



- *Colon v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, No. 8:23-CV-223-MSS-UAM, 2024 WL 309975 (M.D. Fla. Jan. 26, 2024), appeal docketed on Mar. 22, 2024 (Case No. 24-10897) (granting motion for preliminary injunction and enjoining enforcement of the Final Rule against named plaintiffs and past and future customers of the plaintiff retail seller who reside in Florida).
- *Watterson v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, No. 4:23-CV-00080, 2024 WL 897595 (E.D. Tex. Mar. 1, 2024) (denying motion to reconsider order denying motion to enjoin enforcement of the Final Rule).
- *Nat'l Rifle Ass'n of Am., Inc. v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, No. 3:23-CV-1471-L, 2024 WL 1349307 (N.D. Tex. Mar. 29, 2024) (granting motion for preliminary injunction and enjoining enforcement of the Final Rule against NRA members).

3. That litigation concerning the Final Rule has multiplied and remains exclusively in federal courts with a focus on federal law's classification of pistols with stabilizing braces—*i.e.*, the dispute in Plaintiffs' case against Ruger—supports Ruger's removal to this Court. Federal district courts are reaching different outcomes, and appeals are proceeding in multiple Circuit Courts of Appeal, which further underscores the substantiality of the disputes. In the present case, Plaintiffs agree disputed federal issues are necessarily raised on the face of the Complaint. The federal forum is vital to resolve this in "hope" of achieving uniformity. *Grable & Sons Metal Products, Inc. v. Darue Engineering & Manufacturing*, 545 U.S. 308, 312 (2005).

4. Unsettled federal issues directly implicating the legality of the federal government's actions are imbedded in Plaintiffs' lawsuit against Ruger. Plaintiff alleges that the ATF "review[ed] and classif[ied]" at SB Tactical's request the Ruger pistol at issue in this case, *see* Am. Compl. at ¶¶88-93, and that each of the six factors from the disputed Final Rule support Plaintiffs' contention that Ruger violated federal law in selling the firearm. *See, e.g.*, Am. Compl. at ¶73 (weight and length of pull), ¶81 (sights with eye relief), ¶76 (rear surface area for bracing against shoulder), ¶¶ 75, 87, 113 (direct and indirect marketing), ¶¶75, 84-87 (use in the general community). Whether this is the proper legal analysis to classify pistols with stabilizing braces

as illegal short-barreled rifles under the NFA and GCA is a pure or nearly pure issue of federal law. There is no good reason to conclude that adjudication of these disputes is not substantial or well suited for the federal forum, as articulated by *Grable* and its progeny.

WHEREFORE, Ruger respectfully requests that its Motion to File Supplemental Authority and Supporting Memorandum be granted, and that the Plaintiffs' Motion to Remand be denied.

Dated: April 11, 2024.

Respectfully submitted,

THE DEFENDANT,  
STURM, RUGER & COMPANY, INC.

/s/ ct10323

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 12, 2024, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ ct10323  
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