

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): _____ Caption [use short title] _____

Motion for: _____

Set forth below precise, complete statement of relief sought:

MOVING PARTY: _____

- Plaintiff
- Appellant/Petitioner
- Defendant
- Appellee/Respondent

OPPOSING PARTY: _____

MOVING ATTORNEY: _____

[name of attorney, with firm, address, phone number and e-mail]

OPPOSING ATTORNEY: _____

Court-Judge/Agency appealed from: _____

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):
 Yes No (explain): _____

Opposing counsel's position on motion:
 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: _____

Signature of Moving Attorney: _____

Date: _____

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

**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. -	:	
	:	DECLARATION OF
DANNEL P. MALLOY, et al.,	:	MAURA MURPHY OSBORNE
	:	IN SUPPORT OF
Defendants-Appellees.	:	DEFENDANTS' MOTION
	:	FOR PANEL AND
	:	ARGUMENT ASSIGNMENT
-----	X	

MAURA MURPHY OSBORNE declares as follows:

- 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 Dora B. Schriro, 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" or "Defendants"). I respectfully submit this Declaration in support of Defendants' motion requesting this appeal be assigned to the same panel as the appeals pending before this Court in *New York State Rifle and Pistol v. Cuomo*, Nos. 14-36-cv(L), 14-37-cv(XAP) ("the New York appeals"). This matter has not been scheduled for oral argument.
- 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, 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. This appeal and the New York appeals both involve challenges to restrictions on the possession of assault weapons and large capacity magazines—as those terms are similarly defined in the New York and Connecticut statutes. The Plaintiffs in both cases assert that the challenged statutes violate their Second Amendment rights and are unconstitutionally vague. The Plaintiffs-Appellants in this appeal and the New York appeals are represented by the same counsel before this Court.

5. Having these appeals heard by the same panel and on the same day will facilitate the Court's disposition of these challenges. The panel hearing the appeals will have the benefit of all of the arguments made by all parties to both appeals. Having these appeals heard together will also avoid the potential for inconsistent rulings of two panels or duplicative efforts by two panels considering similar constitutional questions.

6. Having the appeals heard together will not delay the resolution of either appeal because they are being briefed on similar schedules and briefing in each is now scheduled to conclude close in time. The Plaintiffs in this appeal filed their principal brief on May 16, 2014; the Defendants-Appellants filed their opposition brief on August 14, 2014; Plaintiffs will file their reply on September 29, 2014. The Plaintiffs in the New York appeal filed their principal

appellants' brief on April 29, 2014; and the New York Defendants filed their appellees'/cross-appellants' brief on July 29, 2014; Plaintiffs in the New York appeal will file their response to the cross appeal and reply on September 29, 2014; and the New York Defendants will file the final reply brief fourteen days after Plaintiffs' response, which under the current schedule, will be October 13, 2014.

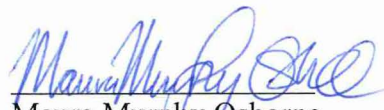
7. The Defendants in the New York appeal support this motion and on August 19, 2014, filed a motion seeking the same relief.

8. The Plaintiffs-Appellants in this appeal consent to this motion and also consented to similar motion in the New York appeals.

9. For the foregoing reasons, I believe that there is good cause to grant Defendants' motion because the issues presented by this appeal and the New York appeals are similar and the briefing schedules in both appeals are due to conclude close in time to each other. Moreover, having the cases heard together will facilitate the Court's resolution of the constitutional claims that the appeals present.

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

Executed this 21st day of August, 2014, in Hartford, Connecticut.


Maura Murphy Osborne