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July 24, 2014

VIA CM/ECF AND HAND DELIVERY

The Honorable Leonard P. Stark
United States District Judge
United States District Court
for the District of Delaware
Room 6124
844 N. King Street
Wilmington, DE 19801-3556

Re: *Doe v. Wilmington Housing Authority, et al.,*
D. Del., C.A. No. 1:10-cv-00473-LPS

Dear Judge Stark:

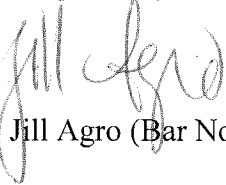
While the parties have conferred numerous times over the past week to compromise on the terms of a proposed final order to present to Your Honor, we have reached a standstill on two points.

First, Plaintiffs appealed to the Third Circuit on three counts from the Amended Complaint: Count 2 (violation of state constitutional rights); Count 3 (preemption by state law); and Count 4 (exceeding scope of authority). The Third Circuit reversed this Court's decision on Count 2, and stated that it "need not consider [those issues] in light of the Delaware Supreme Court's answer to the certified questions." *See* Opinion dated June 30, 2014, at n.1. As it stands, there is no judgment on Counts 3 or 4. Defendants, however, want the final order to reflect that judgment was awarded in their favor on those issues. Plaintiffs would prefer that the final order avoid the issue altogether and not speak to Counts 3 and 4 of the Amended Complaint.

The second issue that remains unresolved is the time for Plaintiffs to submit a motion for fees in the event that they wish to pursue fees. Federal Rule of Civil Procedure 54(d)(2)(B)(i) requires that a motion for fees be filed no later than 14 days after entry of judgment unless statute or court order provides otherwise. Plaintiffs respectfully request 30 days from the entry of judgment to allow time to consider whether to pursue fees in this procedurally complex case.

Plaintiffs' Proposed Order of Final Judgment is attached for the Court's consideration. Counsel will address any questions during the teleconference scheduled for 11 A.M. this morning.

Respectfully submitted,



Jill Agro (Bar No. 4629)

Enclosure

cc: Francis G.X. Pileggi, Esquire
Barry M. Willoughby, Esquire
Lauren Russell, Esquire
Clerk of Court

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

JANE DOE and CHARLES BOONE,)	
)	
Plaintiffs,)	
)	
v.)	
)	
WILMINGTON HOUSING AUTHORITY)	C.A. No. 1:10-cv-00473-LPS
and FREDERICK S. PURNELL, SR., in his)	
official capacity as Executive Director of the)	
Wilmington Housing Authority,)	
)	
Defendants.)	

[PROPOSED] ORDER OF FINAL JUDGMENT

WHEREAS this Court entered a final judgment in this matter on July 30, 2012, finding in favor of Defendants on all five counts of Plaintiffs' Second Amended Complaint (D.I. 116);

WHEREAS Plaintiffs appealed this Court's final judgment, with respect to Counts Two through Four of their Second Amended Complaint only, to the United States Court of Appeals for the Third Circuit;

WHEREAS the Third Circuit Court of Appeals certified two questions of Delaware law to the Delaware Supreme Court;

WHEREAS the Delaware Supreme Court declared that Paragraphs three and four (relating to common areas and review of licenses) of the Revised Firearms Policy of the Wilmington Housing Authority violated Article I, Section 20 of the Delaware Constitution; and

WHEREAS the Third Circuit Court of Appeals entered judgment in Appellants' favor on June 6, 2014, with respect to Paragraphs 3 and 4 of the Revised Firearms Policy, and awarded costs to Plaintiffs, and remanded this matter back to this Court by opinion and judgment dated June 30, 2014, (D.I. 120);

NOW THEREFORE, IT IS ORDERED AND ADJUDGED, for the reasons set forth in the Delaware Supreme Court's decision dated March 18, 2014, and identified as *Doe v. Wilmington Hous. Auth.*, 88 A.3d 654 (Del. 2014), that judgment is entered in favor of Plaintiffs with respect to their claim that Paragraphs three and four of Wilmington Housing Authority's Revised Firearms Policy violated Article I, Section 20 of the Delaware Constitution.

IT IS FURTHER ORDERED that judgment is entered in favor of Defendants with respect to Plaintiffs' claim pursuant to the Second Amendment of the U.S. Constitution.

IT IS FURTHER ORDERED that Plaintiffs have leave to submit a petition for fees and costs incurred in pursuing this action to vindicate their rights under the Delaware Constitution, within thirty (30) days of this final judgment being docketed. Defendants' objections and defenses to any such petition are preserved.

Dated this _____ day of _____, 2014.

The Honorable Leonard P. Stark