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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO

Coordination Proceeding Special Title (Rule 1550(b))	)	JUDICIAL COUNCIL COORDINATION PROCEEDING NO. 4095
FIREARM CASE	)	
Including actions:	)	
<i>People, et al. v. Arcadia Machine &amp; Tool, Inc., et al.</i>	)	San Francisco Superior Court No. 303753
<i>People, et al. v. Arcadia Machine &amp; Tool, Inc., et al.</i>	)	Los Angeles Superior Court No. BC210894
<i>People, et al. v. Arcadia Machine &amp; Tool, Inc., et al.</i>	)	Los Angeles Superior Court No. BC214794
_____	)	DATE: October 13, 2000 TIME: 1:30 p.m. DEPT: 65

SEPARATE STATEMENT IN SUPPORT OF THE PEOPLE  
OF THE STATE OF CALIFORNIA'S MOTION TO COMPEL  
KNOWLEDGEABLE CORPORATE DESIGNEE  
AND DOCUMENTS FROM DEFENDANT SAAMI

8/11/00

1 Pursuant to Rule 335 of the California Rules of Court, plaintiffs, the People of the State of  
2 California, et al., hereby file the following separate statement in support of their Motion to Compel  
3 the Production of a Knowledgeable Corporate Designee and Documents and Documents from  
4 Defendant Sporting Arms and Ammunition Manufacturers' Institute, Inc. ("SAAMI").

5 **Deposition of Robert T. Delfay**

6 **QUESTION NO. 1:**

7 Mr. Delfay, do you understand that you are being produced today as the person most  
8 knowledgeable regarding the National Shooting Sports Foundation, Inc., and the Sporting Arms –  
9 I'm going to get the name wrong – Sporting Arms and Ammunition Manufacturers' Institute Inc.'s  
10 most knowledgeable person?

11 **ANSWER TO QUESTION NO. 1:**

12 I do.

13 Deposition of Robert T. Delfay, taken December 3, 1999 ("Delfay Depo."), at 11:2-8.

14 **REASON TO COMPEL PRODUCTION OF NEW CORPORATE DESIGNEE:**

15 Not applicable.

16 **QUESTION NO. 2:**

17 Did you have meetings with anyone to prepare for this deposition?

18 **ANSWER TO QUESTION NO. 2:**

19 Not in any substantive way, no.

20 Delfay Depo. at 12:20-22.

21 **REASON TO COMPEL PRODUCTION OF NEW CORPORATE DESIGNEE:**

22 Had SAAMI adequately prepared Mr. Delfay for his deposition, it could have discovered that  
23 Mr. Delfay lacked sufficient knowledge of many of the requested subject matters. Instead, as Mr.  
24 Delfay acknowledges, he had no substantive meetings with anyone prior to his deposition and, as  
25 a result, was unable to answer numerous questions which were central to the issue of jurisdiction.

26 Although plaintiffs have found no published California case which has specifically addressed  
27 the issue of a corporation's failure to provide a knowledgeable corporate designee, California court  
28 may refer to federal discovery law in the absence of California authority. *Liberty Mut. Ins. Co. v.*

1 *Superior Court*, 10 Cal. App. 4th 1282, 1288 (1992); *Nagle v. Superior Court*, 28 Cal. App. 4th  
2 1465, 1468 (1984). Numerous federal courts have unequivocally declared that entities “must not  
3 only produce such number of persons as will satisfy the request, but more importantly, prepare them  
4 so that they may give complete, knowledgeable and binding answers on behalf of the corporation.”  
5 *Starlight Int'l Inc. v. Herlihy*, 186 F.R.D. 626, 638 (D. Kan. 1999); *Audiotext Communs. Network,*  
6 *Inc. v. US Telecom, Inc.*, No. Civ. A. 94-2395-GTV, 1995 U.S. Dist. LEXIS 15416, (D. Kan. Oct.  
7 5, 1995); *Marker v. Union Fidelity Life Ins. Co.*, 125 F.R.D. 121, 126 (M.D.N.C. 1989).

8 Since by Mr. Delfay’s own admission SAAMI did not adequately prepare him for his  
9 deposition, SAAMI should be compelled to produce a knowledgeable designee who is adequately  
10 prepared to testify on behalf of the organization.

11 QUESTION NO. 3:

12 Did you make any notes in preparation for today's deposition?

13 ANSWER TO QUESTION NO. 3:

14 I did not.

15 Delfay Depo. at 14:3-5.

16 REASON TO COMPEL PRODUCTION OF NEW CORPORATE DESIGNEE:

17 Had SAAMI adequately prepared Mr. Delfay for his deposition, it could have discovered that  
18 Mr. Delfay lacked sufficient knowledge of many of the requested subject matters. Instead, as Mr.  
19 Delfay acknowledges, he had no substantive meetings with anyone prior to his deposition and, as  
20 a result, was unable to answer numerous questions which were central to the issue of jurisdiction.

21 Although plaintiffs have found no published California case which has specifically addressed  
22 the issue of a corporation’s failure to provide a knowledgeable corporate designee, California courts  
23 may refer to federal discovery law in the absence of California authority. *Liberty Mut. Ins. Co. v.*  
24 *Superior Court*, 10 Cal. App. 4th 1282, 1288 (1992); *Nagle v. Superior Court*, 28 Cal. App. 4th  
25 1465, 1468 (1984). Numerous federal courts have unequivocally declared that entities “must not  
26 only produce such number of persons as will satisfy the request, but more importantly, prepare them  
27 so that they may give complete, knowledgeable and binding answers on behalf of the corporation.”  
28 *Starlight Int'l, Inc. v. Herlihy*, 186 F.R.D. 626, 638 (D. Kan. 1999); *Audiotext Communs. Network,*

1 *Inc. v. US Telecom, Inc.*, No. Civ. A. 94-2395-GTV, 1995 U.S. Dist. LEXIS 15416, (D. Kan. Oct.  
2 5, 1995); *Marker v. Union Fidelity Life Ins. Co.*, 125 F.R.D. 121, 126 (M.D.N.C. 1989).

3 Since by Mr. Delfay's own admission SAAMI did not adequately prepare him for his  
4 deposition, SAAMI should be compelled to produce a knowledgeable designee who is adequately  
5 prepared to testify on behalf of the organization.

