

1 Lawrence J. Kouns, State Bar No. 095417  
2 LUCE, FORWARD, HAMILTON & SCRIPPS LLP  
3 600 West Broadway, Suite 2600  
4 San Diego, California 92101-3391  
5 Telephone No.: 619.236.1414  
6 Fax No.: 619.232.8311

7 James P. Dorr  
8 James B. Vogts  
9 WILDMAN, HARROLD, ALLEN & DIXON  
10 225 West Wacker Drive  
11 Chicago, Illinois 60606  
12 Telephone No.: 312.201.2000  
13 Fax No.: 312.201.2555

14 Co-Liaison Counsel for Defendant Manufacturers

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 FOR THE COUNTY OF SAN DIEGO

14 Coordination Proceeding  
15 Special Title (Rule 1550 (b))

16 FIREARMS CASE

17 Including actions:

18 People, et. al. v. Arcadia Machine & Tool, Inc., et.  
19 al.

20 People, et. al. v. Arcadia Machine & Tool, Inc., et.  
21 al.

22 People, et. al. v. Arcadia Machine & Tool, Inc., et.  
23 al.

) JUDICIAL COUNCIL COORDINATION  
) PROCEEDING NO. 4095

) San Francisco Superior Court No. 303753  
) Los Angeles Superior Court No. BC210894  
) Los Angeles Superior Court No. BC214794

) **NOTICE OF LODGMENT IN  
) SUPPORT OF MOTION FOR AN  
) ORDER PRECLUDING EVIDENCE  
) THAT DEFENDANTS' ALLEGED  
) CONDUCT HAS CAUSED  
) ACQUISITION OF FIREARMS BY  
) CRIMINALS AND OTHER  
) PROHIBITED PERSONS**

) DATE: July 19, 2002  
) TIME: 8:30 a.m.  
) DEPT: 65

) Hon. Vincent P. DiFiglia

26 Pursuant to Rule 319 of the California Rules of Court and Rule 6.15 of the San Diego  
27 County Local Rules, certain defendants hereby lodge the following documents in support of their  
28 Motion For an Order Precluding Evidence That Defendants' Alleged Conduct Has Caused

NOTICE OF LODGMENT IN SUPPORT OF MOTION FOR AN ORDER PRECLUDING EVIDENCE

11/20/2007

1 Acquisition of Firearms by Criminals and Other Prohibited Persons:

- 2       Exhibit 1:     Portions of transcript of March 20, 2001 hearing;
- 3       Exhibit 2:     Court Order dated March 26, 2001;
- 4       Exhibit 3:     Case Management Order No. 3 dated July 26, 2001;
- 5       Exhibit 4:     Stipulation and Order dated July 13, 2001;
- 6       Exhibit 5:     Court Order dated November 20, 2001;
- 7       Exhibit 6:     Case Management Order No. 4 dated January 28, 2002;
- 8       Exhibit 7:     Case Management Order No. 5 dated March 26, 2002;
- 9       Exhibit 8:     Notice of Taking Deposition(s) of City of Sacramento;
- 10       Exhibit 9:    Transcript of April 19, 2002 hearing;
- 11       Exhibit 10:   Transcript of June 19, 2001 hearing; and
- 12       Exhibit 11:   Plaintiffs' Supplemental Responses to Sturm, Ruger & Company, Inc.'s  
13                        Second Set of Form Interrogatories.

14                                    LUCÉ, FORWARD, HAMILTON & SCRIPPS LLP

15

16 Dated: June 28, 2002

17 By: Lawrence J. Kouns  
18       Lawrence J. Kouns  
19       Co-Liaison Counsel for Defendant Manufacturers

20                                    WILDMAN, HARROLD, ALLEN & DIXON

21 Dated: June 28, 2002

22 By: James B. Vogts  
23       James B. Vogts  
24       Co-Liaison Counsel for Defendant Manufacturers

# **Exhibit 1**

1                   IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2                   IN AND FOR THE COUNTY OF SAN DIEGO  
3 DEPARTMENT 65                   BEFORE HON. VINCENT P. DI FIGLIA, JUDGE  
4 COORDINATION PROCEEDING                   )  
5 SPECIAL TITLE - RULE 1550 (B)                   )  
6 FIREARM CASES                   ) JUDICIAL COUNCIL  
7 INCLUDED ACTIONS:                   ) COORDINATION PROCEEDING  
8 PEOPLE, ETC.                   ) NO. 4095  
9 V. ARCADIA MACHINE & TOOL, INC.                   ) SAN FRANCISCO SUPERIOR COURT  
10 PEOPLE, ETC.                   ) NO. 303 753  
11 V. ARCADIA MACHINE & TOOL                   ) LOS ANGELES SUPERIOR COURT  
12 PEOPLE, ETC.                   ) NO. BC 210 894  
13 V. ARCADIA MACHINE & TOOL                   ) LOS ANGELES SUPERIOR COURT  
14                   ) NO. BC 214 794

