

RECEIVED SEP 17 2000

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Ex Kano S. Sams II MILBERG WEISS BERSHAD HYNES & LERACH LLP 100 Pine Street, Suite 2600 San Francisco, CA 94111 ATTORNEY FOR (Name): The People	TELEPHONE NO.: 415/288-4545 BAR # 192936	FOR COURT USE ONLY           CASE NUMBER: SFSC # 303753
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b>		
PLAINTIFF: Coordination Proceeding Special Title [Rule 1550(b)] FIREARM CASE Relates to: DEFENDANT: People, et al. v. Arcadia Machine & Tool, Inc., et al.; SFSC #303753		
REQUEST FOR <input checked="" type="checkbox"/> ENTRY OF DEFAULT <input type="checkbox"/> CLERK'S JUDGMENT (Application) <input type="checkbox"/> COURT JUDGMENT		

1. TO THE CLERK: On the complaint or cross-complaint filed
- a. On (date): May 25, 1999
  - b. By (name): The People of the State of California, et al.
  - c. ☒ Enter default of defendant (names):  
       CHARTER ARMS, INC.
  - d. ☐ I request a court judgment under CCP 585(b), (c), 989, etc. (Testimony required. Apply to the clerk for a hearing date, unless the court will enter a judgment on an affidavit under CCP 585(d).)
  - e. ☐ Enter clerk's judgment
    - (1) ☐ For restitution of the premises only and issue a writ of execution on the judgment. CCP 1174(c) does not apply. (CCP 1169) ☐ Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises. The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46.
    - (2) ☐ Under CCP 585(a). (Complete the declaration under CCP 585.5 on the reverse (item 4).)
    - (3) ☐ For default previously entered on (date):

2. Judgment to be entered

	Amount	Credits Acknowledged	Balance
a. Demand of complaint .....	\$	\$	\$
b. Statement of damages (CCP 425.11) (superior court only)†			
(1) Special .....	\$	\$	\$
(2) General .....	\$	\$	\$
c. Interest .....	\$	\$	\$
d. Costs (see reverse) .....	\$	\$	\$
e. Attorney fees .....	\$	\$	\$
f. TOTALS .....	\$	\$	\$


g. Daily damages were demanded in complaint at the rate of: \$ \_\_\_\_\_ per day beginning (date): \_\_\_\_\_

3. ☐ (check if filed in an unlawful detainer case) UNLAWFUL DETAINER ASSISTANT information is on the reverse (complete item 3).  
 Date: September 8, 2000

EX KANO S. SAMS II  
 (TYPE OR PRINT NAME)

  
 (SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

† Personal injury or wrongful death actions only.

FOR COURT USE ONLY	(1) <input type="checkbox"/> Default entered as requested on (date): (2) <input type="checkbox"/> Default NOT entered as requested (state reason):	<div style="text-align: center;">             KENNETH E. MARTONE            CLERK OF THE SUPERIOR COURT         </div> <div style="text-align: right;">           By _____, Deputy         </div>
-----------------------	--	--

(Continued on reverse)

## EXHIBIT 1

LOUISE H. RENNE, CITY ATTORNEY  
Milberg, Weiss, Bershad, Hynes & Lerach LLP  
600 West Broadway, Suite 1800  
San Diego, California 92101-3356  
Telephone: (619) 231-1058  
Attorney for: Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

Plaintiff : THE PEOPLE OF THE STATE OF CALIFORNIA, et al.  
Defendant : ARCADIA MACHINE & TOOL, INC., et al.

Ref # 89911308

\* PROOF OF SERVICE \*

Case No. 303753

1. At the time of service I was at least eighteen years of age and not a party to this action, and I served copies of the:  
SUMMONS; COMPLAINT FOR MAINTAINING A PUBLIC NUISANCE AND FOR UNFAIR, UNLAWFUL AND DECEPTIVE TRADE PRACTICES IN VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTIONS 17200 AND 17500; FIRST AMENDED COMPLAINT

2. a. Party served: CHARTER ARMS CORPORATION

b. Person served: FRED SIMMONS, AUTHORIZED TO ACCEPT

c. Address: ( Business )  
273 Canal Street  
Shelton, Connecticut 06484

3. I served the party named in item 2

b. by leaving copies with or in the presence of:  
FRED SIMMONS,

(1) (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person served. I informed him or her of the general nature of the papers.

(3) on: August 17, 1999 (4) at: 3:05 PM

(5) A declaration of diligence is attached.

d. by causing copies to be mailed. A declaration of mailing is attached.

4. The "Notice to the Person Served" (on the summons) was completed as follows:

c. on behalf of : CHARTER ARMS CORPORATION

under: CCP 416.10 (corporation)

5. Person serving:

RICH ZECHIEL

**Nationwide Legal Services**

921-11th Street, 12th Floor

Sacramento, CA 95814-2822

(916) 449-8990

a. Fee for service:

d. Registered California process server.

