

# **EXHIBIT C**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

SHAWN J. TARDY, *et al.*,

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*Plaintiffs,*

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v.

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Civil Case No. 13-cv-02841-CCB

MARTIN O'MALLEY, *et al.*,

\*

*Defendants.*

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**DEFENDANTS' AMENDED DISCLOSURES**

Pursuant to Federal Rule of Civil Procedure 26(a)(1)(A) and the scheduling order, the defendants provide the following disclosures:

1. **Individuals, other than expert witnesses, likely to have discoverable information that the defendants may use to support their claims or defenses.** The defendants' investigation of the claims and defenses in this litigation is at an early stage and is continuing. The defendants expect to identify additional individuals likely to have discoverable information they may use to support their defenses in this action in the coming weeks. For now, the defendants identify:

- a. **Col. Marcus Brown, Superintendent of the Maryland State Police.** Colonel Brown has general knowledge regarding the assault weapons and high-capacity detachable magazine bans that are part of Chapter 427 of the 2013 Laws of Maryland, the dangerousness of those assault weapons and high-capacity detachable magazines, and

the lack of suitability of those weapons and magazines for self-defense. Col. Brown can be reached through counsel for the defendants; and

**b. Chief James Johnson, Baltimore County Police Department.**

Chief Johnson is designated as a hybrid fact/expert witness pursuant to Local Rule 104(10). He is expected to testify as to, among other subjects:

- i. the assault weapons and high-capacity detachable magazine bans that are part of Chapter 427 of the 2013 Laws of Maryland;
- ii. training of law enforcement officers on firearms in Baltimore County;
- iii. firearms carried by law enforcement officers in Baltimore County;
- iv. the National Law Enforcement Partnership to Prevent Gun Violence, including his role as Chair of that organization, the organization's views on assault weapons and high-capacity magazines, and the evidence and reasons for those positions, as further identified in the attached document titled "Protecting Communities from Assault Weapons and High-Capacity Magazines";

- v. the lack of use of assault weapons and high-capacity detachable magazines in home self-defense by law-abiding citizens in Baltimore County and elsewhere;
- vi. the dangerousness of assault weapons and high-capacity detachable magazines, both generally, including the use of such items in mass shootings in other states, and specifically to law enforcement officers, including the firing capacity and body armor-piercing ability of the rounds fired;
- vii. his opinion that assault weapons and high-capacity magazines are dangerous to the public generally and law enforcement officers specifically;
- viii. his opinion that assault weapons and high-capacity detachable magazines are well-suited for military-style assaults, but are not well-suited for home self-defense, and that other weapons are available for and better suited for home self-defense; and
- ix. lessons learned from mass shooting incidents and shootings of law enforcement officers across the country regarding the dangerousness of assault weapons and high-capacity detachable magazines.

The Baltimore County Police Department headquarters is at 700 E. Joppa Rd, Towson, MD 21204; telephone number 410-887-2214.

**c. Deputy Chief Henry P. Stawinski, Prince George's County Policy Department.** Deputy Chief Stawinski is designated as a hybrid fact/expert witness pursuant to Local Rule 104(10). He is expected to testify as to:

- i. training of Prince George's County police officers on firearms;
- ii. firearms carried by Prince George's County police officers;
- iii. the lack of use of assault weapons and high-capacity detachable magazines in home self-defense by law-abiding citizens in Prince George's County and elsewhere;
- iv. the dangerousness of assault weapons and high-capacity detachable magazines, both generally, including the use of such items in mass shootings in other states, and specifically to law enforcement officers, including the firing capacity and body armor-piercing ability of the rounds fired;
- v. his opinion that assault weapons and high-capacity magazines are dangerous to the public generally and law enforcement officers specifically;
- vi. his opinion that assault weapons and high-capacity detachable magazines are well-suited for military-style assaults, but are not well-suited for home self-defense, and that other weapons are available for and better suited for home self-defense; and

- vii. lessons learned from mass shooting incidents and shootings of law enforcement officers across the country regarding the dangerousness of assault weapons and high-capacity detachable magazines;

The Prince George's County Police Department headquarters is at 7600 Barlowe Rd, Landover, Maryland 20785; telephone number 301-772-4900.

- d. **State's Attorney Scott Shellenberger, Baltimore County, Maryland.** State's Attorney Shellenberger has general knowledge regarding firearms used in self-defense situations in Maryland and the dangerousness of assault weapons and high-capacity magazines. The State's Attorney's Office is located in the Baltimore County Courts Building, 401 Bosley Avenue, Room 511, Towson, MD 21204; telephone number 410-887-6600.

