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

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

17 FIREARMS CASE

18 Including actions:

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

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

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

**DECLARATION OF LAWRENCE P.
FLETCHER-HILL ON BEHALF OF
DEFENDANTS BERETTA U.S.A. CORP.
AND FABBRICA D'ARMI PIETRO
BERETTA S.p.A. IN SUPPORT OF
CERTAIN DEFENDANTS' 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
TRIAL DATE: April 23, 2003

Hon. Vincent P. DiFiglia

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1 I, Lawrence P. Fletcher-Hill, declare as follows:

2 1. I am admitted *pro hac vice* in this case to represent defendants Beretta U.S.A.
3 Corp. ("Beretta USA") and Fabbrica d'Armi Pietro Beretta S.p.A. ("Pietro Beretta").

4 2. On Beretta USA and Pietro Beretta have received documents produced by plaintiffs
5 in response to discovery requests and in plaintiffs' attempt to comply with the Court's March 26,
6 2001 Order. In that Order, the Court required plaintiffs to produce all documents in their
7 possession "[a] which reflect how criminals and others acquired the firearms manufactured and/or
8 sold by defendants and previously identified by plaintiffs and [b] whether the manner of
9 acquisition has a factual nexus to defendants' alleged conduct."

10 3. In their complaints, plaintiffs allege that criminals and others not legally permitted
11 to acquire firearms acquire them through straw purchases, illegal sales by federally licensed
12 firearm dealers, gun show sales, sales by so-called kitchen table dealers, and theft. Plaintiffs claim
13 that the acquisition of Beretta firearms in these ways is attributable to the business practices of
14 Beretta USA or Pietro Beretta.

15 4. The documents produced by plaintiffs have been reviewed in detail by me and by
16 other attorneys or legal assistants under my supervision. The documents were reviewed to identify
17 any information concerning the acquisitional history of any identified Beretta firearm and, as
18 provided in the Court's March 26, 2001 Order, "whether the manner of acquisition has a factual
19 nexus to [Beretta USA's or Pietro Beretta's] alleged conduct." Set forth below, arranged by each
20 of the plaintiff jurisdictions, is all information in the documents produced by plaintiffs that
21 possibly bears on these issues.

22 5. **City of Berkeley**

23 Plaintiffs produced what appear to be Berkeley Police Department incident reports
24 involving the recovery of six Beretta firearms by the Berkeley Police Department from 1996
25 through 1999. Plaintiffs have also produced a property room database that lists Beretta firearms
26 held by the Berkeley Police Department. That database lists by serial number two additional
27 Beretta firearms for which plaintiffs have produced no incident reports. The property room
28 database contains no information concerning the acquisitional history of any Beretta firearm or

1 any factual nexus between the manner of acquisition and any alleged conduct by Beretta USA or
2 Pietro Beretta.

3 Our comprehensive review of the incident documents produced by plaintiffs reveals the
4 following acquisitional information concerning identified Beretta firearms in the City of Berkeley:

5 Straw Purchases	None
6 Illegal Sales By Federally Licensed Dealers	None
7 Gun Show Sales	None
8 Licensed Kitchen Table Dealer Sales	None
9 Theft	See Below

10
11 **Theft.** There is one City of Berkeley incident report in which the Beretta firearm was
12 reported stolen from a private residence. There is no information to establish any factual nexus
13 between the alleged theft and any business practice of Beretta USA or Pietro Beretta.

14 Plaintiffs have produced little or no information concerning the manner in which any of the
15 eight Beretta firearms identified in the City of Berkeley were acquired by the criminal or person in
16 possession of the firearm, and they have produced no information at all concerning any factual
17 nexus between the manner of acquisition for those firearms and any alleged business practice of
18 Beretta USA or Pietro Beretta.

19 6. City of San Francisco

20 Plaintiffs produced what appear to be San Francisco Police Department incident reports
21 involving the recovery of 68 Beretta firearms by the San Francisco Police Department from 1996
22 through 1999. Plaintiffs have also produced a property room database that lists Beretta firearms
23 held by the San Francisco Police Department. That database lists by serial number 67 additional
24 Beretta firearms for which plaintiffs have produced no incident reports. The property room
25 database contains no information concerning the acquisitional history of any Beretta firearm or
26 any factual nexus between the manner of acquisition and any alleged conduct by Beretta USA or
27 Pietro Beretta.

