

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

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| CALEB BARNETT, <i>et al.</i> , Plaintiffs, vs. KWAME RAOUL, <i>et al.</i> , Defendants. | Case No. 3:23-cv-209-SPM ** designated Lead Case |
| DANE HARREL, <i>et al.</i> , Plaintiffs, vs. KWAME RAOUL, <i>et al.</i> , Defendants. | Case No. 3:23-cv-141-SPM |
| JEREMY W. LANGLEY, <i>et al.</i> , Plaintiffs, vs. BRENDAN KELLY, <i>et al.</i> , Defendants. | Case No. 3:23-cv-192-SPM |
| FEDERAL FIREARMS LICENSEES OF ILLINOIS, <i>et al.</i> , Plaintiffs, vs. JAY ROBERT “JB” PRITZKER, <i>et al.</i> , Defendants. | Case No. 3:23-cv-215-SPM |

JOINT REPORT OF PARTIES AND PROPOSED SCHEDULING ORDER

Plaintiffs Dane Harrel, C4 Gun Store, LLC, Marengo Guns, Inc., Illinois State Rifle Association, Firearms Policy Coalition, Inc., and Second Amendment Foundation (“*Harrel* plaintiffs”); Jeremy W. Langley, Timothy B. Jones, and Matthew Wilson (“*Langley* plaintiffs”); Caleb Barnett, Brian Norman, Hood’s Guns & More, Pro Gun and Indoor Range, and National Shooting Sports Foundation, Inc. (“*Barnett* 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 (“*FFL* plaintiffs”); Defendants JB Pritzker, Kwame Raoul, and

Brendan Kelly (“State Defendants”); Defendants Patrick D. Kenneally and Robb Tadelman (“McHenry County Defendants”); Defendants Jarrod Peters and Jeremy Walker (“Randolph County Defendants”); Defendant Cole Price Shaner; and Defendants James Gomric and Richard Watson (“St. Clair County Defendants”)—provide this joint report and proposed scheduling order pursuant to the Court’s instructions at the May 16, 2024 status conference. ECF 189.

1. **Current Claims.** Plaintiffs in each of the four consolidated cases bring Second Amendment claims. The *Barnett* and *Harrel* plaintiffs do not bring additional claims. The *FFL* plaintiffs also brought Due Process claims, but they have been dismissed. ECF 136. The *Langley* plaintiffs bring vagueness claims; however, the Court denied plaintiffs’ summary judgment on those claims without identifying any disputed issues of material fact. ECF 132. The *Langley* plaintiffs also bring Fifth Amendment claims, but they are subject to pending cross-motions for summary judgment. ECF 133, 151. No plaintiff seeks monetary damages that would require a jury trial. ECF 172.

2. **Status of Fact Discovery.** Certain discovery deadlines have previously been set by Court orders. The parties are continuing to supplement their discovery responses and fact depositions have begun. A Rule 30(b)(6) deposition of one plaintiff took place on May 22, and the parties are scheduling additional depositions. Depositions of other fact witnesses are scheduled for May 29 and June 13.

3. **Status of Expert Discovery.** The State Defendants, *Barnett* plaintiffs, *Harrel* plaintiffs, and *FFL* plaintiffs exchanged 16 expert reports from 17 witnesses pursuant to Rule 26(a)(2) on May 10, 2024 in accordance with Court orders. The State Defendants anticipate serving a report from Dr. Schreiber on or by May 31 pursuant to the Court’s May 16 order. ECF

189. Rebuttal reports for the first 16 reports are currently due June 10 pursuant to Rule 26(a)(2)(D)(ii).

4. **Schedule.** The parties propose the following case schedule and deadlines:

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| June 17 | Motions to amend the pleadings |
| June 10 | Reports in rebuttal to parties' May 10 expert disclosures |
| June 21 | Report in rebuttal to Dr. Schreiber |
| July 15 | Completion of fact discovery |
| August 16 | Completion of expert discovery |
| August 30 | Dispositive motions ¹ |
| September 6 | Witness lists (filed) and proposed stipulated facts exchanged |
| September 11 | Exhibit lists (filed) and the parties' stipulated facts (filed) |
| September 16-20 | Bench trial |
| 14 days after bench trial concludes | Motions to exclude, <i>Daubert</i> motions |
| Dates to be set after trial | File proposed findings of fact and proposed conclusions of law |

5. **Trial Format.** The Court asked the parties to consider how best to expedite a final determination on the merits in these cases and how to limit the number of trial days. The parties anticipate submitting some forms of testimony via deposition transcripts and/or declarations for the Court's consideration. To reduce the need for live testimony, the parties also propose that they

¹ To reduce unnecessary briefing in the expedited lead up to the bench trial, the parties are not to file oppositions to dispositive motions in accordance with Federal and Local rules. Rather, the parties will address issues in these motions in post-trial briefs.

address via paper submissions standing, the vagueness claims, the challenged Illinois statute’s registration provisions, and whether the statute is “consistent with this Nation’s historical tradition of firearm regulation.” *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1, 17 (2022). As fact and expert discovery progresses, the parties will identify additional issues, witnesses, and/or exhibits that can be presented via paper submissions.

Dated: May 24, 2024

Respectfully submitted by:

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