

CONCISE SUMMARY OF THE CASE

Pursuant to 3rd Cir. LAR 33.3, counsel are required to file a concise summary of the case within **14** days of the date of docketing of the Notice of Appeal. Total statement is limited to no more than 2 pages, single-spaced. Counsel may utilize this form or attach a 2 page statement encompassing the information required by this form.

SHORT
CAPTION: Defense Distributed, et al. v. Gurbir Grewal, Attorney General of the State of New Jersey

USCA NO.: 19-3182

LOWER COURT or AGENCY and DOCKET NUMBER:
3:19-cv-04753-AET-TJB

NAME OF
JUDGE: Hon. Anne E. Thompson

Specify who is suing whom, for what, and the subject of this action. Identify (1) the nature of the action; (2) the parties to this appeal; (3) the amount in controversy or other relief involved; and (4) the judgment or other action in the lower court or agency from which this action is taken:

Defense Distributed, Second Amendment Foundation, Inc., Firearms Policy Coalition, Inc., Firearms Policy Foundation, The Calguns Foundation, California Association of Federal Firearms Licensees, Inc., and Brandon Combs sued Gurbir Grewal, Attorney General of the State of New Jersey for violating 42 U.S.C. § 1983 by acting and threatening to act, under color of state law, to subject the Plaintiffs to an unconstitutional abridgment of federal rights regarding digital firearms information. Plaintiffs Defense Distributed et al. are Appellants. Defendant Grewal is the Appellee. The action seeks declaratory and injunctive relief, as well as attorney's fees and costs. The appeal is taken from document 26 in the district docket, the order of March 7, 2019, and document 33 in the district docket, the order of August 28, 2019.

LIST and ATTACH a copy of each order, judgment, decision or opinion which is involved in this appeal. If the order(s) or opinion(s) being appealed adopt, affirm, or otherwise refer to the report and recommendation of a magistrate judge or the decision of a bankruptcy judge, the report and recommendation or decision shall also be attached.

Document No. 26, the Order of March 7, 2019.

Document No. 33, the Order of August 28, 2019.

Provide a short statement of the factual and procedural background, which you consider important to this appeal:

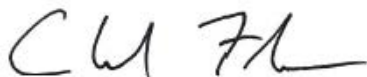
Plaintiffs initiated the action with a complaint and moved for a preliminary injunction. Instead of granting the preliminary injunction, the district court stayed the action.

Identify the issues to be raised on appeal:

Whether the district court committed reversible error by staying this action instead of granting a preliminary injunction.

This is to certify that this Concise Summary of the Case was electronically filed with the Clerk of the U.S. Court of Appeals for the Third Circuit and a copy hereof served to each party or their counsel of record

this 9th day of October, 2019.



Signature of Counsel

Rev. 07/2015

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DEFENSE DISTRIBUTED, SECOND
AMENDMENT FOUNDATION, INC.,
FIREARMS POLICY COALITION, INC.,
FIREARMS POLICY FOUNDATION,
CALGUNS FOUNDATION, CALIFORNIA
ASSOCIATION OF FEDERAL
FIREARMS LICENSEES, and BRANDON
COMBS,

Plaintiffs,

v.

GURBIR GREWAL, ATTORNEY
GENERAL of the STATE of NEW JERSEY,

Defendant.

Civ. No. 19-4753

ORDER

THOMPSON, U.S.D.J.

IT APPEARING that on July 29, 2018, Plaintiffs Defense Distributed and Second Amendment Foundation, Inc. filed an action in the Western District of Texas seeking to enjoin Defendant Gurbir S. Grewal, Attorney General of New Jersey, from enforcing N.J.S.A. § 2C:39-9(l)(2) (Civil Docket No. 18-637, ECF No. 1); and it further

APPEARING that on January 30, 2019, the Western District of Texas dismissed that action because the court lacked personal jurisdiction over Defendant Gurbir S. Grewal, Attorney General of New Jersey (Civil Docket No. 18-637, ECF No. 100); and it further

APPEARING that on February 5, 2019, Plaintiffs Defense Distributed and Second Amendment Foundation, Inc., among others, filed an action in this Court seeking to enjoin

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Defendant Gurbir S. Grewal, Attorney General of New Jersey, from enforcing N.J.S.A. § 2C:39-9(l)(2) (ECF No. 1.); and it further

APPEARING that on February 27, 2019, Plaintiffs Defense Distributed and Second Amendment Foundation, Inc. filed a Motion to Amend Judgment in the Western District of Texas as to Defendant Gurbir S. Grewal, Attorney General of New Jersey (Civil Docket No. 18-637, ECF No. 102); and it further

APPEARING that on March 3, 2019, Defendant Gurbir S. Grewal, Attorney General of New Jersey, seeks an order for this Court to stay this action pending resolution of the action in the Western District of Texas (ECF No. 20); and it further

APPEARING that on March 7, 2019, counsel for Plaintiffs, Charles Flores and Daniel Schmutter, and counsel for Defendant, Melissa Medoway and Glenn Moramarco, participated in a conference with the Court wherein Plaintiffs opposed the requested stay (ECF No. 25);

IT IS on this 7th day of March, 2019,

ORDERED that all proceedings in this action are STAYED until the action in the Western District of Texas (Civil Docket No. 18-637) is resolved and no other motions for relief and/or appeals are viable.


ANNE E. THOMPSON, U.S.D.J.

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DEFENSE DISTRIBUTED, SECOND
AMENDMENT FOUNDATION, INC.,
FIREARMS POLICY COALITION, INC.,
FIREARMS POLICY FOUNDATION,
CALGUNS FOUNDATION, CALIFORNIA
ASSOCIATION OF FEDERAL
FIREARMS LICENSEES, and BRANDON
COMBS,

Plaintiffs,

v.

GURBIR GREWAL, ATTORNEY
GENERAL of the STATE of NEW JERSEY,

Defendant.

Civ. No. 19-4753

ORDER

THOMPSON, U.S.D.J.

IT APPEARING that on March 7, 2019, the Court ordered that all proceedings in this action are stayed until the related action in the Western District of Texas (Civ. Dkt. No. 18-637) is resolved and no other motions for relief and/or appeals are viable (Order at 1–2, ECF No. 26),

IT IS on this 28th day of August, 2019,

ORDERED that Plaintiffs’ Amended Motion for Preliminary Injunction (ECF No. 18) is DISMISSED without prejudice. Plaintiffs may refile this Motion once the stay has been lifted in this action.

/s/ Anne E. Thompson
ANNE E. THOMPSON, U.S.D.J.