

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

WILLIAM T. MOCK; *et al.*,

Plaintiffs,

v.

MERRICK GARLAND, *et al.*,

Defendants.

Civil Action No. 4:23-cv-00095-O

**PLAINTIFFS' RESPONSE TO
DEFENDANTS' MOTION TO STAY PROCEEDINGS**

Plaintiffs William T. Mock; Christopher Lewis; Maxim Defense Industries, LLC; and Firearms Policy Coalition, Inc. (collectively, "Plaintiffs"), by and through their undersigned counsel, provide the following response to Defendants' Motion to Stay Proceedings, ECF No. 59:

1. Plaintiffs maintain that a short extension of the briefing deadlines in this matter is more appropriate than an outright stay. A short extension allows the parties leeway to fully present their arguments to the Fifth Circuit Court of Appeals, while also maintaining a date certain by which briefing will be resolved in this matter. More importantly, a short extension ensures that Plaintiffs are not prejudiced by an unconstrained stay should the Fifth Circuit rule against Plaintiffs and dissolve the existing injunction. Briefing is set to conclude at the Fifth Circuit on June 20, 2023, with oral argument set for June 29, 2023. Accordingly, Plaintiffs propose a twenty-one (21) day extension of the existing summary judgment briefing deadlines. If the parties deem it necessary for further extension at that time, they can request as much from this Court.

2. Alternatively, if this Court believes that a stay is more appropriate in this matter, Plaintiffs request this Court establish briefing deadlines in its Order instituting a stay. Plaintiffs request that their motion for summary judgment be due no later than 30 days after the Fifth Circuit

enters an Order regarding Plaintiffs' appeal and that the timing on the existing briefing schedule be maintained from there, with Defendants' cross-motion for summary judgment and response to Plaintiffs' motion due 21 days after Plaintiffs' motion is due; Plaintiffs response to Defendant's cross-motion and reply due 21 days after Defendants' cross-motion is due; and Defendants' reply due 14 days after Plaintiffs' response and reply is due. This will help mitigate prejudice to Plaintiffs that may otherwise stem from a stay in this matter, should the Fifth Circuit rule against Plaintiffs and dissolve the existing injunction.

3. In any event, Plaintiffs respectfully request that this Court rule on Defendants' motion as expeditiously as possible given Plaintiffs' current deadline of June 23, 2023, to file their motion for summary judgment.

DATED this 16th day of June 2023.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of June 2023, I electronically filed the foregoing using this Court's CM/ECF system.

I certify that all participants in this case are registered CM/ECF users and service will be accomplished by this Court's CM/ECF system.

/s/ Cody J. Wisniewski

Cody J. Wisniewski

FPC ACTION FOUNDATION