

**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
)	
THE DISTRICT OF COLUMBIA, <i>et al.</i>)	
)	
Defendants)	

**PLAINTIFFS' CONSENT MOTION FOR
LEAVE TO FILE A THIRD AMENDED COMPLAINT**

COME NOW Plaintiffs, by counsel, and moves the court for leave to file a Third Amended Complaint, a copy of which is an attachment hereto.

Plaintiffs make this motion because, since the time of filing the Second Amended Complaint, the United States Court of Appeals vacated this court's judgment, and remanded the case for further proceedings. In doing so, it determined the appropriate level of scrutiny to be applied to the registration requirements in §§ 7-2502.03(a)(10), 7-2502.03(a)(11), 7-2502.03(a)(13)(A), 7-2502.03(d), 7-2502.03(e), 7-2502.04, and 7-2502.07a, and all the registration requirements (including §§ 7-2502.01(a) and 7-2502.03(b)) as applied to long guns. *Heller v. District of Columbia*, 670 F.3d 1244 (D.C. Cir. 2011).

Further, following the decision of the Court of Appeals, the Council of the District of Columbia amended some of the provisions of the District's firearm laws at issue in this case. On May 11, 2012, Mayor Vincent Gray signed into law the Firearms Emergency Amendment Act of 2012, which became effective immediately and which will expire on August 9, 2012. On May 15, 2012, Mayor Vincent Gray signed the Firearms Amendment Act of 2011, B19-0614, which was transmitted to Congress on May 24, 2012, and is projected to become law on October 31, 2012. On July 18, 2012, Mayor Vincent Gray signed

into law the Firearms Amendment Congressional Review Emergency Act of 2012, B19-861, which became effective immediately and which will expire on October 16, 2012.¹ An amended complaint is thus necessary to conform to the decision of the Court of Appeals and to the amendments to the law made by the City Council.

Counsel for Defendants, Assistant Attorney General Andy Saindon, consents to this motion.

Respectfully submitted,

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¹ For purposes of the Third Amended Complaint, the pertinent provisions of the Firearms Emergency Amendment Act of 2012, the Firearms Amendment Act of 2011, and the Firearms Amendment Congressional Review Emergency Act of 2012 are identical.