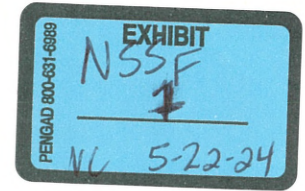


Exhibit 1

to Deposition of Salam Fatohi



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

CALEB BARNETT, *et al.*,
Plaintiffs,

vs.

KWAME RAOUL, *et al.*,
Defendants.

Case No. 3:23-cv-209-SPM

**AMENDED RULE 30(b)(6) NOTICE OF DEPOSITION OF
NATIONAL SHOOTING SPORTS FOUNDATION, INC.**

TO:

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PLEASE TAKE NOTICE that pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Defendants will take the deposition upon oral examination of Plaintiff National Shooting Sports Foundation, Inc. (“NSSF”) through one or more of its officers, directors, agents, or other representatives who shall be designated to testify on NSSF’s behalf regarding all information known or reasonably available to NSSF with respect to the subjects listed in the attached Rider. The deposition shall take place before an officer authorized to administer oaths as required by Rule 28(a) and shall be recorded by video and/or by stenographic means.

Deponent Name	Date & Time	Location
National Shooting Sports Foundation, Inc.	Wednesday, May 22, 2024, at 9:00 a.m.	Swanson, Martin & Bell LLP 330 N. Wabash Suite 3300 Chicago, Illinois 60611

**RIDER TO AMENDED RULE 30(b)(6) NOTICE OF DEPOSITION OF
NATIONAL SHOOTING SPORTS FOUNDATION, INC.**

Plaintiff National Shooting Sports Foundation, Inc. (“NSSF”), through one or more of its officers, directors, agents, or other representatives, shall testify on NSSF’s behalf regarding all information known or reasonably available to NSSF with respect to the subjects listed below.

Subjects for Deposition:

1. NSSF’s purpose and mission, including its advocacy and lobbying work.
2. The composition of NSSF’s membership, including its total number of members and the number of members that are firearm manufacturers, firearm retailers, and/or individuals.
3. The injuries that NSSF contends that NSSF or its members have suffered or will suffer as a result of the enactment or enforcement of the Protect Illinois Communities Act (“PICA”).
4. NSSF’s use of the term “modern sporting rifle,” including which firearm models are included in the category.
5. The firearm models other than those included in the term “modern sporting rifle” for which NSSF seeks an injunction of PICA.
6. The marketing and advertisement of firearms in the category of “modern sporting rifles” by NSSF’s members, including designation of products for military and law enforcement.
7. The market for firearms in the category of “modern sporting rifles,” including the rates of purchase of such firearms by individuals, law enforcement entities, and military entities.
8. Industry trends in the sale of firearms, including trends in specific firearm categories, such as pistols, revolvers, rifles, and shotguns.
9. The research, methodology, and preparation of NSSF’s 2021 “Firearms Retailer Survey Report” (NSSF 000053–83).
10. The research, methodology, and preparation of NSSF’s “Modern Sporting Rifle Consumer Comprehensive Report” (NSSF 000100–80).
11. The research, methodology, and preparation of NSSF’s report “Firearm Production in the United States” (2023 edition) (NSSF 000035–52), including the data sources and methodology underlying the table provided on page 7 of the report (NSSF 000041). This topic includes the data-gathering and calculations used to generate the data in the document produced at NSSF 003251.
12. The research, methodology, and preparation of NSSF’s report “Detachable Magazine Report: 1990-2021” (NSSF 001994–97).

Date: May 15, 2024

/s/ Christopher G. Wells
Christopher G. Wells, No. 6304265
Kathryn Hunt Muse
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Counsel for Defendants

CERTIFICATE OF SERVICE

The undersigned attorney certifies that a copy of the foregoing **Amended Rule 30(b)(6) Notice of Deposition of National Shooting Sports Foundation, Inc.** was served upon the individuals listed below by email on May 15, 2024.

/s/ Christopher G. Wells

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Exhibit 2

to Deposition of Salam Fatohi

Contact

www.linkedin.com/in/salam-fatohi-883737136 (LinkedIn)

Top Skills

Microsoft Office
Project Management
Microsoft Excel

Certifications

Become a Data Analytics Specialist
Epidemiology: The Basic Science of Public Health

Salam Fatohi

Director of Research at National Shooting Sports Foundation | NSSF
Detroit Metropolitan Area

Experience

NSSF—The Firearm Industry Trade Association
4 years

Director of Research
April 2023 - Present (1 year 2 months)

Manager, Research
August 2022 - Present (1 year 10 months)

Manager, Legislative and Policy Research
June 2020 - August 2022 (2 years 3 months)

Michigan CAT
College Graduate in Training
November 2018 - June 2020 (1 year 8 months)
Novi, Michigan

Edw. C. Levy Co.
Mine Planning Technician
August 2007 - February 2018 (10 years 7 months)
Wixom, Michigan

Education

Wayne State University
Bachelor of Science (BS), Business Administration and Management,
General · (2012 - 2017)

