

Exhibit 34

To Defendants' Memorandum in Support of Motion for
Summary Judgment

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF MARYLAND**

STEPHEN V. KOLBE, *et al.*,

*

Plaintiffs,

*

v.

*

Civil Case No. 13-cv-02841-CCB

MARTIN O'MALLEY, *et al.*,

*

Defendants.

*

* * * * *

DECLARATION OF JENNIFER L. KATZ

I, Jennifer L, Katz, under penalty of perjury, declare and state:

1. I am an Assistant Attorney General in the Office of the Attorney General of Maryland. I am over the age of 18 and am competent to testify to the matters stated below.

2. Attached as **Exhibit 13** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Chapter 427 of the 2013 Laws of Maryland.

3. Attached as **Exhibit 14** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Bureau of Alcohol Tobacco and Firearms, *Report and Recommendation on the Importability of Certain Semiautomatic Firearms* (July 6, 1989).

4. Attached as **Exhibit 15** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Bureau of Alcohol Tobacco and

Firearms, *Department of The Treasury Study on The Sporting Suitability of Modified Semiautomatic Assault Rifles* (April 1998).

5. Attached as **Exhibit 16** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Bureau of Alcohol Tobacco and Firearms, *ATF study on the Importability of Certain Shotguns* (January 2011).

6. Attached as **Exhibit 17** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of excerpts from Duncan Long, *The Complete AR-15/M16 Sourcebook, What Every Shooter Needs to Know* (2001).

7. Attached as **Exhibit 18** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of excerpts from Doug Howlett, *The Shooter's Bible Guide to AR-15s* (2011).

8. Attached as **Exhibit 19** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of excerpts from Kevin Dockery, *Special Warfare: Special Weapons* (2001).

9. Attached as **Exhibit 20** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of excerpts from Christopher B. Bartocci, *Black Rifle II, The M16 Into The 21st Century* (2004).

10. Attached as **Exhibit 21** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Violence Policy Center, *The Militarization of the U.S. Civilian Firearms Market* (June 2011).

11. Attached as **Exhibit 22** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of excerpts from Val Shilin, Charlie

Cutshaw, *Legends and Reality, AK Behind-the-Scenes Look at the History, Design, and Impact of the Kalashnikov Family of Weapons* (2000).

12. Attached as **Exhibit 23** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of House of Representatives Report No. 103-489 (1994).

13. Attached as **Exhibit 24** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Testimony of Brian J. Siebel, Brady Center to Prevent Gun Violence, Before the Council of the District of Columbia (October 1, 2008).

14. Attached as **Exhibit 25** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of excerpts from Department of the Army, *Rifle Marksmanship M16-/M4-Series Weapons* (August 2008).

15. Attached as **Exhibit 26** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Gov. Martin O'Malley, *Testimony on the Firearms Safety Act of 2013* (February 6, 2013).

16. Attached as **Exhibit 27** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Stephen J. Sedensky, III, *Report of the State's Attorney for the Judicial District of Danbury on the Shootings at Sandy Hook Elementary School and 36 Yoganda Street, Newtown, Connecticut on December 14, 2012* (November 25, 2013).

17. Attached as **Exhibit 28** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of William J. Krouse, Congressional Research Service, *Gun Control Legislation* (November 14, 2012).

18. Attached as **Exhibit 29** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Mark Follman, Gavin Aronsen, Deanna Pan, Maggie Caldwell, *U.S. Mass Shootings, 1982-2012: Data From Mother Jones' Investigation*, Mother Jones Magazine (December 28, 2012).

19. Attached as **Exhibit 30** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Mark Follman, Gavin Aronse, Jaeah Lee, *More Than Half of Mass Shooters Used Assault Weapons and High-Capacity Magazines*, Mother Jones Magazine (February 27, 2013).

20. Attached as **Exhibit 31** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of David S. Fallis, James V. Grimaldi, In Virginia, *High-Yield Clip Seizures Rise*, The Washington Post (January 23, 2011).

21. Attached as **Exhibit 32** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Bureau of Alcohol, *Tobacco and Firearms, Assault Weapons Profile* (April 1994).

22. Attached as **Exhibit 33** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Blackheart International, *2013 Tactical Firearms Catalog*.

23. Attached as **Exhibit 35** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Chapter 456 of the 1994 Laws of Maryland.

24. Attached as **Exhibit 36** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Violence Policy Center, *A Shrinking Minority, The Continuing Decline of Gun Ownership in America*.

25. Attached as **Exhibit 37** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Violence Policy Center, *Firearm Justifiable Homicides and Non-Fatal Self Defense Gun Use* (April 2013).

26. Attached as **Exhibit 38** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Marc Lacey, *Evidence Points to Methodical Planning*, New York Times (January 9, 2011).

27. Attached as **Exhibit 39** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Michael Melia, Associated Press, *Jesse Lewis, Newtown Victim, Shouted for Classmates to Run: Mom*, Huffington Post (October, 18, 2013).