6 QUESTION NO. 4:

7 Do you know when Weatherby joined as a member of SAAMI?

8 ANSWER TO QUESTION NO. 4:

9 I don't, no.

10 Delfay Depo. at 122:15-17.

11 REASON TO COMPEL PRODUCTION OF NEW CORPORATE DESIGNEE:

12 Weatherby is a company located in Atascadero, California, which sells Mark-V Rifles, semi-  
13 automatic shotguns, magnum ammunition, and other gun-related products. Since Weatherby is  
14 located in the state, any contacts which SAAMI had with Weatherby, particularly business dealings,  
15 could serve as the basis for the exercise of jurisdiction over SAAMI. Since Mr. Delfay, however,  
16 lacked knowledge relating to SAAMI's relationship with Weatherby, plaintiffs were unable to  
17 explore this area of inquiry to determine whether SAAMI maintained a long-standing business  
18 relationship with Weatherby. Accordingly, SAAMI should be compelled to designate an individual  
19 knowledgeable about this and other contacts which SAAMI maintained in California.

20 QUESTION NO. 5:

21 Do you know how many copies of that pamphlet have been distributed in California,  
22 approximately?

23 ANSWER TO QUESTION NO. 5:

24 I would have no way of knowing.

25 Delfay Depo. at 141:2-4.

26 REASON TO COMPEL PRODUCTION OF NEW CORPORATE DESIGNEE:

27 Information relating to SAAMI's distribution of materials to residents of California is critical  
28 for the purposes of jurisdiction. For instance, SAAMI publishes studies and pamphlets such as

1 "Lead Mobility on Shooting Ranges," which it has sold to dealers and members of the public, which  
2 presumably includes residents of California. If SAAMI is making money from the sale of such  
3 materials from purchasers in California, such information would definitively establish that SAAMI  
4 is conducting business within the state to warrant the exercise of jurisdiction. *Sims v. Nat'l Eng'g*  
5 *Co.*, 221 Cal. App. 2d 511, 514 (1963). Plaintiffs were unable to make this determination, however,  
6 since Mr. Delfay had no idea about the nature and scope of SAAMI's sale or distribution of materials  
7 to California residents. Because of Mr. Delfay's lack of knowledge, SAAMI should be compelled  
8 to produce a knowledgeable person for deposition on its behalf.

9 QUESTION NO. 6:

10 BY MR. SELBIN: (Resuming)

11 Q: I'll ask you, is this one of the pamphlets that SAAMI produces?

12 A: Yes, it is.

13 Q: Is this pamphlet distributed in California?

14 ANSWER TO QUESTION NO. 6:

15 A: I cannot say for certain.

16 Delfay Depo. at 142:12-16.

17 REASON TO COMPEL PRODUCTION OF NEW CORPORATE DESIGNEE:

18 Information relating to SAAMI's distribution of materials to residents of California is critical  
19 for the purposes of jurisdiction. For instance, SAAMI publishes studies and pamphlets such as  
20 "Lead Mobility on Shooting Ranges," which it has sold to dealers and members of the public, which  
21 presumably includes residents of California. If SAAMI is making money from the sale of such  
22 materials from purchasers in California, such information would definitively establish that SAAMI  
23 is conducting business within the state to warrant the exercise of jurisdiction. *Sims v. Nat'l Eng'g*  
24 *Co.*, 221 Cal. App. 2d 511, 514 (1963). Plaintiffs were unable to make this determination, however,  
25 since Mr. Delfay had no idea about the nature and scope of SAAMI's sale or distribution of materials  
26 to California residents. Because of Mr. Delfay's lack of knowledge, SAAMI should be compelled  
27 to produce a knowledgeable person for deposition on its behalf.

28

1 QUESTION NO. 7:

2 Does any SAAMI information that would look like an ad, but for the fact that it's not paid  
3 for, appear in any NSSF publication?

4 MR. KLIEVER: Objection as to form.

5 ANSWER TO QUESTION NO. 7:

6 THE WITNESS: It could, but I'm not certain.

7 Delfay Depo. at 146:15-19.

8 REASON TO COMPEL PRODUCTION OF NEW CORPORATE DESIGNEE:

9 Information relating to SAAMI's advertisements is also vital to the issue of jurisdiction.  
10 California courts have determined that the dissemination of advertisements can serve as a basis for  
11 the exercise of jurisdiction. *A.R. Indust. v. Superior Court*, 268 Cal. App. 2d 328, 336 (1968). Since  
12 Mr. Delfay lacked sufficient knowledge about SAAMI's advertisements, SAAMI should be  
13 compelled to produce a knowledgeable deponent.

14 QUESTION NO. 8:

15 Have any such ads appeared in any NSSF publications, again, noting the fact they were not  
16 paid for?

17 MR. KLIEVER: Objection as to form. And asked and answered.

18 ANSWER TO QUESTION NO. 8:

19 THE WITNESS: Yeah, asked and answered. SAAMI has public service print  
20 advertisements. Whether those have ever run in Shot Business or the Range Report or the Gun Club  
21 Advisor, I don't know.

22 Delfay Depo. at 146:21-147:7.

23 REASON TO COMPEL PRODUCTION OF NEW CORPORATE DESIGNEE:

24 Information relating to SAAMI's advertisements is also vital to the issue of jurisdiction.  
25 California courts have determined that the dissemination of advertisements can serve as a basis for  
26 the exercise of jurisdiction. *A.R. Indust. v. Superior Court*, 268 Cal. App. 2d 328, 336 (1968). Since  
27 Mr. Delfay lacked sufficient knowledge about SAAMI's advertisements, SAAMI should be  
28 compelled to produce a knowledgeable deponent.

1 QUESTION NO. 9:

2 Earlier we were speaking about the SAAMI membership, and we made the note that the  
3 listing of members we have is current. And I asked you if you knew of any previous members from  
4 California, if there were any previous members from California. Do you know, does SAAMI have  
5 any records of past memberships?

6 MR. KLIEVER: Objection, asked and answered.

7 ANSWER TO QUESTION NO. 9:

8 THE WITNESS: I'm not certain what records or what files would show about past  
9 membership.

10 Delfay Depo. at 149:8-16.

11 REASON TO COMPEL PRODUCTION OF NEW CORPORATE DESIGNEE:

12 Other than current membership information, SAAMI has not produced information regarding  
13 its California membership and Mr. Delfay had no knowledge of such past membership. Such  
14 information is important for the purposes of jurisdiction since most, if not all, of SAAMI's members  
15 could have been located in California last year, yet plaintiffs would have no way of knowing since  
16 SAAMI produced a deponent who lacked such knowledge. Because SAAMI's past membership  
17 information for California is relevant to the issue of jurisdiction, SAAMI should produce another  
18 deponent with knowledge of this information.

