

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DELAWARE STATE SPORTSMEN’S
ASSOCIATION, INC; BRIDGEVILLE RIFLE
& PISTOL CLUB, LTD.; DELAWARE RIFLE
AND PISTOL CLUB; DELAWARE
ASSOCIATION OF FEDERAL FIREARMS
LICENSEES; MADONNA M. NEDZA;
CECIL CURTIS CLEMENTS; JAMES E.
HOSFELT, JR; BRUCE C. SMITH; VICKIE
LYNN PRICKETT; and FRANK M. NEDZA,

Plaintiffs,

v.

DELAWARE DEPARTMENT OF SAFETY
AND HOMELAND SECURITY;
NATHANIAL MCQUEEN JR. in his official
capacity as Cabinet Secretary, Delaware
Department of Safety and Homeland Security;
and COL. MELISSA ZEBLEY in her official
capacity as superintendent of the Delaware
State Police,

Defendants.

C.A. No. 1:22-cv-00951-RGA
(Consolidated)

GABRIEL GRAY; WILLIAM TAYLOR;
DJJAMS LLC; FIREARMS POLICY
COALITION, INC. and SECOND
AMENDMENT FOUNDATION,

Plaintiffs,

v.

KATHY JENNINGS, Attorney General of
Delaware,

Defendant.

CHRISTOPHER GRAHAM, OWEN
STEVENS; FIREARMS POLICY
COALITION, INC., and SECOND
AMENDMENT FOUNDATION,

Plaintiffs,

v.

KATHY JENNINGS, Attorney General of the
State of Delaware,

Defendant

**JOINT STIPULATION AND [PROPOSED] ORDER
STAYING ACTION PENDING APPEAL**

WHEREAS on July 20, 2022, the plaintiffs in *Delaware State Sportsmen’s Association, Inc. et al v. Delaware Department of Safety and Homeland Security et al.*, C.A. No. 1:22-cv-00951-RGA filed a complaint.

WHEREAS on November 16, 2022, the plaintiffs in *Gabriel Gray et al. v. Kathy Jennings*, C.A. No. 1:22-cv-01500-RGA filed a complaint.

WHEREAS on November 15 and November 22, 2022, plaintiffs in both actions filed motions seeking preliminary injunctive relief (D.I. 10, C.A. No. 1:22-cv-00951-RGA, and D.I. 4, C.A. No. 1:22-cv-01500-RGA).

WHEREAS on December 20, 2022, the Court consolidated C.A. No. 1:22-cv-01500-RGA with C.A. No. 1:22-cv-00951-RGA. D.I. 24.

WHEREAS on January 12, 2023, the plaintiffs in *Christopher Graham et al. v. Kathy Jennings*, C.A. No. 1:23-cv-00033-RGA filed a complaint.

WHEREAS on March 6, 2023, the Court consolidated C.A. No. 1:23-cv-00033-RGA with the actions consolidated on December 20, 2022 (collectively, the “Consolidated Actions”). D.I. 52.

WHEREAS on March 27, 2023, the Court denied plaintiffs' motion for preliminary injunction (the "March 27 Order"). D.I. 59.

WHEREAS on April 5 and April 6, 2023, plaintiffs filed notices of appeal to the United States Court of Appeals for the Third Circuit, appealing the March 27 Order (the "Appeal"). D.I. 60-62.

WHEREAS the parties have conferred and agree that the interests of efficiency would be best served by staying this action pending resolution of the Appeal.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties, by and through their undersigned counsel, and subject to the approval of the Court that:

- (i) All proceedings in the Consolidated Actions are hereby STAYED pending the final resolution of the Appeal through a final unappealed and unappealable decision and conclusion of any certiorari proceedings or expiration of the time for seeking certiorari;
- (ii) The 5-day bench trial scheduled to begin on November 13, 2023 in the Consolidated Actions is hereby removed from the Court's calendar; and
- (iii) Within fourteen (14) days of issuance of the mandate from the United States Court of Appeals for the Third Circuit, the parties shall provide a joint status report to this Court advising the Court of the outcome of the Appeal and the parties' positions with respect to further proceedings.

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Dated: April 11, 2023

IT IS SO ORDERED this 12 day of April, 2023.

/s/ Richard G. Andrews

JUDGE RICHARD G. ANDREWS