

November 22, 2013

U.S. District Judge Alfred V. Covello
United States District Court
450 Main Street – Suite 125
Hartford, CT 06103

In Re: Shew v. Malloy, et al
Case No.: 3:13-cv-739 (AVC)
GS File No. 11350.0011

Your Honor:

Please be advised that this office represents all of the plaintiffs in the above-referenced action.

As you are aware, the plaintiffs have filed a Complaint challenging the constitutionality of Connecticut's "Act Concerning Gun Violence Prevention and Children's Safety" ("the Act") (Doc. #1). Shortly after filing this complaint, the plaintiffs filed a motion for a preliminary injunction (Doc. #14) seeking to enjoin the enforcement of and/or the prosecution of citizens under, *inter alia*, CONN. GEN. STAT. §§ 53-202p(a)(1), 53-202p(e)(3), and 53-202q(f)-(g) (which make it unlawful to possess an ammunition feeding device containing more than ten rounds of ammunition); §§ 53-202p(c) and 53-202p(b) (which make it unlawful to possess, transport, ship, or dispose of a "large capacity ammunition feeding device"); and §§ 53-202b(a)(1) and 53-202c(a) (which make it unlawful to possess, distribute, transport or import into the state, keep for sale, offer or expose for sale, or give any "assault weapon"). Both the plaintiffs and defendants have moved for summary judgment (Doc. ## 60, 78). These dispositive motions have not yet been fully briefed.

Under the Act, owners of "large capacity feeding devices" are required to either divest themselves of these devices or render them inoperable on or before January 1, 2014. (P.A. 13-3, § 23). Owners of "assault weapons" are required to either apply for a certificate of possession to the Department of Emergency Services and Public Protection by January 1, 2014 or divest themselves of these arms. (CONN. GEN. STAT. § 53-202d(a), (f)). The plaintiffs' challenge to the constitutionality of CONN. GEN. STAT. §§ 53-202p(a)(1), 53-202p(e)(3), and 53-202q(f)-(g), if successful, would obviate the transfer and registration requirements of the Act. Plaintiffs' request for preliminary injunctive relief against enforcement of the aforementioned sections of the Act necessarily implicates the obligations of plaintiffs to either transfer their "large capacity magazines" by January 1, 2014 or register their "assault weapons" by January 1, 2014.

With the registration and transfer deadlines quickly approaching, the plaintiffs and other law-abiding citizens in Connecticut who currently and lawfully possess "large capacity magazines" are threatened with the imminent harm of having to divest themselves of these devices. Plaintiffs and other law abiding citizens who fail to register the "assault weapons" they currently lawfully possess face the imminent threat of having their firearms confiscated and face criminal prosecution for failing to register them.

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The issues raised in the summary judgment motions are complex and far-reaching. Although these issues have been fully briefed, there has been no hearing date scheduled. It is anticipated that a decision on these dispositive motions will not be issued before the transfer and registration deadlines go into effect.

Given the complexity of the dispositive issues and the rapidly approaching transfer and registration deadlines, plaintiffs are respectfully renewing their request that the Court issue preliminary injunctive relief enjoining the enforcement of the Act sections cited herein prior to January 1, 2014.

Plaintiffs are also requesting a conference to discuss this instant request, and also to schedule a hearing on the dispositive motions currently before the Court. We are available to discuss these issues at the Court's earliest convenience.

Thank you very much for your consideration of these requests.

Respectfully Submitted,

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