

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CITY OF SYRACUSE, NY; CITY OF SAN JOSE, CA; CITY OF CHICAGO, IL; CITY OF COLUMBIA, SC; EVERYTOWN FOR GUN SAFETY ACTION FUND; and EVERYTOWN FOR GUN SAFETY SUPPORT FUND,

Petitioners,

v.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES; REGINA LOMBARDO, in her official capacity as Acting Deputy Director of Bureau of Alcohol, Tobacco Firearms and Explosives; UNITED STATES DEPARTMENT OF JUSTICE; and WILLIAM BARR, in his official capacity as ATTORNEY GENERAL, U.S. Department of Justice,

Defendants,

and

ZACHARY FORT; FREDERICK BARTON; BLACKHAWK MANUFACTURING GROUP, INC.; and FIREARMS POLICY COALITION, INC.,

Applicants in Intervention.

No. 1:20-cv-06885-GHW

**NOTICE OF MOTION TO
INTERVENE BY ZACHARY FORT;
FREDERICK BARTON;
BLACKHAWK MANUFACTURING
GROUP, INC.; AND FIREARMS
POLICY COALITION, INC.**

PLEASE TAKE NOTICE that Applicants in Intervention, Zachary Fort; Frederick Barton; BlackHawk Manufacturing Group, Inc., d/b/a 80% Arms; and Firearms Policy Coalition, Inc. (collectively, "Applicants"), pursuant to Federal Rule of Civil Procedure 24, hereby move to intervene in the above-captioned case for the purpose of defending their significant and threatened interests in the production, sale, purchase, and conversion of "partially-manufactured frames," "partially-manufactured receivers," "80% frames," "80% receivers," "unfinished frames," or

“unfinished receivers” (collectively, “Non-Firearm Objects”). As set forth in the accompanying *Memorandum in Support of Motion to Intervene*, Applicants seek intervention as of right, or, in the alternative, permissive intervention pursuant to Federal Rules of Civil Procedure 24(a) and 24(b), respectively.

As this Court has already set forth a briefing schedule in this matter, Applicants agree, should this Court grant them intervention, to follow the briefing schedule as established. *See* ECF No. 35. Applicants will adhere to Defendants’ briefing deadlines, filing Applicants’ cross-motion and response to Petitioners’ motion for summary judgment on January 8, 2021, and Applicants’ reply to their cross-motion on February 19, 2021. ECF No. 35.

Applicants file concurrently herewith a *Memorandum in Support of Motion to Intervene* and *Declarations of Zachary Fort, Frederick Barton, Tilden Smith, and Brandon Combs*. Given this Court’s previously granted extension of time for Defendants to file an answer to fourteen (14) days after this Court’s resolution of the motions for summary judgment, Applicants do not concurrently file an answer to Petitioners’ Complaint. *See* ECF No. 35. Should this Court grant intervention, Applicants request the same deadline to file an answer to Petitioners’ Complaint as Defendants. If this Court requires Applicants to file their answer sooner, Applicants are prepared to file their answer within seven (7) days of intervention being granted.

Counsel for Applicants has contacted counsel for the existing parties. Counsel for Petitioners stated that Petitioners, without seeing the motion papers, had yet to decide their position on Applicants’ intervention. Counsel for Defendants stated that Defendants take no position on Applicants’ intervention.

WHEREFORE, Applicants in Intervention respectfully request this Court grant their *Motion to Intervene* in this matter as of right, or in the alternative, for permissive intervention.

DATED this 12th day of November 2020.

Respectfully Submitted,

/s/ David D. Jensen

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