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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
CALEB BARNETT, et al.,)
)
Plaintiffs,)
)
-vs-) 3:23-cv-209-SPM
)
KWAME RAOUL, et al.,)
)
Defendants.)

DEPOSITION OF PAUL A. LEITNER-WISE

The deposition of PAUL A. LEITNER-WISE was taken by Nick W. DiGiovanni, C.S.R., pursuant to the applicable provisions of the Federal Code of Civil Procedure and the rules of the Supreme Court of the United States of America, pertaining to the taking of depositions for the purpose of discovery, via Zoom videoconferencing, commencing at approximately 9:10 o'clock a.m. on the 27th day of June, of the year 2024.

<p style="text-align: right;">Page 2</p> <p>1 There were present during the taking of this deposition the following counsel:</p> <p>2</p> <p>3 SWANSON MARTIN BELL LLP Andrew A. Lothson 330 N. Wabash - Ste. 3300 Chicago IL 60611 alothson@smbtrials.com</p> <p>5 On behalf of 6 the Barnett Plaintiffs; 7 LAW FIRM OF DAVID G. SEGALE PC David G. Segale 8 55 W. 22nd St. - Ste. 230 Lombard IL 60148 9 dsigale@sigalelaw.com 10 On behalf of the Harrel Plaintiffs;</p> <p>11 MAAG LAW FIRM LLC 12 Thomas G. Maag 22 W. Lorena Ave. 13 Wood River IL 62095 tmaag@maaglaw.com</p> <p>14 On behalf of 15 the Langley Plaintiffs; 16 ILLINOIS OFFICE OF ATTORNEY GENERAL Kathryn Hunt Muse 17 Mike Tresnowski Christopher Wells 18 115 S. LaSalle St. Chicago IL 60603 19 kathryn.muse@ilag.gov 20 On behalf of the State of Illinois;</p> <p>21 22 23 24</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">I N D E X</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;"></th> <th style="text-align: right;">PAGE</th> </tr> </thead> <tbody> <tr> <td>2 THE WITNESS PAUL A. LEITNER-WISE</td> <td></td> </tr> <tr> <td>3 Examination by Ms. Muse</td> <td style="text-align: right;">7</td> </tr> <tr> <td>4</td> <td></td> </tr> <tr> <td>5 EXHIBITS</td> <td></td> </tr> <tr> <td>6 Leitner-Wise Deposition Exhibit 1 (CV)</td> <td style="text-align: right;">11</td> </tr> <tr> <td>7 Leitner-Wise Deposition Exhibit 2 (Brief)</td> <td style="text-align: right;">68</td> </tr> <tr> <td>8 Leitner-Wise Deposition Exhibit 3 (News Article)</td> <td style="text-align: right;">74</td> </tr> <tr> <td>9 Leitner-Wise Deposition Exhibit 4 (Complaint)</td> <td style="text-align: right;">90</td> </tr> <tr> <td>10 Leitner-Wise Deposition Exhibit 5 (Decision)</td> <td style="text-align: right;">99</td> </tr> <tr> <td>11</td> <td></td> </tr> <tr> <td>12</td> <td></td> </tr> <tr> <td>13</td> <td></td> </tr> <tr> <td>14</td> <td></td> </tr> <tr> <td>15</td> <td></td> </tr> <tr> <td>16</td> <td></td> </tr> <tr> <td>17</td> <td></td> </tr> <tr> <td>18</td> <td></td> </tr> <tr> <td>19</td> <td></td> </tr> <tr> <td>20</td> <td></td> </tr> <tr> <td>21</td> <td></td> </tr> <tr> <td>22</td> <td></td> </tr> <tr> <td>23</td> <td></td> </tr> <tr> <td>24</td> <td></td> </tr> </tbody> </table>		PAGE	2 THE WITNESS PAUL A. LEITNER-WISE		3 Examination by Ms. Muse	7	4		5 EXHIBITS		6 Leitner-Wise Deposition Exhibit 1 (CV)	11	7 Leitner-Wise Deposition Exhibit 2 (Brief)	68	8 Leitner-Wise Deposition Exhibit 3 (News Article)	74	9 Leitner-Wise Deposition Exhibit 4 (Complaint)	90	10 Leitner-Wise Deposition Exhibit 5 (Decision)	99	11		12		13		14		15		16		17		18		19		20		21		22		23		24	
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<p style="text-align: right;">Page 3</p> <p>1 MICHEL & ASSOCIATES PC Sean A. Brady 2 180 Ocean Blvd. - Ste. 200 Long Beach, CA 90802 3 sbrady@michellawyers.com 4 On behalf of Federal Firearms Licensees of Illinois and Paul A. Leitner-Wise; 5 EVANS & DIXON LLC Katherine Asfour 6 211 N. Broadway - Ste. 2500 St. Louis MO 63102 7 kasfour@evans-dixon.com 8 On behalf of 9 the Randolph County Defendants;</p> <p>10 and</p> <p>11 BECKER HOERNER & YSURSA PC 12 Thomas R. Yursa 5111 W. Main St. 13 Belleville IL 62226 try@bhylaw.com</p> <p>14 On behalf of 15 the St. Clair County Defendants.</p> <p>16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 5</p> <p>1 (Witness sworn.)</p> <p>2</p> <p>3 MS. MUSE: Good morning, Mr. Leitner-Wise.</p> <p>4 THE WITNESS: Good morning.</p> <p>5 MS. MUSE: Thank you for being with us today.</p> <p>6 Have you given a deposition before?</p> <p>7 THE WITNESS: No, I haven't. This is the</p> <p>8 first for me.</p> <p>9 MS. MUSE: Okay. So I'll explain some of the</p> <p>10 ground rules, and you should let me know if you have</p> <p>11 any questions. I want to make sure you understand</p> <p>12 them before we begin.</p> <p>13 THE WITNESS: Okay.</p> <p>14 MS. MUSE: Do you understand that you'll be</p> <p>15 testifying under oath today?</p> <p>16 THE WITNESS: Yes, I do.</p> <p>17 MS. MUSE: And you understand that that will</p> <p>18 be under the penalty of perjury?</p> <p>19 THE WITNESS: Yes, I do.</p> <p>20 MS. MUSE: So you'll answer my questions</p> <p>21 truthfully just like you are testifying in a</p> <p>22 courtroom?</p> <p>23 THE WITNESS: I am.</p> <p>24 MS. MUSE: Nick here is our court reporter.</p>																																																

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1 He will be taking down what is said and transcribing
 2 it.
 3 I will be asking questions, and
 4 then you will answer them. Because the court
 5 reporter has to write down everything we say, it's
 6 important that we try not to talk over each other.
 7 I'm sure I will make a mistake
 8 and talk over you at some point, and I expect you to
 9 do the same; but we'll try to do our best so the
 10 court reporter is able to write everything down.
 11 So you'll have to wait for me to
 12 finish my questions before you answering even if you
 13 think you know what I'm going to say.
 14 Do you understand?
 15 THE WITNESS: Yes.
 16 MS. MUSE: Great.
 17 THE WITNESS: Makes a lot of sense.
 18 MS. MUSE: You may hear your attorney pipe in
 19 to state an objection after a question. We'll
 20 continue unless the attorney stops to discuss a
 21 privilege. You'll still have to answer my questions
 22 unless the attorneys instruct you otherwise.
 23 Do you understand?
 24 THE WITNESS: Yes, I do.

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1 MS. MUSE: If you don't understand a question
 2 that I ask, please let me know. I want to make sure
 3 that you understand my questions before you answer
 4 them.
 5
 6 PAUL A. LEITNER-WISE,
 7 called as a witness herein, having been first duly
 8 sworn, was examined upon oral interrogatories, and
 9 testified as follows:
 10
 11 EXAMINATION
 12 by Ms. Muse:
 13
 14 Q And then there's a couple questions we
 15 ask of all witnesses. Are you on any medication
 16 today that would prevent you from giving untruthful,
 17 (sic.), testimony today?
 18 A No, I'm not.
 19 Q Is there anything else that would
 20 prevent from testifying truthfully and accurately
 21 today?
 22 A No, there isn't.
 23 Q Okay.
 24 As you know, we're conducting

Page 8

1 this deposition virtually today. I'm in an office
 2 in Chicago, Illinois. Where are you today?
 3 A I'm actually located in our house in
 4 Northeast D.C.
 5 Q In the District of Columbia?
 6 A Disstrict of Columbia, Washington, D.C.
 7 Q Okay. Is there anyone in the room with
 8 you today?
 9 A My wife is at home at the moment. She
 10 will be leaving shortly.
 11 Q Is she in the same room as you at the
 12 moment?
 13 A She is, yes.
 14 Q She is. Would...
 15 A If I could explain -- and I didn't mean
 16 to talk -- it is -- the house is a very open plan.
 17 So she's not actually sitting next to me, but she's
 18 within what would be defined as a room.
 19 Q Okay. Are you able to see her from
 20 where you're sitting?
 21 A If I crane my head, yes.
 22 Q Okay. I'm going to have to ask you to
 23 not interact with your wife during this deposition;
 24 and if she tries to interact with you, I'd like you

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1 to let me know so that we can understand whether we
 2 are just speaking with you today or whether there's
 3 somebody else who is off camera who might be
 4 interacting with you.
 5 Does that make sense?
 6 A It does. And I'm using earphones. So
 7 there's no sound coming from the computer.
 8 Q Great.
 9 Is there any other applications
 10 open on your computer other than the one that you're
 11 using for this video call right now?
 12 A Just e-mail. I can close that if you
 13 want.
 14 Q Yes. If you could please close your
 15 e-mail. Thank you.
 16 A All right. Bear with me.
 17 That's it.
 18 Q Okay. And do you have a phone or iPad
 19 or any other technology that's within your view at
 20 the moment?
 21 A No. My phone is separate -- over
 22 there, and it's muted. So it's not going to
 23 interfere with us.
 24 Q Wonderful. Okay. So if during the

Page 10	<p>1 deposition any of this changes, during a break you 2 get your phone out or put it in front of you, you 3 open an application on the computer, you need to let 4 me know and not do that because -- it's very 5 convenient for us to do this virtually, but we need 6 to make sure that there's no distractions and that 7 the only person you're communicating with during 8 this deposition is me and the people who are on this 9 call with you. 10 A Absolutely. 11 Q Does that make sense? 12 A Absolutely. I don't want any 13 distractions. 14 Q Great. All right. 15 And then do you have any 16 documents in front of you at the moment? 17 A No. 18 Q Okay. 19 A I have a coffee mug. 20 Q That's important. 21 A Absolutely. 22 Q All right. So the name of the lawsuit 23 that you're being deposed in today is Barnett versus 24 Raoul, number 23 dash CV dash 209, pending in the</p>	Page 12
Page 11	<p>1 U.S. District Court for the Southern District of 2 Illinois. 3 There are three other cases that 4 have been consolidated with this case, Harrel versus 5 Raoul, number 23 dash CV 141; Langley versus Kelly, 6 number 23 dash CV 192; and Federal Firearms 7 Licensees of Illinois versus Pritzker, number 23 8 dash CV dash 215. 9 Do you understand that the 10 deposition you are giving today may be used in all 11 four of those cases? 12 A I do now, yes. 13 Q Do you understand that the plaintiffs 14 in all four of those cases have identified you as an 15 expert? 16 A Yes. 17 Q Okay. 18 All right. Let's get another 19 basic out of the way and make sure that you can see 20 documents when I share them. 21 I'm going to share a document 22 from my side. Do you see a document on your screen? 23 A Yes, I do. It's the expert witness 24 report of Paul Leitner-Wise.</p>	Page 13
	<p>1 Q Great. I will mark this document for 2 the record as Exhibit 1. 3 Do you recognize the document 4 that I just marked as Exhibit 1? 5 A Yes, I do. 6 Q And what is it? 7 A It is the expert witness report I 8 compiled for this case. 9 Q Okay. Did anyone help you write this 10 report? 11 A No. I wrote it. 12 MR. BRADY: Objection to the extent it calls 13 for communications with counsel. 14 You may answer. 15 MS. MUSE: Q Did anyone help you write this 16 report? 17 THE WITNESS: A No. I provided the report. 18 I did communicate with the attorney involved to 19 ensure that it was concise and to the point. 20 Q And you were asked by the plaintiffs to 21 prepare this report, correct? 22 A That is correct, yes. 23 Q Okay. And I'm going to scroll through 24 this to page nine.</p>	
	<p>1 Is this your signature on the 2 bottom of page nine? 3 A It's my electronic signature. That is 4 correct. 5 Q Okay. Is everything in this report 6 accurate? 7 A To the best of my knowledge, it's 8 accurate. 9 Q Is this report complete? 10 A In... 11 MR. BRADY: Objection. Objection. Vague as 12 to complete. 13 MS. MUSE: Q Is this this report complete? 14 THE WITNESS: A As it stands, as I'm sitting 15 here, yes, it's complete. 16 Q Is this report a full summary of the 17 opinions that you will provide in this case? 18 MR. BRADY: Objection. Vague as to full 19 summary. 20 MS. MUSE: You still need to answer the 21 question. 22 THE WITNESS: Yeah. I was just waiting for 23 you to. 24 MS. MUSE: Thank you.</p>	

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<p>1 THE WITNESS: -- To ask a question again.</p> <p>2 MS. MUSE: Okay.</p> <p>3 THE WITNESS: A It is an overview. I can go</p> <p>4 in to more detail if required.</p> <p>5 MS. MUSE: Q Are there opinions that you</p> <p>6 intend to offer in this case that are not included</p> <p>7 in this report?</p> <p>8 A The opinions I offer are -- or the</p> <p>9 opinions that I offer require more detail. So the</p> <p>10 general -- the general -- I'm trying to use the</p> <p>11 correct word here.</p> <p>12 How the report is drafted is</p> <p>13 correct. There may be additional information to</p> <p>14 back up the conclusions.</p> <p>15 Q Is there other facts that you relied on</p> <p>16 that are not reflected in this report?</p> <p>17 A Once again, there are details that I</p> <p>18 have not specifically included.</p> <p>19 Q Is there any data that you relied on</p> <p>20 that you did not include in this report?</p> <p>21 A There's substantial data that's</p> <p>22 experience. Once again, that can be provided if</p> <p>23 required.</p> <p>24 Q Have you been retained to do any</p>	<p>1 mean Sean Brady, one of plaintiff's counsel?</p> <p>2 A That is correct.</p> <p>3 Q Is that the only individual paying you</p> <p>4 for participating in this case?</p> <p>5 A As far as...</p> <p>6 MR. BRADY: Objection. Vague. I didn't hear</p> <p>7 the question.</p> <p>8 MS. MUSE: Q Is Mr. Brady the only</p> <p>9 individual paying you for participating in this</p> <p>10 case?</p> <p>11 MR. BRADY: Objection. Assume facts not in</p> <p>12 evidence.</p> <p>13 MS. MUSE: Q Can you answer the question,</p> <p>14 Mr. Leitner-Wise.</p> <p>15 THE WITNESS: A I -- I don't know who is</p> <p>16 paying me. I don't think it's Mr. Brady. I think</p> <p>17 it's the plaintiffs via his law firm. That's to the</p> <p>18 best of my knowledge. So...</p> <p>19 Q Have you been paid by anyone for</p> <p>20 participating in this case?</p> <p>21 A Not yet.</p> <p>22 Q Do you have a contract to be paid by</p> <p>23 somebody for participating in this case?</p> <p>24 A I have an agreement to be paid for my</p>
Page 15	Page 17
<p>1 further work in this litigation after today?</p> <p>2 A I don't understand the question.</p> <p>3 Q Have you been asked to do any work on</p> <p>4 this case other than testify today after this date?</p> <p>5 A I don't have the information to answer</p> <p>6 that question. I don't know if this is going to</p> <p>7 proceed to trial. I don't know if I'm going to be</p> <p>8 involved in proceeding to trial.</p> <p>9 So as far as I'm aware, what I'm</p> <p>10 doing today is what I'm doing. If it proceeds,</p> <p>11 that's up to the attorneys, the plaintiffs, the</p> <p>12 defendants. It's not my decision.</p> <p>13 Q Have you been asked to draft anything</p> <p>14 in addition to this report?</p> <p>15 A No, I have not.</p> <p>16 Q Okay. And who retained -- I'm going to</p> <p>17 close this.</p> <p>18 A You're back.</p> <p>19 Q Sorry. It will make it a little easier</p> <p>20 to see me.</p> <p>21 Who retained you to give an</p> <p>22 opinion in this case?</p> <p>23 A Mr. Brady.</p> <p>24 Q Mr. Brady. And by Mr. Brady do you</p>	<p>1 expert witness opinion and for testifying.</p> <p>2 Q Who is that agreement with?</p> <p>3 A It's with Sean Brady's law firm, I</p> <p>4 believe.</p> <p>5 Q Other than the agreement that you have</p> <p>6 with Sean Brady's law firm, do you have an agreement</p> <p>7 with anybody else to be paid for participating in</p> <p>8 this case?</p> <p>9 A No, I do not.</p> <p>10 Q How much has Mr. Brady's law firm</p> <p>11 agreed to pay you for participating in this case?</p> <p>12 A I'm compensated at my standard rate of</p> <p>13 \$180 per hour.</p> <p>14 Q And where -- when else have you used</p> <p>15 that standard rate?</p> <p>16 A In design work we carry out for client</p> <p>17 companies.</p> <p>18 Q Okay. Some of the plaintiffs in this</p> <p>19 case are organizations. Are you a member of any of</p> <p>20 the organizations that are plaintiffs in this case?</p> <p>21 A No, I am not.</p> <p>22 Q Do you have any -- other than the</p> <p>23 relationship we've discussed with Mr. Brady's law</p> <p>24 firm, do you have any other personal or financial</p>

Page 18	<p>1 relationship with the plaintiff in this case?</p> <p>2 A I do not.</p> <p>3 Q Other than the agreement that you have</p> <p>4 with Mr. Brady's law firm, do you have any other</p> <p>5 financial relationship with any plaintiff -- with</p> <p>6 any -- let me retract the question and start again.</p> <p>7 Other than the agreement that you</p> <p>8 have with Mr. Brady's law firm, do you have any</p> <p>9 other financial relationship with an attorney in</p> <p>10 this case?</p> <p>11 A I do not have any financial</p> <p>12 relationships with any attorneys other than the law</p> <p>13 firm.</p> <p>14 Q Okay.</p> <p>15 A Mr. Brady's law firm.</p> <p>16 Q Other than the payment that you're</p> <p>17 receiving for your report and testimony, do you have</p> <p>18 another financial interest in this case?</p> <p>19 MR. BRADY: Objection --</p> <p>20 THE WITNESS: A No, none --</p> <p>21 MR. BRADY: -- To financial interest.</p> <p>22 MS. MUSE: Could you please answer the</p> <p>23 question.</p> <p>24 THE WITNESS: A None whatsoever.</p>	Page 20	<p>1 A I went to further education.</p> <p>2 Q Okay. And what degrees did you obtain?</p> <p>3 A I have a -- I have two degrees. I have</p> <p>4 a degree in industrial design and I have an M.B.A.,</p> <p>5 a business M.B.A.</p> <p>6 So bachelor's in industrial</p> <p>7 design and a business M.B.A., both from the same</p> <p>8 university.</p> <p>9 Q And what university is that?</p> <p>10 A Stafford University in the United</p> <p>11 Kingdom.</p> <p>12 Q Stafford.</p> <p>13 A Yes.</p> <p>14 Q -- University?</p> <p>15 A I did -- I actually attended University</p> <p>16 of Sussex for one semester and then transferred.</p> <p>17 That's now -- as with a lot of things, it's now</p> <p>18 changed its name. It's the University of -- or</p> <p>19 Brighton University, I believe.</p> <p>20 Q But both of your degrees are from</p> <p>21 Stanford?</p> <p>22 A Stafford. Not Stanford.</p> <p>23 Q Both degrees are from Stafford,</p> <p>24 S-t-a-f-f-o-r-d, University?</p>
Page 19	<p>1 MS. MUSE: Q Okay. All right.</p> <p>2 And, Mr. Leitner-Wise, I think I</p> <p>3 failed to let you know in the beginning that we do</p> <p>4 take breaks during depositions. So I'll tend to</p> <p>5 take them every hour or so. But if at some point</p> <p>6 you need one, please let me know I'll ask you to</p> <p>7 sometimes to wait to finish the concurrent</p> <p>8 questioning that we're doing, but you should</p> <p>9 absolutely let me know if there's a reason on your</p> <p>10 end that comes up and you need to take one.</p> <p>11 A I understand.</p> <p>12 Q All right. Okay. Then we will start</p> <p>13 on your background here.</p> <p>14 Did you graduate high school?</p> <p>15 A Yes, I did.</p> <p>16 Q Okay. And when was that?</p> <p>17 A I got to think now.</p> <p>18 A long time ago. That would be</p> <p>19 1978.</p> <p>20 Q Okay.</p> <p>21 A '78 --</p> <p>22 Q All right.</p> <p>23 A -- '79, something like that.</p> <p>24 Q Did you obtain any degrees?</p>	Page 21	<p>1 A That is correct.</p> <p>2 Q Okay. Where is Stafford University</p> <p>3 located?</p> <p>4 A Staffordshire in the United Kingdom.</p> <p>5 It's a county in the United Kingdom.</p> <p>6 Q And is that -- is Stafford University</p> <p>7 still called Stafford University today?</p> <p>8 A I do not know. I'm not -- I don't have</p> <p>9 that information. Obviously, I can find out.</p> <p>10 Q At the -- when -- in what year did you</p> <p>11 receive your bachelor's degree from Stafford</p> <p>12 University?</p> <p>13 A Probably 1986.</p> <p>14 I know it's on my resume, but</p> <p>15 it's -- it's a long time ago. '85, '86, something</p> <p>16 like that.</p> <p>17 Q So in 1985 or 1986 you received a</p> <p>18 bachelor's degree in industrial design from Stafford</p> <p>19 University in the United Kingdom?</p> <p>20 A Correct.</p> <p>21 Q And Stafford University is located in</p> <p>22 Staffordsure?</p> <p>23 A Shire.</p> <p>24 Q Shire?</p>

Page 22	<p>1 A Yeah. It's a county.</p> <p>2 Q Is there any relationship between</p> <p>3 Stafford University and Staffordshire University?</p> <p>4 A It may be the same. I don't know.</p> <p>5 Q So you're not aware of the name of the</p> <p>6 University that you attended -- what it's name is</p> <p>7 today?</p> <p>8 A No.</p> <p>9 Q Do you have -- do you have a copy of</p> <p>10 your degree or --</p> <p>11 A Yes, I do.</p> <p>12 Q -- Or diploma?</p> <p>13 A Yes.</p> <p>14 Q And do you have access to it?</p> <p>15 A Not right now. I mean, I would have to</p> <p>16 go and pull it out of files.</p> <p>17 Q Is that something that you would be</p> <p>18 able to provide to your counsel?</p> <p>19 A Yes, I would.</p> <p>20 Q When you attended Stafford University</p> <p>21 to receive a bachelor's degree what were your major</p> <p>22 areas of study?</p> <p>23 A The -- I mean, it was -- I'd have to</p> <p>24 pull the transcripts, but it was basically business</p>	Page 24	<p>1 Q Okay. So in high school you studied</p> <p>2 history, is that correct?</p> <p>3 A History was part of the curriculum,</p> <p>4 yeah, geography.</p> <p>5 Q But after high school you didn't</p> <p>6 receive higher education in history?</p> <p>7 A Not in -- not specifically. Let's put</p> <p>8 it that way. It was tangential.</p> <p>9 Q Did your post-high school study include</p> <p>10 engineering?</p> <p>11 A As part of the industrial design</p> <p>12 process, yes.</p> <p>13 And also at high school we were</p> <p>14 involved -- we had engineering study as well. So we</p> <p>15 had metal work classes, engineering science. Quite</p> <p>16 a comprehensive education.</p> <p>17 Q Okay. Your bachelor's degree from</p> <p>18 Stafford University, was it in engineering?</p> <p>19 A No, it's - it's an M.B.A.</p> <p>20 Q Your bachelor's degree -- let me ask</p> <p>21 again.</p> <p>22 A Oh, sorry. Yes.</p> <p>23 Q Did -- your bachelor's degree from</p> <p>24 Stafford University, was it in engineering?</p>
Page 23	<p>1 study. So -- I mean, we're talking quite a time</p> <p>2 ago.</p> <p>3 But I still have my transcripts</p> <p>4 with my diplomas. I can provide those.</p> <p>5 Q Did your study include firearms?</p> <p>6 A No.</p> <p>7 Q Did your study while you were at</p> <p>8 Stafford University to receive your M.B.A. include</p> <p>9 firearms?</p> <p>10 A No.</p> <p>11 Q Did your study during either of your</p> <p>12 time -- either of your degrees from Stafford</p> <p>13 University include history?</p> <p>14 A That's very vague, but -- could you be</p> <p>15 more specific.</p> <p>16 Q Did you study history when you were</p> <p>17 getting degrees from Stafford University?</p> <p>18 A That's a very -- it's too broad.</p> <p>19 The history of design -- we got</p> <p>20 involved with the history of design; but history</p> <p>21 wasn't part of the course. It wasn't part of the</p> <p>22 curriculum, in a perceived sense of history, like</p> <p>23 ancient Rome, you know, or stuff like that, no.</p> <p>24 That was part of my high school education.</p>	Page 25	<p>1 A It was in industrial design. That</p> <p>2 encompasses engineering.</p> <p>3 Q How does it encompass engineering?</p> <p>4 A Because if -- so when you're designing</p> <p>5 products, which is essentially what industrial</p> <p>6 design is -- it's not like graphic design -- you</p> <p>7 need to understand how a product can be</p> <p>8 manufactured. It's pointless designing something</p> <p>9 that can't be manufactured.</p> <p>10 Technology at the time was</p> <p>11 totally different. The technology today, we have</p> <p>12 things like 3-D printers today, laser scanners.</p> <p>13 None of that existed then.</p> <p>14 So, yes, there was an</p> <p>15 understanding of how things are made.</p> <p>16 Q So your bachelor's of science was in</p> <p>17 industrial design from Stafford University?</p> <p>18 A Um-hum.</p> <p>19 Q Have you ever practiced as an engineer</p> <p>20 in United Kingdom?</p> <p>21 A Once again, that's a very broad</p> <p>22 question. Could you define "practiced as an</p> <p>23 engineer".</p> <p>24 Q Have you ever done anything in the</p>