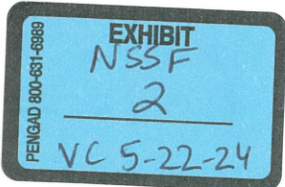
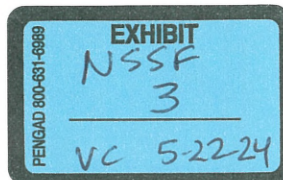


Exhibit 3

to Deposition of Salam Fatohi



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

<p>CALEB BARNETT, <i>et al.</i>, Plaintiffs, vs. KWAME RAOUL, <i>et al.</i>, Defendants.</p>	<p>Case No. 3:23-cv-209-SPM ** designated Lead Case</p>
<p>DANE HARREL, <i>et al.</i>, Plaintiffs, vs. KWAME RAOUL, <i>et al.</i>, Defendants.</p>	<p>Case No. 3:23-cv-141-SPM</p>
<p>JEREMY W. LANGLEY, <i>et al.</i>, Plaintiffs, vs. BRENDAN KELLY, <i>et al.</i>, Defendants.</p>	<p>Case No. 3:23-cv-192-SPM</p>
<p>FEDERAL FIREARMS LICENSEES OF ILLINOIS, <i>et al.</i>, Plaintiffs, vs. JAY ROBERT "JB" PRITZKER, <i>et al.</i>, Defendants.</p>	<p>Case No. 3:23-cv-215-SPM</p>

**NATIONAL SHOOTING SPORTS FOUNDATION, INC.'S ANSWERS AND
OBJECTIONS TO DEFENDANTS' FIRST SET OF INTERROGATORIES**

Plaintiff National Shooting Sports Foundation, Inc. ("NSSF"), by its undersigned attorneys and pursuant to Federal Rules of Civil Procedure 26 and 33, answers and responds to Defendants' First Set of Interrogatories as follows:

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

1. NSSF objects to these discovery requests to the extent that Defendants seek to compel the disclosure or production of "any" or "all" or "any and all" documents or "each and every"

document or piece of information of a given nature, type, or description. By their very nature, such requests are burdensome and oppressive in that the collection of “any” or “all” or “every” potentially responsive document or piece of information would and has already required a substantial effort. Furthermore, Defendants’ requests that include the phrase “relating to”—which apparently is intended to expand, without any reasonable limit, the scope of each request—are objectionable. For the same reasons, such requests are improper in scope, are not proportional to the needs of the case, and create an unreasonable burden on NSSF.

2. NSSF objects to discovery requests which call for a legal conclusion.

3. NSSF objects to discovery requests which infringe upon the attorney/client privilege, attorney work-product doctrine, or any other applicable privilege or doctrine that limits the scope of discoverable material. NSSF is responding to Defendants’ First Set of Interrogatories without waiving or intending to waive, but on the contrary, preserving and intending to preserve: (a) the right to object, on the grounds of competency, privilege, relevance, or materiality, or any other proper grounds, to the use of such documents or information for any purpose, in whole or in part, in any subsequent proceedings, in this action or in any other action; (b) the right to object on all grounds, at any time, to requests or other discovery procedures involving or relating to the subject of these requests to which NSSF has responded herein; and (c) the right at any time to revise, correct, add to, or clarify any of the answers made herein.

4. Because of the overbreadth of Defendants’ requests at this stage in the litigation, it is not possible for NSSF to anticipate all possible grounds for objection with respect to the particular requests set forth herein. NSSF reserves the right to supplement these responses and to raise any additional objections deemed necessary and appropriate in light of the results of any further review.

5. The continuing objections set forth above are hereby incorporated in the responses below as if set forth in full.

Subject to the foregoing terms, conditions and objections, NSSF responds as follows to Defendants' First Set of Interrogatories:

SPECIFIC RESPONSES TO DEFENDANTS' FIRST SET OF INTERROGATORIES

1. Identify all persons with knowledge relating to the allegations in the *Barnett* Plaintiffs' Complaint and all persons whom you may call to testify at a trial or evidentiary hearing in this lawsuit, including a description of the information known by each such person.

ANSWER: Objection. This interrogatory is overly broad, unduly burdensome, and not proportional to the needs of the case as required by Federal Rule of Civil Procedure 26(b)(1). It is also premature. NSSF will disclose trial and/or evidentiary witnesses in accordance with Federal Rule of Civil Procedure 26(a)(1)-(a)(3) and the scheduling order(s) deadlines entered by the Court. Subject to and without waiving these objections, NSSF states that countless persons have knowledge of allegations made in the Complaint, including the injurious effects that 720 ILCS 5/24-1.9 and 5/24-1.10 have on lawful firearm, magazine, and firearm accessory sales and ownership in Illinois, and the exercise of the constitutional right to keep and bear arms. Further stating, Caleb Barnett, Brian Norman, James Hood, and Paul Smith have knowledge of the information set forth in the Complaint and in their Declarations filed in this case and dated January 24, 2023.

