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*Attorneys for Plaintiffs*

IN THE COURT OF COMMON PLEAS  
DAUPHIN COUNTY, PENNSYLVANIA

U.S. LAW SHIELD OF PENNSYLVANIA,  
LLC, EX REL. TODD HOOVER;  
JUSTIN J. MCSHANE, AN INDIVIDUAL

PLAINTIFFS

v.

CITY OF HARRISBURG;  
MAYOR ERIC PAPENFUSE;  
WANDA WILLIAMS,  
SANDRA REID,  
BRAD KOPLINSKI,  
BEN ALATT,  
JEFF BALTIMORE,  
SUSAN WILSON,  
SHAMAINE DANIELS,  
HARRISBURG CITY COUNCIL MEMBERS; AND  
THOMAS CARTER,  
CITY OF HARRISBURG CHIEF OF POLICE

DEFENDANTS

No.: 2015-CV-255-EQ

CIVIL ACTION EQUITY

PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION

2015 JAN 30 AM 9:06  
DAUPHIN COUNTY  
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**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

AND NOW come Plaintiff U.S. Law Shield of Pennsylvania, LLC *ex rel.* Todd Hoover, and Plaintiff Justin McShane (collectively "Plaintiffs"), by and through their attorneys of record Justin J. McShane and Michael Antonio Giaramita Jr. of *The McShane Firm, LLC*, and respectfully petition this Court for an Order granting a Preliminary Injunction pursuant to Pennsylvania Rule of Civil Procedure 1531, and in support thereof allege as follows:

1. As set forth more completely in the verified Complaint filed in the above-captioned action—a copy of which is attached hereto as Exhibit "A"—Defendants have enacted, maintained and enforced firearms ordinances contravening 18 Pa.C.S. § 6120.
2. The entire contents of the Complaint attached hereto are incorporated herein as if set forth in full. Plaintiffs filed said verified Complaint with this Court on January 13, 2015. A file stamped copy of the same was served upon each Defendant on January 15, 2015 by the Dauphin County Office of the Sheriff.
3. In particular, the Codified Ordinances of Harrisburg §§ 10-301.13, 3-355.2, 3-345.4, 3-345.2, 3-345.1 and 3-345.99 (the "Ordinances") are manifestly noncompliant with 18 Pa.C.S. § 6120.
4. The Complaint seeks equitable relief to enjoin Defendants from taking actions contrary to 18 Pa.C.S. § 6120, and declaratory relief deeming such actions void and unlawful.
5. The above referenced Ordinances remain in effect as of the filing of this Motion.
6. Defendants blatantly refuse to repeal the Ordinances, or officially suspend enforcement of the Ordinances, despite the fact that the Ordinances are unlawful under 18 Pa.C.S. § 6120.
7. The declarations and allegations set forth in Plaintiffs' Complaint demonstrate that Plaintiffs will succeed on the merits of their claims. Defendants have violated, and continue

to violate Plaintiffs' rights afforded by the Commonwealth of Pennsylvania in unlawfully restricting firearm rights in direct defiance of 18 Pa.C.S. § 6120.

8. Plaintiffs will suffer continued irreparable harm if Defendants are not enjoined from enforcing the Ordinances. Plaintiffs are presently precluded from exercising their rights as afforded by the Commonwealth as a direct result of Defendants' unlawful restrictions.
9. Plaintiffs are chilled from exercising their rights, as doing so would subject them to criminal penalties under Defendants' unlawful Ordinances.
10. A preliminary injunction will properly restore the *status quo* under the laws of this Commonwealth.
11. Plaintiffs have no adequate remedy at law for the unlawful deprivation of rights they continue to suffer at the hands of Defendants.
12. Defendants will not suffer any appreciable injury if this Motion is granted, because it is based upon statutorily and constitutionally mandated requirements. Accordingly, should this Court grant Plaintiffs' motion, Defendants would merely be restrained from unlawfully constricting and eradicating Plaintiffs' rights through overtly violating 18 Pa.C.S. § 6120.

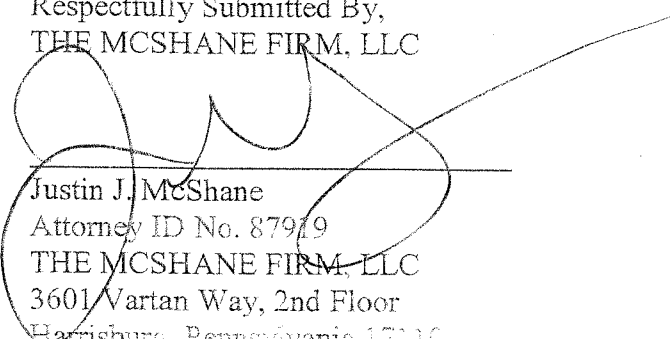
WHEREFORE, Plaintiffs respectfully request this Honorable Court to enter an Order in the form attached, granting preliminary injunction:

- (1) Restraining Defendants from enforcing § 10-301.13 of the Codified Ordinances of Harrisburg.
- (2) Restraining Defendants from enforcing § 3-355.2 of the Codified Ordinances of Harrisburg.
- (3) Restraining Defendants from enforcing § 3-345.4 of the Codified Ordinances of Harrisburg.

- (4) Restraining Defendants from enforcing § 3-345.2 of the Codified Ordinances of Harrisburg.
- (5) Restraining Defendants from enforcing § 3-345.1 of the Codified Ordinances of Harrisburg.
- (6) Restraining Defendants from enforcing § 3-345.99 of the Codified Ordinances of Harrisburg.


Date: 1/29/2015

Respectfully Submitted By,  
THE MCSHANE FIRM, LLC



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Date: 1/29/2015



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Attorneys for Plaintiffs

# Exhibit “A”

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DAUPHIN COUNTY  
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THOMAS CARTER,  
CITY OF HARRISBURG CHIEF OF POLICE

DEFENDANTS

No.: 2015-CV-255-EQ

CIVIL ACTION EQUITY

JURY TRIAL DEMANDED

**NOTICE**

**YOU HAVE BEEN SUED IN COURT.** If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. **YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.**

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**DAUPHIN COUNTY LAWYER REFERRAL SERVICE**

213 North Front Street  
Harrisburg, PA 17101  
(717) 232-7536

DAUPHIN COUNTY  
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**NOTICE**

**CONCERNING MEDIATION OF ACTIONS PENDING BEFORE  
THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY**

The Judges of the Court of Common Pleas of Dauphin County believe that mediation of lawsuits is a very important component of dispute resolution. Virtually all lawsuits can benefit in some manner from mediation.

The Court has adopted Dauphin County Local Rule 1001 to encourage the use of mediation. This early alert enables litigants to determine the best time during the life of their lawsuit for a mediation session. The intent of this early alert is to help the parties act upon the requirement to consider good faith mediation at the optimal time.

The Dauphin County Bar Association provides mediation services and can be reached at 717-232-7536. Free mediation sessions for pro bono cases referred by MidPenn Legal Services are available through the DCBA.

## AVISO

USTED HA SIDO DEMANDADO/A EN CORTE. Si usted desea defenderse de las demandas que se presentan más adelante en las siguientes páginas, debe tomar acción dentro de los próximos veinte (20) días después de la notificación de esta Demanda y Aviso radicando personalmente o por medio de un abogado una comparecencia escrita y radicando en la Corte por escrito sus defensas de, y objeciones a, las demandas presentadas aquí en contra suya. Se le advierte de que si usted falla de tomar acción como se describe anteriormente, el caso puede proceder sin usted y un fallo por cualquier suma de dinero reclamada en la demanda o cualquier otra reclamación o remedio solicitado por el demandante puede ser dictado en contra suya por la Corte sin más aviso adicional. Usted puede perder dinero o propiedad u otros derechos importantes para usted.

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE UN ABOGADO, LLAME O VAYA A LA SIGUIENTE OFICINA. ESTA OFICINA PUEDE PROVEERLE INFORMACION A CERCA DE COMO CONSEGUIR UN ABOGADO.

SI USTED NO PUEDE PAGAR POR LOS SERVICIOS DE UN ABOGADO, ES POSIBLE QUE ESTA OFICINA LE PUEDA PROVEER INFORMACION SOBRE AGENCIAS QUE OFREZCAN SERVICIOS LEGALES SIN CARGO O BAJO COSTO A PERSONAS QUE CUALIFICAN.

DAUPHIN COUNTY LAWYER REFERRAL SERVICE  
213 North Front Street  
Harrisburg, PA 17101  
(717) 232-7536

DAUPHIN COUNTY  
PENNA

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## AVISO

### REFERENCES A LA MEDIACIÓN DE LAS ACCIONES PENDIENTES ANTES LA CORTE DE SOPLICAS COMUNES DEL CONDADO DE DAUPHIN

Los jueces de la corte de súplicas comunes del condado de Dauphin creen que la mediación de pleitos es un componente muy importante de la resolución del conflicto. Virtualmente todos los pleitos pueden beneficiar de cierta manera de la mediación.