19 QUESTION NO. 10:

20 Q. Okay. Does SAAMI sell any videos – sell or distribute, rather – any videos?

21 A. Yes.

22 Q. Okay. How many?

23 A. One I believe.

24 Q. Okay. And what's the title of that video?

25 A. I believe the title is – I guess it may be Sporting Ammunition and the Fire Fighter.

26 Q. Can you describe for me generally what the video is about?

27 A. Yes. It's a video that was prepared to assist fire departments – not assist so much as  
28 to familiarize fire departments with the behavior with sporting ammunition in a fire.

1 Q. Do you know, has that video been distributed at all in California.

2 ANSWER TO QUESTION NO. 10:

3 A. I wouldn't know.

4 Delfay Depo. at 161:8-162:7.

5 REASON TO COMPEL PRODUCTION OF NEW CORPORATE DESIGNEE:

6 Mr. Delfay was unable to answer the most important question in this series of questions –  
7 whether the videotapes sold or distributed by SAAMI were distributed in California. Mr. Delfay's  
8 general recollection regarding the videotapes is meaningless since plaintiffs are unable to specifically  
9 determine whether SAAMI has sold or distributed such videotapes in California. Such information  
10 is crucial since facts demonstrating that SAAMI is generating money from the sale of videotapes in  
11 California would indicate that SAAMI is conducting business within the state, thereby subjecting  
12 it to the jurisdiction of California courts. *See Jeter v. Austin Trailer Equip. Co.*, 122 Cal. App. 2d  
13 376, 389 (1953) (holding that an entity is subject to the jurisdiction of California courts if it conducts  
14 systematic solicitation in the state). Thus, SAAMI should produce a more knowledgeable corporate  
15 deponent.

16 QUESTION NO. 11:

17 Would SAAMI have records of whether that video had been distributed into California?

18 ANSWER TO QUESTION NO 11:

19 I wouldn't know. I will say the video has had limited distribution. It is distributed to fire  
20 departments.

21 Delfay Depo. at 162:3-7.

22 REASON TO COMPEL PRODUCTION OF NEW CORPORATE DESIGNEE:

23 Not only did Mr. Delfay lack personal knowledge of this important jurisdictional question,  
24 but he also was unable to testify about whether SAAMI maintains records which would determine  
25 its contacts with California. Mr. Delfay's general recollection regarding the videotapes is  
26 meaningless since plaintiffs are unable to specifically determine whether SAAMI has sold or  
27 distributed such videotapes in California. Such information is crucial since facts demonstrating that  
28 SAAMI is generating money from the sale of videotapes in California would indicate that SAAMI



1 is conducting business within the state, thereby subjecting it to the jurisdiction of California courts.  
2 *See Jeter v. Austin Trailer Equip. Co.*, 122 Cal. App. 2d 376, 389 (1953) (holding that an entity is  
3 subject to the jurisdiction of California courts if it conducts systematic solicitation in the state).  
4 Thus, SAAMI should produce a more knowledgeable corporate deponent.

5 QUESTION NO. 12:

6 Mr. Delfay, we were talking earlier about the SAAMI standards that are promulgated with  
7 ANSI. Is it SAAMI's intent that those standards apply just to its members as opposed to other  
8 entities or manufacturers that are nonmembers of SAAMI?

9 MR. KLIEVER: Objection as to form.

10 BY MR. SELBIN: (Resuming)

11 Do you understand the question?

12 ANSWER TO QUESTION NO. 12:

13 Yes, I understand the question.

14 I don't know. SAAMI produces the standards in cooperation with the American National  
15 Standards Institute, and publishes them, makes them available to other manufacturers. And they can  
16 follow them if they wish.

17 Delfay Depo. at 162:21-163:11.

18 REASON TO COMPEL PRODUCTION OF NEW CORPORATE DESIGNEE:

19 This question is important to the issue of jurisdiction since it relates to SAAMI's contacts  
20 with firearms manufacturers, many of which are located in California. If SAAMI has regular  
21 business dealings with California gun manufacturers regarding the standards it produces, such  
22 dealings would support the exercise of jurisdiction. *Sims v. Nat'l Eng'g Co.*, 221 Cal. App. 2d 511,  
23 514 (1963). Mr. Delfay, however, did not know the scope of the application of SAAMI's standards,  
24 which would include whether or not such standards applied to California gun manufacturers.  
25 Accordingly, SAAMI should be compelled to produce a knowledgeable corporate designee.

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1 **Requests for Production of Documents**

2 **SECOND REQUEST FOR PRODUCTION NO. 23:**

3 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to ANY  
4 COMMUNICATIONS between YOU and ANY PERSON OR ENTITY who works, resides, OR is  
5 located in the State of California, including, but not limited to, ANY electronic mail, mail,  
6 facsimiles, OR telephone calls.

7 **RESPONSE TO SECOND REQUEST FOR PRODUCTION NO. 23:**

8 Objection. This Request Seeks Information Outside Of The Court's Ruling Of October 22,  
9 1999, Limiting Discovery To Issues Of Jurisdiction, Is Unduly And Unreasonably Burdensome, And  
10 Is Duplicative Of First Request For Production Nos. 4, 5, 8, 9, Special Interrogatories Nos. 15, 16,  
11 23, 26, 37 And Second Request For Production No. 24. See Responses Thereto.

12 **FIRST REQUEST FOR PRODUCTION NO. 4:**

13 ALL DOCUMENTS provided to OR received from ANY law enforcement agency,  
14 including, but not limited to, the ATF, the United States Federal Bureau of Investigation, the  
15 Alameda Sheriff's Department, the Berkeley Police Department, the California Highway Patrol, the  
16 East Palo Alto Police Department, the Oakland Police Department, the Oakland Police Service  
17 Agency, the Sacramento Police Department, the San Francisco Police Department, OR the San  
18 Mateo Sheriff's Department, regarding the CRIMINAL USE of ANY FIREARM.

19 **RESPONSE TO FIRST REQUEST FOR PRODUCTION NO. 4:**

20 Objection. This Request Seeks Information Outside Of The Court's Ruling Of October 22,  
21 199, Limiting Discovery To Issues Of Jurisdiction, and seeks proprietary/confidential business  
22 information.

23 **FIRST REQUEST FOR PRODUCTION NO. 5:**

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

1 Police Department, the San Francisco Police Department, OR the San Mateo Sheriff's Department,  
2 regarding the CRIMINAL USE of ANY FIREARM.

3 RESPONSE TO FIRST REQUEST FOR PRODUCTION NO. 5:

4 Objection. This Request Seeks Information Outside Of The Court's Ruling Of October 22,  
5 1999, Limiting Discovery To Issues Of Jurisdiction.

