

No. 23-1353

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

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National Association for Gun Rights, Robert C. Bevis, and Law Weapons, Inc.,  
D/B/A Law Weapons & Supply, an Illinois corporation,

*Plaintiffs-Appellants,*

v.

City of Naperville, Illinois, a municipal corporation, and Jason Arres,

*Defendants-Appellees,*

and

State of Illinois,

*Intervening Appellee.*

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**On Appeal from the United States District Court  
for the Northern District of Illinois, Case No. 1:22-cv-04775  
The Honorable Virginia M. Kendall, Judge**

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**BRIEF OF MARCH FOR OUR LIVES FOUNDATION and  
ILLINOIS ALLIANCE TO PREVENT GUN VIOLENCE as  
*AMICI CURIAE* IN SUPPORT OF APPELLEES**

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## APPEARANCE &amp; CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 23-1353Short Caption: Robert Bevis, et al. v. City of Naperville, et al.

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The Court prefers that the disclosure statements be filed immediately following docketing; but, the disclosure statement must be filed within 21 days of docketing or upon the filing of a motion, response, petition, or answer in this court, whichever occurs first. Attorneys are required to file an amended statement to reflect any material changes in the required information. The text of the statement must also be included in the front of the table of contents of the party's main brief. **Counsel is required to complete the entire statement and to use N/A for any information that is not applicable if this form is used.**

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- (2) The names of all law firms whose partners or associates have appeared for the party in the case (including proceedings in the district court or before an administrative agency) or are expected to appear for the party in this court:  
Tabet DiVito & Rothstein LLC
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- i) Identify all its parent corporations, if any; and  
None as to March For Our Lives Foundation; none as to Illinois Alliance to Prevent Gun Violence
- ii) list any publicly held company that owns 10% or more of the party's, amicus' or intervenor's stock:  
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- (4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:  
N/A
- (5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:  
N/A

Attorney's Signature: s/ Caesar A. TabetDate: May 10, 2023Attorney's Printed Name: Caesar A. TabetPlease indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d).

Yes

No

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Attorney's Signature: s/ Jordan E. Wilkow Date: May 10, 2023Attorney's Printed Name: Jordan E. WilkowPlease indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). Yes  No Address: 209 South LaSalle Street, 7th FloorChicago, Illinois 60604Phone Number: 312-762-9450 Fax Number: 312-762-9451E-Mail Address: jwilkow@tdrlaw.com

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**INTEREST OF AMICI CURIAE**

*Amicus Curiae* March For Our Lives Foundation (“MFOL”) is a non-profit organization of young people from across the country that seeks to promote civic engagement in support of sensible gun regulation and give voice to those who have been harmed by gun violence.<sup>1</sup> On February 14, 2018, a gunman armed with an AR-15-style assault weapon murdered 17 people at Marjory Stoneman Douglas High School in Parkland, Florida. Of the 17 killed, 14 were high school students. MFOL formed in the wake of that tragedy, and it immediately began organizing the largest single day of protest against gun violence in the nation’s history. Five years later, MFOL has established itself as one of the foremost authorities at the intersection of youth-led activism and advocacy for gun violence prevention, and thousands of young people have formed MFOL chapters across the country, including in Illinois. In the nationwide effort to enact sensible gun regulation, MFOL serves as a platform for the indispensable voice of the younger generations, and it is a key resource for those who want to see an end to gun violence in this country.

*Amicus Curiae* Illinois Alliance to Prevent Gun Violence (the “Alliance”) is the voice of the grassroots gun prevention movement in Illinois. Formed in 2022 and already representing nearly 50 member organizations from across the state, the Alliance serves as a hub for collaboration, a gun violence prevention information

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<sup>1</sup> All of the parties have consented to the filing of this brief. No counsel for a party authored this brief in whole or in part, and no person or entity, other than *amici* and their counsel, has contributed money that was intended to fund preparing or submitting this brief.

clearinghouse, and an advocate for common sense gun violence prevention measures.

