

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JOHN RIGBY, ALAN KNIGHT, and  
FIREARMS POLICY COALITION,  
INC. ,

Plaintiffs,

v.

KATHY JENNINGS, Attorney General of  
Delaware

Defendant.

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: C.A. No. 1:21-cv-01523-MN  
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: JURY TRIAL DEMANDED  
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**ANSWER TO COMPLAINT**

Defendant Attorney General Kathy Jennings (the “Attorney General”), by and through undersigned counsel, hereby responds to Plaintiffs John Rigby, Alan Knight, and Firearms Policy Coalition’s (“Plaintiffs”) Complaint for Injunctive and Declaratory Relief and Attorneys’ Fees (the “Complaint”) as follows:

**INTRODUCTION**

1. This paragraph contains averments that do not pertain to the Attorney General, and thus no response is necessary. However, it is acknowledged that on October 20, 2021, Governor John Carney (“Governor Carney”) signed into law House Bill 125 (“HB 125”). Paragraph 1 of the Complaint further references and characterizes HB 125 and the Attorney General refers to that legislation for its true and correct contents. To the extent any further response is deemed necessary, the allegations of Paragraph 1 of the Complaint are denied.

2. Paragraph 2 of the Complaint, including its subparts, further references and characterizes HB 125 and the Attorney General refers to that legislation for its true and correct contents.

3. Denied.

4. Paragraph 4 of the Complaint further references and characterizes HB 125 and the Attorney General refers to that legislation for its true and correct contents. To the extent any further response is deemed necessary, the allegations of Paragraph 4 of the Complaint are denied.

5. Denied.

6. Denied.

7. Paragraph 7 characterizes or summarizes the Complaint, which is a written document that speaks for itself. To the extent any further response is deemed necessary, the allegations of Paragraph 7 of the Complaint are denied.

#### **JURISDICTION AND VENUE**

8. Paragraph 8 of the Complaint states legal conclusions to which no response is required.

9. Paragraph 9 characterizes or summarizes the Complaint, which is a written document that speaks for itself. To the extent any further response is deemed necessary, the allegations of Paragraph 9 of the Complaint are denied.

10. Paragraph 10 of the Complaint states legal conclusions to which no response is required.

#### **PARTIES**

11. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 11.

12. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 12.

13. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 13.

14. Governor Carney has been dismissed from this case. Therefore, no response is required.

15. The Attorney General admits the first sentence of Paragraph 15. The remainder of the paragraph state legal conclusions to which no response is required.

**THE RIGHTS AT STAKE**

16. Paragraph 16 of the Complaint states legal conclusions to which no response is required.

17. Paragraph 17 of the Complaint quotes the United States Constitution, which is a written document that speaks for itself. To the extent any further response is deemed necessary, Paragraph 17 states legal conclusions to which no response is required.

18. Paragraph 18 of the Complaint states legal conclusions to which no response is required.

19. Paragraph 19 of the Complaint states legal conclusions to which no response is required.

20. Paragraph 20 of the Complaint states legal conclusions to which no response is required.

21. Paragraph 21 of the Complaint states legal conclusions to which no response is required.

22. Paragraph 22 of the Complaint states legal conclusions to which no response is required.

23. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 23.

24. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 24.

25. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 25.

26. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 26.

27. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 27.

28. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 28.

29. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 29.

30. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 30.

31. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 31.

32. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 32.

33. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 33.

34. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 34.

35. Paragraph 35 of the Complaint states legal conclusions to which no response is required.

36. Paragraph 36 of the Complaint states legal conclusions to which no response is required.

37. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 37.

***The Rights to Due Process of Law and Just Compensation***

38. Paragraph 38 of the Complaint states legal conclusions to which no response is required.

39. Paragraph 39 of the Complaint quotes the United States Constitution, which is a written document that speaks for itself. To the extent any further response is deemed necessary, Paragraph 39 states legal conclusions to which no response is required.

40. Paragraph 40 of the Complaint quotes the United States Constitution, which is a written document that speaks for itself. To the extent any further response is deemed necessary, Paragraph 40 states legal conclusions to which no response is required.

41. Paragraph 41 of the Complaint states legal conclusions to which no response is required.

***The Right to Free Speech***

42. Paragraph 42 of the Complaint states legal conclusions to which no response is required.

43. Paragraph 43 of the Complaint states legal conclusions to which no response is required.

44. Paragraph 44 of the Complaint quotes the United States Constitution, which is a written document that speaks for itself. To the extent any further response is deemed necessary, Paragraph 44 states legal conclusions to which no response is required.

45. Paragraph 45 of the Complaint states legal conclusions to which no response is required.

46. Paragraph 46 of the Complaint states legal conclusions to which no response is required.

52. Paragraph 52 of the Complaint states legal conclusions to which no response is required.<sup>1</sup>

53. Paragraph 53 of the Complaint states legal conclusions to which no response is required.

### **THE CHALLENGED BANS**

47. Paragraph 47 of the Complaint quotes certain Delaware State bills and statutes which are written documents that speaks for themselves. To the extent any further response is deemed necessary, Paragraph 47 states legal conclusions to which no response is required.

48. Paragraph 48 of the Complaint quotes certain Delaware State bills and statutes which are written documents that speaks for themselves. To the extent any further response is deemed necessary, Paragraph 48 states legal conclusions to which no response is required.

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<sup>1</sup> The paragraphs in the Complaint are misnumbered; this Answer preserves the paragraph numbering used in the Complaint.

50. Paragraph 50 of the Complaint quotes certain Delaware State bills and statutes which are written documents that speaks for themselves. To the extent any further response is deemed necessary, Paragraph 50 states legal conclusions to which no response is required.

