Case	8:17-cv-00746-JLS-JDE Document 149-2 #:7653	Filed 05/26/23 Page 1 of 21 Page ID
1 2 3 4 5 6 7 8 9	Rob Bonta Attorney General of California P. Patty Li Supervising Deputy Attorney General Anna Ferrari Christina R.B. López Deputy Attorneys General John D. Echeverria Deputy Attorney General State Bar No. 268843 455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004 Telephone: (415) 510-3479 Fax: (415) 703-1234 E-mail: John.Echeverria@doj.ca.gov Attorneys for Defendant Rob Bonta, in his official capacity as Attorney Gener of the State of California	al
11	IN THE UNITED STA	TES DISTRICT COURT
12	FOR THE CENTRAL DIS	STRICT OF CALIFORNIA
13	WESTERN	N DIVISION
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15	STEVEN RUPP; STEVEN DEMBER; CHERYL JOHNSON;	Case No. 8:17-cv-00746-JLS-JDE
16	MICHAEL JONES; CHRISTOPHER SEIFERT;	DEFENDANT'S STATEMENT OF UNCONTROVERTED FACTS
17	ALFONSO VALENCIA; TROY WILLIS; and CALIFORNIA RIFLE	AND CONCLUSIONS OF LAW IN SUPPORT OF DEFENDANT'S
18	& PISTOL ASSOCIATION, INCORPORATED,	MOTION FOR SUMMARY JUDGMENT
19	Plaintiffs,	Date: July 28, 2023
20	V.	Time: 10:30 a.m. Courtroom: 8A
21		Judge: Hon. Josephine L. Staton Trial Date: None set
22	ROB BONTA, in his official capacity as Attorney General of the State of	Action Filed: April 24, 2017
23	California; and DOES 1-10,	
24	Defendants.	
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DEFENDANT'S STATEMENT OF UNCONTROVERTED FACTS AND CONCLUSIONS OF LAW

3	No.	Uncontroverted Fact	Supporting Evidence
4	1	In 1957, the U.S. Army requested	DX-1 at 29 (Donohue Rpt.
		Armalite, a small arms manufacturer,	\P 68). ¹
5		to produce a lightweight, high-velocity	
6		rifle that could operate in both semi-	
7		automatic and full-automatic modes, with firepower capable "of penetrating	
		a steel helmet or standard body armor	
8		at 500 yards."	
9	2	According to one of the designers of	DX-1 at 30 (Donohue Rpt.
10		the AR-15, the rifle was engineered to	¶ 73).
		generate "maximum wound effect."	
11	3	After field testing in combat	DX-1 at 29 (Donohue Rpt.
12		operations in Vietnam, the Advanced	¶ 69); DX-65 at 2523 (ARPA
13		Research Projects Agency ("ARPA")	Study at 8).
13		noted that the "lethality of the AR-15	
14		and its reliability record were	
15	4	particularly impressive." ARPA found that all casualties	DX-1 at 29–30 (Donohue Rpt.
	4	inflicted by the AR-15 in combat were	¶¶ 69–70); DX-65 at 2530
16		fatal, including hits to only	(ARPA Study, Annex A at 5).
17		extremities.	(Fird 11 Study, 11 mex 11 at 3).
18	5	ARPA found that the AR-15 was	DX-65 at 2512 (ARPA Study,
		"superior in virtually all respects" to	Cover Memo (Aug. 20, 1962)).
19		other military small arms, like the	
20		Thompson submachinegun and	
21		Browning Automatic Rifle.	
	6	Armalite sold the patent and	DX-70 at 2839 (Alex Horton et
22		trademark rights to Colt in 1959.	al., Decades of Marketing

¹ Citations to Defendant's exhibits are prefaced with "DX," so that DX-1 refers to Defendant's Exhibit 1. DX-1 through DX-45 were annexed to the Declaration of Peter H. Chang in Support of Defendant's Motion for Summary Judgment (Dkt. 76); DX-46 was annexed to the Supplemental Declaration of Peter H. Chang in Support of Defendant's Opposition to Plaintiffs' Motion for Summary Judgment (Dkt. 90); and DX-47 through DX-87 are annexed to the concurrently filed Declaration of John D. Echeverria in Support of Defendant's Motion for Summary Judgment. In accordance with Local Rule 11-5.2, and for the Court's convenience, the pages of Defendant's exhibits have been numbered consecutively, continuing from the final page of DX-46.

1		During the Vietnam War, the AR-15	Reinvented the AR-15 into a
2		was approved for use by U.S. armed	Top-Selling Firearm, Wash.
2		forces, after which its name was	Post., Mar. 27, 2023, at 2);
3		changed to the M16. Thereafter, the	DX-72 at 2878–79 (Todd
4		AR-15 was the name used for the	Frankel et al., <i>How the AR-15</i>
5		semiautomatic rifle sold to civilians.	Became a Powerful Political,
		After Colt's patent expired in 1977, other manufacturers began to produce	Cultural Symbol in America, Wash. Post, Mar. 27, 2023, at
6		their own versions of the AR-15 under	4–5); DX-79 at 2938–39 (Chris
7		different names.	Linville, <i>AR-15 vs M4:</i>
8			Exploring Key Differences &
			Similarities,
9			GunsAmericaDigest.com, May
10			18, 2023).
11	7	An automatic weapon is capable of	DX-61 at 2393 (Tucker Suppl.
		firing repeatedly as long as the trigger	Rpt. ¶ 13); DX-50 at 1686–87
12		is depressed, until ammunition is	(Busse Suppl. Rpt. ¶ 11);
13		exhausted or the weapon malfunctions. Burst fire is automatic	DX-16 at 749 (Helsley Dep.
14		fire that fires a fixed number of shots	Tr. at 44).
14		(e.g., 3 shots) with each pull of the	
15		trigger. A semiautomatic weapon is	
16		capable of firing a single shot with	
17		each pull of the trigger. A select-fire	
17		weapon is capable of firing in	
18		automatic (or burst) mode or in	
19		semiautomatic mode.	
	8	The M4 is a shorter, carbine variant of	DX-61 at 2391 (Tucker Suppl.
20		the M16. It is a select-fire weapon.	Rpt.) ¶ 4 n.2.
21	9	In a 1989 report, the Bureau of	DX-22 at 1048–49 (1989 ATF
22		Alcohol Tobacco & Firearms ("ATF") described features such as folding and	Rpt. at 6–7).
		telescoping stocks, pistol grips, and	
23		flash suppressors as "military features	
24		and characteristics carried over to	
25		the semiautomatic versions of the	
		original military rifle."	
26	10	According to the 1989 ATF Report,	DX-22 at 1048 (1989 ATF
27		large-capacity magazines "are	Rpt. at 6).
		indicative of military firearms," and	
28		_	

