

**IN THE CIRCUIT COURT OF VIRGINIA  
WASHINGTON CIRCUIT COURT**

**JOSEPH SANTOLLA; REAGAN )  
BROOKE ADAMS; MIDDLETOWN )  
FIREARMS LLC; MIDDLETOWN )  
TRAINING LLC; ROBERT HINTON )  
PRIDE; VIRGINIA PRIDE LTD.; )  
JAMES ROWE; STEPHEN JON )  
BOKMILLER; and VIRGINIA )  
SHOOTING SPORTS ASSOCIATION, )  
INC., )**

**Plaintiffs,**

**v.**

**Case No.**

26-1139

**JEFFREY S. KATZ, in his official )  
capacity as Superintendent of the )  
Virginia State Police; JOSHUA S. )  
CUMBOW, in his official capacity as )  
Commonwealth's Attorney for )  
Washington County, Virginia; ERIN B. )  
BARR, in her official capacity as )  
Commonwealth's Attorney for )  
Chesterfield County, Virginia; ROSS )  
SPICER, in his official capacity as )  
Commonwealth's Attorney for Frederick )  
County, Virginia; KRYSTYN REID, in )  
her official capacity as Commonwealth's )  
Attorney for York County, Virginia; )  
ROBERT M. LILLY, JR., in his official )  
capacity as Commonwealth's Attorney )  
for Giles County, Virginia; and )  
MATTHEW R. HAMEL, in his official )  
capacity Commonwealth's Attorney for )  
Chesapeake, Virginia, )**

**Defendants.**

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiffs Joseph Santolla, Reagan Brooke Adams, Middletown Firearms LLC, Middletown Training LLC, Robert Hinton Pride, Virginia Pride Ltd., James Rowe, Stephen Jon Bokmiller, and the Virginia Shooting Sports Association, Inc. (“VSSA”) bring this lawsuit to challenge certain provisions within Virginia’s recently enacted legislation—known as Senate Bill 749 and House Bill 217 (hereinafter “Senate Bill 749”)—that infringe the rights of Plaintiffs and other law-abiding Virginians to keep and bear commonly possessed firearms and ammunition magazines for self-defense and other lawful purposes. *See* VA. CODE ANN. §§ 18.2-287.4:1(B), 18.2-308.2:2(F) (the “Firearms Ban”); *id.* § 18.2-309.1(A)–(C) (the “Magazine Ban”). Plaintiffs seek a declaration that the challenged provisions violate Article I, Section 13 of the Virginia Constitution—*i.e.*, the right to keep and bear arms. Plaintiffs also seek an injunction barring enforcement of the challenged provisions by Defendants, the officials responsible for enforcing Virginia’s new bans on so-called “assault firearms” and “large capacity” magazines. In support of their Complaint, Plaintiffs allege as follows:

### INTRODUCTION

1. Article I, Section 13 of the Virginia Constitution guarantees “the right of the people to keep and bear arms.” VA. CONST. ART. I, § 13. The Virginia Constitution’s right to keep and bear arms “is co-extensive with,” and given “the

same meaning” as, the Second Amendment to the United States Constitution. *DiGiacinto v. Rector & Visitors of George Mason Univ.*, 281 Va. 127, 134 (2011); *see also Shivaee v. Commonwealth*, 270 Va. 112, 119 (2005) (holding that, when a Virginia constitutional right is “co-extensive” with a federal constitutional right, “the same analysis will apply to both”).

2. In *New York State Rifle & Pistol Association, Inc. v. Bruen*, the Supreme Court of the United States firmly established the straightforward standard for applying the Second Amendment (and, therefore, Virginia’s co-extensive right): “[W]hen the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct”; thus, a law burdening protected conduct is unconstitutional unless the government “demonstrate[s] that the regulation is consistent with this Nation’s historical tradition of firearm regulation.” 597 U.S. 1, 17 (2022).

3. The plain text of the right to keep and bear arms protects “*all* instruments that constitute bearable arms.” *Id.* at 28 (quoting *Dist. of Columbia v. Heller*, 554 U.S. 570, 582 (2008)) (emphasis added). Our Nation’s historical tradition “protects the possession and use of weapons that are ‘in common use [today].’” *Id.* at 21 (quoting *Heller*, 554 U.S. at 627). Accordingly, it is unconstitutional for the Commonwealth of Virginia to “prohibit” the keeping or bearing of arms—including semi-automatic firearms and ammunition

magazines—that are “overwhelmingly chosen by American society for [a] lawful purpose.” *Heller*, 554 U.S. at 628.

4. In defiance of this fundamental right enshrined in Virginia’s Constitution, beginning on July 1, 2026, the Commonwealth will outright ban the import, sale, manufacture, purchase, or transfer of any “assault firearm,” which it defines as including nearly any modern semi-automatic rifle (and many pistols and shotguns). *See* VA. CODE ANN. § 18.2-287.4:1(B) (ban); *id.* § 18.2-308.2:2(F) (definition).

