



IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

BRIDGEVILLE RIFLE & PISTOL CLUB,
LTD.; MARK HESTER; JOHN R.
SYLVESTER; MARSHALL KENNETH
WATKINS; BARBARA BOYCE, DHSc
RDN; ROGER T. BOYCE, SR.; and the
DELAWARE STATE SPORTSMEN'S
ASSOCIATION,

Plaintiffs,

v.

DAVID SMALL, SECRETARY OF THE
DELAWARE DEPARTMENT OF
NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL;
DEPARTMENT OF NATURAL
RESOURCES AND ENVIRONMENTAL
CONTROL; ED KEE, SECRETARY OF
DELAWARE DEPARTMENT OF
AGRICULTURE; and DELAWARE
DEPARTMENT OF AGRICULTURE,

Defendants.

C.A. No. _____

**VERIFIED COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

Plaintiffs, Bridgeville Rifle & Pistol Club, Ltd.; Mark Hester; John R. Sylvester; Marshall Kenneth Watkins; Barbara Boyce, DHSc, RDN; Roger T. Boyce, Sr.; and the Delaware State Sportsmen's Association, (collectively referred to herein as "Plaintiffs"), by and through their undersigned counsel, hereby file this

Verified Complaint for Declaratory and Injunctive Relief against Defendants David Small, Secretary of the Delaware Department of Natural Resources and Environmental Control (“DNREC”); DNREC; Ed Kee, Secretary of the Delaware Department of Agriculture (“Department of Agriculture”); and the Department of Agriculture (collectively referred to herein as “Defendants”), and assert the following:

Parties

1. Plaintiff Bridgeville Rifle & Pistol Club, Ltd. (“Bridgeville”) is a private organization based in Bridgeville, Delaware. Bridgeville has approximately 1,200 members who are predominately residents of Delaware and other nearby states. Bridgeville is a constituent “Club Member” of the Delaware State Sportsmen’s Association.

2. Plaintiff Mark Hester is a member of Bridgeville and the Delaware State Sportsmen’s Association, and resides in Kent County, Delaware. He is licensed to carry a concealed weapon pursuant to §§ 1441 and/or 1441B of Title 11 of the Delaware Code.

3. Plaintiff John R. Sylvester is a member of Bridgeville.

4. Plaintiff Marshall Kenneth Watkins is a member of the Delaware State Sportsmen’s Association, and resides in Kent County, Delaware. He is licensed to carry a concealed weapon pursuant to §§ 1441 of Title 11 of the Delaware Code.

5. Plaintiff Barbara Boyce, DHSc, RDN, is a resident of the State of Delaware, and currently resides in New Castle County. Barbara Boyce is a member of the Delaware State Sportsmen's Association.

6. Plaintiff Roger T. Boyce, Sr., husband of Plaintiff Barbara Boyce, DHSc, RDN, is a resident of the State of Delaware, and currently resides in New Castle County. Roger Boyce is a member of the Delaware State Sportsmen's Association.

7. Plaintiff Delaware State Sportsmen's Association ("DSSA") is a statewide private organization with approximately 690 individual members, and approximately 7 constituent "Club Members." The DSSA is the official state affiliate of the National Rifle Association of America in Delaware and has a mailing address in Lincoln, Delaware.

8. Defendant David Small is the Secretary of DNREC. Defendant DNREC is an agency of the State of Delaware, established by 29 *Del. C.* § 8001, and which derives its powers from, *inter alia*, Title 7, Chapter 60 of the Delaware Code. The office of the Secretary of the Department of Natural Resources and Environmental Control is located at 89 Kings Highway, Dover, Delaware 19901.

9. Defendant Ed Kee is the Secretary of the Department of Agriculture. Defendant Department of Agriculture is an agency of the State of Delaware that was established pursuant to 29 *Del. C.* § 8101. The office of the Secretary of the

Department of Agriculture is located at 2320 South DuPont Highway, Dover, Delaware 19901.

Jurisdiction

10. This Court has subject matter jurisdiction over this matter because Plaintiffs seek injunctive relief and lack an adequate remedy at law. Plaintiffs seek to redress the deprivation, under color of law, of rights, privileges or immunities secured by the Constitution of the State of Delaware. *See Doe v. Coupe*, 2015 WL 4239484 (Del. Ch. July 14, 2015).

Background

11. Bridgeville conducts rifle and pistol sporting competitions, and those who participate often seek to camp at Trapp Pond State Park or rent a cottage at Sea Shore State Park. However, they are prohibited from using those facilities while carrying or transporting in their vehicle those firearms that they will be using in the competition. Many of Bridgeville's members are licensed to carry concealed deadly weapons pursuant to 11 *Del. C.* § 1441 and/or § 1441A, and, but for the regulations discussed below, would exercise their right to carry a concealed deadly weapon when visiting State Parks, State Wildlife areas and/or State Forests.

12. Plaintiff Mark Hester is a retired police officer from the City of Dover Police Department and a Bridgeville member, who is permitted, by law, to carry a concealed firearm pursuant to 11 *Del. C.* § 1441B and/or 1441. Hester also holds a

“surf fishing vehicle permit” pursuant to 7 Del. Admin. Code 9201.10, which allows him to fish at the Delaware State Park beaches. But for certain regulations issued by one or more Defendants, as discussed below, Plaintiff Hester would exercise his right to possess a firearm within Delaware’s State Parks and State Forest Lands in accordance with the laws of the State of Delaware.

