

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT

**SHERIFF CLAY PARKER, TEHAMA
COUNTY SHERIFF; HERB BAUER
SPORTING GOODS; CALIFORNIA RIFLE
AND PISTOL ASSOCIATION; ABLE'S
SPORTING, INC.; RTG SPORTING
COLLECTIBLES, LLC; AND STEVEN
STONECIPHER,**

Plaintiffs and Respondents,

v.

**THE STATE OF CALIFORNIA; KAMALA
D. HARRIS, in her official capacity as
Attorney General for the State of California;
AND THE CALIFORNIA DEPARTMENT
OF JUSTICE,**

Defendants and Appellants.

Case No. F062490

Fresno County Superior Court, Case No. 10CECG02116
The Honorable Jeff Hamilton, Judge

**JOINT APPENDIX
VOLUME XI
Pages JA002817-JA003423**

KAMALA D. HARRIS
Attorney General of California
DOUGLAS J. WOODS
Senior Assistant Attorney General
PETER A. KRAUSE
Supervising Deputy Attorney General
ROSS C. MOODY
Deputy Attorney General
State Bar No. 142541
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-1376
Fax: (415) 703-1234
E-mail: Ross.Moody@doj.ca.gov
*Attorneys for Appellants State of California,
Kamala Harris, and the California Department
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Handgun models will be removed from the roster on the list expiration date unless the manufacturer renews the listing prior to the list expiration date.

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There are 1337 matching records for ALL
The matching records list is sorted by Caliber
This list is valid for Friday, December 31, 2010

Make	Model	Gun Type	Barrel Length	Caliber	Exp Date
Smith & Wesson	647-1 / Stainless Steel	Revolver	12"	.17 HMR	11/6/2011
Smith & Wesson	647 / Stainless Steel	Revolver	8.37"	.17 HMR	7/8/2011
Taurus	17 / Stainless Steel	Revolver	6.5"	.17 HMR	4/16/2011
Walther USA (Carl Walther)	SP22 M1 CA / Polymer, Alloy, Steel	Pistol	4"	.22 LR	7/17/2011
Walther USA (Carl Walther)	P22CA (Black) / Polymer, Alloy, Steel	Pistol	3.42"	.22 LR	9/20/2011
Walther USA (Carl Walther)	P22CA (Brushed Chrome) CAP 22012 / Polymer, Alloy, Steel	Pistol	3.42"	.22 LR	1/31/2012
Walther USA (Carl Walther)	P22CA (Nickel) / Polymer, Alloy, Steel	Pistol	3.42"	.22 LR	6/21/2011
Walther USA (Carl Walther)	P22CA Military / Polymer, Alloy, Steel	Pistol	3.42"	.22 LR	5/2/2011
Walther USA (Carl Walther)	P22CA (Nickel) / Polymer, Alloy Steel	Pistol	5"	.22 LR	5/2/2011
Walther USA (Carl Walther)	P22CA / Polymer, Alloy, Steel	Pistol	5"	.22 LR	9/22/2011
Walther USA (Carl Walther)	P22CA Military / Polymer, Alloy, Steel	Pistol	5"	.22 LR	5/2/2011
Walther USA (Carl Walther)	SP22 M2 CA / Polymer, Alloy, Steel	Pistol	6"	.22 LR	7/17/2011
Kimber	Rimfire Super / Lightweight Alloy	Pistol	5"	.22 LR	11/8/2011
Kimber	Rimfire Target II Black / Lightweight Alloy	Pistol	5"	.22 LR	9/8/2011
Kimber	Rimfire Target Silver / Lightweight Alloy	Pistol	5"	.22 LR	8/27/2011
North American Arms	NAA-22LR / Stainless Steel	Revolver	1.125"	.22 LR	1/24/2011
Smith & Wesson	617-6 SKU 160583 / Stainless Steel	Revolver	8.37"	.22 LR	3/5/2012
Smith & Wesson	617-4 / Stainless Steel	Revolver	4"	.22 LR	12/31/2011
Smith & Wesson	617-6 SKU 160584 / Stainless Steel	Revolver	4"	.22 LR	3/5/2012
Smith & Wesson	63-4 SKU 162450 / Stainless Steel	Revolver	5"	.22 LR	1/14/2012
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Smith & Wesson	617-5 SKU 160568 / Stainless Steel	Revolver	6"	.22 LR	2/3/2012

Smith & Wesson	617-6 SKU 160578 / Stainless Steel	Revolver	6"	.22 LR	3/14/2012
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Sturm, Ruger & Co.	KP512 (22/45 Target) / Stainless Steel, Polymer	Pistol	5.5"	.22 LR	12/31/2011
Sturm, Ruger & Co.	KP512MKIII / Stainless Steel, Polymer	Pistol	5.5"	.22 LR	2/24/2011
Sturm, Ruger & Co.	MK512 / Blue Steel	Pistol	5.5"	.22 LR	12/31/2011
Sturm, Ruger & Co.	MKIII512 / Steel	Pistol	5.5"	.22 LR	8/10/2011
Sturm, Ruger & Co.	MKIII512-60 (Black) / Blued Steel	Pistol	5.5"	.22 LR	11/13/2011
Sturm, Ruger & Co.	MKIII512GCL / Blued Steel	Pistol	5.5"	.22 LR	11/16/2011
Sturm, Ruger & Co.	P512 / Blue Steel, Polymer	Pistol	5.5"	.22 LR	12/31/2011
Sturm, Ruger & Co.	P512MKIII / Steel, Polymer	Pistol	5.5"	.22 LR	2/3/2011
Sturm, Ruger & Co.	KMK6 (Mark II) / Stainless Steel	Pistol	6"	.22 LR	12/31/2011
Sturm, Ruger & Co.	MKIII6 / Steel	Pistol	6"	.22 LR	2/24/2011
Sturm, Ruger & Co.	KMK678 / Stainless Steel	Pistol	6.87"	.22 LR	12/31/2011
Sturm, Ruger & Co.	KMK678G / Stainless Steel	Pistol	6.87"	.22 LR	12/31/2011
Sturm, Ruger & Co.	KMK678GC / Stainless Steel	Pistol	6.87"	.22 LR	12/31/2011
Sturm, Ruger & Co.	KMKIII678H / Stainless Steel	Pistol	6.87"	.22 LR	2/3/2011
Sturm, Ruger & Co.	MK678 / Blue Steel	Pistol	6.87"	.22 LR	12/31/2011
Sturm, Ruger & Co.	MK678G / Blue Steel	Pistol	6.87"	.22 LR	12/31/2011
Sturm, Ruger & Co.	P678GC (22/45 Comp. Target) / Blue Steel, Polymer	Pistol	6.87"	.22 LR	12/31/2011
Sturm, Ruger & Co.	KMKIII678GC / Stainless Steel	Pistol	6.875"	.22 LR	2/3/2011

Sturm, Ruger & Co.	KP678HMKIII / Stainless Steel, Polymer	Pistol	6.875"	.22 LR	12/29/2011
Sturm, Ruger & Co.	MKIII678 / Steel	Pistol	6.875"	.22 LR	2/24/2011
Sturm, Ruger & Co.	KMKIII45H (Stainless) / Stainless Steel	Pistol	4.5"	.22 LR	6/25/2011
Sturm, Ruger & Co.	KMKIII45HCL (Matte Stainless) / Stainless Steel	Pistol	4.5"	.22 LR	5/29/2011
Sturm, Ruger & Co.	KP45HMKIII / Stainless Steel, Polymer	Pistol	4.5"	.22 LR	1/31/2011
Sturm, Ruger & Co.	P45GCMKIII / Steel, Polymer	Pistol	4.5"	.22 LR	4/25/2011
Smith & Wesson	317-2 SKU 160222 / Alloy, Stainless Steel	Revolver	2"	.22 LR	2/1/2012
Smith & Wesson	317-2 (S&W Logo Grip) SKU 160222 / Alloy; Stainless Steel	Revolver	2"	.22 LR	2/24/2012
Smith & Wesson	317-3 (Hi-Viz) SKU 160221 / Alloy, Stainless Steel	Revolver	3"	.22 LR	2/1/2012
Smith & Wesson	317-3 (S&W Logo Grip) SKU 160221 / Alloy; Stainless Steel	Revolver	3"	.22 LR	2/24/2012
Smith & Wesson	22A-1 Polished Sides SKU 107437 / Alloy, Stainless Steel	Pistol	5.5"	.22 LR	2/17/2012
Smith & Wesson	22A-1 Real Tree APG / Alloy, Stainless Steel	Pistol	5.5"	.22 LR	10/28/2011
Smith & Wesson	22A-1 Std BBL, Hi-Viz (2-Tone) / Alloy, Stainless Steel	Pistol	5.5"	.22 LR	4/21/2011
Smith & Wesson	22S / Stainless Steel	Pistol	5.5"	.22 LR	12/31/2011
Smith & Wesson	22S-1 (Bull Barrel) / Stainless Steel	Pistol	5.5"	.22 LR	6/13/2011
Smith & Wesson	22S-1 (Std Barrel) / Stainless Steel	Pistol	5.5"	.22 LR	8/28/2011
Smith & Wesson	41 / Steel	Pistol	5.5"	.22 LR	12/31/2011
Smith & Wesson	22A / Alloy, Stainless Steel	Pistol	7"	.22 LR	12/31/2011
Smith & Wesson	22A-1 (Std Barrel) / Alloy, Stainless Steel	Pistol	7"	.22 LR	8/28/2011
Smith & Wesson	22A-1 Fluted Polished Barrel / Stainless Steel, Alloy	Pistol	7"	.22 LR	7/11/2011
Smith & Wesson	22S / Stainless Steel	Pistol	7"	.22 LR	12/31/2011
Smith & Wesson	22S-1 / Stainless Steel	Pistol	7"	.22 LR	8/14/2011
Smith & Wesson	41 / Steel	Pistol	7"	.22 LR	12/31/2011
Smith & Wesson	317 / Stainless Steel, Alloy	Revolver	1.87"	.22 LR	12/31/2011
Smith & Wesson	317LS SKU 100227 / Stainless Steel, Alloy	Revolver	1.87"	.22 LR	1/30/2012
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	Mosquito (Blued) / Steel, Polymer	Pistol	4"	.22 LR	8/18/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	Mosquito (Reversed Two-Tone) / Steel, Polymer	Pistol	4"	.22 LR	6/13/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	Mosquito (Two Tone) / Steel, Polymer	Pistol	4"	.22 LR	12/19/2011
Smith & Wesson	22A / Alloy, Stainless Steel	Pistol	4"	.22 LR	12/31/2011
Smith & Wesson	22A-1 / Alloy, Stainless Steel	Pistol	4"	.22 LR	6/13/2011
Smith & Wesson	22A-1 Bull (2-Tone) / Alloy, Stainless Steel	Pistol	4"	.22 LR	5/21/2011

Smith & Wesson	22A (Two-Color) / Alloy, Stainless Steel	Pistol	5.5"	.22 LR	4/4/2011
Smith & Wesson	22A / Alloy, Stainless Steel	Pistol	5.5"	.22 LR	12/31/2011
Smith & Wesson	22A-1 (Bull Barrel) / Alloy, Stainless Steel	Pistol	5.5"	.22 LR	6/13/2011
Smith & Wesson	22A-1 (Bull Barrel, Hi-Viz, Black) / Alloy, Stainless Steel	Pistol	5.5"	.22 LR	8/27/2011
Smith & Wesson	22A-1 (Camo) / Alloy, Stainless Steel	Pistol	5.5"	.22 LR	6/18/2011
Smith & Wesson	22A-1 (Std Barrel Wood Grip) / Alloy, Stainless Steel	Pistol	5.5"	.22 LR	8/27/2011
Smith & Wesson	22A-1 / Alloy, Stainless Steel	Pistol	5.5"	.22 LR	8/14/2011
Smith & Wesson	22A-1 Breakup (Camo) / Alloy, Stainless Steel	Pistol	5.5"	.22 LR	4/21/2011
Smith & Wesson	22A-1 Bull Barrel Hi-Viz (2-Tone) / Alloy, Stainless Steel	Pistol	5.5"	.22 LR	9/8/2011
Beretta	U22 Neos 4.5 / Steel, Polymer	Pistol	4.5"	.22 LR	12/10/2011
Beretta	U22 Neos Inox 4.5 / Polymer, Stainless Steel	Pistol	4.5"	.22 LR	1/29/2011
Beretta	U22 Neos Inox 4.5 / Stainless Steel, Polymer	Pistol	4.5"	.22 LR	12/10/2011
Beretta	87 Cheetah / Blue Steel	Pistol	3.8"	.22 LR	12/31/2011
Beretta	87 Target / Steel, Alloy	Pistol	5.9"	.22 LR	3/25/2011
Beretta	U22 Neos 6 / Steel, Polymer	Pistol	6"	.22 LR	12/10/2011
Beretta	U22 Neos 6 / Steel, Polymer	Pistol	6"	.22 LR	8/26/2011
Beretta	U22 Neos Inox 6 / Polymer, Stainless Steel	Pistol	6"	.22 LR	3/13/2011
Beretta	U22 Neos Inox 6 / Stainless Steel, Polymer	Pistol	6"	.22 LR	12/10/2011
Browning	Buck Mark 5.5 Field Cocabolo SE MS / Steel, Alloy	Pistol	5.5"	.22 LR	3/5/2011
Browning	Buck Mark 5.5 Target Cocabolo SE MS / Steel, Alloy	Pistol	5.5"	.22 LR	3/8/2011
Browning	Buck Mark Camper MS (Tolerance Band) / Steel, Alloy	Pistol	5.5"	.22 LR	2/28/2011
Browning	Buck Mark Camper MS FO Sight / Steel, Alloy	Pistol	5.5"	.22 LR	4/8/2011
Browning	Buck Mark Camper SS MS / Stainless Steel, Alloy	Pistol	5.5"	.22 LR	4/25/2011
Browning	Buck Mark Camper SS URX F/O MS / Stainless Steel Slide, Alloy Frame	Pistol	5.5"	.22 LR	3/13/2011
Browning	Buck Mark Challenge SE MS / Steel, Alloy	Pistol	5.5"	.22 LR	4/25/2011
Browning	Buck Mark Contour 5.5 Lite URX SE MS / Steel, Alloy	Pistol	5.5"	.22 LR	3/5/2011
Browning	Buck Mark Contour 5.5 URX SE MS / Steel, Alloy	Pistol	5.5"	.22 LR	3/5/2011
Browning	Buck Mark Lite Green (TB) 5.5 FLT URX F/O SE MS / Steel Slide; Alloy Frame	Pistol	5.5"	.22 LR	6/25/2011
Browning	Buck Mark LT Splash 5.5 URX FO MS / Steel, Alloy	Pistol	5.5"	.22 LR	3/5/2011
Browning	Buck Mark Plus Stainless UDX MS / Stainless Steel, Alloy	Pistol	5.5"	.22 LR	3/8/2011

Browning	Buck Mark Plus UDX SE MS / Steel, Alloy	Pistol	5.5"	.22 LR	3/5/2011
Browning	Buck Mark Practical (Tolerance Band)URX F/O NS MS / Steel Slide; Alloy Frame	Pistol	5.5"	.22 LR	6/25/2011
Browning	Buck Mark SE MS FLD PLUS RSWD UDX ADJ S / Steel, Alloy	Pistol	5.5"	.22 LR	4/7/2011
Browning	Buck Mark Standard SS MS / Stainless Steel, Alloy	Pistol	5.5"	.22 LR	3/8/2011
Browning	Buck Mark Standard SS URX MS / Stainless Steel, Alloy	Pistol	5.5"	.22 LR	3/5/2011
Browning	Buck Mark Standard URX SE MS / Steel, Alloy	Pistol	5.5"	.22 LR	3/5/2011
Browning	Buck Mark Contour 7.25 Lite URX SE MS / Steel, Alloy	Pistol	7.25"	.22 LR	3/5/2011
Browning	Buck Mark Lite Grey (TB) 7.24 FLT URX F/O SE MS / Steel Slide; Alloy Frame	Pistol	7.25"	.22 LR	6/25/2011
Browning	Buck Mark LT Splash 7.25 URX FO SE MS / Steel, Alloy	Pistol	7.25"	.22 LR	3/5/2011
Beretta	U22 Neos 7.5 In. Dlx / Steel, Polymer	Pistol	7.5"	.22 LR	12/14/2011
Beretta	U22 Neos Inox 7.5 In. Dlx / Stainless Steel, Polymer	Pistol	7.5"	.22 LR	12/14/2011
Browning	Buck Mark Micro Bull MS / Steel, Alloy	Pistol	4"	.22 LR	4/7/2011
Browning	Buck Mark Micro Standard SS URX MS / Stainless Steel, Alloy	Pistol	4"	.22 LR	3/5/2011
Browning	Buck Mark Micro Standard URX SE MS / Steel, Alloy	Pistol	4"	.22 LR	3/5/2011
Browning	Buck Mark Micro Standard URX SE MS / Steel; Alloy	Pistol	4"	.22 LR	9/30/2011
Cobra Enterprises	C22LR (Black) / Alloy, Steel	Derringer	2.4"	.22 LR	7/17/2011
Cobra Enterprises	C22LR (Chrome) / Alloy	Derringer	2.4"	.22 LR	7/17/2011
Cobra Enterprises	C22LR (Majestic Pink) / Alloy, Steel	Derringer	2.4"	.22 LR	3/22/2011
Cobra Enterprises	C22LR (Royal Blue) / Alloy, Steel	Derringer	2.4"	.22 LR	3/22/2011
Cobra Enterprises	C22LR (Ruby Red) / Alloy, Steel	Derringer	2.4"	.22 LR	3/22/2011
Cobra Enterprises	C22S / Alloy, Steel	Derringer	2.4"	.22 LR	2/4/2011
Phoenix Arms	HP22A (Blue) / Alloy	Pistol	3"	.22 LR	4/24/2011
Phoenix Arms	HP22A (Nickel) / Alloy	Pistol	3"	.22 LR	1/31/2011
Phoenix Arms	HP22A (Blue) / Alloy	Pistol	5"	.22 LR	4/24/2011
Phoenix Arms	HP22A (Nickel) / Alloy	Pistol	5"	.22 LR	1/31/2011
Cobra Enterprises	C22M (Blue) / Alloy, Steel	Derringer	2.4"	.22 Magnum	5/20/2011
Cobra Enterprises	C22M (Chrome) / Alloy	Derringer	2.4"	.22 Magnum	7/17/2011
Cobra Enterprises	C22MPK (Majestic Pink) / Alloy, Steel	Derringer	2.4"	.22 Magnum	3/22/2011
Cobra Enterprises	C22MRB (Royal Blue) / Alloy, Steel	Derringer	2.4"	.22 Magnum	3/22/2011

Cobra Enterprises	C22MRD (Ruby Red) / Alloy, Steel	Derringer	2.4"	.22 Magnum	3/22/2011
Cobra Enterprises	C22MS / Alloy, Steel	Derringer	2.4"	.22 Magnum	2/4/2011
Smith & Wesson	351 PD / Alloy, Stainless Steel	Revolver	1.87"	.22 Magnum	8/17/2011
North American Arms	NAA-22MS / Stainless Steel	Revolver	1.125"	.22 Magnum	1/24/2011
Smith & Wesson	648-2 SKU 163668 / Stainless Steel	Revolver	6"	.22 MRF	2/3/2012
Excel Arms (Accu-Tek)	Excel Arms MP-22 / Stainless Steel, Polymer	Pistol	8.5"	.22 WMR	4/27/2011
Smith & Wesson	22A-1 Gray Frame SKU 107412 / Alloy, Stainless Steel	Pistol	5.5"	.22LR	1/18/2012
Phoenix Arms	HP25A (Blue) / Steel, Zinc	Pistol	3"	.25 ACP	1/31/2011
Phoenix Arms	HP25A (Nickel) / Steel, Zinc	Pistol	3"	.25 ACP	1/31/2011
Beretta	950 Jeffire / Blue Steel	Pistol	61 mm	.25 ACP	2/13/2011
Beretta	950 Jeffire Inox / Stainless Steel	Pistol	61 mm	.25 ACP	2/13/2011
Cobra Enterprises	C32 (Chrome) / Alloy, Steel	Derringer	2.4"	.32	9/17/2011
Cobra Enterprises	C32 (Majestic Pink) / Alloy, Steel	Derringer	2.4"	.32	3/22/2011
Cobra Enterprises	C32 (Royal Blue) / Alloy, Steel	Derringer	2.4"	.32	3/22/2011
Cobra Enterprises	C32 (Ruby Red) / Alloy, Steel	Derringer	2.4"	.32	3/22/2011
Cobra Enterprises	C32B / Alloy, Steel	Derringer	2.4"	.32 ACP	2/4/2011
Cobra Enterprises	C32S / Alloy, Steel	Derringer	2.4"	.32 ACP	2/4/2011
Seecamp	LWS 32 CA Edition / Stainless Steel	Pistol	2.13"	.32 ACP	10/11/2011
Beretta	3032 Tomcat / Blue Steel	Pistol	61 mm	.32 ACP	2/13/2011
Beretta	3032 Alleycat / Blue Steel	Pistol	2.4"	.32 ACP	5/22/2011
Beretta	3032 Tomcat Inox / Stainless Steel	Pistol	2.4"	.32 ACP	12/31/2011
Smith & Wesson	331-2 SKU 163667 / Alloy, Titanium, Stainless Steel	Revolver	1.87"	.32 H&R Magnum	3/5/2012
Smith & Wesson	332 / Alloy, Titanium, Stainless Steel	Revolver	1.87"	.32 H&R Magnum	12/31/2011
Smith & Wesson	332-1 SKU 163679 / Alloy, Titanium, Stainless Steel	Revolver	1.87"	.32 H&R Magnum	2/1/2012
Smith & Wesson	431 PD / Alloy, Steel, Stainless Steel	Revolver	1.87"	.32 H&R Magnum	6/18/2011
Smith & Wesson	432 PD / Alloy, Steel, Stainless Steel	Revolver	1.87"	.32 H&R Magnum	6/18/2011
Smith & Wesson	432 PD Laser Grip SKU 163669 / Alloy, Steel, Stainless Steel	Revolver	1.87"	.32 H&R Magnum	2/17/2012
Sturm, Ruger & Co.	KSP-3231X / Stainless Steel	Revolver	3.063"	.32 H&R Magnum	3/6/2011
Charter 2000 (Charter Arms)	73220 / Stainless Steel	Revolver	2"	.32 Mag	10/5/2011
Sturm, Ruger & Co.	KGP-4327-7 (Satin Stainless) / Stainless Steel	Revolver	4.20"	.327 Fed Mag	2/3/2011
Sturm, Ruger & Co.	KSP-32731X (Satin Stainless) / Stainless Steel	Revolver	3.06"	.327 Fed. Mag.	12/16/2011
Smith & Wesson	686-6 SSR SKU 178012 / Stainless Steel	Revolver	4.12"	.357 Mag	1/14/2012

Smith & Wesson	M&P 340 SKU 163072 / Alloy, Stainless Steel	Revolver	1.87"	.357 Mag	2/27/2012
Smith & Wesson	M&P 340 (Crimson Trace Grips) / Alloy, Stainless Steel	Revolver	1.87"	.357 Mag	4/17/2011
Smith & Wesson	M&P 340 (S&W Logo Grip) SKU 163072 / Alloy; Stainless Steel	Revolver	1.87"	.357 Magnum	2/24/2012
Smith & Wesson	M&P 360 (S&W Logo Grip) SKU 163074 / Alloy; Stainless Steel	Revolver	1.87"	.357 Magnum	2/24/2012
Smith & Wesson	M&P 360 / Alloy, Stainless Steel	Revolver	1.87"	.357 Magnum	6/21/2011
Smith & Wesson	60-14 (S&W Logo Grip) SKU 162420 / Stainless Steel	Revolver	2.12"	.357 Magnum	2/24/2012
Smith & Wesson	60-14 / Stainless Steel	Revolver	2.12"	.357 Magnum	6/4/2011
Smith & Wesson	60-14 Lady Smith SKU 162414 / Stainless Steel	Revolver	2.12"	.357 Magnum	1/10/2012
Smith & Wesson	640-1 SKU 103690 / Stainless Steel	Revolver	2.12"	.357 Magnum	2/8/2012
Smith & Wesson	640-3 SKU 163690 / Stainless Steel	Revolver	2.12"	.357 Magnum	2/1/2012
Smith & Wesson	640-3 (S&W Logo Grip) SKU 163690 / Stainless Steel	Revolver	2.12"	.357 Magnum	2/24/2012
Smith & Wesson	649-5 (S&W Logo Grip) SKU 163210 / Stainless Steel	Revolver	2.12"	.357 Magnum	2/24/2012
Smith & Wesson	649-5 / Stainless Steel	Revolver	2.12"	.357 Magnum	6/4/2011
Smith & Wesson	340PD (S&W Logo Grip) SKU 163061 / Alloy; Titanium; Stainless Steel	Revolver	1.87"	.357 Magnum	2/24/2012
Smith & Wesson	340PD / Alloy, Titanium, Stainless Steel	Revolver	1.87"	.357 Magnum	8/14/2011
Smith & Wesson	340SC / Alloy, Titanium, Stainless Steel	Revolver	1.87"	.357 Magnum	8/2/2011
Smith & Wesson	360PD (S&W Logo Grip) SKU 163064 / Alloy; Titanium; Stainless Steel	Revolver	1.87"	.357 Magnum	2/24/2012
Smith & Wesson	360PD / Alloy, Titanium, Stainless Steel	Revolver	1.87"	.357 Magnum	4/11/2011
Smith & Wesson	360SC / Alloy, Titanium, Stainless Steel	Revolver	1.87"	.357 Magnum	8/14/2011
Smith & Wesson	65-7 Lady Smith / Stainless Steel	Revolver	3"	.357 Magnum	5/20/2011
Smith & Wesson	65-8 Lady Smith / Stainless Steel	Revolver	3"	.357 Magnum	11/8/2011
Smith & Wesson	66-6 Carry Comp. SKU 170024 / Stainless Steel	Revolver	3"	.357 Magnum	2/3/2012
Smith & Wesson	686-6-Plus / Stainless Steel	Revolver	3"	.357 Magnum	5/23/2011
Smith & Wesson	M&P 360 (Matte Black) SKU 163077 / Alloy; Stainless Steel	Revolver	3"	.357 Magnum	6/28/2011
Smith & Wesson	360SC / Alloy, Titanium, Stainless Steel	Revolver	3.12"	.357 Magnum	8/14/2011
Smith & Wesson	386 SC / Titanium, Alloy, Stainless Steel	Revolver	3.12"	.357 Magnum	12/6/2011
Smith & Wesson	627-5 / Stainless Steel	Revolver	4 1/8"	.357 Magnum	9/3/2011

Smith & Wesson	627-5 Pro Series / Stainless Steel	Revolver	4 1/8"	.357 Magnum	9/3/2011
Smith & Wesson	27-9 (Blue) / Steel	Revolver	4"	.357 Magnum	9/3/2011
Smith & Wesson	27-9 (Nickel) / Steel	Revolver	4"	.357 Magnum	10/28/2011
Smith & Wesson	327PD / Alloy, titanium, stainless steel	Revolver	4"	.357 Magnum	9/3/2011
Smith & Wesson	327 / Alloy, Titanium & Stainless Steel	Revolver	2"	.357 Magnum	9/30/2011
Smith & Wesson	386 PD / Alloy, Titanium, Stainless Steel	Revolver	2.5"	.357 Magnum	12/6/2011
Smith & Wesson	386 Sc/S / Stainless Steel, Alloy	Revolver	2.5"	.357 Magnum	6/21/2011
Smith & Wesson	386NG (Matte Black) / Stainless Steel, Alloy	Revolver	2.5"	.357 Magnum	10/28/2011
Smith & Wesson	327NG / Alloy, stainless steel	Revolver	2.5"	.357 Magnum	9/23/2011
Smith & Wesson	66-6 SKU 162703 / Stainless Steel	Revolver	2.5"	.357 Magnum	1/2/2012
Smith & Wesson	66-7 / Stainless Steel	Revolver	2.5"	.357 Magnum	11/8/2011
Smith & Wesson	686-6 / Stainless Steel	Revolver	2.5"	.357 Magnum	6/13/2011
Smith & Wesson	686-6 Plus, 7 Shot / Stainless Steel	Revolver	2.5"	.357 Magnum	6/13/2011
Smith & Wesson	627-5 (Matte Silver) SKU 170133 / Stainless Steel	Revolver	2.625"	.357 Magnum	8/17/2011
Smith & Wesson	60-14 SKU 162430 / Stainless Steel	Revolver	3"	.357 Magnum	2/1/2012
Smith & Wesson	60-15 (S&W Logo Grip) SKU 162430 / Stainless Steel	Revolver	3"	.357 Magnum	2/24/2012
Smith & Wesson	60-15 / Stainless Steel	Revolver	3"	.357 Magnum	7/17/2011
Smith & Wesson	60-15 Hi-Viz (S&W Logo Grip) SKU 162434 / Stainless Steel	Revolver	3"	.357 Magnum	2/24/2012
Smith & Wesson	60-15 Hi-Viz / Stainless Steel	Revolver	3"	.357 Magnum	5/23/2011
Smith & Wesson	60-15 Pro Series / Stainless Steel	Revolver	3"	.357 Magnum	9/3/2011
Colt	13060CS Python (silver) / Stainless Steel	Revolver	6"	.357 Magnum	7/24/2011
Rossi	R461 Blue / Blue Steel	Revolver	2"	.357 Magnum	7/1/2011
Rossi	R971 / Steel	Revolver	4"	.357 Magnum	7/23/2011
Smith & Wesson	327 / Alloy, Titanium, Stainless Steel	Revolver	5"	.357 Magnum	5/5/2011
Smith & Wesson	327 MPR8 / Alloy, Stainless Steel	Revolver	5"	.357 Magnum	10/13/2011
Smith & Wesson	327-1 TRR8 / Alloy, Stainless Steel	Revolver	5"	.357 Magnum	10/13/2011
Smith & Wesson	586-7 / Steel	Revolver	4"	.357 Magnum	8/17/2011
Smith & Wesson	60-18 / Stainless Steel	Revolver	5"	.357 Magnum	4/15/2011

Smith & Wesson	65-7 / Stainless Steel	Revolver	4"	.357 Magnum	7/2/2011
Smith & Wesson	65-8 / Stainless Steel	Revolver	4"	.357 Magnum	8/17/2011
Smith & Wesson	66-6 SKU 162706 / Stainless Steel	Revolver	4"	.357 Magnum	1/2/2012
Smith & Wesson	66-7 / Stainless Steel	Revolver	4"	.357 Magnum	8/17/2011
Smith & Wesson	686-6 / Stainless Steel	Revolver	4"	.357 Magnum	6/13/2011
Smith & Wesson	686-6 Plus, 7 Shot / Stainless Steel	Revolver	4"	.357 Magnum	5/17/2011
Smith & Wesson	619 / Stainless Steel	Revolver	4"	.357 Magnum	4/5/2011
Smith & Wesson	620 / Stainless Steel	Revolver	4"	.357 Magnum	4/5/2011
Smith & Wesson	520 / Steel, Titanium, Stainless Steel	Revolver	4"	.357 Magnum	11/16/2011
Smith & Wesson	66-6 SKU 162709 / Stainless Steel	Revolver	6"	.357 Magnum	2/1/2012
Smith & Wesson	686-6 / Stainless Steel	Revolver	6"	.357 Magnum	6/13/2011
Smith & Wesson	686-6 Plus, 7 Shot / Stainless Steel	Revolver	6"	.357 Magnum	5/17/2011
Smith & Wesson	686-6 Power Port / Stainless Steel	Revolver	6"	.357 Magnum	6/13/2011
Smith & Wesson	27-9 (Blue) / Steel	Revolver	6.5"	.357 Magnum	9/3/2011
Smith & Wesson	27-9 (Nickel) / Steel	Revolver	6.5"	.357 Magnum	10/28/2011
Smith & Wesson	686-6 Plus SKU 164284 / Stainless Steel	Revolver	5"	.357 Magnum	1/29/2012
Smith & Wesson	686-6 Plus Pro Series (Stn Stnls) SKU 178038 / Stainless Steel	Revolver	5"	.357 Magnum	8/16/2011
Smith & Wesson	627-5 / Stainless Steel	Revolver	5"	.357 Magnum	4/11/2011
Smith & Wesson	627-5 8 Shot V Comp SKU 170237 / Stainless Steel	Revolver	5"	.357 Magnum	1/29/2012
Smith & Wesson	627-5 V Comp Two-Tone / Stainless Steel	Revolver	5"	.357 Magnum	6/16/2011
Smith & Wesson	686-6 / Stainless Steel	Revolver	8.37"	.357 Magnum	6/13/2011
Smith & Wesson	586-7 / Steel	Revolver	6"	.357 Magnum	9/15/2011
Sturm, Ruger & Co.	KSP-331X / Stainless Steel	Revolver	3.06"	.357 Magnum	12/31/2011
Sturm, Ruger & Co.	KGP-331 / Stainless Steel	Revolver	3"	.357 Magnum	12/31/2011
Sturm, Ruger & Co.	GP-141 / Blue Steel	Revolver	4"	.357 Magnum	12/31/2011
Sturm, Ruger & Co.	KGP-141 / Stainless Steel	Revolver	4"	.357 Magnum	12/31/2011
Sturm, Ruger & Co.	GP-161 / Blue Steel	Revolver	6"	.357 Magnum	12/31/2011
Sturm, Ruger & Co.	KGP-160 / Stainless Steel	Revolver	6"	.357 Magnum	12/31/2011

Sturm, Ruger & Co.	KGP-161 / Stainless Steel	Revolver	6"	.357 Magnum	12/31/2011
Sturm, Ruger & Co.	KSP-321X / Stainless Steel	Revolver	2.25"	.357 Magnum	12/31/2011
Sturm, Ruger & Co.	KSP-321XL / Stainless Steel	Revolver	2.25"	.357 Magnum	12/31/2011
Sturm, Ruger & Co.	KSP-321XL-LG (Satin Stainless) / Stainless Steel	Revolver	2.25"	.357 Magnum	12/3/2011
Taurus	627 (Stainless 4") / Stainless Steel	Revolver	4"	.357 Magnum	1/19/2011
Taurus	66 (Stainless 6") / Stainless Steel	Revolver	6"	.357 Magnum	1/19/2011
Taurus	M605 (Blue) / Blue Steel	Revolver	2"	.357 Magnum	9/5/2011
Taurus	M605 (Stainless) / Stainless Steel	Revolver	2"	.357 Magnum	9/5/2011
Taurus	M605NRA (Blue) / Blue Steel	Revolver	2"	.357 Magnum	7/30/2011
Taurus	617 Titanium (Shadow Gray) / Titanium	Revolver	2"	.357 Magnum	1/13/2011
Glock	31 / Steel, Polymer	Pistol	4.49"	.357 SIG	12/31/2011
Glock	31 OD / Steel, Polymer	Pistol	4.49"	.357 SIG	4/25/2011
Glock	31C / Steel, Polymer	Pistol	4.49"	.357 SIG	4/17/2011
Steyr Arms	M357-A1 / Steel, Polymer	Pistol	4"	.357 SIG	1/24/2011
Springfield Armory	XD9103 / Polymer, Steel	Pistol	4.08"	.357 SIG	12/20/2011
Springfield Armory	XD9113 / Polymer, Steel	Pistol	4.08"	.357 SIG	3/26/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P239 DAK / Stainless Steel, Alloy	Pistol	3.6"	.357 SIG	12/19/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P239 (Two-Tone) / Stainless Steel, Alloy	Pistol	3.6"	.357 SIG	3/6/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	SP2022 (Blued) / Stainless Steel, Polymer	Pistol	3.8"	.357 SIG	7/27/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P239 (Blued) / Stainless Steel, Alloy	Pistol	3.6"	.357 SIG	12/31/2011
Glock	32 / Steel, Polymer	Pistol	4.02"	.357 SIG	12/31/2011
Glock	32 OD / Steel, Polymer	Pistol	4.02"	.357 SIG	11/1/2011
Glock	32C / Steel, Polymer	Pistol	4.02"	.357 SIG	4/17/2011
Glock	33 / Steel, Polymer	Pistol	3.46"	.357 SIG	12/31/2011
Glock	33 OD / Steel, Polymer	Pistol	3.46"	.357 SIG	11/16/2011
Beretta	8357 Cougar F / Blue Steel	Pistol	3.6"	.357 SIG	12/31/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P226 (Blued) / Stainless Steel, Alloy	Pistol	4.4"	.357 SIG	12/31/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	SP2340 (Two-Tone) / Stainless Steel, Polymer	Pistol	3.8"	.357 SIG	4/7/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	SP2340 (Blued) / Stainless Steel, Polymer	Pistol	3.8"	.357 SIG	4/7/2011

Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P229 (Blued) / Stainless Steel, Alloy	Pistol	3.9"	.357 SIG	1/29/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P229 (Two-Tone) / Stainless Steel, Alloy	Pistol	3.9"	.357 SIG	3/6/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P229 DAK / Stainless Steel, Alloy	Pistol	3.9"	.357 SIG	1/26/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P229R (Blued) / Stainless, Alloy	Pistol	3.9"	.357 SIG	5/24/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P229R DAK / Stainless Steel, Alloy	Pistol	3.9"	.357 SIG	8/10/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P226 (Two-Tone) / Stainless Steel, Alloy	Pistol	4.4"	.357 SIG	3/6/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P226 DAK / Stainless Steel, Alloy	Pistol	4.4"	.357 SIG	1/26/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P226R (Blued) / Stainless Steel, Alloy	Pistol	4.4"	.357 SIG	7/17/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P226R (Stainless) / Stainless Steel	Pistol	4.4"	.357 SIG	3/11/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P226R DAK / Stainless Steel, Alloy	Pistol	4.4"	.357 SIG	7/8/2011
Smith & Wesson	360 (Matte Black) SKU 160360 / Alloy, Steel, Stainless Steel	Revolver	1.87"	.38 Special	1/8/2012
Smith & Wesson	442-2 Women of NRA / Alloy, Steel, Stainless Steel	Revolver	1.87"	.38 Special	5/23/2011
Smith & Wesson	64-8 / Stainless Steel	Revolver	4"	.38 Special	8/17/2011
Taurus	M850 / Stainless Steel	Revolver	2"	.38 Special	6/16/2011
Taurus	M85T Non-Ported / Titanium	Revolver	2"	.38 Spl	8/11/2011
Taurus	85 (Blue Ultra-Lite) / Blue Steel, Alloy Frame	Revolver	2"	.38 Spl	1/19/2011
Taurus	85 (Blue) / Blue Steel	Revolver	2"	.38 Spl	1/19/2011
Taurus	85 (Stainless Ultra-Lite) / Stainless Steel, Alloy	Revolver	2"	.38 Spl	1/19/2011
Taurus	85 (Stainless) / Stainless Steel	Revolver	2"	.38 Spl	1/19/2011
Taurus	85 CHULT / Aluminum Alloy/Titanium	Revolver	2"	.38 spl	7/18/2011
Taurus	85 Titanium (Shadow Gray) / Titanium	Revolver	2"	.38 Spl	1/19/2011
Taurus	851 (Stainless) / Stainless Steel	Revolver	2"	.38 spl	6/20/2011
Smith & Wesson	14-8 (Blue) SKU 150252 / Steel	Revolver	6"	.38 Spl	1/22/2012
Smith & Wesson	14-8 (Nickel) / Steel	Revolver	6"	.38 Spl	4/24/2011
Smith & Wesson	67-5 SKU 162802 / Stainless Steel	Revolver	4"	.38 Spl	2/1/2012
Smith & Wesson	67-6 / Stainless Steel	Revolver	4"	.38 Spl	9/15/2011
Smith & Wesson	64-7 / Stainless Steel	Revolver	4"	.38 Spl	7/2/2011
Sturm, Ruger & Co.	KSP-821X / Stainless Steel	Revolver	2.25"	.38 Spl	9/10/2011

Sturm, Ruger & Co.	KSP-831X / Stainless Steel	Revolver	3.06"	.38 Spl	3/12/2011
Sturm, Ruger & Co.	LCR (Black) / Stainless Steel, Alum., Polymer	Revolver	1.87"	.38 Spl	5/29/2011
Sturm, Ruger & Co.	LCR-BGXS (Black) / Stainless Steel; Polymer; Alloy	Revolver	1.87"	.38 Spl	7/22/2011
Sturm, Ruger & Co.	LCR-LG (Black) / Stainless Steel, Alum., Polymer	Revolver	1.87"	.38 Spl	5/29/2011
Smith & Wesson	342 SKU 163814 / Alloy, Titanium, Stainless Steel	Revolver	1.87"	.38 Spl	1/2/2012
Smith & Wesson	342-1PD SKU 163816 / Alloy, Titanium, Stainless Steel	Revolver	1.87"	.38 Spl	2/14/2012
Smith & Wesson	342PD SKU 103816 / Alloy, Titanium, Stainless Steel	Revolver	1.87"	.38 Spl	1/30/2012
Smith & Wesson	638-3 Laser Grip (Matte Silver) SKU 163071 / Alloy; Stainless Steel	Revolver	1.87"	.38 Spl	6/28/2011
Smith & Wesson	642-1 (Matte Silver) SKU 178042 / Alloy, Stainless Steel	Revolver	1.87"	.38 Spl	11/7/2011
Smith & Wesson	642-1 / Stainless Steel, Alloy	Revolver	1.87"	.38 Spl	12/31/2011
Smith & Wesson	642-2 SKU 104744 / Alloy, Stainless Steel	Revolver	1.87"	.38 Spl	4/11/2011
Smith & Wesson	637-2 Laser Grip SKU 163052 / Alloy, Stainless Steel	Revolver	1.87"	.38 Spl	2/17/2012
Smith & Wesson	638-3 (Matte Silver) SKU 163070 / Alloy, Stainless Steel	Revolver	1.87"	.38 Spl	5/8/2011
Smith & Wesson	642-2 Laser Grips / Alloy, Stainless Steel	Revolver	1.87"	.38 Spl	4/21/2011
Smith & Wesson	642-2LS SKU 163808 / Alloy, Stainless Steel	Revolver	1.87"	.38 Spl	3/13/2012
Smith & Wesson	642LS SKU 103808 / Stainless Steel, Alloy	Revolver	1.87"	.38 Spl	1/30/2012
Smith & Wesson	637-2 Power Port (Matte Black) / Alloy, Stainless Steel	Revolver	2.125"	.38 Spl	10/22/2011
Smith & Wesson	642-2 PowerPort (Matte Black) / Alloy, Stainless Steel	Revolver	2.125"	.38 Spl	11/24/2011
Smith & Wesson	Bodyguard 38 (Matte Black) SKU103038 / Stainless Steel; Alloy	Revolver	1.9"	.38 Spl	8/17/2011
Smith & Wesson	36-10 (Nickel) / Steel	Revolver	1.87"	.38 Spl	8/17/2011
Smith & Wesson	36-10 Classic (Blue) / Steel	Revolver	1.87"	.38 Spl	8/29/2011
Smith & Wesson	36-10 Classic (Color Case) / Steel	Revolver	1.87"	.38 Spl	8/29/2011
Smith & Wesson	36-10 Classic (Nickel) / Steel	Revolver	1.87"	.38 Spl	8/29/2011
Smith & Wesson	36-10 Lady Smith / Steel	Revolver	1.87"	.38 Spl	4/11/2011
Smith & Wesson	36-10 Texas Hold'em / Steel	Revolver	1.87"	.38 Spl	8/11/2011
Smith & Wesson	40-1 (Blued) SKU 150222 / Steel	Revolver	1.87"	.38 Spl	1/14/2012
Smith & Wesson	40-1 (Color Case) SKU 150205 / Steel	Revolver	1.87"	.38 Spl	2/7/2012
Smith & Wesson	40-1 (Nickel) SKU 150223 / Steel	Revolver	1.87"	.38 Spl	1/14/2012
Smith & Wesson	42-2 (Matte Black) / Steel, alloy	Revolver	1.87"	.38 Spl	5/14/2011
Smith & Wesson	438 (Matte Black) / Alloy, Stainless Steel	Revolver	1.87"	.38 Spl	7/17/2011
Smith & Wesson	442-1 SKU 102810 / Steel, Alloy	Revolver	1.87"	.38 Spl	12/31/2011
Smith & Wesson	442-2 (internal lock) SKU162810 / Alloy, Steel, Stainless Steel	Revolver	1.87"	.38 Spl	4/11/2011

Smith & Wesson	442-2 (Two Tone) / Alloy; Stainless Steel	Revolver	1.87"	.38 Spl	5/31/2011
Smith & Wesson	442-2 2nd Amendment Foundation Commemorative / Alloy, Steel	Revolver	1.87"	.38 Spl	11/24/2011
Smith & Wesson	337-2 SKU 163053 / Alloy, Titanium, Stainless Steel	Revolver	1.87"	.38 Spl	2/1/2012
Smith & Wesson	337-2PD SKU 163056 / Alloy, Titanium, Stainless Steel	Revolver	1.87"	.38 Spl	2/14/2012
Smith & Wesson	637-2 (Matte Silver) SKU 162522 / Alloy, Stainless Steel	Revolver	2.5"	.38 Spl	6/28/2011
Smith & Wesson	638-3 (Matte Silver) SKU 162523 / Alloy; Stainless Steel	Revolver	2.5"	.38 Spl	6/2/2011
Smith & Wesson	642-2 (Matte Silver) SKU 162521 / Alloy; Stainless Steel	Revolver	2.5"	.38 Spl	6/2/2011
Smith & Wesson	64-7 / Stainless Steel	Revolver	2"	.38 Spl	5/8/2011
Smith & Wesson	315NG (Matte Black) / Alloy, Stainless Steel	Revolver	2.5"	.38 Spl	11/24/2011
Smith & Wesson	64-8 / Stainless Steel	Revolver	3"	.38 Spl	12/14/2011
Smith & Wesson	10-14 / Steel	Revolver	4"	.38 Spl	4/11/2011
Smith & Wesson	337-3 / Alloy, Titanium, Stainless Steel	Revolver	3.2"	.38 Spl	5/28/2011
Smith & Wesson	67-5 F Comp (Matte Black) / Stainless Steel	Revolver	3"	.38 Spl	10/22/2011
Smith & Wesson	67-5 F-Comp (Matte Black) SKU 170324 / Stainless Steel	Revolver	3"	.38 Spl	1/8/2012
Smith & Wesson	36-10 Classic (Blue) / Steel	Revolver	3"	.38 Spl	8/29/2011
Smith & Wesson	36-10 Classic (Color Case) / Steel	Revolver	3"	.38 Spl	10/15/2011
Smith & Wesson	36-10 Classic (Nickel) / Steel	Revolver	3"	.38 Spl	10/15/2011
European American Armory	Windicator/EARB38 / Steel, Alloy	Revolver	2"	.38 Spl	7/10/2011
Armscor Precision	M206 (Blue) / Steel	Revolver	2 1/8"	.38 Spl	10/19/2011
Armscor Precision	FSR 38 / Steel	Revolver	2"	.38 Spl	12/22/2011
Armscor Precision	M206 Revolver / Steel	Revolver	3"	.38 Spl	6/19/2011
Cobra Enterprises	S38BB Shadow (Black) / Aluminum	Revolver	1.85"	.38 Spl	6/10/2011
Cobra Enterprises	S38CGB Shadow (Gold) / Aluminum	Revolver	1.85"	.38 Spl	6/10/2011
Cobra Enterprises	S38PB Shadow (Pink) / Aluminum	Revolver	1.85"	.38 Spl	6/10/2011
Cobra Enterprises	S38RBB Shadow (Royal Blue) / Aluminum	Revolver	1.85"	.38 Spl	6/10/2011
Cobra Enterprises	S38RDB Shadow (Red) / Aluminum	Revolver	1.85"	.38 Spl	6/10/2011
Cobra Enterprises	S38SB Shadow (Titanium Anodized) / Aluminum	Revolver	1.85"	.38 Spl	6/10/2011
Charter 2000 (Charter Arms)	13820 Black (Undercover) / Stainless Steel, Alloy	Revolver	2"	.38 Spl	10/5/2011
Charter 2000 (Charter Arms)	53820 Undercover Lite (Aluminum) Std / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	7/1/2011
Charter 2000 (Charter Arms)	53823 Undercover Lite (Red/SS) Std / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	7/1/2011

Charter 2000 (Charter Arms)	53824 Undercover Lite (Red/Blk) Std / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	7/1/2011
Charter 2000 (Charter Arms)	53830 The Pink Lady / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	6/17/2011
Charter 2000 (Charter Arms)	53833 Cougar (Pink/SS) Std / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	7/1/2011
Charter 2000 (Charter Arms)	53838 Undercover Lite (Blk/Silver) Std / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	7/1/2011
Charter 2000 (Charter Arms)	53840 Lavender Lady (Laven/SS) Std / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	7/1/2011
Charter 2000 (Charter Arms)	53844 Shamrock (Green/Blk) Std / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	7/1/2011
Charter 2000 (Charter Arms)	53850 All American / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	7/1/2011
Charter 2000 (Charter Arms)	53860 Santa Fe Sky (Turqu/StnStl) Std / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	7/1/2011
Charter 2000 (Charter Arms)	53864 Santa Fe Sky (Turq/Blk) Std / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	7/1/2011
Charter 2000 (Charter Arms)	53870 Undercover Lite (Blk/SS) Std. / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	7/1/2011
Charter 2000 (Charter Arms)	53873 Panther (Blk/Bronze) Std / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	7/1/2011
Charter 2000 (Charter Arms)	53883 Undercover Lite (Bronze/Blk) Std / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	7/1/2011
Charter 2000 (Charter Arms)	53884 Undercover Lite (Orange/SS) Std / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	7/1/2011
Charter 2000 (Charter Arms)	53890 Goldfinger (Blk/Gold tone) Std / Aluminum, Stainless Steel	Revolver	2"	.38 Spl	7/1/2011
Charter 2000 (Charter Arms)	73820 / Stainless Steel, Alloy	Revolver	2"	.38 Spl	10/5/2011
Cobra Enterprises	CB38 (Black) / Steel, Alloy	Derringer	2.75"	.38 Spl	9/17/2011
Cobra Enterprises	CB38 (Chrome) / Steel, Alloy	Derringer	2.75"	.38 Spl	5/20/2011
Cobra Enterprises	CB38 (Majestic Pink) / Steel, Alloy	Derringer	2.75"	.38 Spl	3/22/2011
Cobra Enterprises	CB38 (Royal Blue) / Steel, Alloy	Derringer	2.75"	.38 Spl	3/22/2011
Cobra Enterprises	CB38 (Ruby Red) / Steel, Alloy	Derringer	2.75"	.38 Spl	3/22/2011
Cobra Enterprises	CB38 (Satin) / Steel, Alloy	Derringer	2.75"	.38 Spl	9/17/2011
Rossi	R352 Stainless / Stainless Steel	Revolver	2"	.38 Spl	1/19/2011
Smith & Wesson	638-3 (S&W Logo Grip) SKU 163070 / Alloy; Stainless Steel	Revolver	1.87"	.38 Spl.	2/24/2012
Smith & Wesson	642-2 (S&W Logo Grip) SKU 163810 / Alloy; Stainless Steel	Revolver	1.87"	.38 Spl.	2/24/2012
Smith & Wesson	637-2 (S&W Logo Grip) SKU 163050 / Alloy; Stainless Steel	Revolver	1.87"	.38 Spl.	2/24/2012
Smith & Wesson	637-2 / Alloy, Stainless Steel	Revolver	1.87"	.38 Spl.	7/23/2011
Smith & Wesson	PC1911-2 / Stainless Steel	Pistol	5"	.38 Super	11/16/2011
Para USA (Para Ordnance)	PX938PN / Stainless Steel	Pistol	5"	.38 Super	2/28/2011
Para USA (Para Ordnance)	PX938S / Stainless steel	Pistol	5"	.38 Super	2/6/2011

Para USA (Para Ordnance)	PX938SL / Stainless Steel	Pistol	5"	.38 Super	2/6/2011
Para USA (Para Ordnance)	PX938SN / Stainless Steel	Pistol	5"	.38 Super	2/6/2011
Armscor Precision	RIA 1911 (Nickel) / Steel	Pistol	5.16"	.38 Super	9/15/2011
Armscor Precision	RIA 1911 (Parkerized) / Steel	Pistol	5.16"	.38 Super	9/8/2011
Springfield Armory	PB9113L (ambi safety) / Steel	Pistol	5"	.38 Super	9/20/2011
Springfield Armory	PB9113L / Steel	Pistol	5"	.38 Super	9/20/2011
Springfield Armory	PB9114L / Steel	Pistol	5"	.38 Super	7/29/2011
Smith & Wesson	686-7, 6 Shot / Stainless Steel	Revolver	4"	.38 Super	7/9/2011
Smith & Wesson	627-4 38 Super / Stainless Steel	Revolver	5.5"	.38 Super	4/11/2011
Taurus	PT38S (Blue) / Steel/Alloy	Pistol	4.25"	.38 Super	8/23/2011
Taurus	PT38S (Stainless/Gold/Pearl) / Aluminum Alloy, Stainless Steel	Pistol	4.25"	.38 Super	11/2/2011
Kimber	Pro Carry HDII Super / Stainless Steel	Pistol	4"	.38 Super	4/8/2011
Para USA (Para Ordnance)	PX938P / Stainless Steel	Pistol	5"	.38 Super	2/28/2011
Para USA (Para Ordnance)	PX938PL / Stainless Steel	Pistol	5"	.38 Super	2/28/2011
Bersa (Industria Argentina)	Thunder 380 / 4140 Steel, Alloy	Pistol	3.5"	.380	2/8/2012
Bersa (Industria Argentina)	Thunder 380 Duotone / 4140 Steel, Alloy	Pistol	3.5"	.380	4/9/2011
Bersa (Industria Argentina)	Thunder 380 Gold / 4140 Steel, Alloy	Pistol	3.5"	.380	5/28/2011
Bersa (Industria Argentina)	Thunder 380 Nickel / 4140 Steel, Alloy	Pistol	3.5"	.380	4/9/2011
CZ USA (Ceska Zbrojovka Fox)	83 (Glossy Blue) 01301 / Steel	Pistol	3.81"	.380	6/10/2011
Firestorm (Gabilondo)	Firestorm 380 / 4140 Steel, Alloy	Pistol	3.5"	.380 ACP	2/22/2012
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P232 (Stainless) / Stainless Steel	Pistol	3.7"	.380 ACP	12/31/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P232 (Stainless) Hogue Grips / Stainless Steel	Pistol	3.7"	.380 ACP	6/23/2011
Accu-Tek	AT-380 II / 17-4 Stainless Steel	Pistol	2.8"	.380 ACP	8/18/2011
Beretta	84 FS Cheetah / Blue Steel	Pistol	3.8"	.380 ACP	12/31/2011
Beretta	84 FS Cheetah Nickel / Nickel plated steel	Pistol	3.8"	.380 ACP	2/1/2011
Beretta	85 FS Cheetah / Blue Steel	Pistol	3.8"	.380 ACP	12/31/2011
Beretta	85 FS Cheetah Nickel / Nickel plated steel	Pistol	3.8"	.380 ACP	4/25/2011
Hi Point	CF380 / Alloy, Zinc, 4130 Barrel	Pistol	3.5"	.380 ACP	10/11/2011
Kahr Arms	P380 (KP38233/KP38233N) / Polymer Frame; Stainless Steel Slide	Pistol	2.5"	.380 ACP	2/18/2011
Barsto	Bar Sto Precision / Stainless Steel, Polymer	Pistol	5"	.40	11/16/2011

Beretta	8040 Cougar F / Blue Steel	Pistol	3.6"	.40 S&W	12/31/2011
Beretta	9000S Type F / Steel, Polymer	Pistol	3.4"	.40 S&W	12/31/2011
Beretta	96G Elite 1A / Steel	Pistol	4.5"	.40 S&W	9/13/2011
Beretta	96G-SD / Stainless Steel, Steel, Alloy	Pistol	5"	.40 S&W	1/31/2011
Beretta	96 / Steel, Alloy	Pistol	4.9"	.40 S&W	12/31/2011
Beretta	96 Black Inox / Stainless Steel	Pistol	4.92"	.40 S&W	5/22/2011
Beretta	96 Brigadier / Blue Steel	Pistol	4.92"	.40 S&W	12/31/2011
Beretta	96 Brigadier Inox / Stainless Steel	Pistol	4.92"	.40 S&W	12/31/2011
Beretta	96 Inox / Stainless Steel	Pistol	4.92"	.40 S&W	12/31/2011
Beretta	PX4 Storm Type F / Steel, Polymer	Pistol	4"	.40 S&W	12/14/2011
Beretta	96 Vertec Inox / Stainless Steel, Alloy	Pistol	4.7"	.40 S&W	8/6/2011
Beretta	96 Vertec (Black) / Steel, Stainless Steel, Alloy	Pistol	4.7"	.40 S&W	2/25/2011
Beretta	96G Elite II / Blue Steel, Stainless Steel	Pistol	4.7"	.40 S&W	12/31/2011
Beretta	PX4 Storm Type G / Steel, Polymer	Pistol	4"	.40 S&W	1/31/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	SP2022 (Blued) / Stainless Steel, Polymer	Pistol	3.8"	.40 S&W	7/27/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P229 (Two-Tone) / Stainless Steel, Alloy	Pistol	3.8"	.40 S&W	3/6/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P239 (Two-Tone) / Stainless Steel, Alloy	Pistol	3.6"	.40 S&W	3/6/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P239 DAK / Stainless Steel, Alloy	Pistol	3.6"	.40 S&W	12/19/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P239 SAS / Stainless Steel, Polymer	Pistol	3.6"	.40 S&W	12/19/2011
Glock	23 / Steel, Polymer	Pistol	4.02"	.40 S&W	12/31/2011
Glock	23 OD / Steel, Polymer	Pistol	4.02"	.40 S&W	4/25/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P239 (Blued) / Stainless Steel, Alloy	Pistol	3.6"	.40 S&W	1/29/2011
Glock	22 - FBI 100 Yr. Commemorative (Blk) / Steel, Polymer	Pistol	4.49"	.40 S&W	1/29/2011
Glock	22 / Steel, Polymer	Pistol	4.49"	.40 S&W	12/31/2011
Glock	22 OD / Steel, Polymer	Pistol	4.49"	.40 S&W	11/16/2011
Glock	22RTF2 (Black) / Steel, Polymer	Pistol	4.49"	.40 S&W	12/30/2011
Para USA (Para Ordnance)	SX1640SL / Stainless Steel	Pistol	5"	.40 S&W	8/11/2011
Para USA (Para Ordnance)	SX1640SN / Stainless Steel	Pistol	5"	.40 S&W	8/11/2011
Para USA (Para Ordnance)	SX1640SR / Stainless Steel	Pistol	5"	.40 S&W	8/11/2011
Fabrique Nationale	FN HP-SA / Steel	Pistol	4.5"	.40 S&W	3/13/2011
Fabrique Nationale	FN HP-SA 40 (Polished Blue) / Steel	Pistol	4.5"	.40 S&W	11/19/2011
Fabrique Nationale	FN HP-SFS 40 (Polished Blue) / Steel	Pistol	4.6"	.40 S&W	11/19/2011

Fabrique Nationale	HP-SFS 40 (Matte Black) / Steel	Pistol	4.6"	.40 S&W	11/12/2011
Fabrique Nationale	FNP-40 / Steel, Polymer	Pistol	4"	.40 S&W	12/8/2011
Fabrique Nationale	FNP-40 Stainless / Steel, Polymer	Pistol	4"	.40 S&W	3/13/2011
CZ USA (Ceska Zbrojovka Fox)	75 SA (Black) 01151 / Steel	Pistol	4.692"	.40 S&W	5/13/2011
CZ USA (Ceska Zbrojovka Fox)	CZ 75 TS / Steel, Alloy, Poly Trigger	Pistol	5.215"	.40 S&W	1/31/2011
Glock	27 / Steel, Polymer	Pistol	3.46"	.40 S&W	12/31/2011
Glock	27 OD / Steel, Polymer	Pistol	3.46"	.40 S&W	11/1/2011
Glock	23C / Steel, Polymer	Pistol	3.9"	.40 S&W	3/6/2011
CZ USA (Ceska Zbrojovka Fox)	75 Compact / Steel	Pistol	3.9"	.40 S&W	10/31/2011
CZ USA (Ceska Zbrojovka Fox)	40 B (Black) 01700 / Steel, Alloy	Pistol	4.37"	.40 S&W	5/1/2011
CZ USA (Ceska Zbrojovka Fox)	CZ 75B (Black) 01120 / Steel	Pistol	4.58"	.40 S&W	12/31/2011
Browning	HP Standard Adj. Sights / Steel	Pistol	4.66"	.40 S&W	10/15/2011
Browning	HP Standard Fixed Sights / Steel	Pistol	4.66"	.40 S&W	10/15/2011
CZ USA (Ceska Zbrojovka Fox)	CZ 2075 RAMI / Steel, Alloy	Pistol	3.0"	.40 S&W	7/13/2011
Smith & Wesson	M&P 40 (Mag Safety) / Stainless Steel, Polymer	Pistol	4.25"	.40 S&W	5/18/2011
Smith & Wesson	M&P 40 (Mag. Safety, Internal Lock) / Stainless Steel, Polymer	Pistol	4.25"	.40 S&W	11/30/2011
Smith & Wesson	SW990 / Polymer, Stainless Steel	Pistol	4"	.40 S&W	9/11/2011
Smith & Wesson	SW990L / Polymer, Stainless Steel	Pistol	3.5"	.40 S&W	4/5/2011
Smith & Wesson	M&P 40c (Mag. Safety) SKU 109203 / Stainless Steel, Polymer	Pistol	3.5"	.40 S&W	1/31/2012
Smith & Wesson	SW99 / Stainless Steel, Polymer	Pistol	3.5"	.40 S&W	4/28/2011
Smith & Wesson	4003TSW / Alloy, Stainless Steel	Pistol	4"	.40 S&W	12/31/2011
Smith & Wesson	4006 SKU 104400 / Stainless Steel	Pistol	4"	.40 S&W	2/8/2012
Smith & Wesson	4006 TSW Integral Rail SKU 150149 / Stainless Steel	Pistol	4"	.40 S&W	1/16/2012
Smith & Wesson	4006TSW / Stainless Steel	Pistol	4"	.40 S&W	12/31/2011
Smith & Wesson	4046 TSW SKU 102957 / Stainless Steel	Pistol	4"	.40 S&W	1/19/2012
Smith & Wesson	410 / Alloy, Steel, Stainless Steel	Pistol	4"	.40 S&W	12/31/2011
Smith & Wesson	410S / Stainless Steel, Alloy	Pistol	4"	.40 S&W	1/14/2012
Smith & Wesson	410S Laser Grip SKU 104747 / Stainless Steel, Alloy	Pistol	4"	.40 S&W	2/17/2012
Smith & Wesson	SW40E / Polymer, Stainless Steel	Pistol	4"	.40 S&W	12/31/2011
Smith & Wesson	SW40G SKU 120035 / Polymer, Stainless Steel	Pistol	4"	.40 S&W	1/30/2012
Smith & Wesson	SW40GVE (2-Tone/Olive Frame) / Polymer, Stainless Steel	Pistol	4"	.40 S&W	8/3/2011
Smith & Wesson	SW40P / Stainless Steel, Polymer	Pistol	4"	.40 S&W	4/4/2011
Smith & Wesson	SW40VE SKU 120023 / Polymer, Stainless Steel	Pistol	4"	.40 S&W	1/30/2012
Smith & Wesson	SW40VE (Black Slide) SKU 120046 / Polymer, Stainless Steel	Pistol	4"	.40 S&W	1/31/2012

Smith & Wesson	SW99QA / Polymer, Steel, Stainless Steel	Pistol	4"	.40 S&W	9/11/2011
Smith & Wesson	SW99 / Polymer, Stainless Steel	Pistol	4.12"	.40 S&W	12/31/2011
Smith & Wesson	SW990L / Polymer, Stainless Steel	Pistol	4.12"	.40 S&W	4/5/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P226R DAK / Stainless Steel, Alloy	Pistol	4.4"	.40 S&W	7/8/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P226 X5 Comp. (Stainless) / Stainless Steel	Pistol	5"	.40 S&W	4/7/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P226R (Stainless) / Stainless Steel	Pistol	4.4"	.40 S&W	3/11/2011
Smith & Wesson	CS40 / Stainless Steel, Alloy	Pistol	3.25"	.40 S&W	12/31/2011
Smith & Wesson	4013TSW / Stainless Steel/Alloy	Pistol	3.5"	.40 S&W	12/31/2011
Smith & Wesson	4040PD / Alloy, Steel, Stainless Steel	Pistol	3.5"	.40 S&W	12/22/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P226R (Blued) / Stainless Steel, Alloy	Pistol	4.4"	.40 S&W	7/17/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P226 FBINA / Stainless Steel, Alloy	Pistol	4.4"	.40 S&W	3/19/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P226 DAK / Stainless Steel, Alloy	Pistol	4.4"	.40 S&W	1/26/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P226 (Two-Tone) / Stainless Steel, Alloy	Pistol	4.4"	.40 S&W	3/6/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P226R Equinox / Stainless Steel, Alloy	Pistol	4.4"	.40 S&W	12/19/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P229R DAK / Stainless Steel, Alloy	Pistol	3.9"	.40 S&W	8/10/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P229 DAK / Stainless Steel, Alloy	Pistol	3.9"	.40 S&W	1/26/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P229 (Blued) / Stainless Steel, Alloy	Pistol	3.9"	.40 S&W	12/31/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	SP2340 (Blued) / Stainless Steel, Polymer	Pistol	3.8"	.40 S&W	4/7/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	SP2340 (Two-Tone) / Stainless Steel, Polymer	Pistol	3.8"	.40 S&W	4/7/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P226 (Blued) / Stainless Steel, Alloy	Pistol	4.4"	.40 S&W	12/31/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P229 SAS / Stainless Steel, Alloy	Pistol	3.9"	.40 S&W	7/27/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P229R (Blued) / Stainless Steel, Alloy	Pistol	3.9"	.40 S&W	6/28/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P229R Equinox / Stainless Steel, Alloy	Pistol	3.9"	.40 S&W	12/19/2011

