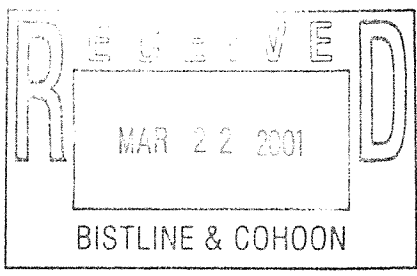


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13 SUPERIOR COURT OF CALIFORNIA
 14 COUNTY OF SAN DIEGO

15	Coordination Proceeding Special Title (Rule 1550(b)))	JUDICIAL COUNCIL COORDINATION
16		)	PROCEEDING NO. 4095
17	FIREARM CASE	)	San Francisco Superior Court No. 303753
18		)	Los Angeles Superior Court No. BC210894
19	Including actions:	)	Los Angeles Superior Court No. BC214794
20	<i>People, et al. v. Arcadia Machine & Tool, Inc., et al.</i>	)	SEPARATE SUMMARY OF REASONS
21		)	TO COMPEL FURTHER PRODUCTION
22	<i>People, et al. v. Arcadia Machine & Tool, Inc., et al.</i>	)	OF DOCUMENTS AND RESPONSES TO INTERROGATORIES
23		)	Date: March 30, 2001
24		)	Time: 8:30 a.m.
25		)	Dept: 65
26		)	The Honorable Vincent P. DiFiglia

3-16-01

1 Pursuant to California Rule of Court 335(a), plaintiffs respectfully submit this separate
2 statement setting forth: (1) certain of Plaintiffs' First Set of Requests for Production of Documents
3 (City of Los Angeles), Plaintiffs' First Set of Requests for Production of Documents (City of San
4 Francisco) and Plaintiffs' First Set of Special Interrogatories propounded separately upon defendants
5 Sturm, Ruger & Company, Inc. ("Sturm") and Browning Arms Company ("Browning"); (2) Sturm's
6 and Browning's responses to each identified request and/or interrogatory; and (3) the factual and
7 legal reasons for compelling further responses to each request or interrogatory.

8 **I. PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**
9 **(CITY OF LOS ANGELES)**

10 REQUEST NO. 2:

11 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to ANY
12 COMMUNICATIONS between YOU AND ANY law enforcement agency, including, but not
13 limited to, the ATF, the Federal Bureau of Investigation, the U.S. Customs Service, the U.S.
14 Marshal's Service, the California Department of Justice, the California Highway Patrol, the Compton
15 Police Department, the Inglewood Police Department, the Los Angeles Police Department, OR the
16 Los Angeles Sheriff's Department, regarding the CRIMINAL USE of ANY FIREARM manufactured
17 by YOU, including, but not limited to, ANY TRACE REQUESTS AND ANY action contemplated
18 OR executed by YOU as a result of ANY TRACE REQUESTS.

19 BROWNING'S RESPONSE TO REQUEST NO. 2:

20 The general objections set forth above are incorporated herein. Defendant objects because
21 this request is not reasonably calculated to lead to the discovery of admissible evidence, particularly
22 insofar as it seeks information pertaining to trace requests of firearms sold outside of California.
23 Defendant further objects because this request is over broad in time and in scope, vague, ambiguous
24 and unduly burdensome. Defendant also objects because this request seeks documents that are
25 confidential, privileged or protected or considered confidential by various law enforcement
26 authorities. Defendant further objects on the grounds that without authorization by ATF to produce
27 trace data and authorization from the California Department of Justice, release of such information
28 or data may not only be unauthorized, but may impair, impede or obstruct ongoing law enforcement

1 investigations. Subject to and without waiving the foregoing objections, Browning states that upon
2 obtaining permission for disclosure from the appropriate law enforcement agencies, it shall disclose
3 certain reasonably responsive documents (that is, documents pertaining to firearms which have
4 allegedly been unlawfully sold, purchased, possessed and/or used in plaintiffs' communities) in
5 accordance with the terms of applicable protective orders.

6 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSE:

7 As explained fully in plaintiffs' motion to compel production of documents and responses
8 to interrogatories, information relating to trace requests and actions taken by defendants in response
9 to trace requests is critical to plaintiffs' case. The tracing information will allow plaintiffs to
10 demonstrate defendants' knowledge of a nationwide secondary market (that defendants maintain and
11 supply) and defendants' knowledge of misconduct by certain distributors and dealers in their supply
12 chain. The request is reasonably calculated to lead to discovery regarding defendants' knowledge
13 of problems created by their distribution practices and is aimed directly at defendants' failure to
14 control, monitor, supervise and train distributors and dealers in the chain of distribution. There
15 should be no geographic limitation on this discovery, as set forth more fully in plaintiffs' motion to
16 compel.

17 REQUEST NO. 10:

18 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to ANY
19 LOBBYING conducted OR supported by YOU related to the MARKETING, distribution, sale, OR
20 use of FIREARMS.

21 STURM'S RESPONSE TO REQUEST NO. 10:

22 Objection. This request is not reasonably calculated to lead to the discovery of admissible
23 evidence on any allegation of plaintiffs' complaints. Any effort by Sturm, Ruger under its First
24 Amendment right of freedom of speech to petition the government on issues material to its business
25 as a federally licensed manufacturer of firearms cannot be actionable, relevant or discovered.

26 BROWNING'S RESPONSE TO REQUEST NO. 10:

27 The general objections set forth above are incorporated herein. Defendant objects because
28 this request is not reasonably calculated to lead to the discovery of admissible evidence, particularly

1 in that any documents or information pertaining to "lobbying" would not be even remotely relevant
2 to any issue in these cases. Defendant further objects to the extent this request seeks documents
3 created in the exercise of Browning's First Amendment rights to freedom of speech, freedom of
4 assembly, and right to petition the government for redress of grievances. Defendants objects to this
5 request to the extent it seeks confidential or privileged documents. Defendant further objects
6 because this request calls for the production of documents not in this defendant's custody or control;
7 because it is vague, unduly burdensome and over broad in time and in scope, and because it is
8 imposed for the purposes of harassment.

9 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

10 As explained fully in plaintiffs' motion to compel production of documents and responses
11 to interrogatories, the discovery regarding defendants' lobbying efforts is not prohibited by the Noerr-
12 Pennington doctrine or the First Amendment. The lobbying documents requested are discoverable
13 because these documents may reveal defendants' understanding and knowledge of the inadequacy
14 of the current minimal regulation of handgun licenses. In addition, these documents may reveal any
15 effort by defendants to collectively thwart or defeat any proposed legislation relating to the
16 regulation of handgun safety manufacturing or distribution. Finally, plaintiffs should be allowed to
17 discover these documents to determine if lobbying entities, acting on defendants' behalf, made
18 misrepresentations to Congress or state legislatures regarding firearm safety and/or the use,
19 possession, sale, marketing and distribution of firearms. Because the relevance of the requested
20 documents outweighs any possible infringement on defendants' rights to lobby to maintain the
21 current level of regulation of federal handgun licenses, defendants should be compelled to produce
22 these documents.

23 **II. PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**
24 **(CITY OF SAN FRANCISCO)**

25 REQUEST NO. 4:

26 ALL DOCUMENTS provided to OR received from ANY law enforcement agency,
27 including, but not limited to, the ATF, the United States Federal Bureau of Investigation, the
28 Alameda Sheriff's Department, the Berkeley Police Department, the California Highway Patrol, the

1 East Palo Alto Police Department, the Oakland Police Department, the Oakland Police Service
2 Agency, the Sacramento Police Department, the San Francisco Police Department, OR the San
3 Mateo Sheriff's Department, regarding the CRIMINAL USE of ANY FIREARM manufactured by
4 YOU.

5 BROWNING'S RESPONSE TO REQUEST NO. 4:

6 The general objections set forth above are incorporated herein. Defendant objects because
7 this request is over broad in time and scope and because it is vague and ambiguous. Subject to and
8 without waiving the foregoing objections, Browning states that it is not the manufacturer of the
9 firearms that it distributes and therefore this request does not apply to Browning. Further answering,
10 Browning states that it is presently unaware of any documents provided to or received from any law
11 enforcement agency which specifically relate to or identify criminal use of a firearm distributed by
12 Browning.

13 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

14 As explained fully in plaintiffs' motion to compel production of documents and responses
15 to interrogatories, information relating to defendants' knowledge of the secondary market and the
16 misuse of their firearms is critical to plaintiffs' case. The requested information will allow plaintiffs
17 to demonstrate defendants' knowledge of a nationwide secondary market (that defendants maintain
18 and supply) and defendants' knowledge of misconduct by certain distributors and dealers in their
19 supply chain. The request is calculated to lead to discovery regarding defendants' knowledge of
20 problems created by their distribution practices. In short, these requests are aimed directly at
21 defendants' failure to control, monitor, supervise and train distributors and dealers in the chain of
22 distribution. There should be no geographic limitation on this discovery, as set forth more fully in
23 plaintiffs' motion to compel.

24 REQUEST NO. 5:

25 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to
26 COMMUNICATIONS between YOU and ANY law enforcement agency, including, but not limited
27 to, the ATF, the United States Federal Bureau of Investigation, the Alameda Sheriff's Department,
28 the Berkeley Police Department, the California Highway Patrol, the East Palo Alto Police

1 Department, the Oakland Police Department, the Oakland Police Service Agency, the Sacramento
2 Police Department, the San Francisco Police Department, OR the San Mateo Sheriff's Department,
3 regarding the CRIMINAL USE of ANY FIREARM manufactured by YOU.

4 BROWNING'S RESPONSE TO REQUEST NO. 5:

5 The general objections set forth above are incorporated herein. Defendant objects because
6 this request is over broad with respect to time and scope and because it is vague and ambiguous.
7 Subject to and without waiving the foregoing objections, Browning states that it is not the
8 manufacturer of the firearms that it distributes and, therefore, this request does not apply to
9 Browning. Further answering, Browning states that it is presently unaware of any documents
10 provided to or received from any law enforcement agency which specifically relate to or identify
11 criminal use of a firearm distributed by Browning.

12 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

13 As explained fully in plaintiffs' motion to compel production of documents and responses
14 to interrogatories, information relating to defendants' knowledge of the secondary market and the
15 misuse of their firearms (including trace requests and actions taken by defendants in response to trace
16 requests) is critical to plaintiffs' case. The requested information will allow plaintiffs to demonstrate
17 defendants' knowledge of a nationwide secondary market (that defendants maintain and supply) and
18 defendants' knowledge of misconduct by certain distributors and dealers in their supply chain. The
19 request is calculated to lead to discovery regarding defendants' knowledge of problems created by
20 their distribution practices. In short, these requests are aimed directly at defendants' failure to
21 control, monitor, supervise and train distributors and dealers in the chain of distribution. There
22 should be no geographic limitation on this discovery, as set forth more fully in plaintiffs' motion to
23 compel.

