

No. 07-290

IN THE
Supreme Court of the United States

DISTRICT OF COLUMBIA AND
ADRIAN M. FENTY, MAYOR OF THE DISTRICT OF COLUMBIA,
Petitioners,

v.

DICK ANTHONY HELLER,
Respondent.

**On Writ of Certiorari to the
United States Court of Appeals for the
District of Columbia Circuit**

JOINT APPENDIX

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APPENDIX A

**CHRONOLOGICAL LIST OF
DOCKET ENTRIES**

**I. U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #:
1:03-cv-00213-EGS**

Date Filed Docket Text

- 02/10/2003 COMPLAINT against DISTRICT OF COLUMBIA (Filing fee \$ 150.), filed by TRACEY AMBEAU, DICK ANTHONY HELLER, GEORGE LYON, TOM G. PALMER, SHELLY PARKER, GILLIAN SAINT LAWRENCE.(td) (Entered: 02/19/2003)
- 02/10/2003 Summons Issued as to DISTRICT OF COLUMBIA (2) and Anthony Williams (1). (td) (Entered: 02/19/2003)
- 03/03/2003 MOTION to Dismiss by DISTRICT OF COLUMBIA. (Attachments: # 1 Memorandum in Support of Defendant's Motion to Dismiss# 2 Motion for Judgment on the Pleadings and the Memorandum) (Potter, Jonathan) (Entered: 03/03/2003)
- 03/14/2003 Memorandum in opposition to motion re

2 dismiss the complaint filed by TRACEY AMBEAU, DICK ANTHONY HELLER, GEORGE LYON, TOM G. PALMER, SHELLY PARKER, GILLIAN SAINT LAWRENCE. (Attachments: # 1 Text of Proposed Order)(Gura, Alan) (Entered: 03/14/2003)

- 03/14/2003 MOTION for Summary Judgment by TRACEY AMBEAU, DICK ANTHONY HELLER, GEORGE LYON, TOM G. PALMER, SHELLY PARKER, GILLIAN SAINT LAWRENCE. (Attachments: # 1 Memorandum of Points and Authorities in Support of Motion for Summary Judgment# 2 Text of Proposed Order # 3 Separate Statement of Undisputed Material Facts# 4 Declaration of Shelly Parker# 5 Declaration of Dick Heller# 6 Declaration of Tom G. Palmer# 7 Declaration of Gillian St. Lawrence# 8 Declaration of Tracey Ambeau# 9 Declaration of George Lyon# 10 Exhibit Exhibit A# 11 Request for Judicial Notice)(Gura, Alan) (Entered: 03/14/2003)
- 04/03/2003 MOTION for Extension of Time to File Response/Reply *To Plaintiff's Motion for Summary Judgment and Plaintiff's Opposition to D.C.s Motion to Dismiss* by DISTRICT OF COLUMBIA. (Rezneck, Daniel) (Entered: 04/03/2003)
- 04/14/2003 Memorandum in opposition to motion re

5 Enlargement of Time by Defendants to File Opposition and Reply Memoranda filed by TRACEY AMBEAU, DICK ANTHONY HELLER, GEORGE LYON, TOM G. PALMER, SHELLY PARKER, GILLIAN SAINT LAWRENCE. (Attachments: # 1 Text of Proposed Order # 2 Declaration of Alan Gura)(Gura, Alan) (Entered: 04/14/2003)

- 04/17/2003 ORDER granting 5 Motion for Extension of Time to File Response/Reply re 2 MOTION to Dismiss, 4 MOTION for Summary Judgment. Responses due by 6/3/2003 Replies due by 6/3/2003. Signed by Judge Emmet G. Sullivan on April 17, 2003. (lcegs1) (Entered: 04/17/2003)
- 04/18/2003 ENTERED IN ERROR. . . .MOTION to Consolidate Case 03-834 RBW SEEGERs, et al., vs. ASHCROFT, et al., filed by plaintiff's attorneys in the above case. (td,) Modified on 5/19/2003 (td,). (Entered: 04/22/2003)
- 05/01/2003 Memorandum in opposition to motion re *7 Consolidate and in Support of Motion for Recusal of Counsel* filed by TRACEY AMBEAU, DICK ANTHONY HELLER, GEORGE LYON, TOM G. PALMER, SHELLY PARKER, GILLIAN SAINT LAWRENCE. (Attachments: # 1 Exhibit A# 2 Declaration of Alan Gura# 3 Declaration of Robert Levy# 4 Text of Proposed Order)(Gura, Alan) (Entered: 05/01/2003)

05/01/2003)

- 05/01/2003 MOTION for Recusal *of Counsel* by TRACEY AMBEAU, DICK ANTHONY HELLER, GEORGE LYON, TOM G. PALMER, SHELLY PARKER, GILLIAN SAINT LAWRENCE. (Gura, Alan) (Entered: 05/01/2003)
- 05/22/2003 REPLY to opposition to motion re 9 *Motion for Recusal of Counsel* filed by TRACEY AMBEAU, DICK ANTHONY HELLER, GEORGE LYON, TOM G. PALMER, SHELLY PARKER, GILLIAN SAINT LAWRENCE. (Attachments: # 1 Declaration of Robert Levy# 2 Declaration of Alan Gura# 3 Declaration of Clark Neily# 4 Declaration of Dick Heller# 5 Declaration of Tom G. Palmer# 6 Exhibit B# 7 Exhibit C)(Gura, Alan) (Entered: 05/22/2003)
- 06/03/2003 REPLY to opposition to motion re 2 *Motion to Dismiss/Summary Judgment* filed by DISTRICT OF COLUMBIA. (Attachments: # 1 Supplement Statement of Disputed Facts# 2 Exhibit New England Journal of Medicine)(Mullen, Martha) (Entered: 06/03/2003)
- 06/04/2003 NOTICE by DISTRICT OF COLUMBIA re 11 Reply to opposition to Motion *To Dismiss/Summary Judgment - (Supplemental Exhibits)* (Attachments: # 1 Exhibit Exhibit A - Offenses

Reported to the Metropolitan Police# 2
Exhibit Exhibit B - Bureau of Alcohol,
Tobacco, and Firearms News)(Mullen,
Martha) (Entered: 06/04/2003)

- 06/10/2003 REPLY to opposition to motion re 4
summary judgment filed by TRACEY
AMBEAU, DICK ANTHONY HELLER,
GEORGE LYON, TOM G. PALMER,
SHELLY PARKER, GILLIAN SAINT
LAWRENCE. (Gura, Alan) (Entered:
06/10/2003)
- 06/12/2003 MOTION to Strike plaintiffs'
declarations or, in the alternative, for
leave to file a response to plaintiffs'
reply to opposition to motion for recusal
of counsel by plaintiffs in 03cv834
(RBW); (FIAT. Judge Sullivan "Leave to
file is granted."). (td,) (Entered:
06/24/2003)
- 06/16/2003 RESPONSE to *Seegars' Plaintiffs'*
Motion to Strike or for Leave To File
Sur-Reply filed by TRACEY AMBEAU,
DICK ANTHONY HELLER, GEORGE
LYON, TOM G. PALMER, SHELLY
PARKER, GILLIAN SAINT
LAWRENCE. (Gura, Alan) (Entered:
06/16/2003)
- 06/19/2003 RETURN OF SERVICE/AFFIDAVIT of
Summons and Complaint Executed.
DISTRICT OF COLUMBIA served on
2/10/2003, answer due 3/3/2003 (td.)
(Entered: 06/25/2003)
- 07/02/2003 ORDER granting 15 Motion for Leave

to File a Response to Plaintiffs' Reply to Opposition to Motion for Recusal of Counsel. Signed by Judge Emmet G. Sullivan on June 12, 2003. (GK,) (Entered: 07/02/2003)

07/08/2003 ORDER denying the motion to consolidate this case with CA 03-834; granting the motion for leave to file a sur-reply to plaintiff's motion for recusal of counsel;. Signed by Judge Emmet G. Sullivan on 7/2/03. (clv,) (Entered: 07/08/2003)

07/25/2003 MOTION for Leave to Participate Amicus Curiae by BRADY CENTER TO PREVENT GUN VIOLENCE. (Attachments: # 1 EXHIBIT(AMICUS BRIEF)(jf,) (Entered: 07/30/2003)

08/04/2003 ORDER setting status hearing for August 14, 2003. Signed by Judge Emmet G. Sullivan on August 4, 2003. (lcegs1) (Entered: 08/04/2003)

08/05/2003 Memorandum in opposition to motion re 18 *Brady Center for Leave to File Amicus Brief* filed by TRACEY AMBEAU, DICK ANTHONY HELLER, GEORGE LYON, TOM G. PALMER, SHELLY PARKER, GILLIAN SAINT LAWRENCE. (Attachments: # 1 Text of Proposed Order # 2 Declaration of Robert Levy# 3 Declaration of Alan Gura)(Gura, Alan) (Entered: 08/05/2003)

08/11/2003 MOTION for Leave to Participate as

Amicus Curiae by VIOLENCE POLICY CENTER. (Attachments: # 1 EXHIBIT (AMICUS BRIEF)# 2 Exhibit to Brief 1# 3 Proposed Order)(mpt,) (Entered: 08/14/2003)

08/14/2003 Minute Entry for proceedings held before Judge Emmet G. Sullivan : Status Conference held on 8/14/2003. Motion Hearing set for 10/14/2003 10:00 AM in Courtroom 1 before Emmet G. Sullivan. chambers to submit order (Court Reporter Crystal Pilgrim.) (clv,) (Entered: 08/14/2003)

08/14/2003 REPLY to opposition to motion re 18 for Leave to Participate Amicus Curaie filed by BRADY CENTER TO PREVENT GUN VIOLENCE. (Attachments: # 1 Exhibit A# 2 Exhibit B)(nmw,) (Entered: 08/15/2003)

08/15/2003 ORDER granting 18 Brady Center's Motion to Participate as Amicus, granting 21 Violence Policy Center's Motion to Participate as Amicus, approving the participation of the American Civil Rights Union and the Heartland Institute as Amici, and scheduling filing deadlines and motions hearing. Signed by Judge Emmet G. Sullivan on August 15, 2003. (lcegs1) (Entered: 08/15/2003)

- 08/15/2003 MEMORANDUM of Amicus Curiae by MOVANT BRADY CENTER TO PREVENT GUN VIOLENCE. (jf,) (Entered: 01/02/2004)
- 08/28/2003 Memorandum in opposition to defendants motion re 2 to Dismiss and Brief in Support of Plaintiff's Motion for Summary Judgment filed by AMERICAN CIVIL RIGHTS UNION. (mpt,) (Entered: 08/29/2003)
- 08/28/2003 MEMORANDUM in Support of Plaintiff's Motion for Summary Judgment from Heartland Institute. (mpt,) (Entered: 08/29/2003)
- 09/11/2003 MEMORANDUM *In Response to Amici per Court's Order of August 15, 2003* from Plaintiffs Shelly Parker, Dick Anthony Heller, Tom G. Palmer, Gillian St. Lawrence, Tracey Ambeau, and George Lyon. (Gura, Alan) (Entered: 09/11/2003)
- 10/01/2003 MEMORANDUM *Supplemental in Support of Dismissal Motion* from Defendant District of Columbia. (Mullen, Martha) (Entered: 10/01/2003)
- 10/08/2003 MINUTE ORDER finding as moot 9 Motion for Recusal. In light of the Court's decision denying consolidation, the Plaintiff's Motion for Recusal is moot. Signed by Judge Emmet G. Sullivan on October 8, 2003. (lcegs1) (Entered: 10/08/2003)

