

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CALEB BARNETT, <i>et al.</i> , <i>Plaintiffs</i> , v. KWAME RAOUL, <i>et al.</i> , <i>Defendants</i> .	Case No. 3:23-cv-209-SPM ** designated Lead Case
DANE HARRELL, <i>et al.</i> , <i>Plaintiffs</i> , v. KWAME RAOUL, <i>et al.</i> , <i>Defendants</i> .	Case No. 3:23-cv-141-SPM
JEREMY W. LANGLEY, <i>et al.</i> , <i>Plaintiffs</i> , v. BRENDEN KELLY, <i>et al.</i> , <i>Defendants</i> .	Case No. 3:23-cv-192-SPM
FEDERAL FIREARMS LICENSES OF ILLINOIS, <i>et al.</i> , <i>Plaintiffs</i> , v. JAY ROBERT “JB” PRITZKER, <i>et al.</i> , <i>Defendants</i> .	Case No. 3:23-cv-215-SPM

PLAINTIFFS’ WITNESS LIST FOR TRIAL

Plaintiffs Dane Harrel, C4 Gun Store, LLC, Marengo Guns, Inc., Illinois State Rifle Association, Firearms Policy Coalition, Inc., and Second Amendment Foundation (“*Harrel* plaintiffs”); Jeremy W. Langley, Timothy B. Jones, and Matthew Wilson (“*Langley* plaintiffs”); Caleb Barnett, Brian Norman, Hood’s Guns & More, Pro Gun and Indoor Range, and National Shooting Sports Foundation, Inc. (“*Barnett* plaintiffs”); and Federal Firearms Licensees of Illinois, Guns Save Life, Gun Owners of America, Gun Owners Foundation, Piasa Armory,

Jasmine Young, and Chris Moore (“*FFL* plaintiffs”) (together, “Plaintiffs”), jointly, disclose the following witnesses:

PRELIMINARY STATEMENT

Several of the Plaintiffs’ groups identified above served the Defendants with a Fed. R. Civ. P. 26(a)(3) pre-trial disclosure on Monday, August 19, 2023, attached hereto as Exhibit A. Rule 26(a)(3) typically requires the identification of witnesses the party expects to offer at trial “unless the court orders otherwise.” The Court has set September 6, 2024, as the deadline for the parties’ Witness List (ECF 195).

The Plaintiffs’ Witness List below identifies all witnesses they intend to or may call for live testimony at the Bench Trial (“Hearing”) set to commence on September 16, 2024. *See* Fed. R. Civ. P. 26(a)(3)(A)(i). The Witness List need not include the identity of fact and expert witnesses’ declarations and depositions, i.e., written testimony, that will be submitted for the Court’s consideration as part of Post-Hearing Submissions. The Post-Hearing Submissions include the Motions to Exclude, *Daubert* Motions, and Proposed Findings of Fact and Conclusions of Law that the parties anticipate filing following the completion of the Hearing, as outlined by the parties in the Joint Report of the Parties and Proposed Scheduling Order (ECF 193) and as referenced in the Court’s Order of June 4, 2024 (ECF 195). The Plaintiffs anticipate that the bulk of their non-testimonial evidence (*e.g.*, documents and legislative facts) on the issues to be adjudicated will be submitted for the Court’s consideration as part of the Post-Hearing Submissions.

Subject to the Court’s guidance at the Pre-Trial Conference, the Plaintiffs plan to submit their proffered written testimony, if not already filed on the docket, by September 13, 2024.

WITNESS LIST

I. Live Witnesses

A. Plaintiffs' expert witnesses expected to testify live at the Hearing:

1. Steven R. Watt (Randy)
2. Jeffrey Eby
3. James Ronkainen

These witnesses were deposed and have issued reports, and those materials will also be submitted for the Court's consideration.

B. Plaintiffs' fact witnesses who may be called live at the Hearing:

1. Salam Fatohi, the Rule 30(b)(6) designee of the National Shooting Sports Foundation, Inc ("NSSF"), one of the *Barnett* plaintiffs. Mr. Fatohi was deposed in this matter, his deposition is expected to be provided to the Court for consideration, and he may also present testimony live.
2. James Curcuruto, a fact witness and former employee of the NSSF, was deposed in this matter, and his deposition is expected to be provided to the Court.
3. Scott Pulaski, individually and the Rule 30(b)(6) designee of *FFL* plaintiff Piasa Armory, LLC. Mr. Pulaski was deposed in this matter, and his deposition is expected to be provided to the Court, and he may also present testimony live.