24 REQUEST NO. 7:

25 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to ANY civil
26 OR criminal complaints filed in ANY federal OR state court OR lodged with ANY administrative
27 body that RELATE directly OR indirectly to FIREARMS in which YOU are OR were named as a
28 party.

1 BROWNING'S RESPONSE TO REQUEST NO. 7:

2 The general objections set forth above are incorporated herein. Defendant objects that this
3 request is not reasonably calculated to lead to the discovery of admissible evidence. Defendant
4 further objects because this request is vague, unduly burdensome and over broad in time and in scope.
5 Subject to and without waiving the foregoing objections, defendant states that there were no
6 criminal, civil or administrative complaints brought against Browning in California during the
7 relevant time period (1995 forward), with the exception of the present litigation.

8 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

9 Plaintiffs claim that defendant manufacturers have completely failed and refused to adopt any
10 limits in the distribution of their handguns or to engage in even minimal monitoring or supervision
11 of their distributors or dealers to avoid the known and foreseeable consequences arising from the sale
12 to and possession of their guns in the illegal secondary market. Defendants' knowledge that the
13 firearms they manufacture are being distributed, sold, and/or made accessible to inappropriate users
14 and criminals supports plaintiffs' claim that defendants' failure to employ meaningful measures to
15 monitor the distribution of its firearms, despite this knowledge, constitutes an unfair business
16 practice. Because defendants' business practice of manufacturing weapons is a nationwide practice,
17 as opposed to a practice which is limited to California, their knowledge that their guns are being
18 possessed and utilized by criminals and unlawful users nationwide is relevant to their failure to
19 employ or adopt adequate measures on a nationwide basis to monitor the distribution of its guns both
20 outside and inside California. Accordingly, defendants should be required to produce the requested
21 information.

22 REQUEST NO. 9:

23 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to the gross
24 yearly revenue that YOU derive from the sale of FIREARMS.

25 BROWNING'S RESPONSE TO REQUEST NO. 9:

26 The general objections set forth above are incorporated herein. Defendant objects that this
27 request is not reasonably calculated to lead to the discovery of admissible evidence. Defendant
28

1 further objects because this request is over broad in time and scope, invasive and harassing, and
2 seeks information of a proprietary nature.

3 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

4 Plaintiffs seek to recover civil penalties for each of the numerous incidents in which
5 defendants engaged in unlawful, unfair or fraudulent business practices. Pursuant to §§17206(b) and
6 17536(b) of the Business and Professions Code ("B&P Code"), plaintiffs are therefore entitled to
7 discovery of defendants' financial condition.

8 REQUEST NO. 10:

9 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to the
10 number of FIREARMS sold, produced, AND possessed in inventory OR other capacity by YOU
11 identified by MAKE, model, AND caliber.

12 BROWNING'S RESPONSE TO REQUEST NO. 10:

13 The general objections set forth above are incorporated herein. Defendant objects that this
14 request is not reasonably calculated to lead to the discovery of admissible evidence. Defendant
15 further objects because this request is over broad in time and in scope, invasive and harassing, and
16 seeks information of a proprietary nature.

17 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

18 Plaintiffs claim that defendants oversaturate the firearms market by producing, marketing and
19 distributing far more handguns than reasonably could be sold to legal purchasers. (LA City ¶93, LA
20 County ¶82, SF ¶25). Moreover, plaintiffs claim that defendants oversaturate jurisdictions with
21 weak gun control laws, knowing that the guns will flow to states with stronger gun control laws,
22 including California, in the secondary market. Plaintiffs' discovery requests are designed to obtain
23 information related to these claims.

24 REQUEST NO. 11:

25 ALL DOCUMENTS that REFLECT, REFER to, OR RELATE to YOUR yearly gross dollar
26 sales AND unit sales for California, Nevada, AND Arizona.

27
28

1 STURM'S RESPONSE TO REQUEST NO. 11:

2 Objection. This request is overly broad with regard to subject matter and the time period
3 from which documents are requested. This request is also vague, ambiguous and unduly
4 burdensome. It also seeks information that is confidential, proprietary and protected from disclosure
5 by California Civil Code Section 3295.

6 BROWNING'S RESPONSE TO REQUEST NO. 11:

7 The general objections set forth above are incorporated herein. Defendant objects that this
8 request is not reasonably calculated to lead to the discovery of admissible evidence. Defendant
9 further objects because this request is over broad in time and in scope, invasive and harassing, and
10 seeks information of a proprietary nature.

11 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

12 Plaintiffs seek to recover civil penalties for each of the numerous incidents in which
13 defendants engaged in unlawful, unfair or fraudulent business practices. Pursuant to §17206(b) and
14 17536(b) of the B&P Code, plaintiffs are therefore entitled to discovery of defendants' financial
15 condition. In addition, plaintiffs specifically allege that defendants purposefully over-saturate weak
16 gun control jurisdictions, including Nevada and Arizona, with the knowledge that their firearms will
17 ultimately be sold on the secondary market to inappropriate users. Accordingly, defendants' yearly
18 gross dollar sales and profits in the United States, and specifically in California, Nevada and
19 Arizona, are directly relevant to plaintiffs' allegations and are discoverable.

20 REQUEST NO. 12:

21 ALL DOCUMENTS that REFLECT, REFER to, OR RELATE to YOUR profits derived
22 from FIREARM sales for California, Nevada, AND Arizona.

23 STURM'S RESPONSE TO REQUEST NO. 12:

24 Objection. This request is overly broad with regard to subject matter an the time period from
25 which documents are requested. This request is also vague, ambiguous and unduly burdensome.
26 It also seeks information that is confidential, proprietary and protected from disclosure by California
27 Civil Code Section 3295.

28

1 BROWNING'S RESPONSE TO REQUEST NO. 12:

2 The general objections set forth above are incorporated herein. Defendant objects that this
3 request is not reasonably calculated to lead to the discovery of admissible evidence. Defendant
4 further objects because this request is over broad in time and in scope, invasive and harassing, and
5 seeks information of a proprietary nature.

6 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

7 Plaintiffs seek to recover civil penalties for each of the numerous incidents in which
8 defendants engaged in unlawful, unfair or fraudulent business practices. Pursuant to §§17206(b) and
9 17536(b) of the B&P Code, plaintiffs are therefore entitled to discovery of defendants' financial
10 condition. In addition, plaintiffs specifically allege that defendants purposefully over-saturate weak
11 gun control jurisdictions, including Nevada and Arizona, with the knowledge that their firearms will
12 ultimately be sold on the secondary market to inappropriate users. Accordingly, defendants' yearly
13 gross dollar sales and profits in the United States, and specifically in California, Nevada and
14 Arizona, are directly relevant to plaintiffs' allegations and are discoverable.

15 REQUEST NO. 14:

16 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to ANY
17 COMMUNICATIONS between YOU and ANY DISTRIBUTOR, DEALER, RETAILER, OR
18 SELLER of FIREARMS manufactured by YOU, including, but not limited to,
19 COMMUNICATIONS regarding ATF TRACE REQUESTS.

20 BROWNING'S RESPONSE TO REQUEST NO. 14:

21 The general objections set forth above are incorporated herein. Defendant objects because
22 this request is not reasonably calculated to lead to the discovery of admissible evidence, particularly
23 insofar as it seeks information pertaining to trace requests of firearms sold outside of California.
24 Defendant further objects because this request is over broad in time and in scope, vague, ambiguous
25 and unduly burdensome. Defendant also objects because this request seeks documents that are
26 confidential, privileged or protected or considered confidential by various law enforcement
27 authorities. Defendant further objects on the grounds that without authorization by ATF to produce
28 trace data and authorization from the California Department of Justice, release of such information

1 or data may not only be unauthorized, but may impair, impede or obstruct ongoing law enforcement
2 investigations. Subject to and without waiving the foregoing objections, Browning states that upon
3 obtaining permission for disclosure from the appropriate law enforcement agencies, it shall disclose
4 certain reasonably responsive documents (that is, documents pertaining to firearms which have
5 allegedly been unlawfully sold, purchased, possessed and/or used in plaintiffs' communities) in
6 accordance with the terms of applicable protective orders.

7 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

8 Plaintiffs allege that gun manufacturers such as Browning have completely failed and refused
9 to adopt any limits in the distribution of their handguns or to engage in even minimal monitoring or
10 supervision of their distributors and dealers to avoid the known and foreseeable result that their guns
11 will be possessed and used by inappropriate users in the secondary market. Specifically, plaintiffs
12 claim the defendant manufacturers' failure to train, supervise or monitor their distributors to insure
13 that handguns are sold to authorized users, and possessed and used in a safe manner constitutes an
14 unlawful and unfair business practice. This claim is not limited to California. Defendants' unlawful
15 and unfair business practice is a nationwide practice.

16 Limiting discovery solely to distributors and dealers that distribute weapons in California will
17 allow defendants to insulate plaintiffs from discovering the details of defendants' failure to monitor
18 and supervise its distributors/dealers. A firearm manufacturer, such as Browning, may sell its
19 firearms to a distributor who does not directly distribute the firearms in California. Rather, the
20 distributor distributes the firearms to an additional second distributor/dealer who sells the firearms
21 directly into California. Adopting defendants' unilateral restriction of discovery solely to California
22 would prohibit plaintiffs from discovering the details of the manufacturers' distribution practice with
23 the dealer to whom it sold the firearms because the dealer does not distribute or sell guns directly
24 into California.

25 Because distributors/dealers who do not sell guns directly into California are/or may be in
26 the chain of distribution for firearms that are ultimately sold and used in California, discovery of
27 documents reflecting Browning's dealings with these distributors/dealers is proper. Furthermore, the
28 details of Browning's dealings with its distributors/dealers who do not sell firearms into California,

1 as opposed to those distributors/dealers who sell firearms into California, is relevant to determine
2 whether Browning's business dealings and monitoring, or lack thereof, of its distributors/dealers is
3 affected by different regulations governing firearms in different states.

4 Further, information relating to trace requests and actions taken by defendants in response
5 to trace requests is critical to plaintiffs' case. The tracing information will allow plaintiffs to
6 demonstrate defendants' knowledge of a nationwide secondary market (that defendants maintain and
7 supply) and defendants' knowledge of misconduct by certain distributors and dealers in their supply
8 chain. Accordingly, plaintiffs are entitled to this discovery.

9 REQUEST NO. 15:

10 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to ANY
11 contracts between ANY DISTRIBUTOR, DEALER, RETAILER, OR SELLER who sells ANY
12 FIREARM manufactured by YOU.