15                   REPORTER'S TRANSCRIPT

16                   MARCH 20, 2001

17 APPEARANCES OF COUNSEL:

18           FOR THE PLAINTIFFS:           MICHAEL J. DOWD, ESQ.  
19   STEPHEN P. POLAPINK, ESQ.  
20   MILBERG, WEISS, BERSHAD, HYNES  
21   & LERACH, LLP  
22   600 WEST BROADWAY  
23   1800 ONE AMERICA PLAZA  
24   SAN DIEGO, CALIFORNIA 92101-3356  
25   619-231-1058  
26           FOR THE DEFENDANTS:           JAMES B. VOGTS, ESQ.  
27   WILDMAN, HARROLD, ALLEN & DIXON  
28   225 WEST WACKER DRIVE  
   CHICAGO, ILLINOIS 60606-1229  
   312-201-2670  
   ROBERT C. WRIGHT, ESQ.  
   WRIGHT & L'ESTRANGE  
   701 B STREET, SUITE 1550  
   SAN DIEGO, CALIFORNIA 912101

(CONTINUED ON NEXT PAGE)

1 APPEARANCES (CONTINUED):

2 FOR THE DEFENDANTS:

ROBERT C. GEBHARDT, ESQ.  
SCHNADER, HARRISON, SEGAL & LEWIS  
601 CALIFORNIA STREET, SUITE 1200  
SAN FRANCISCO, CALIFORNIA 94108  
415-364-6705

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27 REPORTED BY:

PATRICIA E. LUX, CSR #3477  
OFFICIAL REPORTER  
619-685-6024

28

1 ARE CONCEDING THEY DON'T NEED NOW. I WANT THAT HISTORY WITH THE  
2 COURT WHEN WE COME BACK IN, WHEN ONE OF THEIR CODEFENDANTS SAY  
3 IT, BECAUSE I THINK IT IS A PROBLEM, AND IT IS A MASSIVE BURDEN.  
4 I UNDERSTAND THAT THE COURT DIDN'T SEE BURDEN AFFIDAVITS AT THIS  
5 TIME LIKE YOU DID THE LAST TIME, AND THAT'S BECAUSE WE RECOGNIZED  
6 THAT SOME OF THESE MATERIALS ARE GOING TO BE RELEVANT, AND WE  
7 SHOULD TURN THEM OVER, AND WE WANT TO DO THAT, YOUR HONOR, BUT I  
8 WANT TO KNOW WHAT THE EXTENT OF IT IS, AND I FEEL COMFORTABLE  
9 WITH THE COURT HAVING THAT KNOWLEDGE, I THINK, AS TO DISCOVERY.  
10 I MEAN, I DON'T THINK WE EVEN HAVE TO GET INTO PLAINTIFFS' CASE.

11 WE'LL GET OUR STUFF TURNED OVER. THE COURT HAS SEEN  
12 MOTIONS TO COMPEL WITH REGARD TO MR. VOGTS' CLIENT. THAT IS  
13 BECAUSE THEY ACTUALLY DIDN'T PRODUCE DOCUMENTS. THE COURT IS  
14 GOING TO FACE DILATORY OBJECTIONS IN THE NEXT COUPLE OF MONTHS.

15 I DON'T THINK THEY SHOULD BE POINTING AT US. IT IS  
16 SOMETHING I THINK WE WILL HAVE TO DEAL WITH DOWN THE LINE.

17 THE COURT: I'M NOT SUGGESTING THAT YOU'RE WEARING THE BLACK  
18 HAT OR THEY ARE WEARING THE WHITE HAT OR VICE VERSA, BUT I THINK  
19 I HAVE AN UNDERSTANDING OF THE PARAMETERS OF WHAT IT IS THAT THEY  
20 WANT, AND I DO HAVE A REASONABLY GOOD MEMORY, AND I SHALL REMEM-  
21 BER THAT, AND IF THE INQUIRY STRAYS FROM WHAT I THINK IS PRETTY  
22 NARROW -- GRANTED, IT'S NARROW IN THE ISSUE SENSE; IT'S VERY  
23 WIDELY DISPERSED IN TERMS OF MATERIALS THAT YOU'RE GOING TO HAVE  
24 TO GO THROUGH, NO QUESTION, BUT IN TERMS OF WHAT THEY'RE LOOKING  
25 FOR AND WHAT IS DESIRED, I THINK IT IS RELATIVELY NARROW.