6 FIRST REQUEST FOR PRODUCTION NO. 8:

7 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to  
8 COMMUNICATIONS between YOU and ANY DISTRIBUTOR, DEALER, RETAILER, OR  
9 SELLER of FIREARMS, including, but not limited to, COMMUNICATIONS regarding ATF  
10 TRACE REQUESTS.

11 RESPONSE TO FIRST REQUEST FOR PRODUCTION NO. 8:

12 Objection. This Request Seeks Information Outside of the Court's Ruling of October 22,  
13 1999, Limiting Discovery to Issues of Jurisdiction.

14 FIRST REQUEST FOR PRODUCTION NO. 9:

15 ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to ANY  
16 COMMUNICATIONS between YOU and ANY MANUFACTURER, including, but not limited to,  
17 Arcadia Machine & Tool, Inc., Bryco Arms, Inc., Davis Industries, Inc., Excel Industries, Inc.,  
18 Lorcin Engineering Co., Inc., China North Industries, Phoenix Arms, Sundance Industries, Inc.,  
19 Beretta U.S.A. Corp., Pietro Beretta Sp. A., Browning Arms Co., Carl Walther GmbH, Charter  
20 Arms, Inc., Colt's Manufacturing Co., Inc., Forjas Taurus, S.A., Taurus International Manufacturing,  
21 Inc., Glock, Inc., Glock GmbH, H&R 1871 Inc., Heckler & Koch, Inc., Kel-Tec CNC Industries,  
22 Inc., MKS Supply Inc., Navegar, Inc., North American Arms, Inc., Sigarms, Inc., Smith and Wesson  
23 Corp., S.W. Daniels, Inc., OR Sturm Ruger & Company, Inc.

24 RESPONSE TO FIRST REQUEST FOR PRODUCTION NO. 9:

25 Objection. This Request Seeks Information Outside of the Court's Ruling of October 22,  
26 1999, Limiting Discovery to Issues of Jurisdiction.

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1           SPECIAL INTERROGATORY NO. 16:

2           Identify All Persons Or Entities [In California] Who Have Participated In Any  
3 Communication With You Concerning The Incorporation Of Firearm Safety Features Into The  
4 Design Of Firearms.

5           RESPONSE TO SPECIAL INTERROGATORY NO. 16:

6           See Response To Special Interrogatory No. 23.

7           SPECIAL INTERROGATORY NO. 23:

8           Identify All Communications Between You And Any Firearm Manufacturer, Dealer And/Or  
9 Distributor.

10          RESPONSE TO SPECIAL INTERROGATORY NO. 23:

11          This Interrogatory Seeks Information Outside Of The Court's Ruling Of October 22, 1999  
12 Limiting Discovery to Jurisdiction Issues, seeks proprietary/confidential business information, and  
13 Is Unduly And Unreasonably Burdensome. Without Waiving Objection, Any Such Communications  
14 Which Relate To Magazine Disconnect Safeties, Chamber-Loaded Indicators, Or Personalized Gun  
15 Technology That Would Prevent An Unauthorized User From Being Able To Fire the Gun Are  
16 Produced, None.

17          SPECIAL INTERROGATORY NO. 26:

18          Identify All Communications [In California] Between You And The Hunting And Shooting  
19 Sports Heritage Foundation, Or The American Shooting Sports Council, The Sporting Arms And  
20 Ammunition Manufacturers' Institute And/Or The National Rifle Association, Or Any Of Its  
21 Representatives, Employees, Agents Or Assigns.

22          RESPONSE TO SPECIAL INTERROGATORY NO. 26:

23          Objection. This Interrogatory Seeks Information Outside Of The Court's Ruling Of October  
24 22, 1999, Limiting Discovery To Issues Of Jurisdiction. Without Waiver Of Objection, None.

25          SPECIAL INTERROGATORY NO. 37:

26          Identify Any Communication Between Or Among Any Person(S) Or Entities, In Which You  
27 Participated Or Which You Are Or Were Aware, Relating To Compliance Or Non-compliance With  
28 Laws Or Regulations Relating To Firearm Sales, Manufacture, And/Or Distribution [In California].

1           RESPONSE TO SPECIAL INTERROGATORY NO. 37:

2           Objection. This request is vague and ambiguous. Without waiving objection, None.

3           SECOND REQUEST FOR PRODUCTION NO. 24:

4           ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to ANY  
5 COMMUNICATIONS between YOU and ANY MANUFACTURER, DISTRIBUTER, DEALER,  
6 RETAILER, OR SELLER located OR authorized to conduct business in the State of California,  
7 including, but not limited to, COMMUNICATIONS between YOU AND Andrews Sporting Goods,  
8 Inc., Arcadia Machine & Tool, Inc., B & B Group, Inc., B & E Guns, Bryco Arms, Inc., China North  
9 Industries, Davis Industries, Inc., Excel Industries, Inc., Glock, Inc., Hawthorne Distributors, Inc.,  
10 Lorcin Engineering Co., Inc., National Gun Sales, Inc., Phoenix Arms, S. G. Distributors, Inc., Smith  
11 & Wesson Corp., Sundance Industries, Inc., OR Traders Sports, Inc.

12           RESPONSE TO SECOND REQUEST FOR PRODUCTION NO. 24:

13           Objection. This Request Seeks Information Outside of the Court's Ruling of October 22,  
14 1999, Limiting Discovery to Issues of Jurisdiction, and seeks Proprietary/Confidential Business  
15 Information. Without Waiver of Objection, See Response To Special Interrogatory No. 23.

16           SECOND REQUEST FOR PRODUCTION NO. 34:

17           ALL DOCUMENTS that CONSTITUTE, REFLECT, REFER to, OR RELATE to ANY  
18 lawsuit OR complaint, whether formal OR informal, filed against YOU OR ANY of YOUR  
19 EMPLOYEES, AGENTS, OR MEMBERS in the State of California, excluding *The People of the*  
20 *State of California v. Arcadia Machine & Tool, Inc., et al.*, San Francisco Superior Court  
21 No. 303753, *The People of the State of California v. Arcadia Machine & Tool, Inc., et al.*, Los  
22 Angeles Superior Court No. BC210894, and *The People of the State of California v. Arcadia*  
23 *Machine & Tool, Inc., et al.*, Los Angeles Superior Court No. BC214794.