13 BROWNING'S RESPONSE TO REQUEST NO. 15:

14 The general objections set forth above are incorporated herein. Defendant objects because
15 this request is not reasonably calculated to lead to the discovery of admissible evidence. Defendant
16 further objects because this request is over broad in time and in scope, vague, ambiguous and unduly
17 burdensome. Defendant objects to the extent this request seeks information of a proprietary nature,
18 particularly with its demand for "all documents" pertaining to "contracts" relating to distributors,
19 dealers, etc. Defendant also objects because it is not the manufacturer of the firearms that it
20 distributes and therefore this request does not specifically apply to it. Subject to and without waiving
21 the foregoing objections, defendant states that it shall produce documents, if any, reasonably
22 responsive to this request.

23 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

24 Plaintiffs allege that gun manufacturers such as Browning have completely failed and refused
25 to adopt any limits in the distribution of their handguns or to engage in even minimal monitoring or
26 supervision of their distributors and dealers to avoid the known and foreseeable result that their guns
27 will be possessed and used by inappropriate users in the secondary market. Specifically, plaintiffs
28 claim the defendant manufacturers' failure to train, supervise or monitor their distributors to insure

1 that handguns are sold to authorized users, and possessed and used in a safe manner constitutes an
2 unlawful and unfair business practice. This claim is not limited to California. Defendants' unlawful
3 and unfair business practice is a nationwide practice.

4 Limiting discovery solely to distributors and dealers that distribute weapons in California will
5 allow defendants to insulate plaintiffs from discovering the details of defendants' failure to monitor
6 and supervise its distributors/dealers. A firearm manufacturer, such as Browning, may sell its
7 firearms to a distributor who does not directly distribute the firearms in California. Rather, the
8 distributor distributes the firearms to an additional second distributor/dealer who sells the firearms
9 directly into California. Adopting defendants' unilateral restriction of discovery solely to California
10 would prohibit plaintiffs from discovering the details of the manufacturers' distribution practice with
11 the dealer to whom it sold the firearms because the dealer does not distribute or sell guns directly
12 into California.

13 Because distributors/dealers who do not sell guns directly into California are/or may be in
14 the chain of distribution for firearms that are ultimately sold and used in California, discovery of
15 documents reflecting Browning's dealings with these distributors/dealers is proper. Furthermore, the
16 details of Browning's dealings with its distributors/dealers who do not sell firearms into California,
17 as opposed to those distributors/dealers who sell firearms into California, is relevant to determine
18 whether Browning's business dealings and monitoring, or lack thereof, of its distributors/dealers is
19 affected by different regulations governing firearms in different states. Accordingly, plaintiffs are
20 entitled to this discovery.

21 REQUEST NO. 18:

22 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to ANY
23 discounts, financing, or payment options, including, but not limited to, bulk discounts, that YOU
24 offer to DISTRIBUTORS, DEALERS, RETAILERS, OR SELLERS who sell FIREARMS
25 manufactured by YOU.

26 BROWNING'S RESPONSE TO REQUEST NO. 18:

27 The general objections set forth above are incorporated herein. Defendant objects because
28 this request is not reasonably calculated to lead to the discovery of admissible evidence, particularly

1 because plaintiffs have identified no specific incident of misuse of a Browning brand firearm in
2 California due to any distribution discount or payment option plan. Defendant further objects
3 because this request is over broad with respect to time and scope; because it seeks proprietary
4 information; because it is vague, ambiguous, and unduly burdensome, and because it is duplicative
5 of request 19. Defendant also objects because it is not the manufacturer of the firearms that it
6 distributes and therefore, by its terms, this request does not apply to Browning. Subject to and
7 without waiving the foregoing objections, defendant shall produce certain reasonably responsive
8 documents, including copies of form distributorship agreements.

9 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

10 Plaintiffs allege that gun manufacturers such as Browning have completely failed and refused
11 to adopt any limits in the distribution of their handguns or to engage in even minimal monitoring or
12 supervision of their distributors and dealers to avoid the known and foreseeable result that their guns
13 will be possessed and used by inappropriate users in the secondary market. Specifically, plaintiffs
14 claim the defendant manufacturers' failure to train, supervise or monitor their distributors to insure
15 that handguns are sold to authorized users, and possessed and used in a safe manner constitutes an
16 unlawful and unfair business practice. This claim is not limited to California. Defendants' unlawful
17 and unfair business practice is a nationwide practice.

18 Limiting discovery solely to distributors and dealers that distribute weapons in California will
19 allow defendants to insulate plaintiffs from discovering the details of defendants' failure to monitor
20 and supervise its distributors/dealers. A firearm manufacturer, such as Browning, may sell its
21 firearms to a distributor who does not directly distribute the firearms in California. Rather, the
22 distributor distributes the firearms to an additional second distributor/dealer who sells the firearms
23 directly into California. Adopting defendants' unilateral restriction of discovery solely to California
24 would prohibit plaintiffs from discovering the details of the manufacturers' distribution practice with
25 the dealer to whom it sold the firearms because the dealer does not distribute or sell guns directly
26 into California.

27 Because distributors/dealers who do not sell guns directly into California are/or may be in
28 the chain of distribution for firearms that are ultimately sold and used in California, discovery of

1 documents reflecting Browning's dealings with these distributors/dealers is proper. Furthermore, the
2 details of Browning's dealings with its distributors/dealers who do not sell firearms into California,
3 as opposed to those distributors/dealers who sell firearms into California, is relevant to determine
4 whether Browning's business dealings and monitoring, or lack thereof, of its distributors/dealers is
5 affected by different regulations governing firearms in different states. Accordingly, plaintiffs are
6 entitled to this discovery.

7 REQUEST NO. 19:

8 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to
9 DISTRIBUTORSHIPS, DEALERSHIPS, RETAILERS, OR SELLERS.

10 BROWNING'S RESPONSE TO REQUEST NO. 19:

11 The general objections set forth above are incorporated herein. Defendant objects because
12 this request is not reasonably calculated to lead to the discovery of admissible evidence. Defendant
13 further objects because this request is over broad with respect to time and scope; because it seeks
14 proprietary information; because it is vague, ambiguous, and unduly burdensome, and because it is
15 duplicative of several previous requests. Subject to and without waiving the foregoing objections,
16 defendant shall produce certain reasonably responsive documents, including copies of form
17 distributorship agreements.

18 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

19 Plaintiffs allege that gun manufacturers such as Browning have completely failed and refused
20 to adopt any limits in the distribution of their handguns or to engage in even minimal monitoring or
21 supervision of their distributors and dealers to avoid the known and foreseeable result that their guns
22 will be possessed and used by inappropriate users in the secondary market. Specifically, plaintiffs
23 claim the defendant manufacturers' failure to train, supervise or monitor their distributors to insure
24 that handguns are sold to authorized users, and possessed and used in a safe manner constitutes an
25 unlawful and unfair business practice. This claim is not limited to California. Defendants' unlawful
26 and unfair business practice is a nationwide practice.

27 Limiting discovery solely to distributors and dealers that distribute weapons in California will
28 allow defendants to insulate plaintiffs from discovering the details of defendants' failure to monitor

1 and supervise its distributors/dealers. A firearm manufacturer, such as Browning, may sell its
2 firearms to a distributor who does not directly distribute the firearms in California. Rather, the
3 distributor distributes the firearms to an additional second distributor/dealer who sells the firearms
4 directly into California. Adopting defendants' unilateral restriction of discovery solely to California
5 would prohibit plaintiffs from discovering the details of the manufacturers' distribution practice with
6 the dealer to whom it sold the firearms because the dealer does not distribute or sell guns directly
7 into California.

8 Because distributors/dealers who do not sell guns directly into California are/or may be in
9 the chain of distribution for firearms that are ultimately sold and used in California, discovery of
10 documents reflecting Browning's dealings with these distributors/dealers is proper. Furthermore, the
11 details of Browning's dealings with its distributors/dealers who do not sell firearms into California,
12 as opposed to those distributors/dealers who sell firearms into California, is relevant to determine
13 whether Browning's business dealings and monitoring, or lack thereof, of its distributors/dealers is
14 affected by different regulations governing firearms in different states. Accordingly, plaintiffs are
15 entitled to this discovery.

16 REQUEST NO. 20:

17 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to the
18 termination of business dealings with DISTRIBUTORSHIPS, DEALERSHIPS, RETAILERS, AND
19 SELLERS of FIREARMS manufactured by YOU.

20 BROWNING'S RESPONSE TO REQUEST NO. 20:

21 The general objections set forth above are incorporated herein. Defendant objects because
22 this request is not reasonably calculated to lead to the discovery of admissible evidence; because it
23 is over broad with respect to time and scope, and because it is vague, ambiguous and argumentative.
24 Further answering without waiver of objection, Browning states that it sells its products to
25 authorized, independent, federally licensed wholesale distributors pursuant to all federal, state and
26 local laws and regulations. All federal firearms licensees operate under the regulatory authority of
27 the ATF. Subject to the foregoing objections, Browning states that it has from time to time
28

1 terminated Browning Stocking Distributor Agreements for various reasons and documents regarding
2 the same shall be produced.

3 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

4 Plaintiffs claim that defendant manufacturers have completely failed and refused to adopt any
5 limits in the distribution of their handguns or to engage in even minimal monitoring or supervision
6 of their distributors or dealers to avoid the known and foreseeable consequences arising from the sale
7 to and possession of their guns in the illegal secondary market. The requested information will
8 demonstrate whether defendants actively monitor their distributors and dealers and terminate
9 distributors and dealers who feed the secondary market. Because defendants' business practice of
10 manufacturing and distributing weapons is a nationwide practice, as opposed to a practice which is
11 limited to California, their knowledge that their guns are being sold by distributors and dealers to
12 criminals and unlawful users nationwide is relevant to their failure to employ or adopt adequate
13 measures on a nationwide basis to monitor the distribution of its guns both outside and inside
14 California. Accordingly, defendants should be required to produce the requested information.

15 REQUEST NO. 21:

16 ALL DOCUMENTS that IDENTIFY ANY person employed, contracted with, OR retained
17 by YOU to sell FIREARMS from January 1, 1990, to the present.

18 BROWNING'S RESPONSE TO REQUEST NO. 21:

19 The general objections set forth above are incorporated herein. Defendant objects because
20 this request is not reasonably calculated to lead to the discovery of admissible evidence. Defendant
21 further objects because this request is over broad with respect to time and scope; because it seeks
22 proprietary information and because it is vague, ambiguous, and unduly burdensome. Virtually every
23 employee of the company or individual with whom Browning contracts is involved in the selling of
24 Browning brand firearms. Reasonable response to this request is not possible due to its breadth.

25 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

26 Plaintiffs allege that gun manufacturers such as Browning have completely failed and refused
27 to adopt any limits in the distribution of their handguns or to engage in even minimal monitoring or
28 supervision of their distributors and dealers to avoid the known and foreseeable result that their guns

1 will be possessed and used by inappropriate users in the secondary market. Specifically, plaintiffs
2 claim the defendant manufacturers' failure to train, supervise or monitor their distributors to insure
3 that handguns are sold to authorized users, and possessed and used in a safe manner constitutes an
4 unlawful and unfair business practice. This claim is not limited to California. Defendants' unlawful
5 and unfair business practice is a nationwide practice.