13. Plaintiff John R. Sylvester participates in rifle shooting competitions and but for Defendants’ regulations would avail himself of camping facilities at Trapp Pond State Park and similar State Forest campgrounds or State Parks in Sussex County.

14. Plaintiff Marshall Kenneth Watkins avails himself of lawful hunting activities on private land and is concerned about inadvertently violating Defendants’ regulations on state land that abuts private hunting grounds. Watkins is licensed to carry a concealed deadly weapon in Delaware pursuant to 11 *Del. C.* § 1441. But for certain regulations issued by Defendants, discussed below, Watkins would exercise his right to carry a concealed weapon during pre-season scouting of state-owned hunting lands.

15. Plaintiffs Barbara Boyce and Roger Boyce (the “Boyces”) are both licensed to carry concealed deadly weapons in Delaware (pursuant to 11 *Del. C.* § 1441), Pennsylvania, and Florida. The Boyces are avid bicyclists, riding between 4,000 and 6,000 miles per season. The Boyces are responsible, law-abiding adults

who are qualified to own and possess firearms. But for certain regulations issued by Defendants, discussed below, the Boyces would exercise their rights to possess firearms within Delaware's State Parks and State Forest Lands in accordance with the laws of the State of Delaware.

16. The DSSA is an organization that promotes and protects the interests of gun owners in and around Delaware. Many DSSA members are licensed to carry concealed deadly weapons pursuant to 11 *Del. C.* § 1441 and/or § 1441A, and are prevented from exercising those rights by Defendants.

Applicable Law

17. Article I, Section 20 of the Constitution of the State of Delaware provides, “[a] person has the right to keep and bear arms for the defense of self, family, home and State, and for hunting and recreational use.” The right to keep arms and the right to bear arms are two distinct rights.

18. The Delaware Supreme Court recently established that, by its express terms, Article I, § 20 recognizes a right to bear arms outside of the home. *Doe v. Wilmington Housing Authority*, 88 A.3d 654, 665 (Del. 2014). Specifically, the Court explained, “the Delaware provision is intentionally broader than the Second Amendment and protects the right to bear arms outside the home, including for hunting and recreation. Section 20 specifically provides for the defense of self and family *in addition to* the home.” *Id.* (emphasis in original).

19. In addition to the Constitutional rights set forth above, the Delaware General Assembly has enacted a comprehensive regulatory scheme governing the use and possession of firearms.

20. Specifically, the General Assembly has enacted statutes governing persons who may carry concealed deadly weapons within the State's borders. *See* 11 *Del. C.* §§ 1441; 1441A; and 1441B. Section 1441 enumerates the steps to be taken by persons wishing to be licensed to carry concealed deadly weapons. Section 1441A allows qualified law enforcement officers to carry concealed firearms. Section 1441B allows qualified retired law enforcement officers to carry concealed firearms.

21. Within Title 11 of the Delaware Code, the Delaware General Assembly has also established an extensive framework of restrictions on the possession of firearms that provide for criminal penalties. The General Assembly has adopted laws, including, but not limited to: restricting sale, use and possession of sawed-off shotguns and machine guns (11 *Del. C.* §1444); prohibiting sale or transfer of a firearm to a minor (11 *Del. C.* § 1445); criminalizing possession of a firearm during the commission of a felony (11 *Del. C.* §§ 1447, 1447A); prohibiting certain persons from owning, using or purchasing firearms (11 *Del. C.* § 1448); requiring a criminal background check prior to the purchase or sale of a firearm (11 *Del. C.* § 1448A); criminalizing the act of giving a firearm to a prohibited person or engaging in a sale

or purchase of a firearm on behalf of a person not legally allowed to sell or purchase firearms (11 *Del. C.* §§ 1454, 1455); and criminalizing unlawfully permitting a minor access to a firearm (11 *Del. C.* § 1456).

22. The only restrictions upon locations in which persons can lawfully carry firearms, as set forth by the Delaware General Assembly, are identified in 11 *Del. C.* § 1457: Possession of a Weapon in a Safe School and Recreational Zone. The General Assembly has defined “Safe School and Recreational Zone,” in § 1457 (c), as follows:

(1) Any building, structure, athletic field, sports stadium or real property owned, operated, leased or rented by any public or private school including, but not limited to, any kindergarten, elementary, secondary or vocational-technical school or any college or university, within 1000 feet thereof; or

(2) Any motor vehicle owned, operated, leased or rented by any public or private school including, but not limited to, any kindergarten, elementary, secondary or vocational-technical school or any college or university; or

(3) Any building or structure owned, operated, leased or rented by any county or municipality, or by the State, or by any board, agency, commission, department, corporation or any other entity thereof, or any private organization, which is used as a recreation center, athletic field, or sports stadium.

23. The General Assembly has placed no restrictions on the lawful possession of firearms within Delaware State Parks or State Forest Lands.¹

¹ The General Assembly recently gave municipal governments, effective August 17, 2015, at 22 *Del. C.* § 111, the limited and narrowly circumscribed power to adopt

24. Defendants' regulations forbidding the lawful use and possession of firearms, as set forth below, are inconsistent with and preempted by the comprehensive regulatory scheme provided by the Delaware General Assembly as well as the Delaware Constitution.

