

APPEAL, CLOSED, CONSOL, TYPE-L

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:08-cv-01289-RMU  
*Internal Use Only***

HELLER et al v. DISTRICT OF COLUMBIA et al  
Assigned to: Judge Ricardo M. Urbina  
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 07/28/2008  
Date Terminated: 03/26/2010  
Jury Demand: Defendant  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**DICK ANTHONY HELLER**

represented by **Stephen Porter Halbrook**  
3925 Chain Bridge Rd.  
Suite 403  
Fairfax, VA 22030  
(703) 352-7276  
Fax: (703) 359-0938  
Email: [protell@aol.com](mailto:protell@aol.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Richard E Gardiner**  
3925 Chain Bridge Road  
Suite 403  
Fairfax, VA 22030  
(703) 352-7276  
Fax: (703) 359-0938  
Email: [regardiner@cox.net](mailto:regardiner@cox.net)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**ABSALOM F. JORDAN, JR.**

represented by **Richard E Gardiner**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephen Porter Halbrook**  
10560 Main Street  
Suite 404  
Fairfax, VA 22030  
(703) 352-7276  
Fax: (703) 359-0938  
Email: [protell@aol.com](mailto:protell@aol.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**AMY MCVEY**  
*TERMINATED: 07/29/2008*

represented by **Richard E Gardiner**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephen Porter Halbrook**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**WILLIAM CARTER**

represented by **Richard E Gardiner**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**MARK SNYDER**

represented by **Richard E Gardiner**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**TRACEY AMBEAU HANSON**  
*CA-09-454*  
*TERMINATED: 08/05/2009*

represented by **Alan Gura**  
GURA & POSSESSKY, PLLC  
101 North Columbus Street  
Suite 405  
Alexandria, VA 22314  
(703) 835-9085  
Fax: (703) 997-7665  
Email: [alan@gurapossessky.com](mailto:alan@gurapossessky.com)  
*TERMINATED: 08/05/2009*  
*LEAD ATTORNEY*

**Plaintiff**

**GILLIAN ST. LAWRENCE**  
*CA-09-454*  
*TERMINATED: 08/05/2009*

represented by **Alan Gura**  
(See above for address)  
*TERMINATED: 08/05/2009*  
*LEAD ATTORNEY*

**Plaintiff**

**PAUL ST. LAWRENCE**  
*CA-09-454*  
*TERMINATED: 08/05/2009*

represented by **Alan Gura**  
(See above for address)  
*TERMINATED: 08/05/2009*  
*LEAD ATTORNEY*

**Plaintiff**

**SECOND AMENDMENT  
FOUNDATION, INC.**

represented by **Alan Gura**  
(See above for address)

CA-09-454  
 TERMINATED: 08/05/2009

TERMINATED: 08/05/2009  
 LEAD ATTORNEY

V.

**Defendant**

**DISTRICT OF COLUMBIA**

represented by **Andrew J. Saindon**  
 D.C. OFFICE OF ATTORNEY GENERAL  
 441 4th Street, NW  
 Sixth Floor South  
 Washington, DC 20001-2714  
 (202) 724-6643  
 Fax: (202) 727-0431  
 Email: [andy.saindon@dc.gov](mailto:andy.saindon@dc.gov)

**Defendant**

**ADRIAN M. FENTY**  
 Mayor, District of Columbia

represented by **Andrew J. Saindon**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

**Defendant**

**CATHY LANIER**  
 CA-09-454

represented by **Andrew J. Saindon**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

