

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

NATIONAL SHOOTING SPORTS  
FOUNDATION, INC., BERETTA U.S.A.  
CORP., DAVIDSON'S, INC., GLOCK,  
INC., CENTRAL TEXAS GUN WORKS,  
HORNADY MANUFACTURING  
COMPANY, LIPSEY'S, LLC, OSAGE  
COUNTY GUNS LLC, RSR GROUP, INC.,  
SHEDHORN SPORTS, INC., SIG SAUER,  
INC., SMITH & WESSON INC., SPORTS  
SOUTH LLC, SPRAGUE'S SPORTS INC.  
and STURM, RUGER & COMPANY, INC.,

Plaintiffs,

v.

LETITIA JAMES, in her official capacity as  
New York Attorney General,

Defendant.

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

**[PROPOSED] ORDER**

This matter coming before the Court on Plaintiffs' motion for a preliminary injunction, due notice having been given, and the Court being fully advised of the arguments:

The Court finds that Plaintiffs are likely to succeed on the merits of their claims. First, N.Y. Gen. Bus. Law §§ 898-a–e is expressly and impliedly preempted by the Protection of Lawful Commerce in Arms Act" (the "PLCAA"), which prohibits the exact form of civil action authorized by New York law. Second, the statute violates the Commerce Clause because it regulates interstate commerce by declaring lawful business activities occurring in other states "unlawful" or even "unreasonable" and subject to civil liability in New York. Finally, New York's law is so vague that no reasonable observer could understand what it proscribes, and it therefore violates due process. That vagueness is particularly problematic in a statute that implicates manufacturers' and

sellers' First Amendment right to market firearms and customers' Second Amendment right to purchase and possess them.

The Court further finds that, in the absence of injunctive relief, Plaintiffs will suffer irreparable injury both because they have successfully alleged a potential violation of constitutional rights and because without an injunction, Plaintiffs will either be forced to cease operations or face uncertain liability. Finally, the balance of the equities and public interest weigh dramatically in favor of an injunction, which would merely preserve the status quo and prevent enforcement of an unconstitutional law.

Accordingly, IT IS HEREBY ORDERED that Plaintiffs' motion for a preliminary injunction is GRANTED, and Defendant is preliminarily enjoined from enforcing N.Y. Gen. Bus. Law §§ 898-a–e against Plaintiffs.

Dated: \_\_\_\_\_

/s/ \_\_\_\_\_  
UNITED STATES DISTRICT JUDGE