No. 15-133

In The Supreme Court of the United States

ARIE S. FRIEDMAN AND THE ILLINOIS STATE RIFLE ASSOCIATION,

Petitioners,

V.

CITY OF HIGHLAND PARK,

Respondent.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

REPLY BRIEF FOR PETITIONERS

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ARGUMENT

The central teaching of *District of Columbia v. Heller*, 554 U.S. 570 (2008), and *McDonald v. City of Chicago*, 561 U.S. 742 (2010), is that the Second Amendment protects the fundamental, inviolable right of law-abiding, responsible citizens to possess and use commonly owned firearms for lawful purposes – most notably, self-defense in the home. Defying the Constitution and this Court's holdings, the City of Highland Park enacted the two bans at issue in this case. One prohibits law-abiding, responsible citizens from protecting themselves, their families, and their homes with popular semiautomatic rifles such as the AR-15 that the Seventh Circuit recognized "can be beneficial for self-defense because they are lighter than many rifles and less dangerous per shot than large-caliber pistols and revolvers." Pet.App.10a. The other prohibits law-abiding citizens from equipping their home-defense firearms with standard-capacity ammunition magazines capable of holding more than ten rounds of ammunition. But rather than striking down Highland Park's blatantly unconstitutional bans, the Seventh Circuit "engage[d] in a gerrymandered reading of [*Heller* and *McDonald*] to hold directly contrary to their precedents." Pet.App.33a (Manion, J., dissenting).

Sadly, this state of affairs has become all too common. Despite *Heller* and *McDonald*, courts across the Nation have eagerly upheld laws that violate the Second Amendment as interpreted by this Court, and they have done so using a variety of doctrinal tests

that are united principally in being foreclosed by this Court's precedents. While it often makes sense for this Court to allow the lower courts to do the initial work necessary to develop an emergent area of law, the conflict and confusion in the lower courts – and their massive resistance to faithful implementation of *Heller* – demand this Court's intervention now.

The meritless arguments Highland Park makes against issuing the writ only underscore the imperative of swift and decisive action by this Court.

1. Highland Park repeatedly insists that *Heller* and *McDonald* did not *eliminate* the government's ability to regulate firearms. *See, e.g.*, Opp.1-2; *id.* at 8. True, but irrelevant, for *Heller* and *McDonald did* eliminate the government's ability to enact *at least one* type of firearm regulation, and that is the type of regulation at issue here: laws that bar law-abiding, responsible citizens from defending their homes with commonly possessed arms. Tellingly, bans similar to Highland Park's are rare. *See* State of W.Va. Br. 14-17.

Heller and *McDonald* could not have been clearer: The arms protected by the Second Amendment are those "in common use . . . for lawful purposes like self-defense." *Heller*, 554 U.S. at 624. And when the Second Amendment "right applies to" a certain type of firearm, "citizens *must* be permitted to use [firearms of that type] for the core lawful purpose of self-defense." *McDonald*, 561 U.S. at 744-45 (emphasis added) (quotation marks omitted); *see also Parker v.*

District of Columbia, 478 F.3d 370, 400 (D.C. Cir. 2007) ("Once it is determined . . . that handguns are 'Arms' referred to in the Second Amendment, it is not open to the District to ban them."), *aff'd sub nom. Heller*, 554 U.S. 570.

Thus, it is *entirely irrelevant* whether there exist *different* "commonly used weapon[s]" that citizens could use "for protection in the home" instead of the banned ones, Opp.12, for "[t]he ultimate decision for what constitutes the most effective means of defending one's home, family, and property resides in individual citizens and not in the government," Pet.App.14a (Manion, J., dissenting); s*ee Heller*, 554 U.S. at 629. But the lower courts *repeatedly* have made that *precise question* central to their analysis when affirming bans on commonly possessed firearms. *See, e.g.*, Pet.App.8a, 10a; *Heller v. District of Columbia*, 670 F.3d 1244, 1261-62 (D.C. Cir. 2011) ("*Heller II*"); *Kolbe v. O'Malley*, 42 F.Supp.3d 768, 790-91 (D. Md. 2014); *Shew v. Malloy*, 994 F.Supp.2d 234, 247 (D. Conn. 2014); *New York State Rifle & Pistol Ass'n, Inc. v. Cuomo*, 990 F.Supp.2d 349, 367 (W.D.N.Y. 2013) ("*NYSRPA*"). Review by this Court is needed to stem this defiance of *Heller*'s central teaching.