Unlike previous generations, this nation's youth have come of age at a time when mass shootings in presumptively "safe" places are all too common. Although they did not ask for it, and although no one would have wished it upon them, today's youth have obtained a unique perspective on the tragic scourge of gun violence in this country. Taking account of their voices and experiences is therefore vital to understanding the unprecedented nature of the problem, and to assessing the costs and benefits of measures that governments are attempting to employ in response to it. As platforms for young people affected by gun violence, *amici* MFOL and the Alliance are uniquely positioned to provide the Court with this important perspective.

On July 4, 2022, the city of Highland Park, Illinois joined the long list of communities to suffer a mass shooting when a gunman wielding a semi-automatic assault rifle opened fire on the City's Fourth of July parade. Northern Illinois University in Dekalb, Illinois tragically joined that list on February 14, 2008. And everyday gun violence has become a sad reality for many communities in Chicago, Illinois. With the Alliance, MFOL has reached out to survivors of these tragedies, young people and parents of young children who are grappling with the horrific violence they've encountered and struggling to find comfort in what can be done about it. MFOL has conducted extensive interviews, and it has provided a means for these individuals to engage in the civic process and share their experiences.

Informed by these important insights, this brief provides a vital and unique perspective on two crucial questions in this appeal: (i) does the threat posed by assault weapons and large capacity magazines (“LCMs”) implicate an unprecedented societal concern; and (ii) what harm would result if the District Court’s decision were reversed and Plaintiffs’ motion for preliminary injunction were granted? As set forth below, the threat of violence from assault weapons and LCMs looms over these Illinois citizens in a way that their parents and grandparents did not experience. It is a deeply held concern that is without precedent, and these Illinoisans derive substantial personal benefit from the fact that, through the Protect Illinois Communities Act, 720 ILCS 5/24-1, (the “Act”), *their* state has chosen to preclude the possession and sale of assault weapons and LCMs. And indeed, they would suffer serious harm were enforcement of the law enjoined.

*Amici* MFOL and the Alliance respectfully submit this friend-of-the-Court brief to share with the Court their perspective as shaped by these citizens’ stories, and to assist the Court in understanding both the unprecedented nature of the concern at issue and the substantial harm that will result if it does not affirm the lower court’s order denying Plaintiffs’ motion for a preliminary injunction.

### **ARGUMENT**

This Court can affirm the District Court’s decision “on any basis that appears in the record.” *Bivens v. Trent*, 591 F.3d 555, 559 (7th Cir. 2008). To succeed on their motion for a preliminary injunction, Plaintiffs were required to, among other



things, demonstrate a likelihood of success on the merits, and demonstrate that the harm that would result were their motion denied would exceed the harm that would result were their motion granted. *See American Hosp. Supply Corp. v. Hospital Products Ltd.*, 780 F.2d 589, 593-94 (7th Cir. 1986); *see also Nken v. Holder*, 556 U.S. 418, 435 (2009) (recognizing that the balance of harms and public interest factors “merge” when the opposing party is the government).

Relevant here, in assessing the constitutionality of the firearm regulations at issue, (and, by extension, the likelihood that Plaintiffs’ challenge will succeed on the merits), the Court should determine whether the regulations implicate “unprecedented societal concerns” and therefore require a “more nuanced approach” when reviewing the historical record for analogous regulations. *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111, 2132 (2022). Here, the regulations at issue plainly implicate unprecedented societal concerns. And, if Plaintiffs’ motion were granted, the resulting harm would be severe. *Amici* respectfully submit for the Court’s consideration one component of that harm and the related unprecedented concern, which, to be fairly and fully understood, requires an understanding of the experiences of 20 Illinois citizens, each a survivor of assault weapon violence or the family member of a victim.

## **I. Highland Park, Illinois**

**Samantha (Sammi) Verhey, 35.** Sammi Verhey grew up in Highland Park, and, after moving away for a short time, returned with her husband, Max, and their four-year-old daughter and one-year-old son to raise their family there. Attending

Highland Park's Fourth of July parade was one of her childhood family traditions, and, with the parade having been suspended for the previous two years due to the COVID pandemic, July 4, 2022 was her first opportunity to resume that family tradition with her own children. Their son and daughter would participate in the children's "pre-parade" – Sammi spent weeks tailoring their costumes – and her parents, Kris and Wayne, would join them as well.