Smith & Wesson	945-40 / Alloy, Stainless Steel	Pistol	3.75"	.40 S&W	5/17/2011
Kahr Arms	M4043A / Stainless Steel	Pistol	3"	.40 S&W	8/14/2011
Kahr Arms	M4043NA / Stainless Steel	Pistol	3"	.40 S&W	8/14/2011
Kahr Arms	M4048A / Stainless Steel	Pistol	3"	.40 S&W	9/5/2011
Kahr Arms	M4048NA / Stainless Steel	Pistol	3"	.40 S&W	9/5/2011
Kahr Arms	PM4043 / Stainless Steel, Polymer	Pistol	3"	.40 S&W	1/5/2011
Kahr Arms	PM4043N / Stainless Steel, Polymer	Pistol	3"	.40 S&W	1/5/2011
Kahr Arms	PM4044 / Stainless Steel, Polymer	Pistol	3"	.40 S&W	9/6/2011
Heckler & Koch	P2000 SK-V3 / Steel, Polymer	Pistol	3.3"	.40 S&W	10/24/2011
Heckler & Koch	Comp USP40 V1 / Steel, Polymer	Pistol	3.58"	.40 S&W	12/31/2011
Heckler & Koch	USP Comp 40 Strls V1 / Stainless Steel, Polymer	Pistol	3.58"	.40 S&W	4/20/2011
Heckler & Koch	USP40C-LEM / Steel, Polymer	Pistol	3.58"	.40 S&W	2/20/2011
Heckler & Koch	P2000-V3 / Steel, Polymer	Pistol	3.77"	.40 S&W	5/10/2011
Heckler & Koch	P2000-V2 / Steel, Polymer	Pistol	3.66"	.40 S&W	6/9/2011
Heckler & Koch	USP40, V1 / Steel, Polymer	Pistol	4.25"	.40 S&W	12/31/2011
Glock	22 C / Steel, Polymer	Pistol	4.5"	.40 S&W	2/13/2011
Walther USA (Carl Walther)	P99 QA (Desert Sand) / Steel, Polymer	Pistol	4"	.40 S&W	6/17/2011
Walther USA (Carl Walther)	P99 (Black) / Steel, Polymer	Pistol	4.12"	.40 S&W	12/31/2011
Walther USA (Carl Walther)	P99 (Titanium Coated) / Steel, Polymer	Pistol	4.12"	.40 S&W	10/1/2011
Walther USA (Carl Walther)	P99 AS / Steel and Polymer	Pistol	4.12"	.40 S&W	9/30/2011
Walther USA (Carl Walther)	P99 Military (Green) / Steel, Polymer	Pistol	4.12"	.40 S&W	6/14/2011
Walther USA (Carl Walther)	P99 QA / Steel, Polymer	Pistol	4.12"	.40 S&W	9/30/2011
Walther USA (Carl Walther)	P99 QA Military (Green) / Steel, Polymer	Pistol	4.12"	.40 S&W	12/2/2011
Walther USA (Carl Walther)	P99 QA Titanium Coated / Steel, Polymer	Pistol	4.12"	.40 S&W	12/2/2011
Walther USA (Carl Walther)	P990 WAP 66008 / Polymer, Steel	Pistol	4.12"	.40 S&W	1/2/2012
Heckler & Koch	P2000SK-V2 / Steel, Polymer	Pistol	3.28"	.40 S&W	6/9/2011
Glock	35 / Steel, Polymer	Pistol	5.32"	.40 S&W	12/31/2011
Glock	35 OD / Steel, Polymer	Pistol	5.32"	.40 S&W	11/16/2011
Taurus	PT140 (Blue w/night sight) / Blue Steel, Polymer	Pistol	3"	.40 S&W	1/19/2011
Taurus	PT140 (Blue) / Blue Steel, Polymer	Pistol	3"	.40 S&W	1/19/2011
Taurus	PT140 (Stainless) / Stainless, Polymer	Pistol	3"	.40 S&W	3/25/2011
Taurus	PT 940 (Blue) / Aluminum Alloy, Blued Steel	Pistol	3.625"	.40 S&W	7/18/2011
Taurus	PT940 (Stainless) / Aluminum Alloy, Stainless Steel	Pistol	3.625"	.40 S&W	7/18/2011
Taurus	PT24/7 (40 S&W) / Stainless Steel, Polymer	Pistol	4"	.40 S&W	6/16/2011
Taurus	PT24/7 (Blue 40 S&W) / Blued Steel, Polymer	Pistol	4"	.40 S&W	6/16/2011

Walther USA (Carl Walther)	P99C QA WAP 90000 / Steel, Polymer	Pistol	3.5"	.40 S&W	1/18/2012
Kahr Arms	K4043A / Stainless Steel	Pistol	3.5"	.40 S&W	2/26/2011
Kahr Arms	K4043NA / Stainless Steel	Pistol	3.5"	.40 S&W	2/26/2011
Kahr Arms	K4048A / Stainless Steel	Pistol	3.5"	.40 S&W	4/4/2011
Kahr Arms	K4048NA / Stainless Steel	Pistol	3.5"	.40 S&W	4/4/2011
Heckler & Koch	USP 40 Exp.V9 / Steel, Polymer	Pistol	5.20"	.40 S&W	12/31/2011
Kahr Arms	KP4043 / Stainless Steel, Polymer	Pistol	3.54"	.40 S&W	6/30/2011
Kahr Arms	KP4043N / Stainless Steel, Polymer	Pistol	3.54"	.40 S&W	6/30/2011
Kahr Arms	KP4044 / Stainless Steel, Polymer	Pistol	3.54"	.40 S&W	7/29/2011
Kahr Arms	KP4044N / Stainless Steel, Polymer	Pistol	3.54"	.40 S&W	7/29/2011
Springfield Armory	XD9122 / Polymer, Steel	Pistol	4.08"	.40 S&W	1/23/2011
Springfield Armory	XD9102 / Polymer, Steel	Pistol	4.08"	.40 S&W	12/20/2011
Springfield Armory	XD9109 / Polymer, Steel	Pistol	4.08"	.40 S&W	3/21/2011
Springfield Armory	XD9702 / Polymer, Steel	Pistol	4"	.40 S&W	9/6/2011
Springfield Armory	XD9782 / Polymer, Carbon Steel	Pistol	4"	.40 S&W	3/17/2011
Springfield Armory	XD9822 / Polymer, Stainless Steel	Pistol	3.1"	.40 S&W	2/18/2011
Springfield Armory	XD9802 / Polymer, Steel	Pistol	3.01"	.40 S&W	10/25/2011
Springfield Armory	XD9812 / Polymer, Steel	Pistol	3.01"	.40 S&W	3/10/2011
Springfield Armory	XD9832 / Polymer, Steel	Pistol	3.01"	.40 S&W	3/26/2011
Springfield Armory	XD9842 / Polymer, Steel	Pistol	3.01"	.40 S&W	3/26/2011
Springfield Armory	XD9202 / Composite, Steel	Pistol	4.08"	.40 S&W	3/26/2011
Springfield Armory	XD9222 / Polymer, Steel	Pistol	4.08"	.40 S&W	1/23/2011
Springfield Armory	XD9231 / Polymer, Steel	Pistol	4.08"	.40 S&W	3/26/2011
Springfield Armory	XD9302 / Polymer, Steel	Pistol	4.08"	.40 S&W	1/17/2011
Springfield Armory	XD9312 / Polymer, Steel	Pistol	4.08"	.40 S&W	3/27/2011
Steyr Arms	M40-A1 / Steel, Polymer	Pistol	4"	.40 S&W	1/24/2011
Springfield Armory	XD9232 / Polymer, Steel	Pistol	5"	.40 S&W	3/26/2011
Springfield Armory	XD9502 / Polymer, Steel	Pistol	4.08"	.40 S&W	12/3/2011
Springfield Armory	XD9132 / Polymer, Steel	Pistol	5"	.40 S&W	11/28/2011
Springfield Armory	XD9402 Tactical / Polymer, Steel	Pistol	5"	.40 S&W	9/6/2011
Springfield Armory	XD9405 / Polymer, Steel	Pistol	5"	.40 S&W	12/3/2011
Springfield Armory	XD9412 / Polymer, Steel	Pistol	5"	.40 S&W	3/26/2011

Sturm, Ruger & Co.	BSR40-10L (Black) / Polymer frame; Alloy Slide	Pistol	4.15"	40 S&W	12/1/2011
Sturm, Ruger & Co.	KSR40-10L (Two-Tone) / Stainless Steel Slide; Polymer Frame	Pistol	4.15"	40 S&W	12/15/2011
Sturm, Ruger & Co.	KP944 / Stainless Steel, Alum. Alloy	Pistol	4.2"	40 S&W	12/31/2011
Sturm, Ruger & Co.	KP944TH / Stainless Steel, Alum. Alloy	Pistol	4.2"	40 S&W	2/5/2011
Sturm, Ruger & Co.	P944 / Blue Steel, Alum. Alloy	Pistol	4.2"	40 S&W	12/31/2011
Sturm, Ruger & Co.	P944T / Blue Steel, Alum. Alloy, Stainless Steel	Pistol	4.2"	40 S&W	12/31/2011
Sturm, Ruger & Co.	P944TH / Blue Steel, Alum. Alloy, Stainless Steel	Pistol	4.2"	40 S&W	12/31/2011
Sturm, Ruger & Co.	KP944 / Stainless Steel, Alum Alloy	Pistol	4.20"	40 S&W	5/15/2011
Sturm, Ruger & Co.	P944 / Blued Steel, Alum Alloy	Pistol	4.20"	40 S&W	5/15/2011
Sturm, Ruger & Co.	P944T / Blued Steel, Alum Alloy	Pistol	4.20"	40 S&W	5/15/2011
Sturm, Ruger & Co.	P944TH / Blued Steel, Alum Alloy	Pistol	4.20"	40 S&W	5/15/2011
Steyr Arms	S-A1 / Steel, Polymer	Pistol	3.6"	40 S&W	2/8/2011
Smith & Wesson	357NG (Matte Black) SKU 163428 / Stainless Steel; Alloy	Revolver	2.5"	.41 Mag	8/5/2011
Smith & Wesson	657-5 / Stainless Steel	Revolver	7.5"	.41 Magnum	5/9/2011
Smith & Wesson	657-5 Hunter / Stainless Steel	Revolver	8.37"	.41 Magnum	4/21/2011
Smith & Wesson	57-6 (Blue) / Steel	Revolver	6"	.41 Magnum	5/14/2011
Smith & Wesson	57-6 (Nickel) SKU 150482 / Steel	Revolver	6"	.41 Magnum	11/29/2011
Smith & Wesson	57-5 / Steel	Revolver	4"	.41 Magnum	7/11/2011
Smith & Wesson	57-6 (Blue) / Steel	Revolver	4"	.41 Magnum	5/14/2011
Smith & Wesson	58-1 (Blue) SKU 150500 / Steel	Revolver	4"	.41 Magnum	5/31/2011
Smith & Wesson	58-1 (Nickel) SKU 150501 / Steel	Revolver	4"	.41 Magnum	8/17/2011
Smith & Wesson	357 PD / Alloy, Titanium, Stainless Steel	Revolver	4"	.41 Magnum	9/20/2011
Sturm, Ruger & Co.	KRH-445 / Stainless Steel	Revolver	5.5"	.44 Magnum	5/21/2011
Smith & Wesson	29-10 Classic (Blue, Engraved) / Steel	Revolver	6.5"	.44 Mag	8/29/2011
Smith & Wesson	29-10 Classic (Nickel, Engraved) / Steel	Revolver	6.5"	.44 Mag	8/29/2011
Smith & Wesson	29-8 / Steel	Revolver	6.5"	.44 Magnum	5/27/2011
Smith & Wesson	29-10 (Blue) / Steel	Revolver	6.5"	.44 Magnum	11/30/2011
Smith & Wesson	29-10 (Nickel) / Steel	Revolver	6.5"	.44 Magnum	11/30/2011

Smith & Wesson	29-10 / Steel	Revolver	6.5"	.44 Magnum	5/18/2011
Smith & Wesson	629-6 / Stainless Steel	Revolver	6"	.44 Magnum	6/13/2011
Smith & Wesson	629-6 Classic / Stainless Steel	Revolver	5"	.44 Magnum	5/17/2011
Smith & Wesson	629-6 Classic Laser Grips / Stainless Steel	Revolver	5"	.44 Magnum	5/2/2011
Smith & Wesson	629-6 / Stainless Steel	Revolver	4"	.44 Magnum	6/13/2011
Smith & Wesson	629-6 Mountain Gun / Stainless Steel	Revolver	4"	.44 Magnum	10/1/2011
Smith & Wesson	629-6 V Comp / Stainless Steel	Revolver	4"	.44 Magnum	9/23/2011
Smith & Wesson	629-6 Classic / Stainless Steel	Revolver	6.5"	.44 Magnum	5/17/2011
Smith & Wesson	629-6 Classic DX / Stainless Steel	Revolver	6.5"	.44 Magnum	7/26/2011
Smith & Wesson	629-6 Classic PowerPort / Stainless Steel	Revolver	6.5"	.44 Magnum	6/13/2011
Smith & Wesson	629-6 Magna Port / Stainless Steel	Revolver	6.5"	.44 Magnum	10/13/2011
Smith & Wesson	629-6 / Stainless Steel	Revolver	7.5"	.44 Magnum	6/18/2011
Smith & Wesson	629-6 Birdsong Finish / Stainless Steel	Revolver	7.5"	.44 Magnum	10/24/2011
Smith & Wesson	629-6 Black Comp. Hunter SKU 170241 / Stainless Steel	Revolver	7.5"	.44 Magnum	2/26/2012
Smith & Wesson	629-6 Compensated Hunter SKU 170181 / Stainless Steel	Revolver	7.5"	.44 Magnum	2/3/2012
Smith & Wesson	629-6 Stealth Hunter (Matte Black) / Stainless Steel	Revolver	7.5"	.44 Magnum	10/28/2011
Smith & Wesson	629-6 / Stainless Steel	Revolver	8.37"	.44 Magnum	6/13/2011
Smith & Wesson	629-6 Classic / Stainless Steel	Revolver	8.37"	.44 Magnum	6/13/2011
Smith & Wesson	629-6 Classic DX / Stainless Steel	Revolver	8.37"	.44 Magnum	7/26/2011
Smith & Wesson	629-6 Hunter / Stainless Steel	Revolver	8.37"	.44 Magnum	5/20/2011
Sturm, Ruger & Co.	KRH-444 / Stainless Steel	Revolver	4"	.44 Magnum	6/14/2011
Sturm, Ruger & Co.	KRH-44 / Stainless Steel	Revolver	7.5"	.44 Magnum	12/31/2011
Sturm, Ruger & Co.	KRH-44R / Stainless Steel	Revolver	7.5"	.44 Magnum	12/31/2011
Sturm, Ruger & Co.	KSRH-7 / Stainless Steel	Revolver	7.5"	.44 Magnum	12/31/2011
Sturm, Ruger & Co.	KSRH-2 / Stainless Steel	Revolver	2.5"	.44 Magnum	11/30/2011
Taurus	"Raging Bull" M444CP / Stainless Steel	Revolver	6.5"	.44 Magnum	9/28/2011
Taurus	44 TKR / Stainless Steel	Revolver	4"	.44 Magnum	7/18/2011
Taurus	44 TKR NRA / Stainless Steel	Revolver	4"	.44 Magnum	12/15/2011

Sturm, Ruger & Co.	KSRH-9 / Stainless Steel	Revolver	9.5"	.44 Magnum	12/31/2011
Taurus	44 (Stainless 6 1/2") / Stainless Steel	Revolver	6.5"	.44 Magnum	1/19/2011
Magnum Research	DE44CA BC / Steel	Pistol	6"	.44 Magnum	6/11/2011
Smith & Wesson	629-6 / Stainless Steel	Revolver	2.5"	.44 Magnum	6/21/2011
Smith & Wesson	629-6 (Matte) SKU 170135 / Stainless Steel	Revolver	2.635"	.44 Magnum	11/7/2011
Smith & Wesson	629-6 Carry Comp (Matte Stainless) SKU 170279 / Stainless Steel	Revolver	3"	.44 Magnum	1/8/2012
Smith & Wesson	629-6 ES / Stainless Steel	Revolver	3"	.44 Magnum	6/21/2011
Smith & Wesson	629-6 Trail Boss Fluted Cyl. Mag-na-port / Stainless Steel	Revolver	3"	.44 Magnum	9/4/2011
Smith & Wesson	629-6 Trail Boss Unfluted Cyl / Stainless Steel	Revolver	3"	.44 Magnum	10/1/2011
Smith & Wesson	329-1 / Alloy, Titanium, Stainless Steel	Revolver	3"	.44 Magnum	11/6/2011
Smith & Wesson	329PD / Alloy, Titanium, Stainless Steel	Revolver	4"	.44 Magnum	7/8/2011
Smith & Wesson	29-10 (Blue) / Steel	Revolver	4"	.44 Magnum	9/23/2011
Smith & Wesson	29-10 (Nickel) / Steel	Revolver	4"	.44 Magnum	9/23/2011
Smith & Wesson	29-8 Mountain Gun SKU 161236 / Steel	Revolver	4"	.44 Magnum	3/19/2012
Charter 2000 (Charter Arms)	74420 (Bulldog Pug) / 416 Stainless, Alloy	Revolver	2.5"	.44 S&W	10/5/2011
Smith & Wesson	21-4 SKU 161237 / Steel	Revolver	4"	.44 Spl	1/18/2012
Smith & Wesson	21-4 Classic (Blue) / Steel	Revolver	4"	.44 Spl	8/29/2011
Smith & Wesson	21-4 Classic (Color Case) / Steel	Revolver	4"	.44 Spl	8/29/2011
Smith & Wesson	21-4 Classic (Nickel) / Steel	Revolver	4"	.44 Spl	8/29/2011
Smith & Wesson	396-1 / Alloy, Titanium, Stnls Steel	Revolver	3.2"	.44 Spl	6/18/2011
Smith & Wesson	396NG / Alloy, stainless steel	Revolver	2.5"	.44 Spl	9/3/2011
Smith & Wesson	296 SKU 103135 / Titanium, Alloy, Stainless Steel	Revolver	2.5"	.44 Spl	1/2/2012
Smith & Wesson	24-6 (Nickel) / Steel	Revolver	6.5"	.44 Spl	10/28/2011
Smith & Wesson	24-6 / Steel	Revolver	6.5"	.44 Spl	9/3/2011
Springfield Armory	PW9142L / Carbon Steel	Pistol	4.0"	.45	10/4/2011
Springfield Armory	PX9149L / Alloy, Carbon Steel	Pistol	4.0"	.45	10/4/2011
Springfield Armory	PX9161L (ambi safety) / Stainless Steel	Pistol	3.5"	.45 ACP	12/31/2011
Springfield Armory	PX9161L / Stainless Steel	Pistol	3.5"	.45 ACP	12/31/2011
Springfield Armory	PX9171L (ambi safety) / Stainless Steel	Pistol	3.5"	.45 ACP	3/27/2011
Springfield Armory	PX9171L / Stainless Steel	Pistol	3.5"	.45 ACP	3/27/2011
Springfield Armory	PX9301L (ambi safety) / Carbon Steel	Pistol	3.5"	.45 ACP	12/31/2011

Springfield Armory	PX9301L / Carbon Steel	Pistol	3.5"	.45 ACP	12/31/2011
Springfield Armory	PX9142L (ambi safety) / Stainless Steel	Pistol	4"	.45 ACP	3/27/2011
Springfield Armory	PX9142L / Stainless Steel	Pistol	4"	.45 ACP	3/27/2011
Springfield Armory	PX9511L (ambi safety) / Carbon Steel	Pistol	4"	.45 ACP	12/31/2011
Springfield Armory	PX9511L / Carbon Steel	Pistol	4"	.45 ACP	12/31/2011
Springfield Armory	XD9161 / Polymer, Steel	Pistol	4"	.45 ACP	11/20/2011
Springfield Armory	XD9261 / Polymer, Steel	Pistol	4"	.45 ACP	3/26/2011
Springfield Armory	XD9611 / Polymer, Steel	Pistol	4"	.45 ACP	3/17/2011
Springfield Armory	XD9612 / Polymer, Steel	Pistol	4"	.45 ACP	1/23/2011
Springfield Armory	XD9614 / Polymer, Steel	Pistol	4"	.45 ACP	3/26/2011
Springfield Armory	XD9645 / Polymer, Steel	Pistol	4"	.45 ACP	3/17/2011
Springfield Armory	XD9646 / Polymer, Steel	Pistol	4"	.45 ACP	11/28/2011
Springfield Armory	XD9647 / Polymer, Steel	Pistol	4"	.45 ACP	1/23/2011
Springfield Armory	XD9648 / Polymer, Steel	Pistol	4"	.45 ACP	3/26/2011
Springfield Armory	PX9801L (ambi safety) / Alloy, Stainless Steel	Pistol	3"	.45 ACP	12/20/2011
Springfield Armory	PX9801L / Alloy, Stainless Steel	Pistol	3"	.45 ACP	12/20/2011
Springfield Armory	PX9804L / Alloy, Stainless Steel	Pistol	3"	.45 ACP	1/17/2011
Smith & Wesson	22-4 Classic (Blue) / Steel	Revolver	5.5"	.45 ACP	8/29/2011
Smith & Wesson	22-4 Classic (Color Case) / Steel	Revolver	5.5"	.45 ACP	10/15/2011
Smith & Wesson	22-4 Classic (Nickel) / Steel	Revolver	5.5"	.45 ACP	10/15/2011
Smith & Wesson	625-8 (Satin Stnls) SKU 170161 / Stainless Steel	Revolver	4"	.45 ACP	8/17/2011
Smith & Wesson	625-8 / Stainless Steel	Revolver	4"	.45 ACP	8/8/2011
Smith & Wesson	625-8 V Comp SKU 170238 / Stainless Steel	Revolver	4"	.45 ACP	1/29/2012
Smith & Wesson	625-8 JM / Stainless Steel	Revolver	4.12"	.45 ACP	4/5/2011
Smith & Wesson	625-8 / Stainless Steel	Revolver	5"	.45 ACP	5/8/2011
Sturm, Ruger & Co.	KP90 / Stainless Steel, Alum. Alloy	Pistol	4.5"	.45 ACP	12/31/2011
Sturm, Ruger & Co.	KP90D / Stainless Steel, Alum. Alloy	Pistol	4.5"	.45 ACP	2/6/2011
Sturm, Ruger & Co.	KP90TH / Stainless Steel, Alum. Alloy	Pistol	4.5"	.45 ACP	2/5/2011
Sturm, Ruger & Co.	P90 / Blue Steel, Alum. Alloy	Pistol	4.5"	.45 ACP	12/31/2011
Sturm, Ruger & Co.	P90T / Blue Steel, Alum. Alloy, Stainless Steel	Pistol	4.5"	.45 ACP	12/31/2011

Sturm, Ruger & Co.	P90TH / Blue Steel, Alum. Alloy, Stainless Steel	Pistol	4.5"	.45 ACP	12/31/2011
Sturm, Ruger & Co.	KP97D / Stainless Steel, Polymer	Pistol	4.2"	.45 ACP	2/6/2011
Springfield Armory	XD9621 / Polymer, Steel	Pistol	5"	.45 ACP	3/17/2011
Springfield Armory	XD9622 / Polymer, Steel	Pistol	5"	.45 ACP	1/23/2011
Springfield Armory	XD9624 / Polymer, Steel	Pistol	5"	.45 ACP	3/26/2011
Springfield Armory	PX9105ML / Carbon Steel	Pistol	5.0"	.45 ACP	10/25/2011
Springfield Armory	XD9162 / Polymer, Steel	Pistol	5"	.45 ACP	11/20/2011
Springfield Armory	PB9108 / Carbon Steel	Pistol	5"	.45 ACP	2/8/2011
Springfield Armory	PB9108L (Integrated Locking System)) / Carbon Steel	Pistol	5"	.45 ACP	2/8/2011
Springfield Armory	PX9151L (ambi safety) / Stainless Steel	Pistol	5"	.45 ACP	2/20/2011
Springfield Armory	PX9151L / Stainless Steel	Pistol	5"	.45 ACP	2/20/2011
Springfield Armory	PX9152L / Stainless Steel	Pistol	5"	.45 ACP	5/9/2011
Springfield Armory	PX9154L / Stainless Steel	Pistol	5"	.45 ACP	10/25/2011
Springfield Armory	PX9608L (ambi safety) / Carbon Steel	Pistol	5"	.45 ACP	4/26/2011
Springfield Armory	PX9608L / Carbon Steel	Pistol	5"	.45 ACP	4/26/2011
Springfield Armory	XD9262 / Polymer, Steel	Pistol	5"	.45 ACP	3/26/2011
Springfield Armory	PX9628L (ambi safety) / Stainless Steel	Pistol	6"	.45 ACP	2/8/2011
Springfield Armory	PX9628L / Stainless Steel	Pistol	6"	.45 ACP	2/8/2011
Strayer Voigt	Infinity Trad. Target Pistol / Stainless Steel, Steel	Pistol	5"	.45 ACP	7/23/2011
Strayer Voigt	Infinity Comp. Target / Stainless Steel, Polymer	Pistol	5.190"	.45 ACP	4/2/2011
Springfield Armory	PI9140L (ambi safety) / Stainless Steel	Pistol	5"	.45 ACP	3/27/2011
Springfield Armory	PI9140L / Stainless Steel	Pistol	5"	.45 ACP	3/27/2011
Springfield Armory	PW9108L / Steel	Pistol	5"	.45 ACP	9/22/2011
Springfield Armory	PW9151L / Stainless Steel	Pistol	5"	.45 ACP	4/30/2011
Springfield Armory	PW9609L / Steel	Pistol	5"	.45 ACP	4/21/2011
Springfield Armory	PX9103L (ambi safety) / Alloy, Carbon Steel	Pistol	5"	.45 ACP	2/8/2011
Springfield Armory	PX9103L / Alloy, Carbon Steel	Pistol	5"	.45 ACP	2/8/2011
Springfield Armory	PX9104L / Alloy, Stainless Steel	Pistol	5"	.45 ACP	5/9/2011

Springfield Armory	PX9106L / Steel	Pistol	5"	.45 ACP	9/22/2011
Springfield Armory	PX9109L (ambi safety) / Carbon Steel	Pistol	5"	.45 ACP	2/8/2011
Springfield Armory	PX9109L / Carbon Steel	Pistol	5"	.45 ACP	2/8/2011
Springfield Armory	PB9151L / Stainless Steel	Pistol	5"	.45 ACP	3/19/2011
Springfield Armory	PB9609L / Carbon Steel	Pistol	5"	.45 ACP	4/30/2011
Springfield Armory	PC9102 / Carbon Steel	Pistol	5"	.45 ACP	12/3/2011
Springfield Armory	PC9105LCA (ambi safety) / Steel	Pistol	5"	.45 ACP	9/20/2011
Springfield Armory	PC9105LCA / Steel	Pistol	5"	.45 ACP	9/20/2011
Springfield Armory	PC9106L / Steel	Pistol	5"	.45 ACP	9/22/2011
Springfield Armory	PC9107L (ambi safety) / Stainless Steel	Pistol	5"	.45 ACP	3/29/2011
Springfield Armory	PC9107L / Stainless Steel	Pistol	5"	.45 ACP	3/29/2011
Springfield Armory	PC9108L (ambi safety) / Carbon Steel	Pistol	5"	.45 ACP	3/29/2011
Springfield Armory	PC9108L / Carbon Steel	Pistol	5"	.45 ACP	3/29/2011
Springfield Armory	PC9111 (ambi safety) / Carbon Steel	Pistol	5"	.45 ACP	3/29/2011
Springfield Armory	PC9111 / Carbon Steel	Pistol	5"	.45 ACP	3/29/2011
Springfield Armory	PC9111LR / Carbon Steel	Pistol	5"	.45 ACP	7/21/2011
Springfield Armory	PC9206 / Carbon Steel	Pistol	5"	.45 ACP	5/9/2011
Springfield Armory	PI9132L (ambi safety) / Stainless Steel	Pistol	5"	.45 ACP	4/26/2011
Springfield Armory	PI9132L / Stainless Steel	Pistol	5"	.45 ACP	4/26/2011
Mitchell	Mitchell Gold Series Stainless .45 ACP / Stainless Steel	Pistol	5"	.45 ACP	8/17/2011
Nighthawk Custom	Predator II (Black/Blue) / Steel	Pistol	4"	.45 ACP	12/29/2011
Nighthawk Custom	Predator II (Black/Sniper Gray) / Steel	Pistol	4"	.45 ACP	12/29/2011
Nighthawk Custom	Predator II (Blued) / Steel	Pistol	4"	.45 ACP	5/30/2011
Nighthawk Custom	T3 / Steel	Pistol	4.25"	.45 ACP	4/21/2011
Nighthawk Custom	Talon II (Blued) / Steel	Pistol	4.25"	.45 ACP	10/21/2011
Nighthawk Custom	Talon III (Black/Blue) / Steel	Pistol	4.25"	.45 ACP	12/29/2011
Nighthawk Custom	Talon III (Black/Sniper Gray) / Steel	Pistol	4.25"	.45 ACP	12/29/2011
Nighthawk Custom	Talon III (Blued) / Steel	Pistol	4.25"	.45 ACP	5/30/2011

Nighthawk Custom	GRP / Steel	Pistol	5"	.45 ACP	10/21/2011
Nighthawk Custom	GRP RECON / Steel	Pistol	5"	.45 ACP	11/29/2011
Nighthawk Custom	Predator (Blue) / Steel	Pistol	5"	.45 ACP	10/21/2011
Nighthawk Custom	Predator (Sniper Gray) / Steel	Pistol	5"	.45 ACP	10/21/2011
Nighthawk Custom	Predator / Steel	Pistol	5"	.45 ACP	10/4/2011
Nighthawk Custom	Talon (Black) / Steel	Pistol	5"	.45 ACP	10/4/2011
Nighthawk Custom	Talon (Blue) / Steel	Pistol	5"	.45 ACP	10/21/2011
Nighthawk Custom	Talon (Chrome Plating) / Steel	Pistol	5"	.45 ACP	11/13/2011
Nighthawk Custom	Talon (Sniper Gray) / Steel	Pistol	5"	.45 ACP	10/21/2011
Nighthawk Custom	Talon II (Black/Sniper Gray) / Steel	Pistol	5"	.45 ACP	11/1/2011
Nighthawk Custom	Talon II (Black/Titanium Blue) / Steel	Pistol	5"	.45 ACP	11/1/2011
Para USA (Para Ordnance)	CWX645B / Stainless Steel	Pistol	3"	.45 ACP	12/14/2011
Para USA (Para Ordnance)	CWX645BL / Stainless Steel	Pistol	3"	.45 ACP	12/14/2011
Para USA (Para Ordnance)	CWX645BN / Stainless Steel	Pistol	3"	.45 ACP	12/14/2011
Para USA (Para Ordnance)	CWX645S / Stainless Steel	Pistol	3"	.45 ACP	11/8/2011
Para USA (Para Ordnance)	CWX645SL / Stainless Steel	Pistol	3"	.45 ACP	11/8/2011
Para USA (Para Ordnance)	CWX645SN / Stainless Steel	Pistol	3"	.45 ACP	11/8/2011
Para USA (Para Ordnance)	NHX1045N / Steel, Alloy	Pistol	3"	.45 ACP	6/6/2011
Para USA (Para Ordnance)	NHX1045NL / Steel, Alloy	Pistol	3"	.45 ACP	6/6/2011
Para USA (Para Ordnance)	PSHX645S / Stainless Steel	Pistol	3"	.45 ACP	12/29/2011
Para USA (Para Ordnance)	PSHX645SL / Stainless Steel	Pistol	3"	.45 ACP	12/29/2011
Para USA (Para Ordnance)	PSHX645SN / Stainless Steel	Pistol	3"	.45 ACP	12/29/2011
Para USA (Para Ordnance)	WHX1045R / Steel and Alloy	Pistol	3"	.45 ACP	4/15/2011
Para USA (Para Ordnance)	WHX1045RL / Steel and Alloy	Pistol	3"	.45 ACP	4/15/2011
Para USA (Para Ordnance)	WHX1045RN / Steel and Alloy	Pistol	3"	.45 ACP	4/15/2011
Para USA (Para Ordnance)	WHX1045S / Stainless Steel	Pistol	3"	.45 ACP	11/30/2011
Para USA (Para Ordnance)	WHX1045SL / Stainless Steel	Pistol	3"	.45 ACP	11/30/2011
Para USA (Para Ordnance)	WHX1045SN / Stainless Steel	Pistol	3"	.45 ACP	11/30/2011

Para USA (Para Ordnance)	CTX1245NL / Stainless Steel	Pistol	3.5"	.45 ACP	3/23/2011
Para USA (Para Ordnance)	CTX1245NN / Stainless Steel	Pistol	3.5"	.45 ACP	3/23/2011
Para USA (Para Ordnance)	CTX1245NR / Stainless Steel	Pistol	3.5"	.45 ACP	3/23/2011
Para USA (Para Ordnance)	CWX745S / Stainless Steel	Pistol	3.5"	.45 ACP	5/25/2011
Para USA (Para Ordnance)	CWX745SL / Stainless Steel	Pistol	3.5"	.45 ACP	5/25/2011
Para USA (Para Ordnance)	CWX745SN / Stainless Steel	Pistol	3.5"	.45 ACP	5/25/2011
Para USA (Para Ordnance)	CX745S / Stainless Steel	Pistol	3.5"	.45 ACP	5/30/2011
Para USA (Para Ordnance)	CX745SL / Stainless Steel	Pistol	3.5"	.45 ACP	5/30/2011
Para USA (Para Ordnance)	CX745SN / Stainless Steel	Pistol	3.5"	.45 ACP	5/30/2011
Para USA (Para Ordnance)	PCWX745S / Stainless Steel	Pistol	3.5"	.45 ACP	3/23/2011
Para USA (Para Ordnance)	PCWX745SL / Stainless Steel	Pistol	3.5"	.45 ACP	3/23/2011
Para USA (Para Ordnance)	PCWX745SN / Stainless Steel	Pistol	3.5"	.45 ACP	3/23/2011
Para USA (Para Ordnance)	CCWX745S / Stainless Steel	Pistol	4.25"	.45 ACP	4/15/2011
Para USA (Para Ordnance)	CCWX745SL / Stainless Steel	Pistol	4.25"	.45 ACP	4/15/2011
Para USA (Para Ordnance)	CCWX745SN / Stainless Steel	Pistol	4.25"	.45 ACP	4/15/2011
Para USA (Para Ordnance)	CTX1345SL / Stainless Steel	Pistol	4.25"	.45 ACP	12/14/2011
Para USA (Para Ordnance)	CTX1345SN / Stainless Steel	Pistol	4.25"	.45 ACP	12/14/2011
Para USA (Para Ordnance)	CTX1345SR / Stainless Steel	Pistol	4.25"	.45 ACP	12/14/2011
Para USA (Para Ordnance)	DCX1445EL / Steel	Pistol	4.25"	.45 ACP	7/27/2011
Para USA (Para Ordnance)	DCX1445EN / Steel	Pistol	4.25"	.45 ACP	7/27/2011
Para USA (Para Ordnance)	DCX1445ER / Steel	Pistol	4.25"	.45 ACP	7/27/2011
Para USA (Para Ordnance)	DCX745E / Steel	Pistol	4.25"	.45 ACP	7/27/2011
Para USA (Para Ordnance)	DCX745EL / Steel	Pistol	4.25"	.45 ACP	7/27/2011
Para USA (Para Ordnance)	DCX745EN / Steel	Pistol	4.25"	.45 ACP	7/27/2011
Para USA (Para Ordnance)	PCX745E / Steel	Pistol	4.25"	.45 ACP	4/26/2011
Para USA (Para Ordnance)	PCX745EL / Steel	Pistol	4.25"	.45 ACP	4/26/2011
Para USA (Para Ordnance)	PCX745EN / Steel	Pistol	4.25"	.45 ACP	4/26/2011
Para USA (Para Ordnance)	PCX745R / Steel, Alloy	Pistol	4.25"	.45 ACP	4/26/2011

Para USA (Para Ordnance)	PCX745RL / Steel, Alloy	Pistol	4.25"	.45 ACP	4/26/2011
Para USA (Para Ordnance)	PCX745RN / Steel, Alloy	Pistol	4.25"	.45 ACP	4/26/2011
Para USA (Para Ordnance)	PCX745S / Stainless Steel	Pistol	4.25"	.45 ACP	3/23/2011
Para USA (Para Ordnance)	PCX745SL / Stainless Steel	Pistol	4.25"	.45 ACP	3/23/2011
Para USA (Para Ordnance)	PCX745SN / Stainless Steel	Pistol	4.25"	.45 ACP	3/23/2011
Para USA (Para Ordnance)	DX1445EL / Steel	Pistol	5"	.45 ACP	12/29/2011
Para USA (Para Ordnance)	DX1445EN / Steel	Pistol	5"	.45 ACP	12/29/2011
Para USA (Para Ordnance)	DX1445ER / Steel	Pistol	5"	.45 ACP	12/29/2011
Para USA (Para Ordnance)	DX1445SL / Stainless Steel	Pistol	5"	.45 ACP	7/27/2011
Para USA (Para Ordnance)	DX1445SN / Stainless Steel	Pistol	5"	.45 ACP	7/27/2011
Para USA (Para Ordnance)	DX1445SR / Stainless Steel	Pistol	5"	.45 ACP	7/27/2011
Para USA (Para Ordnance)	DX745S / Stainless Steel	Pistol	5"	.45 ACP	3/23/2011
Para USA (Para Ordnance)	DX745SL / Stainless Steel	Pistol	5"	.45 ACP	3/23/2011
Para USA (Para Ordnance)	DX745SN / Stainless Steel	Pistol	5"	.45 ACP	3/23/2011
Para USA (Para Ordnance)	PX1445SGRL / Stainless Steel	Pistol	5"	.45 ACP	2/28/2011
Para USA (Para Ordnance)	PX1445SGRN / Stainless Steel	Pistol	5"	.45 ACP	2/28/2011
Para USA (Para Ordnance)	PX1445SGRR / Stainless Steel	Pistol	5"	.45 ACP	2/28/2011
Para USA (Para Ordnance)	PX1445SL / Stainless Steel	Pistol	5"	.45 ACP	10/28/2011
Para USA (Para Ordnance)	PX1445SN / Stainless Steel	Pistol	5"	.45 ACP	10/28/2011
Para USA (Para Ordnance)	PX1445SR / Stainless Steel	Pistol	5"	.45 ACP	10/28/2011
Kahr Arms	Auto-Ordnance 1911 WGS Deluxe / Blued Steel	Pistol	5"	.45 ACP	3/12/2011
Kahr Arms	Auto-Ordnance T1911 STD / Blued Steel	Pistol	5"	.45 ACP	3/12/2011
Kimber	Eclipse Ultra II / Stainless Steel	Pistol	3"	.45 ACP	3/21/2011
Kimber	Stnls Ultra Carry II / Stainless Steel, Alum. Alloy	Pistol	3"	.45 ACP	12/31/2011
Kimber	Stnls Ultra Carry II Freedom Defender / Stainless Steel, Alum. Alloy	Pistol	3"	.45 ACP	2/12/2011
Kimber	Ult Carry II / Blue Steel, Alum. Alloy	Pistol	3"	.45 ACP	12/31/2011
Kimber	Ultra CDP II / Stainless Steel, Alum. Alloy	Pistol	3"	.45 ACP	1/18/2011
Kimber	Ultra Covert II / Steel, Aluminum Alloy	Pistol	3"	.45 ACP	6/10/2011

Kimber	Ultra Raptor II / Blue Steel, Alum. Alloy	Pistol	3"	.45 ACP	12/29/2011
Kimber	Comp. Stnls II / Stainless Steel	Pistol	4"	.45 ACP	12/31/2011
Kimber	Compact CDP II / Stainless Steel, Alum. Alloy	Pistol	4"	.45 ACP	1/18/2011
Kimber	Eclipse Pro II / Stainless Steel	Pistol	4"	.45 ACP	3/21/2011
Kimber	Eclipse Pro Target II / Stainless Steel	Pistol	4"	.45 ACP	6/11/2011
Kimber	Pro Carry HD II / Stainless Steel	Pistol	4"	.45 ACP	12/31/2011
Heckler & Koch	USP 45 Exp.V1 / Steel, Polymer	Pistol	5.20"	.45 ACP	12/31/2011
Heckler & Koch	USP 45 Elite / Steel, Polymer	Pistol	6.2"	.45 ACP	5/10/2011
Kahr Arms	KP4543 / Stainless Steel, Polymer	Pistol	3.5"	.45 ACP	2/6/2011
Kahr Arms	KP4543N / Stainless Steel, Polymer	Pistol	3.5"	.45 ACP	2/6/2011
Kahr Arms	KP4544 / Stainless Steel, Polymer	Pistol	3.5"	.45 ACP	9/6/2011
Kimber	Pro Carry II / Blue Steel, Aluminum	Pistol	4"	.45 ACP	12/31/2011
Kimber	Pro CDP II / Stainless Steel, Alum. Alloy	Pistol	4"	.45 ACP	1/18/2011
Kimber	Pro Tactical II / Blue Steel, Aluminum	Pistol	4"	.45 ACP	7/17/2011
Kimber	Stnls Pro Carry II / Stainless Steel, Alum. Alloy	Pistol	4"	.45 ACP	12/31/2011
Kimber	Custom CDP II / Stainless Steel, Alloy	Pistol	5"	.45 ACP	1/29/2011
Kimber	Custom II (NRA Freedom Warrior) / Steel	Pistol	5"	.45 ACP	4/9/2011
Kimber	Custom II / Blue Steel	Pistol	5"	.45 ACP	1/18/2011
Kimber	Custom Target II / Blue Steel	Pistol	5"	.45 ACP	12/31/2011
Kimber	Custom TLE II / Blue Steel	Pistol	5"	.45 ACP	11/13/2011
Kimber	Custom TLE/RL II (3200139) / Blue Steel	Pistol	5"	.45 ACP	12/19/2011
Kimber	Eclipse Custom II / Stainless Steel	Pistol	5"	.45 ACP	3/21/2011
Kimber	Royal II / Blue Steel	Pistol	5"	.45 ACP	12/31/2011
Kimber	Stainless Gold Match II / Stainless Steel	Pistol	5"	.45 ACP	1/18/2011
Kimber	Stainless II / Stainless Steel	Pistol	5"	.45 ACP	1/18/2011
Kimber	Stainless Raptor II / Stainless Steel	Pistol	5"	.45 ACP	6/10/2011
Kimber	Stainless TLE II / Stainless Steel	Pistol	5"	.45 ACP	12/29/2011
Kimber	Stainless TLE/RL II (3200140) / Stainless Steel	Pistol	5"	.45 ACP	12/19/2011
Kimber	Stnls Target II / Stainless Steel	Pistol	5"	.45 ACP	12/31/2011
Kimber	Super Match II / Stainless Steel	Pistol	5"	.45 ACP	3/7/2011
Kimber	Tactical Custom II (3200137) / Blue Steel	Pistol	5"	.45 ACP	12/19/2011
Kimber	Team Match II / Stainless Steel	Pistol	5"	.45 ACP	12/29/2011
Kimber	Warrior II / Blue Steel	Pistol	5"	.45 ACP	12/29/2011
Les Baer	Concept I (1.5" Group) / Steel	Pistol	5"	.45 ACP	10/30/2011
Les Baer	Concept I / Steel	Pistol	5"	.45 ACP	10/30/2011
Les Baer	Concept II (1.5" Group) / Steel	Pistol	5"	.45 ACP	10/30/2011
Les Baer	Concept II / Steel	Pistol	5"	.45 ACP	10/30/2011
Les Baer	Custom Carry (1.5" Group) / Steel	Pistol	5"	.45 ACP	10/25/2011
Les Baer	Custom Carry (Blue) / Steel	Pistol	5"	.45 ACP	10/25/2011

Les Baer	DCM National Match Hardball 5" / Carbon Steel	Pistol	5"	.45 ACP	9/12/2011
Les Baer	PPC Distinguished (1.5" Group) / Steel	Pistol	5"	.45 ACP	10/30/2011
Les Baer	PPC Distinguished / Steel	Pistol	5"	.45 ACP	10/30/2011
Les Baer	Premier II (1.5" Group) / Steel	Pistol	5"	.45 ACP	10/30/2011
Les Baer	Premier II / Steel	Pistol	5"	.45 ACP	10/30/2011
Les Baer	S.R.P. (1.5" Group) / Steel	Pistol	5"	.45 ACP	10/30/2011
Les Baer	S.R.P. / Steel	Pistol	5"	.45 ACP	10/30/2011
Les Baer	Super Tac (1.5" Group) / Steel	Pistol	5"	.45 ACP	10/30/2011
Les Baer	Super Tac / Steel	Pistol	5"	.45 ACP	10/30/2011
Les Baer	Thunder Ranch (1.5" Group) / Steel	Pistol	5"	.45 ACP	11/14/2011
Les Baer	Thunder Ranch / Steel	Pistol	5"	.45 ACP	11/14/2011
Les Baer	Ultimate Master Combat (1.5" Group) / Steel	Pistol	5"	.45 ACP	10/30/2011
Les Baer	Ultimate Master Combat / Steel	Pistol	5"	.45 ACP	10/30/2011
Glock	21 / Steel, Polymer	Pistol	4.6"	.45 ACP	12/31/2011
Glock	21 OD / Steel, Polymer	Pistol	4.6"	.45 ACP	12/22/2011
Glock	21C / Steel, Polymer	Pistol	4.6"	.45 ACP	2/1/2011
Glock	21SF-STD / Steel, Polymer	Pistol	4.6"	.45 ACP	6/14/2011
Heckler & Koch	Comp USP45 V1 / Steel, Polymer	Pistol	3.8"	.45 ACP	12/31/2011
Heckler & Koch	USP Comp 45 Stnls V1 / Stainless Steel, Polymer	Pistol	3.80"	.45 ACP	4/20/2011
Taurus	PT745 (Blue) / Blued Steel/Polymer	Pistol	3.25"	.45 ACP	7/18/2011
Taurus	PT745 (Stainless) / Stainless Steel, Polymer	Pistol	3.25"	.45 ACP	7/18/2011
Wilson Combat	Sentinel Tactical (Black) (WS-T-ACA) / Steel	Pistol	3.75"	.45 ACP	12/29/2011
Wilson Combat	CQB (Black/Green) (WCQB-T-A-CA) / Carbon Steel	Pistol	4"	.45 ACP	2/26/2011
Wilson Combat	Professional (Black) (WPM-A-ASCA) / Steel	Pistol	4"	.45 ACP	2/14/2011
Wilson Combat	Professional Elite (Black)(WPE-A-ASCA) / Steel	Pistol	4"	.45 ACP	2/14/2011
Wilson Combat	Stealth (Black) (WSDS-A-ACA) / Steel	Pistol	4.1"	.45 ACP	12/19/2011
Wilson Combat	Classic Ambi (Black/Silver) (WC-A-TTSCA) / Steel	Pistol	5"	.45 ACP	12/29/2011
Wilson Combat	CQB (Black/Green) (WCQB-T-A-CA) / Carbon Steel	Pistol	5"	.45 ACP	2/26/2011
Wilson Combat	CQB, Ambi, AT Tac Lt RI (Blk) (CQBLR-FSR-45) / Steel	Pistol	5"	.45 ACP	5/29/2011
Wilson Combat	Super Grade (Blue/Stainless) (WSG-A-TT CA) / Steel	Pistol	5"	.45 ACP	12/19/2011
Wilson Combat	Tactical Elite, Ambi (Black) (WTE-A-A-CA) / Carbon Steel	Pistol	5"	.45 ACP	2/13/2011
Wilson Combat	Tactical Super Grade (Black/Gray) (WTSG-A-ACA) / Steel	Pistol	5"	.45 ACP	12/19/2011
Wilson Combat	Combat Protector (Silver) (WPS-A-SS CA) / Stainless Steel	Pistol	5"	.45 ACP	11/16/2011
Smith & Wesson	325NG (Matte Black) SKU 163421 / Scandium/Stainless Steel Finish	Revolver	2.5"	.45 ACP	2/18/2012
Smith & Wesson	625-10 / Alloy, Stainless Steel	Revolver	2"	.45 ACP	11/6/2011

Smith & Wesson	325PD / Alloy, Titanium and Stainless Steel	Revolver	2.75"	.45 ACP	8/10/2011
Smith & Wesson	22-4 SKU 161239 / Steel	Revolver	4"	.45 ACP	1/5/2012
Smith & Wesson	22-4 Classic (Blue) / Steel	Revolver	4"	.45 ACP	8/29/2011
Smith & Wesson	22-4 Classic (Nickel) / Steel	Revolver	4"	.45 ACP	8/29/2011
Smith & Wesson	325 Thunder Ranch (Matte Black) / Alloy, Stainless Steel	Revolver	4"	.45 ACP	11/24/2011
Smith & Wesson	325PD SKU 163416 / Stainless Steel, Titanium, Alloy	Revolver	4"	.45 ACP	3/21/2012
Smith & Wesson	22-4 Classic (Color Case) / Steel	Revolver	4"	.45 ACP	8/29/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P245 (Blued) / Steel, Alloy	Pistol	3.9"	.45 ACP	4/7/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P245 (Two-Tone) / Steel, Alloy	Pistol	3.9"	.45 ACP	4/7/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P220 (Blued) / Steel, Alloy	Pistol	4.4"	.45 ACP	4/7/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P220 (Stainless) / Stainless Steel	Pistol	4.4"	.45 ACP	10/16/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P220 (Two-Tone) / Steel, Alloy	Pistol	4.4"	.45 ACP	4/7/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P220R (Blued) / Stainless Steel, Alloy	Pistol	4.4"	.45 ACP	3/19/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P220R (Blued) / Steel, Alloy	Pistol	4.4"	.45 ACP	5/24/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P220R (Equinox) / Steel, Alloy	Pistol	4.4"	.45 ACP	10/9/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P220R Combat (Dark Earth) / Stainless Steel, Alloy	Pistol	4.4"	.45 ACP	6/13/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P220R DAK (Blued) / Stainless Steel, Alloy	Pistol	4.4"	.45 ACP	1/5/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	1911 (Blued) / Stainless Steel	Pistol	5"	.45 ACP	6/23/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	1911 (Stainless) / Stainless Steel	Pistol	5"	.45 ACP	4/21/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	1911 Railed (Blued) / Stainless Steel	Pistol	5"	.45 ACP	11/29/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	1911 Railed (Stainless) / Stainless Steel	Pistol	5"	.45 ACP	6/23/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	1911 Target (Blued) / Stainless Steel	Pistol	5"	.45 ACP	6/13/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	1911 Target (Stainless) / Stainless Steel	Pistol	5"	.45 ACP	6/13/2011

Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	1911 Target Railed (Blued) / Stainless Steel	Pistol	5"	.45 ACP	11/29/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	1911 TTT (Two-tone/Wood Grip) / Stainless Steel	Pistol	5"	.45 ACP	10/2/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	1911 XO (Blued) / Stainless Steel	Pistol	5"	.45 ACP	11/29/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	1911 XO (Stainless) / Stainless Steel	Pistol	5"	.45 ACP	11/29/2011
Smith & Wesson	CS45 / Alloy, Stainless Steel	Pistol	3.25"	.45 ACP	12/31/2011
Smith & Wesson	4563TSW / Alloy, Stainless Steel	Pistol	4.25"	.45 ACP	12/31/2011
Smith & Wesson	4566 SKU 108272 / Stainless Steel	Pistol	4.25"	.45 ACP	2/8/2012
Smith & Wesson	4566TSW / Stainless Steel	Pistol	4.25"	.45 ACP	12/31/2011
Smith & Wesson	4513TSW / Stainless Steel, Alloy	Pistol	3.75"	.45 ACP	7/2/2011
Smith & Wesson	457 / Alloy, Steel, Stainless Steel	Pistol	3.75"	.45 ACP	12/31/2011
Smith & Wesson	457S SKU 104808 / Stainless Steel, Alloy	Pistol	3.75"	.45 ACP	1/14/2012
Smith & Wesson	945-1 / Alloy, Stainless Steel	Pistol	3.75"	.45 ACP	12/31/2011
Smith & Wesson	945-1 / Stainless Steel, Alloy	Pistol	3.25"	.45 ACP	5/7/2011
Smith & Wesson	PC1911 (Blued) / Stainless Steel	Pistol	5"	.45 ACP	9/15/2011
Smith & Wesson	PC1911 Stainless (Matte/Polished Stainless) / Stainless Steel	Pistol	5"	.45 ACP	8/17/2011
Smith & Wesson	SW 1911 PD SKU 108238 / Alloy, Steel, Stainless Steel	Pistol	4.25"	.45 ACP	2/17/2012
Smith & Wesson	SW 1911 PD (Desert Tan) Laser Grip SKU 108296 / Alloy, Steel, Stainless Steel	Pistol	4.25"	.45 ACP	2/17/2012
Smith & Wesson	SW 1911 PD Gunsite SKU 108304 / Stainless Steel, Steel, Alloy	Pistol	4.25"	.45 ACP	2/27/2012
Smith & Wesson	SW1911 SC / Alloy, Steel, Stainless Steel	Pistol	4.25"	.45 ACP	8/10/2011
Smith & Wesson	SW1911 SC / Stainless Steel, Alloy	Pistol	4.25"	.45 ACP	7/11/2011
Smith & Wesson	SW99 / Stainless Steel, Polymer	Pistol	4.25"	.45 ACP	4/28/2011
Smith & Wesson	SW990L / Polymer, Stainless Steel	Pistol	4.25"	.45 ACP	12/4/2011
Smith & Wesson	M&P 45 (Black/Mag. & Thumb Safety) SKU 109006 / Stainless Steel, Polymer	Pistol	4.5"	.45 ACP	1/31/2012
Smith & Wesson	M&P 45 (Mag. Safety) SKU 109206 / Stainless Steel, Polymer	Pistol	4.5"	.45 ACP	1/31/2012
Smith & Wesson	M&P 45 (Mag/Thumb Sfty) Dk Earth Bro SKU 109056 / Stainless Steel, Polymer	Pistol	4.5"	.45 ACP	2/12/2012
Smith & Wesson	4506 SKU 108163 / Stainless Steel	Pistol	5"	.45 ACP	2/8/2012
Smith & Wesson	945-1 (2-Tone) SKU 170300 / Stainless Steel	Pistol	5"	.45 ACP	1/16/2012
Smith & Wesson	945-1 / Stainless Steel	Pistol	5"	.45 ACP	12/31/2011
Smith & Wesson	SW 1911 (Olive) Laser Grip SKU 108295 / Stainless Steel	Pistol	5"	.45 ACP	2/17/2012
Smith & Wesson	SW 1911 PD SKU 108286 / Alloy, Steel, Stainless Steel	Pistol	5"	.45 ACP	2/24/2012
Smith & Wesson	SW1911 (Nickel) / Steel, Stainless Steel	Pistol	5"	.45 ACP	11/30/2011

Smith & Wesson	SW1911 / Stainless Steel	Pistol	5"	.45 ACP	11/8/2011
Smith & Wesson	SW1911 Adj. Sights (Blue/Blk) / Steel, Stainless Steel	Pistol	5"	.45 ACP	9/20/2011
Smith & Wesson	SW1911 Adj. Sights (Matte Stainless) / Stainless Steel	Pistol	5"	.45 ACP	4/21/2011
Smith & Wesson	SW1911 Fixed Sights / Steel, Stainless Steel	Pistol	5"	.45 ACP	4/5/2011
Smith & Wesson	SW1911 Rolling Thunder / Steel, Stainless Steel	Pistol	5"	.45 ACP	11/30/2011
Smith & Wesson	SW1911 SC / Stainless Steel, Alloy	Pistol	5"	.45 ACP	7/11/2011
Smith & Wesson	SW1911DK / Steel, Stainless Steel	Pistol	5"	.45 ACP	4/5/2011
Cobra Enterprises	Patriot 45 (Black) / Stainless Steel	Pistol	3"	.45 ACP	12/18/2011
Cobra Enterprises	Patriot 45 (Stainless) / Stainless Steel	Pistol	3"	.45 ACP	10/28/2011
CZ USA (Ceska Zbrojovka Fox)	CZ 97 B (Black) 01401 / Steel	Pistol	4.658"	.45 ACP	12/31/2011
Dan Wesson	Commander Classic Bobtail / Stainless Steel	Pistol	4.3"	.45 ACP	1/31/2011
Dan Wesson	PM7 (Stainless) / Stainless Steel	Pistol	5"	.45 ACP	1/31/2011
Ed Brown Products	KC-SS-CAL2 (Gray) / Stainless Steel	Pistol	4.25"	.45 ACP	11/21/2011
Ed Brown Products	ET-BB-CAL2 (Black) / Carbon Steel	Pistol	5"	.45 ACP	11/21/2011
Ed Brown Products	SF-BB-CAL2 (Black) / Carbon Steel	Pistol	5"	.45 ACP	11/21/2011
Glock	30 / Steel, Polymer	Pistol	3.78"	.45 ACP	12/31/2011
Glock	30 OD / Steel, Polymer	Pistol	3.78"	.45 ACP	11/1/2011
Glock	30SF / Steel, Polymer	Pistol	3.78"	.45 ACP	4/21/2011
Glock	36 / Steel, Polymer	Pistol	3.78"	.45 ACP	12/31/2011
Glock	36 OD / Steel, Polymer	Pistol	3.78"	.45 ACP	11/1/2011
Para USA (Para Ordnance)	TX1445SL / Stainless Steel	Pistol	5"	.45 ACP	9/20/2011
Para USA (Para Ordnance)	TX1445SN / Stainless Steel	Pistol	5"	.45 ACP	9/20/2011
Para USA (Para Ordnance)	TX1445SR / Stainless Steel	Pistol	5"	.45 ACP	9/20/2011
Para USA (Para Ordnance)	TX745S / Stainless Steel and Steel	Pistol	5"	.45 ACP	8/17/2011
Para USA (Para Ordnance)	TX745SL / Stainless Steel and Steel	Pistol	5"	.45 ACP	8/17/2011
Para USA (Para Ordnance)	TX745SN / Stainless Steel and Steel	Pistol	5"	.45 ACP	8/17/2011
Para USA (Para Ordnance)	RX1445ECBL / Steel	Pistol	5"	.45 ACP	2/28/2011
Para USA (Para Ordnance)	RX1445ECBN / Steel	Pistol	5"	.45 ACP	2/28/2011
Para USA (Para Ordnance)	RX1445ECBR / Steel	Pistol	5"	.45 ACP	2/28/2011
Para USA (Para Ordnance)	RX1445EL / Steel	Pistol	5"	.45 ACP	7/27/2011
Para USA (Para Ordnance)	RX1445EN / Steel	Pistol	5"	.45 ACP	7/27/2011
Para USA (Para Ordnance)	RX1445ER / Steel	Pistol	5"	.45 ACP	7/27/2011

Para USA (Para Ordnance)	RX1445SL / Stainless Steel	Pistol	5"	.45 ACP	12/29/2011
Para USA (Para Ordnance)	RX1445SN / Stainless Steel	Pistol	5"	.45 ACP	12/29/2011
Para USA (Para Ordnance)	RX1445SR / Stainless Steel	Pistol	5"	.45 ACP	12/29/2011
Para USA (Para Ordnance)	SX1445SL / Stainless Steel and Steel	Pistol	5"	.45 ACP	8/12/2011
Para USA (Para Ordnance)	SX1445SN / Stainless Steel and Steel	Pistol	5"	.45 ACP	8/12/2011
Para USA (Para Ordnance)	SX1445SR / Stainless Steel and Steel	Pistol	5"	.45 ACP	8/12/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P220R Carry (Blued) / Stainless Steel, Alloy	Pistol	3.75"	.45 ACP	6/23/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P220R Carry (Equinox) / Stainless Steel, Alloy	Pistol	3.75"	.45 ACP	6/13/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P220R Carry (Two-Tone) / Stainless Steel, Alloy	Pistol	3.75"	.45 ACP	6/23/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P220R Carry SAO (Blued) / Stainless Steel, Alloy	Pistol	3.75"	.45 ACP	6/23/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig	P220R Carry SAO (Two-Tone) / Stainless Steel, Alloy	Pistol	3.75"	.45 ACP	2/27/2011
Auto-Ordnance	AHF Commemorative Model / Blued Steel	Pistol	5"	.45 ACP	9/8/2011
Auto-Ordnance	Auto Ordnance 1911 A-1 PKZA / Parkerized Steel	Pistol	5"	.45 ACP	11/19/2011
Beretta	8045 F / Steel, Alloy	Pistol	3.7"	.45 ACP	12/31/2011
Armscor Precision	ECS (Stainless) / Stainless Steel	Pistol	3.5"	.45 ACP	6/19/2011
Armscor Precision	Rock Island 1911 A-1 CS (Blue) / Steel	Pistol	3.5"	.45 ACP	2/1/2011
Armscor Precision	Rock Island 1911 A-1 GI MS (Blue) / Steel	Pistol	4"	.45 ACP	9/10/2011
Armscor Precision	EFS (Blue) / Steel	Pistol	5"	.45 ACP	6/19/2011
Armscor Precision	EFS (Stainless) / Stainless Steel	Pistol	5"	.45 ACP	6/19/2011
Armscor Precision	High Standard 1911 A-1 / Steel	Pistol	5"	.45 ACP	11/1/2011
Armscor Precision	M1911-A1 / Steel	Pistol	5"	.45 ACP	7/20/2011
Armscor Precision	M1911-A1 Tactical / Steel	Pistol	5"	.45 ACP	2/27/2011
Armscor Precision	RIA M1911-A1 FS Match (Blue) / Steel	Pistol	5"	.45 ACP	11/29/2011
Armscor Precision	RIA M1911-A1 Target (Blue) / Steel	Pistol	5"	.45 ACP	2/27/2011
Armscor Precision	Rock Island 1911 A-1 G.I. (Blue) / Steel	Pistol	5"	.45 ACP	6/12/2011
Armscor Precision	Rock Island 1911 A-2 GI FS (Blue) / Steel	Pistol	5"	.45 ACP	9/10/2011
Colt	07000D Defender Ltwtg Ser 90 / Alloy, Stainless Steel	Pistol	3"	.45 ACP	3/11/2011

Colt	04012XSE Combat Commander / Stainless Steel (brushed)	Pistol	4.25"	.45 ACP	10/30/2011
Colt	04091U / Stainless Steel	Pistol	4.25"	.45 ACP	11/14/2011
Colt	04691 / Carbon Steel	Pistol	4.25"	.45 ACP	11/14/2011
Colt	01070XSE / Stainless Steel	Pistol	5"	.45 ACP	5/9/2011
Colt	01091 M1991A1 Ser 80 / Stainless Steel (matte)	Pistol	5"	.45 ACP	3/11/2011
Colt	01980XSE / Carbon Steel (blue)	Pistol	5"	.45 ACP	2/9/2011
Colt	01991 M1991A1 Ser 80 (Matte Blue) / Steel (matte blue)	Pistol	5"	.45 ACP	3/11/2011
Colt	01991AR Custom M1991A1 (America Remembers) / Blue Steel	Pistol	5"	.45 ACP	11/8/2011
Colt	01991Z Custom M1991 A1 (America Remembers) / Steel	Pistol	5"	.45 ACP	9/8/2011
Colt	01991Z Custom M1991A1 (NRA 2011 Gun of the Year) / Steel	Pistol	5"	.45 ACP	6/16/2011
Valtro	1998 A-1 / 4340 N. Cr. Moly	Pistol	5"	.45 ACP	4/19/2011
Heckler & Koch	USP45, V1 / Steel, Polymer	Pistol	4.41"	.45 ACP	12/31/2011
Kimber	Eclipse Target II / Stainless Steel	Pistol	5"	.45 ACP	3/21/2011
Kimber	Gold Combat II / Stainless	Pistol	5"	.45 ACP	2/19/2011
Kimber	Gold Combat Stnls II / Stainless Steel	Pistol	5"	.45 ACP	2/22/2011
Kimber	Gold Match II / Blue Steel	Pistol	5"	.45 ACP	1/18/2011
Kimber	Raptor II / Blue Steel	Pistol	5"	.45 ACP	12/29/2011
Para USA (Para Ordnance)	PX745E / Steel	Pistol	5"	.45 ACP	4/14/2011
Para USA (Para Ordnance)	PX745EL / Steel	Pistol	5"	.45 ACP	4/14/2011
Para USA (Para Ordnance)	PX745ELM / Steel	Pistol	5"	.45 ACP	12/29/2011
Para USA (Para Ordnance)	PX745EM / Steel	Pistol	5"	.45 ACP	12/29/2011
Para USA (Para Ordnance)	PX745EN / Steel	Pistol	5"	.45 ACP	4/14/2011
Para USA (Para Ordnance)	PX745ENM / Steel	Pistol	5"	.45 ACP	12/29/2011
Entreprise Arms	Elite P500 / 4140 Steel	Pistol	5"	.45 Auto	1/23/2011
Entreprise Arms	Medalist P500 / 4140 Steel	Pistol	5"	.45 Auto	1/23/2011
Entreprise Arms	Tactical P500 / 4140 Steel	Pistol	5"	.45 Auto	1/23/2011
Nighthawk Custom	Predator III (Black/Sniper Gray) / Steel	Pistol	4.33"	.45 Auto	11/1/2011
Nighthawk Custom	Predator III (Black/Titanium Blue) / Steel	Pistol	4.33"	.45 Auto	11/1/2011
Nighthawk Custom	Predator III-T / Steel	Pistol	4.33"	.45 Auto	10/21/2011
Sturm, Ruger & Co.	P345PR / Steel, Polymer	Pistol	4.2"	.45 Auto	5/27/2011
Sturm, Ruger & Co.	KP345 / Steel and Polymer	Pistol	4.2"	.45 Auto	9/15/2011
Sturm, Ruger & Co.	KP345PR / Stainless Steel and Polymer	Pistol	4.2"	.45 Auto	8/10/2011
Sturm, Ruger & Co.	KRH-45-4 (Satin Stainless) / Stainless Steel	Revolver	4"	.45 Colt	6/25/2011
Smith & Wesson	625-9 SKU 160932 / Stainless Steel	Revolver	4"	.45 Colt	3/21/2012

Smith & Wesson	25-15 (Blue) / Steel	Revolver	6.5"	.45 Colt	10/22/2011
Smith & Wesson	25-13 / Steel	Revolver	4"	.45 Colt	5/20/2011
Glock	38 OD / Steel, Polymer	Pistol	4"	.45 GAP	1/17/2011
Glock	39 OD / Steel, Polymer	Pistol	3.3"	.45 GAP	2/27/2011
Glock	39 / Steel, Polymer	Pistol	3.46"	.45 GAP	7/13/2011
Glock	38 / Steel, Polymer	Pistol	4.02"	.45 GAP	7/13/2011
Glock	G-37 / Steel, Polymer	Pistol	4.5"	.45 GAP	1/27/2011
Glock	G-37 OD / Steel, Polymer	Pistol	4.5"	.45 GAP	11/1/2011
Sturm, Ruger & Co.	KRH-455 / Stainless Steel	Revolver	5.5"	.45 Long Colt	12/31/2011
Taurus	454 (Stainless 8 3/8") / Stainless Steel	Revolver	8.37"	.454 Casull	1/22/2011
Sturm, Ruger & Co.	KSRH-7454 / Stainless Steel	Revolver	7.5"	.454 Casull	12/31/2011
Sturm, Ruger & Co.	KSRH-2454 / Stainless Steel	Revolver	2.5"	.454 Casull	8/11/2011
Smith & Wesson	460 Hunter / Stainless Steel	Revolver	10.62"	.460 S&W	5/2/2011
Smith & Wesson	460 Carry Comp. SKU 170268 / Stainless Steel	Revolver	3.5"	.460 S&W Magnum	1/5/2012
Smith & Wesson	460 ES / Stainless Steel	Revolver	2.75"	.460 S&W Magnum	10/13/2011
Smith & Wesson	460 Hunter / Stainless Steel	Revolver	12"	.460 S&W Magnum	10/13/2011
Smith & Wesson	460 Hunter / Stainless Steel	Revolver	6.5"	.460 S&W Magnum	5/2/2011
Smith & Wesson	460V / Stainless Steel	Revolver	5"	.460 S&W Magnum	6/21/2011
Smith & Wesson	460 Black Hunter SKU 170267 / Stainless Steel	Revolver	7.5"	.460 S&W Magnum	3/21/2012
Smith & Wesson	460 Whitetails Unlimited / Stainless Steel	Revolver	8.37"	.460 S&W Magnum	10/13/2011
Smith & Wesson	460 XVR / Stainless Steel	Revolver	8.37"	.460 S&W Magnum	10/21/2011
Sturm, Ruger & Co.	KSRH-7480 / Stainless Steel	Revolver	7.5"	.480 Ruger	4/17/2011
Sturm, Ruger & Co.	KSRH-9480 / Stainless Steel	Revolver	9.5"	.480 Ruger	4/17/2011
GunCrafter Industries, LLC	No. 1 / Steel	Pistol	5"	.50 GI	12/29/2011
GunCrafter Industries, LLC	No. 2 / Steel	Pistol	5"	.50 GI	12/29/2011
Smith & Wesson	500 Hunter (Matte Silver) SKU 170299 / Stainless Steel	Revolver	7.5"	.500 S&W Mag	6/28/2011
Smith & Wesson	500 (Ross Two-Tone) / Stainless Steel	Revolver	5"	.500 S&W Mag	4/17/2011
Smith & Wesson	500 Performance Center / Stainless Steel	Revolver	5"	.500 S&W Mag	4/17/2011
Smith & Wesson	500 / Stainless Steel	Revolver	4"	.500 S&W Magnum	9/15/2011
Smith & Wesson	500 Hunter/Perf Ctr (Matte Blk) SKU 170255 / Stainless Steel	Revolver	7.5"	.500 S&W Magnum	1/18/2012
Smith & Wesson	500 Interchangeable Compensator / Stainless Steel	Revolver	8.37"	.500 S&W Magnum	5/27/2011
Smith & Wesson	500 Hunter / Stainless Steel	Revolver	6.5"	.500 S&W Magnum	11/12/2011

