

Exhibit 23
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.*

Lucy Allen

Vol. 1

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1 imagine there are only a hundred incidents, 28
2 of them would be no, and the mode is one, so the
3 mode would have to be more than 28, so at a
4 minimum that would be 28; and 28 plus 28 is 56,
5 and you're already over 50, so then the median
6 can't be two.

7 Q. Now, we know from his chart that you're
8 looking at number of shots fired where he states
9 max 20, that there's at least one incident in
10 which 20 rounds were fired in self-defense,
11 correct?

12 A. Correct.

13 Q. And do we know how many other incidents
14 there may have been more than ten rounds fired
15 in self-defense in this study from what he's
16 presented by way of data?

17 A. I asked him that question. You cannot
18 tell from here. You can tell it can't be very
19 many because given the -- given the statistics
20 he does give you, and he responded that -- I
21 don't recall his exact response, but it was a
22 very small number.

23 Q. I understood you hadn't had a
24 conversation with him. Did you have an e-mail
25 exchange with him?

1 would be the reason -- back up.

2 I don't know why they've maintained these --
3 these stories for self-defense. My guess, my
4 speculation on why they maintain them is because
5 they think guns are helpful in self-defense and
6 they have collected stories where they've seen
7 that guns have been helpful in self-defense.

8 BY MR. SWEENEY:

9 Q. Do you believe these stories are a
10 representative sample of firearms self-defense?

11 A. I wouldn't particularly expect them to
12 be -- I would -- I would expect in terms of a
13 bias, it may be that the stories are when the
14 use of a gun has been particularly effective and
15 beneficial in self-defense.

16 Q. And that would be a selection bias?

17 A. There could be some selection bias.

18 Q. All right. Do you have any reason to
19 believe that these stories are a complete
20 recording of all instances in self-defense use
21 of firearms?

22 A. I think the NRA is quite focused on
23 this issue of self-defense, and I have not
24 researched -- I should back up.

25 I think they're very interested in this

1 issue and I think they have -- in my experience,
2 they're quite diligent in finding stories and
3 finding information that supports the point that
4 guns can effectively be used in self-defense.

5 So I would expect that it may be a quite
6 comprehensive list.

7 Q. Have you done any independent research
8 to verify that expectation?

9 A. I haven't particularly done any
10 research to verify that. I have note -- I note
11 that the number of rounds fired by individuals
12 is not inconsistent with the sort of data that I
13 have seen Kleck and others compile.

14 Q. In Paragraph 9, you refer to a study of
15 incidents in the NRA stories for a five-year
16 period from '97 to 2001. Is that what we've
17 marked as Allen Number 3, The Armed Citizen -
18 A Five Year Analysis that you produced today?

19 A. Yes.

20 Q. And who prepared that study?

21 A. Claude Werner.

22 Q. Who is he?

23 A. He's a firearms instructor, firearms
24 expert instructor. I believe he's a former
25 military person.