

No. 14-1945

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

STEPHEN V. KOLBE, *et al.*,
Plaintiffs-Appellants,

v.

LAWRENCE J. HOGAN, JR., GOVERNOR, *et al.*,
Defendants-Appellees.

On Appeal from the United States District
Court for the District of Maryland

**UNOPPOSED MOTION BY EVERYTOWN FOR GUN SAFETY
FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF
IN SUPPORT OF APPELLEES AND REHEARING *EN BANC***

J. Adam Skaggs
Mark Anthony Frassetto
EVERYTOWN FOR GUN SAFETY
P.O. Box 4184
New York, NY 10163

Deepak Gupta
Jonathan E. Taylor
Neil K. Sawhney
GUPTA WESSLER PLLC
1735 20th Street
Washington, DC 20009
(202) 888-1742
deepak@guptawessler.com

*Counsel for Amicus Curiae
Everytown for Gun Safety*

February 25, 2016

Everytown for Gun Safety seeks leave under Federal Rule of Appellate Procedure 29 to file the attached *amicus curiae* brief. All parties consent to the brief's filing, and no counsel for any party authored it in whole or part. Apart from *amicus curiae*, no person contributed money intended to fund its preparation and submission.

This case presents a constitutional challenge to Maryland's prohibitions on military-style rifles and high-capacity magazines, an issue of exceptional importance. The panel's decision, if upheld, threatens to impede state legislators' ability to adopt laws they deem necessary to protect their constituents from gun violence.

Everytown is the nation's largest gun-violence-prevention organization, with over three million supporters. Everytown has a large number of supporters who live and work in the states that make up the Fourth Circuit, and who believe in common-sense gun laws. The mayors of Baltimore, Maryland; Norfolk, Richmond, and Virginia Beach, Virginia; and Charlotte and Raleigh, North Carolina are all members of Everytown's Mayors Against Illegal Guns coalition. Everytown has drawn on its research on historical firearms laws to file briefs in several recent Second Amendment cases. *See, e.g., Wrenn v. District of Columbia*, No. 15–7057 (D.C. Cir.); *Peruta v. San Diego*, No. 10–56971 (9th Cir.); *Silvester v. Harris*, No. 14–16840 (9th Cir.). As in those cases, Everytown seeks to assist this Court by providing relevant, previously overlooked history. Everytown's brief also explains why Maryland's law does not burden the Second Amendment right—an issue largely unaddressed by both the panel majority and by Maryland's petition for rehearing *en banc*.

Dated: February 25, 2016

Respectfully submitted,

/s/ Deepak Gupta
Deepak Gupta
Jonathan E. Taylor
Neil K. Sawhney
GUPTA WESSLER PLLC
1735 20th Street
Washington, DC 20009
(202) 888-1742
deepak@guptawessler.com

J. Adam Skaggs
Mark Anthony Frassetto
EVERYTOWN FOR GUN SAFETY
P.O. Box 4184
New York, NY 10163

*Counsel for Amicus Curiae
Everytown for Gun Safety*

CERTIFICATE OF SERVICE

I certify that on February 25, 2016, the foregoing motion was served on all parties or their counsel of record through the CM/ECF system.

/s/ Deepak Gupta
Deepak Gupta

February 25, 2016