

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

Civil Action No. 22-cv-02680-NYW-TPO

ROCKY MOUNTAIN GUN OWNERS,
NATIONAL ASSOCIATION FOR GUN RIGHTS,
CHARLES BRADLEY WALKER,
BRYAN LAFONTE,
GORDON MADONNA, and
JAMES MICHAEL JONES,

Plaintiffs,

v.

THE TOWN OF SUPERIOR,
CITY OF LOUISVILLE, COLORADO,
CITY OF BOULDER, COLORADO, and
BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY,

Defendants.

PLAINTIFFS' REPLY IN SUPPORT OF MOTION TO STAY PROCEEDINGS

Plaintiffs move this Court to stay all current proceedings in light of the Supreme Court's recent certiorari grant in *Viramontes v. Cook County*. Defendants respond with a complaint about the length of time that they have been unable to enforce their unconstitutional laws and ordinances. Defendants also offer some amorphous "public interest" in not staying the case. They point to no real world incidents within their jurisdictions that would be improved by continuing the case, even in light of the Supreme Court's granting of certiorari in *Viramontes v. Cook County*. The Supreme Court granted certiorari on the question whether "the Second and Fourteenth Amendments guarantee the right to possess AR-15 platform and similar semiautomatic rifles." Pet. for Writ of

Cert. i, *Viramontes v. Cook Cnty.*, No. 25-238 (U.S. filed Aug. 27, 2025); see Orders List 3 (U.S. June 30, 2026) (granting certiorari).

That Question is the very one before this Court and the resolution of the *Viramontes* case will determine all or nearly all of the issues before this Court. Multiple courts have stayed similar cases in light of the *Viramontes* grant, including:

- *Miller v. Bonta* (9th Cir., 23-2979) where submission of the case was vacated pending *Viramontes* on 7/1/2026. The case was initially filed in 2019.
- *ANJRPC v. Attorney General New Jersey* (3rd Cir., Nos. 24-2415, 24-2450 & 24-2506). August 4, 2026.
- *Capen v. Campbell* (D. Mass., 1:22-cv-11431).
- *Bevis v. Naperville* (N.D. Illinois, 1:22-cv-4775).

Granting a stay at this time allows for guidance from the Supreme Court on the very issues that are before this Court. While substantial time and work has occurred in this case, pausing the proceedings will allow for the Court to make a decision that comports with the Supreme Court's upcoming guidance. The Supreme Court is deciding the issue. This Court need not risk making an erroneous decision one way or another when clear command is coming within the next ten months.

Additionally, the balance of the public interest favors keeping the current status quo. The current status allows citizens to be certain that their rights are not being violated while it is an open question before the Supreme Court if ordinances like the ones at issue here are Constitutional or not. Allowing the defendants to enforce their ordinances while the question is before the Supreme Court would undermine public confidence in the validity of the actions of their local governments.

In conclusion, we are mere months away from a definitive ruling from the Supreme Court on whether bans on the most popular modern sporting rifles in the country are consistent with the Second Amendment. Staying this matter until the Supreme Court rules is the most prudent course forward and would limit the potential waste of judicial resources, including any potential appeals should the Court issue an order on the pending motions for summary judgment.

RESPECTFULLY SUBMITTED, this 13th day of August, 2026.

/s/ D. Sean Nation
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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of August, 2026, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following email addresses:

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/s/ D. Sean Nation
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