IN THE CIRCUIT COURT OF THE COUNTY OF SPOTSYLVANIA
COMMONWEALTH OF VIRGINIA

JOHN R. HOLLOWAY, individually and in his capacity
as a member of the Virginia Unorganized Militia;

MARGARET A. STAFFORD, individually and in her capacity
as a member of the Virginia Unorganized Militia;

BLUE RIDGE ARMS & SPORTING GOODS, LLC,
a Virginia limited liability company and licensed firearms dealer; and

JAMES T. WHITFIELD, individually and d/b/a
WHITFIELD FIREARMS INSTRUCTION & TRAINING,
a certified firearms instructor,

Plaintiffs,

v.

COLONEL JEFFREY S. KATZ, in his official capacity as
Superintendent of the Virginia State Police; and

MAJOR GENERAL JAMES W. RING, in his official capacity as
Adjutant General of the Commonwealth of Virginia; and

G. RYAN MEHAFFEY, in his official capacity as
Commonwealth's Attorney of Spotsylvania County, Virginia; and

ROGER L. HARRIS, in his official capacity as
Sheriff of Spotsylvania County, Virginia,

Defendants.

Civil Action No. _____

COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

INTRODUCTION

There is in the Constitution of Virginia a guarantee so ancient, so foundational, and so plainly written that its force should require no elaboration. Article I, Section 13 opens: "That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state." Those words—drafted by George Mason and adopted on June 12, 1776, before a shot had been fired at Bunker Hill and before the Declaration of Independence

had been signed—constitute the militia clause of the Virginia Constitution. They are not a preamble. They are not a recital. They are operative constitutional text, continuously in force for two hundred and fifty years.

The breadth of that guarantee is remarkable. Article I, Section 13 speaks of "the body of the people"—without qualification as to sex, age, or other condition. The Virginia Constitution thus embeds the militia concept at its most expansive: not a narrow demographic slice, but the people themselves, armed and trained for the defense of the free state. George Mason, who authored these words, confirmed their sweep on June 4, 1788, at the Virginia Ratifying Convention: "I ask, Who are the militia? They consist now of the whole people, except a few public officers." 3 J. Elliot, *The Debates in the Several State Conventions on the Adoption of the Federal Constitution* 425 (2d ed. 1891), *available at* https://www.loc.gov/resource/llscdam.lled003/?sp=437&st=text

Virginia's implementing statutes, Va. Code §§ 44-1 and 44-4, faithfully carry forward this breadth, defining the unorganized militia to include every able-bodied citizen of the Commonwealth within the specified age range who is not a member of the organized militia—approximately four million Virginians.

Senate Bill 749 and House Bill 217 (2026 Regular Session of the Virginia General Assembly) (as of April 19, 2026, located at: https://lis.virginia.gov/bill-details/20261/SB749 & https://lis.virginia.gov/bill-details/20261/HB217) (collectively, "the Act") passed the General Assembly during the 2026 regular session, and after the Governor returned the bills with recommended amendments pursuant to Article V, § 6 of the Virginia Constitution, were adopted with those amendments by the General Assembly during its reconvened session on April 22, 2026, and thereafter became law. The Act will, effective July 1, 2026, prohibit the sale, purchase, importation, manufacture, and transfer of an entire class of semi-automatic centerfire firearms—weapons for civilian use that are most closely analogous to the standard service rifles and pistols issued to the Virginia National Guard and the active-duty forces of the United States military. The Act will simultaneously prohibit the sale, purchase, importation, and transfer of the standard-capacity detachable magazines used with those weapons. Both prohibitions are enforced with criminal penalties.

Plaintiffs challenge these prohibitions solely under the militia clause of Article I, Section 13 of the Constitution of Virginia. They do not rest their case on the Second Amendment to the United States Constitution, nor on the individual right to keep and bear arms also embodied in Article I, Section 13. Their argument is simpler and more fundamental: the militia clause guarantees the existence of a "well regulated militia, composed of the body of the people, trained to arms." That guarantee is self-executing. It necessarily presupposes that the body of the people may acquire and possess the arms with which they must be trained. The General Assembly cannot, consistent with that guarantee, prohibit the body of the people from acquiring the very weapons with which they must be prepared to serve as that militia.

The standard for identifying constitutionally protected militia arms follows from the text of Article I, Section 13 itself. A "well regulated militia" must be effective. It must be "composed of the body of the people." It must be "trained to arms." And it must be capable of serving as "the proper, natural, and safe defense of a free state." These are not aspirational phrases; they are constitutional commands. The arms that the body of the people must possess are those suitable for militia service—arms whose nature and purpose make them capable of contributing to the common defense. In every era, this has meant the weapons that bear a functional relationship to those issued to the organized military forces of the Commonwealth and the nation. The semi-automatic centerfire rifles and pistols, and the standard-capacity magazines banned by the Act are precisely such weapons: they are the civilian analogs of the standard service rifles issued to the Virginia National Guard and the active-duty armed forces of the United States. The General Assembly's implicit concession that law-enforcement officers need these very weapons (and are therefore exempted from the Act) only confirms the point.