26 MR. DOWD: DOES THE COURT WANT TO SEE US BACK WITH REGARD TO  
27 STATISTICAL SAMPLING IF WE CAN'T REACH AN AGREEMENT AS TO IT?

28 THE COURT: YES. I WOULD SUGGEST LET'S GO AHEAD WITH EVERY-

1 THE GUNS THAT, MR. VOGTS, YOU PREVIOUSLY INDICATED WHEN WE START-  
2 ED THIS EXERCISE WERE THOSE THAT YOU INDICATED IT WOULD BE SPE-  
3 CIFICALLY LIMITED TO AND THAT THEY ARE WITH RESPECT TO INFORMA-  
4 TION IN YOUR POSSESSION WHICH INDICATES HOW CRIMINALS AND OTHERS  
5 ACQUIRED THE GUNS AND WHETHER THE MANNER OF ACQUISITION HAD ANY  
6 FACTUAL NEXUS TO DEFENDANTS' FIREARMS. IT IS A CAUSATION ISSUE,  
7 AND WHETHER THE CAUSATION IS DEMONSTRATED BY A WITNESS' STATEMENT  
8 IN ONE INSTANCE, OR, YOU KNOW, A POLICE OFFICER'S INVESTIGATION  
9 IN ANOTHER INSTANCE.

10 THE COURT IS NOT RULING THAT YOU HAVE TO GIVE EVERY-  
11 THING. YOU HAVE TO GIVE THE INFORMATION THAT IS RESPONSIVE TO  
12 THAT REQUEST.

13 IT'S THE OLD CAUSATION DEMON THAT WE HAVE BEEN DEALING  
14 WITH FROM DAY ONE IN THIS LITIGATION.

15 MR. DOWD: THAT'S FINE, YOUR HONOR.

16 THE COURT: OKAY.

17 MR. DOWD: I JUST A WANTED TO MAKE SURE THE ORDER REFLECTS  
18 THAT.

19 THE COURT: AND AS TO THE CITY AND COUNTY OF LOS ANGELES AND  
20 WEST HOLLYWOOD, COUNSEL ARE ORDERED TO MEET AND CONFER IN ORDER  
21 TO ATTEMPT TO OBTAIN AGREEMENT ON STATISTICAL SAMPLING WHICH IS  
22 ADEQUATE AND RESPONSIVE TO DEFENDANTS' REQUEST. OKAY? ALL  
23 RIGHT.

24 MR. DOWD: THANK YOU, YOUR HONOR.

25 MR. VOGTS: THANK YOU, YOUR HONOR.

26 (PROCEEDINGS CONCLUDED AT 9:38 A.M.)

27 \* \* \* \* \*

28

# **Exhibit 2**



FILED  
MAR 21 2001  
MAR 21 2001  
By: P. [Signature]

MAR 21 2001

By: P. [Signature]

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO

Coordination Proceeding  
Special Title (Rule 1550 (b))

FIREARMS CASE

Including actions:

*People, et al. v. Arcadia Machine & Tool, Inc.,  
et al.*

*People, et al. v. Arcadia Machine & Tool, Inc.,  
et al.*

*People, et al. v. Arcadia Machine & Tool, Inc.,  
et al.*

JUDICIAL COUNCIL COORDINATION  
PROCEEDING NO. 4095

San Francisco Superior Court No. 303753  
Los Angeles Superior Court No. BC210894  
Los Angeles Superior Court No. BC214794

ORDER COMPELLING PLAINTIFFS TO  
DISCLOSE FACTS AND DOCUMENTS  
RELATING TO THE ACQUISITIONAL  
HISTORY OF FIREARMS RECOVERED  
BY PLAINTIFFS