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1 Our comprehensive review of the incident documents produced by plaintiffs reveals the
2 following acquisitional information concerning identified Beretta firearms in the City of
3 San Francisco:

4 Straw Purchases	None
5 Illegal Sales By Federally Licensed Dealers	None
6 Gun Show Sales	None
7 Licensed Kitchen Table Dealer Sales	None
8 Theft	See Below

9
10 **Theft.** There are eight City of San Francisco incident reports in which there is some
11 mention of the recovered Beretta firearm being stolen at some point. In six of those incident
12 reports, the information is little more than a reference to the gun being reported stolen from a
13 private party at some point. In two incident reports, the firearm was reported to have been stolen
14 from a police officer. In none of these eight instances of theft are the circumstances of the alleged
15 theft given with specificity, and there is no information to establish any factual nexus between the
16 alleged theft and any business practice of Beretta USA or Pietro Beretta.

17 Plaintiffs have produced little or no information concerning the manner in which any of the
18 135 Beretta firearms identified in the City of San Francisco were acquired by the criminal or
19 person in possession of the firearm, and they have produced no information at all concerning any
20 factual nexus between the manner of acquisition for those firearms and any alleged business
21 practice of Beretta USA or Pietro Beretta.

22 **7. City of Oakland**

23 Plaintiffs produced what appear to be Oakland Police Department incident reports
24 involving the recovery of 92 Beretta firearms by the Oakland Police Department from 1996
25 through 1999. Plaintiffs have also produced a property room database that lists Beretta firearms
26 held by the Oakland Police Department. That database lists by serial number 115 additional
27 Beretta firearms for which plaintiffs have produced no incident reports. The property room
28 database contains no information concerning the acquisitional history of any Beretta firearm or

1 any factual nexus between the manner of acquisition and any alleged conduct by Beretta USA or
2 Pietro Beretta.

3 Our comprehensive review of the incident documents produced by plaintiffs reveals the
4 following acquisitional information concerning identified Beretta firearms in the City of Oakland:

5 Straw Purchases	See Below
6 Illegal Sales By Federally Licensed Dealers	None
7 Gun Show Sales	See Below
8 Licensed Kitchen Table Dealer Sales	None
9 Theft	See Below

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11 **Straw Purchase.** One Oakland Police Department incident report refers to a Beretta
12 firearm recovered from an individual who claimed that his wife purchased the gun for him. That
13 report contains no other information about the circumstances of the purchase and no information
14 establishing any factual nexus between the alleged purchase and any business practice of Beretta
15 USA or Pietro Beretta. (OAK025798-025815.)

16 **Gun Show Sales.** Two of the Oakland Police Department incident reports refer to
17 purchases of firearms associated with flea markets. In one incident, an individual in possession of
18 what appeared to be a stolen Beretta firearm claimed to have purchased the gun in a private sale at
19 a flea market, but no other circumstances of the alleged acquisition were given. (OAK011479-
20 011490.) In the other incident, the Oakland Police Department conducted an undercover
21 investigation in which private purchases of guns, including one Beretta firearm, were arranged at a
22 flea market and completed at private residences. (OAK028284-028321.) In neither of these
23 incidents is there any information establishing any factual nexus between the flea market activity
24 and any business practice of Beretta USA, Pietro Beretta or any other firearm manufacturer.

25 **Theft.** There are ten City of Oakland incident reports in which there is some mention of
26 the recovered Beretta firearm being stolen at some point. In eight of those incident reports, the
27 information is little more than a reference to the gun being reported stolen from a private party at
28 some point. In two of those eight incident reports, the information concerning a theft is

1 ambiguous or nothing more than an inference that the gun was stolen. In none of these instances
2 of theft are the circumstances of the alleged theft given with specificity, and there is no
3 information to establish any factual nexus between the alleged theft and any business practice of
4 Beretta USA or Pietro Beretta.

5 Plaintiffs have produced little or no information concerning the manner in which any of the
6 207 Beretta firearms identified in the City of Oakland were acquired by the criminal or person in
7 possession of the firearm, and they have produced no information at all concerning any factual
8 nexus between the manner of acquisition for those firearms and any alleged business practice of
9 Beretta USA or Pietro Beretta.

