

In The Matter of the Claim of:

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THE NEW YORK STATE RIFLE & PISTOL
ASSOCIATION, WESTCHESTER COUNTY
FIREARMS OWNERS ASSOCIATION,
SPORTSMEN'S ASSOCIATION FOR FIREARMS
EDUCATION, INC., and AR15.COM LLC,

Plaintiffs,

NOTICE OF CLAIM

-against-

THE STATE OF NEW YORK,

Defendant.

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TO: **THE ATTORNEY GENERAL OF THE STATE OF NEW YORK**
Office of the Attorney General
The Capitol
Albany, NY 12224-0341

PLEASE TAKE NOTICE that THE NEW YORK STATE RIFLE & PISTOL
ASSOCIATION, THE WESTCHESTER COUNTY FIREARMS OWNERS ASSOCIATION, THE
SPORTSMEN'S ASSOCIATION FOR FIREARMS EDUCATION, INC., and AR15.COM LLC,
by and through their counsel, GOLDBERG SEGALLA, LLP, hereby serve notice that they intend
to file a claim against THE STATE OF NEW YORK pursuant to General Municipal Law section
50-e. Please be further advised of the following:

I. TIME & PLACE WHERE CLAIM(S) AROSE

The claims of the plaintiffs arose with the passage of legislation on January 14th, 2013,
(identified as New York Senate Bill 2230, New York Assembly Bill 2388, and collectively known
as "the New York Secure Ammunition and Firearms Act ("NY SAFE Act")), and with its
enforcement throughout New York State at various times following its passage, that: amended
portions of the criminal procedure law, the correction law, the family court act, the executive
law, the general business law, the judiciary law, the mental hygiene law, the penal law and the

surrogate's court procedure act, in relation to suspension and revocation of firearms licenses; private sale or disposal of firearms, rifles or shotguns and establishing a minimum age to possess a firearm; amended the family court act, the domestic relations law and the criminal procedure law, in relation to providing for the mandatory suspension or revocation of the firearms license of a person against whom an order of protection or a temporary order of protection has been issued under certain circumstances, or upon violation of any such order; amended the penal law, in relation to community guns and the criminal sale of a firearm and in relation to the definitions of aggravated and first degree murder; amended chapter 408 of the laws of 1999 constituting Kendra's Law, in relation to extending the expiration thereof; and amended the education law, in relation to the New York state school safety improvement teams; and in relation to building aid for metal detectors and safety devices.

The claims of the plaintiff arose in Albany, New York, and also in every location where the plaintiffs have resided and/or conducted business since January 14th, 2013.

II. NATURE OF CLAIM(S)

Plaintiffs claim that passage and enforcement of the aforementioned legislation:

- A. violates their fundamental constitutional rights to lawfully possess, keep, bear and use firearms for self-defense and other lawful purposes;
- B. violates their constitutional rights to privacy;
- C. impermissibly interferes with and infringes upon their fundamental constitutional rights to travel both intra-state and inter-state with lawfully possessed firearms;
- D. unconstitutionally criminalizes and bans the possession of certain firearms, ammunition and large capacity feeding devices that were legally possessed prior by plaintiffs prior to the legislation's passage and enforcement, and in which the plaintiff's had a cognizable property

interest. The outright criminalization and ban of these firearms, ammunition and large capacity feeding devices amounts to a deprivation and taking of them by the State of New York under color of law and without due process or just compensation. As such, passage and enforcement of the NY SAFE Act effectuates an unconstitutional taking of private property under the Fifth and Fourteenth Amendments to the U.S. Constitution;

E. unlawfully and unconstitutionally imposes restrictions on the ability of the plaintiffs to conduct business on both inter-state and intra-state levels with the designers of, manufacturers of, sellers of, distributors of, and purchasers of certain firearms, ammunition, and large capacity feeding devices, all in violation of the Commerce Clause of the U.S. Constitution;

F. deprives the plaintiffs of life, liberty and/or property without due process of law, in violation of the Fourteenth Amendment of the U.S. Constitution;

G. deprives the plaintiffs of the equal protection of the laws, in violation of the Fourteenth Amendment of the U.S. Constitution;

H. was passed and is being continuously enforced with the ongoing tortious intent to harass, harm, impede, interfere with, disrupt, interrupt, and/or destroy the present and future business and commercial activities of those plaintiffs who engage in the design of, manufacture of, distribution of, sale of, possession of, and/or training in the safe and lawful use of firearms, ammunition, and/or large capacity feeding devices; and

I. the legislation is impermissibly vague and overbroad.

III. ITEMS OF DAMAGE / INJURIES SUSTAINED

A. Violation of rights guaranteed to the plaintiffs by the U.S. Constitution and the New York State Constitution.

B. Deprivation of property rights and property values.

C. Interference with business relations, business activities, and business contracts relating to the design of, manufacture of, distribution of, sale of, possession of, and/or training in the safe and lawful firearms, ammunition, and/or large capacity feeding devices.

IV. AMOUNT OF DAMAGES TO WHICH PLAINTIFFS ARE ENTITLED

Plaintiffs are not seeking monetary damages. Plaintiffs are seeking injunctive relief against the ongoing enforcement of the NYS SAFE Act, and declaratory relief the NYS SAFE Act is unconstitutional.

V. CLAIMANT & ATTORNEY INFORMATION

The addresses of the claimants herein are:

The New York State Rifle & Pistol Association
90 S. Swan Street, Ste. 395
Albany, NY 12210

Westchester County Firearms Owner's Association
P.O. Box 91
Rye Brook, NY 10573-0091

Sportsmen's Association for Firearms Education, Inc.
P.O. Box 343
Commack, NY 11725

AR15.Com LLC
6162 State Route 96
Farmington, NY 14425

The attorney for the Claimants herein is:

William J. Greagan, Esq.
Attorneys for Plaintiffs
8 Southwoods Blvd., Suite 300
Albany, New York 12211-2364
(518) 463-5400
wgreagan@goldbergsegalla.com

DATED: Albany, NY
January 29, 2013

GOLDBERG SEGALLA LLP

By: _____
William J. Greagan, Esq.
Attorneys for Plaintiffs
8 Southwoods Blvd., Suite 300
Albany, New York 12211-2364
(518) 463-5400
wgreagan@goldbergsegalla.com

AFFIDAVIT OF SERVICE

KERRY DILLON, being duly sworn, hereby deposes and says that deponent is not a party to this action, is over 18 years of age and resides in Westchester County, New York; that on the _____ day of January, 2013, deponent served the foregoing Notice of Claim upon the following:

THE ATTORNEY GENERAL OF THE STATE OF NEW YORK
Office of the Attorney General
The Capitol
Albany, NY 12224-0341

at the address designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a post-paid, properly addressed wrapper, in a post-office/official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

KERRY DILLON

Sworn to before me this
_____ day of January, 2013

Notary Public