

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

LANDMARK FIREARMS LLC, US	:	
RIFLE, LLC, POLYMER80, INC.	:	
<i>and</i> FIREARMS POLICY	:	
COALITION, INC.,	:	
Petitioners	:	No. 694 MD 2019
	:	
v.	:	
	:	
COLOGNER ROBERT	:	Electronically Filed Document
EVANCHICK, COMMISSIONER	:	
PENNSYLVANIA STATE POLICE,	:	
Respondent	:	

PETITIONERS' ANSWER TO THE
MARCH 25, 2022 RULE TO SHOW CAUSE

Petitioners, Landmark Firearms LLC, US Rifle, LLC, Polymer 80, Inc., and Firearms Policy Coalition, Inc., hereby file this Answer to the Rule to Show Cause issued by the Court on March 25, 2022 and aver as follows:

1. As explained at length in the Joint Application for a Stay, Petitioners, pursuant to then-Judge Kevin Brobson's Memorandum and Order of January 31, 2020, hold a preliminary injunction against Respondent in this matter.
2. Upon receipt of the Court's Rule to Show Cause Order of March 25, 2022, the undersigned reached out to Respondent's counsel to inquire of whether Respondent would agree to the preliminary injunction becoming permanent

and if not, that it was Petitioners' inclination to file an application for a permanent injunction.

3. Respondent's counsel responded that Respondent would not agree to the preliminary injunction becoming permanent and that given the recent promulgation of federal regulations re-defining a firearm under federal law, the Pennsylvania State Police intends to promulgate a similar state regulation.¹
4. As any such promulgated regulation may have an impact on any final decision rendered by this Court, for judicial economy and that of the Parties, the Parties jointly requested a stay.
5. In the event, *arguendo*, this Court were to deny the joint request of the Parties to stay this matter, Petitioners can swiftly prepare and file an application to convert their preliminary injunction into a permanent injunction, based on the law of the case doctrine² and no intervening changes having occurred relative to the Memorandum and Order of January 31, 2020.

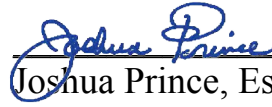
WHEREFORE, Petitioners respectfully request that the Court not dismiss this action for want of prosecution.

¹ <https://www.governor.pa.gov/newsroom/gov-wolf-commends-biden-administration-rule-banning-sale-of-buy-build-shoot-ghost-guns-without-background-check>

² *Commonwealth v. Starr*, 541 Pa. 564, 574 (1995).

Respectfully Submitted,

Date: April 20, 2022


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PUBLIC ACCESS POLICY CERTIFICATION

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.


Joshua Prince, Esq.

CERTIFICATE OF SERVICE

I, Joshua Prince, Esq., hereby certify that on April 20, 2022, I caused to be served a true and correct copy of the foregoing document on the following:

VIA PACFILE

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