NRA
CIVIL RIGHTS
DEFENSE FUND

2016
ANNUAL REPORT

FROM THE CHAIRMAN

The NRA Civil Rights Defense Fund works diligently to secure justice for law abiding gun owners all across America. As a supporter of the Fund, you have our deep gratitude for making this precedential work possible. The activities of the Fund speak clearly to the dedication of the Fund Trustees in answering the mandate of the Board of Directors of the National Rifle Association of America when it created the Fund in 1978.

In the Litigation Activities section of this report, review the 55 different cases supported by the Fund in 2016 to correct the injustice that exists in our laws today.

In addition to our case law work, we continue to reach citizens in all walks of life with the help of our research programs, grants and writing contest awards. Each year, our writing contests are held at junior and senior high school levels. Additionally, we distribute thousands of pertinent books and articles to libraries and individuals. Through these ongoing efforts we educated and help shape the opinions of students, lawyers, legislators and everyday citizens.

The Fund must continue to meet the present and future challenges certain to rise threatening our constitutional right to keep and bear arms. You can support the Fund's work through direct donations, estate planning, or through the Combined Federal Campaign (CFC) or United Way payroll deductions. Our CFC number is 10006.

Please take the time to share this 2016 annual report with your friends and family. Ask them to step forward and make a commitment to secure their civil right to keep and bear arms across America.

On behalf of the Board of Trustees, and the millions of law-abiding gun owners across America, thank you for your support of the NRA Civil Rights Defense Fund.

Sincerely,

James W. Porter, II
Chairman

VICTORY

ANOTHER RESOUNDING

FOR FIREARMS RIGHTS

FEATURED CASE

AT THE END OF SEPTEMBER, CHIEF JUDGE Ramona V. Manglona of the United States District Court for the Northern Mariana Islands invalidated the majority of firearm restrictions challenged in a lawsuit in the Commonwealth of the Northern Mariana Islands (CNMI). This is the same Chief Judge Manglona who earlier this year struck down the last handgun ban in the United States, in Radich v. Guerrero.

The government's response to the Radich decision was to cobble together a new Special Act for Firearms Enforcement (SAFE), a "dramatic overhaul" of the Commonwealth's gun-control laws, enacted two weeks after the court struck down the handgun ban. In signing the legislation, Gov. Ralph Torres explained that because of the ruling, "the only option we have is to make regulations as strict as possible."

The NRA predicted that this new legislation would certainly face a court challenge. Sure enough, in this most recent case of Murphy v. Guerrero, the court considered the validity of several restrictions in SAFE and the CNMI Weapons Control Act. These included the requirement that a person obtain a license for and register all firearms by way of a government-issued weapon identification card (WIC). Under CNMI law, it was a crime to possess or import firearms and ammunition without a WIC, and persons without a WIC were liable to have firearms seized as contraband upon entry into the Commonwealth. The law also restricted how firearms could be stored at home by requiring them to be stored in a locked container or disabled with a trigger lock, or "carried on the person" by someone aged at least 21. The Commonwealth law also banned large capacity magazines (LCMs), being any magazine or similar device that could hold more than ten rounds; banned rifles in calibers above .223; banned "assault weapons;" and prohibited transporting operable firearms by allowing only the carrying or transport of guns that were unloaded and carried or transported apart from any ammunition. Lastly, a $1,000 excise tax was imposed on all imported handguns, irrespective of the gun's value.

These restrictions were challenged by Paul Murphy, a veteran who served honorably on active duty in Iraq and Afghanistan as a U.S. Army Ranger. He had his handgun, rifle, and ammunition confiscated when he entered the CNMI; other guns were seized when he later refused to re-register or register his rifles. None of his property had been returned to him. Murphy protested these seizures to Commissioner James Deleon Guerrero of the Department of Public Safety and the CNMI Office of the Attorney General, but was told that his disagreements with the law were improperly made or, in the case of the Attorney General's Office, not acknowledged at all.

Murphy filed his lawsuit as a pro se litigant, arguing that these restrictions violated his Second Amendment rights. The CNMI's founding covenant adopts and recognizes the Constitution of the United States of America, and adopts the Second Amendment and section 1 of the Fourteenth Amendment of the Constitution as they apply to the states. Accordingly, the Second Amendment applies with full force in the CNMI as if it were a state.

After extensive legal analysis, the court determined that the firearm registration requirement, the ban on rifles in calibers larger than .223, the ban on "assault weapons," the ban on transporting operable firearms, and the $1,000 excise tax were unconstitutional, but left in place the licensing and storage requirements, and the ban on LCMs.

Chief Judge Manglona found that the registration requirement unconstitutionally burdened Second Amendment rights because, for each firearm a responsible law-abiding person had to register (even if he or she already had a WIC), the person still had to wait at least 15 days before the gun could be possessed lawfully. No public safety rationale advanced by the government justified this restriction. Similarly, the long gun caliber restriction failed because the government's reason for the ban – that bullets from such guns travelled farther and thus carried a more significant risk of collateral damage for missed shots – was unsupported by any evidence. Even assuming this restriction had its intended effect, there was nothing to show that it actually made bystanders any safer. "The Commonwealth cannot heavily burden a constitutional right with such scant evidence."

Turning to the ban on "assault weapons," defined as including semiautomatic rifles with any of the prohibited attachments (a pistol grip under the action, a thumbhole or folding or telescoping stock, a flare launcher, a flash suppressor or a forward pistol grip), the court concluded that these weapons were "not dangerous and unusual," and if anything, the evidence "suggests that the banned attachments actually tend to make rifles easier to control and more accurate—making them safer to use," with "self-defense safer for everyone." The government's own expert testified that "there [was] no law enforcement concern for pistol grips or thumbhole stocks," and essentially no difference between a short standard stock (which was legal) and a shortened retractable stock (which was not). In the absence of evidence demonstrating a public safety reason for the ban, this, too, was held to be invalid.

Regarding the public carry ban and transportation restriction, which prohibited carrying an operable firearm in public, Chief Judge Manglona parted ways from the decisions of recent federal courts by ruling that "the Second Amendment, based on its plain language, the history described in Heller I, and common sense, must protect a right to armed self-defense in public." Because the restriction "completely destroys that right, it is unconstitutional regardless of the level of scrutiny applied, and the Court must strike it down." However, that conclusion was based on the law's impact on the individual's right to carry and transport an operable handgun openly for self-defense outside the home, and did not extend to restrictions on the transportation of other firearms.

The government defended the final restriction, the excise tax, as a legitimate revenue-raising mechanism that was protected from judicial second-guessing. The court noted that when the tax was considered against the cost of the least expensive ($150) handguns, the tax amounted "to a whopping 667% tax, more than six times higher" than the penalties imposed under the Commonwealth's import tax laws. Further, there was no legitimate and important interest to be served by imposing this special tax. "Public safety cannot be the legitimate interest, unless the Commonwealth seeks to safeguard the community by disarming the poor." Clearly, what was being contemplated was the destruction of the right to keep and bear a handgun for self-defense. The government could not do indirectly through taxation what it was forbidden to do directly through regulation; accordingly, this "excessive" and "tremendous" burden on the exercise of the right of law-abiding citizens to purchase handguns for self-defense could not stand.

In granting the permanent injunction against the enforcement of the invalidated laws, the court especially commended the courage and dedication of Paul Murphy in his "lone uphill battle" against the deprivation of his, and his fellow citizens', inalienable constitutional rights. Murphy had "valiantly pursued all lawful efforts to protect and defend his rights in a community where the voice of the majority can often overpower the equally important rights of the minority."

ALASKA

Sturgeon v. Frost, et al. The applicant, Mr. John Sturgeon, has sued the National Park Service in Alaska to prevent it from imposing restrictive federal regulations on lands and waters not owned by the federal government. The applicant, Mr. John Sturgeon, has used a hovercraft to traverse the Nation River – a navigable river where the State of Alaska owns the submerged lands and waters – as a part of his moose hunts in Alaska since 1990. In 2007, the applicant, Mr. Sturgeon was using a small hovercraft to traverse the waters of the Nation River on a moose hunting trip in the Alaska wilderness. Mr. Sturgeon was on an area of the Nation River surrounded by the federal Yukon-Charley National Preserve. He was stopped by two National Park Service rangers. The rangers notified Mr. Sturgeon that federal regulations prohibited the use of hovercrafts on federal land. Mr. Sturgeon argues that since the Nation River is navigable, it is state land, and per the Alaska National Interest Land Conservation Act of 1980 ("ANILCA"), it is not subject to federal regulation. According to the applicant's attorney, this was a … "[C]ompromise [which] addressed land owned by the State of Alaska, Alaska Native Corporations, or private individuals, that was about to be surrounded by the new ANILCA parks and preserves. The agreement was that these nonfederal lands would not be part of the new ANILCA parks and in no way would be subject to federal regulation …. . The Federal Government did not keep its side of the bargain."

This prohibition on NPS regulating non-federal lands within national parks and preserves in Alaska was set forth in ANILCA Section 103(c) which provides: "Only those lands within the boundaries of any conservation system unit which are public lands (as such term is defined in this Act) shall be deemed to be included as a portion of such unit. No lands which, before, on, or after December 2, 1980, are conveyed to the State, to any Native Corporation, or to any private party shall be subject to the regulations applicable solely to public lands within such units. If the State, a Native Corporation, or other owner desires to convey any such lands, the Secretary may acquire such lands in accordance with applicable law (including this Act), and any such lands shall become part of the unit, and be administered accordingly." 16 U.S.C. § 3103(c).

While the National Park Service did not initially appear to contest such an interpretation after the passage of the ANILCA in 1980, in 1996, the National Park Service revised its regulations concerning non-federal waters within the boundaries of National Park lands. The revised regulations covered all waters within the boundaries of the National Park system in Alaska, irrespective of other ownership interests. 36 C.F.R. § 1.2 (a)(3). This revision resulted in the federal government's ban on hovercraft use within National Parks being extended to the section of the Nation River in question. Mr. Sturgeon filed a lawsuit seeking to have the above regulation declared invalid in Alaska, alleging that it violates the ANILCA prohibition on the National Park Service subjecting non-federal lands within Alaska to federal regulation. The case was litigated in the United States District Court for the District of Alaska, where Mr. Sturgeon lost. He appealed to the Ninth Circuit Court of Appeals. The Court of Appeals also ruled against Mr. Sturgeon. Certiorari was granted by the United States Supreme Court in October of 2015, where the case was briefed and argued on January 20, 2016. In June 2016 this matter was remanded to the Ninth Circuit, which set an oral argument date before a three judge panel for October 25, 2016. On October 25, 2016 oral argument on remand was held before the United States Court of Appeal for the Ninth Circuit. The State of Alaska was also granted argument time as an amicus and briefing before the argument. The remand briefing is available upon request. The panel took the case under advisement and there is no timeline for it to reach a decision.

CALIFORNIA

Bauer v. Harris This lawsuit seeks to have the current Dealer Record of Sale ("DROS") fee and other ancillary fees declared excessive and unconstitutional. The California Department of Justice uses the DROS fees to bankroll anti-gun programs unrelated to background checks. Because the California Department of Justice charges lawful firearm purchasers the DROS and related fees, and then uses the funds to finance unrelated programs, Plaintiffs allege that the DROS fee violates the state constitutional prohibition on charging excessive fees to exercise fundamental rights. The District Court judge ruled adversely in March 2015, and an appeal to the United States Ninth Circuit Court of Appeals was filed. Briefing concluded on November 2015. Oral argument is expected to be scheduled in early 2017.

Dorothy McKay, Diana Kilgore, Phillip Willms; Fred Kogen, David Weiss and The CRPA Foundation v. Sheriff Sandra Hutchens and Orange County Sheriff Coroner Department The applicant's attorney informs that the issue in this case is whether the Second Amendment right to bear arms for self-defense is infringed by state laws that prevent a person from carrying arms for self-defense in some manner. The NRA Civil Rights Defense Fund filed an *amicus curiae* brief supporting the applicant's position. On November 12, 2013, the court stayed the appeal pending the resolution of other cases where the same issue is raised, including *Peruta v. County of San Diego*. On September 7, 2016, in light of the ruling in *Peruta*, the Ninth Circuit Court of Appeals affirmed the district court's judgment.

Peruta v. San Diego This lawsuit challenges, on Second Amendment and Fourteenth Amendment grounds, the requirement of showing "good cause" to obtain a permit to carry a concealed weapon. The case addresses the issue of whether the right to "bear" arms includes a right to carry a handgun in public. In addition to the funds granted to litigate this matter, the NRA Civil Rights Defense Fund also funded the filing of an amicus brief, on behalf of the Congress of Racial Equality. The brief recounts, among other things, the racist history and origin of California gun control laws, and the concealed carry statute in particular. Oral arguments in this case, along with *Richards v. Prieto*, were heard at the Ninth Circuit Court of Appeals on June 16, 2015. On June 9, 2016, the Court affirmed the United States District Court's ruling, holding that a member of the general public does not have a right under the Second Amendment to carry a concealed firearm in public, and that a state may impose restrictions, including a showing of good cause, on concealed carry. 824 F.3d 919, 939 (9th Cir. 2016) (en banc). On August 15, 2016, the Court denied a petition for a full court rehearing en banc. On October 31, 2016, an application to extend the time to file a petition for a writ of certiorari from November 13, 2016 to December 14, 2016, was submitted to Justice Kennedy. On November 1, 2016, Justice Kennedy extended the time to file until December 14, 2016. On December 2, 2016, an application to extend further the time from December 14, 2016 to January 12, 2017, was submitted to Justice Kennedy. On December 6, 2016, Justice Kennedy granted the extension.

COLORADO

Colorado Outfitters Association, et al. v. Hickenlooper This suit challenged the magazine ban passed in Colorado. The plaintiffs were a group of individuals, gun clubs, the disabled and small FFLs. In June 2014, the trial court ruled adversely to the plaintiffs. An appeal was filed. The United States Court of Appeals for the Tenth Circuit heard argument in September 2015. On March 22, 2016, a three judge panel unanimously vacated and dismissed the case for lack of standing. The NRA is considering how to address the ruling going forward.

CONNECTICUT

Harwood Loomis Mr. Loomis is a resident of the Town of Woodbridge, Connecticut. He holds a valid Connecticut pistol permit and frequently carries for protection. The Town of Woodbridge is governed by a six member Board of Selectmen. A local firearms ordinance was passed by the Board of Selectmen which prohibits the discharge of a firearm on town property and states explicitly

that the carrying of a loaded firearm shall be prima facie evidence that the firearm has been discharged unlawfully in violation of the ordinance. Violation of this ordinance subjects the firearms owner to possible arrest and jail time. Furthermore, the local police department interprets the ordinance's reference to town property to apply to all public roads, public sidewalks, town open space, and all other public land, buildings, and parking lots. This local ordinance creates an effective ban on citizens carrying any loaded firearm in public within the town. Mr. Loomis has tried for several years to bring this concern up with the Board of Selectmen and his concerns have not been properly addressed. Counsel plans to challenge the local ordinance – which effectively is a ban on carrying – on grounds of state preemption based on the state's extensive firearms permit regulatory scheme and as a violation of the Second Amendment to the United States Constitution. The Town of Woodbridge has thus far refused to repeal the ordinance, and negotiations for a modified ordinance with the Town of Woodbridge have been unsuccessful. On August 18, 2016, counsel for Mr. Loomis notified that this matter is currently on hold because one of the three lead plaintiffs has dropped out, a second has possibly dropped out, and the remaining plaintiff, Mr. Loomis, is in poor health. Additionally, counsel notified that the political and regulatory environment in Connecticut and across the county may result, in her opinion, in a worse environment for Connecticut gun owners if this litigation continues.

State of Connecticut v. Martha Winters Martha Winters lives with her husband and adult son on a 144 acre farm in rural Lebanon, Connecticut. Near Ms. Winters' property are two dilapidated houses whose absentee owners allegedly rent out the premises to drug dealers from urban areas of Massachusetts. For the past two years, Ms. Winters and her family have reported the existence of the alleged drug activity to the Connecticut State Police. Despite assurances by the State Police that the alleged drug dealers were under surveillance, the activity has not ceased. On July 3, 2014, one of the nearby drug dealers allegedly threatened Ms. Winters because he had found out that Ms. Winters' son, Sam, had been reporting the drug activity to the police. Later that day, Sam Winters and this same drug dealer got into a verbal altercation as Sam drove by the drug dealer's house. After the verbal altercation, this drug dealer called 911 to report that Sam had fired two shots from a gun at the drug dealer's property as he drove away following the altercation. There was no evidence to suggest that Sam Winters actually discharged a firearm, and he denies that he even had a gun in his possession during the incident. Nonetheless, he was later charged with breach of the peace and accepted the prosecutor's *nolle prosequi* offer. However, the 911 call by the drug dealer alleging shots fired caused at least 10 state troopers dressed in SWAT style gear to respond to the Winters' residence. This occurred at 9:00 P.M., when it was dark outside. Ms. Winters was in her home alone. Ms. Winters heard yelling outside of her home, and went outside to investigate. As it was dark out, Ms. Winters carried a flashlight and, due to the earlier altercation with the drug dealer, a .38 caliber revolver. Upon exiting her residence Ms. Winters encountered the troopers, who, Ms. Winters alleges did not identify themselves and were standing next to unmarked cars displaying no emergency lights. The responding troopers allege that Ms. Winters was noncompliant with their orders to drop her flashlight and that she screamed at the troopers. Upon noticing the revolver in her waistband, the troopers tackled Ms. Winters to the ground, causing her to suffer bruising all over her body.

