

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MATTHEW STRUCK, DANIEL
FRANCISCO, FIREARMS POLICY
COALITION, INC., and NATIONAL
RIFLE ASSOCIATION OF AMERICA,

Plaintiffs,

v.

JENNIFER DAVENPORT, in her official
capacity as Attorney General of New
Jersey, and JEANNE HENGEMUHLE,
in her official capacity as Superintendent
of the New Jersey State Police,¹

Defendants.

Civil Action No.: 1:24-cv-7098
Consolidated Case: 3:24-cv-9479

Hon. Karen M. Williams, U.S.D.J.
Hon. Matthew J. Skahill, U.S.M.J.

Motion Date: December 15, 2026

**STATEMENT OF MATERIAL FACTS NOT IN DISPUTE IN SUPPORT OF
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

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¹ These Defendants have been substituted for former Attorney General Matthew Platkin and former Superintendent Patrick J. Callahan in accordance with Fed. R. Civ. P. 25(d).

Pursuant to Civ. Rule 56.1, Plaintiffs submit this statement of material facts not in dispute in support of their motion for summary judgment:

1. New Jersey law generally prohibits individuals from purchasing more than one handgun within any 30-day period. N.J.S.A. § 2C:58-3(i) (“Only one handgun shall be purchased or delivered on each permit and no more than one handgun shall be purchased within any 30-day period”); N.J.A.C. § 13:54-1.9 (“Only one handgun may be purchased or delivered on each permit to purchase.”).

2. Plaintiff Matthew Struck (1) is not prohibited under state or federal law from acquiring or possessing firearms or ammunition; (2) holds a firearms purchaser identification card; and (3) desires and intends to purchase two or more handguns in common use for lawful purposes from a licensed dealer within a 30-day period and would do so but for Defendants’ enforcement of the OGM Ban. Struck Decl., ¶¶ 2–4.

3. Plaintiff Daniel Francisco (1) is not prohibited under state or federal law from acquiring or possessing firearms or ammunition; (2) holds a firearms purchaser identification card; and (3) desires and intends to purchase two or more handguns in common use for lawful purposes from a licensed dealer within a 30-day period and would do so but for Defendants’ enforcement of the OGM Ban. Francisco Decl., ¶¶ 2–4.

4. Plaintiffs Matthew Struck and Daniel Francisco are members of Plaintiffs Firearms Policy Coalition, Inc. (“FPC”) and the National Rifle Association of America (“NRA”). Struck Decl., ¶ 5; Francisco Decl., ¶ 5.

5. Plaintiff FPC is a nonprofit membership organization incorporated in Delaware with a primary place of business in Clark County, Nevada. FPC works to create a world of maximal human liberty and freedom and to promote and protect individual liberty, private property, and economic freedoms. It seeks to protect, defend, and advance the People’s rights, especially but not limited to the inalienable, fundamental, and individual right to keep and bear arms and protect the means by which individuals may exercise the right to carry and use firearms. FPC serves its members and the public through legislative advocacy, grassroots advocacy, litigation and legal efforts, research, education, outreach, and other programs. FPC brings this action on behalf of its members, including Struck and Francisco, who seek to lawfully purchase more than one handgun in common use for lawful purposes within a 30-day period and would do so but for Defendants’ enforcement of the laws, regulations, policies, practices, and customs challenged herein. Combs Decl., ¶¶ 4–5.

6. Plaintiff NRA is a nonprofit corporation founded in 1871. NRA is America’s oldest civil rights organization and America’s leading provider of firearms marksmanship and safety training for both civilians and law enforcement. NRA has

millions of members across the nation, including in New Jersey. NRA brings this action on behalf of its members, including Struck and Francisco, who seek to lawfully purchase more than one handgun in common use for lawful purposes within a 30-day period and would do so but for Defendants' enforcement of the laws, regulations, policies, practices, and customs challenged herein. Commerford Decl., ¶¶ 3–4.

Respectfully submitted,

/s/ Bradley P. Lehman

Bradley P. Lehman
Attorney for Plaintiffs