La code ha adoptado la regla local de condado de Dauphin 1001 para animar el use de la mediación. Esta alarma temprana permite a litigantes determinar la mejor época durante la vida de su pleito para una sesión de la



mediación. El intento de esta alarma temprana es actuar sobre la mediación de la buena fe en el tiempo óptimo.

La asociación de la barra del condado de Dauphin proporciona servicios de la mediación y se puede alcanzar en 717-232-7536. La sesión libre de la mediación para los favorables casos del bono se refinio por MidPenn que los servicios juridicos están disponibles con el DCBA.

An adequate supply of forms containing the bilungal notices required by these Rules shall be furnished by the Dauphin County Bar Association to the office of the Prothontary and shall be available for use by litigants and their attorneys.

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## COMPLAINT

AND NOW come Plaintiffs, U.S. Law Shield of Pennsylvania, LLC, on behalf of Relator Todd Hoover, and Justin McShane, by and through their attorneys of record Justin J. McShane and Michael Antonio Giaramita Jr. of *The McShane Firm, LLC*, and bring this action against Defendants making allegations as followed:

### PARTIES, JURISDICTION AND VENUE

1. Plaintiff U.S. Law Shield of Pennsylvania, LLC ("Plaintiff U.S. Law Shield") is a Pennsylvania Limited Liability Company which regularly conducts business in Dauphin County, Pennsylvania. As a membership organization, Plaintiff qualifies as a "person adversely affected" under 18 Pa.C.S.A. §6120(b)(3) with approximately 615 members who are residents of this Commonwealth, all of whom, upon information and belief, may legally possess a firearm under Federal and State law as described in 18 Pa.C.S.A. §6120(b)(1).
2. Relator Todd Hoover ("Relator Hoover") is a resident of Union County, Pennsylvania who regularly does business in the city of Harrisburg in Dauphin County, Pennsylvania. Plaintiff is a member of U.S. Law Shield of Pennsylvania, LLC and legally possesses firearms under Federal and State law as described in 18 Pa.C.S.A. §6120(b)(1).
3. Plaintiff Justin McShane ("Plaintiff McShane") is a resident of Dauphin County, Pennsylvania with a business address of 3601 Vartan Way, 2<sup>nd</sup> Floor, Harrisburg, Dauphin County, Pennsylvania. Plaintiff legally possesses firearms under Federal and State law as described in 18 Pa.C.S.A. §6120(b)(1). Although Plaintiff McShane is a member of U.S. Law Shield of Pennsylvania, LLC, he brings this action as an individual under 18 Pa.S.C.A. §6120(b)(1).

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4. Plaintiffs and Relator will be collectively referred to herein as "Plaintiffs."
5. Defendant City of Harrisburg is a third class city of the Commonwealth of Pennsylvania, existing under provisions of the Third Class City Code, 53 P.S. §35101, et seq., and operating pursuant to the Optional Third Class City Charter Law, 53 P.S. §41101, et seq., with a business address at The Rev. Martin Luther King, Jr. City Government Center, Ten North Second Street, Harrisburg, Pennsylvania in Dauphin County. Defendant City of Harrisburg is a "municipality" as described in 18 Pa.C.S.A. § 6120.
6. Defendant Mayor Eric Papenfuse ("Defendant Papenfuse" or "Mayor Papenfuse") is an adult individual. Defendant Papenfuse is, and was at all times relevant hereto, the Mayor of the city of Harrisburg in Dauphin County, Pennsylvania. Defendant Papenfuse maintains a business address at The Rev. Martin Luther King, Jr. City Government Center, Ten North Second Street, Harrisburg, Pennsylvania in Dauphin County. Defendant Papenfuse, as Mayor of Harrisburg, is and was at all relevant times hereto, the policymaker and had decision making authority over the incidents alleged herein.
7. Defendant Wanda Williams ("Defendant Williams") is an adult individual. Defendant Williams is, and was at all relevant times hereto the President and a member of Harrisburg City Council, with a business address at The Rev. Martin Luther King, Jr. City Government Center, Ten North Second Street, Harrisburg, Pennsylvania in Dauphin County.
8. Defendant Sandra Reid ("Defendant Reid") is an adult individual. Defendant Reid is, and was at all relevant times hereto the Vice President and a member of Harrisburg City Council, with a business address at The Rev. Martin Luther King, Jr. City Government Center, Ten North Second Street, Harrisburg, Pennsylvania in Dauphin County.

9. Defendant Brad Koplinski ("Defendant Koplinski") is an adult individual. Defendant Koplinski is, and was at all relevant times hereto a member of Harrisburg City Council, with a business address at The Rev. Martin Luther King, Jr. City Government Center, Ten North Second Street, Harrisburg, Pennsylvania in Dauphin County.
10. Defendant Ben Alatt ("Defendant Alatt") is an adult individual. Defendant Alatt is, and was at all relevant times hereto a member of Harrisburg City Council, with a business address at The Rev. Martin Luther King, Jr. City Government Center, Ten North Second Street, Harrisburg, Pennsylvania in Dauphin County.
11. Defendant Jeff Baltimore ("Defendant Baltimore") is an adult individual. Defendant Baltimore is, and was at all relevant times hereto a member of Harrisburg City Council, with a business address at The Rev. Martin Luther King, Jr. City Government Center, Ten North Second Street, Harrisburg, Pennsylvania in Dauphin County.
12. Defendant Susan Wilson ("Defendant Wilson") is an adult individual. Defendant Wilson is, and was at all relevant times hereto a member of Harrisburg City Council, with a business address at The Rev. Martin Luther King, Jr. City Government Center, Ten North Second Street, Harrisburg, Pennsylvania in Dauphin County.
13. Defendant Shamaine Daniels ("Defendant Daniels") is an adult individual. Defendant Daniels is, and was at all relevant times hereto a member of Harrisburg City Council, with a business address at The Rev. Martin Luther King, Jr. City Government Center, Ten North Second Street, Harrisburg, Pennsylvania in Dauphin County.
14. Defendant Thomas Carter ("Defendant Carter") is an adult individual. Defendant Carter is, and was at all relevant times hereto the Police Chief of the city of Harrisburg with a

business address at 123 Walnut Street, PS-211, Harrisburg, Pennsylvania in Dauphin County.

15. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson, and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinances herein described.
16. At all times relevant hereto, Defendant Thomas Carter, as Chief of Police, was responsible for upholding and enforcing the unlawful ordinances herein described.
17. This is an action for equitable relief for violation of 18 Pa.C.S.A. § 6120(a), brought pursuant to 18 Pa.C.S.A. § 6120(a.2). Under 18 Pa.C.S.A. § 6120(a.2), “[a] person adversely affected by an ordinance, a resolution, regulation, rule, practice or any other action promulgated or enforced by a county, municipality or township prohibited under subsection (a) or 53 Pa.C.S.A. § 2962(g) (relating to limitation on municipal powers) may seek declaratory or injunctive relief and actual damages in an appropriate court.”  
The statute further defines “person adversely affected” to include:  
[a]ny of the following: (1) A resident of this Commonwealth who may legally possess a firearm under Federal and State law. (2) A person who otherwise has standing under the laws of this Commonwealth to bring an action under subsection (a.2). (3) A membership organization, in which a member is a person described under paragraph (1) or (2).  
18 Pa.C.S.A. §6120(b).
18. The wrongful acts of Defendants which give rise to this dispute occurred in Dauphin County, Pennsylvania.
19. This Court has jurisdiction and venue is proper in Dauphin County, Pennsylvania.
20. Declaratory relief and injunctive relief are sought pursuant to 18 Pa.C.S.A. § 6120(a.2).

21. Plaintiffs seek costs and attorney fees pursuant to 18 Pa.C.S.A. § 6120(a.3).

#### STATEMENT OF FACTS

22. The preceding paragraphs are incorporated herein by reference as if realleged in full.

23. Relator Hoover is a retired Pennsylvania State Police Trooper, who attained the rank of Corporal during his service. As a retired law enforcement officer and a firearms safety instructor, Plaintiff Hoover lawfully carries firearms on a daily basis. As a person eligible to do so under state and federal law, Plaintiff Hoover lawfully owns and possesses firearms, shotguns, and rifles. Furthermore, Plaintiff Hoover uses said firearms, shotguns and rifles for lawful purposes on regular basis. Plaintiff Todd Hoover is a member of U.S. Law Shield of Pennsylvania, LLC.

24. Plaintiff McShane is a criminal defense attorney who has earned, and presently possesses a valid Pennsylvania License to Carry Firearms. As the holder of a valid Pennsylvania License to Carry Firearms, Plaintiff McShane lawfully carries firearms on a daily basis. As a person eligible to do so under state and federal law, Plaintiff McShane lawfully owns and possesses firearms, shotguns, and rifles. Furthermore, Plaintiff McShane uses said firearms, shotguns and rifles for lawful purposes on regular basis.

25. Plaintiff U.S. Law Shield is a membership organization whose chief purpose is to protect its members who lawfully use firearms from erroneous legal proceedings and educate its members regarding the lawful use, possession, ownership and transport of firearms. Upon information and belief, all of its 615 members—including Relator Hoover and Plaintiff McShane—may legally possess firearms under state and federal law.

