

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF LYNCHBURG

RAUL WILSON,

WYATT LOWMAN,

VIRGINIA CITIZENS DEFENSE LEAGUE,

GUN OWNERS OF AMERICA, INC.,

and

GUN OWNERS FOUNDATION,

Plaintiffs,

v.

Case No. CL20-582-01

COLONEL JEFFREY S. KATZ

(In his Official Capacity as

Superintendent of the Virginia State Police)¹

Defendant.

**PLAINTIFFS' MOTION FOR A RULE TO SHOW CAUSE FOR
VIOLATION OF THIS COURT'S FINAL ORDER**

¹ Jeffrey S. Katz was appointed Superintendent of the Virginia State Police in January of 2026. By automatic operation of Va. Code § 8.01-17(B), Col. Katz is now the Defendant in his official capacity.

Pursuant to Va. Code § 8.01-274.1, Plaintiffs Raul Wilson, Wyatt Lowman, Virginia Citizens Defense League, Gun Owners of America, Inc., and Gun Owners Foundation move this Court to issue a Rule to Show Cause directing Defendant to appear and state why he should not be held in contempt, and in support thereof state as follows:

INTRODUCTION

It appears that the Commonwealth’s Executive Branch of government no longer has any respect for the rule of law. From the same Attorney General who brazenly sought to usurp his predecessor’s constitutional role before he even assumed office,² Attorney General Jay Jones now informs this Court that its October 29, 2025 Final Order means nothing, and that Jones, as an executive branch officer and officer of the court, may unilaterally determine that a court’s order is no longer in effect. Indeed, although this Court quite clearly enjoined Defendant from “administering, enforcing, or otherwise imposing upon any person the requirements of ... Va. Code § 18.2-308.2:5” (*id.* at 2), Defendant’s counsel from the Office of the Attorney General has advised that Defendant “has resumed conducting background checks earlier this afternoon, pursuant to the newly enacted statute(s).” May 27, 2026 Email to the Court and Plaintiffs’ Counsel, Exhibit A.

This “newly enacted statute,” of course, is HB1525, part of the General Assembly’s recent barrage of unconstitutional gun control laws. But it contains no cure for the defects of Virginia’s “universal background check” regime that this Court repeatedly identified, and reiterated in its October 16, 2025 Opinion – indeed, HB1525 only *further* restricts the rights of young adults by

² *In re Attorney General-Elect Jay Jones*, Cir. Ct. No. CL20-582 (Va. Ct. App. Dec. 22, 2025), <https://foundation.gunowners.org/wp-content/uploads/122225-Order-motion-denied-in-re-jay-jones-1.pdf>.

purporting to do precisely what this Court repeatedly stated the Commonwealth could not do – prohibiting young adults aged 18-20 years from acquiring handguns. And, among HB1525’s provisions as amended by the Governor, there is as a direct and brazen challenge to this Court’s order - an instruction that Defendant “shall administer, enforce, and otherwise implement § 18.2-308.2:5 of the Code of Virginia from the effective date of this bill,” and that, because “an emergency exists,” HB1525 “is in force from its passage.”

In other words, the General Assembly, the Governor, Defendant, and now the Attorney General all believe they are free to enforce Section 18.2-308.2:5 irrespective of this Court’s permanent injunction, simply because *they passed a new law saying they could*. Beyond the immediate and irreparable harm to countless Virginians caused by these actions, the Commonwealth ceases to have a functional system of government if Defendant and those directing him from above are permitted to simply ignore a court’s clear directive.

But even if HB1525 somehow “overruled by statute” this Court’s injunction in a self-executing manner (it did not), the purported emergency effective date is a nullity because the enacted bill was not passed by a four-fifths majority in the General Assembly.³ *See* Va. Const. art. IV, § 13. That means HB1525 has yet to go into effect until July 1, 2026, meanwhile Defendant has admitted to doing precisely what this Court ordered him *not to do*. There can be no clearer violation of a court order than this, and Defendant must answer for it.

LEGAL STANDARD

The “[w]illful disobedience to any lawful ... order of court is contempt and ... punishable as such.” *Bd. of Supervisors v. Bazile*, 195 Va. 739, 745 (1954). Upon violation of a court order,

³ The Senate voted 21-18 to enact HB1525 as amended by the Governor to add the “emergency clause,” and the House voted 63-36 to do so, neither chamber reaching a 4/5 majority. *See* Exhibit B.

a party may “request[] a rule to show cause” via “motion or petition....” Va. Code § 8.01-274.1. Such “motion or petition shall include facts identifying with particularity the violation of a specific court order and be sworn to or accompanied by an affidavit setting forth such facts.” *Id.* Punishment of contempt “preserve[s] the power of the court and ... vindicate[s] the court’s dignity.” *Gilman v. Commonwealth*, 275 Va. 222, 227 (2008). “In a show cause hearing, the moving party need only prove that the offending party failed to comply with an order of the trial court. *Frazier v. Commonwealth*, 3 Va. App. 84, 87, 348 S.E.2d 405, 407 (1986). The offending party then has the burden of proving justification for his or her failure to comply. *Id.*” *Alexander v. Alexander*, 12 Va. App. 691, 696, 406 S.E.2d 666, 669 (1991)

