UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

NATIONAL SHOOTING SPORTS FOUNDATION, INC. et al., Plaintiffs, v. ANTHONY G. BROWN, in his official capacity as Attorney General of Maryland, et al., Defendants.	Civil Action No. 1:26-cv-04844-JKB November 23, 2026

PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR A PRELIMINARY INJUNCTION, OR, IN THE ALTERNATIVE, A TEMPORARY RESTRAINING ORDER

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INTRODUCTION

Semiautomatic handguns "are, in fact, 'the quintessential self-defense weapon.'" *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 47 (2022) (quoting *District of Columbia v. Heller*, 554 U.S. 570, 629 (2008)). And semiautomatic handguns equipped with cruciform trigger bars are, in fact, the quintessential handgun. Pioneered by Austrian inventor Gaston Glock in the 1980s, the cruciform-trigger design revolutionized the handgun market on both sides of the Atlantic: By integrating multiple firearm components into a single part, the cruciform-trigger design resulted in a handgun that is less expensive to produce, easier to maintain, less susceptible to component failure or debris infiltration, and—critically—less likely to accidentally discharge. *See* Elwood Shelton, *Best Concealed Carry Guns in 2026 [Field Tested]*, Gun Digest (May 22, 2026), https://perma.cc/39AJ-W396 (describing cruciform-trigger handguns as "almost boringly reliable" "thanks to a painfully simplistic design that offers few opportunities for malfunctions to occur"). That explains why plaintiff Glock, Inc. ("Glock") has for decades continued to produce millions of handguns with that design, and it explains why manufacturers like plaintiffs Shadow Systems LLC ("Shadow Systems"), Sturm, Ruger & Co., Inc. ("Ruger"), South Derya Corporation d/b/a Derya USA ("Derya"), Palmetto State Armory ("PSA") began producing and selling their own cruciform-trigger handguns using the same basic design once Glock's patents expired. It also explains why, for retailers like plaintiff Fred's Sports & Furniture, Inc. d/b/a Fred's Outdoors ("Fred's Outdoors"), selling cruciform-trigger handguns to law-abiding citizens is big business: Every year, hundreds of thousands of these common arms are made in the United States and sold not just to law-abiding civilians seeking to use them for self-defense, but also to law enforcement officers, including in Maryland.

Although they are overwhelmingly used for lawful purposes, these handguns may, like "virtually any semiautomatic weapon," unlawfully "be converted … by internal modification …

into a machinegun" capable of full-automatic functionality—i.e., continuously firing rounds once the trigger is actuated, instead of the standard one-round-per-trigger-pull. *Staples v. United States*, 511 U.S. 600, 615 (1994). That has understandably led the federal government and many states, including Maryland, to criminalize possession of handguns that have been modified in that manner, as well as the aftermarket conversion devices—commonly known as pistol "switches"—that criminals use to accomplish the modification. But despite the omnipresent potential for illegal modification to an automatic firearm, the Supreme Court has been unequivocal that the underlying semiautomatic firearms remain "lawful" to "possess[]." *Id.* at 612. That is because "the Second Amendment protects the possession and use of weapons that are 'in common use at the time,'" full stop. *Bruen*, 597 U.S. at 21. Efforts to ban "an entire class of 'arms' that is overwhelmingly chosen by American society for [a] lawful purpose"—such as cruciform-trigger handguns—thus "[f]ail constitutional muster" under "any" "standard." *Heller*, 554 U.S. at 628-29.

A new Maryland law flouts those principles and precedents. Starting January 1, 2027, Maryland Senate Bill 334 ("SB334") makes it illegal to sell any of the market-leading cruciform-trigger handguns. Never mind if law-abiding Maryland residents with a concealed-carry permit want to buy one of *Gun Digest*'s best concealed-carry guns of 2026. *See* Shelton, *supra*. Never mind if law-abiding Maryland residents seeking to engage in recreational target shooting want to buy one of the top five best-selling handguns. *See* Palmetto State Armory, *Top 5 Best-Selling Handguns of 2026 (So Far)*, https://perma.cc/2N35-4GB2 (describing cruciform-trigger handguns as "prolific," "unsurpassed," and "the perfect balance of precision and reliability"). Never mind that, last year alone, sales of cruciform-trigger handguns generated tens of millions of dollars in revenue for manufacturers like Glock, Shadow Systems, Ruger, Derya, and PSA and retailers like Fred's Outdoors. After January 1, 2027, Maryland retailers must remove all new cruciform-trigger

handguns from their shelves or subject their principals to three years in prison, unless and until manufacturers fundamentally change a design that law-abiding citizens overwhelmingly prefer for its safety, reliability, and accessibility.

That law lacks any historical analogue—and the logic underlying it lacks any limit. If Maryland can ban cruciform-trigger handguns because of the risk that criminals can convert them into fully automatic machine guns, then it could ban "virtually any semiautomatic weapon" for the same reason, *Staples*, 511 U.S. at 615, even though semiautomatic weapons are "the weapons most commonly used today for self-defense," *Caetano v. Massachusetts*, 577 U.S. 411, 417-18 (2016) (Alito, J., concurring in the judgment). *Accord Snope v. Brown*, 145 S.Ct. 1534, 1534 (2025) (Kavanaugh, J., respecting the denial of certiorari) (noting that "most handguns" today "are semi-automatic"). And it does not stop with semiautomatic weapons. If Maryland can ban cruciform-trigger handguns because criminals can use household tools to modify them into uncommon and unlawful guns, then Maryland could ban hunting rifles and shotguns for the same reason: Criminals have been using hacksaws to turn them into illegal short-barreled firearms since long before the days of Bonnie and Clyde. In short, if Maryland can ban cruciform-trigger handguns because of the sheer potential to convert them into something illegal, then it is hard to see what class of firearm it could not ban.

None of that is consistent with the Second Amendment. To be sure, states have broad authority to regulate "dangerous and unusual weapons," *Heller*, 554 U.S. at 627, which is why they may ban the relatively small number of handguns that have been unlawfully converted into fully automatic firearms. But if a firearm is "in common use at the time," then it is plainly not "highly unusual in society at large." *Bruen*, 597 U.S. at 47. And the mere fact that a firearm that is typically possessed by law-abiding citizens for lawful purposes can be altered to become

dangerous and unusual does not make the *unaltered* firearm less commonly used for lawful purposes. As a district court recently explained in enjoining a near-identical law in Connecticut, "there is no dispute that handguns with a cruciform trigger bar (in an unconverted state) are not only safe, but extremely popular for purposes of self-defense, and their possession and carry rights are protected by the Second Amendment." *Glock, Inc., v. Griffin*, 2026 WL 2938741, at *5 (D. Conn. Sept. 30, 2026).