- 10/14/2003 Minute Entry for proceedings held before Judge Emmet G. Sullivan : Motion Hearing held on 10/14/2003 re 4 MOTION for Summary Judgment filed by SHELLY PARKER, DICK ANTHONY HELLER, TOM G. PALMER, GILLIAN SAINT LAWRENCE, TRACEY AMBEAU, GEORGE LYON, 2 MOTION to Dismiss filed by DISTRICT OF COLUMBIA. heard and taken under advisement; chambers to issue an order (Court Reporter Frank Rangus.) (clv,) (Entered: 10/14/2003)
- 10/16/2003 ORDER directing further briefing on the issue of standing. Signed by Judge Emmet G. Sullivan on October 16, 2003. (lcegs1) (Entered: 10/16/2003)
- 10/20/2003 MEMORANDUM *re: Standing* from Plaintiffs Shelly Parker, Dick Anthony Heller, Tom G. Palmer, Gillian St. Lawrence, Tracey Ambeau, and George Lyon. (Gura, Alan) (Entered: 10/20/2003)
- 10/27/2003 REPLY in support of motion re 2 *Dismiss for lack of standing* filed by DISTRICT OF COLUMBIA. (Rezneck, Daniel) (Entered: 10/27/2003)
- 10/28/2003 NOTICE OF TRANSCRIPT FILED for dates 10/14/03; Court Reporter: Frank J. Rangus. (td,) (Entered: 10/31/2003)
- 10/30/2003 MINUTE ORDER By November 7, 2003, Plaintiff is directed to respond to

Defendant's Reply in Support of their Motion to Dismiss for Lack of Standing 30. The response shall be limited to 5 pages. Signed by Judge Emmet G. Sullivan on October 30, 2003. (lcegs1) (Entered: 10/30/2003)

- 11/07/2003 MEMORANDUM *in Reply to Defendants' Standing Arguments* from Plaintiffs Shelly Parker, Dick Heller, Tom G. Palmer, Gillian St. Lawrence, Tracey Ambeau, and George Lyon. (Gura, Alan) (Entered: 11/07/2003)
- 03/31/2004 ORDER granting 2 Defendants' Motion to Dismiss, denying as moot 4 Plaintiffs' Motion for Summary Judgment. Signed by Judge Emmet G. Sullivan on March 31, 2004. (lcegs1) (Entered: 03/31/2004)
- 03/31/2004 MEMORANDUM AND OPINION. Signed by Judge Emmet G. Sullivan on March 31, 2004. (lcegs1) (Entered: 03/31/2004)
- 03/31/2004 FINAL JUDGMENT entered in favor of defendants against plaintiffs. Signed by Deputy Clerk by direction of the Court on 3/31/2004. (bm) (Entered: 03/31/2004)
- 04/06/2004 NOTICE OF APPEAL as to 35 Memorandum & Opinion, 36 Judgment by TRACEY AMBEAU, DICK ANTHONY HELLER, GEORGE LYON, TOM G. PALMER, SHELLY PARKER, GILLIAN SAINT LAWRENCE. Filing fee \$ 255, receipt number 122917. (td,)

11a

(Entered: 04/09/2004)

- 04/09/2004 Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 37 Notice of Appeal (td,) (Entered: 04/09/2004)
- 04/13/2004 USCA Case Number 04-7041 for 37 Notice of Appeal filed by SHELLY PARKER, DICK ANTHONY HELLER, TOM G. PALMER, GILLIAN SAINT LAWRENCE, TRACEY AMBEAU, GEORGE LYON. (td,) (Entered: 04/14/2004)
- 05/02/2007 Consent MOTION for Extension of Time to *File Bill of Costs and Motion for Attorney Fees* by TRACEY AMBEAU, GEORGE LYON, SHELLY PARKER, DICK ANTHONY HELLER, TOM G. PALMER, GILLIAN SAINT LAWRENCE (Attachments: # 1 Text of Proposed Order)(Gura, Alan) (Entered: 05/02/2007)

05/03/2007 MINUTE ORDER granting 38 Consent Motion for Extension of Time. Plaintiffs shall file their bill of costs and motion for fees and related expenses within sixty days from the date of (1) the denial of a timely petition for writ of certiorari by the Supreme Court, (2) the expiration of the time for filing a petition for writ of certiorari to the Supreme Court if no timely petition is filed, or (3) a decision in this case by the Supreme Court. Signed by Judge Emmet G. Sullivan on May 3, 2007. (lcegs1) (Entered: 05/03/2007)

APPENDIX B

**CHRONOLOGICAL LIST OF
DOCKET ENTRIES****II. U.S. Court of Appeals for the D.C. Circuit
Docket #: 04-7041**

Date Filed	Docket Text
4/13/04	CIVIL-PRIVATE CASE docketed. Notice of Appeal filed by Appellant Shelly Parker, Appellant Dick Anthony Heller, Appellant Tom G. Palmer, Appellant Gillian Saint Lawrence, Appellant Tracey Ambeau, Appellant George Lyon. [815807-1] (sha)
4/13/04	CLERK'S ORDER filed [815919] directing Appellant to file [815919-1]: docketing statement, certificate of counsel, statement of issues, lower court decision, any procedural motions, transcript status notice, deferred appendix notice, appearance form due 5/13/04; any dispositive motions due 5/28/04. Directing Appellee to file [815919-2]: certificate of counsel, any procedural motions, appearance form due 5/13/04; any dispositive motions due 5/28/04. [Entry Date: 4/13/04] (sha)

- 5/12/04 ENTRY OF APPEARANCE filed by Attorney Alan Gura for the Appellants George Lyon, Tracey Ambeau, Dick Anthony Heller, Gillian Saint Lawrence, Tom G. Palmer, and Shelly Parker [821924-1]. (jth)
- 5/12/04 INITIAL SUBMISSIONS filed by Appellants Shelly Parker, et al., [821928-1]: the docketing statement; certificate of counsel; statement of issues; the lower court decision; deferred appendix notice (Deferred Appendix needed = n). (jth)
- 5/12/04 NOTICE filed by the Appellants Shelly Parker, et al., FINAL transcript status report filed [821929-1]. All transcripts have been both completed and received. (Certificate of mail service dated 5/12/04). (jth)
- 5/12/04 ENTRY OF APPEARANCE filed by Attorneys Edward E. Schwab, Lutz Alexander Prager, and Robert James Spagnoletti for Appellee the District of Columbia [821998-1]. (jth)
- 5/12/04 INITIAL SUBMISSIONS filed by Appellee District of Columbia [822000-1]: 28(a)(1) certificate of counsel. (jth)
- 5/12/04 MOTION filed (5 copies) by Appellee DC (certificate of mail service dated 5/12/04) to hold this appeal in

abeyance pending a decision by this Court in Nos. 04-5016 & 04-5081 (Seegars v. Ashcroft) [822003-1]. Response due by 5/27/04. (Styled as "Motion by DC To Stay Briefing"). (jth)

5/12/04 NOTICE filed of intention to participate as amicus curiae in support of appellants seeking reversal [822087-1] by Amicus Curiae National Rifle Association Civil Rights Defense Fund. (Certificate of mail service dated 5/11/04). (jth)

5/12/04 STATEMENT filed by Amicus Curiae for Appellant Natl Rifle Assn Civ Defense Fund pursuant to FRAP 26.1 providing the corporate disclosure statement [822090-1]. Certificate of service dated 5/11/04. [THE FUND IS NOT-FOR-PROFIT CORP. THAT HAS NOT ISSUED STOCK OR DEBT SECURITIES TO THE PUBLIC] (jth)

5/17/04 NOTICE filed of intention to participate as amicus curiae [822644-1] by Vlnc Ply Ctr. Certificate of mail service date 5/17/04. (sha)

5/17/04 NOTICE filed of intention to participate as amicus curiae [824056-1] by Second Amendment Fdn, Ctzn Com Right Keep, Madison Scty, Keep Bear Arms Corp. Certificate of service date 5/13/04 . (mam)

- 5/17/04 STATEMENT filed by Amicus Curiae for Appellant Second Amendment Fdn, Amicus Curiae for Appellant Ctzn Com Right Keep, Amicus Curiae for Appellant Madison Scty, Amicus Curiae for Appellant Keep Bear Arms Corp pursuant to FRAP 26.1 providing corporate disclosure listing [824057-1] Certificate of Service date 5/13/04 (contained within notice to participate as amicus) (mam)
- 5/17/04 MOTION (styled “request to be allowed to file amicus brief in excess of 15 pages”) filed (5 copies) by Amicus Curiae for Appellant Second Amendment Fdn, Ctzn Com Right Keep, Madison Scty and Keep Bear Arms Corp (certificate of service by mail dated 5/13/04) to exceed the page limits [824059-1] on an amicus brief. (mam)
- 5/26/04 OPPOSITION filed [824401-1] (5 copies) by Appellee DC (certificate of mail service dated 5/26/04) to a motion exceed page limits [824059-1]. (sha)
- 5/26/04 OPPOSITION filed [824402-1] (5 copies) by Appellant Shelly Parker, et al. (certificate of personal service dated 5/26/04) to a motion hold case in abeyance pending decision by this Court [822003-1]. (sha)
- 5/27/04 NOTICE filed of intention to

participate as amicus curiae [827592-1] by Brady Ctr Prevent. Certificate of mail service date 5/27/04. (sha)

- 5/28/04 REPLY filed [824828-1] (5 copies) by Appellee DC (certificate of mail service dated 5/28/04) to a response to the motion hold case in abeyance pending decision by this Court [822003-1]. (sha)
- 6/1/04 AMENDED NOTICE filed of intention to participate as amicus curiae [827605-1] by Second Amendment Fdn, Ctn Com Right Keep, Madison Scty, Keep Bear Arms Corp, Heartland Inst . Certificate of mail service date 5/27/04. (sha)
- 6/2/04 BRIEF filed by Amicus Curiae for Appellant Natl Rifle Assn Civ [829188-1] . Copies: 15. Certificate of service date 6/2/04 . (mam)
- 6/4/04 NOTICE filed of intention to participate as amicus curiae 827587-1] by Amer Civ Rights Un. Certificate of mail service date 6/3/04. (sha)
- 6/7/04 RECORD ON APPEAL filed. (tap)
6/10/04 Letter sent Attorney Non-Member letter. Application for admission - due 8/9/04 for Peter Ferrara. Documents sent: letter aty appl for adm [827731-1]. (sha)
- 6/10/04 MOTION filed (5 copies) (certificate of

mail service dated 6/10/04) to allow amicus curiae [827736-1]. Motion filed by Cong Racial Equ Inc. (sha)

- 6/10/04 STATEMENT filed by Movant-Amicus Curiae-Appellant Cong Racial Equ Inc pursuant to FRAP 26.1 providing corporate disclosure listing [827737-1]. Certificate of mail service date 6/10/04. (Statement included in motion filed above) (sha)
- 6/14/04 REPLY LODGED [829280-1] (5 copies) by Amicus Curiae in support of the Appellant (Second Amendment Fdn, Ctzn Com Right Keep, Madison Society, Keep Bear Arms Corp, and the Heartland Inst (certificate of mail service dated 6/7/04) to the District of Columbia's response to the motion to exceed page limits in Amicus Curiae Brief [824059-1]. (jth)
- 6/17/04 MOTION filed (5 copies) by Amicus Curiae for Appellant Heartland Inst, et al. (certificate of mail service dated 6/16/04) for leave to file [80446-1] a reply [829280-1]. (sha)
- 6/17/04 CLERK'S ORDER filed [830449] granting motion leave to file filed by Heartland Inst, et al. [830446-1]. Directing Clerk to file lodged reply [829280-1]. [Entry Date: 6/17/04] (sha)
- 6/17/04 PER ABOVE ORDER lodged reply

[829280-1] is filed. (sha)

- 6/17/04 NOTICE filed of intention to participate as amicus curiae in support of Plaintiff/Appellants [830631-1] filed by Amicus Curiae (for Appellants) State of Texas. Certificate of mail service dated 6/14/04. (jth)
- 7/28/04 CLERK'S ORDER filed [839103] of the Congress of Racial Equality, Inc.'s motion for leave to participate as amicus curiae in support of appellants, and it appearing that the motion is unopposed, it is ORDERED that the motion be granted [827736-1]. [Entry Date: 7/28/04] (lvs)
- 8/25/04 RECORD On APPEAL returned . (tap)
- 8/25/04 PER CURIAM ORDER filed [844619] denying motion exceed page limits [824059-1]; granting motion hold case in abeyance pending decision by this Court in No. 04-5016, Seegars v. Ashcroft (to be argued 11/19/04). [822003-1]. Before Judges Sentelle, Henderson, Garland. [Entry Date: 8/25/04] (lej)
- 8/25/04 NONPARTY MOTION lodged (5 copies) (certificate of service dated 8/25/04, by mail) to allow amicus curiae [846053-1]. Motion submitted by Movant-Amicus Potowmack Institute Inc. (lvs)

