

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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DICK ANTHONY HELLER, <i>et al.</i>	)	)	
	)	)	
Plaintiffs,	)	)	
	)	)	
v.	)	)	Civil Action No. 08-01289 (RMU)
	)	)	
DISTRICT OF COLUMBIA, <i>et al.</i> ,	)	)	
	)	)	
Defendants.	)	)	
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DEFENDANTS’ OPPOSITION TO  
PLAINTIFFS’ STATEMENT OF UNDISPUTED MATERIAL FACTS

Pursuant to Fed. R. Civ. P. 56(e) and LCvR 56.1, defendants (collectively, “the District”), by and through undersigned counsel, hereby respectfully submit their Opposition to Plaintiffs’ Statement of Undisputed Material Facts (PSMF). The PSMF adds nothing new to the analysis.

Plaintiffs’ needlessly prolix, 42-paragraph, 9-page PSMF is profoundly unhelpful, failing to make any serious effort to direct the Court to any specific, objective evidence, instead simply repeating the generally undisputed factual allegations of the Second Amended Complaint, and tacking on paragraph after paragraph of “statistics,” which are little more than arguments and legal conclusions masquerading as facts. *See, e.g., Robertson v. American Airlines, Inc.*, 239 F.Supp. 2d 5, 8–9 (D.D.C. 2002) (statement of undisputed material facts should “logically and efficiently” review relevant background facts, cite to the record, and should *not* “contain argument”) (*citing Jackson v. Finnegan, Henderson*, 101 F.3d 145, 153 n.6 (D.C. Cir. 1996)). *See also Jackson*, 101 F.3d at 148 (statement impermissibly “[b]lend[ed] factual assertions with arguments regarding their legal significance”).

Notwithstanding the above, in response to the numbered paragraphs of the PSMF, the District responds as follows:

1. The District does not dispute paragraph 1 of the PSMF, but avers that it is not material to the resolution of the instant matter.

2. The District objects to paragraph 2 of the PSMF because it is not material nor relevant to the resolution of the instant matter.

3. The District does not dispute paragraph 3 of the PSMF, but avers that it is not material to the resolution of the instant matter.

4. The District does not dispute paragraph 4 of the PSMF, but avers that it is not material to the resolution of the instant matter.

5. The District does not dispute paragraph 5 of the PSMF, but avers that it is not material to the resolution of the instant matter.

6. The District does not dispute paragraph 6 of the PSMF.

7. The District does not dispute paragraph 7 of the PSMF, but avers that it is not material to the resolution of the instant matter.

8. The District does not dispute paragraph 8 of the PSMF.

9. The District objects to paragraph 9 of the PSMF because it contains argument and is not material to the resolution of the instant matter.

10. The District objects to paragraph 10 of the PSMF because it is not material to the resolution of the instant matter.

11. The District objects to paragraph 11 of the PSMF because it is not material to the resolution of the instant matter.

12. The District objects to paragraph 12 of the PSMF because it is not material to the resolution of the instant matter.

13. The District objects to paragraph 13 of the PSMF because it is not material to the resolution of the instant matter.

14. The District objects to paragraph 14 of the PSMF because it is not material to the resolution of the instant matter.

15. The District does not dispute the first two sentences of paragraph 15 of the PSMF, but objects to the remainder (beginning “The rifle resembles”) because it is not material to the resolution of the instant motion and contains argument.

16. The District objects to paragraph 16 of the PSMF because it is not material to the resolution of the instant motion.

17. The District does not dispute paragraph 17 of the PSMF.

18. The District objects to paragraph 18 of the PSMF because it is not material and because it contains argument.

19. The District does not dispute that the MPD denied the requested registration for the reason mentioned, but objects to the remainder of paragraph 19 of the PSMF because it is not material.

20. The District objects to paragraph 20 of the PSMF because it is not material to the resolution of the instant motion (if not irrelevant), and contains argument and legal conclusions.

21. The District objects to paragraph 21 of the PSMF because it is not material to the resolution of the instant motion.

22. The District objects to paragraph 22 of the PSMF because it is not material to the resolution of the instant motion.

23. The District objects to paragraph 23 of the PSMF because it is not material and because it contains argument.

24. The District objects to paragraph 24 of the PSMF because it is not material to the resolution of the instant motion.

25. The District objects to paragraph 25 of the PSMF because it is not material and because it contains argument.

26. The District objects to paragraph 26 of the PSMF because it is not material and because it contains argument and legal conclusions.

27. The District objects to paragraph 27 of the PSMF because it is not material and contains argument.

28. The District objects to paragraph 28 of the PSMF because it is not material and contains argument.

29. The District objects to paragraph 29 of the PSMF because it is not material and contains argument.

30. The District objects to paragraph 30 of the PSMF because it is not material and contains argument and legal conclusions.

31. The District objects to paragraph 31 of the PSMF because it is not material to the resolution of the instant motion.

32. The District objects to paragraph 32 of the PSMF because it is not material to the resolution of the instant motion and contains argument and legal conclusions.

33. The District does not dispute paragraph 33 of the PSMF, but it is not material to the resolution of the instant motion.

34. The District objects to paragraph 34 of the PSMF because it is not material to the resolution of the instant motion and contains argument and legal conclusions.

35. The District objects to paragraph 35 of the PSMF because it is not material to the resolution of the instant motion.

36. The District objects to paragraph 36 of the PSMF because it is not material to the resolution of the instant motion and contains argument and legal conclusions.

37. The District objects to paragraph 37 of the PSMF because it is not material to the resolution of the instant motion and contains argument and legal conclusions.

38. The District objects to paragraph 38 of the PSMF because it is not material to the resolution of the instant motion.

39. The District objects to paragraph 39 of the PSMF because it is not material to the resolution of the instant motion.

40. The District objects to paragraph 40 of the PSMF because it is not material to the resolution of the instant motion.

41. The District objects to paragraph 38 of the PSMF because it is not material to the resolution of the instant motion and contains argument.

42. The District does not dispute paragraph 42 of the PSMF.

DATE: September 15, 2009

Respectfully submitted,

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