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9
10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **SOUTHERN DIVISION**

13 STEVEN RUPP, et al.,

14 Plaintiffs,

15 vs.

16 XAVIER BECERRA, in his official
17 capacity as Attorney General of the State
18 of California,

19 Defendant.
20

Case No.: 8:17-cv-00746-JLS-JDE

**EXPERT WITNESS REBUTTAL
REPORT OF MARK HANISH**

1 1. I am a firearm industry senior executive with over two decades of
2 experience building indoor shooting ranges, running domestic and international sales
3 and marketing departments for firearms, ammunition, and accessory companies,
4 along with designing products with various engineering departments for the
5 commercial, law enforcement, and military markets. I have also spent over 25 years
6 as a professional shooter, holding several world, national and state level titles, using
7 the firearms technologies that are relevant to this case.

8 2. I have been retained by the Plaintiffs in this matter to provide a
9 response with an industry perspective on firearms technology and the marketplace,
10 specifically as it relates to semi-automatic firearms with detachable magazines that
11 are capable of holding over ten rounds. This report was prepared at the Plaintiffs’
12 request for *Rupp v. Bonta*, Case No 8:17-cv-00746-JLS-JDE. I have been retained to
13 write a report at the rate of \$300/hour.

14 **Background and Qualifications**

15 3. I have spent the last twenty years as a firearms, ammunition, and
16 defense industry executive. In addition to my role in the firearms industry, I have
17 also been a professional shooter, competing in domestic and international matches in
18 practical pistol and 3-gun for over 25 years.¹ I have a Bachelor of Science Degree in
19 Entrepreneurship and Business Management from the W.P. Carey School of
20 Business at Arizona State University. Through the Barrett Honors College, I wrote
21 an Honor’s Thesis for the basis of my first firearms training and supply business,
22 whose growth led to the conceptualization of a luxury indoor shooting range. My
23 partners and I founded the Scottsdale Gun Club, which at the time of the facility
24 opening (2004) was the world’s largest and most luxurious public indoor range,
25 creating a new market segment.

26
27 _____
28 ¹ 3 Gun is a speed and accuracy sport, where the athlete uses the three platforms
of semi-automatic firearms – rifles, pistols, and shotguns – all with what were
considered large capacity magazines.

1 4. While developing the Scottsdale Gun Club, my partners and I operated
2 The Armory gun store, which focused on self-defense and tactical products and
3 training. My position was Founder and Vice President of Sales and Marketing for
4 the Scottsdale Gun Club and at the time we created an entirely new model of high-
5 end shooting and retail facilities. In addition to my sales and marketing roles, I was
6 responsible for our product selection and purchasing. The Scottsdale Gun Club
7 retained its tactical firearms and training roots and was nationally known as the
8 leader in that category. We were doing such high volume in those categories we
9 started a firearms and ammunition distribution business to resell products to other
10 gun stores. Prominent firearms manufacturers would consult with me on their
11 expansions into AR-15s and tactical market segments. Notably, we also launched a
12 manufacturing brand, U.S. PALM, that developed and produced a line of high-tech
13 polymer 30rd magazines for AK pattern rifles. These magazines are still
14 manufactured and distributed nationwide.

15 5. In 2010, I transitioned from the dealer and distributor side of the
16 industry into sales for FNH USA, LLC (later becoming FN America, LLC), which is
17 a subsidiary of Fabrique Nationale out of Herstal, Belgium. In the South Carolina
18 manufacturing facility FN has produced a multitude of arms for the US Military to
19 include the M4, M16, M249, M240, and MK19. FN also began developing a robust
20 commercial presence of which I was a part. Over six years, I rose to the position of
21 Senior Director of Commercial Sales. I also was on the FNH USA professional
22 shooting team. During my tenure at FN, I contributed to many aspects of the
23 commercial business for US operations, including sales, product management,
24 production forecasting, and marketing. At FN America we produced and marketed
25 both pistol and rifle lines, almost all were sold with “large capacity” magazines as
26 the standard offering. I have first-hand knowledge of the changes within the firearms
27 industry market over the past several decades and I have been able to create
28 consistent growth of the core business even in unstable market conditions. I worked

1 closely with the production and engineering side of the company. With those
2 departments, I principally directed the design for most models in the FN15 line,
3 working to define the market position and models for the consumer, which included
4 both Law Enforcement and Commercial markets. The FN15 is the company's AR-
5 15 style line of rifles. Additionally, I conceptualized and worked with the team to
6 design a high-end collector line of firearms, known as the Military Collector Series.
7 These firearms included semi-automatic versions of American military issue
8 firearms: the M4, the M16, and the M249 which generated over \$10million in
9 revenue the first year of production.

