

**Exhibit 1**  
**Executive Order**  
**97985**



97985

smart #: 23090079  
9/12/2023/jm/law



EXECUTIVE ORDER

NO. 97985

BY VIRTUE OF THE AUTHORITY VESTED IN ME by the Charter of the City of Lincoln, Nebraska:

I hereby accept and approve the attached Weapons Policy prohibiting the possession of weapons in all vehicles, buildings and facilities owned, leased, controlled, or maintained by the City of Lincoln.

This Executive Order rescinds and supersedes the Weapons Policy adopted by Executive Order 97962 dated September 1, 2023.

The City Clerk is directed to return an executed copy of this Executive Order and attached Weapons Policy to Yohance Christie in the City Attorney's Office.

Dated this 12 day of September, 2023.

Leirion Gaylor Baird, Mayor

Approved as to Form & Legality:

City Attorney

# WEAPONS POLICY

## PURPOSE

The City of Lincoln policy of prohibiting the possession of weapons in all vehicles, buildings, and facilities owned, leased, controlled, or maintained by the City of Lincoln is intended to protect and promote the health, safety, and welfare of all community residents.

## AUTHORITY

The City of Lincoln ("City") has inherent property rights to regulate the property owned and/or controlled by it. Neb. Rev. Stat. §28-1202.01 recognizes the City's property rights to control weapons, and specifically allows the prohibition of carrying concealed handguns with a permit and/or license into or onto properties under its control.

## DEFINITIONS

"City property" is defined as any premises under the care and control of City of Lincoln to include, but is not limited to owned or leased property or property contracted to be managed by the City, and commons areas including, but not limited to the approach sidewalks, steps, verandas, parking lots, parks, vestibules, interior hallways, and atriums. This policy applies to all City owned or leased vehicles, and all vehicles used for City business. For purposes of this policy, City property will not include any public street or public sidewalk that runs parallel to a public street.

"Possession" is defined as a person having a weapon on or near their person or having control over a weapon located in or on City property. A person is deemed to be in possession of a weapon in a vehicle when the person is inside or in control (ex. Possesses a key) of the vehicle, and shall be treated under this policy as if the weapon were being carried on their person.

"Weapon" is defined as any firearm, stun gun, knife with a blade length longer than 3.5 inches, any device that releases any propelled object by spring mechanism, compressed air, or compressed gas, explosive, or any other instrument the use of which is intended or likely to cause death or serious bodily injury or immobilize another person.

## POLICY

No person, including employees or volunteers of a state or political subdivisions working on the premises, shall possess or cause to be present a weapon in or on any City property. This prohibition applies regardless of whether a person possesses a valid concealed carry permit or license issued by any jurisdiction. The prohibitions of this policy shall not apply to possession of a weapon by:

- (1) Vehicles: Any person who secures a weapon in their personal or work vehicle on City property. The vehicle must be locked, and the weapon shall not be visible from outside the vehicle.
- (2) Law Enforcement: An officer, agent, or employee of a state or a political subdivision thereof who has jurisdiction in Lancaster County and who is authorized by law to engage in or supervise the prevention, detection, investigation of any violation of law. This person must be carrying proof of

law enforcement jurisdiction while possessing a weapon on City property, and must identify themselves and provide proof of jurisdiction to agents of the City.

- (3) Other Person: Other officers, agents, or employees of a political subdivision while performing their official job responsibilities in or on City property are authorized to be in possession of an approved weapon. Examples include, but are not limited to, an employee who is a law enforcement trainee, an animal control officer, handles seized evidence, collects and processes evidence, maintains vehicles in which weapons are stored, court personnel, and attorneys handling evidence. For purposes of this definition, an attorney not employed by a political subdivision (outside attorney) may possess a weapon for purposes of presentation of evidence where allowed by the courts. This exception does not authorize any person to possess a weapon for personal protection.
- (4) Security Personnel: Security personnel employed or contracted by the City may be authorized to carry weapons in accordance with City policies and applicable laws while in the lawful performance of their official responsibilities.
- (5) Practice Facility: Any person possessing a weapon in or on a shooting range or archery operated, supervised, or maintained by the City may possess a weapon in compliance with the applicable practice facility rules.
- (6) Special Circumstances: In exceptional circumstances, where it serves the public interest and there is a legitimate business need to possess a weapon in or on City property, a person may request permission from the Mayor or their designee. After consulting with the Chief of the Lincoln Police Department, and in compliance with all applicable laws and regulations, the Mayor or their designee will issue a written decision.

