

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

JUSTIN MCDONALD, ANTHONY
GROENEVELD, NATIONAL RIFLE
ASSOCIATION OF AMERICA,
FIREARMS POLICY COALITION,
INC., and SECOND AMENDMENT
FOUNDATION, INC.,

Plaintiffs,

v.

COLONEL JEFFREY KATZ, *in his
official capacity as Superintendent of the
Virginia State Police*, JOHN L.
LUMPKINS, JR., *in his official capacity
as Goochland County Commonwealth's
Attorney*, STEVEN CREASEY, *in his
official capacity as Goochland County
Sheriff*, AMY ASHWORTH, *in her
official capacity as Prince William
County Commonwealth's Attorney*, and
GLENDELL HILL, *in his official
capacity as Prince William County
Sheriff*,

Defendants.

Case No. 1:26-cv-01305-LMB-WEF

MEMORANDUM OF LAW IN SUPPORT OF CONSENT MOTION TO STAY

Plaintiffs Justin McDonald, Anthony Groeneveld, National Rifle Association of America, Firearms Policy Coalition, Inc. and Second Amendment Foundation, Inc., submit this Memorandum of Law in Support of their Consent Motion to Stay proceedings in this matter.

This case is a Second and Fourteenth Amendment challenge to the constitutionality of Virginia’s recent ban on “assault firearms” and “large capacity ammunition devices.” *See, e.g.*, Va. Code §§ 18.2-287.4:1, 18.2-309.1. As Plaintiffs acknowledged in their Complaint, the relief they seek is foreclosed by *Bianchi v. Brown*, 111 F.4th 438 (4th Cir. 2024) (en banc), and *Kolbe v. Hogan*, 849 F.3d 114 (4th Cir. 2017) (en banc). That said, two intervening events since Plaintiffs filed suit on May 14, 2026, support staying proceedings in this matter.

The first is the United States Supreme Court’s decision on June 30, 2026, to grant the petitions for certiorari in *Viramontes v. Cook County, Ill.*, No. 25-238, and *Grant v. Higgins*, No. 25-566, where the Court will consider “[w]hether the Second and Fourteenth Amendments to the United States Constitution guarantee the right to possess semiautomatic rifles that are in common use for lawful purposes, including the most popular rifle in the country, the AR-15.”

The second is the Circuit Court of Washington County, Virginia’s entry of a State-wide preliminary injunction, based on State constitutional grounds, in *Santolla v. Katz*, No. CL26-1139. By order dated June 29, 2026—and later supplemented by an Order entered July 27, 2026—the Circuit Court enjoined “all law enforcement agencies of the Commonwealth and its localities . . . from enforcement of the provisions of the Bans within all localities and jurisdictions of the Commonwealth.” The Circuit Court established an “onset date” of its injunction for July 21, 2026, meaning it is now in full effect.

These developments support the issuance of a stay here. The Supreme Court has agreed to hear two cases raising nearly identical legal challenges to those presented by Plaintiffs. The Court's ruling will have a direct and controlling outcome on the resolution of this case. Recognizing this fact, the Ninth Circuit *sua sponte* delayed hearing a long pending challenge to California's "Assault Weapons Ban" pending the Supreme Court's resolution of *Viramontes* and *Grant*. See *Miller v. Bonta*, No. 23-2979, ECF No. 94 (9th Cir. July 1, 2026). This Court should do the same.

What's more, the Commonwealth has already been enjoined, albeit on State constitutional grounds, from enforcing the same laws Plaintiffs are challenging here. Given these developments, it is in both the Parties' and the Court's interest to await guidance and conserve resources pending the United States Supreme Court's issuance of its mandates in *Viramontes* and *Grant*.

Defendants consent to this request, and a Proposed Order is attached as **Exhibit A**.

Respectfully submitted,

/s/ P. Thomas DiStanislao

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