2. Identify each item regulated by the Protect Illinois Communities Act (Illinois Public Act 102-1116) for which you contend the Act's regulations violate the Second Amendment, providing the manufacturer and model or product name for each such item.

ANSWER: Objection. This interrogatory is overly broad, unduly burdensome and not proportional to the needs of the case as required by Federal Rule of Civil Procedure 26(b)(1). There are literally thousands of "items" subject to the unconstitutional restrictions imposed by 720 ILCS 5/24-1.9 and 720 ILCS 5/24-1.10. *See* the statutory restrictions set forth therein.

3. For each item you identified in response to Interrogatory #2, above, describe in detail what evidence you have that such item is in common use in the United States.

ANSWER: Objection. This interrogatory is overly broad, unduly burdensome, and not proportional to the needs of the case as required by Federal Rule of Civil Procedure 26(b)(1). There are literally thousands of "items" subject to the unconstitutional restrictions imposed by 720 ILCS 5/24-1.9 and 720 ILCS 5/24-1.10. Subject to and without waiving these objections, NSSF states there is overwhelming evidence that the rifles, pistols, and shotguns listed in 720 ILCS 5/24-1.9 or described by their design features are commonly owned by law-abiding

persons for lawful purposes, including self-defense, throughout the United States. Further stating, there is overwhelming evidence that the ammunition feeding devices used with these firearms are also commonly owned by law-abiding persons for lawful purposes, including self-defense, throughout the United States. *See, e.g.*, National Shooting Sports Foundation, Inc., *Modern Sporting Rifle, Comprehensive Consumer Report* (2022); National Shooting Sports Foundation, Inc., *Commonly Owned: NSSF Announces over 24 Million MSRs in Circulation* (July 20, 2022); National Shooting Sports Foundation, Inc., *Over 28.1 Million Modern Sporting Rifles in Circulation* (January 11, 2024); William English, PhD, 2021 National Firearms Survey: Updated Analysis Including Types of Firearms Owned (May 13, 2022); National Shooting Sports Foundation, Inc., *Firearm Production in the United States* (2020); National Shooting Sports Foundation, Inc., *Firearm Production in the United States* (2023); National Shooting Sports Foundation, Inc., *Hunting and Target Shooting Participation* (2020). Additional documents may be relied upon to the extent they contain legislative facts and/or by expert witnesses who may testify on the Plaintiffs' behalf.

4. For each item you identified in response to Interrogatory #2, above, describe in detail what evidence you have that such item has been used for self-defense in the United States, including by providing, where applicable, the date, location, and incident description for any specific incident you identify.

ANSWER: Objection. This interrogatory is overly broad, unduly burdensome, and not proportional to the needs of the case as required by Federal Rule of Civil Procedure 26(b)(1). Subject to and without waiving these objections, NSSF states that the frequency with which the core constitutional right to self-defense is exercised is irrelevant to its existence and protection from government infringement. Further, there are literally thousands of "items" commonly possessed by persons who are subject to the unconstitutional restrictions imposed by 720 ILCS 5/24-1.9 and 720 ILCS 5/24-1.10, and ownership of semiautomatic rifles, pistols, and shotguns for self-defense and other lawful purposes is common throughout the United States. *See* William English, PhD, 2021 National Firearms Survey: Updated Analysis Including Types of Firearms Owned (May 13, 2022); Ownership of standard capacity magazines for these firearms is equally, if not more, common. *See, e.g.*, National Shooting Sports Foundation, Inc., *Modern Sporting Rifle, Comprehensive Consumer Report* (2022); National Shooting Sports Foundation, Inc., *Firearm Production in the United States* (2020); and National Shooting Sports Foundation, Inc., *Detachable Magazine Report* (1990 – 2021) (2024). NSSF does not have data reflecting the specific instances in which persons have displayed, brandished, discharged, or otherwise relied upon their firearms to defend themselves, their families, or their property. However, the common ownership of the restricted arms is evidence that they have in fact been displayed, brandished, discharged, or otherwise relied upon in defensive situations. Finally, NSSF recognizes that armed self-defense and armed defense of other persons and property are broader than merely brandishing (let alone actually discharging) a weapon, and it actively supports the fundamental Second Amendment right to keep arms "at the ready for self-defense." *N.Y. State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1, 32 (2022).

5. If your response to Interrogatory #2, above, identified any semiautomatic rifles with the capacity to accept a detachable magazine, identify which such rifles have only one, and no more, of the features listed in 720 ILCS (a)(1)(A)(i)-(vi).

ANSWER: Objection. This interrogatory is overly broad, unduly burdensome, and not proportional to the needs of the case as required by Federal Rule of Civil Procedure 26(b)(1). Subject to and without waiving these objections, a semiautomatic rifle, with the capacity to accept a detachable magazine, that has one or more features identified in 720 ILCS 5/24-1.9 (a)(1)(A)(i)-(vi) is restricted regardless of whether it has one or multiple prohibited features.