5. Beginning July 1, 2026, the Commonwealth will also flatly ban the import, sale, barter, transfer, or purchase of any “large capacity ammunition feeding device,” which means virtually any ammunition feeding device capable of holding more than 15 rounds. *See* VA. CODE ANN. § 18-2.309.1(A)–(C).

6. The Commonwealth’s bans on commonly possessed so-called “assault firearms” and “large capacity ammunition feeding devices,” both of which are owned by millions of Americans, deprive law-abiding Virginians of their right to keep and bear arms. “[T]hese products are widely legal and purchased by ordinary consumers.” *Smith & Wesson Brands, Inc. v. Estados Unidos Mexicanos*, 605 U.S. 280, 283 (2025). “The AR-15 is the most popular semi-automatic rifle in America and is therefore undeniably in common use today.” *Harrel v. Raoul*, 144 S. Ct. 2491, 2492 (2024) (Thomas, J., statement

respecting denial of certiorari). Semi-automatic handguns “are the most popular weapon chosen by Americans for self-defense.” *Heller*, 554 U.S. at 629. And millions of Americans own semi-automatic rifles and semi-automatic handguns with magazines that hold more than 15 rounds.

7. The U.S. Supreme Court has already held, under the governing text-and-history standard, that states cannot ban arms that are “in common use.” *Bruen*, 597 U.S. at 47. The firearms and ammunition magazines that Virginia has banned are unquestionably in common use by law-abiding Virginians. The Commonwealth of Virginia will not be able to demonstrate that the Firearms Ban or the Magazine Ban is consistent with “an enduring American tradition of state regulation.” *Id.* at 69. The bans violate Article I, Section 13 of the Virginia Constitution.

8. Plaintiffs respectfully request declaratory and injunctive relief to prevent Defendants from enforcing the Firearms Ban and the Magazine Ban against: Plaintiffs; the customers of Middletown Firearms, Middletown Training, and Virginia Pride; and VSSA’s members.

### **JURISDICTION AND VENUE**

9. This Court has jurisdiction under Va. Code Ann. § 17.1-513.

10. This Court has authority to grant the remedies Plaintiffs seek under Va. Code Ann. § 8.01-184 (declaratory relief), and § 8.01-620 (injunctive relief).

11. Venue is proper in this Court under Va. Code Ann. § 8.01-261(2), § 8.01-261(15)(c), and § 8.01-263(1).

### PARTIES

12. Plaintiff Joseph Santolla is a law-abiding, adult resident of Abingdon, Virginia. Santolla is a retired veteran of the Virginia State Police and the United States military, and he formerly served as a firearms instructor for the Virginia State Police. Santolla is not prohibited from purchasing or possessing firearms under federal law or Virginia law. He owns numerous firearms that qualify as “assault firearms” and multiple magazines that qualify as “large capacity ammunition feeding devices” under Senate Bill 749, and he periodically acquires new such firearms and magazines. He has a present, immediate, and ongoing intent to purchase “assault firearms,” and he would do so but for the credible threat of enforcement of Senate Bill 749 against him. He also has a present, immediate, and ongoing intent to purchase additional “large capacity ammunition feeding devices,” and he would do so but for the credible threat of enforcement of Senate Bill 749 against him. None of the exceptions to the Firearms Ban or the Magazine Ban applies to Santolla’s intended purchases of now-banned firearms and magazines.

13. Reagan Brooke Adams is a law-abiding, adult resident of Virginia Beach, Virginia. Adams is not prohibited from purchasing or possessing

firearms under federal law or Virginia law. She has a present, immediate, and ongoing intent to purchase “assault firearms,” and she would do so but for the credible threat of enforcement of Senate Bill 749 against her. She also has a present, immediate, and ongoing intent to purchase additional “large capacity ammunition feeding devices,” and she would do so but for the credible threat of enforcement of Senate Bill 749 against her. None of the exceptions to the Firearms Ban or the Magazine Ban applies to Adams’ intended purchases of now-banned firearms and magazines. She is a member of VSSA.

14. Plaintiff Middletown Firearms LLC, a Virginia limited liability company, is a duly licensed firearms retailer located in Middletown, Virginia. Before Senate Bill 749 was enacted, it sold many so-called “assault firearms” and “large capacity ammunition feeding devices,” as well as many other ancillary products like magazine pouches, cleaning gear for banned firearms, and parts and accessories for banned firearms. It also gained revenue from the gunsmithing of firearms, including firearms banned by Senate Bill 749. But for the credible threat of enforcement of Senate Bill 749, it would continue to sell its products and gunsmithing services in compliance with all applicable federal and Virginia laws. It brings this action to seek redress of its own prospective injuries and to assert the concomitant rights of its customers and would-be customers who would purchase “assault firearms” and “large capacity

ammunition feeding devices,” but for the credible threat of enforcement of Senate Bill 749 against them.