#### **PROHIBITED BEHAVIOR**

Possessing or causing to be present a weapon in or on an any City property or City vehicle is a violation of this policy. The City reserves the right at any time and at its discretion to search all City property for violations of this policy. Where security reasons justify, the City may require a person or person's personal items be searched while in or on City property.

#### **NON-COMPLIANCE: TRESPASSING**

Any person who violates this policy shall be considered to be trespassing and subject to criminal and civil penalties, to include being banned from the premises. If any person in violation of this policy refuses to leave, they will be considered trespassing and law enforcement will be called.

# **Exhibit 2**

## **NFOA Declaration**

IN THE DISTRICT COURT OF

LANCASTER COUNTY, NEBRASKA

NEBRASKA FIREARMS OWNERS  
ASSOCIATION, a Nebraska non-profit  
corporation, TERRY FITZGERALD,  
DAVE KENDLE, RAYMOND  
BRETTHAUER, D.J. DAVIS,

*Plaintiffs,*

vs.

CITY OF LINCOLN, NEBRASKA, a  
municipal corporation, LEIRION  
GAYLOR BAIRD, in her official capacity  
as the Mayor of the City of Lincoln,

*Defendants.*

CIVIL NO.

**DECLARATION OF PATRICIA  
HARROLD**

DECLARATION OF PATRICIA HARROLD

I, PATRICIA HARROLD, am over the age of 18, and I do hereby attest to the following facts and can attest to the following in a court of law:

1. I am President of the Nebraska Firearms Owners Association (“NFOA”), who is a plaintiff in this case. I have personal knowledge of the facts I state below, and if I were to be called as a witness, I could competently testify about what I have written in this declaration.
2. I am the President, and authorized representative, of NFOA.
3. I have had a concealed carry permit for about 8 years.

4. I became a gun owner after I was widowed. Without my husband there to protect me and our two kids I needed to do more to protect us. I took some gun classes, learned to shoot, and purchased my first firearm in 2012-13.
5. Around 2014, I learned about the Nebraska Firearms Owners Association. I attended their annual meeting that included workshops, seminars, and family activities. Hundreds were in attendance. During that annual meeting they held elections for the Board of Directors. I volunteered to be nominated for an elected position, and I was elected secretary.
6. Then in 2016 I was elected President of NFOA, and I have been serving concurrently since.
7. NFOA is a volunteer organization. No one is paid for their time. The organizations success is in providing education and information. It is also in making Nebraskans voices heard. NFOA is very active in the State, County, and City legislatures. NFOA members regularly attend public hearings on firearm legislation.
8. NFOA is a strong advocate for gun safety. It regularly offers free training to the public. This training is available to anyone, not just NFOA members.
9. NFOA currently has approximately 10,000 members. Most of its members reside in the cities of Omaha and Lincoln.
10. Many NFOA members regularly construct firearms from scratch or from parts. Many NFOA members regularly modify their firearms by adding or substituting parts. Many NFOA members possess accessory accelerators.

11. NFOA members carry a firearm for self-defense, defense of their family and others. Many NFOA members regularly use the City of Lincoln (“City”) parks. Many of the parks have homeless encampments, drug addicts, and people who are mentally unstable. There has also been rise in violent crimes being committed in City parks. Because of this many NFOA members carry their firearm for safety. But, the City’s executive order has effectively prevented law abiding citizens from using the City parks.

