

2. On or about February 27, 1995, the Settlement Agreement in this matter, in the form of a stipulation, was entered into by City Solicitor Howard J. Schulberg, Esq., on behalf of the City of Pittsburgh, and C. Robert Keenan, III., on behalf of Plaintiffs and submitted to the Court. A copy of the filed Settlement Agreement is attached hereto and incorporated herein as Exhibit A.
3. On February 27, 1995, this Honorable Court issued an Order approving the Settlement Agreement. A copy of the February 27, 1995 Order, signed by the Honorable Eugene B. Strassburger, III., is attached hereto and incorporated herein within Exhibit A.

SETTLEMENT AGREEMENT

4. In exchange for the Plaintiffs discontinuing the litigation, the City of Pittsburgh agreed that Ordinance 30 of 1994 was preempted and stipulated to:
 - a. House Bill 185 having been lawfully enacted on October 4, 1994, as Act 85 of 1994; and,
 - b. Section 6120 of Act 85 of 1994 “reiterate[ing], reaffirm[ing], and codif[ying] the state preemption of local ordinances and local action regarding firearms generally.” *See*, Exhibit A
5. Further, pursuant to Paragraph 3, the City of Pittsburgh “agreed to abide by and adhere to Pennsylvania law.” *See*, Exhibit A.

APPLICABLE CONSTITUTIONAL
AND STATUTORY PROVISIONS

6. Article 1, Section 21 of the Pennsylvania Constitution provides: “The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.”
7. Article 2, Section 1 of the Pennsylvania Constitution provides: “The legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives.”
8. 18 Pa.C.S. § 6120(a) declares: “No county, municipality or township may in any manner regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of this Commonwealth.
9. 18 Pa.C.S. § 6119 provides that a violation of Section 6120 constitutes a misdemeanor of the first degree.
10. 53 Pa.C.S. § 2962(g), likewise prohibits municipalities from “enact[ing] any ordinance or tak[ing] any other action dealing with the regulation of the transfer, ownership, transportation or possession of firearms.”
11. 18 Pa.C.S. § 5301 provides, “A person acting or purporting to act in an official capacity or taking advantage of such actual or purported capacity commits a misdemeanor of the second degree if, knowing that his conduct is illegal, he:
 - (1) subjects another to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien or other infringement of personal or property rights; or

(2) denies or impedes another in the exercise or enjoyment of any right, privilege, power or immunity.”

CASE LAW

12. The Pennsylvania Supreme Court in *Ortiz v. Commonwealth*, 681 A.2d 152, 156 (Pa. 1996), where the City of Pittsburgh was a party, found that both Article 1, Section 21 of the Pennsylvania Constitution and 18 Pa.C.S. § 6120 preempted *any* regulation of firearms or ammunition, and declared,

Because the ownership of firearms is constitutionally protected, its regulation is a matter of statewide concern. The constitution does not provide that the right to bear arms shall not be questioned in any part of the commonwealth except Philadelphia and Pittsburgh, where it may be abridged at will, but that it shall not be questioned in any part of the commonwealth. Thus, regulation of firearms is a matter of concern in all of Pennsylvania, not merely in Philadelphia and Pittsburgh, and the General Assembly, not city councils, is the proper forum for the imposition of such regulation. (emphasis added).

13. In *National Rifle Ass’n v. City of Philadelphia*, 977 A.2d 78, 82 (Pa. Cmwlth. 2009), in finding that the PA Supreme Court’s holding in *Ortiz* was “crystal clear,” it held that even regulation by a municipality that was *consistent* with the UFA was preempted.
14. In *Clarke v. House of Representatives*, 957 A.2d 361 (Pa. Cmwlth. Ct. 2008), the Commonwealth Court dealt with seven ordinances enacted by the City of Philadelphia and found *all* of them to be preempted by Section 6120. The ordinances included: 1. Limit of one handgun a month and prohibition on straw purchaser sales; 2. Reporting of lost or stolen firearms; 3. Requiring a license to acquire a firearm in Philadelphia or bring a firearm into Philadelphia; 4.

Requiring annual renewal of a gun license; 5. Permitting confiscation of firearms from someone posing a risk of harm; 6. Prohibiting the possession or transfer of assault rifles; and 7. Requiring any person selling ammunition to report the purchase and purchase to the Police Department.

