

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

NATIONAL SHOOTING SPORTS
FOUNDATION, Inc., et al.,

Plaintiffs,

v.

KATHY HOCHUL, in her official capacity as
Governor of New York, and LETITIA
JAMES, in her official capacity as New York
Attorney General,

Defendants.

1:21-cv-1348 (MAD/CFH)

DECLARATION OF KEVIN B. REID, SR. ON BEHALF OF
STURM, RUGER & COMPANY, INC.

I, Kevin B. Reid, Sr., hereby declare as follows:

1. I am over the age of 18 years, and I am qualified to submit this declaration on behalf of Sturm, Ruger & Company, Inc. (“Ruger”).
2. I am the Vice President, General Counsel, and Corporate Secretary at Ruger.
3. I have personal knowledge of the facts set forth in this declaration through direct involvement and by personally reviewing Ruger’s records and information.
4. Ruger is a Delaware corporation with its principal place of business in Connecticut. Ruger was founded in 1949 and has grown to one of the largest firearms manufacturers in the United States, principally for the consumer market.
5. Ruger is a federal firearms licensee (“FFL”) licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”).

6. Ruger is a corporation engaged in the manufacture of firearms and so is a “gun industry member” as defined in New York’s Act (“the Act”) codified at N.Y. Gen. Bus. Law §§ 898-a–e.

7. Ruger is also a “manufacturer” as defined in the Protection of Lawful Commerce in Arms Act (“PLCAA”). 15 U.S.C. § 7903(2).

8. Ruger manufactures firearms for civilian use in New Hampshire, Arizona, and North Carolina. Ruger does not have any manufacturing operations in New York. Ruger utilizes certain vendors in New York that manufacture certain component parts in that state for Ruger. Ruger’s marketing department also is located in New York.

9. Ruger utilizes a two-step distribution system in the domestic market. This means that Ruger sells firearms for domestic civilian use to a small number of independent, federally licensed distributors in accordance with all applicable state, federal and local laws. These independent, federally licensed distributors, in turn, sell the firearms throughout the United States to independent, federally licensed retailers in accordance with applicable federal, state, and local laws. These independent, federally licensed retailers then sell the firearms to consumers in accordance with applicable federal, state, and local laws. Thus, a Ruger-branded firearm destined for the domestic, consumer market typically is subject to three, federally regulated transactions before it reaches the hands of a consumer. Ruger does not sell firearms directly to civilians.

10. I understand the Act’s preamble states that, “despite stringent state and local laws against the illegal possession of firearms [in New York] according to the Bureau of Alcohol, Tobacco, Firearms and Explosives statistics, 74% of firearms used in crimes in New York are purchased outside of New York.” NY LEGIS 237 (2021), 2021 Sess. Law News of N.Y. Ch. 237 (S. 7196).

11. I understand the Act seeks to address “the ease at which legal firearms flow into the illegal market” and the criminal misuse of firearms in New York. *Id.*

12. The firearms industry is heavily regulated. All firearms industry members must comply with multiple federal, state, and local laws and regulations that govern the manufacture, export, import, sale, and acquisition of firearms including: the National Firearms Act, 26 U.S.C. §§ 5801 *et seq.*; the Federal Gun Control Act of 1968, 18 U.S.C. §§ 921 *et seq.*; the Arms Export Control Act, 22 U.S.C. § 2778; Importation of Arms, Ammunition and Implements of War, 27 C.F.R § 447; Commerce in Firearms and Ammunition, 27 C.F.R § 478; as well as numerous state and local laws and regulations.

13. The Act declares “No gun industry member, by conduct either unlawful in itself or unreasonable under all the circumstances shall knowingly or recklessly create, maintain or contribute to a condition in New York state [*i.e.*, a public nuisance] that endangers the safety or health of the public through the sale, manufacturing, importing or marketing of a qualified product.” N.Y. Gen. Bus. Law § 898-b(1).

14. I understand that “qualified products” are only those that have “been shipped or transported in interstate or foreign commerce.” 15 U.S.C. § 7903(4).

15. The Act also declares that “All gun industry members who manufacture, market, import or offer for wholesale or retail sale any qualified product in New York state shall establish and utilize reasonable controls and procedures to prevent its qualified products from being possessed, used, marketed or sold unlawfully in New York state.” N.Y. Gen. Bus. Law § 898-b(2). “Reasonable controls and procedures” are defined as “policies that include, but are not limited to: (a) instituting screening, security, inventory and other business practices to prevent thefts of qualified products as well as sales of qualified products to straw purchasers, traffickers,

persons prohibited from possessing firearms under state and federal law, or persons at risk of injuring themselves or others; and (b) preventing deceptive acts and practices and false advertising and otherwise ensuring compliance with all provisions of article twenty-two-A of this chapter.”

Id. § 898-a(2).

16. New York law criminalizes multiple activities, including the manufacture, transport, shipment, or sale of any “semiautomatic” rifle, pistol, or shotgun with various defined characteristics such as a semiautomatic rifle that has “a pistol grip that protrudes conspicuously beneath the action of the weapon,” N.Y. Penal Law § 265:00(21–22); 265.10(1–2).

17. Ruger is permitted to manufacture and sell “semiautomatic” firearms of the type illegal under New York’s Penal Law in multiple other states.

18. I fear that, if a criminal illegally transports into New York one of the semiautomatic firearms defined by New York Penal Law to be illegal, Ruger would face liability under the Act even though the initial manufacture, transport, and shipment of the firearm by Ruger was lawful and complied with all applicable laws and regulations in the place undertaken.

19. Ruger cannot eliminate liability under the Act’s first prong because the behavior of third-party criminals is outside Ruger’s control.

20. I also fear that, even setting aside the above activities that New York criminalizes, Ruger could still face liability under the Act for any activity that New York deems to be “unreasonable under all the circumstances,” even though in full compliance with all laws and regulations in the place undertaken.

21. Ruger cannot eliminate liability under Act because “unreasonable under all the circumstances” is not defined, is highly subjective and vague, and because this provision again

creates liability for Ruger based on the behavior of third-party criminals who are outside Ruger's control.

22. I also fear that Ruger also could face liability under the Act's vague and subjective requirement to "establish and utilize reasonable controls and procedures to prevent" firearms "from being possessed, used, marketed or sold unlawfully in New York state" even though multiple "controls and procedures" are already required by federal, state, and local laws and regulations.

23. Ruger cannot eliminate liability under the Act because, again, liability is predicated on the behavior of third-party criminals outside Ruger's control.

24. Drastic measures by Ruger could theoretically eliminate liability under the Act (discontinuing the manufacture of semiautomatic firearms entirely, for example), but the economic impact of such measures to Ruger would be irreparable and, regardless, the potential for litigation and liability under the Act would not be eliminated. Because the Act is vague and broad and encompasses fully lawful conduct, there is no action that Ruger could take in order to insulate it from liability, other than ceasing operations altogether.

25. If the Act is not enjoined, Ruger will be irreparably harmed by being forced to cease lawful, federally licensed operations or face liability, both of which would have a significant, harmful impact on the company's revenue. In addition, because the Act's standards are vague and unattainable, and liability under the Act attaches based upon the behavior of third-party criminals outside Ruger's control, there is no way for Ruger to comply. Ruger will continually be at risk of litigation and potential liability unless it ceases doing business as a federally licensed firearms manufacturer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 1st day of December, 2021.

By: 
Kevin B. Reid, Sr.

Exhibit B

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

NATIONAL SHOOTING SPORTS
FOUNDATION, Inc., et al.,

Plaintiffs,

v.

KATHY HOCHUL, in her official capacity as
Governor of New York, and LETITIA
JAMES, in her official capacity as New York
Attorney General,

Defendants.

1:21-cv-1348 (MAD/CFH)

DECLARATION OF EDWARD PEPPER ON BEHALF OF OSAGE COUNTY GUNS

I, Edward Pepper, hereby declare as follows:

1. I am over the age of 18 years, and I am qualified to submit this declaration on behalf of Osage County Guns (“Osage County”).
2. I am the Chief Operating Officer and Owner of Osage County.
3. I have personal knowledge of the facts set forth in this declaration through direct involvement and by personally reviewing Osage County’s records and information.
4. Osage County is a Missouri corporation operating a firearms, accessories, and ammunition sales business in Missouri.
5. Osage County is a federal firearms licensee (“FFL”) licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”).
6. Osage County is a corporation engaged in the sale of firearms and so is a “gun industry member” as defined in New York’s Act (“the Act”) codified at N.Y. Gen. Bus. Law §§ 898-a–e.

7. Osage County is also a “seller” as defined in the Protection of Lawful Commerce in Arms Act (“PLCAA”). 15 U.S.C. § 7903(2).

8. Osage County sells to civilians from its store in Missouri and also into other states online through FFLs as permitted by federal law.

9. I understand the Act’s preamble states that, “despite stringent state and local laws against the illegal possession of firearms [in New York] according to the Bureau of Alcohol, Tobacco, Firearms and Explosives statistics, 74% of firearms used in crimes in New York are purchased outside of New York.” NY LEGIS 237 (2021), 2021 Sess. Law News of N.Y. Ch. 237 (S. 7196).

10. I understand the Act seeks to address “the ease at which legal firearms flow into the illegal market” and the criminal misuse of firearms in New York. *Id.*

11. The firearms industry is heavily regulated. All firearms industry members must comply with multiple federal, state, and local laws and regulations that govern the manufacture, export, sale, and acquisition of firearms including: the National Firearms Act, 26 U.S.C. §§ 5801 *et seq.*; the Federal Gun Control Act of 1968, 18 U.S.C. §§ 921 *et seq.*; the Arms Export Control Act, 22 U.S.C. § 2778; Importation of Arms, Ammunition and Implements of War, 27 C.F.R § 447; Commerce in Firearms and Ammunition, 27 C.F.R § 478; as well as numerous state and local laws and regulations.

12. I understand the Act declares “No gun industry member, by conduct either unlawful in itself or unreasonable under all the circumstances shall knowingly or recklessly create, maintain or contribute to a condition in New York state [*i.e.*, a public nuisance] that endangers the safety or health of the public through the sale, manufacturing, importing or marketing of a qualified product.” N.Y. Gen. Bus. Law § 898-b(1).

13. I understand “qualified products” are only those that have “been shipped or transported in interstate or foreign commerce.” 15 U.S.C. § 7903(4).

14. I understand the Act also declares that “All gun industry members who manufacture, market, import or offer for wholesale or retail sale any qualified product in New York state shall establish and utilize reasonable controls and procedures to prevent its qualified products from being possessed, used, marketed or sold unlawfully in New York state.” N.Y. Gen. Bus. Law § 898-b(2). “Reasonable controls and procedures” are defined as “policies that include, but are not limited to: (a) instituting screening, security, inventory and other business practices to prevent thefts of qualified products as well as sales of qualified products to straw purchasers, traffickers, persons prohibited from possessing firearms under state and federal law, or persons at risk of injuring themselves or others; and (b) preventing deceptive acts and practices and false advertising and otherwise ensuring compliance with all provisions of article twenty-two-A of this chapter.” *Id.* § 898-a(2).

15. I also understand that New York law criminalizes multiple activities, including the sale of any “semiautomatic” rifle, pistol, or shotgun with various defined characteristics such as a semiautomatic shotgun that has a fixed magazine capacity in excess of seven rounds. N.Y. Penal Law § 265:00(21–22); 265.10(1–2).

16. Osage County is lawfully permitted to sell “semiautomatic” firearms of the type illegal under New York’s Panel law in multiple other states, including Missouri.

17. I fear that, if a criminal illegally transports into New York one of the semiautomatic firearms defined by New York Penal Law to be illegal, Osage County would face liability under the Act even though the initial sale by Osage County was lawful and complied with all applicable laws and regulations in the place undertaken.

