

GERMAIN D. LABAT (SBN 203907)
germain.labat@gmlaw.com
PUNEET BHULLAR (SBN 329733)
puneet.bhullar@gmlaw.com
GREENSPOON MARDER LLP
1875 Century Park East, Suite 1900
Los Angeles, California 90067
Telephone: (323) 880-4520
Facsimile: (954) 771-9264

JAMES J. MCGUIRE (New York SBN 2106664)
(Admitted Pro Hac Vice)
james.mcguire@gmlaw.com
MICHAEL MARRON (New York SBN 5146352)
(Pro Hac Vice Application Forthcoming)
michael.marron@gmlaw.com
GREENSPOON MARDER LLP
590 Madison Avenue, Suite 1800
New York, New York 10022
Telephone: (212) 524-5040
Facsimile: (212) 524-5050

Counsel to Defendant
Polymer80, Inc.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

FRANCISCO GUDINO CARDENAS, an
individual; and

TROY MCFADYEN, in his Individual Capacity,
and as Heir at Law and Successor in Interest to
MICHELLE MCFADYEN, Deceased, ET AL.

Plaintiffs,

vs.

GHOST GUNNER INC., d/b/a
GHOSTGUNNER.NET; DEFENSE
DISTRIBUTED d/b/a GHOSTGUNNER.NET;
CODY WILSON d/b/a GHOSTGUNNER.NET;
BLACKHAWK MANUFACTURING GROUP
INC., d/b/a 80PERCENTARMS.COM; RYAN
BEEZLEY and BOB BEEZLEY d/b/a
RBTACTICALTOOLING.COM; GHOST
AMERICA LLC, d/b/a GHOSTGUNS.COM;
GHOST GUNS LLC, d/b/a GRID DEFENSE and
GHOSTRIFLES.COM; JUDGGERNAUT
TACTICAL INC. d/b/a JTACTICAL.COM; MFY

Case No. JCCP 5167

***[Coordinated Cases CIVDS 1935422 date
filed 11/14/2019, and 30-2019-01111797-
CU-PO-CJC date filed 11/14/2019]***

***[Assigned for all purposes to Hon. William
Claster, Department CX 104]***

Filing Date: March 22, 2021
Trial Date: Not Yet Set

**REPLY DECLARATION OF
GERMAIN D. LABAT, ESQ., IN
FURTHER SUPPORT OF THE
MOTION OF POLYMER80, INC. FOR
DISMISSAL, ATTORNEYS' FEES,
AND OTHER SANCTIONS
PURSUANT TO CALIFORNIA CODE
OF CIVIL PROCEDURE SECTION 128.7**

RES. ID: 73664942

1 TECHNICAL SOLUTIONS LLC, d/b/a
2 5DTACTICAL.COM; TACTICAL GEAR HEADS
3 LLC, d/b/a 80-LOWER.COM; AR-
4 15LOWERRECEIVERS.COM and
5 80LOWERJIG.COM; JAMES TROMBLEE, JR.,
6 d/b/a USPATRIOTARMORY.COM; INDUSTRY
7 ARMAMENT INC., d/b/a
8 AMERICANWEAPONSCOMPONENTS.COM;
9 THUNDER GUNS LLC, d/b/a
10 THUNDERTACTICAL.COM; POLYMER80,
11 INC.; and DOES 2 through 100, inclusive,
12 Defendants.

Date: February 4, 2022
Time: 9:00 a.m.
Dept: CX104
Honorable William Claster

11 I, Germain D. Labat, declare and state the following:

12 1. I am an attorney duly licensed to practice law before all courts in the State of
13 California, and a partner at Greenspoon Marder LLP ("GM"), the firm of record for the defendant
14 Polymer80, Inc., in this pending matter. The matters set forth herein are true to the best of my
15 personal knowledge, except where indicated to be on information and belief, and if called upon I
16 could competently testify thereto.

17 2. I have personal knowledge of the facts stated herein or through a review of GM's
18 litigation files over which I have care, custody, or control as well as documents retrieved from the
19 files maintained by the Clerk of the Superior Court, County of Orange. I make this Declaration in
20 further support of the Motion Of Polymer80, Inc. For Dismissal, Attorneys' Fees And Other
21 Sanctions Pursuant To California Code Of Civil Procedure Section 128.7.

22 3. Attached hereto as Exhibit E is a true and correct copy of the Letter pursuant to
23 Public Records Act, California Government Code Section 6250 *et seq.*, from Sean A. Brady of
24 Michel & Associates, P.C., to the Tehama County Sheriff's Office, dated September 2, 2020
25 ("Public Records Request").

26 4. In my initial Declaration to the Court, dated December 16, 2021, I attached thereto as
27 Exhibit A a true and correct copy of the Letter from Stacey I. Ogg, Legal Secretary of the Office of
28

1 County Counsel, County of Tehama to Laura Palmerin of Michel & Associates, P.C., dated January
2 28, 2021, and the photographs contained in the USB thumb drive enclosed therein.

3 5. Attorneys at GM received the materials in Exhibit A and Exhibit E from employees
4 of Michel & Associates, P.C., which previously represented Polymer80 and currently represents
5 several other defendants in this action, and who informed GM's attorneys that the photographs
6 depicted in Exhibit A were received in response to the Public Records Request.

7 6. Attached hereto as Exhibit F is a true and correct copy of the Reply Declaration of
8 Richard Vasquez, dated January 27, 2022.

9 7. Attached hereto as Exhibit G is a true and correct copy of the Reply Declaration of
10 Daniel Lee McCalmon, dated January 28, 2022.

11 8. Attached hereto as Exhibit H is a true and correct copy of email correspondence
12 between James J. McGuire, Esq., and Amy K. Van Zant, Esq., on December 31, 2021.

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

15 Dated: January 28, 2022

GREENSPOON MARDER LLP

16
17 By: 

GERMAIN D. LABAT

Counsel to Defendant Polymer80, Inc.

EXHIBIT E

SENIOR PARTNER
C. D. MICHEL*

MANAGING PARTNER
JOSHUA ROBERT DALE

PARTNERS
ANNA M. BARVIR
SEAN A. BRADY
MATTHEW D. CUBEIRO
W. LEE SMITH



ASSOCIATES
TIFFANY D. CHEUVRONT
ALEXANDER A. FRANK
KONSTADINOS T. MOROS

OF COUNSEL
Jason A. Davis
JOSEPH DI MONDA
SCOTT M. FRANKLIN
MICHAEL W. PRICE
TAMARA M. RIDER

* ALSO ADMITTED IN TEXAS AND
THE DISTRICT OF COLUMBIA

WRITER'S DIRECT CONTACT:
562-216-4444
SBRADY@MICHELLAWYERS.COM

September 2, 2020

VIA FAX

Tehama County Sheriff's Office
Attn.: Records Division
22840 Antelope Boulevard
Red Bluff, CA 96080
Fax: (530) 529-7933

Re: PRAR # 2132869 – November 13 and 14, 2017 Shootings

To Tehama County Sheriff's Department:

This letter constitutes a request under the Public Records Act, California Government Code Section 6250, et seq (the "Act"), and seeks the information listed below, regardless of the medium upon which it is kept.

This request is directed *individually* (1) to each person/entity identified in the addressee section above, and (2) to the Public Records Act Clerk or designee for each entity or person identified in the addressee section above. One or several of the above may respond on behalf of any number of the others; however, each person/entity responding on behalf of another must so state in the response. To the extent that an aggregate responding person/entity fails to identify that such person/entity is responding on behalf of another, we do not waive the right to require a response from each such person/entity from whom we have not received a specific response.

All references to standards for compliance are pursuant to California Government Code Section 6250, et seq., as amended by California Assembly Bill 2799, effective January 1, 2001, and further informed by the heightened right to information as provided by the California Constitution, article 1, section 3, as amended by Proposition 59.

INFORMATION REQUESTED

This request seeks the information listed below, whether in the form of a writing,¹ computer file, photograph, audio or video recording, or however kept, including any writings sent, received, or

¹ "Writing," whether singular or plural, includes those items listed in the paragraph above, as well as those items described in the definition provided by Evidence Code section 250, which provides as follows: " 'Writing' means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic

stored in a personal account.² Please note that public records requests also apply to social media accounts of public officials and public employees where “an employee uses a personal account to communicate about the conduct of public business, the writings may be subject to disclosure under the California Public Records Act.” (*City of San Jose v. Sup. Ct.* (2017) 2 Cal.5th 608, 614-15.)

1. Any writing that constitutes a report, or otherwise contains facts, concerning the November 13 and 14, 2017 shootings reportedly perpetrated by Kevin Neal; and
2. Any writing that constitutes or contains an image of, or describes, the firearm believed to be used in the November 13 and 14, 2017 shootings reportedly perpetrated by Kevin Neal.

TIME TO RESPOND & COST REIMBURSEMENT

Please review this request in its entirety and include the above reference number in all future correspondence regarding this request. If the items listed above are under the control of another department or agency, please forward this letter accordingly. The Act directs that you provide a response within ten (10) days of your receipt of this letter.

Pursuant to Government Code section 6253(b), we ask that you make the records promptly available by copying and forwarding those records to us. We do not object to the production of documents that have private phone numbers or email addresses redacted. We are willing to pay reasonable costs to reimburse you for direct costs of duplication or statutory fees. If you estimate that the direct copying costs will exceed fifty dollars (\$50.00), please do not begin the process of copying; rather, notify us first of the cost estimate so that we may determine how best to proceed.

Thank you for your cooperation. Please do not hesitate to call if you have questions regarding the foregoing.

Sincerely,
Michel & Associates, P.C.



Sean A. Brady

SAB/lp

mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.”

² As stated by the California Supreme Court, a government official’s writings about public business are not excluded from production under the Public Records Act “simply because they have been sent, received, or stored in a personal account. *City of San Jose v. Superior Court*, 2 Cal. 5th 608, 629 (2017).

From: Nextiva vFax
Sent: Wednesday, September 02, 2020 9:53 AM
To: eFax
Subject: Message Sent: 623183154 | 9/2/2020 9:50:01 AM MST
Attachments: 623183154.pdf

Delivery Information:

Message #:	623183154
Status:	Success
Sender Name:	Michel & Associates PC
Sender Company:	Michel and Associates
Sender Phone:	5622164444
Remote CSID:	
Total Pages:	3
Start Time:	9/2/2020 9:50:01 AM MST
End Time:	9/2/2020 9:54:15 AM MST
Duration:	0.102 sec
Delivery Count:	1

Recipient List:

Tehama County Sheriff's Office - 15305297933

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To: Tehama County Sheriff's Office

Fax: 15305297933

RE: Public Records Act Request No. 2132869

From: Michel and Associates P.C.

Date: 9/2/2020 9:50:01 AM MST

Pages: 3

Comments:

Please see attached Public Records Act Request No. 2132869.

EXHIBIT F

1 GERMAIN D. LABAT (SBN 203907)

2 *germain.labat@gmlaw.com*

3 PUNEET BHULLAR (SBN 329733)

4 *puneet.bhullar@gmlaw.com*

5 GREENSPOON MARDER LLP

6 1875 Century Park East, Suite 1900

7 Los Angeles, California 90067

8 Telephone: (323) 880-4520

9 Facsimile: (954) 771-9264

10 JAMES J. McGUIRE (New York SBN 2106664)

11 *(Admitted Pro Hac Vice)*

12 *james.mcguire@gmlaw.com*

13 MICHAEL MARRON (New York SBN 5146352)

14 *(Pro Hac Vice Application Forthcoming)*

15 *michael.marron@gmlaw.com*

16 GREENSPOON MARDER LLP

17 590 Madison Avenue, Suite 1800

18 New York, New York 10022

19 Telephone: (212) 524-5040

20 Facsimile: (212) 524-5050

21 Counsel to Defendant

22 Polymer80, Inc.

23 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

24 **FOR THE COUNTY OF ORANGE**

25 FRANCISCO GUDINO CARDENAS, an
26 individual; and

27 TROY MCFADYEN, in his Individual Capacity,
28 and as Heir at Law and Successor in Interest to
MICHELLE MCFADYEN, Deceased, ET AL.

Plaintiffs,

vs.

GHOST GUNNER INC., d/b/a
GHOSTGUNNER.NET; DEFENSE
DISTRIBUTED d/b/a GHOSTGUNNER.NET;
CODY WILSON d/b/a GHOSTGUNNER.NET;
BLACKHAWK MANUFACTURING GROUP
INC., d/b/a 80PERCENTARMS.COM; RYAN
BEEZLEY and BOB BEEZLEY d/b/a
RBTACTICALTOOLING.COM; GHOST
AMERICA LLC, d/b/a GHOSTGUNS.COM;
GHOST GUNS LLC, d/b/a GRID DEFENSE and
GHOSTRIFLES.COM; JUDGGERNAUT
TACTICAL INC. d/b/a JTACTICAL.COM; MFY

Case No. JCCP 5167

***[Coordinated Cases CIVDS 1935422 date
filed 11/14/2019, and 30-2019-01111797-
CU-PO-CJC date filed 11/14/2019]***

***[Assigned for all purposes to Hon. William
Cluster, Department CX 104]***

Filing Date: March 22, 2021

Trial Date: Not Yet Set

**REPLY DECLARATION OF
RICHARD VASQUEZ**

RES. ID: 73664942

Date: February 4, 2022

Time: 9:00 a.m.

Dept: CX104

Honorable William Cluster

1 TECHNICAL SOLUTIONS LLC, d/b/a
2 5DTACTICAL.COM; TACTICAL GEAR HEADS
3 LLC, d/b/a 80-LOWER.COM; AR-
4 15LOWERRECEIVERS.COM and
5 80LOWERJIG.COM; JAMES TROMBLEE, JR.,
6 d/b/a USPATRIOTARMORY.COM; INDUSTRY
7 ARMAMENT INC., d/b/a
8 AMERICANWEAPONSCOMPONENTS.COM;
9 THUNDER GUNS LLC, d/b/a
10 THUNDERTACTICAL.COM; POLYMER80,
11 INC.; and DOES 2 through 100, inclusive,
12 Defendants.

13 I, RICHARD VASQUEZ, declare under penalty of perjury under the laws of the State of
14 California that the foregoing is true and correct:

15 1. I am an Independent Firearms Consultant who has been retained by defendant
16 Polymer80, Inc. ("Polymer80" or the "Company") in connection with this action.

17 2. I have over twenty-five years of experience in the firearms industry after leaving the
18 United States Marine Corps in 1996. After the military, I worked for three years for the Diplomatic
19 Security Services as a Firearms Instructor. I then worked for approximately fifteen years for the
20 Bureau of Alcohol, Tobacco, Firearms, and Explosives in roles including Acting Chief of the
21 Firearms Technology Branch and Program Manager / Branch Chief of the Firearms Training Branch.
22 I have been an Independent Firearms Consultant since 2014. A copy of my resume has previously
23 been submitted. I have attached a resume update as Exhibit 1.

24 3. I have studied polymer firearms since their inception so that I would have historical
25 knowledge. Because of my previous position with ATF and my expertise on firearms I am still a
26 consultant for the Australian Crime Commission. I am attaching a short document I prepared for
27 their use on 80% receivers as Exhibit 2. This document was also presented at a conference I
28 participated in, by video, to the New Zealand law enforcement leadership in 2021.

1 4. Statements I made in my declaration dated November 19, 2021, have been critiqued
2 and I would like to address them.

3 5. As for as my ability to evaluate and determine the material make up of firearms
4 through photographic evidence: I have had to review hundreds if not thousands of photographs to
5 make a preliminary if not conclusive evaluation of firearms. During my tenure with ATF, I could
6 not visit every office when firearms needed identification. Photographs would be sent in for an
7 identification. When evaluating a photograph, I review known features of the models presented in
8 the photographs which includes the type of material used in their manufacture. Through extensive
9 knowledge of firearms, I can generally make a definitive determination of the firearm in the
10 photograph.
11

12 6. Determining the makeup of these weapons: I may not have the necessary equipment
13 to perform a scientific analysis of the exact mixture of the metallic materials used in the manufacture
14 of these firearms, but I do have the knowledge and experience to determine what is plastic and what
15 is metal. As a machinist and a welder and an instructor of machining and welding methods, I have
16 cut and welded steel, aluminum, bronze, iron, and I have cut and machined many different plastics.
17 Furthermore, I have visited for learning purposes most major firearms industries in Europe and the
18 United States, including Glock (the first successful polymer manufacturer), Sig Sauer, Century
19 Arms, and others that make polymer firearms. These visits were to determine manufacturing
20 methods and origin of firearms produced. Additionally, I have held and evaluated tens of thousands
21 of firearms. With this skill and knowledge, I can attest to you what wear marks on an aluminum
22 receiver look like and what wear marks on a polymer receiver look like.
23

24 7. Polymer receivers I have evaluated are made of polymer (plastic) and the color is the
25 same throughout. Wear marks on a polymer receiver are the same color as the exterior of the
26 receiver since the polymer firearm does not require a finish to be applied. The wear marks I point
27
28

1 out in my declaration are shiny and indicate a different makeup from the finish that was applied on
2 the surface of the firearm, which makes me conclude they are made of aluminum.

3 8. My opinions are not conjecture. My opinions are based on my years of experience
4 working on, evaluating, identifying, studying, and visiting manufacturers of firearms, in which I
5 have been able to determine the makeup and identification of firearms.
6

7
8 Executed on January 27, 2022

9 By:



10 Richard Vasquez
11 Independent Firearms Consultant
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EXHIBIT 1

Resume addendum for Richard Vasquez:

Resume addendum:

1974 Company High Shooter Parris Island, SC

Winning Team, Parris Island Recruit Rifle and Pistol Team

Infantry Weapon Repair, Small Arms School, Aberdeen Md., Honor Graduate

Tactical implementation of squad automatic weapons and security procedures,
Marine Barracks Naples Italy

2112 Armorer Gunsmith MOS

2161 Machinists MOS

Deployed to Colombia SA, and supervised a team imbedded with Colombian
Marines to develop an armorer training school

Headquarters Marine Corps Representative for the introduction of the M16A2 into
the 6th Marine Regiment during the Eastern Division Rifle Championships

Developed and implemented the Barret M82A1 Sniper rifle along with developing
the Technical Manuals for subject rifle

Deployed to Desert Storm and Desert Shield with a team of snipers and introduced
the Barret M82A1 directly into hands of Marine Snipers

Detachment Commander in Kingston Jamaica. In partnership with Diplomatic
Security Service, I developed an emergency response team from host country
nationals. I was recognized by the Director of DSS for this effort

Served at the American Embassy in Moscow Russia and defended the embassy
against a missile attack (1995)

Certified as an instructor in submachineguns, shotguns, sniper rifles, all handguns,
squad automatic weapons, grenade launchers, missile launchers, and all small arms

Distinguished marksman

Developed and instructed all methods of live fire for Diplomatic Security Service

Instructed Special Agents of DSS in rescuing a protectee under live fire replicating
combat operations

In conjunction with the Special Agents of the ATF SRT developed firearms drill
sheets and training for the SRT

Resume addendum for Richard Vasquez:

Wrote, developed, and instructed the foreign firearms nexus course

Rewrote and instructed the interstate nexus course

Developed the Cartridge Headstamp Identification Guide

Traveled to Bosnia with a United Nations team and fired “all” sniper rifles and machineguns belonging to the Bosnian military for the purpose of collecting fired cartridge cases. These were subsequently matched to the fired cases in the mass graves. This evidence was used in the war crimes.

Developed a foreign weapons identification course

Developed a machineguns identification course that is still posted on the ATF website

Evaluated and enhanced all firearms training instructed at the Federal Law Enforcement Training Center

Developed and instructed “Project Imports”, a program that was developed to coordinate with Homeland Security to stop illegal firearms importations

Instructed courses on silencers, machineguns, homemade and counterfeit weapons to the Colombian Forensic services, Mexico Attorney Generals Office, Interpol, Canadian Provincial Enforcement Unit

Developed and instructed a course of instruction on machinegun identification, silencers, and all firearm regulations to the annual Association of Firearms and Tool Mark Academy (multiple years)

Wrote the first official standard Operating Procedures for the Firearms Technology Branch which include: Use and safe handling of firearms, Machinegun Testing, Test Fire Procedures, Silencer Testing, etc.

Assisted with writing several ATF Rulings

Presented numerous trafficking seminars throughout Central America and Mexico

Evaluated evidence in criminal cases in Mexico, Guatemala, and El Salvador. Which lead to briefing the Guatemalan Supreme Court justices in a clandestine meeting and the first ever evaluating Mexican firearms at the ATF crime lab for a joint U.S. Mexico case

Resume addendum for Richard Vasquez:

Met with the minister of Australia and developed a relationship between ATF and Australia to share trafficking information

Instructed members of all facets of the Australian Federal and Local government on U.S firearms regulations and statutes

2021 Wrote firearms identification training guides for Center for Disease Control

2021 Provided instruction on Ghost Guns to the annual Tasmanian law Enforcement Conference.

EXHIBIT 2

80% Receiver

Rick Vasquez Firearms LLC

This informational paper has been prepared as an effort to clarify the status of “80% firearms castings (receivers) under the United States firearms regulations.

There are many advertisements for so-called 80% firearms in the United States firearms market. These items that resemble a firearm, both pistol and rifle, have become common accessories sold by firearms dealers. Due to their resemblance to complete firearms receivers, the manner in which they are sold always brings up questions. How are these partially complete castings classified under United States code and do they require markings?

The first issue is, “What is an 80% receiver and how is it regulated?” For background knowledge, the following guidelines are provided prior to an explanation of 80% receivers:

The Gun Control Act, 18 U.S.C. § 921(a)(3), defines the term “firearm” to include *any weapon (including a starter gun) which will or is designed to or may be readily converted to expel a projectile by the action of an explosive...[and] ...the frame or receiver of any such weapon....*

Note: The Bureau of ATFE, which is the regulatory agency with oversight on firearms, uses the following terms to describe certain items:

*The term “**receiver blank**” is used to describe forgings, castings, or machined bodies (defense article^j) such as AR-15 receiver castings, AK receiver flats, etc., in various stages of folding/machining which are **not** classified as firearms.*

*The term “**incomplete receiver**” is used to describe forgings, castings, or machined bodies (defense articles) which have been classified as firearms but are not completely machined for use as a functional firearm receiver.*

*The term “**receiver**” is used to describe functional firearm frames or receivers.*

80% Receiver

The term “80% receiver” is an industry term that infers that a receiver blank has 80% of the machining processes performed on the casting/blank that are required to classify it as a firearm,. In this incomplete stage, it is not regulated as a firearm and can enter commerce unregulated. When manufacturers of unfinished receivers wish to distribute these in commerce, they generally solicit an opinion from ATFE on the classification of their product prior to selling these partially complete machined bodies. This is not required, but it is recommended. Under U. S. firearms laws, based on opinions on these castings by the Bureau of ATFE, these 80% incomplete castings are not firearms as defined under the GCA.

There are many manufacturers who have received ATFE opinions on incomplete castings they are marketing and have shared their opinion and drawings on the internet. Additionally, ATFE has posted a ruling 2014-1 that clearly demonstrates the requirements of a partially-machined

body (AR15) to not be classified as a firearm. The result is that there is no scarcity of 80% receivers for sale.

Since these unfinished castings are not firearms, the sale of these items require no regulatory oversight in the U.S. They do not have any requirements for markings such as a serial number.

Purchasing and Finishing:

Unlicensed individuals are authorized to purchase these 80% castings and make a firearm for personal use. Therefore, individuals can purchase castings or machined/molded or other manufactured bodies (sometimes referred to as “blanks,” or “80% receivers”) that have not yet reached a stage of manufacture in which they are classified as “firearm frames or receivers.” Once purchased, individuals may perform the required machining on these castings and make a receiver classified as a “firearm frame or receiver” under the federal statutes.

It is also important to note that individuals, who make a firearm for personal use, are not required under federal statutes to identify the firearm with a serial number or other markings such as model or maker. If a person has made a firearm for personal use with no intent to sell it, but at a later date decides to sell the firearm, he does not incur the same requirements of marking a firearm as a manufacturer does. These unmarked firearms enter commerce with no markings and no traceability. There are differing opinions that come out of ATFE concerning marking requirements for individuals that complete these castings into firearms. For clarity this author solicited an official opinion on individual marking requirements to ATFE headquarters and received an official answer that individuals do not have to mark firearms they manufacture prior to selling them. The marking requirements are based on whether you are a licensed manufacturer; or, are you as an individual making a firearm with the intent to sell. If an individual makes a firearm for personal use and later decides to sell the firearm to liquidate his personal weapons collection, they did not make the firearm with the intent to manufacture for personal gain, so it does not need to be marked by the individual maker.

When a licensed manufacturer produces firearms, they are required to mark their firearms with specific markings. These markings, listed in order below, include a serial number. The serial number must be applied to the frame in a manner that makes the serial number difficult to alter or obliterate. The marking regulations also specify a height and depth for the letters and numbers used to mark a firearm.

ATFE Approved 80% Casting

The following are depictions of a solid casting and an approved 80% casting. A majority of the machining functions required to complete the firearm casting into a firearm receiver are finished. The only machining left is to cut out the cavity that accepts the trigger and hammer and remaining internal components. Additionally, the holes for the hammer pin, trigger pin, and selector lever need to be drilled in the proper location through the body of the receiver.

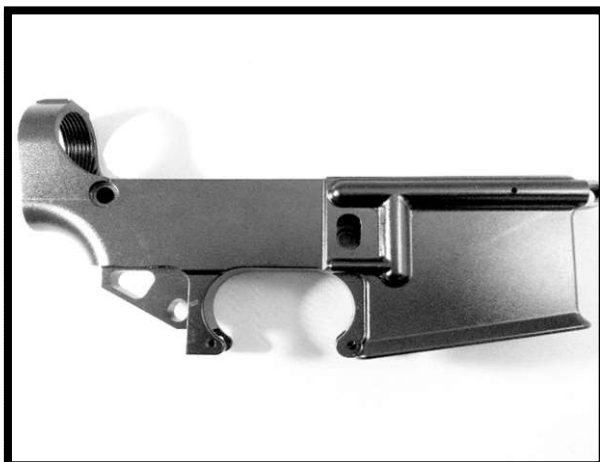
80% receivers and castings:

3

Solid Casting: Not a firearm.



Not a firearm 80% casting



No holes or dimples for the selector, trigger, or hammer pins



Area for the fire control components is solid.

Unfortunately, the criminal element is continuously looking for unlawful methods of attaining firearms, and partially complete receivers are one of these sources. If there is a suspicion of a

80% receivers and castings:

4

clandestine facility or an individual manufacturing firearms from castings, there are certain items that should provide clues to this process.

Please see the link below.

<https://www.youtube.com/watch?v=Qkt7vi0Bn5g&t=12s>

A new phenomenon that is gaining popularity in the 80% firearms field is the 80% polymer Glock. There have been other 80% pistol frames marketed that did not gain much notoriety. However, due to the simplicity of the Glock, it is extremely popular.



Polymer 80

Features not machined that make this casting a non-firearm:

The areas highlighted must be removed. The rear rails are removed to insert the after market metal rail where the slide will ride.

The rails in the center area must be completely removed so a slide can be installed.