15. In *Dillon v. City of Erie*, 83 A.3d 467, 473 (Pa. Cmwlth. 2014), the Commonwealth Court found that the City of Erie’s ordinance precluding firearms in city parks violated Article 1, Section 21 and Section 6120.
16. In *Firearm Owners Against Crime, et al. v. Lower Merion Township*, 151 A.3d 1172 (Pa. Cmwlth. Ct. 2016)(*petition for allocatur denied July 11, 2017*), the Commonwealth Court held that Lower Merion Township’s ordinance prohibiting discharge of firearms violated Article 1, Section 21 and Section 6120.

FACTS RELATIVE TO INTRODUCTION OF PROPOSALS
AND ERECTION OF UNLAWFUL SIGNAGE

17. Defendant informally announced an intent on or about December 14, 2018 to formally introduce three proposals regulating firearms, ammunition, and firearm accessories. See, <https://triblive.com/local/allegheeny/14405721-74/pittsburgh-gun-safety-measures-would-include-assault-weapons-ban>
18. In informally announcing the proposals, Mayor Peduto acknowledged that he and City Council lacked the authority to enact the proposals and that such would require that they “change the laws in Harrisburg.” A copy of the article quoting Mayor Peduto is attached hereto and incorporated herein as Exhibit B.
19. This was echoed in another article on December 14, 2018, declaring that “City leaders, joined by Pennsylvania Gov. Tom Wolf, said Friday they plan to rally

- support for similar gun control measures in cities and towns across the state, with the ultimate goal of changing state gun laws.” A copy of the article is attached hereto and incorporated herein as Exhibit C.
20. Even more directly on point, Pittsburgh City Councilwoman Erika Strassburger stated that “[t]he inability for municipal governments to enact their own common-sense gun control measures defies this core principle.” A copy of the article quoting Councilwoman Strassburger is attached hereto and incorporated herein as Exhibit D.
 21. Thereafter, Mayor Peduto declared “I think it has been very clear over the last several years that there needs to be more that is done at the local level, and that requires the changes of laws at a state and federal level.” A copy of the article quoting Mayor Peduto is attached hereto and incorporated herein as Exhibit E.
 22. On December 17, 2018, on behalf of Plaintiff Allegheny County Sportsmen’s League, the undersigned submitted a letter to Pittsburgh Mayor Bill Peduto and Pittsburgh City Council addressing the unlawful nature of the proposals, including pursuant to Article 1, Section 21 and 18 Pa.C.S. § 6120, and demanding that the proposals not be formally introduced. A copy of the letter is attached hereto and incorporated herein as Exhibit F.
 23. On December 18, 2018, the three proposals (hereinafter “Proposals”) were filed with the City Clerk.
 24. Later on December 18, 2018, ignoring the undersigned’s letter, the Pittsburgh

City Council formally introduced the Proposals, as 2018-1218,¹ 2018-1219,² and 2018-1220.³ *See*,

<https://pittsburgh.legistar.com/MeetingDetail.aspx?ID=661577&GUID=6F6DF698-E9C1-4E51-9A7C-7A8EFC9A5253&Options=info&Search=> and
http://pittsburgh.granicus.com/MediaPlayer.php?view_id=2&clip_id=2938&meta_id=237415

25. Proposal 2018-1218 is titled “An Ordinance amending and supplementing the Pittsburgh Code of Ordinances by repealing Chapter 607: Firearms, Ammunition and Other Weapons in its entirety, and enacting and adding Article XI: Weapons to the Pittsburgh Code of Ordinances in order to meet the public safety needs of residents.” An initial draft copy of 2018-1218, plus its twice amended and final form, is attached hereto and incorporated herein as Exhibit G.
26. Proposal 2018-1219 is titled “An Ordinance amending and supplementing the Pittsburgh Code of Ordinances at Title VI: Conduct, Article I: Regulated Actions and Rights, by adding Chapter 603: Extreme Risk Protection Orders, to provide for appropriate injunctive actions for the preservation of public safety in extreme circumstances” An initial draft copy of 2018-1219, plus its twice amended and final form, is attached hereto and incorporated herein as Exhibit H.