II. Declarations

Per the parties' stipulation and the Court's July 25, 2024, Order entering the same, as part of their Post-Hearing Submissions to the Court, Plaintiffs expect to reference testimony from all

of the above-identified expert witnesses made by declaration and/or deposition, and also testimony from any witness who is identified in Plaintiffs' Rule 26(a)(3) pre-trial disclosures (Exhibit A) made by declaration and/or deposition, including:

1. Dane Harrel
2. Christopher Brooks of C4 Gun Store, LLC
3. Dominic DeBock of Marengo Guns, Inc.
4. Richard Pearson of Illinois State Rifle Association
5. Brandon Combs of Firearms Policy Coalition, Inc.
6. Alan Gottlieb of Second Amendment Foundation
7. Jeremy W. Langley
8. Timothy B. Jones
9. Matthew Wilson
10. Caleb Barnett
11. Brian Norman
12. James Hood of Hood's Guns & More
13. Paul Smith of Pro Gun and Indoor Range
14. Lawrence Keane of National Shooting Sports Foundation, Inc.
15. Dan Eldridge of Federal Firearms Licensees of Illinois
16. John Boch of Guns Save Life
17. Erich Pratt of Gun Owners of America and Gun Owners Foundation
18. Scott Pulaski of Piasa Armory
19. Jasmine Young
20. Chris Moore

21. Stephen Knutson
22. Roger Krahl
23. Todd Vandermyde
24. Paul Leitner-Wise
25. Matthew Little
26. Michael Musselman
27. J. Buford Boone
28. Salam Fatohi
29. James Curcuruto

Each of the declarations, deposition transcripts, or expert reports that Plaintiffs intend to reference in their Post-Hearing Submissions will have been submitted to the Court prior to the close of the Hearing. .

III. Depositions

Plaintiffs intend to reference deposition testimony from Defendants' experts who have been deposed in these actions in their Post-Hearing Submissions to the Court, including from:

1. Craig Tucker
2. Jason Dempsey
3. Peter Lucier

Plaintiffs also anticipate referencing the declarations of Defendants' other experts and witnesses identified in their Rule 26(a)(3) disclosures and Witness List.

Plaintiffs reserve the right to present testimony from any witnesses listed on any other parties' disclosures and/or identified by the filing of a declaration in this matter and/or to

supplement this disclosure as the procedure for the trial and Post-Hearing Submissions is further developed and ordered.

Date: September 6, 2024

Respectfully submitted,

PAUL D. CLEMENT*
ERIN E. MURPHY*
MATTHEW D. ROWEN*
NICHOLAS A. AQUART *
CLEMENT & MURPHY, PLLC
706 Duke Street
Alexandria, VA 22314
(202) 742-8900

* *pro hac vice*

/s/ Andrew A. Lothson (with permission)
ANDREW A. LOTHSON (*pro hac vice*)
SWANSON, MARTIN & BELL, LLP
330 N. Wabash
Suite 3300
Chicago, IL 60611
alothson@smbtrials.com

GARY C. PINTER
SWANSON, MARTIN & BELL, LLP
103 W. Vandalia Street
Suite 215
Edwardsville, IL 62025
(618) 655-3131
gpinter@smbtrials.com

Counsel for Plaintiffs Caleb Barnett, Brian Norman, Hood's Guns & More, Pro Gun and Indoor Range, and National Shooting Sports Foundation, Inc.

s/ David G. Sigale (with permission)
DAVID G. SIGALE (ATTY. ID # 6238103)
LAW FIRM OF DAVID G. SIGALE,
P.C.
55 West 22nd Street, Suite 230
Lombard, IL 60148
630.452.4547
dsigale@sigalelaw.com

Counsel for Plaintiffs Dane Harrel, C4 Gun Store, LLC, Marengo Guns, Inc., Illinois State Rifle Association, Firearms Policy Coalition, Inc., and Second Amendment Foundation