Date: March 20, 2001  
Time: 8:30 a.m.  
Dept: 65

Judge: Honorable Vincent P. DiFiglia

On March 20, 2001, at 8:30 a.m. in Department 65 of the above-entitled Court, the  
Honorable Vincent P. DiFiglia heard the *ex parte* motion of defendant manufacturers for an Order  
Compelling Plaintiffs to Disclose Facts and Documents Relating to the Acquisitional History of  
Firearms Recovered by Plaintiffs. Michael J. Dowd of Milberg, Weiss, Bershad, Hynes & Lerach

ORDER COMPELLING PLAINTIFFS' TO DISCLOSE FACTS AND DOCUMENTS

1 LLP, appeared on behalf of the plaintiffs and James B. Vogts of Wildman, Harrold, Allen & Dixon  
2 appeared on behalf of the defendant manufacturers.

3 The Court, having considered the pleadings and other materials submitted in connection  
4 with the motion, and having heard the arguments of counsel,

5 IT IS HEREBY ORDERED THAT defendants' motion is GRANTED. Plaintiffs San  
6 Francisco, Oakland, Sacramento, Berkeley, East Palo Alto, San Matco County, Alameda County,  
7 Inglewood and Compton are ordered to disclose documents in their possession responsive to  
8 Sturm, Ruger Requests for Production Nos. 1, 3 and 4 which reflect how criminals and others  
9 acquired the firearms manufactured and/or sold by defendants and previously identified by  
10 plaintiffs and whether the manner of acquisition has a factual nexus to defendants' alleged conduct.  
11 The parties will continue to meet and confer regarding the proposal that the City of Los Angeles,  
12 the County of Los Angeles and West Hollywood produce a statistically significant sample of  
13 documents in their possession which are responsive to Sturm, Ruger Requests for Production Nos.  
14 1, 3 and 4.

15 IT IS SO ORDERED:

16  
17 DATED: MAR 26 2001, 2001

VINCENT P. DI FIGLIA

Vincent P. DiFiglia  
Judge of the Superior Court

19  
20 APPROVED AS TO FORM AND CONTENT:

MILBERG WEISS BERSHAD HYNES & LERACH LLP

21  
22  
23 DATED: 3/20, 2001

By: Michael J. Dowd  
Michael J. Dowd  
On Behalf Of Plaintiffs

24  
25 WILDMAN, HARROLD, ALLEN & DIXON

26  
27 DATED: Mar. 21, 2001

By: Lawrence J. Kouns  
Lawrence J. Kouns  
On Behalf Of Manufacturer Defendants

28

**DECLARATION OF SERVICE**

In re Firearms Case  
JCCP No. 4095

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

I, Geralynn D. Vidmar, declare:

1. I am, and was at the time of service of the papers herein referred to, over the age of eighteen years, and not a party to the action, and I am employed in the County of San Diego, State of California. My business address is Luce, Forward, Hamilton & Scripps LLP, 600 West Broadway, Suite 2600, San Diego, California 92101; telephone number (619) 236-1414; facsimile number (619) 645-5389.

2. On April 3, 2001, I served the following document(s):

**ORDER COMPELLING PLAINTIFFS TO DISCLOSE FACTS  
AND DOCUMENTS RELATING TO THE ACQUISITIONAL  
HISTORY OF FIREARMS RECOVERED BY PLAINTIFFS**

by JusticeLink Electronic filing on all persons appearing on the Service List.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 3, 2001 in San Diego, California.

Geralynn D. Vidmar  
Geralynn D. Vidmar

# **Exhibit 3**

**ORIGINAL**

**JUSTICELINK  
FILING ID  
# 249196**

**FILED**  
STEPHEN THUNDERB  
Clerk of the Superior Court

**JUL 26 2001**

**By: M. MASES, Deputy**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO**

**Coordination Proceeding  
Special Title (Rule 1550 (b))**

**FIREARMS CASE**

**Including actions:**

**People, et. al. v. Arcadia Machine & Tool, Inc., et.  
al.**

**People, et. al. v. Arcadia Machine & Tool, Inc., et.  
al.**

**People, et. al. v. Arcadia Machine & Tool, Inc., et.  
al.**

**JUDICIAL COUNCIL COORDINATION  
PROCEEDING NO. 4095**

**San Francisco Superior Court No. 303753  
Los Angeles Superior Court No. BC210894  
Los Angeles Superior Court No. BC214794**