It has always been easy for landowners to convert common firearms into dangerous and unusual booby traps to ambush intruders, or for criminals to saw off the barrels of common shotguns and rifles to turn them into dangerous and unusual short-barreled firearms. But our Nation's tradition has always been one of criminalizing the modification and prosecuting the modifiers, not taking the unmodified firearm away from those who seek to keep and bear it for lawful purposes. That was true at the Founding, and it remains true today. *Compare, e.g.*, 1771 N.J. Laws 346, §10 (prohibiting the "most dangerous" practice of setting guns to discharge by "string, rope or other contrivance" and requiring "such person or persons [to] forfeit and [either] pay the sum of six pounds" or "be committed to the common goal of the county[] for six months"), *with, e.g.*, 21 U.S.C. §841(d) (similar).

Just so here. Maryland may ban the parts used to interfere with cruciform-trigger handgun's intended semiautomatic functioning. (In fact, it already has. *See* Md. Code Ann., Crim. Law §§4-301(q), 4-305.1(a)(2).) It may aggressively prosecute both those who do the illicit modifying and those who supply illicit parts to aid it. And it may mobilize all manner of resources to educate the public about this important public-safety issue. But it cannot drive "an entire class of 'arms' that is overwhelmingly chosen by American society for [a] lawful purpose" off the market. *Heller*, 554 U.S. at 628. *Heller* was clear: It is not "permissible to ban the possession of

handguns so long as the possession of other firearms … is allowed." *Id.* at 629.

SB334 is incompatible with our Nation's historical tradition of firearm regulation. And it will cause devastating, irreparable harm to Plaintiffs, their customers, and their members. The Court should preliminarily enjoin SB334's implementation and enforcement forthwith.

BACKGROUND

A. Cruciform-Trigger Handguns are "America's Gun."

1. It is hard to overstate the impact that Austrian inventor Gaston Glock had on the handgun market when he unveiled the cruciform-trigger design in 1982. As one rival manufacturer put it, Glock's design "became the next generation of how the entire world makes handguns": "Every single manufacturer from the pre-Glock era now makes a post-Glock era [cruciform-trigger] handgun." Frank Koppenhagen et al., *The Genesis of the Glock Pistol: How Gaston Glock Created the Dominant Design for Handguns* 1-2 (2025), https://perma.cc/7YEJ-YJTQ.

Although Glock had no training in firearm design, he was able to resolve a contradiction that had confounded other manufacturers: how to "combin[e] the firepower and rapid reload capability of" many "semiautomatic pistols" with "the safety and operational simplicity of" the leading "double-action revolvers" of the day. *Id.* at 2, 5, 24-25; *see also* CBS News, *How Glock Became America's Gun* (Sept. 15, 2013), https://perma.cc/6EXT-YBH6 [hereinafter *America's Gun*]. At the time, double-action revolvers—so-named because a single pull of the trigger not only fires a round but also rotates the cylinder—typically held only six cartridges and took significant time to reload. They had "a long, heavy trigger pull" that was a mixed blessing: It "ma[d]e[] it virtually impossible to accidentally discharge the gun," but also "ma[d]e[] rapid and precise shooting more challenging" in self-defense situations. Koppenhagen et al., *supra*, at 5-6. By contrast, the then-predominant semiautomatic pistols used a "double-action/single-action" design: "The first shot, fired in double-action mode, require[d] a longer and heavier trigger pull, as the

trigger must both cock and release the hammer. All subsequent shots [we]re fired in single-action mode," with "a shorter and lighter trigger pull." *Id.* at 6. Although those double-action/single-action semiautomatic pistols held significantly more cartridges than double-action revolvers, the "transition between different trigger pull weights" "negatively impact[ed] accuracy and shot consistency," and the design "required" "additional operating steps" that "complicate[d] the safe operation of the gun and pose[d] potential sources of operating errors, particularly in high stress conditions." *Id.*

Glock's revolutionary design resulted in "a pistol that, once chambered, remains both ready to fire and safe to carry at all times, with a consistent trigger pull optimized for both safety and performance." *Id.* at 5. The key innovation was the so-called cruciform "trigger bar capable of movement in two non-parallel directions," a capability that enables it to "perform[] three functions that were traditionally carried out by separate components" in prior handgun designs. *Id.* at 9, 12; *see also id.* at 13-17 (explaining the more technical aspects of the mechanics); Matt Rittman, *How a Glock Works* (July 2, 2019), https://bit.ly/4wHWaOi. Because the cruciform design allows for "stamp[ing]" instead of "machin[ing]," it is also more "cost-effective" to "mass produc[e]." Koppenhagen et al., *supra*, at 20-21. As Glock put it in his original U.S. patent:

> Handling of the pistol according to the instant invention is therefore as simple as possible. The pistol is ready after chambering of the cartridge in the barrel for shooting at any time and is nonetheless completely safe from unintentional shots. Similarly in this condition the pistol is fully drop- and jar-resistant. As a result of the unchanging trigger force accuracy is increased. Simple and safe handling of the pistol is ensured even for the unpracticed user.

Id. at 9; *see id.* at 18 (schematic comparing operational steps for Glock versus other common firearm design). And with "significantly fewer parts" "than all competing products at the time," the cruciform-trigger pistol is "significantly simpl[er]" to maintain" and "demonstrate[d] … significantly higher" "reliability." *Id.* at 21; *see also* CBS, *America's Gun* (observing that

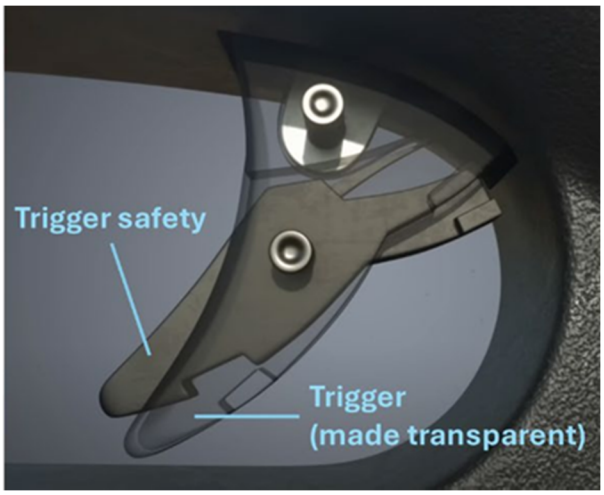
cruciform-trigger handguns have "only 34 components—about half of most other makers," "ma[king] the gun easier to manufacture, and less likely to malfunction").

