

Exhibit A

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THE NATIONAL SHOOTING
SPORTS FOUNDATION, INC.

Plaintiff,

v.

KENNETH MELSON,
Acting Director,
BUREAU OF ALCOHOL,
TOBACCO, FIREARMS & EXPLOSIVES

Defendant

Case No. 1:11-cv-01401

AFFIDAVIT OF MATT FRENCH OF SPORTSMAN'S WAREHOUSE

1. I am employed as the Vice President of Hunting Operations at Sportsman's Warehouse, a retail seller of outdoor sporting products. Sportsman's Warehouse has 29 retail store locations in 16 states, including stores in Mesa, Phoenix and Tucson, Arizona; Rocklin, California; and Albuquerque, New Mexico. Among the products sold at each store location is a full range of firearms, including pistols, revolvers, shotguns and rifles.

2. Each of the Sportsman's Warehouse retail stores is separately licensed to sell firearms pursuant to federal law and applicable state and local laws. In the capacity as a federal firearms licensee, each store is required to comply with not only the law but also with directives and requests made by the Bureau of Alcohol, Tobacco, Firearms & Explosives ("ATF"). One of my job responsibilities is to supervise each licensed store's compliance with those laws,

directives and requests. I perform that responsibility with the assistance of three other Sportsman's Warehouse employees in the company's Compliance Department.

3. All five (5) Sportsman's Warehouse stores located in Arizona, California and New Mexico received a letter from ATF dated July 12, 2011 in which ATF demanded that beginning on August 14, 2011 federal firearms licensees would be required to submit reports to ATF reflecting information on sales or other dispositions, at one time or during five consecutive business days, of two or more semi-automatic rifles capable of accepting a detachable magazine and with a caliber greater than .22 to an unlicensed person. A copy of the demand letter Sportsman's Warehouse received from ATF is attached.

4. Among the firearms sold at Sportsman's Warehouse stores are rifles that are subject to ATF's July 12, 2011 reporting requirement. For ease of reference, Sportsman's Warehouse describes these rifles internally as modern sporting rifles, or MSRs. As of August 10, 2011, all Sportsman's Warehouse licensed locations had sold 4,135 MSRs in 2011.

5. In order to comply with ATF's July 12, 2011 reporting requirement, Sportsman's Warehouse has, under my supervision, adopted guidelines and created internal procedures and recordkeeping obligations for each affected store to follow. A significant amount of employee time and company resources have been devoted to this project.

6. Because the acquisition, disposition and sales transaction records that each store is required by law to prepare and maintain do not reliably and readily identify multiple sales of

MSRs that occur on different days (e.g. staggered), Sportsman's Warehouse developed an MSR sales reporting protocol to ensure compliance with ATF's directive. The protocol required Sportsman's Warehouse to write a computer program for the specific purpose of reliably capturing reportable MSR sales, including staggered sales, occurring at its licensed locations in Arizona, California and New Mexico.

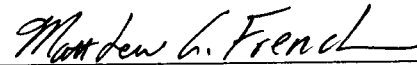
7. The protocol first required us to identify the more than 200 MSR models sold by the company and assign a unique SKU designation (e.g. department, class and line) to each. We then require each licensed store location to perform their daily firearm dispositions which provide certain information to the Compliance Department regarding each MSR sold. The information collected on each sale includes, the purchaser's name, the transaction date, the ATF Form 4473 transferor's transaction serial number completed at the time of the transaction, the SKU number, the manufacturer's part number, a description of the rifle, the rifle's serial number, the store's cash register number and an assigned transaction number. The information on each sale or disposition of an MSR will then be placed into a Daily MSR Sales Report and disseminated to the affected store locations. The Report will be used by each store to identify consecutive and/or staggered MSR sales that must be reported to ATF under the new reporting requirement. Each licensed store location will be responsible to submit ATF Forms 3310.12 reflecting reportable MSR sales to ATF pursuant to the July 12, 2011 reporting requirement.

