

No. 23-55805

---

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

VIRGINIA DUNCAN, ET AL.,  
*Plaintiffs and Appellees,*

V.

ROB BONTA, IN HIS OFFICIAL CAPACITY AS  
ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,  
*Defendant and Appellant.*

---

**On Appeal from the United States District Court  
for the Southern District of California**  
No. 3:17-cv-01017-BEN-JLB  
The Honorable Roger T. Benitez, Judge

---

**APPELLANT'S EXCERPTS OF RECORD  
INDEX VOLUME**

---

ROB BONTA  
*Attorney General of California*  
MICHAEL J. MONGAN  
*Solicitor General*  
HELEN H. HONG  
*Principal Deputy Solicitor General*  
THOMAS S. PATTERSON  
*Senior Assistant Attorney General*

MICA L. MOORE  
*Deputy Solicitor General*  
R. MATTHEW WISE  
*Supervising Deputy Attorney General*  
ROBERT L. MEYERHOFF  
KEVIN J. KELLY  
JOHN D. ECHEVERRIA  
*Deputy Attorneys General*

CALIFORNIA DEPARTMENT OF JUSTICE  
300 South Spring Street, Suite 1702  
Los Angeles, CA 90013  
(213) 269-6138  
Mica.Moore@doj.ca.gov  
*Attorneys for Defendant and Appellant*

November 21, 2023

---

**EXCERPTS OF RECORD INDEX**

| <b>File Date</b>      | <b>D. Ct. Dkt. No.</b> | <b>Document Description</b>   | <b>ER No.</b> |
|-----------------------|------------------------|---|---------------|
| <b>VOLUME 1 of 17</b> |                        |   |               |
| 11/09/23              | 161                    | Final Judgment  | 2             |
| 09/22/23              | 149                    | September 22, 2023 Decision   | 3-73          |
| 03/29/19              | 87                     | Order Granting Plaintiffs' Motion for Summary Judgment, Declaring California Penal Code § 32310 Unconstitutional and Enjoining Enforcement  | 74-159        |
| <b>VOLUME 2 of 17</b> |                        |   |               |
| 02/10/23              | 142-1                  | Declaration of John D. Echeverria in Support of Defendant's Brief in Response to the Court's Order Entered on December 15, 2022   | 161-164       |
| 02/10/19              | 142-1                  | Exhibit 1 – Excerpts from the Transcript of the Deposition of Stephen C. Helsley [Vol. I], dated January 19, 2023, from the matter, <i>Oregon Firearms Fed'n v. Brown</i> , U.S. District Court for the District of Oregon, Case Nos. 2:22-cv-01815-IM, 3:22-cv-01859-IM, 3:22-cv-01862-IM, 3:22-cv-01869-IM ( <i>Decl. of John D. Echeverria in Supp. of Defs.' Br. in Resp. to the Court's Order Entered on Dec. 15, 2022</i> ) | 165-195       |

| File Date | D. Ct. Dkt. No. | Document Description   | ER No.  |
|-----------|-----------------|--|---------|
| 02/10/19  | 142-1           | Exhibit 2 – Excerpts from the Transcript of the Deposition of Stephen C. Helsley – Vol. II, dated January 30, 2023, from the matter, <i>Oregon Firearms Fed’n v. Brown</i> , U.S. District Court for the District of Oregon, Case Nos. 2:22-cv-01815-IM, 3:22-cv-01859-IM, 3:22-cv-01862-IM, 3:22-cv-01869-IM ( <i>Decl. of John D. Echeverria in Supp. of Defs.’ Br. in Resp. to the Court’s Order Entered on Dec. 15, 2022</i> ) | 196-217 |
| 02/10/19  | 142-1           | Exhibit 3 – Supplemental Expert Report and Declaration of Colonel (Ret.) Craig Tucker, dated January 6, 2023, filed in the matter, <i>Rupp v. Bonta</i> , U.S. District Court for the Central District of California, Case No. 8:17-cv-00746-JLS-JDE ( <i>Decl. of John D. Echeverria in Supp. of Defs.’ Br. in Resp. to the Court’s Order Entered on Dec. 15, 2022</i> )  | 218-233 |
| 02/10/19  | 142-1           | Exhibit 4 – Declaration of Kevin Sweeney, dated February 5, 2023, filed in the matter, <i>Oregon Firearms Fed’n v. Brown</i> , U.S. District Court for the District of Oregon, Case Nos. 2:22-cv-01815-IM, 3:22-cv-01859-IM, 3:22-cv-01862-IM, 3:22-cv-01869-IM ( <i>Decl. of John D. Echeverria in Supp. of Defs.’ Br. in Resp. to the Court’s Order Entered on Dec. 15, 2022</i> )   | 234-266 |

