

No. 23-1353

**UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT**

NATIONAL ASSOCIATION FOR GUN RIGHTS, ROBERT C. BEVIS, and
LAW WEAPONS, INC d/b/a LAW WEAPONS & SUPPLY,

Plaintiffs-Appellants,

v.

CITY OF NAPERVILLE, ILLINOIS and JASON ARRES,

Defendants-Appellees,

and

THE STATE OF ILLINOIS,

Intervenor-Appellee.

APPEAL FROM THE U.S. DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION, NO. 1:22-cv-04775
THE HONORABLE VIRGINIA M. KENDALL

**MOTION OF DR. JAVIER HERRERA FOR PAPER COPIES OF APPENDIX
TO BE ACCEPTED AS FILED**

GENE HAMILTON
REED D. RUBINSTEIN
MICHAEL DING
AMERICA FIRST LEGAL FOUNDATION
300 INDEPENDENCE AVE. SE
WASHINGTON, D.C. 20003
(202) 964-3721

GREGORY ABBOTT BEDELL
KNABE & BEDELL
33 NORTH DEARBORN ST., 10TH FL.
CHICAGO, ILLINOIS 60602
(312) 997-9119

THOMAS R. MCCARTHY
JEFFREY M. HARRIS
TAYLOR A.R. MEEHAN
MATT POCIASK
CONSOVOY MCCARTHY PLLC
1600 WILSON BLVD., SUITE 700
ARLINGTON, VIRGINIA 22209
(703) 243-9423

Counsel for Amicus Curiae Dr. Javier Herrera

MOTION

Amicus curiae Dr. Javier Herrera respectfully asks the Court to accept as filed paper copies of the statutory appendix to his *amicus* brief. On April 17, 2023, the clerk's office received paper copies of Dr. Herrera's brief and statutory appendix. Upon receiving the paper copies, the clerk's office informed Dr. Herrera's counsel that the Court ordinarily accepts briefs printed in portrait style only, and the front matter in the statutory appendix is printed in landscape style. The clerk's office instructed Dr. Herrera that he could file a motion to have the brief accepted as-printed.

Dr. Herrera respectfully moves the Court to accept paper copies of the statutory appendix. The statutory appendix is a compilation of historical statutes that are relevant to the constitutionality of the firearms laws at issue in this appeal. It is materially the same as the statutory appendix filed in Dr. Herrera's related case in support of his pending preliminary injunction motion. *See Herrera v. Raoul*, No. 1:23-cv-00532 (N.D. Ill.) (Jenkins, J.), ECF 63-1. The historical appendix includes over 400 pages of primary source material relating to firearms regulation that is central to resolving legal questions under the Supreme Court's Second Amendment framework announced in *New York State Rifle & Pistol Association v. Bruen*, 142 S. Ct. 2111 (2022). Each page of primary source material in Dr. Herrera's appendix is printed in portrait style. *See* App.74-App.559. The only pages printed in landscape style are the front matter, which contains condensed excerpts of that primary source material. *See* App.2-App.73.

CONCLUSION

For the foregoing reasons, Dr. Herrera respectfully asks the Court to accept paper copies of the amicus brief appendix as filed.

Dated: April 17, 2023

Gene P. Hamilton
Reed D. Rubinstein
Michael Ding
AMERICA FIRST LEGAL FOUNDATION
300 Independence Avenue SE
Washington, DC 20003
Tel: (202) 964-3721
gene.hamilton@aflegal.org
reed.rubinstein@aflegal.org
michael.ding@aflegal.org

Gregory Abbott Bedell
KNABE & BEDELL
33 North Dearborn St., 10th Fl.
Chicago, Illinois 60602
(312) 997-9119

Respectfully submitted,

/s/ Taylor A.R. Meehan
Jeffrey M. Harris
Taylor A.R. Meehan
Matt Pociask
CONSOVOY MCCARTHY PLLC
1600 Wilson Blvd., Ste. 700
Arlington, VA 22209
Tel: (703) 243-9423
jeff@consovoymccarthy.com
taylor@consovoymccarthy.com
matt@consovoymccarthy.com

Counsel for Amicus Curiae Dr. Javier Herrera

CERTIFICATE OF COMPLIANCE

This motion complies with Rule 27(d) because it contains 274 words, excluding the parts that can be excluded. This motion also complies with Rule 32(a)(5)-(6) and Cir. R. 32 because it has been prepared in 12-point Century Schoolbook font. This brief has been scanned for viruses and is virus-free.

Dated: April 17, 2023

/s/ Taylor A.R. Meehan

Counsel for *Amicus Curiae*

CERTIFICATE OF SERVICE

I filed a true and correct copy of this motion with the Clerk of this Court via the CM/ECF system, which will notify all counsel.

Dated: April 17, 2023

/s/ Taylor A.R. Meehan

Counsel for *Amicus Curiae*