

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:26-cv-02948-NYW-CYC

RAY ELLIOTT;
TREVOR ALLEY;
MICHAEL VITCO;
FIREARMS POLICY COALITION, INC.; and
COLORADO STATE SHOOTING ASSOCIATION,

Plaintiffs,

v.

CITY AND COUNTY OF DENVER, COLORADO;
JARED POLIS, in his official capacity as the Governor of Colorado;
PHILIP J. WEISER, in his official capacity as Attorney General of Colorado;
ARMANDO SALDATE III, in his official capacity as Director of the Colorado Bureau of
Investigation;
COLONEL MATTHEW C. PACKARD, in his official capacity as Chief of the Colorado
State Patrol; and
JOHN WALSH, in his official capacity as District Attorney for the City and County of
Denver, Colorado,

Defendants.

ANSWER OF DEFENDANT JOHN WALSH

Defendant John Walsh, in his official capacity as District Attorney for the City and
County of Denver, Colorado (“DA Walsh”), by and through his undersigned attorneys,
as set forth below, hereby responds to the Complaint for Declaratory and Injunctive
Relief, dated June 30, 2026, ECF No. 1 (the “Complaint”) as follows:

1. The allegations in paragraph 1 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations and respectfully refers the Court to the cited constitutional provision for its contents.

2. The allegations in paragraph 2 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations and respectfully refers the Court to the cited provisions of the Denver Revised Municipal Code for their contents.

3. The allegations in paragraph 3 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations and respectfully refers the Court to the cited provisions of the Denver Revised Municipal Code and the Colorado Revised Statutes for their contents.

4. The allegations in paragraph 4 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations and respectfully refers the Court to the cited provisions of the Denver Revised Municipal Code for their contents.

5. The allegations in paragraph 5 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations and respectfully refers the Court to the cited provision of the Colorado Revised Statutes for its contents.

6. The allegations in paragraph 6 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations.

7. The allegations in paragraph 7 are legal contentions to which no response is required. To the extent paragraph 7 alleges action or inaction by “State Defendants,” DA Walsh lacks knowledge or information sufficient to form a belief as to that action or inaction. Otherwise, to the extent a response is required, DA Walsh denies the allegations.

8. The allegations in paragraph 8 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations and respectfully refers the Court to the cited cases for their contents.

9. The allegations in paragraph 9 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations and respectfully refers the Court to the cited cases for their contents.

10. The allegations in paragraph 10 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations in paragraph 10, except admits that Plaintiffs purport to invoke the jurisdiction of this Court under the referenced statutory provisions.

11. The allegations in paragraph 11 are legal contentions to which no response is required. To the extent a response is required, DA Walsh admits that Plaintiffs purport to seek remedies under the referenced statutory provisions, but denies that Plaintiffs are entitled to any remedy and otherwise denies the allegations in paragraph 11.

12. The allegations in paragraph 12 are legal contentions to which no response is required. To the extent a response is required, DA Walsh admits that Plaintiffs purport to invoke the venue of this Court.

13. The allegation in the first sentence of paragraph 13 that “Plaintiff Ray Elliott is ... legally eligible under federal and state law to possess and acquire firearms” is a legal contention to which no response is required. To the extent a response is required, DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegation and accordingly denies the same. DA Walsh otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 13 and accordingly denies the same.

14. The allegation in the first sentence of paragraph 14 that “Plaintiff Trevor Alley is ... legally eligible under federal and state law to possess and acquire firearms” is a legal contention to which no response is required. To the extent a response is required, DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegation and accordingly denies the same. DA Walsh otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 14 and accordingly denies the same.

15. The allegation in the first sentence of paragraph 15 that “Plaintiff Michael Vitco is ... legally eligible under federal and state law to possess and acquire firearms” is a legal contention to which no response is required. To the extent a response is required, DA Walsh lacks knowledge or information sufficient to form a belief as to the

truth of the allegation and accordingly denies the same. DA Walsh otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 15 and accordingly denies the same.

16. DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16 and accordingly denies the same.

17. DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 17 and accordingly denies the same.

18. DA Walsh admits the allegations in paragraph 18.

19. The allegations in paragraph 19, apart from the final sentence, are legal contentions to which no response is required. To the extent a response is required, DA Walsh admits that (i) Plaintiffs purport to sue Defendant Jared Polis in his official capacity as the Governor of Colorado, (ii) the second sentence of paragraph 19 accurately quotes from article IV, section 2 of the Colorado Constitution, and (iii) the cited statutory subsection provides that “the attorney general ... [s]hall appear for the state and prosecute and defend all actions and proceedings, civil and criminal, in which the state is a party or is interested when required to do so by the governor,” Colo. Rev. Stat. § 24-31-101(1)(b), and DA Walsh respectfully refers the Court to the cited case and state constitutional and statutory provisions for their contents. As to the final sentence, DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegations. To the extent any further response is required, DA Walsh lacks

knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 19.

