

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DELAWARE STATE SPORTSMEN’S)
ASSOCIATION, INC; BRIDGEVILLE)
RIFLE & PISTOL CLUB, LTD.;)
DELAWARE RIFLE AND PISTOL)
CLUB; DELAWARE ASSOCIATION)
OF FEDERAL FIREARMS)
LICENSEES; MADONNA M. NEDZA;)
CECIL CURTIS CLEMENTS; JAMES E.)
HOSFELT, JR; BRUCE C. SMITH; and)
VICKIE LYNN PRICKETT,)

Plaintiffs,)

v.)

C.A. No. 1:22-cv-00951-RGA)

DELAWARE DEPARTMENT OF)
SAFETY AND HOMELAND)
SECURITY; NATHANIAL MCQUEEN)
JR. in his official capacity as Cabinet)
Secretary, Delaware Department of Safety)
and Homeland Security; and COL.)
MELISSA ZEBLEY in her official)
capacity as superintendent of the)
Delaware State Police,)

Defendants.)

**DEFENDANTS’ MOTION FOR PARTIAL DISMISSAL
OF THE AMENDED COMPLAINT**

Defendants Delaware Department of Safety and Homeland Security, Nathaniel McQueen, Jr., and Col. Melissa Zebley hereby move pursuant to Federal Rule of Civil Procedure 12(b)(6) for an order dismissing Counts III, IV, V, VI, VII, X, XI, XII, XIII and XIV of plaintiffs’ Amended Complaint for Declaratory and Injunctive Relief (D.I. 5). The grounds supporting the Motion are set forth in the Opening Brief submitted herewith.

Respectfully submitted,

ROSS ARONSTAM & MORITZ LLP

STATE OF DELAWARE DEPARTMENT
OF JUSTICE

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Attorneys for Defendants

Dated: November 9, 2022

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[PROPOSED] ORDER

Having considered Delaware Department of Safety and Homeland Security, Nathaniel McQueen, Jr., and Col. Melissa Zebley’s (collectively, “Defendants”) Motion For Partial Dismissal of the Amended Complaint (the “Motion”), as well as any opposition thereto, reply in support thereof, and argument concerning the same, the Court hereby GRANTS Defendants’ Motion.

IT IS HEREBY ORDERED AND ADJUDGED that Counts III, IV, V, VI, VII, X, XI, XII, XIII and XIV of plaintiffs' Amended Complaint for Declaratory and Injunctive Relief (D.I. 5) are dismissed with prejudice.

SO ORDERED this ____ day of _____, 2022.

United States District Judge