Date Filed	#	Page	Docket Text
07/28/2008	<u>1</u>		COMPLAINT against DISTRICT OF COLUMBIA, ADRIAN M. FENTY ( Filing fee \$ 350, receipt number 4616013940) filed by DICK ANTHONY HELLER, ABSALOM F. JORDAN, JR, AMY MCVEY. (Attachments: # <u>1</u> Civil Cover Sheet)(jf, ) (Entered: 07/29/2008)
07/28/2008			Summons (2) Issued as to DISTRICT OF COLUMBIA, ADRIAN M. FENTY. (jf) (Entered: 07/29/2008)
07/29/2008	<u>2</u>		FIRST AMENDED COMPLAINT against DISTRICT OF COLUMBIA, ADRIAN M. FENTY filed by DICK ANTHONY HELLER, ABSALOM F. JORDAN, JR.(nmw, ) (Additional attachment(s) added on 7/29/2008: # <u>1</u> Certificate of Service) (nmw, ). (Entered: 07/29/2008)
08/12/2008	<u>3</u>		MOTION for Extension of Time to <i>Respond to the First Amended Complaint</i> by DISTRICT OF COLUMBIA, ADRIAN M. FENTY (Attachments: # <u>1</u> Text of Proposed Order)(Saindon, Andrew) (Entered: 08/12/2008)

08/12/2008			MINUTE ORDER: The plaintiffs' opposition to the defendants' motion for an extension of time is due on or before August 15, 2008 and any replies thereto are due on or before August 18, 2008. Signed by Judge Ricardo M. Urbina on 8/12/08. (lcrmu2) (Entered: 08/12/2008)
08/12/2008			Set/Reset Deadlines/Hearings: The plaintiffs' opposition to the defendants' motion for an extension of time is due on or before August 15, 2008 and any replies thereto are due on or before August 18, 2008. (jwd) (Entered: 08/12/2008)
08/13/2008	<u>4</u>		Memorandum in opposition to re <u>3</u> MOTION for Extension of Time to <i>Respond to the First Amended Complaint</i> filed by DICK ANTHONY HELLER. (Gardiner, Richard) (Entered: 08/13/2008)
08/15/2008	<u>5</u>		REPLY to opposition to motion re <u>3</u> MOTION for Extension of Time to <i>Respond to the First Amended Complaint</i> filed by DISTRICT OF COLUMBIA, ADRIAN M. FENTY. (Saindon, Andrew) (Entered: 08/15/2008)
08/18/2008			MINUTE ORDER granting in part and denying in part <u>3</u> Partial Consent Motion for Extension of Time. It is hereby ordered that the defendants' response to the plaintiffs' complaint is due on or before August 28, 2008. Signed by Judge Ricardo M. Urbina on 8/18/08. (lcrmu2) (Entered: 08/18/2008)
08/18/2008			Set/Reset Deadlines/Hearings: defendants' response to the plaintiffs' complaint is due on or before August 28, 2008.(jwd ) (Entered: 08/18/2008)
08/28/2008	<u>6</u>		ANSWER to <u>2</u> Amended Complaint by DISTRICT OF COLUMBIA, ADRIAN M. FENTY. Related document: <u>2</u> Amended Complaint filed by ABSALOM F. JORDAN, JR., DICK ANTHONY HELLER.(Saindon, Andrew) (Entered: 08/28/2008)
09/10/2008			NOTICE of Hearing: An Initial Status Hearing is scheduled for 10/9/2008 at 10:00 A.M. in Courtroom 30, Annex Building, Sixth Floor before Judge Ricardo M. Urbina. (jwd) (Entered: 09/10/2008)
09/10/2008	<u>7</u>		STANDING ORDER. Signed by Judge Ricardo M. Urbina on September 10, 2008. Reade this Standing Order carefully, it will govern this case. Failure to follow the Standing Order will result in sanction. Parties are to meet and confer and file their Joint 16.3 Report seven (7) days prior to scheduled hearing date of October 9, 2008.(jwd ) (Entered: 09/10/2008)
09/19/2008	<u>8</u>		NOTICE of Enactment of <i>Second Firearms Control Emergency Amendment Act of 2008</i> by DISTRICT OF

