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Pro Querente

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

**MONTANA SHOOTING SPORTS
ASSOCIATION, SECOND
AMENDMENT FOUNDATION,
Inc., and GARY MARBUT,**

Plaintiffs,

v.

**ERIC H. HOLDER, JR.,
ATTORNEY GENERAL OF THE
UNITED STATES OF AMERICA,**

Defendant.

Cause No. **CV-09-147-M-DWM**

***PLAINTIFFS' LR 7.4 NOTICE OF
SUPPLEMENTAL AUTHORITY
(Holder v. Humanitarian Law
Project)***

Plaintiffs Montana Shooting Sports Association, Second Amendment
Foundation, Inc., and Gary Marbut ("Plaintiffs"), by and through their

counsel of record, hereby submits pursuant to L.R. 7.4 the following:

NOTICE OF SUPPLEMENTAL AUTHORITY

Defendant Eric H. Holder, Jr., Attorney General of the United States of America ("Defendant") filed a motion to dismiss, which has been fully briefed. Defendant argues Plaintiffs have no standing to challenge Defendant's interpretation of the federal statutes at issue, and should be required to await criminal prosecution to challenge Defendant's application of the statutes in this case. Since the final briefs were submitted on the motion, however, the United States Supreme Court decided *Holder v. Humanitarian Law Project*, ___ U.S. ___, ___ S.Ct. ___, 2010 WL 2471055 (U.S.) (June 21, 2010). It holds that plaintiffs "should not be required to await and undergo a criminal prosecution as the sole means of seeking relief." *Id.*, * 11.

This authority bears specifically on the standing and the "consent to be sued" issues argued specifically in Plaintiff's Response Brief in Opposition to Motion to Dismiss (Dkt. No. 51) at pp. 7 through 14.

Such authority was not cited or argued in the briefs because it was

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promulgated after filing of the last brief concerning the motion to dismiss.

See, L.R. 7.4.

Dated this 13th day of July, 2010.

Respectfully Submitted,
SULLIVAN, TABARACCI & RHOADES, P.C.

By: /s/ Quentin M. Rhoades
Quentin M. Rhoades
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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of July, 2010, I served a true and correct copy of the foregoing on the following persons by the following means:

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