10 8. **City of Sacramento**

11 Plaintiffs produced what appear to be Sacramento Police Department incident reports
12 involving the recovery of 76 Beretta firearms by the Sacramento Police Department from 1996
13 through 1999. Plaintiffs have also produced a property room database that lists Beretta firearms
14 held by the Sacramento Police Department. That database lists by serial number 79 additional
15 Beretta firearms for which plaintiffs have produced no incident reports. The property room
16 database contains no information concerning the acquisitional history of any Beretta firearm or
17 any factual nexus between the manner of acquisition and any alleged conduct by Beretta USA or
18 Pietro Beretta.

19 Our comprehensive review of the incident documents produced by plaintiffs reveals the
20 following acquisitional information concerning identified Beretta firearms in the City of
21 Sacramento:

22 Straw Purchases	None
23 Illegal Sales By Federally Licensed Dealers	None
24 Gun Show Sales	See Below
25 Licensed Kitchen Table Dealer Sales	None
26 Theft	See Below

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1 **Gun Show Sales.** In one of the Sacramento Police Department incident reports, the
2 individual in possession of a Beretta firearm is quoting as stating that he purchased the gun at a
3 Cal-Expo gun show "a couple of years ago." The incident report does not provide other
4 circumstances of the alleged purchase, and it does not establish any factual nexus between the
5 alleged purchase and any business practice of Beretta USA or Pietro Beretta. (SAC0022355-
6 0022359.)

7 **Theft.** There are seven City of Sacramento incident reports in which there is some
8 mention of the recovered Beretta firearm being stolen at some point. In none of these instances of
9 theft are the circumstances of the alleged theft given with specificity, and there is no information
10 to establish any factual nexus between the alleged theft and any business practice of Beretta USA
11 or Pietro Beretta.

12 Plaintiffs have produced little or no information concerning the manner in which any of the
13 155 Beretta firearms identified in the City of Sacramento were acquired by the criminal or person
14 in possession of the firearm, and they have produced no information at all concerning any factual
15 nexus between the manner of acquisition for those firearms and any alleged business practice of
16 Beretta USA or Pietro Beretta.

17 9. **City of East Palo Alto**

18 Plaintiffs produced what appear to be East Palo Alto Police Department incident reports
19 involving the recovery of four Beretta firearms by the East Palo Alto Police Department from
20 1996 through 1999. Plaintiffs have also produced a property room database that lists Beretta
21 firearms held by the East Palo Alto Police Department. That database lists by serial number two
22 additional Beretta firearms for which plaintiffs have produced no incident reports. The property
23 room database contains no information concerning the acquisitional history of any Beretta firearm
24 or any factual nexus between the manner of acquisition and any alleged conduct by Beretta USA
25 or Pietro Beretta.

26 Our comprehensive review of the incident documents produced by plaintiffs reveals the
27 following acquisitional information concerning identified Beretta firearms in the City of East Palo
28 Alto:

Straw Purchases	None
Illegal Sales By Federally Licensed Dealers	None
Gun Show Sales	None
Licensed Kitchen Table Dealer Sales	None
Theft	None

Plaintiffs have produced little or no information concerning the manner in which any of the six Beretta firearms identified in the City of East Palo Alto were acquired by the criminal or person in possession of the firearm, and they have produced no information at all concerning any factual nexus between the manner of acquisition for those firearms and any alleged business practice of Beretta USA or Pietro Beretta.

10. **County of San Mateo**

Plaintiffs produced what appear to be San Mateo County Sheriff's Office incident reports involving the recovery of 25 Beretta firearms by the San Mateo County Sheriff's Office from 1996 through 1999. Plaintiffs have also produced a property room database that lists Beretta firearms held by the San Mateo County Sheriff's Office. That database lists by serial number 21 additional Beretta firearms for which plaintiffs have produced no incident reports. The property room database contains no information concerning the acquisitional history of any Beretta firearm or any factual nexus between the manner of acquisition and any alleged conduct by Beretta USA or Pietro Beretta.

Our comprehensive review of the incident documents produced by plaintiffs reveals the following acquisitional information concerning identified Beretta firearms in the County of San Mateo:

Straw Purchases	None
Illegal Sales By Federally Licensed Dealers	None
Gun Show Sales	See Below
Licensed Kitchen Table Dealer Sales	None

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Theft	See Below
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Gun Show Sales. One San Mateo County Sheriff's Office incident report identifies a Beretta firearm recovered from an individual who stated to the officers that he and his wife purchased the gun in a non-dealer transaction in 1994 at a gun show at the Cow Palace. The incident report also identifies the gun as having been previously lost or stolen. It does not otherwise give any information about the acquisition of the firearm or any information establishing any factual nexus between the acquisition of the firearm and any business practice of Beretta USA or Pietro Beretta. (SMC03962-03977.)

