

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF LANCASTER

**JOHN CRUMP,
GUN OWNERS OF AMERICA, INC.,
GUN OWNERS FOUNDATION,
VIRGINIA CITIZENS DEFENSE LEAGUE, and
VIRGINIA CITIZENS DEFENSE FOUNDATION,**

Plaintiffs,

v.

Case No. CL26000201-00

**COLONEL JEFFREY S. KATZ,
In His Official Capacity as
Superintendent of the Virginia State Police,**

Defendant.

PLAINTIFFS' MOTION TO ENLARGE PRELIMINARY INJUNCTION

COME NOW Plaintiffs John Crump, Gun Owners of America, Inc. ("GOA"), Gun Owners Foundation ("GOF"), Virginia Citizens Defense League ("VCDL"), and Virginia Citizens Defense Foundation ("VCDF"), by counsel, pursuant to Va. Code § 8.01-624 and Rules 3:26 and 4:15 of the Rules of the Supreme Court of Virginia, and move the Court to enlarge the current preliminary injunction order entered in this case, and in support thereof state the following:

INTRODUCTION

On June 25, 2026, this Court orally granted a preliminary injunction against Defendant Katz's enforcement of an unprecedented ban on commonly owned but pejoratively named "assault firearms" and "large capacity ammunition feeding devices," holding that the Challenged Statutes likely violate Article I, Section 13 of the Virginia Constitution. Specifically, this Court preliminarily enjoined "Colonel Jeffrey S. Katz in his official capacity as superintendent of the

Virginia State Police, and his successors, officers, agents, servants, and employees ... across the Commonwealth of Virginia.” June 25, 2026 Transcript of Hearing on Plaintiffs’ Motion for Temporary Injunction (“Tr.”) at 89:15-18, 91:12. However, this Court limited its statewide injunction to the Virginia State Police only, declining to “issu[e] a preliminary injunction against any other law enforcement officer or Commonwealth’s Attorney as they are not parties to this litigation.” *Id.* at 89:23-90:1. On June 30, 2026, this Court formalized its oral ruling in a written order, reiterating that only “Defendant in his Official Capacity as Superintendent of the Virginia State Police, and his successors, officers, agents, servants, and employees[] are enjoined....” Order Granting Preliminary Injunction ¶2.

Thus, as this Court’s injunction currently stands, Attorney General Jay Jones has taken the position that Plaintiffs still may be arrested, charged, prosecuted, and *convicted* for violating the Challenged Statutes throughout the Commonwealth. Indeed, Jones recently asserted that “Commonwealth’s Attorneys are elected to enforce our laws, which is what we expect them to do when these laws take effect on July 1.”¹ In fact, “the attorney general’s office emphasized that the court orders do not bind individuals or local law enforcement agencies that were not named as defendants in the lawsuits. ‘The new laws remain in force,’ the office said in the update.”²

That means Plaintiff Crump remains at risk of prosecution for engaging in conduct this Court expressly found constitutionally protected. Should he make his planned purchases in Lancaster County and then return home to Loudoun County, *each jurisdiction along the way* can prosecute him, according to Jay Jones. See Compl. Ex. C, Affidavit of John Crump ¶¶1, 12-14.

¹ Brandon Jarvis, *Some Commonwealth’s Attorneys Vow to Not Enforce New Gun Ban in Virginia*, Virginia Scope (May 25, 2026), <https://tinyurl.com/muapb72n>.

² Brandon Jarvis, *Attorney General’s Office Says Virginia Assault Weapons Ban Is in Effect Across Most of the State*, Virginia Scope (July 1, 2026), <https://tinyurl.com/4zyhp4rd>.

Indeed, as of the date of writing, not one of these jurisdictions' Commonwealth's Attorneys or sheriffs has disavowed enforcement of the Challenged Statutes – although many others have.³

Meanwhile, in *Santolla v. Katz*, No. CL26001139-00, the Washington County Circuit Court preliminarily enjoined “all law enforcement agencies of the Commonwealth and its localities, to include law enforcement officers as defined in §9.1-101 of the Code of Virginia and Commonwealth Attorneys,” from enforcing the Challenged Statutes. July 7, 2026 Amendment to June 29 Letter Opinion (“*Santolla Op.*”) at 3.⁴ The *Santolla* court enjoined these additional officials and entities even though they were not “parties to th[e] litigation,” because “the Court [wa]s concerned that the scope of its limited prior ruling raise[d] the proposition of whether the Plaintiffs [t]herein can be afforded complete relief as sought....” *Id.* at 2. However, the *Santolla* court’s “injunction prohibiting enforcement ... across all localities and covering every corner of the Commonwealth” appears to protect only the named *plaintiffs* in that litigation. *Id.*

In other words, two courts thus far have concluded that the Challenged Statutes pose serious constitutional issues – so much so that they ought to be preliminarily enjoined pending final judgments.⁵ Yet despite this growing consensus that the Challenged Statutes are likely

³ See VA-Alert, VCDL (July 9, 2026), <https://tinyurl.com/3pazuams> (reporting 19 Commonwealth’s Attorneys and 14 sheriffs have disavowed enforcement); see also <https://x.com/TheronKeller/status/2075399865358500017/photo/1> (graphical representation).

