

Exhibit 47

To Defendants' Memorandum in Support of Motion for
Summary Judgment

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)

SHAWN J. TARDY, et al.

Plaintiffs

Case No.

vs.

1:13-cv-02841-CCB

MARTIN J. O'MALLEY, et al.

Defendants

_____ /

The deposition of GREGORY NOLTE was held on
Tuesday, December 3, 2013, commencing at 9:10 a.m., at
the Office of the Attorney General, Civil Litigation
Division, 200 Saint Paul Place, 19th Floor, Baltimore,
Maryland 21202, before Susan M. Wootton, RPR, CLR,
Notary Public.

REPORTED BY: Susan M. Wootton, RPR, CLR

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1 A. What kind of clubs?
2 Q. Yes.
3 A. Hunting, hunting clubs, other, you know,
4 other gun clubs throughout the state.
5 Q. What is your position within MSRPA?
6 A. I am the second vice president for
7 legislative affairs.
8 Q. What are your responsibilities in that
9 role?
10 A. I'm still figuring them out. Newly
11 elected.
12 Q. Congratulations.
13 A. Thank you.
14 Q. How long have you had that position?
15 A. I looked last night. I thought that you
16 might ask.
17 October 27th was when I was voted in.
18 Q. So are you involved any lobbying?
19 A. I don't know exactly what the term lobbying
20 means.
21 Q. Okay. So your title, if I got it

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1 correctly, is the second vice president for legislative
2 affairs, is that right?
3 A. That's correct.
4 Q. So, do you get involved in trying to effect
5 legislation in Annapolis?
6 A. I have not as of yet but probably would.
7 Q. All right. Did you have any role in
8 connection with any efforts that MSRPA made with
9 respect to the passage of Senate Bill 281?
10 A. No, I was not in any official capacity, nor
11 was I member actually of MSRPA at the time.
12 Q. When did you join MSRPA?
13 A. About a month before I was elected.
14 Q. And where does MSRPA get its funding?
15 A. From our members, from their dues.
16 Q. So, solely a dues funding organization?
17 A. To the best of my knowledge. I mean again
18 I am new.
19 I have not necessarily been privy to
20 funding, et cetera, but one would have to assume from
21 membership, from our dues.

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1 (Nolte Exhibit 3 and Exhibit 4 were marked
2 for purposes of identification.)
3 Q. Mr. Nolte, I'm showing you what's been
4 marked as Nolte Exhibit 3, which is a copy of
5 Plaintiff's Responses to Defendant's First Set of
6 Request for Production of Documents.
7 Have you seen Nolte Exhibit 3 before?
8 A. I would have to review. There have been a
9 lot of documents that have come over via E-Mail.
10 I can't say that I have read all of them,
11 nor reviewed all of them.
12 Q. Well, do you recall receiving a request for
13 any documents that MSRPA might have related to this
14 lawsuit?
15 A. That request probably came through before I
16 was actually voted in and a member, and a member, yes,
17 I'm going to presume.
18 Q. Okay. And is that because you have no
19 knowledge of any requests for documents from MSRPA?
20 A. I personally, no, have none.
21 Q. So I take it then that you're not aware of

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1 any searching that may have been done for any
2 documents, is that right?
3 A. Correct.
4 Q. Okay. I'm showing you what's been marked
5 as Nolte Exhibit 4, which is a copy of Responses to
6 Interrogatories made by a number of different
7 organizations, including MSRPA, and I believe that's
8 your signature on the signature page towards the back
9 of the document?
10 A. I reviewed this last night, so, yes, I will
11 look for it, but, yes, at this point in time I was now
12 involved on behalf of MSRPA.
13 Q. Okay. And is that in fact your signature
14 dated November 14th of 2013?
15 A. That is.
16 Q. And were you involved in providing
17 information to respond to these interrogatories?
18 A. Yes.
19 Q. And, to the best of your knowledge, are all
20 the responses that were made in here still accurate?
21 A. I would have to completely review them,

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1 but, yep, I mean there's no reason for anyone to
2 provide false information.
3 Q. You said that you reviewed this last night,
4 right?
5 A. Correct.
6 Q. Did you notice anything that you thought
7 was inaccurate?
8 A. No.
9 Q. Did you notice anything that you thought
10 needed to be added to the responses?
11 A. No. Actually this was this morning, is
12 when I reviewed it.
13 Q. Mr. Nolte, do you have an understanding of
14 what an AR-15 is?
15 A. A general understanding, yes.
16 Q. What is it?
17 A. Wow, it is a semi-automatic firearm that is
18 typically black in color. It uses external magazines
19 that are exchangeable.
20 It has, say, a likeness in appearance to a
21 military version of an M16, but the key difference

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1 being an M16 or say the later M4 would have select
2 fire.
3 It would be full auto or a three-round
4 burst. AR-15 is a purely semi-automatic firearm.
5 Q. Are there any other differences you're
6 aware of between the military M16 or M4 and the AR-15?
7 A. None that I'm aware of, or that I can think
8 of off the top of my head.
9 Q. What is your background in firearms?
10 A. When I was a teenager, I shot down on my
11 friend's farm. We would go out and basically use a
12 hand thrower, shoot clay pigeons.
13 Recently, say 2008 or so, I became
14 interested in it again, joined a club in Annapolis, and
15 became involved in my local club and am instrumental
16 with them as well.
17 So I enjoy basically anything and
18 everything with respect to firearms.
19 Q. Is that the Anne Arundel Fishing and
20 Hunting Club?
21 A. No.

