

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

**MICHELLE LANE, MATTHEW WELLING,
AMANDA WELLING, and
SECOND AMENDMENT FOUNDATION, INC.,**

Plaintiffs,

v.

**ERIC HOLDER, Attorney General of the
United States, W. STEVEN FLAHERTY,
Superintendent, Virginia State Police; and
THE DISTRICT OF COLUMBIA,**

Defendants.

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: Case No. 11-CV-503 GBL/TRJ
:
: **NOTICE OF FILING**
: **OF DECLARATIONS**
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**DEFENDANT THE DISTRICT OF COLUMBIA’S NOTICE OF FILING OF
DECLARATIONS REFLECTING CURRENT STATUS OF DISTRICT GOVERNMENT
EFFORTS TO FACILITATE HANDGUN TRANSFERS TO WHICH OTHER PARTIES’
FILINGS HAVE REFERRED**

Defendant, the District of Columbia (“District”), by and through undersigned counsel, respectfully submits two declarations providing this Court and the parties the most current information available regarding the District’s efforts to facilitate handgun transfers of the nature sought by Plaintiffs. Other parties have submitted filings regarding or commenting upon these efforts (*see* Holder Opposition To Plaintiffs’ Motion For Preliminary Injunction Ex. A, Page ID## 262-64; Plaintiffs’ Reply To Defendants’ Briefs Opposing Plaintiffs’ Motion For Preliminary Injunction at 10–11 and n.2).

As reflected by the annexed Declaration of Kelly O’Meara, the District’s Metropolitan Police Department (“MPD”) has located space within MPD headquarters that appears to be suitable for use by Charles Sykes, a federal firearms licensee (“FFL”), within which to conduct

his business (O’Meara Decl. ¶¶ 3, 4). The District’s Department of Real Estate Services has approved the use of that space by Mr. Sykes for a year, and Mr. Sykes has indicated his preliminary acceptance of the arrangement (*Id.* ¶¶ 4, 5).

In addition, as reflected by the annexed Declaration of Sharon S. Schellin, the District of Columbia Zoning Commission has amended the District’s Zoning Regulations, on an emergency basis, to permit retail firearms sales within a District law enforcement or licensing agency (Schellin Decl. ¶¶ 3–6).

Dated: July 14, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF:

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

_____)	
MICHELLE LANE, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:11-cv-00503-GBL-TRJ
)	
ERIC HOLDER, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

DECLARATION OF KELLY O'MEARA

Pursuant to 28 U.S.C. § 1746, I, Kelly O'Meara, declare and state as follows:

1. I am over the age of eighteen (18) years, competent to testify to the matters contained herein, and testify based on my personal knowledge and information.
2. I have been employed since August 2007 as the Executive Director of the Office of Strategic Change for the District of Columbia Metropolitan Police Department ("MPD"). My duties include overseeing legislative affairs, performance management, and strategic planning for that agency.
3. I am familiar, generally, with the allegations in this lawsuit concerning Charles Sykes, a federal firearms licensee ("FFL") in the District, who apparently lost his lease in April.
4. The MPD is in the process of attempting to assist Mr. Sykes to obtain space to conduct his business. To that end, the MPD has located a space at MPD Headquarters that appears to be suitable. The District's Department of Real Estate Services has approved the use of the space in MPD HQ by Mr. Sykes.

5. MPD spoke about this arrangement today with Mr. Sykes, who indicated his preliminary acceptance. The parties will confer in the coming days to finalize the details of the usage of the space.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on July 14, 2011



KELLY O'MEARA

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

_____)	
MICHELLE LANE, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:11-cv-00503-GBL-TRJ
)	
ERIC HOLDER, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

DECLARATION OF SHARON S. SCHELLIN

Pursuant to 28 U.S.C. § 1746, I, Sharon S. Schellin, declare and state as follows:

1. I am over the age of eighteen (18) years), competent to testify to the matters contained herein, and testify based on my personal knowledge and information.
2. I have been employed in the District of Columbia Office of Zoning since November 2001 and as the Secretary of the District of Columbia Zoning Commission since 2006. My duties include the tallying and recordation of all votes on all actions taken by the Zoning Commission at all public meetings.
3. On Wednesday, July 13, the District of Columbia Office of Planning (“OP”), on behalf of the Office of the Deputy Mayor for Public Safety and Justice, formally petitioned that the Zoning Commission take emergency action to amend the District’s zoning regulations.
4. Specifically, the OP petitioned the Commission to amend Title 11, D.C. Municipal Regulation § 721.3(k), to permit firearm retail sales establishments within a District law enforcement or licensing agency, notwithstanding the provision in that regulation which

prohibits such establishments within 300 feet of a Residence or Special Purpose District; or a church or other place of worship, public or private school, public library, or playground.

5. Following receipt of the request, the Chairman of the Commission authorized me to schedule a Special Public Meeting for the following day, Thursday, July 14, 2011, at 6:15 p.m. I attended the meeting, as I do every meeting of the Commission, to record the Commission's actions.

6. At that meeting, with a quorum present, the Commission voted 5 to 0, to adopt the amendment on an emergency basis with an immediate effective date.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on 7-14-11


SHARON S. SCHELLIN