Unlawful Regulations at Issue

DNREC

25. DNREC regulation 9201.24.3 states, “[i]t shall be unlawful to display, possess or discharge firearms of any description, air rifles, B.B. guns, sling shots or archery equipment upon any lands or waters administered by the Division, except by those persons lawfully hunting in those areas specifically designed for hunting by the Division, or those with prior written approval of the Director.” “Division” is defined in 7 Del. Admin. Code 9201.1 as the “Division of Parks and Recreation of the Department of Natural Resources and Environmental Control.”

ordinances regulating the possession of firearms, ammunition, components of firearms, or explosives in police stations and municipal buildings. Section 111, however, specifically states that “[a]n ordinance adopted by a municipal government shall not prevent the following in municipal buildings or police stations: ... (6) carrying firearms and ammunition by persons who hold a valid license pursuant to either § 1441 or § 1441A of Title 11 of this Code so long as the firearm remains concealed except for inadvertent display or for self-defense or defense of others” Because the General Assembly specifically excluded from the allowable limitations in § 111 those persons properly authorized to carry concealed firearms pursuant to 11 *Del. C.* §§ 1441 and 1441A, § 111 has no bearing on the arguments made herein.

26. Violators of the rules and regulations promulgated by the “Department of Natural Resources and Environmental Control, Division of Parks and Recreation, shall be fined not less than \$25.00 nor more than \$250.00 and costs for each offense, or imprisoned not more than thirty (30) days, or both. For each subsequent like offense, he/she shall be fined not less than \$50.00 nor more than \$500.00.” 7 Del. Admin. Code. 9201.28.1.²

27. Presumably these regulations forbid simple possession even if a firearm is unloaded in a locked case in one’s truck in a parking lot, or in a locked compartment of a boat docked at Sea Shore State Park while purchasing gas.

28. Under 7 Del. C. § 6001, DNREC has the power and authority to adopt regulations which best serve the interest of the public, consistent with reasonable and beneficial use of the State’s resources, and the adequate supplies of such resources for the domestic, industrial, power, agricultural, recreational and other beneficial use. *See also* 7 Del. C. § 4701(a)(4). But this power is not unlimited.

29. Section 6010 of Title 7 of the Delaware Code, however, prohibits DNREC from implementing rules or regulations that “extend, modify or conflict with any law of [the State of Delaware] or the reasonable implementation thereof.”

² It is noteworthy that firearms are permitted in national parks despite the Second Amendment to the United States Constitution providing a more narrowly prescribed right to bear arms. *See* 36 C.F.R. § 2.4.

Department of Agriculture

30. Defendant Department of Agriculture was established by 29 *Del. C.* § 8101, and has the powers to, *inter alia*, “... devise and promulgate rules and regulations for the enforcement of the state forestry laws and for the protection of forest lands” The Department of Agriculture, however, is prohibited from adopting rules and regulations that “extend, modify, or conflict with any law of [the State of Delaware] or the reasonable implications thereof.” 3 *Del. C.* § 101(3).

31. Under 3 *Del. Admin. Code* 8.8, adopted by the Department of Agriculture, “[f]irearms are allowed for legal hunting only and are otherwise prohibited on State Forest Lands.”

32. Violations of the State Forest Regulations adopted by the Department of Agriculture are unclassified misdemeanors and are punishable by fines ranging from \$25 to \$500. *See* 3 *Del. Admin. Code* 10.2.

33. Neither DNREC nor the Department of Agriculture, under their enabling statutes, have the power or authority to issue rules or regulations governing the lawful possession of firearms. Therefore, the Defendants, in adopting 7 *Del. Admin. Code* 9201.24.3 and 3 *Del. Admin. Code* 8.8 respectively, have exceeded their authority and have adopted regulations contrary to their legislative purpose and contrary to the Delaware Constitution. Furthermore, both 7 *Del. Admin. Code* 9201.24.3 and 3 *Del. Admin. Code* 8.8 extend, modify and/or conflict with laws of

the State of Delaware, including, but not limited to, 11 *Del. C.* §§ 1441; 1441A; and/or 1441B.

34. At all relevant times, Defendants acted under, and seek to act under, the color of law of the State of Delaware.

Harm Suffered

35. But for the above-referenced regulations of DNREC and the Department of Agriculture, prohibiting the lawful possession of firearms within Delaware State Parks and State Forest Lands, Plaintiff Mark Hester would exercise his right to keep and bear arms as guaranteed in Article I, § 20.

36. But for the above-referenced regulations of DNREC and the Department of Agriculture, prohibiting the lawful possession of firearms within Delaware State Parks and State Forest Lands, Plaintiff John R. Sylvester would avail himself of camping facilities at Trapp Pond State Park and similar State Forest campgrounds or State Parks in Sussex County.

37. But for the above-referenced regulations of DNREC and the Department of Agriculture, prohibiting the lawful possession of firearms within Delaware State Parks and State Forest Lands, Plaintiff Marshall Kenneth Watkins would avail himself of lawful hunting activities without fear of inadvertently violating Defendants' regulations on state lands that abut private hunting grounds. But for the above-referenced regulations, Plaintiff Marshall Kenneth Watkins would

exercise his right to carry a concealed weapon as permitted by 11 *Del. C.* § 1441 during his pre-season scouting of state-owned hunting lands.