26. Plaintiffs specifically possess, bear and use firearms for purposes permitted by this Commonwealth, including, but not limited to, self-defense, firearms training, target shooting, and hunting.
27. The Pennsylvania state legislature has expressly preempted firearms and ammunition laws. Under 18 Pa.C.S.A. § 6120, “No county, municipality or township may in any manner regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of this Commonwealth.”
28. Contrary to this express prohibition, Defendant City of Harrisburg has enacted several ordinances imposing firearm regulations in contravention to 18 Pa.C.S.A. § 6120.
29. The Codified Ordinances of Harrisburg (the “Ordinances” or “Codified Ordinances”), expressly prohibit the possession of firearms in a park. Under § 10-301.13, titled “Hunting, firearms and fishing,”
- No person shall use, carry or possess firearms of any description, or air rifles, spring guns, bow and arrows, slings or any other form of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device in any park.
30. This prohibition clearly regulates the possession and transport of firearms. Moreover, this prohibition fails to recognize an exception those holding a valid Pennsylvania License to Carry Firearms under 18 Pa.C.S.A. § 6109 or exempt activities from licensure requirements under the laws of this Commonwealth. As a result, the Ordinances prohibit the possession and transport of firearms under circumstances which would not otherwise be prohibited under the laws of this Commonwealth.

31. Plaintiffs visit parks in the city of Harrisburg, yet are prevented from carrying their firearms for lawful purposes, as permitted by the laws of this Commonwealth, while enjoying said parks.
32. The Ordinances further grant the mayor of Harrisburg discretionary authority to prohibit “possession in a public place or park of weapons, including but not limited to firearms, bows and arrows, air rifles, slingshots, knives, razors, blackjacks, billy clubs, or missiles of any kind” in a declared state of emergency. Codified Ordinances §3-355.2(B)(9).
33. Because the criterion for declaring a state of emergency —as set forth in the Ordinances— inherently provide the Mayor of Harrisburg with some level of discretion in doing so, the Ordinances effectively bestow upon the Mayor of Harrisburg the authority to impose this prohibition in a significantly arbitrary fashion.
34. Under §3-355.2 of the Codified Ordinances, additional restrictions on the possession, transfer and transport of firearms and ammunition automatically take effect during a declared state of emergency. As per that section, during a declared state of emergency, the following conduct is prohibited in the city of Harrisburg:
- (1) The sale or transfer of possession, with or without consideration, the offering to sell or so transfer and the purchase of any ammunition, guns or other firearms of any size or description. (2) The displaying by or in any store or shop of any ammunition, guns or other firearms of any size or description. (3) The possession in a public place of a rifle or shotgun by a person, except a duly authorized law enforcement officer or person in military service acting in an official performance of his or her duty.
35. The Commonwealth addresses firearm regulation during a state of emergency in 18 Pa.C.S.A. § 6107: “No person shall carry a firearm upon the public streets or upon any public property during an emergency proclaimed by a State or municipal governmental executive . . . .”



36. While 18 Pa.C.S.A. § 6107 provides a specific exception for persons “[l]icensed to carry firearms under section 6109 (relating to licenses) [and those] exempt from licensing under section 6106(b),” Defendant City of Harrisburg’s ordinance provides no such exception, and again is passed by the City, which it cannot lawfully do.
37. In the event of a declared emergency, Plaintiffs, despite being granted the right, freedom and privilege to bear arms as licensees, will be barred from doing so lest they face unwarranted criminal penalties from Defendants.
38. As per the automatically imposed restrictions on transfers, Plaintiffs would additionally be barred from completing the same, despite the Commonwealth’s express preemption on the “transfer or transportation” of firearms.
39. Defendant City of Harrisburg, through the Ordinances, mandates nearly immediate reporting of any lost or stolen firearms. Per § 3-345.4, “[a]ny person who is the owner of a firearm that is lost or stolen shall report the loss or theft of that firearm to an appropriate local law enforcement official within 48 hours after discovery of the loss or theft.” A reportable firearm under this ordinance is limited to “any pistol or revolver with a barrel length less than 15 inches, any shotgun with a barrel length less than 18 inches or any rifle with a barrel length less than 16 inches, or any pistol, revolver, rifle or shotgun with an overall length of less than 26 inches.” § 3-345.4(b).
40. The Commonwealth imposes no comparable obligation to report the loss or theft of firearms, and again this ordinance is passed by the City, which it cannot lawfully do.
41. In the event that Plaintiffs’ firearms are lost or stolen, they will be subject to Defendants’ mandate, despite the fact that the Commonwealth has declined to institute such a requirement.

42. Defendant City of Harrisburg additionally imposes unlawful restrictions on firearms under § 3-345.2 of the Ordinances:

[n]o person shall fire any cannon, gun, rifle, pistol, toy pistol, or firearms of any kind within the City, except at supervised firing ranges in bona fide educational institutions accredited by the Pennsylvania Department of Education and with the approval of the Mayor or Chief of Police, or at a firing range operated by the Bureau of Police.

43. Section 10-301.13 further provides that “[n]o person shall shoot or propel any object from any of the foregoing into park areas from beyond park boundaries or while in a park.”

44. While the Commonwealth forbids the discharge of firearms under many circumstances, no such blanket restriction exists at the state level. Many of the Commonwealth’s restrictions are found in Title 34 (“Game and Wildlife Code”) and specifically pertain to hunting. The extent of the Commonwealth’s relevant restrictions with regards to discharge of firearms are set forth in pertinent part below:

**34 Pa.C.S.A. § 2507.** (a) General rule. It is unlawful for any person during the open season for the taking of any big game other than turkey to: (1) Shoot at any mark or target other than legal game or wildlife with a firearm of any kind or a bow and arrow. (2) Discharge at any time any firearm or release an arrow at random in the general direction of any game or wildlife not plainly visible for the purpose of routing or frightening them. (3) Discharge at any time any firearm or release an arrow at random or in any other manner contrary to this section. . . . This section shall not be construed to apply in any manner to: (1) The discharge of any firearm for the sole purpose of signaling for aid or assistance while in distress. (2) The use of rifle, pistol or archery ranges owned, leased or maintained by a State or Federal military or police organization or by any regularly organized rifle, pistol, shotgun or archery range, shooting association or club while shooting at a regularly established and properly safeguarded range or to any public shooting exhibition properly safeguarded and conducted under the direction of any organization for the promotion of marksmanship. (3) The discharge of a muzzle-loading firearm at a proper target for the purpose of safe transportation of the muzzle-loaded firearm. (4) Shooting at a properly constructed target or mark or a dead tree protected by a natural or artificial barrier so that the ball, bullet or arrow cannot travel more than 15 yards beyond the target aimed at, after making due allowance for deflection in any direction not to exceed an angle of 45 degrees.

Target shooting shall only be lawful when it is done: (i) Upon property owned by the shooter or by a guest of the property owner. (ii) Within 200 yards of the camp or other headquarters where the person shooting is quartered or is an invited guest or visitor.

**34 Pa.C.S.A. § 2505:** it is unlawful for any person, other than the lawful occupant, while hunting game or wildlife, taking furbearers of any kind, or pursuing any other privilege granted by this title . . . to discharge, for any reason, any firearm, arrow or other deadly weapon within or through a safety zone, or to shoot at any game or wildlife while it is within the safety zone without the specific advance permission of the lawful occupant thereof . . . "safety zone" means . . . the area within 150 yards around and that area which is below the highest point of any occupied dwelling house, residence, or other building or camp occupied by human beings, or any barn, stable, or other building used in connection therewith or any attached or detached playground of any school, nursery school or day-care center.

**34 Pa.C.S.A. § 2506:** It is unlawful for any person at any time to . . . discharge any firearm or other deadly weapon into or within, or to dress out game or wildlife within, any cemetery or other burial grounds.

**34 Pa.C.S.A. § 2508:** [I]t is unlawful for any person to hunt for or take any game or wildlife or to discharge a firearm or bow of any description into or upon any of the following areas:

(1) The lands, waters or premises of any public or private hospital or sanatorium or health care facility. (2) The lands, waters or premises of any park or resort set aside for the use of the public where people may congregate in the open for health, recreation or pleasure. (3) The lands, waters or premises of any publicly owned institution where people are hospitalized, quartered or incarcerated at public expense. . . . Subsection (a) shall not apply to: (1) Any properly constructed and designated pistol, rifle, shotgun or archery range upon the lands of a hospital, sanatorium, park, resort or other institution. (2) Any part of the lands of any hospital, sanatorium, park, resort or institution which lie outside of the posted areas and are open to the public for hunting.