15. Plaintiff Middletown Training LLC, a Virginia limited liability company, is a provider of firearm firing-range facilities and firearms safety and training courses in Middletown, Virginia. Middletown Training’s facilities include short ranges for handgun training and long ranges for rifle training. It furnishes a variety of training courses to shooters of all skill levels at its facility, including courses in the fundamentals of semi-automatic rifles and courses tailored to using firearms in competitions which require magazine sizes larger than 15 rounds. Middletown Training also hosts competitive steel target challenge matches. Senate Bill 749 will cause Middletown Training to lose revenue by reducing its sales of shooting-range sessions, by reducing its sales of training courses, and by reducing participation in Middletown Training’s shooting competitions. Middletown Training brings this action to seek redress of its own prospective injuries and to assert the concomitant rights of its customers and would-be customers who would purchase range sessions and training courses, and who would participate in competitions at Middletown Training, but for the enforcement of Senate Bill 749.

16. Plaintiff Robert Hinton Pride is a law-abiding, adult resident of Poquoson, Virginia. Pride is not prohibited from purchasing or possessing

firearms under federal law or Virginia law. He owns numerous firearms that qualify as “assault firearms” and multiple magazines that qualify as “large capacity ammunition feeding devices” under Senate Bill 749, and he periodically acquires new such firearms and magazines. He has a present, immediate, and ongoing intent to purchase “assault firearms,” and he would do so but for the credible threat of enforcement of Senate Bill 749 against him. He also has a present, immediate, and ongoing intent to purchase additional “large capacity ammunition feeding devices,” and he would do so but for the credible threat of enforcement of Senate Bill 749 against him. None of the exceptions to the Firearms Ban or the Magazine Ban applies to Pride’s intended purchases of now-banned firearms and magazines. He is a member of VSSA.

17. Plaintiff Virginia Pride Ltd. is a Type 07 Federal Firearms Licensee and Special Occupational Taxpayer. Virginia Pride is owned and run by individual Plaintiff Pride. Before Senate Bill 749 was enacted, Virginia Pride sold many so-called “assault firearms” and “large capacity ammunition feeding devices.” But for the credible threat of enforcement of Senate Bill 749, Virginia Pride would continue to sell its products in compliance with all applicable federal and Virginia laws. It brings this action to seek redress of its own prospective injuries and to assert the concomitant rights of its customers and would-be customers who would purchase “assault firearms” and “large capacity

ammunition feeding devices,” but for the credible threat of enforcement of Senate Bill 749 against them.

18. Plaintiff James Rowe is a law-abiding, adult resident of Narrows, Virginia. Rowe is a law enforcement officer within Virginia, and he previously served in the United States Army. Rowe is not prohibited from purchasing or possessing firearms under federal law or Virginia law. He owns numerous firearms that qualify as “assault firearms” and multiple magazines that qualify as “large capacity ammunition feeding devices” under Senate Bill 749, and he periodically acquires new such firearms and magazines. He has a present, immediate, and ongoing intent to purchase “assault firearms” outside of his capacity as a law enforcement officer, and he would do so but for the credible threat of enforcement of Senate Bill 749 against him. He also has a present, immediate, and ongoing intent to purchase additional “large capacity ammunition feeding devices” outside of his capacity as a law enforcement officer, and he would do so but for the credible threat of enforcement of Senate Bill 749 against him. None of the exceptions to the Firearms Ban or the Magazine Ban applies to Pride’s intended purchases of now-banned firearms and magazines.

19. Plaintiff Stephen Jon Bokmiller is a law-abiding, adult resident of Chesapeake, Virginia. Bokmiller is not prohibited from purchasing or

possessing firearms under federal law or Virginia law. He owns numerous firearms that qualify as “assault firearms” and multiple magazines that qualify as “large capacity ammunition feeding devices” under Senate Bill 749, and he periodically acquires new such firearms and magazines. He has a present, immediate, and ongoing intent to purchase “assault firearms,” and he would do so but for the credible threat of enforcement of Senate Bill 749 against him. He also has a present, immediate, and ongoing intent to purchase additional “large capacity ammunition feeding devices,” and he would do so but for the credible threat of enforcement of Senate Bill 749 against him. None of the exceptions to the Firearms Ban or the Magazine Ban applies to Bokmiller’s intended purchases of now-banned firearms and magazines. He is a member of VSSA.

20. Plaintiff VSSA is a nonprofit corporation organized under the laws of the Commonwealth of Virginia with its principal place of business in North Chesterfield, Virginia. VSSA is Virginia’s oldest organization devoted to the protection of the right to keep and bear arms. VSSA’s mission is to provide safe and responsible shooting opportunities for law-abiding Virginians and to defend the rights to keep and bear arms enshrined in the Virginia Constitution and United States Constitution. VSSA has a membership of more than 2,600 throughout Virginia, including named Plaintiffs, who will be adversely and

irreparably harmed by Defendants' enforcement of the Firearms Ban and the Magazine Ban as set forth in this Complaint.