6 Limiting discovery solely to distributors and dealers that distribute weapons in California will
7 allow defendants to insulate plaintiffs from discovering the details of defendants' failure to monitor
8 and supervise its distributors/dealers. A firearm manufacturer, such as Browning, may sell its
9 firearms to a distributor who does not directly distribute the firearms in California. Rather, the
10 distributor distributes the firearms to an additional second distributor/dealer who sells the firearms
11 directly into California. Adopting defendants' unilateral restriction of discovery solely to California
12 would prohibit plaintiffs from discovering the details of the manufacturers' distribution practice with
13 the dealer to whom it sold the firearms because the dealer does not distribute or sell guns directly
14 into California.

15 Because distributors/dealers who do not sell guns directly into California are/or may be in
16 the chain of distribution for firearms that are ultimately sold and used in California, discovery of
17 documents reflecting Browning's dealings with these distributors/dealers is proper. Furthermore, the
18 details of Browning's dealings with its distributors/dealers who do not sell firearms into California,
19 as opposed to those distributors/dealers who sell firearms into California, is relevant to determine
20 whether Browning's business dealings and monitoring, or lack thereof, of its distributors/dealers is
21 affected by different regulations governing firearms in different states. Accordingly, plaintiffs are
22 entitled to this discovery.

23 REQUEST NO. 23:

24 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to ANY
25 COMMUNICATIONS between YOU and ANY COMPETITOR regarding FIREARMS.

26 BROWNING'S RESPONSE TO REQUEST NO. 23:

27 The general objections set forth above are incorporated herein. Defendant objects because
28 this request is not reasonably calculated to lead to the discovery of admissible evidence. Defendant

1 further objects because this request is over broad with respect to time and scope; because it seeks
2 information protected by privilege, including but not limited to the joint defense privilege, and
3 because it is vague, ambiguous, unduly burdensome and harassing. Defendant objects to this request
4 to the extent it seeks documents created in the exercise of its First Amendment rights to freedom of
5 speech, freedom of assembly, and to petition the government for redress of grievances.

6 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

7 Defendants' objection that this information is protected by the First Amendment is
8 unfounded. Communications between Browning and its competitors, including co-defendants in this
9 action, regarding the use, possession, sale, distribution and marketing of firearms is directly related
10 to plaintiffs' claim that defendants, both individually and collectively, engage in unfair business
11 practices and create and sustain a public nuisance. Defendants attempt to utilize the First
12 Amendment as a bar to the production of documents which may reveal defendants' concerted efforts
13 to manufacture and distribute guns to the illegal secondary market is improper. Further, Browning
14 has made no showing that the requested response is burdensome. Browning should be compelled
15 to produce these documents.

16 REQUEST NO. 25:

17 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to ANY
18 COMMUNICATIONS between YOU and ANY FIREARMS trade organization, including, but not
19 limited to, the American Shooting Sports Council, Inc., the Hunting and Shooting Sports Heritage
20 Fund, the National Alliance of Stocking Gun Dealers, the National Rifle Association, the National
21 Shooting Sports Foundation, Inc., AND the Sporting Arms and Ammunition Manufacturers'
22 Institute, Inc.

23 BROWNING'S RESPONSE TO REQUEST NO. 25:

24 The general objections set forth above are incorporated herein. Defendant objects because
25 this request is not reasonably calculated to lead to the discovery of admissible evidence; because it
26 is over broad with respect to time and scope, and because it is vague and ambiguous. Defendant
27 further objects to the extent this request encompasses proprietary or privileged information or seeks
28 documents created in the exercise of this defendant's First Amendment rights to freedom of speech,

1 freedom of assembly and right to petition the government for redress of grievances. Subject to and
2 without waiving the foregoing objections, defendant shall produce the publication Firearms
3 Responsibility Begins at Home.

4 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

5 As explained fully in plaintiffs' motion to compel production of documents and responses
6 to interrogatories, the production of documents reflecting defendants' lobbying efforts is not
7 prohibited by the Noerr-Pennington doctrine or the First Amendment. The lobbying documents
8 requested are discoverable because they may reveal defendants' understanding and knowledge of the
9 inadequacy of the current minimal regulation of handgun licenses. Further, this discovery may
10 reveal any effort by defendants to collectively thwart or defeat any proposed legislation relating to
11 the regulation of handgun safety manufacturing or distribution. Finally, plaintiffs should be allowed
12 to discover these documents to determine if lobbying entities, acting on defendants' behalf, made
13 misrepresentations to Congress or state legislatures regarding firearm safety and/or the use,
14 possession, sale, marketing and distribution of firearms. Because the relevance of the requested
15 documents outweighs any possible infringement on defendants' rights to lobby to maintain the
16 current level of regulation of federal handgun licenses, defendants should be compelled to produce
17 these documents.

18 REQUEST NO. 26:

19 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to ANY
20 press releases, COMMUNICATIONS with the MEDIA, OR public statements made OR issued by
21 YOU regarding FIREARMS.

22 BROWNING'S RESPONSE TO REQUEST NO. 26:

23 The general objections set forth above are incorporated herein. Defendant objects because
24 this request is not reasonably calculated to lead to the discovery of admissible evidence; because it
25 is over broad with respect to time and scope, and because it is vague and ambiguous. Defendant
26 further objects to the extent this request encompasses proprietary or privileged information or seeks
27 documents created in the exercise of this defendant's First Amendment rights to freedom of speech,
28 freedom of assembly and right to petition the government for redress of grievances. Subject to and

1 without waiving the foregoing objections, defendant shall produce certain documents reasonably
2 responsive to this request, if any. Defendant further directs plaintiffs to
3 <http://www.browning.com/services/compinfo/pressrels/pressrels.htm>.

4 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

5 Plaintiffs claim that defendants engaged in unfair, unlawful and fraudulent practices in their
6 efforts to market their products. Specifically, plaintiffs allege that defendants falsely claim that
7 firearm ownership increases the safety of one's home. Plaintiffs' discovery requests are properly
8 designed to obtain defendants' public statements. Defendants have made no showing of any burden
9 in responding to this request.

10 REQUEST NO. 28:

11 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to ANY
12 COMMUNICATIONS between YOU and ANY victim of a SHOOTING OR the relative of ANY
13 victim of a SHOOTING.

14 BROWNING'S RESPONSE TO REQUEST NO. 28:

15 The general objections set forth above are incorporated herein. Defendant objects because
16 this request is not reasonably calculated to lead to the discovery of admissible evidence; because it
17 is over broad with respect to time and scope, and because it is vague, ambiguous and argumentative.
18 Defendant further objects to the extent this request encompasses privileged information, including
19 but not limited to documents protected by the attorney client and work product privileges. Subject
20 to and without waiving the foregoing objections, defendant states that it is not aware of any
21 documents responsive to this request.

22 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

23 Plaintiffs claim that defendant manufacturers have completely failed and refused to adopt any
24 limits in the distribution of their handguns or to engage in even minimal monitoring or supervision
25 of their distributors or dealers to avoid the known and foreseeable consequences arising from the sale
26 to and possession of their guns in the illegal secondary market. Defendants' knowledge that the
27 firearms they manufacture are being distributed, sold, and/or made accessible to inappropriate users
28 and criminals supports plaintiffs' claim that defendants' failure to employ meaningful measures to

1 monitor the distribution of its firearms, despite this knowledge, constitutes an unfair business
2 practice. Because defendants' business practice of manufacturing and distributing weapons is a
3 nationwide practice, as opposed to a practice which is limited to California, their knowledge that
4 their guns are being possessed and utilized by criminals and unlawful users nationwide is relevant
5 to their failure to employ or adopt adequate measures on a nationwide basis to monitor the
6 distribution of its guns both outside and inside California. Accordingly, defendants should be
7 required to produce the requested information.

8 REQUEST NO. 29:

9 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to the sale
10 of FIREARMS at GUN SHOWS, including, but not limited to, COMMUNICATIONS between
11 YOU and ANY PERSON who sells FIREARMS manufactured by YOU at GUN SHOWS AND
12 ALL DOCUMENTS regarding the sale of FIREARMS manufactured by YOU at GUN SHOWS.

13 BROWNING'S RESPONSE TO REQUEST NO. 29:

14 The general objections set forth above are incorporated herein. Defendant objects because
15 this request is not reasonably calculated to lead to the discovery of admissible evidence; because it
16 is over broad with respect to time and scope, and because it is vague, ambiguous and argumentative.
17 Defendant further objects on the grounds that it is not the manufacturer of the firearms it distributes
18 and therefore, by its terms, this request is not applicable to Browning. Subject to and without
19 waiving the foregoing objections, please refer to defendant's dealership agreements.

20 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

21 Plaintiffs allege that gun manufacturers such as Browning have completely failed and refused
22 to adopt any limits in the distribution of their handguns or to engage in even minimal monitoring or
23 supervision of their distributors and dealers to avoid the known and foreseeable result that their guns
24 will be possessed and used by inappropriate users in the secondary market. Specifically, plaintiffs
25 claim the defendant manufacturers' failure to train, supervise or monitor their distributors to insure
26 that handguns are sold to authorized users, and possessed and used in a safe manner constitutes an
27 unlawful and unfair business practice. This claim is not limited to California. Defendants' unlawful
28 and unfair business practice is a nationwide practice.

1 Limiting discovery solely to distributors and dealers that distribute weapons in California will
2 allow defendants to insulate plaintiffs from discovering the details of defendants' failure to monitor
3 and supervise its distributors/dealers. A firearm manufacturer, such as Browning, may sell its
4 firearms to a distributor who does not directly distribute the firearms in California. Rather, the
5 distributor distributes the firearms to an additional second distributor/dealer who sells the firearms
6 directly into California. Adopting defendants' unilateral restriction of discovery solely to California
7 would prohibit plaintiffs from discovering the details of the manufacturers' distribution practice with
8 the dealer to whom it sold the firearms because the dealer does not distribute or sell guns directly
9 into California.

10 Because distributors/dealers who do not sell guns directly into California are/or may be in
11 the chain of distribution for firearms that are ultimately sold and used in California, discovery of
12 documents reflecting Browning's dealings with these distributors/dealers is proper. Furthermore, the
13 details of Browning's dealings with its distributors/dealers who do not sell firearms into California,
14 as opposed to those distributors/dealers who sell firearms into California, is relevant to determine
15 whether Browning's business dealings and monitoring, or lack thereof, of its distributors/dealers is
16 affected by different regulations governing firearms in different states. Accordingly, plaintiffs are
17 entitled to this discovery.

