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**UNITED STATE COURT OF APPEALS
NINTH CIRCUIT**

CHRISTOPHER BAKER,)
)
) Plaintiff,)
)
 vs.)
)
) LOUIS KEALOHA, as an individual and)
 in his official capacity;)
) CITY AND COUNTY OF HONOLULU;)
)
) Defendants.)
)
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)
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No. 12-16258
CASE NO. CV 11-00528
NOTIFICATION PURSUANT TO
CIRCUIT RULE 34-3

NOTIFICATION PURSUANT TO CIRCUIT RULE 34-3

INTRODUCTION

COMES NOW THE PLAINTIFF-APPELLANT, Christopher Baker, by and through the undersigned counsel and pursuant to Ninth Circuit Rule 34-3, and notifies this Court that pursuant to Circuit Rule 34-3(3), Mr. Baker believes that this appeal is entitled to priority.

Despite this notification and his willingness to comply with an expedited briefing and argument schedule, Mr. Baker will likely move this Court to stay oral arguments and ruling on this case until *Richards, et. al. v. Prieto, et. al.*, No. 11-16255 is decided. The reason for the anticipated request is that the aforementioned case deals with many of the same legal issues as Plaintiff-Appellant Baker's appeal. Indeed, it is believed that the primary issue in that case is dispositive of the primary issue raised in Mr. Baker's appeal, *i.e.*, whether the right to bear arms extends beyond the threshold of the bearer's front door. And, several of the remaining issues raised by Mr. Baker's appeal may depend on the disposition of that primary issue. As *Richards, supra.*, has already been fully briefed by both parties and because of the fundamental importance and long-reaching implications of the disposition of that issue, Mr. Baker would prefer the Court to rule on this pre-existing appeal prior to ruling on the merits of his appeal.

Nevertheless, the U.S. District Court for the District of Hawaii denied a preliminary injunction enjoining certain provisions of Hawaii statutory regime pertaining to firearms and other weapons. Plaintiff-Appellant is appealing this denial. Thus, from Mr. Baker's reading of Circuit Rule 34-3, Mr. Baker is required to *notify* this Court that he believes that this appeal is entitled to priority. However, Mr. Baker would not object to this Court entering a scheduling Order setting this matter to be briefed and argued in the normal course of non-priority appeals.

Nevertheless, in compliance with the applicable rules, Plaintiff-Appellant proposes the following briefing and hearing schedule for this appeal:

- Opening Brief due June 26, 2012
- Response Brief due July 11, 2012
- Reply Brief due July 25, 2010
- Oral Argument, no earlier than the week of September 3, 2012

This expedited schedule, although unnecessary from Mr. Baker's perspective, is achievable. The district court has held hearings on the aforementioned preliminary injunction, which Plaintiff-Appellant Baker has ordered the transcripts of, and will receive them in short order. All other portions of the record necessary to brief and argue Mr. Baker's appeal are believed to be in order.

Further, counsel for Defendant-Appellees has indicated that they are unfamiliar with the rules for expediting an appeal. Accordingly, they decline to agree with expediting an appeal. Thus, the Defendants-Appellees may join Mr. Baker's anticipated Motion for Stay.

CONCLUSION

While Mr. Baker believes he is entitled to priority in disposition of his appeal, he would not object to this matter being disposed of in the normal course of non-priority appeals. Indeed, as of the drafting of this notice, Mr. Baker anticipates the filing of a Motion to Stay pending the outcome of *Richards, supra*. Nevertheless, Mr. Baker will make every reasonable effort to comply with any and all deadlines this Court sees fit to impose.

Respectfully submitted this 26th day of June, 2012

s/ Richard L. Holcomb
Richard Holcomb (HI Bar No. 9177)

s/ Alan Beck
Alan Beck (HI Bar No. 9145)

s/ Kevin O'Grady
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