

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

KATHERINE NOVOTNY, et al.

*Plaintiffs,*

v.

WESTLEY MOORE, in his official capacity as  
Governor of Maryland, et al.

*Defendants.*

Case No. 1:23-cv-01295

**MOTION FOR SUMMARY  
JUDGMENT AND BRIEFING  
SCHEDULE**

---

Plaintiffs Katherine Novotny, Sue Burke, Esther Rossberg, Maryland Shall Issue, Inc., Second Amendment Foundation, and Firearms Policy Coalition, Inc., respectfully move this Court pursuant to Federal Rule of Civil Procedure 56 for summary judgment on all Counts of Plaintiffs' Complaint. *See* Compl. ¶¶ 45–57, Doc. 1, *Novotny v. Moore*, No. 1:23-cv-01295 (May 16, 2023) (“*Novotny*”). As the Complaint sets out, Maryland is violating Plaintiffs' right to keep and bear arms outside the home through various provisions of State law, specifically through its restrictions on carrying firearms in healthcare facilities, museums, and locations licensed to sell or dispense alcohol for on-site consumption, MD. CODE, CRIM. LAW § 4-111, on mass transit, MD. CODE, TRANSPORTATION § 7-705(b)(6), in State parks, COMAR 08.07.06.04, in State forests, COMAR 08.07.01.04, and in Chesapeake Forest Lands, COMAR 08.01.07.14, and through the Anti-Carry Default of MD. CODE, CRIM. LAW § 6-411(d).

The constitutionality of these provisions is a pure question of law. There is no dispute of material fact, and no discovery is necessary. Accordingly, Plaintiffs request an order granting summary judgment to Plaintiffs on all counts, declaring the above provisions unconstitutional, and

enjoining Defendants from enforcing them. In support, and in lieu of a separate memorandum, Plaintiffs incorporate and rely on the arguments in their Memorandum in Support of Motion for Preliminary Injunction, *Novotny*, Doc. 24-1 (May 24, 2023), and in their Consolidated Reply Memorandum in Support of Motion for Preliminary Injunction and Memorandum in Opposition to Defendants' Motion To Dismiss, *Novotny*, Doc. 38 (July 12, 2023).

Plaintiffs further request that the briefing schedule for this Motion be aligned with the summary-judgment briefing schedule in the consolidated matter, *Kipke v. Moore*, No. 1:23-cv-01293, where the defendants' Opposition/Cross-Motion is due July 28, 2023, the *Kipke* plaintiffs' Reply/Opposition is due August 18, 2023, and the defendants' Reply is due September 8, 2023. *See* Mem. to Counsel at 3, Doc. 15 (July 13, 2023). Given that this Motion includes no new briefing, and given the Court's observation in its consolidation order that "the complete overlap of claims raised in *Novotny* that are asserted in *Kipke* will allow for a comprehensive resolution," *id.*, no party will be prejudiced by this schedule. The forthcoming *Kipke* Opposition/Cross-Motion may also be applied against this Motion, and the parties may then file any necessary oppositions or replies on the *Kipke* schedule.

Dated: July 20, 2023

/s/ Mark W. Pennak  
Mark W. Pennak (Bar ID# 21033)  
LAW OFFICES OF MARK W. PENNAK  
7416 Ridgewood Ave.  
Chevy Chase, MD 20815  
Tel: (301) 873-3671  
Fax: (301) 718-9315  
mpennak@marylandshallissue.org

*Attorney for Plaintiffs Katherine Novotny, Sue Burke, Esther Rossberg, Maryland Shall Issue, Inc., Second Amendment Foundation, and Firearms Policy Coalition*

Matthew Larosiere\*  
THE LAW OFFICE OF MATTHEW LAROSIERE  
6964 Houlton Circle  
Lake Worth, FL 33467  
Tel: (561) 452-7575  
larosieremm@gmail.com  
\*Admitted *pro hac vice*

*Attorney for Plaintiff Maryland Shall Issue, Inc.*

Respectfully submitted,

/s/ David H. Thompson  
David H. Thompson\*  
Peter A. Patterson\*  
COOPER & KIRK, PLLC  
1523 New Hampshire Ave., N.W.  
Washington, D.C. 20036  
Tel: (202) 220-9600  
Fax: (202) 220-9601  
dthompson@cooperkirk.com  
ppatterson@cooperkirk.com  
\*Admitted *pro hac vice*

*Attorneys for Plaintiffs Katherine Novotny, Sue Burke, Esther Rossberg, Maryland Shall Issue, Inc., Second Amendment Foundation, and Firearms Policy Coalition*

**CERTIFICATE OF SERVICE**

Counsel certifies that the foregoing document was electronically served on all counsel of record via the CM/ECF system on this 20th of July, 2023.

Respectfully submitted,

/s/ David H. Thompson  
David H. Thompson