

No. _____

**IN THE
SUPREME COURT OF THE UNITED STATES**

MICHAEL GOULD; CHRISTOPHER HART;
COMMONWEALTH SECOND AMENDMENT, INC.; DANNY WENG;
SARAH ZESCH; and JOHN R. STANTON,

Applicants,

v.

MARK MORGAN, in his Official Capacity as Acting Chief of the Brookline
Police Department; WILLIAM G. GROSS, in his Official Capacity as
Commissioner of the Boston Police Department; and COMMONWEALTH
OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL,

Respondents.

On Application for an Extension of Time Within Which
To File a Petition for Writ of Certiorari to the
United States Court of Appeals for the First Circuit

**APPLICATION TO THE HON. STEPHEN BREYER
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT**

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December 21, 2018

CORPORATE DISCLOSURE STATEMENT

Commonwealth Second Amendment, Inc. has no parent corporation, and there is no publicly held corporation that owns 10% or more of its stock.

Pursuant to Rules 13.5 and 22, the above-captioned Applicants respectfully move for an extension of time granting an additional 60 days in which to file a petition for writ of certiorari to the United States Court of Appeals for the First Circuit in *Gould v. Morgan*, No. 17-2202. The jurisdiction of this Court is based on 28 U.S.C. § 1254(1). The opinion for which Applicants intend to seek the writ, a copy of which is included as Exhibit A, was filed on November 2, 2018, so under the ordinary timing requirements in Rule 13.1, Applicants' petition is due on January 31, 2019. With the additional 60 days Applicants are requesting, the petition would be due on April 1, 2019. In support of their request, Applicants state as follows:

1. Petitioners' counsel in the First Circuit and Counsel of Record in this Court, David H. Thompson, is heavily engaged during the month of December with substantial briefing obligations in several pending matters, including *Collins v. Mnuchin*, No. 17-20364, pending before the *en banc* United States Court of Appeals for the Fifth Circuit; *Malpasso v. Pallozzi*, No. 18-2377, pending in the United States Court of Appeals for the Fourth Circuit; and *Advance America, Cash Advance Centers, Inc. v. Federal Deposit Insurance Corporation*, No. 14-953, pending in the United States District Court for the District of Columbia. Throughout January and February, Counsel will be preparing for an oral argument before the *en banc* Fifth Circuit in *Collins*, No. 17-20364, scheduled for January 23, 2019, and another oral argument before the Delaware Supreme Court in *Alarm.com Holdings, Inc. v. ABS Capital Partners, Inc.*, No. 360, 2018, which will likely be scheduled for either February 6 or 20, 2019.

2. The First Circuit's decision presents substantial issues of law, including (1) whether and to what extent the Second Amendment protects the right to carry a firearm outside the home for self-defense, (2) whether a State may deny the exercise of the right to carry a firearm outside the home to ordinary citizens by conditioning its exercise on a showing of a

special, heightened need to carry a firearm, and (3) whether the First Circuit’s decision to apply intermediate scrutiny to the challenged restrictions is consistent with this Court’s decision in *District of Columbia v. Heller*, 554 U.S. 570 (2008).

3. The importance of these issues is underscored by the fact that the decision below, in answering some or all of these questions, expressly departed from the directly contrary conclusions of the D.C. Circuit and the Ninth Circuit in *Wrenn v. District of Columbia*, 864 F.3d 650 (D.C. Cir. 2017), and *Young v. Hawaii*, 896 F.3d 1044 (9th Cir. 2018). Applicants request an additional 60 days to better enable counsel to prepare a petition that adequately presents these important legal issues to this Court for consideration.

4. Because this case comes to this Court on the First Circuit’s affirmance of the District Court’s grant of summary judgment in favor of the government, the challenged restrictions are currently being enforced, and Respondents will therefore suffer no prejudice from the 60-day extension Applicants are requesting.

For the foregoing reasons, Applicants hereby respectfully request an extension of time up to and including April 1, 2019, for the filing of a petition for writ of certiorari in this case.

Dated: December 21, 2018

Respectfully submitted,

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