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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,
19 Inc., et al.,

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

22 People, et al. v. Arcadia Machine & Tool,
23 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 JAMES B. VOGTS
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

6/24/2002

1 I, James B. Vogts, declare as follows:

2 1. I am admitted pro hac vice in this case, and I am counsel for Sturm, Ruger &
3 Company, Inc.

4 2. Sturm, Ruger has received documents from plaintiffs in discovery that have been
5 produced in purported compliance with the Court's March 26, 2001 order. The March 26, 2001
6 order, titled "Order Compelling Plaintiffs to Disclose Facts and Documents Relating to the
7 Acquisition Firearms Recovered by Plaintiffs," required plaintiffs to produce "documents in their
8 possession" in response to Sturm, Ruger Requests for Production Nos. 1, 3 and 4 which reflect:

- 9 a) how criminals and others acquired the firearms manufactured
10 and/or sold by defendants and previously identified by
11 plaintiffs and
12 b) whether the manner of acquisition has a factual nexus to
13 defendants' "alleged conduct."

14 3. In plaintiffs' complaints, they allege that criminals and others who are not legally
15 permitted to acquire firearms do so through straw purchases, illegal sales by federally licensed
16 retail dealers, gun show sales, sales by so-called kitchen table dealers and theft. Plaintiffs also
17 allege that acquisition of Sturm, Ruger firearms in these ways is attributable to Sturm, Ruger's
18 business practices and constitutes a public nuisance.

19 **EVIDENCE OF FIREARM ACQUISITION PRODUCED BY PLAINTIFFS**

20 4. The documents plaintiffs produced have been reviewed by me and attorneys under
21 my direct supervision. The documents were reviewed for information which the Court ordered
22 plaintiffs to produce in its March 26, 2001 order.

23 5. The documents and factual evidence plaintiffs' produced in alleged compliance
24 with this Court's March 26, 2001 order that identify Sturm, Ruger firearms are described below:

25 a) **City of Berkeley.**

26 Plaintiffs produced documents that appear to be Berkeley Police Department (BPD)
27 incident reports that reflect the recovery of twelve (12) Sturm, Ruger firearms by the BPD from
28 1996 to 1999. Prior to this production, plaintiffs produced a property room database that
identified five (5) additional Sturm, Ruger firearms by serial number and report date only.

1 A comprehensive and detailed review of the documents plaintiffs produced under this
2 Court's March 26, 2001 order reveals the following acquisitional evidence as to identified Sturm,
3 Ruger firearms:

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

9
10 Because, plaintiffs did not produce any evidence demonstrating the manner in which any
11 of the seventeen (17) Sturm, Ruger firearms were acquired by the criminal or person in possession
12 of the firearm, there is no evidence of a factual nexus between the manner of firearm acquisition in
13 Berkeley and Sturm, Ruger's alleged business practices.

14 **b) City of San Francisco.**

15 Plaintiffs produced documents that appear to be San Francisco Police Department
16 ("SFPD") incident reports that reflect the recovery of fifty-seven (57) Sturm, Ruger firearms by
17 the SFPD from 1996 to 1999. Prior to this production, plaintiffs produced a property room
18 database that identified two-hundred-forty-three (243) additional Sturm, Ruger firearms by only
19 the serial number with a corresponding description of a criminal offense in which the firearm was
20 presumably recovered (i.e. weapons offense, dangerous drugs, etc.).

21 A comprehensive and detailed review of the documents plaintiffs produced under this
22 Court's March 26, 2001 order reveals the following acquisitional evidence as to identified Sturm,
23 Ruger firearms:

24 Straw Purchases	None
25 Illegal Sales By Federally Licensed Dealers	None
26 Gun Show Sales	None
27 Licensed Kitchen Table Dealer Sales	None

1 Theft. There is evidence in the documents produced that three (3) identified Sturm, Ruger
2 firearms had been reported stolen prior to their recovery by the SFPD. The extent of the
3 information disclosed regarding the theft of these firearms is as follows: 1) the owner of the
4 firearm which had been recovered as stolen property reported the firearm was stolen from a locked
5 storage locker (SFC20829-20839); 2) the firearm was reported stolen by the Livermore Police
6 Department (SFC04123-4138); and 3) the firearm had been stolen in a burglary (SFC04951-4961).

