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Honorable Scott S. Harris
Office of the Clerk
Supreme Court of the United States
1 First Street N.E.
Washington, DC 20542-0001

Re: *N.Y. State Rifle & Pistol Ass'n, et al. v. City of N.Y., et al.*
No. 18-280

Dear Mr. Harris:

I am counsel of record for respondents the City of New York and the New York City Police Department, License Division. I write in response to petitioners' opposition to our request to hold the briefing schedule in abeyance pending final action on a proposed rulemaking.

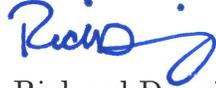
In petitioners' view, the request for a stay is premature because there has been no final action on the proposed rulemaking. But petitioners overlook the very reason why respondents requested a stay at this juncture: if the proposed rule is adopted in accordance with established procedures, it will moot the case after petitioners file their merits brief, and any benefits of a stay for judicial economy will be lost.

Petitioners are incorrect that, as in *National Association of Manufacturers v. Department of Defense*, No. 16-299 (U.S. 2018), respondents seek to put this case on indefinite hold. There, the agency sought to stay briefing based only on an intention to initiate procedures on an unspecified rule. Here, a proposed rule has already been published, and if the rulemaking proceeds according to established procedures, final action is expected by mid- to late May.

Petitioners also advance several legal arguments why, in their view, the NYPD's adoption of the proposed rule would not moot this case, and seek to impugn the integrity of any proposed rulemaking. Although mistaken, these arguments show precisely why a stay is warranted. A stay would enable the Court to consider

the jurisdictional import of any amended rule before merits briefing or, at the very least, enable the parties to brief those issues in conjunction with the merits.

Respectfully submitted,



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