Mark L. Shaw, Esq.
Jennifer Craigmile Neubauer, Esq.
Michael A. Danforth, Esq.
SHAW LAW LTD.
33 North County Street, Suite 300
Waukegan, Illinois 60085
(T): (847) 244-4696
(F): (847) 244-4673
(E-1): mlshaw@shawlawltd.com
(E-2): jcneubauer@shawlawltd.com
(E-3): michael@danforthlawgroup.com

s/ Sean A. Brady
SEAN A. BRADY, Esq.*
C.D. MICHEL, Esq.*
KONSTADINOS T. MOROS, Esq.*
MICHEL & ASSOCIATES, P.C.
180 East Ocean Blvd., Suite 200
Long Beach, CA 90802

* *pro hac vice*

*Counsel for Plaintiffs Federal Firearms
Licensees of Illinois, Guns Save Life, Gun
Owners of America, Gun Owners
Foundation, Piasa Armory, Jasmine Young,
and Chris Moore*

CERTIFICATE OF SERVICE

The undersigned attorney certifies that a copy of the foregoing was served upon counsel of record for the Defendants by e-mail on September 6, 2024.

/s/ Laura Palmerin
Laura Palmerin

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CALEB BARNETT, <i>et al.</i> , <i>Plaintiffs</i> , v. KWAME RAOUL, <i>et al.</i> , <i>Defendants</i> .	Case No. 3:23-cv-209-SPM ** designated Lead Case
DANE HARRELL, <i>et al.</i> , <i>Plaintiffs</i> , v. KWAME RAOUL, <i>et al.</i> , <i>Defendants</i> .	Case No. 3:23-cv-141-SPM
JEREMY W. LANGLEY, <i>et al.</i> , <i>Plaintiffs</i> , v. BRENDEN KELLY, <i>et al.</i> , <i>Defendants</i> .	Case No. 3:23-cv-192-SPM
FEDERAL FIREARMS LICENSES OF ILLINOIS, <i>et al.</i> , <i>Plaintiffs</i> , v. JAY ROBERT “JB” PRITZKER, <i>et al.</i> , <i>Defendants</i> .	Case No. 3:23-cv-215-SPM

PLAINTIFFS’ JOINT PRETRIAL DISCLOSURES UNDER RULE 26(a)(3)

In accordance with Federal Rule of Civil Procedure 26(a)(3), Plaintiffs Dane Harrel, C4 Gun Store, LLC, Marengo Guns, Inc., Illinois State Rifle Association, Firearms Policy Coalition, Inc., and Second Amendment Foundation (“*Harrel* plaintiffs”); Caleb Barnett, Brian Norman, Hood’s Guns & More, Pro Gun and Indoor Range, and National Shooting Sports Foundation, Inc. (“*Barnett* plaintiffs”); and Federal Firearms Licensees of Illinois, Guns Save Life, Gun Owners of America, Gun Owners Foundation, Piasa Armory, Debra Clark, Jasmine

Young, and Chris Moore (“*FFL* plaintiffs”) (together, “Plaintiffs”), jointly, disclose the following:

- I. Witnesses. Rule 26(a)(3) typically requires the identification of witnesses the party expects to offer at trial 30 days beforehand “unless the court orders otherwise.” The Court has set September 6, 2024, as the deadline for the parties’ witness list (ECF Doc. No. 195), and Plaintiffs will identify its list at that time. At this juncture, Plaintiffs expect to submit testimony from the following witnesses, although it remains to be determined whether such testimony will be presented at the trial set to commence on September 16, 2024, or as part of the submission of the case for adjudication with proposed Findings of Fact and Conclusions of Law, after the trial, as outlined by the parties in the Joint Report of the Parties and Proposed Scheduling Order (ECF Doc. No. 193).

A. Plaintiffs’ expert witnesses:

1. J. Buford Boone
2. Paul Leitner-Wise
3. David A. Lombardo
4. Steven R. Watt (Randy)
5. Matthew Little
6. Jeffrey Eby
7. Mike Musselman
8. James Ronkainen
9. Stephen Helsley

These witnesses may be contacted through Plaintiffs' counsel. In accordance with the parties' stipulation and the Court's July 25, 2024 Order entering the same, Plaintiffs expect to present testimony from all of these witnesses by declaration and/or deposition. Of those listed above, Plaintiffs may also present testimony live and/or by deposition from Mr. Watt, Mr. Eby, and Mr. Ronkainen. Plaintiffs may also present testimony live and/or by deposition from the State Defendants' experts who have been deposed in these actions, including: Craig Tucker, Jason Dempsey, and Peter Lucier.