- 8/25/04 MOTION filed (5 copies) by Movant-Amicus Potowmack Insti Inc (certificate of service dated 8/25/04, by mail) for leave to file [846059-1] LODGED non-party motion to allow amicus [846053-1]. (lvs)
- 9/2/04 CLERK'S ORDER filed [846064] of Potowmack Institute's motion for leave to file motion for leave to participate as amicus curiae out of time, and the lodged motion for leave to participate as amicus curiae in support of appellee, and it appearing that the lodged motion for leave to participate as amicus curiae is unopposed, it is ORDERED that the motion for leave to file be granted [846059-1]. The Clerk is directed to file the lodged motion for leave to participate as amicus curiae in support of appellee [846053-1]. It is FURTHER ORDERED that the motion for leave to participate as amicus curiae be granted [846053-1], [Entry Date: 9/2/04] (lvs)
- 9/2/04 PER ABOVE ORDER lodged non-party motion to allow amicus [POTOWMACK INSTITUTE, INC.] [846053-1] is filed. (lvs)
- 9/2/04 SECOND Letter sent Attorney Non-Member letter. Application for admission - due 11/1/04 for Peter

Ferrara. Documents sent: letter aty
appl for adm [846093-1]. (lvs)

- 2/16/05 INITIAL SUBMISSIONS filed by Appellants Shelly Parker, et al., [878466-1]: Certificate of Counsel (Parties only). (jth)
- 2/16/05 STATEMENT filed by the Appellants Shelly Parker, et al., pursuant to FRAP 26.1 providing the corporate disclosure listings [878467-1]. [ALL APPELLANTS ARE INDIVIDUALS]. Certificate of mail service dated 2/16/05. (jth)
- 2/16/05 MOTION filed (5 copies) by Appellants Shelly Parker, et al. (certificate of service by hand on the Appellee and by mail dated 2/16/05 on Amicus Curiae) to issue briefing schedule [878471-1], and set oral argument on the merits [878471-2]. (jth)
- 2/17/05 SECOND Letter sent Attorney Non-Member letter. Application for admission due 3/18/05 for Peter Ferrara. Document sent: letter attorney application for admission [878474-1]. (jth)
- 2/23/05 OPPOSITION filed [879738-1] (5 copies) by Appellee D.C. (certificate of mail service dated 2/23/05) to appellants motion to set briefing schedule [878471-1]; MOTION filed

for summary affirmance [879738-2].
Reply/Response due on 3/10/05. (jth)

- 3/2/05 RECORD ON APPEAL filed . one file
and one accordian file (tap)
- 3/3/05 REPLY filed [889606-1] (5 copies) by
the Appellants Shelly Parker, et al.,
(certificate of service by hand dated
3/3/05 on appellee and by first class
mail on all the other parties) to the
response to the motion to issue
briefing schedule [878471-1], and to
set oral argument on the merits
[878471-2]; OPPOSITION filed to
appellee's (DC) motion for summary
affirmance [879738-2]. [04-7041] (jth)
- 3/8/05 REPLY filed [882961-1] (5 copies) by
Appellee DC (certificate of mail service
dated 3/8/05) to a response to the
motion for summary affirmance
[879738-2]. (wmw)
- 4/25/05 CLERK'S ORDER filed [890599] to
hold case in abeyance pending
resolution of the rehearing proceedings
in 04-5016, Seegars v. Gonzales.
Consideration of the pending motions
be deferred pending further order of
the court. The parties shall file
motions to govern further proceedings
in this case within 30 days after
resolution of the rehearing proceedings
in Seegars. [890599-1]. [Entry Date:
4/25/05] (lej)

- 6/1/05 CLERK'S ORDER TO SHOW CAUSE filed [897500] that upon consideration of the notice of the American Civil Rights Union of intent to participate as amicus curiae filed on June 4, 2004, by attorney Peter Ferrera, the court's June 10, 2004, September 2, 2004, and February 17, 2005 letters to attorney Ferrera concerning admission to bar of this court, and attorney Ferrera's failure to respond the American Civil Rights Union show cause why its notice of intent to participate as amicus curiae should not be stricken from the docket of this case. Answer due 7/1/05 for Amer Civ Rights Un [897500-1]. The Clerk is directed to send a copy of this order to counsel for amicus by certified mail, return receipt requested, and by first class mail. [Entry Date: 6/1/05] (sha)
- 6/1/05 FIRST CLASS MAIL SENT [897504-1] of clerk order to show cause [897500-1]. (sha)
- 6/1/05 CERTIFIED MAIL [897507-1] SENT with return receipt requested (Receipt #: 70011940000598810924) of clerk order to show cause terminate party [897500-1] Certified mail receipt due 7/1/05 for Peter Ferrara. (sha)
- 6/22/05 CLERK'S ORDER filed [901735] directing the parties to file motions to

govern future proceedings within 30 days of the date of this order. [901735-1] Motions to govern future proceedings due 7/22/05. [Entry Date: 6/22/05] (lej)

- 6/28/05 CERTIFIED MAIL [905988-1] addressed to Peter Ferrara RETURNED marked "unclaimed". Mail was in response to a to the court's 6/1/05 order to show cause. [897500-1] .. (lej)
- 6/30/05 ANSWER filed [904419-1] (5 copies) by Amicus Curiae for Appellant Amer Civ Rights Un to the court's 6/1/05 order to show cause [897500-1]. [04-7041] (lej)
- 7/5/05 FIRST CLASS MAIL [908636-1] RETURNED marked "NO SUCH STREET, UNABLE TO FORWARD". Mail was in response to a clerk order govern future proceedings [901735-1]. (lvs)
- 7/5/05 CLERK'S ORDER filed [904422] discharging the court's order to show cause filed June 1, 2005. Attorney Peter Ferrara was admitted to the bar of this court on June 30, 2005. [Entry Date: 7/7/05] (lej)
- 7/14/05 MOTION filed (5 copies) by Appellants (certificate of mail service dated 7/14/05) establishing the initial briefing schedule [907121-1] and oral

argument. [907121-2] . (lej)

- 7/15/05 MOTION filed (5 copies) by Appellee DC (certificate of mail service dated 7/15/05) to remand case to the to district court with instructions to dismiss [907047-1] or, alternatively, for summary affirmance [907047-2]. Response due 8/1/05. (lej)
- 7/22/05 OPPOSITION filed [915828-1] (5 copies) by Appellants (certificate of mail service dated 7/22/05) to a motion to remand case [907047-1] or, alternatively, to a motion for summary affirmance [907047-2] . (lej)
- 7/26/05 OPPOSITION filed [915826-1] (5 copies) by Appellee DC (certificate of mail service dated 7/26/05) to a motion establishing the initial briefing schedule [907121-1] . (lej)
- 7/28/05 REPLY filed [915830-1] (5 copies) by Appellee DC (certificate of mail service dated 7/28/05) to a response to the motion to remand case [907047-1] or, alternatively, to a response to the motion for summary affirmance [907047-2] . (lej)
- 8/4/05 REPLY filed [915832-1] (5 copies) by Appellants (certificate of service dated 8/4/05) to a response to the motion establishing the initial briefing schedule [907121-1] and to schedule

oral argument [907121-2] . (lej)

- 11/2/05 PER CURIAM ORDER filed [929164] denying motion to remand case [907047-1] filed by DC; denying motion for summary affirmance [907047-2] filed by DC; denying motion for summary affirmance [879738-2] filed by DC; granting motions to issue a briefing schedule and set oral argument. [907121-1] 907121-2] [878471-1] [878471-2] The Clerk is instructed to calendar this case for presentation to a merits panel, and the parties are instructed to address both standing and the merits of the case in their briefs. Before Judges Henderson, Randolph, Brown . [Entry Date: 11/2/05] (lej)
- 11/9/05 CLERK'S ORDER TO SHOW CAUSE filed [930863], on the court's own motion, that amici curiae show cause, within 30 days of the date of this order, (responses due 12/9/05) why they should not be limited to one joint brief, not to exceed 7,000 words, on the side of the party they support. [SEE ORDER FOR MORE COMPLETE DETAILS REGARDING THE PARTIES SUBMISSIONS TO THIS ORDER REQUESTING ADDITIONAL BRIEFS OR EXTENDED WORD LIMITS]. [Entry Date: 11/9/05] (jth)
- 11/23/05 MOTION (styled "consent motion to

correct court's docket") filed (5 copies) by Appellants Shelly Parker et al. (certificate of service by mail dated 11/22/05) regarding adding Mayor Williams as a new party to the case. (mam)

- 11/23/05 STATEMENT filed by Appellants Shelly Parker et al. pursuant to FRAP 26.1 providing corporate disclosure listing [939653-1] Certificate of Service date 11/22/05 (mam)
- 11/23/05 INITIAL SUBMISSIONS filed by Appellant Shelly Parker [939656-1]: 28(a)(1) certificate . (mam)
- 12/1/05 ANSWER filed [935514-1] (5 copies) by Amicus Curiae for Appellant St TX (certificate of service dated 11/30/05) to a clerk order to show cause briefing format [930863-1] . [04-7041] (lej)
- 12/7/05 ANSWER filed [936366-1] (5 copies) by Amicus Curiae for Appellant Cong Racial Equ Inc (certificate of service dated 12/6/05) to a clerk order to show cause briefing format [930863-1] . [04-7041] (lej)
- 12/7/05 ANSWER filed [936634-1] (5 copies) by Amicus Curiae for Appellant Natl Rifle Assn Civ (certificate of service dated 12/6/05) to a clerk order to show cause briefing format [930863-1] . [04-7041] (lej)

- 12/7/05 MOTION filed (5 copies) by Appellee DC (certificate of service dated 12/7/05, by mail) to extend time to file [936717-1] a response to the November 9th clerk's order [930863-1] until 1/4/06. (lvs)
- 12/8/05 ANSWER filed [936636-1] (5 copies) by Amicus Curiae for Appellant Amer Civ Rights Un (certificate of service dated 12/8/05) to a clerk order to show cause briefing format [930863-1] . [04-7041] (lej)
- 12/8/05 MOTION (styled "motion for leave to participate as amicus curiae independent of other amici") filed (5 copies) by Amicus Curiae for Appellee Potowmack Insti Inc (certificate of service by mail dated 12/8/05) to file separate brief(s) [939659-1]. (mam)
- 12/9/05 CLERK'S ORDER filed [936719] of appellee's motion for extension of time to file reply to responses to order to show cause filed November 9, 2005, it is ORDERED that the motion for extension of time be granted [936717-1]. Any reply is now due January 4, 2006. [Entry Date: 12/9/05] (lvs)
- 12/9/05 ANSWER filed [939665-1] (5 copies) by Amicus Curiae for Appellee Brady Ctr Prevent and Amicus Curiae for Appellee Vlnc Pley Ctr (certificate of

- service by mail dated 12/9/05) to a clerk order to show cause briefing format [930863-1] . [04-7041] (mam)
- 12/13/05 SUPPLEMENT to [939672-1] answer (OTSC response) [935514-1] filed by Amicus Curiae for Appellant St TX . (mam)
- 12/14/05 SUPPLEMENT (duplicate of motion) to [939681-1] motion add party [939647-1] filed by Appellants Shelly Parker et al. (mam)
- 12/29/05 CLERK'S ORDER TO SHOW CAUSE filed [939739] directing amicus curiae Powtomack Institute Inc. to either (1) have counsel enter an appearance, or (2) show cause why it should not be dismissed as amicus curiae in this case. Answer due 1/30/06. Failure to comply with this order will result in dismissal of the Powtomack Institute, Inc. as amicus curiae in this case for lack of prosecution. Clerk directed to send copy of order to Powtomack Institute, Inc. by certified mail and by first-class mail. [Entry Date: 12/29/05] (mam)
- 12/29/05 CLERK'S ORDER filed [939747] granting motion add party filed by Shelly Parker [939647-1] and directing Clerk to correct docket to include Mayor Anthony Williams as a defendant/appellee in this case . [Entry Date: 12/29/05] (mam)