**Abby Kisicki, 23.** Highland Park native Abby Kisicki has feared the possibility of encountering a mass shooting for as long as she can remember. She and her twin sister, Carrie, attended Highland Park's Fourth of July parade as children; their favorite spot was by the train tracks, and they would collect candy and chip clips from friendly local businesses. On the morning of July 4, 2022, Abby did not particularly feel like going to the parade. Ultimately, though, she decided to join her mother, Nancy, and her father, Mark, to take in the festivities. Rather than settle in near the train tracks, they broke with their family tradition and found a place near the middle of Port Clinton Square. The parade's vulnerability to a mass shooting crossed her mind, but that was not uncommon for her.

**Shane Selig, 30.** Shane Selig grew up about 30 minutes south of Highland Park in Chicago, and he moved to Highland Park in March 2021. It is the first time he has lived somewhere where he has not felt compelled to keep his garage door closed and his doors locked. Because his mother had lived in Highland Park before he did, Shane had relationships with the community before moving to town. These included joining the City's volunteer Community Emergency Response Team

(“CERT”), and volunteering as a CERT member at prior Highland Park Fourth of July parades. He was on duty as a CERT member on July 4, 2022, his first activation in two years. Riding his bike to the parade that morning, Shane expected to assist in ways typical of his past experiences as a CERT member: controlling the crowd, handing out band-aids, and making sure children did not dart out in front of the parade line.

**Ashbey Beasley, 46.** Ashbey Beasley moved to Highland Park in 2017, right after her six-year-old son was born. One of her favorite things about Highland Park is the community events, and she believes its Fourth of July parade is one of its best. On July 4, 2022, though, she was having a hard time getting the rest of her family excited for the day. Her husband would opt out, and her son was not interested. Despite his protests, however, Ashbey ultimately insisted that her son accompany her to town, wanting him to have his first opportunity to walk in the parade and pass out candy to his friends. She was confident that he would love it.

**July 4, 2022 – 10:14 a.m.**

When Sammi first heard a rapid series of loud pops, she did not know what to make of it. She remembers thinking that fireworks in the middle of the day did not make sense. Then she saw a look of horror on the face of a woman standing on the corner of Central Avenue and Second Street. She immediately knew that there was grave danger, and that she and her family had to get out.

Abby was just getting settled at the parade when she first heard a wave of loud pops. She assumed it was the sound of Navy reenactors firing blanks into the

air, a feature of the parade in years past. But then she heard a second wave of pops, and she saw people begin to run. At that point for her, the world went silent.

Shane was riding his bike west on Central Avenue when he heard what he thought was a car backfiring or a firecracker. Turning his bike around toward the noise, he saw someone fall to the ground in obvious distress. He quickly abandoned his bike and started running in that direction. As he got closer, he saw that the person was bleeding. Then he saw that brain matter was coming out of the person's head. Before he could process what was in front of him, he became conscious of more victims around him, the rapid loud pops continuing.

Ashbey and her son were set to begin walking in the parade when she became confused by the sound of fireworks in the middle of the day. Then she saw the entire high school football team sprinting toward her, in the opposite direction of the parade route. And then she heard screaming. She saw mothers and fathers pulling and holding young children, frantically running toward her. She heard someone yell, "There's been a shooting!" And she and her son began to run too.

Struggling to get away from the frenzied crowd amid the incessant pops, Sammi had not only their two children to account for, but also her elderly parents. Fortunately, their son was still in his stroller, and she began running with it as fast as she could. Max grabbed their daughter's arm and followed, but they were outpacing Sammi's parents, and the gap between them quickly widened.

Abby started to run as fast as she could. She remembers thinking, "I have to run," repeatedly as she sprinted down the throughway behind where she had been

sitting and past a pediatrician's office. She tripped down some steps and scraped her knee, but she picked herself up and kept running.

