

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF LYNCHBURG

RAUL WILSON,

WYATT LOWMAN,

VIRGINIA CITIZENS DEFENSE LEAGUE,

GUN OWNERS OF AMERICA, INC.,

and

GUN OWNERS FOUNDATION,

Plaintiffs,

v.

Case No. CL20-582-01

COLONEL JEFFREY S. KATZ

(In his Official Capacity as

Superintendent of the Virginia State Police)¹

Defendant.

**PLAINTIFFS' RESPONSE IN OPPOSITION TO
DEFENDANT'S MOTION TO DISSOLVE INJUNCTION**

Plaintiffs Raul Wilson, Wyatt Lowman, Virginia Citizens Defense League, Gun Owners of America, Inc., and Gun Owners Foundation, by and through counsel, respond to Defendant's Motion to Dissolve Injunction, and state as follows:

INTRODUCTION

On May 4, 2026, "in an abundance of caution," Defendant filed the instant Motion to Dissolve Injunction to "notify the Court and the parties and formally seek dissolution of the now

¹ Jeffrey S. Katz was appointed Superintendent of the Virginia State Police in January of 2026. By automatic operation of Va. Code § 8.01-17(B), Col. Katz is now the Defendant in his official capacity.

moot injunction.” Defendant’s Motion to Dismiss Injunction (“Motion”) at 1. Subsequently, and apparently operating on instructions from the Attorney General, Defendant changed gears. Rather than continuing to “seek dissolution” from this Court, Defendant now claims that this Court’s injunction in fact *is dissolved*, and has proceeded to administer and enforce the enjoined statute on that basis. But, like other efforts by this new Attorney General to undermine Plaintiffs’ Article I, Section 13 rights, this latest attempt also should fail.

The newly elected-but-not-yet-attorney-general Jay Jones first sought to appeal this Court’s October 29, 2025 Final Order as a private party, but was rightfully rebuffed by the Court of Appeals.² Now, after taking office, the Attorney General takes a different but equally lawless approach on behalf of Defendant Katz. He claims that a recent legislative enactment *doubling down* on the constitutional violation this Court had declared and enjoined, somehow operates to negate that violation and dissolve this Court’s injunction without further judicial involvement. *See* Motion at 1. He claims this enactment is currently effective on an “emergency” basis, despite the legislation’s failure to reach four-fifths supermajority support in the General Assembly, as the Virginia Constitution requires for such an “emergency” enactment. *See* Va. Const. art. IV, § 13. And worse still, Jay Jones insists that Defendant is not in contempt of this Court’s injunction, despite Defendant’s direct admission that he is doing the very thing this Court ordered him not to do – administering and enforcing Va. Code § 18.2-308.2:5, the private-sale firearm background check statute that this Court invalidated. *See* Plaintiffs’ Motion for a Rule to Show Cause for Violation of This Court’s Final Order (May 28, 2026). In a word, this Attorney General – and

² *In re Attorney General-Elect Jay Jones*, Cir. Ct. No. CL20-582 (Va. Ct. App. Dec. 22, 2025), <https://foundation.gunowners.org/wp-content/uploads/122225-Order-motion-denied-in-re-jay-jones-1.pdf>.

Defendant – refuse to take this Court’s ‘no’ for an answer. They intend to violate Virginians’ constitutional rights regardless of what this Court says.

That is reason enough to deny Defendant’s unserious Motion to Dissolve Injunction. But for the additional reasons that follow, this Court should deny Defendant’s Motion and ensure that this Court’s orders, together with Article I, Section 13 and the broader constitutional separation of powers, are not reduced to mere parchment barriers.

ARGUMENT

I. **HB1525 Did Not “Supersede” the Law that This Court Enjoined.**

At the outset, Defendant claims that the law challenged in this case – Va. Code § 18.2-308.2:5 (the “Challenged Statute”) – has been “superseded by the General Assembly’s recent enactment of a new firearms regulatory scheme,” which purportedly “moot[s] the Court’s declaration and final order of permanent injunction.” Motion at 1. But that could not be further from the truth. The recent enactment Defendant references, HB1525, plainly states “[t]hat § 18.2-308.7 of the Code of Virginia is amended and reenacted” – an entirely different Code section from Section 18.2-308.2:5. HB1525, enactment clause 1 (emphases added).³ By its plain terms, HB1525 does not amend or reenact, much less *supersede*, the Challenged Statute.