| <b>File Date</b> | <b>D. Ct. Dkt. No.</b> | <b>Document Description</b>  | <b>ER No.</b> |
|------------------|------------------------|--|---------------|
| 02/10/19         | 142-1                  | Exhibit 5 – Excerpts from the Transcript of the Deposition of Ashley Hlebinsky, dated January 20, 2023, from the matter, <i>Oregon Firearms Fed’n v. Brown</i> , U.S. District Court for the District of Oregon, Case Nos. 2:22-cv-01815-IM, 3:22-cv-01859-IM, 3:22-cv-01862-IM, 3:22-cv-01869-IM ( <i>Decl. of John D. Echeverria in Supp. of Defs.’ Br. in Resp. to the Court’s Order Entered on Dec. 15, 2022</i> ) | 267-297       |
| 02/10/23         | 142-1                  | Exhibit 6 – Excerpts from the Transcript of the Deposition of Clayton Cramer, dated January 19, 2023, from the matter, <i>Oregon Firearms Fed’n v. Brown</i> , U.S. District Court for the District of Oregon, Case Nos. 2:22-cv-01815-IM, 3:22-cv-01859-IM, 3:22-cv-01862-IM, 3:22-cv-01869-IM ( <i>Decl. of John D. Echeverria in Supp. of Defs.’ Br. in Resp. to the Court’s Order Entered on Dec. 15, 2022</i> )   | 298-341       |
| 01/11/23         | 139                    | Declaration of John D. Echeverria re Submission of Surveys in Response to the Court’s Order Entered on December 15, 2022   | 342-344       |
| 01/11/23         | 139-1                  | Exhibit 1 – Defendant’s Survey of Relevant Statutes (Pre-Founding to 1888)<br>( <i>Decl. of John D. Echeverria re Submission of Surveys in Resp. to the Court’s Order Entered on Dec. 15, 2022</i> )   | 345-400       |
| 01/11/23         | 139-2                  | Exhibit 2 – Defendant’s Survey of Relevant Statutes (1889 to 1930s)<br>( <i>Decl. of John D. Echeverria re Submission of Surveys in Resp. to the Court’s Order Entered on Dec. 15, 2022</i> )  | 401-439       |

| File Date             | D. Ct. Dkt. No. | Document Description   | ER No.   |
|-----------------------|-----------------|--|----------|
| <b>VOLUME 3 of 17</b> |                 |  |          |
| 01/11/23              | 139-3           | Exhibit 3 – Plaintiffs’ Disagreements re Defendant’s Survey of Relevant Statutes (Pre-Founding – 1930s) ( <i>Decl. of John D. Echeverria re Submission of Surveys in Resp. to the Court’s Order Entered on Dec. 15, 2022</i> )   | 441-596  |
| 12/20/22              | 135             | Reporter Transcript of the December 12, 2022 Consolidated Hearing/Status Conference, <i>Duncan v. Bonta</i> , No. 3:17-cv-01017-BEN-JLB (S.D. Cal.); <i>Miller v. Bonta</i> , No. 3:19-cv-1537-BEN-JLB (S.D. Cal.); <i>Rhode v. Bonta</i> , No. 3:18-cv-00802-BEN-JLB (S.D. Cal.); and <i>Fouts v. Bonta</i> , No. 3:19-cv-01662-BEN-JLB (S.D. Cal.) | 597-647  |
| 12/01/22              | 132-1           | Declaration of Ashley Hlebinsky in Support of Plaintiffs’ Supplemental Brief; Exhibit 1  | 648-694  |
| <b>VOLUME 4 of 17</b> |                 |  |          |
| 12/01/22              | 132-2           | Declaration of Mark Hanish in Support of Plaintiffs’ Supplemental Brief; Exhibits 2-7  | 696-777  |
| 12/01/22              | 132-3           | Declaration Carlisle Moody in Support of Plaintiffs’ Supplemental Brief; Exhibits 8-9  | 778-845  |
| 12/01/22              | 132-4           | Declaration Stephen Helsley in Support of Plaintiffs’ Supplemental Brief; Exhibit 10   | 846-862  |
| <b>VOLUME 5 of 17</b> |                 |  |          |
| 12/01/22              | 132-5           | Declaration of Anna M. Barvir in Support of Plaintiffs’ Supplemental Brief; Exhibits 23-31 of 41   | 864-1071 |