The cruciform-trigger design also allows for three sequential passive safeties, each operating independently—a groundbreaking advancement when it comes to preventing accidental discharges:

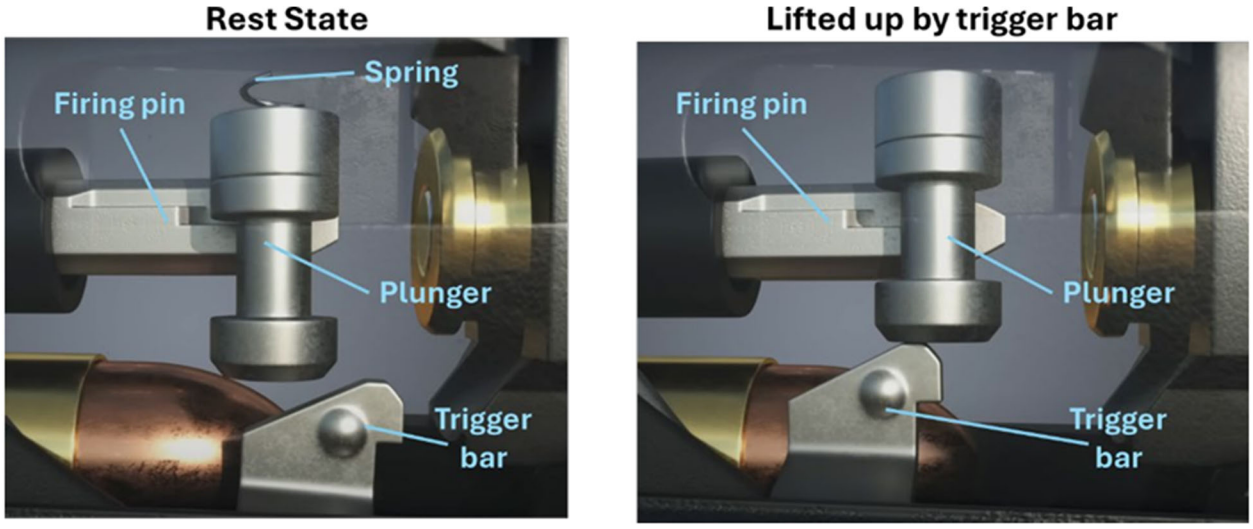


GLOCK, *Our Safe Action® System* (2026), https://perma.cc/4GZG-DPMQ (red annotation added). *First*, a safety lever integrated into the trigger blocks unintentional "rearward movement of the trigger":

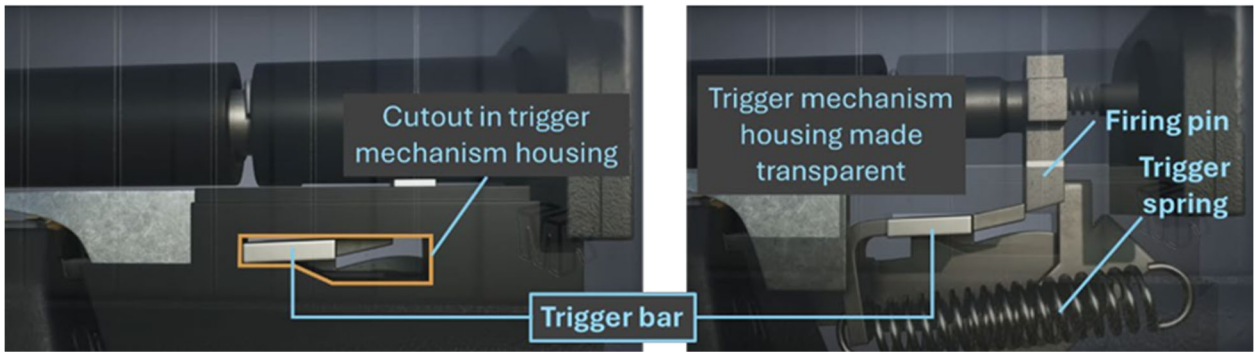




Koppenhagen et al., *supra*, at 13-15. *Second*, the design of the cruciform trigger bar makes it physically impossible for the firing pin to strike the cartridge unless and until the shooter actuates the cruciform trigger bar by pulling the trigger:



Id. at 15. *Third*, the design of the cruciform-trigger bar makes it impossible for the firing pin to release without the shooter actuating the cruciform trigger bar:



Id. at 14. *See generally* Rittman, *supra*. The cruciform trigger bar's innovative design is what makes it possible to combine these redundant safeties into one integrated component, rather than relying on multiple subcomponents to work together in ways that make the firearm more susceptible to component failure or manufacturing defects.

2. That "unique balance" of safety, "performance[,] and value" has made cruciform-trigger

handguns "wide[ly] popular[]" for countless "armed citizens, competition shooters, collectors, and general firearms enthusiasts." Kyle Clouse, *Is Glock Still the King of Semi-Auto Pistols?*, Liberty Safe (Jun. 13, 2025) https://perma.cc/TV8E-HZJ7; *see also* CBS, *America's Gun* (deeming cruciform-trigger handguns "a lawnmower as far as reliability goes"). Firearms produced by Glock's eponymous companies alone have consistently accounted for up to "65% market share of the handguns in the U.S." Forbes, *Gaston Glock & Family* (2026), https://perma.cc/AV67-93M4; *see* Clouse, *supra* ("[M]ore Glock pistols have been sold than any other handgun ever made, with recent estimates numbering total Glock sales topping the 20 million mark globally."). And now that the patent on Glock's cruciform-trigger bar has expired, an entire industry of manufacturers has cropped up "mak[ing] their own versions of Glock pistols," *id.*, i.e., their own version of cruciform-trigger pistols.