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1 United Kingdom that you would consider practicing as
 2 an engineer?
 3 A I would say yes.
 4 Q And what credentials did you have to
 5 practice as an engineer in the United Kingdom?
 6 A Purely my education and my experience.
 7 That's it.
 8 Q Were you a chartered engineer in the
 9 United Kingdom?
 10 A No, I wasn't.
 11 Q Have you ever practiced as an engineer
 12 in the United States?
 13 A As part of what I do, engineering is
 14 involved, yes.
 15 Q Have you ever become licensed as an
 16 engineer in the United States?
 17 A No, I have not.
 18 Q Have you taken a Fundamentals of
 19 Engineering written exam?
 20 A No, I haven't.
 21 Q Have taken a Principles and Practice in
 22 engineering written exam?
 23 A I have not.
 24 Q Have you ever worked under the

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1 supervision of a professional engineer?
 2 A Yes, on numerous occasions.
 3 Q Okay. When was the first time you
 4 worked under the supervision of a professional
 5 engineer?
 6 A I can't answer that question.
 7 Q Why can you not answer that question?
 8 A Because it was a long time ago.
 9 Probably, at a guess, it would
 10 have been in the -- in late 1998, 1999, then again
 11 in the 2000s.
 12 Q And the first time in late 1998 and
 13 1999 what country were you in?
 14 A I was in the United States.
 15 Q Do you recall the name of the
 16 professional engineer you were supervised by?
 17 A Not off the top of my head.
 18 But as with most things,
 19 confidentiality agreements exist. So before
 20 disclosing that information I'd have to check
 21 whether or not I'm covered by a nondisclosure
 22 agreement.
 23 Q Do you believe that you have ever
 24 worked under the supervision of an engineer in a way

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1 that you can disclose to me today?
 2 A Define "disclose".
 3 Names, addresses, stuff like
 4 that, no, I can't provide that information without
 5 confirming whether or not a nondisclosure agreement
 6 still exists.
 7 But, yes, I have worked with
 8 engineers in refining designs for production on
 9 behalf of third-party companies. If that makes
 10 sense.
 11 Q Yeah, I think we'll come -- we'll
 12 revisit this issue because I would like to give you
 13 the opportunity to explain to me the basis of your
 14 qualifications, and so I'll -- we'll come back to
 15 this later --
 16 A Okay.
 17 Q -- When we're going through your
 18 employment here.
 19 For now --
 20 MR. BRADY: Objection. Misstates testimony.
 21 MS. MUSE: Q For now we'll turn to firearms
 22 design. Did you study firearms design at any
 23 school?
 24 THE WITNESS: A No.

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1 Q Do you have any certifications in
 2 firearms design?
 3 A No.
 4 I don't believe any exist, but I
 5 might be wrong.
 6 Q Have you ever manufactured a firearm?
 7 A Yes.
 8 Q When was the first time you
 9 manufactured a firearm?
 10 A That would have been in the United
 11 Kingdom, probably around 1991.
 12 Q And did you have a license to
 13 manufacture a firearm at that time?
 14 A Yes, I did.
 15 It's -- in the United Kingdom
 16 it's called a registered firearms dealer's license.
 17 Even if you're not a dealer, if you're a
 18 manufacturer, you're required to have a registered
 19 firearms dealer's license.
 20 Q Okay. Have you ever manufactured a
 21 firearm in the United States?
 22 A Yes, I have.
 23 Q When was the first time you
 24 manufactured a firearm in the United States?

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1 A So that would probably be around 1999.
 2 But I need to clarify that, if you'll allow me to.
 3 Q Please go on.
 4 A So at the time I had a federal firearms
 5 license, manufacturer's license. I did not have my
 6 own facility for manufacturing. So it was
 7 manufactured at a business partner's facility.
 8 Q So in 1999 you had a federal firearms
 9 license, which I think we might both refer to as FFL
 10 for short --
 11 A Correct.
 12 Q -- In this deposition.
 13 So in 1999 you had an FFL in the
 14 United States and you manufactured a firearm but
 15 using someone else's facility, is that correct?
 16 A That would be correct, yes.
 17 Q Okay. When was the next time you
 18 manufactured a firearm in the United States?
 19 A It was continuously from then.
 20 Q What do you mean by continuously?
 21 A So we completed the first design. We
 22 then -- by "we" I'm referring to myself and the
 23 partner company -- then created additional firearms,
 24 different firearms.

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1 Q When was your FFL license issued?
 2 A Some time in -- between 1999 and -- in
 3 the 1999, 2000 time frame, something like that.
 4 Maybe a bit before. I don't
 5 recall. I don't have a copy of it anymore.
 6 Q For how long did you hold your -- that
 7 FFL license?
 8 A Until 2006.
 9 Q And what type of FFL license was that?
 10 A That was a type zero seven, type seven,
 11 a manufacturer's -- manufacturer of destructive
 12 devices. Also had an SOT. So we pretty much could
 13 make anything.
 14 Q By SOT do you mean that you had a
 15 special occupational tax status?
 16 A That is correct.
 17 Q And what was the -- was the FFL -- was
 18 the federal firearms license in your name?
 19 A It was in the name of the company I
 20 owned -- or was co-owner at the time?
 21 A And what was that?
 22 A Leitner-Wise Rifle Company. So my last
 23 name, Leitner hyphen Wise, and then rifle company.
 24 Q Okay. So you owned an FFL license from

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1 1999 until 2006, but you have not held an FFL
 2 license after that time; is that correct?
 3 A The -- there was a second FFL license
 4 issued and that, I believe -- I'm trying to think --
 5 Probably up until 2010, but it's a little vague --
 6 I'm just a little vague on that.
 7 Q Yeah, no. I'm sorry. I don't think --
 8 I might not have heard exactly what you said.
 9 Are you saying that the second
 10 FFL license you obtained was issued around 2010?
 11 A No, 2010 -- that's when it ended.
 12 Q And when did the second FFL license
 13 begin?
 14 A 2007, 2008 time frame.
 15 Q And what type of license was this FFL
 16 license that you held from about 2007 to about 2010?
 17 A Type seven. I don't...
 18 Q Did you have special occupational tax
 19 status?
 20 A I knew you were going to ask that, and
 21 I can't honestly without reviewing the -- reviewing
 22 documentation.
 23 Q The FFL license that you held from
 24 around 2007 to 2010, was that license in your name?

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1 A It was in the name of a company that I
 2 was an owner of.
 3 Q And what was the name of that company?
 4 A That was Leitner-Wise Defense.
 5 Q What was your title at Leitner-Wise
 6 Defense during the period of time when...
 7 A I believe it was chief technical
 8 designer.
 9 Q Other than the two FFL licenses we just
 10 discussed, were there any other FFL license that
 11 you've held?
 12 A No.
 13 Q Have you ever applied for an FFL
 14 license?
 15 A Obviously the two licenses I held, yes.
 16 Q You were the applicant for both of the
 17 FFL licenses that you applied for?
 18 A That is correct, yes.
 19 Q All right.
 20 Okay. Do you hold a license to
 21 carry firearms today?
 22 A No, I do not.
 23 Q Have you ever held a license to carry
 24 firearms in the United States?

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1 A No, I have not.
 2 Could I ask a question?
 3 Q That's my job.
 4 A I just wanted to clarify.
 5 Q Do you have -- next time I ask a
 6 question --
 7 A Sure.
 8 Q -- If you have a question about my
 9 question that you don't understand, then let me
 10 know.
 11 A Okay.
 12 Q Sorry.
 13 So why have you never held a
 14 license to carry firearms in the United States?
 15 A Are you referring to a concealed carry
 16 license?
 17 Q I'm asking about any license to carry
 18 firearms in the United States.
 19 A So the only license I'm aware of would
 20 be a concealed carry license, and I don't have one
 21 of those.
 22 Q And why do you not have a concealed
 23 carry license?
 24 A Personal....

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1 MR. BRADY: Objection. Beyond the scope --
 2 objection. Beyond the scope of what the witness is
 3 called to testify about.
 4 MS. MUSE: Please answer the question.
 5 THE WITNESS: A So personal choice would be
 6 one. Second one is I'm not a citizen of the United
 7 States.
 8 While I have the -- I'm lawfully
 9 allowed to possess firearms. I'm not sure that I
 10 would qualify for a concealed carry license.
 11 MS. MUSE: Q As someone who's not a citizen
 12 of the United States, why do you think you are able
 13 to lawfully possess firearms?
 14 MR. BRADY: Objection. Calls for
 15 speculation. Calls for a legal conclusion. Beyond
 16 the scope of what the witness was called to testify
 17 about.
 18 MS. MUSE: You may answer.
 19 THE WITNESS: A Because I'm entitled to
 20 under the Gun Control Act of 1968.
 21 MS. MUSE: Q What type of visa are you here
 22 in the United States on?
 23 A I was initially on an nonimmigrant
 24 visa. Then we applied -- applied for an I-140,

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1 pending green card.
 2 Q So you initially came to the United
 3 States on an nonimmigrant visa?
 4 A That is correct.
 5 Q And then at some point you applied to
 6 become a permanent resident?
 7 A That is correct.
 8 Q Are you a permanent resident today?
 9 A Not yet.
 10 Q Are you on a nonimmigrant visa today?
 11 A It's ambiguous. I've got -- we have a
 12 pending -- I forget the number, but it's a pending
 13 green card application.
 14 Q When you initially came here on a
 15 nonimmigrant visa do you remember what type of visa
 16 it is specifically?
 17 A It was an A-1.
 18 Q An A-1?
 19 A Sorry. An L-1.
 20 Q Okay. When you initially entered the
 21 United States you came here on a L-1 nonimmigrant
 22 visa, correct?
 23 A That is correct, yes.
 24 Q And what year was that that you came to

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1 the United States?
 2 A 1990 -- 1999 -- 1999, 2000.
 3 Prior to that I had been
 4 utilizing -- because I wasn't here full time, a
 5 company in the United Kingdom sponsored my -- we
 6 were opening -- the company in the United Kingdom
 7 was opening an office in the United States.
 8 Q What company sponsored your immigration
 9 to the United States?
 10 A That was Leitner-Wise Rifle Company in
 11 the UK. That was where the company was formed in
 12 1998.
 13 Q Okay. So when you -- you came to the
 14 United States in 1999. A company in the UK called
 15 Leitner-Wise Rifle Company --
 16 A Limited, yeah.
 17 Q -- Sponsored...
 18 A Leitner-Wise Rifle Company, Limited.
 19 Q All right. I will start again.
 20 When you came to the United
 21 States in 1999 a company in the United Kingdom named
 22 Leitner-Wise Rifle Company, Limited sponsored an L-1
 23 nonimmigrant visa for you to be able to come to the
 24 United States and work here, is that correct?

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<p>1 A That is correct.</p> <p>2 MR. BRADY: Objection. Misstates testimony.</p> <p>3 MS. MUSE: Q And when did that initial L-1</p> <p>4 nonimmigrant visa expire?</p> <p>5 THE WITNESS: A Probably 2007.</p> <p>6 Q And did you obtain another visa after</p> <p>7 that expired?</p> <p>8 A That's when I applied for an I-140.</p> <p>9 Q Have you applied for any other</p> <p>10 immigration status?</p> <p>11 A Well, we filed for a national interest</p> <p>12 waiver.</p> <p>13 I'm not sure if you know what</p> <p>14 that is. You have to meet a series of requirements</p> <p>15 to ensure that your employment and your skills</p> <p>16 warrant a short cut of the immigration process to --</p> <p>17 because it's in the national interest.</p> <p>18 Q Have you filed for any other</p> <p>19 immigration status other than the I-140 or the</p> <p>20 national interest waiver?</p> <p>21 A So although I met and exceeded the</p> <p>22 criteria and was considered an expert in my field,</p> <p>23 the national interest waiver was denied.</p> <p>24 So the course of action when that</p>	<p>1 particular moment, without the aid of my immigration</p> <p>2 documents, yes.</p> <p>3 Q And so sitting here today you have an</p> <p>4 I-140?</p> <p>5 A I have an approved I-140, yes.</p> <p>6 Q Can you explain what an I-140 is?</p> <p>7 A An I-140...</p> <p>8 MR. BRADY: Objection. Calls for a legal</p> <p>9 conclusion. Vague.</p> <p>10 MS. MUSE: Please answer.</p> <p>11 THE WITNESS: A It's -- I'm not an</p> <p>12 immigration attorney. But an I-140 is necessary to</p> <p>13 allow the company sponsoring you to employ you and</p> <p>14 to adjust your status to that of a permanent</p> <p>15 resident.</p> <p>16 MS. MUSE: Q Is it your understanding that</p> <p>17 an I-140 is sponsored by an employer?</p> <p>18 A That is correct.</p> <p>19 Q Okay. And what employer sponsored your</p> <p>20 I-40?</p> <p>21 A That...</p> <p>22 Q Let me correct that. Sorry. What</p> <p>23 employer sponsored your I-140?</p> <p>24 A The employer that sponsored the I-140</p>
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<p>1 happens is to file for what's called a PERM,</p> <p>2 P-E-R-M. So that's what we did. By "we", I'm</p> <p>3 referring to myself and my attorneys.</p> <p>4 Q Other than the I-140, the national</p> <p>5 interest waiver and the PERM, have you applied for</p> <p>6 any other immigration status since 2007?</p> <p>7 A Not -- I don't believe so.</p> <p>8 Q Have any of your applications to</p> <p>9 address your immigration status been granted?</p> <p>10 A Yes.</p> <p>11 Q Which one?</p> <p>12 A So the I-140 was granted.</p> <p>13 Q And when did that happen?</p> <p>14 A Off the top of my head I -- probably --</p> <p>15 I can't say. Some time after 2012.</p> <p>16 Q Was it before 2020?</p> <p>17 A Yes.</p> <p>18 Q Was it before 2017?</p> <p>19 A I'm going to say probably -- it's very</p> <p>20 difficult to remember -- 2016.</p> <p>21 Q You believe your I-140 was granted in</p> <p>22 approximately 2016?</p> <p>23 A I would -- to the best of my</p> <p>24 recollection, while I'm -- you know, at this</p>	<p>1 would be Leitner-Wise Manufacturing, LLC. The --</p> <p>2 subsequently the -- because the immigration -- USCIS</p> <p>3 didn't act on that within 180 days, it was able to</p> <p>4 be ported to another company; and that company is</p> <p>5 Leitner-Wise, LLC.</p> <p>6 Q So today is it your understanding that</p> <p>7 Leitner-Wise, LLC is sponsoring an I-140 for you?</p> <p>8 A We're -- this is a very complex issue</p> <p>9 which would be better answered by my immigration</p> <p>10 attorney because we're in a -- by "we" I'm referring</p> <p>11 to myself and my wife -- are in a sort of gray area</p> <p>12 currently.</p> <p>13 It wasn't helped by COVID. We</p> <p>14 actually sued the United States government in 2019.</p> <p>15 We received work authorization.</p> <p>16 We started to move through the process of getting a</p> <p>17 green card, and then COVID hit and everything</p> <p>18 grounded to a halt again.</p> <p>19 So we have a pending case in</p> <p>20 district -- a D.C. court and are awaiting a</p> <p>21 determination on that.</p> <p>22 Q Is that case pending in the district</p> <p>23 court for the D.C....</p> <p>24 A Yes, district court.</p>

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1 Q Do you recall what judge that case is
 2 assigned to?
 3 A Not off the top of my head.
 4 Once again, I can provide that
 5 information if required.
 6 Q So going back -- why did you come to
 7 the United States?
 8 A Because the opportunities with the
 9 skill set I possess were much greater in the United
 10 States that they were in the United Kingdom and
 11 Europe.
 12 Q And what skill set is that?
 13 A My ability to design firearms and
 14 firearms components.
 15 Q Okay. Other than the education you've
 16 disclosed to me so far today, is there any other
 17 education that would help me understand why you're
 18 an expert in firearms design?
 19 MR. BRADY: Objection. Vague. Calls for
 20 speculation.
 21 You may answer.
 22 MS. MUSE: Please answer.
 23 THE WITNESS: Could you repeat the question.
 24 MS. MUSE: Q Other than the education you've

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1 described for me today, is there any other education
 2 that you've received that would help me understand
 3 why you believe you're an expert in firearms design?
 4 MR. BRADY: Objection. Vague. Calls for
 5 speculation. The witness can't know what counsel
 6 would understand.
 7 MS. MUSE: Okay.
 8 THE WITNESS: A So I would like
 9 clarification. Are you talking about formal
 10 education?
 11 MS. MUSE: Q I would like to know if you've
 12 received any education that you believe makes you an
 13 expert in firearms design which you have not
 14 described for me today.
 15 A In that case, yes. Experience and
 16 observation.
 17 Q Is there any education from any school
 18 that you've received that you have not described yet
 19 today that...
 20 A No, there is not.
 21 Q Okay.
 22 Do you have any experience firing
 23 semi-automatic rifles?
 24 A I do have experience firing

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1 semi-automatic rifles.
 2 Q What types of semi-automatic rifles do
 3 you have experience firing?
 4 A Do you want me to list all of them or
 5 just say pretty much every semi-automatic rifle?
 6 Q Why don't we start with an initial
 7 description, and we'll see how much further we need
 8 to go from there.
 9 A Could you define "initial description",
 10 please.
 11 Q Please let me know what experience you
 12 have firing semi-automatic rifles.
 13 A Okay.
 14 Q In your own words.
 15 MR. BRADY: Objection. Calls for a
 16 narrative.
 17 You may answer.
 18 THE WITNESS: A I don't any understand the
 19 question. So could you clarify what...
 20 MS. MUSE: Q Do you have any experience
 21 firing semi-automatic rifles?
 22 A Yes.
 23 Q What experience do you have firing
 24 semi-automatic rifles?

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1 A Firing semi-automatic rifles by default
 2 is experiencing firing semi-automatic rifles.
 3 Q How did you gain experience firing
 4 semi-automatic rifles?
 5 A So -- I'm sorry. I'm not being
 6 obstructive here. It's -- you pick up a
 7 semi-automatic rifle and you fire it.
 8 Q When did you first...
 9 A That in and of itself is experience.
 10 You were going to ask when I
 11 first -- when I first fired a semi-automatic rifle,
 12 I couldn't tell you. I was in in my childhood.
 13 I've subsequently fired
 14 semi-automatic rifles in the Royal Marine Cadets.
 15 That would be the 762, NATO FAL it's known here or
 16 the self-loading rifle, as it was known in the UK
 17 forces, L1A1.
 18 Consequently, with the
 19 legislation changes in the United Kingdom, we
 20 developed -- I developed a 22-caliber -- so a
 21 Rimfire semi-automatic rifle which was and still is
 22 as far as I'm aware able to be legally owned there.
 23 When we opened the business in
 24 the United States we started developing

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1 semi-automatic rifles in various calibers.
 2 Developing semi-automatic rifles has continued and
 3 continues to the present day.
 4 I've fired competitors' rifles.
 5 I've competed in competition. Pretty much every
 6 semi-automatic firearm -- rifle available in the
 7 United States I've fired over the course of 25
 8 years.
 9 Q When did you first learn how to use a
 10 semi-automatic rifle?
 11 A That would be -- that would be in my
 12 childhood.
 13 Q What's the fastest rate of fire you've
 14 been able to achieve with a semi-automatic rifle?
 15 MR. BRADY: Objection. Vague as to fastest
 16 rate of fire. It calls for speculation.
 17 You may answer if you know.
 18 THE WITNESS: A Thank you. Yes. Rate of
 19 fire is not something that applies to semi-automatic
 20 rifles. It's -- it's a term that doesn't apply to
 21 semi-automatic rifles. It has no meaning. It's
 22 like asking gas mileage of an electric vehicle.
 23 MS. MUSE: Q Do you believe semi-automatic
 24 rifles do not have a rate of fire?

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1 A In the -- in my understanding of what
 2 is meant by rate of fire, they do not.
 3 Q What do you understand rate of fire to
 4 mean?
 5 A I understand rate of fire to mean
 6 purely fully automatic fire. That's the only
 7 measure of rate of fire. It doesn't apply to a
 8 semi-automatic rifle.
 9 Q How many rounds have you been able to
 10 fire from a semi-automatic rifle in a minute?
 11 MR. BRADY: Objection. Calls for
 12 speculation. Incomplete hypothetical. Vague as to
 13 rate of fire.
 14 You may answer.
 15 THE WITNESS: A You would have to define
 16 what circumstances I was firing that rifle in. Was
 17 I firing it in a competition where I needed to get a
 18 certain amount of rounds fired off in a certain
 19 amount of time.
 20 MS. MUSE: Q Has there ever been a time
 21 where you believe you fired more than 60 rounds in a
 22 minute from a semi-automatic rifle?
 23 MR. BRADY: Objection. Calls for
 24 speculation. Incomplete hypothetical.

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1 You may answer.
 2 MS. MUSE: Okay. That's enough. If you
 3 could please answer the question.
 4 THE WITNESS: Yes, I can. No, I don't
 5 believe I've ever fired more than 60 rounds in a
 6 minute from a semi-automatic rifle.
 7 MS. MUSE: Q Do you believe you've ever
 8 fired more than 60 rounds in a minute from any
 9 firearm?
 10 A Fully automatic rifles, machine guns,
 11 yes.
 12 Q From which firearms do you believe
 13 you've fired more than 60 rounds a minute?
 14 A The exact definitions of them, I would
 15 say an M240, M249, probably an M4, a fully automatic
 16 M4 with one-mag change.
 17 Yeah, those type of firearm. I
 18 mean, we can get in to the weeds on various -- I
 19 mean FN2000, P90, fully automatic variance. Yeah,
 20 an infinite number of different firearms that I've
 21 been able to -- but I will clarify that those are
 22 fully automatic firearms, belt-fed firearms, RPKs,
 23 all the Soviet likee machine -- and heavy machine
 24 guns.

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1 Q Are you familiar with the term "bump
 2 fire"?
 3 A Yes.
 4 Q What does bump fire mean?
 5 A What is bump fire? Bump fire means --
 6 it's a technique of speeding up the cyclic rate of a
 7 firearm, a semi-automatic firearm, by -- as I
 8 understand it -- and I have not actually engaged in
 9 bump firing myself.
 10 But as I understand it, it's by
 11 resting your finger against the trigger and pulling
 12 the weapon forward so that your finger is able to
 13 reset the trigger quicker than you can by normally
 14 squeezing the trigger and allowing the trigger to
 15 reset and then squeezing it again.
 16 That's my understanding. I've
 17 not actually engaged in bump firing myself.
 18 Q What do you mean by the cyclic rate of
 19 a semi-automatic firearm?
 20 A So what we're getting in to is, for
 21 every pull of the trigger a -- the hammer moves
 22 forward. Strikes the firing pin. The firing pin
 23 ignites the primer. The primer ignites the
 24 cartilage. The gun fires.

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1 The gun automatically -- I'm
 2 using the term "automatically" not in the context of
 3 an automatic firearm -- automatically ejects the
 4 spent case. Using spring pressure, the bolt moves
 5 forward, picks up a new round, and loads it in the
 6 chamber. And then you're able to fire the weapon
 7 again.