| <b>File Date</b>      | <b>D. Ct. Dkt. No.</b> | <b>Document Description</b>  | <b>ER No.</b> |
|-----------------------|------------------------|--|---------------|
| <b>VOLUME 6 of 17</b> |                        |  |               |
| 12/01/22              | 132-6                  | Exhibits 32-41 to Declaration of Anna M. Barvir in Support of Plaintiffs' Supplemental Brief | 1073-1292     |
| 12/01/22              | 132-7                  | Declaration of Clayton Cramer in Support of Plaintiffs' Supplemental Brief; Exhibit 42       | 1293-1344     |
| <b>VOLUME 7 of 17</b> |                        |  |               |
| 12/01/22              | 132-8                  | Declaration of Gary Kleck in Support of Plaintiffs' Supplemental Brief; Exhibit 43           | 1346-1396     |
| 12/01/22              | 132-9                  | Request for Judicial Notice in Support of Plaintiffs' Supplemental Brief                     | 1397-1514     |
| 11/10/22              | 118-1                  | Supplemental Declaration of Lucy P. Allen  | 1515-1559     |
| 11/10/22              | 118-2                  | Declaration of Dennis Baron  | 1560-1580     |
| 11/10/22              | 118-3                  | Declaration of Ryan Busse  | 1581-1587     |
| 11/10/22              | 118-4                  | Declaration of Saul Cornell  | 1588-1643     |
| <b>VOLUME 8 of 17</b> |                        |  |               |
| 11/10/22              | 118-5                  | Supplemental Declaration of John J. Donohue  | 1645-1688     |
| 11/10/22              | 118-6                  | Supplemental Declaration of Louis Klarevas   | 1689-1765     |
| 11/10/22              | 118-7                  | Declaration of Brennan Rivas   | 1766-1792     |
| 11/10/22              | 118-8                  | Declaration of Randolph Roth   | 1793-1862     |

| <b>File Date</b>       | <b>D. Ct. Dkt. No.</b> | <b>Document Description</b>  | <b>ER No.</b> |
|------------------------|------------------------|--|---------------|
| <b>VOLUME 9 of 17</b>  |                        |  |               |
| 11/10/22               | 118-9                  | Declaration of Robert Spitzer  | 1864-2093     |
| <b>VOLUME 10 of 17</b> |                        |  |               |
| 11/10/22               | 118-10                 | Declaration of Michael Vorenberg   | 2095-2165     |
| 04/09/18               | 53-2                   | Declaration of Blake Graham in Opposition to Plaintiffs' Motion for Summary Judgment or, Alternatively, Partial Summary Judgment                               | 2166-2174     |
| 04/09/18               | 53-3                   | Declaration of Ken James in Opposition to Plaintiffs' Motion for Summary Judgment or, Alternatively, Partial Summary Judgment                                  | 2175-2182     |
| 04/09/18               | 53-4                   | Declaration of John D. Echeverria in Support of Defendant's Opposition to Plaintiffs' Motion for Summary Judgment or, Alternatively, Partial Summary Judgment  | 2183-2195     |
| 04/09/18               | 53-4                   | Exhibit 1 – Expert Report of Lucy P. Allen<br>( <i>Decl. of John D. Echeverria in Supp. of Def.'s Opp'n. to Pls.' Mot. for Summary Judgment</i> )              | 2196-2227     |
| 04/09/18               | 53-4                   | Exhibit 2 – Expert Rebuttal Report of John J. Donohue<br>( <i>Decl. of John D. Echeverria in Supp. of Def.'s Opp'n. to Pls.' Mot. for Summary Judgment</i> )   | 2228-2265     |
| 04/09/18               | 53-4                   | Exhibit 3 – Revised Expert Report of Dr. Louis Klarevas<br>( <i>Decl. of John D. Echeverria in Supp. of Def.'s Opp'n. to Pls.' Mot. for Summary Judgment</i> ) | 2266-2312     |

