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

IVAN ANTONYUK,
GUN OWNERS OF AMERICA, INC.,
GUN OWNERS FOUNDATION, and
GUN OWNERS OF AMERICA
NEW YORK, INC.,

Plaintiffs,

v.

KEVIN P. BRUEN, in his official
capacity as Superintendent of the New
York State Police,

Defendant.

Civil Action No. 1:22-cv-00734-GTS-
CFH

**THE NATIONAL POLICE ASSOCIATION’S MOTION FOR ORDER
GRANTING LEAVE TO FILE BRIEF AS AMICUS CURIAE IN SUPPORT OF
PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**

The National Police Association (“NPA”) respectfully moves for an Order from this Court granting it leave to file a brief as *amicus curiae* in support of Plaintiffs’ Motion for Preliminary Injunction. Plaintiffs, through counsel, have advised that they consent to this Motion and the proposed brief, attached hereto as Exhibit 1. Defendant, through counsel, has advised that it takes no position on this Motion and the proposed brief. In support, the NPA states the following:

1. The NPA is an Indiana non-profit corporation founded to provide educational assistance to supported of law enforcement and to support individual law enforcement

officers and the agencies they serve. The NPA's goal is to bring important issues in the law enforcement realm to the forefront of public discussion in order to facilitate appropriate remedies and broaden public awareness about issues specific to individual law enforcement officers as they perform the difficult tasks demanded of them in their day-to-day jobs.

2. The NPA has garnered a wealth of experience in submitting *amicus curiae* briefs on issues relevant to law enforcement which emphasize the scientific principles underlying key concepts in the laws of civil liberty.

3. The U.S. Supreme Court, for example, granted the NPA leave to file an *amicus curiae* brief in support of the Petition for Writ of Certiorari in *City of Tahlequah et al. v. Bond*, 142 S. Ct. 9 (2021). Thereafter, the NPA filed a brief that emphasized scientific studies which showed that citizens involved in citizen-officer interactions are more likely to be suffering through a mental health crisis, under the influence of mind-altering substances, or both. *See* Brief of Amicus Curiae National Police Association Supporting Petitioners' Petition for Writ of Certiorari, *Bond*.

4. For that reason, the NPA argued, a circuit-court-level rule of Fourth Amendment application (whereby an officer's conduct preceding a use of force could be subject to Fourth Amendment inquiry if it intentionally or recklessly provoked the need to later use force) was not appropriate because it improperly required an assessment of a citizen's state of mind. The Court summarily reversed the Tenth Circuit's decision. *Id.*

5. The NPA has filed three additional *amicus curiae* briefs with the Supreme Court, including one which discussed the scientific principles underlying the Fourth Amendment's objective-reasonableness rule. *See* Brief of Amicus Curiae National Police

Association Supporting Petitioner's Petition for Writ of Certiorari, *Ferris v. Scism*, U.S.S.C. Appeal No. 21-1422 (petition for writ of certiorari pending); *see also* Brief of Amicus Curiae National Police Association Supporting Petitioners' Petition for Writ of Certiorari, *Martin v. Castro*, 142 S. Ct. 1108 (2022) (petition for writ of certiorari denied); Brief of Amicus Curiae National Police Association Supporting Petitioners' Petition for Writ of Certiorari, *County of Sacramento v. Thomas*, 142 S. Ct. 2650 (2022) (petition for writ of certiorari denied).

6. As discussed at length in the attached brief, important scientific principles about the effect of concealed-carry laws undergird the issues presented in Plaintiffs' Motion for Preliminary Injunction. The NPA is well-positioned to offer insight to the Court on those issues.

For the reasons listed above, the NPA respectfully moves the Court for leave to file a brief as *amicus curiae* supporting the Plaintiffs' Motion for Preliminary Injunction in this case.

Dated August 15, 2022.

Respectfully submitted,

s/ John C. Lennon

Robert S. Lafferrandre
Oklahoma Bar No. 11897
John C. Lennon
Oklahoma Bar No. 30149

**PIERCE COUCH HENDRICKSON
BAYSINGER & GREEN, L.L.P**

1109 North Francis Avenue
Oklahoma City, Oklahoma 73106
Telephone: (405) 235-1611
Facsimile: (405) 235-2904
jlennon@piercecouch.com

ATTORNEYS FOR AMICUS CURIAE
NATIONAL POLICE ASSOCIATION

CERTIFICATE OF SERVICE

The attached **Motion for Leave to File Brief Of Amicus Curiae National Police Association In Support Of Plaintiffs' Prayers For Declaratory And Injunctive Relief** was filed on August 15, 2022, via the CM/ECF system for filing. Based on the records currently on file, a Notice of Electronic Filing will be distributed to the following counsel of record:

Stephen D. Stamboulieh
N.D.N.Y. Bar Roll No. 520383
STAMBOULIEH LAW, PLLC
P.O. Box 428
Olive Branch, Mississippi 38654
Telephone: (601) 852-3440
stephen@sdslaw.us

- and -

Robert J. Olson
Virginia Bar No. 82488
WILLIAM J. OLSON, PC
370 Maple Avenue West, Suite 4
Vienna, Virginia 22180
Telephone: (703) 356-5070
wjo@mindspring.com

Attorneys for Plaintiffs

Michael G. McCartin
Assistant Attorney General
N.D.N.Y. Bar Roll No. 511158
ATTORNEY GENERAL'S OFFICE
STATE OF NEW YORK
The Capitol
Albany, New York 12224
Telephone: (518) 776-2620
michael.mccartin@ag.ny.gov

- and -

James M. Thompson
Special Counsel
N.D.N.Y. Bar Roll No. 703513
ATTORNEY GENERAL'S OFFICE
STATE OF NEW YORK
28 Liberty Street
New York City, New York 10005
Telephone: (212) 416-6556
james.thompson@ag.ny.gov

Attorneys for Defendant
Kevin P. Bruen

s/ John C. Lennon

John C. Lennon