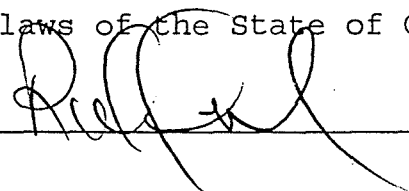
(1) Employee or independent contractor.

(2) Registration no.: 99-45

(3) County: SACRAMENTO

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

Date: August 25, 1999

Signature: 

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of ~~California~~ Connecticut

County of Hartford

SS.

On 8/26/99

Date

, before me,

Keith D. Niziankiewicz

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

Rich Zechiel

Name(s) of Signer(s)

☒ personally known to me

☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Place Notary Seal Above

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Description of Attached Document

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_

Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer

Signer's Name: \_\_\_\_\_

☐ Individual

☐ Corporate Officer — Title(s): \_\_\_\_\_

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here

LOUISE H. RENNE, CITY ATTORNEY  
Milberg, Weiss, Bershad, Hynes & Lerach  
600 West Broadway, Suite 1800  
San Diego, California 92101-3356  
Telephone: (619)231-1058  
Attorney for: Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

Plaintiff : THE PEOPLE OF THE STATE OF CALIFORNIA, et al.  
Defendant : ARCADIA MACHINE & TOOL, INC., et al.

Ref # 89911308                      \* DECLARATION OF MAILING \*                      Case No. 303753

At the time of service I was at least eighteen years of age and not a party to this action, and I served copies of the:

SUMMONS; COMPLAINT FOR MAINTAINING A PUBLIC NUISANCE AND FOR UNFAIR, UNLAWFUL AND DECEPTIVE TRADE PRACTICES IN VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTIONS 17200 AND 17500; FIRST AMENDED COMPLAINT

in the within action by placing true copies thereof in a sealed envelope with first class postage fully prepaid thereon in the United States mail at Sacramento, California, addressed as follows:

CHARTER ARMS CORPORATION C / O TIMOTHY ATWOOD

( Business )  
273 Canal Street  
Shelton, Connecticut 06484

Date of mailing: August 24, 1999

Person serving:  
RICH ZECHIEL

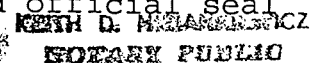
**Nationwide Legal Services**  
921-11th Street, 12th Floor  
Sacramento, CA 95814-2822  
(916) 449-8990

Fee for service:  
Registered California process server.  
(1) Employee or independent contractor.  
(2) Registration no.: 99-45  
(3) County: SACRAMENTO

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

Date: August 25, 1999

Signature: 

Subscribed and sworn to me this  
26th day of August, 1999  
WITNESS my hand and official seal  
  
NOTARY PUBLIC

  
Notary Public

(This area for official notarial seal)

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of ~~California~~ Connecticut

County of Hartford

SS.

On 8/26/99  
Date

, before me, Keith D. Niziankiewicz

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Rich Zechiel

Name(s) of Signer(s)

☒ personally known to me

☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Place Notary Seal Above

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Description of Attached Document

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer

Signer's Name: \_\_\_\_\_

- ☐ Individual  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Attorney in Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

**RIGHT THUMBPRINT  
OF SIGNER**

Top of thumb here

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS)		TELEPHONE NO.	FOR COURT USE ONLY
LOUISE H. RENNE, CITY ATTORNEY Milberg, Weiss, Bershad, Hynes & Lerach LLP 600 West Broadway, Suite 1800 San Diego, California 92101-3356		(619) 231-1058	
ATTORNEY FOR (NAME) Plaintiff			
Insert name of court and name of judicial district and branch court, if any:			
SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO			
Plaintiff :			
THE PEOPLE OF THE STATE OF CALIFORNIA, et al.			
Defendant :			
ARCADIA MACHINE & TOOL, INC., et al.			
REFERENCE NO.:	DECLARATION OF DILIGENCE	CASE NUMBER:	
89911308		303753	

I am and was on the dates herein mentioned, over the age of eighteen and not a party to the within action. My business address is: 921-11th Street, 12th Floor Sacramento, CA 95814. I received the within process on August 6, 1999 and that after due and diligent effort I have been unable to effect personal service on the within named **CHARTER ARMS CORPORATION**

Residence address (H): UNKNOWN

Business address (B): 273 CANAL STREET, SHELTON, CONNECTICUT 06484

Below is a list of dates, times and details regarding efforts to effect service.