**CASE MANAGEMENT  
ORDER NO. 3**

**Hon. Vincent P. DiFiglia**

**Dept: 65**

**A. Core Document Production**

**July 31, 2001**

**Deadline for plaintiffs San Francisco, Oakland,  
Sacramento, Berkeley, East Palo Alto, San Mateo County,  
Alameda County, Inglewood and Compton to produce  
documents in compliance with March 26, 2001 Court  
Order.**

**December 21, 2001**

**Deadline for plaintiffs Los Angeles City and Los Angeles  
County to produce documents under the Stipulation and  
Order Regarding City of Los Angeles' and County of Los  
Angeles' Production of Firearm Incident Documents.**

1	<b>B. <u>Fact Discovery</u></b>	
2	March 15, 2002	Deadline to complete all fact discovery, including depositions. However, if a party subsequently discloses new fact witnesses, the opposing party shall have the right to take their depositions.
3		
4	July 12, 2002	Deadline for parties to provide final fact witness lists, identifying information and a brief statement of the nature of their expected testimony. Any witnesses identified on this list who were not formally identified before the discovery deadline on March 29, 2002, can be deposed by the party or parties receiving this final fact witness list.
5		
6		
7		
8	<b>C. <u>Expert Witnesses</u></b>	
9	March 15, 2002	First exchange of expert witness information pursuant to C.C.P. § 2034. For those experts who will create or rely on statistical models or computerized models, the parties must also produce those statistical or computer models and any related database on appropriate electronic media to allow the opposing party to run, replicate or otherwise interpret the model and database, together with all codes, data or other information required to run, replicate or otherwise interpret the model and database.
10		
11		
12		
13		
14	March 22, 2002	First day to take depositions of experts.
15	May 6, 2002	Second exchange of expert information pursuant to C.C.P. § 2034(h), according to the same protocol as pertains to the first exchange of experts.
16		
17	July 1, 2002	Deadline to complete expert witness depositions.
18	<b>D. <u>Dispositive Motions</u></b>	
19	July 22, 2002	Deadline to file dispositive motions, such as motions for summary judgment/adjudication.
20		
21	August 19, 2002	Deadline to file oppositions to dispositive motions.
22	September 9, 2002	Deadline to file replies to oppositions to dispositive motions.
23	September 23, 2002	Last day for hearing on dispositive motions.
24	<b>E. <u>Documents</u></b>	
25	October 7, 2002	Deadline to exchange a list of all documents and other items to be offered as exhibits at trial, other than solely for impeachment or rebuttal.
26		
27		
28		

F. Trial

October 18, 2002 Trial readiness conference.

November 15, 2002 Trial.

ORDER

The foregoing is hereby made an Order of this Court.

Dated: \_\_\_\_\_

Judge of the Superior Court

APPROVED AS TO FORM AND CONTENT:DATED: July 19, 2001

LUCE, FORWARD, HAMILTON &amp; SCRIPPS LLP

By: Lawrence J. KounsLawrence J. Kouns  
Co-Liaison Counsel for Defendant  
ManufacturersDATED: July 17, 2001

KOLETSKY, MANCINI, FELDMAN &amp; MORROW

By: Suzanne CaldwellSuzanne Caldwell  
Co-Liaison Counsel for Defendant  
Trade Associations

DATED: July \_\_\_\_, 2001

SEDGWICK, DETERT, MORAN &amp; ARNOLD

By: \_\_\_\_\_

Wayne A. Wolff  
Co-Liaison Counsel for Defendant  
Distributors

DATED: July \_\_\_\_, 2001

MILBERG WEISS BERSHARD HYNES &  
LERACH LLP

By: \_\_\_\_\_

Jonah Goldstein  
Co-Liaison Counsel for Plaintiffs

F. Trial

October 18, 2002

Trial readiness conference.

November 15, 2002

Trial.

**ORDER**

The foregoing is hereby made an Order of this Court.