12/29/05 CERTIFIED MAIL [940149-1] SENT with return receipt requested (Receipt #: 7099-3400-0012-2875-4928): clerk order to show cause adding a new attorney [939739-1] certified mail receipt due 1/30/06 for Potowmack Insti Inc . (mam)

12/29/05 FIRST CLASS MAIL SENT [940150-1] to Potowmack Institute: clerk order to show cause adding a new attorney [939739-1] . (mam)

1/3/06 CERTIFIED MAIL RECEIPT [945407-1] RECEIVED by Potowmack Insti Inc for Amicus Curiae for Appellee Potowmack Insti Inc (signed for on 12/31/05) in response to a clerk order to show cause adding a new attorney [939739-1]. (lvs)

1/4/06 REPLY filed [941944-1] (5 copies) by Appellee DC (certificate of mail service dated 1/4/06) to responses by Amici Curiae to order to show cause re: briefing. (lej)

1/30/06 MOTION filed (5 copies) by Amicus Curiae for Appellee Potowmack Insti Inc (certificate of mail service dated 1/30/06) to convert from corporate to individual [946482-1] (lej)

3/17/06 PER CURIAM ORDER filed [956962] discharging order to show cause,

directing that Ernest McGill be substituted as amicus curiae in lieu of Powtomack Institute; establishing briefing format: brief for appellants, 14,000 wds; joint appendix; brief for amici (St TX, 7,000 wds; briefs for non-Governmental amici in support of appellants, 7,000 wds); brief for appellees, 14,000 wds; briefs for amici (joint brief for Brady Center to Prevent Gun Violence and Violence Policy Center, 7,000 wds; brief for Ernest McGill, 7,000 wds); reply brief for appellants, 7,000 wds. Any additional government amici supporting appellants will be expected to join in brief of St TX. Parties will be notified by separate order of briefing schedule, date of oral argument and composition of merits panel. Before Judges Randolph, Tatel, Brown . [Entry Date: 3/17/06] (mam)

- 4/7/06 SUPPLEMENT to [965944-1] brief [829188-1] filed by Amicus Curiae for Appellant Natl Rifle Assn Civ. (hts)
- 4/14/06 CLERK'S ORDER filed [962744] establishing the initial briefing schedule [962744-1]: Appellant's brief due on 6/1/06; Appellant's appendix due on 6/1/06; Amicus Curiae's brief due on 6/16/06; Appellee's brief due on 7/17/06; Amicus Curiae's brief due on 8/1/06; Appellant's reply brief due on 8/15/06. [Entry Date: 4/14/06] (cwc)

- 6/1/06 BRIEF filed by Appellants Shelly Parker, Dick Anthony Heller, Tom G. Palmer, Gillian Saint Lawrence, Tracey Ambeau and George Lyon [974256-1] . Copies: 15 . Certificate of service date 6/1/06 . (mam)
- 6/1/06 APPENDIX filed by Appellant Shelly Parker [974258-1] . Copies: 10 . Certificate of service date 6/1/06 . (mam)
- 6/5/06 ENTRY OF APPEARANCE filed by Attorney John Andrew Valentine for Amicus Curiae for Appellee Brady Ctr Prevent [973578-1] . (tag)
- 6/7/06 Supplement to Joint APPENDIX filed by Appellants Shelly Parker, et al. [974773-1]. Copies: 10. Certificate of mail service date 6/6/06. (hts)
- 6/15/06 BRANDEIS BRIEF lodged by Amicus Curiae for Appellants Second Amendment Fdn, Ctzn Com Right Keep, and Madison Scty [975075-1]. Copies: 16. Certificate of mail service date 6/15/06. (krm)
- 6/16/06 BRIEF lodged by Amicus Curiae for Appellant Amer Civ Rights Un [975928-1]. Copies: 15. Certificate of mail service date 6/16/06. (krm)
- 6/16/06 BRIEF filed by Amicus Curiae for

Appellant Cong Racial Equil Inc [980634-1]. Copies: 15. Certificate of mail service date 6/16/06. (krm)

- 6/19/06 CORRECTED BRIEF filed by Amicus Curiae for Appellant Amer Civ Rights Un [975926-1]. Copies: 15. Certificate of mail service date 6/16/06. (krm)
- 6/19/06 BRIEF filed by Amicus Curiae for Appellant St TX, Amicus Curiae for Appellant St AL, Amicus Curiae for Appellant St AR, Amicus Curiae for Appellant St CO, Amicus Curiae for Appellant St FL, Amicus Curiae for Appellant St GA, Amicus Curiae for Appellant St MI, Amicus Curiae for Appellant St MN, Amicus Curiae for Appellant St NE, Amicus Curiae for Appellant St ND, Amicus Curiae for Appellant St OH, Amicus Curiae for Appellant St UT, Amicus Curiae for Appellant St WY [980622-1]. Copies: 15. Certificate of mail service date 6/16/06. (krm)
- 6/22/06 SUPPLEMENT/ERATTA (TABLE OF AUTHORITIES - NO CASES WHICH WE CHIEFLY RELY UPON) to [980641-1] brief of amicus curiae [980634-1] filed by Amicus Curiae for Appellant Cong Racial Equil Inc. (krm)
- 6/29/06 MOTION filed (5 copies) by Amici Professors (certificate of mail service dated 6/23/06) regarding adding Amici

Professors as new parties to the case. Added: Frederick Bieber, David J. Burdua, John J. Furdedy, Edward Leddy, Joseph Magaddino, Gary Mauser, Glen Meyer, Jeffrey Miron, Michael Munger, Carol K. Oyster, Gary R. Pearlstein, Jeremy Rabkin, Lance Stell, Lawrence Southwick, and Thomas Velk. Styled as “Unopposed Motion to file Amicus Brief with names of Individual Amici included”. (hts)

7/7/06 MOTION filed (5 copies) by Appellee DC (certificate of mail service dated 7/7/06) to extend time to file [979565-1] Appellee’s Brief [962744-1] until 7/21/06. Appellant’s do not oppose provided other briefing deadlines are extended accordingly: amici briefs due 8/7/06 and reply brief due on 8/21/06. (hts)

7/11/06 CLERK’S ORDER filed [979689] of the unopposed motion for leave to file amicus brief with names of individual amici included, and appellees’ unopposed motion for extension of time to file brief, it is ORDERED that the motion for leave to file amicus brief be granted [979565-1] . The Clerk is directed to file the lodged brief [975075-1]. It is FURTHER ORDERED that appellees’ motion for extension of time be granted. The balance of the briefing schedule is revised as follows: Appellee’s brief due

on 7/21/06; Amicus Curiae's brief due on 8/7/06; Appellant's reply brief due on 8/21/06. [Entry Date: 7/11/06] (lvs)

- 7/11/06 PER ABOVE ORDER lodged brief [975075-1] is filed. (lvs)
- 7/11/06 MOTION filed (5 copies) (certificate of service dated 7/6/06) to allow amicus curiae [985700-1]. Motion filed by City NY (Note: this motion was replaced 7/31/06 with an amended motion, ID 985703) (mam)
- 7/21/06 BRIEF filed by Appellees DC and Anthony A. Williams [982451-1]. Copies: 15. Certificate of mail service date 7/21/06. (krm)
- 7/21/06 APPENDIX (Styled as "Statutory Addendum to Brief for the District of Columbia") filed by Appellees DC and Anthony A. Williams [982453-1]. Copies: 10. Certificate of mail service date 7/21/06. (krm)
- 7/25/06 BRIEF filed by Amicus Curiae for Appellee Ernest McGill [982457-1]. Copies: 15. Certificate of mail service date 7/25/06. (krm)
- 7/25/06 APPENDIX lodged by Amicus Curiae for Appellee Ernest McGill [982630-1]. Copies: 10. Certificate of mail service date 7/25/06. (krm)

- 7/25/06 MOTION filed (5 copies) by Amicus Curiae for Appellee Ernest McGill (certificate of mail service dated 7/25/06) for leave to file [982633-1] lodged appendix [982630-1]. (krm)
- 7/31/06 AMENDED MOTION filed (5 copies) (certificate of service by mail dated 7/31/06) to allow amicus curiae [985703-1]. Motion filed by City NY (Note: this motion replaces the motion submitted 7/11/06, ID 985700. It was filed by fax with permission). (mam)
- 8/3/06 SUPPLEMENT/CORRECTED TABLE OF AUTHORITIES AND TABLE OF CONTENTS to [984926-1] appellees brief [982451-1] filed by Appellees DC and Anthony A. Williams. [ONE COPY PLACED IN EACH BRIEF] (krm)
- 8/3/06 SUPPLEMENT (original hard copy) of [985708-1] non-party motion to allow amicus [985703-1] filed by Movant-Amicus Curiae City NY . (attached to back of faxed copy) (mam)
- 8/3/06 MOTION filed (5 copies) (certificate of service dated 8/3/06) to allow amicus curiae [985709-1] in support of appellee DC . Motion filed by City Boston (filed by fax with permission) (mam)
- 8/3/06 MOTION filed (5 copies) (certificate of service dated 8/3/06) to allow amicus

curiae [985716-1] in support of appellee DC. Motion filed by City Chicago (filed by fax with permission) (mam)

- 8/4/06 SUPPLEMENT (original hard copy) of [985718-1] non-party motion to allow amicus [985716-1] filed by Movant-Amicus Curiae-Appellee City Chicago . (attached to back of faxed motion) (mam)
- 8/7/06 NOTICE filed of intention to participate as amicus curiae [984425-1] by Cm MA, St ID, St MD, St NJ . Certificate of service date 8/4/06 . (mam)
- 8/7/06 SUPPLEMENT (original hard copy) of [985719-1] non-party motion to allow amicus [985709-1] filed by Movant-Amicus Curiae-Appellee City Boston . (attached to back of faxed copy of motion) (mam)
- 8/7/06 BRIEF filed by Amicus Curiae for Appellee Cm MA, Amicus Curiae for Appellee St ID, Amicus Curiae for Appellee St MD, Amicus Curiae for Appellee St NJ, Movant-Amicus Curiae City NY, Movant-Amicus Curiae-Appellee City Boston, Movant-Amicus Curiae-Appellee City Chicago [985722-1] . Copies: 15. Certificate of service date 8/7/06 . (mam)

- 8/7/06 MOTION filed (5 copies) (certificate of service dated 8/4/06) to allow amicus curiae [985821-1] in support of appellee. Motion filed by City Cty SF (mam)
- 8/7/06 BRIEF filed by Amicus Curiae for Appellee VInc Pley Ctr, Amicus Curiae for Appellee Brady Ctr Prevent, Movant-Amicus Curiae-Appellee City Cty SF [985828-1] . Copies: 15 . Certificate of service date 8/7/06 . (mam)
- 8/9/06 ERRATA [TABLE OF AUTHORITIES] to [987131-1] brief [985722-1] filed by Amicus Curiae for Appellees Cm MA, Amicus Curiae for St MD, Amicus Curiae for Appellee St NJ, Amicus Curiae for Appellee City NY, Amicus Curiae for Appellee City Boston, Amicus Curiae for Appellee City Chicago. (lvs)
- 8/10/06 NOTICE (styled “State of Idaho’s notice of withdrawal of amici curiae in support of defendant-appellee District of Columbia”) filed by Amicus Curiae for Appellee St ID regarding terminating their involvement in this case. Certificate of service date 8/9/06 . (mam)
- 8/10/06 ERRATA to [987140-1] brief [980622-1] filed by Amicus Curiae for Appellant St TX, Amicus Curiae for Appellant St