Ms. Winters was charged with the misdemeanor crime of interfering with and officer/resisting arrest, and, based on the two beers she had consumed with dinner that evening, the misdemeanor offense of carrying a firearm while under the influence of alcohol. Ms. Winters was on her property at all times during the encounter with the troopers, and she did not grant the troopers permission to enter. The applicant's attorney noted that this matter raises important issues directly related to the right to possess a handgun on one's own property for self-defense and the inadequacy of law enforcement to protect individuals. "In Connecticut an individual may use physical force against another person to protect life and property. The right to bear arms in self-defense is guaranteed under Article 1, § 15 of the Connecticut Constitution and the Second Amendment of the United States Constitution." The State's Attorney offered to

enter a *nolle prosequi*, which would result in a dismissal of the case 13 months after the order is entered. Ms. Winters declined this offer and a jury trial was scheduled for April 18, 2016, however, this was continued due to scheduling conflicts. On September 27, 2016, the applicant's attorney informed that after trial had started an agreement was reached for Ms. Winters to accept a diversionary program that did not require a plea of guilty and that the case was dismissed. Ms. Winters' revolver was returned to her. This case may now be considered closed.

DELAWARE

Bridgeville Rifle & Pistol Club v. Small, et al. This case is pending in the Court of Chancery in Delaware. Delaware state park and forest regulations prohibit the possession of a firearm within state parks and forests, with the only exception being for hunting. The Delaware State Association filed a lawsuit in the Court of Chancery, in November 2015, challenging these regulations on two grounds. The first ground is based on the Delaware constitution's right to keep and bear arms, which has a broader scope of protection than the federal Second Amendment thanks to a recent Delaware Supreme Court ruling in the NRA supported case of *Doe v. Wilmington Housing Authority*. The second ground is that the regulations are preempted because the legislature occupied the field of firearms regulation, which overrides the Delaware Departments of Natural Resources' and Agriculture's broad statutory authority to manage state parks and forests. The Court of Chancery ruled that it did not have jurisdiction to grant Plaintiffs' requested declaratory and injunctive relief, and transferred the case to the Delaware Superior Court. Counsel finished briefing cross motions for judgments on the pleadings in July of 2016. The Superior Court has not asked for oral argument, and it is expected that a decision will be handed down in the near future.

DISTRICT OF COLUMBIA

Matthew Corrigan v. District of Columbia, et al. Mr. Corrigan contacted a telephone suicide hotline. The police broke into his home and seized firearms and ammunition. He was arrested and was charged with possession of unregistered firearms and possession of ammunition for unregistered firearms in the home. Mr. Corrigan filed motions to dismiss and to suppress. The motion to suppress was granted. The government subsequently dismissed all charges. A civil lawsuit "for damages, pursuant to 42 U.S.C. § 1983, for violation of Plaintiff's Fourth Amendment right to be secure in his person, house, papers, and effects, against unreasonable searches and seizures" was filed against the Metropolitan Police Department and several of its officers. The lawsuit was dismissed in August of 2015, on qualified immunity grounds. Updates have been requested from the applicant's attorney but have not been received. However, we have become aware that on November 8, 2016, the United States Court of Appeals for the District of Columbia Circuit held as follows:

Even assuming, without deciding, that the initial "sweep" of Corrigan's home by the MPD Emergency Response Team ("ERT") was justified under the exigent circumstances and emergency aid exceptions to the warrant requirement, the second top-to-bottom search by the Explosive Ordnance Disposal Unit ("EOD") after the MPD had been on the scene for several hours was not. The MPD had already secured the area and determined that no one else was inside Corrigan's home and that there were no dangerous or illegal items in plain sight. Corrigan had previously surrendered peacefully to MPD custody. The information the MPD had about Corrigan — a U.S. Army veteran and reservist with no known criminal record — failed to provide an objectively reasonable basis for believing there was an exigent need to break in Corrigan's home a second time to search for "hazardous materials," whose presence was based on speculative hunches about vaguely described "military items" in a green duffel bag. And assuming, without deciding, that the community caretaking exception to the warrant requirement

applies to a home, the scope of the second search far exceeded what that exception would allow. In the end, what the MPD would have the court hold is that Corrigan's Army training with improvised explosive devices ("IEDs"), and the post-traumatic stress disorder ("PTSD") he suffers as a result of his military service — characteristics shared by countless veterans who have risked their lives for this country — could justify an extensive and destructive warrantless search of every drawer and container in his home. Neither the law nor the factual record can reasonably be read to support that sweeping conclusion. Because it was (and is) clearly established that law enforcement officers must have an objectively reasonable basis for believing an exigency justifies a warrantless search of a home, and because no reasonable officer could have concluded such a basis existed for the second more intrusive search, the officers were not entitled to qualified immunity across the board. Accordingly, we reverse the grant of summary judgment in part and remand the case for further proceedings. Upon remand, the district court can address a remaining claim of qualified immunity based on reasonable reliance on a supervisor's order and Corrigan's claim of Municipal liability, which the district court did not reach.

Alexx Cozzetti The applicant, Ms. Alexx Cozzetti, is an active member of the United States Army National Guard. She was assigned to the District of Columbia Armory and moved to Washington D.C. Approximately four weeks later, on December 31, 2015, the applicant, Ms. Alexx Cozzetti contacted the Metropolitan Police Department ("MPD") to report that her car had been broken into while parked in Southeast Washington, D.C. The applicant informed the responding officers that in addition to various personal items, her Smith & Wesson M&P 15 rifle had been stolen from the trunk of her vehicle. The applicant reported that she had been storing the rifle in her trunk, in its original box, since moving to the District of Columbia four weeks prior. The MPD officers' focus then changed to investigating the applicant's firearms possession. She provided the MPD officers with a firearm bill of sale showing that the rifle was legally purchased in November of 2014. Based on the information received from the applicant's attorney, it is unclear in what state the rifle was purchased, or why the applicant was storing the firearm in her trunk. On January 6, 2016, the applicant was charged with possession of unregistered firearm, in violation of D.C. Code § 7-2502.01(a). The applicant's attorney advises that there are two issues presented:

The first issue pertains to the sufficiency of the evidence … . The government must rely on a theory of constructive possession since there is no evidence indicating she was in actual possession of a firearm. To prove constructive possession, the government must show that Ms. Cozzetti knew of the weapon's location, had the ability to exercise control over the weapon, and intended to exercise control over the property. The only evidence the government has to indicate Ms. Cozzetti knew the location of the firearm is her statement to Metropolitan Police Department that she had parked her car at approximately 11:00 P.M. the night before and she had been storing the rifle in her trunk since she moved to the District of Columbia, four weeks prior. … The second issue pertains to the admissibility of Ms. Cozzetti's statements that she made to Metropolitan Police Department. In D.C., it is well established that a conviction must rest upon firmer ground than uncorroborated admissions or confessions. There must be sufficient corroborating information so that combined with the confession, guilt is established beyond a reasonable doubt. Ms. Cozzetti's statements to Metropolitan Police Department indicate that prior to her vehicle being broken into, she had parked at approximately 11:00 P.M. the night before and had been storing her rifle in the trunk of her vehicle as she had just moved to D.C. four weeks prior. The government has no other evidence to corroborate these statements. There are no witnesses to provide information indicating she was ever in actual or constructive possession of the rifle. The rifle was not found in the trunk to corroborate her statement indicating she had knowledge of its location, nor was it ever recovered by law enforcement. There is no evidence to corroborate her statement that may have indicated to law enforcement that she had the ability to exercise control over the rifle. Finally, none of her statements indicate that she had the intention to exercise control over the rifle at whatever point it was in the trunk prior to being stolen. Even if the trial court

found Ms. Cozzetti's uncorroborated statements to be admissible, her statements alone would be insufficient evidence to sustain a conviction for Possession of Unregistered Firearm.

On February 23, 2016, the applicant's attorney filed a motion to dismiss, arguing that the evidence showing the applicant was in possession of an unregistered firearm is insufficient to sustain a conviction. To sustain a conviction for said charge, the government must prove "actual or constructive possession." *Taylor v. United States*, 662 A.2d. 1368, 1372 (D.C. 1995). The only evidence the government has of the applicant's alleged possession of the rifle is her own statement, which her attorney contends is inadequate to meet the government's burden. The applicant's attorney noted that it is a well-established rule that a conviction must be based on firmer ground than an uncorroborated admission or confession. *Fowler v. United States*, 31 A. 3d 88, 90 (D.C. 2011). This matter went to jury trial on November 7, 2016. A guilty verdict was returned on November 8, 2016. The defendant filed a motion for judgement of acquittal. The defendant's memorandum of law in support of motion for judgement of acquittal was filed on November 22, 2016. The government's memorandum of law in opposition to motion for judgement of acquittal was filed on December 8, 2016. A post disposition status hearing is scheduled for December 20, 2016.

Grace v. District of Columbia The District of Columbia currently requires an applicant for a concealed carry license to show "good reason" for the license before it will be issued. This restriction means that even when an applicant passes a background check and completes all other requirements, issuance of their license may be, and in practice usually is, blocked at the discretion of the Metropolitan Police Department for a failure to demonstrate an "extraordinary need." This requirement has resulted in a de facto ban on concealed carry in the District of Columbia. In *Grace v. District of Columbia*, 2016 U.S. Dist. LEXIS 64681 (D.D.C. May 17, 2016), the United State District Court for the District of Columbia held that the above "good cause" requirement likely violates the Second Amendment and suspended its enforcement and an injunction was granted. However, shortly thereafter, District officials appealed to the United States Court of Appeals for the District of Columbia Circuit, which then issued a temporary order effectively reinstating the requirement while the Court of Appeals considers the matter on appeal. This was because another judge in the same district court denied a preliminary injunction to Plaintiffs in *Wrenn*. The D.C. Circuit stayed the injunction in *Grace* by a 2-1 panel vote and scheduled the two cases for joint appellate consideration on an expedited basis. Both cases were argued before the Circuit Court of Appeals on September 20, 2016. Besides granting funding for this case, the NRA Civil Rights Defense Fund also granted funding for the drafting of an amicus brief on behalf of several law enforcement groups in support of the plaintiffs.

FLORIDA

Gerald Tanso The applicant runs a gun shop, Lock N' Load. A mentally ill man attempted to purchase a firearm from the FFL however was denied due to the NICS check. The mentally ill man then allegedly had a friend purchase the shotgun and used that gun to kill his mother and her boyfriend. Although the ATF and local state's attorney's office investigated the murders and found no wrongdoing by Mr. Tanso or his staff, the Brady Campaign has filed a civil wrongful death action. They are claiming Lock N' Load engaged in a straw purchase when they let the mentally ill man's friend purchase the shot gun. This matter is still in the discovery phase. Once discovery is concluded, Mr. Tanso's attorney plans on filing a motion for summary judgement.

GEORGIA

State v. Paul Herman Vandiver The applicant, Mr. Paul Vandiver, owns a gun shop with a shooting range. Meriwether County, Georgia, is attempting to shut down the range through the use of citations, bond conditions, license restrictions, and allegations of tax arrears. He was charged with violating a Meriwether County ordinance based on a claim that the shooting at the gun shop property is a non-permitted use. The superior court on March 11, 2014, upheld the conviction in magistrate court for violating the ordinance. The applicant's attorney noted an appeal to the Georgia Court of Appeals. Eventually, the original charges against Mr. Vandiver were dismissed. However, in August of 2015 the District Attorney's Office refiled the charges, and Mr. Vandiver was arrested for violations of the County Zoning Ordinance. A condition of Mr. Vandiver's subsequent bond was that he not commit any further violations of these local ordinances. In December of 2015, Mr. Vandiver's bond was revoked based on allegations of non-compliance and Mr. Vandiver was incarcerated. In revoking Mr. Vandiver's bond, the judge did not specify the particular facts that constituted a violation. Mr. Vandiver was released one week later on a habeas petition filed by his attorney. Mr. Vandiver's attorney filed a motion to quash the indictment, a motion to secure immunity from prosecution, and other motions, which motions were heard in March of 2016. The motions were denied. On April 21, 2016, the charges against Mr. Vandiver were dismissed without prejudice. As of November 15, 2016, the prosecutor has not refiled. Mr. Vandiver's attorney is hopeful that the charges will not be refiled and therefore this matter is likely closed.

IDAHO

Fernan Rod & Gun Club This is an effort to shut down a shooting range on federal property. As of December 1, 2016, the United States Forest Service has issued a temporary conditional use permit, and is working with the club to obtain a final permit. It appears that this matter will not move to litigation.

Hauser Lake Rod and Gun Club, Inc. vs. Kootenai County and the City of Hauser The club has been in existence for more than 63 years. Houses have been built around the club and noise complaints have been made. It is located in the county, outside the city but within the city's area of impact. The City of Hauser is seeking to reduce the days and hours of operation to one day per weekend. This is in conflict with Idaho's sport shooting range protection law. The club sought a building permit to construct an accessory storage building on its property. Allegations were made of alteration by the club to the non-conforming use. The city issued a violation notice to the club, claiming a violation of the City Municipal Code. It was appealed. The city also informed that the building permit would not be processed until the violation notice was resolved. The Idaho Constitution limits a city's powers to the area within its municipal boundaries. The city and county actions violate the Idaho Constitution. On June 21, 2013, a petition for declaratory judgment was filed in the district court of Kootenai County. On August 1, 2013, the County Commissioners ruled that the City of Hauser had no authority to render any decision regarding the club. All pending actions of the city against the club were vacated. The county will be the only government that the club will deal with in the future. A lawsuit for attorney fees was filed in district court. Oral arguments were heard on October 27, 2015. The club has prevailed in the underlying matter being litigated, and the only outstanding issue is that of attorneys' fees, which the court did not award. An appeal was filed on November 8, 2016 with the Supreme Court of Idaho. The applicant's attorney argues that the applicant was the victim of adverse action by the City of Hauser, which, despite a constitutional provision and clear precedent

regarding the city's lack of jurisdiction to enforce its city code against non-residents, issued a notice of violation against the applicant. The failure to award attorney's fees was an abuse of discretion by the district court.

Nesbitt, et al. v. U.S. Army Corps of Engineers The U.S. Army Corps of Engineers administers 12 million acres of public, recreational freshwater lakes and rivers. These bodies of water account for 33 percent of all U.S. freshwater fishing. Regulations adopted by the Corps in 1973 prohibit "the possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons." 36 C.F.R. § 327.13. The Mountain State Legal Foundation, a nonprofit, public-interest law firm, has filed suit challenging the firearms restriction on behalf of Ms. Elizabeth E. Nesbitt and Mr. Alan C. Baker. Ms. Nesbitt was issued an emergency concealed carry license by her local sheriff due to threats and physical attacks against her by a former neighbor. Ms. Nesbitt regularly uses Corps-administered public lands in Idaho, and would like to be able to carry her concealed firearm on these lands, as she does elsewhere, for protection. Mr. Baker is an NRA certified instructor and lifelong outdoorsman. He is licensed to carry a concealed handgun in Utah, Idaho, Arizona and Oregon. Mr. Baker regularly uses Corps-administered lands for recreation and would like to carry his concealed firearm for protection while doing so. On October 13, 2014, the United States District Court granted summary judgment in favor of the plaintiffs and denied the government's motion for summary judgment. The district court held that 36 C.F.R. § 327.13 violates the Second Amendment and is unconstitutional and also enjoined the defendants from enforcing the unconstitutional regulation on Corps-managed property within Idaho. On December 10, 2014, the federal government filed an appeal with the U.S. Court of Appeals for the Ninth Circuit. Briefs were filed in 2015. The constitutional issue presented is "whether the Second Amendment protects individuals' rights to carry firearms for self-defense and to possess functional firearms in their temporary residences on federal lands. … If MSLF prevails, the Corps will be barred from prohibiting visitors from possessing functional firearms when camping or recreating at its sites nationwide." The applicant's attorney believes that the case may be granted certiorari by the Supreme Court: "[T]he opinion by the Idaho federal district court strongly repudiated the Corps' regulations as contrary to the Supreme Court's ruling in District of Columbia v. Heller and relied on Ninth Circuit precedent. MSLF believes that, at the Ninth Circuit, MSLF will draw a dissent from any ruling in favor of the Corps, thereby prompting the grant of certiorari and a successful and landmark appearance at the Supreme Court." In response to a request for an update, the applicant's attorney informed that oral argument was tentatively scheduled for February 2017.