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1 Q. What club is that in Annapolis?
2 A. Anne Arundel Fish and Game.
3 Q. Anne Arundel Fish and Game?
4 A. Yes.
5 Q. And when did you get involved with them?
6 A. 2009, I think is when I inquired to
7 membership.
8 Q. Are you aware of who manufacturers AR-15?
9 A. I believe there are a plethora of
10 manufacturers of what would generally be considered an
11 AR-15.
12 Q. Can you name some of them?
13 A. Bushmaster, Colt, the list goes on, Daniel
14 Defense.
15 Q. There's a lot basically, is that right?
16 A. I'll reuse the term, plethora.
17 Q. Are you aware of how long it takes to, to
18 get off a round on an AR-15?
19 A. No.
20 [REDACTED]
21 [REDACTED]

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[REDACTED]

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1 A. Not to my knowledge.
2 Q. And are you aware of any such incidents?
3 A. No.
4 Q. And are you aware of any incidents
5 involving the use of magazines with a capacity of more
6 than 10 rounds in home self-defense?
7 A. I am not, say, readily aware, but, you
8 know, all of the information that's been provided in 5,
9 6 and 7 is apparently readily available through
10 Internet searches.
11 So whether or not in the past I personally
12 have seen such articles and just not recall could very
13 well be the case.
14 But reviewing these I did not search for,
15 nor provide this information.
16 Q. All right. And is it the case that you are
17 in fact not aware of any examples of home self-defense
18 using more than 10 rounds in a single magazine?
19 A. I personally am not aware. You know, I
20 mean, other than what we have here, I'm sure there are
21 multitudes, if and when this stuff actually gets

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1 reported, because many of these tend to get suppressed
2 by the press.
3 Q. And you said, I'm not personally aware. I
4 just want to clarify.
5 You are in fact here testifying as the
6 designee of MSRPA, correct?
7 A. Well, we covered that initially, yes, so
8 there have been some MSRPA questions as well as some
9 personal questions as well.
10 Q. Actually all of my questions are directed
11 to you in your capacity as representative of MSRPA
12 because your counsel had clarified at the beginning of
13 the deposition that you're not here in your personal
14 capacity.
15 A. Okay.
16 Q. So, in your capacity representing MSRPA,
17 are you aware of any incidents involving the use of
18 more than 10 rounds in a self-defense situation?
19 A. I have not been provided, in my capacity at
20 MSRPA, any of the information, nor have I searched for
21 it.

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1 Q. And so, you're not aware of any such
2 incidents, is that correct?
3 A. That's correct.
4 Q. If you would now look at Nolte Exhibit 8,
5 which has the title, Information on Ratios of Rounds
6 Fired to Hits Obtained for Law Enforcement, are you
7 familiar with this document?
8 A. No.
9 Q. Are you aware of anybody at MSRPA having
10 any involvement in creating the document or searching
11 for the information in it?
12 A. I am not aware.
13 Q. Do I correctly understand that it is
14 MSRPA's position that the banned long guns are commonly
15 used for self-defense in Maryland?
16 A. Yes.
17 Q. Is it MSRPA's position that the, those
18 weapons are well suited for use in self-defense in
19 Maryland?
20 A. Yes.
21 Q. And what's the basis for that position,

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1 that these weapons are well suited for self-defense
2 use?
3 A. Given say the, just anecdotal information,
4 because we don't collect or store -- can you repeat,
5 what is the --
6 Q. The basis for MSRPA's position that the
7 banned firearms are well suited for self-defense in
8 Maryland?
9 A. The basis would be pure, purely anecdotal.
10 Q. What's the anecdotal basis for that?
11 A. Conversations.
12 Q. Conversations in which people have told you
13 that they used them for self-defense?
14 A. Conversations that would be something along
15 the lines of, if this is my only firearm, God forbid
16 anything happened, right, it would be used.
17 Q. And from any of those anecdotal
18 conversations, are you aware that there's anybody for
19 whom this is their only firearm?
20 A. Personally, no.
21 Q. I take it then that it's not your only

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1 firearm, is that true?
2 A. It is not.
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 Q. And from the anecdotal information that you
14 have been relying on for your testimony on behalf of
15 MSRPA today, is it your understanding that handguns are
16 the most frequently used weapons for self-defense?
17 A. No, it is not.
18 Q. Do you have an understanding of what the
19 most frequently used weapons for self-defense are?
20 A. They vary from the person. It could be a
21 shotgun, it could be a pistol, or it could be, you

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

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1 know, any one of the banned long guns that we have.
2 Q. So, is it the case then that you don't have
3 any particular understanding that any particular type
4 of weapon is most commonly used for self-defense?
5 A. They're all common. Any particular, it
6 just depends on the person.
7 Q. So, is it the case then that you believe
8 handguns are suitable self-defense weapons?
9 A. I believe I've stated, you know, anyone of
10 these long, long arms, rifles could be used. Anything
11 can be used.
12 I mean the bottom line is, you know,
13 firearms in the past have been viewed as the great
14 equalizer.
15 Q. And that's any type of firearm, is that
16 right?
17 A. Pretty much any type of firearm.
18 Q. If you could please pull back out Nolte
19 Exhibit 4, which is the responses to interrogatories.
20 Do you have those in front of you?
21 A. I do.