2. Highland Park attempts to harmonize the Seventh Circuit's approach with *Heller II* and *Fyock v. Sunnyvale*, 779 F.3d 991 (9th Cir. 2015), *see* Opp.11-16, but its efforts further reinforce the need for review. According to Highland Park, the Seventh Circuit "applied intermediate scrutiny to Highland

Park's ban on assault weapons and large capacity magazines." Opp.14. But the Seventh Circuit emphasized that it *was not* following the intermediate-scrutiny approach taken by the D.C. and Ninth Circuits:

> Two courts of appeals have applied a version of "intermediate scrutiny" and sustained limits on assault weapons and large-capacity magazines. But *instead* of trying to decide what "level" of scrutiny applies, and how it works . . . we think it *better* to ask whether a regulation bans weapons that were common at the time of ratification or those that have some reasonable relationship to the preservation or efficiency of a well regulated militia, and whether law-abiding citizens retain adequate means of self-defense.

Pet.App.8a (emphases added) (citations and quotation marks omitted).

It is only by mischaracterizing the Seventh Circuit's decision in this way that Highland Park can both falsely claim that "there is no confusion among the circuits on how to evaluate restrictions" on semi-automatic rifles and magazine capacity, Opp.2, and avoid having to defend the Seventh Circuit's idiosyncratic test – *all three prongs* of which *directly conflict with Heller*, *see* Pet.21-23; State of W.V. Br. 10-12. Both of these facts demonstrate that this Court's review is warranted, and Highland Park has no answer to them.

Furthermore, applying intermediate scrutiny, as the D.C. and Ninth Circuits did, *itself* conflicts with *Heller*, which forecloses the use of *any* judicial interest-balancing or levels-of-scrutiny analysis to save a flat ban on the use of protected arms. *See Heller*, 554 U.S. at 634-35; *Heller II*, 670 F.3d at 1271-85 (Kavanaugh, J., dissenting). The conflict is particularly acute in *Heller II*, which "relies expressly and repeatedly on *Turner Broadcasting*" to apply the very intermediate-scrutiny approach that Justice Breyer's *Heller* dissent "explicitly advocated" and that the *Heller* majority "flatly rejected." *Id*. at 1280.

Rather than consistently and faithfully following this Court's decisions, the circuit court decisions addressing bans like Highland Park's disjointedly but determinedly stray from this Court's holdings. This Court must intervene now if the Second Amendment and this Court's precedents are to receive the respect to which they are entitled.

3. Contrary to Highland Park's assertion, there is nothing in the "factual record" that possibly could support the City's bans or counsel in favor declining review. *See* Opp.7. There is only *one* factual question that is relevant to the proper Second Amendment analysis: whether the banned items are commonly used for lawful purposes. And there can be no serious dispute about the answer to that question. *See* Pet.9-11, 19-20; Pet.App.21a n.2, 32a (Manion, J., dissenting). Indeed, Highland Park offers nary a word about the commonality of the banned magazines, which, the evidence indicates, account for *nearly half* of all pistol

and rifle magazines owned by Americans. *See* Pet.11; *see also Heller II*, 670 F.3d at 1261 ("There may well be some capacity above which magazines are not in common use but . . . that capacity surely is not ten.").

Highland Park also does not deny that the banned semiautomatic firearms include the best-selling rifles in the Nation, *see* Pet.19-20, and it admits that they number in the millions, Opp.12 n.3 (citing Opp.App.79); *see also Heller II*, 670 F.3d at 1261 ("We think it clear enough in the record that semi-automatic rifles . . . are indeed in 'common use. . . .' "). Indeed, the witness whose affidavit Highland Park cites on this very issue testified that "AR type rifles are very popular," that people like them for their "functionality or reliability," that he has his "own personal AR type rifle," and that he has taken his daughter to the range to shoot his AR since she was "13 to 15" years old. Supp.App.7a, 9a. *Another* witness whose affidavit Highland Park appends to its opposition testified that he has hunted with an AR-15, that he found it suitable for that purpose, and that others he has hunted with also have used AR-type rifles. *See* Supp.App.2a-3a. Highland Park cannot plausibly claim that the banned firearms are "not typically possessed by law-abiding citizens for lawful purposes." *Heller*, 554 U.S. at 625. *See generally* Nat'l Shooting Sports Found. Br.

