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8 Attorneys for *Amicus Curiae*
The GLOCK, Inc.

9
10 **IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

11 Ivan Pena, *et al.*,) Case No. 2:09-CV-01185-KJM-CKD
12)
13 Plaintiffs,) MOTION FOR LEAVE TO FILE
14 v.) AMICUS CURIAE BRIEF OF GLOCK,
15 Stephen Lindley,) INC., IN SUPPORT OF PLAINTIFFS'
16 Defendant) MOTION FOR SUMMARY JUDGMENT
17)

18 Comes now *Amicus Curiae* GLOCK, Inc., by and through undersigned counsel,
19 and submit their Motion for Leave to File *Amicus* Brief in Support of Plaintiffs' Motion
20 for Summary Judgment.

21 **DISCLOSURE STATEMENT**

22 *Amicus* GLOCK, Inc. is a privately held company owned in part by GLOCK
23 GmbH, the leading manufacturer of pistols around the globe. No publicly held company
24 owns any part of GLOCK, Inc. and none of GLOCK, Inc.'s private owners are publicly
25 held companies.

26 Motion for Leave to File Brief of *Amicus Curiae* GLOCK, Inc.

1 **ARGUMENT**

2 GLOCK manufactures the world’s finest and highly popular pistols, known for
3 their safety, durability, reliability, and ease of use. GLOCK has sold over 9 million
4 pistols worldwide and is the pistol of choice of numerous militaries, police departments,
5 and civilians. GLOCK manufactures over 23 models of pistol, with many models having
6 different variations to meet the varied demands of the market. Roughly half of those
7 models are specifically designed with civilians in mind and are suitable for hunting, sport
8 shooting, and self defense.

9 GLOCK is interested in this case because the varied and growing requirements of
10 the California gun roster program are inconsistent with the essential qualities of GLOCK
11 pistols that have made them popular for their safety, reliability, durability, and ease of
12 use. GLOCK seeks to present arguments and information to this Court regarding the
13 impact of California’s technological requirements on the availability of its pistols to the
14 citizens of California and on why incorporating novel technologies into tried and true
15 pistols that are among the most popular in the world would potentially compromise
16 reliability and safety as well as the other qualities gun owners have come to expect from
17 GLOCK pistols.

18 GLOCK further notes that it is common practice in Second Amendment cases for
19 courts to hear from *amici curiae* in order to better inform their decisions. *See, e.g.,*
20 *Parker v. District of Columbia*, 311 F. Supp. 2d 103, 2004 U.S. Dist. LEXIS 5268
21 (D.D.C. 2004) (listing *amici curiae*). “[A] decision to accept an amicus brief is within
22 the sound discretion of the court.” *United States v. Microsoft Corp.*, Civ. A. 98-1233
23 (TPJ), 1999 WL 1419040, at *1 (D.D.C. Dec. 20, 1999) (overruling objection to
24 submission of memorandum by *amicus curiae*); *see also Cobell v. Norton*, 246 F. Supp.
25 2d 59, 61 (D.D.C. 2003) (“it is solely within the discretion of the Court to determine the

1 fact, extent, and manner of participation by the *amicus*”). “Generally, courts have
2 exercised great liberality in permitting an *amicus curiae* to file a brief in a pending case
3 There are no strict prerequisites ... an individual seeking to appear as *amicus* must
4 merely make a showing that his participation is useful to or otherwise desirable by the
5 court.” *United States v. Davis*, 180 F. Supp. 2d 797, 800 (E.D. La. 2001).

6 GLOCK has sought consent from the parties for this motion and the filing of an
7 *amicus* brief. Consent was granted by plaintiffs but was withheld by defendant.

8 For the foregoing reasons, GLOCK respectfully moves that this Court grant it leave to
9 file an *amicus curiae* brief, to be filed within seven (7) days of the party briefs in this
10 case, which are due today. Such a time period is the standard practice for *amicus* briefs
11 at the appellate level and will not prejudice either the parties or this Court.

12 Dated: October 25, 2013

Respectfully Submitted,

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18 Attorneys for *Amicus Curiae*
19 GLOCK, Inc.

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21 **CERTIFICATE OF SERVICE**

22 I hereby certify that, on this 25th day of October, 2013, I caused the foregoing
23 Motion for Leave to File Amicus Brief of GLOCK, Inc. to be served via the ECF system
24 on all counsel therein:

25 s/ John C. Eastman
26 John C. Eastman

Motion for Leave to File Brief of *Amicus Curiae* GLOCK, Inc.