Plaintiffs seek a declaratory judgment that the Act violates Article I, Section 13 of the Constitution of Virginia, and both a preliminary and permanent injunction against its enforcement.

PARTIES

A. Plaintiffs

1. Plaintiff **John R. Holloway** is an adult citizen of the Commonwealth of Virginia, residing in Spotsylvania County. He is forty-one (41) years of age, a citizen of the United States, and is free of any legal disability that would bar him from possessing firearms under state or federal law. He is therefore a member of the Virginia Unorganized Militia under Article I, § 13 of the Virginia Constitution and Virginia Code §§ 44-1 and 44-4. Mr. Holloway is the lawful owner of multiple semi-automatic centerfire rifles—including an AR-15-pattern rifle with a collapsible stock, a pistol grip, and a threaded barrel—and of detachable ammunition feeding devices capable of holding more than fifteen rounds. These items fall within the Act's definition of "assault firearm" and within its prohibition on large-capacity magazines. Mr. Holloway uses them for home defense, recreational target shooting, and to maintain proficiency with weapons of the kind he would be expected to bring to militia service. The Act will prohibit him from acquiring additional such weapons or magazines after July 1, 2026, and will subject him to criminal liability for any transfer of the guns and magazines he already owns.

2. Plaintiff **Margaret A. Stafford** is an adult citizen of the Commonwealth of Virginia, residing in Spotsylvania County. She is twenty-eight (28) years of age, a citizen of the United States, and is free of any legal disability barring her from possessing firearms. She is therefore a member of the Virginia Unorganized Militia. Ms. Stafford does not currently own a semi-automatic centerfire rifle of the type covered by the Act but has made a definite decision to purchase one—along with standard-capacity detachable magazines—for the purposes of home defense and

militia readiness. The Act will prohibit any licensed dealer from selling her such a weapon or magazine on or after July 1, 2026, directly infringing her constitutional right to acquire the weapons with which she is constitutionally entitled to be trained as a member of the unorganized militia.

3. Plaintiff **Blue Ridge Arms & Sporting Goods, LLC** ("Blue Ridge Arms") is a Virginia limited liability company with its principal place of business in Rockingham County, Virginia. Blue Ridge Arms holds a federal firearms license (FFL) issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives and is engaged in the lawful retail sale, transfer, and service of firearms and related accessories. A significant and substantial portion of its business involves the sale of semi-automatic centerfire rifles, pistols, and associated detachable magazines that the Act classifies as "assault firearms" and as banned large-capacity magazines. The Act will prohibit these sales and transfers entirely, causing severe and direct economic harm to Blue Ridge Arms and depriving Virginians in its service area of access to constitutionally protected militia weapons.

4. Plaintiff **James T. Whitfield** is an adult citizen of the Commonwealth of Virginia, residing in Albemarle County. He is a certified firearms instructor holding credentials from the National Rifle Association for instruction related to both rifles and pistols, as well as being an NRA certified range safety officer. Mr. Whitfield also served in the United States Marine Corps, where he earned Expert Level (the highest level) for both rifle and pistol qualification every year for which he participated in qualification shooting. Through his business, Whitfield Firearms Instruction & Training, he provides instruction in the safe and effective use of semi-automatic rifles and pistols to members of the general public—the overwhelming majority of whom are members of Virginia's unorganized militia. His curricula include defensive rifle courses and courses specifically oriented toward militia readiness and civil emergency preparedness. The Act will prohibit him from acquiring additional semi-automatic centerfire rifles for instructional use, will prohibit the transfer of such weapons to students, and will effectively deprive his students of the ability to acquire—and therefore to train with—the weapons that the militia clause of Article I, Section 13 guarantees they have the right to keep and with which they must be trained.

B. Defendants

5. Defendant **Colonel Jeffrey S. Katz** is the Superintendent of the Virginia State Police, appointed by Governor Abigail Spanberger in January 2026, pursuant to Virginia Code § 52-2. He is sued solely in his official capacity. As Superintendent, Colonel Katz is the chief executive officer of the Virginia State Police and is charged with the administration and statewide enforcement of the criminal laws of the Commonwealth. Virginia Code § 52-1 *et seq.* The Virginia State Police is the primary agency responsible for statewide enforcement of the criminal provisions of the Act, and Colonel Katz therefore has a direct and substantial enforcement relationship with the challenged legislation.

6. Defendant **Major General James W. Ring** is the Adjutant General of the Commonwealth of Virginia, appointed pursuant to Virginia Code § 44-11 [https://law.lis.virginia.gov/vacode/title44/chapter1/section44-11/]. He is sued solely in his official capacity. As Adjutant General, Major General Ring is the head of the Department of Military Affairs and "shall have command of all of the militia of the Commonwealth, subject to the orders of the Governor as Commander in Chief." Virginia Code § 44-13 [https://law.lis.virginia.gov/vacode/title44/chapter1/section44-13/]. The Adjutant General is the senior state official with direct statutory responsibility for the organization, administration, and readiness of the Virginia militia, including the unorganized militia that Article I, Section 13 designates as "the body of the people, trained to arms." The Act directly impairs the militia's capacity to arm and train itself, and the Adjutant General's statutory responsibility for militia readiness gives him a direct and substantial connection to the constitutional injury alleged herein.

