

JANE DOE, et al.,

Plaintiffs,

v.

COL. MARCUS L. BROWN, in his official capacity as Secretary of the Department of State Police and Superintendent of the Maryland State Police, et al.,

Defendants.

* IN THE
* CIRCUIT COURT FOR
* BALTIMORE COUNTY

*
* Case No. _____

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**MOTION FOR PRELIMINARY INJUNCTION OR,
IN THE ALTERNATIVE, DECLARATORY RELIEF**

Pursuant to Maryland Rule 15-502 and Maryland Code, Courts and Judicial Proceedings Article, Sections 3-403 and 3-406, Plaintiffs Jane Doe, Carol Doe, Emily Doe, Mary Doe, and John Doe, Maryland Licensed Firearm Dealers Association (“MLFDA”), Associated Gun Clubs of Baltimore, Inc. (“AGC”), and Maryland Shall Issue, Inc. (“MSI”) (collectively, “Plaintiffs”), by and through undersigned counsel, hereby move this Court for a preliminary injunction or, in the alternative, declaratory relief. In support of this motion, Plaintiffs state:

1. Plaintiffs Jane Doe, Carol Doe, Emily Doe, Mary Doe, John Doe, and the individual members of Plaintiffs AGC and MSI have a plain and clear right to have their firearm applications reviewed and notices regarding disapproval issued by Defendants Col. Marcus L. Brown, Secretary of the Department of State Police and Superintendent of the Maryland State Police, and Maryland State Police (collectively, “Defendants”) within 7 days after the date their applications were forwarded to the Secretary of the Maryland State Police (“Secretary”) so that those Plaintiffs may exercise their fundamental constitutional right to purchase and keep firearms

for purposes of self-defense in their homes as guaranteed by the Second Amendment to the United States Constitution.

2. Plaintiff MLFDA has a plain and clear right to have the firearm applications forwarded to the Secretary by their individual members reviewed and notices regarding disapproval issued within 7 days after the date those applications are forward to the Secretary so that Plaintiff MLFDA's individual members may complete the underlying transactions giving rise to these applications without fear of incurring civil or criminal liability if such applications later are disapproved by Defendants.

3. Defendants have a clear statutory duty under Section 5-122(b)(1) of the Public Safety Article of the Maryland Code to issue all notices regarding disapproval of firearm applications within 7 days after the date the applications are forwarded to the Secretary.

4. Defendants' failure to comply with their statutory duty to issue notices regarding disapproval of firearm applications within 7 days from the date such applications are forwarded to the Secretary has, is, and will cause irreparable injury to the fundamental constitutional rights possessed by Plaintiffs Jane Doe, Carol Doe, Emily Doe, Mary Doe, John Doe, and the individual members of Plaintiffs AGC and MSI, insofar as those Plaintiffs are unable to complete their firearm purchases until Defendants issue notices regarding disapproval, unless this Court grants a mandatory injunction ordering Defendants (a) to issue all notices regarding disapproval of firearm applications within 7 days after the date such applications are forwarded to the Secretary and (b) to issue immediately notices regarding disapproval of all firearm applications that have been pending for more than 7 days, including the applications submitted by Plaintiffs Jane Doe, Carol Doe, Emily Doe, Mary Doe, John Doe, and the individual members of Plaintiffs AGC and MSI.

5. The benefits to Plaintiffs Jane Doe, Carol Doe, Emily Doe, Mary Doe, John Doe, and the individual members of Plaintiffs AGC and MSI in obtaining such mandatory injunction, which would enable those Plaintiffs to exercise their fundamental constitutional rights to purchase and keep firearms for purposes of self-defense in their homes as guaranteed by the Second Amendment to the United States Constitution, greatly outweigh any potential harm to Defendants resulting from such mandatory injunction, which merely would compel Defendants to comply with their existing statutory duties.

6. The public interest would be served best by granting the requested mandatory injunction because such mandatory injunction would ensure that Defendants comply with their existing statutory duties and guarantee that the citizens of Maryland may exercise their fundamental constitutional rights without undue burden or delay.

7. The rights of Plaintiff MLFDA and its individual members to complete transactions involving firearms in a timely fashion without fear of imposition of subsequent civil or criminal penalties are affected by Section 5-122(b)(1) of the Public Safety Article and Defendants' failure to comply with their statutory duty under that provision.

8. Plaintiff MLFDA maintains that, pursuant to the plain language of Section 5-122(b)(1) of the Public Safety Article, its individual members may complete transactions involving firearms more than 7 days after the firearm applications associated with such transfers have been forwarded to the Secretary, but prior to Defendants' issuance of notice regarding disapproval of such applications, without imposition of civil or criminal sanctions or other legal consequences upon them, even if such applications later are disapproved by Defendants.

