

No. 14-55873

**In the United States Court of Appeals
for the Ninth Circuit**

CHARLES NICHOLS,
Plaintiff-Appellant,

v.

EDMUND G. BROWN, JR., in his official capacity as the Governor of California and
XAVIER BECERRA, in his official capacity as the Attorney General of California,
Defendants-Appellees.

On Appeal from the United States District Court
for the Central District of California

Case No. 2:11-cv-09916-SJO-SS
The Honorable S. James Otera, Judge

**MOTION FOR LEAVE TO FILE A BRIEF AS AMICUS CURIAE
IN SUPPORT OF APPELLEES**

Everytown for Gun Safety hereby moves this Court for leave to file a brief as amicus curiae in support of the appellees in this case.

1. Everytown for Gun Safety is the nation's largest gun-violence-prevention organization. With more than three million supporters, it advocates for common-sense gun laws across the country. Everytown has a large number of supporters who live and work in the state of California and who believe that the

state's regulation of the public carrying of firearms makes their homes, workplaces, and neighborhoods safer. The leaders of more than 50 California cities—including Los Angeles, Oakland, and San Francisco—are members of Mayors Against Illegal Guns, Everytown's coalition of more than 1,000 current and former mayors advocating for common-sense gun-safety regulations.

2. Everytown seeks to file the proposed amicus brief (attached) to present this Court with a comprehensive account of historical materials that bear on the Second Amendment question in this case: whether California's prohibition on openly carrying firearms in populated public areas—while allowing the carrying of concealed weapons with a permit—violates the right to bear arms.

3. Everytown has a significant interest in the proper resolution of that question. Moreover, it has devoted substantial resources to researching historical firearms legislation. It has drawn on this expertise to file briefs in numerous recent Second Amendment cases, including cases in this Court and in the most recent appeals concerning Second Amendment challenges to restrictions on public carry. *See Peruta v. San Diego*, No. 10-56971 (9th Cir.) (en banc); *Peña v. Lindley*, No. 15-15449 (9th Cir.); *Silvester v. Harris*, No. 14-16840 (9th Cir.); *Wrenn v. District of Columbia*, No. 16-7025 (D.C. Cir.); *Grace v. District of Columbia*, No. 16-7067 (D.C. Cir.); *Wrenn v. District of Columbia*, No. 15-7057 (D.C. Cir.); *Kolbe v. Hogan*, No. 14-1945 (4th Cir.) (en banc); *Norman v. Florida*, No. SC15-650 (Fla.). The proposed

amicus brief will describe in detail the historical predecessors to California's law—from a 1328 English statute, through founding-era America, and up to today.

4. Because this historical background is directly relevant to the constitutionality of California's law, Everytown's proposed brief will assist this Court in deciding that question.

5. Everytown has endeavored to obtain the consent of all parties to the filing of the proposed amicus brief. The appellees consent to the filing the brief. The appellant does not consent to the filing of the brief.

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February 24, 2017

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CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2017, I electronically filed the foregoing motion for leave to file a brief as amicus curiae with the Clerk of the Court for the U.S. Court of Appeals for the Ninth Circuit by using the CM/ECF system. All participants are registered CM/ECF users, and will be served by the appellate CM/ECF system.

Dated: February 24, 2017

/s/ Deepak Gupta
Deepak Gupta