Smith & Wesson	500 ES / Stainless Steel	Revolver	2.75"	.500 S&W Magnum	10/13/2011
Smith & Wesson	500 Hunter SKU 170231 / Stainless Steel	Revolver	10.62"	.500 S&W Magnum	1/29/2012
Smith & Wesson	310NG (Matte Black) SKU 163426 / Alloy; Stainless Steel	Revolver	2.75"	10mm	6/2/2011
Smith & Wesson	610-3 / Stainless Steel	Revolver	3.87"	10mm	5/8/2011
Smith & Wesson	610-3 / Stainless Steel	Revolver	3.87"	10mm	9/3/2011
Glock	29 / Steel, Polymer	Pistol	3.78"	10mm	4/4/2011
Glock	29 OD / Steel, Polymer	Pistol	3.78"	10mm	11/1/2011
Glock	29SF (Black) / Steel, Polymer	Pistol	3.78"	10mm	12/30/2011
Smith & Wesson	610-3 / Stainless Steel	Revolver	6.5"	10mm	4/17/2011
Glock	20 / Steel, Polymer	Pistol	4.60"	10mm	12/31/2011
Glock	20 OD / Steel, Polymer	Pistol	4.60"	10mm	12/22/2011
Glock	20SF (Black) / Steel, Polymer	Pistol	4.60"	10mm	12/30/2011
Glock	20C / Steel, Polymer	Pistol	4.6"	10mm	1/9/2011
Kimber	Stainless Target 10mm II / Stainless Steel	Pistol	5"	10mm	10/14/2011
Kimber	Eclipse Custom II / Stainless Steel	Pistol	5"	10mm	10/31/2011
Fabrique Nationale	FN 5.7 I.O.M. (Matte Black) / Steel, Polymer	Pistol	4.8"	5.7x28mm	3/23/2011
Fabrique Nationale	FN 5.7 U.S.G. (Matte Black) / Steel, Polymer	Pistol	4.8"	5.7x28mm	4/12/2011
Smith & Wesson	500 / Stainless Steel	Revolver	8.37"	500 S&W Magnum	6/30/2011
Smith & Wesson	500 (Satin Stainless) / Stainless Steel	Revolver	6.5"	500 S&W Magnum	7/17/2011
Bulgarian (Century Int'l Arms)	Makarov (Century Int'l) / Steel	Pistol	3.65"	9 mm Mak	12/6/2011
Browning	Hi-Power Blue Adj Sights / Steel	Pistol	4.66"	9mm	7/26/2011
Browning	Hi-Power Blue Fixed Sights / Steel	Pistol	4.66"	9mm	7/26/2011
Browning	Hi-Power MKIII Fixed Sights / Steel	Pistol	4.66"	9mm	7/2/2011
Armscor Precision	AP9 FS / Steel	Pistol	4.5"	9mm	2/27/2011
Armscor Precision	MAPP1 FS / Steel, Polymer	Pistol	4.5"	9mm	2/27/2011
Armscor Precision	AP9 MS / Steel	Pistol	3.8"	9mm	2/27/2011
Armscor Precision	MAPP1 MS / Steel, Polymer	Pistol	3.8"	9mm	2/27/2011
Beretta	8000 Cougar F / Blue Steel	Pistol	3.6"	9mm	12/31/2011
Beretta	9000S Type F 9mm / Blue Steel, Polymer	Pistol	3.375"	9mm	6/26/2011
Beretta	PX4 Storm Type G / Steel, Polymer	Pistol	4"	9mm	12/14/2011
Beretta	92FS Compact Type M / Blue Steel	Pistol	4.3"	9mm	12/31/2011
Beretta	92G Elite 1A / Steel	Pistol	4.5"	9mm	9/18/2011
Beretta	92FS Vertec (Black) / Steel, Stainless Steel, Alloy	Pistol	4.52"	9mm	3/5/2011
Beretta	92FS Vertec Inox Lasergrips / Steel, Stainless Steel, Alloy	Pistol	4.52"	9mm	12/18/2011
Beretta	92FS / Steel, Alloy	Pistol	4.9"	9mm	12/31/2011
Beretta	92FS OD Green / Steel, Alloy	Pistol	4.9"	9mm	12/18/2011

Beretta	92FS Vertec Inox / Stainless Steel, Alloy	Pistol	4.7"	9mm	7/16/2011
Beretta	92G Elite II / Blue Steel, Stainless Steel	Pistol	4.7"	9mm	12/31/2011
Beretta	PX4 Storm Type F / Steel, Polymer	Pistol	4"	9mm	12/14/2011
Beretta	92FS Type M9A1 / Steel, Alloy	Pistol	5"	9mm	12/14/2011
Beretta	92G-SD / Stainless Steel, Steel, Alloy	Pistol	5"	9mm	12/14/2011
Beretta	M9 Commercial / Steel, Alloy	Pistol	4.9"	9mm	6/17/2011
Beretta	92FS Black Inox / Stainless Steel	Pistol	4.92"	9mm	5/22/2011
Beretta	92FS Brigadier / Blue Steel	Pistol	4.92"	9mm	12/31/2011
Beretta	92FS Brigadier Inox / Stainless Steel	Pistol	4.92"	9mm	12/31/2011
Beretta	92FS Inox / Stainless Steel	Pistol	4.92"	9mm	12/31/2011
Beretta	92FS Inox Lasergrips / Stainless Steel	Pistol	4.92"	9mm	12/18/2011
FMK Firearms	9C1 (Black) / Polymer Frame, Steel Slide	Pistol	4"	9mm	10/14/2011
Fabrique Nationale	FN HP-SA / Steel	Pistol	4.66"	9mm	3/13/2011
CZ USA (Ceska Zbrojovka Fox)	CZ 75 TS / Steel, Alloy, Poly Trigger	Pistol	5.215"	9mm	1/31/2011
CZ USA (Ceska Zbrojovka Fox)	CZ 75 Tactical 01100 / Steel	Pistol	4.72"	9mm	5/9/2011
Fabrique Nationale	FNP-9 (Stainless Slide/Black Frame) / Steel, Polymer	Pistol	4"	9mm	3/13/2011
Fabrique Nationale	FNP-9 (Stnls. Matte Black) / Steel, Polymer	Pistol	4"	9mm	11/12/2011
Glock	26 / Steel, Polymer	Pistol	3.46"	9mm	12/31/2011
Glock	26 OD / Steel, Polymer	Pistol	3.46"	9mm	12/22/2011
Glock	19 / Steel, Polymer	Pistol	4.02"	9mm	12/31/2011
Glock	19 OD / Steel, Polymer	Pistol	4.02"	9mm	11/16/2011
Glock	19C / Steel, Polymer	Pistol	4"	9mm	6/4/2011
CZ USA (Ceska Zbrojovka Fox)	75 BD (Black) 01130 / Steel	Pistol	4.687"	9mm	3/5/2011
CZ USA (Ceska Zbrojovka Fox)	CZ 75 P-01 01199 / Steel, Alloy	Pistol	3.88"	9mm	2/26/2011
CZ USA (Ceska Zbrojovka Fox)	CZ 75 B (Black) 01102 / Steel	Pistol	4.593"	9mm	12/31/2011
CZ USA (Ceska Zbrojovka Fox)	CZ 75 B SA (Black) 01150 / Steel	Pistol	4.593"	9mm	12/31/2011
CZ USA (Ceska Zbrojovka Fox)	CZ 75 SP-01 / Steel, Poly	Pistol	4.6	9mm	1/31/2011
CZ USA (Ceska Zbrojovka Fox)	CZ 75 D (Black) 01194 / Alloy	Pistol	3.763"	9mm	12/31/2011
CZ USA (Ceska Zbrojovka Fox)	CZ 75 Compact (Black) 01190 / Steel	Pistol	3.765"	9mm	12/31/2011
CZ USA (Ceska Zbrojovka Fox)	CZ 2075 RAMI / Steel, Alloy	Pistol	3"	9mm	5/12/2011
Glock	17 / Steel, Polymer	Pistol	4.49"	9mm	12/31/2011
Glock	17 OD / Steel, Polymer	Pistol	4.49"	9mm	11/1/2011
Glock	17C / Steel, Polymer	Pistol	4.49"	9mm	1/9/2011
Glock	17RTF2 (Black) / Steel, Polymer	Pistol	4.49"	9mm	7/2/2011

Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	SP2009 (Blued) / Stainless Steel, Polymer	Pistol	3.8"	9mm	4/7/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	SP2009 (Two-Tone) / Stainless Steel, Polymer	Pistol	3.8"	9mm	4/7/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	SP2022 (Blued) / Stainless Steel, Polymer	Pistol	3.8"	9mm	7/27/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P239 (Two-Tone) / Stainless Steel, Alloy	Pistol	3.6"	9mm	3/6/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P239 DAK (Blued) / Stainless Steel, Alloy	Pistol	3.6"	9mm	3/19/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P239 (Blued) / Stainless Steel, Alloy	Pistol	3.6"	9mm	12/31/2011
Smith & Wesson	952-1 / Steel, Stainless Steel	Pistol	5"	9mm	5/20/2011
Smith & Wesson	952-2 SKU 170244 / Stainless Steel	Pistol	5"	9mm	6/18/2011
Smith & Wesson	SW990L SKU 120230 / Polymer, Stainless Steel	Pistol	4"	9mm	2/3/2012
Smith & Wesson	M&P 9 (Mag Safety) / Stainless Steel, Polymer	Pistol	4.25"	9mm	8/16/2011
Smith & Wesson	M&P 9 (Mag. Safety, Internal Lock) / Stainless Steel, Polymer	Pistol	4.25"	9mm	11/30/2011
Smith & Wesson	M&P 9C (Mag. Safety) SKU 109204 / Stainless Steel, Polymer	Pistol	3.50"	9mm	1/16/2012
Smith & Wesson	SW99 / Stainless Steel, Polymer	Pistol	3.5"	9mm	4/28/2011
Smith & Wesson	SW990L SKU 120231 / Polymer, Stainless Steel	Pistol	3.5"	9mm	1/18/2012
Smith & Wesson	5903TSW / Alloy, Stainless Steel	Pistol	4"	9mm	12/31/2011
Smith & Wesson	5906TSW / Stainless Steel	Pistol	4"	9mm	12/31/2011
Smith & Wesson	910 / Alloy, Steel, Stainless Steel	Pistol	4"	9mm	12/31/2011
Smith & Wesson	910S SKU 104783 / Stainless Steel, Alloy	Pistol	4"	9mm	1/13/2012
Smith & Wesson	SW99 / Polymer, Stainless Steel	Pistol	4"	9mm	12/31/2011
Smith & Wesson	SW9E SKU 120018 / Polymer, Stainless Steel	Pistol	4"	9mm	1/30/2012
Smith & Wesson	SW9G SKU 120032 / Polymer, Stainless Steel	Pistol	4"	9mm	1/30/2012
Smith & Wesson	SW9GVE / Polymer, Stainless Steel	Pistol	4"	9mm	8/3/2011
Smith & Wesson	SW9P SKU 120027 / Polymer, Stainless Steel	Pistol	4"	9mm	3/27/2012
Smith & Wesson	SW9VE (Black Slide) SKU 149116 / Polymer, Stainless Steel	Pistol	4"	9mm	1/27/2012
Smith & Wesson	SW9VE / Polymer, Stainless Steel	Pistol	4"	9mm	12/31/2011
Smith & Wesson	3913LS / Alloy, Stainless Steel	Pistol	3.5"	9mm	12/31/2011
Smith & Wesson	3913TSW / Stainless Steel, Alloy	Pistol	3.5"	9mm	12/31/2011
Smith & Wesson	908 / Alloy, Steel, Stainless Steel	Pistol	3.5"	9mm	12/31/2011
Smith & Wesson	908S SKU 103890 / Stainless Steel, Alloy	Pistol	3.5"	9mm	1/14/2012
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P226R (Stainless) / Stainless Steel	Pistol	4.4"	9mm	3/11/2011

Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P226R Blackwater / Stainless Steel, Alloy	Pistol	4.4"	9mm	12/19/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P226 X5 Comp. (Stainless) / Stainless Steel	Pistol	5"	9mm	1/5/2011
Smith & Wesson	CS9 / Stainless Steel, Alloy	Pistol	3"	9mm	12/31/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P226R DAK / Stainless Steel, Alloy	Pistol	4.4"	9mm	7/8/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P226 (Two-Tone) / Stainless Steel, Alloy	Pistol	4.4"	9mm	3/6/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P226 DAK / Stainless Steel, Alloy	Pistol	4.4"	9mm	3/23/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P226 Navy (Blued) / Stainless Steel, Alloy	Pistol	4.4"	9mm	4/12/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P226R (Blued) / Stainless Steel, Alloy	Pistol	4.4"	9mm	7/17/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P250 Compact (Two-Tone) / Stainless Steel, Polymer	Pistol	3.9"	9mm	12/30/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P6 (C.A.I.) / Steel, Alloy	Pistol	3.9"	9mm	4/10/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P6 (P.W. Arms) / Steel, Alloy	Pistol	3.9"	9mm	2/20/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P229R (Blued) / Stainless Steel, Alloy	Pistol	3.9"	9mm	4/12/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P226 (Blued) / Stainless Steel, Alloy	Pistol	4.4"	9mm	12/31/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P225 (Blued) / Steel, Alloy	Pistol	3.9"	9mm	8/21/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P228 (Blued) / Steel, Alloy	Pistol	3.9"	9mm	3/27/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P228R (Blue) / Steel, Alloy	Pistol	3.9"	9mm	8/17/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P229 (Blued) / Stainless Steel, Alloy	Pistol	3.9"	9mm	1/29/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P229 DAK / Stainless Steel, Alloy	Pistol	3.9"	9mm	3/23/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P229 (Two-Tone) / Stainless Steel, Alloy	Pistol	3.9"	9mm	3/6/2011
Sig Sauer, Inc. (Sauer, J.P. & Sons, Sig)	P229R DAK / Stainless Steel, Alloy	Pistol	3.9"	9mm	7/8/2011
Springfield Armory	XD9801 / Composite, Steel	Pistol	3"	9mm	3/19/2011

Springfield Armory	XD9810 / Composite, Steel	Pistol	3"	9mm	7/29/2011
Springfield Armory	XD9811 / Composite, Steel	Pistol	3"	9mm	4/7/2011
Springfield Armory	XD9831 / Polymer, Steel	Pistol	3"	9mm	3/26/2011
Springfield Armory	1911 EMP Compact PI9209L / Alloy, Steel	Pistol	3.1"	9mm	2/6/2011
Springfield Armory	XD9821 / Polymer, Stainless Steel	Pistol	3.1"	9mm	3/23/2011
Springfield Armory	XD9701 / Polymer, Steel	Pistol	4"	9mm	5/9/2011
Springfield Armory	XD9221 / Polymer, Steel	Pistol	4.08	9mm	1/23/2011
Springfield Armory	XD9101 / Steel, Polymer	Pistol	4.08"	9mm	10/21/2011
Springfield Armory	XD9704 / Polymer, Steel	Pistol	4"	9mm	8/26/2011
Springfield Armory	XD9781 / Polymer, Steel	Pistol	4"	9mm	3/17/2011
Springfield Armory	XD9104 / Steel, Polymer	Pistol	4.08"	9mm	3/21/2011
Springfield Armory	XD9201 / Steel, Polymer	Pistol	4.08"	9mm	3/26/2011
Springfield Armory	XD9121 / Polymer, Steel	Pistol	4.08"	9mm	1/23/2011
Sturm, Ruger & Co.	P89 / Blue Steel, Alum. Alloy	Pistol	4.5"	9mm	12/31/2011
Sturm, Ruger & Co.	P89D / Blue Steel, Alum. Alloy	Pistol	4.5"	9mm	2/6/2011
Sturm, Ruger & Co.	P89T / Blue Steel, Alum. Alloy, Stainless Steel	Pistol	4.5"	9mm	12/31/2011
Sturm, Ruger & Co.	P89TH / Blue Steel, Alum. Alloy, Stainless Steel	Pistol	4.5"	9mm	12/31/2011
Sturm, Ruger & Co.	KP89 / Stainless Steel, Alum. Alloy	Pistol	4.5"	9mm	12/31/2011
Sturm, Ruger & Co.	KP89D / Stainless Steel, Alum. Alloy	Pistol	4.5"	9mm	2/6/2011
Sturm, Ruger & Co.	KP89TH / Stainless Steel, Alum. Alloy	Pistol	4.5"	9mm	2/5/2011
Sturm, Ruger & Co.	KP94 / Stainless Steel, Alum. Alloy	Pistol	4.2"	9mm	12/31/2011
Sturm, Ruger & Co.	KBSR9-10-L (Black) / Stainless Steel, Polymer	Pistol	4.14"	9mm	12/16/2011
Sturm, Ruger & Co.	KODBSR9-10-L (Blk/Green) / Stainless Steel, Polymer	Pistol	4.14"	9mm	12/16/2011
Sturm, Ruger & Co.	KSR9-10-L (Two-Tone) / Stainless Steel, Polymer	Pistol	4.14"	9mm	11/24/2011
Springfield Armory	PI9134L (ambi safety) / Stainless Steel	Pistol	5"	9mm	4/26/2011
Springfield Armory	PI9134L / Stainless Steel	Pistol	5"	9mm	4/26/2011
Springfield Armory	PX9130L (ambi safety) / Stainless Steel	Pistol	5"	9mm	12/31/2011
Springfield Armory	PX9130L / Stainless Steel	Pistol	5"	9mm	12/31/2011

Springfield Armory	XD9501 / Steel, Polymer	Pistol	4.08"	9mm	12/3/2011
Springfield Armory	XD9311 / Steel, Polymer	Pistol	4.08"	9mm	3/26/2011
Springfield Armory	XD9301 / Steel, Polymer	Pistol	4.08"	9mm	1/17/2011
Steyr Arms	M9-A1 / Steel, Polymer	Pistol	4"	9mm	1/24/2011
Sturm, Ruger & Co.	BSR9C-10L (Black) / Alloy Steel Slide; Polymer Frame	Pistol	3.5"	9mm	3/17/2011
Sturm, Ruger & Co.	KSR9C-10L (Brushed Stainless) / Polymer Frame; Stainless Steel Slide	Pistol	3.50"	9mm	2/3/2011
Sturm, Ruger & Co.	KP95 / Stainless Steel, Polymer	Pistol	3.9"	9mm	12/31/2011
Sturm, Ruger & Co.	KP95D / Stainless Steel, Polymer	Pistol	3.9"	9mm	2/6/2011
Sturm, Ruger & Co.	KP95PR / Stainless Steel, Polymer	Pistol	3.9"	9mm	5/27/2011
Sturm, Ruger & Co.	P95 / Steel, Polymer	Pistol	3.9"	9mm	7/2/2011
Sturm, Ruger & Co.	P95D / Blue Steel, Polymer	Pistol	3.9"	9mm	2/6/2011
Sturm, Ruger & Co.	P95PR / Steel, Polymer	Pistol	3.9"	9mm	5/27/2011
Springfield Armory	XD9131 / Polymer, Steel	Pistol	5.01"	9mm	1/23/2011
Springfield Armory	XD9401 / Polymer, Steel	Pistol	5.01"	9mm	3/10/2011
Springfield Armory	XD9404 / Polymer, Steel	Pistol	5.01"	9mm	6/23/2011
Springfield Armory	XD9411 / Polymer, Steel	Pistol	5.01"	9mm	3/26/2011
Kimber	Stainless Target 9mm II / Stainless Steel	Pistol	5"	9mm	10/14/2011
Kahr Arms	KP9093A / Stainless Steel, Polymer	Pistol	3.5"	9mm	3/15/2011
Kahr Arms	KP9093NA / Stainless Steel, Polymer	Pistol	3.5"	9mm	3/15/2011
Kahr Arms	KP9094A / Stainless Steel, Polymer	Pistol	3.5"	9mm	10/14/2011
Kahr Arms	KP9094NA / Stainless Steel, Polymer	Pistol	3.5"	9mm	10/14/2011
Hi Point	C9 / Polymer, Zinc Alloy, Chrome Moly	Pistol	3.5"	9mm	10/11/2011
Kahr Arms	K9093A / Stainless Steel	Pistol	3.5"	9mm	2/26/2011
Kahr Arms	K9093NA / Stainless Steel	Pistol	3.5"	9mm	2/26/2011
Kahr Arms	K9098A / Stainless Steel	Pistol	3.5"	9mm	4/4/2011
Kahr Arms	K9098NA / Stainless Steel	Pistol	3.5"	9mm	4/4/2011
Para USA (Para Ordnance)	WHX129RL / Steel, Alloy	Pistol	3"	9mm	9/20/2011
Para USA (Para Ordnance)	WHX129RN / Steel, Alloy	Pistol	3"	9mm	9/20/2011
Para USA (Para Ordnance)	WHX129RR / Steel, Alloy	Pistol	3"	9mm	9/20/2011
Para USA (Para Ordnance)	CWX79R / Steel, Alloy	Pistol	3"	9mm	1/31/2011

Para USA (Para Ordnance)	CWX79RL / Steel, Alloy	Pistol	3"	9mm	1/31/2011
Para USA (Para Ordnance)	CWX79RN / Steel, Alloy	Pistol	3"	9mm	1/31/2011
Para USA (Para Ordnance)	PX189SL / Stainless Steel	Pistol	5"	9mm	10/28/2011
Para USA (Para Ordnance)	PX189SN / Stainless Steel	Pistol	5"	9mm	10/28/2011
Para USA (Para Ordnance)	PX189SR / Stainless Steel	Pistol	5"	9mm	10/28/2011
Walther USA (Carl Walther)	P99 QA / Steel, Polymer	Pistol	4"	9mm	9/30/2011
Walther USA (Carl Walther)	P99 QA Military (Green) / Steel, Polymer	Pistol	4"	9mm	12/2/2011
Walther USA (Carl Walther)	P99 QA Titanium Coated / Steel, Polymer	Pistol	4"	9mm	12/2/2011
Walther USA (Carl Walther)	P990 / Steel, Polymer	Pistol	4"	9mm	12/31/2011
Walther USA (Carl Walther)	P1 (P.W. Arms) / Composite, Steel	Pistol	4.94"	9mm	2/20/2011
Glock	34 / Steel, Polymer	Pistol	5.32"	9mm	2/1/2011
Glock	34 OD / Steel, Polymer	Pistol	5.32"	9mm	2/14/2011
Heckler & Koch	P2000SK-V2 / Steel, Polymer	Pistol	3.28"	9mm	6/9/2011
Heckler & Koch	P7M8 / Blue Steel	Pistol	4.13"	9mm	9/10/2011
Heckler & Koch	USP V7 / Steel, Polymer	Pistol	4.25"	9mm	3/6/2011
Heckler & Koch	USP9, V1 / Steel, Polymer	Pistol	4.25"	9mm	12/31/2011
Heckler & Koch	P2000-V2 / Steel, Polymer	Pistol	3.66"	9mm	2/2/2011
Heckler & Koch	P2000-V3 / Steel, Polymer	Pistol	3.65"	9mm	5/10/2011
Heckler & Koch	USP Comp 9 Strls V1 / Stainless Steel, Polymer	Pistol	3.58"	9mm	4/20/2011
Heckler & Koch	Comp USP9 V1 / Steel, Polymer	Pistol	3.58"	9mm	12/31/2011
Heckler & Koch	P2000 SK-V3 / Steel, Polymer	Pistol	3.3"	9mm	3/6/2011
Kahr Arms	PM9093A / Stainless Steel, Polymer	Pistol	3"	9mm	6/23/2011
Kahr Arms	PM9093NA / Stainless Steel, Polymer	Pistol	3"	9mm	6/23/2011
Kahr Arms	PM9094A / Stainless Steel, Polymer	Pistol	3"	9mm	8/5/2011
Kahr Arms	PM9094NA / Stainless Steel, Polymer	Pistol	3"	9mm	8/5/2011
Kahr Arms	CW9093 / Stainless Steel, Polymer	Pistol	3.5"	9mm	1/4/2011
Kahr Arms	M9093A / Stainless Steel	Pistol	3"	9mm	4/17/2011
Kahr Arms	M9093NA / Stainless Steel	Pistol	3"	9mm	4/17/2011
Kahr Arms	M9098A / Stainless Steel	Pistol	3"	9mm	6/16/2011
Kahr Arms	M9098NA / Stainless Steel	Pistol	3"	9mm	6/16/2011
Taurus	PT111 (Blue w/night sight) / Blue Steel, Polymer	Pistol	3"	9mm	1/19/2011
Taurus	PT111 (Blue) / Blue Steel, Polymer	Pistol	3"	9mm	1/19/2011
Taurus	PT111 (Gray/Blue) / Blue Steel, Polymer	Pistol	3"	9mm	4/16/2011
Taurus	PT111 (Gray/Stainless) / Stainless, Polymer	Pistol	3"	9mm	4/16/2011

Taurus	PT111 (Stainless) / Stainless, Polymer	Pistol	3"	9mm	3/25/2011
Taurus	PT24/7 (Blue 9mm) / Blue Steel, Polymer	Pistol	4"	9mm	6/20/2011
Taurus	PT24/7 (Stainless 9mm) 1-247099 / Stainless Steel, Polymer	Pistol	4"	9mm	6/20/2011
Taurus	PT911 (Blue) / Blued Steel	Pistol	4"	9mm	6/16/2011
Taurus	PT911 (Stainless) / Aluminum Alloy, Stainless Steel	Pistol	4"	9mm	6/20/2011
Taurus	PT92 (Blue & Gold w/Pearl) / Blue Steel	Pistol	5"	9mm	3/28/2011
Taurus	PT92 (Blue & Gold w/Rosewood) / Blue Steel	Pistol	5"	9mm	3/28/2011
Taurus	PT92 (Blue w/Rosewood) / Blue Steel	Pistol	5"	9mm	3/28/2011
Taurus	PT92 (Blue) / Blue Steel	Pistol	5"	9mm	7/11/2011
Taurus	PT92 (Stainless & Gold w/Pearl) / Stainless Steel	Pistol	5"	9mm	3/28/2011
Taurus	PT92 (Stainless & Gold w/Rosewood) / Stainless Steel	Pistol	5"	9mm	3/28/2011
Taurus	PT92 (Stainless w/Rail) / Aluminum Alloy, Stainless Steel	Pistol	5"	9mm	6/20/2011
Taurus	PT92 (Stainless w/Rosewood) / Stainless Steel	Pistol	5"	9mm	3/28/2011
Taurus	PT92 (w/Rubber Grips & Rail) / Blue Steel	Pistol	5"	9mm	8/10/2011
Taurus	PT92 Special / Stainless Steel, Steel	Pistol	5"	9mm	7/22/2011
Taurus	PT99 (Blue w/adj sight) / Blue Steel	Pistol	5"	9mm	3/28/2011
Taurus	PT99 (Stainless w/adj sight) / Stainless Steel	Pistol	5"	9mm	3/28/2011
Walther USA (Carl Walther)	P99C QA / Steel, Polymer	Pistol	3.5"	9mm	11/12/2011
Walther USA (Carl Walther)	P99 (Black) / Steel, Polymer	Pistol	4"	9mm	12/31/2011
Walther USA (Carl Walther)	P99 (Titanium Coated) / Steel, Polymer	Pistol	4"	9mm	10/1/2011
Walther USA (Carl Walther)	P99 AS / Steel and Polymer	Pistol	4"	9mm	9/30/2011
Walther USA (Carl Walther)	P99 Military (Green) / Steel, Polymer	Pistol	4"	9mm	6/14/2011
Walther USA (Carl Walther)	P99C AS / Steel, Polymer	Pistol	3.5"	9mm	11/22/2011
Walther USA (Carl Walther)	P99C DAO / Steel and Polymer	Pistol	3.5"	9mm	5/5/2011

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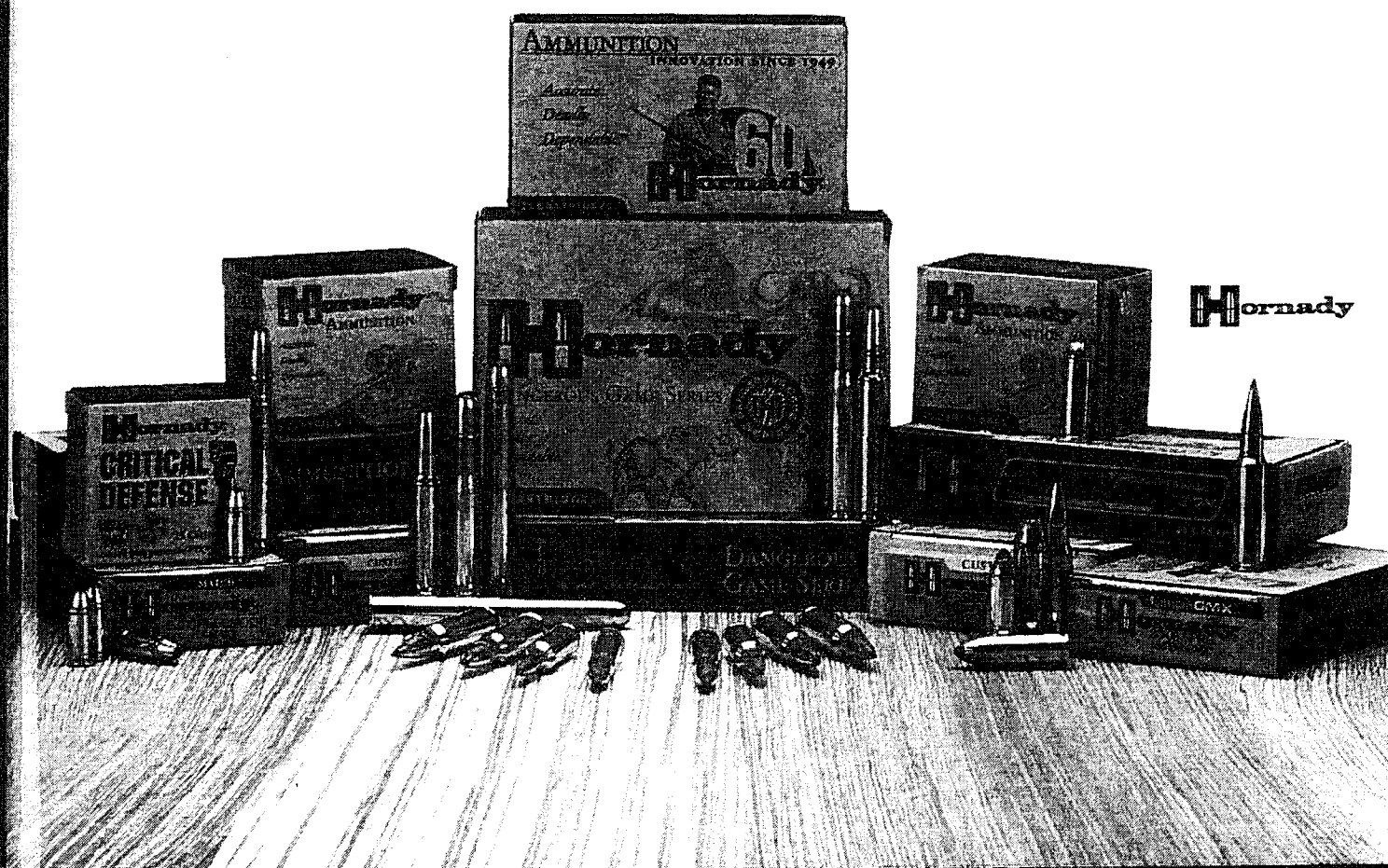
EXHIBIT

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CARTRIDGES OF THE WORLD

A COMPLETE AND ILLUSTRATED REFERENCE FOR OVER 1500 CARTRIDGES



By Frank C. Barnes / Edited by Layne Simpson

12th Edition

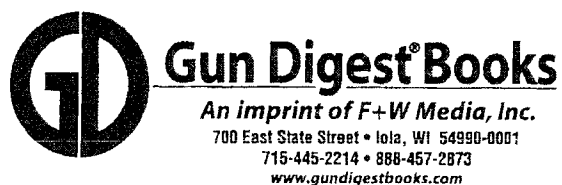
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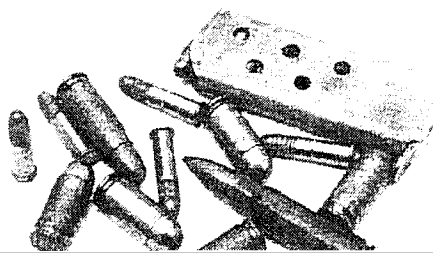
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CURRENT AMERICAN RIFLE CARTRIDGES

Centerfire Sporting

Dimensional Data (SAAMI Maximum Cartridge Data)

Cartridge	Case	Bullet Dia.	Neck Dia.	Shoulder Dia.	Base Dia.	Rim Dia.	Rim Thick.	Case Length	Ctge. Length	Twist	Primer
17 Remington Fireball	C	.172	.204	.3655	.3759	.332	.045	1.410	1.83	10	S
17 Remington	C	.172	.198	.355	.374	.377	.041	1.79	1.86	9	S
204 Ruger	C	.204	.229	.360	.373	.375	.045	1.850	2.260	12	S
22 Hornet	A	.223	.242	.274	.294	.345	.060	1.40	1.72	16	S
218 Bee	A	.224	.241	.331	.349	.408	.060	1.35	1.68	16	S
223 Remington	C	.224	.249	.349	.373	.375	.041	1.76	2.10	12	S
22 PPC	C	.224	.245	.430	.440	.441	.050	1.52	1.96	1-14	S
225 Winchester	A	.224	.260	.406	.422	.473	.045	1.93	2.50	14	L
22-250 Remington	C	.224	.254	.412	.466	.470	.045	1.91	2.33	14	L
220 Swift	G	.224	.260	.402	.443	.472	.045	2.20	2.68	14	L
223 WSSM	C	.224	.254	.544	.555	.535	.040	1.670	2.360	14	L
6mm PPC	C	.243	.260	.430	.441	.442	0.50	1.50	2.12	1-12	S
6mm Norma BR	C	.243	.271	.458	.469	.470	.051	1.56	2.44	8	S

Dimensional Data (SAAMI Maximum Cartridge Data)

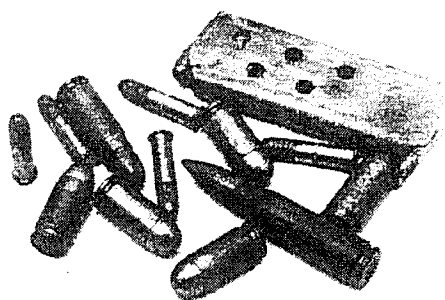
Cartridge	Case	Bullet Dia.	Neck Dia.	Shoulder Dia.	Base Dia.	Rim Dia.	Rim Thick.	Case Length	Ctge. Length	Twist	Primer
280 Remington											
(7mm Express Remington)	C	.284	.315	.441	.470	.472	.045	2.54	3.33	10.5	L
280 Ackley Improved	C	.284	.311	.454	.470	.472	.049	2.525	3.330	9	L
7mm Remington Magnum	E	.284	.315	.490	.511	.525	.047	2.50	3.24	9.5	L
7mm Weatherby Magnum	E	.284	.312	.490	.511	.530	.048	2.55	3.25	12	L
7mm STW	E	.284	.316	.487	.513	.532	.048	2.85	3.65	9-9.5	L
30 Carbine	D	.308	.335	.355	.360	.046	1.29	1.65	16	S	
30-30 Winchester	A	.308	.328	.402	.422 (.4215)	.502	.058	2.03 (2.039)	2.53	12	L
300 Savage	C	.308	.339	.443 (.4466)	.470	.470	.045	1.87	2.62	12	L
30-40 Krag	A	.308	.338	.415 (.419)	.457 (.4577)	.540	.059	2.31	3.10 (3.089)	10	L
307 Winchester	G	.308	.344	.454	.470	.506	.059	2.02 (2.015)	2.60 (2.56)	12	L
308 Marlin Express	A	.308	.344	.448	.463	.502	.049	1.910	2.585	12	L
30 Remington AR	I	.308	.341	.488	.500	.492	.054	1.530	2.260	10	L
30 TC	C	.308	.343	.464	.470	.473	.054	1.920	2.645	10	L
308 Winchester	C	.308	.344	.454	.470	.470	.049	2.01 (2.015)	2.75	12	L
30-06 Springfield	C	.308	.340	.441	.470	.473	.045	2.49	3.34	10	L
300 Ruger Compact Magnum	C	.308	.344	.515	.532	.532	.040	2.100	2.825	10	L
300 H&H Magnum	E	.308	.338	.447	.513	.530	.048	2.85	3.60	10	L
300 Winchester Magnum	E	.308	.334	.4891	.5126	.530	.046	2.60 (2.62)	3.30	10	L
300 Weatherby Magnum	E	.308	.337	.495	.513 (.5117)	.530	.048	2.82 (2.825)	3.56	12	L
300 Rem. UltraMag	I	.308	.344	.525	.550	.532	.050	2.845	3.60	10	L
7.62x39mm	C	.311	.340 (.337)	.344 (.396)	.438 (.433)	.440	.053	1.52 (1.528)	2.20	9.4	S
303 British	A	.311	.338	.401	.458	.530	.062	2.21 (2.222)	3.05 (3.075)	10	L
32-20 Winchester	A	.312	.326	.338 (.3424)	.353	.405	.058	1.32 (1.315)	1.59	20	S
32 Winchester Special	A	.321	.343	.396 (.4014)	.422 (.4219)	.506	.058	2.04	2.55 (2.565)	16	L
325 WSM	C	.323	.358	.538	.555	.535	.054	2.10	2.560	9-10	L
8mm Remington Magnum	E	.323	.351 (.3541)	.485 (.4888)	.509 (.5126)	.530	.047	2.85	3.57 (3.600)	10	L
338 Federal	C	.338	.369	.454	.470	.473	.049	.201	2.75	10	L
338 Marlin Express	A	.338	.370	.493	.506	.553	.055	1.890	2.585	10	L
338 Ruger Compact Magnum	C	.338	.370	.515	.532	.532	.040	2.100	2.825	10	L
338 Winchester Magnum	E	.338	.369	.480 (.491)	.515 (.5127)	.530	.047	2.49 (2.50)	3.30 (3.34)	10	L
338 Rem. UltraMag	I	.338	.371	.526	.550	.532	.050	2.76	3.60	10	L
338 Lapua Mag	C	.338	.370	.540	.590	.590	.060	2.72	3.60	L	
348 Winchester	A	.348	.379 (.3757)	.485	.553	.610	.062	2.26 (2.255)	2.80 (2.795)	12	L
35 Remington	C	.358	.384	.419 (.4259)	.458 (.4574)	.460	.046	1.92	2.52	16	L
356 Winchester	G	.358	.388	.454	.4703	.508	.058	2.02 (2.015)	2.56	12	L
358 Winchester	C	.358	.388	.454	.4703	.473	.048	2.01 (2.015)	2.78	12	L
35 Whelen	C	.358	.388	.441	.470	.473	.045	2.50 (2.494)	3.34	12-14	L
375 Ruger	C	.375	.405	.515	.532	.532	.050	2.580	3.340	12	L
375 Winchester	B	.375	.400	.415 (.4198)	.502	.046	2.02	2.56	12	L	

Dimensional Data (SAAMI Maximum Cartridge Data)

Cartridge	Case	Bullet Dia.	Neck Dia.	Shoulder Dia.	Base Dia.	Rim Dia.	Rim Thick.	Case Length	Clge. Length	Twist	Primer
376 Steyr	I	.375	.398	.472	.501	.494	.048	2.35	3.075	12	L
375 H&H Magnum	E	.375	.402	.440 (.4478)	.521	.530	.046	2.85	3.60	12	L
38-55 Winchester 38-55 Ballard	B	.379	.392	.3938	.422	.506	.058	2.12 (2.085)	2.51	18	L
38-40 Winchester	A	.401	.416	.438 (.4543)	.465	.520	.058	1.30	1.59	36	L
408 Cheytac	C	.408	.438	.601	.637	.640	.065	3.04	4.307	L	
416 Ruger	C	.416	.445	.515	.532	.532	.050	2.580	3.240	14	L
416 Remington Magnum	E	.416	.447	.487	.509	.530	.046	2.85	3.60	14	L
416 Rigby	C	.416	.445 (.4461)	.539 (.5402)	.589	.586	.058	2.90	3.75	16.5	L
44-40 Winchester	A	.427/.429	.443	.4568	.471	.525	.058	1.31	1.92	20-36	LP
444 Marlin	B	.429	.453	.4549	.469	.514	.058	2.16 (2.225)	2.57	36	L
45-70 Government	B	.458	.475 (.480)	.4813	.500	.600 (.608)	.065	2.105	2.55	18-22	L
450 Bushmaster	J	.458	.480	—	.500	.473	.050	1.700	2.260	14	L
450 Marlin	F	.458	.480	.511	.532	.047	2.09	2.55	22	L	
458 Winchester Magnum	F	.458	.478 (.4811)	.4825	.513	.532	.046	2.50	3.34	14-16	L
470 Nitro Express	A	.475	.504	.528 (.5322)	.5728	.655	.037	3.25	3.98	20	L
50 BMG	C	.510/.511	.560	.714	.804	.804	.080	3.91	5.545	16	50 BMG

Case Type: A = Rimmed, bottleneck. B = Rimmed, straight. C = Rimless, bottleneck. D = Rimless, straight. E = Belted, bottleneck. F = Belted, straight. G = Semi-rimmed, bottleneck. H = Semi-rimmed, straight. I = Rebated, bottleneck. J = Rebated, straight. K = Rebated, belted bottleneck. L = Rebated, belted straight. Primer Type: S = Small rifle (0.175"). SP = Small pistol (0.175"). L = Large rifle (0.210"). LP = Large pistol (0.210"). 50 BMG = CCI-35/VintaVuori-110/RWS-8212. B-1 = Berdan #1. B-2 = Berdan #2.

Other codes: Belt/Rim Diameter. Unless otherwise noted, all dimensions in inches. Twist (factory) is given as inches of barrel length per complete revolution, e.g., 12 = 1 turn in 12", etc. Unless otherwise noted, all dimensions are in inches. Data in parenthesis represents SAAMI maximum specifications. Bullet upset performance of the 264 Winchester Magnum 140 gr. Power Point at ranges of 100, 200, 300, 400 and 500 yards.



PISTOL & REVOLVER CARTRIDGES OF THE WORLD

Current & Obsolete – Blackpowder & Smokeless Powder

Dimensional Data											
Cartridge	Case	Bullet Dia.	Neck Dia.	Shoulder Dia.	Base Dia.	Rim Dia.	Rim Thick.	Case Length	Ctge. Length	Twist	Primer
2.7mm Kolibri	D	.107	.139	–	.140	.140		.37	.43	?	B
3mm Kolibri	D	.120	.150	–	.150	.150		.32	.43	?	B
4.25mm Liliput	D	.167	.198	–	.198	.198		.41	.56	?	B
5mm Clement Auto	C	.202	.223	.277	.281	.281	.025	.71	1.01	?	B
5mm Bergmann	D	.203	.230	–	.273	.274	.020	.59	.96	?	B
5.45x18mm Soviet	C	.210	.220	–	.300	.300		.70	.98	?	SP-B
22 Remington Jet	A	.223	.247	.350	.376	.440	.055	1.28	1.58	10	SP
221 Fireball	C	.224	.251	.355	.375	.375	.040	1.40	1.82	14	SP
5.5mm Velo Dog	B	.225	.248	–	.253	.308		1.12	1.35	8.2	SP-B
25 Automatic	D	.251	.276	–	.277	.298	.038	.62	.91	16	SP
256 Winchester Magnum	A	.257	.277	.378	.378	.440	.055	1.30	1.53	14	SP
6.5mm Bergmann	C	.264	.289	.325	.367	.370	.025	.87	1.23	?	B
7mm Nambu	C	.280	.296	.337	.351	.359		.78	1.06	12.5	B
7mm Benich Rest				Based on Rem. 308 BR case shortened to 1.50							SP
7.62mm Nagant (Russian)	B	.295	.286	–	.335	.388		1.53	1.53	9.5	B
32 Protector	B	.300	.310	–	.310	.352	.040	.350	.555	?	SP
7.65mm Roth-Sauer	D	.301	.332	–	.335	.335		.51	.84	14.2	B
7.62mm Russian Tokarev	C	.307	.330	.370	.380	.390		.97	1.35	10	B
30 Borchardt	C	.307	.331	.370	.385	.390		.99	1.34	?	SP-B
7.63 (7.65) Mannlicher	D	.308	.331	–	.332	.334	.030	.84	1.12	10	B
30 (7.65mm) Luger	C	.308	.322	.374	.388	.391	.045	.75	1.15	9.8	SP-B
30 (7.63mm) Mauser	C	.308	.332	.370	.381	.390	.045	.99	1.36	7.9	SP-B

Dimensional Data

Cartridge	Case	Bullet Dia.	Neck Dia.	Shoulder Dia.	Base Dia.	Rim Dia.	Rim Thick.	Case Length	Ctge. Length	Twist	Primer
35 S&W Auto	D	.309	.345	--	.346	.348		.67	.97	12	SP
32 Automatic	H	.309	.336	--	.336	.354	.040	.68	1.03	16	SP
7.65mm MAS (French)	D	.309	.336	--	.337	.337		.78	1.19	?	B
32 S&W	B	.312	.334	--	.335	.375	.045	.61	.92	16-18	SP
32 S&W Long	B	.312	.335	--	.335	.375	.048	.93	1.27	16-18	SP
32 H&R Magnum	B	.312	.333	--	.333	.371	.050	1.08	1.35	16	SP
32 Short Colt	B	.313	.313	--	.318	.374	.045	.63	1.00	16	SP
32 Long Colt	B	.313	.313	--	.318	.374	.045	.92	1.26	16	SP
32 Colt	B	?	.313	--	.318	.374	.052	.755	1.26	16	SP
320 Revolver	B	.317	.320	--	.322	.350		.62	.90	22	B
7.5mm Swiss Army	B	.317	.335	--	.345	.407		.89	1.29	?	B
8mm Rast-Gasser	B	.320	.332	--	.334	.376		1.037	1.391	?	?
8mm Nambu	G	.320	.338	.388	.408	.413		.86	1.25	11	B
8mm Lebel Revolver	B	.323	.350	--	.384	.400		1.07	1.44	9.5	B
7.5mm Nagant (Swedish)	B	.325	.328	--	.350	.406		.89	1.35	18	B
8mm Roth-Steyr	D	.329	.353	--	.355	.356		.74	1.14	10	B
9mm Ultra	D	.355	.374	--	.386	.366		.72	1.03	?	SP-B
9mm Browning Long	D	.355	.376	--	.384	.404		.80	1.10	12-16	B
9mm Glisenti	D	.355	.380	--	.392	.393		.75	1.15	10	B
9x21mm	D	.355	.380	--	.392	.393		.830	1.16	10	SP
9mm Bayard	D	.355	.375	--	.390	.392		.91	1.32	?	B
9mm Steyr	D	.355	.380	--	.380	.381		.90	1.30	?	B
9mm Federal	B	.355	.382	--	.386	.435		.754	1.163	9	SP
9mm Luger	D	.355	.380	--	.392	.393	.042	.754	1.16	9.8	SP-B
9mm Mauser	D	.355	.376	--	.389	.390	.050	.981	1.38	1-12	B
9x23mm Winchester	D	.355	.380	--	.390	.392	.042	.900	1.245	16	LP
9mm Winchester Magnum	D	.355	.379	--	.392	.394	.046	1.16	1.545	1-10	SP
380 Automatic											
(9mm Browning Short)	D	.356	.373	--	.373	.374	.040	.65	.98	12-16	SP
38 Short Colt	D	.357	.357	--	.378	.433	.055	.76	1.10	16	SP

Dimensional Data

Cartridge	Case	Bullet Dia.	Neck Dia.	Shoulder Dia.	Base Dia.	Rim Dia.	Rim Thick.	Case Length	Ctge. Length	Twist	Primer
38 Long Colt	B	.357	.377	—	.378	.433	.055	1.03	1.32	16	SP
38 Special	B	.357	.379	—	.379	.440	.054	1.16	1.55	16-18	SP
357 S&W Magnum	B	.357	.379	—	.379	.440	.055	1.29	1.51	16-18	SP
357 Maximum	B	.357	.375	—	.375	.433	.055	1.59	1.97	14	SP
357 SIG	C	.357	.381	.424	.425	.424		.865	1.140	16	SP
38 Automatic & 38 Super Automatic	H	.358	.382	—	.383	.405	.045	.90	1.28	16	SP
9.8mm Auto Colt	D	.378	.404	—	.404	.405		.912	1.267	?	SP
38 S&W	B	.359	.386	—	.386	.433	.055	.78	1.20	16-18	SP
9mm Makarov	D	.363	.384	—	.389	.396		.71	.97	?	B
380 Revolver	B	.375	.377	—	.380	.426	.046	.70	1.10	15	SP-B
40 S&W Auto	D	.400	.423	—	.423	.424	.050	.850	1.135	16	SP
10mm Auto	D	.400	.423	—	.423	.424	.050	.99	1.26	16	LP
41 Short Colt	B	.401	.404	—	.405	.430	.052	?	?	?	SP
41 Long Colt	B	.386/401	.404	—	.405	.430	.052	1.13	1.39	16	SP
41 Action Express	J	.410	.434	—	.435	.394	.045	.866	1.17	16-18	SP
41 Remington Magnum	B	.410	.432	—	.433	.488	.054	1.28	1.58	18	LP
10.4mm Italian	B	.422	.444	—	.451	.505		.89	1.25	10	B
44 Merwin & Hulbert	B	.424	.442	—	.442	.502	.060	1.15	1.53	?	SP
44 S&W Russian	B	.429	.457	—	.457	.515	.050	.97	1.43	20	LP
44 S&W Special	B	.429	.457	—	.457	.514	.055	1.16	1.62	20	LP
44 Auto Mag	D	.429	.457	—	.470	.473	.048	1.298	1.620	20	LP
44 Remington Magnum	B	.429	.457	—	.457	.514	.055	1.29	1.61	20	LP
44 S&W American	B	.434	.438	—	.440	.506	.050	.91	1.44	20	LP
44 Webley	B	.436	.470	—	.472	.503		.69	1.10	20	LP-B
44 Bull Dog	B	.440	.470	—	.473	.503		.57	.95	21	SP-B
44 Colt	B	.443	.450	—	.456	.483		1.10	1.50	16	LP
11.75mm Montenegrin	B	.445	.472	—	.490	.555		1.40	1.73	?	B
11mm French Ordnance	B	.451	.449	—	.460	.491	.035	.71	1.18	16	B
11mm German Service	B	.451	.449	—	.453	.509		.96	1.21	23	B
45 Winchester Magnum	D	.451	.475	—	.477	.481	.045	1.198	1.55	16	LP

Dimensional Data

Cartridge	Case	Bullet Dia.	Neck Dia.	Shoulder Dia.	Base Dia.	Rim Dia.	Rim Thick.	Case Length	Ctge. Length	Twist	Primer
45 Webley	B	.452	.471	—	.471	.504		.82	1.15	?	LP-B
45 Auto-Rim	B	.452	.472	—	.476	.516	.085	.898	1.28	15-16	LP
45 Automatic Short	D	.452	.476	—	.476	.476	.044	.860	1.17	16	LP
45GAP	D	.452	.473	—	.476	.470	.049	.760	1.137	16	LP
45 Automatic	D	.452	.476	—	.476	.476	.044	.898	1.17	16	LP
454 Casull	B	.452	.476	—	.480	.512	.055	1.39	1.70	16	S*
460 Smith & Wesson	B	.452	.478	—	.478	.520	.059	1.80	2.290		LP
455 Webley Revolver Mk-II	B	.454	.476	—	.480	.535		.77	1.23	16-20	LP-B
45 Colt Government	B	.454	.478	—	.478	.506	.055	1.10	1.44	16-24	LP
45 S&W Schofield	B	.454	.478	—	.478	.522	.055	1.10	1.43	24	LP
45 Colt	B	.454	.476	—	.480	.512	.055	1.29	1.60	16	LP
450 Revolver	B	.455	.475	—	.477	.510		.69	1.10	16	LP-B
455 Webley Auto	H	.455	.473	—	.474	.500		.93	1.23	10	B
455 Enfield (455 Colt)	B	.455	.473	—	.478	.530	.035	.87	1.35	?	LP-B
476 Enfield	B	.472	.474	—	.478	.530		.87	1.33	?	B
50 Action Express	J	.500	.540	—	.547	.514	.055	1.285	1.610	?	LP
500 Wyoming Express	F	.500		—				1.370	1.765		LR
500 Smith & Wesson	B	.500	.530	—	.530	.560	.059	2.250			LP
50 Remington Army	A	.508	.532	.564	.565	.665		.875	1.24	?	LP

Notes on handgun primers: Magnum pistol cartridges are usually loaded with Magnum pistol primers and the 22 Remington Jet and 256 Winchester are sometimes loaded with Small Rifle primers. During WWI, Frankford Arsenal made 45 Automatic cases with special #70 primers of .204" diameter instead of the standard .210"

Case Type: A = Rimmed, bottleneck. B = Rimmed, straight. C = Rimless, bottleneck. D = Rimless, straight. E = Belted, bottleneck. F = Belted, straight. G = Semi-rimmed, bottleneck. H = Semi-rimmed, straight. J = Rebated, bottleneck. J = Rebated, straight. K = Rebated, belted bottleneck. L = Rebated, belted straight.

Primer Type: S = Small rifle (0.175"). SP = Small pistol (0.175"). L = Large rifle (0.210"). LP = Large pistol (0.210"). B = Berdan type. B-1 = Berdan #1. B-2 = Berdan #2.

Other codes: V = OAL depends upon bullet used V = Rifling twist varies, depending upon bullet and application. Ø = Belt/Rim Diameter. Unless otherwise noted, all dimensions in inches. Twist (factory) is given as inches of barrel length per complete revolution, e.g., 12 = 1 turn in 12", etc.

*Full-power loads always use small rifle primers.

EXHIBIT

J

.45 acp (2)

Marlin (camp carbine)
Auto Ordinance (Tommy Guns)
Hi-point (995)

9 mm (8)

Marlin (camp carbine)
Kel Tec (Sub-2000)
Ruger (PC-9 carbine)
Hi-Point (995)
HK (94)
HK (MP5/9mm)
UZI (carbine)
colt (smg)

10 mm (7)

Armalon (PC carbine)
Auto Ordinance (10 mm tommy)
D-Max (carbine)
Goncz (GS carbine)
Heckler & Koch (MP5/10 mm)
Olympic Arms (K10 (AR style))
LeMag (Custom M1 carbine)

.40 cal (5)

Beretta CX4 Storm (AW)
Kel Tec (Sub 2000)
Ruger (PC-40 Carbine)
Hi-point (995)
Olympic Arms (K40-GL)

.357 mag (5)

Winchester (1892 short)
Marlin (1894 CSS, 1894 c, 1894 cowboy)
H&R (rifle/slug combo)

.38 special (1)

Marlin (1894CP lever)

.44 mag (8)	.380 acp	0.454
Henry Rep. Arms (Big boy)	none found	puma lever action
Marlin (1894, 1894 deluxe, 1894 ss, 1894 cowboy)		
Winchester (1892 short)		
H&R (rifle/slug combo)		
Ruger .44 carbine (59 to 85)		

.25 acp

.32 acp

none found

none found

1 C. D. Michel - SBN 144258
Clinton B. Monfort - SBN 255609
2 Sean A. Brady - SBN 262007
MICHEL & ASSOCIATES, P.C.
3 180 East Ocean Blvd., Suite 200
Long Beach, CA 90802
4 Telephone: (562) 216-4444
Fax: (562) 216-4445
5 cmichel@michellawyers.com

6 Attorneys for Plaintiffs/Petitioners

7

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF FRESNO

10

11 SHERIFF CLAY PARKER, TEHAMA) CASE NO. 10CECG02116
COUNTY SHERIFF; HERB BAUER)
12 SPORTING GOODS; CALIFORNIA RIFLE) **PLAINTIFFS' REPLY TO DEFENDANTS'**
AND PISTOL ASSOCIATION) **OPPOSITION TO MOTION FOR**
13 FOUNDATION; ABLE'S SPORTING,) **SUMMARY JUDGMENT OR IN THE**
INC.; RTG SPORTING COLLECTIBLES,) **ALTERNATIVE FOR SUMMARY**
14 LLC; AND STEVEN STONECIPHER,) **ADJUDICATION / TRIAL**

15

Plaintiffs and Petitioners,

16

vs.

17

18 THE STATE OF CALIFORNIA; JERRY
BROWN, IN HIS OFFICIAL CAPACITY
AS ATTORNEY GENERAL FOR THE
19 STATE OF CALIFORNIA; THE
CALIFORNIA DEPARTMENT OF
20 JUSTICE; and DOES 1-25,

21

Defendants and Respondents.

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) Date: January 18, 2011
) Time: 8:30 a.m.
) Location: Dept. 402
) Judge: Hon. Jeff Hamilton

) Trial Date: January 18, 2011
) Date Action Filed: June 17, 2010

PLAINTIFFS' REPLY TO DEFENDANTS' OPPOSITION TO MOTION FOR SUMMARY JUDGMENT

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1 **I. THE CHALLENGED PROVISIONS REQUIRE A HEIGHTENED STANDARD OF**
2 **CLARITY THAT DEFENDANTS EFFECTIVELY CONCEDE CANNOT BE MET**

3 The Challenged Provisions completely prohibit one of the most common methods in which an
4 essential component of a functional firearm is purchased. They impose criminal penalties for violations
5 and are devoid of any limiting scienter requirement in the majority of these provisions.

6 And, where a law “implicates” or “relates to” constitutionally protected conduct, a facial
7 vagueness challenger may prevail *even if there is some situation* to which the law could validly be
8 applied. (See *Am. Acad. of Pediatrics* (1997) 16 Cal.4th 307, 342-348; *Village of Hoffman Estates v.*
9 *Flipside* (1982) 455 U.S. 489, 494-495; *Richmond Boro Gun Club, Inc. v. New York* (1996) 97 F.3d
10 681, 684.) Further, when a “statute imposes criminal penalties, the standard of certainty is higher.”
11 (*Kolender v. Lawson* (1983) 461 U.S. 352, 358 fn. 8.) Because the Challenged Provisions implicate
12 Second Amendment rights *and* levy criminal sanctions, they should be overturned if they are vague in
13 the “generality of cases.” (See *Kasler v. Lockyer* (2000) 23 Cal.4th 472, 502.)

14 As the state is unable to provide *any argument* as to how the Challenged Provisions would pass
15 constitutional muster under a heightened vagueness standard, Defendants seek to avoid invocation of a
16 higher standard by claiming Plaintiffs “did not plead” any constitutional protections in the Complaint.
17 But as Defendants are no doubt aware, Plaintiffs are not required to spell out every legal standard or
18 test that may be applied by the Court in evaluating their claims.¹ In any event, Plaintiffs’ Complaint
19 plainly states that the Second Amendment necessarily protects the right to buy and transact in
20 ammunition for this very purpose.² Defendants’ only argument against the application of heightened
21 scrutiny is offered in a footnote, suggesting that constitutional conduct is not at issue because the
22 Challenged Provisions were “intended to prevent felons from purchasing ammunition” and because the
23 Supreme Court stated the right to keep and bear arms does not cast doubt on “prohibitions on the
24 possession of firearms by felons.” But this argument misses the point twofold. First, the Challenged
25 Provisions do not merely restrict felons and other prohibited persons. The Challenged Provisions

26 ¹ As California code pleading has moved toward federal notice pleading, the important thing is that the
27 proponent be informed of the contestant’s standing. (*Estate of Lind* (1989) 209 Cal.App.3d 1424, 1434.)

28 ² A principle founded in common sense and supported by a case recently cited with approval by the Supreme
Court in *Heller v. District of Columbia*. (*Andrews v. State* (1871) 50 Tenn.165, 178.)

1 impose a blanket prohibition on all internet and mail order sales of “handgun ammunition” by
2 anyone, and require thumb prints be taken for every purchase of “handgun ammunition” by all citizens.
3 (Pen. Code, §§ 12061, 12318.) Such prohibitions and regulations at the very least “relate to” or
4 “implicate” the right to keep and bear arms. And that is all it takes to trigger a heightened standard.

5 Defendants would have a heightened standard invoked only when the Second Amendment is
6 actually violated. But that approach would defeat the purpose of a higher standard, as challengers
7 would simply bring suit under that violated right. Regardless of whether they directly violate any
8 Second Amendment rights, the Challenged Provisions at least “relate to” or “implicate” those rights.

9 Finally, Defendants summarily conclude that heightened vagueness standards are limited to the
10 First Amendment and “there is no authority for applying” it in a Second Amendment context. (Defs.’
11 Oppn. at p. 3, fn. 2 [citing *Sanchez v. City of Modesto* (2006) 145 Cal.App.4th 660, 679].) But the very
12 case Defendants’ cite recognizes the standard’s application outside of the First Amendment. (*Sanchez*
13 *v. City of Modesto*, *supra*, 145 Cal. App.4th at p. 679.) And the United States and California Supreme
14 Courts have applied the heightened standard in multiple cases involving the rights to life, to choose
15 whether to bear children, to travel, and to equal protection under the law.³ At the time *Sanchez* was
16 decided, fundamental rights were *not yet guaranteed* by the Second Amendment. So it is hardly
17 surprising that examples of successful facial challenges implicating Second Amendment rights and
18 triggering a heightened standard are hard to find. Nonetheless, the United States Supreme Court’s
19 rulings in *District of Columbia v. Heller* (2008) 128 S.Ct. 2783 and *McDonald v. Chicago* (2010) 130
20 S.Ct. 3020 now confirm that Second Amendment rights are indeed fundamental to our system of
21 ordered liberty, and should be afforded similar protections as First Amendment rights. This notion is
22 no different in the vagueness context. No constitutional right is “less ‘fundamental’ than” others,
23 *Valley Forge Christian Coll. v. Ams. United for Separation of Church & State, Inc.* (1982) 454 U.S.
24 464, 484, and the Supreme Court has emphatically rejected attempts to deprive the Second
25 Amendment of the dignity afforded other fundamental rights. (*District of Columbia v. Heller*, *supra*,

26
27 ³ See e.g., *Kolender v. Lawson* (1983) 461 U.S. 352 [right to “freedom of movement”]; *Colautti v. Franklin*
28 (1979) 439 U.S. 379 [right to abortion]; *Roe v. Wade* (1973) 410 U.S. 113, 164 [right to abortion]; *People v.*
Barksdale (1972) 8 Cal.3d 320, [rights to life and to choose whether to bear children]; *Mulkey v. Reitman*
(1966) 64 Cal.2d 529, 543-545 [right to equal protection of the law].

1 128 S.Ct. at p. 2821.) *Heller* explained the “Second Amendment is no different” from the First
2 Amendment in that it was the product of interest-balancing by the People themselves, *id.* at p. 2816,
3 implying the structure of First Amendment doctrine should inform Second Amendment analyses.
4 Several post-*Heller* decisions expressly apply First Amendment analysis to Second Amendment
5 rights;⁴ thus, the heightened vagueness standard should apply equally to First and Second Amendment
6 rights.

7 In light of the confusion over what ammunition is “handgun ammunition” and the likelihood of
8 arbitrary enforcement, the Challenged Provisions fail to satisfy *any* constitutional vagueness standard,
9 let alone the heightened standard required of statutes that relate to fundamental rights.

10 **II. THE CHALLENGED PROVISIONS ARE VAGUE UNDER ANY STANDARD**

11 The Challenged Provisions are vague in all applications, because *no one* can determine whether
12 any given ammunition is actually chambered more often in a handgun than a rifle. And this,
13 Defendants acknowledge, is the controlling “standard.”

14 The confusion surrounding the Challenged Provisions is demonstrated by Defendants’ own
15 “expert’s” opinion of what constitutes “handgun ammunition,”⁵ which has continuously changed and
16 defensively adapted as this case progressed. (Pls.’ Evid. Supp. Reply, Ex. B.) Defendants’ own
17 “expert’s” inability to uniformly apply the standard proves that lay individuals, retailers, and law
18 enforcement cannot – and should not – be expected to. Rather than acknowledge this, Defendants
19 mislead the Court by suggesting that, among them, Plaintiffs’ witnesses identify fifteen cartridges used
20 more often in handguns than rifles. (Defs.’ Oppn. at p. 6:19-23.) But actually, deponent witnesses’
21 answers varied widely. And several deponents *were not even familiar* with some of the ammunition
22 Defendants once claimed were “commonly understood” to be “handgun ammunition” by all those the
23
24

25
26 ⁴ *United States v. Marzzarella* (3d Cir. Pa. 2010) 614 F.3d 85, 89 n.4, 96-97; *United States v. Huet* (W.D. Pa.,
27 Nov. 22, 2010, No. 08-0215) 2010 U.S. Dist. LEXIS 123597, *27-28; *United States v. Chester* (4th Cir. W.Va.,
Dec. 30, 2010, No. 09-4084) 2010 U.S. App. LEXIS 26508, *24-26.

28 ⁵ Attached as “Exhibit B” is a chart prepared by Plaintiffs to assist the Court in viewing the relevant
deposition testimony. It illustrates the varied answers provided when asked about various cartridges.

1 law applied to.⁶ In fact, a comparative analysis of Plaintiffs witnesses' answers reveals that only *one*
2 *cartridge* was *estimated* by all deponents as likely being chambered more often in a handgun based on
3 *their experience*.⁷ (Pls.' Stip. Suppl. Sep. State. Mat. Facts [hereafter "Pls.' SUMF"] Nos. 1,3,4; Pls.'
4 Evid. Supp. Reply, Ex. C.)

5 In any case, this line of inquiry is irrelevant. It relies on the *subjective experience and knowledge*
6 of each deponent polled, and requires them to opine as to which cartridges *they themselves* consider
7 "principally for use in handgun" rather than determining, objectively, which ammunition is actually
8 chambered more often in a handgun, which is what the statute requires. Accordingly, Defendants'
9 attempt to point to one or two cartridges (out of thousands) that three or four people might agree on is
10 not persuasive. Where a statute is vague as to as applied to everyone, as opposed to a particularly
11 situated individual, they lack the constitutionally required clarity.

12 Defendants rely on *Village of Hoffman Estates v. Flipside* to argue that Plaintiffs must establish
13 the Challenged Provisions are "void in all [their] applications." Aside from not touching upon
14 constitutional rights, as the Challenged Provisions do, the regulation at issue in *Hoffman Estates*, and
15 the appropriate application of the vagueness doctrine, was manifestly different there than it is here.
16 There, the Court applied the "vague in all applications" standard and found that a plaintiff whose
17 conduct clearly falls under that *civil* statute cannot complain of vagueness in the law's application to
18 *someone else*. (*Hoffman Estates, supra*, 455 U.S. at pp. 494-495.) There, plaintiffs were required to
19 *obtain a license* if they sold *any* one product falling within the definition at issue. (*Id.* at p.500.) Once
20 they were required to obtain a license, no further vagueness issues arose. Under those circumstances,
21 the Court could find the statute sufficiently certain as to plaintiff if *any* items it sold were regulated.

22 Such is not the case here. Under the Challenged Provisions, Plaintiffs must determine whether
23 *every single* cartridge they ever purchase or sell is covered. For Plaintiff Herb Bauer Sporting Goods,
24 that is over 150 cartridges. Plaintiffs RTG and Ables Ammo each sell hundreds of cartridges. Because

25 _____
26 ⁶ Defendants appear to abandon their "common understanding" defense, acknowledging they had to conduct
27 extensive research to determine which ammunition is "handgun ammunition" under the Challenged Provisions.
28 And Defendants cite to no case law that suggests "common understanding" can be based on such research.

⁷ For the Court's convenience, attached as "Exhibit C" to the Declaration of Clinton B. Monfort is a chart
illustrating the varied answers provided by Plaintiffs when asked about various cartridges.

1 every transfer exposes them to criminal liability, Plaintiffs must be able to understand the law as it
2 applies to *every cartridge*, not just a select few that Defendants somewhat arbitrarily proclaim to be
3 “handgun ammunition.” The best anyone can do is venture a guess according to their own subjective
4 knowledge of what the Challenged Provisions cover. Without knowing objectively which ammunition
5 is actually covered, Plaintiffs can never know if they are conforming their behavior to the law.

