

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

| | | |
|---------------------------------|---|-------------------------------|
| JUNE SHEW, et al. | : | No. 3:13-CV-0739 (AVC) |
| <i>Plaintiffs,</i> | : | |
| | : | |
| v. | : | |
| | : | |
| DANNEL P. MALLOY, et al. | : | |
| <i>Defendants.</i> | : | AUGUST 9, 2013 |

**DEFENDANTS’ ANSWER AND DEFENSES TO
FIRST AMENDED COMPLAINT**

The Defendants hereby submit their answer and defenses to Plaintiffs’ First Amended Complaint.

Paragraph 1 – This paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 2 – Defendants admit in part as to the first sentence of the paragraph. Defendants deny the remainder of the paragraph.

Paragraph 3 – Deny.

Paragraph 4 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 5 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 6 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 7 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 8 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 9 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 10 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 11 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 12 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 13 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 14 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 15 – Defendants admit the first three sentences of this paragraph. Defendants deny the remainder of the paragraph.

Paragraph 16 – Admit.

Paragraph 17 – This paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 18 – Admit.

Paragraph 19 – This paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 20 – Admit.

Paragraph 21 – Admit.

Paragraph 23 – Admit.

Paragraph 24 – Admit.

Paragraph 25 – Admit.

Paragraph 26 – Admit.

Paragraph 27 – Admit.

Paragraph 28 – Admit.

Paragraph 29 – Admit.

Paragraph 30 – Admit.

Paragraph 31 – Admit.

Paragraph 32 – Admit.

Paragraph 33 – This paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 34 – This paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 35 – This paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 36 – This paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 37 – This paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 38 – Defendants admit in part as to the first and second sentences of the paragraph, except for the use of the term “so-called.” Defendants deny the remainder of the paragraph.

Paragraph 39 – Admit.

Paragraph 40 – Deny.

Paragraph 41 – Defendants deny as to the first sentence of the paragraph. The second sentence of this paragraph is a legal statement to which no answer is necessary.

Paragraph 42 – This paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 43 – This paragraph is unclear and contains legal statements to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 44 – This paragraph is unclear and contains legal statements to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 45 – Defendants deny as to the first two sentences and leave plaintiffs to their proof on the legal conclusions contained therein. Defendants admit as to the last two sentences of this paragraph.

Paragraph 46 – This paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 47 – This paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 48 – This paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 49 – This paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 50 – Admit in part and deny in part. Admit legality of continued possession, the remainder of the paragraph and the legal conclusions therein are denied.

Paragraph 51 – This paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 52 – Admit.

Paragraph 53 – Defendants admit the first sentence of this paragraph. As to the second sentence, Defendants admit that Public Act 13-3 removed rimfire rifles from the definition of assault weapons, deny that it removed rimfire pistols from the definition of assault weapons, and

leave plaintiffs to their proof on the primary uses of such firearms. Defendants admit the third sentence of this paragraph. With regard to the fourth sentence, Defendants admit as to rimfire rifles but deny as to rimfire pistols.

Paragraph 54 – Deny.

Paragraph 55 – Deny.

Paragraph 56 – Deny.

Paragraph 57 – Deny.

Paragraph 58 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 59 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 60 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 61 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 62 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 63 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 64 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 65 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 66 – Defendants admit the first sentence only insofar as it relates to centerfire rifles. Defendants admit the second sentence of the paragraph except for the reference to “commonly found,” for which Defendants leave the plaintiffs to their proof.

Paragraph 67 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 68 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 69 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 70 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 71 – Denied as to the first sentence of this paragraph. Defendants lack sufficient information at this time to admit or deny the contentions in the remainder of this paragraph, and leave the plaintiffs to their proof.

Paragraph 72 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 73 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

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Paragraph 82 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

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Paragraph 90 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 91 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 92 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 93 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 94 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 95 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 96 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 97 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 98 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 99 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 100 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 101 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 102 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 103 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 104 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 105 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 106 – Deny.