AL, Amicus Curiae for Appellant St
AR, Amicus Curiae for Appellant St
CO, Amicus Curiae for Appellant St
FL, Amicus Curiae for Appellant St
GA, Amicus Curiae for Appellant St
MI, Amicus Curiae for Appellant St
MN, Amicus Curiae for Appellant St
NE, Amicus Curiae for Appellant St
ND, Amicus Curiae for Appellant St
OH, Amicus Curiae for Appellant St
UT, Amicus Curiae for Appellant St
WY. (lvs)

- 8/14/06 CLERK'S ORDER filed [985860]
granting motions to allow amicus
filed by City Boston, City of Chicago
and City of NY. [Entry Date: 8/14/06]
(mam)
- 8/21/06 REPLY BRIEF filed by Appellant
Shelly Parker [987483-1] . Copies: 15 .
Certificate of mail service date 8/21/06
. (smc)
- 8/21/06 FIRST CLASS MAIL addressed to
Glenn Kaplan [987725-1] RETURNED
marked return to sender, unable to
forward . Mail was in response to an
order granting motions for
participation of amicus curiae. (smc)
- 8/23/06 FIRST CLASS MAIL [987727-1]
RESENT to Glenn Kaplan; order
granting motions to participate as
amicus curiae. Reason mail resent:
correct address on brief. (smc)

- 8/25/06 CLERK'S ORDER filed [988280] granting motion leave to file filed by Ernest McGill [982633-1]. The Clerk is directed to file the lodged document [982630-1] . [Entry Date: 8/25/06] (mcm)
- 8/25/06 PER ABOVE ORDER lodged appendix null [982630-1] is filed. (mcm)
- 9/6/06 ERRATA/CORRECTED TABLE OF AUTHORITIES to [990312-1] brief [985828-1] filed by Amicus Curiae for Appellee VInc Pley Ctr, Amicus Curiae for Appellee Brady Ctr Prevent, and Movant-Amicus Curiae-Appellee City Cty SF. [ONE COPY PLACED IN EACH BRIEF] (krm)
- 9/11/06 CLERK'S ORDER filed [990693] to schedule oral argument [990693-1] before Judge Initials: KLH TBG LHS on 11/13/06 at 9:30 AM . [Entry Date: 9/11/06] (cwc)
- 9/21/06 MOTION (styled "motion to be granted one minute of time at oral arguments") filed (5 copies) by Amicus Curiae for Appellee Ernest McGill (certificate of service by mail dated 9/21/06) to allocate oral argument times [996805-1]. (mam)
- 10/4/06 OPPOSITION in part filed [996855-1] (5 copies) by Appellee DC (certificate of

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service by mail dated 10/4/06) to a motion allocate oral arg time [996805-1]. (mam)

- 10/11/06 CLERK'S ORDER filed [996857] granting non-party motion to allow amicus filed by City Cty SF [985821-1] . [Entry Date: 10/11/06] (mam)
- 10/24/06 LETTER filed by Appellee DC pursuant to FRAP 28j advising of additional authorities [1001166-1] . Certificate of service date 10/24/06 . (cwc)
- 10/25/06 MOTION filed (5 copies) by Amicus Curiae for Appellee Ernest McGill (certificate of mail service dated 10/25/06) to supplement [1001265-1] brief [982457-1] . (tag)
- 11/1/06 PER CURIAM ORDER filed [1001891] to allocate oral argument times: APET minutes- 15 ERES minutes- 15. [1001891-1], one counsel per side to argue. [1001891-2] Oral argument scheduled for 11/13/06, Form 72 notice of attorney arguing case - [1001891-3] due 11/7/06. [Entry Date: 11/1/06] (cwc)
- 11/2/06 LETTER filed by Appellants Shelly Parker, et al. in response to appellee's 10/24/06 letter filed pursuant to FRAP 28j. [1002673-1] Certificate of service date 10/31/06. (cwc)

- 11/2/06 OPPOSITION filed [1002863-1] (5 copies) by Appellants Shelly Parker, et al. (certificate of mail service dated 10/31/06) to a motion supplement brief [1001265-1]. (hts)
- 11/2/06 FORM 72 filed by Attorney Lutz Alexander Prager on behalf of appellee District of Columbia [1006926-1] [1006926-2] . (set)
- 11/3/06 FORM 72 filed by Attorney Alan Gura on behalf of appellant Shelly Parker, et al. [1006924-1] [1006924-2] . (set)
- 11/6/06 PER CURIAM ORDER filed [1002693] denying motion for one minutes of oral argument time [996805-1] filed by Ernest McGill. [Entry Date: 11/6/06] (cwc)
- 11/7/06 LETTER filed by Appellee DC pursuant to FRAP 28j advising of additional authorities [1003177-1] . Certificate of service date 11/7/06 . (cwc)
- 11/8/06 RESPONSE filed [1003495-1] (5 copies) by Appellants Shelly Parker, et al. (certificate of service dated 11/8/06) to appellees' November 7, 2006 letter submitted pursuant to Fed.R.App.P. 28(j). (lej)
- 11/13/06 MOTION filed (5 copies) by Appellee

DC (certificate of service dated 11/13/06) to postpone oral argument scheduled for 11/13/06 [1003987-1] . (lej)

- 11/13/06 PER CURIAM ORDER filed [1003991] granting unopposed emergency motion to continue oral argument filed by DC [1003987-1]; Removing case from the 11/13/06 and rescheduling oral argument for 12/7/06 at 9:30 in Courtroom 22 in the Courthouse Annex [1003991-1] Case now scheduled before Judge Initials: KLH TBG LHS. Before Judges Henderson, Griffith, Silberman . [Entry Date: 11/13/06] (cwc)
- 11/15/06 PER CURIAM ORDER filed [1004571] granting motion to add additional source to amicus curiae brief's table of authorities filed by Ernest McGill [1001265-1]. Before Judges Henderson, Griffith, Silberman. [Entry Date: 11/15/06] (cwc)
- 11/30/06 LETTER filed by Appellants Shelly Parker, et al. pursuant to FRAP 28j advising of additional authorities [1007989-1] . Certificate of service date 11/28/06 . (lej)
- 12/1/06 FORM 72 filed by Attorney Todd Sunhwaee Kim on behalf of appellee District of Columbia, et al. [1008902-1] [1008902-2] . (set)

- 12/7/06 ORAL ARGUMENT HELD before Henderson, Griffith, Silberman . (rb)
- 12/11/06 LETTER filed by Appellants Shelly Parker, et al. providing a citation as requested during oral argument. [1010564-1] . Certificate of service date 12/9/06 . (cwc)
- 1/12/07 LETTER filed by Appellants Shelly Parker, et al. pursuant to FRAP 28j advising of additional authorities [1016563-1] . Certificate of service date 1/11/07 . (cwc)
- 1/22/07 LETTER filed by Appellee DC in response to appellant's letter filed pursuant to FRAP 28j advising of additional authorities [1018151-1] . Certificate of date 1/22/07 . (cwc)
- 3/9/07 JUDGMENT that the judgment of the district court is reversed and remanded for the reasons in the accompanying opinion. Before Judges Henderson, Griffith, Silberman. [Entry Date: 3/9/07] (mcm)
- 3/9/07 OPINION filed [1027236] (58 pgs) for the Court by Judge Silberman, DISSENTING OPINION (17 pgs) filed by Judge Henderson (mcm)
- 3/9/07 CLERK'S ORDER filed [1027238] The Clerk is directed to withhold issuance

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of the mandate [1027238-1] pending disposition of any timely petition for rehearing. [Entry Date: 3/9/07] (mcm)

- 4/9/07 PETITION filed Copies: 19 by Appellee DC (certificate of mail service dated 4/9/07) for rehearing en banc [1033620-1]. (smc)
- 5/4/07 LETTER filed by Appellee DC pursuant to FRAP 28j advising of additional authorities - decision by the District of Columbia Court of Appeals in Andrews v. United States, No. 02-CF-1043 (D.C. May 3, 2007) [1038879-1]. (smc)
- 5/8/07 PER CURIAM ORDER, In Banc, filed [1039073] denying petition rehearing en banc [1033620-1] filed by DC. (Mandate may issue on or after 5/16/07). Before Judges Ginsburg, Sentelle, Henderson, Randolph,* Rogers,* Tatel,* Garland,* Brown, Griffith, Kavanaugh. [Entry Date: 5/8/07] (Circuit Judges Randolph, Rogers, Tatel, and Garland would grant the petition for rehearing en banc) (mcm)
- 5/15/07 UNOPPOSED MOTION filed (5 copies) by Appellees DC, et al. (certificate of service dated 5/15/07) to stay issuance of the mandate. (smc)
- 5/24/07 PER CURIAM ORDER (w/ statement)

filed [1042482] granting motion stay mandate filed by DC [1042447-1] The Clerk is directed to withhold issuance of the mandate [1042482-1] until 8/7/07. Before Judges Henderson, Griffith, Silberman.* [Entry Date: 5/24/07] (Senior Circuit Judge Silberman issued a separate statement along with the order) (mcm)

- 6/5/07 TRANSCRIPT of oral argument held on 12/7/06 . [815802-1] (smc)
- 7/20/07 UNOPPOSED MOTION filed (5 copies) by Appellees DC, et al. (certificate of service dated 7/20/07) to stay issuance of the mandate for an additional 30 days. (smc)
- 7/20/07 LETTER dated 7/18/07 received from S.Ct. advising that the application for an extension of time to file a petition for a writ of certiorari has been presented to the Chief Justice, who on 7/18/07 extended the time to and including 9/5/07 [1056606-1]. (krm)
- 7/26/07 CLERK'S ORDER filed [1056464] granting motion stay mandate filed by DC [1055437-1] until 9/6/07. [Entry Date: 7/26/07] (mcm)
- 9/4/07 LETTER filed by Appellee DC advising the court that a petition for certiorari was filed with the US Supreme Court on 9/4/07 [1064917-1]. (mcm)

- 9/4/07 LETTER dated 9/4/07 received from the DC Office of the Attorney General advising that the appellee filed a petition for a writ of certiorari with the S.Ct. under the name of DC v. Heller [1065276-1] (see letter for further details). (krm)
- 9/7/07 LETTER dated 9/5/07 received from S. Ct. advising that petition for writ of certiorari was filed 9/4/07 and placed on docket 9/5/07 as S. Ct. No. 07-290. (tag)
- 9/12/07 MOTION filed (5 copies) by Appellant Dick Anthony Heller (certificate of service dated 9/12/07, by hand-delivery) to lift stay of mandate. (lvs)
- 9/17/07 NOTICE filed by the Supreme Court. The petition for writ of certiorari was filed on 9/10/07 and placed on the docket 9/12/07 as No. 07-335. (smc)
- 9/24/07 OPPOSITION filed [1070061-1] (5 copies) by Appellee DC (certificate of service dated 9/24/07, by mail) to motion to lift stay of mandate. (lvs)
- 9/25/07 PER CURIAM ORDER filed [1069215] that appellant's motion to lift (partially) the motion to stay the mandate be denied. [1066863-1]. (SEE ORDER FOR DETAILS) Before Judges Henderson,* Griffith,

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Silberman . [Entry 9/25/07] (Circuit Judge Henderson concurs in the denial of the motion) (mcm)

11/23/07 SUPREME COURT NOTICE that the petition for a writ of certiorari is granted limited to the following question: Whether the following provisions - D.C. Code Sections 7-2502.02(a)(4), 22-4504(a), and 7-2507.02 - violate the Second Amendment rights of individuals who are not affiliated with any state-regulated militia, but who wish to keep handguns and other firearms for private use in their homes? relief> [1082390-1] . Certificate of service date . (lej)