Nicholas Lion This matter involves the denial by the Bureau of Alcohol, Tabaco, Firearms and Explosives ("BATFE") of a proposed transfer of a silencer. The applicant, Mr. Nicholas Lion, who resides near Sandpoint, Idaho, sought to purchase a firearm silencer from a licensed dealer. The Form 4 was submitted to the BATFE in November of 2014. In late March of 2016, the application to transfer the silencer was denied. The denial was based on one count of Disorderly Conduct under N.J. Stat. Ann. § 2C:33-2, which, according to the BATFE made the applicant a prohibited person under 18 U.S.C. § 922(g)(1). The only matters on Mr. Lion's criminal record are this disorderly conduct charge and a simple assault charge under N.J. Stat. Ann. § 2C:12-1.a.(1). No disposition is shown for either charge on the local records. Both of these charges stemmed from a single incident in July of 1987. Under New Jersey law, the disorderly conduct charge is a petty disorderly person offense, which carries a maximum penalty of 30 days in jail and/or a fine of up to $500. The simple assault charge is a disorderly person offense, which carries a maximum penalty of six months in jail and/or a fine of up to $1,000. Neither is considered "crime" under New Jersey law and even a conviction on these charges would not make one a prohibited person under § 922(g)(1). BATFE informed the applicant that the transfer would be denied if no disposition of these charges could be found. However, even a conviction would not disqualify him. BATFE also informed that the applicant would have to prove that that charges were not misdemeanor crimes of domestic violence under § 922(g)(9). This reverses the burden of proof. "If ATF has adopted a practice

of reversing the burden of proof on minor assaults, and requiring the applicant to show that all such convictions are not domestic violence cases, the effect will be severe and unjustified under the law." Mr. Lion has filed a pro se lawsuit against the BATFE in federal district court in Idaho. "As presently filed, it would certainly be dismissed." On the advice of counsel, on June 9, 2016, Mr. Lion voluntarily dismissed, without prejudice, the pro se lawsuit he had filed in federal district court. The applicant's attorney is trying to resolve the matter through the BATFE and NICS. As of November 30, 2016, the applicant's attorney informs that a declaration by Mr. Lion, requested by the BATFE, has recently been prepared, and that counsel is preparing a package of documents to forward to the BATFE shortly to resolve the matter. Absent a resolution, he will bring a lawsuit against the BATFE to prevent the agency from reversing the burden of proof. Mr. Lion's attorney expects that it may take some time to determine whether the matter can be resolved, or whether we will need to file suit against ATF.

ILLINOIS

Chuck's Gun Shop, et al. v. Cook County This case is pending in the Illinois State Court, Cook County. This case is a challenge to a firearm "violence tax" imposed by Cook County, Illinois in 2012. A group of gun dealers and customers filed suit to challenge the tax. The case is presently on cross motions for summary judgment.

Guns Save Lives, et al. v. Zahra This case is pending in the Illinois State Court, Cook County. This case is a challenge to an ammunition "violence tax" similar to the gun tax imposed by Cook County, Illinois in 2015. The case was assigned to the same judge handling the gun tax but is at a different stage procedurally. Defendants filed a motion to dismiss on March 16, 2016 which was denied. The plaintiffs filed a motion for summary judgment, and the County is expected to file a motion stating that it needs to take discovery before responding. The County's filing was due on December 19, 2016 and the Court scheduled a hearing on the issue for December 20, 2016.

John Hicks v. Illinois State Police, et al Mr. Hicks was denied an Illinois Concealed Carry License by the Illinois Concealed Carry License Review Board. The Board denied Mr. Hicks' request for a concealed carry permit, stating that he is a threat to himself or others, apparently basing this statement solely on two previous arrests, neither of which resulted in a conviction. Mr. Hicks is now facing an extremely costly uphill battle to overturn the Board's denial. The denial must be appealed to an Illinois Circuit Court, and is litigated on behalf of the state by the Illinois Attorney General's Office.

Eugene Johnson v. Illinois Concealed Carry Licensing Review Board, the Illinois State Police and Hiram Grau as Director of the Illinois State Police In early 2014, Mr. Eugene Johnson submitted an application for a Concealed Carry License in the State of Illinois. Shortly thereafter, Mr. Johnson was notified that two separate law enforcement agencies had objected to his application for a concealed carry license. These two agencies, the Chicago Police Department and the Cook County Sherriff's Office, based their objections on an October 2009 incident in Hillside, Illinois in which Mr. Johnson was arrested for domestic violence. According to a police report of the incident from the Hillside Police Department, Mr. Johnson allegedly pushed and struck his girlfriend causing her to bleed from the mouth. Several weeks later, the State dismissed these charges *nolle prosequi*. Other than this arrest for domestic battery, Mr. Johnson has no criminal record. Due to the law enforcement agencies' objections, Mr. Johnson's concealed carry license application was submitted to the Illinois Concealed Carry License Review Board. Mr. Johnson submitted supporting documentation regarding his otherwise clean criminal history to the Illinois Concealed Carry License Review Board. The Board had the option of calling for an evidentiary hearing to further examine the facts surrounding the matter before it made its determination. Without first

conducting such an evidentiary hearing, the Illinois Concealed Carry License Review Board determined, based on a preponderance of the available evidence, that Mr. Johnson "is a danger to himself, a danger to others, or poses a threat to public safety," and sustained the objection to his concealed carry license application. The questions presented are: whether a criminal charge that was dismissed *nolle prosequi* is sufficient grounds to find that an individual "is a danger to himself, a danger to others, or poses a threat to public safety," and therefore, to deny that individual a concealed carry license; and, whether Mr. Johnson's right to due process was violated based on the Illinois Concealed Carry License Review Board choosing not to hold an evidentiary hearing before reaching its decision. Mr. Johnson's appeal of the Illinois Concealed Carry License Review Board decision was heard before the Cook County Circuit Court in April 2015, after which the Court asked each side to submit a memorandum on the meaning and effect of a criminal case being dismissed *nolle prosequi*. The Board's denial was upheld by the Cook County Circuit Court. Mr. Johnson appealed to the Illinois Appellate Court, which in July 2016, upheld the decision of the Board and the Circuit Court. The Appellate Court's reasoning centered on Mr. Johnson not raising several technical objections in his initial *pro se* appeal. Mr. Johnson's attorney contends that a *pro se* litigant should not be expected to understand such objections, and should therefore be allowed to raise them on appeal, once counsel is retained. Mr. Johnson's attorney has advised him to start over, and apply for a permit again, and if the same issues arise, Mr. Johnson's attorney will raise said objections.

People v. Shawna Johnson The Illinois State Police revoked Shawna Johnson's Firearms Owner Identification ("FOID") card after learning of a 2001 misdemeanor battery conviction involving her ex-husband. Ms. Johnson had pleaded guilty to that charge after the prosecutor assured her that the conviction would not permanently prevent her from holding a FOID. After the revocation, Ms. Johnson commenced a *pro se* action against the Illinois State Police and obtained a ruling that substantively indicated that she could obtain relief notwithstanding the federal prohibition, based on the rationale in *Coram v. State*, 996 N.E. 1057 (Ill. 2013). The issue is whether a circuit court can remove federal firearms disabilities for individuals who have been convicted of a misdemeanor domestic violence charge. The Illinois State Police contends, citing 430 Ill. Comp. Stat. 65/10(b), that circuit courts cannot grant relief because Illinois statutory law prohibits restoration of rights to those prohibited from possessing firearms pursuant to federal law. Ms. Johnson argues that federal law enables the removal of a federal firearms disability if one's "civil rights" have been restored. Ms. Johnson also contends that 18 U.S.C. § 922(g)(9) as applied to her is unconstitutional under the Second Amendment. An evidentiary hearing was held in this matter on January 20, 2016. Subsequently, the court directed each side to submit two post-hearing briefs each. This matter is currently awaiting the court's ruling on the hearing.

Terry Willis v. Macon County State's Attorney, Terry Willis v. Illinois State Police A Firearm Owner Identification ("FOID") card is required for an Illinois resident to legally possess firearms and/or ammunition. Mr. Willis had a FOID card. On January 18, 2014, he applied for an Illinois concealed carry license. In response, the Illinois Department of State Police revoked his FOID. The revocation was allegedly due to a 1978 domestic violence conviction. The Illinois Department of State Police took the position that individuals convicted of felony or misdemeanor domestic battery, aggravated domestic battery, or a substantially similar offense are not eligible to obtain a FOID card. Mr. Willis filed suit. A Macon County court ordered Mr. Willis's FOID card reinstated. This order was upheld by a Circuit Court. The Illinois Department of State Police then issued Mr. Willis a FOID card, but placed a restriction on the card indicating that Mr. Willis had been convicted of domestic violence. This effectively prevented Mr. Willis from transferring or purchasing firearms or ammunition. Mr. Willis filed a petition for rule to show cause asking that the Illinois Department of State Police be held in contempt for failure to comply with the court order to issue a valid FOID card. The court held the Illinois Department of State Police in contempt and issued an order directing a valid FOID card be issued and imposed a fine. An unrestricted FOID card was

subsequently issued to Mr. Willis after the court held the Illinois Department of State Police Director in contempt for issuing the restricted FOID card. Furthermore, the court awarded Mr. Willis attorneys' fees in the amount of $5,996.50. However, the Illinois Department of State Police filed a motion asking the court to rehear the matter, citing the recent decision in *O'Neill v. Dir. Of the IL Dept. of State Police*, IL.App.3d, 140011 (2015). This motion was denied on April 23, 2015. The Illinois Attorney General then appealed the case to the Illinois Fourth District Appellate Court. Counsel for Mr. Willis relied upon the 2013 Illinois Supreme Court decision of *Coram v. Illinois*, which held that the granting of an appeal to obtain a FOID card removes all restrictions and restores the right to possess firearms and ammunition. Oral arguments were heard in March 2016. On October 7, 2016, the Fourth District Appellate Court of Illinois ruled against the applicant in his attempt to have his FOID card reinstated with no restrictions, holding that the "circuit court erred by finding the Director of the Department of State Police in indirect civil contempt for failing to issue a FOID card without restrictions."

INDIANA

Hadah LLC v. Tim's Shooting Academy, et al. Edward "Tim" Tomich and his wife Faith Bauer-Tomich own The Tomich Company, LLC, which operates Tim's Shooting Academy, an indoor gun range, in an industrial park in Westfield, Indiana. The indoor target range and gun store, which is zoned for enclosed industrial uses, averages over 1,300 visitors per month and employs a staff of 25 people. Prior to the 2014 opening, Mr. and Mrs. Tomich went through a long and thorough process in order to secure the necessary approvals for construction and operation of their business. In 2013, after operational and design input had been sought from the Westfield-Washington Township Board of Zoning Appeals Technical Advisory Committee and Plan Commission and the Westfield Police and Fire Departments, building permits and a zoning variance were granted to allow the construction of the shooting range in an industrial park. The applicant's attorney states that the plaintiffs did not appear at any public hearing and did not make any objection during the Academy's applications for permits or variances and the plaintiffs are now barred by the statute of limitations from appealing the granting of the variance. In November of 2014, almost one year after the opening of Tim's Shooting Academy, a noise complaint was filed by the owners of a neighboring industrial property. This complaint was filed five months after the neighboring property's owners had vacated the site and listed it for sale. The plaintiffs contend that the presence of the shooting range is discouraging potential buyers and inhibiting their ability to sell their property. While the applicants deny these claims, they took significant steps to further restrict noise emissions from their range; including "(1) redesigning and implementing a new HVAC system; (2) buying and installing SONEX sound absorbing material, Quiet Barrier HD Sound Proofing Composite, Echo Absorber Acoustic Panels, and Silent Running (a high performance coating designed to eliminate unwanted sound); (3) installation of an additional soundproof fire door (approved by the Westfield Fire Marshall); and (4) the construction of a specially designed, 30-foot long concrete block wall (variance approved by City of Westfield, design approved by the State)." However, in February 2015, the neighbors filed a complaint. The plaintiff's argument rests mainly on a poorly worded line in the Academy's "Project Narrative," written by the design engineer and used in obtaining the variance, which states that the range's safety/insulation features "will prevent any stray bullets as well as sounds from leaving the building." Recent noise testing revealed that sound heard within the range building was well below the acceptable noise standard in an enclosed industrial district. The noise emitted from the range is under the limit prescribed by the local noise ordinance. However, the plaintiff is using the Project Narrative's language to demand that zero noise emanates from the Academy. This is an unreasonable expectation in an industrial zone. The applicant's attorney argues that the Academy is immune from liability under Indiana's Range Protection Act, which provides, in pertinent part, as follows:

A person who owns, operates, or uses a shooting range is not liable in any civil or criminal matter relating to noise or noise pollution that results from the operation or use of the shooting range if the construction and operation of the shooting range were legal at the time of its initial construction or initial operation, and the shooting range continues to operate in a manner that would have been legal at the time of the inception or initial operation. Ind. Code § 14-22-31.5-6.

In March of 2016, this matter was settled for $20,000, which is far less than the six-figure sum that Plaintiffs had initially demanded.

LOUISIANA

Sebastian Mack The applicant, Mr. Sebastian Mack, was with his family attending "Algiers Friendship Day" near downtown New Orleans. A group of juveniles was harassing attendees at that event. At one point, when Mr. Mack was standing near his car, several of the juveniles approached him in a threatening manner. Mr. Mack then displayed a handgun to deter the threatening juveniles. Mr. Mack was later arrested and charged with five counts of aggravated assault – felonies – relating to the display of the firearm during the incident. "The juveniles maintained he pointed the gun at them, and taunted them, including a threat to pistol whip them. Mr. Mack denies these allegations." Mr. Mack has no criminal record. Mr. Mack's attorney has located at least five witnesses that will corroborate Mr. Mack's version of the incident. Trial was scheduled for October 11, 2016. The assistant district attorney had the case continued. The matter was concluded in mid-October 2016 via a plea bargain which included a reduction from five counts to one count and probation.

MARYLAND

Kolbe v. Hogan (Kolbe, et al., v. O'Malley) This case is pending in the United States Court of Appeals for the Fourth Circuit. This lawsuit is a challenge to Maryland's ban on popular semi-automatic rifles and magazines with capacities in excess of 10 rounds enacted by the "Maryland Firearm Safety Act of 2013." The plaintiffs, a collection of Maryland individual citizens, firearms dealerships, and advocacy groups, including the Maryland State Rifle and Pistol Association, created a strong record of fact and expert evidence demonstrating the challenged bans could not pass constitutional muster under any level of heightened scrutiny. The District Court for the District of Maryland, in defiance of the United States Supreme Court's *Heller* and *McDonald* decisions, as well as Fourth Circuit precedents, disagreed and followed the holding established by the Circuit Court of Appeals for the District of Columbia in *Heller II* (upholding DC's ban on so-called "assault weapons" and "high capacity magazines"), applying nominal intermediate scrutiny and holding that the state's interest in public safety outweighed any individual Second Amendment interests impaired by the Act. The case was appealed to the Fourth Circuit. Oral argument was held on March 25, 2015, before the Fourth Circuit Court of Appeals, where Chief Judge Traxler (South Carolina), Judge Agee (Virginia), and Judge King (West Virginia) were empaneled to hear the case. This panel's composition was significant because some combination of these three judges are responsible for all of the Fourth Circuit's post-*Heller* Second Amendment jurisprudence, which provides that restrictions affecting the exercise of Second Amendment rights by responsible, law-abiding citizens in their homes must be analyzed using strict scrutiny. On February 4, 2016 the Court, in a two to one ruling, vacated and remanded the case back to the trial court. The court held that semiautomatic rifles and large capacity magazines are bearable arms protected by the Second Amendment, and a complete ban on them must be subjected to strict scrutiny. The court remanded the case with instructions to re-hear the case using strict scrutiny standard. On February 18, 2016, the State filed a motion for en banc

review simultaneously with a number of anti-gun amici. The Court accepted the motion before amici in support of the plaintiffs' opposition could be filed. Various amici on both sides have been filed including one on behalf of NRA. On April 11, 2016 both Plaintiffs and the State filed their supplemental briefs. Oral arguments, before the full Fourth Circuit, were heard on May 11, 2016.

MASSACHUSETTS

Batty, et al., v. Albertelli, et al. (formerly Davis, et al. v. Grimes, et al.) In 2013, suit was filed on behalf of a group of Massachusetts gun owners against a number of county sheriffs for violations of the state's licensing laws. Chief among the complaints were extra statutory requirements and limits placed on the granting of carry permits at variance with state law and case law. Because of extensive changes in the law and local regulations by defendant sheriffs, a second suit was filed and the original suit dismissed. The first case, although it did not lead to a final ruling, was very effective for gun owners. In the counties named in the original suits, unrestricted carry permit approval rates went from averages of 30-45% to 80-95%. While the present case moves slowly along the path of the first, results strongly favorable to gun owners are also being generated. On April 4, 2016, following significant reform in local regulations and the issuance of unrestricted permits to the plaintiffs in the municipality the town of Winchester, Massachusetts was dismissed from the case. The suit continues as to the remaining jurisdictions. On July 7, 2016, defendants filed motions to dismiss. On July 8, 2016, a motion for summary judgment was filed by plaintiffs' counsel.