Dated: \_\_\_\_\_

Vine  
Judicial Sup Court

**APPROVED AS TO FORM AND CONTENT:**

DATED: July \_\_, 2001

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

By: \_\_\_\_\_

Lawrence J. Kouns  
Co-Liaison Counsel for Defendant  
Manufacturers

DATED: July \_\_, 2001

KOLETSKY, MANCINI, FELDMAN & MORROW

By: \_\_\_\_\_

Susan Caldwell  
Co-Liaison Counsel for Defendant  
Trade Associations

DATED: July 18, 2001

SEDGWICK, DETERT, MORAN & ARNOLD

By: \_\_\_\_\_

Wayne A. Wolff  
Co-Liaison Counsel for Defendant  
Distributors

DATED: July \_\_, 2001

MILBERG WEISS BERSHARD HYNES &  
LERACH LLP

By: \_\_\_\_\_

Jonah Goldstein  
Co-Liaison Counsel for Plaintiffs



1 F. Trial

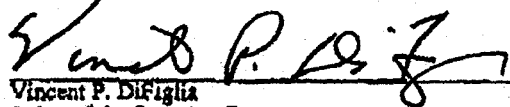
2 October 18, 2002 Trial readiness conference.

3 November 15, 2002 Trial.

4 **ORDER**

5 The foregoing is hereby made an Order of this Court.

6  
7 Dated: July 26, 2001

8   
Vincent P. DiFiglia  
Judge of the Superior Court

9 **APPROVED AS TO FORM AND CONTENT:**

10 DATED: July \_\_, 2001

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

11  
12 By:

13 Lawrence J. Kouns  
Co-Liaison Counsel for Defendant  
Manufacturers

14 DATED: July \_\_, 2001

15 KOLETSKY, MANCINI, FELDMAN & MORROW

16  
17 By:

18 Susan Caldwell  
Co-Liaison Counsel for Defendant  
Trade Associations

19 DATED: July \_\_, 2001

20 SEDGWICK, DETERT, MORAN & ARNOLD

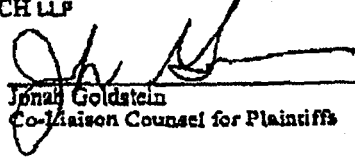
21  
22 By:

23 Wayne A. Wolff  
Co-Liaison Counsel for Defendant  
Distributors

24 DATED: July 17, 2001

25 MILBERG WEISS BERSHARD HYNES &  
26 LERACH LLP

27  
28 By:

  
Jonathan Goldstein  
Co-Liaison Counsel for Plaintiffs

# **Exhibit 4**

ORIGINAL

JUSTICELINK  
FILING ID

#238724

FILE  
STEPHEN THUMBERG  
Clerk of the Superior Court

JUL 13 2001

By: M. MASES, Deputy

1 MILBERG WEISS BERSHAD  
2 HYNES & LERACH LLP  
3 WILLIAM S. LERACH (68581)  
4 FRANK J. JANECEK, JR. (156306)  
5 MICHAEL J. DOWD (135628)  
6 STEPHEN P. POLAPINK (177489)  
7 JONAH H. GOLDSTEIN (193777)  
8 600 West Broadway, Suite 1800  
9 San Diego, CA 92101  
10 Telephone: 619/231-1058  
11 619/231-7423 (fax)  
12 - and -  
13 PATRICK J. COUGHLIN (111070)  
14 EX KANO S. SAMS II (192936)  
15 JASON T. BAKER (212380)  
16 100 Pine Street, Suite 2600  
17 San Francisco, CA 94111  
18 Telephone: 415/288-4545  
19 415/288-4534 (fax)

LIEFF, CABRASER, HEIMANN  
& BERNSTEIN, LLP  
ROBERT J. NELSON (132797)  
RICHARD M. FRANCO (170970)  
JENNIE LEE ANDERSON (203586)  
275 Battery Street, 30th Floor  
San Francisco, CA 94111-9333  
Telephone: 415/956-1000  
415/956-1008 (fax)

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

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO

15 Coordination Proceeding Special Title (Rule  
16 1550(b))

17 FIREARM CASE

18 Including actions:

19 *People, et al. v. Arcadia Machine & Tool, Inc.,*  
20 *et al.*

21 *People, et al. v. Arcadia Machine & Tool, Inc.,*  
22 *et al.*

23 *People, et al. v. Arcadia Machine & Tool, Inc.,*  
24 *et al.*

JUDICIAL COUNCIL COORDINATION  
PROCEEDING NO. 4095

San Francisco Superior Court No. 303753  
Los Angeles Superior Court No. BC210894  
Los Angeles Superior Court No. BC214794

STIPULATION AND [REDACTED]  
ORDER REGARDING CITY OF LOS  
ANGELES' AND COUNTY OF LOS  
ANGELES' PRODUCTION OF FIREARM  
INCIDENT DOCUMENTS