8 So what bump firing does is
 9 increase the cadence of fire.

10 Q So, again, what is the cyclic rate?
 11 A I can't give you the cyclic rate of
 12 bump firing. It's inconsistent.

13 Q Not -- I'm not asking now about bump
 14 firing. But when you use the phrase "cyclic rate",
 15 and you said the cyclic rate of a semi-automatic
 16 rifle, what exactly were you referring to?

17 MR. BRADY: Objection. Misstates testimony.
 18 You may answer.

19 THE WITNESS: A Thank you.
 20 I was referring purely to bump
 21 firing.

22 Bump firing is a totally
 23 different -- as I understand it, it's a totally
 24 different way of utilizing the weapon. So your --

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1 the weapon is firing faster -- I don't to say --
 2 artificially, let's put it that way; but it's an
 3 inconsistent cyclic rate.

4 Just like the cyclic rate of a
 5 semi-automatic firearm used normally in the
 6 conventional way like anybody who has ever fired
 7 one, one squeeze of the trigger, there is no cyclic
 8 rate. It's variable. It depends on the user
 9 operating the weapon.

10 Does that make sense?
 11 MS. MUSE: Q Well, you're the experts. So I
 12 might have to ask some questions to really
 13 understand what you're saying here??

14 A Absolutely. Please.

15 Q So are you saying that there is no --
 16 there is no rate of fire of a weapon. There's only
 17 a rate of fire of how a specific person uses a
 18 weapon?

19 A No, I'm not saying that. I'm saying
 20 inherently a semi-automatic rifle does not have a
 21 rate of fire.

22 I cannot -- in my experience and
 23 with my knowledge, I cannot give you a rate of fire
 24 of a semi-automatic rifle. It's an analogy that

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1 doesn't work.

2 With a fully automatic rifle,
 3 when you pull the trigger, the system is operating
 4 until you either run out of ammunition or release
 5 the trigger; and it will reach a rate of fire that
 6 can be measurable.

7 So with military weapons -- we're
 8 talking purely machine guns -- higher rates of fire
 9 are desirable. You get -- it's a term called cone
 10 of denial which means that you're able to put down a
 11 lot of ammunition over a broad area at a high rate
 12 of fire to deny access to that area.

13 So from -- from a military
 14 perspective, if you're advancing on an enemy, you
 15 want the enemy not in front of you. You don't -- so
 16 you're denying -- you're denying access. And
 17 similarly, if you're retreating, you're retreating
 18 under fire.

19 So those are the applications for
 20 where you would want to measure the rate of fire, to
 21 get the highest rate of fire possible, with many
 22 other parameters for fully automatic weapons. It
 23 doesn't apply to semi-automatic weapons.

24 Q Have you ever served in the military?

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1 A I enlisted in the Royal Marines. I did
 2 not serve.

3 Q Is there any other training that you've
 4 had on military weapons?

5 A My....

6 MR. BRADY: Objection. Objection. Vague as
 7 to training, military weapons.

8 You may answer.

9 THE WITNESS: Could you define "training",
 10 please.

11 MS. MUSE: Q Have you received anything that
 12 you would consider training regarding military
 13 weapons?

14 THE WITNESS: A I don't.

15 MR. BRADY: Objection. Vague as to military
 16 weapons.

17 THE WITNESS: May I ask if you're referring
 18 to machine guns or pistols or semi-automatic...

19 MS. MUSE: I would ask Mr. Brady to stop
 20 using the objections to coach the witness.

21 MR. BRADY: I'm sorry. What -- what was the
 22 objection?

23 MS. MUSE: I would ask you to refrain from
 24 coaching the witness through your objections.

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1 MR. BRADY: Exactly how am I coaching the
 2 witness with my objections?
 3 I made a vagueness objection as
 4 to military weapons. I can't just let the term
 5 "military weapons" go as if it's some known
 6 category.
 7 So I'm not coaching the witness
 8 in any way, and I will continue to make vagueness
 9 objections to vague questions.
 10 You may proceed.
 11 MS. MUSE: I will continue to use the terms
 12 that the witness has used.
 13 MR. BRADY: Counsel, just for the record, you
 14 introduced the term "military weapons". So...
 15 THE WITNESS: A Would you like me to answer?
 16 MS. MUSE: Q You can wait a moment. Thank
 17 you.
 18 Okay. You testified earlier
 19 about the applications of automatic fire in a
 20 military context?
 21 A Yes.
 22 Q What was that testimony based on?
 23 A Personal experience, observation,
 24 spending time with serving military, reading

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1 after-action reports, analyzing weapons failures
 2 from sometimes confidential, sometimes publicly
 3 available documentation, studying -- studying
 4 military tactics.
 5 All of that's necessary for an
 6 understanding of something if you're -- if you're
 7 designing something for a military application as
 8 opposed to a civilian application, you need to
 9 understand the context of how that is being used.
 10 Q What personal experience do you have
 11 that that testimony is based on?
 12 MR. BRADY: Objection. Vague as to "that
 13 testimony".
 14 THE WITNESS: Should I answer?
 15 MS. MUSE: Yes. Thank you.
 16 THE WITNESS: A Observation, experience in
 17 actually utilizing the weapons, military weapons,
 18 including tanks, rocket launchers.
 19 MS. MUSE: Q What observations do you have
 20 of military weapons?
 21 MR. BRADY: Objection. Vague as to
 22 observations and military weapons.
 23 THE WITNESS: Could you ask the question
 24 again, please.

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1 MS. MUSE: Q What observations do you have
 2 of the use of military weapons?
 3 MR. BRADY: Objection. Vague as to
 4 observations of military weapons.
 5 THE WITNESS: A My observations are not from
 6 conflict. My observations are from training. So
 7 observing military training.
 8 MS. MUSE: Q What military training have you
 9 observed?
 10 A That's -- that's quite -- quite
 11 extensive. Military training in the European
 12 countries, in the former Soviet Union, in the United
 13 States, usually on military bases, ranges, on the
 14 water, in helicopters, vehicles, high-speed craft.
 15 Quite extensive.
 16 Q When's the first time you remember
 17 observing a United States military training?
 18 A I'm going to say post 9/11. So 2000 --
 19 late 2000 -- probably November 2001 and then
 20 certainly the early part of 2002.
 21 Q Where was this military training?
 22 A It was in Jacksonville and in North
 23 Carolina.
 24 Q Who did you observe training?

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1 A United States Coast Guard.
 2 Q How were you able to observe the
 3 military training?
 4 A I was with them.
 5 Q In what capacity were you with them?
 6 A As a contractor.
 7 Q Who were you contracting for?
 8 A The United States Coast Guard.
 9 Q What was the subject matter of your
 10 contract?
 11 A Developing a weapon system for the
 12 United States Coast Guard in order for them to
 13 engage water-borne threats to the United States.
 14 Q What employer were you working for?
 15 A That was Leitner-Wise Rifle Company.
 16 Q What rifles did you witness being used
 17 during this military training?
 18 A A range of rifles that the Coast
 19 Guard -- rifles, machine guns that the Coast Guard
 20 utilized, shotguns, in their -- the course of their
 21 activities, shall we say.
 22 Q Did you witness the use of anything in
 23 the M16 family?
 24 A Specifically, at that time, no. Later,

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1 yes.

2 MS. MUSE: Okay. I know we've been going a

3 little over an hour. Would you like to take a

4 break?

5 THE WITNESS: Only if you need to. I'm fine.

6 MS. MUSE: Anybody else -- let's just take a

7 short break.

8

9 (Discussion kept off the record.)

10 (Short recess was taken.)

11

12 MS. MUSE: Q All right. So in your report

13 you said that you founded Leitner-Wise Rifle Company

14 in 1998, is that correct?

15 THE WITNESS: A That is correct, yes.

16 Q Okay. And when you founded

17 Leitner-Wise Rifle Company in 1998 was that in the

18 United Kingdom?

19 A That was in the United Kingdom. It was

20 myself and a couple of partners.

21 Q And who were the partners?

22 A There were a number. Richard Peter

23 West was one of them.

24 Martin Potter was another one.

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1 Martin unfortunately died recently.

2 Brian Wadlow was a third one.

3 There were a number of other

4 partners. We had, I believe, 13 to 20 employees,

5 something like -- something like that.

6 Q And after founding the company what was

7 your role in it?

8 A I was actually the -- I was actually a

9 director, a board director.

10 So in the UK you don't have

11 things like presidents or vice presidents or that

12 sort of category within a limited -- within a

13 limited company.

14 So I was a director, and I was

15 responsible for the design and technical innovations

16 the company was going to engage in.

17 Q And what services or products did that

18 company sell?

19 A As I said, we initially developed a

20 22-caliber Rimfire rifle. We also -- the company

21 was also involved in the manufacture of bolt-action

22 rifles. So magazine fit, bolt-action, single-shot

23 rifles, not semi-automatic rifles.

24 But we also -- we also were

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1 involved in the development of semi-automatic rifles

2 and fully automatic submachine guns.

3 Q And does Leitner-Wise Rifle Company

4 exist today in the United Kingdom?

5 A No, it doesn't.

6 Q And when did it cease to exist?

7 A I don't -- I couldn't tell you that,

8 but some time -- I -- I don't know. I'd speculate

9 probably 2006, 2007, something like that.

10 Q Well, I'll -- thank you. But for the

11 future you don't need to speculate. I want to know

12 what you know.

13 If sometimes you know an

14 approximate year range, then that's fine to say; but

15 I'll never ask you to speculate if you don't know.

16 I'll ask for your best information, your best

17 recollection.

18 A Okay. So, yeah, I mean, some time in

19 the early 2000s would be my best guess.

20 Q So at some point you left Leitner-Wise

21 Rifle Company in the United Kingdom to come to the

22 United States to set up a U.S. subsidiary, is that

23 correct?

24 A It's -- well, it's a little more -- I

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1 didn't leave the company. I -- I came to the United

2 States to set up the subsidiary, that's correct; but

3 I was still employed by the parent company in the

4 United Kingdom.

5 Q I see. So --

6 A Just clarifying.

7 Q -- In -- and I believe you said this

8 earlier, but correct me if I'm wrong. But this was

9 in 1999?

10 A Yes.

11 Q Okay. So in 1999 you were still

12 employed by Leitner-Wise Rifle Company in the United

13 Kingdom, but you moved to the United States to set

14 up a U.S. subsidiary for that --

15 A That is --

16 Q -- Company, is that correct?

17 A That is correct, yes.

18 Q And what was the name of the U.S.

19 subsidiary?

20 A Same name, Leitner-Wise Rifle Company,

21 Incorporated -- Inc. -- or Leitner -- actually,

22 Leitner-Wise Rifle Co., not company, Co., period,

23 Inc.

24 Q And what was your job title at

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1 Leitner-Wise Rifle Company in the United States?
 2 A To be honest, I don't recall. I think
 3 I was like -- initially I was president.
 4 Q Did anyone else set up the U.S.
 5 subsidiary with you?
 6 A No, not -- not initially. It was kind
 7 of me on my own, and then we -- we brought in other
 8 employees as required, some from the United Kingdom,
 9 the majority, obviously, U.S. citizens.
 10 Q Initially in 1999 who managed the U.S.
 11 subsidiary Leitner-Wise Rifle Company?
 12 A I did.
 13 Q And at that time how many employees did
 14 you have?
 15 A There was me initially.
 16 Q And for how long did you work at
 17 Leitner-Wise Rifle Company in the United States?
 18 A Until 2006, late 2006.
 19 Q So from 1999 to 2006 did your job title
 20 change?
 21 A Yes. I ended up as, you know, senior
 22 designer.
 23 Q Do you recall when you made the
 24 transition from president to senior designer?

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1 A That -- it's never simple when you're
 2 trying to answer it this way.
 3 There are -- certain changes
 4 happened in the company because of U.S. government
 5 contracts we received, and that required a different
 6 ownership structure.
 7 So I'm best as a designer, and
 8 that was the role I took when I left the -- we were
 9 actually acquired by a larger company, Native
 10 Alaskan Corporation. So they installed
 11 management -- people to handle certain aspects of
 12 management, like kind of professionalized us a bit,
 13 you know.
 14 Q What were your day-to-day duties as
 15 senior designer?
 16 A Thinking, coming up with ideas,
 17 scribbling on bits of paper and saying what do you
 18 think of this, drinking lots of coffee, trying to
 19 stay out of trouble, try not to scare people with
 20 crazy budget requirements.
 21 But, essentially, I'm -- you
 22 know, I'm being a little light-hearted there.
 23 Essentially designer. That was my function, and
 24 it's something I do exceptionally well and something

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1 I find very easy to do.
 2 So it's just a simple case of
 3 coming up with a concept, developing that concept
 4 through design and engineering processes, developing
 5 prototypes and then testing, testing, testing,
 6 testing.
 7 So that's -- that's what I did on
 8 a day-to-day basis, and firing lots and lots and
 9 lots of ammunition.
 10 Q When did you end your employment with
 11 Leitner-Wise Rifle Company?
 12 A I believe it was, to the best of my
 13 recollection, October 2006.
 14 Q And why did you leave?
 15 A Fundamental disagreement over the
 16 direction the company was taking, the -- the owners
 17 of the company -- the Native Alaskan Corporation
 18 wanted to divest interest in it. It -- the
 19 management that they had installed did not have the
 20 company's best interests at heart.
 21 Q Okay. Were you terminated from your
 22 employment?
 23 A Yes, I was.
 24 Q And why were you terminated?

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1 A I don't actually -- I don't actually
 2 know the reason why other than there were conflicts
 3 with personalities within the the company.
 4 Q Did your termination involve any
 5 accusations that you had engaged in dishonesty?
 6 A No, it didn't -- the -- one of the
 7 accusations was that I had a social media post
 8 persona. However, under the -- under my contract,
 9 any -- essentially it came down to breach of
 10 contract on the company's part.
 11 Q Did your termination involve any
 12 accusations that you had engaged in embezzlement?
 13 A No, it didn't. That came afterwards
 14 when I -- when the company realized that they had to
 15 pay a lot of money to get rid of me under the terms
 16 of my contract.
 17 After we signed our termination
 18 agreement the then president of the company, I would
 19 believe was his role, breached the terms of the
 20 termination agreement. Filed a fraudulent warrant,
 21 perjured himself in order to try and have me removed
 22 from the company -- or removed from the country and
 23 avoid the liabilities that the company had incurred
 24 in dismissing me.

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1 Q Okay. So that was a lot. Let me make
 2 sure I got this.
 3 So Leitner-Wise Rifle Company
 4 accused you of embezzlement after you were
 5 terminated, is that correct?
 6 A I...
 7 MR. BRADY: Objection. Misstates testimony.
 8 You may answer.
 9 THE WITNESS: A Well, it's not as simple as
 10 that.
 11 Yes, it occurred after I was
 12 terminated. It occurred after we signed a
 13 termination agreement, and I was accused of cashing
 14 my last paycheck. The charges were dropped three
 15 days later.
 16 MS. MUSE: Q Okay. Does -- did Leitner-Wise
 17 Rifle Company accuse you of embezzlement?
 18 A No.
 19 Q No?
 20 A No.
 21 Q Did Leitner-Wise Rifle Company have you
 22 arrested?
 23 A I'm going to need to clarify.
 24 Leitner-Wise Rifle Company did

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1 not exist at that time. It transitioned to an
 2 entity called Leitner-Wise Acquisition Group and
 3 the -- as I mentioned, the acting president of that
 4 company filed a complaint that accused me of
 5 embezzlement.
 6 Q Okay. Did Leitner-Wise Rifle Company
 7 have you arrested?
 8 A No. Leitner-Wise -- the president of
 9 the -- of Leitner-Wise Acquisition Group filed a
 10 complaint, a warrant. A magistrate signed off on
 11 that, and I was arrested.
 12 Q And what were the charges you were
 13 arrested for?
 14 A I was accused of embezzlement.
 15 Q And what authority arrested you?
 16 A Alexandria Police Department.
 17 Q Did those charges ever result in a
 18 conviction?
 19 A No. They were dropped three days later
 20 because it was patently false. The entire testimony
 21 was perjurous.
 22 Q Did Leitner-Wise Rifle Company attempt
 23 to have you deported?
 24 A Leitner-Wise Rifle Company did not.

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1 Leitner-Wise the -- I believe he was the CCE. I'm
 2 going to use that term.
 3 He attempted to use the United
 4 States Immigration Service, specifically ICE, to
 5 deport me to prevent me from engaging in a legal
 6 battle to enforce the terms of my contract.
 7 Q Did Leitner-Wise Rifle Company attempt
 8 to have you removed from the United States?
 9 A I believe I just answered that.
 10 Q Okay. I'm going to show you a document
 11 here in a moment.
 12 Do you see a document on your
 13 screen that says...
 14 A Yes, I do.
 15 Q Great. I'm going to mark this as
 16 Exhibit 2 for the record.
 17 Do you recognize this document?
 18 A No, not off the top of my head.
 19 Q I'm going to go to the final page of
 20 this. Do you recognize the signature on page ten --
 21 A Yes,
 22 Q -- Of Exhibit 2?
 23 A That is my signature, yes.
 24 Q So that's your signature on page ten of

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1 what's just now been marked as Exhibit 2.
 2 A Yes.
 3 Q I'm going to scroll back to the
 4 beginning and give you a moment to look at the first
 5 page to see if you recall this document.
 6 A It's an appeal.
 7 Q Is this a brief in an appeal in a
 8 bankruptcy court proceeding you were involved in?
 9 A Yes.
 10 MR. BRADY: Objection. Objection. Calls for
 11 a legal conclusion.
 12 THE WITNESS: Sorry.
 13 MS. MUSE: Q Did you draft this brief?
 14 THE WITNESS: A I -- I haven't seen this for
 15 a long time. I -- I don't recall. I'd have to read
 16 it in detail.
 17 Q Yeah. I can -- I will -- I'll allow
 18 you to take a look at it.
 19 A Could you...
 20 Q I'll go to the next page here.
 21 A Could you go to the next one.
 22 Could you scroll down.
 23 Okay. Scroll down. Yep.
 24 Okay. Could -- sorry.

Page 70	<p>1 Q Oh, sorry.</p> <p>2 A Yeah. Yes. Yeah, I'm -- I'm familiar</p> <p>3 with the document.</p> <p>4 Q Okay. Can you tell me what this</p> <p>5 document is?</p> <p>6 A Well, it relates to -- it's -- on its</p> <p>7 face, it's an appeal against the dismissal of a</p> <p>8 bankruptcy proceeding.</p> <p>9 Q And did you create this document?</p> <p>10 A It bears my signature. I would be -- I</p> <p>11 did have assistance in creating the document.</p> <p>12 Q Is everything in this document true?</p> <p>13 A To the best of my knowledge and</p> <p>14 recollection, yes.</p> <p>15 Q And what bankruptcy -- do you see at</p> <p>16 the top of this Exhibit 2 it says, in re:, Paul</p> <p>17 Andrew Leitner-Wise. Do you see where I'm reading?</p> <p>18 A Yes, I do.</p> <p>19 Q Are you Paul Andrew Leitner-Wise?</p> <p>20 A Yes, I am.</p> <p>21 Q Was this document filed in your</p> <p>22 bankruptcy proceeding?</p> <p>23 A I would imagine so.</p> <p>24 Q Have you ever filed for bankruptcy?</p>	Page 72	<p>1 A It wasn't August 2006.</p> <p>2 Q Oh, I apologize. When were you</p> <p>3 arrested in 2006?</p> <p>4 A December.</p> <p>5 Q When you were arrested in December 2006</p> <p>6 were you charged with obtaining money by false</p> <p>7 pretense?</p> <p>8 A I...</p> <p>9 MR. BRADY: Objection. Calls for a legal</p> <p>10 conclusion.</p> <p>11 MS. MUSE: Please answer.</p> <p>12 THE WITNESS: A I don't know.</p> <p>13 MS. MUSE: Q Before your December 2006</p> <p>14 arrest had you ever been arrested before?</p> <p>15 A No.</p> <p>16 Q Have you been arrested since then?</p> <p>17 A Once.</p> <p>18 Q And what were you arrested for?</p> <p>19 A Failure to attend court.</p> <p>20 Q And when was that arrest?</p> <p>21 A 2017, 2018, something like that.</p> <p>22 Q What court hearing were you charged</p> <p>23 with failing to attend?</p> <p>24 MR. BRADY: Objection. Vague.</p>
Page 71	<p>1 A Yes, I have.</p> <p>2 Q How many times have you filed for</p> <p>3 bankruptcy?</p> <p>4 A I think we filed three times in point</p> <p>5 of fact.</p> <p>6 Q When was the first time you remember</p> <p>7 filing for bankruptcy?</p> <p>8 A I -- I couldn't begin to tell you that.</p> <p>9 Q Do you remember the last time you filed</p> <p>10 for bankruptcy?</p> <p>11 A I couldn't give you a date, but</p> <p>12 probably around 2016, 2017.</p> <p>13 Q Are you currently in bankruptcy</p> <p>14 proceedings?</p> <p>15 A No.</p> <p>16 Q Why did you file for bankruptcy three</p> <p>17 times?</p> <p>18 A First two times, poor advice. Third</p> <p>19 time, in an effort to consolidate the debt and</p> <p>20 retain possession of our home and seek to start</p> <p>21 afresh, which is generally what people do with</p> <p>22 bankruptcy.</p> <p>23 Q When you were arrested in August</p> <p>24 2006...</p>	Page 73	<p>1 MS. MUSE: Please go ahead.</p> <p>2 THE WITNESS: A A matter in Henrico Court in</p> <p>3 Virginia.</p> <p>4 MS. MUSE: Q What was the nature of the</p> <p>5 court proceeding in Henrico Court?</p> <p>6 A It was a contract dispute.</p> <p>7 Q Who were the parties in that claim?</p> <p>8 A Beam and Leitner-Wise Manufacturing.</p> <p>9 Q Beam, B-e-a-m?</p> <p>10 A Correct.</p> <p>11 Q And Leitner-Wise Manufacturing?</p> <p>12 A LLC, yes.</p> <p>13 Q Were you a named party in that lawsuit?</p> <p>14 A I was.</p> <p>15 Q Were you a plaintiff or defendant?</p> <p>16 A A defendant.</p> <p>17 Q What were the allegations of that</p> <p>18 lawsuit?</p> <p>19 A It was a contract dispute.</p> <p>20 Q Do you recall --</p> <p>21 A I was -- I'm sorry.</p> <p>22 Q Do you recall anything further about</p> <p>23 the contract allegations of the lawsuit?</p> <p>24 MR. BRADY: Objection. Vague. Calls for a</p>

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1 narrative.

2 MS. MUSE: Please go ahead.

3 THE WITNESS: A There were allegations

4 relating to the owners of the company. I was not an

5 owner of the company. I was a consultant to the

6 company.

7 It was a very strange affair.

8 MS. MUSE: Q Were you accused in that

9 lawsuit of making defamatory statements?

10 A No, not to my knowledge.

11 Q I'm going to show you a document.

12 Can you see a document on your

13 screen?

14 A Yes.

15 Q And I'll mark it for the record as

16 Exhibit 3. Do you recognize this document?

17 A No. Never seen it before.

18 Q Are you aware of any news articles that

19 were written about the litigation in Henrico

20 Court --

21 A No I'm not.

22 Q -- Between -- okay.

23 What was the outcome of the

24 lawsuit between -- that involved Beam, Leitner-Wise

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1 Manufacturing and yourself?

2 A There was a judgment entered for Beam.

3 Q As a defendant, was it entered against

4 you?

5 A Yes.

6 Q And what --

7 A And -- I'm sorry.

8 Q And what was that judgment that was

9 entered against you?

10 A Judgment damages. I don't recall the

11 exact figure.

12 Q Do you recall the approximate amount of

13 damages?

14 A Oh, substantial, in the -- in the

15 millions.

16 Q Have you paid that judgment?

17 A No.

18 Q What's the status of that judgment

19 today?

20 A I have no idea.

21 Q Did this judgment - I'll withdraw that.

22 Was this judgment against you one

23 reason why you filed for bankruptcy?

24 A One of the reasons, yes.

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1 Let me correct that. I had

2 actually filed for bankruptcy prior to the judgment.

3 Q Have you filed for bankruptcy since

4 this judgment has been issued against you?

5 A I -- I think -- to the best of my

6 knowledge, I think that the bankruptcy that was

7 filed prior to that judgment was the last one that I

8 filed to the best of my knowledge.

9 Q After you left Leitner-Wise Rifle

10 Company in October 2006 when did you next find

11 employment?

12 A That's going to be -- that's going to

13 be -- when did I next find employment? That's going

14 to be in 2020.

15 Q And what was the name of the -- who

16 began to employ you in 2020?

17 A That was Leitner-Wise, LLC.

18 There was a brief spell during

19 2011, 2012, if I recall.

