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Attorneys for Defendants

2015 JUN 16 PM 3:50

DAUPHIN COUNTY  
PENNA

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IN THE COURT OF COMMON PLEAS OF THE 12<sup>TH</sup> JUDICIAL DISTRICT  
DAUPHIN COUNTY, PENNSYLVANIA

|  |   |                         |
|--|---|-------------------------|
| U.S. Law Shield of Pennsylvania,           | : | 2015-cv-255             |
| Ex rel. Todd Hoover; and John Bruno,       | : |                         |
| Plaintiffs                                 | : | Civil Action – Equity   |
| v.   | : |                         |
| City of Harrisburg; Mayor Eric Papenfuse;  | : | Judge Andrew H. Dowling |
| Wanda Williams, Sandra Reid,               | : |                         |
| Brad Koplinski, Ben Alatt, Jeff Baltimore, | : | Jury Trial Demanded     |
| Susan Wilson, Shamaine Daniels,            | : |                         |
| Harrisburg City Council Members; and       | : |                         |
| Chief of Police Thomas Carter,             | : |                         |
| Defendants                                 | : |                         |

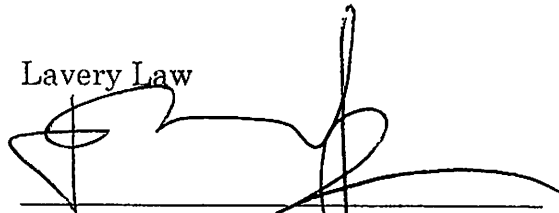
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To: U.S. Law Shield of Pennsylvania,  
Ex rel. Todd Hoover; and John Bruno,  
c/o Justin J. McShane, Esquire  
Michael Antonio Giaramita, Jr., Esquire  
The McShane Firm, LLC  
3601 Vartan Way, 2nd Floor  
Harrisburg, PA 17110

Notice to Plead

You are hereby notified to file a written response to the enclosed New Matter within twenty (20) days from service hereof or a judgment may be entered against you.

Lavery Law

A handwritten signature in black ink, appearing to be 'Frank J. Lavery', written over a horizontal line.

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Dated: June 16, 2015

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| Chief of Police Thomas Carter,             | :                         |
| Defendants                                 | :                         |

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Answer to Amended Complaint and New Matter

All Defendants answer the amended complaint as follows and assert new matter:

Parties, Jurisdiction, and Venue

1. All Defendants (hereinafter collectively “Harrisburg”) need not respond to Plaintiffs’ legal conclusions, only to “each averment of fact.” Pa.R.C.P. 1029(a). Plaintiffs assert legal conclusions regarding the legal status of U.S. Law Shield (“USLS”) under Pennsylvania corporate law and under the Uniform Firearms Act

("UFA") and whether its members legally possess firearms. Because no response is required, these legal conclusions are deemed denied under Pa.R.C.P. 1029(d).

By way of further answer, this lawsuit is an illegal enforcement action in violation of the Pennsylvania Constitution. Plaintiffs rely on the UFA amendments under Act 192 of 2014. These amendments violate the single subject and original purpose rules in the Pennsylvania Constitution. The UFA amendments were initially tacked onto a bill regarding mental health records, and then that entire bill was added to an unrelated bill on theft of copper wire.

After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding USLS and its members in this paragraph, including whether agents of USLS frequent the City of Harrisburg, whether USLS has the asserted 827 or so members living in Pennsylvania, and whether each of those members possesses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c). By way of further answer, USLS appears to be part of or owned by a national pre-paid legal services company based in Texas that provides legal representation in the event its members face lawsuits or criminal charges anywhere in the country for discharging their weapons in exchange for a premium.

2. Plaintiffs assert legal conclusions regarding Hoover's legal status under the UFA and whether Hoover legally possesses firearms. Because no response is required, these legal conclusions are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates

the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding Hoover's residence in Union County, the frequency of Hoover's visits to the City of Harrisburg, the nature of Hoover's relationship with USLS, financial or otherwise, and whether Hoover possesses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c).

3. Plaintiffs assert legal conclusions regarding Bruno's legal status under the UFA and whether Bruno legally possesses firearms. Because no response is required, these legal conclusions are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

Harrisburg admits upon information and belief that Bruno is a Dauphin County resident that regularly does business in the City of Harrisburg and possesses firearms.

After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding the nature of Bruno's relationship with USLS, financial or otherwise, and therefore those averments are denied under Pa.R.C.P. 1029(c).

4. Harrisburg need not respond to this paragraph, which contains no “averment of fact.” Pa.R.C.P. 1029(a). Because no response is required, this paragraph is deemed denied under Pa.R.C.P. 1029(d).

5. Plaintiffs assert legal conclusions regarding the City of Harrisburg’s legal status. Because no response is required, these legal conclusions are deemed denied under Pa.R.C.P. 1029(a, d). Harrisburg admits the factual averments regarding its location and that the City of Harrisburg is a Third Class City.

6. Harrisburg admits that Eric Papenfuse is Mayor of the City of Harrisburg. Harrisburg denies that Mayor Papenfuse served as Mayor and policymaker with decision making authority over the “incidents alleged” in the Amended Complaint “at all times relevant hereto.” Initially, the relevance of any timeframe and the scope of the Mayor’s legal authority are legal conclusions, and thus no response is required and the conclusions are deemed denied under Pa.R.C.P. 1029(a, d).

By way of further answer, the Amended Complaint does not allege any “incidents” at all. The ordinances in question were adopted in 1951, 1969, 1971, 1991, and 2009. Mayor Papenfuse became Mayor in 2014. Accordingly, Mayor Papenfuse did not serve as Mayor at any relevant time.

7. Harrisburg admits that Wanda R.D. Williams is President of City Council. Harrisburg denies that Council President Williams served as Council President “at all times relevant hereto.” Initially, the relevance of any timeframe is a legal conclusion, and thus no response is required and the conclusion is deemed

denied under Pa.R.C.P. 1029(a, d). By way of further answer, Council President Williams joined Council in 2006 and became President in 2012, and thus did not serve as Council President at any relevant time.

8. Harrisburg admits that Sandra Reid is Council Vice President of City Council. Harrisburg denies that Council VP Reid served as Council VP “at all times relevant hereto.” Initially, the relevance of any timeframe is a legal conclusion, and thus no response is required and the conclusion is deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Council VP Reid joined Council in 2012 and became VP in 2014, and thus did not serve as Council VP at any relevant time.

9. Harrisburg admits that Brad Koplinski is a member of Council. Harrisburg denies that Councilman Koplinski served on Council “at all times relevant hereto.” Initially, the relevance of any timeframe is a legal conclusion, and thus no response is required and the conclusion is deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Councilman Koplinski joined Council in 2007, and thus did not serve on Council at any relevant time—save the adoption of the reporting ordinance. As explained below, the reporting ordinance is not preempted and does not restrict the rights of gun owners in any way.

10. Harrisburg admits that Ben Allatt is a member of Council. Harrisburg denies that Councilman Allatt served on Council “at all times relevant hereto.” Initially, the relevance of any timeframe is a legal conclusion, and thus no response is required and the conclusion is deemed denied under Pa.R.C.P. 1029(a, d). By way

of further answer, Councilman Allatt joined Council in 2014, and thus did not serve on Council at any relevant time.

11. Harrisburg admits that Jeff Baltimore is a member of Council.

Harrisburg denies that Councilman Baltimore served on Council “at all times relevant hereto.” Initially, the relevance of any timeframe is a legal conclusion, and thus no response is required and the conclusion is deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Councilman Baltimore joined Council in 2014, and thus did not serve on Council at any relevant time.

12. Harrisburg admits that Susan Brown-Wilson is a member of Council.

Harrisburg denies that Councilwoman Brown-Wilson served on Council “at all times relevant hereto.” Initially, the relevance of any timeframe is a legal conclusion, and thus no response is required and the conclusion is deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Councilwoman Brown-Wilson joined Council in 2004, and ~~thus did not serve~~ on Council at any relevant time—save the adoption of the reporting ordinance. As explained below, the reporting ordinance is not preempted and does not restrict the rights of gun owners in any way.