1		the fact "[t]hat a firearm is designed	
2		and sold with a large capacity	
3		magazine, e.g., 20-30 rounds, is a	
3		factor to be considered in determining	
4		whether a firearm is a semiautomatic	
5	11	assault rifle."	DV 21 at 002 02 (1009 ATE
	11	In a 1998 study, ATF examined semiautomatic assault rifles with a	DX-21 at 992–93 (1998 ATF Rpt. at 1).
6		"military configuration," which	Kpt. at 1).
7		incorporated physical features such as	
8		the ability to accept a detachable	
		magazine, folding/telescoping stocks,	
9		separate pistol grips, and flash	
10		suppressors. The 1998 study referred	
11		to rifles capable of accepting	
		detachable ammunition magazines as	
12		"large capacity military magazine rifles."	
13	12	The AR-15 is the civilian version of	DX-2 at 121–22 (Graham Rpt.
14	12	the military's M16.	¶ 15); DX-50 at 1687 (Busse
		the initially 5 14110.	Suppl. Rpt. ¶ 11).
15	13	The difference between the M16 and	DX-50 at 1687 (Busse Suppl.
16		the AR-15 is that the M16 is a select-	Rpt. ¶ 11); DX-61 at 2393
17		fire rifle that allows the shooter to fire	(Tucker Suppl. Rpt. ¶ 13).
		in either automatic or semiautomatic	
18		mode, while the AR-15 fires only in	
19		semiautomatic mode (unless	
	1.4	modified).	DV 62 at 2409 (Trealing Ground
20	14	AR-platform rifles are generally chambered in similar caliber rounds as	DX-62 at 2408 (Tucker Suppl. Sur-Rebuttal Rpt. ¶ 7); DX-2 at
21		the M16 and M4 (generally, .223 for	128 (Graham Rpt. ¶ 34);
22		AR-platform rifles and 5.56 NATO for	DX-10 at 320 (Graham Dep.
		M16 rifles).	Tr. at 130); DX-42 at 1533
23		,	(2013 NSSF Rpt. at 7).
24	15	AK-platform rifles are generally	DX-87 at 3023 (Alex Yablon,
25		chambered in 7.62 rounds, which is	The Simple Physics that Makes
		almost twice as large as a .223 round.	Some Bullets Deadlier than
26			Others, The Trace, June 21,
27	1.0	Dougle wood with AD white world	2017, at 3).
28	16	Rounds used with AR-platform rifles	DX-72 at 2878 (Todd C.
20	Ĭ	,	