6 Ultimately, a list should have been provided. And the Legislature, at least belatedly, knew it. Just
7 as the Supreme Court noted in voiding the law in *Kolender v. Lawson* (1983) 461 U.S. 352, 361, this
8 “is not a case where further precision in the statutory language is either impossible or impractical.” An
9 official list would cure the vagueness issues, and creating one is neither “impossible or impractical” –
10 as evidenced by AB 2358 and DOJ’s current cartridge list.⁸

11 **III. GENUINE CONFUSION EXISTS AS TO WHAT AMMUNITION IS REGULATED**

12 Since AB 962 passed, Plaintiffs’ counsel turned to the DOJ for clarification. DOJ was as unable
13 as everyone else to provide clarity. (Pls.’ SUMF No. 18.) Nonetheless, Defendants now argue the only
14 confusion that exists is by Plaintiffs’ doing. (Defs.’ Oppn. at pp. 15-17.) Defendants baldly assert
15 ammunition vendors have “superior knowledge” as to what ammunition is chambered more often in a
16 handgun (which they acknowledge is their interpretation of the controlling standard) – and claim that
17 therefore the Challenged Provisions should be upheld. (*Id.* at p. 9.) Defendants then claim that because
18 some online ammunition vendors market some ammunition as “handgun ammunition,” they must
19 therefore know what ammunition is fired more often in a handgun. (*Id.* at p. 11, fn.9.)

20 Defendants’ argument is a red herring supported by neither fact or law.

21 **A. Retailers Have No “Superior Knowledge” of Whether Ammunition Is Used More Often in a Handgun; Regardless, the Challenged Provisions Are Not Limited to Firearm Retailers and any Special “Knowledge” They May Have is Irrelevant**

22 Defendants provide *no* evidence to support their assertion that ammunition vendors have
23 “superior knowledge” of what “handgun ammunition” is under the Challenged Provisions. Even if
24 Defendants could somehow prove such knowledge, their attempt to invoke the heightened knowledge
25 standard discussed in *Cranston v. City of Richmond* (1985) 40 Cal.3d 755 is misplaced. First,
26 *Cranston*, and all cases it relies on, involved *civil* statutes. *Id.* at 765-770. Second, the statute in

27 ⁸ Defendants go to great lengths to distinguish *Harrott v. County of Kings* (2001) 25 Cal.4th 1138. But
28 Plaintiffs refer to *Harrott* for the notion the California Supreme Court demands ordinary citizens be provided
clear guidelines on how to comply with law. An official list is the way to provide such guidelines.

1 *Cranston* applied *exclusively* to police officers, whereas Section 12318 applies equally to *all* non-
2 exempt persons, not solely “members of [a] particular vocation or profession.” And many ammunition
3 vendors subject to section 12061, such as Wal-Marts and sporting good retailers, do not possess *any*
4 special knowledge about ammunition. Defendants cite to *no* authority which invokes a knowledge
5 standard commensurate with members of a particular vocation when the statute applies beyond them.

6 **B. Marketing Printouts from Ammunition Vendor Websites Do Not Indicate Whether**
7 **the Ammunition is Chambered More Often in a Handgun than a Rifle.**

8 Online vendors (like everyone) are unable to determine what ammunition is regulated. This is
9 supported by testimony not only from Plaintiffs, but also from multiple non-party shippers who,
10 unbeknownst to Plaintiffs and their counsel at the time, unilaterally made the costly decision to cease
11 shipping all or most ammunition to individuals in California because they are unable to determine
12 which ammunition is actually regulated. (See Pls.’ SUMF Nos. 71-82, 190-201). Defendants dispute
13 this in a conclusory footnote that assumes these statements are false because some vendors market
14 ammunition as “handgun ammunition.” (Defs.’ Oppn. at p. 11, fn.9). But Defendants fail to explain
15 how the marketing classifications of some vendors are relevant to a *legal* determination of what
16 ammunition is chambered more often in a handgun, or how it equates such knowledge to vendors.

17 Defendants make much of Plaintiff Abel’s Ammo’s reference to “handgun ammunition” on its
18 website. (See State’s Compend. Evid., Ex. D.) But they slyly omit that the list in Defendants’ Exhibit
19 D was only produced because Defendants entered the term “handgun ammunition” in the website’s
20 search engine. In fact, Abel’s home page lists “rifle and pistol ammunition” together without further
21 distinction. (And while 17 of the cartridges appearing in Defendants’ Exhibit D *are not* on Defendants’
22 final list, only 16 are.) (See Pls.’ Evid. Supp. Reply, Ex. J.) This proves Plaintiffs’ point, as do the
23 other websites referenced by Defendants. All these sites display multiple cartridges as “handgun
24 ammunition” that do not appear on Defendants’ list. None display identical lists. In fact, they all vary
25 quite significantly from one another. (State’s Compend. Evid., Exs. D-J; see also Decl. of B. Graham
26 Supp. Defs.’ Oppn.).

27 In any event, that a website markets or brands some ammunition as “handgun ammunition” is
28 not determinative of whether that ammunition is used more often in a handgun. Nor does it disprove

1 there is any confusion as to what ammunition is regulated.⁹ Defendants made *no inquiry whatsoever* of
2 internet vendors, and offer no evidence suggesting website labeling has any bearing.

3 **C. Confusion Is Widespread / AB 2358 Was Amended to *Clarify*, Not Expand AB 962**
4 Retailers, individuals, law enforcement, and legislators alike acknowledge the difficulty in
5 determining what ammunition the Challenged Provisions regulate. Defendants suggest Plaintiffs are
6 the only ones confused by these laws, completely overlooking the fact that: (1) Plaintiffs' counsel
7 received numerous inquiries from non-plaintiffs about what ammunition is covered (Decl. of C.
8 Monfort Supp. Pls.' Mot. Summ. J. at ¶ 2); (2) a non-party law enforcement officer testified he is
9 confused (Pls.' SUMF No.2); (3) Defendants have provided multiple, conflicting lists of what
10 ammunition they believe is regulated (see Pls.' SUMF No. 37; Graham Depo. vol. 1, at pp. 103:18-
11 104:3; Decl. of B. Graham Supp. Defs.' Oppn. at ¶ 12; Graham Depo. Vol. 1, at pp. 132:23-133:1,
12 133:17-21, 136:6-8, 137:3-5, 153:13-23, 172:22-173:1-2; see Pls.' Evid. Supp. Reply, Ex. B); (4)
13 multiple non-party online vendors have foregone untold profits by ceasing shipments to California (see
14 Pls.' SUMF Nos. 80-82); (5) a previous legislature acknowledged section 12323(a) provides a
15 problematic standard for a prior version of AB 962 (Pls.' SUMF Nos. 13, 15,16); and (16) the author
16 of the law himself acknowledged he received vagueness complaints from the public (*Ammunition:*
17 *Hearing on A.B. 2358 Before the S. Pub. Safety Comm.*, 2010 Leg., 2009-2010 Sess. (Cal. 2010) at
18 00:23:55 (statement of Assem. Kevin de Leon, Sponsor) [hereafter *AB 2358 Hearing*].)

19 Defendants ignore these supported facts and muddle Plaintiffs' reference to the legislative
20 history of AB 962 and related bills. To reiterate, the evidence is not offered to *interpret* the law, and it
21 counters Defendants' assertion that "the only confusion has been fomented by Plaintiffs." Oppn. at p. 1

22 Defendants patently mislead this court by claiming AB 2358 was amended to include a list of
23 handgun ammunition to "expand the scope of the law"—*tellingly* failing to provide *any supporting*
24 *legislative history*. (See Defs.' Oppn. at pp. 17-18.) But as Plaintiffs' moving papers note, the reason
25 AB 2358 was amended just weeks after Defendants filed an Answer in this case was "*to bring some*
26 *clarity to the law*"—a statement made on the record, during a committee hearing, by the author of AB

27 ⁹ Defendants arbitrarily researched sales over five years and limited their interpretation of the law to civilian
28 use of firearms in CA. (Pls. SUMF Nos. 44,49,88, 89.) While Plaintiffs are unsure what the true test requires,
Defendants' interpretation suggests a cartridge's status may change among states. So shippers in states where
hunting with a certain cartridge in rifles is be more prevalent, would be required to know *usage trends in CA*.

1 962 and AB 2358 himself. (*AB 2358 Hearing, supra*, at 00:23:55.) It is far from “sinister” as
2 Defendants suggest, to assume AB 2358 was amended in response to this suit – it is plainly obvious.
3 Moreover, contrary to Defendants’ falsehood about the reason AB 2358 was amended, Assemblyman
4 de Leon specifically stated the purpose was to make AB 962 much *less broad* in application, and to
5 *limit it* to only “19 ‘types’ of ammunition” out of “5 pages” of ammunition. (*Id.* at 00:14:20, 00:25:19.)

6 In light of the Defendants’ willingness to misrepresent such basic facts, statements made by
7 Defendants and its expert should be viewed with incredulity.¹⁰

8 **IV. DEFENDANTS CANNOT SAVE THE CHALLENGED PROVISIONS FROM**
9 **VAGUENESS BY MISDIRECTING THE COURT’S FOCUS TO WHETHER § 12323**
10 **OR OTHER STATUTES REFERENCING IT ARE VAGUE IN ALL APPLICATIONS**
11 Plaintiffs contend that Penal Code sections 12060, 12061, and 12318 are unconstitutionally

12 vague; and they are. Plaintiffs need not establish that any provision of law that might reference section
13 12323(a), or that might use words included in that statute, are vague in all applications of *those*
14 *statutes*. Nonetheless, Defendants’ Opposition makes the reaching argument that the Challenged
15 Provisions are not unconstitutionally vague because Plaintiffs have not challenged Penal Code section
16 12323(a). (Defs.’ Oppn. at pp.11-12.) This is apparently because section 12323(a) is referenced by
17 section 12060 to define what “handgun ammunition” is under section 12060, and thus subject to the
18 remainder of the Challenged Provisions. Defendants’ argument conveniently misses the point. They
19 attempt to twist Plaintiffs’ claims into a challenge to section 12323(a), which is solely a “definitional”
20 statute. They assert the definition provided in that section cannot fail for vagueness because it is
21 employed in Penal Code section 12316(a)(1)(B) that *may* have a non-vague application. But Plaintiffs
22 agree the 12323(a) definition of “handgun ammunition,” taken by itself, is unconstitutionally vague.
23 Though it is employed in both sections 12060 and 12316(a)(1)(B), the difference is that section 12316
24 appears to save itself from the inherent vagueness of section 12323(a) because it allows the retailer to
25 determine whether a particular type of ammunition is “handgun ammunition” based on the retailer’s
26 understanding of the purchaser’s subjective intended use. Conversely, the Challenged Provisions do
27 not consider intended usage and provide no such guidance. Rather, they rely exclusively on whether

28 ¹⁰ Assemblyman de Leon states (Defendant) DOJ assured him those 19 types of ammunition, which included
29 .223, 5.56x45, 7.62x39, .22 rimfire, .41, 5.7X28, 7.63. 7.65, and .50, were “*handgun ammunition that is*
30 *commonly used in CA*” which *do not* appear on the DOJ’s current list. (*AB 2358 Hearing, supra*, at 00:12:25.)

1 the ammunition is *actually* used more often in a handgun. Ultimately, the Challenged Provisions are
2 vague in all of their applications, regardless of whether Penal Code section 12316 is too.

3 The same is true for the use of the 12323(a) definition in “armor piercing ammunition” laws.
4 Plaintiffs have not conducted an analysis (nor need they) as to whether these statutes might be
5 unconstitutionally vague under whatever standard might be applied to those statutes. Armor piercing
6 ammunition is not being sold by the tens of thousands everyday in California, and is not a concern of
7 Plaintiffs. Plaintiffs’ challenge should not cast doubt on the validity of different statutes that reference
8 part of the definition found in the Challenged Provisions. Of course, should this Court deem it
9 necessary to find section 12323(a) unconstitutional in order for Plaintiffs to prevail on their current
10 challenge, Plaintiffs respectfully request such alternative relief as prayed for in their Complaint.

11 **V. ARBITRARY ENFORCEMENT IS LIKELY, AS EVIDENCED BY DOJ’S CHANGING**
12 **TESTIMONY ABOUT WHAT AMMUNITION IS “HANDGUN AMMUNITION”**

13 Plaintiffs’ moving papers point out the arbitrary enforcement likely to result as law enforcement
14 officers and agencies apply their subjective understanding of what ammunition is principally for use in
15 a handgun. (Pls.’ SUMF No. 3; Pls.’ Mot. Summ. J. at pp.12-15.) The concerns expressed by various
16 parties, and the contradicting statements of Defendants own “expert” witness evince its likelihood.¹¹

17 Plaintiffs’ concern is further realized by examining the *research process* used by Defendants to
18 determine their “lists.” Nonetheless, Defendants assure the research they undertook establishes a
19 “careful and measured approach” to make sure they are positive as to what ammunition is “principally
20 for use in a handgun” and regulated by the Challenged Provisions. (Defs.’ Oppn. at p.14). In the
21 process, Defendants dismiss the declarations submitted by sworn peace officers because they did not
22 undertake a “research process” to determine what ammunition is chambered more often in a handgun.
23 (*Id.* at pp. 12-13.) Defendants apparently believe it is okay to require that everyone the law applies to,
24 and all those who enforce it, undertake a *research process* to attempt to determine what is covered by
25 the law. It seems Defendants also contend that, should law enforcement officers conduct their own
26 research, they would somehow determine that, out of thousands of cartridges, the Challenged
27 Provisions apply only to those *same 16 cartridges* that DOJ now claims are covered.

28 ¹¹ *Cartridges of the World* identifies numerous cartridges in its section on handgun cartridges not included in DOJ’s list, and explains the popularity of many cartridges in rifles that the state identified as handgun ammunition. (Pls.’ SUMF Nos. 94-95). No evidence is provided that listings are based on actual use.

1 As noted, Plaintiff Herb Bauer Sporting Goods, sells over 150 cartridges. Similarly, Plaintiffs
2 Able's Ammo and RTG Collectible sell hundreds of cartridges. To suggest law enforcement will
3 apply the Challenged Provisions uniformly borders on the absurd. Just as DOJ's "expert" reached his
4 subjective opinion as to what ammunition is regulated, so too will other law enforcement officers be
5 left to apply the law based on their *subjective* experience. Neither Plaintiffs nor law enforcement can
6 rely on, or be bound by, any of Defendants' "lists" of ammunition.¹²

7 Finally, Defendants assert the "principally for use in" standard is a sufficient guideline to avoid
8 arbitrary enforcement. But there are no guidelines *for determining* whether any cartridge is "principally
9 for use in a handgun" – if it were even possible to do so. There certainly are none explaining that one
10 must review DROS statistics, reflect on their experience, consult authoritative books, and review
11 ammunition websites to determine a given cartridge's use. *That is an invention of Defendants.*

12 The likelihood of arbitrary enforcement is particularly troublesome given the state's expert
13 changed his testimony over what "handgun ammunition" is *significantly* in just the past *two weeks*.

14 **VI. DEFENDANTS FAIL TO ADDRESS AMMUNITION USED IN ANTIQUE FIREARMS**

15 Despite being fully briefed in Plaintiffs' moving papers, Defendants completely ignore the
16 vagueness problems over what ammunition will be excluded as ammunition "designed and intended"
17 to be used in a firearm that was manufactured prior to 1898. Defendants apparently concede the further
18 aggravation of the likelihood of arbitrary and discriminatory enforcement as all those the laws apply to,
19 and those charged with enforcing it, attempt to determine what ammunition is exempted.

20 **VII. DEFENDANTS' CHARACTERIZATION OF STEPHEN HELSLEY'S TESTIMONY AS
BIASED AND UNRELIABLE IS NEAR LIBELOUS**

21 Plaintiffs' expert's knowledge of firearms and ammunition is unparalleled, becoming
22 knowledgeable about firearms and ammunition over his experiences spanning the last fifty years as a
23 student, an author, and in law enforcement. (See Decl. of S. Helsley Supp. Pls.' Mot. Summ. J. at ¶¶ 2-
24 19.) A true hero, Mr. Helsley was awarded the Valor Medal as Special Agent Supervisor for Defendant
25 DOJ. (*Id.* at ¶8.) Nonetheless, Defendants condemn him as biased and unreliable.

26 Despite Defendants' negative portrayal, Defendants acknowledge Mr. Helsley is not even paid
27 for his testimony. Defendants make much over his prior employment by the National Rifle

28 ¹² Try as they might to portray their experts' research as taking a "measured approach" to enforcement, the obvious reality is that Defendants did so only in response to this litigation.

1 Association, but ignore the fact that Mr. Helsley was also employed by Defendants – for more years
2 than he was employed by the NRA. (Decl. of S. Helsley Supp. Pls.’ Mot. Summ. J. at ¶ 4-13.) They
3 give no credence to the fact that Mr. Helsley was *shot in the line of duty while serving Defendants*, and
4 disregard that fact that Mr. Helsley was *acknowledged so highly* while serving Defendants that he was
5 promoted to head the Firearms Division. (*Id.* at ¶¶8-13.) Unlike the state’s expert, Mr. Helsley’s
6 testimony has *never waived*, and Defendants offer no evidence his testimony about ammunition and
7 the Challenged Provisions was altered in any way by any bias. Plaintiffs’ expert offers testimony about
8 the nature of firearm ammunition (see generally *id.* at ¶20-73), the flawed nature of the state’s research
9 process to determine what ammunition is used more often in a handgun (S. Helsley Depo. at 130:2-25,
10 131:1-25; 132:1-15), and explains why he is unable to determine whether a particular cartridge is fired
11 more often out of a handgun. Although Defendants admit his expertise, they attempt to discredit his
12 testimony as improper opinion on the legal question whether the Challenged Provisions provide
13 sufficient notice to persons of ordinary intelligence and law enforcement. But Mr. Helsley never
14 provides testimony on this subject matter. Nor does he attempt to opine on what ammunition the
15 Challenged Provisions regulate.

16 In fact Mr. Helsley acknowledges, as do Plaintiffs, that no one can be an expert on that subject
17 matter, because no one is able to determine what the law requires them to determine: whether any
18 given cartridges have actually been fired more often out of a handgun. (Decl. of S. Helsley Supp. Pls.’
19 Mot. Summ. J. at ¶72-73.) Rather, Mr. Helsley explains *why* he is unable to determine what
20 ammunition is fired more often through a handgun; something he is *well* qualified to testify about.¹³

21 **VIII. IT IS DEFENDANTS’ “EXPERT” WHOSE TESTIMONY IS OF LITTLE VALUE**

22 Disregarding his obvious bias as Defendants’ full-time employee, it is revealing that Mr. Graham
23 has changed his opinion *multiple* times, under oath, as to what “handgun ammunition” is. (Pls.’ Evid.
24 Supp. Reply, Ex. C). He first provided Plaintiffs a list of eleven *calibers*. (Pls.’ SUMF No. 37.) Later,
25 in his deposition, he said he considered specific cartridges within those calibers to be included in that
26 list. (Pls.’ SUMF No. 96). Now, he submits a declaration in support of Defendants’ opposition listing

27 ¹³ Defendants also mis-characterize Mr. Helsley’s testimony, asserting he concedes 7 cartridges are “handgun
28 ammunition” under the Challenged Provisions; Mr. Helsley was merely responding to questioning, explaining
what cartridges in his experience are likely chambered more often in a handgun.

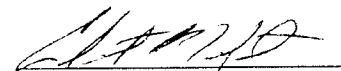
1 sixteen cartridges he believes to be “handgun ammunition.” (Decl. of B. Graham Supp. Defs.’ Oppn. at
2 ¶ 12.) Yet, without explanation, he omitted six cartridges from his declaration – .45 Long Colt, 9mm
3 Mauser, .256 Winchester Magnum, .25 NAA, .32 Smith & Wesson, and .32 Short Colt – that he
4 identified as “handgun ammunition” at deposition.¹⁴ Though Defendants attribute Mr. Graham’s
5 inconsistency in articulating what “handgun ammunition” is to Plaintiffs’ interrogatory, Defendants
6 were clearly aware Plaintiffs were inquiring what ammunition Defendants consider “handgun
7 ammunition” under the Challenged Provisions.¹⁵ In reality, Mr. Graham believed he effectively
8 communicated a list of a dozen or so cartridges when he listed the eleven “calibers” – apparently
9 unaware the list he provided included countless cartridges absent from his current list. Such
10 discrepancies reveal *even Defendants* are confused as to Challenged Provisions’ meaning.

11 CONCLUSION

12 Ultimately, the root of the vagueness doctrine is a rough idea of fairness. (*Colton v. Kentucky*
13 (1972) 407 U.S. 104, 110.) With that notion in mind, it is unfair to conclude a complete prohibition on
14 a major means by which an essential component of a firearm is commonly purchased does not *relate to*
15 the to the right to keep and bear arms. Nor is it fair to conclude that *of thousands of cartridges* that are
16 either used more often in a handgun or a rifle, that the Challenged Provisions *only apply to sixteen*
17 *cartridges*, and that the Challenged Provisions *provide sufficient notice that they apply to these sixteen*
18 *cartridges* so as to preclude arbitrary enforcement. Finally, fairness precludes a conclusion that
19 criminal statutes are not vague in all applications (versus as applied to an individual) because four
20 deponents agreed in their *experience* that one cartridge of the sixteen was chambered more often in a
21 handgun. For each of the foregoing reasons, the Court should enter judgment in favor of Plaintiffs.

22 Dated: January 7, 2011

23 **Respectfully submitted,**
24 **MICHEL & ASSOCIATES, P. C.**

25 
26 Clinton Monfort
27 Attorney for Plaintiffs
28

14 Graham Depo. Vol. 1, at pp. 132:23-133:1, 133:17-21, 136:6-8, 137:3-5, 153:13-23, 172:22-173:1-2.

15 Defendants suggest Plaintiffs “muddled” the issue over “caliber” and “cartridge,” noting that Plaintiffs used the term “caliber” in their complaint. Though Plaintiffs used the descriptor “caliber,” they listed specific *cartridges*. (Compl. at 2:15-23.) For clarity, it is not so important that one use the term “caliber” or “cartridge” when referencing ammunition as long as the ammunition is ultimately identified by cartridge name. (AB 2358’s list read: “all variations of ammunition in the following calibers” to attempt to avoid that problem.)

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA

3 COUNTY OF FRESNO

4 I, Claudia Ayala, am employed in the City of Long Beach, Los Angeles County, California. I am
5 over the age eighteen (18) years and am not a party to the within action. My business address is 180
East Ocean Blvd., Suite 200, Long Beach, California 90802.

6 On January 7, 2011, I served the foregoing document(s) described as

7 **PLAINTIFFS' REPLY TO DEFENDANTS' OPPOSITION TO MOTION FOR SUMMARY
8 JUDGMENT OR IN THE ALTERNATIVE FOR SUMMARY ADJUDICATION / TRIAL**

9 on the interested parties in this action by placing

10 ☐ the original

☒ a true and correct copy

thereof enclosed in sealed envelope(s) addressed as follows:

11 Edmund G. Brown, Jr.
12 Attorney General of California
13 Zackery P. Morazzini
14 Supervising Deputy Attorney General
15 Peter A. Krause
16 Deputy Attorney General (185098)
17 1300 I Street, Suite 125
18 Sacramento, CA 94244-2550

19 (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and
20 processing correspondence for mailing. Under the practice it would be deposited with the U.S.
21 Postal Service on that same day with postage thereon fully prepaid at Long Beach, California, in
22 the ordinary course of business. I am aware that on motion of the party served, service is
23 presumed invalid if postal cancellation date is more than one day after date of deposit for mailing
24 an affidavit.

Executed on January 7, 2011, at Long Beach, California.

25 (PERSONAL SERVICE) I caused such envelope to delivered by hand to the offices of the
26 addressee.

Executed on January 7, 2011, at Long Beach, California.

27 X (VIA OVERNIGHT MAIL) As follows: I am "readily familiar" with the firm's practice of
28 collection and processing correspondence for overnight delivery by UPS/FED-EX. Under the
practice it would be deposited with a facility regularly maintained by UPS/FED-EX for receipt
on the same day in the ordinary course of business. Such envelope was sealed and placed for
collection and delivery by UPS/FED-EX with delivery fees paid or provided for in accordance
with ordinary business practices.

Executed on January 7, 2011, at Long Beach, California.

X (STATE) I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

CLAUDIA AYALA

1 C. D. Michel - SBN 144258
Clinton B. Monfort - SBN 255609
2 Sean A. Brady - SBN 262007
MICHEL & ASSOCIATES, P.C.
3 180 East Ocean Blvd., Suite 200
Long Beach, CA 90802
4 Telephone: (562) 216-4444
Fax: (562) 216-4445
5 cmichel@michellawyers.com

6 Attorneys for Plaintiffs/Petitioners

7
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF FRESNO

10 SHERIFF CLAY PARKER, TEHAMA) CASE NO. 10CECG02116
11 COUNTY SHERIFF; HERB BAUER)
SPORTING GOODS; CALIFORNIA RIFLE) **STIPULATED SUPPLEMENTAL**
12 AND PISTOL ASSOCIATION) **SEPARATE STATEMENT OF**
FOUNDATION; ABLE'S SPORTING,) **UNDISPUTED FACTS IN SUPPORT OF**
13 INC.; RTG SPORTING COLLECTIBLES,) **OPPOSITION TO PLAINTIFFS' MOTION**
LLC; AND STEVEN STONECIPHER,) **FOR SUMMARY JUDGMENT OR IN THE**
14) **ALTERNATIVE SUMMARY**
) **ADJUDICATION / TRIAL BRIEF**
15 Plaintiffs and Petitioners,)
)
16 vs.) Date: January 18, 2011
) Time: 8:30 a.m.
) Location: Dept. 402
17 THE STATE OF CALIFORNIA; JERRY) Judge: Hon. Jeffrey Y. Hamilton
BROWN, IN HIS OFFICIAL CAPACITY)
18 AS ATTORNEY GENERAL FOR THE) Trial Date: January 18, 2011
STATE OF CALIFORNIA; THE) Action Filed: June 17, 2010
19 CALIFORNIA DEPARTMENT OF)
JUSTICE; and DOES 1-25,)
20)
)
21 Defendants and Respondents.)
)

22
23 Due to the unique timing and nature of this proceeding and pursuant to the parties' stipulation
24 permitting Plaintiffs Sheriff Clay Parker, et al. ("Plaintiffs") to introduce deposition testimony not
25 originally lodged in support of Plaintiffs' Motion for Summary Judgment, Plaintiffs
26 respectfully submit this response to Defendants' Supplemental Separate Statement of Undisputed
27 Material Facts, together with references to supporting evidence, in support of their Motion for
28 Summary Judgment or in the Alternative Summary Adjudication / Trial Brief.

ISSUE NO. 1 – PLAINTIFFS ARE ENTITLED TO JUDGMENT ON THE FIRST CAUSE OF ACTION FOR DECLARATORY AND INJUNCTIVE RELIEF: DUE PROCESS VAGUENESS – FACIAL – BECAUSE CALIFORNIA PENAL CODE SECTIONS 12060, 12061, AND 12318 PROVIDE NEITHER ADEQUATE NOTICE TO ORDINARY PERSONS NOR SUFFICIENT GUIDELINES TO LAW ENFORCEMENT TO PREVENT ARBITRARY AND DISCRIMINATORY ENFORCEMENT OF THE LAW

Moving Party’s Undisputed Material Facts and Supporting Evidence:	Opposing Party’s Response and Supporting Evidence:
<p>1. Assembly Bill 962 passed the Legislature on September 11, 2009, and was approved by Governor Schwarzenegger on October 11, 2009; it added sections 12060, 12061, and 12318 (hereafter referred to collectively as the “Challenged Provisions”) to the California Penal Code.</p> <p>[Assembly Bill No. 962 and Complete Bill History (Ex.1 to Plaintiffs’ Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief).]</p>	<p>Undisputed.</p>
<p>2. There is general confusion as to what ammunition is “principally for use in handguns.”</p> <p>[Allman Declaration at 2:13, Bauer Declaration at 2:13, Giles Declaration at 2:12, Hall Declaration at 2:13, Parker Declaration at 2:14, Potterfield Declaration at 2:13, Stonecipher Declaration at 2:10, Tenny Declaration at 1:12, Wright Declaration at 2:13.]</p>	<p>Disputed.</p> <p>Objections: Vague and ambiguous as to the meaning of “general confusion.” See also the State’s Objections to Evidence Nos. 1-37, & 80-122 objecting to the cited portions of the declarations.</p> <p>State’s Compendium of Evidence, Exh. “A,” B. Bauer Deposition, pp. 36:18-37:3; 42:1-9; 42:19-43:2; 43:9-17; 43:18-44:2; 44:3-44:20; 49:8-49:19; Exh. “D,” S. Helsley Deposition, pp. 129:12-17; 146:1-5; 155:22-156:7; 158:9-17; 159:24-160:1; 163:15-17; 165:2-4; 172:12-14; Exh. “E,” C. Parker Deposition, pp. 49:3-16; 54:25-55:7; 55:8-14; 55:15-22; 60:9-14; 61 :7-20; Exh. “F,” S. Stonecipher Deposition, pp. 43:6-14; 43:18-22; 48:16-19; 52:1-24; 53:3-7; 53:11-15; 53:19-22; 54:1-5, 55:1-5; 56:23-57:1; 57:6-11.</p>

1 2 3 4 5 6 7 8 9	<p>3. There is confusion among law enforcement officers as to what ammunition is “principally for use in handguns.”</p> <p>[Parker Declaration at 2:13, Allman Declaration at 2:13]</p>	<p>Disputed.</p> <p>Objection: Conclusory; Lacks Foundation; Vague. See Objections to Evidence Nos. 2-8 and 80-86.</p> <p>Deposition of Clay Parker, pp. 44:20-23, 45: 14-47:20 [testifying he has not attempted to research or determine what ammunition might qualify]; pp. 42:6-15; 42:20-43:7 [testifying that the Tehama County Sheriffs Department defers to the California Department of Justice enforcement of gun laws at gun and ammunition vendors]</p> <p>Declaration of Blake Graham, ¶¶ 10-17 .</p>
10 11 12 13	<p>4. Penal Code section 12060 does not rely on a list of ammunition “principally for use in handguns.”</p> <p>[Pen. Code, § 12060.]</p>	<p>Objection: Relevance; Secondary Evidence Rule (Evid. Code §§ 1521 & 1523. Section 12060 of the Penal Code provides the best evidence of its content.</p>
14 15 16	<p>5. Penal Code section 12061 does not rely on a list of ammunition “principally for use in handguns.”</p> <p>[Pen. Code, § 12061.]</p>	<p>Objection: Relevance; Secondary Evidence Rule (Evid. Code §§ 1521 & 1523. Section 12061 of the Penal Code provides the best. evidence of its content.</p>
17 18 19	<p>6. Penal Code section 12318 does not rely on a list of ammunition “principally for use in handguns.”</p> <p>[Pen. Code, § 12318.]</p>	<p>Objection: Relevance; Secondary Evidence Rule (Evid. Code §§ 1521 & 1523. Section 12318 of the Penal Code provides the best. evidence of its content.</p>
20 21 22 23	<p>7. Penal Code section 12323 does not rely on a list of ammunition “principally for use in handguns.”</p> <p>[Pen. Code, § 12323.]</p>	<p>Objection: Relevance; Secondary Evidence Rule (Evid. Code §§ 1521 & 1523. Section 12323 of the Penal Code provides the best. evidence of its content.</p>
24 25 26 27 28	<p>8. Defendant DOJ has not promulgated regulations regarding the definition of “handgun ammunition” for purposes of the Challenged Provisions.</p> <p>[Responses to Plaintiffs’ Request for Admissions, Set One (Ex. 56 to Plaintiffs’ Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 7:22-24.]</p>	<p>Undisputed.</p>

<p>9. Penal Code section 12060 does not confer authority on the Department of Justice ("DOJ") to create a list of ammunition "principally for use in handguns."</p> <p>[Pen. Code, § 12060.]</p>	<p>Objection: Relevance; Secondary Evidence Rule (Evid. Code §§ 1521 & 1523. Section 12060 of the Penal Code provides the best evidence of its content.</p>
<p>10. Penal Code section 12061 does not confer authority on the Department of Justice ("DOJ") to create a list of ammunition "principally for use in handguns."</p> <p>[Pen. Code, § 12061.]</p>	<p>Objection: Relevance; Secondary Evidence Rule (Evid. Code §§ 1521 & 1523. Section 12061 of the Penal Code provides the best evidence of its content.</p>
<p>11. Penal Code section 12318 does not confer authority on the Department of Justice ("DOJ") to create a list of ammunition "principally for use in handguns."</p> <p>[Pen. Code, § 12318.]</p>	<p>Objection: Relevance; Secondary Evidence Rule (Evid. Code §§ 1521 & 1523. Section 12318 of the Penal Code provides the best evidence of its content.</p>
<p>12. Penal Code section 12323 does not confer authority on the Department of Justice ("DOJ") to create a list of ammunition "principally for use in handguns."</p> <p>[Pen. Code, § 12323.]</p>	<p>Objection: Relevance; Secondary; Evidence Rule (Evid. Code §§ 1521 & 1523. Section 12323 of the Penal Code provides the best evidence of its content.</p>
<p>13. Senate Bill 1276 was a failed measure introduced by Senator Hart in 1994. It attempted to introduce provisions regulating the transfer of "handgun ammunition" substantially similar to those appearing in the Challenged Provisions.</p> <p>[Senate Bill 1276 (1994) as Amended in Senate on May 26, 1994 (Ex. H to Plaintiffs' Request for Judicial Notice in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at p. 4; Legislative History Report and Analysis Re: Senate Bill 1276 (Hart – 1994) (Ex. 5 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at LH009–010.]</p>	<p>Objection: Relevance. Hearsay. Senate Bill 1276 has no bearing on any material fact before the Court and is not legislative history. See:</p> <p>(1) The State's Objections to Plaintiffs' Request for Judicial Notice; and</p> <p>(2) The State's Objections to Evidence No. 126.</p>

1 2 3 4 5 6 7 8 9 10 11 12 13	<p>14. A Bill Analysis conducted by the Senate Committee on Judiciary for Senate Bill 1276 contains a "comment" on Penal Code section 12323's definition of "handgun ammunition which reads, in relevant part:</p> <p>"Existing Penal Code section 12323 was added in 1982 and defines handgun ammunition as "ammunition principally for use in pistols and revolvers . . . notwithstanding that the ammunition may also be used in some rifles. . . ." However, it may not be suitable for defining handgun ammunition in general. It may be assumed that many ammunition calibers are suitable for both rifles and handguns. Without additional statutory guidance, it may be very difficult for dealers to determine which ammunition is "handgun ammunition" for purposes of the requirements added to Penal Code section 12076."</p> <p>[Legislative History Report and Analysis Re: Senate Bill 1276 (Hart – 1994) (Ex. 5 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at LH010.]</p>	<p>Objection: Relevance. Hearsay. Senate Bill 1276 has no bearing on any material fact before the Court and is not legislative history. See:</p> <p>(1) The State's Objections to Plaintiffs' Request for Judicial Notice; and</p> <p>(2) The State's Objections to Evidence No. 126.</p>
14 15 16 17 18 19	<p>15. Senate Bill 1276 (1994) relied on the definition of "handgun ammunition" found at Penal Code section 12323.</p> <p>[Senate Bill 1276 (1994) as Amended in Senate on May 26, 1994 (Ex. H to Plaintiffs' Request for Judicial Notice in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at p. 4.]</p>	<p>Objection: Relevance. Hearsay. Senate Bill 1276 has no bearing on any material fact before the Court and is not legislative history. See:</p> <p>(1) The State's Objections to Plaintiffs' Request for Judicial Notice; and</p> <p>(2) The State's Objections to Evidence No. 126.</p>
20 21 22 23 24 25	<p>16. Defendants' expert admitted that he was asked to opine on what he thought should be included as "handgun ammunition" in Assembly Bill 2358's enumerated list of "handgun ammunition" calibers.</p> <p>[Graham Deposition Vol. One (Ex. 57 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 102:21-103:17]</p>	<p>Objection: Relevance. What Mr. Graham was asked to do vis-a-vis Assembly Bill 2358 is not relevant to any material fact in this case. See:</p> <p>(1) The State's Objections to Plaintiffs' Request for Judicial Notice; and</p> <p>(2) Objections to Evidence Nos. 123-125.</p>

1	17. When asked which ammunition he thought	Objection: Relevance. What Mr. Graham was
2	should be included in AB 2358's list of "handgun	asked to do vis-a-vis Assembly Bill 2358 is
3	ammunition," Defendants' expert said he	not relevant to any material fact in this case.
4	remembered identifying the following:	See:
	" .45, .380., .25, .40, .38, .357, possibly .454, and	(1) The State's Objections to Plaintiffs'
	possibly .762, and maybe .223."	Request for Judicial Notice; and
5	[Graham Deposition Vol. One (Ex. 57 to	(2) Objections to Evidence Nos. 123-125.
6	Plaintiffs' Evidence in Support of Motion for	
7	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 103:18-	
	104:10.]	
8	18. Counsel for Defendant DOJ has stated that	Objection: Relevance. Hearsay. See
9	Defendant DOJ will not and cannot adopt a policy	Objections to Evidence Nos. 127-128.
10	as to what ammunition constitutes "handgun	
	ammunition" for purposes of the Challenged	
	Provisions.	
11	[Public Records Act Request Sent to California	
12	Department of Justice Re: Assembly Bill 962,	
13	dated December 16, 2009 (Ex. 6 to Plaintiffs'	
14	Evidence in Support of Motion for Summary	
15	Judgment or in the Alternative Summary	
16	Adjudication / Trial Brief); Defendant Department	
17	of Justice Response to Public Records Act and	
	Relevant E-mail Enclosures, dated January 25,	
	2010 (Ex. 7 to Plaintiffs' Evidence in Support of	
	Motion for Summary Judgment or in the	
	Alternative Summary Adjudication / Trial Brief)	
	at AM0002, AM0004, AM0006, AM0013.]	
18	19. On August 19, 2010, then pending Assembly	Objection: Relevance. Assembly Bill 2358 is
19	Bill 2358 was amended to include in Penal Code	not relevant to any material fact in this case.
20	section 12323 the following definition of	See:
21	"handgun ammunition": "any variety of	(1) The State's Objections to Plaintiffs'
22	ammunition in the following calibers,	Request
23	notwithstanding that the ammunition may also be	for Judicial Notice; and
24	used in some rifles: .22 <i>rimfire</i> , .25, .32, .38,	(2) Objections to Evidence Nos. 123-125.
	.9mm, .10mm, .40, .41, .44, .45, 5.7x28mm, .223,	
	.357, .454, .5.56x45mm, 7.62x39, 7.63mm,	
	7.65mm, .50."	
	[Assembly Bill No. 2358 (2010) as Amended in	
	Senate August 19, 2010 (Ex.2 to Plaintiffs'	

1	Summary Adjudication / Trial Brief).]	
2		
3	20. On August 30, 2010, then pending Assembly	Objection: Relevance. Assembly Bill 2358 is not relevant to any material fact in this case. See: (1) The State's Objections to Plaintiffs' Request for Judicial Notice; and (2) Objections to Evidence Nos. 123-125
4	Bill 2358 was amended to include in Penal Code	
5	section 12323 the following definition of	
6	"handgun ammunition": "any variety of	
7	ammunition in the following calibers,	
8	notwithstanding that the ammunition may also be	
9	used in some rifles: .22 <i>rimfire</i> , .25, .32, .38,	
10	.9mm, .10mm. .40, .41, .44, .45, 5.7x28mm, .357,	
11	.454, .5.56x45mm, 7.63mm, 7.65mm."	
12	[Assembly Bill No. 2358 (2010) as Amended in	
13	Senate August 30, 2010 (attached as Ex. 3 to	
14	Plaintiffs' Evidence in Support of Motion for	
15	Summary Judgment or in the Alternative	
16	Summary Adjudication / Trial Brief, Ex. G to	
17	Plaintiffs' Request for Judicial Notice in Support	
18	of Motion for Summary Judgment or in the	
19	Alternative Summary Adjudication / Trial Brief)	
20	at 16:11-40; Complete Bill History, A.B. No. 2358	
21	(attached as Ex.4 to Plaintiffs' Evidence in	
22	Support of Motion for Summary Judgment or in	
23	the Alternative Summary Adjudication / Trial	
24	Brief).]	
25	21. All modern centerfire and rimfire ammunition	Undisputed.
26	for use in handguns or rifles consist of the same	
27	components: a metal casing that suspends a metal	Undisputed.
28	projectile over a charge of powder confined within	
	the metal casing and a primer (or priming charge)	Undisputed.
	to ignite the powder - ("self-contained metallic	
	ammunition").	
	[Helsley Declaration at ¶ 20.]	
	22. In order of their specificity, these three terms	Undisputed.
	are used to describe a self-contained metallic	
	cartridge: "ammunition," "caliber," and its given	Undisputed.
	"cartridge name."	
	[Helsley Declaration at ¶ 54.]	
	23. "Ammunition" is defined in the Glossary of	Undisputed.
	the Association of Firearms and Tool Mark	
	Examiners as:	Undisputed.
	"One or more loaded cartridges consisting of a	
	primed case, propellant, and with one or more	
	projectiles. Also referred to as fixed or live	
	ammunition."	

1	[Graham Deposition Vol. One (Ex. 57 to	
2	Plaintiffs' Evidence in Support of Motion for	
3	Summary Judgment or in the Alternative	
4	Summary Adjudication / Trial Brief) at Merged	
	Ex. C at p. 2.]	
5	24. The definition of "caliber" depends on	Undisputed.
6	whether it is applied to a firearm or to	
7	ammunition. When applied to ammunition, the	
8	Glossary of the Association of Firearms and Tool	
9	Mark Examiners defines it as: "A numerical term,	
10	without the decimal point, included in a cartridge	
11	name to indicate the nominal bullet diameter."	
	[Graham Deposition Vol. One (Ex. 57 to	
	Plaintiffs' Evidence in Support of Motion for	
	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at Merged	
	Ex. C at p. 5.]	
12	25. It is a more precise description of ammunition	Objection: Relevance; Mischaracterizes the
13	to identify it by its specific cartridge name because	witness's testimony; vague and ambiguous as
14	often the "caliber" in the cartridge's given name	to
15	does not reflect the actual bore or bullet diameter.	the context where the description might be
	[Helsley Declaration at ¶¶ 54-64.]	more precise.
16	26. Within any given "caliber," there are usually	Undisputed.
17	various "cartridges," some of which may be used	
18	more often in a handgun, and some of which may	
19	be used more often in a rifle.	
	[Helsley Declaration at ¶¶ 56-64.]	
20	27. Reference to the measurement of a projectile's	Objection: Mischaracterizes the witness's
21	diameter (i.e., its caliber) is not a particularly	testimony. Vague and ambiguous as to context
22	precise method of identifying ammunition.	and the phrase "not a particularly precise
	[Helsley Declaration at ¶ 55-64.]	method."
23	28. Virtually all calibers can be and are fired	Objection: Mischaracterizes the witness's
24	safely through both handguns and rifles.	testimony, Conclusory; Lacks foundation;
25	[Helsley Declaration at ¶ 65.]	vague. See Objections to Evidence Nos. 42-
		44.
26	29. Virtually all cartridges can be and are fired	Objection: Mischaracterizes the witness's
27	safely through both handguns and rifles.	testimony, Conclusory; Lacks foundation;
28	[Helsley Declaration at ¶ 65.]	vague. See Objections to Evidence Nos. 42-
		44.

1	30. Packaging for ammunition often has no label	Objection: Mischaracterizes the witness's
2	associating its use with either a handgun or a rifle.	testimony; Conclusory; Lacks foundation;
3	[Helsley Declaration at ¶¶ 68-69.]	vague. See Objections to Evidence Nos. 48-
4	31. Packaging for ammunition does not identify	Objection: Mischaracterizes the witness's
5	whether the ammunition it contains is "principally	testimony; Conclusory; Lacks foundation;
6	for use in handguns."	vague. See Objections to Evidence Nos. 48-
7	[Helsley Declaration at ¶ 69.]	50.
8	32. In those instances where ammunition	Objection: Mischaracterizes the witness's
9	manufacturers or vendors label or market a	testimony; Conclusory; Lacks foundation;
10	particular cartridge as a "handgun cartridge," such	vague. See Objections to Evidence Nos. 48-
11	markings do not identify whether that cartridge, or	50.
12	ammunition of that caliber, is actually "principally	
13	used in handguns."	
14	[Helsley Declaration at ¶¶ 68-69.]	
15	33. Experts cannot form a reliable opinion as to	Disputed.
16	whether a given caliber or cartridge is intended to	Objection: Assumes facts not in evidence;
17	be or has actually been fired more than fifty	mischaracterizes the witness's testimony;
18	percent of the time through a handgun.	Conclusory; Lacks foundation; vague. See
19	[Helsley Declaration at ¶¶ 66, 72-73.]	Objections to Evidence Nos. 45-47, 56-59.
20		Declaration of Blake Graham, ¶¶ 10-17.
21	34. There exists in the firearms industry no	Objection: Mischaracterizes the witness's
22	commonly understood delineation between	testimony; Conclusory; Lacks foundation;
23	"handgun ammunition" and other ammunition that	vague. See Objections to Evidence Nos.
24	indicates whether certain ammunition is actually	42-59.
25	fired or intended to be fired more often in	
26	handguns than in long-guns.	
27	[Helsley Declaration at ¶¶ 65-70, 72-73.]	
28	35. There exists in the firearms industry no	Objection: Mischaracterizes the witness's
	commonly understood definition of "handgun	testimony; Conclusory; Lacks foundation;
	ammunition" that equates with the "principally for	vague. See Objections to Evidence Nos. 42-
	use in handguns" language relied on by the	52.
	Challenged Provisions.	
	[Helsley Declaration at ¶¶ 65-70.]	

1	36. Defendants assert that “there is a common understanding among those individuals and businesses who might be subject to sections 12060, 12061, and 12318 of the Penal Code, as well as among those might enforce them,” as to what ammunition is “used principally in pistols and revolvers.”	Undisputed.
2		
3		
4		
5	[Responses to Specially Prepared Interrogatories, Set One (Ex. 54 to Plaintiffs’ Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 6:16-19, 7:8-11.]	
6		
7		
8		
9	37. Defendants identify the following ammunition as “principally for use in handguns” for purposes of the Challenged Provisions: .45, 9mm, 10mm, .40, .357, .38, .44, .380, .454, .25, and .32.	Undisputed that the State identified these calibers of ammunition in response to Plaintiff’s Special Interrogatory No.5 after objecting to the Plaintiff’s use of the phrase “types of ammunition” as vague and ambiguous.
10		
11	[Responses to Specially Prepared Interrogatories, Set One (Ex. 54 to Plaintiffs’ Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 5:7-8, 5:21-22; Amended Response to Specially Prepared Interrogatory No. 5 (Ex. 55 to Plaintiffs’ Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 2:24-3:2.]	
12		
13		
14		
15		
16		
17	38. Defendants assert that the ammunition they deemed “principally for use in handguns” based on their review of handgun sales records in California, written documents, ammunition vendor websites, and online encyclopedias, is “commonly understood” to be “handgun ammunition” for purposes of the Challenged Provisions.	Undisputed that these comprised some of the steps Mr. Graham took in his expert analysis, otherwise disputed.
18		Declaration of Blake Graham, ¶¶ 10-17.
19		
20		
21	[Responses to Specially Prepared Interrogatories, Set One (Ex. 54 to Plaintiffs’ Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 7:8-20; Graham Deposition Vol. One (Ex. 57 to Plaintiffs’ Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 118:3-11, 142:21-25.]	
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1	39. Additional research over time may cause	Undisputed.
2	Defendants' list of ammunition "principally for	
3	use in handguns" to change.	
4	[Graham Deposition Vol. One (Ex. 57 to	
5	Plaintiffs' Evidence in Support of Motion for	
6	Summary Judgment or in the Alternative	
7	Summary Adjudication / Trial Brief) at 204:21-	
8	205:8; Graham Deposition Vol. Two (Ex. 58 to	
9	Plaintiffs' Evidence in Support of Motion for	
10	Summary Judgment or in the Alternative	
11	Summary Adjudication / Trial Brief) at 67:21-	
12	68:1, 116:11-18, 118:11-18 9.]	
13		
14	40. Regulations promulgated at some date in the	Undisputed.
15	future may cause Defendants' list of ammunition	
16	"principally for use in handguns" to change.	
17	[Amended Response to Specially Prepared	
18	Interrogatory No. 5 (Ex. 55 to Plaintiffs' Evidence	
19	in Support of Motion for Summary Judgment or in	
20	the Alternative Summary Adjudication / Trial	
21	Brief) at 2:26-3:2.]	
22		
23	41. Defendants' expert admitted that if he had the	Objection: Mischaracterizes the witness's
24	opportunity to review sales records over a larger	testimony.
25	time frame, his opinion as to what ammunition is	
26	"principally for use in a handgun" might have	
27	changed.	
28	[Graham Deposition Vol. Two (Ex. 58 to	
	Plaintiffs' Evidence in Support of Motion for	
	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 118:11-	
	18.]	
	42. Defendants' expert admits he may have left	Objection: Mischaracterizes the witness's
	cartridges off Defendants' list of ammunition	testimony (which testimony is not included on
	"principally for use in handguns" that [based on	Plaintiffs' Exhibit 58.)
	his understanding of "handgun ammunition"],	
	should have been included.	
	[Graham Deposition Vol. Two (Ex. 58 to	
	Plaintiffs' Evidence in Support of Motion for	
	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 69:20-	
	70:5.]	

1	43. Defendants' expert's methodology for	Undisputed that these comprised some of the
2	determining what ammunition was "principally for	steps Mr. Graham took in his expert analysis,
3	use in handguns" was a two-step process that	otherwise disputed.
4	involved the expert looking at the records of	Declaration of Blake Graham, ¶¶ 10-17.
5	handgun sales in California, and then reviewing	
6	websites, written materials and drawing on his	
7	personal experience.	
8	[Graham Deposition Vol. Two (Ex. 58 to	
9	Plaintiffs' Evidence in Support of Motion for	
10	Summary Judgment or in the Alternative	
11	Summary Adjudication / Trial Brief) at 63:22-	
12	64:6, 140:13-21.]	
13	44. Defendants' list of calibers that constitute	Undisputed that these comprised some of the
14	ammunition "principally for use in handguns" was	steps Mr. Graham took in his expert analysis,
15	based on the records of handgun sales in	otherwise disputed.
16	California over each of the past five years, written	Declaration of Blake Graham, ¶¶ 10-17.
17	materials, ammunition vendor websites, and	
18	online encyclopedias."	
19	[Responses to Specially Prepared Interrogatories	
20	(Ex. 54 to Plaintiffs' Evidence in Support of	
21	Motion for Summary Judgment or in the	
22	Alternative Summary Adjudication / Trial Brief)	
23	at 7:14-20.]	
24	45. Defendant DOJ is required to keep and	Undisputed.
25	maintain records of handgun sales in California;	
26	this record is commonly referred to as the Dealer	
27	Record of Sales ("DROS") and it is linked to the	
28	Automated Firearms System ("AFS").	
	[Responses to Specially Prepared Interrogatories,	
	Set One (Ex. 54 to Plaintiffs' Evidence in Support	
	of Motion for Summary Judgment or in the	
	Alternative Summary Adjudication / Trial Brief)	
	at 7:14; Graham Deposition Vol. One (Ex. 57 to	
	Plaintiffs' Evidence in Support of Motion for	
	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 176:14-17,	
	177:7-13, 190:3-6.]	
	46. Defendants and their expert witness relied in	Undisputed.
	part on the DROS records to determine which	
	ammunition should be included in Defendants' list	
	of ammunition they consider "handgun	
	ammunition" for purposes of the Challenged	
	Provisions.	
	[Responses to Specially Prepared Interrogatories,	
	Set One (Ex. 54 to Plaintiffs' Evidence in Support	
	of Motion for Summary Judgment or in the	

1	Alternative Summary Adjudication / Trial Brief)	
2	at 7:13-18; Graham Deposition Vol. One (Ex. 57	
3	to Plaintiffs' Evidence in Support of Motion for	
4	Summary Judgment or in the Alternative	
5	Summary Adjudication / Trial Brief) at 181:14-16,	
6	181:23-182:1; Graham Deposition Vol. Two (Ex.	
7	58 to Plaintiffs' Evidence in Support of Motion	
8	for Summary Judgment or in the Alternative	
9	Summary Adjudication / Trial Brief) at 9:17-20.]	
10	47. Defendants' expert's reliance on DROS	Objection: Mischaracterizes the witness's
11	records was his "starting point." He used the	testimony.
12	records to determine which popular handgun	Declaration of Blake Graham, ¶ 13.
13	calibers should be researched further to determine	
14	if ammunition of those calibers is "principally for	
15	use in handguns."	
16	[Graham Deposition Vol. Two (Ex. 58 to	
17	Plaintiffs' Evidence in Support of Motion for	
18	Summary Judgment or in the Alternative	
19	Summary Adjudication / Trial Brief) at 9:17-20,	
20	63:22-64:6.]	
21	48. Defendants' expert admitted that certain	Objection: Mischaracterizes the witness's
22	calibers may have been omitted from Defendants'	testimony.
23	list of ammunition "principally for use in	Declaration of Blake Graham, ¶¶ 10-17.
24	handguns" because they were "unpopular."	
25	[Graham Deposition Vol. One (Ex. 57 to	
26	Plaintiffs' Evidence in Support of Motion for	
27	Summary Judgment or in the Alternative	
28	Summary Adjudication / Trial Brief) at 204:21-	
	207:9.]	
	49. Defendants and their expert relied on DROS	Undisputed.
	records only from the previous five years to	
	determine the handguns most commonly sold in	
	California over the same time period.	
	[Responses to Specially Prepared Interrogatories,	
	Set One (Ex. 54 to Plaintiffs' Evidence in Support	
	of Motion for Summary Judgment or in the	
	Alternative Summary Adjudication / Trial Brief)	
	at 7:14-16; Graham Deposition Vol. Two (Ex. 58	
	to Plaintiffs' Evidence in Support of Motion for	
	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 115:18-	
	116:2, 116:17-117:6.]	
	50. Defendants' expert does not have any	Undisputed.
	information regarding what percentage of the total	
	guns in circulation are represented by the records	

1	of handgun sales in the past five years.	
2	[Graham Deposition Vol. Two (Ex. 58 to	
3	Plaintiffs' Evidence in Support of Motion for	
4	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 118:4-10.]	
5	51. The DROS records relied upon by	Objection: Mischaracterizes the witness's
6	Defendants' expert combine firearms that utilize	testimony.
7	ammunition referred to by Defendants as	Declaration of Blake Graham, ¶ 13.
8	"handgun ammunition" and firearms that utilize	
	ammunition referred to by Defendants as "rifle	
	ammunition" under a single caliber listing.	
9	[Graham Deposition Vol. Two (Ex. 58 to	
10	Plaintiffs' Evidence in Support of Motion for	
11	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 12:18-	
	14:2.]	
12	52. The DROS records relied upon by	Objection: Mischaracterizes the witness's
13	Defendants' expert are not precise in identifying	testimony.
	the sales of handguns that use a specific cartridge.	
14	[Graham Deposition Vol. Two (Ex. 58 to	
15	Plaintiffs' Evidence in Support of Motion for	
16	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 14:10-23.]	
17		
18	53. The DROS system does not break down sales	Undisputed.
19	by guns as to every cartridge of ammunition sold	
20	and whether such ammunition is a "rifle	
	cartridge," "handgun cartridge," or both.	
21	[Graham Deposition Vol. Two (Ex. 58 to	
22	Plaintiffs' Evidence in Support of Motion for	
23	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 19:23-	
	20:20.]	
24	54. The DROS records relied on by Defendants'	Undisputed.
25	expert does not contain a listing of all types of	
	cartridges fired by a firearm of that caliber due to	
	space limitations.	
26	[Graham Deposition Vol. Two (Ex. 58 to	
27	Plaintiffs' Evidence in Support of Motion for	
28	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 22:11-	
	23:9.]	

1		
2	55. Defendants' expert admitted that the DROS	Objection: Mischaracterizes the witness' testimony.
3	records relied on to inform his opinions contained	
4	categories of ammunition that could have been a	
5	mixture of what he considers "handgun	
6	ammunition" and "rifle ammunition."	
7	[Graham Deposition Vol. Two (Ex. 58 to	
8	Plaintiffs' Evidence in Support of Motion for	
9	Summary Judgment or in the Alternative	
10	Summary Adjudication / Trial Brief) at 91:18-	
11	92:6.]	
12	56. The DROS records relied on by Defendants'	Objection: Mischaracterizes the witness' testimony. Testimony also subject to objections made during the deposition concerning speculation and vagueness.
13	expert include a number of entries in calibers	
14	Defendants' expert considers "common rifle	
15	caliber rounds."	
16	[Graham Deposition Vol. One (Ex. 57 to	
17	Plaintiffs' Evidence in Support of Motion for	
18	Summary Judgment or in the Alternative	
19	Summary Adjudication / Trial Brief) at 189:10-	
20	192:18.]	
21	57. There is no record of total rifle sales in	Undisputed.
22	California in existence because Defendant DOJ is	
23	prohibited from retaining records on the sale of	
24	long-guns.	
25	[Graham Deposition Vol. One (Ex. 57 to	
26	Plaintiffs' Evidence in Support of Motion for	
27	Summary Judgment or in the Alternative	
28	Summary Adjudication / Trial Brief) at 183:19-	
	184:15.]	
	58. Defendants' expert did not determine the total	Disputed. Objection: Mischaracterizes the witness' testimony. Declaration of Blake Graham, ¶¶ 15-17.
	number of rifle sales in California as compared	
	with the total number of handgun sales to inform	
	his opinion as to whether a particular ammunition	
	was principally used in a handgun.	
	[Graham Deposition Vol. Two (Ex. 58 to	
	Plaintiffs' Evidence in Support of Motion for	
	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 93:17-24.]	
	59. Defendants' expert was unable to compare the	Undisputed.
	sales of handguns using a particular ammunition	
	with rifle sales that use the same ammunition	
	because he is admittedly unaware of any source of	
	data regarding rifle sales.	

1	[Graham Deposition Vol. Two (Ex. 58 to	
2	Plaintiffs' Evidence in Support of Motion for	
3	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 93:6-24.]	
4	60. Defendants' expert admits his opinion as to	Objection: Mischaracterizes the witness's
5	which ammunition is "principally for use in	
6	handguns" may have been different had he been	testimony which merely says it may have been
	able to compare handgun sales with rifle sales.	helpful to have that data.
7	[Graham Deposition Vol. Two (Ex. 58 to	See also Declaration of Blake Graham, ¶¶ 15-17.
8	Plaintiffs' Evidence in Support of Motion for	
9	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 95:13-20.]	
10	61. Defendants relied in part on the	Undisputed.
11	representations made by ammunition vendors on	
12	their websites to determine whether certain	
13	ammunition should be included in Defendants' list	
14	of ammunition they consider "handgun	
15	ammunition" for purposes of the Challenged	
16	Provisions.	
	[Responses to Specially Prepared Interrogatories,	
17	Set One (Ex. 54 to Plaintiffs' Evidence in Support	
18	of Motion for Summary Judgment or in the	
	Alternative Summary Adjudication / Trial Brief)	
	at 7:18-20.]	
	62. Defendants' expert relied in part on the fact	Undisputed.
	that ammunition vendor websites listed certain	
	cartridges as "handgun ammunition" to inform his	
	opinion as to whether specific ammunition was	

1 2 3 4 5 6 7 8 9 10	64. The four vendor websites that Defendants' expert relied to inform his opinion as to whether specific ammunition was "principally for use in handguns" include: Cabela's, Cheaper Than Dirt, Inc., J & G Sales, and Midway USA. [Graham Deposition Vol. One (Ex. 57 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 93:5-20, 148:23-149:4; Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 37:8-13, 40:11-15, 43:4-10.]	Objection: Mischaracterizes the witness's testimony. Declaration of Blake Graham, ¶¶ 10-17.
11 12 13 14 15	65. In forming his opinion regarding whether ammunition was principally used in handguns, Defendants' expert gave some weight to whether the website listed the ammunition as "popular." [Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 65:9-16.]	Objection: Mischaracterizes the witness's testimony.
16 17 18 19 20 21	66. Defendants' expert did not contact the relied-upon website vendors or do any investigation as to what criteria the websites relied upon to characterize the ammunition as "popular" or what the websites' characterization meant. [Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 44:15-46:3.]	Undisputed.
22 23 24 25 26 27	67. Defendants' expert admitted there is a difference between "popular" ammunition for a handgun and ammunition that is "principally for use in a handgun." [Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 102:6-104:3.]	Objection: Mischaracterizes the witness's testimony.

1	68. None of the relied-upon website vendors	Undisputed.
2	provided Defendants' expert with data regarding	
3	the total rounds of each type of ammunition sold.	
4	[Graham Deposition Vol. Two (Ex. 58 to	
5	Plaintiffs' Evidence in Support of Motion for	
	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 46:4-16.]	
6	69. The websites Defendants' expert relied upon	Undisputed.
7	to inform his opinions as to which ammunition is	
8	"principally for use in handguns" list as "handgun	
9	ammunition" ammunition that Defendants' expert	
	does not consider to be principally used in	
	handguns.	
10	[Graham Deposition Vol. Two (Ex. 58 to	
11	Plaintiffs' Evidence in Support of Motion for	
12	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 62:25-	
	63:21.]	
13	70. Defendants' expert's decision to exclude	Objection: Mischaracterizes the witness's
14	certain ammunition listed as "handgun	testimony.
15	ammunition" on the vendor websites he relied	
16	upon to inform his opinions as to which	
	ammunition is "principally for use in handguns"	
	was based on his experience in observing the use	
	of that ammunition in the field.	
17	Graham Deposition Vol. Two (Ex. 58 to	
18	Plaintiffs' Evidence in Support of Motion for	
19	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 66:15-	
	67:9.]	
20	71. Michael Tenny, the party responsible for	Objection: Relevance; Conclusory; Lacks
21	ensuring compliance with all applicable laws in	Foundation. See Objections to Evidence Nos.
22	the locations from and to which Cheaper Than	105-113 & 133.
23	Dirt, Inc., ships ammunition, does not know what	
	ammunition is "handgun ammunition" and thus	
	subject to the Challenged Provisions.	
24	[Tenny Declaration at 1:6-11.]	

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<p>72. Larry Potterfield, the party responsible for ensuring compliance with all applicable laws in the locations from and to which Midway Arms, Inc.(dba Midway USA), ships ammunition, does not know what ammunition is “handgun ammunition” and thus subject to the Challenged Provisions.</p> <p>[Potterfield Declaration at 2:3-12.]</p>	<p>Objection: Relevance; Conclusory; Lacks Foundation. See Objections to Evidence Nos. 87-95 & 132.</p>
<p>73. Brian Hall, the party responsible for ensuring compliance with all applicable laws in the locations from and to which Chattanooga Shooting Supplies, Inc. (dba Natchez Shooters Supplies), ships ammunition, does not know what ammunition is “handgun ammunition” and thus subject to the Challenged Provisions.</p> <p>[Hall Declaration at 2:3-12.]</p>	<p>Objection: Relevance; Conclusory; Lacks Foundation. See Objections to Evidence Nos. 27-37.</p>
<p>74. Michael Tenny, the party responsible for ensuring compliance with all applicable laws in the locations from and to which Cheaper Than Dirt, Inc., ships ammunition, does not know what ammunition is “principally for use in a handgun” and is unaware of any source to which he can look to determine what ammunition suitable for use in both handguns and rifles is “principally for use in a handgun.”</p> <p>[Tenny Declaration at 1:12-14.]</p>	<p>Objection: Relevance; Conclusory; Lacks Foundation. See Objections to Evidence Nos. 105-113 & 133.</p>
<p>75. Larry Potterfield, the party responsible for ensuring compliance with all applicable laws in the locations from and to which Midway Arms, Inc.(dba Midway USA), ships ammunition, does not know what ammunition is “principally for use in a handgun” and is unaware of any source to which he can look to determine what ammunition suitable for use in both handguns and rifles is “principally for use in a handgun.”</p> <p>[Potterfield Declaration at 2:13-15.]</p>	<p>Objection: Relevance; Conclusory; Lacks Foundation. See Objections to Evidence Nos. 87-95 & 132.</p>

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<p>76. Brian Hall, the party responsible for ensuring compliance with all applicable laws in the locations from and to which Chattanooga Shooting Supplies, Inc. (dba Natchez Shooters Supplies), ships ammunition, does not know what ammunition is “principally for use in a handgun” and is unaware of any source to which he can look to determine what ammunition suitable for use in both handguns and rifles is “principally for use in a handgun.”</p> <p>[Hall Declaration at 2:13-15.]</p>	<p>Objection: Relevance; Conclusory; Lacks Foundation. See Objections to Evidence Nos. 27-37.</p>
<p>77. Michael Tenny, the party responsible for ensuring compliance with all applicable laws in the locations from and to which Cheaper Than Dirt, Inc., ships ammunition, does not know what ammunition is exempt from the Challenged Provisions as ammunition that is “designed and intended to be used in antique firearms” manufactured before 1898, because many cartridges of ammunition used in firearms manufactured before 1898 are also used in firearms manufactured after 1898, including cartridges sold by Cheaper Than Dirt, Inc.</p> <p>[Tenny Declaration at 1:15-19.]</p>	<p>Objection: Relevance; Conclusory; Lacks Foundation. See Objections to Evidence Nos. 105-113 & 133.</p>
<p>78. Larry Potterfield, the party responsible for ensuring compliance with all applicable laws in the locations from and to which Midway Arms, Inc.(dba Midway USA), ships ammunition, does not know what ammunition is exempt from the Challenged Provisions as ammunition that is “designed and intended to be used in antique firearms” manufactured before 1898, because many cartridges of ammunition used in firearms manufactured before 1898 are also used in firearms manufactured after 1898, including cartridges sold by Midway Arms, Inc.(dba Midway USA).</p> <p>[Potterfield Declaration at 2:16-20.]</p>	<p>Objection: Relevance; Conclusory; Lacks Foundation. See Objections to Evidence Nos. 87-95 & 132.</p>

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<p>79. Brian Hall, the party responsible for ensuring compliance with all applicable laws in the locations from and to which Chattanooga Shooting Supplies, Inc. (dba Natchez Shooters Supplies), ships ammunition, does not know what ammunition is exempt from the Challenged Provisions as ammunition that is “designed and intended to be used in antique firearms” manufactured before 1898, because many cartridges of ammunition used in firearms manufactured before 1898 are also used in firearms manufactured after 1898, including cartridges sold by Chattanooga Shooting Supplies, Inc. (dba Natchez Shooters Supplies).</p> <p>[Hall Declaration at 2:16-20.]</p>	<p>Objection: Relevance; Conclusory; Lacks Foundation. See Objections to Evidence Nos. 27-37.</p>
<p>80. Cheaper Than Dirt, Inc., has announced that it will cease shipping all ammunition to non-exempt California customers beginning January 1, 2011, to avoid risking criminal prosecution under Penal Code section 12328.</p> <p>[Tenny Declaration at 2:1-8.]</p>	<p>Objection: Relevance; Conclusory; Lacks Foundation. See Objections to Evidence Nos. 105-113 & 133.</p>
<p>81. Midway Arms, Inc.(dba Midway USA), has announced that it will cease shipping all ammunition to non-exempt California customers beginning January 1, 2011, to avoid risking criminal prosecution under Penal Code section 12318.</p> <p>[Potterfield Declaration at 3:1-9.]</p>	<p>Objection: Relevance; Conclusory; Lacks Foundation. See Objections to Evidence Nos. 87-95 & 132.</p>
<p>82. It is the current intent of Chattanooga Shooting Supplies, Inc. (dba Natchez Shooters Supplies), to cease shipping all ammunition that is suitable for use in both handguns and long-guns to non-exempt California customers beginning February 1, 2011, to avoid risking criminal prosecution under Penal Code section 12318.</p> <p>[Hall Declaration at 3:1-6.]</p>	<p>Objection: Relevance; Conclusory; Lacks Foundation. See Objections to Evidence Nos. 27-37.</p>

1	83. Defendants' expert knows of no specific trade	Undisputed.
2	magazine articles that he used to inform his	
3	opinion regarding which ammunition is	
4	"principally for use in handguns."	
5	[Graham Deposition Vol. Two (Ex. 58 to	
6	Plaintiffs' Evidence in Support of Motion for	
7	Summary Judgment or in the Alternative	
8	Summary Adjudication / Trial Brief) at 34:8-	
9	35:14.]	
10	84. Defendants' expert did not use any trade	Undisputed.
11	magazine articles regarding the amount of	
12	particular ammunition sold.	
13	[Graham Deposition Vol. Two (Ex. 58 to	
14	Plaintiffs' Evidence in Support of Motion for	
15	Summary Judgment or in the Alternative	
16	Summary Adjudication / Trial Brief) at 35:15-	
17	36:13.]	
18	85. Defendants' expert's use of trade magazines	Undisputed.
19	to inform his opinion regarding ammunition	
20	"principally for use in handguns" is based solely	
21	upon his reading of trade magazines over the	
22	years, with no specific reference to a particular	
23	article or data from those trade magazines on the	
24	subject.	
25	[Graham Deposition Vol. Two (Ex. 58 to	
26	Plaintiffs' Evidence in Support of Motion for	
27	Summary Judgment or in the Alternative	
28	Summary Adjudication / Trial Brief) at 35:15-	
	36:13, 36:14-37:6]	
	86. The DOJ's expert testified that he pulled from	Undisputed, subject to objections in the
	his personal and professional experiences to	deposition transcript.
	determine what ammunition should be considered	
	"handgun ammunition" under the Challenged	
	Provisions.	
	[Graham Deposition Vol. One (Ex. 57 to	
	Plaintiffs' Evidence in Support of Motion for	
	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 81:24-	
	82:4, 91:1-4, 186:17-24; Graham Deposition Vol.	
	Two (Ex. 58 to Plaintiffs' Evidence in Support of	
	Motion for Summary Judgment or in the	
	Alternative Summary Adjudication / Trial Brief)	
	at 24:8-18, 28:4-29:2, 64:1-6, 72:25-73:10.]	

