

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' 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. Plaintiff Shui W. Kwong is a union electrical contractor, husband, and father who immigrated to the United States from Hong Kong. Ex. 1, Declaration of Shui W. Kwong ("Kwong Dec.") ¶ 1.
2. Plaintiff Nick Lidakis is a first-generation Greek American who serves the City as a paramedic. Ex. 2, Declaration of Nick Lidakis ("Lidakis Dec.") ¶ 1.

3. Plaintiff Nunzio Calce is a first-generation Italian American who is a father and a certified public accountant. Ex. 3, Declaration of Nunzio Calce (“Calce Dec.”) ¶ 1.
4. Plaintiffs George and Daniela Greco have been married for 24 years and have two children. Ex. 4, Declaration of George Greco (“G. Greco Dec.”) ¶ 1; Ex. 5, Declaration of Daniela Greco (“D. Greco Dec.”) ¶¶ 1-2.
5. Plaintiff Mr. Greco operates Midhattan Woodwork Corp., which is a successful third-generation family woodworking business. Ex. 4, G. Greco Dec. ¶ 1.
6. Plaintiff Mrs. Greco is a New York City public school teacher. Ex. 5, D. Greco Dec. ¶ 1.
7. Plaintiff Glenn Herman is married and is a certified firearms safety instructor. Ex. 6, Declaration of Glenn Herman (“Herman Dec.”) ¶ 1.
8. Plaintiff Timothy Furey is an investment professional who serves clients throughout the world. Ex. 7, Declaration of Timothy Furey (“Furey Dec.”) ¶ 1.
9. Plaintiff Mr. Kwong holds a New York City Residence Premises handgun license, has previously paid the \$340 fee, and will need to pay the \$340 fee in order to renew his license in the future. Ex. 1, Kwong Dec. ¶¶ 2-4.
10. Plaintiff Mr. Lidakis holds a New York City Residence Premises handgun license, has previously paid the \$340 fee, and will need to pay the \$340 fee in order to renew his license in the future. Ex. 2, Lidakis Dec. ¶¶ 2-4.
11. Plaintiff Mr. Calce holds a New York City Residence Premises handgun license, has previously paid the \$340 fee, and will need to pay the \$340 fee in order to renew his license in the future. Ex. 3, Calce Dec. ¶¶ 2-4.

12. Plaintiff Mr. Greco holds a New York City Residence Premises handgun license, has previously paid the \$340 fee, and will need to pay the \$340 fee in order to renew his license in the future. Ex. 4, G. Greco Dec. ¶¶ 2-4.
13. Plaintiff Mrs. Greco holds a New York City Residence Premises handgun license, has previously paid the \$340 fee, and will need to pay the \$340 fee in order to renew her license in the future. Ex. 5, D. Greco Dec. ¶¶ 3-5.
14. Plaintiff Mr. Herman holds a New York City Residence Premises handgun license, has previously paid the \$340 fee, and will need to pay the \$340 fee in order to renew his license in the future. Ex. 6, Herman Dec. ¶¶ 2-4.
15. Plaintiff Mr. Furey holds a New York City Residence Premises handgun license, has previously paid the \$340 fee, and will need to pay the \$340 fee in order to renew his license in the future. Ex. 7, Furey Dec. ¶¶ 2-4.
16. Plaintiff Second Amendment Foundation, Inc. (“SAF”) is organized under the laws of the State of Washington. Ex. 8, Declaration of Miko Tempski (“Tempski Dec.”) ¶ 3.
17. SAF is a 501(c)(3) not-for profit member organization. Ex. 8, Declaration of Miko Tempski (“Tempski Dec.”) ¶ 3.
18. SAF has over 650,000 members and supporters nationwide, including in the City and State of New York. Ex. 8, Tempski Dec. ¶ 4.
19. SAF’s core purposes include promoting both the exercise of the right to keep and bear arms, as well as education, research, publishing, and legal action focusing on the constitutional right to privately own and possess firearms. SAF publishes three periodicals (The New Gun Week, Women and Guns, and The Gottlieb-Tartaro