¹ *See*,
<https://pittsburgh.legistar.com/LegislationDetail.aspx?ID=3784415&GUID=FB5A2159-21FF-4848-BE1F-99A4F53D873E&Options=&Search=>

² *See*,
<https://pittsburgh.legistar.com/LegislationDetail.aspx?ID=3784416&GUID=235A3F50-F3F7-419E-8968-95B2D46BBFD5&Options=&Search=>

³ *See*,
<https://pittsburgh.legistar.com/LegislationDetail.aspx?ID=3784417&GUID=188CB67E-3B8B-4F62-9754-C99965B6F493&Options=&Search=>

27. Proposal 2018-1220 is titled “An Ordinance amending and supplementing the Pittsburgh Code of Ordinances at Title VI: Conduct, Article XI: Weapons, by adding Chapter 1106: Prevention of Extreme Risk to Children and Chapter 1107: Extreme Risk Protection Orders.” An initial draft copy of 2018-1220, plus its twice amended and final form, is attached hereto and incorporated herein as Exhibit I.
28. On January 2, 2019, the City of Pittsburgh erected a sign outside of the City-County Building declaring that it was unlawful to possess a firearm within the City-County Building. *See*, <https://triblive.com/local/alleghey/14462062-74/pittsburgh-warns-city-hall-visitors-for-a-first-time-that-guns-are>; *see also*, Exhibit N.
29. As a result, on January 3, 2018, on behalf of Plaintiff Allegheny County Sportsmen’s League, the undersigned submitted another letter to Mayor Peduto and City Council addressing the unlawful nature of the signage, as it does not comply with 18 Pa.C.S. § 913(d), which requires that any signage notify individuals that lockers must be made available within the building for the individual to secure his/her firearm or other dangerous weapon. A copy of the letter is attached hereto and incorporated herein as Exhibit J.
30. Thereafter, Mayor Peduto himself declared that firearms are “not permitted in the building. They’re permitted in the street, or the portico, the open carry laws will be recognized.” A copy of the article quoting Mayor Peduto is attached hereto and incorporated herein as Exhibit K and a copy of the video of Mayor Peduto stating

such can be seen here - <https://pittsburgh.cbslocal.com/2019/01/03/gun-rights-advocates-pittsburgh-city-county-building-rally-preparations>.

31. On January 7, 2019, City Councilwoman Strassburger declared “My council colleagues and the mayor and I are aware of the state laws that are on the books, and we happen to strongly disagree with them [referring to Pennsylvania’s preemption law prohibiting municipalities from regulating firearms]. If there’s not political will to make change, we’re ready and willing to make changes through the court system.” A copy of the article quoting Councilwoman Strassburger is attached hereto and incorporated herein as Exhibit O.
32. On January 9, 2019, Allegheny County District Attorney Stephen Zappala sent a letter to City Council informing City Council, *inter alia*, “City Council does not have the authority to pass such legislation” and that “the legislation currently before Council, if passed, will be found unconstitutional.” A copy of District Attorney Zappala’s letter of January 9, 2019 is attached hereto and incorporated herein as Exhibit P.
33. On January 15, 2019, after City Council acknowledged receipt of District Attorney Zappala’s letter, Councilman Corey O’Connor told reporters that “[DA Zappala] has every right to his own opinion, we are still going to move forward” and “[a]t this point we are going to pass our bills, move forward. Whatever happens after that we will find out.” A copy of the article quoting Councilman O’Connor is attached hereto and incorporated herein as Exhibit Q.⁴

⁴ A copy of the video, where Councilman O’Connor makes these statements is also available here - <https://pittsburgh.cbslocal.com/2019/01/15/allegheny-county-district-attorney-pittsburgh-city-council-gun-legislation-letter>.

