

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

JAY AUBREY ISAAC HOLLIS	)	
Individually and as Trustee of the	)	
JAY AUBREY ISAAC HOLLIS	)	
REVOCABLE LIVING TRUST,	)	
	)	<u>Case No.3:14-cv-03872-M</u>
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
ERIC H. HOLDER, JR., Attorney General of	)	
the United States; B. TODD JONES,	)	
Director of the Bureau of Alcohol Tobacco	)	
Firearm and Explosives,	)	
	)	
Defendants.	)	
	)	
	)	

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**CORRESPONDENCE TO THE COURT**

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COMES NOW, Plaintiff Jay Aubrey Isaac Hollis, Individually and as Trustee of the Jay Aubrey Isaac Hollis Revocable Living Trust, by and through undersigned counsel, and files this, his Correspondence to the Court to answer the Court's inquiry regarding the Stemple M60 letter included in Plaintiff's Appendix [App.069; PageID 426].

During the oral argument on Defendants' Motion to Dismiss or in the Alternative for Summary Judgment held on April 23, 2015, the Court inquired about the Stemple M60 letter. The Stemple M60 letter was originally discovered in the case *US v. Clark, et al*; 2:10-cr-01047-ROS in the United States District Court for the District of Arizona. The letter was the product of a discovery dispute between the Bureau of Alcohol, Tobacco, Firearms and Explosives ("BATFE")

and the defendants in the case. The attorney for one of the defendants filed the letter and his correspondence to the Assistant U.S. Attorney, Kathy Lemke.

The letter from the attorney to AUSA Lemke with the attached Stemple M60 letter is attached as Exhibit "A" for the Court's review. As there is not much information available to undersigned counsel regarding the Stemple letter, the BATFE would be in a much better position to advise the Court on the surrounding issues as to why the Stemple letter was issued, how many individuals it went to, the actual dates of the letters and the policy behind allowing post-May 19, 1986 machineguns to be lawfully possessed by non-governmental entities.

Respectfully submitted,

This, the 7th day of May, 2015.

/s/ Stephen D. Stamboulieh  
STEPHEN D. STAMBOULIEH  
ATTORNEY FOR PLAINTIFF

**Of Counsel:**

Stephen D. Stamboulieh  
Stamboulieh Law, PLLC  
P.O. Box 4008  
Madison, MS 39130  
(601) 852-3440  
[stephen@sdslaw.us](mailto:stephen@sdslaw.us)  
MS Bar No. 102784

Alan Alexander Beck  
Law Office of Alan Beck  
4780 Governor Drive  
San Diego, CA 92122  
(619) 971-0414  
[alan.alexander.beck@gmail.com](mailto:alan.alexander.beck@gmail.com)  
CA Bar No. 276646  
Admitted Pro Hac Vice

Elisha M. Hollis  
Attorney At Law  
P.O. Box 1535  
Greenville, TX 75403  
Tel: (903) 450-2473  
Fax: (903) 200-1290  
[elishahollis@gmail.com](mailto:elishahollis@gmail.com)  
TX Bar No. 24083189

**CERTIFICATE OF SERVICE**

I, Stephen D. Stamboulieh, hereby certify that the above Correspondence to the Court has been filed electronically with the Clerk of this Court, which sends notification of such filing to all counsel of record in this case.

**/s/ Stephen D. Stamboulieh**

Stephen D. Stamboulieh  
Stamboulieh Law, PLLC  
P.O. Box 4008  
Madison, MS 39130  
(601) 852-3440  
[stephen@sdslaw.us](mailto:stephen@sdslaw.us)  
MS Bar No. 102784

Exhibit "A"

Kathy Lemke, Esquire  
Assistant United States Attorney  
Phoenix, AZ

February 3, 2010

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ATF formulation of the policy bearing on the creation, review and approval of the Stemple M60 Form letter. In prior discovery/Brady requests over the past year, I have informed you that the primary repository of letters involving prior determinations of the issues involved in this case are the Firearms Technology Branch, National Firearms Branch, and the Office of Chief Counsel. It is highly probable that the Stemple M60 form letter originated in the Office of the Director and files may be there as well.

I also request a true copy of the Forms 3 and 4 from John Stemple as the transferor of an M60 to all transferees and a screen shot of the NFRTR for all such machineguns.

The Stemple M60 form letter is not the product of an isolated case. Please cause a diligent search for Brady material within the records maintained in the ATF offices listed above and copies as same as soon as possible.

Thank you.

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Robert E. Sanders

RES/ag  
Enclosures: as stated



DEPARTMENT OF THE TREASURY  
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS  
WASHINGTON, D.C. 20226

Dear Mr. [

This concerns the Stemple M60 machinegun, serial number [ ] which was registered to you on an ATF Form 4 application, dated [ ]:

This is to advise you that the restrictions on the possession of machineguns manufactured on or after May 19, 1986, as contained in Title 18, United States Code, section 922(o), apply to your firearm. This section generally prohibits the possession of machineguns manufactured after that date except for weapons transferred to government agencies for official use.

We have determined that your firearm was actually manufactured after May 19, 1986. The actual date of manufacture did not come to our attention until after we approved its transfer to you. Since we approved the transfer, you may continue to possess the firearm. However, pursuant to section 922(o), we will not approve any future transfers except to government entities for official use.

If additional information is needed, please call (202) 927-8330.

Sincerely,

A handwritten signature in cursive script, reading "Wayne Miller", is positioned above the typed name.

Wayne Miller  
Chief, National Firearms Act Branch