1 2 3 4 5 6 7	<p>87. Defendants' expert concluded that, based on his training and experience over the last sixteen years or so, when added to experience with handguns and other factors, he "<i>has a feeling</i> that there are certain calibers that are more often than not handgun calibers."</p> <p>[Graham Deposition Vol. One (Ex. 57 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 81:24-82:4, 206:22-207:2.]</p>	<p>Disputed.</p> <p>Objection: Mischaracterizes the witness's testimony.</p> <p>Declaration of Blake Graham, ¶¶ 10-17.</p>
8 9 10 11 12 13	<p>88. Defendants' expert's opinion regarding ammunition "principally for use in handguns" was not informed by information regarding the amounts and types of ammunition used by the military.</p> <p>[Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 109:14-18.]</p>	<p>Undisputed.</p>
14 15 16 17 18 19 20	<p>89. Defendants' expert's opinion regarding ammunition "principally for use in handguns" was not informed by specific information regarding the number of handguns and/or rifles used by military service members stationed in California.</p> <p>[Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 109:8-13, 110:8-111:10.]</p>	<p>Undisputed.</p>
21 22 23 24 25 26 27 28	<p>90. Defendants' expert's opinion regarding ammunition "principally for use in handguns" was not informed by research studies regarding popular or prevalently used ammunition.</p> <p>[Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 118:19-24.]</p>	<p>Objection: Mischaracterizes the witness's testimony. Evidence cited bears no relation to facts asserted.</p>

1	91. Defendants' expert's opinion regarding ammunition "principally for use in handguns" was not informed by existing polls regarding the ammunition generally or the popularity of certain cartridges.	Undisputed subject to the objections raised during the cited portion of the deposition.
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4	[Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 119:20-120:8.]	
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8	92. Prior to forming his opinion as to ammunition prevalently used in handguns, Defendants' expert did not personally conduct any polls regarding the ammunition members of the general public use in their handguns.	Undisputed subject to the objections raised during the cited portion of the deposition.
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11	[Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 120:9-16.]	
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14	93. Defendants assert that the ammunition they have identified as "principally for use in handguns" is supported in part by the fact that those calibers are identified as "handgun ammunition" in <i>Cartridges of the World</i> .	Undisputed.
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17	[Responses to Specially Prepared Interrogatories, Set One (Ex. 54 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 7:18-21.]	
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20	94. In its sections on rifle cartridges, <i>Cartridges of the World</i> identifies multiple cartridges in the calibers included in Defendants' list of ammunition "principally for use in handguns."	Objection: This "fact" is vague and ambiguous. It also is unclear to which portions of the cited exhibit Plaintiffs are relying upon.
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23	[Barnes, <i>Cartridges of the World: A Complete and Illustrated Reference for Over 1500 Cartridges</i> (11th ed. 2006) "Selected Pages from Chapter 2: Current American Rifle Cartridges and Chapter 3: Obsolete Rifle Cartridges" (Ex. 52 Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) <i>passim</i> .]	
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<p>95. In its sections on handgun cartridges, <i>Cartridges of the World</i> identifies multiple cartridges in calibers not included in Defendants' list of ammunition "principally for use in handguns."</p> <p>[Barnes, <i>Cartridges of the World: A Complete and Illustrated Reference for Over 1500 Cartridges</i> (11th ed. 2006) "Selected Pages from Chapter 6: Handgun Cartridges of the World " (Ex. 53 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) <i>passim</i>.]</p>	<p>Undisputed.</p>
<p>96. Defendants' expert admitted there are many ammunition cartridges that fall within the listed caliber classes that are not "principally for use in a handgun."</p> <p>[Graham Deposition Vol. One (Ex. 57 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 135:7-136:5, 137:8-22, 154:25-155:3, 155:21-156:2.]</p>	<p>Undisputed subject to the objections raised during the cited portions of the deposition.</p>
<p>97. Defendants have suggested that the Challenged Provisions apply to ammunition that is "used principally" in handguns.</p> <p>[Responses to Specially Prepared Interrogatories, Set One (Ex. 54 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 7:8-11.]</p>	<p>Undisputed subject to the objections raised during the cited portions of the deposition. See also Graham Deposition transcript, Plaintiffs' Ex. 54, p. 5:18-20.</p>
<p>98. Defendants' expert suggested that the "principally for use in handguns" language relates to the total number of handguns in circulation that are chambered in a particular caliber versus the total number of rifles in circulation that are chambered in the same caliber.</p> <p>[Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 83:1-16.]</p>	<p>Disputed.</p> <p>Objection: Mischaracterizes the witness's testimony.</p> <p>Declaration of Blake Graham, ¶¶ 10-17.</p>

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<p>99. Defendants' expert suggested that the "principally for use in handguns" language relates to a mix of factors, including "the number of manufacturers that may have produced a weapon in a particular caliber," "the length of time that a particular gun has been available in a particular caliber," and the number of rifles in that caliber, if any.</p> <p>[Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 127:5-128:25.]</p>	<p>Disputed.</p> <p>Objection: Mischaracterizes the witness's testimony.</p> <p>Declaration of Blake Graham, ¶¶ 10-17.</p>
<p>100. When asked whether the "principally for use in a handgun" standard required a consideration of whether any particular ammunition was fired more often through a handgun than a long-gun, Defendants' expert responded:</p> <p>"I would say [its] not much of a factor because principally for use really deals with the kind of firearm its going to go into, in my -- in my est- -- in my understanding, so if you have one weapon that can shoot a million rounds a second and then you have 500,000 rounds -- or handguns out there that shoot ten rounds a minute, that weapon is actually -- or the ammunition is principally for use in the larger pool of -- of weapons."</p> <p>[Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 83:1-16.]</p>	<p>Undisputed subject to the objections raised during the cited portions of the deposition.</p>

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<p>101. When asked to clarify whether he would consider the numerosity of total weapons or the numerosity of models of weapons to be the determining factor determining whether certain ammunition is “principally for use in handguns,” Defendants’ expert stated:</p> <p>“Given the available information in the amount of time I had, I tried to compare the number of manufacturers that may have produced a weapon in a particular caliber, the number of models that each manufacturer used in that caliber, and then, perhaps, the length of time that a particular gun has been available in a particular caliber.”</p> <p>[Graham Deposition Vol. Two (Ex. 58 to Plaintiffs’ Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 128:8-25.]</p>	<p>Undisputed subject to the objections raised during the cited portions of the deposition. See generally Graham Deposition Transcript.</p>
<p>102. Firearms chambered in .22 are among the most popular weapons, as to both handguns and rifles.</p> <p>[Graham Deposition Vol. One (Ex. 57 to Plaintiffs’ Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 185:21-186:5; Helsley Declaration at ¶¶ 29, 33.]</p>	<p>Undisputed.</p> <p>Objection: Relevance. The State has not identified .22 caliber ammunition as handgun ammunition within the meaning of the Challenged Definition.</p>
<p>103. .22 Long Rifle is likely the most popular firearm cartridge in the world.</p> <p>[Helsley Declaration at ¶ 33.]</p>	<p>Undisputed.</p> <p>Objection: Relevance. The State has not identified .22 caliber ammunition as handgun ammunition within the meaning of the Challenged Definition.</p>

1 2 3 4 5 6 7 8 9 10 11	<p>104. In December 2009, when Plaintiffs' counsel inquired as to whether ".22 rimfire" ammunition would be considered "handgun ammunition" under the Challenged Provisions, Counsel for Defendant DOJ stated that she did not know.</p> <p>[Public Records Act Request Sent to California Department of Justice Re: Assembly Bill 962, dated December 16, 2009 (Ex. 6 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief); Defendant Department of Justice Response to Public Records Act and Relevant E-mail Enclosures, dated January 25, 2010 (Ex. 7 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at AM0002, AM0004, AM0006, AM0013.]</p>	<p>Objection: Relevance; Hearsay. See Objections to Evidence Nos. 127-128. The State has not identified .22 caliber ammunition as handgun ammunition within the meaning of the Challenged Definition.</p>
12 13 14 15 16 17 18	<p>105. Defendants' expert suggests that, at this time, .22 caliber is not "principally for use in handguns," but that his opinion could change based on future research.</p> <p>[Graham Deposition Vol. One (Ex. 57 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 186:25-187:17.]</p>	Undisputed.
19 20 21 22 23 24	<p>106. Defendants expert stated he would only classify three .45 caliber cartridges to be "principally for use in a handgun": .45 ACP, .45 GAP, and .45 Long Colt.</p> <p>[Graham Deposition Vol. One (Ex. 57 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 153:13-18.]</p>	Undisputed.
25 26 27 28	<p>107. <i>Cartridges of the World</i> includes numerous .45 cartridges in its section on handgun cartridges besides the .45 ACP, .45 GAP, and .45 Long Colt.</p> <p>[Barnes, <i>Cartridges of the World: A Complete and Illustrated Reference for Over 1500 Cartridges</i> (11th ed. 2006) "Selected Pages from Chapter 6: Handgun Cartridges of the World" (Ex. 53</p>	Undisputed.

1	Plaintiffs' Evidence in Support of Motion for	
2	Summary Judgment or in the Alternative	
3	Summary Adjudication / Trial Brief) <i>passim</i> .]	
4	108. There are multiple cartridges that can be	Undisputed.
5	used in firearms manufactured both before and	
6	after 1898, including but not limited to, cartridges	
7	in the following calibers: 22, .32, .38, .44, .45, and	
8	.50.	
9	[Helsley Declaration at ¶¶ 20-25.]	
10	109. Ammunition that can be used in a modern	Objection: Mischaracterizes the witness's
11	firearm chambered to fire that cartridge can also	testimony.
12	be used in an antique firearm chambered to fire	
13	that same cartridge.	
14	[Helsley Declaration at ¶¶ 20-25.]	
15	110. Ammunition, when it is manufactured, is	Objection: Mischaracterizes the witness's
16	designed and intended to be used in any firearm	testimony.
17	that is chambered for that cartridge, regardless of	
18	when the firearm it will be used in was	
19	manufactured.	
20	[Helsley Declaration at ¶¶ 20-25.]	
21	111. The calibers Defendants claim to be	Undisputed, subject to vagueness objections
22	"handgun ammunition" include cartridges that are	raised in response to Plaintiffs' special
23	designed and intended to be used in "antique	interrogatories.
24	firearms," and thus should be exempt from the	
25	Challenged Provisions.	
26	[Helsley Declaration at ¶23.]	
27	112. Defendants' expert witness testified that .45	Undisputed.
28	Long Colt is unequivocally "handgun	
	ammunition" under the Challenged Provisions.	
	[Graham Deposition Vol. One (Ex. 57 to	
	Plaintiffs' Evidence in Support of Motion for	
	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 153:13-	
	18.]	
	113. 45 Long Colt is used in firearms	Undisputed.
	manufactured prior to 1898.	
	[Helsley Decl. at ¶ 23.]	

<p>114. <i>State of Tennessee ex rel. Rayburn v. Cooper</i>, involved a challenge to a state law authorizing firearms to be carried by patrons in establishments where “the serving of meals” is the “<i>principle business conducted</i>” – as opposed to the serving of alcohol.</p> <p>[Amended Complaint for Injunctive and Declaratory Relief in <i>Tennessee ex rel. Rayburn v. Cooper</i>, Case No. 09-1284-I, filed July 6, 2009 (Ex. A to Plaintiffs’ Request for Judicial Notice in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at ¶ 2; Order of Chancellor Claudia Bonnyman in <i>Tennessee ex rel. Rayburn v. Cooper</i>, Case No. 09-1284-I, filed November 25, 2009 (Ex. D to ’ Request for Judicial Notice in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 24:20-2.]</p>	<p>Objection: Relevance. Hearsay. The <i>Rayburn</i> case has no bearing on any material fact before the Court, is not precedent, and is hearsay.</p> <p>See the State’s Objections to Plaintiffs’ Request for Judicial Notice.</p>
<p>115. In <i>State of Tennessee ex rel. Rayburn v. Cooper</i>, plaintiffs argued it would be extremely difficult for an individual to determine whether they were in a bar or a restaurant.</p> <p>[Amended Complaint for Injunctive and Declaratory Relief in <i>Tennessee ex rel. Rayburn v. Cooper</i>, Case No. 09-1284-I, filed July 6, 2009 (Ex. A to Plaintiffs’ Request for Judicial Notice in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at ¶¶ 93, 97, 99.]</p>	<p>Objection: Relevance. Hearsay. The <i>Rayburn</i> case has no bearing on any material fact before the Court, is not precedent, and is hearsay.</p> <p>See the State’s Objections to Plaintiffs’ Request for Judicial Notice.</p>
<p>116. The court in <i>State of Tennessee ex rel. Rayburn v. Cooper</i> found the statute unconstitutionally vague, reasoning that whether the serving of meals is a business’s principle business is <i>not something that can be known</i> to the ordinary citizen. The court added that inquiry would not suffice to overcome the law’s vagueness.</p> <p>[Order of Chancellor Claudia Bonnyman in <i>Tennessee ex rel. Rayburn v. Cooper</i>, Case No. 09-1284-I, filed November 25, 2009 (Ex. D to Plaintiffs’ Request for Judicial Notice in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 12:24-13:6.]</p>	<p>Objection: Relevance. Hearsay. The <i>Rayburn</i> case has no bearing on any material fact before the Court, is not precedent, and is hearsay.</p> <p>See the State’s Objections to Plaintiffs’ Request for Judicial Notice.</p>

1 2 3 4 5 6 7 8 9 10 11	<p>117. Defendants in <i>State of Tennessee ex rel. Rayburn v. Cooper</i> argued that the law was not vague because there were obvious instances where a patron could determine whether a particular establishment was a “restaurant,” pointing to establishments that only serve food – and no alcohol.</p> <p>[Consolidated Memorandum of Law of Defendant Attorney General Cooper in Opposition to Plaintiffs' Motions for Partial Summary Judgment and in Support of Defendant's Cross-Motion for Judgment on the Pleadings and/or for Summary Judgment in <i>Tennessee ex rel. Rayburn v. Cooper</i>, Case No. 09-1284-I, filed October 2, 2009 (Ex. I to Plaintiffs' Request for Judicial Notice in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at pp. 19-20.]</p>	<p>Objection: Relevance. Hearsay. The <i>Rayburn</i> case has no bearing on any material fact before the Court, is not precedent, and is hearsay.</p> <p>See the State's Objections to Plaintiffs' Request for Judicial Notice.</p>
12 13 14 15 16 17 18 19	<p>118. In conjunction with Fish and Game Code section 3004.5, the Legislature granted the Fish and Game Commission the authority to certify and publish a list of nonlead ammunition suitable for use in regulated areas. The list of certified nonlead ammunition can be easily accessed at the Commission's website.</p> <p>[California Department of Fish and Game, Certified Nonlead Ammunition Information, http://www.dfg.ca.gov/wildlife/hunting/condor/certifiedammo.html (last visited Nov. 29, 2010) (Ex. E to Plaintiffs' Request for Judicial Notice in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief).]</p>	<p>Objection: Relevance; otherwise undisputed.</p>
20 21 22 23 24 25 26 27 28	<p>119. On December 30, 2009, DOJ published an “Information Bulletin” providing a brief overview of AB 962.</p> <p>[Information Bulletin from California Department of Justice Re: New and Amended Firearm Laws, dated December 30, 2009 (Ex. 8 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief).]</p>	<p>Undisputed.</p>

ISSUE NO. 1: THE STATE'S SUPPLEMENTAL UNDISPUTED MATERIAL FACTS IN SUPPORT OF OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, SUMMARY ADJUDICATION

The State also submits the following statement of additional material facts that raise a triable issue with respect to Issue No. 1, together with references to supporting evidence, in opposition to Plaintiffs' Motion.

The State's Supplemental Undisputed Material Facts and Supporting Evidence:	Plaintiffs' Response and Supporting Evidence:
<p>1. Barry Bauer, president of plaintiff Herb Bauer Sporting Goods, testified that in his experience, the following cartridges of ammunition were chambered, or used, more often in a handgun than a rifle: .45 ACP, .45 GAP, 9mm Luger, 10mm Auto, .40 S&W, .25 ACP, and .380 ACP.</p> <p>[State's Compendium of Evidence, Exh. "A," B. Bauer Deposition, pp. 36:18-37:3; 42:1-9; 42:19-43:2; 43:9-17; 43:18-44:2; 44:3-44:20; 49:8-49:19.]</p>	<p>Objection: Relevance; Mischaracterizes the witness's testimony; Vague and ambiguous; Lacks foundation; Calls for expert opinion; Improper lay witness opinion.</p> <p>Subject to the objections raised during the cited portions of the deposition, undisputed that Barry Bauer, President of Herb Bauer Sporting Goods, testified that, in his personal experience, .45 GAP, 9mm Luger, .40 S&W, .25 ACP, and .380 ACP are likely fired more often in a handgun; otherwise disputed.</p> <p>As to .45ACP, Mr. Bauer testified that, in his personal experience, it would "<i>probably</i> be . . . more often done in a handgun," but that he could merely "speculate" because his customers "use [.45 ACP] in all different kinds of guns," both handguns and rifles.</p> <p>Defendants never asked Mr. Bauer to identify the 10mm Auto cartridge. The testimony Defendants cite refers to 10mm S&W, a different cartridge.</p> <p>[Bauer Deposition (Ex. E to Plaintiffs' Evidence in Support of Reply to Defendants' Opposition to Motion for Summary Judgment or in the Alternative for Summary Adjudication / Trial) at 39:11-41:25, 47:25-58:13; Cartridges The State Inquired About Being "Handgun Ammunition" During Depositions (Chart) (Ex. C to Plaintiffs' Evidence in Support of Reply to Defendants' Opposition to Motion for Summary Judgment or in the Alternative for Summary Adjudication / Trial).]</p>
<p>2. Plaintiffs' expert witness, Stephen Helsley, testified that the following cartridges of ammunition were handgun cartridges: .25 ACP, .45 GAP, 9mm Federal, 10mm Auto, .357 SIG, .44 Auto Mag, and .38 S&W.</p>	<p>Objection: Vague and ambiguous as to "handgun cartridges;" it is unclear whether Defendants are referring to the standard relied on in the Challenged Provisions.</p>

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<p>[State's Compendium of Evidence, Exh. "D," S. Helsley Deposition, pp. 129:12-17; 146:1-5; 155:22-156:7; 158:9-17; 159:24-160:1; 163:15-17; 165:2-4; 172:12-14.]</p>	
<p>3. Plaintiff Sheriff Clay Parker testified that, in his experience, the following calibers and cartridges of ammunition were used more often in handguns: .45 ACP, .40 caliber, .25 ACP, .32 ACP, .38 Special, and .380 ACP.</p> <p>[State's Compendium of Evidence, Exh. "E," C. Parker Deposition, pp. 49:3-16; 54:25-55:7; 55:8-14; 55:15-22; 60:9-14; 61:7-20.]</p>	<p>Objection: Relevance; Mischaracterizes the witness's testimony; Vague and ambiguous; Lacks foundation; Calls for expert opinion; Improper lay witness opinion.</p> <p>Subject to the objections raised during the cited portions of the deposition, undisputed that Sheriff Clay Parker testified that, in his personal experience, .32 ACP and .40 caliber, are likely fired more often in a handgun; otherwise disputed.</p> <p>As to .25 ACP, Sheriff Parker states only that he has "seen it shot" more often in a handgun, not that it is actually used more often handguns.</p> <p>As to .45 ACP, Sheriff Parker says not that it is used more often in handguns, but that "[t]oday in California, [it] is <i>probably</i> shot in more handguns."</p> <p>As to .38 Special, Sheriff Parker says not that it is used more often in handguns, but that he has "principally seen [it] fired out of a handgun."</p> <p>Defendants never asked Sheriff Parker to identify .380 ACP. The testimony Defendants cite refers to ".380," without specifying a cartridge.</p> <p>[Parker Deposition (Ex. G to Plaintiffs' Evidence in Support of Reply to Defendants' Opposition to Motion for Summary Judgment or in the Alternative for Summary Adjudication / Trial) at 49:15-16, 55:8-14, 61:7-13, 49:15-62:1; Cartridges The State Inquired About Being "Handgun Ammunition" During Depositions (Chart) (Ex. C to Plaintiffs' Evidence in Support of Reply to Defendants' Opposition to Motion for Summary Judgment or in the Alternative for Summary Adjudication / Trial).]</p>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	<p>4. Plaintiff Stephen Stonecipher testified that, in his experience, the following cartridges were chambered, or used, more often in handguns: .45 ACP, .380 ACP, 9mm Luger, 10mm, .40 S&W, .25 ACP, .32 ACP, .357 SIG, .454 Casull.</p> <p>[State's Compendium of Evidence, Exh. "E," S. Stonecipher Deposition, pp. 43:6-14; 43:18-22; 48:16-19; 52:1-24; 53:3-7; 53:11-15; 53:19-22; 54:1-5; 55:1-5; 56:23-57:1; 57:6-11.]</p>	<p>Objection: Relevance; Mischaracterizes the witness's testimony; Vague and ambiguous; Lacks foundation; Calls for expert opinion; Improper lay witness opinion.</p> <p>Subject to the objections raised during the cited portions of the deposition, undisputed that Stephen Stonecipher testified that, in his personal experience, .45 ACP, .380 ACP, .40 S&W, .25 ACP, .32 ACP, and .357 SIG, are likely fired more often in a handgun; otherwise disputed.</p> <p>Mr. Stonecipher testifies that, in his experience, 9mm Luger is chambered more often in a handgun, only after first explaining that he and his friends "prefer to shoot" the 9mm long gun.</p> <p>Defendants did not ask Mr. Stonecipher to identify "10mm," generally. The testimony cited refers more specifically to "ten-millimeter Smith and Wesson."</p> <p>Mr. Stonecipher did not identify .454 Casull as a cartridge chambered more often in handguns. He said only this: "It's chambered for both and I have both, <i>but I probably shoot the handgun more.</i>"</p> <p>[Stonecipher Deposition (Ex. D to Plaintiffs' Evidence in Support of Reply to Defendants' Opposition to Motion for Summary Judgment or in the Alternative for Summary Adjudication / Trial) at 50:10-23, 57:3-11, 39:11-51:10; Cartridges The State Inquired About Being "Handgun Ammunition" During Depositions (Chart) (Ex. C to Plaintiffs' Evidence in Support of Reply to Defendants' Opposition to Motion for Summary Judgment or in the Alternative for Summary Adjudication / Trial).]</p>
22 23 24 25 26 27 28	<p>5. Barry Bauer, president of plaintiff Herb Bauer Sporting Goods, testified that no one from the California Department of Justice, federal Bureau of Alcohol, Tobacco, Firearms and Explosives, the Fresno County Sheriff's Office, the Fresno County District Attorneys' Office, or the Fresno City Police Department have enforced sections 12060, 12061, or 12318 of the Penal Code against the company, or threatened to do so.</p> <p>[State's Compendium of Evidence, Exh. "A," B. Bauer Deposition, pp. 117:3-119:6.]</p>	<p>Objection: Relevance.</p> <p>Undisputed.</p>

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<p>6. Plaintiff Sheriff Clay Parker testified that he has never visited a gun dealer or ammunition vendor in Tehama County to determine compliance with California's gun laws, opting instead to allow the California Department of Justice handle such enforcement duties.</p> <p>[State's Compendium of Evidence, Exh. "E," C. Parker Deposition, pp. 42:6-15; 42:20-43:7.]</p>	<p>Objection: Relevance.</p> <p>Undisputed.</p>
<p>7. Plaintiff Sheriff Clay Parker testified that he did not research, visited no websites, and read no books to try to determine what ammunition might be considered handgun ammunition or "antique ammunition" within the meaning of AB 962.</p> <p>[State's Compendium of Evidence, Exh. "E," C. Parker Deposition, pp. 44:20-23; 45:14-47:20.]</p>	<p>Objection: Relevance.</p> <p>Undisputed.</p>

1 **ISSUE NO. 2 – PLAINTIFFS ARE ENTITLED TO JUDGMENT ON THE SECOND CAUSE**
2 **OF ACTION FOR DECLARATORY AND INJUNCTIVE RELIEF: DUE PROCESS**
3 **VAGUENESS – AS APPLIED – BECAUSE, AS APPLIED TO PLAINTIFF BARRY BAUER,**
4 **CALIFORNIA PENAL CODE SECTIONS 12060, 12061, AND 12318 PROVIDE NEITHER**
5 **ADEQUATE NOTICE TO ORDINARY PERSONS NOR SUFFICIENT GUIDELINES TO**
6 **LAW ENFORCEMENT TO PREVENT ARBITRARY AND DISCRIMINATORY**
7 **ENFORCEMENT OF THE LAW**

Moving Party's Undisputed Material Facts and Supporting Evidence:	Opposing Party's Response and Supporting Evidence:
<p>120. Assembly Bill 962 passed the Legislature on September 11, 2009, and was approved by Governor Schwarzenegger on October 11, 2009; it added sections 12060, 12061, and 12318 (hereafter referred to collectively as the "Challenged Provisions") to the California Penal Code.</p> <p>[Assembly Bill No. 962 and Complete Bill History (Ex.1 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief).]</p>	<p>Undisputed.</p>
<p>121. There is general confusion as to what ammunition is "principally for use in handguns."</p> <p>[Allman Declaration at 2:13, Bauer Declaration at 2:13, Giles Declaration at 2:12, Hall Declaration at 2:13, Parker Declaration at 2:14, Potterfield Declaration at 2:13, Stonecipher Declaration at 2:10, Tenny Declaration at 1:12, Wright Declaration at 2:13.]</p>	<p>Disputed.</p> <p>Objections: Vague and ambiguous as to the meaning of "general confusion." See also the State's Objections to Evidence Nos. 1-37, & 80-122 objecting to the cited portions of the declarations.</p> <p>State's Compendium of Evidence, Exh. "A," B. Bauer Deposition, pp. 36:18-37:3; 42:1-9; 42:19-43:2; 43:9-17; 43:18-44:2; 44:3-44:20; 49:8-49:19; Exh. "D," S. Helsley Deposition, pp. 129:12-17; 146:1-5; 155:22-156:7; 158:9-17; 159:24-160:1; 163:15-17; 165:2-4; 172:12-14; Exh. "E," C. Parker Deposition, pp. 49:3-16; 54:25-55:7; 55:8-14; 55:15-22; 60:9-14; 61 :7-20; Exh. "F," S. Stonecipher Deposition, pp. 43:6-14; 43:18-22; 48:16-19; 52:1-24; 53:3-7; 53:11-15; 53:19-22; 54:1-5, 55:1-5; 56:23-57:1; 57:6-11.</p>

1	122. There is confusion among law enforcement	Disputed.
2	officers as to what ammunition is "principally for	Objection: Conclusory; Lacks Foundation;
3	use in handguns."	Vague. See Objections to Evidence Nos. 2-8
4	[Parker Declaration at 2:13, Allman Declaration at	and 80-86.
5	2:13]	Deposition of Clay Parker, pp. 44:20-23, 45:
6		14-47:20 [testifying he has not attempted to
7		research or determine what ammunition might
8		qualify]; pp. 42:6-15; 42:20-43:7 [testifying
9		that the Tehama County Sheriffs Department
10		defers to the California Department of Justice
11		enforcement of gun laws at gun and
		ammunition vendors]
		Declaration of Blake Graham, ¶¶ 10-17 .
10	123. Penal Code section 12060 does not rely on a	Objection: Relevance; Secondary Evidence
11	list of ammunition "principally for use in	Rule (Evid. Code §§ 1521 & 1523.
	handguns."	Section 12060 of the Penal Code provides the

128. Penal Code section 12060 does not confer authority on the Department of Justice ("DOJ") to create a list of ammunition "principally for use in handguns." [Pen. Code, § 12060.]	Objection: Relevance; Secondary Evidence Rule (Evid. Code §§ 1521 & 1523. Section 12060 of the Penal Code provides the best evidence of its content.
129. Penal Code section 12061 does not confer authority on the Department of Justice ("DOJ") to create a list of ammunition "principally for use in handguns." [Pen. Code, § 12061.]	Objection: Relevance; Secondary Evidence Rule (Evid. Code §§ 1521 & 1523. Section 12061 of the Penal Code provides the best evidence of its content.
130. Penal Code section 12318 does not confer authority on the Department of Justice ("DOJ") to create a list of ammunition "principally for use in handguns." [Pen. Code, § 12318.]	Objection: Relevance; Secondary Evidence Rule (Evid. Code §§ 1521 & 1523. Section 12318 of the Penal Code provides the best evidence of its content.
131. Penal Code section 12323 does not confer authority on the Department of Justice ("DOJ") to create a list of ammunition "principally for use in handguns." [Pen. Code, § 12323.]	Objection: Relevance; Secondary; Evidence Rule (Evid. Code §§ 1521 & 1523. Section 12323 of the Penal Code provides the best evidence of its content.
132. Senate Bill 1276 was a failed measure introduced by Senator Hart in 1994. It attempted to introduce provisions regulating the transfer of "handgun ammunition" substantially similar to those appearing in the Challenged Provisions. [Senate Bill 1276 (1994) as Amended in Senate on May 26, 1994 (Ex. H to Plaintiffs' Request for Judicial Notice in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at p. 4; Legislative History Report and Analysis Re: Senate Bill 1276 (Hart – 1994) (Ex. 5 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at LH009–010.]	Objection: Relevance. Hearsay. Senate Bill 1276 has no bearing on any material fact before the Court and is not legislative history. See: (1) The State's Objections to Plaintiffs' Request for Judicial Notice; and (2) The State's Objections to Evidence No. 126.

1 2 3 4 5 6 7 8 9 10 11 12 13	<p>133. A Bill Analysis conducted by the Senate Committee on Judiciary for Senate Bill 1276 contains a "comment" on Penal Code section 12323's definition of "handgun ammunition which reads, in relevant part:</p> <p>"Existing Penal Code section 12323 was added in 1982 and defines handgun ammunition as "ammunition principally for use in pistols and revolvers . . . notwithstanding that the ammunition may also be used in some rifles. . . ." However, it may not be suitable for defining handgun ammunition in general. It may be assumed that many ammunition calibers are suitable for both rifles and handguns. Without additional statutory guidance, it may be very difficult for dealers to determine which ammunition is "handgun ammunition" for purposes of the requirements added to Penal Code section 12076."</p> <p>[Legislative History Report and Analysis Re: Senate Bill 1276 (Hart – 1994) (Ex. 5 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at LH010.]</p>	<p>Objection: Relevance. Hearsay. Senate Bill 1276 has no bearing on any material fact before the Court and is not legislative history. See:</p> <p>(1) The State's Objections to Plaintiffs' Request for Judicial Notice; and</p> <p>(2) The State's Objections to Evidence No. 126.</p>
14 15 16 17 18 19	<p>134. Senate Bill 1276 (1994) relied on the definition of "handgun ammunition" found at Penal Code section 12323.</p> <p>[Senate Bill 1276 (1994) as Amended in Senate on May 26, 1994 (Ex. H to Plaintiffs' Request for Judicial Notice in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at p. 4.]</p>	<p>Objection: Relevance. Hearsay. Senate Bill 1276 has no bearing on any material fact before the Court and is not legislative history. See:</p> <p>(1) The State's Objections to Plaintiffs' Request for Judicial Notice; and</p> <p>(2) The State's Objections to Evidence No. 126.</p>
20 21 22 23 24 25	<p>135. Defendants' expert admitted that he was asked to opine on what he thought should be included as "handgun ammunition" in Assembly Bill 2358's enumerated list of "handgun ammunition" calibers.</p> <p>[Graham Deposition Vol. One (Ex. 57 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 102:21-103:17]</p>	<p>Objection: Relevance. What Mr. Graham was asked to do vis-a-vis Assembly Bill 2358 is not relevant to any material fact in this case. See:</p> <p>(1) The State's Objections to Plaintiffs' Request for Judicial Notice; and</p> <p>(2) Objections to Evidence Nos. 123-125.</p>
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1 2 3 4 5 6 7	<p>136. When asked which ammunition he thought should be included in AB 2358's list of "handgun ammunition," Defendants' expert said he remembered identifying the following: ".45, .380., .25, .40, .38, .357, possibly .4.54, and possibly .762, and maybe .223."</p> <p>[Graham Deposition Vol. One (Ex. 57 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 103:18-104:10.]</p>	<p>Objection: Relevance. What Mr. Graham was asked to do vis-a-vis Assembly Bill 2358 is not relevant to any material fact in this case. See:</p> <p>(1) The State's Objections to Plaintiffs' Request for Judicial Notice; and</p> <p>(2) Objections to Evidence Nos. 123-125.</p>
8 9 10 11 12 13 14 15 16 17	<p>137. Counsel for Defendant DOJ has stated that Defendant DOJ will not and cannot adopt a policy as to what ammunition constitutes "handgun ammunition" for purposes of the Challenged Provisions.</p> <p>[Public Records Act Request Sent to California Department of Justice Re: Assembly Bill 962, dated December 16, 2009 (Ex. 6 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief); Defendant Department of Justice Response to Public Records Act and Relevant E-mail Enclosures, dated January 25, 2010 (Ex. 7 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at AM0002, AM0004, AM0006, AM0013.]</p>	<p>Objection: Relevance. Hearsay. See Objections to Evidence Nos. 127-128.</p>
18 19 20 21 22 23 24 25 26 27 28	<p>138. On August 19, 2010, then pending Assembly Bill 2358 was amended to include in Penal Code section 12323 the following definition of "handgun ammunition": "any variety of ammunition in the following calibers, notwithstanding that the ammunition may also be used in some rifles: .22 <i>rimfire</i>, .25, .32, .38, .9mm, .10mm, .40, .41, .44, .45, 5.7x28mm, .223, .357, .454, .5.56x45mm, 7.62x39, 7.63mm, 7.65mm, .50."</p> <p>[Assembly Bill No. 2358 (2010) as Amended in Senate August 19, 2010 (Ex.2 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief, Ex. F to Plaintiffs' Request for Judicial Notice in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 7:29-8:21; Complete Bill History, A.B. No. 2358 (Ex. 4 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative</p>	<p>Objection: Relevance. Assembly Bill 2358 is not relevant to any material fact in this case. See:</p> <p>(1) The State's Objections to Plaintiffs' Request for Judicial Notice; and</p> <p>(2) Objections to Evidence Nos. 123-125.</p>

1	Summary Adjudication / Trial Brief).]	
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3	139. On August 30, 2010, then pending Assembly	Objection: Relevance. Assembly Bill 2358 is not relevant to any material fact in this case. See: (1) The State's Objections to Plaintiffs' Request for Judicial Notice; and (2) Objections to Evidence Nos. 123-125
4	Bill 2358 was amended to include in Penal Code	
5	section 12323 the following definition of	
6	"handgun ammunition": "any variety of	
7	ammunition in the following calibers,	
8	notwithstanding that the ammunition may also be	
9	used in some rifles: .22 <i>rimfire</i> , .25, .32, .38,	
10	.9mm, .10mm. .40, .41, .44, .45, 5.7x28mm, .357,	
11	.454, .5.56x45mm, 7.63mm, 7.65mm."	
12	[Assembly Bill No. 2358 (2010) as Amended in	
13	Senate August 30, 2010 (attached as Ex. 3 to	
14	Plaintiffs' Evidence in Support of Motion for	
15	Summary Judgment or in the Alternative	
16	Summary Adjudication / Trial Brief, Ex. G to	
17	Plaintiffs' Request for Judicial Notice in Support	
18	of Motion for Summary Judgment or in the	
19	Alternative Summary Adjudication / Trial Brief)	
20	at 16:11-40; Complete Bill History, A.B. No. 2358	
21	(attached as Ex.4 to Plaintiffs' Evidence in	
22	Support of Motion for Summary Judgment or in	
23	the Alternative Summary Adjudication / Trial	
24	Brief).]	
25	140. All modern centerfire and rimfire	Undisputed.
26	ammunition for use in handguns or rifles consist	
27	of the same components: a metal casing that	Undisputed.
28	suspends a metal projectile over a charge of	
	powder confined within the metal casing and a	Undisputed.
	primer (or priming charge) to ignite the powder -	
	("self-contained metallic ammunition").	
	[Helsley Declaration at ¶ 20.]	
	141. In order of their specificity, these three terms	Undisputed.
	are used to describe a self-contained metallic	
	cartridge: "ammunition," "caliber," and its given	Undisputed.
	"cartridge name."	
	[Helsley Declaration at ¶ 54.]	
	142. "Ammunition" is defined in the Glossary of	Undisputed.
	the Association of Firearms and Tool Mark	
	Examiners as:	Undisputed.
	"One or more loaded cartridges consisting of a	
	primed case, propellant, and with one or more	
	projectiles. Also referred to as fixed or live	
	ammunition."	

1	[Graham Deposition Vol. One (Ex. 57 to	
2	Plaintiffs' Evidence in Support of Motion for	
3	Summary Judgment or in the Alternative	
4	Summary Adjudication / Trial Brief) at Merged	
	Ex. C at p. 2.]	
5	143. The definition of "caliber" depends on	Undisputed.
6	whether it is applied to a firearm or to	
7	ammunition. When applied to ammunition, the	
8	Glossary of the Association of Firearms and Tool	
9	Mark Examiners defines it as: "A numerical term,	
10	without the decimal point, included in a cartridge	
11	name to indicate the nominal bullet diameter."	
	[Graham Deposition Vol. One (Ex. 57 to	
	Plaintiffs' Evidence in Support of Motion for	
	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at Merged	
	Ex. C at p. 5.]	
12	144. It is a more precise description of	Objection: Relevance; Mischaracterizes the
13	ammunition to identify it by its specific cartridge	witness's testimony; vague and ambiguous as
14	name because often the "caliber" in the cartridge's	to
15	given name does not reflect the actual bore or	the context where the description might be
	bullet diameter.	more precise.
	[Helsley Declaration at ¶¶ 54-64.]	
16	145. Within any given "caliber," there are usually	Undisputed.
17	various "cartridges," some of which may be used	
18	more often in a handgun, and some of which may	
19	be used more often in a rifle.	
	[Helsley Declaration at ¶¶ 56-64.]	
20	146. Reference to the measurement of a	Objection: Mischaracterizes the witness's
21	projectile's diameter (i.e., its caliber) is not a	testimony. Vague and ambiguous as to context
22	particularly precise method of identifying	and the phrase "not a particularly precise
23	ammunition.	method."
	[Helsley Declaration at ¶ 55-64.]	
24	147. Virtually all calibers can be and are fired	Objection: Mischaracterizes the witness's
25	safely through both handguns and rifles.	testimony, Conclusory; Lacks foundation;
26	[Helsley Declaration at ¶ 65.]	vague. See Objections to Evidence Nos. 42-
		44.
27	148. Virtually all cartridges can be and are fired	Objection: Mischaracterizes the witness's
28	safely through both handguns and rifles.	testimony, Conclusory; Lacks foundation;
	[Helsley Declaration at ¶ 65.]	vague. See Objections to Evidence Nos. 42-
		44.

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2	149. Packaging for ammunition often has no label	Objection: Mischaracterizes the witness's
3	associating its use with either a handgun or a rifle.	testimony; Conclusory; Lacks foundation;
4	[Helsley Declaration at ¶¶ 68-69.]	vague. See Objections to Evidence Nos. 48-50.
5	150. Packaging for ammunition does not identify	Objection: Mischaracterizes the witness's
6	whether the ammunition it contains is "principally	testimony; Conclusory; Lacks foundation;
7	for use in handguns."	vague. See Objections to Evidence Nos. 48-50.
8	[Helsley Declaration at ¶ 69.]	
9	151. In those instances where ammunition	Objection: Mischaracterizes the witness's
10	manufacturers or vendors label or market a	testimony; Conclusory; Lacks foundation;
11	particular cartridge as a "handgun cartridge," such	vague. See Objections to Evidence Nos. 48-50.
12	markings do not identify whether that cartridge, or	
13	ammunition of that caliber, is actually "principally	
14	used in handguns."	
15	[Helsley Declaration at ¶¶ 68-69.]	
16	152. Experts cannot form a reliable opinion as to	Disputed.
17	whether a given caliber or cartridge is intended to	Objection: Assumes facts not in evidence;
18	be or has actually been fired more than fifty	mischaracterizes the witness's testimony;
19	percent of the time through a handgun.	Conclusory; Lacks foundation; vague. See
20	[Helsley Declaration at ¶¶ 66, 72-73.]	Objections to Evidence Nos. 45-47, 56-59.
21		Declaration of Blake Graham, ¶¶10-17.
22	153. There exists in the firearms industry no	Objection: Mischaracterizes the witness's
23	commonly understood delineation between	testimony; Conclusory; Lacks foundation;
24	"handgun ammunition" and other ammunition that	vague. See Objections to Evidence Nos.
25	indicates whether certain ammunition is actually	42-59.
26	fired or intended to be fired more often in	
27	handguns than in long-guns.	
28	[Helsley Declaration at ¶¶ 65-70, 72-73.]	
	154. There exists in the firearms industry no	Objection: Mischaracterizes the witness's
	commonly understood definition of "handgun	testimony; Conclusory; Lacks foundation;
	ammunition" that equates with the "principally for	vague. See Objections to Evidence Nos. 42-
	use in handguns" language relied on by the	52.
	Challenged Provisions.	
	[Helsley Declaration at ¶¶ 65-70.]	

1	155. Defendants assert that “there is a common understanding among those individuals and businesses who might be subject to sections 12060, 12061, and 12318 of the Penal Code, as well as among those might enforce them,” as to what ammunition is “used principally in pistols and revolvers.”	Undisputed.
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5	[Responses to Specially Prepared Interrogatories, Set One (Ex. 54 to Plaintiffs’ Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 6:16-19, 7:8-11.]	
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9	156. Defendants identify the following ammunition as “principally for use in handguns” for purposes of the Challenged Provisions: .45, 9mm, 10mm, .40, .357, .38, .44, .380, .454, .25, and .32.	Undisputed that the State identified these calibers of ammunition in response to Plaintiff’s Special Interrogatory No.5 after objecting to the Plaintiff’s use of the phrase “types of ammunition” as vague and ambiguous.
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12	[Responses to Specially Prepared Interrogatories, Set One (Ex. 54 to Plaintiffs’ Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 5:7-8, 5:21-22; Amended Response to Specially Prepared Interrogatory No. 5 (Ex. 55 to Plaintiffs’ Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 2:24-3:2.]	
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17	157. Defendants assert that the ammunition they deemed “principally for use in handguns” based on their review of handgun sales records in California, written documents, ammunition vendor websites, and online encyclopedias, is “commonly understood” to be “handgun ammunition” for purposes of the Challenged Provisions.	Undisputed that these comprised some of the steps Mr. Graham took in his expert analysis, otherwise disputed.
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19		Declaration of Blake Graham, ¶¶ 10-17.
20		
21	[Responses to Specially Prepared Interrogatories, Set One (Ex. 54 to Plaintiffs’ Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 7:8-20; Graham Deposition Vol. One (Ex. 57 to Plaintiffs’ Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 118:3-11, 142:21-25.]	
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1	158. Additional research over time may cause Defendants' list of ammunition "principally for use in handguns" to change.	Undisputed.
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3	[Graham Deposition Vol. One (Ex. 57 to	
4	Plaintiffs' Evidence in Support of Motion for	
5	Summary Judgment or in the Alternative	
6	Summary Adjudication / Trial Brief) at 204:21-	
7	205:8; Graham Deposition Vol. Two (Ex. 58 to	
8	Plaintiffs' Evidence in Support of Motion for	
9	Summary Judgment or in the Alternative	
10	Summary Adjudication / Trial Brief) at 67:21-	
11	68:1, 116:11-18, 118:11-18 9.]	
12		
13	159. Regulations promulgated at some date in the future may cause Defendants' list of ammunition "principally for use in handguns" to change.	Undisputed.
14		
15	[Amended Response to Specially Prepared	
16	Interrogatory No. 5 (Ex. 55 to Plaintiffs' Evidence	
17	in Support of Motion for Summary Judgment or in	
18	the Alternative Summary Adjudication / Trial	
19	Brief) at 2:26-3:2.]	
20		
21	160. Defendants' expert admitted that if he had the opportunity to review sales records over a larger time frame, his opinion as to what ammunition is "principally for use in a handgun" might have changed.	Objection: Mischaracterizes the witness's testimony.
22		
23	[Graham Deposition Vol. Two (Ex. 58 to	
24	Plaintiffs' Evidence in Support of Motion for	
25	Summary Judgment or in the Alternative	
26	Summary Adjudication / Trial Brief) at 118:11-	
27	18.]	
28		
	161. Defendants' expert admits he may have left cartridges off Defendants' list of ammunition "principally for use in handguns" that [based on his understanding of "handgun ammunition"], should have been included.	Objection: Mischaracterizes the witness's testimony (which testimony is not included on Plaintiffs' Exhibit 58.)
	[Graham Deposition Vol. Two (Ex. 58 to	
	Plaintiffs' Evidence in Support of Motion for	
	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 69:20-	
	70:5.]	

1 2 3 4 5 6 7	162. Defendants' expert's methodology for determining what ammunition was "principally for use in handguns" was a two-step process that involved the expert looking at the records of handgun sales in California, and then reviewing websites, written materials and drawing on his personal experience. [Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 63:22-64:6, 140:13-21.]	Undisputed that these comprised some of the steps Mr. Graham took in his expert analysis, otherwise disputed. Declaration of Blake Graham, ¶¶ 10-17.
8 9 10 11 12 13 14	163. Defendants' list of calibers that constitute ammunition "principally for use in handguns" was based on the records of handgun sales in California over each of the past five years, written materials, ammunition vendor websites, and online encyclopedias." [Responses to Specially Prepared Interrogatories (Ex. 54 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 7:14-20.]	Undisputed that these comprised some of the steps Mr. Graham took in his expert analysis, otherwise disputed. Declaration of Blake Graham, ¶¶ 10-17.
15 16 17 18 19 20 21 22 23	164. Defendant DOJ is required to keep and maintain records of handgun sales in California; this record is commonly referred to as the Dealer Record of Sales ("DROS") and it is linked to the Automated Firearms System ("AFS"). [Responses to Specially Prepared Interrogatories, Set One (Ex. 54 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 7:14; Graham Deposition Vol. One (Ex. 57 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 176:14-17, 177:7-13, 190:3-6.]	Undisputed.
24 25 26 27 28	165. Defendants and their expert witness relied in part on the DROS records to determine which ammunition should be included in Defendants' list of ammunition they consider "handgun ammunition" for purposes of the Challenged Provisions. [Responses to Specially Prepared Interrogatories, Set One (Ex. 54 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the	Undisputed.

1	Alternative Summary Adjudication / Trial Brief)	
2	at 7:13-18; Graham Deposition Vol. One (Ex. 57	
3	to Plaintiffs' Evidence in Support of Motion for	
4	Summary Judgment or in the Alternative	
5	Summary Adjudication / Trial Brief) at 181:14-16,	
6	181:23-182:1; Graham Deposition Vol. Two (Ex.	
7	58 to Plaintiffs' Evidence in Support of Motion	
8	for Summary Judgment or in the Alternative	
9	Summary Adjudication / Trial Brief) at 9:17-20.]	
10	166. Defendants' expert's reliance on DROS	Objection: Mischaracterizes the witness's
11	records was his "starting point." He used the	testimony.
12	records to determine which popular handgun	Declaration of Blake Graham, ¶ 13.
13	calibers should be researched further to determine	
14	if ammunition of those calibers is "principally for	
15	use in handguns."	
16	[Graham Deposition Vol. Two (Ex. 58 to	
17	Plaintiffs' Evidence in Support of Motion for	
18	Summary Judgment or in the Alternative	
19	Summary Adjudication / Trial Brief) at 9:17-20,	
20	63:22-64:6.]	
21	167. Defendants' expert admitted that certain	Objection: Mischaracterizes the witness's
22	calibers may have been omitted from Defendants'	testimony.
23	list of ammunition "principally for use in	Declaration of Blake Graham, ¶¶ 10-17.
24	handguns" because they were "unpopular."	
25	[Graham Deposition Vol. One (Ex. 57 to	
26	Plaintiffs' Evidence in Support of Motion for	
27	Summary Judgment or in the Alternative	
28	Summary Adjudication / Trial Brief) at 204:21-	
	207:9.]	
	168. Defendants and their expert relied on DROS	Undisputed.
	records only from the previous five years to	
	determine the handguns most commonly sold in	
	California over the same time period.	
	[Responses to Specially Prepared Interrogatories,	
	Set One (Ex. 54 to Plaintiffs' Evidence in Support	
	of Motion for Summary Judgment or in the	
	Alternative Summary Adjudication / Trial Brief)	
	at 7:14-16; Graham Deposition Vol. Two (Ex. 58	
	to Plaintiffs' Evidence in Support of Motion for	
	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 115:18-	
	116:2, 116:17-117:6.]	
	169. Defendants' expert does not have any	Undisputed.
	information regarding what percentage of the total	
	guns in circulation are represented by the records	

1	of handgun sales in the past five years.	
2	[Graham Deposition Vol. Two (Ex. 58 to	
3	Plaintiffs' Evidence in Support of Motion for	
4	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 118:4-10.]	
5	170. The DROS records relied upon by	Objection: Mischaracterizes the witness's
6	Defendants' expert combine firearms that utilize	testimony.
7	ammunition referred to by Defendants as	Declaration of Blake Graham, ¶ 13.
8	"handgun ammunition" and firearms that utilize	
9	ammunition referred to by Defendants as "rifle	
10	ammunition" under a single caliber listing.	
11	[Graham Deposition Vol. Two (Ex. 58 to	
	Plaintiffs' Evidence in Support of Motion for	
	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 12:18-	
	14:2.]	
12	171. The DROS records relied upon by	Objection: Mischaracterizes the witness's
13	Defendants' expert are not precise in identifying	testimony.
14	the sales of handguns that use a specific cartridge.	
15	[Graham Deposition Vol. Two (Ex. 58 to	
16	Plaintiffs' Evidence in Support of Motion for	
17	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 14:10-23.]	
18	172. The DROS system does not break down	Undisputed.
19	sales by guns as to every cartridge of ammunition	
20	sold and whether such ammunition is a "rifle	
21	cartridge," "handgun cartridge," or both.	
22	[Graham Deposition Vol. Two (Ex. 58 to	
23	Plaintiffs' Evidence in Support of Motion for	
	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 19:23-	
	20:20.]	
24	173. The DROS records relied on by Defendants'	Undisputed.
25	expert does not contain a listing of all types of	
26	cartridges fired by a firearm of that caliber due to	
27	space limitations.	
28	[Graham Deposition Vol. Two (Ex. 58 to	
	Plaintiffs' Evidence in Support of Motion for	
	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 22:11-	
	23:9.]	

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2	174. Defendants' expert admitted that the DROS	Objection: Mischaracterizes the witness' testimony.
3	records relied on to inform his opinions contained	
4	categories of ammunition that could have been a	
5	mixture of what he considers "handgun	
6	ammunition" and "rifle ammunition."	
7	[Graham Deposition Vol. Two (Ex. 58 to	
8	Plaintiffs' Evidence in Support of Motion for	
9	Summary Judgment or in the Alternative	
10	Summary Adjudication / Trial Brief) at 91:18-	
11	92:6.]	
12	175. The DROS records relied on by Defendants'	Objection: Mischaracterizes the witness' testimony. Testimony also subject to objections made during the deposition concerning speculation and vagueness.
13	expert include a number of entries in calibers	
14	Defendants' expert considers "common rifle	
15	caliber rounds."	
16	[Graham Deposition Vol. One (Ex. 57 to	
17	Plaintiffs' Evidence in Support of Motion for	
18	Summary Judgment or in the Alternative	
19	Summary Adjudication / Trial Brief) at 189:10-	
20	192:18.]	
21	176. There is no record of total rifle sales in	Undisputed.
22	California in existence because Defendant DOJ is	
23	prohibited from retaining records on the sale of	
24	long-guns.	
25	[Graham Deposition Vol. One (Ex. 57 to	
26	Plaintiffs' Evidence in Support of Motion for	
27	Summary Judgment or in the Alternative	
28	Summary Adjudication / Trial Brief) at 183:19-	
	184:15.]	
	177. Defendants' expert did not determine the	Disputed. Objection: Mischaracterizes the witness' testimony. Declaration of Blake Graham, ¶¶ 15-17.
	total number of rifle sales in California as	
	compared with the total number of handgun sales	
	to inform his opinion as to whether a particular	
	ammunition was principally used in a handgun.	
	[Graham Deposition Vol. Two (Ex. 58 to	
	Plaintiffs' Evidence in Support of Motion for	
	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 93:17-24.]	
	178. Defendants' expert was unable to compare	Undisputed.
	the sales of handguns using a particular	
	ammunition with rifle sales that use the same	
	ammunition because he is admittedly unaware of	
	any source of data regarding rifle sales.	

1	[Graham Deposition Vol. Two (Ex. 58 to	
2	Plaintiffs' Evidence in Support of Motion for	
3	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 93:6-24.]	
4	179. Defendants' expert admits his opinion as to	Objection: Mischaracterizes the witness's testimony which merely says it may have been helpful to have that data. See also Declaration of Blake Graham, ¶¶ 15-17.
5	which ammunition is "principally for use in	
6	handguns" may have been different had he been	
7	able to compare handgun sales with rifle sales.	
8	[Graham Deposition Vol. Two (Ex. 58 to	
9	Plaintiffs' Evidence in Support of Motion for	
10	Summary Judgment or in the Alternative	
11	Summary Adjudication / Trial Brief) at 95:13-20.]	
12	180. Defendants relied in part on the	Undisputed.
13	representations made by ammunition vendors on	
14	their websites to determine whether certain	
15	ammunition should be included in Defendants' list	
16	of ammunition they consider "handgun	
17	ammunition" for purposes of the Challenged	
18	Provisions.	
19	[Responses to Specially Prepared Interrogatories,	
20	Set One (Ex. 54 to Plaintiffs' Evidence in Support	
21	of Motion for Summary Judgment or in the	
22	Alternative Summary Adjudication / Trial Brief)	
23	at 7:18-20.]	
24	181. Defendants' expert relied in part on the fact	Undisputed.
25	that ammunition vendor websites listed certain	
26	cartridges as "handgun ammunition" to inform his	
27	opinion as to whether specific ammunition was	
28	"principally for use in handguns."	
	[Graham Deposition Vol. Two (Ex. 58 to	
	Plaintiffs' Evidence in Support of Motion for	
	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 44:1-14,	
	64:17-65:6.]	
	182. Defendants' expert testified that the fact that	Objection: Mischaracterizes the witness's testimony. Declaration of Blake Graham, ¶¶ 10-17.
	certain websites refer to some ammunition as	
	"handgun cartridges" helped establish the DOJ's	
	list of calibers "principally for use in handgun."	
	[Graham Deposition Vol. One (Ex. 57 to	
	Plaintiffs' Evidence in Support of Motion for	
	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 93:5-	
	95:13, 160:19-23, 166:21-167:6.]	

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<p>183. The four vendor websites that Defendants' expert relied to inform his opinion as to whether specific ammunition was "principally for use in handguns" include: Cabela's, Cheaper Than Dirt, Inc., J & G Sales, and Midway USA.</p> <p>[Graham Deposition Vol. One (Ex. 57 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 93:5-20, 148:23-149:4; Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 37:8-13, 40:11-15, 43:4-10.]</p>	<p>Objection: Mischaracterizes the witness's testimony.</p> <p>Declaration of Blake Graham, ¶¶ 10-17.</p>
<p>184. In forming his opinion regarding whether ammunition was principally used in handguns, Defendants' expert gave some weight to whether the website listed the ammunition as "popular."</p> <p>[Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 65:9-16.]</p>	<p>Objection: Mischaracterizes the witness's testimony.</p>
<p>185. Defendants' expert did not contact the relied-upon website vendors or do any investigation as to what criteria the websites relied upon to characterize the ammunition as "popular" or what the websites' characterization meant.</p> <p>[Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 44:15-46:3.]</p>	<p>Undisputed.</p>
<p>186. Defendants' expert admitted there is a difference between "popular" ammunition for a handgun and ammunition that is "principally for use in a handgun."</p> <p>[Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 102:6-104:3.]</p>	<p>Objection: Mischaracterizes the witness's testimony.</p>

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187. None of the relied-upon website vendors provided Defendants' expert with data regarding the total rounds of each type of ammunition sold. [Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 46:4-16.]	Undisputed.
188. The websites Defendants' expert relied upon to inform his opinions as to which ammunition is "principally for use in handguns" list as "handgun ammunition" ammunition that Defendants' expert does not consider to be principally used in handguns. [Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 62:25-63:21.]	Undisputed.
189. Defendants' expert's decision to exclude certain ammunition listed as "handgun ammunition" on the vendor websites he relied upon to inform his opinions as to which ammunition is "principally for use in handguns" was based on his experience in observing the use of that ammunition in the field. Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 66:15-67:9.]	Objection: Mischaracterizes the witness's testimony.
190. Michael Tenny, the party responsible for ensuring compliance with all applicable laws in the locations from and to which Cheaper Than Dirt, Inc., ships ammunition, does not know what ammunition is "handgun ammunition" and thus subject to the Challenged Provisions. [Tenny Declaration at 1:6-11.]	Objection: Relevance; Conclusory; Lacks Foundation. See Objections to Evidence Nos. 105-113 & 133.

1 2 3 4 5 6	191. Larry Potterfield, the party responsible for ensuring compliance with all applicable laws in the locations from and to which Midway Arms, Inc.(dba Midway USA), ships ammunition, does not know what ammunition is "handgun ammunition" and thus subject to the Challenged Provisions. [Potterfield Declaration at 2:3-12.]	Objection: Relevance; Conclusory; Lacks Foundation. See Objections to Evidence Nos. 87-95 & 132.
7 8 9 10 11	192. Brian Hall, the party responsible for ensuring compliance with all applicable laws in the locations from and to which Chattanooga Shooting Supplies, Inc. (dba Natchez Shooters Supplies), ships ammunition, does not know what ammunition is "handgun ammunition" and thus subject to the Challenged Provisions. [Hall Declaration at 2:3-12.]	Objection: Relevance; Conclusory; Lacks Foundation. See Objections to Evidence Nos. 27-37.
12 13 14 15 16 17	193. Michael Tenny, the party responsible for ensuring compliance with all applicable laws in the locations from and to which Cheaper Than Dirt, Inc., ships ammunition, does not know what ammunition is "principally for use in a handgun" and is unaware of any source to which he can look to determine what ammunition suitable for use in both handguns and rifles is "principally for use in a handgun." [Tenny Declaration at 1:12-14.]	Objection: Relevance; Conclusory; Lacks Foundation. See Objections to Evidence Nos. 105-113 & 133.
18 19 20 21 22 23 24	194. Larry Potterfield, the party responsible for ensuring compliance with all applicable laws in the locations from and to which Midway Arms, Inc.(dba Midway USA), ships ammunition, does not know what ammunition is "principally for use in a handgun" and is unaware of any source to which he can look to determine what ammunition suitable for use in both handguns and rifles is "principally for use in a handgun." [Potterfield Declaration at 2:13-15.]	Objection: Relevance; Conclusory; Lacks Foundation. See Objections to Evidence Nos. 87-95 & 132.

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<p>195. Brian Hall, the party responsible for ensuring compliance with all applicable laws in the locations from and to which Chattanooga Shooting Supplies, Inc. (dba Natchez Shooters Supplies), ships ammunition, does not know what ammunition is “principally for use in a handgun” and is unaware of any source to which he can look to determine what ammunition suitable for use in both handguns and rifles is “principally for use in a handgun.”</p> <p>[Hall Declaration at 2:13-15.]</p>	<p>Objection: Relevance; Conclusory; Lacks Foundation. See Objections to Evidence Nos. 27-37.</p>
<p>196. Michael Tenny, the party responsible for ensuring compliance with all applicable laws in the locations from and to which Cheaper Than Dirt, Inc., ships ammunition, does not know what ammunition is exempt from the Challenged Provisions as ammunition that is “designed and intended to be used in antique firearms” manufactured before 1898, because many cartridges of ammunition used in firearms manufactured before 1898 are also used in firearms manufactured after 1898, including cartridges sold by Cheaper Than Dirt, Inc.</p> <p>[Tenny Declaration at 1:15-19.]</p>	<p>Objection: Relevance; Conclusory; Lacks Foundation. See Objections to Evidence Nos. 105-113 & 133.</p>
<p>197. Larry Potterfield, the party responsible for ensuring compliance with all applicable laws in the locations from and to which Midway Arms, Inc.(dba Midway USA), ships ammunition, does not know what ammunition is exempt from the Challenged Provisions as ammunition that is “designed and intended to be used in antique firearms” manufactured before 1898, because many cartridges of ammunition used in firearms manufactured before 1898 are also used in firearms manufactured after 1898, including cartridges sold by Midway Arms, Inc.(dba Midway USA).</p> <p>[Potterfield Declaration at 2:16-20.]</p>	<p>Objection: Relevance; Conclusory; Lacks Foundation. See Objections to Evidence Nos. 87-95 & 132.</p>

1 2 3 4 5 6 7 8 9	<p>198. Brian Hall, the party responsible for ensuring compliance with all applicable laws in the locations from and to which Chattanooga Shooting Supplies, Inc. (dba Natchez Shooters Supplies), ships ammunition, does not know what ammunition is exempt from the Challenged Provisions as ammunition that is "designed and intended to be used in antique firearms" manufactured before 1898, because many cartridges of ammunition used in firearms manufactured before 1898 are also used in firearms manufactured after 1898, including cartridges sold by Chattanooga Shooting Supplies, Inc. (dba Natchez Shooters Supplies).</p> <p>[Hall Declaration at 2:16-20.]</p>	<p>Objection: Relevance; Conclusory; Lacks Foundation. See Objections to Evidence Nos. 27-37.</p>
10 11 12 13	<p>199. Cheaper Than Dirt, Inc., has announced that it will cease shipping all ammunition to non-exempt California customers beginning January 1, 2011, to avoid risking criminal prosecution under Penal Code section 12328.</p> <p>[Tenny Declaration at 2:1-8.]</p>	<p>Objection: Relevance; Conclusory; Lacks Foundation. See Objections to Evidence Nos. 105-113 & 133.</p>
14 15 16 17 18	<p>200. Midway Arms, Inc.(dba Midway USA), has announced that it will cease shipping all ammunition to non-exempt California customers beginning January 1, 2011, to avoid risking criminal prosecution under Penal Code section 12318.</p> <p>[Potterfield Declaration at 3:1-9.]</p>	<p>Objection: Relevance; Conclusory; Lacks Foundation. See Objections to Evidence Nos. 87-95 & 132.</p>
19 20 21 22 23 24	<p>201. It is the current intent of Chattanooga Shooting Supplies, Inc. (dba Natchez Shooters Supplies), to cease shipping all ammunition that is suitable for use in both handguns and long-guns to non-exempt California customers beginning February 1, 2011, to avoid risking criminal prosecution under Penal Code section 12318.</p> <p>[Hall Declaration at 3:1-6.]</p>	<p>Objection: Relevance; Conclusory; Lacks Foundation. See Objections to Evidence Nos. 27-37.</p>

1	202. Defendants' expert knows of no specific	Undisputed.
2	trade magazine articles that he used to inform his	
3	opinion regarding which ammunition is	
4	"principally for use in handguns."	
5	[Graham Deposition Vol. Two (Ex. 58 to	
6	Plaintiffs' Evidence in Support of Motion for	
7	Summary Judgment or in the Alternative	
8	Summary Adjudication / Trial Brief) at 34:8-	
9	35:14.]	
10	203. Defendants' expert did not use any trade	Undisputed.
11	magazine articles regarding the amount of	
12	particular ammunition sold.	
13	[Graham Deposition Vol. Two (Ex. 58 to	
14	Plaintiffs' Evidence in Support of Motion for	
15	Summary Judgment or in the Alternative	
16	Summary Adjudication / Trial Brief) at 35:15-	
17	36:13.]	
18	204. Defendants' expert's use of trade magazines	Undisputed.
19	to inform his opinion regarding ammunition	
20	"principally for use in handguns" is based solely	
21	upon his reading of trade magazines over the	
22	years, with no specific reference to a particular	
23	article or data from those trade magazines on the	
24	subject.	
25	[Graham Deposition Vol. Two (Ex. 58 to	
26	Plaintiffs' Evidence in Support of Motion for	
27	Summary Judgment or in the Alternative	
28	Summary Adjudication / Trial Brief) at 35:15-	
	36:13, 36:14-37:6]	
	205. The DOJ's expert testified that he pulled	Undisputed, subject to objections in the
	from his personal and professional experiences to	deposition transcript.
	determine what ammunition should be considered	
	"handgun ammunition" under the Challenged	
	Provisions.	
	[Graham Deposition Vol. One (Ex. 57 to	
	Plaintiffs' Evidence in Support of Motion for	
	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 81:24-	
	82:4, 91:1-4, 186:17-24; Graham Deposition Vol.	
	Two (Ex. 58 to Plaintiffs' Evidence in Support of	
	Motion for Summary Judgment or in the	
	Alternative Summary Adjudication / Trial Brief)	
	at 24:8-18, 28:4-29:2, 64:1-6, 72:25-73:10.]	

<p>206. Defendants' expert concluded that, based on his training and experience over the last sixteen years or so, when added to experience with handguns and other factors, he "<i>has a feeling</i> that there are certain calibers that are more often than not handgun calibers."</p> <p>[Graham Deposition Vol. One (Ex. 57 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 81:24-82:4, 206:22-207:2.]</p>	<p>Disputed.</p> <p>Objection: Mischaracterizes the witness's testimony.</p> <p>Declaration of Blake Graham, ¶¶ 10-17.</p>
<p>207. Defendants' expert's opinion regarding ammunition "principally for use in handguns" was not informed by information regarding the amounts and types of ammunition used by the military.</p> <p>[Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 109:14-18.]</p>	<p>Undisputed.</p>
<p>208. Defendants' expert's opinion regarding ammunition "principally for use in handguns" was not informed by specific information regarding the number of handguns and/or rifles used by military service members stationed in California.</p> <p>[Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 109:8-13, 110:8-111:10.]</p>	<p>Undisputed.</p>
<p>209. Defendants' expert's opinion regarding ammunition "principally for use in handguns" was not informed by research studies regarding popular or prevalently used ammunition.</p> <p>[Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 118:19-24.]</p>	<p>Objection: Mischaracterizes the witness's testimony. Evidence cited bears no relation to facts asserted.</p>

1	210. Defendants' expert's opinion regarding	Undisputed subject to the objections raised
2	ammunition "principally for use in handguns" was	during the cited portion of the deposition.
3	not informed by existing polls regarding the	
4	ammunition generally or the popularity of certain	
5	cartridges.	
6	[Graham Deposition Vol. Two (Ex. 58 to	
7	Plaintiffs' Evidence in Support of Motion for	
8	Summary Judgment or in the Alternative	
9	Summary Adjudication / Trial Brief) at 119:20-	
10	120:8.]	
11	211. Prior to forming his opinion as to	Undisputed subject to the objections raised
12	ammunition prevalently used in handguns,	during the cited portion of the deposition.
13	Defendants' expert did not personally conduct any	
14	polls regarding the ammunition members of the	
15	general public use in their handguns.	
16	[Graham Deposition Vol. Two (Ex. 58 to	
17	Plaintiffs' Evidence in Support of Motion for	
18	Summary Judgment or in the Alternative	
19	Summary Adjudication / Trial Brief) at 120:9-16.]	
20	212. Defendants assert that the ammunition they	Undisputed.
21	have identified as "principally for use in	
22	handguns" is supported in part by the fact that	
23	those calibers are identified as "handgun	
24	ammunition" in <i>Cartridges of the World</i> .	
25	[Responses to Specially Prepared Interrogatories,	
26	Set One (Ex. 54 to Plaintiffs' Evidence in Support	
27	of Motion for Summary Judgment or in the	
28	Alternative Summary Adjudication / Trial Brief)	
	at 7:18-21.]	
	213. In its sections on rifle cartridges, <i>Cartridges</i>	Objection: This "fact" is vague and
	<i>of the World</i> identifies multiple cartridges in the	ambiguous. It also is unclear to which portions
	calibers included in Defendants' list of	of the cited exhibit Plaintiffs are relying upon.
	ammunition "principally for use in handguns."	
	[Barnes, <i>Cartridges of the World: A Complete and</i>	
	<i>Illustrated Reference for Over 1500 Cartridges</i>	
	(11th ed. 2006) "Selected Pages from Chapter 2:	
	Current American Rifle Cartridges and Chapter3:	
	Obsolete Rifle Cartridges" (Ex. 52 Plaintiffs'	
	Evidence in Support of Motion for Summary	
	Judgment or in the Alternative Summary	
	Adjudication / Trial Brief) <i>passim</i> .]	

