

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

SHAWN GOWDER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	No. 11-cv-1304
CITY OF CHICAGO, a municipal corporation,	)	
the CITY OF CHICAGO DEPARTMENT OF	)	Judge Der-Yeghiayan
ADMINISTRATIVE HEARINGS, MUNICIPAL	)	
HEARINGS DIVISION, SCOTT V. BRUNER,	)	
Director of the City of Chicago Department of	)	
Administrative Hearings, the CITY OF CHICAGO	)	
DEPARTMENT OF POLICE, and JODY P. WEIS,	)	
Superintendent of the City of Chicago Department	)	
of Police,	)	
	)	
Defendants.	)	

**PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

NOW COMES plaintiff Shawn Gowder, by and through his attorney Stephen A. Kolodziej of the law firm of Ford & Britton, P.C., and moves the Court pursuant to FRCP 56 to enter summary judgment in his favor and against defendants. In support of this motion, plaintiff has filed simultaneously herewith his supporting memorandum of law and his statement of material facts as to which there is no genuine issue, in accordance with Local Rule 56.1.

As set forth in plaintiff's supporting memorandum of law, MCC § 8-20-110(b)(3)(iii) on its face constitutes an impermissible categorical ban on the ownership of firearms in the home by non-violent misdemeanants, and therefore violates the fundamental right to keep and bear arms under the Second and Fourteenth Amendments to the U.S. Constitution and Article I § 22 of the Illinois Constitution. Because the ordinance is unconstitutional on its face, it also violates plaintiff's constitutional rights as applied to deny him a Chicago Firearm Permit. There is no genuine issue of

material fact in this regard, and plaintiff is entitled to judgment as a matter of law.

WHEREFORE, plaintiff Shawn Gowder prays that the Court enter summary judgment in his favor and against defendants, and enter an order granting the following relief:

- 1) Finding and declaring that MCC § 8-20-110(b)(3)(iii) does not bar the issuance of a Chicago Firearm Permit based upon a misdemeanor conviction for carrying or possessing a handgun in a public place;
- 2) Reversing the decision of the City of Chicago Department of Administrative Hearings and ordering the City of Chicago Department of Police to issue plaintiff a Chicago Firearm Permit;
- 3) Finding and declaring that this section of the ordinance, on its face and as applied to plaintiff, violates the fundamental right to keep and bear arms under the Second and Fourteenth Amendments to the U.S. Constitution and Article I, § 22 of the Illinois Constitution, and enjoining the defendants from denying any applicant's application for a Chicago Firearm Permit on the grounds of a misdemeanor conviction for merely carrying or possessing a firearm in public;
- 4) Awarding plaintiff his reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988; and
- 5) Granting such other and further relief as the Court deems equitable and appropriate.

Respectfully submitted,

s/ Stephen A. Kolodziej

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**Attorney for Plaintiff Shawn Gowder**

**CERTIFICATE OF SERVICE**

I, Stephen A. Kolodziej, an attorney, hereby certify that on March 19, 2012, service of the foregoing Motion for Summary Judgment is being made in accordance with the General Order on Electronic Case Filing section XI to the following:

Rebecca Alfert Hirsch  
Andrew W. Worseck  
Assistant Corporation Counsel  
30 N. LaSalle Street, Suite 1230  
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s/ Stephen A. Kolodziej \_\_\_\_\_

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