34. Later on January 15, 2019, Mayor Peduto, after receiving and reviewing District Attorney Zappala's letter, told reporters that "[i]f [DA Zappala] wants to be city solicitor, he has to move into the city and apply, and I'd consider his resume. Otherwise, he should be a district attorney." A copy of the article quoting Mayor Peduto is attached hereto and incorporated herein as Exhibit R.⁵
35. Upon information and belief, City Solicitor Yvonne Hilton, concurring with District Attorney Zappala's conclusions, refused participate in reviewing and revising the Proposals.
36. As a result of Solicitor Hilton's refusal, Councilmembers O'Connor and Strassburger procured Attorney Daniel Booker of Reed Smith, LLP, to review and revise the Proposals.
37. On March 20, 2019, Pittsburgh City Councilmembers Kraus, Coghill, O'Connor, Lavelle, Gross, Strassburger, and Burgess voted to amend the original Proposals, with the amendments drafted by Attorney Booker. Copies of the amended proposals 2018-1218, 2018-1219, and 2018-1220 are included in Exhibits G, H, and I, respectively.
38. On March 26, 2019, Pittsburgh City Councilmembers Kraus, O'Connor, Lavelle, Gross, Strassburger, and Burgess voted in favor of enacting the Proposals.
39. On April 2, 2019, Pittsburgh City Councilmembers Kraus, O'Connor, Lavelle, Gross, Strassburger, and Burgess voted to amend, for a second time, the Proposals, with the amendments drafted by Attorney Booker. Copies of the twice

⁵ A copy of the video, where Mayor Peduto makes these statements is also available here - <https://www.wtae.com/article/da-zappala-pittsburgh-city-council-does-not-have-authority-to-pass-gun-legislation-restricting-types-weapons/25902756>.

amended proposals 2018-1218, 2018-1219, and 2018-1220 are included in Exhibits G, H, and I, respectively.

40. On April 2, 2019, Pittsburgh City Councilmembers Kraus, O'Connor, Lavelle, Gross, Strassburger, and Burgess voted to enact the Proposals, as amended.
41. On April 9, 2019, Mayor Peduto signed the Proposals, enacting them into law.

FACTS RELATIVE TO VIOLATIONS
OF THE CITY COUNCIL RULES

42. Article VII., Section 1., of the Pittsburgh City Council "Rules of Council" declares that:

SECTION 1. No bill shall be introduced in Council unless deposited with the Clerk of Council by 12:00 noon Friday prior to the regular meeting of Council; but any member may present any bill or paper notwithstanding said rule, with the consent of the majority of members present at any meeting of Council. All bills deposited with the Clerk from the Mayor, City Council Members or department of the City must have accompanying documentation as to purpose, history and fiscal impact in a manner prescribed by Ordinance, the City Council Budget office, and the president of Council.

A copy of the Rules of Council is attached hereto and incorporated herein as Exhibit L.

43. Article III., Section 4., subsection C., of the Pittsburgh City Council "Rules of Council" declares, in pertinent part, that:

ii. After the comment period in a Council meeting has ended, if a resolution or ordinance is added to the agenda or amended to make its substance differ, residents or taxpayers shall be provided an additional opportunity to comment on the addition or amendment before a final vote is taken.

See, Exhibit L.

44. The Proposals in question were not filed with the Clerk of Council until the day they were formally introduced on December 18, 2018.
45. The Proposals filed with the Clerk of Council did not have attached or otherwise accompanying them any “documentation as to purpose, history and fiscal impact.”
46. The Proposals were not introduced by a Member of City Council, but rather, by the City Clerk. *See*,
http://pittsburgh.granicus.com/MediaPlayer.php?view_id=2&clip_id=2938&meta_id=237415
47. No vote, including a vote to waive the requirement of Section 1 that the Proposals be filed by noon on Friday, December 14, 2018, was taken in relation to the Proposals on December 18, 2018.
48. In violation of Article VII., Section 1., of the Pittsburgh City Council “Rules of Council,” the Proposals that were filed with the Clerk of Council on December 18, 2018 did not include “documentation as to purpose, history and fiscal impact.” *See*, Exhibit L.
49. In fact, to this day, documentation as to “history and fiscal impact” in relation to the Proposals has never been filed with the Clerk of Council.
50. To the best of Plaintiff’s information, knowledge and belief, no documentation as to the “history and fiscal impact” even exists in relation to the Proposals as of the time of filing of this Petition.
51. Furthermore, on both March 20, 2019 and April 2, 2019, the substance of the Proposals were amended (*see*, Exhibits G, H, I) and on April 2, 2019 the amended Proposals were enacted.

52. At no time after the public hearing on January 24, 2019 and prior to the final vote, was the public provided an additional public hearing to comment on the amendments. In fact, the last amendments to the Proposals occurred only minutes before the City Council enacted the Proposals.
53. In violation of Article III., Section 4., Subsection C., of the Pittsburgh City Council “Rules of Council,” the residents and taxpayers were not offered an opportunity for additional comment in relation to the amendments.