18. Osage County cannot eliminate liability under this prong of the Act because the behavior of third-party criminals is outside Osage County's control.

19. I also fear that, even setting aside the above activities that New York criminalizes, Osage County could still face liability under the Act for any activity that New York deems to be "unreasonable under all the circumstances," even though in full compliance with all laws and regulations in the place undertaken.

20. Osage County cannot eliminate liability under this provision of the Act because "unreasonable under all the circumstances" is not defined, is highly subjective and vague and because this provision again creates liability for Osage County based on the behavior of criminals who are outside Osage County's control.

21. I also fear that Osage County could face liability under the Act's vague and subjective requirement to "establish and utilize reasonable controls and procedures to prevent" firearms "from being possessed, used, marketed or sold unlawfully in New York state" even though multiple "controls and procedures" are already required by federal, state and local laws and regulations.

22. Osage County cannot eliminate liability under this provision of the Act because, again, liability is predicated on the behavior of third-party criminals outside Osage County's control.

23. Even if Osage County could theoretically undertake drastic measures in an attempt to lessen potential liability (entirely discontinuing the sale of semi-automatic firearms or ceasing all online sales into New York, for example), the economic impact to Osage County would be irreparable and the potential for liability under the Act regardless would not be eliminated. Because the Act is vague and broad and encompasses fully lawful conduct, there is no action that

Osage County could take in order to insulate it from liability, other than ceasing operations altogether.

24. If the Act is not enjoined, Osage County will be irreparably harmed by being forced to cease lawful, federally licensed operations or face liability, both of which would have a significant, harmful impact on the company's revenue. In addition, because the Act's standards are vague and unattainable, and liability under the Act relies on the behavior of third-party criminals outside Osage County's control, there is no way for Osage County to comply. Osage County will continually be at risk of litigation and potential liability unless it ceases doing business as a federally licensed firearms dealer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 30th day of November, 2021.

By: Edward R Pepper
Edward Pepper

Exhibit C

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

NATIONAL SHOOTING SPORTS
FOUNDATION, Inc., et al.,

Plaintiffs,

v.

1:21-cv-1348 (MAD/CFH)

KATHY HOCHUL, in her official capacity as
Governor of New York, and LETITIA
JAMES, in her official capacity as New York
Attorney General,

Defendants.

DECLARATION OF JOSEPH H. BARTOZZI ON BEHALF OF NATIONAL SHOOTING
SPORTS FOUNDATION, INC.


I, Joseph H. Bartozzi, hereby declare as follows:

1. I am over the age of 18 years, and I am qualified to submit this declaration on behalf of National Shooting Sports Foundation, Inc. (“NSSF”).
2. I am the President and CEO of NSSF.
3. I have personal knowledge of the facts set forth in this declaration through direct involvement and by personally reviewing NSSF records and information.
4. NSSF is a Connecticut non-profit, tax-exempt, non-stock corporation with its principal place of business in Connecticut. It is the trade association for the firearm, ammunition, and hunting and shooting sports industry. It has a membership of more than 9,000 manufacturers, distributors, and retailers of Firearm and Ammunition Products and other industry members throughout the United States, including 213 New York members and more than 8,500 members outside of New York.
5. Each Plaintiff in this lawsuit is a member of NSSF.

6. The interests NSSF seeks to protect in this action are germane to its organizational purpose.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 2nd day of December 2021.

By: 

Joseph H. Bartozzi

Exhibit D

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

NATIONAL SHOOTING SPORTS
FOUNDATION, Inc., et al.,

Case No.: 1:21-cv-1348 (MAD/CFH)

Plaintiffs,

v.

KATHY HOCHUL, in her official capacity as
Governor of New York, and LETITIA
JAMES, in her official capacity as New York
Attorney General,

Defendants.

DECLARATION OF MICHAEL CARGILL ON BEHALF OF
CENTRAL TEXAS GUN WORKS

I, Michael Cargill, hereby declare as follows:

1. I am over the age of 18 years, and I am qualified to submit this declaration on behalf of CTCHGC LLC d/b/a Central Texas Gun Works (“Central Texas”).
2. I am the owner of Central Texas.
3. I have personal knowledge of the facts set forth in this declaration through direct involvement and by personally reviewing Central Texas records and information.
4. Central Texas is an LLC operating a firearms and ammunition sales business in Texas.
5. Central Texas is a federal firearms licensee (“FFL”) licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”).
6. Central Texas is a company engaged in the sale of firearms and so is a “gun industry member” as defined in New York’s Act (“the Act”) codified at N.Y. Gen. Bus. Law §§ 898-a–e.

7. Central Texas is also a “seller” as defined in the Protection of Lawful Commerce in Arms Act (“PLCAA”). 15 U.S.C. § 7903(2).

8. Central Texas sells firearms to civilians in Texas and also into other states online through FFLs as permitted by federal law.

9. I understand the Act’s preamble states that, “despite stringent state and local laws against the illegal possession of firearms [in New York] according to the Bureau of Alcohol, Tobacco, Firearms and Explosives statistics, 74% of firearms used in crimes in New York are purchased outside of New York.” NY LEGIS 237 (2021), 2021 Sess. Law News of N.Y. Ch. 237 (S. 7196).

10. I understand the Act seeks to address “the ease at which legal firearms flow into the illegal market” and the criminal misuse of firearms in New York. *Id.*

11. The firearms industry is heavily regulated. All firearms industry members must comply with multiple federal, state, and local laws and regulations that govern the manufacture, export, sale, and acquisition of firearms including: the National Firearms Act, 26 U.S.C. §§ 5801 *et seq.*; the Federal Gun Control Act of 1968, 18 U.S.C. §§ 921 *et seq.*; the Arms Export Control Act, 22 U.S.C. § 2778; Importation of Arms, Ammunition and Implements of War, 27 C.F.R § 447; Commerce in Firearms and Ammunition, 27 C.F.R § 478; as well as numerous state and local laws and regulations.

12. I understand the Act declares “No gun industry member, by conduct either unlawful in itself or unreasonable under all the circumstances shall knowingly or recklessly create, maintain or contribute to a condition in New York state [*i.e.*, a public nuisance] that endangers the safety or health of the public through the sale, manufacturing, importing or marketing of a qualified product.” N.Y. Gen. Bus. Law § 898-b(1).

13. I understand “qualified products” are only those that have “been shipped or transported in interstate or foreign commerce.” 15 U.S.C. § 7903(4).

14. I understand the Act also declares that “All gun industry members who manufacture, market, import or offer for wholesale or retail sale any qualified product in New York state shall establish and utilize reasonable controls and procedures to prevent its qualified products from being possessed, used, marketed or sold unlawfully in New York state.” N.Y. Gen. Bus. Law § 898-b(2). “Reasonable controls and procedures” are defined as “policies that include, but are not limited to: (a) instituting screening, security, inventory and other business practices to prevent thefts of qualified products as well as sales of qualified products to straw purchasers, traffickers, persons prohibited from possessing firearms under state and federal law, or persons at risk of injuring themselves or others; and (b) preventing deceptive acts and practices and false advertising and otherwise ensuring compliance with all provisions of article twenty-two-A of this chapter.” *Id.* § 898-a(2).

15. I also understand that New York law criminalizes multiple activities, including the sale of any “semiautomatic” rifle, pistol, or shotgun with various defined characteristics such as a semiautomatic shotgun that has a fixed magazine capacity in excess of seven rounds. N.Y. Penal Law § 265:00(21–22); 265.10(1–2).

16. Central Texas is lawfully permitted to sell “semiautomatic” firearms of the type illegal under New York’s Penal law in multiple other states, including Texas.

17. I fear that, if a criminal illegally transports into New York one of the semiautomatic firearms defined by New York Penal Law to be illegal, Central Texas would face liability under the Act even though the initial sale by Central Texas was lawful and complied with all applicable laws and regulations in the place undertaken.

18. Central Texas cannot eliminate liability under this prong of the Act because the behavior of third-party criminals is outside Central Texas' control.

19. I also fear that, even setting aside the above activities that New York criminalizes, Central Texas could still face liability under the Act for any activity that New York deems to be "unreasonable under all the circumstances," even though in full compliance with all laws and regulations in the place undertaken.

20. Central Texas cannot eliminate liability under this provision of the Act because "unreasonable under all the circumstances" is not defined, is highly subjective and vague and because this provision again creates liability for Central Texas based on the behavior of criminals who are outside Central Texas' control.

21. I also fear that Central Texas could face liability under the Act's vague and subjective requirement to "establish and utilize reasonable controls and procedures to prevent" firearms "from being possessed, used, marketed or sold unlawfully in New York state" even though multiple "controls and procedures" are already required by federal, state and local laws and regulations.

22. Central Texas cannot eliminate liability under this provision of the Act because, again, liability is predicated on the behavior of third-party criminals outside Central Texas' control.

23. Even if Central Texas could theoretically undertake drastic measures in an attempt to lessen potential liability (entirely discontinuing the sale of semi-automatic firearms or ceasing all online sales into New York, for example), the economic impact to Central Texas would be irreparable and the potential for liability under the Act regardless would not be eliminated. Because the Act is vague and broad and encompasses fully lawful conduct, there is no action that

Central Texas could take in order to insulate it from liability, other than ceasing operations altogether.

24. If the Act is not enjoined, Central Texas will be irreparably harmed by being forced to cease lawful, federally licensed operations or face liability, both of which would have a significant, harmful impact on the company's revenue. In addition, because the Act's standards are vague and unattainable, and liability under the Act relies on the behavior of third-party criminals outside Central Texas' control, there is no way for Central Texas to comply. Central Texas will continually be at risk of litigation and potential liability unless it ceases doing business as a federally licensed firearms dealer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 30th day of November, 2021.

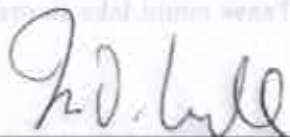
By: 
Michael Cargill

Exhibit E

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

NATIONAL SHOOTING SPORTS
FOUNDATION, Inc., et al.,

Plaintiffs,

v.

KATHY HOCHUL, in her official capacity as
Governor of New York, and LETITIA
JAMES, in her official capacity as New York
Attorney General,

Defendants.

1:21-cv-1348 (MAD/CFH)

DECLARATION OF RICHARD SPRAGUE ON BEHALF OF SPRAGUE'S SPORTS INC.

I, Richard Sprague, hereby declare as follows:

1. I am over the age of 18 years, and I am qualified to submit this declaration on behalf of Sprague's Sports Inc. ("Sprague's").
2. I am the owner of Sprague's.
3. I have personal knowledge of the facts set forth in this declaration through direct involvement and by personally reviewing Sprague's records and information.
4. Sprague's is an Arizona corporation operating a firearms and ammunition sales business in Arizona.
5. Sprague's is a federal firearms licensee ("FFL") licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF").
6. Sprague's is a corporation engaged in the sale of firearms and so is a "gun industry member" as defined in New York's Act ("the Act") codified at N.Y. Gen. Bus. Law §§ 898-a-e.

7. Sprague's is also a "seller" as defined in the Protection of Lawful Commerce in Arms Act ("PLCAA"). 15 U.S.C. § 7903(2).

8. Sprague's sells firearms for civilian use in Arizona and also into other states online through FFLs as permitted by federal law.

9. I understand the Act's preamble states that, "despite stringent state and local laws against the illegal possession of firearms [in New York] according to the Bureau of Alcohol, Tobacco, Firearms and Explosives statistics, 74% of firearms used in crimes in New York are purchased outside of New York." NY LEGIS 237 (2021), 2021 Sess. Law News of N.Y. Ch. 237 (S. 7196).