What HB1525 *does* say about the Challenged Statute only confirms this understanding. HB1525’s singular reference to the Challenged Statute is that “the Department of State Police *shall administer, enforce, and otherwise implement* § 18.2-308.2:5 of the Code of Virginia....” HB1525, enactment clause 2 (emphasis added). The Challenged Statute cannot possibly be “superseded” if HB1525 directs Defendant to *enforce* it, unmodified and as written. Indeed, HB1525 reiterates the Challenged Statute.

³ <https://lis.blob.core.windows.net/files/1225476.PDF>.

Nor, practically speaking, has anything changed on the ground. Rather, the status quo remains unchanged. Pre-HB1525, 18-to-20-year-olds could not purchase handguns under the Challenged Statute, because it forced them to route their transactions through federally licensed dealers who were prohibited by federal law from completing background checks for that age group. Post-HB1525, 18-to-20-year-olds still cannot purchase handguns because “[i]t is unlawful for any person younger than 21 years of age to knowingly and intentionally purchase a handgun ... anywhere in the Commonwealth.” HB1525, § 18.2-308.7(C). Either way, 18-to-20-year-olds cannot purchase handguns despite, as this Court previously found, having full Article I, Section 13 rights to do so. *See Wilson v. Settle*, 2024 Va. Cir. LEXIS 612, at *8-9 (Lynchburg Dec. 17, 2024). Nothing about HB1525 alters the underlying constitutional violation that this Court enjoined, and this Court should reject Defendant’s shell game here. Indeed, HB1525 could have conditioned handgun purchases on the successful purchase a handle of vodka (limited to those over 21), and both the harm to Plaintiffs and the basis for this Court’s injunction would have remained the same.

Finally, HB1525’s attempt to revive enforcement of the Challenged Statute does not change anything, either. Defendant cites no authority for the proposition that the General Assembly may legislatively “repeal” a court’s injunction, either by re-enacting the very same constitutional violation, or (in this case) by simply ordering that the court’s injunction be ignored and that the offending conduct again be performed. To the contrary, it is the Court’s duty to “say what the law is,” *Marbury v. Madison*, 5 U.S. 137, 177 (1803), and this Court did just that. Defendant cannot enforce the Challenged Statute against anyone, and HB1525’s enforcement provision is dead on arrival. This Court should deny Defendant’s Motion and address this disrespect for the Court, the judiciary, the separation of powers, and the rule of law.

II. Defendant Blatantly Mischaracterizes the Basis of This Court’s Constitutional Ruling.

Defendant’s “legal permission” theory of supersession fares no better. Defendant claims that the only problem with the Challenged Statute was that it barred 18-to-20-year-olds who otherwise were “*legally permitted* to purchase handguns” from actually being able to purchase handguns in practice. Motion at 4. And, now that HB1525 has revoked 18-to-20-year-olds’ ability to purchase handguns *altogether*, Defendant claims ‘no harm, no foul,’ because the Challenged Statute no longer “preclude[s] any group *legally permitted* to purchase handguns from obtaining a background check.” *Id.* Just like that, Defendant has reduced Plaintiffs’ Article I, Section 13 constitutional challenge to a quibble over statutory permission.

Contrary to Defendant’s attempt to recast the subject matter of this case, Plaintiffs asserted from the very beginning – and this Court found – that, “[i]n Virginia, persons 18 to 20 years of age have a right to bear arms.” *Wilson v. Settle*, 2024 Va. Cir. LEXIS 612, at *8 (Lynchburg Dec. 17, 2024). Indeed, under the operative Article I, Section 13 framework, “there is no ... history or tradition supporting a restriction on adults 18 to 20 years of age” from purchasing handguns. *Id.* at *9.⁴ Thus, “prevent[ing] those 18 to 20 years of age from purchasing a handgun[] constitutes

