

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

MARYLAND SHALL ISSUE, INC., <i>et al.</i> ,	*	
	*	
Plaintiffs	*	
	*	
v.	*	Case No. 485899V
	*	
MONTGOMERY COUNTY, MARYLAND	*	
	*	
Defendant	*	

**JOINT MOTION TO AMEND SCHEDULE FOR FILING DISPOSITIVE CROSS
MOTIONS ON PLAINTIFFS’ SECOND AMENDED COMPLAINT**

Plaintiffs Maryland Shall Issue, Inc., *et al.* and Defendant Montgomery County, Maryland, by their undersigned counsel and pursuant to the Rules of this Court, respectfully request that this Court **amend** the June 29, 2023, briefing schedule for filing dispositive cross motions on Plaintiffs’ Second Amended Complaint as follows:

1. Counts I, II, and III of Plaintiffs’ Second Amended Complaint (“the State law claims”) are before this Court on remand from the United States District Court for the District of Maryland. The remaining federal law claims (Counts IV - VIII) are still pending in federal court.

2. The State law claims seek a declaration that certain provisions of the Montgomery County Firearms Law, as amended by County Bills 4-21 and 21-22E, are invalid, and an injunction against their enforcement by the County. The specific counts are as follows:

- Count I: the County Firearms Law, as amended by the Bills, is not a valid local law under Md. Const. Art. XI-A (the Home Rule Amendment);
- Count II: the County Firearms Law, as amended by the Bills, is preempted by and in conflict with State law; and
- Count III: the County Firearms Law, as amended by the Bills, is an unconstitutional taking under Md. Const. art. III § 40 and Md. Decl. Rights art. 24 (this count also seeks “just compensation” from the County).

3. While the underlying issues are complex, they are largely issues of law that the

parties believe can be resolved on dispositive cross motions.¹

4. An extended briefing schedule was needed to allow the parties to fully brief the complex issues raised in Counts I-III. Therefore, at the parties' request, this Court, by Order dated June 29, 2023, established the following schedule to allow full briefing of the issues for resolution:

Defendant's dispositive motion	June 5, 2023
Plaintiffs' opposition / cross dispositive motion	July 5, 2023
Defendant's reply / opposition	July 25, 2023
Plaintiffs' reply	August 14, 2023

5. The parties jointly requests that this Court **amend** the remaining dates on schedule as follows:

Defendant's reply / opposition	September 1, 2023
Plaintiffs' reply	October 13, 2023

6. This motion is made to avoid any prejudice that would result from imposition of the ordinary rules regarding the timing and filing of cross motions.

WHEREFORE, the Parties respectfully requests that this Court amend the schedule above for the filing of dispositive cross-motions on Plaintiffs' Second Amended Complaint.

Respectfully submitted,

/s/ Mark W. Pennak

MARK W. PENNAK
Maryland Shall Issue, Inc.
9613 Harford Rd., Ste C #1015
Baltimore, MD 21234-21502
mpennak@marylandshallissue.org
(301) 873-3671
CPF ID No. 1905150005
Attorney for Plaintiffs

¹ Should the Court determine that the County Firearm Law, as amended by the Bills, constitutes a "taking" as alleged in Count III, the County reserves the right to pursue discovery as to the issue of just compensation.

JOHN P. MARKOV'S
COUNTY ATTORNEY

/s/ Edward B. Lattner

Edward B. Lattner, Deputy County Attorney
edward.lattner@montgomerycountymd.gov
CPF ID No. 8612300002

/s/ Erin B. Ashbarry

Erin B. Ashbarry
Associate County Attorney
erin.ashbarry@montgomerycountymd.gov
CPF ID No. 9912160001

/s/Matthew H. Johnson

Matthew H. Johnson
Associate County Attorney
CPF ID# 0606130153
matthew.johnson3@montgomerycountymd.gov
Attorneys for Defendant
101 Monroe Street, Third Floor
Rockville, Maryland 20850-2540
240-777-6700

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of July 2023, a copy of the foregoing was electronically served through the MDEC to:

Mark W. Pennak
Maryland Shall Issue, Inc.
9613 Harford Rd., Ste. C #1015
Baltimore, MD 21234-21502
mpennak@marylandshallissue.org

/s/ Edward B. Lattner

Edward B. Lattner, Chief
Division of Government Operations

motion to establish motions schedule
21-003732