

VIRGINIA:

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IN THE CIRCUIT COURT FOR THE CITY OF ALEXANDRIA

J. GUYTON, CLERK

NATIONAL RIFLE ASSOCIATION OF AMERICA,)
)
Plaintiff,)
)
v.)
)
ACKERMAN MCQUEEN, INC.)
and)
MERCURY GROUP, INC.,)
)
Defendants.)

BY _____
DEPUTY CLERK

**Case Nos. CL19001757;
CL19002067;
CL19002886.
Consolidated**

**DEFENDANTS' MOTION TO STAY PROCEEDINGS IN THIS COURT
PENDING RESOLUTION OF
PARALLEL FEDERAL DISTRICT COURT LITIGATION**

Pursuant to the inherent discretionary power of this Court as confirmed by the United States Supreme Court in *Landis v. North American Co.*, 299 U.S. 248, 254 (1936), the Defendants Ackerman McQueen and Mercury Group (collectively "AMc"), by their undersigned counsel, hereby move for a stay of the litigation in the above-captioned, consolidated cases, pending the resolution of a parallel case in federal court in Texas.

In exercising this discretion, the court "is to consider a number of factors . . . including but not limited to the identity of the parties and issues in both actions; the time of filing; promotion of judicial efficiency, and possible prejudice to a party as a result of the stay." *Potomac Savings Bank, F.S.B. v. Lewis*, 25 Va. Cir. 184, *1 (Va. Cir. Ct. 1991). As set forth in the concurrently-filed Memorandum of Law in support of this Motion an analysis of these factors establishes that a stay is necessary. Foremost, it promotes judicial efficiency, as the National Rifle Association of America ("NRA") admitted during the February 6, 2020 hearing that there is a substantially-identical, parallel proceeding against AMc in the United States District Court for the Northern

District of Texas. Moreover, a stay would avoid substantial prejudice to the Defendants. Litigating the same claims in two courts will create millions in unnecessary costs, as stated in the Declaration of Bill Winkler, Chief Financial Officer of AMc, attached to the Memorandum of Law.


Defendants' counsel sought to obtain the consent of Plaintiff's counsel to this Motion for Stay, but Plaintiff's counsel has failed to consent to the Motion. Instead, the NRA prefers to litigate its disputes against AMc in two courts, which thus forces AMc to double its litigation expenses. This is a transparent ploy to coerce the capitulation of AMc under pressure caused by the heavy cost of litigation. AMc has already documented several abuse of process tactics used by the NRA in this litigation. *See* AMc's Counterclaim, Count III. This latest tactic to force AMc's capitulation through expensive parallel litigation should be rejected by this Court.

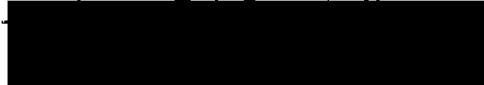
WHEREFORE, the Defendants respectfully request that this Motion to Stay Proceedings in this Court be granted and that the consolidated proceedings be stayed pending a resolution of the parallel case in federal court in Texas.

Respectfully submitted,

ACKERMAN MCQUEEN, INC. and
MERCURY GROUP, INC.
By Counsel

Dated: February 18, 2020

Respectfully submitted, 


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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on February 18, 2020, on the following counsel for Plaintiff by agreement via email addressed to:

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A black rectangular redaction box covers the signature of David H. Dickieson. There are some faint handwritten marks above the box.

David H. Dickieson