38. But for the above-referenced regulations of DNREC and the Department of Agriculture, prohibiting the lawful possession of firearms within Delaware State Parks and State Forest Lands, Plaintiffs Barbara and Roger Boyce would be allowed, without risk of arrest, to bicycle through State Parks and State Forest Lands while exercising their rights to keep and bear firearms as guaranteed in Article I, § 20.

Basis For Injunctive Relief

39. Plaintiffs are entitled to injunctive relief because the Defendants' regulations, cited above, which prohibit the lawful possession of firearms in Delaware State Parks and on State Forest Lands: (i) violate Article I, § 20 of the Constitution of the State of Delaware; (ii) are preempted by existing Delaware law; and/or (iii) they exceed the statutory scope of authority granted to Defendants.

40. A deprivation of constitutional rights can constitute irreparable harm. *See Norfolk Southern Corp. v. Oberly*, 594 F. Supp. 514, 522 (D. Del. 1984).

41. Defendants are depriving Plaintiffs of their constitutional right to keep and bear arms outside the home, as recognized by the Delaware Supreme Court and as described in Article I, § 20.

42. Plaintiffs will be irreparably injured if the Defendants are not enjoined from enforcing the above-referenced regulations and prohibiting the lawful possession of firearms in Delaware State Parks and/or State Forest Lands. Plaintiffs have suffered and, without an injunction, will continue to suffer adverse effects including the deprivation of their constitutional rights, the threat of criminal penalties, and/or increased vulnerability to violent crime.

43. The irreparable harm to Plaintiffs outweighs the potential harm, if any, to Defendants caused by granting the injunctive relief.

44. Enjoining Defendants from enforcing the above-referenced regulations prohibiting the lawful possession of firearms serves the public interest because the regulations violate state constitutional rights.

COUNT I

DECLARATORY RELIEF UNDER 10 DEL. C. § 6501

45. Plaintiffs incorporate by reference the allegations contained in the foregoing paragraphs of this Complaint as if fully set forth at length herein.

46. A clear controversy exists between Plaintiffs and Defendants as to whether Defendants' regulations forbidding the possession of firearms within Delaware State Parks and State Forest Lands are unlawful.

47. The controversy involves the rights or other legal relations of the Plaintiffs and this action is asserted against persons and entities who have an interest in contesting the claim, and have contested the claims.

48. The controversy is between parties whose interests are real and adverse, and the issues involved are ripe for judicial determination.

49. Plaintiffs seek a declaratory judgment that Defendants' regulations forbidding the lawful possession of firearms within Delaware State Parks and State Forest Lands are unlawful (and therefore unenforceable) because they violate Article I, § 20 of the Delaware State Constitution, are preempted by existing Delaware law, and/or exceed the statutory scope of authority granted to Defendants.

50. A declaratory judgment is necessary and proper in order to determine whether the Defendants' regulations forbidding the lawful possession of firearms within Delaware State Parks and State Forest Lands are unlawful.

WHEREFORE, Plaintiffs request that this Court:

1. Grant a declaratory judgment that Defendants' regulations pertaining to the possession of firearms with Delaware State Parks and State Forest Lands violate Article I, § 20 of the Constitution of the State of Delaware, are preempted by existing Delaware law, and/or exceed the statutory scope of authority granted to Defendants;

2. Issue a Preliminary and Permanent Injunction enjoining and restraining Defendants from enforcing their rules and regulations prohibiting lawful possession of firearms within Delaware State Parks and State Forest Lands;
3. Award Plaintiffs relief as allowed by statute and common law;
4. Award Plaintiffs attorneys' fees and costs; and
5. Award such other and further relief as the Court deems just, proper, and equitable, including costs, pre-judgment and post-judgment interest.

ECKERT SEAMANS CHERIN
& MELLOTT, LLC

/s/ Francis G.X. Pileggi

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Gary W. Lipkin (DE No. 4044)
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*Attorneys for Bridgeville Rifle & Pistol
Club, Ltd., Mark Hester, John R. Sylvester,
Kenneth Watkins, Barbara Boyce, DHSc,
RDN, Roger T. Boyce, Sr., and the Delaware
State Sportsmen's Association*

Dated: December 21, 2015



IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

BRIDGEVILLE RIFLE & PISTOL CLUB,)
LTD.; MARK HESTER; JOHN R.)
SYLVESTER; MARSHALL K. WATKINS;))
BARBARA BOYCE, DHSc, RDN; ROGER))
T. BOYCE, SR.; and the DELAWARE))
STATE SPORTSMEN’S ASSOCIATION,))

Plaintiffs,)

v.)

C.A. No. _____)

DAVID SMALL, SECRETARY OF THE)
DELAWARE DEPARTMENT)
OF NATURAL RESOURCES AND)
ENVIRONMENTAL CONTROL;)
DEPARTMENT OF NATURAL)
RESOURCES AND ENVIRONMENTAL)
CONTROL; ED KEE, SECRETARY OF)
DELAWARE DEPARTMENT OF)
AGRICULTURE; and DELAWARE)
DEPARTMENT OF AGRICULTURE,))

Defendants.)

