CLOSED,PROSENEF

U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:23-cv-00369-NRM-RML

United States of America v. Rare Breed Triggers, LLC et al
Assigned to: Judge Nina R. Morrison
Referred to: Magistrate Judge Robert M. Levy
Cause: 28:1345 USA Plaintiff

Date Filed: 01/19/2023
Date Terminated: 05/20/2025
Jury Demand: None
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: U.S. Government Plaintiff

Plaintiff

United States of America represented by **David Allen Cooper**
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V.

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Interested Party

New York City

Interested Party

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Date Filed	#	Docket Text
01/19/2023	1	COMPLAINT against Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC, filed by United States of America. (Attachments: # 1 Civil Cover Sheet, # 2 Sealing Cover Sheet) (KD) (Entered: 01/19/2023)
01/19/2023	2	NOTICE of Appearance by Michael S. Blume on behalf of United States of America (notification declined or already on case) (KD) (Entered: 01/19/2023)
01/19/2023	3	NOTICE of Appearance by Joseph Anthony Marutollo on behalf of United States of America (notification declined or already on case) (KD) (Entered: 01/19/2023)
01/19/2023	4	NOTICE of Appearance by Paulina Stamatelos on behalf of United States of America (notification declined or already on case) (KD) (Entered: 01/19/2023)
01/19/2023	5	MOTION for Temporary Restraining Order *And Order to Show Cause* by United States of America. (Attachments: # 1 Proposed Order) (KD) (Entered: 01/19/2023)
01/19/2023	6	MOTION to Seal *Docket Temporarily* by United States of America. (Attachments: # 1 Proposed Order) (KD) (Entered: 01/19/2023)
01/19/2023	7	DECLARATION of Daniel Koneschusky by United States of America (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit I, # 7 Exhibit L, # 8 Exhibit N, # 9 Exhibit O, # 10 Exhibit P, # 11 Exhibit R, # 12 Exhibit S, # 13 Exhibit T, # 14 Certificate Rule 65)(Exhibits F, G,H,J,K,M,and Q are voluminous and filed in hard copy, Exhibits H and J are videos. (KD) (Entered: 01/19/2023)
01/19/2023	8	Summons Issued as to Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC. (KD) (Entered: 01/19/2023)
01/19/2023	9	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that ***if*** all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically **only if all** parties wish to consent. The form may also be accessed at the following link: http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf. **You may withhold your consent without adverse substantive consequences**. **Do NOT return or file the consent unless all parties have signed the consent.** (KD) (Entered: 01/19/2023)
01/20/2023	10	ORDER granting 6 Motion to Seal. Ordered by Judge Nina R. Morrison on 1/20/2023. (FV) (Entered: 01/20/2023)

01/23/2023		SCHEDULING ORDER: An ex parte hearing shall take place on January 24, 2023, at 2:30PM in Courtroom 6E North. Ordered by Judge Nina R. Morrison on 1/23/2023. (FV) (Entered: 01/23/2023)
01/25/2023	11	ORDER: Plaintiffs motion for a temporary restraining order and order to show cause 5 is granted. The parties shall comply with the procedures outlined in the attached order. A hearing shall take place by video, unless counsel for Defendants elect to appear in person, on February 2, 2023 at 2:30 p.m. EST before Judge Morrison. The parties will receive a video conference access link by email after counsel for Defendants enter an appearance. (FV) (Entered: 01/25/2023)
01/26/2023	12	First MOTION to Unseal Case *United States of America v. Rare Breed Triggers, LLC et al* by United States of America. (FV) (Entered: 01/26/2023)
01/26/2023		ORDER granting 12 Motion to Unseal Case. Ordered by Judge Nina R. Morrison on 1/26/2023. (FV) (Entered: 01/26/2023)
01/27/2023	13	SUMMONS Returned Executed by United States of America. Lawrence Demonico served on 1/26/2023, answer due 2/16/2023; Kevin Maxwell served on 1/26/2023, answer due 2/16/2023; Rare Breed Firearms, LLC served on 1/26/2023, answer due 2/16/2023; Rare Breed Triggers, LLC served on 1/26/2023, answer due 2/16/2023. (Marutollo, Joseph) (Entered: 01/27/2023)
01/27/2023	14	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on January 24, 2023, before Judge Nina R. Morrison. Court Reporter/Transcriber Linda A. Marino, Telephone number 718-613-2484. Email address: lindacsr@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 2/17/2023. Redacted Transcript Deadline set for 2/27/2023. Release of Transcript Restriction set for 4/27/2023. (Marino, Linda) (Entered: 01/27/2023)
01/28/2023		MINUTE ENTRY. An *ex parte* hearing was held before Judge Morrison on January 24, 2023 regarding Plaintiff's motion for a temporary restraining order. Joseph Marutollo and Michael Blume appeared on behalf on Plaintiff. Sworn testimony was heard from Daniel Koneschusky. The Court heard argument on Plaintiff's motion, specifically inquiring into whether and why Defendants' alleged conduct satisfies the requirements of 18 U.S.C. § 1345. The Court granted Plaintiff's motion and set a schedule. A full transcript of this *ex parte* hearing has been filed on the docket 14 . (Court Reporter Linda Marino.) (BC) (Entered: 01/28/2023)
02/01/2023	15	RESPONSE TO ORDER TO SHOW CAUSE by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Houghton, Jonathan) (Entered: 02/01/2023)
02/01/2023		ORDER. Defendants' unopposed motion 15 to convert tomorrow's preliminary injunction hearing to a status conference is granted. The Court will address the other matters in Defendants' response, including but not limited to the parties' proposed briefing schedules on the issues that remain in dispute, at the conference. Ordered by Judge Nina R. Morrison on 2/1/2023. (BC) (Entered: 02/01/2023)

02/02/2023	16	Letter *to Judge Morrison re: Defendants' Response to the Order to Show Cause* by United States of America (Stamatelos, Paulina) (Entered: 02/02/2023)
02/03/2023		MINUTE ENTRY and ORDER. A video status conference was held before Judge Morrison on February 2, 2023. Michael Blume, Joseph Marutollo, and Paulina Stamatelos appeared on behalf of Plaintiff. Caleb Kruckenberg and Steven Simpson appeared on behalf of Defendants. The Government consented to Mr. Kruckenberg and Mr. Simpson's appearance in advance of the filing of their written motions to appear in this Court *pro hac vice*. The Court addressed the parties proposed briefing schedule with respect to Plaintiff's motion for a preliminary injunction; Defendants' planned motion to dismiss for lack of personal jurisdiction; and the appropriate scope of discovery with respect to personal jurisdiction and other matters. The parties shall comply with the following procedure. Defendants shall file their motion to dismiss for lack of personal jurisdiction on or before February 16, 2023. Plaintiff shall file its response on or before February 23, 2023. Defendants shall file their reply, if any, on or before March 2, 2023. The parties are relieved of their obligation to comply with the Court's bundling practice outlined in Rule 5.2.3.1 of Judge Morrison's Individual Rules. Defendants indicated that if the Court were willing to first resolve the issue of jurisdiction before permitting discovery as to the merits, they would consent to Plaintiff's request to conduct limited discovery related to the issue of personal jurisdiction. Accordingly, Plaintiff shall serve its discovery requests on Defendants promptly, and if the parties cannot agree on the scope of discovery, Plaintiff may file a letter motion to compel directly with this Court. The Court denied, without prejudice, Plaintiff's request to conduct parallel discovery on issues related to the underlying motion for a preliminary injunction, but recognized that some of the discovery permitted as to jurisdiction may also include materials or information that relate to the merits, and urged Defendants to not unreasonably oppose or narrow its responses to such requests, so that the parties may timely conduct such discovery and facilitate the Court's prompt resolution of Defendants' motion to dismiss based on a complete record. If the Court concludes that it has personal jurisdiction over Defendants, a preliminary injunction hearing shall take place on April 26, 2023 at 10:30 a.m. EST in Courtroom 6E North of the Brooklyn Courthouse in the Eastern District of New York. On consent of the parties, the temporary restraining order currently in place is extended until and including April 30, 2023, unless the Court dismisses the case for lack of personal jurisdiction before that date or the temporary restraining order is rendered moot before that date as a result of the Court's decision on Plaintiff's motion for a preliminary injunction. The parties shall confer after briefing on Defendants' motion to dismiss is complete and propose a briefing schedule to the Court in advance of the preliminary injunction hearing. Ordered by Judge Nina R. Morrison on 2/2/2023. (Court Reporter Sophie Nolan.) (BC) (Entered: 02/03/2023)
02/09/2023	17	MOTION to Quash by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC. (Attachments: # 1 Exhibit, # 2 Proposed Order) (Houghton, Jonathan) (Entered: 02/09/2023)
02/09/2023		SCHEDULING ORDER. Plaintiff shall respond to Defendants' motion to quash 17 on or before February 13, 2023 at 2:00 p.m. EST. Oral argument on Defendants' motion