The red area with the yellow horseshoe must be cut out in a circular shape to allow the installation of the recoil spring.

Additionally, the holes to accept the trigger pin/locking block, slide stop pin and sear assembly, must be drilled in the receiver.

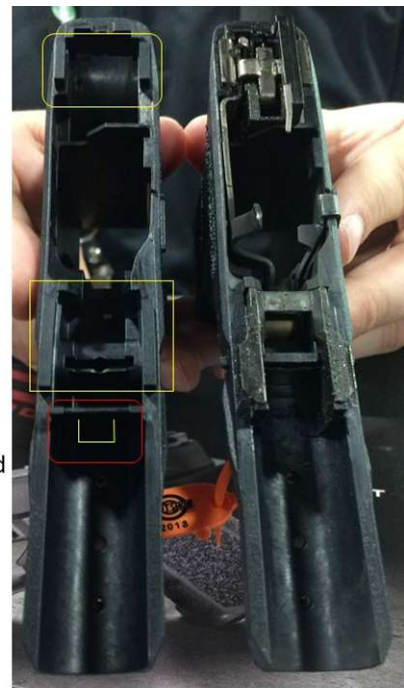


EXHIBIT G

GERMAIN D. LABAT (SBN 203907)

germain.labat@gmlaw.com

PUNEET BHULLAR (SBN 329733)

puneet.bhullar@gmlaw.com

GREENSPOON MARDER LLP

1875 Century Park East, Suite 1900

Los Angeles, California 90067

Telephone: (323) 880-4520

Facsimile: (954) 771-9264

JAMES J. MCGUIRE (New York SBN 2106664)

(Admitted Pro Hac Vice)

james.mcguire@gmlaw.com

MICHAEL MARRON (New York SBN 5146352)

(Pro Hac Vice Application Forthcoming)

michael.marron@gmlaw.com

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590 Madison Avenue, Suite 1800

New York, New York 10022

Telephone: (212) 524-5040

Facsimile: (212) 524-5050

Attorneys to Defendant
Polymer80, Inc.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

FRANCISCO GUDINO CARDENAS, an
individual; and

TROY MCFADYEN, in his Individual Capacity,
and as Heir at Law and Successor in Interest to
MICHELLE MCFADYEN, Deceased, ET AL.

Plaintiffs,

vs.

GHOST GUNNER INC., d/b/a
GHOSTGUNNER.NET; DEFENSE
DISTRIBUTED d/b/a GHOSTGUNNER.NET;
CODY WILSON d/b/a GHOSTGUNNER.NET;
BLACKHAWK MANUFACTURING GROUP
INC., d/b/a 80PERCENTARMS.COM; RYAN
BEEZLEY and BOB BEEZLEY d/b/a
RBTACTICALTOOLING.COM; GHOST
AMERICA LLC, d/b/a GHOSTGUNS.COM;
GHOST GUNS LLC, d/b/a GRID DEFENSE and
GHOSTRIFLES.COM; JUDGGERNAUT
TACTICAL INC. d/b/a JTACTICAL.COM; MFY

Case No. JCCP 5167

**[Coordinated Cases CIVDS 1935422 date
filed 11/14/2019, and 30-2019-01111797-
CU-PO-CJC date filed 11/14/2019]**

*[Assigned for all purposes to Hon. William
Claster, Department CX 104]*

Filing Date: March 22, 2021
Trial Date: Not Yet Set

**REPLY DECLARATION OF
DANIEL LEE McCALMON**

RES. ID: 73664942
Date: February 4, 2022
Time: 9:00 a.m.
Dept: CX104
Honorable William Claster

1 TECHNICAL SOLUTIONS LLC, d/b/a
2 5DTACTICAL.COM; TACTICAL GEAR HEADS
3 LLC, d/b/a 80-LOWER.COM; AR-
4 15LOWERRECEIVERS.COM and
5 80LOWERJIG.COM; JAMES TROMBLEE, JR.,
6 d/b/a USPATRIOTARMORY.COM; INDUSTRY
7 ARMAMENT INC., d/b/a
8 AMERICANWEAPONSCOMPONENTS.COM;
9 THUNDER GUNS LLC, d/b/a
10 THUNDERTACTICAL.COM; POLYMER80,
11 INC.; and DOES 2 through 100, inclusive,
12 Defendants.

13 I, DANIEL LEE McCALMON, declare under penalty of perjury under the laws of the State
14 of California that the foregoing is true and correct:

15 1. As I previously explained, I am Executive Vice President at Polymer80, Inc.
16 (“Polymer80” or “Company”). I have reviewed plaintiffs’ Memorandum Of Points And Authorities
17 In Opposition To Polymer80, Inc. Motion For Dismissal, Attorneys’ Fees, And Other Sanctions
18 (“Opposition”).

19 2. Plaintiffs’ Opposition suggests that I do not have any “weapons expertise.” That is
20 false. Aside from multiple shooting courses that I have attended, I have spent over eight years
21 working in the firearms industry and accordingly have acquired significant knowledge regarding
22 firearms and their components.

23 3. Plaintiffs’ Opposition also implies that I do not have a basis for stating that the
24 photographs of the AR-15 style rifles that police recovered after Kevin Neal’s shooting spree in
25 November 2019 do not reflect Polymer80 products. That is also incorrect. I have spent the past eight
26 plus years working tirelessly to understand the Company’s products, their aesthetic design, and the
27 Polymer80 markings that go on those products. There are significant aesthetic differences in our
28

1 products' magazine wells, as well as the trigger guards, as compared to the weapons in the
2 photographs.

3 4. Additionally, the items in the photographs have an anodized finish, which reveals that
4 they are made of aluminum, and not polymer, because polymer cannot be anodized (or it would
5 melt). As I mentioned previously, Polymer80 has never made any product with metallic or aluminum
6 lower-receiver-style components for AR-15 type rifles.

7
8 5. Therefore, I can say without a doubt that the items evidenced in the photographs
9 provided are most certainly not Polymer80 products.

10 6. The foregoing facts are known by me to be true, of my own personal knowledge. I am
11 competent to testify to such facts and would so testify, if I appeared in Court as a witness at the trial
12 of this matter.

13 Executed on January 28, 2022

14 By: 
Daniel Lee McCalmon

EXHIBIT H

Archived: Friday, January 28, 2022 5:19:47 AM
From: [Van Zant, Amy K.](#)
Mail received time: Fri, 31 Dec 2021 22:41:28
Sent: Friday, December 31, 2021 5:41:29 PM
To: [James McGuire](#)
Cc: [Michael Marron](#) [Michael Patrick GhostGunLitigation_OHS](#)
Subject: Re: Proposal
Importance: Normal
Sensitivity: None

Mr. McGuire: Thank you for your proposal. I will try to get in touch with our co-counsel and clients asap but I know some of them are unavailable until Tuesday morning and thus we may need until the end of next week to get a firm response to you. It's a lot of cats to herd. I will update you Monday afternoon on what we can do on timing with the goal of responding as quickly as possible.

Separately, I just wanted to mention that February 11 is a court holiday so we'd have to look at February 18 if the 4th doesn't work for you.

I will circle back on Monday. In the meantime, wishing you a happy new year.

Sincerely,
Amy K Van Zant

Sent from my iPhone

On Dec 31, 2021, at 2:33 PM, James McGuire <James.McGuire@gmlaw.com> wrote:

?

Ms. Van Zant: I well understand it is New Year's Eve but believe that this communication may clarify matters and allow both sides to move forward as efficiently as possible. We have heard nothing from plaintiffs regarding our proposal that, in the close to unique circumstances at hand, plaintiffs forthwith voluntarily dismiss, without prejudice, both coordinated "Ghostgunner" actions against Polymer80, Inc. ("Polymer80"), and only against Polymer80, in return for certain accommodations and promises from Polymer80, including: (i) a concession that the statute of limitations as to any subsequent action against it arising out of the same nucleus of facts will have been tolled as of the date of the filing of the original actions and will not run during the period (ninety (90) days, perhaps, see below) during which the parties are attempting to resolve matters pursuant to this proposal; (ii) a guarantee that the voluntary dismissal will never be used in any fashion against plaintiffs in the future; (iii) subject to an appropriate confidentiality accord, (a) substantial and informal cooperation with all reasonable requests for documents and materials truly relevant to the pending allegations; (b) the provision through counsel of information from and relating to the expert Richard Vasquez and senior Company official Dan McCalmon (our current and knowledgeable witnesses); and (c) the further provision through counsel of answers to other reasonable and relevant requests for information; (iv) the immediate withdrawal without prejudice of our sanctions motion; and (v) the effectuation of all exchanges of information on a relatively expedited basis, say, within 90 days, with an extension available, if agreeable to both sides. We do not mean to be exhaustive in these respects and are open to weighing other reasonable accommodations from Polymer80 that plaintiffs might suggest, should there be a voluntary dismissal. Please give this proposal your most serious and prompt consideration and respond by close of business on Tuesday, January 4. Thank you. JJM



James J. McGuire
Greenspoon Marder LLP
New York Managing Partner
590 Madison Avenue, Suite 1800
New York, New York 10022
Direct Phone Number: (212) 524-5040
Office Phone Number: (212) 524-5000
James.McGuire@gmlaw.com
www.gmlaw.com

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