

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

	*	
MARYLAND SHALL ISSUE, INC.,		
ET AL.,	*	
<i>Appellants/Cross-</i>	*	No. 21-2017
<i>Appellees,</i>		
v.	*	
LAWRENCE HOGAN, ET AL.,	*	
<i>Appellees/Cross-</i>	*	
<i>Appellants.</i>		

\* \* \* \* \*

**CONSENT MOTION TO EXTEND TIME TO FILE APPELLEES/CROSS-  
APPELLANTS' BRIEF**

Appellees/Cross-Appellants, by undersigned counsel and with the consent of Appellants/Cross-Appellees, hereby move, pursuant to Federal Rule of Appellate Procedure 26(b), for a 14-day extension of time, to and including October 17, 2022, within which to file the opening/response brief of Appellees/Cross-Appellants in the above-captioned case. In support thereof, counsel for Appellees/Cross-Appellants states the following:

1. This is an appeal from a final judgment entered by the District Court on August 23, 2021 granting Appellees/Cross-Appellants' motion for summary judgment and rejecting Appellants/Cross-Appellees' constitutional challenge to Maryland's handgun qualification license statute. After Appellants/Cross-Appellees

noted an appeal, they moved to hold this case in abeyance pending the United States Supreme Court's disposition of *New York State Rifle & Pistol Ass'n v. Bruen*, No. 20-843. (ECF 15.) This Court granted the motion. (ECF 20.)

2. After *Bruen* was decided on June 23, 2022, the next day this Court issued a briefing schedule in which Appellants/Cross-Appellees' opening brief was to be due on August 3, 2022, Appellees/Cross-Appellants' opening/response brief was to be due on September 2, 2022, and Appellants/Cross-Appellees' response/reply was to be due on October 3, 2022. Appellants/Cross-Appellees timely filed their opening brief on August 3, 2022.

3. Due to deadlines in other pending cases, Appellees/Cross-Appellants sought and obtained an extension of time to file their opening/response brief until October 3, 2022. (ECF 33.) The Court also extended the time for Appellants/Cross-Appellees to file their response/reply brief to November 2, 2022. *Id.*

4. Because of pressing demands in other cases, counsel requires an additional brief extension of time to prepare Appellees/Cross-Appellants' brief in this case.

5. Undersigned counsel is also counsel in another appeal involving a constitutional challenge to Maryland's law regulating assault weapons, *Bianchi v. Frosh*, No. 21-1255, which is currently pending in this Court. The State's brief in that case is due October 13, 2022.

6. Both of these appeals present important public questions about the State of Maryland's authority to regulate firearms. In addition, both cases involve thorough historical analysis in light of the Supreme Court's decision in *Bruen*.

6. Further, the Civil Division of the Office of the Attorney General of Maryland, which is handling both appeals, is presently understaffed due to the departure of senior lawyers.

7. In addition, briefs filed by the Civil Division undergo an internal review process that may take up to a week.

8. In light of these circumstances, and to allow the internal review process to be completed, a short extension of 14 days is necessary.

9. Counsel for Appellants/Cross-Appellees have indicated that they do not oppose this request for a 14-day extension.

WHEREFORE, it is respectfully requested that this Honorable Court grant this motion extending the time in which Appellees/Cross-Appellants may file their opening/response brief in the instant case until October 17, 2022 and extending the time in which Appellants/Cross-Appellees may file their response/reply brief to November 16, 2022.

Respectfully submitted,

BRIAN E. FROSH  
Attorney General of Maryland

/s/ Ryan R. Dietrich

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September 27, 2022

Attorneys for Appellee

### **CERTIFICATE OF SERVICE**

I certify that, on 27<sup>th</sup> day of September, 2022, the foregoing was filed electronically and served on counsel of record, who are registered CM/ECF users.

/s/ Ryan R. Dietrich

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