

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

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

Plaintiffs,

v.

KATHY JENNINGS, Attorney General
of the State of Delaware,

Defendant.

C.A. No. 23-00033-RGA

**STIPULATION AND [PROPOSED] ORDER
TO SUSPEND CASE DEADLINES**

WHEREAS, on January 12, 2023, Plaintiffs filed a Complaint (D.I. 1) initiating the above-captioned action (the “Graham Action”);

WHEREAS, the parties have conferred regarding consolidating the Graham Action with the consolidated action¹ captioned *Delaware State Sportsmen’s Association, Inc. et al. v. Delaware Department of Safety and Homeland Security et al.*, C.A. No. 1:22-00951-RGA (the “DSSA/Gray Action”);

WHEREAS, the parties to the DSSA/Gray Action are currently briefing pending motions for preliminary injunction and an evidentiary hearing on those motions is scheduled for February 24, 2023 (the “PI Hearing”);

¹ On December 20, 2022, the Court consolidated *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 and *Gabriel Gray et al. v. Kathy Jennings*, C.A. No. 1:22-cv-01500-MN. The consolidated action proceeds under C.A. No. 1:22-00951-RGA.

IT IS HEREBY STIPULATED AND AGREED, by the parties to this action, subject to the approval of the Court, that:

- 1) Parties to the Graham and DSSA/Gray Actions will file a joint stipulation, subject to the Court's approval, proposing consolidation of the Graham and DSSA/Gray Actions;
- 2) The Graham Plaintiffs will file a joinder to the DSSA Plaintiffs' Motion for Preliminary Injunction (DSSA/Gray Dkt. D.I. 10) concerning specifically the challenge to Delaware's regulations concerning large capacity magazines, 11 *Del. C.* §§ 1441, 1468-1469A (the "Graham Joinder");
- 3) The Graham Joinder will be limited to including facts to assert standing on behalf of the Graham Plaintiffs and will not include legal arguments;
- 4) The Graham Plaintiffs will (a) join in the DSSA/Gray Plaintiffs' briefing on the motions for preliminary injunction pending in the DSSA/Gray Action, (b) adhere to the briefing schedule ordered by the Court (DSSA/Gray Dkt. D.I. 25), and (c) join with the DSSA/Gray Plaintiffs to file a single consolidated reply brief in support of the motions, not to exceed 25 pages (DSSA/Gray Dkt. D.I. 31); and
- 5) All pending deadlines in the Graham Action are suspended. Following (a) consolidation of the Graham and DSSA/Gray Actions, and (b) the PI Hearing, the parties shall confer regarding a response deadline for the complaint in the Graham Action.

GELLERT SCALI BUSENKELL & BROWN
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STATE OF DELAWARE DEPARTMENT
OF JUSTICE

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IT IS SO ORDERED this 3 day of February, 2023.

/s/ Richard G. Andrews

U.S. DISTRICT JUDGE RICHARD G. ANDREWS