

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.	:	
	:	
COLONEL ROBERT	:	Electronically Filed Document
EVANCHICK, COMMISSIONER	:	
PENNSYLVANIA STATE POLICE,	:	
Respondent	:	

JOINT APPLICATION FOR A STAY

Petitioners, Landmark Firearms LLC, US Rifle, LLC, Polymer 80, Inc., and Firearms Policy Coalition, Inc., by and through their counsel, Joshua Prince, Esq. and Respondent Commissioner Evanchick, by and through his counsel, Nicole Boland, Esq., jointly request, pursuant to Pa.R.A.P. 123, that this matter be stayed and aver in support:

1. On December 20, 2019, Petitioners filed the underlying Petition for Review and Application for an Emergency Preliminary Injunction.
2. On January 10, 2020, this Court issued an Order scheduling a hearing for January 21, 2020, on Petitioners' Application for an Emergency Preliminary Hearing.

3. On January 31, 2020, then-Judge Kevin Brobson issued a Memorandum Opinion and Order granting Petitioners' Preliminary Injunction and requiring Petitioners to submit a bond of \$100.00 for the Order to become effective.
4. On February 3, 2020, Petitioners posted the \$100.00 cost bond.
5. On February 24, 2020, Respondent filed an Answer with a new matter.
6. On March 23, 2020, Petitioners filed an Answer to Respondent's new matter.
7. On March 25, 2022, this Court issued a rule to show cause, directing the Petitioners to respond to why the case should not be dismissed for want of prosecution.
8. In response, counsel for the Parties conferred and given the recent promulgation of federal regulations and the Pennsylvania State Police's intentions to promulgate state regulations related to the underlying issue before this Court,¹ for judicial economy and that of the Parties, since any promulgated regulations may have an impact on any final decision rendered by this Court, the Parties respectfully request that this case be stayed for 120 days for the Pennsylvania State Police to determine whether it will promulgate a regulation and if so, to institute and finalize any rulemaking.

WHEREFORE, the Parties jointly and respectfully request that the Court stay this matter for 120 days.

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

Respectfully Submitted,

Date: April 20, 2022

/s/ Joshua Prince
Joshua Prince, Esq.
Attorney ID: 306521
Civil Rights Defense Firm, P.C.
646 Lenape Rd
Bechtelsville, PA 19505
888-202-9297 ext. 81114
610-400-8439 (fax)
Joshua@Civilrightsdefensefirm.com

Attorney for Petitioners

/s/ Nicole Boland
Nicole J. Boland
Attorney ID: 314061
Deputy Attorney General
Office of Attorney General
15th Floor, Strawberry Square
Harrisburg, PA 17120
717-783-3146
717-772-4526 (fax)
nboland@attorneygeneral.gov

Attorney for Respondent

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

Nicole J. Boland
Deputy Attorney General
Office of Attorney General
15th Floor, Strawberry Square
Harrisburg, PA 17120
nboland@attorneygeneral.gov

Keli M. Neary
Executive Deputy Attorney General
Office of Attorney General
15th Floor, Strawberry Square
Harrisburg, PA 17120
kneary@attorneygeneral.gov


Joshua Prince, Esq.