12. NFOA members, including myself, testified before the State legislature advocating for the passage of constitutional carry legislation, Legislative Bill 77 (“LB 77”). I was present during many of the legislative hearings. LB 77 was intended to simplify Nebraska’s firearms laws. By eliminating the local government’s ability to regulate firearms, Nebraskans would be able to lawfully carry their concealed weapon anywhere in the State except for the specific places that the State banned.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 17, 2023, in Plattsmouth, Nebraska.

*Patricia Harrold*

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Patricia Harrold



# **Exhibit 3**

## **Terry Fitzgerald**

### **Declaration**

IN THE DISTRICT COURT OF

LANCASTER COUNTY, NEBRASKA

NEBRASKA FIREARMS OWNERS  
ASSOCIATION, a Nebraska non-profit  
corporation, TERRY FITZGERALD,  
DAVE KENDLE, RAYMOND  
BRETTTHAUER, D.J. DAVIS,

*Plaintiffs,*

vs.

CITY OF LINCOLN, NEBRASKA, a  
municipal corporation, LEIRION  
GAYLOR BAIRD, in her official capacity  
as the Mayor of the City of Lincoln,

*Defendants.*

CIVIL NO.

DECLARATION OF TERRY LANE  
FITZGERALD

DECLARATION OF TERRY LANE FITZGERALD

I, TERRY LANE FITZGERALD, am over the age of 18, and I do hereby attest to the following facts and can attest to the following in a court of law:

1. I am a plaintiff in this case. I have personal knowledge of the facts I state below, and if I were to be called as a witness, I could competently testify about what I have written in this declaration.
2. I am a resident of Lincoln, Nebraska ("City"). I am a father to three adult kids and grandfather to six. I have children and grandchildren who live in the area.

3. I have a valid, current concealed carry permit. I carry my concealed firearm wherever I am legally allowed to carry. I carry for self-defense.
4. Before the executive order I would regularly go for walks through my neighborhood, and hikes through City parks, around lakes, and trails; where I would always carry my concealed weapon. I live near a lake that I often enjoyed prior to the ordinance. I'd also use the hiking and biking trails, but now I don't since I can't carry and am unable to defend myself. I am a cowboy. I carry my weapon wherever I go. I have carried my firearm for so long that I am uncomfortable without it. If I can't carry my weapon somewhere then I am not going there. This is even more true now that I am getting older and it is my only means of protection. Because of the executive order I have stopped going for walks and using the City parks and trails.
5. I am an NRA Life Member, NRA Certified Instructor, NRA Chief Range Safety Officer, NRA Appointed Training Counselor, and Concealed Handgun Instructor for Nebraska, Kansas, and Minnesota. I am a firm believer in training. I have been an NRA Appointed Training Counselor for over 20 years. As a training counselor, I have trained numerous NRA Certified instructors. I trained the certified instructors at the different shooting ranges. I am certified to teach both Nebraska and Minnesota concealed handgun classes. I train and practice shooting every chance I get.
6. For the past 25 years, I have been the official State of Nebraska's Buffalo Bill. I am paid to take on his persona and represent Buffalo Bill in photos,

billboards, and events around the state. Because I represent Buffalo Bill I am extra careful to always follow the law.

7. The executive order banning firearms from City property, specifically sidewalks abutting City property is unclear to me. It is very difficult to tell where the ordinance applies. It is unclear which sidewalks are city sidewalks and which I can carry on. I can no longer go on my daily walks where I live without the possibility of violating this ordinance. I would rather not risk being in violation of the law, so I have stopped going for walks around the City for fear of accidentally walking in front of a City property while carrying my concealed firearm.
8. I have been an outspoken advocate for gun rights. I have testified before State, County, and City governments advocating for more firearm freedom and less government restrictions.
9. I was a professional hat builder for over 30 years. Now that I am retired, I teach other hatters how to sculp and craft cowboy hats. Additionally, I have been a cowboy action shooter/competitive shooter since the 1990s. I recently placed 7<sup>th</sup> in the country for my category. I also volunteer for two churches' security teams.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 17, 2023, in Lincoln, Nebraska.