⁴ <https://shared.nrapvf.org/sharedmedia/1512202/2026-va-santolla-amendment-to-letter-opinion.pdf>.

⁵ Likewise, in *ANJRPC, Inc. v. Att’y Gen. N.J.*, 2026 U.S. App. LEXIS 21156 (3d Cir. July 17, 2026), the en banc Third Circuit recently struck down New Jersey’s substantially similar bans on “assault firearms” and “large capacity ammunition magazines,” becoming the first federal circuit to recognize that the Second Amendment protects these popular weapons. Notably, New Jersey proffered practically identical historical regulations to the ones Defendant Katz offered here. See *id.* at *49-53; cf. Defendant Katz’s Opposition to Motion for Preliminary Injunction at 25-27. The Third Circuit dispensed with each, observing that New Jersey “could not overcome the dearth of relevantly similar Founding-era restrictions.” *ANJRPC*, 2026 U.S. App. LEXIS 21156, at *63.

unconstitutional, the Attorney General has taken the position that Plaintiffs (and indeed, almost all Virginians) remain at risk of prosecution in a majority of jurisdictions, effectively preventing the exercise of their constitutional rights. The current and untenable state of affairs is that one court’s injunction – this Court – protects *all* Virginians against *one* law enforcement entity. Meanwhile, the other court’s injunction – *Santolla* – protects only a *few* Virginians against *all* law enforcement entities. Neither offers complete relief, and this incomplete patchwork of protection fails to accomplish the very purpose of a preliminary injunction – the preservation of the status quo, “the ‘last uncontested status between the parties which preceded the controversy.’” *Smith v. Faith Baptist Church*, 110 Va. Cir. 70, 71-72 (Chesapeake 2022).

ARGUMENT

I. This Court Can and Should Expand Its Preliminary Injunction to Cover All Law Enforcement Agencies and Commonwealth’s Attorneys.

Unlike their federal counterparts,⁶ Virginia courts have broad authority to issue injunctions that afford complete relief for constitutional violations. Under Va. Code § 8.01-624, a temporary injunction “may be enlarged or a further injunction granted by the court in which the cause is pending or by the court to whom the bill is addressed in the event the cause be not matured, after reasonable notice to the adverse party, or to his attorney of record of the time and place of moving for the same.” Such relief can include enjoining the conduct of nonparties to a case. As the *Santolla* court recently explained, “Chapter 24 of Title 8.01 of the Code of Virginia, 1950, as amended, gives a broad grant of authority to Circuit Courts to award injunctions, within and without of the Circuit, and in matters involving statewide application.” *Santolla* Op. at 2-3. This

⁶ See *Trump v. CASA, Inc.*, 606 U.S. 831, 837 (2025) (“‘[U]niversal injunctions’ [] likely exceed the equitable authority that Congress has granted to federal courts.”).

“enabling statute ... grant[s] such authority to this Court” to “issue a universal injunction....” *Id.* at 2.

In addition to the recent *Santolla* decision, there is ample precedent for the issuance of injunctions which bind nonparties in Virginia. In fact, Virginia circuit courts routinely have issued injunctions against parties not formally before the court, including against unnamed groups of people defined only by category. For instance, in *Rollins v. Commonwealth*, 211 Va. 438, 439 (1970), a Danville court issued a temporary injunction enjoining “certain named defendants and ‘other unknown parties similarly situated,’ for the purpose of preventing mob violence.” Relying on *Rollins*, the Virginia Court of Appeals later stated that “the Supreme Court of Virginia defined the requirements necessary for finding a non-party to an injunction amenable to its terms. A non-party must have actual notice or knowledge of the injunction, and the evidence must show that the non-party violated the terms of the injunction while acting as an agent of or in concert with one or more of the named defendants.” *Powell v. Ward*, 15 Va. App. 553, 556 (1993). Thus, in *Wilson v. Hanley*, No. CL20-582 (Lynchburg Cir. Ct.), a circuit court recently issued a permanent injunction against “all law enforcement divisions, agencies, and officers within the Commonwealth” from enforcing a gun control law, even though the Virginia State Police Superintendent was the only named defendant. Final Order ¶2 (Oct. 29, 2025).⁷ The Commonwealth never appealed that ruling. The same circuit court had previously issued and renewed preliminary injunctions similarly binding all law enforcement divisions, agencies, and officers.