⁴ Defendant later cites *McCoy v. BATFE*, 140 F.4th 568 (4th Cir. 2025), which concluded differently under the Second Amendment. But “as a Fourth Circuit opinion, [*McCoy*] does not control the instant case,” *Lovchik v. Commonwealth*, 2020 Va. App. LEXIS 249, at *11 (Oct. 20, 2020), and it is “at best only persuasive authority for this Court....” *Commonwealth v. Wichaël*, 84 Va. Cir. 83, 87 (Augusta Cnty. 2011). And, because this Court already found no relevant historical tradition in *Elhert v. Settle*, 105 Va. Cir. 326, 334-36 (Lynchburg 2020), *McCoy* is entirely *unpersuasive*. Indeed, *McCoy* upheld a federal ban on the commercial sale of handguns to 18-to-20-year-olds based not upon a Founding-era tradition of relevant *firearm regulations*, but rather an inopposite Founding-era “rule that contracts with individuals under the age of 21 were unenforceable.” *McCoy*, 140 F.4th at 575. Correctly focusing on “actual founding-era firearm regulations” as *Bruen* instructed, *McCoy*’s dissenting judge found “the purchase ban is inconsistent with our Nation’s history and tradition.” *Id.* at 582 (Quattlebaum, J., dissenting). Moreover,

an unconstitutional infringement” of the right to keep and bear arms. *Id.* Rather than mooted or otherwise undermining the basis for this Court’s injunction, HB1525 doubles down on the very infringement this Court enjoined. Contrary to Defendant’s belief, two wrongs do not make a right, and they certainly fail to support dissolution of the injunction.

Defendant’s reference to equal protection is similarly incoherent. Defendant claims this Court “tied its injunction to” the Challenged Statute’s “disparate application” to 18-to-20-year-olds. Motion at 4. Thus, Defendant claims, this Court “invited the General Assembly to ‘rewrite the law to create a system that does not impose disparate treatment based on age,’” and HB1525 apparently “did just that.” *Id.* at 5. But it is impossible to see how HB1525’s language that “[i]t is unlawful for any person younger than 21 years of age to knowingly and intentionally purchase a handgun” is anything but “disparate treatment based on age.” To the contrary, HB1525 codified precisely the “constitutional infirmity” this Court repudiated – the prevention of 18-to-20-year-olds from purchasing handguns. *Wilson v. Hanley*, 116 Va. Cir. 425, 433 (Lynchburg 2025). Enacting a law that prevents 18-to-20-year-old adults from acquiring handguns is, as this Court found, as invalid under Article I, Section 13 as it is under equal protection. Indeed, there is “no legitimate government interest” in enacting such an “age-based classification[.]....” *Id.* HB1525 neither cures nor works around this Court’s constitutional ruling. Rather, HB1525 blatantly defies it.

III. Because the General Assembly Failed to Enact the Governor’s Emergency Amendment with a Four-Fifths Majority, HB1525 Is Not Yet in Effect.

Defendant observes that HB1525 directs him to “administer, enforce, and otherwise implement § 18.2-308.2:5 of the Code of Virginia from the effective date of this bill.” Motion at

McCoy predated this Courts’ final order by nearly four months, and Defendant offers no reason this Court should adopt its flawed reasoning now.

4. Apparently, according to Defendant, that effective date was “*immediately*,” and not July 1, 2026. *Id.* (emphasis added). But Defendant makes no argument as to why that is the case. Presumably, he relies on HB1525’s emergency provision, which claims that “an emergency exists,” and so “this act is in force from its passage.” HB1525, enactment clause 4. But that provision is flatly unconstitutional, rendering the bill’s emergency effective date “null and void.” *See Ellinger v. Commonwealth*, 102 Va. 100, 105 (1903) (“We are of opinion that in passing the act under consideration the Legislature disregarded the plain mandate of the Constitution, and that, as a consequence, the act is null and void.”); *City of Roanoke v. Elliott*, 123 Va. 393, 403 (1918) (“[T]he legislative declaration must fail, for the reason the Constitution is not complied with.”).