8. I estimate the amount of time devoted to SKU identification and report development exceeded 40 hours. Moreover, I estimate that the amount of time required of an employee in the Compliance Department to create and disseminate the Daily MSR Sales Report

each day will be from 10 to 60 minutes depending on the MSR sales activity that day. I further estimate that the amount of time to be spent preparing, submitting and saving each ATF Form 3310.12 will be in the area of 15 to 20 minutes.

9. Sportsman's Warehouse believes that the guidelines, procedures and internal recordkeeping obligation it will have in place on August 14, 2011 are the best methods available to ensure full compliance with ATF's July 12, 2011 reporting requirement. Despite the expense and time devoted by Sportsman's Warehouse to setting up its MSR sales reporting protocol and the expected time that will be necessary reporting multiple sales of MSRs, Sportsman's Warehouse expects to fully comply with the July 12, 2011 reporting requirement.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in cursive script, reading "Matt French", is written over a horizontal line.

Matt French, Vice President of
Hunting Operations, Sportsman's
Warehouse



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226

www.atf.gov

OMB No. 1140-0100

July 12, 2011

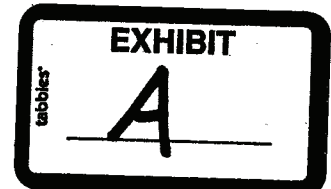
Dear Federal Firearms Licensee:

To assist its efforts in investigating and combating the illegal movement of firearms along and across the Southwest border, ATF is requiring licensed dealers and pawnbrokers in Arizona, California, New Mexico and Texas to submit record information concerning multiple sales of certain rifles. ATF has the authority to issue this letter to collect such record information from federal firearms licensees (FFLs) under 18 U.S.C. § 923(g)(5), and that authority has been delegated by ATF's Acting Director to the Chief of the National Tracing Center.

You must submit to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) reports of multiple sales or other dispositions whenever, at one time or during any five consecutive business days, you sell or otherwise dispose of two or more semi-automatic rifles capable of accepting a detachable magazine and with a caliber greater than .22 (including .223/5.56 caliber) to an unlicensed person. You are required to report all such sales that occur on or after **August 14, 2011**. You must continue reporting multiple sales for the rifles subject to this demand letter until we provide written notice to stop.

The required information must be submitted on ATF Form 3310.12, Report of Multiple Sale or Other Disposition of Certain Rifles, no later than the close of business on the day the multiple sale or other disposition takes place. We have enclosed a copy of Form 3310.12 with this letter. You are encouraged to order additional forms at your earliest convenience by calling the ATF Distribution Center, 1519 Cabin Branch Drive, Landover, MD 20785, at (301) 583-4696. You may also order copies from ATF's website at www.atf.gov/forms. Further, we have created a fillable form that you may access through our website at www.atf.gov. You may use the fillable form by typing in the information regarding the sale, printing sufficient copies, and mailing or faxing the form in accordance with the instructions. Finally, you may, if you wish, make photocopies of the enclosed form and use those copies to submit multiple sales reports.

Be advised that, in addition to the record information required by this letter, licensees remain obligated to submit reports of multiple sales or other dispositions when the licensee sells or otherwise disposes of two or more pistols or revolvers, or any combination of pistols or revolvers



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Federal Firearms Licensee

totaling two or more, to an unlicensed person at one time or during any five consecutive business days. 18 U.S.C. § 923(g)(3). Reports of multiple sales or other dispositions of handguns must be reported using ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers, and must be submitted in accordance with the instructions on that form, separately from the information required by this letter.

If you have any questions, please contact the National Tracing Center at 1-800-788-7133.

A large, stylized handwritten signature in black ink, appearing to read 'CH Houser', is positioned above the printed name and title.

Charles Houser
Chief, National Tracing Center

Enclosure

Paperwork Reduction Act Notice

This request is in accordance with the Paperwork Reduction Act of 1995. The information collection documents certain sales or other dispositions of certain rifles for law enforcement purposes. The information is used to determine whether the buyer (*transferee*) may be involved in unlawful activity, such as straw purchasing. The information requested is mandatory and required by statute (18 U.S.C. § 923(g)(5)).

The estimate average burden associated with this collection is 12 minutes per report by each respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to Reports Management Officer, Document Services Section, 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.