

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

Civil Action No. 14-cv-2822

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

Plaintiffs,

v.

LUCKY GUNNER, 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.

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**DEFENDANT LUCKYGUNNER'S MOTION TO  
PERMIT BRIEF OF TWENTY-FOUR PAGES**

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Defendant, LuckyGunner, LLC ("LG"), by its undersigned attorneys, moves the Court to enter an order permitting LG to file a brief of twenty-four (24) pages in support of its Rule 12 motion to dismiss. In support, LG states as follows:

1. On October 16, 2014, LG, with consent of all Defendants, removed this case from the Arapahoe County District Court for the State of Colorado to the United States District Court for the District of Colorado. LG simultaneously filed, *inter alia*, its Rule 12(b)(6) motion to dismiss Plaintiffs' Amended Complaint and supporting memorandum which totaled twenty-four pages [ECF 3]. At the time of removal and filing of the motion to dismiss, the case had not yet received an assignment of a judge.

2. There is no District of Colorado Local Rule governing page limitation for briefs in support of dispositive motions. While each District Judge has its own requirements for briefing, the motion to dismiss was filed before assignment. Some District Judges limit opening briefs to, for example, fifteen (15) pages.

3. This case involves important and complex questions of, *inter alia*, Colorado and federal statutory immunities afforded to sellers of ammunition, the application of Colorado tort law, and a request for injunctive relief. To assist the Court in its consideration and resolution of this case, LG believes a more extensive explanation of the many different laws at issue is necessary than the District Judge ultimately assigned the case may routinely permit by way of page limitation.

WHEREFORE, LuckyGunner, LLC, requests the Court enter an order permitting LG's opening brief in support of its Rule 12(b)(6) motion to dismiss of twenty-four (24) pages.

**DATED: October 16, 2014**

Respectfully submitted,

**LUCKYGUNNER, LLC**

By: /s/ Andrew A. Lothson  
One of Defendant LuckyGunner, LLC's  
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**Attorneys for Defendant, LuckyGunner, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 16<sup>th</sup> day of October, 2014, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

None

and hereby certify that I have mailed or served the document to the following non-CM/ECF participants in the manner (U.S. mail, hand delivery, etc.) indicated by the non-participants' names:

1. Jonathan E. Lowy (**via U.S. Mail**)  
Elizabeth Burke (**via U.S. Mail**)  
Kelly Sampson (**via U.S. Mail**)  
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2. Thomas W. Stoeber, Jr. (**via U.S. Mail**)  
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*/s/ Andrew A. Lothson*  
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Andrew A. Lothson