

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

ARMANDO PLIEGO GONZALEZ,)
SECOND AMENDMENT FOUNDATION, INC.,)
and NEBRASKA FIREARMS OWNERS ASSOCIATION,)

Plaintiffs,)

v.)

Case No. 8:11-CV-335

CITY OF OMAHA, NEBRASKA, a municipal)
corporation, JIM SUTTLE, individually and in his)
official capacity as Mayor of Omaha, Nebraska,)
and ALEX HAYES, individually and in his official)
capacity as Chief of Police of Omaha, Nebraska,)

Defendants.)

STIPULATION TO ENTRY OF PRELIMINARY INJUNCTION

The parties to this matter, by and through their respective counsel, hereby stipulate to the entry of the following as an Order of the Court:

1. Individuals have a fundamental right under the Second Amendment to keep firearms, including handguns, in their homes for lawful purposes, most notably for self-defense, per *District of Columbia v. Heller*, 128 S.Ct. 2783 (2008).

2. This right is enforceable against state and local governments per *McDonald v. City of Chicago*, 130 S.Ct. 3020 (2010).

3. Legal aliens residing in Omaha enjoy fundamental constitutional rights. See, e.g., *Kwong Hai Chew v. Colding*, 344 U.S. 590 (1953) (5th Amendment); See also *Bridges v. Wixon*, 326 U.S. 135 (1945) (1st Amendment); See also *Wong Wing v. United States*, 163 U.S. 228 (1896) (5th and 6th Amendments).

4. Legal aliens also enjoy the right of equal protection of the laws under the

Fourteenth Amendment of the Constitution. *Graham v. Richardson*, 403 U.S. 365, 371 (1971).

5. The Plaintiffs are challenging Omaha Municipal Code § 20-253(9), which denies non-citizen residents of Omaha the ability to register a “concealable firearm,” including handguns, with the Omaha Chief of Police for possession in their homes. Plaintiffs allege this prohibition violates their Second Amendment right to possess a handgun in their homes, and their Fourteenth Amendment right to equal protection of the law.

Accordingly, the parties stipulate that the Court shall issue an order preliminarily enjoining Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of the injunction, from enforcing Omaha Municipal Code § 20-253(9), which denies non-citizens the right to register a “concealable firearm” with the Omaha Chief of Police, thus denying them the ability to possess a “concealable firearm” in their homes.

Upon entry of the preliminary injunction, the Defendants shall allow Plaintiffs and other legal aliens residing in Omaha to register “concealable firearms” for possession in their homes, provided they are otherwise-qualified to possess a firearm.

The parties stipulate that no security is required as the Defendants will not suffer financial harm by issuance of this order. The parties also stipulate that the injunction shall remain in place pending the conclusion of this litigation.

Agreed to on the 18th of November, 2011:

/s/ David G. Sigale

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