10 6. In 2016, I became the Vice President of Sales and Marketing for
11 Surefire, LLC, a company that specializes in tactical illumination devices, firearm
12 suppressors, and "large capacity" magazines for AR-15 style rifles for the civilian,
13 law enforcement, and military markets. At Surefire, I managed US commercial and
14 law enforcement business. Internationally, I managed commercial, law enforcement
15 and military markets. In 2019, I became the President of Global Sales and Marketing
16 for Ammo Inc. and in just over 3 years sales increased from \$4M to \$240M. I was
17 responsible for all sales, marketing, and product development activities including the
18 design and development of specialty cartridges for US Special Operations
19 Command. I successfully competed for and won several government contracts in a
20 short period of time. AMMO acquired GunBroker.com, the largest internet
21 marketplace for the firearms industry in 2021. In 2022, I joined the team at Timney
22 Triggers as their Vice President of Sales, thanks in large part to my rich and well-
23 rounded knowledge of the firearms industry. Due to my high-profile positions in a
24 range of companies that directly impact the conversation about firearms technology
25 available to the public and the military, as well as the ammunition side of the
26 market, I am uniquely qualified to discuss this matter.

27 7. As I have previously stated, not only is my experience in the industry as
28 an executive, but as a shooter and collector. I have personal experience purchasing

1 and using “large capacity magazines” prior to 1994 and continuing throughout the
2 entire 10 years of the federal ban and beyond. I also have an extensive background
3 of practical application of semi-automatic rifles, pistols, and shotguns as a
4 professional shooter. I have held multiple world, national, and state shooting titles
5 across disciplines for over 25 years. Notably, I was a part of the 3 Gun National Pro
6 Tour for six years, as a regular finalist and 2012 overall runner up. 3 Gun Nation
7 was a television show that aired on NBC Sports and Sportsman Channel promoting
8 the practical shooting use of semi-automatic rifles, pistols, and shotguns with “large
9 capacity” magazines.

10 8. Due to my professional background within the firearms industry, I have
11 served on the Board of the American Suppressor Association and have regularly
12 appeared as an on-camera expert for the National Shooting Sports Foundation, the
13 Outdoor Channel’s Gun Stories with Joe Mantegna, and Gallery of Guns TV. I have
14 also been an industry guest speaker for college students at institutions such as the
15 School of the Art Institute of Chicago and the W.P. Carey School of Business’ MBA
16 Program. Previously, I have provided expert witness testimony in *Duncan v. Bonta*,
17 Case No. 3:17-c-v-01017-BEN-JLB, *Washington v. Federal Way Discount Guns*,
18 *LLC.*, King County Superior Court, Case No.: 22-2-20064-2, and *Oregon Firearms*
19 *Federation, Inc. et al v. Brown et al*, Case No. 22-CV-01815-IM and *Eyre et al v.*
20 *Rosenblum et al*, Case No. 22-cv-01862-IM.

21 **Scope of Work**

22 9. In this document, I will provide a general statement on the popularity of
23 AR-15 style and similar rifles and their standard features and use in the firearms
24 market in regard to the California’s Assault Weapons Control Act (AWCA). I will
25 then discuss the importance of particular features to the fundamental operation of a
26 semi-automatic firearm, as well as address their extensive use before and after 1994
27 when they were first regulated federally, and the ways in which manufacturers have
28 responded to the changing in legislation. I will conclude on a discussion surrounding

1 the 1911 style semi-automatic pistol and its waning popularity in a defensive
2 handgun market in favor of smaller caliber and higher capacity pistols that are far
3 superior for the broadest spectrum of self-defense uses.

4 **AR-15 and Civilian Popularity**

5 10. AR-15 style rifles are one of the most common rifles sold and used by
6 law abiding consumers today. The demand for AR-15s and similar rifles grew
7 steadily since their inception and continued through the 1994-2004 federal “Assault
8 Weapons Ban” (AWB). The Colt AR-15 first became available on the commercial
9 market in 1964. In addition to the domestic production, throughout the 1970s and
10 1980s, semi-automatic rifles similar in style and function, were imported into the
11 United States for sale to the commercial market. These comparable rifles followed
12 an overarching trend in firearms design towards smaller calibers with detachable
13 magazines. A few notable examples of these were manufactured by Beretta,
14 Daewoo, FN, HK, IMI, SIG, STEYR, as well as several AK pattern rifles. The
15 importation of these foreign made rifles however was restricted in 1989. Domestic
16 manufacturers such as Colt, Bushmaster, Olympic Arms, Pac-West Arms, Eagle
17 Arms / Armalite, and DPMS that were previously building AR-15 style rifles
18 continued, for the most part, with production of slightly modified rifles to comply
19 with the new federal regulations. These rifles increased exponentially in popularity
20 as more consumers became aware of them, as they have many benefits for a
21 multitude of applications including personal defense, target shooting, competition,
22 and hunting. The AR-15 style of rifle is lightweight, has low recoil, is relatively easy
23 to learn how to use, can be customized by the consumer, and is easily adjustable to
24 fit most users of varying sizes and physical abilities. During the AWB period, many
25 companies were discouraged from investing in production capacity to enter the AR-
26 15 style rifle market due to legislative uncertainty. In the years following the sunset
27 of the AWB more recognizable brands such as Smith & Wesson, Ruger, Sig Sauer,
28 FN, and Remington were willing to invest the capital and enter the market. These

1 well-known and trusted brands responded to market demand for AR-15 style rifles
2 manufactured by established companies.

3 11. Today the AR-15 style rifle is one of the most popular rifles in
4 America. However, that popularity was not just engineered by the firearms industry,
5 who have limited advertising channels. Rather, the popularity of this firearm has
6 more to do with the design's features, benefits, and adaptability to be well suited for
7 a wide array of legitimate uses. These rifles are commonly used for lawful purposes,
8 including target and sport shooting, and equipped with their standard features they
9 are also an excellent choice for use in self-defense situations.² This is thanks in part
10 to either owners already being familiar with the platform, or to the relative ease at
11 which new shooters can learn how to effectively use the rifle successfully for self-
12 defense. For a great many people the AR-15 is a much better choice as a home
13 defense firearm than a pistol or shotgun. To quantify the acceptance and widespread
14 adoption of these rifles, it is of note that according to the 2021 National Firearms
15 Survey (expanded May 2022) about 24.6 million people, have owned an AR-15 or
16 similarly styled rifle, and up to 44 million such rifles have been owned nationally.
17 In California, 37.5% of gun owners have indicated they have owned an AR-15
18 styled rifle.³

19 12. Many of the semiautomatic centerfire rifle characteristics identified in
20 the California's Assault Weapons Control Act (AWCA) in California Penal Code
21 section 30515(a) were features originally incorporated directly into the firearm's
22 design. It is disingenuous for any credible expert to claim a firearm operates as
23 designed after altering, restricting, or removing a design feature. Most of these rifles
24 were designed with a pistol grip due to the overall architecture of the rifle. The pistol
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26 ² Declaration of Ryan Busse, ¶ 12

27 ³ English, William, 2021 National Firearms Survey: Updated Analysis Including
28 Types of Firearms Owned (May 13, 2022). Georgetown McDonough School of
Business Research Paper No. 4109494, Available at
SSRN: <https://ssrn.com/abstract=4109494> or <http://dx.doi.org/10.2139/ssrn.4109494>

1 grip provides for proper ergonomics allowing a person to hold, aim, and manipulate
2 the rifle efficiently and accurately. The rifles are more comfortable to shoot,
3 facilitating greater accuracy and control. Increased control and accuracy results in a
4 safer firearm in a lawful self-defense situation, reducing the chance of errant rounds
5 missing the intended target and causing unnecessary damage or injury. Asserting the
6 existence of suboptimal, albeit functional alternative solutions created solely to
7 comply with a law as proof the original design is “not integral to the basic
8 operation”⁴ is absurd. This is akin to putting Toyota Prius passenger car tires on a
9 John Deere farm tractor and proclaiming the tractor can operate as designed merely
10 because the ability to perform the base level function of rolling is satisfied.