21. Defendant Jeffrey S. Katz ("Katz") is the Superintendent of the Virginia State Police. Katz is an appointed state official who is "vested with the powers of a sheriff for the purpose of enforcing all the criminal laws of th[e] Commonwealth." VA. CODE ANN. § 52-8. Katz is charged with the statutory duty "to use [his] best efforts to enforce" Virginia's criminal laws. *Id.* Katz is directly responsible for executing and administering the Firearms Ban and the Magazine Ban against Plaintiffs. Katz is sued in his official capacity.

22. Defendant Joshua S. Cumbow is the Commonwealth's Attorney for Washington County, Virginia, with jurisdiction over Plaintiff Santolla. The Commonwealth's Attorney for each Virginia county and city is an independent and locally elected constitutional officer responsible, among other things, for the prosecutorial enforcement of Virginia criminal laws. *See* VA. CONST. art. VII, § 4; VA. CODE ANN. §§ 15.2-1626, 15.2-1627(B); *see also Price v. Commonwealth*, 72 Va. App. 474, 486 (2020) ("[I]n Virginia, the authority to prosecute criminal offenses on behalf of the Commonwealth is vested in a publicly elected Commonwealth's Attorney."). Cumbow is responsible for prosecuting violations of the Firearms Ban and the Magazine Ban. Cumbow is sued in his official capacity.

23. Defendant Erin B. Barr is the Commonwealth's Attorney for Chesterfield County, Virginia, with jurisdiction over Plaintiff Adams. Barr is constitutionally and statutorily obligated to prosecute violations of the Firearms Ban and the Magazine Ban. *See* ¶ 22, *supra*. Barr is sued in her official capacity.

24. Defendant Ross Spicer is the Commonwealth's Attorney for Frederick County, Virginia, with jurisdiction over Plaintiffs Middletown Firearms and Middletown Training. Spicer is constitutionally and statutorily obligated to prosecute violations of the Firearms Ban and the Magazine Ban. *See* ¶ 22, *supra*. Spicer is sued in his official capacity.

25. Defendant Krystyn Reid is the Commonwealth's Attorney for York County, Virginia, with jurisdiction over Plaintiffs Pride and Virginia Pride. Reid is constitutionally and statutorily obligated to prosecute violations of the Firearms Ban and the Magazine Ban. *See* ¶ 22, *supra*. Reid is sued in her official capacity.

26. Defendant Robert M. Lilly, Jr., is the Commonwealth's Attorney for Giles County, Virginia, with jurisdiction over Plaintiff Rowe. Lilly is constitutionally and statutorily obligated to prosecute violations of the Firearms Ban and the Magazine Ban. *See* ¶ 22, *supra*. Lilly is sued in his official capacity.

27. Defendant Matthew R. Hamel is the Commonwealth's Attorney for Chesapeake, Virginia, with jurisdiction over Plaintiff Bokmiller. Hamel is

constitutionally and statutorily obligated to prosecute violations of the Firearms Ban and the Magazine Ban. *See* ¶ 22, *supra*. Hamel is sued in his official capacity.

### **FACTUAL ALLEGATIONS**

28. Senate Bill 749 became Virginia law on May 14, 2026. Among other restrictive provisions, Senate Bill 749 contains provisions that, after July 1, 2026, ban so-called “assault firearms,” VA. CODE ANN. §§ 18.2-287.4:1(B), 18.2-308.2:2(F), and “large capacity ammunition feeding devices,” *id.* § 18.2-309.1(A)–(C). These statutory provisions unconstitutionally prohibit the acquisition of common semi-automatic rifles, pistols, shotguns, and magazines owned by millions of Americans for lawful purposes today.

#### **I. Virginia’s unconstitutional ban of common semi-automatic firearms**

29. Under Senate Bill 749’s Firearms Ban, as of July 1, 2026, “[a]ny person who imports, sells, manufactures, purchases, or transfers an assault firearm is guilty of a Class 1 misdemeanor.” VA. CODE ANN. § 18.2-287.4:1(B).

30. In Virginia, a Class 1 misdemeanor carries “confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both.” VA. CODE ANN. § 18.2-11(a). Additionally, any person convicted of violating the Firearms Ban is also “prohibited from purchasing, possessing, or

transporting a firearm for three years following the date of such conviction.” VA. CODE ANN. § 18.2-308.1:9(B).