The Virginia Constitution contemplates *three* possible effective dates for legislation enacted by the General Assembly. *First*, “[a]ll laws enacted at a regular session ... shall take effect on the first day of July following the adjournment of the session of the General Assembly...” Va. Const. art. IV, § 13. *Second*, “all laws enacted at a special session ... shall take effect on the first day of the fourth month following the month of adjournment of the special session...” *Id.* And *third*, “in the case of an emergency (which emergency shall be expressed in the body of the bill)[,] the General Assembly shall specify an earlier date,” which date is effective only if approved by “a vote of four-fifths of the members voting in each house...” *Id.* Otherwise, the effective date of legislation shall be the “first day of July” or “the first day of the fourth month,” as the case may be. *See id.* Contrary to Defendant’s belief, there is no door number four.

That presents a problem for Defendant. The General Assembly originally passed HB1525 without any reference to the Challenged Statute or an emergency effective date.⁵ Those provisions were recommended by the Governor – not the General Assembly, the only branch of government

⁵ See <https://lis.blob.core.windows.net/files/1214529.PDF>.

that “shall specify” any such “earlier date” under Article IV, Section 13.⁶ Thereafter, the General Assembly merely concurred in the Governor’s amendments, but only on a 63-36 (63 percent) vote in the House, and a 21-18 (54 percent) vote in the Senate.⁷ In other words, the emergency provisions were (i) tacked on by the *wrong* branch of government, one which lacks any constitutional authority to declare an emergency within legislation in the first place, and (ii) thereafter “passed” the legislative act with less than the required four-fifths (80 percent) support in either chamber, rendering them inoperative under Article IV, Section 13.

The only argument Defendant could make to the contrary is foreclosed by settled canons of constitutional interpretation. The Virginia Constitution elsewhere provides that “[t]he Governor may recommend one or more specific and severable amendments to a bill by returning it with his recommendation to the house in which it originated. ... Each house may agree to the Governor’s amendments by a majority vote of the members present.” Va. Const. art. V, § 6(b)(iii). But this simple-majority provision to approve general “amendments” does not override Article IV, Section 13’s supermajority requirement.

Indeed, “all provisions of the Constitution should be construed together whenever possible. If there is conflict, however, the specific provision must govern over the general provision.” *Miller v. Ayres*, 213 Va. 251, 267 (1972). The Virginia Supreme Court has long applied these interpretive principles to conflicting constitutional provisions. *See Howell v. McAuliffe*, 292 Va. 320, 369 (2016) (“[T]he Restoration Clause specifically grants the Governor the power to restore voting rights to convicted felons, whereas the Suspension Clause provides a general limitation on the Governor’s power to suspend the law. As the more specific provision, it is clear that the

⁶ See <https://lis.blob.core.windows.net/files/1219428.PDF>.

⁷ See <https://lis.virginia.gov/bill-details/20261/HB1525>.

Restoration Clause must govern.”). And although the appellate courts have yet to opine on the purported conflict between Article IV, Section 13 and Article V, Section 6, application of these principles here can only yield one result.

Article V, Section 6 establishes a *general* procedure: if the Governor proposes amendments to a piece of legislation of whatever nature, the General Assembly may accede to those amendments via simple majority. However, Article IV, Section 13 concerns *specific* subject matter within legislation: “[e]ffective date of laws.” Thus, the more specific provisions of Article IV, Section 13 control. Indeed, “the specific provision comes closer to addressing the very problem posed by the case at hand and is thus more deserving of credence.” Antonin Scalia & Bryan A. Garner, Reading Law: The Interpretation of Legal Texts 183 (2012); accord *Crawford v. Haddock*, 270 Va. 524, 528 (2005) (“[T]he more specific statute prevails.’ This is so because ‘a specific statute cannot be controlled or nullified by a statute of general application unless the legislature clearly intended such a result.’”). When general and specific provisions coexist, “the specific qualifying and supplying exceptions to the general” is the operative principle. *Townsend v. Little*, 109 U.S. 504, 511-512 (1883). Accordingly, HB1525 required a four-fifths vote to go into effect immediately. It did not receive such support, and so it is not in effect now.

