

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DELORES RICCI, *and*)
)
 ASSOCIATION OF NEW JERSEY RIFLE)
 & PISTOL CLUBS, INC.,)
)
 Plaintiffs,)
)
 v.)
)
 PHILIP D. MURPHY, in his official capacity)
 as the Governor of New Jersey, *and*)
)
 GURBIR S. GREWAL, in his official)
 capacity as Attorney General of New Jersey,)
and)
)
 PATRICK J. CALLAHAN, in his official)
 capacity as Superintendent of the New Jersey)
 Division of State Police and as State Director)
 of Emergency Management,)
)
 Defendants.)

Civil Action No. 20-cv-5800

COMPLAINT FOR DECLARATORY, INJUNCTIVE, AND MONETARY RELIEF

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**Pro hac vice* application
forthcoming

Attorneys for Plaintiffs

LOCAL CIVIL RULE 10.1 STATEMENT

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INTRODUCTION

Plaintiffs Delores Ricci and Association of New Jersey Rifle & Pistol Clubs, Inc. (collectively “Plaintiffs”), by and through their undersigned attorneys, file this Complaint against the above-captioned Defendants, in their official capacities as the Governor of New Jersey, the Attorney General of New Jersey, and the Superintendent of the New Jersey Division of State Police and State Director of Emergency Management for their acts of administering and enforcing the Governor’s unconstitutional closure of all firearm training ranges—including outdoor firearm training ranges—in the State. Plaintiffs seek declaratory and injunctive relief: a declaration that Executive Order 107 (“EO 107”) (attached as Exhibit 1) violates the Second and Fourteenth Amendments to the extent it operates to prohibit training with firearms at outdoor ranges and an injunction prohibiting the enforcement of the unconstitutional policy. Plaintiffs also seek actual and nominal damages caused by EO 107. In support of their Complaint against Defendants, Plaintiffs hereby allege as follows:

1. This lawsuit challenges Defendants’ actions mandating and enforcing the closure of all outdoor firearm training ranges in the State. This action effectively bans typical, law-abiding citizens in the State of New Jersey from exercising their constitutional right to practice with firearms to gain and maintain proficiency in firearms use.

2. Prohibiting training with firearms is akin to prohibiting the exercise of Second Amendment rights altogether. “The right to possess firearms for protection implies a corresponding right to acquire and maintain proficiency in their use; the core right wouldn’t mean much without the training and practice that make it effective.” *Ezell v. City of Chicago*, 651 F.3d 684, 704 (7th Cir. 2011); *see also N.Y. State Rifle & Pistol Ass’n, Inc. v. City of New York*, 2020 WL 1978708, at *14 (U.S. Apr. 27, 2020) (Alito, J., dissenting) (reasoning that a “necessary concomitant” of the Second Amendment right “is to take a gun to a range in order to gain and

maintain the skill necessary to use it responsibly”); *Drummond v. Township of Robinson*, 784 Fed. Appx. 82, 84 & n.8 (3d Cir. 2019). Indeed, the Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570 (2008), approvingly quoted a “massively popular” 1880 treatise on constitutional law observing that “to bear arms implies something more than the mere keeping; it implies the learning to handle and use them in a way that makes those who keep them ready for their efficient use; in other words, it implies the right to meet for voluntary discipline in arms, observing in doing so the laws of public order.” *Id.* at 617–18 (quoting Thomas M. Cooley, *The General Principles of Constitutional Law in the United States of America* 271 (1880)).

3. Despite the centrality of range-training to the exercise of Second Amendment rights, Governor Murphy has, since March 21, 2020, banned that activity throughout the State of New Jersey with the stroke of a pen, effectively preventing New Jersey’s citizens from obtaining or maintaining their proficiency in firearms use. Governor Murphy’s ban is flatly contrary to the Second Amendment.

4. The existence of the COVID-19 pandemic does not justify Governor Murphy’s actions. Plaintiffs recognize that the pandemic presents significant and urgent problems for state officials seeking to ensure the safety and well-being of citizens of New Jersey. But the State’s untenable regulatory choices refute any assertion that COVID-19 requires New Jersey to shut down all outdoor gun ranges.

5. EO 107 broadly requires that “all non-essential retail businesses” and “recreational and entertainment businesses” must remain closed to the public as long as the Order remains in effect. Governor Murphy claims that firearm training ranges fall within those prohibitions. *See* Press Release, *Governor Murphy Extends Carry Permits for Retired Law Enforcement Officers and Creates Process for Carry Permit Applicants to Demonstrate Qualifications*, STATE OF N.J.

