

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CASE NO.: 4:16-cv-40136-TJH

PULLMAN ARMS INC., GUNS and GEAR, LLC,)
PAPER CITY FIREARMS, LLC,)
GRRR! GEAR, INC., and)
NATIONAL SHOOTING SPORTS)
FOUNDATION, INC.)

Plaintiffs,)

v.)

MAURA HEALEY, ATTORNEY GENERAL)
FOR THE COMMONWEALTH OF)
MASSACHUSETTS)

Defendant.)

**PLAINTIFFS' ASSENTED TO MOTION
FOR LEAVE TO FILE SUPPLEMENTAL BRIEF**

The Plaintiffs request leave to file a supplemental brief of no more than ten pages in support of their Opposition to Defendant's Motion to Dismiss the Amended Complaint by April 18, 2017.

Plaintiffs request this relief because, at the April 7, 2017 hearing on Defendant's Motion to Dismiss the Amended Complaint, the Court raised the issue of whether the Attorney General's Enforcement Notice is subject to a pre-enforcement vagueness challenge, perhaps under *Beckles v. U.S.*, ___U.S.___, 137 S. Ct. 886 (March 6, 2017) or other similar cases. The Attorney General had not raised this issue in her motion to dismiss, but the Plaintiffs would like to develop the argument that because the notice is coercive and has a binding effect on their conduct, it should

be treated as a final rule or action subjecting it to judicial pre-enforcement review on vagueness grounds. The Defendant assents to the Plaintiffs filing a supplemental pleading of this nature.

The Plaintiffs submit that the Defendant should file her supplement, if any, on that same date rather than have the opportunity to respond to an issue the Office should have raised if at all in the initial motion.

For the foregoing reasons, the Plaintiffs respectfully request that the Court grant them leave to file by April 18, 2017, a supplemental brief of no more than ten pages to address the issues raised by the Court at the April 7, 2017 hearing on the pre-enforcement vagueness challenges to the Enforcement Notice.

PLAINTIFFS,

Pullman Arms Inc., Guns and Gear, LLC,
Paper City Firearms, LLC, Grrr! Gear, Inc.,
and National Shooting Sports Foundation,
Inc.

By their attorneys,

/s/ David R. Kerrigan

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DATED: April 10, 2017

CERTIFICATE OF SERVICE

I hereby certify, on behalf of Plaintiffs, that on April 10, 2017, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

/s/ David R. Kerrigan
David R. Kerrigan

CERTIFICATE OF COMPLIANCE WITH RULE 7.1

I hereby certify, pursuant to Local Rule 7.1(a)(2), that Plaintiffs' counsel conferred with Defendant's counsel William W. Porter, on April 10, 2017, and that Assistant Attorney General Porter assents to the Plaintiffs filing a Supplemental Brief to address the issues raised by the Court at the hearing. Assistant Attorney General Porter took no position on whether the Office of the Attorney General would file a supplemental brief on the same date as discussed in this Motion.

/s/ David R. Kerrigan
David R. Kerrigan