UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BRIAN WRENN, *et al.*,	)	
Plaintiffs,	)	
v.	)	Civil Action No. 15- 00162 (FJS)
DISTRICT OF COLUMBIA, *et al.*,	)	
Defendants.	)	

MOTION BY DEFENDANTS TO EXPEDITE THE BRIEFING AND HEARING SCHEDULE FOR THEIR MOTION TO STAY OR, IN THE ALTERNATIVE, RETAIN THE CURRENT SCHEDULE BUT GRANT AN ADMINISTRATIVE STAY

Pursuant to Fed. R. Civ. P. 6(b)(1) and 7(b), defendants, (collectively, "the District"), by and through undersigned counsel, respectfully seek an Order from this Court expediting the schedule for consideration of the District's pending Motion to Stay Pending Appeal, so as to permit the Court to rule on that motion no later than June 16, 2015. Alternatively, if the Court determines to keep the current schedule in place, the District requests that it reconsider its May 28, 2015 order and grant an immediate administrative stay of its Order dated May 18, 2015.

Pursuant to LCvR 7(m), the undersigned counsel discussed the instant motion with opposing counsel, who did not consent to the requested relief.

WHEREFORE, the District respectfully requests that this Honorable Court:

A. Grant the District's Motion to Expedite Schedule or, in the Alternative, to Retain the Current Schedule but Grant an Administrative Stay, so as to allow the Court to issue a ruling on the District's pending Motion to Stay Pending Appeal on or before June 16, 2015, or, in the alternative, grant an immediate administrative stay of its order dated May 18, 2015, and;

B. Grant the District such other and further relief as the nature of its cause may require.

DATE: June 1, 2015

Respectfully Submitted,

KARL A. RACINE
Attorney General for the District of Columbia

ELIZABETH SARAH GERE
Acting Deputy Attorney General
Public Interest Division

/s/ Toni M. Jackson
TONI M. JACKSON, D.C. Bar No. 453765
Section Chief, Equity Section

/s/ Andrew J. Saindon
ANDREW J. SAINDON, D.C. Bar No. 456987
Senior Assistant Attorney General
441 Fourth Street, N.W., Suite 630 South
Washington, D.C. 20001
Phone: (202) 724-6643
Fax: (202) 730-1470
Email: andy.saindon@dc.gov

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BRIAN WRENN, *et al.*,	)	
Plaintiffs,	)	
v.	)	Civil Action No. 15- 00162 (FJS)
DISTRICT OF COLUMBIA, *et al.*,	)	
Defendants.	)	

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS' MOTION TO EXPEDITE THE BRIEFING AND HEARING SCHEDULE FOR THEIR MOTION TO STAY OR, IN THE ALTERNATIVE, RETAIN THE CURRENT SCHEDULE BUT GRANT AN ADMINISTRATIVE STAY

Defendants ("the District"), by and through undersigned counsel, respectfully submit this Memorandum of Points and Authorities in Support of its Motion to Expedite Schedule or, in the Alternative, to Retain the Current Schedule but Grant an Administrative Stay, pursuant to Fed. R. Civ. P. 7(b). Alternative proposed Orders are attached hereto.

Background

On May 18, 2015, the Court issued a Memorandum-Decision and Order (the "Order") granting plaintiffs' motion for preliminary injunction and enjoining the District from enforcing its "good reason"/"proper reason" requirement of the issuance of handgun carry licenses. On May 26, 2015, the District filed a Motion to Stay Pending Appeal and Motion for an Immediate Administrative Stay. In that filing, the District asked the Court to stay its Order pending appeal and, in the interim, issue an immediate administrative stay to preserve the status quo. The District's Notice of Appeal with respect to the Order is due on June 17, 2015.

In the evening of May 26, 2015, plaintiffs filed an Opposition to the District's Motion for an Immediate Administrative Stay, stating that they would address the District's Motion to Stay Pending Appeal in "due time."[1] Doc. 16. *Id.* at 1 n. 1. Pursuant to Fed. R. Civ. P. 12(a)(1)(A)(i), plaintiffs' opposition to the Motion to Stay Pending Appeal would be due on or before June 12, 2015.

On May 28, 2015, the Court denied the District's Motion for an Immediate Administrative Stay. Doc. No. 17. In that Order, the Court also *sua sponte* issued a briefing and hearing schedule for the District's Motion for Stay Pending Appeal. It ordered that plaintiffs Opposition to the District's Motion to Stay Pending Appeal be due on June 22, 2015, giving plaintiffs an unrequested ten-day extension; that the District's reply be due on or before June 26, 2015, shortening the District's deadline by three days; and that the parties appear for argument on July 7, 2015, seven weeks after the Motion to Stay was filed.

