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News Release

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Sibley's Second Amendment FOIL/Red Flag Lawsuit Set for Hearing September 9, 2019, at Bath, N.Y.

CORNING, New York – As a complement to his recently-filed [Federal Lawsuit](#) challenging New York's criminalization of handgun possession in the home in clear violation of the Second Amendment, Montgomery Blair Sibley has filed an [Article 78 lawsuit](#) under New York's Freedom of Information Law ("FOIL") challenging New York's procedure for granting pistol permits.

In his Article 78 Lawsuit, Sibley sought a "complete copy of records or portions thereof pertaining to all Pistol /Revolver License applications and Pistol /Revolver License files for each person granted or denied a Pistol /Revolver License in Steuben County for the years 2016, 2017, 2018 and 2019." In response, the Records Access Officer for Steuben County claimed that she was prohibited from releasing that information under New York Penal Law §400(5)(b).

Said Sibley: "Of course Steuben County must follow the law as written and deny my request. I am challenging that denial by Steuben County on the grounds that Albany has created a secret, extrajudicial, Red Flag system to deny New Yorkers the right to possess handguns in their homes as secured by the Second Amendment. That system secrets pistol permit applications and determinations from public view. By hiding the "why" of who is getting – and who is not – getting pistol permits, Albany can and is treating persons seeking a pistol permit who are similarly situated differently. That allows for the arbitrary and discriminatory granting of pistol permits and thus violates Equal Protection guarantees."

The Honorable Judge Wiggins has issued an [Order to Show Cause](#) in which he set a hearing on Sibley's Article 78 Lawsuit for **September 9, 2019 at 10:00 a.m.** at the Steuben County Courthouse, 3 E. Pulteney Square, Bath, N.Y. 14810.

Background on the lawsuits and Montgomery Blair Sibley can be found on his blog: [Amo Probos](#).

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