<p>214. In its sections on handgun cartridges, <i>Cartridges of the World</i> identifies multiple cartridges in calibers not included in Defendants' list of ammunition "principally for use in handguns."</p> <p>[Barnes, <i>Cartridges of the World: A Complete and Illustrated Reference for Over 1500 Cartridges</i> (11th ed. 2006) "Selected Pages from Chapter 6: Handgun Cartridges of the World" (Ex. 53 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) <i>passim</i>.]</p>	Undisputed.
<p>215. Defendants' expert admitted there are many ammunition cartridges that fall within the listed caliber classes that are not "principally for use in a handgun."</p> <p>[Graham Deposition Vol. One (Ex. 57 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 135:7-136:5, 137:8-22, 154:25-155:3, 155:21-156:2.]</p>	Undisputed subject to the objections raised during the cited portions of the deposition.
<p>216. Defendants have suggested that the Challenged Provisions apply to ammunition that is "used principally" in handguns.</p> <p>[Responses to Specially Prepared Interrogatories, Set One (Ex. 54 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 7:8-11.]</p>	Undisputed subject to the objections raised during the cited portions of the deposition. See also Graham Deposition transcript, Plaintiffs' Ex. 54, p. 5:18-20.
<p>217. Defendants' expert suggested that the "principally for use in handguns" language relates to the total number of handguns in circulation that are chambered in a particular caliber versus the total number of rifles in circulation that are chambered in the same caliber.</p> <p>[Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 83:1-16.]</p>	<p>Disputed.</p> <p>Objection: Mischaracterizes the witness's testimony.</p> <p>Declaration of Blake Graham, ¶¶ 10-17.</p>

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218. Defendants' expert suggested that the "principally for use in handguns" language relates to a mix of factors, including "the number of manufacturers that may have produced a weapon in a particular caliber," "the length of time that a particular gun has been available in a particular caliber," and the number of rifles in that caliber, if any.

[Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 127:5-128:25.]

Disputed.

Objection: Mischaracterizes the witness's testimony.

Declaration of Blake Graham, ¶¶ 10-17.

219. When asked whether the "principally for use in a handgun" standard required a consideration of whether any particular ammunition was fired more often through a handgun than a long-gun, Defendants' expert responded:

"I would say [its] not much of a factor because principally for use really deals with the kind of firearm its going to go into, in my -- in my est- -- in my understanding, so if you have one weapon that can shoot a million rounds a second and then you have 500,000 rounds -- or handguns out there that shoot ten rounds a minute, that weapon is actually -- or the ammunition is principally for use in the larger pool of -- of weapons."

[Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 83:1-16.]

Undisputed subject to the objections raised during the cited portions of the deposition.

1 2 3 4 5 6 7 8 9 10 11	<p>220. When asked to clarify whether he would consider the numerosity of total weapons or the numerosity of models of weapons to be the determining factor determining whether certain ammunition is "principally for use in handguns," Defendants' expert stated:</p> <p>"Given the available information in the amount of time I had, I tried to compare the number of manufacturers that may have produced a weapon in a particular caliber, the number of models that each manufacturer used in that caliber, and then, perhaps, the length of time that a particular gun has been available in a particular caliber."</p> <p>[Graham Deposition Vol. Two (Ex. 58 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 128:8-25.]</p>	<p>Undisputed subject to the objections raised during the cited portions of the deposition. See generally Graham Deposition Transcript.</p>
12 13 14 15 16 17	<p>221. Firearms chambered in .22 are among the most popular weapons, as to both handguns and rifles.</p> <p>[Graham Deposition Vol. One (Ex. 57 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 185:21-186:5; Helsley Declaration at ¶¶ 29, 33.]</p>	<p>Undisputed.</p> <p>Objection: Relevance. The State has not identified .22 caliber ammunition as handgun ammunition within the meaning of the Challenged Definition.</p>
18 19 20 21 22 23 24 25 26 27 28	<p>222. .22 Long Rifle is likely the most popular firearm cartridge in the world.</p> <p>[Helsley Declaration at ¶ 33.]</p>	<p>Undisputed.</p> <p>Objection: Relevance. The State has not identified .22 caliber ammunition as handgun ammunition within the meaning of the Challenged Definition.</p>

1 2 3 4 5 6 7 8 9 10 11	<p>223. In December 2009, when Plaintiffs' counsel inquired as to whether ".22 rimfire" ammunition would be considered "handgun ammunition" under the Challenged Provisions, Counsel for Defendant DOJ stated that she did not know.</p> <p>[Public Records Act Request Sent to California Department of Justice Re: Assembly Bill 962, dated December 16, 2009 (Ex. 6 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief); Defendant Department of Justice Response to Public Records Act and Relevant E-mail Enclosures, dated January 25, 2010 (Ex. 7 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at AM0002, AM0004, AM0006, AM0013.]</p>	<p>Objection: Relevance; Hearsay. See Objections to Evidence Nos. 127-128. The State has not identified .22 caliber ammunition as handgun ammunition within the meaning of the Challenged Definition.</p>
12 13 14 15 16 17 18	<p>224. Defendants' expert suggests that, at this time, .22 caliber is not "principally for use in handguns," but that his opinion could change based on future research.</p> <p>[Graham Deposition Vol. One (Ex. 57 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 186:25-187:17.]</p>	<p>Undisputed.</p>
19 20 21 22 23 24	<p>225. Defendants expert stated he would only classify three .45 caliber cartridges to be "principally for use in a handgun": .45 ACP, .45 GAP, and .45 Long Colt.</p> <p>[Graham Deposition Vol. One (Ex. 57 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 153:13-18.]</p>	<p>Undisputed.</p>
25 26 27 28	<p>226. <i>Cartridges of the World</i> includes numerous .45 cartridges in its section on handgun cartridges besides the .45 ACP, .45 GAP, and .45 Long Colt.</p> <p>[Barnes, <i>Cartridges of the World: A Complete and Illustrated Reference for Over 1500 Cartridges</i> (11th ed. 2006) "Selected Pages from Chapter 6: Handgun Cartridges of the World" (Ex. 53</p>	<p>Undisputed.</p>

1	Plaintiffs' Evidence in Support of Motion for	
2	Summary Judgment or in the Alternative	
3	Summary Adjudication / Trial Brief) <i>passim</i> .]	
4	227. There are multiple cartridges that can be	Undisputed.
5	used in firearms manufactured both before and	
6	after 1898, including but not limited to, cartridges	
7	in the following calibers: 22, .32, .38, .44, .45, and	
8	.50.	
9	[Helsley Declaration at ¶¶ 20-25.]	
10	228. Ammunition that can be used in a modern	Objection: Mischaracterizes the witness's
11	firearm chambered to fire that cartridge can also	testimony.
12	be used in an antique firearm chambered to fire	
13	that same cartridge.	
14	[Helsley Declaration at ¶¶ 20-25.]	
15	229. Ammunition, when it is manufactured, is	Objection: Mischaracterizes the witness's
16	designed and intended to be used in any firearm	testimony.
17	that is chambered for that cartridge, regardless of	
18	when the firearm it will be used in was	
19	manufactured.	
20	[Helsley Declaration at ¶¶ 20-25.]	
21	230. The calibers Defendants claim to be	Undisputed, subject to vagueness objections
22	"handgun ammunition" include cartridges that are	raised in response to Plaintiffs' special
23	designed and intended to be used in "antique	interrogatories.
24	firearms," and thus should be exempt from the	
25	Challenged Provisions.	
26	[Helsley Declaration at ¶23.]	
27	231. Defendants' expert witness testified that .45	Undisputed.
28	Long Colt is unequivocally "handgun	
	ammunition" under the Challenged Provisions.	
	[Graham Deposition Vol. One (Ex. 57 to	
	Plaintiffs' Evidence in Support of Motion for	
	Summary Judgment or in the Alternative	
	Summary Adjudication / Trial Brief) at 153:13-	
	18.]	
	232. 45 Long Colt is used in firearms	Undisputed.
	manufactured prior to 1898.	
	[Helsley Decl. at ¶ 23.]	

<p>233. <i>State of Tennessee ex rel. Rayburn v. Cooper</i>, involved a challenge to a state law authorizing firearms to be carried by patrons in establishments where “the serving of meals” is the “<i>principle business conducted</i>” – as opposed to the serving of alcohol.</p> <p>[Amended Complaint for Injunctive and Declaratory Relief in <i>Tennessee ex rel. Rayburn v. Cooper</i>, Case No. 09-1284-I, filed July 6, 2009 (Ex. A to Plaintiffs’ Request for Judicial Notice in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at ¶ 2; Order of Chancellor Claudia Bonnyman in <i>Tennessee ex rel. Rayburn v. Cooper</i>, Case No. 09-1284-I, filed November 25, 2009 (Ex. D to ’ Request for Judicial Notice in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 24:20-2.]</p>	<p>Objection: Relevance. Hearsay. The <i>Rayburn</i> case has no bearing on any material fact before the Court, is not precedent, and is hearsay.</p> <p>See the State’s Objections to Plaintiffs’ Request for Judicial Notice.</p>
<p>234. In <i>State of Tennessee ex rel. Rayburn v. Cooper</i>, plaintiffs argued it would be extremely difficult for an individual to determine whether they were in a bar or a restaurant.</p> <p>[Amended Complaint for Injunctive and Declaratory Relief in <i>Tennessee ex rel. Rayburn v. Cooper</i>, Case No. 09-1284-I, filed July 6, 2009 (Ex. A to Plaintiffs’ Request for Judicial Notice in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at ¶¶ 93, 97, 99.]</p>	<p>Objection: Relevance. Hearsay. The <i>Rayburn</i> case has no bearing on any material fact before the Court, is not precedent, and is hearsay.</p> <p>See the State’s Objections to Plaintiffs’ Request for Judicial Notice.</p>
<p>235. The court in <i>State of Tennessee ex rel. Rayburn v. Cooper</i> found the statute unconstitutionally vague, reasoning that whether the serving of meals is a business’s principle business is <i>not something that can be known</i> to the ordinary citizen. The court added that inquiry would not suffice to overcome the law’s vagueness.</p> <p>[Order of Chancellor Claudia Bonnyman in <i>Tennessee ex rel. Rayburn v. Cooper</i>, Case No. 09-1284-I, filed November 25, 2009 (Ex. D to Plaintiffs’ Request for Judicial Notice in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at 12:24-13:6.]</p>	<p>Objection: Relevance. Hearsay. The <i>Rayburn</i> case has no bearing on any material fact before the Court, is not precedent, and is hearsay.</p> <p>See the State’s Objections to Plaintiffs’ Request for Judicial Notice.</p>

<p>236. Defendants in <i>State of Tennessee ex rel. Rayburn v. Cooper</i> argued that the law was not vague because there were obvious instances where a patron could determine whether a particular establishment was a “restaurant,” pointing to establishments that only serve food – and no alcohol.</p> <p>[Consolidated Memorandum of Law of Defendant Attorney General Cooper in Opposition to Plaintiffs' Motions for Partial Summary Judgment and in Support of Defendant's Cross-Motion for Judgment on the Pleadings and/or for Summary Judgment in <i>Tennessee ex rel. Rayburn v. Cooper</i>, Case No. 09-1284-I, filed October 2, 2009 (Ex. I to Plaintiffs' Request for Judicial Notice in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief) at pp. 19-20.]</p>	<p>Objection: Relevance. Hearsay. The <i>Rayburn</i> case has no bearing on any material fact before the Court, is not precedent, and is hearsay.</p> <p>See the State's Objections to Plaintiffs' Request for Judicial Notice.</p>
<p>237. In conjunction with Fish and Game Code section 3004.5, the Legislature granted the Fish and Game Commission the authority to certify and publish a list of nonlead ammunition suitable for use in regulated areas. The list of certified nonlead ammunition can be easily accessed at the Commission's website.</p> <p>[California Department of Fish and Game, Certified Nonlead Ammunition Information, http://www.dfg.ca.gov/wildlife/hunting/condor/certifiedammo.html (last visited Nov. 29, 2010) (Ex. E to Plaintiffs' Request for Judicial Notice in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief).]</p>	<p>Objection: Relevance; otherwise undisputed.</p>
<p>238. On December 30, 2009, DOJ published an “Information Bulletin” providing a brief overview of AB 962.</p> <p>[Information Bulletin from California Department of Justice Re: New and Amended Firearm Laws, dated December 30, 2009 (Ex. 8 to Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief).]</p>	<p>Undisputed.</p>

1 239. Defendant DOJ provided notice to all
2 California firearm dealers, including Plaintiffs
3 Herb Bauer Sporting Goods, Inc., that Penal Code
4 section 12061, subdivisions (a)(1) and (2) took
5 effect, and have been force, since January 1, 2010,
6 effective threatening all California firearm dealers
7 with enforcement of those sections.

8 [Information Bulletin from California Department
9 of Justice Re: New and Amended Firearm Laws,
10 dated December 30, 2009 (Ex. 8 to Plaintiffs'
11 Evidence in Support of Motion for Summary
12 Judgment or in the Alternative Summary
13 Adjudication / Trial Brief).]

Undisputed that DOJ published an Information
Bulletin on or about December 30, 2009.

Disputed that the bulletin constituted a “threat
of enforcement.” Plaintiffs mischaracterize the
evidence.

Objection: Secondary Evidence Rule (Evid.
Code §§ 1521 & 1523.) The bulletin provides
the best evidence of its content.

ISSUE NO. 2: THE STATE'S SUPPLEMENTAL UNDISPUTED MATERIAL FACTS IN SUPPORT OF OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, SUMMARY ADJUDICATION

The State also submits the following statement of additional material facts that raise a triable issue with respect to Issue No. 2, together with references to supporting evidence, in opposition to Plaintiffs' Motion.

The State's Supplemental Undisputed Material Facts and Supporting Evidence:	Plaintiffs' Response and Supporting Evidence:
<p>1. Barry Bauer, president of plaintiff Herb Bauer Sporting Goods, testified that in his experience, the following cartridges of ammunition were chambered, or used, more often in a handgun than a rifle: .45 ACP, .45 GAP, 9mm Luger, 10mm Auto, .40 S&W, .25 ACP, and .380 ACP.</p> <p>[State's Compendium of Evidence, Exh. "A," B. Bauer Deposition, pp. 36:18-37:3; 42:1-9; 42:19-43:2; 43:9-17; 43:18-44:2; 44:3-44:20; 49:8-49:19.]</p>	<p>Objection: Relevance; Mischaracterizes the witness's testimony; Vague and ambiguous; Lacks foundation; Calls for expert opinion; Improper lay witness opinion.</p> <p>Subject to the objections raised during the cited portions of the deposition, undisputed that Barry Bauer, President of Herb Bauer Sporting Goods, testified that, in his personal experience, .45 GAP, 9mm Luger, .40 S&W, .25 ACP, and .380 ACP are likely fired more often in a handgun; otherwise disputed.</p> <p>As to .45ACP, Mr. Bauer testified that, in his personal experience, it would "<i>probably</i> be . . . more often done in a handgun," but that he could merely "speculate" because his customers "use [.45 ACP] in all different kinds of guns," both handguns and rifles.</p> <p>Defendants never asked Mr. Bauer to identify the 10mm Auto cartridge. The testimony Defendants cite refers to 10mm S&W, a different cartridge.</p> <p>[Bauer Deposition (Ex. E to Plaintiffs' Evidence in Support of Reply to Defendants' Opposition to Motion for Summary Judgment or in the Alternative for Summary Adjudication / Trial) at 39:11-41:25, 47:25-58:13; Cartridges The State Inquired About Being "Handgun Ammunition" During Depositions (Chart) (Ex. C to Plaintiffs' Evidence in Support of Reply to Defendants' Opposition to Motion for Summary Judgment or in the Alternative for Summary Adjudication / Trial).]</p>
<p>2. Plaintiffs' expert witness, Stephen Helsley, testified that the following cartridges of ammunition were handgun cartridges: .25 ACP, .45 GAP, 9mm Federal, 10mm Auto, .357 SIG,</p>	<p>Objection: Vague and ambiguous as to "handgun cartridges;" it is unclear whether Defendants are referring to the standard relied on in the Challenged Provisions.</p>

1	.44 Auto Mag, and .38 S&W.	
2	[State's Compendium of Evidence, Exh. "D," S.	
3	Helsley Deposition, pp. 129:12-17; 146:1-5;	
4	155:22-156:7; 158:9-17; 159:24-160:1; 163:15-17; 165:2-4; 172:12-14.]	
5	3. Plaintiff Sheriff Clay Parker testified that,	Objection: Relevance; Mischaracterizes the
6	in his experience, the following calibers and	witness's testimony; Vague and ambiguous;
7	cartridges of ammunition were used more often	Lacks foundation; Calls for expert opinion;
8	in handguns: .45 ACP, .40 caliber, .25 ACP, .32	Improper lay witness opinion.
9	ACP, .38 Special, and .380 ACP.	
10	[State's Compendium of Evidence, Exh. "E," C.	Subject to the objections raised during the cited
11	Parker Deposition, pp. 49:3-16; 54:25-55:7;	portions of the deposition, undisputed that
12	55:8-14; 55:15-22; 60:9-14; 61:7-20.]	Sheriff Clay Parker testified that, in his personal
13		experience, .32 ACP and .40 caliber, are likely
14		fired more often in a handgun; otherwise
15		disputed.
16		As to .25 ACP, Sheriff Parker states only that he
17		has "seen it shot" more often in a handgun, not
18		that it is actually used more often handguns.
19		As to .45 ACP, Sheriff Parker says not that it is
20		used more often in handguns, but that "[t]oday
21		in California, [it] is <i>probably</i> shot in more
22		handguns."
23		As to .38 Special, Sheriff Parker says not that it
24		is used more often in handguns, but that he has
25		"principally seen [it] fired out of a handgun."
26		Defendants never asked Sheriff Parker to
27		identify .380 ACP. The testimony Defendants
28		cite refers to ".380," without specifying a
		cartridge.
		[Parker Deposition (Ex. G to Plaintiffs' Evidence in Support of Reply to Defendants' Opposition to Motion for Summary Judgment or in the Alternative for Summary Adjudication / Trial) at 49:15-16, 55:8-14, 61:7-13, 49:15-62:1; Cartridges The State Inquired About Being "Handgun Ammunition" During Depositions (Chart) (Ex. C to Plaintiffs' Evidence in Support of Reply to Defendants' Opposition to Motion for Summary Judgment or in the Alternative for Summary Adjudication / Trial).]

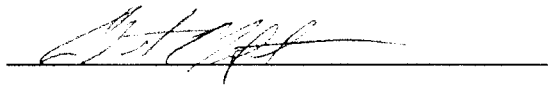
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	<p>4. Plaintiff Stephen Stonecipher testified that, in his experience, the following cartridges were chambered, or used, more often in handguns: .45 ACP, .380 ACP, 9mm Luger, 10mm, .40 S&W, .25 ACP, .32 ACP, .357 SIG, .454 Casull.</p> <p>[State's Compendium of Evidence, Exh. "E," S. Stonecipher Deposition, pp. 43:6-14; 43:18-22; 48:16-19; 52:1-24; 53:3-7; 53:11-15; 53:19-22; 54:1-5; 55:1-5; 56:23-57:1; 57:6-11.]</p>	<p>Objection: Relevance; Mischaracterizes the witness's testimony; Vague and ambiguous; Lacks foundation; Calls for expert opinion; Improper lay witness opinion.</p> <p>Subject to the objections raised during the cited portions of the deposition, undisputed that Stephen Stonecipher testified that, in his personal experience, .45 ACP, .380 ACP, .40 S&W, .25 ACP, .32 ACP, and .357 SIG, are likely fired more often in a handgun; otherwise disputed.</p> <p>Mr. Stonecipher testifies that, in his experience, 9mm Luger is chambered more often in a handgun, only after first explaining that he and his friends "prefer to shoot" the 9mm long gun.</p> <p>Defendants did not ask Mr. Stonecipher to identify "10mm," generally. The testimony cited refers more specifically to "ten-millimeter Smith and Wesson."</p> <p>Mr. Stonecipher did not identify .454 Casull as a cartridge chambered more often in handguns. He said only this: "It's chambered for both and I have both, <i>but I probably shoot the handgun more.</i>"</p> <p>[Stonecipher Deposition (Ex. D to Plaintiffs' Evidence in Support of Reply to Defendants' Opposition to Motion for Summary Judgment or in the Alternative for Summary Adjudication / Trial) at 50:10-23, 57:3-11, 39:11-51:10; Cartridges The State Inquired About Being "Handgun Ammunition" During Depositions (Chart) (Ex. C to Plaintiffs' Evidence in Support of Reply to Defendants' Opposition to Motion for Summary Judgment or in the Alternative for Summary Adjudication / Trial).]</p>
22 23 24 25 26 27 28	<p>5. Barry Bauer, president of plaintiff Herb Bauer Sporting Goods, testified that no one from the California Department of Justice, federal Bureau of Alcohol, Tobacco, Firearms and Explosives, the Fresno County Sheriff's Office, the Fresno County District Attorneys' Office, or the Fresno City Police Department have enforced sections 12060, 12061, or 12318 of the Penal Code against the company, or threatened to do so.</p> <p>[State's Compendium of Evidence, Exh. "A," B. Bauer Deposition, pp. 117:3-119:6.]</p>	<p>Objection: Relevance.</p> <p>Undisputed.</p>

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<p>6. Plaintiff Sheriff Clay Parker testified that he has never visited a gun dealer or ammunition vendor in Tehama County to determine compliance with California's gun laws, opting instead to allow the California Department of Justice handle such enforcement duties.</p> <p>[State's Compendium of Evidence, Exh. "E," C. Parker Deposition, pp. 42:6-15; 42:20-43:7.]</p>	<p>Objection: Relevance.</p> <p>Undisputed.</p>
<p>7. Plaintiff Sheriff Clay Parker testified that he did not research, visited no websites, and read no books to try to determine what ammunition might be considered handgun ammunition or "antique ammunition" within the meaning of AB 962.</p> <p>[State's Compendium of Evidence, Exh. "E," C. Parker Deposition, pp. 44:20-23; 45:14-47:20.]</p>	<p>Objection: Relevance.</p> <p>Undisputed.</p>

Dated: January 7, 2011

Respectfully Submitted,
MICHEL & ASSOCIATES, P.C.



Clinton Monfort
Attorney for Plaintiffs

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA
3 COUNTY OF FRESNO

4 I, Claudia Ayala, am employed in the City of Long Beach, Los Angeles County, California. I
5 am over the age eighteen (18) years and am not a party to the within action. My business address is
6 180 East Ocean Blvd., Suite 200, Long Beach, California 90802.

7 On January 7, 2011, I served the foregoing document(s) described as

8 **STIPULATED SUPPLEMENTAL SEPARATE STATEMENT OF
9 UNDISPUTED FACTS IN SUPPORT OF OPPOSITION TO PLAINTIFFS'
10 MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE SUMMARY
11 ADJUDICATION / TRIAL BRIEF**

12 on the interested parties in this action by placing
13 [] the original
14 [X] a true and correct copy
15 thereof enclosed in sealed envelope(s) addressed as follows:

16 Edmund G. Brown, Jr.
17 Attorney General of California
18 Zackery P. Morazzini
19 Supervising Deputy Attorney General
20 Peter A. Krause
21 Deputy Attorney General (185098)
22 1300 I Street, Suite 125
23 P.O. Box 944255
24 Sacramento, CA 94244-2550

25 (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and
26 processing correspondence for mailing. Under the practice it would be deposited with the U.S.
27 Postal Service on that same day with postage thereon fully prepaid at Long Beach, California,
28 in the ordinary course of business. I am aware that on motion of the party served, service is
presumed invalid if postal cancellation date is more than one day after date of deposit for
mailing an affidavit.
Executed on January 7, 2011, at Long Beach, California.

29 X (OVERNIGHT MAIL) As follows: I am "readily familiar" with the firm's practice of
30 collection and processing correspondence for overnight delivery by UPS/FED-EX. Under the
31 practice it would be deposited with a facility regularly maintained by UPS/FED-EX for receipt
32 on the same day in the ordinary course of business. Such envelope was sealed and placed for
33 collection and delivery by UPS/FED-EX with delivery fees paid or provided for in accordance
34 with
35 Executed on January 7, 2011, at Long Beach, California.

36 X (STATE) I declare under penalty of perjury under the laws of the State of California that the
37 foregoing is true and correct.

38 (FEDERAL) I declare that I am employed in the office of the member of the bar of this court
at whose direction the service was made.

39 CLAUDIA AYALA

Attorneys for Plaintiffs/Petitioners

SHERIFF CLAY PARKER, TEHAMA COUNTY SHERIFF; HERB BAUER SPORTING GOODS; CALIFORNIA RIFLE AND PISTOL ASSOCIATION FOUNDATION; ABLE'S SPORTING, INC.; RTG SPORTING COLLECTIBLES, LLC; AND STEVEN STONECIPHER,

VS.

Defendants and Respondents.

) Date: January 18, 2011
) Time: 8:30 a.m.
) Location: Dept. 402
) Judge: Hon. Jeffrey Y. Hamilton
)
) Action Filed: June 17, 2010

DECLARATION OF CLINTON B. MONFORT

I, Clinton B. Monfort, declare as follows:

1. I am an attorney licensed to practice law before the courts of the State of California. I am an associate attorney of the law firm Michel & Associates, P.C. I am an attorney of record for Plaintiffs in this action and I have personal knowledge of each fact stated in this declaration.

2. On or about December 29, 2010, our office engaged in communications with Defendants' counsel, Peter A. Krause, about how Plaintiffs should address the issue of utilizing testimony from witnesses deposed subsequent to the filing of Plaintiffs' Motion for Summary Judgment as a result of the shortened briefing schedule negotiated between the parties with the participation of the Court. Plaintiffs' concern was that Plaintiffs would not have access to deposition testimony that Defendants were able to rely on in their Opposition, as Plaintiffs counsel could not reasonably anticipate every possible argument in support of Defendants' opposition and submit a declaration from every witness encompassing everything that might be asked during Defendants' deposition of Plaintiffs and their expert. The parties stipulated that Plaintiffs would not introduce evidence to support any novel arguments, but could do so to counter arguments and testimony relied upon by Defendants in their Opposition. Attached hereto as Exhibit "A" is a true and accurate copy of the e-mail chain between the parties' counsel discussing the use of additional testimony not lodged in support of Plaintiffs' Motion for Summary Judgment due to the unique timing and nature of this proceeding.

3. In light of the parties' stipulation on or about December 29, 2010 to allow the use of additional deposition testimony by Plaintiffs, a true and accurate "Stipulated Supplemental Separate Statement of Undisputed Facts" is filed concurrently herewith.

4. For the convenience of the court, Plaintiffs have prepared a chart documenting the ammunition Defendants identified as "handgun ammunition" throughout this litigation. A true and accurate chart titled "Various Lists of Ammunition Defendants Consider 'Handgun Ammunition'" that reflects testimony given by Defendants and their expert witness, Blake Graham, in Response to Plaintiffs' Special Interrogatories, Set One, during the Deposition of Blake Graham, and provided in the Declaration of Blake Graham in support of Defendants' Opposition to Plaintiffs' Motion for

1 Summary Judgment / Trial brief, which documents Defendants' testimony about what ammunition
2 they consider "handgun ammunition" is attached hereto as Exhibit "B."

3 5. In support of Defendants' Opposition to Plaintiffs' Motion for Summary Judgment,
4 Defendants lodged with the court excerpts of deposition testimony of Plaintiffs Herb Bauer Sporting
5 Goods Person Most Qualified / Barry Bauer, Sheriff Clay Parker, Plaintiff Steven Stonecipher, and
6 Plaintiffs' expert witness, Steven Helsley. As Defendants' Opposition, Supporting Separate
7 Statement, and Compendium of Evidence filed in support of Defendants' Opposition refer to
8 testimony provided by each of these witnesses about whether each believes various cartridges are used
9 more often in a handgun in their experience, Plaintiffs have assembled a chart for the Court's
10 convenience documenting the answers provided by each of these witnesses in one document. A true
11 and accurate chart documenting these deponents' responses by Plaintiffs and their expert witness titled
12 "Cartridges the State Inquired About Being 'Handgun Ammunition' During Depositions" is attached
13 hereto as Exhibit "C."

14 6. Pursuant to the stipulation of the parties, excerpts from the certified Deposition
15 Transcript of Steven Stonecipher is attached hereto as Exhibit "D" in Support of Plaintiffs' Motion for
16 Summary Judgment or in the Alternative Summary Adjudication / Trial Brief. I attended the
17 deposition, which was taken on December 13, 2010, and can state that the transcript accurately reflects
18 the testimony provided on each page filed with the Court in support of Plaintiffs' Motion.

19 7. Pursuant to the stipulation of the parties, excerpts from the certified Deposition
20 Transcript of Barry Bauer, President and the Person Most Qualified for Plaintiff Herb Bauer Sporting
21 Goods, Inc., are attached hereto as Exhibit "E" in Support of Plaintiffs' Motion for Summary
22 Judgment or in the Alternative Summary Adjudication / Trial Brief. I attended the deposition, which
23 was taken on December 14, 2010, and can state that the transcript accurately reflects the testimony
24 provided on each page filed with the Court in support of Plaintiffs' Motion.

25 8. Pursuant to the stipulation of the parties, excerpts from the certified Deposition
26 Transcript of Steven Helsley, are attached hereto as Exhibit "F" in Support of Plaintiffs' Motion for
27 Summary Judgment or in the Alternative Summary Adjudication / Trial Brief. I attended the
28

1 deposition, which was taken on December 16, 2010, and can state that the transcript accurately reflects
2 the testimony provided on each page filed with the Court in support of Plaintiffs' Motion.

3 9. Pursuant to the stipulation of the parties, excerpts from the certified Deposition
4 Transcript of Clay Parker are attached hereto as Exhibit "G" in Support of Plaintiffs' Motion for
5 Summary Judgment or in the Alternative Summary Adjudication / Trial Brief. I attended the
6 deposition telephonically in Long Beach California, which was taken on December 21, 2010, by
7 Defendants telephonically at their offices in Sacramento, CA, and can state that the transcript
8 accurately reflects the testimony provided on each page filed with the Court in support of Plaintiffs'
9 Motion.

10 12. Defendants' expert witness, Blake Graham, submitted a declaration in support of
11 Defendants Opposition to Plaintiffs' Motion for Summary Judgment / Trial Brief. Defendants have
12 also lodged portions of the deposition transcript of Blake Graham, Volumes I and II, taken on
13 December 1st and 2nd, 2010. Plaintiffs have filed objections to Mr. Graham's testimony on grounds
14 that it lacks foundation and that Mr. Graham lacks qualification to testify as an expert. In support of
15 Plaintiffs' Objections to Defendant's Evidence Offered in Opposition to Motion for Summary
16 Judgment / Trial Brief, excerpts from the volume one and two of the certified deposition transcripts of
17 Defendants' lay / expert witness, Blake Graham, are attached as Exhibit "H" and "I," respectively. I
18 attended the deposition, which was taken on December 1st and 2nd, 2010. I can state that the transcripts
19 accurately reflects the testimony provided during the deposition as to each page of testimony filed with
20 the Court. Plaintiffs will lodge copies of the relevant portions of volume one and two of certified
21 deposition transcripts Blake Graham corresponding to the portions of the rough final drafts previously
22 filed in support of Plaintiffs' moving papers by Tuesday, January 11, 2011.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

13. On January 6, 2011 I visited the Able's Ammo website catalog found at www.ableammo.com.catalog. Attached hereto as Exhibit "J" is a true and accurate printout of the Able's catalogue page found on its website that was downloaded and printed on January 6, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: January 7, 2011


Clinton B. Monfort

EXHIBIT A


Clint B. Monfort

From: Clint B. Monfort
Sent: Wednesday, December 29, 2010 12:22 PM
To: 'Peter Krause'
Subject: RE: Evidence and Separate Statements

I think your proposal is fine. Our intent isn't to surprise you and make new arguments, we just want to make sure we have the ability to use different portions of the same depositions in accordance with the Rule of Completeness found in Cal. Evid. Code section 365, which provides that "if part of an act, declaration, conversation, or writing is introduced into evidence by one party, an adverse party is entitled to introduce any portion of the remainder that relates to the same subject involved in the part admitted."

It doesn't sound like we will need to file a motion. I know you are busier than me this week so give me a call at your convenience if you want to discuss further.

Thanks,

<p>Clint B. Monfort Attorney</p>  <p>MICHEL & ASSOCIATES, P.C. Attorneys at Law Firearms - Environmental - Land Use - Employment Law</p>	<p>Direct: (562) 216-4456 Main: (562) 216-4444 Fax: (562) 216-4445 Email: CMonfort@michellawyers.com Web: www.michellawyers.com</p> <p>180 E. Ocean Blvd. Suite 200 Long Beach, CA 90802</p>
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From: Peter Krause [mailto:Peter.Krause@doj.ca.gov]
Sent: Wednesday, December 29, 2010 11:15 AM
To: Clint B. Monfort
Subject: RE: Evidence and Separate Statements

You like to remind me about that, don't you?

Just give me a call. It could be that we can avoid a motion.


>>> "Clint B. Monfort" <CMonfort@michellawyers.com> 12/29/2010 11:06 AM >>>

Let me run this up the flagpole. I don't want to drag this out and its irrelevant now but for the record if we negotiated a shortened briefing schedule initially (avoiding a MPI) we would have had all depositions done on both sides before our MSJ was due.

Our one expert, Steven Helsley, was identified well before our motion was due and we didn't designate any others.

You're proposition might work but its tough to say without seeing your opposition first.

Let me discuss with Chuck and give you a final answer.

Clint B. Monfort Attorney  MICHEL & ASSOCIATES, P.C. Attorneys at Law Firearms - Environmental - Land Use - Employment Law	Direct: (562) 216-4456 Main: (562) 216-4444 Fax: (562) 216-4445 Email: CMonfort@michellawyers.com Web: www.michellawyers.com 180 E. Ocean Blvd. Suite 200 Long Beach, CA 90802
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From: Peter Krause [mailto:Peter.Krause@doj.ca.gov]

Sent: Wednesday, December 29, 2010 10:58 AM

To: Clint B. Monfort

Cc: Zackery Morazzini

Subject: RE: Evidence and Separate Statements

Clint,

As I told you before, I am not trying to make your life difficult. This issue is not about the State's defense; it is about Plaintiffs' affirmative case and the evidence that you chose to elicit from your witnesses in support of your summary judgment motion.

There was no delay in deposing witnesses. Plaintiffs agreed to proceed on the compressed schedule offered by the Court, which included a December 20 deposition cutoff. You knew for a long time that the State was not going to take depositions until we knew who your summary judgment declarants would be and what they had to say. We did not learn the identities of your declarants until December 6. Plaintiffs even refused to even identify their experts until December 6 despite repeated requests.

In the end, this is about fairness. The State should not be required to waive its right to rebut evidence from your own witnesses that was not introduced with the moving papers, as specifically provided by section 437c.

As you can imagine, I am very busy this week and cannot devote any more time to this exchange. The only other offer I can make is the following: The State intends to identify a handful of supplemental undisputed material facts in its opposition. You can use any deposition testimony you like to rebut those facts.

If none of the State's offers are acceptable to Plaintiffs, then all I can suggest is that Plaintiffs take whatever actions they are going to take and the State will file appropriate objections.

Please call me if you'd like to talk about exactly what Plaintiffs intend to submit on reply.

Peter

Peter A. Krause
 Deputy Attorney General
 Office of the Attorney General
 Civil Division, Government Law Section
 1300 I Street
 Sacramento, CA 95814

Telephone: (916) 324-5328
Fax: (916) 324-8835


>>> "Clint B. Monfort" <CMonfort@michellawyers.com> 12/28/2010 10:30 AM >>>
Peter,

That is unfortunate. I understand the spirit of summary judgment rules, but the only moving target here has been the states' defense. We cannot possibly anticipate every possible argument in support of Defendants' opposition and then submit a "catch all" declaration from every witness covering everything that might be asked in a deposition. I'm surprised you would suggest that as an option. It is more than reasonable for plaintiffs to have access to deposition testimony that defendants have access to. The only thing that prevented it was Defendants' delay in deposing our witnesses which plaintiffs have made available since September.

As for your proposals, filing an amended separate statement will not burden or prejudice your clients as Plaintiffs will not be making any new arguments, but will be using it to counter potential arguments the state might make that are based on the recent deposition testimony. Moving the deadline back at this juncture is simply not an option as you are well aware.

I didn't expect this to be an issue. Hopefully this clears up your concerns and sheds some light on the issue. If the state still plans to object please let me know so that we can seek appropriate relief from the court.

Thanks,

Clint B. Monfort Attorney	Direct: (562) 216-4456 Main: (562) 216-4444 Fax: (562) 216-4445 Email: CMonfort@michellawyers.com Web: www.michellawyers.com
 MICHEL & ASSOCIATES, P.C. Attorneys at Law Firearms • Environmental • Land Use • Employment Law	180 E. Ocean Blvd. Suite 200 Long Beach, CA 90802

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From: Peter Krause [mailto:Peter.Krause@doj.ca.gov]

Sent: Tuesday, December 28, 2010 9:58 AM

To: Clint B. Monfort

Cc: Kimberly Graham; Zackery Morazzini

Subject: Re: Evidence and Separate Statements

Clint,

In response to your e-mail below, the State will object to the introduction of new evidence on reply.

The summary judgment statutes and case law make it very clear that the moving party has to introduce all relevant evidence with the moving papers and may not rely upon new evidence introduced for the first time on reply. This rule is based on concepts of fairness and due process.

You say in your e-mail that Plaintiffs "didn't have access to this evidence when [we] filed our motion." That is false. The "new" evidence you want to introduce is testimony from your *own clients*, not third parties you haven't had access to until recently. If Plaintiffs wanted to elicit more or different information from them, you had every opportunity to do so and to include it in a declaration.

I hope that you appreciate that the State is not taking this position to be difficult. The evidence lodged in support of a summary judgment motion cannot be a moving target. We are preparing our opposition papers and evidentiary objections based upon the arguments and evidence served on December 6. Plaintiffs had every opportunity to obtain full and complete declarations from their witnesses and the State should not be asked to bear the burden of Plaintiffs' failure to elicit whatever "new" evidence they think was brought out in our depositions of your witnesses.

In light of the above, I see only two equitable options: (1) proceed with the existing evidence and, if the summary judgment motion is denied, introduce the testimony in the bench trial phase of the case, or (2) file and serve an amended separate statement and stipulate to continue the State's opposition deadline (and the hearing/trial date) to allow us to respond to your new arguments and supporting evidence. If you can think of another option that will not prejudice the State, please let me know.

Peter

Peter A. Krause
Deputy Attorney General
Office of the Attorney General
Civil Division, Government Law Section
1300 I Street
Sacramento, CA 95814
Telephone: (916) 324-5328
Fax: (916) 324-8835

>>> "Clint B. Monfort" <CMonfort@michellawyers.com> 12/21/2010 6:20 PM >>>

Peter,

Glad we have all of the depositions behind us. What a whirlwind of depositions that was. Anyway, I wanted to discuss how we should deal with introduction of evidence in your Opposition and our Reply. Obviously there was testimony provided by our Plaintiffs and expert that we will want to use in our reply brief since we didn't have access to this evidence when we filed our Motion.

Without knowing how you are going to present your evidence in your separate statement, my initial thoughts are that we will file an amended separate statement that will include relevant testimony from the recent depositions. Just want to make sure that you won't object to this and that we don't need to file any sort of motion with the court to introduce new evidence.

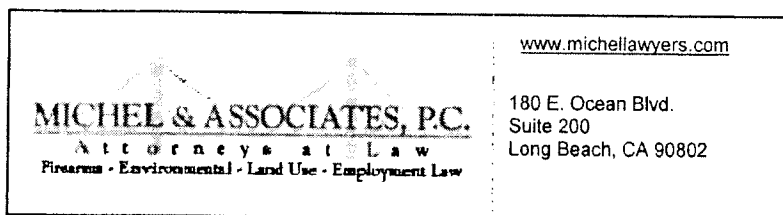
Please let me know at your earliest convenience. I'll be out traveling tomorrow through next Monday for Christmas but will have access to my work e-mail sporadically.

Hope you have a nice Christmas and get lots of ammo in your stocking.

Clint

Clint B. Monfort
Attorney

Direct: (562) 216-4456
Main: (562) 216-4444
Fax: (562) 216-4445
Email:
CMonfort@michellawyers.com
Web:



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EXHIBIT B

VARIOUS LISTS OF AMMUNITION DEFENDANTS CONSIDER “HANDGUN AMMUNITION”

State’s Response to Plaintiffs’ First Set of Special Interrogatories	State Expert’s Deposition Testimony about What Ammunition is “Handgun Ammunition” Per Request of the Legislature	Cartridges the State Inquired about being Handgun Ammunition during Depositions of Plaintiffs and Plaintiffs’ Expert	Cartridges Listed in the State’s Expert’s Declaration in Support of Defendants’ Opposition	Additional Cartridges the State’s Expert Listed during Deposition Testimony
.25 ¹ .32 ² .357 ³ .380 ⁴ .40 ⁵ .45 ⁶ 9mm ⁷ 10mm ⁸	maybe .223 ⁹ .25 ¹⁰ .357 ¹¹ .38 ¹² .380 ¹³ .40 ¹⁴ .45 ¹⁵ possibly .454 ¹⁶ possibly 7.62 ¹⁷ 9mm ¹⁸ 10mm ¹⁹	.25 ACP ²⁰ .32 ACP ²¹ .357 Mag ²² .357 SIG ²³ .38 S&W ²⁴ .38 Special ²⁵ .38 (Super) Auto ²⁶ .380 ²⁷ .380 ACP ²⁸ .380 Revolver ²⁹ .40 ³⁰ .40 S&W ³¹ .44 Auto Mag ³² .44 Remington Mag ³³ .44 Special ³⁴ .45 ACP ³⁵ .45 GAP ³⁶ .454 Casull ³⁷ 9mm Federal ³⁸ 9mm Long ³⁹ 9mm Luger ⁴⁰ 9mm Mauser ⁴¹ 10mm Auto ⁴² 10mm S&W ⁴³	.25 ACP ⁴⁴ .32 ACP ⁴⁵ .357 Mag ⁴⁶ .357 SIG ⁴⁷ .38 Special ⁴⁸ .38 Super ⁴⁹ .380 ACP ⁵⁰ .40 S&W Auto ⁵¹ .44 Remington Mag ⁵² .44 S&W Special ⁵³ .44 Auto Mag ⁵⁴ .45 ACP ⁵⁵ .45 GAP ⁵⁶ .454 Casull ⁵⁷ 9mm Luger ⁵⁸ 10mm Auto ⁵⁹	.25 NAA ⁶⁰ .256 Win Mag ⁶¹ .32 S&W ⁶² .32 Short Colt ⁶³ .45 Long Colt ⁶⁴ 9mm Mauser ⁶⁵

1. *See* Defs.’ Resp. to Pls.’ Specially Prepared Interrogatories, Set One at 5:21-22.

2. *Id.*

3. *Id.*
4. *Id.*
5. *Id.*
6. *Id.*
7. *Id.*
8. *Id.*
9. *See* Graham Depo. vol. 1, 103:18-104:3, Dec. 1, 2010.
10. *Id.*
11. *Id.*
12. *Id.*
13. *Id.*
14. *Id.*
15. *Id.*
16. *Id.*
17. *Id.*
18. *Id.*
19. *Id.*
20. *See* Bauer Depo. 44:6-11, Dec. 14, 2010; Parker Depo. 55:8-14, Dec. 21, 2010; Stonecipher Depo. 53:19-22, Dec. 13, 2010; Helsley Depo. 129:12-16, Dec. 16, 2010.
21. *See* Bauer Depo. 44:15-20; Parker Depo. 55:15-56:3; Stonecipher Depo. 54:1-5; Helsley Depo. 161:2-18.
22. *See* Bauer Depo. 44:22-45:5; Parker Depo. 56:7-21; Stonecipher Depo. 54:9-23; Helsley Depo. 161:19-22.
23. *See* Bauer Depo. 45:18-20; Stonecipher Depo. 55:1-5; Helsley Depo. 163:2-18.
24. *See* Parker Depo. 61:14-20; Helsley Depo. 172:8-14.
25. *See* Bauer Depo. 50:24-51:10; Parker Depo. 61:7-13; Stonecipher Depo. 58:3-13; Helsley Depo. 170:17-172:7.

26. *See* Parker Depo. 61:21-62:1; Helsley Depo. 172:15-173:12.
27. *See* Parker Depo. 59:5-60:14.
28. *See* Bauer Depo. 49:8-49; Stonecipher Depo. 56:23-57:1; Helsley Depo. 167:10-168:20.
29. *See* Parker Depo. 59:5-60:14; Helsley Depo. 165:24-167:2.
30. *See* Parker Depo. 52:15-55:7.
31. *See* Bauer Depo. 43:21-44:2; Stonecipher Depo. 53:11-15; Helsley Depo. 160:2-10.
32. *See* Bauer Depo. 45:23-46:3; Parker Depo. 57:15-23; Stonecipher Depo. 55:23-56:7; Helsley Depo. 164:23-165:4.
33. *See* Helsley Depo. 165:5-15.
34. *See* Bauer Depo. 47:5-19; Stonecipher Depo. 56:13-20; Helsley Depo. 163:18-164:12.
35. *See* Bauer Depo. 39:11-41:25; Parker Depo. 49:15-16; Stonecipher Depo. 47:25-48:19; Helsley Depo. 151:5-155:21.
36. *See* Bauer Depo. 42:1-9; Parker Depo. 49:17-50:1; Stonecipher Depo. 48:23-49:2; Helsley Depo. 155:22-156:7.
37. *See* Bauer Depo. 49:23-50:6; Parker Depo. 60:15-61:6; Stonecipher Depo. 57:3-11; Helsley Depo. 168:21-170:15.
38. *See* Helsley Depo. 158:9-17.
39. *See* Bauer Depo. 42:13-18:6; Stonecipher Depo. 49:12-21.
40. *See* Bauer Depo. 42:22-43:2; Parker Depo. 50:2-52:2; Stonecipher Depo. 50:10-23; Helsley Depo. 156:8-157:18.
41. *See* Helsley Depo. 158:18-159:4.
42. *See* Parker Depo. 52:3-14; Helsley Depo. 159:24-160:1.
43. *See* Bauer Depo. 43:12-17:6; Parker Depo. 53:3-7.
44. *See* Declaration of Blake Graham Supp. Defs.' Opp. to Pls.' Summ. J Mot. at ¶ 12.
45. *Id.*
46. *Id.*
47. *Id.*

48. *Id.*

49. *Id.*

50. *Id.*

51. *Id.*

52. *Id.*

53. *Id.*

54. *Id.*

55. *Id.*

56. *Id.*

57. *Id.*

58. *Id.*

59. *Id.*

60. *See* Graham Depo. vol. 1, 133:17-21.

61. *See id.* at 132:23-133:1.

62. *See id.* at 136:6-8.

63. *See id.* at 137:3-5.

64. *See id.* at 153:13-23.

65. *See id.* at 172:22-173:1-2.

EXHIBIT C

CARTRIDGES THE STATE INQUIRED ABOUT BEING "HANDGUN AMMUNITION" DURING DEPOSITIONS ¹				
TYPE	BAUER	PARKER	STONECIPHER	HELSLEY
.25 ACP	Handgun 44:6-11	"I've seen it shot in both the long gun and handgun, but more often in a handgun." 55:8-14	Handgun 53:19-22	"I've never seen a rifle that was chambered for .25 ACP cartridge." 129:12-16
.32 ACP	Handgun 44:15-20	Definitely handgun 55:15-56:3	Handgun 54:1-5	Not handgun 161:2-18
.357 MAG.	"Goes both ways." 44:24-45:5	50/50 56:7-21	50/50 54:9-23	Not handgun 161:19-22
.357 SIG	Unfamiliar 45:18-20	***	Handgun 55:1-5	Handgun 163:10-17
.38 S&W	***	Handgun 61:14-20	***	Handgun 172:8-14
.38 SPECIAL	50/50 50:24-51:10	Handgun 61:7-13	50/50 58:3-13	Both handgun and long gun 170:17-172:7
.38 (Super) Auto	***	Unfamiliar 61:21-62:1	***	Handgun 172:15-173:12
.380	***	Handgun, 59:5-60:14	***	***
.380 ACP	Handgun 49:8-19	***	Handgun 56:23-57:1	Not handgun 167:10-168:20
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¹ All citations contained within this chart are to pin cites of the designated party's deposition transcript.

*** = Not asked of this deponent

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Deposition of Steven Stonecipher

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2 WITNESS: STEVEN STONECIPHER

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Deposition of Steven Stonecipher

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 COUNTY OF FRESNO

3 -oOo-

4

5 SHERIFF CLAY PARKER, TEHAMA)
6 COUNTY SHERIFF; HERB BAUER)
7 SPORTING GOODS; CALIFORNIA)
8 RIFLE AND PISTOL ASSOCIATION;)
9 ABLE'S SPORTING, INC.; RTG)
10 SPORTING COLLECTIBLES, LLC;)
11 AND STEVEN STONECIPHER,)

No. 10CECG02116

12 Plaintiffs and Petitioners,)

13 vs.)

14 THE STATE OF CALIFORNIA; JERRY)

15 BROWN, IN HIS OFFICIAL)

16 CAPACITY AS ATTORNEY GENERAL)

17 FOR THE STATE OF CALIFORNIA;)

18 THE CALIFORNIA DEPARTMENT OF)

19 JUSTICE, AND DOES 1-25,)

20 Defendants and Respondents.)

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Deposition of Steven Stonecipher

1 APPEARANCES OF COUNSEL:

2 For the Plaintiffs and Petitioners:

3 MICHEL & ASSOCIATES
4 By: Joshua R. Dale
5 Co-Counsel: Sean A. Brady and Clint B. Monfort
6 180 East Ocean Boulevard, Suite 200
7 Long Beach, California 90802

8 For the Defendants and Respondents:

9 STATE OF CALIFORNIA DEPARTMENT OF JUSTICE
10 By: Kimberly Graham
11 1300 "I" Street, Suite 1101
12 Sacramento, California 94244-2550

13

14 -oOo-

15 STEVEN STONECIPHER,

16 called as a witness herein, having

17 been heretofore duly sworn,

18 testified as follows:

19 -oOo-

20

21 EXAMINATION BY MS. GRAHAM

22 MS. GRAHAM: Q Good afternoon, Mr. Stonecipher. I
23 wanted to extend my apologies on the record, I'm sorry
24 also to Counsel, that I had noticed the wrong time on
25 your deposition and I do apologize for the inconvenience
on that. I realize that you are extremely busy and I
apologize profusely for that. That's not the way I
practice and I apologize very much.

1 ambiguous. Again, I don't know, are you asking him
2 about his experience as it relates to observing the
3 public or his experience as it relates to him using a
4 particular ammunition?

5 MS. GRAHAM: Q Do you consider, when you go out
6 and fire handguns at a shooting range -- or have you
7 ever shot handguns and long guns at a shooting range?

8 A Yes.

9 Q And do you, while you're there, observe what
10 other persons around you are shooting?

11 A In some cases.

12 Q Do you often attend -- do you, at some point,
13 attend shooting ranges with friends and family?

14 A No, I have a private shooting range.

15 Q It's on your property?

16 A Yes.

17 Q Do you invite friends and family over to your
18 home to shoot at your private shooting range?

19 A Yes.

20 Q Would you consider those observations that
21 you've made with people coming over to shoot at your
22 private shooting range part of your firearms
23 experience?

24 A Yes.

25 Q So based on your own personal experience with

1 firearms and the experience that you just described
2 with respect to people coming over to shoot at your
3 private shooting range, would you agree that 45 ACP
4 ammunition is more often used in a handgun than in a
5 long gun?

6 MR. DALE: I'm going to object again, it calls for
7 speculation. It's also not relevant and not likely to
8 lead to the discovery of admissible evidence, as much
9 as his experience in viewing how many people shooting
10 handgun ammunition, probably doesn't give him a
11 foundation to testify.

12 If you understand the question, go ahead and
13 answer.

14 THE WITNESS: I have both. I have rifles and
15 handguns that shoot it and we shoot both in 45 ACP.

16 MS. GRAHAM: Q Would you consider the 45 ACP,
17 based on your experience with firearms, is most often
18 shot out of a handgun or a long gun?

19 A Out of a handgun.

20 Q Have you ever heard of the cartridge of 45
21 GAP, which is Glock Action Pistol?

22 A Uh-huh.

23 Q Based on your experience with firearms as
24 we've described, would you agree that 45 GAP ammunition
25 is more often fired out of a chamber in a handgun than

1 a long gun?

2 A I have never shot one.

3 Q You might want to give your attorney a little
4 bit of time to do his objection, if that's okay. Okay?

5 A Sorry.

6 MR. DALE: That's okay.

7 MS. GRAHAM: Q That's okay. Because you can hear
8 that --

9 MR. DALE: She can see me ready to pounce, claws
10 out.

11 THE WITNESS: I'll let you do your disagreement.

12 MS. GRAHAM: Q Based on your firearms experience
13 that we've described, would you agree that
14 nine-millimeter long gun ammunition is more often shot
15 out of a handgun than out of a long gun?

16 MR. DALE: I'm going to object. Calls for
17 speculation.

18 Go ahead.

19 THE WITNESS: I would say that's about 50/50. I
20 actually have a couple nine-millimeter rifles that
21 people like to shoot more than the pistols, but...

22 MS. GRAHAM: Q Okay. Are you familiar with the
23 9 by 19 Luger cartridge?

24 A Yes.

25 Q Based on your experience, would you agree that

1 the 9 by 19 Luger cartridge is more often chambered in
2 a handgun than in a long gun?

3 MR. DALE: I'm going to object, it calls for
4 speculation. It's also not relevant nor likely to lead
5 to the discovery of admissible evidence.

6 THE WITNESS: I'm just referring to the 9 by 9 -- I
7 mean the nine-millimeter Lugers, not the 9 by 19.

8 MS. GRAHAM: Q Okay, so the nine-millimeter Luger?

9 A Uh-huh.

10 Q Would you, based on your experience, consider
11 that cartridge, the nine-millimeter Luger, to be more
12 often chambered in a handgun than a long gun?

13 MR. DALE: Same objection. It also calls for
14 expert opinion.

15 THE WITNESS: Like I say, I've got both and, like I
16 say, the long gun, that's what my friends prefer to
17 shoot as opposed to the pistol, or myself, so.

18 MS. GRAHAM: Q So based on your experience, you
19 would say that -- what would your answer be to the
20 question of would the nine-millimeter Luger more often
21 be shot or chambered in a long gun or in a handgun?

22 MR. DALE: Same objection.

23 THE WITNESS: It's chambered more in a handgun.

24 MR. DALE: And a belated objection, it's also vague
25 and ambiguous as to "chambered in."

1 If you understand that she's talking about
2 volume or -- if you understand.

3 MS. GRAHAM: Q With the phrase "chambered in a
4 handgun" or "chambered in a long gun," what is your
5 understanding of that phrase?

6 A When it's actually loaded.

7 Q So can we agree that when I say "chambered in
8 a handgun or long gun" that's our understanding of what
9 "chambered" is?

10 A Yes.

11 Q Are you familiar with the nine-millimeter
12 Parabellum?

13 A Yes.

14 Q And is that a nine-millimeter cartridge?

15 A Yes.

16 Q Based on your experience --

17 A Well, it's 357. The diameter of the bore
18 again or the -- it's 357 diameter, but it's a
19 nine-millimeter case.

20 Q Case. So --

21 A Cartridge.

22 Q Okay, so my unfamiliarity, other than with
23 getting to know ammunition now, when you're saying
24 "case" is that the part -- the brass?

25 A The cartridge, yes.

1 Q The cartridge, okay. So a nine-millimeter
2 Parabellum you're saying has a 357 -- I'm sorry?

3 A That's the bullet diameter.

4 Q But you're familiar with the nine-millimeter
5 Parabellum?

6 A Yes.

7 Q When that ammunition -- based on your
8 experience, would you consider that ammunition more
9 often chambered in a long gun or a handgun?

10 MR. DALE: Again, I'm going to object. It calls
11 for speculation, calls for an expert opinion. It's
12 also vague and ambiguous as to "chambered in."

13 I know you previously asked a clarifying
14 question, but my concern is he doesn't understand what
15 you mean by "chambered in" in terms of how many times
16 he's seen it chambered in or experienced it chambered
17 in a particular weapon, how many times he's seen it
18 chambered and fired, or whether he's talking about
19 total number of weapons in which he can chamber it
20 based on his experience, long guns versus handguns. So
21 that's the reason I keep raising that objection,
22 Counsel.

23 MS. GRAHAM: Okay, I understand.

24 THE WITNESS: I would say handguns.

25 MS. GRAHAM: Q Are you familiar with the cartridge

1 ten-millimeter Smith and Wesson?

2 A Yes.

3 Q Based on your experience, would a
4 ten-millimeter Smith and Wesson cartridge be more often
5 chambered in a handgun or a long gun?

6 MR. DALE: Same objection.

7 THE WITNESS: In a handgun.

8 MS. GRAHAM: Q Are you familiar with a 40 Smith
9 and Wesson?

10 A Yes.

11 Q Based on your experience, would a 40 Smith and
12 Wesson ammunition be more often chambered in a handgun
13 or in a long gun?

14 MR. DALE: Same objection.

15 THE WITNESS: In a handgun.

16 MS. GRAHAM: Q Are you familiar with a 25
17 Automatic Colt Pistol ammunition, ACP?

18 A Yes.

19 Q And, in your experience, would 25 ACP be more
20 often chambered in a handgun or in a long gun?

21 MR. DALE: Same objection.

22 THE WITNESS: In a handgun.

23 MS. GRAHAM: Q Are you familiar with a 32 ACP
24 ammunition?

25 A Yes.

1 Q And based on your experience, would 32 ACP
2 ammunition be more often chambered in a long gun or a
3 handgun?

4 MR. DALE: Same objection.

5 THE WITNESS: Handgun.

6 MS. GRAHAM: Q Are you familiar with a 357 Magnum
7 ammunition?

8 A Yes.

9 Q And based on your experience, would a 357
10 Magnum ammunition be more often chambered in a handgun
11 or in a long gun?

12 MR. DALE: Same objection.

13 THE WITNESS: I think there is more 357 handguns
14 out there than long guns. I happen to have both and
15 shoot both.

16 MS. GRAHAM: Q So in answer to my question, would
17 a 357 Magnum ammunition be more often chambered in a
18 handgun or a long gun?

19 MR. DALE: Same objection.

20 Go ahead.

21 THE WITNESS: For me specifically or the public?

22 MS. GRAHAM: Q For you, based on your experience.

23 A It's about 50/50.

24 Q Are you familiar with a 357 Sig ammunition?

25 A Yes.

1 Q Based on your experience, would a 357 Sig
2 ammunition be chambered more often in a handgun or a
3 long gun?

4 MR. DALE: Same objection.

5 THE WITNESS: A handgun.

6 MS. GRAHAM: Q Are you familiar with 44 Magnum
7 ammunition?

8 A Yes.

9 Q And based on your experience, would 44 Magnum
10 ammunition be more often used in a handgun or in a long
11 gun?

12 MR. DALE: Same objection. Additionally, it's
13 vague and ambiguous as to what would be "more often
14 used."

15 MS. GRAHAM: Q Based on your experience, would a
16 44 Magnum ammunition --

17 Would you read back one of my prior questions
18 for me?

19 (Record read as:

20 "Q And based on your experience, would 44
21 Magnum ammunition be more often used in a
22 handgun or in a long gun?")

23 MS. GRAHAM: Q Based on your experience,
24 Mr. Stonecipher, would a 44 Magnum ammunition be
25 chambered more often in a handgun or long gun?

1 MR. DALE: Objection. Again, it calls for
2 speculation, calls for expert opinion, is vague and
3 ambiguous as to the phrase "would be chambered in."

4 Go ahead and answer.

5 THE WITNESS: There again, I have both and I shoot
6 my rifle as much as my pistol. It's part of the cowboy
7 action sports, so about 50/50 when you do the shoot.

8 MS. GRAHAM: Q Are you familiar with a 44 Special
9 ammunition?

10 A Same as a 44 Magnum, it's interchangeable.
11 Sorry.

12 MR. DALE: That's okay.

13 MS. GRAHAM: Q Based on your experience, would a
14 44 Special ammunition be chambered more often in a 44
15 handgun or long gun?

16 MR. DALE: Same objection.

17 THE WITNESS: Same answer as a 44, I use them
18 interchangeably.

19 MS. GRAHAM: Q So that would be 50/50?

20 A Yeah.

21 Q Are you familiar with a 380 ACP ammunition?

22 A Yes.

23 Q And based on your experience, would 380 ACP
24 ammunition be chambered more often in a handgun or a
25 long gun?

Deposition of Steven Stonecipher

1 A Handgun.

2 MR. DALE: Same objection.

3 MS. GRAHAM: Q Are you familiar with a 454 Casull
4 ammunition?

5 A Yes.

6 Q Based on your experience, would 454 Casull
7 ammunition be chambered more often in a handgun or in a
8 long gun?

9 MR. DALE: Same objection.

10 THE WITNESS: It's chambered for both and I have
11 both, but I probably shoot the handgun more.

12 MS. GRAHAM: Q Are you familiar with a 38 Special
13 ammunition?

14 A Same as a 357 and it's in the same gun. It's
15 interchangeable with a 357. Let me rephrase that. In
16 the guns I own it's not interchangeable. A 357 will
17 blow up older 38s, but the newer versions, everything
18 we shoot is interchangeable.

19 Q When you say "older 38s," I'm not familiar
20 with that.

21 A Police model, things like that. It will ruin
22 the gun if you shoot 357 loads where you can shoot any
23 38 in a 357.

24 Q In a newer type model?

25 A Any 357 you can shoot a 38 in, 38 Special.

1 Q So which ones will blow up?

2 A The 357 will cause damage to old 38 guns.

3 Q Got it, okay. Based on your experience, would
4 38 Special ammunition be more often chambered in a
5 handgun or in a long gun?

6 MR. DALE: Same objection.

7 THE WITNESS: Same answer as a 357, I use that
8 interchangeably in those guns.

9 MS. GRAHAM: Q You had previously indicated
10 handgun for those, so would that be your answer?

11 A It's 50/50, the 357, the rifle and the pistol.

12 Q Okay, so 50/50 for the 38 Special as well?

13 A Yes.

14 Q Going back to the Declaration of Steven
15 Stonecipher in Support of the Motion for Summary
16 Judgment...

17 MR. DALE: That would be five, right?

18 MS. GRAHAM: Yes.

19 Q Do you see in Paragraph 6 of your declaration,
20 Lines 17 through 22, you state that you fear you will
21 be prosecuted for violating California Penal Code
22 Sections 12060, 12061 and 12318, do you see where you
23 state that?

24 A Uh-huh, yes.

25 Q Why do you have this concern?

1 A Well, not knowing what's legal to buy, reload
2 for friends and shoot, I don't want some police
3 officer, you know, confiscating my stuff, or anybody
4 else, or break the law because I'm shooting the wrong
5 ammunition in the wrong gun or...

6 Q Has the California Department of Justice ever
7 notified you that it intends to file any criminal
8 charges against you if you ship handgun ammunition?

9 A No.

10 Q Has the Federal Bureau of Alcohol, Tobacco,
11 Firearms & Explosives ever told you that it intends to
12 file any charges against you if you ship ammunition?

13 A No. Can you excuse me real quick?

14 Q Of course.

15 MR. DALE: Take just a two-minute break.

16 MS. GRAHAM: Not a problem.

17 (Brief recess.)

18 MS. GRAHAM: Q I'm not sure if you answered this
19 question: Has the Federal Bureau of Alcohol, Tobacco,
20 Firearms and Explosives ever informed you that it
21 intends to file any criminal charges against you if you
22 ship handgun ammunition?

23 A No.

24 Q Has the Fresno County Sheriff's Office ever
25 informed you that it intends to file any criminal

1 office of any changes or no changes the same as the
2 notice of errata that would normally be included and
3 signed by the witness. And the parties further agree
4 that a certified copy may be used for any and all
5 purposes in lieu of the original, so long as it
6 reflects any changes.

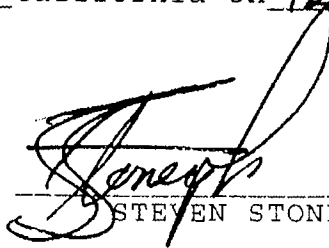
7 MS. GRAHAM: So agreed.

8 (Time noted 4:38 p.m.)
9
10
11

12 -oOo-

13 I declare under penalty of perjury under the
14 laws of the State of California that the foregoing is
15 true and correct.

16 Executed at Morro Bay California on 12-29-10
17 2010.

18
19 
20

STEVEN STONECIPHER

1 STATE OF CALIFORNIA)
2 COUNTY OF FRESNO) ss.

3 I, Karla M. Rocha, a Certified Shorthand
4 Reporter in the State of California, residing in
5 Clovis, do hereby certify:

6 THAT the witness in the foregoing deposition
7 named STEVEN STONECIPHER was by me duly sworn to
8 testify to the truth, the whole truth and nothing but
9 the truth for the taking of the testimony herein;

10 THAT said deposition was reported in shorthand
11 by me at the time and place above stated, that I am a
12 Certified Shorthand Reporter, and thereafter
13 transcribed under my direction and control.

14 I FURTHER CERTIFY that I am not interested in
15 the outcome of said action, nor connected with, nor
16 related to any of the parties in said action or to
17 their respective counsel.

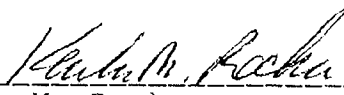
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21 Karla M. Rocha
22 CSR #8982
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25

EXHIBIT E

ORIGINAL

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF FRESNO

-oOo-

SHERIFF CLAY PARKER, TEHAMA)
COUNTY SHERIFF; HERB BAUER)
SPORTING GOODS; CALIFORNIA RIFLE)
AND PISTOL ASSOCIATION; ABLE'S)
SPORTING, INC.; RTG SPORTING)
COLLECTIBLES, LLC; AND STEVEN)
STONECIPHER,)

Plaintiffs and Petitioners)

vs.)

Case No. 10CECG02116

THE STATE OF CALIFORNIA; JERRY)
BROWN, IN HIS OFFICIAL CAPACITY AS)
ATTORNEY GENERAL FOR THE STATE)
OF CALIFORNIA; THE CALIFORNIA)
DEPARTMENT OF JUSTICE, AND DOES 1-)
25.)

Defendants.)

