



IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

BRIDGEVILLE RIFLE & PISTOL CLUB,
LTD.; MARK HESTER; JOHN R.
SYLVESTER; MARSHALL KENNETH
WATKINS; BARBARA BOYCE, DHSc
RDN; ROGER T. BOYCE, SR.; and the
DELAWARE STATE SPORTSMEN'S
ASSOCIATION,

Plaintiffs,

v.

DAVID SMALL, SECRETARY OF THE
DELAWARE DEPARTMENT OF
NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL;
DEPARTMENT OF NATURAL
RESOURCES AND ENVIRONMENTAL
CONTROL; ED KEE, SECRETARY OF
DELAWARE DEPARTMENT OF
AGRICULTURE; and DELAWARE
DEPARTMENT OF AGRICULTURE,

Defendants.

C.A. No. 11832-VCG

MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Court of Chancery Rule 65, Plaintiffs Bridgeville Rifle & Pistol Club, Ltd., Mark Hester, John R. Sylvester, Marshall Kenneth Watkins, Barbara Boyce, DHSc, RDN, Roger T. Boyce, Sr., and the Delaware State Sportsmen's

Association (collectively referred to herein as “Plaintiffs”), by and through their undersigned counsel, hereby move this Court for a Preliminary Injunction against Defendants, David Small, Secretary of the Delaware Department of Natural Resources and Environmental Control, the Delaware Department of Natural Resources and Environmental Control (“DNREC”), Ed Kee, Secretary of the Delaware Department of Agriculture, and the Delaware Department of Agriculture (“Department of Agriculture”) (collectively referred to herein as “Defendants”). In support of the Motion, Plaintiffs state the following:

I. INTRODUCTION

1. Plaintiffs seek to enjoin Defendants from continuing to breach fundamental constitutional rights recognized by the Delaware Supreme Court in *Doe v. Wilmington Housing Authority*, 88 A.3d 654 (Del. 2014), and enshrined in Article I, Section 20 of the Delaware Constitution by prohibiting them, and others similarly situated, from carrying firearms in State Parks and State Forests. DNREC regulation 9201.24.3 prohibits the possession of firearms upon any lands or waters administered by the Division of Parks and Recreation of the Department of Natural Resources and Environmental Control. 3 Del. Admin. Code 8.8, adopted by the Department of Agriculture, prohibits firearms on State Forest Lands, with a narrow exception for legal hunting.

II. STATEMENT OF FACTS

2. Plaintiff Bridgeville Rifle & Pistol Club, Ltd. (“Bridgeville”) is a private organization based in Bridgeville, Delaware. Many of Bridgeville’s members are licensed to carry concealed deadly weapons pursuant to 11 *Del. C.* § 1441 and/or § 1441A. Plaintiff Mark Hester is a member of Bridgeville, and resides in Kent County, Delaware. He is retired from the City of Dover Police Department, and is licensed to carry a concealed weapon pursuant to §§ 1441 and 1441B of Title 11 of the Delaware Code. Plaintiff Hester also holds a “surf fishing vehicle permit” pursuant to 7 Del. Admin. Code 9201.10, which allows him to fish at the Delaware State Park beaches. Plaintiff John R. Sylvester is a member of Bridgeville, participates in rifle shooting competitions, and but for Defendants’ regulations, would avail himself of camping facilities in Sussex County State Parks or State Forests. Plaintiff Marshall Kenneth Watkins is a member of the Delaware State Sportsmen’s Association, and is licensed to carry a concealed deadly weapon in Delaware pursuant to 11 *Del. C.* § 1441. But for certain regulations issued by Defendants, discussed below, Watkins would exercise his right to carry a concealed weapon during pre-season scouting of state-owned hunting lands. Plaintiffs Barbara Boyce and Roger Boyce are both members of the Delaware State Sportsmen’s Association, and are lawfully licensed to carry concealed firearms in the States of Delaware, Pennsylvania and Florida. The Boyces are avid bicyclists, and but for

Defendants' regulations, would exercise their right to possess firearms while cycling in Delaware's State Parks and State Forests. Delaware State Sportsmen's Association is an organization that promotes and protects the interests of gun owners in and around Delaware. The individual Plaintiffs are responsible, law-abiding citizens, who are permitted, under 11 *Del. C.* §§ 1441, 1441A, and/or 1441B, to carry concealed weapons.

