

No. 21-1832

**In The United States Court of Appeals
For the Third Circuit**

MADISON M. LARA, SOPHIA KNEPLEY, LOGAN D. MILLER, SECOND AMENDMENT
FOUNDATION, INC., AND FIREARMS POLICY COALITION, INC.,

Plaintiffs-Appellants,

v.

COMMISSIONER PENNSYLVANIA STATE POLICE,

Defendant-Appellee.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA (20-cv-1582)
(Hon. William S. Stickman, IV, Presiding)

**PLAINTIFFS-APPELLANTS' MOTION TO
SUPPLEMENT THE RECORD**

Joshua Prince, Esq.
CIVIL RIGHTS DEFENSE FIRM, P.C.
646 Lenape Road
Bechtelsville, PA 19505
Joshua@CivilRightsDefenseFirm.com
(888) 202-9297
(610) 400-8439 (fax)

David H. Thompson
Peter A. Patterson
John D. Ohlendorf
COOPER & KIRK, PLLC
1523 New Hampshire Ave., NW
Washington, D.C. 20036
(202) 220-9600
(202) 220-9601 (fax)
dthompson@cooperkirk.com

Counsel for Plaintiffs-Appellants

Pursuant to Federal Rule of Appellate Procedure 27, Plaintiffs move to supplement the record in the above-captioned matter. In support of this motion, Plaintiffs state:

1. Ordinarily, new evidence is not considered on appeal, but the Court “may consider any evidence bearing on whether the appeal has become moot.” *Constand v. Cosby*, 833 F.3d 405, 409 (3d Cir. 2016). As a result, the Court “may receive facts relevant to that issue.” *Clark v. K-Mart Corp.*, 979 F.2d 965, 967 (3d Cir. 1992).

2. This case involves restrictions on the rights of 18-to-20-year-olds to carry firearms for self-defense in Pennsylvania. By their nature, the restrictions Plaintiffs challenge no longer affect individuals after they turn 21.

3. Plaintiffs in this case are three individuals, Madison Lara, Sophia Knepley, and Logan Miller, as well as two organizations who count them as their members, Second Amendment Foundation (SAF) and Firearms Policy Coalition, Inc. (FPC).

4. Plaintiffs Lara and Miller have turned 21. Plaintiff Knepley will turn 21 later this month, raising the possible argument that the case will be moot, because SAF’s and FPC’s standing depends upon at least one of their members having standing in their own right. *See Hunt v. Washington State Apple Advert. Comm’n*, 432 U.S. 333, 343 (1977).

5. To avoid any suggestion of mootness in this case, Plaintiffs are submitting along with this motion the affidavit of George Pershall, a 19-year-old resident of Chester County, Pennsylvania, who is a member of both SAF and FPC with standing to challenge the laws at issue in this case. Because SAF and FPC will continue to have at least one member with standing to challenge these laws, SAF and FPC retain standing to challenge them as well and the case is not moot.

Dated: June 12, 2023

Joshua Prince, Esq.
CIVIL RIGHTS DEFENSE FIRM, P.C.
646 Lenape Road
Bechtelsville, PA 19505
joshua@civilrightsdefensefirm.com
(888) 202-9297
(610) 400-8439 (fax)

Respectfully submitted,

s/ David H. Thompson
David H. Thompson
Peter A. Patterson
John D. Ohlendorf
COOPER & KIRK, PLLC
1523 New Hampshire Avenue, N.W.
Washington, D.C. 20036
(202) 220-9600
(202) 220-9601 (fax)
dthompson@cooperkirk.com

Counsel for Plaintiffs-Appellants

CERTIFICATE OF BAR MEMBERSHIP

I hereby certify that I am a member of the bar of this Court.

Dated: June 12, 2023

s/ David H. Thompson
David H. Thompson
Counsel for Plaintiffs-Appellants

CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limitations of FED. R. APP. P. 27(d)(2)(A) because this motion contains 291 words, excluding the parts of the brief exempted by FED. R. APP. P. 32(f).

This motion complies with the typeface requirements of FED. R. APP. P. 32(a)(5) and the type style requirements of FED. R. APP. P. 32(a)(6) because this motion has been prepared in a proportionately spaced typeface using Microsoft Word for Microsoft Office 365 in 14-point Times New Roman font.

The Portable Document Format version of the attached document has been scanned for viruses using VirusTotal Antivirus Software, and according to that program, the document is free of viruses.

Dated: June 12, 2023

s/ David H. Thompson
David H. Thompson
Counsel for Plaintiffs-Appellants

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court for the United States Court of Appeals for the Third Circuit by using the appellate CM/ECF system on June 12, 2023. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: June 12, 2023

s/ David H. Thompson
David H. Thompson

Counsel for Plaintiffs-Appellants