**18 Pa.C.S.A. § 2707.1:** A person commits an offense if he knowingly, intentionally or recklessly discharges a firearm from any location into an occupied structure. . . . It is a defense to prosecution under this section that: (1) the person discharging the firearm was a law enforcement officer engaged in the performance of his official law enforcement duties; or (2) the person discharging the firearm was engaged in a hunting activity; and (i) the discharge of the firearm took place from a location where the hunting activity is lawful; and (ii) the passage of the projectile from the firearm into the occupied structure was not intentional, knowing or reckless. . . . "Occupied structure." Any structure, vehicle or place adapted for overnight accommodation of persons or for carrying on business therein, whether or not a person is actually present.

**53 P.S. § 3703:** The cities of this Commonwealth be, and they are hereby, authorized to regulate or to prohibit and prevent the sale and use of fireworks, firecrackers, sparklers, and other pyrotechnics in such cities, and the unnecessary firing and discharge of firearms in or into the highways and other public places thereof, and to pass all necessary ordinances regulating or forbidding the same and prescribing penalties for their violation.

45. The state legislature has chosen to provide select circumstances in which discharge of firearms is prohibited. Furthermore, laws not specifically related to firearms additionally prevent discharge of firearms in a manner which would endanger others. Despite these facts, Defendants have instituted an overreaching restriction, which fails to even provide any exceptions for the discharge of a firearm in the justified use of deadly force as described in 18 Pa.C.S.A. § 505.
46. Plaintiffs possess firearms, among other reasons, for the purpose of self-defense in protection from death, serious bodily injury, kidnapping, or rape as deemed justified by the Commonwealth under 18 Pa.C.S.A. § 505.
47. Defendant City of Harrisburg's overreaching prohibition of discharge effectively abolishes the ability of Plaintiffs to use their firearms—in the city of Harrisburg—in self-defense as justified under 18 Pa.C.S.A. § 505. As such, the Ordinances render the rights bestowed upon Plaintiffs by this Commonwealth—particularly through 18 Pa.C.S.A. §§ 505, 6109—completely meaningless.
48. Defendant City of Harrisburg further infringes upon the firearm freedoms of its youths through § 3-345.1: "It shall be unlawful for any minor under the age of 18 years to have in his or her possession, except in his or her place of residence, any firearm, flintlock rifle, air gun, spring gun or any implement which impels with force a metal pellet of any kind, unless said minor is accompanied by an adult."

49. The Commonwealth has directly addressed when minors may possess firearms in 18

Pa.C.S.A. § 6110.1, which provides, in pertinent part:

**(a) Firearm.**--Except as provided in subsection (b), a person under 18 years of age shall not possess or transport a firearm anywhere in this Commonwealth.

**(b) Exception.**--Subsection (a) shall not apply to a person under 18 years of age:

(1) who is under the supervision of a parent, grandparent, legal guardian or an adult acting with the expressed consent of the minor's custodial parent or legal guardian and the minor is engaged in lawful activity, including safety training, lawful target shooting, engaging in an organized competition involving the use of a firearm or the firearm is unloaded and the minor is transporting it for a lawful purpose; or

(2) who is lawfully hunting or trapping in accordance with 34 Pa.C.S.A. (relating to game).

**(c) Responsibility of adult.**--Any person who knowingly and intentionally delivers or provides to the minor a firearm in violation of subsection (a) commits a felony of the third degree.

**(d) Forfeiture.**--Any firearm in the possession of a person under 18 years of age in violation of this section shall be promptly seized by the arresting law enforcement officer and upon conviction or adjudication of delinquency shall be forfeited or, if stolen, returned to the lawful owner.

50. Defendant City of Harrisburg's restrictions apply to various types of guns, many which are generally incapable of producing mortal or serious injuries. Firearms instructors, such as Relator Hoover, often utilize these guns as tools to familiarize young citizens with the practice of firearm safety. Such an expansive prohibition prevents young citizens from utilizing these tools outside of their residence absent the direct supervision of adults.

51. The state legislature's restrictions on these tools, as set forth in 18 Pa.C.S.A. §

6304(b) are less extensive:

**(b) Carrying or discharging air rifles.**

(1) It shall be unlawful for any person under 18 years of age to carry any air rifle on the highways or public lands unless accompanied by an adult, except that a person under 18 years of age may carry such rifle unloaded in a suitable case or securely wrapped.

(2) It shall be unlawful for any person to discharge any air rifle from or across any highway or public land or any public place, except on a properly constructed target range.

**(c) Exceptions.--**

(1) Nothing in this section shall make it unlawful for any person under 18 years of age to have in his possession any air rifle, if it is:

(i) kept within his domicile;

(ii) used by the person under 18 years of age and he is a duly enrolled member of any club, team or society organized for educational purposes and maintaining as part of its facilities or having written permission to use an indoor or outdoor rifle range under the supervision, guidance and instruction of a responsible adult, and then only, if said air rifle is actually being used in connection with the activities of said club, team or society under the supervision of a responsible adult; or

(iii) used in or on any private grounds or residence under circumstances when such air rifle can be fired, discharged or operated in such a manner as not to endanger persons or property, and then only, if it is used in such manner as to prevent the projectile from transversing any grounds or space outside the limits of such grounds or residence.

52. Under § 3-345.99 of the Ordinances, those who violate the above referenced ordinances

“shall be subject to Chapter 3-399, Penalty, of these Codified Ordinances.”

53. Consequently, Plaintiffs, who possess and use firearms in accordance with the laws of

this Commonwealth, are in danger of facing prosecution and criminal penalties at the hands of Defendants City of Harrisburg and Thomas Carter.

54. In addition, and in the alternative, all of the above listed Ordinances passed by the City

and Mayor, and presently not repealed, are not acts of the state legislature, and as such violate 18 Pa.C.S.A. § 6120.

**COUNTS I-XII**

AS TO

**U.S. LAW SHIELD EX REL. TODD HOOVER**

**V.**

**CITY OF HARRISBURG;  
MAYOR ERIC PAPENFUSE;**

**WANDA WILLIAMS,**

**SANDRA REID,**

**BRAD KOPLINSKI,**

**BEN ALATT,**

**JEFF BALTIMORE,**

**SUSAN WILSON,**

**SHAMAINE DANIELS,**

**HARRISBURG CITY COUNCIL MEMBERS; AND**

**THOMAS CARTER,**

**CITY OF HARRISBURG CHIEF OF POLICE**

**COUNT I**

**Injunctive Relief as to the Codified Ordinances of Harrisburg § 10-301.13**

55. The preceding paragraphs are incorporated herein by reference as if realleged in full.
56. For the purposes of this Count, the term "Plaintiff" refers to Plaintiff U.S. Law Shield and Relator Todd Hoover.
57. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms—violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).
58. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.
59. The enactment, upholding, and enforcement of § 10-301.13 are contrary to the laws of this Commonwealth under 18 Pa.C.S.A. § 6109 related to the lawful ownership, possession and transportation of firearms.
60. Defendant City of Harrisburg is a municipality under 18 Pa.C.S.A. § 6120(a).

61. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson, and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.
62. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.
63. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a “person adversely affected” by Defendants’ unlawful ordinance, is entitled to injunctive relief.
64. Plaintiff is likely to face criminal penalties despite abiding by the laws of this Commonwealth if Defendants are not enjoined from enforcing the unlawful ordinance set forth above. At the very least, this illegal ordinance has a chilling effect on the lawful activities of Plaintiff.
65. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An Order compelling Defendants to repeal the unlawful ordinance described above;
- b. An Order enjoining Defendants from enforcing said ordinance;
- c. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A. § 6120(a.3);
- e. Such other relief as the Court deems just and equitable.

## COUNT II

### Injunctive Relief as to the Codified Ordinances of Harrisburg § 3-355.2

66. The preceding paragraphs are incorporated herein by reference as if realleged in full.



67. For the purposes of this Count, the term “Plaintiff” refers to Plaintiff U.S. Law Shield and Relator Todd Hoover.
68. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms—violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).
69. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.
70. The enactment, upholding, and enforcement of § 3-355.2 are contrary to the laws of this Commonwealth under 18 Pa.C.S.A. §§ 6016(b), 6107, and 6109 related to the lawful ownership, possession and transportation of firearms during a declared state of emergency.
71. Defendant City of Harrisburg is a municipality under 18 Pa.C.S.A. § 6120(a).
72. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson, and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.
73. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.
74. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a “person adversely affected” by Defendants’ unlawful ordinance, is entitled to injunctive relief.
75. Plaintiff is likely to face criminal penalties despite abiding by the laws of this Commonwealth if Defendants are not enjoined from enforcing the unlawful ordinance set

forth above. At the very least, this illegal ordinance has a chilling effect on the lawful activities of Plaintiff.

76. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An Order compelling Defendants to repeal the unlawful ordinance described above;
- b. An Order enjoining Defendants from enforcing said ordinance;
- c. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A. § 6120(a.3);
- e. Such other relief as the Court deems just and equitable.

### **COUNT III**

#### **Injunctive Relief as to the Codified Ordinances of Harrisburg § 3-345.4**

77. The preceding paragraphs are incorporated herein by reference as if recited in full.

78. For the purposes of this Count, the term “Plaintiff” refers to Plaintiff U.S. Law Shield and Relator Todd Hoover.

79. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms— violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).

80. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.

