

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

MICHELLE LANE, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:11cv503 (GBL/TRJ)
)	
ERIC HOLDER, Attorney General of the United States, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

**JOINT MOTION TO VACATE SCHEDULING ORDER
AND SET BRIEFING SCHEDULE ON PRELIMINARY INJUNCTION MOTION**

For the reasons that follow, the parties jointly move the Court to vacate the scheduling order issued on June 9, 2011 and set the briefing schedule proposed herein:

1. In their First Amended Complaint, Plaintiffs allege that a federal statute, a federal regulation, a Virginia law, and a District of Columbia regulation violate their Second Amendment right to bear arms and their Fifth and Fourteenth Amendment rights to equal protection. *See* U.S. Const. Amend. II, V & XIV; 18 U.S.C. § 922(b)(3); 27 C.F.R. § 478.99; Va. Code § 18.2-308.2:2; D.C.M.R. 24-2320.3(b) & (f).

2. Accordingly, the First Amended Complaint presents pure questions of law that may be decided on motions to dismiss and/or for summary judgment. Discovery is not foreseeable at this time.

3. On June 9, 2011, this Court entered a standard scheduling order commencing discovery and setting deadlines for the initial and final pre-trial conferences.

4. In view of the legal nature of the claims presented, the parties respectfully request

that the Court vacate the scheduling order. The parties also request that the Court enter the following proposed briefing schedule on plaintiffs' motion for preliminary injunction, which was filed on June 20, 2011:

- a. Defendants shall file their opposition to plaintiffs' motion for a preliminary injunction on or before **July 8, 2011**.
 - b. Plaintiffs shall file their reply in support of their motion for a preliminary injunction, if any, on or before **July 13, 2011**.
 - c. The Court will hear argument on plaintiffs' motion for a preliminary injunction on **July 15, 2011**.
5. A proposed order is provided for the convenience of the Court.

Respectfully submitted,

NEIL H. MacBRIDE
UNITED STATES ATTORNEY

June 21, 2011

By: _____/s/_____
Lauren A. Wetzler
Stephen J. Obermeier
Assistant United States Attorney
Justin W. Williams U.S. Attorney's Building
2100 Jamieson Avenue
Alexandria, Virginia 22314
Telephone: (703) 299-3752
Fax: (703) 299-3983
Email: lauren.wetzler@usdoj.gov

COUNSEL FOR THE ATTORNEY GENERAL

/s/

Catherine Crooks Hill
Office of the Attorney General
900 E Main St
Richmond, VA 23219
Email: cchill@oag.state.va.us

COUNSEL FOR W. STEVEN FLAHERTY

/s/

Thomas L. Koger, VSB No. 40086
Office of the Attorney General for the
District of Columbia
Assistant Attorney General
Equity I Section
441 Fourth Street, N.W., 6th Floor South
Washington, D.C. 20001
Telephone: (202) 724-4170
Fax: (202) 715-7762
Email: Thomas.Koger@dc.gov

COUNSEL FOR DISTRICT OF COLUMBIA

/s/

Alan Gura
Gura & Possessky, PLLC
101 N. Columbus Street, Ste. 405
Alexandria, VA 22314
Email: alan@gurapossessky.com

COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Alan Gura
Gura & Possessky, PLLC
101 N. Columbus Street, Ste. 405
Alexandria, VA 22314
alan@gurapossessky.com
Counsel for Plaintiffs

Catherine Crooks Hill
Office of the Attorney General
900 E Main St
Richmond, VA 23219
cchill@oag.state.va.us
Counsel for W. Steven Flaherty

Thomas L. Koger
Office of the Attorney General for the
District of Columbia
Assistant Attorney General
Equity I Section
441 Fourth Street, N.W., 6th Floor South
Washington, D.C. 20001
Thomas.Koger@dc.gov
Counsel for District of Columbia

Date: June 21, 2011

/s/
Lauren A. Wetzler
Assistant United States Attorney
Justin W. Williams U.S. Attorney's Building
2100 Jamieson Avenue
Alexandria, Virginia 22314
Telephone: (703) 299-3752
Fax: (703) 299-3983
Email: lauren.wetzler@usdoj.gov
Counsel for the Attorney General