The current administration’s motivation in arguing otherwise is clear. Using this “emergency” tactic, the Governor and General Assembly can collude to enact legislation that otherwise would require four-fifths support, simply by omitting the relevant provision at first pass, only for the Governor to add it later as an amendment. And if the executive and legislature can circumvent the Virginia Constitution with such impunity, then dumping radical new legislation on the people with little or no notice will become the new norm. Unchecked by Article IV, Section

13, the Governor and General Assembly may begin using this “emergency” tactic in new contexts, such as violating the constitutional one-subject requirement.

IV. Plaintiffs Need Not Challenge, and This Court Need Not Analyze, Va. Code § 18.2-308.7 Before Enforcing the Injunction Against the Challenged Statute.

Asserting that HB1525 and its amendments to Virginia Code § 18.2-308.7 “was not at issue in this case, nor could it be,” Defendant claims that “the case has become moot” because ““a court is not permitted to enter a decree or judgment order based on facts not alleged or on a right not pleaded and claimed.”” Motion at 6 (citation omitted). As Defendant theorizes, Plaintiffs should have pled 2026 facts in their 2020 Complaint. On the contrary, this Court’s injunction against enforcement of Section 18.2-308.2:5 is entirely unaffected by the enactment of HB1525, for a number of reasons.

First, this Court’s October 29, 2025 Final Order does two things, neither of which is impacted by the enactment of a completely new and separate Code section. The Final Order “declares that the Act (Va. Code § 18.2-308.2:5) is unconstitutional as applied to adults 18 to 20 years of age, and strikes the Act in its entirety for the reasons stated in its October 16, 2025 letter opinion.” This declaratory judgment was not appealed by Defendant, and is thus a final judgment that cannot be collaterally attacked, irrespective of any attempt to dissolve this Court’s accompanying injunction. Next, the Final Order permanently enjoins the administration, enforcement, or imposition of the requirements of, “the Act (Va. Code § 18.2-308.2:5).” Thus, all of the operative language in the Final Order refers not to any particular type or category of conduct or conditions – rather, it declares unconstitutional and enjoins the enforcement of one very specific Code section which was unchanged by HB1525. The Supreme Court of Virginia has said on numerous occasions that trial courts speak only through their written orders and that such orders are presumed to reflect accurately what transpired. *See, e.g., Waterfront Marine Constr., Inc. v.*

North End 49ers Sandbridge Bulkhead Groups A, B and C, 251 Va. 417, 427 n.2 (1996); *Stamper v. Commonwealth*, 220 Va. 260, 280-81 (1979). If the General Assembly wished to address the constitutional infirmities declared by this Court in Section 18.2-308.2:5, it certainly had the opportunity to do so. But enacting a new, separate Code section which merely defies this Court's Final Order was not an option.

Second, Defendant conflates issues. His cited cases, for the most part, involve the point at which live and ongoing cases become moot under a power to adjudicate a case or controversy pursuant to Article VI of the Virginia Constitution – not when it is appropriate to dissolve a permanent injunction in a long-resolved case, with an unappealed final order, under a court's inherent equitable power. For example, *Hollowell v. Va. Marine Res. Comm'n*, 56 Va. App. 70 (2010), involved the appeal of a circuit court's decision to vacate agency regulations in part rather than in whole. When, during the appeal, the agency repealed its regulations in full, the Court of Appeals determined it lacked jurisdiction to decide the issue, because it could not vacate a repealed regulation. *Id.* at 78; *see also Commonwealth v. Sadler Bros. Oil Co.*, 2023 Va. LEXIS 68, at *5 (Oct. 13, 2023) (involving review of a preliminary injunction when “the General Assembly eliminated the exemption” during ongoing litigation); *Valero Terrestrial Corp. v. Paige*, 211 F.3d 112, 115 (4th Cir. 2000) (“While various motions for reconsideration were pending before the district court, the West Virginia Legislature substantially revised the enjoined ... provisions of the Code.”). In stark contrast here, this Court entered its final judgment in October of 2025 – many months before enactment of HB1525. There is no need for the Court to “award particular relief” – “to enter a decree or judgment” – it already did so long ago, and that judgment is final.