7. Defendant **G. Ryan Mehaffey** is the Commonwealth's Attorney of the County of Spotsylvania, having taken office in January of 2024. He is sued solely in his official capacity. As Commonwealth's Attorney, Mr. Mehaffey is the chief prosecutorial officer of Spotsylvania County and is charged with the prosecution of criminal offenses committed within the County. Virginia Constitution, Art. VII, § 4; Va. Code § 15.2-1626 *et seq.* The Commonwealth Attorney's Office is the primary agency responsible for prosecution of the criminal provisions of the Act within Spotsylvania County, and Mr. Mehaffey therefore has a direct and substantial enforcement relationship with the challenged legislation.

8. Defendant **Roger L. Harris** is the Sheriff of the County of Spotsylvania, having first taken office in January 2012. He is sued solely in his official capacity. As Sheriff, Mr. Harris serves as a conservator of the peace within the County, with authority to enforce the criminal laws of the Commonwealth, including through the investigation of offenses and the arrest of individuals who violate such laws. Virginia Constitution, Art. VII, § 4; Va. Code § 15.2-1609 *et seq.* The Sheriff and his deputies are responsible for law enforcement within the County and regularly enforce state criminal statutes. Mr. Harris has a direct and substantial enforcement connection to the criminal provisions of the challenged legislation.

JURISDICTION AND VENUE

9. This Court has subject-matter jurisdiction pursuant to Virginia Code §§ 8.01-184 *et seq.* (Virginia Declaratory Judgment Act) and Virginia Code §§ 8.01-620 *et seq.* (injunctive relief). An actual, justiciable controversy exists between the parties within the meaning of Code § 8.01-184. The Act, enacted into law in April 2026, and enforceable beginning July 1, 2026, directly and immediately infringes Plaintiffs' rights under the militia clause of Article I, Section 13 of the Constitution of Virginia.

10. Venue is proper in this Court pursuant to Virginia Code § 8.01-261, because Spotsylvania County is the county of residence of Defendants Mehaffey and Harris, the county in which the

individual Plaintiffs Holloway and Stafford reside, and the county in which a substantial part of the cause of action arose.

CONSTITUTIONAL AND STATUTORY PROVISIONS AT ISSUE

11. Article I, Section 13 of the Constitution of Virginia provides in full:

> *"That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power."*

12. Virginia Code § 44-1 defines the militia of the Commonwealth to consist of all able-bodied residents who are citizens of the United States and are within the relevant age range (generally sixteen to fifty-five years), divided into (1) the National Guard (Army and Air), (2) the Virginia Defense Force, and (3) the unorganized militia.

13. Virginia Code § 44-4 provides: "The unorganized militia shall consist of all able-bodied persons as set out in § 44-1, except such as may be included in §§ 44-2 and 44-54.6 and except such as may be exempted as otherwise provided by law." The unorganized militia thus consists of every able-bodied citizen of the Commonwealth within the specified age range who is not a member of the National Guard or the Virginia Defense Force. These are "the body of the people" referenced in Article I, Section 13, and they number approximately four million, including all individual plaintiffs herein.

14. It bears emphasis that the Virginia Constitution's militia guarantee is, in its text, remarkably broad. Article I, Section 13 speaks of "the body of the people" without limitation as to sex, and its implementing statutes extend the relevant age range to all citizens between sixteen and fifty-five. This broad constitutional language reflects the Framers' understanding—expressed by George Mason at the Virginia Ratifying Convention—that the militia comprised "the whole people." The Act's prohibition on acquisition of militia-suitable weapons falls upon this entire constitutional body. Every member of the body of the people is injured by legislation that prevents any of them from arming and training for militia service.

15. The Act (SB 749 / HB 217, 2026 Regular Session) (located on April 19, 2026 at: https://lis.virginia.gov/bill-details/20261/SB749 & https://lis.virginia.gov/bill-details/20261/HB217), as enacted into law by the Governor and General Assembly, amends the Code of Virginia to prohibit, effective July 1, 2026: (a) the sale, purchase, importation, manufacture, or transfer of any "assault firearm," defined as any semi-automatic centerfire rifle or pistol capable of receiving a magazine with a capacity of more than 15 rounds or possessing one or more specified features, which are additionally applicable to shotguns (including a

detachable magazine combined with a collapsible or folding stock, a thumbhole stock or conspicuous pistol grip, a grenade or flare launcher, or a threaded barrel), except antique firearms, permanently inoperable firearms, and manually operated firearms; and (b) the sale, purchase, importation, or transfer of any detachable magazine ammunition feeding device capable of accepting more than fifteen (15) rounds of ammunition. Violations are punishable as a Class 1 misdemeanor under Virginia Code § 18.2-11, with a three-year prohibition on firearm purchase or possession following conviction. Law-enforcement officers and agents of the federal, state, and local governments are exempted from both prohibitions.

