

As you know there are a lot of variables to consider in these lawsuits. They have been fluid. Almost daily changes, if not weekly.

Very hard at times, to explain. Not easy to understand.

If Paloma did a video last week it would have been outdated now. Hopefully in the next week things will stabilize and she can do a solid accurate updated video.

Bill  
GOA-NY  
2nd A Show

Here's an UPDATE on the SCOTUS-level litigation going on in *Antonyuk II v. Nigrelli* (NYSP) and *Gazzola v. Hochul*.

The *Antonyuk II* case is awaiting a ruling from SCOTUS Justice Sonia Sotomayor on their motion to reverse the Second Circuit stay of Judge Suddaby's NDNY stay of key provisions of the "Concealed Carry Improvements Act." Their motion, filed late December, was answered by NYS, and they've done their reply. It is fully-submitted and the Justice is within her powers to rule any time.

Justice Sotomayor is the dedicated Justice for motions arising from the Second Circuit Court of Appeals. There's one justice assigned for each district. Yes, there is still an additional gameplay left if she denies the motion, but stay present in the moment of awaiting her decision, first.

For *Gazzola*, I am awaiting the NYS response to my emergency motion on behalf of my FFL Type-01 (dealer) and Type-02 (pawnbroker) plaintiff clients. We're still trying to get a stay of some 30 new laws targeting firearms dealers in the lawful stream of commerce. It's a heavy lift. Our case hinges on the Justices seeing the necessity of interpreting the word "to keep" in the Second Amendment to give gun stores the same level of protection as the individual against government laws that amount to "constitutional regulatory overburden" - itself also a novel concept. The firearm is the only "object" in the Bill of Rights and without it an individual cannot self-actualize their rights under the Second Amendment.

*Gazzola* also has a second paper pending (differs in legal needs from *Antonyuk II*). We filed a Petition for Writ of Certiorari Ahead of Judgment, asking the full court to rule on several questions of law. Whether we achieve the stay or we don't, because our theories are watershed, we need some divine guidance to help us go the distance in the lower courts. We filed it as a Rule 11 Petition, an exceptionally rare format, arguing that our issues are of "imperative public importance," affecting not just the plaintiffs, but the 1,800 FFL dealers and pawnbrokers across NYS, and the more than 50,000 across the U.S. in our collective ability to be the retail-individual interface for firearms and ammunition.

Of course! What these laws were design to do is put FFLs across NY out-of-business. The penalties for violations are no longer regulatory (a fine), but criminal (class A misdemeanors and class E felonies).

Both the NYS AG's Office in their papers in our lawsuit and the damned Assembly "debate" on the day of bill vote only briefly mentioned actual gun stores, and it was only Wal-Mart (47 Type FFL-01s across NYS, fyi) and Runnings (only 10, fyi). Not one small gun shop has been named or addressed by anyone but our lawsuit. A true short-sightedness by our Second Amendment tribe and our elected representatives.

The intensity of our situation is growing worse. The first of the plaintiffs has a looming deadline for renewal of their ATF FFL license, which includes two questions about whether they are in compliance with NYS laws. If we can't get the stay from SCOTUS, we're going to have to try to convince the ATF that the pending lawsuit and the fate of all FFLs in NY are going to lead to out-of-business outcomes, if they won't support our position, e.g., defending federal firearms compliance records from the NYSP and their legislated registry creation which violates three acts of Congress since 1968.

I'll be on "court black-out" tomorrow (Wednesday) and Thursday, as I will have merely 24-hours at best to reply to the NYS response to our motion. Wish me luck!

Follow along here:

***Antonyuk II:***

<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/22a557.html>

***Gazzola*** motion for emergency stay:

<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/22a591.html>

***Gazzola*** petition under Rule 11:

<https://www.supremecourt.gov/Search.aspx?FileName=/docket/docketfiles/html/public\22-622.html>

Thanks for every dollar of contribution! Extend my best to everyone who's following and praying for the wisdom of the nation's high court.

Best, Paloma

Ms. Paloma A. Capanna  
Attorney & Policy Analyst