6. If your response to Interrogatory #2, above, identified any semiautomatic pistols with the capacity to accept a detachable magazine, identify which such pistols have only one, and no more, of the features listed in 720 ILCS (a)(1)(C)(i)-(vi).

ANSWER: Objection. This interrogatory is overly broad, unduly burdensome, and not proportional to the needs of the case as required by Federal Rule of Civil Procedure 26(b)(1). Subject to and without waiving these objections, a semiautomatic pistol, with the capacity to accept a detachable magazine, that has one or more features identified in 720 ILCS 5/24-1.9 (a)(1)(C)(i)-(vi) is restricted regardless of whether it has one or multiple prohibited features.

7. If your response to Interrogatory #2, above, identified any semiautomatic shotguns, identify which such shotguns have only one, and no more, of the features listed in 720 ILCS (a)(1)(E)(i)-(vi).

ANSWER: Objection. This interrogatory is overly broad, unduly burdensome, and not proportional to the needs of the case as required by Federal Rule of Civil Procedure 26(b)(1). Subject to and without waiving these objections, a semiautomatic shotgun that has one or more features identified in 720 ILCS 5/24-1.9 (a)(1)(F)(i)-(vi) is restricted regardless of whether it has one or multiple prohibited features.

8. Describe with specificity all ways in which you contend that the National Shooting Sports Foundation has been or will be directly injured as a result of the enactment and/or enforcement of the Protect Illinois Communities Act (Illinois Public Act 102-1116).

ANSWER: The harm caused by 720 ILCS 5/24-1.9 and 720 ILCS 5/24-1.10 has been suffered by NSSF's members, who manufacture, deliver, sell, import, or purchase or cause to be

manufactured, delivered, sold, imported, or purchased in Illinois the firearms, ammunition feeding devices, and firearm attachments restricted under 720 ILCS 5/24-1.9 and 720 ILCS 5/24-1.10. Moreover, the “very existence” of these laws “stands as a fixed harm to every [Illinois resident’s] Second Amendment right,” including all NSSF members in the state. *Ezell v. City of Chicago*, 651 F.3d 684, 699 (7th Cir. 2011).

9. Identify the member(s) of your association you contend have suffered or will suffer injuries as a result of the enactment and/or enforcement of the Protect Illinois Communities Act (Illinois Public Act 102-1116), and describe each such member’s injury or injuries.

ANSWER: Objection. This interrogatory is overly broad, unduly burdensome, and not proportional to the needs of the case as required by Federal Rule of Civil Procedure 26(b)(1). In further objection, the identity of NSSF members is confidential proprietary information. Subject to and without waiving these objections, NSSF states that it has approximately 10,500 members, including manufacturers, distributors, and retailers of firearms, ammunition feeding devices, and firearm attachments that are now unlawful to manufacture, deliver, sell, import, or purchase or cause to be manufactured, delivered, sold, imported, or purchased in Illinois under 720 ILCS 5/24-1.9 and 720 ILCS 5/24-1.10, including but not limited to Beretta U.S.A. Corp., Colt’s Manufacturing Company, LLC, Sig Sauer Company, Smith & Wesson Corp., Hood’s Guns & More, and Pro Gun and Indoor Range. The identity of each of the many other members of NSSF that have been harmed by these laws, whether manufacturer, distributor, and/or retailer, is irrelevant to the issues in this case.

10. Identify all items that your members have ceased offering for sale in Illinois to non-exempt purchasers¹ due to restrictions under the Protect Illinois Communities Act (Illinois Public Act 102-111), as well as any items your members would offer for sale in Illinois to non-exempt purchasers but for restrictions under the Act.

ANSWER: To NSSF’s knowledge, its members have ceased offering for sale in Illinois to non-exempt purchasers the firearms, ammunition feeding devices, and firearm attachments identified as restricted under 720 ILCS 5/24-1.9 and 720 ILCS 5/24-1.10 but would resume doing so but for the restrictions. *See, e.g.*, the Declarations referenced in response to Interrogatory No. 1.

11. Identify all persons involved in researching, coding, writing, and/or creating the NSSF documents relied upon by Plaintiffs in this litigation, including the NSSF's 2021 Firearms Retailer Survey Report (*see Barnett Complaint* ¶ 49); the July 20, 2022 NSSF Press Release “Commonly

Owned: NSSF Announces over 24 Million MSRs in Circulation” (see *Barnett* Complaint ¶ 30); NSSF's Modern Sporting Rifle Consumer Comprehensive Report (see *Harrel* Complaint ¶ 39); NSSF's Report “Firearm Production in the United States” (see page 7 of *Barnett* Plaintiffs’ reply in support of preliminary injunction motion (ECF 67)); and NSSF's Report “Sport Shooting Participation in the U.S. in 2020” (see *Harrel* Complaint ¶ 37).