STATEMENT OF FACTS

A. The Militia Clause: Text, History, and Continuing Force

16. The militia clause of Article I, Section 13—"That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state"—was drafted by George Mason and adopted by the Virginia Convention on June 12, 1776. It appeared in Virginia's first written constitution, predating the United States Constitution by eleven years and the Second Amendment by fifteen years. It has appeared in every successive Constitution of Virginia and remains operative constitutional text today, unchanged in its essential language across two and a half centuries.

17. The balance of Article I, Section 13—including the "therefore" clause and the provisions regarding standing armies and civil supremacy over the military—has also been a feature of Virginia's constitutional tradition since the founding era, carried forward through the constitutions of 1830, 1851, 1864, 1870, and 1902. The 1971 revision of the Constitution of Virginia adjusted the textual formulation of the section in certain respects, including the language most directly governing the individual right of the people to keep and bear arms. Plaintiffs' claim rests solely on the militia clause itself—the provision of ancient lineage that neither the 1971 revision nor any other subsequent act has touched.

18. Two structural features of Article I, Section 13 are critical to the analysis presented here. First, the text uses the word "therefore" to connect the militia clause to the individual right: "…is the proper, natural, and safe defense of a free state, THEREFORE, the right of the people to keep and bear arms shall not be infringed." This connective language is not incidental. It makes the individual right to keep and bear arms structurally derivative of and logically subordinate to the prior militia guarantee: the people have the right to be armed *because* they must be capable of militia service. Second, and consequently, the militia clause itself has always necessarily implied the right of the body of the people to possess and be trained with arms appropriate to militia service. A militia "composed of the body of the people, trained to arms" is an empty guarantee if the people are prohibited by law from obtaining the arms to which they are to be trained.

19. George Mason, who authored the militia clause, defined the militia as "the body of the people" – the very language that remains in Article I, Section 13 today. This meaning embedded in the constitutional text is not a select, professional body of soldiers, but the entire able-bodied population of the Commonwealth. Virginia's statutes faithfully reflect this understanding. Under Virginia Code §§ 44-1 and 44-4, the unorganized militia consists of every able-bodied Virginia citizen within the relevant age range who is not a member of the National Guard or Virginia Defense Force. The individual Plaintiffs who are natural persons are members of the unorganized militia by operation of Virginia law.

B. The Challenged Legislation

20. During the 2026 Regular Session of the Virginia General Assembly, the Senate and House of Delegates passed SB 749 and HB 217. Governor Abigail Spanberger proposed amendments to those bills on or about April 14, 2026, pursuant to Article V, § 6 of the Virginia Constitution, and those amendments were adopted by the General Assembly on April 22, 2026, at which point the bills were returned to the Governor, becoming law without further action on her part. The Act takes effect July 1, 2026.

21. The Act employs a features-based definition to identify prohibited "assault firearms." For semi-automatic centerfire rifles capable of accepting a detachable magazine, the Act prohibits those with a magazine capacity in excess of 15 rounds, and/or those with any of the following features: a folding, telescoping, or collapsible stock; a thumbhole stock or a pistol grip that protrudes conspicuously beneath the action; an attached grenade or flare launcher; or a threaded barrel capable of accepting a flash suppressor, silencer, or muzzle brake. Parallel features-based definitions apply to semi-automatic centerfire pistols and semi-automatic shotguns. The definition expressly excludes antique firearms, permanently inoperable firearms, and manually operated (bolt-action, lever-action, pump-action, or slide-action) firearms.

22. Effective July 1, 2026, the Act makes it a Class 1 misdemeanor to sell, purchase, import, manufacture, or transfer any "assault firearm" within the Commonwealth. A conviction also results in a three-year prohibition on purchasing, possessing, or transporting any firearm. Virginia Code § 18.2-11 (Class 1 misdemeanor); *see also* Virginia Code § 18.2-308.1:4 (three-year prohibition). Existing owners may not sell, transfer, or acquire additional weapons of the prohibited type after the effective date.

23. The Act separately prohibits, also effective July 1, 2026, the sale, purchase, importation, or transfer of any detachable magazine ammunition feeding device capable of accepting more than fifteen (15) rounds. Persons who lawfully possess such magazines before that date may retain them for personal use but may not transfer them. Prospective purchasers may not acquire them from any source. The prohibition on new acquisition is total and applies to every member of the unorganized militia equally.

24. Both prohibitions contain a categorical exemption for law-enforcement officers and agents of the United States, the Commonwealth, or any local government. No exemption exists for members of the unorganized militia. The Commonwealth thus expressly acknowledges that persons who bear arms in service of the state require these weapons for the effective performance of their duties, while simultaneously forbidding the unorganized militia—the constitutional defenders of the free state, "the body of the people" whom Article I, Section 13 charges with its defense—from acquiring them.