7 There is no information in those documents suggesting that anything Sturm, Ruger did or
8 did not do, had any causal relationship to those thefts. Therefore, there is no evidence of a factual
9 nexus between the manner of firearm acquisition in San Francisco and Sturm, Ruger's alleged
10 business practices.

11 **c) City of Oakland.**

12 Plaintiffs produced documents that appear to be Oakland Police Department (OPD)
13 incident reports that reflect the recovery of one-hundred-fifty-two (152) Sturm, Ruger firearms by
14 the OPD from 1996 to 1999. Prior to this production, plaintiffs produced a property room
15 database that identified one-hundred-fifty-six (156) additional Sturm, Ruger firearms by serial
16 number and report date only.

17 A comprehensive and detailed review of the documents plaintiffs produced under this
18 Court's March 26, 2001 order reveals the following acquisitional evidence as to identified Sturm,
19 Ruger firearms:

20 Straw Purchases	None
21 Illegal Sales By Federally Licensed Dealers	None
22 Gun Show Sales	None
23 Licensed Kitchen Table Dealer Sales	None

24
25 Theft. There is evidence in the documents produced that eighteen (18) of the identified
26 Sturm, Ruger firearms had been reported stolen prior to their recovery by the OPD. The extent of
27 the information disclosed regarding the theft of these firearms is minimal. At most, the documents
28 reflect where the firearm was stolen from (i.e. stolen from law enforcement authority

1 (OAK002363-2392). The factual circumstances surrounding the thefts are not disclosed.

2 There is no information in any of the documents produced suggesting that anything Sturm,
3 Ruger did or did not do, had any causal relationship to those thefts. Therefore, there is no
4 evidence of a factual nexus between the manner of firearm acquisition in San Francisco and
5 Sturm, Ruger's alleged business practices.

6 **d) City of Sacramento.**

7 Plaintiffs produced documents that appear to be Sacramento Police Department ("SPD")
8 incident reports that reflect the recovery of three-hundred-forty-nine (349) Sturm, Ruger firearms
9 by the SPD from 1996 to 1999. Prior to this production, plaintiffs produced a property room
10 database that identified One-hundred-seventy-eight (178) additional Sturm, Ruger firearms by
11 serial number and report date only.

12 A comprehensive and detailed review of the documents produced by plaintiffs under this
13 Court's March 26, 2001 order reveals the following acquisitional evidence as to identified Sturm,
14 Ruger firearms:

15 Straw Purchases	None
16 Illegal Sales By Federally Licensed Dealers	None
17 Gun Show Sales	None
18 Licensed Kitchen Table Dealer Sales	None

19
20 Theft. There is evidence that fifty-three (53) of the Sturm, Ruger firearms recovered by
21 the SPD were stolen. The circumstances surrounding the thefts of most of these firearms are not
22 disclosed. The documents identifying thirty-one (31) of the thefts merely state that the firearm
23 was stolen. Ten (10) of the thefts occurred in a residential burglary or home invasion. Another
24 ten (10) of the thefts were from various law enforcement authorities. One of the thefts occurred at
25 an undisclosed pawnshop in Napa where the firearm was pawned by the owner of the firearm
26 (SAC0011624-11626). The documents plaintiffs produced also indicate that one theft was from a
27 company called Calavers Co. S.O., but does not state the business of the company or where it is
28 located (SAC 0022013-22107).

