

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

CITY OF CLEVELAND,

Plaintiff,

v.

STATE OF OHIO,

Defendant,

Defendant.

) Case No. CV 07 618492
)
)

) [Hon. Timothy J. McGinty]
)
)

) **AFFIDAVIT OF VINCENT GAY**
)

) [Daniel T. Ellis (0038555)
) Frederick E. Kalmbach (0074716)
) Lydy & Moan, Ltd.
) 4930 Holland-Sylvania Road
) Sylvania, Ohio 43560
) Telephone: (419) 882-7100
) Facsimile: (419) 882-7201
)

) Attorneys for Defendants NRA
)

STATE OF VIRGINIA)

) SS:

COUNTY OF LOUDOUN)

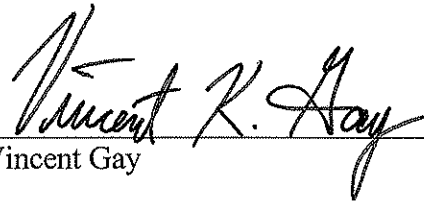
Vincent Gay, being conscious of his duty to testify truthfully, and having been first duly sworn to do so and cautioned according to law, deposes and says that he is 40 years of age, of sound mind, and has personal knowledge of the following facts:

1. I am an individual member of the National Rifle Association ("NRA"), AN organization promoting the education and training of the public with regard to

the possession, ownership, transportation, safe handling, and the carry and use of firearms for hunting, sport shooting, and defense.

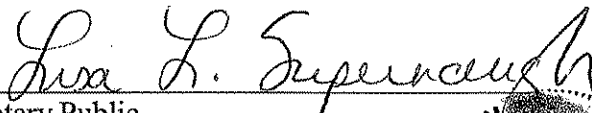
2. I am a firearm owner, a resident of Potomac Falls, Virginia and the holder of a valid permit to carry a concealed handgun in the State of Virginia.
3. I have family in Cuyahoga County, Ohio, whom I visit on regular occasions, causing me to travel to and through Cleveland, Ohio.
4. For my own personal self-defense and the defense of my family, I travel with my licensed firearm concealed upon my person in a manner prescribed by the laws of the State of Virginia and the State of Ohio.
5. When applying for and obtaining my permit in Virginia, it is and was my understanding that I could legally carry a concealed handgun anywhere in Ohio where it was legally allowed under a reciprocity agreement signed by the attorney general of the State of Ohio and the Superintendent, Virginia State Police acting under the authority of Ohio Revised Code § 109.69 and signed by the authorized person for each State on the 1st day of August, 2004. (A true and accurate copy is attached as Exhibit 1)
6. I have read the codified ordinances of Cleveland, Part Six, Offenses and Business Activities Code, Title I, General Offenses, Chapter 627 and Chapter 628; and Title VII, Business Regulation Chapter 674, Handgun Possession and Sale, prohibiting the carry of firearms in the City of Cleveland, its parks, playgrounds, beaches, marinas, among other public places.
7. Local municipal ordinances, including the codified ordinances of Cleveland, that add or modify the State and Federal firearm regulations prevent uniformity because they subject firearm owners to different non-uniform standards and criminal penalties without notice, and the local ordinances may change from municipality to municipality making it essentially impossible to understand or know what conduct is prohibited.
8. As an individual, and a member of the NRA with an out-of-state concealed pistol license, I am interested in maintaining the uniformity of laws of the State of Ohio with regard to the regulation and licensing of firearms, and carrying a handgun concealed according to the Ohio-Virginia reciprocity agreement.
9. The codified ordinances of Cleveland impose criminal penalties against persons who carry openly or a concealed handgun in the City of Cleveland, its parks, playgrounds, beaches, marinas, among other public places.
10. The potential criminal arrest of me for violating the codified ordinances of Cleveland, jeopardizes my life, liberty and property interests, and has a chilling affect on my fundamental right to protect myself in the manner I choose.

Further affiant sayeth naught.



Vincent Gay

Sworn to before me and subscribed in my presence this 23rd day of May, 2007.



Notary Public

Embossed Hereon is My
Commonwealth of Virginia Notary Public Seal
My Commission Expires June 30, 2009
LISA L. SUPERNAUGH

