

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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HEIDI BERGMANN-SCHOCH, COALITION OF NEW
JERSEY FIREARM OWNERS, GUN OWNERS OF
AMERICA, INC., and GUN OWNERS FOUNDATION,

Civil Action No. _____

Plaintiffs,

-against-

MATTHEW PLATKIN, in his official capacity as
the Attorney General of New Jersey,
COLONEL PATRICK J. CALLAHAN, in his official
capacity as the Superintendent of the New Jersey
State Police, and SCOTT A. COFFINA, in his official
capacity as the Burlington County Prosecutor,

Defendants.

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DECLARATION OF ERICH M. PRATT

1. My name is Erich M. Pratt. I am a U.S. citizen and resident of Virginia. I make this declaration in support of Plaintiffs' Complaint for Declaratory and Injunctive Relief. Unless otherwise stated, I make this declaration based on personal knowledge. If called as a witness, I can testify to the truth of the statements contained herein.

2. I am the Senior Vice President of Gun Owners of America, Inc. ("GOA"), and the Senior Vice President of Gun Owners Foundation ("GOF").

3. In that capacity, I oversee staff that is in daily contact with members and supporters regarding their concerns, questions, requests, and suggestions on how GOA and GOF can best represent their interests.

4. Gun Owners of America, Inc. is a California non-stock corporation with its principal place of business in Springfield, Virginia. GOA is organized and operated as a nonprofit membership organization that is exempt from federal income taxes under Section 501(c)(4) of the U.S. Internal Revenue Code. GOA was formed in 1976 to preserve and defend the Second Amendment rights of gun owners. GOA has more than 2 million members and supporters across the country, including residents of the District of New Jersey, many of whom publicly carry handguns on a daily basis for self-defense and who desire to possess and carry hollow point ammunition outside the home.

5. Gun Owners Foundation is a Virginia non-stock corporation with its principal place of business in Springfield, Virginia. GOF is organized and operated as a nonprofit legal defense and educational foundation that is exempt from federal income taxes under Section 501(c)(3) of the U.S. Internal Revenue Code. GOF is supported by gun owners across the country, including residents of this district who are irreparably harmed by New Jersey's ban on their ability to possess and carry hollow point ammunition outside the home for self-defense.

6. GOF funds its litigation efforts, in part, by way of individual contributions, along with contributions received from individuals through the Combined Federal Campaign. GOF's supporters provide the funds directly used to support GOF's litigation efforts, which efforts would be impossible without contributions from our supporters. Our supporters contribute to GOF specifically so that we can bring litigation like this.

7. As part of keeping its supporters up to date on this and other litigation, and various other Second Amendment topics, GOF provides its supporters with a newsletter which provides updates directly to them, keeping them advised of what GOF is doing.¹ GOF's supporters desire that GOF

¹ See <https://tinyurl.com/mr465htx>.

be involved in this case as it directly impacts protected Second Amendment conduct.

8. GOF members have a significant organizational attachment to GOF demonstrated by their voluntary decision to fund GOF, their receipt of information about GOF activities through a quarterly GOF newsletter and regular emails about its activities, and communicating their views to GOF about issues on which GOF should focus. The reason that GOF exists is to advocate and defend the Second Amendment rights of gun owners, and many such persons fund GOF's activities. *See Texas v. BATFE*, 2024 U.S. Dist. LEXIS 103441, at *18 (N.D. Tex. June 11, 2024) ("The foregoing, together, suffice for GOF's associational standing.").

9. Traditionally, law-abiding Americans have been able to carry all sorts of ammunition in their firearms outside their homes. New Jersey is an extreme outlier among the states, banning hollow point ammunition, which Americans overwhelmingly prefer for self-defense. Unable to publicly possess and carry this self-defense ammunition, New Jerseyans are relegated to other ammunition types, such as "ball" ammunition, which are usually only used for plinking or training, but not generally for self-defense.

10. Our members and supporters in New Jersey desire and overwhelmingly support GOA and GOF's involvement in litigation such as this, to protect their right to carry the ammunition of their choosing in their firearms, rights that are being unconstitutionally infringed by New Jersey's laws challenged in this lawsuit.

11. Individuals can visit <https://www.gunowners.org/> to read about our mission and be kept informed on a vast number of topics, including a congressional "scorecard" of how their Congressmen vote. We have created state-specific legislative alerts that we send out to keep our members and supporters informed. We also keep our members and supporters up to date on our litigation across the United States. *See* <https://www.gunowners.org/press-center/>. Interested

individuals can join GOA by going to <https://donate.gunowners.org/join/>.

12. Further, we routinely hear from our members and supporters on various topics, including such topics as New Jersey's laws, which allows us to direct our resources (including litigation) where it is needed most. By way of example only, members in New York reached out to us after the Supreme Court issued its opinion in *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1 (2022), which triggered a response from the Governor and legislature of New York, culminating in the inaptly named "Concealed Carry Improvement Act," which made the carry of firearms illegal almost everywhere across New York. GOA and GOF immediately filed suit, leading to the reinstatement of the Second Amendment across wide swaths of previously off-limits places to carry. See *Antonyuk v. Hochul*, 639 F. Supp. 3d 232 (N.D.N.Y. 2022) (granting and denying preliminary injunctive relief); *Antonyuk v. James*, 120 F.4th 941 (2d Cir. 2024) (affirming in part, and reversing in part, preliminary injunction).

13. As noted, GOA and GOF together have more than two million members and supporters nationwide, including residents of the District of New Jersey.

14. Some of GOA and GOF's members and supporters similarly have been and are being subjected to and harmed by the laws challenged herein.

15. GOA and GOF have heard from members and supporters in New Jersey whose rights to keep and bear arms are infringed by New Jersey's ban on the carry of hollow point ammunition outside the home for self-defense.

16. For example, we recently have spoken with one GOA member who has refrained from carrying hollow points for self-defense outside the home because he fears arrest and prosecution. This member stated that he currently possesses hollow points in his home, as is allowed under the law, and if the carry of hollow point ammunition were not banned, he would carry that ammunition

outside his home for self-defense.

17. Another GOA member explained that, while he owns hollow points at home, he leaves them loaded into a separate firearm that he never carries outside his home. This member explained that he does this to avoid inadvertently carrying a firearm loaded with the wrong ammunition in public, and thereby avoid any violation of New Jersey's ban on carrying hollow point ammunition outside the home.

18. GOA spoke with another member who stated that he wishes to publicly carry hollow point ammunition, as he is a member of a church security team. This member explained that he prefers to use hollow point ammunition to avoid the higher risk of overpenetration should he ever need to use his firearm to defend his congregation in a crowded building. He further explained that hollow point ammunition is designed generally not to suffer from the overpenetration issues that plague "ball" ammunition and similar types of ammunition that New Jersey does permit.

19. Although no federal law places restrictions on the carry of hollow point ammunition outside the home, New Jersey bans its carry for use outside the home for self-defense.

20. Protection of these rights and interests advanced in this litigation is germane to GOA and GOF's respective missions, which includes the effort to preserve and protect the Second Amendment and the rights of Americans to keep and bear arms, including against overreach by unelected and unaccountable anti-gun bureaucrats. GOA and GOF routinely litigate cases throughout the country on behalf of their members and supporters, and GOA and GOF are capable of fully and faithfully representing the interests of their members and supporters without participation by each of the individuals and entities.

I, Erich M. Pratt, declare under penalty of perjury that the foregoing is true and correct.

1/30/2025
DATE


ERICH M. PRATT