

DOCKET NO. 11-1149

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

GRAY PETERSON,

Appellant

v.

CHARLES F. GARCIA, et al.,

Appellees

Appeal from the United States District Court
for the District of Colorado
(Civil Action No. 10-cv-00059- WDM-MEH)

JOINT MOTION OF ALL *AMICI CURIAE*

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The attorneys for the parties have all stated that they have no objection to this motion. 10th Cir. R. 27.3(C).

In its order dated December 28, 2011, the Court set continued oral argument in this case for March 19, 2012, and allocated ten minutes for argument by the *amici*. Pursuant to that order, and to Federal Rule of Appellate Procedure 29(g), the NRA Civil Rights Defense Fund (“NRACRDF”), the Brady Center to Prevent Gun Violence (“Brady”), the Second Amendment Foundation, Inc., and the other *amici*¹ (collectively, “SAF, et al.”) file this motion for the following purposes²:

(1) to respectfully request that the Court grant the *amici* ten additional minutes of time for oral argument (making a total of twenty minutes), or any lesser amount of additional time that the Court deems appropriate;

(2) to notify the Court that, in accordance with the Clerk’s instructions subsequent to the Court’s December 28, 2011, order, the *amici* have agreed upon an allocation of time among themselves;

¹ The Second Amendment Foundation, Inc. (“SAF”) was joined on its brief by Wisconsin Carry Inc., West Virginia Citizens Defense League Inc., Virginia Citizens Defense League, Inc., Stillwater Firearms Association, Scope Inc., Oregon Firearms Educational Foundation, Maryland Shall Issue, Maine Open Carry Association, Illinois State Rifle Association, Illinois Carry, Hawaii Defense Foundation, Gun Owners Civil Rights Alliance, Connecticut Citizens Defense League, Commonwealth Second Amendment, Citizens Rights Action League, Calguns Foundation, Inc. and Buckeye Firearms Foundation. Attorney Alan Gura has filed a notice of appearance indicating that he now represents all the foregoing, including SAF. For purposes of oral argument they will effectively constitute one *amicus*.

² The undersigned is filing this motion individually, after consultation with the Clerk, because the CM/ECF system does not provide a mechanism for joint filings. However, all the *amici* have agreed, through counsel, to join herein.

(3) to notify the Court that the *amici* have also agreed upon an order of argument among themselves, subject to the Court's approval; and,

(4) to request that the Court clarify its wishes regarding when the *amici* will argue in relation to the parties, and to propose an order of argument.

Request for Additional Time at Oral Argument.

The *amici* appreciate the Court's invitation to participate at oral argument. However, they respectfully submit that, given that this case raises important constitutional questions that also appear to be matters of first impression in the Tenth Circuit, the ten minutes that the Court has allotted may not allow sufficient time for any of the *amici* to contribute meaningfully to the Court's deliberation. The *amici* would also note that their counsel will be traveling considerable distance, at some expense, in order to participate in the argument. They therefore request that the Court grant an additional ten minutes for oral argument by *amici*, or, in the alternative, that it grant any lesser amount of additional time that it deems appropriate.

Agreements of the Amici.

In accordance with instructions from the Clerk in connection with the Court's December 28, 2011, order, the *amici* have reached an agreement concerning the allocation of oral argument time among themselves. Brady shall be entitled to 50% of the time, with 25% allocated to NRACRDF and 25% to SAF, et al. This allocation will hold regardless of the court's decision on this motion. The *amici* have also agreed

that, unless the Court directs otherwise, the appellant's *amici* will argue before the appellees' *amicus* – that is, Brady will argue last among the *amici*.

Order of Argument

Finally, the *amici* request that the Court clarify when it wishes them to argue in relation to the parties. Based upon communications with the clerk's office, it appears that it would be most in line with typical Tenth Circuit practice if the *amici* were to argue immediately following the parties they support. Therefore, the *amici* propose that the Court consider adopting the following order of argument:

- (1) appellant;
- (2) appellant's *amici*;
- (3) appellees;
- (4) appellees' *amicus*;
- (5) appellant's rebuttal, if any.

Respectfully submitted,

/s/ Matthew Bower

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Date: 1/27/2012

CERTIFICATION OF DIGITAL SUBMISSIONS AND ELECTRONIC SERVICE

1. There are no required privacy redactions to be made in this motion and every document submitted in PDF format is an exact copy of the hard copy filed with the Clerk.
2. The digital submission of this brief has been scanned for viruses with Trend Micro OfficeScan version 10.5.1766, last updated January 27, 2011, and this submission is free of viruses.

Date: January 27, 2012

/s/Matthew H Bower

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Tenth Circuit using the appellate CM/ECF system on January 27, 2012.

Participants in the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

Date: January 27, 2012

/s/Matthew H Bower
Matthew H. Bower