

Nos. 23-1633, 23-1634 and 23-1641

IN THE
United States Court of Appeals
FOR THE THIRD CIRCUIT

DELAWARE STATE SPORTSMEN’S ASSOCIATION INC., ET AL. V. DELAWARE
DEPARTMENT OF SAFETY AND HOMELAND SECURITY, ET AL.

*ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE*

Consolidated Case No. 1:22-cv-00951-RGA
The Honorable Richard G. Andrews, United States District Court Judge

**DEFENDANTS-APPELLEES’ SUPPLEMENTAL APPENDIX
VOL. I: SA1 – SA422**

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SUPPLEMENTAL APPENDIX

TABLE OF CONTENTS

VOLUME I

Opening Brief in Support of Plaintiffs’ Motion For Preliminary
Injunction, No. 1:22-cv-00951, D.I. 11 (D. Del. Nov. 15, 2022)..... SA1

Opening Brief in Support of Plaintiffs’ Motion For a Preliminary
and Permanent Injunction, No. 1:22-cv-01500, D.I. 5 (D. Del.
Nov. 22, 2022)..... SA51

Defendants’ Opposition to Plaintiffs’ Motion For Preliminary
Injunction, with Exhibits 1 – 16, No. 1:22-cv-00951, D.I. 37
(D. Del. Jan. 31, 2023) SA70

Ex.1 Jim Garry, WEAPONS OF THE LEWIS & CLARK
EXPEDITION (Univ. of Okla. Press, Norman,
Publ’g Div. of the Univ. 2012)..... SA129

Ex. 2 J. DAVID MCFARLAND, AR-15, M16 ASSAULT RIFLE
HANDBOOK (1985) SA138

Ex. 3 Heckler & Koch advertisement of HK 91..... SA147

Ex. 4 Daniel Defense advertisement of AR-15 SA149

Ex. 5 KRISS 2020 Product Catalog (2020)..... SA152

Ex. 6 Ruger 2020 Firearms Catalog (2020) (Excerpt)..... SA172

Ex. 7 Heckler & Koch – Civilian Products advertisement
(2016) SA176

Ex. 8 Heckler & Koch- Weapons System Military & Law
Enforcement Products advertisement) SA201

Ex. 9 Colt Military & Law Enforcement Catalog (2013) SA222

Ex. 10 Colt Defense - Assault Rifles & Carbines (2010)..... SA255

Ex. 11 Springfield Armory USA 2013 Catalog (2013) SA280

Ex. 12 Gina Kolata & C.J. Chivers, NY TIMES, “Wounds From Military-Style Rifles? ‘A Ghastly Thing to See’ (Mar. 4, 2018) SA298

Ex. 13 Mary Kekatos, “Surgeon who treated kids shot in Uvalde describes assault weapons’ extreme trauma to victims’ bodies,” ABC NEWS (May 27, 2022) SA305

Ex. 14 Jason Hanna, ‘Those Are Wartime Injuries’: Doctor Describes the Horrific Scene at the Highland Park Shooting,” CNN (July 5, 2022) SA311

Ex. 15 Jennifer Henderson, “‘There’s Nothing to Repair’: Emergency Docs on Injuries From Assault Weapons,” MEDPAGETODAY.COM (May 31, 2022) SA315

Ex. 16 Jeremy White & K.K. Lai, “What We Know About the Gun Used in the Monterey Park Shooting,” NY TIMES (Jan. 26, 2023)..... SA319

Declaration of Lucy P. Allen in Support of Defendants’ Opposition to Plaintiffs’ Motion For Preliminary Injunction with Exhibits A - C, No. 1:22-cv-00951, D.I. 38 (D. Del. Jan. 31, 2023) SA327

Ex. A Lucy P. Allen, Curriculum Vitae SA356

Ex. B Chart re: Public Mass Shootings Data (1982 – Oct. 2022) SA363

Ex. C Chart re: List of Firearms Used in Public Mass Shootings (1982 – Oct. 2022) SA373

Declaration of Dennis Baron in Support of Defendants’ Opposition to Plaintiffs’ Motion For Preliminary Injunction, No. 1:22-cv-00951, D.I. 39 (D. Del. Jan. 31, 2023)..... SA393

VOLUME II

Declaration of James E. Yurgealitis in Support of Defendants’
Opposition to Plaintiffs’ Motion For Preliminary Injunction
with Exhibits A - U, No. 1:22-cv-00951, D.I. 42
(D. Del. Jan. 31, 2023) SA423

Ex. A James E. Yurgealitis, Curriculum Vitae..... SA484

Ex. B James E. Yurgealitis, Statement of Qualifications SA488

Ex. C Ian V. Hogg & John S. Weeks, MILITARY SMALL
ARMS OF THE 20TH CENTURY (7th ed. 2000) SA492

Ex. D Duncan Long, THE COMPLETE AR-15/M16 SOURCEBOOK,
WHAT EVERY SHOOTER NEEDS TO KNOW (2001) SA511

Ex. E Jim Supica, Introduction, GUNS (2005)..... SA539

Ex. F Jack Lewis, Robert K. Campbell & David Eds.
Steele, THE GUN DIGEST BOOK OF ASSAULT WEAPONS
(7th ed. 2007)..... SA544

Ex. G Final Report of ASD / ARPA Research and Development
Field Unit – Vietnam (Aug. 20, 1962) (declassified at
AD343778) SA552

Ex. H Kevin Dockery, SPECIAL WARFARE: SPECIAL WEAPONS,
THE ARMS & EQUIPMENT OF THE UDT AND SEALS FROM
1943 TO THE PRESENT (Emperor’s Press 2001) SA608

Ex. I Vincent J.M. Dockery, GUNSHOT WOUNDS (2d ed.,
CRC Press, New York, NY 1999)..... SA663

Ex. J Edward C. Ezell & Blake R. Stevens, THE BLACK
RIFLE (2004) SA669

Ex. K Christopher R. Bartocci, THE BLACK RIFLE II (2004)..... SA674

Ex. L POPULAR SCIENCE (Feb. 1965)..... SA678

Ex. M Colt Catalogue (1964) SA681

Ex. N Colt Catalogue (1970) SA683

Ex. O Colt Catalogue (1978) SA685

Ex. P Jack Lewis, GUN DIGEST BOOK OF ASSAULT WEAPONS
(1st ed. 1986) SA687

Ex. Q Department of the Treasury: Bureau of Alcohol,
Tobacco, and Firearms, REPORT AND RECOMMENDATION
ON THE IMPORTABILITY OF CERTAIN SEMIAUTOMATIC
RIFLES (July 6, 1989)..... SA697

Ex. R Department of the Treasury: Bureau of Alcohol,
Tobacco, and Firearms, THE SPORTING SUITABILITY
OF MODIFIED SEMIAUTOMATIC RIFLES (April 1998) SA717

VOLUME III

Ex. S Department of the Treasury: Bureau of Alcohol,
Tobacco, and Firearms, STUDY ON THE IMPORTABILITY
OF CERTAIN SHOTGUNS (2011) SA844

Ex. T U.S. Army Manual FM 3-22.9 on Rifle Marksmanship
M16A1, M16A2/3, M16A34 & M4 Carbine (Apr. 2003)
(Excerpt) SA879

Ex. U U.S. Army Rifle & Carbine Manual (2016)
(Excerpt) SA886

Plaintiffs’ Joint Reply Brief in Support of Their Motion For
Preliminary Injunction, No. 1:22-cv-00951, D.I. 44
(D. Del. Feb. 13, 2022) SA903

Transcript of Oral Argument held before Judge Richard G.
Andrews, No. 1:22-cv-00951, D.I. 54 (D. Del. Feb. 24, 2023)..... SA935

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DELAWARE STATE SPORTSMEN’S	:	
ASSOCIATION, INC; BRIDGEVILLE	:	
RIFLE & PISTOL CLUB, LTD.;	:	
DELAWARE RIFLE AND PISTOL CLUB;	:	Civil Action No.:
DELAWARE ASSOCIATION OF	:	1:22-cv-00951-RGA
FEDERAL FIREARMS LICENSEES;	:	
MADONNA M. NEDZA; CECIL CURTIS	:	
CLEMENTS; JAMES E. HOSFELT, JR;	:	
BRUCE C. SMITH; VICKIE LYNN	:	
PRICKETT; and FRANK M. NEDZA,	:	

Plaintiffs.

v.

DELAWARE DEPARTMENT OF	:	
SAFETY AND HOMELAND SECURITY;	:	
NATHANIAL MCQUEEN JR. in his	:	
official capacity as Cabinet Secretary,	:	
Delaware Department of Safety and	:	
Homeland Security; and COL. MELISSA	:	
ZEBLEY in her official capacity as	:	
superintendent of the Delaware State Police,	:	

Defendants.

**OPENING BRIEF IN SUPPORT OF PLAINTIFFS’ MOTION FOR PRELIMINARY
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TABLE OF CONTENTS

INTRODUCTION..... 1

JURISDICTION 4

ARGUMENT..... 4

I. Plaintiffs Are Likely to Succeed on the Merits..... 5

A. The Regulatory Scheme Violates the Second Amendment Under *Bruen* 5

i. HB 450 Unconstitutionally Bans Firearms in “Common Use” 6

ii. SS 1 for SB 6 Unconstitutionally Bans Ammunition Magazines in Common Use.. 9

B. The Regulatory Scheme Violates Article I, § 20 of the Delaware Constitution..... 13

C. Numerous Orders Enjoining or Reversing and Remanding Similar Unconstitutional Firearms Restrictions Have Been Entered Across the Country in the Wake of *Bruen* 14

II. Plaintiffs Will Suffer Irreparable Injury Without an Injunction 18

III. Public Interest and Balance of Hardships Strongly Favor Plaintiffs 19

CONCLUSION 20

TABLE OF AUTHORITIES

Cases

Acierno v. New Castle County, 40 F.3d 645 (3d Cir. 1994) 18

ACLU v. Ashcroft, 322 F.3d 240 (3d Cir. 2003)..... 19

Amalgamated Transit Union Loc. 85 v. Port Auth. of Allegheny Cnty., 513 F. Supp. 3d 593 (W.D. Pa. 2021).....5

Antonyuk v. Hochul, 2022 U.S. Dist. LEXIS 201944 (N.D.N.Y. Nov. 7, 2022)..... 17

Assn. of NJ Rifle, v. Bruck, U.S. Supr. Ct. No. 20-1507 (June 30, 2022)..... 16

Bianchi v. Frosh, U.S. Supr. Ct. No. 21-902 (June 30, 2022)..... 15

Bridgeville Rifle & Pistol Club, Ltd. v. Small, 176 A.3d 632 (Del. 2017) 13, 14

Del. State Sportsmen’s Ass’n v. Garvin, 196 A.3d 1254 (Del. Super. 2018) 8, 13

District of Columbia v. Heller, 554 U.S. 570 (2008)..... 3, 5

Doe v. Wilmington Housing Authority, 88 A.3d 654 (Del. 2014) 1, 13

Duncan v. Becerra, U.S. Supr. Ct. No. 21-1194 (June 30, 2022)..... 16

Ezell v. City of Chicago, 651 F.3d 684 (7th Cir. 2011) 14, 18

Frein v. Pa State Police, 47 F. 4th 247 (3rd Cir., August 30, 2022) 16

Friedman v. City of Highland Park, Ill., 577 U.S. 1039 (2015)..... 6

Heller v. District of Columbia (“Heller II”), 670 F.3d 1244 (D.C. Cir. 2011)..... 6

Hope v. Warden York Cnty. Prison, 972 F.3d 310 (3d Cir. 2020).....4

K.A. ex rel. Ayers v. Pocono Mountain Sch. Dist., 710 F.3d 99 (3d Cir. 2013) 18

Kolbe v. Hogan, 849 F. 3d 114 (4th Cir. 2017) 15

Kongsberg v. State Bar of Cal. 366 U.S. 36 (1961)..... 3, 5

Lewis v. Kugler, 446 F.2d 1343 (3d Cir. 1971) 18

Miller v. Bonta, 542 F. Supp. 3d 1009 (S.D. Cal. 2021)..... 6

Nken v. Holder, 556 U.S. 418 (2009).....5

N.Y. State Rifle & Pistol Ass'n v. Bruen, 142 S. Ct. 2111, 213 L.Ed.2d 387 (2022) 2-3,15

Reilly v. City of Harrisburg, 858 F.3d 173 (3d Cir. 2017) 4

Rigby v. Jennings, 2022 U.S. Dist. LEXIS 172375 (D. Del. September 22, 2022)..... 15

Rocky Mountain Gun Owners v. The Town of Superior, Civ. Action No. 22-cv-01685-RM (D. Colo. July 22, 2022)..... 17

Springfield Armory, Inc. v. City of Columbus, 29 F.3d 250 (6th Cir. 1994).....7

Staples v. United States, 511 U.S. 600 (1994)..... 6, 8

Stenberg v. Carhart, 530 U.S. 914 (2000)..... 8

Statutes

11 *Del. C.* § 1441 10

11 *Del. C.* § 1465 6

11 *Del. C.* § 1466 (c)(3)(a)-(d)..... 8

11 *Del. C.* § 1468(2)(a)..... 9

11 *Del. C.* § 1469(c)(5)..... 9

11 *Del. C.* §§ 1457,1464-1469 2

11 *Del. C.* §§ 1459A(b), 1463(a) and 1463(c)(1) 15

11 *Del. C.* §§ 1465(2) 1469(c)..... 2

28 U.S.C. §§ 1331 and 1343 4

42 U.S.C. §§ 1983 and 1988 4

Article I, § 20 of the Delaware Constitution..... 12

Constitution Amendment II and Amendment XIV 4

Other Authorities

11A Charles Alan Wright, Arthur R. Miller, Mary Kay Kane, FEDERAL PRACTICE AND PROCEDURE § 2948.1 (3d ed. 2022). 18

2014 Standard Catalog of Firearms (2014) 9

David B. Kopel, *Rational Basis Analysis of “Assault Weapon” Prohibition*, 20 J. Contemp. L. 381 (1994)..... 7

First Conviction under Weapon Law; Judge Foster gives Marino Rossi One Year for Arming himself... N.Y. Times (Sept. 28, 1911) 12

Gary Kleck, *Targeting Guns: Firearms and Their Control* 112 (1997)..... 19

Laws of the State of Delaware, Chapter 94, Vol. 12, March 6, 1861, at Section 7 12

Jim Garry, *Weapons of the Lewis & Clark Expedition* (2012). 9

Matthew Larosiere, *CATO Institute Legal Bulletin: Losing Count: The Empty Case for “High-Capacity” Magazine Restrictions* 10

Stephen B. Tahmassebi, *Gun Control and Racism*, 2 Civil Rights Law Journal 67 (1991)..... 12

Stephen P. Halbrook, *The Right to Bear Arms: A Constitutional Right of the People or a Privilege of the Ruling Class?* (2021)..... 12

Stephen P. Halbrook, *America’s Rifle: The Case for the AR-15* (2022).....12

William Waller Hening, *The Statutes at Large; Being a Collection of All the Laws of Virginia*, (1823)..... 12

INTRODUCTION

The United States Supreme Court and a unanimous Delaware Supreme Court have recognized that the fundamental right to self-defense includes the right to keep and bear firearms both inside and outside the home. The Second Amendment to the United States Constitution guarantees “the right of the people to keep and bear Arms.” U.S. Const., amend. II. Article I, § 20 of the Delaware Constitution affords even broader protections than provided under the United States Constitution, recognizing that: “[a] person has the right to keep and bear arms for the defense of self, family, home and State, and for hunting and recreational use.” DEL. CONST., art. I, § 20; *see Doe v. Wilmington Housing Authority*, 88 A.3d 654, 665 (Del. 2014) (“[o]n its face, the Delaware provision is intentionally broader than the Second Amendment and protects the right to bear arms outside the home, including for hunting and recreation.”).

In defiance of this established and unassailable authority, the State of Delaware recently enacted into law House Bill 450 (“HB 450”¹) and Senate Substitute 1 for Senate Bill 6 (“SS 1 for SB 6”²)(collectively “The Regulatory Scheme”³) which flout the fundamental civil rights of Delawareans and others visiting the First State, by making them criminals—felons—for exercising one of their most exalted rights enshrined in both the Delaware Constitution and the United States Constitution. When HB 450 and SS 1 for SB 6 were signed on June 30, 2022, the State of Delaware criminalized (1) possession, transportation and sale of common firearms used by law-abiding citizens for lawful purposes—mislabeling them as “assault weapons” (HB 450);

¹ “HB 450” refers to 11 *Del. C.* §§ 1464-1467 as well as provisions in HB 450. HB 450 is attached hereto as Exhibit “A.”

² “SS 1 for SB 6” refers to 11 *Del. C.* §§ 1441, 1468-1469A as well as provisions in Senate Substitute 1 for Senate Bill 6. SS 1 for SB 6 is attached hereto as Exhibit “B.”

³ The “Regulatory Scheme” collectively refers to 11 *Del. C.* §§ 1464-1467 as well as provisions in House Bill 450 (“HB 450”) and to 11 *Del. C.* §§ 1441, 1468-1469A as well as provisions in Senate Substitute 1 for Senate Bill 6 (“SS 1 for SB 6”).

and (2) transportation and sale of common “ammunition feeding devices” or “magazines” capable of holding more than seventeen rounds—mislabeling them as “large-capacity magazines.” (SS 1 for SB 6). *See* 11 *Del. C.* §§ 1457, 1464-1469 (2022). The State’s limited exceptions to these broad criminal statutes do not allow typical law-abiding citizens, including Plaintiffs, to keep and bear common firearms for lawful purposes. *See* 11 *Del. C.* §§ 1465(2), 1469(c).

Plaintiffs, Delaware State Sportsmen’s Association, Bridgeville Rifle and Pistol Club, Ltd., Delaware Rifle and Pistol Club, Delaware Association of Federal Firearms Licensees, Madonna M. Nedza; Cecil Curtis Clements; James E. Hosfelt, Jr.; Bruce C. Smith; Vickie Lynn Prickett; and Frank M. Nedza (collectively, “Plaintiffs”) seek injunctive relief on the basis that the Regulatory Scheme violates their rights under the Second and Fourteenth Amendments to the U.S. Constitution and their rights under Article I, § 20 of the Delaware Constitution.

Plaintiffs seek this relief on the eve of the State’s first ammunition magazine “buy-back” event⁴, created in conjunction with the Regulatory Scheme to coerce the law-abiding citizens of Delaware, including Plaintiffs, into surrendering their commonly used and owned ammunition magazines permanently, under threat of prosecution.

Plaintiffs also seek this relief in the wake of the U.S. Supreme Court’s landmark decision, that the State has ignored, in *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 142 S. Ct. 2111, 213 L.Ed.2d 387 (2022), and its rapidly growing progeny. In *Bruen*, the Supreme Court held that “when the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct.... Only if a firearm regulation is consistent with this Nation’s historical tradition may a court conclude that the individual’s conduct falls outside the

⁴ *See*, <https://delaware.gov> State Announces High Capacity Magazine Buyback Events for Delaware Residents, attached hereto as Exhibit “C.”

Second Amendment’s ‘unqualified command.’” *Id.* at 2126 (citing *Kongsberg v. State Bar of Cal.* 366 U.S. 36, 50 n. 10 (1961)). The Supreme Court, thus, reinforced the approach to assessing a Second Amendment challenge it had established in *District of Columbia v. Heller*, 554 U.S. 570 (2008). That approach mandates (1) determining, through textual analysis, that the Second Amendment protected an individual right to armed self-defense; and (2) relying on the historical understanding of the Amendment to demark the limits on the exercise of that right. *Bruen*, 142 S. Ct. at 2131.

Bruen, like *Heller* before it, maintained that, “[m]uch like we use history to determine which modern “arms” are protected by the Second Amendment, so too does history guide our consideration of modern regulations that were unimaginable at the founding. When confronting such present-day firearm regulations, this historical inquiry that courts must conduct will often involve reasoning by analogy—a commonplace task for any lawyer or judge.” *Id.* at 2132. The *Bruen* court repudiated the “means-end” scrutiny to restrictions upon fundamental Second Amendment rights that had developed in Circuit Courts following *Heller*. HB 450 and SS 1 for SB 6 draw their inspiration from the same flawed, now repudiated restrictions in vacated Circuit Court decisions.

The Regulatory Scheme’s ban of common firearms and common ammunition magazines commonly used by law abiding citizens for lawful purposes is a self-evident violation of the Second Amendment and Article I, § 20 of the Delaware Constitution. This ban is not consistent with the United States’ historical tradition of protecting an individual right to self-defense, boldly violates that right, and is not saved by its limited, arbitrary exceptions.

Plaintiffs’ are likely to succeed on their claims, as many challengers to unconstitutional firearms restrictions have in the wake of *Bruen*. Denying an injunction would lead to irreparable

injury to Plaintiffs and other similarly situated Delawareans where, beginning November 16th, 2022 the State is initiating its ammunition magazine “buy-back” program and where Plaintiffs and similarly situated law-abiding Delawareans currently live under threat of prosecution for possessing common firearms and ammunition magazines banned and criminalized under the Regulatory Scheme. Granting an injunction also favors the public interest where the Regulatory Scheme poses such a grave threat to Plaintiffs and similarly situated Delawareans fundamental constitutional rights. It remains well-established that violation of a fundamental Constitutional right equates with irreparable harm.

JURISDICTION

Plaintiffs challenge the validity of the Regulatory scheme under 42 U.S.C. §§ 1983 and 1988; U.S. Constitution Amendment II and Amendment XIV; and DEL. CONST., art. I, § 20. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343.

ARGUMENT

A plaintiff seeking preliminary injunctive relief must demonstrate (1) a likelihood of success on the merits and (2) a prospect of irreparable injury if the injunction is not granted. *Reilly v. City of Harrisburg*, 858 F.3d 173, 176 (3d Cir. 2017). A loss of a constitutional right even for a minimal period of time is an irreparable injury. *Amalgamated Transit Union Loc. 85 v. Port Auth. of Allegheny Cnty.*, 39 F.4th 95, 108 (3d Cir. 2022) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)).

In addition, “the district court . . . should take into account, when they are relevant, (3) the possibility of harm to other interested persons from the grant or denial of the injunction, and (4) the public interest.” *Id.* These final two factors “merge when the Government is the opposing party.” *Hope v. Warden York Cnty. Prison*, 972 F.3d 310, 332 (3d Cir. 2020) (quoting

Nken v. Holder, 556 U.S. 418, 435 (2009)). Further, where a claim claim is constitutional the public interest always supports upholding the constitution. *Amalgamated Transit Union Loc. 85 v. Port Auth. of Allegheny Cnty.*, 513 F. Supp. 3d 593, 622 (W.D. Pa. 2021), *aff'd*, 39 F.4th 95 (3d Cir. 2022) (collecting First Amendment authorities) Here, all factors favor preliminarily enjoining Defendants from enforcing the Regulatory Scheme.

I. Plaintiffs Are Likely to Succeed on the Merits

A. The Regulatory Scheme Violates the Second Amendment Under *Bruen*

It cannot be seriously disputed that the Regulatory Scheme burdens Second Amendment rights. The only remaining question, under *Bruen*, is whether the State can prove that the burdens imposed by the Regulatory Scheme upon Plaintiffs' and similarly situated Delawareans' right to own common firearms and common ammunition magazines are consistent with "this Nation's historical tradition" so as to fall outside of the Second Amendment's "unqualified command." *Bruen*, 142 S. Ct. at 2126 (citing *Kongsberg v. State Bar of Cal.* 366 U.S. 36, 50 n. 10 (1961)). The answer is no. Drawing from historical tradition, the Supreme Court has made explicit that the Second Amendment protects the carrying of weapons "in common use at the time," *Id.* at 2143; *see also District of Columbia v. Heller*, 554 U.S. 570, 573 (2008) The Supreme Court means the Second Amendment protects the right to own weapons that are in common use today. *Id.* at 2143. Indeed, for this reason, "[j]ust as the First Amendment protects modern forms of communications, and the Fourth Amendment applies to modern forms of search, the Second Amendment extends, *prima facie*, to all instruments that constitute bearable arms, even those that were not in existence at the time of the founding." *Heller*, 554 U.S. 570 at 582 (citations omitted).

The firearms and ammunition magazines banned by the Regulatory Scheme are in common use today and there is no historical tradition or analogue under which the State can justify the outright ban it has enacted.

i. HB 450 Unconstitutionally Bans Firearms in “Common Use”

HB 450 bans as “assault weapons” common handguns given the misnomer of “assault pistols,” common semiautomatic long guns mislabeled as “assault long guns,” and any “copycat weapon.” 11 *Del. C.* § 1465. These broad categories of firearms are each in common use today. Handguns are “indisputably in ‘common use’ for self-defense today. They are, in fact, ‘the quintessential self-defense weapon.’” *Bruen*, 142 S. Ct. at 2119 (citing *District of Columbia v. Heller*, 554 U.S. 570, 629 (2008)); *see also*, *Heller v. District of Columbia* (“*Heller II*”), 670 F.3d 1244, 1269 (D.C. Cir. 2011)(Kavanaugh, J., dissenting)(“[H]andguns—the vast majority of which today are semi-automatic—... have not traditionally been banned and are in common use by law-abiding citizens.”).

The rifles banned as so-called “assault long guns” are also in common use today. “Nationally, modern rifles are ubiquitous . . . In 2018, 909, 330 Ford F-150s were sold. Twice as many modern rifles were sold the same year.” *Miller v. Bonta*, 542 F. Supp. 3d 1009, 1022 (S.D. Cal. 2021). Semiautomatic rifles accounted for 40 percent of rifles sold in 2010; with two million AR-15s, America’s most popular rifle, manufactured between 1986 and 2010. *Heller II* at 1287; *see also* *Friedman v. City of Highland Park, Ill.*, 577 U.S. 1039, 1042 (2015)(Thomas, J., dissenting from denial of cert)(“Roughly five million Americans own AR-styled semiautomatic rifles...The overwhelming majority of citizens who own and use such rifles do so for lawful purposes including self-defense and target shooting.”) Semiautomatic long guns “traditionally have been widely accepted as lawful possessions...” *See Staples v. United States*, 511 U.S. 600,

612 (1994)(so categorizing an AR-15 semiautomatic rifle). Counting just “modern sporting rifles” (a category that includes semiautomatic AR-style rifles), the number in circulation today approaches twenty million. According to industry sources, more than one out of every five firearms sold in certain recent years were semiautomatic modern sporting rifles.

So-called “copycat weapons” and their specific features are defined in an inherently vague manner and are also in common use. *Springfield Armory, Inc. v. City of Columbus*, 29 F.3d 250, 252 (6th Cir. 1994). Many, perhaps the majority of AR-15 platform firearms in circulation are technically “copycats” under HB 450. Further, the definition of “copycat weapons” in HB 450 require law-abiding citizens to know the technical details of firearm design history. *See*, Stephen P. Halbrook, *America’s Rifle: The Case for the AR-15*, 284 (2022)(“And even to try to decide whether a firearm is a copy or duplicate of a verboten firearm, one must have a verboten firearm for comparison.”)

Features of so called “copycat weapons” also aid in home self-defense. A flash suppressor, for example, not only reduces the chance that a home-invader will mark his victim’s position; it also protects a homeowner against momentary blindness when firing in self-defense. David B. Kopel, *Rational Basis Analysis of “Assault Weapon” Prohibition*, 20 J. Contemp. L. 381, 397 (1994). Similarly, folding stocks, whether on rifles or shotguns, support maneuverability in tight home spaces as well as safe storage of defense instruments. Kopel at 398-99.

The banned semiautomatic firearms deemed “assault weapons” under HB 450, whether handgun, rifle or so called “copycat weapon,” like all other semiautomatic firearms, largely fire

only one round for each pull of the trigger. They are not machine guns.⁵ *See Staples*, 511 U.S. at 602 n.1. What is more, the designation “assault weapons” is a complete misnomer, “developed by anti-gun publicists” in their crusade against lawful firearm ownership. *See Stenberg v. Carhart*, 530 U.S. 914, 1001 n.16 (2000) (Thomas, J., dissenting). HB 450 unconstitutionally infringes upon the Second Amendment rights of Plaintiffs and similarly situated Delawareans by banning firearms that are undeniably in common use today. There is no historic tradition or analogue to the Regulatory Scheme’s ban upon which the State can rely—and for which they have the burden of proof.

The State of Delaware also purports to create an “exception” to the assault ban of HB 450 whereupon ordinary law-abiding citizens may possess and transport an “assault weapon” only if they lawfully possessed it prior to June 30, 2022, and then only:

“[a]t that person’s residence, place of business, or other property owned by that person, or on property owned by another person with the owner’s express permission; [w]hile on the premises of a shooting range; [w]hile attending any exhibition, display, or educational project that is about firearms and that is sponsored by, conducted under the auspices of, or approved by a law-enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms;” or while transporting between the aforementioned places or “to any licensed firearms dealer for servicing or repair.”

11 *Del. C.* § 1466 (c)(3)(a)-(d).

This “grandfather clause” does nothing to save HB 450 from being an unconstitutional violation of the Second Amendment. It still prohibits law-abiding Delawareans, including Plaintiffs, from exercising their fundamental right to purchase new and/or additional banned firearms. It also unconstitutionally and severely restricts the locations where Delawareans may

⁵ The State of Delaware was corrected by the Delaware Superior Court for mistakenly conflating this distinction in a firearms case the State lost and did not appeal. *Del. State Sportsmen’s Ass’n v. Garvin*, 2020 Del. Super. LEXIS 2927, *1, *13 (Del. Super. 2020).

possess the banned firearms. There are no historical analogues for limiting the right to bear commonly owned firearms with or without HB 450's "grandfather clause."

ii. SS 1 for SB 6 Unconstitutionally Bans Ammunition Magazines in Common Use

SS 1 for SB 6 bans common ammunition magazines using the hyperbolic label "large-capacity magazines," defining them as "any ammunition feeding device capable of accepting, or that can readily be converted to hold, more than 17 rounds of ammunition." 11 *Del. C.* § 1468(2)(a). Firearms with ammunition magazines capable of holding more than seventeen rounds, which include many commonly used arms tendentiously called "assault weapons" under HB 450, are indisputably in common use today by law-abiding citizens for lawful purposes, including self-defense. There are currently tens of millions of rifle magazines that are lawfully possessed in the United States with capacities of more than seventeen rounds. The most popular rifle in American history, and to this day, is the AR-15 platform, a semiautomatic rifle with standard magazines of 20 or 30 rounds. Springfield Armory also introduced the M1A semi-automatic rifle in 1974, with a 20-round detachable box magazine. The next year, the Ruger Mini-14 was introduced, with manufacturer-supplied standard 5-, 10-, or 20-round detachable magazines. *2014 Standard Catalog of Firearms*, 1102 (2014). Both the M1A and the Mini-14 are very popular to this day.⁶

Further, SS 1 for SB 6 bans ammunition magazines capable of accepting, or that can readily be converted to hold, more than 17 rounds of ammunition. However, ammunition magazines can often be used for multiple calibers and the number of rounds they can hold

⁶ Ammunition magazines capable of holding more than seventeen rounds are not only in common use today, they have been for centuries. At the time that the Second Amendment was being ratified, the state of the art for multi-shot guns was the Girandoni air rifle, with a 20 or 22-shot magazine capacity. For example, Merriweather Lewis carried one on the Lewis & Clark expedition. Jim Garry, *Weapons of the Lewis & Clark Expedition* 91-103 (2012).

depends on the caliber. For example, a certain magazine often affiliated with the AR-15 will hold 30 rounds of 5.56 mm ammunition but only 10 rounds of the larger .458 SOCOM ammunition. Many popular magazines have similarly variable capacities. The existence of this variability means that common arms that come equipped with standard-capacity magazines of 17 rounds of ammunition or below are still banned under SS 1 for SB 6. Matthew Larosiere, *CATO Institute Legal Bulletin: Losing Count: The Empty Case for “High-Capacity” Magazine Restrictions* <https://www.cato.org/legal-policy-bulletin/losing-count-empty-case-high-capacity-magazine-restrictions> (July 17, 2018). SS 1 for SB 6 unconstitutionally infringes upon the Second Amendment rights of Plaintiffs and similarly situated Delawareans by banning ammunition magazines that are undeniably in common use today.

SS 1 for SB 6 purports to create an exception to the “large-capacity magazine” ban. The ban does not apply to “[a]n individual who holds a valid concealed carry permit issued with the approval of the Superior Court under § 1441....” 11 *Del. C.* § 1469(c)(5). The carry license exception to SS 1 for SB 6 is arbitrary. It is open to, “[a] person of full age and good moral character desiring to be licensed to carry a concealed deadly weapon for personal protection or the protection of the person’s property.” 11 *Del. C.* § 1441. It further requires prospective permit holders, among other things, to (1) publicly apply for the license, stating their residence and occupation; (2) file a certificate of 5 “respectable citizens” of the county in which the applicant resides that state that the applicant bears a “good reputation for peace and good order in the community in which the applicant resides,”; (3) complete various firearms training courses; and (4) submit to having notice of their application published in a newspaper of general circulation published in the county where they reside. *Id.* Even after satisfying these, and other requirements, the grant of a license, and thus the grant of an exception to the ban on owning

commonly used ammunition magazines is left to the arbitrary discretion of the Delaware Superior Court, which “may or may not, in its discretion, approve any application....” *Id.*

SS 1 for SB 6 applies the concealed-carry licensing requirements of dubious constitutionality for mere ownership of ammunition magazines in common use. In so doing, SS 1 for SB 6 conditions the grant of what is a fundamental right of all citizens upon vague, arbitrary, and discretionary requirements such as proof of “good moral character.” *Bruen*, 142 S. Ct. 2111 at 2135 n.1 (noting with disapproval states with licensing schemes that give officials discretion to deny licenses based on a perceived lack of suitability). The requirements effectively prohibit the issuance of a license, and thus, the right to own ammunition magazines in common use, unless the applicant *persuades* the Court that the applicant is of “good moral character.” These requirements are akin to shouldering an applicant with the burden of showing that she needs to satisfy criteria distinguishable from that of the general community—the exact burden that *Bruen* ruled unconstitutional in the context of concealed carry. There is no historical analogue or historical tradition of burdening law-abiding citizens with the obligation to persuade the State why they should be able to exercise their basic and fundamental right to bear common arms or common ammunition magazines. Nor is there a historical analogue or historical tradition of requiring a law-abiding citizen to provide character references in order to be permitted to bear common arms.

Further, the training mandate imposed by the licensing requirements heavily discriminates against and acts as a complete barrier to the acquisition of commonly used ammunition magazines by the poor or economically disadvantaged citizens of the State of Delaware, who live in urban areas, where access to a public shooting range is effectively non-existent and where the licensing process is costly. The underlying intent and practical effect of

these requirements is the disenfranchisement of Second Amendment rights for the poor and disadvantaged. These and the other requirements imposed by the licensing process for concealed carry now applied to mere ownership of ammunition magazines in common use, form undue and effective practical barriers to the exercise of fundamental constitutional rights preserved by the Second Amendment.⁷

There is no denying that the firearms and the ammunition magazines banned by the Regulatory Scheme are in common use, and thus fall within the protection and “unqualified command” of the Second Amendment. There is also no denying that the State will be incapable of citing any historical tradition or historical analogue justifying the Regulatory Scheme’s bans or the respective purported exceptions to HB 450 or SS 1 for SB 6. The Regulatory Scheme therefore violates the Second Amendment and is unconstitutional. Plaintiffs will succeed on the merits of their claims that their Second Amendment rights are violated by the Regulatory Scheme.

⁷ Regarding the overtly racist history of gun licensing and registration, see, e.g., Virginia’s 1723 statute forbidding any “negro, mulatto, or Indian . . . to keep, or carry any gun,” unless they were “a house-keeper, or listed in the militia.” William Waller Hening, *The Statutes at Large; Being a Collection of All the Laws of Virginia*, 131 (1823). An exception was provided, however, for “negroes, mullattos, or Indians, bond or free, living at any frontier plantation,” who could “keep and use guns” if they “first obtained a license for the same, from some justice of the peace.” *Id.* Delaware also used laws to restrict the use of firearms as a means of racial discrimination. *Laws of the State of Delaware*, Chapter 94, Vol. 12, March 6, 1861, at Section 7 (prohibiting free blacks from possessing guns); Stephen P. Halbrook, *The Right to Bear Arms: A Constitutional Right of the People or a Privilege of the Ruling Class?* at 233 (2021); Stephen B. Tahmassebi, *Gun Control and Racism*, 2 *Civil Rights Law Journal* 67 (1991) (describing history of gun control coinciding with oppression of blacks). See also, *First Conviction under Weapon Law; Judge Foster gives Marino Rossi One Year for Arming himself...* N.Y. Times (Sept. 28, 1911) at 5 (describing Sullivan Law targeting Italian immigrants to restrict their Second Amendment rights.)

B. The Regulatory Scheme Violates Article I, § 20 of the Delaware Constitution

Article I, § 20 of the Delaware Constitution states that “[a] person has the right to keep and bear arms for the defense of self, family, home, and State, and for hunting and recreational use.” DEL. CONST., art. I, § 20 The right to bear arms, including the right of self-defense, “has existed since [Delaware’s] founding and has always been regarded as an inalienable right.” *Bridgeville Rifle & Pistol Club, Ltd. v. Small*, 176 A.3d 632, 644 (Del. 2017). *Bridgeville* undertook an extensive review of Delaware’s legislative history regarding the right to bear arms, noting that:

Article 25 of Delaware's first constitution (enacted on September 20, 1776) provided that, unless otherwise altered by the State's legislature, the common law of England "shall remain in force. By definition, this included Article VII of the 1689 English Bill of Rights — described by the United States Supreme Court as "the predecessor to our Second Amendment" — which provided: "That the Subjects which are Protestants, may have Arms for their Defence suitable to their Conditions, and as allowed by Law."

Id. at 645-646.

Article I, § 20 was codified, by supermajorities of two successive Delaware General Assemblies, became effective in 1987, and is much broader than the more limited scope of the right to bear arms contained in the Second Amendment. *See Doe v. Wilmington Housing Authority*, at 665 (“our interpretation of Section 20 is not constrained by federal precedent,” and emphasizing that the scope of § 20 is much broader than the scope of the Second Amendment.); *see also Del. State Sportsmen’s Ass’n v. Garvin*, 196 A.3d 1254, 1269 (Del. Super. 2018).⁸ (“[T]he enumeration of ‘self and family’ *in addition to* the home provides an independent right to bear arms outside the home (and not just in it).” *Id.* at 643.

⁸ This *Garvin* decision was not appealed by the State. Undersigned lead counsel successfully argued the *Doe*, *Bridgeville* and *Garvin* decisions, which are the only decisions that directly address the scope of Article I, Section 20 of the Delaware Constitution outside the home.

Even prior to *Bruen*, *Bridgeville* recognized that *Heller* held that “complete prohibition[s]’ of Second Amendment rights are automatically invalid and need not be subjected to any tier of scrutiny.” *Id.* at 653. *Bridgeville* further endorsed the Seventh Circuit’s ruling in *Ezell v. City of Chicago*, 651 F.3d 684 (7th Cir. 2011), that “[b]oth *Heller* and *McDonald* suggest that broadly prohibitory laws restricting the core Second Amendment right . . . are categorically unconstitutional.” *Bridgeville Rifle & Pistol Club, Ltd.*, 176 A.3d at 654. (quoting *Ezell*, 651 F.3d at 703). The Regulatory Scheme is one such categorically unconstitutional outright ban.

The broader right to bear arms recognized by Article I, § 20, the *Bridgeville* court’s holding that broadly prohibitory laws restricting the core Second Amendment right are categorically unconstitutional, and the Delaware Supreme Court’s endorsement of the U.S. Supreme Court’s guidance in analyzing restrictions on the right to bear arms under the Second Amendment and Article I § 20, all demonstrate that the Regulatory Scheme violates Article I, § 20. HB 450’s broad ban on firearms in common use and SS 1 for SB 6’s broad ban on ammunition magazines in common use cannot survive under *Bruen* and thus not only violate the Second Amendment, but also the broader and inalienable rights of all Delawareans under Article I, § 20. Plaintiffs will succeed on the merits of their claims that their Article I, § 20 rights are violated by the Regulatory Scheme.

C. Numerous Orders Enjoining or Reversing and Remanding Similar Unconstitutional Firearms Restrictions Have Been Entered Across the Country in the Wake of *Bruen*

Following *Bruen* there has been a swell of decisions in state and federal courts striking down unconstitutional firearms restrictions on Second Amendment grounds. Some of these decisions have come in this very court and circuit. Others have struck down restrictions far less broad, oppressive and egregious than the restrictions of the Regulatory Scheme. And some have been struck down that bear striking similarities to the Regulatory Scheme. In fact, the very

Fourth Circuit decision upon which HB 450 was based has been reversed and remanded. As laid out more fully below, the near unanimous message post-*Bruen* is clear: the inalienable rights protected by the Second Amendment’s “unqualified command” will not be subject to means-end scrutiny, and will not stand absent the State meeting the heavy burden of demonstrating the restriction is consistent with the Nation’s “historic tradition.”

The legislative history of HB 450, as signed into law, includes a prior iteration of HB 450 known previously as Senate Bill 68 (“SB 68”). SB 68 describes in its synopsis that it relies upon a Maryland statute that bans commonly-used firearms as so-called “assault rifles.” SB 68, and thus HB 450, further both rely upon a now-repudiated decision of the U.S. Court of Appeals for the Fourth Circuit, en banc, wrongly upholding that similarly flawed Maryland ban. In light of its decision in *Bruen*, the U.S. Supreme Court vacated and remanded a Fourth Circuit decision that solely relied on the decision HB 450 is based on. *See Bianchi v. Frosh*, U.S. Supr. Ct. No. 21-902, Order (June 30, 2022) (vacating *Bianchi* which solely relied on *Kolbe v. Hogan*, 849 F. 3d 114 (4th Cir. 2017)(en banc), abrogated by *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. (2022), to reject a challenge to the Maryland statute that HB 450 is based on.).

In *Rigby v. Jennings*, 2022 U.S. Dist. LEXIS 172375 (D. Del. September 22, 2022), this Court granted a preliminary injunction enjoining enforcement of 11 *Del. C.* §§ 1459A(b), 1463(a) and 1463(c)(1) as well as portions of § 1463(b), which had been signed into law in Delaware on October 20, 2021, based on their violation of the Second Amendment. Known as HB 125, that regulatory scheme criminalized the possession, manufacture, and distribution of unserialized firearms and unfinished firearm components. Under a *Bruen* analysis, this Court held that the challenged statutes’ prohibition of the possession and manufacture of unfinished firearm frames and receivers and untraceable firearms burdened the Second Amendment. This Court

granted plaintiffs' requested injunction, in part, because the State failed to provide evidence to support its burden that unfinished frames, receivers and untraceable firearms were not in "common use." *Id.* at *16. On the Regulatory Scheme's broader and more wide-ranging ban of commonly used firearms and ammunition magazines under HB 450 and SS 1 for SB 6, the State will also not be able to satisfy its burden.

In the Third Circuit, on August 30th of this year, relying largely on *Bruen*, the Court of Appeals reversed a District Court dismissal of a claim brought pursuant to the Second Amendment and the Fifth Amendment's Takings Clause on a Second Amendment issue. In *Frein v. Pa State Police*, 47 F. 4th 247 (3rd Cir., August 30, 2022), the Court of Appeals held that the seizing of the firearms of the parents of a convicted criminal constituted a violation of the Fifth Amendment's Takings Clause, where the warrant's justification, under which they were seized, had run out, the firearms were not contraband and/or proceeds of a crime, and the Plaintiff-parents did not forfeit the guns. *Id.* at 253. Citing to *Bruen*, the Court also held that the Plaintiff-parents' Second Amendment rights had been violated where "this Nation's historical tradition" did not permit seizing and holding onto the firearms. *Id.* at 254-256 ("...the Second Amendment prevents the government from hindering citizens' ability to "keep" their guns.") The Regulatory Scheme similarly attempts to seize and hold firearms and ammunition magazines in common use.

In light of *Bruen*, the U.S. Supreme Court vacated and remanded both Third Circuit and Ninth Circuit Court of Appeals decisions upholding bans of "large-capacity magazines" similar to those banned in SS 1 for SB 6. *See Assn. of NJ Rifle, v. Bruck*, U.S. Supr. Ct. No. 20-1507, Order (June 30, 2022); *Duncan v. Becerra*, U.S. Supr. Ct. No. 21-1194, Order (June 30, 2022). The United States District Court for the District of Colorado also granted temporary restraining

orders preventing flawed bans on common arms, including common ammunition magazines similar to those banned by SS 1 for SB 6, from being enacted following *Bruen*. See *Rocky Mountain Gun Owners v. The Town of Superior*, Civ. Action No. 22-cv-01685-RM (D. Colo. July 22, 2022); see also *Rocky Mt. Gun Owners, N.A. v. Bd. of Cnty. Comm'rs*, 2022 U.S. Dist. LEXIS 156308 (D. Colo. August 30, 2022). In *Antonyuk v. Hochul*, 2022 U.S. Dist. LEXIS 182965 (N.D.N.Y. October 6, 2022), the Court issued a temporary restraining order enjoining a New York state licensing scheme that purported to require applicants, like the Regulatory Scheme does for possession of commonly used ammunition magazines, to show “good moral character” before being granted a concealed carry license. The Court held that the “good moral character” requirement was fatally flawed because it entrenched New York as a “shall-not-issue jurisdiction,” and, by doing so “further reduced a first-class constitutional right to bear arms in public for self-defense.” On November 7th, 2022, the same court issued a preliminary injunction, again ruling that the “good moral character” requirement, among others, was unconstitutional. *Antonyuk v. Hochul*, 2022 U.S. Dist. LEXIS 201944, at *244 (N.D.N.Y. Nov. 7, 2022) The Regulatory Scheme’s licensing exception, with its own “good moral character” clause, does the same to Delawareans’ basic fundamental right to own commonly used ammunition magazines.

The foregoing decisions are only the first waves in the post-*Bruen* swell to hit the shore. An order granting a preliminary injunction to enjoin the Regulatory Scheme from violating Delawareans fundamental Second Amendment and Article I, § 20 should be next. Like the post-*Bruen* decisions highlighted above, Plaintiffs will succeed on the merits of their claims that their Second Amendment and Article I, § 20 rights are violated by the Regulatory Scheme.

II. Plaintiffs Will Suffer Irreparable Injury Without an Injunction

“[T]o show irreparable harm a plaintiff must demonstrate potential harm which cannot be redressed by a legal or an equitable remedy following a trial.” *Acierno v. New Castle County*, 40 F.3d 645, 653 (3d Cir. 1994) (internal quotation marks and citation omitted). It is well accepted that the deprivation of a constitutional right constitutes irreparable harm. *See, e.g., K.A. ex rel. Ayers v. Pocono Mountain Sch. Dist.*, 710 F.3d 99, 113 (3d Cir. 2013); *Lewis v. Kugler*, 446 F.2d 1343, 1350 (3d Cir. 1971); *see also Ezell*, 651 F.3d at 699 (“Infringements of this [Second Amendment] right cannot be compensated by damages.”); 11A Charles Alan Wright, Arthur R. Miller, Mary Kay Kane, *FEDERAL PRACTICE AND PROCEDURE* § 2948.1 (3d ed. 2022).

Here, Plaintiffs face ongoing deprivations of their Second Amendment rights. Each day the State’s unconstitutional Regulatory Scheme continues in force, Plaintiffs, their members, and other ordinary law-abiding citizens who reside in Delaware, risk felony prosecution, incarceration, and permanent loss of their Second Amendment rights because they possess and/or wish to obtain commonly used firearms and ammunition magazines. Plaintiffs and other similarly situated Delawareans will also suffer irreparable injury absent an injunction to bar the State’s imminent first of many ammunition magazine “buy-back” events. These “buy-back” events were created in conjunction with the Regulatory Scheme to coerce the law-abiding citizens of Delaware, including Plaintiffs, into surrendering their commonly used and owned ammunition magazines permanently, under threat of prosecution. If and when Plaintiffs are quasi-forced to surrender their commonly used ammunition magazines at a “buy-back” event, they will be irrevocably surrendered without possibility for return. These injuries cannot be compensated through monetary damages.

III. Public Interest and Balance of Hardships Strongly Favor Plaintiffs

The remaining two factors also strongly favor injunctive relief. The public interest favors Plaintiffs as the “enforcement of an unconstitutional law vindicates no public interest.” *K.A. ex rel. Ayers*, 710 F.3d at 114 (citing *ACLU v. Ashcroft*, 322 F.3d 240, 251 n.11 (3d Cir. 2003) (“[N]either the Government nor the public generally can claim an interest in the enforcement of an unconstitutional law.”)).

The balance of hardships also strongly favors Plaintiffs. Plaintiffs have demonstrated that they are suffering a deprivation of their constitutionally protected rights, under threat of prosecution. Plaintiffs and similarly situated Delawareans further face the surrender of their commonly used firearms and ammunition magazines via the State’s “buy-back” program. As a result, they also face the likelihood of being deprived of their ability to protect themselves and their homes. For instance, according to a report by the U.S. Department of Justice, Bureau of Justice Statistics, household members are present for almost a third of all burglaries and become victims of violent crimes in more than a quarter of those cases. Studies on the frequency of defensive gun uses in the United States have determined that there are up to 2.5 million instances each year in which civilians use firearms to defend themselves or their property.

In turn, Defendants suffer no harm by granting the injunction where there is no basis to believe the Regulatory Scheme ensure or even contribute to public safety. . *See* Gary Kleck, *Targeting Guns: Firearms and Their Control* 112 (1997) (evidence indicates that “well under 1% of [crime guns] are ‘assault rifles.’”)

CONCLUSION

For the foregoing reasons, the Court should grant Plaintiffs' motion in its entirety and enter an order, substantially in the form submitted herewith, preliminarily and permanently enjoining Defendants enforcement of the Regulatory Scheme created by H.B. 450 and SS 1 for SB 6.

Respectfully Submitted,

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Dated: November 15, 2022.

EXHIBIT A

SA0027



SPONSOR: Rep. Longhurst & Sen. Poore & Rep. Schwartzkopf & Rep. Mitchell & Rep. Dorsey Walker & Rep. Baumbach & Rep. Bolden & Rep. Griffith & Rep. Lynn
Reps. Bentz, Chukwuocha, Freel, Heffernan, K. Johnson, Kowalko, Lambert, Minor-Brown, Morrison, Osienksi; Sens. Gay, Lockman, S. McBride, Paradee, Pinkney, Sokola, Sturgeon, Townsend

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 450
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND THE DELAWARE CODE RELATING TO DEADLY WEAPONS.

1 WHEREAS, on May 24 an 18-year-old gunman entered Robb Elementary School in Uvalde, Texas and murdered
2 19 children and 2 teachers with an AR-15-style semi-automatic rifle; and

3 WHEREAS, this tragedy came just 10 days after a shooting in Buffalo, New York where a gunman with an AR-15-
4 style semi-automatic rifle murdered 10 people in a grocery store; and

5 WHEREAS, there have been dozens more mass shootings during the last decade, including in 2019 at a Walmart in
6 El Paso, Texas, where a gunman using a WASR-10 semi-automatic rifle murdered 23 people and wounded 23 others; and

7 WHEREAS, in 2018 at Stoneman Douglas High School in Parkland, Florida, a gunman with an AR-15-style semi-
8 automatic rifle murdered 14 students and 3 adults and injured 17 more people; and

9 WHEREAS, in 2017, a gunman barricaded himself in a Las Vegas hotel room and used multiple AR-15 and AR-
10 10-type rifles to murder 60 people and injure hundreds more at an outdoor music festival; and

11 WHEREAS, in 2012, a shooter walked into Sandy Hook Elementary School in Newtown, Connecticut armed with
12 a Bushmaster semi-automatic rifle with 30-round magazines enabling him to fire 154 rounds in less than 5 minutes, murdering
13 20 first-grade children and 6 adults; and

14 WHEREAS, assault-style weapons have been used disproportionately to their ownership in mass shootings; and

15 WHEREAS, in 1994, Congress adopted the Violent Crime Control and Law Enforcement Act of 1994, which
16 prohibited the possession and sale of assault-style weapons and large capacity ammunition magazines which limited
17 magazines to 10 rounds; and

18 WHEREAS, between 1994 and 2004 when the Act was in effect, there were fewer than 20 mass shootings during
19 that decade, substantially lower than the decades since, and since the law expired in 2004 there has been a proliferation of
20 assault-style weapons in the United States; and

21 WHEREAS, since 2009, there have been 274 mass shootings in the United States resulting in 1,536 people shot and
22 killed and 983 people shot and wounded, including 362 children and teens and 21 law enforcement officers; and

23 WHEREAS, between 2009 and 2020, there were at least 30 mass shootings that involved the use of an assault-style
24 weapon, resulting in 347 deaths and 719 injuries, with mass shootings that involved an assault-style weapon accounting for
25 25 percent of all mass shooting deaths and 76 percent of injuries; and

26 WHEREAS, assault-style weapons have immense killing power which amplifies the deadly will of a person seeking
27 to kill others and the use of an assault weapon has led to six times as many people shot per mass shooting; and

28 WHEREAS, the AR-15, AK-47 and other similar firearm profiles now recognized as assault-style weapons were
29 originally designed solely for military use, and these weapons, which have been modified over time to be marketed and sold
30 to civilians, were not intended for sport or self-defense; and

31 WHEREAS, the Delaware General Assembly has a compelling interest to ensure the safety of Delawareans and
32 finds that assault-style weapons are exceptionally lethal weapons of war that have no place in civilian life.

33 NOW, THEREFORE:

34 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

35 Section 1. Amend Subchapter VII, Chapter 5, Title 11 of the Delaware Code by making deletions as shown by strike
36 through and insertions as shown by underline as follows:

37 ~~§§ 1464–1469. [Reserved.]~~

38 § 1464. Legislative findings.

39 The Legislature hereby finds and declares that the proliferation and use of assault weapons poses a threat to the
40 health, safety, and security of all citizens of this state. The Legislature has restricted the assault weapons specified in § 1465
41 of this title based upon finding that each firearm has such a high rate of fire and capacity for firepower that its potential
42 function as a sports or recreational firearm is substantially outweighed by the danger that it can be used to kill and injure
43 human beings. It is the intent of the Legislature in enacting this chapter to place restrictions on the possession and use of
44 assault weapons. It is not, however, the intent of the Legislature by this chapter to place restrictions on the use of those
45 weapons which are primarily designed and intended for hunting, target practice, or other legitimate sports or recreational
46 activities.

47 § 1465. Definitions related to assault weapons.

48 For purposes of this section and § 1466 and § 1467 of this title:

49 (1) "Ammunition feeding device" means any magazine, belt, drum, feed strip, or similar device that holds
50 ammunition for a firearm.

51 (2) "Assault long gun" means any of the following or a copy, regardless of the producer or manufacturer:

52 a. American Arms Spectre da Semiautomatic carbine.

53 b. Avtomat Kalashnikov semiautomatic rifle in any format, including the AK-47 in all forms.

54 c. Algimec AGM-1 type semi-auto.

55 d. AR 100 type semi-auto.

56 e. AR 180 type semi-auto.

57 f. Argentine L.S.R. semi-auto.

58 g. Australian Automatic Arms SAR type semi-auto.

59 h. Auto-Ordnance Thompson M1 and 1927 semi-automatics.

60 i. Barrett light .50 cal. semi-auto.

61 j. Beretta AR70 type semi-auto.

62 k. Bushmaster semi-auto rifle.

63 l. Calico models M-100 and M-900.

64 m. CIS SR 88 type semi-auto.

65 n. Claridge HI TEC C-9 carbines.

66 o. Colt AR-15, CAR-15, and all imitations except Colt AR-15 Sporter H-BAR rifle.

67 p. Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and K-2.

68 q. Dragunov Chinese made semi-auto.

69 r. Famas semi-auto (.223 caliber).

70 s. Feather AT-9 semi-auto.

71 t. FN LAR and FN FAL assault rifle.

72 u. FNC semi-auto type carbine.

73 v. F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun.

74 w. Steyr-AUG-SA semi-auto.

75 x. Galil models AR and ARM semi-auto.

76 y. Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3.

77 z. Holmes model 88 shotgun.

- 78 aa. Manchester Arms "Commando" MK-45, MK-9.
- 79 bb. Mandell TAC-1 semi-auto carbine.
- 80 cc. Mossberg model 500 Bullpup assault shotgun.
- 81 dd. Sterling Mark 6.
- 82 ee. P.A.W.S. carbine.
- 83 ff. Ruger mini-14 folding stock model (.223 caliber).
- 84 gg. SIG 550/551 assault rifle (.223 caliber).
- 85 hh. SKS with detachable magazine.
- 86 ii. AP-74 Commando type semi-auto.
- 87 jj. Springfield Armory BM-59, SAR-48, G3, SAR-3, M-21 sniper rifle, and M1A, excluding the M1
- 88 Garand.
- 89 kk. Street sweeper assault type shotgun.
- 90 ll. Striker 12 assault shotgun in all formats.
- 91 mm. Unique F11 semi-auto type.
- 92 nn. Daewoo USAS 12 semi-auto shotgun.
- 93 oo. UZI 9mm carbine or rifle.
- 94 pp. Valmet M-76 and M-78 semi-auto.
- 95 qq. Weaver Arms "Nighthawk" semi-auto carbine.
- 96 rr. Wilkinson Arms 9mm semi-auto "Terry".
- 97 (2) "Assault pistol" means any of the following or a copy, regardless of the producer or manufacturer:
- 98 a. AA Arms AP-9 pistol.
- 99 b. Beretta 93R pistol.
- 100 c. Bushmaster pistol.
- 101 d. Claridge HI-TEC pistol.
- 102 e. D Max Industries pistol.
- 103 f. EKO Cobra pistol.
- 104 g. Encom MK-IV, MP-9, or MP-45 pistol.
- 105 h. Heckler and Koch MP5K, MP7, SP-89, or VP70 pistol.
- 106 i. Holmes MP-83 pistol.
- 107 j. Ingram MAC 10/11 pistol and variations, including the Partisan Avenger and the SWD Cobray.

108 k. Intratec TEC-9/DC-9 pistol in any centerfire variation.

109 l. P.A.W.S. type pistol.

110 m. Skorpion pistol.

111 n. Spectre double action pistol (Sile, F.I.E., Mitchell).

112 o. Stechkin automatic pistol.

113 p. Steyer tactical pistol.

114 q. UZI pistol.

115 r. Weaver Arms Nighthawk pistol.

116 s. Wilkinson "Linda" pistol.

117 (3) "Assault weapon" means any of the following:

118 a. An assault long gun.

119 b. An assault pistol.

120 c. A copycat weapon.

121 (4) "Completed a purchase" means that the purchaser completed an application, passed a background check,
122 and has a receipt or purchase order for the assault weapon, without regard to whether the purchaser has actual physical
123 possession of the assault weapon. If receipt of the assault weapon will not occur until more than 1 year after [the effective
124 date of this Act], it is not a completed purchase.

125 (5) "Copycat weapon" means any of the following:

126 a. A semiautomatic, centerfire rifle that can accept a detachable magazine and has at least 1 of the following:

127 1. A folding or telescoping stock.

128 2. Any grip of the weapon, including a pistol grip, a thumbhole stock, or any other stock, the use of which
129 would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger
130 being directly below any portion of the action of the weapon when firing.

131 3. A forward pistol grip.

132 4. A flash suppressor.

133 5. A grenade launcher or flare launcher.

134 b. A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.

135 c. A semiautomatic pistol that can accept a detachable magazine and has at least 1 of the following:

136 1. An ability to accept a detachable ammunition magazine that attaches at some location outside of the pistol

137 grip.

- 138 2. A threaded barrel capable of accepting a flash suppressor, forward pistol grip or silencer.
- 139 3. A shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to
- 140 fire the firearm without being burned, except a slide that encloses the barrel.
- 141 4. A second hand grip.
- 142 d. A semiautomatic shotgun that has both of the following:
- 143 1. A folding or telescoping stock.
- 144 2. Any grip of the weapon, including a pistol grip, a thumbhole stock, or any other stock, the use of which
- 145 would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger
- 146 being directly below any portion of the action of the weapon when firing.
- 147 e. A semiautomatic shotgun that has the ability to accept a detachable magazine.
- 148 f. A shotgun with a revolving cylinder.
- 149 g. A semiautomatic pistol with a fixed magazine that can accept more than 17 rounds.
- 150 h. A semiautomatic, centerfire rifle that has a fixed magazine that can accept more than 17 rounds.
- 151 (6) "Detachable magazine" means an ammunition feeding device that can be removed readily from a firearm
- 152 without requiring disassembly of the firearm action or without the use of a tool, including a bullet or cartridge.
- 153 (7) "Family" means as defined in § 901 of Title 10.
- 154 (8) "Flash suppressor" means a device that functions, or is intended to function, to perceptibly reduce or redirect
- 155 muzzle flash from the shooter's field of vision.
- 156 (9) "Qualified retired law-enforcement officer" means as defined in § 1441B(c) of this title.
- 157 (10) "Shooting range" means any land or structure used and operated in accordance with all applicable laws and
- 158 ordinances for the shooting of targets for training, education, practice, recreation, or competition.
- 159 (11) "Grenade launcher" means a device designed to fire, launch, or propel a grenade.
- 160 (12) "Secure storage" means a firearm that is stored in a locked container or equipped with a tamper resistant
- 161 mechanical lock or other safety device that is properly engaged so as to render the firearm inoperable by a person other
- 162 than the owner or other lawfully authorized user.
- 163 § 1466. Manufacture, sale, transport, transfer, purchase, receipt, and possession of assault weapons: class E or F
- 164 felony.
- 165 (a) Prohibitions. - Except as provided in subsection (b) or (c) of this section, it is unlawful for a person to do any of
- 166 the following:
- 167 (1) Transport an assault weapon into this State.

168 (2) Manufacture, sell, offer to sell, transfer, purchase, receive, or possess an assault weapon.

169 (b) Applicability - This section does not apply to any of the following:

170 (1) The following individuals, if acting within the scope of official business:

171 a. Personnel of the United States government or a unit of that government.

172 b. Members of the armed forces of the United States or of the National Guard.

173 c. A law-enforcement officer.

174 (2) An assault weapon modified to render it permanently inoperative.

175 (3) Possession, importation, manufacture, receipt for manufacture, shipment for manufacture, storage,
176 purchases, sales, and transport to or by a licensed firearms dealer or manufacturer who does any of the following:

177 a. Provides or services an assault weapon for a law-enforcement agency of this State or for personnel
178 exempted under paragraph (b)(1) of this section.

179 b. Acts to sell or transfer an assault weapon to a licensed firearm dealer in another state or to an individual
180 purchaser in another state through a licensed firearms dealer.

181 c. Acts to return to a customer in another state an assault weapon transferred to the licensed firearms dealer
182 or manufacturer under the terms of a warranty or for repair.

183 (4) Organizations that are required or authorized by federal law governing their specific business or activity to
184 maintain assault weapons.

185 (5) The receipt of an assault weapon by inheritance, and possession of the inherited assault weapon, if the
186 decendent lawfully possessed the assault weapon and the person inheriting the assault weapon is not otherwise a person
187 prohibited under § 1448 of this title.

188 (6) The receipt of an assault weapon by a personal representative of an estate for purposes of exercising the
189 powers and duties of a personal representative of an estate, including transferring the assault weapon according to will
190 or probate proceedings.

191 (7) Possession by a qualified retired law-enforcement officer who is not otherwise prohibited from receiving an
192 assault weapon if either of the following applies:

193 a. The assault weapon is sold or transferred to the qualified retired law-enforcement officer by the law-
194 enforcement agency on retirement.

195 b. The assault weapon was purchased or obtained by the qualified retired law-enforcement officer for
196 official use with the law-enforcement agency before retirement.

197 (8) Possession or transport by an armored car guard, as defined in § 1302 of Title 24, if the armored car guard
198 is acting within the scope of employment with an armored car agency, as defined under § 1302 of Title 24, and is licensed
199 under Chapter 13 of Title 24.

200 (9) Possession, receipt, and testing by, or shipping to or from any of the following:

201 a. An ISO 17025 accredited, National Institute of Justice-approved ballistics testing laboratory.

202 b. A facility or entity that manufactures or provides research and development testing, analysis, or
203 engineering for personal protective equipment or vehicle protection systems.

204 (c) Exceptions. -

205 (1) A licensed firearms dealer may continue to do all of the following with an assault weapon that the licensed
206 firearms dealer lawfully possessed on or before [the effective date of this Act]:

207 a. Possess the assault weapon.

208 b. Sell the assault weapon or offer the assault weapon for sale. But, the licensed firearms dealer may only
209 sell the assault weapon or offer the assault weapon for sale as permitted under paragraph (b)(3)b. of this section.

210 c. Transfer the assault weapon. But, the licensed firearms dealer may only transfer the assault weapon as
211 permitted by paragraph (b)(3)b. or (b)(3)c. of this section.

212 (2)a. A licensed firearms dealer may take possession of an assault weapon from a person who lawfully possessed
213 the assault weapon before [the effective date of this Act] for the purposes of servicing or repairing the assault weapon.

214 b. A licensed firearms dealer may transfer possession of an assault weapon received under paragraph
215 (c)(2)a. of this section for purposes of accomplishing service or repair of the assault weapon.

216 (3) A person who lawfully possessed, or completed a purchase of an assault weapon prior to [the effective date
217 of this Act], may possess and transport the assault weapon on or after [the effective date of this Act] only under the
218 following circumstances:

219 a. At that person's residence, place of business, or other property owned by that person, or on property
220 owned by another person with the owner's express permission.

221 b. While on the premises of a shooting range.

222 c. While attending any exhibition, display, or educational project that is about firearms and that is sponsored
223 by, conducted under the auspices of, or approved by a law-enforcement agency or a nationally or state recognized
224 entity that fosters proficiency in, or promotes education about, firearms.

225 d. While transporting the assault weapon between any of the places set forth in this this paragraph (c)(3) of
226 this section, or to any licensed firearms dealer for servicing or repair under paragraph (c)(2) of this section, if the
227 person places the assault weapon in secure storage.

228 (4) A person may transport an assault weapon to or from any of the following if the person places the assault
229 weapon in secure storage:

230 a. An ISO 17025 accredited, National Institute of Justice-approved ballistics testing laboratory.

231 b. A facility or entity that manufactures or provides research and development testing, analysis, or
232 engineering for personal protective equipment or vehicle protection systems.

233 (5) Ownership of an assault weapon may be transferred from the person owning the assault weapon to a member
234 of that person's family, and it is lawful for the family member to possess the transferred assault weapon under paragraph
235 (c)(3) of this section, if the transferor lawfully possessed the assault weapon and the family member to whom the assault
236 weapon is transferred is otherwise lawfully permitted to possess it.

237 (d) Penalty. – A violation of this section is a class D felony.

238 (e) Disposal. – A law-enforcement agency in possession of a person's assault weapon as a result of an arrest under
239 this section shall dispose of the assault weapon under the process established for deadly weapons and ammunition under §
240 2311 of this title following the person's adjudication of delinquency or conviction under this section or by the person's
241 agreement to forfeit the assault weapon under an agreement to plead delinquent or guilty to another offense.

242 § 1467. Voluntary certificate of possession.

243 (a) A person who is exempt from § 1466(a) of this title under § 1466(c)(3) of this title may, no later than 1 year from
244 the [effective date of this Act], apply to the Secretary of the Department of Safety and Homeland Security for a certificate of
245 possession.

246 (b) In a prosecution under § 1466 of this title, it is an affirmative defense that the defendant was lawfully in
247 possession or had completed a purchase of the assault weapon prior to [the effective date of this Act]. A certificate of
248 possession is conclusive evidence that a person lawfully possessed or had completed a purchase of an assault weapon before
249 [the effective date of this Act] and is entitled to continue to possess and transport the assault weapon on or after [the effective
250 date of this Act] under § 1466(c)(3) of this title.

251 (c) The Secretary of the Department of Safety and Homeland Security shall establish procedures with respect to the
252 application for and issuance of certificates of possession for assault weapons that are lawfully owned and possessed before
253 [the effective date of this Act]. Rules and procedures under this subsection must include all of the following:

254 (1) That the application contain proof that the person lawfully possessed or had completed a purchase of an
255 assault weapon before [the effective date of this Act].

256 (2) That the certificate of possession must contain a description of the assault weapon, including the make,
257 model, and serial number. For an assault weapon manufactured before 1968, identifying marks may be substituted for
258 the serial number.

259 (3) That the certificate of possession must contain the full name, address, date of birth, and thumbprint of the
260 person who owns the assault weapon, and any other information the Secretary deems appropriate.

261 (4) That the Department will not retain copies of the certificate or other identifying information relating to any
262 individual who applies for a voluntary certificate of possession.

263 (d) A person who inherits or receives a weapon from a family member that is lawfully possessed under §
264 1466(c)(3) of this title and lawfully transferred may apply for a certificate of possession within 60 days of taking
265 possession of the weapon. To receive a certificate, the person must show that the transferor was lawfully in possession
266 and that he/she is the lawful recipient of the transfer.

267 §§ 1468 – 1469. [Reserved.]

268 Section 2. Amend § 1457, Title 11 of the Delaware Code by making deletions as shown by strike through and
269 insertions as shown by underline as follows:

270 § 1457. Possession of a weapon in a Safe School and Recreation Zone; class D, E, or F felony; class A or B
271 misdemeanor.

272 (a) Any person who commits any of the offenses described in subsection (b) of this section, or any juvenile who
273 possesses a firearm or other deadly weapon, and does so while in or on a "Safe School and Recreation Zone" shall be guilty
274 of the crime of possession of a weapon in a Safe School and Recreation Zone.

275 (b) The underlying offenses in Title 11 shall be:

276 (1) Section 1442. — Carrying a concealed deadly weapon; class G felony; class D felony.

277 (2) Section 1444. — Possessing a destructive weapon; class E felony.

278 (3) Section 1446. — Unlawfully dealing with a switchblade knife; unclassified misdemeanor.

279 (4) Section 1448. — Possession and purchase of deadly weapons by persons prohibited; class F felony.

280 (5) Section 1452. — Unlawfully dealing with knuckles-combination knife; class B misdemeanor.

281 (6) Section 1453. — Unlawfully dealing with martial arts throwing star; class B misdemeanor.

282 (7) Section 14XX. — Manufacture, sale, transport, transfer, purchase, receipt, or possession of assault weapons;

283 class E or F felony.

284 Section 3. If any provision of this Act or the application of this Act to any person or circumstance is held invalid,
285 the provisions of this Act are severable if the invalidity does not affect the other provisions or applications of the Act which
286 can be given effect without the invalid provision or application.

287 Section 4. This Act is to be known as the "Delaware Lethal Firearms Safety Act of 2022."

EXHIBIT B



SPONSOR: Sen. Sokola & Sen. Sturgeon & Sen. Townsend &
Rep. Mitchell
Sens. Gay, Hansen, S. McBride, Pinkney, Poore; Reps.
Baumbach, Bentz, Chukwuocha, Griffith, Heffernan,
Kowalko, Lynn, Minor-Brown, Morrison

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 6
AS AMENDED BY
SENATE AMENDMENT NO. 1, HOUSE AMENDMENT NO. 1,
AND HOUSE AMENDMENT NO. 2
AS AMENDED BY HOUSE AMENDMENT NO. 3.

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO DEADLY WEAPONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter VII, Chapter 5, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

~~§§ 1464-1469. [Reserved.]~~

§ 1465. Definitions related to large-capacity magazines.

For purposes of this section and §§ 1466 and 1467 of this title:

(1) "Ammunition feeding device" means any magazine, belt, drum, feed strip, or similar device that holds ammunition for a firearm.

(2)a. "Large-capacity magazine" means any ammunition feeding device capable of accepting, or that can readily be converted to hold, more than 17 rounds of ammunition.

b. "Large-capacity magazine" does not include an attached tubular device designed to accept, and only capable of operating with, .22 caliber rimfire ammunition.

c. For purposes of this subsection, the presence of a removable floor plate in an ammunition feeding device that is not capable of accepting more than 17 rounds of ammunition shall not, without more, be sufficient evidence that the ammunition feeding device can readily be converted to hold more than 17 rounds of ammunition.

(3) "Licensed firearms dealer" means a person licensed under Chapter 9 of Title 24 or 18 U.S.C. § 921 et seq.

(4) "Qualified retired law-enforcement officer" means as defined under § 1441B(c) of this title.

§ 1466. Large-capacity magazines prohibited; class E felony; class B misdemeanor; or civil violation.

(a) Except as otherwise provided in subsections (c) and (d) of this section, it is unlawful for a person to manufacture, sell, offer for sale, purchase, receive, transfer, or possess a large-capacity magazine.

(b)(1) A violation of this section which is a first offense which only involves possession of a large capacity magazine is a civil penalty of \$100.

(2) A second violation of this section which only involves possession of a large capacity magazine is a class B misdemeanor.

(3) All other violations of this section, including a subsequent offense involving only possession of a large capacity magazine are a class E felony.

(4) A large-capacity magazine is subject to forfeiture for a violation of this section.

(5) The Superior Court has exclusive jurisdiction over violations under subsections (b)(2) and (b)(3) of this section.

(c) This section does not apply to any of the following:

(1) Personnel of the United States government or a unit of that government who are acting within the scope of official business.

(2) Members of the armed forces of the United States or of the National Guard who are acting within the scope of official business.

(3) A law-enforcement officer.

(4) A qualified retired law-enforcement officer.

(5) An individual who holds a valid concealed carry permit issued by the Superior Court under § 1441 of this title.

(6) A licensed firearms dealer that sells a large-capacity magazine to another licensed firearms dealer or to an individual exempt under paragraphs (c)(1) through (5) of this section.

(7) A large-capacity magazine that a person has rendered permanently inoperable or has permanently modified to accept 17 rounds of ammunition or less.

(d)(1) The Secretary of the Department of Safety and Homeland Security ("Secretary") shall establish and administer a compensation program for residents of this State to allow a resident in possession of a large-capacity magazine on [the effective date of this Act] to relinquish the large-capacity magazine to the Department of Safety and Homeland Security ("Department") or a participating local law-enforcement agency in exchange for a monetary payment established under this subsection.

(2) The Secretary shall adopt rules to implement the compensation program, including the following:

a. That the compensation program be implemented between [the effective date of this Act] and June 30, 2023, at locations throughout this State. The Department shall coordinate with local law-enforcement agencies in implementing the program.

b. That the compensation program allows a resident to relinquish a large-capacity magazine to the Department, or a local law-enforcement agency participating in the program, in exchange for a compensation in the amount of the market rate for each large-capacity magazine.

c. That establishes the method for providing the monetary payment and reimbursing a participating law-enforcement agency for payments made to residents under the compensation program.

d. That the compensation program is subject to the availability of funds appropriated for this specific purpose by the General Assembly. This subsection does not create a right or entitlement in a resident to receive a monetary payment under the compensation program.

(3) The Secretary shall submit a report to the General Assembly by December 29, 2023, providing the results of the compensation program, including the number of large-capacity magazines relinquished to law-enforcement agencies, by county, and the total amount expended under the program.

§ 1467. Possession of a large-capacity magazine during the commission of a felony: class B felony.

(a) It is unlawful for a person to possess a large-capacity magazine during the commission of a felony.

(b) Possession of a large-capacity magazine during the commission of a felony is a class B felony.

(c) A person may be found guilty of violating this section notwithstanding that the felony for which the person is convicted and during which the person possessed the large-capacity magazine is a lesser included felony of the one originally charged.

§§ 1468-1469. [RESERVED].

Section 2. The sum of \$45,000 is appropriated from the General Fund in Fiscal Year 2023 for the purpose of providing compensation for the purchase of large-capacity magazines by the Department of Safety and Homeland Security under Section 1 of this Act.

Section 3. If any provision of this Act or the application of this Act to any person or circumstance is held invalid, the provisions of this Act are severable if the invalidity does not affect the other provisions or applications of the Act which can be given effect without the invalid provision or application.

Section 4. This Act is to be known as the "Delaware Large-Capacity Magazine Prohibition Act of 2022."

Section 5. This Act takes effect 60 days after its enactment into law.

Section 6. Section § 1466(d) of Title 11, as contained in Section 1 of this Act, expires on January 1, 2024.

EXHIBIT C

SA0044

Delaware News Menu

(<https://delaware.gov>)

Delaware News



State Announces High Capacity Magazine Buyback Events for Delaware Residents

Department of Safety and Homeland Security (<https://news.delaware.gov/category/safety-and-homeland-security/>) | Kent County (<https://news.delaware.gov/category/kent-county/>) | New Castle County (<https://news.delaware.gov/category/new-castle-county/>) | News (<https://news.delaware.gov/category/news/>) | Sussex County (<https://news.delaware.gov/category/sussex-county/>) | Date Posted: Wednesday, October 26, 2022



In June 2022, Gov. Carney signed into law the Delaware Large Capacity Magazine Prohibition Act of 2022 making the possession of high capacity magazines illegal in the State. In addition, the law authorizes the Department of Safety and Homeland Security (DSHS) to conduct a limited buyback program. Delaware residents are eligible to receive fair market compensation for any magazine with the capacity to hold more than 17 rounds of ammunition when relinquished to law enforcement.

This buyback program is for Delaware residents only. The program is only intended for individuals and does not apply to wholesale, retail, manufacturers, and distributor business entities. Anonymous relinquishments will be permitted. However, no compensation will be provided.

SA0045

DSHS is hosting the following buyback events in each county:

Wednesday, November 16 from 4:00 PM – 8:00 PM.

Locations:

Delaware State Police Troop 4
23652 Shortly Road
Georgetown, DE 19947

Delaware State Police Troop 3
3759 South State Street
Camden, DE 19934

Delaware State Police Troop 2
100 Lagrange Avenue
Newark, DE 19702

Saturday, November 19 from 10:00 AM to 2:00 PM

Locations:

Delaware State Police Troop 4
23652 Shortly Road
Georgetown, DE 19947

Delaware State Police Troop 3
3759 South State Street
Camden, DE 19934

Delaware State Police Troop 2
100 Lagrange Avenue
Newark, DE 19702

Delawareans providing valid identification for proof of residency may receive:

- LCM 18 to 30 Rounds – \$15
- LCM 31 or greater round – \$25
- LCM Drums – \$80

If you plan to redeem a device and have questions, call (302) 744-2680.

Residents are encouraged to review 11 Del. C. § 1469(c) as certain exemptions apply.

(<https://news.delaware.gov/2022/10/26/state-announces-high-capacity-magazine-buyback-events-for-delaware-residents/?print=pdf>)



Print (<https://news.delaware.gov/2022/10/26/state-announces-high-capacity-magazine-buyback-events-for-delaware-residents/?print=print>)

Related Topics: Buyback (<https://news.delaware.gov/tag/buyback/>), delaware state police (<https://news.delaware.gov/tag/delaware-state-police/>), High Capacity Magazine (<https://news.delaware.gov/tag/high-capacity-magazine/>)



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Delaware's Government

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DELAWARE STATE SPORTSMEN’S	:	
ASSOCIATION, INC; BRIDGEVILLE	:	
RIFLE & PISTOL CLUB, LTD.;	:	
DELAWARE RIFLE AND PISTOL CLUB;	:	Civil Action No.:
DELAWARE ASSOCIATION OF	:	1:22-cv-00951-RGA
FEDERAL FIREARMS LICENSEES;	:	
MADONNA M. NEDZA; CECIL CURTIS	:	
CLEMENTS; JAMES E. HOSFELT, JR;	:	
BRUCE C. SMITH; VICKIE LYNN	:	
PRICKETT; and FRANK M. NEDZA,	:	
	:	
	:	
Plaintiffs.	:	
	:	
v.	:	
	:	
	:	
DELAWARE DEPARTMENT OF	:	
SAFETY AND HOMELAND SECURITY;	:	
NATHANIAL MCQUEEN JR. in his	:	
official capacity as Cabinet Secretary,	:	
Delaware Department of Safety and	:	
Homeland Security; and COL. MELISSA	:	
ZEBLEY in her official capacity as	:	
superintendent of the Delaware State Police,	:	
	:	
	:	
Defendants.	:	

STATEMENT PURSUANT TO D. DEL. L.R. 7.1.1

In accordance with District of Delaware Local Rule 7.1.1, undersigned counsel for Plaintiffs certifies he has made a reasonable effort to reach agreement with counsel for Defendants on the relief sought by Plaintiffs in their motion for preliminary injunction.

LEWIS BRISBOIS
BISGAARD & SMITH LLP

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Attorneys for Plaintiffs

Dated: November 15, 2022.

Case 1:22-cv-01500-RGA Document 5 Filed 11/22/22 Page 1 of 18 PageID #: 41

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GABRIEL GRAY; WILLIAM TAYLOR;
DJJAMS LLC; FIREARMS POLICY
COALITION, INC., and SECOND
AMENDMENT FOUNDATION,

Plaintiffs,

v.

KATHY JENNINGS, Attorney General of
Delaware,

Defendant.

C.A. No. 1:22-cvc-01500-UNA

**OPENING BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY
AND PERMANENT INJUNCTION**

Bradley P. Lehman (No. 5921)
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TABLE OF CONTENTS

TABLE OF AUTHORITIES ii

INTRODUCTION 1

BACKGROUND 1

 I. Delaware House Bill 450 (HB 450) 1

 A. The New Definitions Created by HB 450 1

 II. Impact on Plaintiffs 2

ARGUMENT 2

 I. Plaintiffs are Likely to Succeed on the Merits of their Second and Fourteenth Amendment Claim..... 3

 A. The Right to Keep and Bear Arms 3

 B. Delaware Unconstitutionally Bans Protected Arms and Components in Common Use.. 5

 II. Plaintiffs Will Suffer Irreparable Harm in the Absence of a Preliminary Injunction 11

 III. The Balance of the Equities Favors the Grant of Preliminary Injunctive Relief 11

 IV. The Court Should Waive the Bond Requirement or Set Bond at a Nominal Amount..... 12

 V. The Court Should Enter Final Judgment Awarding a Permanent Injunction..... 12

CONCLUSION..... 13

TABLE OF AUTHORITIES

	<u>Page(s)</u>
<u>Cases</u>	
<i>K.A. ex rel. Ayers v. Pocono Mountain Sch. Dist.</i> , 710 F.3d 99 (3d Cir. 2013).....	11, 12
<i>Board of Educ. v. F.C. ex rel. R.C.</i> , 2 F. Supp. 2d 637 (D.N.J. Apr. 22, 1998).....	12
<i>Connection Distrib. Co. v. Reno</i> , 154 F.3d 281 (6th Cir. 1998)	12
<i>DeLeon v. Susquehanna Cnty. Sch. Dist.</i> , 747 F.2d 149 (3d Cir. 1984).....	12
<i>District of Columbia v. Heller</i> , 554 U.S. 570 (2008).....	3, 4, 10
<i>Ezell v. City of Chicago</i> , 651 F.3d 684 (7th Cir. 2011)	11
<i>Lewis v. Kugler</i> , 446 F.2d 1343 (3d Cir. 1971).....	11
<i>McDonald v. City of Chicago</i> , 561 U.S. 742 (2010).....	3
<i>New York State Rifle and Pistol Association v. Bruen</i> , 142 S. Ct. 2111 (June 23, 2022).....	3, 4, 10, 11
<i>Reilly v. City of Harrisburg</i> , 858 F.3d 173 (3d Cir. 2017).....	2
<i>Staples v. United States</i> , 511 U.S. 600 (1994).....	5
<i>Stenberg v. Carhart</i> , 530 U.S. 914 (2000) (Thomas, J., dissenting)	6
<i>Temple Univ. v. White</i> , 941 F.2d 201 (3d Cir. 1991).....	12
<i>Wrenn v. Dist. of Columbia</i> , 864 F.3d 650 (D.C. Cir. 2017).....	12, 13

Constitutions, Statutes, and Rules

United States Constitution

U.S. CONST. amend. II.....3

United States Code

18 U.S.C. § 922(g)(1)2

FED. R. CIV. P.

Fed. R. Civ. P. 6512

Delaware Code (“Del. C.”)

11 Del. C. § 14651

11 Del. C. § 14662

11 Del. C. § 4205(b)(4).....2

Other Authorities

WILLIAM ENGLISH, 2021 *National Firearms Survey: Updated Analysis Including Types of Firearms Owned* (May 13, 2022), <https://bit.ly/3yPfoHw>5, 8

FEDERAL BUREAU OF INVESTIGATION, *Expanded Homicide Table 8, Crime in the United States* (2019), <https://bit.ly/3HdolNd>9

GARY KLECK, MARC GERTZ, *Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun*8

DAVID B. KOPEL, *Rational Basis Analysis of “Assault Weapon” Prohibition*, 20 J. CONTEMP. L. 381, 397 (1994).....7

GARY KLECK, *Targeting Guns: Firearms and Their Control* 112 (1997).....9

MILITARY ANALYSIS NETWORK, *M249 Light Machine Gun*, <https://bit.ly/3tsQGtd>6

MILITARY ANALYSIS NETWORK, *M61A1/M61A2 20mm Automatic Gun* <https://bit.ly/3ttnemV>6

FRANK MINITER, *THE FUTURE OF THE GUN*, at 35 (2014)6, 7

NAT’L SHOOTING SPORTS FOUND., INC., *Commonly Owned: NSSF Announces Over 24 Million MSRs in Circulation* (July 20, 2022), <https://www.nssf.org/articles/commonly-owned-nssf-announces-over-24-million-msrs-in>.....5

NAT'L SHOOTING SPORTS FOUND., INC., *Firearms Retailer Survey Report* (2013).....5

NAT'L SHOOTING SPORTS FOUND., INC., *Firearms Retailer Survey Report* (March 2021), <https://www3.nssf.org/share/PDF/pubs/Firearms-Retailer-Survey-Report-2021.pdf>;5

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NAT'L SHOOTING SPORTS FOUND., INC., *Sport Shooting Participation in the U.S. in 2020*, <https://www3.nssf.org/share/PDF/pubs/Sport-Shooting-Participation-2020.pdf>5

INTRODUCTION

On June 30, 2022, Delaware Governor John Carney signed into law House Bill 450 (“HB 450”). HB 450 radically expanded the State of Delaware’s statutes (the Delaware Code—cited herein as “Del. C.”) to ban, unconstitutionally and categorically, and under pain of severe criminal sanctions, the constitutionally protected conduct of possessing, purchasing, transporting, importing, selling, transferring, self-manufacturing, receiving, and lawfully using constitutionally protected arms in common use for lawful purposes – tententiously labeled “assault weapons.” HB 450 makes it criminal in the State of Delaware for law-abiding citizens to exercise their fundamental right to keep and bear such arms. Defendant’s enforcement of Delaware’s Ban on so-called “assault weapons” denies individuals who reside in or visit Delaware, including individual Plaintiffs, customers of Plaintiff DJJAMS, and members of FPC and SAF, their fundamental, individual right to keep and bear common arms.

Plaintiffs Gabriel Gray (“Gray”), William Taylor (“Taylor”), DJJAMS LLC (“DJJAMS”), Firearms Policy Coalition, Inc. (“FPC”), and Second Amendment Foundation (“SAF”), together with similarly situated Delaware citizens and FPC and SAF members, face imminent and irreparable harm as a result of the Ban. Accordingly, Plaintiffs respectfully submit this brief in support of their motion for a preliminary and permanent injunction.

BACKGROUND

I. Delaware House Bill 450 (HB 450)

A. The New Definitions Created by HB 450

In HB 450, Delaware added definitions at 11 Del. C. § 1465 “for purposes of this section and § 1466 and § 1467” which set forth the various terms relating to the State’s Ban on so-called “assault weapons.” In the interest of brevity, the voluminous list of banned arms and the definitions describing firearm features that Defendant contends create “assault weapons,” as more fully set

forth in paragraphs 26-39 of Plaintiffs' Complaint (Dkt. No. 1), are reproduced on Exhibit "A" hereto. Under 11 Del. C. § 1466(a), unless exempt from the law under provisions not applicable in this case, "it is unlawful for a person to" "[t]ransport an assault weapon into this State" or to "[m]anufacture, sell, offer to sell, transfer, purchase, receive, or possess an assault weapon."

A person is guilty of a class D felony when that person transports or imports an "assault weapon" into Delaware, 11 Del. C. § 1466(a)(1), or manufactures, sells, offers to sell, transfers, purchases, receives, or possesses an assault weapon, 11 Del. C. § 1466(a)(2). A Class D felony is punishable by up to 8 years in prison (11 Del. C. § 4205(b)(4)). A conviction would result in the lifetime disqualification of an individual's right to own and possess firearms and ammunition. *See* 18 U.S.C. § 922(g)(1).

II. Impact on Plaintiffs

Defendant's enactment and enforcement of the provisions at issue in HB 450 inflicts irreparable harm upon individual plaintiffs Gray and Taylor, upon firearms retailer plaintiff DJJAMS, and upon institutional plaintiffs FPC and SAF, by denying the individual plaintiffs, DJJAMS and its Delaware customers, and members of FPC and SAF in Delaware, their fundamental right to keep and bear arms in common use for lawful purposes, as guaranteed by the Second and Fourteenth Amendments to the United States Constitution. Given that the Ban is presently in effect, the need for injunctive relief is urgent.

ARGUMENT

A plaintiff seeking preliminary injunctive relief must demonstrate (1) a likelihood of success on the merits¹ and (2) a prospect of irreparable injury if the injunction is not granted. *Reilly*

¹ Establishing a likelihood of success on the merits "requires a showing significantly better than negligible but not necessarily more likely than not." *Reilly*, 858 F.3d 173 at 179.

v. City of Harrisburg, 858 F.3d 173, 176 (3d Cir. 2017). In addition, “the district court . . . should take into account, when they are relevant, (3) the possibility of harm to other interested persons from the grant or denial of the injunction, and (4) the public interest.” *Id.* Here, all four factors favor preliminarily enjoining Defendant from enforcing Delaware’s Bans.

I. Plaintiffs are Likely to Succeed on the Merits of their Second and Fourteenth Amendment Claim

A. The Right to Keep and Bear Arms

The Second Amendment to the U.S. Constitution provides: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, *shall not* be infringed.” U.S. CONST. amend. II (emphasis added). Incorporated against the states through the Fourteenth Amendment (*McDonald v. City of Chicago*, 561 U.S. 742, 750 (2010)), the Second Amendment guarantees “an individual right to keep and bear arms,” which is “a fundamental constitutional right guaranteed to the people.” *District of Columbia v. Heller*, 554 U.S. 570, 595 (2008). Moreover, “the Second Amendment extends, *prima facie*, to all instruments that constitute bearable arms.” *New York State Rifle and Pistol Association v. Bruen*, 142 S. Ct. 2111, 2132 (June 23, 2022). Indeed, “[t]he very enumeration of the right [to keep and bear arms] takes out of the hands of government — even the Third Branch of Government — the power to decide on a case-by-case basis whether the right is *really worth* insisting upon.” *Heller*, 554 U.S. at 634 (emphasis in original).

In its June 2022 decision in *Bruen*, the U.S. Supreme Court expressly rejected all interest balancing and the Third Circuit’s prior “two-step” approach in the context of Second Amendment claims. “*Heller* and *McDonald* do not support applying means-end scrutiny in the Second Amendment context. Instead, the government must affirmatively prove that its firearms regulation is part of the historical tradition that delimits the outer bounds of the right to keep and bear arms.”

142 S. Ct., at 2127. Rather, “*Heller* ... demands a test rooted in the Second Amendment’s text, as informed by history.” *Id.* Accordingly, the Delaware General Assembly’s justification of HB 450 with claims that the “General Assembly has a compelling interest to ensure the safety of Delawareans” and that the banned arms, which are in common use, “have no place in civilian life” are entitled to no deference.

The plain text of the Second Amendment covers the conduct the Plaintiffs wish to engage in (“keep and bear arms”) and the arms they wish to keep and bear because “the Second Amendment extends, *prima facie*, to all instruments that constitute bearable arms.” 142 S. Ct., at 2132. And “[w]hen the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct. To justify its regulation, the government . . . must demonstrate that the regulation is consistent with this Nation’s tradition of firearm regulation.” 142 S. Ct., at 2126.

Heller has already established the relevant contours of the tradition: Bearable arms that are presumptively protected by the Second Amendment cannot be banned unless they are *both* dangerous *and* unusual. But arms that are in common use—such as those banned by Delaware—*cannot* be both dangerous and unusual. And to be sure, the Second Amendment’s “reference to ‘arms’ does not apply ‘only [to] those arms in existence in the 18th century.’ ” *Bruen*, 142 S. Ct., at 2132 (quoting *Heller*, 554 U. S. at 582). “Just as the First Amendment protects modern forms of communications, and the Fourth Amendment applies to modern forms of search, the Second Amendment extends, *prima facie*, to all instruments that constitute bearable arms, even those that were not in existence at the time of the founding.” *Id.* (citations omitted).

B. Delaware Unconstitutionally Bans Protected Arms and Components in Common Use

Semiautomatic weapons such as those proscribed under Delaware’s Ban “traditionally have been widely accepted as lawful possessions.” *See Staples v. United States*, 511 U.S. 600, 612 (1994) (so categorizing an AR-15 semiautomatic rifle). Rifles built on an AR-style platform are a paradigmatic example of the type of arms Delaware now bans. AR-15 rifles are among the most popular firearms in the nation, and they are owned by millions of Americans. A recent survey of gun owners indicates that about 24.6 million Americans have owned up to 44 million AR-15 or similar rifles. *See WILLIAM ENGLISH, 2021 National Firearms Survey: Updated Analysis Including Types of Firearms Owned* at 1 (May 13, 2022), <https://bit.ly/3yPfoHw>. And according to industry sources, even ten years ago more than one out of every five firearms sold in recent years was a rifle of the type banned by Delaware. NAT’L SHOOTING SPORTS FOUND., INC., *Firearms Retailer Survey Report* (2013) at 11; *see also* NAT’L SHOOTING SPORTS FOUND., INC., *Commonly Owned: NSSF Announces Over 24 Million MSRs in Circulation* (July 20, 2022), <https://www.nssf.org/articles/commonly-owned-nssf-announces-over-24-million-msrs-in-circulation/>; NAT’L SHOOTING SPORTS FOUND., INC., *Modern Sporting Rifle Comprehensive Consumer Report* (July 14, 2022), <https://www3.nssf.org/share/PDF/pubs/NSSF-MSR-Comprehensive-Consumer-Report.pdf>; NAT’L SHOOTING SPORTS FOUND., INC., *Firearms Retailer Survey Report* (March 2021), <https://www3.nssf.org/share/PDF/pubs/Firearms-Retailer-Survey-Report-2021.pdf>; NAT’L SHOOTING SPORTS FOUND., INC., *Sport Shooting Participation in the U.S. in 2020*, <https://www3.nssf.org/share/PDF/pubs/Sport-Shooting-Participation-2020.pdf>.

The banned semiautomatic firearms, like all other semiautomatic firearms, fire only one round for each pull of the trigger. They are not machine guns. *See Staples*, 511 U.S. at 602 n.1. What is more, the designation “assault weapons” is a complete misnomer, “developed by anti-gun

publicists” in their crusade against lawful firearm ownership. *See Stenberg v. Carhart*, 530 U.S. 914, 1001 n.16 (2000) (Thomas, J., dissenting). A comparison to firearms used by the military demonstrates just how disingenuous the “assault weapon” moniker is. While an AR-15 can only fire as often as a person can pull its trigger, an M249 light machine gun, commonly used by the U.S. military, can fire between 750 and 1,000 rounds per minute, Squad Automatic Weapon (SAW), M249 Light Machine Gun, MILITARY ANALYSIS NETWORK, <https://bit.ly/3tsQGtd>, and “heavy” machine guns like the M61 series can fire significantly larger caliber ammunition (20mm) much faster yet (6,000 rounds per minute), M61A1/M61A2 20mm Automatic Gun, MILITARY ANALYSIS NETWORK, <https://bit.ly/3tnemV>.

Unlike these “weapons of war,” central among the common uses of firearms now banned in Delaware is defense of self in the home. For example, most AR-style firearms are chambered for 5.56x45mm NATO (similar to .223 Remington) ammunition, a relatively inexpensive and very common cartridge that is particularly well suited for home-defense purposes because it has sufficient stopping power in the event a home intruder is encountered but loses velocity relatively quickly after passing through a target and other objects, thus decreasing the chance that an errant shot will strike an unintended target. *See Modern Sporting Rifle Comprehensive Consumer Report*, *supra* (noting that self/home-defense is the second most important reason that American reported for owning AR-style firearms, second only to recreational target shooting).

Although most pistol rounds have less muzzle velocity than a 5.56x45mm NATO round, they have greater mass, maintain velocity after passing through walls and other objects, and pose substantially greater risk to unintended targets in the home. *See FRANK MINITER, THE FUTURE OF THE GUN*, at 35 (2014) (“ARs are popular with civilians and law enforcement around the world because they’re accurate, light, portable and modular. . . . It’s also easy to shoot and has little

recoil, making it popular with women. The AR-15 is so user-friendly that a group called ‘Disabled Americans for Firearms Rights’ . . . says the AR-15 makes it possible for people who can’t handle a bolt-action or other rifle type to shoot and protect themselves. Also, its .223 caliber makes it safer to use as a home-defense gun because this lighter caliber is less likely to travel through walls.”). An AR-15 rifle chambered for 5.56x45mm NATO ammunition is an optimal firearm to rely on in a self-defense encounter. Like the AR-15 generally, the specific features banned by Delaware aid home defense. A flash suppressor, for example, not only reduces the chances that a home invader will mark his victim’s position; it also protects a homeowner against momentary blindness when firing in self-defense. DAVID B. KOPEL, *Rational Basis Analysis of “Assault Weapon” Prohibition*, 20 J. CONTEMP. L. 381, 397 (1994). Similarly, folding and telescoping stocks increase maneuverability in tight home quarters, *id.* at 398–99, as well as enabling safe storage of defense instruments in accessible spaces. A telescoping stock also allows a firearm to be better fitted to an individual shooter, thereby enhancing the ability of an individual to use the firearm safely and effectively. Folding and telescoping stocks also increase the likelihood of successful home defense by permitting safe storage of defense instruments in accessible spaces and making the rifle maneuverable in confined spaces. *Id.* at 398–99 26. Pistol grips improve accuracy and reduce the risk of stray shots by stabilizing the firearm while firing from the shoulder. *Id.* at 396. Additionally, most all common semiautomatic firearms, including those banned under Delaware law, can accept a detachable magazine. Detachable magazines not only help law-abiding shooters to reload their weapon in stressful defense circumstances, but in the case of some platforms, including the AR-15, they are required to remedy malfunctions safely and quickly.