81. The enactment, upholding, and enforcement of § 3-345.4 are contrary to the laws of this Commonwealth related to the lawful ownership, possession and transportation of

firearms, as there is no requirement to report lost or stolen firearms under the laws of this Commonwealth.

82. Defendant City of Harrisburg is a municipality under 18 Pa.C.S.A. § 6120(a).

83. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson, and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.

84. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.

85. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a "person adversely affected" by Defendants' unlawful ordinance, is entitled to injunctive relief.

86. Plaintiff is likely to face criminal penalties despite abiding by the laws of this Commonwealth if Defendants are not enjoined from enforcing the unlawful ordinance set forth above. At the very least, this illegal ordinance has a chilling effect on the lawful activities of Plaintiff.

87. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An Order compelling Defendants to repeal the unlawful ordinance described above;
- b. An Order enjoining Defendants from enforcing said ordinance;
- c. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A. § 6120(a.3);
- e. Such other relief as the Court deems just and equitable.

**COUNT IV**  
**Injunctive Relief as to the Codified Ordinances of Harrisburg § 3-345.2**

88. The preceding paragraphs are incorporated herein by reference as if realleged in full.
89. For the purposes of this Count, the term “Plaintiff” refers to Plaintiff U.S. Law Shield and Relator Todd Hoover.
90. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms— violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).
91. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.
92. The enactment, upholding, and enforcement of § 3-345.2 are contrary to the laws of this Commonwealth related to the lawful ownership, possession and transportation of firearms, as provided in 34 Pa.C.S.A §§3505-2508, 18 PA.C.S.A. § 2707.1, and 53 P.S. § 3703.
93. Defendant City of Harrisburg is a municipality under 18 Pa.C.S.A § 6120(a).
94. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson, and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.
95. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.
96. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a “person adversely affected” by Defendants’ unlawful ordinances, is entitled to injunctive relief.

97. Plaintiff is likely to face criminal penalties despite abiding by the laws of this Commonwealth if Defendants are not enjoined from enforcing the unlawful ordinance set forth above. At the very least, this illegal ordinance has a chilling effect on the lawful activities of Plaintiff.

98. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An Order compelling Defendants to repeal the unlawful ordinance described above;
- b. An Order enjoining Defendants from enforcing said ordinance;
- c. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A. § 6120(a.3);
- e. Such other relief as the Court deems just and equitable.

COUNT V

Injunctive Relief as to the Codified Ordinances of Harrisburg § 3-345.1

99. The preceding paragraphs are incorporated herein by reference as if realleged in full.

100. For the purposes of this Count, the term "Plaintiff" refers to Plaintiff U.S. Law Shield and Relator Todd Hoover.

101. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms—violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).

102. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.

103. The enactment, upholding, and enforcement of § 3-345.1 are contrary to the laws of this Commonwealth related to the lawful ownership, possession and transportation of firearms, as provided in 18 Pa.C.S.A. §§ 6110.1, 6304(b).
104. Defendant City of Harrisburg is a municipality under 18 Pa.C.S.A. § 6120(a).
105. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson, and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.
106. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.
107. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a “person adversely affected” by Defendants’ unlawful ordinance, is entitled to injunctive relief.
108. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An Order compelling Defendants to repeal the unlawful ordinance described above;
- b. An Order enjoining Defendants from enforcing said ordinance;
- c. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A. § 6120(a.3);
- e. Such other relief as the Court deems just and equitable.

#### COUNT VI

#### Injunctive Relief as to the Codified Ordinances of Harrisburg § 3-345.99

109. The preceding paragraphs are incorporated herein by reference as if realleged in full.

110. For the purposes of this Count, the term “Plaintiff” refers to Plaintiff U.S. Law Shield and Relator Todd Hoover.
111. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms— violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).
112. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.
113. Defendant City of Harrisburg is a municipality under 18 Pa.C.S.A. § 6120(a).
114. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson, and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.
115. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.
116. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a “person adversely affected” by Defendants’ unlawful ordinance, is entitled to injunctive relief.
117. Plaintiff is likely to face criminal penalties despite abiding by the laws of this Commonwealth if Defendants are not enjoined from enforcing the unlawful ordinance set forth above. At the very least, this illegal ordinance has a chilling effect on the lawful activities of Plaintiff.
118. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An Order compelling Defendants to repeal the unlawful ordinance described above;
- b. An Order enjoining Defendants from enforcing said ordinance;
- c. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A. § 6120(a.3);
- e. Such other relief as the Court deems just and equitable.

#### COUNT VII

#### Declaratory Judgment as to the Codified Ordinances of Harrisburg § 10-301.13

- 119. The preceding paragraphs are incorporated herein by reference as if realleged in full.
- 120. For the purposes of this Count, the term “Plaintiff” refers to Plaintiff U.S. Law Shield and Relator Todd Hoover.
- 121. Defendant City of Harrisburg is a municipality under 18 Pa.C.S.A. § 6120(a).
- 122. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.
- 123. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms— violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).
- 124. The enactment, upholding, and enforcement of § 10-301.13 are contrary to the laws of this Commonwealth under 18 P.S. § 6109 related to the lawful ownership, possession and transportation of firearms.
- 125. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson,



and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.

126. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.

127. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a “person adversely affected” by Defendants’ unlawful ordinance, is entitled to declaratory judgment.

128. Plaintiff is unable to safely exercise the rights this Commonwealth has afforded without declaratory judgment from this Court.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An order declaring the ordinance set forth above unlawful and void under the laws of this Commonwealth;
- b. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A. § 6120(a.3);
- c. Such other relief as the Court deems just and equitable.

#### **COUNT VIII**

#### **Declaratory Judgment as to the Codified Ordinances of Harrisburg § 3-355.2**

129. The preceding paragraphs are incorporated herein by reference as if realleged in full.

130. For the purposes of this Count, the term “Plaintiff” refers to Plaintiff U.S. Law Shield and Relator Todd Hoover.

131. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms— violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).

132. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.

133. The enactment, upholding, and enforcement of § 3-355.2 are contrary to the laws of this Commonwealth under 18 P.S. §§ 6016(b), 6107, and 6109 related to the lawful ownership, possession and transportation of firearms during a declared state of emergency.

134. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson, and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.

135. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.

136. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a “person adversely affected” by Defendants’ unlawful ordinance, is entitled to declaratory judgment.

137. Plaintiff is unable to safely exercise the rights this Commonwealth has afforded without declaratory judgment from this Court.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An order declaring the ordinance set forth above unlawful and void under the laws of this Commonwealth;
- b. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A. § 6120(a.3);
- c. Such other relief as the Court deems just and equitable.

**COUNT IX**

**Declaratory Judgment as to the Codified Ordinances of Harrisburg § 3-345.4**

138. The preceding paragraphs are incorporated herein by reference as if realleged in full.
139. For the purposes of this Count, the term “Plaintiff” refers to Plaintiff U.S. Law Shield and Relator Todd Hoover.
140. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms— violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).
141. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.
142. The enactment, upholding, and enforcement of § 3-345.4 are contrary to the laws of this Commonwealth related to the lawful ownership, possession and transportation of firearms, as there is no requirement to report lost or stolen firearms under the laws of this Commonwealth.
143. Defendant City of Harrisburg is a municipality under 18 Pa.C.S.A. § 6120(a).
144. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson, and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.
145. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.
146. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a “person adversely affected” by Defendants’ unlawful ordinance, is entitled to declaratory judgment.

147. Plaintiff is unable to safely exercise the rights this Commonwealth has afforded without declaratory judgment from this Court.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An order declaring the ordinance set forth above unlawful and void under the laws of this Commonwealth;
- b. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A. § 6120(a.3);
- c. Such other relief as the Court deems just and equitable.

COUNT X

Declaratory Judgment as to the Codified Ordinances of Harrisburg § 3-345.2

148. The preceding paragraphs are incorporated herein by reference as if realleged in full.

149. For the purposes of this Count, the term “Plaintiff” refers to Plaintiff U.S. Law Shield and Relator Todd Hoover.

150. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms— violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).

151. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.

152. The enactment, upholding, and enforcement of § 3-345.2 are contrary to the laws of this Commonwealth related to the lawful ownership, possession and transportation of firearms, as provided in 34 P.S. §§3505-2508, 18 P.S. § 2707.1, and 53 P.S. § 3703.

153. Defendant City of Harrisburg is a municipality under 18 Pa.C.S.A. § 6120(a).

154. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson, and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.

155. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.

156. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a “person adversely affected” by Defendants’ unlawful ordinance, is entitled to declaratory judgment.

157. Plaintiff is unable to safely exercise the rights this Commonwealth has afforded without declaratory judgment from this Court.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An order declaring the ordinance set forth above unlawful and void under the laws of this Commonwealth;
- b. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A. § 6120(a.3);
- c. Such other relief as the Court deems just and equitable.

#### COUNT XI

#### Declaratory Judgment as to the Codified Ordinances of Harrisburg § 3-345.1

158. The preceding paragraphs are incorporated herein by reference as if realleged in full.

159. For the purposes of this Count, the term “Plaintiff” refers to Plaintiff U.S. Law Shield and Relator Todd Hoover.

160. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms— violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).

161. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.

162. The enactment, upholding, and enforcement of § 3-345.1 are contrary to the laws of this Commonwealth related to the lawful ownership, possession and transportation of firearms, as provided in 18 P.S. §§ 6110.1, 6304(b).

163. Defendant City of Harrisburg is a municipality under 18 Pa.C.S.A. § 6120(a).

164. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson, and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.

165. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.

166. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a “person adversely affected” by Defendants’ unlawful ordinance, is entitled to declaratory judgment.

167. Plaintiff is unable to promulgate the rights this Commonwealth has afforded without declaratory judgment from this Court.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An order declaring the ordinance set forth above unlawful and void under the laws of this Commonwealth;

b. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A.

§ 6120(a.3);

c. Such other relief as the Court deems just and equitable.

## **COUNT XII**

### **Declaratory Judgment as to the Codified Ordinances of Harrisburg § 3-345.99**

168. The preceding paragraphs are incorporated herein by reference as if realleged in full.

169. For the purposes of this Count, the term “Plaintiff” refers to Plaintiff U.S. Law Shield and Relator Todd Hoover.

170. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms— violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).

171. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.

172. Under § 3-345.99 Plaintiff is likely to face criminal penalties despite abiding by the laws of this Commonwealth.

173. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson, and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.

174. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.

175. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a “person adversely affected” by Defendants’ unlawful ordinance, is entitled to declaratory judgment.

176. Plaintiff is unable to safely exercise the rights this Commonwealth has afforded without declaratory judgment from this Court.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An order declaring the ordinance set forth above unlawful and void under the laws of this Commonwealth;
- b. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A. § 6120(a.3);
- c. Such other relief as the Court deems just and equitable.



**COUNTS XIII-XXIV**

AS TO

**JUSTIN MCSHANE**

**v.**

**CITY OF HARRISBURG;  
MAYOR ERIC PAPENFUSE;**

**WANDA WILLIAMS,**

**SANDRA REID,**

**BRAD KOPLINSKI,**

**BEN ALATT,**

**JEFF BALTIMORE,**

**SUSAN WILSON,**

**SHAMAINE DANIELS,**

**HARRISBURG CITY COUNCIL MEMBERS; AND**

**THOMAS CARTER,**

**CITY OF HARRISBURG CHIEF OF POLICE**

**COUNT XIII**

**Injunctive Relief as to the Codified Ordinances of Harrisburg § 10-301.13**

177. The preceding paragraphs are incorporated herein by reference as if realleged in full.

178. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms— violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).

179. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.

180. The enactment, upholding, and enforcement of § 10-301.13 are contrary to the laws of this Commonwealth under 18 P.S. § 6109 related to the lawful ownership, possession and transportation of firearms.

181. Defendant City of Harrisburg is a municipality under 18 Pa.C.S.A. § 6120(a).

182. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson,

and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.

183. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.

184. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a “person adversely affected” by Defendants’ unlawful ordinance, is entitled to injunctive relief.

185. Plaintiff is likely to face criminal penalties despite abiding by the laws of this Commonwealth if Defendants are not enjoined from enforcing the unlawful ordinance set forth above. At the very least, this illegal ordinance has a chilling effect on the lawful activities of Plaintiff.

186. Plaintiffs has no adequate remedy at law.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An Order compelling Defendants to repeal the unlawful ordinance described above;
- b. An Order enjoining Defendants from enforcing said ordinance;
- c. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A. § 6120(a.3);
- e. Such other relief as the Court deems just and equitable.

#### COUNT XIV

#### Injunctive Relief as to the Codified Ordinances of Harrisburg § 3-355.2

187. The preceding paragraphs are incorporated herein by reference as if realleged in full.

188. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms— violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).

189. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.

190. The enactment, upholding, and enforcement of § 3-355.2 are contrary to the laws of this Commonwealth under 18 P.S. §§ 6016(b), 6107, and 6109 related to the lawful ownership, possession and transportation of firearms during a declared state of emergency.

191. Defendant City of Harrisburg is a municipality under 18 Pa.C.S.A. § 6120(a).

192. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson, and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.

193. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.

194. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a “person adversely affected” by Defendants’ unlawful ordinance, is entitled to injunctive relief.

195. Plaintiff is likely to face criminal penalties despite abiding by the laws of this Commonwealth if Defendants are not enjoined from enforcing the unlawful ordinance set forth above. At the very least, this illegal ordinance has a chilling effect on the lawful activities of Plaintiff.

196. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An Order compelling Defendants to repeal the unlawful ordinance described above;
- b. An Order enjoining Defendants from enforcing said ordinance;

- c. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A. § 6120(a.3);
- e. Such other relief as the Court deems just and equitable.

#### COUNT XV

#### Injunctive Relief as to the Codified Ordinances of Harrisburg § 3-345.4

- 197. The preceding paragraphs are incorporated herein by reference as if realleged in full.
- 198. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms— violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).
- 199. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.
- 200. The enactment, upholding, and enforcement of § 3-345.4 are contrary to the laws of this Commonwealth related to the lawful ownership, possession and transportation of firearms, as there is no requirement to report lost or stolen firearms under the laws of this Commonwealth.
- 201. Defendant City of Harrisburg is a municipality under 18 Pa.C.S.A. § 6120(a).
- 202. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson, and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.
- 203. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.

204. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a “person adversely affected” by Defendants’ unlawful ordinance, is entitled to injunctive relief.

205. Plaintiff is likely to face criminal penalties despite abiding by the laws of this Commonwealth if Defendants are not enjoined from enforcing the unlawful ordinance set forth above. At the very least, this illegal ordinance has a chilling effect on the lawful activities of Plaintiff.

206. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An Order compelling Defendants to repeal the unlawful ordinance described above;
- b. An Order enjoining Defendants from enforcing said ordinance;
- c. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A. § 6120(a.3);
- e. Such other relief as the Court deems just and equitable.

#### COUNT XVI

#### Injunctive Relief as to the Codified Ordinances of Harrisburg § 3-345.2

207. The preceding paragraphs are incorporated herein by reference as if realleged in full.

208. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms— violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).

209. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.

210. The enactment, upholding, and enforcement of § 3-345.2 are contrary to the laws of this Commonwealth related to the lawful ownership, possession and transportation of firearms, as provided in 34 P.S. §§3505-2508, 18 P.S. § 2707.1, and 53 P.S. § 3703.
211. Defendant City of Harrisburg is a municipality under 18 Pa.C.S.A. § 6120(a).
212. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson, and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.
213. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.
214. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a “person adversely affected” by Defendants’ unlawful ordinance, is entitled to injunctive relief.
215. Plaintiff is likely to face criminal penalties despite abiding by the laws of this Commonwealth if Defendants are not enjoined from enforcing the unlawful ordinances set forth above. At the very least, this illegal ordinance has a chilling effect on the lawful activities of Plaintiff.
216. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An Order compelling Defendants to repeal the unlawful ordinance described above;
- b. An Order enjoining Defendants from enforcing said ordinance;
- c. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A. § 6120(a.3);

e. Such other relief as the Court deems just and equitable.

**COUNT XVII**

**Injunctive Relief as to the Codified Ordinances of Harrisburg § 3-345.1**

217. The preceding paragraphs are incorporated herein by reference as if realleged in full.
218. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms— violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).
219. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.
220. The enactment, upholding, and enforcement of § 3-345.1 are contrary to the laws of this Commonwealth related to the lawful ownership, possession and transportation of firearms, as provided in 18 P.S. §§ 6110.1, 6304(b).
221. Defendant City of Harrisburg is a municipality under 18 Pa.C.S.A. § 6120(a).
222. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson, and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.
223. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.
224. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a “person adversely affected” by Defendants’ unlawful ordinance, is entitled to injunctive relief.
225. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An Order compelling Defendants to repeal the unlawful ordinance described above;
- b. An Order enjoining Defendants from enforcing said ordinance;
- c. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A. § 6120(a.3);
- e. Such other relief as the Court deems just and equitable.

**COUNT XVIII**

**Injunctive Relief as to the Codified Ordinances of Harrisburg § 3-345.09**

226. The preceding paragraphs are incorporated herein by reference as if realleged in full.

227. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms—violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).

228. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.

229. Defendant City of Harrisburg is a municipality under 18 Pa.C.S.A. § 6120(a).

230. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson, and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.

231. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.



232. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a “person adversely affected” by Defendants’ unlawful ordinance, is entitled to injunctive relief.

233. Plaintiff is likely to face criminal penalties despite abiding by the laws of this Commonwealth if Defendants are not enjoined from enforcing the unlawful ordinance set forth above.

234. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An Order compelling Defendants to repeal the unlawful ordinance described above;
- b. An Order enjoining Defendants from enforcing said ordinance;
- c. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A. § 6120(a.3);
- e. Such other relief as the Court deems just and equitable.