20 Q I'm sorry. I didn't follow that.

21 There was a brief spell in 2011, 2012 that what?

22 A Yes -- yeah, where I was authorized to

23 actually earn a living in the United States. So

24 employment authorization.

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1 Q Okay. So let's go back because I think

2 maybe you're answering different questions than I

3 had thought I was asking.

4 So when you left Leitner-Wise

5 Rifle Company in 2006 you next found employment in

6 2020 with Leitner-Wise, LLC, is that correct?

7 A Yes, but then I recalled because

8 this -- you're getting my brain working now -- that

9 I also had employment authorization in the 2011,

10 2012 period.

11 Q So in 2011 and 2012 you were authorized

12 to work?

13 A Yes.

14 Q Did you, in fact, work?

15 A Yes.

16 Q Where did you work in 2011 and 2012?

17 A I'm going to say that was Leitner-Wise

18 Defense.

19 Q And what was your work authorization

20 based on?

21 A The -- the I-140.

22 Q What did Leitner...

23 A I -- sorry. I...

24 Q If you want to amend the I-140 answer,

Page 78	<p>1 please go ahead.</p> <p>2 A I can't be specific because I don't</p> <p>3 have the immigration file to hand, which is quite</p> <p>4 extensive.</p> <p>5 Q What is Leitner-Wise Defense?</p> <p>6 A Well, it doesn't exist anymore; but at</p> <p>7 the time it was a company owned by a company based</p> <p>8 in the United Kingdom.</p> <p>9 Q So in 2012 you were authorized to work</p> <p>10 in the United States and you worked for Leitner-Wise</p> <p>11 Defense which is company based in the United</p> <p>12 Kingdom?</p> <p>13 A No. It was owned by a company based in</p> <p>14 the United Kingdom.</p> <p>15 Q I see. And what is Leitner-Wise</p> <p>16 Defense?</p> <p>17 A It isn't anything. It doesn't exist.</p> <p>18 Q What was Leitner-Wise Defense in 2011</p> <p>19 to 2012 when you worked there?</p> <p>20 A Well, actually I believe -- I believe</p> <p>21 it started in 20 -- 2008, and it was essentially a</p> <p>22 design -- firearms design company and a company that</p> <p>23 was set up to distribute products manufactured in</p> <p>24 the United Kingdom by the parent company.</p>	Page 80	<p>1 Q I see. So in 2012 you stopped working</p> <p>2 for Leitner-Wise Defense, is that correct?</p> <p>3 A That is correct.</p> <p>4 Q And in 2012 Leitner-Wise Defense also</p> <p>5 withdrew from doing business in the United States,</p> <p>6 is that correct?</p> <p>7 A As best as I recall. I mean, I can't</p> <p>8 give you a definitive answer.</p> <p>9 Q Okay. So after 2012 you -- you did not</p> <p>10 find employment again until 2020, is that correct?</p> <p>11 A I was not authorized to -- I was not</p> <p>12 authorized for employment in the United States.</p> <p>13 That's -- that's the correct definition.</p> <p>14 Q Did you in fact work in the United</p> <p>15 States between 2012 and 2020?</p> <p>16 MR. BRADY: Objection.</p> <p>17 MS. MUSE: You may answer.</p> <p>18 THE WITNESS: A Please define "work".</p> <p>19 MS. MUSE: Q Can you repeat that again. I</p> <p>20 didn't -- I didn't hear you.</p> <p>21 A Please define "work".</p> <p>22 Q Pleased?</p> <p>23 A No. Please. Would you please define</p> <p>24 "work".</p>
Page 79	<p>1 Q What was your role at Leitner-Wise</p> <p>2 Defense?</p> <p>3 A Designer.</p> <p>4 Q Where was Leitner-Wise Defense located?</p> <p>5 A In the United States. Alexandria,</p> <p>6 Virginia.</p> <p>7 Q What was your job title?</p> <p>8 A I believe designer.</p> <p>9 Q Do you know whether Leitner-Wise</p> <p>10 Defense was registered to do business in Virginia?</p> <p>11 A Yes, it was.</p> <p>12 Q And why did you stop working for</p> <p>13 Leitner-Wise Defense after 2012?</p> <p>14 A The owner of the company became</p> <p>15 frustrated at the delays of the immigration process</p> <p>16 and at that point did not wish to proceed.</p> <p>17 Q To clarify, the owner became frustrated</p> <p>18 in the delay with the immigration process related to</p> <p>19 you and didn't want to proceed with your employment,</p> <p>20 is that correct?</p> <p>21 A Correct, didn't want to proceed with</p> <p>22 the activities -- the business activities in the</p> <p>23 United States so withdrew from the United States</p> <p>24 market.</p>	Page 81	<p>1 Q Oh, would I please define "work"?</p> <p>2 A Yes.</p> <p>3 Q I'm sorry. I really didn't hear that.</p> <p>4 A My apologies.</p> <p>5 Q Okay. Did -- between 2012 and 2020</p> <p>6 were you paid to perform services by anybody?</p> <p>7 A No.</p> <p>8 Q Did you -- between 2012 and 2020</p> <p>9 otherwise engage in work experience that you think</p> <p>10 is relevant to the opinion you're offering in this</p> <p>11 case today?</p> <p>12 A So I would say -- I'm going to be</p> <p>13 careful using the term "work".</p> <p>14 I work all the time. I don't get</p> <p>15 paid for it. I constantly design continually.</p> <p>16 Q So between 2012 and 2020 did you engage</p> <p>17 in any paid labor that's relevant to the opinion</p> <p>18 that you're offering in this case?</p> <p>19 A No.</p> <p>20 MR. BRADY: Objection. Asked and answered.</p> <p>21 MS. MUSE: Please answer.</p> <p>22 THE WITNESS: A No.</p> <p>23 MS. MUSE: Q Okay. So in 2020 you began</p> <p>24 working for Leitner-Wise, LLC, is that correct?</p>

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1 A That is correct.
 2 Q And where is that located?
 3 A That was located, actually, initially
 4 in Illinois.
 5 Q Where in Illinois?
 6 A Aurora.
 7 Q Did you live in Illinois during your
 8 period of employment at Leitner-Wise, LLC?
 9 A No, I did not.
 10 I visited it frequently, but I
 11 did not live -- I did not retain a residence there.
 12 Let's put it that way.
 13 Q Was -- did Leitner-Wise, LLC operate in
 14 other jurisdictions other than Illinois in 2020?
 15 A We have...
 16 MR. BRADY: Objection. Vague.
 17 THE WITNESS: I'm sorry. I didn't hear that.
 18 MR. BRADY: Oh, I just said, objection,
 19 vague.
 20 THE WITNESS: A Okay.
 21 We had a satellite office in
 22 Washington, D.C.
 23 MS. MUSE: Q Was Leitner-Wise, LLC
 24 registered to do business in Illinois?

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1 A Yes.
 2 Q Was Leitner-Wise, LLC registered to do
 3 business in D.C.?
 4 A It was -- so if I can step back
 5 slightly and explain this.
 6 It was a Texas company initially.
 7 The company dissolved in Texas simultaneously with
 8 it transferring to D.C. and becoming a D.C. LLC.
 9 And then, as I understand it, it
 10 was authorized to do business in Illinois. It was a
 11 subsidiary of a company called HST Group.
 12 Q And did you found Leitner-Wise, LLC?
 13 A No.
 14 Q What was your role in Leitner-Wise,
 15 LLC?
 16 A Senior designer.
 17 Q What were your day-to-day duties as
 18 senior designer?
 19 A Designing products.
 20 Q Did Leitner-Wise, LLC sell firearms?
 21 A HST Group did.
 22 Q Did Leitner-Wise, LLC sell firearms?
 23 A No.
 24 Q Does Leitner-Wise, LLC sell firearms

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1 components?
 2 A Yes.
 3 Q Does Leitner-Wise, LLC sell firearm
 4 attachments?
 5 A Define "attachments".
 6 Q Do you consider any of the products of
 7 Leitner-Wise, LLC to be something that you could
 8 attach to a firearm?
 9 MR. BRADY: Objection. Vague.
 10 THE WITNESS: A I'm having to think now.
 11 Most of the components are
 12 internal components. I'm trying to think if
 13 anything attaches to the outside, and I don't
 14 believe it does, but I could be -- I could be.
 15 MS. MUSE: Q Is there any relationship
 16 between the products sold by Leitner-Wise, LLC and
 17 the products sold by Leitner-Wise Rifle Company?
 18 A No.
 19 Q Who manages Leitner-Wise, LLC?
 20 A The -- one of the owners of HST Group.
 21 Q What's that person's name?
 22 A First name Sam, Samuel, second name --
 23 last name Hwang, H-w-a-n-g.
 24 Q Does Leitner-Wise, LLC have employees

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1 other than you and Samuel Hwang?
 2 A Yeah. Lathal, L-a-t-h-a-l, last name
 3 Wise, W-i-s-e.
 4 Q Today where is the primary place of
 5 business for Leitner-Wise, LLC?
 6 A That would be in -- it's either going
 7 to be in Aurora or it's going to be in California,
 8 but I'm never visited the California location.
 9 So I can't -- I can't give any
 10 direct testimony on that.
 11 Q Are there any offices for Leitner-Wise,
 12 LLC other than in Illinois or California?
 13 A No.
 14 Q Today is Leitner-Wise, LLC registered
 15 to do business in Illinois?
 16 A I don't have that information. You'd
 17 have to address that with the owners of the company.
 18 Q Do you know whether Leitner-Wise, LLC
 19 is registered to do business in any U.S. state?
 20 A I do not off the top of my head.
 21 Q Other than you, Samuel Hwang and Lathal
 22 Wise, who else works for Leitner-Wise, LLC?
 23 A As of today, sitting here, I don't
 24 believe anybody else; but the -- the ownership

Page 86	<p>1 structure of HST is such that I believe they have</p> <p>2 employees that work for different entities at</p> <p>3 different times.</p> <p>4 But I can't give you any</p> <p>5 definition on that. It's not my involvement.</p> <p>6 Q Do you have any role in creating</p> <p>7 content for Leitner-Wise dot com?</p> <p>8 A I did.</p> <p>9 Q When did -- and especially for the</p> <p>10 court reporter, I want to make sure I'm identifying</p> <p>11 the URL correctly. When I say Leitner-Wise dot com,</p> <p>12 I'm speaking of L-e-i-t-n-e-r, hyphen, Wise,</p> <p>13 W-i-s-e, dot com.</p> <p>14 So when did you have a role in</p> <p>15 creating content for Leitner-Wise dot com?</p> <p>16 A When it was initially -- when the</p> <p>17 website initially went up, the latest iteration of</p> <p>18 the website.</p> <p>19 Q When did the website initially go up?</p> <p>20 A I couldn't tell you.</p> <p>21 Q Did you...</p> <p>22 A The Leitner-Wise website has been in</p> <p>23 existence since -- since -- I don't know -- 1999,</p> <p>24 perhaps, 1998. The current iteration probably dates</p>	Page 88	<p>1 last asked that question.</p> <p>2 Q Oh, I see.</p> <p>3 Okay. Well, we're getting close</p> <p>4 to what would be like a lunch time too. So let me</p> <p>5 see if there's anything else I can do so that we can</p> <p>6 have a lunch break.</p> <p>7 Give me one moment. Thank you.</p> <p>8 All right. Do you think you're</p> <p>9 comfortable going for another half hour and having a</p> <p>10 longer lunch break or would you like to take a</p> <p>11 break -- shorter break now...</p> <p>12</p> <p>13 (Discussion kept off the record.)</p> <p>14</p> <p>15 MS. MUSE: Q All right.</p> <p>16 Okay. Other than the litigation</p> <p>17 that we've discussed so far today, are there other</p> <p>18 cases that you've been a party to?</p> <p>19 A Could you be more specific on cases?</p> <p>20 Q Well, we can start with criminal.</p> <p>21 Other than the litigation that we discussed so far</p> <p>22 today, are there other criminal cases where you have</p> <p>23 been a party?</p> <p>24 A No.</p>
Page 87	<p>1 from 2018 maybe, 2018, something like that.</p> <p>2 Q Who controls what is put on</p> <p>3 Leitner-Wise dot com?</p> <p>4 A Who do you mean -- who controls...</p> <p>5 Q Who in Leitner-Wise, LLC decides what</p> <p>6 content is put on Leitner-Wise dot com?</p> <p>7 A That will be Sam.</p> <p>8 Q Do you ever review Leitner-Wise dot</p> <p>9 com?</p> <p>10 A I review for accuracy what is put up,</p> <p>11 yes.</p> <p>12 Q When was the last time you believe you</p> <p>13 looked at Leitner-Wise dot com?</p> <p>14 A I couldn't say.</p> <p>15 Q Do you believe you looked at</p> <p>16 Leitner-Wise dot com in the past week?</p> <p>17 A No, I haven't.</p> <p>18 Q Are you aware that an image of you is</p> <p>19 used on Leitner-Wise dot com?</p> <p>20 A Yes, I am. It's my last name.</p> <p>21 Q I know it's been -- has it been an</p> <p>22 hour -- maybe not a full hour yet. Is everyone okay</p> <p>23 to keep going?</p> <p>24 A We're two minutes short of when you</p>	Page 89	<p>1 Q Other than the cases you've discussed</p> <p>2 so far today, are there civil proceedings where you</p> <p>3 have been a party?</p> <p>4 A To the best of my knowledge, no.</p> <p>5 Q Do you understand what it means to be a</p> <p>6 party in litigation?</p> <p>7 A Yes.</p> <p>8 Q Have you ever been accused in a civil</p> <p>9 proceeding of making misrepresentations about your</p> <p>10 business?</p> <p>11 A I -- I couldn't answer that question.</p> <p>12 Q Why can't you answer that question?</p> <p>13 A I -- I -- I don't know. You'd have to</p> <p>14 be more specific.</p> <p>15 People make a lot of accusations.</p> <p>16 You know, it's the general -- the general way the</p> <p>17 legal system works.</p> <p>18 Q Has a legal complaint been filed</p> <p>19 against you in a civil proceeding in which a</p> <p>20 plaintiff accused you of making misrepresentations</p> <p>21 about your business?</p> <p>22 A I don't know.</p> <p>23 MR. BRADY: Objection. Calls for a legal</p> <p>24 conclusion.</p>

Page 90	<p>1 MS. MUSE: Q You don't know. Okay.</p> <p>2 I'm going to share my screen with</p> <p>3 you. Do you see a document on your screen?</p> <p>4 A Oh, yes, this one, yes.</p> <p>5 Q I'm going to mark this document as</p> <p>6 Exhibit 4 for the record. What is this document?</p> <p>7 A Well, it's a civil complaint -- so</p> <p>8 thank you for reminding me of that -- by a former</p> <p>9 partner of -- not of mine, but of the Leitner-Wise</p> <p>10 Manufacturing.</p> <p>11 Q Who is Stephen Mark Mueller?</p> <p>12 A He's a very interesting character.</p> <p>13 Q Okay. Do you have any relationship to</p> <p>14 Mr. Mueller?</p> <p>15 A None whatsoever.</p> <p>16 Q Do you know Mr. Mueller?</p> <p>17 A I have met him personally, yes.</p> <p>18 Q Were you a defendant in a lawsuit filed</p> <p>19 by Mr. Mueller?</p> <p>20 A Yes.</p> <p>21 Q Did Mr. Mueller accuse you of making a</p> <p>22 series of misrepresentations?</p> <p>23 A Mr. Mueller made many accusations.</p> <p>24 Q Do you recall whether Mr. Mueller</p>	Page 92	<p>1 royalties?</p> <p>2 A I have no idea.</p> <p>3 Q Do you recall whether Mr. Mueller</p> <p>4 accused you of having fraudulent Twitter followers?</p> <p>5 A I have no idea.</p> <p>6 Q Okay. Were any of the accusations Mr.</p> <p>7 Mueller made against you in the Eastern District of</p> <p>8 Wisconsin true?</p> <p>9 MR. BRADY: Objection. Vague.</p> <p>10 THE WITNESS: A From what I recall of the</p> <p>11 case, it was, like most of Mr. Mueller's life,</p> <p>12 fantasy.</p> <p>13 He claimed to have 43 CNC</p> <p>14 machines. He actually -- actually, he wrote that in</p> <p>15 a document that was filed as part my immigration</p> <p>16 case. In point of fact, he worked in a basement and</p> <p>17 had no machines; and at the time of this strange</p> <p>18 filing he was actually being sued by multiple</p> <p>19 companies for fraud.</p> <p>20 MS. MUSE: Q So sitting here today do you</p> <p>21 recall whether he made accusations that were true?</p> <p>22 A He made no accusations that were true.</p> <p>23 Q Okay. Have you ever been sued by Bee</p> <p>24 Distributing, LLC?</p>
Page 91	<p>1 accused you of making misrepresentations?</p> <p>2 MR. BRADY: Objection. Asked and answered.</p> <p>3 MS. MUSE: Please go ahead.</p> <p>4 THE WITNESS: Could you repeat the question.</p> <p>5 MS. MUSE: Q Do you recall whether Mr.</p> <p>6 Mueller accused you of making misrepresentations?</p> <p>7 THE WITNESS: A I don't recall the specific</p> <p>8 allegations.</p> <p>9 I do recall his behavior. I</p> <p>10 also --</p> <p>11 Q Do you...</p> <p>12 A Sorry.</p> <p>13 Q No. I didn't mean to interrupt.</p> <p>14 Please go on.</p> <p>15 A I also recall that the case was</p> <p>16 dismissed with prejudice and his attorney was</p> <p>17 threatened with sanctions by the judge if he ever</p> <p>18 brought a case again.</p> <p>19 Q Do you recall whether Mr. Mueller</p> <p>20 accused you of lying about owning patents?</p> <p>21 A I don't recall specifically.</p> <p>22 Q Do you recall -- yeah. Do you recall</p> <p>23 whether Mr. Mueller accused you of lying about</p> <p>24 whether Leitner-Wise Rifle Company owed him</p>	Page 93	<p>1 A Who?</p> <p>2 Q Bee Distributing, LLC.</p> <p>3 A Not that I'm aware of.</p> <p>4 Q Have you ever been accused in a civil</p> <p>5 proceeding of fraudulently transferring a patent?</p> <p>6 A That was in the bankruptcy case.</p> <p>7 Q Which bankruptcy case?</p> <p>8 A One of them. The one -- the time that</p> <p>9 Beam was suing us.</p> <p>10 Q Who accused you of fraudulently</p> <p>11 transferring a patent?</p> <p>12 A I believe their attorney.</p> <p>13 Q Whose attorney?</p> <p>14 A Beam's attorney.</p> <p>15 Q So the attorney for Beam Distributing</p> <p>16 accused you of fraudulently transferring a patent,</p> <p>17 is that right?</p> <p>18 A Yes, that is correct.</p> <p>19 Q Do you recall a lawsuit filed against</p> <p>20 you alleging that you had fraudulently transferred a</p> <p>21 patent --</p> <p>22 A Yes.</p> <p>23 Q -- To a phony buyer?</p> <p>24 MR. BRADY: Objection. Calls for a legal</p>

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1 conclusion. Vague.
 2 MS. MUSE: Q Subject to Mr. Brady's
 3 objection, I'm restating.
 4 Do you recall a lawsuit filed
 5 against you alleging that you had fraudulently
 6 transferred a patent to a phony buyer?
 7 THE WITNESS: A I --
 8 MR. BRADY: Objection. Calls for a legal
 9 conclusion. Vague.
 10 THE WITNESS: A I don't recall a specific
 11 lawsuit. I recall that an allegation was made to
 12 that effect in the Beam Distributing case, the
 13 patent was actually sold to a company based in
 14 France and the United Kingdom.
 15 MS. MUSE: Q All right. So having...
 16 A Proof of the -- excuse me a second.
 17 Proof of the purchaser was provided.
 18 Q Okay.
 19 Okay. Have you been a defendant
 20 in any other litigation other than this litigation
 21 we've talked about today so far?
 22 MR. BRADY: Objection. Vague.
 23 THE WITNESS: A I -- I can't recall off the
 24 top of my head, quite honestly, as I sit here. It's

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1 possible.
 2 MS. MUSE: Q Do you recall any other
 3 litigation brought against you regarding your
 4 patents?
 5 MR. BRADY: Objection. Vague. Asked and
 6 answered.
 7 THE WITNESS: Can I answer?
 8 MS. MUSE: Yes.
 9 THE WITNESS: A No, I do not.
 10 MS. MUSE: Q Is it accurate to say that
 11 throughout your business career people have accused
 12 you of misrepresenting facts?
 13 MR. BRADY: Argumentative. Vague.
 14 MS. MUSE: Please answer.
 15 THE WITNESS: A In my experience, the people
 16 who make such unproven accusations are generally
 17 guilty of that behavior themselves.
 18 Do you need me to brighten the
 19 light in here? I look a little dark.
 20
 21 (Discussion kept off the record.)
 22
 23 MS. MUSE: Q Okay. Sitting here today, do
 24 you believe that you have little authorization that

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1 would allow you to receive compensation to testify
 2 in this case?
 3 MR. BRADY: Objection. Calls for a legal
 4 conclusion. Vague.
 5 MS. MUSE: You can answer.
 6 THE WITNESS: A I believe so.
 7 MS. MUSE: Q And what is the basis for that
 8 belief?
 9 MR. BRADY: Objection. Calls for a legal
 10 conclusion. Vague.
 11 MS. MUSE: You may answer.
 12 THE WITNESS: A I may answer.
 13 Because such compensation would
 14 be paid to a company in the United Kingdom that
 15 currently funds expenses and which is accounted for
 16 in tax filings.
 17 MS. MUSE: Q So it's your understanding that
 18 the compensation you'll receive for testifying today
 19 will not be provided directly to you?
 20 A It would be provided to a company.
 21 MR. BRADY: Objection. Objection. Calls for
 22 a legal conclusion. Vague. Calls for speculation.
 23 MS. MUSE: Please answer.
 24 THE WITNESS: A I -- I did, but I think we

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1 kind of cross wires there.
 2 It would be paid to a third-party
 3 company.
 4 MS. MUSE: Q And what's the name of the
 5 third-party company that will be paid for your
 6 testimony today?
 7 A Leitner-Wise AG, Limited.
 8 Q What is that company?
 9 A I'm sorry.
 10 Q What is Leitner-Wise AG, Limited?
 11 A It's a limited company based in the
 12 United Kingdom that owns all the intellectual
 13 property that I have generated, the patents,
 14 trademarks.
 15 Q Who owns Leitner-Wise AG, Limited?
 16 A It's a family-owned business. I am not
 17 an owner.
 18 Q Who owns Leitner-Wise AG, Limited?
 19 A It's a family-owned business. I am not
 20 an owner.
 21 Q Does your wife own Leitner-Wise AG,
 22 Limited?
 23 A She is one of the directors of the
 24 corporation, yes.

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1 Q Is your son one of the owners of
 2 Leitner-Wise AG, Limited?
 3 A That is correct.
 4 Q Is there a third owner who is also a
 5 child of yours that is the owner of Leitner-Wise AG,
 6 Limited?
 7 A That is correct, yes.
 8 Q Other than your children and your wife,
 9 are there any other people who own or operate
 10 Leitner-Wise AG, Limited?
 11 A No, there are not.
 12 Q Where does your wife and children live?
 13 A Well, my wife lives in Washington, D.C.
 14 with me. My oldest son lives in Richmond, Virginia.
 15 My youngest son lives in Philadelphia.
 16 Q And what does Leitner-Wise AG, Limited
 17 do in the United Kingdom?
 18 A They don't do anything in the United
 19 Kingdom. It's a holding company.
 20 Q Does your wife have the same
 21 immigration status as you?
 22 A She is tied to my immigration status,
 23 yes.
 24 Q Do your children have the same

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1 immigration status as you?
 2 A No. They're green card holders, both
 3 applying for naturalization.
 4 Q I'll show you a document. Do you see a
 5 document on your screen?
 6 A Yes, I do.
 7 Q Okay. I'm going to mark this document
 8 Exhibit 5.
 9 Do you recognize this document?
 10 A I'm vaguely familiar with it, yes.
 11 Q Is this a letter that you received?
 12 A I believe so, yes.
 13 Q Who was the letter from?
 14 MR. BRADY: Objection. Calls for
 15 speculation. The document speaks for itself.
 16 THE WITNESS: A It states U.S. Citizen
 17 Immigration Services.
 18 MS. MUSE: Q And did you in fact receive it
 19 on or around January 19, 2022?
 20 A No. I -- certainly not on that date,
 21 but I don't know when it was received.
 22 Q Did you receive this letter in 2022?
 23 A I would presume so, yes.
 24 Q Since receiving this letter have you

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1 received authorization to remain in the United
 2 States?
 3 A As I mentioned earlier, the case is
 4 pending in the D.C. district court; but that's
 5 something you would need to discuss with my
 6 immigration attorney.
 7 Q After receiving this letter did you
 8 leave the United States?
 9 A No.
 10 Q After receiving this letter were
 11 removal proceedings commenced against you?
 12 A No.
 13 Q Are you in removal proceedings today?
 14 A No.
 15 Q What is the basis for your belief that
 16 you are authorized to remain in the United States?
 17 MR. BRADY: Objection. Calls for a legal
 18 conclusion. Calls for speculation. Vague.
 19 MS. MUSE: Please answer.
 20 THE WITNESS: The advice of counsel.
 21 MR. BRADY: I've stated my objections.
 22 MS. MUSE: Q You understand that your
 23 attorneys are asking the State to pay for your
 24 testimony today?