8/11/99 - NO NAME ON THE OUTSIDE OF BUILDING IDENTIFYING THE OCCUPANT. WAS TOLD THAT CHARTER ARMS WAS NOT AT THIS LOCATION.  
8/13/99 - LEFT A FEW MESSAGES FOR MR. ATWOOD AT THE # GIVEN BY CLIENT. MESSAGES STATES "LAW OFFICES OF TIMOTHY ATWOOD".  
8/17/99 - UPON CALLING INFORMATION, WE WERE TOLD THE ADDRESS LISTED FOR MR. ATWOOD'S PHONE NUMBER IS 273 CANAL STREET, SHELTON, CT  
8/17/99 - ATTEMPTED SERVICE AGAIN SINCE LOCATION IS A GUN MANUFACTURING FACILITY AND THE ADDRESS FOR MR. ATWOOD. WAS REFERRED TO MR. FRED SIMMONS WHO ADVISED THAT CHARTER ARMS CORP HASN'T BEEN IN BUSINESS FOR 15 YEARS. HE ADVISED THAT HE KNOWS MR. ATWOOD AND WILL DELIVER THE PAPERS TO HIM BUT THAT MR. ATWOOD WAS NOT AVAILABLE AT THIS TIME. DESCRIPTION OF MR. SIMMONS IS: WM, BRN HAIR, 5"9-6" TALL, 160-200 LBS, 40 YRS.

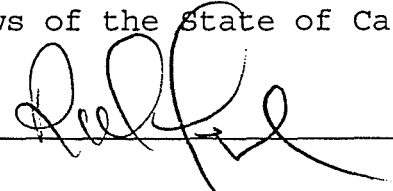
Declarant:  
RICH ZECHIEL

**Nationwide Legal Services**  
921-11th Street, 12th Floor  
Sacramento, CA 95814-2822  
(916) 449-8990

Fee:  
Registered California process server.  
(1) Employee or independent contractor.  
(2) Registration no.: 99-45  
(3) County: SACRAMENTO

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

Date: August 25, 1999

Signature: 

Subscribed and sworn to me this  
26th day of August, 1999

WITNESS my hand and official seal

Notary Public

(This area for official notarial seal)

## EXHIBIT 2



# MILBERG WEISS BERSHAD HYNES & LERACH LLP

600 WEST BROADWAY  
1800 ONE AMERICA PLAZA  
SAN DIEGO, CA 92101-3356  
(619) 231-1058  
FAX: (619) 231-7423

## OFFICES IN:

NEW YORK  
SAN FRANCISCO  
BOCA RATON  
LOS ANGELES

## DIRECT LINE:

## OF COUNSEL

PATRICIA M. HYNES\*\*  
JARED SPECTHRIE\*\*  
RICHARD M. MEYER\*\*  
SHARON LEVINE MIRSKY\*\*  
ANITA B. KARTALOPOULOS\*  
DEBORAH M. STURMAN  
ANITA MELEY LAING

LAURA ANDRACCHIO  
ELIZABETH J. ANLEO  
RAHOUL J. BARON  
BRUCE D. BERNSTEK\*\*  
ELIZABETH A. BOWMAN  
MICHAEL A. BOWSE  
MICHAEL M. BUCHMAN\*\*  
WAY Y. CHAN\*\*  
MICHELLE M. CICCARELLI  
SUSAN COLLYER  
ISRAEL DAVAN\*\*  
JOSEPH D. DALEY  
PATRICK W. DANIELS  
WILLIAM J. DOYLE  
AMBER L. ECK  
THOMAS E. EGLER  
KIMBERLY CORNELL EPSTEIN  
MICHAEL J. FLANNERY\*  
JUSTIN C. FRANKEL\*\*  
CLIFFORD S. GOODSTEIN\*\*  
ROBERT J. GRALEWSKI, JR.  
JOHN K. GRANT  
SUSAN M. GREENWOOD\*\*  
TOR GRONBORG  
JOSEPH P. GUGUELMO\*\*  
CHERYL L. GUIBONE\*  
RUSSELL J. GUNYAN\*\*  
JOSEPH HALPER  
CHARLES S. HELLMAN\*\*  
KATHLEEN A. HERKENHOFF  
MATTHEW H. HERSCH\*\*  
LESLIE E. HURST  
ANDREW W. HUTTON  
JAMES I. JACONETTE  
MARISA JANINE