Encounters with criminal intruders in the home are not uncommon. For instance, according to a report by the U.S. Department of Justice, Bureau of Justice Statistics, household members are

present for almost a third of all burglaries and become victims of violent crimes in more than a quarter of those cases. Studies on the frequency of defensive gun uses in the United States have determined that there are up to 2.5 million instances each year in which civilians use firearms to defend themselves or their property. GARY KLECK, MARC GERTZ, *Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun*, 86 J. OF CRIM. L. & CRIMINOLOGY 150, 164 (1995); *see also* ENGLISH, *National Firearms Survey*, *supra* at 5 (finding 31.1% of firearms owners, or approximately 25.3 million adult Americans, have used a firearm in self-defense and there are 1.67 million defensive firearm uses a year).

Other common, lawful uses of the banned firearms are hunting and sport. At least a third of all gun owners own a firearm for hunting or sport shooting, and recreational target shooting has been cited as the top reason, albeit closely followed by home defense, for owning semiautomatic firearms like those banned by Delaware. *See Modern Sporting Rifle Comprehensive Consumer Report* and *Sport Shooting Participation in the U.S. in 2020*, *supra*. Here again, the banned features of firearms mischaracterized as “assault weapons” serve lawful purposes. Folding and telescoping stocks, for example, allow for safe transportation, including in a hiking pack, an ATV, or a boat. These stocks also ease carrying over long distances while hunting. Both telescoping stocks and protruding grips open hunting and sport shooting to those for whom recoil represents a high barrier to entry. Detachable magazines have the same benefits in hunting and sport shooting as they do in home defense—improved reloading and remedying of malfunctions. Additionally, flash suppressors promote accuracy in target shooting and hunting (especially at dawn), as well as mitigate against temporary blindness when using a firearm in self-defense.

By contrast, one use that is not common for so-called “assault weapons” is crime. According to a widely cited 2004 study, these arms “are used in a small fraction of gun crimes.”

This has long been true. See GARY KLECK, *Targeting Guns: Firearms and Their Control* 112 (1997) (evidence indicates that “well under 1% [of crime guns] are ‘assault rifles.’”). Indeed, according to FBI statistics, in 2019 there were only 364 homicides known to be committed with rifles of any type, compared to 6,368 with handguns, 1,476 with knives or other cutting instruments, 600 with personal weapons (hands, feet, etc.) and 397 with blunt objects. See *Expanded Homicide Table 8, Crime in the United States* (FBI 2019), <https://bit.ly/3HdolNd>.

Further, the arms banned as “assault weapons” under Delaware’s laws are common in all respects: 1) They are common categorically, as they are all functionally semiautomatic in their operation; 2) they are common characteristically, as they are all popular configurations of arms (*e.g.*, rifles, shotguns, handguns) with varying barrel lengths and common characteristics like pistol grips and the like; and 3) they are common jurisdictionally, lawful to possess and use in the vast majority of states now and throughout relevant history for a wide variety of lawful purposes including self-defense, proficiency training, competition, recreation, hunting, and collecting.

There is no constitutionally relevant difference between a semiautomatic handgun, shotgun, and rifle. While some exterior physical attributes may differ—wood vs. metal stocks and furniture, the number and/or location of grips, having a bare muzzle vs. having muzzle devices, different barrel lengths, etc. – they are, in all relevant respects, the same. Indeed, they are all common firearms that insert cartridges into a firing chamber, burn powder to expel projectiles through barrels, and are functionally semiautomatic in nature. They are all common firearms that have the same cyclical rate of fire: one round fired per pull of the trigger until ammunition is exhausted or the firearm or feeding device malfunctions. They are all common under the same jurisdictional analysis. Further, they are all subject to the same constitutionally relevant history under which Delaware’s Ban is clearly and categorically unconstitutional.

Just like the argument “that only those arms in existence in the 18th century are protected by the Second Amendment” is not merely wrong, but “bordering on the frivolous” (*Heller*, 554 U.S. at 582), the “Second Amendment extends, prima facie, to all instruments that constitute bearable arms, even those that were not in existence at the time of the founding. Thus, even though the Second Amendment’s definition of ‘arms’ is fixed according to its historical understanding, that general definition covers modern instruments that facilitate armed self-defense.” *Bruen*, 142 S. Ct. at 2132 (internal citations omitted). The fact that Delaware’s laws may act to ban thousands of discrete configurations of common semi-automatic arms held in respectively smaller numbers than the over-arching category of “assault weapons” as a whole is irrelevant to the constitutional inquiry under *Heller* and *Bruen*.

Delaware’s Ban on possessing, acquiring, manufacturing, importing, transporting, selling, purchasing, receiving, and lawfully using “assault weapons” is, therefore, a ban on keeping and bearing semiautomatic firearms that are commonly possessed and used for lawful purposes, including self-defense in the home. *Bruen* confirms that the Second Amendment’s plain text covers the activity at issue—possession of a bearable arm. That is because, reiterating what was said in *Heller*, *Bruen* states that “the Second Amendment extends, prima facie, to all instruments that constitute bearable arms.” *Id.* at 2132 (emphasis added). *Bruen* further confirms that the *Heller* Court already has conducted the relevant historical analysis for determining whether a particular arm falls within the Second Amendment’s protection and therefore cannot be banned.

The arms banned as “assault weapons” under Delaware’s laws are not both dangerous *and* unusual. In order for a ban of a type of arm to be consistent with this Nation’s history of firearm regulation, the government must demonstrate that the banned arm is both “dangerous and unusual.” *Id.* at 2143. It follows that types of arms that are in “common use today” simply cannot be banned.

Id. These principles decide this case. Once it is determined that Delaware’s laws ban arms that are in common use, it follows that the law is unconstitutional – period.

In this case, the analysis is straightforward: The Plaintiffs may not be prohibited from exercising their right to keep and bear arms. The Second Amendment’s text covers the conduct the Plaintiffs wish to engage in and the arms they wish to acquire and possess. The arms the Plaintiffs wish to acquire and possess are not dangerous and unusual today. Moreover, there is no analogous history supportive of Delaware’s Ban. Thus, under the Supreme Court’s precedents, the constitutionally relevant history, and the proper analysis, Plaintiffs must prevail.

II. Plaintiffs Will Suffer Irreparable Harm in the Absence of a Preliminary Injunction

It is well accepted that the deprivation of a constitutional right constitutes irreparable harm. *See, e.g., K.A. ex rel. Ayers v. Pocono Mountain Sch. Dist.*, 710 F.3d 99, 113 (3d Cir. 2013); *Lewis v. Kugler*, 446 F.2d 1343, 1350 (3d Cir. 1971); *see also Ezell v. City of Chicago*, 651 F.3d 684, 699 (7th Cir. 2011) (“Infringements of this [Second Amendment] right cannot be compensated by damages.”). Here, Plaintiffs face ongoing deprivations of their Second and Fourteenth Amendment rights. Each day Defendant’s unconstitutional Ban continues in force, Gray, Taylor, and other ordinary law-abiding citizens who reside in Delaware, including but not limited to other members of FPC and SAF and customers of DJJAMS, risk felony prosecution, incarceration, and permanent loss of their Second Amendment rights because they possess so-called “assault weapons.” These injuries cannot be compensated through money damages.

III. The Balance of the Equities Favors the Grant of Preliminary Injunctive Relief

The public interest and balance of equities likewise favor Plaintiffs. “[I]t is always in the public interest to prevent the violation of a party’s constitutional rights” (*Connection Distrib. Co. v. Reno*, 154 F.3d 281, 288 (6th Cir. 1998)), for “the enforcement of an unconstitutional law

vindicates no public interest.” *K.A. ex rel. Ayers*, 710 F.3d at 114; *see also Wrenn v. Dist. of Columbia*, 864 F.3d 650, 667 (D.C. Cir. 2017). On the other side of the scale, Defendant suffers little harm in the event that preliminary injunctive relief is granted to Plaintiffs, and enforcement of the unconstitutional Ban cannot be outweighed by any purported public interest in any event.

IV. The Court Should Waive the Bond Requirement or Set Bond at a Nominal Amount

The Third Circuit has recognized that the district court may sometimes dispense with the security requirements of Fed. R. Civ. P. 65. *Temple Univ. v. White*, 941 F.2d 201, 219 (3d Cir. 1991). “The court should also consider whether the applicant seeks to enforce a federal right and, if so, whether imposing the bond requirement would unduly interfere with that right.” *Board of Educ. v. F.C. ex rel. R.C.*, 2 F. Supp. 2d 637, 646 (D.N.J. Apr. 22, 1998). Here, where Plaintiffs seek to enforce their constitutional rights, they should not be required to post security. However, in the event that the Court determines that some bond is necessary here, any such bond should be set at a nominal amount.

V. The Court Should Enter Final Judgment Awarding a Permanent Injunction

Because the claims in this case require no further factual development, permanent injunctive relief is appropriate. “[A] preliminary injunction hearing may be combined with a hearing on the merits, pursuant to Fed. R. Civ. P. 65(a)(2), if it is accompanied by notice to the parties sufficient to enable them to present all of their evidence.” *DeLeon v. Susquehanna Cnty. Sch. Dist.*, 747 F.2d 149, 152 n.6 (3d Cir. 1984). Here, “the merits of the plaintiffs’ challenge are certain and don’t turn on disputed facts,” and thus the Court should enter final judgment in the form of permanent injunctive relief. *Wrenn*, 864 F.3d at 667.

CONCLUSION

For the foregoing reasons, the Court should grant Plaintiffs' motion in its entirety and enter an order, substantially in the form submitted herewith, preliminarily and permanently enjoining Defendant's enforcement of the Ban created by H.B. 450.

Respectfully submitted,

Dated: November 22, 2022

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Case 1:22-cv-01500-RGA Document 5-1 Filed 11/22/22 Page 1 of 1 PageID #: 59

CERTIFICATE OF SERVICE

I, Bradley P. Lehman, Esq. hereby certify that on November 22, 2022, I caused a true and correct copy of Plaintiffs' Motion for a Preliminary and Permanent Injunction and Opening Brief in Support of Plaintiffs' Motion for a Preliminary and Permanent Injunction to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to registered participants and upon the parties below via first class mail and hand delivery:

Kathy Jennings
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DELAWARE STATE SPORTSMEN’S
ASSOCIATION, INC; BRIDGEVILLE RIFLE
& PISTOL CLUB, LTD.; DELAWARE RIFLE
AND PISTOL CLUB; DELAWARE
ASSOCIATION OF FEDERAL FIREARMS
LICENSEES; MADONNA M. NEDZA;
CECIL CURTIS CLEMENTS; JAMES E.
HOSFELT, JR; BRUCE C. SMITH; VICKIE
LYNN PRICKETT; and FRANK M. NEDZA,

Plaintiffs,

v.

DELAWARE DEPARTMENT OF SAFETY
AND HOMELAND SECURITY;
NATHANIAL MCQUEEN JR. in his official
capacity as Cabinet Secretary, Delaware
Department of Safety and Homeland Security;
and COL. MELISSA ZEBLEY in her official
capacity as superintendent of the Delaware
State Police,

Defendants.

C.A. No. 1:22-cv-00951-RGA
(Consolidated)

GABRIEL GRAY; WILLIAM TAYLOR;
DJJAMS LLC; FIREARMS POLICY
COALITION, INC. and SECOND
AMENDMENT FOUNDATION,

Plaintiffs,

v.

KATHY JENNINGS, Attorney General of
Delaware,

Defendant.

**DEFENDANTS’ OPPOSITION TO
PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**

Case 1:22-cv-00951-RGA Document 37 Filed 01/31/23 Page 2 of 59 PageID #: 621

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TABLE OF CONTENTS

	PAGE
TABLE OF AUTHORITIES	iii
TABLE OF DEFINITIONS.....	vii
NATURE AND STAGE OF THE PROCEEDINGS	1
SUMMARY OF THE ARGUMENT	2
STATEMENT OF FACTS	5
A. The Challenged Laws	5
B. The Historical Regulation Of Weapons.....	6
C. Assault Weapons And LCMs.....	11
D. Plaintiffs’ Challenges.....	24
ARGUMENT.....	25
I. PLAINTIFFS ARE UNLIKELY TO SUCCEED ON THE MERITS	26
A. Plaintiffs’ LCM Challenges Fail Because LCMs Are Not Arms	26
B. Plaintiffs’ Challenges Under The Federal Constitution Fail.....	29
i. Assault Weapons (And LCMs, Even If “Arms”) Are Not Protected By The Second Amendment.....	29
ii. The Regulation Of Assault Weapons (And LCMs) Is Analogous To Burdens Imposed Historically.....	33
C. Plaintiffs’ Challenges Under The Delaware Constitution Fail	37
i. The Court Should Review Plaintiffs’ Delaware Constitutional Challenge Using Intermediate Scrutiny	38
ii. The Assault Weapon Statute Readily Survives Intermediate Scrutiny.....	39
iii. Even If LCMs Are “Arms,” The LCM Statute Readily Survives Intermediate Scrutiny.....	41
iv. Even If The Court Applies Strict Scrutiny, Or The Test Articulated In <i>Bruen</i> , The Statutes Are Constitutional.....	43

D.	Plaintiffs’ Inapposite Authority Does Not Compel A Different Result	44
II.	THE REMAINING FACTORS WEIGH HEAVILY AGAINST AN INJUNCTION.....	45
A.	Plaintiffs Have Not Established That They Will Suffer Irreparable Harm	45
B.	The Balance Of The Equities And Public Policy Disfavor An Injunction	47
III.	ENTRY OF A PERMANENT INJUNCTION IS INAPPROPRIATE	48
	CONCLUSION.....	49

TABLE OF AUTHORITIES

CASES	PAGE(S)
<i>Anderson v. Davila</i> , 125 F.3d 148 (3d Cir. 1997).....	48
<i>Antonyuk v. Hochul</i> , 2022 WL 5239895 (N.D.N.Y. Oct. 6, 2022)	44
<i>Antonyuk v. Hochul</i> , 2022 WL 16744700 (N.D.N.Y. Nov. 7, 2022)	44
<i>Antonyuk v. Hochul</i> , 2022 WL 18228317 (2d Cir. Dec. 7, 2022)	44
<i>Antonyuk v. Nigrelli</i> , 143 S. Ct. 481 (Mem) (Jan. 11, 2023)	44
<i>Ass’n of N.J. Rifle & Pistol Clubs, Inc. v. Attorney Gen. N.J.</i> , 910 F.3d 106 (3d Cir. 2018).....	16, 29, 42
<i>Bd. of Trs. of State Univ. of N.Y. v. Fox</i> , 492 U.S. 469 (1989).....	26
<i>Benisek v. Lamone</i> , 138 S. Ct. 1942 (2018).....	25
<i>Bridgeville Rifle & Pistol Club, Ltd. v. Small</i> , 176 A.3d 632 (Del. 2017)	38, 39
<i>Checker Cab of Phila. Inc. v. Uber Techs., Inc.</i> , 643 F. App’x 229 (3d Cir. 2016)	47
<i>Chestnut Hill Sound Inc. v. Apple Inc.</i> , 2015 WL 6870037 (D. Del. Nov. 6, 2015)	45
<i>District of Columbia v. Heller</i> , 554 U.S. 570 (2008).....	<i>passim</i>
<i>Doe v. Wilmington Hous. Auth.</i> , 88 A.3d 654 (Del. 2014)	<i>passim</i>
<i>Drummond v. Robinson Twp.</i> , 9 F.4th 217 (3d Cir. 2021)	47
<i>Duncan v. Bonta</i> , 19 F.4th 1087 (9th Cir. 2021)	29, 42, 43

Fitz v. Rosenblum,
2022 WL 17480937 (D. Or. Dec. 6, 2022)46

Frein v. Pa. State Police,
47 F. 4th 247 (3d Cir. Aug. 30, 2022)45

Fyock v. Sunnyvale,
779 F.3d 991 (9th Cir. 2015)42

GOLO, LLC v. Goli Nutrition Inc.,
2020 WL 5203601 (D. Del. Sept. 1, 2020)..... 45-46

Griffin v. State,
47 A.3d 487 (Del. 2012)28

Heller v. District of Columbia,
670 F.3d 1244 (D.C. Cir. 2011)40, 41, 42

High Tech Med. Instrumentation, Inc. v. New Image Indus., Inc.,
49 F.3d 1551 (Fed. Cir. 1995).....45

Hohe v. Casey,
868 F.2d 69 (3d Cir. 1989).....45

Hunters United for Sunday Hunting v. Pa. Game Comm’n,
28 F. Supp. 3d 340 (M.D. Pa. 2014).....40

Knights of Columbus Star of Sea Council 7297 v. City of Rehoboth Beach, Del.,
506 F. Supp. 3d 229 (D. Del. 2020).....25

Kohr v. Raybestos-Manhattan, Inc.,
552 F. Supp. 1070 (E.D. Pa. 1981).....39

Kolbe v. Hogan,
849 F.3d 114 (4th Cir. 2017) *passim*

Md. v. King,
567 U.S. 1301 (2012).....47

N.Y. State Rifle & Pistol Ass’n v. Bruen,
142 S. Ct. 2111 (2022)..... *passim*

N.Y. State Rifle & Pistol Ass’n v. Cuomo,
804 F.3d 242 (2d Cir. 2015).....41

Nken v. Holder,
556 U.S. 418 (2009).....47

Ocean State Tactical, LLC v. State of R.I.,
2022 WL 17721175 (D.R.I. Dec. 14, 2022)27, 28

Or. Firearms Fed’n, Inc. v. Brown,
2022 WL 17454829 (D. Or. Dec. 6, 2022)28, 45, 46

Reilly v. City of Harrisburg,
858 F.3d 173 (3d Cir. 2017).....25

Rigby v. Jennings,
2022 WL 4448220 (D. Del. Sept. 22, 2022).....44

Rocky Mountain Gun Owners, N.A. v. Bd. of Cnty. Comm’rs,
2022 WL 4098998 (D. Colo. Aug. 30, 2022)44

Rocky Mountain Gun Owners v. Town of Superior,
C.A. No. 22-cv-01685-RM (D. Colo. July 22, 2022)44

Short v. State,
586 A.2d 1203, 1991 WL 12101 (Del. Jan. 14, 1991) (Table).....38

Smith v. State,
882 A.2d 762, 2005 WL 2149410 (Del. Aug. 17, 2005) (Table)38

Tracy Rifle & Pistol LLC v. Harris,
118 F. Supp. 3d 1182 (E.D. Cal. 2015).....47

United States v. Hasson,
2019 WL 4573424 (D. Md. Sept. 20, 2019)28

United States v. Miller,
307 U.S. 174 (1939).....11, 37

United States v. Nat’l Treasury Emps. Union,
513 U.S. 454 (1995).....26

United States v. One (1) Palmetto State Armory PA-15 Machinegun Receiver/Frame,
822 F.3d 136 (3d Cir. 2016)..... 32-33, 36

United States v. Salerno,
481 U.S. 739 (1987).....3, 25

Univ. of Tex. v. Camenisch,
451 U.S. 390 (1981).....48

Walters v. Kemp,
2020 WL 9073550 (N.D. Ga. May 5, 2020).....45

Wash. State Grange v. Wash. State Republican Party,
552 U.S. 442 (2008).....3, 25

Winter v. Nat. Res. Def. Council, Inc.,
555 U.S. 7 (2008).....25

Worman v. Healey,
922 F.3d 26 (1st Cir. 2019).....23, 40, 41, 42

STATUTES

11 *Del. C.* § 144415, 37

11 *Del. C.* § 1446A37

11 *Del. C.* § 144837

11 *Del. C.* § 14645

11 *Del. C.* § 1465 5-6

11 *Del. C.* § 14666

11 *Del. C.* § 14686

11 *Del. C.* § 14696

OTHER AUTHORITIES

U.S. CONST. amend. II29

DEL. CONST. art. I § 2037

4 WILLIAM BLACKSTONE, COMMENTARIES ON THE LAWS OF ENGLAND (1769).....31

Samuel L. Bray, “*Necessary and Proper*” and “*Cruel and Unusual*”:
Hendiadys in the Constitution, 102 VA. L. REV. 687 (2016).....31

Gary Kleck & Marc Gertz, *Armed Resistance to Crime: The Prevalence
and Nature of Self-Defense with a Gun*, 86 J. CRIM. L. & CRIMINOLOGY 150
(Fall 1995).....18

Cameron McWhirter, *Accused Buffalo Gunman Describes Why He Chose His
Firearms, Body Armor*, WALL ST. J. (May 15, 2022).....2

Reese Oxner, *Uvalde gunman legally bought AR rifles day before shooting,
law enforcement says*, THE TEXAS TRIBUNE (May 25, 2022).....2

TABLE OF DEFINITIONS

1989 ATF Report	Department of the Treasury, <i>Report and Recommendation on the Importability of Certain Semiautomatic Rifles</i> (July 6, 1989).
1998 ATF Report	Department of the Treasury, <i>Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles</i> (April 1998).
AC	Amended Complaint for Declaratory and Injunctive Relief filed on September 9, 2022 (D.I. 5).
Allen Decl.	Declaration of Lucy Allen in Support of Defendants’ Opposition to Plaintiffs’ Motion For Preliminary Injunction, filed contemporaneously herewith.
Baron Decl.	Declaration of Dennis Baron in Support of Defendants’ Opposition to Plaintiffs’ Motion For Preliminary Injunction, filed contemporaneously herewith.
Clements Decl.	Declaration of Cecil Curtis Clements in Support of Plaintiffs’ Motion For Preliminary Injunction filed on December 19, 2022 (D.I. 21).
Defendants	Delaware Department of Safety and Homeland Security; Secretary Nathaniel McQueen Jr., Cabinet Secretary of the Delaware Department of Safety and Homeland Security; Col. Melissa Zebley; and Kathy Jennings.
DJJAMS Decl.	Declaration of Matthew Jenkins, Solely in his Capacity as Principal of DJJAMS LLC, in Support of Plaintiffs’ Motion For a Preliminary and Permanent Injunction filed on December 23, 2022 (D.I. 26).
DSSA Action	<i>Delaware State Sportsmen’s Association, Inc. et al. v. Delaware Department of Safety and Homeland Security et al.</i> , C.A. No. 1:22-cv-00951-RGA.
DSSA Br.	Opening Brief in Support of Plaintiffs’ Motion For Preliminary Injunction filed on November 15, 2022 (D.I. 11).
Gray Action	<i>Gabriel Gray et al. v. Kathy Jennings</i> , C.A. No. 1:22-cv-01500-MN.
Gray Br.	Opening Brief in Support of Plaintiffs’ Motion For a Preliminary and Permanent Injunction filed on November 22, 2022 (D.I. 5).
Hague Decl.	Declaration of Jeffrey W. Hague, President of Delaware State Sportsmen’s Association, Inc., in Support of Plaintiffs’ Motion For Preliminary Injunction filed on December 19, 2022 (D.I. 22).

HB 450	11 <i>Del. C.</i> §§ 1464-1467.
LCMs	Large-capacity magazines.
Plaintiffs	Delaware State Sportsmen’s Association, Inc.; Bridgeville Rifle and Pistol Club, Ltd.; Delaware Rifle and Pistol Club; Delaware Association of Federal Firearms Licensees; Madonna M. Nedza; Cecil Curtis Clements; James E. Hosfelt, Jr.; Bruce C. Smith; Vickie Lynn Prickett; Frank M. Nedza; Gabriel Gray; William Taylor; DJJAMS LLC; Firearms Policy Coalition, Inc.; and Second Amendment Foundation.
SS 1 for SB 6	11 <i>Del. C.</i> §§ 1441, 1468-1469A.
Spitzer Decl.	Declaration of Robert J. Spitzer in Support of Defendants’ Opposition to Plaintiffs’ Motion For Preliminary Injunction, filed contemporaneously herewith.
Statutes (the)	The package of gun safety bills enacted on June 30, 2022, including statutes regulating assault weapons, 11 <i>Del. C.</i> §§ 1464-1467 (“HB 450”), and large-capacity magazines (“LCMs”), 11 <i>Del. C.</i> §§ 1441, 1468-1469A (“SS 1 for SB 6”).
Sweeney Decl.	Declaration of Kevin M. Sweeney in Support of Defendants’ Opposition to Plaintiffs’ Motion For Preliminary Injunction, filed contemporaneously herewith.
Taylor Decl.	Declaration of William Taylor in Support of Plaintiffs’ Motion For a Preliminary and Permanent Injunction filed on December 23, 2022 (D.I. 27).
Yurgealitis Decl.	Declaration of James Yurgealitis in Support of Defendants’ Opposition to Plaintiffs’ Motion For Preliminary Injunction, filed contemporaneously herewith.

NATURE AND STAGE OF THE PROCEEDINGS

On June 30, 2022, Delaware enacted a package of gun safety bills, including statutes regulating assault weapons, 11 *Del. C.* §§ 1464-1467 (“HB 450”), and large-capacity magazines (“LCMs”), 11 *Del. C.* §§ 1441, 1468-1469A (“SS 1 for SB 6,” and collectively with HB 450, the “Statutes”).

A. The DSSA Action

On July 20, 2022, plaintiffs in *Delaware State Sportsmen’s Association, Inc. et al. v. Delaware Department of Safety and Homeland Security et al.*, C.A. No. 1:22-cv-00951-RGA (the “DSSA Action”) filed suit challenging HB 450. DSSA Action, D.I. 1. On September 9, 2022, plaintiffs filed an Amended Complaint for Declaratory and Injunctive Relief, which added claims challenging SS 1 for SB 6. *Id.*, D.I. 5. On November 9, 2022, defendants moved for partial dismissal of the Amended Complaint. *Id.*, D.I. 8-9. On November 15, 2022, plaintiffs moved for a preliminary injunction barring the enforcement of the Statutes. *Id.*, D.I. 10-11.

B. The Gray Action

On November 16, 2022, plaintiffs in *Gabriel Gray et al. v. Kathy Jennings*, C.A. No. 1:22-cv-01500-MN (the “Gray Action”) filed a Complaint challenging HB 450. Gray Action, D.I. 1. On November 22, 2022, plaintiffs moved for a preliminary and permanent injunction barring the enforcement of that statute. *Id.*, D.I. 4-5.

C. Consolidation

On December 4, 2022, defendants moved to consolidate the two actions. DSSA Action, D.I. 15-16; Gray Action, D.I. 6-7. After briefing and a hearing, on December 20, 2022, the Court granted the motions to consolidate. DSSA Action, D.I. 24; Gray Action, D.I. 12. On December 23, 2022, defendants filed an Answer in the DSSA Action. D.I. 28.

D. Preliminary Injunction Briefing and Argument

At the December 20, 2022 hearing, the Court set a briefing schedule for the preliminary injunction motions. This is defendants' consolidated Opposition. Plaintiffs' reply brief(s) are due February 13, 2023. D.I. 25. A live evidentiary hearing is scheduled for February 24, 2023. *Id.* Following the completion of briefing, defendants are to submit a letter to the Court on February 14, 2023 stating the witnesses they intend to call and the subject matters of the witnesses' testimony. *Id.* The Court has indicated that it will then decide whether to proceed with the evidentiary hearing. 12/20/2022 Tr. of Mot. to Consol. Hr'g at 24-25.

E. Partial Motion to Dismiss in DSSA Action

The DSSA plaintiffs' opposition to defendants' partial motion to dismiss is due today. *Id.* at 27. Defendants' reply brief is due February 13, 2023. *Id.* No argument date has been set.

F. Trial

Trial in this consolidated action has been set for November 13-17, 2023. D.I. 25.

SUMMARY OF THE ARGUMENT

On May 24, 2022, the Nation became transfixed on Uvalde, Texas after a gunman with an AR-15 style semi-automatic rifle and thirty-round magazines killed nineteen children and two teachers at an elementary school. Reese Oxner, *Uvalde gunman legally bought AR rifles day before shooting, law enforcement says*, THE TEXAS TRIBUNE (May 25, 2022). That unspeakable tragedy occurred in the midst of the Nation mourning the murder of ten people in Buffalo ten days earlier, by a shooter who also chose an AR-15 style semi-automatic rifle, with a thirty-round magazine, because it was especially "effective at killing." Cameron McWhirter, *Accused Buffalo Gunman Describes Why He Chose His Firearms, Body Armor*, WALL ST. J. (May 15, 2022).

Approximately one month later, citing these and the "dozens" of other "mass shootings during the last decade," Delaware enacted two statutes to further the State's "compelling interest

to ensure the safety of Delawareans.” HB 450 at Preamble. One statute regulates certain semi-automatic firearms, including the weapons used in Buffalo and Uvalde. The other regulates gun magazines that hold more than seventeen rounds of ammunition, like those used in Buffalo and Uvalde. Both statutes are subject to several exceptions.

In the months that followed, plaintiffs filed two actions challenging the Statutes. Four-and-a-half months after the Statutes became effective, plaintiffs sought to preliminarily enjoin their enforcement. Neither motion explains the delay in doing so.

Plaintiffs ask the Court to find a constitutional right to own weapons and accessories that were designed for use by the military in combat. Plaintiffs’ core argument is that assault weapons and LCMs are so numerous that they warrant unqualified protection under the Second Amendment. But *New York State Rifle & Pistol Ass’n v. Bruen*, 142 S. Ct. 2111 (2022), which plaintiffs cite repeatedly, “decide[d] nothing about ... the kinds of weapons that people may possess.” *Id.* at 2157 (Alito, J., concurring). And despite bearing a “heavy burden,” *United States v. Salerno*, 481 U.S. 739, 745 (1987), as a result of bringing a “disfavored” facial challenge, *Wash. State Grange v. Wash. State Republican Party*, 552 U.S. 442, 450 (2008), plaintiffs offer no evidence concerning the analysis mandated by *Bruen* to determine whether the Second Amendment applies and, if so, whether the Statutes are permissible.

Defendants, in contrast, present a robust evidentiary record, including declarations from five expert witnesses. This evidence makes clear that plaintiffs are not likely to prevail on the merits for multiple reasons. *First*, while plaintiffs assume that LCMs are constitutionally protected, historical evidence demonstrates that ammunition holders were understood in the founding era to be “accoutrements,” separate from “arms.” As such, LCMs are not protected by either the United States Constitution or the Delaware Constitution. *Second*, plaintiffs’ challenges

under the United States Constitution fail because assault weapons (and LCMs, even if “arms”) are not protected by the Second Amendment. Neither is “in ‘common use’ for self-defense today.” *Bruen*, 142 S. Ct. at 2143 (citing *District of Columbia v. Heller*, 554 U.S. 570, 627 (2008) (“*Heller I*”). Moreover, the overwhelming evidence demonstrates that they are “dangerous and unusual” and thus not entitled to protection under the Second Amendment. *Heller I*, 554 U.S. at 627. And even if assault weapons (and LCMs, even if “arms”) are entitled to protection under the Second Amendment, the Statutes are “consistent with the Nation’s historical tradition” of regulating dangerous firearms and weapons. *Bruen*, 142 S. Ct. at 2130. *Third*, plaintiffs’ challenges under the Delaware Constitution fail because the Statutes, which do not totally ban either assault weapons or LCMs, satisfy intermediate scrutiny in light of: (i) the compelling interest they advance (safety); (ii) their substantial relation to achieving those objectives (in light of the numerous dangers posed by the regulated products); and (iii) the minimal burdens that they impose (in light of the exceptions and available alternatives). And for those same reasons, the Statutes would satisfy a more onerous standard, even if one applied.

The remaining factors also weigh heavily against issuing a preliminary injunction. Plaintiffs, whose decision to wait months to seek relief undermines their claim of irreparable harm, assert that the potential denial of Second Amendment rights constitutes *per se* irreparable harm. But not all potential denials of Constitutional rights constitute *per se* harm, and neither the Third Circuit nor the Supreme Court has found that to be the case in the Second Amendment context. Plaintiffs’ other claimed injuries fare no better. Any injury from the inability to purchase covered assault weapons and LCMs while the cases are pending is too speculative, particularly in light of available alternatives. And plaintiffs’ claimed harm from restrictions on their ability to sell assault weapons and LCMs fails both because (i) there is no constitutionally protected right to sell arms,

and (ii) any such injury is a compensable, economic injury. In contrast, Delaware and its citizens will be irreparably harmed by the continued proliferation of assault weapons and magazines and the dangers that they pose.

In short, Plaintiffs do not meet the heavy burden required to obtain the “extraordinary remedy” of a preliminary injunction. And the request by the Gray plaintiffs to forgo a trial and issue an immediate permanent injunction is foreclosed by the Federal Rules of Civil Procedure.

For all of these reasons, plaintiffs’ motions should be denied.

STATEMENT OF FACTS

A. The Challenged Laws

On June 30, 2022, two laws enacted in the immediate aftermath of the Buffalo and Uvalde mass shootings took effect in Delaware.

Assault Weapon Statute. HB 450 makes numerous “assault weapons” illegal, subject to certain exceptions. The General Assembly observed that assault-style weapons, with their “immense killing power,” were “designed solely for military use ... and ... were not intended for sport or self-defense.” HB 450 at Preamble. That, combined with the role of assault weapons in mass shootings, led the General Assembly to conclude “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 risk of death or injury resulting from these weapons “substantially outweigh[s]” any utility as sports or recreational firearms. 11 *Del. C.* § 1464. The General Assembly made clear, however, that it did not intend to restrict “the use of those weapons which are primarily designed and intended for hunting, target practice, or other legitimate sports or recreational activities.” *Id.*

“Assault weapon[s]” include (i) forty-four enumerated semi-automatic “assault long gun[s],” including the AR-15, AK-47, and Uzi, 11 *Del. C.* § 1465(2), (ii) nineteen specifically identified semi-automatic “assault pistol[s],” *id.* § 1465(3), and (iii) “copycat weapon[s],” *id.*

§ 1465(4). “Copycat weapon[s]” include semi-automatic, centerfire rifles that can accept a detachable magazine which have one of five military features, semi-automatic pistols with certain enhanced features, and certain other semi-automatic weapons. *Id.* § 1465(6). “Assault long gun[s]” and “assault pistol[s]” share numerous common military features, as do those that meet the definition of “copycat weapon.” Yurgealitis Decl. ¶¶ 29-36, 44-46, 58, 65-75.

HB 450 prohibits the manufacture, sale, offer to sell, purchase, receipt, transfer, possession or transportation of assault weapons, subject to certain exceptions, including for military and law-enforcement personnel (including qualified retired law-enforcement personnel). *Id.* §§ 1466(a), (c). People who possessed or purchased assault weapons before the statute became effective can continue to possess and transport them under certain conditions, including (i) at their residence and place of business, (ii) at a shooting range, (iii) at gun shows, and (iv) while traveling between any permitted places. *Id.* § 1466(c). They can also transfer them to family members. *Id.*

LCM Statute. SS 1 for SB 6 makes it illegal “to manufacture, sell, offer for sale, purchase, receive, transfer, or possess a large-capacity magazine.” *Id.* § 1469(a). “Large-capacity magazine[s]” are those “capable of accepting, or that can readily be converted to hold, more than 17 rounds of ammunition.” *Id.* § 1468(2). The statute exempts many of the same individuals as HB 450, along with individuals with a valid concealed carry permit. *Id.* § 1469(c).

Unlike HB 450, SS 1 for SB 6 does not grandfather any magazines. It does, however, require the State to implement a buy-back program. *Id.* § 1469(d).

B. The Historical Regulation Of Weapons

“[T]he right secured by the Second Amendment is not unlimited.” *Bruen*, 142 S. Ct. at 2128 (quoting *Heller I*, 554 U.S. at 626). “From Blackstone through the 19th-century cases, commentators and courts routinely explained that the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.” *Id.*

Throughout its history, this Nation has consistently regulated weapons. As the expert declarations submitted with this Opposition demonstrate, this historical tradition follows a recurring pattern: first, the development of new weapons technologies, then, their spread into society, followed by government regulation to protect the public. Spitzer Decl. ¶ 8.

Colonial and Founding Era America

In the eighteenth century, most gun owners in the British American colonies and the newly independent republic possessed and used single shot, muzzle-loading, flintlock firearms. Sweeney Decl. ¶ 5. Americans' preference for these firearms continued well into the 1800s. *Id.* ¶ 6.

Compared to modern guns, muzzle-loading long arms took considerable time to load and fire, and were less accurate, especially at long ranges. *Id.* ¶¶ 8-9. Loading required ready access to gunpowder, wadding, and a ball. *Id.* ¶ 9. If all those materials were accessible, the shooter poured black powder down the barrel, crammed in wadding and the ball with a ramrod, and then recovered and secured the ramrod under the barrel. *Id.* The firearm was then raised, placed on full cock, aimed, and fired. *Id.* Wind could dislodge and rain could dampen the black powder, affecting the gun's ability to fire. *Id.*

Multi-shot (or repeating) firearms were rare and viewed as curiosities. Spitzer Decl. ¶¶ 36-42; Sweeney Decl. ¶ 20; Baron Decl. ¶ 4. For example, the Girandoni multi-shot air rifle taken on the Lewis and Clark expedition, which plaintiffs claim was in "common use" at the time, DSSA Br. at 9 n.6, was in fact an anomaly.¹ The Girandoni was brought to impress Native Americans

¹ The DSSA plaintiffs cite Meriwether Lewis's apparent carrying on the Lewis and Clark expedition of a single "Girandoni air rifle, with a 20 or 22-shot magazine capacity" as supposed evidence that "[a]mmunition magazines capable of holding more than seventeen rounds" have been "in common use ... for centuries." DSSA Br. at 9 n.6.

In fact, the DSSA plaintiffs' own source states that the Austrian army equipped a limited number of soldiers with Girandoni air rifles in the Napoleonic Wars between 1796-1815; that "[t]here are

encountered during the expedition. Spitzer Decl. ¶ 40; Sweeney Decl. ¶ 36. Not surprisingly given their rarity, “repeaters” were not regulated in this era. But other more common weapons were.

Clubs, Bludgeons and Slungshots. Multiple states regulated or banned weapons preferred by criminals, including clubs, bludgeons, and slungshots. Spitzer Decl. ¶¶ 14-20. At least thirteen states barred the carrying of “clubs” generically; the oldest such passed in 1664, and states continued passing laws through the early 1900s. *Id.* ¶ 17. Between 1799 and the early 1900s, fifteen states barred bludgeon carrying. *Id.* ¶ 15. In addition, at least sixteen states passed anti-billy club laws between 1862 and the early 1900s. *Id.* ¶ 16. Anti-slungshot laws were enacted by forty-three states between 1850 and the early 1900s, with seventy-nine laws enacted in the nineteenth century and twelve laws enacted in the twentieth century. *Id.* ¶ 18. Finally, ten states enacted anti-sandbag laws between 1866 and the early 1900s. *Id.* ¶ 20.

Bowie Knives. During the antebellum nineteenth century, serious interpersonal violence became increasingly widespread in the U.S. *Id.* ¶ 13. In the 1830s, Americans widely relied on knives with thin, long blades for fights and duels. *Id.* ¶ 22. These fighting knives, including the famous Bowie knife, became increasingly popular and accounted for a rising number of homicides. *Id.* ¶¶ 22-23. In response, multiple states prohibited or restricted the carry of Bowie knives and similar knives. *Id.* ¶ 24. Between 1837 and 1925, twenty-nine states enacted laws barring the concealed carry of Bowie knives; fifteen states categorically barred their carry whether concealed

stories that Napoleon had captured [Austrian] air riflemen shot as terrorists” as they were considered “not as soldiers, but as assassins”; that no evidence “has surfaced to explain exactly where or when [Lewis] acquired it” and “[t]here is no other good evidence for Girandoni-style air rifles having made it to the United States by the beginning of the nineteenth century”; that Lewis’s air rifle was mostly “shot as a demonstration to impress various tribes” who were “astonished or surprised” as “they cannot comprehend it’s shooting so often and without powder”; and that when Lewis’s air rifle was auctioned at an estate sale in 1845 the catalogue described it as “[a] *great curiosity.*” Jim Garry, WEAPONS OF THE LEWIS & CLARK EXPEDITION 92-93, 96-97, 101-03 (Univ. of Okla. Press, Norman, Publ’g Div. of the Univ. 2012). Ex. 1.

or openly; seven states enacted enhanced criminal penalties for those who used the knives to commit a crime; and other states regulated Bowie knives through taxes or penalties. *Id.* ¶ 31.

Civil War and Reconstruction

The latter half of the nineteenth century saw major advancements in the design, lethality, manufacturing, marketing, and distribution of guns and other weapons. Before the Civil War, multi-shot weapons were not viable or available in meaningful numbers. *Id.* ¶ 74. But after the war, new technologies became available in the civilian market, leading to increased gun violence followed by gun regulation. *Id.* ¶ 48.

Repeating Rifles. In 1860, Benjamin Henry patented the first practical, lever action repeating rifle. *Id.* ¶ 46. Variations on the “Henry” rifle followed, first with the Winchester 1866 repeating rifle followed by the Winchester 1873. *Id.* The Henry and Winchester rifles held fifteen rounds and were easily reloadable. *Id.* Although the Winchester 1873 was designed for the federal government as a military weapon, the Union army used these new repeating rifles sparingly in the Civil War. *Id.* Only a limited number were available for civilian acquisition. *Id.* After the war, the Henry and Winchester rifles were not widely embraced by long gun users. *Id.* ¶¶ 47-48.

Revolver Pistols, Sword Canes, and Daggers. Although Samuel Colt invented the first practical and reliable multi-shot revolver pistol in the 1830s (*Id.* ¶ 45), the Colt revolver only became widely available and affordable after the Civil War. *Id.* The spread of cheaper pistols led to increased gun violence. *Id.* ¶ 48. In response, almost every state prohibited or severely restricted concealed gun carrying by the end of the nineteenth century. *Id.* At least a half-dozen states barred possession of multi-shot handguns outright. *Id.* And many states enacted or strengthened laws targeting other concealable weapons, like sword canes and daggers. *Id.* Exs. C & E.

Early 20th Century

In the early twentieth century, new weapon technologies continued to emerge, followed by new regulations. As the Supreme Court has stated, applying the Second Amendment to “unprecedented societal concerns or dramatic technological changes may require a more nuanced approach.” *Bruen*, 142 S. Ct. at 2132.

Machine Guns and Semi-Automatic Weapons. After the First World War, the Thompson submachine gun or “Tommy gun” entered the civilian market. Spitzer Decl. ¶ 50. The Tommy gun was the first commercially available handheld firearm with a detachable magazine that held more than ten rounds. *Id.* Before the early 1920s, fully automatic weapons (machine guns) were new to the civilian market and unregulated. As fully automatic weapons became increasingly common, regulation followed. *Id.* ¶¶ 59-61.

Between 1925 and 1934, at least 32 states and the District of Columbia enacted anti-machine gun laws. Spitzer Decl. ¶ 59. In 1934, Congress passed the National Firearms Act, which restricted civilian acquisition and circulation of fully automatic weapons. *Id.* ¶ 61. As the Supreme Court has noted, a suggestion that the National Firearms Act’s restriction on machine guns could violate the Second Amendment would be “startling.” *Heller I*, 554 U.S. at 624.

In addition, at least seven states and the District of Columbia passed laws restricting semi-automatic weapons. Spitzer Decl. ¶ 65. The National Firearms Act also included a tax on the manufacture, sale, and transfer of listed weapons, including machine guns, sawed-off shotguns and rifles, and silencers, among others. *Id.* ¶ 61.

Ammunition Feeding Devices. From 1917 to 1934, roughly half of the states enacted laws that restricted ammunition feeding devices, or guns that could accommodate them, based on a set number of rounds. *Id.* ¶ 68. The numerical cap varied from more than a single round to up to eighteen. *Id.* at Table 1.

Short-Barreled Shotguns. The National Firearms Act of 1934 also barred private citizens from possessing short-barreled shotguns (with a barrel length shorter than eighteen inches) without registering them with and paying a tax to the U.S. government. *Id.* ¶ 61. Like machine guns, short-barreled shotguns were targeted because of their use by criminals. *Id.* ¶ 61. Five years later, the United States Supreme Court held that short-barreled shotguns were not protected under the Second Amendment. *United States v. Miller*, 307 U.S. 174, 178 (1939).

C. Assault Weapons And LCMs

Assault Weapons

Assault Rifles. Assault rifles were invented during the Second World War to enable swift and effective attacks on the battlefield. Their features—and ultimate purpose—remain the same today.

The “Father of all [of] today’s assault rifles” is the German “Sturmgewehr.” Yurgealitis Decl. ¶ 28. Nazi Germany developed the Sturmgewehr—“assault rifle” in English²—to aid in Blitzkrieg battlefield assaults.³ Allied powers took notice of the weapon’s capabilities and started developing their own fully automatic assault rifles. *Id.* ¶¶ 30-38, 43.

Assault rifles share several traits that increase their lethality, including pistol grips and barrel shrouds for maneuverability, use of detachable magazines to fire many rounds rapidly, and

² The literal translation is “storm rifle.” Yurgealitis Decl. ¶ 63. Translated lexically, it means “assault rifle.” *Id.*; *see also* Ex. 2 at 1 (J. David McFarland, AR-15, M16 ASSAULT RIFLE HANDBOOK (1985)). Plaintiffs’ claim that “‘assault weapons’ is a complete misnomer ... ‘developed by anti-gun publicists,’” Gray Br. at 5-6; DSSA Br. at 8, is incorrect. Yurgealitis Decl. ¶ 63. Moreover, the gun industry and government agencies regularly use the term. *Id.* ¶¶ 63 (gun industry) & 88 (agencies); Spitzer Decl. ¶¶ 76-80.

³ *See generally* Hammad Junejo, University of Toronto, *The Birth of the World’s First Assault Rifle: The Sturmgewehr 44* (last accessed Jan. 20, 2023), available at <https://sites.utm.utoronto.ca/historyinternships/blog/03182019-0228/birth-world%E2%80%99s-first-assault-rifle-sturmgewehr-44>; Yurgealitis Decl. ¶ 28; *Id.* Ex. C, at 243.

the use of intermediate-caliber rounds fired at a high velocity, which inflict severe wounds even over long distances. *Id.* ¶¶ 29, 39-42. In addition, many feature other characteristics designed to improve battlefield performance, including “flash suppressors, which are designed to help conceal a shooter’s position by dispersing muzzle flash[, and] ... folding and telescoping stocks” *Kolbe v. Hogan*, 849 F.3d 114, 125 (4th Cir. 2017), *abrogated by Bruen*, 142 S. Ct. 2111.

In the United States, the development of the AR-15 in the 1950s marked a critical point in the development of assault rifles. After preliminary testing in the late 1950s, Yurgealitis Decl. Exs. G at 2 & D at 19, the Department of Defense “purchased more than 100,000 AR-15 rifles for the Army and the Air Force.” *Kolbe*, 849 F.3d at 124-25; Yurgealitis Decl. ¶¶ 36-37. By the mid-1960s, both branches adopted the AR-15 as standard issue using the moniker “M16.” *Id.* ¶ 43.

The AR-15 displayed a remarkable ability to inflict catastrophic wounds. *Id.* ¶¶ 37, 42. In field tests in Vietnam, one victim died when, after being shot at the bottom of his foot, his “leg ... split from the foot to the hip.” *Id.* ¶ 37 & Ex. G. Another round “took [the head] completely off” a soldier, while a second round “in the right arm, took it completely off, too.” *Id.* Torso wounds caused “the abdominal cavity to explode.” *Id.* “All confirmed casualties inflicted by the AR-15 ... were fatal,” including “extremity hits.” *Id.* Ex. G, at 8. As the troops using AR-15s “chalk[ed] up serious body counts,” *id.* Ex. D at 27, it became clear that the AR-15 was “a very lethal combat weapon,” *id.* Ex. H, at 131, “superior in virtually all respects to ... the Thompson Sub-machine gun” that, as noted above, had long been prohibited for civilian use, *id.* ¶ 38.

Assault Pistols. Like assault rifles, assault pistols were created for use by the military in combat. *Id.* ¶ 44. “Specifically, the modern assault pistol is based on submachinegun designs.” *Id.*; *see, e.g.*, Yurgealitis Decl. Ex. C at 18 (“The [Steyr] SPP (Special Purpose Pistol) is a semi-automatic version of the TMP ... submachine gun”); *id.* at 58 (“The Uzi pistol is simply a

shortened, lightened and simplified version of the same Uzi submachine gun.”). These submachineguns—and by extension, their modern assault pistol derivatives—“share[d] many construction and design features with assault rifles,” including pistol grips, detachable magazines, adjustable stocks, and barrel shrouds. *Id.* ¶¶ 46, 48. Following the Second World War, assault pistols—much like assault rifles—gained popularity in militaries and law enforcement agencies around the world. *Id.* ¶ 50 & Ex. C.

Commercialization of Assault Weapons. As the reputation of the AR-15/M16 grew, weapons manufacturers began producing versions for civilian purchase. *Id.* ¶ 57.⁴ Manufacturers likewise created civilian “pistol versions” of their military submachine guns. *Id.* ¶ 59 & Ex. C.

These civilian versions retain nearly all the features of their military equivalents, and their components “are completely interchangeable.” *Id.* ¶¶ 58, 65. Manufacturers tout them as nearly identical to the military versions. Early marketing of the civilian AR-15 described it as a “powerful, battle-proven rifle” that came “[o]ut of the jungles of Vietnam” and was an “exact duplicate of the military weapon except for one alteration”: it could only fire in semi-automatic mode. *Id.* (quoting Yurgealitis Decl. Ex. L). Colt likewise marketed the AR-15 as a “semi-automatic version of the ... rifle purchased by The United States Armed Forces,” and then later as the “semi-automatic version of the U.S. Military M16A1.” *Id.* ¶ 61 & Exs. M, N & O. Heckler & Koch advertises its HK 91 “semi-automatic assault rifle” as “derived directly from the G3,” its fully automatic military version. Ex. 3. Daniel Defense advertises its AR-15 with the tagline “Use

⁴ Much of the growth in sales of these products has occurred within the last decade. *See* Nat’l Shooting Sports Foundation, The Firearm Industry Trade Ass’n, Estimated Modern Sporting Rifles in the United States 1990-2020, https://www.nssf.org/wp-content/uploads/2022/07/EstMSR1990_2020.pdf; *see also* Yurgealitis Decl. ¶¶ 64-65 (explaining that the phrase “modern sporting rifles” is an invented term for assault rifles).

What They Use,” featuring images of soldiers in battle. *See, e.g.*, Ex. 4.⁵ And Bushmaster “describes its Adaptive Combat Rifle as “‘the ultimate military combat weapons system’ ... ‘built specifically for law enforcement and tactical markets.’” *Kolbe*, 849 F.3d at 125 (citation omitted).

Plaintiffs make much of the lone difference between military assault weapons and their civilian counterparts, calling any comparison of a semi-automatic weapon to an automatic weapon “disingenuous.” Gray Br. at 6. In fact, the Army views “rapid semi-automatic fire” as “[t]he most important firing technique during modern, fast-moving combat” and, at times, “superior to automatic fire.” Yurgealitis Decl. ¶ 99 (quoting Yurgealitis Decl. Ex. T, at 7-8). As a result, forces equipped with fully automatic versions regularly use them in semi-automatic mode. Yurgealitis Decl. Ex. U, at 8-17 to 8-22 (U.S. Army “rate of fire” standards often calling for semi-automatic fire); *Kolbe*, 849 F.3d at 125 (“[S]oldiers and police officers are often advised to choose and use semi-automatic fire, because it is more accurate and lethal than automatic fire in many combat and law enforcement situations.”). Even in semi-automatic mode, a large-capacity magazine can be emptied in seconds. Yurgealitis Decl. ¶ 99; *Kolbe*, 849 F.3d at 125.

Moreover, numerous inexpensive products, like the Hellfire Trigger System⁶, Alamo-15 Trigger⁷, Graves Star-Fire AR 15 trigger,⁸ and Wide Open Triggers Hard Reset Trigger⁹ allow

⁵ *See* Violence Policy Center, *VCP Backgrounder on Daniel Defense*, <https://vpc.org/vpc-backgrounder-on-daniel-defense/>; Michael Daly, *Uvalde Shooter’s Gunmaker Hypes ‘Revolutionary’ New Killing Machine, ‘Light-Weight, Heavy Hitting,’* THE DAILY BEAST.COM (June 8, 2022), <https://www.thedailybeast.com/uvalde-shooter-salvador-ramos-gunmaker-daniel-defense-hypes-revolutionary-new-killing-machine>.

⁶ FireQuest, <https://www.firequest.com/HE2000.html>.

⁷ <https://gunsforsale.tech/product/alamo-15/>.

⁸ https://www.recoil-technology-systems.com/graves-v2-art.html#.

⁹ Wide Open Triggers, <https://wot15.com/>.

semi-automatic assault weapons to fire at rates approaching fully automatic weapons. Indeed, these products are marketed as providing fully automatic shooting capability,¹⁰ and it is easy to see why.¹¹ An AR-15 with one of these products can fire thirty rounds in less than three seconds.¹² The power of these products surprises even experienced shooters.¹³ Although Delaware banned some rapid-fire conversion devices in 2022, *see* 11 *Del. C.* § 1444(a)(6), these remain available for purchase in most states, including those within a short drive.

Despite their recent proliferation, assault weapons remain a niche product. According to plaintiffs, there are less than twenty million assault weapons “in circulation” today. DSSA Br. at 7. Because that number presumably includes weapons owned by law enforcement and criminals, it likely overstates the number owned by law-abiding civilians. Even still, it is a small fraction of the more than 470 million guns in the United States.¹⁴ As a result, only a small portion of the

¹⁰ See <https://www.firequest.com/HE2000.html> (“If you have ever considered converting to FULL AUTO SELECT FIRE and red tape or jail time got in the way, then the Hell-Fire Trigger System is for you.”).

¹¹ Gefardino, Wide Open Triggers Hard Reset Trigger 100rnd Mag Dump, <https://www.youtube.com/watch?v=9uCoj92PUnI>.

¹² South Texas Guns, Binary Triggers Vs. Wide Open Force Reset Trigger! AR-15 .556 30 Round May Dump In Less Than 3 Second, <https://www.youtube.com/watch?v=X8LO4ybIxHU>.

¹³ <https://www.youtube.com/watch?v=nZ54pxX1nVU> (Alamo-15); https://www.youtube.com/watch?v=LDnra3wW_G4 (Star-Fire).

¹⁴ See NSSF, Firearm Production in the United States with Firearm Import and Export Data, Industry Intelligence Report, at 18 (2020), <https://www.nssf.org/wp-content/uploads/2020/11/IIR-2020-Firearms-Production-v14.pdf> (showing 433.9 million total firearms in civilian circulation in the United States through 2018), *plus* U.S. Dep’t of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives, National Firearms Commerce and Trafficking Assessment: Firearms in Commerce, at 181, 188, 193 (2022), <https://www.atf.gov/firearms/docs/report/national-firearms-commerce-and-trafficking-assessment-firearms-commerce-volume/download> (showing 28.4 million firearms manufactured nationally, less 800,000 exported, plus 10 million imported, in 2019 and 2020).

population owns assault weapons. *See* DSSA Br. at 6 (estimating that five million Americans, or 1.5% of the population at the time, own assault weapons).¹⁵

LCMs

Many modern semi-automatic firearms use detachable magazines. Yurgealitis Decl. ¶¶ 24, 29. But no single firearm “requires a large-capacity magazine” to operate.¹⁶ *Id.* ¶ 52.

LCMs were developed for military use and “serve specific, combat-functional ends.” H. Rep. No. 103-489, at 18; 1998 ATF Report at 1-3, 36-38; Yurgealitis Decl. ¶ 53. Beginning in the First World War, militaries used “[m]agazine fed light machine guns” with ammunition tubes. *Id.* These magazines allow soldiers to “fire an increased quantity of cartridges without reloading,” increasing their “lethality and effectiveness ... in combat.” *Id.* ¶ 55.

¹⁵ According to the census, there were more than 315 million citizens in 2015. *See* <https://www.census.gov/data/tables/2015/demo/age-and-sex/2015-age-sex-composition.html>.

¹⁶ DSSA argues that “common arms that come equipped with standard-capacity magazines of 17 rounds of ammunition or below are still banned under SS 1 for SB 6.” DSSA Br. at 9-10. But DSSA never claims that any firearm requires a minimum magazine size to operate. For good reason. *See Ass’n of New Jersey Rifle & Pistol Clubs, Inc. v. Attorney Gen. New Jersey*, 910 F.3d 106, 118 & n.20 (3d Cir. 2018) (“Plaintiffs were unable to identify a single model of firearm that could not be brought into compliance with New Jersey’s magazine capacity restriction”), *abrogated by Bruen*, 142 S. Ct. 2111. Indeed, an owner can easily obtain a legally compliant magazine, which are equally “standard” and easy to purchase. Many retailers offer magazines based on state restrictions. *See, e.g.*, Rifle Supply, www.riflesupply.com (last visited Jan. 21, 2023).

Like assault weapons, LCMs are marketed to civilians, often as assault weapon “accessories.”¹⁷ Magazines holding up to 100 rounds are available.¹⁸ One manufacturer touts its 60-cartridge magazine as providing “critical advantages in any firefight: shoot more; reload less ... , increase[ing] initial firepower in ambush situations. Fewer reloads overall mean less downtime and target distraction.... *Twice the violence of action. Half the reloads. Win-win.*”¹⁹

Suitability for Various Purposes

Given their origins, it is no surprise that assault weapons and LCMs offer relatively little utility in self-defense, hunting, and recreation.

Assault Weapons and LCMs Are Not Well Suited for Self-Defense. The Supreme Court has recognized the utility of handguns for self-defense. *See Heller I*, 554 U.S. at 628 (emphasizing

¹⁷ *See, e.g.*, KRISS 2020 Product Catalog, at 32-33 (2020) (including magazines under “Accessories”), Ex. 5; Ruger 2020 Firearms Catalog, at 158-160 (2020) (advertising RUGER.COM/ACCESSORIES on “Ruger Rifle Magazines” pages), Ex. 6; Heckler & Koch - Civilian Products, at 22-23 (2016) (including magazines under “HK Accessories”), Ex. 7; Heckler & Koch - Weapons System Military & Law Enforcement Products, at 12, 18-19 (Cornell Publications, photo. reprt.) (similar), Ex. 8; Colt Military & Law Enforcement Catalog (2013), at 29 (similar), Ex. 9; Colt Defense - Assault Rifles & Carbines, at 21 (2010) (same), Ex. 10; Springfield Armory USA 2013 Catalog, at 80-82 (2013) (advertising magazines separately from firearms), Ex. 11; Sam’s Firearms, www.samsfirearms.com (last visited Jan. 21, 2023) (selling “guns” and “gun accessories,” including “magazines”); AAA Police Supply, www.aaapolicesupply.com (last visited Jan. 21, 2023) (selling “Firearm Accessories” including “magazines”); Magpul, www.magpul.com (last visited Jan. 21, 2023) (similar); Zahal, www.zahal.org (last visited Jan. 21, 2023) (similar); *see generally Ocean State Tactical, LLC v. State of Rhode Island*, 2022 WL 17721175, at *13 (D.R.I. Dec. 14, 2022) (manufacturers showing magazines as accessories).

¹⁸ *See, e.g.*, <https://armsunlimited.com/kci-100-round-ar15/m4-drum-magazine/> (100 round magazine, “compatible with [the] AR-15 / M16 / M4” and available for \$149.99); <https://promagindustries.com/magazines/ar-15-m16-and-variant/> (offering numerous 50, 55 and 65 cartridge magazines for “AR-15 / M16 and variant”).

¹⁹ <https://www.surefire.com/products/parts-accessories/high-capacity-magazines/mag5-60/> (emphasis added).

that handguns are “overwhelmingly chosen by American society for” self-defense).²⁰ In contrast, assault weapons are not well-suited for self-defense for several reasons.

First, assault weapons are typically designed for long-range use. “[A]ssault weapons were designed to be effective at battlefield ranges of up to 500 yards. The typical muzzle velocity of a .223 caliber bullet is 3,200 feet per second Common muzzle velocities for 9mm or .38 caliber handgun bullets are less than half of that.” Yurgealitis Decl. ¶ 83. This makes assault weapons dangerous for use in self-defense. Assault rifles are difficult to control and pose a greater risk of bullets traveling through home materials and injuring a bystander. *Id.* Thus, contrary to the Gray plaintiffs’ claim, the AR-15’s .223 caliber is *not* “safer to use as a home-defense gun because [it] is less likely to travel through walls.” Gray Br. at 7 (quotation omitted). In fact, assault weapon rounds easily pierce Level III body armor and can puncture 3/8” thick hardened steel from a nearly a quarter mile. Yurgealitis Decl. ¶¶ 84, 98.

Assault weapons also require substantial experience to use properly. That is why law enforcement and military undergo extensive training before using them. For example, when the ATF transitioned to AR-type rifles, it required a 40-hour course and quarterly testing to requalify for firearm use. Yurgealitis Decl. ¶ 86. Even having “performed them repeatedly under stress” in training, agents “ma[d]e errors” during the tests. *Id.* A civilian with no training can easily endanger others when trying to use assault weapons. “[W]hen inadequately trained civilians fire weapons equipped with large-capacity magazines, they tend to fire more rounds than necessary and thus endanger more bystanders.” *Kolbe*, 849 F.3d at 127.

²⁰ See also Allen Decl. ¶ 21; Gary Kleck & Marc Gertz, *Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun*, 86 J. CRIM. L. & CRIMINOLOGY 150, 173, 175 (Fall 1995) (study cited by Gray plaintiffs explaining that handguns are used in roughly 80% of gun-defense incidents).

Unsurprisingly, assault weapons are rarely utilized in defense situations. Analysis of an FBI database indicates that assault weapons were used for protective purposes in 0.2% of active shooter incidents between 2000 and 2021. Allen Decl. ¶ 21. Similarly, the Heritage Foundation’s “Defensive Gun Uses in the U.S.” database reflects that rifles of any type were only used defensively in 4% of incidents with a known gun type. *Id.* ¶ 27.

LCMs containing more than seventeen rounds are also unnecessary for self-defense. Self-defense situations rarely, if ever, involve lengthy shootouts with extensive gunfire. Yurgealitis Decl. ¶ 83. It is rare for a person using a firearm in self-defense to fire even ten rounds. Allen Decl. ¶ 9. Indeed, an analysis of multiple databases found no incidents where the defender fired more than seventeen rounds. *Id.* ¶¶ 9, 17. Instead, defenders fired an average of 2.2 shots. *Id.* ¶ 9.

Assault Weapons and LCMs Are Not Well Suited for Hunting. Assault weapons and LCMs also have limited utility for hunting and recreation.

Hunting prioritizes limited, precise shots over a high volume of shots or shots that are especially damaging to tissue. Yurgealitis Decl. ¶ 88. As a result, rifles designed specifically for hunting are typically bolt-action rifles with magazines that hold less than ten bullets. *Id.* ¶ 52.²¹ Moreover, they typically lack the telescoping stocks, protruding grips, and flash suppressors that plaintiffs claim make assault rifles useful for hunting. Gray Br. at 8.²² The ammunition fired at

²¹ In 1989, the ATF determined that assault rifles are not “generally recognized as particularly suitable or readily adaptable to sporting purposes,” such as hunting. Yurgealitis Decl. Ex. Q, at 12.

²² See also Department of the Treasury, *Report and Recommendation on the Importability of Certain Semiautomatic Rifles* (“1989 ATF Report”), at 6 (July 6, 1989) (telescoping stocks “predominant advantage is for military purposes, and it is normally not found on the traditional sporting rifle”); *id.* at 7 (finding that a flash suppressor does not have any benefit for sporting purposes); Bureau of Alcohol, Tobacco, Firearms & Explosives, *ATF Study on the Importability of Certain Shotguns*, at 8-14 (January 2011) (finding that folding, telescoping or collapsible stocks, flash suppressors, magazines over five rounds and forward pistol grips “offer little or no advantage to a sportsman”).

high velocities by assault weapons (5.56mm/.223) is particularly poor for hunting, given the damage it causes upon impact. Yurgealitis Decl. ¶ 88; see *id.* ¶¶ 41-42.

There are, however, numerous lawful firearms and magazines that are more suitable for hunting. *Id.* ¶¶ 18, 52, 88.

Assault Weapons and LCMs Are Not Well Suited for Recreation. For these same reasons, assault weapons and LCMs are not well-suited for recreation. In its 1998 study, the ATF found that while assault rifles “may be used and sometimes are used for organized competitive target shooting ..., their suitability for this activity is limited. In fact, there are some restrictions and prohibitions on their use.” 1998 ATF Report at 30. As to LCMs, the 1998 ATF Report found no “information demonstrating that [the] ... ability to accept large capacity military magazines was necessary for its use in practical shooting competitions.” *Id.* at 29. Indeed, some shooting organizations prohibit assault weapons. See International Sports Shooting Federation Rifle Rules § 7.4.1.1 (“Only single shot rifles that must be manually loaded before each shot may be used, except” in one event).²³

And, as with hunting, there are lawful options that can be used for recreational use and competitions, including some that are better for competitions as a result of their focus on accuracy, not volume or velocity of fire. See generally Yurgealitis Decl. Exs. Q & R.

Public Safety Risks of Assault Weapons and LCMs

While not well suited for the lawful purposes of self-defense, hunting, or recreation, assault weapons and LCMs pose substantial public safety risks due to their ability to inflict unusually

²³ Available at https://www.issf-sports.org/getfile.aspx?mod=docf&pane=1&inst=460&file=1_Rifle-Rules.pdf.

devastating injuries, penetrate materials (including body armor), and use in mass shootings, among other things.

Capacity to Inflict Catastrophic Wounds. The devastating wounds that the Army observed in Vietnam have continued as assault weapons have migrated into civilian hands. Doctors who treat victims of assault weapons encounter “unimaginable” wounds. Gina Kolata and C.J. Chivers, NY TIMES, *Wounds From Military-Style Rifles? ‘A Ghastly Thing to See’* (Mar. 4, 2018) (quoting former military doctors: “The tissue destruction is almost unimaginable. Bones are exploded, soft tissue is absolutely destroyed. The injuries to the chest or abdomen — it’s like a bomb went off”; ““The energy imparted to a human body by a high velocity weapon is exponentially greater’ than that from a handgun”; “You will see multiple organs shattered. The exit wounds can be a foot wide,” and people can have “entire quadrants of their abdomens destroyed.”), Ex. 12; Mary Kekatos, *Surgeon who treated kids shot in Uvalde describes assault weapons’ extreme trauma to victims’ bodies*, ABC NEWS (May 27, 2022) (describing “large destructive wounds”; “When a high-velocity firearm enters a body, it basically creates a wave and a blast So it looks like a body part got blown up ... A handgun may create one small hole, whereas a high-velocity firearm will create a giant hole in the body that is with missing tissue. By that, I mean that there were not only a small hole in the body part, but large areas of tissue missing in various body parts that sustained injuries from the firearm.”), Ex. 13; Jason Hanna, *‘Those Are Wartime Injuries’: Doctor Describes the Horrific Scene at the Highland Park Shooting*, CNN (July 5, 2022) (victims “were blown up by that gunfire ... blown up”), Ex. 14; Jennifer Henderson, *‘There’s Nothing to Repair’: Emergency Docs on Injuries From Assault Weapons*, MEDPAGETODAY.COM (May 31, 2022) (doctor who treated Columbine victims; “You have to see the damage that these weapons do to really respect and understand how dangerous these weapons

are.... There’s no way to cause the type of havoc that these people are looking to cause without something of the power and speed of an assault weapon.”), Ex. 15. *See also* Yurgealitis Decl. ¶¶ 42, 97-99 & Ex. I.

Threat to Law Enforcement. Assault weapons and LCMs also pose unique threats to police officers. Yurgealitis Decl. ¶ 98. Assault weapons can penetrate the bullet-resistant vests typically worn by officers, as well as materials that other types of ammunition are less likely to pierce, including bullet-resistant vests—making them more dangerous to police. *Id.* ¶¶ 84 & 98; *see supra* at 18. Assault weapons also “allow criminals to effectively engage law enforcement officers from great distances.” *Kolbe*, 849 F.3d at 127 (citation omitted). This combination of factors has led to multiple incidents in which criminals outgun police. *See, e.g., Connecticut candidates debate crime after police ambush*, AP NEWS (Oct. 19, 2022) (widow of police officer: “His revolver carries 13 rounds. There’s no chance for a police officer against someone who can fire 80 rounds in a matter of minutes There is no reason for those weapons of war to be in our communities”)²⁴; Neetish Basnet, *Phoenix chief tells Senate resources, reform needed to fight gun violence*, CASA GRANDE DISPATCH (July 27, 2022) (Phoenix police chief requesting funding for “out-gunned” police departments)²⁵; *Kolbe*, 849 F.3d at 127 & n.6 (“Tragic events involving assault weapons continue to occur. On July 7, 2016, a shooter armed with a semiautomatic assault rifle killed five law enforcement officers and injured nine others, plus two civilians, in Dallas, Texas. Just ten days later, on July 17, 2016, another shooter armed with a semiautomatic assault rifle shot six police officers in Baton Rouge, Louisiana, killing three of them.”).

²⁴ <https://apnews.com/article/crime-police-shootings-gun-politics-connecticut-26c911da2dc34a5bf1f38e1190f15cd5>.

²⁵ https://www.pinalcentral.com/arizona_news/phoenix-chief-tells-senate-resources-reform-needed-to-fight-gun-violence/article_9f19514d-7c01-5b0f-a4c1-52623eb19f3c.html.

Mass Shootings. Assault weapons “equipped with LCMs have [also] been the weapons of choice in many of the deadliest mass shootings in recent history, including horrific events in Pittsburgh (2018), Parkland (2018), Las Vegas (2017), Sutherland Springs (2017), Orlando (2016), Newtown (2012), and Aurora (2012).” *Worman v. Healey*, 922 F.3d 26, 39 (1st Cir. 2019), *abrogated by Bruen*, 142 S. Ct. 2111.²⁶ *See also Kolbe*, 849 F.3d at 126-27 (“One study of sixty-two mass shootings between 1982 and 2012 ... found that the perpetrators were armed with assault rifles in 21% of the massacres and with large-capacity magazines in 50% or more”). An analysis of 179 mass shootings across four databases through October 2022 concluded that assault weapons were used in 24% of the incidents for which the type of weapon could be determined. Allen Decl. ¶ 33. And the same analysis showed that a significant number of mass shootings involved LCMs. *See id.* ¶¶ 35, 38.²⁷

Mass shooters using semi-automatic assault weapons with LCMs fire twice as many bullets as other mass shooters. H.R. Rep. No. 117-442, at 42 (July 2022); *see also* Allen Decl. ¶¶ 39-40. As a result, “casualties [a]re higher in the mass shootings that involve[] weapons with Large-Capacity Magazines than in other mass shootings.” *Id.* ¶ 36.

Smaller magazines force shooters to change magazines more often. Those reprieves can provide important opportunities for potential victims to escape. *See Kolbe*, 849 F.3d at 128 (citation omitted) (the use of ten-round magazines at issue “would for every 100 rounds fired afford

²⁶ Just last week, a shooter used a MAC-10, one of the prohibited assault pistols, to kill eleven people in Monterey Park, California. Jeremy White & K.K. Lai, *What We Know About the Gun Used in the Monterey Park Shooting*, N.Y. TIMES (Jan. 26, 2023), Ex. 16.

²⁷ *See also* Christopher S. Koper, *Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003*, OFFICE OF JUSTICE PROGRAMS, at 87 (June 2004), <https://www.ojp.gov/pdffiles1/nij/grants/204431.pdf> (“[Assault weapons] account for a larger share of guns used in mass murders and murders of police, crimes for which weapons with greater firepower would seem particularly useful.”).

‘six to nine more chances’” for bystander or police intervention, magazine malfunction, and opportunities for victims to flee).

Regulation of Assault Weapons

In 1989, California became the first state in the country to pass legislation banning assault weapons. Spitzer Decl. ¶¶ 11, 85-87. In 1994, Congress passed the Federal Assault Weapons Ban, which banned for ten years the sale, transfer, manufacturing, and importation of assault weapons manufactured after enactment and ammunition feeding devices capable of accepting more than ten rounds. Spitzer Decl. ¶¶ 11, 91. While the Federal Assault Weapons Ban was in effect and after its sunset, multiple states banned assault weapons and LCMs. *Id.* ¶¶ 11, 92.

D. Plaintiffs’ Challenges

Both motions rely on the same fundamental argument: Eschewing analysis of the history of regulating arms (including a longstanding tradition of analogous regulations), plaintiffs argue that under *Bruen*, because millions of assault weapons and LCMs have been sold, they cannot be regulated by the states. DSSA Br. at 5-7; Gray Br. at 4-6.

A few plaintiffs offered declarations in support of the motions. Those declarations indicate that multiple plaintiffs own weapons covered by the statute that they may keep provided they acquired them before the Statutes became effective. Some plaintiffs also own LCMs, but do not provide enough information to determine whether they qualify for an exception. Plaintiffs purportedly wish to purchase covered assault weapons and LCMs, but do not explain why they did not purchase them before the enactment of the Statutes. Nor do they explain why their existing firearms are inadequate for self-defense, hunting or recreation, or why they waited to seek relief.

And while the DSSA plaintiffs make claims about the purported effect of the Statutes on the economically disadvantaged, DSSA Br. at 12, no plaintiff claims to be so affected.²⁸

ARGUMENT

“[A] preliminary injunction is ‘an extraordinary remedy never awarded as of right.’” *Benisek v. Lamone*, 138 S. Ct. 1942, 1943 (2018) (quoting *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008)). “This type of remedy is available only when the plaintiff establishes: (1) a likelihood of success on the merits; (2) irreparable harm if the injunction is denied; (3) the balance of the equities tips in the plaintiff’s favor; and (4) the public interest favors the requested relief.” *Knights of Columbus Star of Sea Council 7297 v. City of Rehoboth Beach, Del.*, 506 F. Supp. 3d 229, 233 (D. Del. 2020). “The first two factors – likelihood of success on the merits and irreparable harm – are ‘gateway factors.’” *Id.* (citing *Reilly v. City of Harrisburg*, 858 F.3d 173, 179 (3d Cir. 2017)).

Because plaintiffs bring “disfavored” facial challenges, *Wash. State Grange v. Wash. State Republican Party*, 552 U.S. 442, 450 (2008), rather than as-applied challenges, they bear a “heavy burden,” *United States v. Salerno*, 481 U.S. 739, 745 (1987). Outside the First Amendment context, plaintiffs “can only succeed in a facial challenge by ‘establish[ing] that *no* set of circumstances exists under which the Act would be valid,’ *i.e.*, that the law is unconstitutional in all of its applications.” *Wash. State Grange*, 552 U.S. at 449 (emphasis added) (quoting *Salerno*, 481 U.S. at 745).

²⁸ While the plaintiffs imply that the Statutes have racist motivations, DSSA Br. at 12 & n.7, because gun violence disproportionately affects minorities, they will benefit from the Statutes. *See, e.g.*, Grace Kena & Jennifer L. Truman, *Trends & Patterns in Firearm Violence, 1993-2018*, OFFICE OF JUSTICE PROGRAMS, at Tables 6 & 7 (Apr. 2022), <https://bjs.ojp.gov/content/pub/pdf/tpfv9318.pdf>.

Although the “occasional case” may require a court to entertain a facial challenge, the Court should “neither want nor need to provide relief to nonparties when a narrower remedy will fully protect the litigants.” *United States v. Nat’l Treasury Emps. Union*, 513 U.S. 454, 477-78 (1995) (citing *Bd. of Trs. of State Univ. of N.Y. v. Fox*, 492 U.S. 469, 485 (1989)).

I. PLAINTIFFS ARE UNLIKELY TO SUCCEED ON THE MERITS.

A. Plaintiffs’ LCM Challenges Fail Because LCMs Are Not Arms.

To obtain a preliminary injunction with respect to LCMs, plaintiffs must first show that LCMs are entitled to constitutional protection. Plaintiffs assume that is the case. They are wrong. Both historical definitions and historical evidence demonstrate that LCMs are not “arms” within the meaning of the Second Amendment and, as such, are not constitutionally protected.

In *Bruen* and *Heller I*, the Supreme Court recognized that the Second Amendment’s protections only extend to an individual’s right to bear “arms,” and that “the Second Amendment’s definition of ‘arms’ is fixed according to its historical understanding.” *Bruen*, 142 S. Ct. at 2132; *Heller I*, 554 U.S. at 581. Citing dictionaries from the eighteenth and nineteenth centuries, *Heller I* identified the historical definition of “arms” as “[w]eapons of offence, or armour of defence,” and “any thing that a man wears for his defence, or takes into his hands, or useth in wrath to cast at or strike another.” 554 U.S. at 581 (citations omitted).²⁹

LCMs are not “weapons of offence.” Indeed, they are not weapons at all. While one could “take[]” a magazine “into his hands,” it is not “useth in wrath to cast at or strike another.”³⁰

²⁹ *Heller I* did not delve any deeper into the meaning of “Arms” because there was little question that the handguns at issue in that case were “weapons of offence.”

³⁰ While one could hit a person with an LCM, that is not its intended use. One could also hit a person with a frying pan or tire iron, but nobody claims that those are protected “arms.”

This conclusion is confirmed by examining the “normal and ordinary” meaning of the term “arm” during the founding era. *Bruen*, 142 S. Ct. at 2127; *Heller I*, 554 U.S. at 576-77. As explained by Professor Dennis Baron, a review of several historical databases confirms that through the period following the ratification of the Fourteenth Amendment, there was a clear distinction between “*arms*,” or weapons, and “*accoutrements*,” the ancillary equipment associated with military service (including ammunition, ammunition containers, flints, scabbards and holsters).³¹ Baron Decl. ¶ 2. Indeed, the historical evidence demonstrates that “despite a handful of exceptions [], in literally hundreds of cases, ‘arms’ and ‘accoutrements’ are treated as separate items of military gear.” *Id.* ¶ 38.

The historical evidence further shows that when the term “arms” occurred alone, as it does in the Second Amendment, it typically did not include accessories. *Id.* ¶ 10. And while “accoutrement” when used alone could include both arms and accessories, typically phrases such as “arms and ammunition,” “arms and accoutrements,” and “arms, ammunition, and accoutrements” were used when referring to arms and their accessories. *Id.*

Other courts have recently held that LCMs are not “arms” within the meaning of the Second Amendment. In *Ocean State Tactical, LLC v. State of Rhode Island*, 2022 WL 17721175 (D.R.I. Dec. 14, 2022), the District of Rhode Island denied a motion to enjoin application of a law prohibiting the possession of LCMs. After engaging in the extensive historical analysis required under *Bruen*, the court found that plaintiffs “failed in their burden to demonstrate that LCMs are ‘Arms’ within the meaning of the Second Amendment’s text.” *Id.* at *2.

³¹ During the founding era, “magazine” meant “storehouse,” and did not come to mean a compartment holding ammunition until the late 19th Century. Baron Decl. ¶ 24. In the 18th Century, bullets were kept in what was referred to as “cartridge boxes” or “cartridge cases.” *Id.*

In reaching this conclusion, the court examined the plain text of the Second Amendment and historical context. The court found silencers, which fall outside the Second Amendment’s ambit, to be analogous to LCMs, noting: “What one judge has said of silencers is equally apt when applied to LCMs: they ‘generally have no use independent of their attachment to a gun’ and ‘you can’t hurt anybody with [one] unless you hit them over the head with it.’” *Id.* (quoting *United States v. Hasson*, 2019 WL 4573424, at *2 (D. Md. Sept. 20, 2019), *aff’d*, 26 F.4th 610 (4th Cir. 2022)).³² Because LCMs are mere “holders of ammunition, as a quiver holds arrows, or a tank holds water for a water pistol, or a pouch probably held the stones for David’s sling,” *Ocean State Tactical*, 2022 WL 17721175, at *13, they are not “arms” under *Bruen*.

The court next examined historical use. Relying on Dr. Baron’s analysis, the court found a “clear distinction between ‘Arms’ and ‘accoutrements’ from the founding era through the period following ratification of the Fourteenth Amendment.” *Id.* The court noted Dr. Baron’s findings that “[t]he word ‘Arms’ was a general term for weapons such as swords, knives, rifles, and pistols, but it did not include ammunition, ammunition containers, flints, scabbards, holsters, or ‘parts’ of weapons such as the trigger, or a cartridge box.” *Id.* The court further noted that “in the 18th Century, bullets were kept in cartridge boxes or cases, called ‘accoutrements.’” *Id.*

That distinction continues today. As discussed above, *see supra* at 17 n.17, manufacturers and dealers regularly list magazines as “accessories,” separate from firearms.³³

³² As noted above, in *Doe* the Supreme Court of Delaware identified the State’s restriction on silencers, which the *Ocean State Tactical* court analogized to LCMs, as evidence that the right to bear arms under the State’s Constitution “is not absolute.” *Doe v. Wilmington Hous. Auth.*, 88 A.3d 654, 667 (Del. 2014) (citing *Griffin v. State*, 47 A.3d 487, 488 (Del. 2012)).

³³ *Oregon Firearms Federation, Inc. v. Brown*, 2022 WL 17454829 (D. Or. Dec. 6, 2022), reached the same conclusion for a different reason. Citing evidence showing that “all firearms that can accept a detachable large-capacity magazine can also accept a magazine that holds 10 or fewer rounds and function precisely as intended,” the court concluded that “[p]laintiffs have failed to

A contrary conclusion is not required by *Ass'n of New Jersey Rifle & Pistol Clubs, Inc. v. Attorney General New Jersey*, 910 F.3d 106, 116 (3d Cir. 2018) (“ANJRPC”), *abrogated by Bruen*, 142 S. Ct. 2111. In this pre-*Bruen* case, there was no evidence or argument presented regarding the historical definition of “arms.” Moreover, that decision rested upon the conclusion that the ban on smaller magazines could “make it impossible to use firearms for their core purpose.” *Id.* (citation omitted). Plaintiffs make no such claim here.

Having not attempted to establish that LCMs are “arms” within the meaning of the Second Amendment or Article I, Section 20 of the Delaware Constitution, and in light of the overwhelming evidence that they are not, plaintiffs’ motion with respect to LCMs can be denied on that basis alone.

B. Plaintiffs’ Challenges Under The Federal Constitution Fail.

i. Assault Weapons (And LCMs, Even If “Arms”) Are Not Protected By The Second Amendment.

The Second Amendment provides: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” U.S. CONST. amend. II. “Like most rights, the right secured by the Second Amendment is not unlimited” and is “not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.” *Bruen*, 142 S. Ct. at 2128 (quoting *Heller I*, 554 U.S. at 626).

Only if plaintiffs show that “the Second Amendment’s plain text covers an individual’s conduct, [will] the Constitution presumptively protect[] that conduct.” *Id.* at 2129-30. To meet

show that magazines capable of accepting more than ten rounds of ammunition are covered by the plain text of the Second Amendment.” *Id.* at *9 (citation omitted). *See also Duncan v. Bonta*, 19 F.4th 1087, 1104, 1107 (9th Cir. 2021) (en banc) (“The law at issue here does not ban any firearm at all. It bans merely a subset (large-capacity) of a part (a magazine) that some (but not all) firearms use.”).

this threshold burden, plaintiffs must demonstrate that the “textual elements” of the Second Amendment’s operative clause apply to the conduct being restricted. *Id.* at 2134 (quoting *Heller I*, 554 U.S. at 592). Thus, plaintiffs must show that the regulated item fits within the category of “bearable arms,” *id.* at 2132, and that it is “commonly used” for self-defense, *id.* at 2138. *See, e.g., id.* at 2134-35 (citation omitted) (before determining whether restriction was “consistent with this Nation’s historical tradition of firearm regulation,” Supreme Court confirmed that plaintiffs were “part of ‘the People’ whom the Second Amendment protects” and that “handguns are weapons ‘in common use’ today for self-defense”).

The relevant question is whether the arm is “in ‘common use’ for self-defense today.” *Id.* at 2143 (citing *Heller I*, 554 U.S. at 627). At the time of the founding, “[t]he traditional militia was formed from a pool of men bringing arms ‘in common use at the time’ for lawful purposes like self-defense.” *Heller I*, 554 U.S. at 624. But “weapons that are most useful in military service—M-16 rifles and the like—may be banned.” *Id.* at 627.

Assault weapons and LCMs are not “quintessential self-defense weapon[s].” *Heller I*, 554 U.S. at 629. Rather, like fully automatic weapons including machine guns, they were designed for military use. Spitzer Decl. ¶¶ 85-86. And assault weapons and LCMs are not commonly used for self-defense today. *Supra* at 17-19. As such, they are not protected by the Second Amendment.

Further, the Second Amendment does not create a right to keep and carry “dangerous and unusual weapons.” *Heller I*, 554 U.S. at 627 (citation omitted). The test to determine whether a weapon is “dangerous and unusual” is part of the test to determine whether a weapon is in common use today. *Id.* (cleaned up) (“[A]s we have explained, [] the sorts of weapons protected were those in common use at the time. We think that limitation is fairly supported by the historical tradition

of prohibiting the carrying of dangerous and unusual weapons.”). The Court thus must also consider whether assault weapons and LCMs are “dangerous and unusual.”

In *Heller I*, the Supreme Court cited Blackstone for the idea that “dangerous and unusual” weapons were regulated historically. *Id.* Blackstone directly addressed the regulation of “dangerous *or* unusual weapons”:

The offence of *riding or going armed*, with dangerous *or* unusual weapons, is a crime against the public peace, by terrifying the good people of the land; and is particularly prohibited by the statute of Northampton, upon pain of forfeiture of the arms, and imprisonment during the king’s pleasure: in like manner as, by the laws of Solon, every Athenian was finable who walked about the city in armour.

4 WILLIAM BLACKSTONE, COMMENTARIES ON THE LAWS OF ENGLAND 148-49 (1769) (second emphasis added) (internal citation omitted). While the Supreme Court paraphrased Blackstone as permitting the prohibition of “dangerous and unusual” weapons (*Heller I*, 554 U.S at 627; *see also Kolbe*, 849 F.3d at 131 n.9), it makes no sense to read this as a re-writing of Blackstone. From the originating text, the phrase “dangerous or unusual” appears to be a hendiadys—a figure of speech like “cruel and unusual” and “necessary and proper,” involving “two terms, separated by a conjunction, [that] are melded together to form a single complex expression.” Samuel L. Bray, “*Necessary and Proper*” and “*Cruel and Unusual*”: *Hendiadys in the Constitution*, 102 VA. L. REV. 687, 695 (2016). Properly read as a hendiadys, Blackstone’s Commentaries permit regulation of weapons that are “dangerous or unusual,” in the sense that they are “unusually dangerous.”

Assault weapons and LCMs (to the extent LCMs are “weapons”) are “dangerous and unusual.” Their military origin and features present grave threats to both law enforcement and the general public. *See supra* at 20-24. As such, assault weapons and LCMs are not protected by the Second Amendment.

Contrary to plaintiffs’ foundational argument, the fact that a weapon is commonly owned, used, or sold, by itself, is insufficient to prevent its regulation. *See, e.g.*, Gray Br. at 10-11. Rather, plaintiffs must first establish that assault weapons and LCMs are in “common use” today for the lawful purpose of self-defense. Plaintiffs fail in several respects.

First, plaintiffs do not establish that assault weapons are in “common use.” Even crediting plaintiffs’ figures, assault weapons make up only around 1.5% of guns in the United States. *See supra* at 15. Second, plaintiffs certainly do not establish—because they cannot—that assault weapons and LCMs are actually in common use for self-defense. *See* DSSA Br. at 5-10, 15; Gray Br. at 6-12. And even if plaintiffs had made such a showing, they still must establish that assault weapons are not “dangerous and unusual”/“unusually dangerous.” This they cannot do.

Indeed, the Supreme Court has made clear that the Second Amendment does not protect weapons simply because they are common. In the decade before adoption of the National Firearms Act, the National Conference of Commissioners on Uniform State Laws noted that “the infant industry of racketeering grew to monstrous size, and with it the ... revolver [was ultimately] displaced by a partly concealable type of machine gun—the Thompson .45 inch caliber submachine gun ... equipped with either 100 or 50 shot drum magazine[s], or 20 shot clip magazine[s].” UNIF. MACHINE GUN ACT OF 1932, prefatory note. Today, there are over 741,000 registered machine guns in the United States—more than the populations of three states and the District of Columbia. U.S. Dep’t of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives, Firearms Commerce in the United States: Annual Statistical Update, at 16 (2021).³⁴ Yet the Supreme Court called the suggestion that machine gun restrictions “might be unconstitutional” “startling”. *Heller I*, 554 U.S. at 624; *see also United States v. One (1) Palmetto State Armory PA-15 Machinegun*

³⁴ <https://www.atf.gov/resource-center/data-statistics>.

Receiver/Frame, 822 F.3d 136, 142 (3d Cir. 2016) (applying *Heller I* and holding that “the Second Amendment does not protect the possession of machine guns”).

In sum, plaintiffs misconceive *Bruen*. A nonsensical rule that protects a weapon because of how many exist would upend settled law, including the National Firearms Act. It would allow manufacturers to avoid regulation by immediately flooding the market. *Kolbe*, 849 F.3d at 141.

For the foregoing reasons, this Court should find that assault weapons and LCMs are not protected by the Second Amendment.

ii. The Regulation Of Assault Weapons (And LCMs) Is Analogous To Burdens Imposed Historically.

Even if a plaintiff meets that initial burden, the government may nonetheless “justify its regulation by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation.” *Bruen*, 142 S. Ct. at 2130. And 1868 is not a cutoff. *Heller I* instructs that “examination of a variety of legal and other sources to determine *the public understanding* of a legal text in the period *after* its enactment or ratification” is “a critical tool of constitutional interpretation.” 554 U.S. at 605 (second emphasis added); *see also Bruen*, 142 S. Ct. at 2127-28 (quoting same). In conducting this historical inquiry, “[c]ourts are ... entitled to decide a case based on the historical record compiled by the parties.” *Id.* at 2130 n.6.

In *Bruen*, the Supreme Court explained that “history guide[s] our consideration of modern [‘arms’] regulations that were unimaginable at the founding.” *Id.* at 2132. “[C]ases implicating unprecedented societal concerns or dramatic technological changes,” like the instant case, “may require a more nuanced approach.” *Id.* Under *Bruen*, this Court’s historical inquiry should be guided by “reasoning by analogy.” *Id.* at 2133. *Bruen* does not require a historical “twin.” Rather, “analogical reasoning requires only a well-established and representative historical *analogue*.”

Id. (cleaned up and emphasis in original). “[E]ven if a modern-day regulation is not a dead ringer for historical precursors, it still may be analogous enough to pass constitutional muster.” *Id.*

“[W]hether a historical regulation is a proper analogue for a distinctly modern firearm regulation requires a determination of whether the two regulations are ‘*relevantly similar*.’” *Bruen*, 142 S. Ct. at 2132 (emphasis added). *Bruen* identifies two “central” “metrics”: “[1] whether modern and historical regulations impose a comparable burden on the right of armed self-defense and [2] whether that burden is comparably justified.” *Id.* at 2133 (cleaned up).

With respect to the challenged Statutes, there are multiple “relevantly similar” analogues. As detailed in the accompanying expert declarations, American history is replete with regulations of arms viewed as presenting a particular threat to society from violence and crime.

Clubs, Bludgeons, Bowie Knives. Early in the Nation’s history, firearms—technologically quite different from modern-day guns—were not seen as a concern for violence and crime. Spitzer Decl. ¶ 33. Single-shot muskets were complicated and time-consuming to load and fire. Sweeney Decl. ¶¶ 9-10; Spitzer Decl. ¶ 33. Single-shot pistols were unreliable and inaccurate. Spitzer Decl. ¶¶ 22, 33.

As such, concern with violent crime focused on more rudimentary weapons such as clubs, bludgeons, fighting knives, and slungshots. *Id.* ¶ 14-24. As violent crime began to surge in the early 1800s, states increasingly regulated these weapons. *Id.* ¶¶ 13-24. Indeed, various states enacted prohibitions on these weapons throughout the nineteenth century. *See id.* Ex. C.

A notable example is the Bowie knife. Popularized by the adventurer Jim Bowie in the notorious “Sandbar Duel” in 1827, the Bowie knife, along with similar long, thin-bladed knives, became a weapon used for fights and duels in the nineteenth century. Spitzer Decl. ¶¶ 21-22. Use of Bowie knives became widespread in homicides in the early nineteenth century, and state

governments reacted with anti-knife legislation. *Id.* ¶¶ 23-24. Between 1837 and 1925, twenty-nine states enacted laws to bar the concealed carry of Bowie knives and fifteen states categorically barred their carry outright. *Id.* ¶ 31.

These laws are a historical analogue to the Statutes here. In fact, many of the nineteenth-century laws prohibiting clubs, fighting knives, and slungshots were *more restrictive* than the Statutes, which are not blanket prohibitions. That said, like the nineteenth-century laws, the Statutes impose a burden on the individual's ability to carry certain types of arms or accoutrements. In the case of the nineteenth-century laws, that burden was directed at a concern with the threat of violence and crime associated with the weapons at issue. So too here. While assault weapons are of course many times *more* dangerous than clubs, bludgeons, Bowie knives, and the like, legislatures in early America repeatedly imposed restrictions and prohibitions on those weapons based on concerns with the threat of violence and criminality analogous to the Delaware General Assembly's modern-day concern with assault weapons.

Revolver Pistols, Sword Canes, and Daggers. After the Civil War, revolver pistols entered the civilian market following years of increased wartime production. Spitzer Decl. ¶ 45. Their rise in circulation contributed to escalating interpersonal violence. *Id.* ¶ 48. Between 1865 and the end of the nineteenth century, many states enacted or strengthened laws targeting pistols, sword canes and daggers. *See* Spitzer Decl. Exs. C & E.

These regulations burdened, to an extent, individuals' rights to armed self-defense. But individuals could utilize other arms not viewed as presenting the same risk. These regulations were thus in keeping with the Nation's history of regulating or banning certain categories of weapons to protect public safety.

Machine guns. After World War I, the public availability of new weapons technologies in the form of submachine guns—notably the Tommy gun—was associated with a relatively small number of egregious mass shootings and homicides by gangsters and other criminals. Spitzer Decl. ¶¶ 52, 58. States reacted decisively with anti-machine gun laws; some states also passed laws restricting semi-automatic weapons. *Id.* ¶¶ 59, 65. Finally, in 1934, Congress enacted the National Firearms Act restricting and regulating civilian acquisition and circulation of machine guns. *Id.* ¶ 61. In addition, from 1917 to 1934 roughly half of the states enacted laws that restricted various ammunition feeding devices, or guns that could accommodate them, based on the number of rounds, ranging from one to eighteen rounds. Spitzer Decl. ¶ 83, Table 1.

State and federal laws restricting fully automatic and semi-automatic weapons and ammunition feeding devices are another historical analogue to the Statutes. The Supreme Court found “startling” the suggestion that the National Firearms Act’s restriction on machine guns could violate the Second Amendment. *Heller I*, 554 U.S. at 624; *see also One (1) Palmetto State Armory*, 822 F.3d at 142 (holding that “the Second Amendment does not protect the possession of machine guns”). That is because it is within this country’s historical tradition to regulate and restrict particular arms based on a concern that they present threats of outsized harm. Such regulations, of course, leave citizens free to defend themselves with arms that do not present the same concerns. And with respect to LCMs, the early twentieth century analogue restricted ammunition feeding devices with less than the seventeen rounds at issue here. Spitzer Decl. ¶ 83, Table 1.

Moreover, the concern the Statutes seek to *address*—the threat of inordinately violent crime caused by military weapons technologies—is “relevantly similar” to the dangers addressed by the government’s restrictions in the early twentieth century on fully automatic weapons, semi-automatic weapons, and ammunition feeding devices.

Short-barreled shotguns. The National Firearms Act of 1934 also regulated shotguns with a barrel less than 18 inches in length. Spitzer Decl. ¶ 61. Delaware also criminalizes possession of “sawed-off shotgun,” defined in similar terms. 11 *Del. C.* § 1444(a)(4), (c)(3). Shortening the barrel of a standard shotgun widens the spray of the fire, resulting in devastating effects at close range. Spitzer Decl. ¶ 61. In *United States v. Miller*, 307 U.S. 174, 178 (1939), the Supreme Court upheld the National Firearms Act’s regulation of short-barreled shotguns, holding that they were not protected under the Second Amendment. There is no question that short-barreled shotguns are “not eligible for Second Amendment protection.” *Heller I*, 554 U.S. at 622.

Because the Nation’s historical tradition of weapons regulation provides multiple “relevantly similar” analogues, plaintiffs’ challenges under the United States Constitution fail.

C. Plaintiffs’ Challenges Under The Delaware Constitution Fail.

Article I, Section 20 of the Delaware Constitution provides: “A person has the right to keep and bear arms for the defense of self, family, home and State, and for hunting and recreational use.” DEL. CONST. art. I § 20. In light of the facial differences between Section 20 and the Second Amendment, “the interpretation of Section 20 is not dependent upon the federal interpretations of the Second Amendment.” *Doe*, 88 A.3d at 665.

“Although the right to bear arms under the Delaware Declaration of Rights is a fundamental right ... it is not absolute.” *Id.* at 667. Indeed, “[t]he General Assembly that enacted Article I, Section 20 left in place a series of statutes affecting the right to keep and bear arms.” *Id.* (citing 11 *Del. C.* §§ 1444 (prohibiting the possession of “a bomb, bombshell, firearm silencer, sawed-off shotgun, machine gun or any other firearm or weapon which is adaptable for use as a machine gun”), 1446A (prohibiting the possession of undetectable knives), 1448 (prohibiting the possession

and purchase of deadly weapons by persons prohibited), 1459 (prohibiting the possession of a weapon with an obliterated serial number)). Likewise, “prior cases ... found no legislative intent (for example) to invalidate laws prohibiting felons from possessing deadly weapons or prohibiting (with certain exceptions) the carrying of a concealed deadly weapon outside the home without a license.” *Id.* (citing *Smith v. State*, 882 A.2d 762, 2005 WL 2149410, at *3 (Del. Aug. 17, 2005) (Table); *Short v. State*, 586 A.2d 1203, 1991 WL 12101, at *1 (Del. Jan. 14, 1991) (Table)).

i. The Court Should Review Plaintiffs’ Delaware Constitutional Challenge Using Intermediate Scrutiny.

In *Bridgeville Rifle & Pistol Club, Ltd. v. Small*, 176 A.3d 632 (Del. 2017), the Delaware Supreme Court explained that intermediate scrutiny applies where the challenged statute does not act as a total ban on the right to keep and bear arms. *Id.* at 654 (“We applied intermediate scrutiny in *Doe* because it *did not* involve a total ban[.]”) (emphasis in original); *see also Doe*, 88 A.3d at 666-67 (similar). This is true even when a statute “largely restrict[s] the fundamental right to bear arms” in certain contexts. *Bridgeville*, 176 A.3d at 654.

