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' EMERGENCY MOTION TO REINSTATE HEARING

COME NOW the Plaintiffs, by counsel, pursuant to Rules 3:26 and 4:15 of the Rules of the Supreme Court of Virginia, and state as follows as their Emergency Motion to Reinstate hearing:

RELEVANT PROCEDURAL HISTORY

1. On May 15, 2026, Plaintiffs filed their Complaint seeking declaratory and injunctive relief to strike down and enjoin the enforcement of legislation enacted the day before by the General Assembly which bans the acquisition and carrying of a vast array of commonly owned firearms and accessories ("Challenged Statutes"), in plain violation of Article I, Section 13 of the Virginia Constitution.[1]

[1] Plaintiffs' argument that the Challenged Statutes are unconstitutional is hardly academic. At least 14 elected Commonwealth's Attorneys in Virginia have now issued open letters stating that they will not enforce the Challenged Statutes, on constitutional grounds. *See*: https://www.vcdl.org/va-alert-6-2-2026-two-more-cas-step-up

2. Three days later on May 18, 2026, Plaintiffs filed their Motion for Temporary Restraining Order and Preliminary Injunction (the "Motion"), seeking temporary injunctive relief to protect countless Virginians from the irreparable harm that the Challenged Statutes will immediately inflict beginning on July 1.

3. In compliance with Rules 3:26 and 4:15, and the relevant injunction statutes, Plaintiffs immediately provided all of these filings to the Office of the Attorney General, who promptly acknowledged receipt.

4. By agreement of the parties and the Court on May 27, 2026, the Court scheduled, and the Plaintiffs filed and served notice of, a hearing on the Motion to be held on June 12, 2026, to permit the Court to make a decision in advance of the July 1, 2026 effective date of the Challenged Statutes (or as soon thereafter as practicable).

5. Despite having had Plaintiffs' Motion for nearly a month, Defendant waited until June 8 to file a lengthy brief and voluminous exhibits in response to the Motion.

6. At 1:25 p.m. on June 9, 2026, the Clerk of the Court e-mailed counsel to inform them that the Court had removed the June 12, 2026 hearing from the docket because it was "putting a stay on this hearing pending the outcome of the consolidation motions before the three judge Circuit Court Panel." The Court's contemporaneously issued order goes even further, stating that "further proceedings in this case are stayed."

ARGUMENT

7. There exists no legal basis to "stay" this Court's proceedings in this case, including the hearing upon and decision with respect to the Motion – under the Multiple Claimant Litigation

Act (Va. Code § 8.01-267.1 *et seq*.) ("MCLA") or otherwise. To the contrary, to do so risks creating and prolonging the irreparable constitutional harm that the Motion seeks to alleviate.

8. Rule 4:15(d) provides that, "upon request of counsel of record for any party, or at the court's request, the court will hear oral argument on a motion." (Emphasis Added). Plaintiffs have properly requested, scheduled, and noticed the hearing on the Motion.

9. Furthermore, there exists no provision or language within the MCLA which authorizes or contemplates, much less requires, that this Court stay the proceedings in this case merely because an application to consolidate was filed and is pending. Indeed, the *only* restriction on this Court's authority at this time under a pending consolidation application is that "a circuit court shall not enter any further orders under § 8.01-267.3 until after the panel has entered an order granting or denying an application for transfer pursuant to subsection A." In other words, this Court may not enter any consolidation or transfer orders *of its own*, but may otherwise proceed normally *unless and until* the case is transferred. The MCLA is not intended as a tool or artifice to delay or sidestep the ability of parties to seek temporary injunctive relief to avoid imminent harm while the MCLA process is still proceeding.

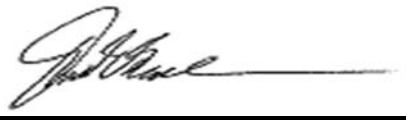
10. The Three Judge Panel designated by the Supreme Court of Virginia (the "Panel") has not yet acted. In fact, the Panel has not even communicated any briefing or hearing schedule to counsel, nor given any indication yet as to how soon or how quickly in may proceed. It is entirely plausible that the Panel may take several months to have proceedings and issue a decision, by which point the Plaintiffs and those whose interests they represent will have suffered ongoing and irreparable harm for months.

11. Canceling Friday's hearing and staying proceedings in this case also prejudices the rights of both sides to seek expedited interlocutory review of this Court's decision on Plaintiffs' motion, as permitted by Va. Code § 8.01-626.

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully request that the Court vacate its June 9, 2026 order staying the case, reinstate the hearing upon the Plaintiffs' Motion set for June 12, 2026, render a decision upon the Motion, and grant such other relief as it deems just.

Respectfully submitted,

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

BY: 

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned certifies that, on June 9, 2026 (before 5:00 p.m.), a true and accurate copy of the foregoing Motion was e-mailed to the following:

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