

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA

2006 MAR 28 PM 1:54

LORETTA G. WHYTE
CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR EASTERN DISTRICT OF LOUISIANA
New Orleans Division**

**NATIONAL RIFLE ASSOCIATION OF
AMERICA, INC., et al.,**)

Plaintiffs)

v.)

C. RAY NAGIN, Mayor of New Orleans, and)

**WARREN RILEY,
Superintendent of Police, New Orleans**)

Defendants)

**CIVIL ACTION NO. 05-4234
Hon. Carl J. Barbier
Section "J"
Magistrate 2**

**MOTION AND ORDER TO DISMISS
MOTION FOR CONTEMPT WITHOUT PREJUDICE**

NOW INTO COURT, through undersigned counsel, come the National Rifle Association of America, Inc. ("NRA") and Second Amendment Foundation, Inc. ("SAF"), which respectfully represent the following:

____ Fee _____
____ Process _____
 Dktd _____
 Clk/Dep _____
____ Dec. No _____

I.

The NRA and SAF have filed a Motion for Contempt herein alleging that the defendants violated the consent restraining order issued by this Court on September 23, 2005.

II.

This motion was initially set to be heard on March 15, 2006. However, on the day of the hearing the parties initiated discussions to voluntarily resolve all of the issues raised in the Motion for Contempt.

III.

Because the parties were negotiating a settlement, the Court agreed to continue the hearing on the Motion for Contempt until March 29, 2006.

IV.

The parties continue to make progress on resolving the issues raised in the Motion for Contempt.

V.

Therefore, in order to get this matter off the Court's docket, NRA and SAF would like to dismiss the Motion for Contempt without prejudice.

WHEREFORE, the National Rifle Association of America, Inc. and Second Amendment Foundation, Inc. request that the Motion for Contempt filed herein be dismissed without prejudice.

Respectfully submitted,



LONG LAW FIRM, L.L.P.

MICHAEL A. PATTERSON

Bar Roll No. 10373

DANIEL D. HOLLIDAY, III (T.A.)

Bar Roll No. 23135

ADRIAN G. NADEAU

Bar Roll No. 28169

4041 Essen Lane, Suite 500

Baton Rouge, Louisiana 70809

Phone 225-922-5110

Fax 225-922-5105

STEPHEN P. HALBROOK

Pro Hac Vice

10560 Main St., Suite 404

Fairfax, VA 22030

Phone (703) 352-7276

Fax (703) 359-0938

Attorneys for Plaintiffs,

**National Rifle Association of America, Inc. and
Second Amendment Foundation, Inc.**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Motion and Order to Dismiss Motion for Contempt Without Prejudice has been forwarded via facsimile, e-mail and hand delivery, this 27 day of March 2006, as follows:

Joseph V. Dirosa, Jr.
1300 Perdido Street, Room 5E03
New Orleans, LA 70112
Facsimile: (504) 658-9868
E-Mail: jvdirosa@cityofno.com


DANIEL D. HOLLIDAY, III