C. The Weapons Banned by the Act Are the Arms of the Citizen Militia

25. The semi-automatic centerfire rifles targeted by the Act—commonly designated AR-15-pattern rifles or "modern sporting rifles"—are the civilian analogs of the M4 carbine, the standard service rifle issued to United States Army and Marine Corps infantry units and to the Virginia National Guard. The M4 is chambered in 5.56×45mm NATO; so are the most common AR-15-pattern rifles. The M4 uses detachable box magazines—standardly the 30-round STANAG magazine; so do AR-15-pattern rifles. The M4 uses a direct impingement or piston-driven gas-operated semi-automatic action (in its semi-auto mode); so do the AR-15-pattern rifles banned by the Act. The primary—and, in the context of civilian ownership, the only—mechanical difference between the M4 and the civilian AR-15 is that the latter fires only semi-automatically, one round per trigger pull, rather than in a burst or automatic mode of which the M4 is capable. In every respect relevant to the militia-utility inquiry, these are the same weapons.

26. The semi-automatic centerfire pistols targeted by the Act occupy the same analytical position. The standard service sidearm of the United States military is the M17 (SIG Sauer P320 variant), which replaced the Beretta M9 in 2017. The M17 is chambered in 9mm NATO and uses detachable box magazines with a standard capacity of seventeen or twenty-one rounds—both of which exceed the Act's fifteen-round limit. The civilian SIG Sauer P320 and functionally equivalent pistols (including the widely owned Glock 17 with its standard seventeen-round magazine and the Glock 19 with its standard fifteen-round magazine that readily accepts seventeen-round magazines manufactured for the Glock 17) are the direct civilian counterparts of the M17. The Act bans any semi-automatic centerfire pistol "capable of accepting" a detachable magazine holding more than fifteen rounds. Because standard-frame 9mm pistols are designed to accept magazines of varying capacity—and because the most widely manufactured 9mm pistol magazines hold seventeen or more rounds—the Act effectively prohibits the acquisition of the most common semi-automatic service pistols in civilian production. These are the sidearms that militia members throughout the Commonwealth's history have been expected to provide for themselves, and they bear a direct functional relationship to the sidearms currently issued to the Virginia National Guard, federal military personnel, and law-enforcement officers throughout the Commonwealth.

27. The text of Article I, Section 13 supplies the standard by which constitutionally protected militia arms are to be identified. The clause commands a militia "trained to arms" that is "the

proper, natural, and safe defense of a free state." A militia cannot serve as the defense of the free state if it is equipped with weapons inferior to or fundamentally different from those employed by the military forces it must be prepared to supplement or resist. The arms protected by the militia clause are therefore those whose nature and characteristics bear a functional relationship to ordinary military equipment—the weapons with which the body of the people must be armed and trained to serve as an effective militia.

28. Applying this standard, the weapons banned by the Act are paradigmatically protected. The AR-15-pattern rifle and functionally equivalent semi-automatic centerfire rifles are the direct civilian analogs of the M4 carbine—the standard service rifle of the Virginia National Guard and the United States armed forces. The SIG Sauer P320 and functionally equivalent semi-automatic centerfire pistols are the direct civilian analogs of the M17—the standard service sidearm. They are chambered in the same or functionally equivalent cartridges. They use the same standardized detachable magazines. They operate by the same semi-automatic action. They are, by any measure, part of ordinary military equipment and weapons whose use could contribute to the common defense. They are precisely the weapons with which the body of the people must be "trained to arms" if the militia clause is to have any force.

29. Detachable magazines capable of holding more than fifteen rounds occupy the same analytical position. The United States Army's standard-issue magazine for the M4 carbine holds thirty rounds. The standard-issue magazine for the M17 pistol holds seventeen or twenty-one rounds. Law-enforcement agencies throughout the Commonwealth—each of which is exempted from the magazine ban—issue such magazines as standard equipment. These are not accessories of marginal utility; they are, as the Act's own exemptions acknowledge, the operational standard for persons who bear arms in service to the state. The militia clause cannot be read to guarantee a militia composed of "the body of the people, trained to arms" while simultaneously permitting the legislature to forbid those people from acquiring the standard-capacity equipment used by every professional armed force in the Commonwealth.

30. It bears emphasis that the weapons banned by the Act are among the most widely owned firearms in the United States and the Commonwealth. It is estimated that more than twenty million AR-15-pattern rifles are currently in civilian hands nationwide, and semi-automatic 9mm pistols with standard magazines exceeding fifteen rounds—including the Glock 17, Glock 19, SIG Sauer P320, and Smith & Wesson M&P series—are among the most popular handguns sold in the United States. A substantial number of these are owned by members of the Virginia Unorganized Militia who use them for lawful purposes including home defense, sport shooting, and militia readiness, including Plaintiff Holloway. Their prevalence is itself evidence of their relationship to ordinary civilian-military preparedness and their status as the contemporary equivalent of the muskets, rifles, and pistols that founding-era militia members were expected to supply themselves.