31. The Firearms Ban provides ten narrow exemptions from its criminal proscription. VA. CODE ANN. § 18.2-287.4:1(C)(i)–(x). For example, it does not apply to a “law-enforcement officer” to the extent the officer is “authorized to acquire or possess an assault firearm and does so while acting within the scope of his duties.” *Id.* § 18.2-287.4:1(C)(i). It also does not bar “the sale of an assault firearm by a person who lawfully purchased and possessed such assault firearm prior to July 1, 2026, to a firearms dealer or to an individual outside of the Commonwealth who may lawfully possess such assault firearm.” *Id.* § 18.2-287.4:1(C)(v). And it does not prohibit transfers through “inheritance” or “gift[s]” between “immediate family member[s].” *Id.* § 18.2-287.4:1(C)(vii), (x). None of the Firearm Ban’s exceptions applies to Plaintiffs’ intended conduct described in this Complaint.

32. The Firearms Ban defines the term “assault firearm” with extreme breadth. VA. CODE ANN. § 18.2-308.2:2(F) (“Assault firearm”).

33. *First*, the term includes any “semi-automatic center-fire rifle or pistol with a fixed magazine capacity in excess of 15 rounds.” VA. CODE ANN. § 18.2-308.2:2(F) (“Assault firearm” § 1).

34. *Second*, it also bans any “semi-automatic center-fire rifle that has the ability to accept a detachable magazine, not including an attached tubular device designed to accept and capable of operating only with .22 caliber rimfire ammunition,” if it has any of the following features:

- (i) a folding, telescoping, or collapsible stock;
- (ii) a thumbhole stock or pistol grip that protrudes conspicuously beneath the action of the rifle;
- (iii) a second handgrip or a protruding grip that can be held by the non-trigger hand;
- (iv) a grenade launcher; or
- (v) a threaded barrel capable of accepting (a) a muzzle brake, (b) a muzzle compensator, (c) a sound suppressor, or (d) a flash suppressor.

VA. CODE ANN. § 18.2-308.2:2(F) (“Assault firearm” § 2).

35. *Third*, it bans any “semi-automatic center-fire pistol that has two or more of the following characteristics”:

- (i) a second handgrip or a protruding grip that can be held by the non-trigger hand;
- (ii) the capacity to accept a magazine that attaches to the pistol outside of the pistol grip;
- (iii) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the pistol with the non-trigger hand without being burned;
- (iv) a threaded barrel capable of accepting (a) a sound suppressor, (b) a flash suppressor, (c) a barrel extender, or (d) a forward handgrip; or

(v) a buffer tube, arm brace, or other part that protrudes horizontally behind the pistol grip and is designed or redesigned to allow or facilitate the firing of a firearm from the shoulder.

VA. CODE ANN. § 18.2-308.2:2(F) (“Assault firearm” § 3).

36. *Fourth*, it bans any “semi-automatic shotgun that expels single or multiple projectiles by action of an explosion of a combustible material that has one of the following characteristics”:

- (i) a folding, telescoping, or collapsible stock;
- (ii) a thumbhole stock or pistol grip that protrudes conspicuously beneath the action of the shotgun;
- (iii) the ability to accept a detachable magazine;
- (iv) a fixed magazine capacity in excess of 15 rounds; or
- (v) any characteristic of like kind as enumerated in clauses (i) through (iv).

VA. CODE ANN. § 18.2-308.2:2(F) (“Assault firearm” § 4).

37. And, *fifth*, it also bans any “shotgun with a revolving cylinder,” any “firearm that has the capacity to accept a belt ammunition feeding device,” and any “firearm that has been modified to be operable as an assault firearm as described in subdivisions 1 through 6.” VA. CODE ANN. § 18.2-308.2:2(F) (“Assault firearm” §§ 5–7).

38. The Firearms Ban *excludes* from its reach “any firearm that is an antique firearm, has been rendered permanently inoperable, or is manually

operated by bolt, pump, lever, or slide action.” VA. CODE ANN. § 18.2-308.2:2(F) (“Assault firearm”).

39. Unlike other states whose recently enacted bans also enumerated lists of banned firearm models—like Illinois, for example, *see, e.g.*, 720 Ill. Comp. Stat. 5/24-1.9(a)(1)(J)—the Commonwealth has vaguely left that task entirely to the law-abiding citizens and firearms dealers of Virginia.

40. Modern semi-automatic rifles are extremely popular. According to a 2021 survey, more than 24 million Americans have owned an AR-type or similar rifle. William English, *2021 National Firearms Survey: Updated Analysis Including Types of Firearms Owned* at 33 (May 13, 2022). Sales of semi-automatic sporting rifles usually account for approximately 20% of *all firearms sales*. *Kolbe v. Hogan*, 813 F.3d 160, 174 (4th Cir. 2016), *rev’d*, 849 F.3d 114 (4th Cir. 2017) (en banc); *Bianchi v. Brown*, 111 F.4th 438, 518 (4th Cir. 2024) (Richardson, J., dissenting).