13. Harrisburg admits that Shamaine Daniels is a member of Council.

Harrisburg denies that Councilwoman Daniels served on Council “at all times relevant hereto.” Initially, the relevance of any timeframe is a legal conclusion, and thus no response is required and the conclusion is deemed denied under Pa.R.C.P.



1029(a, d). By way of further answer, Councilwoman Daniels joined Council in 2014, and thus did not serve on Council at any relevant time.

14. Harrisburg admits that Thomas Carter is Chief of Police. Harrisburg denies that Chief Carter served as Police Chief “at all times relevant hereto.” Initially, the relevance of any timeframe is a legal conclusion, and thus no response is required and the conclusion is deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

15. Plaintiffs assert legal conclusions regarding the authority of Mayor Papenfuse and the current City Council members, the lawfulness of the ordinances, asserted legal duty to repeal, and the relevance of time frames. Because no response is required, these legal conclusions are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, as explained above, only three members of City Council served in 2009 when the reporting ordinance was enacted, and no current member of Council served when the prior ordinances were enacted in 1951, 1969, 1971, and 1991. Mayor Papenfuse did not serve when any ordinance was enacted. Moreover, the ordinances are lawful, and there is no legal duty to repeal preempted ordinances in any event.

16. Plaintiffs assert legal conclusions regarding the authority of Chief Carter, the lawfulness of the ordinances, and the relevance of time frames. Because no response is required, these legal conclusions are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Chief Carter became acting Police Chief in

2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014. Moreover, the ordinances are lawful.

17. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the UFA speaks for itself. Any inaccurate, incomplete, or inconsistent description or implication is denied. In addition, Act 192 violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

18. Plaintiffs' assertion of "wrongful acts" is a legal conclusion to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Plaintiffs do not allege any wrongful act in the entire Amended Complaint. Harrisburg expressly denies any wrongdoing.

19. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d).

20. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further response, Act 192 violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

21. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further response, Act 192 violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

### Statement of Facts

22. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

23. Harrisburg admits upon information and belief that Hoover is a retired state trooper. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding Hoover's rank with the state police, the nature of Hoover's relationship with USLS, financial or otherwise, and whether Hoover owns, possesses, carries, and uses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c).

Plaintiffs assert legal conclusions regarding whether Hoover legally owns, possesses, and carries firearms for lawful purposes. Because no response is required, these legal conclusions are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

24. Harrisburg admits upon information and belief that Bruno is a Dauphin County resident and constable, and that he regularly does business in the City of Harrisburg, owns and possesses firearms, has a license to carry, and carries firearms regularly.

After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments

regarding whether Bruno owns and possesses shotguns and rifles, whether Bruno uses firearms at all or with what frequency, and the nature of Bruno's relationship with USLS, financial or otherwise, and therefore those averments are denied under Pa.R.C.P. 1029(c).

Plaintiffs assert legal conclusions regarding whether Bruno legally owns, possesses, and carries firearms for lawful purposes. Because no response is required, these legal conclusions are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

25. Plaintiffs assert legal conclusions regarding the legal status of USLS and whether its members may legally possess, own, transport, and use firearms, but may be subject to erroneous legal proceedings. Because no response is required, these legal conclusions are deemed denied under Pa.R.C.P. 1029(d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding USLS and its members in this paragraph, including USLS's purpose and education efforts, whether USLS has the asserted 827 or so members living in Pennsylvania, and whether each of those members possesses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c). By way of further answer, USLS appears to be part of or owned by a national pre-paid legal services

company based in Texas that provides legal representation in the event its members face lawsuits or criminal charges anywhere in the country for discharging their weapons in exchange for a premium.

26. Harrisburg denies that USLS possesses, bears, or uses firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Hoover possesses, bears, and uses firearms, whether Bruno uses firearms, and their purposes for doing so, and therefore those averments are denied under Pa.R.C.P. 1029(c). Harrisburg admits upon information and belief that Bruno possesses and bears firearms. Plaintiffs assert legal conclusions regarding the lawfulness of their asserted purposes, to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d).

27. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the UFA speaks for itself. Any inaccurate, incomplete, or inconsistent description or implication is denied. Specifically, Plaintiffs misstate the UFA as complete preemption. This cannot possibly be the case as the Third Class City Code—just reenacted in 2014—explicitly authorizes Harrisburg to prevent discharge and concealed carry. Moreover, the UFA only bars local restrictions on the lawful carrying of firearms.

28. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further

answer, most of the challenged ordinances pre-date the UFA. Moreover, the UFA does not bar all firearm regulation, and the Third Class City Code—just reenacted in 2014—specifically authorizes Harrisburg to ban discharge and concealed carry.

29. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance speaks for itself. Any inaccurate, incomplete, or inconsistent description or implication is denied.

30. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations.

31. Harrisburg denies that USLS visits Harrisburg's parks. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Bruno and Hoover visit Harrisburg's parks, and therefore those averments are denied under Pa.R.C.P. 1029(c).

Plaintiffs assert legal conclusions regarding the lawfulness of carrying firearms and their asserted purposes for doing so, to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the

Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations.

32. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance speaks for itself. Any inaccurate, incomplete, or inconsistent description or implication is denied.

33. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not authorize arbitrary and capricious action. In addition, the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies. The open carry ban is also consistent with the state-wide open carry ban during emergencies.

34. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance speaks for itself. Any inaccurate, incomplete, or inconsistent description or implication is denied.

35. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further

answer, the statute speaks for itself. Any inaccurate, incomplete, or inconsistent description or implication is denied.

36. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance speaks for itself. Any inaccurate, incomplete, or inconsistent description or implication is denied. By way of further answer, the ordinance pre-dates the UFA, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies. The open carry ban is also consistent with the state-wide open carry ban during emergencies.

37. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies. Moreover, the Plaintiffs do not even live in Harrisburg.

In addition, the concealed carry ban only takes affect if the Mayor exercises his discretion. Plaintiffs' asserted risk—that the City will declare an emergency and then the Mayor will ban concealed carry—is wholly speculative. Plaintiffs simply rely on Act 192 for standing, which violates the Pennsylvania Constitution,



rendering this nothing more than an unconstitutional and illegal enforcement action.

38. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open-carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies. Moreover, the Plaintiffs do not even live in Harrisburg, and it is unclear why they would leave their homes and travel to Harrisburg to complete a transaction.

In addition, the concealed carry ban only takes affect if the Mayor exercises his discretion. Plaintiffs' asserted risk—that the City will declare an emergency and then the Mayor will ban concealed carry—is wholly speculative. Plaintiffs simply rely on Act 192 for standing, which violates the Pennsylvania Constitution, rendering this nothing more than an unconstitutional and illegal enforcement action.

39. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance speaks for itself. Any inaccurate, incomplete, or inconsistent description or implication is denied. Plaintiffs mischaracterize the ordinance as requiring “nearly immediate reporting.” As is clear from the text, the owner must only report within 48 hours after discovery of the loss or theft.

40. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Harrisburg denies that it cannot pass this ordinance. This ordinance in no way restricts the lawful carrying of firearms.

41. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Harrisburg denies that it cannot pass this ordinance. This ordinance in no way restricts the lawful carrying of firearms.

In addition, USLS does not have any guns, and the other Plaintiffs do not live in Harrisburg. Plaintiffs' asserted risk—that they will lose firearms or have them stolen—is wholly speculative. Plaintiffs simply rely on Act 192 for standing, which violates the Pennsylvania Constitution, rendering this nothing more than an unconstitutional and illegal enforcement action.

42. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance speaks for itself. Any inaccurate, incomplete, or inconsistent description or implication is denied. In addition, Harrisburg denies that the discharge ordinance is unlawful as the Third Class City Code—just re-enacted last year—explicitly authorizes Harrisburg to ban discharge.

43. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance speaks for itself. Any inaccurate, incomplete, or inconsistent

description or implication is denied. In addition, Harrisburg denies that the discharge ordinance is unlawful as the Third Class City Code—just re-enacted last year—explicitly authorizes Harrisburg to ban discharge and to manage its parks and playgrounds, and the discharge ban in parks is consistent with the discharge ban at state parks. Moreover, Harrisburg’s parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations.

44. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the statutes speak for themselves. Any inaccurate, incomplete, or inconsistent description or implication is denied. Harrisburg denies that these are the “relevant” statutes as the Third Class City Code—just re-enacted last year—explicitly authorizes Harrisburg to ban discharge and to manage its parks and playgrounds, and the discharge ban in parks is consistent with the discharge ban at state parks. Moreover, Harrisburg’s parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations.

45. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the Third Class City Code—just re-enacted last year—explicitly authorizes Harrisburg to ban discharge and to manage its parks and playgrounds, and the discharge ban in parks is consistent with the discharge ban at state parks. Moreover, Harrisburg’s parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations.

Plaintiffs also incorrectly state that “Defendants have instituted” this ordinance, which pre-dates all of the named Defendants’ terms of service. Finally, there is no reason why a person cited under the ordinance could not assert self-defense under state law.

46. Harrisburg denies that USLS possesses, bears, or uses firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Hoover possesses, bears, and uses firearms, whether Bruno uses firearms, and their purposes for doing so, and therefore those averments are denied under Pa.R.C.P. 1029(c). Harrisburg admits upon information and belief that Bruno possesses and bears firearms. Plaintiffs assert legal conclusions regarding the lawfulness of their asserted purposes, to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d).

47. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the Third Class City Code—just re-enacted last year—explicitly authorizes Harrisburg to ban discharge. Finally, there is no reason why a person cited under the ordinance could not assert self-defense under state law.

48. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance speaks for itself. Any inaccurate, incomplete, or inconsistent description or implication is denied. In addition, Harrisburg denies that the

ordinance infringes upon the freedoms of any child as state law also bars unsupervised children from carrying arms.

49. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the statute speaks for itself. Any inaccurate, incomplete, or inconsistent description or implication is denied.

50. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, nothing in the ordinance bars firearm instruction and Harrisburg does not restrict the rights of children as state law also bars unsupervised children from carrying guns. Harrisburg additionally denies that any firearm lacks the ability to produce mortal or serious injury.

51. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the statute speaks for itself. Any inaccurate, incomplete, or inconsistent description or implication is denied.

52. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance speaks for itself. Any inaccurate, incomplete, or inconsistent description or implication is denied.

53. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). Harrisburg denies that

Plaintiffs are in danger of prosecution and criminal penalties. By way of further answer, Plaintiffs' asserted danger of prosecution is wholly speculative. Plaintiffs do not live in Harrisburg, and are not children. Plaintiffs do not show any concrete and imminent risk that 1) Harrisburg will declare an emergency and then the Mayor will ban concealed carry, 2) their firearms will be lost or stolen within city limits, or 3) Plaintiffs will discharge weapons in Harrisburg without violating state law.

In addition, Harrisburg denies that USLS possesses, bears, or uses firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Hoover possesses, bears, and uses firearms, whether Bruno uses firearms, and their purposes for doing so, and therefore those averments are denied under Pa.R.C.P. 1029(c). Harrisburg admits upon information and belief that Bruno possesses and bears firearms.

54. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, none of the ordinances are preempted, and the UFA preemption provision creates no duty to repeal preempted ordinances in any event. Contrary to Plaintiffs' claim, Mayor Papenfuse did not pass any of these ordinances.

None of the ordinances violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge, to manage its property, and to take reasonable measures during an emergency to protect the public. State law also prohibits open carry during emergencies and

unsupervised minors from carrying firearms. The open carry ban in parks is also consistent with the open carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations. Finally, the reporting ordinances does not restrict the lawful carrying of firearms in any way.

Counts 1-12: USLS and Hoover

Count 1 – Injunction as to Parks Ordinance (10-301.13)

55. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

56. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

57. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations.

58. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just

reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations. Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance.

59. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations.

60. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d).

61. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations.



Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance. The UFA also creates no obligation to repeal preempted ordinances in any event.

62. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations. Contrary to Plaintiffs' allegations, Chief Carter was not Chief of Police "at all times relevant hereto." By way of further answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

63. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

64. Harrisburg denies that Plaintiffs are in danger of prosecution and criminal penalties. Plaintiffs have not pled any intention to violate the ordinance. By way of further answer, Plaintiffs do not even live in Harrisburg, and their asserted danger of prosecution is wholly speculative.

In addition, Harrisburg denies that USLS possesses, bears, or uses firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Hoover possesses, bears, and uses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c).

This paragraph contains also legal conclusions about local and state law, which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations.

65. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d).

For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

**Count 2 – Injunction as to Emergency Ordinance (3-355.2)**

66. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

67. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

68. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open-carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies. Moreover, the Plaintiffs do not even live in Harrisburg.

69. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open-carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies. Moreover, the Plaintiffs do not even live in Harrisburg. Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance.

70. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open-carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable

measures to protect the public during emergencies. Moreover, the Plaintiffs do not even live in Harrisburg.

71. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d).

72. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open-carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies. Moreover, the Plaintiffs do not even live in Harrisburg.

Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance. The UFA also creates no obligation to repeal preempted ordinances in any event.

73. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open-carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies. Moreover, the Plaintiffs do not even live in Harrisburg. Contrary to Plaintiffs' allegations, Chief Carter was not Chief of Police "at all times relevant hereto." By way of further answer, Chief Carter

became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

74. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

75. Harrisburg denies that Plaintiffs are in danger of prosecution and criminal penalties. Plaintiffs have not pled any intention to violate the ordinance. By way of further answer, Plaintiffs do not even live in Harrisburg, and their asserted danger of prosecution is wholly speculative.

Plaintiffs have not pled any imminent risk that the City will declare an emergency and that the Mayor will ban carrying firearms. Harrisburg denies that USLS possesses, bears, or uses firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Hoover possesses, bears, and uses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c).

In addition, the concealed carry ban only takes affect if the Mayor exercises his discretion. Plaintiffs' asserted risk—that the City will declare an emergency and then the Mayor will ban concealed carry—is wholly speculative. Plaintiffs simply rely on Act 192 for standing, which violates the Pennsylvania Constitution, rendering this nothing more than an unconstitutional and illegal enforcement action.

This paragraph contains also legal conclusions about local and state law, which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies.

76. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d).

For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

**Count 3 – Injunction as to Reporting Ordinance (3-345.4)**

77. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

78. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

79. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA as it does not restrict the lawful carrying of firearms.

80. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further

answer, the ordinance does not violate the UFA as it does not restrict the lawful carrying of firearms. Contrary to Plaintiffs' allegations, as explained above only three members of the current City Council members served when the ordinance was passed, and Mayor Papenfuse took office well after the ordinance was passed.

81. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA as it does not restrict the lawful carrying of firearms.

82. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d).

83. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA as it does not restrict the lawful carrying of firearms. Contrary to Plaintiffs' allegations, as explained above only three members of the current City Council members served when the ordinance was passed, and Mayor Papenfuse took office well after the ordinance was passed. The UFA also creates no obligation to repeal preempted ordinances in any event.

84. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. Contrary to Plaintiffs' allegations, Chief Carter was not Chief of Police "at all times relevant hereto." By way of further

answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

85. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

86. Harrisburg denies that Plaintiffs are in danger of prosecution and criminal penalties. Plaintiffs have not pled any intention to violate the ordinance. Plaintiffs have not pled any imminent threat of having their firearms lost or stolen within City limits. By way of further answer, Plaintiffs do not even live in Harrisburg, and their asserted danger of prosecution is wholly speculative.