Shane was aware that the police were focused on finding the shooter, and the firefighters were struggling to get through the crowd. Then he realized that he and the other CERT members were the only emergency response officials immediately available to assist people in need of medical attention. He had been given a first-aid kit with three pieces of gauze in it.

Ashbey's only thought now was getting home. They lived nearby, but home was toward the shooting. Running through the crowd with her son, they saw adult men falling to the ground, tripping in panic and fear. They saw other adults sobbing hysterically, and they heard panicked voices yelling about the number of shooters, that the shooter had been caught, and that the shooter was coming.

Sammi remembers a brief respite when the rapid pops suddenly stopped. She immediately felt relief and was able to regain her focus, thinking she and her family were finally safe. She started to double back to collect her mother and her father, and then the rapid pops resumed. She later learned that the shooter had just emptied one 30-round magazine, pausing briefly to load another.

Reaching First Street, Abby saw streams of people running, holding children's hands and pushing strollers. Most striking to her was that the crowd of fleeing, frightened people was full of people she knew – she saw friends, neighbors, and acquaintances, and they all looked shell-shocked or stricken. As she turned down First Street, she realized that her mother and father had not kept up and

were no longer with her.

A man approached Shane with a huge red spot on his shirt – he had been shot. Shane pulled him down to the ground, and he did what he could to stop the bleeding with his bare hands, placing his fingers so deep into the wound that he could feel the man’s heart. To one side, another man had been shot in the leg, and Shane began cutting off clothing to use as a tourniquet to stop the bleeding. The man’s mother asked if her son’s life was at risk because her daughter had also been shot, and she was running between them. Shane began to administer CPR to yet another victim, and he remembers that a police officer held a riot shield over Shane’s head in an effort to protect him from any further gunfire.

Ashbey could see that fear and panic was beginning to overcome her six-year-old son. He stopped running and laid himself out on the ground, and Ashbey heard him pleading not to die. She crouched down and asked him over and over to get up and promised to keep him safe. When her son finally did get up, he began to jump up and down yelling, “I don’t want to die!”

By now, Max had run ahead of Sammi with their daughter, west on Central Avenue. She saw them run into a gas station, and she followed with her son and her mother. Leaving them with Max, Sammi ran back out to assist her father, who by then was just reaching the parking lot. Sammi and her family would remain in the gas station for the next two hours, unsure whether sitting or fleeing was the safer option.

Running down First Street, Abby finally crouched down at the corner of First and Laurel Avenue to take a break. She was breathing hard, suddenly conscious that she had been running for her life. At that point she found some close family friends who brought her along with them to seek shelter. Finally safe, she was able to reach her mother by phone and learned that her mother was no longer in harm's way, but her father was missing.

Shane came across a woman lying on the ground. A bullet's entrance wound in her clavicle was small, but he found that the internal damage it caused was catastrophic. Finding a diaper bag that had been left behind, Shane quickly looked for something to use to stop the bleeding. But as a firefighter handed him a stack of triage cards, Shane knew that she could no longer be helped. He had to stop other people, who Shane later learned were members of the woman's family, from continuing to attempt to resuscitate her.

When Ashbey and her son finally met Ashbey's husband and got into his car, she heard her son let out a gut-wrenching scream, and he collapsed in the back seat. When they returned home, her son slammed the door and said, "I'm never going to a parade again!" Ashbey saw her husband start to sob on the driveway.

In less than 90 seconds, 83 shots were fired into the crowd from a semi-automatic assault rifle. The shooter had to pause to reload his weapon only twice. Seven people were killed, 48 more were injured. Hundreds of lives were irreparably harmed and changed forever.

## II. Northern Illinois University

On February 14, 2008, in a city just over an hour's drive west from Highland Park, a gunman armed with semi-automatic pistols and a shotgun committed a mass shooting at Northern Illinois University.

