

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MADISON M. LARA, SOPHIA KNEPLEY, LOGAN D. MILLER, SECOND AMENDMENT FOUNDATION, INC. and FIREARMS POLICY COALITION,	} } } } } } } } } } } } }	No. 2:20-cv-01582-WSS Judge Stickman
Plaintiff,	}	
vs.	}	
COL. ROBERT EVANCHICK, Commissioner of Pennsylvania State Police,	} } } }	<i>Electronically Filed.</i>
Defendant.	}	

DEFENDANT’S MOTION TO DISMISS COMPLAINT

AND NOW, comes the defendant, Col. Robert Evanchick (“the Commissioner”), by his attorneys, Scott A. Bradley, Senior Deputy Attorney General, and Karen M. Romano, Chief Deputy Attorney General, Chief, Litigation Section, and move to dismiss all claims asserted against the Commissioner in the Complaint [ECF 1] filed by Plaintiffs in this matter:

1. Plaintiffs initiated this counseled civil rights action by filing a complaint in this Court on October 16, 2020. See [ECF 1].
2. The individual Plaintiffs (Madison M. Lara, Sophia Knepley, Logan D. Miller) are persons over the age of 18 and under the age of 21 who claim that their rights under the Second Amendment are being violated by Pennsylvania’s firearms laws. See Complaint [ECF 1], at §§ 20-22.
3. The corporate Plaintiffs (Second Amendment Foundation, Inc. and Firearms Policy Coalition) are non-profit organizations dedicated to protecting individual rights under the Second Amendment. See Complaint [ECF 1], at §§ 23-24.

4. Plaintiffs bring the instant action against the Commissioner of the Pennsylvania State Police, Col. Robert Evanchick, in his official capacity.

5. Plaintiffs allege violations of their Second Amendment rights. Specifically, Plaintiffs claim that Pennsylvania's statutory restrictions (18 Pa. C.S. §§ 6106, 6109) on persons under the age of 21 from obtaining a conceal carry permit violates their rights under the Second Amendment. See Complaint [ECF 1], at ¶¶ 101-114 (Count II), ¶¶ 115-128 (Count III).

6. Plaintiffs also allege that statutory restrictions (18 Pa. C.S. § 6107) on an individual's open carry rights during declared emergencies also violates their rights under the Second Amendment. See Complaint [ECF 1], at ¶¶ 88-100 (Count III).

7. The claims in the present Complaint fail to state a claim; accordingly, the Complaint should be dismissed.

8. The Commissioner has herewith filed a Brief in Support of this Motion, providing reasons in support of the foregoing assertions with greater particularity; the contents therein are incorporated by reference.

9. For ease of reference, the Commissioner has attached the following exhibits to this motion:

PSP Exhibit A	Pennsylvania Uniform Firearms Act of 1931
PSP Exhibit B	Pennsylvania Uniform Firearms Act of 1939
PSP Exhibit C	Act No. 228 of 1968
PSP Exhibit D	Pennsylvania Uniform Firearms Act of 1995
PSP Exhibit E	18 Pa. C.S. § 6106
PSP Exhibit F	18 Pa. C.S. § 6107
PSP Exhibit G	18 Pa. C.S. § 6109

WHEREFORE, the Commissioner respectfully requests that the instant motion be granted and that Plaintiffs' Complaint be dismissed, with prejudice.

Respectfully submitted,

JOSH SHAPIRO
Attorney General

Office of Attorney General
Litigation Section
1521 Waterfront Place
Mezzanine Level
Pittsburgh, PA 15222

Phone: (412) 565-3586
Fax: (412) 565-3019

Date: January 8, 2021

s/ Scott A. Bradley
Scott A. Bradley
Senior Deputy Attorney General
Attorney I.D. No. 44627

Karen M. Romano
Chief Deputy Attorney General