Terry Lane Fitzgerald  
Terry Lane Fitzgerald (Dec 17, 2023 12:05 CST)  
Terry Lane Fitzgerald

# **Exhibit 4**

**Dave Kendle**

**Declaration**

IN THE DISTRICT COURT OF

LANCASTER COUNTY, NEBRASKA

NEBRASKA FIREARMS OWNERS  
ASSOCIATION, a Nebraska non-profit  
corporation, TERRY FITZGERALD,  
DAVE KENDLE, RAYMOND  
BRETTHAUER, D.J. DAVIS,

*Plaintiffs,*

vs.

CITY OF LINCOLN, NEBRASKA, a  
municipal corporation, LEIRION  
GAYLOR BAIRD, in her official capacity  
as the Mayor of the City of Lincoln,

*Defendants.*

CIVIL NO.

**DECLARATION OF DAVE KENDLE**

DECLARATION OF DAVE KENDLE

I, DAVE KENDLE, am over the age of 18, and I do hereby attest to the following facts and can attest to the following in a court of law:

1. I am a plaintiff in this case. I have personal knowledge of the facts I state below, and if I were to be called as a witness, I could competently testify about what I have written in this declaration.
2. I am a resident of Seward County where I live with my wife. I grew up, spent most of my life, and raised my family in the City of Lincoln ("City"). After retirement, my wife and I moved just outside of Lincoln.

3. I spent my career as a geologist, primarily in the oil and gas industry. Now that I'm retired, my wife and I help watch our grandchildren. Before the executive order, we would take them to City playgrounds and parks after school and on the weekends. These parks will often have homeless people, drug addicts, and mentally unstable people. So, I would always carry my concealed weapon. Being able to conceal carry is critical for the safety of myself, my wife, and grandchildren. Because the executive order prohibits carrying my firearm, we have been unable to go to the parks and playgrounds since then.
4. I have a current, valid concealed carried permit for Nebraska that I've had for about 10 years. I carry my concealed firearm 100% of the time where I am legally able. I carry my firearm for self-protection and defense of my family.
5. I have been an NRA member for 10 years. I train at least once a week. I also have a Minnesota concealed carry permit.
6. Machining is a hobby of mine. With my advanced machining skills, I have built guns from scratch from just pieces of metal. I have also built guns from parts.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 17, 2023, in Seward Nebraska.  
County

  
Dave Kendle

# **Exhibit 5**

## **Raymond Bretthauer Declaration**



IN THE DISTRICT COURT OF

LANCASTER COUNTY, NEBRASKA

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NEBRASKA FIREARMS OWNERS  
ASSOCIATION, a Nebraska non-profit  
corporation, TERRY FITZGERALD,  
DAVE KENDLE, RAYMOND  
BRETTHAUER, D.J. DAVIS,

*Plaintiffs,*

vs.

CITY OF LINCOLN, NEBRASKA, a  
municipal corporation, LEIRION  
GAYLOR BAIRD, in her official capacity  
as the Mayor of the City of Lincoln,

*Defendants.*

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CIVIL NO.

**DECLARATION OF RAYMOND  
BRETTHAUER**

DECLARATION OF RAYMOND BRETTHAUER

I, RAYMOND BRETTHAUER, am over the age of 18, and I do hereby attest to the following facts and can attest to the following in a court of law:

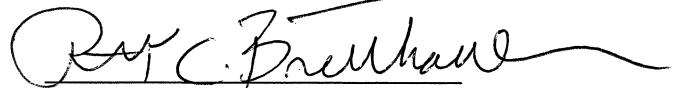
1. I am a plaintiff in this case. I have personal knowledge of the facts I state below, and if I were to be called as a witness, I could competently testify about what I have written in this declaration.
2. I am a resident of Lincoln, Nebraska ("City") where I have lived with my wife since the 1990s. We have two adult children.
3. I have earned my associate, bachelors, and master's degrees.

