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16 IN THE UNITED STATES DISTRICT COURT
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,)	Case No. 2:09-CV-01185-FCD-KJM
19	Plaintiffs,)	
20)	<u>EXHIBIT O</u>
21	v.)	
22)	In Support of Plaintiffs' Motion
23	Wilfredo Cid,)	For Summary Judgment
24	Defendant.)	
25	_____)	

26 Respectfully Submitted on Sept. 1, 2009

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By: /s/ Donald E.J. Kilmer, Jr.
Donald E. J. Kilmer, Jr., Attorney for Plaintiffs

CHIEF, METROPOLITAN POLICE DEPARTMENT

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Chief of the Metropolitan Police Department, pursuant to subsections 504(e)(4), 504(f), and section 712 of the Firearms Regulations Control Act of 1975 (Act), effective March 31, 2009 (D.C. Law 17-0372; 56 DCR 1365), hereby gives notice of the adoption on an emergency basis of an amendment to add section 2325 to Chapter 23 (Guns and Other Weapons) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR). The rulemaking exempts certain single action pistols manufactured before 1985 from the application of section 504 of the Act, and establishes that certain other types of pistols manufactured before 1985 are deemed included on the newly created District Roster of Handguns Determined Not to be Unsafe. The rulemaking is informed by the reasonable laws and regulations of the State of Maryland. The rulemaking will make the District's safe gun laws identical to the State of Maryland as to Pre-1985 pistols.

Emergency rulemaking action is necessary to interpret and implement the provisions of 504 of the Act and to add suitable weapons to the District's Roster of Handguns Determined Not to be Unsafe and to exempt suitable weapons from the application of the roster. Emergency rulemaking will immediately clarify those firearms that are eligible for sale, transfer, ownership, or possession so as to continue the District's compliance with the Supreme Court's decision and mandate in *District of Columbia v. Heller* concerning a person's constitutional right to legally possess a firearm in a person's home for the purpose of self-defense.

This emergency rulemaking was adopted on June 25, 2009, and became effective immediately. The emergency rulemaking will expire after one hundred and twenty (120) days, or upon publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first.

The Chief also gives notice of her intent to take final rulemaking action to adopt the proposed rulemaking in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

Chapter 23 of Title 24 DCMR is amended to add section 2325 to read as follows:

2325 PRE-1985 PISTOLS

- 2325.1 Any pistol with a single action firing mechanism manufactured prior to 1985 shall be exempt from the application of section 504 of the Firearms Regulations Control Act of 1975, effective March 31, 2009 (D.C. Law 17-0372; 56 DCR 1365).
- 2325.2 Any pistol manufactured prior to 1985, not subject to § 2325.1, shall be deemed included on the District Roster established pursuant to § 2323.

All persons interested in commenting on the subject matter of this proposed rulemaking action may file comments, in writing, with: Terrence D. Ryan, General Counsel, Metropolitan Police Department, Suite 4125, 300 Indiana Avenue, N.W., Washington, D.C. 20001. Comments must be received no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Copies of this proposal may be obtained, at cost, by writing to the above address.