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Assistant ATF Director Arthur Herbert,
 10 *in their official capacities (collectively, the United States)*

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15 *Attorney for Plaintiff S. Rowan Wilson*
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 18 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA
 19

20 S. ROWAN WILSON,
 21 Plaintiff,
 22 v.

23 ERIC HOLDER, Attorney General of the
 24 United States et al.,
 25 Defendants.

)
)
) Case No.: 2:11-CV-1679-GMN-(PAL)
)
) **JOINT STIPULATION REGARDING**
) **EXTENSION OF DISCOVERY**
) **SCHEDULE**
) **(First Request)**

1 In accordance with the Court's Order dated March 27, 2012, and Local Rules 6-1 and
2 26-4, the parties have conferred and hereby respectfully request that the discovery schedule
3 ordered by this Court be modified as set forth herein. In support, the parties stipulate as follows:

4 On September 21, 2011, Plaintiff S. Rowan Wilson brought this lawsuit challenging the
5 constitutionality of 18 U.S.C. §§ 922(d)(3) and (g)(3), 27 C.F.R. § 478.11, and the "Open Letter
6 to All Federal Firearms Licensees" issued by the Bureau of Alcohol, Tobacco, Firearms and
7 Explosives ("ATF"). On February 3, 2012, Defendants United States, ATF, and U.S. Attorney
8 General Eric Holder, Acting ATF Director B. Todd Jones, and Assistant ATF Director Arthur
9 Herbert in their official capacities filed a Motion to Dismiss, or in the Alternative, for Summary
10 Judgment. Plaintiff filed a Response and Cross-Motion for Summary Judgment on March 9,
11 2012, and Defendants filed their Reply on March 30, 2012. Defendants have requested a hearing
12 on the Motion and Cross-Motion, and Plaintiff has joined this request.

13 On March 27, 2012, the Court entered an order setting deadlines for discovery and
14 dispositive motions (the "Scheduling Order"). The parties conferred on April 4, 2012, to discuss
15 the Scheduling Order and the need for discovery in this matter, and filed a Joint Report
16 Regarding Rule 26(f) Conference on April 18, 2012 (Dkt. No. 23). As set forth in the Report,
17 the parties agreed that discovery would not be necessary or appropriate until the Court rules on
18 Defendants' Motion and Plaintiff's Cross-Motion. If, after ruling on the parties' motions,
19 discovery becomes necessary, the parties agreed to meet to discuss the parties' respective
20 obligations under Rule 26. The parties further agreed that the Scheduling Order did not require
21 any alterations at that time.

22 The Court has not yet ruled on the pending Motion and Cross-Motion. The parties
23 continue to agree that discovery in this case will not be necessary or appropriate until the Court
24 does so, as engaging in discovery prior to a ruling would impose potentially unnecessary costs
25 and burdens on both parties. The parties have therefore not engaged in any discovery to date.
26 The parties request that, for the remaining deadlines set forth in the Scheduling Order, the first of

1 the deadlines be postponed until forty-five days after the Court rules on the Motion and Cross-
2 Motion. The number of days to complete the subsequent deadlines would remain the same as in
3 the Order. Accordingly, the new dates would be set as follows:

- 4 a. Last date to complete discovery: **105 days after the ruling.**
5 b. Last date to file interim status report: **45 days after the ruling.**
6 c. Last date to disclose experts pursuant to Fed. R. Civ. P. 26(a)(2): **45 days after the**
7 **ruling.**
8 d. Last date to disclose rebuttal experts: **75 days after the ruling.**
9 e. Last date to file dispositive motions: **135 days after the ruling.**
10 f. Last date to file joint pretrial order: **165 days after the ruling.**
11 g. Last date to file a motion or stipulation to extend discovery: **85 days after the ruling.**

12 For these reasons, the parties request that the remaining discovery deadlines contained in
13 the Scheduling Order be modified as described herein.

14 Dated: May 31, 2012

Respectfully submitted,

15 STUART F. DELERY
16 Assistant Attorney General

17 DANIEL G. BOGDEN
18 United States Attorney

19 SANDRA M. SCHRAIBMAN
20 Assistant Director, Federal Programs Branch

21 /s/ John K. Theis
22 JOHN K. THEIS
23 Trial Attorney, U.S. Department of Justice

24 *Attorneys for Defendants the United States of*
25 *America, ATF, U.S. Attorney General Eric Holder,*
26 *Acting ATF Director B. Todd Jones, and*
27 *Assistant ATF Director Arthur Herbert,*
28 *in their official capacities (collectively, the United*
States)

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/s/ Charles C. Rainey
CHARLES C. RAINEY
Rainey Devine, Attorneys at Law

Attorney for Plaintiff

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: June 1, 2012

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PROOF OF SERVICE

I, John K. Theis, Trial Attorney with the United States Department of Justice, certify that the following individuals were served with the **JOINT STIPULATION REGARDING EXTENSION OF DISCOVERY SCHEDULE** on this date by the below identified method of service:

Electronic Case Filing:

Charles C. Rainey
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Attorney for Plaintiff

DATED this 31st day of May 2012.

/s/ John K. Theis
John K. Theis
Trial Attorney
United States Department of Justice