			COLUMBIA, ADRIAN M. FENTY (Attachments: # <u>1</u> Exhibit)(Saindon, Andrew) (Entered: 09/19/2008)
10/02/2008	<u>9</u>		STRICKEN PURSUANT TO MINUTE ORDER OF 10/2/2008.....MEET AND CONFER STATEMENT. (Saindon, Andrew) Modified on 10/2/2008 (jwd, ). (Entered: 10/02/2008)
10/02/2008			MINUTE ORDER Striking <u>9</u> Meet and Confer Statement. The parties' Joint 16.3 Report is hereby STRICKEN for failing to include a brief statement of the case and a proposed scheduling order as required by the court's Standing Order and the Local Civil Rules. These mandates are not to be disregarded. Signed by Judge Ricardo M. Urbina on 10/2/08. (lcrmu2) (Entered: 10/02/2008)
10/02/2008	<u>10</u>		MEET AND CONFER STATEMENT. (Attachments: # <u>1</u> Text of Proposed Order)(Saindon, Andrew) (Entered: 10/02/2008)
10/03/2008			MINUTE ORDER: The initial status conference scheduled for October 9, 2008 is hereby VACATED and RESCHEDULED for Thursday, January 8, 2009 at 11:00 am. An updated Local Civil Rule 16.3 Report is due on or before January 5, 2009. Signed by Judge Ricardo M. Urbina on 10/3/08. (lcrmu2) (Entered: 10/03/2008)
10/03/2008			Set/Reset Deadlines/Hearings: parties shall submit a joint status report to the court no later than November 14, 2008. (jwd ) (Entered: 10/03/2008)
11/14/2008	<u>11</u>		STATUS REPORT ( <i>Joint</i> ) by DISTRICT OF COLUMBIA, ADRIAN M. FENTY. (Saindon, Andrew) (Entered: 11/14/2008)
01/05/2009	<u>12</u>		MEET AND CONFER STATEMENT. (Attachments: # <u>1</u> Text of Proposed Order)(nmw, ) (Entered: 01/06/2009)
01/06/2009			MINUTE ORDER vacating the status hearing scheduled for Thursday, January 8, 2009. It is further ordered that the parties submit a joint status report within 5 days of the effective date of the Firearms Control legislation or the Inoperable Pistol legislation, whichever is later. SO ORDERED. Signed by Judge Ricardo M. Urbina on 1/6/09. (lcrmu2) (Entered: 01/06/2009)
01/06/2009	<u>13</u>		Joint MOTION to Continue <i>Initial Status Conference</i> by DICK ANTHONY HELLER (Gardiner, Richard) (Entered: 01/06/2009)
01/06/2009			MINUTE ORDER finding as moot <u>13</u> Motion to Continue. Signed by Judge Ricardo M. Urbina on