Shadow Systems, Ruger, Derya, and PSA are all manufacturers who produce pistols with the same basic cruciform-trigger design as Glock. Indeed, both Ruger and Shadow Systems have been recognized as "American companies that make outstanding Glock clones." Brad Fitzpatrick, *Top Glock Clones U.S. Buyers Are Raving About* (Mar. 12, 2026), https://perma.cc/4V65-Y6Y4 (describing the Shadow Systems MR920 as "certainly one of the best in its class" and the Ruger RXM as a "real winner"); *see also* Paul Peterson, *7 Best Glock Clones for Any Budget: Buyer's Guide*, Guns.Com (Feb. 20, 2025), https://perma.cc/DK5C-NN2U (identifying both Ruger and Shadow System as producing some of the "[b]est Glock Clones"). As those market-leading reviews suggest, these manufacturers' pistols are popular with, and commonly used by, law-abiding citizens both in and out of Maryland, as their sales figures corroborate. *See* Werkmeister Decl. ¶5; Tapler Decl. ¶¶7-8; Jones Decl. ¶6; Roe Decl. ¶5; Guevara Decl. ¶¶3-4. Fred's Outdoors's sales figures confirm the point: In each of the past four years, Fred's Outdoors has sold

on average more than 3,300 cruciform-trigger handguns. *See* Herbert Decl. ¶6.

As a class, well over 500,000 cruciform-trigger handguns are manufactured for sale in the United States annually. *See, e.g.*, ATF, *Annual Firearms Manufacturing & Export Report* 15, 51, 201-02 (2024), https://perma.cc/ZCU6-WWR2. By any measure, and as the federal government has acknowledged across multiple administrations, these handguns are "popular for civilian use." 87 Fed. Reg. 24,652, 24,655 (Apr. 26, 2022). Indeed, the Fourth Circuit Court of Appeals itself has explicitly characterized the Glock 19—a cruciform-trigger handgun—as a "commonly used handgun." *See Bianchi v. Brown*, 111 F.4th 438, 455 (4th Cir. 2024) (en banc); *id.* at 527 (Richardson, J., dissenting) (similar). If a single model of cruciform-trigger handgun is considered commonly used, then *a fortiori* the class of cruciform-trigger handguns as a whole must similarly be common.

3. While safety, reliability, and affordability help explain why cruciform-trigger handguns have become the handgun of choice for law-abiding citizens, they are decidedly *not* the firearm of choice for criminals. Quite the contrary: ATF data tracking "weapons recovered at crime scenes" dispels any suggestion that cruciform-trigger handguns are "distinctively used" by criminals "more than other guns." CBS, *America's Gun* ("The notion that every gangster in every city is walking around with a Glock just isn't true."). That said, "one of the most prominent emerging public and law enforcement officer safety threats in recent years has been the proliferation of illegal" machine gun conversion devices ("MCD"). *Right Side of Legal*, NSSF (2026), https://perma.cc/D4RU-BPRR. "MCDs include traditional 'Drop in Auto Sears,' which are designed for use on AR-type firearms," *id.*—i.e., "the most popular rifle in the country" among law-abiding citizens, *Smith & Wesson Brands v. Estados Unidos Mexicanos*, 605 U.S. 280, 297 (2025). MCDs also include "more recently developed 'switches,' which are designed for use on" cruciform-trigger handguns.

Right Side of Legal, *supra*; *see* ATF, *Machinegun Conversion Devices: Fact Sheet* (Dec. 12, 2024), https://perma.cc/LD8J-GRB4.

B. SB334 Bans Sales of Common Cruciform-Trigger Handguns After January 1, 2027.

For decades, lawmakers have responded to the threat of MCDs by criminalizing the MCDs themselves, as well as firearms equipped with them. Federal law, for instance, criminalizes "machinegun" possession, *see* 18 U.S.C. §922(o), and defines a "machinegun" as "any" fully automatic weapon, as well as "any part designed and intended … for use in converting a weapon into a machinegun," 26 U.S.C. §5845. Maryland's Criminal Law likewise criminalizes possession of any "rapid fire activator," Md. Code Ann., Crim. Law §4-305.1(a)(2), which is defined to include "any device, including a removable manual or power-driven activating device, constructed so that, when installed in or attached to a firearm: (i) the rate at which the trigger is activated increases; or (ii) the rate of fire increases," *id.* §4-301(q). But as the Supreme Court noted in *Staples*—itself a case about an illegally modified, fully automatic AR-15—unmodified semiautomatic firearms have always remained "lawful" to "possess[]." 511 U.S. at 612.

SB334 breaks that unbroken tradition by "prohibiting the sale and transfer of pistols with a cruciform trigger bar." Press Release of Att'y Gen. Brown, *Attorney General Brown on Court Ruling Keeping Maryland's Law on Machine Gun Convertible Pistols in Place* (Sept. 25, 2026), https://perma.cc/3WFB-EJ54. Effective January 1, 2027, SB334 makes it illegal for any person to "manufacture, sell, offer for sale, purchase, receive, or transfer a machine gun convertible pistol." Md. Code Ann., Crim. Law §4-305.2(a). Any violation of that prohibition is punishable by up to three years imprisonment and a fine of up to $5,000. *Id.* §4-306(a).

SB334 defines "machine gun convertible pistol" as "any semiautomatic pistol with a cruciform trigger bar that can be readily converted by hand or by using common household tools

into a machine gun by the installation or attachment of a pistol converter as a replacement for the slide's backplate." *Id.* §4-301(o)(1). A "pistol converter" is in turn defined as "any device or instrument that, when installed in or attached to the rear of the slide of a semiautomatic pistol, replaces the backplate and interferes with the trigger mechanism, which enables the pistol to shoot automatically more than one shot by a single function of the trigger," including one "manufactured using a three-dimensional printer." *Id.* §4-301(p).

SB334 directs the Department of State Police to "adopt regulations to implement" its requirements, including by "publishing a list of prohibited machine gun convertible pistols." *Id.* §4-305.2(b). And while the Department is yet to publish that list, by the law's own terms, the only way for a cruciform-trigger handgun to fall outside SB334's definition of "machine gun convertible pistol" is if it cannot "be readily converted by hand or by using common household tools into a machine gun by the installation or attachment of a pistol converter as a replacement for the slide's backplate." *Id.* §4-301(o)(1). Despite multiple requests, Maryland has refused to take a position on whether the popular cruciform-trigger handguns made by Plaintiffs fall outside SB334's definition of "machine gun convertible pistol." Instead, the state has simply stated that it anticipates publishing its list of prohibited pistols sometime in December—which, at best, is mere weeks before SB334 is set to take effect on January 1, 2027.