Paragraph 107 – Deny.

Paragraph 108 – Deny.

Paragraph 109 – Deny.

Paragraph 110 – Deny.

Paragraph 111 – Deny.

Paragraph 112 – Deny.

Paragraph 113 – Deny.

Paragraph 114 – Deny.

Paragraph 115 – Deny.

Paragraph 116 – The answers to the preceding paragraphs are reaffirmed and incorporated by reference.

Paragraph 117 – Deny.

Paragraph 118 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 119 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 120 – Defendants deny that the large capacity magazine ban is a ban on firearms, and lack sufficient information at this time to admit or deny the contentions in remainder of this paragraph and thus leave the plaintiffs to their proof.

Paragraph 121 – Deny.

Paragraph 122 – Defendants deny the first sentence of this paragraph and lack sufficient information at this time to admit or deny the contentions in the remainder of this paragraph, and leave the plaintiffs to their proof.

Paragraph 123 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 124 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 125 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 126 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 127 – Deny.

Paragraph 128 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 129 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 130 – This paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 131 – The first sentence of this paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof. Defendants lack sufficient information at this time to admit or deny the contentions in the second sentence of this paragraph, and leave the plaintiffs to their proof as to the allegations contained therein.

Paragraph 132 – Deny.

Paragraph 133 – The answers to the preceding paragraphs are reaffirmed and incorporated by reference.

Paragraph 134 – Defendants deny the characterization of Connecticut law as being pejorative. The rest of this paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 135 – Defendants deny that the Act’s assault weapons definition is radical and that the banned weapons are “commonly used”. The rest of this paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 136 – This paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 137 – Defendants deny and leave the plaintiffs to their proof as to the factual allegations and conclusions contained in this paragraph.

Paragraph 138 – Defendants deny and leave the plaintiffs to their proof as to the factual allegations and conclusions contained in this paragraph.

Paragraph 139 – Defendants deny and leave the plaintiffs to their proof as to the factual allegations and characterizations contained in this paragraph.

Paragraph 140 – Defendants deny and leave the plaintiffs to their proof as to the factual allegations and characterizations contained in this paragraph.

Paragraph 141 – Defendants deny and leave the plaintiffs to their proof as to the factual allegations and characterizations contained in this paragraph.

Paragraph 142 – Defendants admit that a shroud prevents one’s hand from being burned while shooting a firearm, but deny the plaintiffs’ characterization of a shroud as a “safety feature” and leave them to their proof.

Paragraph 143 – Defendants deny and leave the plaintiffs to their proof as to the factual allegations and characterizations contained in this paragraph.

Paragraph 144 – The first sentence of this paragraph is a legal statement to which no answer is necessary. Defendants deny and leave the plaintiffs to their proof as to the factual allegations and characterizations contained in the second sentence of this paragraph.

Paragraph 145 – Deny.

Paragraph 146 – The first three sentences of this paragraph are legal statements to which no answer is necessary. Defendants deny the last two sentences of this paragraph.

Paragraph 147 – Defendants admit the first and third sentences of this paragraph. With regard to the second sentence, Defendants deny that the term AR-15 is vague, and lack sufficient information at this time to admit or deny the remaining contentions in that sentence and leave the plaintiffs to their proof. Defendants admit that the list includes the pump action Remington

Tactical Rifle Model 7615, but lack sufficient information at this time to admit or deny the remaining contentions in the fourth sentence of this paragraph and leave the plaintiffs to their proof. Defendants admit that the list includes all IZHMAISH Saiga 12 shotguns, but lack sufficient information at this time to admit or deny the remaining contentions in the fifth sentence and leave the plaintiffs to their proof.

Paragraph 148 – The first sentence of this paragraph is a legal statement to which no answer is necessary. Defendants deny the last sentence of this paragraph.

Paragraph 149 – Defendants lack sufficient information at this time to admit or deny the contentions in this paragraph, and leave the plaintiffs to their proof as to the allegations contained in this paragraph.

Paragraph 150 – This paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 151 – Deny.