- e. The defendants also identify as individuals who may have discoverable information the defendants may use to support their defenses anyone identified in the plaintiffs' initial, or any amended or supplemental, disclosures; and anyone identified in discovery.

**2. Documents, electronically stored information, and tangible things the defendants have within their possession, custody, or control and may use to support their claims or defenses.** The defendants' investigation of the claims and defenses in this litigation is at an early stage and is continuing. The defendants expect to identify

additional documents in this action in the coming weeks. At this time, the defendants have identified the following documents. The defendants believe the plaintiffs already possess many of these documents. To the extent there are documents the plaintiffs do not possess, the defendants will produce copies upon request:

- a. Copies of the bill files for House Bill 294 and Senate Bill 281. The official bill files are available for review by the public from the relevant committees of the General Assembly;
- b. Brady Center to Prevent Gun Violence, *Assault Weapons: Mass Produced Mayhem* (October 2008);
- c. Brady Center to Prevent Gun Violence, *On Target: The Impact of the 1994 Federal Assault Weapon Act* (March 2004);
- d. Francis X. Clines, *Death on the L.I.R.R.: The Rampage; Gunman on a Train Aisle Passes Out Death*, NY TIMES, Dec. 9, 1993, available at <http://www.nytimes.com/1993/12/09/nyregion/death-on-the-lirr-the-rampage-gunman-in-a-train-aisle-passes-out-death.html>;
- e. Philip Cook, Jens Ludwig & David Hemenway, *The Gun Debate's New Mythical Number: How Many Self-Defense Uses Per Year?*, 16 J. POL'Y ANALYSIS & MGMT. 463 (Summer 2007);
- f. Phillip J. Cook & Jens Ludwig, *Guns in America: National Survey on Private Ownership and Use of Firearms* (National Institute of Justice, May 1997);
- g. Field & Stream, 2003 NATIONAL HUNTING SURVEY, available at <http://www.fieldandstream.com/articles/hunting/2002/06/2003-national-hunting-survey>;
- h. David S. Fallis & James V. Grimaldi, *In Virginia, high-yield clip seizures rise*, WASH. POST, Jan. 23, 2011, available at <http://www.washingtonpost.com/wp-dyn/content/article/2011/01/22/AR2011012204046.html>;
- i. David S. Fallis, *Data indicate drop in high-capacity magazines during federal gun ban*, WASH. POST, Jan. 10, 2013, available at [http://articles.washingtonpost.com/2013-01-10/news/36272948\\_1\\_magazines-and-assault-weapons-33-round-magazine-highcapacity-magazines](http://articles.washingtonpost.com/2013-01-10/news/36272948_1_magazines-and-assault-weapons-33-round-magazine-highcapacity-magazines);

- j. Mark Follman, Gavin Aronsen, & Jaeah Lee, *More Than Half of Mass Shooters Used Assault Weapons and High-Capacity Magazines*, MOTHER JONES, Feb. 27, 2013, available at <http://www.motherjones.com/politics/2013/02/assault-weapons-high-capacity-magazines-mass-shootings-feinstein>;
- k. James Alan Fox & Jack Levin, *EXTREME KILLING: UNDERSTANDING SERIAL AND MASS MURDER*, (2d ed. 2012);
- l. General Social Survey, *Gun Ownership Data* (2013);
- m. David Hemenway, *PRIVATE GUNS, PUBLIC HEALTH* (2004);
- n. Testimony for Chief Jim Johnson, Baltimore County, Maryland Chair, National Law Enforcement Partnership to Prevent Gun Violence, before the U.S. Senate Judiciary Committee, Jan. 30, 2013, available at <http://www.judiciary.senate.gov/pdf/1-30-13JohnsonTestimony.pdf>;
- o. Jessica Hopper, Kevin Dolak, & Lauren Sher, *Heroes of the Tucson Shooting: "Something Had to be Done,"* ABC NEWS, Jan. 10, 2011, available at <http://abcnews.go.com/US/heroes-rep-gabrielle-giffords-shooting-tucson-arizona-subdued/story?id=12580345>;
- p. Christopher S. Koper, *Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003* (2004);
- q. Christopher S. Koper & Jeffrey A. Roth, *The Impact of the 1994 Federal Assault Weapons Ban on Gun Violence Outcomes: An Assessment of Multiple Outcome Measures and Some Lessons for Policy Evaluation*, 17 J. OF QUALITATIVE CRIMINOLOGY 33 (2001);
- r. William J. Krouse, *Gun Control Legislation* (Congressional Research Service, Nov. 14, 2012);
- s. Law Center to Prevent Gun Violence, *Introduction to Gun Violence Statistics*, Nov. 18, 2012;
- t. Legal Community Against Violence, *Banning Assault Weapons – A Legal Primer for State and Local Action* (April 2004);
- u. Michael G. Lenett, *Taking a Bite out of Violent Crime*, 20 DAYTON L. REV. 573 (1995);
- v. Jere Longman, *Shootings in a Schoolhouse: The Hero; A Wounded Teenager*, NY TIMES, May 23, 1998, available at



