

**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,)

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

v.)

KEVIN P. BRUEN, in his Official)
Capacity as Superintendent of the New)
York State Police,)

Defendant.)
_____)

SUPPLEMENTAL DECLARATION OF ERICH M. PRATT

1. My name is Erich M. Pratt. I am a U.S. citizen and resident of Virginia. I make this supplemental declaration in further support of Plaintiffs' Complaint for Declaratory and Injunctive Relief. Unless otherwise stated, I make this declaration based on personal knowledge. If called as a witness, I can testify to the truth of the statements contained therein.

2. I am the Senior Vice President of Gun Owners of America, Inc. ("GOA"), and the Senior Vice President of Gun Owners Foundation ("GOF").

3. After I received notice about the Court's Order asking for additional information about "hours and resources spent" "handling communications from aggrieved members and supporters (and/or any anticipated loss of financial support and resulting interference with ability to function

as organizations)[,]” I instructed our team to research the information we had so we could provide it to the Court.

4. Days after the Supreme Court’s opinion in *Bruen*, we began to hear from our members and supporters that something bad was brewing in New York.

5. In the normal course of business, we have an intake team that handles phone calls and emails that the organizations receive. Typically, for a big issue, we may receive about five calls or emails from our members and supporters. This is not to say many members are not affected by a certain issue, it is only to say that few people usually take the time to call and express themselves about a given issue. If we were to receive ten calls, then it would signify there is an emergency that would require immediate attention.

6. I requested this information and received it from Megan Brown who is our Director, Administrative Services. Relevant to this issue, we received approximately 28 calls and emails. Indeed, the number of contacts we were receiving from New York signified that our members and supporters needed immediate assistance and we deemed this to be an urgent situation that called for an “all hands on deck” response.

7. Additionally, sometimes our members will contact our attorneys directly, since they see their names on our pleadings. I heard from one of our attorneys that he has fielded numerous phone calls and received numerous messages about the new CCIA legislation.

8. From all of these communications, it became evident that our members and supporters in New York would be irreparably harmed in numerous ways by the challenged provisions of the CCIA, as many are unwilling to submit to the CCIA’s tyrannical demands (good character requirements and training demands) as a condition to exercise an enumerated right, meaning they will be unable to bear arms in public, in violation of their Second Amendment rights.

9. Moreover, for those of our members and supporters who are able to obtain permits, they will be unable to carry in most public places and private property.

10. For instance, upon reviewing the CCIA, it is now a felony now to carry in a number of places which, before the Act takes effect, are perfectly legal to carry. The CCIA mandates that all businesses and even homes are de facto illegal to carry a firearm, unless specifically posted with a sign stating that firearms are allowed.

11. And in a lot of those places listed in the CCIA, such as a doctor's office, it completely takes out the discretion of the property owner to even allow firearms and instead becomes a mandatory off-limits location.

12. Upon learning of the unconstitutional requirements of the CCIA, I instructed our team to begin work on this litigation, elevating it to the top of our priorities list and, due to the short timeframe between passage to implementation, our litigation focus was shifted to New York, while our other work was generally delayed pending work on this case.

13. In fact, GOA and GOF have plans to file other cases in other jurisdictions challenging various other state laws (which have now been delayed indefinitely), but did not have any such plans in New York until the CCIA was passed and it was made clear that our members were suffering.

14. Currently, those plans for other cases are still on hold while we deal with this New York matter, which has made us immediately and in an emergency manner divert substantial time and resources to dealing with this issue.

15. I cannot begin to list out how much time we have spent as an organization dealing with the passage and implementation of the CCIA, but it has been substantial. And as to expenses, we have

also incurred significant expenses in litigation that we would not have had to otherwise spend in New York, but for this new law.

16. We have never, to my knowledge, litigated a case in New York but, given the state's blatant repudiation of the Supreme Court's ruling, we had no choice but to file this case no matter the cost.

17. As an organization, we have spoken with many members who wish to be able to carry in the places they can carry in prior to this new law taking effect.

18. For instance, we have spoken with members who wish to continue to carry when they fill up their cars at gas stations, carry when they are getting groceries or shop at other retail outlets, carry when they attend church, and carry when they go to the park. They have also advised us that they wish to be able to carry their firearms when eating out with their families at a restaurant, even when that restaurant serves alcohol. In short, our members and supporters wish to carry everywhere they can currently carry, since the individuals who have gone through New York's permitting process are, by definition, the most law-abiding in the state.

19. Our members and supporters are very concerned that the sensitive locations listed in the CCIA are, first and foremost, now off limits to their exercise of a constitutional right, and secondly, now include felony penalties (which strips them of their Second Amendment rights) if they accidentally or unintentionally were to carry in a sensitive location.

20. At least one of our members desires a permit to carry, but is unwilling to go through all the new and extra hurdles New York has now placed in the way even to apply for a permit. This member is unwilling to give the state his social media history, nor will the member consent to an interview to exercise a right, nor pay for the extra onerous training the state demands apply to exercise the constitutional right to public carry. Additionally, this member does not wish to provide to the state a list of his family and others within his household, nor provide the state contact

information for any of his friends or associates to be used as character references. He simply wishes to have a way to exercise his rights under the Second Amendment without him and loved ones being interrogated, his privacy invaded, and his constitutional rights violated.

21. Another member is worried that, when traveling with firearms to go to other states, permit holders will not be able to take their firearms in checked baggage in compliance with federal regulations, because the CCIA bans firearms in “airports” which will make it impossible to present the firearm during check-in with an airline.

22. Other members with whom we have spoken do not wish to be required to post signs on their homes in order to continue to allow their friends or family to carry in their homes. Of course, if some homeowners desire to restrict carry in their homes, that is their business, and they are free to refuse permission from individuals entering with firearms.

23. One of our members is a healthcare provider on Long Island who wishes to be able to carry his firearm in his own healthcare practice after the law is implemented, but the CCIA restricts him from carrying even his own firearm. Additionally, he is not able to post a sign to allow others who are lawfully carrying firearms to come into his building, as it is entirely off limits under the CCIA.

24. In addition to the above harms to our members and supporters, representatives and spokesmen of GOA and GOF routinely travel around the country, giving speeches, attending events and gatherings of gun owners, manning tables, at gun shows, attending conferences, etc. These organizations previously have attended such events, including giving speeches to gun owners, in New York State.

25. Under the CCIA, however, it is unclear to what extent such activities will occur again in the future, as the CCIA bans possession of firearms at “any gathering of individuals to collectively express their constitutional rights to protest or assemble.” It would seem that, for example, a

gathering of gun owners to protest the CCIA would fit this definition, and that firearms would be prohibited at such a gathering, leading to a decline in attendance by gun owners, harming the organizations' ability to communicate with their supporters, sign up new members, receive charitable contributions, etc.

26. Specifically, the organizations have plans (including having purchased an exhibitor's table) to attend an upcoming gun show in Hamburg, New York, scheduled for shortly after the CCIA is slated to take effect. However, under the vague and nebulous provisions of the CCIA, it appears that such a gun show might not even be able to occur, meaning the organizations will not be able to attend and, consequently, will lose the opportunity to reach gun owners, communicate their message, sign up new members, and receive contributions.

27. In addition to the harms to our members and supporters, this effect of the CCIA will cause harm directly to the organizations themselves.

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

August 22, 2022
Date



Erich M. Pratt