In addition, Harrisburg denies that USLS possesses, bears, or uses firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Hoover possesses, bears, and uses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c).

This paragraph contains also legal conclusions about local and state law, which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA as it does not restrict the lawful carrying of firearms.

87. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d).



For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

Count 4 – Injunction as to Discharge Ordinance (3-345.2)

88. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

89. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

90. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge.

91. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge. Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance.

92. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge.

93. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d).

94. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge. Contrary to Plaintiffs’ allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance. The UFA also creates no obligation to repeal preempted ordinances in any event.

95. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge. Contrary to Plaintiffs’ allegations, Chief Carter was not Chief of Police “at all times relevant hereto.” By way of further answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

96. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

97. Harrisburg denies that Plaintiffs are in danger of prosecution and criminal penalties. Plaintiffs have not pled any intention to violate the ordinance.

Plaintiffs have neither pled that they will discharge their weapons within City limits, nor—more specifically—that they will discharge their weapons within City limits in a way that does not otherwise violate state law. By way of further answer, Plaintiffs do not even live in Harrisburg, and their asserted danger of prosecution is wholly speculative.

Harrisburg further denies that USLS possesses, bears, or uses firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Hoover possesses, bears, and uses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c).

This paragraph contains also legal conclusions about local and state law, which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d).

By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge.

98. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d).

For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

**Count 5 – Injunction as to Minors Ordinance (3-345.1)**

99. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

100. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

101. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge, and state law also generally bans unsupervised children from carrying firearms.

102. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge, and state law also generally bans unsupervised children from carrying firearms.

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Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance.

103. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge, and state law also generally bans unsupervised children from carrying firearms.

104. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d).

105. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge, and state law also generally bans unsupervised children from carrying firearms. Contrary to Plaintiffs’ allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance. The UFA also creates no obligation to repeal preempted ordinances in any event.

106. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge, and state law also generally bans unsupervised children from carrying firearms. Contrary to Plaintiffs’ allegations, Chief Carter was not Chief of Police “at all times relevant hereto.” By way of further answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

107. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Plaintiffs are not children. Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

108. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d).

For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

**Count 6 – Injunction as to Penalty Provision (3-345.99)**

109. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

110. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

111. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the penalty provision does not violate the UFA. As explained above, the other ordinances do not either.

112. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. As explained above, the other ordinances do not either. Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance.

113. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d).

114. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the penalty provision does not violate the UFA. As explained above, the other ordinances do not either. Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance. The UFA also creates no obligation to repeal preempted ordinances in any event.

115. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the penalty provision does not violate the UFA. As explained above, the other ordinances do not either. Contrary to Plaintiffs' allegations, Chief Carter was not Chief of Police "at all times relevant hereto." By way of further answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

116. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

117. Harrisburg denies that Plaintiffs are in danger of prosecution and criminal penalties. By way of further answer, Plaintiffs' asserted danger of prosecution is wholly speculative. Plaintiffs do not live in Harrisburg, and are not children. Plaintiffs do not show any concrete and imminent risk that 1) Harrisburg will declare an emergency and then the Mayor will ban concealed carry, 2) their

firearms will be lost or stolen within city limits, or 3) Plaintiffs will discharge weapons in Harrisburg without violating state law.

In addition, Harrisburg denies that USLS possesses, bears, or uses firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Hoover possesses, bears, and uses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c).

This paragraph contains also legal conclusions about local and state law, which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the penalty provision does not violate the UFA. As explained above, the other ordinances do not either.

118. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d).

For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

**Count 7 – Declaratory Relief as to Parks Ordinance (10-301.13)**

119. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

120. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).



121. This paragraph only contains a legal conclusion to which no response is required and is deemed denied under Pa.R.C.P. 1029(a, d).

122. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at ~~state~~ parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations. Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance.

123. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations.

124. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge

and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations.

125. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations.

Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance. The UFA also creates no obligation to repeal preempted ordinances in any event.

126. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations. Contrary to Plaintiffs' allegations, Chief Carter was not Chief of Police "at all times relevant

hereto.” By way of further answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

127. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

128. Harrisburg denies that Plaintiffs are in danger of prosecution and criminal penalties. Plaintiffs have not pled any intention to violate the ordinance. By way of further answer, Plaintiffs do not even live in Harrisburg, and their asserted danger of prosecution is wholly speculative.

In addition, Harrisburg denies that USLS possesses, bears, or uses firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Hoover possesses, bears, and uses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c).

This paragraph contains also legal conclusions about local and state law, which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg’s parks

receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations.

For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

Count 8 – Declaratory Relief as to Emergency Ordinance (3-355.2)

129. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

130. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

131. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open-carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies. Moreover, the Plaintiffs do not even live in Harrisburg.

132. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open-carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable

measures to protect the public during emergencies. Moreover, the Plaintiffs do not even live in Harrisburg. Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance.

133. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open-carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies. Moreover, the Plaintiffs do not even live in Harrisburg.

134. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open-carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies. Moreover, the Plaintiffs do not even live in Harrisburg.

Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance. The UFA also creates no obligation to repeal preempted ordinances in any event.

135. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further

answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies. Moreover, the Plaintiffs do not even live in Harrisburg. Contrary to Plaintiffs’ allegations, Chief Carter was not Chief of Police “at all times relevant hereto.” By way of further answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

136. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

137. Harrisburg denies that Plaintiffs are in danger of prosecution and criminal penalties. Plaintiffs have not pled any intention to violate the ordinance. By way of further answer, Plaintiffs do not even live in Harrisburg, and their asserted danger of prosecution is wholly speculative.

Plaintiffs have not pled any imminent risk that the City will declare an emergency and that the Mayor will ban carrying firearms. Harrisburg denies that USLS possesses, bears, or uses firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Hoover possesses, bears, and uses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c).

In addition, the concealed carry ban only takes affect if the Mayor exercises his discretion. Plaintiffs' asserted risk—that the City will declare an emergency and then the Mayor will ban concealed carry—is wholly speculative. Plaintiffs simply rely on Act 192 for standing, which violates the Pennsylvania Constitution, rendering this nothing more than an unconstitutional and illegal enforcement action.

This paragraph contains also legal conclusions about local and state law, which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies.

For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

**Count 9 – Declaratory Relief as to Reporting Ordinance (3-345.4)**

138. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

139. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

140. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further

answer, the ordinance does not violate the UFA as it does not restrict the lawful carrying of firearms.

141. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA as it does not restrict the lawful carrying of firearms. Contrary to Plaintiffs' allegations, as explained above only three members of the current City Council members served when the ordinance was passed, and Mayor Papenfuse took office well after the ordinance was passed.

142. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA as it does not restrict the lawful carrying of firearms.

143. This paragraph only contains a legal conclusion to which no response is required and is deemed denied under Pa.R.C.P. 1029(a, d).

144. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA as it does not restrict the lawful carrying of firearms. Contrary to Plaintiffs' allegations, as explained above only three members of the current City Council members served when the ordinance was passed, and Mayor Papenfuse took office well after the ordinance was passed. The UFA also creates no obligation to repeal preempted ordinances in any event.



145. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. Contrary to Plaintiffs' allegations, Chief Carter was not Chief of Police "at all times relevant hereto." By way of further answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

146. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

147. Harrisburg denies that Plaintiffs are in danger of prosecution and criminal penalties. Plaintiffs have not pled any intention to violate the ordinance. Plaintiffs have not pled any imminent threat of having their firearms lost or stolen within City limits. By way of further answer, Plaintiffs do not even live in Harrisburg, and their asserted danger of prosecution is wholly speculative.

In addition, Harrisburg denies that USLS possesses, bears, or uses firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Hoover possesses, bears, and uses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c).

This paragraph contains also legal conclusions about local and state law, which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d).

By way of further answer, the ordinance does not violate the UFA as it does not restrict the lawful carrying of firearms.

