

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CARL HIGBIE, JOSEPH HARRIS, and
MICHAEL VORTUBA,

Plaintiffs,

-against-

STEVEN G. JAMES, in his Official Capacity as
Superintendent of the New York State Police,
SHERIFF KYLE BOURGAULT, in his Official
Capacity as the Sheriff of Rensselaer County,
New York, SHERIFF DONALD J. KRAPF, in
his Official Capacity as the Sheriff of Columbia
County, New York, and JOHN DOES 1-10,

Defendants.

**DEFENDANT STEVEN G.
JAMES' ANSWERS TO
PLAINTIFFS' REQUEST
FOR ADMISSIONS**

1:24-CV-174
(MAD/TWD)

Defendant, Steven G. James, sued in his Official Capacity as Superintendent of the New York State Police ("NSYP") (the "Superintendent"), by his attorney, Letitia James, Attorney General of the State of New York, Matthew J. Gallagher, of counsel, pursuant to Federal Rule of Civil Procedure 36, responds to Plaintiffs' Request for Admissions as follows.

REQUESTS

REQUEST FOR ADMISSION 1: Please admit that Sergeant Brennan spoke to Plaintiff Harris about applying for a nonresident New York state pistol permit.

RESPONSE

The Superintendent cannot truthfully admit nor deny this request. Sgt. Brennan has no recollection of having a conversation specifically with Plaintiff Harris about applying for a nonresident New York State pistol permit. The NYSP gun line does not create any records of phone calls from the public, and often times callers do not identify themselves by name. Thus, following a reasonable inquiry, the Superintendent lacks sufficient knowledge or information

enabling him to admit or deny this request.

REQUEST FOR ADMISSION 2: Please admit that Sergeant Brennan told Plaintiff Harris he could not apply for a New York state pistol permit.

RESPONSE

The Superintendent cannot truthfully admit nor deny this request. Sgt. Brennan has no recollection of specifically telling Plaintiff Harris that he could not apply for a New York State pistol permit. The NYSP gun line does not create any records of phone calls from the public, and often times callers do not identify themselves by name. Thus, following a reasonable inquiry, the Superintendent lacks sufficient knowledge or information enabling him to admit or deny this request.

REQUEST FOR ADMISSION 3: Please admit that New York law prevents or does not allow someone from obtaining a New York state pistol permit if that person does not reside in, is not principally employed in, or does not own property in New York.

RESPONSE

Denies.

REQUEST FOR ADMISSION 4: Please admit that, if New York law allowed nonresident pistol permits to be issued, you would have allowed Plaintiff Harris to apply.

RESPONSE

Objection: The Superintendent objects to this request for admission because it cannot be admitted or denied in its current form.

REQUEST FOR ADMISSION 5: Please admit that New York does not have reciprocity and thus does not recognize with any other state's pistol permit.

RESPONSE

Admits that New York State does not acknowledge pistol permits issued by other states to permit lawful possession or carry of pistols in New York State.

REQUEST FOR ADMISSION 6: Please admit that you or your office has never issued a license to carry a firearm to a nonresident who does not meet one of the enumerated statutory exceptions.

RESPONSE

Objection: The Superintendent objects to this request for admission because it cannot be admitted or denied in its current form.

REQUEST FOR ADMISSION 7: Please admit that you or your office will not issue a license to carry a firearm to a nonresident who does not meet one of the enumerated exceptions.

RESPONSE

Objection: The Superintendent objects to this request for admission because it cannot be admitted or denied in its current form.

Dated: Albany, New York
July 12, 2024

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