

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

STACEY HIGHTOWER,	)	
	)	C.A. No. 08-CV-11955-PBS
	)	
Plaintiff,	)	
	)	
v.	)	MEMORANDUM OF POINTS
	)	AND AUTHORITIES IN SUPPORT
CITY OF BOSTON, et al.,	)	OF CONSENT MOTION TO
	)	RE-OPEN CASE
Defendants.	)	
	)	

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF  
CONSENT MOTION TO RE-OPEN CASE**

Comes now the Plaintiff, Stacey Hightower, by and through undersigned counsel, and submits her Memorandum of Points and Authorities in support of her Consent Motion to re-open this case.

Dated: November 12, 2010

Respectfully submitted,

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By: /s/ Chester Darling  
Chester Darling

By: /s/Alan Gura  
Alan Gura

Attorney for Plaintiffs

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF  
CONSENT MOTION TO RE-OPEN CASE

ARGUMENT

As the Court may recall, Plaintiff Stacey Hightower asserts that Defendants violated her Second and Fourteenth Amendment rights to bear arms and due process by ordering her to turn in her handgun and revoking her Class A license to carry it.

A threshold legal issue in the case was whether Defendants, state actors, were legally bound to honor Second Amendment rights. That question was arguably open at the outset of this action. When the Supreme Court granted a writ of certiorari presenting this very question, Plaintiff moved, with Defendants' consent, to have the case held in abeyance pending the Supreme Court's resolution of that threshold issue. The motion was granted October 16, 2009, the Court ordering: "This case is administratively stayed. Plaintiff shall move to reopen after the Supreme Court Opinion."

On June 28, 2010, the Supreme Court held that states and their units of local government must uphold Second Amendment rights. *McDonald v. City of Chicago*, 130 S. Ct. 3020 (2010). The mandate in that case has now issued.

The parties have met and conferred, and agree the case should be re-opened pursuant to *McDonald* and this Court's order. The parties are conferring regarding a future schedule, and expect to advise the Court regarding the same soon.

Accordingly, Plaintiff respectfully submits that the administrative stay in this case should be lifted and the case re-opened. Defendant assents to this relief.

Dated: November 12, 2010

Respectfully submitted,

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By: /s/ Chester Darling  
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By: /s/ Alan Gura  
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Attorney for Plaintiffs

### CERTIFICATE OF SERVICE

I, Alan Gura, hereby certify that this document filed through the ECF system was served on all counsel of record.

Date: November 12, 2010

/s/ Alan Gura  
Alan Gura