

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SHUI W. KWONG; GEORGE GRECO; GLENN  
HERMAN; NICK LIDAKIS; TIMOTHY S.  
FUREY; DANIELA GRECO; NUNZIO CALCE;  
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; and  
CITY OF NEW YORK,

Defendants.

-and-

ATTORNEY GENERAL OF THE STATE OF  
NEW YORK,

Intervenor.

No. 11 Civ. 2356 (JGK) (DCF)

ECF Case

**PLAINTIFFS' COUNTER-STATEMENT  
OF UNDISPUTED MATERIAL FACTS**

Pursuant to Rule 56.1 and Local Rule 56.1 of this Court, Plaintiffs respectfully submit that there is no dispute as to the following material facts:


1. Members of Plaintiff Second Amendment Foundation, Inc. ("SAF") have complained to the organization about the handgun license fees in the City of New York, including specifically the Residence Premises license fee, and have sought advice about the fee and any alternatives to the fee, as well as requesting that the organization take legal action to address the fee. Ex. 1, Supp. Declaration of Miko Tempski ("Supp. Tempski Dec.") ¶¶ 3-5.

2. SAF has expended its time, energy, and resources to respond to these inquiries and requests. SAF employees and volunteers have corresponded with individuals making these inquiries and requests by telephone and by e-mail, and the time that SAF employees have spent dealing with such inquiries and requests has prevented them from engaging in other work on behalf of SAF. Supp. Tempski Dec. ¶ 6.
3. SAF has also prepared written materials regarding the amount of the license fee and proposals to change the license fee and distributed them on the internet for the benefit of its members and the inquiring public. SAF employees and volunteers have expended time, energy, and resources to prepare and distribute of these materials. Supp. Tempski Dec. ¶ 7.
4. Members of SAF live in New York City and have paid the \$340 fee. Declaration of Miko Tempski (Doc. No. 25-8) ¶ 7.
5. Members of Plaintiff The New York State Rifle & Pistol Association, Inc. (“NYSRPA”) have complained to the organization about the handgun license fees in the City of New York, including specifically the Residence Premises license fee, and have sought advice about the fee and any alternatives to the fee, as well as requesting that the organization take legal action to address the fee. Ex. 2, Supp. Declaration of Thomas H. King (“Supp. King Dec.”) ¶¶ 3-5.
6. NYSRPA has expended its time, energy, and resources to respond to these inquiries and requests. For example, NYSRPA and its volunteers have corresponded with individuals making these inquiries and requests by telephone and by e-mail. Supp. King Dec. ¶ 6.

7. NYSRPA publishes a web page at <http://www.nysrpa.org> that includes, *inter alia*, information on New York City firearms regulations, specifically including the \$340 license fee, and attempts to decrease that fee to a reasonable amount. NYSRPA has expended time, energy, and other resources to develop and publish these materials. Supp. King Dec. ¶ 7.
8. NYSRPA representatives have provided testimony to the New York City Council in favor of lowering the fee. The time that NYSRPA representatives have spent dealing with such inquiries and requests has prevented them from engaging in other work on behalf of NYSRPA. Supp. King. Dec. ¶ 8.
9. Members of NYSRPA live in New York City and have paid the \$340 fee. Declaration of Thomas H. King (Doc. No. 25-9) ¶ 7.

Dated: New York, New York  
August 24, 2011

**DAVID JENSEN PLLC**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SHUI W. KWONG; et al.,

Plaintiffs,

-against-

MICHAEL BLOOMBERG; et al.,

Defendants,

-and-

ATTORNEY GENERAL OF THE STATE OF  
NEW YORK,

Intervenor.

No. 11 Civ. 2356 (JGK) (DCF)

ECF Case

**SUPPLEMENTAL  
DECLARATION OF  
MIKO TEMPSKI**

I, Miko Tempski, declare as follows:


1. I live in Seattle, Washington. I am over 18 years of age and am competent to testify on my own behalf.
2. I submit this Declaration to supplement my previous declaration, dated June 16, 2011, on behalf of Plaintiff Second Amendment Foundation, Inc. ("SAF"). I am authorized to testify on SAF's behalf.
3. As I explained in my prior Declaration, members of SAF have complained to the organization about the handgun license fees imposed in the City of New York, including specifically the Residence Premises handgun license.
4. Members have also requested advice from SAF regarding the amount of the fee and whether there are any alternatives to paying the fee.
5. Finally, members have requested that SAF take legal action to address the amount of the fee.

6. SAF has expended its time, energy, and resources to respond to these inquiries and requests. SAF employees and volunteers have corresponded with individuals making these inquiries and requests by telephone and by e-mail, and the time that SAF employees have spent dealing with such inquiries and requests has prevented them from engaging in other work on behalf of SAF.

7. SAF has also prepared written materials regarding the amount of the license fee and proposals to change the license fee and distributed them on the internet for the benefit of its members and the inquiring public. SAF employees and volunteers have expended time, energy, and resources to prepare and distribute of these materials.

I affirm all of the foregoing statements under penalty of perjury under the laws of the United States of America.

Dated: August <sup>RD</sup>23, 2011



Miko Tempuski

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SHUI W. KWONG; et al.,

Plaintiffs,

-against-

MICHAEL BLOOMBERG; et al.,

Defendants,

-and-

ATTORNEY GENERAL OF THE STATE OF  
NEW YORK,

Intervenor.

No. 11 Civ. 2356 (JGK) (DCF)

ECF Case

**SUPPLEMENTAL  
DECLARATION OF  
THOMAS H. KING**

I, Thomas H. King, declare as follows:

1. I live in East Greenbush, New York. I am over 18 years of age and am competent to testify on my own behalf.

2. I submit this Declaration to supplement my previous Declaration, dated June 15, 2011, on behalf of Plaintiff The New York State Rifle and Pistol Association, Inc. ("NYSRPA"). I am authorized to testify on NYSRPA's behalf.

3. As I explained in my prior Declaration, members of NYSRPA have complained to the association about the handgun license fees imposed in the City of New York, including specifically the Residence Premises handgun license.

4. Members have also requested advice from NYSRPA regarding the amount of the fees and whether there are any alternatives to paying the fees.

5. Finally, members have requested that NYSRPA take both legislative and legal action to address the amount of the fee.

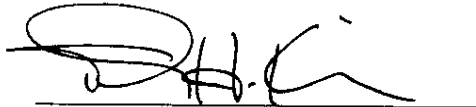
6. NYSRPA has expended its time, energy, and resources to respond to these inquiries and requests. For example, NYSRPA and its volunteers have corresponded with individuals making these inquiries and requests by telephone and by e-mail.

7. NYSRPA publishes a web page at <http://www.nysrpa.org> that includes, *inter alia*, information on New York City firearms regulations, specifically including the \$340 license fee, and attempts to decrease that fee to a reasonable amount. NYSRPA has expended time, energy, and other resources to develop and publish these materials.

8. Finally, NYSRPA representatives have provided testimony to the New York City Council in favor of lowering the fee. The time that NYSRPA representatives have spent dealing with such inquiries and requests has prevented them from engaging in other work on behalf of NYSRPA.

I affirm all of the foregoing statements under penalty of perjury under the laws of the United States of America.

Dated: August 23, 2011

  
Thomas H. King