

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

MICHELLE LANE, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:11cv503 (GBL/TRJ)
)	
ERIC HOLDER, Attorney General of the)	
United States, <i>et al.</i> ,)	
)	
Defendants.)	
)	

**JOINT MOTION TO VACATE SCHEDULING ORDER
AND SET BRIEFING SCHEDULE ON PRELIMINARY INJUNCTION MOTION**

For the reasons that follow, the parties jointly move the Court to vacate the scheduling order issued on June 9, 2011 and set the briefing schedule proposed herein:

1. In their First Amended Complaint, Plaintiffs allege that a federal statute, a federal regulation, a Virginia law, and a District of Columbia regulation violate their Second Amendment right to bear arms and their Fifth and Fourteenth Amendment rights to equal protection. *See* U.S. Const. Amend. II, V & XIV; 18 U.S.C. § 922(b)(3); 27 C.F.R. § 478.99; Va. Code § 18.2-308.2:2; D.C.M.R. 24-2320.3(b) & (f).

2. Accordingly, the First Amended Complaint presents pure questions of law that may be decided on motions to dismiss and/or for summary judgment. Discovery is not foreseeable at this time.

3. On June 9, 2011, this Court entered a standard scheduling order commencing discovery and setting deadlines for the initial and final pre-trial conferences.

4. In view of the legal nature of the claims presented, the parties respectfully request

that the Court vacate the scheduling order. The parties also request that the Court enter the following proposed briefing schedule on plaintiffs' motion for preliminary injunction, which was filed on June 20, 2011:

- a. Defendants shall file their opposition to plaintiffs' motion for a preliminary injunction on or before **July 8, 2011**.
 - b. Plaintiffs shall file their reply in support of their motion for a preliminary injunction, if any, on or before **July 13, 2011**.
 - c. The Court will hear argument on plaintiffs' motion for a preliminary injunction on **July 15, 2011**.
5. A proposed order is provided for the convenience of the Court.

Respectfully submitted,

NEIL H. MacBRIDE
UNITED STATES ATTORNEY

June 21, 2011

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CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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