

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.	:	MOTION FOR LEAVE TO
	:	FILE SPECIAL APPENDIX
	:	
-----	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 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"). I respectfully submit this Declaration in support of the motion of the Defendants-Appellees for leave to file a Special Appendix at the end of Defendants' brief, which was filed on August 14, 2014. This matter has not been scheduled for oral argument.

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, 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. On August 14, 2014, Defendants filed their brief in this appeal and at the end of their brief filed a Special Appendix, consistent with Local Rule 32.1, that contained: the decision of the district court; the district court judgment; Connecticut General Statutes §53-202 - §53-202x, the Connecticut statutes regulating assault weapons and large capacity magazines; and the two provisions of the United States Constitution at issue in this appeal.

5. Local Rule 32.1(c) states that the “**parties must file**” a Special Appendix that contains (1) orders, opinions, and judgments being appealed, and (2) the text, with appropriate citation, of any significant rule of law, including any **constitutional provision...statute...**” (emphasis added). The rule also states that special appendix “may be an addendum at the end of a brief.” The Local Rule does not specify that the Special Appendix may only be at the end of the Appellants' brief.

6. The Special Appendix filed by Plaintiffs (Docket #42) on May 16, 2014 did not contain all the documents required by Local Rule 32.1. The Local Rule imposes the obligation of compliance on “the parties” and not simply the Plaintiffs-Appellants. Accordingly, Defendants filed a complete Special Appendix at the end of their brief on August 14, 2014.

7. The Special Appendix filed by the Defendants is not just consistent with Local Rule 32.1 but also will assist the Court in its consideration of this appeal. In particular, Defendants' Special Appendix, which Defendants cite to in several portions of their brief, contains the


statutes that are at issue in this case. (SA-19-SA-52). This portion of the Special Appendix will assist the Court because many of these statutes have been substantially amended in the past year or were enacted for the first time in April 2013. Moreover, the newly enacted statutes included by Defendants in their Special Appendix have only recently been codified and Defendants provide the current and accurate cites for those laws in their Special Appendix.

8. Plaintiffs consent to the granting of this motion.

9. For the foregoing reasons, I believe there is good cause to grant Defendants leave to file their Special Appendix because it contains all of the documents required by Local Rule 32.1 in this case, and not just two of them, and the rule does not prohibit the filing of a Special Appendix by the Appellant. Also, this more complete Special Appendix will assist the Court in its disposition of this case.

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

Executed this 19th day of August, 2014, in Hartford, Connecticut.


Maura Murphy Osborne