24           REASON TO COMPEL PRODUCTION OF DOCUMENTS

25           Such documents are clearly relevant for jurisdiction to determine whether SAAMI  
26 maintained business relationships with persons or entities in California. *Hall v. LaRonde*, 56 Cal.  
27 App. 4th 1342, 1347 (1997). Despite the relevance of these documents, SAAMI has refused to  
28 produce even the most basic documents. In fact, plaintiffs' counsel had to spell out those documents

1 which it knows SAAMI to have, including those related to its coordination of the gun industry's  
2 response to *Mateel Env'tl. Justice Found. v. Accu-Tek*, Case No. 752023-5 (Alameda County Sup.  
3 Ct.), an action brought by the California Attorney General's office against many of SAAMI's  
4 members. Sams Decl., Ex. 14. SAAMI served as liaison for all the gun manufacturers sued and  
5 coordinated the industry's defense. Plaintiffs know that SAAMI communicated extensively with gun  
6 manufacturers about this action and with the Los Angeles law firm of McKenna & Cuneo. Although  
7 plaintiffs' document requests are reasonably calculated to lead to the discovery of admissible  
8 evidence regarding SAAMI's contacts with California, SAAMI has refused to produce documents  
9 related to the *Mateel* action.<sup>1</sup> Accordingly, SAAMI should be compelled to produce such  
10 documents.

11 RESPONSE TO SECOND REQUEST FOR PRODUCTION NO. 34:

12 Objection. This Request Seeks Information Outside Of The Court's Ruling Of October 22,  
13 1999, Limiting Discovery To Issues Of Jurisdiction Insofar As It Relates To Employees, Agents, Or  
14 Members. With Respect To SAAMI, See Response To Special Interrogatory No. 32.

15 SPECIAL INTERROGATORY NO. 32:

16 Identify All Lawsuits That Have Been Filed Against You [In California] Since 1980 Other  
17 Than The Present Complaint.

18 RESPONSE TO SPECIAL INTERROGATORY NO. 32:

19 Other Than The Lawsuits Filed In Collusion With Plaintiffs And Referred To In Second  
20 Request For Production No. 34, None.

21 REASON TO COMPEL PRODUCTION OF DOCUMENTS

22 Such documents are clearly relevant for jurisdiction to determine whether SAAMI  
23 maintained business relationships with persons or entities in California. *Hall v. LaRonde*, 56 Cal.  
24 App. 4th 1342, 1347 (1997). Despite the relevance of these documents, SAAMI has refused to  
25 produce even the most basic documents. In fact, plaintiffs' counsel had to spell out those documents  
26 which it knows SAAMI to have, including those related to its coordination of the gun industry's

27 \_\_\_\_\_  
28 <sup>1</sup> SAAMI's only objection to this information in its most recent responses is based upon  
relevance.

1 response to *Mateel Envtl. Justice Found. v. Accu-Tek*, Case No. 752023-5 (Alameda County Sup.  
2 Ct.), an action brought by the California Attorney General's office against many of SAAMI's  
3 members. Sams Decl., Ex. 14. SAAMI served as liaison for all the gun manufacturers sued and  
4 coordinated the industry's defense. Plaintiffs know that SAAMI communicated extensively with gun  
5 manufacturers about this action and with the Los Angeles law firm of McKenna & Cuneo. Although  
6 plaintiffs' document requests are reasonably calculated to lead to the discovery of admissible  
7 evidence regarding SAAMI's contacts with California, SAAMI has refused to produce documents  
8 related to the *Mateel* action. Accordingly, SAAMI should be compelled to produce such documents.

9 DATED: August 11, 2000

10 LOUISE H. RENNE  
San Francisco City Attorney  
11 PATRICK J. MAHONEY  
Chief Trial Attorney  
12 OWEN J. CLEMENTS  
Chief of Special Litigation  
13 D. CAMERON BAKER  
INGRID M. EVANS  
Deputy City Attorneys  
14 1390 Market Street, 6th Floor  
San Francisco, CA 94102-5408  
15 Telephone: 415/554-3800

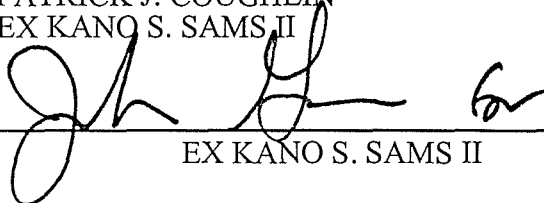
16 JAMES K. HAHN  
City Attorney  
17 CARMEL SELLA  
Special Asst. City Attorney  
18 DON KASS  
Deputy City Attorney  
19 MARK FRANCIS BURTON  
Deputy City Attorney  
20 200 N. Main Street  
1600 City Hall East  
21 Los Angeles, CA 90012  
Telephone: 213/485-4515

22 LLOYD W. PELLMAN  
Los Angeles County Counsel  
23 LAWRENCE LEE HAFETZ  
Senior Deputy County Counsel  
24 500 West Temple Street, Suite 648  
25 Los Angeles, CA 90012  
Telephone: 213/974-1876  
26  
27  
28

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MILBERG WEISS BERSHAD  
HYNES & LERACH LLP  
WILLIAM S. LERACH  
FRANK J. JANECEK, JR.  
MICHAEL J. DOWD  
STEPHEN P. POLAPINK  
JONAH H. GOLDSTEIN  
600 West Broadway, Suite 1800  
San Diego, CA 92101  
Telephone: 619/231-1058

MILBERG WEISS BERSHAD  
HYNES & LERACH LLP  
PATRICK J. COUGHLIN  
EX KANO S. SAMS II



---

EX KANO S. SAMS II

100 Pine Street, Suite 2600  
San Francisco, CA 94111  
Telephone: 415/288-4545

LIEFF, CABRASER, HEIMANN  
& BERNSTEIN, LLP  
RICHARD M. HEIMANN  
ROBERT J. NELSON  
BARRY R. HIMMELSTEIN  
PIERCE GORE  
MICHAEL W. SOBOL  
275 Battery Street, 30th Floor  
San Francisco, CA 94111-9333  
Telephone: 415/956-1000

SAMUEL L. JACKSON  
Sacramento City Attorney  
GLORIA ZARCO  
Deputy City Attorney  
980 9th Street, 10th Floor  
Sacramento, CA 95814  
Telephone: 916/264-5346

MANUEL ALBUQUERQUE  
Berkeley City Attorney  
MATTHEW J. OREBIC  
Deputy City Attorney  
1947 Center Street, 1st Floor  
Berkeley, CA 94704



1  
2  
3  
4  
5  
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8  
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20  
21  
22  
23  
24  
25  
26  
27  
28

THOMAS F. CASEY, III  
San Mateo County Counsel  
BRENDA B. CARLSON  
Deputy County Counsel  
Office of the County Counsel  
400 County Center  
Redwood City, CA 94063  
Telephone: 650/363-4760