51. Paragraph 51 of the Complaint quotes certain Delaware State bills and statutes which are written documents that speaks for themselves. To the extent any further response is deemed necessary, Paragraph 51 states legal conclusions to which no response is required.

54. Paragraph 54 of the Complaint states legal conclusions to which no response is required.

**The New Definitions Created by HB 125**

55. Paragraph 55 of the Complaint summarizes certain Delaware State bills and statutes, which are written documents that speaks for themselves. To the extent any further response is deemed necessary, Paragraph 55 states legal conclusions to which no response is required

56. Paragraph 56 of the Complaint quotes certain Delaware State bills and statutes, which are written documents that speaks for themselves.

57. Paragraph 57 of the Complaint quotes certain Delaware State bills and statutes, which are written documents that speaks for themselves.

58. Paragraph 58 of the Complaint quotes certain Delaware State bills and statutes, which are written documents that speaks for themselves.

59. Paragraph 59 of the Complaint quotes certain Delaware State bills and statutes, which are written documents that speaks for themselves.

60. Paragraph 60 of the Complaint quotes certain Delaware State bills and statutes, which are written documents that speaks for themselves.

**Section 1459A**  
***The NFO Ban***

61. Paragraph 61 of the Complaint summarizes certain Delaware State bills and statutes, which are written documents that speaks for themselves. To the extent any further response is deemed necessary, Paragraph 61 states legal conclusions to which no response is required

62. Paragraph 62 of the Complaint states legal conclusions to which no response is required.

63. Paragraph 63 of the Complaint states legal conclusions to which no response is required.

64. Paragraph 64 of the Complaint states legal conclusions to which no response is required.

65. Paragraph 65 of the Complaint states legal conclusions to which no response is required.

66. Paragraph 66 of the Complaint summarizes certain Delaware and Federal statutes, which are written documents that speaks for themselves. To the extent any further response is deemed necessary, Paragraph 66 states legal conclusions to which no response is required.

**Section 1463**  
***The SMF Ban and the Instructions Ban***

67. Paragraph 67 of the Complaint summarizes and quotes certain Delaware State bills and statutes, which are written documents that speaks for themselves. To the extent any further response is deemed necessary, Paragraph 67 states legal conclusions to which no response is required.



68. Paragraph 68 of the Complaint states legal conclusions to which no response is required.

69. Paragraph 69 of the Complaint summarizes certain Delaware and Federal statutes, which are written documents that speaks for themselves. To the extent any further response is deemed necessary, Paragraph 69 states legal conclusions to which no response is required.

**FACTS AS TO THE PLAINTIFFS  
AND THE IMPACT OF DELAWARE'S BANS ON THEM**

***Facts Relating to All Plaintiffs***

70. Paragraph 70 of the Complaint states legal conclusions to which no response is required. To the extent a response is necessary, denied.

***Facts Relating to Plaintiff Rigby***

71. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 71.

72. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 72.

73. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 73.

74. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 74.

75. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 75.

76. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 76.

77. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 77.

78. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 78.

79. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 79.

80. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 80.

81. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 81.

82. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 82.

83. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 83.

84. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 84.

85. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 85.

***Facts Relating to Plaintiff Knight***

86. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 86.

87. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 87.

88. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 88.

89. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 89.

90. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 90.

91. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 91.

92. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 92.

93. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 93.

94. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 94.

95. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 95.

96. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 96.

***Facts Relating to Plaintiff FPC***

97. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 97.

98. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 98.

99. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 99.

100. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 100.

101. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 101.

102. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 102.

103. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 103.

104. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 104.

105. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 105.

106. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 106.

107. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 107.

108. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 108.

109. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 109.

110. The Attorney General is without sufficient information or knowledge to admit or deny Paragraph 110.

**COUNT ONE**

111. This is an incorporation paragraph that requires no response.

112. Paragraph 112 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

113. Paragraph 113 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

114. Paragraph 114 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

115. Paragraph 115 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

116. Paragraph 116 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

117. Paragraph 117 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

118. Paragraph 118 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

119. Paragraph 119 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

120. Paragraph 120 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

121. Paragraph 121 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

122. Paragraph 122 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

123. Paragraph 123 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

124. Paragraph 124 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

125. Paragraph 125 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

126. Paragraph 126 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

127. Paragraph 127 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

128. Paragraph 128 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

129. Paragraph 129 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

130. Paragraph 130 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

### **COUNT TWO**

131. This is an incorporation paragraph that requires no response.

132. Paragraph 132 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

133. Paragraph 133 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

134. Paragraph 134 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

135. Paragraph 135 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied .

136. Paragraph 136 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

137. Paragraph 137 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

138. Paragraph 138 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

139. Paragraph 139 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

140. Paragraph 140 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

### **COUNT THREE**

141. This is an incorporation paragraph that requires no response.

142. Paragraph 142 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

143. Paragraph 143 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

144. Paragraph 144 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

145. Paragraph 145 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

146. Paragraph 146 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

147. Paragraph 147 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

148. Paragraph 148 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

149. Paragraph 149 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

150. Paragraph 150 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

151. Paragraph 151 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

152. Paragraph 152 of the Complaint states legal conclusions to which no response is required. To the extent that an answer is required, denied.

#### **AFFIRMATIVE DEFENSES**

1. Plaintiffs' claims are jurisdictionally barred in whole or in part by Eleventh Amendment sovereign immunity.



2. Plaintiffs lack standing to pursue their claims.
3. Plaintiffs' claims are moot, not ripe, or otherwise not justiciable.
4. Plaintiffs' claims are barred in whole or in part by laches.
5. Plaintiffs fails to state a claim to relief.
6. The Attorney General reserves the right to assert additional defenses in the future to the extent warranted.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Kenneth L. Wan

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November 4, 2022