3. DNREC Regulation 9201.24.3 states, “[i]t shall be unlawful to display, possess or discharge firearms of any description, air rifles, B.B. guns, sling shots or archery equipment upon any lands or waters administered by the Division, except by those persons lawfully hunting in those areas specifically designated by the Division, or those with prior written approval of the Director.” “Division” is defined in 7 *Del. Admin. Code* 9201.1 as the “Division of Parks and Recreation of the Department of Natural Resources and Environmental Control.”

4. Similarly, under 3 *Del. Admin. Code* 8.8, the Department of Agriculture prohibits the lawful possession of firearms within State Forest Lands, except when being used for legal hunting purposes (“[f]irearms are allowed for legal hunting only and are otherwise prohibited on State Forest Lands.”). Both State agencies are prohibited from adopting rules and regulations that “extend, modify, or conflict with any law of [the State of Delaware] or the reasonable implications thereof.” *See* 7 *Del. C.* § 6010; 3 *Del. C.* § 101(3).

5. Both regulations prohibiting the lawful possession of firearms within Delaware State Parks and State Forest Lands, respectively, conflict with, modify and extend existing laws of the State of Delaware. Specifically, the regulations conflict with Article I, § 20 of the Constitution of the State of Delaware, and 11 *Del. C.* §§ 1441, 1441A, and 1441B. Article I, § 20 provides, “[a] person has the right to keep and bear arms for the defense of self, family, home and State, and for hunting and recreational use.” Sections 1441, 1441A, and 1441B, of Title 11 of the Delaware Code, govern the lawful possession of firearms in the State of Delaware. Neither Article I, § 20, nor Title 11 restrict the lawful possession of firearms to geographical area outside of Delaware State Parks or State Forest Lands.¹ Importantly, the

¹ The only geographical limitation on the lawful possession of firearms set forth by the Delaware General Assembly in Title 11 of the Delaware Code are discussed in 11 *Del. C.* § 1457 – Possession of a Weapon in a Safe School Zone. That statute does not apply here. The General Assembly, at 22 *Del. C.* § 111, recently gave municipal governments, effective August 17, 2015, the limited and narrowly circumscribed power to adopt ordinances regulating the possession of firearms, ammunition, components of firearms, or explosives in police stations and municipal buildings. Section 111, however, specifically states that “[a]n ordinance adopted by a municipal government shall not prevent the following in municipal buildings or police stations: “... (6) carrying firearms and ammunition by persons who hold a valid license pursuant to either § 1441 or § 1441A of Title 11 of this Code so long as the firearm remains concealed except for inadvertent display or for self-defense or defense of others ...” Because the General Assembly specifically excluded from the allowable limitations in § 111 those persons properly authorized to carry concealed firearms pursuant to 11 *Del. C.* §§ 1441 or 1441A, § 111 has no bearing on the arguments made herein.

Delaware Supreme Court recently established that, by its express terms, Article I, § 20 recognizes a right to bear arms outside of the home. *Doe v. Wilmington Housing Authority*, 88 A.3d 654, 665 (Del. 2014). Specifically, the Court explained, “the Delaware provision is intentionally broader than the Second Amendment and protects the right to bear arms outside of the home, including for hunting and recreation. Section 20 specifically provides for the defense of self and family *in addition to* the home.” *Id.* (emphasis in original).

6. Furthermore, the adoption of such regulations is outside of the scope and powers conferred upon each State agency by the Delaware General Assembly. Neither Defendant has the authority to deprive Delaware residents of firearms for lawful protection contrary to the State statutory scheme or the Delaware Constitution. Defendant DNREC, under 7 *Del. C.* § 6001, has the power and authority to adopt regulations which best serve the interests of the public, consistent with reasonable and beneficial use of the State’s resources, and the adequate supplies of such resources for the domestic, industrial, power, agricultural, recreational and other beneficial use. *See also* 7 *Del. C.* § 4701(a)(4). Defendant Department of Agriculture has the power to, *inter alia*, “...devise and promulgate rules and regulations for the enforcement of state forestry laws and for the protection of forest lands” 29 *Del. C.* § 8101. The power to regulate the possession of firearms was never conferred upon Defendants by the Delaware General Assembly. But for the

aforementioned regulations adopted by Defendants, Plaintiffs would exercise their state constitutional rights to keep and bear firearms within Delaware State Parks and State Forest Lands.