Pullman Arms, Inc., et al., v. Healy This case is pending in the United States District Court, Massachusetts. On July 20, 2016 in an editorial in the Boston Globe state Attorney General, Maura Healy announced for the first time a radical reinterpretation of Massachusetts' long standing gun ban that mirrors the 1994 Clinton federal gun ban and that had been on the books in Massachusetts for approximately twenty (20) years. She unilaterally declared almost every semiautomatic firearm on the market to be illegal under Massachusetts law. Suit was filed in the United States Distinct Court for the District of Massachusetts on September 22, 2016 by the National Shooting Sports Foundation. The lawsuit challenges the reinterpretation of Massachusetts' long standing gun ban. On November 22, 2016 the AG filed a Motion to Dismiss.

Russell Jarvis; James Jarvis; Robert Crampton; and Commonwealth Second Amendment, Inc. v. Village Gun Shop, Inc. D/B/A Village Vault Massachusetts law allows police agencies to transfer firearms seized from individuals to privately operated "bonded warehouses" that then impose storage fees and other costs on the gun owners without any meaningful regulatory limitations. The usual consequence is that the owner loses his or her property to the bonded warehouse when the owner is unable to pay the fees. A lawsuit was filed under 42 U.S.C. § 1983, against a bonded warehouse, the "Village Vault," which appears to be the worst offender and also against the Executive Office of Public Safety and Security ("EOPSS"), which is the government agency that has authority to regulate the bonded warehouse business, but which has failed to do so. The applicants' attorney contends that this system violates procedural due process when it takes custody of property without prior notice and without the opportunity for a hearing. The original District Judge had indicated that he agreed with the plaintiffs' position and had taken steps to compel EOPSS to adopt regulations that would address the problems with Village Vault. However, the court reassigned the case to a new District Judge, who then granted summary judgment sua sponte on the grounds that Village Vault is not a state actor. An appeal was filed in the United States Court of Appeals for the First Circuit, briefing is complete and oral arguments were heard on September 10, 2015. The applicants argued that this matter is substantially similar to the towing and impoundment of vehicles. While the nature of the injury (the fees/costs) are imposed by a private actor, it is police action that places the property with the private actor, be it an automobile impound lot, or as in this case, a bonded firearms warehouse. The adverse ruling

by the district court, was upheld by the United States Court of Appeals for the First Circuit in October 2015. The First Circuit reasoned that the claim was not sufficiently analogous to one of three recognized categories of private state action. The applicants filed for certiorari with the United States Supreme Court. In May of 2016, the petition was denied by the United States Supreme Court.

MICHIGAN

Joshua Wade v. University of Michigan Mr. Wade works for the University of Michigan Credit Union. Mr. Wade holds a valid Michigan Concealed Pistol License. While open carrying in downtown Ann Arbor, MI, Mr. Wade encountered a campus police officer who told him if he brought his gun onto campus property he would be arrested. After researching the relevant gun laws, Mr. Wade determined that he could apply to the University of Michigan's Director of Public Safety for permission to carry a firearm on campus. Mr. Wade applied to the Director of Public Safety for the personal waiver in September 2014. His request was delegated to the Chief of the University of Michigan Police before being ultimately denied. The University of Michigan's powers, as an arm of the state government, are set forth in the Michigan Constitution, pursuant to which the University is given the power to exercise general supervision of its property. Mr. Wade challenged the University of Michigan's ban on the carry of firearms on University property under Michigan's preemption statute. Mich. Comp. Laws § 123.1101 *et seq*. Michigan's Court of Appeals has interpreted the firearms preemption statute broadly. In *Capital Area District Library v. Michigan Open Carry*, the Court of Appeals held that the preemption statute and Michigan's state firearms regulations preempted the entire field of firearm regulations and that quasi-municipal entities are subject to the state firearms preemption. Furthermore, in *Branum v. Board of Regents of the University of Michigan*, it was held that despite the grant of "general supervision powers to the University," the University was subject to generally-applicable state laws. In November 2015, the Court granted the University's motion for summary disposition. Counsel for Mr. Wade filed an appeal with the Michigan Court of Appeals on December 4, 2015. Briefs have been filed and this matter is currently pending oral argument in the Michigan Court of Appeals. The Michigan Court of Appeals has consolidated two school district cases (Clio and Ann Arbor) which involved the Michigan preemption statute. Oral argument for these two cases is scheduled for early December 2017. The applicant's attorney believes that the Court of Appeals is holding the applicant's case in abeyance until those cases are decided.

Richard Douglas Botimer v. Macomb County Concealed Weapons Licensing Board Mr. Botimer is 60 years old, married, with two sons. He has been professionally employed in information technology for over 30 years. He is an honorably discharged veteran of the United States Marine Corps. He is a former police officer (1978-1981). He has a B.S. degree in mathematics from the University of Washington. He has no criminal record. He is a law abiding citizen. In 1999, the applicant, Mr. Richard Botimer, voluntarily sought psychiatric help for job-related stress. In 1999 and 2002, Mr. Botimer was the subject of petitions for involuntary psychiatric hospitalization. Mr. Botimer was hospitalized for three hours in the 1999 incident and eleven days in 2002. In 2002, the petition for involuntary commitment was dismissed by the court without a hearing. In 2003, Mr. Botimer applied for and was granted a concealed pistol license. Several months later, the Macomb County Concealed Weapons Licensing Board revoked Mr. Botimer's license due to Mr. Botimer allegedly suffering from a mental illness. The Macomb County Concealed Weapons Licensing Board used the two involuntary commitment petitions from 1999 and 2002 as well as two police reports from 1999 and 2002, which had resulted in no charges being filed against Mr. Botimer, to justify its denial. In 2013, Mr. Botimer again applied for a concealed pistol license and was denied on the same grounds. The applicant's attorney contends that the Macomb County Concealed Weapons Licensing Board failed to state the statutory grounds for refusal, as well as not complying with other substantive requirements under the Michigan Concealed Pistol Licensing Act. The applicant's attorney also disputes the Macomb County

Concealed Weapons Licensing Board's interpretation of what constitutes a currently diagnosed mental illness. The Board denied the license "on the grounds that he *had* a diagnosed mental illness when the Act requires a finding of current mental illness and Mr. Botimer has in fact never been diagnosed with a mental illness as defined under the Act. …. [T]he Board's findings in 2003 and its current findings were clearly erroneous, arbitrary and capricious, and not supported by law or the evidence." Mr. Botimer appealed the Macomb County Concealed Weapons Licensing Board's decision to the Macomb County Circuit Court. In September 2014, the appeal was denied. Mr. Botimer then appealed to the Michigan Court of Appeals. In March of 2016, the Appeals Court affirmed the Circuit Court's decision. Mr. Botimer's attorney now plans to file an application for leave to appeal with the Michigan Supreme Court. The attorney informs:

Legal issues to be decided include what constitutes a currently diagnosed mental illness under the Act as a ground for the denial or revocation of a concealed pistol license, as well as the ability of a licensing board to rely on dated, erroneous, information regarding the applicant's mental health. The issues implicated are of major significance to many of our veterans. Constitutional issues implicated include not only the right to bear arms under the Second Amendment to the United States Constitution, but the due process protections of the Fourth Amendment, including due process implications of the Board's failure to comply with express procedural requirements in the Act. There are few Michigan appellate cases that have decided issues regarding the administrative interpretation of the Act and constitutional issues relating to such interpretation, and the case would affect others in Michigan with similar circumstances. An application for leave to appeal has been filed with the Michigan Supreme Court.

MISSOURI

William David Hill v. Oliver "Glenn" Boyer, Sherriff of Jefferson County, Missouri In 1973, Mr. Hill was convicted of forgery. The issue is whether a restoration of rights after the conviction makes him eligible to obtain a permit to carry a concealed firearm. Missouri amended its guarantee to keep and bear arms. Article I, Section 23 now guarantees: "That the right of every citizen to keep and bear arms, ammunition, and accessories typical to the normal function of such arms, in defense of his home, person, family and property, or when lawfully summoned in aid of the civil power, shall not be questioned. The rights guaranteed by this section shall be unalienable. Any restriction on these rights shall be subject to strict scrutiny and the state of Missouri shall be obligated to uphold these rights and shall under no circumstances decline to protect against their infringement. Nothing in this section shall be construed to prevent the general assembly from enacting general laws which limit the rights of convicted violent felons or those duly adjudged mentally infirm by a court of competent jurisdiction." The matter was argued before the Supreme Court of Missouri on November 3, 2015. In February of 2016, the Supreme Court of Missouri ruled against Mr. Hill. According to the Court, Mr. Hill's plea of guilty was not affected by his restoration and therefore independently prevented him from obtaining a permit. The Court further found that the restoration of Mr. Hill's "rights and privileges of citizenship" did not encompass the obtaining of a concealed carry permit because, at the time of the restoration, no citizen had the right to carry a concealed firearm. According to Mr. Hill's attorney, this matter is therefore now concluded.

Wayne Stallsworth v. Ronda Montgomery, Sherriff of Jackson County, Missouri In 1960, Mr. Stallsworth was convicted of burglary. In 2004, the Governor of Missouri granted Mr. Stallsworth a full pardon and he was able to obtain a concealed carry license when he lived in Buchanan County. The language of the pardon that states that it "obliterates said

conviction …. Restore[s] … all rights … and remove[s] … all disqualification, impediment, or other legal disadvantage." More recently, Mr. Stallsworth was denied a concealed carry license renewal by the Jackson County sheriff based on the pardoned burglary conviction from 1960. Mr. Stallsworth appealed the denial in Small Claims Court and won. The sheriff subsequently appealed to the Circuit Court. The Circuit Court overturned the ruling and denied Mr. Stallsworth's concealed carry license renewal. Mr. Stallsworth filed an appeal with a Missouri Appellate court. On May 31, 2016, Mr. Stallsworth's appeal was denied by the appellate court. Mr. Stallsworth's attorney believes that a rehearing before the entire appellate court would produce the same result, and that an appeal to the Missouri Supreme Court would be prohibitively expensive. This matter may now be considered closed.

William LeManno, et al. v. Friendly Firearms, LLC, et al.
Friendly Firearms, LLC is being sued by heirs of the deceased Ms. Terry LeManno. Ms. LeManno was one of three individuals shot at a Jewish community center by Mr. Glenn Cross, a/k/a Glenn Miller, a white supremacist. The lawsuit alleges negligence, negligence per se, and negligent entrustment arising out of the sale of the firearm used in Ms. LeManno's killing, by Friendly Firearms, LLC to an individual who then allegedly provided the firearm to Mr. Cross. The causes of actions asserted are in an "attempt to avoid the protection of Lawful Commerce in Arms Act. [The plaintiffs' attorney] is being supported in that attempt by a recent Supreme Court of Missouri case, *Delana v. CED Sales. Inc., d/b/a Odessa Gun and Pawn*." The applicant's attorney further informs: "We are not aware of any evidence from any source that would suggest that Friendly Firearms, LLC or Mr. Jameison had any information that Mr. Reidle was purchasing the gun for Mr. Miller, a convicted felon who could not buy it for himself. It appears that this is a blatant attempt to put Friendly Firearms, LLC and Mr. Jameison out of business for a valid sale of the firearm because of the outrageous conduct of Mr. Miller."

Wal-Mart Stores, Inc., named as a defendant in the suit, filed for removal to federal court, which was denied and the case remanded to the Jackson County Circuit Court. In response to a request for an update, on November 16, 2016, the applicant's attorney informed that the case has been set for trial on March 26, 2018. However, Friendly Firearms, LLC has been dismissed from the case by Plaintiff's counsel without prejudice. The case against Friendly Firearms, LLC could be refiled within one year from the date of the dismissal. However, the applicant's attorney doubts that the plaintiff will do so.

MONTANA

State of Montana v. James George Stiffler On May 22, 2013, Mr. James Stiffler pulled into the driveway of his home in East Helena, Montana. Mr. Stiffler observed an unknown car in his driveway and spotted a strange man through his dining room window. After finding his front door smashed in, Mr. Stiffler entered his home and encountered the gloved intruder in his computer room. The intruder was much taller and heavier than the then 66-year old Stiffler. When the intruder made threatening motions with his hands and verbally threatened to hurt the homeowner, Mr. Stiffler, armed with a 9mm pistol, fired at the intruder, who at the last second turned away to dodge the incoming fire, and as a result the intruder was struck in the back. The intruder fled the scene, however died shortly thereafter. After the intruder fled, Mr. Stiffler immediately called 911 and specifically mentioned that they should send an ambulance for the injured assailant. The sheriff's office initially treated the shooting as though it were a justifiable homicide. This included Lewis and Clark County sheriff Leo Dutton making an on the record comment to the local newspaper supporting Mr. Stiffler's account of the shooting. "Right now there's nothing to indicate that the details provided by Mr. Stiffler are not accurate," Sheriff Dutton stated on the day following the shooting. However, on May 23, 2015, 665 days after the shooting occurred, Mr. Stiffler was charged with deliberate homicide. After concluding its investigation, the state alleges that Mr. Stiffler's version of events is inconsistent

with the forensic evidence recovered at the scene. The prosecution is alleging that Mr. Stiffler did not shoot when the assailant charged him, but rather shot as the assailant fled through an open window. Mr. Stiffler maintains his version of the events and his attorney submits that these charges arise from Lewis and Clark County attorney Leo Gallagher's opposition to gun rights, specifically Montana's 2009 passing of a "castle doctrine," Mont. Code Ann. § 45-3-103. Mr. Stiffler's filed a motion to dismiss for pre-indictment delay, based on the 665 day delay in prosecution. This motion was denied. A trial in February of 2016 resulted a hung jury. After learning of the hung jury, Mr. Stiffler agreed to a plea deal with the district attorney's office whereby the district attorney would dismiss the matter with prejudice in two years. Therefore, this matter is now closed.

NEW HAMPSHIRE

Association of New Jersey Rifle and Pistol Clubs v. New Hampshire Department of Public Safety This is a challenge to the recent regulation promulgated by the New Hampshire Department of Safety which now imposes a home permit requirement on an applicant seeking a non-resident license to carry. Thus, in order for a non-resident to carry a concealed handgun in New Hampshire, a person must first obtain a carry permit from his home state. While not difficult to satisfy for residents of "shall issue" states, this home permit requirement effectively precludes many residents of states where it is difficult or impossible to obtain a home state permit such as New Jersey, New York, Maryland, California, the District of Columbia, Massachusetts, and Hawaii from obtaining a license to carry in New Hampshire, in violation of the Equal Protection Clause. Thus, residents of those states are held to a higher standard than residents of New Hampshire or residents of shall issue states in order to obtain a carry license. The Department of Safety refuses to accept equally valid credentials such as the New Jersey FID card or a restricted permit from New York, in lieu of a full home carry permit. Further, the Department of Safety has provided a special exemption to the home permit requirement for residents of states that do not require permits in order to carry, such Vermont, Arizona, Maine, etc. Yet, they do not make that special exempted procedure available to the foregoing states (such as New Jersey, New York, Maryland, California, etc.) in violation of the Equal Protection Clause. On June 2, 2016, the New Hampshire Supreme Court found that the above rules were invalid, and reversed and remanded the matter to the lower court.

NEW JERSEY

State of New Jersey v. Jose Fernandez Jose Fernandez is a gainfully employed, 30 year-old, married father of a newborn. When Mr. Fernandez and his family moved to a new home, his wife packed his unloaded revolver in a duffle bag. Sometime later, this duffle bag was used as a carry on for the family's vacation to Florida. Not realizing the firearm was in the duffle bag, Mr. Fernandez was arrested when it was discovered at the TSA checkpoint. Mr. Fernandez was charged with one count of N.J.S. 2C:39-5b (second degree unlawful possession of a handgun). His application to the Pre-Trial Intervention (PTI) program was recently denied. The denial was appealed. Trial started on January 25, 2016. After a hung jury at trial, Mr. Fernandez was granted PTI after all. Thus, this matter is concluded.

