

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS  
WICHITA DIVISION**

STATE OF KANSAS, ET AL.,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	
	§	
PAMELA BONDI IN HER OFFICIAL	§	Civil Action No. 6:24-cv-01086-TC-TJJ
CAPACITY AS ATTORNEY GENERAL	§	
OF THE UNITED STATES,	§	
ET AL., <sup>1</sup>	§	
	§	
<i>Defendants.</i>		

**DEFENDANTS’ OPPOSED MOTION FOR STAY**

Defendants respectfully request that the Court stay this case, including staying all deadlines on pending motions. Defendants further request that the Court rule on this Motion before March 3, 2025, the next deadline for a substantive filing under the current schedule in this case. *See* ECF No. 215. The parties have conferred and Plaintiffs oppose the requested relief.

In this case, Plaintiffs challenge the lawfulness of a 2024 rule promulgated by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), Final Rule, Definition of “Engaged in the Business” as a Dealer in Firearms, 89 Fed. Reg. 28,968 (Apr. 19, 2024) (“Rule”). The parties have fully briefed Defendants’ motion to dismiss Plaintiff’s complaint, which remains pending at this time. *See* ECF Nos. 170-71, 178, 181. On January 16, 2025, multiple potential intervenors moved to

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<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 25(d), Pamela Bondi, in her official capacity as Attorney General of the United States, is automatically substituted as a Defendant for former Attorney General Merrick Garland. Similarly, Marvin G. Richardson, in his official capacity as Acting Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives, is automatically substituted as a Defendant for former ATF Director Steven Dettelbach.

intervene, ECF No. 184, and Defendants' response to that motion is currently due by March 3, 2025. *See* ECF Nos. 207, 215.

Following a change in administration, President Trump issued an Executive Order on February 7, 2025, titled *Protecting Second Amendment Rights*.<sup>2</sup> Exec. Order No. 14206, 90 Fed. Reg. 9503 (Feb. 12, 2025). Among other things, the Order directs the Attorney General to “examine” various “actions of executive departments and agencies” to “assess any ongoing infringements of the Second Amendment rights of our citizens, and present a proposed plan of action to the President, through the Domestic Policy Advisor, to protect the Second Amendment rights of all Americans.” *Id.* § 2(a). And the Order specifically directs the Attorney General, as part of that process, to review all “[r]ules promulgated by the Department of Justice, by [ATF], from January 2021 through January 2025, pertaining to firearms and/or Federal firearms licensees.” *Id.* § 2(b)(ii).

In light of that development, Defendants respectfully request that the Court stay this case, including staying all deadlines on pending motions, and that the Court rule on this Motion before Defendants' March 3, 2025 response deadline. A district court “has broad discretion to stay proceedings as an incident to its power to control its own docket.” *Clinton v. Jones*, 520 U.S. 681, 706 (1997); *see Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) (“[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”). A stay here will conserve party and judicial resources and promote the efficient and orderly disposition of this case, including by ensuring that litigation is focused on enduring agency action and informed by the views of

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<sup>2</sup> *See also* President Donald J. Trump, *Presidential Actions: Protecting Second Amendment Rights* (Feb. 7, 2025), <https://www.whitehouse.gov/presidential-actions/2025/02/protecting-secondamendment-rights>.

current agency leadership. The government respectfully proposes to update the Court with status reports every 60 days.

For the foregoing reasons, the Court should grant this Motion, stay this case, and direct Defendants to file a status report within 60 days.

Dated: February 20, 2025

Respectfully submitted,

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/s/ Keri L. Berman

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 20, 2025, the foregoing document was served on all parties of record by operation of the Court's ECF system.

/s/ Keri L. Berman  
Keri L. Berman