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**Admitted to practice in NY, N.D.N.Y., W.D.N.Y.,
2d & 4th Cir., U.S. Supreme Court*

February 6, 2023

Mr. Scott S. Harris
Clerk of the Court
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

via CM/ECF

Re: Nadine Gazzola, et al. v. Gov. Kathleen Hochul, et al.
SCOTUS Case No. 22-622

Dear Mr. Harris:

This letter opposes the surprise request just received via CM/ECF from the State, seeking an extension of their deadline to submit the response due this Wednesday, February 8, 2023 to the Rule 11 Petition I filed on behalf of the Plaintiff-Petitioners on January 3, 2023. Ms. Underwood has initiated no communication with me since my Petition was filed. No reason for the request is stated in the letter. I oppose this request.

Already, the State was given a full thirty (30) days to respond to my Rule 11 Petition, which I filed an emergency basis.

In the interim, on January 30, 2023, the lead Plaintiff, Ms. Nadine Gazzola, hit the deadline to file her Federal Firearms License renewal. Because of the new laws complained of, Ms. Gazzola was forced to evoke the Fifth Amendment as to ATF renewal application questions #2 and #3, relating to compliance with state compliance regulations. She is the first of the Plaintiffs in immediate threat of loss of their federal license and potentially facing criminal prosecution for having to submit such a document. I have been warning of this and attempting to gain judicial intervention since I filed the first emergency motion in District Court on November 8, 2022. Time has run out.

Further, the Second Circuit has brought *Gazzola v. Hochul* together “in tandem” with three others, including *Antonyuk II v. Nigrelli* to which this U.S. Supreme Court recently penned,

essentially, instructions (see No. 22A557) that the circuit court should move forward “within a reasonable time” on the appeals and noting that the circuit court had already issued an expedited briefing time” on the appeals. Both my case and the *Antonyuk II* case were already under expedited briefing orders and schedules from the Second Circuit. There are a total of four cases on carefully orchestrated submissions, all headed into oral arguments the same day, on Monday, March 20, 2023.

Also, I started work on my SCOTUS reply brief already last Thursday, anticipating a rapid turn-around, ahead of the otherwise 14-day regular permitted reply schedule to compress the submission as soon as Tuesday, February 14, 2023. Please do not overlook that our Rule 11 Petition was filed in six weeks, when we could have taken ninety days. And, in the same time period, I completed an Emergency Motion to Justice Sotomayor (22A591). I am a solo practitioner working without staff. The Office of the NYS Attorney General is, simply stated, “much bigger.” If I am managing to submit in conformance to court orders and even ahead of scheduling by FRAP and Local Rules, so, too, can counsel with an entire department of state government at her disposal.

While the two principal attorneys handling the case below and I have done a fine job communicating with and working with each other in other instances, at this point, my clients’ needs for judicial intervention are pressing. I respectfully oppose Ms. Underwood’s surprise request for a lengthy extension on the eve of her submission deadline.

Respectfully submitted,

Paloma A. Capanna

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c.: Barbara D. Underwood, Solicitor General (via CM/ECF only)
Beezly Kiernan, Esq., NYS Office of the Attorney General (via CM/ECF only)