

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

Civil Action No. 1:23-cv-01077-PAB-NRN

ROCKY MOUNTAIN GUN OWNERS,
TATE MOSGROVE, and
ADRIAN S. PINEDA,

Plaintiffs,

v.

JARED S. POLIS, in his official capacity as Governor of the State of Colorado,

Defendant.

PROPOSED SCHEDULING ORDER

Defendant, Jared S. Polis, in his official capacity as Governor of the State of Colorado, and Plaintiffs, Rocky Mountain Gun Owners, Tate Mosgrove, and Adrian S. Pineda, submit this proposed scheduling order as discussed in their November 25, 2024 Status Report.

1. After conferral, the parties do not believe that further factual development is necessary.

2. Under Federal Rule of Civil Procedure 65(a)(2), the record developed at the preliminary injunction hearing becomes part of the trial record, and the Court may consider that record in ruling on dispositive motions including motions for summary judgment. *See, e.g., Franks v. Nimmo*, 796 F.2d 1230, 1237 n.3 (10th Cir. 1986).

3. Having reviewed the preliminary injunction record, as well as the Tenth Circuit's opinion on the preliminary injunction, the parties do not believe further factual development is

necessary. Accordingly, the parties propose to move directly into dispositive motions without reopening discovery.

4. To conserve judicial resources, the parties propose the following schedule for dispositive motions:

- a. Motions under Rule 56: February 14, 2024.
- b. Responses: March 14, 2024.
- c. Because the parties anticipate filing simultaneous cross-motions for summary judgment, they agree that replies are unnecessary, and that any motions shall be considered fully briefed as of the filing of the response.

Accordingly, the parties request an Order indicating that discovery is closed and adopting the briefing schedule proposed above.

Respectfully submitted: December 10, 2024

/s/ Barry K. Arrington

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