FACTS RELATIVE TO VIOLATIONS
OF THE HOME RULE CHARTER

54. Article III, Section 310(i), of the City of Pittsburgh’s “Home Rule Charter” declares that:

310. POWERS OF COUNCIL – Council shall have the following additional powers:

...

- (e) to exercise other powers conferred by this charter, by law or ordinance, consistent with the provisions of this charter.

55. In violation of Article III, Section 310(i), of the City of Pittsburgh’s “Home Rule Charter,”⁶ the Proposals violate the powers of the Council, as no law, as acknowledged by Defendant, grants or otherwise confers the Council with power to enact the Proposals and when the law, pursuant to Article 1, Section 21, 18 Pa.C.S. § 6120, and 53 Pa.C.S. § 2962(g), specifically precludes the Council from enacting the Proposals. A copy of the Home Rule Charter is attached hereto and incorporated herein as Exhibit M.

⁶ A copy is available on the City’s website at <http://pittsburghpa.gov/clerk/home-rule-charter>

FACTS RELATIVE TO VIOLATIONS OF THE MUNICIPAL
POWERS OF CITIES OF THE SECOND CLASS

56. 53 P.S. § 23158 restricts all Cities of the Second Class from enacting any general Ordinance where the penalty exceeds \$300.00, per occurrence.
57. The Proposals, as amended, specify a penalty of “\$1000 and costs for each offense.” *See*, Exhibit G, H, and I.
58. In violation of 53 P.S. § 23158, the Proposals, as amended, specify a penalty of “\$1000 and costs for each offense,” when the maximum penalty that may be imposed, as limited by Section 23158, is “three hundred dollars (\$300) for any one offense.” *See*, Exhibit G, H, and I.
59. 53 P.S. § 24586 restricts all Cities of the Second Class from enacting any unhealthful condition Ordinance where the penalty exceeds \$100.00, per occurrence.
60. In violation of 53 P.S. § 24586, the Proposals, as amended, specify a penalty of “\$1000 and costs for each offense,” when the maximum penalty that may be imposed, as limited by Section 24586, is “one hundred dollars.” *See*, Exhibit G, H, and I.
61. 53 Pa.C.S. § 2962(c)(2) provides
- Prohibited powers.** A municipality shall not: ... (2) Exercise powers contrary to or in limitation or enlargement of powers granted by statutes which are applicable in every part of this Commonwealth.
62. Subsection 2962(g) provides
- Regulation of firearms.**--A municipality shall not enact any ordinance or take any other action dealing with the regulation of the transfer, ownership, transportation or possession of firearms

63. In violation of 53 Pa.C.S. §§ 2962(c)(2) and (g), all the Proposals regulate firearms and ammunition, which is prohibited by Article 1, Section 21 of the Pennsylvania Constitution, 18 Pa.C.S. § 6120, and 53 Pa.C.S. § 2962(g).

FACTS RELATIVE TO VIOLATIONS OF ARTICLE 1, SECTION 21
OF THE PENNSYLVANIA CONSTITUTION

64. District Attorney Zappala and City Solicitor Hilton informed City Council that the Proposals, if enacted, would, *inter alia*, be held unconstitutional, pursuant to Article 1, Section 21. *See*, Exhibit P.
65. In violation of Article 1, Section 21 of the Pennsylvania Constitution and the legion of binding precedent, including of the Pennsylvania Supreme Court in *Ortiz v. Commonwealth*, 681 A.2d 152, 156 (Pa. 1996), where the City of Pittsburgh was a party, the Proposals regulate firearms and ammunition, which “is a matter of concern in all of Pennsylvania, not merely in Philadelphia and Pittsburgh, and the General Assembly, not city councils, is the proper forum for the imposition of such regulation.” (emphasis added).

FACTS RELATIVE TO VIOLATIONS OF ARTICLE 2, SECTION 1
AND ARTICLE 3, SECTIONS 1, 4, 8,
OF THE PENNSYLVANIA CONSTITUTION

66. Article 2, Section 1 of the Pennsylvania Constitution vests all power to legislate in the General Assembly.
67. No bill was proposed and offered by City Council nor could a bill be proposed and offered by City Council, as neither it nor its members are Members of the Pennsylvania General Assembly.

68. The Proposals, as evidenced by their explicit terms, constitute proposed ordinances.
69. Neither the Pennsylvania House of Representatives nor the Senate ever considered the Proposals.
70. As neither the Pennsylvania House of Representatives nor the Senate ever considered the Proposals, the Proposals were never considered on three different days in each House.
71. As neither the Pennsylvania House of Representatives nor the Senate ever considered the Proposals, no member of the Pennsylvania House of Representatives nor the Senate voted in favor of the Proposals.
72. As neither the Pennsylvania House of Representatives nor the Senate ever considered the Proposals, the presiding officer of each house never signed the Proposals.
73. In violation of Article 2, Section 1, the Proposals constitute legislation, which can only be considered and enacted by the General Assembly and then only in compliance with Article 3 of the Pennsylvania Constitution.
74. In violation of Article 3, Sections 1, 4, and 8, the Proposals were never enacted in compliance with the Constitutional requirements for any legislation.

FACTS RELATIVE TO VIOLATIONS OF 18 Pa.C.S. § 6120

75. District Attorney Zappala and City Solicitor Hilton informed City Council that the Proposals, if enacted, would, *inter alia*, be held unconstitutional, pursuant to Article 1, Section 21. *See*, Exhibit P.

76. In violation of 18 Pa.C.S. § 6120 and the legion of binding precedent, including of the Pennsylvania Supreme Court in *Ortiz v. Commonwealth*, 681 A.2d 152, 156 (Pa. 1996), where the City of Pittsburgh was a party, the Proposals regulate firearms and ammunition.
77. In violation of 18 Pa.C.S. § 6120, the erected signage outside of the City-Council Building does not comply with 18 Pa.C.S. § 913(d).

FACTS RELATIVE TO VIOLATIONS OF 18 Pa.C.S. § 913(d)

78. 18 Pa.C.S. § 913 provides, in pertinent part
- (d) Posting of notice.**--Notice of the provisions of subsections (a) and (e) shall be posted conspicuously at each public entrance to each courthouse or other building containing a court facility and each court facility, and no person shall be convicted of an offense under subsection (a)(1) with respect to a court facility if the notice was not so posted at each public entrance to the courthouse or other building containing a court facility and at the court facility unless the person had actual notice of the provisions of subsection (a).
- (e) Facilities for checking firearms or other dangerous weapons.**--Each county shall make available at or within the building containing a court facility by July 1, 2002, lockers or similar facilities at no charge or cost for the temporary checking of firearms by persons carrying firearms under section 6106(b) or 6109 or for the checking of other dangerous weapons that are not otherwise prohibited by law. Any individual checking a firearm, dangerous weapon or an item deemed to be a dangerous weapon at a court facility must be issued a receipt. Notice of the location of the facility shall be posted as required under subsection (d).
79. The signage erected by the City of Pittsburgh in front of the City-Council Building does not advise individuals of their rights specified in Section 913(e), including, but not limited to, that lockers must be made available in the City-Council Building at no charge or cost to secure their firearms and other dangerous

weapons. A photo of the signage is attached hereto and incorporated herein as Exhibit N.

80. Thus, in violation of 18 Pa.C.S. § 913(d), the signage erected by the City of Pittsburgh in front of the City-Council Building fails to advise individuals that secure lockers must be made available within the City-Council Building for the individual to secure his/her firearm or other dangerous weapon.

REQUEST FOR CONTEMPT OF COURT

81. The foregoing paragraphs are incorporated herein as if set forth in full.
82. “It is axiomatic that courts have always possessed the inherent power to enforce their orders and decrees by imposing sanctions for failure to comply with said orders.” *Wood v. Geisenhemer-Shaulis*, 827 A.2d 1204, 1207, (Pa. Super. Ct. 2003) (citing *Rouse Philadelphia Inc. v. Ad Hoc '78*, 417 A.2d 1248, 1257 (Pa. Super. Ct. 1979))
83. As the Superior Court has further held, “failure to comply with an order is a matter of civil contempt, because the court's contempt adjudication seeks to coerce compliance.” *Stewart v. Foxworth*, 65 A.3d 468, 471 (Pa. Super. Ct. 2013).
84. “[W]hen the contempt proceedings are predicated on a violation of a court order that followed a full hearing, due process requires no more than notice of the violations alleged and an opportunity for explanation and defense.” *Id.* (citing *Diamond v. Diamond*, 792 A.2d 597, 601 (Pa. Super. Ct. 2002))
85. The Superior Court went on to explain in *Wood* that:

