

COUNTY OF SUFFOLK



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DEPARTMENT OF LAW

July 30, 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 the County of Suffolk ("the County") one of the defendants in this action pursuant to 42 U.S.C. § 1983.

By Order issued July 2, 2024, the County was directed to submit a supplemental brief regarding its position on the applicability of *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) to plaintiffs' pending summary judgment motion by July 12, 2024.

Since our last correspondence with the Court on July 3, 2023 (docket entry no. 29), attorneys from this office, including the County Attorney, have conferred extensively with officials of the Suffolk County Police Department. The County now believes that it would not be wise to continue litigating the question of whether the alleged policies challenged in this case comport with the Second Amendment. Instead, the County wishes to resolve this case by making policy changes sought by plaintiffs and affording them pecuniary relief.

To this end, we will be preparing a proposal delineating the relief the County is willing to offer plaintiffs, including specific policy changes, the return of their licenses and weapons, and related matters. Once plaintiffs have had the opportunity to review the proposal with their attorney, we ask that a settlement conference be conducted by the Court, as we believe this case can be resolved with Your Honor's assistance.

Since the County does not feel it appropriate to continue litigating the issue of whether our subject policies are constitutional, we respectfully ask to be relieved of the Court's directive to submit a supplemental brief.

We thank the Court for its continuing time and attention to this case.

Respectfully submitted,

Christopher J. Clayton
Suffolk County Attorney

/s/ Arlene S. Zwilling
By: Arlene S. Zwilling