Theft. In addition to the incident described above, there are two other San Mateo County Sheriff's Office incident reports in which there is some mention of the recovered Beretta firearm being stolen at some point. In neither of these instances of theft are the circumstances of the alleged theft given with specificity, and there is no information to establish any factual nexus between the alleged theft and any business practice of Beretta USA or Pietro Beretta.

Plaintiffs have produced little or no information concerning the manner in which any of the 46 Beretta firearms identified in the County of San Mateo were acquired by the criminal or person in possession of the firearm, and they have produced no information at all concerning any factual nexus between the manner of acquisition for those firearms and any alleged business practice of Beretta USA or Pietro Beretta.

11. County of Alameda

Plaintiffs produced what appear to be Alameda County Sheriff's Department incident reports involving the recovery of seven Beretta firearms by the Alameda County Sheriff's Department from 1996 through 1999. Plaintiffs have also produced a property room database that lists Beretta firearms held by the Alameda County Sheriff's Department. That database lists by serial number four additional Beretta firearms for which plaintiffs have produced no incident reports. The property room database contains no information concerning the acquisitional history of any Beretta firearm or any factual nexus between the manner of acquisition and any alleged conduct by Beretta USA or Pietro Beretta.

1 Our comprehensive review of the incident documents produced by plaintiffs reveals the
2 following acquisitional information concerning identified Beretta firearms in the County of
3 Alameda:

4 Straw Purchases	None
5 Illegal Sales By Federally Licensed Dealers	None
6 Gun Show Sales	None
7 Licensed Kitchen Table Dealer Sales	None
8 Theft	None

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10 Plaintiffs have produced little or no information concerning the manner in which any of the
11 11 Beretta firearms identified in the County of Alameda were acquired by the criminal or person
12 in possession of the firearm, and they have produced no information at all concerning any factual
13 nexus between the manner of acquisition for those firearms and any alleged business practice of
14 Beretta USA or Pietro Beretta.

15 12. City of Inglewood

16 Plaintiffs produced what appear to be Inglewood Police Department incident reports
17 involving the recovery of 16 Beretta firearms by the Inglewood Police Department from 1996
18 through 1999. Plaintiffs have also produced a property room database that lists Beretta firearms
19 held by the Inglewood Police Department. That database lists by serial number 12 additional
20 Beretta firearms for which plaintiffs have produced no incident reports. The property room
21 database contains no information concerning the acquisitional history of any Beretta firearm or
22 any factual nexus between the manner of acquisition and any alleged conduct by Beretta USA or
23 Pietro Beretta.

24 Our comprehensive review of the incident documents produced by plaintiffs reveals the
25 following acquisitional information concerning identified Beretta firearms in the City of
26 Inglewood:

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Straw Purchases	None
Illegal Sales By Federally Licensed Dealers	None
Gun Show Sales	None
Licensed Kitchen Table Dealer Sales	None
Theft	See Below

Theft. There are two City of Inglewood incident reports in which there is some mention of the recovered Beretta firearm being stolen at some point. In none of these instances of theft are the circumstances of the alleged theft given with specificity, and there is no information to establish any factual nexus between the alleged theft and any business practice of Beretta USA or Pietro Beretta.

Plaintiffs have produced little or no information concerning the manner in which any of the 28 Beretta firearms identified in the City of Inglewood were acquired by the criminal or person in possession of the firearm, and they have produced no information at all concerning any factual nexus between the manner of acquisition for those firearms and any alleged business practice of Beretta USA or Pietro Beretta.

13. City of Compton

Plaintiffs produced what appear to be Compton Police Department incident reports involving the recovery of 48 Beretta firearms by the Compton Police Department from 1996 through 1999. Plaintiffs have also produced a property room database that lists Beretta firearms held by the Compton Police Department. That database lists by serial number 48 additional Beretta firearms for which plaintiffs have produced no incident report. The property room database contains no information concerning the acquisitional history of any Beretta firearm or any factual nexus between the manner of acquisition and any alleged conduct by Beretta USA or Pietro Beretta.

