

**IN THE SUPREME COURT OF VIRGINIA**

IN RE:

Record No. \_\_\_\_\_

Santolla et al. v. Katz et al., No. CL26001139-00, (Washington County)  
Crump et al. v. Katz, et. al., No. CL26000201-00 (Lancaster County)  
Curtis et al. v. Katz et. al., No. CL26002454-00 (Spotsylvania County)  
Black et al. v. Hook, No. CL26000241-00 (Fauquier County)

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**APPLICATION FOR APPOINTMENT OF CIRCUIT COURT PANEL AND ORDER TO  
TRANSFER PURSUANT TO VA. CODE § 8.01-267.4**

NOW COME Colonel Jeffrey S. Katz, in his official capacity as Superintendent of the Virginia State Police, Jay Jones, in his official capacity as Attorney General of Virginia, Ross P. Spicer, in his official capacity as Commonwealth’s Attorney for Frederick County, Erin Barr, in her official capacity as Commonwealth’s Attorney for Chesterfield County, Matthew Hamel, in his official capacity as Commonwealth’s Attorney for the City of Chesapeake, and Krystyn Reid, in her official capacity as Commonwealth’s Attorney for York County, (collectively “Applicants”) by counsel, and respectfully submit this Application pursuant to Va. Code § 8.01-267.4 for an order transferring the above-captioned matters collectively to a singular Circuit Court. In support thereof, Applicants state as follows:

1. In 2026, following statewide elections in which firearms regulation was a major campaign issue, the General Assembly considered whether restrictions should be placed on assault firearms and large capacity magazines among other new firearms regulations.
2. Following extensive deliberations, the legislature enacted restrictions on assault firearms and large capacity magazines exceeding 15 rounds. *See* S. Bill 749 H. Bill 217 (“Assault Ban”) (to be codified at Va. Code §§ 18.2-287.4:1(B);18.2-308.2:2(F); (the “LCM Ban”) (to be codified at Va. Code § 18.2-309.1). The Governor signed the bill on May 14, 2026,

meaning it will take effect on July 1, 2026. Va. Code § 1-214.

3. Immediately following the Governor’s signing the Bill, several lawsuits challenging the new firearms regulations were filed in state and federal courts naming the Superintendent of State Police and/or Commonwealth’s Attorneys as defendants.

**The State Court Lawsuits:**

4. Matters filed in Virginia Circuit Courts (the “Challenges”) include, but are not limited to:

- i) *Santolla et al. v. Katz et al.*, No. CL26001139-00, (the “*Santolla Suit*”) was filed in the Washington County Circuit Court on May 15, 2026.
- ii) *Crump et al. v. Katz, et. al.*, No. CL26000201-00 (the “*Crump Suit*”) was filed in the Lancaster County Circuit Court on May 15, 2026.
- iii) *Curtis et al. v. Katz et. al.*, No. CL26002454-00 (the “*Curtis Suit*”) was filed in the Spotsylvania County Circuit Court on May 19, 2026.
- iv) *Black et al. v. Hook*, No. CL26000241-00, (the “*Black Suit*”) was filed in Fauquier County Circuit Court on May 15, 2026.

5. The *Santolla Suit* names Superintendent Katz as a defendant along with six (6) Commonwealth’s Attorneys: Joshua Cumbow (Washington County), Erin Barr (Chesterfield County), Ross Spicer (Frederick County), Krystyn Reid (York County), Robert Lilly, Jr. (Giles County, and Matthew Hamel (Chesapeake).

6. The *Santolla Suit* includes ten (10) plaintiffs: Joseph Santolla, Reagan Brooke Adams, Middletown Firearms LLC, Middletown Training LLC, Robert Hinton Pride, Virginia Pride, Virginia Pride LTD, James Rowe, Stephen Jon Bokmiller, and Virginia Shooting Sports Association, Inc.

7. The *Santolla Suit* asserts that the Assault Ban and LCM ban violate Va. Const. Art I § 13 and requests declaratory and injunctive relief.