41. Semi-automatic rifles, the United States Supreme Court has explained, “traditionally have been widely accepted as lawful.” *Staples v. United States*, 511 U.S. 600, 612 (1994). As of June 2025, “AR-15s [were] legal in 41 of the 50 States, meaning that the States such as [the Commonwealth] that prohibit AR-15s are something of an outlier.” *Snope v. Brown*, 145 S. Ct. 1534, 1534 (2025) (Kavanaugh, J., statement respecting the denial of certiorari). To be

clear, a semi-automatic firearm discharges a single projectile with each trigger-pull. *Garland v. Cargill*, 602 U.S. 406, 410–11 (2024). It is not a fully automatic firearm—like a “machinegun”—that “can fire multiple times, or even continuously, by engaging the trigger only once.” *Id.* at 410.

42. Americans acquire, possess, and bear semi-automatic rifles for protected reasons. As one federal court explained, in 2018, “34% of buyers purchased a modern rifle for personal protection, while 36% purchased for target practice or informal shooting, and 29% purchased for hunting.” *Miller v. Bonta*, 542 F. Supp. 3d 1009, 1022 (S.D. Cal. 2021), *vacated and remanded*, No. 21-55608, 2022 WL 3095986 (9th Cir. Aug. 1, 2022) (discussing National Shooting Sports Foundation Survey).

43. But the constitutional infirmities of the Firearms Ban run deeper still: It also bans many pistols and shotguns. The Supreme Court has recognized that handguns “are the most popular weapon chosen by Americans for self-defense,” *Heller*, 554 U.S. at 629, and that “semiautomatic pistols” are among “the weapons most commonly used today for self-defense,” *Caetano v. Massachusetts*, 577 U.S. 411, 417 (2016) (Alito, J., concurring in the judgment). Semi-automatic shotguns of the class outlawed by the Firearms Ban similarly play a ubiquitous role in society, from home-defense, to hunting, to shooting competitions.

44. Additionally, many (if not most) of the ban-triggering “characteristics” within the Firearms Ban’s definitions are also in common use and play a beneficial role in the defense of self and others. Many semi-automatic rifles and shotguns have “folding, telescoping, or collapsible stocks,” which help with maneuverability, safety, or storage. “Thumbhole stocks” and “pistol grips” assist with accuracy or stability. Pistols often come with threaded barrels. Additionally, the attachment of a suppressor to a firearm does nothing more than lower the sound of a gunshot to levels more compatible with hearing safety. *See Hearing Protection, AM. SUPPRESSOR ASS’N*, <https://americansuppressorassociation.com/education/hearing-protection/> (last visited May 14, 2026) (discussing how “suppressors help to preserve the hearing of recreational shooters, hunters, and hunting dogs around the world”). There is no legitimate reason for limiting access to these hearing-saving devices, and the false narrative that suppressors silence a firearm or are often used in crime is complete fiction. And, in fact, suppressors are completely legal under Virginia law.

45. The lawful purchase of semi-automatic rifles and the other banned firearms is of “critical importance to tens of millions of law-abiding” citizens “throughout the country,” including in Virginia. *See Snope*, 145 S. Ct. at 1538 (Thomas, J., dissenting from the denial of certiorari). These firearms are in

“common use” for lawful purposes. *Bruen*, 597 U.S. at 21. And limitations on their acquisition, keeping, or bearing have no historical pedigree. The Firearms Ban therefore violates the Virginia Constitution’s right to keep and bear arms.

## **II. Virginia’s unconstitutional ban of common magazines**

46. As of July 1, 2026, Senate Bill 749 will also impose an unconstitutional restriction on the acquisition, keeping, and bearing of so-called “large capacity ammunition feeding device[s].” *See* VA. CODE ANN. § 18.2-309.1.

47. The Magazine Ban provides that “[a]ny person who imports, sells, barter[s], transfers, or purchases a large capacity ammunition feeding device is guilty of a Class 1 misdemeanor.” VA. CODE ANN. § 18.2-309.1(B).

48. The Magazine Ban defines “large capacity ammunition feeding device” to mean any

magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 15 rounds of ammunition but does not include an attached tubular device designed to accept and capable of operating only with .22 caliber rimfire ammunition.

VA. CODE ANN. § 18.2-309.1(A).

49. The Magazine Ban lists seven narrow exemptions. VA. CODE ANN. § 18.2-309.1(C). For example, it does not apply to the “transfer to or possession by a law-enforcement officer of a large capacity ammunition feeding device for

purposes of law enforcement.” *Id.* § 18.2-309.1(C)(ii). It also exempts “possession,” but not acquisition, of a large capacity magazine “by an individual who is retired from service with a law-enforcement agency and is not otherwise prohibited from receiving ammunition transferred to the individual by the law-enforcement agency upon his retirement.” *Id.* § 18.2-309.1(C)(v). None of the Magazine Ban’s exceptions applies to Plaintiffs’ intended conduct as described in this Complaint.