RICHARD E. WINNIE  
Alameda County Counsel  
KRISTEN J. THORSNESS  
Deputy County Counsel  
Office of Alameda County Counsel  
1221 Oak Street, Room 463  
Oakland, CA 94612-4296  
Telephone: 510/272-6700

JAYNE W. WILLIAMS  
Oakland City Attorney  
RANDOLPH W. HALL  
Assistant City Attorney  
JOYCE M. HICKS  
R. MANUEL FORTES  
J. PATRICK TANG  
Deputy City Attorneys  
One Frank Ogawa Plaza, 6th Floor  
Oakland, CA 94612  
Telephone: 510/238-3601

THOMPSON, LAWSON LLP  
MICHAEL S. LAWSON  
East Palo Alto City Attorney  
1600 Broadway, Suite 250  
Oakland, CA 94612  
Telephone: 510/835-1600

LEGRAND H. CLEGG II  
Compton City Attorney  
CELIA FRANCISCO  
Deputy City Attorney  
P.O. Box 5118  
205 South Willowbrook Avenue  
Compton, CA 90200  
Telephone: 310/605-5582

CHARLES E. DICKERSON III  
Inglewood City Attorney  
One Manchester Blvd., Suite 860  
Inglewood, CA 90301  
Telephone: 310/412-5372

1  
2  
3  
4  
5  
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7  
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13  
14  
15  
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21  
22  
23  
24  
25  
26  
27  
28

MICHAEL JENKINS, ESQ.  
City Attorney  
City of West Hollywood  
333 South Hope Street, 38th Floor  
Los Angeles, CA 90071  
Telephone: 213/626-8484

RICHARDS, WATSON & GERSHON  
SAYRE WEAVER  
Deputy City Attorney  
City of West Hollywood  
P.O. Box 1059  
Brea, CA 92822-0901  
Telephone: 714/990-0901

CENTER TO PREVENT HANDGUN VIOLENCE  
DENNIS A. HENIGAN  
BRIAN J. SIEBEL  
JONATHAN E. LOWY  
Legal Action Project  
1250 Eye Street, N.W., Suite 802  
Washington, DC 20005  
Telephone: 202/289-7319

BUSHNELL, CAPLAN & FIELDING, LLP  
ALAN M. CAPLAN  
PHILIP NEUMARK  
PAUL R. HOEBER  
221 Pine Street, Suite 600  
San Francisco, CA 94104-2715  
Telephone: 415/217-3800

McCUE & McCUE  
JONATHAN D. McCUE  
CHARLES T. McCUE  
600 West Broadway, Suite 930  
San Diego, CA 92101  
Telephone: 619/338-8136

COHEN, MILSTEIN, HAUSFELD  
& TOLL, P.L.L.C.  
RICHARD S. LEWIS  
JOSEPH M. SELLERS  
1100 New York Avenue, N.W.  
West Tower, Suite 500  
Washington, DC 20005-3964  
Telephone: 202/408-4600

DAVID KAIRYS, ESQ.  
1719 North Broad Street  
Philadelphia, PA 19122  
Telephone: 215/204-8959

Attorneys for The People of the State of California,  
et al.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
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DECLARATION OF SERVICE BY MAIL AND FACSIMILE

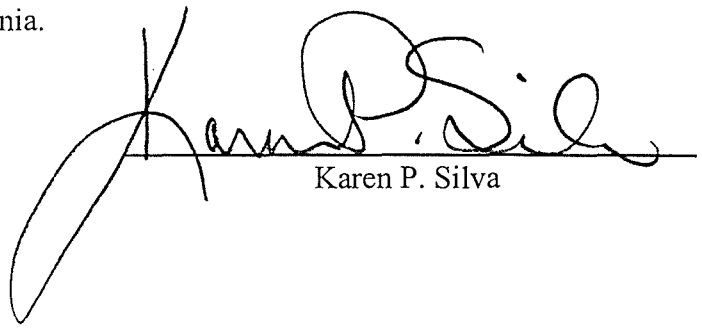
I, the undersigned, declare:

1. That declarant is 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 declarant's business address is 600 West Broadway, Suite 1800, San Diego, California 92101.

2. That on August 11, 2000, declarant served the document entitled SEPARATE STATEMENT IN SUPPORT OF THE PEOPLE OF THE STATE OF CALIFORNIA'S MOTION TO COMPEL KNOWLEDGEABLE CORPORATE DESIGNEE AND DOCUMENTS FROM DEFENDANT SAAMI by depositing a true copy thereof in a United States mailbox at San Diego, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List. Declarant also served the parties by facsimile.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 11th day of August, 2000, at San Diego, California.

  
Karen P. Silva

N:\CASES\Guns-JCCP\PRJ80652.stm

COUNSEL FOR PLAINTIFF(S)

Alan M. Caplan  
Philip Neumark  
Paul R. Hoeber  
BUSHNELL, CAPLAN & FIELDING,  
LLP  
221 Pine Street, Suite 600  
San Francisco, CA 94104-2715  
415/217-3800  
415/217-3820 (fax)

Patrick J. Coughlin  
Ex Kano S. Sams II  
MILBERG WEISS BERSHAD HYNES &  
LERACH LLP  
100 Pine Street, Suite 2600  
San Francisco, CA 94111  
415/288-4545  
415/288-4534 (fax)

Jonathan Selbin  
Paulina do Amaral  
LIEFF, CABRASER, HEIMANN &  
BERNSTEIN, LLP  
780 Third Avenue, 48th Floor  
New York, NY 10017-2024  
212/355-9500  
212/355-9592 (fax)

James K. Hahn  
Carmel Sella  
Don Kass  
CITY ATTORNEYS OFFICE  
200 N. Main Street  
1600 City Hall East  
Los Angeles, CA 90012  
213/485-4515  
213/847-3014 (fax)

Legrand H. Clegg II  
Celia Francisco  
CITY ATTORNEYS OFFICE  
205 South Willowbrook Avenue  
Compton, CA 90220  
310/605-5582  
310/763-0895 (fax)

Jonathan D. McCue  
Charles McCue  
MCCUE & MCCUE  
600 West Broadway, Suite 930  
San Diego, CA 92101  
619/338-8136  
619/338-0322 (fax)

Steven J. Toll  
COHEN, MILSTEIN, HAUSFELD &  
TOLL, P.L.L.C.  
999 Third Avenue, Suite 3600  
Seattle, WA 98104  
206/521-0080  
206/521-0166 (fax)