⁷ https://foundation.gunowners.org/wp-content/uploads/CL20000582-00-PO-156_Certified.pdf.

In other words, a circuit court undoubtedly can enjoin nonparties. The only question is whether – if any such nonparty violates the injunction – the nonparty had “actual notice or knowledge” of it prior to the violation. *Calamos v. Commonwealth*, 184 Va. 397, 400 (1945). But no Virginia appellate court has ever stated that nonparties cannot be the subject of an injunction or brought within the scope of such an order in the first instance.⁸

There are compelling reasons for this Court to expand its injunction here. Indeed, all parties who would be enjoined are either prosecuting officials or law enforcement entities that operate under and on behalf of the Commonwealth, to enforce its laws. Enjoining all law enforcement entities from enforcing the Challenged Statutes would provide complete and actual relief to Virginians seeking to exercise their Article I, Section 13 rights while this case is pending, without fear of arrest or prosecution in any jurisdiction. Under this Court’s current injunction, the Attorney General has taken the position that Plaintiffs and others still can be arrested and prosecuted by officials *other* than the Virginia State Police, and so enjoining only the State Police has not provided complete relief.

Because “[p]artial relief” against only the Virginia State Police “would not suffice ... to achieve the intent of [Va. Code § 8.01-624] within the context of the facts of this case” (*Santolla* Op. at 3), Plaintiffs respectfully request that this Court enlarge its preliminary injunction to enjoin all law enforcement divisions, agencies, officers, and Commonwealth’s Attorneys of the Commonwealth of Virginia from enforcing the Challenged Statutes. *See* Compl. Prayer for Relief

⁸ To the extent that the Court remains hesitant to enjoin nonparties to the case notwithstanding these precedents for doing so, Plaintiffs are willing to move the Court pursuant to Rule 3:12 to add “Commonwealth of Virginia” as a named party to the case, with all other allegations remaining unchanged in the Complaint. It is well established that the Commonwealth itself (and thus all officials acting in its name) may be named as a party, and that sovereign immunity does not shield it from actions based upon violations of self-executing provisions of the Constitution of Virginia.

¶4 (requesting injunctive relief against “all law enforcement divisions, agencies, and officers with notice of such injunction”). Virginia law enforcement officials already have been notified of such injunctive relief in *Santolla* as to the plaintiffs in that case,⁹ and indeed, many already agree that the Challenged Statutes are unconstitutional and have declined to enforce them anyway. See note 3, *supra*.

This expanded injunctive relief is necessary to resolve the patchwork of protections currently in place against the Challenged Statutes. Both this Court and the *Santolla* court issued reasoned opinions explaining why the Challenged Statutes likely violate the Virginia Constitution which the Attorney General has not appealed, findings which have been further vindicated in the days since. See *ANJRPC, Inc. v. Att’y Gen. N.J.*, 2026 U.S. App. LEXIS 21156 (3d Cir. July 17, 2026). Even so, Defendant Katz initially sought to appeal this Court’s decision on an interlocutory basis but, seemingly realizing it would be upheld, abandoned such efforts, apparently preferring to wait. Now, this Court would be well within its authority to bind nonparties and issue complete and meaningful relief – especially given that the Attorney General has since publicly instructed the parties whom this Court did not originally enjoin to continue to enforce the Challenged Statutes. And should Defendant seek to appeal any such expanded relief, Plaintiffs will be pleased to litigate the issue in Virginia’s appellate courts.

CONCLUSION

For the foregoing reasons, Plaintiffs’ Motion should be granted, and the Court’s preliminary injunction should be enlarged to include enjoining all Commonwealth’s Attorneys,

⁹ Plaintiffs offer to bear the administrative burden of serving notice of an expanded injunction to all law enforcement divisions, agencies, officers, and Commonwealth’s Attorneys.

and all law enforcement divisions, agencies, and officers with notice of such injunction, from enforcing the Challenged Statutes.

Respectfully submitted,

**JOHN CRUMP,
GUN OWNERS OF AMERICA, INC.,
GUN OWNERS FOUNDATION,
VIRGINIA CITIZENS DEFENSE LEAGUE, and
VIRGINIA CITIZENS DEFENSE FOUNDATION**

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CERTIFICATE OF SERVICE

The undersigned certifies that, on July 20, 2026, a true and accurate copy of the foregoing Motion to Enlarge Preliminary Injunction was emailed to the following:

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