

SUMMONS - CIVIL

JD-CV-1 Rev. 9-08
 C.G.S. §§ 51-346, 51-347, 51-349, 51-350, 52-45a,
 52-48, 52-259, P.B. Secs. 3-1 through 3-21, 8-1

STATE OF CONNECTICUT
SUPERIOR COURT

www.jud.ct.gov

See page 2 for instructions

- "X" if amount, legal interest or property in demand, not including interest and costs is less than \$2,500.
- "X" if amount, legal interest or property in demand, not including interest and costs is \$2,500 or more.
- "X" if claiming other relief in addition to or in lieu of money or damages.

TO: Any proper officer; BY AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby commanded to make due and legal service of this Summons and attached Complaint.

Address of court clerk where writ and other papers shall be filed (Number, street, town and zip code) (C.G.S. §§ 51-346, 51-350) 70 Huntington Street New London, CT 06320		Telephone number of clerk (with area code) (860) 443.5363	Return Date (Must be a Tuesday) May 7, 2013 <small>Month Day Year</small>
<input checked="" type="checkbox"/> Judicial District <input type="checkbox"/> Housing Session	<input type="checkbox"/> G.A. Number:	At (Town in which writ is returnable) (C.G.S. §§ 51-346, 51-349) New London	Case type code (See list on page 2) Major: M Minor: 50

For the Plaintiff(s) please enter the appearance of:

Name and address of attorney, law firm or plaintiff if self-represented (Number, street, town and zip code) Scott D. Camassar, The Law Firm of Stephen M. Reck, LLC P.O. Box 431 North Stonington 06359	Juris number (to be entered by attorney only) 411900
Telephone number (with area code) (860) 535-4040	Signature of Plaintiff (If self-represented)

Number of Plaintiffs: **2** Number of Defendants: **1** Form JD-CV-2 attached for additional parties

Parties	Name (Last, First, Middle Initial) and Address of Each party (Number; Street; P.O. Box; Town; State; Zip; Country, if not USA)	ID
First Plaintiff	Name: Address: DISABLED AMERICANS FOR FIREARMS RIGHTS, LLC by its managing member, Scott A. Ennis 54 Dow St., New London, CT 06320	P-01
Additional Plaintiff	Name: Address: ENNIS, SCOTT A., 54 Dow St., New London, CT 06320	P-02
First Defendant	Name: Address: MALLOY, DANIEL P., GOVERNOR OF THE STATE OF CONNECTICUT, by serving the Attorney General at the Office of the Attorney General, 55 Elm St., Hartford, CT 06106	D-50
Additional Defendant	Name: Address:	D-51
Additional Defendant	Name: Address:	D-52
Additional Defendant	Name: Address:	D-53

Notice to Each Defendant

- YOU ARE BEING SUED.** This paper is a Summons in a lawsuit. The complaint attached to these papers states the claims that each plaintiff is making against you in this lawsuit.
- To be notified of further proceedings, you or your attorney must file a form called an "Appearance" with the clerk of the above-named Court at the above Court address on or before the second day after the above Return Date. The Return Date is not a hearing date. You do not have to come to court on the Return Date unless you receive a separate notice telling you to come to court.
- If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default. The "Appearance" form may be obtained at the Court address above or at www.jud.ct.gov under "Court Forms."
- If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately contact your insurance representative. Other action you may have to take is described in the Connecticut Practice Book which may be found in a superior court law library or on-line at www.jud.ct.gov under "Court Rules."
- If you have questions about the Summons and Complaint, you should talk to an attorney quickly. **The Clerk of Court is not allowed to give advice on legal questions.**

Signed (Sign and "X" proper box) 	<input checked="" type="checkbox"/> Commissioner of the Superior Court <input type="checkbox"/> Assistant Clerk	Name of Person Signing at Left Scott D. Camassar	Date signed 4-11-13
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If this Summons is signed by a Clerk:
 a. The signing has been done so that the Plaintiff(s) will not be denied access to the courts.
 b. It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law.
 c. The Clerk is not permitted to give any legal advice in connection with any lawsuit.
 d. The Clerk signing this Summons at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in the Summons, any allegations contained in the Complaint, or the service of the Summons or Complaint.

For Court Use Only	
File Date	

I certify I have read and understand the above:	Signed (Self-Represented Plaintiff)	Date
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Name and address of person recognized to prosecute in the amount of \$250
Kyle E. Winingger P.O. Box 431 North Stonington, CT 06359

Signed (Official taking recognizance; "X" proper box) 	<input checked="" type="checkbox"/> Commissioner of the Superior Court <input type="checkbox"/> Assistant Clerk	Date 4-11-13	Docket Number
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thereby impairing his physical strength, flexibility and range of motion of his limbs, particularly his upper extremities.

4. The defendant, Dannel P. Malloy, is Governor of the State of Connecticut and at all times relevant hereto was acting in the course and scope of his official duties.

5. The Connecticut constitution guarantees certain fundamental rights of citizens of the State, including the right to bear arms in defense of oneself and the State.

6. The laws of the State of Connecticut also prohibit the deprivation of civil rights on the basis of physical disability.

7. The fundamental rights guaranteed by Article I of the Connecticut constitution include the civil rights that may not be denied based on one's physical disability.

8. On April 4, 2013, Governor Malloy signed into law Bill No. 1160, An Act Concerning Gun Violence Prevention and Children's Safety, now known as Public Act 13-3 (the "Act"), in response to the mass shooting at Sandy Hook Elementary School in Newtown, CT four months earlier.

9. The Act makes substantial changes to existing firearms laws, including an expanded ban on certain firearms deemed to be "assault weapons," identified in the Act by specific model name and manufacturer, or by reference to certain enumerated cosmetic features, such as hand grips and adjustable stocks. The law also restricts "large capacity magazines."

10. Among the now-banned firearms is "the AR-15," a term which refers to both a specific gun (the original Armalite Model 15) and more generically to similar firearms made by

many different arms manufacturers, including Colt's Manufacturing Company in Connecticut since 1959.

11. The AR-15 is one of the most commonly owned firearms in America, widely owned by law-abiding citizens throughout the State of Connecticut and the nation. Recent estimates suggest there are approximately 4 million AR-15s in America, which would include many thousands in Connecticut.

12. The AR-15, due to its ease of handling, low recoil, adjustable features, and customizability, is particularly suited for disabled persons in order to engage in lawful use of firearms, including hunting, recreational and competitive shooting, and personal self-defense.

13. In addition to the various "AR-15s" specifically named in Section 25 of the Act, the Act also bans:

"Any semiautomatic firearm regardless of whether such firearm is listed in subparagraphs (A) to (D), inclusive, of this subdivision, and regardless of the date such firearm was produced, that meets the following criteria:

(i) A semiautomatic, centerfire rifle that has an ability to accept a detachable magazine and has at least one of the following:

(I) A folding or telescoping stock;

(II) Any grip of the weapon, including a pistol grip, a thumbhole stock, or any other stock, the use of which would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing;

(III) A forward pistol grip;

(IV) A flash suppressor; or

(V) A grenade launcher or flare launcher; or

(ii) A semiautomatic, centerfire rifle that has a fixed magazine with the ability to accept more than ten rounds; or

(iii) A semiautomatic, centerfire rifle that has an overall length of less than thirty inches; ...

14. Disabled persons including the plaintiffs and members of DAFR require adjustable or customizable firearms built on the AR-15 platform, or other semiautomatic weapons with certain of the prohibited features, such as pistol grips, forward grips, and folding or telescoping stocks, in order to safely and effectively exercise their fundamental right to bear arms, including participation in shooting sports, hunting, and lawful self-defense from criminal attack. The provisions of the Act unfairly and arbitrarily deny these fundamental rights to the plaintiffs.

15. The Act, Section 23(a)(1) also bans, with certain exceptions, “large capacity magazines”, which are defined as “any firearm magazine, belt, drum, feed strip or similar device that has the capacity of, or can be readily restored or concerted to accept, more than ten rounds of ammunition.” This provision is vague, ambiguous, and unfairly and arbitrarily deprives law-abiding disabled citizens, including the plaintiffs and members of DAFR, of their fundamental right to bear arms, including participation in shooting sports, hunting, and lawful self-defense, in that “large capacity magazines” are convenient and necessary for disabled persons such as the plaintiffs to participate in these lawful activities.

16. By enacting the Act, the defendant has deprived and will in the future deprive the plaintiffs and other disabled law-abiding citizens of the State their fundamental rights by violating numerous provisions of State law including:

- (a) Art. I § 15 of the State constitution, which guarantees that all citizens have a right to bear arms in defense of themselves and the State;
- (b) Conn. Gen. Stat. § 27-2, which affirms the rights of all citizens to bear arms as members of the unorganized militia of the State;

(c) Art. I §1 of the State constitution, which guarantees equality of rights of all citizens of the State;

(d) Article I § 20 of the State constitution, which guarantees equal protection of the law, and prohibits discrimination in the exercise or enjoyment of civil or political rights; and

(e) Conn. Gen. Stat. §46a-58(a), which prohibits the deprivation of civil rights on the basis of physical disability.


17. As a result of the defendant's deprivation of the plaintiffs' constitutional and statutory rights, the plaintiffs have been and will in the future be irreparably harmed.

WHEREFORE, plaintiffs pray that the Court:

1. Enter a declaratory judgment that the Act Concerning Gun Violence Prevention and Children's Safety, in whole or in part, violates the plaintiffs' rights to keep and bear arms, not to be denied the equal protection of the laws, and to be free of discrimination based on physical disability, in violation of Article I, §§ 1, 15, and 20 of the Connecticut constitution; and the provisions of Conn. Gen. Stat. §§ 27-2 and 46a-58(a); and
2. Issue a temporary restraining order and preliminary and permanent injunctions against implementation and enforcement of the Act.

THE PLAINTIFFS,

By



Scott D. Camassar
The Law Firm of Stephen M. Reck, LLC
391 Norwich-Westerly Road
PO Box 431
North Stonington, CT 06359
Ph. (860) 535-4040
Fax (860) 535-3434
sdcamassar@gmail.com
Juris No. 411900

RETURN DATE: MAY 7, 2013 :
DISABLED AMERICANS FOR FIREARMS : JUDICIAL DISTRICT OF
RIGHTS, LLC, BY AND THROUGH ITS : NEW LONDON
FOUNDER AND MANAGING MEMBER, :
SCOTT A. ENNIS, and SCOTT A. ENNIS : AT NEW LONDON
INDIVIDUALLY, :
V. :
DANNEL P. MALLOY, GOVERNOR OF THE :
STATE OF CONNECTICUT : APRIL 11, 2013

CERTIFICATION

I hereby certify that all interested persons have been joined as parties to the action or have been given reasonable notice hereof.

RESPECTFULLY SUBMITTED,

By



Scott D. Camassar
The Law Firm of Stephen M. Reck, LLC
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North Stonington, CT 06359
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sdcamassar@gmail.com
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