

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SECOND AMENDMENT FOUNDATION,
et al.,

Plaintiffs,

v.

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS, AND EXPLOSIVES, *et al.*,

Defendants.

No. 3:21-cv-0116-B

CONSENT MOTION FOR STAY

Defendants respectfully request a stay of all further proceedings for the following reasons. Plaintiffs consent to this request.

As explained in Defendants' April 30, 2021 Notice, Doc. 23, on April 7, 2021, the President announced "[Initial Actions to Address the Gun Violence Public Health Epidemic](#)" (the "announcement"). As relevant here, the announcement states, "The Justice Department, within 60 days, will issue a proposed rule to make clear when a device marketed as a stabilizing brace effectively turns a pistol into a short-barreled rifle subject to the requirements of the National Firearms Act."

Currently, Plaintiffs' motion for summary judgment is due May 21, 2021; Defendants' cross-motion for summary judgment and combined motion to dismiss is due June 19, 2021; Plaintiffs' reply and response is due July 9, 2021; and Defendants' reply is due July 30, 2021. Order, Doc. 19.

In light of the announcement and in the interests of judicial economy, the parties have conferred and Plaintiffs consent to Defendants' request that the Court stay this case and hold all proceedings in abeyance to allow Defendants to undertake issuing the proposed rule contemplated by the announcement.

Additionally, the parties have conferred and request that the parties be permitted to file a joint status report on or before June 14, 2021, indicating whether this case and all proceedings should continue to be held in abeyance. In the event the parties are of the view that the case should not remain stayed, they would include a proposed schedule for continuing the litigation in the joint status report.

A proposed order granting this consent motion accompanies this motion. And Defendants will submit a Word version of the proposed order to the Court's "orders" email address.

Dated: May 21, 2021

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

LESLEY FARBY
Assistant Branch Director

/s/ Charles E.T. Roberts
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Attorneys for Defendants

Certificate of Conference

The parties have conferred about the relief requested herein and Plaintiffs consented; therefore, the motion is presented as a consent motion.

/s/ Charles E.T. Roberts
CHARLES E.T. ROBERTS
Trial Attorney

Certificate of Service

On May 21, 2021, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Charles E.T. Roberts
CHARLES E.T. ROBERTS
Trial Attorney