The Statutes are not total bans. There are numerous guns of all types, including handguns, shotguns, and long guns that are not covered by the Statutes. Indeed, not even all semi-automatic weapons are covered. Likewise, not all magazines are affected. And even with respect to covered assault weapons and LCMs, exceptions permit individuals to continue to possess them.

As such, the Statutes are unlike the “total ban of possession of firearms ... in Delaware’s State Parks and Forests” at issue in *Bridgeville*. 176 A.3d at 652. This fundamental difference means that the Statutes are subject to different standards of review.³⁵

³⁵ Because Article I, § 20 does not need to “be interpreted coextensively with the Second Amendment,” *Doe*, 88 A.3d at 665, there is no reason to believe that *Bruen* changed the test under the Delaware Constitution, particularly since federal courts “are not free to overrule existing state

Intermediate scrutiny is therefore the proper standard to analyze plaintiffs' claims.

ii. The Assault Weapon Statute Readily Survives Intermediate Scrutiny.

“To survive intermediate scrutiny, governmental action must serve important governmental objectives and [be] substantially related to [the] achievement of those objectives. The governmental action cannot burden the right more than is reasonably necessary to ensure that the asserted governmental objective is met.” *Doe*, 88 A.3d at 666-67 (internal quotation marks and citation omitted).

HB 450 serves a critical government objective: “ensur[ing] the safety of Delawareans.” HB 450 at Preamble. The statute was passed in light of several findings, including that assault weapons “are exceptionally lethal weapons of war that have no place in civilian life,” “have been used disproportionately to their ownership in mass shootings,” and “have immense killing power which amplifies the deadly will of a person seeking to kill others.” HB 450 at Preamble.

HB 450 is “substantially related to achieving those objectives.” The affected assault weapons are very powerful, and the bullets they typically fire can cause greater harm both intentionally and inadvertently. *See supra* at 12, 21-23; Yurgealitis Decl. ¶¶ 83-84, 98. It is therefore not surprising that assault weapons have been used in many of the deadliest mass shootings. Allen Decl. ¶ 34; *see also supra* at 23.

Nor does HB 450 impose a greater burden than is reasonably necessary. *Bridgeville*, 176 A.3d at 656. Not only does the statute contain exceptions, but these weapons were not designed for, and have limited utility for, self-defense, hunting, and recreation. *See supra* at 17-20; HB 450

precedent or chart the future course of state law.” *Kohr v. Raybestos-Manhattan, Inc.*, 552 F. Supp. 1070, 1072 (E.D. Pa. 1981).

at Preamble.³⁶ See also *Worman v. Healey*, 922 F.3d 26, 37 (1st Cir. 2019) (“[S]emi-automatic assault weapons do not share the features that make handguns well suited to self-defense in the home.”). And numerous firearms remain available to serve all constitutionally protected purposes. See *supra* at 20, 38. See generally *Heller v. District of Columbia*, 670 F.3d 1244, 1262 (D.C. Cir. 2011) (“*Heller II*”) (finding prohibition on semi-automatic rifles and LCMs valid under intermediate scrutiny because, among other things, it “does not effectively disarm individuals or substantially affect their ability to defend themselves.”)

Indeed, many comparable statutes have been upheld under intermediate scrutiny. Most notably, HB 450 is derived from the Maryland statute which was at issue in *Kolbe*. See DSSA Br. at 15. There, the Fourth Circuit, sitting *en banc*, affirmed the lower court’s grant of summary judgment in favor of the state, finding that, if the Second Amendment applied, the statute was “reasonably adapted to a substantial governmental interest.” *Kolbe*, 849 F.3d at 138-41.

The Fourth Circuit’s analysis is instructive.³⁷ It first explained that the law was prompted by “Maryland’s interest in the protection of its citizenry and the public safety,” a “compelling” public interest. *Kolbe*, 849 F.3d at 138-41. The court also found the statute substantially related to achieving its stated objective. The court noted that “the primary goal of the [law] is to reduce the availability of assault long guns and large-capacity magazines so that when a criminal acts, he does so with a less dangerous weapon and less severe consequences,” and that “the State has shown

³⁶ The utility of assault weapons for hunting and recreation is only relevant to the analysis under the Delaware Constitution. Plaintiffs cite no authority suggesting a right to bear arms for such purposes under the Second Amendment. See also, e.g., *Hunters United for Sunday Hunting v. Pa. Game Comm’n*, 28 F. Supp. 3d 340, 346 (M.D. Pa. 2014) (finding that Second Amendment protections do not extend to recreational hunting).

³⁷ The DSSA plaintiffs’ claim that *Kolbe* was “reversed and remanded.” DSSA Br. at 14-15. While *Bruen* abrogated *Kolbe* and other federal cases applying intermediate scrutiny to analyze assault weapon and LCM bans in light of the new standard, that in no way suggests that the Fourth Circuit’s analysis of the Maryland law under intermediate scrutiny was flawed.

all that is required: a reasonable, if not perfect, fit between the [statute] and Maryland’s interest in protecting public safety.” *Id.* at 140-41.

The Courts of Appeals for the First, Second, and District of Columbia Circuits have all found similar assault weapon statutes or ordinances constitutional under an intermediate scrutiny analysis. *See Worman*, 922 F.3d at 38-40; *N.Y. State Rifle & Pistol Ass’n v. Cuomo*, 804 F.3d 242, 261-63 (2d Cir. 2015) (“*NYSRPA*”); *Heller II*, 670 F.3d at 1262-64. These courts all concluded the state had “substantial” “interests in public safety and crime prevention.” *NYSRPA*, 804 F.3d at 261; *see also Worman*, 922 F.3d at 39 (“[F]ew interests are more central to a state government than protecting the safety and well-being of its citizens.”) (citation omitted). Each court also found the challenged law “substantially related” to that important interest, relying upon the widespread evidence of the “unique dangers posed by the proscribed weapons.” *Worman*, 922 F.3d at 39. For example, the District of Columbia Circuit noted that “it is difficult to draw meaningful distinctions between the AR-15 and the M-16,” which *Heller II* suggested are “dangerous and unusual.” *Heller II*, 670 F.3d at 1263; *see also NYSRPA*, 804 F.3d at 262 (“At least since the enactment of the federal assault-weapons ban, semi-automatic assault weapons have been understood to pose unusual risks. When used, these weapons tend to result in more numerous wounds, more serious wounds, and more victims. These weapons are disproportionately used in crime, and particularly in criminal mass shootings like the attack in Newtown. They are also disproportionately used to kill law enforcement officers.”); *Worman*, 922 F.3d at 39-40 (similar).

iii. Even If LCMs Are “Arms,” The LCM Statute Readily Survives Intermediate Scrutiny.

The LCM statute is also constitutional under an intermediate scrutiny analysis, for many of the same reasons. Like HB 450, the LCM statute promotes public safety. By reducing the number of shots that can be fired before a criminal needs to reload, the statute will reduce the effect

of crime, including reducing the number of fatalities in mass shootings. *See supra* at 23-24; *see also* Allen Decl. ¶¶ 35-38. And given the lack of need to be able to fire more than seventeen shots before reloading for defense, hunting or recreation, the statute does not unduly burden the rights of Delawareans. *See supra* at 19-20; *cf. ANJRPC*, 910 F.3d at 118 (“The record here demonstrates that LCMs are not well-suited for self-defense.”); *Duncan*, 19 F.4th at 1105 & n.4 (“Plaintiffs have not pointed to a single instance—in California or elsewhere, recently or ever—in which someone was unable to defend himself or herself due to the lack of a large-capacity magazine”); *id.* at 1104 (“Plaintiffs do not point to any evidence that a short pause after firing ten bullets during target practice or while hunting imposes any practical burden on those activities ...”). This is particularly true since citizens may possess magazines that hold up to seventeen rounds, and the Statute “imposes no limit on the number of firearms or magazines or amount of ammunition a person may lawfully possess.” *ANJRPC*, 910 F.3d at 122.

Numerous Courts of Appeals have upheld statutes banning magazines holding fewer rounds under an intermediate scrutiny analysis. *See Worman*, 922 F.3d at 38-40; *ANJRPC*, 910 F.3d at 119-24; *Duncan*, 19 F.4th at 1108-11; *Kolbe*, 849 F.3d at 138-41; *NYSRPA*, 804 F.3d at 263-64; *Fyock v. Sunnyvale*, 779 F.3d 991, 1000-01 (9th Cir. 2015); *Heller II*, 670 F.3d at 1262-64. In doing so, they have stressed the frequent use of LCMs in mass-shootings and that bans on LCMs “reduce[s] the number of shots fired and the resulting harm, [and] present[s] opportunities for victims to flee and bystanders to intervene.” *ANJRPC*, 910 F.3d at 119; *see also, e.g., Kolbe*, 849 F.3d at 128 (noting ban “could mean the difference between life and death for many people”); *Duncan*, 19 F.4th at 1109-10 (detailing evidence that “[m]any mass shootings involve large-capacity magazines, and large-capacity magazines tragically exacerbate the harm caused by mass shootings”); *Heller II*, 670 F.3d at 1263-64 (explaining that the evidence, including testimony that

“the threat posed by military-style assault weapons is increased significantly if they can be equipped with high-capacity ammunition magazines,” “demonstrates that large-capacity magazines tend to pose a danger to innocent people and particularly to police officers, which supports the District’s claim that a ban on such magazines is likely to promote its important governmental interests”). And, because “[a]pproximately three-quarters of mass shooters possessed their weapons, as well as their large-capacity magazines, lawfully,” restrictions on “the ability of potential mass shooters to possess those magazines legally ... reasonably supports [the government’s] effort to reduce the devastating harm caused by mass shootings.” *Duncan*, 19 F.4th at 1110; *see also* Allen Decl. ¶ 41.

iv. Even If The Court Applies Strict Scrutiny, Or The Test Articulated In *Bruen*, The Statutes Are Constitutional.

Even when examined under different standards, the Statutes are constitutional.

Per *Doe*, “[a] governmental action survives strict scrutiny ... where the state demonstrates that the test is narrowly tailored to advance a compelling government interest.” 88 A.3d at 666. Preserving public safety is a “compelling government interest,” as many federal courts have recognized. *See supra* at 39-41. And, for the reasons discussed above, including the continuing availability of scores of other firearms (including handguns, shotguns, and long-guns (including other semi-automatic weapons)) and magazines with seventeen rounds or less, the lack of utility of assault weapons and LCMs for self-defense, hunting, and recreation, and the effectiveness of these restrictions in reducing violence and mass shootings, these limitations are narrowly tailored.

And even if the Court adopts the test articulated in *Bruen* for the analysis under Delaware’s constitution, the Statutes are permissible for the reasons discussed above. *See supra* at 26-37.

D. Plaintiffs' Inapposite Authority Does Not Compel A Different Result.

None of the post-*Bruen* authority cited by plaintiffs supports the issuance of an injunction.

Only two decisions pertain to assault weapons or LCMs. In one of those cases, the court granted an *ex parte* injunction and, as a result, had no evidence as to the historical tradition of regulation—"only the Ordinance itself." *Rocky Mountain Gun Owners v. Town of Superior, C.A.* No. 22-cv-01685-RM, at 9 (D. Colo. July 22, 2022). In the other case, the defendant was preparing for the preliminary injunction and did "not contest the motion." *Rocky Mountain Gun Owners, N.A. v. Bd. of Cnty. Comm'rs*, 2022 WL 4098998, at *1 (D. Colo. Aug. 30, 2022).

Rigby v. Jennings, 2022 WL 4448220 (D. Del. Sept. 22, 2022), is equally unhelpful to plaintiffs. For starters, this Court did not preliminarily enjoin the entirety of the statute at issue, which criminalized the possession, manufacture, and distribution of unserialized (*i.e.*, untraceable) firearms and unfinished firearm components. In fact, this Court permitted the statute to remain in place as to the "distribution" of untraceable firearms and unfinished firearm components because, among other things, "significant federal statutes addressing" firearms sales "date back almost one hundred years." *Id.* at *1, *6. With respect to the portion that it did enjoin, the Court could not conclude that that the statute was "'consistent with the Nation's historical tradition of firearm regulation.'" *Id.* at *8 (quoting *Bruen*, 142 S. Ct. at 2130). As discussed above, that is not the case with the Statutes. *See supra* at 33-37.³⁸

³⁸ Plaintiffs also identify three one-paragraph orders remanding cases for further consideration in light of the new analytical framework, without any analysis. DSSA Br. at 14.

Plaintiffs rely upon two orders partially enjoining a concealed carry statute that does not regulate assault weapons or LCMs. *See Antonyuk v. Hochul*, 2022 WL 5239895 (N.D.N.Y. Oct. 6, 2022); *Antonyuk v. Hochul*, 2022 WL 16744700 (N.D.N.Y. Nov. 7, 2022). And after the Second Circuit stayed the preliminary injunction pending appeal, *Antonyuk v. Hochul*, 2022 WL 18228317 (2d Cir. Dec. 7, 2022), the Supreme Court declined to vacate that stay. *See Antonyuk v. Nigrelli*, 143 S. Ct. 481 (Mem) (Jan. 11, 2023).

II. THE REMAINING FACTORS WEIGH HEAVILY AGAINST AN INJUNCTION.

A. Plaintiffs Have Not Established That They Will Suffer Irreparable Harm.

As a threshold matter, plaintiffs' delay in seeking a preliminary injunction undermines their claims of irreparable harm. "[D]elay in seeking a remedy is an important factor bearing on the need for a preliminary injunction." *Chestnut Hill Sound Inc. v. Apple Inc.*, 2015 WL 6870037, at *4 (D. Del. Nov. 6, 2015) (quoting *High Tech Med. Instrumentation, Inc. v. New Image Indus., Inc.*, 49 F.3d 1551, 1557 (Fed. Cir. 1995)). Both plaintiffs waited more than four months after the Statutes became effective to seek a preliminary injunction. Particularly given the shortcomings in plaintiffs' claims of irreparable injury, this weighs heavily against granting an injunction.

Plaintiffs claim that a deprivation of their Second Amendment rights constitutes *per se* irreparable harm. DSSA Br. at 18; Gray Br. at 11. But the Third Circuit has made clear that "[c]onstitutional harm is not necessarily synonymous with the irreparable harm necessary for issuance of a preliminary injunction." *Hohe v. Casey*, 868 F.2d 69, 72-73 (3d Cir. 1989). And neither the Supreme Court nor the Third Circuit has so held. *See Or. Firearms Fed'n*, 2022 WL 17454829, at *18 (denying preliminary injunction in case challenging LCM regulation and noting the Supreme Court has never held that a deprivation of Second Amendment rights constitutes *per se* irreparable harm); *Walters v. Kemp*, 2020 WL 9073550, at *11 (N.D. Ga. May 5, 2020) ("[N]either the Eleventh Circuit nor the Supreme Court has held that the Second Amendment's protections are of the sort that, when violated, trigger a presumption of irreparable harm.").

Plaintiffs' remaining claims fare no better. "A plaintiff must demonstrate a likelihood—not just a possibility—of irreparable harm in the absence of an injunction." *GOLO, LLC v. Goli*

Plaintiffs' reliance upon *Frein v. Pennsylvania State Police*, 47 F. 4th 247 (3d Cir. Aug. 30, 2022), is equally misplaced, as that concerned a Takings claim under the Fifth Amendment.

Nutrition Inc., 2020 WL 5203601, at *13 (D. Del. Sept. 1, 2020). To do so, plaintiffs must demonstrate that any injury “cannot adequately be compensated by monetary damages.” *Id.*

Plaintiffs claim the Statutes are irreparably harming them by (i) preventing them from buying assault weapons and LCMs for “self-defense and other lawful purposes” (Clements Decl. ¶¶ 11, 13; Hague Decl. ¶¶ 9, 14; Taylor Decl. ¶ 8), and (ii) restricting their ability to sell assault weapons and LCMs (Hague Decl. ¶¶ 12–13, 17–18; DJJAMS Decl. ¶¶ 8-9). Both arguments fail.

Any injury resulting from plaintiffs’ inability to purchase covered assault weapons or LCMs while this case is pending is too remote to constitute irreparable harm. Of the three plaintiffs that have claimed this alleged injury (Clements, Hague, and Taylor), two own assault weapons and LCMs (Clements Decl. ¶¶10, 12; and Hague ¶¶ 8, 14), and the third is a gun-owner applying for concealed carry permits in Maryland and Delaware (Taylor Decl. ¶ 5). And these plaintiffs never explain how the firearms and magazines they own, along with other available options, are inadequate for “self-defense and other lawful purposes” pending resolution of this case. *See Or. Firearms Fed’n*, 2022 WL 17454829, at *19 (“Plaintiffs provide no evidence ... to show that the firearms available to Plaintiffs under Measure 114 would be so ineffective for use in self-defense as to constitute immediate and irreparable harm.”).

This is particularly true in light of the evidence that assault weapons are poorly suited for self-defense purposes, and the average number of shots fired in self-defense situations is 2.2. *See supra* at 19. Plaintiffs’ claims thus reduce to a speculative claim that is insufficient to constitute irreparable harm. *See, e.g., Or. Firearms Fed’n*, 2022 WL 17454829, at *18 (plaintiffs failed to show LCM regulations imposed “non-speculative, immediate risk of irreparable harm”); *Fitz v. Rosenblum*, 2022 WL 17480937, at *2 (D. Or. Dec. 6, 2022) (similar).

Likewise, the economic injuries plaintiffs allege are not irreparable. As an initial matter, the Third Circuit has stated that “[w]e know of no court, modern or otherwise, to hold that the Second Amendment secures a standalone right to *sell* guns.” *Drummond v. Robinson Twp.*, 9 F.4th 217, 230 (3d Cir. 2021) (emphasis in original). And in any event, because the “loss of customers” is “a purely economic harm that can be adequately compensated with a monetary award following adjudication on the merits,” *Checker Cab of Phila. Inc. v. Uber Techs., Inc.*, 643 F. App’x 229, 232 (3d Cir. 2016), it is not irreparable.

B. The Balance Of The Equities And Public Policy Disfavor An Injunction.

The balance of the equities and public policy “merge when the Government is the opposing party.” *Nken v. Holder*, 556 U.S. 418, 435 (2009).

Plaintiffs claim, without explanation, that defendants will suffer “little harm in the event that preliminary injunctive relief is granted.” Gray Br. at 12. To the contrary, the Supreme Court has made clear that “any time a State is enjoined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury.” *Md. v. King*, 567 U.S. 1301, 1303 (2012) (citation omitted). Here, that harm is undermining public safety, as an injunction will allow even greater proliferation of these dangerous arms and accessories. *See Tracy Rifle & Pistol LLC v. Harris*, 118 F. Supp. 3d 1182, 1193-94 (E.D. Cal. 2015) (denying preliminary injunction and noting that where potential harm involved gun violence, that “the implications of being mistaken in this case indicate it is in the public interest to deny the injunction, and the balance of the equities tips in the Government’s favor.”), *aff’d*, 637 F. App’x 401 (9th Cir. 2016).

As a result, these factors favor denying plaintiffs’ requests for preliminary relief.

III. ENTRY OF A PERMANENT INJUNCTION IS INAPPROPRIATE.

The Gray plaintiffs, but not the DSSA plaintiffs, ask the Court to enter a permanent injunction, contending that “the claims in this case require not further factual development” and do not “turn on disputed facts.” Gray Br. at 12. This request should be denied.

“[T]he Supreme Court has held that ‘it is generally inappropriate for a federal court at the preliminary-injunction stage to give a final judgment on the merits.’” *Anderson v. Davila*, 125 F.3d 148, 157 (3d Cir. 1997) (quoting *Univ. of Tex. v. Camenisch*, 451 U.S. 390, 395 (1981)). This case requires substantial factual development. As discussed above, the standard set forth in *Bruen* involves fact-intensive inquiries which will require fact and expert evidence. Indeed, Defendants have submitted five declarations from expert witnesses previewing the evidence that they will submit more fully at trial.

Nor does Federal Rule of Civil Procedure 65(a)(2) permit such relief under these circumstances. Not only has the requisite notice not been provided, but parties must have an opportunity to present all their evidence in connection with the injunction. *Anderson*, 125 F.3d at 157-58 (3d Cir. 1997). Beyond the evidence that defendants intend to develop through discovery, much of their experts’ work is still ongoing, defendants are considering additional witnesses for trial, and it seems unlikely that all of their current experts could testify fully in the one day allocated for the upcoming hearing. As such, defendants cannot present all of their evidence at the upcoming preliminary injunction hearing.

CONCLUSION

For the foregoing reasons, defendants respectfully submit that plaintiffs' motion for a preliminary injunction should be denied.

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Case 1:22-cv-00951-RGA Document 37-1 Filed 01/31/23 Page 1 of 174 PageID #: 679

Exhibit 1

SA0129

Weapons
OF THE
Lewis & Clark Expedition

BY JIM GARRY



THE ARTHUR H. CLARK COMPANY

An imprint of the University of Oklahoma Press

Norman, Oklahoma

2012

SA0130

either war axes Spears or Bows sprung with quivers of arrows, Muskets or pistols, and tin flasks to hold their powder;

*Clark, November 4, 1805*¹¹

All in all, a well-dressed, well-armed group. One that speaks volumes about the coastal trade at the beginning of the nineteenth century.

There is no mention of the types of pistols Clark saw. One might expect these to be ship's pistols, since the Indians had obtained them in trade with sailors. By 1805 the coastal trade was well developed. Over a dozen ships had plied the Northwest coast that fall before the expedition arrived at the mouth of the Columbia. As Lewis and Clark noted, the coastal tribes were much more sophisticated traders than the expedition had become accustomed to. The trade was well developed and goods were already being manufactured solely for that trade. The tribes were very specific about what they would and would not accept. Pistols tended to be a secondary item; muskets were the preferred firearm. The result was a more or less standardized type of trade musket in the Pacific Northwest. There are no such references to a standardized trade pistol. That suggests that any pistols available at the right price were being secured for trade.

Two generations after the expedition, the pistol would become an inseparable piece of the myth of the American West. But in the first decade of the nineteenth century, Lewis and Clark rightly felt the horse to be much more important. Indeed, while their pistols were useful, their horses were critical. The captains recognized that and willingly traded pistols for horses. Yet Lewis seemingly kept one of those secret trigger pistols. When it was inventoried after his death, was it loaded with anything other than memories?

¹¹Ibid., 6:17.

CHAPTER 6

Air Rifle

The image that leaps to mind for most people when they hear the term "air rifle" is a Daisy BB gun, which leads to thinking that Meriwether Lewis had brought a toy along to impress the Indians. It did impress the Indians, but not as a toy. At the beginning of the nineteenth century there were many people who were not happy with gunpowder and the firearms it produced. These were not antigun people. They were gun designers and manufacturers who were displeased with many of the characteristics of gunpowder, such as cost, the fouling problems associated with dirty burning, the fact that powder often varied from batch to batch, and the fact that it might not work at all in wet or even damp weather. Then there was the fact that gunpowder produced so much smoke when a weapon was fired that the shooter's vision was often obscured too much to see whether he had hit his mark. Some of these people thought compressed air offered a viable alternative.

As the eighteenth century gave way to the nineteenth, there were many gunsmiths in Europe producing compressed air weapons powerful enough to use for big game hunting or as military weapons. Air rifles had a number of advantages. Though not silent, they were much quieter than firearms. The noise they produced was a low-frequency pop that was hard to recognize or to pinpoint if one couldn't see the shooter. And compressed air doesn't smoke when an air gun is fired. Armies of the day fought at close range with massed troops. After the first couple of volleys the field was so obscured that aiming was difficult at best.

A musket had to be reloaded—powder, ball, and priming—for each shot. That added up to about four shots a minute. An air rifle with 750 pounds-per-square-inch of air pressure in its air cylinder could be discharged twenty to forty times before losing power.

It did take some time and effort to pump up a cylinder. With a hand pump, up to 1,500 strokes might be required to fully charge a cylinder; not a problem for a hunter, but potentially a problem for a soldier. Armies solved this problem by using larger multicylinder cart pumps and by supplying air riflemen with several air cylinders. The Austrian army equipped its air rifle companies with enough air cylinders and balls for four to five hundred shots per soldier, this at a time when most armies issued twenty to a hundred rounds per man.¹

Why didn't armies convert from firearms to air rifles? Some accounts point to the Napoleonic Wars between 1796 and 1815. The French, so the stories go, didn't have the manufacturing technology to produce air rifles. Napoleon, on the other hand, was facing Austrian troops armed with high-quality repeating air rifles. These troops had a much higher rate of fire, and sans smoke it was more accurate. There are stories that Napoleon had captured air riflemen shot as terrorists, making it hard to recruit men for the air rifle companies. Research and development therefore slowed, and the weapons became very exclusive, expensive, and therefore limited in manufacture and in use. In the meantime, firearm technology improved throughout the nineteenth century, ending with the metallic cartridge and smokeless powder. So the firearm won the competition.

There is some evidence to support the above-mentioned stories. In 1802, during a lull in the Napoleonic Wars, Col. Thomas Thornton traveled in France and spent some time with Gen. Edouard Mortier, the future *maréchal* of France. Thornton wrote:

One day in particular, General Mortier, in speaking of air guns, recalled to the recollection of some officers in the company a circumstance which happened after the retreat of the enemy, but where I cannot precisely call to mind. He said, "do you remember when I

¹Wolff, *Air Guns*, 29.

had ordered the cannon to cease firing that an orderly sergeant who was standing close to us leaped up very high into the air and then fell down? We supposed, at first, that he was in a fit, and we were greatly astonished to find him dead, as nothing had been heard to injure him. On his being undressed, however, a ball was found to have struck him, which must have been shot from an air-gun in the adjoining field and aimed at us." "Yes," replied one of the officers, "I remember it well, and I think we had a fortunate escape." They then stated, that on account of this treachery they hung all of that corps that fell into their hands, considering them not as soldiers but as assassins, and never after gave any quarter. They acknowledged, at the same time, that they lost many fine men by that corps of Austrians, which they stated consist of about five hundred men.²

Thornton's book may well be the origin of the tales of the Austrians' inability to recruit or keep men in air rifle companies, resulting in the guns going out of service. Some other sources, in particular Fred Baer, point to the delicacy of air rifle mechanisms and the difficulty of building air cylinders that could stand up to the high pressures needed as more likely reasons for most armies not using them. The Austrians did use repeating air rifles against both the Turks and the French, but Baer indicates only the numbers used, the trouble the army had acquiring enough air cylinders, apparently due to the difficulty of constructing reliable ones, and their final resting places in magazines and arsenals as troops were equipped with flintlocks.³

W. H. B. Smith, who quotes Thornton extensively, goes on to state that a Hauptman Halla wrote in 1890:

The fact that this remarkable weapon nevertheless did not remain in use and was removed as expendable supply to the fortress of Olmutz in 1815 was due not only to the changed tactical principles, but chiefly to the circumstance that there were no adequately trained riflemiths available to take care of the delicate component parts of the locks and valves, and therefore the percentage of unusable air rifles shown in the reports was frighteningly high.⁴

²From Thomas Thornton, *A Sporting Tour Through France in the Year 1802*, 2:59. Quoted in Smith's *Gas, Air and Spring Guns of the World*, 25.

³Fred Baer, "Napoleon Was Not Afraid of It," in Held, *Arms and Armor Annual*, 1:250.

⁴[first name not given] Halla, *Bulletins of the Military Archives for the Year 1890*. Quoted in Smith, *Gas, Air and Spring Guns of the World*, 30.

This would suggest that the air rifles were considered good and viable weapons and not retired from service until they had been in use for twenty-five years. There is the added fact that in 1815 the Napoleonic Wars ended at Waterloo and the Austrian army was in a position to give up some of its arms as part of the army was discharged. Smith goes on to write:

The Austrians treated the development as a real secret weapon. A special shop was set up for Girandoni and workers were specially selected and sworn to secrecy about equivalent to that required for an H-Bomb "Q" clearance today.

It should be mentioned in passing that the Girandoni pattern was produced by other makers on contract. Then, even as now, Austria was a hotbed of small gunmakers who were good at duplication.⁵

Smith seems to contradict himself in the above paragraphs. Austria wasn't going to keep a weapon secret by giving the design to a number of different manufacturing firms, most of which were in foreign countries. The Girandoni design was consciously spread to various German principalities and to Switzerland and England by the Austrian government. That strongly suggests that there was no attempt to keep the weapon secret. From any of those countries the design and quite possibly a weapon itself could easily have found its way to the United States.

The Girandoni air rifles represented a technology that teased generals and sportsmen alike. Lewis was one of the teased. For an expedition such as the one on which he was embarking, an air rifle such as a Girandoni would serve well as a way to impress the various tribes with the power of the United States. A rifle that needed no gunpowder was likely to impress tribes who had to trade for expensive and scarce gunpowder. And the weapon could serve as a backup if the Corps lost its gunpowder. So Meriwether Lewis, somehow, somewhere, acquired one.

Lewis's air rifle enters the Expedition journals on the day Lewis began recording the journey.

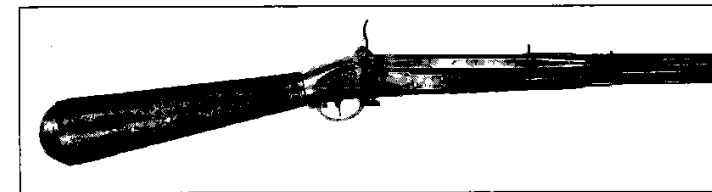
went on shore and being invited on by some of the gentlemen present to try my *airgun* which I purchased brought it on shore charged it

⁵Smith, *Gas, Air and Spring Guns of the World*, 30.



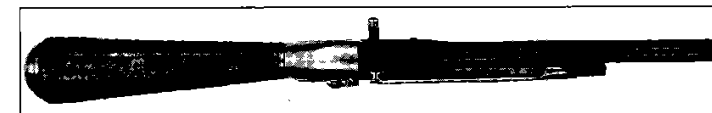
GIRANDONI AIR RIFLE (RIGHT SIDE VIEW)

Notice that there is no frizzen and pan in front of the hammer. The hammer sets the air charge for the trigger to release; there is no need for spark of fire. Also note that the butt stock is metal; it is the air cylinder for the weapon, holding air compressed to about 750 psi. *Courtesy Michael F. Carrick.*



GIRANDONI AIR RIFLE (RIGHT SIDE CLOSE-UP)

This view shows the metal butt stock and the tubal magazine in front of the hammer more clearly. *Courtesy Michael F. Carrick.*



GIRANDONI AIR RIFLE (TOP VIEW)

In this view one can see the magazine tube on the right, in front of the hammer. The breech block sticks out on the left. *Courtesy Michael F. Carrick.*

and fired myself seven times fifty five yards with pretty good success; after which a Mr. Blaze Cenas being unacquainted with the management of the gun suffered her to discharge herself accidentally the ball passed through the hat of a woman about 40 yards distant cutting her temple about the fourth of the diameter of the ball; shee feel instantly and the blood gusing from her temple we were all in the greatest consternation supposed she was dead by [but] in a minute she revived to our enespressable satisfaction, and by examination we found the wound by no means mortal or even dangerous.

Lewis, August 30, 1803⁶

There is an obvious question. How did Lewis find a man west of Pittsburgh who was “unacquainted with the management of the gun?” In 1803, guns were a part of life that far west. One possible answer is that Lewis’s air gun was somehow different from the guns to which men along the Ohio River were accustomed. The Corps of Discovery’s journals aren’t much help. The next time the air gun is mentioned is almost a year later, when, on August 3, 1804, an entry makes a typical allusion to the air gun, saying simply that Lewis had fired it “a few times” for the Otos with whom they were visiting.

On his way down the Ohio, Lewis wrote that he spent some time with Col. Thomas Rodney, on his way from Delaware to the lower Mississippi. On September 8, 1803, Rodney wrote a bit more about the meeting:

Visited Captain Lewess barge. He shewed us his air gun which fired 22 times at one charge. He shewed us the mode of charging her and then loaded with 12 balls which he intended to fire one at a time; but she by some means lost the whole charge of air at the first fire. He charged her again and then she fired twice. He then found the cause and in some measure prevented the airs escaping, and then she fired seven times; but when in perfect order she fires 22 times in a minute. All the balls are put at once into a short side barrel and are then dropped into the chamber of the gun one at a time by moving a spring; and when the triger is pulled just so much air escapes out of the bag which forms the britch [breech] of the gun serves for one ball. It is a curious piece of workmanship not easily discribed and therefore I omit attempting it.⁷

⁶Moulton, *Journals of the Lewis and Clark Expedition*, 2:65.

⁷Rodney, *A Journey through the West*, 50, 62.

This helps to visualize Lewis’s air rifle but also presents a problem. It contradicts all we knew about that particular air gun before Michael Carrick published the above passage in “Meriwether Lewis’s Air Gun,” his paper on Rodney’s description of Lewis’s air gun, in 2002. Will Rogers once said that it wasn’t what we don’t know that gets us in trouble, “it’s all the things we know that just ain’t so.” For the last quarter century, historians looking into Lewis’s air gun have all fallen into the trap of circular reasoning.⁸

The loop of misunderstanding began in 1977, when Henry M. Stewart, Jr., published a paper revealing that he’d found, in Isaiah Lukens’s estate papers, evidence of the disposition of Lewis’s air rifle. Lukens, a Philadelphia clockmaker and gunsmith, died in 1846. In January of 1847 his estate was auctioned off. Item 95 in the auction catalogue states: “1 large do [air gun] made for and used by Messrs Lewis & Clark in their exploring expedition. A great curiosity.”⁹

There is no record of who purchased item 95, so the trail turns cold from there and the circular reasoning begins.

Lukens, perhaps best known in his own day as a clock maker (he made the clock for the tower of Independence Hall), was also a maker of air guns. He had perfected a valve for air guns that solved their greatest problem, decreased air pressure after each shot. His guns were considered some of the finest of the period. And he moved in the same Philadelphia circles Lewis was moving in during the spring and summer of 1803. So, the logic said, since Lukens had the air gun in 1846 and since the estate sale said it was “made for” Lewis and Clark, it must have been one of his that Lewis had bought and either returned to him after the expedition or that Lukens reacquired after Lewis’s death. Suddenly, the older question of what the air gun was seemed to be solved. The logic worked; everyone was satisfied. The gun must have been made by Lukens.

⁸The author pleads guilty to this as well. The original of this chapter, written before Carrick’s article, is currently in the circular file.

⁹“A Great Curiosity,” *Discovering Lewis and Clark*, <http://lewis-clark.org/content/content-article.asp?ArticleID=1826>.

Various researchers have suggested that Lukens made eight air guns during the period leading up to Lewis's time in Philadelphia. Four, perhaps five, of them are still extant. So, after Stewart found that Lewis's air gun still existed in 1846, and everyone interested settled on the gun being a Lukens, experts began to examine the possible guns. And there the journals enter the story again. On June 10, 1805 Lewis wrote, "The day being fair and fine we dried all our baggage and merchandize. Shields renewed the main Spring of my air gun."¹⁰ Experts examined the surviving Lukens air guns, looking for nonoriginal parts. And they found them.

The Virginia Military Institute (VMI) has a good collection of air guns, two of which are Lukens air guns from the late eighteenth or early nineteenth century. All of the known Lukens air guns are, as one would expect from a maker of fine clocks, elegant and refined, inside and out. They look like Pennsylvania rifles except that they have no pans and frizzens. The hammers are the beautiful serpentine design we associate with the Pennsylvania Rifles. All but one. That one, in the VMI collection, has a more robust, double-neck hammer of the type associated with military weapons. The mainspring too is crude, the kind of work a good blacksmith might do if he was working without a decent shop. Lewis had brought along a number of spare locks and parts from Harper's Ferry. Within a few months of Lewis's leaving there, the Harper's Ferry Arsenal was producing the Model 1803 Rifle with double-neck hammers. All the pieces fit. The VMI gun, it was assumed, must be the one Lewis took to the Pacific and back.

The puzzle was seemingly solved on the eve of the expedition's bicentennial. Then Michael Carrick published his paper on the Thomas Rodney description of Lewis's air rifle. The flaw in the train of logic was suddenly clear. Everyone had assumed that because Lukens ended up with the gun, he had made it. But if Lukens made the gun Thomas Rodney described, not only is it lost to us, it is radically different from any of the surviving Lukens air

¹⁰Moulton, *Journals of the Lewis and Clark Expedition*, 4:275.

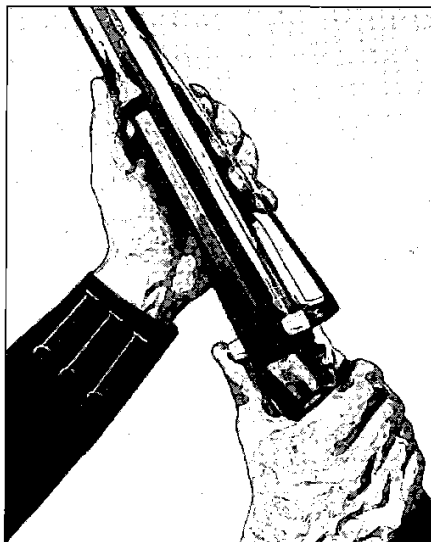
guns. All of his that remain are single-shot muzzle loaders. Rodney describes a repeating weapon. There were a number of designs for repeating air guns at the beginning of the nineteenth century. But Rodney's account strongly suggests the type designed by G. C. Girandoni (a.k.a. Girandoni or Girardony) for the Austrian army.

Europe was not politically stable during the eighteenth and early nineteenth centuries. Austria fought wars against the Ottoman Empire, the Holy Roman Empire (and following its demise, Prussia), various powers in Italy and the Low Countries, and a whole series with France following the French Revolution and the rise of Napoleon. One result of all those wars was a large and well-financed military. Girandoni designed weapons for the Austrian military during the last quarter of the eighteenth century. His experiments with a repeating flintlock resulted in the loss of his left hand when a malfunction caused a test weapon to explode while he was firing it. He had better luck when he adapted the system to a repeating air rifle in the late 1770s. The result was the Model 1780. That weapon was improved, and the Model 1799 was the weapon that supposedly so upset Napoleon. It is unclear whether Girandoni was the lead manufacturer once he finished the design work. The fact that there were clearly many makers in Austria, Russia, Switzerland, England, and various German principalities using his design points to him as primarily an innovator that others then manufactured.¹¹

A few of Girandoni's repeating air rifles have survived, and they are striking-looking weapons, with full-length forearms, very high, prominent hammers, and leather-covered metal stocks. On a Girandoni, as on many air guns of the time, the stock is the gun's air reservoir and detaches from the breech so it can be pumped up. It took five hundred to a thousand strokes of a hand pump to fill the air chamber to about 750 psi, but the gun can then be fired twenty to forty times. (The Austrian army supplied a larger pump mounted on a cart to facilitate refilling the air reservoirs.) Along the right side of the gun barrel, immediately

¹¹Smith, *Gas, Air and Spring Guns of the World*, 28-30.

100 WEAPONS OF THE LEWIS AND CLARK EXPEDITION



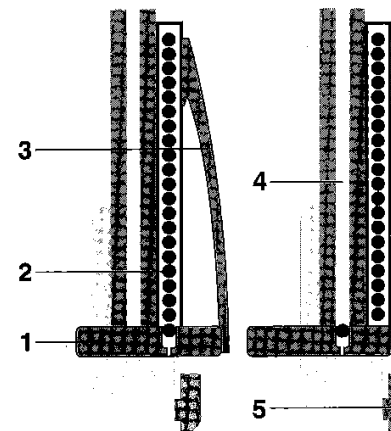
LOADING THE GIRANDONI AIR RIFLE
 This shows a soldier loading the rifle by pushing the breech block to the right with his thumb. This must be done while holding the rifle vertically, as the balls feed down the magazine by gravity. *Courtesy Michael F. Carrick.*

in front of the hammer, is a tube about a foot long and about a half inch in diameter, capable of holding about twenty rifle balls. The front of the tube is gated, and a leaf spring, attached just behind the gate, runs slightly more than the length of the tube along its right side. There is a sliding breech block that sticks out on both sides of the weapon. The right side of the block closes the back of the tube magazine, its right edge in contact with the magazine's leaf spring. The left side projects from the weapon roughly an inch and a half to two inches.

When the rifleman pushes that block to the right, it moves against the spring and places a funnel-shaped hole in the block over the end of the magazine. The hole is large enough in the front for a ball to enter and too small in the back for the ball to fall through—but large enough for air to pass. By holding the rifle muzzle up the shooter allows gravity to drop a ball into the breechblock's hole. When the block is then released from the

AIR RIFLE 101

SCHEMATIC OF THE GIRANDONI AIR RIFLE
 (1) breech block; (2) magazine (filled with balls); (3) leaf spring; (4) barrel; (5) hammer. By pushing the breech block to the right while holding the rifle in a barrel-up position, the leaf spring is displaced to the right and a ball falls into the breechblock. Releasing the block, the leaf spring pushes the block back, positioning the ball in line with the barrel and the air cylinder to the rear. *Courtesy Michael F. Carrick.*



left, the leaf spring forces the block back to the left and the hole containing the ball is moved back in line with the rifle barrel. The shooter then cocks the hammer and air is released from the reservoir into a chamber between the stock and the breech block until the pressure in the two chambers is equalized. Then the reservoir valve closes. (The failure of this valve from something as insignificant as a bit of dirt could easily explain the problem of the weapon when Lewis was demonstrating it to Thomas Rodney.) Pulling the trigger then opens the valve at the front of the forward air chamber, and the air pressure sends the ball down the barrel at a speed of several hundred feet per second.

Lewis's first journal entry does state that he had purchased the air gun, but neither that or any evidence has surfaced to explain exactly where or when he acquired it. There is no other good evidence for Girandoni-style air rifles having made it to the United States by the beginning of the nineteenth century. Since so many different manufacturers in so many different countries were producing the weapons, it is easy to imagine them being

traded widely and without great comment during the more than twenty years from the weapon's introduction in 1780 until Lewis headed west. Interestingly enough, Lewis's penultimate journal entry also mentions the air rifle and another shooting accident as well. On that day, after being shot by Cruzatte, Lewis assumed that he and Cruzatte had been attacked by a party of Indians, and he called out to Cruzatte, who failed to respond. He made his way back to the river and called to his men to aid him in his attempt to save Cruzatte from the supposed Indian attack. The ball that wounded Lewis had passed through both cheeks of his buttocks, and Lewis found:

my wounds became so painfull and my thye so stiff that I could scarcely get on; in short I was compelled to halt and ordered the men to proceed and if they found themselves overpowered by numbers to retreat in order keeping up a fire. I now got back to the perogue as well as I could and prepared myself with a pistol my rifle and air-gun being determined as retreat was impracticable to sell my life as deerly as possible.

*Lewis, August 11, 1806*¹²

If Lewis's air gun was capable of firing twenty shots in a minute, his defense would likely have been as effective as it was heroic. As events unfolded, the men returned with Cruzatte, who at least pretended bafflement, claiming he had never fired his rifle. Lewis had the ball that wounded him, one of the same caliber as the short rifle Cruzatte carried. Lewis was sure he had been shot accidentally by his one-eyed, nearsighted companion, but, somewhat uncharacteristically, he dropped the matter.

In between those incidents of April 1803 and August 1806, the air rifle is mentioned twenty times. In sixteen of those instances the air rifle was shot as a demonstration to impress various tribes. Since not every journalist mentions these performances on the same days, it seems reasonable to assume the weapon might have been fired more often than that. It may be that it became such a routine piece of equipment to the Corps that the writers didn't

¹²Moulton, *Journals of the Lewis and Clark Expedition*, 8:155.

deem it necessary to note its every use. For instance, neither Sergeant Gass nor Private Whitehouse ever mentions it. The various tribes all seem to have had the same reaction to the air rifle. Most of the journals describe the tribes as astonished or surprised. On January 24, 1806, Lewis wrote his longest report on the Indians' reaction to the air gun. "My Air-gun also astonishes them very much, they cannot comprehend it's shooting so often and without powder; and think that it is *great medicine* which comprehends every thing that is to them incomprehensible."¹³ The line "shooting so often" seems to support the idea that Lewis had a repeating air rifle such as a Girandoni type.

The final mention of the air rifle in the journals is undated. After returning to St. Louis, some of Clark's notes refer to the air rifle being boxed for shipment back East.¹⁴ Then, as the trackers say, the trail goes cold. But rather than turn away, it is useful to look at one last piece of evidence. Isaiah Lukens's estate papers say that the air gun was not only carried by Lewis but made for him as well. By whom? Based on whose design? Did Lewis acquire the designs for a Girandoni and take them to Pennsylvania and have one made for the trip? Did Lukens, after all, make Lewis's air gun, but not from his standard model? Or did the writer of the estate sale brochure make a small literary error and add "made for" to "used"? Had Lukens only acquired it after Lewis's death? Did he want it because of where it had been or because he wanted to study the unusual design? Or . . . ?

The Corps of Discovery's expedition was one of the best documented of the period, but there are many questions about it that are probably unanswerable two hundred years later. What exactly Lewis's air gun was may well be one of those questions. But historians should be wary of the word "never."

¹³*Ibid.*, 6:233.

¹⁴*Ibid.*, 8:419.

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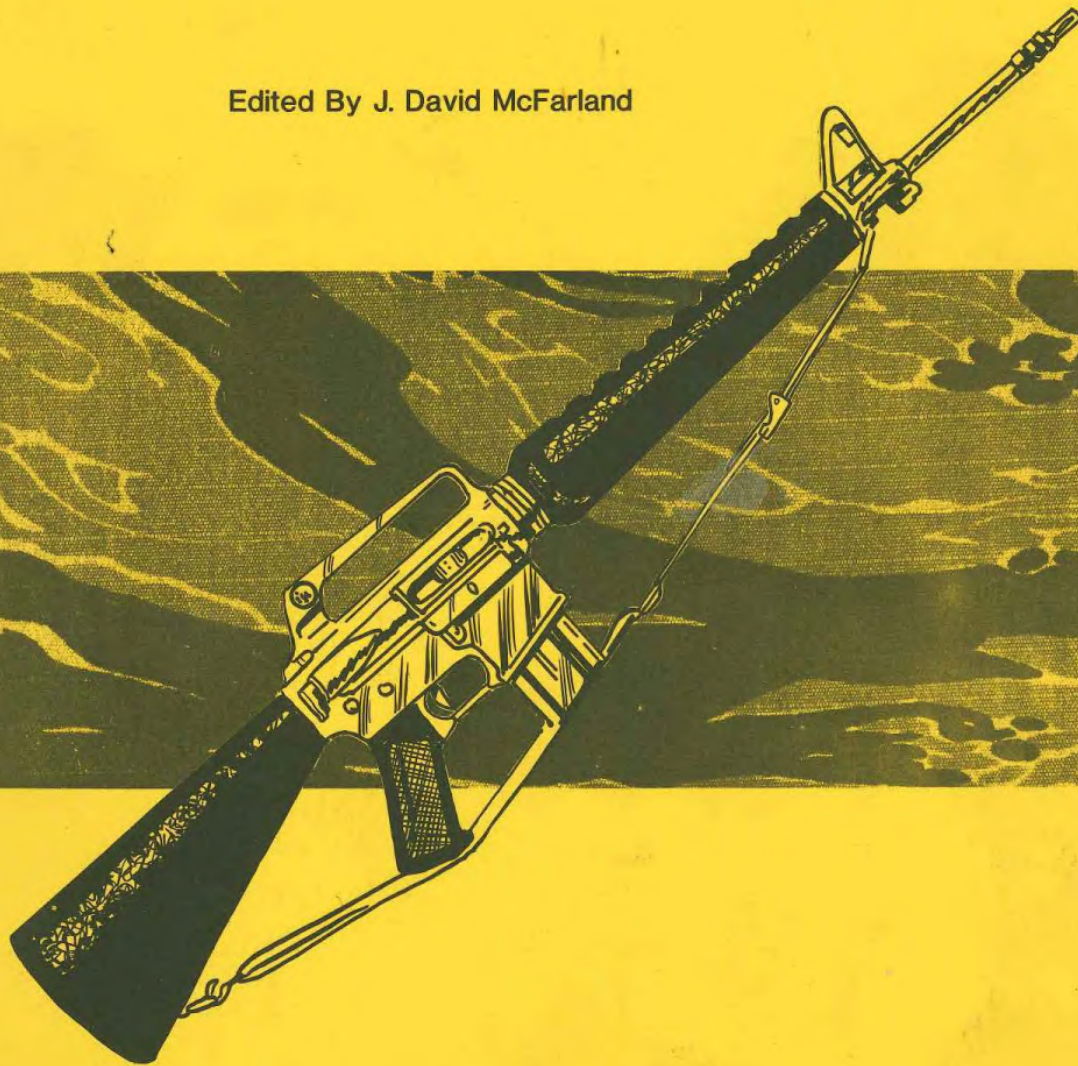
Exhibit 2

SA0138

AR-15, M16

ASSAULT RIFLE HANDBOOK

Edited By J. David McFarland



016

SA0139



Historical Background

Colt's AR-15, CAR-15 and M16 rifles are a direct result of a trend toward ever smaller and lighter military rifles firing high velocity, small caliber bullets. The first rifles of this type to see extensive use were the German *sturmgewehr* (assault rifles) of World War II. They set the criteria for such rifles that are still followed today: the weapon must be a carbine, have selective fire capability, a large capacity detachable magazine, and fire an intermediate powered cartridge. The MP43-44 and StG45(M) assault rifles are excellent German examples of the type from World War II.

Although the Allied powers had mainly used battle rifles (M1903A3 Springfield and M1 Garand in .30-06, the various models of the British SMLE in .303 British and the Soviet Mosin-Nagant in 7.62mm), development of various assault rifle designs by the Allies began almost immediately after the conclusion of hostilities. Both the U.S. and the Soviet Union had learned the value of smaller, lighter, selective fire weapons during the war with the U.S. M2 Carbine and the Russian PPSH 41. The U.S. had adapted the M1 Carbine to selective fire as the M2 Carbine, an unusual procedure since rarely is a fully automatic weapon developed from a semi-automatic design. Even though it didn't go into production until hostilities had (officially) ceased in Europe, the M2 was employed in Korea where it proved its worth. The M2 was, of course, a shoulder weapon which fired a rifle cartridge while the Soviet PPSH 41 was a submachine gun firing a pistol cartridge. Soviet automatic fire proved effective against the Ger-

mans while the Soviet troops were equally impressed with the German StG45.

One of the first successful postwar assault rifles to go into production, and undeniably the most widely produced, was the Soviet AK-47. Designed by an obscure Red Army noncom named Mikhail Kalashnikov, it was originally envisioned as a submachine gun to replace the obsolete PPSH 41. But somewhere along the way things went right and the final weapon became an assault rifle very similar to the StG45, which it closely resembled. It was designed around the already existing Soviet 7.62x39mm cartridge and featured a 30 round curved magazine. Introduced in 1947, the AK-47 was first issued in quantity to Soviet troops in 1949. The weapon is selective fire, but the operating lever goes from "safe" to "auto" to "semi-," clearly showing that Soviet tactics call for automatic fire as standard. The AK-47 and its successors are now the standard infantry weapon of virtually all Warsaw Pact nations as well as some Free World countries.

The AKM appeared in 1959 and differs from the original AK-47 in that it has a stamped, rather than milled, receiver, a somewhat straighter buttstock, lighter weight, a muzzle brake, rear sight adjustable to 1,000 meters instead of 800, rate of fire reducer (essentially useless since it has the same rate of fire as the original AK), ribbed receiver cover and fluted gas cylinder tube for added strength. The latter two changes are especially important since a good dent in either could render the weapon inoperative.

AR-15, CAR-15, M16

Numerous variations of the AK-47 have been made in several Communist countries, as well as in Finland and Israel. The Finnish AK is known as the Valmet while the Israeli rifle, which is chambered for the standard U.S. 5.56mm cartridge, is called the Galil. Free World thinking is evident in the modifications made on the Galil. Among others, provision has been made for a sniper scope. 35, 50 and special 12 round magazines (for grenade launching ammo, etc.) are available for the Galil. In East Germany, a .22 rimfire version of the AK is used to teach recruits the basics of rifle handling. Even the Communists are concerned with military spending!

Rumors of a newer, updated version of the AK which was chambered for a new, secret cartridge abounded during the late 1970's, but confirmation didn't take place until one actually surfaced in Afghanistan in the early 1980's. This rifle, designated the AK-74, is chambered for a new 5.45mm round and features a muzzle brake which works quite well when the weapon is used in the full auto mode. The AK-74 also has an excellent carrier-to-bolt ratio of 6:1; in other words, the carrier outweighs the bolt by 6 times, thus assuring excellent reliability. While never noted for beauty of design or quality of exterior finish, the AK series of rifles must be considered a resounding success. It is estimated that well over 30,000,000 AK-47's and AKM's have been produced. The design has a solid reputation for ruggedness and reliability, is fairly cheap to produce, and is designed in such a way that semi-literate or even illiterate troops or guerrilla fighters can be taught to use the rifle effectively with a minimum of training.

Many Afghan freedom fighters in the early 1980's expressed a preference for their old, trusted Short Magazine Lee Enfield rifles over captured AK-47's or AKM's, but their choice may have been based on familiarity and their particular method of fighting rather than on any fault in the AK design.

A semi-auto only version of the AKM is now manufactured in Egypt, using original Russian tooling and equipment. This rifle is imported into the U.S. by Steyr Daimler Puch Of America Corporation and makes it legally possible for the average American to own a "real" AK. While many forms of automatic weapons can legally be owned by American citizens, the full auto AK is an exception due to its military origins. Before the semi-auto only version, only police agencies and Class III firearms dealers could own them.

Britain's postwar entries into the assault rifle competition were the E.M. 1 and E.M. 2, both

chambered for the British-developed .280 (7mm) cartridge. Both are of "Bull Pup" design, with the magazine placed behind the pistol grip. They have carrying handles *a la* the AR-15, but with built-in telescopic sights. The E.M. 2 was slated for adoption in 1949, but the problem of ammunition standardization among NATO countries surfaced just long enough to doom the E.M. 2. Several variants of the .280 cartridge were prepared for NATO trials, but the member nations finally settled on the American 7.62x51mm (now known in the U.S. simply as 7.62mm NATO or .308 Winchester). Great Britain adopted the FN/FAL as its standard service arm, as did many other countries in the Free World.

America's preference for the 7.62mm NATO, which is a .30 caliber, is understandable since the military brass argued that we had won World War II with .30 caliber bullets from the Springfield, the Garand and the M1 Carbine. Somewhere along the line, they conveniently managed to forget superior air power, America's industrial might and the fact that the Allies were able to place literally millions more in uniform than could the Axis. American troops had also acquitted themselves bravely in Korea with the Garand and the M1 Carbine.

The 7.62mm NATO round was actually a solid step down from the .30-06, giving ballistics which resemble those of the .30-40 Krag-Jorgensen of more than a half century before. Its origins derived from attempts to shorten the .30-06 case for more reliable feeding in semi-automatic and automatic arms. It is an excellent cartridge even though less powerful than its predecessor. While many other countries were adopting FN rifles chambered for this round, the U.S. opted for the M14 which was quite similar to the Garand but featured a detachable box magazine, a definite improvement over the Garand's fixed magazine which had to be loaded from stripper clips and which could not be "topped off" when only partially full. From the time of its adoption in 1957 until production ceased in 1964, over 1,000,000 M14's were manufactured.

Even as the United States was adopting the M14 as its standard service rifle, the search continued for a suitable weapon/cartridge combination that would fit in with the world-wide assault rifle trend. Two of the cartridges tested were based on the 7.62mm NATO and .30 Carbine rounds necked down to take a .22 caliber bullet. The 7.62mm NATO/.22 "wildcat" produced excellent ballistics similar to the popular .220 Swift or .22-250. Its 68 gr. boat-tail bullet offered greater penetration than the venerated 152 gr. .30-06 ball as far out as

AR-15, CAR-15, M16



The evolution of assault rifles from World War II to the present is shown above. From top to bot-

tom: German StG45, Soviet AK-47, British Commonwealth E. M. 2 and American M16.

AR-15, CAR-15, M16

2,000 yards. The round's only drawback was that it produced excessive barrel wear. Conversely, the .30 Carbine/.22 round was considered simply too anemic for serious consideration. In the end, a slightly modified .222 Remington cartridge was accepted as the 5.56mm, or .223 Remington. It is now known as the 5.56mm NATO, indicative of even more nations' acceptance of the assault rifle principle.

The AR-15 was designed by Eugene Stoner who later developed the Stoner weapon system that had the Washington "whiz kids" so enamored in the early 1960's. The AR-15, CAR-15 and M16 are direct descendants of the Armalite AR-10 which many experts feel would still be our official military rifle if it had been adopted instead of the M14. Although an American design, just like the Luger, the AR-10 was never in production in this country. It was produced for a time in Holland as a selective fire weapon and a limited number of semi-auto only conversions have been imported into the United States for sales to the civilian market. Early Armalite AR-15's were almost identical to the AR-10 except for caliber. However, a number of changes were made when the design was sold to Colt in 1959, the same year the U.S. Army tested prototypes of the M16. Among the most notable changes is the location of the bolt retracting handle, which is now located at the rear of the receiver rather than on top of it. All rifles in the AR-15/M16 series are unique among gas-operated weapons in that they do not have a piston rod, the gas blows directly back into the bolt.

Originally known as the Caliber .223 AR-15, the M16 is a selective fire weapon and should not be confused with the current AR-15 civilian arms, which are semi-auto only. The semi-auto AR-15 can be converted to selective fire by the substitution of a number of M16 parts, including the lower receiver and auto sear. The latter item is considered a machine gun in itself if manufactured after November 1981 and must be registered with the BATF as such.

The first U.S. military purchase of the M16 in any quantity came in 1962, when 8,500 were sold to the Air Force. Gen. Curtis LeMay thought the little gun would be just the ticket for guarding air fields. He was clearly thinking of the M16 as a *defensive* weapon, rather than an offensive one, a role which would be forced upon it in a very few years.

The first substantial order for M16's came in 1963 when the American military ordered 104,000 units. The rifle was adopted as the official infantry

rifle for all branches of the armed forces in 1967 and will undoubtedly be with us in one form or another for many years to come.

Although hailed in Washington as a great new weapon, the sad truth was that the M16 was fast proving unreliable in the jungles of Vietnam. GI's in the field were now cursing the demise of the M14 just as their older brothers had cursed the replacement of the Garand a few years earlier and their fathers or grandfathers had cursed the passing of the bolt-action Springfield M1903A3. Stories of troops dying with jammed M16's in their hands began filtering back from overseas. The Army and Colt quickly went to work on the "bugs", which turned out to be more a serious comedy of errors than any actual fault of the basic rifle design.

It was found that the training manuals issued with the rifles de-emphasized the necessity of cleaning and regular maintenance. Any real rifleman would immediately suspect such advice, even if true, as he knows his rifle is his best friend and keeps it as clean as possible. But such conscientiousness could hardly be expected of draftees, many of whom had never held a rifle before entering the service, unless it was drilled into them.

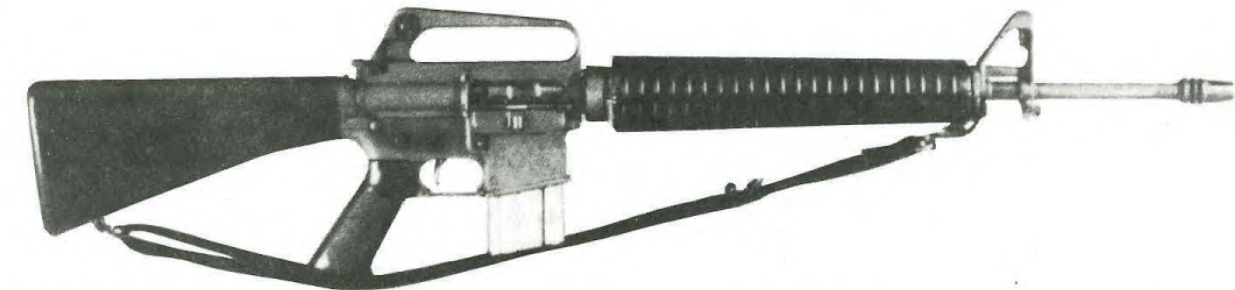
The ammunition used in the initial test of the M16 was loaded with IMR 4475 powder, which produced very little fouling. Once the war in Southeast Asia began to accelerate rapidly, the supply of IMR 4475 fell far short of the demand. OLIN WC846 was substituted, as was remanufactured World War II ball powder. These combinations quickly raised the M16's cyclic rate of fire from 850 rounds per minute to well over 1,000. They also produced far more fouling than was acceptable with an added problem of chamber corrosion due to the extremely high humidity that was prevalent in the jungles of Vietnam.

New training manuals were quickly prepared which emphasized the need for cleaning and a change in manufacturing methods assured that all M16A1's leaving the Colt factory had chrome-lined chambers to reduce corrosion. Additionally, a large number of rifles received the attention of Colt personnel in the field. The addition of a forward assist, which forces the bolt forward when it becomes stuck in its rearwardmost position, also greatly increased reliability, resulting in the designation M16E1.

One problem with the M16 that wasn't corrected until the early 1980's has nothing to do with the basic rifle itself: the tendency of many frightened, green soldiers to flip the selector lever to "full auto" and leave it there, counting on a

AR-15, CAR-15, M16

spray of lead to replace marksmanship. Obviously, there are very few Sgt. Alvin Yorks around today. The problem of just holding the trigger back until the magazine goes dry is solved with a burst fire feature on the M16A1E1. Other features include a buttstock that is 5/8" longer than the old ones and a circular, rather than triangular, forestock. The barrel also has a much tighter 7" twist. A new cartridge has been developed especially for this rifle. The XM 855 will probably eventually replace the standard M193 since it can penetrate a helmet at 800 yards and still have enough punch to give anyone wearing the helmet a real problem.



Both revered and reviled, the M16 is the standard issue infantry rifle of the United States and many

In attempts to simplify logistics of ammo supply and to produce weapons for specialized use, a number of other arms have emerged either directly or indirectly from the M16. Those which are easily recognizable as variations on the basic M16 include the Commando SMG, Colt's Heavy Barrel Automatic Rifle (HBAR), CAR-15 Survival Rifle and CAR-15 Heavy Assault Rifle M2. These are all selective fire weapons and the CAR-15 should not be confused with the semi-auto only AR-15 carbine which Colt produces. Although the physical resemblance between the two is nonexistent, all high wear parts from the CAR-15 system are interchangeable with the CMG-1 series of machine guns.

In addition to the standard grenade launcher/flash suppressor which is supplied on every basic M16, three types of grenade launchers are available for the M16: the 40mm grenade launcher which gives the grenadier the choice of either point or area fire, an adaptor which allows the "stock" launcher to launch standard hand grenades, and the Rifleman's Assault Weapon (RAW) launcher. The RAW system was devised specifically for use in urban areas and where the average rifleman might

have to penetrate a bunker or light armored vehicle. The RAW itself is a round, rocket propelled grenade with zero trajectory. When fitted to the M16, the rifleman need only sight on his target as far out as 200 yards with standard sights and fire a standard ball round at it. The RAW will blast a hole through 8" of double-reinforced concrete large enough to crawl through. Fragmentation, smoke, white phosphorous and CS grenades can also be used with the RAW system.

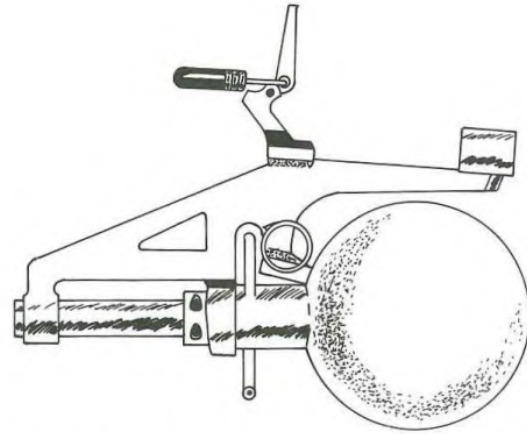
Reports from Exercise Bright Star in Egypt in 1980 indicate that the M16 is unsuited for desert warfare, failing to match up to the Egyptian

of its Allies. Late issue round handguard can be retrofitted to older guns as shown.

Army's rusty and abused, but reliable, AK-47's. No specific reasons for this failure have been found, but the added criticism of the M16 under desert conditions has done nothing to enhance its reputation.

It would appear that many of the M16's problems are like the proverbial camel which is a horse designed by a committee. Stoner's original AR-15 underwent severe testing by Vietnamese military personnel who raved about the weapon — specifically its reliability. They requested that the rifle be sent to them in significant quantities, but the U.S. military argued against the idea on the point of logistics — it just didn't make sense to ship different types of weapons and ammo to different war zones, or to have allied troops of different nationalities armed with different weapons in the same war zone. Based on the Vietnamese' experience with the AR-15, Gen. William Westmoreland requested that the Ordnance designed M14, which was proving unreliable in combat, be replaced with the M16. Had the M16 been a closer cousin to Stoner's original design, Westmoreland's request would have been a wise one.

AR-15, CAR-15, M16



Rifleman's Assault Weapon (RAW) is designed for urban warfare. Its launcher can be attached to any ordinary M16 and it is launched by firing a round of ball ammo at the target. Even with the launcher attached, the rifle can still be used instantly for its original purpose, allowing the individual soldier to protect himself from the enemy at all times.

Eugene Stoner was asked to endorse the Army Ordnance changes in the M16 *after* they had been made, including the switch to ball powder. He expressed his opinion that every single change that had been made was detrimental to the weapon and some of them, such as the decision that the bullet should leave the muzzle at no less than 3250 feet per second, were purely arbitrary. The cartridges loaded with IMR powder were only 100 fps slower and produced far less fouling since the slower-burning OLIN powder was still burning when the ejection port opened. The Air Force agreed with Stoner and argued in favor of keeping the original M16 specifications which they had adopted, along with IMR-loaded ammo. The Army argued that as they were acting as a central procurer for all services, the Air Force would have to settle for what the Army wanted.

If the Army had simply taken the original Armalite AR-15 and adopted it along with the ammunition for which it was designed, many of the unfortunate incidents involving the unreliability of the M16 might never have happened. A Congressional investigation failed to find satisfactory answers for many of the changes that were made in the original design and for the change in powder. What they did find is what everybody already knew: that the combination of rifle and ammo were incompatible. The problems were solved to some extent with the new training manu-

als and another change in powder as mentioned earlier.

On the home front, the AR-15 has fared far better than its M16 cousin, probably because it is semi-auto only (no cyclic rate to worry about) and because the design is much closer to Stoner's original specifications. It is one of the most popular and sought-after weapons on the market. Its light weight and negligible recoil are undoubtedly two of the reasons for its success, but they account for only part of it. Of equal importance are its standard military caliber, assuring a ready supply of surplus ammo or once-fired brass, and the availability of surplus spare parts at reasonable prices. Despite the tendency of some military minds to reject a weapon such as the M16 "because it doesn't look like a rifle", civilian shooters are a little more willing to accept the unusual or innovative. Some of the AR-15's popularity is undoubtedly based on its kinship with the M16, despite the disparaging stories floating around concerning the latter.

Many of the people purchasing the AR-15 today are survivalists who feel that if and when the ultimate chaos hits (whether from nuclear war, natural disaster, economic collapse or whatever), the old .30-30 that they carry into the woods every fall just won't cut the mustard in a prolonged fire-fight. The extra magazine capacity (20, 30 or 40 rounds), flatter trajectory and better penetration of the AR-15's .223 ammo is comforting to them.



Rifle grenade launcher/flash suppressor will accommodate current standard U.S. military rifle grenades without supplementary attachments. With the appropriate adaptor it will also launch standard U.S. military hand grenades. The bipod is recommended when firing from the prone position, either semi-auto or automatic fire, since it provides added stability.

AR-15, CAR-15, M16

One measure of any weapon's worth and success is the number of its imitators and the wealth of accessories that are available for it. The AR-15 has both .22 Long Rifle and .32 ACP look-alikes.

Numerous accessories are available which enable the individual gun owner to customize his or her AR-15 to fit their specific needs. Some of the better accessories are covered in the final chapter.

AR-15, CAR-15, M16



Physical Characteristics

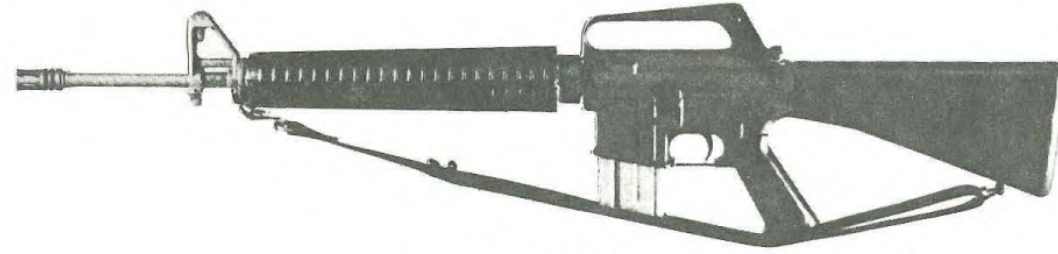
The AR-15, CAR-15 and M16 family of weapons are gas operated, air cooled, magazine fed semi-/fully automatic shoulder weapons. The AR-15 is, of course, semi-automatic only. They are of light weight and straight line construction and are, in comparison to many other rifles, extremely simple to maintain. The M16 specifications listed below apply generally to all weapons in the family, with a few exceptions, such as barrel length, overall

length and weight. The AR-15 Sporter, for instance, weighs 7.25 lbs. rather than 6.5, the Commando SMG weighs 5.5 lbs. and has a 10" barrel, the HBAR weighs 7.6 lbs., the CAR-15 Survival Rifle has a 10" barrel and weighs 4.75 lbs. and the CAR-15 heavy assault rifle weighs 8.3 lbs. Except as noted above, all weapons have a 20" barrel with the exception of the AR-15 Carbine, which has a 16" barrel.

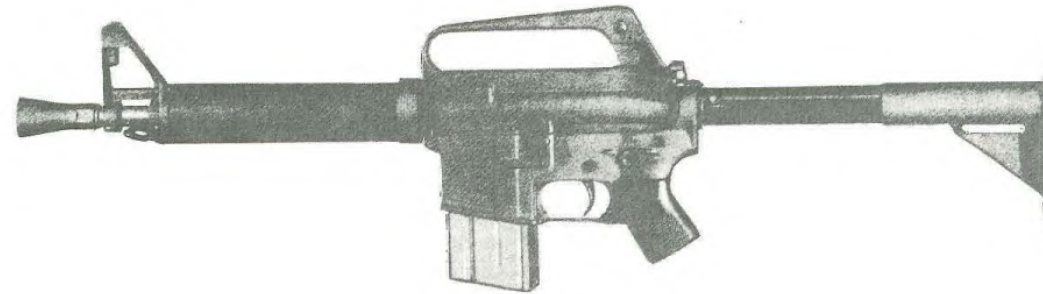
M16 RIFLE SPECIFICATIONS

Caliber	.223
Overall Length	38.6"
Barrel Length	20"
Width	2.4"
Height (w/o Magazine)	8.8"
Height (with 20 Round Magazine)	8.8"
Height (with 30 Round Magazine)	10.2"
Rifling	Button
Twist	1 in 12 (1 in 7 on M16A1E1)
Number of Grooves	6
Weight (w/o Magazine)	6.5 lbs.
Weight of Bipod	.5 lbs.
Weight of Loaded 20 Round Magazine	.71 lbs.
Weight of Loaded 30 Round Magazine	1.0 lb.
Muzzle Velocity	3250 fps (2750 fps for CAR-15 & Commando SMG)
Muzzle Energy	1285 ft. lbs. (923 ft. lbs. for CAR-15 & Commando SMG)
Rate of Fire	650-850 RPM
Safety	Rotary Trigger Block

AR-15, CAR-15, M16



M16 RIFLE



CAR-15 SURVIVAL RIFLE



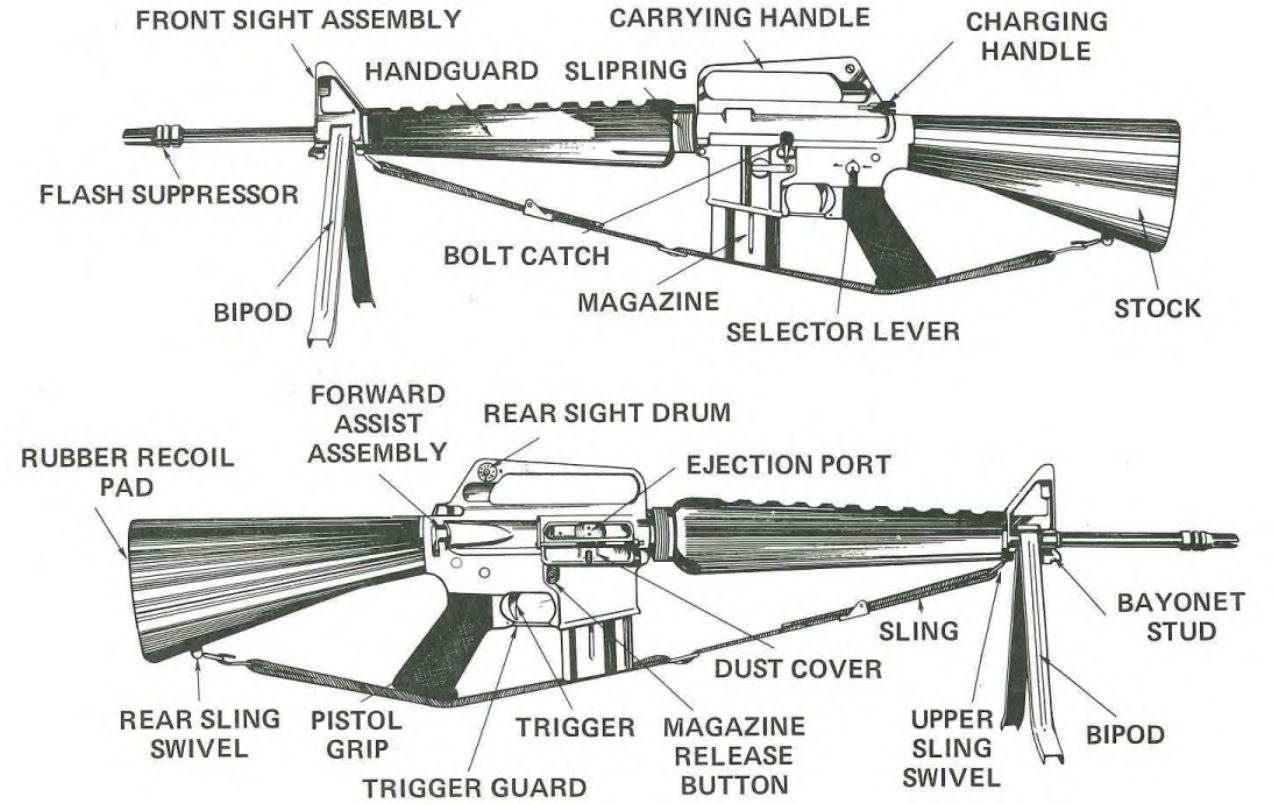
COMMANDO SUBMACHINE GUN

AR-15, CAR-15, M16

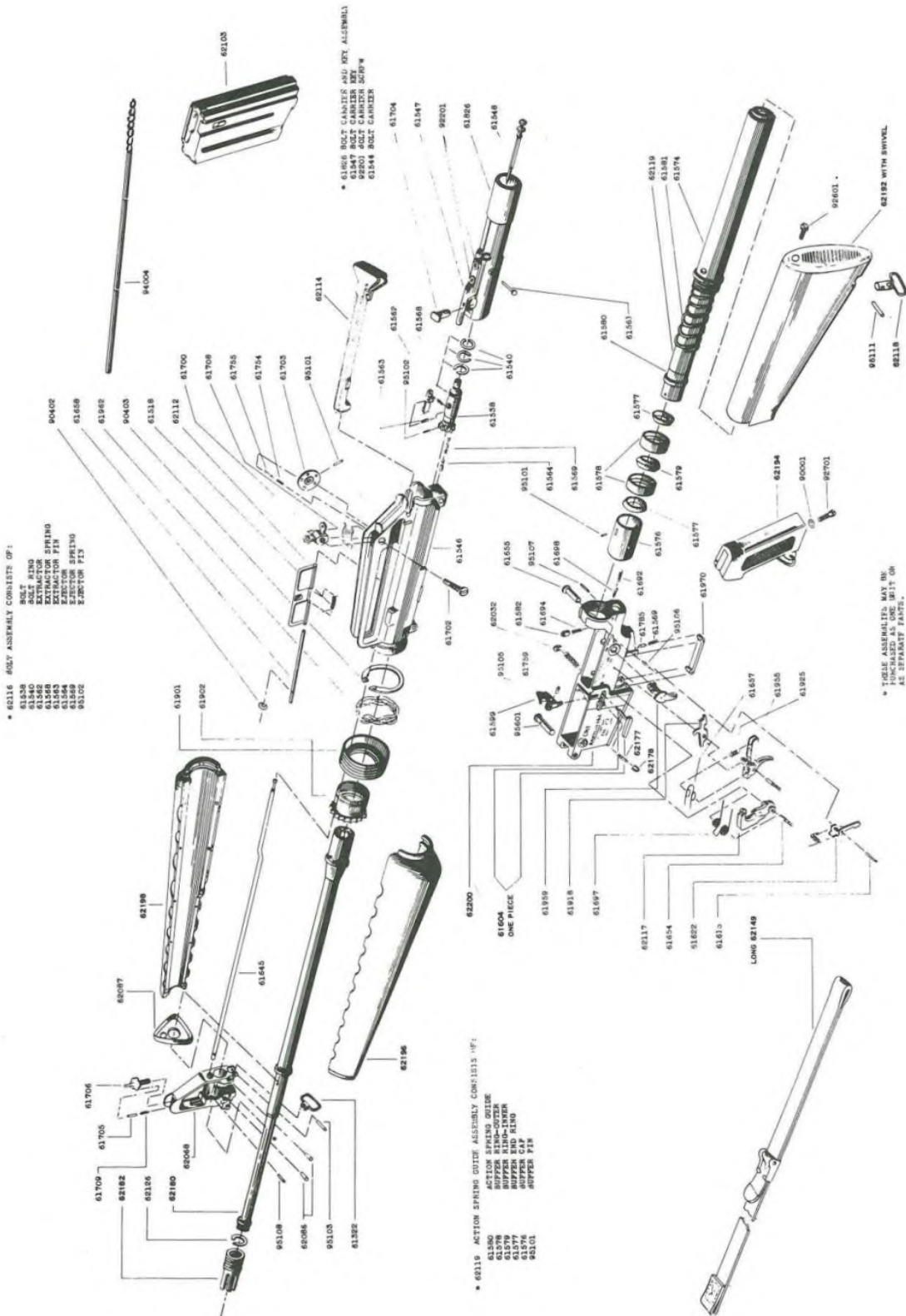
The front sight of the M16 is an adjustable, click type post with each click equalling 2.8 centimeters per every 100 meters of range. The rear sight is adjustable for both windage and elevation and is of the flip type. The normal range setting is for 0 to 300 meters, with the long range setting of 300 to 500 meters. As with the elevation

on the front sight, each notch of the windage adjustment equals 2.8 centimeters per every 100 meters of range.

The M16 is designed to fire ball, tracer and blank ammo and has a maximum range of 2,653 meters with ball ammo, the maximum effective range being 460 meters.



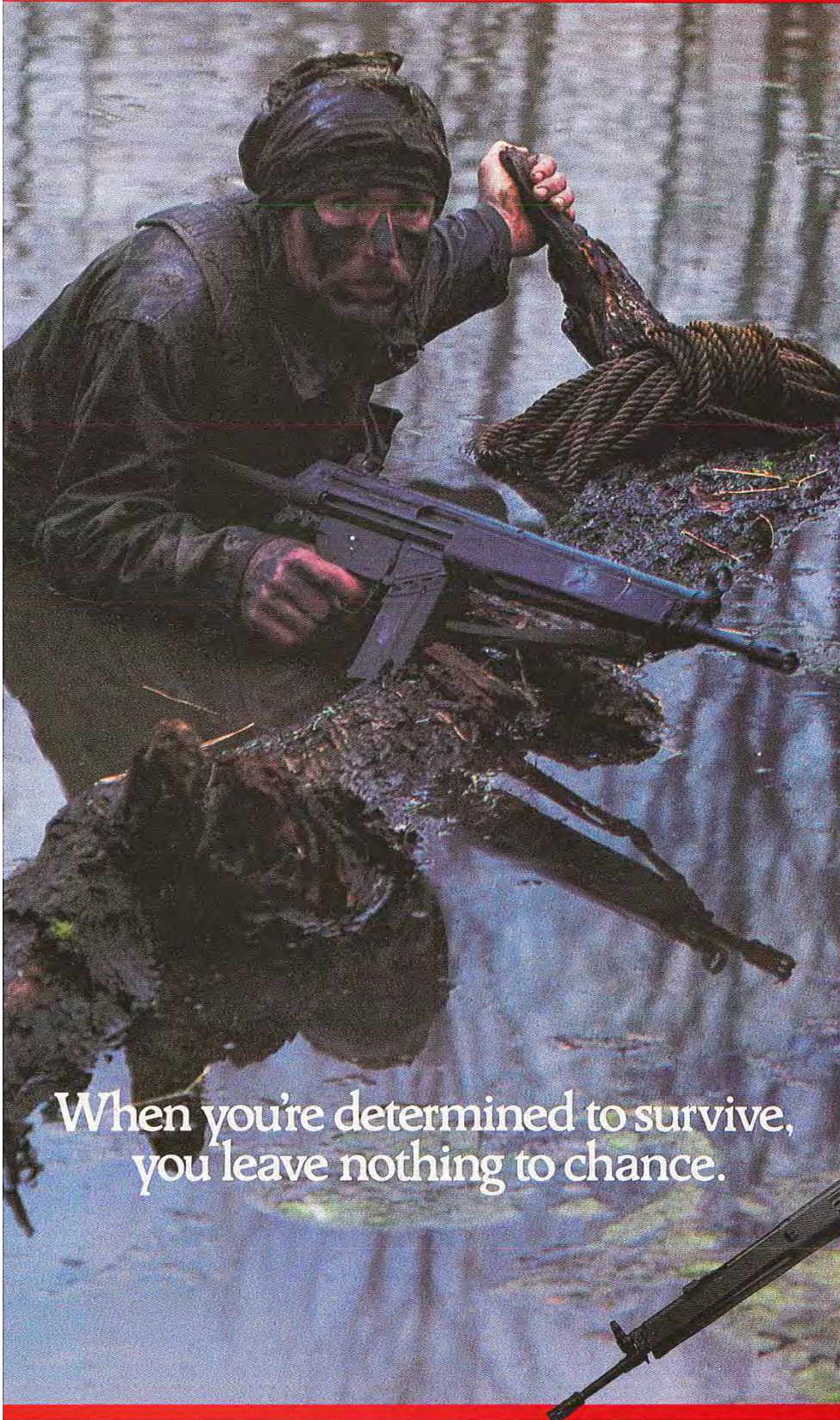
AR-15, CAR-15, M16



EXPLODED VIEW & PARTS LIST, AR-15

Case 1:22-cv-00951-RGA Document 37-1 Filed 01/31/23 Page 19 of 174 PageID #: 697

Exhibit 3



When you're determined to survive,
you leave nothing to chance.

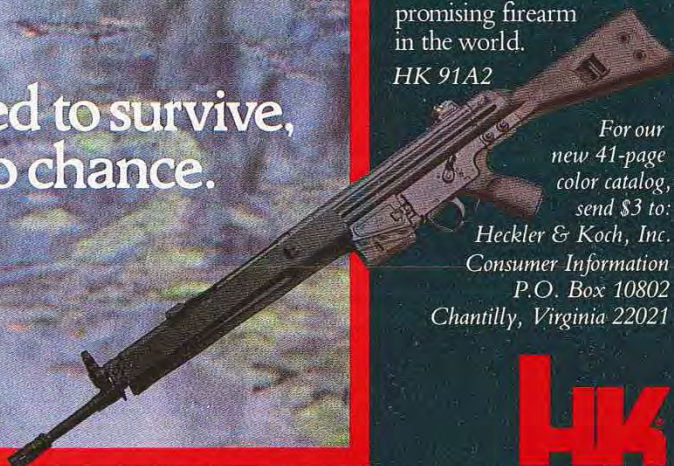
In a survival situation, you want the most uncompromising weapon that money can buy. The HK 91 Semi-Automatic Assault Rifle from Heckler & Koch.

The HK 91 was derived directly from the G3. Its delayed roller-locked bolt system reduces recoil to keep the gun on target. It exceeds the most stringent NATO accuracy requirements—right out of the box. And HK's revolutionary scope mounting system guarantees that you're still zeroed-in every time you mount your scope.

Easy to maintain and take apart, the HK 91 in cal. 308 and the HK 93 in cal. 223 were both designed as parts of an integrated gun system. The HK system of interchangeable parts and accessories enables these precision firearms to adapt quickly to changing tactical situations.

Leading military operations and law enforcement agencies around the world rely on firearms that bear the H&K name. Your choice is equally clear. You can carry an ordinary weapon. Or own the most uncompromising firearm in the world.

HK 91A2



For our new 41-page color catalog, send \$3 to:
Heckler & Koch, Inc.
Consumer Information
P.O. Box 10802
Chantilly, Virginia 22021



In a world of compromise, some men don't.

H&K firearms are designed to be as safe as possible at all times. But the safe handling and responsible use of a firearm are your responsibility. Read the owner's manual carefully before using your gun. Keep all firearms in a safe place at all times. And consult your local police department for information on firearm instruction and gun ownership in your area.

SA0148

Case 1:22-cv-00951-RGA Document 37-1 Filed 01/31/23 Page 21 of 174 PageID #: 699

Exhibit 4



SA0150



USE WHAT THEY USE.




DDMK18 FACTORY SBR
Featuring Daniel Defense's
military-adopted RIS II Rail



DANIEL DEFENSE

» LIGHTER, STRONGER, BETTER: » DANIELDEFENSE.COM

 PROUDLY AND EXCLUSIVELY
MADE IN THE USA

Whether you are patrolling a foreign land, the city streets, or your own home, your rifle can't let you down. Daniel Defense makes the world's best AR15-style rifles. Visit our website to find the perfect model for your needs.

FIND US ON    

SA0151

Case 1:22-cv-00951-RGA Document 37-1 Filed 01/31/23 Page 24 of 174 PageID #: 702

Exhibit 5

SA0152

KRISS

2020 PRODUCT CATALOG

SA0153

TABLE OF CONTENTS

TACTICAL

VECTOR G2 CRB	8
VECTOR G2 SBR	8
VECTOR G2 SDP-SB ENHANCED	9
VECTOR G2 SDP-SB	9
VECTOR G2 SDP	10

LAW ENFORCEMENT & MILITARY

VECTOR G2 SMG	14
VECTOR G2 FX	15
VECTOR G2 INERT	15

RIMFIRE

VECTOR 22 SERIES

VECTOR 22 CRB	19
VECTOR 22 SDP-SB	19

DMK 22 SERIES

DMK 22C	22
DMK 22C-LVOA	22
DMK 22P-SB	23
DMK 22P	23

HANDGUNS

SPHINX COMPACT DUTY	28
SPHINX COMPACT	28

SUPPRESSORS

4GSK	31
4GC9 COMPACT	31
4GXT9 EXTENDED	31

ACCESSORIES	32
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The KRISS origin story begins in the early 2000s. With the threat of terrorism seemingly boundless, the founders sought to create a new tool to equip those fighting for good in the global war on terror. The idea was simple: create a compact weapon system that would be more controllable, more powerful, and more user friendly than existing, antiquated firearms. It was a simple idea with a very complex solution.

Through many trials, and to the chagrin of many nay-sayers, KRISS unveiled the Vector Submachine Gun in 2006. At the core of this revolutionary firearm was the KRISS Super V System, a multilink bolt design that re-vectors recoil energy away from the shooter. The Super V System, in conjunction with the Vector's low bore axis, tames powerful cartridges such as .45ACP in which the first Vectors were chambered. Feeding the Vector is done through the ubiquitous Glock® magazine, unifying ammunition between primary and secondary, and simplifying gear configuration. The KRISS Vector is a testament to our commitment to innovation and excellence.

What began as a solitary firearm fourteen years ago is now a burgeoning weapon system available in multiple calibers, colors, and configurations. We have also applied the same ingenuity and craftsmanship to other weapons platforms. This 2020 catalog represents the very best we have to offer thus far. The past has given us invaluable experience to continue to develop new technologies, every bit as revolutionary as the ones that jump started KRISS many years ago.

TACTICAL



SA0155

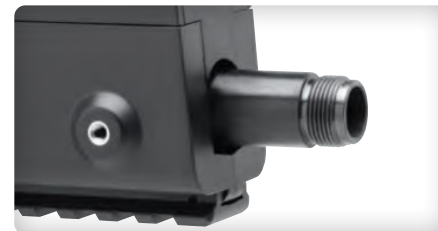
VECTOR G2 SERIES

The KRISS Vector is the ideal choice for shooters seeking a controllable, compact weapon system. Available in popular calibers such as 9mm, .40 S&W, .45 ACP, and 10mm, the KRISS Vector is compatible with full size Glock® magazines, which allows shooters to share ammunition between their handgun and KRISS Vector. The KRISS Vector field strips without the use of tools by simply removing 4 takedown pins to separate the major components for maintenance.

A wide range of accessories are also available to give users the ability to reconfigure their KRISS Vector to suit their individual needs whether for home defense, competition, or duty use.

PRODUCT HIGHLIGHTS

- A:** Picatinny rail mounting points / optional handguards
- B:** Low profile folding sights
- C:** Brass check feature
- D:** Full length Picatinny top rail
- E:** Ambidextrous short throw safety levers
- F:** Multiple stock options
- G:** Tactile pivoting trigger
- H:** Patented KRISS Super V System
- I:** Glock® magazine compatibility



Threaded muzzle for the option of attaching your favorite muzzle device or suppressor. Selected models only.



The KRISS Vector is compatible with the ubiquitous full size, Glock® magazine. The KRISS MagEx is available for extended .45ACP / 9mm / 10mm capacity.



KRISS SUPER V RECOIL MITIGATION SYSTEM

At the heart of every KRISS Vector centerfire platform is the KRISS Super V System. The nonlinear operation is unlike any other, providing a shooter enhanced control through reduced felt recoil and muzzle climb. The low bore axis also provides control by aligning the bore directly in front of the shooter's hand. Combining both the KRISS Super V System and a low bore axis, the KRISS Vector allows for faster recovery between shots and increased speeds when transitioning between targets.

VECTOR G2 CRB



PRODUCT HIGHLIGHTS:

- > 16" BARREL
- > 6 POSITION M4 STOCK

CERAKOTE® COLOR OPTIONS:



Model	Caliber	Magazine Capacity	Frame Material	Barrel Length	Overall Length (Collapsed / Extended)	Height	Width	Weight (Unloaded)
Vector CRB 9	9x19, 9x21	10 / 17 / 40	Advanced metal + polymer composite	16 in / 406.4 mm	34.7 in / 881.3 mm 38 in / 965.2 mm	6.8 in / 172.7 mm	2.6 in / 66.0 mm	8.2 lbs / 3.7 kg
Vector CRB 45	.45ACP	10 / 13 / 30	Advanced metal + polymer composite	16 in / 406.4 mm	34.7 in / 881.3 mm 38 in / 965.2 mm	6.8 in / 172.7 mm	2.6 in / 66.0 mm	8.2 lbs / 3.7 kg
Vector CRB 10	10MM	10 / 15 / 33	Advanced metal + polymer composite	16 in / 406.4 mm	34.7 in / 881.3 mm 38 in / 965.2 mm	6.8 in / 172.7 mm	2.6 in / 66.0 mm	8.2 lbs / 3.7 kg
Vector CRB 40	.40S&W	10 / 15	Advanced metal + polymer composite	16 in / 406.4 mm	34.7 in / 881.3 mm 38 in / 965.2 mm	6.8 in / 172.7 mm	2.6 in / 66.0 mm	8.2 lbs / 3.7 kg

VECTOR G2 SBR



PRODUCT HIGHLIGHTS:

- > 6.5" THREADED BARREL
- > AMBIDEXTROUS FOLDING STOCK
- > VMR 5" MODULAR HANDGUARD

CERAKOTE® COLOR OPTIONS:



Model	Caliber	Magazine Capacity	Frame Material	Barrel Length	Overall Length (Folded / Extended)	Height	Width	Weight (Unloaded)
Vector SBR 9	9x19, 9x21	10 / 17 / 40	Advanced metal + polymer composite	6.5 in / 165.1 mm 1/2" x 28 Thread	17.5 in / 444.5 mm 26.9 in / 683.3	6.8 in / 172.7 mm	2.8 in / 71.1 mm	7.5 lbs / 3.4 kg
Vector SBR 45	.45ACP	10 / 13 / 30	Advanced metal + polymer composite	6.5 in / 165.1 mm 16 x 1 LH Thread	17.5 in / 444.5 mm 26.9 in / 683.3	6.8 in / 172.7 mm	2.8 in / 71.1 mm	7.5 lbs / 3.4 kg
Vector SBR 10	10MM	10 / 15 / 33	Advanced metal + polymer composite	6.5 in / 165.1 mm 9/16" x 24 Thread	17.5 in / 444.5 mm 26.9 in / 683.3	6.8 in / 172.7 mm	2.8 in / 71.1 mm	7.5 lbs / 3.4 kg

VECTOR G2 SDP-SB ENHANCED



PRODUCT HIGHLIGHTS:

- > 6.5" THREADED BARREL
- > VMR 5" MODULAR HANDGUARD
- > SB TACTICAL SBX-K ARM BRACE

CERAKOTE® COLOR OPTIONS:



Model	Caliber	Magazine Capacity	Frame Material	Barrel Length	Overall Length (Folded / Extended)	Height	Width	Weight (Unloaded)
Vector SDP-SB E 9	9x19, 9x21	10 / 17 / 40	Advanced metal + polymer composite	6.5 in / 165.1 mm 1/2" x 28 Thread	18.5 in / 470.0 mm 25.6 in / 650.2 mm	6.8 in / 172.7 mm	2.8 in / 71.1 mm	7.3 lbs / 3.3 kg
Vector SDP-SB E 45	.45ACP	10 / 13 / 30	Advanced metal + polymer composite	6.5 in / 165.1 mm 16 x 1 LH Thread	18.5 in / 470.0 mm 25.6 in / 650.2 mm	6.8 in / 172.7 mm	2.8 in / 71.1 mm	7.3 lbs / 3.3 kg
Vector SDP-SB E 10	10MM	10 / 15 / 33	Advanced metal + polymer composite	6.5 in / 165.1 mm 9/16" x 24 Thread	18.5 in / 470.0 mm 25.6 in / 650.2 mm	6.8 in / 172.7 mm	2.8 in / 71.1 mm	7.3 lbs / 3.3 kg

VECTOR G2 SDP-SB



PRODUCT HIGHLIGHTS:

- > 5.5" THREADED BARREL
- > SB TACTICAL SBX-K ARM BRACE

CERAKOTE® COLOR OPTIONS:



Model	Caliber	Magazine Capacity	Frame Material	Barrel Length	Overall Length	Height	Width	Weight (Unloaded)
Vector SDP-SB 9	9x19, 9x21	10 / 17 / 40	Advanced metal + polymer composite	5.5 in / 139.7 mm 1/2" x 28 Thread	23.3 in / 591.8 mm	6.8 in / 172.7 mm	2.6 in / 66.0 mm	6.7 lbs / 3.0 kg
Vector SDP-SB 45	.45ACP	10 / 13 / 30	Advanced metal + polymer composite	5.5 in / 139.7 mm 16 x 1 LH Thread	23.3 in / 591.8 mm	6.8 in / 172.7 mm	2.6 in / 66.0 mm	6.7 lbs / 3.0 kg
Vector SDP-SB 10	10MM	10 / 15 / 33	Advanced metal + polymer composite	5.5 in / 139.7 mm 9/16" x 24 Thread	23.3 in / 591.8 mm	6.8 in / 172.7 mm	2.6 in / 66.0 mm	6.7 lbs / 3.0 kg
Vector SDP-SB 40	.40S&W	10 / 15	Advanced metal + polymer composite	5.5 in / 139.7 mm 9/16" x 24 Thread	23.3 in / 591.8 mm	6.8 in / 172.7 mm	2.6 in / 66.0 mm	6.7 lbs / 3.0 kg

VECTOR G2 SDP



PRODUCT HIGHLIGHTS:

- > 5.5" THREADED BARREL
- > END PLATE WITH QD SLING MOUNT

CERAKOTE® COLOR OPTIONS:



Model	Caliber	Magazine Capacity	Frame Material	Barrel Length	Overall Length	Height	Width	Weight (Unloaded)
Vector SDP 9	9x19, 9x21	10 / 17 / 40	Advanced metal + polymer composite	5.5 in / 139.7 mm 1/2" x 28 Thread	16.7 in / 425.4 mm	6.8 in / 172.7 mm	2.6 in / 66.0 mm	5.9 lbs / 2.7 kg
Vector SDP 45	.45ACP	10 / 13 / 30	Advanced metal + polymer composite	5.5 in / 139.7 mm 16 x 1 LH Thread	16.7 in / 425.4 mm	6.8 in / 172.7 mm	2.6 in / 66.0 mm	5.9 lbs / 2.7 kg
Vector SDP 10	10MM	10 / 15 / 33	Advanced metal + polymer composite	5.5 in / 139.7 mm 9/16" x 24 Thread	16.7 in / 425.4 mm	6.8 in / 172.7 mm	2.6 in / 66.0 mm	5.9 lbs / 2.7 kg
Vector SDP 40	.40S&W	10 / 15	Advanced metal + polymer composite	5.5 in / 139.7 mm 9/16" x 24 Thread	16.7 in / 425.4 mm	6.8 in / 172.7 mm	2.6 in / 66.0 mm	5.9 lbs / 2.7 kg

EXPANDED CAPACITY

The KRISS MagEx2 Kit is a must have accessory to complement your KRISS Vector, or Glock® handgun. The MagEx2 Kit replaces the baseplate on your full size, standard capacity Glock® magazine to drastically increase capacity. The MagEx2 Kit boasts a capacity of 40 rounds of 9mm when affixed to a G17 magazine, 33 rounds of 10mm when affixed to a G20 magazine, and 30 rounds of .45ACP when affixed to a G21 magazine.



MagEx2 9mm shown with Glock® G17.



MagEx2 .45ACP shown with Vector CRB.