18 REQUEST NO. 38:

19 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to ANY
20 injuries or deaths caused by the use of ANY FIREARM manufactured by YOU.

21 BROWNING'S RESPONSE TO REQUEST NO. 38:

22 The general objections set forth above are incorporated herein. Defendant objects because
23 this request is not reasonably calculated to lead to the discovery of admissible evidence; because it
24 is over broad with respect to time and scope, and because it is vague, ambiguous and argumentative.
25 Defendant also objects to the extent this request seeks information that is protected by privilege,
26 including the work product and attorney-client privileges. In addition, defendant objects on the
27 grounds that it is not the manufacturer of the firearms it distributes and therefore, by its terms, this
28 request is not applicable to Browning. Subject to and without waiving the foregoing objections,

1 defendant states that there have been no claims of injury or death made against Browning in
2 California arising from the use of one of its firearms.

3 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

4 Plaintiffs claim that defendant manufacturers have completely failed and refused to adopt any
5 limits in the distribution of their handguns or to engage in even minimal monitoring or supervision
6 of their distributors or dealers to avoid the known and foreseeable consequences arising from the sale
7 to and possession of their guns in the illegal secondary market. Defendants' knowledge that the
8 firearms they manufacture are being distributed, sold, and/or made accessible to inappropriate users
9 and criminals supports plaintiffs' claim that defendants' failure to employ meaningful measures to
10 monitor the distribution of its firearms, despite this knowledge, constitutes an unfair business
11 practice. Because defendants' business practice of manufacturing and distributing weapons is a
12 nationwide practice, as opposed to a practice which is limited to California, their knowledge that
13 their guns are being possessed and utilized by criminals and unlawful users nationwide is relevant
14 to their failure to employ or adopt adequate measures on a nationwide basis to monitor the
15 distribution of its guns both outside and inside California. Accordingly, defendants should be
16 required to produce the requested information.

17 REQUEST NO. 39:

18 ALL DOCUMENTS that REFLECT, REFER to, OR RELATE to the UNINTENTIONAL
19 FIRING of ANY FIREARM manufactured by YOU, including, but not limited to, complaints
20 regarding malfunctions OR accidental DISCHARGES.

21 BROWNING'S RESPONSE TO REQUEST NO. 39:

22 The general objections set forth above are incorporated herein. Defendant objects because
23 this request is not reasonably calculated to lead to the discovery of admissible evidence in that
24 plaintiffs have not identified any specific incident or complaint in California involving a Browning
25 brand firearm caused by or involving an "unintentional firing" or "discharge." Defendant further
26 objects because this request is over broad with respect to time and scope, and because it is vague,
27 ambiguous and argumentative. Defendant also objects to the extent this request seeks information
28 that is protected by privilege, including the work product and attorney-client privileges. In addition,

1 defendant objects on the grounds that it is not the manufacturer of the firearms it distributes and
2 therefore, by its terms, this request is not applicable to Browning. Subject to and without waiving
3 the foregoing objections, defendant states that there have been no claims of unintentional firing made
4 against Browning in California during the relevant time period (1995 to present).

5 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

6 Plaintiffs claim that defendant manufacturers have completely failed and refused to adopt any
7 limits in the distribution of their handguns or to engage in even minimal monitoring or supervision
8 of their distributors or dealers to avoid the known and foreseeable consequences arising from the sale
9 to and possession of their guns in the illegal secondary market. Defendants' knowledge that the
10 firearms they manufacture are being distributed, sold, and/or made accessible to inappropriate users
11 and criminals supports plaintiffs' claim that defendants' failure to employ meaningful measures to
12 monitor the distribution of its firearms, despite this knowledge, constitutes an unfair business
13 practice. Because defendants' business practice of manufacturing and distributing weapons is a
14 nationwide practice, as opposed to a practice which is limited to California, their knowledge that
15 their guns are being possessed and utilized by criminals and unlawful users nationwide is relevant
16 to their failure to employ or adopt adequate measures on a nationwide basis to monitor the
17 distribution of its guns both outside and inside California. Accordingly, defendants should be
18 required to produce the requested information.

19 REQUEST NO. 40:

20 ALL DOCUMENTS that REFLECT, REFER to, OR RELATE to the illegal sale OR use of
21 ANY FIREARM manufactured by YOU OR ANY COMPETITOR, including, but not limited to,
22 ANY CRIMINAL USE of a FIREARM.

23 BROWNING'S RESPONSE TO REQUEST NO. 40:

24 The general objections set forth above are incorporated herein. Defendant objects because
25 this request is not reasonably calculated to lead to the discovery of admissible evidence; because it
26 seeks documents not in this defendant's custody or control; because it is over broad with respect to
27 time and scope, and because it is vague, ambiguous and argumentative. Defendant also objects to
28 the extent this request seeks information that is protected by privilege, including the work product

1 and attorney client privileges. In addition, defendant objects on the grounds that it is not the
2 manufacturer of the firearms it distributes and therefore, by its terms, this request is not applicable
3 to Browning. Subject to and without waiving the foregoing objections, defendant states that the
4 specific occurrence of criminal firearms acquisition, sale, possession and use in plaintiffs'
5 communities is information already possessed by plaintiffs and which has been requested by
6 defendants in discovery.

7 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

8 Plaintiffs claim that defendant manufacturers have completely failed and refused to adopt any
9 limits in the distribution of their handguns or to engage in even minimal monitoring or supervision
10 of their distributors or dealers to avoid the known and foreseeable consequences arising from the sale
11 to and possession of their guns in the illegal secondary market. Defendants' knowledge that the
12 firearms they manufacture are being distributed, sold, and/or made accessible to inappropriate users
13 and criminals supports plaintiffs' claim that defendants' failure to employ meaningful measures to
14 monitor the distribution of its firearms, despite this knowledge, constitutes an unfair business
15 practice. Because defendants' business practice of manufacturing and distributing weapons is a
16 nationwide practice, as opposed to a practice which is limited to California, their knowledge that
17 their guns are being possessed and utilized by criminals and unlawful users nationwide is relevant
18 to their failure to employ or adopt adequate measures on a nationwide basis to monitor the
19 distribution of its guns both outside and inside California. Accordingly, defendants should be
20 required to produce the requested information.

21 REQUEST NO. 46:

22 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to ANY
23 distribution agreement for the sale of FIREARMS, including, but not limited to, ANY agreement to
24 sell, transfer, trade, OR supply ANY FIREARM manufactured by YOU.

25 BROWNING'S RESPONSE TO REQUEST NO. 46:

26 The general objections set forth above are incorporated herein. Defendant objects because
27 this request is not reasonably calculated to lead to the discovery of admissible evidence; because it
28 is over broad with respect to time and scope; because it seeks proprietary information, and because

1 it is vague, ambiguous and unduly burdensome. Defendant further objects to this request on the
2 grounds that it is not the manufacturer of the firearms that it distributes and therefore, by its terms,
3 this request is not applicable to Browning. Subject to and without waiving the foregoing objections,
4 defendant shall produce certain documents reasonably responsive to this request. Please also see
5 defendant's response to interrogatory 13 which is incorporated herein.

6 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

7 Plaintiffs allege that gun manufacturers such as Browning have completely failed and refused
8 to adopt any limits in the distribution of their handguns or to engage in even minimal monitoring or
9 supervision of their distributors and dealers to avoid the known and foreseeable result that their guns
10 will be possessed and used by inappropriate users in the secondary market. Specifically, plaintiffs
11 claim the defendant manufacturers' failure to train, supervise or monitor their distributors to insure
12 that handguns are sold to authorized users, and possessed and used in a safe manner constitutes an
13 unlawful and unfair business practice. This claim is not limited to California. Defendants' unlawful
14 and unfair business practice is a nationwide practice.

15 Limiting discovery solely to distributors and dealers that distribute weapons in California will
16 allow defendants to insulate plaintiffs from discovering the details of defendants' failure to monitor
17 and supervise its distributors/dealers. A firearm manufacturer, such as Browning, may sell its
18 firearms to a distributor who does not directly distribute the firearms in California. Rather, the
19 distributor distributes the firearms to an additional second distributor/dealer who sells the firearms
20 directly into California. Adopting defendants' unilateral restriction of discovery solely to California
21 would prohibit plaintiffs from discovering the details of the manufacturers' distribution practice with
22 the dealer to whom it sold the firearms because the dealer does not distribute or sell guns directly
23 into California.

24 Because distributors/dealers who do not sell guns directly into California are/or may be in
25 the chain of distribution for firearms that are ultimately sold and used in California, discovery of
26 documents reflecting Browning's dealings with these distributors/dealers is proper. Furthermore, the
27 details of Browning's dealings with its distributors/dealers who do not sell firearms into California,
28 as opposed to those distributors/dealers who sell firearms into California, is relevant to determine

1 whether Browning's business dealings and monitoring, or lack thereof, of its distributors/dealers is
2 affected by different regulations governing firearms in different states. Accordingly, plaintiffs are
3 entitled to this discovery.

4 REQUEST NO. 48:

5 ALL price lists or other DOCUMENTS which REFLECT the wholesale OR suggested retail
6 price for ANY FIREARM manufactured by YOU.

7 STURM'S RESPONSE TO REQUEST NO. 48:

8 Objection. This request is overly broad with regard to subject matter and the time period
9 from which documents are requested. This request is also vague, ambiguous and unduly
10 burdensome. It also seeks information that is confidential, proprietary and protected from disclosure
11 by California Civil Code Section 3295.

12 BROWNING'S RESPONSE TO REQUEST NO. 48:

13 The general objections set forth above are incorporated herein. Defendant objects because
14 this request is not reasonably calculated to lead to the discovery of admissible evidence; because it
15 is over broad with respect to time and scope; because it seeks proprietary information, and because
16 it is vague, ambiguous and unduly burdensome. Defendant further objects to this request on the
17 grounds that it is not the manufacturer of the firearms that it distributes and therefore, by its terms,
18 this request is not applicable to Browning. Subject to and without waiving the foregoing objections,
19 defendant states that it will produce certain documents reasonably responsive to this request.

20 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

21 Plaintiffs allege that gun manufacturers such as Browning have completely failed and refused
22 to adopt any limits in the distribution of their handguns or to engage in even minimal monitoring or
23 supervision of their distributors and dealers to avoid the known and foreseeable result that their guns
24 will be possessed and used by inappropriate users in the secondary market. Specifically, plaintiffs
25 claim the defendant manufacturers' failure to train, supervise or monitor their distributors to insure
26 that handguns are sold to authorized users, and possessed and used in a safe manner constitutes an
27 unlawful and unfair business practice. This claim is not limited to California. Defendants' unlawful
28 and unfair business practice is a nationwide practice.

