

Exhibit 64

To Defendants' Memorandum in Support of Motion for
Summary Judgment

Expert Report of James Curcuruto

Director, Industry Research & Analysis

National Shooting Sports Foundation, Inc.

11 Mile Hill Road

Newtown, CT 06470-2359

December 13, 2013



James Curcuruto

My Qualifications

As of the date noted on this report I am working as Director, Industry Research & Analysis for the National Shooting Sports Foundation, Inc. (NSSF), a position held since November 2009. I received my associate's degree in business administration from the State University of New York at Cobleskill in 1991 and my bachelor's degree in business management from the University of North Carolina at Wilmington in 1993. My approximate 20 year business work history focuses mainly on sales, marketing, advertising, research and analysis.

NSSF, formed in 1961, is the trade association for the firearms, ammunition, hunting and recreational shooting sports industry. Its mission is to promote, protect and preserve hunting and the shooting sports. The NSSF has a membership of more than 9,000 manufacturers, distributors, firearm retailers, shooting ranges, sportsmen's organizations and publishers.

In my current position as Director, Industry Research and Analysis, I am responsible for most of the research activities at NSSF, and I direct the activities of an internal research coordinator as well as several outside companies retained to conduct research and gather market and consumer information useful to NSSF members. Under my direction, dozens of informational reports and studies focusing on industry topics and trends such as: firearms, ammunition, target shooting and hunting have been released to the NSSF member base and many are shared outside the NSSF member base as well. Data from these releases has been referenced many times in endemic, non-endemic, online and print newspaper and magazine articles, used in corporate 10K reports, and mentioned in other media. I have authored and provided information for several articles published in trade magazines. I have also been deposed as an expert witness on the topics of commonality of modern sporting rifles and magazines capable of holding more than 10 rounds of ammunition.

I am not receiving a fee in exchange for my opinions.

Opinions and Supporting Evidence

Many NSSF members manufacture, distribute and/or sell firearms, and they look to NSSF to provide market data reflecting consumer preferences, market trends and other information for use in their business decisions. Among the firearm products sold by NSSF members are modern sporting rifles, a category of firearms comprised primarily of semiautomatic rifles built on the AR- and AK-platforms.¹ A "semiautomatic," or self-loading, rifle is a firearm which fires, extracts, ejects and reloads a cartridge once for each pull and release of the trigger.² These rifles have the capacity to accept a detachable magazine. Additionally, they come in a range of calibers, including 22 rimfire, 223 Remington, and larger calibers used for hunting big game (e.g., white-tailed deer). Research conducted by the NSSF and under my direction demonstrates that modern sporting rifles are popular and commonly owned and used by millions of persons in the United States for a variety of lawful purposes, including, but not limited to, recreational and competitive target shooting, home defense, collecting and hunting.

1) Figures from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Annual Firearms Manufacturers and Exports Reports (AFMER) show that between 1990 and 2012, United States manufacturers produced approximately 4,796,400 AR-platform rifles for sale in the United States commercial marketplace. Approximately 37 different manufacturers produced these rifles, including Smith & Wesson, Colt, Remington, Sig Sauer and Sturm, Ruger. During these same years, figures from the U.S. International Trade Commission (ITC) show approximately 3,415,000 AR- and AK-platform rifles were imported into the United States for sale in the commercial marketplace. In 2012 alone, nearly one million of these rifles were either manufactured in the U.S. or imported to the U.S. for sale. By way of

¹ The AR in "AR-platform" rifle stands for ArmaLite, the company that in the 1950s developed this style of rifle, which eventually became both the military's M16 rifle and the civilian semi-automatic sporting rifle known as the AR-15, or modern sporting rifle. "AR" does NOT stand for "assault rifle" or "automatic rifle."
<http://www.nssfblog.com/%E2%80%98ar%E2%80%99-stands-for-armalite/>.

² "Semiautomatic" rifles should not be confused with "automatic" rifles, which fire when the trigger is pulled and continue to fire until the trigger is released or ammunition is exhausted. Sporting Arms and Ammunition ("SAAMI") Glossary of Industry Terms, <http://www.saami.org/Glossary/display.cfm?letter=S>

comparison, in 2012, the number of modern sporting rifles manufactured in or imported to the U.S. was more than double the number of the most commonly sold vehicle in the U.S., the Ford F-150. See <http://www.edmunds.com/car-reviews/top-10/top-10-best-selling-vehicles-for-2012.html> (434,585 sold). Modern sporting rifles have been available to civilians since at least the late 1950s.³ Thus, many more AR- and AK-platform rifles were either manufactured in the U.S. or imported to the U.S. for sale in the commercial marketplace prior to 1990.