4. I have worked for the Department of Corrections. Then I spent 18 years working in the public school system. I now work in IT for a financial institution.
5. I volunteer for the Boy Scouts and volunteer as security for my church.
6. My wife and I enjoy the outdoors. We frequently walk the walking trails, bike on the biking trails, and take our dogs to the dog parks. When visiting City properties, I would typically lawfully carry my concealed firearm.
7. I carry my concealed firearm more than 50% of the time. While my work does not allow conceal carry, outside of work I prefer to carry my concealed weapon.
8. I have had my concealed carry permit since 2018. I maintain regular firearm training and proficiency.
9. When we are out in public, I carry my concealed firearm for self-defense and defense of my family. I do this because of the increasing level of violent crime throughout Lincoln and the US. Me and my family also have spent a lot of time walking and bike riding on city trails, some of which are isolated. There have been violent crimes committed on the City trails. And I want to be prepared in the event my life or a family member's life is in danger. The trails that I frequently pass near or through have areas with a large homeless population, homeless encampments, and evidence of drug activity. It is my responsibly to protect myself and my family.

10. The Lincoln executive order has made it so that I must think about all of the places that I will be going before I leave my house to consider whether or not I will be going to (or near) a place covered by the executive order. I have to either choose to participate in outdoor activities without the ability to protect myself in the event of being in danger, or I have to knowingly break the law, putting my Concealed Carry Permit in jeopardy, and I am not willing to break the law.

11. In addition, the scope of the executive order is unclear. The city of Lincoln is responsible for residential sidewalk repair and maintenance; it is unclear to me if the executive order could be stretched to cover residential sidewalks or city streets. I serve on my church's security team, which includes doing exterior patrols on residential sidewalks, while carrying a concealed firearm. Lincoln's executive order makes it so that I have to consider many additional factors in deciding whether to carry concealed or not. The scope of the executive order has caused me to carry less often because I am unsure whether I will be in a place that violates the order or not.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 15, 2023, in LINCOLN, Nebraska.

  
Raymond Bretthauer

# **Exhibit 6**

**D.J. Davis**

**Declaration**

IN THE DISTRICT COURT OF

LANCASTER COUNTY, NEBRASKA

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NEBRASKA FIREARMS OWNERS  
ASSOCIATION, a Nebraska non-profit  
corporation, TERRY FITZGERALD,  
DAVE KENDLE, RAYMOND  
BRETTHAUER, D.J. DAVIS,

*Plaintiffs,*

vs.

CITY OF LINCOLN, NEBRASKA, a  
municipal corporation, LEIRION  
GAYLOR BAIRD, in her official capacity  
as the Mayor of the City of Lincoln,

*Defendants.*

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CIVIL NO.

DECLARATION OF D.J. DAVIS

DECLARATION OF D.J. DAVIS

I, D.J. DAVIS, am over the age of 18, and I do hereby attest to the following facts  
and can attest to the following in a court of law:

1. I am a plaintiff in this case. I have personal knowledge of the facts I state  
below, and if I were to be called as a witness, I could competently testify  
about what I have written in this declaration.
2. I am a resident of Lincoln, Nebraska ("City") where I live with my wife and  
two kids.
3. I have done quite a bit of work in low voltage electricity. I went to cable  
school, I was a field technician working on main lines, and I also had a

position where I fixed arcade games. I currently do facilities maintenance for a national youth organization.

4. I am a member of the National Rifle Association. I am an NRA Certified Instructor for pistols, rifles, shotguns, and muzzle loads. I am also a USA archery level 1 instructor as well as an instructor who specializes in youth firearms training.
5. I have had a current conceal carry permit for about five years. I carry my concealed firearm wherever I am legally able to do so. I try to follow the law and guidance for carrying concealed weapons as much as I possibly can. But the City ordinances make it very confusing, it is hard to navigate through the law and understand where I can and can't carry.
6. Prior to the order, I visited City properties approximately once a week, where I would always carry a concealed firearm. I carry a firearm to protect myself, my wife, and my kids. My family and I enjoy going to the parks and lakes, and I would prefer to carry my weapon when on outings to protect my family.
7. Also, my mother lives near a City library. The executive order makes it unclear as to whether or not I can carry my concealed firearm when I go for a walk near my mother's house.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 17, 2023, in Lincoln, Nebraska.

  
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D.J. Davis