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1 THE WITNESS: A No, I am not of that
 2 understanding.
 3 MS. MUSE: All right. Let me check my notes,
 4 and then I think we might be able to take an early
 5 lunch -- but I think you're on East Coast time. So
 6 it might not seem early to you anymore.
 7 Okay. I think -- given that it's
 8 12:34 your time, I think it makes sense to have a
 9 lunch break now.
 10 Would everybody be happy with an
 11 hour lunch break? Any objections?
 12
 13 (Discussion kept off the record.)
 14 (Lunch break was taken.)
 15
 16 MS. MUSE: Q Okay. Mr. Leitner-Wise, when
 17 were you first contacted about this case?
 18 THE WITNESS: A I was actually contacted by
 19 a mutual associate of Sean and myself, asking --
 20 because of my knowledge of firearms -- whether I
 21 would be willing to talk to one of the attorneys in
 22 this matter; and I affirmed, that, yes, I would be
 23 if it was felt that I could be of any use.
 24 Q What was the name of that mutual

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1 associate?

2 A Oh, I don't recall off the top of my

3 head. I don't recall off the top of my head.

4 It's -- it's a Facebook friend.

5 Q And when was this that you were first

6 contacted?

7 A Few months ago, fairly -- fairly

8 recent, I would say, in the scheme of things.

9 Certainly not 12 months ago or -- or whatever.

10 Q And what was your assignment for this

11 case?

12 A Assignment -- I was asked to provide

13 expert testimony based on my knowledge of firearms

14 and firearms design.

15 Q And what did they ask you to opine on?

16 A Basically, semi-automatic firearms.

17 Q Did they also ask you to opine on the

18 difference between semi-automatic rifles and fully

19 automatic rifles?

20 A That was understood.

21 Q Okay. Other than being asked to opine

22 on the differences between semi-automatic rifles and

23 fully automatic rifles, have you been asked to opine

24 on anything else?

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1 A Not to my knowledge sitting here. I

2 might have been, but -- no. I'm going to say no.

3 Q And what did you do to reach your

4 opinion in this matter?

5 MR. BRADY: Objection. Vague. Calls for a

6 narrative.

7 THE WITNESS: A I basically -- I have a very

8 good memory. So that was my first -- my first thing

9 was to go through my memory, think about things.

10 You know, it's kind of like a meditation process.

11 The second stage was to go

12 through my experience and really the summation of

13 everything that I have personally done over the last

14 25 years, the observations I've made, really my

15 experience in utilizing weapons, my experience in

16 designing weapons.

17 That's the -- that's what I bring

18 to the table, if I can use that expression.

19 MS. MUSE: Q Did you use any methodologies

20 to develop your opinion?

21 MR. BRADY: Objection. Vague.

22 THE WITNESS: A Can you define "methodology"

23 for me, please.

24 MS. MUSE: Q Anything -- did you use

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1 anything that you would consider a methodology to

2 arrive at your opinion in this case?

3 MR. BRADY: Objection. Vague.

4 THE WITNESS: A I'm not quite sure how to

5 answer that.

6 I used my experience. I used

7 data that I had generated during my career to define

8 what I was actually stating in the report.

9 MS. MUSE: Q Are you aware of anyone who

10 disagrees with the opinion that you've offered in

11 this case?

12 A I'm not aware of anybody who disagrees.

13 I've not been contacted. I've not seen any

14 information relating to this matter.

15 And I personally steer clear of

16 it. I don't want to know anything.

17 Q I'm going to refer to Exhibit 1, which

18 we marked as your expert report in this case.

19 A Um-hum.

20 Q I have a few questions about it.

21 A Absolutely.

22 Q Okay. Do you see Exhibit 1, your

23 expert report in this case?

24 A I do, Kathryn, yes.

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1 Q Okay.

2 A Do you mind me calling you Kathryn or

3 would you prefer Miss -- I mean...

4 Q Either works today.

5 Under background and

6 qualifications, you see that it says -- you wrote

7 formally recognized by the United States government

8 as a leading expert in firearms design. What did

9 you mean when you wrote that?

10 A It's self apparent.

11 When -- I mentioned earlier we --

12 my immigration attorney filed for a national

13 interest waiver, which was denied.

14 As part of the denial, the United

15 States government -- which was USCIS, but it's the

16 United States government -- recognized that had a

17 exceptional ability in my field which opened me for

18 what's called an EB -- I've got to get this right,

19 please don't quote me -- an EB-1 visa, which is

20 exceptional ability.

21 So it was on that basis that we

22 filed the PERM application which resulted in the

23 I-140 being approved. That document can be provided

24 if requested.

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1 Q So I'd like to move -- you included
 2 images in this report?
 3 A Yes, I did
 4 Q Let's see. So turning to page six of
 5 Exhibit 1 in your expert report in this case, on
 6 both page six, seven and eight there are images?
 7 A There are.
 8 Q Where did you get these images from?
 9 A We maintain a database of all our
 10 designs, designs for companies and various other
 11 technical information. So I just pulled from that
 12 database something that was not the -- so it says
 13 M16 fully automatic lower receiver. It's -- how can
 14 I phrase this the right way?
 15 It's not the government M16
 16 automatic lower receiver. It's a -- a
 17 non-government -- for want of a better word --
 18 representation. It's not a commercial market,
 19 obviously. There's no commercial market for this.
 20 So this would be something
 21 that -- these would be technical data that we would
 22 use for companies wishing to make this type of lower
 23 receiver for an appropriate government contract, be
 24 that an export contract, be that a contract with the

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1 United States Military, be it a contract with law
 2 enforcement, that's entitled to do it.
 3 I cannot -- I would not show the
 4 technical data package -- the U.S. Army technical
 5 data package.
 6 So while it's identical, it's not
 7 actually an M16. I know that's aroundabout way of
 8 saying. I just wanted to clarify exactly what that
 9 that was.
 10 Q So that was a lot. I'm going to have
 11 go to back and unpack some of it.
 12 A Sure.
 13 Q So figure one is not an M16?
 14 A It's --
 15 MR. BRADY: Objection. Misstates testimony.
 16 MS. MUSE: Q Okay. Can you please...
 17 THE WITNESS: A It's -- it is an identical
 18 configured schematic image, of a fully automatic M16
 19 style lower receiver; but it is not the government
 20 M16 -- if I'm making myself clear on that.
 21 So it's identical. It's just not
 22 their imagery because I'm not authorized to release
 23 their imagery.
 24 Q Let's go back to the beginning of you

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1 answering my question.
 2 You said we maintain a database.
 3 Who's "we"?
 4 A Myself and my draftsman.
 5 Q Who is your draftsmen?
 6 A A draftsman. It's an individual called
 7 David Higgs.
 8 Q Is David Higgs someone that works at
 9 Leitner-Wise, LLC?
 10 A We have been working together for
 11 approximately 20 years.
 12 And he is compensated by me
 13 directly. So he's not employed by me.
 14 Q Does he work for Leitner-Wise, LLC?
 15 A No.
 16 Q Okay. Who owns the database from which
 17 this image is pulled?
 18 A I own the database from which the
 19 imaging is pulled.
 20 Q What --
 21 A Personally, not corporately.
 22 Q And what software was used to generate
 23 this?
 24 A Solid -- Solid Edge probably. It might

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1 have been done in Solid Works. It depends.
 2 I can't tell you from looking at
 3 the image. I'd have to actually go and look at the
 4 database, which I'm not going to do at this stage.
 5 But I can clarify, if you
 6 require, whether it was Solid Edge or Solid Works.
 7 Q Have you ever made a weapon from the
 8 schematics shown in either figure one or figure two?
 9 A Have I ever made -- so let's backtrack.
 10 When Leitner-Wise Rifle Company...
 11 Q Well, let's answer this question first
 12 and then I'll -- then I can give you some additional
 13 opportunity.
 14 Have you ever made a weapon from
 15 these schematics that are shown in figure one and
 16 figure two?
 17 MR. BRADY: Objection. Vague.
 18 THE WITNESS: A I have made -- when I say
 19 "I", the company I was with have manufactured
 20 weapons utilizing those images, but not those
 21 specific images.
 22 MS. MUSE: Q Okay. We'll break it up.
 23 So, for figure one, have you or a
 24 company that you have worked with ever manufactured

Page 110	<p>1 a weapon using the schematic that is shown in figure</p> <p>2 one exactly as it is?</p> <p>3 A Exactly as it is, no, not exactly --</p> <p>4 well, for example, this one has an integral trigger</p> <p>5 guard at the bottom. That is not -- that's a</p> <p>6 design. It's not actually been productionized which</p> <p>7 is why I've been able to sell it -- sell it -- show</p> <p>8 it here because it doesn't contradict any</p> <p>9 nondisclosure agreements we have.</p> <p>10 But, in all other respects,</p> <p>11 internally it's exactly identical to products that</p> <p>12 have been manufactured by companies I have been</p> <p>13 either employed with or worked with.</p> <p>14 MR. TRESNOWSKI: Can I interrupt real quick.</p> <p>15 There's an unmuted caller on the</p> <p>16 Zoom call now. I don't know who that is.</p> <p>17 MR. MAAG: Thomas Maag.</p> <p>18 MS. MUSE: Hi, Mr. Maag. Could you please</p> <p>19 mute your line.</p> <p>20 MR. MAAG: Give me one second.</p> <p>21</p> <p>22 (Discussion kept off the record.)</p> <p>23</p> <p>24 MR. MUSE: Mr. Maag, we are still hearing</p>	Page 112	<p>1 A It -- essentially it depicts the</p> <p>2 internal machining of an M16 style lower receiver.</p> <p>3 Q And what does figure two in your expert</p> <p>4 report depict?</p> <p>5 A It depicts the internal machining of a</p> <p>6 semi-automatic lower receiver.</p> <p>7 Q How did you decide which kind of</p> <p>8 AR-15 semi-automatic lower receiver to use in your</p> <p>9 report?</p> <p>10 A Could you explain "which kind".</p> <p>11 Q How did you decide which -- okay. I'll</p> <p>12 back up.</p> <p>13 Is there more than one kind of</p> <p>14 AR-15?</p> <p>15 A There are multiple kinds of AR-15s.</p> <p>16 Q So how did you decide which kind of</p> <p>17 AR-15 semi-automatic lower receiver to use?</p> <p>18 A Well, this is...</p> <p>19 MR. BRADY: Objection. Vague.</p> <p>20 THE WITNESS: A I'd like to point out this</p> <p>21 is not an AR-15 lower receiver.</p> <p>22 MS. MUSE: Q I'm talking about figure two?</p> <p>23 A Yeah, so am I.</p> <p>24 Q Oh, I see. I'm sorry. Please, let's</p>
Page 111	<p>1 some audio from you. So we appreciate your efforts,</p> <p>2 and we might have to stop again and ask you to join</p> <p>3 from a different, quieter area.</p> <p>4 But for now we'll go forward and</p> <p>5 hope that you're able to find a solution.</p> <p>6 MR. MAAG: Okay.</p> <p>7 MS. MUSE: Q Thank you.</p> <p>8 Okay. So, Mr. Leitner-Wise,</p> <p>9 turning back to your expert report which has been</p> <p>10 marked as Exhibit 1. We're looking at page six, and</p> <p>11 we're looking at figure one.</p> <p>12 All right. Looking at figure</p> <p>13 one. Okay. Was this image created for your report?</p> <p>14 THE WITNESS: A No.</p> <p>15 Q When was this image created?</p> <p>16 A Without looking at the file, I couldn't</p> <p>17 tell you. It was -- it was just a case of pulling</p> <p>18 out something that wouldn't necessarily cause a</p> <p>19 conflict with our nondisclosure agreements.</p> <p>20 Q How many times has the image shown in</p> <p>21 figure one been used to manufacture a weapon?</p> <p>22 A As I mentioned before, that particular</p> <p>23 image has not been. It's a generic image.</p> <p>24 Q What does figure one depict?</p>	Page 113	<p>1 back up.</p> <p>2 So tell me again what figure two</p> <p>3 is.</p> <p>4 A Figure two is a semi-automatic lower</p> <p>5 receiver, and it is basically a -- the patent -- the</p> <p>6 patent of machining in there is the SP-1, the Colt</p> <p>7 SP-1.</p> <p>8 Q So is figure two a picture of a AR-15</p> <p>9 semi-automatic lower receiver?</p> <p>10 A No. It's picture -- essentially the</p> <p>11 internal machining is a 1964 Colt SP-1.</p> <p>12 Q Is a Colt SP-1 a type of AR-15?</p> <p>13 A It's a semi-automatic rifle that was</p> <p>14 developed in 1964 by Colt.</p> <p>15 Q Why does figure two say AR-15</p> <p>16 semi-automatic lower receiver above it?</p> <p>17 A For the purposes of the report because</p> <p>18 we were -- basically I was showing the difference</p> <p>19 between an M16 and what is perceived to be an AR-15,</p> <p>20 without getting in to the weeds of what an actual</p> <p>21 civilian semi-automatic AR-15 is and adding two or</p> <p>22 three pages of explanation.</p> <p>23 Q So is figure two an illustration of</p> <p>24 partially what an AR-15 semi-automatic lower</p>

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1 receiver looks like?

2 MR. BRADY: Objection. Vague.

3 THE WITNESS: A Let's back up a second so I

4 can clarify what I'm saying. I'm trying not to

5 confuse the issue or obfuscate in any way.

6 The -- all modern semi-automatic

7 rifles that we refer to as AR-15, AR-15 Patton,

8 Patton -- not patent -- Patton rifles are -- their

9 origin goes back to the 1964 Colt SP-1.

10 MS. MUSE: Q Okay.

11 A It's a totally different weapon to an

12 AR-15. An AR-15, to be 100 percent accurate, was

13 never a semi-automatic weapon. It was fully

14 automatic select fire from start, developed as a

15 military weapon and has always been developed as a

16 military weapon and has a completely different

17 development path to the civilian SP-1.

18 Q Why did you include figure two in your

19 report?

20 A To show the internal differences.

21 Q The internal differences of what?

22 A Of the machining of the inside of the

23 lower receiver.

24 So one is a semi-automatic. The

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1 other is a fully automatic. And in order for...

2 Q Is it true that semi-automatic lower

3 receivers look different on different AR-15s?

4 A Define --

5 MR. BRADY: Objection, vague.

6 THE WITNESS: A Define -- sorry. Sorry,

7 Sean.

8 Do you mean different colors,

9 different styles...

10 MS. MUSE: Q Is this any way in which

11 semi-automatic lower receivers can look different on

12 one AR-15 compared to another?

13 A Internally or externally, please.

14 Q Internally in the area depicted in your

15 figure two here.

16 A There are different ways of machining

17 the inside of the semi-automatic version that still

18 do not allow it to fire in a fully automatic way.

19 Q I think we're getting -- we're getting

20 loss here.

21 I'm trying to ask very basic

22 questions to understand why these images are in

23 here. So I'll start again, but there's -- I'm

24 not -- these aren't tricky -- I'm not trying to play

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1 any tricks here. So I want to be clear.

2 Why do you include -- let's start

3 what does figure two -- is it a visual -- okay.

4 I'll start over.

5 Is figure two a visual

6 representation of the semi-automatic lower receiver

7 of an AR-15?

8 MR. BRADY: Objection. Asked and answered.

9 Vague.

10 THE WITNESS: I'm going to have to come back

11 to my statement on an AR-15, what is an AR-15. This

12 is...

13 MS. MUSE: Q I want to give you the

14 opportunity to elaborate, but I have to insist that

15 you answer my questions, and so I just -- I would

16 like to know, yes or no, is figure two a visual

17 representation of a semi-automatic lower receiver

18 for an AR-15.

19 MR. BRADY: Objection. Asked and answered.

20 Vague.

21 THE WITNESS: A It's a visual representation

22 of a semi-automatic lower receiver.

23 MS. MUSE: Q Thank you.

24 Which AR-15 is figure two a

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1 visual representation of?

2 MR. BRADY: Objection. Misstates testimony.

3 Vague.

4 THE WITNESS: A I'm going to try and answer

5 that as best I can.

6 It's a visualization of the

7 internals of an SP-1 and many other lower --

8 semi-automatic lower receivers.

9 I can't possibly give you a list

10 of which manufacturers make them this way. It

11 depends on...

12 MS. MUSE: Q Do all -- that's fine.

13 Do all AR-15 semi-automatic lower

14 receivers look like figure two?

15 MR. BRADY: Objection. Vague. Speculation.

16 THE WITNESS: A You're asking me to

17 speculate and so...

18 MS. MUSE: A It's a yes, no...

19 A No. It's a gray area. I can't...

20 MR. BRADY: Objection. Argumentative. You

21 can't direct the witness how to answer.

22 MS. MUSE: Okay.

23 THE WITNESS: A I cannot possibly say.

24 MS. MUSE: Q Are you aware of an AR-15

Page 118	<p>1 semi-automatic lower receiver that does not look 2 like figure two? 3 A There are -- there are AR-15 -- well, I 4 don't want to even use the word AR-15. There are 5 plenty of semi-automatic lower receivers that are 6 visually configured in different ways. 7 Every manufacturer tries to be a 8 little bit different to distinguish themselves from 9 the rest of the manufacturers. Asking me to state 10 under oath that they are all like this is -- is 11 something I'm not prepared to do because I -- I have 12 knowledge that some may not be. Although I can't 13 point to those. 14 Q So that's helpful. You know that there 15 are some that may not be -- so you know -- okay. 16 So, for figure two, you are aware 17 of some AR-15 semi-automatic lower receivers that do 18 not look like figure two? 19 A Yes. 20 MR. BRADY: Objection. Misstates the 21 testimony. 22 THE WITNESS: A I can answer that very 23 simply. Yeah, some have trigger guards that are 24 integral with the lower receiver. Others do not.</p>	Page 120	<p>1 A It's just part of the drawing that was 2 utilized. 3 I didn't -- to clarify, I didn't 4 want to create an image specifically for this 5 report, rather, an image from the series of images 6 from our database that showed the machining 7 differences between a fully automatic lower receiver 8 and a semi-automatic lower receiver. 9 And I think the fact that there 10 are symbols on there which some companies use -- 11 there's a generic -- there's a patent number on 12 there -- was nothing to do with intent of the -- of 13 the illustrations. 14 I also -- and I'm just going to 15 add this. I also didn't want to give too -- because 16 this is presumably going to be a public document or 17 is a public document. 18 I didn't want to give too much 19 away in the differences that could possibly lead 20 someone to try and do something they shouldn't do. 21 If that makes sense. 22 I -- you know, I can obviously 23 provide more input if required. I'm just very 24 cautious about putting --</p>
Page 119	<p>1 Some have slightly different 2 configurations for the bow catch mechanism. Some 3 don't have the stops for the safety selectors. 4 I -- these are matters that 5 individual companies can use on their -- their 6 products. What I've offered is a generic -- and I 7 hate using the term. If you're involved in 8 intellectual property, you absolutely loathe the 9 term "generic", but it's a generic semi-automatic 10 lower receiver. 11 MS. MUSE: Q All right. What does figure 12 five in your expert report depict? 13 A Figure five depicts the position of the 14 pinhole for the Auto Sear in a fully automatic 15 configured fire control system. 16 Q What does figure six depict? 17 A Figure six depicts the absence of the 18 hole for an Auto Sear in a semi-automatic lower 19 receiver? 20 A Does figure five and figure six depict 21 different weapons? 22 A Yes. 23 Q Why do figure five and figure six have 24 the same patent?</p>	Page 121	<p>1 Q Okay. 2 A -- Potentially -- information that 3 could be potentially used criminally. I don't want 4 to be doing that. 5 Q I'm just going to remind you that I 6 need you to wait for me to ask questions to answer. 7 A Sure. 8 Q We'll get everybody home earlier 9 tonight. 10 A You said tonight? 11 Q I appreciate you being forthcoming. 12 Okay. So is it your opinion that 13 the firing process for an M16 is different than an 14 AR-15 because of a component called the Auto Sear? 15 A Well, it's not as simple as that. 16 There's a lot more than just an Auto Sear that is 17 involved. 18 The -- the firing patent of the 19 two -- the fully automatic and the semi-automatic 20 are totally different, absolutely. And that's not 21 speculation. That's not opinion -- that's -- it's 22 my opinion based on observation. 23 Q Are you familiar with a Drop In Auto 24 Sear?</p>

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1 A I'm familiar with the -- what's called
 2 a registered Drop In Auto Sear which is actually
 3 classified as a machine gun.
 4 Q And what is that?
 5 A It is a -- it's -- it's an interesting
 6 device.
 7 It's a way of allowing the
 8 semi-automatic weapon to function as a fully
 9 automatic weapon, but in and of itself it won't work
 10 unless a number of other things are done to the
 11 weapon. So just...
 12 Q Are you familiar...
 13 A I was just going to say, to clarify, if
 14 I had a semi-automatic lower receiver and I put it
 15 in a registered Drop In Auto Sear -- so what is
 16 actually a machine gun -- and went to the range with
 17 it, the gun would not fire fully automatic.
 18 Q Why not?
 19 A Because there are a number of steps
 20 necessary to have a gun fire fully automatic, and a
 21 registered Drop In Auto Sear would not do that in
 22 and of itself.
 23 Q Are you familiar with a lightening
 24 link?

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1 A I'm heard of them. I've never actually
 2 seen one in my presence. I've obviously seen
 3 pictures. I'm never seen one utilized.
 4 Anything I say about those would
 5 be pure speculation on my part.
 6 Q Are you familiar with forced reset
 7 triggers?
 8 A Yes, I am. I haven't used one, but I
 9 am familiar with them.
 10 Q What is a forced reset trigger?
 11 A What -- it's probably best described as
 12 a -- I want to be -- word this carefully not for
 13 any, you know, untoward reasons.
 14 It's probably a more accurate
 15 attempt at doing what bump firing does. So -- and
 16 I've never actually utilized one. So I --
 17 there's -- I'm giving you my opinion based on my
 18 observations.
 19 It relies on the user having
 20 their finger in such a position that when the
 21 rifle -- using the recoil of the rifle, it resets
 22 the disconnecter, resets the trigger, quicker than
 23 releasing the trigger in the traditional sense and
 24 then pulling the trigger again.

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1 So if I'm firing a semi-automatic
 2 rifle -- and I just want you to understand this --
 3 I pull the trigger and I keep my finger on the
 4 trigger, the gun only fires once because an item
 5 within the trigger mechanism called the disconnecter
 6 catches the hammer, hits the firing pin and stops is
 7 that moving.
 8 When I release the trigger it --
 9 the disconnecter catches the main part of the
 10 hammer, and that's called the reset. So at that
 11 point, once it's caught the main part of the
 12 hammer -- oh...
 13 Q When did you observe a forced reset
 14 trigger being used?
 15 A I've only observed them being used on
 16 on-line videos.
 17 MR. BRADY: If I may, just for the record,
 18 Mr. Leitner-Wise said, "oh", when I believe he was
 19 in the middle of a response because there was a
 20 beeping noise.
 21 THE WITNESS: Yes.
 22 MR. BRADY: Is that correct?
 23 MS. MUSE: I apologize.
 24 THE WITNESS: That is correct.

