

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NATIONAL RIFLE ASSOCIATION)	Case No. 08-CV-3697
OF AMERICA, INC., et al.,)	
)	
Plaintiffs,)	
)	
v.)	
)	
CITY OF CHICAGO,)	
)	
Defendant.)	

MOTION OF GURA & POSSESSKY, PLLC AND LAW FIRM OF DAVID G. SIGALE, P.C.
FOR LEAVE TO FILE *INSTANTER* A BRIEF AS *AMICI CURIAE*

COME NOW Gura & Possessky, PLLC and the Law Firm of David G. Sigale, P.C., and respectfully submit this Motion for Leave to File *Instanter* a Brief as Amici Curiae in this matter. For the reasons set forth below, *amici* respectfully request that this Court grant the motion and permit the filing of the amicus brief attached hereto as Exhibit A.

The Interests of *Amici Curiae*

1. *Amici Curiae* Gura & Possessky, PLLC and Law Firm of David G. Sigale, P.C., were counsel for the Plaintiffs in *McDonald v. City of Chicago*, N.D. Ill. Case No. 08-CV-3645, 130 S. Ct. 3020 (2010). In moving for an award of attorney fees and costs, Plaintiff National Rifle Association of America, Inc. (“NRA”) claims complete credit for the victory in *McDonald*, attacking *amici*’s professional competence, and further speculating as to *amici*’s financial health. *Amici* plainly have an interest in correcting the record in this regard.

2. More importantly, *amici* possess a unique perspective regarding the reasonableness of Plaintiffs’ fee request, which would substantially aid the Court in assessing that motion. As

counsel, *amici* believe themselves obligated to share information with the Court that may be of substantial benefit in rendering a fully-informed and accurate decision.

*Amici's Brief Will Aid this Court's Consideration of a
Multi-Million Dollar Demand of the City's Taxpayers*

3. “A federal district court’s decision to grant amicus status to an individual, or an organization, is purely discretionary. Relevant factors in determining whether to allow an entity the privilege of being heard as an amicus include whether the proffered information is timely, useful, or otherwise.” *United States v. Board of Educ. of the City of Chicago*, No. 80-5124, 1993 U.S. Dist. LEXIS 14307, at *7-8 (N.D. Ill. Oct. 8, 1993) (citations and quotation marks omitted).

4. Interpreting Fed. R. App. Proc. 29, the Seventh Circuit has limited *amicus curiae* filings to cases “in which a party is inadequately represented; or in which the would-be *amicus* has a direct interest in another case that may be materially affected by a decision in this case; or in which the *amicus* has a unique perspective or specific information that can assist the court beyond what the parties can provide.” *Voices for Choices v. Ill. Bell Tel. Co.*, 339 F.3d 542, 545 (7th Cir. 2003) (chambers opinion) (citations omitted).

5. “The term ‘amicus curiae’ means friend of the court, not friend of a party.” *Beesley v. Int’l Paper Co.*, No. 06-703-DRH, 2011 U.S. Dist. LEXIS 132578, at *4 (N.D. Ill. Nov. 17, 2011) (quoting *Ryan v. Commodity Futures Trading Comm’n*, 125 F.3d 1062, 1063 (7th Cir. 1997) (chambers opinion)). *Amici* submit that they are plainly not a friend of either party. NRA’s arguments before the Court are adverse to *amici*, and *amici* have no particular interest in saving Defendant money. Indeed, *amici* are generally adverse to Defendant on the subject of attorney fees.

6. But *amici* have, among other interests, an interest in providing, if not an obligation to provide, this Court with all the information it might wish to consider before ruling on an important matter of public interest such as the present motion.

7. Moreover, plainly, the attached brief does vastly “more than repeat in somewhat different language the arguments” of another party. *Voices*, 339 F.3d at 545. *Amici* “are articulating a distinctive perspective or presenting specific information, ideas, arguments, etc. that go beyond what the parties whom the amici are supporting have been able to provide.” *Id.*; *Chamberlain Group, Inc. v. Interlogix, Inc.*, No. 01-C-6157, 2004 U.S. Dist. LEXIS 9851, at *3 (N.D. Ill. May 28, 2004). On this score, *amici*’s brief is more useful than most of the *amicus* briefs frequently submitted by NRA.

8. NRA should not be heard to complain about this filing, as it practically invited *amici*’s efforts here by the manner in which it argues its motion. If a multi-million dollar attorney fee motion is to turn upon *amici*’s handling of the *McDonald* case, *amici*’s unique perspective and information on that subject, which neither party could be expected to produce, should be made available for the Court’s consideration.

Conclusion

For the foregoing reasons, Gura & Possessky, PLLC and the Law Firm of David G. Sigale, P.C. respectfully request that the Court grant this motion for leave to file a brief as *amici curiae*.

Dated: March 26, 2012

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, David G. Sigale, an attorney, certify that on this, the 26th day of March, 2012, I caused a copy of the foregoing to be served by electronic filing on:

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