

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GUN OWNERS OF AMERICA, Inc.  
*et al.*

Plaintiffs,

v.

WILLIAM P. BARR,<sup>1</sup>  
*et al.*,

Defendants.

Case No. 1:18-cv-01429-PLM-RSK

Hon. Paul L. Maloney

**NOTICE OF SUPPLEMENTAL AUTHORITY**

Defendants hereby provide notice of the February 25, 2019 opinion of the United States District Court for the District of Columbia, denying motions for preliminary injunction in three pending cases: *Guedes v. ATF*, No. 18-cv-2988 (D.D.C.), *Firearms Policy Coalition v. Barr*, No. 18-cv-3083 (D.D.C.) (consolidated with *Guedes*), and *Codrea v. Barr*, 18-cv-3086. (D.D.C.) That opinion, docketed as ECF No. 27 on the *Guedes* docket, is the first opinion addressing the merits of the Final Rule at issue in these cases, *Bump-Stock-Type Devices*, 83 Fed. Reg. (“FR”) 66514 (Dec. 26, 2018).

Defendants agree with the conclusion of the Court in D.D.C. that “none of the plaintiffs’ arguments support preliminary injunctive relief.” Mem. Op., ECF No. 27, *Guedes*

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<sup>1</sup> By operation of Fed. R. Civ. P. 25(d), Attorney General Barr has automatically been substituted for former Acting Attorney General Matthew G. Whitaker as a Defendant in this action.

*v. ATF*, No. 18-cv-2988 (D.D.C. Feb. 25, 2019). This Court should reach the same result. However, Defendants note that, consistent with the Supreme Court's decision in *United States v. Apel*, 571 U.S. 359 (2014), Defendants have not contended that the deference afforded under *Chevron v. Nat. Res. Def. Council*, 467 U.S. 837 (1984), applies in this action. *See Apel*, 571 U.S. at 369 (the Supreme Court has "never held that the Government's reading of a criminal statute is entitled to any deference").

Dated: February 27, 2019

Respectfully submitted,

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/s/ \_\_\_\_\_  
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