**Patrick Korellis, 37.** Growing up in the northern suburbs of Chicago at the start of what would become the mass shooting generation, Patrick saw mass shootings occur on the news with increasing frequency. Before the NIU shooting, though, he never felt unsafe on or off campus and never thought a shooting could happen at his school. He was a senior at NIU in February 2008, and on the morning of February 14, he was debating whether he should attend his oceanography class, his last of the day. Ultimately, he decided to go to class, and sat in the aisle seat near the front of the lecture hall.

**Mary Kay Mace, 59.** Mary Kay and her husband, Eric, had one child, Ryanne Mace. Although gun violence was not on Mary Kay's radar before her daughter was born, seeing news coverage of mass shootings like Columbine and Virginia Tech later caused Mary Kay immense anxiety. In February 2008, Ryanne was a sophomore at NIU studying to become a clinical therapist. She would have turned 35 years old on May 13, 2023, just days after this brief's filing date.

### **February 14, 2008 – 3:05 p.m.**

About an hour into Patrick's oceanography lecture, he saw a gunman kick open a door at the front of the classroom and begin firing. Shocked and terrified, Patrick immediately took cover underneath his desk. When there was finally a



pause in the barrage of bullets, someone yelled that the shooter was reloading, and Patrick saw his classmates running to the doors at the back of the classroom. He followed them, crawling on the floor. Before he could reach safety, the gunman opened fire again.

Patrick felt a sharp pain at the back of his neck, and when he reached back to feel the area that hurt, his fingers came back covered in blood. He was able to keep moving though, and he finally pulled himself outside, light-headed but still conscious. When the first responders arrived, Patrick was put in a police car because there were not enough ambulances for all of the students that had been harmed. He was soon taken to the hospital, where he learned that he also had been shot in the arm.

While busy at work, Mary Kay received a call from her boss's wife asking if she had heard that there had been a shooting at NIU. She immediately called Ryanne, and she tried not to worry when her daughter did not answer her phone. She left work to head home, where she and her husband, Eric, continued trying unsuccessfully to reach Ryanne. Then one of Ryanne's friends called and told Mary Kay and Eric that Ryanne had been in the oceanography lecture where the shooting had occurred. They immediately jumped in the car and rushed to campus, the roads packed with snow and ice.

Patrick's mother and father, like many parents of NIU students that day, rushed to campus as soon as they heard about the shooting. The police told Patrick's family that he had been shot, but his family did not know whether he was

alive. It took Patrick's mother three hours to make the hour and forty-minute drive from their home. She rushed into the hospital, in tears and with a red face, but ultimately overjoyed to find Patrick alive. His father and brother also arrived soon after.

On their way to the University, Mary Kay and Eric stopped at a hospital in Sycamore. Ryanne's name was not listed among the wounded, but a police officer told them that one victim who had been fatally shot had not yet been identified. After hours of waiting, during which Mary Kay wanted to leave and search for their daughter, Mary Kay and Eric were finally moved to a room where they found a hospital chaplain waiting for them. Mary Kay then knew that they were being taken to identify their daughter's body. She saw Ryanne laying on a cold metal table with a sheet pulled up to her chin.

Ryanne, along with four other classmates, died in the NIU shooting. She died from multiple gunshot wounds and, at 19 years old, was the youngest killed that day. 17 others were injured.

### **III. Chicago, Illinois**

Assault weapons violence in Illinois is not limited to mass shootings. Such weapons are used frequently in instances of everyday gun violence as well.

**Tre Bosley, 24.** Tre grew up with his parents, Pam and Tommie Bosley, and his older brothers, Terrez and Terrell Bosley. Terrell was a talented bassist who loved to play gospel music. He enjoyed painting shoes, acting in school plays, and attending church with his family. But mostly, he wanted to "just play music for the

world,” and he performed with his band at multiple churches across the city. Terrell was fiercely protective of his little brother, Tre.

#### **April 4, 2006**

April 4, 2006 started like any other day in the Bosley home. In the morning, Pam sent Tre upstairs to wake Terrell up. The brothers went to school, and afterward Terrell attended band practice at church while Tre did homework at home with his father.

