## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

| DICK ANTHONY HELLER, ET AL.      | )             |
|----------------------------------|---------------|
| Plaintiffs                       | )             |
| v.                               | ) No. 08-1289 |
| THE DISTRICT OF COLUMBIA, ET AL. | )             |
| Defendants.                      | )<br>)        |

## LOCAL RULE 16.3 REPORT

Pursuant to Local Rule 16.3, the parties conferred concerning the matters set forth in Local Rule 16.3(c) and hereby submit the following report.

- 1) The parties agree that the case is likely to be disposed of by dispositive motion.
- 2) The parties agree that no other parties shall be joined or the pleadings amended. In light of the enactment by the Council of the Second Firearms Control Emergency Amendment Act of 2008, Counts I and III of the Complaint will be moot if the same provisions are enacted in the permanent legislation.
- 3) The parties agree that the case should not be assigned to a magistrate judge for all purposes, including trial.
- 4) Although the parties would prefer to resolve the dispute amicably, there is no realistic possibility of settling the case.
- 5) The parties agree that it is unlikely that the case would benefit from the Court's alternative dispute resolution (ADR) procedures (or some other form of ADR).
- 6) The parties believe that the case can be resolved by summary judgment. The parties suggest filing cross-motions for summary judgment within 30 days of the expiration of the Second Firearms Control Emergency Amendment Act of 2008, Act 17-502, or, if the Council enacts permanent

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legislation (prior to the expiration of that Act) superseding all or part of that legislation, within 30 days

of the effective date of the permanent legislation (assuming Congress takes no other action). The

parties further suggest filing cross-oppositions within 20 days of the filing of the dispositive motions,

and cross-replies, if any, within 20 days after that.

7) The parties stipulate to dispense with the initial disclosures required by Rule 26(a)(1),

F.R.Civ.P.

8) Discovery is not anticipated.

9) The parties do not anticipate the use of expert witnesses and thus there is not need for the

exchange of expert witness reports and information pursuant to Rule 26(a)(2), F.R.Civ.P., nor is there a

need for depositions of experts.

10) This is not a class action.

11) The parties agree that trial and/or discovery should not be bifurcated or managed in phases.

12) A pretrial conference should be held 60 days after a ruling on the dispositive motions, if

any.

13) The Court should not set a firm trial date at the first scheduling conference, but should

provide that a trial date will be set at the pretrial conference from 30–60 days after that conference.

14) There are no other matters that the parties believe may be appropriate for inclusion in a

scheduling order.

DATE: October 2, 2008

Respectfully submitted,

Dick Anthony Heller Absalom F. Jordan, Jr.

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By Counsel

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