For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

**Count 10 – Declaratory Relief as to Discharge Ordinance (3-345.2)**

148. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

149. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

150. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge.

151. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge. Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance.

152. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further

answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge.

153. This paragraph only contains a legal conclusion to which no response is required and is deemed denied under Pa.R.C.P. 1029(a, d).

154. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge. Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance. The UFA also creates no obligation to repeal preempted ordinances in any event.

155. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge. Contrary to Plaintiffs' allegations, Chief Carter was not Chief of Police “at all times relevant hereto.” By way of further answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

156. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

157. Harrisburg denies that Plaintiffs are in danger of prosecution and criminal penalties. Plaintiffs have not pled any intention to violate the ordinance. Plaintiffs have neither pled that they will discharge their weapons within City limits, nor—more specifically—that they will discharge their weapons within City limits in a way that does not otherwise violate state law. By way of further answer, Plaintiffs do not even live in Harrisburg, and their asserted danger of prosecution is wholly speculative.

Harrisburg further denies that USLS possesses, bears, or uses firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Hoover possesses, bears, and uses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c).

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This paragraph contains also legal conclusions about local and state law, which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge.

For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

**Count 11 – Declaratory Relief as to Minors Ordinance (3-345.1)**

158. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

159. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

160. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge, and state law also generally bans unsupervised children from carrying firearms.

161. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge, and state law also generally bans unsupervised children from carrying firearms.

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Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance.

162. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge, and state law also generally bans unsupervised children from carrying firearms.

163. This paragraph only contains a legal conclusions to which no response is required and is deemed denied under Pa.R.C.P. 1029(a, d).

164. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge, and state law also generally bans unsupervised children from carrying firearms. Contrary to Plaintiffs’ allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance. The UFA also creates no obligation to repeal preempted ordinances in any event.

165. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge, and state law also generally bans unsupervised children from carrying firearms. Contrary to Plaintiffs’ allegations, Chief Carter was not Chief of Police “at all times relevant hereto.” By way of further answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

166. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Plaintiffs are not children. Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

167. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Plaintiffs are not children.

For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

**Count 12 – Declaratory Judgment as to Penalty Provision (3-345.99)**

168. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

169. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

170. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the penalty provision does not violate the UFA. As explained above, the other ordinances do not either.

171. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. As explained above, the other ordinances do not either. Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance.

172. The factual contention is denied. Plaintiffs have not pled any intention to violate the ordinances. Harrisburg denies that USLS possesses, bears, or uses

firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Hoover possesses, bears, and uses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c). However, Hoover does not live in Harrisburg.

This paragraph contains also legal conclusions about local and state law, which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the penalty provision does not violate the UFA. As explained above, the other ordinances do not either.

173. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the penalty provision does not violate the UFA. As explained above, the other ordinances do not either. Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance. The UFA also creates no obligation to repeal preempted ordinances in any event.

174. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the penalty provision does not violate the UFA. As explained above, the other ordinances do not either. Contrary to Plaintiffs' allegations, Chief Carter was not Chief of Police "at all times relevant hereto." By way of further answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.



175. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

176. Harrisburg denies that Plaintiffs are in danger of prosecution and criminal penalties. By way of further answer, Plaintiffs' asserted danger of prosecution is wholly speculative. Plaintiffs do not live in Harrisburg, and are not children. Plaintiffs do not show any concrete and imminent risk that 1) Harrisburg will declare an emergency and then the Mayor will ban concealed carry, 2) their firearms will be lost or stolen within city limits, or 3) Plaintiffs will discharge weapons in Harrisburg without violating state law.

In addition, Harrisburg denies that USLS possesses, bears, or uses firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Hoover possesses, bears, and uses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c).

This paragraph contains also legal conclusions about local and state law, which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the penalty provision does not violate the UFA. As explained above, the other ordinances do not either.

For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

Counts 13-24: Bruno

Count 13 – Injunction as to Parks Ordinance (10-301.13)

177. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

178. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations.

179. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations. Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance.

180. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations.

181. This paragraph only contains a legal conclusion to which no response is required and is deemed denied under Pa.R.C.P. 1029(a, d).

182. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations.

Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance. The UFA also creates no obligation to repeal preempted ordinances in any event.

183. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—

just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg’s parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations. Contrary to Plaintiffs’ allegations, Chief Carter was not Chief of Police “at all times relevant hereto.” By way of further answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

184. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

185. Harrisburg denies that Plaintiffs are in danger of prosecution and criminal penalties. Plaintiffs have not pled any intention to violate the ordinance. By way of further answer, Plaintiffs do not even live in Harrisburg, and their asserted danger of prosecution is wholly speculative.

Harrisburg admits upon information and belief that Bruno possesses and carries firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Bruno uses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c).

This paragraph contains also legal conclusions about local and state law, which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d).

By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations.

186. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d).

For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

**Count 14 – Injunction as to Emergency Ordinance (3-355.2)**

187. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

188. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open-carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies. Moreover, the Plaintiffs do not even live in Harrisburg.

189. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open-carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies. Moreover, the Plaintiffs do not even live in Harrisburg. Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance.

190. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open-carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies. Moreover, the Plaintiffs do not even live in Harrisburg.

191. This paragraph only contains a legal conclusion to which no response is required and is deemed denied under Pa.R.C.P. 1029(a, d).

192. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open-carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable

measures to protect the public during emergencies. Moreover, the Plaintiffs do not even live in Harrisburg.

Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance. The UFA also creates no obligation to repeal preempted ordinances in any event.

193. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open-carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies. Moreover, the Plaintiffs do not even live in Harrisburg. Contrary to Plaintiffs' allegations, Chief Carter was not Chief of Police “at all times relevant hereto.” By way of further answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

194. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

195. Harrisburg denies that Plaintiffs are in danger of prosecution and criminal penalties. Plaintiffs have not pled any intention to violate the ordinance.

By way of further answer, Plaintiffs do not even live in Harrisburg, and their asserted danger of prosecution is wholly speculative.

Plaintiffs have not pled any imminent risk that the City will declare an emergency and that the Mayor will ban carrying firearms. Harrisburg admits upon information and belief that Bruno possesses and carries firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Bruno uses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c).

In addition, the concealed carry ban only takes affect if the Mayor exercises his discretion. Plaintiffs' asserted risk—that the City will declare an emergency and then the Mayor will ban concealed carry—is wholly speculative. Plaintiffs simply rely on Act 192 for standing, which violates the Pennsylvania Constitution, rendering this nothing more than an unconstitutional and illegal enforcement action.

This paragraph contains also legal conclusions about local and state law, which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies.

196. This paragraph only contains a legal conclusion to which no response is required and is deemed denied under Pa.R.C.P. 1029(a, d).



For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

Count 15 – Injunction as to Reporting Ordinance (3-345.4)

197. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

198. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA as it does not restrict the lawful carrying of firearms.

199. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA as it does not restrict the lawful carrying of firearms. Contrary to Plaintiffs' allegations, as explained above only three members of the current City Council members served when the ordinance was passed, and Mayor Papenfuse took office well after the ordinance was passed.

200. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA as it does not restrict the lawful carrying of firearms.

201. This paragraph only contains a legal conclusion to which no response is required and is deemed denied under Pa.R.C.P. 1029(a, d).

202. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA as it does not restrict the lawful carrying of firearms. Contrary to Plaintiffs' allegations, as explained above only three members of the current City Council members served when the ordinance was passed, and Mayor Papenfuse took office well after the ordinance was passed. The UFA also creates no obligation to repeal preempted ordinances in any event.

203. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. Contrary to Plaintiffs' allegations, Chief Carter was not Chief of Police "at all times relevant hereto." By way of further answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

204. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

205. Harrisburg denies that Plaintiffs are in danger of prosecution and criminal penalties. Plaintiffs have not pled any intention to violate the ordinance. Plaintiffs have not pled any imminent threat of having their firearms lost or stolen within City limits. By way of further answer, Plaintiffs do not even live in Harrisburg, and their asserted danger of prosecution is wholly speculative.