10. I understand the Act seeks to address "the ease at which legal firearms flow into the illegal market" and the criminal misuse of firearms in New York. *Id.*

11. The firearms industry is heavily regulated. All firearms industry members must comply with multiple federal, state, and local laws and regulations designed to curb the illegal possession, use, marketing, and sale of firearms including: the National Firearms Act, 26 U.S.C. §§ 5801 *et seq.*; the Federal Gun Control Act of 1968, 18 U.S.C. §§ 921 *et seq.*; the Arms Export Control Act, 22 U.S.C. § 2778; Importation of Arms, Ammunition and Implements of War, 27 C.F.R § 447; Commerce in Firearms and Ammunition, 27 C.F.R § 478; as well as numerous state and local laws and regulations.

12. I understand the Act declares "No gun industry member, by conduct either unlawful in itself or unreasonable under all the circumstances shall knowingly or recklessly create, maintain or contribute to a condition in New York state [*i.e.*, a public nuisance] that endangers the safety or health of the public through the sale, manufacturing, importing or marketing of a qualified product." N.Y. Gen. Bus. Law § 898-b(1).

13. I understand “qualified products” are only those that have “been shipped or transported in interstate or foreign commerce.” 15 U.S.C. § 7903(4).

14. I understand the Act also declares that “All gun industry members who manufacture, market, import or offer for wholesale or retail sale any qualified product in New York state shall establish and utilize reasonable controls and procedures to prevent its qualified products from being possessed, used, marketed or sold unlawfully in New York state.” N.Y. Gen. Bus. Law § 898-b(2). “Reasonable controls and procedures” are defined as “policies that include, but are not limited to: (a) instituting screening, security, inventory and other business practices to prevent thefts of qualified products as well as sales of qualified products to straw purchasers, traffickers, persons prohibited from possessing firearms under state and federal law, or persons at risk of injuring themselves or others; and (b) preventing deceptive acts and practices and false advertising and otherwise ensuring compliance with all provisions of article twenty-two-A of this chapter.” *Id.* § 898-a(2).

15. I also understand that New York law criminalizes multiple activities, including the sale of any “semiautomatic” rifle, pistol, or shotgun with various defined characteristics such as a semiautomatic shotgun that has a fixed magazine capacity in excess of seven rounds. N.Y. Penal Law § 265:00(21–22); 265.10(1–2).

16. Sprague’s is lawfully permitted to sell “semiautomatic” firearms of the type illegal under New York’s Penal law in multiple other states, including Arizona.

17. I fear that, if a criminal illegally transports into New York one of the semiautomatic firearms defined by New York Penal Law to be illegal, Sprague’s would face liability under the Act even though the initial sale by Sprague’s was lawful and complied with all applicable laws and regulations in the place undertaken.

18. Sprague's cannot eliminate liability under this prong of the Act because the behavior of third-party criminals is outside Sprague's control.

19. I also fear that, even setting aside the above activities that New York criminalizes, Sprague's could still face liability under the Act for any activity that New York deems to be "unreasonable under all the circumstances," even though in full compliance with all laws and regulations in the place undertaken.

20. Sprague's cannot eliminate liability under this provision of the Act because "unreasonable under all the circumstances" is not defined, is highly subjective and vague and because this provision again creates liability for Sprague's based on the behavior of criminals who are outside Sprague's control.

21. I also fear that Sprague's could face liability under the Act's vague and subjective requirement to "establish and utilize reasonable controls and procedures to prevent" firearms "from being possessed, used, marketed or sold unlawfully in New York state" even though multiple "controls and procedures" are already required by federal, state and local laws and regulations.

22. Sprague's cannot eliminate liability under this provision of the Act because, again, liability is predicated on the behavior of third-party criminals outside Sprague's control.

23. Even if Sprague's could theoretically undertake drastic measures in an attempt to lessen potential liability (entirely discontinuing the sale of semi-automatic firearms or ceasing all online sales into New York, for example), the economic impact to Sprague's would be irreparable and the potential for liability under the Act regardless would not be eliminated. Because the Act is vague and broad and encompasses fully lawful conduct, there is no action that Sprague's could take in order to insulate it from liability, other than ceasing operations altogether.

24. If the Act is not enjoined, Sprague's will be irreparably harmed by being forced to cease lawful, federally licensed operations or face liability, both of which would have a significant, harmful impact on the company's revenue. In addition, because the Act's standards are vague and unattainable, and liability under the Act relies on the behavior of third-party criminals outside Sprague's control, there is no way for Sprague's to comply. Sprague's will continually be at risk of litigation and potential liability unless it ceases doing business as a federally licensed firearms dealer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 30th day of November, 2021.

By: Richard Sprague
Richard Sprague

Exhibit F

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

NATIONAL SHOOTING SPORTS
FOUNDATION, Inc., et al.,

Plaintiffs,

v.

1:21-cv-1348 (MAD/CFH)

KATHY HOCHUL, in her official capacity as
Governor of New York, and LETITIA
JAMES, in her official capacity as New York
Attorney General,

Defendants.

DECLARATION OF RON GOSLIN ON BEHALF OF SIG SAUER, INC.

I, Ron Goslin, hereby declare as follows:

1. I am over the age of 18 years, and I am qualified to submit this declaration on behalf of SIG Sauer, Inc. (“SIG”).
2. I am the Chief Operating Officer at SIG.
3. I have personal knowledge of the facts set forth in this declaration through direct involvement and by personally reviewing SIG records and information.
4. SIG is privately owned company that designs and manufactures various types of firearms, including pistols and rifles, as well as firearm accessories. The Company sells its products to government, military, and law enforcement agencies in the United States and abroad, as well as to the commercial market through distributors and retailers throughout the United States.
5. SIG is a federal firearms licensee (“FFL”) licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”).

6. SIG is a corporation engaged in the manufacture of firearms and so is a “gun industry member” as defined in New York’s Act (“the Act”) codified at N.Y. Gen. Bus. Law §§ 898-a–e.

7. SIG is also a “manufacturer” as defined in the Protection of Lawful Commerce in Arms Act (“PLCAA”). 15 U.S.C. § 7903(2).

8. SIG firearms for civilian use are manufactured in New Hampshire. SIG does not manufacture any firearm or component part in New York. Some component suppliers are located in New York.

9. SIG firearms for civilian use are generally sold to distributors and box stores, with some sales direct to dealers. SIG does not sell firearms directly to civilians in New York.

10. I understand the Act’s preamble states that, “despite stringent state and local laws against the illegal possession of firearms [in New York] according to the Bureau of Alcohol, Tobacco, Firearms and Explosives statistics, 74% of firearms used in crimes in New York are purchased outside of New York.” NY LEGIS 237 (2021), 2021 Sess. Law News of N.Y. Ch. 237 (S. 7196).

11. I understand the Act seeks to address “the ease at which legal firearms flow into the illegal market” and the criminal misuse of firearms in New York. *Id.*

12. The firearms industry is heavily regulated. All firearms industry members must comply with multiple federal, state, and local laws and regulations that govern the manufacture, export, sale, and acquisition of firearms including: the National Firearms Act, 26 U.S.C. §§ 5801 *et seq.*; the Federal Gun Control Act of 1968, 18 U.S.C. §§ 921 *et seq.*; the Arms Export Control Act, 22 U.S.C. § 2778; Importation of Arms, Ammunition and Implements of War, 27 C.F.R §

447; Commerce in Firearms and Ammunition, 27 C.F.R § 478; as well as numerous state and local laws and regulations.

13. I understand the Act declares “No gun industry member, by conduct either unlawful in itself or unreasonable under all the circumstances shall knowingly or recklessly create, maintain or contribute to a condition in New York state [*i.e.*, a public nuisance] that endangers the safety or health of the public through the sale, manufacturing, importing or marketing of a qualified product.” N.Y. Gen. Bus. Law § 898-b(1).

14. I understand “qualified products” are only those that have “been shipped or transported in interstate or foreign commerce.” 15 U.S.C. § 7903(4).

15. I understand the Act also declares that “All gun industry members who manufacture, market, import or offer for wholesale or retail sale any qualified product in New York state shall establish and utilize reasonable controls and procedures to prevent its qualified products from being possessed, used, marketed or sold unlawfully in New York state.” N.Y. Gen. Bus. Law § 898-b(2). “Reasonable controls and procedures” are defined as “policies that include, but are not limited to: (a) instituting screening, security, inventory and other business practices to prevent thefts of qualified products as well as sales of qualified products to straw purchasers, traffickers, persons prohibited from possessing firearms under state and federal law, or persons at risk of injuring themselves or others; and (b) preventing deceptive acts and practices and false advertising and otherwise ensuring compliance with all provisions of article twenty-two-A of this chapter.” *Id.* § 898-a(2).

16. I also understand that New York law criminalizes multiple activities, including the manufacture, transport, shipment, or sale of any “semiautomatic” rifle, pistol, or shotgun with

various defined characteristics such as a semiautomatic shotgun that has a fixed magazine capacity in excess of seven rounds. N.Y. Penal Law § 265:00(21–22); 265.10(1–2).

17. SIG is lawfully permitted to manufacture and sell “semiautomatic” firearms of the type illegal under New York’s Penal law in multiple other states.

18. I fear that, if a criminal illegally transports into New York one of the semiautomatic firearms defined by New York Penal Law to be illegal, SIG would face liability under the Act even though the initial manufacture and sale by SIG was lawful and complied with all applicable laws and regulations in the place undertaken.

19. SIG cannot eliminate liability under this prong of the Act because the behavior of third-party criminals is outside SIG’s control.

20. I also fear that, even setting aside the above activities that New York criminalizes, SIG could still face liability under the Act for any activity that New York deems to be “unreasonable under all the circumstances,” even though in full compliance with all laws and regulations in the place undertaken.

21. SIG cannot eliminate liability under this provision of the Act because “unreasonable under all the circumstances” is not defined, is highly subjective and vague and because this provision again creates liability for SIG based on the behavior of third-party criminals who are outside SIG’s control.

22. I also fear that SIG could face liability under the Act’s vague and subjective requirement to “establish and utilize reasonable controls and procedures to prevent” firearms “from being possessed, used, marketed or sold unlawfully in New York state” even though multiple “controls and procedures” are already required by federal, state and local laws and regulations.

23. SIG cannot eliminate liability under the Act because, again, liability is predicated on the behavior of third party criminals outside SIG's control.

24. Even if SIG could theoretically undertake drastic measures in an attempt to lessen potential liability (entirely discontinuing the manufacture of semi-automatic firearms, refusing to sell downstream to dealers located in New York, or refusing to buy from component suppliers in New York, for example), the economic impact to SIG would be irreparable and the potential for liability under the Act regardless would not be eliminated. Because the Act is vague and broad and encompasses fully lawful conduct, there is no action that SIG could take in order to insulate it from liability, other than ceasing operations altogether.

25. If the Act is not enjoined, SIG will be irreparably harmed by being forced to cease lawful, federally licensed operations or face liability, both of which would have a significant, harmful impact on the company's revenue. In addition, because the Act's standards are vague and unattainable, and liability under the Act relies on the behavior of third-party criminals outside SIG's control, there is no way for SIG to comply. SIG will continually be at risk of litigation and potential liability unless it ceases doing business as a federally licensed firearms manufacturer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 1 th day of December, 2021.

By: 
Ron Goslin

Exhibit G

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

NATIONAL SHOOTING SPORTS
FOUNDATION, Inc., et al.,

Plaintiffs,

v.

KATHY HOCHUL, in her official capacity as
Governor of New York, and LETITIA
JAMES, in her official capacity as New York
Attorney General,

Defendants.