- <http://www.nytimes.com/1998/05/23/us/shootings-in-a-schoolhouse-the-hero-wounded-teen-ager-is-called-a-hero.html>;
- w. Mayors Against Illegal Guns, *Analysis of Recent Mass Shootings, January 2009 – January 2013* (January 2013);
  - x. Mark Mooney, *Church Gunman Brought 76 Shells and Expected to Use Them*, ABC NEWS, July 28, 2008, available at <http://abcnews.go.com/US/story?id=5463260>;
  - y. Catherine A. Okoro, et al., *Prevalence of Household Firearms and Firearm-Storage Practices in the 50 States and the District of Columbia: Findings From the Behavioral Risk Factor Surveillance System*, 116 *Pediatrics* 3, 370-376 (Sept. 2005);
  - z. Police Executive Research Forum, *Guns and Crime: Breaking New Ground By Focusing on the Local Impact* (2010);
  - aa. REDUCING GUN VIOLENCE IN AMERICA: INFORMING POLICY WITH EVIDENCE AND ANALYSIS (Daniel W. Webster & Jon S. Vernick, eds., 2013);
  - bb. Lawrence E. Rosenthal & Adam Winkler, THE SCOPE OF REGULATORY AUTHORITY UNDER THE SECOND AMENDMENT 225 (Daniel W. Webster & Jon S. Vernick eds., 2013);
  - cc. Laurence H. Tribe, *Prepared Testimony: Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment* (Feb. 12, 2013);
  - dd. U.S. General Accounting Office, *Firearms Purchased from Federal Firearm Licensees Using Bogus Identification* (2001);
  - ee. Testimony of Daniel W. Webster, Professor, Johns Hopkins Bloomberg School of Public Health and Director of the Johns Hopkins Center for Gun Policy and Research, before the Maryland Senate Judicial Proceedings Committee, Feb. 6, 2013 (and sources cited therein);
  - ff. Daniel W. Webster, et al., *Effects of State-Level Firearm Seller Accountability Policies on Firearms Trafficking*, 86 *J. URBAN HEALTH* 525 (2009);
  - gg. Daniel W. Webster, et al., *Relationship Between Licensing, Registration, and other Gun Sales Laws and the Source State of Crime Guns*, 7 *INJURY PREVENTION* 184 (2001);
  - hh. Garen J. Wintemute, et al., *Risk Factors among Handgun Retailers for Frequent and Disproportionate Sales of Guns Used*

- in Violent and Firearm Related Crimes*, 11 INJURY PREVENTION 357 (2005);
- ii.** Christopher S. Koper, *Impact Evaluation of the Public Safety and Recreational Firearms Use Protection Act of 1994: Final Report* (Urban Institute, March 13, 1997);
- jj.** Sandy Hook Advisory Commission, Interim Report (Mar. 18, 2013), *available at* [http://wlad.com/assets/files/SHAC\\_Interim\\_Report\\_2013\\_03\\_18.pdf](http://wlad.com/assets/files/SHAC_Interim_Report_2013_03_18.pdf);
- kk.** Testimony of Brian J. Siebel, Senior Attorney, Brady Center to Prevent Gun Violence, before the Council of the District of Columbia, Oct. 1, 2008, Exhibit to Appellees' Statutory Addendum, *Heller v. District of Columbia*, 10-7036;
- ll.** Michael Siegel, Craig S. Ross, & Charles King III, *The Relationship Between Gun Ownership and Firearm Rates in the United States, 1981-2010*, 103 AM. J. PUB. HEALTH 11, 2098-2105 (Nov. 2013);
- mm.** *Texas Capitol Gunman Was Reloading When Troopers Tackled Him*, 10KWTX, Jan. 22, 2010, *available at* <http://www.kwtx.com/home/headlines/82435837.html>;
- nn.** G.E. Tita, A.A. Braga, G. Ridgeway, and G.L. Pierce, *The Criminal Purchase of Firearm Ammunition*, 12 INJURY PREVENTION (Oct. 2006);
- oo.** U.S. Army, *Rifle Marksmanship M16-/M4-Series Weapons* (Aug. 2008);
- pp.** U.S. Bureau of Alcohol, Tobacco and Firearms ("U.S. A.T.F."), *Report on the Importability of Certain Shotguns* (July 2, 2012);
- qq.** U.S. A.T.F., Firearms and Explosives Industry Division, *Study on the Importability of Certain Shotguns* (January 2011);
- rr.** U.S. A.T.F., *Study on the Sporting Suitability of Modified Semiautomatic Rifles* (April 1998);
- ss.** U.S. A.T.F., *Assault Weapons Profile* (April 1994);
- tt.** U.S. A.T.F., *Report and Recommendation on the Importability of Certain Semiautomatic Rifles* (July 1989);
- uu.** U.S. Centers for Disease Control and Prevention ("U.S. C.D.C."), National Center for Injury Prevention & Control, *2000-2010 United States Violence-Related Firearm Deaths and Rates per 100,000*, *available at* [http://webappa.cdc.gov/sasweb/ncipc/dataRestriction\\_inj.html](http://webappa.cdc.gov/sasweb/ncipc/dataRestriction_inj.html);