		shall take place before Judge Morrison on February 15, 2023 at 5:30 p.m. EST by video. The parties will receive a videoconference access link by email. Ordered by Judge Nina R. Morrison on 2/9/2023. (BC) (Entered: 02/09/2023)
02/10/2023	18	RESPONSE to Motion re 17 MOTION to Quash *Letter to Judge Morrison in response to Defendants' Motion to Quash* filed by United States of America. (Attachments: # 1 Exhibit) (Blume, Michael) (Entered: 02/10/2023)
02/11/2023		SCHEDULING ORDER. The conference previously scheduled for February 15, 2023 is adjourned. Oral argument on Defendants' 17 motion to quash shall take place before Judge Morrison on February 14, 2023 at 5:30 p.m. EST by video. The videoconference access link remains the same. Ordered by Judge Nina R. Morrison on 2/11/2023. (BC) (Entered: 02/11/2023)
02/13/2023	19	NOTICE of Appearance by Jonathan Morgan Houghton on behalf of All Defendants (notification declined or already on case) (Houghton, Jonathan) (Entered: 02/13/2023)
02/14/2023	20	MOTION to Appear Pro Hac Vice Filing fee $ 150, receipt number ANYEDC-16406930. by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC. (Attachments: # 1 Affidavit, # 2 Certificates of Good Standing) (Kruckenberg, Caleb) (Entered: 02/14/2023)
02/14/2023		ORDER granting 20 Motion for Leave to Appear Pro Hac Vice. The attorney shall register for ECF, registration is available online at www.pacer.gov. Once registered, the attorney shall file a notice of appearance and ensure that s/he receives electronic notification of activity in this case. Also, the attorney shall ensure the 150 admission fee be submitted to the Clerks Office via filing the event *Pro Hac Vice Filing Fee*. Ordered by Magistrate Judge Robert M. Levy on 2/14/2023. (JM) (Entered: 02/14/2023)
02/14/2023	21	NOTICE of Appearance by Caleb Kruckenberg on behalf of All Defendants (notification declined or already on case) (Kruckenberg, Caleb) (Entered: 02/14/2023)
02/15/2023		MINUTE ENTRY AND ORDER. Oral argument on Defendants' motion to quash 17 was held before Judge Morrison on February 14, 2023 by video. Michael Blume, Joseph Marutollo, and Paulina Stamatelos appeared on behalf of Plaintiff. Caleb Kruckenberg and Steven Simpson appeared on behalf of Defendants. The Court inquired into the scope of Plaintiff's subpoena to JP Morgan Chase as written and its relation to Defendants' anticipated motion to dismiss for lack of personal jurisdiction. Defendants conceded that information regarding wire transfers, if any, processed through the account named in the subpoena may provide evidence relevant to, and potentially dispositive of, the Court's inquiry into whether it has personal jurisdiction over Defendants. Defendants also represented to the Court that, if the Court ultimately concludes that it has personal jurisdiction over Rare Breed Triggers LLC, then the Court would also have personal jurisdiction over the individual defendants. In light of that representation, Plaintiff agreed that the portions of the subpoena related to the individual defendants' contacts with the bank, which would likely elicit information that bears only on the Court's jurisdiction over the individual defendants, are not necessary at this time. The Court also inquired into Plaintiff's request for records that may include the identifying information of Defendants' customers in light of Defendants' expressed privacy concerns. The parties informed the Court that the customers whose information it sought are likely wholesalers/dealers who resell Defendants' products, and their sales will be relevant to the Court's ultimate analysis of Defendants' contacts with the state of New York.

		For the reasons stated on the record, the Court granted Defendants' motion in part and denied it in part. In particular, the Court denied the motion as it relates to the production of bank records concerning all sales or other financial transactions, including but not limited to wire transfers, associated with this account. The information sought includes, but may not be limited to, Paragraph 1 of Page 3 of Appendix A of the subpoena (ECF No. 17 , Exhibit 1 at 9). The Court denied Defendants' motion to narrow the scope of the subpoena to exclude or redact the third party customers' names or other identifying information. However, JP Morgan Chase need not produce documents relating to its emails, faxes, or other communications with Defendants at this time. Plaintiff shall provide JP Morgan Chase with a copy of this order, and inform the Court if JP Morgan Chase needs any further clarification from this Court as to the scope of production. Ordered by Judge Nina Morrison on 2/14/2023. (FTR Log #6:05-7:05.) (BC) (Entered: 02/15/2023)
02/16/2023	22	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 2/14/2023, before Judge Nina R. Morrison. Court Reporter/Transcriber Abba Reporting. Email address: abbareporting@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 3/9/2023. Redacted Transcript Deadline set for 3/20/2023. Release of Transcript Restriction set for 5/17/2023. (AJ) (Entered: 02/16/2023)
02/16/2023	23	MOTION to Dismiss for Lack of Jurisdiction by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC. (Attachments: # 1 Declaration) (Kruckenberg, Caleb) (Entered: 02/16/2023)
02/23/2023	24	MEMORANDUM in Opposition re 23 MOTION to Dismiss for Lack of Jurisdiction filed by United States of America. (Marutollo, Joseph) (Entered: 02/23/2023)
02/23/2023	25	DECLARATION re 24 Memorandum in Opposition *Declaration of ATF Special Agent Dean Conigliaro* by United States of America (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D) (Marutollo, Joseph) (Entered: 02/23/2023)
02/23/2023	26	DECLARATION re 24 Memorandum in Opposition *Declaration of ATF Senior Forensic Auditor, Acting District Manager Central I Melissa Rodriguez* by United States of America (Attachments: # 1 Exhibit B, # 2 Exhibit C) (Marutollo, Joseph) (Entered: 02/23/2023)
02/23/2023	27	Consent MOTION for Leave to File Document - *Pursuant to Rule 1.2 of Judge Morrison's Individual Practice Rules, the United States respectfully requests the Courts permission to file an exhibit containing subpoenaed records from JPMorgan Chase under seal* by United States of America. (Attachments: # 1 Exhibit A) (Marutollo, Joseph) (Entered: 02/23/2023)
02/24/2023		ORDER granting 27 Motion for Leave to File; ORDER re 27 Consent MOTION for Leave to File Document - *Pursuant to Rule 1.2 of Judge Morrison's Individual Practice Rules, the United States respectfully requests the Courts permission to file an exhibit containing subpoenaed records from JPMorgan Chase u filed by United States of America Ordered by Judge Nina R. Morrison on 2/24/2023. (FV) (Entered:*

		02/24/2023)
02/24/2023	28	Letter *attaching, under seal, Exhibit A (JPMorgan Chase Records) to the Declaration of Melissa Rodriguez* by United States of America (Attachments: # 1 Exhibit A) (Marutollo, Joseph) (Entered: 02/24/2023)
03/02/2023	29	REPLY in Support re 23 MOTION to Dismiss for Lack of Jurisdiction filed by All Defendants. (Attachments: # 1 Declaration) (Kruckenberg, Caleb) (Entered: 03/02/2023)
03/07/2023	30	MOTION for Discovery - *the United States respectfully requests that the Court grant the United States' renewed motion to conduct expedited merits discovery on issues related to the United States' motion for preliminary injunction* by United States of America. (Marutollo, Joseph) (Entered: 03/07/2023)
03/07/2023		ORDER. A scheduling conference shall take place on March 8, 2023, at 2:00 p.m. EST by video. The parties will receive a video conference access link by email. During the conference, the Court will address (1) Defendants' request for an evidentiary hearing on their motion to dismiss for lack of personal jurisdiction, and (2) Plaintiff's motion for discovery, as well as how each of these matters may affect the timing of the preliminary injunction hearing currently scheduled for April 26, 2023, given that Defendants have consented to an extension of the temporary restraining order only until April 30, 2023. Ordered by Judge Nina R. Morrison on 3/7/2023. (BC) (Entered: 03/07/2023)
03/08/2023	31	RESPONSE to Motion re 30 MOTION for Discovery - *the United States respectfully requests that the Court grant the United States' renewed motion to conduct expedited merits discovery on issues related to the United States' motion for preliminary injunction* filed by All Defendants. (Houghton, Jonathan) (Entered: 03/08/2023)
03/09/2023	32	MOTION to Appear Pro Hac Vice Filing fee $ 150, receipt number ANYEDC-16485104. by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC. (Attachments: # 1 Affidavit) (Simpson, Steve) (Entered: 03/09/2023)
03/09/2023		MINUTE ENTRY and ORDER. A video status conference was held before Judge Morrison March 8, 2023. Michael Blume, Paulina Stamatelos, and Joseph Marutollo appeared on behalf of Plaintiff. Jon Houghton and Steve Simpson appeared on behalf of Defendants. The Court addressed the scope of a potential evidentiary hearing on Defendants' motion to dismiss for lack of personal jurisdiction. Prior to oral argument, the parties shall confer as to whether there are any material facts in dispute that either party believes should be resolved through the presentation of additional evidence at a hearing, rather than by affidavit and/or oral argument; if either party believes that the presentation of evidence is necessary to resolve such dispute(s), they shall inform the Court by joint letter on or before March 14, 2023. The Court also addressed the status of discovery. In light of Defendants' pending motion to dismiss for lack of personal jurisdiction, as well as Defendants' willingness to consent to an additional extension of the temporary restraining order, the Court denied Plaintiff's motion for merits discovery at this time. Oral argument on Defendants' motion to dismiss for lack of personal jurisdiction shall take place before Judge Morrison in Courtroom 6E North of the Brooklyn Courthouse on March 17, 2023 at 10:30 a.m. EST. The Court also discussed with the parties whether, in light of Plaintiff's motion for leave to conduct expedited discovery as to the merits and Defendants' still-pending