Fresno, California

December 14, 2010

-oOo-

DEPOSITION OF BARRY BAUER

Reported By:
Karla Rocha
C.S.R. No. 8982

225 West Shaw Avenue
Suite 101
Fresno, California 93704-2652

KTA
KIM THAYER & ASSOCIATES
CERTIFIED COURT REPORTERS

559.221.9000
fax 559.221.9090
www.thayerreporting.com

JA003131

I N D E X

WITNESS: BARRY BAUER

EXAMINATION

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BY MS. GRAHAM

5

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(None offered)

DEFENDANTS' DESCRIPTION

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HB Sales Receipt Journal AG Ammo
2009

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1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 COUNTY OF FRESNO

3 -oOo-

4 SHERIFF CLAY PARKER, TEHAMA)
5 COUNTY SHERIFF; HERB BAUER)
6 SPORTING GOODS; CALIFORNIA)
7 RIFLE AND PISTOL ASSOCIATION;)
8 ABLE'S SPORTING, INC.; RTG)
9 SPORTING COLLECTIBLES, LLC;)
10 AND STEVEN STONECIPHER,)

No. 10CECG02116

11 Plaintiffs and Petitioners,)

12 vs.)

13 THE STATE OF CALIFORNIA; JERRY)
14 BROWN, IN HIS OFFICIAL)
15 CAPACITY AS ATTORNEY GENERAL)
16 FOR THE STATE OF CALIFORNIA;)
17 THE CALIFORNIA DEPARTMENT OF)
18 JUSTICE, AND DOES 1-25,)

19 Defendants and Respondents.)

16 -oOo-

17 Fresno, California

December 14, 2010

18 -oOo-

19 The deposition of BARRY BAUER was taken in the

1 APPEARANCES OF COUNSEL:

2 For the Plaintiffs and Petitioners:

3 MICHEL & ASSOCIATES

4 By: Joshua R. Dale

5 Co-Counsel: Sean A. Brady and Clint B. Monfort
180 East Ocean Boulevard, Suite 200
Long Beach, California 90802

6 For the Defendants and Respondents:

7 STATE OF CALIFORNIA DEPARTMENT OF JUSTICE

8 By: Kimberly Graham

9 1300 "I" Street, Suite 1101
Sacramento, California 94244-2550

10 Also present: Blake Graham, Special Agent Supervisor

11 -oOo-

12 BARRY BAUER,

13 called as a witness herein, having

14 been heretofore duly sworn,

15 testified as follows:

16 -oOo-

17
18 EXAMINATION BY MS. GRAHAM

19 MS. GRAHAM: Q Good morning, Mr. Bauer.

20 A Good morning.

21 Q My name is Kimberly Graham and I'm a deputy
22 attorney general with the California Attorney General's
23 Office. I represent the State of California, the
24 Department of Justice, and the current AG, Edmond G.
25 Brown, Jr., with respect to the lawsuit that Herb Bauer

1 more often in a Glock handgun than in a Glock long gun?

2 A Yes.

3 MR. DALE: Same objections.

4 MS. GRAHAM: Q Are you familiar with a
5 nine-millimeter long gun cartridge?

6 A Yes.

7 Q Taking into consideration your personal
8 experience with firearms and ammunition, would a
9 nine-millimeter long gun cartridge be more often
10 chambered in a long gun or in a handgun?

11 MR. DALE: Before he answers, I'd like to make a
12 suggestion to maybe speed this up. As to this line of
13 questioning, if Counsel would be willing to stipulate
14 that we have a running objection based upon calling for
15 expert witness opinion, improper lay witness opinion,
16 relevance, and vague and ambiguous as to the definition
17 of "chambered in" or words used to that effect, then if
18 we could have that running objection, that way I won't
19 keep interrupting.

20 MS. GRAHAM: That's fine. No, I understand.

21 Q Mr. Bauer, just as a clarifying question, when
22 I say "chambered into a handgun or long gun," do you
23 understand what that term is?

24 A No, not necessarily, that's why I'm having
25 difficulty answering the question.

1 Q Okay. When you load a handgun or a long gun
2 with ammunition what would you call that phrase or what
3 would you call that process?

4 A Loading a handgun. I would only -- my answers
5 are based on whether they would be fired in a handgun,
6 not chambered in a handgun and stuff like that, so.

7 Q Okay, so when you say "fired," what does that
8 include?

9 A That includes everything from taking it out of
10 the box to pulling the trigger.

11 Q Okay, so let's go back then. With respect to
12 45 ACP ammunition, would you say that is more often
13 fired out of a long gun or a handgun?

14 MR. DALE: Again, I'm going to object, vague and
15 ambiguous as to "more often fired out of." It also
16 calls for an expert opinion, improperly calls for a lay
17 witness's opinion.

18 Go ahead and answer.

19 THE WITNESS: It would probably be, and I'm going
20 to speculate, more often done in a 45 handgun.

21 MS. GRAHAM: Q I don't want you to speculate,
22 Mr. Bauer.

23 A I have to speculate, I have no absolute
24 foundation for giving an absolute answer.

25 Q But taking into consideration your personal

1 experience, that's what I'm asking you to take into
2 consideration, the personal experience we discussed,
3 whether it be the long guns you've fired, your handguns
4 you've fired, your military experience, your experience
5 working at Herb Bauer's for the last 12 years, taking
6 that into consideration, would 45 ACP ammunition be
7 fired more often out of a long gun or in a handgun?

8 MR. DALE: Same objections.

9 THE WITNESS: The big issue here is working at Herb
10 Bauer Sporting Goods, because everybody that buys this
11 ammunition can use it any way they choose to use it.
12 And how they use it is something that I don't know at
13 the time that I'm selling them the ammunition, okay?

14 And so when you say my experience at Herb
15 Bauer Sporting Goods are they going to use it in a
16 rifle or pistol, because we're looking at my overall
17 body of experience, it's very difficult for me to know
18 the answer to these questions you're asking me because
19 people shoot them in anything they want to shoot them
20 in, and I know that.

21 So for me to draw a conclusion based on my
22 personal experience, my personal experience is I know
23 that all of my customers shoot these things in all
24 kinds of weapons, long guns and short guns, okay?
25 That's why I'm struggling with the answer.

Deposition of Barry Bauer

1 Personally I have shot a nine-millimeter, own a
2 nine-millimeter, it's on my CCW permit. Do I have a
3 long gun at nine-millimeter? I personally don't, but
4 there are people that do. Same is true with 45.

5 Every caliber here has a long gun and a short
6 gun version of it, and so I happen to know that they
7 can all be fired in all handguns and long guns.

8 For me to draw a conclusion on were there
9 probably more shot is the speculative part and is the
10 unfair part of the question, because I know my
11 customers, because of my experience at Herb Bauer's,
12 use them in all different kinds of guns.

13 Q Notwithstanding the cartridge that I have
14 asked, specifically the 45 ACP, can be used in both the
15 long gun and in a handgun, taking into consideration
16 your personal experience that we've discussed, can you
17 provide an answer to the question of: Would 45 ACP
18 ammunition be fired more often in a long gun or in a
19 handgun?

20 MR. DALE: Same objections as before. It's also
21 been asked and answered. It's also argumentative.
22 He's provided the answer four times now, which is "I
23 don't know."

24 THE WITNESS: And I'm going to stay with that
25 answer.

1 MS. GRAHAM: Q Taking into consideration your
2 personal experience with firearms that we've discussed,
3 as we discussed, would 45 GAP ammunition be fired more
4 often in a long gun or in a handgun?

5 MR. DALE: Objection, calls for expert opinion,
6 improper lay witness opinion, calls for speculation,
7 vague and ambiguous as to "more often fired."

8 Go ahead and answer.

9 THE WITNESS: Handgun.

10 MS. GRAHAM: Q Are you familiar with a nine-
11 millimeter long gun cartridge?

12 A Yes.

13 Q Taking into consideration your personal
14 experience with firearms and ammunition, would a nine-
15 millimeter long gun ammunition be fired more often in a
16 long gun or in a handgun?

17 MR. DALE: Same objections.

18 THE WITNESS: Handgun.

19 MS. GRAHAM: Q Are you familiar with the
20 nine-millimeter Luger cartridge?

21 A Yes.

22 Q Taking into consideration your personal
23 experience with firearms and ammunition, would a
24 nine-millimeter Luger ammunition be fired more often in
25 a long gun or in a handgun?

Deposition of Barry Bauer

1 MR. DALE: Same objections.

2 THE WITNESS: Handgun.

3 MS. GRAHAM: Q Are you familiar with a
4 nine-millimeter Parabellum cartridge?

5 A No.

6 Q Are you familiar with a 9 by 19 Parabellum
7 cartridge?

8 A No.

9 Q Are you familiar with a ten-millimeter Smith
10 and Wesson cartridge?

11 A Yes.

12 Q Taking into consideration your personal
13 experience with firearms and ammunition, would a
14 ten-millimeter Smith and Wesson ammunition be fired
15 more often in a long gun or a handgun?

16 MR. DALE: Same objections.

17 THE WITNESS: Handgun.

18 MS. GRAHAM: Q Are you familiar with a 40 Smith
19 and Wesson cartridge?

20 A Yes.

21 Q Taking into consideration your personal
22 experience with firearms and ammunition, would a 40
23 Smith and Wesson -- would 40 Smith and Wesson
24 ammunition be fired more often in a long gun or
25 handgun?

1 MR. DALE: Same objections.

2 THE WITNESS: Handgun.

3 MS. GRAHAM: Q Are you familiar with a 25 ACP
4 cartridge?

5 A Yes.

6 Q Taking into consideration your personal
7 experience with firearms and ammunition, would 25 ACP
8 ammunition be fired more often in a long gun or in a
9 handgun?

10 MR. DALE: Same objections.

11 THE WITNESS: Handgun.

12 MS. GRAHAM: Q Are you familiar with a 32 ACP
13 ammunition?

14 A Yes.

15 Q Taking into consideration your personal
16 experience with firearms and ammunition, would a 32 ACP
17 ammunition be fired more often in a long gun or a
18 handgun?

19 MR. DALE: Same objections.

20 THE WITNESS: Handgun.

21 MS. GRAHAM: Q Are you familiar with a 357 Magnum
22 cartridge?

23 A Yes.

24 Q Taking into consideration your personal
25 experience with firearms and ammunition, would a 357

1 Magnum ammunition be fired more often in a long gun or
2 in a handgun?

3 MR. DALE: Same objections.

4 THE WITNESS: That one is unknown because it's used
5 by cowboy shooters, goes both ways.

6 MS. GRAHAM: Q And when you say "cowboy shooters,"
7 what does that mean?

8 A Single-Action Shooting Society. It uses
9 handguns and rifles of the same caliber in their
10 activity.

11 Q Are those what are known as lever action?

12 A Yes.

13 Q Is that L-E-V-E-R?

14 A Correct.

15 Q Mr. Bauer, for the record, I'm learning all
16 these handgun terms, so if I ask you a question --

17 A That was a long gun term, lever action.

18 Q I'm learning, I'm in the process. Are you
19 familiar with 357 Sig ammunition?

20 A No.

21 Q Are you familiar with 44 Magnum ammunition?

22 A Yes.

23 Q Taking into consideration your personal
24 experience with firearms and ammunition, would 44
25 Magnum ammunition be fired more often in a long gun or

1 a handgun?

2 MR. DALE: Same objections.

3 THE WITNESS: Long gun.

4 MS. GRAHAM: Q What long guns that are sold at
5 Herb Bauer can fire a 44 Magnum?

6 A Marlin makes a model.

7 Q Is that M-A-R-L-I-N?

8 A Yes.

9 Q Do you know what model that is?

10 A No, I'm sorry, I don't.

11 Q Okay.

12 A And I'm not an expert so I can't think of
13 another one, but there are, like, three other models of
14 long guns that we sell that handle 44 Magnum
15 ammunition.

16 Q And how many handguns at Herb Bauer that have
17 been sold in the past year -- sorry. How many models
18 of handguns are sold at Herb Bauer Sporting Goods that
19 can fire a 44 Magnum ammunition?

20 MR. DALE: Objection to the extent it calls for
21 speculation.

22 THE WITNESS: I don't know the answer to that.

23 MS. GRAHAM: Q Can you provide an estimate? Is
24 there one handgun, is there ten?

25 MR. DALE: Same objection.

1 THE WITNESS: An estimate would be three.

2 MS. GRAHAM: Q Are you familiar with a 44 Special
3 cartridge?

4 A Yes.

5 Q Taking into consideration your personal
6 experience with firearms and ammunition, would 44
7 Special ammunition be fired more often in a long gun or
8 a handgun?

9 MR. DALE: Objection, it's not relevant, not likely
10 to lead to the discovery of admissible evidence, it's
11 vague and ambiguous as to "more often" or "more likely
12 fired," it improperly calls for a lay witness opinion,
13 calls for an expert opinion, calls for speculation.

14 Go ahead.

15 THE WITNESS: That's one of the ones that's very
16 similar to a 357 in the fact that it's used in rifles
17 and pistols by the cowboy shooters, and I can't tell
18 you whether it's more often used in a handgun or a
19 rifle.

20 MS. GRAHAM: Q Does Herb Bauer sell long guns that
21 can fire a 44 Special cartridge?

22 A Yes.

23 MR. DALE: Objection to the extent it calls for
24 speculation. Let the answer stand.

25 MS. GRAHAM: Q And what makes and models are

1 those?

2 MR. DALE: Same objection.

3 THE WITNESS: That's a cowboy caliber and Savage
4 makes a firearm like that.

5 MS. GRAHAM: Q And do you know the model of the
6 Savage?

7 A No, I don't.

8 Q Is there any other long gun that you can think
9 of?

10 A None that I recall.

11 Q Does Herb Bauer Sporting Goods sell a handgun
12 that can fire a 44 Special cartridge?

13 A Yes.

14 MR. DALE: Calls for speculation.

15 MS. GRAHAM: Q And what makes and models of those
16 handguns does Herb Bauer sell?

17 MR. DALE: Calls for speculation.

18 THE WITNESS: We sell both new and used handguns at
19 Herb Bauer's, and I have sold over the years both new
20 and used handguns. What make and model, I don't know.

21 MS. GRAHAM: Q Can you give me an estimation of
22 how many makes or models of handguns that you've sold
23 from Herb Bauer Sporting Goods that can fire a 44
24 cartridge -- I'm sorry, a 44 Special cartridge?

25 MR. DALE: Objection, calls for speculation.

1 THE WITNESS: I cannot recall over the 12 years how
2 many we've sold.

3 MS. GRAHAM: Q And you can't provide an estimate?

4 A No, I can't.

5 Q Okay, I'm just asking. Are you familiar with
6 a 380 ACP?

7 A Yes.

8 Q Taking into consideration your personal
9 experience with firearms and ammunition, would 380 ACP
10 ammunition be fired more often in a long gun or in a
11 handgun?

12 MR. DALE: Objection, not relevant, not likely to
13 lead to the discovery of admissible evidence,
14 improperly calls for a lay opinion, calls for an expert
15 opinion, vague and ambiguous as to "more often fired,"
16 and calls for speculation.

17 Go ahead.

18 THE WITNESS: Based on the firearms we sell, 380
19 would be a handgun ammunition.

20 MS. GRAHAM: Q Are you familiar with a 454 Casull
21 ammunition?

22 A Yes.

23 Q Taking into consideration your personal
24 experience with firearms and ammunition, would 454
25 Casull ammunition be fired more often in a long gun or

Deposition of Barry Bauer

1 a handgun?

2 MR. DALE: Same objection.

3 THE WITNESS: And same answer for me as 357 and 44,
4 that cartridge goes both ways. I sell new rifles with
5 454 Casull caliber as well as handguns with a 454
6 Casull caliber.

7 MS. GRAHAM: Q What makes and models of long guns
8 do you sell at Herb Bauer that can fire a 454 Casull, to
9 the extent that you know?

10 MR. DALE: Objection, calls for speculation, may
11 also call for an expert opinion.

12 THE WITNESS: I recall a Marlin, lever action
13 Marlin that we spoke of before being of that caliber,
14 and there are others, but I don't know what they are.

15 MS. GRAHAM: Q Do you know approximately how many
16 others?

17 A Two.

18 Q Are you familiar with 38 Special ammunition --
19 or cartridge, excuse me?

20 A What?

21 Q I'm sorry, are you familiar with a 38 Special
22 cartridge?

23 A Yes, I am.

24 Q Taking into consideration your personal
25 experience with firearms and ammunition, would a 38

1 Special ammunition be fired more often in a long gun or
2 a handgun?

3 MR. DALE: I'm going to object, that improperly
4 calls for a lay opinion, vague and ambiguous as to
5 "more often fired," calls for expert opinion, calls for
6 speculation.

7 Go ahead.

8 THE WITNESS: Again, that's a cowboy caliber and
9 cowboys shoot a ton of ammunition and it could go
10 either in a rifle or in a pistol.

11 MS. GRAHAM: Do you mind if we take a break?

12 MR. DALE: No, go ahead.

13 (Brief recess.)

14 MS. GRAHAM: Q I'd like to turn to Exhibit 4,
15 which was your Declaration in Support of the Motion for
16 Summary Judgment. Do you see that one?

17 A Yes.

18 Q And I'd like to turn to Page 3 of the
19 declaration, Paragraph 11, which begins on Line 12.

20 A Yes.

21 Q Do you see that?

22 A Yes.

23 Q In reading that paragraph you indicate that
24 you fear you will be prosecuted for unknowingly
25 violating California Penal Code Sections 12060, 12061

1 and 12318, do you see that?

2 A Yes.

3 Q And what is your fear with respect to being
4 prosecuted?

5 A Well, the way AB 962 is written, at this point
6 I have no idea who or what handgun ammunition is, and I
7 don't want to violate the law by selling ammunition
8 that is perceived by some as handgun ammunition when we
9 don't perceive it as handgun ammunition, or customers
10 don't perceive it as handgun ammunition because they
11 plan to use it in a long gun.

12 Q You see on Line 17 through 19 you say --
13 sorry, let's start off at 15, "For example, I fear
14 prosecution and license revocation if I do not record
15 pursuant to Penal Code Section 12061-A3, transfer of
16 ammunition the law enforcement deems handgun
17 ammunition, even if I do not know what ammunition is
18 handgun ammunition or what ammunition law enforcement
19 will consider handgun ammunition under these laws," do
20 you see that part?

21 A Yes.

22 Q If the State of California and the Department
23 of Justice were to provide you with a list of handgun
24 cartridges similar to the list that we discussed today,
25 and as was listed in the specially prepared

Deposition of Barry Bauer

1 deposition.

2 We're going to adopt the same stipulation we
3 used yesterday with Mr. Stonecipher in which the court
4 reporter has and will be able to reproduce, with one
5 caveat, and that caveat is that rather than Mr. Bauer
6 reviewing an electronic copy, because he is going to be
7 in town, the court reporter will actually get and mail
8 to our office the original and we will forward that on
9 to Mr. Bauer and subject to the deadlines that are in
10 the original stipulation.

11 MS. GRAHAM: Thank you. So stipulated.

12 (Time noted 12:54 p.m.)

13

14 -oOo-

15 I declare under penalty of perjury under the
16 laws of the State of California that the foregoing is
true and correct.

17

18 Executed at Fresno California on 12/29
19 2010.

20

21

22

23

24

25

Barry Bauer
BARRY BAUER

1 STATE OF CALIFORNIA)
2 COUNTY OF FRESNO) ss.

3 I, Karla M. Rocha, a Certified Shorthand
4 Reporter in the State of California, residing in
5 Clovis, do hereby certify:

6 THAT the witness in the foregoing deposition
7 named BARRY BAUER was by me duly sworn to testify to
8 the truth, the whole truth and nothing but the truth
9 for the taking of the testimony herein;

10 THAT said deposition was reported in shorthand
11 by me at the time and place above stated, that I am a
12 Certified Shorthand Reporter, and thereafter
13 transcribed under my direction and control.

14 I FURTHER CERTIFY that I am not interested in
15 the outcome of said action, nor connected with, nor
16 related to any of the parties in said action or to
17 their respective counsel.

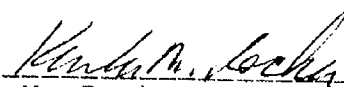
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EXHIBIT F

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF FRESNO

---oOo---

SHERIFF CLAY PARKER, TEHAMA COUNTY)
SHERIFF; HERB BAUER SPORTING GOODS;)
CALIFORNIA RIFLE and PISTOL)
ASSOCIATION FOUNDATION; ABLE'S)
SPORTING, INC.; RTG SPORTING)
COLLECTIBLES, LLC; and)
STEVEN STONECIPHER,)

Plaintiffs and Petitioners,)

v.)

No. 10CECG02116

THE STATE OF CALIFORNIA; JERRY BROWN,)
in his official capacity as Attorney)
General for the State of California;)
THE CALIFORNIA DEPARTMENT OF JUSTICE;)
and DOES 1-25,)

Defendants and Respondents.)

---oOo---

THURSDAY, DECEMBER 16, 2010

---oOo---

DEPOSITION OF
STEPHEN HELSLEY

---oOo---

REPORTER: LINDSEY R. PERRY, CSR #12806, RPR, CRR

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APPEARANCES

For the Plaintiffs and Petitioners:

MICHEL & ASSOCIATES

By: JOSHUA DALE, Attorney at Law
CLINTON B. MONFORT, Attorney at Law
SEAN A. BRADY, Attorney at Law
180 E. Ocean Boulevard, Suite 200
Long Beach, CA 90802
cmontfort@michellawyers.com

For the Defendants and Respondents:

STATE OF CALIFORNIA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

By: PETER A. KRAUSE, Attorney at Law
1300 I Street, Suite 125
Sacramento, CA 94244
peter.krause@doj.ca.gov

For the Bureau of Firearms:

STATE OF CALIFORNIA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

By: KIMBERLY GRAHAM, Attorney at Law
1300 I Street, Suite 1101
Sacramento, CA 94244
kimberly.graham@doj.ca.gov

Also present:

Blake Graham
Dawn McFarland

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1 and there are a number of companies that specialize in
2 aftermarket barrels for these things. So if you want to
3 design a cartridge that's got your own name on it, you
4 know, the 263, you know, Smith and Jones, boy, they'll
5 build it for you, but those records aren't kept, that I
6 know of, because you're dealing with barrels and not with
7 a serial-numbered frame.

8 Q Thank you for explaining that. Somehow I feel
9 that paragraphs 52 through 64 are all directed at me. I
10 don't know why. "For the person who knows little about
11 firearms." Maybe it's to Sean and Clint. I don't know.

12 A At times, it certainly was.

13 Q Go to paragraph 66 of Exhibit 5.

14 A Okay.

15 Q You state that, "There's no generally-accepted
16 definition of handgun ammunition or any
17 commonly-understood delineation between handgun ammunition
18 and any other ammunition used in the firearms industry,
19 let alone one that allows one to determine whether certain
20 cartridges are principally for use in handguns."

21 On what facts do you base that statement?

22 A That has been my experience in the materials that
23 I have and the things that I've read. The problem with a
24 lot of this is terms are casually used and thrown around
25 and if -- there are handguns that shoot .30-06 cartridges

1 and I have friends that refer to that as handgun
2 ammunition because they shot it in a handgun. I had never
3 really thought about the distinctions we're talking about
4 here until I got involved in this because, as I said
5 before, I think it was a false choice, but I don't recall
6 seeing something from Department of Defense or from
7 various sources saying this is handgun ammunition and this
8 is rifle ammunition.

9 Q In your experience and based on all of your work
10 and training and research and teaching out there, isn't
11 there, though, an understanding of sorts about what
12 calibers or what cartridges of ammunition are handgun
13 ammunition, that are commonly understood to be -- to be
14 used more often in handguns, and so they are categorized
15 in Cartridges of the World, for instance, as handgun
16 cartridges, pistol cartridges --

17 A Well, I had this --

18 MR. DALE: Hold on.

19 THE WITNESS: Sorry.

20 MR. DALE: Objection. Compound, vague and
21 ambiguous, incomplete hypothetical, argumentative.

22 Go ahead.

23 THE WITNESS: I've had this discussion with one
24 of my friends, and I threw the question out to him, "Well,
25 what is handgun ammunition?" And he rattled off some

1 stuff real quickly. And then I put some more conditions
2 on it. I said, "Well, how about Thompson con- -- and how
3 about" -- and then the surety that he had with the first
4 response sort of crumbled in light of the follow-up
5 questions. And then he said, "Oh, yeah." It was
6 something that he hadn't thought about. "Gee, the 9x19 is
7 a handgun, you know, so it's handgun ammunition." I said,
8 "Well, okay, but if more were shot in submachine guns than
9 were shot in handguns -- I don't know what they are, but
10 if they were, then what would it be?" He said, "Well, I
11 guess it would be submachine gun ammunition." Well, he
12 just -- it just wasn't something that he'd thought about.
13 And he had a first response, but then with a follow-up
14 question, then he changed.

15 So to your question, yeah, there are all sorts of
16 folks who will say, "Sure," but then when you apply the
17 California definition, whatever it's going to be, against
18 it, then it's not quite so clear.

19 Q BY MR. KRAUSE: Okay. And is that the same point
20 you're getting at in paragraph 70 where you say, "While
21 firearms and ammunition literature sometimes makes
22 reference to handgun ammunition and rifle ammunition when
23 referencing some cartridges, I assume the authors never
24 anticipated making the technical distinctions necessitated
25 by California Penal Code Section 12060"?

1 A Yes.

2 (Whereupon Blake Graham entered the
3 deposition.)

4 Q BY MR. KRAUSE: Why do you believe that books
5 like Cartridges of the World, then, have a category of
6 handgun ammunition?

7 MR. DALE: Objection to the extent it calls for
8 speculation.

9 Q BY MR. KRAUSE: Based on your experience.

10 MR. DALE: Same objection.

11 THE WITNESS: One of the prisms that I look at it
12 through is Handguns of the World -- or I'm sorry,
13 Cartridges of the World is basically designed for people
14 in the United States and the -- as I responded to you
15 before, I see this from the view of across time and across
16 the world.

17 And submachine guns, for instance, with a 9x19
18 round, we'll use that one again, that's a far less common
19 thing here than it is in foreign countries where, for
20 instance, a civilian may not be able to own a handgun at
21 all, but the police have scads of machine guns.

22 So I suspect that they were describing the way
23 they see it in the United States. I don't think that's
24 unreasonable for them to do.

25 Q BY MR. KRAUSE: So in the United States, it

1 wouldn't be unreasonable to think of the cartridges listed
2 in Cartridges of the World as handgun ammunition?

3 MR. DALE: I'm going to object. Misstates his
4 prior testimony. It's also outside the scope of his
5 expertise.

6 Go ahead.

7 THE WITNESS: Well, to the degree that you don't
8 need to be precise, which is the nature of a lot of the
9 debate about guns, clip versus magazine, assault weapon
10 versus assault rifle, it's -- it's not -- it's not
11 surprising. I don't know that they would do the same
12 thing if they had to reconcile it against the code in this
13 state, but I don't think they'd worry about that because
14 they're dealing with 50 states. Almost did a Barack there
15 and said 57 states.

16 Q BY MR. KRAUSE: Someday there might be.

17 (Off-the-record discussion.)

18 Q BY MR. KRAUSE: I mean, certainly you don't think
19 they're just being arbitrary in listing the cartridges
20 they list in Cartridges of the World, for instance, as
21 pistol cartridges or handgun cartridges.

22 MR. DALE: I'm going to object. It's vague and
23 ambiguous. It's argumentative. It's also -- calls for
24 speculation.

25 THE WITNESS: They have to put them someplace,

1 and I note that as it relates to, say .44 Magnum or .357,
2 they note in the text of their description that these are
3 for long guns as well. So I suppose they could have put
4 them in the long gun section and said they're used in
5 handguns as well, but they put them where they put them
6 and noted there was a broader use.

7 Q BY MR. KRAUSE: Well, the California statute does
8 account for the fact that certain cartridges of ammunition
9 could be classified as handgun ammunition, notwithstanding
10 the fact that they're used in some rifles as well.

11 MR. DALE: I'm going to object that calls for a
12 legal conclusion. It assumes facts not in evidence. It's
13 argumentative.

14 Q BY MR. KRAUSE: Can California citizens, your
15 average citizen, buy a submachine gun?

16 A If DOJ gives a permit to them.

17 Q Does that happen very often?

18 A No.

19 Q And this is, after all, a California law;
20 correct? So --

21 A Well.

22 Q -- isn't it appropriate to focus on events in
23 California and California-centric considerations when
24 analyzing this law?

25 MR. DALE: Objection. Calls for a legal

1 conclusion. Outside the scope of this particular expert's
2 designation. It's vague and ambiguous.

3 THE WITNESS: Do I think so? No, because those
4 cartridges aren't made here in the first place. The
5 majority of the guns aren't made here. This is a national
6 traffic and sales distribution system. And part of the
7 problem with Roberti-Roos and other things is for those
8 who make and distribute these to figure out what we expect
9 of them.

10 Q BY MR. KRAUSE: Paragraph 72, lines 11 through 13
11 on page 21.

12 A Uh-huh.

13 Q You say that neither your library nor your
14 experiences provide you with knowledge as to what
15 cartridges are principally for use in a handgun.

16 When you state that you don't know what
17 ammunition is handgun ammunition, how long did you think
18 about that concept before you made that statement in the
19 declaration?

20 A Well, I can tell you one of the things I did. I
21 took cartridges and I walked them through my historical
22 timeline. And for instance, the .32 ACP designed turn of
23 the 20th century. For quite awhile, it was handgun round,
24 but then it got adapted to submachine guns, particularly
25 the VZ 61, a Czech made. And since then there have been

1 all sorts of models of that. It's gotten tremendous use
2 in third world countries. It's called -- the Skorpion is
3 the name for it. As I took various cartridges and tried
4 to resolve where they fit in this thing, from my
5 perspective, it didn't make sense. You know, I couldn't
6 decide the principal use in handguns because .32s, there
7 are a lot of .32s floating around. I'm sure more so in
8 Europe because it's never been that big a seller here, but
9 the scope of the .32 ACP or 765, as it's known in Europe,
10 there have been a lot of those things made and they're
11 involved in, you know, the horrible things that go on in
12 Africa and, you know, packed full of third world
13 countries, and so I look at it and I say, "Gee, there's a
14 pretty good chance that the .32 is probably getting fired
15 out of submachine guns a whole lot more than it is from
16 handguns." I don't know that. I don't know that it's
17 knowable, but it -- it makes it hard to say, "Oh, well,
18 yeah, gee, the 765 is principally a handgun round."

19 Q That's based on information not -- in the United
20 States not just in California but worldwide?

21 MR. DALE: Objection. Misstates his testimony.

22 THE WITNESS: Yes. And again, as I've done in
23 each description, my responses to you are through time and
24 around the world.

25 Q BY MR. KRAUSE: I don't suppose I could ask

1 nicely for you to focus on California, could you?

2 California and the United States?

3 A Well, I -- you know, I suppose if I had really
4 good DROS statistics, I could.

5 Q Well, I'm sure the legislature can pass another
6 law that requires recording of rifle sales, and then it
7 would be a simple task?

8 A No, because if it's done the same way handguns
9 are done now, we still wouldn't know much.

10 Q Paragraph 72 of your declaration, you say that
11 you don't know of any sources from which you could
12 determine what cartridges suitable for use in both rifles
13 and handguns are used more often in a handgun than in a
14 long gun.

15 Do you see that?

16 A Yes, I do.

17 Q Again, how long had you considered that concept
18 before you put this in your declaration?

19 A Well, that began when they asked me to focus on
20 this, which would have been, I don't know, September,
21 because this whole thing was not on my horizon and -- and
22 so as I spoke to them and had to think my way through it,
23 I -- I've shot a Skorpion. I know what it is. I had
24 never considered it vis-à-vis a .32 Colt made in 1902.
25 And so as we had these discussions, I said, "Okay. Well,

1 I'd better focus on these things and think about them."
2 And so probably two months, two and a half months until it
3 was printed here, but a lot of discussions.

4 Q And considering your experience and your use of
5 both handguns and rifles over time, as you sit here today,
6 do you still believe that you're unable to identify a
7 single cartridge that's shot more often out of a handgun
8 than a rifle?

9 A No. No, we simply haven't discussed --

10 Q Okay.

11 A We have discussed a few rounds.

12 Q Can you identify any cartridges for me that are
13 shot more often out of a handgun than a rifle?

14 A Okay. Well, I have no experience -- I've never
15 seen a rifle that was chambered for a .25 ACP cartridge.
16 Maybe there was. I've never seen one of them.

17 Q Okay.

18 A I know of no .25 submachine guns, so there's no
19 conflict there. What I've -- again, what I've done is
20 I've gone through a lot of the cartridges/calibers that
21 have been kicked back and forth, and I'm prepared to
22 discuss whatever cartridge you want to --

23 Q Okay. And I'll get through those.

24 All right. I think I'm done with your
25 declarations. You can -- I don't know if you want to tidy

1 up a little bit or...

2 You've mentioned a couple times that the DROS
3 system is not perfect.

4 What problems do you see with the DROS system?

5 A Well, we've gone through the fact that I have 19
6 handguns.

7 Q Yes.

8 A I've had more than that. About -- awhile before
9 Wil Cid retired as chief of the bureau, I asked him to run
10 me through DROS -- there's a procedure that the bureau has
11 for doing that -- and identify all the firearms that DROS
12 thinks I have or have had, because I bought my first
13 handgun that was DROS'd in 1964. And I asked Wil
14 specifically, as I was told that there's some of the DROS
15 system that's online and some that has to go back and be
16 hand searched, so I asked him, "Okay. Profile me." Okay?
17 What I got back was a list of four handguns, one of which
18 I'd bought in '73 and sold in '73, and that was correct.
19 Two of the .22 revolvers that I've described to you were
20 there. The fourth pistol, I'm not sure it's mine because
21 the maker that's designated is wrong. The serial number's
22 correct, the caliber's correct, but the make is wrong. So
23 I don't know if that's mine or not. But here's what I
24 know as well. I know that I have receipts from stores
25 where I bought -- like the Walther PPK/S that's described

1 there. It's not in DROS. The .45 that I shot with that
2 then CCI put serial numbers on is not in the DROS. There
3 was a handgun that I bought for my daughter that I did an
4 operation of law transfer on and neither I nor she is in
5 the DROS, but the pièce de résistance is the Glock. I
6 bought that from DOJ and it's not in the DROS. Now, to
7 the degree that I am a microcosm of the credibility of the
8 DROS system, I submit to you that it's not very good.

9 Q Have you purchased any handguns in California in
10 the last ten years?

11 A No, huh-uh.

12 Q Okay. When was the last time you purchased a
13 handgun in California?

14 A Wait. Yes, I did. The .22 Magnum revolver
15 that's in the DROS system is one I purchased probably in
16 2003 or '4, but I still have the printout from Wil that I
17 got and the correspondence.

18 Q And that is on the printout?

19 A Yes. Yeah.

20 Q So in general, you believe that the DROS
21 information is inaccurate? Potentially inaccurate?

22 A I'm even more concerned with its incomplete. I
23 know the DROS account has had surpluses galore in some
24 years, and I know that when I tried to get information on
25 assault firearms, whatever those were, there was a

1 decision made by the group that I was sort of
2 coordinating -- it was made by Sherman Block, the sheriff
3 of Los Angeles -- that they didn't want to collect
4 information, it was going to be collected from labs,
5 because they knew that the information collected wouldn't
6 support the thesis of the bill.

7 I have been concerned that there's never really
8 been a management review of DROS. I mean, is it getting
9 used? I asked two former chiefs of BI if, in their law
10 enforcement career, they'd ever used DROS to solve a crime
11 and they said no.

12 So I know we have a system. I know the
13 information is incomplete. I know that, in my case, it's
14 incomplete and inaccurate. And the data that you provided
15 I don't believe is the kind of information that management
16 needs to make decisions.

17 Q Do you remember what year it was when former
18 Chief Cid requisitioned your information?

19 A 2000 -- well, see, Cid retired a year ago, two
20 years ago? I forget. It was -- it was about a year
21 before he retired. And then I forget the process I had to
22 go through. I had to submit something to approve them to
23 check it out, and then I got correspondence from one of
24 the guys in the bureau, which I still have, but it was
25 two, possibly three years ago.

1 Q Okay.

2 MR. DALE: Counsel, I just noted your expert
3 wrote something down on a piece of paper and handed it
4 over through Ms. Graham. I'm wondering if that's going to
5 be produced to us as part of your expert's writings.

6 MR. KRAUSE: Sure, if you want.

7 MR. DALE: Okay. Thank you.

8 MR. KRAUSE: Big folder.

9 You okay? Break time? Anything?

10 THE WITNESS: I'm fine.

11 MR. KRAUSE: Everybody good?

12 MR. DALE: We're doing great. Thank you.

13 Q BY MR. KRAUSE: Go through a few bits of the
14 newspaper.

15 Mark this Exhibit 6.

16 (Whereupon Defendants' Exhibit 6 was
17 marked for identification.)

18 Q This is an article from The Sacramento Bee that
19 appears to have been authored by you on July 5th, 2010.

20 A Yes.

21 Q Are you familiar with this article? Or I guess
22 it's an opinion.

23 A It's an op-ed piece.

24 Q Op-ed piece?

25 A Yeah.

1 following calibers to be handgun ammunition calibers
2 within the meaning of Sections 12060, 061 and 12318: .45,
3 9mm, 10mm, .40, .357, .38, .44, .380, .454, .25 and .32.

4 Sitting here today, would you agree that any
5 cartridges of ammunition and the calibers identified by
6 the Department of Justice are chambered more often in a
7 handgun than a rifle?

8 MR. DALE: Objection. Vague and ambiguous as to
9 "chambered more often."

10 Q BY MR. KRAUSE: Do you understand what that
11 means, "chambered more often"?

12 A Well, can you restate it? Because I lost you
13 partway through the question.

14 Q Would you agree that any cartridges of ammunition
15 in the calibers that were just identified are chambered
16 more often in a handgun than a rifle?

17 MR. DALE: Same objection.

18 THE WITNESS: Okay. I'll have to explain here.
19 As Special Agent Supervisor Graham spoke to, in part, in
20 his deposition, there's a disconnect between the name of a
21 cartridge and the caliber. A .44 isn't a .44. A .32
22 isn't a .32.

23 Q Sure. And we don't need to go through that. I
24 understand that because it's a measurement and I think we
25 can shortcut this if I just skip to the cartridges.

1 A Yeah, but when you put the word "caliber" in it,
2 it's hard to skip by it.

3 Q I understand, but let's just strike my prior
4 question and we'll just move on.

5 Based on your experience and expertise, would you
6 agree that the .45 ACP cartridge is handgun ammunition?

7 A No.

8 Q Why not?

9 A A little story. The .45 ACP cartridge was
10 developed in the early 1900s for some handguns that
11 Browning was designing, and those served in World War I.
12 And toward the end of World War I, John Thompson developed
13 the Thompson submachine gun, which became a fairly big
14 deal in law enforcement, came too late to use in the war,
15 but it was used by our military to fight in Nicaragua, in
16 Shanghai and a variety of places where the Marine Corps
17 was. At the beginning of World War II, they geared up and
18 produced, between the Thompson submachine gun, the Greiss
19 gun that fired the same round and the Reising gun,
20 something on the order of 3 million submachine guns and
21 there were more .45 handguns produced than there were
22 submachine guns, but the -- in terms of which consumes the
23 most, the handgun was never a principal battle arm. It
24 was a backup. And the submachine guns were, you know,
25 airborne assault firearms. You know, they were used

1 extensively in the Pacific, so taking us through the
2 Korean War and on into Vietnam, because those same guns
3 served all through the Vietnam conflict, the -- there was
4 tremendous amount of use of .45 ACP in long guns. And
5 those guns were subsequently sold, given away to, you
6 know, Vietnam, the Philippines, I don't know where all
7 they went to, but there has been so much submachine gun
8 use of .45 ACP over the century that I suppose if you
9 researched it, you could get closer, but I don't think
10 it's a given that the .45 ACP, given my perspective on
11 worldwide and through time, has been fired more, say, in a
12 handgun than it has in a submachine gun.

13 Q Putting aside the historical background and
14 historic usage, in California today, would you say that
15 the .45 ACP cartridge is more often used in a handgun or
16 in a rifle?

17 MR. DALE: Objection. Incomplete hypothetical.

18 THE WITNESS: Well, there are rifles that use the
19 .45 ACP cartridge.

20 Q BY MR. KRAUSE: Okay. ACP stands for Automatic
21 Colt Pistol?

22 A Colt pistol, yes.

23 Q Okay. Can you identify what rifles chamber a .45
24 ACP cartridge?

25 A One of the guns is the Marlin Camp .45 that I

1 described that I own one of them and -- can't bring more
2 to mind. There are just a few of them, but -- and what I
3 don't know is I don't know the usage that the millions of
4 submachine guns that are floating around the world that
5 shoot that cartridge is in relationship to what we're
6 doing here. Clearly, in this state, people can't have
7 Thompson submachine guns, for the most part, unless DOJ,
8 you know, decides to bless them with one, but move across
9 the border and in Nevada you can own a Thompson gun if you
10 want to and in 36 states, the Joe Six Pack can own a
11 machine gun. So to be sure in my response, I would want
12 to know -- I would want to talk to the BATFE folks and
13 find out the number of licensed Thompson submachine guns
14 that there are in the United States, because I -- I know
15 they're -- I've fired quite a few of them myself, so --
16 and I know that there are stores in Las Vegas, for
17 instance, that rent them. And there's a constant parade
18 of tourists that are throwing down lots of bucks to shoot
19 those guns, a lot of rounds being burned up. So I know
20 that you're uncomfortable with my worldwide view, but even
21 the national view, California is not representative of the
22 nation in terms of, say, submachine guns.

23 Q How many .45 handguns are available in California
24 that chamber the .45 ACP, to your knowledge?

25 A Not a clue. Not a clue.

1 Q More than a hundred?

2 A Now, do you mean different designs? Models?

3 Q Different manufacturers, different models. Any

4 distinct handgun that chambers the .45 ACP.

5 A Well, the difficulty that I would have is I'd

6 have to identify the universe and then run it against the

7 approved for-sale list in this state because the

8 manufacturers of gun X may not have submitted it to DOJ

9 for the drop test and the other things that are required.

10 So you can go to the -- you can go to the gun journals

11 like the Gun Digest to see sort of what the universe is.

12 If you have read the 2008 report from BATFE on gun

13 production, you can look at the makers who make .45s by

14 maker name, and it shows the exact number that they

15 produced each year. As I mentioned before, you can't draw

16 much in the way of conclusions from the DROS because,

17 while .45 is up there at the top, you don't know if those

18 are new sales or whether those are transfers and so you

19 don't know what the universe is.

20 Q Okay. But for sale in California right now, how

21 many rifles are there that chamber the .45 ACP round?

22 A Very few. I'm going to guess, perhaps, three or

23 four, but that is a flat guess.

24 Q So despite knowing that there will be so few

25 rifles that chamber this .45 ACP for sale in California

1 and comparatively many handguns that chamber the .45 ACP,
2 you still disagree that this round of ammunition is
3 handgun ammunition for purposes of the challenged
4 statutes?

5 A Well, again --

6 MR. DALE: Objection. Argumentative. Incomplete
7 hypothetical. Misstates his prior testimony.

8 Go ahead.

9 THE WITNESS: The question is not really how many
10 are for sale here in the state now, it's -- the question
11 is, how many exist? Because .45 ACP long guns in various
12 forms have been sold here for a long time. For instance,
13 the Numrich Arms Corporation made a gun that looked like
14 the Thompson machine gun. It's not. You can't sell it
15 here because it's an assault weapon, but there are those.
16 There are a variety of bolt action guns that were
17 converted because the head size, the .45 is the same as a
18 .308 or .30-06. You can put it in bolt action. So sales
19 are one dimension, but what is important is, what is the
20 universe of firearms that can discharge the cartridge?
21 And I don't know.

22 Q Okay. Next cartridge, the .45 GAP -- which I
23 believe stands for Glock Action Pistol?

24 A Yeah.

25 Q Based on your experience and expertise, would you

1 agree that the .45 GAP cartridge is handgun ammunition?

2 A I've never seen a GAP round. I've never seen a
3 Glock chambered for a GAP round. I've read about them. I
4 know of no long gun that's chambered for it.

5 Q Okay. So you have no reason to believe that it's
6 not exclusively handgun ammunition?

7 A I do not.

8 Q I think we've covered the 9mm Luger, also known
9 as the 9x19, also known as the 9mm Parabellum, but I guess
10 let me ask again.

11 Based on your experience and expertise, would you
12 agree that the 9mm Luger cartridge is handgun ammunition
13 for purposes of the challenged statutes, meaning that it's
14 used more often in a handgun than a rifle?

15 A Well, again, given my worldwide-through-time
16 perspective, I would disagree with that because I assume
17 that in the world, that cartridge is being used more in
18 submachine guns than it is in handguns.

19 Q What if we changed the focus to the United States
20 or California, would your opinion change?

21 A There -- there are still things that I wouldn't
22 know, because the DROS sales information, as soft as it
23 is, doesn't give you a real sense of -- well, we don't
24 know anything about long guns at all from DROS and I don't
25 know how many Marlin Camp 9s were made. I don't know how

1 many uppers for AR 15s were made that use the 9. I mean,
2 on and on and on. I could -- I think it would just be
3 irresponsible to say, "Oh, yeah." There are so many
4 submachine guns in the United States and in the world and
5 a lot in this state too that burn those rounds up that I
6 think a study would probably conclude that it's more often
7 used in long guns.

8 Q Worldwide?

9 A Yes. Possibly even in the United States,
10 depending on the police use and military use. There
11 are -- the military burns a lot of those in -- you know,
12 with the SEALs and -- because most -- most shooters, you
13 know, they buy a box, they go out and shoot once a year,
14 two or three times a year, they may have a gun, some
15 cartridges, but they don't put that many rounds through
16 it. The world of submachine guns and training with those
17 is you shoot a bunch. And so that's my sincere belief,
18 that --

19 Q So do you interpret principally for use in a
20 handgun to mean the number of rounds cycled through a
21 particular type of weapon?

22 A It's that and it's the number of firearms for
23 them. There are -- again, I -- I said in one of the
24 things I wrote that to me, the ultimate way you determine
25 whether something is for handgun or rifle is what you

1 shoot it in. And if more 9s are being sold to shoot in --
2 or if more 9s are fired in submachine guns and that's who
3 Federal or whoever else is producing them for, they're
4 filling contracts for the military or police and the
5 military and police are shooting them in their guns, then,
6 yeah, submachine guns. I mean, if the people who drafted
7 the law had been a little bit more precise, we wouldn't be
8 in this position, but that's my view of it.

9 Q Based on your experience and expertise, would you
10 agree that the 9mm Federal cartridge is handgun
11 ammunition?

12 A The only gun that I know that that round was
13 chambered for was a Ruger revolver. I have never seen a
14 long gun chambered in that -- or know of one.

15 Q So you would consider that to be handgun
16 ammunition?

17 A Yes.

18 Q Based on your experience and expertise, would you
19 agree that the 9mm Mauser cartridge is handgun ammunition?

20 A That's a tricky one. And the reason is, is I
21 believe a fair amount of the 9mm Mauser production was for
22 machine pistols. The Germans made some, the Spanish made
23 some. They were called, I believe, the 714. Some of them
24 had detachable magazines. Some had fixed. That's one
25 that I'd have to do some research on, but I probably come

1 down on -- on your side of it because most of the machine
2 pistols had detachable stocks and, therefore, it wouldn't
3 be a long gun as we're discussing it here. So as I think
4 my way through it, yes.

5 Q Okay. Thank you.

6 Based on your experience and expertise, would you
7 agree that the 10mm auto cartridge is handgun ammunition?

8 A What I would have to know there is, there are
9 long guns in upper receivers. I believe the FBI -- I
10 don't know whether they had 10s or .40s or if they had
11 both, that's -- I would be unsure on that.

12 Q Well, let me ask you this:

13 What long guns, to your knowledge, can chamber a
14 10mm cartridge -- 10mm auto cartridge?

15 A I think I may have listed some in the declaration
16 here. Let me go and refresh that because I'm afraid I
17 might be getting 10 and .40 transposed here and I wouldn't
18 want to do that. Let's see. That would have been in this
19 one. That -- that's right. I got myself twisted around
20 here. I was referring to the .40, not the 10. So in
21 answer to your question, on the 10, no, I don't know of a
22 rifle right offhand that I can bring to mind that's
23 chambered for the 10.

24 Q Okay. So you would consider the 10mm auto
25 cartridge to be a handgun cartridge?

1 A Yes.

2 Q Based on your experience and expertise, would you
3 agree that the .40 S&W auto is a -- is handgun ammunition?

4 A Well, no. That's where more work would have to
5 be done, because as I say in here on page 11 of the
6 document filed on September the 29th, there's a list of
7 the Beretta Storm, the Hi-Point, the Kel-Tec, the Olympic
8 Arms, PC for carbine and those things and I don't think I
9 could agree on that. I think one would need to know
10 substantially more than we know.

11 Q How many long guns chamber the .40 S&W auto
12 round?

13 A Well, from the list that I made is one, two,
14 three, four, five -- looks like about six are the ones
15 that I put down on the list here.

16 Q Do you have an estimate of how many handguns
17 chamber the .40 S&W auto round?

18 A Ruger, Smith. No, I'd have to research that. A
19 number of them. And there are various models of those.

20 Q Can you give me an estimate? More than 20?

21 A No, I can't.

22 Q Okay. Based on your experience and expertise,
23 would you agree that the that ACP cartridge is handgun
24 ammunition?

25 A Yeah, as I said before, I know of no long gun

1 that's chambered for that.

2 Q Okay. Same question as to the .32 ACP.

3 A I would say no. And that was the monologue I
4 took you through on the VZ 61 Skorpion and the follow-ons
5 to that. The .32 ACP cartridge has a tremendous following
6 in submachine guns worldwide.

7 Q In California, however, what would your answer
8 be?

9 A Well, I know --

10 MR. DALE: Objection. Incomplete hypothetical.
11 Sorry. Sorry for the interjection.

12 THE WITNESS: I know of no long guns that are
13 chambered for it. There are precious few handguns that
14 are still being chambered for it.

15 Q BY MR. KRAUSE: So your conclusion that it is --
16 that the .32 ACP cartridge is not handgun ammunition is
17 based on its use outside the United States?

18 A Yes.

19 Q Okay. Based on your experience and expertise,
20 would you agree that the .357 S&W Magnum is handgun
21 ammunition?

22 A No.

23 Q Why not?

24 A Well, 40 years ago if we'd had this discussion,
25 virtually every police department and sheriff's department

1 would have carried one of those, a wheel gun of some sort.
2 Now you'd be hard pressed to find one. There are a world
3 of .38 and .357 revolvers floating around, but there's
4 also a world of rifles that are chambered for them,
5 including a CHP commemorative and all manner of stuff that
6 comes from the Italians and these are part of the cowboy
7 gun world.

8 Q And those are for sale in California?

9 A Yes. Yes. As a matter of fact, the principal
10 distributor, EMF, is California based.

11 Q Do you have a rough estimate or -- of the number
12 of long guns that can chamber the .357 S&W Magnum
13 cartridge?

14 A No. I brought the Cowboy Chronicles along, and
15 their ads, and there are four of them. And through the
16 years, there have been -- the Israelis made one called the
17 Desert -- no, they called it the Wolverine. Browning has
18 made them. There have been a lot of them over the years.
19 Whether they're still being sold, I don't know. They're
20 still in circulation. But the principal ones that are for
21 sale here now are the cowboy battalion ones.

22 Q Do you have an estimate of how many handguns can
23 chamber the .357 S&W Magnum cartridge?

24 A You mean in models or in count?

25 Q What's -- you mean total number versus models?

1 A Yeah.

2 Q I don't expect you probably have a count, so
3 maybe models.

4 A Through time, Smith & Wesson has had a lot of
5 them. Colt has had some. Ruger has had quite a few.
6 Rossi. I'm trying to think of who else comes to mind.
7 There are a lot of models of .357s, be they Deringers or
8 revolvers or single action, double action or -- that would
9 require some study to count.

10 Q Okay. Based on your experience and expertise,
11 would you agree that the .357 SIG, S-I-G, cartridge is
12 handgun ammunition?

13 A With that cartridge, I have never seen a long gun
14 that's chambered for it.

15 Q So you would agree that the .357 SIG is handgun
16 ammunition?

17 A Yes.

18 Q Based on your experience and expertise, would you
19 agree that the .44 S&W Special is handgun ammunition?

20 A No.

21 Q Why not?

22 A Well, again, we're into the same thing as with
23 the .357. The .44 Special will work in a .44 Magnum.
24 It's like the relationship between the .22 long rifle and
25 the .22 long. All manner of .44 Special firearms that

1 will accept a .44 Special cartridge have been made and
2 I -- I looked at the -- at the DROS stats on .44s and
3 .454s and that's when I thought, you know, well, I don't
4 know whether these are new sales or whether these are, you
5 know, transfers. And there are quite a few -- the
6 impression I have is there are quite a few. I haven't
7 gone to the National Shooting Sports Foundation or various
8 folks to find out if I can get gun production from Marlin,
9 because they make them, and Browning made them. I have no
10 idea what their sales are, but I know that there is an
11 open question that until you resolve some counts to really
12 know what's being sold and what's been sold over time.

13 Q Okay. All right. How about the .44 S&W
14 American? Based on your experience, is that cartridge
15 handgun ammunition?

16 A That's a vintage round.

17 Q Is it? Okay. Tell me about it.

18 When was it manufactured?

19 A Well, I want to say the .44 Smith & Wesson
20 American is an antique round.

21 Q Okay. I've leave it at that. I saw it. I asked
22 about it. I'll move on.

23 In your experience and expertise, would you agree
24 that the .44 auto Mag cartridge is handgun ammunition?

25 A I've never seen that chambered in a long gun or

1 know of one.

2 Q So you would consider the .44 auto Mag to be
3 handgun ammunition?

4 A Yes.

5 Q Based on your experience and expertise, would you
6 agree that the .44 Remington Magnum cartridge is handgun
7 ammunition?

8 A No. And I just -- go back to what I said for .44
9 Special.

10 Q Cowboy ammunition?

11 A Well, they are popular in rifles. The Ruger has
12 a bolt action. They have a semi auto. There are
13 Brazilian ones. There are a lot of .44 Magnum rifles,
14 some of which are cowboy design, but it's broader than
15 cowboy.

16 Q Okay. Based on your experience and expertise,
17 would you agree that the .44 S&W Special is handgun
18 ammunition?

19 A I thought we just did the .44 Special.

20 Q Did we?

21 A Yeah.

22 Q Oh, we did. That's repeated. Never mind.
23 Strike that.

24 Based on your experience and expertise, would you
25 agree that the .380 revolver cartridge is handgun

1 ammunition?

2 A .380 revolver?

3 Q Yeah.

4 A .380 revolver?

5 Q I read it in a book somewhere.

6 A Well, if it's designated like that, it's a

7 British cartridge and it would be for a Bulldog. I -- I

8 have --

9 Q If you're not familiar with it, that's all you

10 have to say.

11 A Well --

12 Q I don't want you to guess.

13 A Okay. Well --

14 Q I'm not here to trick you. I'm honestly not.

15 A If we can find it in Cartridges of the World, I

16 can respond to it.

17 Q Yeah, it's listed in Cartridges of the World

18 and -- do you have the -- if you want to -- oh, do you

19 have it in front of you?

20 MR. GRAHAM: It's there, but...

21 MR. KRAUSE: Did you find a page for it?

22 MR. GRAHAM: No, I didn't. Sorry. I was looking

23 at other stuff.

24 MR. KRAUSE: Okay. Never mind. British. You

25 were correct. ".38 revolver cartridge is a British

1 innovation for the Webley revolver and originated about
2 1868 to '70."

3 THE WITNESS: Did I pass?

4 MR. KRAUSE: You did. One thing I won't do is
5 question your firearms knowledge.

6 MR. DALE: Is that a stipulation?

7 MR. KRAUSE: What is that, the expert
8 designation? No. There is no dispute that he is an
9 expert in ammunition in firearms.

10 Q BY MR. KRAUSE: Let's see. Let's turn to the
11 next one. Based on your experience and expertise, would
12 you agree that the .380 automatic Colt pistol cartridge is
13 handgun ammunition?

14 A No.

15 Q Even though it has "pistol" in its title?

16 A Well, in the American title, it does.

17 Q Okay.

18 A It's also the .9 Kurz, the 9x17, the .9 Corto.
19 It has a variety of names. No. That has -- that has been
20 used extensively in the submachine guns in the third
21 worlds as well and the things like the .32 and the .380 in
22 my experience are firearms that don't get a whole lot of
23 rounds put through them. They're, you know, below the bed
24 or up in the closet sort of guns and, again, you'd -- to
25 nail this down, you'd really want to look at the universe

1 of submachine guns, particularly the ones that flowed from
2 the VZ 61 Skorpion, because there was a 64. There are all
3 sorts of model numbers. And that cartridge was part of
4 that development.

5 Q Okay. Focusing on California, how many long
6 guns, to your knowledge, that can chamber a .380 ACP
7 cartridge are for sale in California, if you know?

8 A The only non-handguns as we're describing them
9 here that I'm aware of are machine pistols that wouldn't
10 be in the civilian trade. The Military Armament
11 Corporation, the MAC, it was called, had a .380 machine
12 pistol, but beyond that, I'm not aware of a rifle that is
13 chambered for that round.

14 Q Okay. So your conclusion that the .380 ACP
15 cartridge is not handgun ammunition is based on --

16 A Across time, around the world.

17 Q Across time, around the world --

18 A Yeah.

19 Q -- foreign firearms?

20 A Yes.

21 Q Okay. Based on your experience and expertise,
22 would you agree that the .454 Casull cartridge is handgun
23 ammunition?

24 A That's chambered for rifles -- in rifles as well.
25 That was one of the things that I really alerted to on the

1 DROS stats, the number of .454 sales. That seems
2 inordinately high because that's a very expensive revolver
3 and very unpleasant to shoot, and so I look at the numbers
4 on your DROS stats and think, "This can't be. This --
5 this must include stuff that" -- so having said that and
6 knowing that rifles are available chambered for it, I'd be
7 reluctant to make the statement I've made on other
8 cartridges until I know more about sales and what exists,
9 because the .454 Casull is relatively new. As cartridges
10 go, it's a .45 Long Colt on steroids with a stronger web
11 in the case and my experience is that's a pretty small
12 universe of handguns. And so some level of long gun sale
13 would -- wouldn't seem to me to be real hard to match the
14 handgun sales because it's such a niche firearm.

15 Q How -- what long guns, to your knowledge, can
16 chamber the .454 Casull that are for sale in California?

17 A Most of the ones that I've been aware of are
18 modifications that people have had done, not -- they --
19 they didn't buy a .454 Casull from Company A. They took a
20 rifle that would accept it and had it rebarreled,
21 rechambered for -- so that they could use it, say, with
22 their Casull pistol or for whatever the reasons were, but
23 most of the Casulls that I'm aware of are not factory
24 produced.

25 Q Okay. But .454 Casull cartridges do fit into

1 handguns that are sold in California?

2 A Yes.

3 Q So your conclusion that the .454 Casull cartridge
4 is not handgun ammunition is based upon sales and -- the
5 existence of long guns outside of California or -- help me
6 understand that.

7 A I'm not saying it's not. I'm saying that the
8 data is insufficient to draw the conclusion. I'm -- I'm
9 miffed by the DROS stats because of the numbers and
10 thinking, "This can't be." This is -- so many Casulls
11 being made, unless they're just -- the guns are recycling.

12 Q Somebody buys one and doesn't like it and moves
13 it on. It's the same gun, but it's just passing around?

14 A So I'm not saying it's not. I'm saying the
15 responsible approach would be to know more.

16 Q Okay. That's fair.

17 Based on your experience and expertise, would you
18 agree that the .38 Special cartridge is handgun
19 ammunition?

20 A Same thing with .357 Magnum. That's the .22 long
21 rifle, .22 long. If you have a .357 long gun, you can
22 shoot .38 Specials in it.

23 Q And in your experience, a lot of long guns
24 chambering the .38 Special have been sold and are very
25 popular?

1 A Most of them are chambered for .357 because that
2 way you get both.

3 Q Okay.

4 A The -- in my experience, the firearms that I see
5 .38 Specials and .357 Magnum both in handguns have just
6 sort of dropped off the chart. I mean, they're still
7 being made and they're still -- but as compared to
8 40 years ago, there's a world of difference.

9 Q But if you consider the historic implications and
10 the high numbers that existed in the past, does that
11 change your conclusion about the potential for .38 Special
12 cartridges to be handgun ammunition?

13 A Well, as I said, I have a .357 model 19 and I
14 have a .357 Ruger Security Six, and neither one of them
15 has had a round through it in 15 years, so existence and
16 use aren't necessarily the same thing. And so that's why
17 I think you have to look to not just what's sold, but were
18 these rounds being expended. And the cowboy thing, for
19 instance, tremendous amount -- you can see in the ads how
20 cartridge manufacturers have moved to cater to the cowboys
21 with reduced loads, black powder loads designed
22 specifically for the competitions that they have.

23 Q Isn't the .38 Special/.357 still pretty popular
24 among people who purchase them for home defense?

25 A There is -- the -- I know that Smith & Wesson

1 pushes their small frame revolvers for people with small
2 hands as home defense guns. I have no sense for what they
3 sell. I know that those titanium frames and those little
4 things are extremely unpleasant to shoot, so then it's a
5 question -- you have a gun sold where you're getting
6 rounds fired through it. And part of my response to you
7 is, "Where are the rounds getting fired?"

8 Q Okay. Based on your experience and expertise,
9 would you agree that the .38 S&W cartridge is handgun
10 ammunition?

11 A I know of no long gun that is chambered for that.

12 Q Okay. So you would consider the .38 S&W to be
13 handgun ammunition, yes?

14 A Yes.

15 Q And finally, last but not least, based upon your
16 experience and expertise, would you agree that the .38
17 automatic cartridge is handgun ammunition?

18 A Okay. Now, are we making a distinction now
19 between -- are we talking about the .38 Super or are we
20 talking about the -- there's a -- there was an interim
21 round that -- basically between the 9x17 and the .38
22 Super, which may be what you're referring to --

23 Q It might be. Let's wait for the book.

24 Yeah, .38 Super automatic. Introduced by Colt in
25 1929 as an improved version of the older .38 auto, the

1 Super auto is identical to the original cartridge except
2 that it uses a more powerful loading.

3 A Okay. So your question, then, is about the .38
4 Super or both?

5 Q Super automatic, yeah.

6 A I know of no long guns that were chambered for
7 that, although there are some Spanish-made stuff that it
8 would possibly work in. That's not what they were
9 designed to use.

10 Q Okay. So in your opinion, the .38 Super or Super
11 automatic would be handgun ammunition?

12 A Yes.

13 Q Okay. All right. Let's just -- I'm just about
14 done.

15 I just need to find out if those declarations
16 made it.

17 MS. GRAHAM: Yes. I've got them. My secretary
18 is making a copy of them.

19 MR. MONFORT: Two were sent. There was one that
20 was not sent. We've been trying to confirm -- it was a
21 few years ago -- whether or not it was actually filed in
22 the case or not. I know that we obtained one from him and
23 I don't know if there was a signed copy that was actually
24 filed. So to the extent we could figure that out later
25 and provide it to you.

1 MR. KRAUSE: That's fair.

2 (Off-the-record discussion.)

3 Q BY MR. KRAUSE: Into the hypothetical world.
4 Back when you were still employed by the Department of
5 Justice, if you were still employed by DOJ and the
6 attorney general asked you to create a list of cartridges
7 that would be more often chambered or fired from the
8 handgun, what cartridges would you include on that list?

9 MR. DALE: Objection. Vague and ambiguous as
10 "chambered in a handgun" and incomplete hypothetical.

11 Q BY MR. KRAUSE: And in addition, you would be
12 focusing on California and excluding use by law
13 enforcement and the military.

14 MR. DALE: Same objection.

15 THE WITNESS: Well, the -- I would do with the
16 attorney general what I did on the Roberti-Roos. I would
17 lay it out to him the way I did it for you, and I might
18 just add that I prevailed on the first assault
19 weapon-related thing and Van de Kamp said he wouldn't
20 support the bill, much to the dismay of senior staff and
21 then Stockton occurred and politics consumed us, but at
22 all steps of the way, I said, "No, this is a mistake."

23 Q BY MR. KRAUSE: But if he said, "Come on. I need
24 a list. I need a list of cartridges that are handgun
25 ammunition in California that are chambered more often in

1 trial, so long as it reflects any changes that were made
2 to the original.

3 MR. KRAUSE: Okay. So stipulated.

4
5 (Whereupon the deposition adjourned
6 at 4:34 p.m.)
7
8
9

10 I have read the foregoing deposition
11 transcript and by signing hereafter, approve same.
12

13 Dated 12-28-2010.

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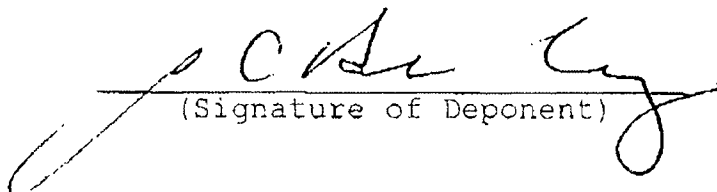
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DEPOSITION OFFICER'S CERTIFICATE

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN FRANCISCO)

I, Lindsey Perry , hereby certify:

I am a duly qualified Certified Shorthand
Reporter, in the State of California, holder of
Certificate Number CSR 12806 issued by the Court
Reporters Board of California and which is in full force
and effect. (Bus. & Prof. § 8016)

I am not financially interested in this action
and am not a relative or employee of any attorney of the
parties, or of any of the parties. (Civ. Proc. §
2025.320(a))

I am authorized to administer oaths or
affirmations pursuant to California Code of Civil
Procedure, Section 2093(b) and prior to being examined,
the deponent was first placed under oath or affirmation
by me. (Civ. Proc. §§ 2025.320, 2025.540(a))

I am the deposition officer that
stenographically recorded the testimony in the foregoing
deposition and the foregoing transcript is a true
record of the testimony given. (Civ. Proc. §
2025.540(a))

1 I have not, and shall not, offer or provide
2 any services or products to any party's attorney or
3 third party who is financing all or part of the action
4 without first offering same to all parties or their
5 attorneys attending the deposition and making same
6 available at the same time to all parties or their
7 attorneys. (Civ. Proc. § 2025.320(b))

8 I shall not provide any service or product
9 consisting of the deposition officer's notations or
10 comments regarding the demeanor of any witness,
11 attorney, or party present at the deposition to any
12 party or any party's attorney or third party who is
13 financing all or part of the action, nor shall I collect
14 any personal identifying information about the witness
15 as a service or product to be provided to any party or
16 third party who is financing all or part of the action.
17 (Civ. Proc. § 2025.320(c))

18
19 Dated: DECEMBER 20, 2010
20
21

22 Stephen F. Helsley
23
24
25

EXHIBIT G

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF FRESNO

3 ---oOo---

4 SHERIFF CLAY PARKER, TEHAMA COUNTY)
5 SHERIFF; HERB BAUER SPORTING GOODS;)
6 CALIFORNIA RIFLE and PISTOL)
7 ASSOCIATION FOUNDATION; ABLE'S)
8 SPORTING, INC.; RTG SPORTING)
9 COLLECTIBLES, LLC; and)
10 STEVEN STONECIPHER,)

11 Plaintiffs and Petitioners,)

12 v.) No. 10CECG02116

13 THE STATE OF CALIFORNIA; JERRY BROWN,)
14 in his official capacity as Attorney)
15 General for the State of California;)
16 THE CALIFORNIA DEPARTMENT OF JUSTICE;)
17 and DOES 1-25,)

18 Defendants and Respondents.)

19 _____)

20 ---oOo---

21 TUESDAY, DECEMBER 21, 2010

22 ---oOo---

23 DEPOSITION OF

24 CLAY PARKER

25 ---oOo---

REPORTER: LINDSEY R. PERRY, CSR #12806, RPR, CRR

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APPEARANCES

For the Plaintiffs and Petitioners:
(Appeared telephonically)

MICHEL & ASSOCIATES
By: JOSHUA DALE, Attorney at Law
CLINTON B. MONFORT, Attorney at Law
180 E. Ocean Boulevard, Suite 200
Long Beach, CA 90802
cmontfort@michellawyers.com

For the Defendants and Respondents:

STATE OF CALIFORNIA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
By: PETER A. KRAUSE, Attorney at Law
1300 I Street, Suite 125
Sacramento, CA 94244
peter.krause@doj.ca.gov

Also present:

Bobbie Ross (Appeared telephonically)
Anna Barvir (Appeared telephonically)

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1	Declaration of Clay Parker, Tehama County Sheriff, in Support of Motion of Summary Judgment or, in the alternative, for Summary Adjudication and Trial, three pages.	39
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1 A Well, I imagine if you have some calibers you
2 want to run by me, maybe I can do that and see if I think
3 they would be used more in a handgun rather than a long
4 gun.