- Report) and also publishes the academic publication Journal of Firearms and Public Policy. Ex. 8, Tempski Dec. ¶ 5.
20. SAF sponsored and was a party to the McDonald v. Chicago litigation, and SAF has sponsored and continues to sponsor litigation that seeks to vindicate the constitutional right to keep and bear arms. Ex. 8, Tempski Dec. ¶ 6.
21. Plaintiffs Nick Lidakis, Nunzio Calce, and Glenn Herman are members of SAF. Ex. 2, Lidakis Dec. ¶ 5; Ex. 3, Calce Dec. ¶ 5; Ex. 6, Herman Dec. ¶ 5.
22. Plaintiff The New York State Rifle and Pistol Association, Inc. (“NYSRPA”) is a 501(c)(4) not-for profit member organization that is organized under the laws of the State of New York as a non-profit corporation. Ex. 9, Declaration of Thomas H. King (“King Dec.”) ¶ 3.
23. NYSRPA has 22,000 members in the State of New York, including in New York City. Ex. 9, King Dec. ¶ 5.
24. NYSRPA is the oldest firearms advocacy organization in the nation, being organized in 1871 in New York City. NYSRPA is the largest state-level firearms organization in the State of New York. Ex. 9, King Dec. ¶ 4.
25. NYSRPA’s core purposes include providing education and training in both firearms safety and firearms proficiency. NYSRPA actively promotes the shooting sports throughout the State of New York, and its membership includes affiliated hunting and shooting clubs in all regions. Another core purpose of NYSRPA is to promote the preservation of Second Amendment rights through both legislative and legal action. Ex. 9, King Dec. ¶ 6.

26. Plaintiff Glenn Herman is a member of NYSRPA, and Plaintiff George Greco is a NYSRPA board member. Ex. 4, G. Greco Dec. ¶ 5; Ex. 6, Herman Dec. ¶ 5.
27. The document attached as Ex. 11 is a copy of 1911 N.Y. Laws ch. 195, provided as a convenience to the Court. Ex. 10, Declaration of David Jensen (“Jensen Dec.”) ¶ .
28. The document attached as Ex. 12 is a copy of § 1897 of the 1909 Penal Code of New York, provided as a convenience to the Court. Jensen Dec. ¶ 2.
29. The document attached as Ex. 13 is a copy of “Instructions to All Handgun License Applicants” prepared by the New York City Police Department, available at <http://www.nyc.gov/html/nypd/downloads/pdf/permits/HandGunLicenseApplicationFormsComplete.pdf> (last visited Jun. 22, 2011). Jensen Dec. ¶ 5.
30. At the present time, handgun license applicants in New York City must pay a fee of \$94.25 for fingerprinting and background checks conducted by the New York State Division of Criminal Justice Services. Jensen Dec. ¶ 5 & ex. 13.
31. The document attached as Ex. 14 is a copy of 1922 N.Y. Laws ch. 198, provided as a convenience to the Court. Jensen Dec. ¶ 2.
32. The Consumer Price Index, maintained by the Bureau of Labor Statistics, increased in value by 1345.0% from 1922 to 2011. See generally Bureau of Labor Statistics, “Inflation Calculator,” available at [http://www.bls.gov/data/inflation\\_calculator.htm](http://www.bls.gov/data/inflation_calculator.htm) (last visited Jun. 22, 2011).
33. The document attached as Ex. 15 is a copy of 1938 N.Y. Laws ch. 374, provided as a convenience to the Court. Jensen Dec. ¶ 2.