ANSWER: Objection. This interrogatory is overly broad, unduly burdensome, and not proportional to the needs of the case as required by Federal Rule of Civil Procedure 26(b)(1). Subject to and without waiving these objections, NSSF's 2021 Firearms Retailer Survey Report was prepared by Ben Scuderi, of Southwick Associates and former NSSF employee Jim Curcuruto; the July 20, 2022 NSSF Press Release “Commonly Owned: NSSF Announces over 24 Million MSRs in Circulation” was prepared by NSSF employee Mark Oliva; NSSF's 2022 Modern Sporting Rifle Consumer Comprehensive Report was prepared by Adam Hile of Sports Marketing Surveys USA and former NSSF employee Jim Curcuruto; NSSF's Report “Firearm Production in the United States” was prepared by NSSF employees Salam Fatohi and Dianne Vrablic; and NSSF's Report “Sport Shooting Participation in the U.S. in 2020” was prepared by NSSF employee Dianne Vrablic.

12. Identify all characteristics, attributes, capabilities, features, components, design elements, or other traits associated with the category of “modern sporting rifles” as that term is used in the *Barnett* Plaintiffs’ Complaint and the NSSF documents cited in *Barnett* Plaintiffs’ court filings.

ANSWER: Objection. This interrogatory is overly broad, unduly burdensome, and not proportional to the needs of the case as required by Federal Rule of Civil Procedure 26(b)(1). Subject to and without waiving these objections, NSSF states that a modern sporting rifle (“MSR”) is an AR- or AK-platform rifle, and variants thereof, and has the same general design features of these rifles. MSRs typically have a semiautomatic action, meaning they can fire one round each time the trigger is pulled, but no more than one round per function of the trigger. MSRs are modular and can be customized for various applications and body types; the “ready-made retail parts without the need for specialized tools or expertise[] is part of what makes these rifles popular.” *Miller v. Bonta*, 542 F.Supp.3d 1009, 1019-20 (S.D. Cal. 2021), *vacated on other grounds*. MSRs “do not look like the iconic rifles from years gone by,” but instead are “fabricated with synthetic polymers and anodized aluminum in cerakoted colors of black and brown and green” and are “constructed of lightweight alloys and titanium nitride barrels in angular skeletonized shapes.” *Id.* MSRs are “useful for more than just sport.” *Id.* MSRs are accurate, reliable, rugged, versatile, modular, adaptable, customizable, easy to use, and have relatively low recoil, and for those reasons are used by millions of Americans for recreational target shooting and shooting competitions, hunting, and for home- and self-defense.

13. Identify each and every firearm included in the category of “modern sporting rifles” as that term is used in the *Barnett* complaint or NSSF documents cited in Plaintiffs’ court filings, including by providing the manufacturer and model or product name for each such firearm.

ANSWER: Objection. This interrogatory is overly broad, unduly burdensome, and not proportional to the needs of the case as required by Federal Rule of Civil Procedure 26(b)(1). Subject to and without waiving these objections, NSSF refers the State to 720 ILCS 5/24-1.9(J) for a listing and description of restricted rifles. In further answer, the identity of MSR manufacturers and the models they manufacture is publicly available information. Manufacturers of MSRs include, but are not limited to, Armalite, Alexander Arms, Barrett, Beretta, Black Rain Ordnance, Bushmaster, Chiappa Firearms, Colt’s, Daniel Defense, Devil Dog Arms, Diamondback, Doublestar, DPMS, DSA Inc., Heckler & Koch, High Standard, Jesse James, Knight’s Armament, Lancer, MGI, Mossberg, Noreen Firearms, Olympic Arms, POF USA, Precision Firearms, Remington, Rhino Arms, Rock River Arms, Sig Sauer, Smith & Wesson, Stag Arms, Sturm Ruger & Co., Uselton Arms, WMD Guns, and Yankee Hill Machine. Model and product names can be found on company websites.

14. For each person you have disclosed in response to Interrogatory #1, above, or in your disclosures under Federal Rule of Civil Procedure 26(a), state whether you may rely upon that person to present opinion testimony under Federal Rule of Evidence 702, 703, or 705, and, if so, specifically describe the subject matter of their opinion testimony and their qualifications to testify as an expert.

ANSWER: NSSF does not presently anticipate that the persons identified in answer to Interrogatory No. 1 will offer opinion testimony under Federal Rule of Evidence 702, 703, or 705. NSSF will disclose expert witnesses in accordance with the Court’s scheduling order(s) and Federal Rule of Civil Procedure 26(a).

s/ Matthew D. Rowen

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MATTHEW D. ROWEN*

MARIEL A. BROOKINS*

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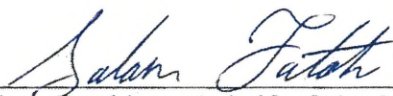
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* *pro hac vice*

Counsel for Barnett Plaintiffs

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Salam Fatohi, on behalf of the National Shooting Sports
Foundation, Inc.

