

Stephen Stamboulieh

From: Berman, Keri L. (CIV) <Keri.L.Berman@usdoj.gov>
Sent: Friday, July 10, 2026 12:31 PM
To: Ryan Kercher; Rob Olson
Cc: Stephen Stamboulieh; Newman, Jeremy S (CIV); Wade Johnson
Subject: RE: [EXTERNAL] Re: Meet and Confer re: Rule 59(e) Motion - Texas v. ATF 24-cv-89

Ryan,

Thank you for your response, I will convey Plaintiffs' opposition to the Court. As I explained to Rob, Defendants are not seeking to preserve selected portions of the existing Rule but rather every part of the Rule that was not explicitly challenged and decided on the merits in the Court's PI opinion or Final Judgment. An example of one such part is the existing Rule's definitions of "purchase" and "sale," however my explanation to Rob is the only comprehensive way to convey the relief Defendants are seeking.

Best,
Keri

From: Ryan Kercher <Ryan.Kercher@oag.texas.gov>
Sent: Friday, July 10, 2026 12:23 PM
To: Rob Olson <robert.jeffrey.olson@gmail.com>; Berman, Keri L. (CIV) <Keri.L.Berman@usdoj.gov>
Cc: Stephen Stamboulieh <stephen@sdslaw.us>; Newman, Jeremy S (CIV) <Jeremy.S.Newman@usdoj.gov>; Wade Johnson <Wade.Johnson@oag.texas.gov>
Subject: RE: [EXTERNAL] Re: Meet and Confer re: Rule 59(e) Motion - Texas v. ATF 24-cv-89

All –

I have conferred with counsel for all of the State parties. All States oppose the motion.

Additionally, Keri's response to Rob's inquiry about which portions of the Rule remain at issue in the DOJ's anticipated motion fails to meet basic requirements for conference.

Regards,

RGK

Ryan G. Kercher
Chief, Special Litigation Division
Office of the Attorney General for the State of Texas
Ryan.Kercher@oag.texas.gov
Direct: 512.788.3771

From: Rob Olson <robert.jeffrey.olson@gmail.com>
Sent: Wednesday, July 8, 2026 3:46 PM
To: Berman, Keri L. (CIV) <Keri.L.Berman@usdoj.gov>

Cc: Stephen Stamboulieh <stephen@sdslaw.us>; Newman, Jeremy S (CIV) <Jeremy.S.Newman@usdoj.gov>; Wade Johnson <Wade.Johnson@oag.texas.gov>; Ryan Kercher <Ryan.Kercher@oag.texas.gov>

Subject: Re: [EXTERNAL] Re: Meet and Confer re: Rule 59(e) Motion - Texas v. ATF 24-cv-89

Keri –

The private plaintiffs' position is as follows:

To the extent some portion or portions of the regulations promulgated by the Rule merely track statutory language verbatim, we would not object to preserving such language.

Otherwise, since you have declined to provide any specific provisions or language you believe should be saved, or on what grounds, we must oppose your motion. It is our position that virtually every part of the Rule either (i) was struck, or (ii) operates to support a provision that was struck.

Best,
Rob

P.S. I am cc'ing Ryan Kercher in the TX AG's office, who can respond on behalf of the States.

On Wed, Jul 8, 2026 at 1:40 PM Berman, Keri L. (CIV) <Keri.L.Berman@usdoj.gov> wrote:

Hi Rob,

Our position is that all aspects of the Rule which the Court did not specifically decide on the merits in the Final Judgment (and by extension the PI decision) should be preserved.

Best,

Keri

From: Rob Olson <robert.jeffrey.olson@gmail.com>

Sent: Wednesday, July 8, 2026 1:32 PM

To: Berman, Keri L. (CIV) <Keri.L.Berman@usdoj.gov>

Cc: Stephen Stamboulieh <stephen@sdslaw.us>; Newman, Jeremy S (CIV) <Jeremy.S.Newman@usdoj.gov>;
Wade.Johnson@oag.texas.gov

Subject: [EXTERNAL] Re: Meet and Confer re: Rule 59(e) Motion - Texas v. ATF 24-cv-89

Keri --

Can you let us know specifically which portions of the Rule DOJ is interested in *not* having vacated? I think we'd need to know that in order to determine our position on your motion.

Best,

Rob

On Wed, Jul 8, 2026 at 12:39 PM Berman, Keri L. (CIV) <Keri.L.Berman@usdoj.gov> wrote:

Good Afternoon Stephen,

Defendants intend to file a Rule 59(e) motion on Friday July 10, to limit the scope of the Final Judgment's vacatur to the aspects of the Rule that the Court actually determined to be unlawful. Please let us know Plaintiffs' position or if you seek to confer further over the phone. I am generally available tomorrow to discuss if necessary.

Best,

Keri