

Nevada State Parks Fallon Region Regional Manager; and Andrew Bass, Park Supervisor I, Wild Horse State Recreation Area, by and through their undersigned attorneys, respectfully move the Court for a preliminary injunction pursuant to Federal Rule of Civil Procedure 65(a) to prohibit Defendants from enforcing Nevada Administrative Code § 407.105(1)(b)–(c) and to stay all deadlines in this case, pending the outcome of an administrative rulemaking to amend the regulations.

GROUND FOR APPLICATION

1. On August 26, 2010, Plaintiff filed an Amended Complaint seeking declaratory and injunctive relief for Defendants' alleged deprivation of Plaintiff's right to keep and bear arms guaranteed by the United States Constitution.

2. Plaintiff's Amended Complaint alleges, *inter alia*, that Defendants' maintenance and enforcement of Nevada Administrative Code § 407.105(1)(b)–(c) prohibits the possession and discharge of functional firearms for self-defense in Nevada State Parks in violation of Plaintiff's right to keep and bear arms guaranteed by the Second and Fourteenth Amendments.

3. Defendants filed an Answer to Plaintiff's Amended Complaint on September 10, 2010, denying these allegations.

4. Within approximately 60 days, Defendants intend to initiate an administrative rulemaking to amend Nevada Administrative Code § 407.105.

5. This rulemaking may result in changes to Nevada Administrative Code § 407.105 that could cure Defendants' alleged deprivation of the right to keep and bear arms guaranteed by the United States Constitution.

6. In order to conserve judicial resources, the parties desire and hereby stipulate to the entry of a preliminary injunction prohibiting enforcement of Nevada Administrative Code § 407.105(1)(b)–(c) by Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them for the anticipated duration of the rulemaking process.

7. The parties agree and stipulate that neither party should be required to post security as a condition of this preliminary injunction.

8. Furthermore, the parties desire and hereby stipulate to stay all deadlines in this case for the anticipated duration of the rulemaking process.

Wherefore, the parties jointly move the Court for entry of a Preliminary Injunction and an Order staying these proceedings in the form submitted.

Respectfully submitted this 14th day of September 2010.

/s/ James M. Manley
James M. Manley
Mountain States Legal Foundation

Robert M. Salyer
Wilson Barrows & Salyer, Ltd.

Attorneys for Plaintiff

/s/ Kristen R. Geddes
Kristen R. Geddes
Deputy Attorney General

Catherine Cortez Masto
Attorney General

Attorneys for Defendants