APPENDIX C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHELLY PARKER,) Case No.
71 2 14th Place, N.E.)
Washington, DC 20002) **COMPLAINT**
)
DICK ANTHONY HELLER,)
263 Kentucky Avenue, S.E.)
Washington, DC 20003)
) **CASE NUMBER**
TOM G. PALMER,) 1:03CV00213
1935 17th Street, N.W., Apt. 2))
Washington, DC 20009) **JUDGE: Emmet**
) **G. Sullivan**
GILLIAN ST. LAWRENCE,)
3100 N Street, N.W., Apt. 5) **DECK TYPE:**
Washington. DC 20007) **General Civil**
)
TRACEY AMBEAU,) **DATE STAMP:**
76 Seaton Place. N.W.) **02/10/2003**
Washington, DC 20001)
)
and)
)
GEORGE LYON,)
1929 Biltmore Court, N.W.)
Washington. DC 20009)
)
Plaintiffs,)
)

v.)
)
 DISTRICT OF COLUMBIA,)
 Serve:)
 Mayor Anthony Williams)
 c/o Office of Corporation)
 Counsel)
 1 Judiciary Square)
 441 4th Street, N.W.,)
 6th Fl. South)
 Washington, D.C. 20001)
)
 and)
)
 ANTHONY WILLIAMS,)
 1350 Pennsylvania Avenue,)
 N.W.)
 Washington, DC 20004)
)
 Defendants.)
)

COME NOW the Plaintiffs, Shelly Parker, Dick Anthony Heller, Tom G. Palmer, Gillian St. Lawrence, Tracey Ambeau, and George Lyon, by and through undersigned counsel, and complain of the defendants as follows:

THE PARTIES

1. Plaintiff Shelly Parker is a natural person and a citizen of the United States and of the District of Columbia. Ms. Parker resides in a high-crime neighborhood and is active in community affairs. As a consequence of trying to make her neighborhood a better place to live, Ms. Parker has

been threatened by drug dealers. Ms. Parker presently intends to possess a functional handgun within her home for self-defense, but is prevented from doing so only by defendants' active enforcement of unconstitutional policies complained of in this action. Ms. Parker fears arrest, criminal prosecution, incarceration, and fine if she were to possess a functional handgun within her home.

2. Plaintiff Dick Anthony Heller is a natural person and a citizen of the United States and of the District of Columbia. Mr. Heller resides in a high-crime neighborhood and is a Special Police Officer of defendant District of Columbia. As a Special Police Officer, Mr. Heller is licensed to and does carry a handgun in the course of his employment at the Thurgood Marshall Judicial Center in Washington, D.C., providing security for the federal judiciary. Mr. Heller lawfully owns various firearms located outside the District of Columbia, including handguns and long guns, and presently intends to possess a functional handgun and long gun for self-defense within his own home, but is prevented from doing so only by defendants' active enforcement of unconstitutional policies complained of in this action. Mr. Heller applied to defendant District of Columbia for permission to possess a handgun within his home but was refused. Mr. Heller fears arrest, criminal prosecution, incarceration, and fine if he were to possess a functional handgun and/or long gun within his home.

3. Plaintiff Tom G. Palmer is a natural person and a citizen of the United States and of the District of Columbia. A gay man, Mr. Palmer has

been assaulted on account of his sexual orientation and successfully warded off the assault with a handgun. Mr. Palmer lawfully owns various firearms located outside the District of Columbia, including handguns and long guns, and presently intends to possess a functional handgun and long gun for self-defense within his own home, but is prevented from doing so only by defendants' active enforcement of unconstitutional policies complained of in this action. Mr. Palmer fears arrest, criminal prosecution, incarceration, and fine if he were to possess a functional handgun and/or long gun within his home.

4. Plaintiff Gillian St. Lawrence is a natural person and a citizen of the United States and of the District of Columbia. Ms. St. Lawrence lawfully owns a registered long gun, specifically a shotgun, at her home in the District of Columbia. Ms. St. Lawrence presently intends to keep the shotgun assembled and unlocked, and presently intends to use the gun if necessary in lawful self-defense within her home, but is prevented by defendants' active enforcement of unconstitutional policies from rendering the gun useful and from ever using the gun in lawful self-defense within the home as otherwise permitted by District of Columbia law. Ms. St. Lawrence fears arrest, criminal prosecution, incarceration, and fine if she were to render her gun operational and to use the gun within her home for self-defense.

5. Plaintiff Tracey Ambeau is a natural person and a citizen of the United States and of the District of Columbia. Ms. Ambeau would like to possess a functional handgun for self-defense within

her own home, but is prevented from doing so only by defendants' active enforcement of unconstitutional policies complained of in this action. Ms. Ambeau fears criminal prosecution, incarceration, and fine if she were to possess a functional handgun within her home.

6. Plaintiff George Lyon is a natural person and a citizen of the United States and of the District of Columbia. Mr. Lyon lawfully owns various firearms located outside the District of Columbia, including handguns and long guns, and would like to possess a functional handgun and long gun for self-defense within his own home, but is prevented from doing so only by defendants' active enforcement of unconstitutional policies complained of in this action. Mr. Lyon fears arrest, criminal prosecution, incarceration, and fine if he were to possess a functional handgun and/or long gun within his home.

7. Defendant District of Columbia is a municipal entity organized under the Constitution and laws of the United States.

8. Defendant Anthony Williams is the Mayor of the District of Columbia, and as such is responsible for executing and administering the District of Columbia's laws, customs, practices, and policies. In that capacity, Mr. Williams is presently enforcing the unconstitutional laws, customs, practices and policies complained of in this action, and is sued in both his individual and official capacities.

JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343.2201, 2202 and 42 U.S.C. § 1983.

10. Venue lies in this Court pursuant to 28 U.S.C. § 1391.

STATEMENT OF FACTS

11. The Second Amendment to the United States Constitution provides: “A well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.”

12. At a minimum, the Second Amendment guarantees individuals a fundamental right to possess a functional, personal firearm, such as a handgun or ordinary long gun (shotgun or rifle) within the home. Defendants currently maintain and actively enforce a set of laws, customs, practices, and policies which operate to deprive individuals, including the plaintiffs, of this important right. Any such exercise of their Second Amendment rights would subject plaintiffs to criminal prosecution, and would lead to incarceration and/or fine.

13. D.C. Code § 7-2502.01(a) provides that “no person or organization in the District shall possess or control any firearm, unless the person or organization holds a valid registration certificate for the firearm.”

14. Although registration certificates are available for certain long arms, such as ordinary rifles and shotguns, D.C. Code § 7-2502.02(a) provides in pertinent part, “A registration certificate shall not be issued for a . . . (4) Pistol not validly registered to the current registrant in the District prior to September 24, 1976.” – “Pistol’ means ally firearm originally designed to be fired by use of a single hand.” D.C. Code § 7-2501.01(12).

15. Accordingly, defendants maintain a complete ban on the home ownership and possession of handguns by private citizens (non-law enforcement officers) who did not register a handgun prior to September 24, 1976.

16. D.C. Code § 7-2507.02 provides:

Except for law enforcement personnel described in § 7-2502.01 (b)(1), each registrant shall keep any firearm in his possession unloaded and disassembled or bound by a trigger lock or similar device unless such firearm is kept at his place of business, or while being used for lawful recreational purposes within the District of Columbia.

17. Accordingly, defendants prohibit the possession of lawfully owned firearms for self-defense within the home, even in instances where self-defense would be lawful by other means under District of Columbia law. Indeed, the prohibition on the possession of firearms extends so far as to deprive a licensed firearms dealer from keeping firearms “for such person’s private use or protection,

or for the protection of his business.” D.C. Code § 7-2502.01(b)(2)(C).

18. A first violation of the District of Columbia’s ban on the ownership or possession of handguns or other functional firearms within the home for lawful purposes is punishable as a misdemeanor by a fine of up to \$1,000, imprisonment of up to one year, or both. A second offense is punishable as a felony by a fine of up to \$5,000, imprisonment of up to five years, or both in the case of a handgun or other non-registerable firearm. D.C. Code § 7-2507.06.

19. Even the movement of a handgun from one location to another on one’s property carries a criminal penalty. Former D.C. Code § 22-3204 (emphasis added) provided:

No person shall within the District of Columbia carry either openly or concealed on or about his person, except in his dwelling house of place of business or on other land possessed by him, a pistol, without a license therefor issued as hereinafter provided . . .

However, defendants now maintain and actively enforce D.C. Code § 22-4504, which provides:

(a) No person shall carry within the District of Columbia either openly or concealed on or about their person a pistol, without a license issued pursuant to District of Columbia law . . . Whoever violates this section shall

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be punished as provided in § 22-4515, except that:

(1) A person who violates this section by carrying a pistol, without a license issued pursuant to District of Columbia law, or any deadly or dangerous weapon, in a place other than the person's dwelling place, place of business, or on other land possessed by the person, shall be fined not more than \$5,000 or imprisoned for not more than 5 years, or both;

20. Thus, while the penalty for carrying a handgun in public is five years imprisonment and/or \$5,000, any person who carries a handgun on his or her own property is subject to one year imprisonment and/or a fine of \$1,000 as set forth in D.C. Code § 22-4515 even if the handgun could be legally registered. Licenses to carry a handgun are rarely, if ever, issued to private citizens (non-law enforcement officers).

FIRST CAUSE OF ACTION
U.S. CONST., AMEND. II, 42 U.S.C. § 1983
AGAINST ALL DEFENDANTS

21. Paragraphs 1 through 20 are incorporated as though fully stated herein.

22. By maintaining and enforcing a set of laws banning the private ownership and possession of handguns and functional firearms within the home, forbidding otherwise lawful self-defense usage of arms, and forbidding the movement of a handgun on an individual's property, defendants are

propagating customs, policies, and practices that violate the plaintiffs' individual rights under the Second Amendment to the United States Constitution, damaging plaintiffs in violation of 42 U.S.C. § 1983. Plaintiffs are therefore entitled to permanent injunctive relief against such customs, policies, and practices.

SECOND CAUSE OF ACTION
DECLARATORY JUDGEMENT ACT, 28 U.S.C. §§
2201, 2202 AGAINST ALL DEFENDANTS

23. Paragraphs 1 through 22 are incorporated as though fully stated herein.

24. Plaintiffs are entitled to declaratory relief holding that by maintaining and enforcing a set of laws banning the private ownership and possession of handguns and functional firearms within the home, forbidding otherwise lawful self-defense usage of arms, and forbidding the movement of a handgun an individual's property, defendants are violating the plaintiffs' individual rights under the Second Amendment to the United States Constitution. Plaintiffs are therefore further entitled to injunctive relief barring continued enforcement and maintenance of defendants' unconstitutional customs, policies, and practices.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that judgment be entered in their favor and against defendants as follows:

ON THE FIRST AND SECOND CAUSES OF ACTION:

1. An order permanently enjoining defendants, their officers, agents, servants employees, and all persons in active concert or participation with them who receive actual notice of the injunction. from enforcing D.C. Code § 7-2502.02(a)(4), barring registration of handguns; permanently enjoining defendants from enforcing D.C. Code § 7-2507.02 in such a manner as to bar the possession of functional firearms within the home or on possessed land; and permanently enjoining defendants from enforcing D.C. Code § 22-4504 and 4515 in such a manner as to forbid the carrying of a firearm within one's home or possessed land without a license.