1 Limiting discovery solely to distributors and dealers that distribute weapons in California will
2 allow defendants to insulate plaintiffs from discovering the details of defendants' failure to monitor
3 and supervise its distributors/dealers. A firearm manufacturer, such as Browning, may sell its
4 firearms to a distributor who does not directly distribute the firearms in California. Rather, the
5 distributor distributes the firearms to an additional second distributor/dealer who sells the firearms
6 directly into California. Adopting defendants' unilateral restriction of discovery solely to California
7 would prohibit plaintiffs from discovering the details of the manufacturers' distribution practice with
8 the dealer to whom it sold the firearms because the dealer does not distribute or sell guns directly
9 into California.

10 Because distributors/dealers who do not sell guns directly into California are/or may be in
11 the chain of distribution for firearms that are ultimately sold and used in California, discovery of
12 documents reflecting Browning's dealings with these distributors/dealers is proper. Furthermore, the
13 details of Browning's dealings with its distributors/dealers who do not sell firearms into California,
14 as opposed to those distributors/dealers who sell firearms into California, is relevant to determine
15 whether Browning's business dealings and monitoring, or lack thereof, of its distributors/dealers is
16 affected by different regulations governing firearms in different states.

17 Finally, as to defendant Sturm, plaintiffs seek to recover civil penalties for each of the
18 numerous incidents in which defendants engaged in unlawful, unfair or fraudulent business practices.
19 Pursuant to §§17206(b) and 17536(b) of the B&P Code, plaintiffs are entitled to this discovery.

20 REQUEST NO. 49:

21 ALL DOCUMENTS that REFLECT, REFER to, OR RELATE to the naming OR the
22 renaming of ANY FIREARM manufactured by YOU OR RELATE to the design OR features of
23 ANY FIREARM manufactured by YOU.

24 BROWNING'S RESPONSE TO REQUEST NO. 49:

25 The general objections set forth above are incorporated herein. Defendant objects because
26 this request is not reasonably calculated to lead to the discovery of admissible evidence; because it
27 is over broad with respect to time and scope; because it seeks proprietary information, and because
28 it is vague, ambiguous and unduly burdensome. Defendant further objects to this request on the

1 grounds that it is not the manufacturer of the firearms that it distributes and therefore, by its terms,
2 this request is not applicable to Browning. Subject to and without waiving the foregoing objections,
3 defendant refers plaintiffs to the product catalogs and manuals which have been previously produced.
4 In those catalogues, you will learn that Auto-5 is a five-shot semi-automatic shot gun, hence the
5 name "Auto-5." The BL-.22 rifle is a Browning .22 caliber lever action rifle, hence the name "BL-
6 .22." The BLR is a Browning lever action rifle, hence the name "BLR." The BPS is a Browning
7 pump shot gun, hence the name "BPS." Superposed is an over and under shot gun, hence the name
8 "Superposed." These examples should serve as examples of Browning's product nomenclature.

9 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

10 Plaintiffs allege that certain defendants have renamed weapons to avoid certain federal and
11 local laws. Further, plaintiffs allege that defendants market their guns in a manner designed to make
12 them unreasonably attractive to criminals. Plaintiffs simply seek information from Browning
13 designed to discover documents in support of this allegation.

14 REQUEST NO. 57:

15 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to ANY
16 offer of monetary OR other incentives to DISTRIBUTORS, DEALERS, RETAILERS, OR
17 SELLERS.

18 BROWNING'S RESPONSE TO REQUEST NO. 57:

19 The general objections set forth above are incorporated herein. Defendant objects because
20 this request is not reasonably calculated to lead to the discovery of admissible evidence. Browning
21 further objects because this interrogatory could encompass proprietary or confidential information;
22 because it is over broad with respect to time and scope, and because it is vague, ambiguous and
23 unduly burdensome. Subject to and without waiving the foregoing objections, defendant shall
24 produce certain reasonably responsive documents, if any, subject to the terms of the parties'
25 agreement regarding confidential information.

26 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

27 Plaintiffs allege that gun manufacturers such as Browning have completely failed and refused
28 to adopt any limits in the distribution of their handguns or to engage in even minimal monitoring or

1 supervision of their distributors and dealers to avoid the known and foreseeable result that their guns
2 will be possessed and used by inappropriate users in the secondary market. Specifically, plaintiffs
3 claim the defendant manufacturers' failure to train, supervise or monitor their distributors to insure
4 that handguns are sold to authorized users, and possessed and used in a safe manner constitutes an
5 unlawful and unfair business practice. This claim is not limited to California. Defendants' unlawful
6 and unfair business practice is a nationwide practice.

7 Limiting discovery solely to distributors and dealers that distribute weapons in California will
8 allow defendants to insulate plaintiffs from discovering the details of defendants' failure to monitor
9 and supervise its distributors/dealers. A firearm manufacturer, such as Browning, may sell its
10 firearms to a distributor who does not directly distribute the firearms in California. Rather, the
11 distributor distributes the firearms to an additional second distributor/dealer who sells the firearms
12 directly into California. Adopting defendants' unilateral restriction of discovery solely to California
13 would prohibit plaintiffs from discovering the details of the manufacturers' distribution practice with
14 the dealer to whom it sold the firearms because the dealer does not distribute or sell guns directly
15 into California.

16 Because distributors/dealers who do not sell guns directly into California are/or may be in
17 the chain of distribution for firearms that are ultimately sold and used in California, discovery of
18 documents reflecting Browning's dealings with these distributors/dealers is proper. Furthermore, the
19 details of Browning's dealings with its distributors/dealers who do not sell firearms into California,
20 as opposed to those distributors/dealers who sell firearms into California, is relevant to determine
21 whether Browning's business dealings and monitoring, or lack thereof, of its distributors/dealers is
22 affected by different regulations governing firearms in different states. Accordingly, plaintiffs are
23 entitled to this discovery.

24 REQUEST NO. 62:

25 ALL DOCUMENTS which CONSTITUTE, REFLECT, REFER to, OR RELATE to ANY
26 federal FIREARMS license AND ANY proof of federal FIREARMS license held by YOU OR ANY
27 DEALER, DISTRIBUTOR, RETAILER, or SELLER who sells FIREARMS manufactured by YOU.

28

1 BROWNING'S RESPONSE TO REQUEST NO. 62:

2 The general objections set forth above are incorporated herein. Defendant objects because
3 this request is not reasonably calculated to lead to the discovery of admissible evidence; because it
4 is over broad with respect to time and scope; because it seeks documents that are proprietary,
5 confidential and privileged; because it seeks documents not necessarily in this defendant's custody
6 or control, and because it is vague, and ambiguous and unduly burdensome. Defendant further
7 objects to this request on the grounds that it is not the manufacturer of the firearms that it distributes
8 and therefore, by its terms, this request is not applicable to Browning. Subject to and without
9 waiving the foregoing objections, defendant states that it holds current licenses with ATF, U.S. Dept.
10 of State and ODTC and that it maintains copies of FFLs for distributors of its product. Browning
11 shall make copies of its licenses available for copying and inspection.

12 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

13 Plaintiffs allege that gun manufacturers such as Browning have completely failed and refused
14 to adopt any limits in the distribution of their handguns or to engage in even minimal monitoring or
15 supervision of their distributors and dealers to avoid the known and foreseeable result that their guns
16 will be possessed and used by inappropriate users in the secondary market. Specifically, plaintiffs
17 claim the defendant manufacturers' failure to train, supervise or monitor their distributors to insure
18 that handguns are sold to authorized users, and possessed and used in a safe manner constitutes an
19 unlawful and unfair business practice. This claim is not limited to California. Defendants' unlawful
20 and unfair business practice is a nationwide practice.

21 Limiting discovery solely to distributors and dealers that distribute weapons in California will
22 allow defendants to insulate plaintiffs from discovering the details of defendants' failure to monitor
23 and supervise its distributors/dealers. A firearm manufacturer, such as Browning, may sell its
24 firearms to a distributor who does not directly distribute the firearms in California. Rather, the
25 distributor distributes the firearms to an additional second distributor/dealer who sells the firearms
26 directly into California. Adopting defendants' unilateral restriction of discovery solely to California
27 would prohibit plaintiffs from discovering the details of the manufacturers' distribution practice with
28

1 the dealer to whom it sold the firearms because the dealer does not distribute or sell guns directly
2 into California.

3 Because distributors/dealers who do not sell guns directly into California are/or may be in
4 the chain of distribution for firearms that are ultimately sold and used in California, discovery of
5 documents reflecting Browning's dealings with these distributors/dealers is proper. Furthermore, the
6 details of Browning's dealings with its distributors/dealers who do not sell firearms into California,
7 as opposed to those distributors/dealers who sell firearms into California, is relevant to determine
8 whether Browning's business dealings and monitoring, or lack thereof, of its distributors/dealers is
9 affected by different regulations governing firearms in different states. Accordingly, plaintiffs are
10 entitled to this discovery.

11 **III. PLAINTIFFS' FIRST SET OF SPECIAL INTERROGATORIES (CITY OF SAN
12 FRANCISCO)**

13 SPECIAL INTERROGATORY NO. 13:

14 IDENTIFY ALL DEALERS and DISTRIBUTORS to whom YOU sell or have sold
15 FIREARMS, including the model and quantity of each FIREARM sold to each such DEALER and
16 DISTRIBUTOR.

17 BROWNING'S RESPONSE TO SPECIAL INTERROGATORY NO. 13:

18 The general objections set forth above are incorporated herein. Defendant objects because
19 this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence;
20 because it is over broad with respect to time and scope, and because it is vague, ambiguous and
21 unduly burdensome. Defendant objects because this interrogatory seeks information regarding
22 Browning sales that is not in the public realm, is private, proprietary and confidential. Subject to and
23 without waiving the foregoing objections, defendant refers plaintiffs to the following site for a list
24 of Browning dealers: www.browning.com/dealocat/dealocat. Please also see documents produced
25 in conjunction with these responses which identify dealers of Browning products in California.

26 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

27 Plaintiffs claim that defendants oversaturate the firearms market by producing, marketing and
28 distributing far more handguns than reasonably could be sold to legal purchasers. (LA. City ¶93, LA

1 County ¶82, SF ¶25). Moreover, plaintiffs claim that defendants oversaturate jurisdictions with
2 weak gun control laws, knowing that the guns will flow to states with stronger gun control laws,
3 including California, in the secondary market. Plaintiffs' discovery requests are designed to obtain
4 information related to these claims.

5 Further, plaintiffs allege that gun manufacturers such as Browning have completely failed
6 and refused to adopt any limits in the distribution of their handguns or to engage in even minimal
7 monitoring or supervision of their distributors and dealers to avoid the known and foreseeable result
8 that their guns will be possessed and used by inappropriate users in the secondary market.
9 Specifically, plaintiffs claim the defendant manufacturers' failure to train, supervise or monitor their
10 distributors to insure that handguns are sold to authorized users, and possessed and used in a safe
11 manner constitutes an unlawful and unfair business practice. This claim is not limited to California.
12 Defendants' unlawful and unfair business practice is a nationwide practice.

