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March 13, 2015

Catherine O'Hagan Wolfe, Clerk of Court  
U.S. Court of Appeals for the Second Circuit  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Shew v. Malloy*, No. 14-319-cv

Dear Ms. Wolfe:

The State appellees submit this letter under Fed. R. App. P. 28(j) to advise the Court of a recent Ninth Circuit decision relevant to the above-captioned case. *Fyock v. City of Sunnyvale*, No. 14-15408 (Mar. 4, 2015), concerns a Second Amendment challenge to a large capacity magazine ban that is similar to Connecticut's ban at issue in this case. Consistent with appellees' arguments here (Br. at 61-85), the Ninth Circuit concluded that, even assuming that such laws burden conduct that is protected by the Second Amendment, the district court appropriately applied intermediate scrutiny because any "impact [that such laws] may have on the core Second Amendment right is not severe." Slip Op. at 18. Based on evidence that is similar to that in the record in this case, moreover, the Ninth Circuit upheld the district court's determination that the law survived under that level of scrutiny. *Id.* at 19, 20.

The Ninth Circuit's ruling strongly supports the conclusion that the restrictions on large capacity magazines set forth in Connecticut Public Act 13-3, as amended by Public Act 13-220, are consistent with the Second Amendment.

Respectfully yours,

/s/ Maura Murphy Osborne  
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cc: Counsel of record (via ECF)