#### **COUNT XIX**

#### **Declaratory Judgment as to the Codified Ordinances of Harrisburg § 10-301.13**

235. The preceding paragraphs are incorporated herein by reference as if realleged in full.

236. Defendant City of Harrisburg is a municipality under 18 Pa.C.S.A. § 6120(a).

237. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.

238. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms— violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).

239. The enactment, upholding, and enforcement of § 10-301.13 are contrary to the laws of this Commonwealth under 18 P.S. § 6109 related to the lawful ownership, possession and transportation of firearms.

240. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson, and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.

241. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.

242. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a "person adversely affected" by Defendants' unlawful ordinance, is entitled to declaratory judgment.

243. Plaintiff is unable to safely exercise the rights this Commonwealth has afforded without declaratory judgment from this Court.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An order declaring the ordinance set forth above unlawful and void under the laws of this Commonwealth;
- b. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A. § 6120(a.3);
- c. Such other relief as the Court deems just and equitable.

**COUNT XX**

**Declaratory Judgment as to the Codified Ordinances of Harrisburg § 3-355.2**

244. The preceding paragraphs are incorporated herein by reference as if realleged in full.

245. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms— violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).

246. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.

247. The enactment, upholding, and enforcement of § 3-355.2 are contrary to the laws of this Commonwealth under 18 P.S. §§ 6016(b), 6107, and 6109 related to the lawful ownership, possession and transportation of firearms during a declared state of emergency.

248. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson, and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.

249. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.

250. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a “person adversely affected” by Defendants’ unlawful ordinance, is entitled to declaratory judgment.

251. Plaintiff is unable to safely exercise the rights this Commonwealth has afforded without declaratory judgment from this Court.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An order declaring the ordinance set forth above unlawful and void under the laws of this Commonwealth;

- b. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A. § 6120(a.3);
- c. Such other relief as the Court deems just and equitable.

#### COUNT XXI

#### Declaratory Judgment as to the Codified Ordinances of Harrisburg § 3-345.4

- 252. The preceding paragraphs are incorporated herein by reference as if realleged in full.
- 253. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms— violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).
- 254. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.
- 255. The enactment, upholding, and enforcement of § 3-345.4 are contrary to the laws of this Commonwealth related to the lawful ownership, possession and transportation of firearms, as there is no requirement to report lost or stolen firearms under the laws of this Commonwealth.
- 256. Defendant City of Harrisburg is a municipality under 18 Pa.C.S.A. § 6120(a).
- 257. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson, and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.
- 258. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.

259. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a “person adversely affected” by Defendants’ unlawful ordinance, is entitled to declaratory judgment.

260. Plaintiff is unable to safely exercise the rights this Commonwealth has afforded without declaratory judgment from this Court.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An order declaring the ordinance set forth above unlawful and void under the laws of this Commonwealth;
- b. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A. § 6120(a.3);
- c. Such other relief as the Court deems just and equitable.

#### COUNT XXII

##### Declaratory Judgment as to the Codified Ordinances of Harrisburg § 3-345.2

261. The preceding paragraphs are incorporated herein by reference as if realleged in full.

262. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms—violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).

263. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.

264. The enactment, upholding, and enforcement of § 3-345.2 are contrary to the laws of this Commonwealth related to the lawful ownership, possession and transportation of firearms, as provided in 34 P.S. §§3505-2508, 18 P.S. § 2707.1, and 53 P.S. § 3703.

265. Defendant City of Harrisburg is a municipality under 18 Pa.C.S.A. § 6120(a).

266. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson, and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.

267. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.

268. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a “person adversely affected” by Defendants’ unlawful ordinance, is entitled to declaratory judgment.

269. Plaintiff is unable to safely exercise the rights this Commonwealth has afforded without declaratory judgment from this Court.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An order declaring the ordinance set forth above unlawful and void under the laws of this Commonwealth;
- b. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A. § 6120(a.3);
- c. Such other relief as the Court deems just and equitable.

#### COUNT XXIII

#### Declaratory Judgment as to the Codified Ordinances of Harrisburg § 3-345.1

270. The preceding paragraphs are incorporated herein by reference as if realleged in full.

271. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms— violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).

272. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.

273. The enactment, upholding, and enforcement of § 3-345.1 are contrary to the laws of this Commonwealth related to the lawful ownership, possession and transportation of firearms, as provided in 18 P.S. §§ 6110.1, 6304(b).

274. Defendant City of Harrisburg is a municipality under 18 Pa.C.S.A. § 6120(a).

275. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson, and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.

276. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.

277. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a "person adversely affected" by Defendants' unlawful ordinance, is entitled to declaratory judgment.

278. Plaintiff is unable to promulgate the rights this Commonwealth has afforded without declaratory judgment from this Court.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An order declaring the ordinance set forth above unlawful and void under the laws of this Commonwealth;
- b. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A. § 6120(a.3);
- c. Such other relief as the Court deems just and equitable.

**COUNT XXIV**

**Declaratory Judgment as to the Codified Ordinances of Harrisburg § 3-345.99**

279. The preceding paragraphs are incorporated herein by reference as if realleged in full.

280. The forgoing conduct and ordinance—in regulating the lawful ownership, possession and transportation of firearms— violate the laws of this Commonwealth as set forth in 18 Pa.C.S.A. § 6120(a).

281. Further, this ordinance was passed by City Council and the Mayor, which is in violation of 18 Pa.C.S.A. § 6120.

282. Under § 3-345.99 Plaintiff is likely to face criminal penalties despite abiding by the laws of this Commonwealth.

283. At all times relevant hereto, Defendants City of Harrisburg, Mayor Eric Papenfuse, Wanda Williams, Sandra Reid, Brad Koplinski, Ben Alatt, Jeff Baltimore, Susan Wilson, and Shamaine Daniels were responsible for the enactment, upholding, and failure to repeal the unlawful ordinance described.

284. At all times relevant hereto, Defendant Thomas Carter was responsible for upholding and enforcing the unlawful ordinance described.

285. Under 18 Pa.C.S.A. § 6120, Plaintiff, as a “person adversely affected” by Defendants’ unlawful ordinance, is entitled to declaratory judgment.

286. Plaintiff is unable to safely exercise the rights this Commonwealth has afforded without declaratory judgment from this Court.

WHEREFORE, Plaintiff respectfully requests that this Court grant relief as follows:

- a. An order declaring the ordinance set forth above unlawful and void under the laws of this Commonwealth;



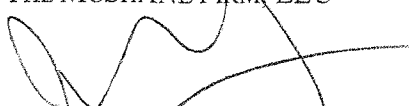
b. Attorney fees and the costs and expenses of this action, as entitled under 18 Pa.C.S.A.

§ 6120(a.3);


c. Such other relief as the Court deems just and equitable.

Date: 1/13/2018

Respectfully Submitted By,  
THE MCSHANE FIRM, LLC

  
Justin J. McShane  
Attorney ID No. 87919  
THE MCSHANE FIRM, LLC  
3601 Vartan Way, 2nd Floor  
Harrisburg, Pennsylvania 17110  
P: (717) 657-3900  
F: (717) 657-2060

Date: 1/13/2018

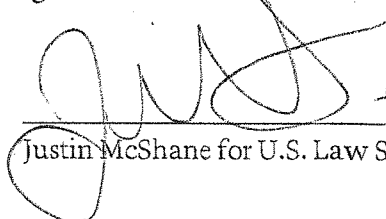
  
Michael Antonio Giaramita Jr.  
Attorney ID No. 319299  
THE MCSHANE FIRM, LLC  
3601 Vartan Way, 2nd Floor  
Harrisburg, Pennsylvania 17110  
P: (717) 657-3900  
F: (717) 657-2060

*Attorneys for Plaintiffs*

VERIFICATION

Justin McShane deposes and states that he is the Program Attorney for U.S. Law Shield of Pennsylvania, LLC, and in that capacity is authorized on behalf of U.S. Law Shield of Pennsylvania, LLC to make this Verification, and that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief. This Verification is made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Date:

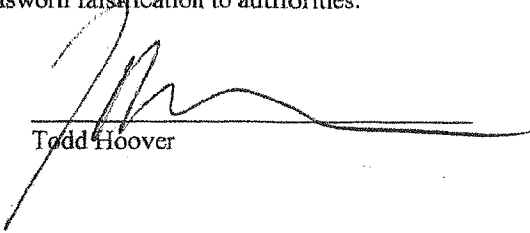
 for USLS & PA  
Justin McShane for U.S. Law Shield of Pennsylvania, LLC

VERIFICATION

Todd Hoover deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief. This Verification is made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Date:

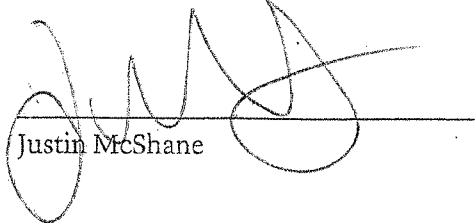
JANUARY 12<sup>TH</sup>, 2015

  
Todd Hoover

VERIFICATION

Justin McShane deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief. This Verification is made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Date:

