

Nos. 23-1633, 23-1634 and 23-1641

IN THE
United States Court of Appeals
FOR THE THIRD CIRCUIT

DELAWARE STATE SPORTSMEN'S ASSOCIATION INC., ET AL. V. DELAWARE
DEPARTMENT OF SAFETY AND HOMELAND SECURITY, ET AL.

*ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE*

Consolidated Case No. 1:22-cv-00951-RGA
The Honorable Richard G. Andrews, United States District Court Judge

DEFENDANTS-APPELLEES'
UNOPPOSED MOTION FOR LEAVE
TO FILE SUPPLEMENTAL APPENDIX

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Dated: August 16, 2023

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

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Homeland Security; Nathaniel McQueen, Jr. in his official capacity as
Cabinet Secretary, Delaware Department of Safety and Homeland Security;
Melissa Zebley in her official capacity as superintendent of the Delaware
State Police; and Kathy Jennings, Attorney General of Delaware*

Appellees Delaware Department of Safety and Homeland Security; Nathaniel McQueen, Jr. in his official capacity as Cabinet Secretary, Delaware Department of Safety and Homeland Security; Melissa Zebley in her official capacity as superintendent of the Delaware State Police; and Kathy Jennings, Attorney General of Delaware (“Appellees”), by and through their undersigned counsel, respectfully file this unopposed motion (this “Motion”), for leave to file the supplemental appendix (the “Supplemental Appendix”) to be submitted with Defendants-Appellees’ Answering Brief (the “Answering Brief”). In support of this Motion, Appellees respectfully state as follows:

1. This appeal (the “Appeal”) arises from the March 27, 2023 Order (the “District Court Order”) of the United States District Court for the District of Delaware denying the motion for a preliminary injunction in *Delaware State Sportsmen’s Association, Inc., et al. v. Delaware Department of Safety and Homeland Security, et al.*, Civ. No. 1:22-cv-00951-RGA (D. Del.) (1:22-cv-00951 D.I. 59).

2. On April 5, 2023, Appellants filed a notice of appeal of the District Court Order (D.I. 1; 1:22-cv-00951 D.I. 61). On May 22, 2023, this Court entered the Briefing and Scheduling Order (the “Scheduling

Order”) (D.I. 28), establishing certain briefing and other deadlines in connection with the Appeal. Pursuant to the Scheduling Order, Appellants’ opening brief (the “Opening Brief”) and the joint appendix were due to be filed and served on or before July 3, 2023.

3. On July 3, 2023, Appellants filed and served their Opening Brief, together with volumes one through three of their appendix (the “Appellants’ Appendix”). D.I. 29, 30. Appellees learned the contents of Appellants’ Appendix when it was filed.

4. Appellants’ Appendix does not include all documents from the record below that may be necessary for the Court to adequately consider the parties’ briefs and the issues presented.

5. Accordingly, Appellees have prepared the Supplemental Appendix, which includes certain additional documents that are in the record below that were omitted from Appellants’ Appendix. The Supplemental Appendix is organized in a manner that will assist the Court in reviewing the Answering Brief and includes documents that are in the record below and will be cited in the forthcoming Answering Brief. Accordingly, Appellees submit that the relief requested herein is warranted.

6. Appellants do not object to the Supplemental Appendix.

WHEREFORE, Appellees respectfully request that this Court grant leave and authorize the filing of the Supplemental Appendix.

ROSS ARONSTAM & MORITZ LLP

STATE OF DELAWARE
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CERTIFICATION OF SERVICE

I hereby certify that on August 16, 2023, I electronically filed the foregoing Defendants-Appellees' Unopposed Motion For Leave to File Supplemental Appendix with the Clerk of the Court for the United States Court of Appeals for the Third Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

Dated: August 16, 2023

/s/ David E. Ross
Counsel for Defendants-Appellees