

# **EXHIBIT D**

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' THIRD 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 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, the

lack of suitability of those weapons and magazines for self-defense, and other matters addressed in his deposition taken in connection with this case. 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;
- 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; and
- x. other matters addressed in his deposition taken in connection with this case.

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;
- 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; and
  - viii. other matters addressed in his deposition taken in connection with this case.

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

- d. **Commissioner Anthony W. Batts, Baltimore City Police Department.** Commissioner Batts is designated as a hybrid fact/expert witness pursuant to Local Rule 104(10). He is expected to testify as to:
  - i. training of Baltimore City police officers on firearms;
  - ii. firearms carried by law enforcement officers in Baltimore City;
  - iii. the lack of use of assault weapons and high-capacity detachable magazines in home self-defense by law-abiding citizens in Baltimore City 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;
  - 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; and
  - viii. other matters addressed in his deposition taken in connection with this case.

The Baltimore City Police Department's address is 242 W. 29th St., Baltimore, Maryland 21211-2908; telephone number 410-396-2525.

- e. The defendants also identify as individuals who may have discoverable information the defendants may use to support their defenses:

- i. anyone identified in the plaintiffs' initial, or any amended or supplemental, disclosures;
- ii. anyone identified in discovery;
- iii. any witnesses deposed in connection with this case.

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 (including without limitation in the plaintiffs' initial or any supplemental disclosures);
- ppp. MSP Licensing Division Advisory LD-FRS-13-005 (Sept. 25, 2013);
- qqq. Any documents relied upon by any expert witness for either party and listed in, or provided in connection with, an expert report;

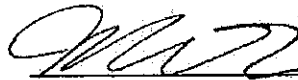
- rrr.** Any documents used or marked as an exhibit in any deposition taken in connection with this case;
- sss.** Any documents produced in discovery by the defendants or referred to in discovery responses by either party;
- ttt.** The General Social Science Survey, available at: <http://www3.norc.org/GSS+Website/>
- uuu.** Pew Research Center, "Assessing the Representativeness of Public Opinion Surveys," May 15, 2012, available at <http://www.people-press.org/2012/05/15/assessing-the-representativeness-of-public-opinion-surveys/>
- vvv.** Pew Research Center, "Section 3: Gun Ownership Trends and Demographics," Mar. 12, 2013, available at <http://www.people-press.org/2013/03/12/section-3-gun-ownership-trends-and-demographics/>
- www.** L. Hepburn, *et al.*, "The US Gun Stock: Results from the 2004 National Firearms Survey," *Injury Prevention*, 2007; 13:15-19;
- xxx.** Aneja, Abhay, John J. Donohue III, Alexandria Zhang, The Impact of Right to Carry Laws and the NRC Report: Lessons for the Empirical Evaluation of Law and Policy, 13:2 *American Law and Economics Review* 565 (Fall 2011);
- yyy.** Violence Policy Center, *Blood Money: How the Gun Industry Bankrolls the NRA* (Apr. 2011);
- zzz.** Supica, Jim & Doug Wicklund, *Rifles* (2010);
- aaaa.** Supica, Jim, *Guns* (2005);
- bbbb.** Supica, Jim, Doug Wicklund & Philip Schreier, *Treasures of the NRA National Firearms Museum* (2013);
- cccc.** Supica, Jim, Doug Wicklund & Philip Schreier, *The Illustrated History of Firearms* (2011);
- dddd.** Violence Policy Center, *The Militarization of the U.S. Civilian Firearms Market* (June 2011);
- eeee.** *Mass Shootings at Virginia Tech: Report of the Review Panel*, Virginia Tech. Review Panel, August 2007;
- ffff.** "Woman Wrestled Fresh Ammo Clip from Tucson Shooter as He Tried to Reload," by Kevin Dolak and Justin Weaver, *ABC News*, January 9, 2011;

**gggg.** "Death on the L.I.R.R.: The Rampage; Gunman in a Train Aisle Passes Out Death," by Francis X. Clines, *N.Y. Times*, December 9, 1993;

**hhhh.** "Sandy Hook Shooter's Paul May Have Aided Students' Escape," by Edmund Mahony, David Altimari and Jon Lender, *Hartford Courant*, Dec. 23, 2012.

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.

DOUGLAS F. GANSLER  
Attorney General



MATTHEW J. FADER (Fed. Bar # 29294)  
JENNIFER L. KATZ (Fed. Bar # 28973)  
Assistant Attorney General  
200 St. Paul Place, 20th Floor  
Baltimore, Maryland 21202  
410-576-7906 (tel.); 410-576-6955 (fax)  
mfader@oag.state.md.us

DAN FRIEDMAN (Fed. Bar # 24535)  
Assistant Attorney General  
Office of the Attorney General  
Legislative Services Building  
90 State Circle, Room 104  
Annapolis, Maryland 21401  
Tel. 410-946-5600  
dfriedman@oag.state.md.us

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Attorneys for Defendants