ON THE FIRST CAUSE OF ACTION:

2. Attorney Fees and Costs pursuant to 42 U.S.C. § 1988;

ON THE SECOND CAUSE OF ACTION:

3. Declaratory relief consistent with the injunction;

ON ALL CAUSES OF ACTION:

4. Costs of suit; and

5. Any other further relief as the Court deems just and appropriate.

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Dated: February 10, 2003

Respectfully Submitted,

Alan Gura (D.C. Bar No. 453449)
Gura & Day, LLC
Robert A. Levy (D.C. Bar No. 447137)
Clark M. Neily, III (D.C. Bar No. 475926)
1717 K Street, N.W., Suite 600
Washington, D.C. 20036
Phone: 202.550.8777
Fax: 202.318.4512

By: /s/ Alan Gura
Alan Gura

Attorneys for Plaintiffs

APPENDIX D

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHELLY PARKER, et al.,	) Case No.
	) 03-CV-0213-EGS
Plaintiffs,)
	) SEPARATE
	) STATEMENT OF
v.	) UNDISPUTED
	) MATERIAL
DISTRICT OF	) FACTS IN SUPPORT
COLUMBIA, et al.,	) OF PLAINTIFFS'
	) MOTION FOR
Defendants.	) SUMMARY
	) JUDGMENT
_____	) [LCvR 7.1(h), 56.1]

**SEPARATE STATEMENT OF UNDISPUTED
MATERIAL FACTS IN SUPPORT OF PLAINTIFFS'
MOTION FOR SUMMARY JUDGEMENT**

COME NOW the Plaintiffs, Shelly Parker, Dick Anthony Heller, Tom G. Palmer, Gillian St. Lawrence, Tracey Ambeau, and George Lyon, by and through undersigned counsel, and submit their Separate Statement of Undisputed Material Facts in Support of their Motion for Summary Judgment.

Dated: March 14, 2003

Respectfully Submitted,

Alan Gura (D.C. Bar No. 453449)
Gura & Day, LLC
Robert A. Levy (D.C. Bar No. 447137)
Gene Healy D.C. Bar No. 468839)
Clark M. Neily, III (D.C. Bar No. 475926)
1717 K Street, N.W., Suite 600
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Phone: 202.550.8777
Fax: 202.318.4512

By: /s/ Alan Gura
Alan Gura

Attorneys For Plaintiffs'

**SEPARATE STATEMENT OF UNDISPUTED
MATERIAL FACTS IN SUPPORT OF PLAINTIFFS'
MOTION FOR SUMMARY JUDGEMENT**

FACT

RECORD

- | | |
|---|-----------------------|
| 1. Plaintiff Parker resides in a high crime area of the District of Columbia | 1. Parker Decl., ¶ 1. |
| 2. Plaintiff Parker is very active in community affairs, organizing her community against drug dealers. | 2. Parker Decl., ¶ 2. |
| 3. Drug dealers have identified | 3. Parker |

- plaintiff Parker as being
adverse to their interests and
have threatened her and her
neighbors. Decl., ¶ 3.
4. On June 12, 2002, the back
window of plaintiff Parker's car
was broken. Her front window
has been broken, a security
camera was stolen from the
outside of her home, and a
drug user who acts as a lookout
for the drug dealers on
Parker's block smashed his car
into her back fence. 4. Parker
Decl., ¶ 4.
5. On the night of February 12,
2003, the date on which the
Washington Times carried a
front-page article about this
lawsuit and Parker's role in it,
a drug dealer she knew as
"Nanook" started banging on
Parker's door and tried to pry
his way into her house,
repeatedly yelling, "bitch, I'll
kill you, I live on this block,
too." 5. Parker
Decl., ¶ 5.
6. "Nanook" was eventually
arrested and may be
prosecuted. However, it has
become apparent to Parker
that her local police lieutenant
is not going to do very much
about the drug problem on her
6. Parker
Decl., ¶ 6.

block.

- | | | |
|----|---|-----------------------|
| 7. | Parker presently intends to possess a functional handgun within her home for self-defense, but is prevented from doing so only by defendants' active enforcement of unconstitutional policies complained of in this action. Parker is aware that she faces criminal penalties if she possesses a handgun, or any other functional firearm, at home. | 7. Parker Decl., ¶ 7. |
| 8. | Being deprived of a handgun limits Parker's ability to defend herself and her ability to act in concert with others for the common good. While Parker can use a handgun to defend herself, she cannot use a rifle or shotgun nearly as effectively as she could use a handgun, as a rifle or shotgun would be too unwieldy for her to use. | 8. Parker Decl., ¶ 8. |
| 9. | Plaintiff Dick Heller resides in a high-crime neighborhood of the District of Columbia, on Kentucky Avenue, S.E. There are two open-air drug markets in the immediate vicinity of his home. | 9. Heller Decl., ¶ 1. |

- | | |
|---|--------------------------------|
| 10. Plaintiff Heller is a Special Police Officer of defendant District of Columbia. As a Special Police Officer, he is licensed to and does carry a handgun in the course of his employment at the Thurgood Marshall Federal Judicial Center in Washington, D.C., providing security for the federal judiciary. | 10. Heller Decl., ¶ 2. |
| 11. Plaintiff Heller owns various firearms located outside the District of Columbia, including handguns and long guns, and presently intends to possess a functional handgun and long gun for self-defense within his own home, but is prevented from doing so by the defendants' active enforcement of unconstitutional policies complained of in this action. Heller is aware that he faces criminal penalties if he possesses a handgun, or any other functional firearm, at home. | 11. Heller Decl., ¶ 3. |
| 12. Plaintiff Heller applied to defendant District of Columbia for permission to possess a handgun within his home but was refused. | 12. Heller Decl., ¶ 4; Exh. A. |

- | | |
|--|------------------------|
| 13. Being deprived of a handgun limits Heller's ability to defend himself and his ability to act in concert with others for the common good, as a handgun could often be better suited for such uses than a rifle or shotgun. Being deprived of a functional rifle or shotgun likewise limits Heller's ability to defend himself and his ability to act in concert with others for the common good. | 13. Heller Decl., ¶ 5. |
| 14. Plaintiff Tom G. Palmer resides in the District of Columbia. | 14. Palmer Decl., ¶ 1. |
| 15. Plaintiff Palmer owns various firearms located outside the District of Columbia, including handguns, and long guns, and presently intends to possess a functional handgun and long gun for self-defense within his own home, but is prevented from doing so only by the defendants' active enforcement of unconstitutional policies complained of in this action. Palmer is aware that he faces criminal penalties if he possesses a handgun or any other functional firearm, at home. | 15. Palmer Decl., ¶ 2. |

- | | |
|---|------------------------------|
| 16. In 1982, Palmer was assaulted by a group of men on account of his sexual orientation. He successfully warded off the assault with a handgun. | 16. Palmer Decl., ¶ 3. |
| 17. Being deprived of a handgun limits Palmer's ability to defend himself and his ability to act in concert with others for the common good, as a handgun could often be better suited for such uses than a rifle or shotgun. Being deprived of a functional rifle or shotgun likewise limits Palmer's ability to defend himself and his ability to act in concert with others for the common good. | 17. Palmer Decl., ¶¶ 3, 4. |
| 18. Plaintiff Gillian St. Lawrence resides in the District of Columbia. | 18. St. Lawrence Decl., ¶ 1. |
| 19. Plaintiff St. Lawrence lawfully owns a registered shotgun, which she keeps in her home. She presently intends to keep the shotgun assembled and unlocked, and presently intends to use the gun if necessary in lawful self-defense within her home, but is prevented by defendants' active enforcement of | 19. St. Lawrence Decl., ¶ 2. |

unconstitutional policies from rendering the gun useful and from ever using the gun in lawful self-defense within the home as otherwise permitted by the District of Columbia law. She is aware that she faces criminal penalties if she assemble and unlocks her shotgun at home under and circumstances.

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| 20. | Even if she were allowed to piece together, unlock and load the shotgun in self-defense, she may not always be able to do so effectively in response to a sudden home invasion. | 20. St. Lawrence Decl., ¶ 3. |
| 21. | Being deprived of a functional firearm limits St. Lawrence's ability to defend herself and her ability to act in concert with others for the common good. | 21. St. Lawrence, Decl., ¶ 4. |
| 22. | Plaintiff Tracey Ambeau resides in the District of Columbia. | 22. Ambeau Decl., ¶ 1. |
| 23. | Plaintiff Ambeau presently intends to possess a functional handgun for self-defense within her home, but is prevented from doing so only by the defendants' active | 23. Ambeau Decl., ¶ 2. |

enforcement of unconstitutional policies complained of in this action. She is aware that she faces criminal penalties if she possesses a handgun, or any other functional firearm, at home.

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| 24. | Being deprived of a handgun limits Ambeau's ability to defend herself and her ability to act in concert with others for the common good. While she can use a handgun to defend herself, she cannot use a rifle or shotgun nearly as effectively as she could use a handgun, as a rifle or shotgun would be too unwieldy. | 24. Ambeau Decl., ¶ 3. |
| 25. | Plaintiff George Lyon resides in the District of Columbia. | 25. Lyon Decl., ¶ 1. |
| 26. | Plaintiff Lyon owns various firearms located outside the District of Columbia, including a handgun, and long guns, and presently intends to possess a functional handgun and long gun for self-defense within his own home, but is prevented from doing so only by the defendants' active enforcement of unconstitutional policies complained of in this action. | 26. Lyon Decl., ¶ 2. |

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Lyon is aware that he faces criminal penalties if he possesses a handgun or any other functional firearm, at home.

- | | | |
|-----|--|---|
| 27. | Being deprived of a handgun limits Lyon's ability to defend himself and his ability to act in concert with others for the common good, as a handgun could often be better suited for such uses than a rifle or shotgun. Being deprived of a functional rifle or shotgun likewise limits his ability to defend himself and his ability to act in concert with others for the common good. | 27. Lyon Decl., ¶ 3. |
| 28. | Defendants maintain a complete ban on the home ownership and possession of handguns by private citizens who did not register a handgun prior to September 24, 1976. | 28. D.C. Code §§ 7-2502.01(a), 7-2502.02(a)(4); 7-2501.01(12) |
| 29. | Defendants prohibit the possession of lawfully owned firearms for self-defense within the home, even in instances when self-defense would be lawful by other means under District of Columbia law. | 29. D.C. Code § 7-2507.02 |

- | | | |
|-----|---|---|
| 30. | A first violation of the District of Columbia’s ban on the ownership or possession of handguns or other functional firearms within the home for lawful purposes is punishable as a misdemeanor by a fine of up to \$1,000, imprisonment of up to one year, or both. A second offense is punishable as a felony by a fine of up to \$5,000, imprisonment of up to five years, or both, in the case of a handgun or other non-registerable firearm. | 30. D.C. Code § 7-2507.06. |
| 31. | Any person who carries a handgun on his or her own person without a license is subject to one year imprisonment and/or a fine of \$1,000. | 31. D.C. Code §§ 22-4504, 22-4515 |
| 32. | “With very rare exceptions licenses to carry pistols have not been issued in the District of Columbia for many years and are virtually unobtainable.” | 32. <u>Bsharah v. United States</u> , 646 A.2d 993, 996 n. 12 (D.C. 1994) |
| 33. | Defendants provide handguns to District of Columbia police officers. | 33. Heller Decl., ¶ 2; Request for Judicial Notice 1 |

- | | |
|---|--|
| 34. Defendants actively enforce D.C. Code §§ 7-2502.01(a), 7-2502.02(a)(4), 7-2507.02, and 22-4504. | 34. Heller Decl., ¶ 2; Exh. A; Request for Judicial Notice 2 |
|---|--|

APPENDIX E

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHELLY PARKER, et al.,) Case No.
) 03-CV-0213-EGS
Plaintiffs,)
) **DECLARATION OF**
v.) **SHELLY PARKER**
)
DISTRICT)
OF COLUMBIA, et al.,)
)
Defendants.)

DECLARATION OF SHELLY PARKER

I, Shelly Parker, am competent to state, and if called upon would testify to the following based on my personal knowledge:

1. I reside in a high-crime neighborhood of the District of Columbia.

2. I am very active in community affairs. When I moved into the neighborhood, I soon noticed my block was constantly beset by drug dealing and drug use. I started calling the police frequently and encouraging my neighbors to call the police as well. I organized block meetings to discuss the neighborhood's response to the drug activity at a church on my street, at which Lt. Smith of Police

Service Area 512 would show up and listen to our concerns.

3. The drug dealers would also show up to the meetings and complain that we were harassing them. They identified me as an anti-drug activist and began threatening me whenever they would see me walking around the neighborhood. They also started threatening my neighbors very loudly.

