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

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

v.

Plaintiffs,

Case No.: 1:13-cv-02115-RWS

THE CITY OF NEW YORK, et al,

Defendants.

PLAINTIFFS' UNOPPOSED MOTION FOR PERMISSION NUNC PRO TUNC TO FILE AN OVERSIZED REPLY MEMORANDUM OF LAW

1. Plaintiffs, by and through their attorneys, respectfully move this Court for an Order granting permission *nunc pro tunc* to file an oversized Reply Memorandum of Law in further support of their Motion for Preliminary Injunction.

2. Plaintiffs have moved to immediately enjoin the enforcement of 38 RCNY § 5-23. Enforcement of this regulation involves numerous constitutional issues. The issues are highly complex, and involve the Second Amendment and the Dormant Commerce Clause of the U.S. Constitution. The facts supporting this Motion are complicated, detailed, and wide-ranging. The City of New York's opposition to this Motion has likewise raised many complicated factual and legal issues.

3. To adequately and thoroughly brief the Court on theses issues and facts, the plaintiffs need to file a Memorandum of Law that exceeds ten (10) pages. Plaintiffs are therefore requesting permission *nunc pro tunc* to file a Memorandum of Law that will not exceed fifteen (15) pages.

4. Plaintiffs have conferred with counsel for the defendants regarding this request, and

GOLDBERG SEGALLA, LLP 11 Martine Avenue – 7th Floor White Plains, NY 10606 (914) 798-5400 they have consented to its being granted.

Dated: July 2, 2013

Respectfully Submitted,

GOLDBERG SEGALLA, LLP

By: /s/ Brian T. Stapleton Brian T. Stapleton, Esq. (BS 5640) Matthew S. Lerner. Esq. (ML 2020) 11 Martine Avenue, Suite 750 White Plains, New York 10606-1934 (914) 798-5400 bstapleton@goldbergsegalla.com

Counsel For Plaintiffs

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CERTIFICATION

I hereby certify that on July 2nd, 2013, a copy of the foregoing MOTION FOR PERMISSION TO FILE AN OVERSIZED REPLY MEMORANDUM OF LAW was filed electronically and served by mail upon anyone unable to accept electronic filing. Notice of this filing was will be sent by e-mail to all parties 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.

GOLDBERG SEGALLA, LLP

By: <u>/s/ Brian T. Stapleton</u> Brian T. Stapleton, Esq. (CT13418)