

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF LYNCHBURG

VIRGINIA CITIZENS DEFENSE LEAGUE, et. al.,

Plaintiffs,

v.

Case No. CL20-582

COLONEL MATTHEW D. HANLEY
(In his Official Capacity as
Superintendent of the Virginia State Police)

Defendant.

DEFENDANT’S MOTION FOR PRESENTATION AND ENTRY OF ORDER

Defendant, Colonel Matthew D. Hanley, respectfully requests this Court to enter his proposed final order, attached as **Exhibit A**, because it accurately reflects this Court’s letter opinion rulings on December 17, 2024, and October 16, 2025, and comports with the law of Virginia, while Plaintiffs’ proposed Order does not.

1. The Court’s letter opinion issued October 16, 2025 instructed Plaintiffs’ counsel to prepare an order consistent with the ruling.

2. On October 22, 2025, Plaintiffs’ counsel emailed a proposed final order to defense counsel and subsequently provided a deadline of noon on October 27, 2025, to agree to its content—otherwise Plaintiffs would submit their proposed order pursuant to Rule 1:13. See Ex. B – Plaintiffs’ proposed order.

3. Plaintiffs’ proposed order was not consistent with the Court’s rulings in this matter and should not enter for multiple reasons as outlined below. Instead, the Court should enter Defendant’s proposed order containing Defendant’s noted objections. *See* Ex. A – Defendant’s proposed order.

4. First, Plaintiffs' proposed order included former Plaintiffs Raul Wilson and Wyatt Lowman in the caption and therefore implies that injunctive relief is awarded in those individuals' favor. But due to the basis and scope of the Court's rulings, Plaintiffs Wilson and Lowman's standing is moot. Specifically, summary judgment was granted against those individual defendants via the Court's Order dated March 8, 2024 which ruled that they no longer have standing to pursue any claim "pertaining to private handgun sellers and/or buyers who are between the ages of 18 and 20 years old." Therefore, Defendant's proposed order correctly excludes Wilson and Lowman.

5. Second, this action and the Court's rulings herein pertain only to handguns. *See e.g.*, Amend. Compl., *passim*; December 17, 2025 Letter Opinion, *passim*; October 16, 2025 Letter Opinion, *passim*; Stipulated Facts for trial, *passim*. As referenced in the Court's letter opinions, Plaintiffs' Complaint and briefings, and Defendant's pleadings and briefings, the Act's application requires individuals under the age of 21 to transact private sales at gun shows only with regard to *handguns*. The Act does not disparately apply to any age group with respect to any other firearms. Plaintiffs' proposed order incorrectly purports to enjoin enforcement of the Act as to *all* firearms. Defendant's proposed order is consistent with the Courts' rulings in this matter.

6. Third, Plaintiff's Amended Complaint names "Colonel Matthew D. Hanley, in his official capacity as Superintendent of the Virginia State Police," as the lone defendant in this matter. Yet, Plaintiffs' proposed order purports to include numerous unidentified nonparties to this action, including, but not limited to, "all law enforcement divisions, agencies and officers within the Commonwealth."

7. It is elementary that a court cannot enjoin a nonparty. *See Johnson v. Trs. of Hampion Normal & Agric. Inst.*, 105 Va. 319, 323 (1906) (explaining the “common rule” that “injunctions . . . will not be granted to restrain a person who is not a party to the suit.”).

8. As Superintendent of the Virginia State Police, Defendant Colonel Hanley does not control, and cannot issue edicts to, other nonparty agencies and individuals outside of his agency, including, for example, independent constitutional officers such as Commonwealth’s Attorneys and Sheriffs’ departments or statutorily authorized local police.

9. Plaintiffs’ awarded declaratory relief also does not permit the Court to enjoin the breathtaking sweep of nonparties that Plaintiffs reference in their proposed order. Circuit courts cannot set binding precedent for courts or nonparties beyond their jurisdictional boundaries. *See e.g. Cassen v. Slater*, 75 Va. Cir. 327 (Norfolk Cir. Ct. 2008); *Lester v. Cty. of Roanoke*, 20 Va. Cir. 319, 324 fn. 1 (Roanoke Cty. Cir. Ct. 1990); *In re Washington Newspaper Pub. Co., Inc.*, 72 Va. Cir. 186 (Fairfax Cnty. Cir. Ct. 2006). Thus, Plaintiffs’ proposed order is absurd and would constitute reversible error.

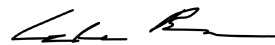
10. Fourth, Plaintiffs’ proposed final order is unlimited in scope and time. Specifically, the Court’s October 16, 2025, Letter Opinion ruled that the constitutional issue in this matter is created by the fact that individuals under age 21 would have to go to a licensed dealer who would perform the background check using the National Instant Criminal Background Check System. As stated by the Court, “[h]erein lies the problem. The NICS system automatically rejects handgun transfers to individuals under the age of 21. As a result, although Virginia law permits those 18 to 21 years of age to possess handguns, there was no lawful mechanism for them to acquire the required background check, thus effectively barring them from lawfully purchasing a handgun.” 10/16/25 Letter Opinion, at 3.

11. “[T]he doctrine of judicial restraint dictates that we decide cases ‘on the best and narrowest grounds available.’ *Butcher v. Commonwealth*, 298 Va. 392, 396 (2020). As the Supreme Court of Virginia instructs, “an injunction must be specific, ***be no more than necessary***, and not be solely a command to comply with the law.” *Tran v. Gwinn*, 262 Va. 572, 585 (2001), (emphasis added) (collecting cases). Because this Court’s ruling was based on the inability of the NICS system to provide handgun purchase background checks for those under age 21, the final order is properly narrowed to apply only so long as that issue persists. Plaintiffs’ proposed final order exceeds the Court’s jurisdiction and rulings and should not enter.

WHEREFORE, Defendant, Colonel Matthew D. Hanley, in his official capacity as Superintendent of the Virginia State Police, respectfully requests that the Court reject Plaintiffs’ proposed order and instead enter his proposed final order, attached as Exhibit A, with the objections noted therein.

Respectfully submitted,

COLONEL MATTHEW D. HANLEY



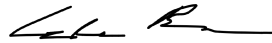
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CERTIFICATE OF SERVICE

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