and the M16 and M4 contain projectiles fired at high velocity and, when the projectiles penetrate the human body, they tumble through flesh, tissue, and bone, causing significant injury. Mash. Post, Mar. 27, 2023, at 4); DX-61 at 2393 (Tucker Suppl. Rpt. ¶ 13); DX-4 at 146-47 (Colwell Rpt. at 3-4); DX-38 at 1505 (Stefanopoulos et al., Gunshot Wounds: A Review of Ballistics Related to Penetrating Trauma, 3 J. of Acute Disease 178, 180 (2014); DX-68 at 2823 (Nick Kirkpatrick et al., What Does an AR-15 Do to a Human Body? A Visual Examination of the Deadly Damage, Wash. Post, Mar. 27, 2023). When a bullet enters a victim's body, it results in permanent and temporary cavitation. A permanent cavity "is the tissue that is actually crushed or destroyed by the projectile's interaction with it." A temporary cavity is caused by tissue being stretched away from the permanent cavity. In the temporary cavity, if one is created, by a handgun wound is typically not as injurious to the tissue as the temporary cavity typically caused from a rifle wound, and can be more easily treated by a physician. Parkle et al., How the AR-15 Beccame a Powerful Political, Culture Symbol in America, Wash. Post, Mar. 27, 2023, at 4); DX-4 at 1305 (Stefanopoulos et al., Gunshot Wounds: A Review of Ballistics Related to Penetrating Trauma, 3 J. of Acute Disease 178, 180 (2014); DX-44 at 1541 (2014 FBI Training Mem. at 4). The temporary cavity, if one is created, by a handgun wound is typically not as injurious to the tissue as the temporary cavity typically caused from a rifle wound, and can be more easily treated by a physician. Parkle et al., How the AR-15 Became a Powerful Political, Culture Suppl. Rpt. ¶ 11).				
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when the projectiles penetrate the human body, they tumble through flesh, tissue, and bone, causing significant injury. Wash. Post, Mar. 27, 2023, at 43; DX-61 at 2393 (Tucker Suppl. Rpt. ¶ 13); DX-4 at 146-47 (Colwell Rpt. at 3-4); DX-38 at 1505 (Stefanopoulos et al., Gunshot Wounds: A Review of Ballistics Related to Penetrating Trauma, 3 J. of Acute Disease 178, 180 (2014)); DX-68 at 2823 (Nick Kirkpatrick et al., What Does an AR-15 Do to a Human Body? A Visual Examination of the Deadly Damage, Wash. Post, Mar. 27, 2023, at 416-47 (Colwell Rpt. at 3-4); DX-38 at 1505 (Stefanopoulos et al., Gunshot Wounds: A Review of Ballistics Related to Penetrating Trauma, 3 J. of Acute Disease 178, 180 (2014)); DX-68 at 2823 (Nick Kirkpatrick et al., What Does an AR-15 Do to a Human Body? A Visual Examination of the Deadly Damage, Wash. Post, Mar. 27, 2023, at 416-47 (Stefanopoulos et al., Gunshot Wounds: A Review of Ballistics Related to Penetrating Trauma, 3 J. of Acute Disease 178, 180 (2014)); DX-44 at 1541 (2014 FBI Training Mem. at 4). The temporary cavity, if one is created, by a handgun wound is typically caused from a rifle wound, and can be more easily treated by a physician. Page 18	2		projectiles fired at high velocity and,	Became a Powerful Political,
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The muzzle velocity of an AR-platform rifle and an M16 or M4 is three times the velocity of a typical handgun. DX-50 at 1687 (Busse Suppl. Rpt. ¶ 11); DX-85 at 2987 (Mem. from Rep. Carolyn B. Maloney to Members of the H.R. Comm. on Oversight & Reform, July 27, 2022, at 3). DX-87 at 3022 (Alex Yablon, The Simple Physics that Makes Some Bullets Deadlier than Others, The Trace, June 21, 2017, at 2). A semiautomatic weapon can be converted to automatic fire by installing certain parts, such as bump stocks or multiburst trigger activators. According to a Congressional report, semiautomatic firearms can be "virtually indistinguishable in practical effect from machineguns." DX-61 at 2393 (Tucker Suppl. Rpt. ¶ 13); DX-57 at 2032 (Roth Suppl. Rpt. ¶ 18); DX-57 at 2032 (Roth Suppl. Rpt. ¶ 19); DX-11 at 18). DX-61 at 2393 (Tucker Suppl. Rpt. ¶ 13); DX-57 at 2032 (Roth Suppl. Rpt. ¶ 49); DX-11 at 18). DX-61 at 2393 (Tucker Suppl. Rpt. ¶ 13); DX-57 at 2032 (Roth Suppl. Rpt. ¶ 14); DX-11 at 18). DX-61 at 2393 (Tucker Suppl. Rpt. ¶ 13); DX-57 at 2032 (Roth Suppl. Rpt. ¶ 14); DX-11 at 18). DX-61 at 2393 (Tucker Suppl. Rpt. ¶ 13); DX-57 at 2032 (Roth Suppl. Rpt. ¶ 13); DX-57 at 2032 (Roth Suppl. Rpt. ¶ 14); DX-11 at 18). DX-61 at 2393 (Tucker Suppl. Rpt. ¶ 13); DX-57 at 2032 (Roth Suppl. Rpt. ¶ 13); DX-57 at 2032 (Roth Suppl. Rpt. ¶ 14); DX-11 at 18). DX-61 at 2393 (Tucker Suppl. Rpt. ¶ 12); DX-11 at 18); DX-57 at 2032 (Roth Suppl. Rpt. ¶ 14); DX-12 at 191 (U.S. Army, Rifle Marksmanship M16-/M4-Series Weapons Manual, FM 3-22.9 (Aug. 2008) at 7-8); DX-66 at 2708 (U.S. Army, Rifle Marksmanship M16-/M4-Series Weapons Manual, FM 3-22.9 (Aug. 2008) at 7-8); DX-67 at 2032 (Aug. 2008) at 7-8); DX-68 at 2708 (U.S. Army, Rifle Marksmanship M16-/M4-Series Weapons Manual, FM 3-22.9 (Aug. 2008) at 7-8); DX-69 at 2708 (U.S. Army, Rifle Marksmanship M16-/M4-Series Weapons Manual, FM 3-22.9 (Aug. 2008) at 7-8); DX-69				
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12); DX-66 at 2708 (U.S. Army, Rifle & Carbine Manual, TC-3-22 (May 2016) at 8-6); DX-61 at 2393 (Tucker Suppl. Rpt. ¶ 13). 28				
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28 In 1989, a semiautomatic AK-47 rifle was used to kill 5 schoolchildren and injure 32 others at an elementary school in Stockton, California. 29 In 1989, California enacted the Assault Weapons Control Act ("AWCA"), finding that "the proliferation and use of assault weapons poses a threat to the health, safety, and security of all citizens of this state" and that the restricted assault weapons have "a high rate of fire and capacity for firepower." 30 The AWCA defines a rifle as an "assault weapons have "a high rate of fire and capacity for firepower." 30 The AWCA defines a rifle as an "assault weapons rif it is listed in California Penal Code section 30510(a) or if it is a semiautomatic centerfire rifle that lacks a fixed ammunition magazine and has one of certain accessories, parts, or configurations enumerated in California Penal Code section 30515(a). The definitions in Section 30515(a) do not apply to rifles that are not semiautomatic, that are rimfire, or that have a fixed ammunition magazine. 31 Rifles restricted by the AWCA possess many of the same features, like pistol grips and adjustable stocks, as the M16 and M4. 32 Generally, rifles listed in California Penal Code section 30510(a) have one or more of the accessories or parts enumerated in California Penal Code section 30510(a) have one or more of the accessories or parts enumerated in California Penal Code				Manual, TC-3-22 (May 2016)
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enumerated in California Penal Code	27			
28			-	
	28			