| <b>File Date</b>       | <b>D. Ct. Dkt. No.</b> | <b>Document Description</b>  | <b>ER No.</b> |
|------------------------|------------------------|--|---------------|
| 04/09/18               | 53-5                   | Exhibit 4 – Expert Report of Dr. Christopher S. Koper<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>                 | 2313-2363     |
| <b>VOLUME 11 of 17</b> |                        |  |               |
| 04/09/18               | 53-5                   | Continuation of Exhibit 4 – Expert Report of Dr. Christopher S. Koper<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i> | 2365-2625     |
| 04/09/18               | 53-5                   | Exhibit 5 – Excerpts of Transcript of Deposition of Stephen Helsley<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>   | 2626-2647     |
| 04/09/18               | 53-5                   | Exhibit 6 – Excerpts of Transcript of Deposition of Blake Graham<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>      | 2648-2653     |
| <b>VOLUME 12 of 17</b> |                        |  |               |
| 04/09/18               | 53-6                   | Exhibit 7 – Excerpts of Transcript of Deposition of Carlisle Moody<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>    | 2655-2670     |
| 04/09/18               | 53-6                   | Exhibit 8 – Excerpts of Transcript of Deposition of Gary Kleck<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>        | 2671-2681     |



| <b>File Date</b> | <b>D. Ct. Dkt. No.</b> | <b>Document Description</b>   | <b>ER No.</b> |
|------------------|------------------------|---|---------------|
| 04/09/18         | 53-6                   | Exhibit 9 – Excerpts of Transcript of Deposition of Christopher S. Koper, Ph.D.<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>  | 2682-2689     |
| 04/09/18         | 53-6                   | Exhibit 10 – Excerpts of Transcript of Deposition of Lucy P. Allen<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>   | 2690-2705     |
| 04/09/18         | 53-6                   | Exhibit 11 – Excerpts of Transcript of Deposition of Louis Klarevas<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>  | 2706-2719     |
| 04/09/18         | 53-7                   | Exhibit 12 – Dep't of the Treasury, Bureau of Alcohol, Tobacco, and Firearms, <i>Report and Recommendation on the Importability of Certain Semiautomatic Rifles</i> (1989)<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i> | 2720-2738     |
| 04/09/18         | 53-7                   | Exhibit 13 – Dep't of the Treasury, Bureau of Alcohol, Tobacco, and Firearms, <i>Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles</i> (1998)<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>     | 2739-2864     |
| 04/09/18         | 53-7                   | Exhibit 14 – Assemb. Floor Analysis of S.B. 1446 (2015-2016 Reg. Sess.)<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>  | 2865-2867     |

| <b>File Date</b>       | <b>D. Ct. Dkt. No.</b> | <b>Document Description</b>  | <b>ER No.</b> |
|------------------------|------------------------|--|---------------|
| 04/09/18               | 53-7                   | Exhibit 15 – Prepared Testimony by Laurence H. Tribe, <i>Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment: Hearing Before the Subcomm. on the Constitution, Civil Rights and Human Rights, S. Comm. on the Judiciary</i> (Feb. 12, 2013)<br>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment) | 2868-2903     |
| <b>VOLUME 13 of 17</b> |                        |  |               |
| 04/09/18               | 53-8                   | Exhibit 16 – Mark Follman, et al., <i>U.S. Mass Shootings, 1982-2018: Data from Mother Jones' Investigation</i> , Mother Jones (2018)<br>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)  | 2905-2918     |
| 04/09/18               | 53-8                   | Exhibit 17 – Mayors Against Illegal Guns, <i>Analysis of Recent Mass Shootings</i> (2013)<br>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)  | 2919-2953     |
| 04/09/18               | 53-8                   | Exhibit 18 – Declaration of Professor Daniel W. Webster in Support of Defendant Xavier Becerra's Opposition to Plaintiffs' Motion for Preliminary Injunction (Originally Filed as Docket No. 15)<br>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)   | 2954-2972     |
| 04/09/18               | 53-8                   | Exhibit 19 – Larry Buchanan, et al., <i>Nine Rounds a Second: How the Las Vegas Gunman Outfitted a Rifle to Fire Faster</i> , N.Y. Times, Oct. 5, 2017<br>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)   | 2973-2976     |

| <b>File Date</b> | <b>D. Ct. Dkt. No.</b> | <b>Document Description</b>  | <b>ER No.</b> |
|------------------|------------------------|--|---------------|
| 04/09/18         | 53-9                   | Exhibit 20 – Violence Policy Center, <i>High-Capacity Ammunition Magazines are the Common Thread Running Through Most Mass Shootings in the United States</i> (2018)<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>  | 2977-2985     |
| 04/09/18         | 53-9                   | Exhibit 21 – Alex Yablon, <i>Bans on High-Capacity Magazines, Not Assault Rifles, Most Likely to Limit Shooting Carnage</i> , The Trace, June 13, 2016<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>  | 2986-2988     |
| 04/09/18         | 53-9                   | Exhibit 22 – Stephen J. Sedensky III, State of Conn., Div. of Crim. Just., Report of the State's Attorney for the Judicial District of Danbury on the Shootings at Sandy Hook Elementary School and 36 Yogananda Street, Newtown, Connecticut on December 14, 2012 (2013)<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i> | 2989-3036     |
| 04/09/18         | 53-9                   | Exhibit 23 – Mark Follman, <i>More Guns, More Mass Shootings—Coincidence?</i> , Mother Jones, Dec. 15, 2012<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>   | 3037-3042     |
| 04/09/18         | 53-10                  | Exhibit 24 – Excerpts from Louis Klarevas, <i>Rampage Nation: Securing America from Mass Shootings</i> (2016)<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>   | 3043-3072     |

| <b>File Date</b>       | <b>D. Ct. Dkt. No.</b> | <b>Document Description</b>  | <b>ER No.</b> |
|------------------------|------------------------|--|---------------|
| 04/09/18               | 53-10                  | Exhibit 25 – Excerpts from Robert J. Spitzer, <i>Gun Law History in the United States and Second Amendment Rights</i> , 80 Law & Contemporary Problems 55 (2017)<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>  | 3073-3077     |
| 04/09/18               | 53-10                  | Exhibit 26 – H.R. Rep. No. 103-489 (1994)<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>   | 3078-3153     |
| 04/09/18               | 53-10                  | Exhibit 27 – The Safety for All Act of 2016, 2016 Cal. Legis. Serv. Proposition 63 (West)<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>   | 3154-3182     |
| <b>VOLUME 14 of 17</b> |                        |  |               |
| 04/09/18               | 53-10                  | Exhibit 28 – Sandy Hook Advisory Comm'n, Final Report of the Sandy Hook Advisory Commission (2015)<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>  | 3184-3460     |
| 04/09/18               | 53-11                  | Exhibit 29 – <i>LAPD Chief Backs Ban on Some Ammo Magazines</i> , NBC So. Cal.<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>  | 3461-3464     |
| 04/09/18               | 53-11                  | Exhibit 30 – C. S. Koper & D. C. Reedy, <i>Impact of Handgun Types on Gun Assault Outcomes: A Comparison of Gun Assaults Involving Semiautomatic Pistols and Revolvers</i> , 9 Injury Prevention 151 (2003)<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i> | 3465-3469     |

| File Date              | D. Ct. Dkt. No. | Document Description   | ER No.    |
|------------------------|-----------------|--|-----------|
| <b>VOLUME 15 of 17</b> |                 |  |           |
| 04/09/18               | 53-11           | Exhibit 31 – Brady Center to Prevent Gun Violence, Assault Weapons: ‘Mass Produced Mayhem’ (2008)<br><i>(Decl. of John D. Echeverria in Supp. of Def. ’s Opp’n. to Pls. ’ Mot. for Summary Judgment)</i>   | 3471-3533 |
| 04/09/18               | 53-11           | Exhibit 32 – Testimony of Brian J. Siebel, Senior Attorney, Brady Ctr. to Prevent Gun Violence, Before the Council of the District of Columbia (Oct. 1, 2008)<br><i>(Decl. of John D. Echeverria in Supp. of Def. ’s Opp’n. to Pls. ’ Mot. for Summary Judgment)</i>   | 3534-3540 |
| 04/09/18               | 53-11           | Exhibit 33 – Christopher S. Koper et al., <i>Gunshot Victimisations Resulting from High-Volume Gunfire Incidents in Minneapolis: Findings and Policy Implications</i> , Injury Prevention (Feb. 24, 2018)<br><i>(Decl. of John D. Echeverria in Supp. of Def. ’s Opp’n. to Pls. ’ Mot. for Summary Judgment)</i>   | 3541-3544 |
| 04/09/18               | 53-12           | Exhibit 34 – Nat. Law Enforcement P’ship to Prevent Gun Violence, Protecting Communities from Assault Weapons and High-capacity Ammunition Magazines (2017)<br><i>(Decl. of John D. Echeverria in Supp. of Def. ’s Opp’n. to Pls. ’ Mot. for Summary Judgment)</i>   | 3545-3548 |
| 04/09/18               | 53-12           | Exhibit 35 – Declaration of San Francisco Police Department Officer Joseph Emanuel in Support of Plaintiff’s Ex Parte Application for Order to Show Cause Re: Preliminary Injunction, <i>People v. Badger Mountain Supply</i> , No. CGC-17-557010 (S.F. Super. Feb. 21, 2017)<br><i>(Decl. of John D. Echeverria in Supp. of Def. ’s Opp’n. to Pls. ’ Mot. for Summary Judgment)</i> | 3549-3567 |

| <b>File Date</b> | <b>D. Ct. Dkt. No.</b> | <b>Document Description</b>  | <b>ER No.</b> |
|------------------|------------------------|--|---------------|
| 04/09/18         | 53-12                  | Exhibit 36 – Declaration of Detective Michael Mersereau of the Los Angeles Police Department in Support of Amici Curiae the City and County of San Francisco, the City of Los Angeles, and the City of Sunnyvale, <i>Duncan v. Becerra</i> , No. 17- 56081 (9th Cir. Oct. 19, 2017)<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i> | 3568-3576     |
| 04/09/18         | 53-12                  | Exhibit 37 – Mark Follman, et al., <i>A Guide to Mass Shootings in America</i> , Mother Jones (last updated Mar. 10, 2018, 9:00 a.m.)<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>   | 3577-3580     |
| 04/09/18         | 53-12                  | Exhibit 38 – David S. Fallis & James V. Grimaldi, <i>Va. Data Show Drop in Criminal Firepower During Assault Gun Ban</i> , Wash. Post (Jan. 23, 2011)<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>   | 3581-3584     |
| 04/09/18         | 53-12                  | Exhibit 39 – David S. Fallis, <i>Data Indicate Drop in High-Capacity Magazines During Federal Gun Ban</i> , Wash. Post (Jan. 10, 2013)<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>  | 3585-3588     |
| 04/09/18         | 53-12                  | Exhibit 40 – Excerpts of Gary Kleck, <i>Point Blank: Guns and Violence in America</i> (1991)<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>  | 3589-3597     |

| <b>File Date</b>       | <b>D. Ct. Dkt. No.</b> | <b>Document Description</b>  | <b>ER No.</b> |
|------------------------|------------------------|--|---------------|
| 04/09/18               | 53-12                  | Exhibit 41 – Claude Werner, The Armed Citizen - Analysis of Five Years of Armed Encounters, GunsSaveLives.com (Mar. 12, 2012)<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>     | 3598-3604     |
| 04/09/18               | 53-12                  | Exhibit 42 – California Voter Information Guide, Firearms. Ammunition Sales. Initiative Statute. California Proposition 63 (2016)<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i> | 3605-3627     |
| 04/09/18               | 53-12                  | Exhibit 43 – Larry Buchanan, et al., <i>How They Got Their Guns</i> , N.Y. Times, Nov. 5, 2017<br><i>(Decl. of John D. Echeverria in Supp. of Def. 's Opp'n. to Pls. ' Mot. for Summary Judgment)</i>                                    | 3628-3635     |
| <b>VOLUME 16 of 17</b> |                        |  |               |
| 03/05/18               | 50-8                   | Declaration of Anna M. Barvir in Support of Plaintiffs' Motion for Summary Judgment or, Alternatively, Partial Summary Judgment  | 3637-3654     |
| 03/05/18               | 50-8                   | Exhibit 1 – Expert Report of James Curcuruto<br><i>(Decl. of Anna M. Barvir in Supp. of Pls. ' Mot. for Summary Judgment)</i>  | 3655-3661     |
| 03/05/18               | 50-8                   | Exhibit 2 – Expert Report of Stephen Helsley<br><i>(Decl. of Anna M. Barvir in Supp. of Pls. ' Mot. for Summary Judgment)</i>  | 3662-3672     |
| 03/05/18               | 50-8                   | Exhibit 3 – Expert Report of Gary Kleck<br><i>(Decl. of Anna M. Barvir in Supp. of Pls. ' Mot. for Summary Judgment)</i>   | 3673-3735     |



| <b>File Date</b> | <b>D. Ct. Dkt. No.</b> | <b>Document Description</b>  | <b>ER No.</b> |
|------------------|------------------------|--|---------------|
| 03/05/18         | 50-8                   | Exhibit 4 – Expert Rebuttal Report of Carlisle Moody<br><i>(Decl. of Anna M. Barvir in Supp. of Pls. ' Mot. for Summary Judgment)</i>  | 3736-3799     |
| 03/05/18         | 50-10                  | Exhibit 12 – David B. Kopel, <i>The History of Firearm Magazines and Magazine Prohibitions</i> , 78 Albany L. Rev. 849 (2015)<br><i>(Decl. of Anna M. Barvir in Supp. of Pls. ' Mot. for Summary Judgment)</i> | 3800-3839     |
| 03/05/18         | 50-2                   | Exhibit 69 – Act of June 2, 1927, No. 372, § 3, 1927 Mich. Pub. Acts 888<br><i>(Request for Judicial Notice in Supp. of Pls. ' Mot. for Summary Judgment)</i>  | 3840-3846     |
| 03/05/18         | 50-2                   | Exhibit 70 – Act of Apr. 22, 1927, ch. 1052, §§ 1, 4, 1927 R.I. Acts & Resolves 256, 256-57<br><i>(Request for Judicial Notice in Supp. of Pls. ' Mot. for Summary Judgment)</i>                               | 3847-3848     |
| 03/05/18         | 50-2                   | Exhibit 71 – Act of Apr. 6, 1933, No. 166, sec. 1, §§ 12819-3, -4, 1933 Ohio Laws 189, 189<br><i>(Request for Judicial Notice in Supp. of Pls. ' Mot. for Summary Judgment)</i>                                | 3849          |
| 03/05/18         | 50-2                   | Exhibit 78 – Act of July 8, 1932, Pub. L. No. 72-275, §§ 1, 8, 47 Stat. 650<br><i>(Request for Judicial Notice in Supp. of Pls. ' Mot. for Summary Judgment)</i>   | 3850-3854     |
| 03/05/18         | 50-2                   | Exhibit 79 – Colo. Rev. Stat. §§ 18-12-301–302<br><i>(Request for Judicial Notice in Supp. of Pls. ' Mot. for Summary Judgment)</i>  | 3855-3856     |



