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District of Utah (Northern)
CIVIL DOCKET FOR CASE #: 1:23-cv-00017-TC**

USA v. Miscellaneous Firearms and Related Parts and
Equipment Listed in Exhibit A
Assigned to: Judge Tena Campbell
Cause: 21:0881 Forfeiture Property - Other

Date Filed: 02/13/2023
Date Terminated: 05/19/2025
Jury Demand: Defendant
Nature of Suit: 690 Forfeit/Penalty: Other
Jurisdiction: U.S. Government Plaintiff

Plaintiff

USA

represented by **Adam S. Elggren**
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TERMINATED: 06/04/2025

V.

Defendant

**Miscellaneous Firearms and Related
Parts and Equipment Listed in Exhibit
A**

Defendant

Rare Breed Triggers

represented by **Darwin L. Overson**
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ATTORNEY TO BE NOTICED

Counter Claimant

Rare Breed Triggers
TERMINATED: 01/22/2024

represented by **Darwin L. Overson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tawni Bugden
(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant

USA
TERMINATED: 01/22/2024

represented by **Adam S. Elggren**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Travis K. Elder
(See above for address)
TERMINATED: 06/04/2025

Date Filed	#	Docket Text
02/13/2023	<u>1</u>	Case has been indexed and assigned to Judge Tena Campbell. Plaintiff USA is directed to E-File the <u>Complaint and cover sheet</u> (found under Complaints and Other Initiating Documents) by the end of the business day. Filing Fee waived (USA) NOTE: The court will not have jurisdiction until the opening document is electronically filed and the filing fee paid in the CM/ECF system. Civil Summons may be issued electronically. Prepare the summons using the courts <u>PDF version</u> and email it to utdecf_clerk@utd.uscourts.gov for issuance. (ks) (Entered:

		02/13/2023)
02/14/2023	2	COMPLAINT against Miscellaneous Firearms and Related Parts and Equipment Listed in Exhibit A No Fee Required - US Government filed by USA. (Attachments: # 1 Exhibit A - List of Assets, # 2 Civil Cover Sheet) (Elggren, Adam) (Entered: 02/14/2023)
02/14/2023	3	MOTION Application for Warrant of Arrest In Rem filed by Plaintiff USA. (Attachments: # 1 Exhibit A - List of Assets, # 2 Text of Proposed Order)(Elggren, Adam) (Entered: 02/14/2023)
02/14/2023	4	Arrest In Rem WARRANT ISSUED on 2/14/2023, by David Nuffer. (ks) (Entered: 02/14/2023)
03/20/2023	5	NOTICE of Appearance by Darwin L. Overson on behalf of Rare Breed Triggers (Overson, Darwin) (Entered: 03/20/2023)
03/20/2023	6	CLAIM for Owner of Property Seized filed by Rare Breed Triggers. Answer to Claim due by 4/10/2023. (Attachments: # 1 Exhibit Official Notice of Forfeiture Action) (Overson, Darwin) (Entered: 03/20/2023)
03/20/2023	7	SERVICE by Publication filed by USA. Last publication date March 17, 2023. (Attachments: # 1 Proof of Publication)(Elder, Travis) (Entered: 03/20/2023)
04/10/2023	8	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support filed by Claimant Rare Breed Triggers. (Attachments: # 1 Exhibit 1A Notice of Seizure, # 2 Exhibit 1B Notice of Seizure, # 3 Exhibit 1C Notice of Seizure, # 4 Exhibit 1D Notice of Seizure, # 5 Exhibit Seized Asset Claim Form, # 6 Exhibit Acknowledgment of Claim, # 7 Exhibit Official Notice of Forfeiture Action)(Overson, Darwin) (Entered: 04/10/2023)
04/11/2023	9	NOTICE of Appearance by Tawni Bugden on behalf of Rare Breed Triggers (Bugden, Tawni) (Entered: 04/11/2023)
05/08/2023	10	RESPONSE to Motion re 8 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support filed by Plaintiff USA. (Attachments: # 1 Exhibit First Motion to Extend Time to File, # 2 Exhibit First Order Extending Time to File, # 3 Exhibit Second Motion to Extend Time to File, # 4 Exhibit Second Order Extending Time to File, # 5 Exhibit Sample Notice, # 6 Exhibit Claim Form)(Elggren, Adam) (Entered: 05/08/2023)
07/18/2023	11	<p><u>NOTICE OF HEARING ON MOTION</u> re: 8 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support : (Notice generated by Chris Ford) Motion Hearing set for 7/27/2023 at 10:30 AM in Judges Chambers before Judge Tena Campbell.</p> <p>For zoom hearings, counsel MUST:</p> <ul style="list-style-type: none"> -Wear professional attire-Zoom hearings are official court proceedings; -Be in a private professional setting (driving is expressly prohibited as is doing any type of multi-tasking); -Prior to the hearing test your equipment to ensure proper bandwidth and volume; -Attend via video and be prepared for the hearing. <p>Join ZoomGov Meeting</p>