Then Pam received a phone call informing her that Terrell had been shot. Tre and his family immediately drove to the church. When they arrived, the parking lot was dark, save for the flashing lights of an ambulance. Tre saw paramedics loading his brother into the back of the ambulance on a stretcher, and then they followed the ambulance to the hospital. On the way, Pam told Tre and Terrez to keep praying and that everything would be fine.

Once at the hospital, Tre’s parents went with Terrell into the emergency room while Tre and Terrez sat in the waiting room. Shortly thereafter, their father emerged and told them that their brother was no longer with them.

Terrell was just 18 years old when he was shot by a 45-millimeter semi-automatic pistol at a place he thought was safe—the parking lot of a well-loved and often-frequented community church. Terrez was 13, and Tre was just 7 years old when they lost their brother.

**Mechelle Moore-Carter, 53.** Mechelle’s seventeen-year-old son Erin Carey was a bubbly “jokester” kid who loved sports and anything to do with automobiles.

In the summer of 2018, Erin had just graduated high school, and he planned to spend the summer working at his church's senior center. In September, he planned to attend truck driving school. On June 18, 2018, however, Mechelle woke up to devastating news: her son and only child Erin had been shot.

#### **June 17, 2018 – June 19, 2018**

On June 17, 2018, Mechelle, Erin and their family had dinner with Mechelle's mom, Erin's grandmother. Shortly after dinner, Erin headed out with his friends to celebrate their recent high school graduation. Mechelle told her son, "Love you, be careful." Mechelle had always feared for her son's safety while he was out in public, largely because of the gun violence that she believed "plagued his generation." Erin responded, "always Mom." They would be his last words to his mother.

The next morning, a 5:30 a.m. FaceTime call from some of Erin's friends woke Mechelle before her alarm went off. At first she assumed that her son's friends had just mistakenly called her instead of Erin. Then she heard Erin's friends tell her that Erin had been shot. She was in disbelief.

She immediately got dressed and ran out of the house, thinking to herself "this is not real." She called her husband and Erin's step-father, Eric Carter, and they both met at Cook County Hospital, where Erin had been taken. Doctors and nurses were still attending to Erin when Mechelle arrived, and she had to wait "seemingly forever" to see him.

She soon learned that Erin had been shot in the head. Tragically, the wound would prove fatal, and doctors pronounced Erin dead the following day on June 19. Mechelle burst into tears when she heard the news. She would later learn that paramedics arriving at the scene had immediately put a white sheet over Erin, believing that he could not be helped. Erin's friends could see that he was still alive, however, and ultimately persuaded the paramedics to attend to him and take him to the hospital. Erin's funeral was held on June 23, 2018, shortly before what would have been his eighteenth birthday.

#### **IV. Aftermath**

Sammi has remained on edge since July 4, 2022, particularly when at public gatherings. Her four-year-old has suffered from severe separation anxiety and is in counseling. Sammi prays that her 1-year-old was not traumatized, but realizes they will not know for some time. She is deeply troubled by the seemingly unprecedented nature of the threat of mass shootings and what that means for a society attempting to address it. And she believes that the nature of the shooter's weapon enabled much of the devastation that was caused that day. She takes great comfort in knowing that the people in her state have chosen to respond to this new threat by banning the sale and possession of such weapons in Illinois – a step she feels is “crucial.” The possibility that her state would be required to suspend enforcement of this ban – particularly now, and under these circumstances – is abhorrent to her. It would cause her severe emotional and psychological distress and to feel deeply betrayed, at a time when she already feels traumatized and

struggles each day to feel safe.

Abby frequently thinks of what she witnessed on July 4. Her father turned up safe and uninjured – she later learned that he had run back toward the shooting when he realized that Abby was not with them, terrified that he would find her injured there. But Abby often finds herself imagining alternative realities in which her parents had been fatally harmed. She feels outrage at the scale and speed with which the shooter was able to indiscriminately take – to violate – so many innocent lives. She is fiercely proud of her state’s assault weapons ban, and would feel profound hurt, vulnerability, sadness, and loss if it were no longer enforced. Illinois democratically enacted the ban in response to a mass shooting in her own community, and the fact that someone is seeking to prevent her community from enforcing it is particularly painful.

