

"Emergency Application for Prelim. Inj, In [Democratic Party of the Atlantic vs The State of Atlantic

**The Parties to this Complaint.**

**Plaintiff:** The Democratic Party of the Atlantic, /u/Scribba25 (Lead Counsel)

**Defendant:** The State of Atlantic and the Governor of Atlantic; /u/\_MyHousesOnFire\_

**Basis for Jurisdiction.**

The Court has jurisdiction over this matter because of "ALT. Rules of Court - Section 2 (B)" which states "This Court shall have jurisdiction to hear cases arising under the Laws and Constitution of the Atlantic Commonwealth, the former State of New York, and the Laws, Treaties, and Constitution of the United States. Actions arising from the laws of another state shall not be brought before this Court."

**Claim**

We the Plaintiff are suing the Defendant over the constitutionality of A.B 74 and whether or not the entire law should be struck. The items in question is as followed:

- Item One: "Should any provision of this act be found to be in conflict with applicable federal law or should federal law be found to impose new restrictions on the possession, carry, manufacture, modification or sale of firearms. The conflicting federal statute will be nullified as provided for in subsection 2."
- Item Two: "No employee of the Commonwealth of Atlantic nor any agency operating under it shall cooperate in the enforcement of any conflicting federal statute as defined in subsection 2 Any violation of subsection 3 shall be a class E felony."
- Item Three: "In addition, any employee of the Commonwealth of Atlantic any local government within its jurisdiction found in violation of subsection 3 shall be terminated immediately and will be barred from future employment by the Commonwealth of Atlantic or any local government within its jurisdiction , unless stated otherwise."

We are suing because we believe this law is unconstitutional. Article 6 Clause two (2) of the U.S. Constitution declares that "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding."

As a result, when a Federal law conflicts with a state or local law, the federal law will supersede the other law or laws. We believe that the state does not have the legislative authority to nullify

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Federal Law if it conflicts with state legislation. We believe the entire law should be struck in its entirety for conflicting heavily with Federal law to the point where it would be confusing for citizens to understand which laws are in effect and which are not. We believe the states do not have the authority to force state workers and law enforcement not to enforce Federal Laws in the state.

If the Court cannot grant relief on the entire law, we ask that the Court strike section 7 in its entirety.

We request a preliminary injunction because if this law goes into effect without your review, many citizens of the state have the potential to violate state law because of the recklessness of the state government.

**The legal questions are as follows:**

- *"Does the state have the legislative authority to nullify Federal Law if it conflicts with legislation of the state?"*
- *"Should the entire law be struck in its entirety for conflicting heavily with Federal law, to the point that it would confuse citizens as to what is legal and what is not?"*
- *"Should the specific violating section be removed in its entirety"*
- *"Does the state have the authority to force state workers and law enforcement not to enforce Federal Laws in the state?"*