

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YEHUDA GOLDBERGER and FIREARMS POLICY COALITION, INC., Plaintiffs, -against- LETTIA JAMES ET AL., Defendants.	No. 26-cv-2325 (NSR)
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ANSWER

Defendant Alvin L. Bragg, Jr., District Attorney for New York County, by and through his attorneys Catherine Suvari and Siobhan Underwood, answers the correspondingly numbered paragraphs of Plaintiffs' Complaint as follows:

INTRODUCTION

1. The allegations contained in this paragraph constitute legal conclusions to which no response is required. To the extent this paragraph seeks to characterize the Second Amendment to the U.S. Constitution, Defendant respectfully refers the Court to that text for a complete and accurate statement of its contents.

2. The allegations contained in this paragraph constitute legal conclusions to which no response is required.

3. The allegations contained in this paragraph constitute legal conclusions to which no response is required. To the extent this paragraph seeks to characterize N.Y. Penal Law § 265.01-e(2)(t) and N.Y.C. Admin. Code § 10-315(a), Defendant respectfully refers the Court to the text of those provisions for a complete and accurate statement of their contents.

4. The allegations contained in this paragraph constitute legal conclusions to which no response is required.

5. The allegations contained in this paragraph constitute legal conclusions to which no response is required.

6. The allegations contained in this paragraph constitute legal conclusions and Plaintiffs' characterization of their lawsuit, to which no response is required.

7. The allegations contained in this paragraph constitute legal conclusions and Plaintiffs' characterization of their lawsuit, to which no response is required.

PARTIES

8. Defendant lacks sufficient knowledge or information to either admit or deny the allegations set forth in this paragraph.

9. Defendant lacks sufficient knowledge or information to either admit or deny the allegations set forth in this paragraph.

10. The allegations contained in this paragraph constitute legal conclusions and Plaintiff Firearms Policy Coalition, Inc.'s characterization of its standing to assert claims against Defendant, to which no response is required.

11. The allegations contained in this paragraph constitute legal conclusions and Plaintiff Firearms Policy Coalition, Inc.'s characterization of its standing to assert claims against Defendant, to which no response is required.

12. Defendant admits that Defendant Letitia James is the Attorney General of the State of New York and that her official address is at the New York State Office of the Attorney General, The Capitol, Albany, New York 12224. The remaining allegations set forth in this

paragraph constitute legal conclusions and Plaintiffs' characterization of his lawsuit and Defendant James's role as Attorney General, to which no response is required.

13. Defendant admits that Defendant Jessica Tisch is the Police Commissioner of the City of New York and that her official address is at the New York City Police Department, One Police Plaza, New York, New York 10038. To the extent this paragraph seeks to characterize Section 434(b) of the New York City Charter, Defendant respectfully refers the Court to the text of that provision for a complete and accurate statement of its contents. The remaining allegations set forth in this paragraph constitute legal conclusions and Plaintiffs' characterization of his lawsuit and Defendant Tisch's role as Police Commissioner, to which no response is required.

14. Defendant admits that he is the District Attorney for New York County and that his official address is One Hogan Place, New York, New York 10013. To the extent this paragraph seeks to characterize Section 700(1) of the New York County Law, Defendant respectfully refers the Court to the text of that provision for a complete and accurate statement of its contents. The remaining allegations set forth in this paragraph constitute Plaintiffs' characterization of Defendant's role as District Attorney, to which no response is required.

JURISDICTION AND VENUE

15. The allegations contained in this paragraph constitute legal conclusions and Plaintiffs' characterization of their lawsuit, to which no response is required.

16. The allegations contained in this paragraph constitute legal conclusions and Plaintiffs' characterization of their lawsuit, to which no response is required.

17. The allegations contained in this paragraph constitute legal conclusions and Plaintiffs' characterization of their lawsuit, to which no response is required

FACTS AND ALLEGATIONS COMMON TO ALL CLAIMS

18. The allegations contained in this paragraph constitute legal conclusions to which no response is required.

19. The allegations contained in this paragraph constitute legal conclusions to which no response is required.

20. The allegations contained in this paragraph constitute legal conclusions to which no response is required.

21. Defendant admits that N.Y. Penal Law § 265.01-e prohibits the possession of a firearm “in or upon a sensitive location” if “such person knows or reasonably should know such location is a sensitive location.” Defendant further admits that N.Y. Penal Law § 265.01-e designates “the area commonly known as Times Square” as a sensitive location at § 265.01-e(2)(t). The remaining allegations contained in this paragraph constitute Plaintiffs' characterization of these provisions, to which no response is required.