		motion to dismiss, the preliminary injunction hearing currently scheduled for April 26, 2023 should be moved to a date in late May 2023, in order to give the parties the necessary time to conduct discovery and adjudicate any disputes over the scope of discovery before the hearing after the motion to dismiss is resolved (if Defendants' motion is denied and the discovery motion is not therefore mooted). Defense counsel indicated that they had secured Defendants' consent to an extension of the TRO for that purpose, if necessary. Plaintiff requested the opportunity to further consider the matter, in light of its position that the preliminary injunction should be held as soon as practicable to promptly address what it contends is the ongoing harm to the public caused by Defendants' conduct. The Court agreed to defer any changes to the hearing schedule until after Plaintiff had the opportunity to confer and consider it further. Ordered by Judge Nina R. Morrison on 3/8/2023. (FTR Log #2:00-3:05.) (BC) Date modified on 3/10/2023 (FV). (Entered: 03/09/2023)
03/10/2023	33	TRANSCRIPT of Proceedings held on March 8, 2023, before Judge Morrison. Court Transcriber: Transcriptions Plus II, Inc.. Email address: RL.Transcriptions2@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 3/31/2023. Redacted Transcript Deadline set for 4/10/2023. Release of Transcript Restriction set for 6/8/2023. (RC) (Entered: 03/10/2023)
03/10/2023		ORDER granting 32 Motion for Leave to Appear Pro Hac Vice. The attorney shall register for ECF, registration is available online at www.pacer.gov. Once registered, the attorney shall file a notice of appearance and ensure that s/he receives electronic notification of activity in this case. Also, the attorney shall ensure the 150 admission fee be submitted to the Clerks Office via filing the event *Pro Hac Vice Filing Fee*. Ordered by Magistrate Judge Robert M. Levy on 3/10/2023. (JM) (Entered: 03/10/2023)
03/14/2023	34	NOTICE of Appearance by Steve Simpson on behalf of All Defendants (notification declined or already on case) (Simpson, Steve) (Entered: 03/14/2023)
03/14/2023	35	Letter *Joint Letter Responding to the March 9, 2023 Minute Entry and Order* by United States of America (Stamatelos, Paulina) (Entered: 03/14/2023)
03/17/2023	37	MINUTE ENTRY and ORDER. Oral argument was held before Judge Morrison on March 17, 2023. Michael Blume, Paulina Stamatelos, and Joseph Marutollo appeared on behalf of Plaintiff. Caleb Kruckenberg and Steve Simpson appeared on behalf of Defendants. The Court heard argument on Defendants' motion to dismiss for lack of personal jurisdiction and took the motion under advisement. With Defendants' consent, the temporary restraining order 11 is extended until and including June 30, 2023, unless the Court dismisses the case for lack of personal jurisdiction before that date or the temporary restraining order is rendered moot before that date as a result of the Court's decision on Plaintiff's motion for a preliminary injunction. In light of this extension, the preliminary injunction hearing currently scheduled for April 26, 2023 is adjourned. The preliminary injunction hearing shall take place on May 23, 2023 (and, if necessary, May 24, 2023) at 10:30 a.m. EST in Courtroom 6E North of the Brooklyn Courthouse. Ordered by Judge Nina R. Morrison on 3/17/2023. (Court Reporter Anthony Frisolone.) (BC) (Additional attachment(s) added on 3/23/2023: # 1 Exhibit, # 2 Exhibit) (FV). (Entered: 03/17/2023)

03/22/2023	36	ORDER TO SHOW CAUSE. As outlined in the attached order, the parties shall file letter briefs on or before March 29, 2023. Responses shall be filed on or before April 1, 2023. Ordered by Judge Nina R. Morrison on 3/22/2023. (BC) (Entered: 03/22/2023)
03/29/2023	38	RESPONSE TO ORDER TO SHOW CAUSE by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Kruckenberg, Caleb) (Entered: 03/29/2023)
03/29/2023	39	DECLARATION re 38 Response to Order to Show Cause by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Kruckenberg, Caleb) (Entered: 03/29/2023)
03/29/2023	40	Letter *to Judge Morrison re Order to Show Cause concerning Venue* by United States of America (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C) (Blume, Michael) (Entered: 03/29/2023)
03/29/2023	41	Letter *to the Honorable Nina R. Morrison Concerning Venue* by State of New York (Thompson, James) (Entered: 03/29/2023)
03/31/2023	42	RESPONSE TO ORDER TO SHOW CAUSE by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Attachments: # 1 Declaration) (Kruckenberg, Caleb) (Entered: 03/31/2023)
04/01/2023	43	Letter *to Judge Morrison re: Order to Show Cause regarding Venue* by United States of America (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C) (Blume, Michael) (Entered: 04/01/2023)
04/02/2023		SCHEDULING ORDER. A video status conference shall take place before Judge Morrison on April 4, 2023 at 12:00 p.m. EST. The parties will receive a videoconference access link by email. Ordered by Judge Nina R. Morrison on 4/2/2023. (BC) (Entered: 04/02/2023)
04/04/2023	44	NOTICE by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC re 23 MOTION to Dismiss for Lack of Jurisdiction (Kruckenberg, Caleb) (Entered: 04/04/2023)
04/04/2023		MINUTE ENTRY and ORDER. A video status conference was held before Judge Morrison on April 4, 2023. Michael Blume, Joseph Marutollo, and Paulina Stamatelos appeared on behalf of Plaintiff. Caleb Kruckenberg and Steve Simpson appeared on behalf of Defendants. The Court inquired into Defendants' request for an evidentiary hearing in light of Plaintiff's recent submissions bearing on Defendants' motion to dismiss for lack of personal jurisdiction. The Court directed Defendants to file a letter on or before April 5, 2023 at 6:00 p.m. EST informing the Court whether they wish to withdraw their motion to dismiss for lack personal jurisdiction and instead ask the Court to consider only whether this action should be transferred to a new forum. Since issuing that directive, Defendants have so filed 44 . Defendants' motion to dismiss for lack of personal jurisdiction 23 is therefore dismissed without prejudice. The Court shall construe Defendants' responses to the Court's Order to Show Cause 36 as a motion to transfer venue to the Western District of Texas, and Plaintiff's letter briefs its response to Defendants' motion. That motion remains pending. In the meantime, the parties shall proceed to merits discovery. Motions related to discovery may be addressed to Judge Morrison in the first instance. Ordered by Judge Nina R. Morrison on 4/4/2023. (FTR Log #12:02-12:20.) (BC) (Entered: 04/04/2023)

04/05/2023	45	TRANSCRIPT of Proceedings held on April 4, 2023, before Judge Morrison. Court Reporter/Transcriber Transcriptions Plus II, Inc. Email address: RL.Transcriptions2@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 4/26/2023. Redacted Transcript Deadline set for 5/8/2023. Release of Transcript Restriction set for 7/4/2023. (LH) (Entered: 04/05/2023)
04/06/2023	46	Letter *In Support of the United States* by New York City (Proshansky, Eric) (Entered: 04/06/2023)
04/12/2023	47	Proposed Scheduling Order *(Joint)* by United States of America (Attachments: # 1 Proposed Order Confidentiality and Protective Order) (Stamatelos, Paulina) (Entered: 04/12/2023)
04/16/2023		SCHEDULING ORDER. The preliminary injunction hearing currently scheduled for May 23 and May 24, 2023 is adjourned. A preliminary injunction hearing shall instead take place before Judge Morrison on May 31, 2023 (and June 1, 2023, if necessary) at 10:30 AM EST in Courtroom 6E North of the Brooklyn Courthouse. Ordered by Judge Nina R. Morrison on 4/16/2023. (BC) (Entered: 04/16/2023)
04/18/2023	48	MEMORANDUM & ORDER. For the reasons outlined in the attached memorandum, Defendants' motion to transfer this action to the Western District of Texas is denied. Ordered by Judge Nina R. Morrison on 4/18/2023. (BC) (Entered: 04/18/2023)
04/20/2023		ORDER. The parties' jointly proposed scheduling order and stipulation 47 is So Ordered. Ordered by Judge Nina R. Morrison on 4/20/2023. (BC) (Entered: 04/20/2023)
04/24/2023	49	MOTION to Continue by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC. (Kruckenberg, Caleb) (Entered: 04/24/2023)
04/26/2023		ORDER. The preliminary injunction hearing currently scheduled for May 31, 2023 is adjourned. A preliminary injunction hearing shall instead take place on June 26, 2023 (and June 27, 2023, if necessary) at 10:30 a.m. EST in Courtroom 6E North of the Brooklyn Courthouse. With Defendants' consent, the temporary restraining order 11 is extended until and including July 26, 2023, unless it is rendered moot before that date as a result of the Court's decision on Plaintiff's motion for a preliminary injunction. The parties' scheduling order 47 remains in effect, but the parties may jointly move to amend if they wish, provided that the last of their submissions are filed on or before June 5, 2023. A final pre-hearing conference shall take place by video on June 16, 2023 at 4:00 p.m. EST. The parties will receive a videoconference access link by email. Ordered by Judge Nina R. Morrison on 4/26/2023. (BC) (Entered: 04/26/2023)
04/28/2023	50	REPLY in Opposition *to the United States' Motion for a Preliminary Injunction* filed by All Defendants. (Kruckenberg, Caleb) (Entered: 04/28/2023)
05/01/2023	51	MOTION to Withdraw as Attorney by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC. (Attachments: # 1 Affidavit, # 2 Affidavit, # 3 Affidavit) (Kruckenberg, Caleb) (Entered: 05/01/2023)