Paragraph 152 – The answers to the preceding paragraphs are reaffirmed and incorporated by reference.

Paragraph 153 – Defendants deny the first two sentences of this paragraph. The third sentence of this paragraph is a legal statement to which no answer is necessary.

Paragraph 154 – Defendants admit as to the first sentence. Defendants deny as to the second sentence and leave plaintiffs to their proof on the factual allegations and legal conclusions contained in this sentence.

Paragraph 155 – Admit.

Paragraph 156 – Deny.

Paragraph 157 – Deny.

Paragraph 158 – The answers to the preceding paragraphs are reaffirmed and incorporated by reference.

Paragraph 159 – This paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 160 – Admit.

Paragraph 161 – Deny.

Paragraph 162 – Deny.

Paragraph 163 – The answers to the preceding paragraphs are reaffirmed and incorporated by reference.

Paragraph 164 – Deny.

Paragraph 165 – This paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 166 – Admit.

Paragraph 167 – Deny.

Paragraph 168 – Deny.

Paragraph 169 – Defendants deny the first sentence of this paragraph. Defendants lack sufficient information to admit or deny the remaining contentions in this paragraph as written, and therefore leave the plaintiffs to their proof.

Paragraph 170 – Deny.

Paragraph 171 – Defendants deny the first and third sentences of this paragraph. The second sentence of this paragraph is a legal statement to which no answer is necessary.

Paragraph 172 – Defendants deny and leave the plaintiffs to their proof as to the factual allegations and characterizations contained in this paragraph.

Paragraph 173 – Deny.

Paragraph 174 – Deny.

Paragraph 175 – Deny.

Paragraph 176 – Defendants admit that the list of assault weapons includes the Remington Tactical Rifle Model 7615 and that that rifle is a pump action rifle, but deny the remaining allegations in this paragraph.

Paragraph 177 – Defendants deny the first, third and fourth sentences of this paragraph. Defendants admit the second sentence of this paragraph.

Paragraph 178 – The first two sentences of this paragraph are legal statements to which no answer is necessary, and the Defendants leave the plaintiffs to their proof. Defendants deny the last sentence of this paragraph.

Paragraph 179 – Deny.

Paragraph 180 – Deny.

Paragraph 181 – Deny.

Paragraph 182 – Deny.

Paragraph 183 – This paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 184 – Deny.

Paragraph 185 – The first sentence of this paragraph is a legal statement to which no answer is necessary. With regard to the second and fourth sentences, Defendants lack sufficient information at this time to admit or deny the contentions in these sentences, and leave the plaintiffs to their proof. With regard to the third sentence, Defendants admit that the Beretta

BM59 would not be a copy or duplicate of the Springfield Armory BM59, but deny that the Beretta BM59 would not be a prohibited assault weapon.

Paragraph 186 – Deny.

Paragraph 187 – Deny.

Paragraph 188 – Deny.

Paragraph 189 – This paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 190 – Deny.

Paragraph 191 – Deny.

Paragraph 192 – The first sentence of this paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof. Defendants deny the last sentence of this paragraph.

Paragraph 193 – Deny.

Paragraph 194 – This paragraph is a legal statement to which no answer is necessary, and the Defendants leave the plaintiffs to their proof.

Paragraph 195 – Deny.

FIRST DEFENSE

Plaintiffs fail to state a claim upon which relief may be granted.

SECOND DEFENSE

Plaintiffs' claims are barred because some or all of the plaintiffs lack standing.

THIRD DEFENSE

Defendants reserve the right to add or rescind defenses after further investigation and discovery.

Respectfully Submitted,

DEFENDANTS,
DANNEL P. MALLOY, et al.

GEORGE JEPSEN
ATTORNEY GENERAL

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CERTIFICATION

I hereby certify that on August 9, 2013, a copy of the foregoing Defendants' Answer and Defenses to the First Amended Complaint was filed electronically. Notice of this filing was 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.

/s/ Maura Murphy Osborne
Maura Murphy Osborne