Kunz et al. v. Iron Horse Rifle and Pistol Club, et al. The applicant, Iron Horse Rifle and Pistol Club, located in Gloucester Township, New Jersey, has been in existence as a shooting range since 1957. A neighboring housing development, which was constructed in the late 1990's, initiated a lawsuit in an attempt to shut down the applicant's shooting range. The development's residents also sued Gloucester Township, which, in turn, crossclaimed against the applicant to shut down its range for alleged land use, zoning, and building violations, despite no notices of such violations ever having been issued to the applicant. Following the completion of discovery, the Township and the applicant recently entered into a settlement agreement

whereby the applicant's range is deemed a pre-existing nonconforming use and is thus "grandfathered" under New Jersey law and the Township's claims against the club were dismissed. In exchange for this, the applicant agreed to complete certain range safety improvements, using an NRA Range Evaluation from 2011 as guidance for said improvements. The neighboring development's residents declined to join the settlement and the litigation continued. The Township and the applicant have filed motions for summary judgement to dismiss the residents' claims on a number of grounds including, but not limited to, New Jersey state law which exempts gun ranges from noise complaints under N.J. Stat. Ann. § 13:1G-21.2. While some (but not all) of the residents have agreed to the above settlement, the attorneys for the residents have threatened to file further legal action seeking to overturn the existing settlement agreement. They also threatened to raise new environmental claims. As of June 2016, the applicant had entered into a settlement agreement with the Township and all but two of the 26 plaintiff-residents. The Town is now warning the final two plaintiff-residents that it will move to enforce the settlement even if they continue to hold out. As of June 16, 2016, the range reopened with most of the agreed upon range improvements made.

State of New Jersey v. Michael A. Rivera, II Mr. Michael Rivera was a former resident of Florida who moved to New Jersey to reside with his girlfriend, Ms. Loraine Torres. Mr. Rivera possessed a New Jersey firearms purchaser identification card and a permit to carry issued by the State of Florida. On May 21, 2015, Mr. Rivera was involved in a verbal altercation with Ms. Torres. The altercation became physical when, in an alleged attempt to harm herself, Ms. Torres attempted to swallow a bottle of pills. In an effort to physically restrain her from doing so, Mr. Rivera tazed Ms. Torres with a stun gun. The altercation ended when Mr. Rivera and Ms. Torres were separated by Ms. Torres' son. Three days later, Ms. Torres contacted the local police department and stated that she had broken up with her boyfriend and asked that his weapons be removed from her home because she was concerned for her safety and that of her son. Ms. Torres showed the responding officer two locked safes in the home in which Mr. Rivera allegedly kept several firearms, described the recent physical altercation between the two, and presented the officer with the stun gun that Mr. Rivera had used on her. The police seized the two safes, the stun gun, ammunition containers, and several other items of firearms paraphernalia. Mr. Riviera was not present when the seizures occurred. The seizures were carried out pursuant to N.J. Stat. Ann. § 2C: 25-21(d), which authorizes law enforcement, upon responding to a domestic violence call, to "seize any weapon that is contraband, evidence or an instrumentality of a crime." Responding officers must inquire as to the presence of weapons on the premises and seize any weapons that the officers reasonably believe place the victim at risk. At the time of the seizure, Mr. Rivera was not charged with assault or any other crime related to the altercation. A judge denied Ms. Torres' subsequent request for a temporary restraining order, although a no contact order was issued.

Approximately one week after the seizure occurred, police obtained a warrant to search the seized safes. After this search was conducted, Mr. Rivera was charged with violations of N.J.S. § 2C:39-3(k) (unlawful possession of handcuffs, a disorderly persons offense); N.J.S. § 2C:39-5(f) (second degree unlawful possession of an assault weapon); N.J.S. § 2C:39-4(a) (second degree possession of a firearm for an unlawful purpose), N.J.S. § 2C:39-3(f) (fourth degree unlawful possession of hollow-nosed ammunition); N.J.S. § 2C:39-3(h) (fourth degree unlawful possession of a stun gun); N.J.S. § 2C:39-3(j) (fourth degree unlawful possession of large capacity magazines); N.J.S. § 2C:12-1(a)(1) (simple assault, a disorderly persons offense); N.J.S. § 2C:39-5(d) (fourth degree possession of a weapon); and N.J.S. § 2C:39-4(d) (third degree possession of a weapon for unlawful purpose). In October of 2015, Mr. Rivera applied for entry into New Jersey's pre-trial intervention program, which was denied. In April of 2016, a judge granted Mr. Rivera's motion to suppress all evidence seized without a warrant. Counsel for Mr. Rivera argued that while N.J. Stat. Ann. § 2C : 25-21(d) authorizes law enforcement to seize weapons to protect an alleged victim of domestic violence, the statute does not authorize such seized weapons to be used as evidence in a criminal prosecution, as no warrant was obtained for

their seizure. Counsel contends that the warrant police subsequently obtained to search the safes was infirm, as it was obtained after the actual seizure of the safes had already taken place. The prosecutor's office has now moved for an interlocutory appeal in regard to the suppression of evidence. The prosecutor's office argues that the plain view exception allowed the seizure. Counsel for Mr. Rivera notes that, should the Appellate Division reverse the trial court's decision, the constitutionality of New Jersey's stun gun ban may come into play, due to the recent United States Supreme Court decision holding a similar Massachusetts ban unconstitutional. *See Caetano v. Massachusetts*, 136 S. Ct. 1027 (2016).

State of New Jersey v. David Ruffin On March 19, 2015, Mr. David Ruffin, a 49-year-old resident of Philadelphia, PA and at the time a Patrol Officer at Swarthmore College, checked out of a Red Roof Inn in Absecon, New Jersey, where he had stayed with his wife. After checking out of his hotel room, Mr. Ruffin realized he had left his firearm behind. He promptly notified the hotel and returned to retrieve said firearm. Upon his return, Mr. Ruffin was met by officers from the Absecon Police Department. Mr. Ruffin informed the officers that he believed that, as he carried his firearm as a part of his employment, it was lawful for him to carry off duty. Absecon Police stated that this was not the case, and that the permits issued to him to carry a firearm as a part of his employment did not apply to his ability to carry off duty. Mr. Ruffin was charged with violations of N.J. Stat. Ann. § 2C:39-5(b) (Unlawful Possession of Handgun – Second Degree) and N.J. Stat. Ann. § 2C:39-3(f) (Unlawful Possession of Dum-Dum Bullets – Fourth Degree). Pursuant to New Jersey law, "Dum-Dum" bullets include expanding bullets. N.J. Stat. Ann. § 2C:39-5(b) falls under the Graves Act, which enhances penalties for mere possessory offenses, and imposes mandatory terms of imprisonment for 42 months – even for first-time offenders. Mr. Ruffin's fourth degree charge arises from the State's unconstitutional scheme of prohibiting specific ammunition except under exemptions which may be raised only at trial. At issue is whether Mr. Ruffin would be eligible for entry into the Pre-Trial Intervention ("PTI") program, a supervisory program created for certain individuals that would result in the dismissal of charges if successfully completed. Mr. Ruffin is a family man and has undergone extensive training in the safe, responsible use of firearms. He has no criminal history. The aforementioned charges stem only from Mr. Ruffin's misunderstanding of the laws of the State of New Jersey with regards to the paperwork needed to lawfully carry a firearm in that state. At no time is it alleged that Mr. Ruffin used or threatened to use his firearm in an unlawful manner. The State of New Jersey recently rejected Mr. Ruffin's PTI application. An appeal of that rejection was filed. The appeal was also denied. In March of 2016, Mr. Ruffin plead guilty to unlawful possession of a handgun, all other charges being dismissed. Mr. Ruffin's attorney is currently preparing a motion to reduce Mr. Ruffin's sentence to non-custodial probation, which he argues is permitted under recent case law in New Jersey. A hearing on that motion and Mr. Ruffin's sentencing was scheduled for the end of July 2016.

State of New Jersey v. Eric Swallick Mr. Swallick is charged under New Jersey law with possessing an AR-15, possessing a large capacity magazine, and possessing a pistol. In May 2016, Mr. Swallick's attorney negotiated a plea deal that would allow Mr. Swallick to plead guilty to unlawful possession of a firearm. However this actual conviction will never be entered if Mr. Swallick successfully completes Pre-Trial Intervention.

State of New Jersey v. in the Interest of Douglas Woods Mr. Douglas Woods' guns were seized as a result of a restraining order entered against his mother, who does not reside with Mr. Woods. The victim alleged that she lived with Mr. Woods. This caused the judge to authorize the seizure of Mr. Woods' firearms. One of the firearms seized was a Winchester Model 190, 22 long rifle with a tube magazine. New Jersey Statutes define "assault rifles" as including semi-automatic rifles with a fixed magazine with a capacity greater than 15 rounds. N.J. Stat. Ann. § 2C:39-1. The district attorney's office alleged that they were able to fit 16 rounds into the magazine and operate the firearm. The district attorney's office is now moving to forfeit all of Mr. Woods' firearms as well as revoking state firearms identification card, alleging that he is "unfit to possess firearms because he maintained an illegal assault rifle." The applicant's attorney is

seeking to have the forfeiture action dropped, noting that Mr. Woods has already forfeited the Winchester firearm in question. Mr. Woods is a veteran and has no criminal record or other disabilities that would disqualify him from possessing firearms, and that Mr. Woods did not realize that the firearm in question met the definition of an assault weapon under New Jersey law. In response to a request for an update, the applicant's attorney informs that at a meeting on September 29, 2016, the prosecutor was unwilling to dismiss the forfeiture action. The applicant's attorney, however, is confident that the Superior Court Judge who hears this matter will not forfeit Mr. Woods' firearms and that the State will not appeal that decision.

NEW YORK

Knife Rights, Inc., et al. v. Vance This is a challenge, on Fourteenth Amendment vagueness grounds, to New York City's enforcement of state laws that prohibit "switchblade" and "gravity" knives. The applicants' attorney describes the case as follows:

This case is a challenge to the vague and unconstitutional manner in which the Manhattan District Attorney's Office and the New York City Police Department enforce New York State knife law. The defendants routinely arrest and prosecute individuals and businesses for possessing and selling ordinary pocket knives falsely claiming that they are illegal "gravity knives." Under Defendants' approach to enforcement it is impossible to know what knives are legal or illegal. Significantly, the knife possession charges are also being used as a pretext to subsequently confiscate licensed, registered firearms from many of those who have been arrested (including some of the plaintiffs in this case).

The applicants' attorney informs that the standing issue is of import in other firearms related and Second Amendment cases: "Judges in the Second and Third Circuits have for several years been bending standing rules to the breaking point in an apparent effort to stop Second Amendment cases from proceeding (the Gregg Revell Port Authority FOPA case is one example). A loss on the pending appeal in this case further threatens the ability of other plaintiffs to bring firearms-related cases in the Second Circuit, while a win would prove useful in subsequent cases."

The complaint was filed in the U.S. District Court for the Southern District of New York on June 9, 2011. The court dismissed the lawsuit based on Plaintiffs' lack of standing. It held that no plaintiff alleged a "concrete, particularized, and actual or imminent" injury that would be "redressable by a favorable ruling." A motion for reconsideration was denied on November 20, 2013. The dismissal was appealed to the U.S. Court of Appeals for the Second Circuit on May 15, 2014. Briefs were filed and argument was held January 13, 2015. On September 23, 2015, the United States Court of Appeals for the Second Circuit affirmed the lower court's holding that the organizations Knife Rights and Knife Rights Foundation do not have standing, but vacated and remanded the district court's holding as to Copeland, Perez, and Native Leather, finding those plaintiffs sufficiently alleged an injury in fact to satisfy standing. The favorable Second Circuit opinion is being used in several Second Amendment cases in other parts of the country in cases challenging firearms restrictions. (For instance, a Rule 28(j) submission, citing this case, was filed with the Ninth Circuit in *Haynie v Harris*, a vagueness challenge to the overly broad enforcement of California's "assault weapon" law.) On June 16, 2016, the bench trial concluded. As of December 6, 2016, the applicants were awaiting a decision from the court.

New York State Rifle and Pistol Association, et al. v. City of New York, et al. This case is pending in the United States Court of Appeals for the Second Circuit. After reducing most handgun permits issued by the city from full-carry to "premises only" over the course of decades, the New York City Police Department (NYPD) added further regulations limiting the places a premises permit holder could transport a gun to only ranges approved by the NYPD located within the Five Boroughs of NYC, with a small exception for

hunting on New York State approved hunting land. This regulation, enforced by revocation of the person's firearm permit (forfeiture of all handguns and essentially a revocation of Second Amendment rights as to handguns) was put into place several years ago and enforced on a case-by-case basis. This lawsuit, filed in 2013, challenges the law by raising, among other things, the Second Amendment and the right to travel. In February 2015, the United States District Court ruled in favor of the city. An appeal to the United States Court of Appeals for the Second Circuit was filed in March 2015. The case has been fully briefed. Argument before the Second Circuit was held on August 17, 2016.

OHIO

Darrin Brodbeck v. State of Ohio The applicant's attorney relates the following pertinent facts: The applicant, Mr. Darrin Brodbeck, is currently incarcerated, serving 23 to life, after being convicted of the murder of his girlfriend, Ms. Christine Turner, in June of 2006. He has been incarcerated since 2007, after being convicted of murder, domestic violence, and tampering with evidence. Mr. Brodbeck has maintained his innocence, asserting that Ms. Turner accidentally shot herself while under the influence. At the time of the incident, Mr. Brodbeck and Ms. Turner were in a heated argument. Both were intoxicated. Ms. Turner had a BAC of .21 and large amounts of cocaine in her system. The fight turned physical. Ms. Turner then shot herself. Mr. Brodbeck called 911 and also went to get Ms. Turner's mother and stepfather. Subsequently, the mother and stepfather and a neighbor were in the house unsupervised. When the police arrived, Mr. Brodbeck was taken into custody and accused of homicide. According to the police, Mr. Brodbeck had shot Ms. Turner in the hallway, then dragged her into the bedroom, and then back to the hallway. However, the applicant's attorney asserts there is no physical evidence of Mr. Brodbeck shooting Ms. Turner. The applicant's attorney argues that this is a case of a wrongful conviction based on misleading forensics, junk science, ineffective counsel, and police incompetence. "This funding request is to pay for … state of the art forensics work ups in order to prove Mr. Brodbeck's innocence … [and] … to hire the expert witnesses we need at this time to get back into court for an evidentiary hearing."

On October 28, 2016, the applicant's counsel filed a motion for leave to file motion for new trial in the District Court of Franklin County, Ohio. The State filed a request for a 30 day extension on November 15, 2016 and filed its response on November 28, 2016. On December 6, 2016, the applicant requested a two week continuance to file a reply.

PENNSYLVANIA

Binderup v. Holder This case is pending in the Third Circuit Court of Appeals. The plaintiff challenges, on Second Amendment grounds, the 18 U.S.C. 922(g)(1) possession prohibition for individuals convicted of a crime punishable by more than one year in prison. Daniel Binderup's offense was a misdemeanor charge for "corruption of minors," stemming from a long ago consensual affair with an employee just shy of her 18th birthday. While the crime, corruption of minors, is not a felony, it is a first-degree misdemeanor which can carry a maximum sentence of five years. Under federal law, it therefore falls under the federal felon-in-possession statute. Mr. Binderup did not serve time and the convicting state, Pennsylvania, does not consider him a sex offender and had restored his gun rights a long time ago. Oral arguments were heard on July 9, 2015 before the Third Circuit Court of Appeals. On April 21, 2016 this matter was consolidated with *Suarez v. Attorney General*. The Court, sua sponte, ordered a rehearing en banc in the cases and scheduled oral arguments for June 1, 2016. On May 9, 2016, the Court ordered supplemental briefs to be filed by the parties and amici in regard to the effect of the United States Supreme Court's decision in *U.S. v. Bean*, 537 U.S. 71 (2002), and the Third Circuit Court's precedent in *Pontarelli v. U.S. Dep't of the Treasury*, 285 F.3d 216 (3d Cir. 2002), on the case. On May 17, 2016, the NRA drafted and filed a supplemental brief, on the NRA's

behalf, addressing said issue. On June 28, 2016, the Court ordered supplemental briefs to be filed by the parties and amici in regard to the effect of the recent United States Supreme Court's decision in *Voisine v. U.S.*, No. 14-10154 (2016), on the case. On July 7, 2016, the NRA drafted and filed a supplemental brief, on the NRA's behalf, addressing said issue. On September 7, 2016, the Third Circuit ruled, upholding the as-applied challenges by Binderup and Suarez, in an 8-7 opinion. The Court upheld the standard two step Second Amendment inquiry, ruling that 922(g)(1) did infringe on Binderup's and Suarez's Second Amendment rights, and holding that the government failed to show that the infringement was justified under intermediate scrutiny. Specifically, three judges in the majority declared the law unconstitutional as applied to Binderup and Suarez because their crimes did not involve violence, the facts did not show the crimes were actually serious in a conventional legal sense, and the two men had lived for years as virtuous citizens. Five judges in the majority argued that the "virtuous citizen" approach was too imprecise. They held the federal law unconstitutional when used against anyone with a convincing argument that their crime did not involve violence or any other signs that it was a serious offense. Seven judges dissented. They would not allow an as-applied challenge to the law. On November 21, 2016, the United States Supreme Court granted the Attorney General an extension of time to January 5, 2017 to file a petition for writ of certiorari. Besides funding this case, the NRA Civil Rights Defense Fund also funded the writing of an amicus curiae brief to be filed on behalf of the NRA.

