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October 14, 2024

VIA E-FILING

Molly Dwyer, Clerk of Court
Office of the Clerk
U.S. Court of Appeals for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119-3939

Re: Fed. R. App. P. 28(j): Notice of Supplemental Authority;
May, et al. v. Bonta, Case No. 23-4356
(Heard with *Carralero, et. al. v. Bonta*, Case No. 23-4354, and
Wolford et al. v. Lopez, Case No. 23-16164)

Dear Ms. Dwyer:

The *May* Appellees write to notify the Court of a dispositive ruling and order in *Christian et al. v. James*, No. 22-CV-695 (JLS), 2024 WL 4458385 (W.D.N.Y. Oct. 10, 2024). As relevant to the Appellees' matter here, the order in *Christian* again strikes down as violative of the Second Amendment New York's restriction on carrying firearms on private property open to the public. Appellees have termed California's and Hawaii's similar private property carry restrictions at issue in this appeal — where those lawfully carrying for self-defense may not enter a place of public accommodation unless expressly invited to do so by the business operator — as similarly unconstitutional "Vampire Rules."

The Second Circuit had previously enjoined enforcement of New York's Vampire Rule, and later reaffirmed its mandate after *United States v. Rahimi*, 602 U.S. --, 144 S. Ct. 1889 (2024). See Order Reinstating Mandate, *Christian v. James*, No. 22-2987 (2nd Cir. Aug. 30, 2024), ECF No. 437.

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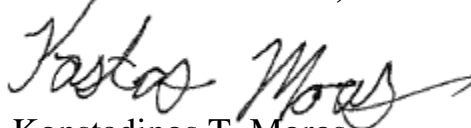
In granting summary judgment to the plaintiffs, the district court went through an array of proposed analogues presented by New York and concluded they are “a far cry from a *tradition* supporting a universal ban of firearms on all property open to the public.” *Christian*, 2024 WL 4458385, at *12.

As to the 1771 New Jersey law – one of the two laws this Court relied on so heavily to uphold Hawaii’s Vampire Rule – the district court explained that it was “an enactment focused on hunting, poaching, trapping, and trespassing,” and it “prove[s] no ‘tradition’ relevant to New York’s new private property inversion.” *Id.* at *14.

As to the Reconstruction-era enactments cited by New York to justify its Vampire Rule, the district court noted that “[t]o the extent *any* ‘tradition’ at all can be discerned from this amalgam of enactments, it would relate to regulation of hunting and trespassing with guns on enclosed or improved lands of others.” *Id.* at *16.

The *Christian* court’s thorough analysis may be helpful to this Court as it considers the pending en banc petitions in this matter.

Sincerely,
Michel & Associates, P.C.


Konstadinos T. Moros

cc: All counsel of record (by ACMS)