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VIA ECF

April 18, 2022

Catherine O'Hagan Wolfe
Clerk of the Court
U.S. Court of Appeals for the Second Circuit
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Everytown for Gun Safety Support Fund, et al. v. Bureau of Alcohol, Tobacco, Firearms, and Explosives, et al.*, No. 21-191 – Argument Heard on February 17, 2022

Dear Ms. Wolfe:

I write as counsel to Plaintiffs-Appellees (“Plaintiffs”) and submit this letter on behalf of Plaintiffs and Intervenor-Appellants pursuant to Federal Rule of Appellate Procedure 28(j) and this Court’s February 28, 2022 order holding this appeal in abeyance, 21-191, No. 89 (the “Abeyance Order”). The parties write to update this Court on the status of the district court proceedings, *City of Syracuse, et al. v. Bureau of Alcohol, Tobacco, Firearms and Explosives, et al.*, 20-CV-6885-GHW (S.D.N.Y.) (“District Court Docket”).

In the Abeyance Order, this Court instructed the parties in relevant part as follows: “[W]ithin five days of either of the following developments, the parties shall jointly apprise this court of (1) the issuance of a final rule by Defendants Bureau of Alcohol, Tobacco, Firearms and Explosives [(‘ATF’)], related to the rule challenged in the underlying dispute; or (2) any decision by the district court to extend or to end the stay previously entered by it in this case.” Abeyance Order at 1.

On April 11, 2022, ATF issued a final rule related to the issues raised in the underlying dispute. *Definition of “Frame or Receiver” and Identification of Firearms*, Bureau of Alcohol, Tobacco, Firearms and Explosives (Apr. 12, 2022), <https://bit.ly/37hsHp0>. That rule has not yet been published in the federal register. On April 14, 2022, ATF submitted a letter to the district court on behalf of all parties proposing that the parties “provide the Court with a status update by April 29, 2022, setting forth their respective positions with respect to next steps in this litigation.” District Court Docket No. 131. That same day, April 14, the district court granted the parties’ request and instructed the parties to submit a “status update informing the Court of the parties’ plans for the litigation of this case” on or before April 29, 2022. District Court Docket No. 132.

In light of these developments, the parties propose that they jointly provide this Court with an update on the status of the district court proceedings within five days of the submission of a status report to the district court made pursuant to the district court’s April 14, 2022 order, District Court Docket No. 132. The parties also propose that they jointly inform this Court when the final rule is published in the federal register.



Sincerely,

/s/ Kathleen R. Hartnett

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cc: All Counsel of Record (via ECF)