

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MARY E. SHEPARD and the ILLINOIS	)	
STATE RIFLE ASSOCIATION,	)	
	)	
Plaintiffs,	)	
	)	
-vs-	)	No. 11-405
	)	
LISA M. MADIGAN, solely in her official	)	
capacity as ATTORNEY GENERAL OF	)	
ILLINOIS, GOVERNOR PATRICK J.	)	
QUINN, solely in his official capacity as	)	
Governor of the State of Illinois,	)	
TYLER R. EDMONDS, solely in his	)	
official capacity as the State's Attorney	)	
of Union County, Illinois, and SHERIFF	)	
DAVID LIVESAY, solely in his official	)	
capacity as Sheriff of Union County,	)	
	)	
Defendants.	)	

MOTION TO DISMISS

Now come defendants, Lisa Madigan, Attorney General of the State of Illinois; Patrick J. Quinn, Governor of the State of Illinois; and Tyler R. Edmonds, State's Attorney of Union County, Illinois, by their attorney, Lisa Madigan, Attorney General of the State of Illinois, and, hereby move pursuant to 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss plaintiffs' complaint.

In support thereof, it is stated:

1. Plaintiffs' facial challenge fails to state a cause of action upon which relief can be granted, because the challenged statutes are not unconstitutional in all their applications.
2. Governor Quinn is not a proper party to this action.
3. The challenged statutes do not infringe the Second Amendment's right to

bear arms.

4. The scope of the Second Amendment does not include a core right to carry concealed weapons.

5. The challenged statutes meets appropriate means scrutiny.

6. The scope of the Second Amendment does not extend to carrying weapons outside of the home.

WHEREFORE, defendants respectfully request that this honorable Court dismiss plaintiffs' complaint; further, if the Court denies defendants' motion, the Governor is not a proper party and should be dismissed from this action.

Respectfully submitted,

LISA MADIGAN, ATTORNEY GENERAL OF
THE STATE OF ILLINOIS; PATRICK J. QUINN,
GOVERNOR OF THE STATE OF ILLINOIS; and
TYLER R. EDMONDS, STATE'S ATTORNEY
OF UNION COUNTY, ILLINOIS,

Defendants,

Terence J. Corrigan, #6191237
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LISA MADIGAN, Attorney General
State of Illinois,

Attorney for Defendants.

By: /s/Terence J. Corrigan
Terence J. Corrigan
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2011, I electronically filed Defendants' Motion to Dismiss with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

whoward@freebornpeters.com

jableyer@bleyerlaw.com

and I hereby certify that on July 22, 2011, I mailed by United States Postal Service, the document to the following nonregistered participant:

None

Respectfully submitted,

By: /s/Terence J. Corrigan

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