LAW ENFORCEMENT & MILITARY



VECTOR G2 SMG



The KRISS Vector SMG is the ideal choice for law enforcement and military seeking a controllable, compact weapon system for CQB environments. Available in popular calibers 9x19mm and .45 ACP, the KRISS Vector SMG is compatible with full size Glock® magazines, which allows users to share ammunition between their duty handgun and the KRISS Vector. Its safety and fire select levers are specifically designed to be separate and are ambidextrous. The KRISS Vector field strips without the use of tools by simply removing 4 takedown pins to separate the major components for maintenance.

Whether for personal security or kinetic operations, the KRISS Vector SMG provides users the flexibility to reconfigure their KRISS Vectors to suit individual needs through a wide range of accessories.

STOCK OPTIONS:

AR15 STOCK

The rear of the Vector's receiver is threaded to accept any commercial spec or MIL-SPEC AR-15 buffer tube or stock, offering the same stability and feel that many operators are already accustomed.



HELMET STOCK

Designed for users involved in high risk operations where the use of a standard stock is impractical due to additional layers of protection. The stock may be folded for compact storage and is adjustable for length of pull.



PRODUCT HIGHLIGHTS:

- > 6.5" THREADED BARREL
- > FOLDING AND TELESCOPING STOCK WITH QD SLING MOUNTS
- > VMR MK5 HANDGUARD WITH HAND STOP AND ACCESSORY RAIL SECTIONS

CERAKOTE® COLOR OPTIONS:



Model	Caliber	Magazine Capacity	Frame Material	Barrel Length	Overall Length (Folded / Unfolded)	Height	Width	Weight (Unloaded)
Vector SMG 9	9x19	17 / 40	Advanced metal + polymer composite	6.5 in / 165.1 mm 1/2" x 28 Thread	18.5 in / 469.9 mm 27.9 in / 708.6 mm	6.8 in / 172.7 mm	2.8 in / 71.1 mm	7.45 lbs / 3.4 kg
Vector SMG 45	.45ACP	13 / 30	Advanced metal + polymer composite	6.5 in / 165.1 mm 16 x 1 LH Thread	18.5 in / 469.9 mm 27.9 in / 708.6 mm	6.8 in / 172.7 mm	2.8 in / 71.1 mm	7.45 lbs / 3.4 kg

VECTOR TRAINING TOOLS

KRISS Vector Training Products are designed for users seeking to safely train for weapons familiarity and force-on-force scenarios. The lowers are designed to accept any KRISS Vector compatible accessory, allowing users to configure according to training requirements.

VECTOR G2 SMG FX

The KRISS Vector can be outfitted with a FX Lower which allows it to fire training cartridges for force-on-force training. Accessories used on duty weapons may be mounted to the FX Lower, allowing shooters to train seamlessly.



Model	Caliber	Magazine Capacity	Frame Material	Barrel Length	Overall Length (Folded / Unfolded)	Height	Width	Weight (Unloaded)
Vector SMG 9	9x19	17 / 40	Advanced metal + polymer composite	5.5 in / 139.7 mm 1/2" x 28 Thread	18.5 in / 469.9 mm 27.9 in / 708.6 mm	6.8 in / 172.7 mm	2.8 in / 71.1 mm	6.3 lbs / 2.8 kg

VECTOR G2 SMG INERT

The Vector SMG Inert is an invaluable training tool with the same dimensions and functions of the firearm, but without the ability to chamber and fire, it is ideal for dynamic training environments.



Model	Caliber	Magazine Capacity	Frame Material	Barrel Length	Overall Length (Folded / Unfolded)	Height	Width	Weight (Unloaded)
Vector SMG 9	9x19	17 / 40	Advanced metal + polymer composite	6.5 in / 165.1 mm 1/2" x 28 Thread	18.5 in / 469.9 mm 27.9 in / 708.6 mm	6.8 in / 172.7 mm	2.8 in / 71.1 mm	7.45 lbs / 3.4 kg
Vector SMG 45	.45ACP	13 / 30	Advanced metal + polymer composite	6.5 in / 165.1 mm 16 x 1 LH Thread	18.5 in / 469.9 mm 27.9 in / 708.6 mm	6.8 in / 172.7 mm	2.8 in / 71.1 mm	7.45 lbs / 3.4 kg

RIMFIRE



The KRISS Vector 22 series firearms are distinct, semi-automatic rimfire sporting rifles that incorporate the iconic aesthetics and ergonomics of the patented KRISS Vector submachine gun design.

Engineered to fire the .22 LR cartridge and designed for both training and small game hunting, the Vector 22 is a one of a kind firearm that brings out of the box precision, performance, and value in an iconic design.



NEW
VECTOR 22 **CRB**



PRODUCT HIGHLIGHTS:

- > 16" THREADED BARREL
- > LAST ROUND BOLT LOCK
- > ALUMINUM M-LOK HANDGUARD
- > AMBIDEXTROUS SAFETY
- > 6 POSITION M4 STOCK
- > 10RD MAGAZINE
- > LOW PROFILE FOLDING SIGHTS

COLOR OPTIONS:



Model	Caliber	Magazine Capacity	Frame Material	Barrel Length	Overall Length (Collapsed / Extended)	Height	Width	Weight (Unloaded)
Vector 22 CRB	.22LR	10 / 30	Advanced metal + polymer composite	16.0 in / 406.4 mm 1/2" x 28 Thread	34.5 in / 876.3 mm 37.7 in / 958.8 mm	6.8 in / 172.7 mm	2.6 in / 66.0 mm	7.4 lbs / 3.3kg

NEW
VECTOR 22 **SDP-SB**



PRODUCT HIGHLIGHTS:

- > 6.5" THREADED BARREL
- > LAST ROUND BOLT LOCK
- > SB TACTICAL SBX-K ARM BRACE

COLOR OPTIONS:



Model	Caliber	Magazine Capacity	Frame Material	Barrel Length	Overall Length	Height	Width	Weight (Unloaded)
Vector 22 SDP-SB	.22LR	10 / 30	Advanced metal + polymer composite	6.5 in / 165.0 mm 1/2" x 28 Thread	24.3 in / 617.2 mm	6.8 in / 172.7 mm	2.6 in / 66.0 mm	5.6 lbs / 2.5 kg

DMK22 SERIES

The DMK22 is a dedicated .22LR semi-automatic rifle platform that is optimized for accuracy, realistic training, and offers limitless customization from front to back. Recognizing the need for low cost training and familiarization, KRISS USA Inc set out to design a rimfire rifle that replicates the form and function of centerfire AR15 rifles, while taking advantage of low cost .22 LR ammunition.

The patented barrel adapter allows DMK22 Series rifles to accept aftermarket 10/22 barrels to accommodate different performance needs. To accurately mimic AR15s, a functional, last round bolt catch is also included, which engages once ammunition in the DMK22 magazines has been expended. Popular .22 LR AR15 magazines may also be used, however the last round bolt catch only engages with KRISS DMK22 magazines.

PRODUCT HIGHLIGHTS

- A:** Ruger® 10/22 barrel compatibility*
- B:** Low profile folding sights
- C:** Free float handguard
- D:** Full length Picatinny top rail
- E:** Forged aluminum receivers
- F:** Last round bolt lock
- G:** Standard AR15 charging handle
- H:** M4 6 position stock
- I:** Standard AR15 safety selector

* KRISS USA recommends installation by a professional gunsmith.



Customize and add your favorite attachments by mounting keymod rail sections directly onto the DMK22 handguard.



Designed as the ultimate AR training platform the DMK22 features a true last round bolt lock function.

CUSTOMIZABILITY

The DMK22 is in a class of its own among .22LR firearms, thanks to its unparalleled construction and features. However, when customized with industry leading performance upgrades, the DMK22 is elevated to a whole new level.

1. The DMK22 is equipped with a mil-spec AR-15 buffer tube. The OEM stock on this model has been exchanged for one featuring a short picatinny rail section, designed for a monopod.

2. A variable zoom, first focal plane, scope has been added to the MIL-STD 1913 top receiver rail, allowing for competition grade accuracy.

3. The DMK22 is compatible with AR-15 triggers. Installed on this rifle is a flat bow, two stage, trigger with a 2.5lb press.

4. Additional AR-15 furniture add the finishing touches to this DMK22; such as the ergonomic pistol grip, extended charging handle, polished aluminum magazine release, and polished aluminum forward assist.

5. Ruger® 10/22, sporting chambered, barrels can be used in the DMK thanks to our patented barrel adaptor. This rifle has been fitted with a lightweight carbon fiber tension barrel to tighten its groupings to sub 1 MOA*.



DMK 22C



PRODUCT HIGHLIGHTS:

- > 16.5" THREADED BARREL
- > ALUMINUM FREE FLOAT HANDGUARD
- > PATENTED RUGER® 10/22 BARREL COMPATIBILITY

CERAKOTE® COLOR OPTIONS:



Model	Caliber	Magazine Capacity	Frame Material	Barrel Length	Overall Length (Collapsed / Extended)	Height	Width	Weight (Unloaded)
DMK 22C	.22LR	10 / 15	Advanced metal + polymer composite	16.5 in / 419.1 mm 1/2" x 28 Thread	32.0 in / 812.8 mm 35.2 in / 895.4 mm	7.3 in / 184.4 mm	2.6 in / 66.0 mm	6.6 lbs / 2.9 kg

DMK 22C-LVOA



PRODUCT HIGHLIGHTS:

- > 16.5" THREADED BARREL
- > LICENSED WARSPORT® LVOA HANDGUARD
- > PATENTED RUGER® 10/22 BARREL COMPATIBILITY

CERAKOTE® COLOR OPTIONS:



Model	Caliber	Magazine Capacity	Frame Material	Barrel Length	Overall Length (Collapsed / Extended)	Height	Width	Weight (Unloaded)
DMK 22C LVOA	.22LR	10 / 15	Advanced metal + polymer composite	16.5 in / 419.1 mm 1/2" x 28 Thread	32.0 in / 812.8 mm 35.2 in / 895.4 mm	7.3 in / 184.4 mm	2.6 in / 66.0 mm	7.1 lbs / 3.2 kg

DMK 22P-SB



PRODUCT HIGHLIGHTS:

- > 8" THREADED BARREL
- > ALUMINUM FREE FLOAT HANDGUARD
- > SB TACTICAL SBX-K ARM BRACE

CERAKOTE® COLOR OPTIONS:



Model	Caliber	Magazine Capacity	Frame Material	Barrel Length	Overall Length	Height	Width	Weight (Unloaded)
DMK 22P-SB	.22LR	10 / 15	Advanced metal + polymer composite	8 in / 203.2 mm 1/2" x 28 Thread	22.9 in / 581.6 mm	7.3 in / 184.4 mm	2.5 in / 65.5 mm	4.85 lbs / 2.2 kg

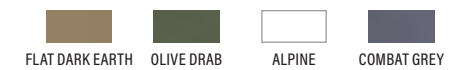
DMK 22P



PRODUCT HIGHLIGHTS:

- > 8" THREADED BARREL
- > ALUMINUM FREE FLOAT M-LOK HANDGUARD
- > END CAP WITH QD SLING MOUNT

CERAKOTE® COLOR OPTIONS:



Model	Caliber	Magazine Capacity	Frame Material	Barrel Length	Overall Length	Height	Width	Weight (Unloaded)
DMK 22P	.22LR	10 / 15	Advanced metal + polymer composite	8 in / 203.2 mm 1/2" x 28 Thread	16.6 in / 421.5 mm	7.3 in / 184.4 mm	2.5 in / 65.5 mm	4.25 lbs / 1.9 kg

HANDGUNS



SPHINX PISTOL SERIES



SPHINX pistols are precision built for the discerning shooter. Each part in a SPHINX pistol is machined from quality materials and fitted to ensure premium performance. Every pistol is packaged with grip inserts that accommodate various hand sizes. The grip inserts not only adjust the length of the grip but also the width of the palm swells.

Though there are many faster and more economical ways to produce a pistol, there is only one way to make a SPHINX and the tradition of excellence is the cornerstone of the SPHINX brand.

PRODUCT HIGHLIGHTS

- A:** Front slide serrations
- B:** PVD coated slide
- C:** Hard anodized aluminum upper and lower frame
- D:** Ambidextrous decocking lever
- E:** High cut bevertail
- F:** Interchangeable grip inserts
- G:** Beveled magazine well
- H:** Reversible magazine release
- I:** Enlarged trigger guard with undercut
- J:** Match grade trigger
- K:** Picatinny accessory rail



THREADED BARREL

Optional threaded barrel for the attachment of suppressors



CUSTOMIZABLE COMFORT

Three comfort grip inserts (S, M, L), allowing the shooter to adjust the width and depth of their pistol grip for the ideal fit.

SPHINX SIGNATURE DESIGN

Integrating the designs of the SPHINX tactical and competition lineage, the SPHINX SDP series is the complete package of the highest quality steel, aluminum, and advanced polymer composite construction.

A closer look at individual components will reveal the value of SPHINX, and why it is quickly becoming the top choice for shooters worldwide.

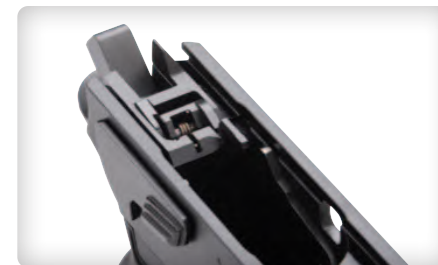


The slide of a SPHINX SDP is shallow in order to lower the bore axis, aiding the shooter with recoil management.

The frame of the SPHINX SDP is machined with full length guide rails designed to reduce axial slide movement and improve accuracy.



The lower frame of the SPHINX SDP is a standalone component that can be changed per the shooter's length and material preferences.



Every metal component on every SPHINX pistol is machined from a solid block of billet, then meticulously hand fitted. Custom quality craftsmanship in a production pistol.



The white dot front sight and black rear U-notch sight allow for immediate recognition when acquiring your sight picture for fast and accurate shooting.

SPHINX COMPACT DUTY



PRODUCT HIGHLIGHTS:

- > EXTENDED FRAME FOR USE WITH 17 ROUND MAGAZINES

Model	Caliber	Magazine Capacity	Barrel Length	Twist Rate	Length	Height	Width	Weight (Unloaded)
Compact Duty	9x19	10 / 17	3.7 in / 93.9 mm	1:10" RH	7.4 in / 187.9 mm	5.7 in / 144.8 mm	1.4 in / 35.5 mm	29.7 oz / 841.9 g

FRAME MATERIAL & FINISH

	Black	Colors
Slide	PVD coated steel	Cerakote® steel
Upper Frame	Hard anodized aluminum	Cerakote® aluminum
Lower Frame	Hard anodized aluminum	Cerakote® aluminum

CERAKOTE® COLOR OPTIONS:



SPHINX COMPACT



PRODUCT HIGHLIGHTS:

- > COMPACT FRAME FOR USE WITH 15 ROUND MAGAZINES

Model	Caliber	Magazine Capacity	Barrel Length	Twist Rate	Length	Height	Width	Weight (Unloaded)
Compact	9x19	10 / 15	3.7 in / 93.9 mm	1:10" RH	7.4 in / 187.9 mm	5.4 in / 137.1 mm	1.4 in / 35.5 mm	29.1 oz / 824.9 g

FRAME MATERIAL & FINISH

	Black	Colors
Slide	PVD coated steel	Cerakote® steel
Upper Frame	Hard anodized aluminum	Cerakote® aluminum
Lower Frame	Hard anodized aluminum	Cerakote® aluminum

CERAKOTE® COLOR OPTIONS:



SUPPRESSOR

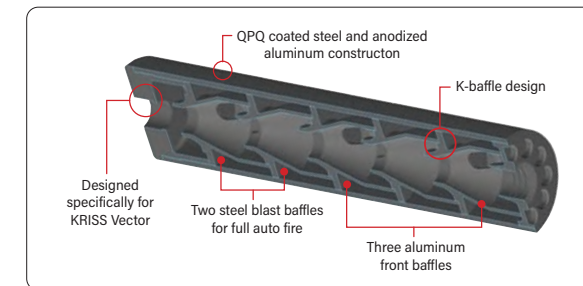


4GSK

KRISS High Precision Suppressors are designed for various host firearms to deliver outstanding sound reduction and accuracy. The suppressors are full auto rated and minimize point of impact shift when in use. Attachment methods include: direct thread and 3 lug.



CROSS SECTION:



PRODUCT HIGHLIGHT:

- > K-TYPE BAFFLE
- > 5 BAFFLE COUNT

Model	Caliber	Length	Weight	Diameter	Material	Treatment	Barrel Threading
4GSK	.45ACP	197 mm	500 g	46 mm	T6 aluminum & steel alloys	Type III Mil-Spec black hard anodizing	16 x 1 mm LH Thread

4GC9 COMPACT

PRODUCT HIGHLIGHT:

- > K-TYPE BAFFLE
- > 4 BAFFLE COUNT



Model	Caliber	Length	Weight	Diameter	Material	Treatment	Barrel Threading
4GC5 COMPACT	9x19	153 mm	300 g	35.5 mm	T6 aluminum & steel alloys	Type III Mil-Spec black hard anodizing	M13.5 x 1 LH Thread

4GXT9 EXTENDED

PRODUCT HIGHLIGHT:

- > K-TYPE BAFFLE
- > 6 BAFFLE COUNT



Model	Caliber	Length	Weight	Diameter	Material	Treatment	Barrel Threading
4GXT9 EXTENDED	9x19	197 mm	420 g	35.5 mm	T6 aluminum & steel alloys	Type III Mil-Spec black hard anodizing	1/2" x 28 Thread

ACCESSORIES



MAGEX2 KIT

The KRISS MagEx2 Kit is the ultimate baseplate extension for your factory standard Glock® magazines. Available in 9x19, .45 ACP, and 10mm calibers.

COLOR OPTIONS:



BLACK

9x19 [SKU: KVA-MX2K90BL00]
.45ACP [SKU: KVA-MX2K45BL00]
10mm [SKU: KVA-MX2K10BL00]

FLAT DARK EARTH

9x19 [SKU: KVA-MX2K90FD00]
.45ACP [SKU: KVA-MX2K45FD00]
10mm [SKU: KVA-MX2K10FD00]

ALPINE

9x19 [SKU: KVA-MX2K90AP00]
.45ACP [SKU: KVA-MX2K45AP00]
10mm [SKU: KVA-MX2K10AP00]



DMK22 10RDS & 15RDS MAGAZINE

The DMK22 magazines are designed to engage the last round bolt catch feature on DMK22 rifles and pistols when empty. Constructed of durable polymer, the magazines are user serviceable with minimal tools. Available in 10 and 15 round capacities
10RDS [SKU: DA-M10BL00]
15RDS [SKU: DA-M15BL00]



KRISS LOW PROFILE FLIP SIGHTS

These KRISS sights are designed to minimize bulk while folded. Point of impact adjustment can be made without tools, and the wide range of elevation adjustment is ideal for rifle and pistol caliber platforms.

STEEL FRONT [SKU: DA-FSBL00]
STEEL REAR [SKU: DA-RSBL00]
POLYMER FRONT [SKU: DA-PFSBL00]
PLYMER REAR [SKU: DA-PRSBL00]



COLOR OPTIONS:



DS150 STOCK

Made from advanced polymer composites, the DS150 is made to withstand the elements and provide stability with the use of a rifle. It also features two QD sling attachment points, rubber butt pad, and a specially designed adjustment lever that eases installation of the stock.

BLACK [SKU: DA-DS150BL00]
FLAT DARK EARTH [SKU: DA-DS150FD00]
OLIVE DRAB [SKU: DA-DS150GR00]
ALPINE [SKU: DA-DS150AP00]
COMBAT GREY [SKU: DA-DS150CG00]



VECTOR 22 10RDS MAGAZINE

The Vector 22 10 round magazine is a drop free, polymer magazine included with every Vector 22 model.

[SKU: DA-V22M10BL00]



VECTOR 22 30RDS MAGAZINE

The Vector 22 30 round magazine provides more ammunition capacity whether for training or competition. Fits all models of the Vector 22.

BLACK [SKU: DA-V22M30BL00]
FLAT DARK EARTH [SKU: DA-V22M30FD00]
ALPINE [SKU: DA-V22M30AP00]

COLOR OPTIONS:



MK1 VECTOR MODULAR RAIL (VMR)

The MK1 Vector Modular Rail is a form fitting hand guard extension that accepts the addition of the side rail kits for the attachment of accessories. Mounts directly to the body of GEN 2 Vector Models.

BLACK [SKU: KVA-VMRBK01]
FLAT DARK EARTH [SKU: KVA-VMRFD01]
OLIVE DRAB [SKU: KVA-VMRGR01]
ALPINE [SKU: KVA-VMRAP01]
COMBAT GREY [SKU: KVA-VMRCG01]

COLOR OPTIONS:



VECTOR AMBIDEXTRIOUS FOLDING STOCK

The KRISS Vector Ambi Folding Stock is a drop in, replacement stock for the KRISS Vector Gen 2.1 platform. It features ambidextrous folding capability as well as 3 length of pull positions.

[SKU: KVA-FSBL30]



SPHINX MAGAZINES

SPHINX magazines are masterfully made in Italy from top quality steel and polymer. SPHINX magazines utilize high visibility, red followers and are available in 10, 15, and 17 round capacities.

10RDS [SKU: S4-PXXXX-X008]
15RDS [SKU: S4-PXXXX-X001]
17RDS [SKU: S4-PXXXX-X009]



ENHANCED SAFETY LEVER

The KRISS Vector enhanced safety levers are CNC machined, drop in upgrades for the KRISS Vector platform. The increased texturing and precision machining provides improved control, ensuring consistent and positive manipulation.

BLACK [SKU: KVA-SSBK00]
RED [SKU: KVA-SSRD00]



DMK22 AMBIDEXTRIOUS FOLDING STOCK ADAPTER

The DMK22 stock adapter is constructed of aluminum and steel and allows for the attachment of AR-15 type buffer or pistol tubes, and can be configured to fold to the left or right side with only a few tools, in a matter of moments.

[SKU: DA-FSABL00]



VECTOR AMBIDEXTRIOUS FOLDING STOCK ADAPTER

The KRISS Vector Folding Stock Adapter is a drop in accessory for those looking to attach their own stocks that utilize a standard MILSPEC buffer tube. Fits Vector Gen 2.1 models

[SKU: KVA-FSABL00]



PICATINNY HAND STOP

Serves as a point of reference to prevent the shooter's support hand from coming in contact with the barrel. Compatible with any MIL-STD 1913 Picatinny Rails.

[SKU: KVA-FGBL00]



SIDE RAIL KIT

7-slot Picatinny rail section that can be attached to the left or right side of the KRISS Vector lower receiver. The perfect solution for adding lights, lasers, and other shooting aids, to the Vector.

[SKU: KVA-SRKBL00]



MK5 VECTOR MODULAR RAIL (VMR)

The KRISS VMR MK5 is a handguard designed specifically for Vectors with 6.5" length barrels or 5.5" length barrels with extended muzzle devices (such as suppressors and linear compensators). It allows users to attach a larger variety of accessories to the Vector.

[SKU: KVA-VMRBK07]



KRISS VERTICAL GRIP

The KRISS Vertical Grip is designed for short submachine gun platforms such as the KRISS Vector. The integrated hand stop helps to prevent end users from moving their fingers dangerously close to a weapon's muzzle. The grip features side panels which allow users to mount and route their light/laser tape switches to the vertical grip directly.

[SKU: KVA-VGBL00]



VECTOR HELMET STOCK

The KRISS Vector Helmet Stock is designed for users involved in high risk operations, where the use of a standard stock is impractical due to additional layers of protection.

The stock may be folded for compact storage and is adjustable for length of pull.

[SKU: KVA-FSBL32]



ERGONOMIC PISTOL GRIP

This rugged pistol grip is comfortable and controllable with the grooved and channel cut front section for a secure grip.

BLACK [SKU: DA-PGBL00]
FLAT DARK EARTH [SKU: DA-PGFD00]
OLIVE DRAB [SKU: DA-PGGR00]
ALPINE [SKU: DA-PGAP00]
COMBAT GREY [SKU: DA-PGCG00]

COLOR OPTIONS:



VECTOR ENHANCED SHROUD

Standard equipment on the KRISS Vector GEN 2, the Enhanced Shroud serves as an upgrade option for KRISS Vector GEN 1 owners seeking the modern look.

[SKU: KVA-CSSBL18]



All product specifications are subject to change without notice.


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SA0170

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Case 1:22-cv-00951-RGA Document 37-1 Filed 01/31/23 Page 44 of 174 PageID #: 722

Exhibit 6

SA0172



RUGER®
2020 FIREARMS CATALOG



SA0173



RUGER® LIGHTWEIGHT, COMPACT PISTOLS

Ruger offers lightweight, compact pistols for every personal protection need.



NEW
LCP® II in .22 LR
(Model 13705)

RUGER® LIGHTWEIGHT, COMPACT PISTOLS			
			
LCP®	LCP® II	EC9s®	LC380CA™
THREE CALIBERS		FOUR FAMILIES	



LC380CA™
(Model 3253)



NEW
EC9s® with
Gray Grip Frame
(Model 13201)

RUGER LCP® | LCP® II

LCP® FEATURES

- Compact and lightweight, the LCP® is designed to fit a variety of holsters.
- Textured grip frame provides a secure and comfortable grip.
- Fixed front and rear sights are integral to the slide, while the hammer is recessed within the slide.
- Rugged construction with through-hardened steel slide and one-piece, high-performance, glass-filled nylon grip frame.
- Includes finger grip extension floorplate that can be added to the magazine for comfort and improved grip.
- Black oxide, alloy steel barrel.
- Also includes: one magazine.



LCP®



Model 3701 Shown



Model 13704 Includes an IWB Holster

Model Number	Caliber	Capacity	Slide/Finish	Grip Frame	COMPARE		Barrel Length	Overall Length	Height	Width	Weight	Twist	Suggested Retail
					Sights								
3701	380 Auto	6+1	Alloy Steel/Black Oxide	Black, High-Performance, Glass-Filled Nylon	Integral		2.75"	5.16"	3.60"	0.82"	9.6 oz.	1:16"	\$259.00
3752	380 Auto	6+1	Alloy Steel/Black Oxide	Black, High-Performance, Glass-Filled Nylon	Integral/Viridian® E-Series™ Red Laser		2.75"	5.16"	3.60"	0.82"	10.4 oz.	1:16"	\$349.00
NEW 13704	380 Auto	6+1	Alloy Steel/Black Oxide	Black, High-Performance, Glass-Filled Nylon	Integral		2.75"	5.16"	3.60"	0.82"	9.6 oz.	1:16"	\$279.00

LCP® II FEATURES

- Secure Action™ fire control that combines the smooth pull of the LCP® with the short, crisp feel and positive reset of a single action.
- Larger grip surface for better distribution of recoil forces.
- Improved sights for superior visibility.
- Magazine is designed to hold open slide after last round ejection.
- Safety features include an integrated trigger safety; neutrally balanced sear with significant engagement and strong spring tension; and hammer catch to help prevent the hammer from contacting the firing pin unless the trigger is pulled.
- Also includes: one magazine. Model 13705 includes one magazine loader.

LCP® II



Model 3750 Shown



Model Number	Caliber	Capacity	Slide/Finish	Grip Frame	COMPARE		Barrel Length	Overall Length	Height*	Width	Weight	Twist	Suggested Retail
					Sights								
3750	380 Auto	6+1	Alloy Steel/Black Oxide	Black, High-Performance, Glass-Filled Nylon	Integral		2.75"	5.17"	3.71"	0.91"	10.6 oz.	1:16"	\$349.00
3758	380 Auto	6+1	Alloy Steel/Black Oxide	Black, High-Performance, Glass-Filled Nylon	Integral/Viridian® E-Series™ Red Laser		2.75"	5.17"	3.71"	0.91"	11.4 oz.	1:16"	\$439.00
3787	380 Auto	7+1	Alloy Steel/Black Oxide	Black, High-Performance, Glass-Filled Nylon	Integral		2.75"	5.17"	4.40"	0.91"	11 oz.	1:16"	\$399.00

LCP® II in .22 LR



NEW



Lite Rack™ System Includes Refined Slide Serrations, Pronounced Cocking Ears and a Lighter Recoil Spring, Allowing for Easy Slide Manipulation

Low Recoil for Comfortable Training

Patent-Pending Floorplate Assembly Extends the Grip for Improved Control

Manual Safety Oriented in an Instinctive and Unobtrusive Push-Forward-to-Fire Configuration

Model Number	Caliber	Capacity	Slide/Finish	Grip Frame	Sights	Barrel Length	Overall Length	Height*	Width	Weight	Twist	Suggested Retail
NEW 13705	22 LR	10+1	Alloy Steel/Black Oxide	Black, High-Performance, Glass-Filled Nylon	Integral	2.75"	5.20"	4"	0.97"	11.2 oz.	1:16"	\$349.00

* With magazine installed.



SA0175

Case 1:22-cv-00951-RGA Document 37-1 Filed 01/31/23 Page 129 of 174 PageID #: 807

Exhibit 7

SA0176

CIVILIAN PRODUCTS



SA0177

VP SERIES 9 MM X 19 / .40 S&W

In 2014, the introduction of the Heckler & Koch 9 mm VP9 took the firearms industry by storm. The following year, the HK VP40 — with its powerful .40 S&W chambering joined the VP Series lineup.

In development for more than four years, the VP Series is Heckler & Koch's latest handgun and the first striker fired HK since the renowned P7 series pistols were introduced in the 1980s.

Experience gained by HK engineers with the P30 pistol had a direct influence on the design of the VP, but the VP Series breaks new ground with its integration of a unique striker firing system with an enhanced HK precision strike trigger. The net result is trigger quality unequalled in any production striker fired handgun.

Heckler & Koch pioneered the first striker fired handguns, producing both the VP70 and P7 series, designs that impacted several models by HK competitors. But a superior trigger has eluded most striker fired pistol designs.

The VP trigger surpasses those found on competitors. It has a short, light take-up with a solid, single action type break followed by a short positive reset.

The VP trigger has a consistent pre-travel pull with a positive wall/ crisp break. Typically, striker fired guns have a pre-travel pull that increases in weight as you go through the trigger stroke. With the VP, you have a less than noticeable pre-travel pull until the trigger reaches the engagement point of the fire control parts prior to trigger break.

The VP uses HK's ergonomic handgun grip design that includes three changeable backstraps and six grip side panels— accommodating all hand sizes. Molded finger grooves in the front of the pistol's grip also instinctively position an operator's hand for optimal shooting. Only HK handguns have such a customized grip.

Although influenced by other HK models, the VP Series has all the hallmarks of the latest, state-of-the-art handgun. All controls are completely ambidextrous. Slide releases are present on both sides of the frame and the magazine release can be easily activated by left- or right-handed shooters.

A new feature is HK's patented charging supports — simple components that are mounted on each side of the rear of the slide and provide better gripping leverage for racking the slide rearward. The charging supports speed reloading and make operating the VP easier for shooters with reduced hand strength. VP Series pistols use the proven HK P30 steel magazine design; 15-round (9 mm) and 13-round (.40 S&W). Reduced, 10-round capacity magazines are also available.

VP Series pistols have an extended Picatinny MIL-STD-1913 rail molded into their polymer frame for mounting lights and accessories. The rail has been tested and certified to handle mounted accessories up to 5.6 ounces (160 grams).

VP pistols use a proprietary captive flat recoil spring that helps reduce the recoil forces effecting the operator and the handgun, improving shooter control during rapid firing and prolonging component life span.

HK's famous cold hammer forged barrel — made from cannon grade steel — ensures a long service life. Similar HK barrels on 9 mm P30 models have fired more than 90,000 rounds in endurance tests in 2010. The polygonal bore profile, with no traditional lands-and-grooves rifling, contributes to longer service life as well as a slight increase in muzzle velocity.

The VP's machined steel slide is protected from corrosion and wear by HK's hostile environment finish and all metal components, including springs and pins have superior metallurgy.

VP pistols are made in Heckler & Koch's Oberndorf factory in southwest Germany and are well-suited for civilian sport shooting, security, military, and law enforcement use.

Covered by Heckler & Koch's limited lifetime warranty, the VP Series is a solid design engineered with the famous long-term durability that make HK products especially cost-effective when subjected to total life cycle cost analysis. And VP Series pistols are remarkably value priced.



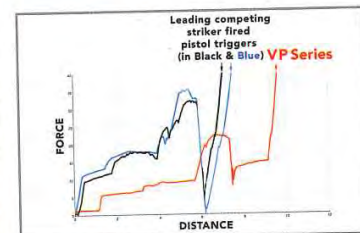
**VP40 STRIKER FIRED
.40 S&W**



Nearly identical, the VP40 has a taller (by 1 mm) and slightly heavier slide than the VP9. Patented HK Charging Supports help facilitate smoother and easier manipulation of the slide during clearing or reloading.



Simple and easy disassembly with the new HK takedown lever. For optimal safe handling, VP pistols cannot be disassembled with a magazine in the magazine well—and the trigger doesn't need to be pulled to remove the slide.



VP Series trigger compared to triggers on leading competing striker fired pistols. The HK VP Series trigger tested lighter than the two most major models.

Case: 23-1633 Document: 63 Page: 183 Date Filed: 08/16/2023

PISTOLS



The VP Series pistols use a striker fired ignition and a modified Browning operating system combined with an optimal precision strike trigger control system — it is in essence a premium HK P30 frame mated to an advanced striker fired slide design. Materials include proprietary HK steel for barrel, slide, springs, pins, and internal components. The VP Series polymer frame is completely corrosion resistant.



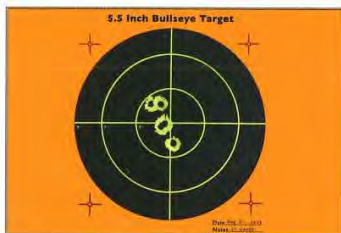
Combination of 3 interchangeable backstraps and 6 grip panels allow custom fit for all shooters. 27 unique, custom-fitted grip combinations are possible for VP pistols.

ACCLAIMED AND AWARD WINNING



NEW VP9 & VP40 FLAT DARK EARTH (FDE) VARIANTS

Using special colorants added to the frame during the molding process, new VP9 (9 mm) and VP40 (.40 S&W) FDE models join the VP lineup. FDE (Flat Dark Earth) is the tan/brown color scheme increasingly used by international military and security units. Currently available in law enforcement configuration (Tritium night sights and three magazines).



The VP Series pistol possesses HK's well-earned reputation for handgun accuracy (HK staff test target, 5 shots with a VP9 at 25 yards).



AVAILABLE VP CONFIGURATIONS

- VP9 pistol with two 15 rd. magazines — M700009-A5 UPC 642230250857
- VP9 pistol with two 10 rd. magazines — 700009-A5 UPC 642230250864
- VP40 pistol with two 13 rd. magazines — M700040-A5 UPC 642230253582
- VP40 pistol with two 10 rd. magazines — 700040-A5 UPC 642230253605
- VP9 pistol with three 15 rd. magazines and tritium sights — 700009LE-A5 UPC 642230250888
- VP9 pistol with three 10 rd. magazines and tritium sights — 700009LE-A5 UPC 642230251793
- VP40 pistol with three 13 rd. magazines and tritium sights — 700040LE-A5 UPC 642230253599
- VP40 pistol with three 10 rd. magazines and tritium sights — 700040LE-A5 UPC 642230253612



VP Series pistol shown with an accessory light. The VP's extended MIL-STD-1913 rail with four segments is rated to accommodate a 5.6 ounces / 160 grams load for accessory light, lasers, and aimers with no impact on performance.



The VP pistols can be easily field stripped and disassembled without the need to pull the trigger prior to removing the slide. A low maintenance design, the VP has a service life of many tens of thousands of rounds.

P30 9 MM X 19 / .40 S&W

Recent HK pistol designs, the P30 and P30L (Long Slide) are modern police and security pistols that combine function and safety. Ergonomic features include a special frame with interchangeable backstraps and lateral grip panels, allowing the pistol to be individually adapted to any user. Multiple trigger firing modes include HK's enhanced double action only "Law Enforcement Modification (LEM)" as well as conventional double action/single action with a serrated decocking button located on the rear of the frame. Other ambidextrous controls include dual slide and magazine release levers. All P30 pistols feature an automatic hammer safety and firing pin safety.

A Picatinny rail molded into the front of the frame makes mounting lights, laser aimers, or other accessories easy and convenient. Extensively tested, the P30 Series have already been adopted by several police agencies in Europe and North America. During an independent torture test in 2010, one randomly selected P30 fired more than 90,000 rounds. Excellent weight and balance make all the P30 series pistols naturally pointable, easy to control, and accurate to shoot. The P30 and P30L are both available in 9 mm and .40 S&W, "S models" (P30S and P30LS) have ambidextrous safeties.

P30: Models in caliber 9 mm x 19 or .40 S&W with short slide/barrel and no external safety. Currently available in following variant and trigger systems: V1 "Light" LEM (Law Enforcement Modification - light trigger pull), V3 DA/SA (Double Action/Single Action)



P30S: Models in caliber 9 mm x 19 or .40 S&W with short slide/barrel and ambidextrous external safety levers. Available in following variant/trigger system: V3 DA/SA (Double Action/Single Action).



P30L: Model in caliber 9 mm x 19 or .40 S&W with lengthened slide/barrel. Available in following variants and trigger systems: V1 "Light" LEM (Law Enforcement Modification - light trigger pull), V2 LEM (Law Enforcement Modification), and V3 DA/SA (Double Action/Single Action).



P30LS: Models in caliber 9 mm x 19 or .40 S&W with lengthened slide/barrel and ambidextrous external safety levers. Available in following variant/trigger system: V3 DA/SA (Double Action/Single Action).



Cold-hammered barrel ensures long service life and outstanding shooting accuracy. Polygonal bore profile for increased velocity, easier cleaning, and longer barrel life.

All HK pistol slides are made from high-strength steel with carbon-nitride "hostile environment" finish.

Law Enforcement Modification (LEM) enhanced double action only model has spurless hammer, its V1 "light" LEM trigger pull is approximately 5.4 pounds.

Large recurved trigger guard allows shooting when wearing gloves.

P30
V1 LEM



Ambidextrous magazine release is easily operated using your thumb or index finger without changing the grip position.

P30 series pistols use metal magazine for optimal reliable feeding. Capacity: 9 mm = 15 rounds, .40 S&W = 13 rounds. 10 round magazines available for both calibers.

TESTED ENDURANCE

One randomly picked P30 9 mm sample fired 91,322 rounds in a 2010 reliability trial conducted by the independent firearms consultancy "pistol-training.com."

NOTE: Law enforcement & government models of all HK pistols include tritium night sights, three magazines and are available to civilian shooters.



Case: 23-1633 Document: 63 Page: 185 Date Filed: 08/16/2023

PISTOLS



P30L identical to standard P30 but with 1/2 inch longer slide, barrel, and sight radius.

P30L P30



MIL-STD-1913 "Picatinny" rail for easy installation of weapon lights, lasers, and other accessories.

P30 V3 DA/SA

Decocking lever for conventional double action/single action (DA/SA) models.

Interchangeable backstraps allow custom fit for all shooters. Medium, small, and large backstraps are standard with each pistol.



Combination of 3 interchangeable backstraps and 6 grip panels allow custom fit for all shooters. 27 unique grip combinations are possible.

P30 and P30L pistols have Non-radioactive luminescent three dots sights for fast target acquisition. Accessory night sights also available.

P30 and P30L "S" models have ambidextrous safety levers and a separate decocking button. Safety lever can be used to carry the pistol "cocked and locked."



P30LS V3 DA/SA

Decocking lever for double action/single action (DA/SA)

Conventional double action/single action (DA/SA) with a centrally located decocking button and hammer with spur.

HK ergonomic grip profile is designed to conform to hand anatomy for better control and conform.

Law Enforcement Modification (LEM) enhanced double action has hammer without spur.



Grip panels (lateral plates) for custom fit. Complete set are standard with all P30 models.

P30/P30S/P30L/P30LS/P30SK/P30SKS/P2000/P2000SK TRIGGER FIRING MODE AND SAFETY SYSTEMS CHARACTERISTICS

Variants	Trigger system ¹	Trigger pull (Pound-Force/Newtons approx.) ¹			Trigger travel (mm approx.) ¹		Safety ⁴	Hammer	
		LEM	SA	DA	SA ²	DA ³		with spur	without spur
V1	LEM	5.4 / 24	-	-	-	14	A	no	yes
V2	LEM	7.3 / 32.5	-	-	-	14	A	no	yes
V3	DA/SA	-	5.4 / 24	11.5 / 51	7	14	A, D (S)	yes	no

¹ LEM = Law Enforcement Modification (also known as CDA = Combat Defence Action) / ² SA = Single Action / ³ DA = Double Action (1 shot as specified, subsequent shots approximately 7 mm) / ⁴ A = Automatic hammer and drop safety catch / D = Decocking / (S) = Ambidextrous safety levers available. Same trigger modes available for P2000/P2000SK, but no V3 with ambidextrous safeties.

P30SK (SUBCOMPACT) 9 MM X 19



The subcompact model of the renowned P30 handgun, P30SK (SubKompact) series has all of the sought-after characteristics of the larger frame P30 and P30L pistols but in a more concealable design.

The completely adjustable P30 grip feature — consisting of interchangeable backstraps and lateral grip panels — is replicated in the ultra-compact grip frame of the P30SK. This allows the pistol to be easily modified to fit to any individual user. And like its larger frame counterparts, the P30SK is available in multiple trigger firing modes including HK's enhanced double action only "Law Enforcement Modification (LEM)." For the P30SK, the LEM trigger is configured with a "light strike V1" setup — requiring approximately 5.4 pounds-force to pull the trigger.

Other trigger modes include conventional double action/single action (DA/SA) with a serrated decocking button located on the rear of the frame. The DA/SA mode is available with and without dual ambidextrous manual safeties located on the left and right side of the frame. Other ambidextrous controls include dual slide and magazine release levers. Like all P30 pistols, the P30SK features an automatic hammer safety and firing pin safety.

An abbreviated Picatinny rail molded into the front of the frame enables weapon lights, laser aimers, or other accessories to be easily mounted. All P30SK models have been extensively tested during a three year development process.

Despite their small size, P30SK subcompacts have excellent weight and balance making them naturally pointable, easy to control, and accurate to shoot; currently available in 9 mm.

PISTOLS



Short 3.27 inch (83 mm) barrel has polygonal profile and is made with proprietary cannon grade steel using the famous HK cold hammer forging process

P30SKS

V3 DA/SA WITH SAFETY

P30SKS has ambidextrous safety levers located on both sides of the slide

Safety lever

Enlarged, extended extractor also functions as a loaded chamber indicator

Ambidextrous slide releases are located on both sides of the frame

Decocking lever

Trigger has "optimal parabola" curve for comfort and ease of control

P30SK models have the patented HK Lock-Out Safety Device installed in the magazine well. When engaged, the handgun is locked and cannot fire until unlocked.

All P30SK variants come with a complete set of 3 interchangeable backstraps and 6 grip panels allowing users a custom fit with 27 unique grip combinations.



P30SK shown with accessory weapon light. The pistol's abbreviated MIL-STD-1913 rail accommodates many accessory lights, lasers, and aimers — including some designed for large frame pistols.



P30SK models
Overall length = 6.42 inches (163 mm)
Height = 4.57 inches (116 mm)



P30 models
Overall length = 7.12 inches (181 mm)
Height = 5.47 inches (138 mm)



P30L models
Overall length = 7.71 inches (196 mm)
Height = 5.47 inches (138 mm)

P30SK / P30 / P30L SIZE COMPARISON

HK45 & HK45 COMPACT .45 ACP

The HK45 Series is one of Heckler & Koch's most up-to-date pistol lines and is available as both a full-size and compact model. The HK45 and HK45 Compact were developed as product improvements of the highly-regarded and ultra-reliable HK USP45 and USP45 Compact family of pistols that were introduced in the 1990s.

Many user-inspired enhancements found on the HK45 and HK45 Compact are also present on several recent Heckler & Koch semi-automatic pistols, including the P30, P30L, P30SK, P2000, and P2000 SK. These features include changeable backstraps, improved Picatinny MIL-STD-1913 accessory rails, better ergonomics, and more ambidextrous controls.

The HK45 and HK45 Compact were originally developed as candidates for the Joint Combat Pistol (JCP) and Combat Pistol (CP) programs administered by the U.S. military in their search for a new service handgun.

Well-suited for personal defense use, the HK45 and HK45C (Compact) are available in, or can be converted to, a wide variety of variants that use different trigger firing modes, including DA/SA (double action/single action) and DAO (double action only). The DAO mode uses the unique Heckler & Koch LEM (Law Enforcement Modification) firing system for an enhanced and improved double action trigger pull.

By using the modular approach to the internal components first pioneered by HK on the USP, the control lever function of the HK45 can be switched from the left to the right side of the pistol to accommodate left-handed shooters (additional parts required). Left and right mounted control levers provide safety and/or decocking functions as required and can be fitted to the pistol simply by changing parts. For true ambidextrous use, a control lever can also be mounted on both sides of the pistol if required.

Extensively tested and operationally proven, the HK45 Series is a new paradigm for Heckler & Koch handgun design and manufacturing.

Enlarged, heavy-duty extractor for reliability

Special HK Hostile Environment finish, a polymer coated Tenifer treatment

Polygonal bore for increased velocity, easier cleaning, and longer barrel life

Contoured and radiused machined steel slide with forward slide grooves (front cocking serrations) and anti-glare longitudinal ribs (top)

HK three dot sights

MIL-SPEC 1913 Picatinny rail for installing lights and other accessories

HK45 LEM

Changeable backstrap

Ambidextrous controls include enlarged magazine release and dual slide releases.

10 round steel magazine with protective polymer floorplate

HK45 V1

Large trigger guard allows shooting when wearing gloves

HK45, HK45 Tactical, HK45 Compact, and HK45 Compact Tactical models are assembled in the USA from German and American made components.

An improved USP-style control lever, a combination safety and decocking lever, is frame mounted and quickly accessible. The HK45 control lever has a positive stop and returns to the "fire" position after decocking.

MODULAR BACKSTRAPS
Each HK45 comes standard with an extra backstrap; medium and small interchangeable backstraps ensure an optimal fit for most shooter's hands and complement the ergonomic profile grip.

O-RING FOR ACCURACY
All HK45 series models have proprietary O-ring barrels for precise barrel-to-slide lockup and optimal accuracy. All HK45 models have barrels made using the famous HK cold-hammer forging process.

PICATINNY RAIL FOR ACCESSORIES
Integral MIL-STD-1913 (Picatinny) rail molded into the polymer frame dust cover for mounting lights, laser aimers, and other accessories. HK45 shown with SureFire weaponlight.

Case: 23-1633 Document: 63 Page: 189 Date Filed: 08/16/2023

PISTOLS

Choice of conventional double action/single action (with manual safe & decocking), enhanced double action only (LEM), and decock only



**HK45
COMPACT**

Ambidextrous slide release levers present on all HK45 series models

HK45 Compact models are functionally identical to the full size HK45 with a shorter barrel/slide and a shorter, "slim-line" grip.

All HK45 Series pistols come with two interchangeable backstraps (small and medium) for optimal fit

8-round magazine with a finger grip floorplate. 10-round magazines for HK45/HK45 Tactical also fit.



**HK45
COMPACT
TACTICAL**

Choice of models with control lever functions. "Decock Only" model used by a component of the U.S. special operations forces.

Tactical models have threaded O-ring barrels made with Heckler & Koch's famous proprietary steel. Barrels have polygonal profile for long service life and are manufactured in Germany using HK's acclaimed cold hammer forging process. NOTE: Only high quality sound suppressors should be used with HK handguns, contact HK-USA customer service for more information.

10-round magazine with extended floorplate and sleeve is standard on the HK45 Compact Tactical.

HK45 Tactical models come with high profile Tritium three-dot sights.

All HK45 series pistols are assembled in the USA from German and American made components.



HK45 TACTICAL MODEL MATCHED WITH A SOUND SUPPRESSOR
For suppressed use, an HK45 Tactical model easily accommodates most high quality, major brand sound suppressors. The extended O-ring barrel ensures optimal lockup with the slide for precision accuracy.

All HK pistols with threaded barrels come standard with thread protectors



HK45 TACTICALS WITH THREADED BARRELS
For use with high quality sound suppressors, HK45 Tactical models have all the same features found on standard model HK45 pistols plus threaded O-ring barrels and tritium night sights.

HK45 frame has changeable backstraps for a custom fit

**HK45
TACTICAL**

The HK45 Tactical polymer frame uses an ergonomic grip and is completely corrosion resistant.



LOCK-OUT SAFETY DEVICE
HK pistols feature the patented HK Lock-Out Safety Device. When engaged, it locks the handgun's action by blocking any movement of the hammer strut and slide. The handgun is locked and cannot fire until unlocked.



50,000 ROUNDS TORTURE TEST
In 2010, an independent training organization, Pistol-Training.Com, subjected a randomly selected HK45 to a 50,000 round endurance test. Cleaned at 10,000 round intervals, the sample pistol survived the endurance test and is still being used.



DEVELOPED FOR SPECIAL OPERATIONS
Created for the U.S. military's special operations handgun competition, the HK45 series has an unrivaled reputation for accuracy and reliability. A variant of the HK45 CT is currently the handgun used by a naval special operations component.



P2000 & P2000 SK 9 MM X 19 / .40 S&W

Building on the foundation of the Heckler & Koch USP handgun line, the P2000 and P2000 SK (Subcompact) incorporate features of the successful HK USP Compact pistol with more recent innovations of HK engineers.

A refinement of a design created for several European police agencies, the P2000 and P2000 SK are available with a traditional double-action/single-action trigger mode and the LEM (Law Enforcement Modification) trigger system first introduced by HK in 2001 on the USP Compact "LEM" model.

The Law Enforcement Modification trigger system combines the advantages of a cocked striker component (constant level of trigger pull from first to last round fired) with a double-action hammer system.

Using such an enhanced trigger system consolidates ease of use and safety into a convenient, innovative trigger operation—one that reduces the chance of unintended firing.

And in case of an ammunition-related failure to fire, all that is needed is an additional second or third squeeze of the trigger without the need of first pulling the slide back to recock the pistol.

The enhanced Law Enforcement Modification trigger system combines the reliability of a double action revolver trigger with the crisp trigger of a single action pistol.

On variants using the conventional double-action/single-action (DA/SA) mode of operation, an easy to access, ambidextrous decocking button is mounted on the left, rear portion of the frame.

It allows the shooter to safely lower the hammer from the cocked single-action position to the uncocked double-action position. The DA/SA variants of the P2000 and P2000 SK are readily identifiable by the presence of the serrated decocking button and spurred hammer.

A set of simple-to-install modular grip inserts allow all P2000/P2000 SK models to be custom-fitted to any shooter's hand.

An ambidextrous magazine release and dual slide release levers make handling P2000 Series pistols natural and easy for right and left-handed shooters alike. The addition of "industry standard" mounting rails to the P2000 and P2000 SK allows the widest variety of lights, aimers, and accessories to be added by sliding them onto the open rail system. The P2000 uses widely available, reliable USP Compact metal magazines. The same magazines fit the P2000 SK for added firepower. Available in .40 S&W and 9 mm.

Polygonal bore profile for increased velocity and easier cleaning. Cold-hammered barrel ensures long service life and outstanding shooting accuracy. Caliber .40 S&W model can be converted to .357 with quick and easy barrel replacement.

Ambidextrous slide release (located on both sides of the frame)

Low profile slide and slimline, compact dimensions

Modular grip panels options include extra large, large, medium (standard), and small to fit all sizes of hands

Law Enforcement Modification (LEM) model has bobbed, spurless hammer

Industry standard mounting rails allows a wide selection of accessories to be installed (see inset photo below)

P2000 V2 LEM

Trigger pull on LEM models is 7.3-8.5 pounds. Trigger pull can be adjusted by an HK armorer to the 5.5 pound range (light LEM).

Ambidextrous magazine release lever

LAW ENFORCEMENT MODIFICATION (LEM) TRIGGER SYSTEM

Developed especially for a U.S. government agency, the Law Enforcement Modification (or LEM for short), is a unique trigger mechanism created specifically to improve the trigger performance and reduce the weight of the Double-Action Only (DAO) trigger pull in the P2000, P2000SK, P30, P30L, P30SK, USP, USP Compact, and HK45/HK45 Compact pistols. With this mechanism, HK pistols can be fired like a standard DAO semi-automatic pistol where every round is fired by simply pulling the trigger fully rearward with the hammer starting at the forward rest position. The design of the proprietary HK LEM system allows the weight of the DAO trigger pull to be reduced to a smooth and constant 7.5-8.5 pounds (standard LEM) because the two-part hammer is precocked every time the slide moves rearward. An even "lighter" LEM trigger is available on some HK pistol models.

Patented HK Lock-Out Safety device

Extended floorplate has a finger hook. The P2000 uses the same metal magazines as USP Compact.

Magazine capacity:
.40 S&W = 12 rounds
9 mm = 13 rounds
(10 round magazines also available)



Tactical light
Example of P2000 with mounted tactical light. Available as an accessory.

GRIP PANELS

Exchangeable grip panels (back straps) accommodate a wide variety of hand sizes and shooting grips.



PISTOLS

DA/SA models of the P2000 and P2000 SK have spurred hammers and serrated decocking buttons.

Large, robust extractor doubles as a loaded chamber indicator

Uses three dots sights first originated by Heckler & Koch on P7 pistols and now the industry standard. These robust sights are drift adjustable for windage; for elevation adjustable various height sight blades can be inserted.

No snag, bobbed hammer for effective concealment

"Variant 2" LEM (Law Enforcement Modification) enhanced double action trigger pull of 7.3 pounds. Also available in conventional double action/single action trigger mode with decocking button located on the back of the slide.

Exchangeable backstraps; P2000 SK comes with medium and large sizes

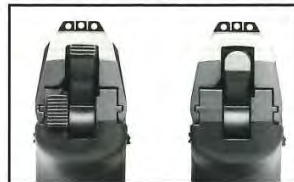
All P2000 and P2000 SK pistols have the HK patented Lock-Out Safety Device installed.

P2000 has recurved trigger guard for grip support, P2000 SK has tapered trigger guard for maximum concealability.

**P2000
V3 DA/SA**



Choice of conventional DA/SA or LEM trigger mode on the P2000 and P2000 SK. Double action/single action variant of the P2000 and P2000 SK is readily identifiable by the presence of the serrated button and spurred hammer (left pistol, below). LEM (enhanced DAO) model appears on the right.



Three dot sights are standard on P2000 and P2000 SK models. Three dot sights were originally developed by HK in the 1970s and have proven their utility for quick target acquisition. Optional tritium sights are also available.



**P2000 SK
V2 LEM**



P2000 SK can also use high capacity USP Compact magazines (shown with accessory "X-Grip" magazine sleeve).

Together with the P30SK, the P2000SK are HK's smallest pistols. Available in full power .40 S&W and 9 mm x 19 chamberings, shown above with flat floorplate for optimal concealment.

Ambidextrous slide release levers



**P2000 SK
V3 DA/SA**

An abbreviated pair of industry standard mounting rails allow lights, aimers, and other accessories to be installed by sliding them onto the open rail system.

Metal magazine with extended rubber-padded floorplate. P2000 SK magazine capacities: .40 S&W and .357 (9-rounds), 9 mm (10-rounds)

HK PISTOLS PASS THE TOUGHEST TEST
The P2000, P2000 SK, and the USP Compact LEM were subjected to the most punishing pistol evaluation to date by the Department of Homeland Security's Immigration and Customs Enforcement branch. The evaluation was performed with the most potent ammunition loads for three calibers (9 mm, .40 S&W and .357 SIG). After three million rounds were fired, HK finished ahead of five other competing manufacturers, earning a "Superior" technical rating. On August 20, 2004, HK was awarded the largest pistol contract in U.S. law enforcement history. Five months later, US Customs and Border Protection (CBP), the largest U.S. federal law enforcement agency, officially adopted the P2000 pistol in .40 S&W, replacing both legacy Glock 17s and Beretta 96Ds.

USP & USP COMPACT 9 MM X 19/.40 S&W/.45 ACP

The HK USP (Universal Self-loading Pistol) was the first Heckler & Koch pistol designed especially for American shooters. Features favored by the U.S. military, law enforcement agencies, and civilian users provided the design criteria for the USP. Its controls are uniquely American, influenced by such famous designs as the Model 1911 pistol.

The control lever, a combination safety and/or decocking lever, is frame mounted and quickly accessible, unlike the slide mounted safeties common on many semi-automatic pistols. Using a modified Browning-type action with a special patented recoil reduction system, the USP is built to take the punishment of the most powerful SAAMI specification loads. The recoil reduction system lessens recoil effects on pistol components and also lowers the recoil forces felt by the shooter. The USP recoil reduction system is insensitive to ammunition types and requires no special adjustment or maintenance. It functions effectively in all USP models.

By using a modular approach to the internal components, the control lever function of the USP can be switched from the left to the right side of the pistol for left-handed shooters. The USP can also be converted from one type of trigger firing mode to a variety of others. This includes combination double-action and single-action (DA/SA) modes with a manual safety and decocking function, double action only (DAO) modes, including the HK proprietary LEM (Law Enforcement Modification) enhanced trigger system, and even double action/single action modes with no manual safety, as well as single action modes. Such a modular system allows individual tailoring of safety and trigger mechanisms to suit any requirement and any shooter.

The USP is available in both full-size frame and compact models with nine trigger/firing mode configurations and three major calibers—.45 ACP, .40 S&W, and 9 mm. The first HK pistols covered by Heckler & Koch's Lifetime Warranty, USP and USP Compacts are truly universal pistols — simple to operate, easy to maintain, extremely reliable, and accurate.

Developed in parallel with the USP in the early 1990s, the HK Mark 23 was originally designed for the U.S. military's Special Operations Command. It has the unique distinction of being the only .45 ACP pistol to enter American military service since the venerable Model 1911A1.

Major metal components on the USP and USP Compact are protected from wear and corrosion by HK's special carbonitride Hostile Environment (HE) finish

Slide machined from high-strength carbonitrided steel.

All USP and USP Compacts have polygonal barrel profiles made by cold-hammer forging—ensuring increased barrel life and optimal accuracy.

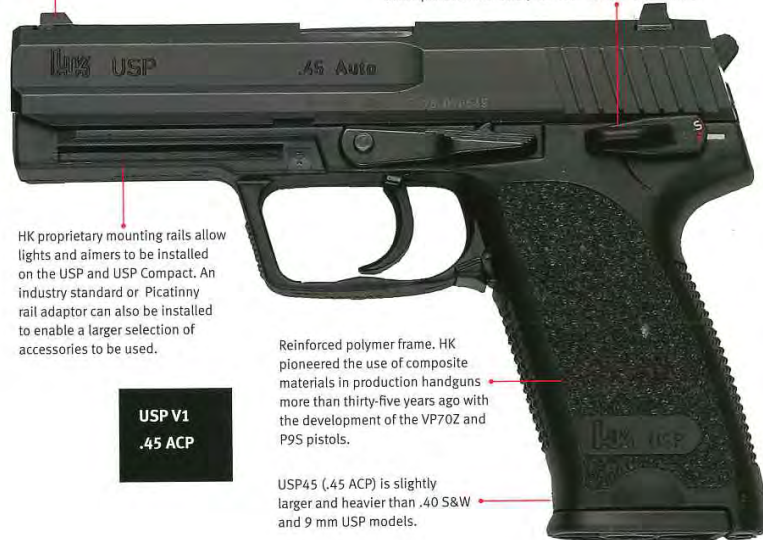
A USP model was chosen by the Bundeswehr (German Army) as their P8 service pistol. The P8 variant uses a distinct safety and decocking arrangement and is currently not available in the USA.

Innovative HK-proprietary recoil systems developed and employed in the USP, USP Compact, and Mark 23 pistols.

USP V1
9 MM

Three dot sights (originated by HK on P7 pistol models)

The control lever has a positive stop and automatically returns to the "fire" position after decocking. The control lever, featured on many variants of the USP and USP Compact, allows these pistols to be safely carried "cocked and locked."



HK proprietary mounting rails allow lights and aimers to be installed on the USP and USP Compact. An industry standard or Picatinny rail adaptor can also be installed to enable a larger selection of accessories to be used.

USP V1
.45 ACP

Reinforced polymer frame. HK pioneered the use of composite materials in production handguns more than thirty-five years ago with the development of the VP70Z and P9S pistols.

USP45 (.45 ACP) is slightly larger and heavier than .40 S&W and 9 mm USP models.



SPECIALIZED USP MODELS

Specialized models of the USP include threaded barrel tactical variants and a long slide EXPERT model ideal for competitive shooting and precision handgun applications. All specialized models include a match grade trigger, match grade sights with elevation and windage adjustment, and an O-ring barrel for optimal barrel-to-slide lockup. The USP Tactical models include threaded barrels for mounting an optional sound suppressor. Accessory magazine jet funnels are also available for 9 mm and .40 S&W (shown on the USP Expert) USP Tacticals and USP Expert models.

PISTOLS



USP/USP COMPACT TRIGGER FIRING MODE AND SAFETY SYSTEMS CHARACTERISTICS (ALSO HK45 & HK45 COMPACT)

Variants	Trigger system ¹	Trigger pull (Pound-Force/Newton)		Trigger travel (mm approx.)		Control Lever/Safety ⁴
		SA	DA	SA ²	DA ³	
V1	DA/SA	4.5/20	11.2/50	7	14	S, D (L)
V2	DA/SA	4.5/20	11.2/50	7	14	S, D (R)
V3	DA/SA	4.5/20	11.2/50	7	14	D (L)
V4	DA/SA	4.5/20	11.2/50	7	14	D (R)
V5	DAO	-	11.2/50	-	14	S (L)
V6	DAO	-	11.2/50	-	14	S (R)
V7	LEM (enhanced DAO)	-	8 / 36	-	14	-
V9	DA/SA	4.5/20	11.2/50	7	14	S (L)
V10	DA/SA	4.5/20	11.2/50	7	14	S (R)

¹ DA = Double Action, SA = Single Action, DAO = Double Action Only / ² Single Action / ³ Double Action / ⁴ S = Safety, D = Decocking, (L) = Located on left, (R) = Located on right NOTE: Variant 8 is a U.S. government test variant and is essentially the same as V7.

Case: 23-1633 Document: 63 Page: 194 Date Filed: 08/16/2023

SP5K 9 MM X 19



SP5K
9 MM X 19



SP5K AVAILABLE JULY 2016



MP5K STYLING AND HK QUALITY
The semi-automatic SP5K captures the look and feel of the famous MP5K submachine gun.



SP5K CARRYING SLING
The SP5K is equipped with an elastic "bungee" sling. The sling is easily installed on the receiver and makes firing the SP5K more stable and less fatiguing.

The new SP5K was developed by Heckler & Koch as a semi-automatic, civilian sporting pistol (hence the "SP" prefix) that matches the look and feel of the famous MP5K submachine gun. The SP5K is designed and manufactured to meet the definition of a civilian pistol and marks the return of the roller delayed blowback system to an HK commercial product. This operating system is legendary in its accuracy and reliability. Originally developed on the Heckler & Koch G3 rifle, it has been used on several HK firearms. The SP5K retains many of the critical features of the MP5, including its precision machined components and attention-to-detail quality. The SP5K is manufactured completely in Heckler & Koch's Oberndorf factory in southwest Germany.

The SP5K is a safe, robust, ergonomic large frame handgun. For more comfortable shooting, the SP5K is equipped with an elastic "bungee" sling. The sling is easily installed by snapping it onto the sling swivel hardware located on the rear of the receiver. Using the sling makes firing the SP5K more stable and reduces fatigue. The overall length of the SP5K is approximately 14 inches — slightly longer than an MP5K — due to its unique handguard. The SP5K handguard is designed with special ergonomic and safety features to protect the shooter's hand and provide a comfortable and stable grip.

Despite its size, the SP5K is well-suited for sporting use. Using the proven roller delayed blowback system; the SP5K's inherent accuracy makes it an excellent choice for target shooting and an ideal home security arm. And a wide variety of accessories can be added to increase its functionality. A Picatinny rail scope mount is attached to the upper receiver and allows for optional sights to be easily mounted. Covered by Heckler & Koch's limited lifetime warranty, the HK SP5K is a faithful rendering of the iconic MP5K as a semi-automatic pistol.

PISTOLS



MP5K TYPE SIGHTS
The SP5K is equipped with the same adjustable sighting system used on the selective fire MP5K.



INTEGRAL SCOPE MOUNT
A Picatinny rail scope mount is included for the easy mounting of optics and accessories.



SPARE MAGAZINE
Compact 10-round magazine



SP5K
9 MM X 19
SCOPE MOUNT REMOVED



WATER RESISTANT AND DURABLE CASE

The SP5K comes ready for action in its own hard shell case – manufactured to meet or exceed law enforcement, military, and air transport standards. The SP5K Hard Case has a custom cutout to fit the pistol, sight tool, extra magazine, and accessories.



DELAYED ROLLER BLOWBACK SYSTEM

The SP5K uses the same recoil operated, roller delayed blowback system found on all MP5 models – famous for its reliability, accuracy, and safe functioning. Reports from MP5 users have some variants firing ten of thousands of rounds without any critical failures.



UNCOMPLICATED MODULARITY

Like the MP5K, the SP5K fieldstrips into six basic assembly groups with the removal of a locking pins – making cleaning and maintenance quick and uncomplicated.



Case: 23-1633 Document: 63 Page: 196 Date Filed: 08/16/2023

MR762A1 7.62 MM X 51 NATO

Like its 5.56 mm counterpart, the MR762A1 is a direct descendant of the HK416/417 series, only in a semi-automatic rifle configuration developed for civilian users.

Using the HK-proprietary operating system, the MR762A1 is gas operated and uses a piston and a solid operating "pusher" rod in place of the common gas tube normally employed in AR15/M16/M4-style weapons.

Pioneered by Heckler & Koch in the G36, HK416, and HK417; this method virtually eliminates malfunctions common to direct impingement gas systems since hot carbon fouling and waste gases do not enter the receiver area. The MR762A1 stays cleaner, reducing heat transfer to the bolt and bolt carrier, and drastically reducing wear and tear on other critical components. The service

life of all parts is increased substantially.

The MR762A1 uses a barrel produced by Heckler & Koch's famous cold hammer forging process. This manufacturing process uses the highest quality steel, producing a barrel that ensures superior accuracy, even after firing thousands of rounds. The MR762A1 is produced at Heckler & Koch's American manufacturing facilities from both American and German-made components.

The MR762A1 uses many of the assemblies and accessories originally developed for the HK416/417 series including adjustable buttstocks, ergonomic pistol grips, mechanical sights, and handguards. All of the HK handguards are free-floating with MIL-STD-1913 "Picatinny" type rail capabilities allowing

accessories, sights, lights, and aimers used on M4/M16-type weapons to be fitted to the MR series. HK rail systems can be removed without special tools by the user and ensure 100% return to zero when reinstalled.

Ambidextrous operating controls are standard on the MR762A1, including a convertible charging handle and an ambidextrous selector lever. The MR762A1 uses the same 10- and 20-round translucent polymer box magazines made for the HK417; a 5-round magazine is also under development.

MR762A1 rifles are well-suited for a variety of applications including law enforcement tactical, police patrol, and general sport shooting. For hunting use, low capacity magazines are available.



MR762A1 LRP II (LONG RIFLE PACKAGE II) 7.62 MM X 51 NATO

SEMI-AUTOMATIC RIFLES & CARBINES

MADE IN USA



MR762A1 LRP II

New 14.7 inch Modular Rail System (MRS) is lightweight and ergonomic—more comfortable for the shooter's support hand.

Accessory Picatinny rail segment installed a keyhole attachment system

LaRue/Harris Tactical BRM-S bipod recognized as one of the industry's best. Same bipod is used on the M27 IAR that HK supplies to the U.S. Marine Corps.



MR762A1 Long Rifle Package (LRP) is a standard MR762A1 rifle with the addition of essential precision marksman accessories.

The LRP includes a 20- and 10-round magazine — the same rugged magazines used on HK's current series of military and law enforcement 7.62 mm rifles and carbines



The Long Rifle Package (LRP) comes ready-to-use in a Pelican Model 1720 case with critical accessories.

Taking an essentially standard MR762A1 (caliber 7.62 x 51 mm NATO) semi-automatic rifle, Heckler & Koch turns it into a more effective precision rifle by an astute addition of the right optics and accessories. This "MOD 2" variant adds a streamlined handguard and HK pistol grip for greater functionality.

A Leupold 3-9 x 40 mm VX-R Patrol scope and mount, HK G28 adjustable cheekpiece buttstock, and LaRue Tactical BRM-S bipod are the primary add-ons that make the MR762A1 Long Rifle Package (LRP) more than a sum of its parts.

A semi-automatic rifle originally developed from the fully automatic HK417, the MR762A1 LRP employs the same HK proprietary gas piston operating system found on current HK rifles and carbines, using a "pusher" rod in place of the gas tube normally found in AR15/M16/M4-style firearms.

This method of operation virtually eliminates malfunctions that are common to direct impingement gas systems since hot carbon fouling and waste gases do not enter the receiver area. This is the same key feature critical to the success of the current generation of HK rifles used by leading military and law enforcement customers.

The MR762A1 LRP uses a barrel produced by Heckler & Koch's famous cold hammer forging process. The highest quality steel is used in this manufacturing method, producing a long-life barrel that provides superior performance with minimal degradation of accuracy and muzzle velocity after prolonged use. The barrels are manufactured in Germany and finished in the USA.

The MR762A1 used in the "Long Rifle Package" is being produced with the same commitment to quality as German-made

HK firearms. By using joint American and German manufacturing, Heckler & Koch leverages the relative strengths of two continents to make the preeminent AR-type firearms, combining the design innovations of the USA and Germany into superior products.

Additional accessories in the Long Rifle Package include an OTIS cleaning kit, HK multi-tool, and the same Blue Force Gear sling used on the HK M27 IAR supplied to the USMC.

The rifle package, complete with one 20 and one 10-round magazine is shipped ready to use with the scope attached in a compact 42-inch Model 1720 Pelican case.

The MR762A1 LRP has all the features sought by civilian precision shooters as well as law enforcement organizations seeking a more basic and lighter weight alternative to the HK G28 series of precision rifles.

MR556A1 5.56 MM X 45 NATO



Like the HK416, the MR556A1 matches the performance and durability of its famous selective fire counterpart and is proven in all conditions... sand, mud, snow, and water.



5.56 mm chamber handles the widest variety of 5.56 x 45 mm and Caliber .223 Remington cartridges

Shown with the ergonomic profile MRS (Modular Rail System) handguard. MR Series rifles can use either the same Free Floating Rail System as the HK416/417 or the MRS. Both ensure the barrel does not come in contact with the handguard and accuracy is unaffected by accessories mounted on the rails. Even after these handguard are removed and reinstalled, no re-zeroing of sights is required.

The HK-proprietary gas piston operating system prevents propellant gases and carbon fouling from entering into the receiver area, increasing the reliability of the rifle. The same identical operating system is used on the selective fire HK416 and HK417.



Cutaway view of MR556A1/HK416 operating system. Like the HK416, a piston driven operating system is the key to the reliability of the MR556A1.

For precision shooting, the six position, adjustable MR buttstock can be tightened and locked in place using an HK supplied tool. The HK adjustable buttstock has a storage compartment for extra batteries and other mission essential gear.

Equipped with rugged, adjustable TROY micro sights.



16.5 inch cold hammer forged barrel made of unlined cannon grade steel.

"HK416 geometry" magazine well for reliable function—works with a variety of magazines including aluminum U.S. MIL-SPEC and polymer EMAGs.

HK proprietary "keyhole" attachment system for accessory Picatinny rails keeps weight down



The MR556A1 uses a wide assortment of accessories that fit the HK416 and other AR-type arms, including grips, buttstocks, sights, and magazines. To purchase HK accessories, visit www.hk-usa.com.

HK large palm swell target grip with storage compartment for optimum shooting. Other accessory HK pistol grips available for custom fit. MR rifles can also accommodate standard grips made for M16/M4/AR15 type rifles.

MR556A1
5.56 MM

10, 20, and 30-round steel HK magazines available. A lightweight 30-round HK polymer magazine is also available.

Ambidextrous safety/selector lever. Unlike other AR-style rifles, HK MRs can be placed on "SAFE" even when the rifle is uncocked.

MADE IN USA

MR Series rifles are assembled in the USA of German and American made components.

A direct descendant of the HK416, the MR556A1 is a semi-automatic rifle developed by Heckler & Koch as a premium level commercial/civilian firearm with match rifle capability. Like the selective fire HK416, the MR556A1 is a major product improvement over conventional AR-type carbines and rifles.

The MR556A1 uses the HK proprietary gas piston operating system, employing a piston and a solid operating "pusher" rod in place of the gas tube normally found in AR15/M16/M4-style firearms.

This method of operation virtually eliminates malfunctions that are common to direct impingement gas systems since hot carbon fouling and waste gases do not enter the receiver area. This is the same key feature critical to the success of the HK416 rifles used by leading military and law enforcement customers.

The MR556A1 is assembled in the USA using American and German made components and uses many of the same assemblies and accessories originally developed for the HK416.

Used with either the HK Modular Rail System (MRS) or the Free Floating Rail System (FFRS), the barrel does not touch the handguard, ensuring the barrel/handguard relationship is truly free-floating for maximum accuracy. The MRS handguard was added in 2015 and has many of the features found on the FFRS but with a more ergonomic design.

The HK Free Floating Rail System (FFRS) handguard has four MIL-STD-1913 Picatinny rails and allows all current accessories, sights, lights, and aimers used on M4/M16-type arms to be fitted to the MR Series. Both HK rail system handguards can be installed and removed with simple tools and return to zero when reinstalled.

The MR556A1 also has a Picatinny rail machined into the top of its upper receiver for mounting optics and mechanical sights. Unlike earlier prototypes, major subassemblies, including the MR556A1 upper receiver/barrel assembly, are fully interchangeable with other high quality AR-style firearms. MR556A1 upper receiver kits can be used to retrofit competing legacy AR systems.

Like the famous HK416, the MR556A1 uses a German-made barrel produced by Heckler & Koch's famous cold hammer forging process. The highest quality steel is used in this unique manufacturing process producing a barrel that provides superior accuracy and long service life.

But unlike the HK416, the MR556A1 does not use a chrome-lined barrel. Chrome-lining can sometimes mask bore imperfections and negatively affect accuracy. For the new series of Heckler & Koch semi-automatic MR rifles, HK designers and engineers believe best accuracy comes with an unlined bore.

The unchromed barrel has an internal profile of 6 lands and grooves with

a 1 in 7 inch (178 mm) twist. It is also moderately "swagged" with a slightly smaller internal diameter at the muzzle end than the chamber end. This feature has a positive effect on bullet accuracy and velocity. The thick, heavy contour 16.5-inch MR556A1 barrel also contributes to its excellent accuracy.

A precise, enhanced two-stage trigger adds significantly to the accuracy of the MR556A1 and an extended latch charging handle makes operating the rifle with a telescopic sight easier. The retractable buttstock can be locked into a solid, non-moving position by tightening an Allen screw in the bottom of the stock. Special target rifle takedown pins ensure the upper and lower receivers are firmly mated for accurate performance.

Designed to function with a wide variety of high quality 5.56 x 45 mm ammunition, the MR556A1 uses a C.I.P. dimensioned chamber (a chamber with dimensions specified by the Commission Internationale Permanente). The MR556A1 also functions reliably with most quality Caliber .223 Rem. ammunition.

The MR556A1 is being produced with the same commitment to quality as German-made HK firearms. By using joint U.S./German manufacturing, Heckler & Koch leverages the relative strengths of two continents to make the preeminent AR-type firearm, combining the designs innovations of the USA and Germany into one product.

MR556A1 COMPETITION MODEL 5.56 MM X 45 NATO

SEMI-AUTOMATIC RIFLES & CARBINES

Using the HK MR556A1 as the platform to build a competitive rifle — and with input from many competitive shooters — the Heckler & Koch Competition Model was developed for both casual shooters and the most demanding competitor. Ideal for 3 gun matches — the Competition Model adds the most critical fundamental enhancements to the standard MR rifle. Foremost among these additions are the new 14-inch Modular Rail System (MRS). Lightweight and easy to customize, the MRS allows sections of accessory rails to be added by the shooter where desired, but keeping weight down and presenting a more ergonomic and comfortable handguard surface when compared to rectangular full rail systems. The extended length 14-inch MRS does not touch the barrel, preserving the “free-floating” barrel-to-handguard feature favored by competitive shooters and present in all MR rifles. An extended magazine release is also

included for quick magazine changes. An innovative compensator by Operator Suppressor Systems Inc. (OSS) replaces the standard MR flash hider. OSS is a leader in the development and manufacturing of sound and flash suppression and uses technologies originated in those fields to create a unique and highly effective compensator. The standard MR stock is replaced by a MAGPUL CTR buttstock; easy to adjust, the CTR stock moves smoothly on the receiver extension and locks securely in position. Profile and weight make this buttstock ideal for competitive shooters. All other standard features of the MR556A1 are retained on the MR556A1 Competition model — including a German-made long service barrel produced by Heckler & Koch’s famous cold hammer forging technology and

HK’s famous piston operating system. Found on HK arms like the G36 and HK416, this system uses a gas piston and push rod in place of the more common hollow gas tube normally employed in “direct impingement” AR-style rifles. The HK system improves reliability and reduces operator cleaning and maintenance as literally no carbon fouling or propellant gases are directed back into the weapon beyond the gas cylinder located above the barrel. The Competition model is being produced in the USA, using joint U.S./ German manufacturing capabilities and components — combining the design innovations of the USA and Germany into a superior product. And it’s covered by the Heckler & Koch Lifetime Warranty.



IDEAL COMPETITION RIFLE blends the HK MR556A1’s legendary reliability and accuracy with the improved ergonomics of a rounded contour long handguard, adjustable MAGPUL buttstock, high performance OSS compensator, and enlarged magazine release.



Case: 23-1633 Document: 63 Page: 200 Date Filed: 08/16/2023

MR556A1 Upper Receiver Kit

The MR556A1 Upper Receiver Kit includes a complete upper receiver/barrel assembly, bolt carrier assembly, buffer, and buffer spring allowing most high-quality 5.56 mm AR-style rifles to be retrofitted to HK's pusher rod system. The Upper Receiver Kit is the core of the HK 5.56 mm proprietary gas piston operating system. It employs a piston and a solid operating "pusher" rod in place of the gas tube normally found in AR15/M16/M4-style firearms.

The MR556A1 Upper Receiver Kit is designed to be fully interchangeable with all high quality AR-style firearms, simply by attaching it to an AR lower receiver using the standard takedown pins. Due to the shortened length of the HK buffer and HK (action) buffer spring, these parts do not work in

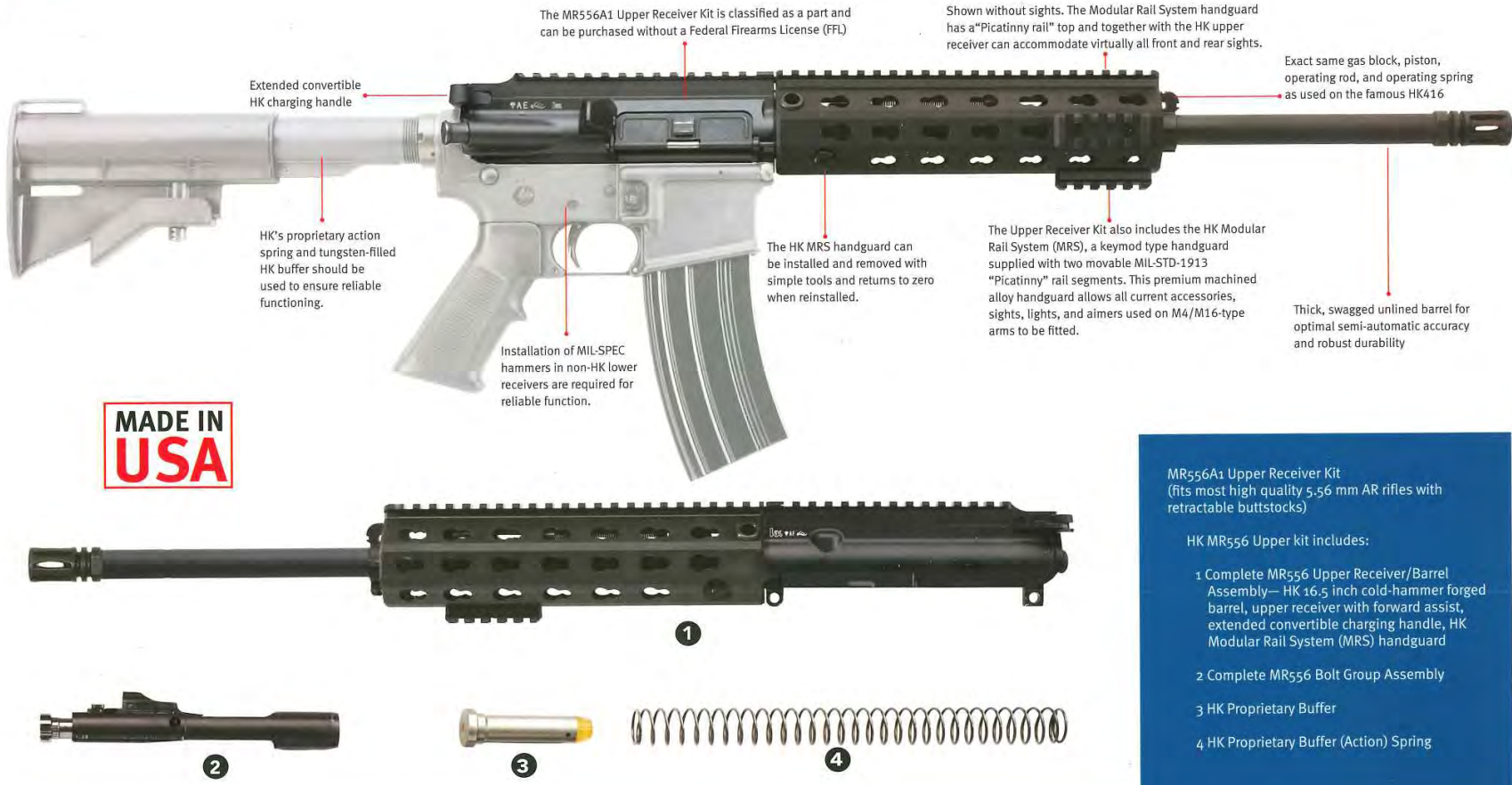
fixed stock AR-type rifles. The HK piston driven operating system virtually eliminates malfunctions that are common to direct impingement gas systems since hot carbon fouling and waste gases do not enter the receiver area.

Designed to function with a wide variety of high quality 5.56 x 45 mm ammunition, the MR556A1 Upper Receiver Kit uses a C.I.P. dimensioned chamber (a chamber with dimensions specified by the Commission Internationale Permanente). The MR556A1 also functions reliably with most high quality Caliber .223 Remington ammunition.

The MR556A1 Upper Receiver Kit is manufactured in the USA using

American and German made components. The Upper Receiver Kit uses a German-made barrel produced by Heckler & Koch's famous cold hammer forging technology. The highest quality steel is used in this unique manufacturing process producing a barrel that provides superior accuracy and long service life.

The unchromed 16.5-inch barrel has an internal profile of 6 lands and grooves with a 1 in 7 inch (178 mm) twist. It is also moderately "swagged" with a slightly smaller internal diameter at the muzzle end than the chamber end. This feature has a positive effect on bullet accuracy and velocity. A thick, heavy contour also contributes to its excellent accuracy.



MR556A1 Upper Receiver Kit
(fits most high quality 5.56 mm AR rifles with retractable buttstocks)

HK MR556 Upper kit includes:

- 1 Complete MR556 Upper Receiver/Barrel Assembly— HK 16.5 inch cold-hammer forged barrel, upper receiver with forward assist, extended convertible charging handle, HK Modular Rail System (MRS) handguard
- 2 Complete MR556 Bolt Group Assembly
- 3 HK Proprietary Buffer
- 4 HK Proprietary Buffer (Action) Spring

SPECIFICATIONS

MODEL	CALIBER	MAGAZINE CAPACITY	MODES OF FIRE	SIGHTS	GRIPS/STOCKS	WIDTH (APPROX.)	HEIGHT (APPROX.)	WEIGHT WITH EMPTY MAGAZINE	SIGHT RADIUS (APPROX.)	BARREL LENGTH	OVERALL LENGTH
VP9	9 mm x 19	15/10	semi	3-dot	fully adjustable	1.32 in / 33.5 mm	5.41 in / 137.5 mm	26.56 oz / 753 g	6.38 in / 162 mm	4.09 in / 104 mm	7.34 in / 186.5 mm
VP40	.40 S&W	13/10	semi	3-dot	fully adjustable	1.32 in / 33.5 mm	5.45 in / 138.5 mm	28.93 oz / 820 g	6.38 in / 162 mm	4.09 in / 104 mm	7.34 in / 186.5 mm
P10	.40 S&W	13/10	semi	3-dot	fully adjustable	1.37 in / 34.8 mm	5.43 in / 138 mm	26.08 oz / 740 g	5.84 in / 148.5 mm	3.85 in / 98 mm	7.12 in / 181 mm
P30	.40 S&W	13/10	semi	3-dot	fully adjustable	1.37 in / 34.8 mm	5.43 in / 138 mm	26.08 oz / 740 g	5.84 in / 148.5 mm	3.85 in / 98 mm	7.12 in / 181 mm
P30S	9 mm x 19	15/10	semi	3-dot	fully adjustable	1.53 in / 38.8 mm	5.43 in / 138 mm	26.08 oz / 740 g	5.84 in / 148.5 mm	3.85 in / 98 mm	7.12 in / 181 mm
P30S	.40 S&W	13/10	semi	3-dot	fully adjustable	1.53 in / 38.8 mm	5.43 in / 138 mm	26.08 oz / 740 g	5.84 in / 148.5 mm	3.85 in / 98 mm	7.12 in / 181 mm
P30L	9 mm x 19	15/10	semi	3-dot	fully adjustable	1.37 in / 34.8 mm	5.43 in / 138 mm	27.52 oz / 780 g	6.42 in / 163 mm	4.45 in / 113 mm	7.71 in / 196 mm
P30L	.40 S&W	13/10	semi	3-dot	fully adjustable	1.37 in / 34.8 mm	5.43 in / 138 mm	27.52 oz / 780 g	6.42 in / 163 mm	4.45 in / 113 mm	7.71 in / 196 mm
P30LS	9 mm x 19	15/10	semi	3-dot	fully adjustable	1.37 in / 34.8 mm	5.43 in / 138 mm	27.52 oz / 780 g	6.42 in / 163 mm	4.45 in / 113 mm	7.71 in / 196 mm
P30LS	.40 S&W	13/10	semi	3-dot	fully adjustable	1.37 in / 34.8 mm	5.43 in / 138 mm	27.52 oz / 780 g	6.42 in / 163 mm	4.45 in / 113 mm	7.71 in / 196 mm
P30SK	9 mm x 19	10	semi	3-dot	fully adjustable	1.37 in / 34.8 mm	4.57 in / 116 mm	23.99 oz / 680 g	5.35 in / 136 mm	3.27 in / 83 mm	6.42 in / 163 mm
P30SKS	9 mm x 19	10	semi	3-dot	fully adjustable	1.53 in / 38.8 mm	4.57 in / 116 mm	23.99 oz / 680 g	5.35 in / 136 mm	3.27 in / 83 mm	6.42 in / 163 mm
HK45	.45 ACP	10	semi	3-dot	adj. backstrap	1.54 in / 39 mm	5.91 in / 150 mm	31.20 oz / 880 g	6.63 in / 168.5 mm	4.46 in / 113.5 mm	8.03 in / 204 mm
HK45 Tactical	.45 ACP	10	semi	3-dot	adj. backstrap	1.54 in / 39 mm	5.91 in / 150 mm	31.20 oz / 880 g	6.63 in / 168.5 mm	4.46 in / 113.5 mm	8.03 in / 204 mm
HK45 Compact	.45 ACP	8/10	semi	3-dot	adj. backstrap	1.54 in / 39 mm	5.51 in / 140 mm	28.48 oz / 810 g	6.00 in / 152.5 mm	3.90 in / 99 mm	7.24 in / 184 mm
HK45 Compact Tactical	.45 ACP	8/10	semi	3-dot	adj. backstrap	1.14 in / 29 mm	5.51 in / 140 mm	29.12 oz / 830 g	6.00 in / 152.5 mm	4.57 in / 116 mm	7.91 in / 201 mm
P2000	9 mm x 19	13/10	semi	3-dot	adj. backstrap	1.37 in / 34.8 mm	5.07 in / 129 mm	24.96 oz / 710 g	5.55 in / 141 mm	3.66 in / 93 mm	6.85 in / 174 mm
P2000	.40 S&W	12/10	semi	3-dot	adj. backstrap	1.37 in / 34.8 mm	5.07 in / 129 mm	24.96 oz / 710 g	5.55 in / 141 mm	3.66 in / 93 mm	6.85 in / 174 mm
P2000SK	9 mm x 19	10	semi	3-dot	adj. backstrap	1.37 in / 34.8 mm	4.55 in / 115.5 mm	24.00 oz / 680 g	5.18 in / 131.5 mm	3.26 in / 83 mm	6.40 in / 162.5 mm
P2000SK	.40 S&W	9	semi	3-dot	adj. backstrap	1.27 in / 34 mm	4.55 in / 115.5 mm	24.00 oz / 680 g	5.18 in / 131.5 mm	3.26 in / 83 mm	6.40 in / 162.5 mm
USP9	9 mm x 19	15/10	semi	3-dot	fixed	1.26 in / 32 mm	5.31 in / 135 mm	27.20 oz / 770 g	6.22 in / 158 mm	4.25 in / 108 mm	7.68 in / 195 mm
USP40	.40 S&W	13/10	semi	3-dot	fixed	1.26 in / 32 mm	5.31 in / 135 mm	28.96 oz / 820 g	6.22 in / 158 mm	4.25 in / 108 mm	7.68 in / 195 mm
USP45	.45 ACP	12/10	semi	3-dot	fixed	1.26 in / 32 mm	5.61 in / 142.5 mm	34.88 oz / 990 g	6.34 in / 161 mm	4.41 in / 112 mm	7.91 in / 201 mm
USP9 Compact	9 mm x 19	13/10	semi	3-dot	fixed	1.38 in / 35 mm	5.00 in / 127 mm	25.76 oz / 730 g	5.31 in / 135 mm	3.58 in / 91 mm	6.81 in / 173 mm
USP40 Compact	.40 S&W	11/10	semi	3-dot	fixed	1.38 in / 35 mm	5.00 in / 127 mm	27.52 oz / 780 g	5.31 in / 135 mm	3.58 in / 91 mm	6.81 in / 173 mm
USP45 Compact	.45 ACP	8	semi	3-dot	fixed	1.38 in / 35 mm	5.04 in / 128 mm	28.16 oz / 800 g	5.63 in / 143 mm	3.78 in / 96 mm	7.09 in / 180 mm
USP9 Tactical	9 mm x 19	15/10	semi	Target	fixed	1.26 in / 32 mm	5.50 in / 140 mm	28.16 oz / 800 g	6.57 in / 167 mm	4.86 in / 123.5 mm	8.40 in / 218 mm
USP40 Tactical	.40 S&W	13/10	semi	Target	fixed	1.26 in / 32 mm	5.55 in / 141 mm	28.96 oz / 820 g	6.22 in / 158 mm	4.90 in / 124.5 mm	8.32 in / 211 mm
USP45 Tactical	.45 ACP	12/10	semi	Target	fixed	1.26 in / 32 mm	5.90 in / 150 mm	32.80 oz / 1020 g	6.73 in / 171 mm	5.09 in / 129 mm	8.64 in / 218 mm
USP9 Expert	9 mm x 19	15/18	semi	Target	fixed	1.73 in / 44 mm	5.86 in / 149 mm	33.60 oz / 960 g	7.48 in / 190 mm	5.19 in / 132 mm	8.70 in / 221 mm
MARK 23	.45 ACP	12	semi	3-dot	fixed	1.53 in / 39 mm	5.90 in / 150 mm	39.36 oz / 1120 g	7.76 in / 195 mm	5.87 in / 149 mm	9.65 in / 245 mm
SP5K	9 mm x 19	10/15/30	semi	clopper	fixed	2.40 in / 61 mm	8.66 in / 220 mm	4.74 lb / 2.15 kg	10.2 in / 260 mm	4.53 in / 115 mm	13.9 in / 354 mm
MR762A1 Rifle	7.62 mm x 51	10/20	semi	adjustable TROV micro set	Retractable	3.23 in / 82 mm	8.36 in / 213 mm	9.84 lb / 4.48 kg	16.14 in / 410 mm	16.50 in / 420 mm	35.94-39.10 in 913-993 mm
MR762A1 Long Rifle Package LRP II	7.62 mm x 51	10/20	semi	Optical (Leupold 3-9x40 mm)	Retractable G28	3.23 in / 82 mm	8.36 in / 213 mm 10.75 in / 273 mm ¹	10.58 lb / 4.80 kg 13.46 lb / 6.11 kg ¹	N/A	16.50 in / 420 mm	35.94-39.10 in 913-993 mm
MRS56A1 Rifle	5.56 mm x 45	10/20/30	semi	adjustable TROV micro set	Retractable	3.07 in / 78 mm	9.45 in / 240 mm	9.10 lb / 4.13 kg	14.60 in / 371 mm	16.50 in / 420 mm	33.90-37.68 in 861-957 mm
MRS56A1 Competition Model	5.56 mm x 45	10/20/30	semi	—	Retractable MAGPUL CTR	3.07 in / 78 mm	9.45 in / 240 mm	8.78 lb / 3.98 kg	N/A	16.50 in / 420 mm	37.75-41.00 in 959-1041 mm

¹MR762A1 LRP Rifle with mounted scope

Specifications updated 08/24/2013

Visit www.hkwebshop.com for the complete selection of HK accessories.



HK Part #85211 Otis Cleaning Kit (for use with most HK firearms)



HK Part #988496 HK Multi Tool (for MR Rifles, SL8, USC, other HK firearms)



HK Part #227614 MR Rifle Convex Recoil Pad (fits MR buststocks, HK416, and HK417 buttstocks)



HK Part #216189 USP Jet Funnel Assembly Kit



HK Part #300009 HK Sight Adjustment Tool (for use with HK dipoter sights)



HK Part #227610 HK V2 Pistol Grip (fits all MR Rifles, HK416, HK417, G28, most AR/M4/M16 type arms)



HK Part #228377 P7 Cylinder Cleaning Tool
HK Part #222269 P7 Cleaning Brush



HK Part #203399 Light Bipod (fits HK91/HK93 wide forearm)



HK Part #214085 HK Rifle Carry Sling (SL8/USC/G36)
HK Part #234723 HK Rifle Carry Sling (MR Rifles)



HK Part #702539 X-Grip Magazine Sleeve (fits various HK pistol magazines)



Selection of HK apparel items including ball caps, t-shirts, outerwear and a large selection of corporate identity products (check HK webshop for latest)



HK Part #1002006-01 9 inch 556 Modular Rail System (MRS) Black



HK Part #1002020-01 14 inch 556 Modular Rail System (MRS) Black, **HK Part #1002025-01** 14.7 inch 762 Modular Rail System (MRS) Black



HK Part #1002007-01 ASM Rail Segment, 5 slots (Black), **HK Part #1002016** Sling Swivel Mount Segment (Black)



HK water bottles. Includes classic BPA free Nalgene, CamelBak, and others. Check HK webshop for current selection.

ACCESSORIES



HK Part #233210 HK Front Diopter Sight, Fits MR and HK416/HK417 rifles



HK Part #233197 HK Rear Diopter Sight, Fits MR556A1 and HK416 10.4/16.6, #227635 HK Rear Diopter Sight, Fits MR762A1 and HK417



HK Part #235690S HK 5.56 mm 30 Round Polymer Magazine (fits HK416, MR556A1, and other AR-type firearms)



HK Part #251770S HK 5.56 mm 30 Round Steel Magazine (fits HK416, MR556A1, and other AR-type firearms)



HK Part #234708S HK 7.62 mm Polymer Magazine (fits MR762A1, G28, and HK417)



HK Part #251450 HK Vertical Foregrip (fits on Picatinny rails)



HK Part #708056R P30/HK45/VP9 Night Sights
HK Part #986844 USP Adjustable Rear Sight (use with Front Target Sight 215939)



HK Part #234656S USP 9 mm 18 round magazine



HK Part #234268S HK45 Compact 10 round magazine with extended floorplate



HK Part #203617 Protective Cover (fits over most Picatinny Rails)



HK Part #702038 Thread Protector (USP45/HK45),
HK Part #702039 Thread Protector (Mark23)
HK Part #207330 Thread Protector 9 mm (USP/P30)
HK Part #702536 Thread Protector .40 (USP)



HK Part #234391 P30 9 mm Threaded Barrel
HK Part #226349 USP45 Threaded Barrel & O-Ring
HK Part #236350 HK45C Threaded Barrel & O-Ring
HK Part #236351 HK45 Threaded Barrel & O-Ring



HK Pelican/Storm Single Handgun Case Check the HK webshop for a large selection of corporate identity products



HK Knives Swiss Army One-Handed Trekker Utility Knife. Check the HK webshop for current selection, including HK/Benchmade knives.



HK Part #708294 HK Universal Pistol Holster, fits HK45 Series/P30 Series/P2000 Series/VP9 (multiple carry options)

HK LIFETIME WARRANTY

All HK firearms sold commercially in the USA are covered by a Limited Lifetime Warranty for the original owner— one of the most comprehensive guarantees in the industry.



Firearms purchased by the military or law enforcement are covered by a One Year Limited Warranty against material defects and workmanship. Warranty repair or replacement is conducted at the discretion of Heckler & Koch.

FIREARMS SAFETY

Read and follow all safety information in the operator's manuals. Store all firearms in a safe and secure location. Keep firearms away from children. Always be a safe operator.

NOTE: Not all Heckler & Koch products are available to commercial/civilian customers. Some products are limited to military and law enforcement users only.

For more information on HK military, law enforcement, and commercial products outside of the United States contact:

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OUR HISTORY AND MISSION

For over half a century, Heckler & Koch has been a leading designer and manufacturer of small arms and light weapons for law enforcement and military forces worldwide. HK is also the maker of premier brand firearms for the sporting and commercial markets. Its reputation for quality, innovation, and safety make Heckler & Koch a recognized leader in the development of technologically advanced products. And the long-term durability of all HK products make them especially cost-effective when subjected to total life cycle cost analysis.

As a major international force, Heckler & Koch has a vision that is simple yet demanding — "To be the world's premier small arms systems company."

With operations in Germany, the United Kingdom, France, and the United States, we continue to meet the ever-evolving needs and requirements of our customers. A major supplier of small arms to several NATO countries, Heckler and Koch is a worldwide leader in market positions for nearly all of its major product categories.

The foundation for everything we do is an unwavering commitment to excellence. This is accomplished through technological leadership, in depth product research and development, responsible marketing, and strategies that create and shape markets. We consider it a fundamental obligation to deliver the best possible products to our customers. The words "No Compromise" are more than a motto, they are the core of our corporate philosophy.

WHERE TO BUY

To put an HK firearm in your hands, visit an authorized Heckler & Koch dealer.

For the location nearest you, go to the DEALER LOCATOR at www.HK-USA.com or call 706-568-1906.



Visit the HK website at: www.hk-usa.com
for the latest on Heckler & Koch firearms, accessories, and branded products.

An affiliate of Heckler & Koch GmbH of Oberndorf, Germany; Heckler & Koch USA currently has three principal US locations. HK Columbus (Georgia) provides the U.S. commercial (civilian) market and law enforcement community with technologically advanced firearms, customer support, and repair services. HK Columbus is also HK's principal distribution center.

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USA website: www.hk-usa.com

HK Ashburn (Virginia) serves the U.S. military and federal law enforcement community with logistical support and acts as an administrative/sales support activity. HK Ashburn is also the center for armorers and specialized training on Heckler & Koch arms conducted by HK Training & Technical Services.

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HK Newington (New Hampshire) is Heckler & Koch's center for its American manufacturing operations. Established in 2007, HK Newington includes advanced CNC machine tooling and polymer molding technology capable of making a full line of Heckler & Koch products. Production and assembly of pistols began in 2008 with commercial rifles being added in 2009.

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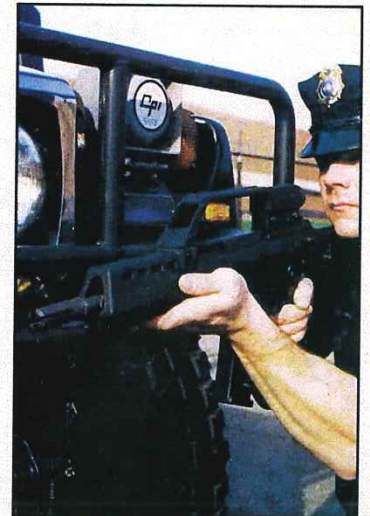
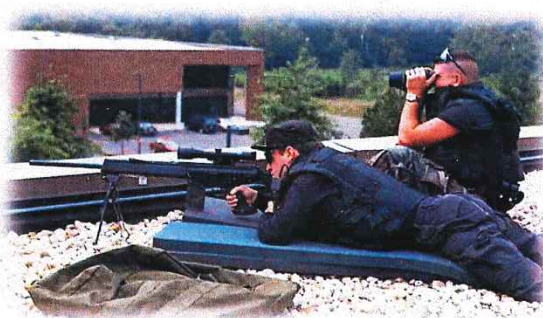
Case 1:22-cv-00951-RGA Document 37-1 Filed 01/31/23 Page 154 of 174 PageID #: 832

Exhibit 8

SA0201

WEAPONS SYSTEM

Military & Law Enforcement Products



HECKLER & KOCH

21480 Pacific Boulevard • Sterling, Virginia 20166 U.S.A. • Tel (703) 450-1900 • Fax (703) 450-8160

SPECIFICATIONS

	caliber	cyclic rate of fire	magazine capacity	modes of fire	sights	stocks	width ¹⁾ (in.)	height ¹⁾ (in.)	weight (pounds) (w/o magazine)	sight radius (in.)	barrel length (in.)	overall length (in.)
P7M8	9MMX19	-	8	S	3-DOT	-	1.14	5.10	1.72	5.83	4.13	6.73
P7M13	9MMX19	-	13	S	3-DOT	-	1.30	5.30	1.87	5.83	4.13	6.90
USP9	9MMX19	-	10/15	S	3-DOT	-	1.26	5.35	1.65	6.22	4.25	7.64
USP40	.40 S&W	-	10/13	S	3-DOT	-	1.26	5.35	1.66	6.22	4.25	7.64
USP45	.45 ACP	-	10/12	S	3-DOT	-	1.26	5.55	1.74	6.34	4.41	7.87
USP9 Compact	9MMX19	-	10/13	S	3-DOT	-	1.14	5.00	1.47	5.35	3.58	6.81
USP40 Compact	.40 S&W	-	10/12	S	3-DOT	-	1.14	5.00	1.53	5.35	3.58	6.81
USP357 Compact	357 SIG	-	10/12	S	3-DOT	-	1.14	5.00	1.53	5.35	3.58	6.81
USP45 Compact	.45 ACP	-	8	S	3-DOT	-	1.14	5.06	1.60	5.63	3.80	7.09
Mark 23	.45 ACP	-	10/12	S	3-DOT	-	1.53	5.90	2.42	7.76	5.87	9.65
USP45 Tactical	.45 ACP	-	10/12	S	TARGET	-	1.26	5.90	1.90	6.34	4.92	8.64
EFL	19MM	-	5	M	-	-	1.45	5.75	.49	-	-	3.15
P2A1	26.5MM	-	-	M	-	-	1.50	5.70	1.50	-	6.10	7.90
MP5A2	9MMX19	800 RPM	15/30	S, F	D	FS	1.96	8.26	5.59	13.38	8.85	26.77
MP5A4	9MMX19	800 RPM	15/30	S, 3, F	D	FS	1.96	8.26	5.59	13.38	8.85	26.77
MP5A3	9MMX19	800 RPM	15/30	S, F	D	RS	1.96	8.26	6.47	13.38	8.85	21.00/27.25
MP5A5	9MMX19	800 RPM	15/30	S, 3, F	D	RS	1.96	8.26	6.47	13.38	8.85	21.00/27.25
MP5SFA2 ²⁾	9MMX19	-	15/30	S	D	FS	1.96	8.26	5.61	13.38	8.85	28.00
MP5SFA3 ²⁾	9MMX19	-	15/30	S	D	RS	1.96	8.26	6.49	13.38	8.85	22.33/28.58
MP5-N(FS)	9MMX19	800 RPM	15/30	S, F	D	FS	1.96	8.26	5.59	13.38	8.85	26.77
MP5-N(RS)	9MMX19	800 RPM	15/30	S, F	D	RS	1.96	8.26	6.47	13.38	8.85	21.00/27.25
MP5K	9MMX19	900 RPM	15/30	S, F	D	-	1.96	8.26	4.40	10.25	4.50	12.80
MP5KA4	9MMX19	900 RPM	15/30	S, 3, F	D	-	1.96	8.26	4.40	10.25	4.50	12.80
MP5K-N	9MMX19	900 RPM	15/30	S, F	D	-	1.96	8.26	4.40	10.25	5.50	13.75
MP5K-PDW	9MMX19	900 RPM	15/30	S, F	D	FOLDING	1.96	8.26	6.14	10.25	5.50	14.50/23.75
MP5/10A2	10MM AUTO	800 RPM	30	S, F	D	FS	1.96	8.26	5.88	13.38	8.85	26.77
MP5/10A3	10MM AUTO	800 RPM	30	S, F	D	RS	1.96	8.26	6.41	13.38	8.85	21.00/27.25
MP5/40A2	.40 S&W	800 RPM	30	S, F	D	FS	1.96	8.26	5.88	13.38	8.85	26.77
MP5/40A3	.40 S&W	800 RPM	30	S, F	D	RS	1.96	8.26	6.41	13.38	8.85	21.00/27.25
MP5SD1	9MMX19	800 RPM	15/30	S, F	D	RC	2.36	8.26	6.17	13.38	5.73	21.67
MP5SD2	9MMX19	800 RPM	15/30	S, F	D	FS	2.36	8.26	6.83	13.38	5.73	30.42
MP5SD3	9MMX19	800 RPM	15/30	S, F	D	RS	2.36	8.26	7.63	13.38	5.73	25.68/31.69
MP5SD4	9MMX19	800 RPM	15/30	S, 3, F	D	RC	2.36	8.26	6.17	13.38	5.73	21.67
MP5SD5	9MMX19	800 RPM	15/30	S, 3, F	D	FS	2.36	8.26	6.83	13.38	5.73	30.42
MP5SD6	9MMX19	800 RPM	15/30	S, 3, F	D	RS	2.36	8.26	7.63	13.38	5.73	25.68/31.69
MP5SD-N	9MMX19	800 RPM	15/30	S, F	D	RS	2.36	8.26	7.83	13.38	5.73	25.68/31.69
HK53A2	5.56MM	700 RPM	25/30	S, F	D	FS	2.05	8.26	5.96	15.40	8.31	29.72
HK53A3	5.56MM	700 RPM	25/30	S, F	D	RS	2.05	8.26	6.73	15.40	8.31	22.17/29.72
HK33KA2	5.56MM	700 RPM	25/30	S, F	D	FS	2.28	8.26	8.05	18.89	12.68	34.06
HK33KA3	5.56MM	700 RPM	25/30	S, F	D	RS	2.28	8.26	8.82	18.89	12.68	26.38/34.06
HK33A2	5.56MM	750 RPM	25/30	S, F	D	FS	2.28	8.26	8.40	18.89	15.35	36.20
HK33A3	5.56MM	750 RPM	25/30	S, F	D	RS	2.28	8.26	8.80	18.89	15.35	29.15/36.20
HK23E	5.56MM	800 RPM	BELT OR 25/30	S, 3, F	D	FS	5.24	8.26	19.18	26.97	17.72	40.55
G36K ⁴⁾	5.56MM	750 RPM	30/100	S, F	O, DS	FOLDING	2.44	9.72	6.62	-	12.52	24.21/33.78
G36 ⁴⁾	5.56MM	750 RPM	30/100	S, F	O, DS	FOLDING	2.44	9.72	7.28	-	18.90	29.84/39.29
MG36 ⁴⁾	5.56MM	750 RPM	30/100	S, F	O, DS	FOLDING	2.44	11.42	7.87	-	18.90	29.84/39.29
G3A3	7.62MM	600 RPM	5/20	S, F	D	FS	2.28	8.26	9.70	22.52	17.71	40.38
G3A4	7.62MM	600 RPM	5/20	S, F	D	RS	2.28	8.26	10.40	22.52	17.71	33.10/40.15
G3KA3	7.62MM	600 RPM	5/20	S, F	D	FS	2.28	8.26	9.00	20.00	12.40	35.25
G3KA4	7.62MM	600 RPM	5/20	S, F	D	RS	2.28	8.26	9.70	20.00	12.40	28.00/35.25
HK21E	7.62MM	800 RPM	BELT OR 20/50	S, 3, F	D	FS	5.24	8.26	20.50	26.97	22.05	44.88
PSG1	7.62MM	-	5/20	S	O, 6x, H	ASS	2.32	10.16	17.86	10x scope	25.59	47.56
MSG90	7.62MM	-	5/20	S	O, 10x, H	ASS	2.56	10.23	14.11	6x scope	23.62	45.87
HK69A1	40MM	-	-	M	LADDER	RS	2.25	8.00	5.77	13.50	14.00	18.24/28.90
FP6	12 GAUGE	-	5	PUMP	BLADE	FS, FOLDING	2.25	8.10	6.60	-	20.00	31.00/41.25

buttstock open ¹⁾without magazine ²⁾with flash hider ³⁾specifications shown with Export sight stock in/out
Modes of fire: M – manually operated, S – semiautomatic, 2 – 2 round burst, 3 – 3 round burst, F – fully automatic
Buttstock Configurations: RC – receiver cap, FS – fixed stock, RS – retractable stock, ASS – adjustable sniper stock
Sights: O – optical sight, H – Hensoldt scope, D – diopter/rotary, X – magnification, DS – dual sighting system
 State and local law enforcement customers, please direct all inquiries to the HK Law Enforcement Sales Department, (703) 450-1900 extensions 272, 289, & 290.
 Federal agencies and DOE/NRC contractors, please direct all inquiries to the HK Federal Law Enforcement Staff, (703) 450-1900 extension 205.
 Military services, please direct all inquiries to the HK Military Sales Department, (703) 450-1900 extension 209. Specifications and model availability subject to change without notice.

Case: 23-1633 Document: 63 Page: 208 Date Filed: 08/16/2023

HK USP Compact Pistols

The HK USP Compact is a small frame pistol capable of firing the most powerful cartridges in 9mm, .40 S&W, and .45 ACP. Based on the full-size USP models, these handy pistols combine compact size with optimum effective shooting performance.

USP Compacts are smaller and lighter than large frame USPs. The reduction in trigger reach and grip circumference increases concealability and enhances shooting ergonomics. Unlike some subcompact semiautomatic pistols that use a difficult to shoot “two-finger grip” frame, the USP Compact uses a narrow, full-hand grip frame with a choice of interchangeable extended or flush-fitting magazine floorplates. This makes the pistol easy to shoot without sacrificing concealability.

Like their large frame predecessors, USP Compacts are designed with the demanding needs of the American shooter in mind. Features favored by US civilian, law enforcement, and military users provided the design criteria for both the full size USP and the USP Compact.

All variants of the USP Compact have modified contoured slide and frame for effective concealability. Variants 1-7 also have a no snag, Variants 1-7 also have a no snag, Variants 1-7 also have a no snag,

Contact HK for a list of holsters manufactured for HK pistols.

Low profile 3-dot sights, adjustable for windage and elevation, are standard on the USP Compact. Optional tritium sights are also available.

Extractor doubles as loaded chamber indicator

One piece machined steel slide. Choice of stainless steel or matte black Hostile Environment finish



USP9 COMPACT 9MM
Stainless Steel Model with 13-round metal magazine

USP Compacts have an ambidextrous magazine release lever which is shielded by the flared trigger guard from inadvertent actuation. The magazine release lever can be pressed with the thumb or index finger of the firing hand, without adjusting the firing grip.

Standard flat magazine floorplate

The extended slide release is contoured to reduce wear and tear on clothing when the pistol is carried concealed.

All variants of the USP Compact have a modified contoured slide and frame for effective concealability. Variants 1-7 also have a no snag, bobbed hammer.



Flared recurve trigger guard

The USP control lever has a positive stop and automatically returns to the “fire” position after decocking. The control lever, featured on many variants of the USP and USP Compact, allows these pistols to be safely carried “cocked and locked”.

USP45 Compact model is only 5% larger than 9mm and .40 caliber Compact models.

USP45 COMPACT
CALIBER .45 ACP with 8-round metal magazine

Convertible Fire Modes and Controls
The USP Compact can also be converted from one type of trigger firing mode to another. This includes combination double-action and single-action modes and double action only modes. The USP Compact is currently available in four calibers and nine trigger / firing mode configurations, or virtually any firing mode imaginable.

USP Compact	Bobbed Hammer	Double Action & Single Action	Double Action Only	Control Lever (Left Side)	Control Lever (Right Side)	Control Lever (Manual Safety)	Control Lever (Decocking)	Control Lever (No Decocking)	Caliber Availability
Variant 1	●	●	●	●	●	●	●	●	45, 40, 9mm, 357 SIG
Variant 2	●	●	●	●	●	●	●	●	45, 40, 9mm, 357 SIG
Variant 3	●	●	●	●	●	●	●	●	45, 40, 9mm, 357 SIG
Variant 4	●	●	●	●	●	●	●	●	45, 40, 9mm, 357 SIG
Variant 5	●	●	●	●	●	●	●	●	45, 40, 9mm, 357 SIG
Variant 6	●	●	●	●	●	●	●	●	45, 40, 9mm, 357 SIG
Variant 7	●	●	●	●	●	●	●	●	45, 40, 9mm, 357 SIG
Variant 9	●	●	●	●	●	●	●	●	45, 40, 9mm, 357 SIG
Variant 10	●	●	●	●	●	●	●	●	45, 40, 9mm, 357 SIG

Polygonal barrel made by cold-hammer forging ensures increased barrel life and accuracy on par with full size USP models.

Double action only Variant 7 has no control lever. Control lever function can be switched to accommodate left-handed users or removed entirely for a smooth sided DAO model.



UTL Mark II light output is rated at 115 Lumens, fifty times greater than a D cell flashlight.

Grooved target trigger

USP COMPACT .40 S&W Variant 7 (double action only model) with 12-round metal magazine

Grip dimensions on USP Compacts are well-suited to shooters with small hands.

Extended magazine floorplate

Highly contoured frame, slide, and operating controls reduce wear and tear on clothing and help speed holstering.

The frame mounted control lever, a combination safety and decocking lever, has a slimline profile for compactness but is still quickly accessible, unlike the slide mounted safeties common on many semi-automatic pistols.

bobbed hammer. The extended slide release is contoured to reduce wear and tear on clothing when the pistol is carried concealed.

Using a modified linkless Browning-type action, the USP Compact is built to take the punishment of high energy +P and +P+ loads.

To reduce the length of the slide and barrel on the USP Compact, the mechanical recoil reduction system found on large frame USPs has been replaced by a specially designed flat compression spring contained in the captive recoil spring assembly by a polymer absorber bushing. Service life is still engineered to exceed 20,000 rounds.

The frame mounted control lever, a combination safety and decocking lever, has a slimline profile for compactness but is still quickly accessible, unlike the slide mounted safeties common on many semiautomatic pistols.

By using the same modular approach to the internal components found on large frame USPs, the control lever function of the USP Compact can be switched from the left to the right side of the pistol for left-handed shooters.

Simple to maintain, the USP Compact is a reliable, safe, accurate, and highly concealable pistol with the performance of a full size handgun.



USP357 COMPACT CALIBER 357 SIG with 12-round metal magazine

NEW

Universal mounting grooves are molded in the polymer frame of the USP Compact. These grooves allow the Mark II HK Universal Tactical Light (shown above) and a variety of other accessories to be mounted on the HK USP Compact without modification to the pistol.

The USP Compact uses metal magazines to keep grip size to a minimum. Magazines for the USP Compact also have two different interchangeable floor plates. One flat and one extended magazine floor plate with a finger extension are supplied with each USP Compact for the choice of grip options. Magazine floor plates can be easily removed without tools during disassembly.

HK USP Pistols

The HK USP (Universal Self-loading Pistol) is the first HK pistol designed especially for American shooters. Features favored by US law enforcement and military users provided the design criteria for the USP. Its controls are uniquely American, influenced by such famous designs as the Government Model 1911 pistol.

The control lever, a combination safety and decocking lever, is frame mounted and quickly accessible, unlike the slide mounted safeties common on many semi-automatic pistols.

Using a modified Browning-type action with a special patented recoil reduction system, the USP is built to take the punishment of powerful +P and +P+ loads. The recoil reduction system reduces recoil effects on pistol components and also lowers the recoil forces felt by the shooter. The USP recoil reduction system is insensitive to ammunition types and requires no special adjustment or maintenance. It functions effectively in all USP models.

By using a modular approach to the internal components, the control lever function of the USP can be switched from the left to the right side of the pistol for left-handed shooters. The USP can also be converted from one type of trigger firing mode to another. This includes combination double-action and single-action (DA/SA) modes and double action only (DA-Only) modes. The USP is available in both standard frame and compact models with nine trigger/firing mode configurations and three calibers—.45 ACP, .40 S&W, and 9mm. USP slides are available in both matte black and stainless steel.

USP45 CALIBER .45 ACP with 12-round metal magazine

Three-dot sights (optional tritium sights available)



Major metal components on the USP are protected from wear and corrosion by HK's special Hostile Environment (HE) finish. Stainless steel models of the USP and are also available.



The ambidextrous magazine release lever is shielded by the trigger guard from inadvertent actuation. It can be easily operated using the thumb or index finger without adjusting the grip of the firing hand.

USP9 CALIBER 9MM with 15-round polymer magazine

Polygonal bore profile for increased velocity, easier cleaning, and longer barrel life

Patented recoil reduction system was tested and proven in the HK MK 23, MOD 0 semi-automatic pistol issued to the US Special Operations Command.

Universal mounting grooves for installing accessories

One-piece machined steel slide



USP40 CALIBER .40 S&W with 13-round polymer magazine

Reinforced polymer frame. HK pioneered the use of composite materials in production handguns more than twenty-five years ago with the development of the VP70Z and P9S pistols.

Optional remote pressure switch for HK UTL

HK P7 Pistols

P7 pistols can be drawn, cocked, and fired accurately faster than any other pistol. The unique HK cocking lever allows the P7 to be carried safely with a round in the chamber, yet it is ready to fire by the intentional tightening of the fingers around the grip. Releasing the cocking lever decocks the P7 immediately and renders it completely safe. The cocking lever also doubles as a slide release lever.

The unique P7 gas system retards the movement of the recoiling slide during firing and eliminates the need for a conventional locking mechanism.

A low profile slide contributes to the balanced center of gravity and overall compact size of the P7. Made of high grade steel, the low profile slide keeps the recoiling mass to a minimum.

Combined with the optimal grip angle of 110°, the result is an accurate, low recoil pistol; well suited for military and law enforcement users.

Single control lever function can be changed to opposite side for left hand users. The control lever allows the USP to be carried "cocked & locked" and has a positive stop, returning to the "fire" position after decocking. The slide can still be actuated when the control lever is placed in the "safe" position (where applicable).

Stepped grip combined with the tapered magazine well, makes magazine changes fast and precise. The sides of the magazine well have finger recesses that also aid in magazine removal.

With its fluted chamber, the P7 will extract and eject an empty shell even if the extractor is missing. The extractor, which doubles as a loaded chamber indicator, only aids in making extraction smooth and uniform.

Three-dot sights, optional tritium sights available

Lanyard loop

P7M8 9MM with 8-round metal magazine

P7 pistols have a constant uniform single-action trigger pull for all rounds fired. Unlike conventional double action pistols, here is no change in trigger pull between critical first and second shots.

Cocking lever controls make P7 pistols completely ambidextrous.

Fixed, polygonal barrel made by cold hammer forging ensures accuracy and increased barrel life.

P7M13 9MM with 13-round metal magazine

Firing pin assembly can be removed without tools

Slide retaining button

Ambidextrous magazine release

Slide and frame constructed of high grade steel

Grip circumference on both the P7M8 and P7M13 is small. Easy to shoot for small handed users and very compact and concealable.

The HK MKII UTL (Universal Tactical Light) is a compact, high intensity light that can be installed on the accessory grooves of all USPs in seconds without tools.

Oversized trigger guard for use with gloves

USP	Fire Modes	Control Functions	Caliber
Variant 1	•	•	.45 / .40 / 9mm
Variant 2	•	•	.45 / .40 / 9mm
Variant 3	•	•	.45 / .40 / 9mm
Variant 4	•	•	.45 / .40 / 9mm
Variant 5	•	•	.45 / .40 / 9mm
Variant 6	•	•	.45 / .40 / 9mm
Variant 7	•	•	.45 / .40 / 9mm
Variant 8	•	•	.45 / .40 / 9mm
Variant 9	•	•	.45 / .40 / 9mm
Variant 10	•	•	.45 / .40 / 9mm

HK USPs are available in nine different firing configurations and three calibers.

HK Mark 23 Pistol

The HK Mark 23 Caliber .45 ACP pistol gives shooters match grade accuracy equal to that of the finest custom made handguns—yet they exceed the most stringent operational requirements ever demanded of a combat handgun.

The Mark 23 provides this accuracy without the need for hand-fitted parts common in custom-built match pistols costing thousands of dollars more.

One of the most thoroughly tested handguns in history, the MK23/Mark 23 project originated in 1991 when HK began development for the U.S. Special Operations Command, the unit that directs the activities of America's most elite military units, including the Navy SEALs and the Army Special Forces.

On May 1, 1996, the first MK 23 pistols were delivered to the U.S. Special Operations Command for operational deployment, making the MK 23 the first caliber .45 ACP pistol to enter U.S. military service since the venerable Government Model 1911A1.

The HK Mark 23 is a military and law enforcement model of the U.S. Government issue MK 23, MOD 0 Offensive Handgun and is available in limited numbers. Designated the "Mark 23", it is almost identical to the MK 23, MOD 0 pistol used by the Special Operations Command, right down to its threaded barrel. The principal differences are slide inscriptions (Mark 23 as opposed to MK 23) and a barrel manufactured to SAAMI headspace specifications.

One-piece machined steel slide

HK polygonal bore profile increases muzzle velocity and service life, while reducing bore fouling and cases cleaning.

Molded into the frame are special accessory grooves for attaching a light or laser aimer.

A threaded insert in the trigger guard is used to secure accessories to the pistol.

MARK 23 .45 ACP
with 12-round metal magazine
(MK23 USSOCOM Issue Pistol
NSN: 1005-01-426-8951)

The weapon is aimed using either iron sights or an optional laser aiming module. The iron sights provide a 3-dot sight picture with white or optional self-luminous tritium dots and are positioned to allow sight alignment with the optional sound & flash suppressor attached.

Military and law enforcement 12-round steel magazine

The USP-type mechanical recoil reduction system reduces recoil forces to the shooter and components of the pistol by as much as 30%.

MARK 23 .45 ACP
with suppressor, laser aiming module, and 12-round metal magazine

Ambidextrous magazine release

The Laser Aiming Module (LAM) is a combination visible/invisible (infrared) laser aimer and illuminator (flashlight); it easily mounts in the pistol's accessory grooves. The LAM was developed by Insight Technology Inc. of Manchester, NH for the U.S. Special Operations Command. LAM not available from HK.

The frame mounted MK 23 decocking lever is separate from the ambidextrous safety lever. It allows the hammer to be lowered quietly and safely from the single action position. When the hammer is down, the ambidextrous frame mounted safety lever is locked in the fire position so that the pistol is always ready for double action operation. When the hammer is "cocked and locked" in single action mode with the safety lever on "safe", the decocker is blocked so that the pistol is always ready for single action operation.

Even with the safety lever engaged, the slide can still be manipulated to load and clear the pistol.

Threaded barrel for use with a sound suppressor (available from HK).

The extended slide release lever and the ambidextrous magazine release are easily actuated without adjustment of the firing grip using the firing hand thumb or index finger.

Reinforced polymer frame

Lanyard loop

An innovative design feature found on both the Mark 23 and USP45 Tactical pistol is a high temperature rubber O-ring that seals and centers the barrel in the slide until unlocking of the barrel. The O-ring has a significant effect on accuracy, lasts more 20,000 rounds, and can be replaced without tools in seconds.

To meet operational environmental requirements, the pistol was function tested at +140 and -25° F, exposed to 2 hours of submersion in sea water at 66 feet, placed in surf, salt-fog, sand-dust, mud, icing, unlubricated, and fouled environments. A special maritime surface coating protected the pistol from any corrosion, in all of these operational environments.

During testing, MK 23 pistols met the most stringent operational and accuracy requirements ever demanded of a combat handgun. Endurance testing demonstrated a service life of over 30,000 rounds of +P ammunition. To meet the reliability requirement, the pistol had to demonstrate a minimum of 2,000 mean rounds between stoppages (MRBS) with both M1911 ball and +P ammunition. All pistols exceeded the 2,000 MRBS with an average of 6,000 MRBS. In more than 450 accuracy test firings from a precision firing fixture, MK 23 pistols far exceeded the government requirement, averaging 1.44 inches, with 65 groups of less than one inch. There were four groups of .5 inches, with 5 rounds going through the same hole!

HK USP45 Tactical Pistol

An enhanced version of the USP45, the Tactical is designed for users who need the features found on the Mark 23, but in a smaller and more affordable pistol. The USP45 Tactical pistol approaches the precision found on the Mark 23 by adding an extended threaded barrel with rubber O-ring, adjustable trigger, and adjustable target-type sights to the USP45.

High profile front sight permits normal sight alignment with sound suppressor mounted

Extractor (opposite side) doubles as a loaded chamber indicator.

Rear target sight features micrometer adjustment for windage and elevation. Fixed 3-dot or tritium sights available as an option.

Universal mounting grooves for installing accessories like the HK UTL weapons light and laser aimer

NEW

USP45 TACTICAL .45 ACP with 12-round metal magazine

Improved match single-action and double-action trigger pull with adjustable trigger stop to eliminate overtravel

Match grade trigger passes 1.5 meter drop test requirement.

12-round magazine with extended floorplate for optimal grip and weapon retention

Lanyard loop

USP45 Tactical pistols use the same patented recoil reduction system found on the full frame USP and the Mark 23. When the pistol is fired, the impulse of the rearward traveling barrel and slide are effectively buffered, eliminating the direct transmission of recoil forces to the pistol's frame and the shooter's hand.

Sound and flash suppressor does not interfere with iron sights or LAM and can be adjusted to compensate for point of aim/point of impact deviations. By adding water to the unit, it provides an extraordinary 33-35 dB sound reduction and can be indexed to any MK 23 to eliminate point-of-impact changes when attached. Suppressor developed by Knight Armament Corp. of Vera Beach, FL for the U.S. Special Operations Command.

HK Submachine Guns

Heckler & Koch MP5 submachine guns employ the same delayed blowback operated roller-locked bolt system found in the famous HK G3 Automatic Rifle. All the elements of HK excellence; reliability, ease of handling, simple maintenance, and safety are highlighted on the MP5. Firing from the closed-bolt position during all modes of fire makes MP5 submachine guns extremely accurate and controllable.

Used by military and law enforcement units in more than fifty nations, the MP5 is firmly established as the world's preeminent submachine gun. Over 120 variants of the HK MP5 submachine gun are available to address the widest range of tactical requirements. A selection of optional trigger groups allow for single fire only, full automatic, 2-round, and 3-round burst options. The weapon's unique modular design and a variety of optional buttstocks, forearms, sight mounts, and other accessories gives the MP5 extraordinary flexibility to meet most any mission requirement.



MP5K-PDW 9MM with Navy trigger group
 The MP5K-PDW (Personal Defense Weapon) is a compact submachine gun designed for vehicle operators, air crew members, security details, and others who require a small, but powerful weapon. While comparable in performance to full size MP5s, the size and weight of the MP5K-PDW make this weapon the ideal choice where a rifle or full-sized submachine gun is unmanageable and a handgun is a poor compromise.



MP5SFA2 9MM with SF trigger group
 The MP5SF (single fire) carbine is a semi-automatic only variant of the MP5 fitted with a trigger group that prevents full automatic firing. Comes with a detachable flash hider as a standard feature.

HK Trigger Groups

SEF Trigger Group	Numerical Trigger Group	SF (Single Fire) Trigger Group	0-1-2 Trigger Group	0-1-3 Trigger Group	Navy Trigger Group	2-Round Burst Trigger Group
S safe E single fire (semi-automatic) F fully automatic	S safe 1 single fire (semi-automatic) 20/25 fully automatic	<input type="checkbox"/> semi-automatic <input checked="" type="checkbox"/> safe	<input type="checkbox"/> two-round burst <input type="checkbox"/> semi-automatic <input checked="" type="checkbox"/> safe	<input type="checkbox"/> three-round bursts <input type="checkbox"/> semi-automatic <input checked="" type="checkbox"/> safe	<input type="checkbox"/> fully automatic <input type="checkbox"/> semi-automatic <input checked="" type="checkbox"/> safe	<input type="checkbox"/> fully automatic <input type="checkbox"/> two-round burst <input type="checkbox"/> semi-automatic <input checked="" type="checkbox"/> safe

SEF and Numerical trigger groups have a single safety/selector lever on the left side, all other groups have safety/selector levers on both sides.

**MP5KA4 9MM
with 3-round burst trigger group
(NSN: 1005-01-259-2895)**

The MP5K is the ultimate close quarters weapon. At 4.4 pounds and less than 13 inches long, the MP5K is easily concealed and carried. All MP5Ks can be fitted with an optional folding buttstock.



Compact 15-round 9mm magazine (interchangeable with 30-round magazines)

All MP5 submachine guns use a free floating, cold-hammer forged barrel and fire from the highly accurate closed-bolt position.



**MP5A3 9MM
shown with optional 0-1-2
trigger group and tactical
forearm light**

Retractable buttstock extended. MP5s can be fitted with a variety of buttstock options including receiver caps, retractable, fixed, and folding buttstocks.

Tactical forearm light can be mounted on most HK submachine guns and rifles.

0-1-2 Trigger Group includes "automatic double-tap" 2-round burst capability

30-round 9mm magazine

Briefcase safety button
Briefcase trigger

**MP5K 9MM
with standard "SEF"
trigger group**

Detachable flash hider



The MP5K can be fired from inside a specially designed briefcase.

Ideal as a squad car carbine to supplement or replace the 12 gauge shotgun, especially for small stature officers. Less recoil, greater range, and more ammunition capacity than a shotgun.

Mounting bracket for optional pull-thru cleaning kit



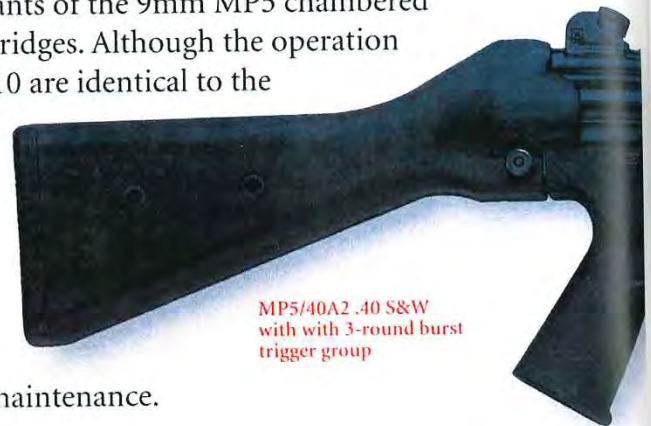
3-Round Burst Trigger Group	
<input type="checkbox"/>	fully automatic
<input type="checkbox"/>	three-round burst
<input type="checkbox"/>	semi-automatic
<input checked="" type="checkbox"/>	safe

HK Submachine Guns (continued)

Developed especially for one of America's most elite special operations units, the MP5 "Navy" model comes standard with an ambidextrous trigger group and threaded barrel. Operationally tested and proven, this configuration represents the essence of the modern submachine gun.

For specialized applications requiring fully realized sound and flash suppression, several MP5SD models are available. The removable sound suppressor is integrated into the weapon's design and conforms to the normal length and profile of a conventional, unsuppressed submachine gun.

The MP5/40 and MP5/10 are product improved variants of the 9mm MP5 chambered for the more powerful .40 S&W and 10mm Auto cartridges. Although the operation and functioning principles of the MP5/40 and MP5/10 are identical to the 9mm MP5, several user inspired improvements have been incorporated into the design, including a new bolt catch device that holds the bolt group rearward after the magazine is empty. New lightweight synthetic magazines are durable and ensure reliable feeding under the most extreme conditions. Like all MP5s, the MP5/40 and MP5/10 can be disassembled without tools for cleaning and maintenance.



MP5/40A2 .40 S&W with with 3-round burst trigger group



MP5-N 9MM with "Navy" trigger group. The Navy model was developed for the elite US Navy SEAL Teams. (NSN:1005-01-360-7146)



MP5 Navy models have threaded barrels and can be used with or without an optional wet technology stainless steel sound suppressor.

"Navy" trigger groups and all HK trigger groups with "pictogram" markings are completely ambidextrous.

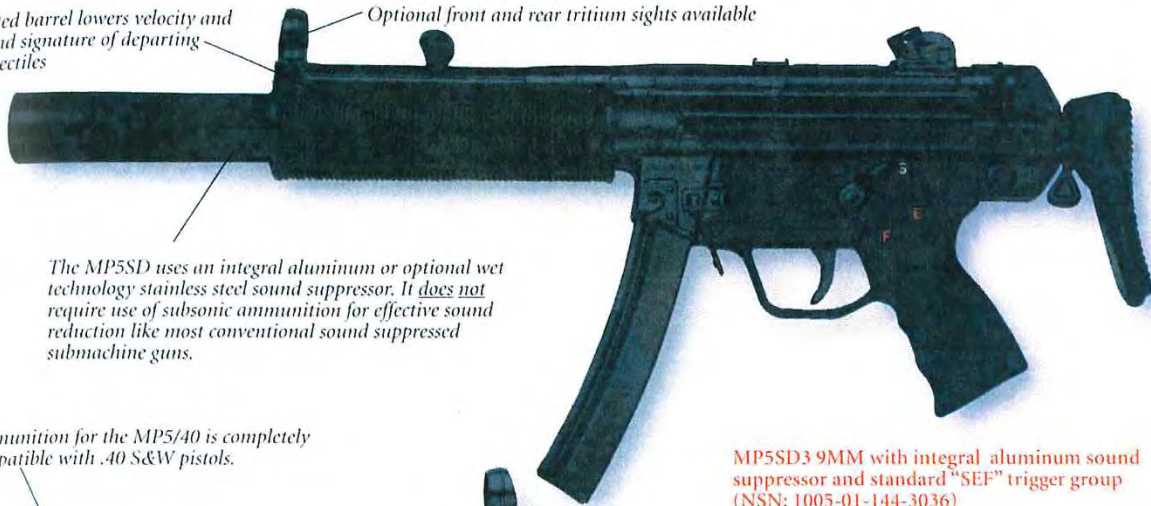
Paddle and button magazine release common on most HK long guns

Optional wet technology sound suppressor fits the threaded barrels of the MP5/10 and MP5/40. By adding 5 cc of water to this stainless steel suppressor, the weapon's report is reduced an additional 3-5 dB. Wet technology sound suppressors can also be fired full of water without damage.

Case: 23-1633 Document: 63 Page: 217 Date Filed: 08/16/2023

Ported barrel lowers velocity and sound signature of departing projectiles

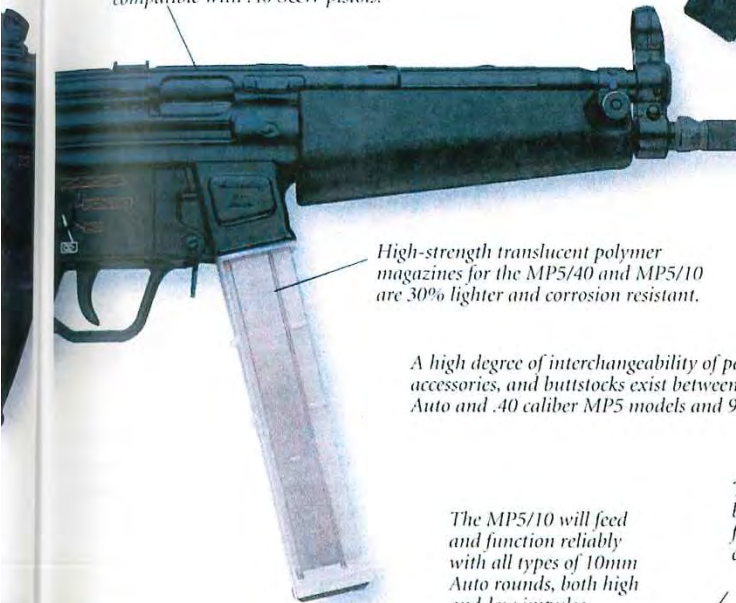
Optional front and rear tritium sights available



The MP5SD uses an integral aluminum or optional wet technology stainless steel sound suppressor. It does not require use of subsonic ammunition for effective sound reduction like most conventional sound suppressed submachine guns.

MP5SD3 9MM with integral aluminum sound suppressor and standard "SEF" trigger group (NSN: 1005-01-144-3036)

Ammunition for the MP5/40 is completely compatible with .40 S&W pistols.



High-strength translucent polymer magazines for the MP5/40 and MP5/10 are 30% lighter and corrosion resistant.

A high degree of interchangeability of parts, accessories, and buttstocks exist between the 10mm Auto and .40 caliber MP5 models and 9mm MP5s.

Ammunition Performance Comparison Table			
	Cartridge Specifications	Velocity (FPS) muzzle/100 meters	Muzzle Energy (Foot Pounds) muzzle/100 meters
9mm Parabellum*	Winchester 115 gr. Silvertip	1225/1007	383/259
	Winchester 147 gr. Subsonic	1010/921	333/277
.40 S&W*	Winchester 155 gr. Silvertip	1205/1018	500/357
	Winchester 990/891		390/317
	180 gr. JHP		
10mm Auto**	Winchester 1401/1099		768/475
	175 gr. Silvertip	1473/1142	825/496
	170 gr. JHP		
.45 ACP*	Winchester 1000/888		411/324
	185 gr. Silvertip		
	Proload 185 gr. JHP	1000/880	411/318
	*Manufacturer's data		**Actual MP5/10 data

The MP5/10 will feed and function reliably with all types of 10mm Auto rounds, both high and low impulse.

The bolt catch on the MP5/10 and MP5/40 holds the bolt to the rear after the last round of the magazine is fired. Depressing the bolt catch releases the bolt to chamber the first round of a loaded magazine.

MP5/10A3 10MM Auto with 2-round burst trigger group and optional stainless steel screw-on sound suppressor



Ambidextrous safety/selector levers, slings, and sling pins are standard on all MP5/10 and MP5/40 submachine guns.

Optional dual magazine clamps, like those for 9mm MP5 magazines, are available for MP5/10 and MP5/40 magazines.

2-round burst trigger group provides the operator with ambidextrous safety/selector levers for safe, semi-automatic, two-round burst, and fully automatic fire modes.

The firepower, penetration, and hard-hitting potential of a 10mm MP5 is greater than a .45 ACP Thompson submachine gun. At any range, the projectile fired from a 10mm MP5 has nearly twice the energy of a comparable 9mm, .40 S&W, or .45 ACP cartridge. In 1994, the U.S. Federal Bureau of Investigation (FBI) adopted the MP5/10 as their new submachine gun.

HK G36 Weapon System

A new development for HK, the G36 is a true modular weapon system in caliber 5.56x45mm NATO (.223 Remington). Constructed almost entirely of a tough, carbon fiber reinforced polymer material and using a simple, self-regulating gas system, the G36 provides the user with a lightweight weapon that delivers high performance with extremely low maintenance. The barrel of the G36 can be exchanged by unit armorers to create a rifle, carbine, or light support variant using the same common receiver. Exhaustively tested and currently fielded with the German Armed Forces (including the new NATO Rapid Reaction Force), the G36 is now available to U.S. law enforcement and military customers.

G36 barrels can be easily removed by the unit armorer with a special torque wrench.

Chrome-plated, cold hammer forged barrel with 1 in 7 inch twist rifling

The low mass of the bolt and ergonomic in-line relationship of the barrel and the buttstock translate to a highly-controllable weapon when fired in the fully automatic mode of fire.

G36K 5.56MM CARBINE with 12.5 inch barrel, dual sighting system, and buttstock folded

The G36 gas system does not direct fouling back into the weapon's interior like conventional gas operated rifles. This insures reliable operation even after firing more than 15,000 rounds without cleaning. The polymer components can easily be cleaned with water-based cleaning solutions, or even water.

Special 4-prong flash hider virtually eliminates muzzle flash.

Right side folding buttstock allows for normal operation and firing when folded.

Ambidextrous safety/selector lever allows for easy actuation without adjusting the firing grip.

Ambidextrous bolt catch button. The bolt catch holds the bolt to rear on the last round fired and can be disabled by the shooter without tools, allowing the bolt to close when the magazine is fired empty.

Ambidextrous magazine release lever

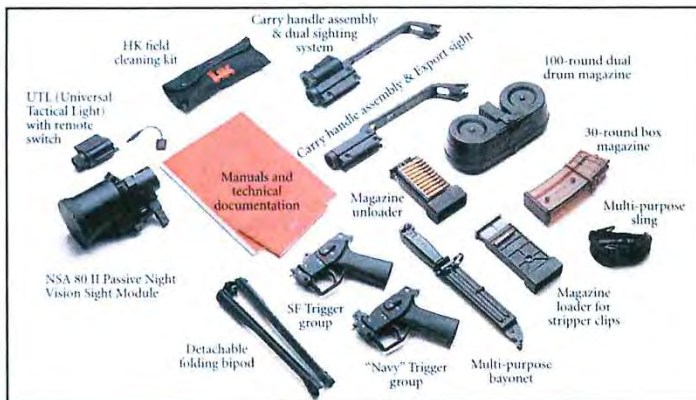
Integral mounting rail allows the HK UTL (Universal Tactical Light) to be installed in seconds.

MG36 assembled with heavy profile barrel for sustained automatic firing

Integral cartridge case deflector doubles as a buttstock retainer when the stock is folded.

Birdcage style, combination flash hider and rifle grenade launcher (22mm outside diameter)

Detachable folding bipod



G36 Accessories
Accessories include a dual combat sight system, passive night vision module, quick-detachable tactical light and laser, folding bipod, and blank firing attachments. Other accessories are under development.



Tough 30-round translucent polymer magazines lock together without magazine clamp. They are 30% lighter than metal magazines and are corrosion proof.

Standard "Navy" trigger group with safe, semi-automatic, and fully automatic modes of fire and pictogram markings. Optional single-fire trigger group also available.

Dual combat sighting system, 3.5X optical sight topped with electronic red dot sight. Sights are independently adjustable to meet the operational requirements of user. 1.5X optical sight also available.

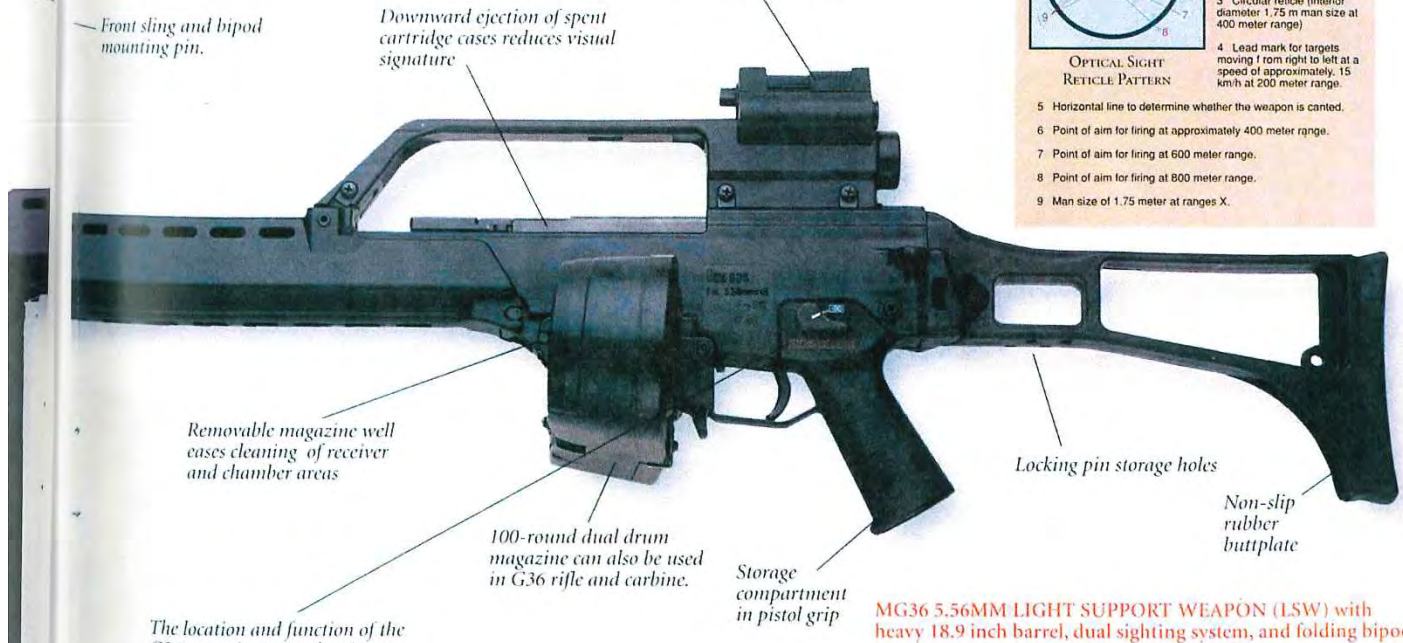


Dual sighting system powered with ambient light through open port during daylight periods



OPTICAL SIGHT RETICLE PATTERN

- 1 Lead mark for firing at targets moving from left to right at a speed of approximately 15 km/h at a range of 200 meters.
- 2 Point of aim at 200 meter range.
- 3 Circular reticle (interior diameter 1.75 m man size at 400 meter range)
- 4 Lead mark for targets moving from right to left at a speed of approximately 15 km/h at 200 meter range.
- 5 Horizontal line to determine whether the weapon is canted.
- 6 Point of aim for firing at approximately 400 meter range.
- 7 Point of aim for firing at 600 meter range.
- 8 Point of aim for firing at 800 meter range.
- 9 Man size of 1.75 meter at ranges X.



G36s operate reliably with frangible training ammunition without special muzzle devices. Blank and safety blank firing devices that use conventional blank ammunition are available as accessories.

HK Rifles & Carbines

Heckler & Koch rifles and carbines are recognized as the most technologically and tactically advanced weapons in the world. Reliability, modular construction, a true "system" approach, and a complete line of shoulder arms and accessories make HK the world leader in tactical armament.

Using the robust and reliable delayed blowback roller-locked bolt operating system first developed by HK engineers for



Cold-hammer forged barrel ensures unmatched accuracy and service life

Accessory claw-lock scope mount and telescopic sight. HK scope mounts attach to rifles and submachine guns without tools at special points that ensure 100% return to zero. HK scope mounts do not interfere with the use of the weapon's iron sights.

the G3 automatic rifle, Heckler & Koch has created a variety of weapons designed to meet any tactical need. The HK33, HK33K, and HK53 are refinements of the delayed blowback roller-locked bolt operating system into weapons firing the proven and popular 5.56mm x 45mm NATO (caliber .223) round.

HK33KA2 5.56MM CARBINE with 12.7 inch barrel and "0-1-25" trigger group

The G3K is a compact carbine-sized weapon firing the full power 7.62 x 51mm cartridge.

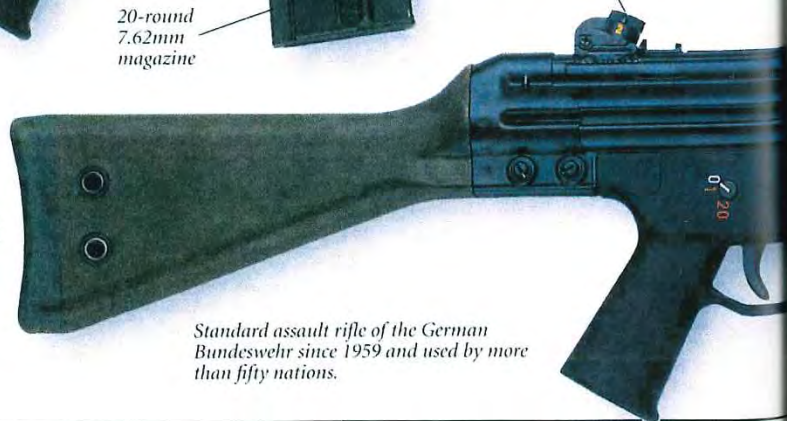


G3KA4 7.62MM CARBINE with 12.4 inch barrel and "0-1-20" trigger group

Battle-proven rotary diopter sights common to most HK long guns.

20-round 7.62mm magazine

Common throughout each weapon group is the ability to use many interchangeable assembly groups and components. This provides the ability to train personnel within one weapon group and have them competent with the entire weapon system.



Standard assault rifle of the German Bundeswehr since 1959 and used by more than fifty nations.

Cocking lever on HK rifles folds out of the way and allows the shooter's firing hand to remain in place on the pistol grip while the non-firing hand works the bolt.

HK33A2 5.56MM RIFLE with 15.4 inch barrel and "0-1-25" trigger group

Extremely durable and reliable 25-round 5.56mm magazine (an optional 30-round magazine is also available).

Numerical trigger group common on many HK assault rifles provides for safe, semi-automatic, and fully automatic modes of fire.

Bipod attachment point

All HK 5.56mm rifles and carbines come standard with 1 in 7 inch twist rifling.

Straight line buttstock and roller-locked bolt system provide unmatched controllability in burst or sustained fire modes.

Optional ambidextrous 3-round burst trigger group

Special 4-prong flash hider virtually eliminates muzzle flash

The HK53, only two inches longer than a 9mm MP5 SMG, offers the compact size and handiness of a submachine gun combined with the increased range and hard-hitting firepower of a high velocity rifle cartridge.

HK53A3 5.56MM CARBINE with 8.31 inch barrel and 3-round burst trigger group

All HK rifles and carbines are designed around modular assembly groups (buttstock, trigger, forearm, etc.) and can be field stripped within seconds without tools, making cleaning and maintenance quick and easy.

Combination flash hider and rifle grenade launcher (22mm outside diameter)

High strength stamped steel construction

G3A3 7.62MM RIFLE with 17.7 inch barrel and "0-1-20" trigger group

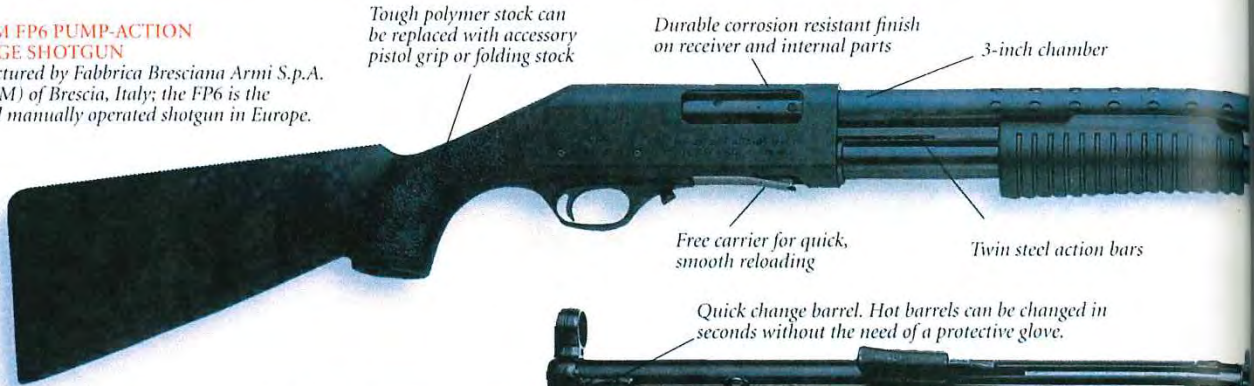
The G3 rifle was the first HK firearm developed using the delayed blowback roller-locked operation common to most current Heckler and Koch submachine guns, rifles, and machine guns.

HK Special Application Products

Critical tactical situations call for specialized products designed to meet unique demands. HK's extensive line of special purpose products include precision marksman rifles, light and general purpose machine guns, shotguns, grenade launchers, and signalling devices.

FABARM FP6 PUMP-ACTION 12 GAUGE SHOTGUN

Manufactured by Fabbrica Bresciana Armi S.p.A. (FABARM) of Brescia, Italy; the FP6 is the preferred manually operated shotgun in Europe.



Semi-automatic sniper rifle-like accuracy when needed from a belt-fed machine gun due to its heavy free floating barrel

Adjustable folding bipod allows traverse of 60 degrees

Quick change barrel. Hot barrels can be changed in seconds without the need of a protective glove.

Optional 6x42 Hensoldt telescopic sight with illuminated reticle and point blank range (less than 100 meters) elevation turret.

The PSG1, HK's preeminent precision marksman's rifle, is designed to deliver surgically accurate multiple shots to distant targets.

Buttstock with adjustable length, pivoting butt plate, and vertically adjustable cheekpiece.

PSG1 7.62MM SNIPER RIFLE

Fixed mount for unquestionable zero retention



Forward assist for silent loading

Adjustable contoured handgrip

5-round magazine (also accepts standard 20-round magazines)

Crisp three pound trigger pull and adjustable trigger shoe

Harmonic stabilizer to induce consistent barrel "whip" for increased accuracy

EFL 19MM (EMERGENCY FLARE LAUNCHER)

Capable of being cocked and operated with one hand, this magazine-fed 19mm flare launcher can fire a signal flare to a height of 200 feet.



5-shot detachable magazine

P2A1 26.5MM FLARE PISTOL

A single-shot, break-open action signal pistol, the P2A1 fires a variety of signal, illumination, and parachute flares to an altitude of 1,000 feet with a burn time of six to 25 seconds.



Anschutz T-way for accessory attachment

HK69A1 40MM GRENADE LAUNCHER

Lightweight at only 5.8 pounds, the HK69A1 is designed to fire a variety of low velocity 40mm ammunition (including CS, HE, AP, nonlethal, and flares) to ranges of 400 meters with a degree of accuracy not available from competing designs.



FP6 barrels are made by deep drilling, not cold hammer forging. Cold hammer forging is an ideal way to make rifle barrels, but yields an overly rigid shotgun barrel with many internal stresses.

Ladder sight for long range targets (100-400 meters)

Precision flip-up dual aperture short range sight (50 and 100 meters)

Break-open action and separate manual hammer allows the HK69A1 to be loaded and unloaded without being cocked

Rifled steel barrel for increased range, accuracy, and durability

Ambidextrous safety lever

Adjustable retractable stock can be fired as a pistol or from the shoulder

Quick handling 20-inch barrel with heat shield is threaded for a variety of choke tubes, ensuring tactical flexibility.

Steel magazine tube has capacity for five shells

Quick detachable scope mounting platforms

Adjustable 1,200 meter sight

Receiver engineered for a minimum 60,000 round service life

HK21E 7.62MM GENERAL PURPOSE MACHINE GUN

The 7.62mm HK21E and the 5.56mm HK23E machine guns use the same reliable operating principle as the G3 rifle. The high 800 rpm cyclic rate of fire ensures more rounds on target per target exposure.



Belt or optional box magazine feed mechanism

Standard ambidextrous 3-round burst trigger group

Mechanical recoil buffer system incorporated in buttstock

Heavyweight polygonal barrel, free-floating and cold-hammer forged for accuracy and long life (15,000 rounds).

Quick detachable scope mounting system ensures 100% zero retention even after repeated dismounting

Adjustable precision tripod included (not shown)

Optional detachable 10X Hensoldt telescopic sight

Buttstock with adjustable length butt plate and vertically adjustable cheekpiece.

Forward assist (not shown) for silent loading



Adjustable folding bipod

Extended ambidextrous safety/selector lever

20-round magazine (also accepts 5-round magazines)

PSG1 trigger mechanism with crisp three pound trigger pull and adjustable trigger shoe

MSG90 7.62MM SNIPER RIFLE

The MSG90 has many of the same features found on the PSG1, but weighs only 14 pounds.

Accessories

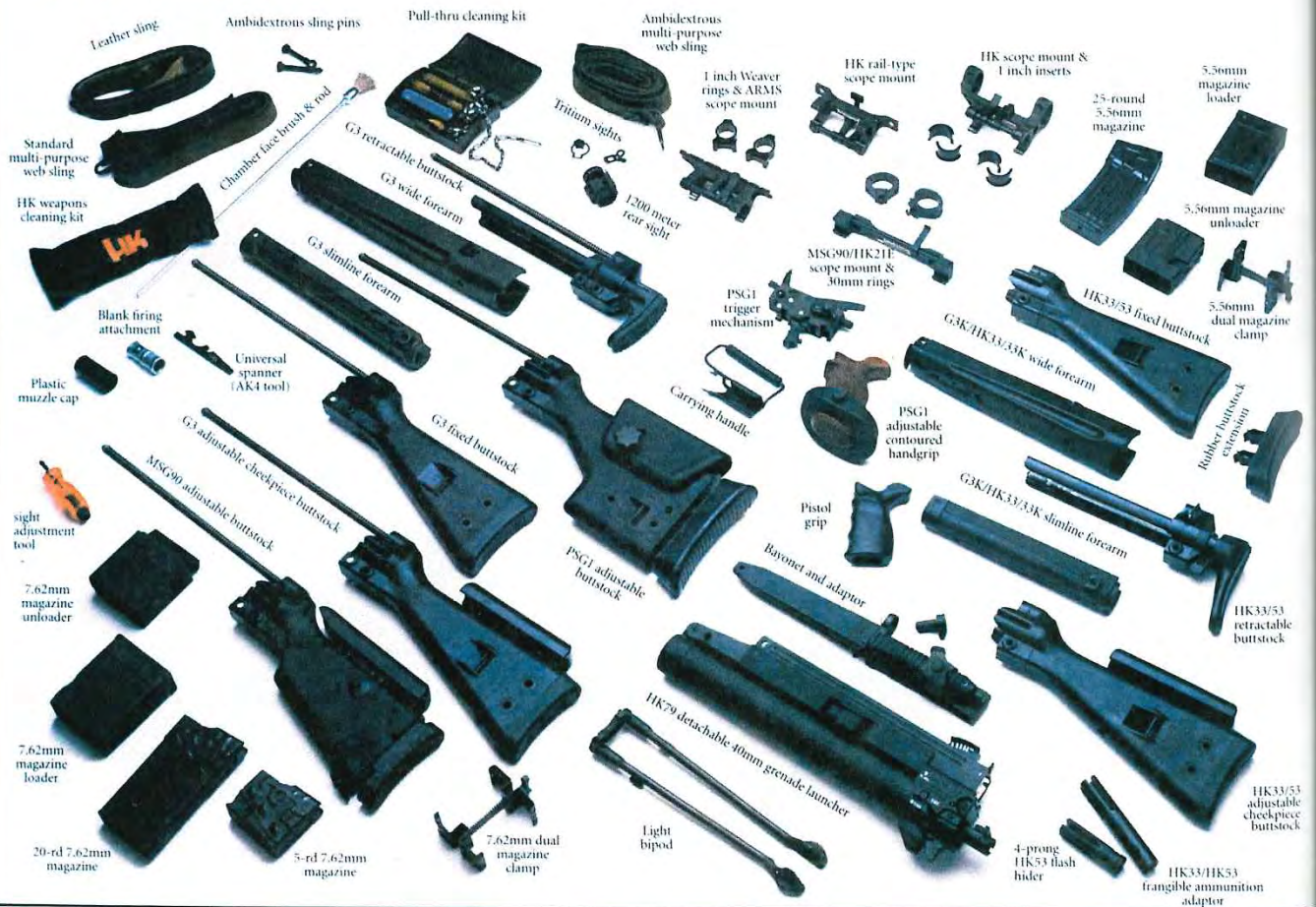
An extensive line of accessories is available for Heckler & Koch weapons. Designed and manufactured to the same exacting standards, HK accessories add functionality and highlight the true systems approach used in developing these firearms. A variety of instructional aids including wall charts, posters, and video tapes are also available.

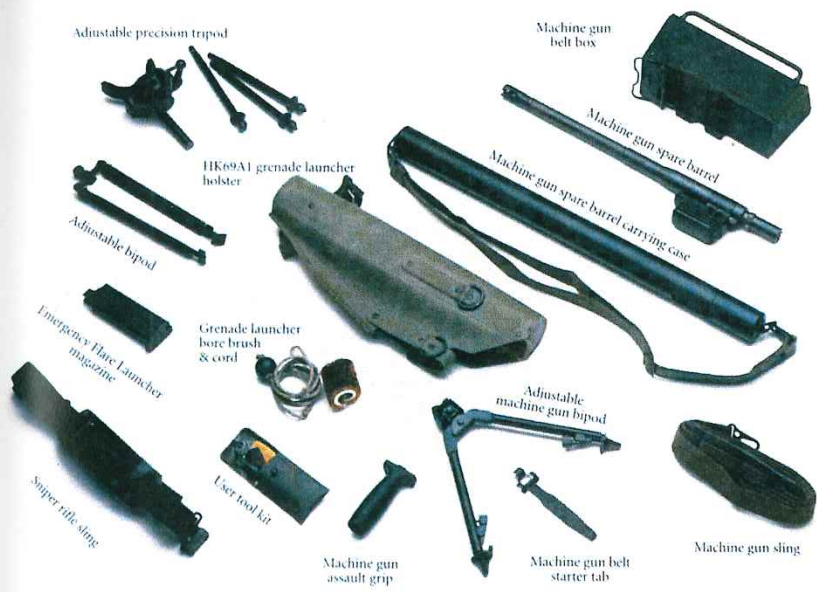
Contact Heckler & Koch, Inc. for more information.



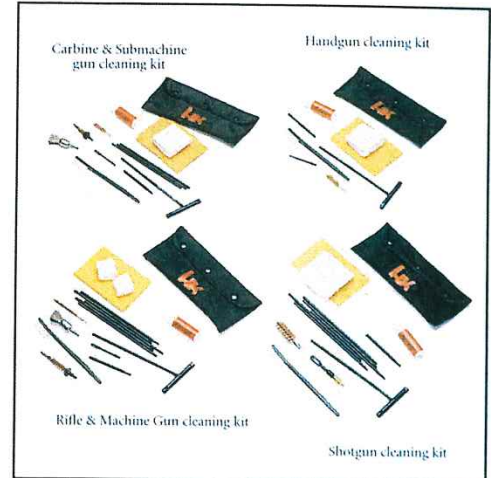
Pistol Accessories

Rifle Accessories





Cleaning Kits



Accessories for Special Application Products

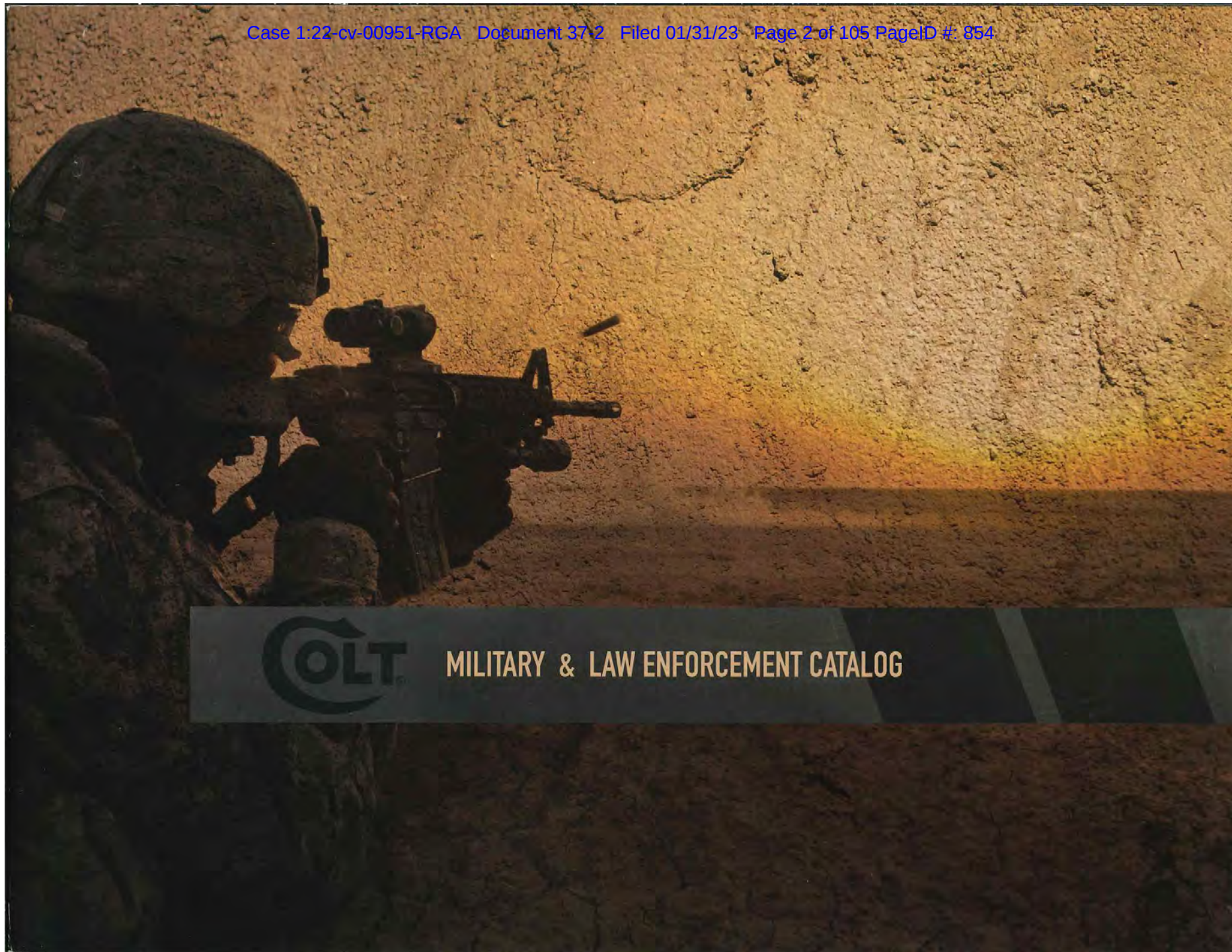
Submachine Gun Accessories



Case 1:22-cv-00951-RGA Document 37-2 Filed 01/31/23 Page 1 of 105 PageID #: 853

Exhibit 9

SA0222



MILITARY & LAW ENFORCEMENT CATALOG

SA0223



SA0224

COLT DEFENSE



QUALITY MAKES IT A COLT®. Selecting the weapons that will equip a country's Armed Forces is a crucial process with strong military and political implications. Therefore, the most reliable and combat-proven weapons in the world must be chosen. As the premier small-arms industry leader, Colt Defense LLC has provided U.S., NATO and other military forces with the finest battlefield weapons ever created. Colt weapons are designed and built with an emphasis on combat effectiveness, simplicity of operation, maximum interchangeability of parts, and ease of maintenance. As a result, our weapons are extremely durable, with high performing systems and unusually low life cycle maintenance costs. All of which makes Colt weapons the ideal weapons for broad deployment among any type of military unit. Since 1846, Colt has stood shoulder to shoulder with the military and continues to evolve in order to safeguard our soldiers.

COLT CANADA



Over the 35 years since our inception as Diemaco – Canada's Centre of Excellence for Small Arms, Colt Canada weapons have been battle tested and proven through jungle mud, arctic snow and ice, desert sands and extreme battlefield conditions. The reliability of these Canadian born rifles is second to none. At Colt Canada we listen to our users that make up some of the most elite warfighting units and police services in the world. That, along with our attention to emerging technologies, ensures that our products continue to advance in operational functionality as well as popularity.

EFFECTIVE

Disclaimer: Colt weapons shown in this catalog are not necessarily sold in the configuration with accessories shown. Please contact Colt Defense LLC sales for more information about available weapon configurations and accessories. Weights for all guns are without magazine.

This catalog is provided for informational purposes only and may not be construed as a legally binding offer to sell any Colt product or service. Colt reserves the right to correct any inadvertent inaccuracies or oversights.

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Information provided in this brochure does not include technical data that is restricted by the U.S. International Traffic in Arms Regulations.

NOTE: Technical specifications rounded to the nearest 10th.

COLT.COM 800-462-COLT MILITARY RIFLE & CARBINE CATALOG





M4 FAMILY

The name says it all. Proven in military combat operations all over the world, the Colt M4 Carbine is in a class by itself as a first-rate combat weapon system. Designed specifically for lightweight mobility, speed of target acquisition and effective firepower capability, the battle-proven M4 Carbine delivers with the reliability, accuracy and potent performance needed to take on the most extreme situations. The M4 can be comfortably carried, yet instantly available to provide the level of firepower, dependability and accuracy of a 5.56mm rifle. In production for the U.S. Armed Forces since 1994, it's the weapon of choice for the 21st century warfighter and law enforcement officer.

SPECS

CALIBER
WEIGHT (Without Magazine)
OVERALL LENGTH
BARREL LENGTH
CYCLIC RATE OF FIRE
FIRE CONTROL
RIFLING
EFFECTIVE RANGE

R0979/R0920

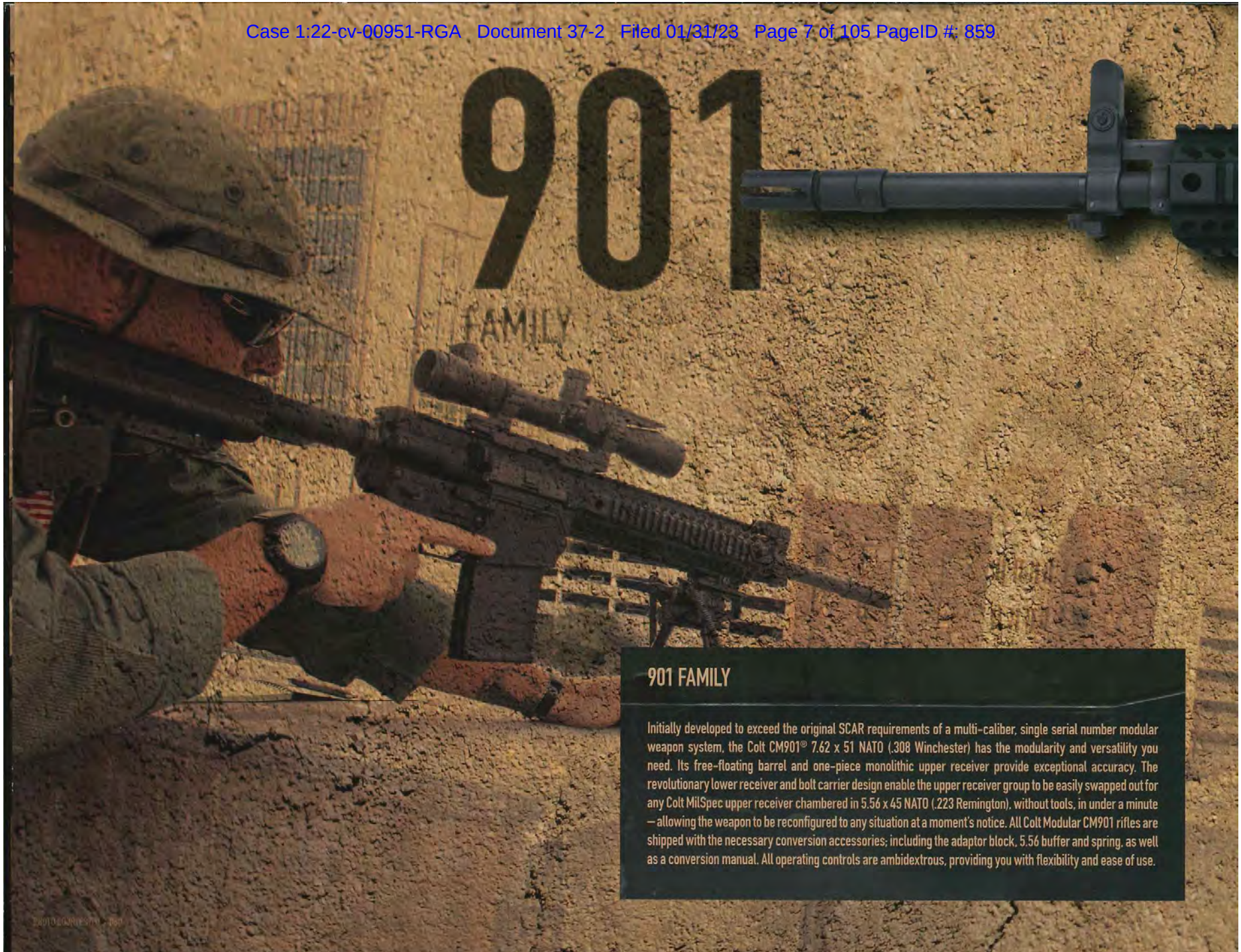
5.56 x 45 NATO (.223 Rem.)
 6.11 lbs (2.771 kg)
 29.8" (75.69 cm) Stock Retracted
 33" (83.82 cm) Stock Extended
 14.5" (35.56 cm)
 700–950 rpm
 Safe-Semi-Burst
 1/7 RH
 600 m
NSN 1005-01-231-0973

R0977/R0921

5.56 x 45 NATO (.223 Rem.)
 6.11 lbs (2.771 kg)
 29.8" (75.69 cm) Stock Retracted
 33" (83.82 cm) Stock Extended
 14.5" (35.56 cm)
 700–950 rpm
 Safe-Semi-Auto
 1/7 RH
 600 m
NSN 1005-01-302-0953



LE6921	R0933/R0935	LE6933	C8A2	C8CQB	C8SFW
5.56 x 45 NATO (.223 Rem.)	5.56 x 45 NATO (.223 Rem.)	5.56 x 45 NATO (.223 Rem.)	5.56 x 45 NATO (.223 Rem.)	5.56 x 45 NATO (.223 Rem.)	5.56 x 45 NATO (.223 Rem.)
6.8 lbs. (3.08 kg)	6.21 lbs. (2.81 kg)	5.6 lbs. (2.54 kg)	7.53 lbs. (3.41 kg)	7.18 lbs. (3.25 kg)	7.96 lbs. (3.61 kg)
30.5" (77.5 cm) Stock Retracted	27.1" (68.83 cm) Stock Retracted	27.5" (69.9 cm) Stock Retracted	30.86" (78.38 cm) Stock Retracted	27.92" (70.92 cm) Stock Retracted	32.14" (81.46 cm) Stock Retracted
33.75" (85.7 cm) Stock Extended	30.4" (77.22 cm) Stock Extended	30.75" (78.1 cm) Stock Extended	34.11" (86.64 cm) Stock Extended	31.18" (79.20 cm) Stock Extended	35.39" (89.89 cm) Stock Extended
14.5" (36.83 cm)	11.5" (29.21 cm)	11.5" (29.21 cm)	14.5" (35.56 cm)	11.6" (29.46 cm)	15.7" (39.88 cm)
N/A	700-950 rpm	N/A	750-950 rpm	750-950 rpm	750-950 rpm
Semi	Safe-Semi-Auto	Semi	Safe-Semi-Auto	Safe-Semi-Auto	Safe-Semi-Auto
1/7 RH	1/7 RH	1/7 RH	1/7 RH	1/7 RH	1/7 RH
600 m	400 m	400 m	600 m	400 m	600 m
	NSN 1005-01-581-2925 (R0933)				



901 FAMILY

Initially developed to exceed the original SCAR requirements of a multi-caliber, single serial number modular weapon system, the Colt CM901® 7.62 x 51 NATO (.308 Winchester) has the modularity and versatility you need. Its free-floating barrel and one-piece monolithic upper receiver provide exceptional accuracy. The revolutionary lower receiver and bolt carrier design enable the upper receiver group to be easily swapped out for any Colt MilSpec upper receiver chambered in 5.56 x 45 NATO (.223 Remington), without tools, in under a minute — allowing the weapon to be reconfigured to any situation at a moment's notice. All Colt Modular CM901 rifles are shipped with the necessary conversion accessories; including the adaptor block, 5.56 buffer and spring, as well as a conversion manual. All operating controls are ambidextrous, providing you with flexibility and ease of use.



UPPER RECEIVER SOLD SEPARATELY.



NOW SHIPPING WITH ALL CM901 VARIANTS.

SECS	CM901® -16A	CM901® -13A
CALIBER	.308 Win (7.62 x 51 NATO)	.308 Win (7.62 x 51 NATO)
WEIGHT (Without Magazine)	9.4 lbs (4.26 kg)	8.7 lbs (3.95 kg)
OVERALL LENGTH	34" (85.09 cm) Stock Retracted 37" (93.35 cm) Stock Extended	32" (81.27 cm) Stock Retracted 35" (88.90 cm) Stock Extended
BARREL LENGTH	16.1" (40.9 cm)	13" (33.02 cm)
CYCLIC RATE OF FIRE	700–1,000 rpm	700–1,000 rpm
FIRE CONTROL	Safe–Semi–Auto	Safe–Semi–Auto
RIFLING	1/12 RH	1/12 RH
EFFECTIVE RANGE	700 m	500 m
ADDITIONAL FEATURES	Heavy Barrel Ships with Adapter Block Conversion Kit	Heavy Barrel Ships with Adapter Block Conversion Kit

MONOLITHIC

UPPER FAMILY



MONOLITHIC UPPER FAMILY

Today's battlefields demand the accuracy, reliability and performance of Colt's new M4 Advanced Colt Carbine Monolithic (ACC -M) receiver system. This one-piece upper receiver provides a true free-floating barrel for increased precision. All variants of the ACC -M have ambidextrous magazine releases and bolt catches, as well as repeatable zero retention for optics and other accessories. From Semi-Only, to 3-Round Burst, to Automatic modes of fire, and fixed or folding front sights, the M4 ACC -M is available in an array of configurations. These options, combined with the Colt Monolithic Receiver System, provide unmatched zero retention and repeatability not found with other systems.

SPECS	R0922	R0923	R0923CQB	LE6943
CALIBER	5.56x45 NATO (.223 Rem.)	5.56x45 NATO (.223 Rem.)	5.56x45 NATO (.223 Rem.)	5.56 x 45 NATO (.223 Rem.)
WEIGHT (Without Magazine)	7 lbs (3.175 kg)	7 lbs (3.175 kg)	5.72 lbs (2.6 kg)	6.3 lbs. (2.86 kg)
OVERALL LENGTH	29.8" (75.69 cm) Stock Retracted 33" (83.82 cm) Stock Extended	29.8" (75.69 cm) Stock Retracted 33" (83.82 cm) Stock Extended	26.2" (66.5 cm) Stock Retracted 29.4" (74.6 cm) Stock Extended	27.5" (69.85 cm) Stock Retracted 30.75" (78.1 cm) Stock Extended
BARREL LENGTH	14.5" (35.56 cm)	14.5" (35.56 cm)	10.3" (26.7 cm)	11.5" (29.2 cm)
CYCLIC RATE OF FIRE	700-950 rpm	700-950 rpm	700-950 rpm	N/A
FIRE CONTROL	Safe-Semi-Burst	Safe-Semi-Auto	Safe-Semi-Auto	Semi
RIFLING	1/7 RH	1/7 RH	1/7 RH	1/7 RH
EFFECTIVE RANGE	600 m	600 m	400 m	400 m
OPTIONAL EQUIPMENT	Heavy Barrel	Heavy Barrel		30-Round PMAG® Magazine MBUS® Rear: Gen 2



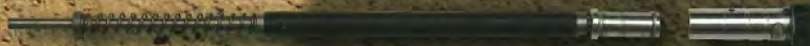
LE6944	LE6945CQB	C8IUR-10	C8IUR-11	C8IUR-14	C8IUR-16	C7IUR-20
5.56 x 45 NATO (.223 Rem.) 6.6 lbs. (2.99 kg)	5.56 x 45 NATO (.223 Rem.) 6.25 lbs. (2.84 kg)	5.56 x 45 NATO (.223 Rem.) 6.42 lbs. (2.91 kg)	5.56 x 45 NATO (.223 Rem.) 6.99 lbs. (2.86 kg)	5.56x45 NATO (.223 Rem.) 7.3 lbs (3.31 kg)	5.56 x 45 NATO (.223 Rem.) 7.45 lbs. (3.38 kg)	5.56 x 45 NATO (.223 Rem.) 7.54 lbs. (3.42 kg)
30.5" (77.5 cm) Stock Retracted 33.75" (85.7 cm) Stock Extended	26" (66 cm) Stock Retracted 29.5" (74.9 cm) Stock Extended	26.81" (68.1 cm) Stock Retracted 30.05" (76.33 cm) Stock Extended	27.92" (70.92 cm) Stock Retracted 31.18" (79.2 cm) Stock Extended	30.86" (78.38 cm) Stock Retracted 34.11" (86.64 cm) Stock Extended	32.14" (81.46 cm) Stock Retracted 35.39" (89.89 cm) Stock Extended	36.38" (92.41 cm) Stock Retracted 39.63" (100.66 cm) Stock Extended
14.5" (36.83 cm)	10.3" (26.2 cm)	10" (25.4 cm)	11.6" (29.46 cm)	14.5" (36.83 cm)	15.7" (39.88 cm)	20" (50.8 cm)
N/A	N/A	750–950 rpm	750–950 rpm	750–950 rpm	750–950 rpm	700–900 rpm
Semi	Semi	Safe-Semi-Auto	Safe-Semi-Auto	Safe-Semi-Auto	Safe-Semi-Auto	Safe-Semi-Auto
1/7 RH	1/7 RH	1/7 RH	1/7 RH	1/7 RH	1/7 RH	1/7 RH
600 m	400 m	400 m	400 m	600 m	600 m	800 m
30-Round PMAG® Magazine MBUS® Rear: Gen 2	Ambidextrous 30-Round PMAG® Magazine MBUS® Rear: Gen 2					



P0923

Capable of firing in automatic and semi-automatic mode, the much anticipated Colt P0923 is an advanced modular 5.56 mm caliber piston-operated, lightweight, one-piece upper receiver, magazine-fed carbine. Innovatively constructed, the P0923 contains a unique articulating link piston (ALP) that reduces the stresses in the piston stroke by allowing for deflection and thermal expansion. And, you'll like that it's specifically designed to be just as easy to clean, assemble and disassemble as our gas operated system.

SA0232



COLT ALTERNATIVE OPERATING SYSTEM. At Colt, piston technology is nothing new for us. As a matter of fact, that's how the Colt Model 703 was born. In the late 1960s, Colt was the first company to put a piston system into an AR platform to meet a U.S. Army request. It's been more than 40 years now since we first produced this new wave of AR piston systems, and we continue to innovate today.

SPECS	P0923
CALIBER	5.56x45 NATO (.223 Rem.)
WEIGHT (Without Magazine)	7 lbs (3.175 kg)
OVERALL LENGTH	29.8" (75.69 cm) Stock Retracted 33" (83.82 cm) Stock Extended
BARREL LENGTH	14.5" (35.56 cm)
CYCLIC RATE OF FIRE	700-950 rpm
FIRE CONTROL	Safe-Semi-Auto
RIFLING	1/7 RH
EFFECTIVE RANGE	600 m

AUTOMATIC

RIFLE FAMILY

AUTOMATIC RIFLE FAMILY

Cool under fire. Based on the battle-proven M16/M4 series of rifles, the Colt IAR features a unique heat-sink system, which significantly reduces the risk of cook-offs during extended periods of firing. It also provides extended barrel life over existing industry lightweight automatic rifle designs. Anyone accustomed to other Colt rifles and carbines will be instantly familiar with the specs and operational aspects of the IAR. Trust that the IAR6940 is ready to encounter and surpass the duties required of an automatic rifle in today's combat zones.

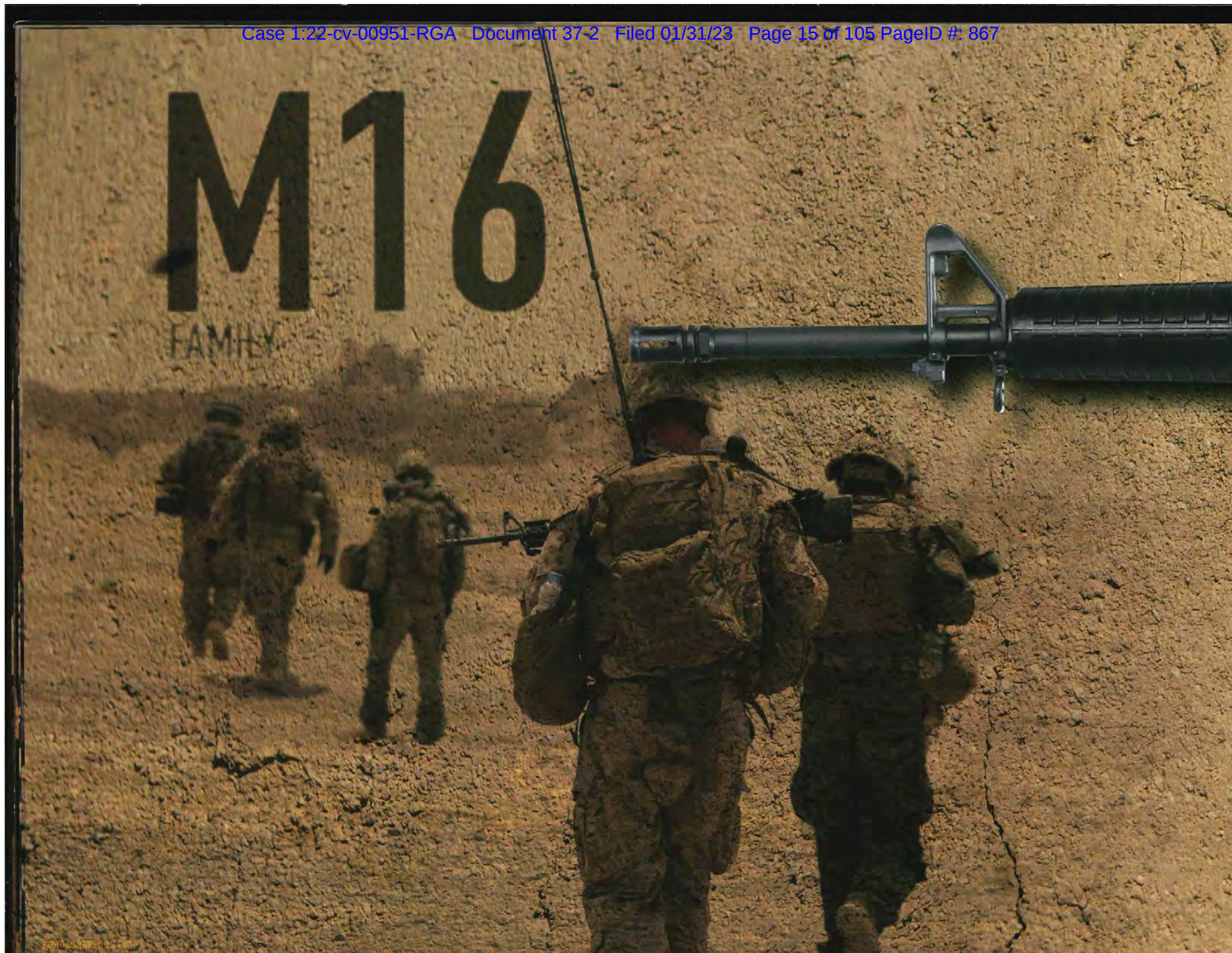
Patent Pending



SPECS	IAR6940	LSW
CALIBER	5.56x45 NATO (.223 Rem.)	5.56 x 45 NATO (.223 Rem.)
WEIGHT (Without Magazine)	9.5 lbs (4.31 kg)	12 lbs. (5.42 kg)
OVERALL LENGTH	33.5" (85.09 cm) Stock Retracted 36.75" (93.35 cm) Stock Extended	38.86" (98.55 cm)
BARREL LENGTH	16.1" (40.9 cm)	20" (50.8 cm)
CYCLIC RATE OF FIRE	700-1,000 rpm	600-800 rpm
FIRE CONTROL	Safe-Semi-Auto	Semi
RIFLING	1/7 RH	1/7 RH
EFFECTIVE RANGE	600 m	800 m
ADDITIONAL FEATURES	Heavy Barrel	Carbine Buttstock

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Case 1:22-cv-00951-RGA Document 37-2 Filed 01/31/23 Page 15 of 105 PageID #: 867



SA0236



M16 FAMILY

Setting the standard by which all other weapons in this class are judged, the Colt M16A4 is the fourth generation of the M16 series weapon system. With a removable carrying handle and an integral rail mounting system for optics and other ancillary devices, it is the ultimate full-length combat rifle in 5.56 mm caliber for the 21st century military soldier.

SPECS	R0945/R0905	R0901
CALIBER	5.56x45 NATO (.223 Rem.)	5.56x45 NATO (.223 Rem.)
WEIGHT (Without Magazine)	7.18 lbs (3.26 kg)	7.18 lbs (3.26 kg)
OVERALL LENGTH	39.5" (100.33 cm)	39.5" (100.33 cm)
BARREL LENGTH	20" (50.8 cm)	20" (50.8 cm)
CYCLIC RATE OF FIRE	700–950 rpm	700–950 rpm
FIRE CONTROL	Safe-Semi-Burst	Safe-Semi-Auto
RIFLING	1/7 RH	1/7 RH
EFFECTIVE RANGE	600 m	600 m

Case 1:22-cv-00951-RGA Document 37-2 Filed 01/31/23 Page 17 of 105 PageID #: 869



SA0238



SMG: 9MM SUBMACHINE GUN

Close enemy confrontations demand lightweight, compact, highly concealable, select fire weapons like the Colt 9 mm SMG. The SMG fires from a closed bolt, and is equipped with a collapsible buttstock, all making it well suited for the military. This straight-line construction, coupled with the low recoil of 9 mm ammunition, provides highly accurate fire with less muzzle climb, especially in full automatic fire. Less recoil also facilitates ease of training and improves accuracy. Finally, operation and training for the Colt 9 mm SMG is similar to that for the Colt M16A2/A4 Rifle, Colt M4 Carbine or Colt Commando® Carbine, simplifying user training substantially.

SPECS

CALIBER
WEIGHT (Without Magazine)
OVERALL LENGTH
BARREL LENGTH
CYCLIC RATE OF FIRE
FIRE CONTROL
RIFLING
EFFECTIVE RANGE

R0991

9x19mm/Parabellum
 6.7 lbs (3.04 kg)
 26" (66.04 cm) Stock Retracted
 29.25" (74.3 cm) Stock Extended
 10.5" (26.67 cm)
 700-1,000 rpm
 Safe-Semi-Auto
 1/10 RH
 100 m

R0992

9x19mm/Parabellum
 6.7 lbs (3.04 kg)
 26" (66.04 cm) Stock Retracted
 29.25" (74.3 cm) Stock Extended
 10.5" (26.67 cm)
 700-1,000 rpm
 Safe-Semi-Burst
 1/10 RH
 100 m



M203: 40MM GRENADE LAUNCHER

Colt's military experience is on full display with the M203 Grenade Launcher. This single-shot, breech-loaded 40 mm weapon is specifically designed to attach to the M4 Carbine and M16A2 and A4 Rifles. By creating a versatile combination weapon system, the M203 gives you the capability of firing both 5.56 mm rifle ammunition as well as the complete range of 40 mm high-explosive and special-purpose ammunitions. Though attached to the M16A2/A4, the M203 grenade launcher can be operated as a completely independent weapon using its complete self-cocking fire mechanism, barrel latch, trigger and positive safety lever included in the receiver. An essential tool for every modern army, the M203 provides Colt M4 Carbines and Colt M16A2/A4 Rifles with breaching, defilade and area engagement capabilities.



M203

EAGLE

EAGLE requires a 1913 mount with a recoil lug for understung applications.

AMMUNITION FOR ALL M203 VARIANTS

- M406 HIGH EXPLOSIVE (HE)
- M433 HE ARMOR PIERCING
- M576 BUCKSHOT
- M407 & M781 PRACTICE

Most other specialized 40 mm Low Velocity Ammunition including Less Lethal Ammunition

SECS	R0801 FOR USE WITH M16	R0810 FOR USE WITH M4	R0811 FOR USE WITH M4	EAGLE
CALIBER	40 mm	40 mm	40 mm	40 mm
WEIGHT	2.5 lbs (1.13 kg)	2.5 lbs (1.13 kg)	2.5 lbs (1.13 kg)	4.72 lbs (2.14 kg)
METHOD OF OPERATION	Single Shot / Breech Load	Single Shot / Breech Load	Single Shot / Breech Load	Single Shot / Breech Load
BARREL LENGTH	12" (30.48 cm)	12" (30.48 cm)	9" (22.86 cm)	8.62" (21.9 cm)
EFFECTIVE RANGE	400 m	400 m	400 m	400 m

Case 1:22-cv-00951-RGA Document 37-2 Filed 01/31/23 Page 21 of 105 PageID #: 873



SA0242



SCW: SUB COMPACT WEAPON

Maneuverability and performance in highly confined areas of operation are the key advantages of the Colt Sub Compact Weapon (SCW), the most compact of Colt's 5.56 mm family of weapons. The SCW features Colt's one-piece monolithic upper receiver and a Colt collapsible folding buttstock. Designed specifically for vehicle & aircraft crews, joint forces, special operations forces, and reconnaissance units, this ultra lightweight compact design allows for quick and easy transition from vehicles to aircraft, providing much more firepower and range than handguns.

Patent Pending

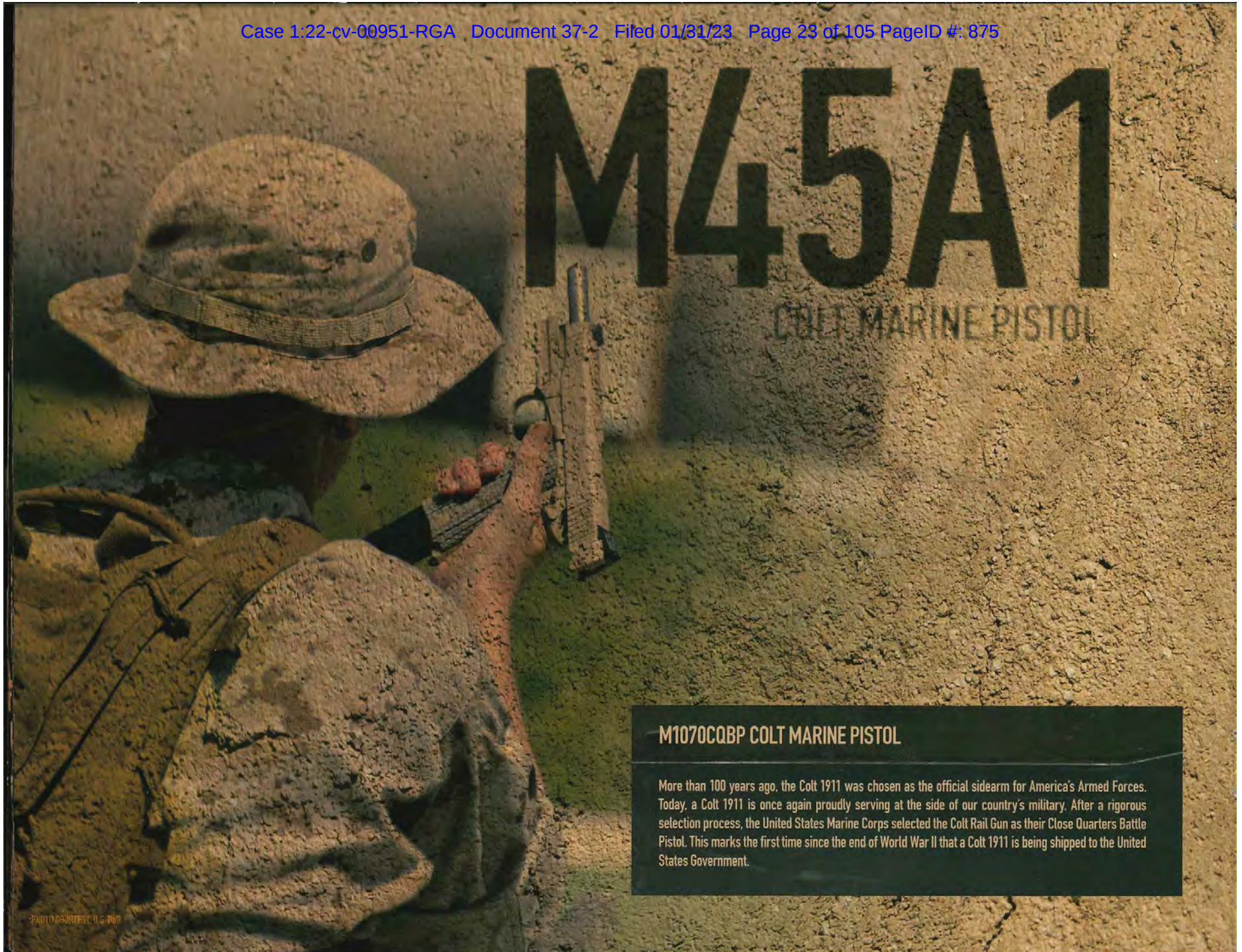


Shown with stock collapsed and folded

SPECS

SCW0921

CALIBER	5.56x45 NATO (.223 Rem.)
WEIGHT (Without Magazine)	6.5 lbs (2.95 kg)
OVERALL LENGTH	28.5" (72.39 cm) Stock Retracted 30.25" (76.84 cm) Stock Extended 23.5" (59.69 cm) Stock Collapsed
BARREL LENGTH	10.3" (26.26 cm)
CYCLIC RATE OF FIRE	700–950 rpm
FIRE CONTROL	Safe–Semi–Auto
RIFLING	1/7 RH
EFFECTIVE RANGE	400 m
ADDITIONAL FEATURES	Folding, Collapsible Buttstock (Patent Pending)
OPTIONAL FEATURES	Also available with Piston Operating System (SCW0921–P)



M45A1

COLT MARINE PISTOL

M1070CQBP COLT MARINE PISTOL

More than 100 years ago, the Colt 1911 was chosen as the official sidearm for America's Armed Forces. Today, a Colt 1911 is once again proudly serving at the side of our country's military. After a rigorous selection process, the United States Marine Corps selected the Colt Rail Gun as their Close Quarters Battle Pistol. This marks the first time since the end of World War II that a Colt 1911 is being shipped to the United States Government.