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1 No, no need to apologize.
 2 MR. BRADY: No need to apologize. I just
 3 wanted to make it clear because the record might
 4 show him saying "oh" and then -- in the middle of a
 5 response and then a new question. I just wanted to
 6 make clear that was the reason.
 7 MS. MUSE: Yes.
 8 THE WITNESS: A And essentially what I
 9 wanted to do before that beep distracted me was
 10 explain -- so that's how it works conventionally.
 11 You can't just keeping pulling the trigger.
 12 If you reset the trigger earlier,
 13 it enables the trigger to be utilized again. But it
 14 is only under the definition of a machine gun. It
 15 is still operating as a semi-automatic trigger.
 16 And, you know, I'm not going to
 17 talk about the law and Supreme Court rulings or
 18 anything like that because that's for you attorneys
 19 to talk about.
 20 MS. MUSE: Q Are the on-line videos that
 21 you've viewed of forced reset triggers being used
 22 publicly available?
 23 A They're on U-Tube. You know, a couple
 24 of people mentioned it. Obviously, I'm curious

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1 about any developments in the firearm world and I
 2 observe them.
 3 Sense you asked, I'm not going to
 4 say I haven't ever seen one being utilized. I've
 5 seen them on a video.
 6 I have no direct experience.
 7 I've never used one. I've never examined one. I
 8 don't know actually know anyone who has one.
 9 So my understanding is based on
 10 what is being said on U-Tube videos.
 11 Q Have you -- scratch that.
 12 Are you familiar with a gat
 13 crank?
 14 A I --
 15 Q G-a-t, gat.
 16 A I think that's probably before my time.
 17 I -- I don't know what it is, but it would
 18 presumably be something to do with a Gatling gun.
 19 So some way of...
 20 Q Okay. If you don't know, then that's
 21 fine. You...
 22 A I don't know. I -- you hear so many
 23 things. I honestly -- I can honestly say I don't
 24 know.

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1 Q Are you familiar with a binary trigger?
 2 A I am -- I know what a binary trigger
 3 is. I've never used one.
 4 Q What is a binary trigger?
 5 A A binary trigger is -- and I actually
 6 don't know how they work. So -- but essentially the
 7 trigger fires when you pull the trigger rearward;
 8 and then if you are in the binary mode, it allows
 9 the trigger to fire as you release it.
 10 But I don't understand the
 11 mechanism. I haven't examined one.
 12 Q Is a binary trigger a way to modify a
 13 semi-automatic weapon?
 14 MR. BRADY: Objection. Vague.
 15 THE WITNESS: A If by modification you mean
 16 if I put a two-stage trigger -- a two-stage trigger
 17 has an initial pull; and then you reach a wall, and
 18 then you pull further and the trigger discharges --
 19 yeah, it's a modification.
 20 MS. MUSE: Q Have you ever heard of someone
 21 modifying an AR-15 with a coat hanger to simulate
 22 automatic fire?
 23 A I'm sorry. What an awful visual.
 24 No, I -- I have personally no

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1 experience of that. I haven't heard of it.
 2 I think if you'd mention that in
 3 conversation, I would think it was some sort of, you
 4 know, internet lore or something, something not --
 5 no. So, in answer to your question, no, I have not
 6 heard of anybody using a coat hanger -- I'm sorry.
 7 Please --
 8 Q Have you ever --
 9 A -- Forgive me.
 10 Q Have you ever heard an AR-15
 11 malfunctioning and firing automatically?
 12 A There is a possibility that you can get
 13 a failure in the fire control group that will allow
 14 one or two rounds to discharge.
 15 Automatically, fully
 16 automatically, no. It's -- it's -- generally either
 17 the disconnecter breaks or the spring fails. So
 18 it's -- it's very extremely rare, but it can happen.
 19 Q Okay. In your report you said that
 20 commercial AR-15s have a similar visual appearance
 21 to select fire M16 family of weapons?
 22 What did you mean when you said
 23 similar visual appearance?
 24 A The silhouette is -- the silhouette is

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1 identical -- or not identical. Very similar. Let's
 2 put it that way.
 3 Q And what do you mean by silhouette?
 4 A So if you -- you're familiar with --
 5 I'm not belittling you by saying this, but you're
 6 familiar with the term "silhouette".
 7 So if I have an all-black image
 8 of an M16 or an M4 and an all-black image of a, you
 9 know, semi-automatic rifle, they would look similar.
 10 But then most -- since probably
 11 the mid '70s, I would say most semi-automatics --
 12 semi-automatic rifles have a similar silhouette
 13 because the -- the very clever thing about Eugene
 14 Stoner's original idea or design were the ergonomics
 15 of the weapon; and because the ergonomics are so
 16 good, they have been duplicated across many, many,
 17 many semi-automatic weapons.
 18 So they share a very -- the
 19 position of the magazine, for example, the -- the
 20 relation of the barrel height above the receiver,
 21 various elements like that, mean that there's a --
 22 even though they're totally different -- totally
 23 different weapons, there is a visual similarity.
 24 Q So other than the barrel height above

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1 the receiver and the position of magazine, is there
 2 anything else visually similar between commercial
 3 AR-15s and the M16 family of weapons?
 4 MR. BRADY: Objection. Misstates testimony.
 5 Vague.
 6 MS. MUSE: Q In addition to the
 7 silhouette -- let me state it again.
 8 In addition to the silhouette,
 9 the barrel height above the receiver and the
 10 position of the magazine, is there anything else
 11 that has a similar visual appearance between
 12 commercial AR-15 rifles and the select fire M16
 13 family of weapons?
 14 MR BRADY: Objection. Misstates testimony.
 15 Vague.
 16 THE WITNESS: A Yeah, I mean, I try to
 17 clarify the -- essentially most European, Western
 18 European and North American semi-automatic rifles do
 19 have a similar silhouette to an M16; but they don't
 20 function the same.
 21 So an average person who is not
 22 skilled in the art might see a Gallil, for example,
 23 which is an Israeli rifle and assume it's an M16,
 24 which it isn't, but it's -- they look the way they

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1 are because they have evolved in to a very, once
 2 again, generic style.
 3 It's like people look the way
 4 they are because we've evolved into what best suits
 5 us. It's why steering wheels are the shape they
 6 are.
 7 MS. MUSE: Q So another thing you said in
 8 the report was that an AR-15 is a, quote, more
 9 developed product, end quote, than an M16.
 10 Can you explain why you think an
 11 AR-15 is a more developed product than an M16?
 12 A Well, that's -- that's -- that's kind
 13 of self evident.
 14 The M16 -- so we start with the
 15 original AR-15 which was a fully automatic weapon.
 16 That then became the XM16, then the M16, then the
 17 M16A1, A2, A3, A4 and so on. Then the M4, then the
 18 M4A1.
 19 They have a very specific
 20 purpose. They are military weapons supplied to the
 21 United States Military and lots of militaries around
 22 the world. In fact, Iran has M16s from the time of
 23 the Shah, and they have one specific purpose.
 24 Semi-automatic AR-15 style

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1 weapons are utilized in so many more activities than
 2 the military weapons.
 3 When Colt developed the SP-1 they
 4 made no -- their marketing at the time made no
 5 references to the M16. They -- what they referenced
 6 was lightweight, a hunting rifle, space-age
 7 materials, you know, because it was made -- instead
 8 of wood and steel, it was made of aluminum and
 9 plastics so -- and, of course, this is early 1960s.
 10 We're looking at moon shots and things like that.
 11 The M16 was developed to fight in
 12 the Cold War against the Soviet adversary or a
 13 Soviet-sponsored adversary. A totally different
 14 path.
 15 Which means the twist rates in
 16 the barrel are different. The gun is so
 17 fundamentally different, when you get down to the
 18 DNA of the weapon that -- when I developed a method
 19 for the United States Army to accurately count how
 20 many shots were fired by a weapon without getting
 21 false positives -- this is -- this is one of my
 22 patents. We developed that technology, the hardware
 23 and software to do that.
 24 The program for the M16 would not

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1 work on a commercial AR-15. It would not identify
 2 shots being fired. And, likewise, the commercial
 3 AR-15 program could not be used on the M16 because
 4 it wouldn't accurately identify shots being fired.
 5 And when you get down to that
 6 level, when you're actually looking at the data that
 7 is being produced during the firing, both in the
 8 M16, both semi-automatic and fully automatic firing,
 9 and an AR-15, a semi-automatic AR-15 Patton rifle,
 10 they're not the same.
 11 Now, with artificial
 12 intelligence, could you load up the program so that
 13 it can be used on both, I don't know. That would be
 14 speculation on my part.
 15 But that was -- you know, that
 16 was a definitive moment.
 17 So when I say that I can -- you
 18 know, when I say by any metric in that report, I'm
 19 talking about at the absolute base level. What
 20 happens when that weapon functions is entirely
 21 different.
 22 And it's not just because one
 23 isn't fully automatic. It's because the way the
 24 weapon is configured, the way it's manufactured, the

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1 parts within that weapon give that weapon a totally
 2 different signature when it's being used.
 3 So I'm sorry to dive into the
 4 weeds there, but -- so when I said -- when you --
 5 you mentioned how did I come to my conclusions, that
 6 was one of my experiences that I reached back in to
 7 because it was -- it was very interesting to find
 8 that and it -- you know, you'd have to have a
 9 different program for different calibers.
 10 So the military generally
 11 speaking uses 5.56 ammunition. There are some, you
 12 know, small-frame M16s, M4s which shoot different
 13 calibers; but they're -- you know, they're really a
 14 very, very small part.
 15 The semi-automatic weapon shoots
 16 a myriad of calibers, a myriad; but they're tailored
 17 for the application of the user.
 18 Q Okay. Have you ever had a security
 19 clearance from the U.S. government?
 20 A No. I have worked on secured programs,
 21 but I have not had security clear answer.
 22 So that was -- that was an
 23 interesting experience.
 24 Q Who provided access to military

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1 facilities to you?
 2 A The United States government.
 3 Q Which part of the United States
 4 government?
 5 A Could be the Department of Defense. It
 6 could be the individual -- individual unit, for
 7 example.
 8 So when we were working with the
 9 Coast Guard, that was provided by the Coast Guard
 10 headquarters; and I attended their invite. They
 11 were fully aware of my nationality, had to bring,
 12 you know, appropriate U.S. government ID and
 13 appropriate -- my British ID, had to sign in. All
 14 the processes you go for -- through -- sorry -- go
 15 for -- go through in order to gain access.
 16 Q How many times have you visited U.S.
 17 military facilities?
 18 A I wouldn't -- I couldn't even begin to
 19 speculate. Lots.
 20 You don't just walk in, one would
 21 hope.
 22 MS. MUSE: I know we're running up on almost
 23 another hour.
 24 Okay. Well I think this might be

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1 a good time to take another short break.
 2 THE WITNESS: Um-hum.
 3
 4 (Discussion kept off the record.)
 5 (Short recess was taken.)
 6
 7 MS. MUSE: Q Okay. So thank you for your
 8 time, Mr. Leitner-Wise.
 9 Is there any --
 10 THE WITNESS: A Not a problem.
 11 Q Is there any information that I've
 12 asked about in the deposition that you remember now
 13 but didn't recall when I asked about it earlier?
 14 MR. BRADY: Objection. Vague. Calls for
 15 speculation. Narrative.
 16 THE WITNESS: A Well that -- that needs me
 17 to remember what you specifically asked about. So
 18 I'm not sure how to answer that.
 19 Possibly, but I don't -- I don't
 20 know. Sorry.
 21 MS. MUSE: Q Are there any answers to my
 22 questions that you want to change before we close
 23 the deposition?
 24 A I don't think I need to change

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1 anything.
 2 So, you know, based -- sitting
 3 here right now, I don't think I need to change
 4 anything.
 5 MS. MUSE: Thank you. I have no further
 6 questions at this time.
 7 Does any of the other attorneys
 8 have questions?
 9 MR. BRADY: I do not.
 10 MS. MUSE: We'll make sure everybody has time
 11 to come off mute. Does anyone in the audience
 12 here -- no.
 13 Okay. Then, Mr. Brady, if I
 14 could ask from you and for -- to work with the
 15 witness to obtain the copy of the diplomas and
 16 transcripts that he mentioned for Stafford
 17 University and the copy of the immigration documents
 18 that you believe would have permitted the State of
 19 Illinois to pay the witness for his time today.
 20 Okay?
 21 Sorry. You disappeared from my
 22 video. So if you nodded, Mr. Brady, I didn't see
 23 you.
 24 MR. BRADY: No. I will await your written

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1 request for that information. I -- I don't recall
 2 there being a request for his being paid today.
 3 So --
 4 MS. MUSE: Oh.
 5 MR. BRADY: -- I guess there might be. But I
 6 offered to...
 7 MS. MUSE: I see. That was my understanding,
 8 that there was a request that we would be paying for
 9 his time today; but if there was no request, then...
 10 MR. BRADY: My understanding -- I believe
 11 under the rules that we're entitled to seek
 12 compensation for his time today, but I don't if that
 13 demand has been made.
 14 I recall there being -- and I
 15 don't want to go off on a tangent on all of the
 16 coordination stuff.
 17 MS. MUSE: Right.
 18 MR. BRADY: But I think there was like travel
 19 expenses discussed about others who might be going
 20 to Illinois.
 21 MS. MUSE: Okay.
 22 MR. BRADY: But that said, to be clear, I'm
 23 not waiving our right to recover said fees should we
 24 decide to; but I don't know if that demand has been

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1 made.
 2 MS. MUSE: Okay. I'll revise that to say, if
 3 any of the plaintiffs intend to request us to pay
 4 the witness for his time today, then we will ask for
 5 further documentation to be assured that we can
 6 lawfully do so.
 7 MR. BRADY: Understood.
 8 THE WITNESS: Absolutely. Absolutely.
 9 MS. MUSE: All right. If no one has any
 10 other questions, the other attorneys, then the
 11 deposition is over.
 12 Thank you very much for your
 13 time.
 14 MR. REPORTER: If I can get orders on the
 15 records, that would be great.
 16 MR. LOTHSON: One other thing. This is
 17 Andrew Lothson. Real quick.
 18 I don't know if Sean did this
 19 already, but it's something that Sean can decide.
 20 The witness may want to read and sign the
 21 deposition. Sean, I'll leave that up to you and Mr.
 22 Leitner-Wise; but that's something that we should
 23 make record of.
 24 MR. BRADY: Agreed.

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1 I assume that that was going to
 2 be part of the process we are about to talk about
 3 with Nick in getting the rough to the witness, so
 4 that he would have an opportunity to review it.
 5 And I'm open to hear any proposed
 6 timelines in light of the timing that the court has
 7 put us under. It's not really -- I don't know if
 8 we're doing anything to the full maximum length of
 9 the code right now because of the short timeline
 10 that we're under, but -- so I'm happy to hear from
 11 the State or anybody else on how quickly they want
 12 it turned around, and obviously that's subject to
 13 the witness' availability too.
 14 But, yeah, we will definitely
 15 want the witness to be able to review a rough draft
 16 and provide any edits.
 17 MR. REPORTER: Just for clarification...
 18
 19 (Discussion kept off the record.)
 20
 21 MR. REPORTER: Ms. Muse, I assume you're
 22 ordering the original?
 23 MS. MUSE: Yes. Thank you.
 24 MR. REPORTER: And then anybody else?

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1 Mr. Brady?
 2 MR. BRADY: Yes.
 3 MR. REPORTER: And anybody else?
 4 MR. YSURSA: This is Tom Ysursa. I am a no.
 5 I don't need anything.
 6 MR. MAAG: Thomas Maag. I don't need
 7 anything.
 8 MS. ASFOUR: Katherine Asfour. I don't need
 9 anything.
 10 MR. LOTHSON: No.
 11
 12
 13 DEPOSITION CONCLUDED BY 1:25 P.M.
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24


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1 STATE OF ILLINOIS)
) ss:
 2 COUNTY OF C O O K)
 3 The within and foregoing deposition of
 4 the witness, PAUL A. LEITNER-WISE, was taken before
 5 Nick W. DiGiovanni, C.S.R., via Zoom
 6 videoconferencing, on the 27th day of June, the year
 7 2024.
 8 There were present during the taking of
 9 this deposition the following counsel:
 10 ANDREW A. LOTHSON,
 representing
 11 the Barnett Plaintiffs;
 12 DAVID G. SEGALE,
 representing
 13 the Harrel Plaintiffs;
 14 THOMAS G. MAAG,
 representing
 15 the Langley Plaintiffs;
 16 KATHRYN HUNT MUSE,
 MIKE TRESNOWSKI,
 17 and
 CHRISTOPHER WELLS,
 18 representing
 the State of Illinois;
 19
 SEAN A. BRADY,
 20 representing
 Federal Firearms Licensees of Illinois
 and Paul A. Leitner-Wise;
 21 KATHERINE ASFOUR,
 22 representing
 the Randolph County Defendants;
 23
 24

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1 and
 2 THOMAS R. YSURSA,
 representing
 3 the St. Clair County Defendants.
 4 The said witness was first duly sworn
 5 and was then examined upon oral interrogatories.
 6 The questions and answers were taken down in
 7 shorthand by the undersigned, acting as
 8 stenographer; and the within and foregoing is a
 9 true, accurate and complete record of all of the
 10 questions asked of and answers made by the
 11 aforementioned witness at the time and place herein
 12 above referred to.
 13 The signature of the witness was not
 14 waived and the deposition was submitted to the
 15 deponent as per copy of the attached letter.
 16 Pursuant to the rules of the Supreme Court of the
 17 State of Illinois, if deponent does not appear to
 18 read and sign the deposition within 30 days or make
 19 other arrangements for reading and signing, the
 20 deposition may be used as fully as though signed;
 21 and this certificate will then evidence such failure
 22 to appear as the reason for signature being waived.
 23
 24

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1 The undersigned is not interested in
 2 the within case, nor of kin or counsel to any of the
 3 parties. Witness my official signature in and for
 4 Cook County, Illinois on this 3rd day of July, the
 5 year 2024.
 6
 7
 8
 9 
 10 _____
 NICK W. DIGIOVANNI, C.S.R.
 11 License No. 084-003060
 One North Franklin Street - Ste. 3000
 12 Chicago, Illinois 60606
 Telephone: 312.442.9087
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24

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1 Veritext Legal Solutions
 2 1100 Superior Ave
 Suite 1820
 3 Cleveland, Ohio 44114
 Phone: 216-523-1313
 4
 5 July 10th, 2024
 6
 7 To: Sean A. Brady
 Case Name: Barnett, Caleb, Et Al. v. Raoul, Kwame, Et Al.
 8
 9 Veritext Reference Number: 6770465
 10
 11 Witness: Paul A. Leitner-Wise Deposition Date: 6/27/2024
 12
 13 Dear Sir/Madam:
 14
 15 Enclosed please find a deposition transcript. Please have the witness
 16 review the transcript and note any changes or corrections on the
 17 included errata sheet, indicating the page, line number, change, and
 18 the reason for the change. Have the witness' signature notarized and
 19 forward the completed page(s) back to us at the Production address
 20 shown
 21 above, or email to production-midwest@veritext.com.
 22
 23 If the errata is not returned within thirty days of your receipt of
 24 this letter, the reading and signing will be deemed waived.
 25
 26 Sincerely,
 27 Production Department
 28
 29 NO NOTARY REQUIRED IN CA

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1 DEPOSITION REVIEW
CERTIFICATION OF WITNESS

2

3 ASSIGNMENT REFERENCE NO: 6770465
CASE NAME: Barnett, Caleb, Et Al. v. Raoul, Kwame, Et Al.
DATE OF DEPOSITION: 6/27/2024

4 WITNESS' NAME: Paul A. Leitner-Wise
5 In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
6 my testimony or it has been read to me.
7 I have made no changes to the testimony
as transcribed by the court reporter.

8

9 Date Paul A. Leitner-Wise
10 Sworn to and subscribed before me, a
Notary Public in and for the State and County,
11 the referenced witness did personally appear
and acknowledge that:

12 They have read the transcript;
13 They signed the foregoing Sworn
Statement; and
14 Their execution of this Statement is of
their free act and deed.

15 I have affixed my name and official seal
16 this ____ day of _____, 20____.

17 _____
18 Notary Public
19 _____
Commission Expiration Date

20
21
22
23
24
25

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1 ERRATA SHEET
VERITEXT LEGAL SOLUTIONS MIDWEST

2 ASSIGNMENT NO: 6770465

3 PAGE/LINE(S) / CHANGE /REASON

4 _____
5 _____
6 _____
7 _____
8 _____
9 _____
10 _____
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____

20 Date Paul A. Leitner-Wise
21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____
22 DAY OF _____, 20____.

23 _____
Notary Public

24 _____
25 Commission Expiration Date

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1 DEPOSITION REVIEW
CERTIFICATION OF WITNESS

2

3 ASSIGNMENT REFERENCE NO: 6770465
CASE NAME: Barnett, Caleb, Et Al. v. Raoul, Kwame, Et Al.
DATE OF DEPOSITION: 6/27/2024

4 WITNESS' NAME: Paul A. Leitner-Wise
5 In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
6 my testimony or it has been read to me.
7 I have listed my changes on the attached
Errata Sheet, listing page and line numbers as
8 well as the reason(s) for the change(s).
9 I request that these changes be entered
as part of the record of my testimony.

10

11 I have executed the Errata Sheet, as well
as this Certificate, and request and authorize
that both be appended to the transcript of my
12 testimony and be incorporated therein.

13 _____
Date Paul A. Leitner-Wise

14

15 Sworn to and subscribed before me, a
Notary Public in and for the State and County,
the referenced witness did personally appear
16 and acknowledge that:

17 They have read the transcript;
They have listed all of their corrections
18 in the appended Errata Sheet;
They signed the foregoing Sworn
19 Statement; and
Their execution of this Statement is of
20 their free act and deed.

21 I have affixed my name and official seal
22 this ____ day of _____, 20____.

23 _____
Notary Public

24 _____
25 Commission Expiration Date

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written 26:19 26:22 74:19	years 46:8 103:14 108:11
	yep 69:23
	youngest 98:15
	ysursa 3:11,12 141:4,4 143:2
	z
	zero 31:10
	zoom 1:17 110:16 142:5

Illinois Code of Civil Procedure

Article II, Part E

Rule 207, Signing and Filing Depositions

Signing and Filing Depositions

(a) Submission to Deponent; Changes; Signing.

Unless signature is waived by the deponent, the officer shall instruct the deponent that if the testimony is transcribed the deponent will be afforded an opportunity to examine the deposition at the office of the officer or reporter, or elsewhere, by reasonable arrangement at the deponent's expense, and that corrections based on errors in reporting or transcription which the deponent desires to make will be entered upon the deposition with a statement by the deponent that the reporter erred in reporting or transcribing the answer or answers involved. The deponent may not otherwise change either the form or substance of his or her answers. The deponent shall provide the officer with an electronic or physical address to which notice is to be sent when the transcript is available for examination and signing. When the deposition is fully transcribed, the officer shall deliver to the deponent, at the address supplied,

notice that it is available and may be examined at a stated place at stated times, or pursuant to arrangement. After the deponent has examined the deposition, the officer shall enter upon it any changes the deponent desires to make, with the reasons the deponent gives for making them. If the deponent does not appear at the place specified in the notice within 28 days after the mailing of the notice, or within the same 28 days make other arrangements for examination of the deposition, or after examining the deposition refuses to sign it, or after it has been made available to the deponent by arrangement it remains unsigned for 28 days, the officer's certificate shall state the reason for the omission of the signature, including any reason given by the deponent for a refusal to sign. The deposition may then be used as fully as though signed, unless on a motion to suppress under Rule 211(d) the court holds that the reasons given by the deponent for a refusal to sign require rejection of the deposition in whole or in part.

(b) Certification, Filing, and Notice of Filing.

(1) If the testimony is transcribed, the officer

shall certify within the deposition transcript that the deponent was duly sworn by the officer and that the deposition is a true record of the testimony given by the deponent. A deposition so certified requires no further proof of authenticity

(2) Deposition transcripts shall not be filed with the clerk of the court as a matter of course. The party filing a deposition shall promptly serve notice thereof on the other parties and shall file the transcript and any exhibits in the form and manner specified by local rule.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted

fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.

EXPERT WITNESS REPORT OF PAUL LEITNER-WISE

SUBJECT MATTER

I have been asked to opine on the mechanical differences between semiautomatic-only rifles that are generally available to the American public, such as AR-15 platform rifles, and fully-automatic rifles used by the military, such as M16s.

BACKGROUND AND QUALIFICATIONS

Designer and engineer, with over 20 US Patents and Pending Patents in firearms technology. Formally recognized by the United States Government as a leading expert in the field of firearms design.

EDUCATION

Stafford University UK. 1984
Bachelor of Science in the field of Industrial Engineering.
Stafford University UK 1986
Master of Business Administration.

CAREER

1986-1987 UK Government Contractor

1987-1990 Founded Eclipse Strategic Solutions, a below the line design consultancy. ESS was acquired by publicly traded WPP in 1990.

1990-1994 Joined the International Executive Service Corps. With the dissolution of the Soviet Union, I was responsible for the team auditing the Military industrial Complex of western Russia and the Ukraine.

1994-1996 Two-year contract with the family company Leitner-Wise Kft, in Hungary transitioning the company from state control to private ownership with principal responsibility in the wine production and engineering holdings.

1997-1998 Retained by numerous companies wishing introductions into former communist countries in central and eastern Europe.

1998-2006 Founded Leitner-Wise Rifle Co. (LWRC) to develop new and innovative firearms designs and technologies based around the AR platform. LWRC was acquired by Koniag, a native Alaskan Corporation in 2004. I left in 2006.