11 13. Affected centerfire rifles were and are made utilizing telescoping,
12 folding, fixed, and thumbhole stocks as part of their design. The use of a telescoping
13 stock allows the rifle to be easily adjustable to fit most users of varying sizes and
14 physical abilities. Telescoping and folding stocks are also convenient for storage
15 and transportation. A thumbhole stock has been employed over the years on rifles
16 either for additional support in sporting applications or to comply with regulations
17 on pistol grips while mostly maintaining overall function.

18 14. The overall length less than 30 inches is another dimension defined as a
19 prohibited characteristic by the AWCA. Overall centerfire rifle length of 26 inches
20 and barrel length of 18 inches was first federally regulated by the National Firearms
21 Act (NFA) in 1934.⁵ The arbitrary minimum length of a centerfire rifle barrel
22 governed by the NFA was changed to 16 inches in the 1950s after the US
23 Government sold over 1 million military surplus M1 carbines to citizens with barrels
24 shorter than 18 inches. The concept of collapsible or folding stock designs was
25 available in 1934 when the NFA was enacted. Busse also declares “the AWCA’s
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27 ⁴ Declaration of Ryan Busse, ¶ 12

28 ⁵ <https://www.atf.gov/rules-and-regulations/national-firearms-act>

1 regulations on collapsible and folding stocks and short barrels are merely addressing
2 the same and historically accepted regulation on rifle length as the NFA”⁶, which is
3 incorrect in several aspects. First, the NFA does not directly regulate collapsible or
4 folding stocks as a feature, and secondly the NFA regulates rifles with an overall
5 length less than 26 inches while the AWCA specifies 30 inches as minimum length.

6 15. Flash suppressors are incredibly useful on self-defense rifles. This is
7 particularly beneficial inside a home and/or at night as a .223 Remington cartridge
8 fired from a 16 inch barrel without a flash suppressor creates a significant muzzle
9 flash. After firing a round, this muzzle flash can greatly impair a person’s ability to
10 see the assailant(s) and gather additional visual information to determine the next
11 course of action. It is in the best interest of everyone’s safety to use a flash
12 suppressor on the rifle to retain as much night adapted vision as possible for positive
13 identification. It is unclear as to the benefit gained by mandating a person be at a
14 disadvantage after firing in defense of themselves. The point is also raised that flash
15 hiders are not required on pistols or shotguns. In addition to pistols burning far less
16 gunpowder at lower pressure than a rifle, pistol ammunition designed for self-
17 defense more effectively utilizes flash retardant gunpowder to minimize flash and
18 temporary night blindness. Some rifle powders include this flash retardant as well,
19 but it is not nearly as effective in a rifle platform, generating more flash than either a
20 pistol or shotgun.

21 **“Large Capacity Magazines” and the Firearms Market**

22 16. As an initial matter, detachable-magazine capacity is irrelevant in
23 analyzing the AWCA; whether a rifle has a 3-round magazine or a 1—round
24 magazine inserted into it’s magazine well (or no magazine at all) does not change
25 where it is an “assault weapon” or not under the AWCA. That said, I address some
26 points raised by Busse in his report about magazine capacity to show that his
27 opinions are based on erroneous information and lack credibility.

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⁶ Declaration of Ryan Busse, ¶ 21

1 17. Busse’s declaration asserts that “large capacity magazines” (LCM) are
2 only recently popular⁷, which is a specious argument. In 1993, the year prior to the
3 1994 federal ban, semi-automatic pistols accounted for 80% of handguns produced
4 in the US.⁸ According to Christopher S. Koper in his 2004 Updated Assessment of
5 the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence,
6 1994-2003 report “*Approximately 40 percent of the semiautomatic handgun models*
7 *and a majority of the semiautomatic rifle models being manufactured and advertised*
8 *prior to the ban were sold with LCMs or had a variation that was sold with an*
9 *LCM*”.⁹ This study clearly illustrates the significance of large capacity magazines on
10 the market even before the Federal Assault Weapons Ban. This is further
11 corroborated by the fact that there were enough LCMs in circulation prior to the
12 AWB to sustain their availability in the national marketplace for 10 years. LCMs
13 were available for consumers to purchase throughout the entirety of the federal ban,
14 though their market price rose as new supply was restricted. Today, that trend of
15 most pistols and rifles being sold with LCMs continues to grow. The vast majority
16 of popular handguns today come standard with 15-20+ round magazines, and semi-
17 automatic AR-15 style rifles are sold with 30-round magazines as standard. The
18 2021 National Firearms Survey (expanded May 2022) reported:

19 **Nationally 48.0% of gun owners, about 39 million people, have**
20 **owned magazines that hold over 10 rounds, and up to 542 million**
21 **such magazines have been owned.**

22 **In California 53.8% of gun owners have owned magazines that**
23 **hold over 10rds.¹⁰**

24 20. Magazine fed firearms are systems with many parts that must function
25 together in order to operate properly, and the ammunition feeding device is critical

26 ⁷ Declaration of Ryan Busse, ¶ 20

27 ⁸ (Zawitz, 1995, p. 3). PDF attachment

28 ⁹ <https://www.ojp.gov/pdffiles1/nij/grants/204431.pdf>

¹⁰ English, William, 2021 National Firearms Survey: Updated Analysis Including
Types of Firearms Owned (May 13, 2022). Georgetown McDonough School of
Business Research Paper No. 4109494, Available at
SSRN: <https://ssrn.com/abstract=4109494> or <http://dx.doi.org/10.2139/ssrn.4109494>

1 to the overall performance and success of the firearm. To this day, especially in
2 modern handguns, the magazine is often the cornerstone of the pistol design. Unless
3 designing a new pistol to utilize an existing magazine, engineers will start a new
4 pistol project with designing the magazine first. The ammunition feeding device
5 must be optimized to reliably deliver cartridges into the operating system. The
6 engineers must consider the dimensions of the cartridge, with specific attention to
7 the cartridge case being either a straight wall or a tapered case, and angles at which
8 the magazine presents cartridges to the action. The manner in which the magazine
9 and action interface is critical. The remainder of the firearm design builds upon the
10 foundation laid by the magazine's form. Many, if not most, modern pistols are built
11 around a magazine designed to hold more than 10 rounds. Pistols designed for
12 defensive use balance maximizing the number of rounds carried for personal
13 protection within a size constraint of the pistol to perform its intended function.
14 Even though subcompact pistols are designed primarily for concealment and safety
15 while carrying, designers also attempt to maximize magazine capacity as well.
16 Pistols designed for recreation, sport, and competition are usually designed to
17 maximize capacity, accuracy, and reliability with few constraints on size.

18 21. As an integral part of the firearm, magazines are required for proper
19 function. While firearms are one of the few consumer items designed for several
20 lifetimes of service, their magazines are an item that can degrade with use. In
21 addition to the routine maintenance of replacing springs and worn followers, feed
22 lips of magazines which hold the next round in position to be presented to the action,
23 may both wear and crack from the cycling of the action. Magazines and their feed
24 lips are also susceptible to bending, cracking, denting, or deforming and being
25 rendered unserviceable when dropped during normal use. This is not uncommon,
26 and therefore, not an exceptionally rare occurrence that would only affect high
27 volume shooters. Shooters run the risk of damaging a magazine every time they
28 practice a reload and eject a magazine onto the ground.

1 22. A prudent firearms owner will purchase enough magazines to sustain
2 the use of their firearm as intended over the remainder of their lifetime, accounting
3 for damaged and worn-out magazines along the way. Many handguns and rifles have
4 proprietary magazines that are specific to the manufacturer, product family, and
5 many times the specific model. Replacement magazines may not be available in the
6 future as there is no guarantee the manufacturer will be in business to support the
7 platform, and there is no guarantee that an aftermarket company will produce that
8 specific magazine. A firearm without a functional magazine is of little use to an
9 owner, and of little value to another consumer. There is less risk for consumers that
10 possess firearms capable of accepting a magazine with a somewhat standardized
11 interface. These firearms are generally older legacy designs that were used in rifles
12 and pistols adopted by militaries. Magazines for the AR-15 style rifles and model
13 1911 pistols fall into this category. Busse uses only these two limited examples to
14 proclaim magazines as a universal accessory.¹¹He fails to address hundreds of
15 popular models of handguns and rifles that use proprietary magazines. Previously
16 owned proprietary magazines that become damaged during use, may be refurbished
17 by the consumer through the replacement of damaged parts. During the 1994-2004
18 AWB period, individual manufacturers would not sell consumers all the magazine
19 components required to build a new magazine. Some would designate a single
20 component of the magazine as their control item and refuse to sell that item to
21 consumers. Any consumer needing to repair a legally owned pre-ban magazine was
22 out of luck if they had broken or damaged the restricted part.

23 **Consumer Demand and Defensive Pistol Selection**

24 23. In Busse’s declaration he focuses on the 1911 design as the
25 foundational basis to claim 7 or 8 rounds of ammunition is more than adequate for a
26 defensive pistol. This limited perspective is understandable given his career at one of
27 the larger manufacturers of 1911 style pistols. However, there are a multitude of

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¹¹ Declaration of Ryan Busse ¶ 9, *Duncan v. Bonta*, Case No. 3:17-c-v-01017-BEN-JLB

1 shortcomings with the anecdotal statements employed to support this position. There
2 are exponentially greater numbers of pistols more effective for self-defense while
3 offering a superior balance of reliability, affordability, and capacity. It is widely
4 understood that most of the less expensive models of 1911s, and even many of the
5 mid-level price point pistols in the \$1000-\$1500 range from companies like Colt and
6 Kimber may require an additional investment in gunsmithing services to make them
7 suitably reliable for defensive use. Many people cannot afford one of the higher
8 priced 1911 pistols that are generally suitable for defense from the manufacturer, nor
9 can everyone handle the recoil of the .45 ACP and have the confidence to defend
10 themselves with the 7 or 8 rounds available. Persons of a smaller stature and/or
11 having reduced strength may select a 1911 design pistol in 9mm for its reduced
12 recoil, but in turn they are accepting the accompanying risk of using single stack
13 9mm magazines which are inherently less reliable due to the tapered case of the
14 9mm cartridge. The 1911 design is also less intuitive and requires more familiarity
15 and training for novice shooters to master. For these and many other reasons, many
16 of the leading firearms trainers in the country recommend a multitude of superior
17 modern design pistol options for self-defense firearms.

18 24. In comparing aggregated data on broad categories of self-defense
19 pistols, the BATF&E's 2020 Annual Firearms Manufacturing and Export Report
20 does not give specific model information, but rather we can make inferences from
21 the pistol category, which is broken down into caliber ranges. We find there were
22 just shy of 3.9 million 9mm and .380 pistols manufactured in 2020, and in
23 comparison, just over 705,000 pistols comprise the up to .50 caliber category.¹² This
24 category includes all pistols chambered in .45 ACP, not just 1911s, as well as
25 additional designs and calibers such as the .40 S&W, making the 1911 production
26 somewhere below that ceiling. With further examination of the manufacturer's
27 individual reporting data, it is evident the market clearly indicates significantly

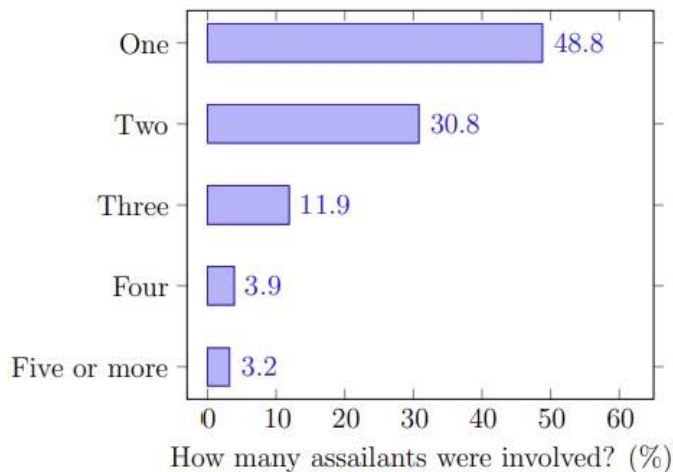
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¹² 2022.06.10_afmer_2020_cover_sheet_508 (1) PDF Attached

1 higher demand for modern pistols in smaller calibers and higher capacity than .45
2 ACP pistols.

3 25. The 2021 National Firearms Survey (expanded May 2022) provides
4 pertinent information regarding the carry and use of firearms for self-defense.

5 Information and graph from the Survey:

6 31.1% of gun owners, or approximately 25.3 million adult Americans,
7 have used a gun in self-defense. Gun owners engage in approximately
8 1.67 million defensive uses of firearms per year. Handguns are the
9 firearm most commonly used in defensive incidents (65.9%) The
10 majority of defensive gun uses take place outside of the home (74.8%).
11 About half of defensive gun uses involve more than one assailant
12 (51.2%).



13 26. Conclusions drawn in the survey state that “presumably, it would be
14 advantageous to have a firearm with a larger capacity magazine if one needed to
15 engage more than one assailant, which these responses suggest is indeed common.
16 Although in most defensive gun uses the gun was not fired (81.9%), we can further
17 analyze the subset of incidents in which a gun was fired. In 67.8% of these cases in
18 which a gun was fired in self-defense, multiple rounds were fired.”¹³ A law abiding
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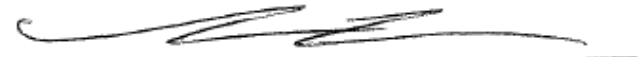
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27 ¹³ English, William, 2021 National Firearms Survey: Updated Analysis Including
28 Types of Firearms Owned (May 13, 2022). Georgetown McDonough School of
Business Research Paper No. 4109494, Available at
SSRN: <https://ssrn.com/abstract=4109494> or <http://dx.doi.org/10.2139/ssrn.4109494>

1 person that carries a firearm for defense of themselves and their loved ones, does not
2 have the luxury of knowing when and where they will be forced to react to an attack.
3 Large capacity magazines afford responsible citizens a similar advantage extended
4 to first responders to prevail and return home safely. A person in a life-or-death
5 self-defense situation has enough challenges to overcome, without an arbitrary
6 restriction on the number of rounds in the magazine available to them in that
7 moment of their greatest need.

8 **Conclusion**

9 27. It is my findings, as an industry expert with a range of backgrounds in
10 the tactical firearms market and culture, the rifles restricted under the AWCA are a
11 superb choice for personal defense, target shooting, competition, and hunting for the
12 broadest spectrum of lawful users of all sizes and abilities.

13
14 I declare under penalty of perjury that the foregoing is true and correct.
15 Executed within the United States on February 3, 2023.

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18 _____
19 Mark Hanish

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CERTIFICATE OF SERVICE
IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

Case Name: *Rupp, et al. v. Becerra*
Case No.: 8:17-cv-00746-JLS-JDE

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

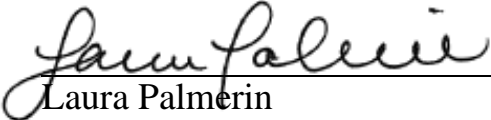
EXPERT WITNESS REBUTTAL REPORT OF MARK HANISH

on the following party by electronic mail.

Xavier Becerra
Attorney General of California
Anna Ferrari
Deputy Attorney General
Email: anna.ferrari@doj.ca.gov
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102

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

Executed February 3, 2023.



Laura Palmerin