1 Plaintiffs did not produce any evidence of a factual nexus between the manner of firearm
2 acquisition in Sacramento and Sturm, Ruger's alleged business practices. The documents
3 plaintiffs' produced merely reflect that some of the firearms were reported stolen by various
4 means. None of the documents suggest that anything Sturm, Ruger did or did not do, had any
5 causal relationship to the thefts.

6 e) **City of East Palo Alto.**

7 Plaintiffs produced documents that appear to be East Palo Alto Police Department
8 ("EPAPD") incident reports that reflect the recovery of eleven (11) Sturm, Ruger firearms by the
9 EPAPD from 1996 to 1999. Prior to this production, plaintiffs produced a property room database
10 that identified four (4) additional Sturm, Ruger firearms by serial number and report date only.

11 A comprehensive and detailed review of the documents plaintiffs produced under this
12 Court's March 26, 2001 order reveals the following acquisitional evidence as to identified Sturm,
13 Ruger firearms:

14 Straw Purchases	None
15 Illegal Sales By Federally Licensed Dealers	None
16 Gun Show Sales	None
17 Licensed Kitchen Table Dealer Sales	None

18
19 Theft. There is evidence that one (1) of the fifteen (15) identified Sturm, Ruger firearms
20 recovered by the East Palo Alto Police Department was reported stolen. The circumstances
21 surrounding the theft are not disclosed. The documents produced merely indicate that the suspect
22 from whom the stolen firearm was seized did not know the firearm was stolen and that he acquired
23 the firearm from a junkie. (EPA 210-220)

24 Plaintiffs did not produce any evidence demonstrating the manner in which fourteen (14)
25 of the fifteen (15) identified Sturm, Ruger firearms were acquired by the criminal or the person in
26 possession of the firearm. With regard to the one (1) Sturm, Ruger firearm on which some
27 acquisitional information was produced, there is no evidence relating to the circumstances under
28 which the firearm was stolen (EPA 210-220). Therefore, there is no evidence of a factual nexus

1 between the manner of firearm acquisition in East Palo Alto and Sturm, Ruger's alleged business
2 practices.

3 **f) County of San Mateo.**

4 Plaintiffs produced documents that appear to be San Mateo County Sheriff's Department
5 ("SMCSD") incident reports that reflect the recovery forty-eight (48) Sturm, Ruger firearms by the
6 SMCSD from 1996 to 1999. Prior to this production, plaintiffs produced a property room
7 database that identified seventeen (17) additional Sturm, Ruger firearms by serial number and
8 report date only.

9 A comprehensive and detailed review of the documents plaintiffs produced under this
10 Court's March 26, 2001 order reveals the following acquisitional evidence as to identified Sturm,
11 Ruger firearms:

12 Straw Purchases	None
13 Illegal Sales By Federally Licensed Dealers	None
14 Gun Show Sales	None
15 Licensed Kitchen Table Dealer Sales	None

16
17 Theft. There is evidence in the documents produced that four (4) of the identified Sturm,
18 Ruger firearms recovered by the SMCSD were reported stolen. The circumstances surrounding
19 the theft are as follows: (1) firearm reported stolen through CLETS, a law enforcement database
20 (SMC00146-151); (2) firearm reported stolen from the San Leandro PD (SMC03165-3204); (3)
21 redacted report identifying five firearms stolen from unidentified warehouse (SMC 03609-3656);
22 and (4) suspect bought a stolen firearm off street (SMC02455-2474).

23 Plaintiffs did not produce any evidence of a factual nexus between the manner of firearm
24 acquisition in San Mateo County and Sturm, Ruger's alleged business practices. The documents
25 plaintiffs' produced merely reflect that some of the firearms were reported stolen by various
26 means. None of the documents suggest that anything Sturm, Ruger did or did not do, had any
27 causal relationship to the thefts.

28 ///

1 **g) County of Alameda.**

2 Plaintiffs produced documents that appear to be Alameda County Sheriff's Department
3 ("ACSD") incident reports that reflect the recovery nineteen (19) Sturm, Ruger firearms by the
4 ACSD from 1996 to 1999. Prior to this production, plaintiffs produced a property room database
5 that identified three (3) additional Sturm, Ruger firearms by serial number and report date only.

