



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Kwame Raoul
Attorney General

October 3, 2023

Mr. Christopher G. Conway
Clerk of the Court
United States Court of Appeals for the Seventh Circuit
219 South Dearborn St., 27th Floor
Chicago, Illinois 60604

Re: *Barnett v. Raoul*, Nos. 23-1825, 23-1793, 23-1826, 23-1827, 23-1828 (consol.)
Bevis v. City of Naperville, No. 23-1353

Dear Mr. Conway:

Plaintiffs cite as supplemental authority *Duncan v. Bonta*, No. 3:17-cv-01017, Doc. 149 (S.D. Cal. Sept. 22, 2023), wherein the district court enjoined enforcement of California Penal Code § 32310, which restricts possession of firearm magazines capable of holding more than 10 rounds of ammunition. But the Ninth Circuit has already stayed that decision, which conflicts with every decision addressing laws restricting large-capacity magazines following *New York State Rifle & Pistol Ass'n v. Bruen*, 142 S. Ct. 2111 (2022), other than the district court's decision in *Barnett*, which is on review in these consolidated appeals.¹

¹ See *Brumback v. Ferguson*, No. 1:22-cv-03093, 2023 WL 6221425 (E.D. Wash. Sept. 25, 2023); *Or. Firearms Fed'n v. Koteck*, Nos. 2:22-cv-01815, 3:22-cv-01859, 3:22-cv-01862, 3:22-cv-01869, 2023 WL 4541027 (D. Or. July 14, 2023), *appeal docketed*, Nos. 23-35478, 23-35479 (9th Cir. Aug. 15, 2023); *Nat'l Ass'n of Gun Rights v. Lamont*, No. 22-cv-01118, 2023 WL 4975979 (D. Conn. Aug. 3, 2023), *appeal docketed*, No. 23-1168 (2d Cir. Aug. 16, 2023); *Hanson v. Dist. of Columbia*, No. 22-2256, 2023 WL 3019777 (D.D.C. Apr. 20, 2023), *appeal docketed*, No. 23-7061 (D.C. Cir. May 17, 2023); *Del. State Sportsmen's Ass'n, Inc. v. Del. Dep't of Safety & Homeland Sec.*, No. 22-951, 2023 WL 2655150 (D. Del. Mar. 27, 2023), *appeal docketed*, No. 23-1634 (3d Cir. Apr. 7, 2023); *Ocean State Tactical LLC v. Rhode Island*, No. 22-cv-246, 2022 WL 17721175 (D.R.I. Dec. 14, 2022), *appeal docketed*, No. 23-1072 (1st Cir. Jan. 13, 2023).

Shortly after the district court filed its opinion in *Duncan*, the California Attorney General moved for an emergency stay. *Duncan v. Bonta*, No. 23-55805, Doc. 2-1 (9th Cir. Sept. 26, 2023). On September 28, an en banc panel of the Ninth Circuit entered an order accepting the case as a comeback case, granting an administrative stay through October 10, 2023 (subject to an exception identified by California), and setting a briefing schedule for the stay motion. *Duncan v. Bonta*, No. 23-55805, Doc. 3 (9th Cir. Sept. 28, 2023).

Very best regards,

/s/ Sarah A. Hunger

SARAH A. HUNGER
Deputy Solicitor General
100 West Randolph Street
12th Floor
Chicago, Illinois 60601
(312) 814-5202 (office)
(312) 771-3885 (cell)
Sarah.Hunger@ilag.gov

Counsel for the State Parties

/s/ Elizabeth M. Tisher

ELIZABETH M. TISHER
Assistant Corporation Counsel
2 N. LaSalle Street, Suite 580
Chicago, Illinois 60602
(312) 744-3173
Elizabeth.Tisher@cityofchicago.org