PHOTO COURTESY U.S. DoD



SPECS	M1070CQBP
CALIBER	.45
WEIGHT	2.5 lb. (40 oz.)
OVERALL LENGTH	8.5" (21.59 cm)
BARREL LENGTH	5" (12.7 cm)
MAGAZINE CAPACITY	7
CYCLIC RATE OF FIRE	Semi
ACTION	Single Action
ADDITIONAL FEATURES	Novak® 3 Dot Night Sights Enhanced Hammer Ambidextrous Safety Lock Long, Solid Aluminum Trigger Flat, Serrated Mainspring Housing with Lanyard Loop Desert Tan Cerakoted Stainless Steel Receiver and Slide 5" National Match® Barrel MIL-STD-1913 Accessory Rail

For International/LE customers, please reference model 01070CQBP

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01070RG
COLT RAIL GUN

01070RG COLT RAIL GUN®

Colt continues to take its battle and time proven M1911 pistol and adapt it to meet the changing requirements of its customers with its model 01070RG – The Colt Rail Gun. Where quality and workmanship are demanded, Colt once again meets and exceeds customer expectations. This handgun is outfitted with new and exciting features for the law enforcement community, the shooting enthusiast and the personal defense user. The accessory rail offers the versatility to attach tactical lights or laser sights to the receiver of the Colt Rail Gun, making it a tactical pistol easily adaptable to any military or law enforcement need. This ability to attach a tactical light also makes the Colt Rail Gun an ideal candidate for a home/personal protection need. The Colt Rail Gun features a Colt Upswept Beavertail Grip Safety with Palm Swell, Colt Tactical Ambidextrous Safety Lock, Novak® sights, and a National Match® Barrel. Colt's quality continues to be derived from its forged steel receiver, forged steel slide, forged stainless steel barrel, and forged steel slide stop.

SPECS

CALIBER
WEIGHT
OVERALL LENGTH
BARREL LENGTH
MAGAZINE CAPACITY
CYCLIC RATE OF FIRE
ACTION
ADDITIONAL FEATURES

01070RG/01980RG

.45
2.28 lb. (36.5 oz.)
8.5" (21.59 cm)
5" (12.7 cm)
8
Semi
Single Action
Novak® High Low Mount Carry Sights with Dots
Enhanced Hammer
Extended Ambidextrous Safety Lock
Colt Upswept Beavertail Grip Safety
3-Hole Aluminum Trigger
Lowered and Flared Ejection Port
Tactical Accessory Rail
National Match® Barrel
Front and Rear Slide Serrations





01991CCG
COLT 1991 PISTOL

01991CCG COLT 1991® PISTOL

The Colt 1991 Series is a direct descendant of the original Colt M1911. A long trigger, flat mainspring housing and original style recoil spring system remain from the original M1911 design. Upgrades from the original include upgraded sights and a lowered ejection port for extra reliability. It still remains "the standard" that everyone tries to imitate, but no one duplicates.

SPECS

CALIBER
WEIGHT
OVERALL LENGTH
BARREL LENGTH
MAGAZINE CAPACITY
CYCLIC RATE OF FIRE
ACTION
ADDITIONAL FEATURES

01991CCG

.45
2.2 lb. (35.5 oz.)
8.5" (21.59 cm)
5" (12.7 cm)
8
Semi
Single Action
Lowered & Flared Ejection Port
Novak® Sights, Fiber Optic Front
Enhanced Hammer
Extended Single Side Safety Lock
Colt Upswept Beavertail Grip Safety
Solid Aluminum Trigger

Case 1:22-cv-00951-RGA Document 37-2 Filed 01/31/23 Page 27 of 105 PageID #: 879



SA0248



07000D COLT DEFENDER™ PISTOL

The Colt Defender offers power and performance every time. This package is an excellent choice for concealed carry. With Novak® sights and a Colt Upswept Beavertail Grip Safety, this pistol will provide an exceptional hold and quick target acquisition. The Colt Defender is an accurate and reliable workhorse able to withstand the rigors of everyday carry and numerous trips to the target range.

SPECS	07000D
CALIBER	.45
WEIGHT	1.5 lb. (24 oz.)
OVERALL LENGTH	8.5" (21.59 cm)
BARREL LENGTH	3" (7.62 cm)
MAGAZINE CAPACITY	7
CYCLIC RATE OF FIRE	Semi
ACTION	Single Action
ADDITIONAL FEATURES	Novak® Low Mount Carry Sights with Dots Enhanced Hammer Standard Safety Lock Colt Upswept Beavertail Grip Safety 3-Hole Aluminum Trigger Lowered and Flared Ejection Port

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CONVERSION KITS



Before



After

SA0250



M4 with RAS Upper Assembly and Buttstock Assembly



M4 with Handguards Upper Assembly and Buttstock Assembly



M4 Monolithic Upper Assembly and Buttstock Assembly

SIMPLE AND COST-EFFECTIVE

The Colt conversion kit is the most valuable method of replacing existing older model M16 service weapons with the most advanced carbine in the world. The conversion kit is compatible with any variant of the M16 family of weapons, and is available in a variety of barrel lengths with folding or fixed front sights and collapsible buttstock.

Out of the 165 individual parts in the M4 Carbine, 120 of the old parts are replaced brand new. This conversion kit upgrade solution provides the operator with a weapon conforming to the strictest U.S. Government Military Standards not available by other manufacturers; a Colt rifle converted to the most state-of-the-art configuration.

- Various Barrel Lengths
- Available in piston or gas impingement
- Various Buttstock Assemblies
- Various Upper Receiver Assemblies
- Various Accessory Options Available

Speak with a Colt Defense sales representative about all options available.



COLT DEFENSE RIFLE & CARBINE CATALOG

SIGHTING & ACCESSORIES ARMORER COURSES

The Colt M16/M4 family of weapons provides today's soldiers on the modern battlefield with accuracy, reliability and combat-proven firepower from a 5.56 mm platform. This capability can be drastically enhanced when any of the multitude of after-market accessories are mounted on the weapon. These combat multipliers serve many purposes: sighting devices enhance the one-shot, one-hit probability; visible and IR lasers decrease engagement times and allow for use in low-light or no-light conditions; and grips enhance the user's comfort and weapon manipulation. Most accessories can be quickly mounted and removed in seconds without the use of tools, and several accessories can be maintained in the unit armory and employed as each unique mission dictates. But, Colt doesn't stop at supplying world-class weapon systems to our customers. We also offer information on a full line of accessories to meet your operational needs. One-stop shopping provides the customer with readily available products from sighting systems, to suppressors, to edged weapons.

- Sighting Systems
- Rail Systems
- Magazines & Related Equipment
- Cleaning & Associated Equipment
- Training Aids & Equipment
- Suppression & Flash Eliminators
- Storage Equipment
- Slings
- System Components
- Edged Tools & Weapons
- Miscellaneous Tools & Equipment

If you are unsure of your needs, please contact our sales team directly to help you find the correct solutions to fit your budget and operational requirements.

RIFLE/CARBINE/SMG/1911 ARMORER COURSES

The course includes the M16 family of weapons and all its variants, including the M4, the AR15 and all its variants and the 9 mm Submachine gun. Course length is 24 class hours over three days with no shooting included.

Course Description: This course covers design, theory, compatibility, disassembly, assembly, maintenance and troubleshooting for the law enforcement, corrections, military and nuclear security armorer. All Colt Certified Training Courses are restricted to qualified active law enforcement, corrections, military and nuclear security personnel.



FUTURE VISION

Constantly breaking barriers with our sights on the future, Colt continues to lead the way in design, performance and quality. Knowing what is at stake, we accept nothing but perfection from ourselves and zero flaws in our products. Our new product development leads with innovation with rapid prototyping, materials and manufacturing methods. Our ISO 9001:2008 certification ensures constant responsibility in our awareness to our military, law enforcement and international clients. Feared by the enemy and the competition, we mandate only the best quality products are made available to you.

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Case 1:22-cv-00951-RGA Document 37-2 Filed 01/31/23 Page 33 of 105 PageID #: 885



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1.860.244.1364

INTERNATIONAL
1.860.244.1392

COLT CANADA
1.519.893.6840

DOMESTIC LAW ENFORCEMENT
1.860.244.1407

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SA0254

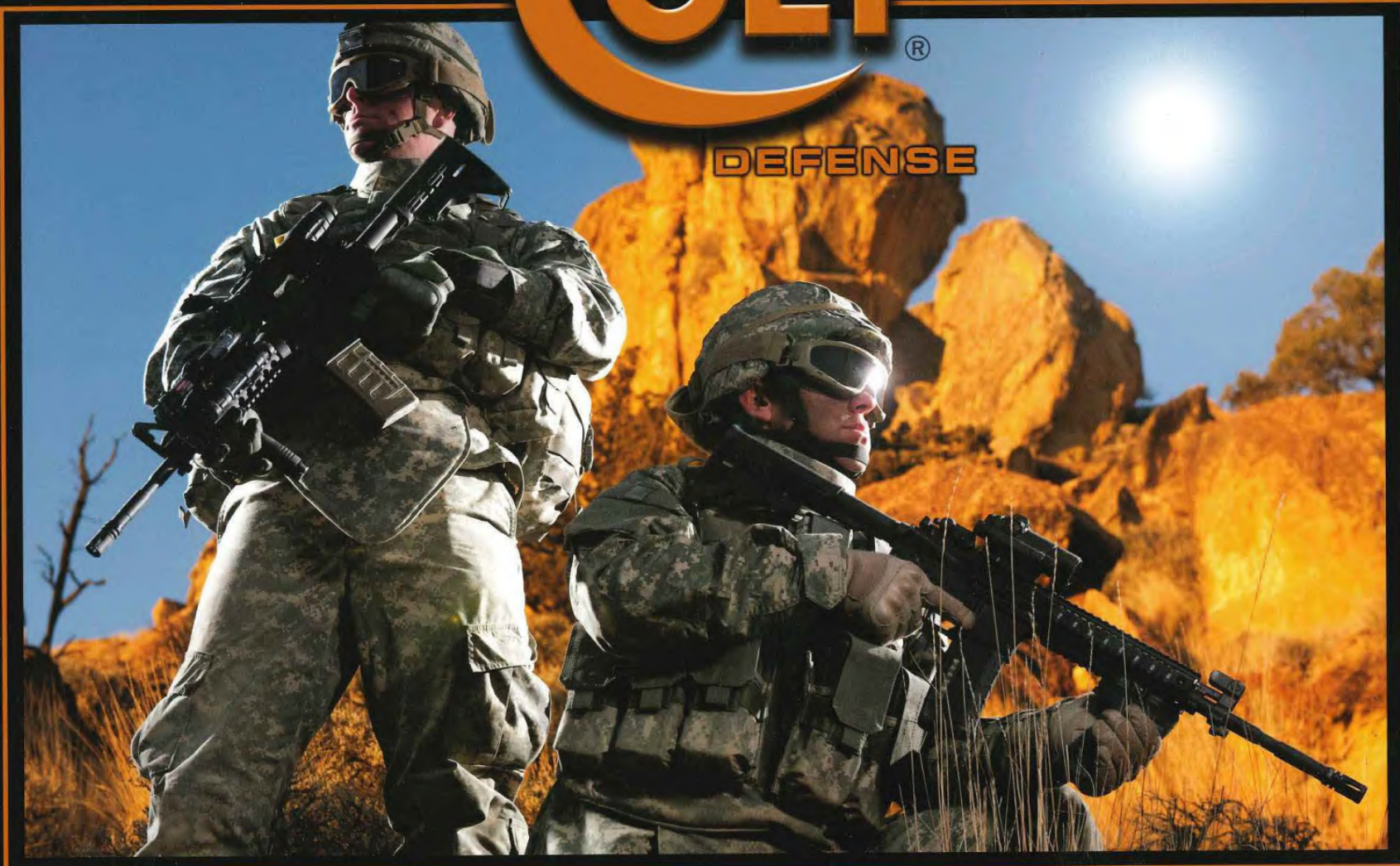
Case 1:22-cv-00951-RGA Document 37-2 Filed 01/31/23 Page 34 of 105 PageID #: 886

Exhibit 10

SA0255

COLT[®]

DEFENSE



THE WEAPON OF CHOICE FOR THE 21ST CENTURY WARFIGHTER

ASSAULT RIFLES & CARBINES

SA0256



INDEX



OUR COMPANY 1

ACC-M 2 - 3

APC 4 - 5

M4 6 - 7

IAR 8 - 9

SCW 10 - 11

M4 Commando® & R0923CQB 12 - 13

SMG 14 - 15

M16A4 16 - 17

M203 18 - 19

CONVERSION KITS 20

SIGHTING & ACCESSORIES 21

Photos courtesy of:

- United States Marine Corps - USMC.MIL - Pages; Index, 7, 9, 15, 17, 19
- United States Army - ARMY.MIL - Pages; Colt Defense, 3, 5, 7, 11, 14, 21
- United States Navy - NAVY.MIL Pages; 13, 15
- United States Air Force - AF.MIL Pages; 20

Disclaimer - Colt weapons shown in this catalog are not necessarily sold in the configuration with accessories shown. Please contact Colt Defense sales for more information about weapon configurations.

Note: Technical Specifications rounded off to the nearest 10th.

The American defense industry has always answered its warfighter's challenges and needs with innovative equipment design solutions. As the premier small arms industry leader, Colt Defense LLC has provided US, NATO, and other military forces with the finest battlefield weapons ever designed. The Colt M16 launched the evolution of what has become the assault weapon of choice on today's battlefields: the M4 Carbine. The term modularity has become synonymous with Colt rifles and carbines, so much so that many companies today base their system designs solely on our M16/M4 original blueprint. The next challenge for Colt Defense is to see that its weapons continue to evolve to meet the diverse and varied challenges the 21st century battlefield will present to joint and coalition forces. Only by doing so will Colt Defense continue to offer all echelons of warfighters increased capabilities and flexibility they need while providing a unique best value solution.

Colt rifles and carbines are the only 5.56mm (.223 Rem.) weapon systems in the world that have been truly battle-tested under every condition that may be encountered on the diverse battlefields of the 21st century. From the early 1960's to today, Colt M16 rifles, M4 carbines and variants have proven themselves under the most severe combat conditions – from the jungles of South America and Southeast Asia to the deserts of the Middle East and the mountains of Afghanistan. Starting with the first Colt M16 rifles fielded during the Vietnam War, Colt engineers have continuously evaluated the performance of Colt firearms in the hands of users engaged in combat operations. Based on reports from the battlefield and continuous technical interaction with military and law enforcement users in the U.S. and around the world, evolutionary improvements have steadily been incorporated, keeping Colt weapons systems the world standard.

Colt weapons are designed and built with an emphasis on simplicity of operation, maximum interchangeability of parts and ease of maintenance. As a result, Colt weapons are extremely durable, with high performing systems and unusually low life cycle maintenance costs, making them the ideal weapons for broad deployment among any type of military unit. They are singularly well suited for today's modern warfare strategy of rapid expeditionary deployment, mobility and increased firepower.

The quality and dependability of Colt 5.56mm weapons in the field have all contributed to their unparalleled record of success. To quote a senior U.S. Military officer: "I am absolutely convinced that the M4 Carbine is the finest service 5.56mm weapon in the world – bar none! It will hit what you shoot at and do it both accurately and reliably."

Today, Colt offers a complete "Family of Weapons" based around the M4 Carbine, which includes a heavy barreled rifle (HBAR®), a carbine with sliding stock (M4 & ACC-M), a personal defense weapon with folding-collapsible buttstock (SCW), a piston carbine (APC), a Commando® carbine, an infantry automatic rifle (IARTM), a 9mm submachine gun, and 40mm grenade launcher. Furthermore, Colt maintains a staff of professional engineers, armorers and operators who devote themselves to constant improvement and evolution of our Family of Weapons. Their efforts and ingenuity enable Colt to continue to set the standard of excellence in small arms throughout the world.

All Colt products are manufactured with the most modern equipment according to well-established and time-tested proprietary manufacturing techniques and processes. The technical data packages for Colt products, which consist of the designs, specifications, patents, trade secrets, manufacturing processes, know how and other intellectual property that goes into a Colt weapon, are closely guarded secrets that are not available to any other manufacturer. In addition, all Colt products are manufactured in Colt's ISO 9001/2008 Certified facility in Hartford, Connecticut, assuring that every unit delivered lives up to Colt's highest standards and historical reputation.

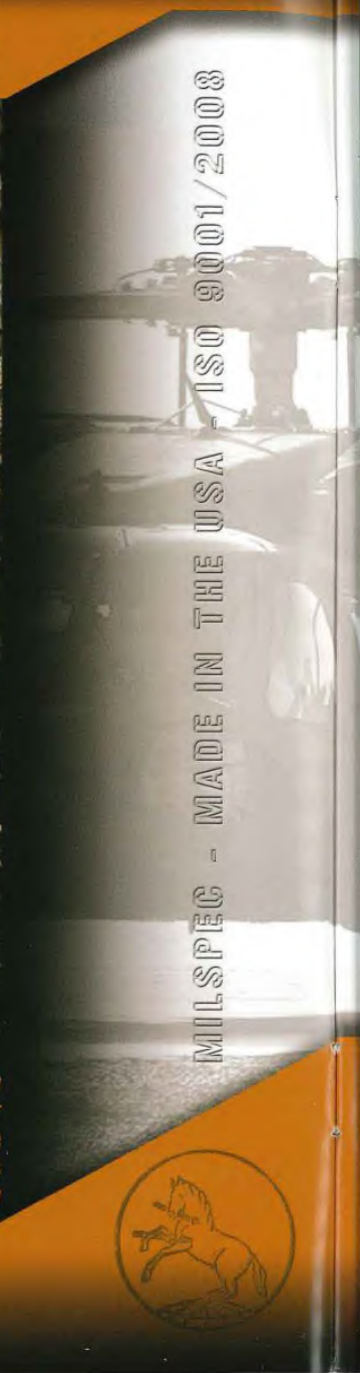
Selecting the weapon that will equip a country's Armed Forces is a crucial process with strong military and political implications; the best and most combat-proven weapon in the world should therefore be chosen. The example established by the U.S. Armed Forces and the armed forces of more than 90 other nations around the world confirms that Colt weapons significantly increase the field readiness as well as the operational, tactical and strategic capabilities of any country's Armed Forces.

COLT DEFENSE LLC

SA0258



ADVANCED COLT CARBINE MONOLITHIC (ACC-M)



Since its adoption by the US Armed Forces in 1994, the Colt M4 Carbine has been the most combat proven and successful carbine system on the battlefield. The new **M4 Advanced Colt Carbine Monolithic (ACC-M)*** One-Piece Upper Receiver incorporates all the options operations forces have required. Its one-piece upper receiver provides a true free-floating barrel for increased accuracy, as well as repeatable zero retention for optics and other accessories. All variants of the ACC-M have ambidextrous fire controls, selector levers, and magazine releases. The M4 ACC-M is available in an array of configurations, from 3-Round Burst to Automatic modes of fire, as well as with fixed or folding front sights. These options, combined with the Colt Monolithic Rail System, provide unmatched zero retention and repeatability not found with other separate forward (handguard) rail mounted systems. These attributes make the M4 ACC-M one of the most versatile and the truest operational weapon system for today's battlefields.

R0922 Safe-Semi-Burst

R0923 Safe-Semi-Auto

* Patent Pending

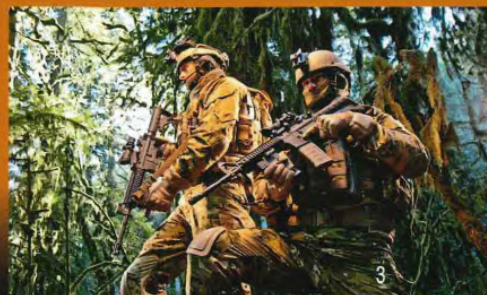
* U.S. Patent # 7,131,228 B2

Accuracy & Zero Retention



SPECIFICATIONS

- CALIBER - 5.56x45 NATO (.223 Rem.)
- WEIGHT - 7 lbs (3.175 kg)
- OVERALL LENGTH [STOCK RETRACTED] - 29.8 in. (75.69 cm)
- OVERALL LENGTH [STOCK EXTENDED] - 33 in. (83.82 cm)
- BARREL LENGTH - 14.5 in. (35.56 cm)
- RATE OF FIRE - 700-950 RPM
- RIFLING - 1/7 RH
- EFFECTIVE RANGE - 600 m



SA0260



COLT ADVANCED PISTON CARBINE (APC)



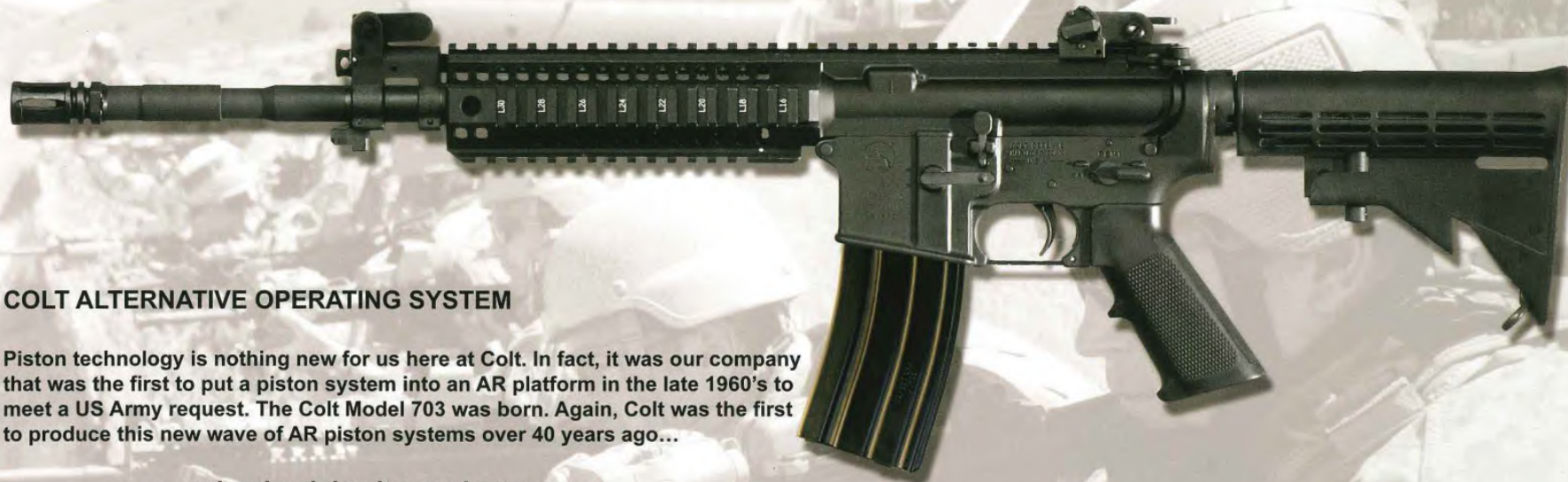
MILSPEC - MADE IN THE USA - ISO 9001/2008

The long awaited **Colt P0923** is an advanced modular 5.56mm caliber piston-operated, lightweight, one-piece upper receiver, magazine fed carbine capable of firing in automatic and semi-automatic modes. The Colt P0923 incorporates a new ALP advanced operating system (articulating link piston) that reduces the stresses in the piston stroke by allowing for deflection and thermal expansion. Designed for consistent cyclic rates, it's just as easy to disassemble, clean and reassemble as our gas operated system.

P0923 Safe-Semi-Auto



If their rollmark doesn't say Colt, they only wish it did.



COLT ALTERNATIVE OPERATING SYSTEM

Piston technology is nothing new for us here at Colt. In fact, it was our company that was the first to put a piston system into an AR platform in the late 1960's to meet a US Army request. The Colt Model 703 was born. Again, Colt was the first to produce this new wave of AR piston systems over 40 years ago...

...and we're doing it even better now.



SPECIFICATIONS

- CALIBER - 5.56x45 NATO (.223 Rem.)
- WEIGHT - 7 lbs (3.175 kg)
- OVERALL LENGTH [STOCK RETRACTED] - 29.8 in. (75.69 cm)
- OVERALL LENGTH [STOCK EXTENDED] - 33 in. (83.82 cm)
- BARREL LENGTH - 14.5 in. (35.56 cm)
- RATE OF FIRE - 700-1000 RPM
- RIFLING - 1/7 RH
- EFFECTIVE RANGE - 600 m





COLT M4 CARBINE



MILSPEC - MADE IN THE USA - ISO 9001/2008

Colt M4. The name says it all. Throughout the world today, the Colt M4's reliability, performance, and accuracy provide joint coalition forces with the confidence required to accomplish any mission. Designed specifically for lightweight mobility, speed of target acquisition, and potent firepower capability - the M4 delivers. The M4 can be comfortably carried, yet be instantly available to provide the level of firepower, dependability and accuracy of a 5.56mm rifle. Proven in military combat operations all over the world, it is in a class by itself as a first rate combat weapon system. The Colt M4 Carbine serves as the United States Armed Forces' weapon of choice and the weapon of the 21st century warfighter. The Colt M4 is the ONLY 5.56mm carbine in the world today that is manufactured to meet or exceed the stringent performance specifications (MILSPEC) required for acceptance and use by the U.S. Armed Forces.

US Military: R0920 Safe-Semi-Burst
R0921 Safe-Semi-Auto

International: R0977 / NSN 1005-01-382-0953 Safe-Semi-Auto
R0979 / NSN 1005-01-231-0973 Safe-Semi Burst

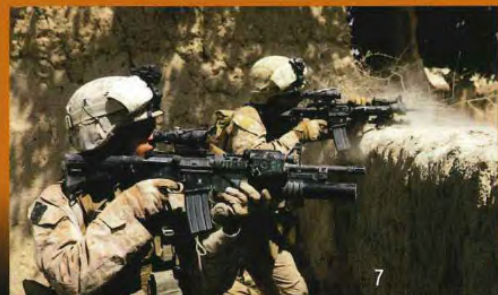


Soldier Tested - Battle Proven



SPECIFICATIONS

- CALIBER - 5.56x45 NATO (.223 Rem.)
- WEIGHT - 6.11lbs (2.771 kg)
- OVERALL LENGTH [STOCK RETRACTED] - 29.8 in. (75.69 cm)
- OVERALL LENGTH [STOCK EXTENDED] - 33 in. (83.82 cm)
- BARREL LENGTH - 14.5 in. (35.56 cm)
- RATE OF FIRE - 700-950 RPM
- RIFLING - 1/7 RH
- EFFECTIVE RANGE - 600 m



SA0264



INFANTRY AUTOMATIC RIFLE (IAR™)



MILSPEC - MADE IN THE USA - ISO 9001/2008

The Colt Infantry Automatic Rifle (IAR™)* Model IAR6940 is a lightweight, gas operated, magazine fed, 5.56mm automatic rifle. Based on the battle proven M16/M4 series of rifles, new unique design features include a patented Monolithic Upper Receiver* with MIL-STD-1913 rails at the 12, 3, and 9 o'clock positions, as well as a lower rail system with a MIL-STD-1913 rail at the 6 o'clock position. In addition, the Colt IAR features a unique heat sink system attached to the barrel, which significantly reduces the risk of cook-offs during extended periods of firing. The heat sink also provides extended barrel life over existing industry lightweight automatic rifle designs. The IAR's ambidextrous safety mechanism provides for a positive touch & feel in safe or fire mode. Anyone familiar with other Colt rifles and carbines will immediately recognize the IAR. The IAR6940 is operationally ready to meet and exceed the duties required of an Automatic Rifle on today's battlefields.

IAR6940 Safe-Semi-Auto

* U.S. Patent # 7,131,228 B2





S P E C I F I C A T I O N S

CALIBER - 5.56x45 NATO (.223 Rem.)

WEIGHT - 9.5 lbs (4.31 kg)

OVERALL LENGTH [STOCK RETRACTED] - 33.5 in. (85.09 cm)

OVERALL LENGTH [STOCK EXTENDED] - 36.75 in. (93.35 cm)

BARREL LENGTH - 16 in. (40.64 cm)

RATE OF FIRE - 700-1000 RPM

RIFLING - 1/7 RH

EFFECTIVE RANGE - 600 m



SA0266



COLT SUB COMPACT WEAPON (SCW™)



MILSPEC - MADE IN THE USA - ISO 9001/2008

The Colt Sub Compact Weapon (SCW™) is the most compact of Colt's 5.56mm family of weapons. The SCW features Colt's patented one-piece monolithic upper receiver**and a Colt collapsible folding buttstock* for confined space combat operations and close quarters battle. Where previous small caliber personal defense weapons were inadequate in caliber or configuration for engaging varying target sets, the Colt SCW in 5.56x45mm NATO provides the stopping power soldiers need on the battlefield. Its ultra lightweight compact design allows maneuverability in highly confined areas of operation. The SCW also allows for quick and easy transition from vehicles and aircraft, thus providing much more firepower and range to aircrews and vehicle operators than handguns. Incorporating a new bolt carrier/buffer system, the SCW has been engineered to provide the same dependable reliability as the Colt M4 in a much more compact design. Additional benefits incorporated into the SCW include a reduction in recoil and an increase in controllability. Equipped with its unique holster/sling system*, the Colt SCW allows the user to easily transition from any other weapon. Designed specifically for vehicle & aircraft crews, joint forces, special operations forces, and reconnaissance units, the Colt SCW provides for increased mobility and firepower on the modern battlefield, but with longer range capabilities than handgun caliber systems. Commonality of ammunition with other weapons in the support formation not only simplifies logistical relief, but also provides for ease of resupply by any supporting unit while conducting operations. With all of these design enhancements and augmentations, this weapon has earned its place among Colt weapons and the right to its name "Colt SCW".

SCW0921 Safe-Semi-Auto

*Patent Pending

** U.S. Patent # 7,131,228 B2



ROOM CLEAR



SPECIFICATIONS

CALIBER - 5.56x45 NATO (.223 Rem.)

WEIGHT - 6.5 lbs (2.95 kg)

OVERALL LENGTH [STOCK RETRACTED] - 28.5 in. (72.39 cm)

OVERALL LENGTH [STOCK EXTENDED] - 30.25 in. (76.84 cm)

OVERALL LENGTH (STOCK COLLAPSED) - 23.5 in. (59.69 cm)

BARREL LENGTH - 10.3 in. (26.26 cm)

RATE OF FIRE - 700-950 RPM

RIFLING - 1/7 RH

EFFECTIVE RANGE - 400 m



SA0268



M4 COMMANDO & R0923CQB



MILSPEC - MADE IN THE USA - ISO 9001/2008

Rapid response, maneuverability, and enhanced firepower play a major part in joint and coalition operations in modern warfare. **Colt's M4 Commando® and R0923CQB** epitomize modern warfare's emphasis on "Get In and Get Out". They were both designed to exploit firepower capability in confined spaces where lightweight mobility, speed and violence of action rule. The Commando can be comfortably carried with its 11.5" barrel, yet be instantly available to provide the type of firepower required to overmatch combatants. The CQB with a 10.3" barrel comes equipped with a one-piece upper receiver. Because they both provide full 5.56mm power and accuracy in a very compact sub-machine gun size weapon, the Commando and CQB are often chosen over smaller less powerful sub-machine guns. Regardless of the application, the Colt M4 Commando and R0923CQB provide the superior qualities that will enable operators to accomplish an increasingly wide range of combat missions.

R0933 / NSN 1005-01-581-2925 Safe-Semi-Auto

R0935 Safe-Semi-Burst

R0923CQB Safe-Semi-Auto



COMMANDO SPECIFICATIONS

- CALIBER - 5.56x45 NATO (.223 Rem.)
- WEIGHT - 5.38 lbs (2.44 kg)
- OVERALL LENGTH [STOCK RETRACTED] - 27.1 in. (68.83 cm)
- OVERALL LENGTH [STOCK EXTENDED] - 30.4 in. (77.22 cm)
- BARREL LENGTH - 11.5 in. (29.21 cm)
- RATE OF FIRE - 700-950 RPM
- RIFLING - 1/7 RH
- EFFECTIVE RANGE - 400 m

R0933 Safe-Semi-Auto

R0935 Safe-Semi-Burst

R0923CQB Safe-Semi-Auto

R0923CQB SPECIFICATIONS

- CALIBER - 5.56x45 NATO (.223 Rem.)
- WEIGHT - 5.72 lbs (2.6 kg)
- OVERALL LENGTH [STOCK RETRACTED] - 26.2 in. (66.5 cm)
- OVERALL LENGTH [STOCK EXTENDED] - 29.4 in. (74.6 cm)
- BARREL LENGTH - 10.3 in. (26.7 cm)
- RATE OF FIRE - 700-950 RPM
- RIFLING - 1/7 RH
- EFFECTIVE RANGE - 400 m





COLT 9MM SUBMACHINE GUN (SMG)



The **Colt 9mm Submachine Gun (SMG)** is exceptionally well suited for military, paramilitary, and Law Enforcement organizations requiring a lightweight, compact, highly concealable, select fire weapon system for close confrontations. The Colt SMG is constructed with a modular rail system that allows the easy mounting of ancillary devices, fires from a closed bolt, is equipped with a collapsible buttstock, and is easily field stripped without the need of any special tools. The straight-line construction, coupled with the low recoil of 9mm ammunition, provides highly accurate fire with less muzzle climb, especially in full automatic fire. Less recoil also facilitates ease of training and improves accuracy. Finally, operation and training for the Colt 9mm SMG is similar to that for the Colt M16A2/A4 Rifle, Colt M4 Carbine or Colt Commando Carbine, simplifying user training substantially.

R0991 Safe-Semi-Auto

R0992 Safe-Semi-Burst



Close Combat Low Recoil



S P E C I F I C A T I O N S

- CALIBER - 9x19mm/Parabellum
- WEIGHT - 6.7 lbs (3.04 kg)
- OVERALL LENGTH [STOCK RETRACTED] - 26 in. (66.04 cm)
- OVERALL LENGTH [STOCK EXTENDED] - 29.25 in. (74.3 cm)
- BARREL LENGTH - 10.5 in. (26.67 cm)
- RATE OF FIRE - 700-950 RPM
- RIFLING - 1/10 RH
- EFFECTIVE RANGE - 100 m



SA0272



COLT M16A4 RIFLE



MILSPEC - MADE IN THE USA - ISO 9001/2008

The Colt M16A4 Rifle is the fourth generation of the M16 series weapon system, and is the world standard by which all other weapons of this class are judged. With a removable carrying handle and an integral rail mounting system for mounting of optics and other ancillary devices, it is the ultimate full length combat rifle in 5.56mm caliber for the 21st Century.

US Military: R0945 Safe-Semi-Burst

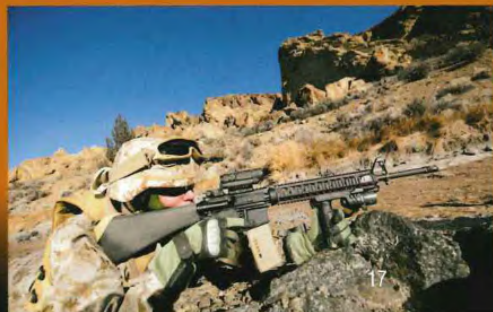
International: R0901 / NSN 1005-01-383-2872 Safe-Semi-Auto
R0905 Safe-Semi-Burst





S P E C I F I C A T I O N S

- CALIBER** - 5.56x45 NATO (.223 Rem.)
- WEIGHT** - 7.18 lbs (3.26 kg)
- OVERALL LENGTH** - 39.5 in. (100.33 cm)
- BARREL LENGTH** - 20 in. (50.8 cm)
- RATE OF FIRE** - 700-950 RPM
- RIFLING** - 1/7 RH
- EFFECTIVE RANGE** - 600 m



SA0274



COLT M203 40MM GRENADE LAUNCHER



MILSPEC - MADE IN THE USA - ISO 9001/2008

The **Colt M203 Grenade Launcher** is a lightweight, single-shot, breech-loaded 40mm weapon specifically designed to be attached to the M4 Carbine and the M16A2 and A4 Rifles. It creates a versatile combination weapon system, capable of firing both 5.56mm rifle ammunition as well as the complete range of 40mm high explosive and special purpose ammunitions. A complete self-cocking firing mechanism, including barrel latch, trigger and positive safety lever is included in the receiver, which allows the M203 to be operated as a completely independent weapon even though attached to the Colt M4 Carbine or the Colt M16A4 Rifle. The M203 provides Colt M4 Carbines and Colt M16A2/A4 Rifles with breaching, defilade, and area engagement capabilities, making it an essential tool for every modern army.

- R0801 M16 – 12" Barrel
- R0810 M4 – 12" Barrel
- R0811 M4 – 9" Barrel



For both Lethal and Non-Lethal Applications



S P E C I F I C A T I O N S

CALIBER - 40 mm

WEIGHT - 2.5 lbs (1.13 kg)

METHOD OF OPERATION - Single Shot / Breech Load

BARREL LENGTH - 9 in. (22.86 cm) or 12 in. (30.48 cm)

EFFECTIVE RANGE - 400 m

AMMUNITION - M406 High Explosive

M433 HE Armor Piercing

M576 Buckshot

M407 Practice

M781 Practice

* Most other specialized 40mm Low Velocity ammunition *





CONVERSION KITS



M4 with RAS Upper Assembly & Buttstock Assembly



M4 with Handguards Upper Assembly & Buttstock Assembly



Conversion Kits

The Colt conversion kit is the most cost effective method of replacing existing older model M16 service weapons with the most advanced carbine in the world. The conversion kit is available in a variety of barrel lengths with folding or fixed front sights, and a collapsible buttstock. Simple to accomplish and compatible with any variant of the M16 family of weapons. Out of the 165 individual parts in the M4 Carbine, 120 of the old parts are replaced brand new. This conversion kit upgrade solution provides the operator with a weapon conforming to the strictest U.S. Government Military Standards not available by other manufacturers, a Colt rifle converted to the most state of the art configuration.

- Various Barrel Lengths
- Various Upper Receiver Assemblies
- Various Buttstock Assemblies
- Various Accessory Options Available



M4 Monolithic Upper Assembly & Buttstock Assembly

Speak with a Colt Defense sales representative about all options available.

SIGHTING & ACCESSORIES

The Colt M16/M4 Family of Weapons provides today's soldier and/or law enforcement officer with reliable and combat proven accurate firepower in a 5.56mm platform on the modern battlefield. This capability can be drastically enhanced when any of a myriad of after-market accessories is mounted on the weapon. These combat multipliers can serve many purposes: sighting devices enhance the one-shot, one hit probability; visible and IR lasers decrease engagement times and allow for use in low-light or no-light conditions; and grips enhance the user's comfort and weapon manipulation. Most accessories can be quickly mounted and removed without the use of tools in seconds and several accessories can be maintained in the unit armory and employed as each unique mission dictates. Colt does not stop at supplying world class weapon systems to our customers. We also offer information on a full line of accessories to meet your operational requirements. One stop shopping provides the customer readily available products from sighting systems to suppressors to edged weapons.

If you are unsure of your needs, please contact our sales team directly to help you find the correct solutions to fit your budget and operational requirements.

- Sighting Systems
- Rail Systems
- Magazines & Related Equipment
- Cleaning & Associated Equipment
- Training Aids & Equipment
- Suppression & Flash Eliminators
- Storage Equipment
- Slings
- System Components
- Miscellaneous Tools & Equipment
- Edged Tools & Weapons



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CORPORATE OFFICE

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1-800-962-COLT
COLT.COM

US GOVERNMENT SALES INFORMATION

1-860-244-1364

INTERNATIONAL SALES INFORMATION

1-860-244-1392 or 1-860-244-1384

The Weapon of Choice for the 21st Century Warfighter

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Information in this brochure does not contain ITAR restricted data.

SA0279

Case 1:22-cv-00951-RGA Document 37-2 Filed 01/31/23 Page 59 of 105 PageID #: 911

Exhibit 11

SA0280

SPRINGFIELD ARMORY® USA



1911
nineteeneleven



2013 CATALOG

SA0281



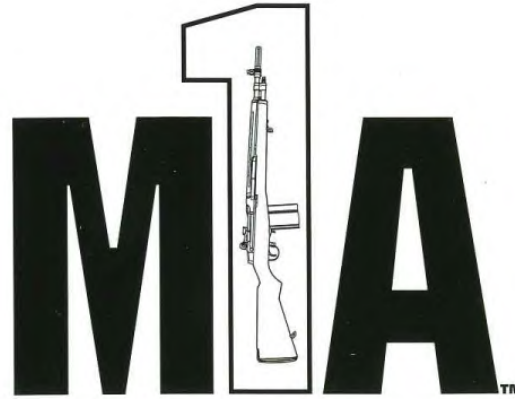
PAST, PRESENT & FUTURE

GEORGE WASHINGTON ORDERED THE CREATION OF SPRINGFIELD ARMORY® IN 1777 TO STORE REVOLUTIONARY AMMUNITION AND GUN CARRIAGES.

IN 1794 THE ARMORY BEGAN THE MANUFACTURE OF MUSKETS FOR A YOUNG COUNTRY. FOR THE NEXT 150 YEARS, SPRINGFIELD ARMORY® FUNCTIONED AS A SUPPLIER FOR EVERY MAJOR AMERICAN CONFLICT AS WELL AS A "THINK TANK" FOR NEW FIREARM CONCEPTS. IN 1968, CITING BUDGETARY CONCERNS, THE U.S.

GOVERNMENT CLOSED SPRINGFIELD ARMORY®. NOW, THE WALLS OF SPRINGFIELD ARMORY® WOULD HOUSE HISTORIANS, PAYING HOMAGE TO THE PAST RATHER THAN THOSE WITH AN EYE TO THE FUTURE...UNTIL 1974, WHEN A PASSIONATE FAMILY BY THE NAME OF REESE WOULD RESCUE NOT ONLY THE NAME "SPRINGFIELD ARMORY®," BUT THE PHILOSOPHY THAT DROVE IT FOR CENTURIES.

WITH REVERENCE FOR THE LEGACY OF THE ARMORY, THE REESE FAMILY RESURRECTED THE MOST HISTORICALLY SIGNIFICANT DESIGNS PRODUCED BY THE ARMORY- M1 GARAND, 1911-A1, M14 –AND FUELED BY THE SAME OBSESSION FOR IMPROVED MANUFACTURING TECHNIQUES AND CUTTING EDGE DESIGN THAT INSPIRED THE LIKES OF JOHN C. GARAND, AND JOHN BROWNING, THEY'VE CONTINUED TO DEVELOP PRODUCTS THAT ARE LOYAL TO SPRINGFIELD ARMORY'S HERITAGE WHILE ENSURING THE ARMORY'S PLACE IN THE PROGRESSION OF AMERICAN FIREARMS.



THE SPRINGFIELD ARMORY® M1A™ IS THE WORLD STANDARD, BASED ON THE LEGENDARY M14. ACCURATE, RELIABLE AND DURABLE. IT'S A DOMINANT FORCE AT HOME AND ABROAD, WHETHER FIRED IN COMPETITIVE SHOOTING OR IN ACTIVE DUTY BY ELITE MILITARY AND POLICE UNITS. FROM CLOSE QUARTERS BATTLE RIFLES LIKE THE SOCOM II TO THE LONG RANGE TACK DRIVERS LIKE THE LONG-RANGE MATCH, NO OTHER RIFLE BOASTS THE VERSATILITY OF THE M1A™
... ANY MISSION, ANY CONDITIONS, ANY FOE AT ANY RANGE.

M1A™ SOCOM 16



AA9626
BLACK COMPOSITE STOCK, CARBON BARREL



AA9625
GREEN COMPOSITE STOCK, CARBON BARREL



CALIBER: 7.62 NATO (.308WIN)

CAPACITY: 10RND BOX MAG

SIGHTS: FRONT: XS Post W/TRITIUM INSERT, .125 BLADE REAR: ENLARGED MILITARY APERTURE .135

BARREL: 16.25"; TWIST 1 IN 11"; RH; 6-GROOVE

WEIGHT: 8.8 LBS

TRIGGER PULL: 5 - 6 LBS 2-STAGE MILITARY

LENGTH: 37.25"

SA0284

M1A™ SOCOM II



AA9627
BLACK COMPOSITE STOCK, CARBON BARREL



AA9629
BLACK COMPOSITE STOCK, EXTENDED RAIL,
CARBON BARREL

CALIBER: 7.62 NATO (.308WIN)

CAPACITY: 10RND BOX MAG

SIGHTS: FRONT: XS Post W/TRITIUM INSERT, .125 BLADE REAR: ENLARGED MILITARY APERTURE .135

BARREL: 16.25"; TWIST 1 IN 11"; RH; 6-GROOVE

WEIGHT: 10 LBS

TRIGGER PULL: 5 - 6 LBS 2-STAGE MILITARY

LENGTH: 37.25"

SCOUT SQUAD™



AA9122
WALNUT STOCK, CARBON BARREL



AA9126
BLACK COMPOSITE STOCK,
CARBON BARREL



AA9124
MOSSY OAK® COMPOSITE STOCK,
CARBON BARREL

CALIBER: 7.62 NATO (.308WIN)

CAPACITY: 10RND Box MAG

SIGHTS: **FRONT:** MILITARY SQUARE POST, NATIONAL MATCH .062 BLADE **REAR:** MILITARY APERTURE .0690 W/MOA ADJUSTMENT FOR BOTH WINDAGE AND ELEVATION

BARREL: 18"; TWIST 1 IN 11"; RH; 6-GROOVE

WEIGHT: 9.3 LBS (WALNUT) / 8.8 LBS (COMPOSITE)

TRIGGER PULL: 5 - 6 LBS 2-STAGE MILITARY

LENGTH: 40.33"

Case: 23-1633 Document: 63 Page: 291 Date Filed: 08/16/2023

STANDARD M1A™



MA9102
WALNUT STOCK, CARBON BARREL



MA9106
BLACK COMPOSITE STOCK, CARBON BARREL



MA9109
GREEN COMPOSITE STOCK,
CARBON BARREL



MA9104
MOSSY OAK® COMPOSITE STOCK,
CARBON BARREL

CALIBER: 7.62 NATO (.308WIN)

CAPACITY: 10RND BOX MAG

SIGHTS: **FRONT:** MILITARY SQUARE POST, NATIONAL MATCH .062 BLADE **REAR:** MILITARY APERTURE .0690 W/MOA ADJUSTMENT FOR BOTH WINDAGE AND ELEVATION

BARREL: 22"; TWIST 1 IN 11"; RH; 6-GROOVE

WEIGHT: 9.3 LBS (WALNUT) / 8.8 LBS (COMPOSITE)

TRIGGER PULL: 5 - 6 LBS 2-STAGE MILITARY

LENGTH: 44.33"

Case: 23-1633 Document: 63 Page: 292 Date Filed: 08/16/2023

LOADED M1A™



MA9222
WALNUT STOCK,
NM CARBON BARREL



MA9822
WALNUT STOCK,
NM STAINLESS STEEL BARREL



MA9826
BLACK COMPOSITE STOCK,
NM STAINLESS STEEL BARREL

CALIBER: 7.62 NATO (.308WIN) **BARREL:** 22"; TWIST 1 IN 11"; RH; 6-GROOVE NATIONAL MATCH MED. WT. PREMIUM AIR GAUGED **CAPACITY:** 10RND BOX MAG
TRIGGER PULL: NATIONAL MATCH TUNED 4.5 LBS - 5 LBS 2-STAGE **WEIGHT:** 9.8 LBS (WALNUT) / 9.3 LBS (COMPOSITE) **LENGTH:** 44.33"
SIGHTS: **FRONT:** NATIONAL MATCH .062 BLADE **REAR:** NATIONAL MATCH GRADE (NON HOODED .0520) APERTURE WITH 1/2 MOA FOR WINDAGE AND 1 MOA FOR ELEVATION

Loaded M1A™ Continued on Next Page 40

SA0288

Case: 23-1633 Document: 63 Page: 293 Date Filed: 08/16/2023

LOADED M1A™



MA9226
BLACK COMPOSITE STOCK,
NM CARBON BARREL



MA9229
GREEN COMPOSITE STOCK,
NM CARBON BARREL

CALIBER: 7.62 NATO (.308WIN) **BARREL:** 22"; TWIST 1 IN 11"; RH; 6-GROOVE NATIONAL MATCH MED. WT. PREMIUM AIR GAUGED **CAPACITY:** 10RND BOX MAG
TRIGGER PULL: NATIONAL MATCH TUNED 4.5 LBS - 5 LBS 2-STAGE **WEIGHT:** 9.8 LBS (WALNUT) / 9.3 LBS (COMPOSITE) **LENGTH:** 44.33"
SIGHTS: **FRONT:** NATIONAL MATCH .062 BLADE **REAR:** NATIONAL MATCH GRADE (NON HOODED .0520) APERTURE WITH 1/2 MOA FOR WINDAGE AND 1 MOA FOR ELEVATION

NATIONAL MATCH M1A™



NA9102
WALNUT STOCK,
NM CARBON BARREL



NA9802
WALNUT STOCK,
NM STAINLESS STEEL BARREL

CALIBER: 7.62 NATO (.308WIN) **WEIGHT:** 9.8 LBS **CAPACITY:** 10RND BOX MAG **LENGTH:** 44.33"
BARREL: 22"; TWIST 1 IN 11"; RH; 6-GROOVE NATIONAL MATCH MED. WT. PREMIUM AIR GAUGED **TRIGGER PULL:** NATIONAL MATCH TUNED 4.5 LBS - 5 LBS 2-STAGE
SIGHTS: **FRONT:** NATIONAL MATCH .062 BLADE **REAR:** MATCH GRADE HOODED APERTURE .0595 WITH 1/2 MOA FOR BOTH WINDAGE AND ELEVATION

SUPER MATCH M1A™



SA9805
MCMILLAN MARINE CORP GREEN CAMO FIBERGLASS,
DOUGLAS STAINLESS STEEL BARREL



SA9804
MCMILLAN BLACK FIBERGLASS STOCK,
DOUGLAS STAINLESS STEEL BARREL



SA9802
OVERSIZED WALNUT STOCK,
DOUGLAS STAINLESS STEEL BARREL



SA9102
OVERSIZED WALNUT STOCK,
DOUGLAS CARBON BARREL

CALIBER: 7.62 NATO (.308WIN)

WEIGHT: 11.2 LBS (WALNUT) / 12.2 LBS (FIBERGLASS)

CAPACITY: 10RND BOX MAG

LENGTH: 44.33"

TRIGGER PULL: NATIONAL MATCH TUNED 4.5 LBS - 5 LBS 2-STAGE

BARREL: 22"; TWIST 1 IN 10"; RH; 6-GROOVE DOUGLAS PREMIUM AIR GAUGED CUSTOM HEAVY MATCH

SIGHTS: FRONT: NATIONAL MATCH .062 BLADE **REAR:** MATCH GRADE HOODED APERTURE .0595 WITH 1/2 MOA FOR BOTH WINDAGE AND ELEVATION

LONG-RANGE MATCH



SA9121CA
M21™ ADJUSTABLE WALNUT STOCK,
DOUGLAS CARBON BARREL
 * SCOPE & MOUNT SOLD SEPARATELY
 * SHOWN WITH OPTIONAL MUZZLE BRAKE, CA LEGAL MODEL



SA9131CA
M21™ ADJUSTABLE WALNUT STOCK,
STAINLESS KRIEGER BARREL
 * SCOPE & MOUNT SOLD SEPARATELY
 * SHOWN WITH OPTIONAL MUZZLE BRAKE, CA LEGAL MODEL

CALIBER: 7.62 NATO (.308WIN) **WEIGHT:** 11.6 LBS **CAPACITY:** 10RND BOX MAG **LENGTH:** 44.33"
BARREL: 22"; TWIST 1 IN 10"; RH; 6-GROOVE DOUGLAS CARBON HEAVY MATCH OR 4-GROOVE KRIEGER STAINLESS STEEL HEAVY MATCH
TRIGGER PULL: NATIONAL MATCH TUNED 4.5 LBS - 5 LBS 2-STAGE
SIGHTS: FRONT: NATIONAL MATCH .062 BLADE **REAR:** MATCH GRADE HOODED APERTURE .0595 WITH 1/2 MOA FOR BOTH WINDAGE AND ELEVATION

SA0292

Case: 23-1633 Document: 63 Page: 297 Date Filed: 08/16/2023



		WEIGHT		BARREL						SIGHTS			
		Weight (W/Empty Mag. (oz.))	Barrel Length (Inches)	Barrel Twist (Inches)	Standard Weight Carbon Steel	National Match Medium Weight Carbon Steel	National Match Medium Weight Stainless Steel	Douglas Super Match Carbon Steel	Douglas Super Match Stainless Steel	Standard Adjustable Sight	Ghost Ring Aperture & X5 Tripart Front Sight	National Match W/Non-Hooded Aperture	National Match W/ Hooded Aperture
AA9625	SOCOM 16	8.8	16	1:11	•						•		
AA9626	SOCOM 16	8.8	16	1:11	•						•		
AA9627	SOCOM II	10	16	1:11	•						•		
AA9629	SOCOM II	10	16	1:11	•						•		
AA9122	SCOUT SQUAD™	9.3	18	1:11	•					•			
AA9124	SCOUT SQUAD™	8.8	18	1:11	•					•			
AA9126	SCOUT SQUAD™	8.8	18	1:11	•					•			
MA9102	STANDARD	9.3	22	1:11	•					•			
MA9104	STANDARD	8.8	22	1:11	•					•			
MA9106	STANDARD	8.8	22	1:11	•					•			
MA9109	STANDARD	8.8	22	1:11	•					•			
MA9222	LOADED STANDARD	9.8	22	1:11		•						•	
MA9226	LOADED STANDARD	9.3	22	1:11		•						•	
MA9229	LOADED STANDARD	9.3	22	1:11		•						•	
MA9822	LOADED STANDARD	9.8	22	1:11			•					•	
MA9826	LOADED STANDARD	9.3	22	1:11			•					•	
NA9102	NATIONAL MATCH	9.8	22	1:11		•							•
NA9802	NATIONAL MATCH	9.8	22	1:11			•						•
SA9102	SUPER MATCH	11.2	22	1:10				•					•
SA9802	SUPER MATCH	11.2	22	1:10					•				•
SA9804	SUPER MATCH	12.2	22	1:10						•			•
SA9805	SUPER MATCH	12.2	22	1:10						•			•
SA9121	M21™	11.6	22	1:10				•					•
SA9131	M21™	11.6	22	1:10					•				•

SA0293

Magazines

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XDM5019	9MM 19RND MAGAZINE	\$34.00
XDM5020	9MM 13RND COMPACT MAGAZINE	\$28.95
XDM50191	9MM 19RND MAGAZINE W/SLEEVE #1	.....	\$44.00
XDM50192	9MM 19RND MAGAZINE W/SLEEVE #2	.....	\$44.00
XDM50193	9MM 19RND MAGAZINE W/SLEEVE #3	.....	\$44.00
XDM5001C	#1 MAGAZINE X-TENSION™ (USPAT.7191556)	.....	\$10.00
XDM5002C	#2 MAGAZINE X-TENSION™ (USPAT.7191556)	.....	\$10.00
XDM5003C	#3 MAGAZINE X-TENSION™ (USPAT.7191556)	.....	\$10.00

XD(M)® .40 S&W

XDM5011	.40CAL 16RND MAGAZINE	.....	\$34.00
XDM5021	.40CAL 11RND COMPACT MAGAZINE	.....	\$28.95
XDM50111	.40CAL 16RND MAGAZINE W/SLEEVE #1	.....	\$44.00
XDM50112	.40CAL 16RND MAGAZINE W/SLEEVE #2	.....	\$44.00
XDM50113	.40CAL 16RND MAGAZINE W/SLEEVE #3	.....	\$44.00
XDM5001C	#1 MAGAZINE X-TENSION™ (USPAT.7191556)	.....	\$10.00
XDM5002C	#2 MAGAZINE X-TENSION™ (USPAT.7191556)	\$10.00
XDM5003C	#3 MAGAZINE X-TENSION™ (USPAT.7191556)	\$10.00

XD(M)® .45ACP

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XD45451	45ACP 13RND MAGAZINE W/SLEEVE #1	\$39.95
XD45452	45ACP 13RND MAGAZINE W/SLEEVE #2	\$39.95
XD45453	45ACP 13RND MAGAZINE W/SLEEVE #3	.....	\$39.95
XD4510	45ACP 10RND MAGAZINE	.....	\$29.95
XD45101	45ACP 10RND MAGAZINE W/SLEEVE #1	.....	\$39.95
XD45102	45ACP 10RND MAGAZINE W/SLEEVE #2	.....	\$39.95
XD45103	45ACP 10RND MAGAZINE W/SLEEVE #3	.....	\$39.95
XD4500	45ACP 9RND COMPACT MAGAZINE	.....	\$29.95
XD45381	45ACP 13RND W/SLEEVE #1	\$10.00
XD45382	45ACP 13RND W/SLEEVE #2	\$10.00
XD45383	45ACP 13RND W/SLEEVE #3	\$10.00

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Magazines

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XD0923GS	9MM 10RND, W/OD GREEN X-TENSION™, SUB-COMPACT	\$39.95
XD1924	9MM 13RND, SUB-COMPACT	\$28.95
XD0931	9MM 16RND, W/BLACK X-TENSION™, SUB-COMPACT	\$39.95
XD0933	9MM 16RND, W/OD GREEN X-TENSION™, SUB-COMPACT	\$39.95
XD0923	9MM 10RND, FULL SIZE SERVICE/TACTICAL	\$28.95
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XD5003	9MM MAGAZINE X-TENSION™ BLACK (USPAT.7191556)	\$10.00
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XD0940BS	.40CAL 10RND, W/BLACK X-TENSION™, SUB-COMPACT	\$39.95
XD0940GS	.40CAL 10RND, W/OD GREEN X-TENSION™, SUB-COMPACT	\$39.95
XD0932	.40CAL 12RND, W/BLACK X-TENSION™, SUB-COMPACT	\$39.95
XD0934	.40CAL 12RND, W/OD GREEN X-TENSION™, SUB-COMPACT	\$39.95
XD0940	.40CAL 10RND, FULL SIZE SERVICE/TACTICAL	\$28.95
XD5011	.40CAL 12RND, FULL SIZE SERVICE/TACTICAL	\$28.95
XD5003	.40CAL MAGAZINE X-TENSION™ BLACK (USPAT.7191556)	\$10.00
XD5004	.40CAL MAGAZINE X-TENSION™ OD GREEN (USPAT.7191556)	\$10.00

XD® .45 ACP

XD4501	.45ACP 10RND, COMPACT	\$29.95
XD4547	.45ACP 10RND, W/BLACK X-TENSION™, COMPACT	\$39.95
XD4546	.45ACP 13RND, W/BLACK X-TENSION™, COMPACT	\$39.95
XD4510	.45ACP 10RND, FULL SIZE SERVICE/TACTICAL	\$29.95
XD4545	.45ACP 13RND (XD® FULL SIZE SERVICE/TACTICAL & XD(M)®)	\$29.95
XD5005	.45ACP MAGAZINE X-TENSION™ BLACK (USPAT.7191556)	\$10.00
XD5006	.45ACP MAGAZINE X-TENSION™ OD GREEN (USPAT.7191556)	\$10.00
XD5007	.45ACP MAGAZINE X-TENSION™ DARK EARTH (USPAT.7191556)	\$10.00

XD® .45 GAP

XD1941	.45 GAP 9RND, FULL SIZE SERVICE/TACTICAL	\$28.95
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XD® .357 SIG

XD0957	.357 SIG 10RND, FULL SIZE SERVICE/TACTICAL	\$28.95
XD5012	.357 SIG 12RND, FULL SIZE SERVICE/TACTICAL	\$28.95

Case: 23-1633 Document: 63 Page: 301 Date Filed: 08/16/2023

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PI0927	9MM 9 RND, BLUED	\$39.00
PI6090	9MM 9 RND, STAINLESS STEEL, METAL FORM	\$39.00

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1911 .40CAL MAGAZINES

PI6071	.40CAL 8 RND, STAINLESS STEEL, EMP®	\$25.50
PI6079	.40CAL 8 RND, STAINLESS STEEL, MATCH	\$39.00
PI6083	.40CAL 8 RND, STAINLESS STEEL, METAL FORM	\$39.00

1911 .45ACP MAGAZINES

PI4723	.45ACP 6 RND, BLUED, COMPACT	\$23.50
PI4726	.45ACP 6 RND, STAINLESS STEEL, COMPACT	\$22.00
PI4520	.45ACP 7 RND, STAINLESS STEEL	\$24.50
PI4523	.45ACP 7 RND, BLUED	\$23.50
PI6086	.45ACP 7 RND, BLUED, WITH SLAM PAD	\$33.00
PI6085	.45ACP 7 RND, STAINLESS STEEL, W/SLAM PAD, METAL FORM	\$39.00
PI4421	.45ACP 10 RND, BLUED, W/PAD, SINGLE STACK	\$28.50
PI4521	.45ACP 10 RND, STAINLESS STEEL, SINGLE STACK	\$47.00
PI5444	.45ACP 10 RND, BLUED, HIGH CAP, DOUBLE STACK, COMPACT	\$39.00
PH4527	.45ACP 14 RND, BLUED, HIGH CAP, DOUBLE STACK	\$39.00

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MA5019	.308 - 5 RND SPORTER (FITS FLUSH)	\$39.00
MA5006	.308 - 10 RND BOX	\$39.00
MA5051	.308 - 15 RND	\$49.95
(Valid in only those states in U.S. where it is not prohibited, taxed or restricted by law)		
MA5021	.308 - 20 RND (Legal Under Crime Bill)	\$54.95
(Valid in only those states in U.S. where it is not prohibited, taxed or restricted by law)		

*High capacity magazines available in only those states in the U.S. where they are not prohibited or restricted by law.

Case 1:22-cv-00951-RGA Document 37-2 Filed 01/31/23 Page 77 of 105 PageID #: 929

Exhibit 12

SA0298

The New York Times | <https://www.nytimes.com/2018/03/04/health/parkland-shooting-victims-ar15.html>

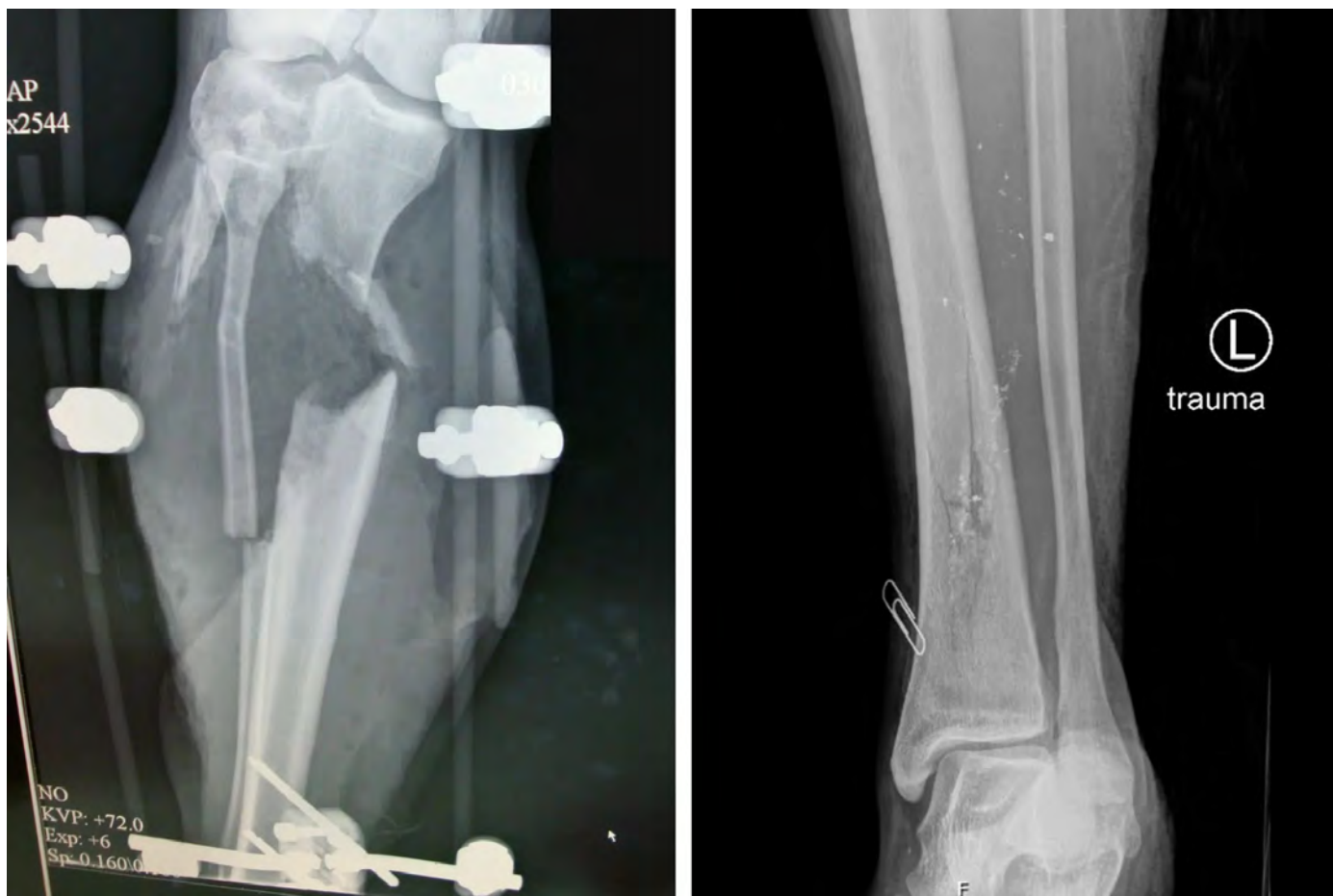
Wounds From Military-Style Rifles? 'A Ghastly Thing to See'

Trauma surgeons tell what it is really like to try to repair such devastating injuries. "Bones are exploded, soft tissue is absolutely destroyed," one said.



By Gina Kolata and C. J. Chivers

March 4, 2018



Left, an X-ray of a leg showing a bullet wound delivered by an assault rifle used in combat. Right, an X-ray of a leg that sustained a bullet wound from a low-energy bullet, inflicted by a weapon like a handgun in Philadelphia. via Dr. Jeremy W. Cannon

Perhaps no one knows the devastating wounds inflicted by assault-style rifles better than the trauma surgeons who struggle to repair them. The doctors say they are haunted by their experiences confronting injuries so dire they struggle to find words to describe them.

At a high school in Parkland, Fla., 17 people were recently killed with just such a weapon — a semiautomatic AR-15. It was legal there for Nikolas Cruz, 19, the suspect in the shooting, to buy a civilian version of the military's standard rifle, while he would have had to be 21 to buy a less powerful and accurate handgun.

Many factors determine the severity of a wound, including a bullet's mass, velocity and composition, and where it strikes. The AR-15, like the M4 and M16 rifles issued to American soldiers, shoots lightweight, high-speed bullets that can cause grievous bone and soft tissue wounds, in part by turning sideways, or "yawing," when they hit a person. Surgeons say the weapons produce the same sort of horrific injuries seen on battlefields.

Civilian owners of military-style weapons can also buy soft-nosed or hollow-point ammunition, often used for hunting, that lacks a full metal jacket and can expand and fragment on impact. Such bullets, which can cause wider wound channels, are proscribed in most military use.

A radiologist at the hospital that treated victims of the Parkland attack wrote in *The Atlantic* about a surgeon there who “opened a young victim in the operating room and found only shreds of the organ that had been hit.”

What follows are the recollections of five trauma surgeons. Three of them served in the military, and they emphasized that their opinions are their own and do not represent those of the armed forces. One has treated civilian victims of such weapons in American cities. And a pediatric surgeon treated victims of a Texas church shooting last year.

Dr. Jeremy Cannon, the University of Pennsylvania’s Perelman School of Medicine.

He served in Iraq and Afghanistan and is a lieutenant colonel in the Air Force Reserve.



Dr. Jeremy Cannon in the trauma center at Penn Presbyterian Medical Center Advanced Care Pavilion in Philadelphia Mark Makela for The New York Times

“The tissue destruction is almost unimaginable. Bones are exploded, soft tissue is absolutely destroyed. The injuries to the chest or abdomen — it’s like a bomb went off.” If a bullet hits an arm or a leg, he said, the limb often hangs at an unnatural angle. Such victims can need a dozen surgeries over months. “Some eventually decide to undergo an amputation if there is severe pain in the limb and it is dysfunctional,” he said.

“Bystanders are traumatized just seeing the victims. It’s awful, terrible. It’s just a ghastly thing to see.”

Dr. Cannon recalled the aphorism by José Narosky, the Argentine writer: “In war, there are no unwounded soldiers.”

His corollary: “In mass shootings, there are no unwounded victims.”

Dr. Martin Schreiber, Oregon Health & Science University.

He was an Army reservist who served in Iraq in 2005 and in Afghanistan in 2010 and 2014.



Dr. Martin Schreiber Gabriella Marks for The New York Times

What makes injuries from these rifles so deadly, he said, is that the bullets travel so fast. Those from an M16 or AR-15 can depart the muzzle at a velocity of more than 3,000 feet per second, while bullets from many common handguns move at less than half or a third that speed. The result: “The energy imparted to a human body by a high velocity weapon is exponentially greater” than that from a handgun.

“You will see multiple organs shattered. The exit wounds can be a foot wide.”

“I’ve seen people with entire quadrants of their abdomens destroyed.”

Dr. Jeffrey Kerby, the University of Alabama at Birmingham.

He was formerly an Air Force surgeon.



Dr. Jeffrey Kerby Bob Miller for The New York Times

Dr. Kerby will never forget the first victim of a high velocity bullet wound he treated when he was serving in the Southern Philippines 16 years ago. The soldier had been shot in the outer thigh. His first thought was that the wound did not look so bad. There was just a tiny hole where the bullet went in. Then he looked where the bullet had exited. The man's inner thigh, he said, "was completely blown out."

Later he came to expect the telltale pattern. "You will typically see a small penetrating wound. Then you roll the patient over and you see a huge exit wound."

The high energy bullet creates a blast wave around the bullet. And the yaw can contribute to the larger exit wound. Striking bone can also cause bone fragments that radiate outward, cutting tissue in each fragment's path.

"Then the bullet starts tumbling, causing more and more destruction." Even a bullet that misses bone can result in surprising damage; as the blast wave travels through the body, it pushes tissues and organs aside in a temporary cavity larger than the bullet itself. They bounce back once the bullet passes. Organs are damaged, blood vessels rip and many victims bleed to death before they reach a hospital. Those who survive long enough are whisked to operating rooms, but often the injuries cannot be repaired.

"If they are shot in the torso, there often is not a whole lot we can do," he said.

With a handgun, the bullets mostly damage tissues and organs in their direct path. Eventually, the bullets may be slowed and stopped by the body. Emergency surgery often can save handgun victims.

Dr. Kerby said it used to be that surgeons like him saw victims of assault rifle shootings only in the military. No more. Now, though the wounds are still rare on the streets of Birmingham, he operates on occasional victims — that is, those who survive long enough to reach the hospital.

"These weapons are meant to kill people," he said.



An X-ray of a rifle bullet wound to an arm. via Dr. Jeremy W. Cannon

Dr. Alok Gupta, Beth Israel Deaconess Medical Center in Boston.

Dr. Gupta never served in the military, but he has treated victims of assault-style weapons in New York and Baltimore. Attacks using AR-15-style weapons are still rare, he emphasized. He sees mostly handgun wounds and some from shotguns.

“A single wound from a handgun follows a narrow path, pretty much the direct path the bullet took,” Dr. Gupta said. “It is easier to figure out what is injured.” Even a bullet wound to the heart can be repaired, he said, if the patient survives long enough to get to the hospital.

But like other trauma surgeons, Dr. Gupta has been struck by the devastation modern rifle bullets produce. The wide swath of damage makes it difficult to determine the extent of the injuries, and even more difficult to repair them. And if the bullet strikes the heart or other major organ, the victim usually cannot be saved.

“What we hear about in the news are the mass shootings,” Dr. Gupta said.

The victims of military-style weapons that Dr. Gupta has treated in American cities are the silent victims.

Dr. Lillian Liao, University Hospital and UT Health in San Antonio

She operated on children shot in Sutherland Springs, Tex., at the First Baptist Church. Twenty-six churchgoers were killed and 20 others were wounded in a mass shooting carried out with an AR-15 rifle.

Nine of the victims made it to her hospital that day. Four were children, one of whom died.

Dr. Liao was initially clinical in describing the wounds during an interview. “Muscles and skin and fat surrounding skin can be sheared off. We saw holes in intestines and bladders.”

Asked about the emotional impact of the killings, she said she thought she had moved on. Then came the Parkland shootings, and the horror came flooding back.

Lauren Katzenberg and Thomas Gibbons-Neff contributed to this article.



A memorial at the First Baptist Church in Sutherland Springs, Tex., in December. Ruth Fremson/The New York Times

Follow @NYTHealth on Twitter. | Sign up for the Science Times newsletter.

A correction was made on March 4, 2018: An earlier version of this article misspelled the given name of the suspect in the Parkland, Fla., school shooting. He is *Nikolas Cruz*, not *Nicolas*. The article also misspelled the given name of a doctor at the University of Alabama at Birmingham. He is *Jeffrey Kerby*, not *Jeffery*.

Gina Kolata writes about science and medicine. She has twice been a Pulitzer Prize finalist and is the author of six books, including “Mercies in Disguise: A Story of Hope, a Family’s Genetic Destiny, and The Science That Saved Them.” @ginakolata • Facebook

C.J. Chivers is a long-form writer and reporter for the Investigations Desk and The New York Times Magazine. He won the 2017 Pulitzer Prize for Feature Writing, and is also the author of “The Gun,” a history of automatic weapons.

A version of this article appears in print on , Section A, Page 14 of the New York edition with the headline: A Clinical View of Assault Rifles And Their ‘Ghastly’ Toll

Case 1:22-cv-00951-RGA Document 37-2 Filed 01/31/23 Page 84 of 105 PageID #: 936

Exhibit 35


SA0305


WATCH LIVE
Raleigh Durham Fayetteville Surrounding Area
53°
Morrisville, NC
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UVALDE SCHOOL SHOOTING

Surgeon who treated kids shot in Uvalde describes assault weapons' extreme trauma to victims' bodies

Children may need different medications and levels of fluids, doctors explain.

By Mary Kekatos  NEWS
Friday, May 27, 2022



WARNING, DISTURBING: Dr. Lillian Liao, a pediatric trauma surgeon who treated children shot at Robb Elementary, describes what happens to children's bodies when they're shot by an assault rifle.

SAN ANTONIO -- The [mass shooting at an elementary school in Uvalde, Texas](#), Tuesday left 21 people dead -- including 19 students and two teachers -- and 17 additional people injured.

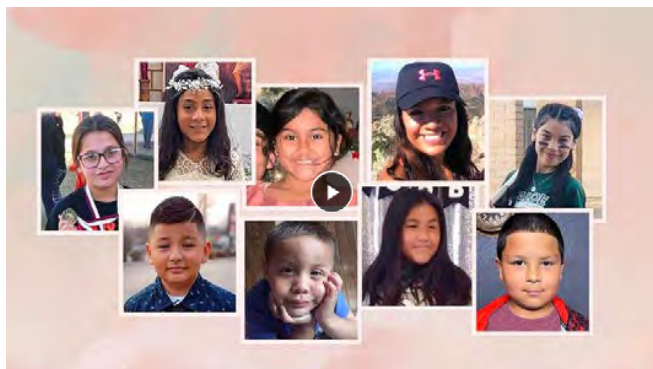
As of Thursday, at least six people remain hospitalized including three children and one adult at University Hospital in San Antonio and two adults at Brooke Army Medical Center in Fort Sam Houston.

And while all gunshot victims receive the same core care, there are differences when it comes to treating pediatric patients compared to adults.

Dr. Michael Rodriguez, a family physician and a professor at the David Geffen School of Medicine at the University of California, Los Angeles, said child patients may require different types of medication, or different doses depending on their weights and heights, as well as different levels of fluids.

"The fact of whether they are adults or children is a major issue," he told ABC News. "Partially because it requires a different level of expertise so, with children, you need to have some pediatric expertise."

MORE: [What we know about Texas elementary school shooting victims so far](#)



Some of the Uvalde school shooting victims include two cousins, two teachers and a 10-year-old girl who tried to call for help.

This means a child gunshot patient will need to be treated by emergency providers who specialize in pediatrics, including pediatric surgeons, pediatric anesthesiologists, pediatric nurses and so on.

All gunshot patients are checked to make sure their airways are clear, that they are breathing on their own and have good circulation, medical experts who spoke with ABC News said.

But one unique aspect of many pediatric trauma centers is the availability of a child life specialist, according to Dr. Katherine Hoops, a pediatric intensive care physician at Johns Hopkins Children's Center.

Uvalde School Shooting



TX senator proposes laws allowing school shooting victims to sue state



Former Uvalde school PD chief says he heard shooter reload gun: CNN



Uvalde school shooting survivors tell their stories through photos



Triangle victims of gun violence react to US Senate's gun safety bill

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Child life specialists are health care professionals who help children and families handle the challenges of hospitalization, illness and injury, including by psychologically preparing them for certain procedures, offering therapeutic play and coordinating support services.

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"They specialize in child development and helping the child to cope with that injury from their early presentation to the hospital," she told ABC News.

LIVE UPDATES: [Texas elementary school shooting](#)



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Uvalde Shooting (1
of 28)

Hoops, who is also core faculty at the Center for Gun Violence Solutions at the Johns Hopkins Bloomberg School of Public Health, added pediatric patients admitted with gunshot wounds are often some of the most severely ill patients.

"Many of [them] will have the highest rates of readmission to the hospital for complications for their injuries and they do unfortunately have some of the highest mortality rates of pediatric trauma patients," she said.

According to police, the gunman arrived at the school wielding a Daniel Defense AR-15-style assault rifle.

MORE: [Onlookers urged police to charge into Texas school after shooting began, witnesses say](#)



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Video shows parents begging police officers to charge into the Texas elementary school where a gunman's rampage killed 19 children and two teachers.

AR-15s have been used in several mass shootings including at a movie theater in Aurora, Colorado, in 2011; a music festival in Las Vegas in 2017; and at Sandy Hook Elementary School in Newtown, Connecticut, in 2012.

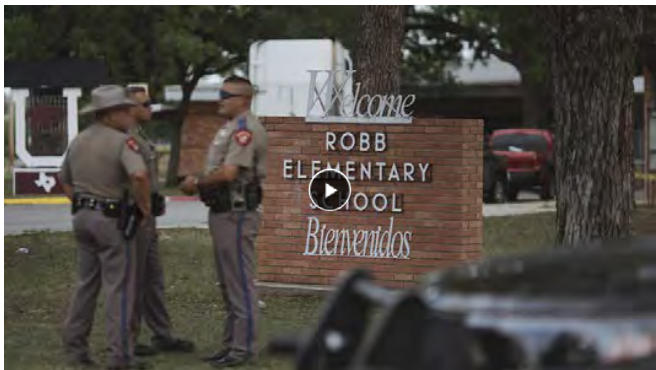
Doctors explained that, traditionally, injuries from handguns leave clean entry and exit wounds or just become lodged in the skin and, because they are traveling at a low velocity, do not cause life-threatening bleeding unless a major organ or artery is hit.

But bullets from AR-15s exit the barrel at three times the speed that handgun bullets exit the barrel. This means that when AR-15 bullets hit the skin, they often leave huge entry and exit wounds that are not clean.

"When a high-velocity firearm enters a body, it basically creates a wave and a blast," Dr. Lillian Liao, a pediatric trauma surgeon at University Hospital in San Antonio -- treating four patients from the Uvalde shooting -- told "Nightline." "So it looks like a body part got blown up ... A handgun may create one small hole, whereas a high-velocity firearm will create a giant hole in the body that is with missing tissue."

She added all the patients had "large destructive wounds."

SEE ALSO: [US sees sharp rise in deadly mass shootings](#)



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 Law enforcement says the United States has seen a sharp rise in deadly mass shootings.

"By that, I mean that there were not only a small hole in the body part, but large areas of tissue missing in various body parts that sustained injuries from the firearm," Liao said.

Rodriguez said that because assault weapons are designed to shoot more rounds of bullets than handguns, pistols or revolvers, people are more likely to have life-threatening injuries.

"As a result, people don't just get one wound, they may get numerous wounds and the more bullets that hit a person, the more likely vital organs they could hit or arteries or vessels that could lose greater amounts of blood," he said.

This can be particularly devastating when it comes to a child with a gunshot wound.

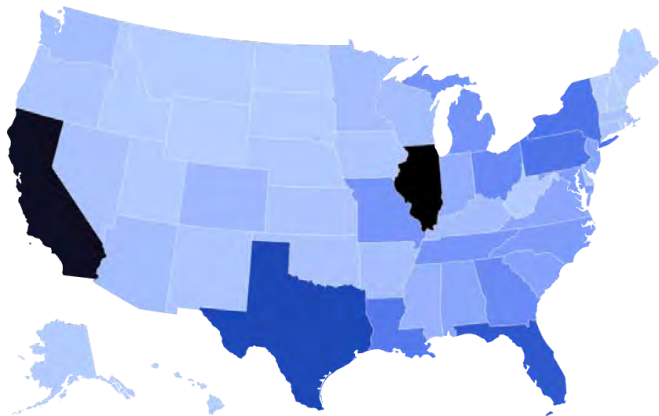
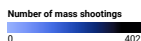
"When you're talking about a small child, that firearm that's high velocity will just destroy a significant portion of tissue and is more likely to hit major organs," Liao said. "And a child or an adult can bleed to death in as little as five minutes."

While medical and surgical advances have helped lower the number of shootings that result in fatalities, the doctors said they want efforts to focus on driving down gun violence overall.

"We need to take into account that there are things that we know that work and prevent these events ... licensing minimum age requirements, large capacity magazine restrictions, safe storage and safe handling requirements," Hoops said. "We -- as clinicians, pediatricians, our surgical colleagues -- we support those initiatives that prevent patients from ever coming to our care."

Number of mass shootings in the US since Sandy Hook

The number of people killed in mass shootings in the US since Sandy Hook, the tragic Dec. 14, 2012 shooting at a Connecticut elementary school in which 20 children and six adults were killed.

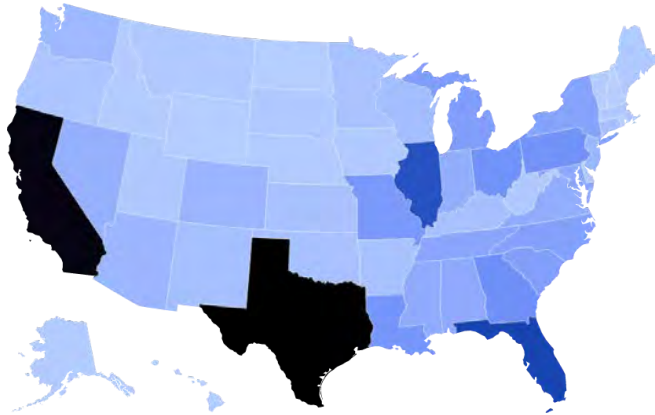
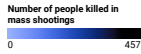


A mass shooting is described as a shooting where four or more people were injured or killed, excluding the suspect.
 Map: Maggie Green, WTVB - Source: Gun Violence Archive

Since 2017, mass shootings in the United States -- described as shooting incidents in which at least four people are injured or killed -- have nearly doubled year over year. Already, there have been 212 mass shooting incidents in 2022 -- a 50% increase from 141 shootings in May 2017. The graphic above shows the number of shooting incidents per state. Mobile users: [Click here](#) to see our map of mass shootings in the US from the last five years

Number of people killed in mass shootings in the US since Sandy Hook

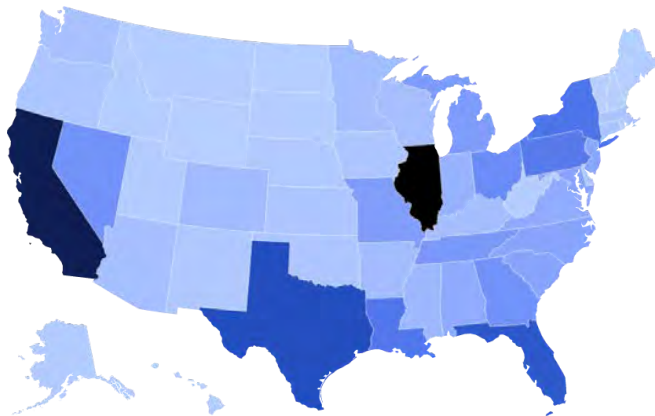
The number of people killed in mass shootings in the US since Sandy Hook, the tragic Dec. 14, 2012 shooting at a Connecticut elementary school in which 20 children and six adults were killed.



A mass shooting is described as 4 or more people injured or killed, excluding the suspect.
Map: Maggie Green, WTVU - Source: Gun Violence Archive

Number of people injured in mass shootings in the US since Sandy Hook

The number of people injured in mass shootings in the US since Sandy Hook, the tragic Dec. 14, 2012 shooting at a Connecticut elementary school in which 20 children and six adults were killed.



A mass shooting is described as 4 or more people injured or killed, excluding the suspect.
Map: Maggie Green, WTVU - Source: Gun Violence Archive

The number of people injured or killed does not include the suspect or perpetrator. These graphics show the number of victims across all mass shootings from the last five years.

ABC News' Lucien Bruggeman and Jennifer Watts contributed to this report.

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Exhibit 36

SA0311

'Those are wartime injuries': Doctor describes the horrific scene at the Highland Park shooting

By Jason Hanna, CNN

Published 9:40 AM EDT, Tue July 5, 2022



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Doctor who treated parade shooting victims: 'The people who were gone were blown up by that gunfire'

07:04 - Source: [CNN](#)

(CNN) — Dr. David Baum waited a minute after the shooting stopped at the northern Illinois Fourth of July parade he attended Monday, and then ran toward the victims. And what he saw, he said, was horrifying.

Some of those who would survive their injuries were on the ground, screaming. But some of the six people killed on the streets in the Chicago suburb of Highland Park appeared to have died instantly, he said.

Baum described what he said were the terrifying results of the power of Monday's gunfire in an interview Tuesday morning.



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"The people who were (killed) were blown up by that gunfire ... blown up," Baum told John Berman in Highland Park on CNN's "New Day." "The horrific scene of some of the bodies is unspeakable for the average person."

"There was (a) person who had an unspeakable head injury. Unspeakable," he said.

SA0312

"I've never served, but those are wartime injuries. Those are what are seen in victims of war, not victims at a parade."

Authorities say a man opened fire from a roof as a parade passed, killing at least six people and wounding about two dozen others. Police said Monday night they had arrested a suspect, Robert E. Crimo III. A high-powered rifle was used, authorities have said.

Baum, an obstetrician in the community, attended Monday morning's parade with his wife and adult children to watch their 2-year-old grandchild walk in the event. The family ran when the shooting happened – except for Baum, who stayed to see if he could help the injured.

"I waited maybe a minute ... until I knew the shots had stopped. And then you look down, and you saw just people screaming. You saw people on the ground," Baum recalled Tuesday.



RELATED ARTICLE

July Fourth celebrations in Highland Park, Illinois, end in terror after mass shooting leaves 6 dead and dozens injured

A few other doctors also tried to triage the injured, along with a nurse practitioner, and maybe others who helped keep pressure on wounds until paramedics could arrive, he said.

The injured who were alive, "from what I heard, fortunately left the hospital – they had graze wounds; they had lower extremity injuries," Baum said.

"But the people that died at the scene ... the paramedics walked around and just covered them up quickly, and said 'black.' I guess they have a code for 'dead, cannot try and resuscitate.'"

His wife, Debra Baum, said the magnitude of the shooting was just settling on her Tuesday morning.

"It's just hitting me more, just how sad I am. And I'm also thinking we all have to change our behavior before this (gun violence) gets under control," she told CNN on Tuesday.

"I'm not going to a parade anymore. I'm not going to a sporting event. I'm afraid for my grandson to go to school. So we all have to change our behavior and not do the things we love to do because of this situation."

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Case 1:22-cv-00951-RGA Document 37-2 Filed 01/31/23 Page 94 of 105 PageID #: 946

Exhibit 37

SA0315

'There's Nothing to Repair': Emergency Docs on Injuries From Assault Weapons

– 'You have to see the damage ... to really respect and understand how dangerous these weapons are'

by [Jennifer Henderson](#), Enterprise & Investigative Writer, *MedPage Today* May 31, 2022



Last Tuesday, Christopher Colwell, MD, chief of emergency medicine at Zuckerberg San Francisco General Hospital and Trauma Center, was looking forward to a rare dinner that his entire family of five would be able to attend.



He had left his shift at the emergency department and drove straight home, listening to music in the car rather than the news. But when he arrived, he knew something terrible had happened. His wife, as well as his daughter, who is in high school, and his two sons, who are in college, were sitting on the couch waiting for him. They had heard about the horrific mass shooting in Uvalde, Texas, in which 19 children and two teachers were killed. And they knew the emotional impact it would have on Colwell, who responded to the scene at Columbine High School 23 years ago.



In fact, since the mass shooting at Columbine, during which 12 students and a teacher were killed, Colwell has also witnessed the brutal aftermath of two other similar tragedies -- the Aurora movie theater shooting in 2012, in which 12 people were killed and dozens of others wounded, and the San Francisco UPS shooting in 2017, in which three workers were killed and several more injured.

"I've gone through different iterations of this," Colwell told *MedPage Today*. "In 1999, it felt kind of lonely. There weren't that many medical folks who had dealt with mass shootings. You just didn't see events like Columbine. At that point, it felt relatively unique. As time has gone on, reliving some of this, it's painful each time and becoming more so, knowing that it's no longer lonely."

The medical professionals who experienced the aftermath of the two most recent mass shootings -- in Uvalde, and the killing of 10 Black, mostly elderly, people in a Buffalo, New York, supermarket -- are going to have to live with that for the rest of their careers, he said.

Colwell and other physicians said that one reason the U.S. is seeing more and deadlier mass shootings is the prevalence and accessibility of AR-15-style weapons. Now, the nation is in a "far, far worse place" than in 1999, when there was still a federal ban on assault weapons, Colwell noted.

"You have to see the damage that these weapons do to really respect and understand how dangerous these weapons are," he said, adding that he's not arguing that a .22 pistol can't end a life, but there's a reason why you don't see them used in mass shootings today.

"There's no way to cause the type of havoc that these people are looking to cause without something of the power and speed of an assault weapon," he continued. "Assault weapons are specifically designed to more rapidly eject bullets, and the power that they have, and the speed that they have, there is no question ... most of the devastating injuries happen in the first minutes of the event."

Colwell went to Columbine High after the horrific events unfolded, hoping to find someone alive. However, all of the carnage had happened almost immediately.

"The primary way you can cause that kind of damage in that amount of time is with a weapon shooting that powerful of a ballistic that quickly," he pointed out. "Over and over again, what are they using? I've never seen the number of devastating wounds when you're not dealing with assault weapons -- the number of victims and the number of wounds."

Colwell's memories of the young victims at Columbine have stayed with him.

"I vividly remember seeing one of the victims at Columbine [who] had a text book that I had in high school," he recalled. "It really did put me back in our high school library."

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"They barely had a chance to hide," he added.

There's no way a shooter could have done that with a pistol or non-semi-automatic weapon, he said. Seeing the wounds, the facial expressions of the victims, and the way they were lying at the scene, the emotional impact lasts forever, he noted.

William Begg, MD, vice president of medical affairs at Vassar Brothers Medical Center in Poughkeepsie, New York, and an emergency medicine physician at Danbury Hospital in Connecticut, has also seen the horror of mass shootings firsthand.

He attended to young patients in the aftermath of the 2012 shooting at Sandy Hook Elementary School in the Newtown, Connecticut borough, in which 20 children and six adults lost their lives. The fact that it happened again in Uvalde struck him especially hard.

"The more closely a mass casualty relates to one you've already been involved in ... the more you're affected," Begg told *MedPage Today*. "This tragedy in Uvalde disproportionately affected my institution and myself compared to all the other mass shootings over the years because we could so closely identify with the pain and sadness and anger that those healthcare workers are dealing with presently."

Though hospitals and communities across the nation experience other disasters, natural ones like hurricanes and tornadoes aren't self-induced, he said.

"This was a self-inflicted injury from our country's culture," he noted. "And it was preventable."

"It's a public health issue somewhat unique to the U.S.," he added. "If you look at all the other developed countries ... no country in the world has even close to the number of mass shootings. When you have a public health crisis, you have options to respond. And we in our country have not taken all the options to respond."

Begg said that the use of assault weapons by those who are not military or law enforcement is completely unnecessary, as is the allowance of high-capacity magazines. Not having background checks related to gun purchases is also a failure.

When you have a child that is hit with between three and 11 high-capacity bullets that explode inside their body, "it's not a survivable event," he noted. "That's why all these children died at the scene."

Regular handgun bullets come out one at a time, he pointed out. With the lower velocity, the survival rate is significantly higher, both for children and adults. And that is why there are scarce data on those who are shot with assault weapons -- because, most of the time, no one survives.

The only survivors of Sandy Hook were those who were shot in the arms or legs, he said, as opposed to those who were shot in the head, neck, abdomen, or pelvis. Sadly and similarly, those in Uvalde who were shot multiple times in the center of the body did not survive.

In previously testifying before Congress, Begg recalled using a simulation video to show the difference between damage inflicted by a regular bullet and an assault weapon bullet. The regular bullet went in and out of an artificial block representing a human body. However, the assault weapon bullet went through what would have been organs, like the liver or heart, and completely blew them apart.

Without prevention efforts, Begg predicts that the U.S. will have "more and more shooters" who "become more brazen."

There comes a point where a great infrastructure for trauma and resuscitation has already been developed, he added. "The biggest opportunity is prevention."

Mark Kline, MD, chief medical officer and physician-in-chief at Children's Hospital New Orleans, concurred.

"I've worked in children's hospitals and pediatric trauma centers long enough to have seen a lot of the physical damage -- there's too much of it, and there has been a long time," Kline told *MedPage Today*. "It really has reached epidemic proportions, I think. It's not just mass shootings ... it's accidental shootings in the home, it's kids caught in crossfire. There's just too darn many guns, and it just seems to me that the least we can do, as we debate the role of mental health issues and gang violence and video games ... is try to restrict access to the high-power guns that hold big magazines that can shoot however many rounds per minute, and inflict the kind of damage that we saw in Uvalde."

"They're weapons of war," he added of assault weapons. "They really have no purpose in civil society."

The explosive power and velocity from the projectiles "disintegrate organs," and "there's nothing to repair," he added.

The people of Uvalde will never be the same, from the families who lost children, to the children who witnessed the horrific event, and to the entire community and to the first responders, Kline said.

For Colwell, he feels that speaking out is the only way to bring about change.

"We have to, as a medical community, make our political leaders as uncomfortable or more uncomfortable facing us than gun lobbyists," he said. "That, in my mind, has to change."

"We can continue to talk about how we can prepare for these things," he added.

"But there's no way you're going to prepare for something that has my family waiting in the living room 23 years later. Until our voices are heard ... these events are not only going to keep happening, but keep happening more frequently."



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Case 1:22-cv-00951-RGA Document 37-2 Filed 01/31/23 Page 98 of 105 PageID #: 950

Exhibit 38

SA0319

What We Know About the Gun Used in the Monterey Park Shooting

By Jeremy White and K.K. Rebecca Lai Jan. 26, 2023

The semi-automatic Cobray pistol recovered in the Monterey Park, Calif., shooting, was modified with what appears to be a homemade suppressor. The gun is a subcompact variation of a MAC-10 pistol.

Gun recovered in Monterey Park shooting



The combined length of the pistol and the suppressor was over **two feet**.

Wire was used to secure the **suppressor cover** and to attach a **carrying strap** to the front and rear of the pistol.

Experts believe the shooter may have wrapped tape around the suppressor to act as a **heat shield** so he could hold it while firing.



Diagram by The New York Times; photo by Los Angeles County Sheriff's Department

A suppressor, by design, muffles the sound of a gunshot by redirecting and slowing expelled gases from the barrel after the gun has fired. Plans exist online for how to make suppressors out of readily available parts like car oil filters.

Scott Richardson, a licensed firearm dealer in Oregon who manufactures and repairs suppressors, said the suppressor attached to the gunman's pistol looked homemade. "The original MAC-10 and Cobray suppressors looked nothing like that," he said.

The Cobray model firearm was manufactured in the 1970s and 1980s. It has several features that make it an illegal assault weapon in California, including the combination of a threaded barrel and the ability to accept a detachable magazine.

"They are not very accurate, and a bit heavy," said Edward Gardner, the executive director of the Liberal Gun Club.

A variation of a MAC-10 pistol

Before the suppressor was added, the gunman's weapon was similar to the pistol shown here.



Diagram by The New York Times; photo via gunbroker.com

Sheriff Robert Luna of Los Angeles County said that the gunman purchased the pistol in 1999 in Monterey Park but that the gun was not registered in the state of California. Investigators who searched the suspect's home found hundreds of rounds of ammunition and items that suggested he was manufacturing homemade firearm suppressors, Mr. Luna said. Forty-two shell casings and a large-capacity magazine were recovered at the scene.