Pa. v. Wheeling & Belmont Bridge Co., 59 U.S. 42 (1856), is the closest of Defendant's cases to being on point, and involved an attempt to enforce an injunction against the low height of

a bridge when Congress subsequently ratified its existing height, thereby eliminating the offending characteristic that gave rise to the injunction. In the present case, the General Assembly did not obviate the need for the existing injunction by correcting the constitutional defects of Section 18.2-308.2:5 declared by this Court – it instead enacted a new and *separate* Code section that doubled down on these defects.

Third, HB1525 does nothing to moot the legal dispute and harm to Plaintiffs that lives on in this case. Whereas *Hollowell* explained that a matter is moot when “the regulation at issue is *no longer in force*” (56 Va. App. at 78), here the unequivocal goal of HB1525 was to ensure that universal background checks be “in force” – in fact, HB1525 explicitly orders that VSP “shall ... *enforce*” them.⁸ And whereas *Hollowell* involved a “superseding statute or regulation” that “*removes challenged features of the prior law*” (56 Va. App. at 78 (emphasis added)), here HB1525 *reinforces* “the challenged features of the prior law” – now, 18-to-20-year-olds cannot legally buy handguns (i) because of Section 18.2-308.2:5 and operation of federal law *and* (ii) because of Section 18.2-308.7’s express prohibition. Finally, *Commonwealth v. Sadler Bros. Oil Co.* found that “it is no longer an order of the circuit court but rather the General Assembly’s *replacement* of the 2020 statutory scheme that prevents the Commonwealth from attempting to enforce those now superseded statutes.” *Id.* at *5. (emphasis added.) But again, here, the General Assembly’s enactment in HB1525 does not *replace* Section 18.2-308.2:5 – it doubles down and *orders that enforcement must occur* – “the Department of State Police shall administer, enforce, and otherwise implement § 18.2-308.2:5....”⁹

⁸ See also <https://vsp.virginia.gov/services/firearms/> (“Private Sale background checks are now available.”).

⁹ To be sure, Defendant has not argued that, without a challenge to both Section 18.2-308.2:5 and Section 18.2-308.7, this Court lacks redressability as to Section 18.2-308.2:5 alone, on the theory that both statutes prohibit Plaintiffs from acquiring handguns. Of course, any such

Fourth, even though HB1525 in no way alters Section 18.2-308.2:5 or changes the underlying harm to Plaintiffs, Defendant nevertheless theorizes that, because Plaintiffs did not plead HB1525 (April 22, 2026) in their June 2020 complaint, they must do so now before they may seek to enforce this Court’s injunction against enforcement of Section 18.2-308.2:5. Motion at 5-6. But Plaintiffs need not separately challenge Section 18.2-308.7 for this Court to have the equitable power to enforce its preexisting injunction against Section 18.2-308.2:5. While the Court’s initial exercise of jurisdiction to hear and decide Plaintiffs’ case required that Plaintiffs have and maintain standing (which Plaintiffs did, as this Court repeatedly held), this Court has entirely distinct inherent equitable authority to enforce or dissolve the terms of its injunction. As the U.S. Supreme Court explained in *United States v. Swift & Co.*, 286 U.S. 106, 114 (1932):

We are not doubtful of the power of a court of equity to modify an injunction in adaptation to changed conditions though it was entered by consent. ... Standing to make the objection may be assumed.... Power to modify the decree was reserved by its very terms, and so from the beginning went hand in hand with its restraints. If the reservation had been omitted, power there still would be by force of principles inherent in the jurisdiction of the chancery. A continuing decree of injunction directed to events to come is subject always to adaptation as events may shape the need.

Section 8.01-625 merely codified in part this longstanding principle, broadly recognizing the ongoing authority of courts over their injunctions. Were it otherwise, then miscegenation would have been recriminalized in the Commonwealth when Richard and Mildred Loving passed away.

claim would be meritless. Indeed, a plaintiff “‘need not show that a favorable decision will relieve [their] every injury.’ Rather, plaintiffs ‘need only show that they personally would benefit in a tangible way from the court’s intervention.’” *Deal v. Mercer Cnty. Bd. of Educ.*, 911 F.3d 183, 189 (4th Cir. 2018); *see also id.* at 190 (“[t]he removal of even one obstacle to the exercise of one’s rights, even if other barriers remain, is sufficient to show redressability”). Thus, the fact that Section 18.2-308.7 now doubly prohibits 18-to-20-year-olds from acquiring handguns does not undermine the relief Plaintiffs obtained against Section 18.2-308.2:5 (which applies more broadly than just handguns, and more broadly than just to 18-to-20-year-olds).