05/02/2023		SCHEDULING ORDER. Plaintiff's request to respond to defense counsel's motion, ECF No. 51 at 2, is granted. Plaintiff shall so file on or before May 3, 2023 at 12:00 PM EST. A video status conference regarding defense counsel's motion shall take place on May 4, 2023 at 2:00 PM EST. The parties will receive a videoconference access link by email. Ordered by Judge Nina R. Morrison on 5/2/2023. (BC) (Entered: 05/02/2023)
05/02/2023	52	RESPONSE to Motion re 51 MOTION to Withdraw as Attorney filed by United States of America. (Marutollo, Joseph) (Entered: 05/02/2023)
05/02/2023		ORDER. In light of defense counsel's pending motion to withdraw 51 and the Government's response 53 , Defendants are temporarily relieved of their obligation to serve their outstanding discovery responses due on May 3, 2023. The Court will address this and other outstanding deadlines upon the resolution of defense counsel's motion. Ordered by Judge Nina R. Morrison on 5/2/2023. (BC) (Entered: 05/02/2023)
05/04/2023		MINUTE ENTRY and ORDER. An *ex parte* video conference regarding defense counsel's 51 motion to withdraw was held before Judge Morrison on May 4, 2023. Counsel for Defendants Caleb Kruckenberg appeared on behalf of the Pacific Legal Foundation. Defendants Kevin Maxwell and Lawrence DeMonico appeared. Proceedings were closed to the public. The Court addressed defense counsel's pending motion to withdraw and obtained additional information about the nature of counsel's asserted conflict as indicated in the motion. Defendants confirmed that they have no objection to counsel's withdrawal. The Court granted defense counsel's motion to withdraw. Ordered by Judge Nina R. Morrison on 5/4/2023. (BC) (Entered: 05/04/2023)
05/04/2023		MINUTE ENTRY and ORDER. A video status conference was held before Judge Morrison on May 4, 2023. Michael Blume, Joseph Marutollo, and Paulina Stamatelos appeared on behalf of Plaintiff. Defendants Kevin Maxwell and Lawrence DeMonico appeared *pro se*. To accommodate Defendants' search for new counsel, the Court adjourned the preliminary injunction hearing, currently scheduled for June 26, 2023 and June 27, 2023. A preliminary injunction hearing shall instead take place on July 18, 2023 (and July 19, 2023, if necessary) at 10:00 AM in Courtroom 6E North of the Brooklyn Courthouse. With Defendants' consent, the temporary restraining order 11 is extended until and including August 31, 2023, unless it is rendered moot before that date as a result of the Court's decision on Plaintiff's motion for a preliminary injunction. The Court addressed the status of discovery. On or before May 5, 2023, Plaintiff shall file a letter informing the Court whether it is feasible for an independent office or individual(s) within the Department of Justice to receive materials produced through third-party discovery but refrain from producing them to the Government's lawyers in this case until further Order of the Court, so that Defendants can preserve potential discovery objections for when they retain new counsel, but third-party discovery will not be unduly delayed. The parties may also serve their respective expert disclosure materials on each other on or before May 5, 2023, and Plaintiff may submit its requested redactions in those disclosures to the Court. To the extent that Defendants' expert reports are not complete, they may instead provide Plaintiff with the names and contact information of all experts they intend to call or are reasonably likely to call. The parties' discovery obligations are otherwise suspended until Defendants retain new counsel. In compliance with the parties' scheduling order 47 , Plaintiff shall file a reply to Defendants' opposition motion 50 on or before May 8, 2023. All other deadlines in

		the scheduling order are suspended. The pre-hearing conference currently scheduled for June 16, 2023 is also adjourned. Defense counsel shall submit a notice of appearance as soon as they are retained, and the parties shall promptly confer at that time regarding a new schedule for discovery and pre-hearing submissions. A video status conference shall take place on May 26, 2023 at 10:30 AM EST. The parties will receive a videoconference access link by email. Ordered by Judge Nina R. Morrison, 5/3/2023. (FTR Log #2:25-2:55.) (BC) (Entered: 05/04/2023)
05/05/2023	53	TRANSCRIPT of Proceedings held on May 4, 2023, before Judge Morrison. Court Transcriber: Transcriptions Plus II, Inc.. Email address: RL.Transcriptions2@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 5/26/2023. Redacted Transcript Deadline set for 6/5/2023. Release of Transcript Restriction set for 8/3/2023. (RC) (Entered: 05/05/2023)
05/05/2023	54	Letter *pursuant to the Court's May 4, 2023 Order regarding the receipt of materials produced through third-party discovery* by United States of America (Marutollo, Joseph) (Entered: 05/05/2023)
05/07/2023		ORDER. In light of the Government's letter 54 , all third-party discovery shall be produced to Assistant United States Attorney Philip DePaul. The Court concludes that this arrangement is less likely to lead to inadvertent production to counsel for the Government in this action than directing third-party discovery to be produced to another United States Attorney's Office. The Government shall immediately contact those parties already served with subpoenas with this order and provide those parties with the information necessary to produce discovery to Mr. DePaul. The Government attorneys and staff assigned to this case shall not have access to any aspect of these third-party production(s) until further order of the Court. Ordered by Judge Nina R. Morrison on 5/7/2023. (BC) (Entered: 05/07/2023)
05/08/2023	55	Pro Se Consent to Electronic Notification by Kevin Maxwell. (GA) (Entered: 05/08/2023)
05/08/2023		Email Notification Test - DO NOT REPLY (GA) (Entered: 05/08/2023)
05/08/2023	56	REPLY in Support re 50 Reply in Opposition *re United States' Motion for a Preliminary Injunction* filed by United States of America. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D) (Blume, Michael) (Entered: 05/08/2023)
05/24/2023	57	NOTICE of Appearance by Josiah Contarino on behalf of All Defendants (aty to be noticed) (Contarino, Josiah) (Entered: 05/24/2023)
05/26/2023		MINUTE ENTRY and ORDER. A video status conference was held before Judge Morrison on May 26, 2023. Michael Blume, Paulina Stamatelos, and Joseph Marutollo appeared on behalf of the Government. Josiah Contarino appeared on behalf of Defendants. In light of Defendants' recent change in counsel, the preliminary injunction hearing currently scheduled for July 18, 2023 is adjourned. A preliminary injunction hearing shall instead take place on August 1, 2023 (and August 2, 2023, if

		necessary) at 10:00 AM in Courtroom 6E North of the Brooklyn Courthouse. Summations and oral argument shall take place on August 15, 2023 at 11:00 AM in the same location. The Court granted Defendants leave to file a sur-reply on the Government's motion for a preliminary injunction. The parties shall confer and propose to the Court an updated briefing and discovery schedule, within the parameters the Court outlined during today's conference, on or before June 1, 2023. Ordered by Judge Nina R. Morrison on May 26, 2023. (BC) (Entered: 05/26/2023)
05/30/2023	58	MOTION to Appear Pro Hac Vice Filing fee $ 150, receipt number ANYEDC-16746048 by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC. (Attachments: # 1 Affidavit, # 2 Exhibit Certificates of Good Standing) (Warrington, David) (Entered: 05/30/2023)
05/31/2023	59	TRANSCRIPT of Proceedings held on May 26, 2023, before Judge Morrison. Court Reporter/Transcriber Transcriptions Plus II, Inc. Email address: RL.Transcriptions2@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 6/21/2023. Redacted Transcript Deadline set for 7/3/2023. Release of Transcript Restriction set for 8/29/2023. (LH) (Entered: 05/31/2023)
05/31/2023		ORDER granting 58 Motion for Leave to Appear Pro Hac Vice. The attorney shall register for ECF, registration is available online at www.pacer.gov. Once registered, the attorney shall file a notice of appearance and ensure that s/he receives electronic notification of activity in this case. Also, the attorney shall ensure the 150 admission fee be submitted to the Clerks Office via filing the event *Pro Hac Vice Filing Fee*. Ordered by Magistrate Judge Robert M. Levy on 5/31/2023. (AM) (Entered: 05/31/2023)
05/31/2023	60	Proposed Scheduling Order *(Joint) - for the Court's Endorsement* by United States of America (Marutollo, Joseph) (Entered: 05/31/2023)
06/01/2023		ORDER. The parties' proposed schedule 60 is adopted with one modification. Any motion *in limine* regarding expert testimony must be filed on or before July 10, 2023. Responses to such motions shall be filed on or before July 17, 2023. Ordered by Judge Nina R. Morrison on 6/1/2023. (BC) (Entered: 06/01/2023)
06/05/2023	61	NOTICE of Appearance by David Warrington on behalf of Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (notification declined or already on case) (Warrington, David) (Entered: 06/05/2023)
06/09/2023	62	MOTION for Protective Order *(Modification of Existing Protective Order, ECF # 47-1)* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC. (Attachments: # 1 Exhibit Exhibit A, # 2 Exhibit Exhibit B, # 3 Exhibit Exhibit C) (Contarino, Josiah) (Entered: 06/09/2023)
06/09/2023	63	MOTION to Quash *Subpoena* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC. (Attachments: # 1 Exhibit Exhibit A) (Contarino, Josiah) (Entered: 06/09/2023)
06/09/2023	64	Letter *respectfully requesting that the Court permit the United States to respond to Defendants' motion (Dkt. No. 62) by June 16, 2023* by United States of America (Marutollo, Joseph) (Entered: 06/09/2023)