2) In 2013, NSSF published its Modern Sporting Rifle (MSR) Comprehensive Consumer Report 2013. The findings in the report were based on on-line responses from 21,942 owners of modern sporting rifles. Included among the findings were that the typical owner of a modern sporting rifle is male, over 35 years old, married with a household income above \$75,000 and has some college education. Approximately 35 percent of all owners of modern sporting rifles are current or former members of the military or law enforcement.⁴ The survey found that three out of every four recently purchased modern sporting rifles are chambered for 223 Remington ammunition. Standard capacity magazines capable of holding 30 rounds or more of ammunition are the most popular magazines used in modern sporting rifles. Owners of modern sporting rifles consider accuracy and reliability to be the most important attributes of a modern sporting rifle. Other reasons cited by survey respondents for their purchase of modern sporting rifles include ergonomics, low recoil, ease with which they can be shot and their light weight. Recreational target shooting was ranked as the number one reason why owners purchased a modern sporting rifle, followed closely by home defense. Other reasons for owning a modern sporting rifle include, but are not limited to, varmint hunting, big game hunting, competitive target shooting and collecting. The average price paid for a modern sporting rifle by survey respondents

³ <http://world.guns.ru/civil/usa/ar-15-e.html>. The original AR-15 Sporter rifles were manufactured for the civilian market by Colt's Firearms since 1963. See, attached advertisement.

⁴ By contrast, the NSSF Modern Sporting Rifle (MSR) Comprehensive Consumer Report 2010 found that 44% of all owners of modern sporting rifles were current or former members of the military or law enforcement. Consistent with general sales trend data, it is reasonable to infer that this difference is attributable to an increase in the popularity and ownership of modern sporting rifles in the general civilian population.

was \$1,058.00. Combining data from this report with production and import data from ATF AFMER and ITC, we can apply a weighted average formula showing more than 4.8 million people currently own one or more modern sporting rifle.

3) In 2013, the NSSF published its Firearms Retailer Survey Report 2013 edition. The report set forth findings based on an on-line survey of 752 firearm retailers located in all 50 states. Among the findings were that 92.5 percent of those responding to the survey currently sell new modern sporting rifles compared to 89.2 percent who sell new traditionally-styled rifles. Of the modern sporting rifles sold, those chambered for 223 Remington ammunition were by far the most commonly purchased. Respondents reported that modern sporting rifles were the most popular long gun sold accounting for 20.3 percent of the firearms they sold in 2012. In contrast, 14 percent of the firearms sold were traditionally styled rifles while 13 percent of the firearms they sold were shotguns.

4) In 2013, NSSF published its Sports Shooting Participation in the United States in 2012 report. The report, based upon 8,335 telephone interviews, indicates that participation in any target shooting or sport shooting increased 18.6 percent from approximately 34.4 million participants in 2009 to 40.8 million participants in 2012, an increase of 6.4 million participants. The report also indicates that participation in target shooting with a modern sporting rifle increased 35.0 percent from approximately 8.9 million participants in 2009 to 12.0 million participants in 2012.

5) The Federal Bureau of Investigation (FBI) releases National Instant Criminal Background Check System (NICS) figures on a monthly basis. NICS figures are commonly viewed as a proxy for firearm sales. NSSF adjusts down the monthly FBI NICS by subtracting background checks that do not correspond with a firearm transfer ("NSSF-Adjusted NICS"). NSSF releases NSSF-Adjusted NICS data to the industry in an attempt to provide a more accurate picture of market conditions. In 2012, total NSSF-Adjusted NICS were approximately 13,780,000 nationwide. The state of Maryland accounted for

approximately 136,440 NSSF-Adjusted NICS in 2012. Combining NSSF-Adjusted NICS data with NSSF's Firearms Retailer Survey Report 2013 edition, which determined that 20.3% of all firearms sales are modern sporting rifles, it can be estimated that approximately 27,700 of the 136,440 NSSF-Adjusted NICS for the state of Maryland in 2012 were conducted for the transfer or sale of a modern sporting rifle.

6) In 2013, NSSF compiled and released a report estimating that 158 million pistol and rifle magazines were in U.S. consumer possession between 1990 and 2012. The data supporting that report further shows magazines capable of holding more than ten rounds of ammunition accounted for approximately 75 million or 46 percent of all magazines owned. Combining this data with NSSF-Adjusted NICS figures, it can be estimated that more than 725,000 magazines capable of holding more than ten rounds of ammunition are owned by Maryland residents. It can be assumed many more such magazines were manufactured in the U.S. or imported to the U.S. for sale in the commercial marketplace prior to 1990.

Based on the findings listed above, it is my opinion that both modern sporting rifles and magazines that are capable of holding more than ten rounds of ammunition are commonly used by millions of law abiding Americans for a variety of lawful purposes. Additionally it is my opinion that both lawful ownership and usage of modern sporting rifles are becoming even more common in recent years.

A copy of each NSSF-published report referenced herein is appended to this report.

Published Articles

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|--------------------------------------|------------------|----------------|
| 1) Firearms Accidents Drop | SHOT Business | June/July 2011 |
| 2) New Study Can Aid Planning | The Range Report | Winter 2011 |
| 3) NSSF Releases Report on Diversity | SHOT Business | April/May 2013 |

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|--------------------------------|---------------|---------------|
| 4) Participation Trends | SHOT Business | Aug/Sept 2013 |
| 5) Industry Research from NSSF | SHOT Business | December 2013 |

Expert Witness History

- 1) Deposed for *Wilson, et al. v. Cook County, Illinois*, No. 07 CH 4848, In the Circuit of Cook County Illinois County Department, Chancery Division. November 7, 2013 Waterbury, CT 06702