Several Plaintiffs, including Glock and Derya, have devoted significant effort and resources into researching and implementing design changes intended to inhibit the installation of an MCD. But when asked directly by Glock and Derya, Maryland has refused to say whether these design changes are sufficient to comply with SB334. Other Plaintiffs, including Shadow Systems, are also currently in the process of engineering a commercially viable solution that would frustrate criminals bent on using MCDs. But even in the best-case scenario, any solution that may be

developed by Shadow Systems remains months away—and of course, Maryland's refusal to take a position on the sufficiency of the design changes already implemented by Glock and Derya make it exceedingly difficult for them and other manufacturers to know whether their resource-intensive efforts will meaningfully accomplish their goal of complying with SB334. Indeed, there is no guarantee that Maryland will deem any efforts by manufacturers to comply with SB334 to be enough. At bottom, no amount of design alteration can ever make a handgun impervious to criminal misuse, or change the reality that "virtually any semiautomatic weapon may be converted" "into a machinegun" by someone set on committing that crime. *Staples*, 511 U.S. at 615. *See generally* Werkmeister Decl. ¶10; Tapler Decl. ¶11; Jones Decl. ¶11. The same (il)logic underlying SB334 thus could be invoked to ban semiautomatic firearms entirely.

ARGUMENT

A district court may issue a preliminary injunction "to maintain the status quo and prevent irreparable harm while a lawsuit remains pending." *Pashby v. Delia*, 709 F.3d 307, 319 (4th Cir. 2013). Plaintiffs seeking such injunctions must show that "(1) they are likely to succeed on the merits, (2) they are likely to suffer irreparable harm, (3) the balance of hardships tips in their favor, and (4) the injunction is in the public interest." *Id.* at 320. Here, every factor supports preliminarily enjoining the challenged portions of SB334.

I. Plaintiffs' Challenge To SB334 Is Likely To Succeed On The Merits.

A. SB334 Restricts Conduct Covered by the Second Amendment's Plain Text.

As the Supreme Court recently reiterated, the first question "in a Second Amendment case" is "whether the law before [the court] clashes with the 'plain text' of the Amendment's language." *Wolford v. Lopez*, 609 U.S. 185, 195 (2026). If it does—i.e., if the challenged law "regulates arms-bearing conduct" in any respect, *United States v. Rahimi*, 602 U.S. 680, 691 (2024)—then it implicates the Second Amendment, and the state bears the burden to prove that it is "consistent

with this Nation's historical tradition of firearm regulation." *Bruen*, 597 U.S. at 17. Answering that threshold question (i.e., "*Bruen*'s first step") does not require "a lengthy discussion of historical materials and precedents" to determine the full scope of the right the Second Amendment protects. *Wolford*, 609 U.S. at 204. It requires only a straightforward inquiry into "how contemporaries understood the text" of the Amendment. *Id.* at 213 (Barrett, J., concurring).

The first-step inquiry "entails three subsidiary questions" tracking what the words of the Amendment themselves address. *Id.* at 195 (majority op.). First, does the challenged law "apply to 'the people,'" i.e., "'all members of the political community'?" *Id.* (quoting *Heller*, 554 U.S. at 580). Second, does it "concern any form of 'Arms,' i.e., any weapon customarily used for offensive or defensive purposes?" *Id.* Third, does it "place any restrictions on either the 'keep[ing]' (i.e., possession) or the 'bear[ing]' (i.e., carrying) of arms?" *Id.* (alterations in original).

Here, the answer to each of those questions is undoubtedly yes. SB334 makes it a crime to sell a cruciform-trigger handgun to any and all members of the public ("the people"). Cruciform-trigger handguns are plainly "Arms" as that term was understood at the Founding and still is today. *See Heller*, 554 U.S. at 581 ("Arms" covers "any thing that a man … takes into his hands, or useth in wrath to cast at or strike another"); *Bruen*, 597 U.S. at 28 (the "general definition" of "arms" "covers" all "modern instruments that facilitate armed self-defense"). Indeed, "[e]ven the narrowest Founding-era definition of 'Arms' addressed by the *Heller* Court 'stated that all firearms constituted "arms."'" *Ass'n of N.J. Rifle & Pistol Clubs, Inc. v. Att'y Gen. New Jersey*, 183 F.4th 211, 239 (3d Cir. 2026) (en banc) (quoting *Heller*, 570 U.S. at 581-82). And SB334 restricts both the keeping and the bearing of these arms, *see Wolford*, 609 U.S. at 195-96, as it makes it virtually impossible to lawfully acquire one.

It makes no difference that the Second Amendment does not explicitly mention the

acquisition of firearms. As the Supreme Court recently made clear, any law that "burdens those wishing to exercise their Second Amendment right" "fall[s] within the plain text of the Second Amendment" no matter how it imposes that burden. *Id.* at 202. That is why the Fourth Circuit had no problem concluding that firearm restrictions operating against firearm sellers rather than firearm buyers still implicate the Second Amendment. *See, e.g.*, *McCoy v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, 140 F.4th 568, 575 (4th Cir. 2025); *Hirschfeld v. Bureau of Alcohol, Firearms, Tobacco & Explosives*, 5 F.4th 407, 417 (4th Cir. 2021), *vacated on other grounds*, 14 F.4th 322 (4th Cir. 2021). SB334 restricts which arms people can acquire. That plainly imposes a burden on people seeking to bear arms—especially when the class of arms the state has singled out is not just "in common use," *Bruen*, 597 U.S. at 47, but "overwhelmingly chosen by American society for th[e] lawful purpose" "of self-defense," *Heller*, 554 U.S. at 628-29.

B. There Is No Historical Tradition of Banning Common-Use Weapons Because of the Possibility that Criminals May Unlawfully Alter Them.

1. When as here, a state law implicates arms-bearing conduct, the burden shifts to the state to "affirmatively prove that its firearm regulation is part of the historical tradition that delimits … the right to keep and bear arms." *Bruen*, 597 U.S. at 19. "A variety of sources … may aid this inquiry." *Wolford*, 609 U.S. at 196. But "the best evidence" is "what *Bruen* called historical analogues": "[o]ld legal rules from which a court may draw a strong inference that the modern law at issue is consistent with the codified right." *Id.* And not any old rule will do; a state must come forward with "well-established and representative historical analogue[s]," *Bruen*, 597 U.S. at 30 (emphasis omitted), that restricted arms-bearing conduct "for similar reasons" as the modern law (i.e., "to address [the] particular" public policy "problem[]") and to a similar "extent" as "was done at the founding," *Rahimi*, 602 U.S. at 692. *Accord Bruen*, 597 U.S. at 67 ("[W]e will not stake our interpretation of the Second Amendment upon a law in effect in a single State, or a single

city.").