06/10/2023		ORDER granting Plaintiff's motion 64 for leave to file a response. Plaintiff shall so file on or before June 16, 2023. Ordered by Judge Nina R. Morrison on 6/10/2023. (BC) (Entered: 06/10/2023)
06/14/2023	65	Consent MOTION for Leave to File Excess Pages *for Plaintiff's response to Defendants' June 9, 2023 letter-motion to modify the protective order (Dkt. No. 62)*. by United States of America. (Stamatelos, Paulina) (Entered: 06/14/2023)
06/14/2023		ORDER granting Plaintiff's 65 Motion for Leave to File Excess Pages. Ordered by Judge Nina R. Morrison on 6/14/2023. (BC) (Entered: 06/14/2023)
06/16/2023	66	RESPONSE in Opposition re 62 MOTION for Protective Order *(Modification of Existing Protective Order, ECF # 47-1)* filed by United States of America. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J) (Stamatelos, Paulina) (Entered: 06/16/2023)
06/16/2023	67	Consent MOTION to Vacate *May 7 2023 Court Order, In Part* by United States of America. (Stamatelos, Paulina) (Entered: 06/16/2023)
06/16/2023	68	RESPONSE in Opposition re 63 MOTION to Quash *Subpoena* filed by United States of America. (Attachments: # 1 Exhibit A) (Stamatelos, Paulina) (Entered: 06/16/2023)
06/16/2023		ORDER granting 67 Consent Motion to Vacate. Ordered by Judge Nina R. Morrison on 6/16/2023. (BC) (Entered: 06/16/2023)
06/16/2023	69	Letter *Respectfully Requesting Leave to File Reply* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Contarino, Josiah) (Entered: 06/16/2023)
06/16/2023	70	REPLY in Opposition re 56 Reply in Support, *Sur-Reply* filed by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC. (Attachments: # 1 Exhibit A - O'Kelly Declaration, # 2 Exhibit B - Video 1, # 3 Exhibit C - Video 2, # 4 Exhibit D - ATF FRT-15 Report 1, # 5 Exhibit E - ATF FRT-15 Report 2, # 6 Exhibit F - Luettke Rebuttal Report, # 7 Exhibit G - O'Kelly Rebuttal Report, # 8 Exhibit H - Vasquez Rebuttal Report, # 9 Exhibit I - DeMonico Declaration, # 10 Exhibit J - Warrant, # 11 Exhibit K - Maxwell Declaration) (Contarino, Josiah) (Entered: 06/16/2023)
06/19/2023		SCHEDULING ORDER. A video status conference regarding Defendants' pending motions 62 63 shall take place before Judge Morrison on June 23, 2023 at 11:00 AM. The parties will receive a videoconference access link by email. Ordered by Judge Nina R. Morrison on 6/19/2023. (BC) (Entered: 06/19/2023)
06/20/2023		ORDER. Defendants' request 69 for leave to file a reply to the Government's opposition motion to Defendants' motion for a protective order is granted. In addition, Defendants shall, in the same letter, specifically address the Government's request for a factual proffer from Defendants and/or a finding by the Court as to (1) the date upon which Defendants first contacted Rick Vasquez to serve as an expert witness, and (2) whether Defendants contacted Mr. Vasquez in anticipation of litigation. Defendants shall so file on or before June 22, 2023. Ordered by Judge Nina R. Morrison on 6/20/2023. (BC) (Entered: 06/20/2023)
06/22/2023	71	STATUS REPORT *regarding the current status of discovery in advance of the June 23, 2023 conference* by United States of America (Stamatelos, Paulina) (Entered:

		06/22/2023)
06/22/2023	72	REPLY in Support re 62 MOTION for Protective Order *(Modification of Existing Protective Order, ECF # 47-1)* filed by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC. (Attachments: # 1 Exhibit A - Maxwell Declaration) (Contarino, Josiah) (Entered: 06/22/2023)
06/22/2023	73	Letter *regarding Plaintiff's Discovery Status* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Attachments: # 1 Exhibit A - Deficiency Letter) (Contarino, Josiah) (Entered: 06/22/2023)
06/23/2023		MINUTE ENTRY and ORDER. A status conference was held before Judge Morrison regarding Defendants' outstanding discovery motions. Michael Blume and Paulina Stamatelos appeared on behalf of Plaintiff. Josiah Contarino and David Warrington appeared on behalf of Defendants. The Court heard argument on Defendants' motions. In light of the parties' agreement regarding expert witness Vasquez and the date on which he was engaged as a potential expert by Defendants, the Court dismissed Defendants' 63 motion to quash as moot, and AUSA DePaul may now provide the Government's trial team with all materials regarding Mr. Vasquez that are consistent with the parties' agreement. After questioning by the Court, the parties also reached agreement regarding the limited uses to which the Government will put certain information acquired from Chase Paymentech and UPS, prior to a ruling by the Court on the motion for a preliminary injunction, which Defendants agree would render moot its motion for a protective order. On or before June 27, 2023, the parties shall confer and file a stipulation regarding these aspects of the Chase Paymentech and UPS records to be so-ordered by the Court. Ordered by Judge Nina R. Morrison on 6/23/2023. (Court Reporter Rivka Teich.) (BC) (Entered: 06/23/2023)
06/26/2023	74	MOTION to Withdraw as Attorney by United States of America. (Attachments: # 1 Affidavit of Joseph Marutollo) (Marutollo, Joseph) (Entered: 06/26/2023)
06/27/2023		ORDER granting 74 Motion to Withdraw as Attorney. Attorney Joseph Anthony Marutollo terminated. Ordered by Magistrate Judge Robert M. Levy on 6/27/2023. (JM) (Entered: 06/27/2023)
06/27/2023	75	MOTION to Appear Pro Hac Vice Filing fee $ 150, receipt number ANYEDC-16836452 by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC. (Attachments: # 1 Affidavit, # 2 Exhibit Certifiates of Good Standing) (Columbo, Michael) (Entered: 06/27/2023)
06/27/2023	76	Letter *to Judge Morrison attaching proposed Stipulation and Order concerning UPS and Chase Paymentech information* by United States of America (Attachments: # 1 Proposed Order) (Blume, Michael) (Entered: 06/27/2023)
06/27/2023		ORDER. The parties' joint Stipulation and Order 76 is So Ordered. Ordered by Judge Nina R. Morrison on 6/27/2023. (BC) (Entered: 06/27/2023)
06/27/2023		ORDER granting 75 Motion for Leave to Appear Pro Hac Vice. The attorney shall register for ECF, registration is available online at www.pacer.gov. Once registered, the attorney shall file a notice of appearance and ensure that s/he receives electronic notification of activity in this case. Also, the attorney shall ensure the 150 admission fee be submitted to the Clerks Office via filing the event *Pro Hac Vice Filing Fee*. Ordered by Magistrate Judge Robert M. Levy on 6/27/2023. (JM) (Entered: 06/27/2023)

06/28/2023	77	NOTICE of Appearance by Michael A Columbo on behalf of Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (notification declined or already on case) (Columbo, Michael) (Entered: 06/28/2023)
07/05/2023	78	MOTION in Limine *concerning expert testimony* by United States of America. (Blume, Michael) (Entered: 07/05/2023)
07/10/2023	79	NOTICE of Appearance by David Allen Cooper on behalf of United States of America (aty to be noticed) (Cooper, David) (Entered: 07/10/2023)
07/10/2023	80	MOTION in Limine by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC. (Contarino, Josiah) (Entered: 07/10/2023)
07/13/2023	81	Consent MOTION for Leave to Electronically File Document under Seal by United States of America. (Attachments: # 1 Exhibit A, Letter, # 2 Exhibit B, Transcript) (Stamatelos, Paulina) (Entered: 07/13/2023)
07/13/2023		ORDER granting 81 Motion for Leave to Electronically File Document under Seal. Counsel is directed to file the relevant documents under seal as a separate entry. Instructions on filing sealed documents on ECF are located at www.nyed.uscourts.gov. Ordered by Judge Nina R. Morrison on 7/13/2023. (BC) (Entered: 07/13/2023)
07/13/2023	82	Letter *re: Wide Open Triggers* by United States of America (Attachments: # 1 Exhibit Deposition Transcript) (Stamatelos, Paulina) (Entered: 07/13/2023)
07/13/2023	83	STATUS REPORT *regarding discovery and the Court's Temporary Restraining Order.* by United States of America (Attachments: # 1 Exhibit A, Lawrence DeMonico Deposition Transcript (Selected Pages), # 2 Exhibit B, J. Pierson Deposition Transcript (Selected Pages), # 3 Exhibit C, Cole Leleux Deposition Transcript (Selected Pages)) (Stamatelos, Paulina) (Entered: 07/13/2023)
07/14/2023	84	Consent MOTION for Protective Order *to modify current motion* by United States of America. (Attachments: # 1 Proposed Order) (Blume, Michael) (Entered: 07/14/2023)
07/14/2023		ORDER granting 84 Motion for Protective Order. The parties proposed order is So Ordered. Ordered by Judge Nina R. Morrison on 7/14/2023. (BC) (Entered: 07/14/2023)
07/15/2023	85	Joint MOTION for Extension of Time to File *the parties' respective proposed witness and exhibit lists, remaining motions in limine, and oppositions to motions in limine (if any)* by United States of America. (Cooper, David) (Entered: 07/15/2023)
07/16/2023		ORDER. The parties extension request 85 is granted with a modification. Responses to motions in limine shall be filed no later than 12:00pm on July 27, 2023. Ordered by Judge Nina R. Morrison on 7/16/2023. (FV) (Entered: 07/16/2023)
07/17/2023	86	RESPONSE in Opposition re 80 MOTION in Limine *regarding mass shootings* filed by United States of America. (Blume, Michael) (Entered: 07/17/2023)
07/17/2023	87	MEMORANDUM in Opposition *to Plaintiff's Motion in Limine to Exclude Experts* filed by All Defendants. (Contarino, Josiah) (Entered: 07/17/2023)
07/19/2023		ORDER. Defendants' motion *in limine* 80 is DENIED. The Court is mindful that this is an anti-fraud action. However, the Court concludes that a categorical bar on references to "mass shootings," or similar language, during the preliminary injunction hearing would sweep too broadly--and indeed, may unduly limit Defendants' own case. For example, Defendants, in their reply brief in opposition to the motion for a

