

UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

STEFANO GRANATA, *et al.*,

Plaintiffs-Appellants,

v.

MAURA HEALEY, in her Official Capacity as  
Attorney General of the Commonwealth of  
Massachusetts, *et al.*,

Defendants-Appellees.

No. 22-1478

**ASSENTED-TO MOTION TO EXTEND DEADLINE TO FILE  
DEFENDANTS-APPELLEES' PRINCIPAL BRIEF**

The defendants-appellees hereby request, pursuant to Fed. R. App. P. 26(b), an extension of their deadline to file their principal brief in this case. Defendants-appellees' brief is currently due on Monday, December 19, 2022; they request an extension until **Monday, January 30, 2023**, to file their brief. Plaintiffs-appellants assent to this motion.

As grounds for this motion, defendants-appellees, through the undersigned counsel, state as follows:

1. This is a Second Amendment challenge to Massachusetts's regulatory scheme, set forth in Mass. Gen. Laws ch. 140, § 123, and 940 Code Mass. Regs. §§ 16.01 *et seq.*, establishing certain minimum safety requirements before a handgun may be sold by a licensed retailer in the state.

2. After plaintiffs-appellants filed this appeal, the Supreme Court issued its decision in *New York State Rifle & Pistol Ass’n v. Bruen*, 142 S. Ct. 2111 (2022), which altered the legal standard applicable to a Second Amendment claim such as this. In *Bruen*, the Supreme Court rejected the two-step approach and the application of means-end scrutiny that had previously been employed in this and every other Circuit. *E.g.*, *Gould v. Morgan*, 907 F.3d 659, 668-77 (1st Cir. 2018) (prior framework for assessing Second Amendment claims in the First Circuit), *abrogated by Bruen*, 142 S. Ct. at 2126-27.

3. The Court in *Bruen* described the legal framework for Second Amendment claims going forward as requiring consideration, first, of the text of the Second Amendment, followed by the historical tradition of firearms regulation. As the Court stated, “When the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation.” *Id.* at 2129-30. In regard to the historical component of the *Bruen* framework, a central consideration is “whether the modern and historical regulations impose a comparable burden on the right of armed self-defense and whether that burden is comparably justified[.]” *Id.* at 2133.

4. The defendants-appellants require additional time in order to respond to and develop arguments under the new standard announced in *Bruen*. In particular, although defendants-appellants presented evidence regarding the historical tradition of firearms regulation at the district court level, they require more time to conduct research to identify additional historical regulations of firearms that are “relevantly similar” to the regulations challenged in this case. *Bruen*, 142 S. Ct. at 2132-33. This additional time is necessary in order to present sources and argument to this Court to enable it to determine whether the regulatory scheme challenged here is consistent with the “Nation’s historical tradition of firearm regulation,” and thus comports with the Second Amendment. *Id.* at 2130; *see id.* at 2130 n.6 (“Courts are ... entitled to decide a case based on the historical record compiled by the parties.”).

5. The defendants-appellees also request additional time to accommodate long-scheduled vacation time out of the office in connection with the end-of-the-year holidays.

6. Plaintiffs-appellants assent to this motion.

WHEREFORE, Defendants-Appellees respectfully request that the Court extend their deadline to file their principal brief in this case, from the current deadline of Monday, December 19, 2022, until **Monday, January 30, 2023**.

Respectfully submitted,

MAURA HEALEY, in her official capacity as Attorney General of the Commonwealth of Massachusetts; TERRENCE REIDY,<sup>1</sup> in his official capacity as Secretary of the Executive Office of Public Safety and Security of the Commonwealth of Massachusetts,

By their attorneys,

/s/ Timothy J. Casey

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December 2, 2022

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<sup>1</sup> Terrence Reidy has succeeded Thomas Turco as Secretary of the Executive Office of Public Safety and Security of the Commonwealth of Massachusetts, so his name is automatically substituted in the caption of the case, in accordance with Fed. R. App. P. 43(c)(2).

**CERTIFICATE OF COMPLIANCE WITH WORD LIMIT, TYPEFACE,  
AND TYPE-STYLE REQUIREMENTS**

I hereby certify that:

1. This motion complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because the motion contains 505 words, excluding the parts of the document exempted by Fed. R. App. P. 32(f); and
2. This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because the document has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point, Times New Roman font.

*/s/ Timothy J. Casey*  
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Counsel for the Defendants-Appellees  
December 2, 2022

**CERTIFICATE OF SERVICE**

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), on December 2, 2022.

*/s/ Timothy J. Casey*  
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Counsel for the Defendants-Appellees