13 Limiting discovery solely to distributors and dealers that distribute weapons in California will
14 allow defendants to insulate plaintiffs from discovering the details of defendants' failure to monitor
15 and supervise its distributors/dealers. A firearm manufacturer, such as Browning, may sell its
16 firearms to a distributor who does not directly distribute the firearms in California. Rather, the
17 distributor distributes the firearms to an additional second distributor/dealer who sells the firearms
18 directly into California. Adopting defendants' unilateral restriction of discovery solely to California
19 would prohibit plaintiffs from discovering the details of the manufacturers' distribution practice with
20 the dealer to whom it sold the firearms because the dealer does not distribute or sell guns directly
21 into California.

22 Because distributors/dealers who do not sell guns directly into California are/or may be in
23 the chain of distribution for firearms that are ultimately sold and used in California, discovery of
24 documents reflecting Browning's dealings with these distributors/dealers is proper. Furthermore, the
25 details of Browning's dealings with its distributors/dealers who do not sell firearms into California,
26 as opposed to those distributors/dealers who sell firearms into California, is relevant to determine
27 whether Browning's business dealings and monitoring, or lack thereof, of its distributors/dealers is
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1 affected by different regulations governing firearms in different states. Accordingly, plaintiffs are
2 entitled to this discovery.

3 SPECIAL INTERROGATORY NO. 22:

4 State YOUR gross dollar amount of annual sales for FIREARMS for each of the past twenty
5 years, including the gross dollar amount for sales of FIREARM(S) in California and the United
6 States.

7 STURM'S RESPONSE TO SPECIAL INTERROGATORY NO. 22:

8 Objection. This interrogatory is overly broad with regard to subject matter, geographic scope
9 and the time period from which information is requested. This interrogatory is also vague,
10 ambiguous, unduly burdensome and seeks information that is confidential, proprietary and protected
11 from disclosure by California Civil Code §3295.

12 The general objections set forth above are incorporated herein. Defendant objects because
13 this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence and
14 because the information sought is not in the public realm, is private, proprietary and confidential.
15 Defendant further objects because this interrogatory is over broad with respect to time and scope and
16 because it is unduly burdensome and imposed solely for the purposes of harassment.

17 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

18 Plaintiffs claim that defendants over saturate the firearms market by producing, marketing
19 and distributing for more handguns than reasonably could be sold to legal purchasers. (LA City ¶93,
20 LA County ¶82, SF ¶25). Moreover, plaintiffs claim that defendants over saturate jurisdictions with
21 weak gun control laws, knowing that the guns will flow to states with stronger gun control laws,
22 including California, in the secondary market. Plaintiffs' discovery requests are designed to obtain
23 information related to these claims.

24 Further, plaintiffs seek to recover civil penalties for each of the numerous incidents in which
25 defendants engaged in unlawful, unfair or fraudulent business practices. Pursuant to §§17206(b) and
26 17536(b) of the B&P Code, plaintiffs are therefore entitled to discovery of defendants' financial
27 condition. Accordingly, defendants' yearly gross dollar sales and profits in the United States, and
28 specifically in California, are directly relevant to plaintiffs' allegations and are discoverable.

1 SPECIAL INTERROGATORY NO. 23:

2 State YOUR gross dollar amount of annual sales for HANDGUNS for each of the past
3 twenty years, including the gross dollar amount for sales of HANDGUNS in California and the
4 United States.

5 STURM'S RESPONSE TO SPECIAL INTERROGATORY NO. 23:

6 Objection. This interrogatory is overly broad with regard to subject matter, geographic scope
7 and the time period from which information is requested. This interrogatory is also vague,
8 ambiguous, unduly burdensome and seeks information that is confidential, proprietary and protected
9 from disclosure by California Civil Code §3295.

10 BROWNING'S RESPONSE TO SPECIAL INTERROGATORY NO. 23:

11 The general objections set forth above are incorporated herein. Defendant objects because
12 this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence and
13 because the information sought is not in the public realm, is private, proprietary and confidential.
14 Defendant further objects because this interrogatory is over broad with respect to time and scope and
15 because it is unduly burdensome and imposed solely for the purposes of harassment.

16 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

17 Plaintiffs claim that defendants over saturate the firearms market by producing, marketing
18 and distributing for more handguns than reasonably could be sold to legal purchasers. (LA City ¶93,
19 LA County ¶82, SF ¶25). Moreover, plaintiffs claim that defendants over saturate jurisdictions with
20 weak gun control laws, knowing that the guns will flow to states with stronger gun control laws,
21 including California, in the secondary market. Plaintiffs' discovery requests are designed to obtain
22 information related to these claims.

23 Further, plaintiffs seek to recover civil penalties for each of the numerous incidents in which
24 defendants engaged in unlawful, unfair or fraudulent business practices. Pursuant to §§17206(b) and
25 17536(b) of the B&P Code, plaintiffs are therefore entitled to discovery of defendants' financial
26 condition. Accordingly, defendants' yearly gross dollar sales and profits in the United States, and
27 specifically in California, are directly relevant to plaintiffs' allegations and are discoverable.

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1 SPECIAL INTERROGATORY NO. 24:

2 State YOUR profits for FIREARM sales for each of the past twenty years, including your
3 profits for sales of FIREARMS in California and the United States.

4 STURM'S RESPONSE TO SPECIAL INTERROGATORY NO. 24:

5 Objection. This interrogatory is overly broad with regard to subject matter, geographic scope
6 and the time period from which information is requested. This interrogatory is also vague,
7 ambiguous, unduly burdensome and seeks information that is confidential, proprietary and protected
8 from disclosure by California Civil Code §3295.

9 BROWNING'S RESPONSE TO SPECIAL INTERROGATORY NO. 24:

10 The general objections set forth above are incorporated herein. Defendant objects because
11 this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence and
12 because the information sought is not in the public realm, is private, proprietary and confidential.
13 Defendant further objects because this interrogatory is over broad with respect to time and scope and
14 because it is unduly burdensome and imposed solely for the purposes of harassment.

15 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

16 Plaintiffs claim that defendants over saturate the firearms market by producing, marketing
17 and distributing for more handguns than reasonably could be sold to legal purchasers. (LA City ¶93,
18 LA County ¶82, SF ¶25). Moreover, plaintiffs claim that defendants over saturate jurisdictions with
19 weak gun control laws, knowing that the guns will flow to states with stronger gun control laws,
20 including California, in the secondary market. Plaintiffs' discovery requests are designed to obtain
21 information related to these claims.

22 Further, plaintiffs seek to recover civil penalties for each of the numerous incidents in which
23 defendants engaged in unlawful, unfair or fraudulent business practices. Pursuant to §§17206(b) and
24 17536(b) of the B&P Code, plaintiffs are therefore entitled to discovery of defendants' financial
25 condition. Accordingly, defendants' yearly gross dollar sales and profits in the United States, and
26 specifically in California, are directly relevant to plaintiffs' allegations and are discoverable.

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1 SPECIAL INTERROGATORY NO. 25:

2 State YOUR profits for HANDGUN sales for each of the past twenty years, including your
3 profits for sales of HANDGUNS in California and the United States.

4 STURM'S RESPONSE TO SPECIAL INTERROGATORY NO. 25:

5 Objection. This interrogatory is overly broad with regard to subject matter, geographic scope
6 and the time period from which information is requested. This interrogatory is also vague,
7 ambiguous, unduly burdensome and seeks information that is confidential, proprietary and protected
8 from disclosure by California Civil Code §3295.

9 BROWNING'S RESPONSE TO SPECIAL INTERROGATORY NO. 25:

10 The general objections set forth above are incorporated herein. Defendant objects because
11 this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence and
12 because the information sought is not in the public realm, is private, proprietary and confidential.
13 Defendant further objects because this interrogatory is over broad with respect to time and scope and
14 because it is unduly burdensome and imposed solely for the purposes of harassment.

15 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

16 Plaintiffs claim that defendants over saturate the firearms market by producing, marketing
17 and distributing for more handguns than reasonably could be sold to legal purchasers. (LA City ¶93,
18 LA County ¶82, SF ¶25). Moreover, plaintiffs claim that defendants over saturate jurisdictions with
19 weak gun control laws, knowing that the guns will flow to states with stronger gun control laws,
20 including California, in the secondary market. Plaintiffs' discovery requests are designed to obtain
21 information related to these claims.

22 Further, plaintiffs seek to recover civil penalties for each of the numerous incidents in which
23 defendants engaged in unlawful, unfair or fraudulent business practices. Pursuant to §§17206(b) and
24 17536(b) of the B&P Code, plaintiffs are therefore entitled to discovery of defendants' financial
25 condition. Accordingly, defendants' yearly gross dollar sales and profits in the United States, and
26 specifically in California, are directly relevant to plaintiffs' allegations and are discoverable.

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1 SPECIAL INTERROGATORY NO. 26:

2 IDENTIFY ALL COMMUNICATIONS between YOU and the Hunting and Shooting Sports
3 Heritage Foundation, the American Shooting Sports Council, the Sporting Arms and Ammunition
4 Manufacturers' Institute and/or the National Rifle Association, or any of its representatives,
5 employees, agents or assigns.

6 STURM'S RESPONSE TO SPECIAL INTERROGATORY NO. 26:

7 Objection. This interrogatory is overly broad with regard to subject matter and the time
8 period from which information is requested. This interrogatory is also vague, ambiguous and unduly
9 burdensome.

10 BROWNING'S RESPONSE TO SPECIAL INTERROGATORY NO. 26:

11 The general objections set forth above are incorporated herein. Defendant objects because
12 this interrogatory seeks information not reasonably calculated to lead to the discovery of admissible
13 evidence and because it is vague, unduly burdensome and over broad in time and scope. Browning
14 also objects to this interrogatory to the extent it seeks documents created in or information related
15 to the exercise of Browning's First Amendment rights to freedom of speech, freedom of assembly,
16 and to petition the government for redress of grievances. Browning further objects to this
17 interrogatory to the extent it seeks information that is confidential, privileged or protected. Subject
18 to and without waiving the foregoing objections, Browning shall produce documents reasonably
19 responsive to this request, including copies of the following: "Firearms Safety Depends on You";
20 "A Responsible Approach to Firearms Safety"; "A Century of Success in Reducing Firearms
21 Accidents"; "Ammunition Types and Characteristics"; "Setting the Standard: Safety and Technical
22 Standards for Firearms and Ammunition," and "A Responsible Approach to Public Firearms
23 Ownership and Use."