			1/6/09. (lcrmu2) (Entered: 01/06/2009)
03/25/2009	<u>14</u>		MOTION for Leave to File <i>Second Amended Complaint</i> by DICK ANTHONY HELLER (Attachments: # <u>1</u> Exhibit Second Amended Complaint)(Gardiner, Richard) (Entered: 03/25/2009)
03/25/2009			MINUTE ORDER granting <u>14</u> the Plaintiffs' Unopposed Motion for Leave to File Second Amended Complaint. Signed by Judge Ricardo M. Urbina on 3/25/09. (lcrmu2) (Entered: 03/25/2009)
03/25/2009	<u>15</u>		SECOND AMENDED COMPLAINT against DISTRICT OF COLUMBIA, ADRIAN M. FENTY filed by WILLIAM CARTER, MARK SNYDER, DICK ANTHONY HELLER, ABSALOM F. JORDAN, JR.(nmw, ) (Entered: 03/26/2009)
04/08/2009	<u>16</u>		ANSWER to <u>15</u> Amended Complaint by DISTRICT OF COLUMBIA, ADRIAN M. FENTY. Related document: <u>15</u> Amended Complaint filed by WILLIAM CARTER, ABSALOM F. JORDAN, JR., MARK SNYDER, DICK ANTHONY HELLER.(Saindon, Andrew) (Entered: 04/08/2009)
04/08/2009	<u>17</u>		STATUS REPORT ( <i>Joint</i> ) by DISTRICT OF COLUMBIA, ADRIAN M. FENTY. (Saindon, Andrew) (Entered: 04/08/2009)
04/08/2009	<u>18</u>		STANDING ORDER Signed by Judge Ricardo M. Urbina on April 8, 2009. Read this Order carefully, it will govern this case. Failure to follow the Standing Order will result in sanctions.(jwd ) (jwd, ). (Entered: 04/08/2009)
04/08/2009			MINUTE ORDER directing the parties to file a joint status report on or before April 13, 2009 clarifying whether the posture of the case is such that the court should set a timetable for dispositive motions and, if so, propose such a schedule. Signed by Judge Ricardo M. Urbina on 4/8/09. (lcrmu2) (Entered: 04/08/2009)
04/08/2009			Set/Reset Deadlines/Hearings: Parties to file a joint status report on or before April 13, 2009 clarifying whether the posture of the case is such that the court should set a timetable for dispositive motions and, if so, propose such a schedule. (jwd ) (Entered: 04/08/2009)
04/10/2009	<u>19</u>		STATUS REPORT ( <i>Joint</i> ) by DISTRICT OF COLUMBIA, ADRIAN M. FENTY. (Saindon, Andrew) (Entered: 04/10/2009)
05/07/2009			MINUTE ORDER directing the parties to submit consolidated cross-motions for summary judgment on or before July 6, 2009. That is, the plaintiffs in

			08cv1289 and in 09cv454 should submit one cross-motion and the defendants may submit one cross-motion. The oppositions to these cross-motions are due on or before August 5, 2009 and replies are due on or before August 20, 2009. Signed by Judge Ricardo M. Urbina on 5/7/09. (lcrmu2) (Entered: 05/07/2009)
05/07/2009			Set/Reset Deadlines/Hearings: Consolidated Cross Motions for Summary Judgment motions due by 7/6/2009. Oppositions to Motion for Summary Judgment due by 8/5/2009. Replies to Oppositions to Motion for Summary Judgment due by 8/20/2009. (jwd ) (Entered: 05/07/2009)
06/17/2009	<u>20</u>		NOTICE of <i>Emergency Rulemaking</i> by DISTRICT OF COLUMBIA, ADRIAN M. FENTY, CATHY LANIER (Attachments: # <u>1</u> Exhibit Emergency Regulations, # <u>2</u> Exhibit Attachment A (Maryland Roster), # <u>3</u> Exhibit Attachment B (Massachusetts Roster))Associated Cases: 1:08-cv-01289-RMU, 1:09-cv-00454-RMU(Saindon, Andrew) (Entered: 06/17/2009)
06/19/2009			MINUTE ORDER. In light of the Notice of Emergency Rulemaking submitted by the defendants on June 17, 2009, it is hereby ordered that the parties shall submit a joint status report proposing a revised briefing schedule on or before June 26, 2009. Signed by Judge Ricardo M. Urbina on 6/19/09. (lcrmu2) (Entered: 06/19/2009)
06/19/2009			Set/Reset Deadlines: Joint Status Report due on or before 6/26/2009 (tg, ) (Entered: 06/19/2009)
06/25/2009	<u>21</u>		NOTICE of <i>Emergency Rulemaking</i> by DISTRICT OF COLUMBIA, ADRIAN M. FENTY, CATHY LANIER (Attachments: # <u>1</u> Exhibit)Associated Cases: 1:08-cv-01289-RMU, 1:09-cv-00454-RMU(Saindon, Andrew) (Entered: 06/25/2009)
06/26/2009	<u>22</u>		STATUS REPORT ( <i>Joint</i> ) with proposed revised briefing schedule by DISTRICT OF COLUMBIA, ADRIAN M. FENTY, CATHY LANIER. Associated Cases: 1:08-cv-01289-RMU, 1:09-cv-00454-RMU(Saindon, Andrew) (Entered: 06/26/2009)
06/29/2009			MINUTE ORDER. It is hereby ordered that the parties shall file cross-motions for summary judgment on or before August 5, 2009, oppositions thereto on or before September 15, 2009, and any replies on or before September 24, 2009. Signed by Judge Ricardo M. Urbina on 6/29/09. (lcrmu2) Associated Cases: 1:08-cv-01289-RMU, 1:09-cv-00454-RMU (Entered: 06/29/2009)