5 Q All right. What about .45 caliber?

6 MR. DALE: I'm going to object. Vague and
7 ambiguous as to ".45 caliber." Talking about all
8 cartridges in the .45 caliber?

9 MR. KRAUSE: I just asked a question. If he
10 understands the question, he can respond. You've made
11 your objection.

12 THE WITNESS: Again, I think if you get down to
13 .45 Long Colts, that's both handgun, rifle; .45 ACP,
14 handgun and rifle. It's -- like I said, it's not clearcut
15 for me.

16 Q BY MR. KRAUSE: Apart from the .45 Thompson
17 submachine gun you said you fired, can you identify any
18 other .45-caliber long guns?

19 A I've shot the .45 Long Colt in a long gun. That
20 may be the only -- only other.

21 Q So despite knowing of only one long gun that can
22 chamber, well, a .45 ACP round, do you disagree that this
23 round of ammunition is handgun ammunition?

24 MR. DALE: Objection. Vague and ambiguous as to
25 "handgun ammunition."

1 THE WITNESS: Well, as far as I'm concerned, it's
2 also long gun ammunition.

3 Q BY MR. KRAUSE: The .45 ACP cartridge?

4 A That is correct.

5 Q But would you agree that it's used more often in
6 handguns than in long guns?

7 MR. DALE: Objection. Vague and ambiguous as to
8 "more often."

9 THE WITNESS: I guess you'd have to narrow it
10 down. Are you speaking strictly Tehama County? In the
11 nation? In the world?

12 Q BY MR. KRAUSE: California.

13 A In what era?

14 Q Today in California.

15 A Today in California, I would say the .45 ACP is
16 probably shot in more handguns than a long gun.

17 Q Have you ever heard of a .45 Glock action pistol
18 cartridge?

19 A I have recently.

20 Q Are you familiar with the cartridge or you've
21 just heard it in passing reference?

22 A I've never touched one.

23 Q Okay. So you don't have any basis for knowing
24 whether it's used more often in handguns than in long
25 guns?

1 A No, I don't.

2 Q Okay. The 9mm Luger cartridge, also known as 9mm
3 Parabellum or 9x19, based on your experience, would you
4 agree that the 9mm Luger cartridge is handgun ammunition?

5 MR. DALE: Objection. Vague and ambiguous as to
6 "handgun ammunition."

7 THE WITNESS: My response would be I couldn't
8 determine that because I've fired more 9mm rounds through
9 a rifle or a long gun than I have a handgun.

10 Q BY MR. KRAUSE: Putting aside your personal
11 experience, based on your training, your law enforcement
12 career and your -- just your general understanding of the
13 9mm Luger cartridge, would you agree that it's used more
14 often in handguns than in long guns?

15 MR. DALE: I'm going to object. That calls for
16 an expert opinion. It also calls for an improper lay
17 opinion. You just asked him to put aside his personal
18 experience, so I don't know that he has any foundation to
19 testify.

20 Q BY MR. KRAUSE: Go ahead and answer if you can,
21 Sheriff.

22 A Again, a 9mm is one of those rounds that are used
23 extensively in a rifle also, so that's one of those
24 questions I have.

25 Q When you say it's used extensively in rifles, can

1 you identify all rifles you're aware of that can chamber a
2 9mm Luger cartridge?

3 A Well, specifically, the HK MP5.

4 Q Okay. Who in California has access to the HK
5 MP5?

6 MR. DALE: Objection. Calls for speculation.

7 THE WITNESS: Well, I know a lot of law
8 enforcement and military have them.

9 Q BY MR. KRAUSE: Can private citizens obtain an
10 MP5?

11 A I don't believe so, unless they were purchased
12 before a certain date and registered.

13 Q Okay. So putting aside law enforcement use of
14 the MP5, would you agree that the 9mm Luger cartridge is
15 used in more handguns than long guns in California?

16 MR. DALE: Objection. Vague and ambiguous as to
17 "used more often in." Again, it also calls for improper
18 lay opinion.

19 Go ahead and answer if you can, Sheriff.

20 THE WITNESS: Yeah, I -- even on the 9, I can't
21 say that's specifically handgun ammunition.

22 Q BY MR. KRAUSE: Because of its use in MP5s?

23 MR. DALE: Objection. Misstates prior testimony.

24 MR. KRAUSE: That's why I'm asking.

25 Q Is your conclusion that you can't identify it as

1 handgun ammunition based on its use in MP5s in California?

2 A Yes.

3 Q Based on your experience, would you agree that
4 the 10mm auto cartridge is handgun ammunition?

5 MR. DALE: Object. Vague and ambiguous as to
6 "handgun ammunition."

7 MR. KRAUSE: We defined it at the beginning of
8 the deposition, Josh.

9 Q But if you can answer, go ahead, please.

10 A I don't think I've specifically dealt with a
11 10mm. I haven't.

12 Q You don't know whether it's used in handguns or
13 long guns?

14 A Again, I have not dealt with a 10mm at all.

15 Q Okay. Based on your experience, is .40-caliber
16 ammunition used more often in handguns than long guns?

17 MR. DALE: Objection. Vague and ambiguous as to
18 "used more often in."

19 THE WITNESS: Well, again, I know that .40s can
20 be fired in long guns, but the majority of dealings I've
21 had with any .40s have been in a handgun.

22 Q BY MR. KRAUSE: So in your view, it's handgun
23 caliber?

24 MR. DALE: I'm going to object. Vague and
25 ambiguous as to "handgun caliber."

1 Q BY MR. KRAUSE: You can answer.
2 A I would say it could be used in either the
3 handgun or a long gun -- or -- yes.
4 Q Well, regardless of whether it can be used in
5 either one, in your -- based on your experience, which is
6 it -- which is -- strike that.
7 Based on your experience, would you agree that
8 the .40-caliber cartridge is used more often in handguns
9 or long guns?
10 MR. DALE: Objection. Vague and ambiguous as to
11 "used more often in."
12 Q BY MR. KRAUSE: Do you understand what I mean by
13 "used more often in"? Chambered more often in?
14 MR. DALE: Objection. Vague and ambiguous as to
15 "chambered more often in."
16 Q BY MR. KRAUSE: Sheriff?
17 A Yes, I'm here.
18 Q You can answer.
19 A He was breaking up. I didn't hear a lot of that,
20 but, again, what -- we're on .40 calibers?
21 Q Yes.
22 A And the last question was...
23 Q Whether the .40 caliber is used more often,
24 chambered more often, in a handgun or a long gun.
25 MR. DALE: Same objection.

1 THE WITNESS: Yeah, that I don't know.

2 Q BY MR. KRAUSE: How many long guns are you aware
3 of that can chamber a .40-caliber cartridge?

4 A You know, I'm thinking to what I've run across.
5 I don't think I've shot a .40-caliber long gun, but I know
6 it can be chambered and can, in fact, be shot out of a
7 long gun.

8 Q And what is that understanding based on?

9 A Well, again, I think at one time, and I can't
10 remember what company, they wanted to trade us our MP5s
11 for .40-caliber assault weapons, but I can't remember the
12 brand or the company.

13 Q Okay. What handguns can chamber a .40-caliber
14 cartridge?

15 A Let's see. A Smith & Wesson, Sig, probably
16 Glock.

17 Q Sig Sauer?

18 A Yeah, I mentioned Sig.

19 Q HK?

20 A HK.

21 Q Springfield Arms?

22 A Yeah. On my experience, then, what I've seen and
23 dealt with, I've definitely seen a .40 more in a handgun
24 than a long gun.

25 Q So would you agree, based on what you've seen,

1 that the .40-caliber cartridge is chambered more often in
2 a handgun?

3 MR. DALE: Objection. Vague and ambiguous as to
4 "chambered more often in."

5 THE WITNESS: Just in my personal experience,
6 that would be a correct statement, that .40 caliber would
7 be used more often in a handgun than a long gun.

8 Q BY MR. KRAUSE: Based on your experience, would
9 you agree that the .25 automatic Colt pistol cartridge is
10 handgun ammunition?

11 MR. DALE: Objection. Vague and ambiguous as to
12 "handgun ammunition."

13 THE WITNESS: I've seen it shot in both the long
14 gun and handgun, but more often in a handgun.

15 Q BY MR. KRAUSE: Same question as to .32 automatic
16 Colt pistol ammunition.

17 Based on your experience, would you agree that
18 that cartridge is handgun ammunition?

19 MR. DALE: Same objection.

20 THE WITNESS: Yeah, and basically the same
21 answer. I believe that there is a .32 long gun, but I've
22 specifically fired .32 ammunition in a handgun.

23 Q BY MR. KRAUSE: And would you agree that it's
24 handgun ammunition for purposes of the challenged
25 provisions?

1 MR. DALE: Same objection.

2 THE WITNESS: Yeah. .32, I would say, is
3 definitely used more in a handgun than a long gun.

4 Maybe we can come up with a list out of all this,
5 right?

6 Q BY MR. KRAUSE: Dare to dream.

7 .357 ammunition. Would you agree that .357 is
8 chambered more often in handguns or long guns?

9 MR. DALE: Objection. Vague and ambiguous as to
10 "chambered more often in."

11 THE WITNESS: .357 Magnum obviously is made for
12 the long gun and the handgun, but I've definitely shot
13 more rounds of .357 Magnum out of a handgun than a long
14 gun.

15 Q BY MR. KRAUSE: So in your experience, it would
16 be considered handgun ammunition?

17 MR. DALE: Objection. Vague and ambiguous as to
18 "handgun ammunition."

19 THE WITNESS: That's another one of those on the
20 "which way do you go" type thing. I personally own a .357
21 Magnum rifle.

22 Q BY MR. KRAUSE: What long guns, to your
23 knowledge, can chamber a .357 cartridge?

24 A Well, the one I own is a Ruger.

25 Q Are you aware of any other rifles that can

1 chamber the .357 cartridge?

2 A Not that I have in my possession, no.

3 Q What about that you've seen or read about?

4 A I believe I've read about some others, but again,
5 off the top of my head, I couldn't mention them.

6 Q And so what additional information might you need
7 to make the determination whether the .357 Magnum
8 cartridge is handgun ammunition?

9 MR. DALE: Objection. Calls for speculation.

10 THE WITNESS: Again, I think it would be a group
11 of people getting together and getting the legislation
12 amended so that it specifically lists calibers. If you
13 want to include .357, if everybody can agree, then that's
14 fine with me.

15 Q BY MR. KRAUSE: Based on your experience, is
16 .44-caliber ammunition handgun ammunition?

17 MR. DALE: Objection. Vague and ambiguous as to
18 "handgun ammunition." Also vague and ambiguous as to
19 ".44-caliber."

20 THE WITNESS: Again .44 calibers, .44 Magnums,
21 they're made for both handguns and long guns and, again,
22 that's probably another one that I think we'd need to
23 really discuss.

24 Q BY MR. KRAUSE: Well, how many rifles or long
25 guns are you aware of that chamber that round?

1 A Again, off the top of my head, nothing's jumping
2 out.

3 Q So despite knowing of no long guns that can
4 chamber the round, do you disagree that this round of
5 ammunition is handgun ammunition?

6 MR. DALE: Objection. Argumentative and
7 misstates the prior testimony.

8 THE WITNESS: Yeah. Again, I know there's long
9 guns out there. Off the top of my head, as for brands, I
10 can't think of them right now.

11 Q BY MR. KRAUSE: So why are you reluctant to say
12 that it -- that that round is a handgun round?

13 MR. DALE: Objection. Vague and ambiguous as to
14 "handgun round." It also is argumentative and misstates
15 his prior testimony.

16 THE WITNESS: It's mainly, again, down to the
17 rifles because I know pig hunters like using the .44 and
18 .44 Magnum in the long gun.

19 Q BY MR. KRAUSE: What handguns are you aware of
20 that can chamber a .44-caliber cartridge?

21 A I know Smith & Wesson makes .44s. Colt. Again,
22 off the top of my head, that's what I'm coming up with.

23 Q And you're unable to say whether the .44-caliber
24 cartridge is used more often in a handgun or a long gun?

25 MR. DALE: Objection. Asked and answered. Also

1 vague and ambiguous as to "used more often in."

2 THE WITNESS: Yeah. Again, that's another one of
3 the calibers I would need to get a little more
4 clarification on.

5 Q BY MR. KRAUSE: All right. Based on your
6 experience, would you agree that the .380 revolver
7 cartridge is handgun ammunition?

8 MR. DALE: Objection. Vague and ambiguous as to
9 "handgun ammunition."

10 THE WITNESS: The only .380s I've shot have been
11 in a handgun.

12 Q BY MR. KRAUSE: Okay. Do you understand what I
13 mean by "handgun ammunition," Mr. -- Sheriff Parker?

14 MR. DALE: Objection to the extent it calls for a
15 legal conclusion.

16 THE WITNESS: Well, again, I think it gets down
17 to what you read at the beginning of this, and that was
18 handgun ammunition which is used more often in a handgun;
19 however, it could also be used in a long gun.

20 Q BY MR. KRAUSE: Okay. Thank you. That is
21 correct.

22 So you would agree that .380-caliber ammunition
23 is handgun ammunition?

24 MR. DALE: Objection. Vague and ambiguous as to
25 "handgun ammunition."

1 Q BY MR. KRAUSE: You can answer.

2 A Again, that's -- the only thing I've known a .380
3 to be shot out of is a handgun.

4 Q Okay. So you have no reason to believe it's not
5 handgun ammunition?

6 MR. DALE: Same objection.

7 THE WITNESS: Well, I know it can be used in a
8 handgun. I'm not sure on a long gun.

9 Q BY MR. KRAUSE: So again, you -- based on your
10 experience, you would agree that the .380 cartridge is
11 handgun ammunition?

12 A Again, I would say that if it gets down to one of
13 those lists, that the .380 could be on there as basically

1 A No, I don't.

2 Q So you're unable to say whether, based on your
3 experience, the .454 cartridge is handgun ammunition?

4 MR. DALE: Same objection.

5 THE WITNESS: Yeah, that would be one I'd have to
6 look into more.

7 Q BY MR. KRAUSE: All right. Based on your
8 experience, would you agree that the .38 Special cartridge
9 is handgun ammunition?

10 MR. DALE: Same objection.

11 THE WITNESS: Again, I believe that .38 Special
12 also can be fired in a long gun; however, I've principally
13 seen them fired in a handgun.

14 Q BY MR. KRAUSE: What about the .38 Smith & Wesson
15 cartridge? Would you agree that that cartridge is handgun
16 ammunition?

17 MR. DALE: Same objection.

18 THE WITNESS: Again, I believe that's -- there's
19 a long gun out there, but I've principally seen that fired
20 out of a handgun. In fact, I think I have one.

21 Q BY MR. KRAUSE: All right. What about the .38
22 automatic cartridge? Would you agree that that's handgun
23 ammunition?

24 MR. DALE: Same objection.

25 THE WITNESS: I have no knowledge on the .38

1 autos.

2 MR. KRAUSE: Okay. All right. I think that's
3 all I have. I think you are free to go, as they say.
4 Thank you for your time today. I appreciate you being
5 available for deposition on such short notice.

6 Do you, Josh, want to stipulate to relieve the
7 court reporter of her responsibilities under the code, and
8 we can have the transcript forwarded directly to the
9 witness, who can review it in some period of time?
10 Perhaps seven to ten days.

11 How much time do you need?

12 MR. DALE: Hey, Sheriff, assuming you got the
13 transcript by the end of this week or early next week, how
14 long would it take you to review it? And I can tell you
15 it's probably going to be 60 to -- well, it might be a
16 hundred pages. It's not going to be very long. How long
17 would it take you to review it and then let me know if you
18 have any changes?

19 THE WITNESS: Let me look at my calendar real
20 quick.

21 THE REPORTER: It is 60 pages.

22 MR. DALE: 160?

23 THE REPORTER: Just 60.

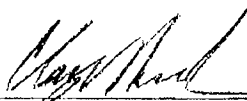
24 MR. KRAUSE: Six, zero.

25 MR. DALE: Oh, wow. You could read that on the

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I have read the foregoing deposition
transcript and by signing hereafter, approve same.

Dated 122810 .


(Signature of Deponent)

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DEPOSITION OFFICER'S CERTIFICATE

STATE OF CALIFORNIA)
) ss.
COUNTY OF SACRAMENTO)

I, Lindsey R. Perry, hereby certify:

I am a duly qualified Certified Shorthand Reporter, in the State of California, holder of Certificate Number CSR 12806 issued by the Court Reporters Board of California and which is in full force and effect. (Bus. & Prof. § 8016)

I am not financially interested in this action and am not a relative or employee of any attorney of the parties, or of any of the parties. (Civ. Proc. § 2025.320(a))

I am authorized to administer oaths or affirmations pursuant to California Code of Civil Procedure, Section 2093(b) and prior to being examined, the deponent was first placed under oath or affirmation by me. (Civ. Proc. §§ 2025.320, 2025.540(a))

I am the deposition officer that stenographically recorded the testimony in the foregoing deposition and the foregoing transcript is a true record of the testimony given. (Civ. Proc. § 2025.540(a))

1 I have not, and shall not, offer or provide
2 any services or products to any party's attorney or
3 third party who is financing all or part of the action
4 without first offering same to all parties or their
5 attorneys attending the deposition and making same
6 available at the same time to all parties or their
7 attorneys. (Civ. Proc. § 2025.320(b))

8 I shall not provide any service or product
9 consisting of the deposition officer's notations or
10 comments regarding the demeanor of any witness,
11 attorney, or party present at the deposition to any
12 party or any party's attorney or third party who is
13 financing all or part of the action, nor shall I collect
14 any personal identifying information about the witness
15 as a service or product to be provided to any party or
16 third party who is financing all or part of the action.
17 (Civ. Proc. § 2025.320(c))

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19 Dated: December 23, 2010
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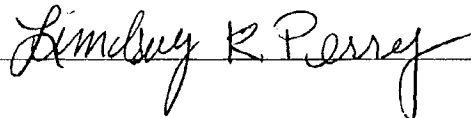
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EXHIBIT H

1 title, like I said earlier, is not going to be a hundred
2 percent, but it was just dealing with larger issues of,
3 you know, trends and things like that. It was, I think,
4 an early class that I took. One of the classes that was
5 also an elective.

6 Q Okay. In that course, did you study at all
7 different -- different types of ammunition, different
8 calibers of ammunition at all?

9 A I don't recall any specific ammunition studies in
10 that class.

11 Q Do you recall whether or not you studied
12 ammunition in any of your courses?

13 A I think there may have been some discussion in
14 the forensics class, but again, I don't -- regarding
15 specifics about what was taught, I don't recall. I just
16 remembered there were -- there was some discussion about
17 ammunition and, you know, crime scene, recovering brass at
18 a crime scene, things like that.

19 Q Okay. Do you recall whether your studies in your
20 forensics class ever dealt with determining whether or not
21 ammunition could be used in a rifle and a handgun?

22 A I don't recall, sir.

23 Q Okay. In that class -- I mean, did you talk
24 about the calibers of ammunition suitable for use in a
25 handgun?

1 A It may have been discussed, but I have no
2 recollection at this time.

3 Q Okay. Any other classes, other than the
4 forensics and the crime in society, where you might have
5 discussed ammunition?

6 A Not that I recall at this time, sir.

7 Q Okay. Okay. I'm looking at a copy of your CV.
8 MR. KRAUSE: Let me get a copy for the court
9 reporter.

10 MR. MONFORT: Thank you.
11 Can we mark this as Exhibit A for this
12 deposition?

13 MR. KRAUSE: You want them alphabetic, not
14 numeric?

15 MR. MONFORT: Doesn't matter.
16 MR. KRAUSE: Okay. Exhibit A.
17 (Whereupon Plaintiffs' Exhibit A was
18 marked for identification.)

19 Q BY MR. MONFORT: Okay. Mr. Graham, on your CV
20 under employment history, you identified that you worked
21 for the California Department of Alcoholic Beverage
22 Control?

23 A Yes, the Department of Alcoholic Beverage
24 Control.

25 Q Describe for me your duties in that position.

1 A You broke, sir. Could you repeat the question?

2 Q Can you describe for me your duties in that
3 position?

4 A Yes, sir. I was an investigator for
5 approximately five years. Some of the duties included
6 investigating locations that had liquor licenses. I was
7 involved in the background process of some of the
8 applicants that wanted to establish a bar, liquor store,
9 et cetera. The other side of that was the investigation
10 of crimes that occurred at or around ABC-licensed
11 locations. The investigations included undercover buys of
12 narcotics at these locations, reverse stings involving
13 stolen property, food stamp fraud, things like that.

14 Q Okay. Did any of your investigations ever relate
15 to firearms or ammunition?

16 A The investigations did reveal -- we recovered
17 firearms at -- during the course of some of these
18 investigations and, you know, as well as ammunition that
19 was accompanying said firearms.

20 Q Okay. Did any of the crimes you investigated
21 ever require you to determine the caliber of bullet used
22 during the crime?

23 A Well, during the evidence booking process, we
24 would typically denote what type of, you know, handgun or
25 rifle or shotgun or whatever it was that we seized,

1 what -- you know, what caliber it was, if there was any
2 accompanying ammunition, what caliber that ammunition was.

3 Q How did you make the determination as to what
4 caliber the ammunition was?

5 A Typically by reading the information marked on
6 the weapon -- or I'm sorry, marked on the -- the brass
7 casing, visually inspecting it. Sometimes ammunition is
8 seized in its, you know, factory boxes. That will help
9 determine the source of the ammunition, the type and
10 caliber.

11 Q Okay. Did you classify the ammunition as handgun
12 ammunition?

13 A Did I classify -- I believe I would have noted
14 that it was ammuni- -- if I recovered ammunition, I would
15 have denoted that the ammunition came from a handgun, it
16 came from a shotgun or it was found with a particular type
17 of weapon. I don't know that I broke it down as -- you
18 know, any further than that.

19 Q So let me give you an example.

20 If you recovered ammunition at the scene of a
21 crime but there was no accompanying firearm, when booking
22 that entry of ammunition into your investigation records,
23 would you classify it as handgun ammunition?

24 MR. KRAUSE: And I'll remind you, don't guess.
25 Only provide your best recollection.

1 the crime that we investigated. You know, it was -- most
2 often than not, it was incidental to the other
3 investigations we were conducting.

4 Q Okay. So would you say, then, is that correct
5 that -- you're saying that less -- less than 20 instances,
6 you had to take in ammunition at an individual
7 investigation and identify that ammunition?

8 A Yes.

9 Q Okay. Thank you.

10 From 1999 to 2002, your CV provides that you
11 served as special agent for the California Department of
12 Justice Bureau of Narcotic Enforcement; is that correct?

13 A Yes, sir.

14 Q Can you describe to me your duties while in that
15 position?

16 A Yes. As a special agent with the Department of
17 Justice Bureau of Narcotic Enforcement, I was assigned to
18 the Violence Suppression Unit. The unit, as I understand
19 it, no longer exists due to budgetary reasons, but at the
20 time, the unit was charged with trying to reduce violent
21 and sometimes gang-related activities of individuals in
22 California. Many of those cases involved firearms and
23 their use and illegal possession cases, you know,
24 parolees, probationers were the types of people that we
25 would typically target that were re-offending.

1 I was also part of the gun show enforcement
2 program that, at the time, was under the Bureau of
3 Narcotic Enforcement. I was one of the first seven agents
4 in that program, and I was assigned to the San Jose area.

5 And my duties, specifically, within the Violence
6 Suppression Unit as the gun show agent was to be in charge
7 of our unit's investigations at gun shows in the Bay Area.
8 And there were several counties that I was in charge of
9 visiting the gun shows and seeing if there were illegal
10 activities going on at those shows.

11 Q Okay. Can you describe for me -- or would you
12 say that in your employment, you -- in this employment,
13 did you also investigate crimes involving firearms and
14 ammunition?

15 A Yes, sir.

16 Q Can you describe to me the role that ammunition
17 played in your experience there?

18 MR. KRAUSE: Objection. Vague and ambiguous.

19 MR. MONFORT: Okay. Let me rephrase.

20 Q You know, in -- in your employment at ABC, you
21 described -- you described your investigations that you
22 might find a firearm at the scene of a crime and
23 ammunition, you'd have to classify that ammunition or
24 label that ammunition as what, you know, caliber of
25 ammunition it was and you explained to me how you would

1 MR. MONFORT: The way you suggested would be
2 helpful.

3 THE WITNESS: Okay.

4 MR. KRAUSE: So when you first started at DOJ,
5 what -- or at the Bureau of Firearms or Division of
6 Firearms what you were doing, what your title was, when
7 you became a special agent supervisor.

8 THE WITNESS: Okay. Sure. I'll try to break it
9 down in that fashion.

10 MR. KRAUSE: To the best of your ability.

11 THE WITNESS: From the fall of 2002 to, let's
12 see, July of this year, I was special agent with the
13 firearms division, which then morphed into the Bureau of
14 Firearms. As I'd said, we investigated people for illegal
15 possession of weapons, which would include just prohibited
16 people having guns when they shouldn't, prohibited people
17 having possession of ammunition when they shouldn't,
18 assault weapon possession/manufacturing cases, machine gun
19 possession and manufacturing cases, gun dealers that were
20 breaking the law, et cetera.

21 For the last two years or so, I also assumed some
22 more administrative duties. Those would include reviewing
23 handguns that were submitted by manufacturers for
24 inclusion in the roster of handguns -- handguns certified
25 for sale, and that involves, you know, sometimes taking

1 the weapons down, breaking them down into their smaller
2 components, looking at those, comparing them to ones
3 already on the list, things like that. I also review
4 safety devices, which would include, you know, gun locks,
5 gun safes, things like that.

6 Q BY MR. MONFORT: Okay. Thank you. I think
7 that's sufficient as to describing your duties in your
8 narrative. Thank you very much for being so thorough.

9 A Sure.

10 MR. KRAUSE: And again, those are just your
11 general responsibilities. There may be more specific
12 responsibilities that are revealed through questioning.

13 THE WITNESS: And if I think of something down
14 the road, I can possibly amend that answer, if it's
15 necessary.

16 Q BY MR. MONFORT: Okay. Did any of your -- did
17 your duties in any of the roles you described to me
18 require you to classify a caliber of ammunition as handgun
19 ammunition?

20 MR. KRAUSE: I'll object that it's vague and
21 ambiguous, but if you understand, you can answer.

22 THE WITNESS: Again, I think the same process --
23 during the course of seizure of guns and ammo while at the
24 Bureau of Firearms and firearms division, a similar
25 process would have gone on where we, you know, find guns

1 and ammo. We have to identify it on a property receipt
2 and in a police report as to what the items seized were to
3 the best of our ability. Sometimes during the course of
4 that, we state, you know, make, model, serial number of
5 the weapon and then we would identify, to the best of our
6 ability, the type of ammunition found with it, or if it
7 was just ammunition found by itself, we would do the same.

8 Does that answer your question, sir?

9 Q BY MR. MONFORT: Yes. Did you identify the
10 ammunition based on caliber? I think you said yes, but I
11 just want to be clear.

12 A Yeah. Typically ammunition is identified by the
13 make, the caliber and the quantity of the ammunition
14 found.

15 Q When you say "make," can you provide me with an
16 example?

17 A Winchester, Federal, you know, those types of
18 companies that would manufacture ammunition.

19 Q Okay. Is that -- are you suggesting that you
20 identify them by cartridge?

21 A Yes.

22 Q Okay. So for example, if you -- well --

23 MR. KRAUSE: I think he said he'd identify them
24 by manufacturer.

25 MR. MONFORT: Okay. But then he also said he

1 would identify it by cartridge.

2 Q Is that correct?

3 A Yeah, the cartridge being a -- one round of live
4 ammunition, just so that we're all on the same page.

5 Q Okay. Anything else that you can think of that
6 you didn't discuss with me already that you think educated
7 you in ammunition?

8 MR. KRAUSE: Objection. Vague and ambiguous.

9 Q BY MR. MONFORT: Other than in the investigations
10 you described that (inaudible) -- similar to your job
11 experiences at ABC and while with the Bureau of Narcotics
12 Enforcement, were there any other job duties that required
13 you to, you know, identify particular types of ammunition?

14 A Well, as I've said before, during range
15 qualification, for example, you have to identify what
16 rounds are going to go in which guns so you don't have an
17 accident or just a failure to fire, for example. So
18 there's a simplistic view of identifying which round goes
19 in which gun.

20 I've also attended armors courses that basically
21 deal with the mechanics of certain weapons, the range
22 master training I've been to that deals with, you know,
23 teaching people how to fire their weapons in a safe
24 manner.

25 MR. KRAUSE: Are you asking about his training

1 now or are you just talking strictly about the time -- his
2 employment with firearms and any education he may have
3 received --

4 MR. MONFORT: In his employment, I mean, I
5 understand that he engaged in training. I'll cover those
6 separately to the extent I feel it's necessary. So he
7 doesn't have to cover all those. I think just one last
8 question to wrap up on the employment.

9 Q So your current position, prior to this lawsuit,
10 were you ever asked to determine whether a particular
11 caliber of ammunition was principally used in a handgun?

12 A I don't believe so.

13 Q Okay. Prior to your testimony -- or prior to
14 this lawsuit, during your job duties, were you ever asked
15 to determine whether a particular caliber of ammunition --

16 A Sir, you cut out there. Could you repeat that
17 question?

18 Q Yes. I was asking, during your current job
19 duties, but prior to this lawsuit, were you ever asked to
20 determine whether a particular caliber of ammunition was
21 principally used in a rifle?

22 A I don't know that I've been asked specifically
23 that question.

24 Q Okay. And I would assume the same would hold
25 true for an individual cartridge, that you haven't

1 been asked to -- have you been asked to make the
2 determination as to whether a particular cartridge of
3 ammunition was principally used in a handgun prior to this
4 lawsuit?

5 A I'm trying to recall. I think the only sense
6 that I've been asked anything close to that would be I've
7 received -- fielded questions in the past about
8 armor-piercing ammunition and what that really meant, and
9 I was able to point the people asking the question to -- I
10 believe it was the 12323 section that deals with, you
11 know, what armor-piercing ammunition is and so forth.

12 Does that answer the question sufficiently?

13 Q I think it does. If we have any questions, we
14 might revisit later, but I think that -- I think that
15 sufficiently answers it. Thank you.

16 I'm going to move on to your training now you
17 identified in your CV unless you need to take a break for
18 any reason before we get into this.

19 A I'm okay. Looks like everyone else here is okay
20 as well.

21 Q Okay. Thank you.

22 Okay. My associate just let me know he needs to
23 take a break. He's had too much coffee, apparently, this
24 morning.

25 Can we break for about five minutes?

1 A No, I'm not familiar with that one as a handgun
2 round.
3 Q .25-20 single shot?
4 A I'm not familiar with that one either, sir.
5 Q .25-06 Remington?
6 A These sound like cartridges again, possibly from
7 the rifle side of, you know, the firearm side of things,
8 so it's not one I'm familiar with as far as a handgun.
9 Q Okay. But you're not sure; is that correct?
10 A Well, I'm looking at the rifles -- I'm sorry, the
11 Cartridges of the World document that you've been provided
12 with, and it's not listed here. It's likely, you know --
13 Q I'm not asking you what the book says. I'm
14 asking you what your opinion is, what your understanding
15 is.
16 A Well, my understanding is -- the last one you
17 read to me was .25-20 Winchester; is that right?
18 Q No, .25-06 Remington.
19 A Okay. Yeah, that's -- that's not going to be a
20 cartridge principally for use in a handgun.
21 Q Is it .25 caliber ammunition?
22 A In a general sense, yes.
23 Q Is .257 -- or I'm sorry, is .25 Winchester .25
24 caliber ammunition?
25 A .25 -- sorry. .256 Winchester Magnum is a

1 handgun round.

2 Q I'm sorry. I -- I -- that wasn't my question.

3 Let me repeat it.

4 Is .25 Winchester .25 caliber ammunition?

5 A Yes.

6 Q Okay. Thank you.

7 And I -- .25 ACP, that's .25 caliber ammunition

8 also?

9 MR. KRAUSE: Objection. Asked and answered.

10 THE WITNESS: Yes. .25 ACP is definitely a

11 handgun round.

12 Q BY MR. MONFORT: And what about .250-3000?

13 A That's not going to be a handgun round.

14 Q Is that .25 caliber ammunition?

15 A I'm not familiar with it, sir, so I don't have an

16 opinion on it.

17 Q Okay. What about the .25 NAA?

18 A That's a .25 North American Arms round. It's --

19 to the best of my recollection, it's a handgun round, and

20 it's -- it was made for handguns by North American Arms.

21 That was developed for a specific handgun.

22 Q Is that .25 caliber ammunition too?

23 A Yes.

24 Q Okay.

25 Okay. If it's okay on your end, can we break for

1 then, to exclude .32-44?

2 A I don't know that I gave it much thought because
3 it's a rifle round.

4 Q Okay. And is that .32-44 .32 caliber?

5 A Yeah, it's a variant for the rifle.

6 Q Is .32 Smith & Wesson included in your caliber
7 list?

8 A Yes.

9 Q Is that also .32 caliber?

10 A Yes.

11 Q How about .32 Ideal? Is that included in your
12 list?

13 A I couldn't hear the last part.

14 Q The .32 Ideal, is that included in your caliber
15 list?

16 A I'm not familiar with that caliber, sir.

17 Q Okay. How about the .32 long rim fire?

18 A I'm not familiar with that one either.

19 Q Okay. How about the .32 short rim fire?

20 A Are these .32 short Colts that you're speaking of
21 right now?

22 Q The ammunition I'm referring to is commonly
23 referred to as .32 short rim fire.

24 A Well, a .32 short Colt I would include in that,
25 but I don't know that you're -- I -- I want to make sure

1 that our language is the same in case we're talking about
2 the same thing.

3 Q Okay. I actually have .32 Short Colt on my list,
4 so that is included in your caliber list?

5 A Yeah. Correct.

6 Q Okay. And I asked you about the .32-40
7 Remington.

8 What about the .32-40?

9 A That's -- again, that's not going to be a handgun
10 round.

11 Q Is that .32 caliber ammunition?

12 A Yes.

13 Q What about -- does the caliber list encompass
14 the .32-40 Bullard?

15 A I'm not familiar with that round, sir.

16 Q Okay. Does the caliber list encompass the .32
17 Winchester Special?

18 A It's not going to be a handgun round that I'm
19 aware of.

20 Q Is that .32 caliber ammunition?

21 A Based on your description alone, I -- it probably
22 is.

23 Q So you're not -- you're not aware of that
24 particular cartridge -- you don't have knowledge as to
25 that one as to whether or not it's .32 caliber?

1 Q Sorry. .44. I apologize. I misspoke.

2 A Okay. Yeah, I'm not -- I'm not familiar with the

3 round, so I don't want to guess.

4 Q Okay. Thank you.

5 Let's see. In your responses to Plaintiffs'

6 special interrogatories, you identify .45 caliber

7 ammunition as handgun ammunition; is that correct?

8 A Yes, sir.

9 Q Okay. You state ammunition which can be of

10 varying dimensions --

11 MR. KRAUSE: You broke up there. Could you

12 repeat that, please?

13 Q BY MR. MONFORT: Is it accurate to say that .45

14 caliber ammunition in your caliber list describes

15 ammunition which can be of varying dimensions?

16 MR. KRAUSE: Objection. Vague and ambiguous.

17 THE WITNESS: Yes, I would probably limit the .45

18 to the .45 ACP, .45 Long Colt and the .45 GAP.

19 Q BY MR. MONFORT: I'm sorry. Just for the -- can

20 you repeat those one more time for me, please? My pen ran

21 out of ink.

22 A Yeah, .45 ACP, .45 Long Colt --

23 Q Uh-huh.

24 A -- and .45 GAP, gap.

25 Q Okay. Do you have any idea how many cartridges

1 now, we still have a little ways to go in this deposition,
2 so I'll move on.

3 MR. KRAUSE: Actually, could we take a
4 five-minute break right now?

5 MR. MONFORT: Sure. That works for us too.
6 What time is it?

7 MR. KRAUSE: It's about seven after, so --

8 MR. MONFORT: Want to just do 4:15?

9 MR. KRAUSE: 4:15?

10 MR. MONFORT: Yeah.

11 MR. KRAUSE: Okay.

12 MR. MONFORT: Okay. Thanks.

13 (Recess taken.)

14 Q BY MR. MONFORT: All right. Mr. Graham, are you
15 there?

16 A Yes.

17 Q Okay. I'm going to move on to another caliber
18 identified in your caliber list.

19 You identified 9mm as a caliber of handgun
20 ammunition; is that correct?

21 A Yes, sir.

22 Q I'm going to go through a few different --
23 different cartridges of ammunition, and I'm going to ask
24 you to identify for me whether or not you consider these
25 cartridges to be 9mm.

1 9mm Mauser?

2 A 9mm Mauser is a handgun round.

3 Q I would just like you to identify for me whether

4 or not it is 9mm cartridge.

5 Is 9mm Mauser 9mm caliber?

6 A Yes.

7 Q Is 9x57mm a 9mm caliber?

8 A Yes.

9 Q Is 9x47mm Swift 9mm ammunition?

10 A I'm not familiar with that particular cartridge,

11 sir, so it -- by your first part of your question, it

12 sounds like -- as if it is, but I have no specific

13 knowledge of that cartridge.

14 Q Okay. So you don't know whether that is 9mm

15 caliber; is that correct?

16 A Well, sir, like I said earlier, you may be making

17 up cartridges that don't exist, so I can't answer to

18 something I have no knowledge of.

19 Q Okay. I mean, whether I'm -- whether it's a real

20 cartridge or not or I'm making it up, you don't know

21 whether that's 9mm; is that correct?

22 A Correct.

23 Q Okay. Thank you.

24 9x35mm R?

25 A I'm not familiar with it, sir.

24

EXHIBIT I

1 Q Okay. But with specific regard to making sure
2 you gave your best and fullest answer on the DOJ's behalf
3 for this particular set of interrogatories, do you recall
4 specifically being asked to help them verify these
5 responses?

6 MR. KRAUSE: Objection. Vague and ambiguous.

7 THE WITNESS: I guess -- I'm not sure what you
8 mean by "them."

9 Q BY MR. DALE: I'm talking specifically about your
10 employers, the Department of Justice, and Mr. Krause.

11 A Okay. Yes, I would say in the last two weeks or
12 so, you know, some --

13 Q Okay. So within the last two weeks, did you
14 review any gun magazines to help you verify the responses
15 or prepare for this deposition?

16 A Specific gun magazines? I don't recall looking
17 at a magazine. I think we would have produced something
18 like that to you if -- if I had. I don't remember doing
19 any -- doing that.

20 Q Okay. So from the time period you were asked to
21 help verify the accuracy of the responses in Exhibit B up
22 till today, is -- is there any specific magazine that you
23 can recall reviewing to help -- to help you verify those
24 responses?

25 MR. KRAUSE: Objection. Asked and answered.

1 THE WITNESS: Yes, I -- I think I've answered it,
2 sir. I don't recall. And if we -- if I had, we would
3 have provided you with a copy, you know, for your
4 discovery requests.

5 Q BY MR. DALE: Okay. So you don't recall
6 reviewing a specific magazine?

7 A No.

8 Q Okay. So at any time within the past year, can
9 you recall reviewing a magazine which listed popular
10 ammunition counts in it?

11 A I may have reviewed a magazine that had that
12 information in it, but I don't recall -- you know, it's
13 not something that I made a notation on or, you know,
14 stored it away for -- you know, for that particular
15 reason. I get magazines in the mail and I'll read them.
16 I have one on my desk that's unopened I got this
17 morning -- or got sometime yesterday. It's still sealed
18 in a little mailing package.

19 Q So if I asked you to cite a particular article
20 that you used to help inform your decision as part of your
21 second step of determining whether .45 is appropriately
22 included on the DROS caliber -- I'm sorry, on the DOJ's
23 caliber list, you couldn't cite for me a specific article
24 you relied upon; is that correct?

25 A That is correct.

1 Q Okay. And within the past year, you can't recall
2 any specific article by publication name or by author name
3 or by date of publication that specifically listed popular
4 types of ammunition that were being sold or bought; is
5 that correct?

6 A Yes.

7 Q Okay. So other than your general reading of
8 magazines over the years, there's no specific information
9 within magazines that you can point me to that helped
10 inform your decision regarding that second step of
11 determining whether .45 caliber ammunition was properly
12 included on the DOJ's caliber list; is that correct?

13 MR. KRAUSE: Objection. Vague and ambiguous.
14 Misstates the witness's prior testimony.

15 THE WITNESS: I don't know that -- how that
16 question is different than the last one, sir.

17 Q BY MR. DALE: Well, whether you understand or
18 not, is that true? That you can't point to me a
19 particular magazine article that you used to help you as
20 part of formulating your opinion regarding whether .45
21 caliber ammunition is appropriately included on the DOJ's
22 caliber list?

23 A I believe I've already answered this, but I -- I
24 can't recall any specific magazine articles that I used.

25 Q Okay. Very good. I appreciate that.

1 document and the Cheaper Than Dirt, these were all Web
2 sites that you used to help you as part of this second
3 step of confirming that .45 caliber ammunition was
4 properly included in the DOJ's caliber list; is that
5 correct?

6 A Yes.

7 Q Were there any other Web sites besides those that
8 we've marked as Exhibit F that you used in order to help
9 inform your opinion?

10 A I'm trying to think if there's -- I think maybe
11 the -- not an ammunition vendor, if you will.

12 Is that -- are you limiting your question to
13 ammunition vendors or sellers Web sites?

14 Q I'm limiting my question to any Web sites that
15 would be accessible to the public that you used in helping
16 form this second step. So, again, I'm not trying to trick
17 you. I'm just trying to make sure I'm covering all of
18 them.

19 A Okay. I would say -- possibly the -- yeah,
20 that's -- that seems like it's the right Web site list.

21 Q Okay. All right. And let me ask you, what
22 particular information on these Web sites -- and you can
23 go ahead and take a look at Exhibit F -- did you rely upon
24 to help make your determination that .45 caliber
25 ammunition was properly included on the DOJ's caliber

1 list?

2 A Some of the -- basically, some of the calibers
3 and cartridges listed here on the Cheaper Than Dirt -- it
4 says "page one of two," so I'm speaking about the one that
5 says "most popular handgun ammunition" is kind of a second
6 column or block of rounds below that. The .45 ACP is
7 listed in the "most popular" section. Down a little bit
8 farther down is the .45 Long Colt. You know, that type of
9 information there. The .45 GAP.

10 Q Okay. Did you, at any point, contact the
11 administrators of this Web site or the owners of the
12 Cheaper Than Dirt Web site to find out what they meant
13 about "most popular"?

14 A No.

15 Q No.

16 Did you do any other type of independent
17 investigation to determine whether or not Cheaper Than
18 Dirt's representation of what the most popular ammunition
19 they sold was an accurate representation?

20 A Did I contact other Web sites? Is that what your
21 question was?

22 Q Did you do anything to find out? So contact
23 other Web sites, call the owner, call a competing Web site
24 and find out that Cheaper Than Dirt's reputation regarding
25 what its most popular ammunition type sold was an accurate

1 representation?

2 A No. I made no other -- no phone calls to
3 ammunition vendors to check on the validity of Cheaper
4 Than Dirt's, I guess, statements that they make.

5 Q Okay. And then let's look at the J & G Sales.

6 What part of this particular Web site did you
7 rely upon to help formulate your opinion that .45 caliber
8 ammunition was appropriately included on the DOJ's caliber
9 list?

10 A The section here that says "ammo for handguns"
11 and it gives a listing of various rounds, there's a
12 portion of it that says ".45 ACP, .45 GAP and .45 LC,"
13 which I understand to be Long Colt.

14 Q Okay. And again, you didn't contact the
15 proprietors of J & G Sales, either the store or Web site,
16 to determine how they came up with this particular
17 listing; is that correct?

18 A Correct.

19 Q Okay. And would it be fair to say that,
20 similarly true, you didn't contact the proprietors of
21 Cabela's or Midway USA to determine how they ended up
22 listing those calibers on their Web sites?

23 A That's correct.

24 Q Okay. Now, I note that on each of those, there
25 aren't listings of how much of each ammunition is sold.

1 Is that a correct representation?

2 A Yeah, I don't -- I didn't see anything like that
3 when I was perusing the sites and I don't think there's
4 that type of information, at least on any site I've seen
5 in the past.

6 Q Okay. So would it be fair to say that you don't
7 know, even though they're characterizing this stuff as
8 popular, exactly how much of each ammunition they're
9 selling?

10 A Yeah, based on their Web sites, I can't tell you
11 an exact round count.

12 Q Okay. Now, let's go back and take a look at the
13 Cheaper Than Dirt Web site printout that's part of Exhibit
14 F. And specifically, looking under "handgun ammunition,"
15 that's the page that you previously testified to that has
16 "most popular" and below that has "handgun ammunition."

17 Do you see that Web page?

18 A Yes, sir.

19 Q Okay. And one of the handgun ammunitions listed
20 is .45 Long Colt; correct?

21 A Yes.

22 Q Okay. Now, .45 Long Colt, I guess, is fired in
23 a .45 caliber handgun; is that right?

24 A Correct.

25 Q Can it also be fired in a .45 caliber rifle?

1 sold within the past five years comprised the total number
2 of guns that are currently in circulation in California;
3 correct?

4 MR. KRAUSE: Objection. Vague and ambiguous.

5 THE WITNESS: I think you asked this question
6 earlier and --

7 Q BY MR. DALE: Yeah, let me ask it an easier way.

8 You don't know whether or not the guns sold in
9 the last five years comprise five percent of the total
10 guns in circulation or 75 percent, right?

11 A No --

12 Q You don't have any basis for forming an opinion
13 about that; correct?

14 A No, sir. Not at this time.

15 Q Okay. Okay. And I think you testified that if
16 you went back and got to look at more of the records, some
17 of the ones that you identified might -- might change; is
18 that correct?

19 A Yeah. Obviously, given more information, one's
20 opinion can change over time with more information
21 available, but given what I had available to me, I -- I
22 chose to list certain calibers. That's all.

23 Q Okay. Okay. As part of your methodology, at any
24 point, did you attempt to identify research studies that
25 might have examined what the most popular or the most

1 prevalently used types of ammunition are?

2 A No, sir. That was not a consideration that I
3 thought of during the course of this evaluation.

4 Q Okay. As you sit here today, are you aware of
5 any research studies that attempt to identify things such
6 as the popularity of a particular type of gun or
7 particular type of ammunition?

8 MR. KRAUSE: Objection. Vague and ambiguous.
9 What do you mean by "type of ammunition"?

10 MR. DALE: Okay. We'll go back and do this step
11 by step.

12 MR. KRAUSE: All I want you to do is identify
13 what you mean by "type."

14 MR. DALE: And I'm just asking him a general
15 question as to whether or not he's aware of the existence
16 of research studies that attempt to determine the
17 popularity of a particular cartridge or of a particular
18 caliber or even of a particular handgun. I'm not trying
19 to tie him into one exact caliber cartridge handgun. I
20 just want to know if he knows if anybody has ever done
21 those types of research study.

22 THE WITNESS: Sir, to answer your question, I --
23 I don't know of a study like that.

24 Q BY MR. DALE: Okay. As part of your methodology,
25 did you attempt to see if there were any polls out there

1 which had been taken to determine if a particular type of
2 cartridge was more popular than any other type of
3 cartridge in the State of California?

4 MR. KRAUSE: Objection. Vague and ambiguous.
5 Argumentative.

6 THE WITNESS: I think I've explained my
7 methodology at this point. Beyond that, I don't think I
8 have anything to add.

9 Q BY MR. DALE: Okay. So you didn't -- you didn't
10 attempt to determine if there were any polls that had been
11 taken regarding ammunition in general?

12 A No.

13 Q Okay. Did you, yourself, attempt to conduct any
14 polls with members of the general public regarding what
15 types of ammunition they use in their handguns?

16 MR. KRAUSE: Objection. Vague and ambiguous.

17 THE WITNESS: No, sir, I didn't actively take any
18 polls. I -- you know, I'm around gun shows and gun stores
19 and I see what people are buying, and that's -- you know,
20 that would have been a factor that I considered.

21 Q BY MR. DALE: Okay. Your personal observations,
22 if I understand; correct?

23 A Yeah. I've -- if I'm at a show and I see people
24 buying up a certain caliber, that's something I'll pay
25 attention to and that type of information.

1 Q Okay. And as you observe -- as you have attended
2 these gun shows and watched people buying certain
3 calibers, did you take any notes regarding what particular
4 calibers were selling particularly well and which ones
5 weren't?

6 MR. KRAUSE: Objection. Vague and ambiguous.

7 THE WITNESS: I don't know if I took any -- any
8 notes, whether they be written or electronic. It was more
9 of just, you know, memory; that I remember seeing people
10 buying, you know, certain calibers and not buying other
11 calibers.

12 Q BY MR. DALE: I see. So based on your personal
13 observations, you formed opinions regarding whether or not
14 particular calibers or particular cartridges were more
15 popular at gun shows than other ones; is that correct?

16 MR. KRAUSE: Objection. Misstates the witness's
17 testimony.

18 MR. DALE: Okay. Look, I'm not trying to lock
19 him into anything here, so I can walk him back through it,
20 Peter, but -- I'm sorry, Mr. Krause, but -- I'll do it. I
21 don't want to. I just want to nail down the fact that the
22 basis for his opinion regarding what ammo sells better at
23 gun shows is based on what he observed. And I can lay all
24 the foundation for it and we can spend ten minutes doing
25 it, but I'd rather not.

1 MR. KRAUSE: I just don't know that that was
2 actually his testimony.

3 MR. DALE: Okay. Well, I -- I want to find out.
4 Did he --

5 Q Mr. Graham, did you take any written notes
6 regarding what you observed as to the sale of specific
7 types -- I'm sorry, specific cartridges of ammunition at
8 any gun show you attended?

9 A Sir, I've already testified I took no notes,
10 whether they be written or electronic, regarding a
11 particular cartridge being more popular. It was just
12 something that I saw and, you know, remember certain
13 calibers selling better than others.

14 Q Okay. So this was all based on your personal
15 observation?

16 MR. KRAUSE: Vague and ambiguous.

17 Q BY MR. DALE: Mr. Graham, do you understand what
18 I mean by "personal observation"?

19 A I am, but I'm not sure what "this" means. What
20 do you mean when you say "this"?

21 Q Okay. The testimony you're giving regarding your
22 knowledge of sales of particular -- I'm sorry, particular
23 cartridges of ammunition at gun shows is not based on any
24 written information that you may have compiled regarding
25 your attendance at those gun shows.

1 Is that a correct statement?

2 A Yes, that's correct.

3 Q Okay. It was based on what you saw going to
4 those gun shows; correct?

5 A Yes.

6 Q And you didn't sit down afterwards and record, "I
7 saw X number of this type of cartridge being sold at this
8 particular gun show"; is that correct?

9 A Correct.

10 Q Okay. So at the time you were observing these
11 sales at a gun show, did you ever poll anybody at the gun
12 shows regarding what types of weapons they planned to use
13 the ammunition they were purchasing at that gun show?

14 A I have spoken to people over the years, and I've
15 had general discussions about, you know, a particular box
16 of ammo they were buying and, you know, different, "Oh,
17 I'm going to shoot, you know, this stuff up. I've got
18 this," or, "I've got 29mm," or whatever. I've had those
19 discussions, you know, over the past several years.

20 Q And how many of those discussions would you
21 estimate you've had?

22 A I wouldn't say -- I wouldn't say that it happens
23 at every show, but maybe every other or, you know,
24 something like that.

25 Q Okay. So -- so based on the number of shows

1 you've been to and your estimation as to how many of those
2 discussions that you've had at each show, what's your best
3 estimate of how many discussions you've had with members
4 of the public or other people attending gun shows like you
5 just described, them talking about types of guns they
6 shoot and the ammo they use?

7 A I don't know. I'd say probably more than 20 --

8 Q Okay.

9 A -- conversations like that.

10 Q Okay. Other than -- well, let's break that down.
11 Would it be more than 30 conversations?

12 A I -- I don't know, sir. I -- I can just say
13 probably more than 20 over the years.

14 Q Would it be less than a hundred?

15 A Yeah, that's probably fair to say.

16 Q Okay. So somewhere between 20 and a hundred
17 would be your best estimate; is that correct?

18 A Yes.

19 Q Okay. Anything other than your personal
20 observation of sales going on at gun shows and the 20 to
21 100 conversations you've had with people at gun shows that
22 helped you form your opinion regarding the number and
23 types of ammunition being sold at those gun shows?

24 MR. KRAUSE: Objection. Vague and ambiguous.
25 Compound.

1 THE WITNESS: There -- I mean, I can't think of
2 anything else beyond what you've just said.

3 Q BY MR. DALE: Okay. Okay. And, now, we talked
4 about some of the documents you used. Cartridges of the
5 World. You used that to help inform your opinion.

6 Rifles of the World, was that another book that
7 you used to help inform your opinion?

8 A Yes.

9 Q Okay. Any other books besides those two? And
10 I'm talking about books.

11 A Right. I believe the Gun Trader's Guide you've
12 been provided with, I think, a photocopy of -- of the
13 cover sheet. Maybe some other information about that.

14 Q Okay. Now, is it correct to say that Cartridges
15 of the World does not have a listing of the number of
16 rounds of a particular cartridge that are sold in any
17 given year listed in it?

18 A I don't recall seeing that information. It's
19 possible that it's in there, but I didn't see it.

20 Q Okay. What about Rifles of the World? Does it
21 list the number of rounds of a particular cartridge of
22 ammunition that are sold in any given year?

23 A Not to my knowledge, but it may.

24 Q Okay. As you sit here today, do you recall if it
25 does?

1 THE WITNESS: Not off the top of my head, sir.
2 I'd have to do some research.
3 Q BY MR. DALE: Okay. Well, I'm going to represent
4 to you its actual measurement is .429.
5 A Okay.
6 Q Okay. So I -- I just want to be clear that -- is
7 it your understanding that even though a .44 Remington
8 Magnum is called a .44 Remington Magnum, it may not
9 actually be a .44 caliber bullet by measurement?
10 MR. KRAUSE: Objection. Calls for speculation.
11 Vague and ambiguous.
12 THE WITNESS: Sir, it's my understanding that --
13 that the manufacturers may label something for marketing
14 purposes or -- or their own reasons to differentiate it
15 from a similar round maybe by another manufacturer out
16 there.
17 Q BY MR. DALE: Okay. So, in fact, the popular --
18 the .44 Remington Magnum, you previously testified that --
19 that there are popular nomenclatures for certain calibers.
20 Do you recall testifying to that?
21 MR. KRAUSE: Objection. Misstates the witness's
22 prior testimony.
23 THE WITNESS: I think I recall that from
24 yesterday, sir.
25 Q BY MR. DALE: Okay. And so would -- in your

1 opinion, would .44 Remington Magnum at .429, would that be
2 one of those instances you were talking about where the
3 popular nomenclature is that it's a .44, but it's actually
4 a smaller caliber?

5 MR. KRAUSE: Objection. Vague and ambiguous.
6 And I think it lacks foundation. Calls for speculation.

7 You've represented that it's .429, but he said he
8 doesn't know.

9 MR. DALE: Okay. All right. So, yeah, let's --
10 let's just kind of put that in the boat.

11 Q So, Mr. Graham, you don't know -- the .44
12 Remington Magnum, you don't know if it's a .429 caliber;
13 correct?

14 A Correct.

15 Q And you're being produced as the expert for the
16 DOJ today; correct?

17 A Correct.

18 Q Okay. All right. Okay. Let's -- I -- last area
19 I want to go over and then we're going to be done.

20 You previously testified that you decided that
21 the .22 caliber should not be included on the DOJ's
22 caliber list.

23 Do you recall that testimony?

24 MR. KRAUSE: Objection. Mischaracterizes the
25 witness's testimony.

1 THE WITNESS: I think I said that it was not
2 included at this time. Something to that effect.

3 Q BY MR. DALE: Okay. And -- and the -- I believe
4 you testified that one of the reasons -- I'm not saying
5 the sole reason, but one of the reasons that you had
6 formed the opinion that it shouldn't be included was that
7 you needed additional time to research whether or not it
8 was principally handgun ammunition.

9 Am I characterizing your prior testimony
10 correctly?

11 A Yes.

12 Q Okay. Okay. So as you sit here today, you don't
13 have an opinion as to whether or not -- let me restate
14 that. My apologies.

15 As you sit here today, you don't have an opinion
16 as to whether or not .22 caliber ammunition is principally
17 used in a handgun?

18 A I think I don't have enough information to render
19 that opinion and that's why I didn't include it in the
20 list that you have.

21 Q Okay. But if I understand your testimony, at
22 some point, based on doing further research, you might be
23 able to form an opinion that it is or it isn't --

24 A I may be able to, sir.

25 Q Okay. You may be able to. But you can't today.

1 You don't have the information to do it; is that correct?

2 A Yes.

3 Q Okay.

4 Mr. Krause, if you could get that item we faxed
5 you.

6 MR. KRAUSE: You faxed me something?

7 MR. DALE: I'm sorry. We e-mailed you the 2009
8 firearms report from the DOJ's office.

9 MR. KRAUSE: Oh, yeah.

10 MR. DALE: I'm going to go ahead and mark that as
11 Exhibit G.

12 MR. KRAUSE: Hold on. Let me give the -- let me
13 see if I have a clean copy for the court reporter.

14 MR. DALE: Okay.

15 MR. KRAUSE: Yeah. She's got it now. He's got
16 it.

17 You're good to go.

18 (Whereupon Plaintiffs' Exhibit G was
19 marked for identification.)

20 MR. DALE: Okay. Thank you. Appreciate it.

21 Q Mr. Graham, have you ever seen the report that
22 we're marking as Exhibit G before?

23 A I saw this this morning for the first time.

24 Q Okay. So would it be fair to say you didn't
25 consider it in forming the opinions that you've reached

1 regarding what ammunition is principally used in handguns?

2 A That's correct. I did not use this document
3 because I'd never seen it before.

4 Q Okay. Let's go ahead and turn to what's marked
5 as page three on that. And if you see there, the
6 Department of Justice has broken down some findings of a
7 report it generated.

8 Do you see that on page three?

9 A I do. There's a -- kind of a vertical graph and
10 then a pie chart down below.

11 Q Right. And up at the top it says "weapons by
12 caliber," right?

13 A Yes.

14 Q Okay. And apparently in this DOJ report of the
15 65 weapons they examined, 15 used the .22 rim fire
16 cartridge.

17 Do you see that?

18 A I do.

19 Q Okay. Having had an opportunity to take a look
20 at this report, does it in any way change your opinion
21 regarding whether or not .22 caliber ammunition should be
22 included -- or should be considered principally handgun
23 ammunition?

24 MR. KRAUSE: Objection. Vague and ambiguous.
25 Calls for speculation. Lacks foundation.

1 THE WITNESS: Yeah, I -- I would need more time
2 to review this document in its entirety. I've spent
3 probably five minutes in total since this morning on this
4 specific several-page document.

5 MR. KRAUSE: And is this a complete copy of the
6 document or is --

7 MR. DALE: Well, this is a copy of what looks
8 like to be the white paper of the document. I'm presuming
9 that the underlying information that was used to compile
10 this is somewhere at your office.

11 THE WITNESS: Well, this appears to have been
12 produced by a different bureau and, you know, this would
13 be like me asking you about a case that someone down the
14 hall from you is prosecuting, sir, or is -- it's -- you
15 know, I didn't generate the document, so I -- I need some
16 time to review it.

17 Is there something specific here that I can maybe
18 ask -- or answer for you?

19 Q BY MR. DALE: Well, yeah. I'm just trying to
20 figure out -- hold on one sec.

21 Would you have the ability to go down the hall
22 and get a copy of this report and the underlying data, in
23 your experience, working for the DOJ? Are you granted
24 that kind of privilege or have that kind of access?

25 MR. KRAUSE: Objection. Calls for speculation.

1 THE WITNESS: I think -- I think a request could
2 be made through my chief to the chief of the Bureau of
3 Forensic Services to get a copy of this. It may be
4 available on -- on a Web page. I really don't know. Like
5 I said, I haven't seen this before this morning. You
6 know, these stats here that are in this document, I
7 presume, are accurate, otherwise they wouldn't put them
8 out there.

9 Q BY MR. DALE: Okay. All right. And as you sit
10 here today, do you have any knowledge as to why the
11 Department of Justice did not provide a copy of this
12 document to you prior to formulating your opinion?

13 MR. KRAUSE: Objection. Vague and ambiguous.
14 Calls for speculation. Relevance.

15 THE WITNESS: No, I don't have an opinion as to
16 why.

17 Q BY MR. DALE: Okay. You don't have any knowledge
18 as to why; correct?

19 A Correct. I don't know why.

20 Q Okay. Okay. And as you sit here today, do you
21 have any knowledge as to who was involved in generating
22 this report from that other branch of DOJ?

23 A It just states the Bureau of Forensic Services,
24 so presumably, their staff.

25 Q Okay. Prior to forming your opinions, did you go

1 to anybody at the Bureau of Forensic Services and ask them
2 for information regarding the use of particular
3 cartridges?

4 A No.

5 Q No. Okay.

6 And did you ever talk to the range master
7 regarding information he might have regarding specific
8 cartridges that are used?

9 MR. KRAUSE: Vague and ambiguous. Objection.

10 THE WITNESS: When you say --

11 Q BY MR. DALE: Okay. And did you attempt to speak
12 to the range master at all to help inform your opinions
13 regarding ammunition that's principally used in handguns?

14 A Who is the range master you're speaking of?

15 Q I'm -- at the DOJ range.

16 A We have approximately, I don't know, several
17 hundred agents throughout the state. There's range
18 masters in -- in different -- you know, there's four or
19 five different bureaus, multiple range masters within each
20 bureau. I'm a range master myself.

21 Q Okay. Did you speak to any of the other range
22 masters prior to formulating your opinion?

23 MR. KRAUSE: Objection. Vague and ambiguous.

24 Did --

25 Q BY MR. DALE: Did you speak to any of the other

1 range masters at any of the other DOJ facilities in the
2 State of California in order to get information to help
3 you form the opinions you're expressing today?

4 A I can't recall specifically asking them, after
5 being given this assignment, to -- you know, in answer to
6 your question, no.

7 Q Okay. And I'm assuming you did not receive any
8 written materials from any of the range masters at any of
9 the DOJ facilities regarding their observations as to
10 types of ammunition used at the ranges or cartridges or
11 calibers or any information of that sort?

12 A I didn't receive any information, but I know that
13 we all shoot the same caliber weapons and there is a
14 standardization throughout the Department of Justice, if
15 that -- are you getting -- is that what you're asking?

16 Q Yes.

17 A Okay.

18 Q All right. So I'm going to go ahead and wrap up
19 here so I understand.

20 In forming your opinions, you based those
21 opinions on a review of the DROS and AFS records
22 initially; correct? That was your first step?

23 A Yes.

24 Q Okay. And then your second step was you looked
25 at the Web sites we've identified, the books we've

1 identified and then called upon your personal knowledge in
2 order to augment that first step; is that correct?

3 A Yes.

4 Q Okay. And you didn't take any polls in order to
5 form your opinion; correct?

6 MR. KRAUSE: Objection. Vague and ambiguous.

7 THE WITNESS: I -- I did not poll members of the
8 general public, which was what I think you asked earlier
9 today.

10 Q BY MR. DALE: Right. Did you poll any firearms
11 dealers?

12 A No.

13 Q No. Okay.

14 So were there any other sources of information
15 that you used, other than what we just went over, to help
16 inform your opinion regarding which ammunition is
17 principally used in handguns?

18 A Other than the document that I prepared here
19 breaking down nonhandguns that use handgun ammunition.
20 And again, that's something that I just created when I
21 was, you know, trying to think of weapons that fired these
22 calibers.

23 Q Okay. All right. And nothing besides that
24 document which you generated and the other items which we
25 just discussed were used by you to help you formulate your

1 opinion; is that correct?

2 A I can't think of any -- you know, I think you've
3 been provided with that document. There's the document
4 from SAAMI, which is the Small Arms Ammunition
5 Manufacturers Institute. It gets into some -- what they
6 consider handgun ammunition.

7 Q Okay. Hold on one sec.

8 Okay. All right. Are there any other opinions
9 that you formed regarding the scope of your expertise that
10 you've been designated to testify to here today that you
11 haven't had an opportunity to express?

12 MR. KRAUSE: Objection. Vague and ambiguous.

13 THE WITNESS: I can't think of anything at this
14 time, sir.

15 Q BY MR. DALE: Okay. During the course of your
16 being asked by the Department of Justice to form opinions
17 regarding handgun ammunition principally used in handguns,
18 have you formed any opinions other than those you've
19 expressed during the two days of deposition we've taken?

20 MR. KRAUSE: Objection. Misstates the witness's
21 testimony.

22 THE WITNESS: Just to be clear, could you repeat
23 the question?

24 Q BY MR. DALE: Yeah. Other than the opinions that
25 you've testified to over the past two days, have you

1 know about it. And if the answer's no, then that's fine.
2 And if our guy gets up and says that X cartridge is
3 such-and-such and he offers an opinion otherwise, then
4 we've got two options: We bring him and sit him back down
5 and retake his testimony or we point to wherever it is in
6 his testimony from today and yesterday's proceedings where
7 he testified differently than what he's offering.

8 MR. KRAUSE: That's fine. I understand. Okay.

9 MR. DALE: Okay. So let me offer the question
10 one more time, and then you can interpose your objection,
11 and then we'll -- we'll get his answer.

12 Does that work, Mr. Krause?

13 MR. KRAUSE: Sure. I may not even object now.

14 MR. DALE: Okay.

15 Q All right. Mr. Graham, in your capacity as a
16 retained and designated expert for the DOJ, do you intend
17 to offer any other expert opinions in this matter other
18 than those you've expressed in the last two days of
19 deposition?

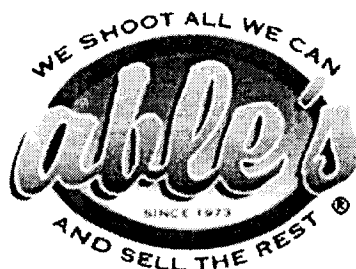
20 A Not to my knowledge, sir.

21 MR. DALE: All right. Well, I think we're good.
22 Give me one more brief minute and I'll try to get us out
23 of here. I'm going to put you on mute for a sec.

24 (Off the record.)

25 MR. DALE: I'm sorry. I'm told I have one more

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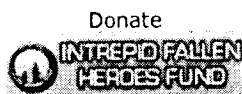
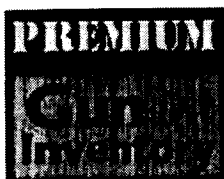
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am over the age eighteen (18) years and am not a party to the within action. My business address is
180 East Ocean Blvd., Suite 200, Long Beach, California 90802.

5 On January 7, 2011, I served the foregoing document(s) described as

6 **SUPPLEMENTAL DECLARATION OF CLINTON B. MONFORT IN SUPPORT OF**
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8 **OR IN THE ALTERNATIVE FOR SUMMARY ADJUDICATION AND TRIAL;**
EXHIBITS A - J

9 on the interested parties in this action by placing
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10 [X] a true and correct copy
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14 Deputy Attorney General (185098)
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27 foregoing is true and correct.

28 

CLAUDIA AYALA

DECLARATION OF SERVICE BY OVERNIGHT COURIER

Case Name: **Sheriff Clay Parker, et al. v. State of California, et al.**

No.: **F062490**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004.

On February 22, 2012, I served the attached **JOINT APPENDIX, VOLUME XI, Pages JA002817-JA003423** by placing a true copy thereof enclosed in a sealed envelope with the Golden State Overnight, addressed as follows:

Carl Dawson Michel, Esq.
Clinton Barnwell Monfort, Esq.
Michel and Associates, PC
180 East Ocean Blvd., Ste. 200
Long Beach, CA 90802
(Attorneys for Respondents)

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on February 22, 2012, at San Francisco, California.

J. Wong
Declarant

J. Wong
Signature