6 A comprehensive and detailed review of the documents plaintiffs produced under this
7 Court's March 26, 2001 order reveals the following acquisitional evidence as to identified Sturm,
8 Ruger firearms:

9

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

10
11
12
13

14 Theft. There is evidence that one (1) of the Sturm Ruger firearms recovered by the ACSD
15 was stolen. The circumstances surrounding the theft are not disclosed. The documents produced
16 merely indicate that the firearm was stolen during a drug transaction in which the seller robbed the
17 purchaser while his accomplice stole the firearm from the purchaser's vehicle. (ALA 3672-3681).

18 Plaintiffs did not produce any evidence of a factual nexus between the manner of firearm
19 acquisition in Alameda County and Sturm, Ruger's alleged business practices. Plaintiffs produced
20 only one set of documents demonstrating that only one (1) of the Sturm, Ruger firearms recovered
21 by the ACSD was acquired in one of the ways alleged in their complaints – theft. There is no
22 information in those documents suggesting that anything Sturm, Ruger did or did not do, had any
23 causal relationship to that theft.

24 **h) City of Inglewood.**

25 Plaintiffs produced documents that appear to be Inglewood Police Department ("IPD")
26 incident reports that reflect the recovery thirteen (13) Sturm, Ruger firearms by the IPD from 1996
27 to 1999. Prior to this production, plaintiffs produced a property room database that identified
28 twenty-three (23) additional Sturm, Ruger firearms by serial number and report date only.

1 A comprehensive and detailed review of the documents plaintiffs produced under this
2 Court's March 26, 2001 order reveals the following acquisitional evidence as to identified Sturm,
3 Ruger firearms:

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

9
10 The above chart illustrates that plaintiffs did not produce any evidence demonstrating the
11 manner in which any of the identified Sturm, Ruger firearms recovered by the IPD were acquired
12 by the criminal or person in possession of the firearm. Therefore, there is no evidence of a factual
13 nexus between the manner of firearm acquisition in Inglewood and Sturm, Ruger's alleged
14 business practices.

15 i) **City of Compton.**

16 Plaintiffs produced documents that appear to be Compton Police Department (CPD)
17 incident reports that reflect the recovery of forty-eight (48) Sturm, Ruger firearms by the CPD
18 from 1996 to 1999. Prior to this production, plaintiffs produced a property room database that
19 identified forty-two additional Sturm, Ruger firearms by serial number and report date only.

20 A comprehensive and detailed review of the documents plaintiffs produced under this
21 Court's March 26, 2001 order reveals the following acquisitional evidence as to identified Sturm,
22 Ruger firearms:

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

1 Theft – Plaintiffs produced documents that reflect that eight (8) of the firearms recovered
2 by the CPD were acquired by theft. The documents do not provide any information on the
3 circumstances surrounding the theft. The documents merely indicate that five of the firearms were
4 stolen. Two other firearms were stolen from law enforcement authorities and one additional
5 firearm was stolen during a residential burglary.

6 Plaintiffs' production does not provide a factual nexus between the manner of firearm
7 acquisition in Compton and Sturm, Ruger's alleged business practices. The documents merely
8 reflect that eight (8) stolen firearms were recovered by the CPD from 1996-1999 without
9 providing a description of the circumstances surrounding the thefts.

10 j) County of Los Angeles.

11 Plaintiffs produced documents that appear to be Los Angeles County Police Department
12 (LACPD) incident reports that reflect the recovery of four-hundred-eighty-seven (487) Sturm,
13 Ruger firearms by the LACPD from 1996 to 1999. Prior to this production, plaintiffs produced a
14 property room database that identified an additional four (4) Sturm, Ruger firearms by serial
15 number and report date only. Plaintiffs also produced documents from United States District Court
16 files regarding prosecution and conviction of two persons for crimes involving illegal firearms
17 sales. Many of the documents plaintiffs produced were either incomplete or illegible.