1		section 30515(a)(1).	
2	33	AR-platform rifles capable of	DX-10 at 331–33 (Graham
3		accepting detachable magazines take 3	Dep. Tr. at 188–90).
3		to 5 seconds less to reload than the	
4	2.4	same rifle with a fixed magazine.	DV 50 + 1606 /B
5	34	Centerfire cartridges have the primer	DX-50 at 1686 (Busse Suppl.
		located in the center of the base of the case, in contrast with rimfire	Rpt. ¶ 11).
6		cartridges that contain the primer on	
7		the rim of the cartridge.	
8	35	Centerfire ammunition is more	DX-50 at 1686–87 (Busse
		powerful than rimfire ammunition.	Suppl. Rpt. ¶ 11); DX-16 at
9			753–54 (Helsley Dep. Tr. at
10			48–49); DX-2 at 123 (Graham
11			Rpt. ¶ 18).
	36	A rifle's capability of accepting	DX-61 at 2394 (Tucker Suppl.
12		detachable magazines allows a shooter	Rpt. ¶ 15).
13		to rapidly change magazines and	
14	37	continue firing. During combat, detachable magazines	DX-61 at 2394 (Tucker Suppl.
		provide a rifleman with the capability	Rpt. ¶ 15).
15		to fire 120 rounds semiautomatically	15).
16		in three minutes at a sustained rate of	
17		45 rounds per minute.	
	38	A pistol grip that protrudes	Cal. Code Regs. tit. 11,
18		conspicuously beneath the action of	§ 5471(z); DX-2 at 123
19		the rifle allows for a pistol style grasp	(Graham Rpt. ¶ 19); DX-50 at
20		in which the web of the trigger hand	1687–88 (Busse Suppl. Rpt.
		(between the thumb and index finger) can be placed below the top of the	¶ 13).
21		exposed portion of the trigger while	
22		firing.	
23	39	A protruding pistol grip helps to	DX-50 at 1687–90 (Busse
		stabilize a semiautomatic or automatic	Suppl. Rpt. ¶¶ 13, 18); DX-2 at
24		rifle and enhance lethality during rapid	126 (Graham Rpt. ¶ 26);
25		fire.	DX-61 at 2394–95 (Tucker
			Suppl. Rpt. ¶ 16); DX-22 at
26			1048 (1989 ATF Rpt. at 6);
27			DX-3 at 137–38 (Mersereau
28			Rpt. ¶ 9).
-	I	9	

1	40	An assault rifle with a pistol grip	DX-3 at 137–38 (Mersereau
2		would allow a shooter to shoot more	Rpt. ¶ 9).
		accurately and reload faster.	
3	41	According to a 1989 ATF Report, a	DX-22 at 1048 (1989 ATF
4		pistol grip beneath the action of the	Report at 6).
5		rifle can also "be an aid in one-handed	
		firing of the weapon in a combat situation."	
6	42	A pistol grip is not necessary to	DX-50 at 1688 (Busse Suppl.
7	42	operate a rifle, including for self-	Rpt. ¶ 13).
8		defense.	Kpt. 13).
	43	A thumbhole stock enables the shooter	Cal. Code Regs. tit. 11,
9		to place the thumb of the trigger hand	§ 5471(qq); DX-2 at 123
10		through the stock while firing,	(Graham Rpt. ¶ 20); DX-50 at
11		mimicking the ergonomics of a pistol	1688 (Busse Suppl. Rpt. ¶ 14).
	4.4	grip.	DV 50 + 1600 /D G 1
12	44	A thumbhole stock allows a shooter to	DX-50 at 1688 (Busse Suppl.
13		insert a thumb through the stock, mimicking the effects of a pistol grip	Rpt. ¶ 14).
14		and assisting a shooter in rifle control	
		during periods of rapid fire.	
15	45	A thumbhole stock is not necessary to	DX-50 at 1688 (Busse Suppl.
16		operate a rifle, including for self-	Rpt. ¶ 14).
17		defense.	
	46	A forward pistol grip "allows for a	Cal. Code Regs. tit. 11,
18		pistol style grasp forward of the	§ 5471(t); DX-2 at 125
19		trigger."	(Graham Rpt. ¶ 23); DX-50 at
20			1689–90 (Busse Suppl. Rpt. ¶ 18).
	47	A forward pistol grip on a rifle was a	DX-16 at 774 (Helsley Dep.
21	''	feature of early machineguns; it can	Tr. at 79); DX-50 at 1689–90
22		help insulate the non-trigger hand	(Busse Suppl. Rpt. ¶ 18);
23		from heat during rapid fire and	DX-61 at 2395 (Tucker Suppl.
		stabilize a rifle during rapid fire.	Rpt. ¶ 17).
24	48	A folding or telescoping stock is	Cal. Code Regs. tit. 11,
25		attached to the receiver, which can	§§ 5471(<i>ll</i>), (<i>oo</i>), (nn); DX-2 at
26		change the overall length of the rifle.	124 (Graham Rpt. ¶ 21);
			DX-50 at 1689 (Busse Suppl. Rpt. ¶ 15).
27	49	According to a 1989 ATF Report, the	DX-22 at 1048 (1989 ATF
28	77	120010mg to a 1707 Till Report, the	211 22 at 1070 (1707 1111
		0	

