

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

TRIPOLI ROCKETRY ASSOCIATION, INC.
and NATIONAL ASSOCIATION OF
ROCKETRY,

Plaintiffs,

v.

U.S. BUREAU OF ALCOHOL, TOBACCO,
FIREARMS, AND EXPLOSIVES,

Defendant.

Civil Action No. 00-273 (RBW)

**PLAINTIFFS' MOTION FOR ORAL ARGUMENT ON
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT ON
COUNT ONE OF PLAINTIFFS' THIRD AMENDED COMPLAINT**

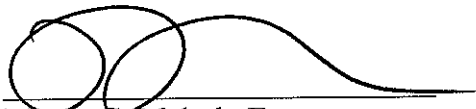
Pursuant to Rule 56(c) of the Federal Rules of Civil Procedure, and Local Rule of Civil Procedure 7(f), Plaintiffs Tripoli Rocketry Association, Inc. ("Tripoli") and National Association of Rocketry ("NAR") respectfully move for an oral argument on the previously filed Plaintiffs' Motion of Summary Judgment on Count One of Their Third Amended Complaint.

This case was first filed over 8 years ago, on February 11, 2000. On March 19, 2004, this Court issued a Memorandum and Opinion and entered an Order on cross motions for summary judgment. 337 F.Supp.2d 1 (D.D.C. 2004). The Court's decision was subsequently appealed to the U.S. Court of Appeals for the District of Columbia Circuit, which reviewed the matter *de novo* and, on April 6, 2006, remanded the case to this Court with instructions to remand to Defendant U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATFE"). 437 F.3d 75 (D.C. Cir. 2006). This Court promptly remanded to ATFE, which re-affirmed its earlier rulings adversely affecting Tripoli and NAR on October 13, 2006.

Pursuant to this Court's Scheduling Order of October 17, 2006, Tripoli and NAR filed their Third Amended Complaint on December 18, 2006 to incorporate and challenge ATFE's decision on remand, and Plaintiffs and Defendant filed cross motions for summary judgment on January 31, 2007. On May 1, 2007, all opposition and reply filings to the cross motions for summary judgment (and one errata) were filed and the matter was ready for consideration by this Court. On July 26, 2007, the Court issued the last ruling in this case – vacating a schedule conference that was set for the next day. No decision on the cross motions for summary judgment has been issued.

Tripoli and NAR now respectfully request this Court to schedule an oral argument on Plaintiffs' Motion for Summary Judgment on Count One of their Third Amended Complaint filed January 31, 2007. They do so in the belief that an oral argument would allow the Court to obtain answers to any remaining questions and facilitate the issuance of a decision. Counsel for Plaintiffs contacted counsel for Defendant regarding this motion, and Counsel for Plaintiffs are authorized to report that Defendant takes no position on this motion.

Respectfully submitted,



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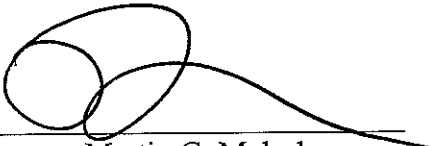
COUNSEL FOR PLAINTIFFS

Dated: October 1, 2008

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiffs' Motion for Oral Argument on Plaintiffs' Motion for Summary Judgment on Count One of Their Third Amended Complaint was served on the following attorney of record for Defendant via first class mail on this 1st day of October, 2008.

Jane Lyons, Esq.
Assistant United States Attorney
555 Fourth Street
Washington, D.C. 20001



Martin G. Malsch