STIP & [REDACTED] ORD RE CITY OF LA & CNTY OF LA PRODUCTION OF FIREARM INCIDENT DOCS

7/19/01

1 The following stipulation and order has been agreed to by the parties to these cases as a  
2 compromise of dispute regarding the City of Los Angeles' and the County of Los Angeles' obligation  
3 to produce documents and information in their possession reflecting the acquisition, sale and use of  
4 firearms in their communities. In agreeing to accept less than a complete production of such  
5 documents and information, defendants do not represent in this or any other case that less than a full  
6 and complete production of such documents and information is proper or adequate for any legal or  
7 factual purpose. Defendants' willingness to compromise is premised, in part, on the unique nature  
8 of the California plaintiffs' claims under Business & Professions Code §§17200 and 17500 and the  
9 relief available to the plaintiffs under the Court's September 15, 2000 order.

10 1. Plaintiffs City of Los Angeles and County of Los Angeles will produce the following:

11 a. All incident reports and related acquisitional history for firearms submitted  
12 for tracing by the City of Los Angeles and the County of Los Angeles from 1996-2000.

13 b. As to any defendant manufacturer with more than 385 firearms in the County  
14 of Los Angeles property room database from 1996-2000, incident reports and related acquisitional  
15 history information relating to 385 of those firearms to be selected at random from the County of Los  
16 Angeles database. Plaintiffs and defendants will mutually participate in developing the procedure  
17 by which the sample is selected and in the selection of the sample itself. As to any defendant  
18 manufacturer with 385 or fewer firearms in the County of Los Angeles property room database from  
19 1996-2000, incident reports and related acquisitional history information related to each of those  
20 firearms.

21 2. The parties further agree to the following:

22 a. The parties enter into this stipulation as a compromise to balance defendants'  
23 need for certain "incident" discovery with the potential burden imposed on plaintiffs by the scope  
24 of defendants' discovery requests. However, by entering into this stipulation, defendants do not  
25 concede that any sample drawn or information provided pursuant to this stipulation is: (i)  
26 representative of all firearm incidents or any subset of firearm incidents in the County of Los  
27 Angeles and/or the City of Los Angeles; (ii) representative of all such incidents documented in  
28 records kept and maintained by the County of Los Angeles and/or the City of Los Angeles; or (iii)

1 a valid basis for drawing statistical inferences on any legal or factual issue in the case. These matters  
2 will be subject to proof at trial.

3 b. The City of Los Angeles, the City of West Hollywood and the County of Los  
4 Angeles agree not to offer expert or lay witness testimony based on incident reports prepared by the  
5 Los Angeles Police Department or the Los Angeles County Sheriff's Office, which are not produced  
6 to defendants pursuant to this stipulation.

7 c. It is the intent of the parties to this litigation that the obligation of the City of  
8 Los Angeles, County of Los Angeles and the City of West Hollywood to produce "incident"  
9 discovery should be satisfied by the agreement set forth herein. Nevertheless, the parties understand  
10 and agree that certain of the defendants, having reviewed the materials produced pursuant to this  
11 stipulation, may conclude that additional materials should be produced. Plaintiffs reserve the right  
12 to object to the production of any additional "incident" discovery. Should the requesting defendant  
13 and the plaintiff or plaintiffs to whom the request is made fail to agree to the additional production,  
14 the requesting defendant may promptly move to compel the requested production under the *ex parte*  
15 procedure set forth in Section 5 of Case Management Order No. 1. The requesting defendant's  
16 supporting papers and the objecting plaintiff's opposition papers shall be the only papers served and  
17 filed on the matter in dispute, unless otherwise ordered by the Court.

18 DATED: <sup>July</sup> June 10, 2001

MILBERG WEISS BERSHAD  
HYNES & LERACH LLP  
WILLIAM S. LERACH  
FRANK J. JANECEK, JR.  
MICHAEL J. DOWD  
STEPHEN P. POLAPINK  
JONAH H. GOLDSTEIN

  
MICHAEL J. DOWD

600 West Broadway, Suite 1800  
San Diego, CA 92101  
Telephone: 619/231-1058  
619/231-7423 (fax)

Liaison Counsel for Plaintiffs

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July 3, 2001  
DATED: July 3, 2001