Those guideposts direct the historical analysis for various modern restrictions on arms-bearing. But when states endeavor to drive certain arms from the market entirely, courts need not conduct an extensive historical analysis to "delimit[] the outer bounds of the right to keep and bear arms," *Bruen*, 597 U.S. at 19, because *Heller* already did that work. "Drawing from th[e] historical tradition" of laws that "prohibited the carrying of 'dangerous and unusual weapons,'" *id.* at 47, the Court concluded in *Heller* that states may not ban arms that "law-abiding citizens" "typically possess[] … for lawful purposes." *Heller*, 554 U.S. at 625. That was no stray dicta. While much of *Heller* was focused on whether the Second Amendment protects an individual right at all, the ultimate question before the Court was whether the District of Columbia's handgun ban was constitutional. The Court thus "*ha*[*d*] to consider … what types of weapons" the Second Amendment protects. *Id.* at 624 (emphasis altered). And it concluded that "the sorts of weapons protected [a]re those 'in common use at the time'" "for lawful purposes like self-defense." *Id.* at 624, 627. Of course, the Supreme Court did not need to determine precisely what marks the dividing line between arms that are "in common use" for lawful purposes and arms that are "not typically possessed by law-abiding citizens for lawful purposes," *id.* at 624-25, because the law at issue in *Heller* banned "an entire class of 'arms' that is overwhelmingly chosen by American society for th[e] lawful purpose" "of self-defense," *id.* at 628-29. But the Court *did* have to identify the constitutional rule that governs arms bans, and the Court held that the government may not ban arms that are "'in common use at the time' for lawful purposes like self-defense." *Id.* at 624.

Under that rule, SB334 is clearly unconstitutional. Indeed, SB334 is not materially different from the D.C. law in *Heller*. The only meaningful distinction is that SB334 applies to one (very large and overwhelmingly popular) subset of handguns, whereas the District's law

applied to all handguns. But when it comes to the historical tradition the Supreme Court has identified, that distinction makes no difference. In *Heller*, the District tried to defend its ban by pointing to the ability of citizens to keep and bear long guns. The Supreme Court rejected that argument in no uncertain terms. "It is no answer to say … that it is permissible to ban the possession of handguns so long as the possession of other firearms (i.e., long guns) is allowed." *Id.* at 629. So too here: "It is no answer to say" that the people may still purchase non-cruciform-trigger handguns. Banning "an entire class of 'arms' that is overwhelmingly chosen by American society for th[e] lawful purpose" "of self-defense" "fail[s] constitutional muster." *Id.* at 628-29. Because cruciform-trigger handguns are among "the most popular weapon[s] chosen by Americans for self-defense in the home," *id.* at 629, the Second Amendment prevents Maryland from denying "the people" their "right" "to keep and bear" them, U.S. Const. amend. II.

2. While that is the law of the land according to the Supreme Court, it is not the law of this Circuit—at least at present. The Fourth Circuit has taken the view that "[j]ust because a weapon happens to be in common use does not guarantee that it falls within the scope of the right to keep and bear arms." *Bianchi*, 111 F.4th at 460. Under *Bianchi*, even if a firearm is "typically possessed by average Americans for the purpose of self-preservation," it is not protected by the Second Amendment if the government determines that such a firearm is "ill-suited and disproportionate to achieving that end." *Id.* at 461.

It is difficult (to say the least) to square that view with Supreme Court precedent, as it elevates the perceptions and preferences of government officials over the choices and preferences of the people whose rights the Second Amendment secures. That may explain why the Supreme Court has granted certiorari to review a Second Circuit decision adopting the same flawed approach as *Bianchi*. *See Grant v. Higgins*, 146 S.Ct. 2811 (2026). But even under *Bianchi*, SB334

falls on the invalid side of the line. There is nothing "dangerous and unusual" about cruciform-trigger handguns. Indeed, *Bianchi* offered up cruciform-trigger handguns "like the Glock 19" for the express purpose of distinguishing such firearms from those it considered unusually dangerous. *Bianchi*, 111 F.4th at 455. As the court there explained, the only weapons that may be banned are "weapons of crime and war in explicit contradistinction to the handgun." *Id.* at 451. By now banning those handguns, SB334 goes after precisely the arms that the Fourth Circuit "emphasized was squarely within the ambit of the Second Amendment." *Id*.

SB334 does so, moreover, not on the theory that cruciform-trigger handguns are themselves unusually dangerous, but because they can be converted into something that is. That is fundamentally inconsistent with our Nation's historical tradition. The problem of bad actors trying to convert common self-defense weapons into more lethal, offensive weapons is not a new one. For as long as firearms have existed, criminals unfortunately have been attempting dangerous firearm conversions. And governments have responded by banning the conversion and the converted arm, not by banning the common firearm just because it can be converted.

For example, criminals have always been able to convert common firearms into dangerous and unusual booby traps. The tradition at the Founding was to criminalize these so-called trap guns but to leave the unmodified gun legal to purchase and possess. *See, e.g.*, 1771 N.J. Laws 346, §10. That remained the tradition when the states ratified the Fourteenth Amendment. *See, e.g.*, 1884 Vt. Acts & Resolves 74, §1. And it remains the tradition today. *See, e.g.*, 21 U.S.C. §841(d). Criminals have likewise always been able to convert long guns commonly used for hunting and other lawful purposes into dangerous short-barreled rifles and shotguns. Here, too, the unbroken tradition has been to criminalize the sawed-off variants (and prosecute those doing the sawing) but leave the unmodified rifles and shotguns lawful to purchase and possess. *See, e.g.*,

18 U.S.C. §922(a)(4), (b)(4); Conn. Gen. Stat. §53a-211.

More recently, criminals have devised no shortage of ways to turn common semiautomatic firearms into illegal machine guns, from "fil[ing] away" internal safeguards (as in *Staples*, 511 U.S. at 603) to simply tying a shoelace "to the cocking handle of a semiautomatic rifle" (as described in, *e.g.*, Letter from Richard Vasquez, Acting Chief, Firearms Technology Branch, ATF, to Brian A. Blakely (June 25, 2007), https://perma.cc/22Q7-7C94). Once again, the modern response in the overwhelming number of jurisdictions reflects the Founding-era tradition: ban the modification and the modified firearm, but leave the unmodified firearm legal to purchase and possess.