GOVERNOR PHIL MURPHY (Apr. 27, 2020) (acknowledging that “shooting ranges” “are closed to the public under Executive Order No. 107”), <https://bit.ly/3fGHWHo>. The Order also specified certain outdoor “recreational” and “entertainment” businesses subject to closure: amusement parks, water parks, zoos, and theme parks. Governor Murphy later clarified that “[g]olf courses [were] considered recreational and entertainment businesses that must close to the public.” Press Release, *Governor Murphy and Superintendent Callahan Announce Updates and Clarifications to List of Businesses Permitted to Operate*, STATE OF N.J. GOVERNOR PHIL MURPHY (Mar. 30, 2020), <https://bit.ly/2We9sUM>. And in early April, Governor Murphy issued Executive Order 118 (“EO 118”), extending the closure of outdoor recreation areas to include all State Parks and Forests.

6. EO 107 allowed certain “essential retail businesses” to remain open, including liquor stores, medical marijuana dispensaries (entities that operate in flagrant violation of federal law), convenience stores, and pet stores, among others. Originally, however, EO 107 did not allow any brick-and-mortar, firearm-related businesses to remain open while the order was in effect. EO 107 therefore failed to recognize that the Second Amendment right to acquire a firearm for self-defense is at least as “essential” as the activities supported by other open businesses, and that gun stores could be operated in an equally sanitary manner by following social distancing and other required protocols. At the same time, EO 107 also privileged other constitutional rights, exempting religious and political activities from the stay-at-home order. In doing so, Governor Murphy appeared not to appreciate that the Second Amendment is not a “second-class right” that can be “singled out for special—and specially unfavorable—treatment.” *McDonald v. City of Chicago*, 561 U.S. 742, 778–79, 780 (2010) (plurality opinion). Indeed, Governor Murphy expressly denigrated Second Amendment rights in remarking on his decision to classify firearm retailers as non-essential that “[a] safer society for my taste has fewer guns and not more guns.”

See Alex Napoliello, *Gun Advocates Say Shops Should Reopen Now. Murphy Says No*, NJ.COM (Mar. 25, 2020), <https://bit.ly/2JlbRFP>.

7. Eventually, after the filing of multiple lawsuits, Governor Murphy relented and allowed firearm retailers to reopen their doors. See *Governor Murphy and Superintendent Callahan Announce Updates and Clarifications to List of Businesses Permitted to Operate*, *supra*. But the Governor has left in place the required closure of all shooting ranges, *despite federal guidelines explicitly to the contrary*. See Christopher C. Krebs, Director, Cybersecurity & Infrastructure Security Agency, *Advisory Memorandum On Identification of Essential Critical Infrastructure Workers During COVID-19 Response* 8, U.S. DEP'T OF HOMELAND SEC. (Apr. 17, 2020), <https://bit.ly/3b8KTg9>.

8. Governor Murphy has continued to mandate those closures even though at the end of April, in Executive Order 133 (“EO 133”), he permitted the reopening of all golf courses and State Parks and Forests within the State. This inexplicable decision to allow these outdoor venues to reopen while keeping outdoor shooting ranges closed treats the exercise of a fundamental constitutional right to less protection and solicitude than spaces that are concededly related merely to “recreation.”

9. To make matters worse, EO 107 effectively bans the protected Second Amendment activity of training and building proficiency with firearms at the precise moment when the right to keep and bear arms is most essential. As is true in many States, the citizens of New Jersey face unprecedented social disruption due to the COVID-19 emergency. Police forces, strained to their breaking point by infection and scarcity of resources, must now also enforce a lockdown order and, as a result, have begun to prioritize policing more serious crimes. At the same time, public acts of lawlessness are becoming increasingly common, and state officials have taken the

unprecedented step of releasing inmates back onto the streets. The importance of recognizing and protecting the fundamental right of law-abiding citizens to self-defense (including training with firearms) has never been higher. Indeed, the federal government has recognized “workers supporting the operation of . . . shooting ranges” as critical infrastructure workers during this time of crisis. *See Krebs, supra*, at 8.