4. On June 12, 2002, the back window of my car was broken. The following month, a large rock came through my front window. I've also had a security camera stolen from the outside of my house. On one occasion, a drug user who sometimes acts as a lookout for the drug dealers drove his car into the back fence of my house.

5. On the night of February 12, 2003, the date on which the *Washington Times* carried a front-page article about this lawsuit and my role in it, a drug dealer I knew as "Nanook" started banging on my door and tried to pry his way into my house, repeatedly yelling, "bitch, I'll kill you, I live on this block, too."

6. "Nanook" was eventually arrested and may be prosecuted. However, it has become apparent to me that Lt. Smith is not going to do very much about the drug problem on my block.

7. I presently intend to possess a functional handgun within my home for self-defense, but am prevented from doing so only by defendants' active enforcement of unconstitutional policies complained of in this action. I am aware that I face

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criminal penalties if I possess a handgun, or any other functional firearm, at home.

8. Being deprived of a handgun limits my ability to defend myself and my ability to act in concert with others for the common good. While I can use a handgun for these purposes, I could not use a rifle or shotgun nearly as effectively as I could use a handgun, as a rifle or shotgun would be too unwieldy for me to use.

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

Executed this the 14 day of March 2003

/s/ Shelly Parker
Shelly Parker

APPENDIX F

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHELLY PARKER, et al.,) Case No.
) 03-CV-0213-EGS
Plaintiffs,)
) **DECLARATION OF**
v.) **DICK ANTHONY**
) **HELLER**
DISTRICT)
OF COLUMBIA, et al.,)
)
Defendants.)
_____)

DECLARATION OF DICK ANTHONY HELLER

I, Dick Anthony Heller, am competent to state, and if called upon would testify to the following based on my personal knowledge:

1. I reside in a high-crime neighborhood of the District of Columbia, on Kentucky Avenue, S.E. There are two open-air drug markers in the immediate vicinity of my home.

2. I am a Special Police Officer of defendant District of Columbia. As a Special Police Officer, I am licensed to and do carry a handgun in the course of my employment at the Thurgood

Marshall Federal Judicial Center in Washington, D.C., providing security for the federal judiciary.

3. I own various firearms located outside the District of Columbia, including handguns and long guns and presently intend to possess a functional handgun and long gun for self-defense within my own home, but I am prevented from doing so only by the defendants' active enforcement of unconstitutional policies complained of in this action. I am aware that I face criminal penalties if I possess a handgun, or any other functional firearm, at home.

4. I applied to defendant District of Columbia for permission to possess a handgun within my home but was refused. A true and correct copy of my refused application for handgun registration is attached hereto as Exhibit A.

5. Being deprived of a handgun limits my ability to defend myself and my ability to act in concert with others for the common good, as a handgun could often be better suited for such uses than a rifle or shotgun. Being deprived of a functional rifle or shotgun likewise limits my ability to defend myself and my ability to act in concert with others for the common good.

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

Executed this the 13 day of March, 2003

/s/ Dick Heller
Dick Anthony Heller

APPENDIX G

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHELLY PARKER, et al.,) Case No.
) 03-CV-02 13-EGS
Plaintiffs,)
) **DECLARATION OF**
v.) **TOM G. PALMER**
)
DISTRICT)
OF COLUMBIA, et al.,)
)
Defendants.)
_____)

DECLARATION OF TOM G. PALMER

I, Tom G. Palmer, am competent to state, and if called upon would testify to the following basis on my personal knowledge:

1. I reside in the District of Columbia.

2. I own various firearms located outside the District of Columbia, including handguns and long guns, and presently intend to possess a functional handgun and long gun for self-defense within my own home, but I am prevented from doing so only by the defendants' active enforcement of unconstitutional policies complained of in this action. I am aware that I face criminal penalties if I

possess a handgun, or any other functional firearm, at home.

3. In the summer of 1982, when I was living in California, I was assaulted because I am gay. I successfully warded off the assault with a handgun. I was walking with a co-worker to dinner when a group of young men started yelling at us, "faggot," "homo," "queer," "we're going to kill you," and "they'll never find your bodies." and so on. After they had followed us for about 100 feet, we started running. Fortunately I was able to pull my handgun out of my backpack, and our assailants backed off. This experience has confirmed for me that I can defend myself with a handgun, and that I am far less effective in my ability to defend myself and act in concert for the common good without the use of a handgun.

4. Being deprived of a handgun limits my ability to defend myself and my ability to act in concert with others for the common good, as a handgun could often be better suited for such uses than a rifle or shotgun. Being deprived of a functional rifle or shotgun likewise limits my ability to defend myself and my ability to act in concert with others for the common good.

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

Executed this the 13th day of March, 2003

/s/ Tom G. Palmer
Tom G. Palmer

APPENDIX H

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHELLY PARKER, et al.,) Case No.
) 03-CV-02 13-EGS
Plaintiffs,)
) **DECLARATION OF**
v.) **GILLIAN ST.**
) **LAWRENCE**
DISTRICT)
OF COLUMBIA, et al.,)
)
Defendants.)
_____)

DECLARATION OF GILLIAN ST. LAWRENCE

I, Gillian St. Lawrence, am competent to state, and if called upon would testify to the following based on my personal knowledge:

1. I reside in the District of Columbia.

2. I lawfully own a registered long gun, specifically, a shotgun, which I keep in my home. I presently intend to keep the shotgun assembled and unlocked, and presently intend to wield the gun if necessary in lawful self-defense within my home, but am prevented by defendants' active enforcement of unconstitutional policies from rendering the gun useful and from ever using the gun in lawful self-

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defense within the home as otherwise permitted by District of Columbia law. I am aware that I face criminal penalties if I assemble and unlock my shotgun at home under any circumstance.

3. Even if I were allowed to piece together, unlock, and load the shotgun in self-defense, I do not believe that I would always be able to do so effectively in response to a sudden home invasion.

4. Being deprived of a functional firearm limits my ability to defend myself and my ability to act in concert with others for the common good.

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

Executed this the 13 day of March, 2003

/s/ Gillian St. Lawrence
Gillian St. Lawrence

APPENDIX I

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHELLY PARKER, et al.,) Case No.
) 03-CV-02 13-EGS
Plaintiffs,)
) **DECLARATION OF**
v.) **TRACEY AMBEAU**
)
DISTRICT)
OF COLUMBIA, et al.,)
)
Defendants.)
_____)

DECLARATION OF TRACEY AMBEAU

I, Tracey Ambeau, am competent to state, and if called upon would testify to the following based on my personal knowledge:

1. I reside in the District of Columbia.
2. I presently intend to possess a functional handgun for self-defense within my own home, but I am prevented from doing so only by the defendants' active enforcement of unconstitutional policies complained of in this action. I am aware that I face criminal penalties if I possess a handgun, or any other functional firearm at home.

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3. Being deprived of a handgun limits my ability to defend myself and my ability to act in concert with others for the common good. While I can use a handgun to defend myself, I do not believe I could use a rifle or shotgun nearly as effectively as I could use a handgun because a rifle or shotgun would be too unwieldy.

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

Executed this the 13th day of March, 2003

/s/ Tracey Ambeau
Tracey Ambeau

APPENDIX J

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHELLY PARKER, et al.,) Case No.
) 03-CV-02 13-EGS
Plaintiffs,)
) **DECLARATION OF**
v.) **GEORGE LYON**
)
DISTRICT)
OF COLUMBIA, et al.,)
)
Defendants.)
_____)

DECLARATION OF GEORGE LYON

I, George Lyon, am competent to state, and if called upon would testify to the following:

1. I reside in the District of Columbia.

2. I own various firearms located outside the District of Columbia, including a handgun and long guns, and presently intend to possess a functional handgun and long gun for self-defense within my own home, but I am prevented from doing so only by the defendants' active enforcement of unconstitutional policies complained of in this action. I am aware that I face criminal penalties if I

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possess a handgun, or any other functional firearm, at home.

3. Being deprived of a handgun limits my ability to defend myself and my ability to act in concert with others for the common good, as a handgun could often be better suited for such uses than a rifle or shotgun. Being deprived of a functional rifle or shotgun likewise limits my ability to defend myself and my ability to act in concert with others for the common good.

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

Executed this the 13 day of March, 2003

/s/ George Lyon
George Lyon

she faces criminal penalties if she possesses a handgun, or any other functional firearm, at home. (Parker Dec., ¶ 7.)

11. Plaintiff Heller owns various firearms located outside the District of Columbia, including handguns and long guns, and presently intends to possess a functional handgun and long gun for self-defense within his own home, but is prevented from doing so by the defendants' active enforcement of unconstitutional policies complained of in this action. Heller is aware that he faces criminal penalties if he possesses a handgun, or any other functional firearm, at home. (Heller Dec., ¶ 3.)

13. Being deprived of a handgun limits Heller's ability to defend himself and his ability to act in concert with others for the common good, as a handgun could often be better suited for such uses than a rifle or shotgun. Being deprived of a functional rifle or shotgun likewise limits Heller's ability to defend himself and his ability to act in concert with others for the common good. (Heller Dec., ¶ 5.)

15. Plaintiff Palmer owns various firearms located outside the District of Columbia, including handguns and long guns, and presently intends to possess a functional handgun and long gun for self-defense within his own home, but is prevented from doing so only by the defendants' active enforcement of unconstitutional policies complained of in this action. Palmer is aware that he faces criminal penalties if he possesses a handgun, or any other functional firearm, at home. (Palmer Dec., ¶ 2.)

17. Being deprived of a handgun limits Palmer's ability to defend himself and his ability to act in concert with others for the common good, as a handgun could often be better suited for such uses than a rifle or shotgun. Being deprived of a functional rifle or shotgun likewise limits Palmer's ability to defend himself and his ability to act in concert with others For the common good. (Palmer, Dec., ¶¶ 3, 4.)

19. Plaintiff St. Lawrence lawfully owns a registered shotgun, which she keeps in her home. She presently intends to keep the Shotgun assembled and unlocked, and presently intends to use the gun if necessary in lawful self-defense within her home. but is prevented by defendants' active enforcement of unconstitutional policies from rendering the gun useful and from ever using the gun in lawful self-defense within the home as otherwise permitted by District of Columbia law. She is aware that she faces criminal penalties if she assembles and unlocks her shotgun at home under any circumstance. (St. Lawrence Dec., ¶ 2.)

21. Being deprived of a functional firearm limits St. Lawrence's ability to defend herself and her ability to act in concert with others for the common good. (St. Lawrence Dec., ¶ 4.)

23. Plaintiff Ambeau presently intends to possess a functional handgun for self-defense within her own home, but is prevented from doing so only by the defendants' active enforcement of unconstitutional policies complained of in this action. She is aware that she faces criminal penalties if she possesses a

handgun, or any other functional firearm, at home. (Ambeau Dec., ¶ 2.)

24. Being deprived of a handgun limits Ambeau's ability to defend herself and her ability to act in concert with others for the common good. While she can use a handgun to defend herself, she cannot use a rifle or shotgun nearly as effectively as she could use a handgun because a rifle or shotgun would be too unwieldy. (Ambeau Dec., ¶ 3.)

26. Plaintiff Lyon owns various firearms located outside the District of Columbia, including a handgun and long guns, and presently intends to possess a functional handgun and long gun for self-defense within his own home, but is prevented from doing so only by the defendants' active enforcement of unconstitutional policies complained of in this action. Lyon is aware that he faces criminal penalties if he possesses a handgun, or any other Functional firearm at home. (Lyon Dec., ¶ 2.)

27. Being deprived of a handgun limits Lyon's ability to defend himself and his ability to act in concert with others for the common good, as a handgun could often be better suited for such uses than a rifle or shotgun. Being deprived of a functional rifle or shotgun likewise limits his ability to defend himself and his ability to act in concert with others for the common good. (Lyon Dec., ¶ 3.)

The record references relied on to support this Statement of Material Facts as to which There Exists a Genuine Issue relating to these paragraphs are Exhibits A, B, and C to Defendants' Reply Memorandum in Support of their Motion to Dismiss.

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Dated: June 3, 2003

Respectfully submitted,

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