

Robert M. Salyer (NV Bar # 6810)
 Wilson Barrows Salyer Jones
 442 Court Street
 Elko, Nevada 89801
 (775) 738-7271
 (775) 738-5041 (facsimile)
 salyer@wilsonbarrows.com

James M. Manley (*admitted pro hac vice*)
 Mountain States Legal Foundation
 2596 South Lewis Way
 Lakewood, Colorado 80227
 (303) 292-2021
 (303) 292-1980 (facsimile)
 jmanley@mountainstateslegal.com

Attorneys for Plaintiff

Catherine Cortez Masto
 Attorney General
 Kristen R. Geddes
 Deputy Attorney General (NV Bar # 9027)
 100 N. Carson Street
 Carson City, Nevada 89701-4717
 (775) 684-1231
 (775) 684-1103
 kgeddes@ag.nv.gov

Attorneys for Defendants

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA
 NORTHERN DIVISION**

AL BAKER,)	
)	
Plaintiff,)	No. 3:10-cv-00426-ECR-WGC
)	
v.)	
)	
LEO DROZDOFF, Acting Director of the Nevada Department of Conservation and Natural Resources, et al.,)	STIPULATION OF DISMISSAL WITHOUT PREJUDICE
)	
Defendants.)	ORDER GRANTING

Plaintiff Al Baker and Defendants Leo Drozdoff, Acting Director of the Nevada Department of Conservation and Natural Resources; David K. Morrow, Administrator of the Nevada State Parks; Steve Weaver, Deputy Director of the Nevada State Parks; Eric Johnson,

Nevada State Parks Fallon Region Regional Manager; and Andrew Bass, Park Supervisor I, Wild Horse State Recreation Area, by and through their undersigned attorneys, hereby stipulate that Plaintiff's claims against Defendants are dismissed without prejudice. The grounds for this Stipulation are as follows:

1. On August 26, 2010, Plaintiff filed an Amended Complaint seeking declaratory and injunctive relief for Defendants' alleged deprivation of Plaintiff's right to keep and bear arms guaranteed by the United States Constitution.

2. Plaintiff's Amended Complaint alleges, *inter alia*, that Defendants' maintenance and enforcement of Nevada Administrative Code § 407.105(1)(b)–(c) prohibits the possession and discharge of functional firearms for self-defense in Nevada State Parks in violation of Plaintiff's right to keep and bear arms guaranteed by the Second and Fourteenth Amendments.

3. Defendants filed an Answer to Plaintiff's Amended Complaint on September 10, 2010, denying these allegations.

4. On September 14, 2010, the parties stipulated to entry of a preliminary injunction and an order staying the proceedings in this case, to allow Defendants time to amend Nevada Administrative Code § 407.105.

5. On September 20, 2011, this Court entered an Order preliminarily enjoining Nevada Administrative Code § 407.105 until September 21, 2011, and staying the proceedings in this case until March 21, 2011.

6. On December 30, 2010, Defendants initiated the rulemaking process to revise the regulation.

7. On March 21, 2011, the parties stipulated to an extension of the preliminary injunction and an order staying the proceedings in this case in order to allow more time for the rulemaking process to continue.

8. On March 29, 2011, this Court entered an Order preliminarily enjoining Nevada Administrative Code § 407.105 and staying the proceedings in this case until September 30, 2011.

9. The rulemaking process was completed on October 26, 2011.

10. The changes to Nevada Administrative Code § 407.105 have addressed Defendants' alleged deprivation of the right to keep and bear arms guaranteed by the United States Constitution.

11. Accordingly, the parties agree that this action should be dismissed without prejudice.

12. Each party will bear its own costs and attorneys' fees.

13. This Stipulation is entered into in accordance with the provisions of Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

DATED this 22d day of February 2012.

Respectfully submitted:

/s/ James M. Manley
James M. Manley
Mountain States Legal Foundation

Robert M. Salyer
Wilson Barrows Salyer Jones

Attorneys for Plaintiff

/s/ Kristen R. Geddes
Kristen R. Geddes
Deputy Attorney General

Catherine Cortez Masto
Attorney General

Attorneys for Defendants

IT IS SO ORDERED.

February 24, 2012.


UNITED STATES DISTRICT JUDGE