- vv.** U.S. C.D.C., National Center for Injury Prevention & Control, *2005-2010 United States Homicide Firearm Deaths and Rates per 100,000*;
- ww.** U.S. C.D.C., National Center for Injury Prevention & Control, *2010 United States Firearm Deaths and Rates per 100,000*;
- xx.** U.S. Dep't of Justice, Bureau of Justice Statistics, *Selected Findings: Guns Used in Crime* (July 1995);
- yy.** U.S. House of Representatives Committee on the Judiciary Report 103-489, Public Safety and Recreational Firearms Use Protection Act, May 2, 1994;
- zz.** Violence Policy Center, *United States of Assault Weapons, Gunmakers Evading the Federal Assault Weapons Ban* (July 2004)
- aaa.** Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-22-Sept. 13, 1994;
- bbb.** Violence Policy Center, *Firearm Justifiable Homicides and Non-Fatal Self-Defense Gun Use: An Analysis of Federal Bureau of Investigation and National Crime Victimization Survey Data* (April 2013)
- ccc.** Violence Policy Center, *Assault Pistols: The Next Wave* (Jan. 2013);
- ddd.** Violence Policy Center, *The Militarization of the U.S. Civilian Firearms Market* (June 2011);
- eee.** Violence Policy Center, *A Further Examination of Data Contained in the Study On Target Regarding Effects of the 1994 Federal Assault Weapons Ban* (April 2004);
- fff.** Violence Policy Center, *"Officer Down": Assault Weapons and the War on Law Enforcement* (May 2003);
- ggg.** Eugene Volokh, *Implementing the Right to Keep and Bear Arms for Self-Defense: An Analytical Framework and a Research Agenda*, 56 UCLA L. REV. 1443 (2009);
- hhh.** Douglas S. Weil & Rebecca C. Knox, *The Maryland ban on the sale of assault pistols and high-capacity magazines: estimating the impact in Baltimore*, 87 AM. J. PUB. HEALTH 297-98 (1997);
- iii.** Claude Werner, *Analysis of Five Years of Armed Encounters (with Data Tables)*, Mar. 12, 2012, available at <http://gunssavelives.net/self-defense/analysis-of-five-years-of-armed-encounters-with-data-tables/>;

- jjj.** Kevin Dockery, *Special Warfare: Special Weapons; The Arms & Equipment of the UDT and SEALs from 1943 to the Present* (Emperor's Press 1996);
  - kkk.** Christopher R. Bartocci, *Black Rifle II* (Collector Grade Publications 2004);
  - lll.** Duncan Long, *The AR15/M16 Sourcebook* (Paladin Press 2001);
  - mmm.** United States Department of Justice, Bureau of Alcohol Tobacco & Firearms, *ATF Guidebook – Importation & Verification of Firearms, Ammunition, and Implements of War*, available at <http://www.atf.gov/files/firearms/guides/importation-verification/download/firearms-importation-verification-guidebook--complete.pdf>;
  - nnn.** 2012 and 2013 firearms catalogues available on the Internet from firearms manufacturers; and
  - ooo.** Any documents identified or produced by the plaintiffs in discovery.
3. **A computation of each category of damages claimed by the defendants.**  
The defendants do not claim damages.
4. **Any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.**  
The plaintiffs have not made a claim for damages.

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Dated: November 15, 2013

Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 15th day of November, 2013, a copy of the foregoing Defendants' Amended Disclosures was served by United States mail, postage pre-paid, on, and sent by e-mail to:

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