Our comprehensive review of the incident documents produced by plaintiffs reveals the following acquisitional information concerning identified Beretta firearms in the City of Compton:

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Straw Purchases	None
Illegal Sales By Federally Licensed Dealers	None
Gun Show Sales	None
Licensed Kitchen Table Dealer Sales	None
Theft	See Below

Theft. There are ten City of Compton incident reports in which there is some mention of the recovered Beretta firearm being stolen at some point. In none of these instances of theft are the circumstances of the alleged theft given with specificity, and there is no information to establish any factual nexus between the alleged theft and any business practice of Beretta USA or Pietro Beretta.

Plaintiffs have produced little or no information concerning the manner in which any of the 96 Beretta firearms identified in the City of Compton were acquired by the criminal or person in possession of the firearm, and they have produced no information at all concerning any factual nexus between the manner of acquisition for those firearms and any alleged business practice of Beretta USA or Pietro Beretta.

14. County of Los Angeles

Plaintiffs produced what appear to be Los Angeles County Sheriff's Department incident reports involving the recovery of 307 Beretta firearms by the Los Angeles County Sheriff's Department from 1996 through 1999. Plaintiffs have also produced a property room database that lists Beretta firearms held by the Los Angeles County Sheriff's Department. That database lists by serial number 830 additional Beretta firearms for which plaintiffs have produced no incident reports. The property room database contains no information concerning the acquisitional history of any Beretta firearm or any factual nexus between the manner of acquisition and any alleged conduct by Beretta USA or Pietro Beretta.

Our comprehensive review of the incident documents produced by plaintiffs reveals the following acquisitional information concerning identified Beretta firearms in the County of Los Angeles:

1	Straw Purchases	See Below
2	Illegal Sales By Federally Licensed Dealers	See Below
3	Gun Show Sales	See Below
4	Licensed Kitchen Table Dealer Sales	None
5	Theft	See Below

6
7 **Straw Purchase.** In one incident, the suspect stated that his cousin had purchased the
8 Beretta firearm for him. The report does not otherwise give any circumstances of the purchase,
9 and it does not establish any factual nexus between the alleged purchase and any business practice
10 of Beretta USA or Pietro Beretta. (LACO051066-051077.)

11 **Illegal Sales by Federally Licensed Dealer.** Aside from the incident reports, plaintiffs
12 have produced documents relating to three different prosecutions arising from firearm sales in
13 Los Angeles County. Those prosecutions involved Beretta and other firearms. First, although the
14 conduct did not occur within the time period covered by discovery in these cases, Zak Komor was
15 prosecuted for sales in 1992 in which he falsified the identities of the gun purchasers in records of
16 B&E Guns, a federal firearms licensee (FFL). The sales for which he was prosecuted included
17 Beretta firearms. Second, several employees of RNJ Guns and Ammo, another FFL, were
18 prosecuted for illegally converting firearms into machine guns. The converted guns did not
19 include any Beretta firearms. The documents produced by plaintiffs include references to the
20 allegedly illegal possession of Beretta firearms in 1995 and 1996 by Hernando Domingo. The
21 documents state that Mr. Domingo purchased at least one Beretta firearm from RNJ Guns and
22 Ammo, but they do not disclose the circumstances of that purchase and nothing involving
23 Mr. Domingo or any Beretta firearm was included in the ultimate indictment. Third, John
24 Raymond Thompson, who held an FFL as Verde Corp., was prosecuted for exporting firearms,
25 including Beretta firearms, to Mexico without a license. The documents do not include
26 information about how Mr. Thompson acquired the firearms.

27 In none of these prosecutions was there any information demonstrating any factual nexus
28 between the criminal activity of these third parties and any business practice of Beretta USA or

1 Pietro Beretta.

2 **Gun Show Sales.** In one of the Los Angeles County incident reports, the individual in
3 possession of a Beretta firearm stated that he purchased the gun at a "swap-meet" in Pomona. The
4 incident report otherwise gives no circumstances of the alleged purchase, and it does not establish
5 any factual nexus between the alleged purchase and any business practice of Beretta USA or
6 Pietro Beretta. (LACO057706-057717.)