		preliminary injunction, argue that the "mass shooting in Las Vegas" provides important context for the ATF's issuance of 27 C.F.R. § 479.11. ECF No. 50 at 3. In addition, Defendants' assert that the FRT-15 has not been used in any of the "mass shootings" in 2021 cited by Plaintiff, ECF No. 70 at 16-17, to support their claim that Plaintiff has not shown irreparable harm from the continued sales of the FRT-15. Plaintiff, for its part, asserts that the possibility that an FRT-15 may be used in a mass shooting is relevant to its interests in this anti-fraud action and its asserted grounds for a preliminary injunction as well as the scope of any such injunction were the Court to grant its motion. ECF No. 86 at 3. A categorical prohibition on this kind of language is therefore inappropriate, particularly for a non-jury proceeding. The parties retain the right to dispute (or assert) the relevance of "mass shootings" or other forms of gun violence at oral argument on the motion and in their written submissions. Plaintiff's motion *in limine* 78 is DENIED. Defendants may present testimony from each expert witness at the preliminary injunction hearing, although they are advised to tailor the testimony to avoid duplicative or cumulative presentations; and as the hearing proceeds, the Court may *sua sponte* limit the expert testimony as a matter of efficiency under Rule 403, particularly in light of the parties' earlier representations as to the length of time required for the hearing. Defendants may also submit some or all of their experts' direct testimony to the Court by declaration in advance of the hearing if they so choose to ensure sufficient time for completing their direct and cross-examinations, although they need not do so. In addition, should a defense expert present a legal opinion on which Plaintiff believes the Court may not rely in its resolution of Plaintiff's preliminary injunction motion, Plaintiff may object to particular questions during the hearing or, with leave of the Court, file post-hearing briefing addressing the opinion's admissibility or relevancy. Ordered by Judge Nina R. Morrison on 7/19/2023. (BC) (Entered: 07/19/2023)
07/19/2023	88	STATUS REPORT *Responding to Plaintiff's July 13, 2023, Status Report* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Attachments: # 1 Exhibit Letter (June 2, 2023), # 2 Letter (June 20, 2023)) (Contarino, Josiah) (Entered: 07/19/2023)
07/20/2023	89	MOTION in Limine *United States Motion in limine to preclude Defendants from (1) raising irrelevant and prejudicial insinuations against the United States Expert Witness; and (2) introducing a declaration from an individual named Douglas Hill* by United States of America. (Stamatelos, Paulina) (Entered: 07/20/2023)
07/20/2023	90	Exhibit List by United States of America. (Cooper, David) (Entered: 07/20/2023)
07/20/2023	91	Witness List by United States of America (Cooper, David) (Entered: 07/20/2023)
07/20/2023	92	Second MOTION in Limine *to Exclude Expert Testimony* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC. (Attachments: # 1 A - Deposition Tr. Pages) (Contarino, Josiah) (Entered: 07/20/2023)
07/20/2023	93	Third MOTION in Limine *to Exclude Irrelavant Evidence and Testimony* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC. (Attachments: # 1 A - Deposition Tr. Pages) (Contarino, Josiah) (Entered: 07/20/2023)
07/20/2023	94	Fourth MOTION in Limine *to Exclude Improper Lay Opinion* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC. (Contarino, Josiah) (Entered: 07/20/2023)

07/20/2023	95	Exhibit List *of Defendants* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC. (Contarino, Josiah) (Entered: 07/20/2023)
07/21/2023	96	Witness List by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Contarino, Josiah) (Entered: 07/21/2023)
07/21/2023	97	Witness List by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Attachments: # 1 Letter to Court) (Contarino, Josiah) (Entered: 07/21/2023)
07/21/2023	98	Letter *to Judge Morrison regarding status of discovery* by United States of America (Blume, Michael) (Entered: 07/21/2023)
07/24/2023	99	Letter MOTION to Quash *a subpoena served on retired ATF official Earl Griffith under Federal Rule of Civil Procedure 45(d)(3)* by United States of America. (Cooper, David) (Entered: 07/24/2023)
07/24/2023	100	Letter MOTION for Protective Order *to prohibit Defendants from taking the deposition of a confidential source* by United States of America. (Cooper, David) (Entered: 07/24/2023)
07/24/2023	101	Letter *respectfully notifying the Court of its supplementation of the Exhibit List filed on July 20, 2023* by United States of America (Attachments: # 1 Exhibit List) (Cooper, David) (Entered: 07/24/2023)
07/24/2023		ORDER REFERRING MOTION. Plaintiff's 99 Motion to Quash and 100 Motion for Protective Order are referred to Magistrate Judge Robert M. Levy for decision. Ordered by Judge Nina R. Morrison on 7/24/2023. (BC) (Entered: 07/24/2023)
07/25/2023		SCHEDULING ORDER: A telephone conference is scheduled for **July 27, 2023 at 10:00 a.m.**, before the Hon. Robert M. Levy, USMJ. Parties are directed to call 888-684-8852 and use access code # 6223489. Ordered by Magistrate Judge Robert M. Levy on 7/25/2023. (JM) (Entered: 07/25/2023)
07/25/2023	102	MOTION to Appear Pro Hac Vice Filing fee $ 150, receipt number ANYEDC-16927118 by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC. (Attachments: # 1 Affidavit, # 2 Exhibit DC COGS, # 3 Exhibit FL COGS, # 4 Exhibit NE COGS) (Roth, Jacob) (Entered: 07/25/2023)
07/25/2023	103	Letter *respectfully notifying the Court of its supplementation of the Exhibit List filed on July 20, 2023* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Attachments: # 1 Exhibit List) (Contarino, Josiah) (Entered: 07/25/2023)
07/25/2023	104	Letter *submitting deposition designations* by United States of America (Attachments: # 1 Designations from the deposition of Lawrence DeMonico, # 2 Designations from the deposition of Cole Leleux, # 3 Designations from the deposition of Jennifer Pierson) (Cooper, David) (Entered: 07/25/2023)
07/25/2023	105	Letter *submitting declarations for witnesses* by United States of America (Attachments: # 1 Declaration of Melissa Rodriguez, # 2 Declaration of William Ryan, # 3 Declaration of James Hitchcock, # 4 Declaration of Jonathan A. Lee, # 5 Declaration of Jonathan Robinson) (Cooper, David). *Staff Note*: Pursuant to the order entered on 08/09/2023, attachment *105-4* has been substituted with attachment *117-1*. (Entered: 07/25/2023)

07/25/2023	106	Letter MOTION for Leave to File Document *in the form of a supplemented witness list* by United States of America. (Attachments: # 1 The United States' Supplemented Witness List) (Cooper, David) (Entered: 07/25/2023)
07/25/2023	107	Letter *submitting witness declarations* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Attachments: # 1 Declaration of William Akins, # 2 Declaration of Brian Blakley, # 3 Declaration of Douglas Hill, # 4 Declaration of James Judge, # 5 Declaration of Brian McCann) (Contarino, Josiah) (Entered: 07/25/2023)
07/25/2023	108	MOTION for Leave to Electronically File Document under Seal *Declarations with Information Subject to Protective Order or Sealed Document in Separate Action* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC. (Attachments: # 1 Declaration of Rick Vasquez, # 2 Declaration Jeffrey Cooper Rounds, # 3 Declaration Evan Jones) (Contarino, Josiah) (Entered: 07/25/2023)
07/25/2023	109	Letter *respectfully submitting deposition transcript designations* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Attachments: # 1 Deposition Transcript Designation for Jennifer Pierson) (Contarino, Josiah) (Entered: 07/25/2023)
07/26/2023		ORDER granting 102 Motion for Leave to Appear Pro Hac Vice. The attorney shall register for ECF, registration is available online at www.pacer.gov. Once registered, the attorney shall file a notice of appearance and ensure that s/he receives electronic notification of activity in this case. Also, the attorney shall ensure the 150 admission fee be submitted to the Clerks Office via filing the event *Pro Hac Vice Filing Fee*. Ordered by Magistrate Judge Robert M. Levy on 7/26/2023. (JM) (Entered: 07/26/2023)
07/26/2023	110	Letter *to Magistrate Judge Levy regarding motions (ECF Nos. 99, 100)* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Contarino, Josiah) Modified on 7/26/2023 (Levy, Robert). (Entered: 07/26/2023)
07/26/2023	111	MEMORANDUM in Support re 89 MOTION in Limine *United States Motion in limine to preclude Defendants from (1) raising irrelevant and prejudicial insinuations against the United States Expert Witness; and (2) introducing a declaration from an individual named Douglas Hill (Supplemental Memorandum)* filed by United States of America. (Stamatelos, Paulina) (Entered: 07/26/2023)
07/26/2023		ORDER granting 110 Motion to Adjourn Conference As the motions are now moot. Ordered by Magistrate Judge Robert M. Levy on 7/26/2023. (Levy, Robert) (Entered: 07/26/2023)
07/27/2023	112	RESPONSE in Opposition re 94 Fourth MOTION in Limine *to Exclude Improper Lay Opinion* filed by United States of America. (Attachments: # 1 Exhibit A, Declaration of William Ryan) (Stamatelos, Paulina) (Entered: 07/27/2023)
07/27/2023	113	RESPONSE in Opposition re 93 Third MOTION in Limine *to Exclude Irrelavant Evidence and Testimony*, 92 Second MOTION in Limine *to Exclude Expert Testimony* filed by United States of America. (Stamatelos, Paulina) (Entered: 07/27/2023)
07/27/2023	114	MEMORANDUM in Opposition re 89 MOTION in Limine *United States Motion in limine to preclude Defendants from (1) raising irrelevant and prejudicial insinuations against the United States Expert Witness; and (2) introducing a declaration from an*