It is unnecessary for Plaintiffs to bring an independent challenge to HB1525 and the newly codified Section 18.2-308.7 in order to enforce this court's injunction against an entirely different statute, Section 18.2-308.2:5. Rather, even if Defendant's theory were correct (it is not) that HB1525 somehow affected the issues here, then this Court would need to determine the constitutionality of HB1525 *in order to determine* whether its injunction in this case can continue. But, of course, this Court already has made that determination, finding that "prevent[ing] those 18 to 20 years of age from purchasing a handgun[] constitutes an unconstitutional infringement." *Wilson*, 2024 Va. Cir. LEXIS 612, at *9. No further analysis is required to determine that Section 18.2-308.7's repetitive prohibition of *exactly the same act* is dead on arrival. Even so, Plaintiffs obviously would have standing to challenge HB1525's provisions – the harm to Plaintiffs under both Section 18.2-308.2:5 and Section 18.2-308.7 is the same – they cannot purchase handguns.¹⁰

V. A Motion to Dissolve Does Not Itself Dissolve a Court's Injunction.

The dismissive, presumptuous disrespect for this Court's authority by another branch of government bears emphasis. By instructing Defendant to proceed with enforcement of the Challenged Statute irrespective of this Court's injunction, and before this Court even rules on his Motion to Dissolve, the Attorney General treats his own Motion as if it were a self-executing decree. But this Court's docket is not a passive message board wherein Defendant need only post notices of updates to his activities, bypassing the legal mechanism that he first must file a motion, Plaintiffs must respond, and then this Court, and *only* this Court, may rule on the matter. It is well established that the mere filing of a motion does not suspend, vacate, or modify a court's order.

¹⁰ Alternatively, should this Court disagree with the above analysis, Plaintiffs stand ready to file a new complaint challenging the provisions of HB1525 and Section 18.2-308.7, and would request that the Court immediately enter a temporary injunction that enjoins the effect and enforcement of Section 18.2-308.7.

See, e.g., Super Fresh Food Markets v. Ruffin, 263 Va. 555, 561 S.E.2d 734 (2002); *In re Commonwealth, Department of Corrections*, 222 Va. 454, 464 (1981).

The Attorney General has not received a ruling on his Motion to Dissolve and, until then, no enforcement can occur. Plainly, Va. Code § 8.01-625 states that “[a]ny court” may dissolve its injunction – not “any court *or the Attorney General whenever he finds it politically expedient.*” This Court’s injunction is still in effect, and Defendant’s admitted enforcement of the statute he was explicitly directed *not* to enforce is a violation of that injunction. *See* Plaintiffs’ Motion for a Rule to Show Cause for Violation of This Court’s Final Order (May 28, 2026). That the Attorney General seems to have aided and abetted Defendant’s violation of the injunction only exacerbates the constitutional crisis here, as the Virginia State Police reported that, “[w]hile preparing for the implementation of this legislation, VSP sought guidance from the Office of the Attorney General.... The Virginia State Police has been advised that the new law supersedes the prior court order....”¹¹

Indeed, that ill-advised counsel may expose the Attorney General to liability: “to render 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.*’” *Beutler v. Doe*, 94 Va. Cir. 154, 164 (Fairfax Cir. Ct. 2016). Here, the Attorney General clearly knew of the injunction and what it prohibited, and yet he advised Defendant to violate it anyway. *See* Motion at 7. He and Defendant should answer for their violation, and this Court should deny their Motion.

¹¹ *See* <https://www.courthousenews.com/virginia-return-to-universal-background-checks-for-private-gun-sales-challenged/>.

CONCLUSION

For the foregoing reasons, Defendant's Motion to Dissolve Injunction should be denied.

Respectfully Submitted,

**RAUL WILSON
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CERTIFICATE OF SERVICE

The undersigned certifies that on June 2, 2026, a true and accurate copy of the foregoing Response was served upon the following by e-mail, thereby giving notice of the same:

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