As this history shows, the problem of converting safe firearms into dangerous ones "has persisted since the 18th century"; yet "the lack of a distinctly similar historical regulation addressing that problem" in the same as SB334 "is relevant evidence that [SB334] is inconsistent with the Second Amendment." *Bruen*, 597 U.S. at 26. As one court recently concluded in enjoining Connecticut's parallel law, what matters is whether the firearm is "unsafe *at the point of sale*." *Glock*, 2026 WL 2938741, at *5. And here, "there is no dispute that handguns with a cruciform trigger bar (in an unconverted state) are not only safe, but extremely popular for purposes of self-defense, and their possession and carry rights are protected by the Second Amendment." *Id.*

While a court in Maryland admittedly reached the opposite conclusion, *see Bathras v. Moore*, 2026 WL 2982218, *14 (D. Md. Oct. 5, 2026), it failed to faithfully apply the Supreme Court's admonition that a law implicating the Second Amendment's plain text is "presumptively unconstitutional," *Wolford*, 609 U.S. at 196; *see also Glock*, 2026 WL 2938741, at *4-6 (correctly observing that a law banning cruciform-trigger handguns is presumptively unconstitutional). That

court also mistakenly analogized SB334 to historical laws against rioting, preventing the aggregation of gunpowder, and banning uniquely dangerous weapons used primarily by criminals like machineguns and short-barreled rifles or shotguns. *Bathras*, 2026 WL 2982218, at *16-18. Those first two supposed analogues have nothing to do with banning a commonly possessed firearm for self-defense, and the final analogue shows precisely why SB334 is unconstitutional. In all those cases, the government prohibited an unusual and dangerous weapon *itself*, not a safe and popular weapon that can be illegally converted into something unusually dangerous. The ban on short-barreled shotguns and rifles perfectly proves the point. "As shortened barrels became popular with Prohibition-era gangsters … Congress regulated sawed-off shotguns and short-barreled rifles"—it did not prohibit shotguns and rifles themselves simply because they could be converted into dangerous weapons, as SB334 attempts to do to cruciform-trigger handguns. *Id.* at 18. No court has ever identified a historical analogue to SB334's total ban of these safe, legal, and popular firearms simply because they can be illegally transformed and misused by criminals. SB334 cannot be reconciled with our Nation's historical tradition of firearms regulation.

II. The Remaining Injunction Factors Overwhelmingly Support Enjoining SB334.

A. SB334 Occasions a Slew of Irreparable Harms.

As the attached declarations make clear, SB334 causes all manner of irreparable harm for all manner of Maryland residents and businesses. The harm is perhaps most stark for the legions of law-abiding Maryland citizens who face an indefinite deprivation of Second Amendment rights. "[D]eprivation of a constitutional right, 'for even minimal periods of time, unquestionably constitutes irreparable injury.'" *Miranda v. Garland*, 34 F.4th 338, 365 (4th Cir. 2022). As both a district court in this circuit and multiple courts of appeals have agreed, that principle applies with full force to the Second Amendment. *See Kipke v. Moore*, 695 F.Supp.3d 638, 662-63 (D. Md. 2023); *Ortega v. Grisham*, 148 F.4th 1134, 1142 (10th Cir. 2025); *Baird v. Bonta*, 81 F.4th 1036,

1042 (9th Cir. 2023); *Wrenn v. District of Columbia*, 864 F.3d 650, 667-68 (D.C. Cir. 2017); *Def. Distributed v. U.S. Dep't of State*, 838 F.3d 451, 457 (5th Cir. 2016); *Ezell v. City of Chicago*, 651 F.3d 684, 699 (7th Cir. 2011); *cf. McDonald v. City of Chicago*, 561 U.S. 742, 780 (2010) (recognizing that the Second Amendment is not a "second-class right"). And the Fourth Circuit has been crystal clear that a firearm "vendor" like Glock, Shadow Systems, Ruger, Derya, and Fred's Outdoors "has third-party standing to pursue claims on behalf of its customers, regardless of whether a vendor's customers are hindered in bringing their own claims." *Maryland Shall Issue, Inc. v. Hogan*, 971 F.3d 199, 216 (4th Cir. 2020).

The irreparable harm is no less obvious for Maryland-based NSSF-member manufacturers and retailers, including (but not limited to) the plaintiffs in this case. In an average year, Fred's Outdoors reasonably expects retail sales of cruciform-trigger handguns to meet or exceed $375,000. *See* Herbert Decl. ¶7. Starting January 1, however, that number will plummet to zero and remain there indefinitely absent relief. *Id*. ¶9. And customers who come into Fred's Outdoors seeking to purchase a cruciform-trigger handgun will not inevitably pivot to some other style of handgun. Customers often come into the store specifically looking to purchase a cruciform-trigger handgun—precisely because its design has for decades proven safe, reliable, and affordable—and like any consumer, firearms purchasers sometimes walk out of Fred's Outdoors if the store does not stock what they want. *Id*. ¶13. Because sovereign immunity makes it impossible for Fred's Outdoors to recover damages, that loss in business opportunity constitutes irreparable injury, to say nothing of the loss in customer goodwill. *See Mountain Valley Pipeline, LLC v. 6.56 Acres of Land*, 915 F.3d 197, 218 (4th Cir. 2019) (holding that when "monetary damages will be unavailable to remedy financial losses when litigation ends, there is no bar to treating those losses as irreparable injury justifying preliminary relief").

That all goes double for the manufacturer plaintiffs. For each of the past five years, Shadow Systems has averaged over $60,000 in cruciform-trigger handguns sales in Maryland annually. Roe Decl. ¶5. Having already watched a materially identical California law slash its California cruciform-trigger-handgun sales from millions to nil, Shadow Systems has no doubt that history will unfortunately repeat itself in Maryland as a result of SB334. Roe Decl. ¶6; *see also* Jones Decl. ¶9 (Derya expressing that same concern). Similarly, since 2021, PSA has averaged over $84,000 in annual Maryland sales of its own cruciform-trigger handguns and an additional $96,000 a year from the sale of cruciform-trigger handguns manufactured by other companies. Tapler Decl. ¶8. The same goes for the other manufacturer plaintiffs, all of whom ship millions of dollars' worth of cruciform-trigger handguns nationwide, including in Maryland, and for whom the sale of cruciform-trigger handguns is an important component of their business. *See* Jones Decl. ¶6; Werkmeister Decl. ¶5; Guevara Decl. ¶¶3-5. All of that business will be ruined once SB334 takes effect sell starting January 1, 2027. Werkmeister Decl. ¶8; Tapler Decl. ¶9; Jones Decl. ¶8; Roe Decl. ¶6; Guevara Decl. ¶¶12-17. As Attorney General Brown has proudly declared, SB334's goal is to "prohibit[] the sale and transfer of pistols with a cruciform trigger bar." Press Release of Attorney General Brown, *supra*; *see PSEG Renewable Transmission LLC v. Arentz Fam., LP*, 185 F.4th 497, 513 (4th Cir. 2026) ("Although monetary losses are generally not considered irreparable, they may be considered so if they are unrecoverable or 'threaten[] a party's very existence by, for instance, driving it out of business before litigation concludes.").

