

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

OCEAN STATE TACTICAL, LLC, :
d/b/a BIG BEAR HUNTING AND :
FISHING SUPPLY; JONATHAN :
HIRONS; JAMES ROBERT :
GRUNDY; JEFFREY GOYETTE; :
and MARY BRIMER :
Plaintiffs, :

v. :

C.A. NO. 1:22-cv-00246-JJM-PAS

STATE OF RHODE ISLAND, :
PETER F. NERONHA (official :
capacity), DARNELL S. WEAVER :
(official capacity) :
Defendants. :

JOINT MOTION TO STAY PROCEEDINGS PENDING RESOLUTION OF APPEAL

Pursuant to Federal Rule of Civil Procedure 7(b) and Federal Rule of Appellate Procedure 8(a)(1), Plaintiffs Ocean State Tactical, LLC, d/b/a Big Bear Hunting and Fishing Supply, Jonathan Hirons, James Robert Grundy, Jeffrey Goyette, and Mary Brimer, and Defendants State of Rhode Island, Colonel Darnell S. Weaver, and Peter F. Neronha, respectfully request that this Court stay proceedings on this action pending resolution of the appeal of the denial of the preliminary injunction at the U.S. Court of Appeals for the First Circuit. *See* ECF 41 (notice of appeal).

“‘[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.’” *Am. Sales Co., LLC v. Warner Chilcott Pub. Co.*, No. CIV.A. 13-347 S, 2013 WL 4016925, at *1 (D.R.I. Aug. 6, 2013) (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)); *see also Clinton v. Jones*, 520 U.S. 681, 706 (1997). Although *Landis* describes the

necessity to make out a clear case of hardship to establish need for a stay, that is only where the stay may “work damage to someone else.” *Landis*, 299 U.S. at 255. Here, that is not the case, as both parties recognize that the values of judicial economy would be well-served by a stay.

On December 14, 2022, this Court denied Plaintiff’s Motion for Preliminary Injunction, *see* ECF 37, and on January 13, 2023, Plaintiffs filed a Notice of Appeal. ECF 41. The Court’s denial of the preliminary injunction was one of the first decisions in the country to apply *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S. Ct. 2111 (2022), to legislation restricting possession and sale of large capacity magazines. If the parties and the Court await the First Circuit’s resolution of the pending appeal, they will benefit from increased clarity on open legal issues that may guide the path of appropriate discovery in further proceedings here.

Therefore, the parties request a stay of proceedings in this case, including discovery, pending appeal.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I filed the within via the ECF filing system and that a copy is available for viewing and downloading. I have also caused a copy to be sent via the ECF System to counsel of record on this 25th day of January, 2023.

/s/ Ellen Golde