John Current Mr. Current is an NRA Life Member, 57 year old engineer, graduate of the United States Naval Academy, holding Top Secret and above clearance. On May 19, 2013, while attending a party, Mr. Current had several drinks and got into a disagreement with some individuals. Initially, he was asked to leave but then his keys were taken from him and he was allowed to stay. Later, his son returned to take him home. Mr. Current had left his handgun in the trunk of his vehicle at the party. Later that evening the police arrived at Mr. Current's home, confiscated his firearms, and took him into custody under a petition pursuant to Section 302 of the Pennsylvania Mental Health Procedures Act. Instead of being examined by a doctor – as required by the Pennsylvania law – Mr. Current was examined by a nurse. A doctor, who did not examine Mr. Current, signed a 302 commitment against him, apparently based on an earlier reference regarding suicide; despite the Pennsylvania Mental Health Act requirement that the conduct must have occurred within 30 days of the commitment. Mr. Current filed a Petition for Restoration of Firearm's Rights and for Review. The petition was denied. In January 2016, the Pennsylvania Superior Court denied Mr. Current's appeal. Mr. Current's attorney advised him that an appeal to the Pennsylvania Supreme Court would likely not be favorable, and this matter is now concluded.

David A. Titus v. Pennsylvania State Police On October 15, 1979, David Titus pled guilty in Maryland to resisting arrest, an uncharacterized Common Law misdemeanor at the time, and was sentenced to a 60 day suspended jail sentence, one year of probation, and a $500 fine. Maryland later codified the crime of resisting arrest and it now carries a maximum sentence of incarceration for up to three years. In 2013, Mr. Titus attempted to purchase a firearm in Pennsylvania. The background check conducted through the Pennsylvania Instant Check System ("PICS") revealed the 1979 conviction, and the firearm purchase was denied. Mr. Titus submitted a PICS challenge in May 2013 to the Pennsylvania State Police which was denied. Mr. Titus then challenged the Pennsylvania State Police denial during a subsequent hearing before an administrative law judge. The administrative law judge denied Mr. Titus's request for relief. Under the Federal Gun Control Act, anyone who has been convicted of a misdemeanor punishable by imprisonment of more than two years is denied the right to possess a firearm. 18 U.S.C. §§ 921(a)(20)(B) and 922(g)(1). According to the Pennsylvania State Police , while there was no maximum sentence for Common Law misdemeanors in 1979, theoretically Mr. Titus *could have received* a sentence of two years or more incarceration, as a contemporaneous resisting arrest case resulted in a sentence of three years in prison. Mr. Titus contends that he is no longer ineligible to purchase a firearm under the Federal Gun Control Act, as his gun rights in Maryland have been fully restored

following his 1979 misdemeanor conviction. The applicant's attorney informs that "[t]his case is important because it is the first one of its kind in Pennsylvania to determine that a class of individuals have had their firearm rights restored by a subsequent legislative act." On August 5, 2015, a Pennsylvania Commonwealth Court overturned the denial and remanded, stating that it was clear Mr. Titus had had his full Maryland gun rights restored, and that therefore the restoration of his federal gun rights would hinge on him presenting appropriate evidence that his other civil rights had been restored in Maryland. If so, this would result in the restoration of his federal firearms rights. After a hearing in May of 2016, at which Mr. Titus presented evidence as to the restoration of his other civil rights, the court ordered the submission of supporting memoranda, which were filed in July 2016. On November 2, 2016, Mr. Titus prevailed before the administrative agency law judge. The judge ordered the Pennsylvania State Police to amend the PICS within 30 days to remove any negative information related to Mr. Titus being disabled to possess a firearm. The applicant's attorney informed that he would diary this case until December 2, 2016 to see if the Pennsylvania State Police file an appeal to the Commonwealth Court of Pennsylvania.

TENNESSEE

Walker v. United States The question presented was whether one who regains his or her federal civil rights by operation of federal law has had his civil rights "restored" within the meaning of 18 U.S.C. § 921(a)(20), and therefore may exercise the fundamental constitutional right guaranteed by the Second Amendment. Mr. Walker, previously convicted of a non-violent felony, had a full restoration of rights granted by the state of Tennessee. The United States Department of Justice refused to recognize his restoration despite federal law to the contrary. In December, 2015 in a two-to-one decision by the United States Court of Appeals for the Sixth Circuit, Mr. Walker lost. Mr. Walker filed a petition for certiorari with the United States Supreme Court on February 10, 2016. The NRA filed an amicus in support of the petitioner on March 16, 2016. On May 31, 2016 the Court denied the petition but only after DOJ conceded a key point.

TEXAS

Bob Arwady Mr. Arwady owned and operated Arwady Sales, a Federal Firearms Licensee ("FFL"), between the period of 1989 and 2007. During this time, Mr. Arwady had an antagonistic relationship with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("BATFE"). According to the applicant's attorney, this arose out of Mr. Arwady's refusal to become an informant for the BATFE in the BATFE's illegal "Fast and Furious" program, "where he was told that if he cooperated with [BATFE], he could keep his license." In 1998, Mr. Arwady was indicted, on charges arising from alleged record keeping violations during the course of a 1996 BATFE compliance inspection. Mr. Arwady was acquitted on all counts. In 2004, Arwady Sales was again the subject of a BATFE compliance inspection, and again record keeping violations were alleged by the BATFE. These allegations included five missing silencers – which the applicant's attorney alleges "were a complete fraud" as they had never been registered to, nor presumably possessed or sold by, Mr. Arwady or his business – and over 600 missing firearms. Mr. Arwady claims that these record keeping discrepancies – as well as those that caused the 1998 indictment mentioned above – were due to the fault of Mr. Jeffrey Lewis, a sergeant with the Houston Police Department, who had worked at Arwady Sales from 1991-1998 as a part time employee. This employee had been falsifying the business's records in order to cover the fact that he had been stealing firearms from the business. The BATFE's criminal investigation, and subsequent indictment of and plea agreement with Mr. Lewis led to Mr. Lewis' agreement to testify against Mr. Arwady. Despite Mr. Arwady's best efforts to reconcile the discrepancies alleged by the BATFE, including accounting for all but 30 of the over 600 missing firearms, in 2006, Mr. Arwady was notified that the BATFE would not be renewing Arwady Sale's FFL. Mr. Arwady's appeal was denied at a BATFE administrative hearing. His appeal to the United States District Court for the Southern District of Texas was also unsuccessful. Mr. Arwady filed an appeal with the United States Court of Appeals for the Fifth Circuit, but subsequently withdrew his appeal and closed Arwady Sales. However, Mr. Arwady continued to run another non-FFL business at the same location, selling ammunition, and firearms accessories. At the time Arwady

Sales closed, there were roughly 150 firearms left in inventory. Based on BATFE regulations and federal law, Mr. Arwady believed it to be legal for him to transfer these firearms into his personal collection, and then sell most of them. He began to do this shortly thereafter, offering the firearms for sale on the internet, while storing them in safes at his business (though his attorney notes he never displayed any of these firearms for sale at the business). In July of 2009, the BATFE executed search warrants on Mr. Arwady's business, residence and vehicle, seizing 165 firearms, and subsequently commencing civil forfeiture proceedings against the firearms. The civil forfeiture action was dismissed on mutual agreement of the parties after the Court denied the government's summary judgment motion. In February of 2014, a federal grand jury in Houston returned an eight count indictment against Mr. Arwady, which included a "notice of forfeiture," for 162 of the 165 firearms. Trial was set for October 19, 2015. In October of 2015, a court dismissed six of eight counts in an indictment against Mr. Arwady. Mr. Arwady was found not guilty of the remaining two counts on October 21, 2015. The court also ordered the return of the 165 firearms that were seized. The matter of the charges against Mr. Arwady may now be considered closed. In June 2016, the NRA Civil Rights Defense Fund received a letter from Mr. Arwady himself stating that he wished to sue the BATFE for malicious prosecution.

VERMONT

In re: Laberge Shooting Range, J.O. 4-247; In re: Jurisdictional Opinion 4-247-Alerted, Laberge Shooting Range; In re: Firing Range Neighborhood Group, LLC
The applicant, Laberge & Sons, Inc., has operated a shotgun shooting range in Charlotte, Vermont for approximately 60 years. The range is available for use by the shooting public at no admission charge. The range's activities have been protected under Vermont's range protection statute and have thus avoided regulation under Vermont's development laws. In the 1990's, a group of neighbors challenged the range. The State issued a jurisdictional opinion in the range's favor allowing the range to continue to operate. Two years ago, the plaintiffs asked the State to revisit the jurisdictional opinion, alleging changes to the range justified the elimination of its grandfathered status. The plaintiffs argue that minor improvements to the range require that the range obtain an Act 250 permit. Specifically, the plaintiffs argued that the construction of one new shooting bench and the repair of six existing benches, the erection of three small berms, and the continued collection of donations triggered Act 250 jurisdiction. Act 250 imposes a noise limit of 70 dBA at the property line, or 55 dBA at the nearest residence. This is a limit that few outdoor ranges, if any, can comply with and one that this range cannot satisfy. The plaintiffs are attempting to circumvent the range protection law, which expressly prohibits neighbors from suing a range for noise-related nuisance claims. If it is held that these minimal changes trigger Act 250 jurisdiction and remove a range's grandfathered status, then no range in Vermont will be able to make any repairs to its facility or make minor improvement to their property without triggering Act 250. The State issued a new jurisdictional opinion holding that an Act 250 permit was now required. The applicants have appealed the jurisdictional opinion to the Vermont Environmental Court. The plaintiffs unsuccessfully sought to have the appeal stricken as untimely. The plaintiffs appealed that decision to the Vermont Supreme Court, but were unsuccessful in that effort also because they failed to follow the rules for an interlocutory appeal. If there are no other appeals in regard to that matter, this case will likely be submitted to the Environmental Court on cross motions for summary judgment in the next three months. If the range is unsuccessful, the range will have to cease operation.

North Country Sportsman's Club, Inc. v. The Town of Williston, Vermont The applicant, the North Country Sportsman's Club, Inc., of 120 members, has operated a shotgun shooting range in the Town of Williston, Vermont for approximately 50 years. Under the Vermont range protection statute, local municipalities may not "prohibit, reduce, or limit discharge at any existing sport shooting range." Vt. Stat. Ann. tit. § 2291(8) and § 5227. In 2004, the Town of Williston enacted a noise ordinance, which, in relevant part, states as follows:

No person shall make, cause to be made, assist in making, or continue any excessive, unnecessary, unreasonably loud noise or disturbance, which disturbs, destroys, or endangers the comfort, health, peace, or safety of others within the immediate vicinity of the noise or disturbance. Williston, Vt., Noise Control Ordinance § 4 (2004). The ordinance specifically excludes: "[T]he use of firearms . . . when used for sport shooting consistent with any permitting conditions placed on such use. For sport shooting uses permitted prior to January 1, 2005, the hours of operation will be determined through a written agreement with the Town." Williston, Vt., Noise Control Ordinance § 6.13 (2004).

The applicant entered into an agreement with the Town of Williston in 2007, limiting the club's hours of operation, reducing the number of events at the club, and requiring the club to provide advance notice to the Town of any special events. This agreement automatically renewed each year, and could be cancelled via notice by either party. In 2014, the Town asked the club to renegotiate the agreement. The new agreement proposed by the Town sought to further limit the club's hours of operation and the number of special events. The club did not agree to these new terms, and no new agreement was executed by the parties. "Shortly after the Agreement was terminated, on May 6 and 10, 2015, the Town cited the [c]lub for violation of the Town's Noise Ordinance." The Town contends that in the absence of an agreement as to operating hours, the club was subject to the noise ordinance, that the club's activities violated that ordinance's noise levels, and that the club is only entitled to the state law preemption protection if the club enters into an agreement with the Town as per the Town ordinance. The club's attorney argues that the Town had no right to compel the club to enter into an agreement. The club then filed a complaint for a declaratory injunction, asking the Vermont Superior Court to find the regulation invalid. The Superior Court recently held that the Town did not have the right to compel the club to enter into such an agreement. However, the judge also stated – *in dicta* – that the club could still be required to meet the noise restrictions imposed by the Town noise ordinance. Contrary to the judge's *dicta*, the club cannot comply with the Town ordinance noise restrictions. The club filed a motion to alter or amend the decision pointing out that the judge's advice, to enclose the skeet shooting field would be impractical, prohibitively expensive, and beyond the club's means, and that shotgun silencers are only moderately effective, prohibitively expensive, and can impact accuracy. The Court has not yet ruled on the club's motion. The applicant's attorney informs that "if this decision stands, communities across the State could enact similar regulations and gradually phase out gun clubs statewide." The club plans to appeal to the Vermont Supreme Court if the motion is unsuccessful. The parties were not able to reach a settlement and agreed to a Joint Stipulation to Final Judgment. On October 25, 2016, the Court entered final judgement in this matter and on October 26, 2016, the applicant filed a notice of appeal to the Vermont Supreme Court. The applicant's Appellate Brief was due December 7, 2016 and the appellee's brief was due one month thereafter.

WASHINGTON

Watson, et al, v. City of Seattle This case is pending in the Washington Superior Court, King County. This suit was brought by a coalition of pro-gun groups, including NRA, in response to a "violence tax" imposed by the City of Seattle on firearm businesses in the city. The complaint was filed on August 24, 2015. Following discovery motions for summary judgment were filed. On December 22, 2015 the court ruled adversely to the plaintiffs. Plaintiffs have filed a notice of appeal. On April 4, 2016, Plaintiffs filed their opening brief. Since the appeal, the state of Washington filed an amicus curiae brief in support of the city contending that the state does not have sole authority over taxation. The appellate court accepted the brief over objection on June 28, 2016. On July 18, 2016, an amicus brief was filed by state legislators opposing the Attorney General's amicus brief.

WEST VIRGINIA

Goldstein v. Peacemaker National Training Center, LLC, et al. The applicants, Peacemaker Properties, LLC and Peacemaker National Training Center, LLC (hereinafter collectively referred to as "PNTC") are the defendants

in the above-referenced civil action. The PNTC's range is a nationally recognized shooting range and firearm training center located in Berkeley County, West Virginia. The PNTC hosts national firearms competitions and training events. The range is open to the public and has approximately 1,000 members. The plaintiffs, Ben and Diane Goldstein, reside across the state border in Frederick County, Virginia. The plaintiffs have alleged that the activity at PNTC is a nuisance to their enjoyment of their property. The plaintiffs purchased their Frederick County, Virginia property in 1976. The PNTC opened in September 2011. Prior to construction, the owner/operator of PNTC, Mr. Cole McCulloch, applied to the Berkeley County Planning Commission for approval. During the approval process, Mr. McCulloch provided an environmental stewardship plan and allegedly promised to be "sensitive to neighbors" regarding their noise concerns. The plaintiffs allege that Mr. McCulloch represented to the Planning Commission that the PNTC's goal was to be below 65 decibels (dB) during operating hours. 65 decibels is the noise level allegedly associated with the sound of a normal human conversation. Further, Plaintiffs allege that Mr. McCulloch agreed to amend PNTC's hours of operation in response to the neighboring community's alleged concerns over noise levels. The plaintiffs contend that, despite the alleged promises, PNTC has deviated from its published hours of operation, including allowing shooting as early as 7:00 a.m. on both weekends and weekdays, and as late as 7:30 p.m. on both weekends and weekdays. Additionally, Plaintiffs allege that PNTC has produced sounds as loud as 94 decibels (dB), which, Plaintiffs allege, is loud enough to damage human hearing. On September 18, 2015, the plaintiffs filed a private nuisance in the Circuit Court of Berkeley County, West Virginia against PNTC, alleging violations of both the City of Winchester, Virginia, Noise Control Ordinance, as well as the Berkeley County, West Virginia Noise Ordinance. The plaintiffs' residence is located in Virginia, and the PNTC is largely or wholly located in West Virginia. Choice of law is disputed in this matter. However, regardless of which state's law the court decides to apply, PNTC is either exempt from any relevant noise ordinances or any such claims are barred by the statute of limitations. Under Virginia law, "[n]o local ordinance regulating any noise shall subject a sport shooting range to noise control standards more stringent than those in effect at its effect date." Va. Code Ann. § 15.2-917. The Berkeley County, West Virginia noise ordinance expressly excluded shooting ranges when PNTC was established – and still does. Further, at the time of the PNTC's establishment, the Frederick County, Virginia noise ordinance contained a list of different zones in which the County's ordinance applies. The Goldstein Property did not, nor does it currently, sit inside any of these zones. Therefore, the applicant's attorney argues that under Virginia law, there cannot be any noise control standards applicable to PNTC, as none applied to the PNTC at the time of its establishment. Further, even if West Virginia law were to apply, the plaintiffs' claim is barred by way of statute of limitations. Under West Virginia law, "[A] person who owned property in the vicinity of a shooting range that was established after the person acquired the property may maintain a nuisance action for noise against that range only if the action is brought within four years after establishment of the range or two years after a substantial change in use of the range." W. Va. Code §61-6-23(c).

