

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION**

**JAMES D'CRUZ, ANDREW PAYNE,  
NATIONAL RIFLE ASSOCIATION OF  
AMERICA, INC.**

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**V.**

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**THE BUREAU OF ALCOHOL,  
TOBACCO, FIREARMS, AND  
EXPLOSIVES; KENNETH E. MELSON,  
in his official capacity as Acting Director  
of the Bureau of Alcohol, Tobacco,  
Firearms, and Explosives; ERIC HOLDER,  
in his official capacity as Attorney General  
of the United States**

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**CASE NO. 5-10-CV-00140-C**

**PLAINTIFFS' UNOPPOSED MOTION FOR EXTENSION OF BRIEFING DEADLINES**

TO THE HONORABLE SAM R. CUMMINGS, UNITED STATES DISTRICT JUDGE  
PRESIDING:

Plaintiffs respectfully request that the Court extend the briefing deadlines set in this case as follows:

1. On November 8, 2010, the Court entered a Briefing Scheduling Order (Doc. No. 17), setting forth the following deadlines:

**December 17, 2010:** Defendants' Answer and/or dispositive motions due;

**January 14, 2011:** Plaintiffs' response to Defendants' dispositive motion due;  
Plaintiffs' motion for summary judgment due;

**February 14, 2011:** Defendants' reply in support of dispositive motion due;  
Defendants' response to Plaintiffs' motion for summary judgment due;

**March 11, 2011:** Plaintiffs' reply in support of motion for summary judgment due.

2. Plaintiffs request that their deadline to respond to Defendants' Motion for Summary Judgment and to file Plaintiffs' cross-motion for summary judgment be extended two (2) weeks until

January 28, 2011. Based upon this request, Plaintiffs further request that Defendants' reply brief in support of their Motion for Summary Judgment and Defendants' response to Plaintiffs' cross-motion for summary judgment be due on March 7, 2011. Finally, Plaintiffs request that their reply brief in support of their upcoming cross-motion for summary judgment be due on April 15, 2011.

3. Good cause supports this Motion for Extension of Time. Plaintiffs' counsel has conferred with defense counsel, and Defendants are unopposed to this extension of briefing deadlines. This motion is not brought for purposes of delay, but rather so that justice may be done. If the parties are afforded the foregoing extensions of briefing deadlines, the Court will benefit from the best possible briefing on the controlling issues, which will aid the Court in disposition of this case.

4. Accordingly, Plaintiffs request that the Court grant their Unopposed Motion for Extension of Briefing Deadlines, and grant Plaintiffs all other relief, in law or in equity, to which they are justly entitled.

Dated: January 6, 2011

Respectfully submitted,

s/ Fernando M. Bustos  
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*Local Counsel for Plaintiffs*

\*Admitted *pro hac vice*.

*Counsel for Plaintiffs*

**CERTIFICATE OF CONFERENCE**

I hereby certify that on January 7, 2011, counsel for Plaintiffs conferred with opposing counsel via email, and Defendants are unopposed to this Motion.

s/ Fernando M. Bustos  
FERNANDO M. BUSTOS

**CERTIFICATE OF SERVICE**

I hereby certify that on the 7th day of January, 2011, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic filing system sent a “Notice of Electronic Filing” to the following attorneys, all of whom have consented in writing to accept this Notice as service of this document by electronic means.

s/ Fernando M. Bustos  
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