Harrisburg admits upon information and belief that Bruno possesses and carries firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Bruno uses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c).

This paragraph contains also legal conclusions about local and state law, which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA as it does not restrict the lawful carrying of firearms.

206. This paragraph only contains a legal conclusion to which no response is required and is deemed denied under Pa.R.C.P. 1029(a, d).

For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

**Count 16 – Injunction as to Discharge Ordinance (3-345.2)**

207. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

208. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge.

209. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge. Contrary to Plaintiffs’ allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance.

210. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge.

211. This paragraph only contains a legal conclusion to which no response is required and is deemed denied under Pa.R.C.P. 1029(a, d).

212. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge. Contrary to Plaintiffs’ allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance. The UFA also creates no obligation to repeal preempted ordinances in any event.

213. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just

reenacted in 2014—authorizes Harrisburg to ban discharge. Contrary to Plaintiffs' allegations, Chief Carter was not Chief of Police "at all times relevant hereto." By way of further answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

214. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

215. Harrisburg denies that Plaintiffs are in danger of prosecution and criminal penalties. Plaintiffs have not pled any intention to violate the ordinance. Plaintiffs have neither pled that they will discharge their weapons within City limits, nor—more specifically—that they will discharge their weapons within City limits in a way that does not otherwise violate state law. By way of further answer, Plaintiffs do not even live in Harrisburg, and their asserted danger of prosecution is wholly speculative.

Harrisburg admits upon information and belief that Bruno possesses and carries firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Bruno uses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c).

This paragraph contains also legal conclusions about local and state law, which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d).

By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge.

216. This paragraph only contains a legal conclusion to which no response is required and is deemed denied under Pa.R.C.P. 1029(a, d).

For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

Count 17 – Injunction as to Minors Ordinance (3-345.1)

217. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

218. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge, and state law also generally bans unsupervised children from carrying firearms.

219. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge, and state law also generally bans unsupervised children from carrying firearms. Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance.

220. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge, and state law also generally bans unsupervised children from carrying firearms.

221. This paragraph only contains a legal conclusions to which no response is required and is deemed denied under Pa.R.C.P. 1029(a, d).

222. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge, and state law also generally bans unsupervised children from carrying firearms. Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance. The UFA also creates no obligation to repeal preempted ordinances in any event.

223. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge, and state law also generally bans unsupervised children from carrying firearms. Contrary to Plaintiffs' allegations, Chief Carter was not Chief of Police “at

all times relevant hereto.” By way of further answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

224. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Plaintiffs are not children. Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

225. This paragraph only contains a legal conclusion to which no response is required and is deemed denied under Pa.R.C.P. 1029(a, d).

For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

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**Count 18 – Injunction as to Penalty Provision (3-345.99)**

226. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

227. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the penalty provision does not violate the UFA. As explained above, the other ordinances do not either.

228. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further



answer, the parks ordinance does not violate the UFA. As explained above, the other ordinances do not either. Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance.

229. This paragraph only contains a legal conclusion to which no response is required and is deemed denied under Pa.R.C.P. 1029(a, d).

230. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the penalty provision does not violate the UFA. As explained above, the other ordinances do not either. Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance. The UFA also creates no obligation to repeal preempted ordinances in any event.

231. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the penalty provision does not violate the UFA. As explained above, the other ordinances do not either. Contrary to Plaintiffs' allegations, Chief Carter was not Chief of Police "at all times relevant hereto." By way of further answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

232. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

233. Harrisburg denies that Plaintiffs are in danger of prosecution and criminal penalties. By way of further answer, Plaintiffs' asserted danger of prosecution is wholly speculative. Plaintiffs do not live in Harrisburg, and are not children. Plaintiffs do not show any concrete and imminent risk that 1) Harrisburg will declare an emergency and then the Mayor will ban concealed carry, 2) their firearms will be lost or stolen within city limits, or 3) Plaintiffs will discharge weapons in Harrisburg without violating state law.

Harrisburg admits upon information and belief that Bruno possesses and carries firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Bruno uses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c).

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This paragraph contains also legal conclusions about local and state law, which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the penalty provision does not violate the UFA. As explained above, the other ordinances do not either.

234. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d).

For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

**Count 19 – Declaratory Relief as to Parks Ordinance (10-301.13)**

235. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

236. This paragraph only contains a legal conclusion to which no response is required and is deemed denied under Pa.R.C.P. 1029(a, d).

237. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations. Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance.

238. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations.

239. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations.

240. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations.

Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance. The UFA also creates no obligation to repeal preempted ordinances in any event.

241. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge and to manage its property. The open carry ban is also consistent with the open

carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations. Contrary to Plaintiffs' allegations, Chief Carter was not Chief of Police "at all times relevant hereto." By way of further answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

242. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

243. Harrisburg denies that Plaintiffs are in danger of prosecution and criminal penalties. Plaintiffs have not pled any intention to violate the ordinance. By way of further answer, Plaintiffs do not even live in Harrisburg, and their asserted danger of prosecution is wholly speculative.

Harrisburg admits upon information and belief that Bruno possesses and carries firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Bruno uses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c).

This paragraph contains also legal conclusions about local and state law, which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed

carry and discharge and to manage its property. The open carry ban is also consistent with the open carry ban at state parks. Moreover, Harrisburg's parks receive state funding, which carries with it a perpetual legal duty to follow DCNR regulations.

For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

**Count 20 – Declaratory Relief as to Emergency Ordinance (3-355.2)**

244. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

245. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies. Moreover, the Plaintiffs do not even live in Harrisburg.

246. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable

measures to protect the public during emergencies. Moreover, the Plaintiffs do not even live in Harrisburg. Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance.

247. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open-carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies. Moreover, the Plaintiffs do not even live in Harrisburg.

248. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open-carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies. Moreover, the Plaintiffs do not even live in Harrisburg.

Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance. The UFA also creates no obligation to repeal preempted ordinances in any event.

249. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further

answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open-carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies. Moreover, the Plaintiffs do not even live in Harrisburg. Contrary to Plaintiffs’ allegations, Chief Carter was not Chief of Police “at all times relevant hereto.” By way of further answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

250. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

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251. Harrisburg denies that Plaintiffs are in danger of prosecution and criminal penalties. Plaintiffs have not pled any intention to violate the ordinance. By way of further answer, Plaintiffs do not even live in Harrisburg, and their asserted danger of prosecution is wholly speculative.

Plaintiffs have not pled any imminent risk that the City will declare an emergency and that the Mayor will ban carrying firearms. Harrisburg admits upon information and belief that Bruno possesses and carries firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Bruno uses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c).



In addition, the concealed carry ban only takes affect if the Mayor exercises his discretion. Plaintiffs' asserted risk—that the City will declare an emergency and then the Mayor will ban concealed carry—is wholly speculative. Plaintiffs simply rely on Act 192 for standing, which violates the Pennsylvania Constitution, rendering this nothing more than an unconstitutional and illegal enforcement action.

This paragraph contains also legal conclusions about local and state law, which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, USLS cannot carry a firearm and the other Plaintiffs are barred from open carry under state law, and the Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge and concealed carry and take reasonable measures to protect the public during emergencies.

For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

**Count 21 – Declaratory Relief as to Reporting Ordinance (3-345.4)**

252. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

253. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA as it does not restrict the lawful carrying of firearms.

254. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA as it does not restrict the lawful carrying of firearms. Contrary to Plaintiffs' allegations, as explained above only three members of the current City Council members served when the ordinance was passed, and Mayor Papenfuse took office well after the ordinance was passed.

255. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA as it does not restrict the lawful carrying of firearms.

256. This paragraph only contains a legal conclusion to which no response is required and is deemed denied under Pa.R.C.P. 1029(a, d).