Unable to show that the banned firearms are uncommon, Highland Park attempts to sow confusion between *semiautomatic* firearms and *automatic*

firearms – a common tactic of advocates of "assault weapon" bans and courts that have sustained them. But as this Court has held, the distinction between semiautomatic and automatic is precisely the line that divides firearms that "traditionally have been widely accepted as lawful possessions" from those that have not. *Staples v. United States*, 511 U.S. 600, 612 (1994). Consistent with *Staples*, Highland Park's own witness testified that "the ability to fire fully automatic is a major functional difference from a rifle that can only fire semi-automatic." Supp.App.4a. Highland Park has no response to *Staples*, which specifically classified a semiautomatic, AR-15 rifle as traditionally lawful. Indeed, the City fails to *cite* the case.

Ignoring *Staples*, Highland Park turns instead to the D.C. Circuit's decision in *Heller II*, *see* Opp.11-12, which relied on the legislative testimony of a Brady Center attorney for the proposition that "semi-automatics . . . fire almost as rapidly as automatics." *Heller II*, 670 F.3d at 1263. But while the Brady Center attorney asserted that a semiautomatic firearm fired *six* rounds per second, *id.*, the United States Army states that the maximum effective rate of semiautomatic fire is approximately *one* round per second, *see* U.S. DEP'T OF ARMY, RIFLE MARKSMANSHIP, M16-/M4-SERIES WEAPONS 2-1 (2008). And even the Brady Center's "data indicate that semi-automatics actually fire two-and-a-half times *slower* than automatics." *Heller II*, 670 F.3d at 1289 (Kavanaugh, J., dissenting) (emphasis added).

What is more, the rate of fire of semiautomatic firearms is a red herring, for Highland Park *does not ban all semiautomatic rifles* but, perversely, those semiautomatic rifles that are outfitted with certain features that promote accuracy and ease-of-use. *See* Pet.6-9. The banned semiautomatic rifles also fire at the same rate – one round per each pull of the trigger – as semiautomatic handguns. And the *vast majority* of handguns produced in the United States are semiautomatic – approximately 80% or more in several years since 1993. *See, e.g.*, BUREAU OF JUSTICE STATISTICS, GUNS USED IN CRIME 3 (July 1995); Pet.App.99a-103a. Under *Heller*, there is no question that semiautomatic handguns are constitutionally protected, and they fire at exactly the same rate as the semiautomatic rifles that Highland Park bans. This Court should grant certiorari to reinforce what it is clear from *Heller* and *Staples*: that semiautomatic firearms are traditionally lawful, constitutionally protected arms that cannot be banned.

4. Highland Park attempts to muster additional "facts" to support its ban, but those facts are demonstrably inadequate to the task. Indeed, they are the same sort of facts that the District of Columbia and the *Heller* dissenters relied on in their unsuccessful effort to save the District's handgun ban.

First, Highland Park asserts that the City is home to "schools, community centers, and nursing homes" as well as "places in which large numbers of people frequently congregate." Opp.6. But that surely is true of *any* "vibrant, suburban community," *id.*,

and, at any rate, this case is about the right to possess the banned firearms and magazines *in the home*, not in any potentially "sensitive places" outside the home where the right to bear arms may be circumscribed. *See Heller*, 554 U.S. at 626.

Furthermore, this Court already has rejected the notion that particular facts about a *community* can justify a ban on protected arms *in the home*. The purportedly unique nature of the District of Columbia was central to the defense of the District's handgun ban. *See* Brief for Petitioners at 49, *Heller*, No. 07-290 (Jan. 4, 2008) ("D.C. *Heller* Br.") (arguing that handguns pose "particularly acute" dangers in the District's "unique," "totally urban" environment); *Heller*, 554 U.S. at 696 (Breyer, J., dissenting) ("The District's special focus on handguns . . . reflects the fact that the committee report found them to have a particularly strong link to undesirable activities in the District's exclusively urban environment."). But the *Heller* majority concluded that it was irrelevant that the District's "law [was] limited to an urban area," because the Second Amendment "elevates above *all other interests* the right of law-abiding, responsible citizens to use arms in defense of hearth and home." *Id.* at 634-35 (emphasis added).