20. The allegations in paragraph 20, apart from the final sentence, are legal contentions to which no response is required. To the extent a response is required, DA Walsh admits that (i) Plaintiffs purport to sue Defendant Phil Weiser in his official capacity as Attorney General of the State of Colorado and (ii) Colo. Rev. Stat. § 24-31-101 sets forth, by statute, powers and duties of the Attorney General, and DA Walsh respectfully refers the Court to the cited statutory provision for its contents. As to the final sentence, DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegations. To the extent any further response is required, DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 20.

21. The allegations in paragraph 21, apart from the final sentence, are legal contentions to which no response is required. To the extent a response is required, DA Walsh admits that Plaintiffs purport to sue Defendant Armando Saldate III in his official capacity as Director of the Colorado Bureau of Investigation, and DA Walsh respectfully refers the Court to the cited statutory provisions for their contents. As to the final sentence, DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegations. To the extent any further response is required, DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 21.

22. The allegations in paragraph 22, apart from the final sentence, are legal contentions to which no response is required. To the extent a response is required, DA Walsh admits that Plaintiffs purport to sue Defendant Colonel Matthew C. Packard in his official capacity as Chief of the Colorado State Patrol, and DA Walsh respectfully refers the Court to the cited statutory provisions for their contents. As to the final sentence, DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegations. To the extent any further response is required, DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 22.

23. The allegations in paragraph 23, apart from the final two sentences, are legal contentions to which no response is required. To the extent a response is required, DA Walsh admits that (i) Plaintiffs purport to sue him in his official capacity as District Attorney for the City and County of Denver, Colorado, the State's 2nd Judicial District, (ii) by statute, Colo. Rev. Stat. § 20-1-102, district attorneys have the authority to appear "in behalf of the state and the several counties of his or her district ... [i]n all indictments, actions, and proceedings which may be pending in the district court in any county within [their] district wherein the state or the people thereof or any county of [their] district may be a party," including prosecutions under the challenged provisions of the Colorado Revised Statutes, and (iii) he maintains an office at 370 17th Street, Suite 5300, Denver, CO 80202, and DA Walsh respectfully refers the Court to the cited statutory provision for its contents. As to the penultimate sentence, DA Walsh lacks knowledge or information

sufficient to form a belief as to the truth of the allegations and accordingly denies the same.

24. The allegations in paragraph 24 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations and respectfully refers the Court to the cited provision of the Denver Revised Municipal Code for its contents.

25. The allegations in paragraph 25 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations and respectfully refers the Court to the cited provision of the Denver Revised Municipal Code for its contents.

26. The allegations in paragraph 26 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations and respectfully refers the Court to the cited provisions of the Denver Revised Municipal Code for their contents.

27. The allegations in paragraph 27 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations and respectfully refers the Court to the cited provisions of the Denver Revised Municipal Code for their contents.

28. The allegations in paragraph 28 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the

allegations and respectfully refers the Court to the cited provision of the Denver Revised Municipal Code for its contents.

29. The allegations in paragraph 29 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations and respectfully refers the Court to the cited provision of the Denver Revised Municipal Code for its contents.

30. The allegations in paragraph 30 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations and respectfully refers the Court to the cited provisions of the Denver Revised Municipal Code for their contents.

31. The allegations in paragraph 31 are legal contentions to which no response is required. To the extent a response is required, DA Walsh admits that both of the cited provisions of the Denver Revised Municipal Code are subject to penalties as set forth in §§ 38-121(i), 38-128, and 1-13 of the Denver Revised Municipal Code, denies the characterization of the challenged laws as “Ban[s],” and otherwise denies the allegations and respectfully refers the Court to the cited provisions of the Denver Revised Municipal Code for their contents.

32. The allegations in paragraph 32 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations and respectfully refers the Court to the cited statutory provision for its contents.

33. The allegations in paragraph 33 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations and respectfully refers the Court to the cited statutory provision for its contents.

34. The allegations in paragraph 34 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations and respectfully refers the Court to the cited statutory provisions for their contents.

35. The allegations in paragraph 35 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations and respectfully refers the Court to the cited statutory provisions for their contents.

