

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: alteration to structure of oral argument Shew v. Malloy
in this case and New York State Rifle and Pistol
v. Cuomo, Nos. 14-36-cv(L), 14-37-cv(XAP)

Set forth below precise, complete statement of relief sought:

Alter argument structure to proceed in accordance
with Exhibit A, attached.

MOVING PARTY: June Shew, et al.
 Plaintiff Defendant
 Appellant/Petitioner Appellee/Respondent

OPPOSING PARTY: Dannel P. Malloy, et al.

MOVING ATTORNEY: Peter A. Patterson
[name of attorney, with firm, address, phone number and e-mail]

OPPOSING ATTORNEY: Maura Murphy Osborne

Cooper & Kirk PLLC
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Office of the Attorney General
55 Elm Street, Hartford, CT 06141-0120
(860) 808-5218; Maura.MurphyOsborne@ct.gov

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):
 Yes No (explain): _____

Opposing counsel's position on motion: takes no position
 Unopposed Opposed Don't Know

Does opposing counsel intend to file a response:
 Yes No Don't Know

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
INJUNCTIONS PENDING APPEAL:

Has request for relief been made below? Yes No
Has this relief been previously sought in this Court? Yes No
Requested return date and explanation of emergency: _____

Is oral argument on motion requested? Yes No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? Yes No If yes, enter date: December 9, 2014

Signature of Moving Attorney:
s/ Peter A. Patterson Date: December 3, 2014

Service by: CM/ECF Other [Attach proof of service]

EXHIBIT A

Proposed argument structure for *New York State Rifle & Pistol Association, Inc. v. Cuomo*, Nos. 14-36-cv(L), 14-37-cv(XAP) and *Shew v. Malloy*, No. 14-319-cv:

- David Thompson for plaintiffs in both cases (20 minutes minus rebuttal time);
- Barbara Underwood for New York (10 minutes minus rebuttal time on New York's cross-appeal);
- Maura Murphy Osborne for Connecticut (10 minutes);
- David Thompson for plaintiffs (rebuttal in both cases and response to New York's cross-appeal);
- Barbara Underwood for New York (rebuttal on New York's cross-appeal).

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

JUNE SHEW, et al.,)	
)	
Plaintiffs-Appellants,)	Case No. 14-319-cv
)	
v.)	DECLARATION OF PETER A.
)	PATTERSON IN SUPPORT OF
)	MOTION FOR ALTERATION TO
DANNEL P. MALLOY, et al.,)	STRUCTURE OF ORAL
)	ARGUMENT
Defendants-Appellees.)	
)	

PETER A. PATTERSON declares as follows:

1. I am an attorney for the Plaintiffs-Appellants in this matter, and I respectfully submit this Declaration in support of Plaintiffs-Appellants’ motion to alter the structure of oral argument.

2. The appeals in *Shew v. Malloy*, No. 14-319-cv, and *New York State Rifle & Pistol Association, Inc. v. Cuomo*, Nos. 14-36-cv(L), 14-37-cv(XAP) (“*NYSRPA*”), concern state laws banning certain semiautomatic firearms and ammunition magazines. There is substantial overlap in the issues presented by the appeals.

3. On August 21, 2014, this Court ordered that the appeals in *Shew* and *NYSRPA* be considered in tandem. Accordingly, argument in both appeals is scheduled to be heard by the same panel on December 9, 2014.

4. As currently structured, the cases will be argued back-to-back but separately. That means that the arguments would proceed as follows:

NYSRPA

- David Thompson for plaintiffs (10 minutes minus rebuttal time);
- Barbara Underwood for New York (10 minutes minus rebuttal time on cross-appeal);
- David Thompson for plaintiffs (rebuttal and response to cross-appeal);
- Barbara Underwood for New York (rebuttal on cross-appeal).

Shew

- David Thompson for plaintiffs (10 minutes minus rebuttal time);
- Maura Murphy Osborne for Connecticut (10 minutes);
- David Thompson for plaintiffs (rebuttal).

5. Plaintiffs respectfully request that the structure of the argument be altered to proceed as follows:

- David Thompson for plaintiffs in both cases (20 minutes minus rebuttal time);
- Barbara Underwood for New York (10 minutes minus rebuttal time on New York's cross-appeal);
- Maura Murphy Osborne for Connecticut (10 minutes);
- David Thompson for plaintiffs (rebuttal in both cases and response to New York's cross-appeal);
- Barbara Underwood for New York (rebuttal on New York's cross-appeal).

6. The proposed schedule does not change the amount of time allocated to any party but rather alters the order in which the arguments are presented. Plaintiffs respectfully submit that the proposed schedule will promote the efficient and orderly presentation of argument, particularly because (a) the issues presented by the appeals overlap in many respects; and (b) a single attorney, David H. Thompson, will present argument for the plaintiffs in both cases.

7. Barbara Underwood, opposing counsel in *NYSRPA*, has informed me that New York consents to this proposal.

8. Maura Murphy Osborne, opposing counsel in *Shew*, has informed me that Connecticut believes that the cases are distinct but takes no position on this request and leaves it to the Court to order argument in the manner most helpful to it.

9. For the foregoing reasons, I believe that there is good cause to grant the motion to alter the structure of oral argument.

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

Executed this 3rd day of December, 2014, in Union Township, Ohio.

s/ Peter A. Patterson
Peter A. Patterson