

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CALEB BARNETT, et al., ) Case No. 3:23-cv-209-SPM  
Plaintiffs, ) \*\*designated Lead Case

v. )

KWAME RAOUL, et al., )  
Defendants, )

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DANE HARREL, et al., ) Case No. 3:23-cv-141-SPM  
Plaintiffs, )

v. )

KWAME RAOUL, et al., )  
Defendants, )

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JEREMY W. LANGLEY, et al., ) Case No. 3:23-cv-192-SPM  
Plaintiffs, )

v. )

BRENDAN KELLY, et al., )  
Defendants, )

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**FEDERAL FIREARMS LICENSEES OF ) Case No. 3:23-CV-215-SPM  
ILLINOIS, et al., )  
Plaintiffs, )**

v. )

**JAY ROBERT “J.B.” PRITZKER, et al., )  
Defendants. )**

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**FEDERAL FIREARMS LICENSEES OF ILLINOIS PLAINTIFFS’ SUPPLEMENTAL  
OPPOSITION TO PARTIAL RULE 12(B)(6) MOTION TO DISMISS**

Plaintiffs Federal Firearms Licensees of Illinois, Guns Save Life, Gun Owners of America, Gun Owners Foundation, Piasa Armory, Debra Clark, Jasmine Young, and Chris Moore, by and through their attorneys, hereby respond as follows:

Plaintiffs will not burden this Court with repetitive arguments, given their briefing for their corresponding motion for preliminary injunction has made most of their arguments already. ECF Nos. 57, 68. Plaintiffs incorporate those briefs herein, and add only two brief points:

1. To the extent the State argues the associational Plaintiffs do not have standing on behalf of their members, Plaintiffs contend that question was settled in *Ezell v. City of Chicago*, 651 F.3d 684, 696 (7th Cir. 2011). Plaintiffs GOA and GOC have explained the concerns and confusion they have heard from their members regarding registration and could not give definitive advice to their members due to the constant revisions and frequently edited guidance published by the State. ECF No. 68-2. That is sufficient to establish associational standing.

2. Plaintiffs believe the arguments presented on their due process claims, even if not enough to earn a preliminary injunction, are clearly enough to state claims sufficient to survive a motion to dismiss. As the Illinois State Police continue to tinker with as yet unfinalized regulations governing numerous vague terms, Plaintiffs believe it is impossible for gun owning residents of Illinois to have proper notice, and the upcoming registration deadline could cause dramatic problems. The State has thus far not offered any extensions to that deadline even as it, in Kafkaesque fashion, will not adopt final registration rules until *after* the deadline has passed.

Given these circumstances, should this Court see fit to grant the State's motion to dismiss, it should include leave to amend. "[L]eave to amend should be freely given and only denied after a motion to dismiss where 'it appears to a certainty that the plaintiff cannot state a claim upon which relief can be granted,'" *Barry Aviation Inc. v. Land O'Lakes Mun. Airport Comm'n*, 377 F.3d 682, 690 (7th Cir. 2004) (citing *Rohler v. TRW, Inc.*, 576 F.2d 1260, 1266 (7th Cir. 1978)).

Dated: December 15, 2023

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Respectfully submitted,

*s/ C.D. Michel*

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Licensees of Illinois, Guns Save Life, Gun  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 15, 2023, an electronic PDF of FEDERAL FIREARMS LICENSEES OF ILLINOIS PLAINTIFFS' SUPPLEMENTAL OPPOSITION TO PARTIAL RULE 12(B)(6) MOTION TO DISMISS was uploaded to the Court's CM/ECF system, which will automatically generate and send by electronic mail a Notice of Docket Activity to all registered attorneys participating in the case. Such notice constitutes service on those registered attorneys.

Dated: December 15, 2023

Respectfully submitted,

*s/ C.D. Michel*

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C.D. Michel