  
Justin McShane

CERTIFICATE OF SERVICE

I certify that I am this date providing copies of the foregoing document to the Sheriff of Dauphin County to serve upon the person(s) indicated below by hand-delivery at the following addresses:

City of Harrisburg  
c/o Mayor Eric Papenfuse  
The Rev. Martin Luther King, Jr. City Government Center  
Ten North Second Street  
Harrisburg, Pennsylvania 17101

Mayor Eric Papenfuse  
The Rev. Martin Luther King, Jr. City Government Center  
Ten North Second Street  
Harrisburg, Pennsylvania 17101

Wanda Williams  
The Rev. Martin Luther King, Jr. City Government Center  
Ten North Second Street  
Harrisburg, Pennsylvania 17101

Sandra Reid  
The Rev. Martin Luther King, Jr. City Government Center  
Ten North Second Street  
Harrisburg, Pennsylvania 17101

Brad Koplinski  
The Rev. Martin Luther King, Jr. City Government Center  
Ten North Second Street  
Harrisburg, Pennsylvania 17101

Ben Alatt  
The Rev. Martin Luther King, Jr. City Government Center  
Ten North Second Street  
Harrisburg, Pennsylvania 17101

Jeff Baltimore  
The Rev. Martin Luther King, Jr. City Government Center  
Ten North Second Street  
Harrisburg, Pennsylvania 17101

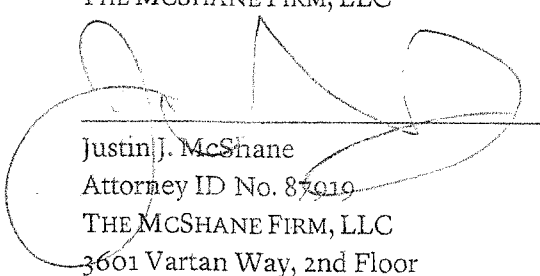
Susan Wilson  
The Rev. Martin Luther King, Jr. City Government Center  
Ten North Second Street  
Harrisburg, Pennsylvania 17101

Shamaine Daniels  
The Rev. Martin Luther King, Jr. City Government Center  
Ten North Second Street  
Harrisburg, Pennsylvania 17101

Chief Thomas Carter  
123 Walnut Street  
PS-211  
Harrisburg, Pennsylvania 17101

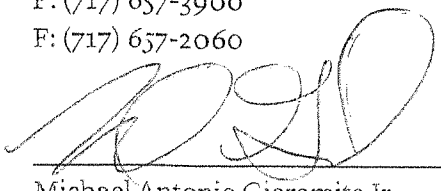
Date: 1/13/2015

THE MCSHANE FIRM, LLC



Justin J. McShane  
Attorney ID No. 87019  
THE MCSHANE FIRM, LLC  
3601 Vartan Way, 2nd Floor  
Harrisburg, Pennsylvania 17110  
P: (717) 657-3900  
F: (717) 657-2060

Date: 1/13/2015



Michael Antonio Giaramita Jr.  
Attorney ID No. 319299  
THE MCSHANE FIRM, LLC  
3601 Vartan Way, 2nd Floor  
Harrisburg, Pennsylvania 17110  
P: (717) 657-3900  
F: (717) 657-2060

*Attorneys for Plaintiffs*


**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing Motion for Preliminary Injunction, brought pursuant to Pa.R.C.P. 1531 was sent via United States Mail, postage prepaid on this 30<sup>th</sup> day of January 2015, to all known counsel of record listed below:

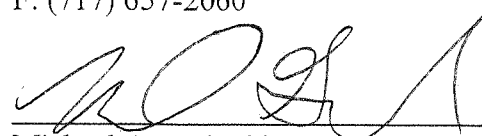
Frank Lavery Jr.  
Joshua M. Autry  
Jessica Hosenpud  
LAVERY FAHERTY  
225 Market Street  
P.O Box 1245  
Harrisburg, PA 17108  
*Attorneys for Defendants*

Date: 1/30/2015

THE MCSHANE FIRM, LLC

  
For Justin J. McShane  
Attorney ID No. 87919  
THE MCSHANE FIRM, LLC  
3601 Vartan Way, 2nd Floor  
Harrisburg, Pennsylvania 17110  
P: (717) 657-3900  
F: (717) 657-2060

Date: 1/30/2015

  
Michael Antonio Giaramita Jr.  
Attorney ID No. 319299  
THE MCSHANE FIRM, LLC  
3601 Vartan Way, 2nd Floor  
Harrisburg, Pennsylvania 17110  
P: (717) 657-3900  
F: (717) 657-2060

*Attorneys for Plaintiffs*

IN THE COURT OF COMMON PLEAS  
DAUPHIN COUNTY, PENNSYLVANIA

U.S. LAW SHIELD OF PENNSYLVANIA,  
LLC, EX REL. TODD HOOVER;  
JUSTIN J. MCSHANE, AN INDIVIDUAL

PLAINTIFFS

v.

CITY OF HARRISBURG;  
MAYOR ERIC PAPENFUSE;  
WANDA WILLIAMS,  
SANDRA REID,  
BRAD KOPLINSKI,  
BEN ALATT,  
JEFF BALTIMORE,  
SUSAN WILSON,  
SHAMAINE DANIELS,  
HARRISBURG CITY COUNCIL MEMBERS; AND  
THOMAS CARTER,  
CITY OF HARRISBURG CHIEF OF POLICE

DEFENDANTS

No.: 2015-CV-255-EQ

CIVIL ACTION EQUITY

ORDER FOR HEARING

Upon consideration of the verified Complaint in this matter and Plaintiffs' Motion for Preliminary Injunction,



IT IS ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2015, a Hearing on Plaintiffs'

Motion for Preliminary Injunction is scheduled for the \_\_\_\_\_ day of \_\_\_\_\_, 2015, at \_\_\_\_\_

o'clock am/pm in Courtroom , Dauphin County Courthouse, 101 Market Street

Harrisburg, PA 17101.

**BY THE COURT:**

**Date:** \_\_\_\_\_

\_\_\_\_\_  
J.

**For Distribution:**

Justin J. McShane  
Michael Antonio Giaramita Jr.  
THE MCSHANE FIRM, LLC  
3601 Vartan Way, 2nd Floor  
Harrisburg, Pennsylvania 17110  
P: (717) 657-3900  
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*Attorneys for Plaintiffs*

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IN THE COURT OF COMMON PLEAS  
DAUPHIN COUNTY, PENNSYLVANIA

U.S. LAW SHIELD OF PENNSYLVANIA,  
LLC, EX REL. TODD HOOVER;  
JUSTIN J. MCSHANE, AN INDIVIDUAL

PLAINTIFFS

v.

CITY OF HARRISBURG;  
MAYOR ERIC PAPENFUSE;  
WANDA WILLIAMS,  
SANDRA REID,  
BRAD KOPLINSKI,  
BEN ALATT,  
JEFF BALTIMORE,  
SUSAN WILSON,  
SHAMAINE DANIELS,  
HARRISBURG CITY COUNCIL MEMBERS; AND  
THOMAS CARTER,  
CITY OF HARRISBURG CHIEF OF POLICE

DEFENDANTS

No.: 2015-CV-255-EQ

CIVIL ACTION EQUITY

ORDER GRANTING PRELIMINARY INJUNCTION

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2015, upon consideration of  
Plaintiffs' verified Complaint, Plaintiffs' Motion for Preliminary Injunction, and the  
accompanying papers in support thereof and having determined that:

1. Defendants' conduct — in enacting, upholding and enforcing ordinances which regulate the lawful ownership, possession and transportation of firearms— violates the laws of this Commonwealth under 18 Pa.C.S. § 6120.
2. Defendants are without legal authority to enact and uphold laws in violation of 18 Pa.C.S. § 6120.
3. Plaintiffs have demonstrated a likelihood of success on the merits of their claims that Defendants' ordinances are unlawful under 18 Pa.C.S. § 6120.
4. Plaintiffs will suffer irreparable harm and loss if this Court does not issue a preliminary injunction barring Defendants from enforcing the Codified Ordinances of Harrisburg §§ 10-301.13, 3-355.2, 3-345.4, 3-345.2, 3-345.1 and 3-345.99.
5. Plaintiffs do not have an adequate remedy at law; and
6. Any potential harm to Defendants in granting preliminary injunctive relief does not outweigh the potential harm to Plaintiffs in not entering this relief.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

1. The motion of Plaintiff U.S. Law Shield of Pennsylvania *ex rel.* Todd Hoover and Plaintiff Justin J. McShane for a preliminary injunction is GRANTED; and
2. Defendants are required to refrain from enforcing the Codified Ordinances of Harrisburg §§ 10-301.13, 3-355.2, 3-345.4, 3-345.2, 3-345.1 and 3-345.99 unless and until this Court determines otherwise.

3. This Order will be effective immediately.

**BY THE COURT:**

**Date:** \_\_\_\_\_

\_\_\_\_\_  
J.

**For Distribution:**

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