		<p> https://www.zoomgov.com/j/1616020111? pwd=S3F1S1p4WFhlaktWc0JCaDFBMzFSQT09 Meeting ID: 161 602 0111 Passcode: 041963 One tap mobile +16692545252,,1616020111# US (San Jose) +16692161590,,1616020111# US (San Jose) Dial by your location +1 669 254 5252 US (San Jose) +1 669 216 1590 US (San Jose) +1 415 449 4000 US (US Spanish Line) +1 551 285 1373 US +1 646 828 7666 US (New York) +1 646 964 1167 US (US Spanish Line) Meeting ID: 161 602 0111 Find your local number: https://www.zoomgov.com/u/acIyQuA5jd Join by SIP 1616020111@sip.zoomgov.com Join by H.323 161.199.138.10 (US West) 161.199.136.10 (US East) Meeting ID: 161 602 0111 Passcode: 041963 (cff) (Entered: 07/18/2023) </p>
07/27/2023	12	<p>Minute Entry for proceedings held before Judge Tena Campbell: Motion Hearing held on 7/27/2023 re 8 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Rare Breed Triggers.</p> <p>All parties appear via ZOOM for this hearing.</p> <p>The court hears from Mr. Overson, counsel for Rare Breed Triggers.</p> <p>Mr. Overson advises the court that the motion to dismiss is properly dismissed as moot.</p> <p>Accordingly, the court dismisses that motion as moot.</p> <p>Mr. Overson asks the court that he be given until 9/11/2023 to file an answer to the complaint and the court grants that request.</p> <p>The court will refer the case to a magistrate judge for additional scheduling.</p> <p>Attorneys for Plaintiff: Travis K. Elder; Adam S. Elggren. Attorney for Defendant: Darwin L. Overson.</p> <p>Court Reporter: Ed Young.</p> <p>(cff) (Entered: 07/27/2023)</p>
09/13/2023	13	<p><i>Claimant's</i> ANSWER to Complaint with Jury Demand , First COUNTERCLAIM against USA filed by Rare Breed Triggers.(Overson, Darwin) (Entered: 09/13/2023)</p>

12/05/2023	14	DOCKET TEXT ORDER REFERRING CASE to Magistrate Judge Jared C. Bennett under 28:636 (b)(1)(A), Magistrate Judge to hear and determine all nondispositive pretrial matters. So ordered by Judge Tena Campbell on 12/5/23 (docket text only - no attached document) (alt) (Entered: 12/05/2023)
12/05/2023	15	ORDER TO PROPOSE SCHEDULE - See order for details. Signed by Magistrate Judge Jared C. Bennett on 12/5/23 (alt) (Entered: 12/05/2023)
12/08/2023	16	MOTION to Strike <i>Affirmative Defenses Eight and Nine and Counterclaim</i> filed by Plaintiff USA. (Attachments: # 1 Text of Proposed Order) Motions referred to Jared C. Bennett.(Elggren, Adam) (Entered: 12/08/2023)
12/08/2023	17	Motion No Longer Referred to Magistrate Judge Jared C. Bennett: 16 MOTION to Strike <i>Affirmative Defenses Eight and Nine and Counterclaim</i> . District Judge Tena Campbell will decide this motion. (lc) (Entered: 12/08/2023)
01/10/2024	18	DOCKET TEXT ORDER TO COMPLY WITH ORDER TO PROPOSE SCHEDULE. The deadline to comply with Paragraph 3 of 15 ORDER TO PROPOSE SCHEDULE has expired. The court HEREBY ORDERS the parties to comply within 14 days after the date of this order. Signed by Magistrate Judge Jared C. Bennett on 01/10/2024. (docket text order; no attached document). (lc) (Entered: 01/10/2024)
01/10/2024	19	NOTICE of Proposed Scheduling Order by USA (Attachments: # 1 Text of Proposed Order) (Elggren, Adam) (Entered: 01/10/2024)
01/10/2024	20	Joint MOTION for Scheduling Order filed by Plaintiff USA. (Attachments: # 1 Text of Proposed Order) Motions referred to Jared C. Bennett.(Elggren, Adam) (Entered: 01/10/2024)
01/10/2024	21	ORDER granting 20 Motion for Scheduling Order. Expert Discovery due by 6/14/2024. Motions due by 8/16/2024. Signed by Magistrate Judge Jared C. Bennett on 1/10/24 (alt) (Entered: 01/10/2024)
01/22/2024	22	ORDER granting 16 Motion to Strike Affirmative Defenses Eight and Nine and 13 Counterclaim. Signed by Judge Tena Campbell on 1/22/24 (alt) (Entered: 01/22/2024)
04/15/2024	23	DESIGNATION OF EXPERTS Anthony Ciravolo filed by Plaintiff USA.(Elggren, Adam) (Entered: 04/15/2024)
06/05/2024	24	Consent MOTION to Stay and Memorandum in Support filed by Plaintiff USA. (Attachments: # 1 Text of Proposed Order) Motions referred to Jared C. Bennett. (Elggren, Adam) (Entered: 06/05/2024)
06/06/2024	25	ORDER granting 24 Motion to Stay all proceedings until 30 days after SCOTUS issues decision in <i>Cargill</i> . Signed by Magistrate Judge Jared C. Bennett on 6/6/24 (alt) (Entered: 06/06/2024)
07/15/2024	26	DOCKET TEXT ORDER. This action has been stayed since 06/06/2024 pending resolution of <i>Merrick B. Garland, Attorney General, et al v. Michael Cargill</i> , No. 22-976. Per 25 Order, the court ordered the parties to file a motion to lift stay and a motion for amended scheduling order no later than 30 days after the Supreme Court's decision in <i>Cargill</i> . On 06/14/2024, the Supreme Court issued a decision in <i>Cargill</i> . No such status update or motion to lift stay was submitted by the parties in this action. Accordingly, the court HEREBY ORDERS the parties to file a motion to lift the stay in this matter and a motion for amended scheduling order on or before 07/24/2024. Signed by Magistrate Judge Jared C. Bennett on 07/15/2024. (docket text order; no attached