36. DA Walsh denies the allegations in paragraph 36 and respectfully refers the Court to the applicable provisions of the Denver Revised Municipal Code and the Colorado Revised Statutes for their contents.

37. DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 37 and accordingly denies the same, and he respectfully refers the Court to the cited document for its contents.

38. DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 38 and accordingly denies the same, and he respectfully refers the Court to the cited document for its contents.

39. DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 39 and accordingly denies the same, and he respectfully refers the Court to the cited document for its contents.

40. DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 40 and accordingly denies the same, and he respectfully refers the Court to the cited document for its contents.

41. DA Walsh denies the allegations in paragraph 41 and respectfully refers the Court to (a) the cited source for its contents and (b) the following sources as examples of criticism of the cited source: *Barnett v. Raoul*, No. 3:23-cv-00209, 2024 WL 4719468, at *7 (S.D. Ill. Nov. 8, 2024); Deborah Azrael et al., *A Critique of Findings on Gun Ownership, Use, and Imagined Use from the 2021 National Firearms Survey: Response to William English*, 78 S.M.U.L. Rev. 239 (2025).

42. DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 42 and accordingly denies the same, except to the extent that the allegations are legal contentions to which no response is required, as to which he respectfully refers the Court to the cited sources for their contents, and, to the extent a response is required, denies the allegations.

43. DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 43 and accordingly denies the same, except to the extent that the allegations are legal contentions to which no response is required, as to which, to the extent any further response is required, he denies the allegations.

44. The allegations in paragraph 44 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations.

45. DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 45 and accordingly denies the same.

46. DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 46 and accordingly denies the same.

47. DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 47 and accordingly denies the same.

48. DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 48 and accordingly denies the same.

49. DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 49 and accordingly denies the same.

50. DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 50, which allege what all “Defendants have routinely” done and speculates about what all Defendants “can be expected to do ... in the future,” and accordingly denies the same.

51. The allegation in the first sentence of paragraph 51 that “Plaintiff Ray Elliott is ... law-abiding” is a legal contention to which no response is required. To the extent a response is required, DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegation and accordingly denies the same. DA

Walsh otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 51 and accordingly denies the same.

52. The allegations in the last sentence of paragraph 52 are legal contentions to which no response is required; to the extent a response is required, DA Walsh denies the allegations. The allegations in the first sentence of paragraph 52 that “Plaintiff Trevor Alley is ... law-abiding” and that neither of the “two firearms” Plaintiff Alley alleges to own is an “assault weapon” as defined by the Denver Revised Municipal Code are legal contentions to which no response is required; to the extent a response is required, DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegations and accordingly denies the same. DA Walsh otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 52 and accordingly denies the same.

53. The allegations in the last sentence of paragraph 53 are legal contentions to which no response is required; to the extent a response is required, DA Walsh denies the allegations. The allegation in the first sentence of paragraph 53 that “Plaintiff Michael Vitco is ... law-abiding” is a legal contention to which no response is required; to the extent a response is required, DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the allegation and accordingly denies the same. DA Walsh otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 53 and accordingly denies the same.

54. DA Walsh incorporates by reference each of his responses to the foregoing paragraphs as if fully set forth herein.

55. The allegations in paragraph 55 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations because the quotation is inaccurate and respectfully refers the Court to the cited constitutional provision for its contents.

56. The allegations in paragraph 56 are legal contentions to which no response is required. To the extent a response is required, DA Walsh admits that the Supreme Court has held that the Second Amendment right is applicable to the States through the Fourteenth Amendment and respectfully refers the Court to the cited case for its contents.

57. The allegations in paragraph 57 are legal contentions to which no response is required. To the extent a response is required, DA Walsh admits that the allegations in paragraph 57 partially quote the cited case and respectfully refers the Court to the cited case for its contents.

58. The allegations in paragraph 58 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations.

59. The allegation in paragraph 59 that “[t]he magazines at issue in this case ... are themselves protected arms” is a legal contention to which no response is

required. To the extent a response is required, DA Walsh denies the allegation. DA Walsh otherwise denies the allegations in paragraph 59.

60. The allegations in paragraph 60 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations.

61. The allegations in paragraph 61 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations.

62. The allegations in paragraph 62 are legal contentions to which no response is required. To the extent a response is required, DA Walsh admits that 42 U.S.C. § 1983 provides a cause of action that includes claims like those described in this paragraph and respectfully refers the Court to the cited statute for its contents.