**VERIFICATION OF THE BRIDGEVILLE RIFLE & PISTOL CLUB, LTD.
PURSUANT TO COURT OF CHANCERY RULE 3(aa)**

STATE OF DELAWARE)
)
COUNTY OF KENT)

I, JEFFREY W. HAGUE, being duly sworn, do hereby state as follows:

1. My name is Jeffrey W. Hague. I make this Verification pursuant to Court of Chancery Rule 3(aa) in connection with the filing of a Verified Complaint for Declaratory Judgment (the “Complaint”) in the above-captioned action.

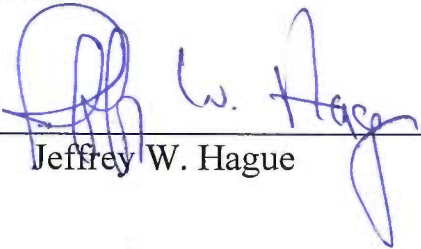
2. I am the Treasurer of the Bridgeville Rifle & Pistol Club, Ltd., and am authorized to make this Verification on behalf of Plaintiff the Bridgeville Rifle & Pistol Club, Ltd..

2. I have reviewed and authorized the filing of the Complaint against the defendants in this action. I am familiar with the allegations of the Complaint.

3. I verify that I have reviewed the Complaint and that the allegations as to which I have personal knowledge are true and correct, and all other allegations are true and correct, upon information and belief.

4. I make this Verification under penalty of perjury of the laws of the United States of America, and of the State of Delaware, that the foregoing is true and correct.

Executed this 14th day of December, 2015.



Jeffrey W. Hague

SWORN TO AND SUBSCRIBED
Before me this 14th day of December, 2015



NOTARY PUBLIC





IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

BRIDGEVILLE RIFLE & PISTOL CLUB,)
LTD.; MARK HESTER; JOHN R.)
SYLVESTER; MARSHALL K. WATKINS;))
BARBARA BOYCE, DHSc, RDN; ROGER))
T. BOYCE, SR.; and the DELAWARE))
STATE SPORTSMEN’S ASSOCIATION,))

Plaintiffs,)

v.)

C.A. No. _____

DAVID SMALL, SECRETARY OF THE)
DELAWARE DEPARTMENT)
OF NATURAL RESOURCES AND)
ENVIRONMENTAL CONTROL;)
DEPARTMENT OF NATURAL)
RESOURCES AND ENVIRONMENTAL)
CONTROL; ED KEE, SECRETARY OF)
DELAWARE DEPARTMENT OF)
AGRICULTURE; and DELAWARE)
DEPARTMENT OF AGRICULTURE,))

Defendants.)

VERIFICATION OF MARK HESTER PURSUANT TO COURT OF CHANCERY RULE 3(aa)

STATE OF DELAWARE)
)
COUNTY OF KENT)

I, MARK HESTER, being duly sworn, do hereby state as follows:

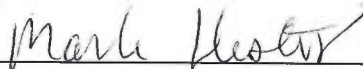
1. My name is Mark Hester. I make this Verification pursuant to Court of Chancery Rule 3(aa) in connection with the filing of a Verified Complaint for Declaratory Judgment (the “Complaint”) in the above-captioned action.

2. I have reviewed and authorized the filing of the Complaint against the defendants in this action. I am familiar with the allegations of the Complaint.

3. I verify that I have reviewed the Complaint and that the allegations as to which I have personal knowledge are true and correct, and all other allegations are true and correct, upon information and belief.

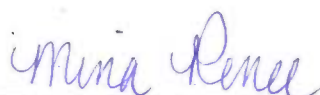
4. I make this Verification under penalty of perjury of the laws of the United States of America, and of the State of Delaware, that the foregoing is true and correct.

Executed this 9 day of December, 2015.

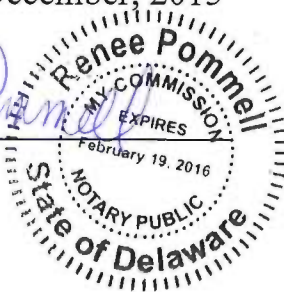


Mark Hester

SWORN TO AND SUBSCRIBED
Before me this 9 day of December, 2015



NOTARY PUBLIC





IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

BRIDGEVILLE RIFLE & PISTOL CLUB,)
LTD.; MARK HESTER; JOHN R.)
SYLVESTER; MARSHALL K. WATKINS;))
BARBARA BOYCE, DHSc, RDN; ROGER))
T. BOYCE, SR.; and the DELAWARE))
STATE SPORTSMEN’S ASSOCIATION,))

Plaintiffs,)

v.)

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DAVID SMALL, SECRETARY OF THE)
DELAWARE DEPARTMENT)
OF NATURAL RESOURCES AND)
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DEPARTMENT OF NATURAL)
RESOURCES AND ENVIRONMENTAL)
CONTROL; ED KEE, SECRETARY OF)
DELAWARE DEPARTMENT OF)
AGRICULTURE; and DELAWARE)
DEPARTMENT OF AGRICULTURE,))

Defendants.)

