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February 27, 2023

*Via CM/ECF*

The Honorable Richard G. Andrews  
U.S. District Court for the District  
of Delaware  
844 N. King Street, Room 4209, Unit 18  
Wilmington, DE 19801

Re: *Delaware State Sportsmen's Ass'n, et al. v. Del. Dept. of Safety and Homeland Sec., et al.;*  
*Gabriel Gray, et al. v. Kathy Jennings, et al.*  
U.S. Dist. Ct.; C.A. No. 1:22-cv-00951-RGA (Consolidated)

Dear Judge Andrews:

At Your Honor's request at the hearing on our preliminary injunction motion held on Friday, February 24, 2023, this is my answer, via letter, to Your Honor's question about the availability of compliant magazines for firearms sold with non-compliant magazines (though plaintiffs respectfully suggest that the answer is not necessary to the court's analysis under the Second Amendment.) My understanding is that: there are no currently manufactured firearms I am aware of that *both*: (a) come with a magazine holding over 17 rounds—*but also* (b) cannot be used with a smaller magazine. *But cf.* Plaintiff's Opening Brief in Support of Preliminary Injunction Motion at 9-10 (D.I. 11).<sup>1</sup>

Respectfully,

*/s/ Francis G.X. Pileggi*

Francis G.X. Pileggi (Delaware Bar No. 2624)

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<sup>1</sup> The challenged statute also bans "any ammunition feeding device capable of accepting, or that can readily be converted to hold, more than 17 rounds of ammunition." 11 *Del. C.* § 1468(2)(a). Notably, ammunition magazines can often be used for multiple calibers and the number of rounds they can hold depends on the caliber. The existence of this variability means that common arms that come equipped with standard-capacity magazines of 17 rounds of ammunition or below are still banned under SS 1 for SB 6.

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