50. Many semi-automatic rifles and pistols come standard with magazines that have a capacity of more than 15 rounds. *See* David B. Kopel, *The History of Firearm Magazines and Magazine Prohibitions*, 78 ALB. L. REV. 849, 859 (2015). For example, the popular Beretta Model 92—“which entered the market in 1976”—“comes standard with a sixteen-round magazine.” *Duncan v. Becerra*, 970 F.3d 1133, 1142 (9th Cir. 2020), *reh’g en banc granted, opinion vacated*, 988 F.3d 1209 (9th Cir. 2021). Indeed, courts have recognized that “semi-automatic firearms using a magazine with the capacity of greater than 15 rounds number in the tens of millions.” *Kolbe*, 813 F.3d at 174 (citation omitted). There is no historical tradition of prohibiting the acquisition, keeping, and bearing of commonly possessed magazines merely because the Commonwealth has arbitrarily deemed them “large.”

**COUNT I**  
**Violation of the Constitutional Right to Keep and Bear Arms**

**Va. Const. Art. I, § 13.**

51. Plaintiffs incorporate the preceding paragraphs of this Complaint by reference.

52. Article I, Section 13 of the Virginia Constitution guarantees “the right of the people to keep and bear arms.” VA. CONST. ART. I, § 13.

53. The Firearms Ban and Magazine Ban violate Plaintiffs’ right to keep and bear arms by prohibiting them from purchasing (or selling) firearms and magazines that are in common use for lawful purposes.

54. The Virginia Constitution’s right to keep and bear arms is applied using the same analytical framework as the Second Amendment to the United States Constitution. *See DiGiacinto*, 281 Va. at 134; *Shivae*, 270 Va. at 119. Accordingly, “when the [right’s] plain text covers an individual’s conduct, the Constitution presumptively protects that conduct”; thus, a law burdening protected conduct is unconstitutional unless the Commonwealth “demonstrate[s] that the regulation is consistent with this Nation’s historical tradition of firearms regulation.” *Bruen*, 597 U.S. at 17.

55. The Firearms Ban and Magazine Ban burden conduct protected by the Virginia Constitution’s right to keep and bear arms.

56. The Plaintiffs, the customers of Middletown Firearms, Middletown Training, and Virginia Pride, as well as VSSA's members, are among "the people" whose rights are protected by Article I, Section 13.

57. The Virginia Constitution's right to keep and bear arms, as a matter of plain text, covers the act of "possess[ing] and carry[ing] weapons in case of confrontation," *Heller*, 554 U.S. at 592, including "in public," *Bruen*, 597 U.S. at 33. "[T]he right to 'keep and bear' arms surely implies the right to purchase them." *Reese v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, 127 F.4th 583, 590 (5th Cir. 2025); *Gazzola v. Hochul*, 88 F.4th 186, 196 (2d Cir. 2023) ("[T]he right to keep arms, necessarily involves the right to purchase them." (quotation marks omitted)); *Ortega v. Grisham*, 148 F.4th 1134, 1143 (10th Cir. 2025) ("[A]cquiring, purchasing, and possessing firearms is a necessary predicate to keeping and bearing them."); *Nguyen v. Bonta*, 140 F.4th 1237, 1240 (9th Cir. 2025) ("[T]he ability to acquire firearms through purchase without meaningful constraints [is] protected by the Second Amendment."); *Nat'l Rifle Ass'n v. Bondi*, 133 F.4th 1108, 1171 (11th Cir. 2025) (en banc) (Brasher, J., dissenting) ("[W]e must decide whether the right to keep and bear arms extends to the purchase of firearms. Neither the [defendant] nor the majority opinion disputes that this first step is met in favor of the plaintiffs.").

58. The firearms prohibited by Senate Bill 749’s Firearms Ban are indisputably “arms” within the meaning of Article I, Section 13. The term “arms” “covers modern instruments that facilitate armed self-defense,” *Bruen*, 597 U.S. at 28, which includes “all firearms,” *Heller*, 554 U.S. at 581 (citation omitted).

59. The magazines prohibited by Senate Bill 749’s Magazine Ban are also protected “arms,” because they “facilitate armed self-defense.” *Bruen*, 597 U.S. at 28. “[W]ithout bullets, the right to bear arms would be meaningless.” *Jackson v. City & Cnty. of San Francisco*, 746 F.3d 953, 967 (9th Cir. 2014). As the D.C. Circuit recently explained: “A magazine is necessary to make meaningful an individual’s right to carry a handgun for self-defense. To hold otherwise would allow the government to sidestep the Second Amendment with a regulation prohibiting possession at the component level, ‘such as a firing pin.’” *Hanson v. Dist. of Columbia*, 120 F.4th 223, 232 (D.C. Cir. 2024); see *Benson v. United States*, No. 23-CF-0514, 2026 WL 628772, at \*7–8 (D.C. March 5, 2026) (holding that 11+ round magazines are protected arms), *op. vacated, reh’g en banc granted* (Apr. 23, 2026).

