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April 4, 2025

Mr. Christopher M. Wolpert
Clerk, Tenth Circuit Court of Appeals
1823 Stout St.
Denver, CO 80257

RE: Notice of Supplemental Authority in *Bondi v. VanDerStok*, 604 U.S. --, -- S.
Ct. --, 2025 WL 906503 (2025), Case No. 23-852.

Dear Mr. Wolpert:

Appellee, Jared Polis in his official capacity as the Governor of Colorado, submits this notice pursuant to Fed. R. App. P. 28(j) to advise the Court of the United States Supreme Court's recent decision in *Bondi v. VanDerStok*, 2025 WL 906503 (2025), which upheld a United States Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") rule that required manufacturers and sellers of weapons parts kits to obtain background checks and mark their products with serial numbers. Specifically, the Court held that the ATF's final rule defining the word "firearm" in the Gun Control Act of 1968 to cover certain weapon parts kits was not inconsistent with the statutory text. The gravamen of the holding is that the ATF's rule remains in effect.

Applied here, the Supreme Court's decision supports a holding that Plaintiffs' alleged injury is not redressable. Plaintiffs claim that C.R.S. § 18-12-111.5 unconstitutionally limits future purchases of unserialized firearm parts kits. But this alleged injury is not redressable because the ATF's final rule separately prohibits the sale of such kits. See 27 C.F.R. §§ 478.11, 478.12. Thus, the Court's holding in *VanDerStok* is relevant to the discussion on pages 29-31 of the Governor's Answer Brief, as well as the Governor's January 21, 2025, Notice of Supplemental Authority in *We the Patriots, Inc. v. Grisham*, 119 F.4th 1253, 1259-61 (10th Cir. 2024).

Sincerely,

/s/ Shannon Wells Stevenson

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