Dated: April 3, 2024

CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2024, I caused a copy of the foregoing to be sent to Defendants' counsel by e-mail, at the following addresses:

Christopher.Wells@ilag.gov

Kathryn.Muse@ilag.gov

Laura.Bautista@ilag.gov

darren.kinhead@ilag.gov

s/Matthew D. Rowen

Matthew D. Rowen

Exhibit 4

to Deposition of Salam Fatohi

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Annual Firearms Manufacturing and Exportation Report (AFMER) Under 18 U.S.C. Chapter 44, Firearms

NOTE: This report **MUST** be filed even if no firearms were exported or distributed into commerce. Please read the Instruction Sheet before completing this form.

Original Annual Report - Calendar Year Ending December 31, _____ (fill out year) Out of Business Final Report Amended Report - Year _____ (fill out year)

1. Name of Licensee (As reflected on your FFL):	2. Trade Name (As reflected on your FFL) (If any):
3. Federal Firearms License Number (Type 07 or Type 10 only):	4. Employer Identification Number (EIN):
5. Address (Number, Street, City, State, ZIP Code):	6. Mailing Address (If different than item 5):

7. If Business has Been Discontinued*: _____ (Date of Discontinuance)

Note: Even if you have discontinued business, you are still required to complete this form for any year for which you have maintained your manufacturer's license for 1 or more days. (See Instruction #4 and Definition #6)

*Not selling firearms while maintaining your FFL is NOT considered "discontinued."

FIREARMS PRODUCED AND SOLD OR DISTRIBUTED INTO UNITED STATES (U.S.) COMMERCE - EVEN IF NO MONETARY VALUE RECEIVED

8. Number of firearms by type (See Instruction #6 and Definition #5) that were **SOLD or DISTRIBUTED INTO U.S. COMMERCE** during the reported calendar year you listed above (even if produced in a previous year). **Fill in all totals for items 8a-j. Enter "0" (zero) if no firearm was distributed into commerce** (See definition #2).

Type of Firearm Distributed into Commerce	Number of Firearms Distributed into Commerce Pistols and Revolvers by Caliber						Total Distributed into Commerce	
	Up to .22	Up to .25	Up to .32	Up to .380	Up to 9MM PARA.	Up to .50		
a. Pistols	+	+	+	+	+	+	=	
b. Revolvers	Up to .22	Up to .32	Up to .38 SPEC.	Up to .357 MAG.	Up to .44 MAG.	Up to .50	=	
c. Rifles	Total Distributed into Commerce		Type of Firearm Distributed into Commerce		Total Distributed into Commerce			
d. Shotguns and Combination Guns			h. Short-Barreled Shotguns					
e. Machineguns			i. Silencers					
f. Any Other Weapons			j. Miscellaneous Firearms*					
g. Short-Barreled Rifles			*Describe misc. firearms (8j) here:					

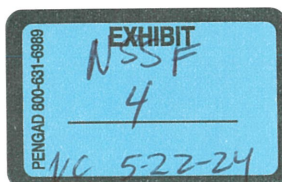
FIREARMS PRODUCED AND EXPORTED OUT OF THE U.S.

9. Number of firearms by type (See definition #5) that were **EXPORTED out of the UNITED STATES** during the reported calendar year you listed above (even if produced in a previous year). **Fill in all totals for items 9a-j. Enter "0" (zero) if no firearm was exported, or if the firearm was only temporarily exported** (See Instruction #7).

Type of Firearm Exported	Total Exported	Type of Firearm Exported	Total Exported
a. Pistols		g. Short-Barreled Rifles	
b. Revolvers		h. Short-Barreled Shotguns	
c. Rifles		i. Silencers	
d. Shotguns and Combination Guns		j. Miscellaneous Firearms*	
e. Machineguns		*Describe misc. firearms (9j) here:	
f. Any Other Weapon			

Under penalties of perjury, I declare that I have examined this report and to the best of my knowledge and belief, it is true, correct and complete.

10. Name:	11. Title:
12. Signature:	13. Date: 14. Telephone Number:



Instructions

Please obtain your downloadable forms from atf.gov to ensure you are using the most current version. Hardcopy forms can be obtained from the ATF Distribution Center (Type "ATF Distribution Center" into a search engine or call 240-828-5316 to order.)

1. This form must be submitted annually for all **Type 07** (manufacturer of firearms), and **Type 10** (manufacturer of destructive devices) Federal Firearms Licenses, in compliance with 18 U.S.C. § 923 (g)(5)(A). **Purpose: The AFMER is intended for manufacturers to report only the number of firearms distributed into commerce or exported during the reported calendar year regardless of when they were manufactured; not the total number of firearms you manufactured.** The AFMER is not a tax form - it is used for statistical purposes.

NOTE: A hardcopy of this form is sent to all 07 and 10 manufacturers at the beginning of the next year. If you need a replacement form, are discontinuing business, or need to file an amended form, this form is accessible via atf.gov. Type "AFMER" or "5300.11" in the search box to obtain a downloadable version of this form. You may also complete this form via eForms if you have registered to do so. (See Instruction #10 below)

2. **IMPORTANT:** Even if no firearms have been exported or distributed into commerce, an annual report must still be filed. The current reporting period is for the previous calendar year ending on December 31.
3. **This form MUST be submitted by April 1st.** Please retain a copy for your files.
4. When a manufacturing license is discontinued (see Definition #6 Out of Business/Discontinuance of Business), submit this form no later than 30 days following the discontinuance of business; and include the date of discontinuance in Item 7. Check "Out of Business Final Report" at the top of the form and complete form.

NOTE: When discontinuing your license, you must complete your final report for the current year if you were in business 1 or more days of the current year. If, for example, you discontinue business on January 5th of the current year, you must complete a form for both the full previous year and a final report for the 5 days of the current year. If, however, you discontinued business on December 31st or prior, this can, and should, be marked as your "final" report. Not selling firearms while maintaining your FFL is not considered "discontinued."

5. You must identify/briefly describe all miscellaneous firearms accounted for in item 8j and/or item 9j.
6. When completing Items 8a-8b for Pistols and Revolvers, please do your best to most accurately put items within the calibers provided since we cannot list all existing calibers. Enter a "0" (zero) in all caliber boxes for which NO firearms of that type were sold/distributed into commerce.
7. (a) Export data in item 9 is not a sub-set of the data in item 8. They should be separate counts. For example, if you manufactured 10 pistols and distributed 7 of them into commerce and exported the other 3, 7 should be reported in item 8, and 3 should be reported in item 9.
(b) If a DSP-73 application was approved for an export, and thus the firearm was only exported temporarily, the export does not need to be reported on this form.
8. This form must be executed (signed) by an active responsible person authorized to sign and be responsible for the completeness and accuracy of the information furnished.
9. If at any time after filing your report you discover an error in what you reported, please submit a corrected AFMER. Be sure to check "Amended Report" at the top of the form and be sure to indicate the correct calendar year for which you are reporting the corrected information.
10. Submission of the completed form can only be submitted in two acceptable formats:
 - **Electronically submit via eForms:** www.atf.gov/firearms/application-eforms
(Electronic submissions **MUST** be completed by an active responsible person on the license and requires a one-time registration process and authorized ATF approval which can take a few days)
 - **OR - Mail** this form to: ATF-FFLC, AFMER program, 244 Needy Road, Martinsburg, WV 25405
(If you mail in your form you will not receive confirmation of receipt.)

HELP WITH AFMER:

- General questions regarding form completion: Call customer service @ **866-662-2750**
- Questions regarding the functionality of the **E-Form system** i.e. registration, associating FFL through E-Forms, or submissions: please email questions only to eforms.admin@atf.gov (**DO NOT send forms by email - forms accepted via mail or eForms only - See Instruction #10 above**)

Definitions

1. **Produced** - Firearms manufactured by a Type 07 or Type 10 Federal Firearms Licensee. Separate frames or receivers, actions or barreled actions, are considered firearms and are to be included in this report when they are exported or distributed into commerce to someone other than a licensed manufacturer. Enter "0" (zero) in each category in which NO firearms were exported or sold/distributed into commerce for the reporting year. GCA to NFA conversions on previously owned firearms should also be reported.

Do NOT report the following:

- a. Firearms manufactured but NOT distributed into commerce or exported (still in your possession);
 - b. Firearms distributed to another licensed manufacturer (FFL Type 07 or Type 10) for further manufacturing (including if you are contracted by another manufacturer by approved marking variance, and after completion return the firearm back to the original manufacturer). Those firearms will be reported by the Type 07 or Type 10 FFL who finally distributes the firearms into commerce, or exports them;
 - c. Firearms received solely for the purpose of the manufacturer to act as a Dealer, thus only receiving for purposes of transferring. Those firearms should be reported by the Type 07 or Type 10 FFL who distributes the firearms to the Dealer;
 - d. Firearms remanufactured or customized that were previously in the possession of a non-manufacturer;
 - e. Firearms incorporating frames or receivers of foreign manufacture;
 - f. Firearms produced solely for the official use of the Armed Forces of the United States;
 - g. Destructive devices as defined under 18 U.S.C. § 921(a)(4) and 26 U.S.C. § 5845(f) - see definition #3 below; or
 - h. Antique firearms as defined under 18 U.S.C. § 921 (a)(16) - see definition #4 below;
 - i. Firearms exported temporarily under an approved DSP-73 application.
2. **Commerce** - a purchase or sale, business deal or transaction, within or between any of the following: a State of the United States; District of Columbia; U.S. Territory or possession.

