

Exhibit 45

to

Plaintiffs' Reply to Defendants'
Opposition to Plaintiffs' Cross-Motion
for Summary Judgment

In The Matter Of:

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

*Daniel Webster, ScD.
January 17, 2014*

*Gore Brothers Reporting & Videoconferencing
20 South Charles Street, Suite 901
Baltimore, MD 21201
410-837-3027
www.gorebrothers.com*



Since 1961 - Serving MD, DC & VA - Worldwide

Min-U-Script® with Word Index

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 assumption.

2 Q All right. So it's as true in the home as
3 it is on the streets?

4 A You know, I -- I would actually assume that
5 within a home probably fewer fired -- shots fired,
6 simply because you have a smaller environment and fewer
7 people, yeah.

8 Q But you don't have any data to support that
9 assumption, am I correct?

10 A That's correct.

11 Q You do cite data here in support of your
12 statement. A study of 198 home invasion crimes in
13 Atlanta, Georgia, a city where gun ownership likely to
14 be quite high, found that residents attempted to use a
15 firearm in self-defense in only three, 1.5 percent
16 cases, and you cite Kellerman, am I correct?

17 A Yes.

18 MR. SWEENEY: Let me mark the next exhibit.

19 (WEBSTER Exhibit 21 was marked for purposes
20 of identification.)

21 BY MR. SWEENEY: