

Case No. 19-56004

In the United States Court of Appeals
for the Ninth Circuit

STEVEN RUPP, et al.,
Plaintiffs-Appellants,

v.

XAVIER BECERRA,
in his official capacity as Attorney General of the State of California,
Defendant-Appellee.

On Appeal from the United States District Court
for the Central District of California
Case No. 8:17-cv-00746-JLS-JDE

**APPELLANTS' EXCERPTS OF RECORD
VOLUME VI OF XXII**

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January 27, 2020

Under Federal Rules of Appellate Procedure for the Ninth Circuit, rule 30-1, Plaintiffs-Appellants Steven Rupp, Steven Dember, Cheryl Johnson, Michael Jones, Christopher Seifert, Alfonso Valencia, Troy Willis, Dennis Martin, and California Rifle & Pistol Association, Incorporated, by and through their attorney of record, confirm to the contents and form of Appellants' Excerpts of Record.

Date: January 27, 2020

MICHEL & ASSOCIATES, P.C.

s/ Sean A. Brady

Sean A. Brady

Attorneys for Plaintiffs/ Appellants

Steven Rupp, et al.

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CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2020, an electronic PDF of APPELLANTS' EXCERPTS OF RECORD, VOLUME VI OF XXII was uploaded to the Court's CM/ECF system, which will automatically generate and send by electronic mail a Notice of Docket Activity to all registered attorneys participating in the case. Such notice constitutes service on those registered attorneys.

Date: January 27, 2020

MICHEL & ASSOCIATES, P.C.

s/ Sean A. Brady

Sean A. Brady

Attorneys for Plaintiffs-Appellants

Steven Rupp, et al.

EXHIBIT 55

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

STEVEN RUPP, et al., :
Plaintiffs, :
v. : Case No.
XAVIER BECERRA, in his official : 8:17-cv-00746-JLS-JDE
capacity as Attorney General of :
the State of California, :
Defendant. :

DEPOSITION OF CHRISTOPHER B. COLWELL, M.D.

CORRECTED TRANSCRIPT

DATE: Thursday, December 20, 2018

TIME: 11:04 a.m.

LOCATION:

Department of Justice
Office of the Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102

REPORTED BY:

Erik Parker, Notary Public

JOB No. 3135720

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A P P E A R A N C E S

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C O N T E N T S

WITNESS: DX CX RDX RCX

Dr. Christopher B. Colwell

By Mr. Brady 6

By Mr. Echeverria 70

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E X H I B I T S

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P R O C E E D I N G S

COURT REPORTER: Good morning, everyone.

MR. BRADY: Good morning.

COURT REPORTER: We are going on the record at 11:04 a.m. on December 20, 2018. Please note that the microphones are sensitive and may pick up whispers and private conversations. Please turn off all cell phones, or place them away from the microphones as they can interfere with the deposition audio. Audio and video recording will continue to take place, unless all parties agree to go off the record.

This is media unit one of the video-recorded deposition of Dr. Christopher B. Colwell, taken by counsel for Plaintiff in the matter of Steven Rupp, et al., v. Xavier Becerra, et al., filed in the United States District Court, Central District of California, Southern Division. This deposition is being held at the Department of Justice, Office of the Attorney General, located at 455 Golden Gate Avenue, Suite 11000, San Francisco, California, 94102.

My name is Erik Parker from the firm Veritext Legal Solutions and I'm the videographer. I'm not related to any party in this action, nor am I financially interested in the outcome. Counsel and all present in the room and everyone attending

1 remotely will now state their appearances and
2 affiliations for the record. If there are any
3 objections to proceeding, please state them at the
4 time of your appearance, beginning with the noticing
5 attorney.

6 MR. BRADY: Sean Brady appearing on behalf of
7 Plaintiffs.

8 MR. ECHEVERRIA: Jon Echeverria for the
9 Defendant, Xavier Becerra.

10 COURT REPORTER: Thank you, counsel.

11 WHEREUPON,

12 CHRISTOPHER B. COLWELL, M.D.,
13 called as a witness, and having been sworn by the
14 notary public, was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. BRADY:

17 Q Good morning, Dr. Colwell.

18 A Good morning.

19 Q My name is Sean Brady. I am an attorney for
20 the Plaintiffs in the matter of Rupp v. Becerra. You
21 have been designated as an expert witness by the
22 California Attorney General in this matter; is that
23 your understanding?

24 A Yes.

25 Q We have marked as Exhibit 100, your Notice to

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1 appear for this deposition in this matter; have you
2 seen this document before?

3 A Yes, I have.

4 MR. ECHEVERRIA: Okay. Thank you.

5 (Whereupon, Exhibit 100 was marked for
6 identification.)

7 BY MR. BRADY:

8 Q And if you turn to page three of that
9 document, there is an attachment A, correct?

10 A Correct.

11 Q And have you seen this portion of the
12 document?

13 A Yes. Yes.

14 Q Great. So, just to lay out the ground rules,
15 I'm sure counsel Echeverria has informed you, let me
16 finish my questions so that the record is clean and he
17 may want to object, and I'm certain he will object.
18 Let him have time. You want to think about your
19 answer, so when I ask a question, take a pause and
20 then answer, please. Does that work?

21 A Yes.

22 Q Okay. Great. Also, while we're on the
23 subject of the ground rules for a deposition, how many
24 times have you been deposed?

25 A Many.

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1 Q Many. Okay. So you're familiar with the
2 ground rules, basically?

3 A I am.

4 Q Okay. Is there any reason you can't give
5 your best testimony today?

6 A No.

7 Q No. Okay. Then let's proceed with
8 attachment A of page three of what is marked as
9 Exhibit 100. Did you produce any documents in
10 response to this request?

11 A So I did not bring any specific documents. I
12 did not rely on any specific documents for my
13 opinions. We did talk about my CV. I didn't bring
14 another copy of my CV today, but would be happy to
15 give an electronic version if that's helpful.

16 Q I just want to make sure that -- whether you
17 have reviewed any documents and produced them in
18 response to this document.

19 A No.

20 Q Okay.

21 MR. ECHEVERRIA: Just to clarify, I did email
22 you certain documents that we sent to Dr. Colwell.

23 MR. BRADY: Sure. Yes.

24 MR. ECHEVERRIA: That he received and we
25 produced those on his behalf.

1 MR. BRADY: Okay. And the State produced
2 those on his behalf?

3 MR. ECHEVERRIA: Yes.

4 BY MR. BRADY:

5 Q Dr. Colwell, did you ever see those documents
6 that the State produced on your behalf?

7 A Yes.

8 Q Okay. So you reviewed them prior to them
9 being disclosed to us?

10 A Yes.

11 Q Okay. And, just to be clear, those documents
12 that you produced, or that the State produced on your
13 behalf, you did not rely on those in any way in
14 forming your opinions in your report in this matter?

15 A Correct.

16 Q Okay.

17 MR. BRADY: I'd like to show you a document
18 that has been marked as Exhibit 101. Have you seen
19 this document before?

20 MR. ECHEVERRIA: Thanks.

21 DR. COLWELL: Yes.

22 (Whereupon, Exhibit 101 was marked for
23 identification.)

24 BY MR. BRADY:

25 Q Okay. Did you assist in producing this

1 document?

2 A I believe so, yes.

3 Q Okay. How so?

4 A I guess I saw this prior to -- I haven't had
5 a chance to look at it. I don't know. I didn't -- I
6 didn't write it myself, so I guess I didn't assist in
7 writing or preparing it myself.

8 Q Okay. To your knowledge, did you withhold
9 any documents based on the objections in this
10 document?

11 A No.

12 MR. BRADY: Okay. So, I mentioned your
13 report before that you submitted as an expert witness
14 in this matter. I'd like to show you what has been
15 marked as Exhibit 102. Have you -- is this your
16 report that you submitted on behalf of the Attorney
17 General's Office in this matter?

18 DR. COLWELL: Yes.

19 (Whereupon, Exhibit 102 was marked for
20 identification.)

21 BY MR. BRADY:

22 Q I'd like you to turn to page three of your
23 report, which is marked as Exhibit 102. Towards the
24 bottom, you state that, "In my experience, assault
25 rifles tend to cause far greater damage to the

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1 muscles, bones, soft tissue and vital organs." Did I
2 quote you accurately?

3 A Yes.

4 Q Is that your opinion as you sit here today?

5 A Yes.

6 Q What do you mean by assault rifles in that
7 sentence?

8 A So my definition of assault rifle would be
9 one that is designed for more rapid fire or combat.
10 And when I think of assault rifles, from my
11 perspective, I think of more specific weapons, and
12 specifically, AR-15, AK-47, or a TEC-DC9.

13 Q Okay. So when you use the term assault
14 rifle, you are not necessarily considering the
15 definition of assault weapon under California law?

16 A True. I'm aware of the definition of an
17 assault weapon under California law when I prepared
18 this, but have thought about assault weapons not
19 specifically related to just that law.

20 Q So, would it be fair to say that your
21 definition of assault rifle could be different than
22 what is contemplated by California's assault weapon
23 definition?

24 A I wouldn't think necessarily different, but
25 it wouldn't be exactly the same, if that makes sense.

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1 So I know there are weapons mentioned in the
2 California assault weapons law that I don't have any
3 knowledge of and don't have any -- don't know that I
4 have treated victims of those particular weapons. So
5 I wouldn't say my feeling -- my definition of assault
6 weapon mirrors the California law, specifically, but
7 the weapons that I think of as assault, I believe, are
8 covered under the California law.

9 Q Now, you mentioned a TEC-9; is that right?

10 A Yes.

11 Q And you talk about TEC-9 in your report,
12 right?

13 A Yes.

14 Q Is your understanding of a TEC-9 that it is a
15 rifle or a handgun?

16 A My understanding is it could be either and
17 that law enforcement has used that term with either
18 of -- the specific weapon in Columbine was more of a
19 handgun, but my understanding is that, specifically,
20 the TEC-DC9 could be either.

21 Q Do you know what ammunition a TEC-9 uses?

22 A Not specific -- not specifically the
23 limitations of what ammunition, no.

24 Q So do you know that -- is it your
25 understanding that firearms are chambered for a

1 particular cartridge?

2 A Yes, although I wouldn't have used that
3 particular term. Yes. It is my understanding, yes.

4 Q Okay. And you do not know what cartridge a
5 TEC-9 is chambered for?

6 A No.

7 Q Okay. Do you know what cartridge an AR is
8 chambered in?

9 A No. I have had the opportunity to shoot an
10 AR, so I have handled one, but I wouldn't know the
11 name of that cartridge.

12 Q Is it your understanding that an AR is --
13 only shoots one particular type of cartridge?

14 A No, but I could be wrong about that. I
15 wouldn't put myself out as a weapons expert, so it is
16 not my understanding that there was only one type of
17 ammunition that could be used in that.

18 Q So you understand that you can -- or it's
19 your understanding that you can use multiple types of
20 ammunition in an AR?

21 A Yes.

22 Q Okay. What about an AK? Do you know what
23 type of ammunition an AK is chambered in?

24 A I don't know the limits of that ammunition.
25 It is my understanding that you could use different

1 types of ammunition for that as well.

2 Q Okay. Do you know whether they use
3 centerfire ammunition?

4 A It's my understanding they do. If you told
5 me I was wrong, I couldn't argue with you, but yes,
6 that is my understanding.

7 Q And is your understanding, when you use the
8 term, "assault rifle," are you talking about firearms
9 that only use centerfire ammunition?

10 A I don't -- I don't think of it as -- in that
11 way. Again, I think of it more in terms of the
12 specific weapons and as they are designed for rapid
13 fire and -- in a combat situation.

14 Q Okay. Going back to the statement on page
15 three of your report, you state that, "Assault rifles
16 cause far greater damage to the muscles, bones, soft
17 tissue and vital organs." How does the rapid fire --
18 excuse me -- definition apply to causing the greater
19 damage?

20 MR. ECHEVERRIA: Objection. Vague.

21 DR. COLWELL: It's more in terms of the
22 numbers of injuries when we talk about the rapid-fire
23 aspect of it and, again, this is based on my
24 experience, that injuries that occur from these
25 weapons are more likely to be more extensive and

1 multiple. And so, with the -- the rapid-fire aspect
2 would be the fact that there are multiple injuries,
3 either to the same person or multiple different
4 people.

5 BY MR. BRADY:

6 Q So, when you say more extensive and multiple,
7 the more extensive is -- are you saying that each
8 individual shot from an assault rifle is more damaging
9 than from a non-assault rifle?

10 A Yes, in general, and that multiple injuries
11 tend to be more damaging than single injuries.

12 Q And is it -- are you basing that on your
13 opinion of -- in your report going from page three,
14 line three -- I'm sorry. Page three the last line, on
15 to page four where you say, "The greater complications
16 are likely due to the higher muzzle velocity and
17 higher caliber of rounds involved in assault rifle
18 shootings"?

19 A I'm not sure I understand the question.

20 Q Sure. So the last line of your report on
21 page three says, "The greater complications," and I
22 assume you're talking about the complications you
23 explained above that, the "they cause far greater
24 damage to muscles, bones, soft tissue and vital
25 organs," is that right?

1 A Yes. I think in terms of injury, but yes.

2 Q Okay. So the "greater complications," those
3 injuries, "are likely due to the higher muzzle
4 velocity and higher caliber of rounds involved in
5 assault rifle shootings;" is that -- did I quote you
6 accurately?

7 A Yes.

8 Q And is that -- is it your opinion that the
9 more extreme injuries that you -- say that you've
10 witnessed from assault rifles are a result of them
11 having higher muzzle velocity and higher caliber of
12 rounds?

13 A In general, yes.

14 Q Okay. What is muzzle velocity?

15 A I view that as velocity of bullet and,
16 specifically, the -- the weapon -- well, the speed
17 at -- that the bullet is coming out of the weapon.

18 Q Do you know how muzzle velocity is measured?

19 A No.

20 Q Do you know what affects muzzle velocity;
21 what affects the speed of the round coming out of the
22 barrel?

23 MR. ECHEVERRIA: Objection. Vague.

24 DR. COLWELL: Not every aspect of it. It is
25 my understanding that, for example, a rifle tends to

1 have a higher velocity than a handgun, but I don't
2 know all of the detail -- or all of the impact on the
3 muzzle velocity. No.

4 BY MR. BRADY:

5 Q Is it -- in writing this, were you assuming
6 that assault rifles have a particular muzzle velocity?

7 A Not a particular muzzle velocity, no.

8 Q Do you know whether non-assault rifles can
9 have the same or higher muzzle velocity than assault
10 rifles?

11 MR. ECHEVERRIA: Objection. Vague.

12 DR. COLWELL: As I understand it, they can.
13 My experience has been that they haven't, but I do
14 understand that they can.

15 BY MR. BRADY:

16 Q Have you treated anybody who has been shot by
17 a rifle that was not an assault rifle?

18 A Yes.

19 Q Do you know what type of rifle it was?

20 A So in some cases, the term that had been used
21 was a hunting rifle, in other words, a shotgun. I
22 don't always know what type of weapon it is,
23 certainly.

24 Q Okay. And so, the hunting rifle, you don't
25 know what type of cartridge that that particular rifle

1 was chambered in?

2 A No.

3 Q Do you know how long the barrel was on that
4 rifle?

5 A No.

6 Q Are we talking about a single incident of a
7 hunting rifle, or were there multiple?

8 A There were multiple over years. I haven't
9 had an incident where there was a hunting rifle and
10 multiple injuries from that.

11 Q Are injuries from what you described as,
12 "hunting rifles," usually accidents?

13 A In general, yes.

14 Q Have you ever seen an injury from a, what you
15 describe as a "hunting rifle," where the shooting, to
16 your knowledge, was intentional?

17 A Yes.

18 Q Remind me not to go hunting with that guy.

19 A As a side note, I wouldn't ever go hunting
20 with your father-in-law.

21 Q Good.

22 A Based on experience.

23 Q I appreciate the advice. I was already well-
24 aware of that one. So when you've seen these wounds
25 from what you describe as "hunting rifles," it is your

1 experience that those wounds were not as significant,
2 or not as serious as the wounds from what you
3 described as "assault rifles?"

4 A Some of them were. They were much less
5 likely to be multiple and so damage, from my
6 perspective, comes from the combination of the impact
7 of that particular bullet and the number of bullets
8 that impact. And so, when I think of greater damage
9 by assault weapons, it's a combination of the impact
10 velocity and the number of wounds. So it's true that
11 a hunting rifle, from my experience, can cause
12 significant damage; I have not experienced the same
13 degree of damage, in general, from a hunting rifle or
14 non-assault weapons as with assault weapons.

15 Q Even for an individual wound?

16 A So there have been individual wounds that
17 have been devastating, yes.

18 Q Worse than an assault rifle?

19 A I wouldn't say worse, but as bad.

20 Q And in coming to your opinion on the -- that
21 assault rifles produce worse wounds than non-assault
22 weapons, are you operating under the assumption that
23 non-assault weapon rifles are incapable of firing at
24 the same rate as an assault rifle?

25 A No. I'm not operating on that assumption.

1 I'm operating on the experience that it hasn't been
2 multiple wounds, as it has been with the assault
3 weapons.

4 Q Have you ever, in the cases of gunshot wounds
5 that you've treated -- how many gunshot wounds have
6 you been involved in treating?

7 A I don't know the number. Quite a few.

8 Q Could you estimate?

9 A So, if I would estimate, I would say it's one
10 to two a week, an estimate of 50 weeks a year and a
11 estimate of 25 years at a level -- Urban Level One
12 trauma center, so that type of math would say in the
13 neighborhood of 50 to 100 a year for 20 years.

14 Q Okay. That sounds like a lot more than
15 the -- over a thousand that you indicate on page two
16 of your report.

17 A A lot more than that?

18 Q So, it's -- unless my math is off, yeah. It
19 sounds like you've treated more than a thousand, or is
20 that -- does the math work out to be about over a
21 thousand?

22 A Well, it's over a thousand, I think.

23 Q What you just said and my -- and trust me,
24 don't trust my math skills. It sounded to me like
25 what you just said would be well over a thousand. It

1 would be multiple thousands now.

2 A Well, I just -- yeah --

3 Q So, I mean, I'm not saying you're -- I just
4 wanted to know --

5 A Right. No. Fifty to 100 a year, for 20
6 years comes to somewhere between 1,500 and 2,000.

7 Q Okay.

8 A And it's so inexact, I'm a little hesitant
9 to -- it sounds dramatic, "thousands," but it's not
10 unreasonable at all to see one or two a week and I
11 generally work somewhere in the neighborhood of 48 to
12 50 weeks a year, so that's how I came up with that
13 number.

14 Q Got it. So you've seen a lot of gunshot
15 wounds?

16 A Yes.

17 Q Okay. And in all those gunshot wounds, have
18 you ever treated somebody that, to your knowledge, had
19 been shot by a semi-automatic rifle that was not an
20 assault weapon?

21 A Yes.

22 Q Do you recall what rifle that was?

23 A I don't.

24 Q How did you know that it was a semi-automatic
25 rifle that was not an assault weapon?

1 A The police officer told me.

2 Q What did he -- how did -- what did he tell
3 you to let you know that?

4 A He told me the weapon and I asked what type
5 of weapon that is, and he said, "It's a semi-
6 automatic, non-," -- I walked away from that
7 discussion very clear that it was not an assault
8 weapon. And, at the time, this was in Colorado, we
9 worked very closely with police and talked about
10 assault weapons, primarily in terms of an AR-15 or an
11 AK-47. So I don't remember that -- enough of the
12 specifics of that conversation to say, "was it just a
13 rifle that was not an AR-15 or an AK-47," but I do
14 have a memory of a discussion with that law
15 enforcement officer and he said, "Yes, this was semi-
16 automatic and it was not assault."

17 Q And he said it was a rifle?

18 A Yes.

19 Q And you don't recall what cartridge it was
20 chambered in?

21 A I don't.

22 Q And do you recall whether the wounds from
23 that rifle were worse, not as bad or the same as the
24 wounds that you see from assault rifles?

25 MR. ECHEVERRIA: Objection. Compound.

1 DR. COLWELL: It was a single wound. This
2 particular one wasn't as bad. It had hit his upper
3 leg and had missed the bone. I have seen bad wounds
4 from non-assault weapons.

5 BY MR. BRADY:

6 Q When you say non-assault weapons, are you
7 talking about handguns, shotguns and rifles, or are
8 you just talking about non-assault weapon rifles?

9 A All of them; handguns, shotguns and rifles.

10 Q So, when you're comparing assault rifles to
11 non-assault weapons, the non-assault weapon category,
12 it includes handguns?

13 A Yes. I could take them out, but I didn't.
14 I'm just thinking in general terms. Yes.

15 Q Okay. Would it -- and is it your
16 understanding that a wound from a rifle is generally
17 going to be worse than a wound from a handgun?

18 A Generally, yes.

19 Q So a non-assault weapon rifle is generally
20 going to cause a worse wound than a handgun; is that
21 fair to say?

22 A Again, thinking in terms of worse wounds
23 being both the wound itself and the numbers of those
24 wounds, yes. Any weapon can cause a bad injury. My
25 experience is that the assault weapons cause more bad

1 injuries and, typically, worse injuries.

2 Q So going back to the sentence on page four of
3 your report, where you explain what you think the
4 reasons for the worse wounds from assault rifles, you
5 say, "higher muzzle velocity and higher caliber of
6 rounds." What do you mean by that?

7 A Again, in general, my experience has been
8 that speed and size of the bullets have been more in
9 the assault weapons and assault rifle shootings. I
10 incorporate the overall extent of injury, both the
11 individual and the number of them.

12 Q Do you know what caliber of rounds an AR-15
13 uses?

14 A Specifically, no.

15 Q Do you know what caliber of rounds an AK-47
16 uses?

17 A No.

18 Q Do you know whether the caliber of rounds
19 used in an AR-15 are on the low end or high end of the
20 caliber range?

21 MR. ECHEVERRIA: Objection. Vague.

22 DR. COLWELL: Do I -- I don't know, in
23 general, based on the weapon. My experience has been
24 that they've been on the higher side, but I don't know
25 based on the weapon itself.

1 BY MR. BRADY:

2 Q Do you -- are you looking at the actual
3 projectile that is retrieved from these wounds when
4 you're making your -- in forming your opinion?

5 A Sometimes. Also, we will do x-rays or CAT
6 scans of wounds that will sometimes have the bullets
7 in them, but not always. Certainly, not always.

8 Q Do you know what caliber means?

9 MR. ECHEVERRIA: Objection. Vague.

10 DR. COLWELL: I equate it to size.

11 BY MR. BRADY:

12 Q When looking at the projectiles that you are
13 able to retrieve from gunshot victims, do you do any
14 analysis of the projectile to determine what type it
15 is?

16 A No.

17 Q So you couldn't say whether a projectile
18 was -- had a full metal jacket on it?

19 A Unless somebody showed it to me, no.

20 Q Would you know whether a projectile had a
21 full metal jacket, if somebody showed you the
22 projectile?

23 A I have seen bullets with a full metal jacket,
24 so I guess I -- I wouldn't say I -- if you handed me a
25 number of bullets and said, "Which of these are full

Page 25

1 metal and which isn't," I might get that wrong, but I
2 have been shown that.

3 Q So you wouldn't know whether it was a hollow
4 point round?

5 A No, I'm not an expert in ballistics. No.

6 Q So you don't know whether a particular
7 projectile can make a difference in the wounding
8 ability of a round?

9 A So, I have a basic understanding of what
10 types of things can and can't cause some injury. As
11 an example, you said a "full metal jacket," -- I have
12 a basic understanding that that is intended to allow a
13 bullet to go through tissue, more so than, say other
14 designs, but I would not call myself an expert in
15 bullet design, by any means.

16 Q But you -- it is your understanding that
17 there are different types of projectiles that can
18 produce different types of wounds; is that fair to
19 say?

20 A Yes. Yes.

21 Q And is it your understanding that -- do you
22 know whether the wounding effect of that round is
23 impacted by the firearm from which it is discharged?

24 MR. ECHEVERRIA: Objection. Vague.

25 DR. COLWELL: It would be my understanding

1 that it would be -- there's the potential for impact
2 based on the firearm, yes.

3 BY MR. BRADY:

4 Q So the firearm can affect the wounding -- the
5 wound that results in the tissue?

6 A I guess, the firearm can affect the speed.

7 Q How so?

8 A Well, different firearms fire at different
9 speeds, correct?

10 Q I don't know. I'm asking you.

11 A That's my understanding; that different
12 firearms can fire at different speeds and, therefore,
13 the firearm could impact the wound.

14 Q How do firearms fire at different speeds?

15 A How specifically? I'm not -- as somebody who
16 is not a weapons expert, I couldn't explain how a
17 different weapon might fire at a different speed.

18 Q If it was due to the ammunition used, and not
19 the rifle -- or not the firearm, would that in any way
20 impact your opinion on whether assault rifles have a
21 particular muzzle velocity?

22 MR. ECCHEVERRIA: Objection. Vague.

23 DR. COLWELL: So, when I -- from my
24 perspective, when I'm thinking about the wounds, the
25 combination of the -- the velocity, the caliber and

1 the numbers of wounds where it hits. All those things
2 come into play. So I think the answer to your
3 question would be no, on that caveat, that I think the
4 bullet, the weapon, the speed, all would impact,
5 potentially, the wound itself.

6 BY MR. BRADY:

7 Q So is it your understanding that a non-
8 assault weapon rifle can have the same -- shoot the
9 same caliber round as an assault weapon?

10 A I believe it can, yes.

11 Q And an assault weapon is semi-automatic,
12 correct?

13 A To my definition it would include automatic
14 also, but knowing that automatic are generally not
15 what we're talking about, yes. I would say that --
16 what we've talked about are semi-automatic.

17 Q Well, let me ask you this. If you include
18 automatic, are some of the victims that you refer to
19 in your report as "having more and worse wounds," were
20 they people who were shot by fully automatic guns too?

21 A Not that I know of.

22 Q Okay. So, when -- how did you learn that a
23 particular victim is shot with, say an AK-47?

24 A Usually, it is through law enforcement.
25 Occasionally, it's been the media.

1 Q And so, when the police officer tells you
2 that an AK-47 was used, do they say, "a semi-
3 automatic," or "an automatic?"

4 A Not always. They often will preface it by "a
5 semi-automatic, AK-47," but not always.

6 Q Okay. So, if they just said, "AK-47," it
7 could have been a machine gun?

8 A Yes. I -- I don't usually ask them
9 specifically. Occasionally, I have, but very rarely,
10 so it could be.

11 Q Okay. Have you ever heard an officer
12 describe a rifle that was used as an M16?

13 A Yes.

14 Q What is your understanding of what an M16 is?

15 A It -- I can only think of one or two times,
16 so I don't have a great understanding of an M16,
17 whether it's -- I don't know M16s, or have thought of
18 them the same way as AK-47s or AR-15s.

19 Q Okay. So it would be a relatively few
20 instances where you heard an officer describe the
21 weapon as an M16?

22 A Very few. I think -- I can only think of one
23 or two.

24 Q Do the officers ever just refer to the
25 firearm as an assault weapon?

1 A I hesitate to say, "never." I just can't
2 think of a time when they have.

3 Q Okay. Now, so we -- we were -- I was
4 starting to ask you some questions and we got diverted
5 on that subject, so let me go back and -- to my place.
6 I believe I asked you whether it's your understanding
7 that non-assault weapon rifles can fire the same
8 cartridges as assault rifles; is that your
9 understanding?

10 A If I understood your question right, it is my
11 understanding that non-assault weapons can fire the
12 same ammunition as an assault weapon, yes.

13 Q And non-assault weapon rifles can be semi-
14 automatic; is that your understanding?

15 A Yes.

16 Q And non-assault weapon rifles can have
17 detachable magazines; is that your understanding?

18 A I don't know that, specifically, but I don't
19 doubt that.

20 Q And non-assault weapon rifles can have
21 identical barrel lengths to assault weapon rifles; is
22 that your understanding?

23 A I would imagine that would be the truth, yes.

24 MR. BRADY: So I'd like to show you what has
25 been previously marked as Exhibit 97, and I hope Mr.

1 Echeverria will excuse my not having a copy for him.
2 So I'm going to place this in the middle for both of
3 you to review. This was marked as Exhibit 97. It is
4 the Expert Report of the Attorney General's expert in
5 this matter, Blake Graham. Have you seen this report
6 before?

7 (Whereupon, Exhibit 97 was identified.)

8 MR. ECHEVERRIA: Can I take a look at the
9 report?

10 MR. BRADY: Of course.

11 MR. ECHEVERRIA: Thank you.

12 DR. COLWELL: I don't recall seeing this
13 report, no.

14 BY MR. BRADY:

15 Q Okay. Can you turn to page nine of that
16 report for me please? Do you see the two images of
17 the rifles on page nine of what has been previously
18 marked as Exhibit 97?

19 A I do.

20 Q I'm going to refer to the rifle on the top of
21 the page as "Rifle A," and the rifle at the -- under
22 it as "Rifle B;" is that okay?

23 A Okay.

24 Q Would you consider Rifle A to be an assault
25 weapon?

1 A Do you know how many bullets go into that
2 cartridge?

3 Q I'm sorry. Are you referring to the
4 magazine?

5 A Magazine, sorry, yes.

6 Q I couldn't say by looking at it, but I will
7 tell you, just to be clear, that both rifles -- excuse
8 me -- can accept identical magazines.

9 A Okay. So the difference there -- it appears
10 the lower one, B, Weapon B, is that what we're
11 referring to?

12 Q Rifle B, yes.

13 A Rifle B is designed for a combat situation
14 with the shoulder -- retractable shoulder, pistol-type
15 format. So in my thinking of an assault weapon, B
16 would be an assault weapon. I wouldn't characterize
17 A, necessarily, as one, but I think of assault weapons
18 in terms of the damage they do, and have done in my
19 experience. And so, I certainly wouldn't say that
20 that couldn't be one. I would say, no. It would be B
21 that would be the assault weapon.

22 Q And so, in your opinion, Rifle B would cause
23 greater wounds than would Rifle A?

24 A Not necessarily greater wounds. My
25 experience with assault weapons has been -- they have

1 been more -- more extensive wounds. So I would guess
2 that Rifle B would be more likely to cause more
3 frequent and more extensive wounds, but I don't know
4 that.

5 Q So, if I were to tell you that Rifle A and
6 Rifle B shoot identical ammunition at the identical
7 muzzle velocity, at the identical rate of fire, and
8 the only difference between them is the stock, as you
9 previously indicated, the grip, the way you hold the
10 firearm, and the muzzle device on the end, which
11 appears to be what's -- California refers to as a
12 flash suppressor -- if those were the only differences
13 between Rifle A and Rifle B what, in your opinion,
14 would you say makes Rifle B more likely to create more
15 wounds?

16 A I have shot these weapons, but I am not a
17 weapons expert. What I understand is that if I wanted
18 to shoot many bullets more quickly, the pistol-style
19 with the retractable shoulder lends itself to that
20 possibility. Not being a design expert, if you were
21 to tell me that's not true, I couldn't argue with you.
22 It seems to me that this would lend itself to getting
23 more bullets out more quickly. I only see the other
24 end of it, the wound part of it, and associate where I
25 can with what weapons were used. And they never bring

1 a weapon in; I've seen weapons at a scene, but not in
2 the emergency department. So it seems to me, based on
3 what I hear, that this one would be easier to use in a
4 rapid-fire, combat situation.

5 Q So you're assuming that Rifle B can put more
6 rounds on target quicker than Rifle A?

7 A I'm not sure if "on target" and, again, not
8 being a combat person, my understanding is that this
9 style, with the pistol style and the retractable
10 shoulder is more conducive to a combat situation and
11 getting multiple rounds off.

12 Q And those multiple rounds hitting a target,
13 right, because if it doesn't hit the target, then you
14 don't see it right, because you're looking at wounds,
15 right?

16 A True. Other than the unintended consequences
17 of a drive-by shooting that hits other people, and it
18 wasn't the intended victim, but I would imagine that
19 when you're shooting that weapon, with only a couple
20 exceptions that we have seen, the intent is to hit
21 something.

22 Q Okay. But you're being produced as an expert
23 on the results of the bullet hitting the target,
24 right, of the wounds, right?

25 A From what I've seen in the emergency

1 department as a result of those, yes.

2 Q Okay. So you've testified previously that
3 you don't really have a -- an expert background in
4 firearms, right?

5 A That's correct.

6 Q So you wouldn't really be able to say, other
7 than -- you have no expert opinion on whether Rifle A
8 or Rifle B is more capable of putting rounds on target
9 quickly; is that fair to say?

10 A That is fair.

11 Q Okay. So setting that aside, and let's just
12 assume that these two rifles are capable of putting
13 rounds on target, and that equal -- in an equal
14 manner, if they shoot the same ammunition at the same
15 speed, and they're both hitting their target, do you
16 have an opinion on whether on a -- whether there would
17 be any difference in the wounds between these two
18 rifles?

19 MR. ECHEVERRIA: Objection. Incomplete,
20 hypothetical.

21 DR. COLWELL: So I don't have an opinion as
22 to what those wounds would look like, because,
23 obviously, it depends on the manufacturers that we've
24 talked about. If you wanted me to render an opinion
25 on that, I would show these weapons to people that I

1 know that have combat experience and/or are trained in
2 that and say, "Which of these could get more bullets
3 off more quickly in that scenario?" That is what
4 would worry me most. But, of course, that's not the
5 area that I'm an expert on.

6 BY MR. BRADY:

7 Q Precisely, and that's why I tried to limit
8 it. So I'm asking you if these two rifles hit their
9 targets, will there be a difference in the wounds that
10 result?

11 MR. ECHEVERRIA: Objection. Incomplete,
12 hypothetical.

13 DR. COLWELL: I don't know that. If you were
14 to tell me that there was an ability of one of these
15 weapons to get off more in a shorter period of time,
16 then I would change that opinion. I don't know enough
17 about just looking at the weapons to say that about
18 these weapons.

19 BY MR. BRADY:

20 Q Exactly, which is why I'm trying to just
21 focus in on -- I understand your premise that more
22 rounds getting off is -- could potentially result in
23 more wounds, and getting shot more times is bad,
24 right?

25 A Yes.

1 Q I think we can all agree that you don't want
2 to get shot once; you definitely don't want to get
3 shot two or three times, right?

4 A Yes.

5 Q Okay. So, because you're not a -- what we
6 would call a "gun person," right?

7 A Yes.

8 Q I'm trying to focus in on your expertise,
9 which is the wounding side, right?

10 A Yes.

11 Q So do you have any reason to believe that a
12 wound resulting from Rifle A would be any different
13 than a wound resulting from Rifle B?

14 A I don't have any reason believe that a single
15 wound from either of these weapons would necessarily
16 be different, no.

17 Q Okay. So other than being informed by police
18 officers or reading news accounts of what firearm is
19 used in a shooting, would you be able to tell just by
20 looking at a wound what type of firearm was used?

21 MR. ECHEVERRIA: Objection. Vague.

22 DR. COLWELL: The other way I sometimes get
23 information is, actually, either victims or
24 perpetrators will tell me, but if you just showed me a
25 wound and said, "What weapon created this wound," by

1 itself, I would be guessing. I don't -- I couldn't
2 tell you for fact.

3 BY MR. BRADY:

4 Q Would you be able to tell whether it was a
5 rifle or a handgun?

6 A I could guess and I feel like I would have a
7 chance of being right, however, I would not be able to
8 tell you, definitively, "this is a rifle wound. This
9 is a handgun wound."

10 Q So going to page five of your report, in the
11 final or, I'm sorry, in the first sentence of the
12 final paragraph --

13 DR. COLWELL: Did you want to put the sticker
14 on this? Just for this --

15 MR. BRADY: I can, yeah. I wrote on there so
16 I could recall, but --

17 DR. COLWELL: I'm assuming I'm returning
18 these to you afterwards, or?

19 MR. BRADY: No, you're giving them to --

20 DR. COLWELL: Oh, okay.

21 MR. BRADY: -- well, actually, that's a good
22 question.

23 MR. ECHEVERRIA: That is a very good
24 question.

25 DR. COLWELL: That's why I wanted to be sure

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1 that was on here.

2 MR. ECHEVERRIA: Will the court reporter who
3 will be transcribing this deposition also be
4 affiliated with Veritext, which is the company that
5 the videographer is affiliated with?

6 COURT REPORTER: That's my understanding,
7 correct.

8 MR. ECHEVERRIA: So it might be possible to
9 give the videographer custody over the marked
10 exhibits?

11 MR. BRADY: Assuming he is willing and able
12 and he has indicated in the affirmative, so.

13 MR. ECHEVERRIA: Okay. I wouldn't have
14 objection to giving the videographer custody over the
15 marked exhibits.

16 MR. BRADY: Nor I, as long as I have a card
17 or a contact.

18 MR. ECHEVERRIA: I would also note that for
19 Exhibit 90 --

20 MR. BRADY: Driver's license copy. Sorry.

21 MR. ECHEVERRIA: For Exhibit 97, it does not
22 need to be marked, because it's been previously marked
23 as an exhibit in this case.

24 MR. BRADY: Okay. Correct.

25 MR. ECHEVERRIA: So it technically does not

1 need to be stickered.

2 MR. BRADY: Correct.

3 MR. ECHEVERRIA: Okay.

4 DR. COLWELL: And I won't -- it won't be a
5 problem if I don't have 98, 99 here. I've got 97,
6 100, 101 and 102, but --

7 MR. BRADY: Yes.

8 MR. ECHEVERRIA: And that is not a problem.

9 MR. BRADY: As a matter of fact, you might
10 want to remove the 97 sticker, just so we are not
11 confused that that's something we have to give to
12 the --

13 MR. ECHEVERRIA: Thanks, Doctor.

14 DR. COLWELL: Okay.

15 MR. BRADY: I wrote 97 on there to --

16 MR. ECHEVERRIA: Perfect.

17 MR. BRADY: -- remind me what the number was
18 from yesterday.

19 MR. ECHEVERRIA: Is there a question pending?

20 MR. BRADY: No, there was not. No. That was
21 a perfect timing for that -- that's good that we got
22 that on the record so that everybody understands the
23 minor bit of chaos that occurred.

24 BY MR. BRADY:

25 Q So I believe I was asking you to look at your

1 report; the first sentence of the last paragraph. You
2 state that, "Assault rifles, especially when equipped
3 with large capacity magazines, can fire more shots
4 faster causing more injuries per victim and, thus,
5 more complications."

6 A Yes.

7 Q On what do you base your statement there?

8 A On the wounds that I have seen in the
9 emergency department associated with the weapons as
10 communicated to me, generally, by law enforcement.

11 Q So you can tell, based on those wounds, that
12 an assault rifle can fire more shots faster?

13 MR. ECHEVERRIA: Objection. Mischaracterized
14 his testimony.

15 DR. COLWELL: No. The number and extent of
16 injuries have tended to be greater with the assault
17 weapons.

18 BY MR. BRADY:

19 Q Okay. But I don't want to put words in your
20 mouth. I'm just reading you my interpretation of your
21 report. You're free to correct me, but it seems to me
22 that you're saying, "Assault rifles, especially, when
23 equipped with large capacity magazines, can fire more
24 shots faster." How do you know that they can fire
25 more shots faster? On what do you base that?

1 A The fact that we have seen more frequent and
2 extensive wounds in these interactions.

3 Q But can you tell the speed at which the
4 shooter was shooting the victim, based on the wounds
5 they have?

6 A Not always based on the wounds, no.

7 Q Okay. So have you ever done any field testing
8 to determine whether an assault rifle equipped with a
9 large capacity magazine can fire more shots faster
10 than a non-assault weapon?

11 MR. ECHEVERRIA: Objection. Vague.

12 DR. COLWELL: Can I ask just what you mean by
13 field testing?

14 MR. BRADY: Sure. Have you taken an assault
15 rifle with a large capacity magazine out to a range
16 and a rifle that is not an assault weapon and shot
17 them side by side to see which one shoots faster?

18 DR. COLWELL: So, yes. I have done that. I
19 guess, I didn't shoot them directly side by side. I
20 shot them at different times and I didn't measure
21 the -- the actual velocity. It was my impression of
22 the velocity in shooting them.

23 BY MR. BRADY:

24 Q What non-assault weapon rifle did you shoot?

25 A I don't remember the name. The -- there were

1 a number of rifle and a number of handguns and I
2 remember, specifically, an AR-15 and an AK-47. I
3 don't remember the name of the non-assault weapons
4 that I used.

5 Q Was it a semi-automatic rifle?

6 A Yes.

7 Q Did it look like Rifle A?

8 MR. ECHEVERRIA: From which exhibit?

9 MR. BRADY: From Exhibit 97?

10 DR. COLWELL: One of them did. One of them
11 did, yes.

12 MR. BRADY: Okay.

13 DR. COLWELL: Yes.

14 BY MR. BRADY:

15 Q Do you recall whether you were using the same
16 ammunition for that rifle as you were for the AR-15?

17 A As I recall, we were.

18 Q Okay. Does the name, "Mini-14," sound
19 familiar?

20 A Yes. I don't remember specifically -- the
21 two people that took us out to the shooting range, and
22 I don't know how much you want to know about what
23 prompted that, but specifically, we have -- we educate
24 our EMS fellows in a variety of different things. One
25 of them is on weapons, so two of the Denver police

1 officers would take us to the police -- Denver Police
2 shooting range up in Idaho Springs, once a year. And
3 I was able to go on that five or six times and they
4 would give us a discussion of the weapons and talk
5 about each one and then have us fire each one. And
6 so, yes, that does sound familiar, I just don't recall
7 enough to say, "Did I associate that with that
8 particular weapon," or not.

9 Q And did they indicate whether the AR-15 could
10 fire more shots faster than the non-assault weapon
11 rifle?

12 A That was my sense of having shot it. They
13 did not indicate that, no.

14 Q So you're just basing that statement on your
15 personal experience?

16 A Yes, including in that experience my seeing
17 these patients in the emergency department.

18 Q But, again, you can't tell how fast shots
19 were fired just by looking at wounds, right?

20 A No. I think that's fair. I associate what
21 I've seen and the extent of the damage with what
22 weapons they have said were used.

23 Q When you say in that sentence, "causing more
24 injuries per victim and, thus, more complications,"
25 are you saying causing more injuries than a non-

1 assault weapon would?

2 A In general, yes.

3 Q But you can't say whether an assault rifle --
4 you cannot confirm with any certainty, whether an
5 assault rifle would shoot more shots faster than Rifle
6 A; is that fair to say?

7 MR. ECHEVERRIA: Objection. Vague.

8 DR. COLWELL: With certainty? No.

9 BY MR. BRADY:

10 Q The second part of that sentence, there's an
11 "and," and you say, "many of the most devastating
12 injuries I have managed in my over 25 years of
13 experience treating gunshot wound victims." So, I
14 guess, what is the modifier of that in the first
15 sentence? It would be "causing," right? So, let's
16 use the word, "causing many of the most devastating
17 injuries I have managed in my over 25 years of
18 experience treating gunshot wound victims." Is that a
19 fair characterization?

20 A Yes.

21 Q So when you say "many," were there some
22 others that were more devastating?

23 A I wouldn't say more, but as devastating, yes.

24 Q And do you recall what firearms caused those
25 wounds?

1 MR. ECHEVERRIA: Objection. Vague.

2 DR. COLWELL: There have been equally
3 devastating injuries caused by both assault and non-
4 assault, and unknown weapons. In other words, I don't
5 pretend to know always which type of weapon was used,
6 and so, there were times a devastating injury occurred
7 and I don't know whether it was assault or non-
8 assault.

9 BY MR. BRADY:

10 Q For what percentage of the gunshot wounds
11 that you've treated would you say you know what
12 firearm was used?

13 A I'd say about 30 to 40 percent. It's not
14 quite half, but it's a fair number of them. We do
15 have discussions with law enforcement on a lot of
16 these cases.

17 Q So going back to page four of your report,
18 the last sentence of the paragraph in the middle of
19 the page state, "These weapons cause significantly
20 more damage and have resulted in higher morbidity and
21 mortality than other weapons." Is that right?

22 A Yes.

23 Q And that's your opinion as you sit here
24 today?

25 A Yes.

1 Q How do you know that these weapons cause more
2 damage?

3 A In general, they have been associated with
4 more damage and more wounds, and sometimes those
5 are -- those specifically go together -- than the non-
6 assault weapons.

7 Q So, forgive me for getting a little technical
8 on you, but unfortunately, that is the nature of the
9 law in California; how California defines an assault
10 weapon. And you understand that we are here talking
11 about California's definition of assault weapon,
12 correct?

13 A I do.

14 MR. BRADY: Okay. So what has been
15 previously marked as Exhibit 21, if I can find it,
16 let's look at it. Okay. So this has been previously
17 marked in a previous deposition as Exhibit 21. Let me
18 make sure, John, that that's --

19 MR. ECHEVERRIA: 30515?

20 MR. BRADY: Yeah. Okay. 30515.

21 MR. ECHEVERRIA: Yes. Yeah.

22 MR. BRADY: So did I give myself one? Yes, I
23 did. All right.

24 MR. BRADY: Okay. So Exhibit 21 is the text
25 of California Penal Code, Section 30515.

1 (Whereupon, Exhibit 21 was identified.)

2 BY MR. BRADY:

3 Q Have you ever seen this before?

4 A I have seen this before, yes.

5 Q And so, is it your understanding that this is
6 the -- one of the definitions of assault weapon under
7 California law?

8 MR. ECHEVERRIA: Objection. Calls for a
9 legal conclusion.

10 DR. COLWELL: Yes. I mean, if there were
11 others that -- I wouldn't argue with that. As I
12 understand it, yes, this is the California law.

13 BY MR. BRADY:

14 Q Okay. And is it your understanding, or do
15 you know whether Plaintiffs are challenging the
16 restriction on what California deems as assault
17 weapons entirely, or just the rifles that are -- have
18 been defined as assault weapons?

19 A Actually, I don't know. The language has
20 always been rifles, so if you asked me to -- to -- I'm
21 assuming it's rifles, but I don't know that for sure.

22 Q Okay. So subsection (a)(1) -- do you know
23 how to read statutes? So if you look at the first
24 line, it says, "Subsection (a), --

25 A Yep.

1 Q -- notwithstanding section 30510, assault
2 weapons also means any of the following," right?

3 A Yes.

4 Q And then there's a (1) underneath that,
5 right?

6 A Yes.

7 Q And it says, "A semi-automatic, centerfire
8 rifle that does not have a fixed magazine, but has any
9 one of the following," right?

10 A Yes.

11 Q So it says, "a pistol grip, a thumbhole
12 stock, a folding or telescoping stock," it says, "a
13 grenade launcher or flare launcher," but for the
14 record, just so you're clear, Plaintiffs are not
15 asserting a right to having grenade launchers, so we
16 will not take into account subsection (d).

17 MR. ECHEVERRIA: Or flare launchers, correct
18 Counsel?

19 MR. BRADY: Or flare launchers, correct.

20 DR. COLWELL: That's good to hear.

21 MR. BRADY: I mean, I tried to convince the
22 client, but no, I'm just kidding.

23 BY MR. BRADY:

24 Q So, and then, subsection (e), "flash
25 suppressor," and subsection (f), "a forward pistol

1 grip," right?

2 A Yes.

3 Q Okay. So going to your statement, "these
4 weapons cause significantly more damage," on page four
5 of your report, can you -- do you have any opinion on
6 whether a pistol grip has an impact on the damage that
7 a bullet causes upon impacting a human?

8 MR. ECHEVERRIA: Objection. Vague.

9 DR. COLWELL: So not to that specific
10 question, no.

11 BY MR. BRADY:

12 Q What about a thumbhole stock? Does that
13 alter the damage that a round coming out of the rifle
14 causes to the tissue upon impact?

15 MR. ECHEVERRIA: Objection. Vague.

16 DR. COLWELL: I'm sorry. I'm not even sure
17 what a thumbhole stock is.

18 MR. BRADY: Okay.

19 DR. COLWELL: The pistol grip, I am told by
20 law enforcement officers that are trained in combat,
21 does create a situation that's easier for multiple
22 rounds to get off very quickly. So my opinion based
23 on that would be that it would allow for more bullets
24 coming from a similar weapon, but that wouldn't be
25 based on my own experience in combat, which I have

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1 none.

2 MR. BRADY: Got it.

3 BY MR. BRADY:

4 Q So the same question for a folding or
5 telescoping stock. Would the stock have any impact
6 on, or have any effect on how a projectile impacts
7 tissue?

8 MR. ECHEVERRIA: Objection. Vague.

9 DR. COLWELL: It's my understanding, like,
10 that's what that second picture was in the exhibit
11 that you showed me.

12 MR. BRADY: In Rifle B.

13 DR. COLWELL: Yes.

14 MR. BRADY: Yes.

15 DR. COLWELL: That that's a folding stock?

16 MR. BRADY: Correct.

17 DR. COLWELL: And, again, by the same
18 sources, I'm told that makes for an easier time to use
19 the weapon more quickly, but I don't have personal
20 experience with that.

21 BY MR. BRADY:

22 Q If that's not the case, if the stock does not
23 impact the rate of fire, then would you say it
24 causes -- it can cause more damage?

25 MR. ECHEVERRIA: Objection. Vague and

1 incomplete; hypothetical.

2 DR. COLWELL: The stock -- no. I wouldn't
3 presume to say the stock itself causes more damage.

4 BY MR. BRADY:

5 Q So the stock is not relevant to the wound
6 that results from being the -- the -- being discharged
7 from the rifle, right?

8 A Only to the extent that if it were to make
9 the weapon easier to fire more rapidly than -- no, I
10 don't equate a stock with a wound.

11 Q Okay. Okay. Yeah, you know, and again,
12 just -- I understand that you are operating under the
13 premise -- under the assumption that some of these
14 features will aid the shooter in getting more rounds
15 off and being more accurate, but as we've already
16 established, you are not a gun expert, correct?

17 A Correct.

18 Q So I want to focus in on your expertise,
19 which is likely undeniable that you are a doctor who
20 sees and treats wounds, so I want to know if you have
21 an opinion on whether a pistol grip has a direct
22 effect on the wound that results. And so, does a
23 pistol grip have a direct impact on the wound
24 resulting from that rifle being fired?

25 DR. COLWELL: Not that I've --

1 MR. ECHEVERRIA: Objection. Vague.

2 DR. COLWELL: Sorry. Not that I specifically
3 know of, no.

4 BY MR. BRADY:

5 Q Okay. Does a thumbhole stock have a direct
6 effect on the wound that results from a round fired
7 out of a rifle?

8 MR. ECHEVERRIA: Objection. Vague.

9 DR. COLWELL: Given that I don't know what
10 that is, I would say I don't know.

11 BY MR. BRADY:

12 Q Does a folding or telescoping stock effect
13 the wound that results from a projectile coming out of
14 a rifle with such a stock?

15 MR. ECHEVERRIA: Objection. Vague.

16 DR. COLWELL: As we've discussed, I don't
17 know that.

18 BY MR. BRADY:

19 Q Do you know what a flash suppressor is?

20 A I have a vague understanding that the idea
21 behind it is to prevent a flash, thereby allowing a
22 more-focused next shot. Forgive my layman's terms on
23 that.

24 Q So do you have any reason to believe that a
25 flash suppressor would affect the wound that results

1 from a round coming out of a rifle with a flash
2 suppressor?

3 MR. ECHEVERRIA: Objection. Vague.

4 DR. COLWELL: Other than as we've discussed,
5 if it allows the shooter to shoot more frequently,
6 then I would think so, but no; anything specific to
7 that impacting the -- directly, the wound, I have no
8 opinion on that.

9 BY MR. BRADY:

10 Q And would a forward pistol grip effect the
11 wound that results from a projectile coming out of a
12 rifle with such a grip?

13 MR. ECHEVERRIA: Objection. Vague.

14 DR. COLWELL: Am I correct in saying a
15 forward pistol grip is a pistol grip that's more
16 forward?

17 MR. BRADY: I think that's a safe assumption,
18 yes.

19 DR. COLWELL: Then same as the pistol grip,
20 yes.

21 BY MR. BRADY:

22 Q So none of the features that we went over,
23 that are listed in California Penal Code, Section
24 30510, as marked as Exhibit 21 --

25 MR. ECHEVERRIA: 30515, Counsel.

1 MR. BRADY: 30515? What did I say? 30510?

2 MR. ECHEVERRIA: Yeah.

3 MR. BRADY: That's because I was reading.

4 Thank you and I appreciate that. It is 30515.

5 MR. ECHEVERRIA: I'm on the ball.

6 BY MR. BRADY:

7 Q So none of those features in California Penal
8 Code, Section 30515, that is marked as Exhibit 21,
9 that we just went over, in your opinion, has any
10 direct impact on a wound that would result from a
11 projectile coming out of a rifle with any of those
12 features; is that correct?

13 MR. ECHEVERRIA: Objection. Mischaracterizes
14 testimony.

15 DR. COLWELL: It was a long question and I'm
16 not sure that I can say yes or no to that. What I
17 would say is, I don't know what specific aspects of
18 the weapon render it more likely to make it more
19 dangerous in the sense of causing more extensive and
20 more frequent wounds. That's a fair statement.

21 BY MR. BRADY:

22 Q So would it be fair to say that you couldn't
23 say whether a wound from a projectile fired out of
24 Rifle A would be any different than a wound fired out
25 of Rifle B?

1 A I couldn't tell you, definitively, based on
2 the wound alone, no.

3 Q So Rifle A could produce an identical wound
4 to Rifle B?

5 A It could; to my knowledge.

6 MR. BRADY: Can we go off the record, please?

7 MR. ECHEVERRIA: Off the record.

8 COURT REPORTER: We're going off the record.
9 The time is 12:15 p.m.

10 (Off the record.)

11 (On the record.)

12 COURT REPORTER: We are back on the record.
13 The time is 12:31 p.m.

14 BY MR. BRADY:

15 Q Okay. We just took a short break. I'd like
16 you, Dr. Colwell, to refer to your report, Exhibit
17 102, page four, the first paragraph -- full paragraph,
18 starting, "My first-hand experience treating victims
19 of gunshots wounds includes being the physician at the
20 scene of the Columbine High School shooting." Did
21 this experience inform your opinions in writing this
22 report in any way?

23 A I would say all of my experience, which this
24 is part of, did. So, yes.

25 Q And how, exactly, did the Columbine -- your

1 role in the Columbine incident inform your opinions in
2 your report?

3 A So the role in the Columbine shootings was,
4 was I was actually called as part of our disaster plan
5 to the scene. So I treated victims at the scene and
6 many of them were victims of gunshot wounds. And so,
7 it is part of the experience I've had in terms of
8 treating gunshot wounds.

9 Q That sounds like a terrible job, terrible
10 experience, and we all thank you for having done that.

11 A It was, thank you.

12 Q Hopefully, you'll never have to do that
13 again.

14 A Agreed.

15 Q But so, specifically, as to what you did at
16 Columbine, what relevance does it have in your
17 opinions in your report that assault weapons,
18 particularly assault rifles, cause worse wounds than
19 non-assault weapons?

20 A So -- I just want to make sure I'm pausing
21 long enough. So I would say my experience includes
22 all wounds that I've seen, particularly as it relates
23 to gunshot wounds and that was certainly some of them.
24 It is my understanding that they weren't rifles.
25 There was a TEC-DC9 used at Columbine. It wasn't an

1 assault rifle, but there were still gunshot wounds and
2 I treated many of them. So, as far as my overall
3 experience, it plays into that.

4 Q Okay. So it's your understanding that there
5 was no assault rifle used in the Columbine shootings?

6 A Well, it was a TEC-DC9 that was part of the
7 weapons that they used. It wasn't the only one. And,
8 again, as I understand it, it can be both a pistol, or
9 a handgun and a rifle, and I don't know which of that
10 it was.

11 Q Is it your -- do you know what ammunition a
12 TEC-DC9 uses?

13 A No.

14 Q Is it your understanding that the wounds that
15 would result from a TEC-DC9 pistol, versus a TEC-DC9
16 rifle, would be different?

17 A No.

18 Q So you don't have an opinion on whether
19 either version of that firearm would cause different
20 wounds?

21 A Not either version of that firearm, no.

22 Q Okay. So was an AR-15 used in the Columbine
23 shootings?

24 A Not to my knowledge.

25 Q Was an AK-47?

1 A Not to my knowledge.

2 Q Was any other semi-automatic, centerfire
3 rifle, with a detachable magazine used in Columbine,
4 to your knowledge?

5 A Not to my knowledge. Again, not knowing
6 whether the TEC-DC9 was a rifle or a handgun, but
7 other than that, not to my knowledge.

8 Q Okay. But it's fair to say, in treating the
9 wounds, you could not determine whether the wounds
10 came from a rifle version of the TEC-DC9 or a pistol
11 version of the TEC-DC9; is that fair to say?

12 A Yes.

13 MR. BRADY: So I'd like to mark as
14 Exhibit 1 --

15 COURT REPORTER: Zero three.

16 MR. ECHEVERRIA: 103.

17 MR. BRADY: -- 03 -- thank you, all -- a
18 document prepared by the Jefferson County, Colorado
19 Sheriff's Department about the Columbine incident.

20 (Whereupon, Exhibit 103 was marked for
21 identification.)

22 BY MR. BRADY:

23 Q If you look at the images of the firearms,
24 what is your understanding of what the top two
25 firearms are in the squares? Are they rifles,

1 handguns or shotguns?

2 A Again, being very clear, I'm not a weapons
3 expert. I would say they look like shotguns to me.

4 Q Okay. The firearm in the bottom left corner,
5 is that a handgun or a rifle?

6 A That's a good question. It looks like it
7 could be both. I guess, if I had to say, it looks a
8 little more like a handgun than a rifle.

9 Q Okay. And the --

10 A And I believe that is, to my knowledge, the
11 TEC-DC9.

12 Q All right. And the firearm in the lower
13 right-hand corner?

14 A That looks like a rifle.

15 Q Okay. All right. If you turn to the second
16 page, I might have gave you -- we marked -- can we?

17 MR. ECHEVERRIA: Oh, yeah.

18 MR. BRADY: Sorry about that. Okay, let's
19 just --

20 MR. ECHEVERRIA: I want to see your
21 privileged work product.

22 MR. BRADY: It's not -- it actually will
23 probably help him to review the highlighted --

24 MR. ECHEVERRIA: Right.

25 MR. BRADY: I just wanted -- because of

1 the --

2 MR. ECHEVERRIA: Then let's mark the blank
3 one for the record.

4 MR. BRADY: Yeah. So I'll actually show you
5 my -- this will be the only time I show you my
6 privileged, attorney work product, and I do not waive
7 any other attorney work product.

8 MR. ECHEVERRIA: Oh, I'm shocked.
9 Understood.

10 MR. BRADY: This is for the sole purpose of
11 helping you locate what we're referring to. So --

12 MR. ECHEVERRIA: Thank you.

13 BY MR. BRADY:

14 Q If you look at the first full paragraph on
15 the second page, it starts with "Klebold," and you go
16 towards the end of that sentence, it says, "Underneath
17 his coat was an Intra-TEC, TEC-DC9, nine-millimeter
18 semi-automatic handgun." Do you see that?

19 A Yes.

20 Q Okay. So is it your understanding that that
21 is the firearm in the lower left-hand corner on page
22 one?

23 A Yes.

24 Q Okay. And then, if you skip down one, two,
25 three, four, five paragraphs, it says, "Harris shot

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1 his 9-millimeter Carbine rifle 96 times." Do you see
2 that?

3 A On this? Yes. Yes, here.

4 Q So both firearms used 9-millimeter
5 ammunition; is that your understanding?

6 A As what it says here, yes.

7 Q If you look down at the box on the bottom of
8 page two, the box is divided into shotgun rounds and
9 9-millimeter rounds, correct?

10 A Yes.

11 Q So based on this document from the Jefferson
12 County Sheriff's Department, there was only shotgun
13 rounds or 9-millimeter rounds fired at Columbine; is
14 that fair to say?

15 A Based on this report, yes.

16 Q Okay. And you treated victims who were shot
17 at Columbine?

18 A Yes.

19 Q Okay. And could you say whether they were
20 shot by the rifle or the shotgun, or -- I'm sorry, the
21 rifle or the handgun?

22 A No.

23 Q Okay. Did you notice any victims who had
24 particularly worse wounds? And not just based on
25 location; obviously, if you get shot in the heart or

1 right in the neck, it's going to be, you know, worse
2 than if you get shot in the calf muscle, right? But
3 as far as noticeable differences in wounds caused by
4 the projectile, did you notice any difference in
5 victims?

6 MR. ECHEVERRIA: Objection. Vague.

7 DR. COLWELL: At Columbine?

8 MR. BRADY: Yes.

9 DR. COLWELL: No. Also know that I saw the
10 wounds on the dead as well.

11 MR. BRADY: Okay.

12 DR. COLWELL: But the answer to your question
13 is no.

14 BY MR. BRADY:

15 Q On the deceased, did you notice any
16 difference in the wounds on them either?

17 MR. ECHEVERRIA: Objection. Vague.

18 DR. COLWELL: They were obviously different
19 wounds --

20 MR. BRADY: Mortal wounds, right?

21 DR. COLWELL: - and locations, but in terms
22 of specific, that's a -- from this weapon and this is
23 from a different weapon, no.

24 BY MR. BRADY:

25 Q Going back to your report, page four, same

1 paragraph, you were also an emergency department
2 physician treating victims of the Aurora Theater
3 shooting as well, right?

4 A Correct.

5 Q Again, tough job. We all thank you for doing
6 that.

7 A Thank you.

8 Q In that case, an AR-15 was used, correct?

9 A Yes.

10 Q Are you aware of whether any other firearms
11 were used in that shooting?

12 A As I understand it, there were other firearms
13 used.

14 MR. BRADY: Mark as Exhibit 104 a New York
15 Times article.

16 (Whereupon, Exhibit 104 was marked for
17 identification.)

18 BY MR. BRADY:

19 Q Could you read the title of the article out
20 loud for us, please?

21 A "Aurora Gunman's Arsenal: Shotgun, Semi-
22 Automatic Rifle and, at the End, a Pistol."

23 Q So based on the title, it sounds like he
24 had -- the shooter at Aurora had at least three
25 firearms, right? A shotgun, a semi-automatic rifle,

1 and a pistol?

2 A And that was my understanding from law
3 enforcement as well.

4 Q Okay. And when you were treating victims of
5 this shooting, the Aurora shooting, do you know with
6 which firearm they were -- the victims you were
7 treating were shot?

8 A Definitively, no.

9 Q Okay. If you look at page two, at the top of
10 the document, it says, "Many other details about the
11 rampage also remain unclear, like, whether the gunman
12 used soft-point or full metal jacket ammunition." Do
13 you have any sense on whether the shooter used any
14 particular type of ammunition?

15 MR. ECHEVERRIA: Objection. Vague.

16 DR. COLWELL: Other than to know that some
17 bullets went directly through and others did not, and
18 I know that's more associated -- the purpose of a full
19 metal jacket, but did I associate a specific wound
20 with a specific bullet, no.

21 BY MR. BRADY:

22 Q Can you tell what type of projectile is used
23 by looking at the wound; if it's a full metal jacket
24 versus a hollow point?

25 MR. ECHEVERRIA: Objection. Vague.

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1 DR. COLWELL: No, specifically, not a bullet.
2 What I can do is say, seeing the number of wounds that
3 I have and knowing the association on some of them,
4 I'd say, "This seems to be more likely to have come
5 from an assault weapon as not," but no, I can't
6 definitively tell you this is clearly from this type
7 of weapon.

8 BY MR. BRADY:

9 Q Do you know how many people were shot in the
10 Aurora shooting?

11 A Yes.

12 Q How many?

13 A I believe 62, although I'd have to go back
14 and look at that again.

15 Q And that's all people shot, including those
16 who survived and those who, unfortunately, perished?

17 A So I believe we transported 62. Again, I'd
18 have to go back and review that. I haven't reviewed
19 that for this deposition, but I did review, at one
20 point, the numbers, and between those that were
21 transported to University of Colorado, Children's
22 Hospital, Aurora Medical Center and Denver Health,
23 there were, I thought, somewhere in the neighborhood
24 of 60 transported, but I'd have to go back and look.
25 I could be wrong about that.

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1 Q Okay. In Exhibit 104, it indicates the
2 amount of dead at 12. Is that your recollection?

3 A Yes.

4 Q Do you have a recollection, or do you know
5 how many of those 12 were killed by the rifle?

6 A I don't.

7 Q Do you know how many of the wounded were shot
8 by the rifle?

9 A No.

10 Q In your experience, can proximity of the
11 shooter to the victim make a difference in the wound?

12 MR. ECHEVERRIA: Objection. Vague.

13 DR. COLWELL: So, yes. In the sense that,
14 again, getting the story from where they came; did
15 they drive by? Did they walk up? The people that are
16 closer tend to have resulted in more serious and more
17 frequent injuries. So there's an association there,
18 in my experience.

19 BY MR. BRADY:

20 Q Could the effectiveness of a particular
21 firearm then differ based on range? And let me just
22 clarify what I'm trying to get at. Could, for
23 example, a shotgun cause greater wounds at close
24 range -- at a certain range, than a rifle, but then,
25 at some point, the rifle causes a greater wound, once

1 you get beyond a certain range? Does that make sense?

2 A Yes.

3 MR. ECHEVERRIA: Objection. Vague,
4 incomplete, hypothetical, compound.

5 DR. COLWELL: So my "yes" was to answer your
6 question, "Does it make sense?"

7 MR. BRADY: Okay.

8 DR. COLWELL: And then I will answer your
9 question.

10 MR. BRADY: Okay.

11 DR. COLWELL: Yes.

12 MR. BRADY: Okay.

13 BY MR. BRADY:

14 Q So, when you look at page two of Exhibit 104,
15 on the one, two, three, four, fifth paragraph down,
16 the paragraph starting, "If anything, the expert said
17 a shotgun in that situation might have been the most
18 lethal, since every shell can spray a half dozen or
19 more pellets, each capable of killing or maiming a
20 person." Do you see that?

21 A I do see that.

22 Q Does your experience with treating shotgun
23 victims give you any reason to dispute what these
24 experts are quoted as saying?

25 A No. My experience is the same -- is that

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1 when a shotgun is used very close the damage is
2 dramatically more.

3 Q Dr. Colwell, do you have any published papers
4 on treating bullet wounds?

5 A I know you have my list of publication and we
6 have talked about treating bullet wounds in some of
7 those talks. I have not done a randomized, controlled
8 trial on bullet wounds, no.