8. The *Crump Suit* names Superintendent Katz as the lone defendant and includes five (5) plaintiffs, John Crump, Gun Owners of America, Inc., Gun Owners Foundation, Virginia Citizens Defense League, and Virginia Citizens Defense Foundation.

9. The *Crump Suit* asserts, *inter alia*, that the Assault Ban and LCM ban violate Va. Const. Art I § 13 and requests declaratory and injunctive relief.

10. The *Curtis Suit* names Superintendent Katz as a defendant along with the Commonwealth’s Attorney and Sheriff for Spotsylvania County, G. Ryan Mehaffey and Roger L Harris, respectively.

11. The *Curtis Suit* includes four (4) plaintiffs: Dustin R. Curtis, individually and in his capacity as a member of the Virginia Unorganized Militia, W. Micheal Wood, individually and in his capacity as a member of the Virginia Unorganized Militia, Blaustein & Reich, Inc., d/b/a Bob’s Gun Shop, and Daniel Hinkson.

12. The *Curtis Suit* asserts that the Assault Ban and LCM ban violate Va. Const. Art I § 13 and requests declaratory and injunctive relief.

13. The *Black Suit* names as defendant the Commonwealth’s Attorney for Fauquier County, Scott C Hook, and includes five (5) plaintiffs: Eric Black, Britton Condon, Clark’s Gun Shop, Inc., Optimus Arms, LLC, and Hexmag USA, LLC.<sup>1</sup>

14. The *Black Suit* asserts that the Assault Ban and LCM ban violate Va. Const. Art I § 13 and requests declaratory and injunctive relief.

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<sup>1</sup> The Office of Attorney General is contemporaneously intervening in the *Black Suit* as of right pursuant to Rule 3:14.

**Authority to transfer:**

15. Pursuant to Va. Code § 8.01-267.4, “[w]henver there are pending in different circuit courts of the Commonwealth civil actions brought by six or more plaintiffs which involve common issues of law or fact and arise out of the same transaction, occurrence or the same series of transactions or occurrences, any party may apply to a panel of circuit court judges designated by the Supreme Court for an order of transfer.” Va. Code § 8.01-267.4(A).

16. “Upon such application and upon making the findings required by § 8.01-267.1, the panel may order some or all of the actions transferred to a circuit court in which one or more of the actions are pending for purposes of coordinated or consolidated pretrial proceedings.” *Id.*

17. The three (3) enumerated findings (the “Findings”) required by Va. Code § 8.01-267.1 include:

1. Separate civil actions brought by six or more plaintiffs involve common questions of law or fact and arise out of the same transaction, occurrence or series of transactions or occurrences;
2. The common questions of law or fact predominate and are significant to the actions; and
3. The order (i) will promote the ends of justice and the just and efficient conduct and disposition of the actions, and (ii) is consistent with each party's right to due process of law, and (iii) does not prejudice each individual party's right to a fair and impartial resolution of each action.

18. In making the foregoing findings, the factors to be considered “include, but are not limited to, (i) the nature of the common questions of law or fact; (ii) the convenience of the parties, witnesses and counsel; (iii) the relative stages of the actions and the work of counsel; (iv) the efficient utilization of judicial facilities and personnel; (v) the calendar of the courts; (vi) the likelihood and disadvantages of duplicative and inconsistent rulings, orders or judgments; (vii) the

likelihood of prompt settlement of the actions without the entry of the order; and (viii) as to joint trials by jury, the likelihood of prejudice or confusion.” *Id.*

Finding 1:

19. At the outset, the Challenges here were brought by six or more plaintiffs, involve common questions of law and fact, and arise out of the same transaction, occurrence or series of transactions or occurrences.

20. Specifically, the Challenges:

- a) arise from the same Act of the General Assembly banning assault firearms and large capacity magazines;
- b) assert that the Act violates the same constitutional provision, Va. Const. Art I § 13;
- c) argue that the Act does not pass muster under the test articulated in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1 (2022), or fails for other purported reasons related to the history of the right to bear arms;
- d) necessarily require the same legal analysis and rely on the same alleged historical tradition regarding firearms regulation;
- e) request a judgment *declaring* the Act unconstitutional for the same or similar reasons, and
- f) request *injunctive* relief enjoining the same law.