60. Defendants’ enforcement of the Firearms Ban and the Magazine Ban hinders, burdens, and thus infringes Plaintiffs’ right to keep and bear arms as a matter of plain text.

61. Because the right to keep and bear arms textually covers Plaintiffs' intended conduct, the Firearms Ban and the Magazine Ban are unconstitutional unless the Commonwealth can "affirmatively prove that its firearms regulation[s] [are] part of the historical tradition that delimits the outer bounds of the right to keep and bear arms." *Bruen*, 597 U.S. at 19.

62. The Firearms Ban and the Magazine Ban are not consistent with this Nation's historical tradition of firearm regulation.

63. There were no restrictions on classes of arms based on their firing capacity or the kinds of characteristics that the Commonwealth has targeted at the Founding, the temporal reference point for historical-tradition analysis. Nor were there any restrictions on magazine capacities at the Founding. Regulations of these types were unprecedented until the 20th century, which is far too late to establish historical tradition. *See Bruen*, 597 U.S. at 66 n.28 (refusing to even "address any of the 20th-century historical evidence" offered by the State of New York); *Espinoza v. Mont. Dep't of Revenue*, 591 U.S. 464, 482 (2020) (rejecting reliance on laws enacted in "more than 30 States" because they "arose in the second half of the 19th century").

64. The Firearms Ban and the Magazine Ban cannot be justified by "the historical tradition of prohibiting the carrying of 'dangerous and unusual weapons.'" *Heller*, 554 U.S. at 627. Both the firearms and the magazines banned

by the Commonwealth are “in common use today” for lawful purposes; they therefore cannot be both dangerous *and* unusual. *Bruen*, 597 U.S. 47. The firearms and magazines at issue are “typically possessed by law-abiding citizens for lawful purposes,” which categorically establishes their constitutional protection. *Heller*, 554 U.S. at 624–25. The “complete prohibition” of those protected arms “is invalid.” *Id.* at 629.

65. The Firearms Ban is unconstitutional on its face, as applied to each individual firearm within its substantive scope, and as applied to each Plaintiff.

66. The Magazine Ban is unconstitutional on its face, as applied to each individual magazine within its substantive scope, and as applied to each Plaintiff.

### **PRAYER FOR RELIEF**

Plaintiffs respectfully request that the Court:

a. Declare that the Firearms Ban violates Article I, Section 13 of the Virginia Constitution;

b. Declare that the Magazine Ban violates Article I, Section 13 of the Virginia Constitution;

c. Issue a preliminary injunction enjoining Defendants from enforcing the Firearms Ban and the Magazine Ban against Plaintiffs; the customers of

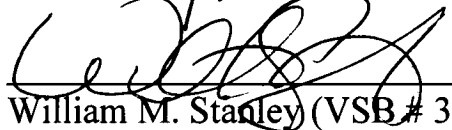
Middletown Firearms, Middletown Training, and Virginia Pride; and VSSA's members;

d. Issue a permanent injunction enjoining Defendants from enforcing the Firearms Ban and the Magazine Ban against Plaintiffs; the customers of Middletown Firearms, Middletown Training, and Virginia Pride; and VSSA's members; and

e. Grant such other relief as is just and proper.

e. Grant such other relief as is just and proper.

Dated: Nov 15, 2026

  
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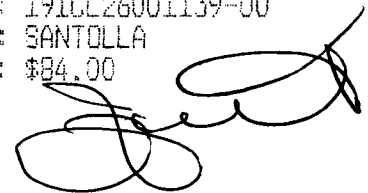
Respectfully submitted

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May 15, 2026

Hon. Tricia S. Moore  
Clerk of Circuit Court for  
Washington County  
189 East Main Street  
Abington, VA 24210

FILED

MAY 15 2026

DEPUTY CLERK CIRCUIT COURT  
WASHINGTON COUNTY, VA

**RE:** Joseph Santolla, et al. v. Jeffrey S. Katz, et al.

Dear Ms. Moore:

Enclosed for filing please find the following documents, which we ask that you file and return a file-stamped copy. We have also enclosed our firm's check in the amount of \$84.00 for the filing of same and a check in the amount of \$750.00 for the three (3) Pro Hac Vice Applications. We will have the Defendants serve via a private process server please prepare service.

1. Complaint and eight copies;
2. Three (3) Motion for Pro Hac Vice and an Order for Pro Hac Vice and eight copies;
3. Notice of Constitutional Challenge and eight copies;
4. Plaintiff's Motion for Preliminary Injunction and eight copies; and
5. Plaintiff's Brief of Plaintiff's Motion for Preliminary Injunction and eight copies.

We will have the Defendants serve via a private process server please prepare service.

I thank you for your cooperation. If anything else is required, please let us know. Until then, I remain;

Very truly yours,

William M. Stanley

WMS/rs  
Enclosures  
cc: Chadwick Lamar