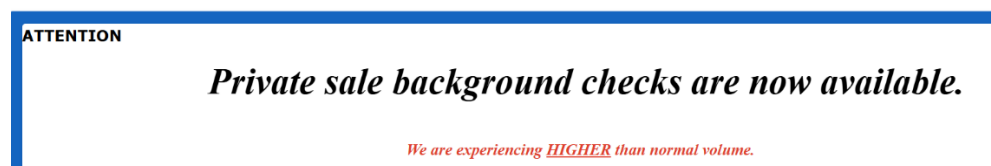
STATEMENT OF FACTS

On May 4, 2026, Defendant filed in this Court a “Motion to Dissolve Injunction.” As Defendant theorized, “[t]he challenged law in this case is superseded by the General Assembly’s recent enactment of a new firearms regulatory scheme – effectively mooted the Court’s declaration and final order of permanent injunction.” *Id.* at 1. Thus, as Defendant explained it, he “files this motion in an abundance of caution, to ... formally seek dissolution of the now moot injunction.” *Id.*

But Defendant now seems to have thrown “caution” to the wind, together with any semblance of respect for a co-equal branch of government. While failing to take any action to advance his underlying motion in this Court, Defendant nonetheless apparently considers himself free to violate this Court’s injunction, with or without “formal[] ... dissolution” by this Court. But that is not how our system of law works, as “an order issued by a court with jurisdiction over the subject matter and person must be obeyed by the parties until it is reversed by orderly and proper proceedings.” *Sasson v. Shenhar*, 276 Va. 611, 624, 667 S.E.2d 555, 562 (2008) (citation omitted).

And as the Virginia Supreme Court stated, even where a party maintains that an order of a court is void, the appropriate action to take is to appeal that order, or to attack it in a collateral proceeding, while still submitting to the court’s jurisdiction.” *Id.*

Yet on the afternoon of May 27, 2026, counsel for Plaintiffs began to receive reports that the Virginia State Police (“VSP”) once again was mandating that background checks occur with respect to the private sale of firearms within the Commonwealth. For example, dealers who log into the VCheck system now see the following notice:



See Declaration of Patricia Webb, Exhibit C. And when contacted for further guidance, VSP explained that “[t]he Private Sales button is enabled in VCheck. Dealers and customers should follow Virginia law with respect to Private Sales and performing background checks.” Meanwhile, even as of this morning (May 28, 2026), Defendant’s [website](#)⁴ continued to state the following:

⁴ Last accessed May 28, 2026 (7:32 AM).

PRIVATE SALE BACKGROUND CHECKS NO LONGER AVAILABLE / REQUIRED

In compliance with the injunction and final order entered by the Circuit Court for the City of Lynchburg in Raul Wilson, Wyatt Lowman, Virginia Citizens Defense League, Gun Owners of America, Inc, and Gun Owners Foundation v. Colonel Matthew D. Hanley, CL25000582-00, October 29, 2025, “[t]he Virginia Department of State Police, and all law enforcement divisions, agencies, and officers within the Commonwealth, to include their successors or replacements in office, are hereby permanently enjoined and prohibited from administering; enforcing, or otherwise imposing upon any person the requirements of, the Act ([Va. Code § 18.2-308.2:5](#)).”

The Order prohibits the State Police from running, or assisting in the running, of private sale background checks pursuant to the provisions of [§ 18.2-308.2:5](#).

Virginia law currently does not require, and VSP will not provide, criminal history background checks for the private sale of firearms.

But just minutes later, that notice had been taken down, and replaced with:

Private Sale background checks are now available.

Because this Court has not dissolved its previously entered injunction, the only conclusion that can be drawn from these new facts is that Defendant stands in deliberate and willful violation of this Court’s Order. In addition to Defendant’s repeated prior acknowledgment of the Court’s Order, and what the injunction prohibited, Plaintiffs’ counsel even wrote a letter to Defendant’s counsel on April 23, 2026, reminding them that the injunction remained in effect notwithstanding the enactment of HB1525, specifically requesting notice of any change in the position by Defendant, and making clear that Plaintiffs would seek contempt proceedings if Defendant attempted to violate the Court’s Order. See Letter of April 23, 2026, Exhibit D.