III. ARGUMENT

A. Plaintiffs are entitled to a preliminary injunction

7. The standard for preliminary injunctive relief is well established. To obtain the extraordinary remedy of a preliminary injunction, Plaintiffs must demonstrate: (i) a reasonable probability that they will succeed on the merits of their claim; (ii) that they will suffer imminent irreparable harm if preliminary injunctive relief is denied; and (iii) that the harm to Plaintiffs if relief is denied outweighs the harm to Defendants if relief is granted. *See Ascension Ins. Holdings, LLC v. Underwood*, 2015 WL 356002, at *1 (Del. Ch. Jan. 28, 2015).

1. Plaintiffs can demonstrate a reasonable probability of success exists on the merits.

8. There exists a reasonable probability that Plaintiffs will succeed on the merits. Plaintiffs have asserted in their Complaint, and can establish that, the regulations adopted by Defendants prohibiting the lawful possession of firearms within Delaware State Parks and State Forest Lands violate Article I, § 20 of the Delaware Constitution; are preempted by existing Delaware law; and/or exceed the statutory scope of authority granted to Defendants.

a. Plaintiffs can establish a violation of state constitutional rights.

9. Defendants’ regulations forbidding the lawful possession of firearms infringe upon Plaintiffs’ rights to keep and bear arms within Delaware State Parks and State Forest Lands as guaranteed by Article I, § 20 of the Delaware Constitution. Article I, § 20 provides: “A person has the right to keep and bear arms for the defense of self, family, home and State, and for hunting and recreational use.” The right to keep arms and the right to bear arms are two distinct rights.

10. The Delaware Supreme Court recently recognized the broad scope of this fundamental right when it explained that: “the Delaware provision is intentionally broader than the Second Amendment and protects the right to bear arms outside the home, including for hunting and recreation. Section 20 specifically provides for the defense of self and family *in addition to* the home.” *Doe v. Wilmington Housing Authority*, 88 A.3d 654, 665 (Del. 2014) (emphasis in original). Here, Plaintiffs seek to exercise their fundamental right to keep and bear arms outside the home; however, the Defendants’ regulations prohibit them from doing so in Delaware State Parks and on State Forest Lands.

11. By prohibiting Plaintiffs from exercising their right to lawfully keep and bear firearms, Defendants have violated Plaintiffs’ rights as guaranteed by the Delaware State Constitution. Accordingly, Plaintiffs have a reasonable probability

of success on the merits with respect to their claims of violation of the State Constitution.

b. Plaintiffs can establish preemption by state law.

12. Defendants’ regulations forbidding the lawful possession of firearms are inconsistent with, and are preempted by, the comprehensive statutory scheme provided by the Delaware General Assembly. *See Cantica v. Fontana*, 884 A.2d 468, 473 n.23 (Del. 2005) (holding preemption may be evidenced by express intent or implied intent, which exists, *inter alia*, “where the legislature has enacted a comprehensive regulatory scheme in such a manner as to demonstrate a legislative intention that the field is preempted by state law.”) (internal quotation and citation omitted).

13. The Delaware General Assembly has enacted a comprehensive regulatory scheme governing the use and possession of firearms. Within Chapter 9 of Title 24 of the Delaware Code, the Delaware General Assembly established laws governing dealers of firearms, including the following: a licensing requirement (24 *Del. C.* §§ 901, 902); prohibition of sales to minor or intoxicated persons (24 *Del. C.* § 903); requiring record keeping (24 *Del. C.* § 904); and criminal history checks (24 *Del. C.* § 904A).

14. Additionally, within Title 11 of the Delaware Code, the Delaware General Assembly established a comprehensive framework governing firearms,

including: requiring a person to have a license to carry a concealed weapon (11 *Del. C.* §§ 1441, 1441A, 1441B, 1442); restricting sale, use and possession of sawed-off shotguns and machine guns (11 *Del. C.* §1444); prohibiting sale or transfer of a firearm to a minor (11 *Del. C.* §1445); criminalizing possession of a firearm during the commission of a felony (11 *Del. C.* §§ 1447; 1447A); prohibiting certain persons from owning, using or purchasing firearms (11 *Del. C.* § 1448); requiring a criminal background check prior to the purchase or sale of a firearm (11 *Del. C.* § 1448A); criminalizing the act of giving a firearms to a prohibited person or engaging in a sale or purchase of a firearm on behalf of a person not legally allowed to sell or purchase firearms (11 *Del. C.* §§ 1454, 1455); and criminalizing unlawfully permitting a minor access to a firearm (11 *Del. C.* § 1456).