Finding 2:

21. The common questions of law and fact outlined above predominate and are significant to the actions.

22. First, the Challenges request and require multiple courts to separately and simultaneously assess the same prohibitions—relating to the same or similar firearms—pursuant to the same constitutional provision—while addressing the same questions of law and fact. These common questions of law and fact are constitutional in “nature” and are equally wholly determinative of all four Challenges. *See* Va. Code§ 8.01-267.1(3), factor (i).

23. Second, because the Challenges were filed within days of each other and are currently in the same posture, there is a high likelihood of duplicative and inconsistent rulings. *See* Va. Code§ 8.01-267.1(3), factor (vi). The Challenges all request preliminary injunctions. Absent transfer, decisions on those motions will proceed contemporaneously and lead to confusion and chaos with respect to the significant common questions of law.

Finding 3:

24. Transfer of the Challenges to a singular court will (i) promote the ends of justice and the just and efficient conduct and disposition of the actions, (ii) is consistent with each party’s right to due process of law, and (iii) does not prejudice each individual party’s right to a fair and impartial resolution of each action.

25. Avoidance of duplicative and inconsistent rulings additionally promotes the ends of justice and will streamline disposition of the actions at the trial court level. Presently, the Challenges are in the same relative stage—complaints are filed but initial responsive pleadings are not yet due or filed. Although preliminary injunction motions are filed, none are set for hearing. *See* Va. Code§ 8.01-267.1(3), factor (iii).

26. Litigating the Challenges before a singular court is a far more efficient utilization of judicial facilities and personnel and reduces the burden to the calendar of the courts. *See* Va. Code § 8.01-267.1(3), factors (iv)(v).

27. Finally, the convenience of the parties, witnesses and counsel demands transferring the Challenges to a more centralized location. *See* Va. Code § 8.01-267.1(3), factor (ii).

28. Absent transfer, Superintendent Katz or his designees/witnesses would be required to travel hundreds of miles to courts displaced across the Commonwealth to partake in redundant proceedings. For one example, the Virginia State Police headquarters is located in Chesterfield, close to the geographic center of the Commonwealth while Washington County is located approximately 300 miles away.

29. So too with other named Defendants. Despite being filed in the far southwest corner of the Commonwealth, the *Santolla Suit* names Commonwealth's Attorneys located in Chesterfield County, Frederick County, York County, and Chesapeake.

30. Of the circuits in which the Challenges are currently pending, Lancaster and Spotsylvania counties are more centrally located while Washington and Fauquier counties are the least convenient forums for transfer (the *Curtis Suit* pertains to the Spotsylvania Commonwealth's Attorney and the *Black Suit* names the Fauquier Commonwealth's Attorney).

31. Finally, transfer of the Challenges to a singular circuit court will permit subsequent motions for consolidation and/or other combined proceedings pursuant to § 8.01-267.3, further promoting the ends of justice and streamlining disposition of the actions at the trial court level.

WHEREFORE, Colonel Jeffrey S. Katz, in his official capacity as Superintendent of the Virginia State Police, Jay Jones, in his official capacity as Attorney General of Virginia, Ross P. Spicer, in his official capacity as Commonwealth's Attorney for Frederick County, Erin Barr, in her official capacity as Commonwealth's Attorney for Chesterfield County, Matthew Hamel, in his official capacity as Commonwealth's Attorney for the City of Chesapeake, and Krystyn Reid, in her official capacity as Commonwealth's Attorney for York County, respectfully request that



CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2026, a true and accurate copy of the foregoing was transmitted by UPS to:

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Hon. Gail H. Barb  
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## Subsequent Pleading eCertificate

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Submitted By: CALVIN C BROWN

### Certification (Opposing Counsel):

Check box to certify that pleading has been provided to opposing counsel/party: