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d/b/a Delia's Gun Shop*

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY, PENNSYLVANIA

City of Philadelphia	:	CASE NO.: 230702394
	:	
<i>Plaintiff</i>	:	CIVIL DIVISION
	:	
v.	:	
	:	
Tanner Operations, LLC, <i>et. al.</i>	:	
	:	
<i>Defendants</i>	:	

**DEFENDANT MAD MINUTE ENTERPRISES, LLC'S SUPPLEMENTAL REPLY IN
OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL DISCOVERY PRODUCTION
AND RESPONSES**

Pursuant to the Court's directive, Mad Minute Enterprises, LLC, d/b/a Delia's Gun Shop (hereinafter "Delia's"), by and through its attorneys, Goldstein Law Partners, LLC, files its Supplemental Reply in Opposition to Plaintiff's Motion to Compel Discovery Productions and Responses.

First, Delia incorporates by reference the facts and arguments set forth in its September 10, 2024, Reply Brief as if fully set forth herein. In addition, Delia would clarify that the only Discovery Requests which remain open are Requests for Production Numbers 1, 2,¹ 4, 5, 6, 9 11 and 17 and Interrogatories 2 and 7 as Delia's has proved answers to all other requests.

¹ Delia's has, among other objections, objected to No. 2 on the grounds it is vague. Plaintiff has failed to identify what constitutes a "customer profile."

Second, Plaintiff is not entitled to receive, and Delia's is not permitted to disclose any documents or information pertaining the sale of firearms to any customers. Under Pennsylvania law, Section 6111(i) of the Uniform Firearms Act ("UFA") clearly and unequivocally makes the disclosure prohibited:

CONFIDENTIALTY - - All information provided by the potential purchaser, transferee or applicant, including, but not limited to, the potential purchaser, transferee or applicant's name or identity, furnished by a potential purchaser or transferee under this section or any applicant for a license to carry a firearm as provided by section 6109 shall be confidential and not subject to public disclosure. In addition to any other sanction or penalty imposed by this chapter, **any person, licensed dealer, State or local governmental agency or department that violates this subsection shall be liable in civil damages in the amount of \$1,000 per occurrence or three times the actual damages incurred as a result of the violation, whichever is greater, as well as reasonable attorney fees.** (emphasis added).

18 Pa.C.S.A. § 6111. *See also Doe 1 v. Franklin Cnty.*, 272 A.3d 1022 (Pa.Cmwlt. 2022).

The General Assembly, by enacting 6111(i), undoubtedly intended to vigorously protect the privacy of purchaser from any unauthorized disclosure of their information and "[a]ny other interpretation of Section 6111(i) of the UFA where a [purchasers'] confidentiality is not safeguarded would be inconsistent with the UFA's purpose and structure." *Doe v. Franklin Cnty.*, 139 A.3d 296, 307 (Pa.Cmwlt. 2016), *rev'd*, 644 Pa. 1, 174 A.3d 593 (2017).

Plaintiff nevertheless contends that they should be permitted to circumvent the clear statutory restriction, and the General Assembly's intent, by compelling the production of the nearly identical federal forms. However, as previously briefed, not only does the federal government cede control of this issue to the Pennsylvania, which prohibits production, via 18 U.S.C. § 927, it also clearly mandates that the transmission of the federal documents and information is prohibited. 18 U.S.C.A. § 926(a) states,

No such rule or regulation prescribed after the date of the enactment of the Firearms Owners' Protection Act **may require that records required to be maintained under this chapter or any portion of the contents of such records, be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or any political subdivision thereof,** nor that any system of registration of firearms, firearms owners, or firearms transactions or dispositions be established.

18 U.S.C.A. § 926(a) (emphasis added).

Both Pennsylvania law and federal law explicitly prohibit the disclosure of the purchasers' information to Plaintiff.

Third, Plaintiff contends that disclosure in the context of discovery pursuant to civil litigation does not constitute "public disclosure." While, under some circumstances that may be true, with respect to Section 6111(i) of the UFA, the Commonwealth Court has clearly stated otherwise.

We interpreted Section 6111(i) of the Firearms Act to mean that "any person, licensed dealer, State or local governmental agency or department" violates Section 6111(i) of the [Firearms Act] by revealing an "applicant's name or identity" to a person not (1) authorized to receive such information by statute; (2) involved in the operation or management of the sheriff's office; (3) representing a law enforcement or criminal justice agency; or (4) otherwise authorized by an applicant. **Disclosure to any other person constitutes "public disclosure" for purposes of this section.**

Doe I v. Franklin Cnty., 272 A.3d 1022, 1027 (Pa.Cmwlt. 2022) (emphasis in the original).

Fourth, Plaintiff's contends that they are statutorily entitled to the confidential information in order to pursue their cause of action under 6111(g)(6) which reads:

Notwithstanding any act or statute to the contrary, any person, licensed importer, licensed manufacturer or licensed dealer who knowingly and intentionally sells or delivers a firearm in violation of this chapter who has reason to believe that the firearm is intended to be used in the commission of a crime or attempt to commit a crime

shall be liable in the amount of the civil judgment for injuries suffered by any person so injured by such crime or attempted crime

18 Pa.C.S.A. § 6111(g)(6). However, this provision is predicated on, or presupposes, the commission of a crime committed by Delia's, i.e., "[a]ny person, licensed dealer, licensed manufacturer or licensed importer who knowingly or intentionally sells, delivers or transfers a firearm in violation of this section commits a misdemeanor of the second degree." 18 Pa.C.S.A. § 6111(g)(1). Delia's has not been charged with or convicted of any crime related to Section 6111 or found guilty of knowingly and intentionally selling firearms in violation of Section 6111.


Had Plaintiff's brought this action against the actual convicted straw purchasers, perhaps their argument would be persuasive as to why the straw purchaser should be required to produce the requested documents. However, the City, for whatever reason, chose not to pursue the actual criminals to recover their "damages" but innocent third parties, and, as if that was outrageous enough, are now demanding those same innocent third parties actually violate the statute by producing confidential information.

For the foregoing reasons and those set forth in the Reply Brief, Defendant Mad Minute Enterprises, LLC, respectfully requests that this Court deny Plaintiff's Motion.

Respectfully submitted,

Goldstein Law Partners, LLC

Date: 10/08/2024



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