

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 14-319-cv Caption [use short title]

Motion for: Leave to File Overlength Brief Shew v. Malloy

Set forth below precise, complete statement of relief sought:
The Appellees ask the Court for leave to file an overlength brief of up to 22,000 words.

MOVING PARTY: Dannel P. Malloy, et al. OPPOSING PARTY: June Shew, et al.

Plaintiff Defendant Appellant/Petitioner Appellee/Respondent

MOVING ATTORNEY: Maura Murphy Osborne OPPOSING ATTORNEY: Brian T. Stapleton

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Court-Judge/Agency appealed from: The Honorable Alfred V. Covello

Please check appropriate boxes:
Has movant notified opposing counsel (required by Local Rule 27.1):
Opposing counsel's position on motion:
Does opposing counsel intend to file a response:

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:
Has request for relief been made below?
Has this relief been previously sought in this Court?
Requested return date and explanation of emergency:

Is oral argument on motion requested?
Has argument date of appeal been set?

Signature of Moving Attorney: Maura Murphy Osborne Date: July 18, 2014 Service by: CM/ECF

**UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

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JUNE SHEW, et al.,	:	
	:	Docket No. 14-319-cv
Plaintiffs-Appellants,	:	
	:	
- v. -	:	
	:	<b>DECLARATION OF</b>
DANNEL P. MALLOY, et al.,	:	<b>MAURA MURPHY OSBORNE</b>
	:	<b>IN SUPPORT OF</b>
Defendants-Appellees.	:	<b>MOTION TO FILE</b>
	:	<b><u>OVERLENGTH BRIEF</u></b>
	:	
-----	X	

MAURA MURPHY OSBORNE declares as follows:

1. I am an Assistant Attorney General for the State of Connecticut and represent the Defendants-Appellees on this appeal: Connecticut Governor Dannel P. Malloy, Chief State's Attorney Kevin Kane, Commissioner of Department of Emergency Services and Public Protection Reuben Bradford<sup>1</sup>, and State's Attorneys David Cohen, John Smriga, Stephen Sedensky III, Maureen Platt, Kevin Lawlor, Michael Dearington, Peter McShane, Michael Regan, Patricia Froehlich, Gail Hardy, Brian Preleski, David Shepack, and Matthew Gedansky and ("Defendants-Appellees"). I respectfully submit this Declaration in support of the motion of the Defendants-Appellees for leave to file an overlength principal brief, not to exceed 22,000 words, in opposition to Plaintiffs' opening brief. Defendants brief is due on August 14, 2014. This matter has not been scheduled for oral argument.

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<sup>1</sup> On February 1, 2014, Dora B. Schriro replaced Reuben Bradford as the Commissioner of DESPP.

2. This appeal involves the constitutionality of certain provisions of “An Act Concerning Gun Violence Prevention and Children's Safety” (“the Act”) enacted by the Connecticut Legislature in April 2013, in the wake of the killing of twenty children and six educators at Sandy Hook Elementary School in Newtown, Connecticut on December 14, 2012.

3. The claims at issue in this appeal were filed by June Shew, Mitchell Rocklin, Stephanie Cypher, Peter Owens, Brian McClain, Stephen Holly, Hiller Sports, LLC, MD Shooting Sports, LLC, the Connecticut Citizens’ Defense League, and the Coalition of Connecticut Sportsmen alleging, *inter alia*, the Act violated their rights protected by the Second and Fourteenth Amendments of the United States Constitution.

4. The record and briefing in this matter, both below and before this Court, are extensive and support the Defendants’ request for additional words for their brief. Specifically, the record on appeal consists of a ten-volume, 2856-page Joint Appendix, and several non-party organizations, entities, and individuals, including twenty-three states, have filed six amicus briefs in support of Plaintiffs.


5. While this is a request for an approximate fifty percent increase in the 14,000 word-count limit ordinarily applicable under Rule 32, Defendants believe that the expanded word limit is justified by the public safety interests implicated by Plaintiffs' constitutional challenges, the volume of record below, and the number of amici briefs filed to which Defendants may respond. Defendants are unable to adequately present the relevant and necessary facts and legal argument within the standard 14,000 word limit but will be able to do so within a 22,000 word limit.

6. Plaintiffs consent to the granting of this motion on the condition that Defendants consent to their requesting up to 10,500 words for their reply brief, to which Defendants have agreed.

7. For the foregoing reasons, I believe that there is good cause to grant leave for permission to file an overlength brief in this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18<sup>th</sup> day of July, 2014, in Hartford, Connecticut.

  
Maura Murphy Osborne

**CERTIFICATION**

I hereby certify that on July 18, 2014, a copy of the foregoing Defendants'/Appellees' Motion For Leave to File Overlength Brief was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

BY: /s/ Maura Murphy Osborne  
Maura Murphy Osborne