1:21-cv-1348 (MAD/CFH)

DECLARATION OF TRIPPER DICKSON ON BEHALF OF SPORTS SOUTH LLC

I, Tripper Dickson, hereby declare as follows:

1. I am over the age of 18 years, and I am qualified to submit this declaration on behalf of Sports South LLC (“Sports South”).
2. I am the President and CEO at Sports South.
3. I have personal knowledge of the facts set forth in this declaration through direct involvement and by personally reviewing Sports South records and information.
4. Sports South is a wholesale-distributor of firearms located in Louisiana.
5. Sports South is a federal firearms licensee (“FFL”) licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”).
6. Sports South is a corporation engaged in the distribution of firearms and so is a “gun industry member” as defined in New York’s Act (“the Act”) codified at N.Y. Gen. Bus. Law §§ 898-a–e.

7. Sports South is also a “seller” as defined in the Protection of Lawful Commerce in Arms Act (“PLCAA”). 15 U.S.C. § 7903(2).

8. Sports South is a wholesale-distributor that sells firearms for civilian use exclusively to dealers (retailers), including in New York. Sports South does not sell firearms directly to consumers in any state.

9. I understand the Act’s preamble states that, “despite stringent state and local laws against the illegal possession of firearms [in New York] according to the Bureau of Alcohol, Tobacco, Firearms and Explosives statistics, 74% of firearms used in crimes in New York are purchased outside of New York.” NY LEGIS 237 (2021), 2021 Sess. Law News of N.Y. Ch. 237 (S. 7196).

10. I understand the Act seeks to address “the ease at which legal firearms flow into the illegal market” and the criminal misuse of firearms in New York. *Id.*

11. The firearms industry is heavily regulated. All firearms industry members must comply with multiple federal, state, and local laws and regulations that govern the manufacture, export, sale, and acquisition of firearms including: the National Firearms Act, 26 U.S.C. §§ 5801 *et seq.*; the Federal Gun Control Act of 1968, 18 U.S.C. §§ 921 *et seq.*; the Arms Export Control Act, 22 U.S.C. § 2778; Importation of Arms, Ammunition and Implements of War, 27 C.F.R § 447; Commerce in Firearms and Ammunition, 27 C.F.R § 478; as well as numerous state and local laws and regulations.

12. I understand the Act declares “No gun industry member, by conduct either unlawful in itself or unreasonable under all the circumstances shall knowingly or recklessly create, maintain or contribute to a condition in New York state [*i.e.*, a public nuisance] that endangers the safety or

health of the public through the sale, manufacturing, importing or marketing of a qualified product.” N.Y. Gen. Bus. Law § 898-b(1).

13. I understand “qualified products” are only those that have “been shipped or transported in interstate or foreign commerce.” 15 U.S.C. § 7903(4).

14. I understand the Act also declares that “All gun industry members who manufacture, market, import or offer for wholesale or retail sale any qualified product in New York state shall establish and utilize reasonable controls and procedures to prevent its qualified products from being possessed, used, marketed or sold unlawfully in New York state.” N.Y. Gen. Bus. Law § 898-b(2). “Reasonable controls and procedures” are defined as “policies that include, but are not limited to: (a) instituting screening, security, inventory and other business practices to prevent thefts of qualified products as well as sales of qualified products to straw purchasers, traffickers, persons prohibited from possessing firearms under state and federal law, or persons at risk of injuring themselves or others; and (b) preventing deceptive acts and practices and false advertising and otherwise ensuring compliance with all provisions of article twenty-two-A of this chapter.” *Id.* § 898-a(2).

15. I also understand that New York law criminalizes multiple activities, including the transport, shipment, or sale of any “semiautomatic” rifle, pistol, or shotgun with various defined characteristics such as a semiautomatic shotgun that has a fixed magazine capacity in excess of seven rounds. N.Y. Penal Law § 265:00(21–22); 265.10(1–2).

16. Sports South is lawfully permitted to sell “semiautomatic” firearms of the type illegal under New York’s Penal Law in multiple other states.

17. I fear that, if a criminal illegally transports into New York one of the semiautomatic firearms defined by New York Penal Law to be illegal, Sports South would face liability under the

Act even though the initial transport, shipment, and sale by Sports South was lawful and complied with all applicable laws and regulations in the place undertaken.

18. Sports South cannot eliminate liability under the Act's first prong because the behavior of third-party criminals is outside Sports South's control.

19. I also fear that, even setting aside the above activities that New York criminalizes, Sports South could still face liability under the Act for any activity that New York deems to be "unreasonable under all the circumstances," even though in full compliance with all laws and regulations in the place undertaken.

20. Sports South cannot eliminate liability under this provision of the Act because "unreasonable under all the circumstances" is not defined, is highly subjective and vague and because this provision again creates liability for Sports South based on the behavior of criminals who are outside Sports South's control.

21. I also fear that Sports South could face liability under the Act's vague and subjective requirement to "establish and utilize reasonable controls and procedures to prevent" firearms "from being possessed, used, marketed or sold unlawfully in New York state" even though multiple "controls and procedures" are already required by federal, state and local laws and regulations.

22. Sports South cannot eliminate liability under the Act because liability is again predicated on the behavior of third party criminals outside Sports South's control.

23. Even if Sports South could theoretically undertake drastic measures in an attempt to lessen potential liability (entirely discontinuing the wholesale sale of semi-automatic firearms or refusing to sell firearms to dealers in New York, for example), the economic impact to Sports South would be irreparable and the potential for liability under the Act regardless would not be

eliminated. Because the Act is vague and broad and encompasses fully lawful conduct, there is no action that Sports South could take in order to insulate it from liability, other than ceasing operations altogether.

24. If the Act is not enjoined, Sports South will be irreparably harmed by being forced to cease lawful, federally licensed operations or face liability, both of which would have a significant, harmful impact on the company's revenue. In addition, because the Act's standards are vague and unattainable, and liability under the Act relies on the behavior of third-party criminals outside Sports South's control, there is no way for Sports South to comply. Sports South will continually be at risk of litigation and potential liability unless it ceases doing business as a federally licensed firearms wholesaler.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 2nd day of December, 2021.

By: 

Tripper Dickson

Exhibit H

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

NATIONAL SHOOTING SPORTS
FOUNDATION, Inc., et al.,

Plaintiffs,

v.

KATHY HOCHUL, in her official capacity as
Governor of New York, and LETITIA
JAMES, in her official capacity as New York
Attorney General,

Defendants.

1:21-cv-1348 (MAD/CFH)

DECLARATION OF MELISSA GLASER ON BEHALF OF SHEDHORN SPORTS

I, Melissa Glaser, hereby declare as follows:

1. I am over the age of 18 years, and I am qualified to submit this declaration on behalf of Shedhorn Sports Inc. (“Shedhorn”).
2. I am the Owner of Shedhorn.
3. I have personal knowledge of the facts set forth in this declaration through direct involvement and by personally reviewing Shedhorn records and information.
4. Shedhorn is a Montana corporation operating a firearms and ammunition sales business in Montana.
5. Shedhorn is a federal firearms licensee (“FFL”) licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”).
6. Shedhorn is a corporation engaged in the sale of firearms and so is a “gun industry member” as defined in New York’s Act (“the Act”) codified at N.Y. Gen. Bus. Law §§ 898-a–e.

7. Shedhorn is also a “seller” as defined in the Protection of Lawful Commerce in Arms Act (“PLCAA”). 15 U.S.C. § 7903(2).

8. Shedhorn sells firearms and ammunition for civilian use in Montana.

9. I understand the Act’s preamble states that, “despite stringent state and local laws against the illegal possession of firearms [in New York] according to the Bureau of Alcohol, Tobacco, Firearms and Explosives statistics, 74% of firearms used in crimes in New York are purchased outside of New York.” NY LEGIS 237 (2021), 2021 Sess. Law News of N.Y. Ch. 237 (S. 7196).

10. I understand the Act seeks to address “the ease at which legal firearms flow into the illegal market” and the criminal misuse of firearms in New York. *Id.*

11. The firearms industry is heavily regulated. All firearms industry members must comply with multiple federal, state, and local laws and regulations that govern the manufacture, export, sale, and acquisition of firearms including: the National Firearms Act, 26 U.S.C. §§ 5801 *et seq.*; the Federal Gun Control Act of 1968, 18 U.S.C. §§ 921 *et seq.*; the Arms Export Control Act, 22 U.S.C. § 2778; Importation of Arms, Ammunition and Implements of War, 27 C.F.R § 447; Commerce in Firearms and Ammunition, 27 C.F.R § 478; as well as numerous state and local laws and regulations.

12. I understand the Act declares “No gun industry member, by conduct either unlawful in itself or unreasonable under all the circumstances shall knowingly or recklessly create, maintain or contribute to a condition in New York state [*i.e.*, a public nuisance] that endangers the safety or health of the public through the sale, manufacturing, importing or marketing of a qualified product.” N.Y. Gen. Bus. Law § 898-b(1).

13. I understand “qualified products” are only those that have “been shipped or transported in interstate or foreign commerce.” 15 U.S.C. § 7903(4).

14. I understand the Act also declares that “All gun industry members who manufacture, market, import or offer for wholesale or retail sale any qualified product in New York state shall establish and utilize reasonable controls and procedures to prevent its qualified products from being possessed, used, marketed or sold unlawfully in New York state.” N.Y. Gen. Bus. Law § 898-b(2). “Reasonable controls and procedures” are defined as “policies that include, but are not limited to: (a) instituting screening, security, inventory and other business practices to prevent thefts of qualified products as well as sales of qualified products to straw purchasers, traffickers, persons prohibited from possessing firearms under state and federal law, or persons at risk of injuring themselves or others; and (b) preventing deceptive acts and practices and false advertising and otherwise ensuring compliance with all provisions of article twenty-two-A of this chapter.” *Id.* § 898-a(2).

15. I also understand that New York law criminalizes multiple activities, including the sale of any “semiautomatic” rifle, pistol, or shotgun with various defined characteristics such as a semiautomatic shotgun that has a fixed magazine capacity in excess of seven rounds. N.Y. Penal Law § 265:00(21–22); 265.10(1–2).

16. Shedhorn is lawfully permitted to sell “semiautomatic” firearms of the type illegal under New York’s Penal law in Montana.

17. I fear that, if a criminal illegally transports into New York one of the semiautomatic firearms defined by New York Penal Law to be illegal, Shedhorn would face liability under the Act even though the initial sale by Shedhorn was lawful and complied with all applicable laws and regulations in Montana.

18. Shedhorn cannot eliminate liability under this prong of the Act because the behavior of third-party criminals is outside Shedhorn's control.

19. I also fear that, even setting aside the above activities that New York criminalizes, Shedhorn could still face liability under the Act for any activity that New York deems to be "unreasonable under all the circumstances," even though in full compliance with all laws and regulations in the place undertaken.

20. Shedhorn cannot eliminate liability under this provision of the Act because "unreasonable under all the circumstances" is not defined, is highly subjective and vague and because this provision again creates liability for Shedhorn based on the behavior of criminals who are outside Shedhorn's control.

21. Even if Shedhorn could theoretically undertake drastic measures in an attempt to lessen potential liability (entirely discontinuing the sale of semi-automatic firearms, for example), the economic impact to Shedhorn would be irreparable and the potential for liability under the Act regardless would not be eliminated. Because the Act is vague and broad and encompasses fully lawful conduct, there is no action that Shedhorn could take in order to insulate it from liability, other than ceasing operations altogether.

22. If the Act is not enjoined, Shedhorn will be irreparably harmed by being forced to cease lawful, federally licensed operations or face liability, both of which would have a significant, harmful impact on the company's revenue. In addition, because the Act's standards are vague and unattainable, and liability under the Act relies on the behavior of third-party criminals outside Shedhorn's control, there is no way for Shedhorn to comply. Shedhorn will continually be at risk of litigation and potential liability unless it ceases doing business as a federally licensed firearms dealer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 2nd day of December, 2021.