B. Plaintiffs' fact witnesses:

1. Salam Fatohi as Rule 30(b)(6) designee of the National Shooting Sports Foundation, Inc., one of the *Barnett* plaintiffs. Mr. Fatohi may be contacted through counsel for the *Barnett* plaintiffs. Mr. Fatohi was deposed in this matter, his deposition is expected to be provided to the Court, and he may also present testimony live.
2. James Curcuruto. Mr. Curcuruto may be contacted through counsel for the *Barnett* plaintiffs. Mr. Curcuruto was deposed in this matter, his deposition is expected to be provided to the Court, and he may also present testimony live.
3. Scott Pulaski, individually as Rule 30(b)(6) designee of *FFL* plaintiff Piasa Armory, LLC. Mr. Pulaski may be contacted through counsel for the *FFL* plaintiffs. Mr. Pulaski was deposed in this matter, his deposition is expected to be provided to the Court, and he may also present testimony live.

Plaintiffs reserve the right to present testimony from any witnesses listed on any other parties' disclosures and/or identified by the filing of a declaration in this matter and/or to

supplement this disclosure as the procedure for the trial and post-trial submissions is further developed and ordered.

- II. Documents or other exhibits. Rule 26(a)(3) typically requires the identification of documents and exhibits the party expects to offer at trial 30 days beforehand “unless the court orders otherwise.” Here, the Court has set September 11, 2024, as the deadline for the parties’ exhibit lists (ECF Doc. No. 195), and Plaintiffs will identify documents/exhibits at that time.

Date: August 19, 2024

Respectfully submitted,

PAUL D. CLEMENT*
ERIN E. MURPHY*
MATTHEW D. ROWEN*
NICHOLAS A. AQUART *
CLEMENT & MURPHY, PLLC
706 Duke Street
Alexandria, VA 22314
(202) 742-8900

* *pro hac vice*

/s/ Andrew A. Lothson
ANDREW A. LOTHSON (*pro hac vice*)
SWANSON, MARTIN & BELL, LLP
330 N. Wabash
Suite 3300
Chicago, IL 60611
alothson@smbtrials.com

GARY C. PINTER
SWANSON, MARTIN & BELL, LLP
103 W. Vandalia Street
Suite 215
Edwardsville, IL 62025
(618) 655-3131
gpinter@smbtrials.com

Counsel for Plaintiffs Caleb Barnett, Brian Norman, Hood's Guns & More, Pro Gun and Indoor Range, and National Shooting Sports Foundation, Inc.

/s/ David G. Sigale (with permission)
DAVID G. SIGALE (ATTY. ID # 6238103)
LAW FIRM OF DAVID G. SIGALE,
P.C.
55 West 22nd Street, Suite 230
Lombard, IL 60148
630.452.4547
dsigale@sigalelaw.com

Counsel for Plaintiffs Dane Harrel, C4 Gun Store, LLC, Marengo Guns, Inc., Illinois State Rifle Association, Firearms Policy Coalition, Inc., and Second Amendment Foundation

Mark L. Shaw, Esq.
Jennifer Craigmile Neubauer, Esq.
Michael A. Danforth, Esq.
SHAW LAW LTD.
33 North County Street, Suite 300
Waukegan, Illinois 60085
(T): (847) 244-4696
(F): (847) 244-4673

/s/ Sean A. Brady (with permission)
SEAN A. BRADY, Esq.*
C.D. MICHEL, Esq.*
KONSTADINOS T. MOROS, Esq.*
MICHEL & ASSOCIATES, P.C.
180 East Ocean Blvd., Suite 200

(E-1): mlshaw@shawlawltd.com
(E-2): jcneubauer@shawlawltd.com
(E-3): michael@danforthlawgroup.com

Long Beach, CA 90802

** pro hac vice*

Counsel for Plaintiffs Federal Firearms Licensees of Illinois, Guns Save Life, Gun Owners of America, Gun Owners Foundation, Piasa Armory, Debra Clark, Jasmine Young, and Chris Moore

CERTIFICATE OF SERVICE

The undersigned attorney certifies that a copy of the foregoing was served upon counsel of record for the Defendants by e-mail on August 19, 2024.

/s/ Andrew A. Lothson
Andrew A. Lothson