

## MOTION

Defense Distributed, a non-profit organization operated to facilitate the global access to and the production of information and knowledge related to the printing of 3D guns, has created computer files that can be used to create firearms and firearm parts.

Defense Distributed and the Second Amendment Foundation sought an order enjoining the State Department from enforcing the Arms Export Control Act as to the distribution of these computer files. While the motion was denied by the District Court, the State Department determined to settle the matter which prompted a number of gun violence prevention advocacy groups to file a motion to intervene in the lawsuit and a motion for a temporary restraining order to prevent Defense Distributed from posting its computer files on the internet. In support of the actions of the proposed intervenors, the City Attorney's Office sent a letter to the Court advising the Court that it would like to intervene as well. The Court ultimately denied the advocacy groups' motion to intervene as well as the motion for a temporary restraining order.

Defense Distributed and the Second Amendment Foundation has since filed a lawsuit against Gurbir Grewal, the Attorney General of New Jersey, and City Attorney Feuer (in both his individual and official capacity) alleging, among other causes of action, that the letter sent by the City Attorney's Office to the Court in the State Department case expressing an intent to intervene in that case violates: (1) defendants' first amendment rights; (2) the dormant commerce clause; (3) the Second Amendment; and (4) the supremacy clause.

While the City Attorney's Office is principally handling the litigation, given the case has been filed in the United States District Court for the Western District of Texas, it requires the assistance of the a Texas based law firm to assure the timely filing of pleadings with the Texas District Court. The law firm of Kilpatrick Townsend & Stockton LLP (Firm) has offered its services free of charge.

I THEREFORE MOVE that the City Attorney's Office be authorized to negotiate and execute a pro bono contract with the Firm to assist the City Attorney in defense of the case before the United States District Court for the Western District of Texas in the matter of Defense Distributed and Second Amendment Foundation v. Grewal.

Presented by:



PAUL KREKORIAN  
Councilmember, 2<sup>nd</sup> District

Seconded by:



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