Argument

THE COURT SHOULD EXPEDITE THE BRIEFING SCHEDULE OR, IN THE ALTERNATIVE, ISSUE AN ADMINISTRATIVE STAY OF ITS MAY 18, 2015 ORDER TO ALLOW FULL BRIEFING ON THE DISTRICT'S MOTION TO STAY

The District respectfully requests that the Court expedite the briefing and hearing schedule so that the Court can rule on the District's Motion to Stay Pending Appeal by June 16, 2015, the day before the District's Notice of Appeal is due. The current briefing schedule—which *expands* plaintiffs' time to oppose the District's motion by 10 days and *shortens* the

[1] Plaintiffs based their Opposition on the erroneous assumption that the District was wilfully in contempt of the Order, a proposition that the District conclusively has rebutted. *See* Doc. 18, 18-1. Moreover, MPD has updated its website (*http://mpdc.dc.gov/page/applying-concealed-carry-pistol-license*) to acknowledge this Court's Order, *see* paragraph 2, and linked to a copy of the Order. Also, paper copies of the Order are available at MPD's Gun Control/Firearms Registration Unit offices.

District's time to reply by three days—is prejudicial to the District and inconsistent with the Court's stated desire for expedited resolution of this matter. *See* Doc. No. 13 at 23. Given the serious constitutional and public safety issues involved, and in the absence of an immediate administrative stay, the Court should resolve its Motion to Stay in advance of the District's June 17, 2015 deadline to file a Notice of Appeal, so that, if the motion is denied, the District may seek similar relief from the United States Court of Appeals for the District of Columbia Circuit.

The Court's Order has caused an immediate upswing in the number of applications for concealed-carry permits in the District. MPD indicates that, in the 7 months between the establishment of the District's concealed-carry regimen and the date of the Court's Order, it received 109 applications. However, in the first 11 days after the Order, MPD received an additional 49 applications. The Court's Order has received considerable publicity, which has generated additional concealed-carry applications. If a substantial number of new permits are granted under the terms of the preliminary injunction and the Court is reversed on appeal, rescinding those permits will be much more onerous and confusing for the applicants and the public. These facts militate in favor of an expedited resolution of the Motion to Stay Pending Appeal, so that the District can obtain clarity from a higher court if necessary.

To facilitate this request, the District is willing to complete briefing on an expedited schedule and forgo oral argument in favor of the Court deciding the motion on the papers. The District proposes that plaintiffs be directed to file their opposition by June 3, 2015, and the District directed to file its Reply by June 8, 2015, so that this Court can decide the Motion to Stay Pending Appeal—with or without argument—no later than June 16, 2015.

In the alternative, if the Court determines to keep the current schedule in place, the District requests that the Court reconsider its May 28, 2015 Order and grant an immediate

administrative stay while the parties complete full briefing and argument on the District's Motion to Stay Pending Appeal. *See, e.g.*, *Cobell v. Norton*, 2004 WL 603456, *1 (D.C. Cir. Mar. 24, 2004) (*per curiam*) (unreported decision) (purpose of administrative stay "is to give the court sufficient opportunity to consider the merits of the motion for a stay pending appeal" (citing *D.C. Circuit Handbook of Practice and Internal Procedures* 32–33 (2002))); *see also Contempt Finding in U.S. v. Stevens*, 744 F.Supp.2d 253, 258 (D.D.C. 2010) (Circuit issued an administrative stay "to give the court sufficient opportunity to consider the merits of the motion for stay and petition for writ of mandamus." (citing *In re Michael B. Mukasey*, No. 09–3005 (D.C. Cir. Jan. 17, 2009)). An administrative stay would preserve the status quo while permitting this Court to obtain full briefing on the motion, hear argument on July 7, and issue a considered decision sometime thereafter.

Conclusion

For the foregoing reasons, the District respectfully requests that this Honorable Court enter an order expediting the briefing schedule on the Motion to Stay Pending Appeal or, alternatively, reconsider its denial of an administrative stay while the Motion is pending.

DATE: June 1, 2015

Respectfully Submitted,

KARL A. RACINE
Attorney General for the District of Columbia

ELIZABETH SARAH GERE
Acting Deputy Attorney General
Public Interest Division

/s/ Toni M. Jackson
TONI M. JACKSON, D.C. Bar No. 453765
Section Chief, Equity Section

/s/ Andrew J. Saindon
ANDREW J. SAINDON, D.C. Bar No. 456987
Senior Assistant Attorney General
441 Fourth Street, N.W., Suite 630 South
Washington, D.C. 20001
Phone: (202) 724-6643
Fax: (202) 730-1470
Email: andy.saindon@dc.gov