or Local Rule 7(b).

WHERE RETURNABLE:

Honorable William M. Skretny, Chief Judge
United States Courthouse
2 Niagara Square
Buffalo, New York 14202

SUPPORTING PAPERS:

Declaration of William J. Taylor, Jr., dated October 8, 2013; Declaration of Richard Lynch, dated October 8, 2013.

Dated: New York, New York
October 8, 2013

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State of New York
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