



2. Sections 265.02(8) and 265.36, which make it unlawful to possess, and § 265.10(2) & (3), which make it unlawful to transport, ship, or dispose of, a large capacity ammunition feeding device. In the alternative, to enjoin § 265.10(2) & (3) as applied to any such device manufactured before September 13, 1994.

3. Section 265.36, if not wholly enjoined, to enjoin everything beginning with the unintelligible “and if” clause.

4. Sections 265.00(23) and 265.36 in referring to any device “that can be readily restored or converted to accept” more than ten rounds of ammunition.

5. Sections 265.00(23) and 265.36 in referring to any device that “has a capacity of, or that can be readily restored or converted to accept, more than” ten rounds of ammunition, as applied to tubular magazines.

“Assault Weapons”

6. Section 265.00(22)(a)(i), (ii), and (iii) and (b)(i) and (ii), defining “assault weapon” in part as certain rifles and shotguns as having “a folding or telescoping stock,” “a pistol grip that protrudes conspicuously beneath the action of the weapon,” or “a thumbhole stock.”

7. Section 265.00(22)(b)(iv) and (v), which defines “assault weapon” as a semiautomatic shotgun with “(iv) a fixed magazine

As is set forth in the accompanying Memorandum of Law, the SAFE Act violates the plaintiffs’ rights under the Second Amendment to the United States Constitution, denies the plaintiffs the Equal Protection of the laws, and is unconstitutionally vague and ambiguous.

The plaintiffs are likely to succeed on the merits of their claims against the defendants, and the plaintiffs are suffering irreparable harm by the passage, implementation and enforcement of

this unconstitutional legislation. In addition, neither the public interest nor the defendants' interests justify the implementation and enforcement of the Act. This Court should therefore issue a preliminary injunction against the Act's implementation and enforcement.

The facts and law supporting this motion are fully set out in the Memorandum of Law that accompanies this motion.

The plaintiffs respectfully request that the Court hear oral argument on this motion on an expedited basis.

Dated: April 15, 2013

Respectfully Submitted,

LAW OFFICE OF STEPHEN HALBROOK

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**CERTIFICATION**

I hereby certify that on April 15, 2013, a copy of the foregoing MOTION FOR PRELIMINARY INJUNCTION 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 all parties 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.

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