FRANCIS P. KARAM\*\*  
BETH A. KASYWAK\*\*  
BENJAMIN Y. KAUFMAN\*\*  
BRIAN C. KEAR\*\*  
ELIANE B. KUSEL\*\*  
JEFFREY W. LAWRENCE  
JEFFREY D. LIGHT  
STANLEY S. MALLISON  
DAVID B. MARINO\*\*  
ANDREA MCBARNETTE\*\*  
AZRA MEMO\*\*  
THOMAS MERRICK  
JOSEPH OPPER\*\*  
U. SEETH OTTENSOSER\*\*  
SANGEETA PATEL  
STEVEN W. PEPICH  
DAVE PHILLIPS\*\*  
SHERI PYM  
JACK REISE\*\*  
KAREN T. ROGERS  
HENRY ROSEN  
SCOTT H. SAHAM  
MAYA S. SAXENA\*  
DANIEL B. SCOTT\*\*  
CHRISTOPHER P. SEEFER  
DAVID R. STICKNEY  
MICHAEL A. SWICK\*\*  
ARIANA J. TADLER\*\*  
CARY L. TALBOT\*\*  
SUSAN G. TAYLOR  
ANDREW D. TEICHHOLZ\*\*  
KAREN THOMAS  
DAVID C. WALTON  
LEE A. WEISS\*\*  
DEBRA J. WYMAN

MELVYN L. WEISS\*\*  
WILLIAM S. LERACH  
DAVID J. BERSHAD\*\*  
LEONARD B. SIMON\*\*  
BOL SCHNEIDER\*  
JEROME M. CONGRESS\*\*  
KEITH F. PARK\*  
ARNOLD N. BRESSLER\*\*  
JAN M. ADLER  
MICHAEL C. SPENCER\*  
ROBERT A. WALLNER\*\*  
STEVEN G. SCHULMAN\*\*  
BLAKE M. HARPER  
SANFORD P. DUMAY\*\*  
PATRICK J. COUGHMAN\*  
GEORGE A. BAUER III\*\*  
KEVIN P. BOODY  
DENNIS STEWART  
SARAH A. WEPRIT\*\*  
HELEN J. HODGES  
RICHARD H. WEISS\*\*  
ERIC A. ISAACSON  
ALAN M. MANSFIELD  
JOHN J. STOK, JR.  
WEO R. KATHREIN\*  
JEFF S. WESTERMAN  
KEITH M. FLEISCHMAN\*\*  
DEBORAH CLARK WEINTRAUB\*\*  
BRAD N. FRIEDMAN\*\*

LAWRENCE MILBERG (1913-1989)

\* ADMITTED IN NY  
\* ADMITTED IN DC  
\* ADMITTED IN NJ  
\* ADMITTED IN FL  
\* NOT ADMITTED IN CA

March 7, 2000

VIA CERTIFIED MAIL ARTICLE  
NUMBER P 115 161 715  
RETURN RECEIPT REQUESTED

Mr. Timothy Atwood  
Charter Arms, Inc.  
273 Canal Street  
Shelton, CT 06484

Re: California Gun Litigation

Dear Mr. Atwood:

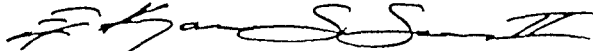
According to our records, you were served through substitute service as an agent for Charter Arms, Inc., with the San Francisco and Los Angeles City complaints in the California Gun Litigation with service deemed effective on September 3, 1999. Our records also indicate that you were personally served with the Los Angeles County complaint on September 8, 1999. We have no record of a responsive pleading filed on behalf of Charter Arms for any of these actions.

If Charter Arms has filed a responsive pleading in any of these actions or has failed to respond for a particular reason, please advise us accordingly in writing immediately. Otherwise, the plaintiffs in these actions will seek a default judgment against Charter Arms fifteen days after the date on which a coordination trial judge is assigned.

Mr. Timothy Atwood  
March 7, 2000  
Page 2

If you should have any questions, please do not hesitate to contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ex Kano S. Sams II", written in a cursive style.

Ex Kano S. Sams II

ESS/ks

cc: Ingrid Evans, Esq.  
Carmel Sella, Esq.  
Judy Whitehurst, Esq.


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

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

I declare under penalty of perjury that the foregoing is true and correct. Executed this 8th day of September, 2000, at San Diego, California.

California.

  
\_\_\_\_\_  
Karen P. Silva

COUNSEL FOR PLAINTIFF(S)

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

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

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

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

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

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

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

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

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

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

COUNSEL FOR PLAINTIFF(S)

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

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

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

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

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

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

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

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

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

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

COUNSEL FOR PLAINTIFF(S)

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

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

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

COUNSEL FOR DEFENDANTS

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

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

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

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

COUNSEL FOR DEFENDANTS

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

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

James P. Dorr \*

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

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

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

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

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

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

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

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

COUNSEL FOR DEFENDANTS

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

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

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

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

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

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

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

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

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

Ray Koletsky \*

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



COUNSEL FOR DEFENDANTS

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

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

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

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

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

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

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

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

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

Michael J. Zomick  
TARICS & CARRINGTON, P.C.  
5005 Riverway Drive, Suite 500  
Houston, TX 77056  
713/729-4777  
713/227-0701 (fax)

COUNSEL FOR DEFENDANTS

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

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

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

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

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

\* Denotes service via facsimile.