34. The document attached as Ex. 16 is a copy of A. 1526-1382, which is the “Bill Jacket” accompanying 1938 N.Y. Laws ch. 374, provided as a convenience to the Court. Jensen Dec. ¶ 4.
35. The document attached as Ex. 17 is a copy of §§ B18-1.0(7) and 436-5.0(2) of the 1938 New York City Administrative Code, provided as a convenience to the Court. Jensen Dec. ¶ 3.
36. The Consumer Price Index, maintained by the Bureau of Labor Statistics, increased in value by 1602.6% from 1938 to 2011. See generally Bureau of Labor Statistics, “Inflation Calculator,” available at [http://www.bls.gov/data/inflation\\_calculator.htm](http://www.bls.gov/data/inflation_calculator.htm) (last visited Jun. 22, 2011).
37. The document attached as Ex. 18 is a copy of the 1947 N.Y. Laws ch. 147, provided as a convenience to the Court. Jensen Dec. ¶ 2.
38. The document attached as Ex. 19 is a copy of A. 499-497, which is the “Bill Jacket” accompanying 1947 N.Y. Laws ch. 147, provided as a convenience to the Court. Jensen Dec. ¶ 4.
39. The document attached as Ex. 20 is a copy of New York City Local Law No. 32-1948, provided as a convenience to the Court. Jensen Dec. ¶ 3.
40. The Consumer Price Index, maintained by the Bureau of Labor Statistics, increased in value by 937.6% from 1948 to 2011. See generally Bureau of Labor Statistics, “Inflation Calculator,” available at [http://www.bls.gov/data/inflation\\_calculator.htm](http://www.bls.gov/data/inflation_calculator.htm) (last visited Jun. 22, 2011).
41. The document attached as Ex. 21 is a copy of New York City Local Law No. 37-2004, provided as a convenience to the Court. Jensen Dec. ¶ 5.

42. The document attached as Ex. 22 is a copy of the Fiscal Impact Statement for New York City Local Law No. 37-2004, provided as a convenience to the Court. Jensen Dec. ¶ 5.
43. The document attached as Ex. 23 is a copy of pertinent excerpts from minutes of a hearing held by New York City Council on June 24, 2004, provided as a convenience to the Court. Jensen Dec. ¶ 5.
44. The document attached as Ex. 24 is a copy of § 353 of the Greater New York Charter (1906), provided as a convenience to the Court. Jensen Dec. ¶ 3.
45. The document attached as Ex. 25 is a copy of New York City Council Introduction 313-2010, provided as a convenience to the Court. Jensen Dec. ¶ 5.
46. The document attached as Ex. 26 is a copy of the Report of the New York City Council Committee on Public Safety for Introduction 313-2010, dated Sept. 15, 2010, provided as a convenience to the Court. Jensen Dec. ¶ 5.
47. The document attached as Ex. 27 is a copy of excerpts from the Nassau County, New York Police Department's "Pistol License Handbook" dated April 2010, available at [http://www.police.co.nassau.ny.us/pdf/InformationHandbookWebPage%20\\_2\\_.pdf](http://www.police.co.nassau.ny.us/pdf/InformationHandbookWebPage%20_2_.pdf) (last visited Jun. 22, 2011), which sets forth basic requirements to apply for a handgun license in Nassau County. Jensen Dec. ¶ 5.
48. At the present time, handgun license applicants in Nassau County must pay \$200 for a license that is valid for 5 years. Jensen Dec. ¶ 5 & ex. 27 p. 5.
49. The document attached as Ex. 28 is an excerpt from a webpage maintained by the New Jersey State Police entitled "Frequently Asked Questions," available at <http://www.njsp.org/faq.html#firearms> (last visited Jun. 22, 2011). Jensen Dec. ¶ 5.

50. At the present time, a person seeking to purchase a handgun for the first time in New Jersey must pay \$60.25 for a background check. Jensen Dec. ¶ 5 & ex. 28 at Q5.
51. The document attached as Ex. 29 is an excerpt from a webpage maintained by the Bureau of Firearms of the California Department of Justice entitled “Frequently Asked Questions,” available at <http://ag.ca.gov/firearms/pubfaqs.php> (last visited Jun. 22, 2011). Jensen Dec. ¶ 5.
52. At the present time, a person seeking to purchase a handgun in California must pay \$25 for additional state background check. Jensen Dec. ¶ 5 & ex. 29 at 13.

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June 22, 2011

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