

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

MATTHEW GRACE and	)	
PINK PISTOLS,	)	
	)	
Plaintiffs,	)	
	)	Civil Action No. 15-2234 (RJL)
v.	)	
	)	
DISTRICT OF COLUMBIA and	)	
CATHY LANIER, in her official capacity as	)	
Chief of Police for the Metropolitan Police	)	
Department,	)	
	)	
Defendants.	)	

**MEMORANDUM IN OPPOSITION TO THE BRADY CENTER’S MOTION  
FOR LEAVE TO FILE AMICUS CURIAE BRIEF AND MOTION IN THE  
ALTERNATIVE FOR LEAVE TO FILE A SHORT RESPONSE BRIEF**

On January 22, 2016—several hours after Plaintiffs had filed their *reply brief* in support of their application for a preliminary or permanent injunction—the Brady Center moved for leave to file an amicus brief supporting Defendants’ *opposition* to that motion. This extraordinarily tardy motion should be denied. The District and its prospective amici have known about the briefing schedule set by this Court since December 29, 2015—over three weeks ago. While we would have readily consented to the Brady Center’s request to participate in this case as amicus curiae had they filed their request and proposed brief on Monday or even Tuesday of last week, their decision to wait until the day our reply brief was due—depriving us of the ability to respond in the ordinary course to any new arguments they raise—is inexcusable, and their motion for leave to file should be denied.<sup>1</sup>

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<sup>1</sup> The Brady Center suggests that their request was nonetheless filed “in a timely manner” under Rule 7(o)(2) of this Court’s local civil rules, reasoning that the hearing on Plaintiffs’

Should the Court nonetheless decide to grant the Brady Center's eleventh-hour motion, we submit that it should also, in the spirit of litigation fairness, allow us to briefly respond. Accordingly, in the alternative Plaintiffs respectfully seek the Court's leave to file the attached short Reply, which responds briefly to new arguments raised in the Brady Center's proposed brief. We have conferred with opposing council about this motion, and they have represented that the District opposes it.

Dated: January 26, 2016

Respectfully submitted,

s/ Charles J. Cooper

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application is not scheduled until February 2, so their last-minute filing, they say, will not “unduly delay the court’s ability to rule on [this] matter.” Motion of Brady Center to Prevent Gun Violence for Leave to File Amicus Curiae Brief in Support of Defendants at 2–3 (Jan. 22, 2016), Doc. 25. But even if that is true, undue delay of the proceedings is surely only one consideration that should guide this Court’s discretion in determining whether to grant its leave; Rule 7(o)(2) hardly says or implies that in exercising that discretion this Court must blind itself to so clear a violation of the rules of fair play.