

***IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK***

JUDGMENT IN A CIVIL CASE

**ROBERT HUNTER, ELMER IRWIN,
DOUG MERRIN, and THE SECOND
AMENDMENT FOUNDATION,**

Plaintiffs,

5:23-CV-1540 (GTS/ML)

v.

**CORTLAND HOUSING AUTHORITY
and ELLA M. DIORIO, personally and
in her official capacity as Executive Director
of CORTLAND HOUSING AUTHORITY,**

Defendants.

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that, pursuant to the Order and Stipulation for Permanent Injunction (Dkt. No. 90) issued on October 22, 2024 by the Honorable Glenn T. Suddaby the Permanent Injunction is approved, and judgment is entered in favor of Plaintiffs. Accordingly, IT IS SO ORDERED:

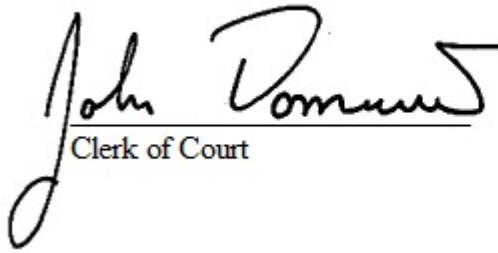
1. Pursuant to Plaintiffs' claims as set forth in the First Amended Complaint, Defendants, and their respective employees, agents, representatives, service providers and/or contractors, are enjoined from prohibiting Plaintiffs and all other CHA tenants from owning, possessing, transporting, or using firearms for lawful purposes, provided they are otherwise qualified and in compliance with all federal, state, and local laws applicable to the ownership, possession, transportation and use of firearms.
2. Upon entry of this Permanent Injunction, Defendants, and their respective employees, agents, representatives, service providers and/or contractors, having amended the original CHA Lease (**Exhibit A**) to remove the Firearms Ban, shall ensure that the CHA Lease, as amended (**Exhibit B**), will not prohibit Plaintiffs, and all other CHA tenants, from owning, possessing, transporting, or using firearms for lawful purposes.
3. Upon entry of this Permanent Injunction, Defendants, and their respective employees, agents, representatives, service providers and/or contractors, shall permit Plaintiffs and all CHA tenants to own and possess firearms within their

residential units, to engage in lawful self-defense and defense of others in the common areas on CHA property and in their residential units, and to lawfully transport firearms through the common areas on CHA property.

4. Upon entry of this Permanent Injunction, Defendants, and their respective employees, agents, representatives, service providers and/or contractors, shall ensure that the CHA Lease, as amended (**Exhibit B**), and any future changes, edits, iterations, or versions of the CHA Lease, complies with the Second Amendment in all respects and does not violate the Second Amendment in any respect. Notwithstanding this provision, Defendants shall retain all rights to amend the CHA Lease in the future, subject to compliance with the Second Amendment and all other provisions of the United States Constitution.
5. Upon entry of this Permanent Injunction, Defendants, and their respective employees, agents, representatives, service providers and/or contractors, are enjoined from prohibiting or restricting any person's access to any of CHA's social media pages or message forums, including but not limited to CHA's Facebook page, and Defendants are enjoined from censoring or deleting any person's comments, expressions, ideas, likes, messages, opinions, or posts on any of CHA's social media pages or message forums, so long as such content does not violate the terms of service of any social media entity, platform, or provider.
6. Upon entry of this Permanent Injunction, Defendants, and their respective employees, agents, representatives, service providers and/or contractors, shall permit Plaintiffs and all CHA tenants to have full access to CHA's social media pages or message forums, and shall not deny Plaintiffs and all CHA tenants permission and the ability to make comments, expressions, ideas, likes, messages, opinions, or posts on CHA's social media pages and message forums via their own individual accounts. Any comments, expressions, ideas, likes, messages, opinions, or posts by Plaintiffs or other CHA tenants on CHA's social media pages or message forums shall comply with the terms of service set forth by the hosting social media entities, platforms, or providers, including but not limited to Facebook.
7. This United States District Court for the Northern District of New York shall retain jurisdiction for the enforcement of this Permanent Injunction.
8. Defendants will pay to Plaintiffs' counsel, Bochner PLLC, the amount of \$150,000.00 for Plaintiffs' attorneys' fees and costs incurred in connection with this action, in full satisfaction of said attorneys' fees and costs, pursuant to the Settlement Agreement entered into by the Parties.

All of the above pursuant to the Order and Stipulation for Permanent Injunction dated October 22, 2024 issued by the Honorable Glenn T. Suddaby. Dkt. No. 90.

