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January 28, 2020

Lyle W. Cayce
Clerk of the Court
United States Court of Appeal
for the Fifth Circuit
600 S. Maestri Place, Suite 115
New Orleans, LA 70130

Re: Defense Distributed, et al. v. Gurbir S. Grewal, No. 19-50723
Consent Motion to Amend Caption

Dear Mr. Cayce:

Please accept this letter as Appellee's motion to amend the caption to "Defense Distributed and Second Amendment Foundation, Inc. v. Gurbir S. Grewal, in his official capacity." The Court's Official Caption currently reads "Defense Distributed and Second Amendment Foundation, Inc. v. Gurbir S. Grewal, in his official and individual capacities." Counsel for Appellants consents to this motion.

Appellee electronically filed his merits brief on January 22, 2020. In response, the Clerk's Office issued a letter dated January 23, 2020 advising that Appellee's brief was deficient because the caption did not match the Official Caption above. The letter directed Appellee to correct the caption within 14 days and to await serving paper copies until the brief is accepted by the Clerk's Office.

Appellee respectfully submits that the Official Caption should be corrected because Appellee is sued in his official capacity only. The District Court's docket sheet initially identified Appellee as "Gurbir S. Grewal, Attorney General of New Jersey, in his official and individual capacities," consistent with the caption of Appellants' *original* complaint. ROA.3, 18. However, the original complaint was



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superseded by Appellants' First Amended Complaint, which amended the caption to "Gurbir Grewal, in his official capacity as the State of New Jersey's Attorney General ..." ROA.123, 127 ¶ 14 ("Defendant Gurbir Grewal is the State of New Jersey's Attorney General. *He is sued in his official capacity.*") (emphasis added). The District Court used this amended caption – referring to Appellee as a party solely "in his official capacity as New Jersey Attorney General" – in the two orders challenged on appeal. ROA.1737, 1803.

Therefore, Appellee respectfully moves, with Appellants' consent, to amend the caption to "Defense Distributed and Second Amendment Foundation, Inc. v. Gurbir S. Grewal, in his official capacity." Appellee also requests that the Clerk's Office accept the enclosed Proposed Sufficient Brief using this amended caption.

Respectfully submitted,

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

By: /s/ Glenn J. Moramarco
Glenn J. Moramarco
Assistant Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that this motion to amend the caption was served on opposing counsel on January 28, 2020, through this Court's ECF notification system.

By: /s/ Glenn J. Moramarco
Glenn J. Moramarco