06/29/2009			Set/Reset Deadlines/Hearings: cross-motions for summary judgment on or before August 5, 2009, oppositions thereto on or before September 15, 2009, and any replies on or before September 24, 2009. (jwd ) (Entered: 06/29/2009)
06/29/2009			Set/Reset Deadlines: Cross Motions for Summary Judgment are due by 8/5/2009. Oppositions to Cross Motions are due by 9/15/2009. Replies to Cross Motions are due by 9/24/2009. Associated Cases: 1:08-cv-01289-RMU, 1:09-cv-00454-RMU(tg. ) (Entered: 06/29/2009)
07/30/2009			MINUTE ORDER sua sponte consolidating cases. It is hereby ordered that 08cv1289 is consolidated with 09cv0454, and it is further ordered that the Clerk's Office shall close 09cv0454 and transfer whichever parties are not the same to 08cv1289, and it is ordered that the parties shall file all filings only in 08cv1289 and shall NOT elect to spread text when filing on ECF, as this will result in repetitive docketing. Signed by Judge Ricardo M. Urbina on 7/30/09. (lcrmu2) (Entered: 07/30/2009)
07/31/2009	<u>23</u>		MOTION for Summary Judgment by DICK ANTHONY HELLER (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Exhibit Exhibit 1, # <u>4</u> Exhibit Exhibit 2, # <u>5</u> Exhibit Exhibit 3, # <u>6</u> Exhibit Exhibit 4, # <u>7</u> Exhibit Exhibit 5, # <u>8</u> Exhibit Exhibit 6, # <u>9</u> Text of Proposed Order)(Gardiner, Richard) (Entered: 07/31/2009)
08/05/2009	<u>24</u>		NOTICE of Voluntary Dismissal re Tracey Hanson, Gillian St. Lawrence, Paul St. Lawrence, Second Amendment Foundation, Inc. (Gura, Alan) (Entered: 08/05/2009)
08/05/2009	<u>25</u>		MOTION for Summary Judgment by CATHY LANIER, DISTRICT OF COLUMBIA, ADRIAN M. FENTY (Attachments: # <u>1</u> Appendix, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order)(Saindon, Andrew) (Entered: 08/05/2009)
09/14/2009	<u>26</u>		Memorandum in opposition to re <u>25</u> MOTION for Summary Judgment filed by DICK ANTHONY HELLER. (Attachments: # <u>1</u> Statement of Facts Statement of Facts, # <u>2</u> Affidavit Johnson Declaration, # <u>3</u> Affidavit Heller Declaration, # <u>4</u> Text of Proposed Order Proposed Order)(Gardiner, Richard) (Entered: 09/14/2009)
09/15/2009	<u>27</u>		Memorandum in opposition to re <u>23</u> MOTION for Summary Judgment filed by CATHY LANIER, DISTRICT OF COLUMBIA, ADRIAN M. FENTY.