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Probably, the homemade suppressor may have played a role in preventing further violence. After opening fire at the Star Ballroom Dance Studio in Monterey Park on Saturday night, the gunman traveled to another dance studio in nearby Alhambra. There, Brandon Tsay, whose family operates the second ballroom, was able to wrestle the weapon away from the gunman.

Surveillance footage of the encounter shows the gun in context, and how large the suppressor was compared with the body of the gun and the gunman.









Video footage, via Lai Lai Ballroom and Studio

“One aspect of using such a long suppressor is that it seems to me like the other guy was able to use the suppressor against the attacker,” said Mr. Richardson, who reviewed the surveillance footage. “More length equals more leverage when grabbing the gun. He is able to push the barrel up and away from himself.”

Law enforcement officials recovered two other firearms in connection with the attack, one rifle from the suspect’s residence and one pistol from his vehicle. Both were registered to the suspect. Police said the suspect died from a self-inflicted gunshot wound using the pistol.



The semi-automatic Norinco pistol recovered from the suspect's van.



The Savage Arms .308 caliber bolt-action rifle recovered from the suspect's residence.

Los Angeles County Sheriff's Department

Mr. Luna said that the suspect had been arrested in 1990 for unlawful possession of a firearm, but it was unclear what weapons were involved in that case.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DELAWARE STATE SPORTSMEN'S
ASSOCIATION, INC; BRIDGEVILLE RIFLE
& PISTOL CLUB, LTD.; DELAWARE RIFLE
AND PISTOL CLUB; DELAWARE
ASSOCIATION OF FEDERAL FIREARMS
LICENSEES; MADONNA M. NEDZA;
CECIL CURTIS CLEMENTS; JAMES E.
HOSFELT, JR; BRUCE C. SMITH; VICKIE
LYNN PRICKETT; and FRANK M. NEDZA,

Plaintiffs,

v.

DELAWARE DEPARTMENT OF SAFETY
AND HOMELAND SECURITY;
NATHANIAL MCQUEEN JR. in his official
capacity as Cabinet Secretary, Delaware
Department of Safety and Homeland Security;
and COL. MELISSA ZEBLEY in her official
capacity as superintendent of the Delaware
State Police,

Defendants.

C.A. No. 1:22-cv-00951-RGA
(Consolidated)

GABRIEL GRAY; WILLIAM TAYLOR;
DJJAMS LLC; FIREARMS POLICY
COALITION, INC. and SECOND
AMENDMENT FOUNDATION,

Plaintiffs,

v.

KATHY JENNINGS, Attorney General of
Delaware,

Defendant.

**DECLARATION OF LUCY P. ALLEN IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

SA0327

I, Lucy P. Allen, the undersigned, declare as follows:

1. I am a Managing Director of NERA Economic Consulting (“NERA”), a member of NERA’s Securities and Finance Practice, and Chair of NERA’s Product Liability and Mass Torts Practice. NERA provides practical economic advice related to highly complex business and legal issues arising from competition, regulation, public policy, strategy, finance, and litigation. NERA was established in 1961 and now employs approximately 500 people in more than 20 offices worldwide.

2. In my over 25 years at NERA, I have been engaged as an economic consultant or expert witness in numerous projects involving economics and statistics. I have been qualified as an expert and testified in court on various economic and statistical issues relating to the flow of guns into the criminal market. I have testified at trials in Federal and State Courts, before the New York City Council Public Safety Committee, the American Arbitration Association, and the Judicial Arbitration Mediation Service, as well as in depositions.

3. I have an A.B. from Stanford University, an M.B.A. from Yale University, and M.A. and M. Phil. degrees in Economics, also from Yale University. Prior to joining NERA, I was an Economist for both President George H. W. Bush’s and President Bill Clinton’s Council of Economic Advisers. My resume with recent publications and testifying experience is included as **Exhibit A**.

4. I have been asked by the Delaware Department of Justice to address the following issues: (a) the number of rounds of ammunition fired by individuals using a gun in self-defense;¹

¹ I have also been asked to analyze the use of assault rifles by private citizens in active shooter incidents according to the FBI’s “Active Shooter Incidents” reports and the percent of incidents in which rifles were used in self-defense according to The Heritage Foundation’s “Defensive Gun Uses in the U.S.” database.

and (b) the outcomes when assault weapons and large-capacity magazines are used in public mass shootings, including the associated number of casualties.

OPINIONS

A. Use of Guns in Self-Defense

1. The number of rounds used by individuals in self-defense

5. Plaintiffs claim the “large-capacity magazines” (magazines capable of holding more than seventeen rounds) and “assault weapons” covered by Delaware’s House Bill 450 (“HB 450”) and Senate Substitute 1 for Senate Bill 6 (“SS 1 for SB 6”)² are commonly used for lawful purposes, including for self-defense.³

6. The number of rounds commonly needed by individuals to defend themselves cannot be practically or ethically determined with controlled scientific experiments and there is no source that systematically tracks or maintains data on the number of rounds fired by individuals in self-defense. Due to these limitations, I have analyzed available data sources to estimate the number of rounds fired by individuals to defend themselves. In particular, I have analyzed data from the NRA Institute for Legislative Action, as well as my own study of news reports on incidents of self-defense with a firearm. In all, I have analyzed almost 1,000 incidents

² Under Delaware’s HB 450, a firearm is classified as an assault weapon if it is one of 63 firearm types and models listed, if it is a copy of one of the listed firearms, or if it has “certain features.” Examples of assault weapons include the “Daewoo AR 100,” “Bushmaster semi-auto rifle,” “Colt AR-15,” and the “UZI pistol.” A semiautomatic, centerfire rifle that can accept a detachable magazine can also be considered an assault weapon if it includes certain features, including a “pistol grip,” a “thumbhole stock,” a “flash suppressor,” or a “folding or telescoping stock.” *See* Delaware’s HB 450 and Amended Complaint for Declaratory and Injunctive Relief, filed September 9, 2022, ¶¶ 42-45.

³ *See*, for example, Amended Complaint for Declaratory and Injunctive Relief, filed September 9, 2022, ¶¶ 61 and 72, and Complaint, filed November 16, 2022, ¶¶ 57 and 63.

of self-defense with a firearm and found that it is extremely rare for a person, when using a firearm in self-defense, to fire more than seventeen rounds.

7. The NRA maintains a database of “Armed Citizen” stories describing private citizens who have successfully defended themselves, or others, using a firearm (“NRA Armed Citizen database”). According to the NRA, the “Armed Citizen” stories “highlight accounts of law-abiding gun owners in America using their Second Amendment rights to defend self, home and family.”⁴ Although the methodology used to compile the NRA Armed Citizen database of stories is not explicitly detailed by the NRA, the NRA Armed Citizen database is a useful data source in this matter for at least three reasons. First, the NRA Armed Citizen database was the largest collection of accounts of citizen self-defense compiled by others that I was able to find.⁵ Second, the incidents listed in the NRA Armed Citizen database highlight the very conduct that Plaintiffs claim the Delaware law impedes (*i.e.*, the use of firearms by law-abiding citizens for self-defense).⁶ Third, the NRA Armed Citizen database is compiled by an entity that actively opposes restrictions on magazine capacity and restrictions on the possession and use of firearms in general.⁷ In light of the positions taken by the entity compiling the data, I would expect that any selection bias would be in favor of stories that put use of guns in self-defense in the best possible light and might highlight the apparent need of guns and/or multiple rounds in self-defense incidents.

⁴ NRA Institute for Legislative Action, Armed Citizens, <https://www.nraila.org/gun-laws/armed-citizen/>, accessed May 28, 2017.

⁵ Note that in 2020, after the time my research was conducted, The Heritage Foundation began an online database of its own sample of defensive gun use incidents (<https://datavisualizations.heritage.org/firearms/defensive-gun-uses-in-the-us>).

⁶ Amended Complaint, ¶¶ 1-7.

⁷ See, for example, NRA Civil Rights Defense Fund website, <http://www.nradefensefund.org/current-litigation.aspx>, accessed October 12, 2018.

8. My team and I performed an analysis of incidents in the NRA Armed Citizen database that occurred between January 2011 and May 2017.⁸ For each incident, the city/county, state, venue (whether the incident occurred on the street, in the home, or elsewhere) and the number of shots fired were tabulated.⁹ The information was gathered for each incident from both the NRA synopsis and, where available, an additional news story. An additional news story was found for over 95% of the incidents in the NRA Armed Citizen database.

9. According to this analysis of incidents in the NRA Armed Citizen database, it is extremely rare for a person, when using firearms in self-defense, to fire more than seventeen rounds. Out of 736 incidents, there were no incidents in which the defender was reported to have fired more than 17 bullets and only two incidents (0.3% of all incidents), in which the defender was reported to have fired more than 10 bullets.¹⁰ Defenders fired 2.2 shots on average.¹¹ In 18.2% of incidents, the defender did not fire any shots. These incidents highlight the fact that in

⁸ My collection and coding of the NRA Armed Citizen stories was last performed in mid-2017.

⁹ The following incidents were excluded from the analysis: (1) duplicate incidents, (2) wild animal attacks, and (3) one incident where the supposed victim later pleaded guilty to covering up a murder. When the exact number of shots fired was not specified, we used the average for the most relevant incidents with known number of shots. For example, if the story stated that “shots were fired” this would indicate that at least two shots were fired and thus we used the average number of shots fired in all incidents in which two or more shots were fired and the number of shots was specified.

¹⁰ Note that the only two incidents with more than 10 bullets fired were added to the NRA Armed Citizen database in 2016 and 2017 after an earlier analysis that I had conducted of the database had been submitted to and cited by the Court in *Kolbe v. O'Malley*, Case No. CCB-13-2841 (Dkt. 79).

¹¹ Note that the analysis is focused on shots fired when using a gun in self-defense and therefore the average includes instances when no shots are fired. If one calculates the average excluding incidents of self-defense with a gun without firing shots, the average is still low, 2.6 shots when at least one shot is fired.

many instances defenders are able to defend themselves without firing any shots. For example, according to one of the incidents in the NRA Armed Citizen Database:

“A man entered a Shell station in New Orleans, La. and attempted to rob a cashier, by claiming he was carrying a gun. The cashier responded by retrieving a gun and leveling it at the thief, prompting the criminal to flee. (The Times Picayune, New Orleans, La. 09/02/15)”¹²

10. For incidents occurring in the home (56% of total), defenders fired an average of 2.1 shots, and fired no shots in 16.1% of incidents. For incidents occurring outside the home (44%) of total, defenders fired an average of 2.2 shots, and fired no shots in 20.9% of incidents.¹³

The table below summarizes these findings:

¹² “Gas station clerk scares off robber,” NRA-ILA Armed Citizen, September 9, 2015.

¹³ A separate study of incidents in the NRA Armed Citizen database for an earlier period (the five-year period from 1997 through 2001) found similar results. Specifically, this study found that, on average, 2.2 shots were fired by defenders and that in 28% of incidents of armed citizens defending themselves the individuals fired no shots at all. See, Claude Werner, “The Armed Citizen – A Five Year Analysis,” <https://tacticalprofessor.files.wordpress.com/2014/12/tac-5-year-w-tables.pdf>, accessed January 26, 2023.

**Number of Shots Fired in Self-Defense
Based on NRA Armed Citizen Incidents in the United States
January 2011 - May 2017**

	<u>Shots Fired by Individual in Self-Defense</u>		
	<u>Overall</u>	<u>Incidents in Home</u>	<u>Outside the Home</u>
Average Number of Shots Fired	2.2	2.1	2.2
Number of Incidents with No Shots Fired	134	66	68
Percent of Incidents with No Shots Fired	18.2%	16.1%	20.9%
Number of Incidents with >10 Shots Fired	2	2	0
Percent of Incidents with >10 Shots Fired	0.3%	0.5%	0.0%
Number of Incidents with >17 Shots Fired	0	0	0
Percent of Incidents with >17 Shots Fired	0.0%	0.0%	0.0%

Notes and Sources:

Data from NRA Armed Citizen database covering 736 incidents (of which 411 were in the home) from January 2011 through May 2017. Excludes duplicate incidents, wild animal attacks and one incident where the supposed victim later pleaded guilty to covering up a murder.

11. In addition to our analysis of incidents in the NRA Armed Citizen database, we performed a systematic, scientific study of news reports on incidents of self-defense with a firearm in the home, focusing on the same types of incidents as the NRA stories and covering the same time period.¹⁴

12. To identify relevant news stories to include in our analysis, we performed a comprehensive search of published news stories using Factiva, an online news reporting service

¹⁴ This analysis was initially conducted to research issues regarding self-defense in the home, which was a focus of federal Second Amendment jurisprudence before the 2022 *New York State Rifle & Pistol Association v. Bruen* Supreme Court decision. The analysis of the NRA Armed Citizen database incidents described above indicates that the number of shots fired in self-defense outside the home is similar to those inside the home.

and archive owned by Dow Jones, Inc. that aggregates news content from nearly 33,000 sources.¹⁵ The search was designed to return stories about the types of incidents that are the focus of the NRA Armed Citizen database and that Plaintiffs claim the Delaware law impedes – in particular, the use of firearms for self-defense.¹⁶ The search identified all stories that contained the following keywords in the headline or lead paragraph: one or more words from “gun,” “shot,” “shoot,” “fire,” or “arm” (including variations on these keywords, such as “shooting” or “armed”), plus one or more words from “broke in,” “break in,” “broken into,” “breaking into,” “burglar,” “intruder,” or “invader” (including variations on these keywords) and one or more words from “home,” “apartment,” or “property” (including variations on these keywords).¹⁷ The search criteria match approximately 90% of the NRA stories on self-defense with a firearm in the home, and an analysis of the 10% of stories that are not returned by the search shows that the typical number of shots fired in these incidents was no different than in other incidents. The search covered the same period used in our analysis of incidents in the NRA Armed Citizen database (January 2011 to May 2017). The region for the Factiva search was set

¹⁵ Factiva is often used for academic research. For example, a search for the term “Factiva” on Google Scholar yields over 28,000 results. As another example, a search on Westlaw yields at least 83 expert reports that conducted news searches using Factiva.

¹⁶ NRA Institute for Legislative Action, Armed Citizens, <https://www.nraila.org/gun-laws/armed-citizen/>, accessed May 28, 2017. See, also, Amended Complaint, ¶¶ 1-7.

¹⁷ The precise search string used was: (gun* or shot* or shoot* or fire* or arm*) and (“broke in” or “break in” or “broken into” or “breaking into” or burglar* or intrud* or inva*) and (home* or “apartment” or “property”). An asterisk denotes a wildcard, meaning the search includes words which have any letters in place of the asterisk. For example, a search for shoot* would return results including “shoots,” “shooter” and “shooting.” The search excluded duplicate stories classified as “similar” on Factiva.

to “United States.” The search returned approximately 35,000 stories for the period January 2011 to May 2017.¹⁸

13. Using a random number generator, a random sample of 200 stories was selected for each calendar year, yielding 1,400 stories in total.¹⁹ These 1,400 stories were reviewed to identify those stories that were relevant to the analysis, *i.e.*, incidents of self-defense with a firearm in or near the home. This methodology yielded a random selection of 200 news stories describing incidents of self-defense with a firearm in the home out of a population of approximately 4,800 relevant stories.²⁰ Thus, out of the over 70 million news stories aggregated by Factiva between January 2011 and May 2017, approximately 4,800 news stories were on incidents of self-defense with a firearm in the home. We analyzed a random selection of 200 of these stories.

14. For each news story, the city/county, state and number of shots fired were tabulated. When tabulating the number of shots fired, we used the same methodology as we used

¹⁸ The effect of using alternative keywords was considered. For example, removing the second category (“broke in” or “break in” or “broken into” or “breaking into” or burglar* or intrud* or inva*) and including incidents in which the assailant was already inside the home and/or was known to the victim was considered. *A priori*, there was no reason to believe that a larger number of shots would be used in these incidents and based on an analysis of the NRA stories we found that the number of shots fired in incidents when defending against someone already in the home was not different than those with an intruder.

¹⁹ The random numbers were generated by sampling with replacement.

²⁰ The approximately 4,800 relevant news stories were estimated by calculating the proportion of relevant news stories from the 200 randomly selected stories each year and applying that proportion to the number of results returned by the search for each year of the analysis. For example, in 2017, 33 out of 200 (17%) randomly selected news stories involved incidents of self-defense with a firearm in the home. Applying that proportion to the 1,595 results from the Factiva search in 2017 yields 263 relevant news stories in 2017. This process was repeated every year to arrive at a total of 4,841 relevant news stories from 2011-2017.

to analyze stories in the NRA Armed Citizen database.²¹ We then identified other stories describing the same incident on Factiva based on the date, location and other identifying information, and recorded the number of times that each incident was covered by Factiva news stories.

15. To determine the average number of shots fired *per incident*, we first determined the average number of shots fired *per story* and then analyzed the number of stories per incident. According to our study of a random selection from approximately 4,800 relevant stories on Factiva describing incidents of self-defense with a firearm in the home, the average number of shots fired per story was 2.61. This is not a measure of the average shots fired *per incident*, however, because the number of stories covering an incident varies, and the variation is not independent of the number of shots fired. We found that there was a statistically significant relationship between the number of shots fired in an incident and the number of news stories covering an incident.²² We found that on average the more shots fired in a defensive gun use incident, the greater the number of stories covering an incident. For example, as shown in the table below, we found that incidents in Factiva news stories with zero shots fired were covered

²¹ When the exact number of shots fired was not specified, we used the average for the most relevant incidents with known number of shots. For example, if the story stated that “shots were fired” this would indicate that at least two shots were fired and thus we used the average number of shots fired in all incidents in which two or more shots were fired and the number of shots was specified.

²² Based on a linear regression of the number of news stories as a function of the number of shots fired, the results were statistically significant at the 1% level (more stringent than the 5% level commonly used by academics and accepted by courts. See, for example, Freedman, David A., and David H. Kaye, “Reference Guide on Statistics,” *Reference Manual on Scientific Evidence* (Washington, D.C.: The National Academies Press, 3rd ed., 2011), pp. 211-302, and Fisher, Franklin M., “Multiple Regression in Legal Proceedings,” 80 *Columbia Law Review* 702 (1980).)

on average by 1.8 news stories, while incidents with six or more shots fired were covered on average by 10.4 different news stories.

**Average Number of News Stories by Number of Shots Fired
In Factiva Stories on Incidents of Self-Defense with a Firearm
January 2011 - May 2017**

Number of Shots Fired By Defender	Average Number of News Stories
0	1.8
1 to 2	2.8
3 to 5	3.8
6 or more	10.4

Notes and Sources:

Based on stories describing defensive gun use in a random selection of Factiva stories between 2011 to May 2017 using the search string: (gun* or shot* or shoot* or fire* or arm*) and ("broke in" or "break in" or "broken into" or "breaking into" or burglar* or intrud* or inva*) and (home* or "apartment" or "property"), with region set to "United States" and excluding duplicate stories classified as "similar" on Factiva. Methodology for tabulation of shots fired as per footnote 21.

16. After adjusting for this disparity in news coverage, we find that the average number of shots fired per incident covered is 2.34.²³ Note that this adjustment does not take into

²³ The adjustment reflects the probability that a news story on a particular incident would be selected at random from the total population of news stories on incidents of self-defense with a firearm in the home. The formula used for the adjustment is:

$$\frac{\sum_{i=1}^n \left(\text{Shots Fired}_i \times \frac{R_i}{C_i} \right)}{\sum_{i=1}^n \left(\frac{R_i}{C_i} \right)}$$

where:

n = random selection of news stories on incidents of self-defense with a firearm in the home

R_i = number of search results on Factiva in the calendar year of incident i

C_i = number of news stories covering incident i

account the fact that some defensive gun use incidents may not be picked up by *any* news story. Given the observed relationship that there are more news stories when there are more shots fired, one would expect that the incidents that are not written about would on average have fewer shots than those with news stories. Therefore, the expectation is that these results, even after the adjustment, are biased upward (*i.e.*, estimating too high an average number of shots and underestimating the percent of incidents in which no shots were fired).

17. As shown in the table below, according to the study of Factiva news stories, in 11.6% of incidents the defender did not fire any shots, and simply threatened the offender with a gun. In 97.3% of incidents the defender fired 5 or fewer shots. There were no incidents where the defender was reported to have fired more than 10 or 17 bullets.

**Number of Shots Fired in Self-Defense in the Home
Based on Random Selection of Articles from Factiva
January 2011 - May 2017**

	<u>Incidents in the Home</u>
Estimated population of news reports in Factiva on self-defense with a firearm in the home	4,841
Random selection of news reports	200
Average Number of Shots Fired	2.34
Median Number of Shots Fired	2.03
Number of Incidents with No Shots Fired	23
Percent of Incidents with No Shots Fired	11.6%
Number of Incidents with <=5 Shots Fired	195
Percent of Incidents with <=5 Shots Fired	97.3%
Number of Incidents with >10 Shots Fired	0
Percent of Incidents with >10 Shots Fired	0.0%
Number of Incidents with >17 Shots Fired	0
Percent of Incidents with >17 Shots Fired	0.0%

Notes and Sources:

Based on news stories describing defensive gun use in a random sample of Factiva stories 2011 to May 2017 using search string (gun* or shot* or shoot* or fire* or arm*) and ("broke in" or "break in" or "broken into" or "breaking into" or burglar* or intrud* or inva*) and (home* or apartment or "property") with region set to United States and excluding duplicate stories classified as "similar."

Calculated using weights reflecting the probability that a news story on a particular incident would be selected at random from the total population of news stories on incidents of self-defense with a firearm in the home.

18. In sum, an analysis of incidents in the NRA Armed Citizen database, as well as our own study of a random sample from approximately 4,800 news stories describing incidents of self-defense with a firearm, indicates that it is extremely rare for a person, when using a firearm in self-defense, to fire more than 10 or 17 rounds.

2. Use of assault rifles in self-defense according to FBI active shooter incidents

19. I have been asked to analyze the “Active Shooter Incidents” reports published by the Federal Bureau of Investigation (“FBI”).²⁴ In particular, I have been asked to analyze the use of assault rifles by private citizens in active shooter incidents. According to this analysis, citizens rarely use a firearm, and even less frequently use an assault rifle, to defend themselves during active shooter incidents.

20. The FBI defines an active shooter as “one or more individuals actively engaged in killing or attempting to kill people in a populated area” and notes that “the active aspect of the definition inherently implies the ongoing nature of an incident, and thus the potential for the response to affect the outcome, whereas a mass killing is defined as three or more killings in a single incident.”²⁵ The FBI uses its own “holdings and repositories,” as well as “official law enforcement reports” and “open-sourced data” to identify active shooter incidents that meet their criteria.²⁶ - For each incident, the FBI reports the date, location, age and sex of the shooter, and number of injuries and fatalities. The FBI also identifies incidents involving intervention by

²⁴ This analysis is similar to an analysis conducted by Columbia University Professor Louis Klarevas and yields similar results. See, for example, Declaration of Louis Klarevas in *National Association for Gun Rights et al., v. City of Highland Park, Illinois*, filed on January 19, 2023, ¶¶ 23-26.

²⁵ “Active Shooter Incidents in the United States in 2021,” *FBI*, May 2022, p. 2.

²⁶ “Active Shooter Incidents in the United States in 2021,” *FBI*, May 2022, p. 2. The FBI excludes gun-related incidents that are the result of “self-defense, gang violence, drug violence, contained residential or domestic disputes, controlled hostage situations, crossfire as a byproduct of another ongoing criminal act, or an action that appeared to not have put other people in peril.” The FBI notes that the “there is no mandated database collection or central intake point for reporting active shooter incidents, which exists for other crimes.”

civilians, including instances in which armed civilians used firearms to defend themselves or engage with the shooter.²⁷

21. According to the FBI, over the 22-year period from 2000 to 2021, there were 434 active shooter incidents. In 15, or 3.5%, of these incidents armed civilians defended themselves or engaged with the shooter.²⁸ Of these 15 incidents, 12, or 80%, involved armed civilians using a handgun as defense and only 1, or 6.6%, involved using an assault rifle.²⁹ Of the remaining 2 incidents, one involved a bolt-action rifle and the other a shotgun. Overall, only 1, or 0.2%, of the 434 active shooter incidents identified by the FBI involved civilians defending themselves with an assault rifle.

3. Percent of incidents in which rifles were used in self-defense according to Heritage Defensive Gun Uses Database

22. I have been asked to analyze The Heritage Foundation’s “Defensive Gun Uses in the U.S.” database (“Heritage DGU Database”), a database of defensive gun incidents that was first published after my research on the number of rounds used by individuals in self-defense was performed.³⁰ In particular, I have been asked to analyze the percent of incidents in which rifles were used in self-defense according to the Heritage DGU Database. The analysis of the Heritage DGU Database indicates that it is rare for a rifle to be used in self-defense.

²⁷ See, for example, “Active Shooter Incidents in the United States in 2021,” *FBI*, May 2022, pp. 2, 11-12.

²⁸ Excludes incidents where the armed private citizens were security guards.

²⁹ The firearm type used by the armed private citizen was determined by descriptions in the FBI’s Active Shooter reports, as well as news articles from Factiva and Google.

³⁰ “Defensive Gun Uses in the U.S.,” *The Heritage Foundation*, as of October 7, 2022, <https://datavisualizations.heritage.org/firearms/defensive-gun-uses-in-the-us>.

23. The Heritage Foundation is a think tank focused on “formulat[ing] and promot[ing] public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense.”³¹ According to The Heritage Foundation, “[t]he right of the people to keep and bear arms is a fundamental part of American liberty, serving as an important individual defense against crime and a collective defense against tyranny.”³²

24. In April 2020, The Heritage Foundation began publishing and periodically updating a database of news stories describing incidents in the U.S. in which individuals purportedly defended themselves using firearms.³³ The Heritage Foundation notes that its database is not comprehensive but meant to “highlight” stories of successful self-defense.^{34,35} As a result, one would expect the Heritage DGU Database to be more likely to identify successful uses of rifles in self-defense than a randomized review of news stories.

25. As of October 7, 2022, the Heritage DGU Database included 2,714 incidents from January 1, 2019 through October 6, 2022.³⁶ The Heritage DGU Database codes the following information for each incident:³⁷

³¹ “About Heritage,” *The Heritage Foundation*, <https://www.heritage.org/about-heritage/mission>.

³² “Firearms,” *The Heritage Foundation*, <https://www.heritage.org/firearms>.

³³ “Defensive Gun Uses in the U.S.,” *The Heritage Foundation*.

³⁴ “Defensive Gun Uses in the U.S.,” *The Heritage Foundation*.

³⁵ Note that a review of the news stories cited in the database indicates that a number of the incidents may not involve individuals defending themselves. For example, in one incident (“Two Burglary Suspects Caught By Victim’s Brother And Friend, Held At Gunpoint For Police,” *5NewsOnline*, February 11, 2019), a homeowner’s brother and friend appear to have found and apprehended burglars on the roadside.

³⁶ “Defensive Gun Uses in the U.S.,” *The Heritage Foundation*.

³⁷ “Defensive Gun Uses in the U.S.,” *The Heritage Foundation*.

- Date of the incident;
- Website link to the news story;
- Location (city and state);
- Context (e.g., domestic violence, home invasion, robbery, etc.);
- Whether the defender had a concealed-carry permit;
- Whether there were multiple assailants;
- Whether shots were fired; and
- Firearm type (handgun, shotgun, rifle, pellet rifle, long gun, or unknown).³⁸

26. I performed an analysis of all 2,714 incidents in the Heritage DGU Database as of

October 7, 2022 to determine what number and percent of the incidents involved a rifle. I found there were 51 incidents indicating a rifle was involved. These 51 incidents represent 2% of all incidents in the database and 4% of incidents with a known gun type.³⁹ The table below shows the breakdown of incidents by coded firearm type for the 2,714 incidents.

³⁸ A review of the data and linked news stories from the Heritage DGU Database indicates that the firearm type corresponds to the firearm associated with the defender.

³⁹ This analysis is based on The Heritage Foundation's coding of these incidents. We have not independently verified the coding of these incidents.

The Heritage Foundation Defensive Gun Uses Database			
Firearm Type	Incidents¹	% of Total	% of Known
(1)	(2)	(3)	(4)
Handgun	1,113	41%	90%
Shotgun	78	3%	6%
Rifle	51	2%	4%
Long Gun	1	0%	0%
Pellet Rifle	1	0%	0%
Unknown	1,473	54%	
Total known:	1,241		
Total:	2,714		

Source:
 "Defensive Gun Uses in the U.S.," *The Heritage Foundation*.
 Data as of October 7, 2022.

¹ Note that three incidents are coded as having more than one firearm type and thus the sum by firearm type is larger than the total number of incidents.

27. I conducted the same analysis of the Heritage DGU Database excluding incidents that occurred in states that have restrictions on assault weapons. In particular, I excluded incidents in California, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey, and New York, as well as Washington D.C.⁴⁰ In states without assault weapons restrictions, the Heritage DGU Database has 48 incidents indicating a rifle was involved. These 48 incidents represent 2%

⁴⁰ See, "Assault Weapons," *Giffords Law Center*, <https://giffords.org/lawcenter/gun-laws/policy-areas/hardware-ammunition/assault-weapons/>. Delaware is not excluded since restrictions in Delaware were enacted in June 2022. See, "Governor Carney Signs Package of Gun Safety Legislation," *Delaware.gov*, June 30, 2022, <https://news.delaware.gov/2022/06/30/governor-carney-signs-package-of-gun-safety-legislation/>.

of incidents in these states and 4% of incidents with a known gun type in these states. The table below shows the breakdown of incidents by coded firearm type for states that do not restrict assault weapons.

The Heritage Foundation Defensive Gun Uses Database States Without Assault Weapon Restrictions			
<u>Firearm Type</u>	<u>Incidents¹</u>	<u>% of Total</u>	<u>% of Known</u>
(1)	(2)	(3)	(4)
Handgun	1,033	41%	90%
Shotgun	63	3%	6%
Rifle	48	2%	4%
Long Gun	0	0%	0%
Pellet Rifle	1	0%	0%
Unknown	1,357	54%	
Total known:	1,142		
Total:	2,499		

Source:
 "Defensive Gun Uses in the U.S.," *The Heritage Foundation*.
 Data as of October 7, 2022. Excludes the following states
 with assault weapon restrictions: California, Connecticut,
 Hawaii, Maryland, Massachusetts, New Jersey, and New York
 as well as Washington D.C. Classification from Giffords
 Law Center. Incidents in Delaware not excluded as
 restrictions were enacted in June 2022.

¹ Note that three incidents are coded as having more than one
 firearm type and thus the sum of the individual firearm
 types is larger than the total number of incidents.

B. Public Mass Shootings

28. We analyzed the use of assault weapons and large-capacity magazines⁴¹ in public mass shootings using four sources for identifying public mass shootings: Mother Jones,⁴² the Citizens Crime Commission of New York City,⁴³ the Washington Post⁴⁴ and the Violence Project.^{45, 46} The analysis focused on public mass shootings because it is my understanding that

⁴¹ My analysis is based on the definitions of assault weapons (“Assault Weapons”) and large capacity magazines (“Large-Capacity Magazines”) provided by California law, specifically: California Penal Code sections 30510, 30515 and 32310, and California Code of Regulations, title 11, section 5499. California law defines Large Capacity Magazines as magazines capable of holding more than ten rounds and Assault Weapons based on either their “make and model” or on certain “features.” See, for example, California Department of Justice: “What is considered an assault weapon under California law?” and “What are AK and AR-15 series weapons?” <https://oag.ca.gov/firearms/regagunfaqs>, accessed October 25, 2018.

⁴² “US Mass Shootings, 1982-2022: Data From Mother Jones’ Investigation,” Mother Jones, updated November 23, 2022, <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data>.

⁴³ “Mayhem Multiplied: Mass Shooters and Assault Weapons,” Citizens Crime Commission of New York City, February 2018 update. Additional details on the mass shootings were obtained from an earlier source by the Citizens Crime Commission. “Mass Shooting Incidents in America (1984-2012),” Citizens Crime Commission of New York City, <http://www.nycrimecommission.org/mass-shooting-incidents-america.php>, accessed June 1, 2017.

⁴⁴ “The terrible numbers that grow with each mass shooting,” The Washington Post, updated May 12, 2021.

⁴⁵ “Mass Shooter Database,” The Violence Project, <https://www.theviolenceproject.org/mas-s-shooter-database/>, updated May 14, 2022.

⁴⁶ When I began research in 2013 on mass shootings, I found Mother Jones and Citizens Crime Commission to maintain the most comprehensive lists of relevant mass shootings. More recently, two additional sources, the Washington Post and The Violence Project, have compiled lists of public mass shootings. The Violence Project began work on its mass shootings database in September 2017 and its database first went online in November 2019, while the Washington Post first published its mass shootings database in February 2018. There is substantial overlap between the mass shootings in all four sources. For example, the Mother Jones data contains 93% of the mass shootings in the Citizens Crime Commission data for the years covered by both data sources, 1984 to 2016, while the Washington Post contains 94% of the mass shootings in The Violence Project data for the years covered by both data sources, 1966 to 2019.

the state of Delaware is concerned about public mass shootings and enacted the challenged law, in part, to address the problem of public mass shootings.⁴⁷

29. The type of incident considered a mass shooting is generally consistent across the four sources. In particular, all four sources consider an event a mass shooting if four or more people were killed in a public place in one incident and exclude incidents involving other criminal activity such as a robbery.⁴⁸

⁴⁷ See Delaware's HB 450, which discusses numerous public mass shootings and notes that "assault-style weapons have been used disproportionately to their ownership in mass shootings."

⁴⁸ Citizen Crime Commission describes a mass shooting as "four or more victims killed" in "a public place" that were "unrelated to another crime (e.g., robbery, domestic violence)." Citizen Crime notes that its sources include "news reports and lists created by government entities and advocacy groups." "Mayhem Multiplied: Mass Shooters and Assault Weapons," Citizens Crime Commission of New York City, February 2018 update.

Mother Jones describes a mass shooting as "indiscriminate rampages in public places resulting in four or more victims killed by the attacker," excluding "shootings stemming from more conventionally motivated crimes such as armed robbery or gang violence." Although in January 2013 Mother Jones changed its definition of mass shooting to include instances when three or more people were killed, for this declaration we only analyzed mass shootings where four or more were killed to be consistent with the definition of the other three sources. "A Guide to Mass Shootings in America," Mother Jones, updated November 23, 2022, <http://www.motherjones.com/politics/2012/07/mass-shootings-map>. See also, "What Exactly is a Mass Shooting," Mother Jones, August 24, 2012, <http://www.motherjones.com/mojo/2012/08/what-is-a-mass-shooting>.

The Washington Post describes a mass shooting as "four or more people were killed, usually by a lone shooter" excluding "shootings tied to robberies that went awry" and "domestic shootings that took place exclusively in private homes." The Washington Post notes that its sources include "Grant Duwe, author of 'Mass Murder in the United States: A History,' Mother Jones and Washington Post research," as well as "Violence Policy Center, Gun Violence Archive; FBI 2014 Study of Active Shooter Incidents; published reports." "The terrible numbers that grow with each mass shooting," The Washington Post, updated May 12, 2021, <https://www.washingtonpost.com/graphics/2018/national/mass-shootings-in-america/>.

The Violence Project indicates that it uses the Congressional Research Service definition of a mass shooting: - "a multiple homicide incident in which four or more victims are murdered with firearms—not including the offender(s)—within one event, and at least some of the murders occurred in a public location or locations in close geographical proximity (e.g., a workplace, school, restaurant, or other public settings), and the murders are not attributable to any other

30. Each of the four sources contains data on mass shootings covering different time periods. The Mother Jones data covers 112 mass shootings from 1982 to October 13, 2022,⁴⁹ the Citizens Crime Commission data covers 80 mass shootings from 1984 to February 2018,⁵⁰ the Washington Post data covers 185 mass shootings from 1966 to May 12, 2021,⁵¹ and The Violence Project data covers 182 mass shootings from 1966 to May 14, 2022.^{52, 53}

underlying criminal activity or commonplace circumstance (armed robbery, criminal competition, insurance fraud, argument, or romantic triangle).” The Violence Project notes that its sources include “Primary Sources: Written journals / manifestos / suicide notes etc., Social media and blog posts, Audio and video recordings, Interview transcripts, Personal correspondence with perpetrators” as well as “Secondary Sources (all publicly available): Media (television, newspapers, magazines), Documentary films, Biographies, Monographs, Peer-reviewed journal articles, Court transcripts, Law Enforcement records, Medical records, School records, Autopsy reports.” “Mass Shooter Database,” The Violence Project, <https://www.theviolenceproject.org/methodology/>, accessed January 17, 2020.

⁴⁹ “A Guide to Mass Shootings in America,” Mother Jones, updated November 23, 2022, <http://www.motherjones.com/politics/2012/07/mass-shootings-map>. Excludes mass shootings where only three people were killed. Note this analysis of the Mother Jones data may not match other analyses because Mother Jones periodically updates its historical data.

⁵⁰ “Mayhem Multiplied: Mass Shooters and Assault Weapons,” *Citizens Crime Commission of New York City*, February 2018 update.

⁵¹ “The terrible numbers that grow with each mass shooting,” *The Washington Post*, updated May 12, 2021, <https://www.washingtonpost.com/graphics/2018/national/mass-shootings-in-america/>.

⁵² “Mass Shooter Database,” *The Violence Project* <https://www.theviolenceproject.org/mas-s-shooter-database/>, updated May 14, 2022.

⁵³ Note that I have updated this mass shooting analysis to include more recent incidents, as well as more recently available details. In my 2017 declaration in *Virginia Duncan et al. v. California Attorney General*, I included data on mass shootings through April 2017. In my 2018 declaration in *Rupp v. California Attorney General*, I updated the analysis to include data on mass shootings through September 2018. The analyses in both of these declarations included mass shootings only from Mother Jones and the Citizen Crime Commission. In my 2020 declaration in *James Miller et al. v. California Attorney General*, I updated the analysis to include mass shootings through December 2019 and added mass shootings from two more sources, the Washington Post and the Violence Project. The number of mass shootings, as well as some details about the shootings, are not identical across these declarations for three main reasons. First, I have updated the analysis to include more recent incidents as well as more recently available details. Second, starting in 2020, I added two more sources (Washington Post

31. Note that the two more recently compiled sources of mass shootings, the Washington Post and The Violence Project, include additional mass shootings that were not covered by either Mother Jones or Citizens Crime Commission. In general, we found that these additional mass shootings were less covered by the media and involved fewer fatalities and/or injuries than the ones previously identified by Mother Jones or Citizens Crime Commission. For example, using the mass shooting data for the period 1982 through 2019, we found that the median number of news stories for a mass shooting included in Mother Jones and/or Citizen Crime Commission was 317, while the median for the additional mass shootings identified in the Washington Post and/or The Violence Project was 28.⁵⁴ In addition, using the mass shooting data through 2019, we found an average of 21 fatalities or injuries for a mass shooting included in Mother Jones and/or Citizen Crime Commission, while only 6 fatalities or injuries for the additional mass shootings identified in the Washington Post and/or The Violence Project.

32. We combined the data from the four sources for the period 1982 through October 2022, and searched news stories on each mass shooting to obtain additional details on the types of weapons used as well as data on shots fired where available. We compared the details on the weapons used in each shooting to the list of prohibited firearms and features specified in California law to identify, based on this publicly available information, which mass shootings involved the use of Assault Weapons. In addition, we identified, based on this publicly available

and Violence Project), which include additional mass shootings and details not included in the initial sources. Third, even though Mother Jones included instances when three or more people were killed, for my declarations and reports starting in 2020, I only included mass shootings where four or more were killed to be consistent with the definition of the other three sources.

⁵⁴ The search was conducted over all published news stories on Factiva. The search was based on the shooter's name and the location of the incident over the period from one week prior to three months following each mass shooting.

information, which mass shootings involved the use of Large-Capacity Magazines. See attached **Exhibit B** for a summary of the combined data, and **Exhibit C** for a summary of the weapons used in each public mass shooting based on Mother Jones, Citizens Crime Commission, the Washington Post, the Violence Project, and news reports.⁵⁵

1. Use of Assault Weapons in public mass shootings

33. Based on the 179 mass shootings through October 2022, we found that Assault Weapons are often used in public mass shootings. Whether an Assault Weapon was used in a mass shooting can be determined in 153 out of the 179 incidents (85%) considered in this analysis. Out of these 153 mass shootings, 36 (or 24%) involved Assault Weapons. Even assuming the mass shootings where it is not known whether an Assault Weapon was used *all* did not involve an Assault Weapon, 36 out of 179 mass shootings, or 20%, involved Assault Weapons.

34. Based on our analysis, casualties were higher in the mass shootings that involved Assault Weapons than in other mass shootings. In particular, we found an average number of fatalities or injuries of 36 per mass shooting with an Assault Weapon versus 10 for those without. Focusing on just fatalities, we found an average number of fatalities of 12 per mass shooting with an Assault Weapon versus 6 for those without. (See table below.)

2. Use of Large-Capacity Magazines in public mass shootings

35. Based on the 179 mass shootings through October 2022, we found that Large-Capacity Magazines (those with a capacity to hold more than 10 rounds of ammunition) are often used in public mass shootings. Magazine capacity is known in 115 out of the 179 mass

⁵⁵ Note that the Citizens Crime Commission data was last updated in February 2018 and the Washington Post was last updated in May 2021.

shootings (or 64%) considered in this analysis. Out of the 115 mass shootings with known magazine capacity, 73 (or 63%) involved Large-Capacity Magazines. Even assuming the mass shootings with unknown magazine capacity *all* did not involve Large-Capacity Magazines, 73 out of 179 mass shootings or 41% of mass shootings involved Large-Capacity Magazines. (See table below.)

36. Based on our analysis, casualties were higher in the mass shootings that involved weapons with Large-Capacity Magazines than in other mass shootings. In particular, we found an average number of fatalities or injuries of 25 per mass shooting with a Large-Capacity Magazines versus 9 for those without. Focusing on just fatalities, we found an average number of fatalities of 10 per mass shooting with a Large-Capacity Magazines versus 6 for those without. (See table below.)

37. In addition, we found that casualties were higher in the mass shootings that involved both Assault Weapons *and* Large-Capacity Magazines. In particular, we found an average number of fatalities or injuries of 40 per mass shooting with both an Assault Weapon and a Large-Capacity Magazine versus 8 for those without either. Focusing on just fatalities, we found an average number of fatalities of 13 per mass shooting with both an Assault Weapon and a Large-Capacity Magazine versus 6 for those without either. (See table below.)

Numbers of Fatalities and Injuries in Public Mass Shootings 1982 - October 2022				
Weapon Used	# of Incidents	Average # of		
		Fatalities	Injuries	Total
Assault Weapon	36	12	24	36
No Assault Weapon	117	6	4	10
Unknown	26	5	3	9
Large-Cap. Mag.	73	10	16	25
No Large-Cap. Mag.	42	6	3	9
Unknown	64	5	3	7
Assault Weapon & Large-Cap. Mag.	31	13	27	40
Large-Cap. Mag. Only ¹	36	8	7	15
No Assault Weapon or Large-Cap. Mag. ²	41	6	3	8
Unknown ³	71	5	3	8

Notes and Sources:

Casualty figures exclude the shooter. Assault Weapon and large-capacity magazine classification and casualties updated based on review of stories from Factiva/Google searches.

¹ Shootings involving large-capacity magazine and no Assault Weapon.

² Shootings involving neither a large-capacity magazine nor Assault Weapon.

³ Shootings where it is either unknown whether a large-capacity magazine was involved or unknown whether an Assault Weapon was involved.

38. Our results are consistent with those of other studies that have analyzed mass shootings. Note that although the other studies are based on alternate sets of mass shootings, including covering different years and defining mass shootings somewhat differently, the results are similar in finding that fatalities and injuries are larger in mass shootings in which large capacity magazines and assault weapons are involved. A 2019 academic article published in the American Journal of Public Health by Klarevas et al. found that “[a]ttacks involving LCMs

resulted in a 62% higher mean average death toll.”⁵⁶ This study found an average number of fatalities of 11.8 per mass shooting with a large-capacity magazine versus 7.3 for those without. The results in this study were based on 69 mass shootings between 1990 and 2017.⁵⁷ An analysis of the mass shootings detailed in a 2016 article by Gary Kleck yielded similar results (21 average fatalities or injuries in mass shootings involving large-capacity magazines versus 8 for those without).⁵⁸ The Kleck study covered 88 mass shooting incidents between 1994 and 2013.⁵⁹ In a 2018 study, Koper et al. found that mass shootings involving assault weapons and large-capacity magazines resulted in an average of 13.7 victims versus 5.2 for other cases.⁶⁰ The Koper et al. study covered 145 mass shootings between 2009 and 2015.⁶¹ The table below summarizes their results.

⁵⁶ Louis Klarevas, Andrew Conner, and David Hemenway, “The Effect of Large-Capacity Magazine Bans on High-Fatality Mass Shootings, 1990–2017,” *American Journal of Public Health* (2019).

⁵⁷ The Klarevas et al. study defines mass shootings as “intentional crimes of gun violence with 6 or more victims shot to death, not including the perpetrators” and, unlike my analysis, does not exclude incidents in private places or incidents involving other criminal activity such as robbery.

⁵⁸ Kleck, Gary, “Large-Capacity Magazines and the Casualty Counts in Mass Shootings: The Plausibility of Linkages,” 17 *Justice Research and Policy* 28 (2016).

⁵⁹ The Kleck study defines a mass shooting as “one in which more than six people were shot, either fatally or nonfatally, in a single incident.”

⁶⁰ Koper et al., “Criminal Use of Assault Weapons and High-Capacity Semiautomatic Firearms: an Updated Examination of Local and National Sources,” *Journal of Urban Health* (2018).

⁶¹ The Koper et al. study defined mass shooting as “incidents in which four or more people were murdered with a firearm, not including the death of the shooter if applicable and irrespective of the number of additional victims shot but not killed.”

Source	Criteria		Time Period	# of Incidents	Avg. # of Fatalities + Injuries / Fatalities	
	# Victims	Other Criteria			With LCM	Without LCM
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Allen (2020) ¹	at least 4 <u>killed</u> ²	Includes shootings "in a public place in one incident, and exclude[s] incidents involving other criminal activity such as a robbery"	1982-2019	161	27 / 10	9 / 6
Kleck et al. (2016) ³	at least 6 <u>shot</u>	Excludes "spree shootings" and includes shootings in both "public" and "private" places	1994-2013	88	21 / n/a	8 / n/a
Klarevas et al. (2019) ⁴	at least 6 <u>killed</u> ²	Includes "intentional crimes of gun violence"	1990-2017	69	n/a / 12	n/a / 7
Koper et al. (2018) ⁵	at least 4 <u>killed</u> ²	Includes shootings in both public and private places	2009-2015	145	14 / n/a	5 / n/a

Notes and Sources:

¹ Declaration of Lucy P. Allen in Support of Defendants' Opposition to Motion for Preliminary Injunction in *James Miller et al. v. Xavier Becerra et al.*, dated January 23, 2020.

² Excluding shooter.

³ Kleck, Gary, "Large-Capacity Magazines and the Casualty Counts in Mass Shootings: The Plausibility of Linkages," 17 Justice Research and Policy 28 (2016).

⁴ Klarevas et al., "The Effect of Large-Capacity Magazine Bans on High-Fatality Mass Shootings 1990-2017," American Journal of Public Health (2019).

⁵ Koper et al., "Criminal Use of Assault Weapons and High-Capacity Semiautomatic Firearms: an Updated Examination of Local and National Sources," Journal of Urban Health (2018). Note that the Koper et al study includes shootings involving both LCM and assault weapons.

3. Number of rounds fired in public mass shootings with Assault

Weapons or Large-Capacity Magazines

39. The data on public mass shootings indicates that it is common for offenders to fire more than seventeen rounds when using an Assault Weapon. Of the 36 mass shootings we analyzed through October 2022 that are known to have involved an Assault Weapon, there are 24 in which the number of shots fired is known. Shooters fired more than seventeen rounds in 22 out of the 24 incidents (or 92%), and the average number of shots fired in those incidents was 161.

40. In addition, the data indicates that it is common for offenders to fire more than seventeen rounds when using a gun with a Large-Capacity Magazine in mass shootings. Of the 73 mass shootings that are known to have involved a Large-Capacity Magazine, there are 49 in

which the number of shots fired is known. Shooters fired more than seventeen rounds in 41 of the 49 incidents (or 84%), and the average number of shots fired in those incidents was 116.

4. Percent of mass shooters' guns legally obtained

41. The data on public mass shootings indicates that the majority of guns used in these mass shootings were obtained legally.⁶² Of the 179 mass shootings analyzed through October 2022, there are 112 where it can be determined whether the gun was obtained legally. According to the data, shooters in 79% of mass shootings obtained their guns legally (89 of the 112 mass shootings) and 80% of the guns used in these 112 mass shootings were obtained legally (202 of the 252 guns). (Note that even if one assumes that *all* of the mass shootings where it is not known were assumed to be illegally obtained, then one would find 50% of the mass shootings and 62% of the guns were obtained legally.)

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 30, 2023



Lucy P. Allen

⁶² The determination of whether guns were obtained legally is based on Mother Jones and Washington Post reporting.

Case 1:22-cv-00951-RGA Document 38-1 Filed 01/31/23 Page 1 of 37 PageID #: 987

Exhibit A

SA0356



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Exhibit A

LUCY P. ALLEN MANAGING DIRECTOR

Education

YALE UNIVERSITY

M.Phil., Economics, 1990
M.A., Economics, 1989
M.B.A., 1986

STANFORD UNIVERSITY

A.B., Human Biology, 1981

Professional Experience

- 1994-Present **National Economic Research Associates, Inc.**
Managing Director. Responsible for economic analysis in the areas of securities, finance and environmental and tort economics.
Senior Vice President (2003-2016).
Vice President (1999-2003).
Senior Consultant (1994-1999).
- 1992-1993 **Council of Economic Advisers, Executive Office of the President**
Staff Economist. Provided economic analysis on regulatory and health care issues to Council Members and interagency groups. Shared responsibility for regulation and health care chapters of the *Economic Report of the President, 1993*. Working Group member of the President's National Health Care Reform Task Force.
- 1986-1988 **Ayers, Whitmore & Company (General Management Consultants)**
1983-1984 Senior Associate. Formulated marketing, organization, and overall business strategies including:
Plan to improve profitability of chemical process equipment manufacturer.
Merger analysis and integration plan of two equipment manufacturers.
Evaluation of Korean competition to a U.S. manufacturer.
Diagnostic survey for auto parts manufacturer on growth obstacles.

Lucy P. Allen

Marketing plan to increase international market share for major accounting firm.

Summer 1985

WNET/Channel Thirteen, Strategic Planning Department

Associate. Assisted in development of company's first long-term strategic plan. Analyzed relationship between programming and viewer support.

1981-1983

Arthur Andersen & Company

Consultant. Designed, programmed and installed management information systems. Participated in redesign/conversion of New York State's accounting system. Developed municipal bond fund management system, successfully marketed to brokers. Participated in President's Private Sector Survey on Cost Control (Grace Commission). Designed customized tracking and accounting system for shipping company.

Teaching

1989- 1992

Teaching Fellow, Yale University

Honors Econometrics
Intermediate Microeconomics
Competitive Strategies
Probability and Game Theory
Marketing Strategy
Economic Analysis

Publications

"Snapshot of Recent Trends in Asbestos Litigation: 2022 Update," (co-author), NERA Report, 2022.

"Snapshot of Recent Trends in Asbestos Litigation: 2021 Update," (co-author), NERA Report, 2021.

"The Short-Term Effect of Goodwill Impairment Announcements on Companies' Stock Prices" (co-author), *International Journal of Business, Accounting and Finance*, Volume 14, Number 2, Fall 2020.

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“Asbestos: Economic Assessment of Bans and Declining Production and Consumption,” World Health Organization, 2017.

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“Snapshot of Recent Trends in Asbestos Litigation: 2011 Update,” (co-author), NERA White Paper, 2011.

“Snapshot of Recent Trends in Asbestos Litigation: 2010 Update,” (co-author), NERA White Paper, 2010.

“Settlement Trends and Tactics” presented at Securities Litigation During the Financial Crisis: Current Development & Strategies, hosted by the New York City Bar, New York, New York, 2009.

“Snapshot of Recent Trends in Asbestos Litigation,” (co-author), NERA White Paper, 2009.

“China Product Recalls: What’s at Stake and What’s Next,” (co-author), NERA Working Paper, 2008.

“Forecasting Product Liability by Understanding the Driving Forces,” (co-author), *The International Comparative Legal Guide to Product Liability*, 2006.

“Securities Litigation Reform: Problems and Progress,” *Viewpoint*, November 1999, Issue No. 2 (co-authored).

Lucy P. Allen

“Trends in Securities Litigation and the Impact of the PSLRA,” Class Actions & Derivative Suits, American Bar Association Litigation Section, Vol. 9, No. 3, Summer 1999 (co-authored).

“Random Taxes, Random Claims,” Regulation, Winter 1997, pp. 6-7 (co-authored).

Depositions & Testimony (4 years)

Supplemental Declaration before the United States District Court, Central District of California, Southern Division, in *Steven Rupp et al. v. California Attorney General et al.*, 2023.

Deposition Testimony before the United States District Court for the District of Harris County, Texas in *Boxer Property Management Corp. et al. v. Illinois Union Ins. Co. et al.*, 2022.

Declaration before the United States District Court, Southern District of California, in *Virginia Duncan, et al. v. Rob Bonta, et al.*, 2022.

Declaration before the United States District Court, Eastern District of Washington, in *Michael Scott Brumback, et al. v. Robert W. Ferguson, et al.*, 2022.

Trial Testimony before the Supreme Court of the State of New York, County of New York, in *MUFG Union Bank, N.A. (f/k/a Union Bank, N.A.) v. Axos Bank (f/k/a Bank of Internet USA), et al.*, 2022.

Supplemental Declaration before the United States District Court, Southern District of California, in *James Miller et al. v. California Attorney General et al.*, 2022.

Declaration before the United States District Court, Northern District of Texas, Dallas Division, in *Samir Ali Cherif Benouis v. Match Group, Inc., et al.*, 2022.

Deposition Testimony before the United States District Court for the Eastern District of Virginia, in *Plymouth County Retirement System, et al. v. Evolent Health, Inc., et al.*, 2022.

Deposition Testimony before the United States District Court for the Northern District of Georgia, in *Public Employees’ Retirement System of Mississippi v. Mohawk Industries, Inc., et al.*, 2022.

Deposition Testimony before the United States District Court for the Southern District of New York, in *SEC v. AT&T, Inc. et al.*, 2022.

Lucy P. Allen

Deposition Testimony before the Superior Court of New Jersey, Hudson County, in *Oklahoma Firefighters Pension and Retirement System vs. Newell Brands Inc., et al.*, 2022.

Deposition Testimony before the United States District Court for the District of Pennsylvania, in *Allegheny County Employees, et al. v. Energy Transfer LP., et al.*, 2022.

Deposition Testimony before the United States District Court, District of Tennessee, in *St. Clair County Employees' Retirement System v. Smith & Acadia Healthcare Company, Inc., et al.*, 2022.

Deposition Testimony before the United States District Court, District of Colorado, in *Cipriano Correa, et al. v. Liberty Oilfield Services Inc., et al.*, 2022.

Deposition Testimony before the Superior Court of New Jersey, Hudson County, in *Oklahoma Firefighters Pension and Retirement System vs. Newell Brands Inc., et al.*, 2021.

Deposition Testimony before the Superior Court of New Jersey, Middlesex County, in *Dana Transport, Inc. et al., vs. PNC Bank et al.*, 2021.

Deposition Testimony before the United States District Court, Western District of North Carolina, in *Cheyenne Jones and Sara J. Gast v. Coca-Cola Consolidated Inc., et al.*, 2021.

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Deposition Testimony before the United States Bankruptcy Court, Southern District of Texas, Houston Division, in *Natixis Funding Corporation v. Genon Mid-Atlantic, LLC*, 2021.

Testimony and Deposition Testimony before the United States District Court, Southern District of California, in *James Miller et al. v. Xavier Becerra et al.*, 2021.

Deposition Testimony before the Court of Chancery of the State of Delaware in *Arkansas Teacher Retirement System v. Alon USA Energy, Inc., et al.*, 2021.

Deposition Testimony before the United States District Court, Western District of Oklahoma, in *Kathleen J. Myers v. Administrative Committee, Seventy Seven Energy, Inc. Retirement & Savings Plan, et al.*, 2020.

Deposition Testimony before the United States District Court, Middle District of Tennessee, in *Nikki Bollinger Grae v. Corrections Corporation of America, et al.*, 2020.

Lucy P. Allen

Deposition Testimony before the Supreme Court of the State of New York, County of New York, in *MUFG Union Bank, N.A. (f/k/a Union Bank, N.A.) v. Axos Bank (f/k/a Bank of Internet USA), et al.*, 2020.

Declaration before the United States District Court for the Northern District of Georgia, in *Sunil Amin et al. v. Mercedes-Benz USA, LLC and Daimler AG*, 2020.

Deposition Testimony before the United States District Court, Western District of Washington at Seattle, in *In re Zillow Group, Inc. Securities Litigation*, 2020.

Declaration before the United States District Court for the Southern District of California in *James Miller et al. v. Xavier Becerra et al.*, 2020.

Deposition Testimony before the United States District Court, Middle District of Tennessee, in *Zwick Partners LP and Aparna Rao v. Quorum Health Corporation*, 2019.

Testimony and Declaration before the United States District Court, Southern District of Iowa, in *Mahaska Bottling Company, Inc., et al. v. PepsiCo, Inc. and Bottling Group, LLC*, 2019.

Declaration before the United States District Court Western District of Oklahoma in *In re: Samsung Top-Load Washing Machine Marketing, Sales Practices and Products Liability Litigation*, 2019.

Testimony before the United States District Court, Southern District of New York, in *Chicago Bridge & Iron Company N.V. Securities Litigation*, 2019.

Deposition Testimony before the United States District Court, Middle District of Florida, in *Jacob J. Beckel v. Fagron Holdings USA, LLC et al.*, 2019.

Case 1:22-cv-00951-RGA Document 38-1 Filed 01/31/23 Page 8 of 37 PageID #: 994

Exhibit B

SA0363

Exhibit B**Public Mass Shootings Data
1982 – October 2022**

Case	Location	Date	Source	Large Capacity Mag. ^a	Assault Weapon ^b	Fatalities ^c	Injuries ^c	Total Fatalities & Injuries ^c	Shots Fired ^d	Gun(s) Obtained Legally ^e	Offender(s) Number of Guns
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
1. Raleigh spree shooting	Heddingham, NC	10/13/22	MJ	-	-	5	2	7	-	-	2
2. Highland Park July 4 parade shooting	Highland Park, IL	7/4/22	MJ	Yes	-	7	48	55	83 ^{ba}	Yes	1
3. Tulsa medical center shooting	Tulsa, OK	6/1/22	MJ	-	-	4	9 ^{bb}	13 ^{bb}	37 ^{bc}	Yes	2
4. Robb Elementary School massacre	Uvalde, TX	5/24/22	MJ	Yes	Yes	21	17	38	164 ^{bd}	Yes	1 ^{be}
5. Buffalo supermarket massacre	Buffalo, NY	5/14/22	MJ/VP	Yes	Yes	10	3	13	60 ^{bf}	Yes	1
6. Sacramento County church shooting	Sacramento, CA	2/28/22	MJ	Yes	-	4	0	4	-	Yes ^{bg}	1
7. Oxford High School shooting	Oxford, MI	11/30/21	MJ/VP	Yes	No	4	7	11	30 ^{bh}	Yes ^{bi}	1
8. San Jose VTA shooting	San Jose, CA	5/26/21	MJ/VP	Yes	No	9	0	9	39 ^{bj}	Yes ^{bk}	3
9. Canterbury Mobile Home Park shooting	Colorado Springs, CO	5/9/21	WaPo	Yes	-	6	0	6	17 ^{bl}	-	1
10. FedEx warehouse shooting	Indianapolis, IN	4/15/21	MJ/VP/WaPo	Yes	Yes	8	7	15	-	Yes	2 ^{bm}
11. Orange office complex shooting	Orange, CA	3/31/21	MJ/VP/WaPo	-	-	4	1	5	-	-	1
12. Essex Royal Farms shooting	Baltimore County, MD	3/28/21	WaPo	-	-	4	1	5	-	Yes ^{bn}	1
13. King Soopers supermarket shooting	Boulder, CO	3/22/21	MJ/VP/WaPo	Yes	Yes	10	0	10	-	Yes	2
14. Atlanta massage parlor shootings	Atlanta, GA	3/16/21	MJ/VP/WaPo	Yes	-	8	1	9	-	Yes ^{bo}	1
15. Hyde Park shooting	Chicago, IL	1/9/21	WaPo	-	-	5	2	7	-	-	1
16. Englewood block party shooting	Chicago, IL	7/4/20	WaPo	-	-	4	4	8	-	-	-
17. Springfield convenience store shooting	Springfield, MO	3/15/20	MJ/VP/WaPo	-	-	4	2	6	-	Yes ^{bp}	2
18. Molson Coors shooting	Milwaukee, WI	2/26/20	MJ/VP/WaPo	-	-	5	0	5	12 ^{bq}	-	2 ^{br}
19. Jersey City Kosher Supermarket	Jersey City, NJ	12/10/19	MJ/VP/WaPo	-	No	4	3	7	-	Yes	5
20. Football-watching party	Fresno, CA	11/17/19	WaPo	-	No	4	6	10	-	-	2
21. Halloween Party	Orinda, CA	11/1/19	WaPo	-	-	5	0	5	-	-	1
22. Tequila KC bar	Kansas City, KS	10/6/19	WaPo	-	No	4	5	9	-	No	2
23. Midland-Odessa Highways	Odessa, TX	8/31/19	MJ/VP/WaPo	-	Yes	7	25	32	-	No	1
24. Dayton	Dayton, OH	8/4/19	MJ/VP/WaPo	Yes	Yes	9	27	36	41 ^f	Yes	1/2
25. El Paso Walmart	El Paso, TX	8/3/19	MJ/VP/WaPo	Yes	Yes	22	26	48	-	Yes	1
26. Casa Grande Senior Mobile Estates	Santa Maria, CA	6/19/19	WaPo	-	-	4	0	4	-	-	1
27. Virginia Beach Municipal Center	Virginia Beach, VA	5/31/19	MJ/VP/WaPo	Yes	No	12	4	16	-	Yes	2
28. Henry Pratt Co.	Aurora, IL	2/15/19	MJ/VP/WaPo	-	No	5	6	11	-	No	1
29. SunTrust Bank	Sebring, FL	1/23/19	MJ/VP/WaPo	-	No	5	0	5	-	Yes	1
30. Borderline Bar & Grill	Thousand Oaks, CA	11/7/18	MJ/VP/WaPo	Yes	No	12	1	13	50 ^g	Yes	1

Exhibit B**Public Mass Shootings Data
1982 – October 2022**

Case	Location	Date	Source	Large Capacity Mag.? ^a	Assault Weapon? ^b	Fatalities ^c	Injuries ^c	Total Fatalities & Injuries ^c	Shots Fired ^d	Gun(s) Obtained Legally? ^e	Offender(s) Number of Guns
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
31. Tree of Life Synagogue	Pittsburgh, PA	10/27/18	MJ/VP/WaPo	-	Yes	11	6	17	-	Yes	4
32. T&T Trucking	Bakersfield, CA	9/12/18	MJ/VP/WaPo	No	No	5	0	5	-	-	1
33. Capital Gazette	Annapolis, MD	6/28/18	MJ/VP/WaPo	-	No	5	2	7	-	Yes	1
34. Santa Fe High School	Santa Fe, TX	5/18/18	MJ/VP/WaPo	No	No	10	13	23	-	-	2
35. Waffle House	Nashville, TN	4/22/18	MJ/VP/WaPo	-	Yes	4	4	8	-	Yes	1
36. Detroit	Detroit, MI	2/26/18	VP	-	No	4	0	4	-	-	-
37. Stoneman Douglas HS	Parkland, FL	2/14/18	CC/MJ/VP/WaPo	Yes	No	17	17	34	-	Yes	1
38. Pennsylvania Carwash	Melcroft, PA	1/28/18	MJ/VP/WaPo	-	-	4	1	5	-	-	3 h
39. Rancho Tehama	Rancho Tehama, CA	11/14/17	MJ/VP/WaPo	Yes	Yes	4	10	14	30 ⁱ	No	2
40. Texas First Baptist Church	Sutherland Springs, TX	11/5/17	CC/MJ/VP/WaPo	Yes	Yes	26	20	46	450 ^j	Yes	1
41. Las Vegas Strip	Las Vegas, NV	10/1/17	CC/MJ/VP/WaPo	Yes	Yes	58	422	480	1100 ^k	Yes	23
42. Taos and Rio Arriba counties	Abiquiu, NM	6/15/17	WaPo	No	No	5	0	5	-	-	1
43. Fiamma Workplace	Orlando, FL	6/5/17	CC/MJ/VP/WaPo	No	No	5	0	5	-	-	1
44. Marathon Savings Bank	Rothschild, WI	3/22/17	VP/WaPo	-	No	4	0	4	-	-	2
45. Club 66	Yazoo City, MS	2/6/17	VP/WaPo	-	-	4	0	4	-	-	1
46. Fort Lauderdale Airport	Fort Lauderdale, FL	1/6/17	CC/MJ/VP/WaPo	No	No	5	6	11	15 ^l	Yes	1
47. Cascade Mall	Burlington, WA	9/23/16	CC/MJ/VP/WaPo	Yes	No	5	0	5	-	-	1
48. Dallas Police	Dallas, TX	7/7/16	CC/MJ/VP/WaPo	Yes	Yes	5	11	16	-	Yes	3
49. Walgreens Parking Lot	Las Vegas, NV	6/29/16	WaPo	-	-	4	0	4	-	-	1
50. Orlando Nightclub	Orlando, FL	6/12/16	CC/MJ/VP/WaPo	Yes	Yes	49	53	102	110 ^m	Yes	2
51. Franklin Avenue Cookout	Wilksburg, PA	3/9/16	VP/WaPo	Yes	Yes	6	3	9	48 ⁿ	No	2
52. Kalamazoo	Kalamazoo County, MI	2/20/16	MJ/VP/WaPo	Yes	No	6	2	8	-	Yes	1
53. San Bernardino	San Bernardino, CA	12/2/15	CC/MJ/VP/WaPo	Yes	Yes	14	22	36	150 ^o	Yes	4
54. Tennessee Colony campsite	Anderson County, TX	11/15/15	VP/WaPo	-	-	6	0	6	-	-	1
55. Umpqua Community College	Roseburg, OR	10/1/15	CC/MJ/VP/WaPo	-	No	9	9	18	-	Yes	6
56. Chattanooga Military Center	Chattanooga, TN	7/16/15	CC/MJ/VP/WaPo	Yes	Yes	5	2	7	-	Yes	3
57. Charleston Church	Charleston, SC	6/17/15	CC/MJ/VP/WaPo	Yes	No	9	3	12	-	Yes	1
58. Marysville High School	Marysville, WA	10/24/14	CC/MJ/VP/WaPo	Yes	No	4	1	5	-	No	1
59. Isla Vista	Santa Barbara, CA	5/23/14	MJ/VP/WaPo	No	No	6	13	19	50 ^p	Yes	3
60. Alturas Tribal	Alturas, CA	2/20/14	MJ/VP/WaPo	-	No	4	2	6	-	-	2
61. Washington Navy Yard	Washington, D.C.	9/16/13	CC/MJ/VP/WaPo	No	No	12	8	20	-	Yes	2

Exhibit B**Public Mass Shootings Data
1982 – October 2022**

Case	Location	Date	Source	Large Capacity Mag.? ^a	Assault Weapon? ^b	Fatalities ^c	Injuries ^c	Total Fatalities & Injuries ^c	Shots Fired ^d	Gun(s) Obtained Legally? ^e	Offender(s) Number of Guns
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
62. Hialeah	Hialeah, FL	7/26/13	CC/MJ/VP/WaPo	Yes	No	6	0	6	10 ^q	Yes	1
63. Santa Monica	Santa Monica, CA	6/7/13	CC/MJ/VP/WaPo	Yes	Yes	5	3	8	70 ^r	Yes	2
64. Federal Way	Federal Way, WA	4/21/13	MJ/VP/WaPo	-	No	4	0	4	-	Yes	2
65. Upstate New York	Herkimer County, NY	3/13/13	MJ/VP/WaPo	-	No	4	2	6	-	Yes	1
66. Newtown School	Newtown, CT	12/14/12	CC/MJ/VP/WaPo	Yes	Yes	27	2	29	154	No	4/3
67. Accent Signage Systems	Minneapolis, MN	9/27/12	CC/MJ/VP/WaPo	Yes	No	6	2	8	46	Yes	1
68. Sikh Temple	Oak Creek, WI	8/5/12	CC/MJ/VP/WaPo	Yes	No	6	4	10	-	Yes	1
69. Aurora Movie Theater	Aurora, CO	7/20/12	CC/MJ/VP/WaPo	Yes	Yes	12	70	82	80	Yes	4
70. Seattle Café	Seattle, WA	5/30/12	CC/MJ/VP/WaPo	No	No	5	1	6	-	Yes	2
71. Oikos University	Oakland, CA	4/2/12	CC/MJ/VP/WaPo	No	No	7	3	10	-	Yes	1
72. Su Jung Health Sauna	Norcross, GA	2/22/12	MJ/WaPo	-	No	4	0	4	-	Yes	1
73. Seal Beach	Seal Beach, CA	10/14/11	CC/MJ/VP/WaPo	No	No	8	1	9	-	Yes	3
74. IHOP	Carson City, NV	9/6/11	CC/MJ/VP/WaPo	Yes	Yes	4	7	11	-	Yes	3
75. Akron	Akron, OH	8/7/11	VP	No	No	7	2	9	21 ^s	-	-
76. Forum Roller World	Grand Prairie, TX	7/23/11	WaPo	-	No	5	4	9	-	-	1
77. Grand Rapids	Grand Rapids, MI	7/7/11	CC	Yes	No	7	2	9	10	-	1
78. Family law practice	Yuma, AZ	6/2/11	WaPo	-	-	5	1	6	-	-	1
79. Tucson	Tucson, AZ	1/8/11	CC/MJ/VP/WaPo	Yes	No	6	13	19	33	Yes	1
80. Jackson	Jackson, KY	9/11/10	VP	No	No	5	0	5	12 ^t	-	-
81. City Grill	Buffalo, NY	8/14/10	VP/WaPo	-	No	4	4	8	10 ^u	-	1
82. Hartford Beer Distributor	Manchester, CT	8/3/10	CC/MJ/VP/WaPo	Yes	No	8	2	10	11	Yes	2
83. Yoyito Café	Hialeah, FL	6/6/10	CC/VP/WaPo	No	No	4	3	7	9 ^v	-	-
84. Hot Spot Café	Los Angeles, CA	4/3/10	VP/WaPo	-	No	4	2	6	50 ^w	-	1
85. Coffee Shop Police	Parkland, WA	11/29/09	CC/MJ/VP/WaPo	No	No	4	0	4	-	No	2
86. Fort Hood	Fort Hood, TX	11/5/09	CC/MJ/VP/WaPo	Yes	No	13	32	45	214	Yes	1
87. Worth Street	Mount Airy, NC	11/1/09	VP/WaPo	-	Yes	4	0	4	16 ^x	No	1
88. Binghamton	Binghamton, NY	4/3/09	CC/MJ/VP/WaPo	Yes	No	13	4	17	99	Yes	2
89. Carthage Nursing Home	Carthage, NC	3/29/09	CC/MJ/VP/WaPo	No	No	8	2	10	-	Yes	2
90. Skagit County	Alger, WA	9/2/08	VP/WaPo	-	No	6	4	10	-	No	2
91. Atlantis Plastics	Henderson, KY	6/25/08	CC/MJ/VP/WaPo	No	No	5	1	6	-	Yes	1
92. Black Road Auto	Santa Maria, CA	3/18/08	VP/WaPo	-	No	4	0	4	17 ^y	-	1

Exhibit B
Public Mass Shootings Data
1982 – October 2022

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
93. Northern Illinois University	DeKalb, IL	2/14/08	CC/MJ/VP/WaPo	Yes	No	5	21	26	54	Yes	4
94. Kirkwood City Council	Kirkwood, MO	2/7/08	CC/MJ/VP/WaPo	No	No	6	1	7	-	No	2
95. Youth With a Mission and New Life Church	Colorado Springs, CO	12/9/07	VP/WaPo	Yes	Yes	4	5	9	25 ^Z	-	3
96. Westroads Mall	Omaha, NE	12/5/07	CC/MJ/VP/WaPo	Yes	Yes	8	5	13	14	No	1
97. Crandon	Crandon, WI	10/7/07	CC/MJ/WaPo	Yes	-	6	1	7	30 ^{aa}	Yes	1
98. Virginia Tech	Blacksburg, VA	4/16/07	CC/MJ/VP/WaPo	Yes	No	32	17	49	176	Yes	2
99. Trolley Square	Salt Lake City, UT	2/12/07	CC/MJ/VP/WaPo	No	No	5	4	9	-	No	2
100. Amish School	Lancaster County, PA	10/2/06	CC/MJ/VP/WaPo	No	No	5	5	10	-	Yes	3
101. The Ministry of Jesus Christ	Baton Rouge, LA	5/21/06	VP/WaPo	-	No	5	1	6	-	-	1
102. Capitol Hill	Seattle, WA	3/25/06	CC/MJ/VP/WaPo	Yes	Yes	6	2	8	-	Yes	4
103. Goleta Postal	Goleta, CA	1/30/06	CC/MJ/VP/WaPo	Yes	No	7	0	7	-	Yes	1
104. Sash Assembly of God	Sash, TX	8/29/05	VP/WaPo	-	No	4	0	4	-	-	2
105. Red Lake	Red Lake, MN	3/21/05	CC/MJ/VP/WaPo	No	No	9	7	16	-	No	3
106. Living Church of God	Brookfield, WI	3/12/05	CC/MJ/VP/WaPo	Yes	No	7	4	11	-	Yes	1
107. Fulton County Courthouse	Atlanta, GA	3/11/05	VP/WaPo	-	No	4	0	4	-	No	1
108. Damageplan Show	Columbus, OH	12/8/04	CC/MJ/VP/WaPo	No	No	4	3	7	15 ^{ab}	Yes	1
109. Hunting Camp	Meteor, WI	11/21/04	CC/VP/WaPo	Yes	Yes	6	2	8	20	-	1
110. ConAgra Foods Plant	Kansas City, KS	7/3/04	VP/WaPo	-	No	6	1	7	10 ^{ac}	-	2
111. Stateline Tavern	Oldtown, ID	10/24/03	VP/WaPo	Yes	No	4	0	4	14 ^{ad}	-	1
112. Windy City Warehouse	Chicago, IL	8/27/03	CC/VP/WaPo	No	No	6	0	6	-	-	-
113. Lockheed Martin	Meridian, MS	7/8/03	CC/MJ/VP/WaPo	-	No	6	8	14	-	Yes	5
114. Labor Ready	Huntsville, AL	2/25/03	VP/WaPo	-	No	4	1	5	-	-	1
115. Bertrand Products	South Bend, IN	3/22/02	VP/WaPo	-	No	4	2	6	-	-	2
116. Burns International Security	Sacramento, CA	9/10/01	VP/WaPo	Yes	Yes	5	2	7	200 ^{ae}	-	2
117. Bookcliff RV Park	Rifle, CO	7/3/01	VP/WaPo	No	No	4	3	7	6 ^{af}	-	1
118. Navistar	Melrose Park, IL	2/5/01	CC/MJ/VP/WaPo	Yes	No	4	4	8	-	Yes	4
119. Houston	Houston, TX	1/9/01	VP	-	No	4	0	4	-	-	-
120. Wakefield	Wakefield, MA	12/26/00	CC/MJ/VP/WaPo	Yes	-	7	0	7	37	Yes	3
121. Mount Lebanon	Pittsburgh, PA	4/28/00	VP/WaPo	No	No	5	1	6	-	Yes	1
122. Mi-T-Fine Car Wash	Irving, TX	3/20/00	VP/WaPo	-	No	5	1	6	-	-	-
123. Hotel	Tampa, FL	12/30/99	CC/MJ/VP/WaPo	No	No	5	3	8	-	Yes	2

Exhibit B
Public Mass Shootings Data
1982 – October 2022

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
124. Xerox	Honolulu, HI	11/2/99	CC/MJ/VP/WaPo	Yes	No	7	0	7	28	Yes	1
125. Wedgwood Baptist Church	Fort Worth, TX	9/15/99	CC/MJ/VP/WaPo	Yes	No	7	7	14	30	Yes	2
126. Atlanta Day Trading	Atlanta, GA	7/29/99	MJ/VP/WaPo	-	No	9	13	22	-	Yes	4
127. Albertson's Supermarket	Las Vegas, NV	6/3/99	VP/WaPo	-	No	4	1	5	-	-	1
128. Columbine High School	Littleton, CO	4/20/99	CC/MJ/VP/WaPo	Yes	Yes	13	23	36	188	No	4
129. New St. John Fellowship Baptist Church	Gonzalez, LA	3/10/99	VP/WaPo	-	No	4	4	8	-	-	1
130. Thurston High School	Springfield, OR	5/21/98	CC/MJ/VP/WaPo	Yes	No	4	25	29	50	No	3
131. Westside Middle School	Jonesboro, AR	3/24/98	CC/MJ/VP/WaPo	Yes	No	5	10	15	26	No	9/10
132. Connecticut Lottery	Newington, CT	3/6/98	CC/MJ/VP/WaPo	Yes	No	4	0	4	5	Yes	1
133. Caltrans Maintenance Yard	Orange, CA	12/18/97	CC/MJ/VP/WaPo	Yes	Yes	4	2	6	144	Yes	1
134. Eric Manufacturing	Bartow, FL	12/3/97	VP	-	No	4	0	4	12 ^{ag}	-	-
135. R.E. Phelon Company	Aiken, SC	9/15/97	CC/MJ/VP/WaPo	No	No	4	3	7	-	No	1
136. News and Sentinel	Colebrook, NH	8/20/97	VP/WaPo	-	Yes	4	4	8	-	-	2
137. Fire Station	Jackson, MS	4/25/96	VP/WaPo	-	No	5	3	8	-	-	3
138. Fort Lauderdale	Fort Lauderdale, FL	2/9/96	CC/MJ/VP/WaPo	No	No	5	1	6	14 ^{ah}	Yes	2
139. Little Chester Shoes	New York, NY	12/19/95	VP/WaPo	Yes	No	5	3	8	-	-	1
140. Piper Technical Center	Los Angeles, CA	7/19/95	CC/VP/WaPo	Yes	No	4	0	4	-	-	-
141. Walter Rossler Company	Corpus Christi, TX	4/3/95	CC/MJ/VP/WaPo	No	No	5	0	5	-	Yes	2
142. Puppy creek	Hoke County, NC	12/31/94	VP	-	-	5	1	6	-	-	-
143. Air Force Base	Fairchild Base, WA	6/20/94	CC/MJ/VP/WaPo	Yes	Yes	4	23	27	50 ^{ai}	Yes	1
144. Chuck E. Cheese	Aurora, CO	12/14/93	CC/MJ/VP/WaPo	No	No	4	1	5	-	-	1
145. Long Island Railroad	Garden City, NY	12/7/93	CC/MJ/VP/WaPo	Yes	No	6	19	25	30	Yes	1
146. Unemployment Office	Oxnard, CA	12/2/93	VP/WaPo	-	-	4	4	8	-	-	-
147. Family Fitness Club	El Cajon, CA	10/14/93	VP/WaPo	-	No	4	0	4	-	Yes	1
148. Luigi's Restaurant	Fayetteville, NC	8/6/93	CC/MJ/VP/WaPo	No	No	4	8	12	-	Yes	3
149. Washington County Bar	Jackson, MS	7/8/93	WaPo	-	-	5	0	5	-	-	1
150. 101 California Street	San Francisco, CA	7/1/93	CC/MJ/VP/WaPo	Yes	Yes	8	6	14	75	No	3
151. Card club	Paso Robles, CA	11/8/92	VP/WaPo	-	No	6	1	7	-	-	1
152. Watkins Glen	Watkins Glen, NY	10/15/92	CC/MJ/VP/WaPo	No	No	4	0	4	-	Yes	1
153. Lindhurst High School	Olivehurst, CA	5/1/92	CC/MJ/VP/WaPo	No	No	4	10	14	-	Yes	2
154. Phoenix	Phoenix, AZ	3/15/92	VP	-	-	4	0	4	-	-	-

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1982 – October 2022

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
155. Royal Oak Postal	Royal Oak, MI	11/14/91	CC/MJ/VP/WaPo	Yes	No	4	4	8	-	Yes	1
156. Restaurant	Harrodsburg, KY	11/10/91	VP/WaPo	No	No	4	0	4	6 ^{aj}	No	1
157. University of Iowa	Iowa City, IA	11/1/91	CC/MJ/VP/WaPo	No	No	5	1	6	-	Yes	1
158. Luby's Cafeteria	Killeen, TX	10/16/91	CC/MJ/VP/WaPo	Yes	No	23	20	43	100	Yes	2
159. Post office	Ridgewood, NJ	10/10/91	VP/WaPo	Yes	Yes	4	0	4	-	-	2
160. GMAC	Jacksonville, FL	6/18/90	CC/MJ/VP/WaPo	Yes	No	9	4	13	14	Yes	2
161. Standard Gravure Corporation	Louisville, KY	9/14/89	CC/MJ/VP/WaPo	Yes	Yes	8	12	20	21	Yes	5
162. Stockton Schoolyard	Stockton, CA	1/17/89	CC/MJ/VP/WaPo	Yes	Yes	5	29	34	106	Yes	2
163. Montefiore School	Chicago, IL	9/22/88	VP/WaPo	No	No	4	2	6	-	-	1
164. Old Salisbury Road	Winston-Salem, NC	7/17/88	VP/WaPo	-	No	4	5	9	-	-	1
165. ESL	Sunnyvale, CA	2/16/88	CC/MJ/VP/WaPo	No	No	7	4	11	-	Yes	7
166. Shopping Centers	Palm Bay, FL	4/23/87	CC/MJ/VP/WaPo	Yes	No	6	14	20	40 ^{ak}	Yes	3
167. United States Postal Service	Edmond, OK	8/20/86	CC/MJ/VP/WaPo	No	-	14	6	20	-	Yes	3
168. Anchor Glass Container Corporation	South Connellsville, PA	3/16/85	VP/WaPo	No	No	4	1	5	-	-	1
169. Other Place Lounge	Hot Springs, AR	7/24/84	VP/WaPo	No	No	4	1	5	-	-	1
170. San Ysidro McDonald's	San Ysidro, CA	7/18/84	CC/MJ/VP/WaPo	Yes	Yes	21	19	40	257	Yes	3
171. Dallas Nightclub	Dallas, TX	6/29/84	CC/MJ/VP/WaPo	Yes	No	6	1	7	-	No	1
172. Alaska Mining Town	Manley Hot Springs, AK	5/17/84	VP/WaPo	No	No	7	0	7	-	-	1
173. College Station	College Station, TX	10/11/83	VP	-	No	6	0	6	-	-	-
174. Alaska Back-County	McCarthy, AK	3/1/83	VP/WaPo	-	No	6	2	8	-	-	2
175. Upper West Side Hotel	New York, NY	2/3/83	VP	No	No	4	1	5	-	-	1
176. The Investor	Noyes Island, AK	9/6/82	WaPo	-	No	8	0	8	-	-	1
177. Welding Shop	Miami, FL	8/20/82	MJ/VP/WaPo	No	No	8	3	11	-	Yes	1
178. Western Transfer Co.	Grand Prairie, TX	8/9/82	VP/WaPo	-	No	6	4	10	-	-	3
179. Russian Jack Springs Park	Anchorage, AK	5/3/82	VP/WaPo	-	No	4	0	4	-	No	1
Large-Capacity Magazine Average:							10	16	25	99	
Non-Large-Capacity Magazine Average:							6	3	9	16	
Assault Weapon Average:							12	24	36	149	
Non-Assault Weapon Average:							6	4	10	38	

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

Notes and Sources:

Public Mass Shootings from Mother Jones ("US Mass Shootings, 1982-2022: Data from Mother Jones' Investigation," updated November 23, 2022). MJ indicates a mass shooting identified by Mother Jones.

The Citizens Crime Commission of New York City ("Mayhem Multiplied: Mass Shooters and Assault Weapons," February 2018 update, and "Citizens Crime Commission of New York City, Mass Shooting Incidents in America (1984-2012)," accessed June 1, 2017). CC indicates a mass shooting identified by Citizens Crime Commission of New York City data.

The Washington Post ("The Terrible Numbers That Grow With Each Mass Shooting," updated May 12, 2021). WaPo indicates a mass shooting identified by The Washington Post.

The Violence Project ("Mass Shooter Database," updated May 14, 2022). VP indicates a mass shooting identified by the Violence Project.

^a Large capacity magazines are those with a capacity to hold more than 10 rounds of ammunition. Stories from Factiva and Google searches reviewed to determine whether an LCM was involved.

^b See Exhibit C for details.

^c Offender(s) are not included in counts of fatalities and injuries. Stories from Factiva and Google searches reviewed to determine number of fatalities and injuries.

^d Except where noted, all data on shots fired obtained from CC.

^e The determination of whether guns were obtained legally is based on Mother Jones and Washington Post reporting.

ba "This is the norm in our country': Highland Park Mayor speaks to Senate committee about gun violence," *CBS Chicago*, July 20, 2022.

bb MJ reported "fewer than 10" injuries for this incident.