		document).(lc) (Entered: 07/15/2024)
07/25/2024	27	Second MOTION for Scheduling Order (<i>Joint</i>) filed by Plaintiff USA. (Attachments: # 1 Text of Proposed Order) Motions referred to Jared C. Bennett.(Elggren, Adam) (Entered: 07/25/2024)
07/25/2024	28	SCHEDULING ORDER granting 27 Motion for Scheduling Order. Expert Discovery due by 1/20/2025. Motions due by 3/20/2025. Stay lifted. Signed by Magistrate Judge Jared C. Bennett on 7/25/24 (alt) Modified on 7/25/2024: entry text corrected (alt) (Entered: 07/25/2024)
07/25/2024		Modification of Docket re 28 Order on Motion for Scheduling Order. Error: Entry text was incomplete when first submitted. Correction: NEF has been regenerated to deliver the corrected text to all parties. (alt) (Entered: 07/25/2024)
09/26/2024	29	AFFIDAVIT of Glenn D Bellamy filed by Rare Breed Triggers. (Attachments: # 1 Exhibit A, # 2 Errata B, # 3 Exhibit C, # 4 Exhibit D)(Overson, Darwin) (Entered: 09/26/2024)
09/26/2024	30	MOTION for Summary Judgment filed by Defendant Rare Breed Triggers. (Overson, Darwin) (Entered: 09/26/2024)
11/07/2024	31	REQUEST to Submit for Decision filed by Defendant Rare Breed Triggers. (Overson, Darwin) (Entered: 11/07/2024)
11/08/2024	32	MOTION for Extension of Time to File Response/Reply as to 30 MOTION for Summary Judgment and Memorandum in Support filed by Plaintiff USA. (Attachments: # 1 Text of Proposed Order) Motions referred to Jared C. Bennett.(Elggren, Adam) (Entered: 11/08/2024)
11/11/2024	33	MEMORANDUM in Opposition re 32 MOTION for Extension of Time to File Response/Reply as to 30 MOTION for Summary Judgment and Memorandum in Support filed by Defendant Rare Breed Triggers. (Overson, Darwin) (Entered: 11/11/2024)
11/12/2024	34	ORDER granting 32 Motion for Extension of Time to File Response/Reply as to 30 MOTION for Summary Judgment: Response due by 11/14/2024. Signed by Judge Tena Campbell on 11/12/24 (alt) (Entered: 11/12/2024)
11/14/2024	35	RESPONSE to Motion re 30 MOTION for Summary Judgment filed by Plaintiff USA. (Elggren, Adam) (Entered: 11/14/2024)
11/26/2024	36	RE-FILED AS 37 MOTION - MOTION for Admission Pro Hac Vice of Darwin Overson , Registration fee \$ 50, receipt number AUTDC-5254523, Attorneys awaiting Pro Hac Vice admission should immediately register to efile and receive electronic notification of case activity in the District of Utah at https://www.pacer.uscourts.gov/cmecf/dcbk.html. Registration requests will not be approved until the court has granted the pro hac vice motion. Instructions are available on the court's website at https://www.utd.uscourts.gov/cmecf-electronic-case-filing. filed by Counter Claimant Rare Breed Triggers. (Attachments: # 1 Pro Hac Vice Revised Application)(Overson, Darwin) Modified on 11/26/2024: added re-filing info (alt) (Entered: 11/26/2024)

