

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DEFENSE DISTRIBUTED and SECOND	§	
AMENDMENT FOUNDATION, INC.,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CASE NO.: 1:15-cv-372-RP
	§	
	§	
U.S. DEPARTMENT OF STATE, et al.,	§	
	§	
Defendants.	§	

**UNOPPOSED MOTION FOR LEAVE FOR COUNSEL
TO APPEAR TELEPHONICALLY AT PRELIMINARY INJUNCTION HEARING**

Plaintiffs, Defense Distributed and Second Amendment Foundation, Inc. (“Plaintiffs”), respectfully move the Court to permit the telephonic appearance of attorney William Thomas “Tommy” Jacks at the preliminary injunction hearing scheduled for July 6, 2015.

On May 6, 2015, Plaintiffs filed their Original Complaint against U.S. Department of State; John F. Kerry, in his official capacity as Secretary of State; Directorate of Defense Trade Controls, Department of State Bureau of Political Military Affairs; Kenneth B. Handelman, individually and in his official capacity as Deputy Assistant Secretary, Defense Trade Controls, Bureau of Political Military Affairs, Department of State; C. Edward Peartree, individually and in his official capacity as Director, Office of Defense Trade Controls Policy, Bureau of Political Military Affairs, Department of State; Sarah J. Heidema, individually and in her official capacity as Division Chief, Regulatory and Multilateral Affairs, Office of Defense Trade Controls Policy, Bureau of Political Military Affairs, Department of State; and Glenn Smith, individually and in his official capacity as Senior Advisor, Office of Defense Trade Controls, Bureau of Political Military Affairs, Department of State (collectively, “Defendants”).

On May 11, 2015, Plaintiffs filed their Application for Preliminary Injunction and Brief in Support Thereof.

On May 15, 2015, the parties' counsel conferred with the Court and agreed to set the hearing for preliminary injunction for 9:30 a.m. on Monday, July 6, 2015.

Mr. Jacks, a member of Plaintiffs' counsel team, will be out of the country on a family vacation on that date but would like to appear telephonically, for purposes of argument only. Mr. Jacks does not seek to participate in witness examination or cross-examination, and will rely on his co-counsel to perform such functions and take the lead in presenting Plaintiffs' case for the requested injunction.

Counsel for Plaintiffs have conferred with counsel for Defendants, who are unopposed to Mr. Jacks appearing telephonically in the fashion described herein.

Therefore, Plaintiffs respectfully move this Court to permit William Thomas "Tommy" Jacks to appear telephonically at the preliminary injunction hearing scheduled for July 6, 2015.

Dated: June 17, 2015

Respectfully submitted,

GURA & POSSESSKY, PLLC

Alan Gura
(Admitted *Pro Hac Vice*)
Virginia Bar No. 68842
Gura & Possessky, PLLC
105 Oronoco Street, Suite 305
Alexandria, Virginia 22314
703.835.9085 / Fax 703.997.7665
alan@gurapossessky.com

Matthew Goldstein
(Admitted *Pro Hac Vice*)
D.C. Bar No. 975000
Matthew A. Goldstein, PLLC
1012 14th Street NW, Suite 620
Washington, DC 20005
202.550.0040/Fax 202.683.6679
matthew@goldsteinpllc.com

Josh Blackman
(*Pro Hac Vice* pending)
Virginia Bar No. 78292
1303 San Jacinto Street
Houston, Texas 77002
202.294.9003/Fax: 713.646.1766
joshblackman@gmail.com

FISH & RICHARDSON P.C.

/s/ William B. Mateja
William T. "Tommy" Jacks
Texas State Bar No. 10452000
William B. Mateja
Texas State Bar No. 13185350
David S. Morris
Texas State Bar No. 24032877
FISH & RICHARDSON P.C.
One Congress Plaza, Suite 810
111 Congress Avenue
Austin, Texas 78701
(512) 472-5070 (Telephone)
(512) 320-8935 (Facsimile)
jacks@fr.com
mateja@fr.com
dmorris@fr.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) on June 17, 2015, and was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(b)(1). Any and all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by U.S. Mail and/or electronic mail on June 17, 2015.

/s/ William B. Mateja _____

William B. Mateja