WILDMAN, HARROLD, ALLEN & DIXON  
JAMES P. DORA  
JAMES B. VOGTS

  
JAMES B. VOGTS

215 West Wacker Drive, Suite 3000  
Chicago, IL 60606-1229  
Telephone: 312/201-3000  
312/201-2555 (fax)

Liaison Counsel for Defendant Manufacturers

July 3, 2001  
DATED: July 3, 2001

LUCE, FORWARD, HAMILTON & SCRIPPS  
LAWRENCE J. KOONS  
CHRISTOPHER J. HEALEY

  
LAWRENCE J. KOONS

600 West Broadway, Suite 2600  
San Diego, CA 92101-3191  
Telephone: 619/236-1414  
619/545-6321 (fax)

Liaison Counsel for Defendant Manufacturers

July 9, 2001  
DATED: July 9, 2001

KOLETSKY, MANCINI, FELDMAN &  
MORROW  
RAY KOLETSKY  
SUSAN L. CALDWELL

  
SUSAN L. CALDWELL

3460 Wilshire Blvd., 8th Floor  
Los Angeles, CA 90010-2221  
Telephone: 313/417-3350  
213/427-2366 (fax)

Liaison Counsel for Defendant Trade Associations

STIP & ORDER RE CITY OF L.A. & CITY OF LA FACILITATION OF FIREARM INCIDENT DOCS

TOTAL P. 32

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SDMA SAN FRANCISCO

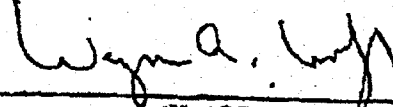
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1 DATED: July 7, 2001  
2 June

SEDGWICK, DETERT, MORAN & ARNOLD  
WAYNE A. WOLFF



WAYNE A. WOLFF

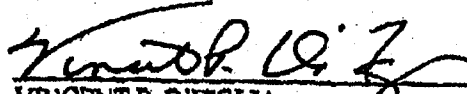
One Embarcadero Center, 16th Floor  
San Francisco, CA 94111-3765  
Telephone: 415/781-7900  
415/781-2635 (fax)

Liaison Counsel for Defendant Distributors

ORDER

IT IS SO ORDERED.

13 DATED: July 13, 2001

  
VINCENT F. DIFIGLIA  
JUDGE OF THE SUPERIOR COURT

16 \M\Cust\Case\007\FACES00714.sp

# **Exhibit 5**



1  
2  
3  
4  
5  
6  
7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SAN DIEGO  
10

11 Coordination Proceeding  
12 Special Title (Rule 1550 (b))

) JUDICIAL COUNCIL COORDINATION  
) PROCEEDING NO. 4095

13 FIREARMS CASE

) San Francisco Superior Court No. 303753  
) Los Angeles Superior Court No. BC210894  
) Los Angeles Superior Court No. BC214794

14 Including actions:

15 People, et. al. v. Arcadia Machine & Tool, Inc.,  
16 et. al.

) ORDER GRANTING DEFENDANT  
) MANUFACTURERS' EX PARTE MOTION  
) TO COMPEL THE CITY OF  
) SAN FRANCISCO'S COMPLIANCE WITH  
) THE COURT'S MARCH 26, 2001 ORDER

17 People, et. al. v. Arcadia Machine & Tool, Inc.,  
18 et. al.

) Date: November 20, 2001  
) Time: 8:30 a.m.

19 People, et. al. v. Arcadia Machine & Tool, Inc.,  
et. al.

) Dept: 65

) Hon. Vincent P. DiFiglia

20  
21 On November 20, 2001 at 8:30 a.m., the *ex parte* motion of Defendant Manufacturers for an  
22 Order compelling The City of San Francisco's compliance with the Court's March 26, 2001 Order  
23 came on for hearing in Department 65 of the above-entitled Court. Defendant Manufacturers and  
24 Plaintiffs were each represented by their liaison counsel. The Court, having reviewed the written  
25 materials submitted, having heard argument of counsel and for good cause shown:

26 ///

27 ///

28 ///

ORDER GRANTING DEF. MANUFACTURERS' EX PARTE MOTION TO COMPEL COMPLIANCE

1 IT IS HEREBY ORDERED that the motion is GRANTED and Plaintiff City of San Francisco  
2 is ordered to comply with this Court's previous Orders and complete its production of documents  
3 regarding criminal firearms incidents on or before November 30, 2001.

4  
5 Dated: NOV 20 2001

VINCENT P. Di FIGLIA  
\_\_\_\_\_  
Vincent P. DiFiglia  
Judge of the Superior Court