24 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

25 As explained fully in plaintiffs' motion to compel production of documents and responses
26 to interrogatories, the production of documents reflecting defendants' lobbying efforts is not
27 prohibited by the Noerr-Pennington doctrine or the First Amendment. The lobbying documents
28 requested are discoverable because they may reveal any effort by defendants to collectively thwart

1 or defeat any proposed legislation relating to the regulation of handgun safety manufacturing or
2 distribution. In addition, these documents may reveal defendants' understanding and knowledge of
3 the inadequacy of the current minimal regulation of handgun licenses. Finally, plaintiffs should be
4 allowed to discover these documents to determine if lobbying entities, acting on defendants' behalf,
5 made misrepresentations to Congress or state legislatures regarding firearm safety and/or the use,
6 possession, sale, marketing and distribution of firearms. Because the relevance of the requested
7 documents outweighs any possible infringement on defendants' rights to lobby to maintain the
8 current level of regulation of federal handgun licenses, defendants should be compelled to produce
9 these documents.

10 SPECIAL INTERROGATORY NO. 33:

11 IDENTIFY ALL INCIDENTS, including COMPLAINTS, RELATING TO YOUR
12 FIREARMS, including UNINTENTIONAL DISCHARGES.

13 BROWNING'S RESPONSE TO SPECIAL INTERROGATORY NO. 33:

14 The general objections set forth above are incorporated herein. Defendant objects because
15 this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence in that
16 plaintiffs have not identified any specific incident or complaint in California involving a Browning
17 brand firearm caused by or involving an "unintentional discharge." Defendant further objects
18 because this interrogatory is over broad with respect to time and scope, and because it is vague,
19 ambiguous and unduly burdensome. Defendant also objects to the extent this interrogatory seeks
20 information that is protected by privilege, including the work product and attorney-client privileges.

21 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

22 Plaintiffs claim that defendant manufacturers have completely failed and refused to adopt any
23 limits in the distribution of their handguns or to engage in even minimal monitoring or supervision
24 of their distributors or dealers to avoid the known and foreseeable consequences arising from the sale
25 to and possession of their guns in the illegal secondary market. Defendants' knowledge that the
26 firearms they manufacture are being distributed, sold, and/or made accessible to inappropriate users
27 and criminals supports plaintiffs' claim that defendants' failure to employ meaningful measures to
28 monitor the distribution of its firearms, despite this knowledge, constitutes an unfair business

1 practice. Because defendants' business practice of manufacturing and distributing weapons is a
2 nationwide practice, as opposed to a practice which is limited to California, their knowledge that
3 their guns are being possessed and utilized by criminals and unlawful users nationwide is relevant
4 to their failure to employ or adopt adequate measures on a nationwide basis to monitor the
5 distribution of its guns both outside and inside California. Accordingly, defendants should be
6 required to produce the requested information.

7 SPECIAL INTERROGATORY NO. 35:

8 IDENTIFY ALL INCIDENTS of which YOU are aware in which an INAPPROPRIATE
9 USER gained access to a FIREARM.

10 BROWNING'S RESPONSE TO SPECIAL INTERROGATORY NO. 35:

11 The general objections set forth above are incorporated herein. Defendant objects because
12 this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence in that
13 plaintiffs have not identified any specific incident or complaint in California involving misuse of a
14 Browning brand firearm caused by an "inappropriate user" gaining access to a firearm. Defendant
15 further objects because this interrogatory is over broad with respect to time and scope, and because
16 it is vague, ambiguous and unduly burdensome. Defendant also objects to the extent this
17 interrogatory seeks information that is protected by privilege, including but not limited to the work
18 product and attorney-client privileges. Subject to and without waiving the foregoing objections,
19 defendant states that the specific occurrence of criminal firearms acquisition, sale, possession and
20 use in plaintiffs' communities is information already possessed by plaintiffs and which has been
21 requested by defendant(s) in discovery.

22 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

23 Plaintiffs claim that defendant manufacturers have completely failed and refused to adopt any
24 limits in the distribution of their handguns or to engage in even minimal monitoring or supervision
25 of their distributors or dealers to avoid the known and foreseeable consequences arising from the sale
26 to and possession of their guns in the illegal secondary market. Defendants' knowledge that the
27 firearms they manufacture are being distributed, sold, and/or made accessible to inappropriate users
28 and criminals supports plaintiffs' claim that defendants' failure to employ meaningful measures to

1 monitor the distribution of its firearms, despite this knowledge, constitutes an unfair business
2 practice. Because defendants' business practice of manufacturing and distributing weapons is a
3 nationwide practice, as opposed to a practice which is limited to California, their knowledge that
4 their guns are being possessed and utilized by criminals and unlawful users nationwide is relevant
5 to their failure to employ or adopt adequate measures on a nationwide basis to monitor the
6 distribution of its guns both outside and inside California. Accordingly, defendants should be
7 required to produce the requested information.

8 SPECIAL INTERROGATORY NO. 46:

9 IDENTIFY every ASSOCIATION of which YOU, a director, officer, or management-level
10 EMPLOYEE of YOURS has provided ANY FINANCIAL SUPPORT including the amount,
11 purposes, and dates of ALL such support.

12 STURM'S RESPONSE TO SPECIAL INTERROGATORY NO. 46:

13 Objection. This interrogatory is overly broad with regard to subject matter and the time
14 period from which information is requested. This interrogatory is also vague, ambiguous and unduly
15 burdensome.

16 BROWNING'S RESPONSE TO SPECIAL INTERROGATORY NO. 46:

17 The general objections set forth above are incorporated herein. Defendant objects to this
18 interrogatory because it is violative of this defendant's First Amendment rights to freedom of speech
19 and assembly, and right to petition the government for redress of grievances.

20 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

21 As explained fully in plaintiffs' motion to compel production of documents and responses
22 to interrogatories, the production of documents reflecting defendants' lobbying efforts is not
23 prohibited by the Noerr-Pennington doctrine or the First Amendment. The lobbying documents
24 requested are discoverable because they may reveal any effort by defendants to collectively thwart
25 or defeat any proposed legislation relating to the regulation of handgun safety manufacturing or
26 distribution. In addition, these documents may reveal defendants' understanding and knowledge of
27 the inadequacy of the current minimal regulation of handgun licenses. Finally, plaintiffs should be
28 allowed to discover these documents to determine if lobbying entities, acting on defendants' behalf,

1 made misrepresentations to Congress or state legislatures regarding firearm safety and/or the use,
2 possession, sale, marketing and distribution of firearms. Because the relevance of the requested
3 documents outweighs any possible infringement on defendants' rights to lobby to maintain the
4 current level of regulation of federal handgun licenses, defendants should be compelled to produce
5 these documents.

6 SPECIAL INTERROGATORY NO. 49:

7 IDENTIFY ALL of YOUR FIREARMS that have been the subject of a TRACE.

8 BROWNING'S RESPONSE TO SPECIAL INTERROGATORY NO. 49:

9 The general objections set forth above are incorporated herein. Defendant objects because
10 this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence,
11 because it is over broad with respect to time and scope, and because it is vague, and ambiguous and
12 unduly burdensome. Defendant further objects on the grounds that without authorization by ATF
13 to produce trace data and authorization from the California Department of Justice, release of such
14 information or data may not only be unauthorized, but may impair, impede or obstruct ongoing law
15 enforcement investigations. Subject to and without waiving the foregoing objections, Browning
16 states that upon obtaining permission for disclosure from the appropriate law enforcement agencies,
17 it shall disclose reasonably responsive documents (that is, documents pertaining to firearms which
18 have allegedly been unlawfully sold, purchased, possessed and/or used in plaintiffs' communities)
19 in accordance with the terms of applicable protective orders.

20 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

21 As explained fully in plaintiffs' motion to compel production of documents and responses
22 to interrogatories, information relating to trace requests and actions taken by defendants in response
23 to trace requests is critical to plaintiffs' case. The tracing information will allow plaintiffs to
24 demonstrate defendants' knowledge of a nationwide secondary market (that defendants maintain and
25 supply) and defendants' knowledge of misconduct by certain distributors and dealers in their supply
26 chain. The request is calculated to lead to discovery regarding defendants' knowledge of problems
27 created by their distribution practices. In short, these requests are aimed directly at defendants'
28 failure to control, monitor, supervise and train distributors and dealers in the chain of distribution.

1 There should be no geographic limitation on this discovery, as set forth more fully in plaintiffs'
2 motion to compel.

3 SPECIAL INTERROGATORY NO. 53:

4 IDENTIFY any FIREARM(S) MANUFACTURED, DISTRIBUTED, DESIGNED, imported,
5 or sold by YOU that have been BANNED anywhere in the United States.

6 BROWNING'S RESPONSE TO SPECIAL INTERROGATORY NO. 53:

7 The general objections set forth above are incorporated herein. Defendant objects because
8 this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence in that
9 plaintiffs have alleged no misuse of a "banned" Browning firearm. Defendant further objects
10 because this interrogatory is over broad with respect to time and scope and because it is vague,
11 ambiguous and argumentative, particularly in its use of the defined term "banned."

12 SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER RESPONSES:

13 Plaintiffs claim that defendant manufacturers have completely failed and refused to adopt any
14 limits in the distribution of their handguns or to engage in even minimal monitoring or supervision
15 of their distributors or dealers to avoid the known and foreseeable consequences arising from the sale
16 to and possession of their guns in the illegal secondary market. Defendants' knowledge that the
17 firearms they manufacture, distribute, design and/or import have been banned anywhere in the
18 United States (and are still sold elsewhere) demonstrates that defendants engage in unfair business
19 practices and contribute to the maintenance of a secondary market. Because defendants' business
20 practice of manufacturing and distributing weapons is a nationwide practice, as opposed to a practice
21 which is limited to California, their knowledge that their guns are banned in one jurisdiction is
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1 relevant to their failure to employ or adopt adequate measures on a nationwide basis to control the
2 secondary market. Accordingly, defendants should be required to produce the requested information.

3 DATED: March 16, 2001

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DECLARATION OF SERVICE VIA JUSTICELINK

In re Firearm Case
No. JCCP 4095

(People, et al. v. Arcadia Machine & Tool, Inc., et al.)
San Francisco Superior Court No. 303753
Los Angeles Superior Court No. BC210894
Los Angeles Superior Court No. BC214794

I, Ellen Dewan, declare:

1. That I am and was, at all times herein mentioned, a citizen of the United States and a resident of the County of San Diego, over the age of 18 years, and not a party to or interest in the within action; that my business address is 600 West Broadway, Suite 1800, San Diego, California 92101.

2. That on March 16, 2001, I served SEPARATE SUMMARY OF REASONS TO COMPEL FURTHER PRODUCTION OF DOCUMENTS AND RESPONSES TO INTERROGATORIES by JusticeLink Electronic filing on all persons appearing on the Service List.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 16th day of March, 2001, at San Diego, California.

NATALEE GRATT
NATALEE GRATT