By: 
Melissa Glaser

Exhibit I

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

NATIONAL SHOOTING SPORTS
FOUNDATION, INC., et al.,

Plaintiffs,

v.

KATHY HOCHUL, in her official capacity as
Governor of New York, and LETITIA
JAMES, in her official capacity as New York
Attorney General,

Defendants.

1:21-cv-1348 (MAD/CFH)

DECLARATION OF CARLOS GUEVARA ON BEHALF OF GLOCK, INC.

I, Carlos Guevara, hereby declare as follows:

1. I am over the age of 18 years, and I am qualified to submit this declaration on behalf of GLOCK, Inc. (“GLOCK”).
2. I am a Vice-President and the General Counsel and Secretary at GLOCK.
3. I have personal knowledge of the facts set forth in this declaration through direct involvement and by personally reviewing GLOCK records and information.
4. GLOCK is a manufacturer, importer, and U.S. distributor of GLOCK brand firearms.
5. GLOCK is a federal firearms licensee (“FFL”) licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”).
6. GLOCK is a corporation engaged in the manufacture of firearms and so is a “gun industry member” as defined in New York’s Act (“the Act”) codified at N.Y. Gen. Bus. Law §§ 898-a.–e. *Id.* at § 898-a.4.

7. GLOCK is also a “manufacturer” as defined in the Protection of Lawful Commerce in Arms Act (“PLCAA”). 15 U.S.C. § 7903(2).

8. GLOCK firearms are manufactured in Austria and Georgia. GLOCK does not have any manufacturing operations in New York.

9. GLOCK firearms for sale to the commercial market are generally sold to federally licensed wholesale distributors with whom it has Commercial Distributor Agreements. One of the distributors to which GLOCK sells its firearms for resale to the commercial market is AmChar Wholesale, Inc., which is located in Rochester, New York. GLOCK does not sell firearms directly to civilians in New York.

10. The Act’s preamble states that, “despite stringent state and local laws against the illegal possession of firearms [in New York] according to the Bureau of Alcohol, Tobacco, Firearms and Explosives statistics, 74% of firearms used in crimes in New York are purchased outside of New York.” NY LEGIS 237 (2021), 2021 Sess. Law News of N.Y. Ch. 237 (S. 7196).

11. The Act seeks to address the alleged “ease at which legal firearms flow into the illegal market” and the criminal misuse of firearms in New York. NY LEGIS 237 (2021), 2021 Sess. Law News of N.Y. Ch. 237 (S. 7196).

12. The firearms industry is heavily regulated. All firearms industry members must comply with multiple federal, state, and local laws and regulations that govern the manufacture, export, sale and acquisition of firearms including: the National Firearms Act, 26 U.S.C. §§ 5801 *et seq.*; the Gun Control Act, 18 U.S.C. §§ 921 *et seq.*; the Arms Export Control Act, 22 U.S.C. § 2778; Importation of Arms, Ammunition and Implements of War, 27 C.F.R § 447; Commerce in Firearms and Ammunition, 27 C.F.R § 478; Machineguns, Destructive Devices, and Certain Other Firearms, 27 C.F.R. § 479; as well as numerous state and local laws and regulations.

13. The Act declares “No gun industry member, by conduct either unlawful in itself or unreasonable under all the circumstances shall knowingly or recklessly create, maintain or contribute to a condition in New York state [*i.e.*, a public nuisance] that endangers the safety or health of the public through the sale, manufacturing, importing or marketing of a qualified product.” N.Y. Gen. Bus. Law § 898-b.1.

14. “Qualified products” are only those that have “been shipped or transported in interstate or foreign commerce.” N.Y. Gen. Bus. Law § 898-a.6.; 15 U.S.C. § 7903(4).

15. The Act also declares that “All gun industry members who manufacture, market, import or offer for wholesale or retail sale any qualified product in New York state shall establish and utilize reasonable controls and procedures to prevent its qualified products from being possessed, used, marketed or sold unlawfully in New York state.” N.Y. Gen. Bus. Law § 898-b.2. “Reasonable controls and procedures” are defined as “policies that include, but are not limited to: (a) instituting screening, security, inventory and other business practices to prevent thefts of qualified products as well as sales of qualified products to straw purchasers, traffickers, persons prohibited from possessing firearms under state and federal law, or persons at risk of injuring themselves or others; and (b) preventing deceptive acts and practices and false advertising and otherwise ensuring compliance with all provisions of article twenty-two-A of this chapter.” *Id.* § 898-a.2.

16. New York law criminalizes multiple activities, including the manufacture, transport, shipment, or sale of any “semiautomatic” rifle, pistol, or shotgun with various defined characteristics. N.Y. Penal Law §§ 265:00(21–22); 265.10(1–2).

17. Even though GLOCK does not manufacture, import, or sell any firearms that are illegal in New York pursuant to N.Y. Penal Law §§ 265:00(21–22); 265.10(1–2), I fear that

GLOCK could still face liability under the Act for any activity that New York deems to be “unreasonable under all the circumstances,” even though in full compliance with all laws and regulations in the place undertaken.

18. GLOCK cannot eliminate potential liability under this provision of the Act because “unreasonable under all the circumstances” is not defined, is highly subjective and vague, and because this provision again creates liability for GLOCK based on the behavior of criminals who are outside of GLOCK’s control.

19. I also fear that GLOCK could face liability under the Act’s vague and subjective requirement to “establish and utilize reasonable controls and procedures to prevent” firearms “from being possessed, used, marketed or sold unlawfully in New York state,” even though multiple “controls and procedures” are already required by federal, state and local laws and regulations.

20. GLOCK cannot eliminate liability under the Act because, again, liability is predicated on the behavior of third party criminals outside of GLOCK’s control.

21. Even if GLOCK could theoretically undertake drastic measures in an attempt to lessen potential liability (ceasing sales to AmChar Wholesale, Inc., for example), the economic impact to GLOCK would be irreparable and, regardless, the potential for litigation and liability under the Act would not be eliminated. Because the Act is vague and broad and encompasses fully lawful conduct, there is no action that GLOCK could take in order to insulate it from liability, other than ceasing operations altogether.

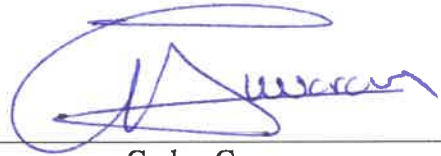
22. If the Act is not enjoined, GLOCK will be irreparably harmed by being forced to cease lawful, federally licensed operations or face liability, both of which would have a significant, harmful impact on the company’s revenue. In addition, because the Act’s standards are vague and

unattainable, and liability under the Act attaches based upon the behavior of third-party criminals outside of GLOCK's control, there is no way for GLOCK to comply. GLOCK will continually be at risk of litigation and potential liability unless it ceases doing business as a federally licensed firearms manufacturer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 3rd day of December, 2021.

By: _____

A handwritten signature in blue ink, appearing to read 'Carlos Guevara', is written over a horizontal line. The signature is stylized and cursive.

Carlos Guevara

Exhibit J

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

NATIONAL SHOOTING SPORTS
FOUNDATION, INC., et al.,

Plaintiffs,

v.

1:21-cv-1348 (MAD/CFH)

KATHY HOCHUL, in her official capacity as
Governor of New York, and LETITIA
JAMES, in her official capacity as New York
Attorney General,

Defendants.

DECLARATION OF JOHN SLOGAR ON BEHALF OF RSR GROUP, INC.

I, John Slogar, hereby declare as follows:

1. I am over the age of 18 years, and I am qualified to submit this declaration on behalf of RSR Group, Inc. (“RSR Group”).
2. I am a Senior Vice-President and the Chief Financial Officer at RSR Group.
3. I have personal knowledge of the facts set forth in this declaration through direct involvement and by personally reviewing RSR Group’s records and information.
4. RSR Group is a Delaware corporation with its principal place of business in Florida. RSR Group distributes its products from a warehouse in Texas, and is a nationwide distributor of firearms and shooting sports accessories.
5. RSR Group is a federal firearms licensee (“FFL”) licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”).
6. RSR Group is a corporation engaged in the distribution of firearms and so is a “gun industry member” as defined in New York’s Act (“the Act”) codified at N.Y. Gen. Bus. Law §§ 898-a.–e. *Id.* at § 898-a.4.

7. RSR Group is also a “seller” as defined in the Protection of Lawful Commerce in Arms Act (“PLCAA”). 15 U.S.C. § 7903(6).

8. RSR Group’s firearms for sale to the commercial market are generally sold to federally licensed firearms dealers, including dealers located in the State of New York. RSR Group does not sell firearms directly to civilians in New York.

9. The majority of the firearms RSR Group sells are not manufactured in New York.

10. The Act’s preamble states that, “despite stringent state and local laws against the illegal possession of firearms [in New York] according to the Bureau of Alcohol, Tobacco, Firearms and Explosives statistics, 74% of firearms used in crimes in New York are purchased outside of New York.” NY LEGIS 237 (2021), 2021 Sess. Law News of N.Y. Ch. 237 (S. 7196).

11. The Act seeks to address the alleged “ease at which legal firearms flow into the illegal market” and the criminal misuse of firearms in New York. NY LEGIS 237 (2021), 2021 Sess. Law News of N.Y. Ch. 237 (S. 7196).

12. The firearms industry is heavily regulated. All firearms industry members must comply with multiple federal, state, and local laws and regulations that govern the manufacture, export, sale and acquisition of firearms including: the National Firearms Act, 26 U.S.C. §§ 5801 *et seq.*; the Gun Control Act, 18 U.S.C. §§ 921 *et seq.*; the Arms Export Control Act, 22 U.S.C. § 2778; Importation of Arms, Ammunition and Implements of War, 27 C.F.R § 447; Commerce in Firearms and Ammunition, 27 C.F.R § 478; Machineguns, Destructive Devices, and Certain Other Firearms, 27 C.F.R. § 479; as well as numerous state and local laws and regulations.

13. The Act declares “No gun industry member, by conduct either unlawful in itself or unreasonable under all the circumstances shall knowingly or recklessly create, maintain or contribute to a condition in New York state [*i.e.*, a public nuisance] that endangers the safety or

health of the public through the sale, manufacturing, importing or marketing of a qualified product.” N.Y. Gen. Bus. Law § 898-b.1.

14. “Qualified products” are only those that have “been shipped or transported in interstate or foreign commerce.” N.Y. Gen. Bus. Law § 898-a.6.; 15 U.S.C. § 7903(4).

15. The Act also declares that “All gun industry members who manufacture, market, import or offer for wholesale or retail sale any qualified product in New York state shall establish and utilize reasonable controls and procedures to prevent its qualified products from being possessed, used, marketed or sold unlawfully in New York state.” N.Y. Gen. Bus. Law § 898-b.2. “Reasonable controls and procedures” are defined as “policies that include, but are not limited to: (a) instituting screening, security, inventory and other business practices to prevent thefts of qualified products as well as sales of qualified products to straw purchasers, traffickers, persons prohibited from possessing firearms under state and federal law, or persons at risk of injuring themselves or others; and (b) preventing deceptive acts and practices and false advertising and otherwise ensuring compliance with all provisions of article twenty-two-A of this chapter.” *Id.* § 898-a.2.

16. New York law criminalizes multiple activities, including the transport, shipment, or sale of any “semiautomatic” rifle, pistol, or shotgun with various defined characteristics, such as a semiautomatic shotgun that has a fixed magazine capacity in excess of seven rounds, N.Y. Penal Law §§ 265:00(21–22); 265.10(1–2).

17. RSR Group is lawfully permitted to sell “semiautomatic” firearms of the type illegal under New York’s Penal Law in the vast majority of other states.