DATED: October 22, 2024


Clerk of Court



s/ Shelly Muller

Shelly Muller
Courtroom Deputy Clerk

Federal Rules of Appellate Procedure

Rule 4. Appeal as of Right

(a) Appeal in a Civil Case.

1. (1) *Time for Filing a Notice of Appeal.*

(A) In a civil case, except as provided in Rules 4(a)(1)(B), 4(a)(4), and 4(c), the notice of appeal required by Rule 3 must be filed with the district clerk within 30 days after entry of the judgment or order appealed from.

(B) The notice of appeal may be filed by any party within 60 days after entry of the judgment or order appealed from if one of the parties is:

- (i) the United States;
- (ii) a United States agency;
- (iii) a United States officer or employee sued in an official capacity; or
- (iv) a current or former United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States' behalf—including all instances in which the United States represents that person when the judgment or order is entered or files the appeal for that person.

(C) An appeal from an order granting or denying an application for a writ of error *coram nobis* is an appeal in a civil case for purposes of Rule 4(a).

(2) *Filing Before Entry of Judgment.* A notice of appeal filed after the court announces a decision or order—but before the entry of the judgment or order—is treated as filed on the date of and after the entry.

(3) *Multiple Appeals.* If one party timely files a notice of appeal, any other party may file a notice of appeal within 14 days after the date when the first notice was filed, or within the time otherwise prescribed by this Rule 4(a), whichever period ends later.

(4) *Effect of a Motion on a Notice of Appeal.*

(A) If a party timely files in the district court any of the following motions under the Federal Rules of Civil Procedure, the time to file an appeal runs for all parties from the entry of the order disposing of the last such remaining motion:

- (i) for judgment under Rule 50(b);
- (ii) to amend or make additional factual findings under Rule 52(b), whether or not granting the motion would alter the judgment;
- (iii) for attorney's fees under Rule 54 if the district court extends the time to appeal under Rule 58;
- (iv) to alter or amend the judgment under Rule 59;
- (v) for a new trial under Rule 59; or
- (vi) for relief under Rule 60 if the motion is filed no later than 28 days after the judgment is entered.

(B)(i) If a party files a notice of appeal after the court announces or enters a judgment—but before it disposes of any motion listed in Rule 4(a)(4)(A)—the notice becomes effective to appeal a judgment or order, in whole or in part, when the order disposing of the last such remaining motion is entered.

(ii) A party intending to challenge an order disposing of any motion listed in Rule 4(a)(4)(A), or a judgment's alteration or amendment upon such a motion, must file a notice of appeal, or an amended notice

of appeal—in compliance with Rule 3(c)—within the time prescribed by this Rule measured from the entry of the order disposing of the last such remaining motion.

(5) *Motion for Extension of Time.*

(A) The district court may extend the time to file a notice of appeal if:

- (i) a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; and
- (ii) regardless of whether its motion is filed before or during the 30 days after the time prescribed by this Rule 4(a) expires, that party shows excusable neglect or good cause.

(B) A motion filed before the expiration of the time prescribed in Rule 4(a)(1) or (3) may be ex parte unless the court requires otherwise. If the motion is filed after the expiration of the prescribed time, notice must be given to the other parties in accordance with local rules.

(C) No extension under this Rule 4(a)(5) may exceed 30 days after the prescribed time or 14 days after the date when the order granting the motion is entered, whichever is later.

(6) *Reopening the Time to File an Appeal.* The district court may reopen the time to file an appeal for a period of 14 days after the date when its order to reopen is entered, but only if all the following conditions are satisfied:

- (A) the court finds that the moving party did not receive notice under Federal Rule of Civil Procedure 77 (d) of the entry of the judgment or order sought to be appealed within 21 days after entry;
- (B) the motion is filed within 180 days after the judgment or order is entered or within 14 days after the moving party receives notice under Federal Rule of Civil Procedure 77 (d) of the entry, whichever is earlier; and
- (C) the court finds that no party would be prejudiced.

(7) *Entry Defined.*

- (A) A judgment or order is entered for purposes of this Rule 4(a):
 - (i) if Federal Rule of Civil Procedure 58 (a) does not require a separate document, when the judgment or order is entered in the civil docket under Federal Rule of Civil Procedure 79 (a); or
 - (ii) if Federal Rule of Civil Procedure 58 (a) requires a separate document, when the judgment or order is entered in the civil docket under Federal Rule of Civil Procedure 79(a) and when the earlier of these events occurs:

- the judgment or order is set forth on a separate document, or
- 150 days have run from entry of the judgment or order in the civil docket under Federal Rule of Civil Procedure 79 (a).

(B) A failure to set forth a judgment or order on a separate document when required by Federal Rule of Civil Procedure 58 (a) does not affect the validity of an appeal from that judgment or order.