Shane was alarmed to learn that the shooter lived near him, at the same cross streets. He continues to experience episodes of profound sadness over the enormity of the event and the loss of life. A single shooter was able to create what felt like a war zone in just seconds. He saw dozens of people injured in the blink of an eye, immediately overwhelming any reasonable emergency medical response. And the injuries he saw the weapon cause were not merely debilitating – they were catastrophic. He believes that the threat of mass shootings and the assault weapons and LCMs that help to enable them is a threat that is different in kind from the gun violence that our country has confronted in the past, and Shane is proud that his state has seen fit to ban such weapons. After what he and his city

experienced on July 4, he would feel deeply troubled if the ban were no longer enforced. He would feel less safe, as if the community were being forced to tempt fate and invite another tragedy, and he would feel distressed for the children and families of his community.

Ashbey and her son have been deeply impacted by the trauma they experienced on July 4. On one occasion, her son told Ashbey that his “head hurt because it was so full of thoughts” and then immediately vomited. Her son says he feels “really sad” and “angry” whenever he thinks about the parade, and Ashbey fears for her son’s recovery from the trauma. Ashbey herself is struggling, and she finds that she now is always scanning rooftops and looking for exits while out in public. She believes the threat of mass shootings is unlike anything her parents or grandparents had to confront, and that serious action is required from the government to address it. Ashbey takes comfort in the fact that the people of her state chose to ban assault weapons and LCMs, and she has discussed the significance of the law with her son. Were enforcement of the law suspended, she would feel less safe, and suspension of the law now, of all times, would feel to her like a slap in the face. Ashbey would be afraid to send her son to school without an assault weapons ban in place, and her son has asked her every day whether people can have such weapons in Highland Park. He says that if the ban were not enforced, he would “feel scared and have torture in my life again.”

Patrick believes the February 14, 2008 shooting irrevocably changed him. Bullet fragments remain embedded deep in his head and arm. He has visible

scarring along his arm, and on cold days, he feels a sharp pain in his head. When in public places, he finds himself scanning for potential gunmen and planning escape routes for himself. Patrick is proud that his state has chosen to ban assault weapons and LCMs, and he takes comfort in the additional safety he believes it provides. He believes that regulating such weapons will prevent further deaths and injuries, and he would feel profound disappointment and loss if the ban were no longer enforced.

Mary Kay and Eric feel the loss of their only child acutely, and Mary Kay often thinks of the grandchildren she and Eric might have had. They sold their house in the months that followed the NIU shooting, unable to cope with living in the house their daughter had once called home. Mary Kay would be profoundly disappointed if the Court were to stop enforcement of the Act, and she would feel “disgusted” if the democratic process that enacted the ban were subverted. Though Mary Kay currently feels safe in public, she would feel less so if the Act were no longer enforced.

Terrell’s death devastated his family. Only seven years old at the time, Tre did not begin to fully comprehend Terrell’s death until months after his passing, when he found that Terrell still had not returned. The Bosley family stopped listening to music, especially gospel music, for months after the shooting. As Tre came of age, his brother’s death impacted him anew as Tre continued to better understand what had been taken from him. When he turned 18, he recognized all that he had yet to accomplish as an 18-year-old, and all that his brother, who died



at age 18, would never get to accomplish. Tre's work now focuses on everyday gun violence. In 2012, He founded B.R.A.V.E. (Bold Resistance Against Violence Everywhere) Youth Leaders, a Chicago-based, peer-led violence prevention youth council that works throughout their community to effect change through rallies, marches, mentoring, and discussions. He has seen how assault weapons and devices called "switches" that convert semi-automatic pistols into fully automatic weapons – both banned under the Act – are used on a daily basis in Chicago, and he believes that easy access to such weapons has drastically impacted the safety of the Chicago community. Tre had never felt safe in public, and that sense of a lack of safety has only intensified over time. Tre was "incredibly happy" when his state enacted a statewide ban of assault weapons and LCMs. He says that the law "makes him feel so much safer," and were enforcement of the law suspended, he would feel "more than just upset" – he would feel "actively disrespected."