D. Immediate and Irreparable Harm to Plaintiffs

31. The Act inflicts immediate and concrete harm upon the Plaintiffs, injuring each of them on or before its effective date of July 1, 2026.

32. Plaintiff Holloway is a member of the unorganized militia who currently owns semi-automatic centerfire rifles and pistols, and standard-capacity magazines that fall within the Act's prohibitions. On July 1, 2026, Mr. Holloway will be forbidden by law from acquiring any additional such weapons or magazines—whether to replace items that are worn out, damaged, or lost, or to expand his capacity for militia readiness. He will simultaneously become subject to criminal prosecution for any transfer of the weapons and magazines he currently owns, even to fellow members of the unorganized militia. His constitutional right under the militia clause to be "trained to arms" will be frozen in place on the effective date and will degrade over time as his existing equipment becomes unserviceable.

33. Plaintiff Stafford is a member of the unorganized militia who has made a definite decision to purchase a semi-automatic centerfire rifle and standard-capacity magazines for home defense and militia readiness but has not yet done so. On July 1, 2026, her ability to make that purchase will be categorically extinguished by operation of the Act. Unlike Plaintiff Holloway, Ms. Stafford will not even possess grandfathered weapons; she will be entirely barred from acquiring the arms with which the militia clause entitles her to be trained. Her injury is total and immediate upon the effective date.

34. Plaintiff Blue Ridge Arms is a licensed firearms dealer for whom the sale of semi-automatic centerfire rifles, pistols, and standard-capacity magazines constitutes a significant and substantial portion of its business. On July 1, 2026, the Act will permanently prohibit Blue Ridge Arms from selling or transferring any of these items to any member of the public. The resulting loss of revenue is not speculative; it is a certain and intended consequence of the Act that has immediate impact due to the loss of orders for sales from customers and potential customers under threat of prosecution for sales or transfers not consummated by July 1, 2026, and without an ability to transfer weapons and magazines covered by the Act after July 1, 2026, thus deterring them from making purchases prior to that date. Blue Ridge Arms also serves a constitutionally significant function: it is one of the means by which the body of the people arms and equips itself for militia service. The Act eliminates that function entirely with respect to the weapons at issue. Because Blue Ridge Arms must pre-order and pre-purchase stock to sell, the Act does immediate harm to its business

35. Plaintiff Whitfield is a certified firearms instructor, former Marine, and militia-readiness trainer part of whose livelihood and constitutionally protected vocation depend on the availability of the weapons the Act prohibits. On July 1, 2026, the Act will prohibit Mr. Whitfield from acquiring additional semi-automatic centerfire rifles and pistols for instructional use and will prohibit the transfer of such weapons to his students. His students—the overwhelming majority of whom are members of the unorganized militia—will be unable to acquire the weapons about which he teaches. A firearms instructor cannot train a militia that is

forbidden by law to obtain the weapons with which it must be trained. The Act does not merely burden Mr. Whitfield's vocation; it eliminates the constitutional predicate upon which it rests. Furthermore, the harm to Mr. Whitfield is immediate, as all of his training classes are scheduled ahead of time, thus with only two months to legally obtain the soon-to-be-banned weapons and magazines, the pool of new owners seeking training has already begun to shrink.

36. Each of these injuries is directly and exclusively caused by the Act. Each would be fully redressed by the declaratory and injunctive relief sought herein. The constitutional questions presented are purely legal and require no further factual development. Plaintiffs are not required to await prosecution before seeking relief from an imminent constitutional injury, as each of them have alleged an intention to engage in a course of conduct affected with a constitutional interest, including but not limited to the buying, selling and transferring of weapons and magazines that are prohibited under the Act. Because Plaintiffs' current and future conduct concerns activity necessary and protected under self-executing Article I, § 13 of Virginia's constitution, it is affected with a constitutional interest. And because the foregoing conduct is explicitly proscribed by the Act, Plaintiffs are immediately suffering injury under the Act. *Daniels v. Mobley*, 737 S.E.2d 895, 901, 285 Va. 402 (2013); *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 159-65 (2014); *Doe v. Bolton*, 410 U.S. 179, 188 (1973); *Babbitt v. United Farm Workers*, 442 U.S. 289, 298 (1979).

E. Distinction from DiGiacinto v. Rector and Visitors of George Mason University

37. The Supreme Court of Virginia's decision in *DiGiacinto v. Rector and Visitors of George Mason University*, 281 Va. 127, 704 S.E.2d 365 (2011), does not foreclose Plaintiffs' claims. It is distinguishable on multiple independent grounds.

