

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PULLMAN ARMS INC.; GUNS and GEAR, LLC;
PAPER CITY FIREARMS, LLC; GRRR! GEAR,
INC.; and NATIONAL SHOOTING SPORTS
FOUNDATION, INC.,

Plaintiffs,

v.

MAURA HEALEY, as ATTORNEY GENERAL
FOR THE COMMONWEALTH OF
MASSACHUSETTS,

Defendant.

CIVIL ACTION NO.
4:16-cv-40136-TJH

**DEFENDANT'S MOTION FOR LEAVE TO FILE A SUPPLEMENTAL POST-
ARGUMENT MEMORANDUM IN SUPPORT OF MOTION TO DISMISS**
(Assented to)

Pursuant to Local Rule 7.1(b)(3), the defendant Maura Healey, as Attorney General of Massachusetts, respectfully moves for leave to file the attached 7-page supplemental memorandum in further support of her motion to dismiss the amended complaint. As grounds, the Attorney General states:

1. On January 10, 2017, the Attorney General moved to dismiss all of the plaintiffs' claims pursuant to Fed. R. Civ. P. 12(b)(1) and (6). In particular, the Attorney General contends: (1) that the plaintiffs' three state-law claims are barred by the Eleventh Amendment to the United States Constitution, and, in any event, that each fails as a matter of law; (2) that the plaintiffs' vagueness claim is not cognizable, and, in any event, fails on the merits; and (3) that the plaintiffs' contingent Second Amendment claim is not justiciable and fails as a matter of law.

3. On April 7, 2017, this Court conducted a hearing on the Attorney General's motion to dismiss. At the hearing, the Court asked counsel several questions related to *Beckles v. United States*, 137 S. Ct. 886 (2017), which was decided on March 6, 2017, after the parties' briefs were submitted, and raised further questions related to matters not addressed in the briefs.

4. The attached memorandum addresses these issues. The Attorney General respectfully submits that this memorandum will assist the Court in deciding this potentially dispositive motion.

5. The plaintiffs, by their counsel, assent to the allowance of this motion.

For the foregoing reasons, the Attorney General respectfully requests that the Court grant her leave to file the attached Supplemental Memorandum.

Respectfully submitted,

MAURA HEALEY
ATTORNEY GENERAL

/s/ William W. Porter
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Date: April 18, 2017

CERTIFICATE PURSUANT TO LOCAL RULE 7.1(a)(2)

I certify that, on April 14, 2017, I conferred with David Kerrigan, counsel for the plaintiffs, and he informed me that plaintiffs assent to the allowance of this motion.

/s/ William W. Porter
William W. Porter
Assistant Attorney General

CERTIFICATE OF SERVICE

I certify that this document filed through the CM/ECF system will be sent electronically to registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on April 18, 2017.

/s/ William W. Porter
William W. Porter
Assistant Attorney General