9. Defendants and their representatives have advised Plaintiff MLFDA's individual members that they may complete transactions involving firearms more than 7 days after the

firearm applications associated with such transfers have been forwarded to the Secretary of the Maryland State Police, but prior to Defendants' issuance of notice regarding disapproval of such application, so long as those applications are not later disapproved by Defendants, in which case Plaintiff MLFDA's individual members may be subject to civil and criminal penalties. But for the position taken by Defendants outlined above, under the language of the applicable statute, MLFDA's individual members may and would transfer firearms to purchasers beyond the statutory waiting period of 7 days but before Defendants issue notices regarding disapproval of applications because the statute provides that Defendants shall issue notices regarding disapproval of applications within 7 days after the date the applications are forwarded to the Secretary.

10. As described in the foregoing paragraphs, there exists an actual controversy of a practicable issue between Plaintiff MLFDA and Defendants within the jurisdiction of this Court involving interpretation of Section 5-122(b)(1) of the Public Safety Act and the rights and obligations of Plaintiff MLFDA's individual members in completing transactions involving firearms prior to Defendants' issuance of notices regarding disapproval of firearm applications associated with such transactions, which controversy may be determined by a judgment of this Court.

11. Plaintiffs are likely to succeed on the merits.

12. Plaintiffs have no adequate remedy at law by which they may exercise their respective rights.

13. Any requirement for a bond should be waived.

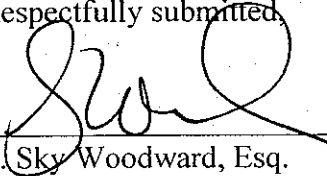
14. In support of this Motion, Plaintiffs rely upon the attached Memorandum in Support of Motion for Preliminary Injunction or, in the Alternative, Declaratory Relief and exhibits referenced therein.

WHEREFORE, Plaintiffs request that this Court issue a preliminary mandatory injunction ordering Defendants (a) to issue all notices regarding disapproval of firearm applications within 7 days after the date such applications are forwarded to the Secretary and (b) to issue immediately notices regarding disapproval of all firearm applications that have been pending for more than 7 days, including the applications submitted by Plaintiffs Jane Doe, Carol Doe, Emily Doe, Mary Doe, John Doe, and the individual members of Plaintiffs AGC and MSI.

In the alternative, Plaintiffs request that this Court issue a declaratory judgment establishing as a matter of law that sellers, lessors, and transferors lawfully may complete transactions involving firearms more than 7 days after the firearm applications associated with such transfers have been forwarded to the Secretary, but prior to Defendants' issuance of notice regarding disapproval of such applications, without imposition of civil or criminal sanctions or other legal consequences upon such sellers, lessors, and transferors, even if such applications later are disapproved by Defendants.

In addition, Plaintiffs request that this Court waive any requirement for a bond.

Respectfully submitted,



T. Sky Woodward, Esq.

John Parker Sweeney, Esq.

Kevin B. Mattingly, Esq.

BRADLEY ARANT BOULT CUMMINGS LLP

1615 L Street N.W., Suite 1350

Washington, D.C. 20036

P (202) 719-8214

F (202) 719-8314

SWoodward@babc.com

*Counsel for Plaintiffs Jane Doe, Carol Doe, Emily Doe,
Mary Doe, John Doe, Maryland Licensed Firearm Dealers
Association, Inc., Associated Gun Clubs of Baltimore, Inc.,
and Maryland Shall Issue, Inc.*

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IN THE
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(PROPOSED) ORDER

Upon consideration of Plaintiffs' Motion for Preliminary Injunction or, in the Alternative, Declaratory Relief and Memorandum in Support, and any Opposition thereto, it is hereby ORDERED this __ day of _____, 2013, that Plaintiffs' Motion is GRANTED. Thus, Defendants are hereby ordered (a) to issue all notices regarding disapproval of firearm applications within 7 days after the date such applications are forwarded to Defendants and (b) to issue immediately notices regarding disapproval of all firearm applications that have been pending for more than 7 days, including the applications submitted by Plaintiffs Jane Doe, Carol Doe, Emily Doe, Mary Doe, John Doe, and the individual members of Plaintiffs Associated Gun Clubs of Baltimore, Inc., and Maryland Shall Issue, Inc. Additionally, it is hereby established as a matter of law that sellers, lessors, and transferors lawfully may complete transactions involving firearms more than 7 days after the firearm applications associated with such transfers have been forwarded to Defendants, but prior to Defendants' issuance of notice regarding disapproval of such applications, without imposition of civil or criminal sanctions or other legal consequences

upon such sellers, lessors, and transferors, even if such applications later are disapproved by Defendants. Finally, this Court hereby waives any requirement for a bond in this case.

Judge, Circuit Court for Baltimore County

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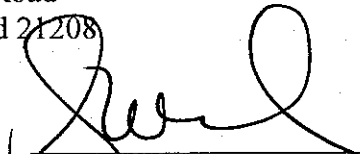
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of May, 2013, copies of this Motion for Preliminary Injunction or, in the Alternative, Declaratory Relief, Memorandum in Support, and Proposed Order were served, by hand-delivery, on the following:

Office of the Attorney General
Douglas F. Gansler
Attorney General
200 St. Paul Place
Baltimore, Maryland 21202

Office of the Attorney General
Mark H. Bowen
Assistant Attorney General
1201 Reisterstown Road
Pikesville, Maryland 21208



T. Sky Woodward, Esq.