63. The allegations in paragraph 63 that “[m]embers of FPC and CSSA such as Plaintiff Alley, Plaintiff Vitco, and Plaintiff Elliott are law-abiding” and the characterization of the challenged laws as “ban[s]” are legal contentions to which no response is required. To the extent a response is required, DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the “law-abiding” allegations and accordingly denies the same, and he denies the characterization of the challenged laws as “ban[s].” DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 63 and respectfully refers the Court to the Denver Revised Municipal Code for its contents.

64. The allegations in paragraph 64 that “[m]embers of FPC and CSSA such as Plaintiff Alley, Plaintiff Vitco, and Plaintiff Elliott are law-abiding” and the characterization of the challenged laws as “ban[s]” are legal contentions to which no response is required. To the extent a response is required, DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the “law-abiding” allegations and accordingly denies the same, and he denies the characterization of the challenged laws as “ban[s].” DA Walsh lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 64 and respectfully refers the Court to the Denver Revised Municipal Code and the Colorado Revised Statutes for their contents.

65. The allegations in paragraph 65 are legal contentions to which no response is required. To the extent paragraph 65 alleges action or inaction by all “Defendants,” DA Walsh lacks knowledge or information sufficient to form a belief as to that action or inaction. Otherwise, to the extent a response is required, DA Walsh denies the allegations in paragraph 65 and respectfully refers the Court to the referenced provisions of the Denver Revised Municipal Code and the Colorado Revised Statutes for their contents.

66. The allegations in paragraph 66 are legal contentions to which no response is required. To the extent paragraph 66 alleges action or inaction by all “Defendants,” DA Walsh lacks knowledge or information sufficient to form a belief as to that action or inaction. Otherwise, to the extent a response is required, DA Walsh denies

the allegations and respectfully refers the Court to the referenced provisions of the Denver Revised Municipal Code and the Colorado Revised Statutes for their contents.

67. The allegations in paragraph 67 are legal contentions to which no response is required. To the extent paragraph 67 alleges action or inaction by all “Defendants,” DA Walsh lacks knowledge or information sufficient to form a belief as to that action or inaction. Otherwise, to the extent a response is required, DA Walsh denies the allegations and respectfully refers the Court to the referenced provisions of the Denver Revised Municipal Code and the Colorado Revised Statutes for their contents.

68. The allegations in paragraph 68 are legal contentions to which no response is required. To the extent a response is required, DA Walsh denies the allegations.

69. DA Walsh denies that Plaintiffs are entitled to any of the relief they request in paragraph 69.

To the extent Plaintiffs allege in the Complaint that DA Walsh has authority to enforce the challenged provisions of the Denver Revised Municipal Code, DA Walsh denies that he has such authority. DA Walsh denies all headings, unnumbered paragraphs, and each and every allegation in the Complaint not previously admitted or otherwise qualified. DA Walsh reserves the right to amend and/or supplement this Answer as appropriate and to the full extent permitted by law.

DEFENSES

DA Walsh submits the following defenses for which he does not concede that he has the burden of proof or persuasion:

1. Plaintiffs' claims are barred by the doctrine of laches.
2. Plaintiffs' claims are barred by the doctrine of waiver.
3. Plaintiffs' claims are barred, in whole or in part, by lack of standing.
4. Plaintiffs' claims are barred, in whole or in part, by Eleventh Amendment, governmental, prosecutorial, sovereign, and/or qualified immunity.
5. The Complaint does not allege an adequate basis upon which Plaintiffs could receive declaratory and/or injunctive relief.
6. The Complaint does not allege an adequate basis upon which Plaintiffs could recover damages, costs, attorneys' fees, or any other legal or equitable relief.
7. To the extent the Complaint were construed to seek damages or other non-equitable relief, Plaintiffs' claims are barred, in whole or in part, by applicable statutes of limitation.
8. Injuries or damages allegedly sustained by Plaintiffs in this action were caused in whole or in part by the conduct of one or more individuals or entities who are not parties to this action.
9. The challenged provisions of the Denver Revised Municipal Code are not unconstitutional.

10. The challenged provisions of the Colorado Revised Statutes are not unconstitutional.

11. DA Walsh's policies, practices, and customs were and are, at all relevant times, in conformance with the Constitution and laws with respect to all issues relevant to this action.

12. DA Walsh reserves the right to raise additional defenses as appropriate and to the full extent permitted by law.

Respectfully submitted this 28th day of August, 2026.

s/ William J. Taylor, Jr.

Janet Carter

William J. Taylor, Jr.

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JOHN WALSH, in his official

capacity as DISTRICT ATTORNEY FOR

THE CITY AND COUNTY OF DENVER,

COLORADO

CERTIFICATE OF SERVICE

I hereby certify that on August 28th, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to counsel of record.

s/ William J. Taylor, Jr.