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1		"predominant advantage" of a folding	Report at 6).
2		or telescoping stock "is for military	
		purposes, and it is normally not found	
3		on the traditional sporting rifle."	
4	50	A folding or telescoping stock renders	DX-2 at 124, 126 (Graham
5		the rifle more concealable.	Rpt. ¶¶ 21, 27).
3	51	A folding or telescoping stock can	DX-61 at 2395 (Tucker Suppl.
6		make a rifle less stable when firing, if	Rpt. ¶ 18).
7	7.0	not properly locked in place.	D.Y. 70. 1100 (D. 0. 1
	52	A rifle does not need a folding or	DX-50 at 1689 (Busse Suppl.
8		telescoping stock to operate, including	Rpt. ¶ 15).
9	7.0	for self-defense.	
	53	A flash suppressor is any device	Cal. Code Regs. tit. 11,
10		attached to the end of the barrel that	§ 5471(r); DX-2 at 125
11		reduces or redirects muzzle flash, including any device identified as a	(Graham Rpt. ¶ 22); DX-50 at 1689 (Busse Suppl. Rpt. ¶ 17).
12		"flash hider."	1009 (Busse Suppl. Rpt. ¶ 17).
12	54	Flash suppressors can be affixed to the	DX-2 at 125 (Graham Rpt.
13	J-	muzzle of a rifle to reduce the flash	¶ 22); DX-3 at 138 (Mersereau
14		emitted upon firing, which can aid a	Rpt. ¶ 11); DX-22 at 1049
		shooter in low-light conditions to	(1989 ATF Report at 7).
15		maintain more effective fire.	r
16	55	A flash suppressor can reduce muzzle	DX-22 at 1049 (1989 ATF
17		climb during rapid fire.	Report at 7).
1 /	56	A flash suppressor can help conceal	DX-61 at 2395 (Tucker Suppl.
18		the location of a shooter, especially in	Rpt. ¶ 20); DX-62 at 2412
19		low-light conditions.	(Tucker Suppl. Sur-Rebuttal
			Rpt. ¶ 25); DX-22 at 1049
20			(1989 ATF Report at 7).
21	57	A flash suppressor facilitates night	DX-61 at 2395 (Tucker Suppl.
22		combat operations by mitigating the	Rpt. ¶ 20); DX-62 at 2412
22		effects of muzzle flash on night vision	(Tucker Suppl. Sur-Rebuttal
23	50	goggles.	Rpt. ¶ 25).
24	58	A flash suppressor is not necessary to	DX-50 at 1689 (Busse Suppl.
		operate a firearm, including for self-	Rpt. ¶ 17).
25	59	defense. A semiautomatic centerfire rifle under	DV 2 at 126 (Graham Pat
26	39	30 inches in length is more	DX-2 at 126 (Graham Rpt. ¶ 27); DX-50 at 1691 (Busse
		concealable than the same rifle that is	Suppl. Rpt. ¶ 21).
27		30 inches or longer.	յ Տարթո. Իրև. Հ1 <i>)</i> .
28		50 menes of foliger.]
ı		4.0	

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1	60	Generally, the only way to reduce the overall length of a rifle is to use	DX-50 at 1691 (Busse Suppl. Rpt. ¶ 21).
2		shorter barrels or shorter or collapsible	κρι. 21).
3		stocks (or both). Neither a shortened	
4		barrel nor a shorter or collapsible	
5		stock is necessary to operate a rifle,	
	61	including for self-defense. Manufacturers of rifles restricted by	DV 51 ot 1720, 35 (Pugga
6	01	Manufacturers of rifles restricted by the AWCA have marketed the rifles to	DX-51 at 1720–35 (Busse Suppl. Sur-Rebuttal Rpt.
7		civilians based on their military	¶¶ 17–37); DX-32 at 1277
8		features and military design.	(Violence Policy Ctr., The
9			Militarization of the U.S.
			Civilian Firearms Market 1
10			(2011)); DX-35 at 1459 (Guns & Ammo (July 1981) at 48);
11			e.g., DX-24 at 1071 (Colt
12			AR15A4 Advertisement);
13			DX-25 at 1072 (About Colt
			Rifles); DX-85 at 2986,
14			2994–97 (Mem. from Rep.
15			Carolyn B. Maloney to Members of the H.R. Comm.
16			on Oversight & Reform, July
17			27, 2022, at 2, 10–13).
	62	AWCA-compliant semiautomatic	DX-50 at 1688–89, 1694–708
18		rifles, including AR-platform rifles,	(Busse Suppl. Rpt. ¶¶ 13–15 &
19		are available for purchase and possession in California.	Ex. A); DX-16 at 740–41 (Helsley Dep. Tr. at 21–22);
20		possession in cultoring.	DX-2 at 126 (Graham Rpt.
21			¶ 30).
	63	Gun ownership in the United States is	DX-1 at 6–9 (Donohue Rpt.
22	C 1	becoming more concentrated.	¶ 18–26).
23	64	AR- and AK-platform rifles comprise approximately 5% of all firearms in	DX-54 at 1852 (Klarevas Suppl. Rpt. ¶ 15).
24		circulation in America; this estimate	Suppi. Крt. _∥ 1 <i>3)</i> .
25		likely includes rifles in the possession	
		of domestic law enforcement agencies.	
26	65	AR-platform and similar	DX-50 at 1687 (Busse Suppl.
27		semiautomatic rifles did not sell in	Rpt. ¶ 11).
28		substantial numbers until the late	
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1		2000s and particularly after the 2012	
2		shooting at Sandy Hook Elementary in	
		Newtown, Connecticut.	
3	66	As of 2013, 66 percent of AR- or AK-	DX-42 at 1532–33 (2013
4		rifles owners owned two or more such	NSSF Rpt. at 6–7).
5		rifles, and such owners owned on	
		average 3.1 AR- or AK-platform	
6	(7	rifles.	DV 42 -+ 1525 (2012 NGCE
7	67	As of 2013, over 30 percent of AR- or AK-platform rifle owners owned three	DX-42 at 1535 (2013 NSSF Rpt. at 13).
8		or more such rifles, and over one	Kpt. at 13).
0		quarter of owners reported having four	
9		or more such rifles.	
10	68	As of 2013, approximately 99% of	DX-42 at 1532 (2013 NSSF
		owners of an AR- or AK-platform rifle	Rpt. at 6).
11		also owned a firearm that was not an	
12		AR- or AK-platform rifle.	
13	69	An analysis of incidents reported in	DX-47 at 1566–67 (Allen
		the NRA Armed Citizens database	Suppl. Rpt. ¶ 13).
14		compiled from January 2011 through	
15		May 2017 reveals that it is rare for individuals to defend themselves using	
16		more than ten rounds; on average,	
		only 2.2 shots were fired by defenders.	
17		No shots were fired in 20.9% of	
18		incidents.	
19	70	An analysis of published news stories	DX-47 at 1572–73 (Allen
		revealed a similar number of average	Suppl. Rpt. ¶ 20).
20		shots per incident of self-defense (i.e.,	
21		2.34). No shots were fired in 11.6%	
22		of incidents. In 97.3% of the	
		incidents, the defender fired five or fewer shots.	
23	71	An analysis of the Heritage	DX-47 at 1576–77 (Allen
24	, 1	Foundation's database on defensive	Suppl. Rpt. ¶ 28).
25		gun uses in the United States revealed	11 1 II -/·
		that approximately 2 to 4 percent of all	
26		defensive gun uses involved any type	
27		of rifle.	
	72	A greater number of fatalities and	DX-15 at 728 (Kleck Dep. Tr.
28		12	

