

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Alan Kachalsky, <i>et al.</i>)	
)	
Plaintiffs)	Civil Action No. 10-cv-5413
)	(Hon. Cathy Seibel)
-against-)	
)	MOTION FOR PERMISSION
Susan Cacace, <i>et al.</i> ,)	TO FILE AMICUS BRIEF
)	
Defendants)	
_____)	

Amici Academics for the Second Amendment (“A2A”) and LI Second Amendment Preservation Association (“LISAPA”), though their undersigned attorneys, hereby move for permission to submit their amicus brief in the above-captioned action.

1. The proposed brief is attached hereto as Exhibit A for the convenience of the Court and counsel. Yesterday morning (February 23rd) the undersigned electronically served copies of the proposed brief on counsel for each of the named parties. Plaintiffs consent to the filing of this brief. The Defendants do not oppose the filing of the brief, but request time to respond (as stated in Defense Counsel’s February 23 and 24, 2011 letters to the Court).

2. A2A is a §501(c)(3) tax-exempt organization. Formed in 1992 by law school professors, A2A's goal is to secure the right to keep and bear arms as a meaningful, individual right. A2A has filed *amicus briefs* in the United States

Supreme Court in *McDonald v. City of Chicago*, *District of Columbia v. Heller*, and *United States v. Lopez*, and in the Fifth Circuit in *United States v. Emerson*. It has also published a series of “*Open Letters*” signed by college and university professors in the New York Times, the National Review, the New Republic, and other print media.

3. Amicus LISAPA is a not-for-profit corporation dedicated to reestablishing and preserving for residents of the State of New York (and, in particular, those residing on Long Island) the natural right of civilian self-defense afforded by the Second Amendment of the United States Constitution. LISAPA, together with its affiliate firearms club, Long Island Firearms, LLC (“LIF”), promotes responsible firearms ownership through its educational website, and frequent workshops covering such topics as firearms safety and maintenance. LISAPA and LIF also provide community support through blood drives, coat collections for the needy and other community services. LISAPA is pleased to have the opportunity to join A2A on this important issue.

4. In their proposed amicus brief, A2A and LISAPA document for the Court the historical context of the carrying restrictions at issue, the origins of the Sullivan Act, the century-old precursor to New York’s current pistol licensing law, and the evolution of less restrictive alternatives which began in the decade after its enactment.

5. A district court has broad discretion when deciding whether or not to grant third parties leave to file an amicus brief (*see City of New York v. U.S.*, 971 F. Supp. 789, 791 n.3 (S.D.N.Y. 1997)). Here, the Amici have a compelling interest in this Court's resolution of the issues raised by this case, for the reasons described above.

CONCLUSION

For the foregoing reasons, amicus curiae the respectfully requests that the Court grant leave to file the attached amicus brief (or deem it filed as an attachment to this motion).


DATED: February 24, 2011

Respectfully submitted,

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