The PNTC range was established as a company in June of 2010. Shooting activity at the range began in April 2011. Plaintiffs filed their complaint in this matter on September 22, 2015. The plaintiffs' complaint is therefore barred by the statute of limitations under West Virginia law. However, the plaintiff's attorney contends that the PNTC was not established until September 22, 2011, based on a September 22, 2011 Facebook post, on the PNTC Facebook page, announcing that "[a]t long last – Peacemaker is open!" Furthermore, the plaintiffs' complaint should be dismissed pursuant to Rule 19 of the West Virginia Rules of Civil Procedure for the failure to join an indispensable party. The plaintiffs' complaint does not include the Shadow Hawk Defense Range, nor any number of home ranges, all of which are located nearby the PNTC and the Goldstein's property and allegedly produce sounds substantially similar to the PNTC. The defendant's motion to dismiss remains pending in this matter. Additionally, Plaintiffs have filed a motion to compel in regard to discovery requests, on which a decision is also pending. Discovery is on-going. The applicant has recently filed a motion for reconsideration in response to the Court ordering that that the range must produce numerous documents, most of which would disclose specific customer identities.

WAYS OF GIVING

The NRA Civil Rights Defense Fund offers many flexible options for individuals, organizations, and companies to support the Fund's work through charitable giving. Call 1-877-NRA GIVE (1-877-672-4483) for details on the options available. These include:.

Direct Contribution

By check or credit card, this is the easiest way to contribute to the Fund.

Online Contribution

Through our secure server, cyber donors are giving to the Fund by visiting *www.nradefensefund.org*.

Matching Gifts

Many corporations will match their employees' gifts to charitable organizations, effectively doubling or tripling your charitable contribution. Donors should check with their personnel office and follow directions to initiate a match. For a complete list of companies, contact the Office of Advancement at 877-NRA-GIVE.

Gifts of Stocks, Bonds, and Other Securities

The NRA Civil Rights Defense Fund welcomes gifts of stocks, bonds, and other securities. A gift of appreciated securities allows you to take an income tax deduction for the fair market value of the asset to the extent allowable by law, regardless of the original purchase price.

Workplace Giving Campaigns

Workplace giving campaigns offer a convenient way to make payroll deduction contributions to the NRA Civil Rights Defense Fund. In 2016, donors contributed generously through workplace giving campaigns. These contributions represent support from thousands of individual employees across the country, and in the case of federal employees, around the world. Workplace giving campaigns include the Combined Federal Campaign (CFC); State, City, and Local Government Campaigns; The United Way Campaign and other workplace giving programs.

COMBINED FEDERAL CAMPAIGN (CFC #10006)

The Combined Federal Campaign is the only authorized solicitor of employee contributions in the federal workplace. The NRA Civil Rights Defense Fund is considered a National Unaffiliated Organization and can be found in that section of the CFC campaign booklet. The NRA Civil Rights Defense Fund currently receives donor designations from more than 200 federal workplace campaigns.

STATE, CITY, & LOCAL GOVERNMENT EMPLOYEE CAMPAIGNS

Employees of these agencies may also contribute to the NRA Civil Rights Defense Fund at their workplace if the Fund meets the agencies' eligibility criteria. Specifically designating the Fund in campaigns where eligibility has not yet been determined is often the catalyst for the Fund becoming eligible.

Tribute Gifts

Through a Special Tribute gift, your thoughtfulness can help sustain our Second Amendment freedoms for the future, while serving as a fitting tribute to an individual who has cherished these freedoms throughout their life. Special Tribute gifts can be made in memory of a deceased loved one, to celebrate a special occasion, or in honor of an important accomplishment.

Wills and Bequests

After personal and family needs are met, donors can bequeath a specific amount or a percentage of their remainder estate to the NRA Civil Rights Defense Fund. Contributions by bequest are deductible from the taxable estate as a charitable gift. As an alternative, the NRA Civil Rights Defense Fund can be named a contingent beneficiary in the event the first-named beneficiary(ies) should not live to receive the inheritance. If your will is already prepared, a simple codicil (a supplement or addition) can be added to the existing document.

Since local laws differ, a professional advisor should be contacted for the preparation of all wills and trusts. As a reference, the NRA Civil Rights Defense Fund recommends that members and friends consider the following language for use in their wills.

General bequest language is as follows: I give, devise, and bequeath to the NRA Civil Rights Defense Fund, 11250 Waples Mill Road, Fairfax, Virginia 22030, the sum of $_____ (or here otherwise describe the gift) for its general purposes as such shall be determined by its Board of Trustees.

Bequest language to benefit the NRA Civil Rights Defense Fund endowment is as follows: I give, devise, and bequeath to the NRA Civil Rights Defense Fund, 11250 Waples Mill Road, Fairfax, Virginia 22030, the sum of $ _____ (or here otherwise describe the gift) for the NRA Civil Rights Defense Fund Endowment.

Other Planned Giving

The Fund offers several other options in addition to wills and bequests for individuals to make a planned gift. An individual can provide a bright future for our firearms heritage through trusts, or through charitable gift annuities which can provide the donor needed income and a generous tax deduction. The Fund stands ready to assist you in the selection of what type of gift will work best to help you meet your charitable giving goals.

Contributions to the NRA Civil Rights Defense Fund are tax-deductible to the fullest extent of the law. The Fund is recognized as a 501(c)(3) entity under the Internal Revenue Code.

The Fund's mailing address is: 11250 Waples Mill Road, Fairfax, Virginia 22030. Credit card contributions may be made by telephoning 1-877-NRA GIVE (1-877-672-4483), or make an online contribution through our secure server by visiting www.nradefensefund.org.

LEAVE A LEGACY

ADVANCEMENT TEAM

To learn more about how you can ensure the Fund's future with a planned or strategic gift, contact the Advancement Officer for your region or state, or please call (877) NRA-GIVE (672-4483).

John Coonradt
Senior Director, Gift Planning
703-267-1236
jcoonradt@nrahq.org

Don Chilcote
Director, Hunters' Leadership Forum
989-859-7556
dchilcote@nrahq.org

Jennifer Craig-Brewster
Director, Women's Leadership Forum
412-477-3233
jcraig-brewster@nrahq.org

Tim Fisher
Director, Planned Giving
IL, IN, MI, OH
703-267-1123
tfisher@nrahq.org

Brooke Berthelsen
Planned Giving Officer
Southeast Region
703-981-9357
bberthelsen@nrahq.org

Vicki Clarke
Planned Giving Officer
LA, TX
512-620-1334
vclarke@nrahq.org

Bob Ferguson
Advancement Officer
CT, MA, ME, NH, NJ, NY, RI, VT
203-644-8026
bferguson@nrahq.org

William Johnson, Jr.
Advancement Officer
AL, GA, MS, SC
843-901-3476
wjohnson@nrahq.org

Travis Junion
Advancement Officer
CA, NV
714-215-7499
tjunion@nrahq.org

David Kelner
Advancement Officer
AZ, CO, NM, UT, WY
480-318-8462
dkelner@nrahq.org

David Kulivan
Advancement Officer
DE, MD, PA, WV
202-597-0248
dkulivan@nrahq.org

Susan Metts
Advancement Officer
KY, NC, TN, VA
919-812-3554
smetts@nrahq.org

Lathan Murphy
Advancement Officer, FL
863-420-6960
lmurphy@nrahq.org

George Pond
Advancement Officer, LA, TX
512-925-4451
gpond@nrahq.org

J. Pierce Shields
Planned Giving Officer
Northeast Region
703-244-9457
jshields@nrahq.org

Kent Smith
Planned Giving Officer
Western Region
512-788-2535
kentsmith@nrahq.org

Susan Trnka
Advancement Officer
IA, MN ND, NE, SD, WI
701-540-7242
strnka@nrahq.org

FINANCIAL STATEMENTS

2016
ANNUAL REPORT

Report of Independent Auditors

To the Board of Trustees

NRA CIVIL RIGHTS DEFENSE FUND

Report on the Financial Statements

We have audited the accompanying financial statements of NRA Civil Rights Defense Fund (the Fund), which comprise the statements of financial position as of December 31, 2016 and 2015, the related statements of activities and cash flows for the years then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of NRA Civil Rights Defense Fund as of December 31, 2016 and 2015, and the changes in its net assets and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

RSM US LLP

McLean, Virginia
March 8, 2017

NRA Civil Rights Defense Fund

Statements of Financial Position

AS OF DECEMBER 31, 2016 AND 2015

	2016	2015
Assets		
Cash	$ 1,255,795	$ 718,196
Investments	3,368,318	3,039,444
Pledges and contributions receivable, net	262,569	168,310
Due from affiliates	1,439,769	1,375,087
Other assets	81,356	73,654
Split interest agreements	654,156	617,808
Total assets	**$ 7,061,963**	**$ 5,992,499**
Liabilities		
Accounts payable	$ 131,149	$ 109,903
Annuities payable	170,645	147,879
Total liabilities	**301,794**	**257,782**
Net Assets		
Unrestricted:		
Designated	750,958	478,727
Undesignated	2,941,937	2,384,936
Temporarily restricted	1,454,625	1,307,286
Permanently restricted	1,612,649	1,563,768
Total net assets	**6,760,169**	**5,734,717**
Total liabilities and net assets	**$ 7,061,963**	**$ 5,992,499**

THE ACCOMPANYING NOTES ARE AN INTEGRAL PART OF THESE FINANCIAL STATEMENTS.

NRA Civil Rights Defense Fund

Statement of Activities

FOR THE YEAR ENDED DECEMBER 31, 2016

	2016			
	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
Revenue and Other Support				
Contributions	$ 1,231,023	$ 179,600	$ 10,700	$ 1,421,323
Net investment income	132,643	118,106	4,794	255,543
Change in value of split interest agreements	—	2,961	33,387	36,348
Other	14	—	—	14
Net assets released from restrictions	153,328	(153,328)	—	—
Total revenue and other support	**1,517,008**	**147,339**	**48,881**	**1,713,228**
Expenses				
Program	544,533	—	—	544,533
Administrative	134,826	—	—	134,826
Fundraising	8,417	—	—	8,417
Total expenses	**687,776**	**—**	**—**	**687,776**
Change In Net Assets	829,232	147,339	48,881	1,025,452
Net Assets				
Beginning of year	2,863,663	1,307,286	1,563,768	5,734,717
End of year	**$ 3,692,895**	**$ 1,454,625**	**$ 1,612,649**	**$ 6,760,169**

THE ACCOMPANYING NOTES ARE AN INTEGRAL PART OF THESE FINANCIAL STATEMENTS.

NRA Civil Rights Defense Fund

Statement of Activities

FOR THE YEAR ENDED DECEMBER 31, 2015

	2015			
	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
Revenue and Other Support				
Contributions	$ 619,247	$ 85,726	$ 8,347	$ 713,320
Net investment loss	(86,975)	(33,131)	(1,688)	(121,794)
Change in value of split interest agreements	—	10,197	(45,513)	(35,316)
Other	—	—	—	—
Net assets released from restrictions	369,882	(369,882)	—	—
Total revenue and other support	**902,154**	**(307,090)**	**(38,854)**	**556,210**
Expenses				
Program	580,121	—	—	580,121
Administrative	177,242	—	—	177,242
Fundraising	6,745	—	—	6,745
Total expenses	**764,108**	**—**	**—**	**764,108**
Change In Net Assets	138,046	(307,090)	(38,854)	(207,898)
Net Assets				
Beginning of year	2,725,617	1,614,376	1,602,622	5,942,615
End of year	**$ 2,863,663**	**$ 1,307,286**	**$ 1,563,768**	**$ 5,734,717**

THE ACCOMPANYING NOTES ARE AN INTEGRAL PART OF THESE FINANCIAL STATEMENTS.

NRA Civil Rights Defense Fund

Statements of Cash Flows

FOR THE YEARS ENDED DECEMBER 31, 2016 AND 2015

	2016	2015
Cash Flows From Operating Activities		
Change in net assets	$ 1,025,452	$ (207,898)
Adjustments to reconcile change in net assets to net cash provided by operating activities:		
(Decrease) increase in provision for losses on pledges receivable	(191,000)	64,000
Net increase in investment in endowment	(10,017)	(11,993)
Net unrealized (gain) loss on investments	(172,286)	180,947
Net realized loss on investments	7,892	44,320
(Increase) decrease in value of split interest agreements	(36,348)	35,316
Changes in operating assets and liabilities:		
Decrease in pledges and contributions receivable	96,741	74,194
Increase in amounts due from affiliates	(64,682)	(13,205)
(Increase) decrease in other assets	(7,702)	302
Increase in accounts payable	21,246	55,208
Net cash provided by operating activities	**669,296**	**221,191**
Cash Flows From Investing Activities		
Purchases of investments	(745,455)	(1,042,323)
Proceeds from sales of investments	580,975	771,900
Net cash used in investing activities	**(164,480)**	**(270,423)**
Cash Flows From Financing Activities		
Proceeds from contributions restricted for:		
Investment in endowment	10,017	11,993
Investments subject to new annuity agreements	29,753	69,817
Payments on annuity obligations	(6,987)	(9,528)
Net cash provided by financing activities	**32,783**	**72,282**
Net Increase In Cash	537,599	23,050
Cash		
Beginning of year	718,196	695,146
End of year	**$ 1,255,795**	**$ 718,196**

THE ACCOMPANYING NOTES ARE AN INTEGRAL PART OF THESE FINANCIAL STATEMENTS.

1. Nature of Activities and Significant Accounting Policies

NRA Civil Rights Defense Fund (the "Fund") was organized on July 22, 1978, as a nonprofit organization to voluntarily assist in the preservation and defense of the human, civil, and/or constitutional rights of the individual to keep and bear arms in a free society. The Fund receives the majority of its operating funds from general contributions.

Basis of Presentation

The financial statements have been prepared on the accrual basis of accounting. The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Classification of Net Assets

To identify the observance of limitations and restrictions placed on the use of the resources available to the Fund, the accounts of the Fund are maintained in three separate classes of net assets: unrestricted, temporarily restricted and permanently restricted, based on the existence or absence of donor-imposed restrictions.

Unrestricted net assets represent resources that are not restricted by donor-imposed stipulations. They are available for support of the Fund's general operations. Certain amounts have been designated by the Board of Trustees for specific purposes.

Temporarily restricted net assets represent contributions and other inflows of assets whose use by the Fund is limited by donor-imposed stipulations. These restrictions are temporary in that they either expire by passage of time or can be fulfilled and removed by actions of the Fund pursuant to those stipulations.

Permanently restricted net assets represent endowment contributions and other inflows of assets whose use by the Fund is limited by donor-imposed stipulations that neither expire by passage of time nor can be fulfilled and removed by actions of the Fund pursuant to those stipulations.

Concentration of Credit Risk

The Fund maintains its cash accounts in one commercial bank located in the Washington, DC, metropolitan area. During the normal course of business, the Fund may have funds on deposit exceeding the insurance limits of the Federal Deposit Insurance Corporation. The Fund's policy is to deposit these funds in only financially sound institutions. Nevertheless, these deposits are subject to some degree of credit risk, although the Fund has not experienced any such losses.

The Fund invests in a professionally managed portfolio that primarily contains money market funds, equity securities, and fixed income securities. Such investments are exposed to various risks, such as market and credit. Due to the level of risk associated with such investments, and the level of uncertainty related to changes in the value of such investments, it is at least reasonably possible that changes in risk in the near term would materially affect investment balances and the amounts reported in the financial statements.

Investments

Investments consist primarily of money market funds, equity securities, and fixed income securities which are carried at fair value, as determined by an independent market valuation service using the closing prices at the end of the period. In calculating realized gains and losses, the cost of securities sold is determined by the specific-identification method. To adjust the carrying value of the investments, the change in fair value is included in revenue and other support in the statements of activities.

Pledges and Contributions Receivable

Unconditional pledges and contributions receivable consist of irrevocable and measurable bequest proceeds due to the Fund and donor promises to give in future periods, over a period of one to five years. An allowance for uncollectible pledges and contributions receivable is provided based upon management's judgment of potential defaults.

Split Interest Agreements

The Fund is the beneficiary under two charitable remainder unitrust agreements. Under the terms of the agreements, the Fund has the irrevocable right to receive a portion of the remaining trust assets upon expiration of the trusts. Split interest agreements are recorded as an asset based on the actuarially computed value as of the end of each year. The difference between the amount received for the agreement and its actuarially computed value is recorded as revenue. The receivable from the trusts have been recorded at the present value of estimated cash flows, discounted by a rate of 2.45% for the year ended December 31, 2016 and rates ranging from 2.27% to 2.67% for the year ended December 31, 2015 and incorporated future life expectancies of 9 and 13 for the year ended December 31, 2016 and 10 and 14 for the year ended December 31, 2015.

