

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS

MICHAEL MOORE; CHARLES HOOKS;)
PEGGY FECHTER; JON MAIER; SECOND)
AMENDMENT FOUNDATION, INC.; and)
ILLINOIS CARRY,)

Plaintiffs,)

-vs-)

No. 11-3134

LISA MADIGAN, in her Official Capacity as)
Attorney General of the State of Illinois; and)
HIRAM GRAU, in his Official Capacity as)
Director of the Illinois State Police,)

Defendants.)

MOTION TO CITE SUPPLEMENTAL AUTHORITY

Now come defendants, Lisa Madigan, Attorney General of the State of Illinois, and Hiram Grau, Director of the Illinois State Police, by their attorney, Lisa Madigan, Attorney General of the State of Illinois, and hereby move this honorable Court for leave to cite *Kachalsky v. Cacaco*, Slip. Op. 10-5413 (S.D.N.Y. September 2, 2011)(attached), as supplemental authority in support of defendants' motion to dismiss and response to the motion for a preliminary injunction.

In support thereof, it is stated:

1. Because of the emerging nature of Second Amendment jurisprudence in the wake of *District of Columbia v. Heller*, 554 U.S. 570 (2008) and *McDonald v. City of Chicago*, ___ U.S. ___, 130 S.Ct. 3020 (2010), few cases directly address the issues presently before the Court.

2. Since briefing by the parties, the United States District Court for the Southern District of New York has issued an opinion in a case involving similar issues to those before this Court.

3. The Court in *Kachalsky* discussed the core interests presented by the Second Amendment, areas unprotected by the Second Amendment, and the level of scrutiny to be applied when a statutory scheme implicates Second Amendment concerns outside that core interest.

4. The approach to Second Amendment issues taken by the *Kachalsky* court tracks the approach the defendants have urged this Court to adopt.

5. Accordingly, the *Kachalsky* opinion is additional support of defendants' position.

WHEREFORE, defendants respectfully request that this honorable Court grant them leave to cite supplemental authority.

Respectfully submitted,

LISA MADIGAN, et al.,

Defendants,

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LISA MADIGAN, Attorney General
State of Illinois,

Attorney for Defendants.

By: /s/Terence J. Corrigan
Terence J. Corrigan
Assistant Attorney General

Certificate of Service

I hereby certify that on September 12, 2011, I presented the foregoing Defendants' Motion to Cite Supplemental Authority to the Clerk of the Court for filing and uploading to the CM/ECF system which will send notification of such filing to the following:

dsigale@sigalelaw.com

david@djensenpllc.com

and I hereby certify that on September 12, 2011, I have mailed by United States Postal Service, the document to the following non-registered participant:

None

Respectfully submitted,

s/Terence J. Corrigan

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