15. Defendants' regulations forbidding the lawful possession of firearms are inconsistent with, and are therefore preempted by, the comprehensive statutory scheme provided by the Delaware General Assembly.² Accordingly, Plaintiffs have a reasonable probability of success on the merits with respect to their claims that the

² The regulations at issue also are arguably inconsistent with the Firearms Owners' Protection Act, particularly 18 U.S.C.A. § 926A, which permits transport of an unloaded firearm so long as the firearm and ammunition are not readily accessible during transport. Defendants' regulations presumably prohibit the possession of a firearm, for example, by Plaintiff Sylvester, who travels to Delaware from Pennsylvania to participate in rifle shooting competitions. The regulations at issue prohibit him from keeping his firearms locked in his vehicle while camping at State Parks or State Forests in Delaware.

regulations are inconsistent with, and preempted by, the state laws.

c. Defendants exceeded the scope of their authority.

16. Defendants have no authority to adopt or enforce regulations that deprive Plaintiffs of firearms for lawful protection contrary to the State statutory scheme. *See 29 Del. C. § 8001; 29 Del. C. § 8101.* As administrative agencies, Defendants DNREC and Department of Agriculture have limited powers, and may only act within the scope of authority delineated by the statutes creating them. *See Wilmington Vitamin & Cosmetic Corp. v. Tigue*, 183 A.2d 731, 740 (Del. Super. 1962) (citations omitted) (agency's actions will not be sustained if its actions are not justified under the statute creating the agency); *Kreshtool v. Delmarva Power & Light Co.*, 310 A.2d 649, 654 (Del. Super. 1973) (“The powers of an administrative agency must be exercised in accordance with the statute conferring power upon it. An agency’s authority to act depends upon compliance with the procedural provisions laid down in the statute.”).

17. Nothing in DNREC’s governing statutes give it the power to make rules in an area where the legislature has demonstrated its exclusive intent to regulate the field. *See 29 Del. C. §§ 8001; 8003.* The same holds true for the Department of Agriculture. *Id.* Neither DNREC’s, nor Department of Agriculture’s, authority allows either agency to prohibit the lawful possession of firearms in Delaware State Parks or State Forest Lands. In fact, both Defendants are specifically prohibited

from implementing rules or regulations that “extend, modify or conflict with any law of [the State of Delaware] or the reasonable implementation thereof.” *See 7 Del. C. § 6001; 3 Del. C. § 101(3)*. Thus, Plaintiffs can establish that Defendants exceeded their authority by enacting and/or enforcing regulations which prohibit the lawful possession of firearms within Delaware State Parks and State Forest Lands.

2. Plaintiffs will be irreparably harmed if Defendants are allowed to enforce the regulations.

18. Plaintiffs will be irreparably harmed if Defendants are allowed to enforce the regulations prohibiting the lawful possession of firearms within Delaware State Parks and State Forest Lands. To demonstrate irreparable harm, a plaintiff must present an injury “of such a nature that no fair and reasonable redress may be had in a court of law and ... to refuse the injunction would be a denial of justice.” *Fletcher Intern., Ltd. v. ION Geophysical Corp.*, 2010 WL 1223782, at *4 (Del. Ch. March 24, 2010) (quoting *State v. Del. State Educ. Ass’n*, 326 A.2d 868, 875 (Del. Ch. 1974) (internal quotations omitted)).

19. A deprivation of constitutional rights can constitute irreparable harm. *See Norfolk Southern Corp. v. Oberly*, 594 F.Supp. 514, 522 (D. Del. 1984) (citing *Elrod v. Burns*, 427 U.S. 347, 373, 96 S.Ct. 2673, 2689 (1976); *Lewis v. Kugler*, 446 F.2d 1343, 1350 (3d Cir. 1971)). In this instance, Defendants are depriving Plaintiffs of their constitutional rights to keep and bear firearms. Without an injunction,

Plaintiffs have suffered, and will continue to suffer, adverse effects including the deprivation of their constitutional rights, increased vulnerability, and penalties, including monetary penalties, imprisonment, or both. *See* Del. Admin. Code 9201.28.1; 3 Del. Admin. Code 10.2. Injunctive relief is necessary to correct this wrongful deprivation of a fundamental right.

3. The balance of the equities tips in Plaintiffs' favor.

20. The equities favor Plaintiffs, as they will suffer greater harm if prohibited from exercising the rights guaranteed to them by the Article 1, Section 20 of the Delaware Constitution, than Defendants would suffer if the injunction was to be granted. In determining this final factor:

[A] court must be cautious that its injunctive order does not threaten more harm than good. That is, a court in exercising its discretion to issue or deny such a preliminary remedy must consider all of the foreseeable consequences of its order and balance them. It cannot, in equity, risk greater harm to defendants, the public or other identified interests, in granting the injunction, than it seeks to prevent.