| <b>File Date</b>       | <b>D. Ct. Dkt. No.</b> | <b>Document Description</b>   | <b>ER No.</b> |
|------------------------|------------------------|---|---------------|
| 03/05/18               | 50-2                   | Exhibit 80 – Conn. Gen. Stat. § 53-202w<br><i>(Request for Judicial Notice in Supp. of Pls. ' Mot. for Summary Judgment)</i>              | 3857-3859     |
| 03/05/18               | 50-2                   | Exhibit 81 – D.C. Code § 7-2506.01(b)<br><i>(Request for Judicial Notice in Supp. of Pls. ' Mot. for Summary Judgment)</i>                | 3860-3861     |
| 03/05/18               | 50-2                   | Exhibit 82 – Haw. Rev. Stat. § 134-8(c)<br><i>(Request for Judicial Notice in Supp. of Pls. ' Mot. for Summary Judgment)</i>              | 3862-3863     |
| 03/05/18               | 50-2                   | Exhibit 83 – Md. Code, Crim. Law § 4-305(b)<br><i>(Request for Judicial Notice in Supp. of Pls. ' Mot. for Summary Judgment)</i>          | 3864-3865     |
| 03/05/18               | 50-2                   | Exhibit 84 – Mass. Gen. Laws ch. 140, §§ 121, 131(a)<br><i>(Request for Judicial Notice in Supp. of Pls. ' Mot. for Summary Judgment)</i> | 3866-3877     |
| 03/05/18               | 50-2                   | Exhibit 85 – N.J. Stat. § 2C:39-1y, -3j, -9h<br><i>(Request for Judicial Notice in Supp. of Pls. ' Mot. for Summary Judgment)</i>         | 3878-3885     |
| 03/05/18               | 50-2                   | Exhibit 86 – N.Y. Penal Law §§ 265.00, 265.36<br><i>(Request for Judicial Notice in Supp. of Pls. ' Mot. for Summary Judgment)</i>        | 3886-3907     |
| <b>VOLUME 17 of 17</b> |                        |   |               |
| 06/12/17               | 25                     | Answer  | 3909-3922     |

| <b>File Date</b> | <b>D. Ct. Dkt. No.</b> | <b>Document Description</b>  | <b>ER No.</b> |
|------------------|------------------------|--|---------------|
| 06/05/17         | 18                     | Exhibit 18 – Department of Justice Finding of Emergency<br><i>(Decl. of Alexandra Robert in Supp. of Def.'s Opp'n. to Pls.' Mot. for Preliminary Injunction)</i>             | 3923-4026     |
| 06/05/17         | 18                     | Exhibit 22 – Amended Notice of Withdrawal<br><i>(Decl. of Alexandra Robert in Supp. of Def.'s Opp'n. to Pls.' Mot. for Preliminary Injunction)</i>                           | 4027          |
| 06/05/17         | 18                     | Exhibit 24 – Letter in Opposition to Proposed Emergency Regulations<br><i>(Decl. of Alexandra Robert in Supp. of Def.'s Opp'n. to Pls.' Mot. for Preliminary Injunction)</i> | 4028-4040     |
| 05/17/17         | 1                      | Complaint  | 4041-4062     |
| 09/22/23         | 150                    | Notice of Appeal   | 4063-4065     |
| —                | —                      | Civil District Court Docket Sheet, <i>Duncan v. Bonta</i> ; No. 3:17-cv-01017-BEN-JLB (S.D. Cal.), as of November 14, 2023   | 4066-4083     |