

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

NEW YORK STATE RIFLE AND PISTOL  
ASSOCIATION, INC., et al.,

Plaintiffs,

v.

THE CITY OF NEW YORK, et al.,

Defendants.

Case No.: 1:13-cv-2115-RWS

**NOTICE OF MOTION**

**Motion by:** All Plaintiffs

**Relief Demanded:** A Preliminary Injunction enjoining the enforcement of 38 RCNY § 5-23 by the New York City Police Department in any manner that prohibits or precludes the plaintiffs from traveling beyond either the borders of New York City or New York State with a licensed handgun to attend a shooting range or competition.

**Supporting Papers:** Memorandum of Law by Brian Stapleton and Matthew Lerner  
Affidavit of Romolo Colantone  
Affidavit of Efrain Alvarez  
Affidavit of Jose Irizarry

**Grounds for Relief:** U.S. Const., amend. II  
U.S. Const., art. I, § 8, cl. 3  
U.S. Const., art. IV, § 2  
Fed.R.Civ.P. 65

**Return Date of Motion:** Absent an Order by the Court, and pursuant to S.D.N.Y. L.R.Civ.P. 6.1(b), opposing papers (if any) shall be filed within 14 days of the filing of this motion. Reply papers (if any) are to be filed within seven days of after service of opposing papers. NOTE: to the extent required, the movants herein intend to file and serve reply papers.

**Date, Time, and Place of Hearing On Motion:** U.S. District Court for the Southern District of New York  
500 Pearl Street, New York, NY 10007-1312  
Courtroom of the Hon. Robert W. Sweet  
Date and time of hearing (if any) to be determined by the Court

Dated: May 7, 2013

Respectfully Submitted,

GOLDBERG SEGALLA, LLP

By: /s/ Brian T. Stapleton  
Brian T. Stapleton, Esq. (BS 5640)  
11 Martine Avenue, 7<sup>th</sup> Floor  
White Plains, New York 10606-1934  
(914) 798-5400  
[bstapleton@goldbergsegalla.com](mailto:bstapleton@goldbergsegalla.com)

*Counsel For Plaintiffs*

**CERTIFICATION**

I hereby certify that on May 7, 2013, a copy of the foregoing MOTION FOR PRELIMINARY INJUNCTION was filed electronically and served by mail upon anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to the parties described below by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

MICHAEL A. CARDOZO  
Corporation Counsel of the City of New York  
By Michelle Goldberg-Cahn, Esq. (MG 4490)

*Attorney for Defendants*  
100 Church St., 5th Floor  
New York, New York 10007  
[migoldbe@law.nyc.gov](mailto:migoldbe@law.nyc.gov)

By: /s/ Brian T. Stapleton  
Brian T. Stapleton, Esq. (BS 5640)