See Benchmark Capital Partners IV, L.P. v. Vague, et al., 2002 WL 1732423, at *14 (Del. Ch. Jul. 15, 2002) (citing *Lennane v. Ask Computer Sys., Inc.*, 16 Del. J. Corp. L. 1521 (Del. Ch. 1990)); *see also ZRII, LLC v. Wellness Acquisition Group, Inc.*, 2009 WL 2998169, at *14 (Del. Ch. Sept. 21, 2009) (the Court must “consider the potential harm in wrongfully granting the injunction, discounted by its probability, against the harm of wrongfully denying the preliminary injunction, discounted by its

probability”) (citing *HDS Inv. Holding, Inc. v. Home Depot, Inc.*, 2008 WL 4606262, at *9 (Del. Ch. Oct. 17, 2008)).

20. The balancing of the equities tips overwhelmingly in Plaintiffs’ favor. Without injunctive relief, Plaintiffs will continue to suffer adverse effects, including the deprivation of their constitutional rights, the possibility of monetary fines and/or imprisonment, and increased vulnerability. If the injunction is granted, Defendants will not be harmed in any way, and will be in no worse a position than prior to the injunction. Finally, the public interest will be served because the vindication of state constitutional rights is always in the public interest. *See, e.g., Mullin v. Sussex County, Del.*, 861 F.Supp.2d 411, 428 (D. Del. 2012) (quoting *Tenaflly Eruv Ass’n, Inc. v. Borough of Tenaflly*, 309 F.3d 144, 178 (3d Cir. 2002) (“Plaintiffs have demonstrated that the public interest favors granting a preliminary injunction. ‘[W]here there are no societal benefits justifying a burden on religious freedom, the public interest clearly favors the protection of constitutional rights.’”)).

III. CONCLUSION

21. For all of the foregoing reasons, Plaintiffs are entitled to preliminary injunctive relief and respectfully request that Honorable Court:

(i) Enter a preliminary injunction in Plaintiffs’ favor, enjoining and restraining Defendants from enforcing the regulations which prohibit Plaintiffs, and others similarly situated, from the lawful possession of firearms within Delaware State

Parks and State Forest Lands;

(ii) Award Plaintiffs relief as provided by statute and common law;

(iii) Award Plaintiffs attorney's fees and costs; and

(iv) Award Plaintiffs such other and further relief as the Court deems just and equitable, including costs and interest.

Respectfully submitted,

ECKERT SEAMANS CHERIN
& MELLOTT, LLC

/s/ Francis G.X. Pileggi

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Club, Ltd., Mark Hester, John R.
Sylvester, Kenneth Watkins, Barbara
Boyce, DHSc, RDN, Roger T. Boyce, Sr.,
and the Delaware State Sportsmen's
Association*

December 28, 2015



IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

BRIDGEVILLE RIFLE & PISTOL CLUB,)
LTD.; MARK HESTER; JOHN R.)
SYLVESTER; MARSHALL KENNETH)
WATKINS; BARBARA BOYCE, DHSc,)
RDN; ROGER T. BOYCE, SR.; and the)
DELAWARE STATE SPORTSMEN'S)
ASSOCIATION,)

Plaintiffs,)

v.)

C.A. No. 11832-VCG

DAVID SMALL, SECRETARY OF THE)
DELAWARE DEPARTMENT)
OF NATURAL RESOURCES AND)
ENVIRONMENTAL CONTROL;)
DEPARTMENT OF NATURAL)
RESOURCES AND ENVIRONMENTAL)
CONTROL; ED KEE, SECRETARY OF)
DELAWARE DEPARTMENT OF)
AGRICULTURE; and DELAWARE)
DEPARTMENT OF AGRICULTURE,)

Defendants.)

AFFIDAVIT OF JOHN C. SIGLER IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY INJUNCTION

STATE OF DELAWARE)
) S.S.
COUNTY OF KENT)

John C. Sigler, of full age, having been duly sworn according to law,
upon his oath deposes and says:

1. I am the President of the Delaware State Sportsmen's Association.

2. I, and other members of the Delaware State Sportsmen's Association are firearms enthusiasts who keep and bear arms for defense of self, family, home and State and/or for hunting and/or recreation and/or are licensed to carry concealed deadly weapons in Delaware.