**VERIFICATION OF JOHN R. SYLVESTER PURSUANT
TO COURT OF CHANCERY RULE 3(aa)**

COMMONWEALTH)
OF PENNSYLVANIA)
)
COUNTY OF MONTGOMERY)

I, JOHN R. SYLVESTER, being duly sworn, do hereby state as follows:

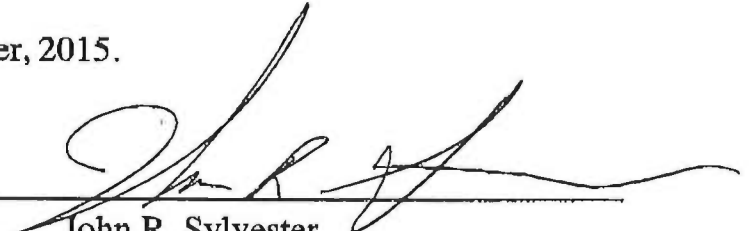
1. My name is John R. Sylvester. I make this Verification pursuant to Court of Chancery Rule 3(aa) in connection with the filing of a Verified Complaint for Declaratory Judgment (the “Complaint”) in the above-captioned action.

2. I have reviewed and authorized the filing of the Complaint against the defendants in this action. I am familiar with the allegations of the Complaint.

3. I verify that I have reviewed the Complaint and that the allegations as to which I have personal knowledge are true and correct, and all other allegations are true and correct, upon information and belief.

4. I make this Verification under penalty of perjury of the laws of the United States of America, and of the Commonwealth of Pennsylvania, that the foregoing is true and correct.

Executed this 18 day of December, 2015.


John R. Sylvester

SWORN TO AND SUBSCRIBED
Before me this 18th day of December, 2015


NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Alana Lauren Krieriem, Notary Public
Red Hill Boro, Montgomery County
My Commission Expires Dec. 20, 2016
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES



IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

BRIDGEVILLE RIFLE & PISTOL CLUB,)
LTD.; MARK HESTER; JOHN R.)
SYLVESTER; MARSHALL K. WATKINS;))
BARBARA BOYCE, DHSc, RDN; ROGER))
T. BOYCE, SR.; and the DELAWARE))
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Plaintiffs,)

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RESOURCES AND ENVIRONMENTAL)
CONTROL; ED KEE, SECRETARY OF)
DELAWARE DEPARTMENT OF)
AGRICULTURE; and DELAWARE)
DEPARTMENT OF AGRICULTURE,))

Defendants.)

**VERIFICATION OF KENNETH WATKINS PURSUANT
TO COURT OF CHANCERY RULE 3(aa)**

STATE OF DELAWARE)
)
COUNTY OF KENT)

I, MARSHALL KENNETH WATKINS, being duly sworn, do hereby state
as follows:

1. My name is Marshall Kenneth Watkins. I make this Verification
pursuant to Court of Chancery Rule 3(aa) in connection with the filing of a


Verified Complaint for Declaratory Judgment (the "Complaint") in the above-captioned action.

2. I have reviewed and authorized the filing of the Complaint against the defendants in this action. I am familiar with the allegations of the Complaint.

3. I verify that I have reviewed the Complaint and that the allegations as to which I have personal knowledge are true and correct, and all other allegations are true and correct, upon information and belief.

4. I make this Verification under penalty of perjury of the laws of the United States of America, and of the State of Delaware, that the foregoing is true and correct.

Executed this 9th day of December, 2015.


Marshall Kenneth Watkins

SWORN TO AND SUBSCRIBED
Before me this 9th day of December, 2015


NOTARY PUBLIC





IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

BRIDGEVILLE RIFLE & PISTOL CLUB,)
LTD.; MARK HESTER; JOHN R.)
SYLVESTER; MARSHALL K. WATKINS;))
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T. BOYCE, SR.; and the DELAWARE))
STATE SPORTSMEN’S ASSOCIATION,))
Plaintiffs,)

v.)

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DAVID SMALL, SECRETARY OF THE)
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OF NATURAL RESOURCES AND)
ENVIRONMENTAL CONTROL;)
DEPARTMENT OF NATURAL)
RESOURCES AND ENVIRONMENTAL)
CONTROL; ED KEE, SECRETARY OF)
DELAWARE DEPARTMENT OF)
AGRICULTURE; and DELAWARE)
DEPARTMENT OF AGRICULTURE,)
Defendants.)

**VERIFICATION OF BARBARA BOYCE PURSUANT
TO COURT OF CHANCERY RULE 3(aa)**

STATE OF DELAWARE)
)
COUNTY OF NEW CASTLE)

I, BARBARA BOYCE, DHSc, RDN, being duly sworn, do hereby state as follows:

1. My name is Barbara Boyce. I make this Verification pursuant to Court of Chancery Rule 3(aa) in connection with the filing of a Verified Complaint for Declaratory Judgment (the “Complaint”) in the above-captioned action.

2. I have reviewed and authorized the filing of the Complaint against the defendants in this action. I am familiar with the allegations of the Complaint.

3. I verify that I have reviewed the Complaint and that the allegations as to which I have personal knowledge are true and correct, and all other allegations are true and correct, upon information and belief.

4. I make this Verification under penalty of perjury of the laws of the United States of America, and of the State of Delaware, that the foregoing is true and correct.

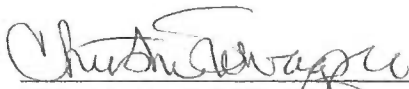
Executed this 18 day of December, 2015.