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257. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA as it does not restrict the lawful carrying of firearms. Contrary to Plaintiffs' allegations, as explained above only three members of the current City Council members served when the ordinance was passed, and Mayor Papenfuse took office well after the ordinance was passed. The UFA also creates no obligation to repeal preempted ordinances in any event.

258. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. Contrary to Plaintiffs' allegations,

Chief Carter was not Chief of Police “at all times relevant hereto.” By way of further answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

259. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

260. Harrisburg denies that Plaintiffs are in danger of prosecution and criminal penalties. Plaintiffs have not pled any intention to violate the ordinance. Plaintiffs have not pled any imminent threat of having their firearms lost or stolen within City limits. By way of further answer, Plaintiffs do not even live in Harrisburg, and their asserted danger of prosecution is wholly speculative.

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Harrisburg admits upon information and belief that Bruno possesses and carries firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Bruno uses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c).

This paragraph contains also legal conclusions about local and state law, which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA as it does not restrict the lawful carrying of firearms.

For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

Count 22 – Declaratory Relief as to Discharge Ordinance (3-345.2)

261. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

262. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge.

263. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge. Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance.

264. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge.

265. This paragraph only contains a legal conclusion to which no response is required and is deemed denied under Pa.R.C.P. 1029(a, d).

266. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge. Contrary to Plaintiffs’ allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance. The UFA also creates no obligation to repeal preempted ordinances in any event.

267. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge. Contrary to Plaintiffs’ allegations, Chief Carter was not Chief of Police “at all times relevant hereto.” By way of further answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

268. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

269. Harrisburg denies that Plaintiffs are in danger of prosecution and criminal penalties. Plaintiffs have not pled any intention to violate the ordinance. Plaintiffs have neither pled that they will discharge their weapons within City limits, nor—more specifically—that they will discharge their weapons within City

limits in a way that does not otherwise violate state law. By way of further answer, Plaintiffs do not even live in Harrisburg, and their asserted danger of prosecution is wholly speculative.

Harrisburg admits upon information and belief that Bruno possesses and carries firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Bruno uses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c).

This paragraph contains also legal conclusions about local and state law, which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban discharge.

For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

**Count 23 – Declaratory Relief as to Minors Ordinance (3-345.1)**

270. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

271. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just

reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge, and state law also generally bans unsupervised children from carrying firearms.

272. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge, and state law also generally bans unsupervised children from carrying firearms. Contrary to Plaintiffs’ allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance.

273. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge, and state law also generally bans unsupervised children from carrying firearms.

274. This paragraph only contains a legal conclusions to which no response is required and is deemed denied under Pa.R.C.P. 1029(a, d).

275. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge, and state law also generally bans unsupervised children from carrying

firearms. Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance. The UFA also creates no obligation to repeal preempted ordinances in any event.

276. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. The Third Class City Code—just reenacted in 2014—authorizes Harrisburg to ban concealed carry and discharge, and state law also generally bans unsupervised children from carrying firearms. Contrary to Plaintiffs' allegations, Chief Carter was not Chief of Police “at all times relevant hereto.” By way of further answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

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277. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Plaintiffs are not children. Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

278. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Plaintiffs are not children.

For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.



Count 24 – Declaratory Judgment as to Penalty Provision (3-345.99)

279. Harrisburg incorporates all other paragraphs from its Answer and New Matter herein. This paragraph contains no averment of fact requiring a response and is deemed denied under Pa.R.C.P. 1029(a, d).

280. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the penalty provision does not violate the UFA. As explained above, the other ordinances do not either.

281. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the parks ordinance does not violate the UFA. As explained above, the other ordinances do not either. Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance.

282. The factual contention is denied. Plaintiffs have not pled any intention to violate the ordinances. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Bruno possesses, bears, and uses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c). However, Bruno does not live in Harrisburg.

This paragraph contains also legal conclusions about local and state law, which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d).

By way of further answer, the penalty provision does not violate the UFA. As explained above, the other ordinances do not either.

283. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the penalty provision does not violate the UFA. As explained above, the other ordinances do not either. Contrary to Plaintiffs' allegations, the current City Council members and Mayor Papenfuse did not pass this ordinance. The UFA also creates no obligation to repeal preempted ordinances in any event.

284. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the penalty provision does not violate the UFA. As explained above, the other ordinances do not either. Contrary to Plaintiffs' allegations, Chief Carter was not Chief of Police "at all times relevant hereto." By way of further answer, Chief Carter became acting Police Chief in 2013, and was appointed and sworn in as permanent Police Chief on January 7, 2014.

285. This paragraph only contains legal conclusions to which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, Act 192—on which Plaintiffs rely—violates the Pennsylvania Constitution, and this is an illegal and unconstitutional enforcement action.

286. Harrisburg denies that Plaintiffs are in danger of prosecution and criminal penalties. By way of further answer, Plaintiffs' asserted danger of prosecution is wholly speculative. Plaintiffs do not live in Harrisburg, and are not

children. Plaintiffs do not show any concrete and imminent risk that 1) Harrisburg will declare an emergency and then the Mayor will ban concealed carry, 2) their firearms will be lost or stolen within city limits, or 3) Plaintiffs will discharge weapons in Harrisburg without violating state law.

Harrisburg admits upon information and belief that Bruno possesses and carries firearms. After reasonable investigation, Harrisburg is without knowledge or information sufficient to form a belief as to the truth of any factual averments regarding whether Bruno uses firearms, and therefore those averments are denied under Pa.R.C.P. 1029(c).

This paragraph contains also legal conclusions about local and state law, which no response is required and are deemed denied under Pa.R.C.P. 1029(a, d). By way of further answer, the penalty provision does not violate the UFA. As explained above, the other ordinances do not either.

For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

#### New Matter

287. Plaintiffs fail to set forth any sufficient claim for relief.

288. Plaintiffs lack standing and capacity to sue.

289. Plaintiffs simply claim automatic standing under Act 192 of 2014.

290. Plaintiffs must know this, which explains why they waited until after Act 192's 2015 effective date to challenge ordinances enacted in 1951, 1969, 1971, 1991, and 2009.

291. Act 192 is unconstitutional.

292. As a result, this is an illegal enforcement action under an unconstitutional statute.

293. Act 192 violates the single subject and original purpose rules in Article III, Sections 1 and 3, of Pennsylvania's Constitution.

294. Legislators tacked these standing and attorney fee provisions onto a bill about mental health records (HB 1243), which died in committee.

295. At the tail-end of the legislative session, legislators took that bill and attached it *verbatim* to a bill about theft of copper wire (HB 80).

296. After changing the original purposes of both HB 80 and 1243, the final bill has at least three subjects: firearms, mental health records, and theft of copper wire.

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297. In addition, Act 192 stretches standing beyond its breaking point.

298. A verdict for uninjured plaintiffs violates the very essence of standings.

299. This is even worse when the lawsuits are against municipalities, and, in turn, the taxpayers.

300. Act 192 allows unaffected gun owners to sue municipalities they have never even entered and never will enter.

301. This directly contradicts the general requirement that plaintiffs prove liability and harm.

302. Plaintiffs lack common law standing.

303. By their own admission, Plaintiffs do not live in the City of Harrisburg.

304. Harrisburg enacted the minors ordinance in 1951, emergency ordinance in 1969, discharge ordinance in 1971, park gun ordinance in 1991, and firearm reporting ordinance in 2009.

305. These ordinances—most of which have existed for decades—have not harmed Plaintiffs in any way.

306. The lack of any harm to Plaintiffs is precisely why Plaintiffs never sued before enactment of Act 192 of 2014.

307. Plaintiffs are not under any imminent risk of citation under the ordinances.

308. Plaintiffs have never been cited under the ordinances.

309. Plaintiffs have never been threatened with citation under the ordinances.

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310. By their own admission, Plaintiffs are not children.