Attorneys' fees and other disbursements necessitated by the contemnor's noncompliance may be recovered by the aggrieved party in a civil contempt case. Because an award of counsel fees is intended to reimburse an innocent litigant for expenses made necessary by the conduct of an opponent, it is coercive and compensatory, and not punitive. Counsel fees are a proper element of a civil contempt order. In reviewing a grant of attorney's fees, we will not disturb the decision below absent a clear abuse of discretion. *Id.* (citing *Mrozek v. James*, 780 A.2d 670, 674 (Pa. Super. Ct. 2001)).

86. In this matter, there can be no dispute that the Court's Order was consented to by the City of Pittsburgh, per the Settlement Agreement, and that no appeal was taken to the February 27, 1995 Order.
87. As the City of Pittsburgh has violated the provisions, discussed *supra*, of the Settlement Agreement and this Court's February 27, 1995 Order, Defendant should be held in contempt, sanctioned and attorney fees and costs assessed against it, especially in light of the fact, as discussed *supra*, that the City has acknowledged that it legally precluded from regulating firearms and ammunition – that such would require a change in the law by the General Assembly – and it nevertheless elected to enact the Proposals in direct defiance of the law, the Settlement Agreement and this Court's Order.
88. As those Pittsburgh City Councilmembers that voted in favor of Proposals did so knowingly, willfully and unlawfully, as discussed *supra*, in violation of the Settlement Agreement, this Court's February 27, 1995 Order, and the Constitutional and statutory provisions, as well as the case law precedent, Pittsburgh City Councilmembers Kraus, O'Connor, Lavelle, Gross, Strassburger, and Burgess should be held in contempt, sanctioned and ordered to indemnify the City of Pittsburgh, jointly and severally, for all sanctions, fines, fees and costs

assessed against it, especially in light of the fact, as discussed *supra*, that those City Councilmembers acknowledged that they were legally precluded from regulating firearms and ammunition – that such would require a change in the law by the General Assembly – and they nevertheless elected to enact the Proposals in direct defiance of the law, the Settlement Agreement and this Court’s Order.

89. As Mayor Peduto signed the Proposals into law knowingly, willfully and unlawfully, as discussed *supra*, in violation of the Settlement Agreement, this Court’s February 27, 1995 Order, and the Constitutional and statutory provisions, as well as the case law precedent, Mayor Peduto should be held in contempt, sanctioned and ordered to indemnify the City of Pittsburgh, jointly and severally, for all sanctions, fines, fees and costs assessed against it, especially in light of the fact, as discussed *supra*, that Mayor Peduto acknowledged that they were legally precluded from regulating firearms and ammunition – that such would require a change in the law by the General Assembly – and he nevertheless elected to enact the Proposals in direct defiance of the law, the Settlement Agreement and this Court’s Order.

90. Furthermore, Plaintiffs respectfully request, given the City of Pittsburgh’s failure to comply with the Settlement Agreement and this Court’s Order, that this Court declare that the City of Pittsburgh lacks the authority to regulate, in any manner, firearms and ammunition.

91. Lastly, Plaintiffs respectfully request, given the City of Pittsburgh’s failure to comply with the Settlement Agreement and this Court’s Order, that this Court

enjoin the City of Pittsburgh from regulating, in any manner, firearms and ammunition.

WHEREFORE, Plaintiff respectfully request that this Honorable Court find the City of Pittsburgh in contempt, impose sanctions and award attorney fees and costs for the City's failure to comply with the Settlement Agreement and this Court's Order, and hold Mayor Peduto and City Councilmembers Kraus, O'Connor, Lavelle, Gross, Strassburger, and Burgess jointly and severally liable for all sanctions, fines, fees and costs assessed against the City of Pittsburgh.

Respectfully Submitted,



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VERIFICATION

I, Klint Macro, President of the Allegheny County Sportsmen's League, subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsifications to authorities, hereby certify that the facts set forth in the foregoing Petition for Contempt are true and correct to the best of my knowledge, information and belief.



Klint Macro, President
Allegheny County Sportsmen's League