Barbara Boyce

SWORN TO AND SUBSCRIBED
Before me this 18 day of December, 2015

CHRISTINE SALVAGGIO
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires February 25, 2019



NOTARY PUBLIC



IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

BRIDGEVILLE RIFLE & PISTOL CLUB,)
LTD.; MARK HESTER; JOHN R.)
SYLVESTER; MARSHALL K. WATKINS;))
BARBARA BOYCE, DHSc, RDN; ROGER)
T. BOYCE, SR.; and the DELAWARE)
STATE SPORTSMEN’S ASSOCIATION,)

Plaintiffs,)

v.)

C.A. No. _____)

DAVID SMALL, SECRETARY OF THE)
DELAWARE DEPARTMENT)
OF NATURAL RESOURCES AND)
ENVIRONMENTAL CONTROL;)
DEPARTMENT OF NATURAL)
RESOURCES AND ENVIRONMENTAL)
CONTROL; ED KEE, SECRETARY OF)
DELAWARE DEPARTMENT OF)
AGRICULTURE; and DELAWARE)
DEPARTMENT OF AGRICULTURE,)

Defendants.)

**VERIFICATION OF ROGER T. BOYCE, SR. PURSUANT
TO COURT OF CHANCERY RULE 3(aa)**

STATE OF DELAWARE)
)
COUNTY OF NEW CASTLE)

I, ROGER T. BOYCE, SR., being duly sworn, do hereby state as follows:

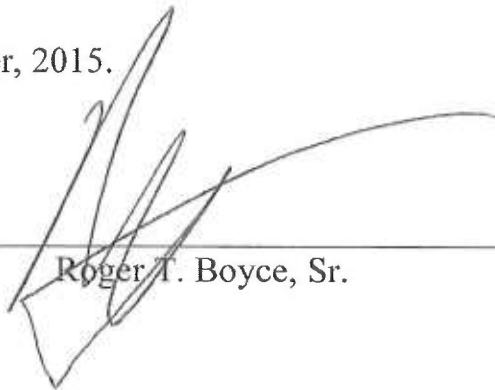
1. My name is Roger Boyce. I make this Verification pursuant to Court of Chancery Rule 3(aa) in connection with the filing of a Verified Complaint for Declaratory Judgment (the “Complaint”) in the above-captioned action.

2. I have reviewed and authorized the filing of the Complaint against the defendants in this action. I am familiar with the allegations of the Complaint.

3. I verify that I have reviewed the Complaint and that the allegations as to which I have personal knowledge are true and correct, and all other allegations are true and correct, upon information and belief.

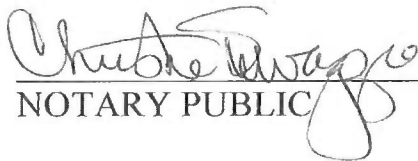
4. I make this Verification under penalty of perjury of the laws of the United States of America, and of the State of Delaware, that the foregoing is true and correct.

Executed this 18 day of December, 2015.



Roger T. Boyce, Sr.

SWORN TO AND SUBSCRIBED
Before me this 18 day of December, 2015



NOTARY PUBLIC

CHRISTINE SALVAGGIO
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires February 25, 2019



IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

BRIDGEVILLE RIFLE & PISTOL CLUB,)
LTD.; MARK HESTER; JOHN R.)
SYLVESTER; MARSHALL K. WATKINS;))
BARBARA BOYCE, DHSc, RDN; ROGER))
T. BOYCE, SR.; and the DELAWARE))
STATE SPORTSMEN’S ASSOCIATION,))

Plaintiffs,)

v.)

C.A. No. _____

DAVID SMALL, SECRETARY OF THE)
DELAWARE DEPARTMENT)
OF NATURAL RESOURCES AND)
ENVIRONMENTAL CONTROL;)
DEPARTMENT OF NATURAL)
RESOURCES AND ENVIRONMENTAL)
CONTROL; ED KEE, SECRETARY OF)
DELAWARE DEPARTMENT OF)
AGRICULTURE; and DELAWARE)
DEPARTMENT OF AGRICULTURE,)

Defendants.)

VERIFICATION OF THE DELAWARE STATE SPORTSMEN’S ASSOCIATION PURSUANT TO COURT OF CHANCERY RULE 3(aa)

STATE OF DELAWARE)
)
COUNTY OF KENT)

I, JOHN C. SIGLER, being duly sworn, do hereby state as follows:

1. My name is John C. Sigler. I make this Verification to pursuant to Court of Chancery Rule 3(aa) in connection with the filing of a Verified Complaint for Declaratory Judgment (the "Complaint") in the above-captioned action.

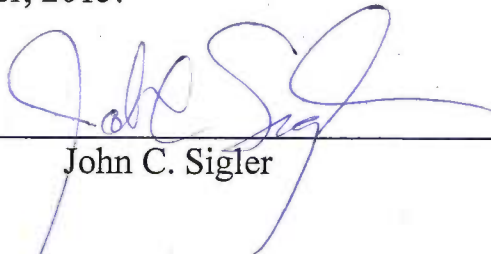
2. I am the President of the Delaware State Sportsmen's Association, and am authorized to make this Verification on behalf of Plaintiff the Delaware State Sportsmen's Association.

