

Exhibit 18  
to  
Plaintiffs' Cross-Motion for Summary Judgment  
and  
Opposition to Defendants' Motion for Summary  
Judgment

**In The Matter Of:**

*Shawn J. Tardy, et al. vs.  
Martin J. O'Malley, et al.*

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*Daniel Webster, ScD.  
January 17, 2014*

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1 Resistance of Body Armor Standard?

2 A I haven't looked at that recently, no.

3 Q But you have, you've -- you've seen it?

4 A Yeah.

5 Q And it has several classifications of body  
6 armor in terms of what it's -- what they're expected to  
7 stop by way of nature and caliber of bullet?

8 A Um-hum.

9 Q And would you agree with me that any rifle  
10 can be expected to penetrate Class II soft armor?

11 A Yes.

12 Q Regardless of whether it's on the banned  
13 list or not on the banned list in Maryland, it is  
14 equally effective in penetrating the soft armor worn by  
15 law enforcement officers of Class II type; am I  
16 correct?

17 A Yes.

18 Q And some handguns can be expected to  
19 penetrate the soft armor --

20 A Yes, some.

21 Q -- Class II, correct?

1 Do you know who else testified in favor of  
2 the Act?

3 A There were a number of individuals, of  
4 course, the Governor testified in favor of it. There  
5 were leaders from law enforcement from Baltimore,  
6 Baltimore County, Prince George's County, the State's  
7 Attorneys from those jurisdictions, I believe also came  
8 in support of it.

9 Chief Johnson from Baltimore County was  
10 among them, that's what I can remember right now.

11 Q Were there any other experts like yourself  
12 who have studied firearm and violence who testified in  
13 support of 2013?

14 A Not to my knowledge.

15 Q And so, am I safe in concluding as far as  
16 you know, the single paragraph on Page 5 of your report  
17 and the two supporting citations are the only scholarly  
18 information that was put before the General Assembly in  
19 support of the Firearm Safety Act of 2013?

20 A That I truly don't know. I don't know if  
21 others submitted things to them, so I'm really not

1 sure.

2 Q All right.

3 A I only know what I did, and I -- I don't  
4 even think I was there for the full testimony, those  
5 gun days, the -- the testimony lasts pretty long, so  
6 I -- I typically leave after I give my testimony.

7 Q Now, you state in the first sentence of  
8 that paragraph "Assault weapons and other firearms with  
9 large-capacity ammunition feeding devices are commonly  
10 used in mass shootings." Do you see that?

11 A Um-hum, yes.

12 Q And those same devices are also commonly  
13 used for lawful purposes, am I correct? They're not  
14 just used for mass shootings?

15 A Yes, I assume so. I mean, I don't think  
16 it's been systematically studied to my knowledge, but  
17 it's not unreasonable assumption that they're used to  
18 lawful purposes, sure.

19 Q And those lawful purposes would include  
20 hunting?

21 A Sure.

1 Q Sport target shooting?

2 A Um-hum, yes.

3 Q And even self-defense in the home, am I  
4 correct?

5 A I'm sure that they are sometimes used in  
6 -- in self-defense in the home.

7 Q All right. Now, you go on to talk about  
8 incidents in which "law abiding citizens would need and  
9 be able to use a firearm that would hold more than ten  
10 rounds of ammunitions are likely to be extremely rare;"  
11 do you see that, sir?

12 A Yes.

13 Q Now, we already talked about data that you  
14 cited in an earlier report that incidents involving the  
15 discharge of more than ten rounds of ammunition are  
16 very rare generally?

17 A Yes.

18 Q And that would be equally true with respect  
19 to a home defense situation, correct?

20 A Again, it hasn't been systematically  
21 studied, but I -- that's not an unreasonable

1 you know, about the most extreme anti-social act one  
2 can think of, okay. So you -- you -- you have  
3 variability in the weapon that they choose and,  
4 although they all are trying to do mass harm.

5 Q In your report you start out on Page 2 in  
6 talking about the design and capability of firearms and  
7 I believe this focuses very specifically on the issue  
8 you just talked on, am I correct?

9 A Yes.

10 Q Did you do any original research for your  
11 report?

12 A Principally the only thing I did was  
13 examine the trends just to get an understanding of the  
14 general temporal pattern for the number of incidents  
15 and the number of individuals shot or killed in public  
16 mass shootings, that's -- that's the lone analysis that  
17 I did. As well as drawing upon available research.

18 Q And when you talk about the trends that you  
19 studied would that be the Mother Jones database?

20 A Yes.

21 Q Okay. You would agree with me that of all