Louise H. Renne  
D. Cameron Baker  
Owen J. Clements  
CITY AND COUNTY OF SAN  
FRANCISCO  
Fox Plaza, 6th Floor  
1390 Market Street  
San Francisco, CA 94102-5408  
415/554-3932  
415/554-3837 (fax)

Dennis S. Henigan  
Jonathan E. Lowy  
Brian J. Siebel  
CENTER TO PREVENT HANDGUN  
VIOLENCE (LEGAL ACTION PROJECT)  
1250 Eye St., N.W., Suite 802  
Washington, DC 20005  
202/289-7319  
202/408-9748 (fax)

Charles E. Dickerson III  
CITY ATTORNEYS OFFICE  
One Manchester Blvd., Suite 860  
Inglewood, CA 90301  
310/412-5372  
310/412-8865 (fax)

COUNSEL FOR PLAINTIFF(S)

Michael Jenkins  
CITY ATTORNEYS OFFICE (WEST  
HOLLYWOOD)  
333 South Hope Street  
38th Floor  
Los Angeles, CA 90071  
213/626-8484  
213/626-0078 (fax)

David Kairys  
LAW OFFICE OF DAVID KAIRYS  
1719 North Broad Street  
Philadelphia, PA 19122  
215/204-8959  
215/248-6282 (fax)

Manuela Albuquerque  
Matthew J. Orebic  
CITY ATTORNEYS OFFICE  
1947 Center Street, 1st Floor  
Berkeley, CA 94704  
510/644-6380  
510/644-8641 (fax)

Richard E. Winnie  
Kristen J. Thorsness  
OFFICE OF ALAMEDA COUNTY  
COUNSEL  
1221 Oak Street, Room 463  
Oakland, CA 94612-4296  
510/272-6700  
510/272-5020 (fax)

Michael S. Lawson  
East Palo Alto City Attorney  
THOMPSON, LAWSON LLP  
1600 Broadway, Suite 250  
Oakland, CA 94612  
510/835-1600  
510/835-2077 (fax)

Sayre Weaver  
RICHARDS, WATSON & GERSHON  
P.O. Box 1059  
Brea, CA 92822-1059  
714/990-0901  
714/990-6230 (fax)

Samuel L. Jackson  
Shana Faber  
CITY ATTORNEYS OFFICE  
980 9th Street, 10th Floor  
Sacramento, CA 95814  
916/264-5346  
916/264-7455 (fax)

Thomas F. Casey III  
Brenda B. Carlson  
OFFICE OF THE COUNTY COUNSEL  
400 County Center  
Redwood City, CA 94063  
650/363-4760  
650/363-4034 (fax)

Jayne W. Williams  
Randolph W. Hall  
Joyce M. Hicks  
DEPUTY CITY ATTORNEYS  
One Frank Ogawa Plaza, 6th Floor  
Oakland, CA 94612  
510/238-3601  
510/238-6500 (fax)

Lloyd W. Pellman  
Lawrence Lee Hafetz  
LOS ANGELES COUNTY COUNSEL  
500 West Temple Street  
Suite 648  
Los Angeles, CA 90012  
213/974-1876  
213/626-2105 (fax)

COUNSEL FOR PLAINTIFF(S)

Terry F. Moritz  
Roger Lewis  
GOLDBERG, KOHN, BELL, BLACK,  
ROSENBLUM & MORITZ, LTD.  
55 East Monroe Street  
Suite 3700  
Chicago, IL 60603-5802  
312/201-4000  
312/332-2196 (fax)

Richard S. Lewis  
Joseph M. Sellers  
COHEN, MILSTEIN, HAUSFELD &  
TOLL, P.L.L.C.  
1100 New York Ave., N.W.  
Suite 500  
Washington, DC 20005-3964  
202/408-4600  
202/408-4699 (fax)

Richard M. Heimann  
Robert J. Nelson  
LIEFF, CABRASER, HEIMANN &  
BERNSTEIN, LLP  
275 Battery Street, 30th Floor  
San Francisco, CA 94111-3339  
415/956-1000  
415/956-1008 (fax)

COUNSEL FOR DEFENDANTS

Jeff Nelson  
SHOOK, HARDY & BACON, L.L.P.  
1200 Main Street, 27th Floor  
Kansas City, MO 64105-2118  
816/474-6550  
816/421-5547 (fax)

Frank J. Janeczek, Jr.  
Michael J. Dowd  
Stephen P. Polapink  
MILBERG WEISS BERSHAD HYNES &  
LERACH LLP  
600 West Broadway, Suite 1800  
San Diego, CA 92101-5050  
619/231-1058  
619/231-7423 (fax)

Michael P. Verna  
Mary P. Sullivan  
BOWLES & VERNA  
2121 N. California Blvd.  
Suite 875  
Walnut Creek, CA 94596  
925/935-3300  
925/935-0371 (fax)

Diane T. Gorczyca \*  
SEDGWICK, DETERT, MORAN &  
ARNOLD  
One Embarcadero Center  
16th Floor  
San Francisco, CA 94111-3765  
415/781-7900  
415/781-2635 (fax)

COUNSEL FOR DEFENDANTS

Douglas Kliever  
CLEARY GOTTLIEB STEEN &  
HAMILTON  
2000 Pennsylvania Avenue, N.W.  
9th Floor  
Washington, DC 20036  
202/974-1500  
202/974-1999 (fax)

Michael John Bonesteel  
Steven L. Hoch  
Carolyn Trokey  
HAIGHT BROWN & BONESTEEL LLP  
1620 - 26th Street  
Suite 4000 North  
Santa Monica, CA 90404  
310/449-6000  
310/829-5117 (fax)

James P. Dorr  
James B. Vogts \*  
WILDMAN, HARROLD, ALLEN & DIXON  
225 West Wacker Drive  
Suite 3000  
Chicago, IL 60606-1229  
312/201-2000  
312/201-2555 (fax)

Robert C. Gebhardt  
Craig A. Livingston  
SCHNADER, HARRISON, SEGAL &  
LEWIS LLP  
601 California St., Suite 1200  
San Francisco, CA 94108  
415/364-6700  
415/364-6785 (fax)

Timothy A. Bumann  
BUDD LARNER GROSS ROSENBAUM  
GREENBERG & SADE  
127 Peachtree Street, N.E.  
Suite 715  
Atlanta, GA 30303  
404/688-3000  
404/688-0888 (fax)

Edwin W. Green  
Kimberly A. Donlon  
ALLEN, MATKINS, LECK, GAMBLE &  
MALLORY, LLP  
515 South Figueroa Street  
7th Floor  
Los Angeles, CA 90071-3398  
213/622-5555  
213/620-8816 (fax)