2. I have reviewed and authorized the filing of the Complaint against the defendants in this action. I am familiar with the allegations of the Complaint.

3. I verify that I have reviewed the Complaint and that the allegations as to which I have personal knowledge are true and correct, and all other allegations are true and correct, upon information and belief.

4. I make this Verification under penalty of perjury of the laws of the United States of America, and of the State of Delaware, that the foregoing is true and correct.

Executed this 14th day of December, 2015.



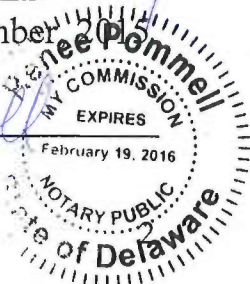
John C. Sigler

SWORN TO AND SUBSCRIBED

Before me this 14th day of December

Mina Renee Pommell

NOTARY PUBLIC





SUPPLEMENTAL INFORMATION PURSUANT TO RULE 103
OF THE RULES OF THE COURT OF CHANCERY

The information contained herein is for the use by the Court for statistical and administrative purposes only. Nothing stated herein shall be deemed an admission by or binding upon any party.

1. Caption of Case: Bridgeville Rifle & Pistol Club, Ltd.; Mark Hester; John R. Sylvester; Marshall Kenneth Watkins; Barbara Boyce, DHSc, RDN; Roger T. Boyce, Sr.; and the Delaware State Sportsmen's Association v. David Small, Secretary of DNREC; Delaware Department of Natural Resources and Environmental Control; Ed Kee, Secretary of Delaware Department of Agriculture; and Delaware Department of Agriculture

2. Date Filed: 12/21/2015

3. Name and Address of Counsel for Plaintiff(s):
Francis G.X. Pileggi (2624), Gary W. Lipkin (4044), Aimee M. Czachorowski (4670), Patrick Brannigan (4778), Eckert Seamans Cherin & Mellott LLC 222 Delaware Avenue, 7th Floor, Wilmington DE 19801

4. Short statement and nature of claim asserted:
Complaint for Declaratory Judgment and Injunctive Relief seeking declaration that certain regulations promulgated by Defendants violate the Delaware Constitution.

5. Substantive field of law involved (check one):

- | | | |
|--|---|--|
| <input type="checkbox"/> Administrative | <input type="checkbox"/> Labor Law | <input type="checkbox"/> Trusts, Wills and Estates |
| <input type="checkbox"/> Commercial law | <input type="checkbox"/> Real Property | <input type="checkbox"/> Consent trust petitions |
| <input checked="" type="checkbox"/> Constitutional Law | <input type="checkbox"/> 348 Deed Restriction | <input type="checkbox"/> Partition |
| <input type="checkbox"/> Corporation Law | <input type="checkbox"/> Zoning | <input type="checkbox"/> Rapid Arbitration (Rules 96,97) |
| <input type="checkbox"/> Trade secrets/trade mark/or other intellectual property | | <input type="checkbox"/> Other |

6. Related cases, including any Register of Wills matters (this requires copies of all documents in this matter to be filed with the Register of Wills):

7. Basis of court's jurisdiction (including the citation of any statute(s) conferring jurisdiction:

Plaintiffs are seeking equitable and injunctive relief.

8. If the complaint seeks preliminary equitable relief, state the specific preliminary relief sought.

9. If the complaint seeks a TRO, summary proceedings, a Preliminary Injunction, or Expedited Proceedings, check here . (If #9 is checked, a Motion to Expedite must accompany the transaction.)

10. If the complaint is one that in the opinion of counsel should not be assigned to a Master in the first instance, check here and attach a statement of good cause.

/s/ Francis G.X. Pileggi (2624)

Signature of Attorney of Record & Bar ID



Aimee M. Czachorowski
aczachorowski@eckertseamans.com
(302) 552.2907

December 21, 2015

VIA E-FILING

Mr. Ken Lagowski
Office of the Register in Chancery
New Castle County Courthouse
500 North King Street
Wilmington, DE 19801

Re: *Bridgeville Rifle & Pistol Club, et al. v. Small et al.*

Dear Mr. Lagowski:

On behalf of the Plaintiffs in the above-captioned action, we filed a Complaint and related papers on December 21, 2015. I write to inform you that the plaintiffs will prepare the summons for service on each of the four defendants in this matter. Service of process will be upon the defendants as follows:

The Honorable David Small
Secretary of the Delaware Department
Of Natural Resources and
Environmental Control
89 Kings Highway
Dover, DE 19901

Delaware Department of Natural
Resources and Environmental Control
c/o The Honorable David Small
89 Kings Highway
Dover, DE 19901

The Honorable Ed Kee
Secretary of the Delaware Department
of Agriculture
2320 S. DuPont Highway
Dover, DE 19901

Delaware Department of Agriculture
c/o The Honorable Ed Kee, Secretary
2320 S. DuPont Highway
Dover, DE 19901

The Honorable Matt Denn
Delaware Attorney General
820 N. French Street
Wilmington, DE 19801

Each of the above-named defendants will be served by an agent of Parcels, Inc., which has been registered with the Court as a Special Process Server. If you need any additional information or have any questions, please do not hesitate to call.

Respectfully,

/s/ Aimee M. Czachorowski

Aimee M. Czachorowski (Bar No. 4670)