38. First, *DiGiacinto* addressed a geographically limited, location-specific restriction on the carrying of weapons in particular campus buildings and at particular campus events. The Supreme Court of Virginia upheld the George Mason University regulation under the "sensitive places" doctrine articulated in *District of Columbia v. Heller*, 554 U.S. 570 (2008), emphasizing that the regulation applied only to enumerated structures and events while leaving the open grounds of the university freely accessible. The court specifically noted that the regulation was "narrowly tailored," restricted only to places "where people congregate and are most vulnerable." *DiGiacinto*, 281 Va. at 136. The Act challenged in the present case is not a sensitive-places restriction. It is a categorical, statewide prohibition on the acquisition of an entire class of commonly owned firearms and standard-capacity magazines, applicable everywhere in the Commonwealth to every member of the unorganized militia. The sensitive-places doctrine, confined by its own logic to location-based restrictions, has no application here.

39. Second, *DiGiacinto* was litigated and decided entirely under the individual right clause of Article I, Section 13. Neither party briefed nor did the court address the militia clause as an independent source of constitutional protection. The court's holding that Article I, Section 13

affords rights "co-extensive" with the Second Amendment under *Heller* was made only with respect to the individual-rights challenge to a sensitive-places regulation. *DiGiacinto*, 281 Va. at 133–34. The court did not construe, and its holding does not govern, the independent force and meaning of the militia clause as a textual guarantee of continuous constitutional standing since 1776. Plaintiffs' claim here rests on the militia clause—a provision *DiGiacinto* did not reach.

40. Third, the "co-extensiveness" holding of *DiGiacinto* related to the individual right clause establishes a constitutional floor, not a ceiling, for protection under Article I, Section 13. Where the militia clause supplies an independent and textually distinct basis for constitutional protection—as it does with respect to militia-appropriate weapons—that protection exists alongside and in addition to any rights that may also be guaranteed by the individual right clause. *DiGiacinto's* holding that the individual right clause is no broader than the Second Amendment does not diminish the force of the separately worded, separately litigated militia clause.

CAUSES OF ACTION

COUNT I

VIOLATION OF THE MILITIA CLAUSE, ARTICLE I, SECTION 13, CONSTITUTION OF VIRGINIA (Assault Firearms Ban)

41. Plaintiffs incorporate by reference each of the preceding paragraphs as if fully set forth herein.

42. The militia clause of Article I, Section 13 is a self-executing, operative, independently enforceable provision of the Constitution of Virginia. Its core command is structural: Virginia must possess a "well regulated militia, composed of the body of the people, trained to arms," capable of serving as "the proper, natural, and safe defense of a free state." This command cannot be satisfied if the legislature prohibits the body of the people from acquiring the arms to which they must be trained. The militia clause thus creates a zone of constitutional protection for the ownership and acquisition of weapons appropriate to militia service—a protection that inheres in the clause itself, independent of and prior to any individual rights doctrine.

43. The standard for identifying constitutionally protected militia weapons is supplied by the text and structure of Article I, Section 13 itself. The clause commands a militia that is "trained to arms" and that serves as "the proper, natural, and safe defense of a free state." These commands necessarily presuppose that the body of the people may acquire and maintain arms suitable for militia service—that is, arms whose nature and characteristics bear a functional relationship to those employed by the organized military forces of the Commonwealth. A militia armed with weapons fundamentally different from or inferior to those of the forces it must be prepared to supplement or resist cannot be the "proper" or "safe" defense of the free state that the Constitution demands.

44. The weapons banned by the Act meet this standard beyond any reasonable dispute. The semi-automatic centerfire rifles and pistols prohibited by the Act are the direct civilian analogs of the M4 carbine and M17 pistol—the standard service rifle and sidearm of the Virginia National Guard and the United States armed forces. They are chambered in the same or functionally equivalent cartridges. They use the same standardized detachable magazines. They operate by the same semi-automatic action. They are, by any measure, part of ordinary military equipment and weapons whose use could contribute to the common defense. They are the weapons with which the body of the people must be "trained to arms" if the militia guarantee is to have operative force.

45. The logical structure of the militia clause reinforces this conclusion. The clause guarantees a militia "trained to arms." Training requires access to the weapons with which one trains. Plaintiff Whitfield—a certified firearms instructor and former Marine whose courses include militia-readiness training—cannot train his students with weapons they are forbidden by law to acquire. Plaintiff Blue Ridge Arms cannot equip the militia by selling weapons that the law forbids it to sell. Plaintiff Holloway cannot be "trained to arms" with a weapon he cannot replace when worn out or damaged. Plaintiff Stafford cannot begin to train at all if she cannot purchase the weapon. In every practical respect, the Act deprives the unorganized militia of the capacity to be what the Constitution requires it to be.

46. The Commonwealth's exemption of law-enforcement officers from the Act's prohibitions is dispositive of the militia-utility question. The General Assembly has made an express legislative finding—embedded in the structure of the Act itself—that persons who bear arms in service to the state require these weapons in order to perform their duties effectively. That concession cannot be reconciled with the position that these same weapons have no reasonable relationship to the functions of the unorganized militia, which Article I, Section 13 designates as "the proper, natural, and safe defense of a free state." If the weapons are essential to law enforcement, they are essential to the militia. The Commonwealth cannot establish this equivalence on behalf of its paid professionals while denying it to the unpaid citizens the Constitution relies upon for the defense of liberty.

