

COUNTY OF SUFFOLK



EDWARD P. ROMAINE
SUFFOLK COUNTY EXECUTIVE

CHRISTOPHER J. CLAYTON
COUNTY ATTORNEY

DEPARTMENT OF LAW

July 3, 2024

Hon. Gary R. Brown, U.S.D.J.
United States District Court, Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, New York 11722

Re: *Lamarco v. County of Suffolk*
CV 22-4629 (GRB) (JMW)

Dear Judge Brown:

The Suffolk County Attorney's Office represents defendants in this action pursuant to 42 U.S.C. § 1983. Yesterday, Your Honor issued an Order that among other things, directed the County to file a supplemental brief regarding its position on *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1, 142 S. Ct. 2111 (2022) and *United States v. Rahimi*, 2024 WL 3074728 (U.S. June 21, 2024) with respect to plaintiffs' pending summary judgment motion by July 12, 2024. Respectfully and with the consent of Amy Bellantoni, Esq., counsel for plaintiffs, defendants request that our time to submit the supplemental brief be extended to July 22, 2024.

This extension is requested to permit this office sufficient time to meaningfully confer about the policy changes sought by plaintiffs with all involved officials of the Suffolk County Police Department including the Department's new Chief of Patrol, its internal attorneys and the Pistol Licensing Bureau. The County now has a recently appointed Acting Police Commissioner and a fresh look is being given to some of the litigation pending against the Police Department. It is therefore incumbent upon the County Attorney's Office to fully discuss this case with all interested officials before going forward. Additionally, the Supreme Court yesterday granted certiorari and vacated the judgment of the Second Circuit in *Antonyuk v. Chiumento*, 89 F.4th 271 (2024), remanding it to the appellate court for further consideration in light of *Rahimi. Antonyuk v. James*, 2024 WL 3259671 (Mem). As the County relied on the now vacated judgment in *Antonyuk* in opposing the summary judgment motion, we must now evaluate what if any impact the recent Supreme Court action has on our position in this case and on the existing policies of the Pistol Licensing Bureau.

LOCATION
H. LEE DENNISON BLDG.
100 VETERANS MEMORIAL HIGHWAY ♦

MAILING ADDRESS
P.O. BOX 6100
HAUPPAUGE, NY 11788-0099 ♦

(631) 853-4049
TELECOPIER (631) 853-5169

We also ask the plaintiffs' time to respond to our supplemental brief be extended to August 1, 2024, a date selected by Ms. Bellantoni.

We thank the Court for its anticipated consideration of this request.

Respectfully submitted,

Christopher J. Clayton
Suffolk County Attorney

/s/ Arlene S. Zwilling

By: Arlene S. Zwilling