		individual named Douglas Hill filed by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC. (Contarino, Josiah) (Entered: 07/27/2023)
07/27/2023		ORDER. In light of Defendants' letter 110 , Plaintiff's pending Motion to Quash 99 and Motion for Protective Order 100 are dismissed as moot. Ordered by Judge Nina R. Morrison on 7/27/2023. (BC) (Entered: 07/27/2023)
07/27/2023		ORDER granting Plaintiff's 106 Motion for Leave to File Supplemented Witness List. Ordered by Judge Nina R. Morrison on 7/27/2023. (BC) (Entered: 07/27/2023)
07/27/2023		ORDER granting Defendants' 108 Motion for Leave to Electronically File Document under Seal. Counsel is directed to file the document under seal as a separate entry. Instructions on filing sealed documents on ECF are located at www.nyed.uscourts.gov. Ordered by Judge Nina R. Morrison on 7/27/2023. (BC) (Entered: 07/27/2023)
07/30/2023		ORDER. Plaintiff's motion *in limine* 89 to preclude certain lines of cross-examination of witness Ciravolo is DENIED. Questions about Ciravolo's possible bias against Defendants, and about any potentially misleading or material omissions that Ciravolo wrote on his SF-86 application form, are proper grounds for impeachment, and Plaintiff may elicit additional information or other clarifications from Ciravolo on re-direct to the extent it believes such is necessary. The Court reserves decision on Plaintiff's motion to exclude the Hill declaration. Defendants may not introduce this declaration into evidence to support the inference that Ciravolo was untruthful on his SF-86 form, since under Fed. R. Evid. 608(b) a party may not prove a witness's prior act of untruthfulness through extrinsic evidence. *See Hynes v. Coughlin*, 79 F.3d 285, 293 (2d Cir. 1996). However, the Hill declaration may be admissible to support Defendants' contention that Ciravolo is biased against Defendants, if the proper foundation is first laid through cross-examination, and the other requirements of Fed. R. Evid. 403 are satisfied. *See United States v. Harvey*, 547 F.2d 720, 722-23 (2d Cir. 1976) (noting that bias may be proven through extrinsic evidence in appropriate circumstances). The Court will reconsider the admissibility of the Hill affidavit under Rule 403 after Ciravolo has testified. Defendants' motions *in limine* 92 93 to preclude (1) evidence about the FRT-15's rate of fire and exhibits that display the FRT-15's rate of fire, (2) prior non-public classifications that ATF made about other devices, and (3) testimony of the same from the Government's expert Ciravolo are all DENIED. First, even if the statutory definition of a "machine gun" under 26 U.S.C. § 5845(b) does not make reference to a device's rate of fire, the Court agrees with Plaintiff that the FRT-15's rate of fire is relevant to the question of whether Plaintiff will suffer irreparable harm in the absence of a preliminary injunction. Moreover, even if the FRT-15's rate of fire is not ultimately material to the Court's resolution of the motion for preliminary injunction, the Court concludes that the two videos identified by Defendants that depict, in part, the FRT-15's rate of fire are not substantially more prejudicial than they are probative--indeed, Defendants appear poised to introduce their own exhibits which demonstrate the rate of fire of the FRT-15 and other devices. Second, prior ATF classifications of other devices, even if non-public, do appear potentially relevant to the question of whether the FRT-15 is a machine gun. The Court also agrees with Plaintiff that these prior classifications may be relevant to Defendants' experts' credibility, insofar as these experts may have helped prepare those reports. To the extent these reports concerned devices that are different from the FRT-15, or were non-public, Defendants' objection

		goes to these exhibits' weight, rather than their admissibility. Third, for similar reasons as above, the Court concludes that Ciravolo may also, as a general matter, testify to the FRT-15's rate of fire and reference prior ATF classifications. Finally, in light of the fact that this hearing is being tried to the Court, rather than to the jury, the risk of unfair prejudice from this evidence is low, as both parties remain free at oral argument to argue or dispute the relevance and appropriate weight to be given to all evidence introduced during the preliminary injunction hearing. Defendants' motion *in limine* 94 to exclude Plaintiff's declaration of William Ryan is DENIED. The Court agrees with Defendants that certain information set forth in Ryan's declaration may fairly be viewed as expert testimony rather than lay opinion testimony. *See Didzbalis v. Sheridan Transp. Co.*, 00-cv-4329, 2002 WL 31619071, at *1 (S.D.N.Y. Nov. 19, 2002) ("Generally, expert testimony is necessary for the introduction of custom and practice evidence.") (collecting cases). The Court therefore recognizes that, had Plaintiff identified Ryan as an expert, Defendants may have sought leave to depose him, and they may have suffered some prejudice from their inability to do so. However, in light of the expedited timeline of these proceedings and pre-hearing motion practice, and the fact that Plaintiff had a good-faith basis to believe that Ryan's declaration may not qualify as expert testimony, the Court is disinclined to impose the drastic remedy of preclusion for Plaintiff's failure to so identify Ryan. Therefore, if Plaintiff does introduce Ryan's declaration as evidence during the preliminary injunction hearing, the Court will give Defendants leave to depose Ryan after the hearing but before oral argument, and submit to the Court any portions of that deposition which Defendants believe to be relevant on or before August 14, 2023 at 11:00 AM. Ordered by Judge Nina R. Morrison on 7/30/2023. (BC) (Entered: 07/30/2023)
07/31/2023	115	NOTICE of Appearance by Jacob Roth on behalf of Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (notification declined or already on case) (Roth, Jacob) (Entered: 07/31/2023)
07/31/2023		ORDER. Upon consideration of the parties' objections, the following exhibits are admitted: Plaintiff's Exs. 63, 121, and 123; Defendants' Exs. N, U1, V1, I2. The following exhibits are conditionally admitted pending authentication at the hearing: Defendants' Exs. Q2, A3. The Court reserves decision on the following exhibits until such time as they are offered at the hearing, at which point the Court may have further questions for the parties: Plaintiff's Ex. 65; Defendants' Exs. M1, N1, O1, P1, F2, J2, K2, D3, F3, G3, H3. Ordered by Judge Nina R. Morrison on 7/31/2023. (BC) (Entered: 07/31/2023)
07/31/2023	116	Letter *respectfully supplementing the United States' Exhibit List, Witness List, and Deposition Transcript Designations* by United States of America (Attachments: # 1 Exhibit List, # 2 Witness List, # 3 Deposition Transcript Designations) (Cooper, David) (Entered: 07/31/2023)
08/01/2023		MINUTE ENTRY. A preliminary injunction hearing was held before Judge Morrison on August 1, 2023. Michael Blume, Paulina Stamatelos, and David Cooper appeared on behalf of Plaintiff. David Warrington, Jacob Roth, and Michael Columbo appeared on behalf of Defendants. The parties presented opening statements. Sworn testimony was heard from Anthony Ciravolo, Craig Saier, and Daniel O'Kelly. The hearing will continue on August 2, 2023. (Court Reporter Jamie Stanton.) (BC) (Entered:

		08/01/2023)
08/02/2023		MINUTE ENTRY and ORDER. A preliminary injunction hearing was held before Judge Morrison on August 2, 2023. Michael Blume, Paulina Stamatelos, and David Cooper appeared on behalf of Plaintiff. David Warrington, Jacob Roth, and Michael Columbo appeared on behalf of Defendants. Sworn testimony was heard from Daniel O'Kelly, Brian Luettke, Lawrence DeMonico, Cole Leleux, and Kevin Maxwell. The parties shall submit proposed findings of fact by 12:00 PM on August 13, 2023. On or before August 9, 2023, the parties shall submit a joint letter informing the Court whether there remain any disputes as to exhibits on which the Court previously reserved decision. Ordered by Judge Nina R. Morrison on 8/2/2023. (Court Reporter Rivka Teich.) (BC) (Entered: 08/02/2023)
08/08/2023	117	Letter MOTION to Strike *a document at ECF No. 105-4 and substitute with a version compliant with Federal Rule of Civil Procedure 5.2* by United States of America. (Attachments: # 1 Declaration of Jonathan A. Lee) (Cooper, David) (Entered: 08/08/2023)
08/08/2023		SCHEDULING ORDER. A video status conference shall take place before Judge Morrison on August 9, 2023 at 11:00 AM. The parties will receive a videoconference access link by email. Ordered by Judge Nina R. Morrison on 8/8/2023. (BC) (Entered: 08/08/2023)
08/09/2023		ORDER granting 117 Motion to Strike 117 Letter MOTION to Strike *a document at ECF No. 105-4 and substitute with a version compliant with Federal Rule of Civil Procedure 5.2*. Ordered by Judge Nina R. Morrison on 8/9/2023. (BC) (Entered: 08/09/2023)
08/09/2023		MINUTE ENTRY and ORDER. A video status conference was held before Judge Morrison on August 9, 2023. Michael Blume, Paulina Stamatelos, and David Cooper appeared on behalf of Plaintiff. Josiah Contarino, Michael Columbo, and David Warrington appeared on behalf of Defendants. The Court discussed the possibility of consolidating last week's preliminary injunction hearing with a final bench trial on the merits, to be held some time in the fall, if Defendants consented to a bench trial rather than a jury trial. The parties shall confer and inform the Court by the end of the week whether they consent to proceeding in this way, with the understanding that, even if both parties consent, the Court may elect as a matter of judicial efficiency to nonetheless rule on Plaintiff's preliminary injunction motion at this time. Ordered by Judge Nina R. Morrison on 8/9/2023. (Court Reporter Linda Marino.) (BC) Date modified from 8/8/2023 to 8/9/2023 (FV). (Entered: 08/09/2023)
08/09/2023	118	Letter *respectfully supplementing the United States' Exhibit List* by United States of America (Attachments: # 1 Exhibit List) (Cooper, David) (Entered: 08/09/2023)
08/09/2023	119	Letter *respectfully submitted jointly by the parties informing the Court whether there remain any disputes as to exhibits on which the Court previously reserved decision* by United States of America (Attachments: # 1 Stipulation Regarding Entry of Exhibits Into Evidence Without Objection From Either Party) (Cooper, David) (Entered: 08/09/2023)
08/10/2023	120	DECLARATION re Order on Motion for Leave to Electronically File Document under Seal, by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Attachments: # 1 Declaration of Rich Vasquez, # 2 Declaration of Jeffrey Cooper Rounds, # 3 Declaration of Evan Jones) (Contarino, Josiah) (Entered:

