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15 *Attorneys for Amicus Curiae*

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18 **IN THE SUPREME COURT OF THE STATE OF MONTANA**  
19 **Supreme Court No. DA 18-0672**

20  
21 CITY OF MISSOULA,

22 Plaintiff and Appellee,

23 v.

24 TIMOTHY C. FOX, IN HIS OFFICIAL CAPACITY AS THE ATTORNEY  
GENERAL OF MONTANA,

Defendant and Appellant.

UNOPPOSED MOTION FOR LEAVE FOR THE NATIONAL RIFLE  
ASSOCIATION OF AMERICA, INC. TO PARTICIPATE AS *AMICUS CURIAE*

1 COMES NOW the National Rifle Association of America, Inc. ("NRA")  
2 and respectfully moves this Court for leave to participate in the above-captioned  
3 case and appear as amicus curiae. This motion is brought pursuant to Mont. R.  
4 App. P. 12(7).  
5

### 6 **INTEREST OF THE APPLICANT**

7 The NRA is the oldest civil rights organization in America and the Nation's  
8 foremost defender of the right to keep and bear arms. Founded in 1871, the NRA  
9 has approximately five million members, many of whom reside in Montana, and is  
10 America's leading provider of firearms marksmanship and safety training for  
11 civilians. The NRA has a strong interest in this case because its members' right to  
12 purchase firearms is protected from regulation by the statutory preemption  
13 provisions that the City of Missoula seeks to evade.  
14

### 15 **REASONS WHY A BRIEF FROM THE NRA IS DESIRABLE**

16 The State of Montana has made clear that localities such as the City of  
17 Missoula lack authority to enact laws that in any way apply to or affect the right to  
18 keep and bear arms. Despite this clear statutory command, Missoula purports to  
19 require a background check before any firearm transfer can take place in the city.  
20 This not only burdens the rights of the law-abiding citizens of Missoula but also  
21 upends the balance of powers established by the State of Montana to protect the  
22 rights of gun owners throughout the State. The NRA respectfully requests the  
23  
24

1 Court's leave to file an amicus brief explaining why the Fourth Judicial District  
2 Court was wrong to sanction Missoula's unlawful usurpation of power in this case.  
3 Given that a group of Montanans have been granted leave to file their own amicus  
4 brief arguing in favor of Missoula's gun control policies, it is particularly  
5 important that this Court hear the contrary perspective of the NRA.  
6

7 Additionally, the Fourth Judicial District Court permitted the NRA to file an  
8 amicus brief in the underlying lawsuit.

9 **IDENTITY OF PARTY WHOSE POSITION THE NRA SUPPORTS**

10 The NRA supports the position of AG Fox in this matter.

11 **PROPOSED DATE FOR FILING THE NRA'S BRIEF**

12 If this motion is granted, the NRA will file their brief no later than three  
13 business days after AG Fox's opening brief is filed.

14 **POSITIONS OF OTHER PARTIES**

15 The City and AG Fox have been contacted and consent to the NRA  
16 appearing as amicus curiae in this matter.  
17

18 Accordingly, the NRA respectfully requests this Court grant leave to appear  
19 as amicus curiae and file a brief in support of the AG's position. A proposed order  
20 is filed contemporaneously with this motion.  
21

22  
23 *II*  
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1 DATED this 1st day of February, 2019.  
2  
3

4 REEP, BELL, LAIRD & JASPER, P.C.

5 By: 

6 Robert T. Bell

7 Attorneys for Amicus Curiae  
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9 SCHULTE LAW FIRM, P.C.

10 By: 

11 Peter Landsiedel

12 Attorneys for Amicus Curiae  
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## **CERTIFICATE OF SERVICE**

I, Robert T. Bell, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed - Amicus - Leave to Participate to the following on 02-01-2019:

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