

No. 23-1825

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

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CALEB BARNETT, BRIAN	)	Appeal from the United States
NORMAN, HOOD’S GUNS & MORE,	)	District Court for the Southern
PRO GUN AND INDOOR RANGE,	)	District of Illinois
and NATIONAL SPORTS SHOOTING	)	
FOUNDATION, INC.,	)	
	)	
Plaintiffs-Appellees,	)	
	)	
v.	)	No. 3:23-cv-00209-SPM
	)	
KWAME RAOUL, Attorney General of	)	
the State of Illinois, and BRENDAN F.	)	
KELLY, Director of the Illinois State	)	
Police,	)	The Honorable
	)	STEPHEN P. McGLYNN,
Defendants-Appellants.	)	Judge Presiding.

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**DEFENDANTS-APPELLANTS’ UNOPPOSED MOTION TO  
CONSOLIDATE APPEAL NOS. 23-1825, 23-1826, 23-1827, & 23-1828**

Defendants-Appellants Kwame Raoul, Attorney General of the State of Illinois, and Brendan F. Kelly, Director of the Illinois State Police, move unopposed to consolidate this appeal, No. 23-1825, with the pending appeals in: (1) *Harrel v. Raoul*, No. 23-1826 (2) *Langley v. Kelly*, No. 23-1827; and (3) *Federal Firearms Licensees of Illinois v. Pritzker*, No. 23-1828, for purposes of any motion practice, briefing, argument, and disposition. Consolidation of these four appeals, which were consolidated in the district court and arise from the same preliminary injunction order, will ensure the most efficient use of judicial resources for the following reasons.

1. These appeals arise from four actions pending in the United States District Court for the Southern District of Illinois, each claiming that the Protect Illinois Communities Act, Public Act 102-1116 (eff. Jan. 10, 2023) (“Act”), violated plaintiffs’ rights to keep and bear arms under the Second and Fourteenth Amendments to the United States Constitution. *Barnett* Doc. 1; *Harrel* Doc. 1; *Langley* Doc. 1-1; *Fed. Firearms* Doc. 1; *see also* *Langley* Doc. 1 (notice of removal from Illinois state court).<sup>\*</sup> Along with various local law enforcement officials, these actions named either the Illinois Attorney General, the Director of the Illinois State Police, or Illinois Governor JB Pritzker, in their official capacities, (“state defendants”) as defendants. *Barnett* Doc. 1; *Harrel* Doc. 1; *Langley* Doc. 1-1; *Fed. Firearms* Doc. 1.

2. In each action, plaintiffs filed motions for preliminary injunctions to preclude the Act from being enforced until final judgment could be entered. *Barnett* Doc. 10; *Harrel* Doc. 16; *Langley* Doc. 6; *Fed. Firearms* Doc. 28.

3. On February 24, 2023, the district court entered an order consolidating these four actions “for the purposes of discovery and injunctive relief” and designating *Barnett* “as the lead case.” *Barnett* Doc. 32 at 3-4. The court directed state defendants to file combined responses to the preliminary injunction motions and plaintiffs to file replies in support of their motions. *Id.* at 3.

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<sup>\*</sup> The district court dockets in these four actions are cited as “*Barnett* Doc. \_\_,” “*Harrel* Doc. \_\_,” “*Langley* Doc. \_\_,” and “*Fed. Firearms* Doc. \_\_,” respectively.

4. On March 2, state defendants filed their combined responses to the preliminary injunction motions. *Barnett* Docs. 37, 39, 40, 41. Plaintiffs filed their replies on March 23. *Barnett* Docs. 66, 67, 68, 69.

5. In a combined hearing on April 12, the district court heard oral argument on plaintiffs' motions for preliminary injunction. *Barnett* Doc. 91.

6. On April 28, the district court entered a statewide preliminary injunction in *Barnett* prohibiting defendants from enforcing the Act, stating that its order "carrie[d] over" to *Harrel*, *Langley*, and *Federal Firearms*. *Barnett* Doc. 101 at 2.

7. That same day, state defendants filed four notices of appeal in each case to ensure this court's jurisdiction over each action under 28 U.S.C. § 1292(a)(1), giving rise to appeal Nos. 23-1825, 23-1826, 23-1827, and 23-1828. *Barnett* Doc. 102; *Harrel* Doc. 46; *Langley* Doc. 37; *Fed. Firearms* Doc. 45. State defendants also filed a motion to stay the district court's preliminary injunction pending appeal. *Barnett* Doc. 103.

8. These four appeals should be consolidated because they arise from district court proceedings that were consolidated for purposes of briefing and argument on plaintiffs' motions for preliminary injunction, challenge the same district court order, and involve the same legal issues. See *United States v. Reyes-Hernandez*, 624 F.3d 405, 406 (7th Cir. 2010) ("Because both cases present the same issue on appeal, we consolidate them for the purpose of our review."); *St. John's United Church of Christ v. City of Chi.*, 502 F.3d 616, 619 (7th Cir. 2009) ("We

consolidated these appeals for decision because each raises challenges to the same district court order . . .”).

9. Briefing and arguing these appeals together will aid in judicial efficiency, avoiding duplicate briefing and argument.

10. In addition, in all four appeals, the Illinois Attorney General’s Office represents state defendants through the undersigned counsel.

11. On April 30, 2023, the undersigned gave notice of this motion to counsel of record for all parties in these four actions by providing them with a copy of this motion. They do not object to this motion.

For these reasons, Defendants-Appellants request that this court consolidate the appeals for briefing, argument, and disposition.

Respectfully submitted,

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