18. I fear that, if a criminal illegally transports into New York one of the semiautomatic firearms defined by New York Penal Law to be illegal, RSR Group would face liability under the

Act even though the initial transport, shipment, and sale by RSR Group was lawful and complied with all applicable laws and regulations in the place undertaken.

19. RSR Group cannot eliminate liability under this provision of the Act because the behavior of third-party criminals is outside of RSR Group's control.

20. I also fear that, even setting aside the above activities that New York criminalizes, RSR Group could still face liability under the Act for any activity that New York deems to be "unreasonable under all the circumstances," even though in full compliance with all laws and regulations in the place undertaken.

21. RSR Group cannot eliminate liability under this provision of the Act because "unreasonable under all the circumstances" is not defined, is highly subjective and vague, and because this provision again creates liability for RSR Group based on the behavior of criminals who are outside of RSR Group's control.

22. I also fear that RSR Group could face liability under the Act's vague and subjective requirement to "establish and utilize reasonable controls and procedures to prevent" firearms "from being possessed, used, marketed or sold unlawfully in New York state," even though multiple "controls and procedures" are already required by federal, state and local laws and regulations.

23. RSR Group cannot eliminate liability under the Act because, again, liability is predicated on the behavior of third party criminals outside of RSR Group's control.

24. Drastic measures by RSR Group could theoretically lessen potential liability (entirely ceasing the sale of all semi-automatic firearms or ceasing the sale of all firearms to dealers located in New York, for example), but the economic impact of such measures to RSR Group would be irreparable and, regardless, the potential for litigation and liability under the Act

would not be eliminated. Because the Act is vague and broad and encompasses fully lawful conduct, there is no action that RSR Group could take in order to insulate it from liability, other than ceasing operations altogether.

25. If the Act is not enjoined, RSR Group will be irreparably harmed by being forced to cease lawful, federally licensed operations or face liability, both of which would have a significant, harmful impact on the company's revenue. In addition, because the Act's standards are vague and unattainable, and liability under the Act attaches based upon the behavior of third-party criminals outside of RSR Group's control, there is no way for RSR Group to comply. RSR Group will continually be at risk of litigation and potential liability unless it ceases doing business as a federally licensed firearms dealer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 6th day of December, 2021.


By:  _____
John Slogar

Exhibit K

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

NATIONAL SHOOTING SPORTS
FOUNDATION, INC., et al.,

Plaintiffs,

v.

KATHY HOCHUL, in her official capacity as
Governor of New York, and LETITIA
JAMES, in her official capacity as New York
Attorney General,

Defendants.

1:21-cv-1348 (MAD/CFH)

DECLARATION OF BRYAN L. TUCKER ON BEHALF OF DAVIDSON'S, INC.

I, Bryan L. Tucker, hereby declare as follows:

1. I am over the age of 18 years, and I am qualified to submit this declaration on behalf of Davidson's, Inc. ("Davidson's").

2. I am the Chief Executive Officer of Davidson's.

3. I have personal knowledge of the facts set forth in this declaration through direct involvement and by personally reviewing Davidson's records and information.

4. Davidson's is an Arizona corporation with its principal place of business in Arizona. Davidson's is a wholesale distributor of sporting goods, including firearms, ammunition, and related accessories.

5. Davidson's is a federal firearms licensee ("FFL") licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF").

6. Davidson's is a corporation engaged in the distribution of firearms and so is a "gun industry member" as defined in New York's Act (the "Act") codified at N.Y. Gen. Bus. Law §§ 898-a.-e. *Id.* at § 898-a.4.

7. Davidson's is also a "seller" as defined in the Protection of Lawful Commerce in Arms Act ("PLCAA"). 15 U.S.C. § 7903(6).

8. Davidson's firearms for sale to the commercial market are generally sold to federally licensed firearms dealers, including dealers located in the State of New York. Davidson's does not sell firearms directly to civilians in New York.

9. The majority of the firearms Davidson's sells are not manufactured in New York.

10. The Act's preamble states that, "despite stringent state and local laws against the illegal possession of firearms [in New York] according to the Bureau of Alcohol, Tobacco, Firearms and Explosives statistics, 74% of firearms used in crimes in New York are purchased outside of New York." NY LEGIS 237 (2021), 2021 Sess. Law News of N.Y. Ch. 237 (S. 7196).

11. The Act seeks to address the alleged "ease at which legal firearms flow into the illegal market" and the criminal misuse of firearms in New York. NY LEGIS 237 (2021), 2021 Sess. Law News of N.Y. Ch. 237 (S. 7196).

12. The firearms industry is heavily regulated. All firearms industry members must comply with multiple federal, state, and local laws and regulations that govern the manufacture, export, sale and acquisition of firearms including: the National Firearms Act, 26 U.S.C. §§ 5801 *et seq.*; the Gun Control Act, 18 U.S.C. §§ 921 *et seq.*; the Arms Export Control Act, 22 U.S.C. § 2778; Importation of Arms, Ammunition and Implements of War, 27 C.F.R § 447; Commerce in Firearms and Ammunition, 27 C.F.R § 478; Machineguns, Destructive Devices, and Certain Other Firearms, 27 C.F.R. § 479; as well as numerous state and local laws and regulations.

13. The Act declares "No gun industry member, by conduct either unlawful in itself or unreasonable under all the circumstances shall knowingly or recklessly create, maintain or contribute to a condition in New York state [*i.e.*, a public nuisance] that endangers the safety or

health of the public through the sale, manufacturing, importing or marketing of a qualified product.” N.Y. Gen. Bus. Law § 898-b(1).

14. “Qualified products” are only those that have “been shipped or transported in interstate or foreign commerce.” N.Y. Gen. Bus. Law § 898-a.6.; 15 U.S.C. § 7903(4).

15. The Act also declares that “All gun industry members who manufacture, market, import or offer for wholesale or retail sale any qualified product in New York state shall establish and utilize reasonable controls and procedures to prevent its qualified products from being possessed, used, marketed or sold unlawfully in New York state.” N.Y. Gen. Bus. Law § 898-b.2. “Reasonable controls and procedures” are defined as “policies that include, but are not limited to: (a) instituting screening, security, inventory and other business practices to prevent thefts of qualified products as well as sales of qualified products to straw purchasers, traffickers, persons prohibited from possessing firearms under state and federal law, or persons at risk of injuring themselves or others; and (b) preventing deceptive acts and practices and false advertising and otherwise ensuring compliance with all provisions of article twenty-two-A of this chapter.” *Id.* § 898-a.2.

16. New York law criminalizes multiple activities, including the transport, shipment, or sale of any “semiautomatic” rifle, pistol, or shotgun with various defined characteristics, such as a semiautomatic shotgun that has a fixed magazine capacity in excess of seven rounds, N.Y. Penal Law §§ 265:00(21–22); 265.10(1–2).

17. Davidson’s is lawfully permitted to sell “semiautomatic” firearms of the type illegal under New York’s Penal Law in the vast majority of other states.

18. I fear that, if a criminal illegally transports into New York one of the semiautomatic firearms defined by New York Penal Law to be illegal, Davidson’s would face liability under the

Act even though the initial transport, shipment, and sale by Davidson's was lawful and complied with all applicable laws and regulations in the place undertaken.

19. Davidson's cannot eliminate liability under this provision of the Act because the behavior of third-party criminals is outside of Davidson's control.

20. I also fear that, even setting aside the above activities that New York criminalizes, Davidson's could still face liability under the Act for any activity that New York deems to be "unreasonable under all the circumstances," even though in full compliance with all laws and regulations in the place undertaken.

21. Davidson's cannot eliminate liability under this provision of the Act because "unreasonable under all the circumstances" is not defined, is highly subjective and vague, and because this provision again creates liability for Davidson's based on the behavior of criminals who are outside of Davidson's control.

22. I also fear that Davidson's could face liability under the Act's vague and subjective requirement to "establish and utilize reasonable controls and procedures to prevent" firearms "from being possessed, used, marketed or sold unlawfully in New York state," even though multiple "controls and procedures" are already required by federal, state and local laws and regulations.

23. Davidson's cannot eliminate liability under the Act because, again, liability is predicated on the behavior of third party criminals outside of Davidson's control.

24. Drastic measures by Davidson's could theoretically lessen potential liability (entirely ceasing the sale of sale of all semi-automatic firearms or ceasing the sale of all firearms to dealers located in New York, for example), but the economic impact of such measures to Davidson's would be irreparable and, regardless, the potential for liability under the Act would

not be eliminated. Because the Act is vague and broad and encompasses fully lawful conduct, there is no action that Davidson's could take in order to insulate it from liability, other than ceasing operations altogether.

25. If the Act is not enjoined, Davidson's will be irreparably harmed by being forced to cease lawful, federally licensed operations or face liability, both of which would have a significant, harmful impact on the company's revenue. In addition, because the Act's standards are vague and unattainable, and liability under the Act attaches based upon the behavior of third-party criminals outside of Davidson's control, there is no way for Davidson's to comply. Davidson's will continually be at risk of litigation and potential liability unless it ceases doing business as allowed under its federal firearms license.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 3rd day of December, 2021.


By: 
Bryan L. Tucker

Exhibit L

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

NATIONAL SHOOTING SPORTS
FOUNDATION, Inc., et al.,

Plaintiffs,

v.

KATHY HOCHUL, in her official capacity as
Governor of New York, and LETITIA
JAMES, in her official capacity as New York
Attorney General,

Defendants.

1:21-cv-1348 (MAD/CFH)

DECLARATION OF STEVE HORNADY ON BEHALF OF
HORNADY MANUFACTURING COMPANY

I, Steve Hornady, hereby declare as follows:

1. I am over the age of 18 years, and I am qualified to submit this declaration on behalf of Hornady Manufacturing Company (“Hornady”).
2. I am the President of and one of the owners of Hornady.
3. I have personal knowledge of the facts set forth in this declaration through direct involvement and by personally reviewing Hornady records and information.
4. Hornady is a family-owned business that manufactures bullets, ammunition, related tools, and accessories.
5. Hornady is a federal firearms licensee (“FFL”) licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”).
6. Hornady is engaged in the manufacture and sale of ammunition and so is a “gun industry member” as defined in New York’s Act (“the Act”) codified at N.Y. Gen. Bus. Law §§ 898-a–e.

7. Hornady is also a “manufacturer” as defined in the Protection of Lawful Commerce in Arms Act (“PLCAA”). 15 U.S.C. § 7903(2).

8. Hornady ammunition is manufactured in Nebraska. Hornady does not manufacture any ammunition in New York.

9. Hornady primarily sells ammunition to distributors who sell to dealers.

10. I understand the Act declares “No gun industry member, by conduct either unlawful in itself or unreasonable under all the circumstances shall knowingly or recklessly create, maintain or contribute to a condition in New York state [*i.e.*, a public nuisance] that endangers the safety or health of the public through the sale, manufacturing, importing or marketing of a qualified product.” N.Y. Gen. Bus. Law § 898-b(1).

11. I understand “qualified products” include ammunition that has “been shipped or transported in interstate or foreign commerce.” 15 U.S.C. § 7903(4).

12. I fear Hornady could face liability under the Act for the manufacture or sale of ammunition that New York deems to be “unreasonable under all the circumstances,” even though in full compliance with all laws and regulations in the place where the manufacture and sale took place.

13. Hornady cannot eliminate liability under this provision of the Act because “unreasonable under all the circumstances” is not defined, is highly subjective and vague and because this provision creates liability for Hornady based on the behavior of third-party criminals who are outside Hornady’s control.

