



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

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*271 Cadman Plaza East  
Brooklyn, New York 11201*

February 2, 2023

**BY ECF**

Honorable Nina R. Morrison  
United States District Judge  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *United States of America v. Rare Breed Triggers, LLC, et al.*,  
No. 23-CV-369 (Morrison, J.) (Levy, M.J.)

Dear Judge Morrison:

In advance of this afternoon's status conference, the United States respectfully writes the Court to set forth its position regarding the proposed briefing schedule for the United States' motion for preliminary injunction.

In Defendants' Response to Order to Show Cause and Status Report, dated February 1, 2023, Defendants note that the parties "have agreed, in principle, to an extension of the existing TRO and further briefing schedule for the Government's request for a preliminary injunction." See Dkt. No. 15 at 1. Defendants requested that the Court "set a March 15, 2023[] deadline for Defendants to respond to the Government motion for a preliminary injunction (ECF No. 5), a March 27, 2023[] deadline for the Government to file a reply, and hold a hearing on the preliminary injunction on April 10, 2023, or as soon as this Court's schedule allows following briefing." Dkt. No. 15 at 2. Defendants add that they "will not object to an extension of this Court's existing TRO (ECF No. 11), consistent with this proposed schedule," and further, that "[t]he Government asks that expedited discovery, including depositions, be substantially completed before Defendants submit their opposition to the United States' motion." Dkt. No. 15 at 2.

As noted in Defendants' Response, the parties agree to the existing TRO staying in place until the Court decides the United States' motion for a preliminary injunction. The United States is also prepared to agree to Defendants' proposed briefing and hearing schedule provided that the United States be permitted to obtain expedited discovery from Defendants prior to March 15, 2023—the date Defendants propose to file their opposition to the United States' motion. While the United States will, of course, confer with Defendants regarding the scope of that discovery and will aim to avoid any unnecessary discovery litigation, the United States intends only to propound discovery that would be proportionate to the needs of its motion for preliminary injunction.

The United States thanks the Court for its consideration of this matter.

Respectfully submitted,

BREON PEACE  
United States Attorney

/s/

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Michael Blume  
Joseph Marutollo  
Paulina Stamatelos  
Assistant U.S. Attorneys  
(718) 254-6479 / 6288 / 6198  
[Michael.Blume@usdoj.gov](mailto:Michael.Blume@usdoj.gov)  
[Joseph.Marutollo@usdoj.gov](mailto:Joseph.Marutollo@usdoj.gov)  
[Pauline.Stamatelos@usdoj.gov](mailto:Pauline.Stamatelos@usdoj.gov)