Adding insult to (irreparable) injury, several Plaintiffs have put years of effort and significant resources into researching and implementing design changes intended to inhibit the installation of an MCD. Werkmeister Decl. ¶10; Tapler Decl. ¶11; Jones Decl. ¶¶10-11; Roe Decl. ¶8; Guevara Decl. ¶¶6-9. And despite that continual costly effort to comply with SB334, Maryland

has refused to say whether these design changes are sufficient. Indeed, there is no guarantee that Maryland will deem these Plaintiffs' efforts enough because, at bottom, "virtually any semiautomatic weapon may be converted, either by internal modification or, in some cases, simply by wear and tear, into a machinegun." *Staples*, 511 U.S. at 615; *see* Werkmeister Decl. ¶10; Tapler Decl. ¶11; Jones Decl. ¶11; Roe Decl. ¶8; *see also CCIA v. Paxton*, 184 F.4th 420, 431 (5th Cir. 2026) (collecting cases holding that unrecoverable compliance costs constitute irreparable injury).

Recent 42 U.S.C. §1983 caselaw confirms that NSSF has standing to vindicate the interests of its Maryland-based members. *See Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 199 (2023) (holding that a membership organization suing under §1983 may "assert 'standing solely as the representative of its members'"), *abrogating, e.g.*, *Nnebe v. Daus*, 644 F.3d 147, 156 (2d Cir. 2011). And cases old and new confirm that SB334 has also injured NSSF "in its own right," *id.*, by causing NSSF to lose membership dues and by requiring NSSF to divert resources, monetary and otherwise—including resources currently devoted to its "Right Side of Legal" campaign—to help its Maryland-based members weather SB334's storm. *See* McNamara Decl. ¶¶8, 11; *see also N.C. State Conf. of the NAACP v. Raymond*, 981 F.3d 295, 301 (4th Cir. 2020) (noting that when an action "perceptibly impair[s] an organization's ability to carry out its mission and consequent[ly] drain[s] … the organization's resources, there can be no question that the organization has suffered injury in fact").

B. The Equities and Public Interest Underscore the Need for Emergency Relief.

When a state government "is the opposing party," the third and fourth injunction factors merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009). And when the plaintiffs are challenging government action as unconstitutional, the merged equities/public-interest inquiry travels together with the merits analysis, because "the State of Maryland is in no way harmed by issuance of an injunction that prevents the state from enforcing unconstitutional restrictions." *Legend Night Club*

v. Miller, 637 F.3d 291, 302-03 (4th Cir. 2011). Numerous circuits agree. *See, e.g.*, *Ortega*, 148 F.4th at 1154 n.13; *Brown v. Yost*, 133 F.4th 725, 737-38 (6th Cir. 2025); *Book People, Inc. v. Wong*, 91 F.4th 318, 340-41 (5th Cir. 2024); *Schrader v. D.A. of York Cnty.*, 74 F.4th 120, 128 (3d Cir. 2023); *Otto v. City of Boca Raton*, 981 F.3d 854, 870 (11th Cir. 2020). In short, when the merits analysis weighs in favor of an injunction (as it does here, *see supra* Part I), the merged equities/public-interest factor does too. *See Leaders of a Beautiful Struggle v. Baltimore Police Dep't*, 2 F.4th 330, 346 (4th Cir. 2021) ("[I]t is well-established that the public interest favors protecting constitutional rights.").

* * *

At bottom, cruciform-trigger handguns have been on the market for over 40 years, and illegal pistol switches have been around in some form or fashion for nearly as long. For all that time, Maryland managed to balance the need to respect the Second Amendment with the need to protect the public from fully automatic handguns by banning modified cruciform-trigger handguns and prosecuting the modifiers, while leaving unmodified cruciform-trigger handguns available for purchase by law-abiding citizens who pass a background check. That balance should remain the status quo for the pendency of this litigation too.

CONCLUSION

The Court should enjoin the challenged portions of SB334 pending resolution of Plaintiffs' Second Amendment claim.

PLAINTIFFS NATIONAL SHOOTING SPORTS FOUNDATION, INC.; GLOCK, INC.; SHADOW SYSTEMS LLC; STURM, RUGER & CO., INC.; SOUTH DERYA CORPORATION d/b/a DERYA USA; PALMETTO STATE ARMORY, LLC; and FRED'S SPORTS & FURNITURE, INC. d/b/a FRED'S OUTDOORS

By /s/ Andrew Lawrence

Erin E. Murphy (pro hac vice forthcoming)
Matthew D. Rowen (pro hac vice forthcoming)
Andrew Lawrence (MD Bar #1512160036)
Kevin Wynosky (pro hac vice forthcoming)
Ilan J. Posner (pro hac vice forthcoming)
CLEMENT & MURPHY PLLC
706 Duke Street
Alexandria, VA 22314
Telephone: (202) 742-8900
erin.murphy@clementmurphy.com
matthew.rowen@clementmurphy.com
kevin.wynosky@clementmurphy.com
ilan.posner@clementmurphy.com

Their Attorneys

Christoper Renzulli (application for admission forthcoming)
Scott C. Allan (application for admission forthcoming)
RENZULLI LAW FIRM, LLP
One North Broadway, Suite 1005
White Plains, NY 10601
Telephone: (914) 285-0700
crenzulli@renzullilaw.com
sallan@renzullilaw.com

Additional Attorneys for Plaintiff Glock, Inc.

CERTIFICATE OF SERVICE

On November 23, 2026, I electronically filed this Memorandum of Law using the Court's CM/ECF system in accordance with Fed. R. Civ. P. 5(a) and Local Rule 102.1(c). I will also send a copy of this Memorandum of Law to Defendants together with the Summons and Complaint pursuant to Federal Rule of Civil Procedure 4.

s/Andrew Lawrence
Andrew Lawrence