10. “The Second Amendment is a doomsday provision,” *Silveira v. Lockyer*, 328 F.3d 567, 570 (9th Cir. 2003) (Kozinski, J., dissenting from denial of rehearing en banc), and in this time of crisis Americans across the Nation are preparing for the worst by training for the defense of themselves and their families. “Gun sales are surging in many U.S. states,” Kurtis Lee & Anita Chabria, *As the Coronavirus Pandemic Grows, Gun Sales Are Surging in Many States* (L.A. TIMES, Mar. 16, 2020), <https://lat.ms/39kNVNt>, with dealers reporting “an unusually high proportion of sales . . . to first-time gun buyers,” Richard A. Oppel, Jr., *For Some Buyers With Virus Fears, the Priority Isn’t Toilet Paper. It’s Guns.*, N.Y. TIMES (Mar. 16, 2020), <https://nyti.ms/39gfRCc>. Now more than ever it is imperative that the citizens of New Jersey be able to exercise their right to gain and maintain proficiency in the use of firearms. Given that the Governor has opened golf courses, there is absolutely no basis for keeping outdoor shooting ranges closed.

VENUE AND JURISDICTION

11. The Court has subject matter jurisdiction under 28 U.S.C. §§ 1331, 1343.

12. The Court has personal jurisdiction over the Defendants because each acted, acts, and threatens to act under the color of the laws of the State of New Jersey and each did so, does so and threatens to do so within the geographic confines of the State and District of New Jersey.

13. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(1)–(2).

PARTIES

14. Plaintiff Delores Ricci is a citizen of the United States and a resident and citizen of the State of New Jersey. She resides in Camden County.

15. Plaintiff Association of New Jersey Rifle & Pistol Clubs, Inc. (the “ANJRPC”) is a not-for-profit membership corporation, incorporated in the State of New Jersey in 1936 and represents its members. Its address is 5 Sicomac Road, Suite 292, North Haledon, New Jersey 07508. ANJRPC represents the interests of target shooters, hunters, competitors, outdoors people and other law-abiding firearms owners. Among the ANJRPC’s purposes is aiding such persons in every way within its power and supporting and defending the people’s right to keep and bear arms, including the right of its members and the public to train in the proficient use of firearms. ANJRPC also owns and operates Cherry Ridge Range in Highland Lakes, New Jersey, a 60-acre outdoor range which provides outdoor target practice opportunities to ANJRPC’s members. EO 107’s closure to the public of all firearm training facilities is thus a direct affront to ANJRPC’s central mission. ANJRPC has many thousands of individual members who reside in New Jersey as well as many member clubs with outdoor range facilities. ANJRPC brings the claims herein on behalf of its members, including Plaintiff Ricci.

16. Defendant Philip D. Murphy is the Governor of the State of New Jersey, and he is named as a defendant in his official capacity as such. As Governor, he executed EO 107 at issue in this challenge and is responsible for its continued efficacy.

17. Defendant Gurbir S. Grewal is the Attorney General of the State of New Jersey, and he is named as a defendant in his official capacity as such. As the chief law enforcement officer of the State of New Jersey, the Attorney General exercises, delegates, or supervises all the powers and duties of the New Jersey Department of Law and Public Safety, including the enforcement of N.J. STAT. ANN. App. A: 9–49, which imposes penalties for violations of EO 107.

18. Defendant Patrick J. Callahan is the State Director of Emergency Management in New Jersey and is also the Superintendent of the New Jersey State Police, and he is named as a defendant in his official capacity as such. As Director of Emergency Management, Callahan is responsible for implementing certain aspects of EO 107, including its list of essential retail businesses. As Superintendent of the New Jersey State Police, Defendant Callahan is responsible for supervising the New Jersey State Police, which enforces the provisions of EO 107 through arrests.

FACTUAL ALLEGATIONS

EO 107 and the Closure of Shooting Ranges

19. COVID-19 has caused a pandemic that is spreading throughout the world, including the United States and the State of New Jersey. Public officials are taking action to attempt to contain and mitigate this illness. It is unclear how long it will take for this pandemic illness to run its course, but many leading public health experts have estimated that the outbreak could persist for several more months.

20. On March 21, 2020, Defendant Governor Murphy issued EO 107, which ordered (among other things) that “[t]he brick-and-mortar premises of all non-essential retail businesses must close to the public as long as this Order remains in effect.” EO 107 at 6. EO 107 did not include licensed firearms dealers or shooting ranges in its list of “essential” businesses, meaning that they were all required to “close to the public” for the duration of the order, which has no expiration date. *Id.*

21. However, included in the list of “essential” businesses are liquor stores, medical marijuana dispensaries, convenience stores, and pet stores, among others.

