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Attorneys for ANNE E. LOPEZ, in her official capacity as Attorney General for the State of Hawai‘i

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI‘I

NATIONAL ASSOCIATION FOR
GUN RIGHTS et al.,

Plaintiffs,

v.

ANNE E. LOPEZ, in her official
capacity as Attorney General for the
State of Hawai‘i,

Defendant.

Civil No. 1:22-cv-404-DKW-RT

**JOINT STATUS REPORT;
CERTIFICATE OF SERVICE**

District Judge:

Chief Judge Derrick K. Watson

Magistrate Judge:

Rom Trader

JOINT STATUS REPORT

Pursuant to this Court’s August 28, 2023 Entering Order (ECF No. 77) requiring the parties “to file a Joint Status Report (5 pages or less) by 1/5/2024 concerning: 1) whether decisions have been rendered in *Miller v. Bonta*, 3:19-cv-01537 (S.D. Cal.) and/or *Duncan v. Bonta*, 3:17-cv-01017 (S.D. Cal.); and 2) whether the 1/19/2024 Rule 16 Scheduling Conference should proceed as scheduled or be continued,” Plaintiffs NATIONAL ASSOCIATION FOR GUN RIGHTS, RONDELLE AYAU, and JEFFREY BRYANT and Defendant ANNE E. LOPEZ, in her official capacity as Attorney General for the State of Hawai‘i (collectively, “the Parties”), submit this Joint Status Report.

On January 2, 2024, the Court issued an Entering Order (ECF No. 85) continuing the 1/19/2024 Rule 16 Scheduling Conference until March 20, 2024. This Joint Status Report therefore does not further address the schedule for the Rule 16 Scheduling Conference, but does address the status of the *Miller* and *Duncan* cases.

1. As the Parties previously notified the Court (ECF Nos. 78, 81, 82, 83), the district court has issued decisions in *Miller* and *Duncan*, the California Attorney General has appealed those decisions to the Ninth Circuit, and the Ninth Circuit has stayed the district court’s decisions in both cases pending appeal.

2. Ninth Circuit briefing is currently ongoing in the *Miller* and *Duncan* appeals and is scheduled to be completed by January 8, 2024 in *Miller* and by January 25, 2024 in *Duncan*. See *Miller*, No. 23-2979, Dkt. 22 (9th Cir.); *Duncan*, No. 23-55805, Dkts. 1, 12, 39 (9th Cir.).

3. Oral argument is also already scheduled in both appeals and will take place in early 2024. A three-judge panel is set to hear argument in *Miller* on January 24, 2024, in Pasadena, California. See *Miller*, No. 23-2979, Dkt. 22. The en banc Ninth Circuit will hear oral argument in *Duncan* during the week of March 18, 2024, in San Francisco, California. See *Duncan*, No. 23-55805, Dkt. 12.

4. The Parties believe that the pending *Miller* and *Duncan* appeals will provide important guidance for other challenges to laws pertaining to assault weapons and large-capacity magazines within the Ninth Circuit, including this case. To conserve judicial and litigant resources, the Parties will be submitting a separate stipulation to respectfully request that the Court stay this case in its entirety until the Ninth Circuit decides the *Miller* and *Duncan* appeals and issues the mandates in both appeals.

DATED: January 4, 2024

/s/ William J. Taylor, Jr.

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CERTIFICATE OF SERVICE

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I HEREBY CERTIFY that a true and correct copy of the foregoing was served electronically through the Court’s CM/ECF system or conventionally by mailing copies via U.S. Mail, postage prepaid, upon the following at their last known addresses:

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DATED: New York, New York, January 4, 2024.

/s/ William J. Taylor, Jr.

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