

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

**Civil Action No. 22-cv-2680-NYW-JPO**

ROCKY MOUNTAIN GUN OWNERS,  
NATIONAL ASSOCIATION FOR GUN RIGHTS,  
CHARLES BRADLEY WALKER,  
BRYAN LAFONTE,  
CRAIG WRIGHT,  
GORDON MADONNA,  
JAMES MICHAEL JONES, and  
MARTIN CARTER KEHOE,

Plaintiffs,

v.

THE TOWN OF SUPERIOR,  
CITY OF LOUISVILLE, COLORADO,  
CITY OF BOULDER, COLORADO, and  
BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY,

Defendants.

---

**NOTICE OF STAY AND  
SUPPLEMENTAL EXPERT DISCOVERY IN RELATED CASE**

---

Plaintiffs hereby notify the Court that Judge Gallager approved the attached stipulation in the related case of *Gates v. Polis*, Case No. 22-cv-1866.

*/s/ Barry K. Arrington*

---

Barry K. Arrington  
Arrington Law Firm  
4195 Wadsworth Boulevard  
Wheat Ridge Colorado 80033  
(303) 205-7870  
[barry@arringtonpc.com](mailto:barry@arringtonpc.com)

Shaun Pearman  
The Pearman Law Firm, P.C.  
4195 Wadsworth Boulevard  
Wheat Ridge Colorado 80033  
Phone Number: (303) 991-7600  
Fax Number: (303) 991-7601  
E-mail: [shaun@pearmanlawfirm.com](mailto:shaun@pearmanlawfirm.com)

*Attorneys for Plaintiffs*

### **CERTIFICATE OF SERVICE**

I hereby certify that on January 30, 2024, I electronically filed a true and correct copy of the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing via email to parties of record.

*/s/ Barry K. Arrington*

---

Barry K. Arrington

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

Civil Action No. 22-cv-1866-NYW-SKC

BENJAMIN GATES,  
TRAVIS SWARTZ, and  
NATIONAL FOUNDATION FOR GUN RIGHTS, INC.

Plaintiffs,

v.

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

Defendant.

---

**JOINT PLAN FOR FURTHER EXPERT DISCOVERY**

---

Pursuant to the Court’s December 6, 2023, Order (the “Order”), the parties submit the following joint plan for further expert discovery.

In the Order, the Court stated: “Should Plaintiffs wish to retain a substitute expert to opine on the number of LCMs in circulation, the Court would appreciate the parties’ views on how these inefficiencies could be mitigated. To this end (and only if Plaintiffs wish to retain another expert) the Court requires that the parties submit a joint plan for conducting further expert discovery and briefing no later than January 31, 2024.”

Plaintiffs do wish to retain another expert regarding the number of LCMs in circulation. Accordingly, the parties have conferred regarding this matter and propose the following plan:

**STEP ONE:** Temporary stay until June 30, 2024.

There are at least two cases pending in the United States Supreme Court that may have implications for Second Amendment challenges like this one: *United States v. Rahimi*, No. 22-915 and *Garland v. Cargill*, No. 22-976. It is widely expected that the Supreme Court will render opinions in these matters prior to the end of its current term on June 30, 2024. Moreover, the United States Solicitor General, and amici on both sides of these cases, encouraged the Court to use these matters to provide further guidance regarding Second Amendment issues that may assist the parties and this Court resolve the issues presented here. Accordingly, the parties agree that it would be appropriate to stay this matter pending the Supreme Court's opinions in these cases.

**STEP TWO:** Supplemental Expert Discovery

Plaintiffs to submit substitute expert declaration on the number of LCMs in circulation on or before:	July 8, 2024
Defendants may depose expert designated by Plaintiffs on or before:	July 29, 2024
Defendant to submit rebuttal declaration (if any) on or before:	August 12, 2024

Plaintiffs to supplement “Undisputed Facts” Section of their Motion for Summary Judgment with information provided in supplemental discovery on or before:	August 19, 2024
Defendant to supplement “Undisputed Facts” Section of his Motion for Summary Judgment with information provided in supplemental discovery on or before:	August 26, 2024

After August 26, 2024, the briefs regarding the cross motions for summary judgment will be deemed to stand submitted. However, the parties retain the right to move for limited supplemental briefing on the cross motions either based on the standards enunciated in *Rahimi* and *Cargill*, or on the undisputed facts submitted in response to the supplemental discovery.

*/s/ Barry K. Arrington*

---

Barry K. Arrington  
Arrington Law Firm  
4195 Wadsworth Boulevard  
Wheat Ridge Colorado 80033  
Voice: (303) 205-7870  
Email: [barry@arringtonpc.com](mailto:barry@arringtonpc.com)  
Attorney for Plaintiffs

*/s/ Peter G. Baumann*

---

LeeAnn Morrill  
First Assistant Attorney General  
Emily B. Buckley  
Senior Assistant Attorney General  
Peter G. Baumann  
Senior Assistant Attorney General  
Colorado Attorney General’s Office  
1300 Broadway, 6th Floor  
Denver, Colorado 80203  
Telephone: (720) 508-6000  
Email: [leeann.morrill@coag.gov](mailto:leeann.morrill@coag.gov)  
[emily.buckley@coag.gov](mailto:emily.buckley@coag.gov)  
[peter.baumann@coag.gov](mailto:peter.baumann@coag.gov)  
Attorneys for Defendant