11/26/2024	37	<p>MOTION for Admission Pro Hac Vice of Glenn D Bellamy , Registration fee \$ 50, receipt number AUTDC-5254523,</p> <p>Attorneys awaiting Pro Hac Vice admission should immediately register to efile and receive electronic notification of case activity in the District of Utah at https://www.pacer.uscourts.gov/cmecf/dcbk.html.</p> <p>Registration requests will not be approved until the court has granted the pro hac vice motion. Instructions are available on the court's website at https://www.utd.uscourts.gov/cmecf-electronic-case-filing.</p> <p>filed by Defendant Rare Breed Triggers. (Overson, Darwin) (Entered: 11/26/2024)</p>
11/26/2024	38	<p>ORDER granting 37 Motion for Admission Pro Hac Vice of Attorney Glenn D. Bellamy for Rare Breed Triggers.</p> <p><i>Attorneys admitted Pro Hac Vice must register to efile and receive electronic notification of case activity in the District of Utah at https://www.pacer.uscourts.gov/cmecf/dcbk.html. Instructions are available at https://www.utd.uscourts.gov/cmecf-electronic-case-filing. A Pro Hac Vice Attorney who fails to register for CM/ECF access will not receive notifications of electronic filings.</i></p> <p><i>Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at https://www.utd.uscourts.gov/rules-practice.</i></p> <p>Signed by Magistrate Judge Jared C. Bennett on 11/26/24 (alt) (Entered: 11/26/2024)</p>
11/26/2024	39	<p>MOTION for Extension of Time Reply to Plaintiffs response filed by Defendant Rare Breed Triggers. Motions referred to Jared C. Bennett.(Overson, Darwin) (Entered: 11/26/2024)</p>
11/27/2024	40	<p>DOCKET TEXT ORDER granting 39 Motion for Extension of Time. Defendant Rare Breed Triggers shall file its Reply in support of 30 MOTION for Summary Judgment on or before January 13, 2025. Signed by Magistrate Judge Jared C. Bennett on 11/27/2024. (docket text order; no attached document). (lc) (Entered: 11/27/2024)</p>
01/13/2025	41	<p>REPLY to Response to Motion re 30 MOTION for Summary Judgment filed by Defendant Rare Breed Triggers. (Overson, Darwin) (Entered: 01/13/2025)</p>
02/05/2025	42	<p>NOTICE OF HEARING ON MOTION re: 30 MOTION for Summary Judgment : (Notice generated by Chris Ford) Motion Hearing set for 4/29/2025 at 10:00 AM in Rm 3.400 before Judge Tena Campbell. (cff) (Entered: 02/05/2025)</p>
02/18/2025	43	<p>REPLY to Response to Motion re 30 MOTION for Summary Judgment filed by Defendant Rare Breed Triggers. (Attachments: # 1 Exhibit Order on Defendants Motion to Dismiss County One, # 2 Exhibit Remedial Notice)(Overson, Darwin) (Entered: 02/18/2025)</p>
04/23/2025	44	<p>Second MOTION to Stay and Memorandum in Support filed by Plaintiff USA. (Attachments: # 1 Text of Proposed Order) Motions referred to Jared C. Bennett. (Elggren, Adam) (Entered: 04/23/2025)</p>
04/23/2025	45	<p>ORDER granting 44 Motion to Stay all deadlines until the conclusion of the parties settlement negotiations; denying without prejudice 30 Motion for Summary Judgment. 4/29/25 Hearing is stricken. Signed by Judge Tena Campbell on 4/23/25 (alt) (Entered: 04/23/2025)</p>

		04/23/2025)
04/23/2025		Set Deadline per 45 Order: Status Report due by 10/1/2025 (alt) (Entered: 04/23/2025)
05/16/2025	46	STIPULATION of Dismissal by USA. (Elggren, Adam) (Entered: 05/16/2025)
05/19/2025		Civil Case Terminated in light of 46 Stipulation of Dismissal with Prejudice. Case closed. Magistrate Judge Jared C. Bennett no longer assigned to case. (dle) (Entered: 05/19/2025)
06/04/2025	47	NOTICE OF WITHDRAWAL OF COUNSEL of AUSA Travis K. Elder filed by Travis K. Elder on behalf of USA (Elder, Travis) (Entered: 06/04/2025)

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