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1		injuries that occur in a mass shooting	at 263); DX-47 at 1582–83,
2		is correlated with the use of an assault	1585 (Allen Suppl. Rpt.
2		weapon.	¶¶ 34–37, 42); DX-54 at
3			1853–56 (Klarevas Suppl. Rpt.
4			¶¶ 16–18 & tbls. 3 & 4);
5			DX-57 at 2034–35 (Roth
	72	Dyning the named in which the federal	Suppl. Rpt. ¶ 54 & fig. 1).
6	73	During the period in which the federal assault weapons ban was in effect, the	DX-15 at 662–63 (Kleck Dep. Tr. at 153–54); DX-53 at 1802
7		use of banned assault weapons in	(Donohue Suppl. Rpt. ¶ 23).
8		crimes was reduced.	(Bononiae Suppl. Rpt. 23).
	74	The AWCA is more comprehensive	DX-15 at 610 (Kleck Dep. Tr.
9		than the federal assault weapons ban	at 70).
10		because, unlike the federal ban's two-	
11		feature test, the AWCA restricts	
11		centerfire rifles capable of accepting a	
12		detachable magazine if it has one of	
13	7.5	the listed features.	DV 54 + 1066 60 (VI
	75	An analysis of mass shootings reveals	DX-54 at 1866–69 (Klarevas
14		that states that prohibited assault weapons experienced fewer mass	Suppl. Rpt. ¶ 37 & tbls. 6 & 7).
15		shootings and fewer fatalities in such	
16		shootings.	
	76	An analysis of mass shooting data	DX-53 at 1805–06 (Donohue
17		from 1982–2019 reveals a statistically	Suppl. Rpt. ¶¶ 28–30 & tbl. 1).
18		significant relationship between	
19		assault weapon restrictions and	
		reductions in mass shooting deaths	
20		and injuries.	
21	77	Between January 1, 1998 and	DX-31 at 1249 (Violence
22		December 31, 2001, at least 41 of the 211 law enforcement officers slain in	Policy Ctr., Officer Down 5
		the line of duty were killed with	(2003)).
23		assault weapons.	
24	78	Excluding inter-group violence, such	DX-54 at 1857–60 (Klarevas
		as mob violence, riots, and battles,	Suppl. Rpt. ¶¶ 19–22 & tbl. 5).
25		shooting incidents involving ten or	1 1 11 11
26		more fatalities did not occur before	
27		1949, and the number of double-digit	
		mass shootings increased dramatically	
28		12	

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1	in the period before and after the		
2	federal assault weapons ban.		
	79	Over one half of the 35 deadliest mass	DX-86 at 3010 (The Violence
3	shootings in the last 100 years		Project, Key Findings).
4	occurred in the last decade.		
5	80	An increasing percentage of mass	DX-54 at 1849–50 (Klarevas
5		shootings has involved the use of	Suppl. Rpt. ¶ 14 & figs. 5 &
6		assault weapons, including 52% of	6); DX-86 at 3011 (The
7		mass shootings involving six or more	Violence Project, Key
		fatalities and 50% of mass public	Findings).
8		shootings involving four or more	
9	81	fatalities during the past five years. In the seven deadliest acts of	DX-54 at 1853 (Klarevas
10	01	intentional criminal violence in the	Suppl. Rpt. ¶ 16 & tbl. 2).
		United States since the terrorist attack	Suppl. Rpt. 10 & tol. 2).
11		of September 11, 2001, six involved	
12		the use of assault weapons (five	
		involved an AR-platform rifle and one	
13		involved an AK-platform rifle).	
14	82	As fatality thresholds increase in high-	DX-54 at 1853–54 (Klarevas
15		fatality mass shootings involving six-	Suppl. Rpt. ¶ 16 & figs. 9 &
		or-more fatalities and mass public	10).
16		shootings involving four-or-more	
17	fatalities in a public place, the share of		
10	such incidents involving assault		
18	83	weapons also increases. AR-platform rifles are	DX-54 at 1852 (Klarevas
19	0.5	disproportionately used in mass	Suppl. Rpt. ¶ 15).
20		shootings relative to the percentage of	Suppl. Rpt. 13).
		such weapons in circulation in	
21		America relative to the overall U.S.	
22		gun stock.	
23	84	In the past two years, the United States	DX-53 at 1799 (Donohue
		has experienced numerous,	Suppl. Rpt. ¶ 16); DX-80 at
24		devastating mass shootings with	2948 (Jack Healy et al., At
25		assault weapons, including rifles	Least 5 Dead and 25 Injured in
		regulated by the AWCA, including the	Gunman's Rampage at an
26		May 24, 2022 shooting at Robb	L.G.B.T.Q. Club in Colorado,
27		Elementary School in Uvalde, Texas	N.Y. Times, Nov. 20, 2022);
28		(19 children and 2 adults killed); the	DX-81 at 2956 (Jeremy White
_0		1.4	

