

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK  
Buffalo Division

NEW YORK STATE RIFLE AND PISTOL )	
ASSOCIATION, INC., et al., )	
	Plaintiffs, )
v. )	Case No.: 1:13-cv-00291-WMS
	)
	<b><u>NOTICE OF CROSS-MOTION</u></b>
ANDREW M. CUOMO, et al., )	
	Defendants. )
	Oral Argument Requested

**Motion by:** All Plaintiffs

**Relief Demanded:** Summary Judgment granting declaratory judgment that the SAFE Act is unconstitutional, and also permanent injunctive relief.

**Grounds For Request:** Fed.R.Civ.P. 56

**Supporting Papers:**

1. Plaintiffs’ First Amended Complaint (Doc. #17).
2. Plaintiffs’ Motion for Preliminary Injunction (Doc. #23).
3. Plaintiffs’ Memo of Law in Support of Motion for Preliminary Injunction (Doc. #23-1), and all exhibits submitted in support thereof.
4. Plaintiffs’ Response to Defendants’ Statement of Undisputed Material Facts (Doc. #115).
5. Plaintiffs’ Counter-Statement of Undisputed Material Facts (Doc. #116) and all exhibits submitted in support thereof.
6. Plaintiffs’ Omnibus Memorandum of Law (Doc. #114).

**Return Date of Motion:** Absent an Order by the Court, and pursuant to W.D.N.Y. L.R.Civ.P.7(b)(2)(A), opposing papers (if any) shall be filed within 28 days of the filing of this motion. Reply papers (if any) are to be filed within 14 days of after service of opposing papers. NOTE: to the extent required, the movants herein intend to file and serve reply papers.

**Date, Time, and Place of Hearing On Motion:** U.S. District Court for the Western District of New York  
2 Niagara Square, Buffalo, NY 14202  
Courtroom of the Hon. William M. Skretny  
Date and time of hearing (if any) to be determined by the Court

(continued on next page)

Dated: August 19, 2013

Respectfully Submitted,

GOLDBERG SEGALLA, LLP

By: /s/ Brian T. Stapleton  
Brian T. Stapleton, Esq.  
11 Martine Avenue, Suite 750  
White Plains, New York 10606-1934  
(914) 798-5400  
[bstapleton@goldbergsegalla.com](mailto:bstapleton@goldbergsegalla.com)

***Counsel For Plaintiffs***

**CERTIFICATION**

I hereby certify that on August 19, 2013, a copy of the foregoing CROSS-MOTION FOR SUMMARY JUDGMENT was filed electronically and served by mail upon anyone unable to accept electronic filing. Notice of this filing was will be sent by e-mail to the parties described in the attached service list by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

By:  /s/ Brian T. Stapleton  
Brian T. Stapleton, Esq.

**SERVICE LIST**

**DEFENDANT**

ANDREW M. CUOMO  
Governor of the State of New York  
NYS State Capitol Building  
Albany, NY 12224

ERIC T. SCHNEIDERMAN  
Attorney General of the State of New York  
NYS State Capitol Building  
Albany, NY 12224

JOSEPH A. D'AMICO  
Superintendent of the NYS Police  
New York State Police  
1220 Washington Avenue  
Building 22  
Albany, NY 12226-2252

GERALD J. GILL  
Chief of Police, Lancaster Police Dep't.  
Lancaster Police Department  
525 Pavement Road  
Lancaster, NY 14086

**DEFENSE COUNSEL**

OFFICE OF THE ATTORNEY GENERAL  
OF THE STATE OF NEW YORK  
William Taylor, Esq.  
Monica Connell, Esq.  
Asst. Attorneys General of Counsel  
120 Broadway, 24th Floor  
New York, New York 10271  
[william.taylor@ag.ny.gov](mailto:william.taylor@ag.ny.gov)  
[monica.connell@ag.ny.gov](mailto:monica.connell@ag.ny.gov)

Benjamin J. Ahlstrom, Esq.  
Asst. Attorney General of Counsel  
Main Place Tower  
350 Main Street, Suite 300A  
Buffalo, NY 14202  
[benjamin.ahlstrom@ag.ny.gov](mailto:benjamin.ahlstrom@ag.ny.gov)

Same as above

Same as above

HODGSON RUSS LLP  
Kevin M. Kearny, Esq.  
140 Pearl Street, Suite 100  
Buffalo, NY 14202-4040  
[kkearny@hodgsonruss.com](mailto:kkearny@hodgsonruss.com)