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12 January 2023

Hon. Karen M. Williams
United States District Court
4th & Cooper Streets
Camden, New Jersey 08101
Submitted by CM/ECF

Re: *Siegel, et al. v. Platkin, et al.* (No. 1:22-cv-07463-KMW-AMD)

Dear Judge Williams:

I represent the Plaintiffs in *Koons v. Reynolds* (No. 1:22-cv-07464-RMP-EAP), and I write to address the State's motion to consolidate in light of Judge Bumb's opinion and order. At this juncture, there is no benefit to transferring *Koons* to another judge. To the contrary, doing so would likely result in the unnecessary expenditure of additional judicial resources, while at the same time delaying the ultimate resolution of the issue on which *Koons* and *Siegel* overlap (*i.e.* the newly enacted "sensitive place" restrictions in Chapter 131).

Judge Bumb's decision addresses all of the claims that the Plaintiffs in *Koons* have asserted. Furthermore, and as the decision itself references (p. 12), the State and local Defendants in *Koons* can appeal Judge Bumb's opinion and order immediately. *See also Hope v. Warden York Cnty. Prison*, 956 F.3d 156, 160-61 (3d Cir. 2020). Beyond this, the parties in *Koons* have agreed on dates for the submission of further preliminary injunction briefs (to wit, January 24 for the State's further opposition and January 31 for Plaintiffs' further reply). Thus, even if the *Koons* Defendants choose not to appeal the temporary restraining order, it appears that there will be an appealable preliminary (or permanent) injunction in the near future.

However, if the Court orders the transfer of *Koons*, then the near certain result will be both unnecessary delay and unnecessary consumption of judicial resources. First, if the Defendants thereafter choose to appeal, then they will presumably need to first move this Court to vacate the temporary restraining order that Judge Bumb has issued. *See* FRAP 8(a). That would require this Court to decide a motion it otherwise would not need to, and on issues that Judge Bumb is already up to speed on. Second, and as all parties agree, the claims in *Koons* are considerably narrower than those in *Siegel*. The *Koons* Plaintiffs challenge five specific changes that took place when Chapter 131 became law, which all relate to the places in which licensed individuals may carry handguns. The *Siegel* Plaintiffs challenge a much longer list of issues, several of which were in existence long before Chapter 131. This means that the *Koons* matter is susceptible to much more rapid adjudication—as the current posture of the matter bears out.

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What would behoove all of the parties in both cases, as well as the Court, is guidance from the Third Circuit. Aside from resolving the delimited issues in *Koons*, a decision from the Third Circuit would provide significant guidance for many of the claims that remain pending in *Siegel*. However, transferring *Koons* away from Judge Bumb would do nothing but delay that decision. Moreover, it appears that the only interest this would actually serve would be to allow the State a second bite at the apple, notwithstanding its previously stated desire to avoid inconsistent district court rulings. The State can have its second bite at the Third Circuit, and indeed, this is the approach that will best address the interest in avoiding inconsistency among the district courts.

Accordingly, we respectfully urge the Court not to transfer *Koons* to another judge, whatever else it may do in respect of the State's motion.

Respectfully submitted,

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David D. Jensen

cc: Hon. Renée Marie Bumb
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