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1		July 4, 2022 shooting at a Fourth of	& K.K. Rebecca Lai, What We
2		July parade in Highland Park, Illinois	Know About the Gun Used in
		(7 killed); the November 20, 2022	the Monterey Park Shooting,
3		shooting in a Colorado Springs	N.Y. Times, Jan. 26, 2023);
4		nightclub in which five people were	DX-82 at 2966 (Adeel Hassan
5		killed and 17 wounded; the January	& Emily Cochrane, What We
3		2023 shooting at a dance studio in	Know About the Nashville
6		Monterey Park, California that killed	School Shooting, N.Y. Times,
7		11 and wounded nine others; the	May 20, 2023); DX-83 at 2971
		March 2023 shooting at the	(Kevin Williams et al.,
8		elementary school in Nashville that	Gunman Who Killed Five in
9		killed six, including three 9-year-old	Louisville Left Note and
		children; the April 10, 2023 shooting	Bought Rifle Legally, N.Y.
10		at a Louisville bank that killed five;	Times, Apr. 11, 2023); DX-84
11		and the May 6, 2023 shooting at a	at 2977 (J. David Goodman et
10		shopping center in Allen, Texas that killed 8 and wounded 7 others.	al., After Mass Killings in Texas, Frustration but No
12		kined 8 and wounded 7 others.	Action on Guns, N.Y. Times,
13			May 7, 2023).
14	85	From the colonial period to the early	DX-57 at 2025 (Roth Suppl.
14		20th century, mass killings were	Rpt. ¶ 41); DX-58 at 2083
15		generally committed by groups of	(Roth Suppl. Sur-Rebuttal Rpt.
16		people because technological	¶ 25).
		limitations limited the ability of a	
17		single person to commit mass murder.	
18	86	The development and proliferation of	DX-59 at 2099–103 (Spitzer
10		semiautomatic and automatic firearms	Suppl. Rpt. ¶¶ 11–17); DX-57
19		technologies in the 1920s and 1930s	at 2027 (Roth Suppl. Rpt.
20		substantially increased the amount of	¶ 44).
21		carnage an individual could inflict,	
		which led to government regulation of	
22		those technologies.	
23	87	Historically, the term "Arms" referred	DX-49 at 1641 (Baron Suppl.
		to weapons such as "swords, knives,	Rpt. ¶ 8).
24		rifles, and pistols," and did not include	
25		"accoutrements," like "ammunition	
26		containers, flints, scabbards, holsters,"	
		or "parts of weapons."	
27			

1	88	It was time-consuming to load a gun	DX-52 at 1753 (Cornell Suppl.
2		in the late 18th and early 19th century.	Rpt. ¶ 27); DX-59 at 2110–13
			(Spitzer Suppl. Rpt. ¶¶ 24–28).
3	89	Repeater firearms (capable of holding	DX-60 at 2363 (Sweeney
4		several rounds in a magazine or	Suppl. Sur-Rebuttal Rpt. ¶ 22).
5		revolving cylinder and firing	
5		successive shots) were	
6		"extraordinarily rare" in the 18th	
7	00	century.	DV 60 + 2262 77 (5
	90	There is no evidence that many early	DX-60 at 2363–77 (Sweeney
8		repeating firearms were commercially	Suppl. Sur-Rebuttal Rpt.
9	0.1	available during the 18th century.	¶ 23–45).
	91	In 1800, it "was still not possible to	DX-60 at 2378 (Sweeney
0		manufacture with precision and in any quantity firearms with closely fitting	Suppl. Sur-Rebuttal Rpt. ¶ 47).
1		parts that could contain the destructive	
2		explosive potential associated with the	
		use of black powder gunpowder" that	
3		repeaters required.	
4	92	The historical record is replete with	DX-60 at 2366, 2371, 2378
15		reference to faultiness of repeaters	(Sweeney Suppl. Sur-Rebuttal
5		manufactured before and during the	Rpt. ¶¶ 26, 36, 47).
6		founding.	
7	93	19th century repeaters, like the Henry	DX-63 at 2419 (Vorenberg
		and Winchester rifles, were	Suppl. Rpt. ¶ 7).
8		understood during the era of	
9		Reconstruction to be weapons of war	
0		or anti-insurrection, not weapons of individual self-defense.	
	94	The lever-action Henry Rifle and the	DX-63 at 2425–27 (Vorenberg
1)4	Winchester Repeating Rifle (the	Suppl. Rpt. ¶¶ 20–21, 24).
2		Winchester 66 and Winchester 73	Suppl. Rpt. 20 21, 24).
		models), which were capable of	
3		holding 15 rounds in a fixed chamber	
4		within the firearm, were not adopted	
25		by the Union or Confederate militaries	
		during the Civil War and were not	
6		commonly acquired by soldiers	
7		returning from the Civil War.	
8		17	

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1	95	Following the Civil War, the	DX-63 at 2429–30 (Vorenberg
2		circulation of Henry and Winchester	Suppl. Rpt. ¶ 27).
		lever-action repeating rifles remained	
3		low, with few documented instances of	
4		possession by civilians.	
5	96	By the time the Fourteenth	DX-63 at 2444 (Vorenberg
3		Amendment was ratified, the	Suppl. Rpt. ¶ 50).
6		commercial viability of the	
7		Winchester Model 1866 was due	
		"almost entirely to sales to foreign	
8		armies," not to Americans.	
9	97	In the 18th and 19th centuries, laws	DX-52 at 1759–60 (Cornell
		required gunpowder to be stored on	Suppl. Rpt. ¶¶ 35–37).
10		the top floor of a building and	
11		permitted government officials to	
		remove it when necessary to prevent	
12		explosions and to transfer the powder to the public magazine.	
13	98	During the colonial period, states	DX-59 at 2135, 2136–37,
14	76	began to enact restrictions on "trap	2190–92, 2331–39 (Spitzer
		guns," laws that proliferated in the	Suppl. Rpt. ¶¶ 63, 66 & Exs. B
15		19th century.	& F).
16	99	A trap gun was a firearm that was	DX-59 at 2135 (Spitzer Suppl.
17		configured in a way to fire remotely	Rpt. ¶ 63).
17		(without the user operating the	" "
18		firearm), typically by rigging the	
19		firearm to be fired by a string or wire	
17		when tripped.	
20	100	Trap guns were used to protect	DX-59 at 2136 (Spitzer Suppl.
21		personal or commercial property.	Rpt. ¶ 64).
	101	As homicide rates increased in the	DX-57 at 2010–11 (Roth
22		South in the early 1800s, states began	Suppl. Rpt. ¶¶ 23–24); DX-59
23		restricting the carrying of certain	at 2123–24 (Spitzer Suppl.
24		concealable weapons.	Rpt. ¶ 44); DX-56 at 1975–76
	102	These concealed was a 1	(Rivas Suppl. Rpt. ¶ 14).
25	102	These concealed weapons laws	DX-57 at 2010–11 (Roth
26		targeted the specific types of weapons that were commonly used in the	Suppl. Rpt. ¶ 24).
		murders and serious assaults that	
27		muruers and serious assaults that	
28			
11		17	