22. Defendant admits that the New York City Administrative Code defines the Times Square sensitive location zone as “the following tract in Manhattan, bounded and described as follows:

- (i) BEGINNING at the point of intersection of the north side of West Forty-eighth Street and the west side of Ninth Avenue; (ii) thence southerly along the west side of Ninth Avenue to the point of intersection where the west side of Ninth Avenue meets the south side of West Fortieth Street; (iii) thence easterly along the south side of West Fortieth Street to the point of intersection where the south side of West Fortieth Street meets the east side of Sixth Avenue; (iv) thence northerly along the east side of Sixth Avenue to the point of intersection where the east side of Sixth Avenue meets the north side of West Fifty-third

Street; (v) thence westerly along the northern side of West Fifty-third Street to the point of intersection where the north side of West Fifty-third Street meets the west side of Eighth Avenue; (vi) thence southerly along the west side of Eighth Avenue to the point of intersection where the west side of Eighth Avenue meets the north side of West Forty-eighth Street; and (vii) thence westerly along the north side of West Forty-eighth Street until the point of intersection where the north side of West Forty-eighth Street meets the west side of Ninth Avenue (the point of beginning). Where the area described in this subdivision is bounded and described by a side of a street or avenue, it shall be deemed to include the sidewalk of such side. For the purposes of paragraph (t) of subdivision 2 of section 265.01-e of the penal law, the area commonly known as Times Square does not include the interior of any building or other enclosed structure; provided, however, that such a building or structure may otherwise constitute a restricted or sensitive location pursuant to section 265.01-d or 265.01-e of the penal law.

The remaining allegations contained in this paragraph constitute Plaintiffs' characterization of the above definition, to which no response is required.

23. Defendant admits that criminal possession of a firearm, rifle or shotgun in a sensitive location in violation of N.Y. Penal Law § 265.01-e is a class E felony. The remaining allegations contained in this paragraph constitute legal conclusions to which no response is required.

24. The allegations contained in this paragraph constitute legal conclusions to which no response is required.

25. The allegations contained in this paragraph constitute legal conclusions to which no response is required.

26. The allegations contained in this paragraph constitute legal conclusions to which no response is required.

27. The allegations contained in this paragraph constitute Plaintiffs' characterization of Times Square and legal conclusions to which no response is required.

28. The allegations contained in this paragraph constitute Plaintiffs' characterization of the documents cited therein and legal conclusions to which no response is required.

29. The allegations contained in this paragraph constitute Plaintiffs' characterization of the documents cited therein and legal conclusions to which no response is required.

30. The allegations contained in this paragraph constitute legal conclusions to which no response is required.

31. The allegations contained in this paragraph constitute legal conclusions to which no response is required.

32. Defendant lacks sufficient knowledge or information to either admit or deny the allegations set forth in this paragraph.

33. Defendant lacks sufficient knowledge or information to either admit or deny the allegations set forth in this paragraph.

34. Defendant lacks sufficient knowledge or information to either admit or deny the allegations set forth in this paragraph.

COUNT I (42 U.S.C. § 1983)

35. This paragraph repeats and realleges the allegations set forth in Paragraphs 1-35; Defendant responds as stated above to each of those reincorporated paragraphs.

36. The allegations contained in this paragraph constitute legal conclusions to which no response is required.

37. Defendant admits that he will implement and enforce the provisions of the New York Penal Law, including but not limited to N.Y. Penal Law § 265.01-e. The remaining allegations in this paragraph constitute legal conclusions to which no response is required.

38. The allegations contained in this paragraph constitute legal conclusions and Plaintiffs' characterization of their lawsuit, to which no response is required. To the extent this paragraph recites Defendant Goldberger's "desires" and potential conduct, Defendant lacks sufficient knowledge or information to either admit or deny such allegations.

PRAYER FOR RELIEF

The Complaint's Wherefore paragraph constitutes a prayer for relief to which no response is required. To the extent that a response may be required, Defendant admits that Plaintiffs seek the relief enumerated in this paragraph but denies that they are entitled to such relief.

AFFIRMATIVE DEFENSES

Defendant asserts his affirmative defenses as follows:

First Defense

Plaintiffs fail to state a claim against Defendant upon which relief can be granted.

Second Defense

Plaintiffs' claims and requests for relief are barred, in whole or in part, for lack of standing.

Third Defense

Defendant has not violated or deprived Plaintiffs of any rights, privileges, or immunities under the Constitution or laws of the United States, the State of New York, or any political subdivision thereof.

Fourth Defense

Plaintiffs' claims are barred on the ground that the challenged statutory provisions do not infringe upon Plaintiffs' right to bear arms protected under the Second and Fourteenth Amendments to the United States Constitution.

Fifth Defense

Plaintiffs' claims are barred on the ground that the challenged statutory provisions are "consistent with the Nation's historical tradition of firearm regulation." *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 24 (2022).

Sixth Defense

Plaintiffs' claims are barred, in whole or in part, because Defendant's acts or omissions did not proximately cause any of the alleged deprivations, losses, or injuries of which Plaintiffs complain.

Seventh Defense

Plaintiffs' claims are barred, in whole or in part, by sovereign or Eleventh Amendment immunity.

Eighth Defense

Defendant asserts that he may have additional defenses which are not presently known to him at this time, but which may be ascertained through discovery. Defendant specifically preserves those and other defenses as they may be ascertained through ongoing discovery.

Dated: New York, New York
April 28, 2026

Alvin L. Bragg, Jr.
DISTRICT ATTORNEY, New York County,
*in his capacity as District Attorney and as Special
Assistant Corporation Counsel for the City of New York*

By: /s/ Catherine Suvari
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