Annuities Payable

Donors have established and funded gift annuity contracts. Under terms of the contracts, the Fund has the irrevocable right to receive the remaining contract assets upon termination of the contract. Annuity contracts are recorded as a liability based on the actuarially computed value at the time of gift. The difference between the amount received for the contract and its actuarially computed value is recorded as revenue. For both the years ended December 31, 2016 and December 31, 2015 the discount rate applied ranged from 1.4% to 3.2%.

Outstanding Legacies

The Fund is the beneficiary under various wills and trust agreements, the total realizable amounts of which are not presently determinable. The Fund's share of such amounts is not recorded until the Fund has an irrevocable right to the bequest and the proceeds are measurable.

Revenue Recognition

Unconditional contributions, whether unrestricted or restricted, are recognized as revenue upon notification of the gift or pledge and classified in the appropriate net asset category. When the temporary restrictions specified by the donor are met by the Fund, temporarily restricted contributions are released from restriction and are recognized in the unrestricted net asset category.

Tax Status

The Fund is exempt from Federal income taxes under Section 501(c)(3) of the Internal Revenue Code and from state income taxes. In addition, the Fund is not classified as a private foundation.

The Fund follows the accounting standard on accounting for uncertainty in income taxes, which addresses the determination of whether tax benefits claimed or expected to be claimed on a tax return should be recorded in the financial statements. Under this guidance, the Fund may recognize the tax benefit from an uncertain tax position only if it is more-likely-than-not that the tax position will be sustained on examination by taxing authorities, based on the technical merits of the position. The tax benefits recognized in the financial statements from such a position are measured based on the largest benefit that has a greater than 50% likelihood of being realized upon ultimate settlement. The guidance on accounting for uncertainty in income taxes also addresses de-recognition, classification, interest and penalties on income taxes, and accounting in interim periods.

Management evaluated the Fund's tax positions and concluded that the Fund had taken no uncertain tax positions that require adjustment to the financial statements to comply with the provisions of this guidance. Generally, the Fund is no longer subject to income tax examinations by the U.S. federal, state or local tax authorities for years before 2013, which is the standard statute of limitations look-back period.

Pending Accounting Pronouncements

In August 2016, the FASB issued ASU No. 2016-14, *Not-for-Profit Entities (Topic 958): Presentation of Financial Statements of Not-for-Profit Entities*. The amendments in this ASU make improvements to the information provided in financial statements and accompanying notes of not-for-profit entities. The amendments set forth the FASB's improvements to net asset classification requirements and the information presented about a not-for-profit entity's liquidity, financial performance and cash flows. The ASU will be effective for fiscal years beginning after December 15, 2017. Earlier adoption is permitted. The changes in this ASU should generally be applied on a retrospective basis in the year that the ASU is first applied.

Subsequent Events

The Fund evaluated subsequent events through March 8, 2017, which is the date the financial statements were available to be issued.

2. Investments

Investments, at fair value, as of December 31, 2016 and 2015 consisted of the following:

	2016	2015
Money market	$ 79,552	$ 66,314
Equity securities	1,925,946	1,741,588
Fixed income securities	1,362,820	1,231,542
Total	**$ 3,368,318**	**$ 3,039,444**

Investment income (loss) is composed of the following:

	2016	2015
Interest/dividend income	$ 91,149	$ 103,473
Net realized loss on investments	(7,892)	(44,320)
Net unrealized gain (loss) on investments	172,286	(180,947)
Total	**$ 255,543**	**$ (121,794)**

3. Pledges And Contributions Receivable

At December 31, 2016 and 2015, donors to the Fund have unconditionally promised to give amounts as follows:

	2016	2015
Within one year	$ 259,569	$ 353,810
One to five years	3,000	5,500
	262,569	359,310
Less: allowance on pledges receivable	—	(191,000)
Total	**$ 262,569**	**$ 168,310**

Proceeds bequeathed and due to the Fund in the amount of $241,000 and $75,000 were included in contributions receivable at December 31, 2016 and 2015, respectively.

4. Commitments

Awards to reimburse legal costs in association with the Fund's mission are committed upon action of the Board, and subsequently become a liability once legal work has been performed. At December 31, 2016 and 2015, $869,458 and $559,912 have been committed, respectively. Legal costs incurred on Board approved actions, and therefore payable, at December 31, 2016 and 2015 were $127,349 and $106,078, respectively.

5. Fair Value Measurements

The Fund follows the Codification topic, *Fair Value Measurement*, which defines fair value as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date and sets out a fair value hierarchy. The fair value hierarchy gives the highest priority to quoted prices in active markets for identical assets or liabilities (Level 1) and the lowest priority to unobservable inputs (Level 3). Inputs are broadly defined as assumptions market participants would use in pricing an asset or liability. The three levels of the fair value hierarchy are described below:

LEVEL 1: Unadjusted quoted prices in active markets for identical assets or liabilities that the reporting entity has the ability to access at the measurement date. The type of investments included in Level 1 include listed equities and listed derivatives.

LEVEL 2: Inputs other than quoted prices within Level 1 that are observable for the asset or liability, either directly or indirectly; and fair value is determined through the use of models or other valuation methodologies.

LEVEL 3: Inputs are unobservable for the asset or liability and include situations where there is little, if any, market activity for the asset or liability. The inputs into the determination of fair value are based upon the best information in the circumstances and may require significant management judgment or estimation.

In certain cases, the inputs used to measure fair value may fall into different levels of the fair value hierarchy. In such cases, an investment's level within the fair value hierarchy is based on the lowest level of input that is significant to the fair value measurement. The Fund's assessment of the significance of a particular input to the fair value measurement in its entirety requires judgment, and considers factors specific to the investment.

In determining the appropriate levels, the Fund performs a detailed analysis of the assets and liabilities that are subject to topic *Fair Value Measurement*. At each reporting period, all assets and liabilities for which the fair value measurement is based on significant unobservable inputs are classified as Level 3.

The estimated fair values of the Fund's short-term financial instruments, including receivables and payables arising in the ordinary course of operations, approximate their individual carrying amounts due to the relatively short period of time between their origination and expected realization.

The tables below presents the balances of assets measured at fair value on a recurring basis by level within the hierarchy.

	As of December 31, 2016			
	Total	Level 1	Level 2	Level 3
Available-for-sale equity securities:				
Consumer discretionary	$ 35,546	$ 35,546	$ —	$ —
Consumer staples	34,283	34,283	—	—
Energy	4,991	4,991	—	—
Financial services	7,524	7,524	—	—
Healthcare	34,108	34,108	—	—
Industrials	24,322	24,322	—	—
Information technology	77,866	77,866	—	—
Materials	10,751	10,751	—	—
Multi-strategy mutual funds	1,694,540	1,694,540	—	—
Stock funds – commodities	—	—	—	—
Real estate	2,015	2,015	—	—
Total available-for-sale equity securities	**1,925,946**	**1,925,946**	**—**	**—**
Available-for-sale fixed income securities:				
U.S. Treasury security funds	598,703	598,703	—	—
Multi-strategy bond funds	764,117	764,117	—	—
Total available-for-sale fixed income securities:	**1,362,820**	**1,362,820**	**—**	**—**
Money market	79,552	79,552	—	—
Split interest agreements	654,156	—	—	654,156
Total	**$ 4,022,474**	**$ 3,368,318**	**$ —**	**$ 654,156**

	As of December 31, 2015			
	Total	Level 1	Level 2	Level 3
Available-for-sale equity securities:				
Consumer discretionary	$ 53,272	$ 53,272	$ —	$ —
Consumer staples	21,885	21,885	—	—
Energy	2,202	2,202	—	—
Financial services	15,611	15,611	—	—
Healthcare	55,224	55,224	—	—
Industrials	20,698	20,698	—	—
Information technology	68,574	68,574	—	—
Materials	2,221	2,221	—	—
Multi-strategy mutual funds	1,495,844	1,495,844	—	—
Stock funds – commodities	4,086	4,086	—	—
Real estate	1,971	1,971	—	—
Total available-for-sale equity securities	**1,741,588**	**1,741,588**	**—**	**—**
Available-for-sale fixed income securities:				
U.S. Treasury security funds	603,002	603,002	—	—
Multi-strategy bond funds	628,540	628,540	—	—
Total available-for-sale fixed income securities:	**1,231,542**	**1,231,542**	**—**	**—**
Money market	66,314	66,314	—	—
Split interest agreements	617,808	—	—	617,808
Total	**$ 3,657,252**	**$ 3,039,444**	**$ —**	**$ 617,808**

Money market funds, equity securities and fixed income securities are classified as Level 1 instruments, as they are actively traded on public exchanges.

Split interest agreements are classified as Level 3 instruments, as there is no market for the Fund's interest in the trusts. Further, the Fund's asset is the right to receive cash flows from the trusts, not the assets of the trusts themselves. Although the trust assets may be investments for which quoted prices in an active market are available, the Fund does not control those investments.

For assets and liabilities measured at fair value on a recurring basis using significant unobservable inputs (Level 3), *Fair Value Measurement* requires reconciliation of the beginning and ending balances, separately for each major category of assets and liabilities, except for derivative assets and liabilities, which may be presented net. The table below represents the reconciliation of the Fund's assets measured at fair value on a recurring basis using significant unobservable inputs:

	2016	2015
Split interest agreements, beginning of year	$ 617,808	$ 675,625
Change in value	36,348	(57,817)
Split interest agreements, end of year	**$ 654,156**	**$ 617,808**

6. Temporarily and Permanently Restricted Net Assets

Temporarily restricted net assets are available for the following purposes:

	2016	2015
Program awards	$ 1,114,967	$ 947,321
Endowment earnings–general operations	170,448	144,105
Other, including passage of time	169,210	215,860
Total	**$ 1,454,625**	**$ 1,307,286**

The Fund follows the Codification subtopic *Reporting endowment funds*. The Codification addresses accounting issues related to guidelines in the Uniform Prudent Management of Institutional Funds Act of 2006 (UPMIFA), which was adopted by the National Conferences of Commissioners on Uniform State Laws in July 2006 and enacted in the Commonwealth of Virginia on July 1, 2008. The Fund includes all permanently restricted funds, as well as certain temporarily restricted and Board designated quasi-endowment funds in its endowments. The Management of the Fund has interpreted UPMIFA as requiring the preservation of the fair value of original endowment assets as of the date of the gift or Board designation absent explicit donor stipulations or Board action to the contrary. As a result of this interpretation, the Fund classifies as permanently restricted net assets (a) the original value of cash gifts donated to permanent endowment, (b) the discounted value of future gifts promised to permanent endowment, net of allowance for uncollectible pledges, and (c) the fair value of non-cash gifts received whereby the proceeds of any future sale are donor-restricted to permanent endowment. The remaining portion of donor-restricted endowment funds not classified in permanently restricted net assets is classified as temporarily restricted net assets until those amounts are appropriated for expenditure by the Fund in a manner consistent with the standard of prudence prescribed by UPMIFA. Board designated endowment funds are classified in unrestricted net assets until utilized by the Fund for the Board designated purpose. In accordance with UPMIFA, the Fund considers the following factors in making a determination to appropriate or accumulate donor-restricted and/or Board designated endowment funds:

- The duration and preservation of the endowment fund
- The purposes of the Fund, donor-restricted endowment and/or Board designated endowment fund
- General economic conditions
- The possible effect of inflation and deflation
- The expected total return from income and the appreciation of investments
- Other resources of the Fund
- The investment policies of the Fund

The Fund has adopted investment and spending policies for endowment assets that attempt to provide a predictable stream of funding to the programs supported by the endowment while seeking to maintain purchasing power of the endowment assets. The investment policy of the Fund is to achieve, at a minimum, a real (inflation adjusted) total net return that exceeds spending policy requirements. Investments are diversified both by asset class and within asset classes. The purpose of diversification is to minimize unsystematic risk and to provide reasonable assurance that no single security or class of securities will have a disproportionate impact on the total portfolio. The amount appropriated for expenditure from permanent endowments ranges from 1% to 5% of the endowment fund's fair value as of the end of the preceding year, as long as the value of the endowment does not drop below the original contribution(s). The amount appropriated for temporary and Board designated endowments are made in accordance with donor stipulations and Board designations, respectively. All earnings of permanent and temporary endowments are reflected as temporarily restricted net assets until appropriated for expenditure in the form of program spending. The income on permanently restricted net assets is generally available for the purpose of awarding exemplary activities in support of the Right to Keep and Bear Arms.

The changes in endowment net assets for the years ended December 31, 2016 and 2015 are as follows:

	Year Ended December 31, 2016			
	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
Endowment net assets, beginning of year	$ 378,727	$ 1,040,313	$ 1,563,768	$ 2,982,808
Interest and dividends, net	9,146	48,697	927	58,770
Net appreciation	21,500	58,985	37,254	117,739
Contributions	241,585	—	10,700	252,285
Amount appropriated for expenditure	—	(58,951)	—	(58,951)
Endowment net assets, end of year	**$ 650,958**	**$ 1,089,044**	**$ 1,612,649**	**$ 3,352,651**
Donor-restricted endowments	$ —	$ 1,089,044	$ 1,612,649	$ 2,701,693
Board designated endowment	650,958	—	—	650,958
Total endowments	**$ 650,958**	**$ 1,089,044**	**$ 1,612,649**	**$ 3,352,651**

	Year Ended December 31, 2015			
	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
Endowment net assets, beginning of year	$ 400,934	$ 1,133,556	$ 1,602,622	$ 3,137,112
Interest and dividends, net	9,446	48,330	1,251	59,027
Net depreciation	(20,010)	(77,158)	(48,452)	(145,620)
Contributions	3,357	—	8,347	11,704
Amount appropriated for expenditure	(15,000)	(64,415)	—	(79,415)
Endowment net assets, end of year	**$ 378,727**	**$ 1,040,313**	**$ 1,563,768**	**$ 2,982,808**
Donor-restricted endowments	$ —	$ 1,040,313	$ 1,563,768	$ 2,604,081
Board designated endowment	378,727	—	—	378,727
Total endowments	**$ 378,727**	**$ 1,040,313**	**$ 1,563,768**	**$ 2,982,808**

The related assets are included in investments, amounts due from affiliates, and split interest agreements.

7. Board Designated Net Assets

Unrestricted board designated net assets are available for the following purposes:

	2016	2015
Cases of emergency or national importance crucial to the Second Amendment	$ 673,994	$ 420,662
Educational and scholarly purposes of civil and constitutional rights	76,964	58,065
Total	**$ 750,958**	**$ 478,727**
Quasi-endowment funds	$ 650,958	$ 378,727
Other unrestricted funds	100,000	100,000
Total	**$ 750,958**	**$ 478,727**

8. Related Parties

The Fund is affiliated with the National Rifle Association of America ("NRA") by virtue of the control vested in the Board of Directors of the NRA to appoint the members of the Board of Trustees of the Fund. The Fund has received certain benefits from this affiliation at no cost, among which are the use of office space and administrative services. Management has determined that the fair value of these benefits is minimal, and accordingly, no amounts are reflected in these financial statements.

The Fund reimburses the NRA for general operating expenses, paid by the NRA on the Fund's behalf. These expenses totaled $76,442 and $68,361 for the years ended December 31, 2016 and 2015, respectively.

The NRA Foundation, Inc., an affiliated entity, maintains certain endowments to benefit the Fund. Additionally, the NRA Foundation, Inc. maintains gift annuities benefiting the Fund.

The following amounts were due from (to) affiliates at December 31:

	2016	2015
NRA Foundation, endowment	$ 1,200,169	$ 1,164,725
NRA Foundation, gift annuities	241,622	198,248
NRA Foundation, other	21,526	15,915
Total NRA Foundation	1,463,317	1,378,888
NRA	(23,548)	(3,801)
Total affiliates	**$ 1,439,769**	**$ 1,375,087**

NRA
CIVIL RIGHTS
DEFENSE FUND

The NRA Civil Rights Defense Fund, a tax-exempt 501(c)(3) fund founded by former NRA Director George S. Knight, has supported more than 1,000 cases involving the civil rights of firearm owners, including New Orleans' gun confiscations in the aftermath of Hurricane Katrina; the landmark Second Amendment cases, *D.C. v. Heller*; and *McDonald v. Chicago* on whether the Second Amendment applies to the state and its local government.

If you would like more information about CRDF legal activities, contact NRA CRDF, 11250 Waples Mill Road, Fairfax, VA 22030-9400 or call 703-267-1250.

To make your tax-deductible contribution, please make checks payable to NRA CRDF. Mail your tax-deductible contribution to the NRA CRDF, P.O. Box 1884, Merrifield, VA 22116-9717 or make an online contribution through our secure server by visiting us online.

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