

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: Extension of time to file reply brief and leave to file oversized brief. Shew v. Malloy

Set forth below precise, complete statement of relief sought:

Extension of time to file reply brief to September 29, 2014.

Leave to file reply brief of up to 10,500 words.

MOVING PARTY: June Shew, et al.

OPPOSING PARTY: Dannel P. Malloy, et al.

Plaintiff Defendant Appellant/Petitioner Appellee/Respondent

MOVING ATTORNEY: Peter A. Patterson

OPPOSING ATTORNEY: Maura Murphy Osborne

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

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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): Yes No (explain):

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? Yes No Yes No

Opposing counsel's position on motion: Unopposed Opposed Don't Know

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

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: s/ Peter A. Patterson

Date: August 14, 2014

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.,	)	)
Plaintiffs-Appellants,	)	) Docket No. 14-319-cv
v.	)	) <b>DECLARATION OF PETER A.</b>
DANNEL P. MALLOY, et al.,	)	) <b>PATTERSON IN SUPPORT OF</b>
Defendants-Appellees.	)	) <b>MOTION TO EXTEND TIME AND</b>
	)	) <b>TO FILE OVERSIZED BRIEF</b>
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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 for an extension of time to file their reply brief and for leave to file an oversized reply brief. Plaintiffs-Appellants’ brief currently is due on August 28, 2014. This matter has not been scheduled for oral argument.

2. Plaintiffs-Appellants request that the deadline to file their reply brief be extended to September 29, 2014 and that they be granted leave to file an oversized reply brief of up to 10,500 words. Plaintiffs-Appellants have not filed a prior motion seeking similar relief. These requests are justified by the circumstances of this case.

3. This appeal presents the important question of whether the State of Connecticut may ban certain firearms and ammunition magazines that the State

deems to be “assault weapons” and of “large capacity.” The record before the Court concerning this important question is voluminous.

4. Defendants-Appellees requested and were granted leave to file an oversized brief of up to 22,000 words, *see* Dkt. Entry 101, and they filed a brief containing 20,660 words, *see* Dkt. Entry 115 at 119. Plaintiffs-Appellants’ request to file an oversized brief thus accords with the provision of the Federal Rules of Appellate Procedure setting the word limitation for reply briefs at half the number of words allowed by the rules for a principal brief. *See* FED. R. APP. P. 32(a)(7)(B).

5. Furthermore, given the importance of the issues presented, and based on the record in the court below and in *New York State Rifle & Pistol Association, Inc. v. Cuomo*, Nos. 14-36 & 14-37—an appeal pending before this Court challenging a similar New York law—Plaintiffs-Appellants anticipate that a number of amicus briefs will be filed in support Defendants-Appellees. In *New York State Rifle & Pistol Association*, for example, five amicus briefs have been filed in this Court in support of the State of New York. Plaintiffs-Appellants will be required to take account of amicus briefs filed in this case in composing their reply.

6. The importance of this case, the length of Defendants-Appellees’ brief, and the anticipation of the filing of a number of amicus briefs support both

Plaintiffs-Appellants' request for an extension of time and their request for leave to file an oversized brief. Further supporting Plaintiffs-Appellants' request for an extension of time, Counsel for Plaintiffs-Appellants have upcoming deadlines in a number of other significant matters. Cooper & Kirk represents, for example, the plaintiff in a case in the Southern District of Iowa challenging actions taken by the Federal Housing Finance Agency and the Department of the Treasury in connection with the conservatorships of Fannie Mae and Freddie Mac.

*Continental Western Insurance Co. v. Federal Housing Finance Agency*, No. 4:14-cv-00042 (S.D. Iowa). On August 5, 2014, the district court in that case set a deadline of August 29, 2014 for the plaintiff's response to the defendants' motions to dismiss, and the plaintiff has been authorized to file a response of up to 85 pages.

7. Cooper & Kirk also is counsel for the plaintiffs-appellants/cross-appellees in *New York State Rifle & Pistol Association*. The reply/response brief is due on September 29, 2014. Cooper & Kirk will be required to spend a considerable amount of time preparing that brief. Furthermore, given the similarity of the issues presented, it is sensible to have this case and *New York State Rifle & Pistol Association* proceed on a similar schedule.

8. Defendants-Appellees consent to the granting of this motion and do not intend to file a response.

9. For the foregoing reasons, I believe that there is good cause to grant Plaintiffs-Appellants' motion for an extension of time and for leave to file an oversized brief.

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

Executed this 14th day of August, 2014, in Union Township, Ohio.

s/ Peter A. Patterson  
Peter A. Patterson