7 **Theft.** There are 56 County of Los Angeles incident reports in which there is some
8 mention of the recovered Beretta firearm being stolen at some point. In 54 of those incident
9 reports, the information is little more than a reference to the gun being reported stolen from a
10 private party at some point. In seven of those 54 incident reports, the information concerning a
11 theft is ambiguous or nothing more than an inference that the gun was stolen. In two incidents, the
12 firearm was reported to have been stolen from a police officer – in one instance from a City of
13 Los Angeles police officer and in the other instance from a park police officer. In none of these
14 instances of theft are the circumstances of the alleged theft given with specificity, and there is no
15 information to establish any factual nexus between the alleged theft and any business practice of
16 Beretta USA or Pietro Beretta.

17 Plaintiffs have produced little or no information concerning the manner in which any of the
18 1,137 Beretta firearms identified in the County of Los Angeles were acquired by the criminal or
19 person in possession of the firearm, and they have produced no information at all concerning any
20 factual nexus between the manner of acquisition for those firearms and any alleged business
21 practice of Beretta USA or Pietro Beretta.

22 15. **City of Los Angeles**

23 Plaintiffs produced what appear to be Los Angeles Police Department incident reports
24 involving the recovery of 292 Beretta firearms by the Los Angeles Police Department from 1996
25 through 1999. Plaintiffs have also produced a property room database that lists Beretta firearms
26 held by the Los Angeles Police Department. That database lists by serial number 770 additional
27 Beretta firearms for which plaintiffs have produced no incident reports. I doubt the accuracy of
28 the property room database because it contains numerous instances in which the same serial

1 number is listed more than once and is used to identify firearms of more than one manufacturer.
2 Even accepting the City of Los Angeles property room database as accurate, it contains no
3 information concerning the acquisitional history of any Beretta firearm or any factual nexus
4 between the manner of acquisition and any alleged conduct by Beretta USA or Pietro Beretta.

5 Our comprehensive review of the incident documents produced by plaintiffs reveals the
6 following acquisitional information concerning identified Beretta firearms in the City of
7 Los Angeles:

8 Straw Purchases	See Below
9 Illegal Sales By Federally Licensed Dealers	None
10 Gun Show Sales	See Below
11 Licensed Kitchen Table Dealer Sales	None
12 Theft	See Below

13
14 **Straw Purchase.** There is one City of Los Angeles incident report in which the suspect
15 stated that he purchased firearms, including Beretta firearms, for resale by his brother in the
16 Philippines. The incident report provides no information to establish any factual nexus between
17 the alleged purchase and any business practice of Beretta USA or Pietro Beretta. (2 LACity
18 025905-026019.)

19 **Gun Shows.** In one City of Los Angeles incident report, the individual in possession of a
20 Beretta firearm, which was reported to be stolen in Miami, Florida in 1986, stated that he believed
21 he purchased it in the late 1980s at the Great Western gun show in Pomona. He also referred to
22 his purchase of another Beretta firearm in 1983 at the same gun show. There is no other
23 information concerning the circumstances of either purchase, and there is no information to
24 establish any factual nexus between the alleged purchases and any business practice of Beretta
25 USA or Pietro Beretta. (LACity 0041369-0041678.)

26 **Theft.** There are 46 City of Los Angeles incident reports in which there is some mention
27 of the recovered Beretta firearm being stolen at some point. In 44 of those incident reports, the
28 information is little more than a reference to the gun being reported stolen from a private party at

1 some point. In two of those 44 incident reports, the information concerning a theft is ambiguous
2 or nothing more than an inference that the gun was stolen. In one incident, the firearm was
3 reported to have been stolen from a Los Angeles police officer. In another incident, the firearm
4 was reported to have been stolen from a pawn shop. In none of these instances of theft are the
5 circumstances of the alleged theft given with specificity, and there is no information to establish
6 any factual nexus between the alleged theft and any business practice of Beretta USA or Pietro
7 Beretta.

8 Plaintiffs have produced little or no information concerning the manner in which any of the
9 1,062 Beretta firearms identified in the City of Los Angeles were acquired by the criminal or
10 person in possession of the firearm, and they have produced no information at all concerning any
11 factual nexus between the manner of acquisition for those firearms and any alleged business
12 practice of Beretta USA or Pietro Beretta.

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

15
16 Dated: June 24, 2002

Lawrence P. Fletcher-Hill
Lawrence P. Fletcher-Hill

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