

LYNCH MURPHY MCLANE LLP
MICHAEL R. MCLANE OSB No. 904435
1000 SW Disk Drive
Bend, OR 97702
Telephone: (541) 383-5857
Facsimile: (541) 383-3968
mmclane@lynchmurphy.com

BENBROOK LAW GROUP, PC
BRADLEY A. BENBROOK*
STEPHEN M. DUVERNAY*
400 Capitol Mall, Suite 2530
Sacramento, CA 95814
Telephone: (916) 447-4900
Facsimile: (916) 447-4904
brad@benbrooklawgroup.com
steve@benbrooklawgroup.com

**Pro hac vice*

Attorneys for Plaintiffs
RALPH MARK NEWTON AND
FIREARMS POLICY COALITION, INC.

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

LESLEY FARBY
Assistant Branch Director
Civil Division, Federal Programs Branch

JODY D. LOWENSTEIN
Mont. Bar No. 55816869
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20005
Tel: (202) 598-9280
Email: jody.d.lowenstein@usdoj.gov

Attorneys for Defendants
UNITED STATES OF AMERICA, *et al.*

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
MEDFORD DIVISION

RALPH MARK NEWTON; FIREARMS
POLICY COALITION, INC.,

Plaintiffs,

v.

UNITED STATES OF AMERICA;
MERRICK GARLAND, in his Official
Capacity as Attorney General of the United
States; CHRISTOPHER A. WRAY, in his
Official Capacity as Director of the FEDERAL
BUREAU OF INVESTIGATION; and
MARVIN RICHARDSON, in his Official
Capacity as Acting Director of the Bureau of
Alcohol, Tobacco, Firearms and Explosives,

Defendants.

Case No.: 1:22-cv-00150-CL

**STIPULATION AND JOINT MOTION
TO STAY PROCEEDINGS**

The parties hereby respectfully request, on the terms set forth in this motion, a 60-day stay of proceedings, as follows:

1. On January 27, 2022, Plaintiffs filed this action asserting, among other things, that Defendants erroneously denied Plaintiff Ralph Newton's application to purchase a firearm based on a determination that Newton was potentially prohibited from possessing or receiving a firearm under 18 U.S.C. § 922(g)(9). The complaint asserted a statutory claim under 18 U.S.C. § 925A and constitutional claims under the Second Amendment and Fifth Amendment.

2. On April 25, 2022, Defendants filed a motion to dismiss Plaintiffs' complaint under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). ECF No. 25. Pursuant to Local Rule 7-1(e)(1), Plaintiffs' response to the motion to dismiss is due on May 9, 2022.

3. The parties have conferred regarding an informal resolution of this case. Newton intends to submit a Voluntary Appeal File ("VAF") application to the Federal Bureau of Investigation. If the FBI approves Newton's VAF application and issues him a "unique personal identification number" (UPIN), Plaintiffs will file a stipulation for dismissal of their complaint. The parties anticipate that the FBI will finish processing Newton's VAF application within 30 days of its submission.

4. This Court has the authority to issue a stay of proceedings based on the parties' motion. "[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936).

5. The parties stipulate and agree that further proceedings in this case should be stayed for 60 days, at which point the parties will provide an update to the Court as to the need for further proceedings.

6. The parties respectfully request that the Court stay all proceedings and deadlines in this matter for 60 days.

7. The parties further request that Plaintiffs' deadline to respond to Defendants' pending motion to dismiss be re-set by order of the Court after the stay expires or is dissolved if

further proceedings are necessary.

IT IS SO STIPULATED.

Dated: May 6, 2022

BENBROOK LAW GROUP, PC

By /s/ Bradley A. Benbrook
BRADLEY A. BENBROOK
Attorneys for Plaintiffs

Dated: May 6, 2022

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

LESLEY FARBY
Assistant Branch Director
Civil Division, Federal Programs Branch

By /s/ Jody D. Lowenstein
JODY D. LOWENSTEIN
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
Attorneys for Defendants