

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

NATIONAL ASSOCIATION FOR GUN  
RIGHTS, ROBERT C. BEVIS, and LAW  
WEAPONS, INC., d/b/a LAW WEAPONS &  
SUPPLY, an Illinois corporation;

Plaintiffs,

v.

CITY OF NAPERVILLE, ILLINOIS, a  
municipal corporation;

Defendant.

No. 1:22-cv-04775

Hon. Virginia M. Kendall

**MOTION TO EXTEND SUPPLEMENTAL BRIEFING SCHEDULE BY ONE WEEK**

Defendant City of Naperville (“Naperville”) respectfully moves this Court for a short one-week extension of the Parties’ supplemental briefing schedule. Naperville requests this extension for two reasons:

**First**, the issues raised by the Court concerning the historical antecedents for commercial restrictions on the sale of assault weapons require more research than Naperville can conduct in the short period of time provided under the current schedule. This is particularly important given that Plaintiffs may immediately appeal an adverse ruling. Naperville submits that reviewing courts should have as complete a historical record as possible under these novel circumstances.

**Second**, a short extension will provide counsel for Naperville time to meet in executive session with Naperville’s City Council to consider the possibility of a limited stay of its Ordinance to obviate the need for immediate injunctive relief and to allow the parties to develop a more complete record for any potential appeal.

Naperville's counsel conferred with Plaintiffs' counsel and Plaintiffs oppose this Motion. In further support of this Motion, Naperville states as follows:

On November 18, 2022, Plaintiffs filed a Motion for Temporary Restraining Order and Preliminary Injunction seeking to prevent Naperville from enforcing its Ordinance banning the sale of certain assault rifles within city limits. *See* Dkt. 10. The Ordinance, however, does not take effect until January 1, 2023.

On November 21, 2022, the Court heard oral argument on Plaintiffs' Motion. Two days later, the Court requested supplemental briefing on two questions related to Plaintiffs' Motion. *See* Dkt 15. The Court directed the parties to provide supplemental briefs by Monday, December 5, 2022.

Plaintiffs then requested a staggered briefing schedule that would allow them to reply to Naperville's supplemental brief rather than submit simultaneous briefs. The Court granted Plaintiffs' request. *See* Dkt. 18. Because part of the current schedule fell over the Thanksgiving Holiday, Naperville has been unable to use part of that time for the research and drafting required.

Naperville respectfully requests the Court extend the briefing schedule by one week. Under this proposal, Naperville's supplemental brief would be due December 12, 2022. Plaintiffs' reply would be due December 16, 2022.

No party to this action would be prejudiced by the requested extension. The Parties' supplemental briefs would still be filed well before January 1, 2023, when the Ordinance takes effect. And the extension would allow Naperville time to discuss a possible stay of the Ordinance's effective date, which would provide Plaintiffs, at least temporarily, with the relief they seek.

**WHEREFORE**, for the reasons stated above, Naperville respectfully requests a one-week extension, up to and including December 12, 2022, to file its supplemental brief, and a similar one-week extension, up to and including December 16, 2022, for Plaintiffs to file a reply.

Dated: December 1, 2022

Respectfully submitted,

/s/ Christopher B. Wilson

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that in accordance with Federal Rule of Civil Procedure 5 and Local Rule 5.5, the following document was served on December 1, 2022 through the district court's ECF system, which will send notification of such filing to the following counsel of record:

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/s/ Christopher B. Wilson  
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