18 A comprehensive and detailed review of the documents plaintiffs produced under this
19 Court's March 26, 2001 order reveals the following acquisitional evidence as to identified Sturm,
20 Ruger firearms:

21 Straw Purchases	None
22 Gun Show Sales	None
23 Licensed Kitchen Table Dealer Sales	None

24
25 Theft. There is evidence that thirty-seven (37) of the Sturm, Ruger firearms recovered by
26 the LACPD were stolen. The circumstances surrounding the thefts of most of these firearms are
27 not disclosed. The documents identifying twenty-seven (27) of the thefts merely state that the
28 firearm was stolen. Six (6) of the thefts occurred in a burglary or home invasion. Another three

1 (3) of the thefts were from various law enforcement authorities. One of the thefts occurred while
2 the firearm was in transit from Phoenix Wholesale, but no other information about the theft is
3 provided. (LA CO 0036189-36198)

4 Illegal Sales By Federally Licensed Dealers. There is evidence that federal firearms
5 licensee John Raymond Thompson was indicted on July 1, 1998 for exporting two Sturm, Ruger
6 firearms to Mexico without first obtaining a license from the State Department or written
7 authorization to do so. Mr. Thompson was fined and sentenced to 51 months in prison
8 (SFC24640-SFC24994).

9 There is evidence that Zak M. Komor was charged on February 27, 1998 with making false
10 representations in the acquisition and disposition of records of retail dealer B&E Guns regarding
11 the identity of the person who acquired three Sturm, Ruger firearms. Mr. Komor was fined and
12 sentenced to 12 months and one day in prison (SFC24225-SFC24312).

13 There is no evidence in the documents plaintiffs produced identifying criminal actions by
14 third parties or that there exists any factual nexus between the intentional wrongdoing described
15 above and Sturm, Ruger's business practices. The other documents plaintiffs' produced merely
16 reflect that some of the firearms were reported stolen by various means. None of the documents
17 produced suggest that anything Sturm, Ruger did or did not do, had any causal relationship to the
18 thefts or the illegal transfers.

19 k) City of Los Angeles.

20 Plaintiffs produced documents that appear to be Los Angeles Police Department (LAPD)
21 incident reports that reflect the recovery of five-hundred-fifty-five (555) Sturm, Ruger firearms by
22 the LAPD from 1996 to 1999. Prior to this production, plaintiffs produced a property room
23 database that identified an additional nine (9) Sturm, Ruger firearms by serial number and report
24 date only.

25 A comprehensive and detailed review of the documents plaintiffs produced under this
26 Court's March 26, 2001 order reveals the following acquisitional evidence as to identified Sturm,
27 Ruger firearms:

28 ///

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

Theft. There is evidence that fifty-three (53) of the Sturm, Ruger firearms recovered by the LAPD were stolen. The circumstances surrounding the thefts of most of these firearms are not disclosed. The documents identifying forty (40) of the thefts merely state that the firearm was stolen. Seven (7) of the thefts occurred in a burglary or home invasion. Another five (5) of the thefts were from various law enforcement authorities. One of the identified firearms was recovered from National Gun Sales, but no information about the acquisitional history of the firearm was provided. (LA CITY 0024606). Another theft occurred at a bar where a security guard's gun was stolen. (2 LA CITY 013361)

Plaintiffs did not produce any evidence of a factual nexus between the manner of firearm acquisition in the City of Los Angeles and Sturm, Ruger's alleged business practices. The documents plaintiffs' produced merely reflect that some of the firearms were reported stolen by various means. None of the documents suggest that anything Sturm, Ruger did or did not do, had any causal relationship to the thefts.

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

DATED: June 24, 2002

James B. Vogts
James B. Vogts

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