9 Q Okay. And have you done any studies on -- or
10 strike that. Have you -- have any of those papers
11 discussing wounds, discuss assault weapon -- wounds
12 caused by assault weapons, specifically?

13 A I don't recall any specific discussion on
14 assault weapons, other than that they would be
15 incorporated in wound management, in general.

16 Q Are you aware of any peer-reviewed study on
17 the subject of wounds caused by assault weapons?

18 A I'm not aware of one, no.

19 Q Are you familiar with the name, Martin
20 Fackler [ph]?

21 A No.

22 MR. BRADY: I believe that concludes my
23 questioning. Mr. Echeverria, if you have any
24 questions?

25 MR. ECHEVERRIA: I do have a few.

CROSS-EXAMINATION

BY MR. ECHEVERRIA:

Q Dr. Colwell, you testified today that you were involved in the treatment of victims at both the Columbine and Aurora Theater shootings; is that correct?

A Yes.

Q Were there any other shooting incidents involving indiscriminate victims in a public place that you've been involved in?

A Yes.

Q Can you describe those incidents?

A There was a shooting in 2006 -- I believe it was 2006, at the Safeway Receiving Center in Denver that I actually responded to the scene for. There's also the UPS shooting here in San Francisco that I just happened to be on in the emergency department for, as two other examples of events that were more noted in the media. Obviously, day-to-day occurrences happen, and they sometimes show up in the media, as well, but those events got quite a bit of media coverages, as well, that I was directly involved with, as two other examples.

Q So the first example that you referenced, where did that occur, again?

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1 A It was at a receiving center for Safeway in
2 Denver; a warehouse type of a thing.

3 Q And how -- how many fatalities occurred at
4 the shooting at the Safeway that you're referring to?

5 A There was at least one, plus the shooter.

6 Q And how many injured were involved in the
7 Safeway shooting that you're discussing?

8 A I remember there were eight, but I don't
9 remember specifically enough to say that definitively.

10 Q Do you recall what weapon was used in the
11 Safeway shooting?

12 A I don't.

13 Q And for the second shooting that you're --
14 that you discussed, I believe you referenced the, was
15 it UPS?

16 A The UPS shooting here in San Francisco, yes.

17 Q How many fatalities to your knowledge were
18 involved in that UPS shooting in San Francisco?

19 A There were three that included the shooter,
20 if I remember correctly. One of the victims that
21 ended up dying, plus the shooter who ended up dying,
22 were both transported to San Francisco General. I
23 don't believe the third fatality was transported and
24 we did see other victims that were not fatalities.

25 Q And do you know how many injured victims

1 there were in the UPS shooting?

2 A I want to say four, but I'm not certain about
3 that.

4 Q Do you know what type of firearm or firearms
5 were used in the UPS shooting?

6 A I don't remember specifically right -- today.

7 Q I'd like to reference you to page 28 of
8 Exhibit 102, which is your expert report. This is a
9 page from your Curriculum Vitae.

10 A You said 22?

11 Q Twenty-eight. If you look at item number
12 133, the title of this is, "The Colorado Shootings;
13 Lessons Learned from Mass Casualty Events;" do you see
14 that title?

15 A I do.

16 Q And there's a similar title with item 34,
17 correct?

18 A One thirty-four, yes.

19 Q Sorry. One thirty-four on page 28 of Exhibit
20 102?

21 A Yes.

22 Q And also, that's repeated at item 135 on page
23 28 of Exhibit 102?

24 A Yes.

25 Q And this is a presentation that's actually

1 repeated elsewhere in your Curriculum Vitae; is that
2 correct?

3 A Yes.

4 Q Can you briefly describe what the nature of
5 that presentation was?

6 A So those are geared towards discussions with
7 other medical providers of all levels, the management
8 of mass casualty, disaster scenarios and,
9 specifically, how to manage those scenes. How to
10 manage multiple victims, how to prioritize, what types
11 of things to think about and how to think about these
12 things differently than you would an everyday
13 occurrence. And, specifically, as it relates to the
14 shootings in emergency medicine, particularly at Urban
15 Level One trauma centers. Unfortunately, a shooting,
16 itself it not unusual, so how do we know when to and
17 how to transition to a more mass casualty situation.
18 So those are, typically, the focus of those talks.

19 Q In connection with the shooting at the Aurora
20 Theater on July 20, 2012, did you have occasion to
21 speak with the shooter who perpetrated that mass
22 shooting?

23 A Yes.

24 Q Without disclosing any confidential
25 patient/medical information, can you describe the

1 nature of your conversation with James Holmes? If you
2 are able to?

3 A I mean it was as a treating physician. I
4 treated him.

5 Q Okay.

6 A And we focused our discussion on how I could
7 treat him, how I could care for him.

8 Q Okay. So you didn't discuss the shooting
9 incident with Mr. Holmes at that time; is that right?

10 A I did not.

11 Q Okay. Can you please turn to page two of
12 Exhibit 103, which is a document that's been marked as
13 an exhibit in this deposition titled, "Jefferson
14 County, Colorado Sheriff: How They Were Equipped That
15 Day," which describes the weapons used in the
16 Columbine shooting. Do you see that?

17 A I do.

18 Q And on page two, opposing counsel referred
19 you to a table that is titled, "Shots Fired by Klebold
20 and Harris." Do you see that?

21 A I do.

22 Q And if you refer to the line, "9-millimeter
23 rounds," do you see that it indicates that 96 rounds
24 were fired by Harris, and 55 were fired by Klebold?

25 A I do.

1 Q Is it also your understanding, based on your
2 testimony today that Harris was the one who fired the
3 high-point, 9-millimeter Carbine rifle?

4 A So I wouldn't base that on my testimony
5 today. I would base that on this document and, yes,
6 it is my understanding.

7 Q Okay. So the individual who was firing the
8 rifle in the Columbine shooting, according to this
9 document, fired more rounds than the other individual
10 who was firing with different weapons that were not
11 rifles?

12 A Yes.

13 MR. ECHEVERRIA: I have no further questions.

14 MR. BRADY: Done? Okay. Off the record?

15 MR. ECHEVERRIA: I think we should put on the
16 record -- are we on the record now?

17 COURT REPORTER: Yeah.

18 MR. ECHEVERRIA: Okay. So I think we should
19 put on the record a discussion of what happened with
20 the reporter and what our arrangement is.

21 MR. BRADY: Sure. So Plaintiffs' counsel
22 arranged for a court reporter to be here today at
23 10:00 a.m. That court reporter indicated that she
24 would not be able to make it until around 10:30. We
25 all convened at 10:30, at which time we learned that

1 the court reporter would not be able to make the 10:30
2 time. We waited until, approximately, 11:00 a.m. to
3 see if she would become available or if the service
4 could provide a court reporter via telephone or an
5 alternative individual, none of which were available.

6 So counsel for Defendant, Attorney General
7 Xavier Becerra, and myself, attorney for Plaintiffs,
8 stipulated to move forward with the deposition via
9 video -- videography alone. We also agreed that we
10 will turn over the video to the attorney service with
11 a court reporter to subsequently transcribe this
12 deposition from the video at a later time.

13 There has been exhibits marked today by the
14 individual who is the videographer, who is able to
15 administer oaths and mark exhibits as a public notary.
16 We will also put into his care the exhibits marked
17 today, which are Exhibits 100, 101, 102, 103, and 104.

18 Did I get everything?

19 MR. ECHEVERRIA: You did, Counsel.

20 COURT REPORTER: And, just to state on the
21 record, I, Erik Parker, the videographer will submit
22 the said exhibits to the Veritext firm in San
23 Francisco.

24 MR. ECHEVERRIA: Very good.

25 MR. BRADY: Sounds good.

1 COURT REPORTER: All right.

2 MR. ECHEVERRIA: Thank you.

3 COURT REPORTER: We are going off the record.

4 The time is 12:58 p.m. and this concludes today's
5 testimony given by Dr. Christopher B. Colwell. The
6 total number of media used was one and will be
7 retained by Veritext Legal Solutions.

8 (Whereupon, at 12:58 p.m., the proceeding was
9 concluded.)

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CERTIFICATE OF NOTARY PUBLIC

I, ERIK PARKER, the officer before whom the foregoing proceeding was taken, do hereby certify that the proceedings were recorded by me and thereafter reduced to typewriting under my direction; that said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

<%6284,Signature%>

ERIK PARKER

Notary Public in and for the

State of California

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CERTIFICATE OF TRANSCRIBER

I, KANDEE WALTERS, do hereby certify that
this transcript was prepared from audio to the best of
my ability.

I am neither counsel for, related to, nor
employed by any of the parties to this action, nor
financially or otherwise interested in the outcome of
this action.

DATED: 1/21/2019

<%17929,Signature%>

KANDEE WALTERS

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INSTRUCTIONS FOR READING/CORRECTING YOUR DEPOSITION

To assist you in making corrections to your deposition testimony, please follow the directions below. If additional pages are necessary, please furnish them and attach the pages to the back of the errata sheet.

This is the final version of your deposition transcript.

Please read it carefully. If you find any errors or changes you wish to make, insert the corrections on the errata sheet beside the page and line numbers.

If you are in possession of the original transcript, do NOT make any changes directly on the transcript.

Do NOT change any of the questions.

After completing your review, please sign the last page of the errata sheet, above the designated "Signature" line.

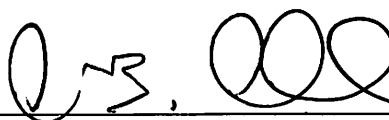
ERRATA SHEET

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_____ Subject to the above changes, I certify that the transcript is true and correct.

 X No changes have been made. I certify that the transcript is true and correct.



Signature
Colwell

3/5/2019
Date

[& - angeles]

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[answer - brady]

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[brady - comes]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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