3. But for the regulations adopted by the Delaware Department of Natural Resources and Environmental Control and the Delaware Department of Agriculture, I and other members of the Delaware State Sportsmen's Association would lawfully possess firearms in Delaware State Parks and State Forests.


4. If the preliminary injunction requested is not granted, I and other members of the Delaware State Sportsmen's Association will continue to suffer adverse effects including the deprivation of our fundamental constitutional rights, the threat of criminal penalties, and/or increased vulnerability to violent crime.



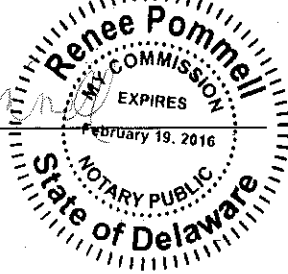
John C. Sigler, Esq.

Sworn to and subscribed before me this 24th day of December, 2015.

[SEAL]



Notary Public





IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

BRIDGEVILLE RIFLE & PISTOL CLUB,
LTD.; MARK HESTER; JOHN R.
SYLVESTER; MARSHALL KENNETH
WATKINS; BARBARA BOYCE, DHSc
RDN; ROGER T. BOYCE, SR.; and the
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DAVID SMALL, SECRETARY OF THE
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RESOURCES AND ENVIRONMENTAL
CONTROL; ED KEE, SECRETARY OF
DELAWARE DEPARTMENT OF
AGRICULTURE; and DELAWARE
DEPARTMENT OF AGRICULTURE,

Defendants.

C.A. No. 11832-VCG

[PROPOSED] ORDER GRANTING PRELIMINARY INJUNCTION

Upon Plaintiffs' Motion for Preliminary Injunction (the "Motion"), and for good cause shown,

IT IS HEREBY ORDERED this _____ day of _____, 20__, as follows:

Plaintiffs' Motion is GRANTED. A preliminary injunction is entered in Plaintiffs' favor, enjoining and restraining Defendants from enforcing the regulations which prohibit Plaintiffs, and others similarly situated, from the lawful possession of firearms within Delaware State Parks and State Forest Lands. A nominal bond of \$100 will be required.

Vice Chancellor Sam Glasscock III



CERTIFICATE OF SERVICE

I, Aimee M. Czachorowski, Esquire, hereby certify that on this 28th day of December, 2015, I caused a true and correct copy of Plaintiffs' Motion for Preliminary Injunction to be served upon the following counsel of record as follows:

Via First Class U.S. Mail, postage prepaid, and FedEx:

The Honorable David Small
Secretary of the Delaware Department
of Natural Resources and
Environmental Control
89 Kings Highway
Dover, DE 19901

Delaware Department of Natural
Resources and Environmental Control
c/o The Honorable David Small
89 Kings Highway
Dover, DE 19901

The Honorable Ed Kee
Secretary of the Delaware Department
of Agriculture
2320 S. DuPont Highway
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Delaware Department of Agriculture
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2320 S. DuPont Highway
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Via Hand Delivery:

The Honorable Matt Denn
Delaware Attorney General
820 N. French Street
Wilmington, DE 19801

/s/ Aimee M. Czachorowski
Aimee M. Czachorowski (Bar ID 4670)



Aimee M. Czachorowski
aczachorowski@eckertseamans.com
302.552.2907

December 28, 2015

VIA eFILING AND FEDEX

The Honorable Sam Glasscock III
Vice Chancellor
Court of Chancery Courthouse
34 The Circle
Georgetown, DE 19947

Re: *Bridgeville Rifle & Pistol Club, Ltd. v. Small, et al.*,
Del. Ch., C.A. No. 11832-VCG

Dear Vice Chancellor Glasscock:

Enclosed are two courtesy copies of a motion for preliminary injunction that we are filing in connection with a complaint that was filed last week. In light of the upcoming New Year holiday this Friday, and the fact that formal service of the complaint was effected just before Christmas, I plan to wait until counsel for the defendants are identified before seeking a stipulated schedule for briefing the motion for approval by Your Honor.

Best wishes for a Happy New Year.

Respectfully,

/s/ Aimee M. Czachorowski

Aimee M. Czachorowski (Del. Bar No. 4670)

AMC/mc
enclosures

cc: The Honorable Matt Denn (on behalf of DNREC and Department of
Agriculture)
The Honorable David Small
The Honorable Ed Kee
Francis G.X. Pileggi, Esquire
Gary W. Lipkin, Esquire