2007-2017 Acted as a design and engineering consultant to firearms companies enhancing and developing new and existing products.



2017-to Date Founded Leitner-Wise LLC, the US subsidiary of Leitner-Wise AG, the European holding Company, to develop and market a range of unique Firearms and accessories. Launched the MARKFIVE and entered into a licensing and engineering agreement with VKTR Industries to develop their VK-1 rifle.

HISTORY

It is instructive to look at the development and evolution of fully-automatic “machine” guns, or select-fire weapons, to fully understand the dissimilarity between them and semiautomatic rifles in common civilian ownership. While they often share similar visual appearance, technically and dynamically they are far from similar.

Leaving aside volley guns and hand-cranked rotary guns such as the Gatling gun, which don’t meet the modern definition of an automatic weapon, the advent of smokeless powders as a method of propellant for ammunition brought with it a new method for cycling the weapon, either utilizing the recoil generated by the pressure of the combustion process, or a small portion of the propellant gasses produced to do the same. The ammunition utilized was the larger caliber projectiles fired from the single-shot magazine-fed bolt-action rifles of the period, which were substantially heavier than their modern counterparts. The one exception to this was what became know as sub-machine guns, in that they fired smaller caliber ammunition, generally used in pistols, which, being less powerful, allowed for substantially less weight and the use of an unlocked breach. These were principally developed for close quarter combat and personal defense roles.

The paradigm shift in weapon design occurred in Germany in the late 1930’s, where for mainly economic, strategic, and lack of resource reasons, the development of what became known as the “intermediate cartridge” began. As the name suggests, an intermediate cartridge sits somewhere between the lower power cartridges generally used in pistols and the higher power cartridges used in rifles. The rifle designed to utilize this new cartridge borrowed heavily from other weapon developments of that era in terms of ergonomics and simplified construction. It allowed the operator to use magazines holding more ammunition than the bolt action and common semiautomatic rifles fielded at the time. It was also lighter and shorter than other contemporary weapons, was select-fire, and would have provided a definitive edge in combat, due to its ability to provide each soldier easily-portable automatic fire. However, it arrived too late in the war to affect the outcome (thankfully). While the term “Assault Weapon” is made up, “Assault Rifle” is not. During its development stage, the Germans designated this new weapon the Maschinen Pistole, a term for a sub-machinegun, but upon its adoption they renamed it the “Sturmgewehr”—translated literally as “Assault Rifle.”

Following World War II, development of assault rifles continued; the common and defining traits being an intermediate cartridge, detachable box magazine, and select-fire capability. These became true weapons systems and two of the most successful designs were the AK47 and its derivatives and the M16 family of weapons.

TECHNICAL DISCUSSION

Regulation of civilian machinegun ownership in the United States began in earnest in 1934. Prior to that there were no federal restrictions on automatic firearms, so manufacturers were free to sell select-fire rifles to customers across the country, unless in one of the relatively rare jurisdictions that had a local restriction on them. Following the passage of the National Firearms Act in 1934 and subsequent legislation, firearm manufacturers had to ensure that any semiautomatic firearms they made could not be “readily restored” to select-fire weapons, regardless of whether a separate select-fire version of that weapon existed. To prevent people from simply purchasing the omitted select-fire components and constructing an illegal machinegun, the semiautomatic-only variants were manufactured so that their receivers would not readily accommodate parts necessary for select-fire function. As a result, extensive and precise machining is required to modify those receivers not only to allow such components to be installed at all, but to do so in a way that the converted select-fire weapon would even function reliably.

The commercial AR-15 semiautomatic rifle, for example, has a similar visual appearance to the select-fire M16 family of weapons, yet, it is a far more developed product than the M16. It can be configured to fire many different caliber cartridges, and can be equipped with better triggers, more reliable internal components, and a vast array of accessories that allow the user to tailor the weapon to fit them better; all of which increase the safe and comfortable handling of the firearm. Militaries generally adopt a one-size-fits-all mindset for obvious logistical reasons. The military expects the individual service member to adapt to the weapon provided rather than the other way around. Totally unlike the civilian world where the individual can decide what is most suitable for his or her personal needs.

To illustrate this distinction, the M16 is exclusively chambered for the 5.56x45mm NATO cartridge. Semiautomatic rifles that are available to the general public, including ones that meet the definition of “assault weapon” under Illinois law because they accept detachable magazines and have certain features, come chambered in a variety of ammunition calibers, from as small as rimfire .22LR to much larger, like .300 AAC Blackout and beyond. This allows users to choose a rifle that is best for their intended application: self-defense, target shooting, hunting (small or large game), competition, etc. The upper portion of AR-15 platform rifles can be changed to facilitate various calibers for each of those purposes, depending on the user’s need. The M16 does not have that capability. So while the M16 and AR-15 share features like a detachable box magazine, ergonomics, and sights, they do not share what is most critical to the designation of “Assault Rifle”: select-fire capability.

The following is a general description of the mechanics for semiautomatic rifle function; although different weapons may use slightly different components to achieve the same results. A loaded magazine is placed in the lower receiver portion of the firearm and locked in place. A cartridge is manually loaded into the chamber of the weapon at which point the bolt is automatically locked by mechanical action to safely contain the high pressures that occur when the propellant contained within the cartridge is ignited. Next, the user releases the safety, selects the semiautomatic fire mode, and squeezes the trigger which causes the hammer under spring tension to be released. The hammer strikes the firing pin which in turn strikes the primer of the cartridge, this act of compression causes the volatile material therein to explode, a flame travels through the internal

flash hole in the base of the cartridge and ignites the main charge. The rapid burning of the propellant causes a massive rise in pressure which propels the bullet along the barrel, as the bullet nears the muzzle end, a small portion of gas is bled off from the bore of the barrel through a gas port and into a gas block. This gas in turn acts on the mechanism of the weapon to unlock the bolt from the chamber and start traveling rearward and as it does, withdraw and eject the spent cartridge case, while also re-cocking the firing mechanism for the next round to be fired. At some point the rearward travel of the bolt is arrested by a spring which returns the bolt forward allowing it to pick up a fresh cartridge from the magazine and lock it in the chamber ready to be fired. During this process the hammer has been captured by the disconnecter mechanism so regardless of whether the user has released their finger from the trigger or still has it depressed, the weapon will not fire again until the trigger is fully released and depressed a second time.

The process of automatic fire is different in kind. If the firearm is select-fire capable, once the user selects the automatic fire mode and depresses the trigger, the basic initial series of mechanical events highlighted above occur *until* the bolt begins its return stroke. At that point in its travel, the bolt trips a component called the auto sear, which in turn releases the hammer from the disconnecter, allowing it to strike the firing pin and repeatedly ignite the cartridges presented. This must happen at exactly the right moment and the bolt must be locked into the chamber, so timing is critical, as is bolt velocity. If all of these intricate machinations work correctly, the weapon will keep firing until the user releases the trigger or the magazine empties of ammunition. Any impediment to that function, even potentially slight ones, will not allow automatic fire.

As mentioned above, weapon manufacturers and the government agency overseeing the firearms industry have agreed to guidelines to help ensure that semiautomatic weapons are not readily convertible to select-fire capable machineguns. This means that while the two versions may appear superficially similar from the outside, internally they are two very different machines. The select-fire variant goes through more manufacturing processes than the semiautomatic variant and while post-production modification of a semiautomatic firearm to a select-fire variant is possible, it is not necessarily desirable or within the capabilities of an average user. A detailed and precise engineering description is not necessary, and I do not wish to publish a guide on how to make a machine gun, but a shortened explanation of the process allows understanding of what needs to be done to demonstrate its complexity. Of course, I'm more than willing to testify in much more detail if and when required.

To make the above-mentioned modifications, the semiautomatic lower receiver must be securely fastened in a specific fixture and mounted to an appropriate machining center and the datum point located. A datum point is a specific point which serves as a reference or base in defining the geometry of the lower receiver and against which all other measurements are made. Once this point is located, the position of material to be machined can be defined and accurately located on the part. The first operation, once the correct cutting tools have been selected, is to remove the material from the lower receiver of the firearm (and in some instances the upper receiver also). Any metal, particularly forged metal, is subjected to stresses under machining, particularly when the material is being removed from a premanufactured product, so detailed knowledge is required as to when to stop the machining process and allow the metal to effectively spring back to its natural shape. Adjustments then must be made, and any movement compensated for. From this point precisely sized and located cuts must be made in accordance with the manufacturing print,

sometimes referred to as the “blueprint” to allow the distinct select-fire components to be fitted. A particular challenge when working with premanufactured product is it will have a protective, permanent surface coating, the thickness of which was accounted for during the original manufacturing process. By necessity, parts of that coating will be removed during the machine work setting up an additional challenge of obtaining precise dimensional accuracy. This entire process assumes that the individual carrying out this work is a skilled machinist, with access to an adequately equipped machine shop, has the necessary production prints, holding fixtures, required cutting tools, and precise measuring equipment. Even at that point, reliable function cannot be guaranteed as for a select-fire weapon to work issues such as timing, mentioned above, and bolt velocity can prevent fully automatic fire. Any professional machinist will confirm that it is easier to make the product from scratch, rather than attempt to re-fixture and remeasure an existing product for modification. This is especially complicated if the correct fixtures are available.

To illustrate the internal differences between the M16 fully-automatic lower receiver and the AR15 semiautomatic lower receiver, I have attached some images taken from the computer program used to manufacture these different components. For ease of comparison, the graphics begin on the following page.

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Fig 1. M16 fully-automatic lower receiver.

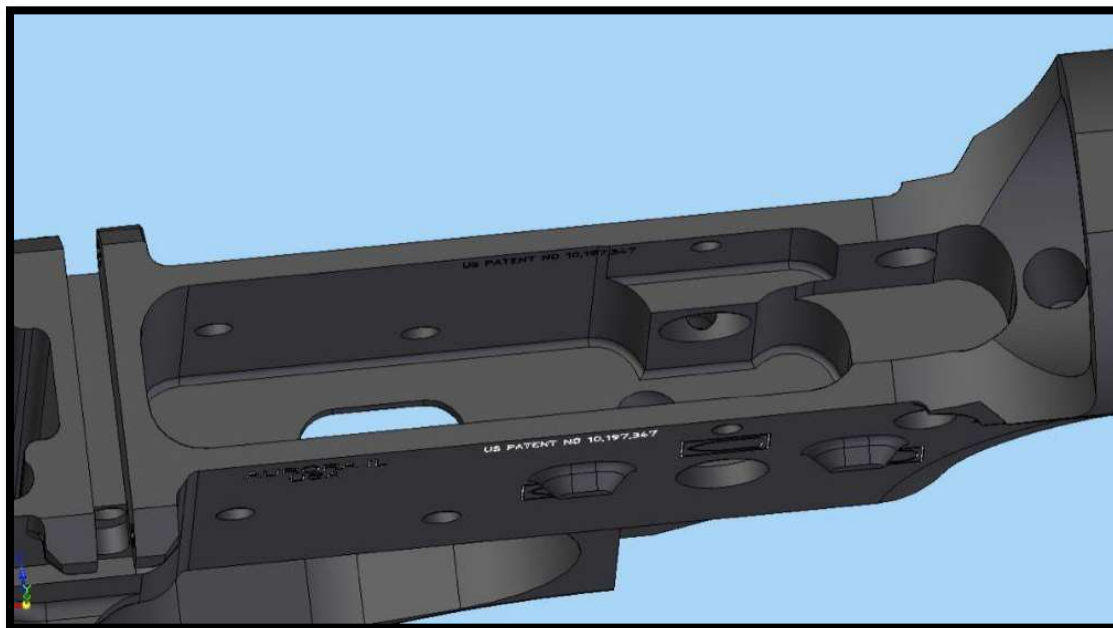


Fig 2. AR15 semiautomatic lower receiver.

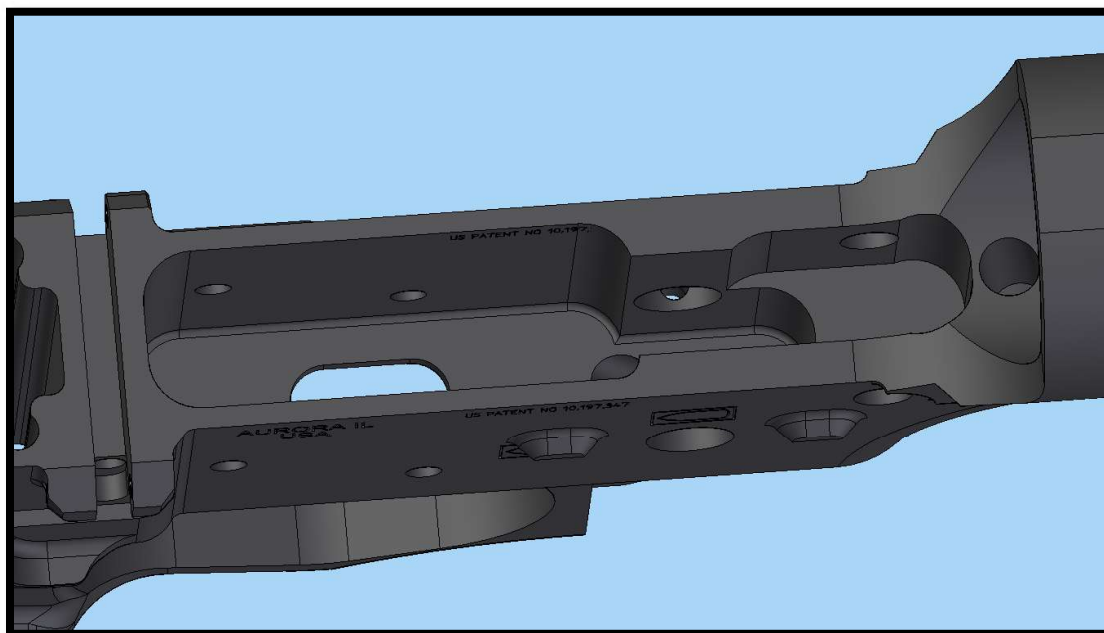


Fig 3. M16 fully-automatic lower receiver.

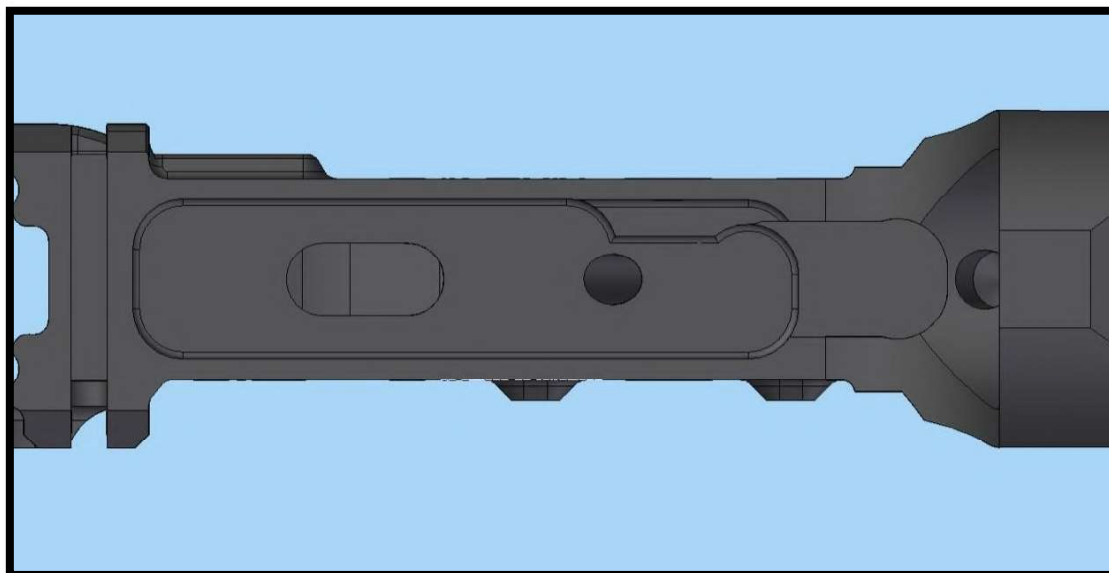


Fig 4. AR15 semiautomatic lower receiver.

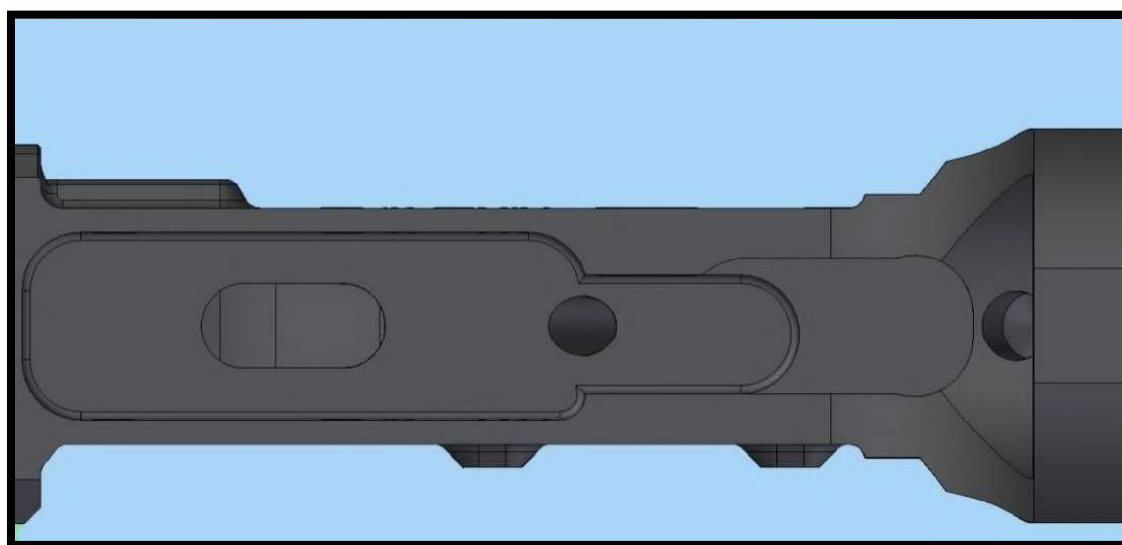


Fig 5. M16 fully-automatic lower receiver.

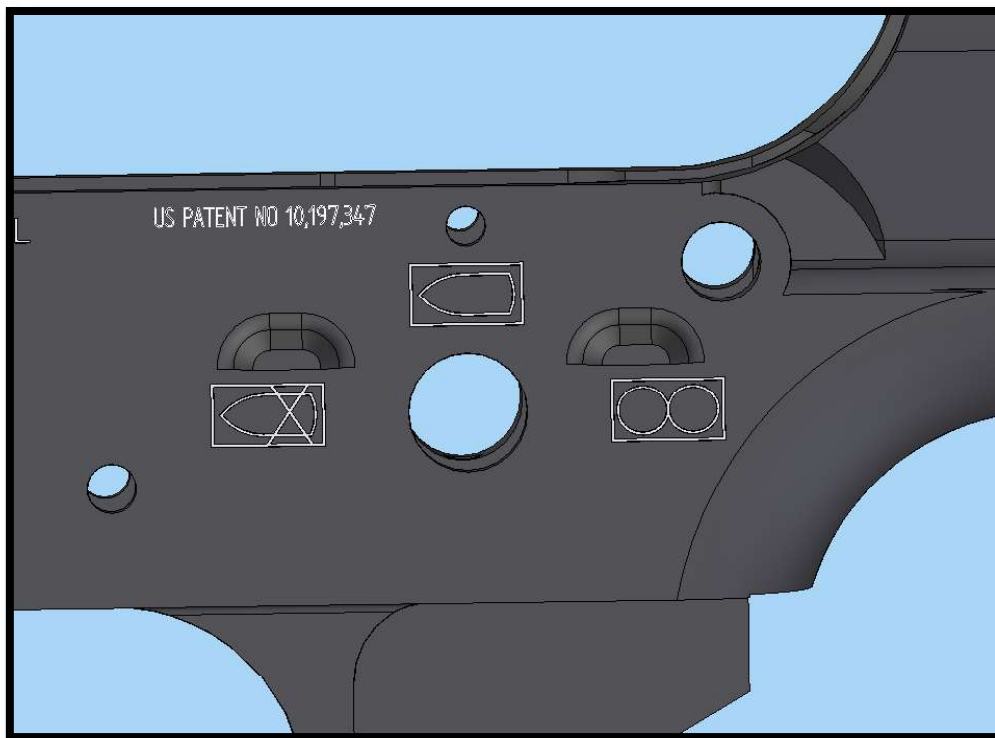
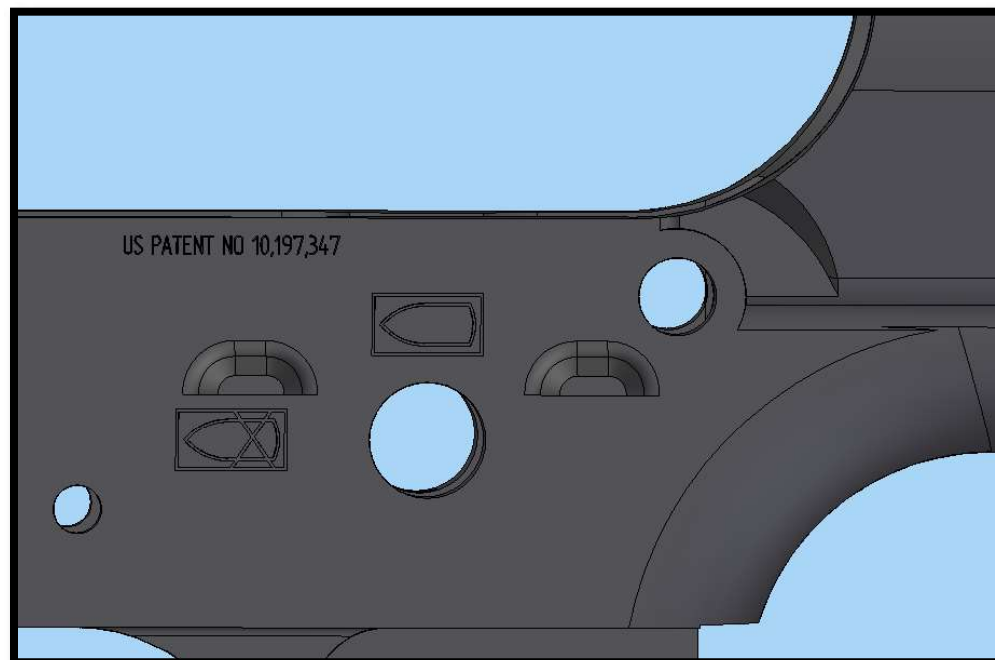


Fig 6. AR15 semiautomatic lower receiver.



It is also my understanding that Illinois restricts as “assault weapons” any semiautomatic rifles that accept detachable magazines and have one or more of the following features:

- i. a pistol grip or thumbhole stock;
- ii. a protruding grip that can be held by the non-trigger hand;
- iii. an adjustable, folding, or detachable stock;
- iv. a flash suppressor; and
- v. a shroud attached to the barrel or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel.

As a firearm designer with a particular focus on AR-platform rifles, it is my opinion that none of these features is specifically tailored to rifles capable of fully-automatic fire nor for those in military use. Rather, each of these features is designed to facilitate the proper, safe, comfortable, and effective use of certain rifles; particularly rifles based on the AR-15 platform. Anything that improves the safe and effective use of firearms is a good thing.

CONCLUSION

Semiautomatic-only rifles that are properly manufactured in accordance with legal and industry specifications cannot be considered the equivalent of M16s by any metric, as they lack the fundamental internal characteristic of that weapon system, select-fire capability. External similarities that they share, such as pistol grips, flash suppressors, barrel shrouds, and adjustable/removable stocks, and that make no difference in the rifle’s mechanical function, such as rate of fire or capacity of ammunition, only serve to facilitate their comfortable and proper use, which is always a good thing.

All of my opinions are offered to a reasonable degree of engineering and/or mechanical certainty, based on my training and experience described above.

COMPENSATION

I am being compensated at the rate of \$180.00 per hour.

Dated: May 10, 2024

/s/ Paul Leitner-Wise

Paul Leitner-Wise

FILED

**IN THE UNITED STATES DISTRICT COURT
For The Eastern District Of Virginia, Alexandria**

2017 MAR 24 P 1:37

In Re: PAUL ANDREW LEITNER-WISE

Civil: 1:17cv130
**CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA**

Bankruptcy 16-13784

BRIEF ON APPEAL FROM THE BANKRUPTCY COURT

Pursuant to Bankruptcy Rule 8014, the following Brief is filed with the District Court from order of the Bankruptcy Court, Eastern District of Virginia, Alexandria. The Appellant appeals the Administrative dismissal order of the Clerk of the Bankruptcy Court for failure to make a timely payment of fee(s) which were fully paid simultaneously, after a medical emergency, then made final by a Bankruptcy Judge's denial of a motion to vacate that administrative order, in itself amounting to a Dismissal, from the Bench.