Second, Highland Park cites misleading statistics about the use of the banned rifles and magazines in crime. For example, Highland Park asserts that in 1994, "assault weapons . . . accounted for 16% of gun murders of police officers." Opp.7. Putting to the side questions about the methodology of the underlying

study, it is clear that Highland Park is cherry picking by pointing to 1994 rather than, say, 1992, when *zero* percent of gun murders of police officers involved "assault weapons." *See* JEFFREY A. ROTH & CHRISTOPHER S. KOPER, IMPACT EVALUATION OF THE PUBLIC SAFETY & RECREATIONAL FIREARMS USE PROTECTION ACT OF 1994 98 (Mar. 13, 1997). And Highland Park wholly ignores that the study did not purport to find that the use of "assault weapons" made *any difference*: "A variety of non-banned weapons," the authors conceded, "may serve as adequate substitutes for offenders who engage in armed confrontations with police." *Id*. at 100.

But quibbles about Highland Park's statistics ultimately are irrelevant. If there is one fact that *everyone* who studies these matters agrees upon, it is that *the vast majority of gun crimes are committed with handguns*, not the semiautomatic rifles banned by Highland Park. Indeed, Highland Park expressly *stipulated* that "[s]emi-automatic 'assault weapons' make up a *very small percentage* of firearms used in armed assaults and homicides in Illinois and nationwide." Supp.App.10a (emphasis added); *see also* N.Y. State Sheriffs' Ass'n Br. 20-26. Handguns are the weapon of choice even in the small category of crimes Highland Park highlights – mass shootings and murders of police officers. With respect to the former, Highland Park does not dispute that "semi-automatic handguns are far more prevalent than firearms that would typically be classified as assault weapons." Pet.10 (ellipsis omitted); *see also* Nat'l Shooting

Sports Found. Br. 6-7. And with respect to the latter, Highland Park cites a high-water mark of 16% for the proportion of police officers killed with "assault weapons" – meaning, of course, that even if that number is taken at face value, in that year the vast majority of murdered police officers were killed with firearms *other than* "assault weapons." *See also* D.C. *Heller* Br. 52 ("Of the 55 police officers killed in felonies in 2005, 42 deaths were from handguns."); N.Y. State Sheriffs' Ass'n Br. 29.

In *Heller*, this Court was "aware of the problem of handgun violence in this country." *Heller*, 554 U.S. at 636; *see also id.* at 682 (Breyer, J., dissenting) ("[H]andguns . . . are the overwhelmingly favorite weapon of armed criminals.); *id.* at 693-98; D.C. *Heller* Br. 51-53. But that was irrelevant: because handguns are in common use for lawful purposes, they are protected by the Second Amendment; and because they are protected by the Second Amendment, the Constitution takes "off the table . . . the absolute prohibition of handguns held and used for self-defense in the home." *Heller*, 554 U.S. at 636. If criminal misuse could not save the District of Columbia's handgun ban, it cannot possibly save Highland Park's bans.

The principle established by *Heller* is not unique to the Second Amendment. In the First Amendment context, for example, the government cannot respond to certain types of speech that may be associated with crime and other undesirable "secondary effects" by banning that type of speech: "Though the inference

may be inexorable that a city could reduce secondary effects by reducing speech, this is not a permissible strategy." *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425, 445 (2002) (Kennedy, J., concurring in judgment).

Despite all of this, the lower courts repeatedly have relied on criminal misuse to justify upholding bans of semiautomatic firearms and magazines similar to Highland Park's. *See, e.g.*, Pet.App.11a; *Heller II*, 670 F.3d at 1262-64; *Kolbe*, 42 F.Supp.3d at 792-96; *Shew*, 994 F.Supp.2d at 249-50; *NYSPRA*, 990 F.Supp.2d at 369-71. Review is needed to correct this widespread departure from *Heller*.