14. I understand the Act also declares that “All gun industry members who manufacture, market, import or offer for wholesale or retail sale any qualified product in New York state shall establish and utilize reasonable controls and procedures to prevent its qualified

products from being possessed, used, marketed or sold unlawfully in New York state.” N.Y. Gen. Bus. Law § 898-b(2). “Reasonable controls and procedures” are defined as “policies that include, but are not limited to: (a) instituting screening, security, inventory and other business practices to prevent thefts of qualified products as well as sales of qualified products to straw purchasers, traffickers, persons prohibited from possessing firearms under state and federal law, or persons at risk of injuring themselves or others; and (b) preventing deceptive acts and practices and false advertising and otherwise ensuring compliance with all provisions of article twenty-two-A of this chapter.” *Id.* § 898-a(2).

15. I fear that Hornady could face liability under the Act’s vague and subjective requirement to “establish and utilize reasonable controls and procedures to prevent” qualified products “from being possessed, used, marketed or sold unlawfully in New York state” even though multiple “controls and procedures” are already required by federal, state and local laws and regulations.

16. Hornady cannot eliminate liability under this provision of the Act because, again, liability is predicated on the behavior of third-party criminals outside Hornady’s control.

17. Even if Hornady could theoretically undertake drastic measures in an attempt to lessen potential liability under the Act (refuse to sell ammunition into New York, for example), the economic impact to Hornady would be irreparable and the potential for liability under the Act regardless would not be eliminated. Because the Act is vague and broad and encompasses fully lawful conduct, there is no action that Hornady could take in order to insulate it from liability, other than ceasing operations altogether.

18. If the Act is not enjoined, Hornady will be irreparably harmed by being forced to cease lawful, federally licensed operations or face liability, both of which would have a significant,

harmful impact on the company's revenue. In addition, because the Act's standards are vague and unattainable, and liability under the Act relies on the behavior of third-party criminals outside Hornady's control, there is no way for Hornady to comply. Hornady will continually be at risk of litigation and potential liability unless it ceases doing business as a federally licensed ammunition manufacturer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 6th day of December 2021.

By: 
Steve Hornady

Exhibit M

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

NATIONAL SHOOTING SPORTS
FOUNDATION, Inc., et al.,

Plaintiffs,

v.

KATHY HOCHUL, in her official capacity as
Governor of New York, and LETITIA
JAMES, in her official capacity as New York
Attorney General,

Defendants.

1:21-cv-1348 (MAD/CFH)

DECLARATION OF SUSAN CUPERO ON BEHALF OF SMITH & WESSON INC.

I, Susan Cupero, hereby declare as follows:

1. I am over the age of 18 years, and I am qualified to submit this declaration on behalf of Smith & Wesson Inc. ("Smith & Wesson").
2. I am the Vice President, Sales at Smith & Wesson.
3. I have personal knowledge of the facts set forth in this declaration through direct involvement and by personally reviewing Smith & Wesson's records and information.
4. Smith & Wesson is a Delaware corporation with its principal place of business in Massachusetts. Smith & Wesson primarily manufactures firearms and parts for firearms. Smith & Wesson sells its products to government and law enforcement agencies in the United States and abroad, as well as to the commercial market through distributors and retailers throughout the United States.
5. Smith & Wesson is a federal firearms licensee ("FFL") licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF").

6. Smith & Wesson is a corporation engaged in the manufacture of firearms and so is a “gun industry member” as defined in New York’s Act (“the Act”) codified at N.Y. Gen. Bus. Law §§ 898-a–e.

7. Smith & Wesson is also a “manufacturer” as defined in the Protection of Lawful Commerce in Arms Act (“PLCAA”). 15 U.S.C. § 7903(2).

8. Smith & Wesson firearms and firearms components for civilian use are manufactured in Massachusetts, Maine, and Connecticut. Smith & Wesson does not manufacture any firearm or component part in New York.

9. Smith & Wesson sells firearms in compliance with applicable federal, state and local firearms laws to independent federally-licensed wholesale distributors; strategic retailers; buying groups consisting of certain large, national retailers; federal, state, and municipal law enforcement agencies; and government and military agencies (collectively “federally-licensed entities”), who in turn sell them in compliance with applicable firearms laws. Smith & Wesson does not sell firearms directly to civilians.

10. I understand the Act’s preamble states that, “despite stringent state and local laws against the illegal possession of firearms [in New York] according to the Bureau of Alcohol, Tobacco, Firearms and Explosives statistics, 74% of firearms used in crimes in New York are purchased outside of New York.” NY LEGIS 237 (2021), 2021 Sess. Law News of N.Y. Ch. 237 (S. 7196).

11. I understand the Act seeks to address “the ease at which legal firearms flow into the illegal market” and the criminal misuse of firearms in New York. *Id.*

12. The firearms industry is heavily regulated. All firearms industry members must comply with multiple federal, state, and local laws and regulations that govern the manufacture,

export, import, sale, and acquisition of firearms including: the National Firearms Act, 26 U.S.C. §§ 5801 *et seq.*; the Federal Gun Control Act of 1968, 18 U.S.C. §§ 921 *et seq.*; the Arms Export Control Act, 22 U.S.C. § 2778; Importation of Arms, Ammunition and Implements of War, 27 C.F.R § 447; Commerce in Firearms and Ammunition, 27 C.F.R § 478; as well as numerous state and local laws and regulations.

13. I understand the Act declares “No gun industry member, by conduct either unlawful in itself or unreasonable under all the circumstances shall knowingly or recklessly create, maintain or contribute to a condition in New York state [*i.e.*, a public nuisance] that endangers the safety or health of the public through the sale, manufacturing, importing or marketing of a qualified product.” N.Y. Gen. Bus. Law § 898-b(1).

14. I understand “qualified products” are only those that have “been shipped or transported in interstate or foreign commerce.” 15 U.S.C. § 7903(4).

15. I understand the Act also declares that “All gun industry members who manufacture, market, import or offer for wholesale or retail sale any qualified product in New York state shall establish and utilize reasonable controls and procedures to prevent its qualified products from being possessed, used, marketed or sold unlawfully in New York state.” N.Y. Gen. Bus. Law § 898-b(2). “Reasonable controls and procedures” are defined as “policies that include, but are not limited to: (a) instituting screening, security, inventory and other business practices to prevent thefts of qualified products as well as sales of qualified products to straw purchasers, traffickers, persons prohibited from possessing firearms under state and federal law, or persons at risk of injuring themselves or others; and (b) preventing deceptive acts and practices and false advertising and otherwise ensuring compliance with all provisions of article twenty-two-A of this chapter.” *Id.* § 898-a(2).

16. I also understand that New York law criminalizes multiple activities, including the manufacture, transport, shipment, or sale of any “semiautomatic” rifle, pistol, or shotgun with various defined characteristics such as a semiautomatic rifle that has “a pistol grip that protrudes conspicuously beneath the action of the weapon,” N.Y. Penal Law § 265:00(21–22); 265.10(1–2).

17. Smith & Wesson is lawfully permitted to sell “semiautomatic” firearms of the type illegal under New York’s Penal Law in multiple other states.

18. I fear that, if a criminal illegally transports into New York one of the semiautomatic firearms defined by New York Penal Law to be illegal, Smith & Wesson would face liability under the Act even though the initial manufacture, transport, and shipment of the firearm by Smith & Wesson was lawful and complied with all applicable laws and regulations in the place undertaken.

19. Smith & Wesson cannot eliminate liability under the Act’s first prong because the behavior of third-party criminals is outside Smith & Wesson’s control.

20. I also fear that, even setting aside the above activities that New York criminalizes, Smith & Wesson could still face liability under the Act for any activity that New York deems to be “unreasonable under all the circumstances,” even though in full compliance with all laws and regulations in the place undertaken.

21. Smith & Wesson cannot eliminate liability under this provision of the Act because “unreasonable under all the circumstances” is not defined, is highly subjective and vague and because this provision again creates liability for Smith & Wesson based on the behavior of criminals who are outside Smith & Wesson’s control.

22. I also fear that Smith & Wesson could face liability under the Act’s vague and subjective requirement to “establish and utilize reasonable controls and procedures to prevent” firearms “from being possessed, used, marketed or sold unlawfully in New York state,” even

though multiple “controls and procedures” are already required by federal, state, and local laws and regulations.

23. Smith & Wesson cannot eliminate liability under the Act because, again, liability is predicated on the behavior of third-party criminals outside Smith & Wesson’s control.

24. Even if Smith & Wesson could theoretically undertake drastic measures in an attempt to lessen potential liability (discontinuing the manufacture of semi-automatic firearms entirely, for example), the economic impact to Smith & Wesson would be irreparable and, regardless, the potential for litigation and liability under the Act would not be eliminated. Because the Act is vague and broad and encompasses fully lawful conduct, there is no action that Smith & Wesson could take in order to insulate it from liability, other than ceasing operations altogether.

25. If the Act is not enjoined, Smith & Wesson will be irreparably harmed by being forced to cease lawful, federally licensed operations or face liability, both of which would have a significant, harmful impact on the company’s revenue. In addition, because the Act’s standards are vague and unattainable, and liability under the Act attaches based upon the behavior of third-party criminals outside Smith & Wesson’s control, there is no way for Smith & Wesson to comply. Smith & Wesson will continually be at risk of litigation and potential liability unless it ceases doing business as a federally licensed firearms manufacturer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 6th day of December, 2021.

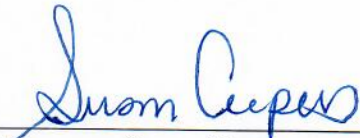
By: 
Susan Cupero

Exhibit N

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

NATIONAL SHOOTING SPORTS
FOUNDATION, INC., et al.,

Plaintiffs,

v.

1:21-cv-1348 (MAD/CFH)

KATHY HOCHUL, in her official capacity as
Governor of New York, and LETITIA
JAMES, in her official capacity as New York
Attorney General,

Defendants.

DECLARATION OF LAURIE LIPSEY ARONSON ON BEHALF OF LIPSEY’S, LLC

I, Laurie Lipsey Aronson, hereby declare as follows:

1. I am over the age of 18 years, and I am qualified to submit this declaration on behalf of Lipsey’s, LLC (“Lipsey’s”).
2. I am the Chairwoman and CEO of Lipsey’s.
3. I have personal knowledge of the facts set forth in this declaration through direct involvement and by personally reviewing Lipsey’s records and information.
4. Lipsey’s is a Louisiana limited liability company with its principal place of business in Louisiana. Lipsey’s is a national sporting goods and firearms wholesaler.
5. Lipsey’s is a federal firearms licensee (“FFL”) licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”).
6. Lipsey’s is a corporation engaged in the distribution of firearms and so is a “gun industry member” as defined in New York’s Act (“the Act”) codified at N.Y. Gen. Bus. Law §§ 898-a.–e. *Id.* at § 898-a.4.

7. Lipsey's is also a "seller" as defined in the Protection of Lawful Commerce in Arms Act ("PLCAA"). 15 U.S.C. § 7903(6).

8. Lipsey's firearms for sale to the commercial market are generally sold to federally licensed firearms dealers, including dealers located in the State of New York. Lipsey's does not sell firearms directly to civilians in New York.

9. The majority of the firearms Lipsey's sells are not manufactured in New York.

10. The Act's preamble states that, "despite stringent state and local laws against the illegal possession of firearms [in New York] according to the Bureau of Alcohol, Tobacco, Firearms and Explosives statistics, 74% of firearms used in crimes in New York are purchased outside of New York." NY LEGIS 237 (2021), 2021 Sess. Law News of N.Y. Ch. 237 (S. 7196).

11. The Act seeks to address the alleged "ease at which legal firearms flow into the illegal market" and the criminal misuse of firearms in New York. NY LEGIS 237 (2021), 2021 Sess. Law News of N.Y. Ch. 237 (S. 7196).