Michelle misses her son every day. She is unable to visit his gravesite or the place where he was shot, and she is only recently able to speak about what happened to him without crying. In an effort to cope with the loss of her son, she joined Purpose Over Pain, an organization formed by Chicago-area parents who lost their children to gun violence. She has been actively involved with the group, raising awareness about gun violence, advocating for gun violence prevention, and volunteering with their newly created crisis hotline. Mechelle strongly supports the Act, which bans a gun found at the scene where her son was shot. She believes that, particularly given the damage that assault weapons and LCMs can cause, it is

appropriate for them to be tightly regulated, and she would feel deeply troubled if the Act were no longer enforced.

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Sammi, Max, their two children, and Sammi's parents, Kris and Wayne; Abby and her parents, Nancy and Mark; Shane; Ashbey and her son; Patrick; Ryanne and her parents, Mary Kay and Eric; Tre and his brother Terrell; Mechelle and her son Erin – 20 Illinois citizens who are sadly representative of communities that have endured horrific tragedies at the hands of gunmen wielding the weapons that are regulated by the Act. As underscored by their stories, they each derive profound comfort from Illinois' democratically enacted assault weapons and LCM ban and what it represents: a choice that *their* state has made to address a threat that is without precedent in our nation's history, and to affirm that these weapons, capable of so quickly causing such devastation on so large a scale, have no place in Illinois.

Having experienced the trauma of gun violence, the pain that would be caused were their state's collective will undone is all the more acute. As MFOL has found in other communities confronting gun violence, survivors describe the distress of a potential encounter with an assault rifle as "terrorizing," as causing acute physical illness, as "tortuous." It is no wonder, then, that survivors would experience discarding their community's stated preference on so consequential an issue as a painful, personal affront, a "slap in the face," hitting "very close to home."

Plaintiffs' motion asks the Court to force Illinois to permit the sale and possession of assault weapons and LCMs while Plaintiffs attempt to prove that the law banning them is unconstitutional. As discussed, however, upending the status quo in this manner and at this time would cause serious harm to the individuals identified above. *See American Hosp. Supply*, 780 F.2d at 593 (“[a] district judge asked to decide whether to grant or deny a preliminary injunction must choose the course of action that will minimize the costs of being mistaken”); *see also Baird v. Bonta*, No. 2:19-cv-617, 2022 WL 17542432, at \*8 (E.D. Cal. Dec. 7, 2022) (courts hesitate to issue preliminary injunctions where the costs of doing so mistakenly are “likely far-reaching, difficult to estimate, and potentially deadly”). The harms described above plainly outweigh any harm to Plaintiffs that might be caused by denying the extraordinary remedy that Plaintiffs seek, and the District Court therefore correctly denied Plaintiffs' motion. *See Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20-33 (2008) (vacating preliminary injunction without addressing the merits and despite assuming that the movants would be irreparably harmed because the movants failed to show that “the balance of equities tip[ped] in [their] favor, and that an injunction [was] in the public interest”).

**CONCLUSION**

For the foregoing reasons, this Court should affirm the judgment of the District Court.

Dated: May 10, 2023

Respectfully submitted,

**MARCH FOR OUR LIVES FOUNDATION  
ILLINOIS ALLIANCE TO PREVENT GUN  
VIOLENCE**

*/s/ Jordan E. Wilkow* \_\_\_\_\_

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**CERTIFICATE OF COMPLIANCE**

This document complies with the type-volume limitations of Fed. R. App. P. 29, Circuit Rule 29, Fed. R. App. P. 32, and Circuit Rule 32 because this document contains 6,035 words, excluding the parts of the document exempted by Fed. R. App. P. 32(f).

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Dated: May 10, 2023

*/s/ Jordan E. Wilkow*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 10, 2023, the brief of *amici curiae* March For Our Lives Foundation and Illinois Alliance to Prevent Gun Violence was filed with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: May 10, 2023

Respectfully submitted,

/s/ Jordan E. Wilkow