311. Hoover and Bruno are adults.

312. Upon information and belief, U.S. Law Shield is a pre-paid legal services company.

313. Upon information and belief, U.S. Law Shield provides legal representation to its customers if they are charged or sued related to firearm use or possession in exchange for a monetary fee.

314. Even if Plaintiffs were children, they would have to follow the state law banning unsupervised children from public carrying of firearms.

315. Upon information and belief, Plaintiffs have never been in the City of Harrisburg during a declared state of emergency by City Council.

316. Mayor Papenfuse has never banned public possession of firearms in the City of Harrisburg.

317. Harrisburg does not know of any prior Mayor who has banned public possession of firearms in the City of Harrisburg.

318. Upon information and belief, even if a prior Mayor ever banned public possession of firearms in the City of Harrisburg, Plaintiffs were not in the City of Harrisburg at the time.

319. Plaintiffs do not have any expectation of a declared emergency in the City of Harrisburg.

320. Even if Plaintiffs entered Harrisburg during a state of emergency, Plaintiffs would have to follow the state law barring open carry during emergencies.

321. Plaintiffs do not have any expectation that, in the event of a declared emergency, Mayor Papenfuse will ban public possession of firearms in the City of Harrisburg.

322. Upon information and belief, Plaintiffs have never lost firearms in the City of Harrisburg.

323. Upon information and belief, Plaintiffs have never had firearms stolen in the City of Harrisburg.

324. Plaintiffs do not have any expectation of an imminent loss or theft in the City of Harrisburg.

325. Upon information and belief, Plaintiffs have not discharged weapons in the City of Harrisburg.

326. Plaintiffs have no expectation of an imminent need to discharge weapons in the City of Harrisburg.

327. If Plaintiffs had to discharge their weapons in self-defense, they could assert self-defense under state statutory law, the common law, and under the state and federal Constitutions.

328. The Uniform Firearms Act does not preempt the ordinances.

329. The Third Class City Code gives Harrisburg explicit authority to prevent discharge and concealed carry:

To the extent permitted by Federal and other State law, council may regulate, prohibit and prevent the discharge of guns and prevent the carrying of concealed deadly weapons.

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53 Pa.C.S. §37423. *See also* 53 Pa.C.S. §3703.

330. The legislature just reenacted the Code just last year.

331. Further, the UFA does not preempt this ordinance because the UFA also prohibits unsupervised children from having guns in public. 18 Pa.C.S. §6110.1.

332. The UFA only preempts ordinances that regulate the lawful possession of firearms:

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.

18 Pa.C.S. § 6120(a) (emphasis added).

333. Because it is illegal for unsupervised children to carry guns in public areas, the ordinance is not preempted.

334. Although the state statute has an exception for hunting, Harrisburg does not enforce the ordinance in a way to restrict hunting.

335. Further, Harrisburg's statutory authority to prohibit discharge gives it authority to prohibit hunting as well and negate the exception.

336. The requirement that persons report a lost or stolen also targets the unlawful transfer of firearms (theft and straw purchases).

337. Accordingly, the UFA does not apply. The UFA has two elements:

No county, municipality or township may in any manner regulate

[1] the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components

[2] when carried or transported for purposes not prohibited by the laws of this Commonwealth.

18 Pa.C.S. §6120(a) (emphasis added).

338. A person who loses a firearm clearly does not possess it any longer. So whoever has the gun now, it is not "carried or transported for purposes not prohibited by the laws of this Commonwealth."

339. Regarding the park and emergency ordinances, as mentioned, the Third Class City Code permits Harrisburg to "prevent discharge" and "prevent the carrying of concealed deadly weapons." 53 Pa.C.S. §37423.

340. The carry bans work to prevent discharge.



341. Further, as to parks, the Third Class City Code authorizes Harrisburg to regulate all conduct in its property and parks.

342. Harrisburg's statutory authority to regulate its property has at least two sources:

In exercising its discretion to make decisions that further the public interest under terms it deems most beneficial to the city, council shall have the power and authority, **subject to any restrictions, limitations or exceptions as set forth in this act, to do any of the following:**

(1) ...manage real and personal property.

53 Pa.C.S. §37402.1(a).

The council of each city shall have power to enact, make, adopt, alter, modify, repeal and enforce in accordance with this act ordinances, resolutions, rules and regulations, not inconsistent with or restrained by the Constitution of Pennsylvania and laws of this Commonwealth, that are either of the following:

(1) ...necessary for the proper management, care and control of the city... and the maintenance of the peace, good government, safety and welfare of the city...

53 Pa.C.S. §37435.

343. The Third Class City Code explicitly authorizes Harrisburg's concealed carry ban.

344. The open carry ban manages city property, and cares for and maintains the peace, safety, and welfare.

345. Finally, the open carry park ban is also consistent with the open carry ban at state parks under DCNR regulations. 17 Pa.Code §11.215.

346. The state conservation grant funding for Harrisburg's parks come with

a perpetual legal duty to comply with DCNR regulations.

347. Turning to the emergency ordinance, the Third Class City Code specifically allows the Mayor during an emergency to prohibit “any other activities as the mayor reasonably believes would cause a clear and present danger to the preservation of life, health, property or the public peace.” 53 Pa.C.S. §36203(e)(3)(iv),(vi).

348. The emergency ordinance implements this grant of authority, allowing the Mayor to determine whether open carry during an emergency endangers the public.

349. Further, Harrisburg only regulates unlawful conduct because the UFA bans carrying guns during declared emergencies. 18 Pa.C.S. §6107.

350. Although the state statute has an exception for concealed carry, the Third Class City Code authorizes Harrisburg to ban concealed carry and negate the exception.

351. Plaintiffs have not demonstrated that the Mayor, Chief, or Council Members have harmed them or will.

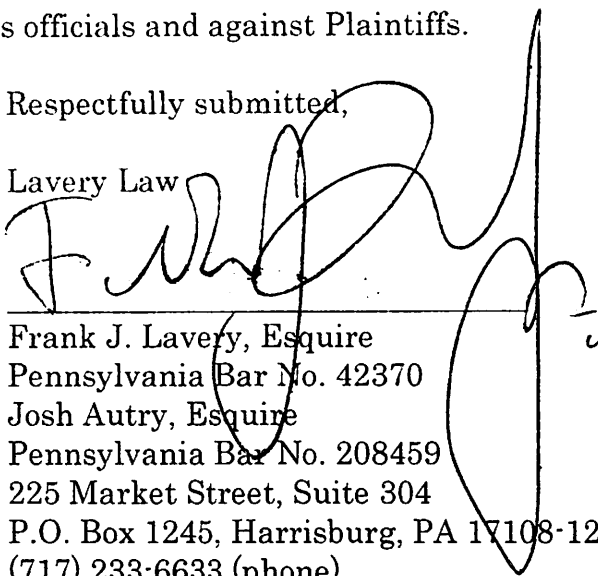
352. All individual Defendants took office after enactment of every single ordinance other than the reporting ordinance, and only three council members were in office at that time.

353. In addition, the individual defendants receive absolute immunity as high officials.

For these reasons, Harrisburg respectfully requests that this Court enter judgment in favor of Harrisburg and its officials and against Plaintiffs.

Respectfully submitted,

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Dated: June 16, 2015

Certificate of Service

I certify that on this date, I served a true and correct copy of this filing by  
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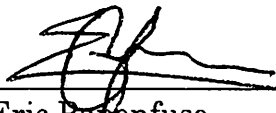
  
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Dated: June 16, 2015

### Verification

The averments of facts not appearing of record in the action and denials of facts are based upon information which has been furnished to counsel by me and information which has been gathered by counsel in the preparation of the defense of this lawsuit. The language of the Answer and New Matter are that of counsel and not my own. I have read the Answer and New Matter and to the extent that it is based upon information which I have given to counsel, it is true and correct to the best of my personal knowledge or information and belief. To the extent that the content of the Answers is that of counsel, I have relied upon my counsel in making this Verification. I understand that the averments of facts not appearing of record in the action and denials of facts are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

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Eric Papenfuse

Dated: June 12, 2015