

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

Civil Action No. 14-cv-2822-RPM

SANDY PHILLIPS, individually and as surviving parent
of Jessica Ghawi, decedent; LONNIE PHILLIPS,
individually and as surviving parent of Jessica Ghawi,
decedent,

Plaintiffs,

v.

LUCKYGUNNER, d/b/a/ BULKAMMO.COM,
THE SPORTSMAN'S GUIDE,
Brian Platt, d/b/a/ BTP ARMS,
Gold Strike E Commerce LLC d/b/a/
BULLETPROOFBODYARMORHQ.COM,
and JOHN DOES 1 through 10, unknown individuals,

Defendants.

**UNOPPOSED MOTION FOR MODIFIED BRIEFING
SCHEDULE REGARDING MOTIONS TO DISMISS**

Plaintiffs Sandy Phillips and Lonnie Phillips (“Plaintiffs”), and Defendants LuckyGunner d/b/a GulkAmmo.com, The Sportsman’s Guide, and Brian Platt d/b/a BTP Arms (“Defendants”) (collectively, the “Moving Parties”) respectfully request that the Court modify the deadlines for filing Plaintiffs’ responses to Defendants’ motions to dismiss and for filing Defendants’ replies in support of their motions, and additionally to permit Plaintiffs to file a single consolidated response to the motions. In support of this request, the Moving Parties state as follows.

1. On September 16, 2014, Plaintiffs filed their Amended Complaint in the District Court for Arapahoe County, Colorado.

2. On October 16, 2014, Defendant LuckyGunner d/b/a GulkAmmo.com removed the case to this Court.

3. Defendant LuckyGunner d/b/a GulkAmmo.com filed a Motion to Dismiss (Dkt. No. 3) on October 16, 2014. Plaintiffs' response to that motion currently is due by November 10, 2014.

4. Defendant The Sportsman's Guide filed a Motion to Dismiss (Dkt. No. 22) on October 23, 2014. Plaintiffs' response to that motion currently is due by November 17, 2014.

5. Defendant Brian Platt d/b/a BTP Arms filed a Motion to Dismiss (Dkt. No. 21) on October 22, 2014. Plaintiffs' response to that motion currently is due by November 17, 2014.

6. There are several overlapping and/or related arguments made by Defendants in their motions. In an effort to avoid duplicative briefing, Plaintiffs ask that the Court grant leave for Plaintiffs to file a single, consolidated Response brief that will address Defendants' arguments.

7. In addition, the parties jointly ask that the Court enter a briefing schedule that sets the due date for Plaintiffs to file their Response brief on December 3, 2014, and the due date for Defendants' reply brief(s) on January 9, 2015. This will establish a single deadline (rather than two different dates) for the filing of Plaintiff's Response, and will allow counsel to accommodate other matters on their calendars.

8. This is the Moving Parties' first request for an extension of the deadlines to file briefs regarding the motions to dismiss.

9. Pursuant to D.C. COLO. LCivR 6.1(c), counsel for the Moving Parties are contemporaneously serving a copy of this motion on their respective clients.

D.C. COLO. LCivR 7.1 CERTIFICATION

Pursuant to D.C. COLO. LCivR 7.1(a), counsel for Plaintiffs certifies that he conferred with counsel for Defendants LuckyGunner d/b/a GulkAmmo.com, The Sportsman’s Guide, and Brian Platt d/b/a BTP Arms, all of whom join in making this motion to establish a modified briefing schedule regarding the pending motions to dismiss. No counsel has entered an appearance for Defendant Gold Strike E Commerce LLC d/b/a/ BULLETPROOFBODYARMORHQ.COM, which has not filed a responsive pleading to the Amended Complaint within the time permitted by the Federal Rules of Civil Procedure, and counsel for Plaintiffs was not able to reach a representative of Gold Strike E Commerce LLC.

WHEREFORE, the Moving Parties respectfully request that the Court (1) permit Plaintiffs to file a single, consolidated response to the motions to dismiss, (2) extend the deadline for Plaintiffs’ response to December 3, 2014, and (3) extend the deadline for Defendants’ replies in support of their motions to January 9, 2015.

Dated: November 5, 2014

Respectfully submitted,

ARNOLD & PORTER LLP

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 5, 2014 a copy of the foregoing **UNOPPOSED MOTION FOR MODIFIED BRIEFING SCHEDULE REGARDING MOTIONS TO DISMISS** was filed and served via CM-ECF on:

<p>Marc Colin Bruno, Colin & Lowe, P.C. 1999 Broadway, Suite 3100 Denver, Colorado 80202 (303) 831-1099 (303) 831-1088 FAX MColin@brunolawyers.com</p> <p>Andrew A. Lothson Swanson, Martin & Bell, LLP 330 North Wabash, Suite 3300 Chicago, IL 60611 (312) 321-9100 (312) 321-0990 FAX alothson@smbtrials.com</p> <p><i>Attorneys for Defendant LuckyGunner, LLC</i></p>	<p>Peter A. T. Carlson* Donald Chance Mark, Jr.* Patrick J. Rooney* Flagship Corporate Center 775 Prairie Center Drive, Suite 400 Eden Prairie, MN 55344 (952) 995-9500 peter.carlson@fmjlaw.com donald.mark@fmjlaw.com patrick.rooney@fmjlaw.com *Admitted in Dist. of Colorado</p> <p><i>Attorneys for The Sportsman’s Guide, Inc.</i></p>
<p>Phillip R. Zuber, Esquire 5407 Water Street, Suite 101 Upper Marlboro, MD 20772 (301) 627-5500 (301) 627-4156 Fax pzuber@scblawyers.com</p> <p><i>Attorney for Defendant Brian Platt, d/b/a BTP Arms</i></p>	<p>Bruce A. Montoya, Esq., Bar No. 14233 Messner Reeves LLP 1430 Wynkoop Street, Suite 300 Denver, Colorado 80202 303-623-1800 bmontoya@messner.com</p> <p><i>Attorney for Defendant Brian Platt, d/b/a BTP Arms</i></p>

And by U.S. Mail upon:

Defendant Gold Strike E Commerce LLC
d/b/a/ BULLETPROOFBODYARMORHQ.COM
Christopher E. Russell, Agent for Service
1546 West Vine Ave.
Mesa, AZ 85202

s/ Rebecca A. Golz