5. Finally, Highland Park responds to our demonstration that *Heller* and *McDonald* have been met with massive resistance and doctrinal disarray in the lower courts by suggesting that "context matters." Opp.18. We could not agree more. The context we have provided demonstrates that the Seventh Circuit's decision is not an outlier. The lower courts repeatedly have upheld laws that are irreconcilable with *Heller*, including bans on semiautomatic firearms and standard-capacity magazines like Highland Park's, laws that require arms to be stored in such a way that they are inaccessible for "immediate self-defense," *Heller*, 554 U.S. at 635; *see* Pet.27-28, and laws that make law-abiding, responsible citizens prove to government officials that their right to carry arms in public is "*really worth* insisting upon," *Heller*, 554 U.S. at 634; *see* Pet.27-29. And the lower courts have accomplished this through a variety of doctrinal

tests that are united primarily in being irreconcilable with *Heller*. *See* Pet.30-37.

This case provides an ideal vehicle for stopping this lamentable trend. The Seventh Circuit upheld bans on commonly possessed firearms and magazines that clearly are unconstitutional under *Heller*, and it did so by applying a newly minted three-part test, all three parts of which stand in direct conflict with *Heller*. Enough is enough. The lower courts have made clear that whether *Heller* and *McDonald* are to be respected is "a question for the Justices" of this Court to decide. *See* Pet.App.14a. The time is ripe for this Court to give its answer.

CONCLUSION

This Court should grant the petition and reverse the judgment below.

September 15, 2015

Respectfully submitted,

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SUPPLEMENTAL APPENDIX
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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ARIE S. FRIEDMAN, M.D. and the Illinois State Rifle Association,	)	
Plaintiffs,	)	NO. 13-CV-9073
vs.	)	
CITY OF HIGHLAND PARK,	)	
Defendant.	)	

The deposition of MARK DOUGLAS JONES, called for examination pursuant to the Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before MARLENE L. KING, a notary public within and for the County of Cook and State of Illinois, at 330 North Wabash Avenue, Suite 3300, Chicago, Illinois, on April 30, 2014, at the hour of 9:32 a.m.

REPORTED BY: MARLENE L. KING, C.S.R.
LICENSE NO.: 084-003326.

* * *

[53] BY MR. VOGTS:

* * *

[55] Q. Do you hunt?

A. Yes.

Q. What type of hunting do you do?

A. I hunt pheasants and quail occasionally.

Q. You use shotguns for that purpose?

A. I use my Remington 848 for that [56] purpose, yes, and I have in the past hunted prairie dogs.

Q. What firearm did you use for that type of hunting?

A. I used an AR-15 very custom with a heavy barrel and custom trigger and four and a half by 14 optics.

Q. Was that a firearm that you at one time owned?

A. Yes.

Q. Who manufactured that AR-15?

A. It's a Colt lower and I think it's i-Gun upper.

Q. Is it chambered at .223?

A. Yes.

Q. Did you find that AR-15 appropriate for prairie dog hunting?

A. Yes.

Q. Suitable for prairie dog hunting?

A. Yes, I did.

Q. Did you prairie dog hunt with others or – typically or by yourself?

A. Others.

Q. Kind of a group activity, isn't it, [57] prairie dog hunting?

A. Yes.

Q. Flushing them out of their holes?

A. It's a group activity for us, yes.

Q. Okay. Were others in your group equipped with AR type rifles as well for that purpose?

A. Some, some not. Some used a bolt action rifle. And I initially started doing that with a Remington Sendero in .223, bolt action rifle.

Q. When you prairie dog hunted with the AR-15, what magazine capacity were you equipped with?

A. 10 and 20.

Q. Why 20?

A. I shoot prone a lot. The 30 round magazine tends to interfere with the prone position, so I shoot from a 10 or 20 round magazine.

Q. Well, why would you choose a 20 instead of a 10 for that purpose?

A. The volume of prairie dogs is such that sometimes it's just more convenient not to [58] change magazines quite so often.

* * *

[73] Q. Would you agree that the ability to fire fully automatic is a major functional difference from a rifle that can only fire semi-automatic?

A. Yes.

* * *

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ARIE S. FRIEDMAN, M.D. and The Illinois State Rifle Association,	)	
Plaintiffs,	)	NO. 13-CV-9073
vs.	)	
CITY OF HIGHLAND PARK,	)	
Defendant.	)	

The discovery deposition of JAMES YURGEALITIS, taken in the above-entitled causes, before Rebecca Feeman, an Illinois Shorthand Reporter, on May 8, 2014 at 330 North Wabash Avenue, Suite 3300, Chicago, Illinois, pursuant to notice.

