

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SHUI W. KWONG; GEORGE GRECO; GLENN  
HERMAN; NICK LIDAKIS; TIMOTHY S. FUREY;  
SECOND AMENDMENT FOUNDATION, INC.; and  
THE NEW YORK STATE RIFLE & PISTOL  
ASSOCIATION, INC.,

Plaintiffs,

-against-

MICHAEL BLOOMBERG, in his Official Capacity as  
Mayor of the City of New York; CITY OF NEW YORK;  
and ERIC SCHNEIDERMAN, in his Official Capacity as  
Attorney General of the State of New York,

Defendants.

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**DECLARATION OF  
MICHELLE  
GOLDBERG-CAHN**

11 Civ. 2356 (JGK)  
ECF Case

**MICHELLE GOLDBERG-CAHN**, declares under the penalty of perjury,  
pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct:

1. I am an Assistant Corporation Counsel in the office of MICHAEL A. CARDOZO, Corporation Counsel of the City of New York, attorney for defendants Michael Bloomberg, in his Official Capacity as Mayor of the City of New York and the City of New York (“City defendants”) in this action. I submit this declaration in opposition to plaintiffs’ motion for summary judgment and in support of City defendants’ cross-motion for summary judgment, and to place certain documents on the record of this motion.

2. In response to a request from counsel for plaintiffs, City defendants produced to plaintiffs’ counsel (and counsel for State-Intervenors) a copy of relevant portions of the 2010 New York City Office of Management and Budget (“OMB”) analysis on the costs of certain pistol licensing fees. Some parts of the production were redacted.

3. Annexed for this Court's consideration are the following documents:

Legislative Materials for Enacted Laws:

- A copy of the Bill Jacket for New York State Penal Law § 400.00(14), which sets forth the legislative history in support of the 1947 amendment to Penal Law § 400.00(14), is annexed hereto as Exhibit "A."
- A copy of Local Law 32 of 1948, along with the legislative history for Local Law 32 of 1948, which includes letters and memoranda from Police Commissioner Wallander to Mayor O'Dwyer, and the Transcript of the Public Hearing on the local law, all in 1948, are collectively annexed hereto as Exhibit "B." For ease of reference, I placed handwritten numbers on the bottom center of each page in this exhibit.
- A copy of Local Law 47 of 1962 is annexed hereto as Exhibit "C."
- A copy of the legislative history from the City Council for Local Law 47 of 1962, including a memorandum from Police Commissioner Murphy to Mayor Wagner setting forth a cost analysis, and other memoranda, is collectively annexed hereto as Exhibit "D." For ease of reference, I placed handwritten numbers on the bottom center of each page in this exhibit.
- A copy of Local Law 78 of 1973 is annexed hereto as Exhibit "E."
- Copies of Local Law 42 of 1979 and the Report of the Committee on Finance, in Favor of Approving and Adopting, as Amended, a Local Law to Amend the Administrative Code of the City of New York, in Relation to Charges of Fees for Licenses, Permits, or Privileges Issued by the Police Department, dated July 10, 1979, are collectively annexed hereto as Exhibit "F."

- Copies of Local Law 37 of 1985 and the Report of the Committee on Finance – Pistol License, dated July 3, 1985, are collectively annexed hereto as Exhibit “G.”
- Copies of Local Law 51 of 1989 and the Report of the Committee on Finance – Revolver License Fee, dated July 12, 1989, are collectively annexed hereto as Exhibit “H.”
- A copy of Local Law 42 of 1992 is annexed hereto as Exhibit “I.”
- A copy of Local Law 37 of 2004 is annexed hereto as Exhibit “J.”
- Copies of the Report of the Committee on Finance in Favor of Approving and Adopting, a Local Law to Amend the Administrative Code of the City of New York, in Relation to Fees for Firearms Licenses and Rifle and Shotgun Permits, dated June 24, 2004, and the City Council Finance Division Fiscal Impact Statement, submitted June 24, 2004, are collectively annexed hereto as Exhibit “K.”
- Copies of the Chapter 503 of the New York State Laws of 1995, and its legislative history, are collectively annexed hereto as Exhibit “L.”
- Copies of Chapter 200 of the New York State Laws of 1956; and Chapter 111 of the New York State Laws of 1957, are collectively annexed hereto as Exhibit “M.”

City Council Materials for Proposed Legislation in 2010:

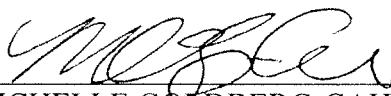
- A copy of New York City Council Introduction No. 313 of 2010 is annexed hereto as Exhibit “N.”

- A copy of the City Council Committee on Public Safety Report in Support of Int. No. 313 of 2010, is annexed hereto as Exhibit “O.”
- A copy of relevant portions of the Transcript of the Minutes of the September 15, 2010 New York City Council Committee on Public Safety Hearing, discussing Int. 313 of 2010, is annexed hereto as Exhibit “P.”
- A copy of the printout from the New York City Council’s website reflecting the status of Int. 313 of 2010 was “laid over in committee,” is annexed hereto as Exhibit “Q.”

Publications Referenced by City Defendants:

- A copy of an article authored by Mona A. Wright, MPH and Garen J. Wintemute, entitled Felonious or Violent Criminal Activity that Prevents Gun Ownership Among Prior Purchasers of Handguns: Incidence and Risk Factors, published in the Journal of Trauma, Injury, Infection, and Critical Care (2010), is annexed hereto as Exhibit “R.”
- A copy of an article authored by D. Webster, J. Vernick, & L. Hepburn, entitled Relationship Between Licensing, Registration, and Other Gun Sales and the Source State of Crime Guns, published in Injury Prevention, at 184-189 (2001), is annexed hereto as Exhibit “S.”
- A copy of Webster’s Third International Dictionary (1972), pg. 593, is annexed hereto as Exhibit “T.”

Dated: New York, New York  
July 28, 2011

  
MICHELLE GOLDBERG-CAHN (MG4490)