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1		caused an alarming rise in homicides	
2	at the time.		
3	103 From 1813 to the Mexican War, in		DX-57 at 2012 (Roth Suppl.
3	1040, numerous states and territories		Rpt. ¶ 26); DX-59 at 2122–23
4	.		(Spitzer Suppl. Rpt. ¶¶ 42–43).
5	of particular weapons. These		
		concealed weapons laws were	
6		intended to specifically address the rise in murders and assaults	
7		throughout the South at that time.	
8	104	Class and racial tensions led to a	DX-57 at 2010–12 (Roth
		dramatic increase in the number of	Suppl. Rpt. ¶¶ 23–26).
9		deadly quarrels, property disputes,	, ,
10		duels, and interracial killing during the	
11		period, and individuals turned to	
		concealable weapons to ambush both	
12		ordinary citizens and political rivals,	
13		to bully or intimidate law-abiding	
14	citizens, and to seize the advantage in		
	105	During the 19th century, states enacted	DX-59 at 2121–34, 2194–97
15	100	a range of laws restricting the carrying	(Spitzer Suppl. Rpt. ¶¶ 42–61
16		of blunt weapons: 12 states restricted	& Ex. C).
17		"bludgeons"; 14 states restricted	,
1 /	"billies"; 43 states restricted		
18	"slungshots"; six states restricted		
19		"sandbags"; and 13 states broadly	
	100	restricted any concealed weapon.	DV 50 -+ 2129 2104 07
20	106	During the 19th century, including around the time that the Fourteenth	DX-59 at 2128, 2194–97
21		Amendment was ratified, 49 states (all	(Spitzer Suppl. Rpt. ¶ 50 & Ex. C).
22		except for New Hampshire) enacted	Ex. C).
		restrictions on Bowie knives and other	
23		"fighting knives."	
24	107	Many state laws enacted during the	DX-57 at 2010–11 (Roth
25		19th century also included revolvers	Suppl. Rpt. ¶¶ 24–25).
		and pistols in their lists of proscribed	
26	100	weapons.	DV 55 + 2010 11 (5)
27	108	These laws aimed to curb the general	DX-57 at 2010–11 (Roth
28		use of concealable weapons in	Suppl. Rpt. ¶ 24); DX-58 at
20		10	

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1		opportunistic crimes and assaults that	2090 (Roth Suppl. Sur-
2	-		Rebuttal Rpt. ¶ 37 n.44).
3	109	the South and its borderlands. State constitutions adopted during	DX-52 at 1764–69 (Cornell
4	107	Reconstruction expressly linked the	Suppl. Rpt. ¶¶ 43–51).
		right to keep and bear arms to the	
5		state's authority to regulate arms:	
6		"Every person shall have the right to	
7		keep and bear arms, in the lawful defence of himself or the government,	
8		under such regulations as the	
9		Legislature may prescribe."	
	110	During this period, the federal	DX-63 at 2419–20, 2425–26,
10		government regulated access to particularly dangerous weapons,	2450–51 (Vorenberg Suppl. Rpt. ¶¶ 8–9, 21–22, 63–64.
11		including the Henry and Winchester	Kpt. 0 3, 21 22, 03 04.
12		lever-action repeating rifles that began	
13		to circulate in the postbellum period,	
14		and along with state militias sought to prevent access to those weapons to	
		insurrectionary groups and Native	
15		Americans.	
16	111	Notably, when semiautomatic and	DX-59 at 2098–107 (Spitzer
17		automatic weapons began to circulate more widely in society and appear	Suppl. Rpt. ¶¶ 10–20 & tbl. 1).
18		more frequently in crime in the 1920s,	
19		states began to regulate semiautomatic	
		and automatic weapons capable of	
20		firing a certain number of rounds	
21		successively and weapons capable of receiving ammunition from feeding	
22		devices.	
23	112	In 1923, the National Conference of	DX-59 at 2100 (Spitzer Suppl.
		Commissioners on Uniform State	Rpt. ¶ 11).
24		Laws (now, the Uniform Law Commission) issued a model law	
25		calling for the prohibition of the	
26		possession of "any firearm which	
27		shoots more than twelve shots semi-	
28		automatically without reloading."	
20		10	

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1	113	Eleven states enacted restrictions on	DX-59 at 2103–06 (Spitzer
2		semiautomatic or fully automatic	Suppl. Rpt. ¶¶ 16, 19 & tbl. 1).
3		firearms capable of firing a certain	
		number of rounds without reloading; eight states regulated fully automatic	
4		weapons, defined as a firearm capable	
5		of firing a certain number of rounds	
6		without reloading or accepting an	
7		ammunition feeding device; and four	
		states restricted all guns that could	
8		receive any type of ammunition feeding mechanism or round feeding	
9		device and fire them continuously in a	
10		fully automatic manner, including a	
11		1927 California law.	
	114	These early 20th century firearm	DX-59 at 2097–98 (Spitzer
12		regulations followed the same regulatory pattern of state and federal	Suppl. Rpt. ¶¶ 9–10).
13		restrictions on large-capacity	
14		magazines in the late 20th century	
15		after the rise in mass shootings.	
	115	As of May 26, 2023, eleven	DX-59 at 2095 (Spitzer Suppl.
16		jurisdictions representing more than	Rpt. ¶ 7 & n.3); DX-54 at 1865
17		one quarter of the U.S. population, restrict assault weapons: California,	(Klarevas Suppl. Rpt. ¶ 35); H.B. 5471, 103d Gen. Assemb.
18		Connecticut, Delaware, the District of	(III. 2023); Substitute H.B.
19		Columbia, Hawaii (assault pistols	1240, 68th Legis. (Wash.
		only), Illinois, Maryland,	2023).
20		Massachusetts, New Jersey, New York, and Washington.	
21		1 Ork, and washington.	
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