Rebecca Feeman, CSR, RPR
License No.: 084-004726

* * *

[33] BY MR. VOGTS:

* * *

Q. What is the magazine capacity you have with your Colt 6920?

A. I have a number of 30-round magazines and a number of 20-round magazines.

Q. Do you have any 10-round magazines?

[34] A. Yes.

* * *

Q. Under what circumstances do you use a 30-round magazine in your Colt rifle as opposed to a 10-round magazine?

A. Whatever I take to the range is usually what I bring.

Q. What do you typically take to the range?

A. Well, it would all depend because my daughter likes to shoot the Colt with a bipod on the front of it, and she can't do that from a bench situation with a 30-round magazine. It's too long, so I have shorter magazines for that.

Q. Because the longer magazine gets in the [35] way of the bench?

A. Uh-huh, yes.

Q. How old is your daughter?

A. 21.

Q. Has she shot most of her adult life? She hasn't been an adult long, but did she shoot as a child?

A. Yes, she did.

Q. And you taught her to shoot?

A. Yes.

Q. How long has she been shooting a Colt 6920 rifle?

A. As long as I owned it, approximately eight or nine – I've probably had it seven or eight years would be my guess.

Q. So she's been shooting since roughly age 13?

A. 13 to 15, somewhere in there.

Q. Do you enjoy shooting that rifle?

A. Yes.

Q. What do you enjoy about that rifle?

A. I like the ease of operation and the reliability, and the way that I have it configured, it's somewhat sentimental I suppose [36] because it's configured the exact same way that it was – that the issued ones were for us at ATF.

* * *

[40] Q. And you would refer to your Colt Model 6920 rifle as an AR type rifle, correct?

A. Yes.

Q. Do you find your Colt rifle to be accurate?

A. Yes.

Q. Do you find your Colt rifle has relatively minimal recoil compared to, say, your Springfield M1 Garand or any of the shotguns you own?

A. It's significantly less recoil than the Garand, yes.

* * *

[63] Referring you back to Exhibit 8, your declaration, paragraph 13, you wrote that in [64] recent years, there has been an increase in the popularity and availability of semiautomatic rifles, pistols, and shotguns with features initially designed, paren, or patterned after those designed, close paren, for a military purpose; is that correct?

A. Correct.

Q. What is your basis for saying that in recent years there has been an increase in the popularity of those firearms?

A. Well, based on as we had stated before at the SHOT Show, every year I went there it seemed as though there was another major manufacturer who had decided to produce a model or a line of AR type rifles where they had really no history of doing it before then.

The number of available options and aftermarket accessories for AR type rifles, I believe Brownells might even have their own catalog that's fully devoted to AR accessories that's a few hundred pages. That and if you walk into a local gun store and see what they stock or ask them what they sell or they sell a large quantity of or a large number of and [65] that's what I would base that opinion on.

Q. So if you walk into a local gun store and ask them, what response do you believe you receive?

A. Well, they're very popular. AR type rifles are very popular. They either can't get enough of them or they sell very quickly.

Q. Why do you believe AR type rifles are very popular?

A. I would say for some of the reasons that I spoke earlier of when I was describing what it is on my own personal AR type rifle that I find attractive, or, you know, functionality or reliability. I think a lot of people enjoy the fact these days that you can accessorize them with almost anything. With the introduction of rail attachment systems, there's a multitude of accessories you can mount on them.

* * *

IN THE UNITED STATES
DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Arie S. Friedman, M.D. and the Illinois State Rifle Association, Plaintiffs, v. City Of Highland Park, Defendant.	Case No. 13-cv-9073 Hon. John W. Darrah

DEFENDANT'S RESPONSE TO PLAINTIFFS' RULE 56.1 STATEMENT OF MATERIAL FACTS

(Filed Jul. 22, 2014)

Defendant, the City of Highland Park, responds to Plaintiffs Arie S. Friedman, M.D. and the Illinois State Rifle Association Rule 56.1 Statement of Material Facts follows:

* * *

95. Semi-automatic "assault weapons" make up a very small percentage of firearms used in armed assaults and homicides in Illinois and nationwide. (Exhibit 4 at p. 160.)

RESPONSE: Admitted.

* * *