3. **Destructive Device** - (A) any explosive, incendiary, or poison gas - (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) device similar to any of the devices described in the preceding clauses; (B) any type of weapon (other than a shotgun or a shotgun shell which the Attorney General finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (C) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled. The term "destructive device" shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of Title 10; or any other device which the Attorney General finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational or cultural purposes.
4. **Antique Firearm** - (A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; or (B) any replica of any firearm described in subparagraph (A) if such replica - (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or (C) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition. For purposes of this subparagraph, the term "antique firearm" shall not include any weapon which incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.
5. **Types of Firearms** (as identified on the form in items 8a-j and 9a-j)
- Pistol** - A weapon originally designed, made, and intended to fire a projectile (bullet) from one or more barrels when held in one hand, and having (a) a chamber(s) as an integral part(s) of, or permanently aligned with, the bore(s); and (b) a short stock designed to be gripped by one hand and at an angle to and extending below the line of the bore(s). (See Instruction #6 for information in completing 8a. which requires reporting by caliber categories.)
 - Revolver** - A projectile weapon, of the pistol type, having a breechloading chamber cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing. (See Instruction #6 for information in completing 8b. which requires reporting by caliber categories.)
 - Rifle** - A weapon designed or redesigned, made or remade, and intended to fire from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger and shall include any such weapon which may be readily restored to fire a fixed cartridge. Having barrels at least 16 inches in length and at least 26 inches in overall length.
 - Shotgun** - A weapon firearm designed and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger and shall include any such weapon which may be readily restored to fire a fixed shotgun shell. Having barrels at least 18 inches in length, and at least 26 inches in overall length.
 - Machinegun** - Any weapon which shoots, is designed to shoot, or can be readily restored to shoot automatically more than one shot within manual reloading by a single function of the trigger, the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or any combination of parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.
 - Any Other Weapon** - Any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.
 - Short-Barreled Rifle** - A rifle having one or more barrels less than 16 inches in length, and any weapon made from a rifle, whether by alteration, modification, or otherwise, if such weapon as modified has an overall length of less than 26 inches, or a barrel or barrels less than 16 inches in length.
 - Short-Barreled Shotgun** - A shotgun having one or more barrels less than 18 inches in length, and any weapon made from a shotgun, whether by alteration, modification, or otherwise, if such weapon as modified has an overall length of less than 26 inches, or a barrel or barrels of less than 18 inches in length.
 - Silencer** - Any device for silencing, muffling or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or firearm muffler, and any part intended only for use in such assembly or fabrication.
 - Miscellaneous Firearms** - Any firearms not included in the other categories, such as frames or receivers, etc. that are not identified as particular firearms. YOU MUST IDENTIFY OR BRIEFLY DESCRIBE THE FIREARM(S). Attach a separate sheet if necessary.
6. **Out of Business (OOB) Discontinuance of Business** - If your firearms business was permanently discontinued, the Gun Control Act (GCA) and its implementing regulations require that your firearms records be sent within 30 days to the ATF Out-of-Business Records Center, 244 Needy Road, Martinsburg, WV 25405, or to any ATF office in the division in which the business was located. As it pertains to the AFMER report, you must complete a report for each year in which you have maintained your manufacturers license for 1 day or more (see Instruction #4 above.)

Please NOTE: Not selling firearms while maintaining your FFL is not considered "discontinued."

Paperwork Reduction Act Notice

This form is in accordance with the Paperwork Reduction Act of 1995. The information you provide is used to compile statistics on firearms that have been manufactured and distributed in U.S. commerce and/or manufactured and exported out of the U.S. The furnishing of this information is mandatory (18 U.S.C. § 923(g)(5)(A)).

The estimated average burden associated with this collection of information is 20 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to Reports Management Officer, Resource Management Staff, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Exhibit 5

to Deposition of Salam Fatohi

ANNUAL FIREARMS MANUFACTURING AND EXPORT REPORT



YEAR 2021 MANUFACTURED



<i>PISTOLS</i>		<i>REVOLVERS</i>	
TO .22	737,374	TO .22	781,246
TO .25	183,390	TO .32	3,641
TO .32	56,226	TO .357 MAG	153,737
TO .380	790,323	TO .38 SPEC	167,901
TO 9MM	4,301,814	TO .44 MAG	28,927
TO .50	682,779	TO .50	24,456
TOTAL	6,751,919	TOTAL	1,159,918
 <i>RIFLES</i>	 3,934,374		
<i>SHOTGUNS</i>	675,426		
<i>MISC. FIREARMS</i>	1,283,282		

EXPORTED

<i>PISTOLS</i>	237,194
<i>REVOLVERS</i>	25,367
<i>RIFLES</i>	160,294
<i>SHOTGUNS</i>	27,487
<i>MISC. FIREARMS</i>	8,342

* FOR PURPOSES OF THIS REPORT ONLY, "PRODUCTION" IS DEFINED AS: FIREARMS, INCLUDING SEPARATE FRAMES OR RECEIVERS, ACTIONS OR BARRELED ACTIONS, MANUFACTURED AND DISPOSED OF IN COMMERCE DURING THE CALENDAR YEAR.

PREPARED BY LED 1/20/2023
REPORT DATA AS OF 1/20/2023