William M. Griffin III  
FRIDAY, ELDREDGE & CLARK  
2000 First Commercial Bldg.  
400 West Capitol  
Little Rock, AR 72201  
501/376-2011  
501/376-2147 (fax)

R. Dewitt Kirwan  
Robert N. Tafoya  
AKIN, GUMP, STRAUSS, HAUER &  
FELD, LLP  
2029 Century Park East  
Suite 2600  
Los Angeles, CA 90067  
310/229-1000  
310/229-1001 (fax)

Steven A. Silver  
LAW OFFICES OF STEVEN A. SILVER  
1077 West Morton Avenue, Suite C  
Porterville, CA 93257  
559/782-1552  
559/782-0364 (fax)

Charles L. Coleman  
HOLLAND & KNIGHT LLP  
44 Montgomery Street, Suite 4050  
San Francisco, CA 94104-4801  
415/743-6900  
415/743-6910 (fax)

COUNSEL FOR DEFENDANTS

John F. Renzulli  
RENZULLI & RUTHERFORD, LLP  
300 East 42nd Street  
New York, NY 10017  
212/599-5533  
212/599-5162 (fax)

E. Gordon Haesloop  
BARTLETT MCDONOUGH BASTONE &  
MONAGHAN  
300 Old Country Road  
Mineola, NY 11501  
516/877-2900  
516/877-0732 (fax)

David R. Gross  
BUDD LARNER GROSS ROSENBAUM  
GREENBERG & SADE  
150 JFK Parkway  
Short Hills, NJ 07078  
973/379-4800  
973/379-7734 (fax)

Timothy G. Atwood  
LAW OFFICE OF TIMOTHY ATWOOD  
273 Canal Street  
Shelton, CT 06484  
203/924-4464  
203/924-1359 (fax)

Wendy E. Schultz  
Norman J. Watkins  
LYNBERG & WATKINS, P.C.  
888 S. Figueroa Street  
16th Floor  
Los Angeles, CA 90017  
213/624-8700  
213/892-2763 (fax)

Robert M. Anderson  
WILSON ELSER MOSKOWITZ EDELMAN  
& DICKER, LLP  
1055 West 7th Street, Suite 2700  
Los Angeles, CA 90017  
213/624-3044  
213/624-8060 (fax)

James R. Branit  
BOLERO & CARTON, CHTD.  
200 N. La Salle Street  
Suite 2500  
Chicago, IL 60601  
312/831-1000

Scott L. Braum  
Thomas P. Whelley, II  
CHERNESKY, HEYMAN & KRESS,  
P.L.L.  
1100 Courthouse Plaza S.W.  
Suite 1100  
Dayton, OH 45401-2849  
937/449-2834  
937/449-2836 (fax)

Burton C. Jacobson  
LAW OFFICE OF BURTON C.  
JACOBSON  
424 South Beverly Drive  
Beverly Hills, CA 90212-4414  
310/553-8533  
310/286-2819 (fax)

Ray Koletsky \*  
Susan L. Caldwell  
KOLETSKY, MANCINI, FELDMAN &  
MORROW  
3460 Wilshire Blvd., 8th Floor  
Los Angeles, CA 90010  
213/427-2350  
213/427-2366 (fax)



COUNSEL FOR DEFENDANTS

Lawrence S. Greenwald  
GORDON FEINBLATT ROTHMAN  
HOFFBERGER & HOLLANDER, LLC  
223 East Redwood Street  
Baltimore, MD 21202  
410/576-4000  
410/576-4246 (fax)

Henry N. Jannol  
LAW OFFICES OF HENRY N. JANNOL  
1875 Century Park East  
Suite 1400  
Los Angeles, CA 90067  
310/552-7500  
310/552-7552 (fax)

Carmen Trutanich  
Timothy Lignoul  
TRUTANICH - MICHEL, LLP  
Port of Los Angeles  
407 N. Harbor Blvd.  
San Pedro, CA 90731  
310/548-3816  
310/548-4813 (fax)

Robert L. Joyce  
WILSON ELSER MOSKOWITZ EDELMAN  
& DICKER, LLP  
150 East 42nd Street  
New York, NY 19917  
212/490-3000  
212/490-3038 (fax)

Harold R. Mayberry, Jr.  
The American Shooting Sports  
Council  
MAYBERRY LAW FIRM  
2010 Corporate Ridge  
Seventh Floor  
McLean, VA 22102  
703/714-1554  
703/783-8532 (fax)

Bradley T. Beckman  
BECKMAN & ASSOCIATES  
1601 Market Street, Suite 2330  
Philadelphia, PA 19103  
215/569-3096  
215/569-8769 (fax)

Timothy Gorry  
Frank Sandelmann  
GORRY & MEYER  
2029 Century Park East  
Suite 400  
Los Angeles, CA 90067  
310/277-5967  
310/227-5968 (fax)

James Leonard Crew  
Jack Leavitt  
LAW OFFICES  
18 Crow Canyon Court, Suite 380  
San Ramon, CA 94583-1669  
925/831-0834  
925/831-8483 (fax)

Paul K. Schrieffer  
Ian R. Feldman  
SCHRIEFFER NAKASHIMA & DOWNEY,  
LLP  
100 N. Barranca Avenue  
Suite 1100  
West Covina, CA 91791  
626/858-2444  
626/974-8403 (fax)

Michael J. Zomick  
TARICS & CARRINGTON, P.C.  
5005 Riverway Drive, Suite 500  
Houston, TX 77056

COUNSEL FOR DEFENDANTS

Jeff G. Harmeyer  
MCATEE HARMEYER LLP  
401 West "A" Street, Suite 1850  
San Diego, CA 92101  
619/231-9800  
619/234-3800 (fax)

Phillip Hudson III  
GUNSTER, YOAKLEY, VALDEZ-FAULI  
& STEWART  
One Biscayne Tower, Suite 3400  
2 South Biscayne Blvd.  
Miami, FL 33131  
305/376-6000  
305/376-6010 (fax)

Robert Wright  
WRIGHT & L'ESTRANGE  
701 B Street, Suite 1550  
San Diego, CA 92101-8103  
619/231-4844  
619/231-6710 (fax)

Michael C. Hewitt  
BRUINSMA & HEWITT  
380 Clinton Avenue, Unit C  
Costa Mesa, CA 92626  
714/955-0194

Christopher J. Healey \*  
Lawrence J. Kouns  
LUCE, FORWARD, HAMILTON &  
SCRIPPS  
600 West Broadway, Suite 2600  
San Diego, CA 92101-3391  
619/236-1414  
619/232-8311 (fax)

\* Denotes service via facsimile