

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

- (1) ROBERT DRAPER;
(2) ARIEL WEISBERG;
(3) DONNA MAJOR;
(4) ERIC NOTKIN;
(5) ROBERT BOUDRIE;
(6) BRENT CARLTON,
collectively, the
"CONSUMER PLAINTIFFS", and
(7) CONCORD ARMORY, LLC;
(8) PRECISION POINT FIREARMS, LLC;
collectively, the
"DEALER PLAINTIFFS", and
(9) SECOND AMENDMENT
FOUNDATION, INC.,
(10) COMMONWEALTH SECOND
AMENDMENT, INC.
collectively, the
"ORGANIZATIONS", and

Plaintiffs

v.

MARTHA COAKLEY,
in her official capacity as
**ATTORNEY GENERAL OF
MASSACHUSETTS**

Defendant

Civil Action No.
1:14-CV-12471-NMG

**PLAINTIFFS' SECOND
MOTION TO ENLARGE
TIME TO FILE THEIR
OPPOSITION TO THE
DEFENDANT'S MOTION
TO DISMISS THEIR
COMPLAINT**

The CONSUMER PLAINTIFFS, DEALER PLAINTIFFS and ORGANIZATIONS (collectively hereafter “PLAINTIFFS”), by and through their attorney of record, hereby move this Honorable Court pursuant to Federal Rule of Civil Procedure 6(b)(1) to enlarge the time for the PLAINTIFFS to file their Opposition to the defendant ATTORNEY GENERAL’s Motion to Dismiss their Complaint (Document No. 9, 22 August 2014).

Per this Court’s order (Document Nos. 15 and 16 [5 September 2014]), the PLAINTIFFS’ Opposition is currently due on Friday, 12 September 2014. PLAINTIFFS respectfully ask that this Court extend the filing deadline by several days to Wednesday, 17 September 2014. PLAINTIFFS will do their best to file their Opposition before the requested deadline but ask for the extension to avoid the possibility of lateness. Good cause exists to grant the current Motion.

As indicated in the PLAINTIFFS earlier motion to enlarge time to file their Opposition to the defendant ATTORNEY GENERAL’s Motion to Dismiss, the parties differ significantly on the core issues in this lawsuit. Although the PLAINTIFFS’ Complaint is centered on the interpretation and *interpretability* of a regulation they allege is unconstitutionally vague, the defendant ATTORNEY GENERAL’s Motion to Dismiss raises multiple “complex Constitutional law questions” and “important public policy concerns”. Many of the constitutional law defenses raised by the defendant ATTORNEY GENERAL are worthy of full legal briefs unto themselves.

The PLAINTIFFS have been diligently researching these complex legal issues and drafting their Opposition to the defendant ATTORNEY GENERAL’s Motion to Dismiss. The scope and breadth of the Motion to Dismiss, however, required and requires extensive research. Local Rule 7.1(b)(2) permits this Court to extend scheduling deadlines for good cause; cf. McLaughlin v. McDonald’s Corp., 203 F.R.D. 45, 50 n.4 (D. Mass. 2001) (the “good cause” test to modifying a scheduling order “requires a showing that despite due diligence by the party seeking the extension, the deadline in the scheduling order could not reasonably be met”). Despite diligent continuous effort PLAINTIFFS have put into researching and writing their Opposition, they need a little more time to reasonably prepare their Opposition in this eminently important matter implicating their Constitutional rights.

PLAINTIFFS' counsel contacted the defendant ATTORNEY GENERAL's counsel by telephone and e-mail on 11 September 2014 seeking the defendant's assent to additional time for the PLAINTIFFS' to submit their Opposition. The defendant ATTORNEY GENERAL's responded today, on 12 September 2014, assenting to the enlargement of time requested by the current motion.

Respectfully submitted,

Dated: 12 September 2014.

**ROBERT DRAPER; ARIEL WEISBERG;
DONNA MAJOR; ERIC NOTKIN; ROBERTY
BOUDRIE; BRENT CARLTON; CONCORD
ARMORY, LLC; PRECISION POINT ARMORY,
LLC; SECOND AMENDMENT FOUNDATION,
INC. and COMMONWEALTH SECOND
AMENDMENT, INC.**

By and through their attorney of record

/s/ Alexander A. Flig

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LOCAL RULE 7.1(a)(2) CERTIFICATION

I hereby certify that I conferred with counsel for the defendant ATTORNEY GENERAL via e-mail and phone on 11 September 2014 regarding the contents of this motion and that counsel for the defendant ATTORNEY GENERAL assented to the relief sought by the instant motion on 12 September 2014.

/s/ Alexander A. Flig

CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the Electronic Case Filing (ECF) system and thus copies will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF); paper copies will be sent to those indicated on the NEF as non-registered participants on or before 1 July 2014.

/s/ Alexander A. Flig
