

Case No. 25-693

In the United States Court of Appeals
for the Ninth Circuit

ADAM RICHARDS, et al.,
Plaintiffs-Appellants,

V.

GAVIN NEWSOM,
in his official capacity as Governor of the State of California,
Defendant-Appellee.

On Appeal from the United States District Court
for the Central District of California
Case No. 8:23-cv-02413 JVS (KESx)

**APPELLANTS' MOTION FOR EXTENSION
OF TIME TO FILE A PETITION FOR PANEL REHEARING
OR REHEARING EN BANC**

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September 4, 2026

**MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR
PANEL REHEARING OR REHEARING EN BANC**

Under Ninth Circuit Rule 31-2.2, Plaintiffs-Appellants Adam Richards, et al., respectfully move this Court, under Federal Rule of Appellate Procedure Rules 26(b) and 40(a)(1), for a 30-day extension of the current September 10, 2026, deadline for filing a petition for rehearing and/or rehearing en banc of this Court's opinion issued on August 27, 2026. As further set forth below and in the attached declaration, there is good and substantial cause for the extension request. Appellants have not previously requested an extension of time to file a petition. *Id.* ¶ 5. Counsel for Appellants notified counsel for the State, who by the time of this filing, have not yet responded. *Id.* ¶ 4.

On August 27, 2026, a panel of this Court filed a published opinion affirming the dismissal of all their claims. (ECF No. 54.1.) The current deadline to seek panel rehearing or rehearing en banc is September 10, 2026. *See* Fed. R. App. P. 40(a)(1) and 35(c). This Court may extend that date for good cause, including a showing of diligence and substantial need. *See* Fed. R. App. P. 26(b), 40(d)(1).

As set forth below and in the accompanying declaration, Appellants are carefully analyzing the panel's decision during a busy press of business to determine whether the filing of a petition for panel rehearing or rehearing en banc is warranted here. *See* Kilmer Decl. ¶ 3; Fed. R. App. P. 35(a)(1), (b)(1)(A). This case involves important public policy questions involving several constitutional rights. These complex questions warrant careful and thorough analysis and contemplation by Appellants' counsel, which they have not yet completed. The requested extension will enable Appellants' counsel to fully evaluate whether to proceed with a petition for

panel or en banc rehearing and to draft the petition. It will also enable counsel to solicit feedback and authorization from their institutional clients to move forward.

Moreover, counsel for the parties were working against deadlines to file amicus briefs in the Supreme Court (consolidated case) of *Viramontes v. Cook County*. Case No. 25-238. The briefs were all due on September 4, 2026.

An email was sent to counsel for the Appellees to get their position on the extension late in the day on September 4, 2026. As of the filing, there has been no response, but Appellants will supplement this request if/when that response is received.

Respectfully submitted,

Dated: September 4, 2026

MICHEL & ASSOCIATES, P.C.

s/ Anna M. Barvir
Anna M. Barvir
Attorneys for Plaintiffs-Appellants Adam Richards, Jeffrey Vandermeulen, Gerald Clark, Jesse Harris, On Target Indoor Shooting Range, LLC, Gaalsnyk Enterprises, Inc. (D/B/A/Smokin' Barrel Firearms), Gun Owners of California, Inc., Gun Owners of America, Inc., Gun Owners Foundation, and California Rifle & Pistol Association, Incorporated

Dated: September 4, 2026

LAW OFFICES OF DONALD KILMER, APC

s/ Donald Kilmer
Donald Kilmer
Attorney for Plaintiff-Appellant Second Amendment Foundation

DECLARATION OF DONALD KILMER

I, Donald Kilmer, declare:

1. I am an attorney licensed to practice law in the State of California and before this Court. I am an attorney of record for Appellants Second Amendment Foundation and have personal knowledge of the matters stated herein.

2. On August 27, 2026, a panel of this Court filed a published opinion in this matter, affirming the dismissal of Appellants' claims. (ECF No. 54.1.)

3. The current deadline to seek panel rehearing or rehearing en banc is September 10, 2026. A 30-day extension will enable me, my co-counsel, and our clients to fully review the merits, decide whether to file a petition for panel rehearing or en banc rehearing, and draft such a motion if necessary. Due to press of business (amicus briefs due in Supreme Court) I have not yet been able to give this important decision the careful consideration it deserves with filing in many other active matters during the week since the opinion came down in this matter.

4. On September 4, 2026, I sent an email (late in the day on a Friday before a holiday weekend) to Anthony Conklin, Todd Grabarsky, Anne Bellows, Mark Beckington, and Carolyn Downs, counsel of record for the State, to notify the State that Appellants would be seeking an extension on their deadline to file a motion for panel rehearing or rehearing en banc. As of the time of this filing, Appellants' counsel has not received any response from counsel for the State, but in light of the holiday and the shortened coming workweek, Appellants wanted to file early enough to give the Court sufficient time to consider this motion. Appellants will supplement their moving papers once they ascertain the State's position.

5. Appellants have not previously requested an extension of time to file a petition. And this request is made for good cause and substantial need, as described above, and not for reasons of delay.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed in Caldwell, Idaho, on September 4, 2026.

s/ Donald Kilmer

Donald Kilmer

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2026, an electronic PDF of APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE A PETITION FOR PANEL REHEARING OR REHEARING EN BANC 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: September 4, 2026

Respectfully submitted,

LAW OFFICES OF DONALD KILMER, APC

s/ Donald Kilmer

Donald Kilmer

Attorneys for Plaintiffs-Appellants