

Bond Case Briefs

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MUNICIPAL ORDINANCE - KENTUCKY

City of Pikeville v. Kentucky Concealed Carry Coalition, Inc.

Supreme Court of Kentucky - April 27, 2023 - S.W.3d - 2023 WL 3113397

Nonprofit corporation with members seeking to protect Second Amendment rights from over-regulation brought action against city, mayor, city manager, and city board of commissioners alleging city's prohibition on firearms within city properties violated statute generally prohibiting local regulation of firearms, and seeking declaratory relief, injunctive relief, and attorney fees.

The Circuit Court granted summary judgment in favor of defendants and awarded prevailing party attorney fees. Nonprofit corporation appealed. The Court of Appeals reversed and remanded. Discretionary review was granted.

The Supreme Court held that nonprofit corporation did not have associational standing.

Quantum of proof necessary to establish associational standing depends on stage of proceeding: at pleading stage, less specificity is required, and association may speak generally of injuries to some of its members, for presumption is that general allegations embrace those specific facts that are necessary to support claim; by summary judgment stage, however, more particulars regarding association's membership must be introduced or referenced; finally, before favorable judgment can be attained, association's general allegations of injury must clarify into concrete proof that one or more of its members has been injured.

Nonprofit corporation with members seeking to protect Second Amendment rights from over-regulation did not have associational standing to bring claims alleging city unlawfully prohibited firearms within city properties; desire of unidentified members to access various city-owned sites without fear their rights to carry firearms would be denied was too speculative, unsupported allegation concerning actual denial of entry to unidentified members lacked sufficient specificity, and any existence of statutory standing did not equate to constitutional standing.