			(Attachments: # <u>1</u> Exhibit Opposition to PSMF, # <u>2</u> Text of Proposed Order)(Saindon, Andrew) (Entered: 09/15/2009)
09/24/2009	<u>28</u>		REPLY to opposition to motion re <u>25</u> MOTION for Summary Judgment filed by DICK ANTHONY HELLER. (Gardiner, Richard) (Entered: 09/24/2009)
09/24/2009	<u>29</u>		ENTERED IN ERROR.....REPLY to opposition to motion re <u>25</u> MOTION for Summary Judgment filed by CATHY LANIER, DISTRICT OF COLUMBIA, ADRIAN M. FENTY. (Saindon, Andrew) Modified on 9/25/2009 (jf, ). (Entered: 09/24/2009)
09/25/2009			NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>29</u> Reply to opposition to Motion was entered in error and counsel was instructed to refile said pleading. (jf, ) (Entered: 09/25/2009)
09/25/2009	<u>30</u>		REPLY to opposition to motion re <u>25</u> MOTION for Summary Judgment filed by CATHY LANIER, DISTRICT OF COLUMBIA, ADRIAN M. FENTY. (Saindon, Andrew) (Entered: 09/25/2009)
03/26/2010	<u>31</u>	11	ORDER denying <u>23</u> the plaintiffs' motion for summary judgment; granting <u>25</u> the defendants' cross-motion for summary judgment. Signed by Judge Ricardo M. Urbina on 03/26/2010. (lcrmu1) (Entered: 03/26/2010)
03/26/2010	<u>32</u>		MEMORANDUM OPINION. Signed by Judge Ricardo M. Urbina on 03/26/2010. (lcrmu1) (Entered: 03/26/2010)
04/01/2010	<u>33</u>	10	NOTICE OF APPEAL as to <u>31</u> Order on Motion for Summary Judgment, by WILLIAM CARTER, DICK ANTHONY HELLER, ABSALOM F. JORDAN, JR, MARK SNYDER. Filing fee \$ 455, receipt number 0090-2140831. Fee Status: Fee Paid. Parties have been notified. (Gardiner, Richard) (Entered: 04/01/2010)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

DICK ANTHONY HELLER, <i>et al.</i>	)	
	)	
Plaintiffs	)	
	)	
v.	)	No. 1:08-cv-01289
	)	Hon. Ricardo M. Urbina
THE DISTRICT OF COLUMBIA, <i>et al.</i>	)	
	)	
Defendants	)	

**NOTICE OF APPEAL**

Notice is hereby given that Dick Anthony Heller, Absalom F. Jordan, Jr., William Carter, and Mark Snyder, Plaintiffs in the above named case, hereby appeal to the United States Court of Appeals for the District of Columbia Circuit from the final order of March 26, 2010, denying plaintiffs’ motion for summary judgment and granting defendants’ motion for summary judgment.

Respectfully submitted,

Dick Anthony Heller  
Absalom F. Jordan, Jr.  
William Carter  
Mark Snyder

By counsel

/S/Stephen P. Halbrook  
Stephen P. Halbrook  
D.C. Bar No. 379799

/S/ Richard E. Gardiner  
Richard E. Gardiner  
D.C. Bar No. 386915

Suite 403  
3925 Chain Bridge Road  
Fairfax, VA 22030  
(703) 352-7276  
(703) 359-0938 (fax)

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

DICK ANTHONY HELLER <i>et al.</i> ,	:		
	:		
Plaintiffs,	:	Civil Action No.:	08-1289 (RMU)
	:		
v.	:	Re Document Nos.:	23, 25
	:		
DISTRICT OF COLUMBIA <i>et al.</i> ,	:		
	:		
Defendants.	:		

**ORDER**

**DENYING THE PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT;  
GRANTING THE DEFENDANTS’ CROSS-MOTION FOR SUMMARY JUDGMENT**

For the reasons stated in the court’s Memorandum Opinion separately and contemporaneously issued this 26th day of March, 2010, it is hereby

**ORDERED** that the plaintiffs’ motion for summary judgment is **DENIED**; and it is **FURTHER ORDERED** that the defendants’ cross-motion for summary judgment is **GRANTED**.

**SO ORDERED.**

RICARDO M. URBINA  
United States District Judge