Counsel for the City of Chicago

/s/ Christopher B. Wilson

Christopher B. Wilson
Daniel T. Burley
Kahin Gabriel Tong
PERKINS COIE LLP
110 N. Wacker, Ste. 3400
Chicago, IL 60606
Telephone: (312) 324-8400
Facsimile: (312) 324-9603
CWilson@perkinscoie.com
DBurley@perkinscoie.com
KTong@perkinscoie.com

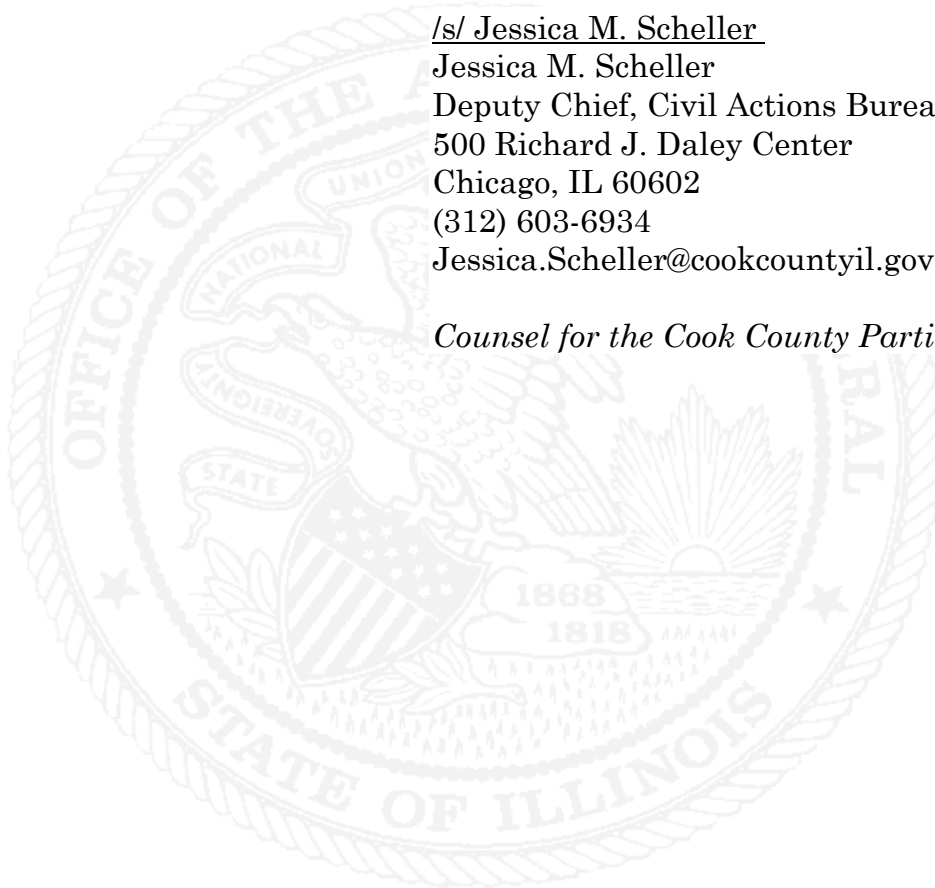
Douglas N. Letter
Shira Lauren Feldman
BRADY CENTER TO PREVENT GUN VIOLENCE
840 First Street NE, Suite 400
Washington, DC 20002
Telephone: (202) 370-8100
dletter@bradyunited.org
sfeldman@bradyunited.org

*Counsel for the City of Naperville, Illinois
and Jason Arres*

/s/ Jessica M. Scheller

Jessica M. Scheller
Deputy Chief, Civil Actions Bureau
500 Richard J. Daley Center
Chicago, IL 60602
(312) 603-6934
Jessica.Scheller@cookcountyil.gov

Counsel for the Cook County Parties



CERTIFICATE OF COMPLIANCE

This letter complies with Federal Rule of Appellate Procedure 28(j) because its body contains 330 words.

/s/ Sarah A. Hunger

SARAH A. HUNGER

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on October 3, 2023, I electronically filed the foregoing Letter with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Sarah A. Hunger

SARAH A. HUNGER

