

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 12-1150

JOHN M. DRAKE; GREGORY C. GALLAHER;
LENNY S. SALERNO; FINLEY FENTON;
SECOND AMENDMENT FOUNDATION, INC.;
ASSOCIATION OF NEW JERSEY RIFLE & PISTOL CLUBS, INC.,
Appellants

v.

THE HON. RUDOLPH A. FILKO, in his Official Capacity as Judge of the Superior
Court of Passaic County;
HON. EDWARD A. JEREJIAN, in his Official Capacity as Judge of the Superior Court
of Bergen County;
THE HON. THOMAS V. MANAHAN, in his Official Capacity as Judge of the Superior
Court of Morris County;
SUPERINTENDENT NEW JERSEY STATE POLICE;
CHIEF RICHARD COOK, in his Official Capacity as Chief of the Montville, New
Jersey Police Department;
ATTORNEY GENERAL OF NEW JERSEY;
ROBERT JONES, in his official capacity as Chief of the Hammonton, New Jersey Police
Department

(D.N.J. Civ. No. 2-10-cv-06110)

SUR PETITION FOR REHEARING

Present: McKEE, Chief Judge, RENDELL, AMBRO, FUENTES, SMITH, FISHER,
CHAGARES, JORDAN, HARDIMAN, GREENAWAY, JR., VANASKIE, SHWARTZ,
and ALDISERT,¹ Circuit Judges and STARK², District Judge.

¹ The vote of Honorable Ruggero J. Aldisert is limited to panel rehearing.

² The vote of Honorable Leonard P. Stark, District Judge for the District of Delaware is limited to panel rehearing.

The petition for rehearing filed by Appellants in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied. Judges Ambro, Fisher, Jordan and Hardiman have voted for rehearing en banc.

BY THE COURT,

/s/ Ruggero J. Aldisert
Circuit Judge

Dated: August 27, 2013

tmk/cc: Alan Gura, Esq.

David D. Jensen, Esq.

Robert T. Lougy, Esq.

Mary E. Wood, Esq.

Adam K. Levin, Esq.