But neither Defendant nor his counsel provided any notice to undersigned counsel (or the Court) of their intent to violate the terms of this Court’s Order. To the contrary, by filing his “Motion to Dissolve Injunction,” all indications were that Defendant would respect this Court’s order. Indeed, in a late April of 2026 email notice widely circulated to firearms dealers following passage of HB1525, Defendant stated that “This new law [HB 1525] conflicts with a court order ... That order enjoined and prohibited the Department from administering, enforcing, or otherwise

imposing upon any person the requirements of Virginia Code § 18.2-308.2:5. Accordingly, the Department will not be running background checks in the private sale of firearms until the conflict between the Circuit Court for the City of Lynchburg order and HB1525 is resolved.” The full notice issued by Defendant in April is copied below:

IMPORTANT NOTICE

The Virginia State Police (the Department) has received several inquiries regarding HB1525, firearms, certain; definitions, possession, transportation, or purchase by certain persons, penalty, which was signed into law by the Governor on April 22, 2026. The bill was signed as an emergency act and took effect immediately after it was signed. This new law conflicts with a court order entered by the Circuit Court for the City of Lynchburg in Raul Wilson, Wyatt Lowman, Virginia Citizens Defense League, Gun Owners of America, Inc, and Gun Owners Foundation v. Colonel Matthew D. Hanley, CL25000582-00, dated October 29, 2025. That order enjoined and prohibited the Department from administering, enforcing, or otherwise imposing upon any person the requirements of Virginia Code § 18.2-308.2:5. Accordingly, the Department will not be running background checks in the private sale of firearms until the conflict between the Circuit Court for the City of Lynchburg order and HB1525 is resolved."

Nevertheless, after Plaintiffs began to receive reports of Defendants' actions yesterday afternoon, Plaintiffs' counsel immediately reached out to counsel for Defendant. Defendant's Counsel responded by informing the Court and Plaintiffs' counsel that Defendant had resumed his administration and enforcement of the prohibited background check scheme. Exhibit A.

Of course, Defendant's actions fly in the face of this Court's injunction, which expressly and permanently enjoins Defendant, "and all law enforcement divisions, agencies, and officers within the Commonwealth, to include their successors or replacements in office, ... from administering, enforcing, or otherwise imposing upon any person the requirements of ... Va. Code § 18.2-308.2:5." Final Order at 2. And last night's email from Defendant's counsel *to this Court* constitutes an open admission of Defendant's contempt.

Not only does Defendant stand in open violation of this Court's order, but also Plaintiffs are irreparably harmed by Defendant's actions. Indeed, this Court's finding of irreparable harm was the reason the Court's injunction issued. But, rather than pursuing the proper legal process to dissolve the injunction (as he began to do a month ago), Defendant has placed Plaintiffs back in the very same position they were in prior to the injunction being entered – with their Article I, Section 13 rights, and those of all Virginians, being violated once again. As this Court knows, "[t]he loss of [constitutionally enumerated] freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury," *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). Defendant's (and this administration's) actions demonstrate that "[c]ontempt is, itself, a frame of mind' that consists in 'an unwillingness to recognize the authority and dignity of the court.'" *Abdo v. Commonwealth*, 64 Va. App. 468, 477, 769 S.E.2d 677, 681 (2015) (quoting John L. Costello, *Virginia Criminal Law and Procedure* § 26.4[1] (4th ed. 2014)).

That is why "[t]he power to punish for contempt is inherent in, and as ancient as, courts themselves. It is essential to the proper administration of the law, to enable courts to enforce their orders, judgments and decrees, and to preserve the confidence and respect of the people without which the rights of the people cannot be maintained and enforced." *Carter v. Commonwealth*, 2 Va. App. 392, 395, 345 S.E.2d 5, 7 (1986) (quoting *In re Chadwick*, 109 Mich. 588, 596 (1896)).

It is black letter law that a trial “court has the authority to hold the offending party in contempt for acting in bad faith or for willful disobedience of its order.” *Carswell v. Masterson*, 224 Va. 329, 332, 295 S.E.2d 899, 901 (1982).

CONCLUSION

This Court is not without authority to enforce the terms of its Order.⁵ And this is unquestionably a case where contempt is warranted, given the particularly brazen nature of Defendant’s violation of the Court’s injunction, especially by an official with the level of power and responsibility held by the Defendant. Thus, Pursuant to Va. Code § 8.01-274.1, Plaintiffs request that this Court issue a Rule to Show Cause, and order that Defendant appear in person and explain (i) the basis for his actions, (ii) whether he was acting under orders or direction, and from whom, and (iii) why he (and anyone who directed him to violate this Court’s Order) should not be found in contempt and subject to whatever sanctions the Court deems appropriate. Plaintiffs also request that this Court reiterate to Defendant and the public that the terms of this Court’s October 29, 2025 injunction remain in full force and effect until and unless the Court dissolves the injunction in its Final Order. Finally, Plaintiffs request that this Court order Defendant to provide the public with notice that this Court’s Order remains in full effect.

⁵ In addition to Va. Code § 8.01-274.1, Va. Code § 18.2-456 provides that “courts and judges may issue attachments for contempt, and punish them summarily, only in the following cases: ... Disobedience or resistance of an officer of the court, juror, witness, or other person to any lawful process, judgment, decree, or order of the court....”

Respectfully Submitted,

**RAUL WILSON
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CERTIFICATE OF SERVICE

The undersigned certifies that on May 28, 2026, a true and accurate copy of the foregoing Motion and accompanying Declaration and Exhibits was served upon the following by e-mail, thereby giving notice of the same:

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