28. Attached as **Exhibit 40** to Defendants' Memorandum in Support of Motion for Summary Judgment are true and correct copies of the following newspaper articles:

- a. Statesman Journal, *Brush with Tragedy Spurs Author* (August 11, 2011)
- b. The Washington Post, *Gunman Opens Fire in Church* (March 7, 1988)

- c. Houston Chronicle, *Deacon Slain as Gunman Fires Randomly at Church* (March 7, 1988)
- d. Dick Foster, *Baylis Charged In Rampage That Killed Two in Spring*, Denver Rocky News (May 1, 1993)
- e. St. Louis Post-Dispatch, *Suspect in Rampage Had History of Mental Problems, Family Says* (January 29, 1995)
- f. Robert Kearns, *White House Gunman Sentenced to 40 Years in Prison*, Reuters News (June 29, 1995)
- g. The Fresno Bee, *Two Restaurant Patrons Shot In Drive-By* (May 12, 1996)
- h. The New York Times, *Penn State Shooting is Fatal to Student* (September 18, 1996)
- i. Scott Hildebrand, *3 Slain in Miss. Teen's Rampage*, USA Today (October 2, 1997)
- j. Cleveland Plain Dealer, *Woman Sentenced for Shooting Demolition Man* (March 27, 1997)
- k. Masaaki Harada, *A High-States Business with Human Lives on the Line, SWAT Units Play Fragile Game*, Journal-Gazette (September 26, 2004)
- l. Dan Rozek, *Witnesses Describe Bar Killings*, Chicago Sun Times (November 3, 2001)
- m. Orlando Sentinel, *Victims of School Attack Remembered a Service Paid Tribute to the 12 Students and One Teacher Who Were Killed in Littleton, Colo.*, Orlando Sentinel (April 21, 2001)
- n. Cindi Lash, Johnna A. Pro, *Officer Shot, Saved by Bulletproof Vest Assailant is Wounded by Mt. Lebanon Police*, Pittsburgh-Post Gazette (May 27, 2002)
- o. Demian Bulwa, Delfin Virgil, Simone Sebastian, *Sikh Men Slain in San Jose Park Gunman Killed After Deadly Rampage on Card Players*, San Francisco Chronicle (February 23, 2004)

- p. AP Alert-California, *Accused Gunman in Las Vegas Casino Shooting Due Tuesday in Court* (July 9, 2007)
- q. Amy Lee, *'It Replays in my Mind Over and Over' Family Elated to Welcome Home Fort Hood Massacre Survivor*, Chicago Sun Times (January 3, 2010)
- r. J. David Goodman, Vivian Yee, *'I Was Just Sure they Just Wanted to Kill this Group of Persians'*, New York Times (November 15, 2013)

29. Attached as **Exhibit 54** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Colt H-BAR 1987 Advertisement.

30. Attached as **Exhibit 56** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Violence Policy Center, *"Officer Down" Assault Weapons and the War on Law Enforcement* (May 2003).

31. Attached as **Exhibit 57** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of National Institute of Justice, *Selection and Application Guide to Personal Body Armor* (November 2001).

32. Attached as **Exhibit 58** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Brady Center to Prevent Gun Violence, *Assault Weapons "Mass Produced Mayhem"* (October 2008).

33. Attached as **Exhibit 59** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Violence Policy Center, *United States of Assault Weapons Gunmakers Evading the Federal Assault Weapons Ban* (July 2004).

34. Attached as **Exhibit 60** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Melvin Claxton, William Gaines, *Assault Gun 'Ban' Designed to BackFire*, Chicago Tribune Co. (December 31, 1997).

35. Attached as **Exhibit 66** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Matt Wickenheiser, *As Sales Soar, Bushmaster Shrugs at Bid to Renew Ban*, Blethen Maine, Newspaper Inc. (May 14, 2013).

36. Attached as **Exhibit 67** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Barbara Vobejda, *Why a Colorado Pistol Has 'DC' in Its Name*, Washington Post (May 1, 1999).

37. Attached as **Exhibit 68** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Consumer Federation of America, *Back in Business* (September 7, 2004).

38. Attached as **Exhibit 69** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Colt's Manufacturing Company, *About Colt Rifles*, Colt.com (2013).

39. Attached as **Exhibit 70** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Bushmaster Firearms, *2011 Bushmaster Product Catalog*.

40. Attached as **Exhibit 71** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of excerpts from Edward Clinton Ezell, *Small Arms of the World* (1983).

41. Attached as **Exhibit 72** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of excerpts from 4 Blackstone, William, *Commentaries on the Laws of England* (Clarendon Press 1769).

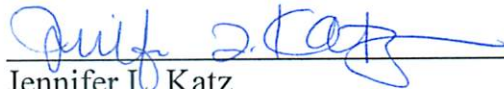
42. Attached as **Exhibit 73** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of excerpts from Phillip Peterson, *Buyer's Guide to Assault Weapons* (2008).

43. Attached as **Exhibit 74** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of Testimony of Laurence H. Tribe, *Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment* (February 12, 2013).

44. Attached as **Exhibit 74** to Defendants' Memorandum in Support of Motion for Summary Judgment is a true and correct copy of National Shooting Sports Foundation, *Modern Sporting Rifle Comprehensive Consumer Report* (2013).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Date: 2/14/2014



Jennifer L. Katz
Assistant Attorney General