Statement of Interest

There are no Corporate or non-natural parties requiring a corporate disclosure statement under Bankruptcy Rule 8012.

Statutes, and other authorities including their use in this Brief are:

11 U.S.C. § 1129(a)

* *Carolin Corp. v. Miller*, 886 F.2d 693, 699 (4th Cir. 1989).

In re Coleman, 426 F.3d 719 (4th Cir. 2005)



In re Dunes Hotel Assocs., 188 B.R. 162, 170 (Bankr. D.S.C. 1995)

In Re Schofield-Johnson, LLC, Case 09-81347, Bankr. M.D. N.C. (2010)

Jurisdiction

(A) The Bankruptcy Court, acting on reference from this District Court, has jurisdiction over the subject matter of this proceeding pursuant to 28 U.S.C. §§ 151, 157 and 1334, and Order of Reference entered by the United States District Court for the Eastern District of Virginia. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(A), (G), and (O), which this Court has the jurisdiction to hear and determine. This Appellant filed Bankruptcy in the Court from which this Appeal arises.

(B) The District Court maintains its original jurisdiction itself, and through the Order of Reference, as indicated above.

(C) The Bankruptcy dismissed the matter on January 19, 2017. Notice of Appeal was made on January 31, 2017.

(D) The appeal is from a final judgment, and Order of the Bankruptcy Court of this District, including the clerk administrative Dismissal of December 13, 2016, and from an Order resulting from a Motion to vacate that administrative dismissal, denying in January, 2017 the vacating of the Clerk's administrative Order amounting to a Dismissal in itself, from the Bench. See Transcript in the Record. A timely appeal was taken.

Statement of Facts

I am a citizen of the United Kingdom. I am the named inventor of ten United States Patents in the field of weapons design. One of my most successful inventions is a short-stroke gas piston operating system for the AR15/M16/M4 family of weapons. My invention eliminates the inherent shortcomings of the original direct impingement operating system used by United States military rifles. My invention means that the weapon operates cleaner, cooler and with greater accuracy leading to greater reliability, longer service life and increased survivability for the user. My invention is use with various United States law enforcement agencies, State and Federal, the DEA, the Pentagon Force Protection Agency, various specialized units of the United States Military and some of the closest allies of the United States.

In 1998 I was one of the founders of Leitner-Wise Rifle Co., Ltd in the United Kingdom and in 1999 I was instructed by the board of directors to set up a wholly owned United States based subsidiary called Leitner-Wise Rifle Co., Inc. (LWRC) and serve as its president under an L1A Intracompany Transferee Executive or Manager non-immigrant Visa. In 2000, my family joined me and immigrated permanently to the United States and we began the process of applying for I-485 permanent resident (Green Card) status which L1A Visa holders are entitled to do. During this time I continued building the company, developing and patenting unique and revolutionary products.

In 2004, a majority shareholding in the US company, LWRC, was taken by Koniag, Inc. a Super 8A Native Alaskan Corporation, following which LWRC received a \$20 million contract to

supply the United States Coast Guard with my exclusive products. LWRC was valued at \$11 million at that time. In 2006, Koniag, Inc. divested its interest in LWRC and returned its ownership to the management of LWRC, I was still the largest single shareholder at that time and held an employment contract that entitled me to royalties for my inventions and various other benefits including a penalty for early termination

In late 2006 my employment with LWRC was terminated in contravention to the contractual terms by the new management. I obtained legal representation to enforce the termination clauses and penalties of my employment contract. However, in order to attempt to relieve themselves of this, LWRC falsely accused me of embezzlement and had me arrested and attempted to have me deported. The owners of the company also broke into my office and stole my employment contract in an attempt to prevent any future litigation.

In January 2008, United States Citizenship and Immigration Services (USCIS) accepted my and my family's application for permanent residency and I was finally removed from all deportation proceedings in 2010. My attorneys filed for an adjustment of status and applied for a National Interest Waiver based upon my exceptional abilities in my field. Although I met all the requirements necessary by law, USCIS denied my application, but in their denial they admitted my exceptional ability status. This allowed my attorneys to file for a First Preference EB-1 Employment-Based Immigration petition. In 2015, my petition was approved and an I-140 was issued by USCIS. EB-1 status allows for immediate granting of permanent residency. As of the

date of filing this appeal, I have not received my I-485. I have an offer of employment that I will be able to start once the I-485 is approved.

Since forming the company in 1998, Leitner-Wise has established itself and a worldwide high quality brand. While I am personally synonymous with that brand and have developed all the products marketed under that brand identity, due to the continuing nature of my immigration status, I have been unable to receive any financial benefit from the revenues generated by my inventions and remain in a uncertain legal status in the United States.

In 2015, I was included in two lawsuits against my prospective employer. I am neither an owner nor employee of the company. Yet despite this, and due to the incompetence of the attorneys retained by the company, I was personally included in a \$4 million default judgment against the company. Beam v. Leitner-Wise Manufacturing, LLC, CL15-686, Circuit Court of Henrico County, Virginia. The Supreme Court of Virginia refused to hear the appeal against this unsound default judgment due to the lack of a court reporter and transcript of the proceedings.

My home was purchased in 2003 using what has become known as a toxic mortgage. After three years of paying an interest only repayment of 7.25%, the mortgage converted to an ARM with a percentage rate of 14%. Despite being sold this mortgage on the basis that I would be able to refinance it on the three-year anniversary, this coincided with the property crash and even with

the amount of equity in the property, no lenders would provide a loan. The existing lender has refused to reduce the interest rate.

In 2016, following discovery in an old file held by an attorney of copies of my previously stolen employment contract, I was able to file suit against LWRCI for patent infringement and failure to pay the royalties due under my original contract and assignments. The amount of damages is likely to be in excess of \$5 million. Additionally, I need to file a malpractice suit against the attorneys whose gross misconduct led to the \$4 million judgment against me.

Argument

The Bankruptcy Court stated that there was no reason to deny the motion to vacate the Clerk's administrative dismissal regarding the then fully paid fee schedule, but the Bankruptcy Judge's Order or opinion from the Bench went further and *inter alia* based the actual dismissal on a misapplication of the law, failing to even consider the law of this Fourth Circuit in Carolin Corp. v. Miller, 886 F.2d 693, 699 (4th Cir. 1989), and In re Coleman, 426 F.3d 719 (4th Cir. 2005), and followed by In re Dunes Hotel Assocs., 188 B.R. 162, 170 (Bankr. D.S.C. 1995).

The Record and facts and the Bankruptcy case Record has no evidence of any bad faith or lack of good faith by this Appellant, and the Bankruptcy Court never addressed such issues in any way, thus in clear error. In addition, the Bankruptcy Judge did not follow the law of this Circuit which does not allow any form of presumption of futility of the Appellant's potential Chapter 11 Plan of Reorganization which will involve pending litigation as Plaintiff in other Court(s) and his portfolio of Patents held. As a matter of law the Bankruptcy Court was in clear Error, with one prong and/or the other prong tested in Carolin Corp v. Miller, 886 F.2d 693 699

(4th Cir. 1989), and its support. Thus, the District Court's review of the Dismissal(s) should be *de novo*, and the District Court should reverse the Bankruptcy Court and reinstate the bankruptcy case *ab initio*.

The Bankruptcy Court stated that there was no reason to deny the motion to vacate the Clerk's administrative dismissal regarding the then fully paid fee schedule, but the Bankruptcy Judge's Order or opinion from the Bench went further and inter alia based the actual dismissal on a misapplication of the law, failing to even consider the law of this Fourth Circuit in Carolin Corp. v. Miller, 886 F.2d 693, 699 (4th Cir. 1989), and In re Coleman, 426 F.3d 719 (4th Cir. 2005), and followed by In re Dunes Hotel Assocs., 188 B.R. 162, 170 (Bankr. D.S.C. 1995).

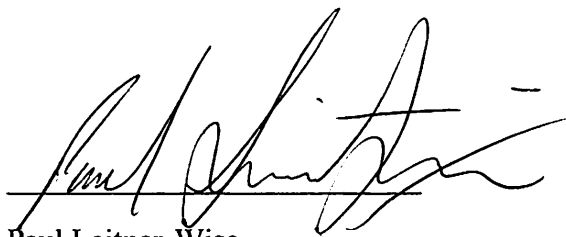
The Record and facts and the Bankruptcy case Record has no evidence of any bad faith or lack of good faith by this Appellant, and the Bankruptcy Court never addressed such issues in any way, thus the Bankruptcy Court has been in clear error. In addition, the Bankruptcy Judge did not follow the law of this Circuit which does not allow any form of presumption of futility of the Appellant's potential Chapter 11 Plan of Reorganization which will involve pending litigation as Plaintiff in other Court(s) and his portfolio of Patents held. As a matter of law the Bankruptcy Court was in clear Error, with one prong and/or the other prong tested in Carolin Corp v. Miller, 886 F.2d 693 699 (4th Cir. 1989), and its support.

Conclusion

The District Court's should reverse the Bankruptcy Court and reinstate the bankruptcy case. The Bankruptcy Judge erred in dismissing my case as outlined in this appeal. This has already caused me personal and material harm by one of the predatory creditors who had me arrested by Alexandria Sheriff's Deputies on Tuesday March 21, 2017 because I had failed to attend a court hearing scheduled during the automatic stay of the bankruptcy.

For these reasons, please enter an order to have the Bankruptcy Court reinstate my bankruptcy.

Most respectfully, this 24th day of March, 2017



Paul Leitner-Wise

917 Juniper Place

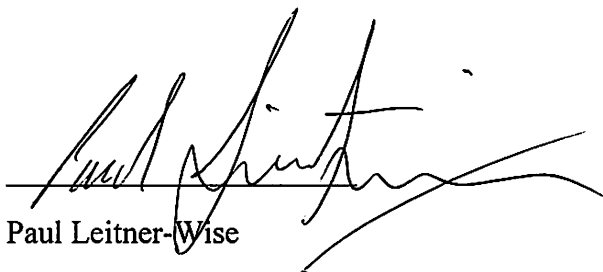
Alexandria, VA 22304

Certificate of Compliance.

This Brief contains 1,847 words.

Certificate of Service

On today's date, I served the United States Trustee with a copy of the above Appeal Brief via U.S. Postal Service.



Paul Leitner-Wise

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
VIRGINIA, ALEXANDRIA

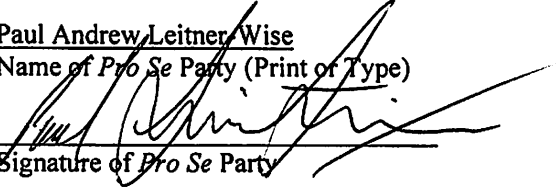
In Re: Paul Andrew Leitner-Wise

Civil Action Number: 1:17cv 130
Bankruptcy Number: 16-13784

LOCAL RULE 83.1(M) CERTIFICATION

I declare under penalty of perjury that:

No attorney has prepared, or assisted in the preparation of: Appeal Brief on Appeal from the Bankruptcy Court.

Paul Andrew Leitner-Wise
Name of *Pro Se* Party (Print or Type)

Signature of *Pro Se* Party

Executed on: 3/24/2017 (Date)

OR

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Suit Says Shot Glass Maker Getting Slippery

[CHARLY HIMMEL](#) / March 25, 2015

HENRICO, Va. (CN) - The manufacturer of novelty gun-themed shot glasses breached an exclusive distribution contract and began selling the glasses on its own, the aggrieved distributor claims in a lawsuit.

In a complaint filed in the Henrico County, Va. circuit court, Beam Distributing Inc. says it has lost more than \$750,000 in sales of the shot glass, which is "styled after the m16 flash suppressor."

It also claims that even before the contract breach was discovered, the defendant, Leitner-Wise Manufacturing, failed to produce the MuzzleShot glasses in the timely fashion required under the sale contract.

A flash suppressor is a device attached to the muzzle of a rifle that reduces the visibility of the flash that occurs when the gun is fired. Several different flash suppressors have been designed over the years for the M-16, one of the most widely used military rifles in the world.

Leitner-Wise obtained a patent on its novelty shot glass based on an M-16 flash suppressor in 2012. As described in its patent documents, the "glass" is actually crafted from anodized aluminum.

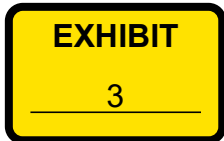
Beam claims Leitner-Wise began marketing the shot glass under the name "BattleShot," but met with only limited success. Five months later, the complaint says, the parties signed their distribution agreement.

"The Agreement gave Bean the 'exclusive right' to 'purchase, inventory, promote and resell the [rechristened] MuzzleShot product within the United States, its territories, and the countries of Canada and Mexico," the complaint says.

In order to distinguish their product from the failed "BattleShot" brand, the parties agreed to jointly register the "MuzzleShot trademark. Six months later the parties signed a revised worldwide distribution agreement, Beam said.

But the distributor says it was never entirely happy with its business partner. "LWM was habitually late in supplying the finished MuzzleShot glasses to Beam, and on many occasions failed to deliver sufficient quantities of MuzzleShot that it promised to deliver to Beam to fill orders Beam had," the complaint says.

Then, in the spring of 2014, Beam says, it discovered that Leitner-Wise had distributed some of the glasses on its own, and had developed a plan to continue to do so in violation of the standing distribution agreement.



After receiving 480 MuzzleShot glasses from the engraver on May 20, 2020, Leitner-Wise rejected the distributor's demand for return of the items and announced it no longer would maintain a relationship with Beam.

The next day, the complaint alleges, representative Paul Andrew Leitner-Wise posted on his personal Facebook page, "480 MuzzleShots were stolen from our engravers by the former distributors. Anyone receiving one after today is handling stolen property. The Commonwealth's Attorney's [sic] are pursuing the matter and that is that."

In addition to the defamatory statements on social networks including Facebook, Twitter and LinkedIn, Beam says defendant Vanessa Troug assisted Leitner-Wise in creating the counterfeit website *originalmuzzleshot.com*, which stole copyrighted material directly from Beam's website.

The alleged defamation and threats continued throughout the course of several months, plaintiffs allege, including a complaint with the Better Business Bureau and a public grievance on the website "Ripoff Report" which urged consumers to "not do service with this company if you wish to not get ripped off."

Vuog and Leitner-Wise eventually accepted payment for the shot glasses, court documents say, and after Beam filed an interpleader suit against them, "legally abandoned" the claims and agreed that Beam was contractually allowed to sell the MuzzleShot glasses in question.

"The defendants' concerted actions were for the purpose of terminating and/or interfering with the contractual relationship in the Agreement between Beam and LWM, so the defendants could sell the MuzzleShot product and reap a greater profit than under the Agreement, resulting in substantial monetary damages to Beam," the plaintiffs maintain.

Beam is seeking compensatory and punitive damages and injunctive relief on claims of defamation, breach of contract, civil conspiracy, statutory conspiracy, and tortious interference with a business relationship.

The distributor is represented by S. Keith barker of Glen Allen, Va.

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

STEPHEN M. MUELLER,

ELITE TACTICAL ADVANTAGE, Inc.,

and

OPERATIVE SOLUTIONS, LLC,

Plaintiffs,

vs.

Case No. 15-CV-1276

PAUL LEITNER-WISE,

VANESSA TRUOG,

and

LEITNER-WISE MANUFACTURING, LLC,

Defendants.

Civil Complaint

1. This Court has subject matter jurisdiction over this action due to the parties' diversity of citizenship. Plaintiff Stephen M. Mueller is a resident of Wisconsin; Plaintiff Elite Tactical Advantage, Inc. is a Wyoming corporation with its principal place of business in Wyoming; and Plaintiff Operative Solutions, LLC, is a Wisconsin limited liability company, with its principal of business in Wisconsin.

Defendant Paul Leitner-Wise is a citizen of the United Kingdom and a resident of Virginia; Defendant Vanessa Truog is a resident of Virginia; and Defendant Leitner-Wise Manufacturing is a Virginia limited liability company with its primary place of business in Virginia.

2. Between approximately June 4th, 2013 and December 31st, 2013, Plaintiffs shipped gun parts, valued at approximately \$300,000, to Defendants. Defendants were unable to pay the purchase price, and offered Plaintiffs a 30% share in Leitner-Wise Manufacturing, LLC, in exchange for the forgiveness of the debt. In so offering, Defendants made the following misrepresentations: First, that Defendant Leitner-Wise Manufacturing, LLC owned certain highly valuable patents; second, that LWRC International owed Defendant Leitner-Wise approximately \$5,000,000 in royalties, which he promised he would invest into Leitner-Wise Manufacturing, LLC; and

third, that Defendant. Leitner-Wise had over 200,000 Twitter followers, allegedly giving Leitner-Wise Manufacturing, LLC considerable social media “reach”.

After agreeing to forgive the debt, Plaintiffs discovered first, that Defendant Leitner-Wise Manufacturing, LLC did not own the patents Defendants claimed it owned; second, that LWRC International did not owe Defendant Leitner-Wise any royalties; and third, that the vast majority of Defendant Leitner-Wise’s Twitter followers were fraudulent. The Defendants knew these representations were untrue, made them with the intent to induce Plaintiffs to forgive the debt, and justifiably induced Plaintiffs to forgive the debt.

3. In February 2015, Plaintiffs shipped gun parts worth approximately \$150,000 to Defendants pursuant to a sales agreement. Defendants refused to pay for the goods.

4. In August 2015, Defendant Leitner-Wise told one of Plaintiffs’ clients, H&M Manufacturing, that Plaintiff Mueller had “ripped him off” in previous business dealings. This statement was untrue, and it led H&M Manufacturing to terminate its business relationship with Plaintiffs.

5. Finally, in October 2015, Defendant Leitner-Wise told Rainier Arms, also a business partner of the Plaintiffs’, that Plaintiff Mueller had pirated blue prints belonging to Defendant Leitner-Wise. This statement was untrue and damaged Plaintiffs’ business relationship with Rainier Arms.

6. The Plaintiffs request a jury trial in this action.

Dated, October 26th, 2015

s/Rodman Streicher

Attorney Rodman Streicher
WI State Bar No. 1091415
Ryder Legal Group
103 W. College Ave., Ste. 1023
Appleton, WI 54911
920 213 2744
rod@ryderlegalgroup.com

January 19, 2022

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
201 Regency Executive Park Drive
Charlotte, NC 28217



U.S. Citizenship
and Immigration
Services

HASSAN AHMAD
THE HMA LAW FIRM PLLC
8133 LEESBURG PIKE STE 801
VIENNA, VA 22182



MSC2090773333

RE: PAUL ANDREW LEITNER WISE
I-485, Application to Register Permanent Residence or
Adjust Status



A078-151-390

DECISION

Dear PAUL LEITNER WISE:

On February 20, 2020, you filed a Form I-485, Application to Register Permanent Residence or Adjust Status, with U.S. Citizenship and Immigration Services (USCIS) under section 245 of the Immigration and Nationality Act (INA). You filed Form I-485 based on being the beneficiary of an employment-based immigrant petition.

After a thorough review of your application, we must inform you that we are denying your application. To qualify for adjustment under INA 245, an applicant must:

- Be inspected and admitted or inspected and paroled into the United States;
- Be eligible to receive an immigrant visa;
- Be admissible to the United States for permanent residence; and
- Have an immigrant visa immediately available at the time the application is filed.

You must demonstrate that you are eligible to adjust status to a lawful permanent resident (LPR). See Title 8, Code of Federal Regulations (8 CFR), section 245.1.

Statement of Facts and Analysis, Including Reason(s) for Denial

You initially submitted the following evidence in support of your application:

- Form I-797, Approval Notice for Form I-140 (SRC-15-209-50150)
- Form I-485 Supplement J
- A copy of your L1 visa issued 07/21/2006 from you passport
- A copy of your passport biographic page
- A copy of your birth certificate
- A copy of your marriage certificate
- A copy of an Official RAP Sheet Cover Sheet
- Copies of three receipts for fees paid
- A copy of an Order of the Immigration Judge
- Copies of previous EAD cards issued to you and your spouse
- A copy of correspondence from Sam Hwang to you



On September 30, 2021, USCIS issued a Notice of Intent to Deny (NOID) advising you that the evidence supporting the application was insufficient to establish your eligibility for adjustment at the time you filed the application. Specifically, the NOID stated that your L1A visa valid from 06/20/2006 to 07/29/2007 was revoked and you were not in a lawful non-immigrant status. You responded to the NOID on November 2, 2021.

After reviewing the evidence, USCIS records indicate that you are ineligible for the following reason(s):

- USCIS acknowledges you did not receive the Notice of Intent to Terminate or the Termination Notice.
- Your L1A non-immigrant visa was valid from 06/20/2006 to 07/29/2007
- You filed Form I-485 (SRC0809553944) on 04/25/2007
- On 02/13/2020, Form I-485 (SRC0809553944) was denied
- Pending Form I-485s and approved Form I-140s do not grant any type of immigration status, therefore, when the Form I-485 (SRC0809553944) was denied, you were out of status and had been since the L1A visa expired on 07/29/2007 (See PM vol 7, part b, ch 4, at footnote 43 and 8 CFR 245.1(d)(1)(ii))
- There is no technical reason why you did not maintain your non-immigrant status

INA 245(c)(2) bars an adjustment application by an alien:

- “who is in unlawful immigration status on the date of filing the application for adjustment of status” or
- “who has failed (other than through no fault of his own or for technical reasons) to maintain continuously a lawful status since entry into the United States.”

On the date you filed your most recent I-485, you were out of status, as your L1A visa had expired in 2007, and your first I-485 application was denied on 2/13/2020. You also failed to continuously maintain your status since the expiration of your L1A visa on 7/20/2007. You have not established that you are eligible for adjustment under INA 245. Therefore, USCIS must deny your Form I-485.

The evidence of record shows that, when you filed your application, you were present in the United States contrary to law. You are not authorized to remain in the United States. If you fail to depart the United States within 33 days of the date of this letter, USCIS may issue you a Notice to Appear and commence removal proceedings against you with the immigration court. This may result in your being removed from the United States and found ineligible for a future visa or other U.S. immigration benefit. See sections 237(a) and 212(a)(9) of the INA.

To review information regarding your period of authorized stay, check travel compliance, or find information on how to validate your departure from the United States with Customs and Border Protection (CBP), please see (<https://i94.cbp.dhs.gov/I94/#/home>).

You may not appeal this decision. However, if you believe that the denial of your Form I-485 is in error, you may file a motion to reopen or a motion to reconsider using Form I-290B, Notice of Appeal or Motion. The grounds for a Motion to Reopen and Motion to Reconsider are explained in 8 CFR 103.5(a). You must file Form I-290B within 30 days of the date of this decision if this decision was served in person, or within 33 days if the decision was served by mail. See 8 CFR 103.5(a) and 103.8(b). Note: You must follow the most current filing instructions for Form I-290B, which can be found at www.uscis.gov.

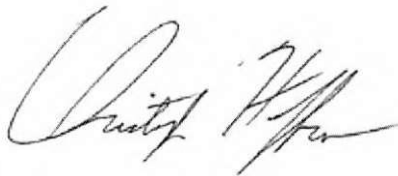
To access Form I-290B or if you need additional information, please visit the USCIS Web site at

www.uscis.gov or call the USCIS Contact Center toll free at 1-800-375-5283. You may also contact the USCIS office having jurisdiction over your current place of residence.

NOTE on Employment Authorization Document: Any employment authorization based upon this Form I-485 is automatically terminated if the expiration date on the employment authorization document has been reached. See 8 CFR 274a.14(a)(1)(i). Since this Form I-485 is denied, the condition upon which your employment authorization was based no longer exists. Any unexpired employment authorization based upon this Form I-485 is revoked as of 18 days from the date of this notice, unless you submit, within 18 days, proof that your Form I-485 remains pending. See 8 CFR 274a.14(b)(2). The decision by the district director shall be final and no appeal shall lie from the decision to revoke the authorization. Your employment authorization document should be returned to the local USCIS office.

NOTE on Advance Parole Document: Any advance parole document based upon this Form I-485 is automatically terminated if the expiration date of the time for which parole was authorized has been reached. See 8 CFR 212.5(e)(1)(ii). Since this Form I-485 is denied, the purpose for which your advance parole document was issued has been accomplished. Any unexpired advance parole document issued to you based upon this Form I-485 is terminated as of the date of this notice. See 8 CFR 212.5(e)(2)(i). Your advance parole document should be returned to the local USCIS office.

Sincerely,



Christopher M. Heffron
Field Office Director
Officer: NC1016

cc: HASSAN AHMAD



MSC2090773333



A078-151-390

