

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**STEPHEN DEARTH and SECOND
AMENDMENT FOUNDATION, INC.,**

Plaintiffs,

vs.

**ERIC H. HOLDER, Jr., Attorney General
of the United States,**

Defendant.

Case No. 09-cv-0587-RLW

DEFENDANT’S STATEMENT OF UNDISPUTED MATERIAL FACTS

Pursuant to Local Civil Rule 7(h), Defendant submits this statement of material facts as to which no genuine dispute exists.

1. Plaintiff Stephen Dearth is a U.S. citizen who resides permanently in Canada. Compl. ¶ 2.
2. Plaintiff Dearth does not maintain a residence within any State in the United States. Compl. ¶ 2.
3. Plaintiff Dearth legally owns firearms in Canada. See Def. Combined Mot. for J. on the Pleadings or, in the Alternative, for Summ. J., and Opp. to Pl. Mot. for Summ. J., Ex. 2 (First Am. Compl., Dearth v. Gonzales, Case No. 2:06-cv-1012 (S.D. Ohio)).
4. Plaintiff Dearth maintains that he has friends and relatives in the United States and visits the United States occasionally. Compl. ¶ 10. He states that he would plan to store any weapons he purchases in the United States in his relatives’ home in Mount Vernon, Ohio. Id. ¶ 11.

Dated: November 21, 2011

Respectfully Submitted,

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