22. EO 107 also mandates that

[a]ll New Jersey residents shall remain home or at their place of residence unless they are 1) obtaining goods or services from essential retail businesses . . . ; 2) obtaining takeout food or beverages from restaurants, other dining establishments, or food courts . . . ; 3) seeking medical attention, essential social services, or assistance from law enforcement or emergency services; 4) visiting family or other individuals with whom the resident has a close personal relationship . . . ; 5) reporting to, or performing, their job; 6) walking, running, operating a wheelchair, or engaging in outdoor activities with immediate family members, caretakers, household members, or romantic partners while following best social distancing practices with other individuals, including staying six feet apart; 7) leaving the home for an educational, religious, or political reason; 8) leaving because of a reasonable fear for his or her health or safety; or 9) leaving at the direction of law enforcement or other government agency.

EO 107 at 5.

23. EO 107 was soon challenged in this Court as violating the Second and Fourteenth Amendments to the extent that it banned the sale of firearms and ammunition in the State. *See Ass'n of N.J. Rifle & Pistol Clubs, Inc. v. Murphy*, No. 20-3269 (D.N.J.); *Kashinsky v. Murphy*, No. 20-3127 (D.N.J.). Governor Murphy quickly changed course and belatedly determined that firearms retailers are permitted to operate—by appointment only and during limited hours—to conduct business which, under law, must be done in person, so long as they abide by the social distancing policies in EO 107. *See* N.J. Office of Emergency Mgmt. Admin. Order No. 2020-6, Essential Businesses (Mar. 30, 2020).

24. Several weeks later, on April 7, 2020, Governor Murphy issued Executive Order 118 (“EO 118”). That Order stated that “[a]ll State Parks and Forests and county parks” would need to close to protect public health. EO 118 at 3. The Order defined “State Parks and Forests” to include “all State parks, forests, recreation areas, historic sites, marinas, golf courses, botanical gardens, and other lands, waters, and facilities assigned to the State Park Service in DEP’s Division of Parks and Forestry.” *Id.* at 2.

25. On April 27, Governor Murphy allowed a tiny class of individuals to access shooting ranges, but only for a very limited purpose: to perform training necessary to obtain a license to carry a firearm outside of the home after licensing officials determine that the person otherwise would meet the stringent qualifications for such a license. *See* Executive Order No. 129 (“EO 129”). The Order was primarily directed to create an exception for security guards, and thus does nothing for typical, law-abiding citizens of New Jersey who desire to visit a shooting range to obtain and maintain proficiency in using a firearm. And while some individuals otherwise qualified for a carry permit may have access to ranges under EO 129, those persons are *atypical*, because to qualify a person must “demonstrate a special danger to the applicant’s life.” N.J. STAT. ANN. § 2C:58-4. Other law-abiding citizens like Plaintiff Ricci have no avenue by which to access shooting ranges under EO 129.

26. On April 29, 2020, Governor Murphy issued Executive Order 133 (“EO 133”). That Order noted that since the issuance of EO 118, the Centers for Disease Control “issued guidance for visiting parks and recreational facilities” and the State was “no longer seeing an increase in the number of new cases of COVID-19 that are being reported on a daily basis.” EO 133 at 3. Because the State had made “continued progress in its fight against COVID-19,” the Governor concluded that it was “appropriate to ensure that New Jerseyans can safely enjoy outdoor recreation, with reasonable restrictions that limit the spread of COVID-19, as a way to enhance physical and mental health, while maintaining the overall social distancing and mitigation requirements in place to protect the health, safety, and welfare of New Jersey residents.” *Id.* Therefore, Governor Murphy announced that all State Parks and Forests would reopen to the public on May 2, 2020, for a variety of “passive recreational activities,” superseding the operative paragraphs of EO 118. *Id.* at 4.

27. EO 133 likewise permitted the reopening of golf courses “to the public and to members associated with private golf clubs,” so long as those courses agreed to adopt a variety of social distancing policies, including (1) requiring that reservations and payments be made electronically or over the telephone; (2) staggering tee times to limit the number of persons on the course; (3) restricting the use of golf carts to single occupants; (4) frequently sanitizing high-touch areas and limiting players ability to touch common surfaces; among others. *See id.* at 7–9.

28. But apart from golf courses, Governor Murphy concluded that “the ongoing pandemic means that other brick and mortar retail and recreation businesses, and other businesses in which it is more challenging to comply with social distancing measures, are not ready to be reopened at this time.” *Id.* at 4. Shooting ranges, including outdoor shooting ranges, therefore remain closed pending further order by the Governor, despite their similarities with other outdoor venues such as golf courses.

29. Like golf courses, outdoor shooting ranges are, obviously, located outdoors, which makes it easier generally for individuals to practice social distancing, and, consequently, less likely to spread a virus like COVID-19. *See* Marty Johnson, *New Study Finds Few Cases of Outdoor Transmission of Coronavirus in China*, THE HILL (Apr. 23, 2020), <https://bit.ly/2zyJCSr>. And like golf courses, shooting ranges are also designed for a particular purpose; they are not suitable for all outdoor activity. Moreover, each shooter at an outdoor range, like a golfer on a course, can engage in the relevant activity by herself, so that the actions of others using the venue do not directly impact her. Likewise, golfers can generally complete a round touching only their own property—their own clubs and golf balls. The same is true of shooters at a firing range, who generally need only to touch their own firearms and ammunition. Indeed, if anything, the risk of

cross-contamination is greater at a golf course, where players reach down to retrieve their balls from the same cups and potentially handle the same balls when using a course's driving range.

30. Two days after issuing EO 133, during a briefing related to COVID-19, Governor Murphy was asked by a reporter whether tennis courts would be closed at parks. The governor deferred to his Chief Counsel, Matt Platkin, who said that the reopening of tennis courts was “[u]p to the county or the municipality.” Press Release, *TRANSCRIPT: May 1st, 2020 Coronavirus Briefing Media*, STATE OF N.J. GOVERNOR PHIL MURPHY (May 1, 2020), <https://bit.ly/3fE7Z1N>. The Governor then reiterated the response: “Up to the county or municipality.” *Id.* Several local governments have since chosen to reopen their tennis courts. *See, e.g.*, Carly Baldwin, *Middletown Opens Tennis Courts, Playing Fields Back Up*, PATCH MEDIA (Apr. 29, 2020), <https://bit.ly/2Llqtq0>; Caren Lissner, *Millburn Tennis Courts Open Thursday, Other Coronavirus Updates*, PATCH MEDIA (May 6, 2020); <https://bit.ly/2zxFUUI>; Dawn Miller, *South Brunswick Tennis Courts Reopened*, TAPINTO.NET (May 5, 2020), <https://bit.ly/3fEIDSI>; Twp. Of Berkeley Heights, *Lower Columbia Park Tennis Courts Open in Berkeley Heights, With Restrictions*, TAPINTO.NET (May 9, 2020), <https://bit.ly/2WQceP4>; Press Release, *Tennis Court and Dog Park Re-Opening With Restrictions*, MOUNT OLIVE TWP. N.J. (May 8, 2020), <https://bit.ly/2WKKoE2>.

31. Unlike golf or target practice, tennis is an inherently interactive activity that requires participants to physically interact with each other. Even if tennis players are always able to maintain social distancing of 6 feet apart, tennis involves lobbing a ball back and forth. This requires *both* tennis players to touch the same ball, whether to serve it, retrieve it, etc. This mutual touching of the same ball provides a significantly greater chance of spreading the virus than that present when shooting.

**Defendants' Actual and Threatened Enforcement of the Challenged
Laws, Policies, and Practices and Its Injury to the Plaintiffs**

32. Plaintiff Ricci is 59 years old and a healthcare consultant. She is a first-time firearm owner, who recently purchased a handgun for self-defense after first obtaining a Handgun Purchase Permit. She has no prior experience in handling firearms of any kind. In light of the current emergency situation, she believes it is especially important that she be in a position to defend herself and her family with a firearm if necessary and that target practice at a shooting range is essential to acquiring and maintaining an adequate defense.

33. Because EO 107 has compelled all shooting ranges in the State to close, Plaintiff Ricci is unable to engage in the target practice necessary to obtain or maintain proficiency with her newly acquired firearm.

34. But for the terms of EO 107, Plaintiff Ricci would travel to a shooting range forthwith and train in the use of firearms.

35. Plaintiff ANJRPC has many thousands of members who reside in New Jersey. Among the ANJRPC's purposes is aiding such persons in every way within its power and supporting and defending the people's right to keep and bear arms, including the right of its members and the public to effectively use firearms. ANJRPC has numerous members who wish to frequent shooting ranges to obtain or maintain proficient use of their firearms but are unable to do so because of EO 107. But for Defendants' enforcement of EO 107, those members would forthwith travel to an outdoor shooting range to train with their firearms. Likewise, ANJRPC has as a member club at least one New Jersey shooting range that is unable to allow members of the public to use the range for firearms training because of EO 107. But for Defendants' continued enforcement of EO 107, that member club would forthwith reopen its range, subject to reasonable sanitization and social-distancing policies.

36. Plaintiff ANJRPC owns and operates the Cherry Ridge Range (“Range”) in Highland Lakes, New Jersey.

37. As the COVID-19 pandemic has unfolded, many ANJRPC members have expressed grave concern over the developing emergency. Indeed, ANJRPC experienced a dramatic increase in new Range memberships that began in January 2020 and continued until the issuance of EO 107.

38. Now that EO 107 has taken effect, the Range is no longer open for use by ANJRPC Range members, as EO 107 purports not to acknowledge outdoor shooting ranges as “essential businesses.”

39. Since EO 107 took effect, ANJRPC Range members have contacted ANJRPC and expressed their desire to engage in target practice on the Range to develop, improve, or maintain their firearm proficiency for the purpose of personal protection. Plaintiff ANJRPC has been forced to advise these people that it is no longer possible to operate the Range under EO 107.

40. If ANJRPC could operate the Range under EO 107, it would reopen immediately. In doing so, ANJRPC could and would implement important sanitary and safety procedures, including limiting the number of members on each range at any one time, strictly observing and enforcing social distancing protocols, requiring employees to wear masks or other face coverings, and regularly sanitizing exposed surfaces.

41. Plaintiff Ricci, as a Range member of Plaintiff ANJRPC, is permitted to use the Range’s facilities, were it to reopen. She would train at the Range upon its reopening if it were the most convenient range option available to her.

COUNT ONE

**42 U.S.C. § 1983 Action for Deprivation of
Plaintiffs' Rights under U.S. CONST. amends. II and XIV**

42. The Second Amendment to the United States Constitution provides: "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." U.S. CONST. amend. II.

43. The Second Amendment applies to New Jersey by operation of the Fourteenth Amendment.

44. The Second Amendment, as incorporated against New Jersey, protects the right to attain and maintain proficiency in firearms use for lawful purposes, including the lawful purpose of self-defense.

45. Defendants' acts of prohibiting the operation of shooting ranges without regard to their manner of operation prohibits law-abiding individuals from acquiring and maintaining firearm proficiency for the purpose of protecting themselves and their families (and for other lawful purposes). By their terms, these acts stand as a bar on firearm proficiency.

46. State and local governments do not have the power to *prohibit* the means by which law-abiding citizens may acquire and maintain their proficiency with firearms.

47. Defendant Murphy's directive in EO 107 that all shooting ranges close themselves to typical law-abiding citizens, without exception, stands as a ban on obtaining and maintaining firearm proficiency.

48. Defendants' ongoing enforcement of EO 107 prevents the Plaintiffs and/or the Plaintiffs' members from patronizing shooting ranges for the purpose of exercising their constitutional right to proficient firearms use, thus causing injury and damage that is actionable under 42 U.S.C. § 1983.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for the following relief:

- i. a declaratory judgment that EO 107 violates the Second and Fourteenth Amendments to the extent it requires the closure of all outdoor shooting ranges;
- ii. a preliminary and/or permanent injunction restraining Defendants and their officers, agents, servants, employees, and all persons in concert or participation with them who receive notice of the injunction, from enforcing EO 107 to the extent it prohibits individuals from operating outdoor shooting ranges or using the ranges for firearms training;
- iii. actual or nominal damages caused by EO 107's ban on firearm training;
- iv. such other and further relief, including injunctive relief, against all Defendants, as may be necessary to effectuate the Court's judgment, or as the Court otherwise deems just and equitable; and
- v. attorney's fees and costs pursuant to 42 U.S.C. § 1988.

Dated: May 12, 2020

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**Pro hac vice application forthcoming*

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