

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF ILLINOIS**

DAVID MEYER, et al.,)	
)	
Plaintiffs,)	
)	CIVIL ACTION NO. 3:21-cv-
v.)	00518-SMY
)	
KWAME RAOUL, et al.,)	
)	
Defendants.)	

**PLAINTIFFS’ SUPPLEMENTAL BRIEF IN OPPOSITION TO DEFENDANTS’
MOTIONS TO DISMISS**

The County Defendants have moved to dismiss on both standing and ripeness grounds. Plaintiffs’ Brief in Opposition to Defendants’ Motions to Dismiss at 5, Doc. 55 (Sept. 13, 2021) (“Opp.”). Those arguments hinge in part on the claim that fears of arrest and prosecution are “contingent” because the Plaintiffs did not own handguns and Plaintiff Eva Davis did not yet have a FOID card. *See* St. Clair Cnty. Defs.’ Mot. to Dismiss Pursuant to Rules 12(b)(1) and 12(b)(6) at 8, Doc. 52 (Aug. 5, 2021); Kendall Cnty. and Fayette Cnty. Defs.’ Mot. to Dismiss Pursuant to Rules 12(b)(1) & 12(b)(6) at 13, Doc. 47 (July 29, 2021). As explained in the Opposition, those arguments must fail even accepting the facts as they were then. Opp. at 5–9. However, they now fail for an additional reason. Davis, the only Plaintiff without a FOID card at the time the Complaint was filed, has been issued one. Decl. of Eva Davis at ¶ 3. Furthermore, because she may now lawfully possess a firearm, Davis’s father will gift her a Glock 42 handgun in a matter of days. *Id.* at ¶ 4. There is now, at least, nothing possibly “contingent” or unripe about Plaintiffs’ claims. Davis is an 18-to-20-year-old individual who lawfully possesses a firearm and would become licensed and carry it in public if not for the challenged laws. That is more than enough to establish “an intention to engage in a course of conduct arguably affected with a constitutional

interest.” See *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 159 (2014) (quoting *Babbitt v. Farm Workers*, 442 U.S. 289, 298 (1979)) Therefore, the Court must reject any argument for dismissal premised on a lack of standing. See *Town of Chester v. Laroe Estates, Inc.*, 137 S. Ct. 1645, 1651 (2017) (standing is secure if one plaintiff has “standing to seek each form of relief requested in the complaint”).

For the foregoing reasons and those contained in the Opposition, the Court should deny the motions to dismiss.

Dated: March 14, 2022

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Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2022, I caused the foregoing to be filed using the CM/ECF system, which will send notification of such filing to counsel of record, who are registered CM/ECF participants.

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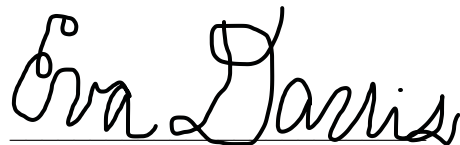
DECLARATION OF EVA DAVIS

I, Eva Davis, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am a citizen of Kendall County, Illinois, over the age of eighteen and under the age of twenty-one.
2. I applied for a Firearm Owners Identification Card on March 25, 2021.
3. My FOID card was issued to me on November 8, 2021.
4. My father purchased a Glock 42 handgun on February 28. Following the mandatory three-day waiting period before he can pick it up, he will gift it to me.
5. Although I had desired to possess a Beretta Pico handgun, my father chose to purchase a Glock 42 because the Beretta was not in stock.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on March 1, 2022



Eva Davis