12. The firearms industry is heavily regulated. All firearms industry members must comply with multiple federal, state, and local laws and regulations that govern the manufacture, export, sale and acquisition: the National Firearms Act, 26 U.S.C. §§ 5801 *et seq.*; the Gun Control Act, 18 U.S.C. §§ 921 *et seq.*; the Arms Export Control Act, 22 U.S.C. § 2778; Importation of Arms, Ammunition and Implements of War, 27 C.F.R. § 447; Commerce in Firearms and Ammunition, 27 C.F.R. § 478; Machineguns, Destructive Devices, and Certain Other Firearms, 27 C.F.R. § 479; as well as numerous state and local laws and regulations.

13. The Act declares "No gun industry member, by conduct either unlawful in itself or unreasonable under all the circumstances shall knowingly or recklessly create, maintain or contribute to a condition in New York state [*i.e.*, a public nuisance] that endangers the safety or

health of the public through the sale, manufacturing, importing or marketing of a qualified product.” N.Y. Gen. Bus. Law § 898-b.1.

14. “Qualified products” are only those that have “been shipped or transported in interstate or foreign commerce.” N.Y. Gen. Bus. Law § 898-a.6.; 15 U.S.C. § 7903(4).

15. The Act also declares that “All gun industry members who manufacture, market, import or offer for wholesale or retail sale any qualified product in New York state shall establish and utilize reasonable controls and procedures to prevent its qualified products from being possessed, used, marketed or sold unlawfully in New York state.” N.Y. Gen. Bus. Law § 898-b.2. “Reasonable controls and procedures” are defined as “policies that include, but are not limited to: (a) instituting screening, security, inventory and other business practices to prevent thefts of qualified products as well as sales of qualified products to straw purchasers, traffickers, persons prohibited from possessing firearms under state and federal law, or persons at risk of injuring themselves or others; and (b) preventing deceptive acts and practices and false advertising and otherwise ensuring compliance with all provisions of article twenty-two-A of this chapter.” *Id.* § 898-a.2.

16. New York law criminalizes multiple activities, including the transport, shipment, or sale of any “semiautomatic” rifle, pistol, or shotgun with various defined characteristics, such as a semiautomatic shotgun that has a fixed magazine capacity in excess of seven rounds, N.Y. Penal Law § 265:00(21–22); 265.10(1–2).

17. Lipsey’s is lawfully permitted to sell “semiautomatic” firearms of the type illegal under New York’s Penal Law in the vast majority of other states.

18. I fear that, if a criminal illegally transports into New York one of the semiautomatic firearms defined by New York Penal Law to be illegal, Lipsey’s would face liability under the Act

even though the initial transport, shipment, and sale by Lipsey's was lawful and complied with all applicable laws and regulations in the place undertaken.

19. Lipsey's cannot eliminate liability under this provision of the Act because the behavior of third-party criminals is outside of Lipsey's control.

20. I also fear that, even setting aside the above activities that New York criminalizes, Lipsey's could still face liability under the Act for any activity that New York deems to be "unreasonable under all the circumstances," even though in full compliance with all laws and regulations in the place undertaken.

21. Lipsey's cannot eliminate liability under this provision of the Act because "unreasonable under all the circumstances" is not defined, is highly subjective and vague, and because this provision again creates liability for Lipsey's based on the behavior of criminals who are outside of Lipsey's control.

22. I also fear that Lipsey's could face liability under the Act's vague and subjective requirement to "establish and utilize reasonable controls and procedures to prevent" firearms "from being possessed, used, marketed or sold unlawfully in New York state," even though multiple "controls and procedures" are already required by federal, state and local laws and regulations.

23. Lipsey's cannot eliminate liability under the Act because, again, liability is predicated on the behavior of third party criminals outside of Lipsey's control.

24. Drastic measures by Lipsey's could theoretically lessen potential liability (entirely ceasing the sale of all semi-automatic firearms or ceasing the sale of all firearms to dealers located in New York, for example), but the economic impact of such measures to Lipsey's would be irreparable and, regardless, the potential for litigation and liability under the Act would not be

eliminated. Because the Act is vague and broad and encompasses fully lawful conduct, there is no action that Lipsey's could take in order to insulate it from liability, other than ceasing operations altogether.

25. If the Act is not enjoined, Lipsey's will be irreparably harmed by being forced to cease lawful, federally licensed operations or face liability, both of which would have a significant, harmful impact on the company's revenue. In addition, because the Act's standards are vague and unattainable, and liability under the Act attaches based upon the behavior of third-party criminals outside of Lipsey's control, there is no way for Lipsey's to comply. Lipsey's will continually be at risk of litigation and potential liability unless it ceases doing business as a federally licensed firearms dealer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 7th day of December, 2021.

Laurie L Aronson
By: _____
Laurie Lipsey Aronson

Exhibit O

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

NATIONAL SHOOTING SPORTS
FOUNDATION, Inc., et al., Case No.: 1:21-cv-1348 (MAD/CFH)

Plaintiffs,
v.

KATHY HOCHUL, in her official capacity as
Governor of New York, and LETITIA JAMES,
in her official capacity as New York Attorney
General,

Defendants.

DECLARATION OF FRANCESCO VALENTE ON BEHALF OF BERETTA U.S.A. CORP.

I, Francesco Valente, hereby declare as follows:

1. I am over the age of 18 years, and I am qualified to submit this declaration on behalf of Beretta U.S.A. Corp. ("Beretta").
2. I am the General Manager and Chief Operating Officer at Beretta.
3. I have personal knowledge of the facts set forth in this declaration through direct involvement and by personally reviewing Beretta records and information.
4. Beretta is a Maryland corporation with its principal place of business in Maryland. Beretta began operations in 1977 and was the supplier of the standard sidearm for the U.S. Armed Forces from 1985 to 2020. In addition to its sales to the U.S. Government, the company makes and sells firearms to numerous law enforcement agencies throughout the United States and sells sporting shotguns, rifles, handguns, and firearms used for civilian self-defense to thousands of federally and locally licensed firearm distributors and dealers in all 50 states.
5. Beretta is a federal firearms licensee ("FFL") licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF").
6. Beretta is a corporation engaged in the manufacture of firearms and so is a "gun industry member" as defined in New York's Act ("the Act") codified at N.Y. Gen. Bus. Law §§ 898-a-e. *Id.* at 898-a(4).
7. Beretta is also a "manufacturer" as defined in the Protection of Lawful Commerce in Arms Act ("PLCAA"). 15 U.S.C. § 7903(4)(4).
8. Beretta firearms for civilian use are manufactured in Tennessee, Italy, and Finland. Beretta does not manufacture any firearm or component part in New York.
9. Beretta firearms for civilian use are generally sold either direct to dealers (retailers) or to licensed distributors who, in turn, sell to dealers (retailers), including in New York. Beretta sells directly to citizens in two states. Beretta has one store in New York (the "Beretta Gallery") from which it sells firearms directly to citizens.
10. I understand the Act's preamble states that, "despite stringent state and local laws against the illegal possession of firearms [in New York] according to the Bureau of Alcohol, Tobacco, Firearms and Explosives statistics, 74% of firearms used in crimes in New York are purchased outside of New York." NY LEGIS 237 (2021), 2021 Sess. Law News of N.Y. Ch. 237 (S. 7196).
11. I understand the Act seeks to address "the ease at which legal firearms flow into the illegal market" and the criminal misuse of firearms in New York.
12. The firearms industry is heavily regulated. All firearms industry members must comply with multiple federal, state, and local laws and regulations that govern the manufacture, export, sale, and acquisition of firearms including: the National Firearms Act, 26 U.S.C. §§ 5801 *et seq.*; the Federal Gun Control Act of 1968, 18 U.S.C. §§ 921 *et seq.*; the Arms Export Control Act, 22 U.S.C. § 2778; Importation of Arms, Ammunition and Implements of War, 27 C.F.R § 447; Commerce in Firearms and Ammunition, 27 C.F.R § 478; as well as numerous state



and local laws and regulations.

13. I understand the Act declares “No gun industry member, by conduct either unlawful in itself or unreasonable under all the circumstances shall knowingly or recklessly create, maintain or contribute to a condition in New York state [*i.e.*, a public nuisance] that endangers the safety or health of the public through the sale, manufacturing, importing or marketing of a qualified product.” N.Y. Gen. Bus. Law § 898-b(1).

14. I understand “qualified products” are only those that have “been shipped or transported in interstate or foreign commerce.” 15 U.S.C. § 7903(4).

15. I understand the Act also declares that “All gun industry members who manufacture, market, import or offer for wholesale or retail sale any qualified product in New York state shall establish and utilize reasonable controls and procedures to prevent its qualified products from being possessed, used, marketed or sold unlawfully in New York state.” *Id.* § 898-b(2). “Reasonable controls and procedures” are defined as “policies that include, but are not limited to: (a) instituting screening, security, inventory and other business practices to prevent thefts of qualified products as well as sales of qualified products to straw purchasers, traffickers, persons prohibited from possessing firearms under state and federal law, or persons at risk of injuring themselves or others; and (b) preventing deceptive acts and practices and false advertising and otherwise ensuring compliance with all provisions of article twenty-two-A of this chapter.” *Id.* § 898-a(2).

16. I also understand that New York law criminalizes multiple activities, including the manufacture, transport, shipment, or sale of any “semiautomatic” rifle, pistol, or shotgun with various defined characteristics such as a semiautomatic shotgun that has a fixed magazine capacity in excess of seven rounds. N.Y. Penal Law § 265:00(21–22); 265.10(1–2).

17. Beretta is lawfully permitted to manufacture and sell “semiautomatic” firearms of the type illegal under New York’s Penal law in multiple other states.

18. I fear that, if a criminal illegally transports into New York one of the semiautomatic firearms defined by New York Penal Law to be illegal, Beretta would face liability under the Act even though the initial manufacture, transport, shipment, and sale by Beretta was lawful and complied with all applicable laws and regulations in the place undertaken.

19. Beretta cannot eliminate liability under this provision of the Act because the behavior of third-party criminals is outside Beretta’s control.

20. I also fear that, even setting aside the above activities that New York criminalizes, Beretta could still face liability under the Act for any activity that New York deems to be “unreasonable under all the circumstances,” even though in full compliance with all laws and regulations in the place undertaken.

21. Beretta cannot eliminate liability under this provision of the Act because “unreasonable under all the circumstances” is not defined, is highly subjective and vague and because this provision again creates liability for Beretta based on the behavior of third-party criminals who are outside Beretta’s control.

22. I also fear that Beretta could face liability under the Act’s vague and subjective requirement to “establish and utilize reasonable controls and procedures to prevent” firearms “from being possessed, used, marketed or sold unlawfully in New York state” even though multiple “controls and procedures” are already required by federal, state and local laws and regulations.

23. Beretta cannot eliminate liability under the Act because the Act does not indicate what “controls and procedures” will suffice and liability is again predicated on the behavior of third party criminals outside Beretta’s control.

24. Even if Beretta could theoretically undertake drastic measures in an attempt to lessen potential liability (entirely discontinuing the manufacture of semi-automatic firearms or closing its New York store, for example), the economic impact to Beretta would be irreparable and the potential for liability under the Act regardless would not be eliminated. Because the Act is vague and broad and encompasses fully lawful conduct, there is no action that Beretta could take in order to insulate it from liability, other than ceasing operations altogether.

25. If the Act is not enjoined, Beretta will be irreparably harmed by being forced to cease lawful, federally licensed operations or face liability, both of which would have a significant, harmful impact on the company’s revenue. In addition, because the Act’s standards are vague and unattainable, and liability under the Act relies on the behavior of third-party criminals outside Beretta’s control, there is no way for Beretta to comply. Beretta will continually be at risk of litigation and potential liability unless it ceases doing business as a federally licensed firearms manufacturer.

I declare under penalty of perjury that the foregoing is true and correct.



Executed this 9th day of December, 2021.

By: 

Francesco Valente