47. The Act's assault-firearms prohibition is not narrowly tailored to any legitimate governmental interest. It does not restrict where militia members may carry these weapons. It does not impose safety training, licensing, or registration requirements. It prohibits acquisition outright—permanently and statewide—of an entire class of weapons whose militia utility is self-evident. Such a categorical, permanent, statewide prohibition on the acquisition of constitutionally protected militia arms cannot survive scrutiny under the militia clause of Article I, Section 13.

48. The assault firearms ban set forth in the Act therefore violates the militia clause of Article I, Section 13 of the Constitution of Virginia. Plaintiffs are entitled to a declaration to that effect, to a preliminary injunction against enforcement of the assault-firearms provisions of the Act

pending final disposition of this action, and to a permanent injunction upon final adjudication on the merits.

COUNT II

VIOLATION OF THE MILITIA CLAUSE, ARTICLE I, SECTION 13, CONSTITUTION OF VIRGINIA (Large-Capacity Magazine Ban)

49. Plaintiffs incorporate by reference each of the preceding paragraphs as if fully set forth herein.

50. For the reasons set forth in Count I, the militia clause of Article I, Section 13 protects from legislative prohibition those arms, accessories, and related equipment whose nature and characteristics bear a functional relationship to ordinary military equipment. Detachable ammunition feeding devices capable of holding more than fifteen rounds are not optional accessories or luxury modifications. They are, as a matter of historical fact and contemporary military practice, standard equipment for the weapons they accompany.

51. The United States Army's standard-issue magazine for the M4 carbine—the service rifle of the Virginia National Guard—holds thirty rounds. The standard-issue magazine for the M17 pistol holds seventeen or twenty-one rounds. The Virginia State Police and virtually every law-enforcement agency in the Commonwealth issue magazines of fifteen or more rounds as standard operating equipment. These facts are sufficient to establish that detachable magazines holding more than fifteen rounds are arms suitable for militia service—indeed, they are the actual standard magazines issued to the militia's organized counterpart. The Act's own exemption of law-enforcement officers confirms this: the Commonwealth expressly preserves for its professional armed employees the right to acquire and use the very magazines it forbids the unorganized militia to obtain.

52. The magazine ban has a compounding effect on the underlying assault-firearms prohibition that gives it independent constitutional significance. A member of the unorganized militia who currently owns an AR-15-pattern rifle or standard-frame 9mm pistol with standard-capacity magazines is grandfathered in possession—but if those magazines are lost, damaged, worn out or destroyed after July 1, 2026, they cannot be replaced. Over time, the ban will effectively deprive the militia of standard-capacity equipment even for weapons it is otherwise permitted to retain. The deprivation is gradual but it is certain, and it is no less unconstitutional for being prospective.

53. A militia member equipped with a semi-automatic rifle limited to fifteen-round magazines is not "trained to arms" in the same manner or to the same level of effectiveness as one equipped with standard thirty-round magazines. A militia member equipped with a service pistol limited to fifteen rounds is not trained to the same standard as one equipped with the standard seventeen- or

twenty-one-round magazine. This is not speculation; it is the judgment of every professional military and law-enforcement organization in the Commonwealth, upon information and belief, all of which issue higher-capacity magazines as standard equipment. The militia clause of Article I, Section 13 does not permit the legislature to hobble the effectiveness of the unorganized militia by cutting off its supply of standard equipment while preserving that same equipment for the use of paid state employees.

54. The magazine ban set forth in the Act therefore independently violates the militia clause of Article I, Section 13 of the Constitution of Virginia. Plaintiffs are entitled to a declaration to that effect, to a preliminary injunction against enforcement of the magazine ban provisions of the Act pending final disposition of this action, and to a permanent injunction upon final adjudication on the merits.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray that this Court enter judgment in their favor and against Defendants as follows:

A. A declaratory judgment, pursuant to Virginia Code § 8.01-184 et seq, that the assault firearms ban provisions of the Act (SB 749 / HB 217, 2026 Regular Session of the Virginia General Assembly) violate the militia clause of Article I, Section 13 of the Constitution of Virginia and are void and without legal effect;

B. A declaratory judgment that the magazine ban provisions of the Act independently violate the militia clause of Article I, Section 13 of the Constitution of Virginia and are void and without legal effect;

C. A preliminary injunction, issued without delay upon motion and appropriate showing, enjoining Defendants, their officers, agents, servants, employees, and all persons acting in concert or participation with them, from enforcing or threatening to enforce the assault firearms ban and magazine ban provisions of the Act pending final disposition of this action;

D. A permanent injunction, following final adjudication on the merits, enjoining Defendants and all persons acting under their direction or authority from enforcing or threatening to enforce any provision of the Act held unconstitutional by this Court;

E. An award of reasonable attorneys' fees and costs of this action pursuant to such authority as the Court may identify; and

F. Such other and further relief as the Court may deem just and proper.

Respectfully submitted,

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Dated: April ____, 2026