		08/10/2023)
08/10/2023	121	Letter *respectfully apprising the Court of the parties' discussion regarding the possibility of consolidating last week's preliminary injunction hearing with a final bench trial on the merits* by United States of America (Cooper, David) (Entered: 08/10/2023)
08/10/2023	122	Letter *regarding the Court's proposal to consolidate PI hearing with a trial on the merits* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Contarino, Josiah) (Entered: 08/10/2023)
08/11/2023	123	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 06/23/23, before Judge MORRISON. Court Reporter/Transcriber RIVKA TEICH, Telephone number (718)613-2268. Email address: RIVKATEICH@GMAIL.COM. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/ Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 9/1/2023. Redacted Transcript Deadline set for 9/11/2023. Release of Transcript Restriction set for 11/9/2023. (Teich, Rivka) (Entered: 08/11/2023)
08/11/2023		ORDER. The Court is in receipt of the parties' submissions regarding consolidation 121 122 . In light of the Court's previous representation that it would not consolidate the preliminary injunction hearing with a trial on the merits absent the consent of both parties, and after due consideration of the status of the evidentiary record and the parties' opportunity to develop that record to date, the Court declines at this time to exercise its authority to *sua sponte* consolidate the preliminary injunction hearing with a final trial on the merits. All previous deadlines and argument dates remain in effect. In light of Defendants' representation on August 2, 2023 that they will consent to an extension of the current temporary restraining order to allow for additional post-trial briefing and disposition of the motion, the Court extends the temporary restraining order 11 until and including October 2, 2023, unless it is rendered moot before that date as a result of the Court's decision on Plaintiff's motion for a preliminary injunction. The Court will set a schedule for further briefing after conferring with the parties at oral argument on August 15, 2023. Ordered by Judge Nina R. Morrison on 8/11/2023. (BC) (Entered: 08/11/2023)
08/11/2023	124	Letter *submitting deposition designations* by United States of America (Attachments: # 1 Designations from the deposition of Lawrence DeMonico, # 2 Designations from the deposition transcript of Jennifer Pierson, # 3 Designations from the deposition of Cole Leleux, # 4 Designations from the deposition of David Smith) (Stamatelos, Paulina) (Entered: 08/11/2023)
08/13/2023	125	Letter *respectfully submitting deposition designation pages* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Attachments: # 1 Select pages from Jennifer Pierson deposition, # 2 Select pages from Lawrence DeMonico deposition, # 3 Select pages from Cole Leleux deposition) (Contarino, Josiah) (Entered: 08/13/2023)
08/13/2023	126	Proposed Findings of Fact by United States of America (Stamatelos, Paulina) (Entered: 08/13/2023)
08/13/2023	127	Proposed Findings of Fact by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Warrington, David) (Entered: 08/13/2023)

08/15/2023		MINUTE ENTRY and ORDER. Oral argument was held before Judge Morrison on August 15, 2023. Michael Blume, Paulina Stamatelos, and David Cooper appeared on behalf of the Government. David Warrington and Josiah Contarino appeared on behalf of Defendants. The Court heard argument on Plaintiff's motion and reserved decision. Given that Defendants have represented that as long as this litigation is pending in this Court or any appellate court, they will not resume sales of the FRT-15 or WOTs, Plaintiff shall inform the Court on or before August 18, 2023, whether, if the Court grants the motion for a preliminary injunction, Plaintiff continues to seek additional preliminary injunctive relief beyond the scope of the current Temporary Restraining Order. If so, then given the potential overlap between the questions of whether the motion for a preliminary injunction should be granted and the scope of relief to be ordered if the Plaintiff prevails, Plaintiff shall submit a proposed preliminary injunction order and letter brief outlining the scope of relief it seeks on or before August 18, 2023. Defendants shall respond to Plaintiff's letter brief (if one is filed) on or before August 23, 2023. On or before August 23, 2023, the parties shall also submit, if necessary, any additional legal argument or record citations on the matters that the Court discussed on the record. Ordered by Judge Nina R. Morrison on 8/15/2023. (Court Reporter Victoria Torres-Butler.) (BC) (Entered: 08/15/2023)
08/18/2023	128	Letter *brief outlining the scope of relief sought by the Plaintiff under a proposed Preliminary Injunction* by United States of America (Attachments: # 1 Proposed Order) (Stamatelos, Paulina) (Entered: 08/18/2023)
08/23/2023	129	Letter *Regarding Deposition Designations* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Attachments: # 1 Supplement, # 2 Supplement) (Warrington, David) (Entered: 08/23/2023)
08/23/2023	130	Letter *Regarding Additional Legal Argument* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Warrington, David) (Entered: 08/23/2023)
08/23/2023	131	Letter *in response to the Court's August 15, 2023 Order* by United States of America (Stamatelos, Paulina) (Entered: 08/23/2023)
08/23/2023	132	NOTICE by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC re Status Conference,,,,, *Supplemental Briefing* (Warrington, David) (Entered: 08/23/2023)
08/23/2023	133	Letter *Opposing Proposed Injunction* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Warrington, David) (Entered: 08/23/2023)
08/24/2023		ORDER. If any party wishes to respond to the legal arguments raised by opposing counsel in ECF Nos. 130 , 131 , and 132 , they may do so by letter brief on or before August 28, 2023. Such letter briefs shall be limited to responses to the issues addressed in the submissions referenced above. Ordered by Judge Nina R. Morrison on 8/24/2023. (BC) (Entered: 08/24/2023)
08/28/2023	134	Letter *Brief in Response to Legal Arguments Raised by Defendants in Docket Numbers 130, 132* by United States of America (Blume, Michael) (Entered: 08/28/2023)
08/28/2023	135	Letter *Brief* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Warrington, David) (Entered: 08/28/2023)

08/29/2023	136	DECLARATION re 130 Letter *Regarding Additional Legal Argument* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Roth, Jacob) (Entered: 08/29/2023)
08/31/2023	137	Letter *respectfully submitting supplemental authority* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Attachments: # 1 Opinion in NAGR v. Garland) (Contarino, Josiah) (Entered: 08/31/2023)
09/02/2023	138	Letter *respectfully submitting video speed for Defendnats' Ex. I* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Contarino, Josiah) (Entered: 09/02/2023)
09/05/2023	139	MEMORANDUM & ORDER. For the reasons outlined herein, Plaintiff's motion for a preliminary injunction is granted. Defendants shall comply with the terms outlined in the attached order. Ordered by Judge Nina R. Morrison on 9/5/2023. (BC) (Entered: 09/05/2023)
09/14/2023	140	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 08/02/23, before Judge MORRISON. Court Reporter/Transcriber RIVKA TEICH, Telephone number (718)613-2268. Email address: RIVKATEICH@GMAIL.COM. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/ Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 10/5/2023. Redacted Transcript Deadline set for 10/16/2023. Release of Transcript Restriction set for 12/13/2023. (Teich, Rivka) (Entered: 09/14/2023)
10/04/2023	141	NOTICE OF APPEAL as to 139 Preliminary Injunction by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC. Filing fee $ 505, receipt number ANYEDC-17151379. Appeal Record due by 10/18/2023. (Contarino, Josiah) (Entered: 10/04/2023)
10/05/2023		Electronic Index to Record on Appeal sent to US Court of Appeals. 141 Notice of Appeal, Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (VJ) (Entered: 10/05/2023)
10/13/2023	142	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on August 1, 2023, before Judge Morrison. Court Reporter/Transcriber Jamie Ann Stanton, Telephone number 7186132274. Email address: jamiestanton.edny@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 11/3/2023. Redacted Transcript Deadline set for 11/13/2023. Release of Transcript Restriction set for 1/11/2024. (Stanton, Jamie) (Entered: 10/13/2023)
11/09/2023	143	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on February 2, 2023, before Judge Nina R. Morrison. Court Reporter/Transcriber Sophie Nolan, Telephone number 718-613-2622. Email address: NolanEDNY@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/ Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.File redaction request using event "Redaction

		Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 11/30/2023. Redacted Transcript Deadline set for 12/11/2023. Release of Transcript Restriction set for 2/7/2024. (Nolan, Sophie) (Entered: 11/09/2023)
04/26/2024	144	JUDICIAL NOTICE-Reassertion Jurisdiction Remains Challenged filed by Thomas Allen Graves. (Attachments: # 1 Support For Victim's Reassertion-Jurisdiction, # 2 Rule 60). (MLR) (Entered: 05/03/2024)
05/09/2024	145	MOTION to Withdraw as Attorney *United States of America* by United States of America. (Stamatelos, Paulina) (Entered: 05/09/2024)
05/10/2024		ORDER granting 145 Motion to Withdraw as Attorney. Attorney Paulina Stamatelos terminated. Ordered by Magistrate Judge Robert M. Levy on 5/10/2024. (JM) (Entered: 05/10/2024)
05/24/2024	146	Letter *pursuant to Individual Rule 5.1.1.1 requesting a pre-motion conference to move to strike ECF No. 144 filed by nonparty Thomas Graves* by Lawrence Demonico, Kevin Maxwell, Rare Breed Firearms, LLC, Rare Breed Triggers, LLC (Contarino, Josiah) (Entered: 05/24/2024)
10/09/2024	147	"Sworn Affidavit of Fact," filed by Interested Party Thomas Allen Graves. (JVC) (Entered: 10/09/2024)
01/17/2025	148	MOTION to Withdraw as Attorney *David A. Warrington* by Rare Breed Triggers, LLC, Rare Breed Firearms, LLC, Lawrence Demonico, Kevin Maxwell. (Warrington, David) (Entered: 01/17/2025)
05/16/2025	149	STIPULATION of Dismissal *with prejudice* by United States of America (Blume, Michael) (Entered: 05/16/2025)
05/20/2025		ORDER DISMISSING CASE: The Stipulation of Dismissal 149 is So Ordered. Ordered by Judge Nina R. Morrison on 5/20/2025. (SRR) (Entered: 05/20/2025)
05/21/2025	150	MANDATE of USCA as to 141 Notice of Appeal, filed by Rare Breed Firearms, LLC, Rare Breed Triggers, LLC, Kevin Maxwell, Lawrence Demonico. Appellants move for voluntary dismissal of this appeal pursuant to FRAP 42(b), witheach side to bear its own costs and fees. IT IS HEREBY ORDERED that the motion is GRANTED. Issued as Mandate: 5/21/2025. USCA# 23-7276. (VJ) (Entered: 05/21/2025)

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