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Exhibit B
Public Mass Shootings Data
1982 – October 2022

Case	Location	Date	Source	Large Capacity Mag. ^a	Assault Weapon? ^b	Fatalities ^c	Injuries ^c	Total Fatalities & Injuries ^c	Shots Fired ^d	Gun(s) Obtained Legally? ^e	Offender(s) Number of Guns
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

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Exhibit B
Public Mass Shootings Data
1982 – October 2022

Case	Location	Date	Source	Large Capacity Mag.? ^a	Assault Weapon? ^b	Fatalities ^c	Injuries ^c	Total Fatalities & Injuries ^c	Shots Fired ^d	Gun(s) Obtained Legally? ^e	Offender(s) Number of Guns
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

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Case 1:22-cv-00951-RGA Document 38-1 Filed 01/31/23 Page 18 of 37 PageID #: 1004

Exhibit C

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Exhibit C

List of Firearms Used in Public Mass Shootings
1982 – October 2022

Case (1)	Location (2)	Date (3)	Weapon Description From			Assault Weapon? (7)
			Citizens Crime Commission ^a (4)	Mother Jones ^b (5)	Washington Post ^c (6)	
1. Raleigh spree shooting	Heddingham, NC	10/13/22		shotgun, semiautomatic handgun		-
2. Highland Park July 4 parade shooting	Highland Park, IL	7/4/22		AR-15 style rifle, possibly modified for rapid fire		-
3. Tulsa medical center shooting	Tulsa, OK	6/1/22		AR-15 style rifle		-
4. Robb Elementary School massacre	Uvalde, TX	5/24/22		semiautomatic rifles		Yes ^{ca}
5. Buffalo supermarket massacre	Buffalo, NY	5/14/22		Bushmaster M-15 semiautomatic rifle		Yes
6. Sacramento County church shooting	Sacramento, CA	2/28/22		AR-15-style "ghost gun"		-
7. Oxford High School shooting	Oxford, MI	11/30/21		Sig Sauer 9mm pistol		No ^{cb}
8. San Jose VTA shooting	San Jose, CA	5/26/21		semiautomatic handguns		No ^{cc}
9. Canterbury Mobile Home Park shooting	Colorado Springs, CO	5/9/21			Smith & Wesson handgun	-
10. FedEx warehouse shooting	Indianapolis, IN	4/15/21		semiautomatic rifle	Ruger AR 556, M Defense M15F rifle	Yes ^{cd}
11. Orange office complex shooting	Orange, CA	3/31/21		semiautomatic handgun	Glock semiautomatic handgun	-
12. Essex Royal Farms shooting	Baltimore County, MD	3/28/21			-	-
13. King Soopers supermarket shooting	Boulder, CO	3/22/21		uger A -556	uger A 556 pistol , 9mm pistol	Yes ^{ce}
14. Atlanta massage parlor shootings	Atlanta, GA	3/16/21		semiautomatic handgun	9mm handgun	-
15. Hyde Park shooting	Chicago, IL	1/9/21			.45-caliber pistol	-
16. Englewood block party shooting	Chicago, IL	7/4/20			-	-
17. Springfield convenience store shooting	Springfield, MO	3/15/20		SKS 7.62-caliber rifle; Glock 9mm	Glock 9mm, SKS 7.62-caliber rifle	-
18. Molson Coors shooting	Milwaukee, WI	2/26/20		semiautomatic handgun	Handgun	-
19. Jersey City Kosher Supermarket	Jersey City, NJ	12/10/19	-	-	mossberg 12-gauge; .22-caliber ruger Mark IV; AR-15-style rifle; Ruger 9mm semiautomatic pistol; 9mm glock 17	No
20. Football-watching party	Fresno, CA	11/17/19	-	-	two semiautomatic handguns	No
21. Halloween Party	Orinda, CA	11/1/19	-	-	-	-

Exhibit C

**List of Firearms Used in Public Mass Shootings
1982 – October 2022**

Case (1)	Location (2)	Date (3)	Weapon Description From			Assault Weapon? (7)
			Citizens Crime Commission ^a (4)	Mother Jones ^b (5)	Washington Post ^c (6)	
22. Tequila KC bar	Kansas City, KS	10/6/19	-	-	Handgun	No
23. Midland-Odessa Highways	Odessa, TX	8/31/19	-	semiautomatic rifle	A -style rifle	Yes ^e
24. Dayton	Dayton, OH	8/4/19	-	A -15-style rifle, with a 100-round capacity ammunition drum	23 caliber anderson AM-15 pistol modified to function like an A -15 rifle, shotgun	Yes ^{cf}
25. El Paso Walmart	El Paso, TX	8/3/19	-	A -47-style rifle, per authorities	7.62 caliber A -47 style rifle	Yes
26. Casa Grande Senior Mobile Estates	Santa Maria, CA	6/19/19	-	-	-	-
27. Virginia Beach Municipal Center	Virginia Beach, VA	5/31/19	-	.45-caliber handguns; noise suppressor (silencer); several high-capacity magazines	.45 caliber handgun with noise suppressor, .45 caliber handgun	No
28. Henry Pratt Co.	Aurora, IL	2/15/19	-	Smith & Wesson handgun, with a green sighting laser	.40-caliber Smith & Wesson semiautomatic handgun	No
29. SunTrust Bank	Sebring, FL	1/23/19	-	9 mm handgun	9mm semiautomatic handgun	No
30. Borderline Bar & Grill	Thousand Oaks, CA	11/7/18	-	Glock 21, .45 caliber; high-capacity magazine	Glock 21 .45-caliber handgun	No
31. Tree of Life Synagogue	Pittsburgh, PA	10/27/18	-	A -15 Glock .357	Colt A -15 semiautomatic rifle; three glock .357 pistols	Yes ^f
32. T&T Trucking	Bakersfield, CA	9/12/18	-	-	.50-caliber Smith & Wesson 500	No ^g
33. Capital Gazette	Annapolis, MD	6/28/18	-	12-gauge pump-action shotgun	2 gauge shotgun	No
34. Santa Fe High School	Santa Fe, TX	5/18/18	-	shotgun; .38 revolver	.38 caliber revolver, shotgun	No
35. Waffle House	Nashville, TN	4/22/18	-	A -15	A -15-style semiautomatic rifle	Yes ^h
36. Detroit	Detroit, MI	2/26/18	-	-	-	No
37. Stoneman Douglas HS	Parkland, FL	2/14/18	-	AR-15	.223 caliber smith & wesson M&P 15 semiautomatic ar 15 rifle	No ⁱ
38. Pennsylvania Carwash	Melcroft, PA	1/28/18	-	semiautomatic rifle and semiautomatic handgun	AR-15 .223-caliber semiautomatic rifle; 9mm handgun	- ^j
39. Rancho Tehama	Rancho Tehama, CA	11/14/17	-	Two illegally modified rifles	t o semiautomatic rifles; two handguns	Yes ^k
40. Texas First Baptist Church	Sutherland Springs, TX	11/5/17	-	uger A -556; Kelley also possessed semiautomatic handguns	9mm Glock pistol; Ruger .22-caliber; Ruger A -556	Yes ^l

Exhibit C

**List of Firearms Used in Public Mass Shootings
1982 – October 2022**

Case	Location	Date	Weapon Description From			Assault Weapon? ^d
			Citizens Crime Commission ^a	Mother Jones ^b	Washington Post ^c	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
41. Las Vegas Strip	Las Vegas, NV	10/1/17	-	A -15-style and A -47-style rifles and "a large cache of ammunition"; four Daniel Defense DDM4 rifles, three FN-15s and other rifles made by Sig Sauer.	-	Yes ^m
42. Taos and Rio Arriba counties	Abiquiu, NM	6/15/17	-	-	.38 caliber revolver	No
43. Fiamma Workplace	Orlando, FL	6/5/17	-	semiautomatic handgun	semiautomatic rifle (2); handgun (2)	No
44. Marathon Savings Bank	Rothschild, WI	3/22/17	-	-	Rifle, handgun	No
45. Club 66	Yazoo City, MS	2/6/17	-	-	-	-
46. Fort Lauderdale Airport	Fort Lauderdale, FL	1/6/17	-	Walther 9mm semi-automatic pistol	9mm semiautomatic handgun	No
47. Cascade Mall	Burlington, WA	9/23/16	-	Ruger .22-caliber	Ruger .22-caliber rifle	No ⁿ
48. Dallas Police	Dallas, TX	7/7/16	-	Izhmash-Saiga 5.45mm (A -style) semiautomatic rifle with large capacity magazines; Glock 9mm handgun, .25-caliber semiautomatic handgun	S S-type semiautomatic rifle	Yes ^o
49. Walgreens Parking Lot	Las Vegas, NV	6/29/16	-	-	-	-
50. Orlando Nightclub	Orlando, FL	6/12/16	-	Sig Sauer MC rifle Glock 17 9mm; high-capacity magazines (30 rounds)	.223-caliber Sig Sauer MC semiautomatic rifle; 9mm semiautomatic glock 17 pistol	Yes ^p
51. Franklin Avenue Cookout	Wilkesburg, PA	3/9/16	-	-	A -47-style rifle, .40-caliber handgun	Yes
52. Kalamazoo	Kalamazoo County, MI	2/20/16	-	9 mm handgun (ammo used unclear)	Walther P-99 9mm semiautomatic handgun	No
53. San Bernardino	San Bernardino, CA	12/2/15	-	Two semiautomatic A -15-style rifles one a DPMS A-15 the other a Smith & Wesson M&P15, both with .223 calibre ammunition. Two 9mm semiautomatic handguns. High capacity magazines.	DPMS A -15-style rifle; Smith & Wesson M&P A -15-style rifle; Llama semiautomatic 9mm pistol; Smith & Wesson semiautomatic 9mm pistol	Yes ^q
54. Tennessee Colony campsite	Anderson County, TX	11/15/15	-	-	-	-
55. Umpqua Community College	Roseburg, OR	10/1/15	-	9 mm Glock pistol, .40 caliber Smith & Wesson, .40 caliber Taurus pistol, .556 caliber Del-Ton; (ammo details unclear)	rifle; five pistols	No ^r

Exhibit C

**List of Firearms Used in Public Mass Shootings
1982 – October 2022**

Case (1)	Location (2)	Date (3)	Weapon Description From			Assault Weapon? ^d (7)	
			Citizens Crime Commission ^a (4)	Mother's ^b (5)	Washington Post ^c (6)		
56. Chattanooga Military Center	Chattanooga, TN	7/16/15	-	A .47, AR-15, and 30-round magazines; 9mm handgun	AR-15-style semiautomatic rifle; 9mm pistol; A .47-type semiautomatic rifle	Yes ^s	
57. Charleston Church	Charleston, SC	6/17/15	-	.45-caliber Glock (model 41, with 13-round capacity magazine)	.45-caliber glock 41 pistol	No	
58. Marysville High School	Marysville, WA	10/24/14	-	Beretta .40-caliber handgun	.40-caliber beretta pistol	No	
59. Isla Vista	Santa Barbara, CA	5/23/14	-	Two Sig Sauer P226 semiautomatic pistols and Glock 34 pistol, and hundreds of rounds of ammo. A 6- inch and 8-inch "SRK" and "Boar Hunter" hunting knives.	Sig Sauer P226s pistol; Glock 34 pistol; Sig Sauer P226s pistol	No	
60. Alturas Tribal	Alturas, CA	2/20/14	-	9mm semi-automatic handgun	Unknown	No	
61. Washington Navy Yard	Washington, D.C.	9/16/13	-	Remington 870 Express 12-gauge shotgun; Beretta handgun	beretta pistol; Remington 970 Express 12-gauge shotgun	No	
62. Hialeah	Hialeah, FL	7/26/13	-	Glock 17	Glock 17 pistol	No	
63. Santa Monica	Santa Monica, CA	6/7/13	-	.223-caliber semi-automatic assault rifle, about 40 high capacity magazines, "black powder" handgun (likely antique)	Black powder .33-caliber handgun; A .15 type .223-caliber semiautomatic rifle	Yes ^t	
64. Federal Way	Federal Way, WA	4/21/13	-	.40 caliber semi-automatic handgun, pistol grip shotgun	.40 caliber semiautomatic pistol; pistol grip shotgun	No ^u	
65. Upstate New York	Herkimer County, NY	3/13/13	-	Unknown	Unknown	No ^v	
66. Newtown School	Newtown, CT	12/14/12	-	An unknown make and model .22-caliber rifle a Bushmaster M15 .223-caliber semiautomatic assault rifle equipped with a 30-round large capacity ammunition magazine, and a GLOCK 10mm handgun were used. According to the Danbury State's Attorney, police also recovered in Lanza's possession a SIG SAUER P226 9mm handgun and three loaded 30-round large capacity ammunition magazines for the Bushmaster. Six additional 30-round large capacity ammunition magazines were recovered at the scene. A loaded unknown make and model 12-gauge shotgun was found in the passenger compartment of the car (later moved to the trunk by police). All of the guns used in the shooting were purchased by Lanza's mother.	10mm Glock, 9mm SIG Sauer P226 semiautomatic handguns; .223 Bushmaster M15-E2S semiautomatic rifle; Izhmash Saiga-12 12-gauge semiautomatic shotgun	9mm SIG Sauer P226 pistol ;Savage Mark II bolt-action .22-caliber rifle; .223 Bushmaster M15-E2S semiautomatic rifle; izhmash Saiga 12-gauge semiautomatic shotgun; 10mm Glock pistol	Yes ^w

Exhibit C**List of Firearms Used in Public Mass Shootings
1982 – October 2022**

Case (1)	Location (2)	Date (3)	Weapon Description From			Assault Weapon? ^d (7)
			Citizens Crime Commission ^a (4)	Mother Jones ^b (5)	Washington Post ^c (6)	
67. Accent Signage Systems	Minneapolis, MN	9/27/12	GLOCK 19 9mm semiautomatic pistol equipped with a 15-round large capacity ammunition magazine. Engeldinger purchased the firearm one year before the shooting at KGS Guns and Ammo in Minneapolis after passing a background check and obtaining a permit to purchase. Police reportedly found packaging for 10,000 rounds of ammunition and another handgun in Engeldinger's home.	9mm Glock semiautomatic handgun	9mm glock pistol	No
68. Sikh Temple	Oak Creek, WI	8/5/12	Springfield Armory XD(M) 9mm semiautomatic handgun equipped with a 19-round large capacity ammunition magazine. Weeks before the shooting, Wade legally purchased the handgun and three 19-round large capacity ammunition magazines from a federal firearms licensed dealer in nearby West Allis, WI. According to media reports, Wade served in the U.S. Army from 1992 until 1998, when he was given an other-than-honorable discharge or general discharge. In 1994, while stationed at Fort Bliss in Texas, he was arrested by El Paso police, and pled guilty to a misdemeanor charge of criminal mischief. Federal law does not prohibit persons with convictions for misdemeanors other than domestic violence misdemeanors or persons who have been discharged from the military for reasons other than "dishonorably" from purchasing firearms.	9mm Springfield Armory XDM semiautomatic handgun	9mm springfield army XDM pistol	No
69. Aurora Movie Theater	Aurora, CO	7/20/12	A Smith & Wesson M&P15 assault rifle equipped with a 100-round drum large capacity ammunition magazine, a Remington Model 870 12-gauge pump shotgun, and two GLOCK .40 caliber handguns, were recovered at the scene by police. In the months leading to the shooting, Holmes purchased the weapons and 6,000-rounds of ammunition at gun shops and over the Internet. In addition to the weapons used in the shooting, Holmes booby-trapped his apartment, rigging trip wire to detonate 30 plastic shells stuffed with gunpowder, several glass jars filled with gasoline and gunpowder, and 10 gallons of gasoline in canisters.	Two .40-caliber Glock semiautomatic handguns; .223-caliber Smith & Wesson M&P15 semiautomatic rifle ; 12-gauge Remington 870 pump-action shotgun	.40-caliber glock pistol; 12-gauge pump-action Remington 870 shotgun; .223-caliber Smith & Wesson M&P15 semiautomatic A -15-style rifle	Yes ^x
70. Seattle Café	Seattle, WA	5/30/12	-	Two .45-caliber semiautomatic handguns	.45-caliber pistol (2)	No
71. Oikos University	Oakland, CA	4/2/12	-	.45-caliber semiautomatic handgun	.45-caliber pistol	No
72. Su Jung Health Sauna	Norcross, GA	2/22/12	-	.45-caliber semiautomatic handgun	-	No

Exhibit C

**List of Firearms Used in Public Mass Shootings
1982 – October 2022**

Case (1)	Location (2)	Date (3)	Weapon Description From			Assault Weapon? ^d (7)
			Citizens Crime Commission ^a (4)	Mother Jones ^b (5)	Washington Post ^c (6)	
73. Seal Beach	Seal Beach, CA	10/14/11	-	.45-caliber Heckler & Koch, 9mm Springfield semiautomatic handguns; .44 Magnum Smith & Wesson revolver	-	No
74. IHOP	Carson City, NV	9/6/11	A -47 type assault rifle equipped with a 30-round large capacity ammunition magazine. Two additional guns and two more magazines were found in his vehicle.	A -47 Norinco Arms variant A -47 omarm Cugir variant rifles; .38-caliber Colt revolver	A -47 variant semiautomatic rifle	Yes ^y
75. Akron	Akron, OH	8/7/11	-	-	-	No ^z
76. Forum Roller World	Grand Prairie, TX	7/23/11	-	-	-	No ^{aa}
77. Grand Rapids	Grand Rapids, MI	7/7/11	GLOCK 9mm semiautomatic pistol (unknown model) equipped with a 30-round large capacity ammunition magazine.	-	-	No
78. Family law practice	Yuma, AZ	6/2/11	-	-	-	-
79. Tucson	Tucson, AZ	1/8/11	GLOCK 19 9mm semiautomatic pistol equipped with a 33-round large capacity ammunition magazine. Loughner was also carrying two 15-round large capacity ammunition magazines, and a knife. The ATF determined Loughner legally purchased the GLOCK pistol with an extended magazine and one box of Winchester ammunition on November 30, 2010, from Sportsman's Warehouse in Tucson.	9mm Glock 19 semiautomatic handgun	9mm glock 19 pistol	No
80. Jackson	Jackson, KY	9/11/10	-	-	-	No ^{ab}
81. City Grill	Buffalo, NY	8/14/10	-	-	9mm pistol	No
82. Hartford Beer Distributor	Manchester, CT	8/3/10	Two Ruger SR9 9mm semiautomatic pistols equipped with 17-round magazines. Thornton purchased both firearms legally from an East Windsor, CT gun dealer.	Two 9mm Ruger SR9 semiautomatic handguns	9mm Ruger SR9 pistol (2)	No
83. Yoyito Café	Hialeah, FL	6/6/10	-	-	.45-caliber Glock pistol	No ^{ac}
84. Hot Spot Café	Los Angeles, CA	4/3/10	-	-	-	No ^{ad}
85. Coffee Shop Police	Parkland, WA	11/29/09	-	9mm Glock 17 semiautomatic handgun; .38-caliber Smith & Wesson revolver	.38-caliber Smith & Wesson revolver; 9mm Glock 17 pistol	No

Exhibit C

List of Firearms Seized in Public Mass Shootings
1982 – October 2022

Case	Location	Date	Weapon Description From			Assault Weapon? ^d
			Citizens Crime Commission ^a	Mother Jones ^b	Washington Post ^c	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
86. Fort Hood	Fort Hood, TX	11/5/09	FN Herstal 5.7 Tactical Pistol equipped with 20-round large capacity ammunition magazine. When Hasan was apprehended, investigators found in his possession 177-rounds in 30-round and 20-round large capacity ammunition magazines, another handgun, a revolver, and two gunsights (for different lighting conditions). Hasan purchased the FN Herstal 5.7 Tactical Pistol legally at Guns Galore, a shop in Killeen, TX	FN Five-seven semiautomatic handgun	FN Five-seven pistol	No
87. Worth Street	Mount Airy, NC	11/1/09	-	-	High-powered assault-style rifle	Yes
88. Binghamton	Binghamton, NY	4/3/09	Beretta .45-caliber semiautomatic pistol, Beretta 9mm semiautomatic pistol (models unknown), and two 30-round large capacity ammunition magazines and two 15-round large capacity ammunition magazines.	9mm Beretta, .45-caliber Springfield semiautomatic handguns	9mm Beretta pistol; .45-caliber Springfield pistol	No
89. Carthage Nursing Home	Carthage, NC	3/29/09	-	Winchester 1300 pump-action shotgun; .357 Magnum revolver	.357 magnum revolver; Winchester 1300 pump-action shotgun	No
90. Skagit County	Alger, WA	9/2/08	-	-	lever-action winchester rifle, handgun	No
91. Atlantis Plastics	Henderson, KY	6/25/08	-	.45-caliber Hi-Point semiautomatic handgun	.45-caliber Hi-Point pistol	No
92. Black Road Auto	Santa Maria, CA	3/18/08	-	-	semiautomatic handgun	No
93. Northern Illinois University	DeKalb, IL	2/14/08	SIG SAUER Kurz 9mm semiautomatic pistol, Hi-Point CF380 .380 caliber semiautomatic pistol, GLOCK 19 9mm semiautomatic pistol, Remington Sportsman 48 12-gauge shotgun, and 33-round and 15-round large capacity ammunition magazines. Kazmierczak purchased all four weapons from Tony's Gun & Ammo in Champaign, IL between August 3, 2007 and February 9, 2008. Kazmierczak also purchased gun accessories from a website operated by TGSCOM, Inc., the same company patronized by the VA Tech shooter.	9mm Glock 19, Hi-Point CF380, 9mm Kurz SIG Sauer P232 semiautomatic handguns; 12-gauge Remington Sportsman 48 sawed-off shotgun	12-gauge Remington Sportsman 48 sawed-off shotgun; 9mm glock 19 pistol; 9mm Kurz SIG Sauer P232 pistol; Hi-Point CF380 pistol	No ^{ae}
94. Kirkwood City Council	Kirkwood, MO	2/7/08	-	.40-caliber Smith & Wesson semiautomatic handgun; .44 Magnum Smith & Wesson Model 29 revolver	.40-caliber Smith & Wesson pistol; .44 Magnum Smith & Wesson Model 29 revolver	No
95. Youth With a Mission and New Life Church	Colorado Springs, CO	12/9/07	-	-	A pistol, .223-caliber Bushmaster M16 rifle, .40-caliber Beretta pistol	Yes
96. Westroads Mall	Omaha, NE	12/5/07	WAS -10 semiautomatic assault rifle and two 30-round large capacity ammunition magazines.	WAS -10 Century Arms semiautomatic rifle	WAS -10 Century Arms semiautomatic rifle	Yes ^{af}
97. Crandon	Crandon, WI	10/7/07	-	AR-15 SWAT semiautomatic rifle	AR-15-style semiautomatic rifle	- ^{ag}

Exhibit C

**List of Firearms Used in Public Mass Shootings
1982 – October 2022**

Case (1)	Location (2)	Date (3)	Weapon Description From			Assault Weapon? ^d (7)
			Citizens Crime Commission ^a (4)	Mother Jones ^b (5)	Washington Post ^c (6)	
98. Virginia Tech	Blacksburg, VA	4/16/07	GLOCK 19 9mm semiautomatic pistol and Walther P22 .22-caliber semiautomatic pistol. Investigators found a total of 17 empty magazines at the scene of the shooting, a mix of several 15-round, and 10-round magazines loaded with hollow-point rounds (bullets with the tip hollowed out, designed to expand upon impact). He possessed over 400 rounds of ammunition. Cho ordered the Walther P22 from a website operated by TGSCOM, Inc. Kazmierczak patronized the same company before the NIU shooting. On February 9, 2007, Cho picked up the pistol from J-N-D Pawn-brokers, located across the street from the VA Tech campus. In compliance with the state law limiting handgun purchases to one every 30 days, Cho purchased the GLOCK 19 on March 13, 2007. He also purchased five 10-round magazines from eBay in March. Cho's purchase of these firearms was in violation of federal law; he was disqualified from purchasing or possessing a firearm and ammunition, because a special justice of the Montgomery County General District Court had found him to be a danger to himself on December 14, 2005.	9mm Glock 19, .22-caliber Walther P22 semiautomatic handguns	.22-caliber Walther P22 pistol; 9mm Glock 19 pistol	No
99. Trolley Square	Salt Lake City, UT	2/12/07	-	Mossberg Maverick 88 Field shotgun; .38-caliber Smith & Wesson M36 revolver	.38-caliber Smith & Wesson M36 revolver; Mossberg Maverick 88 Field shotgun	No
100. Amish School	Lancaster County, PA	10/2/06	-	Springfield semiautomatic handgun; .30-06 Ruger bolt-action rifle; 12-gauge Browning pump-action shotgun	12-gauge Browning pump-action shotgun; .30-06 Ruger bolt-action rifle; Springfield 9mm semiautomatic handgun	No ^{ah}
101. The Ministry of Jesus Christ	Baton Rouge, LA	5/21/06	-	-	-	No ^{ai}
102. Capitol Hill	Seattle, WA	3/25/06	-	.40-caliber Ruger, one other semiautomatic handgun; Bushmaster M15 E2S semiautomatic rifle ; 12-gauge Winchester Defender pump-action shotgun with extended tube and pistol grip	12-gauge pump-action Winchester Defender shotgun; .40-caliber Ruger pistol	Yes ^{aj}
103. Goleta Postal	Goleta, CA	1/30/06	Smith & Wesson 915 9mm semiautomatic handgun equipped with a 15-round large capacity ammunition magazine. San Marco purchased the firearm at a pawn shop in New Mexico in August 2005.	9mm Smith & Wesson 915 semiautomatic handgun	9mm Smith & Wesson 915 pistol	No

Exhibit C

**List of Firearms Used in Public Mass Shootings
1982 – October 2022**

Case (1)	Location (2)	Date (3)	Weapon Description From			Assault Weapon? ^d (7)
			Citizens Crime Commission ^a (4)	Mother Jones ^b (5)	Washington Post ^c (6)	
104. Sash Assembly of God	Sash, TX	8/29/05	-	-	9mm semiautomatic pistol, .38-caliber revolver	No
105. Red Lake	Red Lake, MN	3/21/05	-	.40-caliber Glock 23, .22-caliber Ruger semiautomatic handguns; 12-gauge Remington 870 shotgun	.22-caliber Ruger pistol (2); 12-gauge Remington 870 shotgun	No
106. Living Church of God	Brookfield, WI	3/12/05	-	9mm Beretta semiautomatic handgun	9mm beretta pistol	No
107. Fulton County Courthouse	Atlanta, GA	3/11/05	-	-	9mm pistol	No
108. Damageplan Show	Columbus, OH	12/8/04	-	9mm Beretta 92FS semiautomatic handgun	9mm beretta 92FS pistol	No
109. Hunting Camp	Meteor, WI	11/21/04	-	S S 7.62mm semiautomatic assault rifle equipped with a 20-round large capacity ammunition magazine.	7.62mm S S semiautomatic rifle	Yes ^{ak}
110. ConAgra Foods Plant	Kansas City, KS	7/3/04	-	-	9mm pistol, revolver	No
111. Stateline Tavern	Oldtown, ID	10/24/03	-	-	semiautomatic pistol	No
112. Windy City Warehouse	Chicago, IL	8/27/03	-	-	.38-caliber Walther pistol	No ^{al}
113. Lockheed Martin	Meridian, MS	7/8/03	-	.45-caliber Ruger P90 semiautomatic handgun; .22-caliber rifle with scope, .223-caliber Ruger Mini-14 rifle; 12-gauge Winchester 1300 shotgun; .22 Magnum derringer	.223-caliber Ruger Mini-14 rifle; 12-gauge Winchester 1300 shotgun	No ^{am}
114. Labor Ready	Huntsville, AL	2/25/03	-	-	semiautomatic 9mm pistol	No
115. Bertrand Products	South Bend, IN	3/22/02	-	-	.22-caliber rifle, sawed-off shotgun	No
116. Burns International Security	Sacramento, CA	9/10/01	-	-	A -47-type semiautomatic rifle, 9mm pistol	Yes ^{an}
117. Bookcliff RV Park	Rifle, CO	7/3/01	-	-	.38 caliber Charter Arms revolver	No
118. Navistar	Melrose Park, IL	2/5/01	-	SKS 1954R, .30-caliber Winchester rifles; 12-gauge Remington pump-action shotgun; .38-caliber revolver	12-gauge Remington pump-action shotgun; SKS 1954R rifle; .30-caliber Winchester rifle; .38-caliber revolver;	No ^{ao}
119. Houston	Houston, TX	1/9/01	-	-	-	No ^{ap}

Exhibit C

**List of Firearms Used in Public Mass Shootings
1982 – October 2022**

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120. Wakefield	Wakefield, MA	12/26/00	A -47-type semiautomatic assault rifle, unknown make and model 12-gauge shotgun, unknown make and model .32-caliber semiautomatic pistol, and 60-round large capacity ammunition magazine.	.32-caliber Retolaza semiautomatic handgun; A -47 variant semiautomatic rifle; 12-gauge Winchester 1300 pump-action shotgun	.32-caliber Retolaza pistol; AK-47 variant semiautomatic rifle; 12-gauge Winchester 1300 pump-action shotgun	- ^{aq}
121. Mount Lebanon	Pittsburgh, PA	4/28/00	-	-	.357 Magnum revolver	No
122. Mi-T-Fine Car Wash	Irving, TX	3/20/00	-	-	semiautomatic .9mm pistol	No
123. Hotel	Tampa, FL	12/30/99	-	9mm Lorcin semiautomatic handgun; .38-caliber Charter Arms revolver	.38-caliber Charter Arms revolver; 9mm Lorcin pistol	No
124. Xerox	Honolulu, HI	11/2/99	GLOCK 17 9mm semiautomatic pistol and three 17-round large capacity ammunition magazines, loaded with hollow point bullets (bullets with the tip hollowed out, designed to expand upon impact). Uyesugi legally purchased the GLOCK in 1989.	9mm Glock 17 semiautomatic handgun	9mm Glock 17 pistol	No
125. Wedgwood Baptist Church	Fort Worth, TX	9/15/99	Ruger P85 9mm semiautomatic pistol, unknown make and model .380 caliber semiautomatic pistol, and three 15-round large capacity ammunition magazines. Ashbrook legally acquired both weapons from federally licensed firearms dealers in 1992.	.380-caliber, 9mm Ruger P85 semiautomatic handguns	.380-caliber revolver; 9mm Ruger P85 pistol	No
126. Atlanta Day Trading	Atlanta, GA	7/29/99	-	.45-caliber Colt 1911-A1, 9mm Glock 17, .25-caliber Raven Arms MP-25 semiautomatic handguns; .22-caliber Harrington & Richardson revolver	.45-caliber Colt 1911-A1 pistol; .22-caliber Harrington & Richardson revolver; .25-caliber Raven Arms Mp-25 pistol; 9mm Glock 17 pistol	No
127. Albertson's Supermarket	Las Vegas, NV	6/3/99	-	-	12-gauge pump-action shotgun	No
128. Columbine High School	Littleton, CO	4/20/99	Savage Springfield 67 12-gauge pump-action shotgun Savage Stevens 311D 12-gauge sawed-off shotgun Hi-Point 995 9mm semiautomatic rifle INT ATEC TEC-DC9 9mm semiautomatic pistol and thirteen 10-round magazines one 52-, one 32-, one 28-round large capacity ammunition magazines. Harris and Klebold illegally acquired the shotguns and Hi-Point rifle through a "straw purchase" (a transaction in which a legal buyer makes a purchase for someone who cannot legally purchase the firearm). Their friend, Robyn Anderson, purchased the three firearms at the Tanner Gun Show from unlicensed sellers in December of 1998. A pizza shop employee, Mark Manes, illegally sold them the INTRATEC TEC-DC9.	9mm Intratec DC-9 semiautomatic handgun 9mm Hi-Point 995 carbine rifle; 12-gauge sawed-off Savage Stevens 311D, 12-gauge sawed-off Savage Springfield 67H pump-action shotguns	9mm Hi-Point 995 carbine; 12-gauge sawed-off Savage Stevens 311D shotgun; 12-gauge sawed-off Savage Springfield 67H pump-action shotgun; 9mm Intratec DC-9 machine pistol	Yes ^{ar}

Exhibit C

**List of Firearms Used in Public Mass Shootings
1982 – October 2022**

Case (1)	Location (2)	Date (3)	Weapon Description From			Assault Weapon? ^d (7)
			Citizens Crime Commission ^a (4)	Mother Jones ^b (5)	Washington Post ^c (6)	
129. New St. John Fellowship Baptist Church	Gonzalez, LA	3/10/99	-	-	semiautomatic pistol	No
130. Thurston High School	Springfield, OR	5/21/98	GLOCK 19 9mm semiautomatic pistol, Ruger (unknown model) .22-caliber semiautomatic pistol, Ruger (unknown model) .22-caliber rifle, and a 50-round large capacity ammunition magazine. The GLOCK and rifle were legally purchased by Kinkel's father.	9mm Glock, .22-caliber Ruger semiautomatic handguns, .22-caliber Ruger rifle	9mm Glock pistol; .22-caliber Ruger pistol; .22-caliber Ruger rifle	No ^{as}
131. Westside Middle School	Jonesboro, AR	3/24/98	Universal M1 Carbine .30-caliber replica, Davis Industries .38-caliber two-shot derringer, Double Deuce Buddie .22-caliber two-shot derringer, Charter Arms .38-caliber revolver, Star .380-caliber pistol, FIE .380-caliber pistol, Ruger Security Six .357-caliber revolver, Ruger .44 magnum rifle, Smith & Wesson .38-caliber revolver, Remington 742 .30-06-caliber rifle, 15-round large capacity ammunition magazines, three 30-round large capacity ammunition magazines, and over 150-rounds of ammunition.	FIE 380, .380-caliber Star semiautomatic handguns; .44 Magnum Ruger, .30-06 Remington 742, .30-caliber Universal M-1 carbine replica rifles; .38-caliber Charter Arms, .357-caliber Ruger Security Six, .38-caliber Smith & Wesson revolvers; .22-caliber Double Deuce Buddie two-shot, .38-caliber Davis Industries two-shot derringers	.22-caliber Double Deuce revolver; .380-caliber Star pistol; .357-caliber Ruger Security six revolver; .44 Magnum Ruger revolver; .30-caliber Universal M-1 carbine; .38-caliber Charter Arms revolver; .38-caliber Smith & Wesson revolver; FIE 380 pistol; .30-06 Remington 742 rifle	No ^{at}
132. Connecticut Lottery	Newington, CT	3/6/98	GLOCK model unknown 9mm semiautomatic pistol equipped with a 19-round large capacity ammunition magazine. Beck had a permit for the 9mm pistol used in the shooting.	9mm semiautomatic handgun	9mm pistol	No
133. Caltrans Maintenance Yard	Orange, CA	12/18/97	Chinese-made A -47-type 7.62mm semiautomatic assault rifle and five 30-round large capacity ammunition magazines. Torres legally purchased the rifle on April 30, 1988, from B&B Gun Sales in Orange County, CA.	7.62mm A -47 Chinese variant semiautomatic rifle	7.62mm A -47 Chinese variant semiautomatic rifle	Yes
134. Erie Manufacturing	Bartow, FL	12/3/97	-	-	-	No ^{au}
135. R.E. Phelon Company	Aiken, SC	9/15/97	-	9mm semiautomatic handgun	9mm pistol	No
136. News and Sentinel	Colebrook, NH	8/20/97	-	-	9mm pistol, A -15-style rifle	Yes ^{av}
137. Fire Station	Jackson, MS	4/25/96	-	-	Mac 11 machine pistol, Tec 9 automatic pistol, .45-caliber semiautomatic handgun	No
138. Fort Lauderdale	Fort Lauderdale, FL	2/9/96	-	9mm Glock semiautomatic handgun; .32-caliber revolver	9mm Glock pistol; .32-caliber revolver	No
139. Little Chester Shoes	New York, NY	12/19/95	-	-	.9mm semiautomatic pistol	No
140. Piper Technical Center	Los Angeles, CA	7/19/95	-	-	Glock semiautomatic pistol	No ^{aw}

Exhibit C

**List of Firearms Used in Public Mass Shootings
1982 – October 2022**

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			Citizens Crime Commission ^a (4)	Mother Jones ^b (5)	Washington Post ^c (6)	
141. Walter Rossler Company	Corpus Christi, TX	4/3/95	-	9mm Ruger semiautomatic handgun; .32-caliber revolver	.32-caliber revolver; 9mm Ruger pistol	No
142. Puppy creek	Hoke County, NC	12/31/94	-	-	-	-
143. Air Force Base	Fairchild Base, WA	6/20/94	Chinese-made Ma -90 semiautomatic assault rifle equipped with a 75-round drum large capacity ammunition magazine. He purchased the assault rifle on June 15, 1994, five days before the shooting, and the following day purchased 80 rounds of 7.62x39mm ammunition and a 75-round drum large capacity ammunition magazine.	MA -90 semiautomatic rifle	MA -90 semiautomatic A - style rifle	Yes ax
144. Chuck E. Cheese	Aurora, CO	12/14/93	-	.25-caliber semiautomatic handgun	.25-caliber pistol	No
145. Long Island Railroad	Garden City, NY	12/7/93	Ruger P89 9mm semiautomatic pistol and four 15-round large capacity ammunition magazines. Ferguson legally acquired the weapon in California at an outlet of Turner's Outdoorsman.	9mm Ruger P89 semiautomatic handgun	9mm Ruger P89 pistol	No
146. Unemployment Office	Oxnard, CA	12/2/93	-	-	Rifle	-
147. Family Fitness Club	El Cajon, CA	10/14/93	-	-	12-gauge shotgun	No
148. Luigi's Restaurant	Fayetteville, NC	8/6/93	-	.22-caliber rifle; two 12-gauge shotguns	12-gauge shotgun (2); .22-caliber rifle	No ay
149. Washington County Bar	Jackson, MS	7/8/93	-	-	-	-
150. 101 California Street	San Francisco, CA	7/1/93	T o INT ATEC TEC-DC9 semiautomatic pistols , Colt (unknown model) .45-caliber semiautomatic pistol, and 40-round and 50-round large capacity ammunition magazines loaded with a mix of Black Talon and standard ammunition. According to the Las Vegas Metropolitan Police Department, Ferri purchased the pistols from two stores in Las Vegas: Super Pawn and Pacific Tactical Weapons.	T o Intratec DC-9 , .45-caliber Colt semiautomatic handguns	.45-caliber Colt pistol; Intratec DC-9 machine pistols	Yes az
151. Card club	Paso Robles, CA	11/8/92	-	-	-	No ba
152. Watkins Glen	Watkins Glen, NY	10/15/92	-	9mm Llama semiautomatic handgun	9mm Llama pistol	No
153. Lindhurst High School	Olivehurst, CA	5/1/92	-	.22-caliber sawed-off rifle; 12-gauge pump-action shotgun	.22-caliber sawed-off rifle; 12-gauge pump-action shotgun	No bb
154. Phoenix	Phoenix, AZ	3/15/92	-	-	-	-
155. Royal Oak Postal	Royal Oak, MI	11/14/91	-	.22-caliber Ruger sawed-off semiautomatic rifle	.22-caliber Ruger sawed-off semiautomatic rifle	No bc
156. Restaurant	Harrodsburg, KY	11/10/91	-	-	.357 Magnum	No

Exhibit C

**List of Firearms Used in Public Mass Shootings
1982 – October 2022**

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			Citizens Crime Commission ^a (4)	Mother Jones ^b (5)	Washington Post ^c (6)	
157. University of Iowa	Iowa City, IA	11/1/91	-	.38-caliber Taurus revolver	.38-caliber Taurus revolver	No
158. Luby's Cafeteria	Killeen, TX	10/16/91	GLOCK 17 9mm semiautomatic pistol, Ruger P89 semiautomatic pistol, and 17-round and 15- round large capacity ammunition magazines. Hennard legally purchased the weapons from Mike's Gun Shop in Henderson, NV, in February and March of 1991.	9mm Glock 17, 9mm Ruger P89 semiautomatic handguns	9mm Glock 17 pistol; 9mm Ruger P89 pistol	No
159. Post office	Ridgewood, NJ	10/10/91	-	-	9mm zi machine pistol , .22-caliber machine gun	Yes ^{br}
160. GMAC	Jacksonville, FL	6/18/90	Universal M1 .30-caliber semiautomatic assault rifle, unknown make and model .38-caliber revolver, and a 30-round large capacity ammunition magazine.	.30-caliber Universal M1 carbine rifle; .38-caliber revolver	.30-caliber Universal M1 carbine; .38-caliber revolver	No ^{bd}
161. Standard Gravure Corporation	Louisville, KY	9/14/89	Chinese-made A -47-type semiautomatic assault rifle , two INTRATEC MAC-11 semiautomatic assault pistols, SIG SAUER unknown model 9mm semiautomatic pistol, unknown make and model .38-caliber revolver, and 30-round large capacity ammunition magazines. Wesbecker legally purchased the AK-47-type assault rifle from Tilford's Gun Sales in Louisville.	Two Intratec MAC-11, 9mm SIG Sauer semiautomatic handguns; A -47 Chinese variant semiautomatic rifle ; .38-caliber revolver	9mm SIG Sauer pistol; A -47 Chinese variant semiautomatic rifle ; Intratec MAC-11 machine pistol; .38-caliber revolver; 9mm SIG Sauer pistol	Yes
162. Stockton Schoolyard	Stockton, CA	1/17/89	Chinese-made A -47-type semiautomatic assault rifle , Taurus unknown model 9mm semiautomatic pistol, a 75-round large capacity ammunition drum magazine, a 75-round large capacity ammunition rotary magazine, and four 35-round large capacity ammunition banana magazines. Purdy legally purchased the AK-47-type rifle at Sandy Trading Post, in Sandy, OR on August 3, 1988, and the Taurus 9mm pistol at Hunter Loan and Jewelry Co. in Stockton, CA on December 28, 1988.	9mm Taurus semiautomatic handgun; A -47 Chinese variant semiautomatic rifle	9mm Taurus pistol; A -47 Chinese variant semiautomatic rifle	Yes
163. Montefiore School	Chicago, IL	9/22/88	-	-	.38-caliber revolver	No
164. Old Salisbury Road	Winston-Salem, NC	7/17/88	-	-	.22-caliber rifle	No
165. ESL	Sunnyvale, CA	2/16/88	-	.380 ACP Browning, 9mm Smith & Wesson semiautomatic handguns; Ruger M-77 .22-250 bolt-action rifle with scope; Mossberg 12-gauge pump-action, 12-gauge Benelli semiautomatic shotguns; .357 Magnum Smith & Wesson, .22 Sentinel WMR revolvers	.22 Sentinel WMR revolver; 9mm Smith & Wesson pistol; Mossberg 12-gauge pump-action shotgun; Ruger M-77 .22-250 bolt-action rifle with scope; .380 AP Browning pistol; 12-gauge Benelli semiautomatic shotgun; .357 Magnum Smith & Wesson revolver;	No ^{be}

Exhibit C

**List of Firearms Used in Public Mass Shootings
1982 – October 2022**

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166. Shopping Centers	Palm Bay, FL	4/23/87	Strum, Ruger Mini-14 semiautomatic assault rifle equipped with a 30-round large capacity ammunition magazine, five 30-round large capacity ammunition magazines, 180 rounds of ammunition, a shotgun (unknown make and model), and a pistol (unknown make and model). Cruse ordered the assault rifle on March 21, 1987. On April 17, 1987, he purchased 100-rounds of ammunition and six 30-round large capacity ammunition magazines.	Sturm, Ruger Mini-14 semiautomatic rifle; 20-gauge Winchester pump-action shotgun; .357 Ruger Blackhawk revolver	.357 Ruger Blackhawk revolver; Ruger Mini-14 semiautomatic rifle; Sturm; 20-gauge Winchester pump-action	No ^{bf}
167. United States Postal Service	Edmond, OK	8/20/86	-	.22-caliber, two .45-caliber Colt Model 1911-A1 semiautomatic handguns	.45-caliber Colt Model 1911-A1 pistol; .45-caliber Colt Model 1911-A1 pistol; .22-caliber pistol	- ^{bg}
168. Anchor Glass Container Corporation	South Connellsville, PA	3/16/85	-	-	.38-caliber snub-nosed revolver	No
169. Other Place Lounge	Hot Springs, AR	7/24/84	-	-	.45-caliber semiautomatic pistol	No
170. San Ysidro McDonald's	San Ysidro, CA	7/18/84	-	9mm Browning P35 Hi-Power semiautomatic handgun; 9mm Israeli Military Industries zi Model A carbine semiautomatic rifle ; 12-gauge Winchester 1200 pump-action shotgun	9mm Israeli Military industries zi Model A machine pistol , 12-gauge Winchester 1200 pump-action shotgun, 9mm Browning P35 Hi-Power pistol	Yes
171. Dallas Nightclub	Dallas, TX	6/29/84	-	9mm Smith & Wesson 459 semiautomatic handgun	9mm Smith & Wesson 459 pistol	No ^{bh}
172. Alaska Mining Town	Manley Hot Springs, AK	5/17/84	-	-	.30-06-caliber Ruger single-shot rifle	No
173. College Station	College Station, TX	10/11/83	-	-	-	No ^{bi}
174. Alaska Back-County	McCarthy, AK	3/1/83	-	-	.223-caliber Ruger Mini-14 semiautomatic rifle, .22-caliber pistol	No
175. Upper West Side Hotel	New York, NY	2/3/83	-	-	-	No ^{bj}
176. The Investor	Noyes Island, AK	9/6/82	-	-	.22-caliber	No
177. Welding Shop	Miami, FL	8/20/82	-	Mossberg 500 Persuader pump-action shotgun with pistol grip	12-gauge shotgun	No
178. Western Transfer Co.	Grand Prairie, TX	8/9/82	-	-	.38-caliber revolver, .25-caliber semiautomatic pistol, carbine rifle	No

Exhibit C

**List of Firearms Used in Public Mass Shootings
1982 – October 2022**

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			Citizens Crime Commission ^a	Mother Jones ^b	Washington Post ^c		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
179.	Russian Jack Springs Park	Anchorage, AK	5/3/82	-	-	.38-caliber pistol	No

Notes and Sources:

Public Mass Shootings from Mother Jones ("US Mass Shootings, 1982-2022: Data from Mother Jones' Investigation," updated November 23, 2022), the Citizens Crime Commission of New York City ("Mayhem Multiplied: Mass Shooters and Assault Weapons," February 2018 update, and "Citizens Crime Commission of New York City, Mass Shooting Incidents in America (1984-2012)," accessed June 1, 2017), Washington Post ("The Terrible Numbers That Grow With Each Mass Shooting," updated May 12, 2021) and The Violence Project ("Mass Shooter Database," updated May 14, 2022). Identified Assault Weapons are in bold.

^a Description of weapons from "Citizens Crime Commission of New York City, Mass Shooting Incidents in America (1984-2012)," accessed June 1, 2017,

^b Description of weapons from Mother Jones ("US Mass Shootings, 1982-2022: Data from Mother Jones' Investigation," updated November 23, 2022).

^c Description of weapons from Washington Post ("The Terrible Numbers That Grow With Each Mass Shooting," updated May 12, 2021).

^d California Penal Code sections 30510 and 30515 and California Code of Regulations, title 11, section 5499.

^{ca} "House Investigative Committee on the Robb Elementary Shooting Texas House of Representatives Interim Report 2022," July 17, 2022; "DDM4 V7", *Daniel Defense* <https://danieldefense.com/ddm4-v7.html>, accessed January 4, 2023.

^{cb} "Sheriff: Oxford High School shooter used 9 mm pistol recently purchased by father," *Click nDetroit*, December 1, 2021; "SP2022 Nitron Carry," *Sig Sauer*, <https://www.sigsauer.com/sp2022-nitron-carry-size.html>, accessed January 4, 2023.

^{cc} "The San Jose gunman appeared to specifically target his victims, sheriff says", *CNN* May 28, 2021.

^{cd} "HM DEFENSE HM15F-MB-556 DEFENDER M5 223 REM,5.56X45MM NATO 16" 30 1 BLACK HARD COAT ANODIZED BLACK MIL-SPEC HM STOCK," *Carter's Country*, <https://www.carterscountry.com/product/hm-defense-defender-m5-223-rem5.56-nato-16-301-black-hard-coat-anodized-mil-spec-hm-stock>, accessed January 5, 2023.

^{ce} "Instruction Manual for Ruger AR-556 Pistol," https://ruger-docs.s3.amazonaws.com/manuals/AR-556_Pistol-K94Vg4d.pdf.

^e "From Midland to Odessa, shooter cut a 64-minute path of terror," *Aouston Chronicle*, September 8, 2019.

^{cf} "The Pistol That Looks Like A Rifle: The Dayton Shooter's Gun," *npr*, August 8, 2019.

^f "11 Killed in Synagogue Massacre; Suspect Charged With 29 Counts," *New York Times*, October 27, 2018.

^g "Bakersfield mass shooting 'very calculated,' came after ugly divorce, officials say," *Los Angeles Times*, September 14, 2018; "Model S&W500," Smith & Wesson, <https://www.smith-wesson.com/firearms/model-sw500-0>, accessed September 25, 2018.

^h "Authorities seized Waffle House shooting suspect's AR-15 after arrest, dad gave them back," *The Mercury News*, April 23, 2018; "Family of murder victim sues Waffle House suspect and his father for \$100 million," CBSWJTV, July 11, 2018; "Family of Waffle House victim in Nashville sues accused shooter's father," Reuters, May 15, 2018.

Exhibit C

**List of Firearms Used in Public Mass Shootings
1982 – October 2022**

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			Citizens Crime Commission ^a (4)	Mother Jones ^b (5)	Washington Post ^c (6)	
i						"Florida shooting suspect bought gun legally, authorities say," <i>USA Today</i> , February 15, 2018; "Florida school shooter's AR-15 may have jammed, saving lives, report says," <i>Miami Herald</i> , February 27, 2018.
j						"Suspect in quadruple killing at car wash dies," <i>CNN</i> , January 30, 2018.
k						"California mass shooter made his own rifles," <i>NBC News</i> , November 16, 2017; "California shooter built his own illegal guns, officials say," <i>USA Today</i> , November 15, 2017.
l						"What we know about the rifle used in the Texas church massacre," <i>CNN</i> , November 6, 2017; "The Latest: 2 men who pursued gunman attend shooting vigil," <i>The Associated Press</i> , November 6, 2017; "Ruger AR-556," Ruger, https://ruger.com/products/ar556/specSheets/8500.html , accessed October 22, 2018.
m						"List: Guns and evidence from Las Vegas shooter Stephen Paddock," <i>KTNV</i> , January 19, 2018; "47 guns, loaded high-capacity magazines found in Vegas shooter's hotel suite and Nevada home," <i>ABC News</i> , October 4, 2017; "The 'tricked out' guns Las Vegas shooter used in massacre," <i>New York Post</i> , October 3, 2017.
n						"Washington shooting victims ranged in age from 16 to 95, coroners say," <i>CNN</i> , September 27, 2016; Brown, Jason, "What You Should Know About .22 Rimfire," NRA, August 16, 2017; Ruger Homepage, https://ruger.com/ , accessed October 24, 2018.
o						"Exclusive: Photo of the Saiga AK-74 Rifle Used at Dallas Shooting," <i>Law Officer</i> , July 10, 2016.
p						"Sig MCX Owners Manual: Handling & Safety Instructions," <i>Sig Sauer</i> , https://www.sigsauer.com/wp-content/uploads/2016/07/MCX.pdf , accessed October 23, 2018; Sig Sauer website, https://www.sigsauer.com/products/firearms/rifles/state-compliant-1103 , accessed October 24, 2018.
q						"San Bernardino Guns Originally Bought Legally, Later Modified," <i>The Wall Street Journal</i> , December 4, 2015.
r						"Umpqua Community College 2015 shooting report: What we've learned," <i>The Oregonian</i> , September 8, 2017.
s						"Chattanooga Shooting Reignites Gun Control Debate After Mohammad Youssef Abdulazeez Used AK-47 Assault Weapon To Kill Marines," <i>International Business Times</i> , July 17, 2015; "Purple Hearts just approved for Marines and sailor targeted in Chattanooga attack," <i>The Washington Post</i> , December 17, 2015.
t						"John Zawahri, suspected gunman in deadly Santa Monica shooting, left farewell note, police say," <i>CBS News</i> , June 14, 2013.
u						"Names of victims emerge after deadly Federal Way shooting," <i>Federal Way Mirror</i> , April 24, 2013.
v						"Upstate New York Shooting Update: Kurt Myers, suspected gunman, killed by police in shootout," <i>CBS News</i> , March 14, 2013.
w						"Fate of Sandy Hook lawsuit against gun maker could be decided by a slingshot," <i>NBC News</i> , November 14, 2017; "Embargo firing a run on Russian-made guns: Added restrictions put arms in short supply," <i>San Antonio Express-News</i> , August 11, 2014.
x						"Aurora Gunman's Arsenal: Shotgun, Semiautomatic Rifle and, at the End, a Pistol," <i>New York Times</i> , July 24, 2012; "M&P15 Centerfire Rifles Safety & Instruction Manual," <i>Smith Wesson</i> , https://www.smith-wesson.com/sites/default/files/owners-manuals/M26P15CFRifleManual10-20-15.pdf , accessed October 25, 2018.
y						"IHOP gunman used illegally altered AK-47, sheriff says," <i>Las Vegas Review-Journal</i> , October 5, 2011.

Exhibit C

**List of Firearms Used in Public Mass Shootings
1982 – October 2022**

Case	Location	Date	Weapon Description From			Assault Weapon? ^d
			Citizens Crime Commission ^a	Mother Jones ^b	Washington Post ^c	
(1)	(2)	(3)	(4)	(5)	(6)	(7)

- ^z "The mass killer, the cop and the armed citizen.(THE AYOOB FILES)," *The American andgunner*, November 1, 2013.
- ^{aa} "6 Killed In Grand Prairie Roller Rink Shooting," *CBS DFW*, July 23, 2011.
- ^{ab} "Kentucky Tragedy: Man Kills Wife, Five Others, in Rampage Over Cold Eggs, Say Cops," *CBS News*, September 13, 2010.
- ^{ac} "Hialeah: Only the Latest Mass Shooting by a Concealed Carry Killer," Huffington Post, July 30, 2013;"Hialeah gunman's rage over estranged wife leaves 5 dead," *Sun Sentinel*, June 7, 2010.
- ^{ad} "Man convicted of killing 4 at Los Angeles restaurant," *Associated Press*, March 15, 2016.
- ^{ae} "Instructions for Operation and Care of the Remington Model 11-'48, Sportsman-'48 Autoloading Shotguns," https://www.remington.com/sites/default/files/Model_2011-48.pdf, accessed October 24, 2018.
- ^{af} "Images, suicide note released in mall massacre," *Nation World News*, December 7, 2007; "Romanian Kalashnikov Rifles," [guns.net](http://www.gunsnet.net/Linx310/model.htm), accessed at <http://www.gunsnet.net/Linx310/model.htm> on July 28, 2005 via the Internet Archive WayBack Machine (accessed September 26, 2018).
- ^{ag} "What happened in Crandon on Oct. 7," *Los Angeles Times*, June 8, 2008.
- ^{ah} "Firearms Tutorial: Terminology," <https://library.med.utah.edu/WebPath/TUTORIAL/GUNS/GUNTERM.html>, accessed October 24, 2018.
- ^{ai} "5 Dead After Louisiana Church Shooting," *New York Times*, May 21, 2006.
- ^{aj} "Police: Seattle shooter said 'plenty for everyone'," *NBC News*, March 27, 2006.
- ^{ak} "Both sides cite anger, hostility in killings; Hearings begin with law officers' testimony, grisly images," *Pioneer Press*, September 11, 2005.
- ^{al} "Seven die in Chicago warehouse shooting," *CNN*, August 27, 2003.
- ^{am} "Man Kills 5 Co-Works at Plant and Himself," *New York Times*, July 9, 2013; "Instruction Manuals & Product History," *Ruger*, <https://ruger.com/service/productHistory.html>, accessed October 23, 2018; Ruger Mini-14 manuals <https://ruger-docs.s3.amazonaws.com/manuals/mini14-180.pdf>, <https://ruger-docs.s3.amazonaws.com/manuals/mini14-181-186.pdf>, <https://ruger-docs.s3.amazonaws.com/manuals/mini14-580.pdf>, accessed October 23, 2018; "What You Should Know About .22 Rimfire," *NRA*, August 16, 2017; Ruger Homepage, <https://ruger.com/>, accessed October 24, 2018.
- ^{an} "Sacramento shooter unscathed before killing self, autopsy shows," *Associated Press*, September 14, 2001.
- ^{ao} "Workplace Deaths Leave No One Untouched," *Chicago Tribune*, February 7, 2001; "Update 1-Source of guns used in US factory shootings sought," *Associated Press*, February 6, 2011; "SKS Rifle: Simonov Type 56," Department of the Army, October 1969, http://pdf.textfiles.com/manuals/FIREARMS/sks_56.pdf, accessed October 24, 2018; "Why .30-30 Winchester Will Never Die," *NRA*, February 2, 2016; "Firearms Tutorial: Terminology," <https://library.med.utah.edu/WebPath/TUTORIAL/GUNS/GUNTERM.html>, accessed October 24, 2018.
- ^{ap} "Houston Rampage Leaves 4 Victims, Gunman Dead," *The Record*, January 10, 2001.
- ^{aq} "Man Charged in Killings Evaded Strict Gun Laws," *New York Times*, December 28, 2000.
- ^{ar} "How they were equipped that day," *Jefferson County Sheriff*, http://www.cnn.com/SPECIALS/2000/columbine.cd/Pages/EQUIPMENT_TEXT.htm, accessed September 26, 2018.

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as						
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(1)	(2)	(3)	(4)	(5)	(6)	(7)

^{bj} "Gunman kills four and wounds a fifth at west side hotel," *The New York Times*, February 4, 1983.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DELAWARE STATE SPORTSMEN’S)
ASSOCIATION, INC; BRIDGEVILLE RIFLE)
& PISTOL CLUB, LTD.; DELAWARE RIFLE)
AND PISTOL CLUB; DELAWARE)
ASSOCIATION OF FEDERAL FIREARMS)
LICENSEES; MADONNA M. NEDZA;)
CECIL CURTIS CLEMENTS; JAMES E.)
HOSFELT, JR; BRUCE C. SMITH; VICKIE)
LYNN PRICKETT; and FRANK M. NEDZA,)

Plaintiffs,)

v.)

DELAWARE DEPARTMENT OF SAFETY)
AND HOMELAND SECURITY;)
NATHANIAL MCQUEEN JR. in his official)
capacity as Cabinet Secretary, Delaware)
Department of Safety and Homeland Security;)
and COL. MELISSA ZEBLEY in her official)
capacity as superintendent of the Delaware)
State Police,)

Defendants.)

C.A. No. 1:22-cv-00951-RGA
(Consolidated)

GABRIEL GRAY; WILLIAM TAYLOR;)
DJJAMS LLC; FIREARMS POLICY)
COALITION, INC. and SECOND)
AMENDMENT FOUNDATION,)

Plaintiffs,)

v.)

KATHY JENNINGS, Attorney General of)
Delaware,)

Defendant.)

**DECLARATION OF DENNIS BARON IN SUPPORT OF DEFENDANTS’
OPPOSITION TO PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**

I, Dennis Baron, the undersigned, declare as follows:

1. I have been retained by the Delaware Department of Justice to provide expert opinion and testimony regarding Corpus Linguistics research. I am being compensated at a rate of \$350 per hour.

2. I have evaluated the historical use of the terms *arms* and *accoutrements* in order to determine whether large-capacity magazines (henceforth, LCMs), along with magazines, ammunition cases, cartridge cases or boxes, and other ammunition storage containers were considered arms in the time during and just after the Founding Era (1750–1820) through the Reconstruction Era, i.e., the period following the ratification of the Fourteenth Amendment (1868–1890).

3. I have also evaluated the lexical evidence for “repeater air guns,” which are sometimes referred to as “wind guns,” and the rare terms “magazine wind-gun” and a “magazine gun” in the Founding Era. “Air guns” used compressed air instead of gunpowder to propel a ball. Repeater air guns were capable of firing multiple shots before requiring the user to reload the weapon.

4. The lexical evidence leads me to conclude that (1) LCMs, magazines, ammunition cases, cartridge cases, boxes and other ammunition storage containers were considered accoutrements and not arms during the Founding and Ratification Eras, and (2) although a few artisans did invent air guns capable of firing multiple balls without reloading the ammunition or recharging the air cylinder, such guns were rare in England and America.

BACKGROUND AND QUALIFICATIONS

5. I am currently Professor Emeritus and Research Professor at the University of Illinois, where I have served as a member of both the Department of English and the Department

of Linguistics since 1975. I served as Head of the Department of English for six years and before that as Director of Rhetoric at the University for 11 years. I earned my Ph.D. in English language and literature from the University of Michigan in 1971, with a dissertation on historical aspects of the English language from Old English to Present-Day English, and I continue to publish widely on matters of historical language use, in addition to topics related to language and law. I am a life member of the Linguistic Society of America, the American Dialect Society, and the Modern Language Association, as well as a member of the National Council of Teachers of English. I have held a Fulbright Fellowship (to France), a National Endowment for the Humanities Fellowship for work on a book on language and law, and, most recently, a Guggenheim Fellowship for work on my latest book on language and law. I have also published books on language reform, on usage, and on gender in language.

6. Most relevant for this report, I published two books on language and law: *The English-Only Question: An Official Language for Americans?* (Yale Univ. Press, 1990) and *You Can't Always Say What You Want: The Paradox of Free Speech* (Cambridge Univ. Press, 2023). In addition, I served as lead author on what came to be called "the Linguists' Brief" in *District of Columbia v. Heller*, 554 U.S. 570 (2008), a brief cited both by Justice Scalia in the majority opinion, and by Justice Stevens in his dissent. I was a co-author on another brief by professors of linguistics and corpus linguistics, cited in *New York State Rifle and Pistol Ass'n. v. Bruen* (No. 20-843, 2022), which Justice Breyer cited in his dissent. In that dissent, Justice Breyer also quoted directly from my essay "Corpus Evidence Illuminates the Meaning of 'Bear Arms'" (*Hastings Constitutional Law Quarterly*, 46.3: 2019). I have spoken about historical meaning and the Second Amendment at the Federalist Society at the University of Chicago Law School, at the Neubauer Symposium on Historical Semantics at the University of Chicago, at Brigham Young University

Law School, at Stanford University, and at the conference “*Heller* after Ten Years” at Hastings College of Law. I have also written opinion essays on historical meaning and the Second Amendment for the *Washington Post* and the *Los Angeles Times*. And I have submitted a declaration on behalf of the State of Rhode Island in *Ocean State Tactical, LLC, et al. v. State of Rhode Island* (Case No. 1:22-cv-00246-JJM-PAS) (D. R.I.), and declarations on behalf of the State of California in *Rupp, et al. v. Bonta* (Case No. 8:17-cv-00746-JLS-JDE), *Duncan, et al. v. Bonta* (Case No. 3:17-cv-01017-BEN-JLB), and *Fouts, et al. v. Bonta* (Case No. 3:19-cv-01662-BEN-JLB). In the past twenty years I have been an expert consultant in fourteen cases involving document interpretation.

7. My recent essay, “Look It Up in Your *Funk and Wagnalls*: How Courts Define the Words of the Law,” an analysis of how judges incorporate information from dictionaries and digitized corpora as they ascertain legal meaning, appears in the latest issue of *Dictionaries*, the academic journal of the Dictionary Society of North America.

8. This report is made based on my professional knowledge and expertise, and on my research using accepted scientific linguistic methodology in the field of Corpus Linguistics, the analysis of one or more large, digitized corpora consisting of many millions of words.

OPINIONS

Summary of Conclusions

9. Historical evidence from a number of large textual databases, or corpora, shows that during the Founding Era and the Reconstruction Era, “arms” is used as a general term for weapons (typically swords, knives, rifles, and pistols), but arms does not include ammunition, ammunition containers, flints, scabbards, holsters, armor, or shields, which are included in the category “accoutrements.” Nor does arms refer to parts of weapons, for example the trigger of a gun, the hilt of a sword, or the cartridge box or magazine that holds the bullets.

10. Instead, when this additional equipment is mentioned, we find phrases like “arms and ammunition”; “arms and accoutrements”; or “arms, ammunition, and accoutrements.” For example, “arms and accoutrements” is frequently used in military contexts to distinguish weaponry from the rest of a soldier’s or militia member’s equipment. For example, militia requirements often specify that soldiers have certain arms (pistols, swords, rifles, according to their rank) as well as certain “accoutrements” (the word is typically plural) (including horses, saddles, cartridge cases or boxes, scabbards, flints, and so on). When the term “accoutrements” occurs alone, as in “the accoutrements of a soldier,” it may include both arms and accessories. “Cartridge boxes” and “cartouch boxes” are the terms used for ammunition containers in the eighteenth and nineteenth centuries and are analogous to today’s “magazines.” The use of “arms and accoutrements” as a phrase reflects a clear distinction made between weapons themselves and the soldier’s cartridge boxes or cartouch boxes, which are typically identified as accessories along with scabbards, saddles, holsters, belts, caps, pouches, and the rest of a soldier’s equipment.

11. I have found no lexical evidence that repeater air guns were used as military weapons in England or America in the Founding Era, or that they were used as weapons of personal self-defense at that time.

Theory and Methodology

12. Corpus linguistics as a field developed in the late 1960s, when scholars began using computer programs to analyze large bodies of digitized text. Initial work in corpus linguistics did not typically involve legal issues. Literary scholars developed computerized concordances to the works of Shakespeare, Milton, and other major English writers. Scholars plotted the frequency of words and phrases in order to develop a picture of an author’s style, and to determine authorship of a particular work when the provenance was in doubt. Soon, in addition to solving literary mysteries, the methodologies used by corpus linguists were successfully applied in a number of

criminal cases in the United States and in England involving, for example, the authorship of a ransom note or an email. Lexicographers, who began compiling large analog databases of text in the late nineteenth century, began to digitize their libraries of paper data and to add to that material, assembling computerized databases of historical and contemporary text and, more recently, of spoken language as well, in order to arrive at more precise definitions of the multiple senses of words and phrases.

13. The Oxford English Dictionary (OED) is the standard dictionary of the English language compiled on historical principles. As a graduate student at the University of Michigan in 1970, I coded analog texts from the relevant OED files to help build the computerized database for the Dictionary of Early Modern English, the period from 1500–1800 that is particularly relevant to the language of the Founding Era. Today, major dictionaries like the OED and the Merriam-Webster suite of dictionaries rely on public databases of oral and written language, as well as their own proprietary databases, in order to revise older definitions and to track the spread of new words and meanings. The major dictionary makers of Europe use similar databases in their own work.

14. Over the past twenty years, legal corpus linguistics (LCL) has developed as a subset of corpus linguistics. LCL involves the analysis of digitized corpora of current and historical English to establish meaning—often referred to as “original public meaning”—in statutes and the Constitution. Over the past decade, LCL has become an important tool in helping to determine original public meaning when such meaning is in doubt. In *Muscarello v. United States*, 524 U.S. 125 (1998), a case which held that “a person who knowingly possesses and conveys firearms in a vehicle, including in the locked glove compartment or trunk” can be deemed to be within the scope of the statutory phrase “carries a firearm,” Justice Breyer searched two computerized newspaper databases (Lexis/Nexis, for the *New York Times*, and Westlaw, for “US News”) to clarify the

meaning of the words “carry, vehicle,” and “weapon.” In 2012, Judge Richard Posner, of the Seventh Circuit, was perhaps the first jurist to use a general internet search in order to determine a word’s meaning in a statute. Not satisfied with the dictionary definition that the government relied on in the case before him, Judge Posner ran a Google search to confirm that the word “harbor” in the Immigration Act of 1917 does not mean “shelter,” as the government claimed, but rather “hide, conceal from view,” as he felt it must mean in the context of the statute. *United States v. Costello*, 666 F.3d 1040 (7th Cir. 2012).

15. More principled, scientific database searches soon followed, and in 2018 Judge Thomas Lee, of the Utah Supreme Court, a long-time champion of corpus linguistics, together with the legal scholar Stephen Mouritsen, summarized the latest research in corpus linguistics and LCL as a way to determine ordinary meaning, and more specifically, original public meaning with more clarity (Thomas Lee and Stephen Mouritsen, “Judging Ordinary Meaning,” *Yale Law Journal* 127(2018): 788–879). Jurists over the past few years have found that in several cases, LCL proves more useful than the period dictionaries (for example, the dictionaries of Samuel Johnson and Noah Webster) that courts have often relied on to determine historical meaning. LCL often supplements the historical interpretations found in older dictionaries and in the Oxford English Dictionary, as well, allowing a more precise interpretation of historical text data.

16. In addition to the publication of several significant law review articles by experts in the field of corpus linguistics, there have been several conferences on legal corpus linguistics in the past few years, and a number of continuing-education seminars on LCL are now offered for judges and lawyers. As a result, corpus linguistics has drawn increased attention from the courts, including recent mentions in decisions in the Sixth, Seventh, and Ninth Circuits, as well as a comment by Justice Alito in his concurrence in *Facebook, Inc. v. Duguid*, 141 S. Ct. 1163 (2021),

where he suggested that LCL may one day provide a useful alternative to the canons of interpretation.

17. Several large databases have come online in the past few years that facilitate LCL research. Brigham Young University’s Center for Law and Corpus Linguistics hosts the Corpus of Founding Era American English (COFEA), with more than 126,000 texts, comprising close to 137 million words and covering the years 1760–1799. BYU’s Corpus of Early Modern English (COEME), with data from 1475–1800, contains over 40,000 texts and 1.1 billion words. For the nineteenth century, the Corpus of Historical American English (COHA), initially developed at BYU but now independent of that institution, currently contains 475 million words of text from 1820–2020. The size of these databases continues to grow as more works are digitized, coded, and added to the corpora. In compiling this report, I reviewed each of these databases. Some of the corpora provided data for some lexical searches, but not for others. The examples cited in this declaration specify which corpus they are drawn from.

18. Critics of LCL have complained that databases like COFEA and COEME contain only texts written by “elites,” whose language may differ from that of “ordinary people” who do not write at all, or who for various reasons do not write texts likely to be included in the available corpora. It is certainly the case that many printed books and periodicals, along with documents like the Constitution, its amendments, and state and federal statutes, tend to be written by educated specialists and professional writers. Although “ordinary people” are expected to understand the language of the Constitution, the Declaration of Independence, and other founding documents, as well as the laws that govern the nation, such texts typically require specialized knowledge. A reading-difficulty formula like the commonly used Flesch-Kincaid scale suggests that the Declaration of Independence and the Constitution require a fifteenth-grade reading level, while

according to one comprehensive study, *Adult Literacy in America* (US Department of Education, 1993), the average American today tends to have a seventh-grade reading level.

19. In order to counter any “elite” bias that may be found in databases like COFEA, COEME, and COHA, I rely as well on five digitized newspaper databases covering the period 1750–1900, focusing for this report on the Founding Era and on the period of Reconstruction after the passage of the Fourteenth Amendment. Newspapers of the eighteenth and nineteenth centuries were the principal means of communicating news and information. As such, they embodied much of the language of the “ordinary people” who read them. These early newspapers also provide researchers with more data for the nineteenth century than a corpus like COHA, which covers the same period but tends to focus on literary and specialized texts rather than material for the general reader. Because of changes in print technology and the spread of literacy, Founding Era newspapers differed from the newspapers of the post-Civil War era. Print technology remained relatively static between the 1450s, when printing presses first appeared in Europe, and the early nineteenth century, when the Industrial Revolution drastically changed printing methods. The first printing press was adapted by Gutenberg from the design of the traditional wine press, and for centuries, printing was a slow and labor-intensive process. As a result, newspapers in the Founding Era were small, averaging four to eight pages. Publication was less frequent as well. Papers tended to appear weekly or semi-weekly, rather than daily. Even so, newspapers in the Founding Era and later, during Reconstruction, provided average Americans with their principal access to all the critical events and documents of their time, along with coverage of local and international news. Although newspaper subscribers tended to be “elites,” newspaper content was widely shared by word of mouth: ultimately, most Americans in the Founding Era, including those who would be classified as illiterate or poorly educated by today’s standards, got their news from newspapers.

20. Since the 1960s, database compilers have been able to track contemporary spoken English more successfully, though none of the databases for the Founding Era and for the post-Civil War period cover the spoken language of Americans. Although scholars can reconstruct some of that oral language, we are always doing so through the lens of print versions purporting to represent or comment on ordinary speech.

21. The newspaper databases that I have examined are Readex Historical American Newspapers; Chronicling America (newspapers digitized by the Library of Congress); the British Newspaper Archive (a service of the British Library); and two private subscription services, newspapers.com and newspaperarchive.com. For this report, both Readex and newspapers.com provide the most-complete picture of the language of the Founding Era newspapers as well as the ordinary language of the later nineteenth century.

22. All the databases contain some duplicates. COFEA and COEME digitize multiple editions of the same work; and the newspaper databases not only duplicate some, though not all, of one another's content, they also contain a number of duplicate stories because, particularly in the period of newspaper growth during the nineteenth century—in an age before the wire services and syndication appeared, and before the larger papers began to set up news bureaus in key areas around the country and around the world—newspapers routinely printed each other's stories, sometimes acknowledging their source and sometimes not. Still, the databases often offer more insight into the meaning of words and phrases than simply going to a dictionary. Jurists from Learned Hand and Felix Frankfurter to Frank Easterbrook and Richard Posner have warned their colleagues not to make a fortress of the dictionary. The corpora are by necessity incomplete. LCL does not replace dictionaries, but it does provide an important supplement to them.

The meaning of “arms” and “accoutrements” in the databases

23. I was asked to look at the meaning of “arms” and “accoutrements” as used individually, along with the phrase “arms and accoutrements” in the Founding Era and during the period immediately following the adoption of the Fourteenth Amendment. I focused on whether the term “magazine” as used today falls within the meaning of the term “arms” when used on a standalone basis during those eras.

24. Before undertaking that analysis, I explain briefly why a search for the term “magazine” did not make sense. In the eighteenth and nineteenth centuries, “magazine” was a word that meant “storehouse, depot.” A magazine was a place, often a building or warehouse, to store goods and supplies. When used in a military sense, a magazine was a building designated for storing gunpowder, and as such, it was subject to strict regulation. Because gunpowder was an explosive substance, some towns banned or heavily regulated the storage of gunpowder within city limits. The word “magazine” was not typically used to refer to the compartment of a gun containing bullets until late in the nineteenth century. Although the term “magazine” appears in the phrase “magazine wind gun” in 1744, that usage is marked as “rare” by the Oxford English Dictionary, which also marks the phrase “magazine wind gun” as “obsolete.” In its separate, main entry for “magazine,” the OED gives the earliest use of “magazine” meaning “a bullet storage container” as 1888, and the term remained relatively rare until the 1920s.¹ Before that time, bullets were kept in “cartridge boxes,” sometimes called “cartouch boxes,” “cartridge cases,” or “pouches,” and these bullet storage containers were part of the general category of military accoutrements, not arms.

¹ For more information about the historical usage of “magazines” as a term for “bullet storage container,” see Paragraphs 63-68 below.

25. The data suggests that “cartridge boxes,” and therefore today’s LCMs, would not have been viewed as “arms,” but rather as “accoutrements,” the ancillary equipment associated with soldiering, or service in the military.

26. The OED defines “accoutrements” as, “items of apparel; (more generally) additional pieces of dress or equipment, trappings; (Military) the outfit of a soldier other than weapons and garments.” [OED online, s.v. “accoutrement”; the word typically appears as a plural.]

27. Thus, the military sense of “accoutrements” generally refers to other accessories worn or carried by soldiers. The OED illustrates this second, military, sense, with an example from the Duke of Wellington’s dispatches in 1813: “In order to collect the wounded and their arms and accoutrements.” Here Wellington, widely recognized as a consummate soldier, and who would soon defeat Napoleon at the Battle of Waterloo in 1815, makes a clear distinction between “arms” and “accoutrements.”

28. The OED definitions are instructive. But in order to determine more specifically whether the term “accoutrements” included “cartridge boxes,” the predecessor to modern magazines, I consulted two digitized historical databases: COFEA and COEME. A COFEA search returns these examples where “cartridge boxes” and “cartouch boxes” are specifically included in the category of accoutrements, not arms:

- a) 1774 – “The cartouch boxes and other military accoutrements belonging to the noncommissioned officers and privates.” Journals of the Continental Congress.
- b) 1774 – “The cartouch boxes and every other species of military accoutrements annexed to the persons of the officers and soldiers of General Burgoyne’s army.” Journal of the Continental Congress.
- c) 1776 – “The General is surprised to find the Militia applying for Cartouch Boxes and other Accoutrements.” George Washington, General Orders, February 17.
- d) 1777 – “Many of their Arms are indifferent, and almost the whole [of Washington’s troops] are destitute of pouches and Other necessary Accoutrements.” George

Washington, Letter to John Hancock, October 10–11; the pouches in question are ammunition holders.

- e) 1777 – “The officers and men were to ... deliver up their arms, the cartouch boxes and other military accoutrement.” William Duer, Congressional Resolution: A State of Facts, December.
- f) 1778 – “[T]he board, on the 17th of April, impowered a Capt. Starr of Middleton in Connecticut to receive a quantity of public leather of Colo. Trumbull, and get it made up into shoes and accoutrements, half of each, the cartridge boxes upon the new model; and to send on both to the main army.” Timothy Pickering, Letter to George Washington, June 9, 1778. At the time, cartridge boxes were made of wood or leather, or a combination of the two.
- g) 1783 – “And as to cartridge boxes and other leathern accoutrements, saddles & other furniture for dragoons.” Timothy Pickering, Letter to George Washington, April 22.

29. My review of the corpora also confirmed that “accoutrements” are regularly referred to separately from “arms.” A COFEA database search for the occurrence “accoutrements” within 6 words of “arms” returned 873 hits (including a small number of duplicates). A similar search of COEME returned 126 hits, the earliest from 1656. I determined that the two search terms, “arms” and “accoutrements,” often appear together as a single phrase, “arms and accoutrements,” typically in military contexts having to do with an army or militia unit. “Accoutrements” often occurs in a list alongside, but separate from, ammunition: “arms, accoutrements, (and) ammunition,” though when ammunition is not listed separately, the term “accoutrements” will generally include ammunition.²

30. “Arms” almost never includes ammunition or ammunition storage containers such as cartridge boxes. These are the three examples that a COHA search returns:

² The second OED citation for “accoutrements,” dated 1902, differentiates “ammunition” and “accoutrements”: “When they landed they brought on shore besides a quantity of ammunition and accoutrements [...] and large stores of flour, sugar and tobacco, &c.” G. S. Whitmore *Last Maori War* i. 4.

- a) 1821 – “It is necessary to obtain ammunition, arms and accoutrements, and as many horses as you can get.” William Dobein James, “A Sketch of the life of Brig. Gen. Francis Marion and a history of his brigade”.
- b) 1909 – “Lyon was ordered to deliver to Governor Yates 10,000 stand of arms with accoutrements and ammunition.” Robert J. Rombauer, “The Union Cause in St. Louis in 1861.
- c) 1949 – “It will be necessary that arms, ammunition, accoutrements, tents and camp equipage be deposited there for them the troops.” Francis F. Beirne, “War of 1812”.

31. The “cartridge box” or “cartouch box”—the precursor to today’s “magazine”—is typically mentioned in lists of accoutrements, often in connection with other items worn with a soldier’s uniform. The “cartridge box” almost never appears to be included among a soldier’s weapons.

32. A search of Readex America’s Historical Newspapers for “cartridge box,” and the synonymous “cartouch-box,” for the Founding Era years 1750–1790 returns 176 citations, including multiple duplicates. A Readex search for the period after the adoption of the Fourteenth Amendment, from 1868–1890, returns 1,306 citations, also with many duplicates. The following examples demonstrate that “cartouch boxes” or “cartridge boxes” were treated as categories separate from arms. Note that in example (d) the list separates small arms from cutlasses as well.

And example (j) clearly shows that cartridge boxes are accoutrements, not arms:

- a) 1756 – “Every such Male Person . . . provide himself with one well fixed Musket, or Fuzee, with a Worm and Priming Wire, one Cartouch Box, with nine charges of Gun Powder, and Ball suitable therein, and three good Flints . . . and shall keep such Arms and Ammunition by him, in good Order.” *Pennsylvania Gazette*, May 13, 1756.
- b) 1774 – “That each man be provided with a good firelock and bayonet fitted thereon, half a pound of powder, two pounds of lead, and a cartouch box, or powder-horn and bag for ball, and be in readiness to act on any emergency.” Proceedings of the Continental Congress, *Pennsylvania Journal*, December 21, 1774.
- c) 1775 – “That each Inhabitant, or Person, as aforesaid, who shall provide Arms for himself, well fixed with a good Bayonet and Cartouch-Box, shall be paid a minimum of 10s.” *The Massachusetts Gazette*, May 19, 1775.

- d) 1775 – “We hear from Charlestown, South-Carolina, that on the 21st of March, at Night, about eight Hundred Stand of Small Arms, 2 Hundred Cutlasses, and all the Cartouch-Boxes, fit for Service, with several Bundles of Match & some Flints, were taken out of the public Armoury.” *New Hampshire Gazette*, June 2, 1775.
- e) 1775 – “Deserted from Colonel Woodridge’s regiment . . . Martin Nash . . . carried away a long gun of Gen. Pomeroy’s make, a cartridge box and good stock of ammunition belonging to the province.” *New England Chronicle*, November 9, 1775.
- f) 1778 – “[N]umbers of the cartouch-boxes and several other articles of military accoutrements annexed to the persons of the non-commissioned officers and soldiers in General Burgoyne’s army, have not been delivered up.” *Massachusetts Spy*, February 19, 1778.
- g) 1778 – “List of Necessaries and Accoutrements for each Horseman: 1. A well-tempered sword . . . 2. A carbine, fusee, or short blunderbuss . . . 3. A pair of pistols and holsters. 4. A sword-belt—a belt for the carbine . . . 5. A cartridge-box to buckle round the waist, with twelve tin pipes for the cartridges. 6. A helmet . . . 7. A saddle....” *New-Jersey Gazette* March 25, 1778.
- h) 1785 – “A Neapolitan officer was killed in the same engagement by a cartouch box taking fire while charging the guns.” *South-Carolina Weekly Gazette*, August 4, 1785.
- i) 1787 – Abstract from the Militia Law. “That every non-commissioned officer and private soldier of the said militia . . . shall equip himself . . . with a good fire-arm, with a steel or iron ramrod, a spring to retain the same, a worm, priming wire and brush, a bayonet fitted to his fire-arm, and a scabbard and belt for the same, a cartridge box that will hold fifteen cartridges at least, six flints, one pound of powder, forty leaden balls suitable for his fire-arm, a haversack, blanket, and canteen.” *Massachusetts Gazette*, February 2, 1787.
- j) 1787 – “All persons liable to do Militia Duty . . . must provide themselves with proper arms and accoutrements, viz. a musket and bayonet, a cartouch box or pouch that will contain twenty-four cartridges.” *State Gazette of South Carolina*, July 16, 1787.
- k) 1868 – “Government Sale at Watertown Arsenal Mass. . . . Lot of cavalry accoutrements, consisting of Cartridge Boxes, Pistol Holsters, Sabre Belts, Knots, &c.: lot of Infantry accoutrements, consisting of Bayonet Scabbards, Cap Pouches, Cartridge Boxes, Gun Slings.” *Evening Star* (Washington, D.C.), January 9, 1868. [Perhaps the clearest and most direct citation specifying cartridge boxes as accoutrements.]
- l) 1868 – Another government sale lists weapons (carbines, muskets, rifles, and pistols) followed by a list of items that are separate from weapons: “254 carbine cartridge boxes,” carbine slings, cavalry sabre belts, bayonet scabbards, cap

pouches, “1,619 cartridge boxes,” “257 cartridge-box Belts,” gun slings, waist belts, “and various other articles.” *Daily Morning Chronicle* (Washington, D.C.), April 22, 1868.

- m) 1869 – This account describes the new French “Mitralleuse,” a field weapon which would seem to be analogous to what we call a machine gun today, and the cartridge box would be the equivalent of what today we call a removable magazine. The Mitralleuse is “a new ‘ball syringe’ in the shape of a small cannon. . . . It contains thirty-seven common infantry cartridges, arranged like cigars in a bundle. As soon as it is attached to the breech of the cannon, the Mitralleuse is loaded. A man sitting on the carriage fires it by turning a crank. . . . The crank is turned once more and the cartridge box is removed from the cannon; a man to the right takes it, removes it from the ‘cigar box’; the men to the left put a new one in.” *Daily Albany Argus*, November 6, 1869.
- n) 1870 – In this description of the French National Guard, the writer notes the importance of rapid-fire rifles for defense against the Prussian troops. Several paragraphs later, the cartridge box is listed along with a guard’s uniform requirements: “a uniform will be obligatory for all. Each one must be provided with a weather-proof knapsack. . . , a cartridge-box or pouch, and a half-woolen covering of the material of a tent.” *New York Tribune*, November 5, 1870.
- o) 1871 – Article about a memorial statue in which the cartridge box is identified as part of the soldier’s uniform, separate from his firearm: “a soldier dressed in full uniform (overcoat, cartridge box, belt, etc.,) leaning on his musket.” *Boston Journal*, November 12, 1870.
- p) 1872 – This list of government ordnance and ordnance stores for sale groups weapons and accoutrements separately, with cartridge boxes clearly identified as accoutrements. The weapons for sale are muskets, rifled muskets, and revolvers, followed by this comment, “Nearly all the Starr’s Revolvers and about two-thirds of the other arms are in fair order.” After the arms list comes the list of accoutrements, consisting of cap pouches, waist belts, bayonet scabbards, “cartridge box and belt plates,” musket and pistol appendages, “and an assortment of other accoutrements and appendages.” *Daily Morning Chronicle* (Washington, D.C.), February 3, 1872.
- q) 1879 – The cartridge box forms part of a new military uniform: “In the rest of the brigade the multiplicity of belts is done away with, and in place is substituted a simple body belt to which the bayonet scabbard and cartridge box is attached. Equipped in such a uniform . . . the brigade will present a solid and soldierly appearance.” *New Haven Register*, July 28, 1879.

33. In sum, in the vast majority of examples, arms referred to weapons. Arms generally did not include ammunition or other weapon accessories, including the historical analogue to the

magazines. Instead, “cartridge boxes” and “cartouch boxes” were considered “accoutrements,” or uniform accessories, like the other military equipment (scabbards, belts, and so forth) that was separate from, and did not include, arms.

34. But English usage is never simple. As linguists often say, “all grammars leak”—which is to say, there are always a few outliers in the data. These examples do not invalidate the data or undercut an interpretation, they simply show that although the users of a language share a common sense of what words and grammatical constructions mean, variation in meaning and usage occurs in all human language. Given the volume of samples, that is not surprising.

35. For example, this cite, from 1777, refers to firearms and other military accoutrements, implying that arms may be a subcategory of “accoutrements”:

“[A]ny drafted soldier . . . who is unprovided with a fire-arm, and other military accoutrements prescribed by the militia law.” Massachusetts, Acts & Laws, March Session, Colony of Massachusetts Bay, 1777, p. 10 (but see Par. 38, ex. A).

36. In another cite, in COFEA, “accoutrements” does occasionally encompass arms, as in this example:

A few years since, some boys, equipped in mock military accoutrements, such as paper-caps, paper-belts, wooden swords, &c. were beating up for recruits in Parliament-street, Boston. *The American jest book: Part I[-II]*, 1789; emphasis added; here military accoutrements includes toy swords.

37. The fact that “arms” are sometimes included as a subcategory of “accoutrements” does not mean that “arms” includes weapon accessories or other “accoutrements.”

38. Moreover, despite a handful of exceptions like those just cited, in literally hundreds of cases, “arms” and “accoutrements” are treated as separate categories of military gear. Here are some typical examples from the Founding Era:

- a) 1776 – “The Sum of ten Shillings ... to purchase said Fire Arms and Accoutrements.” Acts and Laws March Session, Colony of Massachusetts Bay;

here arms and accoutrements are separate, unlike the citation from 1777, above, from the same source, where arms and accoutrements are lumped together.

- b) 1780 – “... arms, ammunition, accoutrements, drums and fifes in possession of the respective regiments” (George Washington, General Orders January 22).
- c) 1783 – “Such of the Noncommissioned officers and privates ... shall be allowed the fire arms and accoutrements as an extra reward.” George Washington, General Orders, May 1.
- d) 1795 – “you will march with arms and accoutrements in good order.” *Incidents of the Insurrection in the Western Part of Pennsylvania, in the year 1774*. This example is from COEME; the other examples in this list are from COFEA.
- e) 1798 – “To hold his powder and his ball, his gun, accoutrements and all” French Arrogance, or, “The Cat Let Out of the Bag.” This poetic example shows that the idiomatic phrase arms and accoutrements has become part of the general language available not just to military specialists but also to poets and novelists.

39. A newspapers.com search for “accoutrements” returns 1,392 hits. There are 692 matches for the exact phrase “arms and accoutrements.”

40. Here is a mid-eighteenth-century British example from the newspapers.com corpus where *arms* and *accoutrements* are separate categories, as is *ammunition*: “This Militia shall receive their Arms, Accoutrements, and Ammunition from the Ordnance.” *Derby Mercury*, March 19, 1756, p. 3.

41. Similarly, there is this “ploughshares into swords” example of a Cambridge University library to be converted to military use: “[T]he new Building intended for a publick Library . . . may be converted into a Barrack, and be supplied with Provisions, Arms, and Accoutrements, at the Expence of the University.” *Jackson’s Oxford Journal*, March 20, 1756, p. 2.

42. A search of “arms and accoutrements” in the Readex database of America’s Historical Newspapers returns 3,103 hits from 1750–1800; and 2,036 hits from 1868–1880. This early example from the colonial period appeared in the *Boston Evening Post* in 1750. It

distinguishes “arms” from uniforms, “accoutrements,” and other military equipment: “All Gentlemen Volunteers [in Nova Scotia] . . . shall be completely Cloathed in blue Broad Cloth, receive Arms, Accoutrements, Provisions, and all other Things necessary for a Gentleman Ranger.”

43. This cite from the *Pittsburgh Gazette* in 1789 reflects a clear sense that “arms” and “accoutrements” are distinct categories in the new nation as well: “The militia . . . must be considered as the palladium of our security The formation and discipline of the militia of the continent should be absolutely uniform; and that the same species of arms, accoutrements, and military apparatus, should be introduced in every part of the United States.”

44. The text of a bill in Congress to establish a uniform militia appeared in the *New York Journal* in 1790. It confirms the Founding-Era sense that “arms,” “ammunition,” and “accoutrements” make up distinct and separate elements of a soldier’s kit: “There shall be appointed an adjutant general for each state . . . whose duty it shall be to . . .report[] the actual situation of their arms, accoutrements, and ammunition. . . . Every non-commissioned officer or private . . . for appearing at such meeting or rendezvous without his arms, ammunition, or accoutrements, as directed by this act, shall pay the sum of twenty-five cents.”

45. And this cite from 1868 clearly distinguishes what counts as “arms,” and what counts, separately, as “accoutrements”: “At Watertown Arsenal, Massachusetts . . . the following Arms, &c., will be sold: 10,699 rifled and smooth-bore Muskets . . . ; 261 Carbines . . . ; 305 Sabres . . . ; lot of cavalry accoutrements, consisting of Bayonet Scabbards, Cap Pouches, Cartridge Boxes, Gun Slings, Waist Belts, &c.” *Daily Morning Chronicle* (Washington, DC).

46. The newspaper data parallels that of COFEA: the phrase “arms and accoutrements” is almost always military. The phrase sometimes occurs alongside “ammunition” as a separate list

item. “Accoutrements,” when it appears alone in a military context, is a more general term, used for gear and rarely, for arms as well.

47. It is clear that “arms and accoutrements” was, during the eighteenth and nineteenth centuries, a common military phrase, in both England and America. English often yokes terms commonly found together into idiomatic pairings, sometimes called binomials, like “bacon and eggs,” “salt and pepper,” or, in a legal context, “assault and battery” or “breaking and entering.” Such pairs take on the characteristics of a formula and often appear in the same order (this order may be dictated by logical succession of events, or it may be random). “Eggs and bacon” is rarer than “bacon and eggs.” And it would be unusual to find “battery and assault.” Such ordered pairs are called “irreversible binomials,” though there is nothing but custom (as in “salt and pepper”) and sometimes logic (as in “breaking and entering”) to prevent anyone from reversing the order.

48. The word “accoutrements” typically occurs in a list after “arms” (more rarely, it may occur before “arms” as well), and it is typically a separate category from “arms” (though not always, as the above examples show).

49. There are over 47,000 citations in newspapers.com for “arms” or “accoutrements” in the period 1868–1900, and 15,799 cites for the exact phrase “arms and accoutrements.” Examining a selection of the 15,799 citations of the phrase confirms that both in England and the United States, “arms” and “accoutrements” are separate categories. Here is one example from Gloucestershire, in England, in 1868: “[A] letter was received from the Home Secretary, pointing out the danger of permitting an accumulation of arms and accoutrements to take place in prisons, and requesting, if there were any arms or munitions of war stored in the prison, that they should be removed to the nearest military depot.”

50. A similar cite from Iowa in 1868 states: “Persons having in their possession any arms, accoutrements or ammunition belonging to the State, are requested to return the same at once to the Adjutant General, as proper places have been provided by the State for the safe keeping of all such property.” *Cedar Falls Gazette* (Cedar Falls, Iowa).

51. And this, from Stroudsburg, Pennsylvania, also 1868, states: “More than half of the Seventh Cavalry (Custer’s) decamped with their horses, arms, and accoutrements, and probably made their way to the gold regions of Colorado and Montana.” *The Jeffersonian* (Stroudsburg, Pennsylvania).

52. The circa-1868 data confirmed the Founding Era data that “accoutrements” is primarily a military term, and that when “accoutrements” co-occurs with “arms,” the terms refer to separate categories of equipment.

Some early use of the words “magazine” and “magazine wind gun,” along with instances of repeater air guns in the Founding Era

53. I was also asked to look at lexical evidence in the Founding Era for the names of inventors associated with the “air rifle,” or “air gun,” and to assess any lexical evidence about the availability and popularity of the repeater air gun. As with a very few instances of “accoutrements” including “arms,” the lexical evidence shows an extremely small number of outliers between 1744 and 1820 where “magazine” refers to the bullet compartment of a gun—not a pistol or rifle using conventional gunpowder and bullets, but an air gun.

54. The common, single-shot “wind gun” or “air gun” used compressed air rather than ignited gunpowder to propel a ball, and was much quieter than a traditional gun. Although the air gun did not require powder or a match, the user had to re-charge the compressed air cylinder once the air had been expended. The writer Oliver Goldsmith found air guns to be useful for experiments in physics, adding, “THIS, however, is but an instrument of curiosity, and sometimes

of mischief.” Oliver Goldsmith, *A survey of experimental philosophy, considered in its present state of improvement*, 1776. This newspaper story reports that the scientist Joseph Priestley was injured by an accidental discharge of an air gun: “We hear from Birmingham, that the celebrated Dr Priestley, in a late trial of some experiments with an air gun, was badly wounded by an accidental discharge of it; the ball with which it was loaded, passing thro’ one of his hands, and shattering it to pieces.” *The Leeds Intelligencer and Yorkshire General Advertiser*, June 5, 1781, p. 3.

55. A number of newspaper references suggest that its quietness made the air gun popular with criminals, and many references to air guns refer either to accidental discharges or to criminal assaults (for example, numerous newspaper accounts in 1785 suggested that the weapon which broke a window in the carriage of King George III was an air gun).

56. Air guns typically fired a single shot. However, there are references in the corpora to approximately eight inventors between 1744 and 1820 who built air guns capable of firing anywhere from 9 to 50 balls without reloading the ammunition or recharging the compressed-air cylinder. Lexical evidence suggests almost all of these repeater air guns were experimental models rather than guns available for military or civilian use.

57. The OED dates the term “magazine wind-gun” to 1744 in a reference to an air gun capable of firing more than one shot without reloading. “Magazine wind-gun” is the term used by its inventor, a man named L. Colbe. I have found no other examples of the term “magazine wind gun” in any database, suggesting that the phrase is a *hapax legomenon*, or “oncer,” terms that lexicographers use to define a word that merits a definition, but that does not appear anywhere else. Colbe also uses the term “magazine gun” for his device, and that term does occur twice more in the data, suggesting that it was never a common term. In an entry separate from its entry for

“magazine,” the OED marks the usage of both “magazine wind gun” and “magazine gun” as “rare” and “obsolete”:

†magazine wind-gun *n.* *Obsolete rare* a type of wind-gun fitted with a magazine of bullets. 1744 J. T. Desaguliers *Course Exper. Philos.* II. 399 An ingenious Workman call'd L. Colbe has very much improv'd it [sc. the old Wind-Gun], by making it a Magazine Wind-Gun; so that 10 Bullets are so lodg'd in a Cavity..that they may be..successively shot. Oxford English Dictionary Online, s.v. magazine wind-gun.

58. The OED citation is from John Theophilus Desaguliers, *A Course of Experimental Philosophy* (London, 1744), vol. II: 399-402. Desaguliers was a member of the Royal Society and an assistant to Isaac Newton specializing in mechanics and hydraulics. In his treatise, he offers an elaborate description of the common, single-shot wind gun, more typically referred to as an air gun, along with a three-page description of Colbe's so-called “Magazine Wind-Gun,” accompanied by a detailed drawing of the mechanism of that gun. I have found no biographical information about L. Colbe, inventor of the gun, and I have found no lexical evidence that Colbe made more than one such gun, or if he did, that it was produced in any significant numbers. Moreover, there is no lexical evidence that Colbe's invention was ever used either by the military or by civilians for individual self-defense. And there is no lexical evidence that the other repeater air guns invented before the mid-nineteenth century were ever more than a curiosity until workable models of what we now call machine guns using conventional gunpowder and bullets, not compressed air and balls, were produced during and after the Civil War.

59. As further confirmation that the magazine wind gun was an anomalous and uncommon term, the OED definition of “magazine,” updated most-recently in 2022, gives the earliest date of the sense of the word as “a bullet-container” as 1888. The corpus evidence confirms that the magazine wind gun is correctly dated by the OED as 1744, and I have found only two references to “magazine guns” in the 1790s and early 1800s, confirming that this usage of the word

remained rare. “Magazine wind-gun” and “magazine gun” do not appear in the COEME or COFEA corpora. I have found no information in the corpora on the availability or popularity of such guns, but the sparse lexical data suggests that they were not in common use.

60. A small number of references to later repeater wind guns indicate they were made, not by armourers, but by clockmakers and other highly-skilled artists or artisans. There is no indication in the lexical evidence that repeater air guns were ever mass produced or publicly available in the Founding Era (1776-1820). Several of the citations I found treat these guns as curiosities and their owners charge a small fee to anyone interested in looking at them (and in one case, trying the gun out). Like Colbe’s wind gun, they seem to be rare inventions or curiosities, not weapons commonly available to the military or to the American or English public. Besides Colbe’s gun, there are only two examples from the data that use the word “magazine” in connection with a repeater air gun:

- a) 1784 – “An artist of this town [Birmingham, Eng; the artist is also identified as a compass maker] has lately invented a magazine gun, that will discharge 45 bullets separately in two minutes and a half, each bullet would kill an ox at 40 yards distance; it is only charged once, and aim is taken with more certainty than with the fowling piece.” *New York Packet and American Advertiser*, New York, NY, August 5, 1784.
- b) 1815 – Advertisement for “one magazine Gun, when once loaded can be discharged ten times in a minute.” *New York Gazette*, Aug. 30, 1815.

61. The corpora contain just nine other references to repeater air guns, none of them using the word “magazine”:

- a) 1783 – “Vienna. A watchmaker has invented an Air Gun, which, without recharging, fires 15 times successively. A corps of Hunters are to be armed with these guns.” *The Newcastle Weekly Courant* (England), May 10, 1783, p. 3. There is no follow-up to indicate whether the corps of Viennese hunters did employ such a weapon.
- b) 1792 – A number of American newspapers report on the invention by a man, only identified as someone from Rhode Island, of a repeating air gun capable of firing twenty times without reloading. Here is one: “A person in Rhode Island has

invented an Air-gun, which can be discharged, to do execution, 20 times, each time it is loaded.—As nothing is cheaper, and easier to be transferred, than the ammunition for the above pieces; and as saving much expense, they recommend themselves strongly to the Secretary at War, to be used in the approaching campaign against the Indians.” *National Intelligencer: National Gazette*, April 26, 1792, p. 3. There is no indication that the Secretary of War acted on this suggestion. In fact, the following advertisement suggests that the repeater air gun in question was treated as a curiosity to be admired in a museum:

- c) 1792 – “An air-gun, made by a young man, a native of Rhode-Island, but now resident in this city [New York], and which has been purchased by the subscriber, with a view eventually to make it the property of the American museum but wishes to reimburse himself in the following manner, viz. He will exhibit it to the examination of all persons desirous of viewing it, and of discharging a shot, for which they shall pay six-pence. This gun, when properly filled with air, will do execution twenty times, without renewing the charge, and for several times will send a ball thro’ an inch board, at the distance of sixty yards, to be seen at the subscribers, No. 13 Maiden Lane, every day in the week, from 10 to 12 in the forenoon, and from 3 to 5 in the afternoon, Tuesday and Friday afternoons excepted, at which time it may be seen at the Museum. Gardiner Baker, Keeper of the Museum.” *New York Daily Advertiser*, February 9, 1792.
- d) 1796 – “This carbine, lighter and smaller than the common ones, is composed of two barrels, the smallest of which contains 25 balls: and by a slight movement, they pass from the one to the other; which ball, by lowering the firelock, goes off with the same rapidity and carries further than if fired with powder, without the least noise, and that as often as a hundred times alternately, during the space of 8 or 10 minutes; after which, the reservoir being exhausted, it requires to pump in fresh air, which takes up at most, 16 minutes.” *The Independent Gazetteer* (Philadelphia), August 6, 1796, p. 1. This report adds that the repeater air gun, invented in the reign of Emperor Joseph II (reg. 1765–1790), was distributed to German troops, and that a sample weapon was given to the Prince of Wales. The writer suggests such guns would be useful at sea, since they are not affected by dampness. But there is no indication in the corpora that the Royal Navy ever considered such a weapon.
- e) 1797 – “An Air GUN has been constructed by Messrs. Darlings and Wilkinson, of Cumberland, Rhode Island, upon a plan entirely new. It can be discharged twelve times with once loading, and will do execution with great exactness, at fifty yards distance.” *Columbian Centinel* (Boston), June 21, 1797.
- f) 1801 – Multiple newspapers run the story of a repeater air gun invented by a man known as Girardami, identified as a peasant, artist, and watchmaker, and variously referred to in gun history articles as Girandoni or Girardoni (those spellings do not appear in the corpora that I consulted): “Girardami, a Tyrolese peasant, and self-taught artist, has invented an air-gun, which may be discharged fifty times without pumping again. The first twenty shots penetrate through a door at an uncommon

distance. Girardami makes these air-guns himself, and likewise very good wooden watches.” *The Caledonian Mercury* (Edinburgh), March 2, 1801, p. 2.

- g) 1802 – “The Newly-Invented Philosophical Air Gun That can be used as Gun or Pistol, and discharge 20 balls with one loading of the globe [that is, the compressed-air cylinder], unless the charge of air is let out at once. To be seen at Mr. Wyant’s tavern, Market street, both night and day. Admittance one fourth of a dollar.” *Telegraphe and Daily Advertiser* (Baltimore), March 17, 1802. “Philosophical” in this sense is often used to refer to physicists experimenting with air guns to measure air temperature, pressure, and volume, among other things (*see*, for example, the work of Desaguliers and the experiments of Goldsmith and Priestley mentioned above).
- h) 1807 – An ad for an auction includes, among other items, “an air gun in compleat order which, when loaded will discharge twenty five times after being pumped.” *American Citizen* (New York, NY), May 28, 1807.
- i) 1814 – One article in the corpora refers to a repeater air gun taken by Lewis and Clark on their expedition to the Pacific some eight years earlier, though the article itself has nothing to do with the expedition. Instead, this letter to the newspaper, criticizing a politician for repeating the same things that he has been saying for years, suggests as well that the Lewis and Clark repeater air gun was used not for hunting or warfare but rather to dazzle the Indians that the explorers encountered with their “great medicine,” thereby ensuring a peaceful encounter: “he [the politician in question], forthwith, becomes a “great medicine,” as the Shoshones called captain Lewis’ air gun.” *National Advocate*, Mar. 23, 1814. This article was written ten years after the start and eight years after the completion of the expedition. I did not find any contemporaneous articles or firsthand accounts in the corpora of such a gun or how it may have been used.
- j) 1819 – Finally, there is an ad for a French repeater air gun, for sale at 90 crowns: “which discharges 20 times before the air is expended.” *Salem Gazette* (Massachusetts), February 5, 1819.

62. To summarize: the corpus data shows that the terms “magazine gun,” “magazine wind gun,” and “magazine air gun” are extremely rare, occurring a mere three times in the corpora, along with nine instances of repeater air guns that do not include the word “magazine.” In contrast, there are approximately 1,200 references to the single-shot “air gun” in the several databases that I consulted. Subtracting an estimated 150 duplicates, that leaves about 1,050 references to a single-shot air gun. Two of the references, ¶ 61 (b) and (d) in the list above, suggest that they would be useful weapons for the military; and one, ¶ 61 (a) above, recommends their use to hunters. But for

the most part, the references listed above to early repeater guns seem to be treated as curiosities: marvels of engineering constructed by clockmakers or other skilled artisans, items to be seen in a museum or exhibited at a tavern (*see* examples ¶¶ 61 (c) and (g) above). There is no lexical evidence that they were manufactured in quantity. Their mechanisms were complex, requiring a clockmaker's skill to design, make, and repair. And it took time to re-charge the air cylinder (one source in the list above, dated 1796, suggests sixteen minutes for one such repeater air gun, which would render them suboptimal in battle situations). A couple of entrepreneurs charged admission to view them (¶¶ 61 (c) and (g) above), and in one case, in ¶ 61 (c) above, they may pay six pence to try shooting the gun. The Lewis and Clark example (i) seems to have been used to “impress” potentially hostile Native Americans rather than as a weapon against them. It too may have been a one-off. Furthermore, only three of the twelve references to repeater air guns refer to the bullet container as a “magazine,” a further indication that this usage is extremely rare (*see* ¶¶ 57 and 59, above).

63. Although most uses of the word “magazine” still refer to printed periodicals, during the nineteenth century, one sense of the term *magazine* narrows, referring more and more to an “ammunition container,” a primary sense of the word in reference to firearms today. With advances in the design and manufacture of guns and ammunition, by the mid-nineteenth century, the term “magazine” starts to gradually replace the earlier terms “cartridge box” or “cartridge case”, not in air guns but in ones using gunpowder and bullets.

64. The OED defines *magazine*, sense IV b, as “A container or (detachable) receptacle in a repeating rifle, machine-gun, etc., containing a supply of cartridges which are fed automatically to the breech,” with the earliest citation in this sense from 1868. The earliest example in COHA is from 1882: “Solitary travelers still find it prudent to make a display of a

magazine rifle, and to keep a sharp eye on any roving bands.” E. V. Smalley, “The New North-West,” *Century*, September, 1882, pp. 769–79. COHA lists only 40 examples of “magazine rifle,” most of them between 1890 and 1930. “Magazine gun” appears in the COHA data 16 times between 1920–2010. And an 1893 editorial in the *New York Times* refers to the army’s “new magazine rifle.” “New Powder for the Army,” *New York Times*, December 7, 1893, p. 4.

65. The corpus data confirms that “magazine” does not become commonly associated with guns until the late nineteenth and early twentieth centuries. COFEA and COEME do not cover the period past 1800. COHA, which does have nineteenth century coverage, turns up only a handful of uses of “magazine” in collocation with bullets, guns, rifles, or weapons in the 1890s, and only three such uses cited above before 1820. Most COHA cites for “magazine” refer to print magazines; a smaller number from 1820–1880 refer to gunpowder storehouses.

66. Searching the word “magazine” in newspapers.com results in more than 3.3 million hits, the vast majority of them also referring to print journals. It is not currently possible to tease out the subset of these citations to determine exactly how many refer to weapons rather than print journals. I did try to estimate, indirectly, the frequency of the gun-specific use of “magazine” by running a Google n-gram search.

67. Google’s n-gram viewer searches the corpus of digitized Google Books. It can give a rough approximation of a word’s frequency in relation to the other words in the Google Books corpus. The results appear as a graph. It is capable of showing the relative frequency of several words on the same graph. My n-gram search showed that between 1750–1880 the word “magazine” occurs with a frequency of 0.0005121511% in 1789 and a frequency of 0.0007324368

in 1880.³ A search for “magazine gun” returns no hits for that same period. But a search for “magazine rifle” shows that it does not occur in the database before 1813; there are few instances from 1813-1820, with a frequency of 0.000000185%; and then a sharp rise between 1863 and 1880, when frequency reaches a high of 0.000000936%, reflecting the increased use of the revolver, and the invention of the repeating rifle and the machine gun during the Civil War.⁴ Google data shows that the use of “magazine” in the Founding Era did was not associated with guns. By 1880, the association with guns had become more common. Comparing the use of “magazine” in 1880 in all contexts with the use of “magazine rifle” that same year, it appears that the gun-related sense of “magazine” represents approximately 0.0012% of the occurrences of the word “magazine.”

68. The n-gram estimate, together with the sparse evidence in COHA and the OED, all suggest that “magazine” in the sense “device for holding bullets” forms only a very small subset of the 3.3 million occurrences of “magazine” in the newspaper corpora. Although “magazine” in the gun-related sense shows a distinct rise between 1864 and 1880, it took another thirty to forty years for the “bullet holder” sense of the word “magazine” to become more common. Even then, text references to ammunition magazines often appear, not in general discourse, but in legislation restricting their size or use.⁵

3

https://books.google.com/ngrams/graph?content=magazine&year_start=1750&year_end=1880&corpus=en-2019&smoothing=3

4

https://books.google.com/ngrams/graph?content=magazine+rifle&year_start=1750&year_end=1880&corpus=en-2019&smoothing=3

⁵ For example, a search of the database of arms legislation in the Duke Center for Firearms Law shows that, once repeater pistols and rifles became more common as nonmilitary weapons, in the early twentieth century a number of states passed legislation limiting magazine capacity.

CONCLUSION

69 To repeat, there is no lexical data that I have found showing that “arms” includes “accoutrements, magazines,” or any other parts of weapons. To the contrary, while “arms” is used as a general term for weapons (typically swords, knives, rifles, and pistols), it does not include ammunition, ammunition containers, flints, scabbards, holsters, armor, or shields, which are included in the category “accoutrements.” And there is no evidence from the small number of mentions of the repeater air guns in the databases before the Civil War era that such guns were used in the Founding Era by the American or British military, or that they were widely available to civilians for hunting or self-defense.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 30, 2023



Dennis Baron

CERTIFICATION OF SERVICE

I hereby certify that on August 16, 2023, I electronically filed the foregoing Defendants-Appellees' Supplemental Appendix with the Clerk of the Court for the United States Court of Appeals for the Third Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I also certify that four (4) paper copies of the foregoing Defendants-Appellees' Supplemental Appendix shall be filed by Federal Express to the Office of the Clerk, United States Court of Appeals for the Third Circuit, within 5 days of the date of electronic filing of the Supplemental Appendix.

Dated: August 16, 2023

/s/ David E. Ross

Counsel for Defendants-Appellees